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FINAL REPORT AND TESTIMONY

SUBMITTED TO CONGRESS BY THE

COMMISSION ON INDUSTRIAL RELATIONS

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CONDITIONS OF LABOR ON PENNSYLVANIA RAILROAD

(For exhibits under this subject see pages 10290 to 10449)

COMMISSION ON INDUSTRIAL RELATIONS.

WASHINGTON, D. C., *Tuesday, May 4, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners Garretson, Harriman, Weinstock, Lennon, O'Connell, and Aishton.

Chairman WALSH. We will please be in order. I might make an announcement that these hearings will open at 10 o'clock each morning and continue until 12.30; adjourn for luncheon until 2; resume and continue until 4.30. Those hours may be relied upon.

Mr. Perham, take the chair, please.

TESTIMONY OF MR. H. B. PERHAM.

Chairman WALSH. Your name is H. B. Perham?

Mr. PERHAM. Yes, sir.

Chairman WALSH. What is your business, please?

Mr. PERHAM. I am president of the Order of Railroad Telegraphers.

Chairman WALSH. How long have you held that position?

Mr. PERHAM. Since the year 1901.

Chairman WALSH. I wish you would sketch briefly your business experience, beginning at the time that you engaged in the telegraph business and down to the present time, assuming that you are a telegrapher.

Mr. PERHAM. I am a telegrapher; yes. I commenced in the telegraph business in 1871 and worked on various railroads throughout the United States and Canada until the year 1895. My positions in the railroad service were from call boy in the train service, as telegrapher, station agent, signalman, and, for a short time, train dispatcher.

Chairman WALSH. Train dispatcher for what railroad?

Mr. PERHAM. For the International & Great Northern Railroad of Texas.

Chairman WALSH. Have you occupied any other position with this labor organization?

Mr. PERHAM. From the year 1889 to 1895 I was general chairman representing the telegraphers on the Denver & Rio Grande Railroad. In the year 1897—May, 1897, to be more correct—I was elected grand secretary and treasurer of the Order of Railroad Telegraphers, an international position. I held that position until the year 1901, when I was elected as its president.

Chairman WALSH. Are there any other organizations of your calling in the United States? I desire to bring out what connection, if any, you had or have with the commercial telegraphers' organization, a hearing upon which was held in Chicago.

Mr. PERHAM. The commercial telegraphers have a union—an international union—and that organization represents that class.

Chairman WALSH. Well, have you any affiliation with them?

Mr. PERHAM. I am a member of that organization in good standing.

Chairman WALSH. Has your organization any affiliation with them?

Mr. PERHAM. A working agreement; that is, an agreement with several articles in it expressly stating where our jurisdiction begins and ends—that is, for both organizations—and what we shall do under certain circumstances, where we find a commercial telegrapher working in the railroad service or a railroad telegrapher working in the commercial service.

Chairman WALSH. Have you a copy of that agreement?

Mr. PERHAM. I have not with me.

Chairman WALSH. Would you be kind enough to transmit one to us, please, so that we may make it a part of our record?

Mr. PERHAM. I will take pleasure in doing so.

(See Perham Exhibit No. 1 at end of this subject.)

Chairman WALSH. Now, I understand you have prepared a statement on the particular subject of your own organization, Mr. Perham, in writing, which you desire to read.

Mr. PERHAM. That is true.

Chairman WALSH. You may submit it now, then, in your own way; and if there are any questions the commissioners wish to ask you afterwards, they will do so.

Mr. PERHAM (reading):

"The act creating the United States Commission on Industrial Relations, among other matters, provides that the commission shall inquire into existing relations between employers and employees, into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations, and also that it shall seek to discover the underlying causes of dissatisfaction in the industrial situation.

"The Order of Railroad Telegraphers, in requesting an investigation of labor conditions on the Pennsylvania Railroad lines east of Pittsburgh and Erie, avers, through its president, that the present attitude of the managers of that company toward its employees and the policies of that company toward organizations of labor constitute a menace to the peace and progress of the people.

"From the great strike of 1887 to the present time, with trouble pending throughout the ranks of the telegraphers, station agents, signalmen, and other classes of employees, its officials have assumed an attitude of arrogance and harshness that inevitably leads to strikes and other disturbances inimical to public welfare and ill befitting a corporation so richly endowed by the people. Reference is made to the Third Annual Report of the Commissioner of Labor, 1887, page 1072, and succeeding pages, for an account of the strike that took place in July, 1887, on that company's lines. The arbitrary and unfair actions of the officials at that time brought on the strike and other troubles, and the same attitude is being assumed by them at the present day.

"This company not only controls its own employees in a manner that constantly tends toward strikes and general dissatisfaction, but being one of the foremost companies of its kind in the United States, its example is often followed by other railroads. Its policies not only affect the conditions of the people in the States traversed by it, but they effect the conditions of people in numerous other States who receive and forward freight and travel over its lines.

"The company recognizes members of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, but these transportation brotherhoods are the only regular labor organizations thus recognized.

"It does not recognize the regular organizations of the telegraphers, signalmen, signal maintainers, linemen, station agents, section foreman, trackmen, machinists, boiler makers, blacksmiths, car repairers, clerks, and others.

"At one time the Order of Railroad Telegraphers had a certain kind of standing with the company. It succeeded in getting its committees into conference with some of the subordinate officials of the company and in inducing them to formulate and publish general notices governing working conditions.

"These general notices were usually posted at division points where employees could see them, and they were to be considered as a proclamation from headquarters for the guidance of employees. The main objection to the general notices is that the officials of the company were at liberty to cancel or amend them at any time that such action suited their convenience or met with the approval of those higher up. They were not contracts such as usually govern the relation between employees and employer.

"After 1907 the Pennsylvania Railroad refused to meet or have any dealings with the regular telegraphers' organization. In 1909 and again in 1912 there was intense dissatisfaction among the employees of the telegraph department. A strike vote was taken in the latter year after the company had refused to see the general committee of the telegraphers to discuss with them wages and working conditions, and had furthermore discharged from their employ the telegraphers who were regularly elected to serve on this committee.

"Realizing the economic waste caused by strikes, the O. R. T. decided, after its members had voted in favor of going on strike, that they would appeal for mediation under the so-called Erdman Act. This mediation the company refused to accept, and opened a recruiting office in Philadelphia for the employment of telegraphers and also equipped its main-line offices with telephones intending to put inexperienced men in charge of those towers. This procedure would have endangered public safety.

"After the refusal of mediation by the company, the employees still desired if possible to attain their ends by peaceable methods, and as a last resort of that character concluded to place the facts before this honorable commission."

I desire to read for the benefit of the record copies of the general notices mentioned, which were issued by the company and took the place of schedules, wage scales, contracts, and things usually made by employees with employer. This is one of the general notices—No. 232—dated Baltimore, Md., August 24, 1908:

"The following regulations are for the information of all interested officers and employees, and are to govern telephone-block operators:

"1. Ability, fitness, and seniority entitle a telephone-block operator to promotion as opportunity may offer. The superintendent shall decide whether the candidate or applicant is qualified therefor.

"2. New positions and permanent vacancies will be bulletined to the various offices and towers, for a period of 10 days, by circular letter (or by telephone message when it can be done without burdening the wires), and at the expiration of that period given to the telephone-block operator making application in writing, if, in the judgment of the superintendent, he is qualified therefor and eligible by reason of seniority rights.

"3. A telephone-block operator failing to make application for a position forfeits to the man who accepts that position such senior rights as the position may carry with it, but will be given the opportunity to make application for the position when a vacancy occurs.

"4. In reduction of force, the services of the youngest employee (according to his seniority rights) will be dispensed with first; in reemployment, the oldest employee (according to his seniority rights) will be given employment first. Regulation No. 1 to govern in both cases.

"5. Employees transferred from one division to another, at the instance of the company, shall, when a vacancy occurs, be given seniority rights on the division to which transferred. An employee transferred from one division to another, at his own request, shall have seniority rights only from date of transfer.

"6. Employees who have received leave of absence shall not lose their seniority rights.

"G. LATROBE,
"Acting General Agent and Superintendent."

Another such notice, dated Baltimore, Md., April 13, 1910, No. 99, referring to Regulation No. 2 of the general notice for the government of telegraph operators, dated August 12, 1905, which reads as follows:

"New positions and permanent vacancies will be bulletined to the various offices and towers, for a period of 10 days, by circular letter (or by '23' message when it can be done without burdening the wires)—I might explain that a '23' message is a message to all concerned—and at the expiration of that period given to the telegraph operator making application in writing if, in the judgment of the superintendent, he is qualified therefor and eligible by reason of seniority rights."

Because of the fact that operators on some of the divisions have obtained positions through advertisement and in a few days made application for the positions which they had just vacated, the following is issued as a supplement to this regulation:

"An operator can not make application for a position he has just vacated, but if the position is vacated by the man who fills his vacancy he may then make application and his application will be considered."

There are two other such notices, showing amendments to the original notices that are issued, which I would like to file with the commission [reads:]

"BALTIMORE, MD., *May 9, 1910.*

"GENERAL NOTICE No. 127.

"The following additions to the regulations for the government of telegraph operators are authorized:

"SUPPLEMENT TO REGULATION NO. 2.

"All temporary and prolonged vacancies (of six months or more duration) will be bulletined in the same manner as new positions and permanent vacancies and filled by the senior operator making application in writing, Regulation No. 1 to govern.

"SUPPLEMENT TO REGULATION NO. 5.

"When an office is closed or a reduction of force is made, seniority on the division entitles the employee affected to ask for any position held by another whose seniority is less than his own; and the employee affected shall have this right regardless of the rate of pay he formerly received or the rate of pay of the position to which his senior rights entitle him—Regulation No. 1 to govern. Such senior rights, however, shall not apply to offices where priority exists."

"BALTIMORE, MD., *November 18, 1910.*

"GENERAL NOTICE No. 401.

"The following regulation for the government of telephone operators has been authorized:

"Effective December 1, 1910, telephone operators who handle train orders or messages, block or report trains by telephone in lieu of telegraph, will be given equal rights with telegraph operators, based upon the time of their entering the service as either telegraph or telephone operators, and the same regulations as now in effect governing telegraph operators will apply to telephone operators.

"When a telegraph office is changed to a telephone office, it will not be considered a reduction in force and be open to advertisement unless the rate of pay or hours are changed.

"'It is understood that in filling new positions and permanent vacancies, either telegraph or telephone, in accordance with present Regulation No. 2, both telegraph and telephone operators will be given an opportunity to make application for such positions. In case no applications for telephone positions are received from either telegraph or telephone operators, such positions to be filled by the selection of the superintendent.'"

Relating to charges Nos. 1 and 2 in our petition: The company in the last few years has officially recognized the four transportation brotherhoods, as before stated, and has entered into contractual relations with them. It has, however, persistently made war upon all other regular labor organizations for the purpose of breaking up existing organizations and of preventing the establishment of new ones.

In accordance with this policy it broke up the Brotherhood of Railway Clerks by the simple expedient of discharging those members of the brotherhood who would not withdraw from it.

It has persistently discriminated against the members of the Order of Railroad Telegraphers by refusing them promotion and by discharging and intimidating its members.

When an attempt was made to organize the shopmen in 1911 it discharged all men as soon as their connection with the new organization was established.

The same thing happened in the attempt to organize the shopmen in 1914. As soon as the organization made any headway the company began its old policy of laying off the men who were interested in the movement. The methods used were not always so crude that the employee was told directly he was laid off on account of his union connections, but the general reason given was slackness of work, but the men affected were, in all cases, those interested with the union movement. In quite a few instances the company foreman very frankly told workmen that they were discharged for their labor activities, although they further told them some technical charge would be given officially as the reason for their dismissal.

In support of this we desire to submit a report from Third Vice President J. F. Riley, covering in detail the discrimination of that company against the Brotherhood of Railway Clerks, as follows [reads]:

"Mr. WILBUR BRAGGINS, *Grand President:*

"I hereby make my report covering the period during which I was assigned to duty on the lines of the Pennsylvania Railroad east of Pittsburgh and Erie.

"When I commenced work on that system no trouble was anticipated, and so far as I knew no opposition to our organization existed among its officials. In fact, there was no reason to believe that anything but the most amiable and harmonious relations existed between that company and the brotherhood and that they would be perpetuated.

"Early in May I went to Philadelphia and attended an open meeting given under the auspices of Philadelphia Lodge No. 200. A large number of non-

member clerks in the employ of the Pennsylvania Co. attended this meeting, as well as representatives from the locals at Jersey City, Trenton, and Camden, N. J., and Wilmington, Del. At this meeting the most earnest enthusiasm prevailed, and the early completion of the work on those lines was freely predicted by members and nonmembers alike. A short time previous to this meeting we had organized Washington, D. C., Baltimore, Md., and Wilmington, Del. After this meeting I remained in Philadelphia and vicinity for a few days attending an open meeting at Wilmington, at which Baltimore and Philadelphia locals were represented. At this meeting, like the one in Philadelphia, much enthusiasm was manifested and the prediction freely indulged in that we were in a position to rapidly complete the work on that system.

"I then went to New York City for the purpose of attending an open meeting arranged by Empire State Lodge No. 189 and of doing other necessary work there and in Jersey City. Shortly after may arrival in New York I received a message to the effect that the agent at Waverly Transfer had notified some of the members in the employ of the P. R. R. at that point that it would be necessary for them to either withdraw their membership from the organization or leave the service of that company. In view of the fact that the brotherhood had been established on the lines of the P. R. R. for some seven or eight years I felt that this was only a local matter and could readily be adjusted. Accordingly I called Organizers Crowe and Sherwood, who were in New York at the time, to my assistance, and with them went to Waverly Transfer and had an interview with the agent, Mr. Consadine. Due courtesy prompts me to say that we found Mr. Consadine a perfect gentleman in the interview which resulted. He refused to say whether this order which had been issued had emanated from him or whether he had been instructed by another to take such action. We felt that if the order had been issued at his instigation that we had so represented matters to him that it would not be enforced; if instructions had been issued by a higher official, that such facts would be demonstrated by like orders being promulgated at other points within a few days. We returned to New York, and some three or four days later I was informed that a similar order had been issued to some of the members at Wilmington, Del. Convinced thereby that the opposition being encountered was more than of a local nature, I telegraphed you for authority to form a general board of adjustment on the P. R. R. in order that all locals might take concerted action in an effort to combat such unwarranted opposition from, as I presumed at the time, the minor officials of that company, hoping thereby to adjust this matter. Such authority being given, I accordingly issued a circular letter to all lodges east of Pittsburgh and Erie on the Pennsylvania lines to send the chairman of their protective committees to Philadelphia on May 17 for the purpose of forming such board. It might be pertinent to remark in this connection that some of the members issued a circular to these locals a day or so later stating that such action was unnecessary and uncalled for, that the trouble was of a local nature and could be adjusted by the local protective committees. The following day an order was issued by the company to these members instructing them to relinquish their membership in the organization. The circular letter which they had issued was therefore withdrawn.

"The chairman of the local protective committees of a majority of the lodges on the P. R. R. east of Pittsburgh and Erie accordingly met in Philadelphia on May 17 and a general board was organized. Brother William Wivel, of Washington, D. C., was elected chairman of this board. The following forenoon a communication signed by this general board was sent by special messenger to General Manager Atterbury's office at Broad Street Station requesting an interview at as early a date as possible, and that a reply be returned by the messenger. In reply a note was received from Mr. Ramsey, of Mr. Atterbury's office, stating that Mr. Atterbury was out of the city, but if the committee would call at the office at 11 o'clock a. m. the following day, the 19th, that Mr. Nichols, an assistant to General Manager Atterbury, would give the board an audience. He was informed that the committee would be on hand at the hour named.

"About 10 o'clock a. m. on the 19th General Chairman Wivel was called to the telephone and informed by Mr. Jones, representing Mr. Atterbury, that Mr. Nichols was ill, that Mr. Atterbury was still absent, and that it would therefore be necessary to postpone the meeting until 10 o'clock a. m. the 20th, at which time both Mr. Atterbury and Mr. Nichols would be present.

"At the appointed time the committee (which had been formed from some of the members of the general board of adjustment, as it was deemed advisable to have the entire board go before the general manager) called at Mr. Atterbury's

office and was received by Mr. Jones. He informed this committee that Mr. Nichols was still sick and unable to be at the office, and that it was the invariable rule of General Manager Atterbury not to receive any committee unless Mr. Nichols was present, as he, Mr. Nichols, handled all matters of this character; therefore a further postponement was necessary. It being impossible to say when Mr. Nichols would be able to return to the office, and Mr. Jones agreeing to inform Chairman Wivel when he returned, it was deemed advisable to disband the general board subject to the call of the chairman, which was done. Mr. Jones informed Chairman Wivel that he knew of no discriminatory order having been issued against the members of that organization.

"Some three days after the general board had left Philadelphia I received a telegram from General Chairman Wivel asking me to come to Washington at once. I went there and found that he had been dismissed from the service of the Pennsylvania Co. After going over the matter with him, we hoped, even against the evidence, that the discharge was at the instigation of some minor official in Washington and had not been ordered from the general offices of the company in Philadelphia; that it might therefore be adjusted at a later date through the general board of adjustment when meeting with the general manager. This was based upon the fact that Chairman Wivel's immediate superior, C. E. Wann, had requested him, before going to Philadelphia, not to take any matters to the general manager that could be adjusted locally. It was decided not to take the matter of Chairman Wivel's discharge up with the local officers, but to hold it in abeyance until the general board convened in Philadelphia.

"I returned to New York for the purpose of finishing up some work I had in hand there; visiting Jersey City, Trenton, South Amboy, Atlantic City, Baltimore, Wilmington, York, and other points on the P. R. R. for the purpose of trying to get the members to stand firm and assist in building up the organization to a more effective basis. In the meantime Chairman Wivel was engaged in trying to effect a date of meeting between the general board and General Manager Atterbury without success. It becoming apparent that the management had no intention of carrying out the promises made to the board, through Mr. Jones, I addressed a note to General Manager Atterbury requesting a personal interview. To this note I attached a memorandum giving specific cases of discrimination. As these specific cases should be made a part of this report, a copy of the memorandum sent Mr. Atterbury follows:

"'Washington, D. C.—W. W. Bowie, freight agent, has informed his clerks that if any of them are members of the Brotherhood of Railway Clerks that it will be necessary for them to withdraw from the organization under penalty of discharge for failure, and that if any nonmember clerk under his jurisdiction affiliates with the organization he will be discharged from the service of the Pennsylvania Railroad Co.

"'C. E. Wann, yardmaster, has informed his clerks that it is a case of either withdrawing from the Brotherhood of Railway Clerks or losing their positions.

"'Baltimore, Md.—Acting Supt. Latrobe (in place of Supt. Capp) has told his men that they either had to get out of the Brotherhood of Railway Clerks at once or be dismissed from the service of the company.

"'Yardmaster Sapp, at Bay View, has informed the clerks under his jurisdiction to withdraw their membership from the organization under penalty of dismissal, also instructing clerks who are members to file signed statements that they will withdraw from the organization, and those who are not members to file written statements that they will not become members of the Brotherhood of Railway Clerks or of any kindred organization.

"'York, Pa.—Acting Supt. Latrobe has instructed the members to file written statements that they have withdrawn from the Brotherhood of Railway Clerks and will not in the future join this or any kindred organization.

"'Perrysville, Pa.—The members have been indirectly informed by Yardmaster Cantwell that it will be necessary for them to withdraw their membership from the Brotherhood of Railway Clerks under penalty of discharge.

"'Wilmington, Del.—The clerks in Assistant Engineer Duane's office have been served with written notice to withdraw from the Brotherhood of Railway Clerks under penalty of dismissal from the service. The same has been done in Supt. Bannard's office.

"'The clerks in Gen. Supt. Brooks's office have been given a statement to sign to the effect that they have relinquished their membership in the Brotherhood of Railway Clerks and informed that failure to sign it would result in dismissal from the service of the company.

"'Camden, N. J.—The clerks at Camden have been instructed to relinquish their membership in the Brotherhood of Railway Clerks, being informed that this order came from the management.

"'Trenton, N. J.—Freight Agent Morrison is trying to influence his clerks into withdrawing from the brotherhood.

"'Jersey City, N. J.—W. H. Vreeland has informed his clerks that they must relinquish their membership in the organization at once, under penalty of dismissal.

"'Waverly, N. J.—Yardmaster Wright has informed clerks under his jurisdiction that they must withdraw their membership in the Brotherhood of Railway Clerks at once under penalty of dismissal from the service of the company.

"'Waverly Transfer.—Agent Consadine has informed the clerks under his jurisdiction that they must withdraw from the organization at once or be dismissed from the service.

"'Sunbury, Pa.—The freight agent has been investigating to ascertain who are and who are not members.

"'Renova, Pa.—The master mechanic has advised the clerks in his office to resign from the Brotherhood of Railway Clerks, stating that he wished an immediate reply in order that he might report to his superintendent, W. J. Coughlin.'

"The date for our convention being near, it was necessary for me to leave the Pennsylvania system and go to Toledo, Ohio. However, up to the time of leaving no reply had been received from General Manager Atterbury, and as none was ever forwarded to me, presume no reply was made.

"From Toledo I returned to the general offices at Kansas City, going back to the Pennsylvania lines in August. One peculiar feature of the actions of the officials of the Pennsylvania Co. was the fact that no antagonism had, up to the time of my leaving these lines, been directed against the members in Philadelphia; the only point of importance on that road east of Pittsburgh and Erie where we had any considerable number of members who had not felt the opposition. Upon my return to Philadelphia, however, I found that Local No. 200, in that city, had been forced to disband, the same tactics having been employed as at other points above enumerated. The futility of any attempt to openly reorganize in Philadelphia under such conditions being apparent, I went to New York City, and beginning there personally interviewed every former member possible between that city and Washington, inclusive. The result was that not only did I succeed in saving part of the organization on the Pennsylvania but succeeded in getting a number of nonmember clerks interested who had heretofore shown but a passive interest in the organization. The organization as it now exists upon those lines is absolutely secret. All lodges have been disbanded, and the membership remaining has been individually transferred to the grand lodge. In this connection it might be pertinent to remark that some of our oldest and most enthusiastic former members have given up their membership in fact as well as in theory.

"Being convinced that further effort toward a settlement at this time would be a waste of energy, I returned to Philadelphia the latter part of September and addressed a note to President McCrea of the P. R. R., transmitting it by special messenger, stating that we were anxious to reestablish the harmonious relations which had existed for a number of years between our members and the officials of that company; that I was then in Philadelphia and would appreciate an interview with him in order to present certain facts which I believed would induce him to modify, at least, the discrimination against our members. I also informed him in this note that the absence of any reply would be construed to mean that the policy of discrimination was to be perpetuated. I received a verbal reply by messenger to the effect that President McCrea was out of the city. I supplemented my note by another to the effect that any reply made would reach me if mailed to general delivery at Hagerstown, Md., where I went from Philadelphia. No reply being received, I presume none was made.

"In closing this report I deem it of interest to touch upon some matters of minor importance. It is said that the Pennsylvania Co. maintains one of the most efficient "secret-service" systems in the world, that of Russia even not excepted. All appearances indicate that a secret system of no small proportions is maintained.

"In Washington a most affable stranger occupied a room opposite the one I occupied for a week. When I left I wrote a fictitious address in the mail-forwarding book, going to York, Pa., instead of Baltimore, as shown in the book. Later I learned he left the hotel the same day that I did, but I did not have the pleasure of meeting him again.

"On board a steamer between Baltimore and Philadelphia I later met a most entertaining gentleman, who attempted to find out all about my affairs, where I was going, etc. Perhaps it was a coincidence that I met him a number of times in Philadelphia and later in Jersey City. Each time I would meet him I could not keep from thinking that when a man lost an arm in legitimate railroad service that there was perhaps always an opening for him if he was willing to fall low enough to become a 'spotter' for some corporation.

"On the Courtland Street Ferry one evening, between Jersey City and New York, I met one of the most blunt strangers that it has ever been my pleasure to meet. I feel indebted to him for the most excellent advice he gave me. He inquired my business and asked other personal questions. Of course, he received little information, but the climax came when he said: 'I thought perhaps you were interfering with the employees of the Pennsylvania Railroad Co. I just wanted to say to you that there have been several mysterious disappearances of men engaged in that manner, and I wanted to warn you.' I met many other 'affable' gentlemen. In fact, I was hardly ever from under the surveillance of one of them. Yet these cases are sufficient.

"In a certain city several clerks met at the home of one of them to pass a sociable evening. A vigorous investigation was set on foot by officials of the P. R. R. for the purpose of determining what their object was in getting together, and had they not discontinued their visits no doubt this Russianized secret service would have attempted to 'disperse the rebels' by force if necessary. Patrick Henry warned the colonists that they must act 'before a British guard was placed in every house,' yet but a little over a hundred years later, upon the very soil which his ringing appeal caused to be saturated with the blood of our forefathers, we see peaceable assemblages of free American citizens forbidden and almost see a guard stationed in their homes, and by an employing corporation, not by Government authorities.

"Respectfully submitted.

"J. F. RILEY,
"*Third Vice Grand President.*"

Commissioner AISHTON. What is the date of that communication, Mr. Perham?

Mr. PERHAM. It is in the letter—April 22, 1912.

In relation to the matter of the discharge of the telegraphers' committee, which is mentioned in my statement, here is a letter [reading]:

ALTOONA, PA., *August 29, 1912.*

Mr. A. L. REX,
Signalman, B. P.:

I have been directed to dismiss you from the service, effective at once, for absence without permission since July 28, 1912, and insubordination in refusing to return to duty as directed in my letter of July 25, 1912.

W. H. BALSLEY, *Division Operator.*

By order of the superintendent.

MAPLETON, PA., *September 2, 1912.*

Mr. W. H. BALSLEY,
Division Operator, Altoona, Pa.

DEAR SIR: I have received your two letters of August 29. In accordance with your request I return herewith "C" Pass No. 14144 and my book of rules. I prefer to retain my R. D. certificate for the reason that I protest against being discharged under the circumstances and for the reasons given in your letter and will now make my discharge one of the grievances against the company to be adjusted by the general committee now in session in Philadelphia.

You were fully advised that I was a member of the general committee then and now in session, and from my point of view there is no good reason for my discharge.

Respectfully, yours,

A. L. REX.

MAPLETON DEPOT, PA., *January 11, 1913.*

Mr. W. H. BALSLEY,
Division Operator, Altoona, Pa.

DEAR SIR: I wish to advise you that I am now through with general committee work and desire to return to my regular position "B. P." third trick.

Awaiting your early action, I am,

Yours, respectfully,

A. L. REX.

PENNSYLVANIA RAILROAD CO.,
Altoona, Pa., January 12, 1913.

Mr. A. L. REX, *Mapleton, Pa.*

DEAR SIR: Replying to your letter of January 11, 1913, would respectfully refer you to our letter of August 29, 1912, which you received and acknowledged receipt of, which is self-explanatory, and there is no further action to be taken in the matter.

Yours, truly,

W. H. BALSLEY, *Division Operator.*

In relation to the statements regarding men discharged for union affiliations, I desire to read an affidavit made by Mr. A. E. Ireland, of Pittsburgh, Pa., who is a machinist by trade:

COMMONWEALTH OF PENNSYLVANIA,
Allegheny.

Before me, the subscriber, notary public, in and for Allegheny County, personally appeared A. E. Ireland, of Pittsburgh, Pa., who, being duly sworn, according to law doth depose and say the real cause of the strike that occurred on the Pennsylvania Lines east and west on the 1st day of May, 1911, was brought on by the officials of the company discharging its employees—over 1,000 of them—for their refusal to sever their connections with their labor organizations. The employees had no such thing as a strike in mind. There would have been no strike had it not been for the methods adopted by the company. Officials and members of the several organizations, hundreds of them, were told throughout the Pittsburgh district, in the numerous shops of the P. R. R., that the company had no use whatsoever for the organization of the A. F. of L., and that they were willing for their employees to form a fraternal organization themselves, distinct and apart from that of the A. F. of L., and that the P. R. R. would never allow its employees to connect themselves with the shopmen's federation or any other kind of organizations, no matter what it was, whose object was for the purpose of combining the various trades together, and ultimately make demands upon the company for shorter hours, more wages, and better shop conditions; and further deponent said not.

A. E. IRELAND.

Sworn and subscribed before me, this 21st day of January, 1913.

[SEAL.] THOMAS E. MORGAN, Jr.,
Notary Public.

My commission expires March 10, 1913.

I will submit a large list of similar statements from employees without reading, and I would ask that the commission protect the signers of these and other letters that I intend to present from victimization by the companies that now employ some of these men. The men have been discharged in some instances and again hired, and their testimony is here. I hardly think it is necessary to mention the names, but I file it with the commission as evidence to the statements I have made.

(See Perham Exhibit No. 2. A pamphlet entitled "Pennsylvania Railroad System Federation. Headquarters, Monongahela House, Pittsburgh, Pa. Read and be Convinced," and a clipping, "Pennsylvania begins war on unions," New York Call, Nov. 1, 1908, were submitted in printed form.)

Relating to charge No. 3: The company publicly states that its expenditure for police protection as being about $800,000 annually. We believe that this is only a small proportion of the amount really spent as besides the 700 or 800 men on its regular police force there are thousands of spies and spotters in its employ. Many of these men are known as special-duty men, and are supposed to act as instructors or inspectors, but their real function is to keep close tab on all actions of the men and report them to their division officials.

Their system of espionage is reputed to be one of the most efficient in the world—they set one employee to watching another, and oftentimes a third to watch them both. They endeavor through bribery to corrupt members of labor organizations in order that they may be thoroughly informed as to what is happening in their councils.

In time of strike their regular force of men is largely augmented by the employment of thugs and gunmen from large cities and the surrounding country. These men have no interest in the communities into which they are brought and are, through their insolent actions, a constant incentive to violence upon the strikers' part.

These Pennsylvania police, who are commonly known as "bulls," have followed labor organizers through the streets of cities; have spent the night in front of their doors at hotels, have assaulted union men with blackjacks, and have paraded through the streets of peaceful communities in order to incite riots.

Their existence is absolutely unnecessary as they usurp a State function. The officials of the State themselves do not know who they are, or how many there are, and there is no check on them. We believe that they are a menace to the rights and safety of the people and that the company should be prohibited by law from pursuing such practices.

At various times and places when the employees were attempting to organize the company has hired or rented all the available halls or meeting places to thwart them in their purpose. For instance, about the month of June, 1911, the employees attempted to hold meetings, but the company rented all the available halls and places where such meetings could be held in the towns of Altoona, Juniata, Tyrone, Bellwood, Hollidaysburg, Gallitzin, and Cresson, but a picnic place known as Sylvan Lodge at or near Altoona was overlooked, and the company upon discovering this applied for a temporary injunction, which was granted but eventually dissolved after a full hearing.

In Harrisburg in 1914 at a labor meeting company police blocked the door so effectually that no one could either come in or go out and the civic authorities had to be called in to clear a way.

In their process of intimidation these Pennsylvania police do not hesitate to make false arrests of employees or other citizens. A case in point is that of Harry Clark who was employed at Philadelphia and sent to Pitcairn as a strike breaker without his knowledge that a strike was in progress. On finding that such was the case he left the shops and went direct to the paymaster's office, where he turned in his tools and requested his pay. The next day he was arrested charged with larceny of his tools. W. E. Smith, a machinist in the employ of the company at Johnstown, Pa., was acting as doorkeeper at a joint union meeting of shopmen on March 8, 1911, he was induced to leave the meeting hall by a device, and was then and there arrested by a detective in the employ of the Cambria Steel Co., which company was then owned by the Pennsylvania Railroad Co. The charge was interfering with an officer. No one appeared against Smith and the case was dismissed.

In the publication referred to where the cases of policing this company's property is mentioned, I quote from a pamphlet issued by the company's publicity bureau at Philadelphia, dated February 3, 1914. On the eleventh page this item occurs: "There were 20 arrests for depredations involving the safety of trains. It cost approximately $800,000 to maintain and carry on the work of the police department during the year."

Commissioner LENNON. Is that signed by the company or issued by the company?

Commissioner O'CONNELL. Is that the department that Mr. Lee is connected with?

Mr. PERHAM. I understand so. It is signed by S. C. Long, general manager. I get such copies in almost every mail.

Commissioner AISHTON. You find them in every coach and sleeping car on the Pennsylvania Railroad.

Mr. PERHAM. Yes, sir.

"I will next read a letter from W. H. Pierce, of the locomotive firemen and enginemen, dated Altoona, Pa., March 9, 1914 [reads]:

"L. A. BROWN,

"*Special Investigator, Washington, D. C.*

"DEAR SIR: This it to advise you of the conditions existing upon the Pennsylvania Railroad as known by me personally regarding the spying system as practised by the said company, but better known as the 'bull' system by the employees.

"These spies, or bulls, gather around the main entrance to the hall and have books in their hands; scrutinize the faces of these employees who attempt to enter; and then make believe they are writing down names in the books they have with them. This, of course, intimidates the men, and in many cases the men refuse to enter the hall, fearing they will be discharged by their superior officers, and I can say truthfully I know cases where these men have been called into the office the next day after attending a meeting for the purpose of trying to organize, and have been told they would be discharged if they

attempted to attend any more meetings. These bulls follow labor leaders everywhere they go, not only from one town to another, but go to their hotels, and I saw one by the name of Roddy that was looking at my mail.

"These spies will send out word that they are taking the pictures of the men that attempt to go into a hall where they organize. These bulls are all armed with revolvers and blackjacks, and I know one in Harrisburg by the name of Martin Kane who is not naturalized.

"These bulls will go to a man whose wife is pregnant, and will tell him if he will give him five names of brotherhood men he will be put back to work. They will do the same to men whom they know have sick wives.

"Some of the best mechanics they ever had on this system have been discharged because they joined a labor organization.

"Any further information that you may desire upon this subject I shall be pleased to furnish.

"With best wishes, I remain,

"Very truly, yours, W. H. PIERCE."

"P. S.—Affidavits can be furnished to substantiate these statements."

Here is an interesting affidavit from Mr. T. E. Fidler, of Lutherville, Md., who, I believe, is a telegrapher employed there. [Reads:]

"On September 1, 1912, while the general committee representing the telegraphers on the Pennsylvania Railroad lines east of Pittsburgh and Erie were in session at Philadelphia, Pa., trying to secure a wage scale and set of working rules for the telegraphers employed on said system, I had been sent back to my division to collect ballots on Wednesday, August 28, 1912, and while at home—Lutherville, Md.—on Sunday, September 1, 1912, a gentleman who gave his name as R. Dunn, but who said that this was not his correct name, called to see me and ask that I consider my position with the Pennsylvania Railroad, also Mr. H. B. Perham, as after the telegraphers' trouble was over that Perham would be through with me, but if I would return to work the company would look out for me.

"On Sunday, November 24, 1912, the same party called at my home again, representing himself to be R. Dunn, General Delivery, Philadelphia, Pa., in regard to me returning to my old position with the Pennsylvania Railroad. I asked him if he was employed by the Pennsylvania Railroad, and he replied, 'Not directly, but indirectly.' I also asked him if he was a member of the O. R. T. D. A. and S., and he replied, 'No.' I then asked him if the O. R. T. D. A. and S. was a legitimate organization, and he replied, 'No; it is an illegitimate organization.' I then asked him what he wanted me to do. He replied, 'If you do as I ask you I will have you placed in your old position, and you can continue your membership in your organization'—meaning the O. R. T.—'and can attend meetings any place where they are held, with the understanding that you will report to us anything that takes place in the meeting. You can talk strike and anything you wish, but report back to us those who were the most active at said meetings.' I told him that the men on my division had elected me thinking me to be an honest man, and when I could not be honest with myself and them I would drop out of the organization and leave some one else represent them.

'He further stated that I should not talk too hasty, and consider the matter. I told him that I had considered it thoroughly and had no more to say. He then says, 'Keep under your hat about me being here to-day. Don't you tell H. B. Perham or J. F. Miller; if you do they will be suspicious of you.' I told him all right.

"At the close of the conversation he requested me to write him R. Dunn, General Delivery, Philadelphia, Pa., as to whether or not I would accept the proposition he offered me.

"T. E. FIDLER."

"Sworn to by T. E. Fidler before me, a notary public of the State of Maryland and for Baltimore County, this 13th day of April, A. D. 1914.

"[SEAL.] "ERNEST C. HATCH,
"Notary Public."

(See Perham Exhibit No. 3 for letters submitted in evidence at this point. Newspaper article submitted, entitled "Ex-officer reveals spy system on the Pennsylvania Road," Harrisburg Torch, Feb. 23, 1913.)

More in relation to the gunmen mentioned. Here are some reports from one of our organizers on the subject. I will read the first one. [Reads:]

PHILADELPHIA, PA., *February 16, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Last night, February 15, 1913, City Policeman George Oliver (colored), thirty-ninth district, Philadelphia, Pa., said to me in presence of J. Leven, shoemaker, 3444 North Twentieth Street, Tioga, Philadelphia, that the four men who watched the committee while at 3415 North Twenty-second Street last summer were Pinkerton men and regularly sworn-in special officers, and had their authority on them, so he was told, and that he was told they were all right and therefore he did not molest them when citizens complained of their presence; that he was informed the men received $10 per day for the work, and that he understands the P. R. R. requested the service from the Pinkerton Agency. For your information.

Fraternally, T. E. ELLIS.
General Delivery, Philadelphia, Pa.

(Witness here submitted certain letters. They will be found at the end of this subject, marked "Perham Exhibit No. 4.")

In regard to the assaulting of men mentioned in my statement, I have here an extensive file on the subject, and will read the first affidavit:

STATE OF PENNSYLVANIA, *County of Allegheny, City of Pittsburgh, ss:*

John J. Gallagher, being duly sworn, deposes and says that he is fourth general vice president of the Brotherhood of Railway Carmen of America, and that he resides at No. 20 Prescott Street, Readville, Mass.; that between 12 o'clock midnight and 1 o'clock in the morning of June 25, 1911, in the city of Altoona, Pa., he was murderously assaulted by a special agent of the Pennsylvania Railroad Co. named Charles Luther; a detective named Spangler; Capt. Shafer, of the Pennsylvania Railroad police; and three other Pennsylvania Railroad special agents. Affiant's ribs were broken and he was severely bruised and beaten about the body. He remained unconscious, as the result of being assaulted, for about seven hours. Just prior to the assault affiant was standing outside of Hotel Senate, Altoona, Pa., said hotel being his abiding place at that time. He was watching for one John Schmitt, vice president of the Brotherhood of Boiler Makers and Iron Shipbuilders, whose life he believed to be in jeopardy, as the company detectives and Capt. Shafer, aforesaid, and several other special agents of the Pennsylvania Railroad Co. were in the immediate vicinity, and there having been rumors respecting an assault about to be made upon the said John Schmitt, affiant desired to warn him about this.

While conversing with a painter named Robinson, Charles Luther, accompanied by his wife, passed him and stopped a few yards away, evidently waiting for a street car. A few moments afterwards he walked over to where affiant was standing and asked him where John Schmitt was. Affiant told him that he did not know. Luther thereupon called him a liar and said that he did know. Affiant repeated that he did not know. Luther again called him a liar and said that affiant was a tool of Schmitt, and challenged affiant to go with him away from the square to a vacant lot and he would knock his head off. Affiant refused to accept the challenge. Luther insisted, and became more threatening and abusive. Affiant noticing Patrolman John Bockberger walking up the street toward the corner where affiant was standing, went to him and complained of Luther's conduct. Luther, in the presence of said Bockberger, repeated his threats toward affiant and stated that he would like to take affiant out on the hill and lick him, as he could lick six like him. Patrolman Bockberger remonstrated with Luther and said, among other things, that, as Luther was a constable of Juniata, it was his province to keep the peace instead of trying to disturb it. Bockberger advised Luther to take the next car for his home, and Luther thereupon boarded the next car, accompanied by his wife, and Patrolman Bockberger then went over to the Colonade Hotel. A few minutes thereafter affiant saw Luther returning to the place where the previous conversation took place, and affiant thereupon turned to his companion, the said Robinson, and said: "This fellow is evidently bent on making trouble; I guess I will go into the hotel." Affiant then started for the hotel entrance, but did not reach there, because Luther pounced upon him with a weapon and knocked him senseless. Affiant was afterwards informed that the other detectives and

special agents rushed from their hiding places to assist in the assault, but the presence of the police officers and others who heard the outcry of people who witnessed the assault foiled their plans and probably had the effect of saving the life of the affiant.

Affiant further states that, to the best of his knowledge and belief, the said special agent, Charles Luther, was acting under orders from officials of the Pennsylvania Railroad Co. when he committed the assault aforesaid.

Affiant further states that, to the best of his knowledge and belief, the aforesaid company has manufactured and stored away thousands of clubs to be used against employees under certain circumstances.

Affiant further states that he believes the low wages paid employees and the arrogant, harsh, and cruel attitude assumed by the officers of the Pennsylvania Railroad Co. will lead to riots and disorders in the near future unless some means be found to regulate their action.

JOHN J. GALLAGHER.

Subscribed and sworn to before me this 5th day of December, A. D. 1912.

[SEAL.] EVA A. MILNE, *Notary Public.*

My commission expires February 21, 1915.

Gallagher was vice president of the Brotherhood of Railway Carmen.

I offer for the record the balance of the file pertaining to that case.

(For file so offered by the witness see Perham Exhibit No. 5. Two newspaper clippings submitted, entitled "Organizers are wanted by an irate parent," Altoona Times, July 28, 1911, and "Organizers are accused after leaving city," Altoona Gazette, same date.)

In relation to the injunctions mentioned to prevent the meetings of employees, for the purposes of the record, I will read a court paper in the case [reads]:

"In the court of common pleas of Blair County. Anna W. Baker, plaintiff, against H. H. Barnett, J. W. Crabb, John Gallagher, E. Flood, T. H. Flynn, J. W. Smith, John Doe, and others to the plaintiff unknown, defendants. No. 749, Equity Docket 'E.'

"By the COURT:

"Plaintiff filed this bill in equity, accompanied by injunctional affidavits, praying that defendants be enjoined and restrained from assembling upon the land belonging to the plaintiff, located in Logan Township, upon which is erected a building known as Sylvan Lodge, by reason of the fact that her lease with H. H. Barnett, the tenant, provided that the premises should not be sublet except to persons satisfactory to the lessor; that notwithstanding the demise of the premises is for an exclusive purpose the defendants, H. H. Barnett and J. W. Crabb, his sublessee, had leased and sublet, or was about to lease and sublet, the premises to one or more of these defendants without her consent and permission; that the purpose for which the premises were sublet was for the holding of a mass meeting in Sylvan Lodge, which is not adapted to or safe for the accommodation of such an assembly of people, and that if such meeting were held the property would probably be greatly damaged and the lives and limbs of the people attending endangered. Upon these averments we issued a preliminary injunction, which we are now asked to continue.

"The witness for the plaintiff at the preliminary hearing, one of whom was a carpenter, testified to the fact that Sylvan Lodge is not a safe and proper place for a large number of people to collect and congregate.

"This testimony was not denied nor in any way contradicted by the defendants, except one witness testified that on an occasion last summer during the period of a couple of hours a large number of people were accommodated in the building.

"We felt at the time we granted the preliminary injunction, as we do now, that it would be unwise to run the risk of endangering the lives of people who were gathered in Sylvan Lodge innocently believing that the building was safe and strong enough to hold them.

"It seems to us, aside from the fact that the lease of these demised premises prohibits subletting without the consent of the lessor that it is better to temporarily inconvenience the persons interested in holding the alleged meeting than to endanger human life.

"The defendants all testified that Flynn et al. had not leased the premises from the lessees; that they purposed simply to congregate and assemble upon the premises of the plaintiff for the purpose of holding a picnic where speeches

would probably have been made. We feel that we are not justified in enjoining such a congregation or assembly of people; that that would be a right and privilege which the lessee could extend to the other defendants without violating the conditions of the lease; the people so assembled would have the right to go in and out of Sylvan Lodge and obtain lunches, etc., in accordance with and under the terms of the lease, to make, deliver, and listen to speeches and addresses upon the premises, except in Sylvan Lodge.

"Now, June 8, 1911, this cause came on to be heard and was argued by counsel, and upon consideration thereof it is hereby ordered, adjudged, and decreed that the injunction herein granted be, and the same is hereby, dissolved, except that the defendants, H. H. Barnett and J. W. Crabb, their agents, employees, and all other persons, be, and they hereby are, enjoined and restrained, until further order of this court, from assembling, or permitting to assemble, and from holding mass meeting, or any meetings whatsoever, where addresses or speeches are to be made, in the Sylvan Lodge, as we regard that building unsafe and insecure for that purpose.

"THOMAS J. BALDRIGE,
"President Judge."

(For other papers offered by witness at this point see Perham Exhibit No. 6. A "Bill in Equity for Injunction," filed in the court of common pleas of Blair County, Pa., was submitted in printed form.)

With reference to the false arrest of Harry E. Clark, I will read an affidavit:

To whom it may concern:

I, Harry E. Clark, of 854 Ohio Street, Cleveland, Ohio, solemnly declare that I was employed by the Pennsylvania Railroad Co. in Philadelphia on Tuesday, May 16, 1911, and transported to Pitcairn, Pa. I had no knowledge of the strike at Pitcairn, but was told by Mr. Williard of the railroad company that Pitcairn was an "open shop." As soon as I learned that I was working in the place of a union man who was "out on strike," I demanded my time and was told by the foreman that I could not get it without going to the superintendent's office in Pittsburgh, and as they had used threats to detain me and I had seen them use force to detain others, I slipped out of the yards at the first opportunity, with my electrician tools over my shoulder. I boarded the first trolley car to the paymaster's office and surrendered my tools and demanded my time. He took my identification card and told me to come back the next day, which was Monday, May 22, 1911. I was taken back to the shop against my will, and after I had refused to go back to work was placed under arrest and am now confined to the Wilmerding Borough lockup, presumably for larceny of the tools which I personally surrendered to the paymaster.

HARRY E. CLARK.

Sworn to and subscribed before me this 22d day of May, 1911.
[SEAL.] GEO. B. SNYDER,
Notary Public.

My commission expires February 21, 1915.

In the case of W. E. Smith, who was arrested in Johnstown, Pa., I submit several documents and a court record upon the subject.

I will read one of the documents [reads]:

"W. E. Smith's illegal arrest and imprisonment.

"Smith states that the night he was arrested and imprisoned at Johnstown, Pa., there was being held in the G. A. R. Hall a 'joint union meeting for P. R. R. shopmen'; that he was doorkeeper at front door; that he noticed the light in entry from back side door disappearing and coming on again. To investigate the cause of this, he passed out the front door around to the side-back door; opened it. There was no light, but he could make out three persons in entry. He said, 'Where is the switchboard; I will turn on the light.' Just then Officer A. D. Jones grabbed him; pulled him outside the door. He recognized the other two men. They were P. R. R. Detective Robinson and Chief of Cambria Steel Detective Carney. On the way to the jail Smith asked what such action meant; was given no satisfaction. He asked to be allowed to telephone his friends for bond; not allowed. Then he asked the detectives to telephone for him; not done.

"Smith says there was no quarreling nor harsh words of any kind used before Jones rushed him away from the hall; that in about one hour after he was locked up his stepbrother came to the jail and asked for him. The turnkey said: 'Smith is not here,' when the steward spoke to him, saying, 'There will be trouble about this case; Smith had better be released.' Then a cash bond of $20 was accepted from Smith's stepbrother and Smith released. That he was brought before the mayor, where Jones stated Smith was arrested for interfering with an officer; that for some reason neither Robinson nor Carney, who were present were called on; he was immediately discharged and the $20 returned."

(Various letters submitted by witness, see Perham Exhibit No. 7.)

Relating to the charge—No. 4—of low wages paid by the company, we are only able to speak with authority for those employees in the telegraph and signal department. In the year 1906 a pamphlet was issued by the committee representing the telegraphers, showing some increases in wages that had been secured during that period, which became effective on September 1, 1906. That interesting document indicates the wages paid prior to that time and the rate after the increase was granted.

After the increase many of the positions paid as much as $38.50 per month; prior to the increase some of them paid as much as $22 per month; showing the necessity and value of such negotiations. The average wage was in the neighborhood of $50 per month.

In the year 1911 conditions had improved considerably, but the men were not satisfied, and they made a stand for recognition of their organization and an increase in wages. Employees receiving a monthly wage amounting to $44.90 requested that it be made $48.40, an increase amounting to $3.50 per month In order to make our statement fair, we will say that we have quoted only from the lowest-paid employees; still there is a great number of them, many of them men with families to support, and it is marvelous that the company can get them to stay with it and how the employees manage to support themselves on such a rate of wage. Here we have an instance of a wealthy and powerful corporation, financially able to pay a decent living wage, but which, on the contrary, has hundreds and thousands of its men living on the very brink of poverty.

Chairman WALSH. Have you any further analysis of the wages you mentioned there—you say they were raised from $22 to $38?

Mr. PERHAM. I have some figures.

Chairman WALSH. Give us an idea of how many men worked for the $22 and how many worked for the $38, and what services they were performing.

Mr. PERHAM. I will submit an exhibit covering the case completely.

Chairman WALSH. Where are the exhibits?

Mr. PERHAM. Here. That [handing chairman a pamphlet] is a report of the general committee representing the telegraphers in 1906.

Commissioner AISHTON. May I ask a question right there, Mr. Chairman?

Chairman WALSH. Yes.

Commissioner AISHTON. I would like to ask if that exhibit shows simply what was received from the Pennsylvania Railroad Co. by those men, or included other sources of income received from possibly express companies and from the Western Union Telegraph Co., or other sources of income?

Mr. PERHAM. It simply shows the wage paid by the company and the increase to it.

Commissioner AISHTON. Yes; it does not show other sources of income that came with other employment?

Mr. PERHAM. There is no sort of income worthy of mention in that connection. There might be a case where a man would get a dollar and a half a month in commissions, or perhaps, under extraordinary circumstances, he might get up to $2.50—that is, from express commissions and telegraph commissions or from any other source; but assume it is $2.50—that would still make it ridiculously low.

Commissioner AISHTON. Your estimation is that the maximum received from such sources would be $2.50 per month?

Mr. PERHAM. Would not average that much.

Chairman WALSH. Have you made an epitome of this in any way [referring to the pamphlets presented by the witness]?

Mr. PERHAM. Mr. Chairman, I would like to read an epitome made from that.

(The pamphlet presented by witness is in printed form. It is entitled "Re-

port of General Committee, Showing Increase in Rates of Pay of Telegraphers, Pennsylvania Lines East of Pittsburgh and Erie. Effective Sept. 1, 1906.")

Chairman WALSH. I would like you to take what you might call the typical average, which seems to be $49.50, and tell us how many get that, and how many get each rate. For instance, here are a great many, I notice, who get $60.50.

Mr. PERHAM. Will you allow me to read. I have it right here: Rate per month, $30, one employee; $37.10, one employee; $42.40 per month, three employees; $46.65 per month, one employee; $47.50 per month, one employee; $50.55 per month, one employee; $51, two employees; $51.95 per month, two employees; $57.55 per month, fifty employees; and that was all on the West Jersey & Sea Shore Division that is contained in that document.

Commissioner WEINSTOCK. Are these all telegraphers?

Mr. PERHAM. All telegraphers, and some are station agents as well.

Commissioner WEINSTOCK. Men or women?

Mr. PERHAM. Both.

Commissioner AISHTON. Does that include any signalmen of any kind; towermen or men of that kind.

Mr. PERHAM. I don't know whether the men in those places handle signals or not, but we will have witnesses here that can testify as to that fact. I am not familiar from personal contact with the conditions on the Pennsylvania Railroad. It is just from information furnished me that I got these matters.

Now, on the Delaware division, at $35 per month, there is one employee; at $40.80 there is one employee; at $44.90 per month there are fifteen employees; at $51.30 per month there are five employees.

Now, I claim that at that time that situation was without a parallel in the United States. I am informed by employees that since we made this petition to this commission that those wages have been materially increased; but it is supposed that from the testimony of witnesses who know of the facts from personal contact that they will be able to give the commission exact data as to when those increases in wages were made and what they now are.

Commissioner GARRETSON. Mr Perham, would any man receive percentages—commissions on express business—except the man that was station agent?

Mr. PERHAM. There are solitary instances here and there where signalmen take express commissions, or a telegraph operator.

Commissioner GARRETSON. But that is just where an occasional package is delivered to a man of that kind?

Mr. PERHAM. An occasional package delivered; and these agents at places located where they get these commissions, they amount to practically nothing—scarcely anything.

Commissioner GARRETSON. Are any ticket commissions paid on the Pennsylvania system?

Mr. PERHAM. Not to my knowledge.

Commissioner GARRETSON. Is that company the great original opposer of the payment of commissions on tickets?

Mr. PERHAM. I believe it was the first one to abolish the coupon commissions that were paid about 20 years ago.

Commissioner WEINSTOCK. Paid to whom, and for what purpose?

Mr. PERHAM. Station agents used to be better off than they are now. Say, a man in San Francisco would sell tickets to Boston. There were a great many routes, and he would make as much as $15 to $20 on each ticket sold. For instance, I have been ticket clerk at Oakland, Sixteenth Street, and I have sold an opera company tickets through to Boston, getting on the train to make out the photograph tickets, and would make as much as $70 by the operation for myself. Well, some years ago the companies cut off all those commissions, and our wages were left the same, and that is a grievance we have never been able to adjust.

Commissioner WEINSTOCK. What function did you perform to earn that commission?

Mr. PERHAM. Well, say in that particular instance it takes about 10 or 12 minutes to make out a ticket, because you have to describe the passenger by filling out the spaces on the ticket so it will be impossible for him to sell that ticket to another. It is sold at a special rate and must be carried by the purchaser.

Commissioner WEINSTOCK. Isn't that part of your duty to do that, and isn't that part of the wages—isn't that service supposed to be covered by your wages?

Mr. PERHAM. It certainly was not covered by the wages. My wages as ticket agent were reduced on account of the commissions I was able to earn, and in the same way it is quite general where express commissions are given throughout the United States, that where the agent can make a few dollars as express commission his wages are reduced by the railroad company so as to keep him down to the certain minimum that is in the mind of some official that he thinks is the wage that ought to be paid.

Commissioner WEINSTOCK. Let us understand you. In the beginning as a ticket agent you received a wage as salary and a commission?

Mr. PERHAM. And commission.

Commissioner WEINSTOCK. And later the salary was minimized by virtue of the fact you were earning certain commissions?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. And the commission was cut off, but the minimum salary was permitted to remain?

Mr. PERHAM. I would not be able to testify that the minimum wage was allowed to remain. As a matter of fact, the minimum wage has been reduced.

Commissioner WEINSTOCK. Still further reduced?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. So that a ticket agent's candle burns at both ends—his commission was cut off at the one end and the wage reduced at the other end?

Mr. PERHAM. That is the trouble. When I first went in the telegraph business, about 40 years ago, I made about $100 a month, but wages have been constantly reduced.

Commissioner WEINSTOCK. Now, the telegrapher doing substantially the work that you did 40 years ago at $100 a month, what is he earning to-day, say, at similar work to the work you did earning $100 a month?

Mr. PERHAM. We have been able to keep his wages up by means of organization in the last 10 years to a wonderful degree.

Commissioner WEINSTOCK. Please answer my question.

Mr. PERHAM. Five or ten dollars per month less now.

Commissioner WEINSTOCK. Where you earned $100 a month 40 years ago he is earning——

Mr. PERHAM. Ninety or ninety-five dollars, and as low as $50 in the interim.

Commissioner WEINSTOCK. And were you also getting commissions? Of course, the telegrapher operator had nothing to do with the sale of tickets?

Mr. PERHAM. I might say that in 1872 I was day telegrapher, and I had good commissions in selling local tickets.

Commissioner WEINSTOCK. In addition to your wages as a telegraph operator? Are we to understand that telegraphers' wages have declined in the last 40 years, despite the fact that the cost of living has materially increased during those 40 years?

Mr. PERHAM. Prior to the advent of an active period in this organization that would be true.

Commissioner WEINSTOCK. How is it now, to-day?

Mr. PERHAM. On the upgrade everywhere.

Commissioner O'CONNELL. Is it so in connection with the Commercial?

Mr. PERHAM. The Commercial Telegraphers show a decrease in the last 25 years; it occurs in the Government report on the subject, written by Charles P. Neill.

Commissioner O'CONNELL. That was the testimony in Chicago.

Commissioner LENNON. In getting this commission, was the commission based on some particular routing that you gave them? For instance, if they went by Los Angeles you got a certain commission and by way of Ogden or through that way another commission, or did you get that commission without regard to the routing?

Mr. PERHAM. They attended to that; there was no chance to favor one road against the other, and the commission was always the same, and my memory is that there were 20 routes between Oakland and Boston.

Commissioner AISHTON. The payment of commissions went into the discard with freight rebates?

Mr. PERHAM. It was a long time prior to freight rebates.

Commissioner AISHTON. Not very much, I think; the records will show it was about the same time?

Commissioner GARRETSON. Is it not a fact that certain companies ceased to pay long before the universal practice was put in effect?

Mr. PERHAM. It is true that certain companies did abolish it on coupon tickets for awhile, but put it back again because they were discriminated against so much that it was not until the general agreement that they were put out of business.

Commissioner GARRETSON. Was it not the underlying object that the ticket agent would influence people to travel by the best route for him? Was that not the underlying object of the commission?

Mr. PERHAM. There were many things done to gain the good will of the ticket agent. I have carried advertising in local papers asking people to come to me when they wanted to go anywhere, and I have paid for that advertising out of my own commission.

With further regard to matters on the Pennsylvania Railroad: This exhibit is the schedule and wage scale asked for by the telegraphers in 1911.

Chairman WALSH. Have you a comparison of the wages paid the telegraphers with other railroads?

Mr. PERHAM. I have not.

Chairman WALSH. In a general way, how do they compare—are they about the same or greater or less?

Mr. PERHAM. On certain parts of the line they are higher; they compare favorably. That is to say, on the main line, where the signal business is so intense, good wages are paid in comparison to branch lines. Now, most of these wages quoted here are unimportant parts of this company's line, but the fact is just the same that the employees have to live on the wages herein quoted.

I desire to be perfectly fair in this presentation of the case.

Commissioner LENNON. Could you furnish us the wages on the main line of the Pennsylvania from New York to Pittsburgh, and on the Lake Shore from New York, say, to Chicago?

Mr. PERHAM. We are not prepared to involve any other railroad in this investigation or controversy.

Commissioner LENNON. All right.

Mr. PERHAM. This exhibit shows precisely the wages that were paid in 1911 and the wages asked for by the committee of employees, and there is no official position or station missing in this document. It shows the complete situation on the Pennsylvania Railway.

Commissioner AISHTON. In 1911?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. You have nothing showing it to-day?

Mr. PERHAM. No, sir. This matter has been pending, as you are aware, for some years, and there are some slight changes since this document was written.

Commissioner AISHTON. Has there been any increase—general increase—in the pay since that was written?

Mr. PERHAM. I believe not; only in the very low wages has it been made better.

Chairman WALSH. When you were interrupted with questions you had started to read a document about shop employees' wages?

Mr. PERHAM. There were two affidavits in regard to shop employees. This one from Mr. J. W. Kline, president of the International Brotherhood of Blacksmiths and Helpers:

STATE OF NEW YORK,
County of Monroe, City of Rochester, ss:

James W. Kline, being duly sworn, deposes and says that he is the general president of the International Brotherhood of Blacksmiths and Helpers, and he resides at Kansas City, Mo.

That upon information and belief, in the year 1911, the above organization endeavored to establish a wage scale and secure a contract with the Pennsylvania Railroad lines east of Pittsburg and Erie, but that the same was without success, the committee of employees and the representatives of the said brotherhood failed to get a conference with any of the managing officials; that the wages paid are unsatisfactory to the men, some blacksmiths receiving as low as $2.80 per day, and that some helpers are receiving as low a compensation as 15 cents per hour; that the company has discharged many men on account of their affiliation with the above-named brotherhood.

Deponent further says, upon information and belief, that the above-named company has fostered a rival organization that took in members of our class; that during the strike detectives in the employ of the above-named company were in the habit of shadowing deponent all the time he was on the territory

of the Pennsylvania Railroad; that the conditions surrounding blacksmiths and helpers are very unsatisfactory at the present time.

Deponent further says that the source of his knowledge and information was obtained through his connection as general president of said above-named organization and from his personal knowledge of conditions and from information gained from interviews with others through his official position.

J. W. KLINE.

Sworn to before me this 14th day of November, 1912.

EMANUEL KOVELESKI,
Com. of Deeds, City of Rochester, N. Y.

COMMISSIONER'S AFFIDAVIT.

STATE OF NEW YORK,
Monroe County Clerk's Office, Rochester, N. Y., ss:

I, James L. Hotchkiss, clerk of the county of Monroe, of the county court of said county, and of the supreme court, both being courts of record, having a common seal, do certify that Emanuel Koveleski, Esq., before whom the foregoing declarations or affidavits were made, was, at the time of taking the same, a commissioner of deeds in and for said city, duly authorized to take the same; that I am well acquainted with his handwriting, and verily believe that the signature to said certificate is his genuine signature.

In testimony whereof I have hereunto set my hand and affixed the seal of said county and courts this 25th day of November, A. D. 1912.

JAMES L. HOTCHKISS, *Clerk.*

Another affidavit is from Martin F. Ryan:

STATE OF NEW YORK,
County of Monroe, City of Rochester, ss:

Martin F. Ryan, being duly sworn, deposes and says that he is the general president of the Brotherhood of Railway Carmen of America, and that he resides in Kansas City, Mo.

That upon information and belief, in the month of May, 1911, the said above-named organization endeavored to establish a wage scale and secure a contract with the Pennsylvania Railroad lines east of Pittsburg and Erie, but that the same was without success, and that the committee of employees and the representatives of said brotherhood endeavored to obtain a conference with the officials of the company, but that all their efforts in this direction failed.

Deponent further says upon information and belief that great numbers of the employees of the said road do not receive what deponent considers living wages and that $1.25 and $1.50 a day are the rates of remuneration that are quite prevalent; that the piecework system with low rates of wages prevail, and the same is in need of equitable adjustment.

That the company fosters a sham rival organization to the above-named organization, which said latter organization is known as the Brotherhood of Car Inspectors, Car Repairers, and Railway Mechanics, and that the same is designed for the purpose of dividing the force of the Brotherhood of Railway Carmen of America; that the said above-named company keeps in its employ armed men who are called detectives, watchmen, and special agents, which same are for the purpose of coercing men from joining the organization of their class, and for the further purpose of instituting a reign of terror generally, and that many men have been assaulted and grievously wounded by said men, and that many others have been threatened in various ways, and on different occasions.

Deponent further alleges on information and belief that the company has had thousands of steel billies and wooden clubs manufactured, and that the same have been stored away for the purpose of being used upon the employees should they go upon strike at any time in the future.

Deponent further says upon information and belief that the conditions now existing can not continue much longer upon that system, and in the opinion of deponent a general uprising such as took place in 1877 is likely to be the result.

MARTIN F. RYAN.

Sworn to before me this 14th day of November, 1912.

EMANUEL KOVELESKI,
Com. of Deeds, City of Rochester, N. Y.

COMMISSIONER'S AFFIDAVIT.

STATE OF NEW YORK,
Monroe County Clerk's Office, Rochester, N. Y., ss:

I, James L. Hotchkiss, clerk of the county of Monroe, of the county court of said county, and of the supreme court, both being courts of record, having a common seal, do certify that Emanuel Koveleski, Esq., before whom the foregoing declarations or affidavits were made, was, at the time of taking the same, a commissioner of deeds in and for said city, duly authorized to take the same; that I am well acquainted with his handwriting, and verily believe that the signature to said certificate is his genuine signature.

In testimony whereof I have hereunto set my hand and affixed the seal of said county and courts, this 25th day of November, A. D. 1912.

[SEAL.] JAMES L. HOTCHKISS, *Clerk.*

Commissioner WEINSTOCK. May I ask a question at this point? That document was signed November, 1912, was it not?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. And it forecasts trouble if conditions are not altered?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. What trouble has taken place since that date?

Mr. PERHAM. Quite numerous strikes have taken place, but they have not received the sanction of officials of the legitimate organization.

Commissioner WEINSTOCK. Was the writer of that a blacksmith?

Mr. PERHAM. That was a carman, Mr. M. F. Ryan. He is now in Canada on some business that kept him, but we expected him to be here, but he is held up in Canada on important business.

Commissioner WEINSTOCK. There have been strikes of those departments since November, 1912?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. Do you know how many and how serious they were?

Mr. PERHAM. There was one strike on the middle division, W. H. Pierce was the president of the organization. I don't know how many men, several thousand. There was another strike on the Monongahela of enginemen and trainmen. It is quite an ordinary thing for strikes on the Pennsylvania Railroad, but none of them have received the sanction of the international presidents of the organizations. They were not regular strikes, sanctioned by the organizations.

Commissioner WEINSTOCK. What happens if men go out on strike without the sanction of the proper labor authorities?

Mr. PERHAM. They are not supported by the organization.

Commissioner O'CONNELL. And were not connected with legitimate organizations?

Mr. PERHAM. No, sir; they were not legitimate.

Commissioner O'CONNELL. You spoke about Mr. Pierce, he was attempting to establish an organization for himself on the system of some kind?

Mr. PERHAM. Yes, sir.

Commissioner O'CONNELL. In other words, the strikes were not brought by an organization affiliated with the American Federation of Labor?

Mr. PERHAM. Not in any instance.

Commissioner WEINSTOCK. Have any strikes taken place on the Pennsylvania Railroad on the part of men who are affiliated with the American Federation of Labor?

Mr. PERHAM. Some shopmen in 1911 were affiliated.

Commissioner WEINSTOCK. I am speaking of since the date of that document, November, 1912?

Mr. PERHAM. Not to my knowledge.

Commissioner AISHTON. These strikes on the middle division, or this strike, was caused by a man by the name of Pierce?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. The men that he had in his organization were shopmen and blacksmiths?

Mr. PERHAM. Shopmen generally.

Commissioner AISHTON. Who did not belong to the other organization or who might belong to both organizations?

Mr. PERHAM. They might have belonged, but as a general rule they did not belong to any, for the reason set forth in this statement; they were not allowed to belong.

Commissioner AISHTON. Was not this man Pierce one of the members of the older railway organizations?

Mr. PERHAM. I think he was a member of the Brotherhood of Locomotive Firemen and Enginemen.

Commissioner AISHTON. Was he a member of that organization when he organized this other?

Mr. PERHAM. I believe that he was.

Commissioner AISHTON. You believe that he was?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. Was he organizing another organization seeking to control, or something of that kind, or was it for personal advantages that he organized this?

Mr. PERHAM. No, sir; it is an honest desire to find a way out.

Commissioner AISHTON. What did he call this, the brotherhood of federations of all railway employees?

Mr. PERHAM. Yes, sir; it had a high-sounding title.

Commissioner AISHTON. A high-sounding title, and quite an extensive membership?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. And he undertook to tie the Pennsylvania Railway up?

Mr. PERHAM. I think not; it was not large enough to accomplish that.

Commissioner AISHTON. What was the object of it, then; they would not have started it if they had not thought they could do that?

Mr. PERHAM. These men are in such a condition of mind it is very difficult to control them. I assume that Mr. Pierce's organization would not have brought out a strike at that time if Mr. Pierce or any other man like him was able to control it.

Commissioner AISHTON. But the officials of the regular organization, your organization, for example—the railway telegraphers—they did not support this at all?

Mr. PERHAM. No, sir; we are absolutely able to control our organization.

Commissioner GARRETSON. Is it not a fact that the Pierce organization considers any man eligible who is on the pay roll?

Mr. PERHAM. Yes, sir.

Commissioner GARRETSON. And is it not a fact that while Pierce was a member of the locomotive engineers and firemen that his organization was absolutely independent of that, and had not only not had the approval of that organization but was absolutely disavowed by them?

Mr. PERHAM. It was absolutely disavowed; my information is not complete, but it was disavowed by the American Federation of Labor.

Commissioner GARRETSON. Is there not a document disavowing it by the Federation of Labor?

Mr. PERHAM. I have not seen it, but it would not surprise me to learn such was the fact.

Commissioner WEINSTOCK. Is Mr. Pierce the man that wrote that document which you just read which forecast trouble?

Mr. PERHAM. I did read one from Mr. Pierce earlier.

Commissioner GARRETSON. Addressed to Mr. Brown, investigator for the commission?

Mr. PERHAM. Yes, sir.

Now, I desire to read one more document in regard to low-paid employees, and this refers to the much-vaunted "redcap" porters for the Pennsylvania Railroad. This is a report by one of my men, Mr. Ellis, of January 15, 1913 [reads]:

PITTSBURGH, PA., *January 15, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Last evening I got in conversation with H. H. Jenkins (colored), 1410 Bedford Street, Pittsburgh, Pa., who is one of the "redcap" porters for the P. R. R. at their station here; he said as follows:

That he has been in present position something more than a year; that the porters there are all sore and are hoping some one will take up their case with the Interstate Commerce Commission; that when a porter begins with the

company he is given a suit (uniform), thereafter he is compelled to buy them of the company, including caps and overcoats; that suits cost about $9; overcoats, about $15; caps, about $1.50; that about each quarter porters are inspected and usually are compelled to buy new clothes, parts of or whole suits, are told this or that is not fit to wear, and that they can not work until the article is purchased, and they can not get the article or articles anywhere except of the P. R. R. Co.

That in order to keep out of the hands of the I. C. C. the company tells each porter applicant that they will be paid a salary, and on each pay day they sign a pay roll, but the most Jenkins has drawn in any month is $1.80; the least, $1.25, for a month's wages. They are compelled to belong to the voluntary relief, but he does not know what he pays or how the company gets it unless the older porters are taxed for it; those who have worked three years draw, or are supposed to draw, $15 per month, but scarcely ever get more than $13.50 as wages at the end of the month. He says if he should be killed in the company's service his people will get $250, and that the papers he signed when he entered the voluntary relief are fixed so that there is no further redress; that there is no chance to recover through the law; that he did not know this until after he had signed the papers.

That each porter is compelled to be in service three years before he can get the $15 per month wages; that at this time there are about 20 or 21 of these less than three-year men.

That he understands the P. R. R. at New York advertises "free porter service," which makes it that much harder for the men to make a living; that on account of the company's advertisement in time-tables that "redcap" porters are available, many people believe they are paid wages by the company, therefore do not offer them tips; that they are not allowed to make any charges, but always, when asked by those whom they assist as to what the charges are, answer, "Just what you wish to give"; that they are not allowed to go even so far as the Fort Pitt Hotel here, about one and one-half blocks distant; that should they assist a party that far and be reported for it the company would discipline them. He believes this is on account of the taxi line the company is interested in here, which charges patrons of the road 50 cents from the station to the Fort Pitt.

That they are closely watched by "efficiency men" in plain clothes, and if seen sitting are called immediately to the station master's office.

Jenkins says the texture of the uniforms is very poor; for instance, trousers cost $3 to $3.50, and are not worth more than $1 or $1.50.

He was very anxious some white man would intercede for them through the I. C. C. I told him I had a friend who was close to some people in Washington, and that when I met him I would lay the case before him, and that if he (Jenkins) heard from that source it is to be hoped he would give all possible information and get others to do the same. He said they would be sure to do so. He is above the average intelligence in that strata.

Yours, fraternally,

T. E. ELLIS.

General Delivery, Pittsburgh, Pa.

(For documents filed by witness at this point see Perham Exhibit No. 8.)

Commissioner AISHTON. May I ask Mr. Ellis's connection as an organizer?

Mr. PERHAM. At that time he was employed by me to investigate conditions on the Pennsylvania Railroad.

Chairman WALSH. What is his usual employment?

Mr. PERHAM. Telegraph operator.

Chairman WALSH. Prior to this particular investigation, was he an organizer for the O. R. T.?

Mr. PERMAM. He was.

Commissioner AISHTON. And what was the date of this?

Mr. PERHAM. January 15, 1913.

Commissioner AISHTON. He simply saw this colored redcap in the Pittsburgh station and interviewed him and got this information?

Mr. PERHAM. At my direction for the purposes of this commission.

Commissioner AISHTON. And the Pennsylvania people had no knowledge of what he was sent there for?

Mr. PERHAM. None at all, unless some of their men were able to find out.

Commissioner AISHTON. You have no knowledge other than what this negro

said about what he received? You have not seen the pay rolls, or have no way of going over them, of course, but you don't know what these redcaps are paid?

Mr. PERHAM. I know nothing about it except what is contained in documents similar to this.

Commissioner AISHTON. The redcap is not ordinarily considered a transportation employee, is he, and—that is not the rule, in purchasing transportation or a ticket to furnish a porter to carry their baggage to the trains?

Mr. PERHAM. No, sir.

Commissioner AISHTON. That rule is a gratuitous service on the part of the railway?

Mr. PERHAM. Service on the part of the railway?

Commissioner AISHTON. They don't have them at all stations?

Mr. PERHAM. No, sir; only at the larger stations, New York, and so forth.

I submit along with this several reports, some others in relation to the question of porters, also newspaper clippings, and the story is pretty generally set forth in this exhibit. I simply read one to show the tenor of them all.

With reference to charge 5, alleging that the company brings into existence and fosters sham labor organizations.

In the year 1906 there was an organization of railroad employees known as the Brotherhood of Car Inspectors, Car Builders, and Railway Mechanics of America, which was reputed to be fostered and controlled by the Pennsylvania.

Charles W. Stanglen was the supreme chief of that alleged labor organization, and he was accused of attempting to bribe several persons to get them to desist from supporting the telegraphers' eight-hour bill in the Maryland Legislature in March, 1906, offering men as much as $725 apiece to work against the measure.

Since the attempts at bribery were exposed, Stanglen left for parts unknown, and nothing further has been hear of the so-called Brotherhood of Car Inspectors, Car Builders, and Railway Mechanics of America.

In the year of 1911 there was an organization of railroad employees on the Pennsylvania Railroad lines known as the Brotherhood of Railway Mechanics. It came into existence mysteriously about the time of the shopmen's strike in 1911, and the company openly fostered the inauguration of locals at Pitcairn and Altoona. It is not recognized by workingmen as a labor organization.

A man now occupying an official position with the P. R. R. Co. was in 1907 employed by the Pennsylvania Railroad Co. as signalman and was accused of being a special agent and lobbyist for that company. He was a member of the Order of Railroad Telegraphers, general chairman for the telegraphers on the Pennsylvania Railroad, and a member of the board of directors. He was expelled from the Order of Railroad Telegraphers for alleged misconduct concerning the telegraphers' eight-hour law in the Maryland Legislature in 1906, said expulsion being finally confirmed and decided in May, 1907, at the Minneapolis convention of that organization.

Immediately thereafter a new organization came into existence, entitled the "Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen."

The Pennsylvania Railroad Co. through its subordinate officials has boosted the so-called Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen at every opportunity, discriminating against those who preferred to continue their allegiance with the Order of Railroad Telegraphers. The higher officials have entertained committees of their own organization, the said O. R. T., D. A. & S., and closed their doors to the committees of employees who are known to be members of the old regular organization, the O. R. T. Recently, as before stated, the company discharged four members of the telegraphers' committee who belonged to the regular organization, because they persisted in their endeavors to represent their constituents.

In support of these averments we desire to file a supplemental report from the board of directors of the Order of Railway Telegraphers covering the subject, and I wish to read an affidavit on page 20 for the purpose of the record, more especially to explain about a Mr. Stanglen who was already mentioned. This is a copy of an article appearing in the Baltimore Sun of Thursday morning, March 22, 1916, and it was headed [reads]: "Was it a sell-out? Queer situation develops over telegraphers' bill. Was money used to defeat it? Senate promptly passes measure, formerly reported unfavorably up to its third reading. (Special dispatch to the Baltimore Sun.)

"THE SUN BUREAU, *Annapolis, March 21.*—The motion to substitute the McComas bill for an eight-hour day for telegraphers in block-signal stations for the unfavorable report came up this morning as special order, and Senator Lee moved that consideration be postponed until 8 o'clock to-night. In explanation of this motion, Senator Lee read the following affidavit:

"'STATE OF MARYLAND, *Anne Arundel County:*

"'I hereby certify that this 21st day of March, before me the subscriber, a notary public of the State of Maryland in and for said county, personally appeared James Sebastian, of Baltimore City, treasurer and secretary of the legislative committee of Railway Telegraphers, and made oath in due form of law that on the 15th day of March he was approached by C. W. Stanglen, of Baltimore City, and offered by said Stanglen the sum of $725 if he would join him, the said Stanglen, in withdrawing from the consideration of the senate of the State of Maryland the telegraph operators' eight-hour bill, and he said that said money is now locked in a safe in Annapolis, and that said money will be distributed if said bill is defeated. And further makes affidavit that the operators belonging to the Order of Railway Telegraphers are in favor of the passage of the said bill and, but for fear of their dismissal from their positions, they can not take an active interest in promoting the passage of the said bill. That said Charles W. Stanglen is the supreme chief of the Brotherhood of Car Inspectors, Car Builders, and Railway Mechanics of America, and that previous to this offer to the said deponent, as aforesaid, Stanglen was in favor of the eight-hour bill for railway telegraphers, and said deponent further made oath as aforesaid that said Charles W. Stanglen told him (said deponent) that the Baltimore & Ohio Railroad Co. was furnishing the money and the Pennsylvania Railroad Co. the talent to defeat said bill.

"'NANNIE S. STOCKETT,
"'*Notary Public.*'"

I might state that this Senator Lee mentioned above is now United States Senator Lee from Maryland.

(The document referred to by witness was submitted in printed form. It is entitled "Supplementary Report of the Board of Directors to the Members of the Order of Railroad Telegraphers.")

I wish to read an affidavit from Mr. Thomas H. Flynn, who is now an organizer for the American Federation of Labor. [Reads:]

STATE OF PENNSYLVANIA,
County of Allegheny, city of Pittsburgh, ss:

Thomas H. Flynn, general organizer for the American Federation of Labor residing at 408 New Rochelle Street, Mount Oliver, Pittsburgh, Pa., states that, to the best of his knowledge and belief, the officials of the Pennsylvania Railroad Co. have formed an organization of employees known as the Brotherhood of Railway Mechanics, and that during the strike of the shopmen in the spring of 1911 they formed and fostered locals of that organization at Pitcairn and Altoona, Pa., and that from that time to this they have carefully fostered that organization in antagonism to the regular organizations that have been recognized on all of the important railroads in the United States; that said organization was formed solely for the purpose of maintaining the company's authority over its employees and to prevent them from going out on strike or in any manner representing their interests in any independent way.

To carry out the policy of the company in this direction the emissaries of the company were ordered to obstruct the regular organizations in the pursuance of their legitimate business by preventing them from hiring halls or meeting places, having automobiles crowded with detectives, special agents, and other armed men to prevent meetings of the regular organizations of employees; also in applying for restraining orders preventing such recognized leaders of men as John Mitchell, of the United Mine Workers, and Raymond Robins, the reformer, from speaking in a park which had been hired for that purpose by the representatives of the regular labor organizations. While this was going on the organization formed by the aforesaid company had the privilege of holding its meetings in fire halls and other municipal buildings in the city of Altoona, Pa., and did hold many such meetings without let or hindrance.

Affiant further states that there has been a general reduction in wages and a lowering of prices for piecework since the ending of the strike, and that he believes that a continuance of the arrogant and dictatorial policy of the aforesaid

company will lead to riots and disorders in the State of Pennsylvania unless some means be found to make the company change its present policy toward its employees.

THOMAS H. FLYNN.

Subscribed and sworn to before me this 5th day of December, 1912.

[SEAL.] EVA A. MILNE, *Notary Public.*

My commission expires February 21, 1915.

Commissioner AISHTON. What strike is that referred to in that affidavit; is that what is known as the Pierce strike?

Mr. PERHAM. No, sir; this was a shop-organization strike that started in Pittsburgh or vicinity in the spring of 1911.

Commissioner AISHTON. That was prior to the Pierce strike?

Mr. PERHAM. Yes, sir.

We filed 50 letters from employees relating to the telegraphers' organization, and the discrimination against the members of the regular organization—the Order of Railroad Telegraphers—and the acts in favor of the company organization.

(For said letters see Perham Exhibit No. 9.)

I might say that these 50 letters are selected from about 10,000 in my files at St. Louis.

Again, on the same subject are 25 selected reports from organizers on the same subject.

(For said reports see Perham Exhibit No. 10.)

We have here a copy of circulars for the government of employees of the telegraph department of the Pennsylvania Railroad, effective October 1, 1914.

Commissioner LENNON. Promulgated by whom?

Mr. PERHAM. By the company. This schedule of rules, when sent out, was accompanied by letters. I will read three of the letters in relation to it [reads]:

THE PENNSYLVANIA RAILROAD CO., EASTERN PENNSYLVANIA DIVISION,
Harrisburg, Pa., November 9, 1914.

Mr. C. S. MELCHER, *R. J.:*

I inclose herewith a copy of regulations for the government of employees of the telegraph department, effective October 1, 1914, which were agreed upon after several conferences between the company and a committee of operators representing the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen.

JOS. BROWN, *Division Operator.*

I might state that a railroad company very seldom advertises a railroad organization in that manner. [Reads:]

PHILADELPHIA, *October 27, 1914.*

All concerned, telegraphic department, Philadelphia Terminal Division:

We send herewith copy of Regulations for the Government of Employees of the Telegraph Department, effective October 1, 1914.

It is to be understood that these regulations were proposed by the committee of operators who are members of the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen, and have been agreed to by the company after various conferences with that committee.

H. LOGAN, *Division Operator.*

WILMINGTON, DEL., *November 5, 1914.*

All operators, Maryland Division:

We are sending you, under separate cover, a copy of Regulations for the Government of Employees of the Telegraph Department, effective October 1, 1914. These regulations were proposed by the committee of operators who are members of the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen, and have been agreed to by the company after various conferences with that committee.

C. J. RUDULPH, *Division Operator.*

(Witness here submitted printed pamphlet entitled "The Pennsylvania Railroad Co. Regulation for the Government of Employees of the Telegraph Department.")

Commissioner LENNON. Are there any particular sections to which you refer, or do you refer to all of the rules generally?

Mr. PERHAM. This is an amended code of rules, and the point of this exhibit is that when the rules are sent out by the company they state that it is done at the request of a labor organization, but it is the company's own organization and not the regular organization.

A VOICE. Mr. Chairman, on a question of privilege; I am president of the O. R. T. & F., and I desire to file with this commission a list of members.

Chairman WALSH. Please see the secretary, Mr. L. K. Brown, 940 Southern Building, in this city.

A VOICE. I have a letter saying that I was to be invited to attend this meeting, but it was overlooked. I am here, and I will state, if you will allow me——

Chairman WALSH (interrupting.) We will not allow you now.

A VOICE. Please excuse me.

Chairman WALSH. We will excuse you, but your matter will be taken up in the regular way.

Mr. PERHAM. I wish to file another production. It is a copy of the by-laws of the Mutual Benefit Association of Pennsylvania Railroad Employees (Inc.). This seems to be the latest labor organization fostered by the company. It has many things to commend it in the way of organization work. I refer to a mutual benefit association proposition contained therein. It also arranges for committees to adjust grievances, and so forth. Among its peculiarities are, "Officers must have been 15 years in the service of the company." That is stated on page 41 of this document. "They must have the indorsement of the executive officers of their various departments." That is stated at page 41 of this document. "They must be at least 35 years of age." And that is stated on page 41. The arrangement for local committees of adjustment is mentioned on page 53 of the document.

(Document referred to was submitted in printed form.)

Commissioner AISHTON. This Mutual Benefit Association that you have just referred to—this organization has nothing to do with the O. R. T. D. & S., or something like that?

Mr. PERHAM. No connection that I know of.

Commissioner AISHTON. So that this age limit, and all that sort of thing, does not apply to the other organizations?

Mr. PERHAM. No, sir. This is the latest—the last organization that is supposed to be formed by the Pennsylvania Railroad Co. in behalf of its employees.

Commissioner AISHTON. That has a sick benefit?

Mr. PERHAM. There is a death fund arranged for, but no sick benefit that I can discover.

Chairman WALSH. In its general form, is it a labor organization? Does it provide for the presentation of grievances, and does it have the characteristics of a labor organization, such as those organizations usually have?

Mr. PERHAM. Yes.

Commissioner AISHTON. What class of grievances does it provide for?

Mr. PERHAM. They are not specified, and that question is only mentioned in a very indefinite way, but it is there.

Commissioner AISHTON. And it has no connection with the other order of telegraphers that you have talked about?

Mr. PERHAM. No. It is a corporation, and it is different from the others in that—that it is incorporated.

With reference to charge No. 6, respecting the company's refusal to mediate or arbitrate labor disputes: During the years 1908 and 1909 the telegraphers, through their regularly elected committee, attempted to get recognition and a revised wage scale, but the officials declined to do business with the regular committee, and, as a last resort, mediation under the so-called Erdman Act was requested by the employees. The committee consulted with the mediators as to the necessity or advisability of taking a strike vote, and the consensus of opinion was that under the circumstances such a course was not necessary. Upon invitation from the mediators, officials of the company and the committee representing the employees went to Washington, D. C., during the month of February, 1909. The attorneys for the company made the plea that it was necessary, under the law, that trouble should be threatened or pending before the mediators could act. As no strike vote had been taken—and, furthermore, the committee being unwilling that such a vote should be taken—the negotiation was dropped for the time being.

During the months of July, August, and September, 1912, the members of the Order of Railroad Telegraphers endeavored again to establish contractual relations with the company. The officials by various devices, such as referring the committee from one official to the other under the pretense that the same were absent on vacation or out of town or on inspection trips, avoided meeting the committee of their employees, and they eventually returned all documents to the committee and declined to have any business with them. The company then prepared for a strike by placing extra employees in the towers and offices, most of whom were totally ignorant of the requirements of the job.

The employees' committee sought mediation under the terms of the Federal law, but the company refused to either mediate or arbitrate the questions at issue.

To substantiate these statements we desire to file for the use of the commission a copy of the Erdman Act and a copy of the Newlands Act, showing the difference between the two statutes.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock this afternoon. Please resume the stand at that time, Mr. Perham.

(Whereupon the commission took a recess until 2 o'clock in the afternoon.)

AFTER RECESS—2 P. M.

Chairman WALSH. Mr. Perham, will you please resume the stand? You were finishing something when you were interrupted; and if you will, please, I would like you to finish that; and then, if there is no objection, I would then like to have you retire, so as to put in one other witness, with whom arrangements have been made to testify at 2 o'clock.

Mr. PERHAM. That is quite agreeable.

Chairman WALSH. Very good. Then we will connect it up.

Mr. PERHAM. At the point where we stopped I was on my statement with reference to charge No. 6, and we were about to file exhibits to substantiate the statements made.

Chairman WALSH. If you can finish up on No. 6 I wish you would do so.

Mr. PERHAM. We now file a copy of the Erdman Arbitration Act; a copy of the Newlands Act, which superseded the Erdman Act; a copy of our circular letter dated October 10, 1912, referring to certain questions mediated or arbitrated; the correspondence in relation to our requests for mediation and the replies thereto; correspondence showing that the employees desired to go out on strike, about which their organization for prudential reasons withheld its approval; newspaper clippings indicating how the arrogant attitude of the officials of the company was generally regarded. We have no need to read any of the exhibits in the case, and will file them with your permission. And that concludes our matters in relation to charge No. 6.

(All the foregoing matter was submitted in printed form except strike letters, for which see Perham Exhibit No. 11. The newspaper clippings are as follows: "Bars Knapp and Neill in wage adjustments," Washington Star, Sept. 5, 1912; "Telegraphers ignored," Pittsburgh Dispatch, Sept. 15, 1912; "Pennsylvania declines mediation of dispute with its telegraph operators," Philadelphia Record, Sept. 15, 1912; "Refuses any mediation with its telegraphers." New York Sun, Sept. 15, 1912; "P. R. R. opens recruiting office for telegraphers," Philadelphia Public Ledger, Sept. 26, 1912.)

Chairman WALSH. Then, if you will just retire for the present, we will recall you when we get through with the next witness.

Mr. PERHAM. Thank you.

Chairman WALSH. Now, Mr. Lincoln.

(Mr. Robert T. Lincoln was here called as a witness. His testimony will be found under the heading "Pullman Employees.").

TESTIMONY OF MR. H. B. PERHAM—Continued.

Chairman WALSH. May I ask you to take up at the point you left off, and just proceed. I am sorry to have detained you in this manner, but arrangements were made many days ago.

Mr. PERHAM. I expect to be through in a very few minutes.

Chairman WALSH. We must have perfect order in the rear of the house, please.

Mr. PERHAM. With reference to charge No. 7, the voluntary relief department of the P. R. R. is an insurance department of employees with accident, sick-

ness, death, and pensioning benefits. While it is known as a voluntary association, yet in the last few years membership has practically become compulsory.

The objectionable features of this relief department is that an employee loses all equity in it when he leaves the service of the company, either voluntary or through discharge. This is, of course, a powerful weapon in the company's hands, for men who have contributed to this insurance fund for 10 or 20 years are very careful to do nothing which will endanger their position with the company and thereby cause them to lose all that they have paid in.

During the year 1914, 41,412——

Chairman WALSH. How many?

Mr. PERHAM. Forty-one thousand four hundred and twelve men lost their equity in this insurance. The injustice of forcing men to take insurance which can be terminated at the pleasure of the issuing company without any refund being made is too patent to require comment.

Should an employee sue the company, there is a clause in his insurance contract which provides that he automatically forfeits his rights. In spite of the thousands who are forced to give up their savings of years, we know of no case in which a successful suit has been brought against the company to force them to refund money wrongfully retained. When an employee is discharged he has to surrender his relief contract before he will be paid the money due for his labor. The voluntary relief department is in reality employers' liability insurance in which the employee pays the premium.

The twenty-ninth annual report of the company, which is dated December 31, 1913, shows a membership of 134,189. It shows that there were 33,007 accessions to membership, and that 41,412 members left the service of the company. It is not stated what proportion of these men left voluntarily and what proportion were discharged. On the assumption that these men had been members for five years and were members of the second-class relief, which requires a yearly premium of $18, then these 41,412 men would have paid into the company treasury $3,707,090, in which fund they lost all equity.

Chairman WALSH. Has there not been a court ruling on that proposition that they had to refund the premium in cases of discharge?

Mr. PERHAM. Not to our knowledge, we have not been able to discover that.

Chairman WALSH. My attention was called to the alleged fact that the Supreme Court of the District of Columbia had such a case under consideration.

Mr. PERHAM. It may be the fact and we are not cognizant of it. Now, in relation to this matter——

Chairman WALSH. Are you aware of any case in which that question was ever tested out as a legal proposition?

Mr. PERHAM. I myself collected a bill of that character from the railroad company without a suit, just on presentation of the facts.

I want to state to make it more clear that this relief to the sick benefit and superannuation fund, both of which are incapable of separation under existing arrangements. There seems to be no complaint in regard to the sick-benefit feature, the complaint being practically upon the superannuation end of it. Now, we desire to file copies of the annual reports of the Pennsylvania Railroad's Voluntary Relief Department for the years ending December 31, 1909, 1910, 1913, and 1914.

(Witness submitted in printed form the Twenty-fourth, Twenty-fifth, Twenty-eighth, and Twenty-ninth Annual Reports of the Pennsylvania Voluntary Relief Department.)

Also copies of the regulations governing the Pennsylvania Railroad's Voluntary Relief Department. I wish to call special attention to the part on page 24, which reads (this refers to applications for membership in the relief department): "I also agree that any undue or fraudulent statement made by me to the medical examiner, or any concealment of facts in this application, or resignation from the service of the said company, or my being relieved from employment and pay therein at the pleasure of the company or its proper officers shall forfeit my membership in the aforesaid relief fund and all benefits, rights, or equities arising therefrom, excepting that my leaving the service shall not (in the absence of any of the other foregoing causes of forfeiture) deprive me of any benefits to the payment of which I shall have previously become entitled by reason of accident or sickness occurring while in the service."

(Printed pamphlet, entitled "Regulations Governing the Pennsylvania Railroad Voluntary Relief Department," submitted.)

I point that out to illustrate that the employees give up all their rights by such an agreement.

Now, as an example of the superannuation allowance, I gather from this law that an employee who has been a member, say for 30 years—10 years in first class, 10 years in second, and 10 years in third class, it figures out 10 multiplied by 12 multiplied by 1 is $1.20; 10 multiplied by 12 multiplied by 2 is $2.40; 10 multiplied by 12 multiplied by 3 is $3.60. The monthly allowance would then be $7.20, and that is not guaranteed. The pension allowance, assuming $600 average salary for the first 10 years, then 1 per cent of $600 is $6. Six dollars multiplied by 30 years of service amounts to $180. One hundred and eighty dollars per year divides at $15 per month. The total drawn by employees is $15 and $10.50 from the voluntary relief department makes the total of $22.20 per month. [Reading:]

"The investments of the department are passed on by the advisory committee, whose action, however, is subject to the approval of the directors of the P. R. R. This company, however, is the guarantor of the funds."

Employees are divided into five classes according to their earnings.

Class.	Earnings.	Premium.	Daily accident benefit.	Sick.	Death.	Monthly allowance, 30 years.
1	$35.00	$9.00	$0.50	$0.40	$250.00	$3.60
2	$55.00 to 55.00	18.00	1.00	0.80	500.00	7.20
3	55.00 to 75.00	27.00	1.50	1.20	750.00	10.80
4	75.00 to 95.00	36.00	2.00	1.60	1,000.00	14.40
5	95.00	45.00	2.50	2.00	1,250.00	18.00

The annuity is not guaranteed. Any surplus from the relief funds is turned over to this superannuation fund at the end of the three-year periods. If there is not enough to pay this rate, then all payments of annuities are scaled down proportionately.

If the employee leaves the service, whether voluntarily or through arbitrary dismissal, he loses all equity in the relief fund. Should he sue the company, he forfeits his equity.

The company pays the cost of maintaining the department and makes good any deficiency in the relief-fund liability account.

Payments to this relief fund are paid monthly in advance, being deducted from the employee's monthly earnings. This payment takes precedence over any other claim against the earnings of an employee.

In the last few years membership in this association is believed to have become compulsory. In any event the company will not employ any man who does not first take and pass the medical examination for this association.

This association works decidedly to the advantage of the P. R. R. It is really employers' liability insurance, except that it is so arranged that the employees pay the premium. Then, too, fear of losing all of the money which they have paid into it keeps the employees steadily at work and is a very effective club in the company's hands in the time of trouble.

I file a large list of letters and statements showing that the department is a misnomer and that the membership is not voluntary.

(See Perham Exhibit No. 12. A clipping from the Evening Journal, Washington, Del., March 4, 1915, entitled "B. & O. is illegal," was also submitted.)

On our part, the objection is because the men do not seem to live long enough to draw any pension or superannuation fund.

Commissioner LENNON. Before leaving that subject, have you a statement as to the accumulation of funds in this department by the company?

Mr. PERHAM. It is shown in the annual report, exhibits I furnished for four years. There are some more interesting matters in this exhibit, as to the condition of telegraphers and signal men, and the reason why. Their names do not appear upon the roll of honor as old employees, and the reasons why are shown in the exhibit.

Chairman WALSH. What are the main reasons?

Mr. PERHAM. The conditions of service are so intense that the men do not live to that age, and insanity among signalmen is one of the most remarkable features of it. A number of the men have broken down from the conditions under which they work; the constant watchfulness in the operation of trains and the movements of signals controlling their movement is of such a strenuous nature that they break down quite frequently.

Chairman WALSH. How are the statistics on that preserved and found?

Mr. PERHAM. We have no statistics on an unorganized road, and this is comparatively an unorganized road. The organization never got a footing here, and never have got into position to make up statistics.

Chairman WALSH. What statistics have you bearing out the statement you have made that a number of the men have been afflicted with insanity because of that?

Mr. PERHAM. Nothing but letters from employees upon the subject.

Commissioner AISHTON. Have you letters submitted to the commission bearing on that subject?

Mr. PERHAM. I have.

Commissioner AISHTON. Pertaining to the Pennsylvania Railroad or to organized railroads?

Mr. PERHAM. Particularly to the Pennsylvania Railroad, and to no other.

(See Perham Exhibit No. 12.)

Chairman WALSH. Proceed.

Mr. PERHAM. With reference to charge No. 8, and of the company bringing in a large force of armed men during the shopmen's strike in 1911, the Pennsylvania Railroad brought into Altoona between 250 and 300 armed men. These men followed peaceable citizens from place to place, kept an automobile, with its engine constantly running, in order that these men should not escape their espionage, and, on one occasion, had several hundred police, fully armed and dressed as workingmen, who mingled with a crowd of strikers.

In the Pitcairn shops, in the same year, they tried practically the same tactics. They brought in hundreds of these armed men and on one occasion they paraded through the streets of Pitcairn with the supposed object of provoking a counter display of force.

During the trainmen's troubles in 1913 the company mobilized between 500 and 700 men at Lucknow, a few miles west of Harrisburg. These men were stationed where they could be seen by all train crews on the north, south, east, and west lines, and they engaged in drills and target practice with riot guns in order to awe the trainmen. It is worth noting that as soon as the trainmen agreed to arbitrate their difficulties with the company, this force of men were dispersed and sent back to their respective stations.

In connection with that subject I desire to read a letter from four different men addressed to Mr. Frank Morrison, secretary of the American Federation of Labor, dated Altoona, Pa., May 24, 1911:

DEAR SIR AND BROTHER: Replying to your request for a statement of the conditions existing in Altoona at present, beg to state as follows: The Pennsylvania Railroad Co., as you probably know by this time, have about 200 special officers watching the organizers; in addition to this they have two automobiles and a motor cycle at their service, and every act of the labor representatives is closely watched from early in the morning till late at night. We were stopping at the Altament Hotel, but were compelled to leave, as the proprietor of the place feared the Pennsylvania Railroad Co. would remonstrate against his license if he continued to harbor us. We were refused admittance to every hotel in the city with the exception of two. On several occasions we arranged to secure a hall for a meeting, and in every instance the company managed to checkmate our efforts by either buying the property or securing the lease, and as a consequence we were denied the use of the hall. This made our work extremely difficult, and we had to get applications for membership as best we could—on street corners, public places, and wherever we could meet the men, but we are glad to report that we are securing applications very rapidly. When we arrived here public sentiment was rather indifferent, if not against us, but at the present time it is safe to say we have a majority of the business men and about 75 per cent of the workingmen in sympathy with our movements. This change in sentiment has been brought about largely by the organizers being willing to stand the abuses of the company's continued shadowing, discrimination by the hotels, attacks by the hostile press, etc., and in addition to this the company has added their share by compelling their employees to sign a petition calling for a mass meeting to protest our presence in this city. We are inclosing you herewith clippings from the press of Altoona, many of which are far from expressing the truth. The opera house in which the meeting was held has a seating capacity of 1,800, and, while the house was comfortably filled, the larger portion of the audience was composed of company clerks, foremen, business men, and other understrappers, together with those drawn

there by curiosity. While this meeting was going on fully 1,000 men gathered in front of our hotel and called for addresses from the organizers, which unfortunately could not be complied with, owing to the prohibitory order of the mayor of the city, although Brother Flynn did briefly explain our position. From present indications it is evident that the shops here can be organized, but it will take some time. Public feeling at present is running pretty high, and the company insinuates that more drastic measures will be used to rid the city of our presence. In one of the clippings you will find a part of Brother Flynn's story. This was the first and only statement of our side of the controversy the local press ever contained, and even this would not have appeared had not many of the workingmen canceled their subscriptions. The Pitcairn Express is circulated in this city every week and is eagerly sought after by the public, who are anxious to learn the truth. The foregoing is a brief statement of conditions as they exist here at present.

Trusting in the near future to be in position to keep you more fully posted, we desire to remain,

Fraternally, yours,

F. H. FLYNN,
JOHN J. SWEENEY,
JOHN SCHMITT,
HARRY E. SCHILLING,
Senate Hotel, Altoona, Pa.

Commissioner AISHTON. Who are those men?

Mr. PERHAM. The first one is the organizer for the American Federation of Labor, and I believe Schmitt and Schilling to be members of the Boiler Makers' Union, but I am not quite sure as to that.

Commissioner AISHTON. That is not the Order of Railway Telegraphers? That was another affair?

Mr. PERHAM. That was the shop trades.

Commissioner AISHTON. So that this—was this the Pierce trouble that was referred to a while ago?

Mr. PERHAM. No; that is another one; that is the western district, wherein the Pierce trouble took place.

In addition to that I will file five reports from our representatives as to the bulldozing and terrorizing of the people and the employees in the vicinity of Altoona at that time.

(The reports will be found at the end of this subject, marked "Perham Exhibit No. 13.")

With reference to charge No. 9, the company uses its power to intimidate not only its own employees but also bankers, merchants, hotel keepers, newspapers, and other citizens.

In Altoona in 1911 labor organizers were forced to leave their hotel at the dictation of the company. A restaurant keeper of Juniata named Walker, who was favorable to the strikers, was forced out of business, and after securing a position was discharged through the influence of the company.

Small printing firms in Harrisburg had their business interfered with on account of lending moral support to striking shopmen. Bankers were approached by company officials in the same city—newspapers were requested to discharge reporters who had written stories which the railroads did not approve of; a conference of editors was called to agree to the censoring of news; company employees are forced to sign petitions and write letters in support of measures which the company desires passed. Employees are told how to vote—are forbidden to visit the capitol when legislation affecting them is up, and, in general, surrender their entire freedom in return for a chance to work for a wage which is hardly sufficient to keep the wolf from the door.

With relation to those charges, I desire to read this statement from C. F. Welker:

"*To whom concerned:*

"I, C. F. Welker, a resident of Juniata, Pa., make the following statement of facts, and will swear to same at any time called upon to do so:

"That at and before this time of the Pennsylvania Railroad Shopmen's strike at Juniata, Pa., I was the proprietor of a restaurant at Second and Fourth Avenue, Juniata, Pa., and had exhibited in my place of business a "union card" and was a sympathizer with the men on strike during this time, at different times. I had arguments with Charles Luther, a Pennsylvania Railroad

employee, constable, etc., who misquoted me, and Spangler Blair, county detective, constable, etc., but who mixed actively in the Pennsylvania Railroad Co.'s side of the controversy. On account of these things, I was practically forced out of business.

"After this I applied for and was given a position by Mr. Pennington at Pennington repair yards. This job lasted one and one-half days, when Pennington notified me if I remained there I must furnish references. I applied to Mr. McGibbons, of the middle division of the Pennsylvania Railroad, who had employed me prior to the time I entered the restaurant business. Mr. McGibbons gave me a fine recommendation, which I took to Pennington, who then said I would have to have more recommendations. I asked why. I asked him what he had against me. He said, 'I can not tell you that. I must look out for my own position; I can not employ you, anyway.'

"That just before Charles Luther assaulted Organizer Gallagher he (Luther) assaulted a 14-year-old boy named Saterfield and was practically mobbed by citizens of Juaniata because of that act, having injured the boy so that his face was covered with blood. Luther made his escape by catching a street car, jumping off at entrance of Juaniata Pennsylvania Railroad shops and getting inside the inclosure there; that Charles Luther's reputation is very bad; that there is no doubt the Pennsylvania Railroad paid Luther's wages and expenses while he was away on account of the assault upon the person of John Gallagher near the Senate Hotel, Altoona, Pa., in 1911, while, it is reported, Gallagher was under the influence of liquor. That there is no question but that the assaults upon young Saterfield and Gallagher were premeditated for the purpose of creating trouble and excitement, in order to create a condition that would justify the bringing into the situation of deputy sheriffs.

"That it is almost impossible for me to secure work in and around Altoona and Juaniata, Pa., on account of the influences as above stated.

"The Pennsylvania Railroad furnished several automobiles for use of detectives during the strike.

"C. F. WELKER,
"Juaniata (Altoona), Pa."

In closing, allow me to state that while the documentary evidence submitted in support of our averments may be considered voluminous, yet only a few were selected. We have in our possession over 10,000 letters and other documents upon the various subjects that have accumulated in the past five years. The subjects herein mentioned are a matter of vital interest to the men employed upon the Pennsylvania Railroad lines in particular, and they are of more than ordinary interest to every railroad employee in the United States.

The railroad employees generally are in hopes that this honorable commission may be able to make some recommendations that will have the effect of ameliorating conditions that, as far as this company is concerned, may be considered intolerable.

I might add to that that owing to the prestige and importance of the Pennsylvania Railroad there are many railroads in the United States that follow its example in such matters, and that is the reason why the most powerful and the most important of them all was selected as the railroad to be investigated by this commission.

I might add that when this company changes its policy in regard to these matters that other railroads will do the same thing and make it much better for employees throughout a certain district of the country, which notably lies between here and the New England States; and with that I will close my presentation of the case.

Commissioner AISHTON. Mr. Perham, in your last statement, you stated there were other railroads other than the Pennsylvania on which these conditions existed. They are not all confined to New England, are they?

Mr. PERHAM. Not all.

Commissioner AISHTON. In fact a great many railroads west of Chicago, or in the western territory, are included, are they not?

Mr. PERHAM. Probably the worst offender against the people in this country is the Louisville & Nashville Railroad, with the Nashville, Chattanooga & St. Louis closely behind it.

Commissioner AISHTON. And the Atchison, Tokepa & Santa Fe, and a number of roads we could name out in that territory?

Mr. PERHAM. We consider that road a bad actor, but we have not got such serious charges to bring against them.

Commissioner AISHTON. Now, about these intolerable conditions you speak of. I understood in one of your statements that as far as the conditions of the Pennsylvania Railroad were concerned, it was not a matter of personal knowledge with you, but a matter that was communicated to you through letters from these people?

Mr. PERHAM. That is partially correct. I might say that as an organizer and representative of labor, I have had considerable experience with the Pennsylvania Railroad employees. Personally I have met thousands of them, but I never worked for the Pennsylvania Railroad and can not speak from an exact knowledge of conditions as an employee can.

Commissioner AISHTON. From your personal knowledge and observation of the employees, it would be confined largely to the employees in the station service, would it not, or telegraph service?

Mr. PERHAM. I am glad you asked that question, because it gives me an opportunity to explain. At the time this grievance arose I was chairman of the railroad employees' department of the American Federation of Labor, and in that capacity I took an interest in the grievances of the shopmen, the trackmen, and the clerks, and organizations that were affiliated with the American Federation of Labor. And I might further add that had it not been for the fact that we had so many men interested in this grievance, that these charges would have been formulated in a more logical manner than they have been presented here. The subject has been made complex because a great number of men have had a hand in making out that petition to the commission.

Commissioner AISHTON. Possibly my misunderstanding arose from this, that this hearing was in the matter of the Pennsylvania Railroad and the Order of Railway Telegraphers, and I did not understand that it involved all classes of labor on the Pennsylvania road, as has been indicated by your letters.

Mr. PERHAM. That is a fact, that we have made the charge, but at the time this petition was printed and framed we actually represented all of the other organizations with the exception of the four brotherhoods, who have a federation of their own.

Commissioner AISHTON. So those 10,000 letters that you say are in your office at St. Louis—I think you so stated?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. The 10,000 letters on which you base this are not of station employees or telegraph operators, but are from among the entire employees of the Pennsylvania Railroad?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. That is true, is it?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. There are only about 3,000 station employees, what you might call station employees, on the Pennsylvania lines?

Mr. PERHAM. My understanding is that there are 5,000 on the lines east of Pittsburgh and Erie, and a large number on the western lines, but this inquiry relates to the lines east of Pittsburgh and Erie.

Commissioner AISHTON. I am going on the report made by the Pennsylvania Railroad Co. to the Interstate Commerce Commission, in which they classified them, and I think you will find that there are 3,000, as stated in that report. Now, referring, Mr. Perham, to the 1887 strike, and as being prior to that time, as I understand, that you, or the Order of Railway Telegraphers, had not had any particular difficulty in getting meetings or negotiating with officers of the Pennsylvania Railroad, but since that time you had had difficulty. What was that strike in 1887, or did I correctly understand you?

Mr. PERHAM. I referred to that strike as an interesting illustration of what may occur where employees are generally discontented.

Commissioner AISHTON. Was that a strike of station employees at that time?

Mr. PERHAM. It was of all of the employees, everybody was mixed up in that, both trainmen, enginemen, shopmen, trackmen——

Commissioner O'CONNELL (interrupting). That was 1877.

Commissioner AISHTON. That is what confused me; that was a general strike?

Mr. PERHAM. Yes; it is an interesting Government report, and photograph of a very serious trouble.

Commissioner O'CONNELL. That should be corrected in the record.

Mr. PERHAM. It should be 1877.

Commissioner AISHTON. 1877?

Mr. PERHAM. Yes.

Commissioner AISHTON. And at that time all classes of employees just simply quit and laid down their work and also resorted to violence and destroyed considerable property of the railroad company?

Mr. PERHAM. Yes.

Commissioner AISHTON. And destroyed a roundhouse and other things?

Mr. PERHAM. Yes.

Commissioner AISHTON. Now, speaking of your organization, and not others associated with the Federation of Labor, did the organization you represent or yourself seek interviews with the officers of the Pennsylvania Railroad?

Mr. PERHAM. I have.

Commissioner AISHTON. With what officers?

Mr. PERHAM. With every one of the managing officers from the superintendent of telegraph to the president of the road.

Commissioner AISHTON. Well, the president of the road doesn't ordinarily handle those matters, but the vice president or the general manager, as a rule, would ordinarily handle such matters?

Mr. PERHAM. Yes; and we have applied to each and every one of them.

Commissioner AISHTON. I think you mentioned Mr. Atterbury's name; was Mr. Atterbury vice president at that time or general manager?

Mr. PERHAM. He was vice president at that time, and we also applied to S. C. Long, who was then general manager.

Commissioner AISHTON. What answers did you get from Mr. Long and from Mr. Atterbury?

Mr. PERHAM. They referred us back to the superintendent of telegraph, I believe, and eventually all correspondence and schedules and the letters with relation to it were all returned to Mr. Johnson's office.

Commissioner AISHTON. Were you told by any of those officers that there was a question of whether you represented the men or not?

Mr. PERHAM. I think they pretended they are doing business with the company organization, and they said if there was only three members of that organization they would do business with that preferably to doing business with mine.

Commissioner AISHTON. And that has been the main question involved, or one of the questions involved, as to whether the organization is really what it represents itself to be, a representative organization of the men?

Mr. PERHAM. Yes; I think that is a very important question.

Commissioner AISHTON. And is it not particularly the case when there are two or three organizations striving for supremacy on the road?

Mr. PERHAM. There is nothing of that character in this case.

Commissioner AISHTON. I thought there was testimony given that there was another organization on the Pennsylvania lines, and possibly on some other lines, the O. R. T., and the D. S., or something of that kind.

Mr. PERHAM. That refers to the company organization; that is true.

Commissioner AISHTON. I do not know; it was not referred to as a company organization; it was referred to as the O. R. T. and the D. S., or something like that; I don't know just what it is, but anyway they represent some other employees than you claim to represent?

Mr. PERHAM. Yes; two or three of them.

Commissioner AISHTON. And was not that the reason given by the officers of the Pennsylvania Railroad for declining to enter into contract with you or your officers?

Mr. PERHAM. Yes, sir; and it was regarded as a device by us to avoid meeting us.

Commissioner AISHTON. It was so regarded by you, perhaps; but that was the reply of the company; they just gave their reasons why they did not meet with you, didn't they?

Mr. PERHAM. I think that was stated among other things—that they had an organization of their own; that is the way we understood it.

Commissioner AISHTON. Now, Mr. Perham, speaking about the Pennsylvania Railroad now, does your organization, the Order of Railway Telegraphers, claim to represent any other class of employees other than employees who handle the telegraph or telephone in their daily line of business?

Mr. PERHAM. We have nine classes of railroad employees in the Order of Railroad Telegraphers.

Commissioner AISHTON. Clerks?

Mr. PERHAM. Who telephone; yes.

Commissioner AISHTON. Clerks in the freight houses, with the telegraphers?

Mr. PERHAM. The men who handle the train orders, train movements.

Commissioner AISHTON. The clerks who handle the telegraph instruments as a part of their day's work?

Mr. PERHAM. Yes.

Commissioner AISHTON. Who also handle the phone or telegraph?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. And lever men?

Mr. PERHAM. Yes.

Commissioner AISHTON. Whether they handle the telephone or telegraph or not?

Mr. PERHAM. Yes.

Commissioner AISHTON. That is, if a man handles a lever to throw switches you have him in your organization?

Mr. PERHAM. Oh, yes.

Commissioner AISHTON. And signal repair men?

Mr. PERHAM. Not at all.

Commissioner AISHTON. You do not have them?

Mr. PERHAM. No.

Commissioner AISHTON. They have a separate organization, have they not?

Mr. PERHAM. Yes; they belong to the Brotherhood of Railway Signalmen.

Commissioner AISHTON. You don't undertake to represent any clerks other than those handling telephones on account of train orders?

Mr. PERHAM. Train orders. I might add to that that we represent train dispatchers and staff men, interlockers, as well as the telephone and telegrapher and the signalman.

Commissioner AISHTON. These organizers, Mr. Perham, that you told about, that had such a time at Altoona; there were several references to that, and all had reference to the trouble that they had in getting a meeting place and in the injunction that was served upon their meeting in Sylvan Park?

Mr. PERHAM. Sylvan Lodge.

Commissioner AISHTON. Sylvan Lodge. It was all the same occurrence?

Mr. PERHAM. Yes.

Commissioner AISHTON. These organizers that were there, they were not representing your order? That was in your connection as secretary of the Federation of Labor?

Mr. PERHAM. Or in that direction.

Commissioner AISHTON. You spoke about an organizer being at Pittsburgh interviewing the negro redcaps and people there. How many of those organizers did you have in your organization?

Mr. PERHAM. This was the same man, Mr. Ellis, that I mention so many times in this inquiry. I put him on this job and had him look up all these matters. I might say that I went on the ground myself first to discover whether there was any validity in these charges and rumors of charges and found that there was, and then afterwards put Mr. Ellis on to look it up; and he spent possibly a year in looking it up and reporting to me what he found.

Commissioner AISHTON. He was doing a kind of secret work, going around and getting information and transmitting it to you?

Mr. PERHAM. It must have been secret.

Commissioner AISHTON. He was the only man employed in that capacity by your organization?

Mr. PERHAM. Oh, no; I had quite a number of men during the year or two.

Commissioner AISHTON. Yes. Well, do they work and report to you what they find?

Mr. PERHAM. Yes; to see if there is anything to these complaints.

Commissioner AISHTON. Now, then, these organizers that were down there at Altoona—you read a letter from one of them saying that he had been very successful in getting 75 per cent of the employees on their side. That would indicate that the employees when he went there were not very favorable to this proposition of striking and raising a disturbance, didn't it?

Mr. PERHAM. Well, yes.

Commissioner AISHTON. Were those men sent down there particularly for that purpose?

Mr. PERHAM. They were sent there to organize the men. That is our business—to organize men. And these were mostly shopmen that got into that struggle there, and they found that the newspapers were controlled by the employer and that everybody was in terror of the employer. The people along the line of this railroad are enslaved. We desired to free them.

Commissioner AISHTON. Yes; I understand that is the attitude and your work; but, now, down here at Altoona this strike was on, as I understand it, when these organizers went down there?

Mr. PERHAM. No; this occurred, I believe, prior to the strike; although I am not sure of that.

Commissioner AISHTON. No; but when this letter was written, however, these four organizers were down there, and, as one of them says, "We have now got 75 per cent of the men," indicating that there was a very much less number when they started in on their work?

Mr. PERHAM. Yes; naturally.

Commissioner AISHTON. You say that there were about 200 guards kicking up a disturbance?

Mr. PERHAM. Yes.

Commissioner AISHTON. And they were these fellows drilling along the track so the trainmen could see them?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. And after you had this Altoona disturbance?

Mr. PERHAM. Yes; that is my understanding.

Commissioner AISHTON. Now, your understanding comes from the organizers—the letters they wrote about it? You were not there?

Mr. PERHAM. I was not there.

Commissioner AISHTON. You have no personal knowledge?

Mr. PERHAM. No personal knowledge of the facts in that matter.

Commissioner AISHTON. No; it is just simply what these organizers and fellows that were around getting information for you picked up and wrote you?

Mr. PERHAM. And from employees not representing me; some hundreds of employees I never met. I have their letters.

Commissioner AISHTON. Yes. This information you gave this morning about these "bulls," as you call them—these special agents and spotters and detectives and all that class of fellows—you said J. F. Riley——

Mr. PERHAM. Yes.

Commissioner AISHTON. He is the third vice president of the railway clerks, isn't he?

Mr. PERHAM. Yes, sir; that is his position.

Commissioner AISHTON. That is a sort of organizing position, is it, or is that an executive position?

Mr. PERHAM. He holds meetings and organizes men.

Commissioner AISHTON. Yes; but all the information you have about this affable gentleman he thought was on his trail wherever he went and followed him around and who met him on trains and on docks and all that kind of thing—all you know about that is just what Riley wrote you?

Mr. PERHAM. Unfortunately, not all I know about it, because I have had the same experience, and every man, I think, that ever went near the Pennsylvania to organize employees has had the same experience.

Commissioner AISHTON. Well, isn't that a common experience or a common feeling, I believe, on the part of not only the officers of labor unions, but also of officers of railroads, that every movement is being watched, and all that kind of thing? It is a kind of mutual feeling and about nine-tenths is "bunk," isn't it?

Mr. PERHAM. Oh, no; labor-organization men are intensely practical. Not one in a hundred labor-organization men at this time is really followed by a detective—everybody knows what he is going to do—except by this company that employs so many of them.

Commissioner AISHTON. Exactly—well, you take the detective racket, it has been worked to death, hasn't it? You have been worked and the railroads have been worked until it looks ridiculous. Yes; until it looks ridiculous; and it is a favored stunt with everybody connected with both sides of the business to make out that they are kind of martyrs and being followed by these detectives, and, as a matter of fact, nobody pays much attention to it.

Mr. PERHAM. If you would just take the guns off of those men, we would not have any complaint; but we can not get on an equality because we can not carry guns. If they would just take the guns away from those men, we don't care.

Commissioner AISHTON. I think you have given some testimony—in fact, turned in a document here published by the Pennsylvania Railroad, that they spent $800,000 last year, was it, for policing?

Commissioner WEINSTOCK. Eighty thousand?

Mr. PERHAM. Eight hundred thousand.

Commissioner AISHTON. Eight hundred thousand, I think, was the amount named, and that includes, I suppose, the Fort Wayne and the Pennsylvania and the whole system, doesn't it?

Mr. PERHAM. I am not sure about that, but I think closer investigation would show the figure is altogether wrong and that it is not half stated.

Commissioner AISHTON. Well, it comes out over the signatures of the officers of the road, and I should hardly think they would publish anything that is not correct. Let's say it is $800,000, or take any figure you want to set, for the sake of the argument—do you know, or have you any knowledge of the Pennsylvania police force organization and its duties, and what they do?

Mr. PERHAM. No.

Commissioner AISHTON. Your home is in St. Louis?

Mr. PERHAM. Yes.

Commissioner AISHTON. The Pennsylvania runs in there over the Vandalia lines, and the Vandalia is included in that figure. Do you know how many policemen they have in St. Louis, and what their duties are?

Mr. PERHAM. I have no idea.

Commissioner AISHTON. Do you know that their police force covers also crossing flagmen who are in uniforms?

Mr. PERHAM. I don't know that.

Commissioner AISHTON. Well, I don't know that, but I have a very shrewd suspicion that they are, and that can be developed on investigation. Do you know how many policemen they have around their passenger station at—well, we will take the Union Station in Chicago? Do you know what their force is there?

Mr. PERHAM. I do not know.

Commissioner AISHTON. Do you know what they pay the men?

Mr. PERHAM. Not at all.

Commissioner AISHTON. Do you know what their duties are?

Mr. PERHAM. I never was——

Commissioner AISHTON (interrupting). Have you ever been in their freight station?

Mr. PERHAM. Never——

Commissioner AISHTON (interrupting). Ever see any of the men in uniform along the Pennsylvania road?

Mr. PERHAM. Yes; a great many.

Commissioner AISHTON. You don't know anything about their duties, or how necessary they are in the operation of the road, or in the protection of their passengers or freight, or anything of that kind?

Mr. PERHAM. I do not.

Commissioner AISHTON. So, as far as you know, when you pay the Pennsylvania Railroad at Chicago and Pittsburgh and Philadelphia, and all these large centers of population, you don't know whether it is an unreasonable or a reasonable amount to expend for police protection, or whether they are justified in it or not, do you?

Mr. PERHAM. I think it is right to call the attention of this commission to that fact that this railroad is usurping a State function in the matter of having so many armed men and assuming police powers here that do not belong to a corporation, as I understood it.

Commissioner AISHTON. I think the commission probably will take that into consideration; but what I am trying to get at is that there is possibly two degrees of illegitimate work of policemen; one is the legitimate kind of illegitimacy, and the other is what you are complaining about, the armed thugs, bulls, and all that kind of thing, and people going about with steel billets and guns and things of that kind and terrorizing people. Now, this $800,000 referred to, if it is investigated, I think it will be found largely what might be termed a proper mode of protection?

Mr. PERHAM. That would be a matter of opinion. During the time that this commission was sitting in Chicago, in seven days five men were killed by railroad policemen. Some people might think that that is eminently proper that the railroad should protect itself to that extent; that if they find a man breaking into a car that man should be instantly killed. I believe that some people entertain that view. I do not.

Commissioner AISHTON. Take the other view of that, Mr. Perham; were it not for the protection afforded its trainmen by the police officers, such as I have outlined, in their yards, how many trainmen and enginemen and brakemen and conductors do you suppose would be killed in a year in the city of Chicago?

Mr. PERHAM. I don't know; I think they are capable of taking care of themselves.

Commissioner AISHTON. Well, that is a point of ethics as to where the duty of the city ends and where that of the railroad begins.

Mr. PERHAM. Yes. I have raised that question here for that very purpose of having that line of demarcation set out so that we may understand what a railroad's position is in regard to policing and where the State draws its line.

Commissioner AISHTON. This O. R. T., or this other organization—this company organization that you speak of, who are its officers, Mr. Perham; do you know?

Mr. PERHAM. I know of one. That was Mr. Austin, and I think he has the charge of it, the president, and also secretary of it, and the editor of the magazine.

Commissioner AISHTON. They publish a magazine; do they?

Mr. PERHAM. They publish a monthly magazine.

Commissioner AISHTON. Do you know whether they charge dues and all that kind of thing?

Mr. PERHAM. Well, I don't know. I think sometimes they do and sometimes they do not——

Chairman WALSH. At this point, excuse me, we will adjourn until to-morrow morning at 10 o'clock. Some of the other commissioners have some questions, and we have to recall Mr. Perham.

Mr. PERHAM. All right.

Chairman WALSH. To-morrow morning at 10 o'clock.

(Thereupon, at 4.30 p. m., these proceedings were adjourned until the following day, Wednesday, May 5, 1915, at 10 o'clock a. m.)

WASHINGTON, D. C.,
Wednesday, May 5, 1915—10 a. m.

Present: Chairman Walsh, Commissioners Weinstock, O'Connell, Lennon, Mrs. Harriman, Garretson, Aishton.

TESTIMONY OF MR. H. B. PERHAM—Continued.

Chairman WALSH. Mr. Perham, you may resume the stand now.

Commissioner AISHTON. Mr. Perham, I think we closed with what we were discussing at the time, and there is nothing further to say on that, I think.

Mr. PERHAM. I believe that is the case.

Commissioner AISHTON. Mr. Perham, you made some statements about the earnings of a telegraph operator, monthly earnings, when you were so employed; I think you said $100 a month was the pay the telegraph operator received, or that is what yours was?

Mr. PERHAM. I received that much.

Commissioner AISHTON. Since that time there have been changed conditions of work, have there not? You have telegraph operators in the transportation service, at least, that work on an eight-hour-a-day basis now?

Mr. PERHAM. Quite generally that is the case.

Commissioner AISHTON. Quite generally that is the case?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. As the result of legislation on that subject?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. So that any comparison of pay would also take into consideration the hours and conditions of service that go with it?

Mr. PERHAM. All things should be considered.

Commissioner AISHTON. All things should be considered?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. I don't know that this is important, but the record shows, I think, from your testimony, that the Pennsylvania Railroad, as one measure of combating strikes, installed telephones, to the great danger of the public, or something of that kind; I think the record shows that is your testimony?

Mr. PERHAM. I don't remember ever having made such a statement.

Commissioner AISHTON. You would not support such a statement? Possibly I misunderstood you.

Mr. PERHAM. No, sir. We consider the telephone a very valuable adjunct to our business.

Chairman WALSH. That was the statement—it sounded to me like that. I understood it that way, Mr. Perham, that you said they put in the telephone service and something else to the great danger of the public.

Mr. PERHAM. I think that was the time the strike was pending, and many section laborers were put in the signal towers to take the places of signalmen that might go on strike.

Chairman WALSH. That had nothing to do with telephones, then?

Mr. PERHAM. Not at all.

Commissioner AISHTON. If the record so stated, it will be noted that Mr. Perham so corrects it, as far as the telephones are concerned.

Mr. PERHAM. May I explain that my organization admits telephone operators engaged in the handling of trains on the same plane as telegraph operators and train dispatchers? We consider that an improvement on telegraphy.

Commissioner AISHTON. There are some questions, Mr. Perham, raised as to the Pennsylvania Railroad in these notices or rules for the telegraph department that they issued, I think by you. You have a statement contained in that notice that this was arrived at in a conference of the committee, which was a little out of the usual. Was that the way you testified? You read several notices from some division superintendents of different divisions about the rules having been agreed to by a committee?

Mr. PERHAM. I read three letters from as many different division operators that stated that this schedule of rules had been arranged with a committee representing a certain organization, and I said in reference to that that it was a very unusual thing for railroad officials to state that it was made with this organization, because that would be an advertisement for a labor organization, and of course in this case we doubt the authenticity of this particular organization, as my testimony yesterday went to show.

Commissioner AISHTON. In putting out schedules and rules of agreement as between employees and the railroad companies generally, I don't know what the practice is on Pennsylvania Railroad, but did not such schedules ordinarily bear not only the signature of the officers of the company but also the signatures of the officers of the different organizations?

Mr. PERHAM. It is not unusual for the organization to have its committee put its name on the schedule as being parties to the agreement.

Commissioner AISHTON. Yes, sir; I think that is the case in a great many of your schedules in the West, for example?

Mr. PERHAM. Quite a number of them.

Commissioner AISHTON. Yes, sir; so that really the practice is not particularly an unusual one, except it might be on the Pennsylvania Railroad; I don't know their conditions.

Mr. PERHAM. The letters that I quoted were the only records in my life where such a thing occurred.

Commissioner AISHTON. I think you said, Mr. Perham, in reply to somebody, that this wage schedule that was submitted and put in the record as evidence, where rates of pay were quoted at $38.50, is one I remember—the date of that schedule; what was it? You say 1906?

Mr. PERHAM. 1906.

Commissioner AISHTON. You have no knowledge of what the condition was except as included in that schedule?

Mr. PERHAM. I filed a schedule of wages paid and wages asked for in 1911.

Commissioner AISHTON. Which is a later date?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. Do you have any knowledge of what the duties are of these lower-paid men?

Mr. PERHAM. In a general way; yes, sir.

Commissioner AISHTON. What are they—agents and operators?

Mr. PERHAM. The men generally quoted at $44.90 per month were station agents, working from 12 to 13 hours per day.

Commissioner AISHTON. In what territory?

Mr. PERHAM. On the branch lines.

Commissioner AISHTON. Something like the Delaware division.

Mr. PERHAM. I believe some wages were reported on the Delaware division.

Commissioner AISHTON. You don't know whether these agents also have lines of business they perform; for example, a man might run a store and sell tickets. I don't know that is the case on the Pennsylvania, but it is on some roads with very thin traffic.

Mr. PERHAM. I am informed that it is not the case on the Pennsylvania Railroad.

Commissioner AISHTON. You have no personal knowledge; that information comes to you?

Mr. PERHAM. Nothing but a statement of the employees.

Commissioner AISHTON. You spoke about regular organizations; that the railroads made agreements with regular organizations. What are considered the regular organizations, Mr. Perham?

Mr. PERHAM. My reference at that time was to the Brotherhood of Locomotive Engineers, the Brotherhood of Firemen and Enginemen, the Order of Railway Conductors, and the Brotherhood of Railway Trainmen.

Commissioner AISHTON. They have agreements with those organizations?

Mr. PERHAM. I so understand.

Commissioner AISHTON. They have an agreement, in your knowledge, with this D. S., O. R. T. S. & A., that is referred to, rival organizations to the O. R. T., on the Pennsylvania Railroad?

Mr. PERHAM. I assume from the letters read yesterday that they have.

Commissioner AISHTON. These four organizations that have agreements, are they members of the American Federation of Labor?

Mr. PERHAM. They are not.

Commissioner AISHTON. Is this the D. S., O. R. T., T. S. & A.; are they?

Mr. PERHAM. They are not.

Commissioner AISHTON. Is your organization, the O. R. T.?

Mr. PERHAM. It is affiliated with the American Federation of Labor and has been since 1899.

Commissioner AISHTON. But that has nothing to do with their being regular or irregular?

Mr. PERHAM. Nothing.

Commissioner AISHTON. The regular part is that the railroad company has seen fit to make an agreement with those organizations; is that it.

Mr. PERHAM. The irregular part is for the railroad company to foster a dual organization to another one; the railroad organization having very few members and the regular organization representing a majority of the men employed.

Commissioner AISHTON. The railroad company, you would not have us understand, fosters the Order of Railway Telegraphers?

Mr. PERHAM. I have no evidence of that, but I have in the case of the other organizations mentioned.

Commissioner AISHTON. That evidence will be presented, will it?

Mr. PERHAM. It was presented in the letters I read.

Commissioner AISHTON. That is the extent of your knowledge of any fostering, is it—those letters read?

Mr. PERHAM. I filed 50 letters from different employees verifying my statement; also 25 reports from organizers verifying that statement, or attempting to do so.

Commissioner AISHTON. Mr. Perham, do you know what rate of wages is paid what are called the shop crafts, say at Altoona, on the Pennsylvania Railroad, per hour?

Mr. PERHAM. Nothing further than the affidavits filed by me yesterday from the chief executives of the labor organizations; it was from the blacksmiths and the carmen.

Commissioner AISHTON. If I remember right, that stated in a general way that the men were working for $1.80 a day, or something of that kind.

Mr. PERHAM. I think it was $1.25 a day, or $1.50 a day for car repairers.

Commissioner AISHTON. Did that give the number of men employed in the different crafts and the rate per hour paid?

Mr. PERHAM. It did not.

Commissioner AISHTON. Is that information obtainable?

Mr. PERHAM. From the company, yes; from the organization, no.

Commissioner AISHTON. Have you any knowledge of the rate per hour paid generally in that territory for that kind if work or how it compares with the rates paid the Pennsylvania men?

Mr. PERHAM. I have no specific knowledge on that subject.

Commissioner AISHTON. You gave some testimony about the work—I think you confined yourself to station employees and telegraph operators—about the nature of the work breaking men down and making the men insane, and that kind of thing, and cited an instance of one man who had gone insane, Mr.

Perham. Do you base that statement on that one man or is that a general proposition with that class of employees?

Mr. PERHAM. It is more prevalent on the Pennsylvania Railroad than any other railroad that I have heard of, and I think it is caused by the density of the traffic and the nervous condition that comes from that tense application to watching trains and their movements.

Commissioner AISHTON. Well, now, that might apply in possibly some few places on the Pennsylvania or any other railroad where the traffic was particularly dense, but the Pennsylvania is a pretty large railroad and there are very few of those tense points on it where there is any terrific amount of congestion. What I was trying to find out, and what I think the commission ought to know, is, are these men employed in these capacities where this dense traffic is and where they handle switches and interlocking plants all on the eight-hour bases?

Mr. PERHAM. Yes.

Commissioner AISHTON. They all work in eight-hour tricks?

Mr. PERHAM. Yes.

Commissioner AISHTON. Their hours of service are less than any other class of employees in the transportation service, are they not?

Mr. PERHAM. They are; and they must be still reduced. In Germany, for instance, switchmen work six hours a day by the Federal law, and we, in seeking to bring about the eight-hour day generally for such employees, have succeeded so far in getting the eight hours. Now, our next move will be to get a six-hour day for those men.

Commissioner AISHTON. And then I suppose five hours or four hours, so as to divide it up in tricks, like they have on shipboard?

Mr. PERHAM. We will continue our efforts along this line until we make it possible for the men to retain their health and work in those positions.

Commissioner AISHTON. I think you said there were 5,000 employees on the Pennsylvania road engaged in this class of service yesterday. I questioned that a little as to whether it exceeded 3,000; but we will say 5,000. How many employees—what percentage of the employees—have these strenuous jobs that drive them insane, do you think?

Mr. PERHAM. As I said yesterday, there are nine classes of employees eligible to the organization I represent, and the approximate figure of 5,000 had reference to those who were eligible to the organization.

Commissioner AISHTON. That is, clerks?

Mr. PERHAM (interrupting). This tense condition only applies to men in signal towers and the relay telegraph offices.

Commissioner AISHTON. And what proportion or how many men would you think the Pennsylvania Railroad had of that character?

Mr. PERHAM. Well, probably 500 or 600, although I do not know. That is just an approximate estimate.

Commissioner AISHTON. Now, the New York Central line is the line that would closely approximate the density of traffic and number of employees of that class, would it not, Mr. Perham?

Mr. PERHAM. I think it would; no doubt.

Commissioner AISHTON. Do you think the New York Central would have probably 500 to 600 employees in that class?

Mr. PERHAM. On the line between New York and Buffalo it generally applies.

Commissioner AISHTON. Now, your statement that the Pennsylvania Railroad lines exceeded in that—the number of people who went insane and were broken down prematurely over other roads—have you any figures to show how the comparison stands as to that class of employees between the New York Central and the Pennsylvania?

Mr. PERHAM. No; but the reason I assign for it is the difference in the management between the New York Central and the Pennsylvania Railroad. These men on the Pennsylvania Railroad seem to be living in a state of terror. They are laid off for some trifling mishap, something that they were not responsible for, and they seemed to be afraid of everybody and everything; and that condition applies wholly and singularly to the Pennsylvania Railroad.

Commissioner AISHTON. I think you said yesterday, Mr. Perham, that your personal knowledge of the Pennsylvania Railroad was rather limited, and you depended largely on these letters. Have you letters that support that statement as to employees of the Pennsylvania Railroad?

Mr. PERHAM. No. I would prefer to have that from witnesses who have direct knowledge of the circumstances. In my opening statement yesterday it was

to introduce the subject, to be verified later by witnesses that I assume will be called by the commission to testify as to the truth or not of these statements I have made.

Commissioner AISHTON. Oh, pardon me for trying to get that evidence. The witnesses are to be produced. We would like to get some prima facie evidence in regard to that.

Mr. PERHAM. I take it that it is necessary for a man to work on the road to know of the conditions; and, as I stated yesterday, I never have worked on the Pennsylvania lines.

Commissioner AISHTON. I think, Mr. Perham, you are absolutely right about that; and what this commission wants, of course, is facts and not speculation.

About the pension system on the Pennsylvania Railroad, Mr. Perham, I believe you testified that the operators never get pensions?

Mr. PERHAM. Very few of them, in comparison with other classes.

Commissioner AISHTON. Now, what is the reason of that?

Mr. PERHAM. On account of the tense condition in which they are employed and the vicissitudes of the business not permitting them to live long enough, or to remain in the business long enough to gain a pension.

Commissioner AISHTON. The witnesses here are competent to testify to that feature?

Mr. PERHAM. I hope so.

Commissioner AISHTON. Isn't there another feature also that is responsible for lack of pensions or a proper percentage of pensions among telegraph operators on the Pennsylvania? Isn't it a fact that on the Pennsylvania Railroad, as well as on other transportation companies, that there is a larger percentage of telegraph operators promoted to official positions, to important agencies, and that kind of thing, and isn't it a fact that about 75 per cent of all promotions occur in the telegraphic service? And doesn't that take away, in a large measure, the elderly, or the men who have aged in the service, and who are more competent?

Mr. PERHAM. I don't know that to be a fact.

Commissioner AISHTON. I think, Mr. Perham, I asked you a question or two at Chicago, and possibly this will be a reiteration of it; but this commission, as you know, is endeavoring to find a solution of these difficulties. We are earnestly trying to find them. Now, you take a strike or a tie-up or a lockout, if you please, in railroad service or in the service of a public corporation, it is really a more serious matter, isn't it, than in the ordinary commercial pursuits of a manufacturing industry?

Mr. PERHAM. I have always viewed it that way——

Commissioner AISHTON (interrupting). That has always been your policy?

Mr. PERHAM. That to call a strike on the railroad is a very serious thing; that it interferes with the business of persons who are not directly connected with the troubles that brought on the strike, for instance.

Commissioner AISHTON. And it not only interferes with their business, but affects their lives and the lives of their children and of the whole community?

Mr. PERHAM. Has a bad effect all around on the employees and the employers; in this Pennsylvania Railroad matter we would have called these men out on strike if it had not been for such consideration quite awhile ago. We have been trying to avoid that.

Commissioner AISHTON. I think that is your reputation and, as Mr. Carlton very well said, that has been your attitude always and that has been generally recognized; and I am asking these questions on account of that attitude that you have preserved.

Mr. PERHAM. I am very glad to answer those questions.

Commissioner AISHTON. Yes. Now, the authority rests for calling a strike in you as president, doesn't it?

Mr. PERHAM. The rule upon the subject is that two-thirds of the general committee representing the employees, with the approval of the president, may bring on a strike.

Commissioner AISHTON. They can not do it without the approval of the president?

Mr. PERHAM. They can not.

Commissioner AISHTON. There is no so-called vetoing or, rather, overriding of the veto of the president or anything of that kind? They can not go ahead without his approval?

Mr. PERHAM. Not without it; and sometimes the president vetoes a strike anyway after the general committee has authorized it.

Commissioner AISHTON. Yes; I think it is generally understood that you have been brave enough to take that action in some cases where you thought it was not right.

Mr. PERHAM. I have taken that action.

Commissioner AISHTON. Don't you think that in the hands of what you might call improper persons—improper, I don't use that offensively, but a man who has not ripe, matured judgment on those things, and who may be in the position of head of one of these organizations—don't you think that is a mighty dangerous power to put in one man's hands of determining oh whether or not the intereference with the life of the community will be carried out through the calling of a strike; and don't you think, particularly in railroad or transportation matters, or public utilities where that result comes, that there should be some body or power or something or other devised or recommended by this commission of a nature that would either afford an adjudication of the disputes or such publicity as to the real facts in the matter as would prevent the party who is in the wrong from going into it, or at least to defeat him or defeat either side if they had not public opinion with them?

Mr. PERHAM. Imperfect as our labor organizations may be, I believe that it is better to keep away from the judicial end of it. A court, in the last analysis, is but a man. He has his opinions in regard to these questions, and it depends upon his environment, his make-up generally as to whether the court is any more competent to pass upon the rights of such a matter than the man who has come through all the chairs in a labor organization, and has been tested by the fire of experience in all sorts of ways before he gives this decision on a strike. Every time a labor leader puts his O. K. upon a strike he puts himself in jeopardy. That is well known. Consequently, the men who are in charge of labor organizations work to gain their ends through peaceable means. The great labor leader is not a great labor leader very long. The thing is self-adjusting. If he makes mistakes, if his judgment is not good, he is the one who is generally sacrificed; and that is the check and balance for the entire system that we have developed.

Commissioner AISHTON. I think something was said about a strike that was called on the Pennsylvania Railroad—you called it the Pierce strike, I think—which did not receive the support of the organizations. That is right, isn't it?

Mr. PERHAM. I think that was an uprising of the men, and that is their present disposition.

Commissioner AISHTON. That was a labor organization?

Mr. PERHAM. Yes.

Commissioner AISHTON. Federation of Railway Employees, or something like that?

Mr. PERHAM. It was forming at the time the strike came on.

Commissioner AISHTON. Of course, in the consideration of this entire subject, with the interruption that comes, and the unrest that comes, we have to consider not only what you might call the old-established organizations, but the menace of an organization of that kind, not only to the public, but to the older organizations; and an affair of that kind is a menace to the entire labor situation, as well as it is to the employers' side of the question, is it not?

Mr. PERHAM. It certainly is; and my contention is that the best plan for the railway company is to make an agreement with its employees in the regular way, and they would be insured industrial peace, which does not come to this railroad because it has strikes every few months, somewhere or other, on account of their not having made contracts with their employees.

Commissioner AISHTON. Well, is that just a fact? They have contracts with their employees; they claim, I believe, I don't know anything about it, I believe you advised that the reason they would not meet with you, as given by Mr. Long and Mr. Atterbury, was that you did not represent the men. Whether that is right or wrong, this commission has no way of judging, but I suppose they will testify why when they are put on the stand.

Mr. PERHAM. That has been their contention right along, but if they have not got the men they can not represent them. Now, we claim to have the organization, that we are the power, and that when our men make a movement to get a wage increase the company meets it by giving it to the other committee, and the committee that we claim is appointed by the officers, not elected by the men.

Commissioner AISHTON. I suppose evidence will be brought out before this commission to show on that?

Mr. PERHAM. I hope so.

Commissioner AISHTON. I take it from what you said about the conditions of courts that there are men that are not competent, or at least what you call a class prejudice, to prevent them making a rule, judicial decision, on questions of this kind?

Mr. PERHAM. I am not in favor of the word "class" prejudice, and I really did not use it.

Commissioner AISHTON. I read it in some pamphlet here yesterday.

Mr. PERHAM. What I said was that the court was a man, and that his environment had much to do with his opinion as to labor and industrial and wage questions. If, for instance, this particular judge had been a lawyer in the pay of the corporation all his life, and his work has been corporation work, naturally he is close to the work that engrossed him. It sways his views. My views have always been on the labor side of this question, and it is impossible for me to depart from it and to separate from it. It is part of my life work, consequently it is the same with corporation counsel; it is their life work, and they can not be separated from it.

Commissioner AISHTON. You and I agree absolutely on that, and yet you, I say you, or men in the organization, that are the heads, are the final court that says whether there will be a strike on the railroad or not, and it is not, and does not that indicate the necessity for somebody in between, the Government or somebody who would be free from your education and labor and your labor affiliations, and the employers being filled up with their side, but to meet in between and say what the right thing to do is?

Mr. PERHAM. It was for that reason that we helped to form the United States Board of Mediation and Conciliation, and if you will look at our records you will find that since that board has been formed we have invariably referred matters to that body that we could not arrange with the company.

Commissioner AISHTON. That is what is now called the Newlands Act?

Mr. PERHAM. Yes, sir; and previously it was the Erdman Act, and we have invoked that.

Commissioner AISHTON. Now, in view of what has taken place and can take place, do you think that the Newlands Act goes far enough to avoid strikes?

Mr. PERHAM. The Newlands Act can be extended to cover a wider jurisdiction and more classes of railroad employees.

Commissioner AISHTON. At present it only takes in what are known as the transportation employees?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. Your idea is that it should be extended to take in, say, shop crafts and any other crafts of laborers?

Mr. PERHAM. To railroad employees I would have that extended.

Commissioner AISHTON. Would you extend it to public utility employees; employees of water works, gas works, and street car lines, and all that kind of thing?

Mr. PERHAM. I certainly am in favor of another such act to cover other business. The transportation business is peculiar, as this United States Board of Mediation and Conciliation has learned much from the transportation business, and I desire to say, if you will permit me, that I believe mediation to be one of the best things ever devised for the prevention of labor troubles. That we have had much experience with it, and we like it much better than arbitration for many reasons. One is that arbitration leads to ill-feeling, sometimes, between the employer and employee. Mediation never does, for the mediator comes in between the two contesting parties and seeks the point of contact, eliminates the points of difference, and actually brings about the solution of the trouble with good feeling to both parties, which we desire; so that the mediation feature of the work of the board has been the most prominent and the most useful and the most to be desired of the work of that board. Consequently, having found that to be a good thing, and having devised methods for bringing about a peaceable solution of their differences, I believe it should be extended, and I think a conciliation and mediation board should be in each of the judicial districts in the United States, so that their services might be obtained quickly and effectively, so as to nip the trouble in the bud and bring about a solution before ill-feeling arises between the classes.

Commissioner AISHTON. You believe that under the law such mediation and conciliation should be compulsory to both parties?

Mr. PERHAM. I do not. Compulsory features lead to a judicial phase of it, and wherever men have tried that, it has been a failure. I refer particularly to New South Wales and New Zealand, as examples.

Commissioner AISHTON. You think that there being such a law and such a body that neither side would dare go against public opinion in refusing to accept mediation and conciliation?

Mr. PERHAM. That has been our experience.

Commissioner AISHTON. And you think that would follow naturally?

Mr. PERHAM. Yes, sir; I do. I think the mediation can be developed so that in the minds of men it will be accepted as the proper thing. I believe in public opinion.

I think you spoke of rebating yesterday, and afterwards the thought occurred to me that there had been an entire change in public sentiment throughout this country on that matter. Say, for instance, 15 years ago that a merchant would come to an agent and ask for a rate on certain commodities, each man seeking to get a lower rate than his neighbor, and it was regarded as a legitimate proposition, and to-day it is known to be wrong by every shipper in the United States and no man seeks a rebate. That has been brought about by publicity, and work of the I. C. C., by showing the iniquities that are concealed in it.

Commissioner AISHTON. Do you believe in this mediation and conciliation idea of yours, that in the features of the Canadian disputes act that they should be introduced by way of publicity of the question?

Mr. PERHAM. I do not favor the Canadian act. Freedom is our goal in this country, and the right to strike, right to quit work, is one of the rights that we prize, although we may not exercise it; still, to know that we have that is a reassuring fact.

Commissioner AISHTON. The Canadian disputes act does not deprive you of that right?

Mr. PERHAM. It does.

Commissioner AISHTON. Only for a certain period, two weeks?

Mr. PERHAM. One minute would be too much.

Commissioner AISHTON. You want to be able to tie it up right away?

Mr. PERHAM. Not to tie anything up; just the right to quit work when we are through.

Commissioner AISHTON. And you determine when you are through?

Mr. PERHAM. The men will; not the man, the employees.

Commissioner AISHTON. In your case, it would be you?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. Now, Mr. Aishton asked you regarding the authority of the president of your organization in connection with strikes. Mr. Aishton, I am of the opinion, has the idea that you have the power to order a strike?

Commissioner AISHTON. After a two-thirds vote.

Commissioner O'CONNELL. As I take it, you have the power to veto a strike, but your authority would not order a strike.

Mr. PERHAM. It simply approves.

Commissioner AISHTON. It would approve of a two-thirds vote?

Commissioner O'CONNELL. You could not authorize a strike?

Mr. PERHAM. Will you allow me to explain further in regard to that proposition? There is no provision in our laws, rules, or regulations as to a strike vote, but before the president of the organization would put his approval on a strike proposition, he must know that the constituents are going to strike. He must have word from them or find out what the men mean. A strike called otherwise would not do, and that is where the judgment of the president is reached to decide the question. For instance, on a certain road in this vicinity I had a strike vote one time of 98 per cent of the men; I vetoed it.

Commissioner AISHTON. You knew they were wrong, or had not exhausted their other resources?

Mr. PERHAM. They were perfectly right, but they did not have the strength numerically to win the case. It was a small number of men; if I had received such a vote from a large number of men there would have been nothing for me to do but put my approval thereon. In these cases we poll the men, and the president absolutely represents the men in his action; if he does not he will go down, and if he does he will endure.

Commissioner AISHTON. Am I to understand that the only question the president determines in a case of that kind is whether he can deliver the goods? Is that the question? Or is there the question of the right or wrong of the thing? Men are wrong sometimes, and men of experience know it.

Mr. PERHAM. There are many things in relation to that. We have had cases where the men were wrong; we will be frank and will state to you that we had information that the men did not have in regard to the case, and that

we failed to indorse the strike proposition because we knew the trouble, and took other methods of adjusting it.

Commissioner AISHTON. I understand, Mr. Perham, from what you said, that you as a representative labor man are absolutely opposed to arbitration differences?

Mr. PERHAM. You do not understand me correctly, because I have been an arbitrator several times on cases and counsel in arbitration cases.

Commissioner AISHTON. I did put it wrong. What I meant was that you object to any legal requirement or any law that would require arbitration of disputes.

Commissioner O'CONNELL. The compulsory arbitration?

Mr. PERHAM. I am unalterably opposed to that, compulsory arbitration.

Commissioner AISHTON. I am very much obliged, Mr. Walsh, and am sorry to have taken up so much of your time.

Chairman WALSH. Mr. O'Connell has some questions.

Commissioner O'CONNELL. At the time your organization was in an effort to secure a conference with officials of the Pennsylvania Railroad, did you tell us yesterday you had a letter stating that it was inferred that you did not represent the men on the system was the reason why you were not given a contract?

Mr. PERHAM. Yes, sir.

Commissioner O'CONNELL. What was the truth of that statement? Did your organization have the membership on the Pennsylvania Railroad?

Mr. PERHAM. We represented about one-half of them?

Commissioner O'CONNELL. About 50 per cent?

Mr. PERHAM. Yes, sir.

Commissioner O'CONNELL. And the organization that the company did meet or make an arrangement with, which you termed a company organization, have you any idea as to what the membership of that organization was?

Mr. PERHAM. We had various reports about it, but it is in such a mixed condition that it is something that we can not get along with. They take in laborers and maintainers and different people, who are not eligible to our organization. And they have a few of our men; I believe it was counted 122 on this railroad that would be eligible to our organization.

Commissioner O'CONNELL. Then they had nothing like the membership on the system that your organization represented?

Mr. PERHAM. They never have had.

Commissioner AISHTON. Then from whence did the information come that you did not represent and they did? The officials of the company simply have a misconception of the truth of the situation?

Mr. PERHAM. I think they have been deceived.

Commissioner O'CONNELL. You say this other organization takes in a different class of membership from yours? What difference, in what way?

Mr. PERHAM. Signal men, maintainers, mechanics, and machinists.

Commissioner O'CONNELL. What are maintainers?

Mr. PERHAM. The men that put in plants and maintain them.

Commissioner O'CONNELL. You were discussing with Mr. Aishton the question of hours, as one of the methods of compensating men, for the hours of labor on the railway system, and particularly the Pennsylvania Railroad, had been reduced by the company, or has that been brought about largely through legislation?

Mr. PERHAM. Largely through legislation, although the eight-hour day prevailed on this part of the system before the hours of service became effective. Might I explain that this work is of such a tense condition it might be compared to a man watching the pendulum of a clock for eight hours and not missing a motion.

Commissioner O'CONNELL. As a general proposition, is the reduction in the hours of telegraphers on railway systems been the result of voluntary contribution on the part of employees or by legislation?

Mr. PERHAM. For over 20 years we tried to get a reduction in hours, and we generally failed until the Federal law was passed. In some States the eight-hour laws were enacted, but most of them were dead letters; but since the Federal law was passed that was made effective, and the eight-hour day was secured under the nine-hour provision.

Commissioner O'CONNELL. Was that a voluntary contribution of the railroad company or have they opposed it?

Mr. PERHAM. There are thousands of suits each year under that law and decisions made by the Interstate Commerce Commission and protected by the Interstate Commerce Commission.

Commissioner O'CONNELL. On the part of the company violating the law?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. They have not been, as would be taken from the evidence here—they have not given the hours of labor as a voluntary contribution, but it has been forced from them by legislation against their will; they opposed the legislation to reduce the hours of labor?

Mr. PERHAM. They fought the bill bitterly before it was enacted and after it was enacted.

Commissioner O'CONNELL. In the case of the effort to reduce the hours in the State of Maryland, there was a rigid opposition on the part of the railroad representatives there, and the evidence you have handed us would indicate that money was used in the opposition to the legislation, Mr. Perham?

Mr. PERHAM. Yes; that came out in the public press, and that is the way our notice was first attracted to it; that people who went there ostensibly in favor of the bill toward the last were working against it.

Commissioner O'CONNELL. As a general proposition, the hours of labor of the telegraphers have not been reduced voluntarily by employers as a means of compensation to the men for their increased service or greater efficiency, but has been a result of the efforts through legislation?

Mr. PERHAM. Yes; through legislation and organization.

Commissioner AISHTON. Let me ask a question here, please. I think you stated that there were thousands of suits brought against railways by the Interstate Commerce Commission for violation of the hours-of-service act in the case of telegraphers?

Mr. PERHAM. Yes, sir.

Commissioner AISHTON. That is, station and telegraph employees?

Mr. PERHAM. That would include the trainmen.

Commissioner AISHTON. They have a different law than the telegraphers.

Mr. PERHAM. It is the same act.

Commissioner AISHTON. But a different provision.

Mr. PERHAM. A different provision because they perform their business by trips, and we work by the day.

Commissioner AISHTON. Coming back to this violation by the railroad, you do not know of any suits having been brought against the Pennsylvania Railroad Co. on account of any of these violations of the eight-hour day?

Mr. PERHAM. I do not know.

Commissioner AISHTON. And is it not a fact that the large number of cases that are brought against all of the railroads are not for violation of the eight-hour day, but for technical—lack of a proper interpretation by the Interstate Commerce Commission of how the law applies to the country station?

Mr. PERHAM. There have been violations of all kinds, according to my knowledge of the case. I read the reports pretty closely. The points are quite varied.

Commissioner AISHTON. Of course, it is a matter of record in the Interstate Commerce Commission, and I think that this commission, Mr. Chairman, should secure the information in regard to the suits brought in violation of the hours-of-service act and incorporate it in the record.

Chairman WALSH. Will the stenographer please make that memorandum?

Commissioner AISHTON. That is all.

Commissioner O'CONNELL. You were discussing yesterday, Mr. Perham, with Commissioner Aishton the question of the source of your information and the men that had furnished this information to you. I got the conception that the men you had sent out were a sort of secret-service men, employed something on the plan that you indicated the company employs men to secure information for them; that is the impression it left on me. The men whom you sent out to secure information for you are men employed regularly by your organization as organizers or vice presidents or members of your board, or something of that kind?

Mr. PERHAM. Yes, sir.

Commissioner O'CONNELL. They are not taken, for instance, from some detective agency or some agency that furnishes men for special service at so much per day?

Mr. PERHAM. No; they are men who go around seeking applications of employees for membership in the organization, and along the lines of the Pennsylvania Railroad they hear many stories and complaints from citizens about what the Pennsylvania Railroad does, and they report that to me.

Commissioner O'CONNELL. They are regularly employed by your organization?

Mr. PERHAM. Yes; their business is to get members.

Commissioner O'CONNELL. As organizers?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. And they are supposed to report to the executive of their organization, and in your organization that would be to you?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. They would not be supposed to report to anybody else, to some one on the Pennsylvania Railroad or the public?

Mr. PERHAM. Not to anyone but to the man who employed them, which, in the case of my organization, would be myself.

Commissioner O'CONNELL. They are not authorized to attempt any peculiar or secret methods of getting this information?

Mr. PERHAM. No, sir.

Commissioner O'CONNELL. They simply get it in their everyday travels, and experience and association with people?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. There are no underhanded methods?

Mr. PERHAM. No; just in the way I would get it in visiting a certain town and meeting a citizen and he would tell me something the company had done which he did not like.

Commissioner O'CONNELL. You have been in Altoona?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. Altoona is a city with one large shop; practically the whole community exists upon that fact, that the Pennsylvania Railroad Co. maintains a large locomotive shop in that city, and there are no other large manufacturing institutions?

Mr. PERHAM. It is what is known as a railroad town.

Commissioner O'CONNELL. There is a large shop there, and many employees, I do not know how many, but I presume the majority of the population of the town of Altoona are train and engine crews, with their families, and shop employees?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. And there are no other, so far as you know, large manufactories in that city?

Mr. PERHAM. Not that I am aware of.

Commissioner O'CONNELL. For instance, if a machinist lost his position in Altoona, he would probably have to move to some other town to secure a job, would he not?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. And that would apply equally to any workman in that class?

Mr. PERHAM. Yes; that is, any workman employed by the railroad.

Commissioner O'CONNELL. So that if a workman secured for himself the displeasure of the superintendent, or some one in charge, he would have to leave Altoona; that would be the result?

Mr. PERHAM. And the most of them own their own homes there, and that makes them stand in fear of the officials?

Commissioner O'CONNELL. I will get to that in a moment. The employees can buy their own homes?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. And they have done so, and paid some money on them, say a thousand or fifteen hundred or two thousand dollars on a small house?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. And if a workman there, for any reason, should incur the displeasure of some one in charge and should lose his position, he would be forced by conditions and the fact of there being only the one workshop in the city, to seek work elsewhere, and as a result, he not only forfeits his position, but he forfeits the possibility of savings, because he has to sell his home, or the portion he has put into it, at a great sacrifice—it is not always marketable, at its face value, to say nothing of a profit; is not there a great possibility that men being employed under conditions such as that, where

their very lives depend on that city, if they are to live there at all, and are subservient to the will and wishes of their employers, not only in their employment, but also in their everyday life, their general make-up, their character and behavior, their family relations, their social relations—in fact every make-up of a human beings life—makes it possible that by the slightest mistake and incurring the displeasure of some one, that their whole life's earnings and savings may be wiped out?

Mr. PERHAM. I found that to be a distinguishing feature of the shopmen employed in Altoona.

Commissioner O'CONNELL. And is that not one of the underlying causes of unrest—one of the things that goes to produce unrest and hatred toward employers?

Mr. PERHAM. It certainly does; and to the stranger who goes into Altoona that feeling is apparent a few hours after he gets there.

Commissioner O'CONNELL. Let us go a little further: Supposing the employee is dismissed for some purpose, reasonable to the employer, and he starts in some little business in Altoona; what is the probability of him maintaining and keeping up a business in Altoona if he has incurred the displeasure of those in charge of the plant?

Mr. PERHAM. He can absolutely be driven out of business.

Commissioner O'CONNELL. Is it not generally understood and fairly well known that the Pennsylvania Railroad Co., or those in charge of its affairs in Altoona, have a sort of censorship over the commercial business of Altoona?

Mr. PERHAM. It is so reported.

Commissioner O'CONNELL. You mentioned the fact that some of the organizers of the organization were in Altoona and were invited to leave some of the hotels there?

Mr. PERHAM. Yes; that is true.

Commissioner O'CONNELL. What pressure would be brought to bear on a hotel man, do you suppose, if he were to incur such displeasure?

Mr. PERHAM. Loss of patronage and also the fear of having his license forfeited.

Commissioner O'CONNELL. Does the Pennsylvania Railroad Co. interest itself in the matter of who secures licenses and who does not?

Mr. PERHAM. It is so reported.

Commissioner O'CONNELL. Then the impression prevails that in the city of Altoona, because of its peculiar situation, there being but one large place of employment, that it practically dominates not only the employment of the men and the others who are employed there, but they dominate the business life of the community?

Mr. PERHAM. That is my understanding and my impression from my visits to that city.

Commissioner O'CONNELL. Have you any knowledge, or have you heard, that that thing reaches to the church in Altoona?

Mr. PERHAM. I have not.

Commissioner O'CONNELL. But it is the impression that it does reach, in some sense, to the police court and the higher courts?

Mr. PERHAM. Yes; and the newspapers.

Commissioner O'CONNELL. And that public assemblage and public speech is impossible against the will of the Pennsylvania Railroad Co. in Altoona?

Mr. PERHAM. That has been the experience of the employees.

Commissioner O'CONNELL. They have succeeded in preventing public gatherings?

Mr. PERHAM. They have.

Commissioner O'CONNELL. And they have succeeded in preventing men from leasing halls for the purpose of holding public meetings in Altoona?

Mr. PERHAM. That is a part of the case; yes.

Commissioner O'CONNELL. Then, in order to live in Altoona you must live as the Pennsylvania Railroad Co. wishes you to live; that is the last analysis of the situation, is it?

Mr. PERHAM. That seems to be the situation generally in that vicinity.

Commissioner O'CONNELL. You could not well live in Altoona and work for the Pennsylvania Railroad Co. and advocate some other company; you must be a "Pennsylvaniaite," as it were, and not only live in Altoona but be first, last, and all the time for the Pennsylvania Railroad Co.?

Mr. PERHAM. Yes; it is a clear case of "My company, it is of thee I sing."

Commissioner O'CONNELL. Can you explain why it is that the Pennsylvania Railroad Co. will meet the officials of the locomotive engineers, the firemen and enginemen, and Order of Railway Conductors, and the railway trainmen in conference to make up schedules governing the employment of various men in those four crafts and will not meet the representatives of the other crafts of men who are as large numerically, if not larger?

Mr. PERHAM. I think it is because of the wonderful position strategically that the train and enginemen have; they are able to tie this company up instantly.

Commissioner O'CONNELL. The enginemen are?

Mr. PERHAM. Yes.

Commissioner O'CONNELL. Would not the telegraphers have a very great effect on tying up things if they all left the Pennsylvania Co.'s service?

Mr. PERHAM. Not so effectively as in the case of others. The telegraphers would only retard the telegraph business and the signal department and possibly the station agents' work. It would disorganize the company's business quite considerably, but it has not the position in strategy occupied by the engineers, firemen, conductors, and trainmen.

Commissioner O'CONNELL. Do you know anything of what is known as "On and off" system on the Pennsylvania Railroad?

Mr. PERHAM. I have heard a great deal of complaint about that, where a man would be required to stay around a shop to wait for work that might be offered him. Piecework is the rule in the shops on the Pennsylvania Railroad, I understand, and certain employees are required to be handy in case extra work comes along, or there is a sufficient amount of work offered to put them all on the job, and they stay around there sometimes for the major part of a day, and would make only one-half or an hour's work, or something like that, and that "On and off" system has been a grievance for many years and affecting all the various classes of shop employees.

Commissioner O'CONNELL. The organization that was spoken of, the Pierce organization, which, as I understand, really was no organization, but simply a man assuming to name an organization and name himself as the head of it, and men simply going out on strike without apparent understanding, that strike being an independent one, and died out almost as soon as it was started, but prior to that time there was a strike in 1911 on the Pennsylvania system of shopmen which involved a large number of people in and around Pittsburgh, principally, and later on an organizer went to Altoona, as was asked you about yesterday by Commissioner Aishton. Now, there was no strike at Altoona when the organizers went there, or for some time after, but later on some men were called out on a strike. Have you knowledge as to the real cause of that strike of the shopmen?

Mr. PERHAM. The original cause was dissatisfaction with wages and an attempt to organize, and the organizing led to the discharge of all of the men that took part in it, and that brought on more trouble.

Commissioner O'CONNELL. Is it not a fact that at——

Mr. PERHAM (interrupting). Pitcairn?

Commissioner O'CONNELL. No, not Pitcairn; that the men had organized and there was an overwhelming discharge of men, sufficiently large in number, so that they would be sure to get the union men? That there were 100 more discharged than had joined the union, in order to be sure that the union men would be caught in the dragnet; that great numbers were discharged for that purpose?

Mr. PERHAM. That is my understanding of the case.

Commissioner O'CONNELL. And the strike that resulted later was a protest against the discharge of men who had joined the union, and a vigorous protest on the part of the men who had no associations with the union at all, for which they were discriminated against because some had joined the union that they had not joined?

Mr. PERHAM. Had taken no part in the organization of the union, and yet were discharged on suspicion that they were.

Commissioner O'CONNELL. Your knowledge therefore is that, so far as you know, there is no recognition on the part of the company or its officials of the shop trades at all, but, on the contrary, there has been a persistent and everlasting discrimination against them for attempting to join the legitimate organizations of labor?

Mr. PERHAM. Constant warfare against that proposition of allowing the men to join the regular organizations of labor.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Commissioner Weinstock has some questions he would like to ask you.

Commissioner WEINSTOCK. As I understood the discussion between yourself and Mr. Aishton, Mr. Perham, you, as the president of the telegraphers, have the veto power when it comes to the matter of a strike, but you have no power of initiation?

Mr. PERHAM. That is true. I can not initiate a strike.

Commissioner WEINSTOCK. That is, you on your own act could not initiate a strike?

Mr. PERHAM. No.

Commissioner WEINSTOCK. All you could do would be to veto a strike if, in in your judgment, it was unwise and unwarranted?

Mr. PERHAM. That is true.

Commissioner WEINSTOCK. The power then of declaring a strike is vested in a group of men rather than in one man?

Mr. PERHAM. By the rule of our organization that power is vested in what is called the "general committee." May I explain just how the general committee is constituted? On each division superintendent's territory the telegraphers elect one of their men to present their grievances, and he is called "chairman of the local board of adjusment." He, by virtue of his office, is a member of the general committee; and so each division superintendent's district is represented on this board by that man. There are other variants to that. In this case it would make such a large general committee that they generally select a lesser body. In this case there are five—I believe either five or seven; I am not sure—general superintendent's districts and these men elect an assistant general chairman to form the general committee, which puts it down to a workable body of, say, seven men.

Commissioner WEINSTOCK. How many railway telegraphers in the country, Mr. Perham?

Mr. PERHAM. It has been agreed by the railroad officials and this organization that there are about 53,000.

Commissioner WEINSTOCK. Fifty-three thousand. Of course, your objective as an organizer would be to get those 53,000 men organized as a union, would it not?

Mr. PERHAM. Yes.

Commissioner WEINSTOCK. That would be the ideal?

Mr. PERHAM. Yes. We have 45,000 now—a little over 45,000—and are reaching out for others naturally.

Commissioner WEINSTOCK. Now, if you could get those 53,000 men to act as a unit, and you had grievances, and these grievances were submitted to the railway managers, and the railway managers refused to consider them or refused to make the concessions that you demanded, and you had no other recourse, I presume the last step would be the strike?

Mr. PERHAM. That is the last step.

Commissioner WEINSTOCK. Now, if these 53,000 men were in one organization acting collectively and struck they would paralyze the railway industry of the Nation, wouldn't they, while they were striking?

Mr. PERHAM. Well, I would not go as far as that to say that it would paralyze the railway industry. The fact is, that to those who are acquainted with the business, and most of these railway company officials are acquainted with the business, they can manage without the telegraph operator. There was a time when the railroads were run without the telegraph men—that is, by time-card rights trains could proceed.

Commissioner AISHTON. May I ask a question, Mr. Commissioner?

Commissioner WEINSTOCK. Yes.

Commissioner AISHTON. In your organization, however, that 53,000 contemplates what you call lever men, men who throw switches and interlocking plants?

Mr. PERHAM. No; this applies particularly to telegraphers, telephoners, and station agents. I might say that came up through a discrepancy in the figures furnished by the Interstate Commerce Commission where they seemed to have a larger number of men than I could account for; by an old-fashioned system of compilation they put telegraph operators and train dispatchers under one head and station agents under another; and on making inquiry I found some of the operators were classed as station agents and that there was a duplication in the report. That accounts for why we made some inquiry into this to

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find out just how many men there were employed as telegraphers, telephoners, and station agents—and we came to that conclusion.

Commissioner WEINSTOCK. Evidently there is a slight difference of opinion, Mr. Perham, between yourself and Mr. Aishton, as to the effect that a strike would have on railways, if it should be a collective strike of all the telegraphers. While Mr. O'Connell was questioning you I sent this note to Mr. Aishton—a note for information: "Could or could not all railroad telegraphers acting as a unit paralyze the railway system?" To which he answered, "Yes; could paralyze the station service, stop the receiving of freight and the handling of passengers."

Now, do you agree with Mr. Aishton on that?

Mr. PERHAM. Quite generally, yes; but I would like to say here that the possibilities of such a strike are exceedingly remote, and, in my opinion, never can happen in this country.

Commissioner WEINSTOCK. Well, a few moments ago I understood you to say, Mr. Perham, that if the telegraphers were a unit and if they had real or imaginary grievances and they presented these grievances to the railway managers and the railway managers either refused to consider them, or, considering them, declined to comply with the demands of the telegraphers and they had no other recourse they would then strike?

Mr. PERHAM. Yes; of course, I had our own rules in mind which probably you will not be familiar with——

Commissioner WEINSTOCK (interrupting). But probably there would be a strike?

Mr. PERHAM. On a railroad or group of railroads owned by the same individuals.

Commissioner AISHTON. How about a group in the same territory?

Mr. PERHAM. We do not go into concerted action. It is not part of our law. But it is permissible to take a group of railroads owned by the same persons and bring it on at the same time.

Commissioner WEINSTOCK. Now, I think you will agree with me, Mr. Perham, that whatever is possible may happen. We have seen practically a universal railway strike in this country before, and in 1894, during the Pullman strike, the railway system of the country was paralyzed.

Mr. PERHAM. That was one of the lessons we learned. We took it to heart quite seriously.

Commissioner WEINSTOCK. Now, 53,000 telegraphers represent, as nearly as I can estimate it here, about one-twentieth of 1 per cent of the people of this Nation—of the hundred million of people. You say that you are opposed to the Canadian system, known as the public-inquiry act, which, as you know, provides that in the event of a dispute there shall be no strike, and there shall be no lockout until the State has had an opportunity of intervening in the hope of bringing about an adjustment. You say you are opposed to that because you are opposed to anything that will compel anybody—a railway worker especially—to continue to work for one minute if he does not choose to work for that one minute?

Mr. PERHAM. I said that; and at the same time had the Constitution of the United States in mind.

Commissioner WEINSTOCK. Now, do you think that the rights of one-twentieth of 1 per cent of the people are paramount to those of 100 per cent of the people? Do you think that one-twentieth of 1 per cent of the people should have it within their power, the possibility of paralyzing the trade and industry of the whole Nation?

Mr. PERHAM. Do you think we should have that power?

Commissioner WEINSTOCK. Yes; I say, do you think you should have that power?

Mr. PERHAM. Yes; if necessary.

Commissioner WEINSTOCK. You then would consider the interests of a twentieth of 1 per cent greater than the interests of all?

Mr. PERHAM. No; I am willing to trust those 100,000,000 of people, mostly American citizens, who understand what our people are striving for, and that their idea of justice and of freedom will not permit my small class to be condemned to involuntary servitude because 100,000,000 of people wanted it; and I firmly believe they will not permit that.

Commissioner WEINSTOCK. If you have faith, Mr. Perham, in the hundred million of people, if you have faith that the consensus of opinion of the hundred million of people will not stand anything that is unfair, unjust, and

inequitable, then what risk do you run in following the Canadian system, and leaving the State to see if it can not adjudicate the differences?

Mr. PERHAM. The risk of getting into the hands and the control of a narrow-minded man, who does not understand the case.

Commissioner WEINSTOCK. Well, you do not run that risk under the Canadian system, Mr. Perham, and I suppose you are as familiar with that as I am, working under it, as I know—that under the Canadian system after an organization has voted to strike, it is not permitted to strike until the State, through a board of inquiry, chosen by both sides, with an umpire chosen by the two, and in the event of the two being unable to agree on an umpire, the State selects an umpire. You know this commission investigates into the causes and makes recommendations to both sides, and that neither side is obliged to accept the recommendations. If the recommendations are not acceptable to one side or to the other, then they can legally strike or legally lockout. Now, the Canadian experience, as I recall it from the last figures published, is that it has saved somewhere around 93 per cent of what otherwise, in all likelihood, would have been strikes; and if this board of inquiry should be unfair and unjust and make recommendations that were not equitable, and the men on the one hand should reject them and go out on a strike, or the employers on the other hand should reject them and create a lockout, you would have your hundred million of people standing behind you for equity; and no strike, if it was unjust, or no lockout, if it was unjust, could succeed in the face of this investigating committee. Now, with those facts in mind, Mr. Perham, isn't it wiser for the twentieth of 1 per cent of the people to be willing to submit their case to the people rather than to take the power in their own hands and seriously injure the welfare of the entire Nation?

Mr. PERHAM. I do not agree with you, Mr. Commissioner. It would not be wiser to give up the right to quit your employment at any time you saw fit for any kind of an advantage that might be offered by the Government or the administration or the people. The 30-day provision in the Lemieux Act is what we object to. It did not originate under American ideas of freedom. It may be good enough for those who desire to worship a king. It is not good enough for an American citizen.

Commissioner WEINSTOCK. You know, do you not, Mr. Perham, that there are to-day under our laws instances where men must continue to work whether they wish to or not; and that if they refuse to, it is a crime? You know that the sailor on board a ship must continue to work when that vessel is out on the ocean? You know that the engineer on a train must continue and take that train into a station before he can quit his work?

Mr. PERHAM. I have in mind the Adair decision in the Supreme Court of the United States where the opinion leading up to the decision is to the contrary—that it being the law that a man could quit when he chose, it should also be the law that the man could be discharged without a reason. That is the law, if the Supreme Court of the United States is declaring the law. I might say that at this same time I am aware that in 19 States of the Union the engineer may not quit his engine after he has left the terminal. I understand that; but that case has never been brought up to the Supreme Court of the United States to decide upon its constitutional features. It has rested on the State statutes, and no one has interfered with it since it was enacted by the legislatures of the 19 different States.

Commissioner WEINSTOCK. Well, forgetting law, Mr. Perham, and dealing with good ethics and as a man of equity, do you think if you or I had the power to paralyze the industries and trade of this Nation that we would be justified in doing so for some real or imaginary grievance that we might have?

Mr. PERHAM. I do not worship business, I worship freedom.

Commissioner WEINSTOCK. Very well; has not the public also a right to freedom, has not the public a right to travel when they want to travel?

Mr. PERHAM. I think I am now contending for freedom for the public.

Commissioner WEINSTOCK. Well, then, is the right of one individual paramount to the rights of society as a whole?

Mr. PERHAM. You and I will not agree upon a conclusion until we have agreed on the premise. I disagree with you on the premise. That is, that I was in no position to paralyze the business of the United States.

Commissioner WEINSTOCK. You know, and I know, that if this country was in danger that all the people would have the right, regardless of your conceptions or my conceptions of freedom, to take you or me by the back of the neck and put us in the ranks and put a gun in my hands, and I would have to shoot

and obey orders. I could take the ground under those circumstances that I was robbed of my freedom and right as an individual citizen, yet I would have to submit to the demands of all of the people, because it was in the interests of all of the people that I should sacrifice at least temporarily my freedom?

Mr. PERHAM. And the companies would like to do that to the telegraph operators now, but there is an encouraging feature in it that the telegraph operator will be heard from before he loses his liberty.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Lennon has some questions.

Commissioner LENNON. Do you remember that Abraham Lincoln said at one time that he thanked God that in this Nation workmen can strike when conditions become intolerable?

Mr. PERHAM. I have that in mind, and I have often thought of it.

Commissioner LENNON. Do you agree with that idea?

Mr. PERHAM. I absolutely do.

Commissioner LENNON. In the cessation of work that has taken place among the members of the Order of Railroad Telegraphers, has it been more often caused by the stubbornness and incompetency of the officials and members of the railroad telegraphers than it has been caused by the lack of good judgment on the part of the representatives of the corporations?

Mr. PERHAM. It has always been my experience that such trouble was brought on by unfairness; by men who do not know right from wrong, that happen to be on the employers' side. You will notice that imaginary grievances have been mentioned here. I never had anything to do with an imaginary grievance in all the years I have been in the business, but I have had a good deal to do with grievances that were very real, indeed.

Commissioner LENNON. I would like to have you, because of testimony that was submitted regarding a relief plan for the Pennsylvania Railroad system, I would like to have you state for the record, for the information of the commission, what features of benefits the Order of Railroad Telegraphers have as to insurance or taking care of injured or sick, and what, if anything, do you do for their families?

Mr. PERHAM. The national organization has a mutual benefit department which is by some people called life insurance, but might more truthfully be stated as a methodical method of passing the hat. We have an assessment on the members of 20, 30, and 60 cents per month, and upon the death of a member we pay his beneficiary $300, $500, or $1,000, according to the series in which he paid assessments. This department was started in 1898, and wide open to anyone to join or not that was then in the organization, but under the provisions made after a certain date—in the near future—every member that joined would have to participate in the mutual benefit department. I have not the figures at hand to show what has been done, but considerably over $1,000,000 have been paid out in that short time to the beneficiaries of members, and at the present time it has a surplus of considerably over half a million dollars to pay claims in the future. The matter of sick benefits is handled by the local unions. They make their own rules in regard to that, and it is no unusual thing to have a sick benefit that costs 50 cents a month. That is in the nature of an assessment upon the members, and when a man has been sick three days, or such a matter, upon application he is paid $5 a week for the time that he is away, for a period not exceeding six months.

Commissioner LENNON. Supposing a member of your organization pays for his insurance a number of years and ceases to be an operator and goes into the grocery business or something else; is he immediately cut off from all possibility of any participation in that benefit?

Mr. PERHAM. No; he pays his dues and his assessments regularly, notwithstanding that he has left the business. The last time I had occasion to look up that matter I found 68 bank cashiers who were members of our organization and were carrying the insurance, about 200 county treasurers and county clerks, and about 200 railroad officials still carrying their membership in this mutual benefit department. You will understand from the fact that we charge $7.20 per year per thousand for the so-called insurance, and that the dues are $8, it amounts to about what insurance would cost in an old-line company.

Commissioner LENNON. What, in your judgment, has been the influence of your organization as to morals and character on the telegraphers of this country.

Mr. PERHAM. We have been in business since June 9, 1886. We re-formed our organization after the great strike in August, 1883, and along new lines—along class lines, I would call it—and from that time, with our business methods insti-

tuted in the new organization, we have been quite successful in raising the wages and bettering the conditions of the employees and also in improving the morals of the class. At one time it was quite an ordinary matter for a telegraph operator to travel with some other people, you know, in different trades, in what is called a side-door Pullman—that is, a box car—and have a bottle of whisky along, but the whisky business has almost completely been eliminated from the telegraph business. It is no longer characterized as it used to be, and in addition to that the seniority clause in our schedules provided that the oldest men in the service shall be given a show for promotion has kept the men on the road, and there has been not so much of this wanderlust business as there used to be, so that the man has a sort of interest in the company with which he is employed, knowing that if he stays there every year adds to his chances for promotion. I take it that the seniority clause in these contracts has been the most valuable thing in the way of uplift that was ever devised by our craft, and it has resulted in giving our men a standing in the community and in the country and absolutely changed the thing around so they are not wanderers any longer, but respectable citizens, and, as I have stated, so many were elected to office that it shows they have the respect of their neighbors and the people they live among.

Commissioner LENNON. Mr. Perham, in your contact with unorganized labor, which must be very considerable, do you believe if intimidations of all characters were removed from the organization that the people that are not in your organization who are eligible would become members?

Mr. PERHAM. I believe every man would join the organization of his craft, and that applies not only to telegraphers but to everyone employed on railroads.

Commissioner LENNON. That is all.

Chairman WALSH. Mr. Weinstock has another question.

Commissioner WEINSTOCK. I take it that you discovered in your dealings with railroad managers that sometimes they make mistakes; that they are not always right?

Mr. PERHAM. Not always, but they average up pretty well with the rest of the people.

Commissioner WEINSTOCK. Now, if the managers on one hand are liable to err in judgment, are not the workers on the other hand liable to err also in judgment?

Mr. PERHAM. They are, and they do; but the organization takes care of them, and they have experienced men in the organization to advise them and show them where they are in error, and the employer never hears of those kind of cases; they are killed in the organization.

Commissioner WEINSTOCK. I am not speaking of individuals, but of the organization. Take the railway managers as a unit, acting collectively, as I take it they sometimes do; they collectively make their mistakes, do they not; their judgment is not always perfect?

Mr. PERHAM. I can not recall a case in our organization that I would classify that way.

Commissioner WEINSTOCK. Among the railway managers; have they always been right?

Mr. PERHAM. Oh, I thought you spoke of the employees. There can be various reasons why a railroad official might make a decision that is wrong.

Commissioner WEINSTOCK. I am not talking of the individual making decisions, but the association collectively.

Mr. PERHAM. I am scarcely able to judge about the general managers of railroads.

Commissioner WEINSTOCK. Let me put it in this form: You know that railroad managers collectively deal with railroad employees collectively?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. In your judgment, has their decision arrived at by the railway managers collectively been always wise and just and a proper decision?

Mr. PERHAM. I can not recall any one that I would take objections to.

Commissioner WEINSTOCK. Then we are to take it that the railway managers collectively are wise and are just and are equitable?

Mr. PERHAM. As a general thing that may be stated as true.

Commissioner WEINSTOCK. Then, if they are wise and just and equitable, how can your workers have any grievance?

Mr. PERHAM. They do on account of the failure of an individual, not as a group. Now, you are speaking of general managers as a group?

Commissioner WEINSTOCK. Yes, sir. As I understood it, take in the transportation branch of the business, an individual does not deal with an individual. The four great rules of the railway men for these organizations, and the railway managers have their organizations, and they deal collectively, do they not?

Mr. PERHAM. I have always understood so.

Commissioner WEINSTOCK. Yes, sir; very well. Now, if it is a fact that the railway managers have always been wise and always been just and equitable in their collective decisions, where is there room for grievances?

Mr. PERHAM. We never had a grievance against them as a group.

Commissioner WEINSTOCK. You never have?

Mr. PERHAM. No, sir.

Commissioner WEINSTOCK. And where lies the issue?

Mr. PERHAM. With the individual. The one man out of many men who does not know right from wrong.

Commissioner WEINSTOCK. Then I don't understand your method of procedure, Mr. Perham. Has your organization differentiated from the other railroad men's organizations? Don't you deal collectively with the managers as well as the other organizations?

Mr. PERHAM. No, sir; we do not.

Commissioner WEINSTOCK. You deal with each individual manager?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. And the telegraphers on the North Western Railroad would deal with Mr. Aishton, for example?

Mr. PERHAM. Yes, sir; we always have, and got along very well, and that does not mix up the New York Central or any other railroad.

Commissioner WEINSTOCK. In that way your organization is different from Mr. Garretson's?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. Mr. Garretson, representing his organization, would deal with a group of managers?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. Have you given any thought to the question of workmen's compensations as applied in the various States of the Union?

Mr. PERHAM. In a rather indefinite way; yes, sir.

Commissioner WEINSTOCK. You know that the laws provide, where they have compensation laws, that those injured workmen shall receive a certain compensation if he is injured, and that his beneficiaries shall receive a certain compensation in case of his death?

Mr. PERHAM. Yes, sir.

Commissioner WEINSTOCK. This commission, I am sure, would like to have your opinion as to the wisdom of advocating a Federal compensation act to apply to workmen engaged in interstate commerce.

Mr. PERHAM. It is a very complex question, and on that even the labor men have not been able to come to an agreement. We have many divergent views and have not yet had sufficient experience with the business to become crystallized about it. My personal view in the matter is that injury and death to the employee should be charged to the cost of production.

Commissioner WEINSTOCK. That is the philosophy of workmen's compensation, that the industry shall bear the burden; the industry, not the individual or the employer, but that it should be put upon the industry; that is the underlying principle of workmen's compensation?

Mr. PERHAM. Yes, sir; that is my view of it.

Commissioner WEINSTOCK. Now, in view of that being your philosophy, which is the general philosophy on the subject, do you think it would be a good thing for this commission to recommend to Congress that it shall enact a Federal workmen's compensation act that will deal with workmen engaged in interstate commerce, precisely as the States in the Union—many of them—deal with the workmen engaged within their borders? To illustrate: Here are two telegraphers working in the State of California, one engaged in interstate commerce and one in domestic or State business. Both meet with an accident or death, are killed, and that the California State law provides that the workers engaged in domestic service, his family, would be provided for; but in the absence of a Federal similar law the beneficiaries of the worker engaged in interstate commerce would be thrown upon society; and does it now seem that both should be taken care of and the industry bear the burden of both losses?

Mr. PERHAM. I think so. On that subject I would like to make a little statement. We are feeling our way out with these various State enactments, and

eventually we will discover just what we do want. We do not seem to favor the idea that exists in Germany about these things, nor the English proposition, but out of these various State laws we expect to be able to select one that we can indorse. It is difficult to frame a statute and to surmise just how it will work out. It is only by court action that we discover the defects in the statutes. The court decisions, for instance, often point out a salient feature that we should have met in the first place, but did not. Now, after these State enactments have gone through the courts we may look them over and discover something that would do very nicely for a Federal act. That has been our attitude. Now, I could not commit my organization to this question without at the present moment treading upon the toes of some other organizations that hold a different view.

Commissioner WEINSTOCK. The point I want to get at is this: If this commission in its judgment would see fit, as one of its recommendations to Congress, to advocate the enactment of an interstate workmen's compensation act, would your organization, for example, look upon it with friendly eyes?

Mr. PERHAM. I believe it would.

Commissioner WEINSTOCK. And if it was a just and equitable law you would be prepared to support it?

Mr. PERHAM. You will understand that is because I represent a class of preferred risks in the insurance term. Men that are not working in dangerous employments. That is, as a general thing, now and then a man loses his nerve and loses out, but, as a general proposition, we are a preferred risk and are necessarily segregated from the brakeman on the train or the engineer.

Commissioner WEINSTOCK. That regulates itself, Mr. Perham, by the difference in the rate charged for the insurance—charged by the insurance carrier—by virtue of the different kinds of employment?

Mr. PERHAM. But that feature is the cause of my attitude in regard to this Federal enactment for liability. That is why I speak for my organization, knowing that is the situation.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mrs. Harriman has a question.

Commissioner HARRIMAN. Mr. Perham, in speaking of universal strike, you said such a strike could not happen in this country. What do you mean by that? Do you consider labor conditions not as good in other countries as ours?

Mr. PERHAM. I mean by that that we have had our fingers burned in those attempts and don't intend to have them burned again. The men who are running the labor organizations, who have been in the business a number of years, have had their experience with Nation-wide strikes and sympathetic strikes and are not in favor of those things, and the chances are it will not occur again in the United States.

Commissioner WALSH. Mr. Garretson has some questions.

Commissioner GARRETSON. You were asked about the working of the Canadian act, Mr. Perham. I think you have been "Lemiuexed" about as often as anybody?

Mr. PERHAM. I think so.

Commissioner GARRETSON. Have you ever seen any possibilities come from the act in Canada greater than come from the proceedings in an ordinary arbitration board in this country?

Mr. PERHAM. No, sir; about the same.

Commissioner GARRETSON. The ordinary status?

Mr. PERHAM. Yes, sir; about the same.

Commissioner GARRETSON. Have you seen this period within which action, in which the law says action can not take place, that the employee can not strike nor the employer can not lock him out—have you ever seen that time utilized by the employer to reinforce himself ready to defend a strike if they did not accept?

Mr. PERHAM. It has caused me to put men at every port of entry in Canada to keep their men out.

Commissioner GARRETSON. In defiance of the law, they were acting?

Mr. PERHAM. Yes, sir.

Commissioner GARRETSON. They were changing the status? And is it not a fact that the employer has repudiated—I am applying this solely to transportation organizations—is it not a fact that the employer has repudiated the verdict oftener than the employee has?

Mr. PERHAM. That is my impression; I couldn't definitely state that is so, but I believe that is true.

Commissioner GARRETSON. Is it not a fact also that the provisions of the act are regularly disregarded, both by employer and employee, outside of the railway service?

Mr. PERHAM. I believe that is true.

Commissioner GARRETSON. And you are speaking from a knowledge based on former Canadian citizenship?

Mr. PERHAM. I never was a citizen of Canada.

Commissioner GARRETSON. You lived in that country?

Mr. PERHAM. I lived there for a while.

Commissioner GARRETSON. A question was asked you a moment ago about a deadly injury being done to a great body by a fraction of 1 per cent of its membership. Is it not a fact that the actual principle upon which the question put to you was based applies to fifteen-twentieths of the people of the Republic instead of a fraction of 1 per cent? In your membership it is a fraction of 1 per cent, but the same idea applies to all laboring men whether union or nonunion?

Mr. PERHAM. The same idea would apply. What per cent did you say?

Commissioner GARRETSON. I said three-fourths, fifteen-twentieths instead of one-half of 1 per cent.

Mr. PERHAM. I think that is more near the correct proportion of those affected.

Commissioner GARRETSON. Is there any good reason—because the question could not by any system of reasoning be narrowed to the operators—is there any good reason why the 5,000,000 of this 100,000,000 population who serve the railways, and that is conservative in number taking their families, should be nailed to the cross for the benefit of the other 95,000,000?

Mr. PERHAM. I never could see any good reason for it; I don't believe the people of the United States would indorse such a view.

Commissioner GARRETSON. Then, the withdrawal of the right to quit on the part of any laboring man would in itself be a form of involuntary service?

Mr. PERHAM. I so understand it.

Commissioner GARRETSON. In regard to the Government taking a man up and putting him in the trenches with a gun in his hand, and making him shoot, is it your opinion that that might be something like leading the horse to water?

Mr. PERHAM. It would be in my case.

Commissioner GARRETSON. You would decide yourself which way you were going to shoot?

Mr. PERHAM. Yes, sir.

Commissioner GARRETSON. I suppose also you will decide whether you will work the key or not in the case of emergency?

Mr. PERHAM. I intend to have the disposal in my hand whether I use it or not.

Commissioner GARRETSON. We talk about this 50,000 men, and about the power of the operators in a universal strike to paralyze the traffic of the company. Is it not a fact that there is a reserve force of about that many men in the way of promoted officers and retired operators available that would, or at any rate always have been, called in when the Government was confronted with a matter of that character?

Mr. PERHAM. It is true that they have been able to get along in strikes by putting on men to run the business, and in some sort of way run it, but as to the telegraphers who have left the business on account of finding the conditions intolerable, they could not get them back.

Commissioner GARRETSON. The bulk of them, that is true; but if there was one in there like railroads, like railway men, they might be available?

Mr. PERHAM. They might be.

Commissioner GARRETSON. Your definition of a legal organization simply means an organization that is tacitly recognized by the labor world?

Mr. PERHAM. By the two or three million that are organized we recognize the other organizations as part of them. For instance, although the brotherhoods are not members of the American Federation of Labor, we are very close to them in every respect. We have their legislators represented here in Washington, and we work with them throughout the various States of the Union. We are in close contact with the brotherhoods all of the time.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all—just a minute.

Commissioner AISHTON. What was the date of your last visit to Altoona?

Mr. PERHAM. I would not be able to give you that. The last time I stopped off there might have been about 18 months ago.

Commissioner AISHTON. How long were you there at that time?

Mr. PERHAM. Probably a week.

Commissioner AISHTON. Your opinion that you gave as to conditions at Altoona was from your personal knowledge of the situation?

Mr. PERHAM. Prior to that time I organized a great number of section laborers at Altoona. They were foreigners. At their meeting I would have an Italian on one side and a Hungarian on the other translating my speech to their men; and inside of a couple of weeks we organized about a thousand men, but the organization was scattered by the company putting guards at the bunk houses and preventing the men from coming into the town and tried to prevent me from going on their right of way to organize these men.

Commissioner AISHTON. That is all. I thank you.

Chairman WALSH. Mr. Atterbury.

TESTIMONY OF MR. W. W. ATTERBURY.

Chairman WALSH. Please state your name.

Mr. ATTERBURY. W. W. Atterbury.

Chairman WALSH. What is your business, please?

Mr. ATTERBURY. Vice president of the Pennsylvania Railroad.

Chairman WALSH. Where do you reside?

Mr. ATTERBURY. Philadelphia.

Chairman WALSH. Will you please give your connection with the Pennsylvania Railroad—your official connections?

Mr. ATTERBURY. I started about 30 years ago as an apprentice to the machinists' trade, and I have been in the service of the company continually since that time as assistant road foreman of engines and assistant engineer and master mechanic, superintendent of motive power, and general superintendent of motive power, and general manager and vice president in charge of operation.

Chairman WALSH. That is the position that you are holding at the present time?

Mr. ATTERBURY. Yes, sir.

Chairman WALSH. I have been advised, Mr. Atterbury, that you prefer to make the statement that you have to make from written memoranda. If so, you may make any statement that you desire to make.

Mr. ATTERBURY. Mr. Walsh, I rather gathered from the newspapers the trend of the discussion and preferred that what we might have to say be presented in rather a formal way. I have it here, and the summary, if you will permit me, I will read.

Chairman WALSH. We will be very glad to have it.

Mr. ATTERBURY (reading): The Pensylvania Railroad has presented to the United States Commission on Industrial Relations a statement of its policies toward its employees, of which the following is a summary:

The management of the Pennsylvania Railroad believes that the company's greatest asset is the loyalty and efficiency of its men. Its labor policies may be generally described, therefore, as an effort to protect that asset.

The Pennsylvania Railroad early realized the importance of training its own officers. This, of course, carried with it the training of its own men. To make the service attractive it was essential that employment, as far as possible, be permanent. The result is that at present the average term of service on the Pennsylvania Railroad is exceptionally high.

The majority of those who enter the service continue in the service until they die or are pensioned. The consequence has been the establishment of sympathy, affection, and understanding between the officers and the men, which has done much to bring about the success of the company.

The company believes that railroad employees should be paid liberal wages, and it believes there should be every feasible safeguard to provide for the personal safety of both employees and patrons.

The management frankly recognizes the propriety of the men organizing for the purpose of bettering their condition, subject only to such restriction as may protect the elemental essential of safe and continuous operation. It sometimes happens that the management itself would be glad to do more in the direction of additional compensation of the men if economic conditions made it possible.

It should be understood that the Pennsylvania Railroad has always paid moderate dividends, believing that the safety and permanence of a moderate dividend afforded the greatest insurance for the continuing credit of the company. Only by maintaining a credit of the highest character could the company expect to obtain on reasonable terms the capital necessary to provide the public service demanded by the growing needs of the communities along its lines.

The stock of this company has always been well distributed, and the officers have been trustees rather than controlling owners. No one financial interest has ever undertaken to dominate the company's policies.

In dealing with organizations among its employees, the company has felt that the employees themselves were the best judges of the forms of organization into which they desired to go. Therefore there has been no interference in the employee's liberty of choice in this matter.

The company has always recognized the right of any man to labor upon whatever terms he and his employer may agree, whether he belongs to a labor organization or not. Employees have always been given full opportunity to redress their grievances whether associated with labor organizations or not.

Th foregoing statement, however, must be qualified in this respect:

1. The company owes a supreme duty to its patrons and employees to take all possible measures to insure safety of operation. Such safety can not be secured without the most careful adherence to orders. The management has, therefore, felt that it should resist firmly all activities of employees' organizations which might tend in the least to undermine discipline.

2. The management is also responsible to the public for maintaining continuity of operation. This has made necessary a policy of opposition to such labor organizations as might interrupt that continuity, because of disputes with which neither this company nor its employees had any direct relation.

The company is opposed, therefore, to employees affiliating themselves with an organization which might call a sympathetic strike. If there is to be any strike on this railroad, the management believes that it should be the result of the choice of its own employees, and because of some difference between this company and its own men, and for no other reason.

The company believes that men should be employed without regard to the labor organizations of which they are members, and that every man should be free to join an organization or to remain entirely independent. The company believes, therefore, that all its operation should constitute an "open shop."

In normal times the Pennsylvania system has 250,000 employees. The company has always paid the highest prevailing rate of wages paid to railroad employees in the territory in which it operates. But more than that: The policy of the Pennsylvania Railroad has been to insure that all its relations with its men should be characterized by fairness and friendliness.

The management of the Pennsylvania Railroad believes that the best test of the sincerity of its interests in the welfare of its men is the fact that so large a percentage of its employees have made the service of this company their life work.

The rules governing the "organization" of the Pennsylvania Railroad Co. include everyone in the service, from the board of directors to the laboring man of the track. Now, the fundamental principle of that organization is that responsibility is properly placed, from the board of directors and the president down to the lowest man, and regulations or rules have gradually been adopted and recorded which describe the various duties.

The company's officers now believe that the experience embodied in its present form of organization is the surest guarantee of efficient and economical performance of the company's public service.

Chairman WALSH. We have some questions prepared which really contain questions to be asked of Mr. Long, Mr. Atterbury. I understand that Mr. Long is here also?

Mr. ATTERBURY. Yes, sir. I think perhaps, Mr. Walsh, that I can answer some of those questions, perhaps being more familiar with them.

Chairman WALSH. Very good; I will run through the questions. What is the general attitude of your company toward national labor unions? I think that is intended to elicit as to whether or not you have any particular objection to the affiliated ones; that is, the American Federation of Labor, and so forth.

Mr. ATTERBURY. Mr. Walsh, I attempted to describe that in my summary. There are three parties interested in the transportation problem—the employee, the stockholder, and the public, and the public has the paramount right. The flag that we have nailed to our mast is that of running our trains. That is the

one thing we must do, and in my experience of 30 years we have never missed a train schedule because of any labor trouble whatever. Even going back as far as the A. R. U. strike, in 1894, in which I happened to be mixed up, we did not miss a schedule out of Chicago. Of course they were somewhat late, but we still represented every passenger schedule, and that is what we are in business for. Now, any organization that takes out of the hands of its employers their right of action is inimicable to the interests of the public and was what we considered our paramount duty to the public. I will give two instances of what I mean.

We had a trolley strike in Philadelphia. You would think it was a long, long distance from a trolley strike to a painters' strike in a railroad shop, but such a thing happened. As it turned out a sympathetic strike was called, and some 137 painters in our shop in West Philadelphia left our service in sympathy with the strike of the trolley employees. Now, imagine a situation where the operation of a road depends immediately upon those 137 painters. The other side of the picture is that the labor organizations with which we do business and have done business with for 30 or 40 years take quite a different position. We had an unauthorized strike on the Monongahela division. Although the men who were on that division belonged to the train organization, they left their employment; that is, the members left with comparatively little preliminary notice. The organization immediately disowned them and properly disciplined them, and the organization maintained their obligation to the railroad company. That has been repeatedly shown in the so-called train organizations. The same thing was shown and exemplified in the strike of the subway employees some years ago in New York. The strikers belonged to the Brotherhood of Locomotive Engineers, and, in defiance of the wishes of the organization's leaders, the men left the service of the company, and they were afterwards dismissed from the brotherhood. There is quite a distinction between a good organization and one in the interests of the traveling public and a bad organization, one against the interests of the traveling public.

Chairman WALSH. What machinery, if any, do you have in your company for dealing with grievances of organized employees?

Mr. ATTERBURY. We have—each shop has, in a large way, its own grievance committee; but I think, Mr. Walsh, that the shop conditions are materially different from the road conditions, because the master mechanic in his shop knows his employees, can know them; they are centered in a concentrated area, and he can know his men better than a road man knows his employees, because it is not an uncommon saying on most every railroad that a superintendent never sees his good men; it is only the bad men that come before him for discipline that he knows.

Chairman WALSH. What contractual relations are existing now between employees and the company in your service?

Mr. ATTERBURY. None whatever.

Chairman WALSH. How do you operate with those organizations that you have been dealing with?

Mr. ATTERBURY. We are working under findings of arbitration boards in every case of our train employees. My recollection is they have all expired, although they are continued under 30-day clause.

Chairman WALSH. With how many organizations have you such arrangements?

Mr. ATTERBURY. We have four; and, if my memory serves me correctly, there is some arrangement between the operators and the managers.

Chairman WALSH. Do you have what is called a labor board on your railroad?

Mr. ATTERBURY. We have.

Chairman WALSH. Please describe its organization; that is, the personnel, its duties, powers, and all about it.

Mr. ATTERBURY. Under the organization the general manager is the final court of appeal on labor matters. Now, of course, you can recognize that with the lapse of time the Pennsylvania Railroad Co. has grown until it has reached such an extent that the general manager finds it impossible to deal personally with every case that may come before him. Therefore, much of the preliminary work is thrashed out by a board consisting of the superintendent of telegraph and two or three of the general superintendents, who deal with those organizations; but every question finally comes to the general manager for settlement if there is any appeal from the decision of the superintendent, the general superintendent, or the board itself.

Chairman WALSH. What is the attitude of your company toward mediation and conciliation where disputes arise between yourself and organizations of employees?

Mr. ATTERBURY. Our attitude has been rather in favor of some form of mediation, because both Mr. Garretson and myself were down before the Newlands committee on the change from the old Erdman Act to the Newlands bill. We advocated at that time the present arrangement, and while not entirely satisfactory, and in the nature of a compromise, it was, I think, the best we could get at the time, and reasonably satisfactory to both interested parties, but it will probably have to be modified as time goes on.

Chairman WALSH. Then, as I take it, as a general proposition, you are in favor of conciliation and mediation?

Mr. ATTERBURY. We are.

Chairman WALSH. State, please, as specifically as you can and still speak generally, what methods you adopt to prevent the organization of the men into those organizations that you conceive to be inimical to the proper conduct of your business.

Mr. ATTERBURY. Any necessary thing to keep the flag flying, to keep the railroad running, and keep the trains running. I was rather interested to hear what Mr. Perham had to say, that he would like to have authority to stop work in a minute. Now, the business of a railroad officer is to know in advance what is going to happen, and we keep ourselves very thoroughly posted as to what is going on. We have a very efficient police organization, and we know in advance everything that is going on, just exactly as the organizations themselves know what is going on with us. We have emissaries in our ranks, just as the organizations have emissaries in their ranks.

Chairman WALSH. How are these men operated; under whose specific charge would these men be that are put into their ranks; through what department of your company?

Mr. ATTERBURY. Let me say that we have two methods of information. We have our own employees who may volunteer information, and we employ the Pinkerton service. We do not know ourselves who the men are in the Pinkerton service.

Chairman WALSH. Who does that, do you, or the general manager?

Mr. ATTERBURY. That is done under the superintendent of telegraph.

Chairman WALSH. That just applies to the telegraphers?

Mr. ATTERBURY. Oh, no; the superintendent of telegraph is on the staff of the general manager, and he is the man that handles most of the labor matters for the general manager.

Chairman WALSH. What does the Pennsylvania Railroad Co. pay its section hands?

Mr. ATTERBURY. Our section hands are paid, except under certain conditions, the ruling labor wage.

Chairman WALSH. What is that at the present time?

Mr. ATTERBURY. Perhaps it may be $1.40 or $1.50; I do not know. For some of our service we pay as high as $1.60 or $1.70.

Chairman WALSH. Is it $1.50 or under for the majority of the men?

A VOICE. Mr. Long says it is $1.76.

Chairman WALSH. Maybe I better leave that for Mr. Long.

Mr. ATTERBURY. Whatever it is, it is the ruling wage.

Chairman WALSH. How do you ascertain that—by what is the wage paid by other railroad companies?

Mr. ATTERBURY. No; it is what you can hire laboring men for. Section men are laboring men, pure and simple. They are not like boiler makers or machinists; they have no classified trade.

Chairman WALSH. You are speaking about men you use to gather information. Do you have private detective staffs of your own, or a detective staff——

Mr. ATTERBURY. We have no private detective staff, as you understand the description——

Chairman WALSH. Please describe what it is.

Mr. ATTERBURY. We have our police organization, with captain, lieutenants, and everything of that sort.

Chairman WALSH. Uniformed men?

Mr. ATTERBURY. Some are and some are not. And then we utilize our crossing watchmen and utilize our shop watchmen. Altogether we have a force of some 400 men that are in our regular police department.

Chairman WALSH. Are you in a state of preparedness at all times for any state of warfare? That is, have you arms on hand and cars prepared and clubs made and stored, and all that? You heard what was said here.

Mr. ATTERBURY. I do not know that I have heard, but I am quite prepared to say, Mr. Walsh, that we are prepared for anything that the other fellow is getting ready for.

Chairman WALSH. About how many rifles do you keep on hand, usually?

Mr. ATTERBURY. I do not know that we keep any.

Chairman WALSH. I just want you to analyze a little your statement there.

Mr. ATTERBURY. I haven't the details; but we prepare everything that we can, nor do we leave anything undone, Mr. Walsh, to keep the railroad running that is lawful, legal, and proper.

(The details referred to are mentioned in a letter which is printed among the exhibits at the end of this subject as "Atterbury Exhibit.")

Chairman WALSH. And that would consist, in your conception, in having arms on hand and ammunition?

Mr. ATTERBURY. If that was necessary; and anything else that was proper and lawful for us to do; yes, sir.

Chairman WALSH. Do you know as to that detail whether or not you have on hand arms and ammunition at the present?

Mr. ATTERBURY. Well, I do not know; but I assume Mr. Johnson or whoever may come here—Mr. Harper, perhaps, may follow—will be prepared to give details.

Chairman WALSH. There may have been some statements made as to the alleged policy of your company with reference to the use of the men in formulating public opinion or influencing legislative action, for instance, such as signing petitions against the full-crew law, and such things as that; and the statement has been made that men have been displaced for refusal to do so. Have you any knowledge——

Mr. ATTERBURY (interrupting). I have not any knowledge of that; but I have knowledge of the organizations disciplining their men for attempting to assist us in the repeal of such legislation.

Chairman WALSH. Well, if you will, kindly briefly give us the details of those attempts.

Mr. ATTERBURY. In other words, the organizations which advocate such laws as the full-crew law and the headlight law have a clause in their organization which subjects any man—anyone of their organization appearing before a legislative committee or in any way interfering with the dictum of the head of the organization—to discipline; may be disciplined and may lose all of his insurance and all the things that he has for many years subscribed to.

Chairman WALSH. And so you have no information of any cases wherein the company has undertaken to discipline an employee for refusal to sign?

Mr. ATTERBURY. I have not.

Commissioner GARRETSON. Mr. Chairman, I have just a question there.

Chairman WALSH. Very well.

Commissioner GARRETSON. Just in regard to that last reply of yours, Mr. Atterbury, to get your record straight. Do those clauses of all those organizations read, "Disobeying the dictum of the head of the organization," or "Disobeying the decision of the legislative committee of the State"?

Mr. ATTERBURY. Well, whichever it is, Mr. Garretson, the effect is that an employee who testifies for a railroad company is subjected to discipline, and may lose his membership in the organization.

Commissioner GARRETSON. If he goes against his associates, and not against his chief? That is the point I want to make clear.

Mr. ATTERBURY. Well, the effect upon the railroad company is that if he testifies for the railroad company he is subjected to discipline?

Mr. GARRETSON. Yes.

Mr. ATTERBURY. And that may mean the loss of his insurance or pension, and everything of that sort?

Commissioner GARRETSON. What I was looking at in the question, was only the effect it had on me.

Mr. ATTERBURY. Well, I was looking at it from the effect it had on the railroad.

Commissioner GARRETSON. You are aware of the fact that the real dictum he interferes with is that of his associates and not of his chief?

Mr. ATTERBURY. Well, I know that at any rate he can not give an unbiased expression of his own opinion.

Commissioner GARRETSON. That is not my question.

Chairman WALSH. Upon yesterday, Mr. Perham, referring to one of your publications distributed on the cars, one of your bulletins, in which it was stated that the expenditure of your company last year for police protection, or for the police force, was $800,000; I wish you would describe generally of what that expense consisted.

Mr. ATTERBURY. Well, of course, I can not give the detail of that expense, Mr. Walsh, but I should say that $400,000 of that was probably the expense of the direct police force.

Chairman WALSH. Yes.

Mr. ATTERBURY. Now, that may or may not have been the year when we had our unauthorized strike on the Monongahela division, and which continued for a long time. We maintained bunk rooms, and everything of that sort, and I have no doubt at all but what the cost of conducting that strike has been included in that sum, as well as the charges that are against the other cases that might be called police protection, for instance, crossing watchmen that we use for preventing trespassing, and things of that sort, because we consider the trespassing probably the most serious part of our police work, the prevention of trespassing.

Chairman WALSH. The intention being to protect the lives of the passengers, the employees, and the trespassers themselves?

Mr. ATTERBURY. Right.

Chairman WALSH. Now, there has been much discussion before this commission on the question of violence, as you have probably noticed; and I would like to ask you for your opinion upon the proposition that the control of an armed force is strictly or ought to be strictly a State function. What do you believe about that? That is, that the State ought to furnish you protection to your property, protection to your passengers, so far as policing is concerned, and protection to all the interests involving property and life. Is it feasible to do that, and if it is, why should not that be the case?

Mr. ATTERBURY. Theoretically, you are quite right; there is no question about it. Practically, I doubt if under our republican form of government you are ever going to arrive at that very happy condition.

Chairman WALSH. Now, for what reasons?

Mr. ATTERBURY. Because I think there has been so much opposition to it. We have in the State of Pennsylvania to-day, what I believe is the finest body of men in the United States, and that is our mounted constabulary; and yet that—I have forgotten how many members there are on the force—perhaps 250; and yet every labor organization, so far as I know, is bitterly opposed to it. I believe it is the best body of men in this country.

Chairman WALSH. Well, regardless of opposition, how is it for efficacy? Does it do the job?

Mr. ATTERBURY. It does the trick.

Chairman WALSH. Well, then, why should not the State go to whatever expense necessary, and regardless of opposition, to furnish proper protection—for instance, to furnish the same protection to the individual that you seem to be compelled to spend a very large proportion of your earnings to secure——

Mr. ATTERBURY. Why, Mr. Walsh, we can not get in any State we run through a proper police protection against trespassing. Do you realize that we kill from three to five hundred men a year on the Pennsylvania Railroad?

Chairman WALSH. That is, trespassers?

Mr. ATTERBURY. Trespassers.

Chairman WALSH. Well, then, the reason—the practical reason—is that the States through which the railroad runs do not function properly in that direction—in the police direction?

Mr. ATTERBURY. I think there are local reasons that make it difficult to do that. And I think—I hope you are not—but I am afraid you are dreaming of a millennium if you expect them to, with the political winds that are constantly blowing our legislators. I wish we could get it.

Chairman WALSH. Well, do you think, have you observed—I will ask you from a practical standpoint—that the officials have been influenced by political and other consideration in giving or withholding police protection to your property or to the lives of your people?

Mr. ATTERBURY. At times, I should say; yes.

Chairman WALSH. When last?

Mr. ATTERBURY. It is liable to work the other way, Mr. Walsh, because the pendulum that swings one way is going to swing the other; and if it militates against us at times, it also helps us at times.

Chairman WALSH. That is, you have the force sometimes, and they have the force sometimes?

Mr. ATTERBURY. Exactly——

Chairman WALSH. The armed force. Now, what do you think of a proposition of the armed force being in the hands of the side that is economically able to have it, just simply to buy the arms and keep them? Wouldn't that make for a condition to break down law?

Mr. ATTERBURY. Perhaps I do not understand that question.

Chairman WALSH. You say the idea is this, that if you leave it to the State sometimes the State authorities or police authorities will use the power in their hands for your side, or in other instances for the side, you might say, of the workers in the industrial dispute. It works both ways; but what is being used is force in either event. Now, if that is true, if it is more dangerous to place that power, that armed power, in the hands of the one side that is economically powerful enough to have it—that is, in this case, your company; you are able to buy or provide for a million dollars' worth of men and ammunition while the other side perhaps is not so situated; do you not think, no matter what the difficulties might be, that the State is the one to do that?

Mr. ATTERBURY. I quite agree with you that the State is the one to do that, if it would do it.

Chairman WALSH. Isn't it dangerous to have it in the hands of either side? Suppose you were not so situated that you could have these arms, or spend this $800,000, would—what would you think of the situation if the American Federation of Labor organized a police force upon which they could spend a very large sum of money and keep arms and ammunition on hand? Would you not be in danger, and would not the unprotected public, the innocent bystander, and the State, be in danger also?

Mr. ATTERBURY. If the State would properly patrol our property and protect us against robbery and all of the other things that we are subjected to, I think that such would be the ideal situation. I think that is the proper place to put it, Mr. Walsh. Theoretically, we ought not to be attending to the police business of the State, and yet we are forced to do so.

Chairman WALSH. Has attention been given to that matter seriously now and specifically by the officers of the company taking it up with the legislative power or legislative authority of the States through which the road runs?

Mr. ATTERBURY. The most evident form and the simplest one of all to handle is that of trespassers. We can get little or no action on the question of trespassers, notwithstanding it is in the hands of the local magistrates.

Chairman WALSH. You have undertaken to do that specifically?

Mr. ATTERBURY. We have endeavored to use the laws which existed, and have endeavored to have the laws enforced, and the local conditions almost universally prevent it.

Chairman WALSH. Could you separate the question of protection of the lives and the protection of property on account of the trespassing evil from the balance for which you think you need police protection?

Mr. ATTERBURY. Perhaps I do not understand that question, Mr. Walsh.

Chairman WALSH. You say that you have been absolutely unable to get proper protection from the evil of trespassing. Now, as I take it, it does not call for a very high order of police duty, or a very great amount of ammunition, or anything of that sort to protect you from trespassers, and what I was trying to ascertain was whether or not you could not draw the dividing line between taking care of the trespassers, for instance, yourself, and all the other police duty to be taken care of by the State?

Mr. ATTERBURY. We do not know, Mr. Walsh, when a man comes upon our premises whether he might be what I would call an innocent trespasser or a malignant trespasser. In other words, we do not have any way of knowing whether a man intends to do some other wrong besides trespassing. We do not see how we are going to differentiate between one proper function of the State and another proper function of the State that we unfortunately have to perform for the State.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. That is only one of the purposes of this $800,000 expenditure. Does that also cover the Pinkerton expenditure?

Mr. ATTERBURY. Yes, sir.

Commissioner GARRETSON. Where does Pinkerton recruit his operatives; from the ranks of your employees?

Mr. ATTERBURY. As far as I know, he does not; but I do not know anything about it, Mr. Garretson, except in this way, that I take it it must take some time for a Pinkerton man to get in a position where he has knowledge of what is going on.

Commissioner GARRETSON. Well, I judge, with your system of information, you are perfectly familiar with the fact that at regular intervals the committees on your road present the evidence they have with reference to one of their members, who fold their tents and fly.

Mr. ATTERBURY. Yes.

Commissioner GARRETSON. And you are familiar with the fact that it is invariably stated that they were Pinkerton men? That, I am saying, comes to you in the way of common rumor?

Mr. ATTERBURY. Yes, sir.

Commissioner GARRETSON. And you have no knowledge yourself in regard to that system of recruiting?

Mr. ATTERBURY. That is the system of recruiting——

Commissioner GARRETSON (interrupting). Yes.

Mr. ATTERBURY. No; I have not; and I doubt if any officer of our company does.

Commissioner GARRETSON. Nor you have no knowledge as to whether there is any combination of the form of payment of those men, first, for their services as employees, and, secondly, for their services as operatives?

Mr. ATTERBURY. Oh, yes; I do; because we pay them for their services as operatives and deduct from them the wages they draw as employees.

Commissioner GARRETSON. Or, the wage as an operative is less than their wage as an employee, the deduction is the other way?

Mr. ATTERBURY. I do not know that any such case exists. I should doubt that it did.

Mr. GARRETSON. That is all.

Chairman WALSH. I was going to ask you some questions about the relief department, Mr. Atterbury, but they will be more or less of a technical and detailed nature, and I would ask you, please, to allow our investigator to have access to the records of that relief department.

Mr. ATTERBURY. Our Mr. Hunt, superintendent of relief department, is here, Mr. Walsh, and here for the purpose of giving you all the information you may desire.

Chairman WALSH. Very good. That is all I desire.

Mr. ATTERBURY (continuing). And the same is true of all of our officers who are here. We are entirely in sympathy with the work of this commission. We have industrial problems of our own that we would like to have solved for us, if you can help us, and we would like to be of assistance, real assistance, if we can.

Chairman WALSH. Very well, thank you.

Commissioner WEINSTOCK. I have a few questions.

Chairman WALSH. We will adjourn at this point until 2 o'clock. Please resume the stand at that time.

(Thereupon, at 12.30 o'clock, a recess was taken until 2 o'clock p. m. of this Wednesday, May 5, 1915.)

AFTER RECESS—2 P. M.

Chairman WALSH. The house will please be in perfect order. Mr. Atterbury, please resume the stand. I neglected to ask you if there was any supplemental statement you desired to make outside of the written statement?

Mr. ATTERBURY. I do not think there is anything additional I desire to say, Mr. Walsh, unless there are some questions you want to ask. I want you to feel perfectly free to ask any questions.

Chairman WALSH. I have been.

Mr. ATTERBURY. Because we are much interested in this, as I tried to say before, in the successful conclusion of your labors. We have 250,000 employees, and we want a satisfied set of men, and if you can help us in our problems, we welcome your assistance.

Chairman WALSH. Do you have some questions to ask, Mr. Garretson?

Commissioner GARRETSON. No further questions.

Chairman WALSH. Commissioner Weinstock has some questions, Mr. Atterbury.

Commissioner WEINSTOCK. You have seen this petition to the Commission on Industrial Relations from the Order of Railway Telegraphers, of which Mr. Perham is the president?

Mr. ATTERBURY. I have.

Commissioner WEINSTOCK. And you know he states therein that there are eight specific charges against the Pensylvania Railroad Co.? It seems to me that in fairness to the railroad company, the opportunity ought to be afforded you, if you care to exercise it, to answer specifically the charges named therein.

Mr. ATTERBURY. I think we have already answered it somewhat in detail in the memorandum we submitted, Mr. Weinstock. I thought perhaps I could facilitate the work by presenting it as a whole.

Commissioner WEINSTOCK. This document is rather voluminous.

Mr. ATTERBURY. It is.

Commissioner WEINSTOCK. And it would take up a great deal of our time to go through it analytically; and for the matter of the record it seems to me that if you can briefly answer them, as I take them up seriatim, it would cover the ground more satisfactorily. You notice the charge first made is that the Pennsylvania Railroad Co. denies the right of organization to all of its employees, except those engaged directly in transportation.

Mr. ATTERBURY. That of course is denied.

Commissioner WEINSTOCK. Your contention is that the employees are given the right to do that?

Mr. ATTERBURY. Under certain restrictive conditions that we believe essential to the continuous and safe operation of our property.

Commissioner WEINSTOCK. Would you state just what those specific charges are?

Mr. ATTERBURY. That is that the men shall be under their own control; shall not submit themselves to any association or affiliation which will bring about a cessation of their operation on a question in which they are not directly interested.

Commissioner WEINSTOCK. Your thought, I take it, in doing that is to prevent a sympathetic strike and tying up of your road?

Mr. ATTERBURY. Quite right; I might also say that if the attention of this commission has not been brought to it that such is the position of the United States Government with relation to its railway-mail clerks—and I have before me a letter, if you will just allow me to read an abstract from it, dated March 13, 1911, by the Second Assistant Postmaster General:

"All clerks, when they enter the service, take oath to well and faithfully discharge the duties of their office," etc.

"It is incompatible, with their obligation to the department, that they should assume another oath of a secret organization, while in the service, which may at any time interfere with their obligation which they have assumed upon entering the service."

Then later, I think Congress passed a law to much the same effect, and the wording of that law is:

"*Provided, however,* That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike or personally to assist in any strike."

In other words, the position of the Pennsylvania Railroad Co., in connection with its employees and as a public carrier, with a public duty to perform, for the past 25 or 30 years has been exactly the position the Government itself has assumed in the last three or four years.

Commissioner WEINSTOCK. Are your engineers, firemen, conductors, and brakemen affiliated with national organizations?

Mr. ATTERBURY. On some of the roads in the country they are working under what I believe, as I remember, is called the Cedar Rapids agreement. I think I am right, Mr. Garretson?

Commissioner GARRETSON. The Cedar Rapids plan of federation.

Mr. ATTERBURY. But even then, before any action can be taken, the vote of the men themselves must be obtained; and on our railroad, for instance, where they are not affiliated, if the conductors went on a strike the engineers are under obligation to continue manning their engines, and can not be drawn into the controversy at all unless we foolishly ask them to perform the duties of the workmen who are out on the strike.

Commissioner WEINSTOCK. But if the conductors on some other road would go on a strike could they call out your men?

Mr. ATTERBURY. They could not. That is, Mr. Garretson—I am speaking for Mr. Garretson, as I understand it—could not call out the conductors on the Pennsylvania Railroad without the conductors themselves having a voice.

Commissioner WEINSTOCK. I see; so that to that degree you are protected against a sympathetic strike?

Mr. ATTERBURY. We are.

Commissioner WEINSTOCK. Even with those engaged in the railroad business?

Mr. ATTERBURY. In the railroad train service there is no such thing as a sympathetic strike.

Commissioner WEINSTOCK. The second charge is that the Pennsylvania Railroad Co. makes a practice of discharging men for the reason that they have joined a labor organization; also that it coerces and intimidates men who are suspected of having joined a labor organization, and habitually discriminates against men who endeavor to exercise their right to organize?

Mr. ATTERBURY. In a measure that is correct, in this way: If we have knowledge—and, as I explained before, it is our business to have knowledge of just those things—that an organization is already in existence which emphasizes the practice of things that we object to, or attempts to organize on our lines, we take steps to prevent it.

Commissioner WEINSTOCK. Now, outside of men engaged in transportation, Mr. Atterbury, about what proportion, as far as you can estimate, of your employees are organized in any form?

Mr. ATTERBURY. Of course, I have no means of knowing how many organizations, such as the Elks and like organizations.

Commissioner WEINSTOCK. I am speaking of labor organizations.

Mr. ATTERBURY. Out of 135,000 men that we normally have on the lines east there may be 30,000 in the train service, and of the men in the train service perhaps 25,000 are organized, and the rest of them are what we call nonunion men. Now, of the 108,000 or 110,000 not in the train service I doubt if any of them are organized, except as they may have come into our service, having been members of an organization which it was necessary for them to belong to in order for them to secure employment at all.

Commissioner WEINSTOCK. Is a question put to an applicant for a position whether or not he is a member of a union?

Mr. ATTERBURY. It is not; and we do not bother him unless we have reason to believe he is going to bother us.

Commissioner WEINSTOCK. That is, he can take the initiative?

Mr. ATTERBURY. He does. We are acting on the defensive at all times and at no time on the offensive.

Commissioner WEINSTOCK. The third point is that the Pennsylvania Railroad Co. maintains at an immense expense a force of undesirable characters to intimidate and spy upon its men for the purpose of effectuating its policy of preventing organization among its employees; also, that it uses force and violence and has made false arrests to intimidate employees and to coerce them and keep them from joining their organization or continuing their membership therein. Also, that when the employees have attempted to hold meetings for the purpose of discussing the matter of organizing, the company has in some instances leased all the available halls and meeting places to prevent such meetings being held; in other instances injunctions have been obtained by devious methods to prevent such meetings.

Mr. ATTERBURY. Of course, that is a pretty general proposition, and it is difficult to answer it except in detail. As a general proposition I would say that is incorrect. I have explained the functions of our police force, and to some extent—perhaps not to the extent Mr. Walsh would like—but we have representatives here that can go into it more in detail. In regard to the situation at Altoona, I hope you will listen to Mr. Creighton, who is in charge of our property in Altoona, as I think he can enlighten you as to the trouble there in 1912.

Commissioner WEINSTOCK. Going back a minute, I judge from what you said, so far as the 100,000 employees are concerned, you practice what is known as individual bargaining, rather than collective bargaining? You make a bargain with an individual employee?

Mr. ATTERBURY. As a matter of fact, the larger part of our work in the shop is piecework. It has been until the last two years, when we have begun bargaining with our train employees collectively, in common with all of the other roads in the eastern territory; our practice in the past to adjust the wages of the shop employees and the wages of all our service, practically on the same

plane, by a 10 per cent increase or a 6 per cent increase, depending on the general conditions of the country, and in that way all of the employees have profited with the company in its prosperity.

Commissioner WEINSTOCK. The next point is, that in the unorganized branches of its service its rate of wages is below that required by a decent standard of living and is contrary to public policy.

Mr. ATTERBURY. I take it that is a matter of public records, and any statement on my part would be superfluous; that is, the L. C. C. has prepared reports, and my recollection is that our average wages are above others, not only of our competing friends, but also of the general territory which we serve; that the wages on the Pennsylvania are higher and not lower. However, that is a matter of record and need not be a matter of assumption or guess.

Commissioner WEINSTOCK. That the Pennsylvania Railroad Co. brings into existence and fosters sham labor organizations for its employees, which are labor organizations only in name and are merely formal organizations and the subservient tools of the management and designed to obstruct the progress of legitimate labor organizations.

Mr. ATTERBURY. That is incorrect; inasmuch as the Pennsylvania Railroad has never fostered any labor organization. If our employees desire to establish a labor organization we would welcome it, if it is along reasonable lines.

Commissioner WEINSTOCK. Sixth, that the Pennsylvania Railroad Co. refused to mediate or arbitrate its recent difficulties with its telegraphers and deliberately arranged its affairs to meet a strike by placing inexperienced men in readiness to take charge of its signal towers without regard to public safety.

Mr. ATTERBURY. That is rather a long history, and yet I think it is of interest. If you will permit me, I would like to read a statement that I made to the United States Board of Mediation, in which I refused to submit the question to mediation. When I came to Pittsburgh as general manager in 1903 I found a conservative committee of some 20 members representing the telegraph employees of the lines east of Pittsburgh. The chairman was Mr. L. K. Marr, who had been for seven years prior to that time chairman of the committee, with many of the original members still on the committee. For three years the relations between the committee and myself were satisfactory. At no time, either prior to 1903 or subsequent to 1903 until 1906, did any question of organization enter into our intercourse. The committee represented the employees and appeared before me as representing all the employees of the telegraph department. I knew that the organization existed and that the committee were members of the organization, but by no act or word at any time did I object to the organization.

In 1905 we commenced to rapidly extend the block signal system, requiring a large number of additional operators. It was then brought to my attention that the practice differed on several divisions as to the question of students. Some divisions I found with ample men to draw from to expand the block system. Other divisions I found unquestionably short. I at once gave instructions that the division not having students were to see that an adequate supply was at once employed. I might say that the company is as anxious to educate its own telegraph operators as it is its own engineers, conductors, and all of its officers, and following this thought, in addition to the number of student operators, it has organized schools of telegraphy at two points on its line. At one of the meetings of the committee I myself introduced for the first time the question of organization, it having come to my attention, what had heretofore escaped me, that there was a clause in the ritual of the Order of Railway Telegraphers to the effect that no operator could take a student without first obtaining the permission of the head of the organization. This was the reason for my introducing the subject of organization to the committee.

I explained to the committee the necessity for an increased number of students and advised them fully to the effect that any operators refusing to accept a student would be guilty of insubordination and would be dealt with accordingly. I requested the committee to at once take up with the employees whom it represented this matter of teaching students and explained to them my position. My full understanding was that no man would refuse to accept a student; that if there were any objections to his taking a student the matter would be brought to the attention of the commitee, and the commitee would bring it to my attention, as all other matters were, in a regular, orderly, and dignified way. This the committee agreed to do. Shortly following this three operators refused to accept students and were discharged. They appealed their cases to the committee and the committee, realizing that the men in ques-

tion had taken a stand at variance with my instructions and the instructions of the committee, refused to handle their cases of appeal. They then took up the matter, I understand, with the head of the organization. What happened between the committee and the head of the organization I am not familiar with other than in September, 1906, at which time the committee was in session, and following an increase granted to the committee for the benefit of the telegraphers amounting to about $80,000 a year, my understanding is that the head of the organization appeared and endeavored to explain to the committee how it should best conduct its various matters with the railroad. The committee felt that as employees it had acted in a proper manner toward the employees that it represented, and seriously objected to the criticism of the head of the organization. The objections were so strong that by a vote of 24 out 25 of the committee he was requested to withdraw from the conference. Following this, as head of the organization, he disciplined the committee by suspension and subsequent expulsion from the organization.

A number of the employees, members of the organization, feeling that the committee had been most unfairly treated, also withdrew from the organization, and these men, I understand, have formed an organization of their own. At the present time, and to the best of my knowledge, the original organization has a membership not to exceed 1,000. The new organization has a membership of between 600 and 700. As the total number of employees in the telegraph department of the lines east of Pittsburgh and Erie is over 3,900, it will be seen that there are at least 2,300 employees in the telegraph department not members of any organization.

Following the action previously described, the head of the organization wrote me requesting the reinstatement of the men who were dismissed for insubordination. I quote from my reply of December 22, 1906:

"I might state that these men were dismissed for insubordination in refusing to comply with the instructions of their immediately superior officer, this refusal being accentuated by an attitude which totally ignored the interests of the company. The attitude taken by these men and the disposition shown by them without first making known to their immediately superior officer any complaint which they had to make, and without appealing to their superintendent, were in themselves factors of sufficient moment to warrant their dismissal as their action was incompatible with the maintenance of discipline."

To this I received a reply under date of December 28, 1906, a quotation from which is as follows:

"If it is to be the future policy of the company that telegraph operators now in its employ will be required as a condition for remaining in the service to teach their trade to others, there are certain indications of a definite character that a large number of your experienced telegraphers will seek service elsewhere while conditions are favorable, rather than wait for the students to force them out."

Last fall a committee claiming to represent the employees in the telegraph department, whom I later learned were members of the original organization, desired to conduct business with me as representing the telegraphers of the lines east of Pittsburgh. During 1906 and 1907, notwithstanding the totally unjust treatment that the original committeemen had received at the hands of the organization, they continued to do business with me in their usual orderly way, the numerous concessions and increases in wages in detail and by classes were granted. I could see no good reason why I should refuse to receive a committee that I had been doing business with for some seven years, and my predecessor for seven years prior to that time had also been doing business with, and to conduct my business with a committee whom I believed did not represent the best element among our employees, nor will I now receive them as representing the employees in the telegraph department.

I would like to call your attention to the clause of the Erdman Act, under which you have requested me to come to Washington to interview yourself and Commissioner Neill. This clause reads as follows:

"That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this act and the employees of such carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by meditation and conciliation, to amicably settle the same."

I would like to state positively and distinctly that there is no controversy between the employees in the telegraph department of the Pennsylvania Railroad which threatens to interrupt, nor can interrupt, the business of the carrier. The Pennsylvania Railroad east of Pittsburgh and Erie has in its service not less than 2,300 men who are not interested in any controversy. Seven hundred men who are opposed to such employees, as I understand, are represented before the mediation board. In addition, all telegraph towers, offices, etc., are equipped with telephones, with men ready and willing to man them prepared to meet any emergency that may arise if, following the threat covered in the quotation from the letter of December 28, 1906, referred to, a number of its employees should see fit to leave the service. I would, of course, regret to see this number of men leave the service, as many of them are employees who have served the railroad company a number of years. The regret would be for the men themselves. So far as the company is concerned, such withdrawal, if necessary, would be welcomed as eliminating from its service a discordant element oath bound to action inimical to the best interest of the employees and the company and its patrons.

I have made this full statement that you may thoroughly understand the situation, and appreciate why I now say that the clause of the Erdman Act referred to has no application, and can have no application, in the existing situations.

Now, that explains in detail our attitude toward the Order of Railway Telegraphers, and that situation largely exists to-day.

Commissioner WEINSTOCK. The next point was that the Pennsylvania Railroad Co. compels its employees to contribute to and largely support the so-called voluntary relief association, so organized and operated as to intimidate and defraud employees.

Mr. ATTERBURY. We have a voluntary relief association. I have before me our March 31, 1915, statement. Of 134,157 employees there are 124,121 that belong, or over 10,000 employees in the service do not belong to the voluntary relief department.

Commissioner WEINSTOCK. It is not compulsory, then?

Mr. ATTERBURY. It was not compulsory originally, but it might be said to be compulsory to-day; and yet it really is not, Mr. Weinstock. I think you will appreciate the necessity which exists to-day of careful and physical examination of the employees as they enter the service. Particularly is that true in the train service, where existence of Bright's disease or epilepsy or similar diseases which are liable to carry a man off in a moment would jeopardize not only his own life, but that of employees and of the public. So we make it a practice to require physical examination of employees before they enter the service. Now, our experience in the past has been that owing, perhaps, as a natural feeling, one I think we have all gone through, if we are considering taking life insurance out at all, we put it off because we object to a physical examination. Having taken the physical examination the worst hurdle is over, and the men then go into the relief department because they recognize, as well as we do, the value of the relief department.

Commissioner WEINSTOCK. What is the monthly contribution of your employees to that fund?

Mr. ATTERBURY. Mr. Hunt can give you the details; but there are five classes, and my recollection is it is 50 cents for one class and then 50 cents or something additional death benefit. I think my contribution perhaps to the fund is $5. I think I have $2,500 death benefit.

Commissioner WEINSTOCK. I see. Does that cover sickness as well as accident?

Mr. ATTERBURY. That covers sickness as well as accident.

Commissioner WEINSTOCK. Does the company itself make any contribution to the fund at all?

Mr. ATTERBURY. The company itself contributes the cost of operation and, in the earlier days, guaranteed certain funds, you see. The relief department grew in strength and the last few years the company has not contributed to the integrity of those funds.

Commissioner WEINSTOCK. Well, who manages the fund?

Mr. ATTERBURY. An advisory board, which consists of eight of the officers and eight of the employees. This is a joint arrangement between the various companies and the employees. It is not an incorporated fund at all. That is one of the reasons why we do not care to continue the insurance of the men that leave the service. We doubt our legal position in the matter. The ad-

visory board consists of eight officers of the company and eight employees, and the general manager is chairman ex officio of the advisory committee. The eight employees are elected by the employees themselves, and as the moneys are accumulated they are invested on the recommendation of the advisory committee.

Commissioner WEINSTOCK. Now, out of this fund, I suppose are paid all sick benefits and all funeral expenses and all compensation in the event of injury?

Mr. ATTERBURY. There are no funeral expenses paid out of the fund. There are certain provisions made for such a contingency in the event of the employee dying without money available for the purpose; but if any of our employees are killed, the company generally pays the funeral expenses itself.

Commissioner WEINSTOCK. I see.

Mr. ATTERBURY. That has nothing to do with the relief fund.

Commissioner WEINSTOCK. I see; but in the absence—well, what might be called accident compensation, that comes out of that fund?

Mr. ATTERBURY. It does.

Commissioner WEINSTOCK. Now, in the absence of any such fund, what claim, if any, would the injured worker have upon the company in law?

Mr. ATTERBURY. That would depend on whether he is working in New York State, New Jersey, or Pennsylvania, or whether he is working in interstate travel. The whole thing is very badly mixed up, so far as compensation for accident is concerned, Mr. Weinstock.

Commissioner WEINSTOCK. Take Pennsylvania, for instance; in the absence of any such fund, if the worker is injured while engaged in work, what redress, if any, would he have under the law?

Mr. ATTERBURY. The common law remedy.

Commissioner WEINSTOCK. He can bring suit for damages?

Mr. ATTERBURY. At present he can bring suit for damages. The present session of the Pennsylvania Legislature, I have no doubt, and will be glad to see, will put in effect a proper compensation act. I only wish it were Federal.

Commissioner WEINSTOCK. Are you in favor of a Federal compensation act?

Mr. ATTERBURY. I am, most certainly.

Commissioner WEINSTOCK. The eighth statement here is that the Pennsylvania Railroad Co. have in collusion with certain local officials brought into some communities not only an array of unnecessary police, but also illegal and unwarranted forces of men selected and employed by it for the purpose of endeavoring to provoke a counter display of force and create disorder in peaceful communities. Also that it habitually keeps in its employ thousands of spies, detectives, and armed men for the purpose of spying out the actions of men with respect to organization and for browbeating and bulldozing purposes generally.

Mr. ATTERBURY. Well, I think I have already outlined the scope and extent of our police organization; and as I say, I think our officers would be very derelict in their duty if they did not anticipate what was going to happen. That is what we are there for.

Commissioner WEINSTOCK. I see. Both sides, Mr. Perham on one side and yourself on the other side, have frankly stated you have spies in each other's ranks?

Mr. ATTERBURY. We have.

Commissioner WEINSTOCK. Now, it would be of interest to this commission to know, if possible to know, which is the cause and which the effect. That is, are you obliged to hire spies because the other side initiated it, and therefore you found yourself in a position to do this thing as a matter of self protection, or did you initiate it, and were they obliged to meet the situation by hiring their spies, as protection to them? In other words, which was the cause and which the effect?

Mr. ATTERBURY. Mr. Weinstock, the oldest problem in the world is that of the egg and the owl—whether the owl came first or whether the egg came first. I think your question is very much like that, probably. I think it is one of those conditions that has gradually evolved.

Commissioner WEINSTOCK. Was there a system of that kind in operation when you first went into the railroad service?

Mr. ATTERBURY. Always has been so.

Commissioner WEINSTOCK. Always has been so?

Mr. ATTERBURY. Yes, sir; always has been so.

Commissioner WEINSTOCK. Antedates your experience?

Mr. ATTERBURY. Yes.

Commissioner WEINSTOCK. On both sides?

Mr. ATTERBURY. Yes; and a perfectly natural human thing to do.

Commissioner WEINSTOCK. What would be the effect if both sides dismissed their spies?

Mr. ATTERBURY. Why they would each start in organizing again.

Commissioner WEINSTOCK. You don't think an understanding could be arrived at whereby there would be an armistice or a disarmament as it were—a mutual disarmament?

Mr. ATTERBURY. I think before such an understanding was in operation a month one side would be accused of playing unfair and would accuse the other side of playing unfair.

Commissioner WEINSTOCK. Then, you regard as mutual the employment of spies as a permanent condition?

Mr. ATTERBURY. Until some more proper way of handling the so-called labor question is evolved by just such a commission as is sitting to-day on the subject.

Commissioner WEINSTOCK. Well, this commission, of course, is made up of men who have been taken from different walks of life, and while I have all due respect for my fellow commissioners, I do not know of anyone of them who is in a position to evolve the best possible plan from their inner consciousness; I know I can not, and I possibly have had as much experience as my associates have, and we are largely dependent on the suggestions and hints we get from practical men, such as yourself, who have come up against the real thing and who can help to guide and direct us, and we welcome and invite suggestions from those whose suggestions are worth listening to, and we should be very glad, indeed, if, while you are here, you can give us the benefit of your long and broad experience.

Mr. ATTERBURY. I can not help but think, Mr. Weinstock, that you must recognize from your own experience that the last 8 or 10 years has developed a code of morals totally different from that of 20 or 25 years ago. Now, that covers not only business relations but it covers your personal relation in life; it covers your relations with your employees. I think the old—and I do not use it politically—but the old reactionary is a thing of the past. I think our fathers did things and our predecessors in our business did things that would not for one moment be considered proper and right to-day. I think the whole thing has changed; I think conditions are very materially improved; and I think our employees are 100 per cent better to-day than they were 15 or 20 years ago.

Commissioner WEINSTOCK. You mean more efficient?

Mr. ATTERBURY. I think there is less drunkenness; I think there is less immorality; they are very much better citizens than they were; I know that ours are, as they have come up from the ranks. I want you to realize that on the Pennsylvania Railroad all of us have come up from the service. There is no distinction between officers and men, because the man of to-day is the officer of to-morrow, and we are all one big family. We do have our rows among ourselves, naturally, but we try to avoid interference from outside sources; that is all.

Commissioner WEINSTOCK. So, summing up, Mr. Atterbury, wherein lies the hope of the spreading of this spirit?

Mr. ATTERBURY. I think the general regeneration of the people that is going on is going to bring about an improved condition affecting labor.

Commissioner WEINSTOCK. Do you look forward to a higher or a lower degree of industrial peace in the immediate future, say for the next 5 or 10 years, as compared with the past?

Mr. ATTERBURY. I should be very much surprised if I saw a great railroad strike to-day. I think Mr. Garretson and some of the rest of us are largely responsible for that position as of to-day. I do not think you will ever see a great railroad strike again.

Commissioner WEINSTOCK. A repetition of the experiences of 1894 in connection with the Pullman troubles, you think, if not impossible, is highly improbable?

Mr. ATTERBURY. I will not say it is impossible or improbable, because, in the first place, that was not a real organization, although its effects were very real; it was not what I would call a real strike.

Commissioner WEINSTOCK. Then, do you think in railroad circles, and I suppose naturally you talk from a railroad point of view primarily, do you think in the railroad world in this country that the employer and the worker are in closer touch with each other to-day than ever before?

Mr. ATTERBURY. I think so.

Commissioner WEINSTOCK. You think they understand each other better than ever before?

Mr. ATTERBURY. I think, as a matter of principle, yes. I think, unfortunately, however, in all classes of employment, the old days when the shoemaker had two or three men working around him is past, or where the division superintendent knew every man on his division, and when there was a baby born on the division he knew all about it, and probably the baby was named after the superintendent, I think probably that day has passed.

Commissioner WEINSTOCK. Do you believe, Mr. Atterbury, that this mediation and conciliation board that has been created to deal with railroad labor troubles could be successfully broadened to take in all industries of important character?

Mr. ATTERBURY. I think it could.

Commissioner WEINSTOCK. Would you favor it?

Mr. ATTERBURY. I have already favored it.

Commissioner WEINSTOCK. That is, the creation of a permanent board of mediation and conciliation to deal with large problems of that nature?

Mr. ATTERBURY. I made that statement before the Senate, Newlands's committee, some two years ago. As far as the Pennsylvania Railroad Co. is concerned, we would be glad to see the Newlands bill so drawn as to cover all classes of employees.

Commissioner WEINSTOCK. Please give us the benefit of your opinion on the Canadian public inquiry act; is it good or bad, as you see it?

Mr. ATTERBURY. Well, perhaps you are going to ask the next question, and I am going to answer the next question first; that is, I am opposed to compulsory arbitration.

Commissioner WEINSTOCK. You know that is not compulsory arbitration?

Mr. ATTERBURY. I know it is not, but I expected you to ask it.

Commissioner WEINSTOCK. No; I would not ask about compulsory arbitration, because I am at one with you on that. That is compulsory, but compulsory only so far as the inquiry is concerned. The Canadian law does not compel either side to accept the decision.

Mr. ATTERBURY. I understand that. The Canadian law has this advantage, that it gives the Government an opportunity to go in and investigate the situation by an impartial commission and advise the public of what they find; that is, assuming that the two parties themselves can not agree on a published statement. That gives the public, then, some 30 days to get a fair knowledge of the situation, and I think that has many advantages. We might well try it and experiment with it. I think the present Newlands Act, and perhaps Mr. Garretson will agree with me, perhaps not—but the present Newlands Act was a great step in the right direction. It can be amplified. The present plan puts too many arbitrators on the board that are not impartial. I have been on two arbitrations, one under the Erdman Act and one under the Newlands Act. In one case there was one intermediate arbitrator with two end men, and in another case there were two intermediate arbitrators with four end men. My own opinion is that had there been a larger proportion of impartial arbitrators on the boards than one-third, which was, in effect, the result of the Newlands Act and the Erdman Act—only one-third are impartial and the others are not impartial arbitrators, and under the circumstances they can not be impartial arbitrators; they are partial. My feeling has always been that the Newlands Act was defective in that respect, and that it should have a very much larger proportion of absolutely neutral and impartial arbitrators. However, the Newlands Act was the best we could compromise on, and while both sides had some objections to it it was a compromise step in the right direction.

Commissioner WEINSTOCK. Under the Newlands Act, if I understand it correctly, there are two representatives of the employers, two representatives of the employees, and two neutrals.

Mr. ATTERBURY. It can be three, six, or nine.

Commissioner WEINSTOCK. Three, six, or nine?

Mr. ATTERBURY. Yes; that is my recollection of it.

Commissioner WEINSTOCK. If there are six, there is liable to be a hung jury, is there not?

Mr. ATTERBURY. It might be; but you always have your two neutrals, and they are generally for one side or the other.

Commissioner WEINSTOCK. But even then you might have a hung jury.

Mr. ATTERBURY. Yes; but my experience with Hon. Seth Low and with President Finley, the head of the New York University, was that there was never a case of any split; they always worked together. I think of all the votes that were taken there was but one case where there was any difference, and later on that vote was changed.

Commissioner WEINSTOCK. The final charge made by Mr. Perham is that the Pennsylvania Railroad Co. appears to exercise so complete a domination over all affairs, industrial and governmental, over a large area of this country that it is sufficient to overthrow legal and constitutional rights of persons not favorable to its domination; that within the area of the domination of this company liberty exists not under law, but only to the limited extent of the company's authorization. Its men have no rights as men, but merely such rights as it permits.

Mr. ATTERBURY. My answer to that, Mr. Weinstock, is that the railroads, and the Pennsylvania Railroad particularly, if that statement were correct, would not be fighting tooth and nail in New Jersey, New York, and Pennsylvania to repeal the full-crew bill if they politically controlled those States. If you coud see the antagonistic legislation that is constantly being passed by the legislators of those States you would appreciate what a farce such a statement was.

Commissioner WEINSTOCK. May I ask, in passing, are there railroad commissions in these various States, State commissions?

Mr. ATTERBURY. Yes, sir; there is a railroad commission in each one of those States.

Commissioner WEINSTOCK. Have they broad powers?

Mr. ATTERBURY. Very broad powers.

Commissioner WEINSTOCK. Are they elected by the people or appointed by the governors?

Mr. ATTERBURY. I think in each of those cases they are appointed by the governors.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Here is a question that was submitted to the commission to ask you, Mr. Atterbury:

"Mr. Atterbury states that the chief interests of the company is to run their trains; is not really the chief interest of the company to make money just as the chief interest of the workers is to make wages, and is not the running of the trains, which is the public's interest, merely incidental to these two?

Mr. ATTERBURY. We can not make money if we do not run our trains.

Chairman WALSH. Commissioner Lennon would like to ask some questions.

Commissioner LENNON. Mr. Atterbury, is it a condition of employment when telegraphers are taken on that they shall teach others their crafts, for instance, or some one else?

Mr. ATTERBURY. Mr. Lennon, so far as I know, there is no such written obligation on the part of any employee, no matter in what branch of the service, but we all know that it is our obligation to keep some one coming on to take our places in case anything happens to us. That applies to every craft; it applies to every officer, and it is a very bad officer who does not have a lieutenant that can run his job quite as well, if not better, than he can himself.

Commissioner LENNON. I intended to ask another question in connection with that. Is it generally understood that when an employee comes into the service of the company that this policy prevails; that is, a general understanding sufficient to be a notice to a man that he is expected to teach an apprentice telegraphy as required?

Mr. ATTERBURY. In our crafts—that is, in our boiler shops, blacksmith shops, machine shops, and everything of that sort—the large proportion of the apprentices are our own employees, and it is only in the case of an emergency—that is, where we have to expand very, very rapidly—that we hire members of those crafts. That is, we try to educate our men just as we educate our own engineers and our own conductors and our own operators; we educate our own machinists and boiler makers. It is a very common practice on many of the roads, and it is covered in their agreements, to employ a certain number of conductors and engineers, but we have never done that at all. We promote the subordinate men and train them up and educate them and promote them.

Commissioner LENNON. I want to know whether I understand your position as to the danger of sympathy strikes. You say the telegraphers were all on strike on the New York Central lines from Buffalo to New York; do you understand that the general organizations would have power to order the teleg-

raphers of the Pennsylvania Railroad on strike without a vote of the Pennsylvania telegraphers?

Mr. ATTERBURY. No; I do not understand so, and if I conveyed any such statement you misunderstood me. My objection to the Order of Railway Telegraphers is that the employees are responsible to the heads of their organization and not to the proper officer of the Pennsylvania Railroad Co.

Commissioner LENNON. In regard to the continuance of employment?

Mr. ATTERBURY. In regard to the students.

Commissioner LENNON. Leaving the student matter out of the question; I think you have answered that; take the matter of the sympathetic strike; you say you object to these organizations because of the danger of sympathetic strikes, Mr. Atterbury.

Mr. ATTERBURY. That is right; certain organizations.

Commissioner LENNON. That is, it would interfere with the operation of the road?

Mr. ATTERBURY. Yes.

Commissioner LENNON. Do you understand that the telegraphers of the Pennsylvania Railroad, under any circumstances, could be called out on strike by the telegraphers' organization without their own consent and without their own vote?

Mr. ATTERBURY. I know the painters in the shops went out without any vote of themselves and by the orders of a man not in our service.

Commissioner LENNON. Did they go out by order of their own organization; do you know that?

Mr. ATTERBURY. I do not know; I know they left our service because there was a strike in the city of Philadelphia.

Commissioner LENNON. Have you any idea as to whether the American Federation of Labor has any power to order sympathetic strikes, or any other kind of strikes, for instance?

Mr. ATTERBURY. No.

Commissioner LENNON. You think they have not?

Mr. ATTERBURY. No; I say I do not know. I thought you asked me if I knew, and I said no.

Commissioner LENNON. You say you do not know whether they do or not?

Mr. ATTERBURY. No.

Commissioner LENNON. What, in your opinion, has been the result as to the human uplift of the existence of labor organizations?

Mr. ATTERBURY. I think it has been very beneficial.

Commissioner LENNON. That is all.

Chairman WALSH. Commissioner O'Connell wishes to ask some questions.

Commissioner O'CONNELL. Mr. Atterbury, have you some one coming on the stand who is solely familiar with this matter of the employment of secret-service men?

Mr. ATTERBURY. We have. We have our superintendent of telegraph, and also our superintendent of police. I think Mr. Walsh has subpœnaed both of them.

Commissioner O'CONNELL. Have you some one who is thoroughly familiar with the situation at Altoona?

Mr. ATTERBURY. Yes; our general superintendent, Mr. Creighton.

Commissioner O'CONNELL. I want a little information in connection with this matter of the alleged secret-service men on both sides. You say that the Pinkerton Agency furnished the men to secure information in connection with the affairs on the system and that you believe the organizations have their own men who furnish them information in connection with the affairs of the company. In what way might the organization have men in your service that could furnish information as to the officers of your company?

Mr. ATTERBURY. Why, every man in the organization is furnishing information to the heads of the organization.

Commissioner O'CONNELL. How would they be able to secure the information, for instance, in your own office, as having charge as vice president of the company?

Mr. ATTERBURY. Well, they get it.

Commissioner O'CONNELL. Would they be able to put a man in your office?

Mr. ATTERBURY. I do not know whether they would or not, but they get in. I mean there is no secret about it. I know they know, and they know I know.

Commissioner O'CONNELL. The men in the employ of the mechanical end of

he service, in the shop department, and so on; such information as they might ecure would be the information of men in everyday employment; you say, or instance, they would have a man in the master mechanic's office who would e unfaithful to the company, as it might be?

Mr. ATTERBURY. Quite possible.

Commissioner O'CONNELL. You believe that to be true?

Mr. ATTERBURY. I do.

Commissioner O'CONNELL. And for that reason you employ through an outide concern, not part of your own company—the Pinkerton Detective Agency, heir service, and in return for which they put men into the various labor rganizations for the purpose of securing the things going on inside of that rganization?

Mr. ATTERBURY. No, sir; I take it rather that they are men already in the abor organizations, who may have union cards and have been employed somehere else. They are necessarily traveling around a great deal. We ask he Pinkerton company to assign a certain number of operatives to our service; e do not know who they are; they come along in the natural course of vents and we then get reports. We never act on those reports in any way, xcept as it may give us a lead to follow. We never act on a private report n any way to the detriment of any man, unless we have the information onfirmed from some other source.

Commissioner O'CONNELL. In connection with the matter of mediation and nciliation in connection with the Erdman Act, now the Newlands Act, I nderstand you to say that you are in sympathy with the extension of that ct to apply to all shop employees?

Mr. ATTERBURY. I so stated, and I think I am on record. My recollection is, Ir. O'Connell, that one of the chief objectors to the Newlands Act was Secreary Wilson. I think I am right, Mr. Garretson, and at that time I made ie statement that if the Secretary wanted to and could prevail upon the ommittee to include the other branches of the service under the Newlands ct, I was perfectly satisfied.

Commissioner O'CONNELL. There was a misunderstanding at the time as to ist what the organization wanted themselves in connection with the matter. was somewhat interested. You have been on two arbitrations, you stated. suppose in connection with railroad affairs under the act, and you have some lea, therefore, what one of these general arbitrations cost. For instance, hat would you estimate the cost of the arbitration that took place on the astern, the case between the firemen, and so forth?

Mr. ATTERBURY. I would rather not guess at that, but I would like to submit statement of the actual cost to the railroads; we can do that, and I have o doubt that Mr. Garretson can submit it as for the employees. I know it is matter of record with us. We had a separate organization to run it; and the commission desires to have that, we will be glad to submit that.

Commissioner O'CONNELL. I want to get an idea at this time, if you could ve it to me, in order to bring up another matter.

Mr. ATTERBURY. Frankly, I have no idea.

Commissioner O'CONNELL. Your idea is it would cost $200,000 or $300,000?

Mr. ATTERBURY. Mr. Miller, can you give me any facts on that; do you member what it cost us for the conductors and trainmen, what it cost all the 52 railroads. Pardon the informality of that.

Commissioner O'CONNELL. Certainly, we are glad to have it.

Mr. MILLER. About $300,000.

Commissioner O'CONNELL. And you estimate it would cost the other side, they were to gather full information, about the same sum?

Mr. ATTERBURY. I do not know.

Commissioner GARRETSON. It did not cost us that much money, quite; we aintained a larger staff, but spent much less money in dollars.

Commissioner O'CONNELL. $200,000?

Commissioner GARRETSON. I would judge fully that.

Commissioner O'CONNELL. Then in order to carry on an arbitration case unr the Erdman Act, or now the Newlands Act, as it was carried on in that se would cost $500,000, roughly estimated?

Mr. ATTERBURY. Yes, sir. You have to understand there were ninety-odd ousand employees interested. How many were included in that, Mr. Garrtson?

Commissioner GARRETSON. Eighty-two thousand.

Mr. ATTERBURY. And that it involved something like ninety million a year; that is, it would run over $1,000 for each individual who was engaged in the arbitration.

Commissioner O'CONNELL. The point I want to get at is, whether if this act is extended and the men in the railroad system and in the shops are unorganized, and with no method of having funds like the Order of Railroad Conductors, what possibility they would have to raise the money or prepare themselves to go into arbitration with an organized company like the Pennsylvania system, and present case, like the transportation men, with their large organization and large funds at hand, what show the shop men would have under conditions of that kind?

Mr. ATTERBURY. The only show they have, Mr. O'Connell, is the protection of the officers themselves; and that, in turn, depends altogether upon the financial condition of the company and the relations of the standard of wages of the employees of the company to the standard of outside employment.

Commissioner O'CONNELL. They would have been unable, if it cost as it does these transportation organizations in cases of arbitration? It costs them immense sums of money to gather data and statistics and to fortify themselves in an arbitration case——

Mr. ATTERBURY. Yes.

Commissioner O'CONNELL (continuing). That the shopmen, unorganized and unassociated together in any way, would certainly not be prepared to come in and fortify themselves with this great expense under any kind of an act. So that the extension of the Erdman Act might not carry with it the same relief to the unorganized men as it might to the organized men who are prepared to appoint boards——

Mr. ATTERBURY (interrupting). I think, perhaps, that is true.

Commissioner O'CONNELL. So the mere fact of your saying that that would be a good thing to put in effect does not mean so much to the men who are not organized?

Mr. ATTERBURY. No, sir.

Commissioner O'CONNELL. You were acquainted with the troubles that occurred in and around Pittsburgh in 1911 in the shop trades?

Mr. ATTERBURY. I was.

Commissioner O'CONNELL. Do you recall what was the beginning of that trouble?

Mr. ATTERBURY. Well, I can not specifically recall the details that started it, Mr. O'Connell.

Commissioner O'CONNELL. Were there not at that time a large number of discharges took place?

Mr. ATTERBURY. I think there were; all of that, however, Mr. Long, our general manager, who was on the ground at the time, can testify to.

Commissioner O'CONNELL. He is familiar with it?

Mr. ATTERBURY. Yes; he was on the ground at the time and in charge.

Commissioner O'CONNELL. As I understand it—and, by the way, I was at one time in the employ of the Pennsylvania, years ago.

Mr. ATTERBURY. I did not know that.

Commissioner O'CONNELL. On two or three occasions I worked for the old W. M. & Y., and the Central, and others about the time you worked in the shop, and at the same trade; the wages and hours and conditions under which the men were to work were set in the shops; as suggested by the commissioner, Mr. Weinstock, that you made individual deals individually with them; in other words, that you made with them an individual arrangement. I take it that the company, the officials of the company, or the officers who have it in charge, simply set the rates of wages, the piecework prices—it is largely piecework—and set the hours of labor, and set the conditions of employment, and that the workman who comes along simply accepts that or declines to accede to it, as the case may be.

Mr. ATTERBURY. I think that is true.

Commissioner O'CONNELL. And he has nothing to say with it, one way or the other.

Mr. ATTERBURY. I would not say that he has nothing to do with it. Take a place like Renovo, Elmira, Williamsport, or Sunbury; there the master mechanic is very familiar with the individuals in the shop. The shop is not so large but what the master mechanic can know everybody in it.

Commissioner O'CONNELL. But, take an outlying point, say Renovo, and the master mechanic would not be empowered to put into effect in the shops an

eight-hour day in Renovo, without the approval of the general officers of the company?

Mr. ATTERBURY. Oh, no; no.

Commissioner O'CONNELL. He would not have the right to change the general conditions of work?

Mr. ATTERBURY. No, sir.

Commissioner O'CONNELL. And a man comes along there, he works and accepts that rate that is provided, and he works under the conditions that are provided. And I understood a while ago you said there was an advance of 10 per cent all along the line. Now, the workmen were not taken into consideration or consultation in that at all?

Mr. ATTERBURY. No, sir; not at all.

Commissioner O'CONNELL. Not in any way.

Mr. ATTERBURY. Nor the trainmen. Do not forget that our treatment of the trainmen organization in that respect, until the last year, has been absolutely the same.

Commissioner O'CONNELL. But if there were discharges of trainmen, or they were laid off and men were held up, or were given a suspension, or anything of that kind, you would meet the officials or representatives or committees of the trainmen or the conductors for the purpose of adjustment?

Mr. ATTERBURY. Yes; and many——

Commissioner O'CONNELL (interrupting). In that case you recognize them as an organization?

Mr. ATTERBURY. Well, we recognize them as representing their particular trade. Now, in some of our shops we have the same sort of committees. Just how far that exists, I do not know.

Commissioner O'CONNELL. But in so far as the setting of the rates of wages, my experience of many, many years, and my observation of things having had to do with the machinists' organization, as you may know, for many, many years, the Pennsylvania Co. simply set the rate of wages, or their officers do, their officials probably, at the various points, the rates for piecework, prices, etc., and how the man shall work, and the hours they shall work, and the men are not brought into consultation in any way about it, or individually, but the company simply posts notices or puts it in the book of rules that these are the conditions?

Mr. ATTERBURY. Yes.

Commissioner O'CONNELL. And the prices and all that?

Mr. ATTERBURY. Yes.

Commissioner O'CONNELL. So the man who goes to work has to accept the conditions under which he shall work,

Mr. ATTERBURY. Yes, sir. Now, of course, the number of hours the shop works is altogether dependent on the amount of work that there is. That is one of the subjects——

Commissioner O'CONNELL (interrupting). Now, then, there follows with that what is commonly called the "on and off" system.

Mr. ATTERBURY. I do not know what you mean.

Commissioner O'CONNELL. Well, a man is laid off, it is commonly called—where he works to-day and is off to-morrow, or he works to-day a half day and is off in the afternoon.

Mr. ATTERBURY. I think that is an exception rather than the rule, Mr. O'Connell. The work is laid out in a somewhat different way. That is, the master mechanic knows in advance what work he has ahead of him in the shop and knows how many hours he is going to work, and I question if there is very much of that sort of thing going on. I rather imagine that is exaggerated, rather than the rule.

Commissioner O'CONNELL. Well, do you feel, Mr. Atterbury, that if there was a closer relationship between the employees, speaking now of the shop trades, with which I am more familiar, and the company officials, that it would have a tendency to appease industrial unrest, if there be industrial unrest?

Mr. ATTERBURY. I would welcome it, Mr. O'Connell, if it could be done under proper auspices. I would welcome and more than welcome an organization of the Pennsylvania employees among themselves.

Commissioner O'CONNELL. Without any outside entangling alliances, as it were?

Mr. ATTERBURY. Absolutely. That would be ideal, if it could be accomplished.

Commissioner O'CONNELL. You think that would be a good thing, then, good for the Pennsylvania; and if it was, it would be good for all other roads alike?

Mr. ATTERBURY. Not only good for the railroad, but it would be good for the men, because anything that is good for the railroad is good for the men; and, vice versa, anything that is good for the men is good for the railroad.

Commissioner O'CONNELL. You have in view principally in that the possibility of preventing—I say "preventing"; I don't recall just the word to use—but, anyhow, the interference of outside influences with the employees of the company?

Mr. ATTERBURY. Anything that would produce a greater condition of harmony between the employees and the railroad company would be very, very good for the railroad company, and it would mean more efficient work. It means more willing work and more loyal work.

Commissioner O'CONNELL. I will ask you this question of a general character: This commission is authorized to investigate and ascertain, if possible, what are the underlying causes of industrial unrest. In a broad sense there is industrial unrest. There are strikes and disturbances and all sorts of turmoil breaking out here and there; and you, as a man of large experience, and having to do with a great corporation and many thousands of workmen—what, in your opinion, is the cause of industrial unrest?

Mr. ATTERBURY. Well, there are two kinds of industrial unrest: One is the commercial and the other is the sociological. Now, my own opinion is that unrest is a good thing.

Commissioner O'CONNELL. Of course, I would not expect to do away with industrial unrest—a healthy unrest.

Mr. ATTERBURY. My opinion is that it is a perfectly normal thing—unrest. There is no progress going to be made in the world unless there is unrest. Rather an interesting sidelight on the situation was the statement of a coal man as made to the effect that the miner of to-day wanted a wife of his own and wanted a house with a bathroom; and 5 or 10 years ago he was willing to live 10 or 12 in one community with one woman and one big room, and never took a bath. Now, that sort of unrest is a good thing for the world, and the more of it the better we will be as a United States.

Commissioner O'CONNELL. Well, that is a healthy unrest. Now, there is another unrest.

Mr. ATTERBURY. Now, the commercial unrest, from my standpoint—the responsibility for that is largely due to our commercial conditions. For instance, at one time we may be working our full force of 135,000 men on the lines east—working them full time and, maybe, overtime; and six months after that we haven't got business enough to keep two-thirds of them busy. Now, under those circumstances, I do not see how you are going to avoid social unrest so long as your social conditions are such as to bring about that situation. My own judgment is that we will have to put ourselves commercially as a country in a position where we have our peak load 365 days in the year, and then unload on our neighbors what we have to spare.

Commissioner O'CONNELL. Then the irregularity of employment——

Mr. ATTERBURY (interrupting). I think irregularity of employment is the most serious thing we have got to contend with.

Commissioner O'CONNELL. And added to that the seasonal employment?

Mr. ATTERBURY. Yes. That is all a part of it. One of the witnesses testified about our men owning their own homes. That is true. We encourage and advocate building and loan associations in all of the towns that we have any representation in; and the men are gradually paying for their own homes, and it is a good thing, and it is a good thing for the country. Yet these men are dependent on their monthly earnings for the payments in the building and loan association, and they will pay along for three or four years, and then comes a bad year and they are not able to keep up those payments. I think that is one of the largest causes for industrial unrest—is the irregularity of employment. I think a man is always happier when he has got his regular employment and regular hours. At least that has been my experience.

Commissioner O'CONNELL. And you do not think a man may feel dissatisfied because he is not taken into a sort of partnership, as it were, to deal with the employer as to his conditions of life and as to his wage-earning capacity?

Mr. ATTERBURY. Why, I think that if there were any proper way of profit sharing or stock ownership in the railroads—in our railroad—I would be very keen in advocating it. I wish our employees were interested in our company. Many of them are stockholders to-day, but not to the extent to which I would like to see them.

Commissioner O'CONNELL. Well, I do not mean so much the stock ownership or profit sharing; may they not feel that they have a right to, and that the company should want them to, come in and sit down at the round table and argue out the questions of wages they are to receive, and questions of hours they are to work, and conditions under which they are to work, and that they should be taken into confidence to that extent by a great corporation like the Pennsylvania Railroad? Now, it seems to me, they feel, particularly the shop trade of the company, that they are not given any consideration at all; that their sole dependence is based upon the good will of the officials of the company who carry these things into effect for them without consultation or advice at all. Don't you think that that might—that an arrangement might be made whereby these workmen would be taken into advice and counsel? That they might feel that they had a greater share and participation in the affairs of the company, and by that means bring them closer to the company and have a higher opinion and interest in the company than if they are kept isolated?

Mr. ATTERBURY. You can not do that without an effective organization.

Commissioner O'CONNELL. That is the point I am getting at, Mr. Atterbury. So then there ought to be, instead of an attitude of discouraging organization, an attitude of encouraging organization.

Mr. ATTERBURY. I think I have already stated that we will be glad to see proper organization.

Commissioner O'CONNELL. Well, of course, the term "proper"—your interpretation of proper and what the men themselves might think proper as men might differ very materially.

Mr. ATTERBURY. I grant that.

Acting Chairman AISHTON. Any other questions?

Commissioner GARRETSON. Just a question or two.

Acting Chairman AISHTON. Very well.

Commissioner GARRETSON. One moment ago, Mr. Atterbury, you asked for confirmation on a question. That was in regard to the attitude of Secretary Wilson. I know your attitude is exactly that of myself. You would not want to be understood as doing—I mean you would not want to allow your answer to do him any injustice. He favored all the principles that are embodied in the Newlands bill, but it was as to who should be responsible that he differed with us on.

Mr. ATTERBURY. Yes.

Commissioner O'CONNELL. He desired to have it under the Labor Department.

Commissioner GARRETSON. Sure. That is the point I want to make clear. He did not differ from us on the essence of the bill, but he differed from us as to the machinery.

Mr. ATTERBURY. Thank you for correcting me, Mr. Garretson. I am very glad to hear it.

Commissioner GARRETSON. Well, I knew that would be your attitude, Mr. Atterbury. Now, as to this question of unrest, Mr. Atterbury, which you have described under two different heads—that is, legitimate unrest which is desirable, and what you first referred to under the name of commercial unrest and then followed up with the term "social unrest," meaning either the unrest or its outcome, do you believe this, assuming merely for the purposes of an expression that there are localities in your line like Altoona, for instance, for I am taking a typical company-governed town, or what is alleged to be a company-governed town, that if there were a large number of men, employees of the company, no matter how long, who do feel that they are being deprived of the free exercise or what they hold to be their constitutional privilege, could there be any greater agency to create unrest of the latter class than that—social unrest?

Mr. ATTERBURY. I did not follow that as closely——

Commissioner GARRETSON (interrupting). A man deprived of what he believes to be his constitutional privilege either as a citizen or as an employee, would that be a great influence to create an undesirable unrest?

Mr. ATTERBURY. Oh, I think it perfectly natural. I know I feel so myself at times. If I am deprived of what I think is my just dues, I have a grudge agninst somebody. That is perfectly natural.

Commissioner GARRETSON. That is the human side of it?

Mr. ATTERBURY. Certainly.

Commissioner GARRETSON. Now, I want to ask you a question, because I heard it referred to in that locality very many times. It is only an indication. Have you ever heard how many copies of the Appeal to Reason were received in Altoona prior to 1911—probable circulation?

Mr. ATTERBURY. No, sir.

Commissioner GARRETSON. If it was an exceedingly large number, would it be an indication in that community they did feel that they had been circumscribed?

Mr. ATTERBURY. That would largely depend; could only affect my judgment if I knew something of the propaganda that had preceded this large distribution.

Commissioner GARRETSON. If that circulation had continued during a very considerable time?

Mr. ATTERBURY. I do not hesitate to say that I think it would be a very bad sign.

Commissioner GARRETSON. You never had any data on that subject?

Mr. ATTERBURY. No; I never have. If the Appeal to Reason was voluntarily received and read in Altoona——

Commissioner GARRETSON. And paid for.

Mr. ATTERBURY. And paid for; I would say it would be a very bad sign.

Commissioner GARRETSON. You referred to the fact that transportation organizations upon some lines were federated under what is known as the Cedar Rapids plan?

Mr. ATTERBURY. I only attempted to differentiate between that situation and the situation as it existed on the Pennsylvania, in answer to some question asked me.

Commissioner GARRETSON. All I intended to ask you was as to whether or not at least three of the organizations were not federated on the Pennsylvania lines east, at the present time under that plan?

Mr. ATTERBURY. If they are, I am not aware of it. I do not think the Brotherhood of Locomotive Engineers are—perhaps the others are. My recollection is that the old Cedar Rapids agreement took in the Order of Telegraphers.

Commissioner GARRETSON. At one time, and later on did not; they were parties to its original formation.

Mr. ATTERBURY. That was my recollection.

Commissioner GARRETSON. I have a weakness for eggs; I want to go back to the owl and the eggs. In this question of which was first, espionage by the company or espionage by the men, is it not a fact, predating your own day with the company, that the company had espionage before there was any organization, and that when organizations began to come into existence that that was when its espionage in regard to the spirit of the men was extended by the company?

Mr. ATTERBURY. I take it for granted you remember the old story of the conductor, the money that he threw up and stuck on the bell rope went to the company and what fell went into his pocket?

Commissioner GARRETSON. That was a Federal bell cord?

Mr. ATTERBURY. I suppose espionage went back to other days.

Commissioner GARRETSON. But you have no reason to believe anything to the contrary, that espionage did precede organization?

Mr. ATTERBURY. No; I have no reason to believe—all I know is the situation as it exists. That is troublesome enough without wondering as to the cause of it.

Commissioner GARRETSON. You don't know of any time that the company did not exercise espionage?

Mr. ATTERBURY. No.

Commissioner GARRETSON. Have you any remembrance of when the organization did not exist?

Mr. ATTERBURY. I have not. Some of my oldest friends were members of the Brotherhood of Locomotive Engineers and Order of Railway Conductors, and some of my best friends.

Commissioner GARRETSON. I will take the one I know best. Voluntary increases never ceased in the train service on the Pennsylvania road until 1910?

Mr. ATTERBURY. Not until we first joined with the other lines, following a consolidation of the engineers on the line east of the Mississippi and north of the Ohio; that is my recollection of the first time.

Commissioner GARRETSON. No; was it not when the first concerted attempts were presented to the companies, and they acted singly about that time, in 1910?

Mr. ATTERBURY. That is as I remember it; however, you are more familiar with it than I am; but my recollection is that followed the application of the New York Central award, followed the statement by Mr. Myers that we would do as well as anyone else did.

Commissioner GARRETSON. That is the time I referred to as the last so-called voluntary increase. Has the increase since that time been granted to the train-service department been accompanied by corresponding increases to the other organizations, as they used to be in what we call the voluntary days?

Mr. ATTERBURY. I regret to say they were not.

Commissioner GARRETSON. In regard to the Lemieux Act, the Canadian act.

Mr. ATTERBURY. I call that the Mackenzie King Act.

Commissioner GARRETSON. Did you pay any attention to its workings in 1910?

Mr. ATTERBURY. At the time of the Grand Trunk strike?

Commissioner GARRETSON. At the time it culminated in the Grand Trunk strike.

Mr. ATTERBURY. Yes, sir.

Commissioner GARRETSON. Did you compare the amount of time that was consumed in disposing of 71 properties on this side and 3 on the other, or 3 on this side under the Erdman Act—71 on this side and 3 on the other, in working under the Erdman Act and under the Lemieux; did you ever check up the comparative time that was used?

Mr. ATTERBURY. I have not.

Commissioner GARRETSON. You are aware that the Grand Trunk strike took place the same day that settlement was reached on the Pennsylvania, the last of the properties on this side of the line?

Mr. ATTERBURY. I did not know that.

Commissioner GARRETSON. Under the Lemieux Act, the same amount of time was used for 3 companies that was used for the 71 on this side?

Mr. ATTERBURY. I do not think the Lemieux Act has any application to the train-service employees. I think I have already said that we doubt if we will ever again have a big strike; that before that we would probably come to terms among ourselves under some form of arbitration.

Commission GARRETSON. In regard to your ideal form of organization, if I do not misunderstand you, it was to the effect that you would welcome an organization composed wholly of Pennsylvania employees with no outside entanglements?

Mr. ATTERBURY. That is right.

Commissioner GARRETSON. In the conduct of the company's business, has it any entangling alliances with other railroad companies?

Mr. ATTERBURY. It did not have until the employees themselves took up outside coalitions.

Commissioner GARRETSON. Outside of wage conditions altogether? For instance, the I. C. C. legislation, and otherwise, you have such alliance with all of the other companies that obtain between the other companies, and they are parties to it.

Mr. ATTERBURY. If you remember, Mr. Garretson, there was a general managers' association in the East, the Pennsylvania Railroad was never a party to that, and never dealt collectively in any way, shape, or form and did not do so until our engineers decided and desired themselves to collectively bargain. It was not until then that we went into the general managers' association and became a part of it. We have always, as you know, endeavored to deal with our own employees, and largely prided ourselves upon it, and I can not help but think it was a sad day for the employees of the Pennsylvania Railroad when they went into that collective bargaining, and put themselves on a par with employees of the other railroads of the eastern country.

Commissioner GARRETSON. You belonged to the American Railway Association all these years?

Mr. ATTERBURY. Yes, sir.

Commissioner GARRETSON. You belong to an association which was represented by a committee on legislation?

Mr. ATTERBURY. I don't think we belong to that. I have always objected to it. Now, we belong to the Master Car Builders' Association and the Master Mechanics' Association, and have our representative in the Signal Officers' Association, and the Maintenance and Engineers' Association, and the American Society of Mechanical Engineers, and the American Society of Civil Engineers, we have our representatives in all those organizations.

Commissioner GARRETSON. That is because you believe your interests are better conserved by working in company with them, having a common interest? If that is true of your company, is it not also true of your employees?

Mr. ATTERBURY. We can easily conceive of the employees condition of the other railroads being materially improved by having an alliance with the em-

ployees of the Pennsylvania Railroad, but I think it has worked adversely to the employees of the Pennsylvania, but materially to the advantage of the employees of the other roads, and if you are going into the broad question, perhaps the good of the country and of the Pennsylvania road itself may have been benefited, but directly our men have not been.

Commissioner GARRETSON. I wondered if you believe that the Pennsylvania employees should stay in these associations as philanthropists to the others?

Mr. ATTERBURY. No, sir; I think they were forced into it.

Commissioner GARRETSON. How could they be?

Mr. ATTERBURY. By sociological methods, that you are as familiar with, and more so, than I am.

Commissioner GARRETSON. Did you ever see a man hung by a sociological method?

Mr. ATTERBURY. No, sir; but he might a heap better be hung.

Commissioner GARRETSON. You finish him just the same?

Mr. ATTERBURY. Exactly.

Commissioner GARRETSON. That is all, we will leave him there.

Acting Chairman AISHTON. That is all, Mr. Atterbury, but before you leave the stand, I don't believe you put this document in the record. Do you wish to do so at this time?

Commissioner GARRETSON. I think you will find that the stenographer directed your attention to it and you handed him a copy when you read the excerpt from it, but whether you put the whole document in, I don't know.

Acting Chairman AISHTON. It is the desire that the entire document be presented?

Mr. ATTERBURY. Yes, sir; I desire to do so.

(The document referred to by witness, entitled "The Pennsylvania Railroad—Its Policies Toward Its Employees," was submitted in printed form.)

TESTIMONY OF MR. H. B. PERHAM—Recalled.

Mr. PERHAM. At the proper time I would like to correct a wrong impression as to the telegraphers and the spying system. It would be wrong to allow all this impression to go out that our organization employs spies.

Acting Chairman AISHTON. You will be allowed before the close of the hearing to make any statement you desire in that regard.

Mr. PERHAM. I would not like for any person to go away with the idea that any telegraph operator was a spy.

Acting Chairman AISHTON. Do you have to leave town to-day?

Mr. PERHAM. No; but I would like to be able to address the people that heard the statement made.

Acting Chairman AISHTON. You make take the stand now.

(H. B. Perham, recalled, here took the stand.)

Mr. PERHAM. I think it was Mr. Weinstock misunderstood some of the testimony I gave this morning. I tried to make it clear that the organization had received its information from citizens along the line. It should be understood that the telegraph operator of a station is the sole custodian of the commercial secrets and domestic secrets of the town where he is just the one man who handles these telegrams, and sends them for the commercial telegraph company, then he is the one man that carries all the secrets of the town, and very seldom, indeed, has it ever been reported that such a man has been guilty of a breach of confidence. In fact, I never heard a case of that character, and I have had much experience with these men, consequently it would damage my business if the impression was carried abroad that these men were spies. It would not do. Again, in the general offices of the railroad company we usually have the large telegraph offices, and the men there work night and day, and would have access to correspondence, to files, and the secret work of the company, and could do considerable damage if they were retained as spies or allowed to spy. The fact is thta we, or the Order of Railway Telegraphers, never do hire a spy, or have any connection with detective agencise, and never allow its members to spy or inform upon the employer. If he was to be guilty of giving up the secrets of his employer, he would undoubtedly be tried on charges and possibly expelled from the organization as a punishment for that breach of confidence. I thought it absolutely necessary that at this time I make that absolutely clear that we desire to hold the position we have, as being forthy of the confidence of all people in relation to being intrusted with their domestic secrets.

Commissioner WEINSTOCK. What did you have in mind when you said this morning that both sides employed spies?

Mr. PERHAM. I don't remember having said that.

Commissioner WEINSTOCK. Perhaps I misunderstood that. I got the impression, I think, from the testimony that you knew the railroads had spies in your ranks, and that you had spies in their ranks; that you hired the men to go out and gather information.

Mr. PERHAM. I tried to make it clear that these men were organizers, soliciting members, and not spies.

Commissioner WEINSTOCK. Not telegraph operators themselves?

Mr. PERHAM. They are mostly railroad employees, ex-employees.

Commissioner WEINSTOCK. Then you probably heard Mr. Atterbury on the witness stand a little while ago make this statement also, in discussing the question of spies, that information right from his own office was made known in labor circles. That he knew it, and they knew that he knew it. Now, is that information gotten out of the office?

Mr. PERHAM. I heard that testimony, and it possibly would account for Mr. Atterbury's attitude toward organizations, that he was mistaken about that, that there was no legitimate organization that had anything to do with that character of work. We hold ourselves above it, and would sooner have no information than to get it in such a manner as that.

Acting Chairman AISHTON. I think the record shows, as Mr. Perham states, that Mr. Perham did not indicate that they were hiring spies or anything of that nature, but that organizers in the conduct of their work did make it their business, and did report to you certain things of interest which they ascertained, without the knowledge of the officers of the Pennsylvania, in their own manner, but as far as employing spies is concerned, for that particular purpose, you didn't do it.

Mr. PERHAM. We didn't do it; and that is what I wanted to make clear.

Commissioner WEINSTOCK. Do you draw a distinction between an organizer, probably whose function it is to keep you informed as to what is going on, and a telegraph operator? Are these organizers men outside of the ranks or are they also telegraphers?

Mr. PERHAM. These organizers that we have in my employ, I believe there are 17 in the United States and Canada, have served at least 20 years as telegraph operators.

Commissioner WEINSTOCK. While acting as organizers, are they also performing the functions of a telegraph operator?

Mr. PERHAM. No, sir; they get better wages as an organizer, because they are selected for that particular purpose, and each man is well known to the man that employs him.

Commissioner WEINSTOCK. Now, we have had labor representatives on the stand in other places, and they have stated very frankly and very openly that they expected these men to get information from the enemy, looking upon it in the light of labor troubles; they expected them to get the information any way they can get it, right or wrong. I don't know whether your union draws the line between the right and wrong way. In other words, I gathered from their statement that a labor trouble is war and that everything is justifiable in war; that one country in war with another does not hesitate to send out spies and get information any way they can, and the same idea prevails in labor wars, and I gather from what you say that your union draws the line and does not gather it in that way?

Mr. PERHAM. I believe that is an exaggeration to say that a labor trouble is war. There are probably people that entertain that view who never had anything to do with war and do not understand what war is. The impression conveyed to my mind is that probably the officials of this company imagine that a labor organization is a subrosa concern, that it is in a way a conspiracy. That is not true. The organization to-day—it would not matter if every letter in my files in St. Louis, say for a period of 10 years, was published in the newspapers, there is nothing to conceal, and I think every railroad man in this country knows what my next move will be in a labor dispute. There is nothing to find out about it, and it is the same way with all other railway organizations.

Commissioner WEINSTOCK. You mean you play with your cards on the table?

Mr. PERHAM. That would be a good expression.

Acting Chairman AISHTON. Anything further? If not, you may be excused, Mr. Perham.

TESTIMONY OF MR. W. H. PIERCE.

Acting Chairman AISHTON. Will you please state your full name and residence?

Mr. PIERCE. W. H. Pierce?

Acting Chairman AISHTON. Your residence?

Mr. PIERCE. Harrisburg, Pa.

Acting Chairman AISHTON. Mr. Pierce, what is your business?

Mr. PIERCE. An organizer.

Acting Chairman AISHTON. For what?

Mr. PIERCE. Brotherhood of Federated Railway Employees.

Acting Chairman AISHTON. Mr. Pierce, are you familiar with local conditions on the Pennsylvania Railroad?

Mr. PIERCE. Well, somewhat.

Acting Chairman AISHTON. Please state your knowledge, and how gained, how you gained such knowledge?

Mr. PIERCE. Practical experience.

Acting Chairman AISHTON. On what line and covering what term of years?

Mr. PIERCE. Four years.

Acting Chairman AISHTON. And commencing at what time?

Mr. PIERCE. When I say four years, that is exaggerated a little. The 30th day of December, 1911, to make it exact.

Acting Chairman AISHTON. And continuing to the present time?

Mr. PIERCE. I have been out of that system several months during that time. I have been on the lines west. I have done special work maybe during that period of time. You understand at the beginning of 1910 I was employed by the Brotherhood of Locomotive Firemen and Enginemen as a national organizer, and I was on for several years, but I came on the Pennsylvania system in December, 1911, and from that time to the present time I have possibly been off of the Pennsylvania system on lines east or west approximately four or five or six months.

Acting Chairman AISHTON. You have been for a period of about four years an organizer for the Federation of Railway Employees?

Mr. PIERCE. No, sir; they were not organized until the 22d of October, 1913.

Acting Chairman AISHTON. And since that time you have been connected with that organization?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. What was your experience, Mr. Pierce, prior to this four years' period that you were an organizer—were you connected with some railroad?

Mr. PIERCE. I do not understand the question. Just once more, please?

Acting Chairman AISHTON. What was your line of work; what experience before you started into this organization work?

Mr. PIERCE. I done special work at the grand lodge. I was connected with the grand lodge of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill.

Acting Chairman AISHTON. For how long a period?

Mr. PIERCE. About seven years.

Acting Chairman AISHTON. Doing special work?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. What was the nature of that special work, please?

Mr. PIERCE. Anything that I was assigned to.

Acting Chairman AISHTON. Anything in connection with organization?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. Of that particular organization?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. And was that the first work that you did in your life for that organization?

Mr. PIERCE. Oh, no.

Acting Chairman AISHTON. Or were you with them before that?

Mr. PIERCE. I was a member of the executive board and general chairman for many years.

Acting Chairman AISHTON. And general chairman of the Brotherhood of Locomotive Firemen?

Mr. PIERCE. Yes, sir; that was before they added the name "Enginemen."

Acting Chairman AISHTON. How long were you with them?

Mr. PIERCE. Some eight or ten years.

Acting Chairman AISHTON. You were a paid representative at that time?

Mr. PIERCE. The men paid me then only when I was on special work for the grand lodge.

Acting Chairman AISHTON. And prior to that line of work, where were you engaged?

Mr. PIERCE. I went to school.

Acting Chairman AISHTON. Did you fire a locomotive?

Mr. PIERCE. I did.

Acting Chairman AISHTON. For how long?

Mr. PIERCE. Three years and one day.

Acting Chairman AISHTON. You fired a locomotive during this period you were chairman of that committee?

Mr. PIERCE. I was an engineer also.

Acting Chairman AISHTON. And at the present time you are compensated for your services by some organization?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. The Federation of Railway Employees?

Mr. PIERCE. Yes, sir.

Acting Chairman AISHTON. Now, Mr. Pierce, what knowledge have you as to the shop conditions on the Pennsylvania Railroad in 1913 and 1914? You have prepared no statement, as I understand it?

Mr. PIERCE. No, sir; if you will give me a specific case I will tell you anything I possibly can.

Acting Chairman AISHTON. I presume you have been furnished with a statement of the questions that will be asked?

Mr. PIERCE. I have not that I know of.

Acting Chairman AISHTON. Have you any knowledge of the shop conditions on the Pennsylvania in 1913 and 1914?

Mr. PIERCE. I have had more or less knowledge ever since I have come here in 1911.

Acting Chairman AISHTON. Have you a knowledge of shop conditions on other lines in the territory surrounding the Pennsylvania?

Mr. PIERCE. I have, on the Baltimore & Ohio and the Erie and the New York Central lines.

Acting Chairman AISHTON. If you can not explain in detail the conditions on the Pennsylvania road, can you make a comparison between the conditions on the Pennsylvania road and other lines in that territory?

Mr. PIERCE. Wherever there is piecework or the piecework system is established a majority of the men are dissatisfied. I will say to you, if you will allow me, that I believe that has caused one-half of the unrest to-day. The efficiency system that is put into effect under the piecework system makes it impossible for only those who are the most proficient, and possibly those that have more energy to burn up, to make any money. Under the piecework system men are grouped, they have gangs, and many cases where there are new men coming into the service, all the time as apprentices, Mr. Atterbury said they bring up their own apprentices, and you take a gang of 10 or 12 or 15 men and have 4 or 5 apprentices, and it is impossible, almost impossible, for them to earn any money at all because they are not accustomed to that work; it is a trade by itself—car repairing and repairing engines and special roundhouse work. You take, after they have been in the service many years and a gang have become acquainted with each other, and they work and the allotment of the work, and they make very fair wages when they have full time. The conditions where there is piecework on any line of railroad all depends upon the blueprint or the price that is paid for it. The efficiency system you understand possibly as well as I, being a railroad man, as I understand you are; a man first entering the service he earns but little, afterwards becomes more proficient and can earn a fair salary, but he soon breaks himself down, and at 40 or 45 he is an old man.

Acting Chairman AISHTON. You have made no statement as to the shop conditions on the Pennsylvania in 1913 and 1914 other than the general state as to the efficiency system. Do you desire to make any statement as to that condition?

Mr. PIERCE. I find this on the Pennsylvania system, that they have a very elaborate and proficient police service, probably the greatest in the world for any corporation of its size—in the railroad field at least. The men who work in their shops—that is, outside of the transportation men, comprising between 108,000 and 113,000 men—they are denied the right that is extended to the

men in the transportation department, and until they are given equal rights there always will be unrest there, and the conditions will never be what they should be.

Acting Chairman AISHTON. Now, Mr. Pierce, will you tell us what brought about the inception of the Brotherhood of Federated Railway Employees?

Mr. PIERCE. Yes, sir. In June, 1913, certain employees of the Pennsylvania Railroad Co. held a meeting in the city of Pittsburgh, the first Monday in June, and at that meeting there was an organization contemplated and afterwards put into effect on that system that was known as the Pennsylvania Railroad Employees' Mutual Benefit Association. They have changed the name of that association several times and I can not tell you just exactly what the name of it now is, but it is practically the same. I is a benefit, mutual benefit, association, taking in all classes of employees. I think it was in August, 1913, I was instructed to attend some meetings on the Pennsylvania system.

Acting Chairman AISHTON. Instructed by whom?

Mr. PIERCE. By the international president of the Brotherhood of Locomotive Firemen and Enginemen, W. S. Carter, and at those meetings it was brought out that they were getting out a tentative application to have these employees sign for this mutual admiration association, and it was brought out there that the intent and purpose of this organization was, and I think it has been fairly displayed here this afternoon what the special purpose was, when Mr. Atterbury said he was heartily in favor of an organization exclusively of Pennsylvania Railroad employees, because that organization is thriving there at the present time, and without a doubt his anticipations will be filled within a short time in my estimation. And in attending those meetings it seemed that they had some organizers in the field. Now, it has always been a mystery to me how it is that men who have tried to organize these men have been hounded by their detectives, but evidently they overlooked the fact that the company people were in league with ex-members of labor organizations which were trying to organize these men. At any rate they seemed to have a free hand. When the tentative constitution was drawn a copy of a letter was sent to Mr. Long, the general manager, asking him, by the man who was chairman of the meeting, if he could make any recommendations and if that one met with his approval. Of course, I did not get the correspondence, and while it has been said we do not do any detective work I want to confess that I do, and I did some there, and that is how I got this constitution or letter that was sent to General Manager Long, and I want to say to you that I don't blame those fellows for doing that class of work, myself, under this system. I have nothing against those people in doing detective work. All I have asked is that they keep them a certain distance from me, because I did not want the people in a town to think I was associating with them. I have no objection, however, to them following me and I have had a large quota around me all the time, and I have felt safe against foreign invasion, because I have had from 10 to 20 following me around, and all I have asked is that they keep a proper distance.

Acting Chairman AISHTON. About how far?

Mr. PIERCE. I would think half a block would be about right. I have often thought that I could have saved the Pennsylvania Railroad a large amount of money if they would have allowed me to make a report every day where I was and what I done, because they made a large job for a lot of suckers I made a report to the international officers of our organization and we had several conferences, and it was decided to fight fire with fire, so we started in.

Acting Chairman AISHTON. Parden me for the interruption. At this period you were still the organizer for the B. of L. E. & E. and acted under instructions from Mr. Carter?

Mr. PIERCE. Yes, sir; you have it. In attending these meetings, I advised them not to go into this mutual admiration association, because I believe it would have been a bad thing; whether it would be or not time will tell, because it is only a short time until it will be put into effect, and we will all get a chance to see it; but I told the men, advised them to organize themselves, and at about every meeting we held they would say they did not dare to organize themselves, they would be discharged, and would not become officers of the organization, and they wanted to know if I would become the head of them and organize them. At that time there was a trip laid out for me to the Pacific coast on some work for the organization, but I was destined to be in Pennsylvania and New Jersey and Delaware and Maryland for a period of 60 or 90 days, and I told the men who attended those meetings that I would draw them up a tentative constitution and application and they should pick

their own men to run their organization, but I would give that time to them gratuitously to assist them, and so I did. At every meeting we had the halls were not big enough to hold the people who wanted to join the organization; always overflows.

Commissioner O'CONNELL. Were any of these meetings in Altoona?

Mr. PIERCE. Yes, sir; and right here I will tell you, you have heard a great deal said about not being able to get halls. Do you know I was accused by one organizer from the American Federation of Labor of being in league with the railroads because I could get a hall in Altoona, and for your information I will tell you how I got it; I bought it. I bought the entire hall; that is how I got it. The Pennsylvania Railroad would have stopped me; they have stopped me in other places, and Mr. Lamb, a detective, is here and he can tell you how they stopped it. I went them one better in Altoona. I had the experience of the American Federation of Labor.

Acting Chairman AISHTON. Proceed, and do not get away from the subject any more than possible.

Mr. PIERCE. Yes, sir; I will try to do so, but I may drift away, and if so, I may be corrected. I believe these meetings were all of an overflow character. I drew them a tentative constitution and presented it to them, and I took an organizer by the name of McDevitt, who was an organizer for the firemen, but who had been relieved from service on account of the work being nearly completed which he was assigned to, and I put him in charge of this new organization to organize these men. It went along until we had four or five men working and eventually, you understand, I was working with the firemen all day soliciting membership and straightening out affairs with the firemen's organization and then attending meetings all night, and I commenced to be run down; I could not stand the work, it was too strenuous. So we had a conference here in the city of Washington of several members of the firemen's organization, and at that meeting I told them I could not go any further and carry the two organizations, and it was agreed that I should take a leave of absence for a certain length of time, and so I did.

Acting Chairman AISHTON. A leave of absence from the service of the firemen?

Mr. PIERCE. Yes, sir; and so I took a leave of absence from the firemen and agreed to act as the head of this organization for a period of 90 days, thinking that in the meantime there would some one develop that would take charge of the affairs, as it was always my contention that one of their own men should be at the head of it. While I have been accused of many things, and it being a one-man organization, as I heard one of your honorable board say, or words to that effect, I want to say that was farthest from my thought, and all the time, until I got a leave of absence, I was working only under instructions of W. S. Carter. But during this period of leave of absence of 90 days this organization grew by leaps and bounds, and the American Federation of Labor began to get worried; that is where a little jealousy crept in; the American Federation of Labor commenced to get worried, and they saw that if this oganization was a success they would lose their membership on the different lines of railroads connected with the American Federation of Labor, and so they commenced to put up a wail and howl like a dog with a tin can tied to its tail, and they commenced to send out reports and letters, and they commenced to make Brother Carter take water, and Brother Carter told me to commence unloading on some one else, but I was not of that unloading disposition, and I did not propose to draw a man into a hole and leave him in the hole. I made up my mind to get him out of it, and simply because the American Federation of Labor wished to control labor, wished the transportation men to keep their hands off from men employed by railroads which would not allow the American Federation of Labor on their grounds, or to organize them, and simply because we were having success and they were purely jealous of that success, I continued and was loyal to those men. Everything went along beautifully until along in January, when they commenced to suspend men, and it is not necessary for me to tell you here this afternoon that Mr. Atterbury's system of spying worked out beautifully in this case, because the men they put in the shops were certainly loyal to the Pennsylvania Railroad Co.; and I can tell Mr. Long and Mr. Atterbury how many they had; they had 36 in the city of Harrisburg. I know their methods, and possibly I could tell Mr. Atterbury and Mr. Long their method of procedure in the shops.

Acting Chairman AISHTON. Mr. Pierce, at this point, you have finished with the inception

Mr. PIERCE. That is what brought out the inception.

Acting Chairman AISHTON. What was the attitude of the company toward yours and other organizers?

Mr. PIERCE. They used me fine, only I had a big body guard around me all the time for months; that is, detectives; they never did me any personal harm.

Acting Chairman AISHTON. How about the other organizers?

Mr. PIERCE. I believe one or two of them did get beat up a little or something, I don't know. I guess they did have some disturbances, but I will tell you candidly, I think they would leave you alone if you would leave them alone. I think there was probably a little friction; some fellows did not like to be followed around, and resented it more or less, but all I ask is that they keep back a little ways, 15 or 20 feet. Two or three of them did not do it, and I stopped them and requested them not to do it.

Acting Chairman AISHTON. And they did not do it any more?

Mr. PIERCE. If they had we would have had a clash.

Acting Chairman AISHTON. Did you have any actual clash?

Mr. PIERCE. No. The nearest I had to it was up in Buffalo. A fellow up there—you know he thought a fellow could not talk to himself, and he came over to try to stop me from talking to myself. I got off of a car, and I knew that he had a gun and a blackjack on him, and I got off of the car and went over to a store and telephoned the police first that if that fellow followed me any more I would get a gun, and I intended to do it; and if that fellow came over and put his hands on me I was going to use it, because I knew the man, and I knew he had a gun and a blackjack on him, and that if I could not get the civil rights of a citizen in Buffalo I was going to take my case in my own hands.

I am going to say to you, if you will allow me, about their police department, that they have some very fine men on their police department, and they have some of the worst scavengers in the world—those that are picked up at random—and there is nothing in the world that they would not do to cause trouble, and they are real trouble makers. They lie to and deceive the company in making their reports. They do that so they will continue on the job and draw their pay. They are not honest with the railroad company, and if they were it would be a different tale to tell altogether, but they deceive the railroads and the railroad managers themselves and the railroad officials, and I want to say to you that they are not the only ones that deceive them.

Acting Chairman AISHTON. Did you have any experience with the spy system, Mr. Pierce, in your own particular case?

Mr. PIERCE. You mean—just make that more definite. You say, "Spy system." Do you mean the "bull" system, as they call it?

Acting Chairman AISHTON. No; I mean the espionage system.

Mr. PIERCE. You understand I was never allowed to go on their ground after this organization. When I was a fireman I could go all around their roundhouses. They never objected to that—that is, I never had them object—but when I went into this I say I was followed by so many gunmen that I never stepped my foot on their property except I had a mileage book in my pocket and I went into one of their stations.

Acting Chairman AISHTON. How were the men treated that affiliated themselves with this particular organization?

Mr. PIERCE. I know they were discharged.

Acting Chairman AISHTON. Do you have any further information you desire to put into the record in regard to that?

Mr. PIERCE. I know men who were told to either withdraw from the organization or be discharged.

Acting Chairman AISHTON. In discharging men did the company give as a reason their affiliation with the organization?

Mr. PIERCE. They told them that if they gave up their due books they could have their jobs back after they discharged them.

Acting Chairman AISHTON. Can you tell us what was the cause of the strike of 1914?

Mr. PIERCE. It was hardly a strike; it was more a lockout. They locked out all of the men that belonged to the organization through this spying system they had of gaining information. If you will allow me, I will tell you how they got that information.

Acting Chairman AISHTON. The commission would like to know.

Mr. PIERCE. I hope Mr. Atterbury will correct me if I am not correct. They take these Pinkerton detectives and they put on overalls and go into the shop,

and they are supposed to work, but their principal work is rolling up their sleeves and putting their handkerchief around their necks and wiping the sweat off of their brow and finding out how much the other employees know about organized labor. They never do any work. If they did, they would not be detectives. You never saw a detective who was a worker.

Acting Chairman AISHTON. Now, Mr. Pierce, did your association, or you, attempt to establish any relations—any contractual relations—with the Pennsylvania Railroad Co.—for these employees?

Mr. PIERCE. Not until after they commenced to discharge them in bunches in that way. They discharged a lot of old men, and we asked Mr. Long, and Mr. Creighton also, when they laid off these men to lay them off according to their seniority rights. They laid off men who had been 25 and 35 years in the service and kept men very much younger in the service—men who had been there only a few years. It came out in the Altoona and Harrisburg papers that they would only lay off the young men and the unmarried men, but what they really did do was just the reverse. They laid off the oldest men in the service and the married men and kept the single men working, as a rule.

Acting Chairman AISHTON. That hardly answers the question. Was any attempt made by you as head of that organization or any committee of that organization to present a demand to the Pennsylvania road or attempt to establish a contract with it?

Mr. PIERCE. No; just seniority rights is all we asked; we did not ask for any advance in pay. We had not completed our organization when this came up.

Acting Chairman AISHTON. Was there any demand made through mediation, or through the Department of Labor, to bring about a settlement of the strike?

Mr. PIERCE. Yes.

Acting Chairman AISHTON. Please recite to the commission what was done.

Mr. PIERCE. When they commenced to lay these men off in large numbers that way—take the section men; there would be a section gang of 12 men. They would lay off 6 and hire 6 new men in their place. They would let those other 6 work for three or four days until the new 6 had become familiar with the work, more or less, with the whistle system. The men that work on the track have no right to look up to see whether trains are coming or going; the foreman blows a whistle and the workmen jump off of the track, and if he does not blow the whistle they are killed. So, when they got the whistle system drilled into those new men they discharged the other old 6 and hired 6 new men to fill up the gang; and that is the system they adopted of getting rid of the men that belonged to the organization.

Acting Chairman AISHTON. Mr. Pierce, I asked the question as to whether any demands were made to secure mediation.

Mr. PIERCE. I am going to tell you about it, if you will allow me.

Acting Chairman AISHTON. I should be glad to hear it.

Mr. PIERCE. When this came on and they kept on discharging the men this way and laying them off, we wrote a letter to Mr. Long, but never received any reply to it. Then we took it up with Mr. Wilson, the Secretary of Labor, and I think Mr. Rose, who is Assistant Secretary.

Commissioner O'CONNELL. Mr. Post.

Mr. PIERCE. Yes; Mr. Louis Post; we took it up with both those gentlemen, and there was some serious trouble at Altoona or Glitzen, and I got word one night that a lot of Italians were going to blow up a tunnel; and I want to say to you that that is one of the things that I would not stand for. While Mr. Atterbury, Mr. Long, and I do not agree on the labor proposition, I would not destroy any property of the Pennsylvania Railroad, or cause any injury to them personally, because I have the utmost regard for them as men, but we do not agree, possibly, on the labor situation. And when I heard there was a chance of their blowing up the Glitzen Tunnel, I immediately went there; and while I was gone up there to run down that rumor I found it was well founded, because there were people there that had dynamite and were going to blow up the tunnel, and I went there to stop them from doing any damage.

Acting Chairman AISHTON. Were there any other cases of violence during this strike?

Mr. PIERCE. There was no violence at all, because I had the men well in hand that way. If there was any chance of anything of that sort I went on the ground myself, and I did not take any chance, because I did not want anything of that kind to happen.

Acting Chairman AISHTON. What was the conduct of the strikers during the strike?

Mr. PIERCE. Very manly; there was no rioting. I think there was in Harrisburg one night or afternoon, a bunch down there, and I guess they did get into a little mix-up and clubbed each other a little mite, but there was not much damage done.

Acting Chairman AISHTON. Outside of that you know of no violence during the strike?

Mr. PIERCE. No; none whatever; but while I was up there Mr. Price Jackson, commissioner of labor of Pennsylvania, got in communication with a couple of our boys, and they opened up negotiations, and about this time I got a telegram to come to Chicago to meet some executives of the transportation brotherhoods, and while I was gone they had opened up negotiations with Mr. Jackson, and I had told them if there was any chance for negotiations for them to open them up, and they had followed out instructions.

Secretary Wilson sent Mr. Moffatt and Mr. Smith, if I remember right, to act with Mr. Speece, of Mr. Jackson's office, and our committee had gone up to see Mr. Creighton, and then they had been down to see Mr. Long, and they kept them running back and forth for three or four days. But Mr. Moffatt, of the Department of Labor, told me, and Mr. Speece, of the State board, when I came back, that Mr. Long said there would be no more discharging; that he had no objection to the men organizing, and he would not allow them to be discharged because they belonged to the organization. But the very night I got that message they discharged 185 men at Middletown, and they discharged them purely and simply because they belonged to organized labor. The supervisor there told them that if they would turn in their due books they could have their jobs back.

Acting Chairman AISHTON. That is all the mediation that took place during this time?

Mr. PIERCE. Yes.

Acting Chairman AISHTON. What protective measure did the company use in the way of bringing in police?

Mr. PIERCE. I do not know how they brought them in, but they had them there.

Acting Chairman AISHTON. How many?

Mr. PIERCE. I know they had 36 Pinkertons. You understood they took a lot of their own employees and made them these so-called "bulls."

Acting Chairman AISHTON. Were they armed?

Mr. PIERCE. Yes; some of them were. I did not investigate them all; I did not get a chance to.

Acting Chairman AISHTON. What was the general character of the men, and conduct, that were brought in there as police?

Mr. PIERCE. Well, now I want to say to you that I have not got anything to say about them. They are no better or worse than the rest of them; they are all of the same character.

Acting Chairman AISHTON. What attempts were made by the company to break up the organization?

Mr. PIERCE. Why, by discharging the men.

Acting Chairman AISHTON. Their activities were confined to discharging the men that belonged to the organizations?

Mr. PIERCE. I say they discharged them; if you will look in their report there, in their relief report, you will see where there 42,000 men left the service of the company in 1914.

Acting Chairman AISHTON. Have you any knowledge——

Mr. PIERCE. (interrupting). Just a moment. I do not want to say that those 42,000 men were all members of the organization, because they were not; but there came on a lull in business and that gave them an opportunity to discharge the men, and they took advantage of that.

Acting Chairman AISHTON. Have you any knowledge of intimidation of the strikers by the company, or by the officers of the company, to learn the secret of the organization?

Mr. PIERCE. Oh, yes.

Acting Chairman AISHTON. State what it was.

Mr. PIERCE. They would tell the men—now, I want to be fair about this matter; I do not want to infer that Mr. Long or Mr. Atterbury did this, but the men that worked under them did. They have the finest system in the world for doing that kind of work, and you have to hand it to them. They are cer-

tainly past masters of the art. Now, this is the way they arranged that affair. They knew who the fellows were that were agitators and active fellows in the organization. That is the easiest thing in the world to find out, because they put these Pinkerton men in the shop and they watch everybody, and they could tell who were signing up. They would suspend a lot of these men, and then tell them that if they would give the names of others of the men who signed up they would get their jobs back, and a great many did give the names of others.

Acting Chairman AISHTON. What has happened since the strike in regard to these men that went out on strike? Have they got their jobs back, any of them?

Mr. PIERCE. Yes; some of them have gone back.

Acting Chairman AISHTON. What proportion, do you know?

Mr. PIERCE. I could not tell you.

Acting Chairman AISHTON. Do you know what it cost the men?

Mr. PIERCE. It cost a good many of them their jobs. I do not know just what it cost the men, the storekeeper, the railroad, or themselves.

Acting Chairman AISHTON. What has been the attitude of the company toward those men that are out of their service now, that went out on strike? Can those men get jobs—that is, if there are any?

Mr. PIERCE. Some of those fellows have had hard work to get positions. They would go to some place and seek employment, and have been turned down simply because they worked for the Pennsylvania Railroad. A great many of those men feel that they are blacklisted, and I presume to say in some of the subsidiary corporations of the Pennsylvania Railroad that they know that these men—and you know they have many of those subsidiary corporations, there is hardly a corporation along the line they are not more or less directly interested in, and when those men seek employment at those corporations they are denied work for some cause or another.

Acting Chairman AISHTON. Are there any further statements that you desire to make in connection with this matter?

Mr. PIERCE. Well, I am ready to answer any questions you want to ask about the unrest or about the situation as a whole. I will say to you frankly that I do not blame the Pennsylvania Railroad for the defeat of this project; I have not got a thing in the world against them because they did defeat it; it was a natural consequence of the industrial conditions of this country to-day. I have no animosity toward any of the officers of that road. I am big enough to know that they did that to keep up their dividends, and they are in the business for dividends, and if they had paid those men in those shops a living wage the same as they have to pay their transportation men they would have to stop increasing the wages of the transportation men or stop paying as big dividends and issuing more stock—that is, their surplus would be cut down.

Commissioner O'CONNELL. I would like to know, Mr. Pierce, if you are familiar with the actual wage earnings of the men.

Mr. PIERCE. Mr. O'Connell, it is almost impossible for anyone to become familiar with that, because it fluctuates so. This week the men are satisfied because they are working full time or overtime, and next week they do not have any work and they are dissatisfied. To-day they have men working in those shops for less than 90 cents a day. They have what is called the "on and off" system, and the men have to stay there all day whether they have anything to do or not, and they may get four or five hours' work in a day. If a man works on the piece system and he knows that he is only going to get that one job, he will rush through it to get as much money out of the time as possible. They have mechanics working in Altoona, and have had for more than a year, who have not averaged $11 a week, while we have common laborers that have got twice that amount. I could tell you something about that if you wanted to know. It is a very unfair system, and Mr. Creighton, if he wanted to, could tell you much more about it than I can.

But I know of a specific case where an engineer up there who was very prominent, and I will give his name if you care for it, because I have nothing to conceal in regard to this matter. There is an engineer up there very prominent who had a brother, and this brother wanted to get in the transportation department, so that he goes to the master mechanic there for a position in the shops, and he tells this man that he did not expect anything but laborer's pay, which is 16½, and he finally gets this man a job as a laborer in the shop, and the first two weeks he draws $52.

Acting Chairman AISHTON. At this point the commission will stand adjourned until 10 o'clock to-morrow morning.

(Whereupon the commission adjourned until 10 o'clock to-morrow morning, Thursday, May 6, 1915.)

TESTIMONY OF MR. W. H. PIERCE—Continued.

WASHINGTON, D. C., *Thursday, May 6, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners Garretson, Harriman, Lennon, Weinstock, Ballard, Aishton.

Chairman WALSH. Mr. Pierce, take that chair, please. Mr. Weinstock would like to ask you a few questions.

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. You were telling us yesterday, Mr. Pierce, that you did succeed in getting a hall in Altoona?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. And that you had overflow meetings?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. And how large an attendance did you have at your meetings?

Mr. PIERCE. Well, we had them every night, you understand; some nights larger than others.

Commissioner WEINSTOCK. What was the capacity of your hall?

Mr. PIERCE. Six or seven hundred.

Commissioner WEINSTOCK. And it was generally full?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. What was the character of the people that composed your audience?

Mr. PIERCE. Chiefly shopmen.

Commissioner WEINSTOCK. Employees of the Pennsylvania?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. Practically all railroad people?

Mr. PIERCE. All railroad people, with perhaps an individual straggler, came in. Of course, I could not tell every individual man who came in.

Commissioner WEINSTOCK. What was the nature of the meetings, Mr. Pierce?

Mr. PIERCE. For organizing purposes.

Commissioner WEINSTOCK. Were the doors open to the public?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. And who would the speakers be, generally?

Mr. PIERCE. Well, as a rule, myself; sometimes I had others; I had other organizers there.

Commissioner WEINSTOCK. In brief, what was the nature of the appeal you made to the audience?

Mr. PIERCE. I wanted them to organize.

Commissioner WEINSTOCK. Did you point out what the advantages of organization would be?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. And can you brief them; just what, in substance, you would say?

Mr. PIERCE. As a rule, men who are organized get from $1 to $1.25 a day more for the same class of work than the unorganied, and they receive better treatment at the hands of the employer. They have more freedom.

Commissioner WEINSTOCK. Did those men who attended your meetings, Mr. Pierce, and who you say were Pennsylvania employees, as far as you know, did they value their jobs?

Mr. PIERCE. They were very afraid of them; they valued them so highly that it took a long while to educate them to a standard of realizing the worth of organization.

Commissioner WEINSTOCK. In fact, they valued them very, very highly?

Mr. PIERCE. I think I said on yesterday, so far as Altoona is concerned, it is a typical railroad center or town, and I doubt but what 95 per cent of the people who live in that town who are working for a livelihood but what are dependent either directly or indirectly on the Pennsylvania Railroad for a livelihood, and not being any manufacturing to any extent there it is awful hard to get a job.

Commissioner WEINSTOCK. And the loss of a job——

Mr. PIERCE (interrupting). The loss of a position means moving.

Commissioner WEINSTOCK. It would be in the nature almost of a dilemma to lose a job?

Mr. PIERCE. Yes, sir; it would. I would like to correct a statement, so far as I saw it in Altoona, about the men owning their homes there. There are a great many railroad men own their homes, but as a rule it is the boss and men in the transportation department, and there are but a small minority of the men that labor for a livelihood own their own homes.

Commissioner WEINSTOCK. You were also telling yesterday, Mr. Pierce, about being shadowed and followed by detectives.

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. Did these detectives attend your meetings?

Mr. PIERCE. Why, yes, sir; sometimes they would.

Commissioner WEINSTOCK. What was their function, so far as you know? Why did they attend the meetings; what was their purpose?

Mr. PIERCE. To find out who else attended.

Commissioner WEINSTOCK. Did they make a note of those in attendance?

Mr. PIERCE. They would not make any notes, because if they did they would get thrown out, you know.

Commissioner WEINSTOCK. Yes, sir.

Mr. PIERCE. They came there and would attend those meetings in the guise of an employee. The real detective was on the outside, and they would report to him when they went out. This elaborate spying system that they have—there might be a dozen on the inside sitting in different parts of the hall and across the street would be the other fellow, and when they went out they would report to him.

Commissioner WEINSTOCK. The purpose was to find out who attended the meetings?

Mr. PIERCE. Yes, sir; they got their names that way.

Commissioner WEINSTOCK. So that headquarters would get those names?

Mr. PIERCE. You can readily see that a Pinkerton detective would not know John Brown from Jim Smith unless some one told him. I doubt if there is a detective on the Pennsylvania but what is now carrying my picture in his pocket. They are very dumb, some of them, and they look at a picture and then at you to see if they can distinguish it.

Commissioner WEINSTOCK. I think you have testified about in substance that it was the policy of the company to discharge men who either joined the union or encouraged unionism?

Mr. PIERCE. Oh, yes, sir; they discharge them for joining the union. I don't think that the officers themselves would deny that statement if you asked them, and they will tell you honestly, because I have the direct evidence of why they did do it, and I can produce it if you wish.

Commissioner WEINSTOCK. Of course the men all understand that to become a union man means discharge?

Mr. PIERCE. Those men have tried to be organized many times, and each time there has been internal dissension and disruption and strikes take place, but this time I met with greater success than my predecessors had, to an extent, because they felt that the organization in the transportation department would stay with them.

Commissioner WEINSTOCK. Just excuse me a minute; I want to look at some of your testimony. Have you yesterday's testimony here?

Mr. CRANDALL (official reporter). It was turned over to the office.

Commissioner WEINSTOCK. Undoubtedly there is a difference between your testimony and that of Mr. Atterbury's.

Mr. PIERCE. In regard to what?

Commissioner WEINSTOCK. Your contention is that men were discharged because they joined the union and they would not employ union men knowingly?

Mr. PIERCE. I would not say they would not employ union men; I know union men that work for them, but as soon as they become active—the greatest asset that the Pennsylvania road has to-day is the unorganized men, and they know it, and they don't want them organized. There are two specific reasons: In the first place they would have to pay them more money, and in the second place they could not use them against the transportation men when they request an increase in wages. The greatest asset they have is to tell them to go on strike, that they have men that will fill their places, and they have a system of calling those men into the office and getting them to sign up as engineers, firemen, signalmen, trainmen, or bulls or crooks.

Commissioner WEINSTOCK. What do you mean by bulls?

Mr. PIERCE. They are detectives.

Commissioner WEINSTOCK. I think that I can not altogether reconcile in my own mind, and perhaps you can make it clear; on the one hand we learn from your statement that the men valued their jobs, and to lose their jobs under the circumstances was almost in the nature of a dilemma, because other employment was not easily found; second, that they knew that the company disapproved of their joining the union; and third, that at these overflow meetings there were detectives present, and the men knew they were present, who recorded their names and handed them to headquarters, and they knew that was a serious menace to them. Now, I can not quite reconcile that situation. If men valued their jobs very highly, and knew that to attend these meetings might mean to them disaster, I can not understand why they would go, and if they did go it would be evidence seemingly that they had nothing to fear.

Mr. PIERCE. Well, maybe I can set you straight on that to a great extent. I don't think that the Pennsylvania Railroad officials object to 5 per cent of their men becoming organized, you understand. Maybe about 10 or 15 per cent, but when they commence to show any great strength, they overthrow their system, and they can wipe them out of existence. It takes quite a while to get their machinery going, although they have it in good repair all of the time. They wait until the proper time comes, and in my case, or in this case, the proper time did come on account of the great calamity and depression in business.

Commissioner WEINSTOCK. How long did you make your headquarters in Altoona?

Mr. PIERCE. That was just a branch office I had there.

Commissioner WEINSTOCK. And about how much of your time did you put in there?

Mr. PIERCE. Oh, probably about two or three months.

Commissioner WEINSTOCK. Off and on?

Mr. PIERCE. Practically all of the time, night and day there.

Commissioner WEINSTOCK. Now, during that time, how many members did you sign up?

Mr. PIERCE. Well, I think at the time I went there there was something between 12,000 and 13,000 men there.

Commissioner WEINSTOCK. Railroad men?

Mr. PIERCE. I mean shopmen. There were more than that number of employees, but there were between 11,000 and 14,000. I can not give you the numerical strength, but 55 or 60 per cent of them were organized.

Commissioner WEINSTOCK. Between 55 and 60 per cent?

Mr. PIERCE. I would say so.

Commissioner WEINSTOCK. Well, is it not a sufficiently large percentage from the railroad point of view to make it seem to them as a menace to their interests?

Mr. PIERCE. They certainly do feel it that way. They not only use their employees as spotters, but they used the clergymen, and the board of trade, and all the influential citizens of the town to crush the organization.

Commissioner WEINSTOCK. During what period were you there?

Mr. PIERCE. About the middle of November—you understand when I first went there I was in the employ of the Brotherhood of Locomotive Firemen and Enginemen, and I carried on the work of organizing both organizations. There were a good many nonunion firemen and enginemen in the city of Altoona, which is the largest terminal in the world for a single railroad, and in organizing these firemen, of course, you could not organize the shopmen in the daytime. I could organize the firemen in the daytime, but the only chance to see the shopmen was at night, and we would hold meetings at night. Now, the shopmen almost exclusively attended those meetings, but many of the transportation men would attend them too, because they were enthused with the idea of having the shopmen organized, and they had been told it was a good thing and to give me all the assistance possible, and they did give me all the assistance possible, and that is what made it a menace to the whole proposition in the end. So they were encouraged to organize by the men in the transportation department, and when the critical time came the men in the transportation department vanished like fog in the sun.

Commissioner WEINSTOCK. Coming back to my question, what period were you there?

Mr. PIERCE. I went there along about the middle of October or 1st of November.

Commissioner WEINSTOCK. October of what year?

Mr. PIERCE. 1913.

Commissioner WEINSTOCK. October, 1913?

Mr. PIERCE. Yes.

Commissioner WEINSTOCK. And you remained there about how long?

Mr. PIERCE. Excuse me a moment; I came back to Harrisburg half a dozen times up to the 1st of November, and then I went back there and would be there four or five or six days a week, and maybe one day a week in Harrisburg or some other town on the line, opening up new places. Up until along in March——

Commissioner WEINSTOCK (interrupting). March, 1914?

Mr. PIERCE. I think it was later than that; I think, the 1st of April; and then I was away more or less until the 1st of May, when things began to get serious and they began to discharge men in large numbers, and I had to go from place to place to make investigations to find out why they were discharged or on furlough. I take no exception to the furlough, except the furloughing of old men who had been in the service 25 or 30 years in some cases, and in other cases 10 or 12 or 14 years, and leaving young men only hired a few months in the service doing the same class of work; in fact, they would furlough their mechanics, machinists, and boiler makers and allow the apprentices of those men to run their machines for them for two reasons, and one was that the apprentice got 90 cents a day and the other $3 or $3.50 a day.

Commissioner WEINSTOCK. Were you able to keep tab on those discharges in order to determine what percentage of them were union men?

Mr. PIERCE. They got practically all of the union men that they found out about, but many of them they never did know; the detectives were not smart enough to find them out. There were some of them who would come and join and pay their dues on the quiet, or send the dues through the mail, that they did not find out about, but they got all that attended the meetings; they did not miss any of them.

Commissioner WEINSTOCK. Can you explain in what respect the organization you were endeavoring to bring into life differed from the Debs organization of 20 years ago—the American Railway Union?

Mr. PIERCE. This was a home-rule affair, while the other was not.

Commissioner WEINSTOCK. Explain what you mean by that distinction.

Mr. PIERCE. I will try to. It had the same principle to a certain extent, only it went further.

Commissioner WEINSTOCK. In order that we may better understand it for the purpose of the record, will you give us a brief outline of the aims and purposes of the American Railway Union, and then an outline of your union?

Mr. PIERCE. The American Railway Union was an organization that was never perfected. It had this sole purpose, the organization of the men into one craft instead of into many.

Commissioner WEINSTOCK. Very much as the I. W. W. advocate?

Mr. PIERCE. No; I think you have a misconception of the I. W. W.. so far as the industrial union in the I. W. W., it is much different. The I. W. W. believes that all people ought to belong to the same union, while we believe that all people who work at a certain trade should belong to a certain union.

Commissioner WEINSTOCK. You believe in craft union?

Mr. PIERCE. No; they are nothing but coffin clubs.

Commissioner WEINSTOCK. Well, I may be confused.

Mr. PIERCE. I will set you right. You understand this is a new movement. You understand what the United Mine Workers are, and how they are organized? From the engineer to the boy who picks slate, every man that works in the mine belongs to the same union; but they do not go out and take in the farmer, but every man that worked in the mine in any capacity belongs. Now, we believe, I believe, and many of us believe, 90 per cent of the men on our railroads to-day believe, that all of the men who work for railroads ought to belong to one union, so they could have power and strength. We see the amalgamation of wealth, and we see 110 railroads which comprised originally the Pennsylvania system—used to be 110 individual railroads, with 110 presidents and 110 superintendents and general managers, and all that; we see them amalgamated into a large system, and it was only done for two specific purposes; that is, so that they might have a system governing those roads that was uni-

form; and it was also cheaper to pay Mr. Rea $75,000 a year than to pay 110 different presidents $10,000 each, and the policy could be carried out easier and much more systematically.

We believe that if labor is ever going to accomplish anything going up against that mighty wealth, that they must be organized in some way. That is what I believe, and many others—90 per cent of the men working on the railways—but they are not allowed their freedom. Don't think it is all the railroad company's; it is not.

Commissioner WEINSTOCK. Now, let me make sure that I clearly catch your point. From what you now say I would understand that there were three different ideas along the line of labor organizations; the American Federation of Labor, for example, believe that in railroad work the machinists should have a union and the boiler makers should have a union——

Mr. PIERCE (interrupting). Believe in autonomy; yes.

Commissioner WEINSTOCK. Yes; and believe all these unions should be federated. Your idea is that the men employed in railways should have one joint union——

Mr. PIERCE (interrupting). You understand——

Commissioner WEINSTOCK (interrupting). Pardon me a moment. I think we will make time to see if I have got your thought correctly.

Mr. PIERCE. Yes.

Commissioner WEINSTOCK. Where you and the American Federation of Labor differentiate, as nearly as I can make out, that they would have the machinists organize a separate union and would have the boiler makers organize a separate union, and you, on the other hand, would have all the men employed in the railway service in one common union?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. Regardless of how they are employed, and so with the other large industrial bodies of employees.

Mr. PIERCE. Yes; and use them politically as well as from an industrial standpoint.

Commissioner WEINSTOCK. I see. Now, was that undertaking on the part of yourself and your associates successful?

Mr. PIERCE. Yes. It was a great success to start with, until the elements got to working. You understand what I mean by "elements"?

Commissioner WEINSTOCK. No.

Mr. PIERCE. I mean the railroad officials, with the spy and bull system at the beginning, and the craft unions with their jealousy. They immediately cooperated with the railroads.

Commissioner WEINSTOCK. Yes. Why?

Mr. PIERCE. Why? Because they would lose their meal ticket—the heads of the organization would.

Commissioner WEINSTOCK. That is, on the theory under your plan there would be one set of officers where there are now many sets of officers of these unions.

Mr. PIERCE. Why, there were 13 different crafts—craft unions of large capacity, taking in railroad employees, with 63 vice presidents and 13 grand lodge headquarters to support, and rent to pay and clerks to hire. If they had been under my plan they would have been only one.

Commissioner WEINSTOCK. And that aroused the antagonism of the craft-union officials?

Mr. PIERCE. I imagine that green-eyed jealousy crept in.

Commissioner WEINSTOCK. Well, I suppose for the same reason that animated the craft-union officials to oppose your movement you and your associates would oppose the I. W. W. movement, because that would be still further concentration, wouldn't it?

Mr. PIERCE. I want to say, so far as the I. W. W. is concerned, that I can not see where a man who is working on a street-car line or a painter on an outside building has anything to do with a man in the railroad work.

Commissioner WEINSTOCK. Well, what would the same workman in the railroad employment have to do with the locomotive engineer?

Mr. PIERCE. Because he paints his cab.

Commissioner WEINSTOCK. Well, what would the office clerks have to do with the locomotive engineer?

Mr. PIERCE. Because he makes out his time.

Commissioner WEINSTOCK. You think there is an interlocking of interests?

Mr. PIERCE. Can not help but be. They are working for the same company.

Commissioner WEINSTOCK. Let me further understand. Was it your understanding to have simply the employees of one company organized in a union or all the railway employees of the country organized as a union?

Mr. PIERCE. I believe the railroad employees ought to be organized into a national organization. There can never be success or tranquillity amongst employees until that is done.

Commissioner WEINSTOCK. In other words, if your plan had been carried out you would have railroad employees of the Pennsylvania organized into one union and the Southern Railway employees organized into another union, and so forth?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. And then have these unions affiliated?

Mr. PIERCE. Yes, sir.

Commissioner WEINSTOCK. That would be your scheme?

Mr. PIERCE. That would be my plan.

Commissioner WEINSTOCK. What is the present status of your organization, your union?

Mr. PIERCE. Well, I want to say to you that they pretty near fought me out of my clothes.

Commissioner WEINSTOCK. Is the organization still in existence?

Mr. PIERCE. Yes; but it is going out of existence shortly. I am going to turn it over to another organization.

Commissioner WEINSTOCK. And you do not attribute its failure to any inherent weakness in the underlying principles?

Mr. PIERCE. None whatever.

Commissioner WEINSTOCK. You attribute the failure to the antagonism on the part of the railroad companies and the craft unions?

Mr. PIERCE. Absolutely. The men want it, but the fear of the railroads and the domineering effect that the craft unions have over their constituency makes it too much of a fight.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Lennon would like to ask you some questions.

Commissioner LENNON. Mr. Pierce, does the miners' organization, to your knowledge, belong to the federation?

Mr. PIERCE. The American Federation of Labor?

Commissioner LENNON. Yes. Do they deny their right to an industrial organization?

Mr. PIERCE. They would not dare to. They would break the federation. They are stronger than the federation itself.

Commissioner LENNON. Are there any other organizations that are industrial in character in the American Federation of Labor?

Mr. PIERCE. No, sir; not entirely; because as soon as they do, the same as the steam fitters or the car workers, immediately Mr. Gompers revokes their charter. They would not have a dual organization, just the same as the two organizations here of the railroad telegraphers—the O. R. T. and the O. R. T. D. A. & S.—could not affiliate with the American Federation of Labor because it is a rival organization.

Commissioner LENNON. Are you aware of any charters which Mr. Gompers, President Gompers, ever revoked?

Mr. PIERCE. Yes, sir; the International Association of Car Workers.

Commissioner LENNON. You say that was done by President Gompers?

Mr. PIERCE. Yes, sir.

Commissioner LENNON. Well, I was present and did not see it that way.

Mr. PIERCE. Well, maybe you were not looking that way.

Commissioner LENNON. Well, that may be. Did any strike or lockout take place under the auspices of your organization during its continuance on the Pennsylvania Railroad?

Mr. PIERCE. Well, I said it was more of a lockout than it was of a strike, through their spying system. I explained that yesterday. They laid off the men and suspended them until there was practically no one working.

Commissioner LENNON. The result of it was that a large number of men at a number of different points vacated their jobs. Was that either because they were discharged or because of their own volition?

Mr. PIERCE. There were not so very many men discharged. They would be furloughed. They would say you are furloughed. The supervisor would tell the trackmen, and the master mechanic and superintendent would tell the machinists or boiler makers that they were furloughed, and they would say

they were going to retrench, and so there would be 600 men furloughed at Harrisburg and 2,500 men at Altoona; and so on, over the system.

Commissioner LENNON. Did you ever encounter any evidence that would indicate that members of your organization were bribed to turn down your organization or to use their influence against its extension, or anything of that kind?

Mr. PIERCE. The word "bribe"—just make it a little clearer.

Commissioner LENNON. Well, paid money or given better positions——

Mr. PIERCE (interrupting). Well, they got their jobs back, if you call that bribing—if a man's position is worth anything, you can call it bribing. I never knew any money being paid to the members of the organization. They don't have to. They paid that to the transportation representatives.

Commissioner LENNON. Do you still belong to the brotherhood——

Mr. PIERCE. Of Locomotive Firemen and Enginemen? Yes, sir.

Commissioner LENNON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. You referred a moment ago, in response to a question as to the apprehension of men in regard to losing their positions—in your contact with men, especially unorganized men, have you or have you not found that the average laboring man does have intense apprehension in regard to losing his job or his employment, without any regard to whether the job is good, bad, or indifferent, and dreads nonemployment?

Mr. PIERCE. Well, if there is a fellow outside the door there knocking to have your job, you are going to lock the door and keep him out if you can; and when business is good that is only one time to organize men; I have been in the game a long time, and it is when business is good; and if business is bad a fellow hesitates about organizing, because there is a fellow outside knocking on the door.

Commissioner GARRETSON. The real value of a job, whether it is good wages or a reasonable wage or good or bad conditions, cuts little figure in it?

Mr. PIERCE. The average workingman is too dumb to realize what he is being paid; it is the wife that is running things, anyway.

Commissioner AISHTON. I think you said in reply to a question by Mr. Weinstock that your organization was successful because it felt that it had the transportation employees back of it?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. That is, the men felt that?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. How did they get their idea, Mr. Pierce?

Mr. PIERCE. Well, by word of mouth, they told everyone that was there. Mr. Lee—I ought to call him brother, but I don't because it is a disgrace. W. G. Lee, president of the Brotherhood of Railroad Trainmen, come to Harrisburg on the 30th day of November, 1913, and there at a joint meeting of all classes of transportation men made this declaration; he says: "Now, in regard to the shopmen's organization, if ever the Pennsylvania Railroad Co. discharges one of those men, we have 135.000 men in the Brotherhood of Railway Trainmen; we have three and a half million dollars in our treasury, and we will use every dollar of it and every man against them if they dare discharge those men." That was in the afternoon. In the evening, at an open meeting in White Hall, where the shopmen were present, he reiterated those words, and said that while he could not speak authentically for the grand lodge officers, that he was sure he voiced their true sentiment, and "they will stand by you." And I will say to you, Mr. Aishton, that it is the cause of all this unrest and all of this trouble, because Mr. Lee's own men, by this declaration, they went out and encouraged the shopmen to organize and encouraged them to strike. I was the one element and one man that stood with them for days and days pleading with them to not strike, but the trainmen would say: "Strike, we will go with you." And strike they did; there could nothing hold them; and if there is a man ever guilty of high treason to his country and fellow man it is W. G. Lee, and if he voiced the sentiments of his grand lodge officers they are equally guilty and accessories to the crime. He has caused suicides and the loss of property, and the breaking up of homes.

Commissioner AISHTON. Mr. Pierce, at the time of this organization I believe you said you were an organizer for the B. of L. F. & E.?

Mr. PIERCE. I was; yes, sir.

Commissioner AISHTON. Were any representations of that character made by you at those meetings, or to those men, that the transportation men were behind you?

Mr. PIERCE. I made many declarations along this line: That if they would organize there was no question but what they would have affiliation and federation with others in the movement, and I had the greatest assurance in making that declaration.

Commissioner AISHTON. That was the real one or the most potent argument you used, was it?

Mr. PIERCE. I can not say the most potent, but one of them.

Commissioner AISHTON. You can not judge of that?

Mr. PIERCE. No, sir; I could not read the other fellow's mind.

Commissioner AISHTON. Now, Mr. Pierce, just for the matter of the record, are you still engaged in the work as organizer of the B. L. F. & E.?

Mr. PIERCE. No, sir; I am not.

Commissioner AISHTON. You severed your connection with that work?

Mr. PIERCE. On the 23d day of March, 1914, they requested me; they wrote and made me an offer; they wrote me two letters that day, one to increase my wages, to have me come back and take charge of the Louisville & Nashville Railroad; our organization was not recognized on the L. & N. since the 1894 strike, as you well know, and they insisted on my returning to the service of the organization; but, Mr. Aishton, I never ran away from a fire yet when I was holding the hose, and I did not in this case.

Commissioner AISHTON. Now, Mr. Pierce, this organization of yours takes in all classes of employees on the Pennsylvania?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. Brakemen?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. Clerks?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. Telegraph operators?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. And all the various shop trades?

Mr. PIERCE. Yes, sir.

Commissioner AISHTON. And, as I understand from your reply to Mr. Weinstock, if there is a difference between the company and any class of these employees would be a matter for the whole; that is the underlying principle?

Mr. PIERCE. It was to give them power to cope with the powers that be.

Commissioner AISHTON. That is all, Mr. Chairman.

Chairman WALSH. That is all, Mr. Pierce; you may be excused permanently now.

Commissioner AISHTON. Before Mr. Long is placed on the stand I would suggest that the record in this case attacking Mr. Lee be handed to Mr. Lee, an officer of one of the transportation organizations, as he is referred to in it.

Chairman WALSH. Mr. Stenographer, make a copy of that part of the testimony referring to Mr. Lee, and see that he gets a copy of it.

Take the chair, Mr. Long.

TESTIMONY OF MR. S. C. LONG.

Chairman WALSH. Your name, please?

Mr. LONG. S. C. Long.

Chairman WALSH. And what is your business?

Mr. LONG. General manager of the Pennsylvania Railroad.

Chairman WALSH. How long have you occupied that position, Mr. Long?

Mr. LONG. Since March of 1911.

Chairman WALSH. Where is your office?

Mr. LONG. Philadelphia.

Chairman WALSH. What other positions have you held with the Pennsylvania Co.?

Mr. LONG. I was chainman, rodman, then levelman, transit man, and assistant engineer of construction, assistant supervisor maintenance of way, supervisor maintenance of way, division engineer, division superintendent on different divisions, general superintendent of the western Pennsylvania division at Pittsburgh, and in 1911 general manager at Pittsburgh, and in that position since then.

Chairman WALSH. What has been the general attitude of your company toward national labor unions, including those affiliated with the A. F. of L.?

Mr. LONG. I don't know that I can add anything further than was stated yesterday in this book, which I should say is a composite opinion and statement of facts.

Chairman WALSH. The book introduced by Mr. Atterbury?

Mr. LONG. And on page 58, under the fourth article which he read to the honorable commission yesterday, is the position taken in regard to the policies of the company, and I don't presume you care to have it read again.

Chairman WALSH. That contains your opinion, does it?

Mr. LONG. Yes, sir; it was put in the record.

Chairman WALSH. It is in the record.

Commissioner AISHTON. It was in the pamphlet in the record, and so was the part that Mr. Atterbury read.

Mr. LONG. That fully expresses my views, our views, I will say. I am only a brick in a big wall, you understand.

Chairman WALSH. I will ask you some of the specific questions that we want a little light on. I wish you would give us the details, Mr. Long, of your police system, including the detectives; that is, how they are employed, what sort of an examination is held of them, what inquiry into their character, and the formation of those who are uniformed police, and the duties that they perform, either those who are private, and the duties they perform, and the office out of which they work, your office, or whatever it is?

Mr. LONG. You will understand, Mr. Walsh, that necessarily I must have assistance to do some of the work in this big corporation, which has over 12,000 miles of railroad and 150,000 employees, when we are doing normal business, and consequently a great many of these things have to be carefully prepared and set forth and assigned to some other person, and these particular duties that you are asking me about, as to the details, were anticipated as being the information desired by the commission, and for that purpose we brought with us our superintendent of police, who is also subpœnaed by Mr. Chenery, to give you in connection with this book what is the organization of the police service. If you care, I will submit that as an exhibit.

Chairman WALSH. We would rather take it up with the man that has the knowledge.

Mr. LONG. This gives the organization of the police system, and requirements for employment and rules and regulations and instructions and admonitions.

Chairman WALSH. Do you have any detectives that work directly through your office?

Mr. LONG. No, sir.

Chairman WALSH. Do you have knowledge of the preparation made by the company for industrial warfare—that is, the ammunition you have on hand, if any, firearms or other weapons, where they are kept, and the like of that—or do you have some one else here that knows that?

Mr. LONG. The superintendent of police.

Chairman WALSH. What was the Luknow encampment of 1903?

Mr. LONG. I don't know it under that particular name. I don't recall having heard that particular name.

Chairman WALSH. I will ask some one else.

Mr. LONG. Does it refer to the labor trouble at Harrisburg particularly; 1913?

Chairman WALSH. 1913.

Mr. HARPER (superintendent of police on the Pennsylvania system). If he is in the dark as to that question, I can assist him.

Chairman WALSH. Go ahead.

Mr. HARPER. That was the time that we gathered the men at Harrisburg.

Mr. LONG. The strike of 1914?

Mr. HARPER. No, sir; it had nothing to do with any strike; it was a picnic of the employees.

Mr. LONG. I was in the dark as to the Luknow encampment; I never heard the term before. I gathered from your question that it was some character of a strike.

Chairman WALSH. I will ask the question of some one else.

Mr. LONG. Yes, sir; Mr. Harper indicates knowledge of the affair.

Chairman WALSH. Now, do you have any organization by which influence is sought to be had upon legislation, particularly I would like to inquire into your campaign for the repeal of the full-crew law? How were the petitions circulated?

Mr. LONG. Everything was done openly and in a fran way, to solicit public opinion in favor of a law which we felt was very unfair and unjust, and the only way to have it repealed was to acquaint the people with what it was. We recognized the fact that in a matter like that the layman won't read the details, he won't read the law, and we felt it was about the only weapon we had to ap-

peal to the public, and we appealed to the public in an open, frank, and free manner, without any concealment of any kind, or with any mystery about the matter at all. Simply myself and every other employee asking his neighbor after explaining the situation to him thoroughly, from his viewpoint, and his present knowledge, after having the matter explained to him, if he could not honorably use his influence and vote against it, and if he said "no," that was the end; it had to be; but if he said "yes," we felt we had performed our mission well.

Chairman WALSH. Well, were circulars gotten out from your office?

Mr. LONG. No, sir.

Chairman WALSH. Do you know who circulated them?

Mr. LONG. The facts are that the railroads in the State of Pennsylvania——

Chairman WALSH. Pennsylvania Railroad, did they employ people to circulate those petitions?

Mr. LONG. No more than any other railroad in the State.

Chairman WALSH. You employed people, then, did you?

Mr. LONG. The railroads offered the services of officers, and I think there are 14 or 15 railroads in the State.

Chairman WALSH. In common with the others?

Mr. LONG. And they met together and decided one representative from each road would make too large a committee to deal with the public, and to give the information, so a smaller committee was formed, representing the 14 railroads. There was no individual railroad doing it, it was all done over the signature of Mr. O'Donnell, chairman of the committee. There was the Lehigh Valley Railroad, the Reading, Lackawanna, the Baltimore & Ohio Railroad, and others. Perhaps some one else could name the other.

Chairman WALSH. Then, I gather that the Pennsylvania did not do this in its own corporate capacity?

Mr. LONG. No, sir; it was done by every railroad in the State, and I think including a little railroad down in York County about 3 miles long.

Chairman WALSH. Did your company issue any instructions to its men to stay away from the State capitol at any time when legislation was up affecting them?

Mr. LONG. Stay away?

Chairman WALSH. Yes; remain away when questions were up—legislative matters were up that might affect them?

Mr. LONG. I could not say that any instructions were issued for them to go there or stay away.

Chairman WALSH. Do you know of any instances where the company or its officers ever disciplined men for expressing sentiments not in accord with its policy with reference to the full-crew bill or any legislation?

Mr. LONG. No, sir; that would be unfair.

Chairman WALSH. Does the company in any way interest itself in the policies of the men—that is, in regard to their own matters—so far as legislation is concerned?

Mr. LONG. I should say, no, sir; unless it was well known to be the movement of a very large body of citizens endeavoring to pass a law which might be thought too expensive or an unfair law—not particularly so to the employees—no more so to the brakemen than to the farmers living alongside of the railroad.

Chairman WALSH. What sort of a law do you have in mind?

Mr. LONG. Well, the headlight law.

Chairman WALSH. What was that, briefly?

Mr. LONG. Well, they wanted a particular kind of headlight, which the experienced doctors and experts demonstrated was not scientific and was not worth much to us, and, therefore, we told everybody, the farmer, the butcher, the baker, and the candlestick maker, that we did not think it was a good law, and that we would be glad if he would ask his representative to help repeal it.

Chairman WALSH. How did you do that? How did you get to the butcher, the baker, the candlestick maker, etc.?

Mr. LONG. We just told our officers, just told our neighbors. I told my neighbors all around me in my community.

Chairman WALSH. Was there any order issued or any concerted action on the part of the company's officers toward it?

Mr. LONG. No, sir.

Chairman WALSH. You just acted as individuals and said you did not think it was good, and just told any other citizens, but did the company take any action?

Mr. LONG. I would not say any railroad company did, but so far as I know not the Pennsylvania or the Reading.

Chairman WALSH. What action did your company take?

Mr. LONG. All of the railroads came to the conclusion that the headlight bill should be modified, or, which in its proposed form, was unnecessarily expensive. Each railroad had its motive power officers make an investigation to ascertain whether that headlight, reflected too much candlepower and whether it was or was not scientifically a good headlight.

Chairman WALSH. Did your company do anything specifically with reference to that headlight legislation; did you issue any orders or circulars to your men?

Mr. LONG. No.

Chairman WALSH. Did you address any meetings of the men?

Mr. LONG. I think not, so far as I know. It was simply a matter of conversation at casual meetings. We told our railroad neighbors that it was not a good law; there was nothing that was not open and aboveboard, and no mystery about it at all.

Chairman WALSH. Did your company pay any part of the expenses of the O. R. T. D. A. & S. during any of the early years of its existence or at any time?

Mr. LONG. To the best of my knowledge, no, sir; but it was formed a good many years before I came to Philadelphia; but I never spent a cent.

Chairman WALSH. Did your company pay any part of Mr. Austin's salary?

Mr. LONG. To the best of my knowledge, no; but since I have been general manager, absolutely no.

Chairman WALSH. Did the company or any of the officers of the company guarantee to pay or pay any part of the printing bills of the organization?

Mr. LONG. To the best of my knowledge, never a cent.

Chairman WALSH. Did they contribute or have they from time to time contributed to the magazine known as the Railroad Wire and Signal?

Mr. LONG. If there was ever a cent spent in that way, I never heard of it.

Chairman WALSH. Is the Mutual Benefit Association favored by your company?

Mr. LONG. It is an employees association, you understand, with which, so far as I know, very few officers are connected; there may be some, but if there are, I do not know who they are. The most I can say about it is that we have not antagonized it; but, to the best of my knowledge, outside of the employees themselves, it has not been favored—I would say it is no baby of the railroads.

Chairman WALSH. Please state what sort of an organization it is.

Mr. LONG. I could not tell you, except it is a mutual benefit organization in which the insurance features and the benefits are good so far as I read the by-laws. The organization is just what its name indicates—a mutual aid association.

Chairman WALSH. When was it formed?

Mr. LONG. I do not know; I think about five years ago.

Chairman WALSH. Are men permitted to work for it on the company's time?

Mr. LONG. No, sir.

Chairman WALSH. Do you know the attitude of the transportation brotherhoods toward it?

Mr. LONG. I can not say that I do; but I believe there are quite a number in it; I am so advised, but I have no facts.

Chairman WALSH. What is your attitude toward mediation and conciliation in matters of dispute between the company and its employees?

Mr. LONG. Well, Mr. Walsh, if you had as many worries about labor, you would welcome almost any kind of mediation, good, bad, or indifferent. What we have to-day is very excellent in its way, but I do hope the result of your combined wisdom, gentlemen, will be to improve on it, because the railroad officials throughout the country to-day, with their long years of experience they have waded through to achieve their positions, can not exercise their wit—can not use their time and give proper consideration to the questions pertaining to the professions they love, on account of these questions. If we had a high-class board of mediation and conciliation on whom Job could unload his burden, all would welcome it very much.

Chairman WALSH. When did you have your last strike on the Pennsylvania road?

Mr. LONG. Well, if you would call the efforts of your eleemosynary friend, Mr. Pierce, a strike, it was in 1914.

Chairman WALSH. And prior to that time, when?

Mr. LONG. For the information of the commission in the event of their asking just such a question as you have now asked me, we prepared——

Chairman WALSH (interrupting). If you could just give that offhand, it is leading up to another question and might illuminate that. Did you have a strike in 1913?

Mr. LONG. November, 1913.

Chairman WALSH. Now, at that time——

Mr. LONG (interrupting). You understand, Mr. Walsh, in asking me whether there was a strike in 1914, I said that if you cared to so denominate the efforts of Mr. Pierce in achieving what was apparently a flourishing organization, which he admitted was not very flourishing now, as a strike, then that was a strike in 1914.

Chairman WALSH. You mentioned that; we are now speaking of 1913.

Mr. LONG. We had a real strike in 1914.

Chairman WALSH. What page is that found on?

Mr. LONG. Page 29.

Chairman WALSH. How many men were involved in that strike, please?

Mr. LONG. To be precise as I know how, and I was on the ground at the time, there were 665.

Chairman WALSH. From what department?

Mr. LONG. There were 665 road and yard freight men on the Monongahela division; I think 14 of them were sick, or reported sick, and would leave 651; I think about 651 of them left the service. Every man left the service, except those that were sick. May I ask to be corrected as to whether it was one man or not?

Chairman WALSH. Yes.

Mr. LONG. Do you remember whether one man was left, John?

A VOICE. [Mr. Harper, superintendent of police] "One man."

Chairman WALSH. What page is that found on?

Mr. LONG. Page 29 in this other book, which we have prepared and from which I will read, "A History of the Labor Troubles on the Pennsylvania Railroad."

Chairman WALSH. Have we been provided with copies of this before, "A History of the Labor Troubles on the Pennsylvania Railroad"?

Mr. LONG. I am not sure about that.

Chairman WALSH. Then you may refer to this book and answer the question.

Mr. LONG. This is given in detail and with preciseness, and gives the meat of the whole thing on pages 29, 30, 31, 32, 33, 34, 35, and to the middle of page 36.

Chairman WALSH. What was the result of that strike?

Mr. LONG. The result of that strike was that to-day, to the best of my knowledge, outside of the 14 men that were sick at the time these men walked out, a more efficient force is operating that division to-day, notwithstanding the fact that among those who walked out—who refused to work, I will say—some were in the service 15 or 20 years.

Chairman WALSH. Did any of them return to work?

Mr. LONG. Only those who were ill. Every individual man was advised, after repeated warnings, that after 2 o'clock a. m. of a certain day—and my memory is that it was Monday morning—we had patience with them from Friday and over Saturday and Sunday by reason of our ability to hold back freight. You understand no passenger men were involved in this and the passenger trains ran as usual, and no passenger schedule was missed. Notice was given to every individual man of the 650 or 652 that they must come to work at 2 o'clock or report for duty at 2 or 6 or 8 o'clock, whichever hour it was, and that if they did not report at that time by their action they had severed their service with the company.

Chairman WALSH. With what organization were these men affiliated?

Mr. LONG. So far as I know, with none. It was one of those unfortunate things which seemed to have no rhyme or reason. You may recall in the Bible when Moses went up into the mountain and came back and the people worshiped a serpent. No one could find out how it came about; and it did not last long, either.

Chairman WALSH. You mean they did not give any list of grievances?

Mr. LONG. No; I do not think they even thought of them until three or four days afterwards.

Chairman WALSH. You received no complaints at all?

Mr. LONG. Absolutely none. A couple of them got hot under the collar and quit, and it spread like lightning.

Chairman WALSH. You gave them until a certain time on Monday to return?

Mr. LONG. Yes; I think it was Monday, if my memory serves me right. Do you care if I read that?

Chairman WALSH. You might read that part of it.

Mr. LONG (reading): "Trainmen's strike, Monongahela division. Because of the general depression existing throughout the country the Pennsylvania Railroad Co. and affiliated lines began in November, 1913, to reduce operating expenses wherever possible without detriment to the service, so as to offset, so far as practicable, the continued decrease in traffic and consequent reduction in gross earnings."

I presume you remember that just about that time not only our business but all the business in the country began to get "on the toboggan," and we had to prepare for it; we could not make a dollar and tried to save a dollar.

"These reductions in expenses were effected, very largely, by dropping from the service employees not actually necessary for handling the reduced traffic. As a means of securing further reductions in expenses the officials of the Monongahela division decided on March 18, 1914, to take off one brakeman from yard crews when possible to do so without detriment to the service. This reduction left an engineer, fireman, conductor, and two brakemen to constitute the crew."

You notice that we still adhered to the Pennsylvania law.

"Following the regularly recognized method at the Thirtieth Street yard, Pittsburgh, one brakeman's name was taken of three crews. When the 6 p. m. yard crews—two of those affected—reported for duty and found that they were to work with one less brakeman the conductors and brakemen refused to work. Later two road crews which were about ready to leave the Thirtieth Street yard refused to take out their trains, because the flagmen and brakemen refused to work until the third brakeman was restored to the yard crews. The conductor and brakemen of the 7 p. m. yard crew—the third crew affected—at the Thirtieth Street yard also refused to work."

To give you a little better idea of that peculiar situation, Mr. Walsh and gentlemen, the river here flows from south to north; it flows into the Ohio River at Pittsburgh. This railroad is on the west bank of the Monongahela River for about 60 miles, and the Thirtieth Street yards are at Pittsburgh. The bulk of the traffic originates up in the coal and coke regions, and the cars are brought down loaded and the empties go up. That is done by the road crews, those that run from Pittsburgh up to the coal and coke region and return.

"This from the railroad company's standpoint, was the actual cause of the strike which followed, although the men involved in the strike claimed they had other grievances which had been under consideration with the company for some time past and which were then in process of adjustment, but which could not be finally adjusted because they were, in a measure, dependent upon rules and regulations contained in arbitration awards handed down by arbitrators appointed to adjust petitions made by the engineers, firemen, conductors, and trainmen upon eastern railroads for increases in wages and improvement in working conditions."

Chairman WALSH. Could you state at this point what those latter grievances were?

Mr. LONG. I recall one, the others have gotten away from me.

Chairman WALSH. What was the one?

Mr. LONG. There was one grievance; you understand that while this is a brief or summary or synopsis, necessarily all of the details can not be inserted, but one of the grievances which they claimed afterwards—this was not done until three or four days afterwards, when they happened to think there were other grievances which were in course of adjustment in the regularly prescribed way—was that of freight conductors, engineers, and firemen, in which they claimed the rates of pay for road work which was being paid on the basis of yard work. The conductors and trainmen insisted that we pay them yard wages, because they are higher than road wages. The engineers and firemen, through their chairman, claimed that I—this question was brought up while I was general superintendent—insisted that I treat their work as road work, because a road engineer and a road fireman got more money than a yard engineer; in other words, the train crew wanted a yard proposition while the engine crew wanted a road proposition. That was one of the grievances.

Commissioner GARRETSON. Should that not be corrected, and was it not that the trainmen demanded yardmen's pay and the conductors, engineers, and firemen demanded road pay?

Mr. LONG. Yes; you are right; it is a penny an hour higher.

Chairman WALSH. So there was a grievance growing out of taking one member of the crew off, and also about the compensation of the men?

Mr. LONG. Yes, sir; a grievance about the compensation of the men, but that was being adjusted in the regular way; it was being adjusted or attempted to be adjusted by the chairman of the O. R. C., the B. R. T., the B. L. F. & E., and the B. L. E.; these four chairman a few months previous had taken this up and it was that time probably before the general superintendent. But three or four days after the strike they had to hunt up a reason and they brought in this grievance, which would have been adjusted in an orderly way.

Chairman WALSH. With reference to the meeting you speak of there, where the division officials met 30 or 40 of the trainmen; when was that, before or after the strike?

Mr. LONG. That was immediately—it was right when the men went off; it was right at the Thirtieth Street yard, and they called the men right in.

Chairman WALSH. That was before the 30 or 40 went out?

Mr. LONG. Yes; this transpired possibly the first few hours.

Chairman WALSH. You say you gave them until a certain time to come back, and that if they did not come back their places would be filled?

Mr. LONG. Yes; I will come to that in a minute.

"The division officials met the men involved for a discussion of the question of removing one brakeman from the yard crews. About 30 or 40 trainmen, consisting of members of the Order of Railway Conductors, Brotherhood of Railroad Trainmen, Switchmen's Union of North America, and nonunion men were present at this meeting. They insisted that they could not be represented by a committee, but that each man should act for himself. Because of this attitude, no definite arrangements with the men could be made, and noting that a number of the speakers were members of the Brotherhood of Railroad Trainmen the general chairman of that organization on the Pennsylvania lines east was communicated with by telephone. He advised the representatives of the Brotherhood of Railroad Trainmen that they were violating the regulations of that organization in refusing to work and that they should return to their accustomed duties and take up, with their superior officers, the question of adjusting grievances in the usual and orderly manner.

"The men, however, refused to abide by his advice or any influence he could bring to bear."

I will state right there that these chairmen, naturally, have in each of their lodges a certain number of men who stand above the rest—conservative, careful, loyal employees—loyal to their organization and loyal to the company; and these chairmen call on that class of men to help them cool off the hot-headed ones who will not listen, and that is what is meant by "any influence he could bring to bear."

"Later, however, they agreed to return to work with a full crew of three brakemen, as before, and have the subject considered at a meeting to be held on March 19—they to be represented by a committee—with the understanding that the members of the 6 p. m. yard crews who originally refused to work would not be allowed to work that night. The meeting with the men, scheduled for March 19, was not held until March 20, because of the inability of the general chairman of the Brotherhood of Railroad Trainmen to reach Pittsburgh. At this meeting the men contended that the White Hall branch crews could not safely operate with less than a conductor and three brakemen on account of the numerous grade crossings and heavy grades, and after some discussion the superintendent decided upon the following instructions:

"'In the case of crews consisting of five men, cars pushed ahead of engine northward between Twenty-second and Twenty-first street yard should be limited to five loads or eight empties. When pulling down or pulling up any number of cars should be hauled with crew consisting of five men.

"'It is the intention to operate the White Hall branch with an independent crew, day and night, consisting of the same number of men as at present—that is, four men besides engineman and fireman—but if a crew consisting of only three men besides engineman and fireman—that is, a five-man crew—then cars should be limited to five loads or eight empties northward; but southward any number of cars.'"

I might state to you, in order to get the geographical peculiarity of this White Hall Railroad, that the railroad is one-half of a mile from the river bank at Thirtieth Street. This White Hall brach is a branch connecting the main line of the Monongahela division with the industries immediately on the bank of the river. The railroad itself does not exceed a mile or a mile and one-eighth long.

Chairman WALSH. Were you present at this conference with the men before the strike?

Mr. LONG. No, sir.

(The pamphlet from which the witness read, entitled "History of Labor Troubles on the Pennsylvania Railroad," was submitted in printed form.)

Chairman WALSH. Mr. Long, I am going to ask you some questions, to see if I can not shorten——

Mr. LONG (interrupting). If you will permit me, I will soon be through with it and anticipate anything you can say on the subject because this is the whole story.

Chairman WALSH. Let me see if I can put a few questions here and if I can not save you——

Mr. LONG. I prefer to answer my own way.

Chairman WALSH. I prefer to ask you a few questions that will be very short, and may save time. I was going to ask you some questions about how the book was gotten up, and save you perhaps some little time. If you insist, however, you may——

Mr. LONG (interrupting). Yes; I prefer to read it and get it in the record.

Chairman WALSH. How long is it going to be?

Mr. LONG. Three minutes.

Chairman WALSH. Go ahead.

Mr. LONG (reading):

"This was accepted by the men, who then took up the question of operation in flat yards, contending for a full crew, the same as on the White Hall branch, but as similar conditions did not prevail, the company would not agree to restore the brakemen on crews in flat yards. The general chairman of the Brotherhood of Railroad Trainmen, recognizing the prerogative of the superintendent to determine the number of men in a crew, again advised the men to return to work. In the meantime efforts were made by division officials and others to persuade the men to continue at work and later adjust their grievances upon the merits of the case; but when the men reported for work on the night of March 20, and found that the third brakeman was not to be placed on crews operating in flat yards, they again refused to work and declared a strike.

"The strike spread rapidly on the night of March 20, and practically all points on the Monongahela division were affected by the following morning. The general chairman for the Pennsylvania Railroad east of Pittsburgh, of the Order of Railway Conductors, Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Enginemen went to Pittsburgh and issued notices to all their members that the strike had been illegally called, since the rules of their organizations, as well as the organization of the Switchmen's Union of North America, provided that a strike could only be called after a referendum vote of all members, in which at least two-thirds must vote in favor of a strike, and such strike could only be called by the chief executive of the organization voting.

"The strike spread to other classes of employees, and many engineers, firemen, signalmen, clerks, and yardmasters were strongly in sympathy with the strikers, some of whom left the service and others reluctantly rendered the least service they could.

"On March 24 a committee of engineers and firemen volunteered to intercede with the superintendent in behalf of the striking trainmen, and the superintendent agreed that if the men, then out of service, would report for duty during the day of March 24 they would be called for service when trains were ready and would be restored to their former positions without prejudice, and that their grievances could be taken up by their regular organization committee, in the usual way, for prompt consideration. The reply of the strikers to this offer was that they could not accept it until after a meeting had been held, although it appears that the offer was not generally promulgated among the trainmen. After the committee of engineers and firemen interceded with the superintendent in behalf of the striking trainmen, the engineers and firemen made no further efforts in behalf of the trainmen's case,

but, on the other hand, assisted wherever possible in teaching the new men their duties.

"At the start of the strike, efforts were made to recruit trainmen from other divisions of the system who had been relieved on account of reduction in force. In this way many men were secured to fill the positions vacated by the strikers. In fact the president of the Brotherhood of Railroad Trainmen advised members of that brotherhood who were out of work to go to Pittsburgh to take positions vacated by the strikers. A number of so-called strike breakers were also employed, but because of their lack of knowledge of train operation were of very little use to the company. Adequate commissaries were established at various points for feeding and housing the men, and meals and lodging were furnished free at these commissaries until May 1, when a charge of $4 for 21 meals and 5 cents per bed per day was made, all commissaries being discontinued by July 1.

"Because the company secured experienced trainmen from other divisions of the system, the strike really ended on March 28, after which there was little interruption to the service.

"During the progress of the strike the sympathy of the citizens, tradespeople, and borough officials along the division was strongly in favor of the strikers. In some cases the merchants refused to sell goods to employees who had taken the place of strikers, and a favorite method of harassing both the company and the new employees was to stop trains within the borough limits by getting on the cars and setting hand brakes or turning the angle cocks of air brakes. When the trains would come to a stop the borough officials would arrest the trainmen for blocking the crossings, and at the hearings the men would be heavily fined. Upon advice of our solicitors these cases were appealed, and in many of them the decision was reversed and the fines remitted. The strikers and sympathizers also interfered with the handling of traffic by releasing hand brakes on cars on sidings, permitting them to move toward main tracks and be derailed. In one case a serious accident resulted in which a fireman, engineer, and a trainman were injured. Various attempts were made to wreck trains by setting signals incorrectly, placing material in frogs and switch points along the rails, but very little damage resulted from these attempts.

Members of the railroad company's police department were sent to the Monongahela division to maintain order, protect the company's property and the men on duty.

"Considerable hostility was shown toward the train-service organizations from the start. When they refused to help the strikers and took action to expel them from their organizations and later helped to fill their places, the strikers organized the Industrial Railway Union, with the intention of disrupting the four train-service organizations. This new union embraced all classes of railroad employees, except those who have authority to employ and discharge men. The new union published a weekly paper called "The Railroader," in which they attacked the officials of the railroad company, officers of the Order of Railway Conductors and Brotherhood of Railroad Trainmen, or any other individuals who held the ill will of the strikers. The new organization was short-lived and was practically defunct by November 1 because of nonpayment of dues.

"On May 7 a committee consisting of nine of the strike leaders called upon the general superintendent to ascertain under what conditions the men on strike could be restored to their former positions. They were advised that, inasmuch as they had originally refused to work, had repudiated the obligations of their organizations, and had also refused to return to work when the opportunity was offered, they could not be restored to their former positions.

"In this connection it is only fair to state that this strike removed from the railroad company's service a number of men who were disloyal to the company, and that the new men within a few weeks after their employment performed more efficient and satisfactory service than the employees who went on strike, some of whom had been in the company's service for many years.

"Below is given a copy of a letter from Mr. W. G. Lee, president Brotherhood of Railroad Trainmen, to officers of Brotherhood of Railroad Trainmen lodges on the Pennsylvania lines east, showing the attitude of the brotherhood with respect to this strike.

"CLEVELAND, OHIO, *March 23, 1914.*

"To the President, Secretary, and Treasury of all B R. T Lodges, Pennsylvania Lines East:

"SIRS AND BROTHERS: As you are probably aware, a few members of the O. R. C., B. R. T., and Switchmen's Union, with a number of "No-bills," em-

ployed in the vicinity of Pittsburgh by the P. R. R., have seen fit to leave the service of that company, individually or collectively, and are now claiming that a strike of train and yard men is in effect on that line.

"The O. R. C. and B. R. T. have for a number of years negotiated rules and rates of pay through their general committees with the Pennsylvania management, and are at this time handling certain wage and working conditions pertaining to that and other lines with the board of arbitration.

"General Chairman J. B. Hendricks, of the O. R. C., and H. A. Enochs, of the B. R. T., for the P. R. R. lines east, are now at the Colonial Hotel, Pittsburgh, handling the situation in so far as it applies to those two organizations. They have issued public statements through the press and have forwarded telegraphic instructions to committeemen and others on the line, copies of which have been forwarded to this office and which have my approval.

"A strike can not be declared legally by either the B. of L. E., B. of L. F. & E., O. R. C., or Swithmen's Union until after a referendum vote of the membership on a line has been taken, showing that two-thirds or more of the employees of each organization interested have voted in favor of a strike, which must afterwards be approved by the chief executive of the organization voting. No such action has been taken on the Pennsylvania in so far as the O. R. C. or B. R. T. are concerned, and whatever vacancies exist on the Pennsylvania system as a result of this illegal strike can be filled by members of the brotherhood or others regardless of the claim of a few irresponsible persons that a strike is in effect.

"Each of you know how a strike of the transportation organizations must be declared, and officers and members of the brotherhood are cautioned against violating general rule No. 11, page 64, of the constitution and general rules now in effect, and you are hereby instructed to prefer charges against all members of the brotherhood under the jurisdiction of your lodge violating the rule referred to, furnishing this office names and full information pertaining to the same.

"Fraternally, yours

"W. G. LEE, *President.*"

I thank you very much, Mr. Walsh, for permitting me to do it.

Chairman WALSH. I was going to ask you who wrote this history of the labor troubles on the Pennsylvania Railroad?

Mr. LONG. Well, I don't think it is the result of any one pen, Mr. Walsh. The information, necessarily——

Chairman WALSH. Who had charge of it?

Mr. LONG. Possibly the major portion of it Gen. Supt. O'Donnell, of Pittsburgh, superintendent of the division; the trainmaster, his assistants, myself——

Chairman WALSH (interrupting). Is he a witness here?

Mr. LONG. I think not.

Chairman WALSH. Was the material collected and given to some one person to put in form?

Mr. LONG. The material, I think, was collected by half a dozen or more employees; for instance, the trainmaster at West Barnesville—by reason of this strike we assigned an assistant superintendent at the other end of the road, where formerly there was only a yardmaster—he wrote his version, as did the assistant trainmasters at other places. All of these versions were revised by the superintendent and again by the general superintendent, and again by myself and staff officers, and finally by Vice President Myers.

Chairman WALSH. Who put this book in the form it is here finally?

Mr. LONG. The book, I think, was put in this form by the publicity agent.

Chairman WALSH. What is his name?

Mr. LONG. Mr. Lee.

Chairman WALSH. He is a witness here?

Mr. LONG. Yes, sir.

Chairman WALSH. It looks to be very concise; as far as I am concerned I am going to say I would accept it as your statement, and if there are any commissioners that wish to ask you questions they may do so.

Mr. LONG. It was a composite statement, and rather than have 40 men state in here in their rambling way, as I do at times, and tell the story we thought it could be told in better language that way.

Chairman WALSH. I was going to say if you desire to make any statement outside of that we would be glad to hear it, but that we would accept this as your statement as far as it went.

Mr. LONG. That is the whole story.

Commissioner WEINSTOCK. You heard the testimony of Mr. Pierce this morning?

Mr. LONG. Yes, sir.

Commissioner WEINSTOCK. You heard him make the statement that in his opinion the reason why his efforts to organize a federation of a broader railway men's union failed was due to the jealousy of the officers of the craft unions, as well as to the interests of the company?

Mr. LONG. Yes, sir.

Commissioner WEINSTOCK. The inference, of course, left upon my mind, and doubtless upon the minds of the other commissioners, was that the officers of the craft unions were selfish and did not want to lose their jobs as officers of the unions, which might happen if they were to amalgamate into one union, and that inferentially, of course, that Mr. Pierce himself was unselfish in his work and that he did it for the love of the cause. Now, my attention has been called to a statement here on page 36 of your pamphlet entitled "History of Labor Troubles on the Pennsylvania Railroad." Let me read it and let me ask you if, so far as you know, it states the facts in the case. It says here at page 36:

"The strike of shopmen and others at Harrisburg was due to the agitation conducted by W. H. Pierce, formerly connected with the Brotherhood of Locomotive Firemen and Enginemen as a national organizer, and who, after being unsuccessful in his efforts to be elected vice president of that organization at its convention in Washington, June 2, 1913, offered his services to the Pennsylvania Railroad Co. to handle legislative matters in the interest of that company. Failing to secure this position, he immediately started to organize all classes of employees under an organization called Brotherhood of Railway Employees. His efforts, while directed particularly against the Pennsylvania Railroad, were not confined exclusively to the employees of that company, but extended to other railroad companies, particularly the Philadelphia & Reading Railway."

This, you see, would cast a very serious reflection upon the methods of Mr. Pierce. The frame of mind that this would leave me in, if it states the facts, is that it is now the result of disappointment and in a spirit of revenge; not having been elected vice president of the Brotherhood of Locomotive Firemen and Enginemen, he offered his services to the Pennsylvania Railroad Co. to handle legislative matters in the interests of that company, was out of disappointment merely, and in a spirit of revenge, and not having secured that position, with a view of injuring the company, he immediately started to organize all classes of employees under an organization called the Brotherhood of Railway Employees. If those are facts, it would largely discredit the testimony of Mr. Pierce. It would with me, of course, and I think it would also with my fellow associates.

Mr. LONG. Well, I don't presume, Mr. Weinstock, that you could say that if it was the opinion of 100 of our officers that Mr. Pierce did this because he was disappointed that that would make it a fact. It would be rather difficult to say that any disappointment of Mr. Pierce's was the real fact. You can readily see that. Now, it may be, perhaps, as to immaterial conclusions here, it may be somewhat unfair to Mr. Pierce to say that it was entirely due to disappointment, but it is a composite viewpoint.

Commissioner WEINSTOCK. Are those two statements made as to his failure to be elected vice president and failure to secure a job with your company, true?

Mr. LONG. The failure to secure the vice presidency, you know very well is true; as to the other, I don't know whether we can establish that as an absolute fact or not. I think possibly we might, but I would not be willing to say that we can right off-hand. I would be willing to give Mr. Pierce the benefit of the doubt on that one hand.

Chairman WALSH. What point is that? That he applied for a job with your company?

Mr. LONG. It might be difficult to present the exact facts.

Chairman WALSH. Is that contained in this statement that you submitted to us?

Mr. LONG. Yes, sir.

Chairman WALSH. Would you put a thing in a formal statement of that kind that you could not be sure of and could not present the proof on?

Mr. LONG. I say I can not; I think possibly if you give me time I can produce the papers, but it might be difficult to find them.

Commissioner O'CONNELL. Was an application made; do you know, personally?

Mr. LONG. Not to me.

Chairman WALSH. We can get that information from Mr. Lee.

Mr. LONG. Possibly Mr. Lee can give it.

Chairman WALSH. You don't know anything about it?

Mr. LONG. That particular fact; no. But the others; yes. These are the facts and views as we could ascertain them, the result of composite minds endeavoring to be as fair and free and frank as we possibly could.

Commissioner WEINSTOCK. In the course of your remarks this morning, among other things, you conveyed the idea that while you regarded the present plan of mediation and conciliation—that is, the Federal plan of mediation and conciliation—as efficient, that I judged that you did not feel it was sufficient, and you would like to see it bettered and improved. Can you suggest to this commission whereby the Federal system of mediation and conciliation can be improved and bettered? If you can, we will appreciate it very much.

Mr. LONG. It will take a great many impartial minds to reach even a partial conclusion on such a big problem as this. If I could do it I should have it patented, and thereafter I would not worry again about anything; it would be a great boon to capital and labor, and mankind in general. If the disagreeable disputes between those that earn a living by the sweat of their brow and those that pay them their living could be settled amicably like father and mother and brother and sister, it would be a great boon; but I think we can look at that like the millenium, which we are working toward. I think we are working toward it; I think, if I may so express it, that the kernel or the meat we will get out of this commission will put us a step further toward it.

Commissioner WEINSTOCK. Do you regard, as an old railroad man with long experience, that with these labor troubles, do you regard the relationship existing to-day on the whole between railroad managers and employers, on the one hand, and railroad workers, on the other hand, as better or worse than 10 years ago?

Mr. LONG. Oh, infinitely better.

Commissioner WEINSTOCK. Infinitely better?

Mr. LONG. Yes, sir.

Commissioner WEINSTOCK. To what do you attribute that improved feeling?

Mr. LONG. Well, the trend of the times, I guess; it is rather difficult to explain why the moral sense in business is much more acute to-day than 10 years ago, and much, much more acute than 20 years ago, while there was none at all 30 years ago in most business. Any newspaper reading person will admit that.

Commissioner WEINSTOCK. Then there has been great progress along the lines, and in the railroad world, in bringing about a more cordial and more friendly relationship between the workers and their employers?

Mr. LONG. I think there is, judging others by ourselves; we set up at nights to find out how to get next to our men.

Commissioner WEINSTOCK. Do you regard the good will of your rank and file as a valuable asset?

Mr. LONG. We certainly do, and we have it to a large extent. If we can get the residue, we are all right.

Commissioner WEINSTOCK. Now, do you think that this better relationship, this more cordial feeling between the two parties, is due at all to the employer having been trained perhaps by hard knocks and bitter experience to look at the situation not only through his own eyes, but through the eyes of the worker, and the worker likewise through hard knocks and bitter experience has been trained to look at the situation with the eyes of the employer as well as his own eyes?

Mr. LONG. I think so. The wood sawyer, after becoming the boss of the wood sawyers, sympathizes more with his men than if he had never been a wood sawyer.

Commissioner WEINSTOCK. Is that your feeling in the matter?

Mr. LONG. That is my feeling in the matter; I was a worker myself.

Commissioner WEINSTOCK. On that particular point, evidently you don't agree with our friend, Mr. Garretson; he took the opposite view yesterday?

Commissioner GARRETSON. Let me correct you, day before yesterday.

Commissioner WEINSTOCK. The apology is accepted. His view is that usually the worst slave driver is the one that was once himself a slave.

Mr. LONG. I would say that is true to only a limited extent. If the man who is a slave and has only the ideas of a slave can become a slave driver,

he is a terrible taskmaster; but in becoming the master of the slaves he also improves his mind with his position, and it is different.

Commissioner WEINSTOCK. Then, from your point of view, Mr. Long, I take it that we are minimizing industrial strife as far as the railroads are concerned?

Mr. LONG. I am a big, large optimist. Certainly we are moving ahead in every direction, morally and every other way.

Commissioner WEINSTOCK. You think to-day is better than yesterday?

Mr. LONG. Yes, sir; the day of Croesus is coming to an end in the next generation.

Commissioner WEINSTOCK. Now, do you think that the method that has been in operation in the railroad world along the line of mediation and conciliation could be broadened out so as to take in the other industrial fields successfully, and relatively the same happy situation, the same more cordial and more kindly and more friendly feeling between those on the two sides of the issue could be created in other branches of industry?

Mr. LONG. I think so; but we will know in two or three years conclusively. Henry Ford is trying it.

Commissioner WEINSTOCK. He is trying it on a basis unlike any other employer, and there are many that contend that what is possible with him is not possible with the generality of employers, that he is an exceptional case.

Mr. LONG. The principle is the same; if Henry gives them $5 bonus, somebody else will give them a penny, but the principle is the same.

Commissioner WEINSTOCK. Do you think the remedy lies, of whatever industrial friction may exist, along the line of profit sharing?

Mr. LONG. No, sir; I do not mean that; you asked me if it could be extended to commercial and industrial uplift as well as the railroads, and I said it possibly would be solved by Henry Ford.

Commissioner WEINSTOCK. Henry Ford is using an entirely different policy from the railroad companies. That is, the railroad company as a rule in many branches of their work deal with organized labor, certain forms of organized labor?

Mr. LONG. Yes, sir.

Commissioner WEINSTOCK. Take the transportation form, you deal with the engineers and firemen and brakemen and conductors generally, and Mr. Ford does not recognize or deal with organized labor. His policy is entirely different from the policy in the railroad work; he absolutely refuses to recognize or deal with organized labor.

Mr. LONG. The object and the purpose, however, are the same. The purpose is to get more work units, or whatever you want to call them, out of labor.

Commissioner WEINSTOCK. You mean higher efficiency?

Mr. LONG. Yes, sir; and as the result, more profits; and he gives part of it back to the man for "hotfooting it," as the railroad man calls it. We do it in another manner. If our railroad men are efficient, they get better results in wages, because it gives better profits and we can afford to pay them.

Commissioner WEINSTOCK. That is, with your unorganized people, you have the piecework system?

Mr. LONG. Oh, yes, in many cases; very largely so.

Commissioner WEINSTOCK. And the theory is that in the piecework system the most efficient man earns the most money, and the less efficient man the less money?

Mr. LONG. That goes without saying—that it is wages and solely wages makes the higher-class workman, otherwise there is no incentive.

Commissioner WEINSTOCK. That is your way of bringing out the highest efficiency of the workers. The Ford way, as I recall it, is to offer the worker as the result of his record—he must first make a record, and having made the record, he gets a certain maximum wage from it, and at the end of a given time, I think a year, he gets an added bonus in the way of a share of the net earnings of the enterprise. That only applies to earning power, and there are other factors that enter into the relations between the employer and worker—the question of hours, of conditions of labor, etc. If we pursued Mr. Ford's plan, the workers would have absolutely no voice, but would have to depend upon the generosity of the employer, as they do in the case of Mr. Ford. Mr. Ford of his own volition says, "I will make you these concessions," and the worker must accept or not. But with you, it is different. The employees have a voice with you in fixing the hours of labor and in fixing the working conditions and their compensation. They are two widely different policies and

can not be brought together. Now, the question is, does the future lie along the line of Mr. Ford's method, in giving the employer the absolute voice and sole voice in dealing with his worker, or does it lie along the line of the four transportation organizations and the general managers? Do I make myself clear?

Mr. LONG. I think you have. As I said before, we will see how this works out.

Commissioner WEINSTOCK. Your answer is to that question that if Mr. Ford's plan proves a success that that is likely to be the plan of the future?

Mr. LONG. Very generally in industrial and manufacturing concerns.

Commissioner WEINSTOCK. If that is to be the plan of the future, then the worker will have no voice?

Mr. LONG. I doubt whether Henry Ford, himself, however, can tell the measure. Henry Ford don't know how to make cotter pins, but he pays so much for cotter pins, and if a man makes so much money per thousand, say 10 per cent of their value, he pays so much per thousand. He may set that rate. He knows how many cotter pins a man ought to make in 10 hours. He does that by the opinion of the 1,000 cotter-pin makers, and after all, the men are setting the pace.

Commissioner WEINSTOCK. But they have no voice; your engineers and your conductors can come and have a conference with you, and can discuss with you the equality of a certain wage, or certain working conditions, and you have to listen to what they have to say.

Mr. LONG. We gladly listen to what they have to say.

Commissioner WEINSTOCK. You not only gladly listen, but you are in a position where you have to listen, because you can not afford to ignore what they say, because they have behind them the strength and power, and they can not be ignored. Now, in the case of Mr. Ford's work, he watches the results and establishes rates largely by the result, but after all they have no voice.

Mr. LONG. I know; but he establishes the results, Mr. Weinstock. I don't see that he accepts the cotter-pin makers or——

Commissioner WEINSTOCK. But suppose he fixed it at less than what he thought they were entitled to receive, they would have no voice, and when they would go to Mr. Ford and say we would like to discuss this matter with you, he would say, "Gentlemen, I am sorry, but I am not prepared to discuss with you. I reserve the right to fix the price, and if you don't like my price you can quit." You see there is a big difference there. You would not say that to your engineers. You would give them—would acknowledge they had a right to discuss the matter with you and that you must consider——

Mr. LONG. Well, we enter into a contract or arrangement to do it with them; but I must say I don't know Henry Ford's methods in full. I know only what I read in the newspapers about his affairs. But he has started off on a new plan of profit sharing. Now, whether Henry Ford, who I think is a mechanic himself, reserves to himself the supreme authority to decide how many of each piece of the thousand pieces that enter into each machine each man can make each day, I don't know. But I doubt very much that it is not the result of observation and not the result of actual performance, and so in fact after all the men have a voice, since they can all say "Now we are not going to make more than 80 pins a day."

Commissioiner O'CONNELL. Is it your impression, Mr. Long, Mr. Ford is paying all his employees $5 a day?

Mr. LONG. No. I was under the impression that he fixed it just as Mr. Weinstock said, "Mr. Aishton, you can make 40 pitchers a day, and you will get 10 cents a pitcher, or I will make 40 books a day, and will get 10 cents a book." or another man makes something else and he gets 10 cents a book or a box. That he reserves to himself the authority to say how many I must make to earn $5. Now, if I make 10 a day right along for six months, 10 a day fixes the wage; and if I make 11 I make more, and if I make 9 I make less.

Commissioner O'CONNELL. That is not the system.

Mr. LONG. I was under the impression that it was.

Commissioner O'CONNELL. We had Mr. Ford before us.

Mr. LONG. Very well, then you know a great deal more about Mr. Ford than I do. But getting into the realm of piecework—it is the day's work and the hourly work which is generally recognized as the leveler. That is generally admitted by craft organizers. So that the worker is paid for time and not for service; and in that way we believe that piecework is a better proposition, in that not only if the man wishes to earn more money he can, but he can show his capacity; and if you desire to go into that I want to refer you to our

general superintendent of motive power, Mr. James T. Wallace, who can tell you more in a few minutes about that than I could in a week, and we have him here so you can develop that if you so desire.

Commissioner LENNON. Do you apply the piecework system in the payment of the president or the vice presidents or the treasurer or the board of directors?

Mr. LONG. I think not. It hardly could be called that.

Commissioner LENNON. This is the official document submitted by the Pennsylvania Railroad Co. [referring to pamphlet presented by the witness].

Mr. LONG. As a comprehensive statement of the facts.

Commissioner WEINSTOCK. You were present yesterday, Mr. Long, when Mr. Atterbury was questioned about the Federal workmen's compensation law?

Mr. LONG. Yes, sir.

Commissioner WEINSTOCK. Are you in accord with his views? He favored a Federal compensation law.

Mr. LONG. Well, we have all been thinking over that a great deal as to just where we are coming out. It is not going to be an easy thing to draw up a compensation act that will be exceedingly just to the parties who have to pay in and at the same time not pauperize those who are to receive. I presume, if I may inject this into the proceedings, that if all the poorhouses in the 66 counties of Pennsylvania and all the money that goes to maintain them—the county commissioners and everything of that kind that goes with the matter of supporting indigent poor in each one of the 66 counties of Pennsylvania—were to be put into one fund and be distributed by some really wise party, that more relief to destitution would result—more of it be eliminated than now obtains. Now, after all, isn't the underlying thought in a compensation act to reward the indigent poor, in the first place?

Commissioner WEINSTOCK. No; it has no relation to that problem at all, Mr. Long.

Mr. LONG. Well, it will have ultimately.

Commissioner WEINSTOCK. No; a workmen's compensation act——

Mr. LONG (interrupting). Permit me to carry out my thought, if I may.

Commissioner WEINSTOCK. Very well.

Mr. LONG. The poor and injured workman—the injured workman—becomes indigent poor if his employer does not look after him, don't he? Now, the greatest disgrace that can befall a man, even beyond that of going to jail, is going to the poorhouse. Why, in the country districts there are lots of people that go to jail and are not looked down upon as much as the person who goes to the poorhouse; therefore the poorhouse is not an elevating proposition. But the workmen's compensation act that is going to take care of indigent men and women, made so by reason of accident in industrial plants, and who can be taken care of under the compensation act, that looks a little more honorable, and there would be a little more pride go with it. Therefore compensation acts, no matter if they are poorly framed, are bound to result in some good, and if we keep on at them and wipe out the poorhouses and the corruption accused of going with the most of them, and all that money is put to wise purpose, I believe compensation acts could be evolved that would be of great good to the employer and employee.

Commissioner WEINSTOCK. As you pointed out a moment ago, Mr. Long, there is a differentiation between the indigent poor who become indigent by virtue of industrial accident and the indigent poor who become poor from other reasons?

Mr. LONG. Yes. I was thinking of the poor man who is an employee and gets his leg sawed off in the harvest field, and any compensation act so far promulgated leaves that poor fellow to look out for himself; but if he loses a leg under our railroad train we have to take care of him the rest of his life.

Commissioner WEINSTOCK. Now, a workmen's compensation act confines itself exclusively to workers injured while at work industrially. Now, it is a very acute problem—no question about it—to define equitably; and while that was still more difficult a few years ago, it is becoming less so, because we are getting experience all along, because we have got some twenty-odd States which have adopted workmen's compensation, and where the law has been operating in some one year, some two, and some three or four years; and this is giving us an accumulation of experience hitherto unknown. Therefore, under existing conditions, it is easier to formulate a wise and equitable and workable compensation law than ever before; and the point I am interested in just now is to learn what is the attitude of great employers—interstate employers—toward the Federal workmen's compensation act, whether such a proposition would be

looked upon by them with friendly eyes or whether they would fight if a measure of that kind should be presented to Congress.

Mr. LONG. Oh, I think every wise employer of labor would promote some wise compensation act. One of the evidences of progress is that 10 or 15 years ago it would have been laughed out of countenance. To-day everybody is thinking about it and trying to arrive at something fair. The humanitarian sense is growing, and the humanitarian family is getting bigger every day.

I want to say in addition, now, with reference to one question. You asked me about one of the causes of unrest, and I was going to say that it was due to the fact that "a little learning"—as you have observed in various hearings—"a little learning is a dangerous thing." Therefore, spend your money and have more schoolhouses and more schoolmasters. The more schoolhouses and more schoolmasters, the more colleges and universities, the faster this thing will move toward the end we all hope to achieve.

Chairman WALSH. Mr. Garretson would like to ask you a question or two.

Mr. LONG. Yes, sir.

Commissioner GARRETSON. Touching for a moment on Henry Ford's plan and on the plan that obtains in other localities, is not the result that lies ahead of the plan of Henry Ford, and the result advocated by men speaking on their own behalf as laborers, is not the object exactly the same—the betterment of the worker in his relation to his output?

Mr. LONG. I trust so.

Commissioner GARRETSON. You speak, Mr. Long, of the fact that especially in 20 years, from your own standpoint, on your own road, conditions were far better than they were 20 years ago, and gave promise for the future. Within that 20 years you span almost the entire period during which you have recognized the right of a large body of your employees to have their voice in fixing rates of pay and conditions of service. Isn't that true?

Mr. LONG. I think so; yes, sir.

Commissioner GARRETSON. Do you believe that any degree of that betterment in industrial conditions that has arisen on your line has been the outgrowth of the recognition of their right in that direction? Bear in mind that 20 years ago it was claimed that the right of the employer was inherent to fix those things. It has been recognized since that time, and the railway delegates that right or surrenders it to the men to speak for themselves in large degree.

Mr. LONG. In answer to the first part of your question, I have great doubt as to whether the same end would not have been achieved in another way. In other words, your wages have been increased by show of force and numbers. I think, possibly, the same thing would have been achieved pretty nearly, if not better ends achieved, if molasses had been used instead of vinegar, very often.

Commissioner GARRETSON. But if neither molasses nor vinegar had been used, because of the inability of the employee—because of want of organization to get either molasses of vinegar, what then?

Mr. LONG. That is a hypothetical question and I will have to give a hypothetical answer——

Commissioner GARRETSON (interrupting). Could the individual have done for himself what he has done for himself and associates, because of being associated with other individuals, collectively?

Mr. LONG. Possibly I will have to say no to that, because the punk man would have had to drop out, and he is now going along.

Commissioner GARRETSON. The punk man, as a foregone conclusion, could not have helped himself alone?

Mr. LONG. Hardly.

Commissioner GARRETSON. And only the sporadic individual would have had the strength to attain anything for himself alone?

Mr. LONG. I will say yes to that, if you will change that "sporadic" to "the great majority."

Commissioner GARRETSON. Well, no matter how many, unless he works collectively, he is only a sporadic case.

Mr. LONG. I can not agree to that. He is the great majority.

Commissioner GARRETSON. Well, you do not believe a great benefit has come to men through association?

Mr. LONG. Oh, I don't say it has not; it certainly has. But I say I think the same thing could have been achieved in a better way.

Commissioner GARRETSON. Do you believe that the result obtained from railway operation—I heard the statement made here this morning that your

property is composed of 110 component parts; at any rate, we know that the Pennsylvania is a large number of formerly separate systems.

Mr. LONG. A brick wall made of bricks.

Commissioner GARRETSON. And made into a cohesive whole?

Mr. LONG. Yes, sir.

Commissioner GARRETSON. And better results come from that assembling of units?

Mr. LONG. That has been the history of all time.

Commissioner GARRETSON. Is there any reason to believe that the same benefits do not come to the men from assembling the units?

Mr. LONG. As I stated a while ago, it just depends on the method you pursue, whether you do it by the method that has been followed, or whether some other method might not have been better.

Commissioner GARRETSON. Well, that is a question of method; but the fact is that they need it to assemble.

Mr. LONG. May I illustrate it by a story that I frequently use? A dusty Weary Willie came along a dusty road and stopped in front of a house where there was a beautiful shade tree, on a hot afternoon, and he said to the man at the gate, "I am very tired, and I am coming right in there under your shade tree and lie down." To which the man at the gate said, "If you come in I will knock off your block. This is my property; I don't want you in here." But he goes in by force and gets under the shade tree. The next day another man comes along and takes off his hat and says, "My dear sir, I am very tired and hot and dusty. May I come in and lie under your shade tree for half an hour?" and the man says, "Come right in."

Commissioner GARRETSON. That was a pure question of manners; but they both got the shade?

Mr. LONG. Both got the shade.

Commissioner GARRETSON. And probably both claimed they had a right to it, but they expressed it in a different form.

Commissioner AISHTON. The latter fellow probably got a rocking-chair to sit in instead of sitting on a rock.

Commissioner GARRETSON. This did not deal with furniture; only with shade.

In your dealings with your own men, Mr. Long, the question was raised yesterday as to leave of absence for men. Have employees of the Pennsylvania Co., those who are acting as legislative representatives of their associates, ever been denied leave of absence for the purpose of performing those duties?

Mr. LONG. No; I think not. I think they are very much in evidence at Harrisburg.

Commissioner GARRETSON. I have heard a few of them were. And have any of them ever been recalled or notified that they must report for duty and leave such work?

Mr. LONG. No, sir.

Commissioner GARRETSON. There are no instances of that?

Mr. LONG. None that I know of, because it was positively decided that it was unwise to interfere with that liberty of the man if he wanted it.

Commissioner GARRETSON. What is the name of that organization you referred to——

Mr. LONG. X. Y. Z. (?)

Commissioner GARRETSON. No; you have so many there that I can not sort them out; that mutual-benefit organization that was referred to as a "child of the company"?

Mr. LONG. Oh, the Mutual Aid Association. I don't know whether it is "mutual aid" or "mutual benefit."

Commissioner GARRETSON. Mutual aid and benefit, maybe; I don't know.

Mr. LONG. I think it is B. M. A; I don't know whether it is M. A. A. or M. B. A.

Commissioner GARRETSON. Well, whatever the name of it may be, just so we understand the same one——

Mr. LONG (interrupting). Yes, sir.

Commissioner GARRETSON (continuing). At the time of the inception of that organization were any men allowed time in their various capacities as conductors or brakemen or engineers or firemen for visiting subordinate lodges or divisions of the organizations commending this to the men? Were any men detailed who were paid time for that?

Mr. LONG. I should say no, Mr. Garretson. If anybody did do that and signed the pay roll that the man did such service for money received, it would be falsifying the pay roll.

Commissioner GARRETSON. If he was informed by the officer of the company directly over him, for instance, that he would be allowed to do that and to put in his time slips exactly as he had when at work, you could not charge the man with padding the pay roll, could you?

Mr. LONG. Well, we might take a conductor and tell him that we wanted to know how the conductors on the North Western Railroad did and say, "We will pay you for going out there and getting that information for us the same money that you would earn if you stayed at home and worked, plus your expenses." Now, to find out how much that money is we ought to pay for that thing, we can't determine that without the time slips, and if he is gone 10 days finding out how the conductors on the North Western do, and if he brought back the information, whether it suited us or not, we would pay him for the service.

Commissioner GARRETSON. Allow him straight time and expenses?

Mr. LONG. Just as much; but to say he performed that service for that money, that is not done.

Commissioner GARRETSON. But on the pay rolls he would appear as on duty, although he was performing another service, for instance? How do you pay your court men—men going to court?

Mr. LONG. We do the same thing with passenger conductors who are granted two weeks' absence under pay, and they appear on the rolls as exercising their right to leave of absence.

Commissioner GARRETSON. And if they were sent out for this purpose and appeared on the rolls, the man would not be chargeable with padding the pay rolls. It would be using him for that purpose, then.

Mr. LONG. I don't think it would be on the pay roll; it might be. I take it it would be vouchered then.

Commissioner GARRETSON. Do you know whether anything of that kind has been done or has not been done?

Mr. LONG. Well, if it has I don't think it has been done in accordance with our instructions. While the result in money would be the same to the company, the company prefers that it should be done in proper, open, and legitimate ways—that is, if a conductor works 20 days as a conductor on a passenger train and 10 days for special work in Boston or anywhere else to find out how the conductors do this, that, and the other, or the engineer, or the fireman—that the money that he gets for that service should not be paid as wages, but that the same amount would be paid. Of course, in the end, to the company it would mean the same amount of money, and it is possible that, in order to avoid paying that man for that service with a voucher, as it ought to be paid, it may be they give him the money on the pay roll, because in the end it would mean the same thing to the company. But the proper and legitimate way that the controller, I think, would insist upon——

Commissioner GARRETSON. Well, but if some officer of the company, though, was desirous of not drawing any attention to the fact that it was the case of the "maybe"—I am using the phrase you used, yourself, in the testimony——

Mr. LONG (interrupting). Yes.

Commissioner GARRETSON. The natural thing to do would be to put it in on the pay roll?

Mr. LONG. Well, you say the natural thing. I guess I would have to say "yes" to that—it would be natural, but it would not be the proper thing in accordance with the instructions of the comptroller, who does not care a rap whom it hurts if it is not correct. He wants to know the facts connected with each expenditure, whether it is disagreeable to me or to anybody else to tell him. We have to tell him, because it is his business to know what the company's money is spent for.

Commissioner GARRETSON. You would not deny the authenticity, then, of the man who had performed that service and assert it in justification thereof that he had done it for pay?

Mr. LONG. I think if it was made a part of the written record it would explain itself and show whether any collusion, mystery, or rascality was connected with it.

Commissioner GARRETSON. Now, on this Monongahela strike—the real impelling thing in the causing of that strike was the removal of a number of men from that yard crew?

Mr. LONG. Yes, sir.

Commissioner GARRETSON. At the time of the removal of those men, wasn't it a fact that there had been an award handed down by arbitration that had not yet been made effective?

Mr. LONG. It had not been made effective in its entirety; but I should say 98 per cent of it had.

Commissioner GARRETSON. Well, that was only a case of prediscounting?

Mr. LONG. Yes, sir.

Commissioner GARRETSON. Officially it had not been made effective?

Mr. LONG. Yes, sir; and wherever the conclusion reached at that late date was on the basis of the award, the pay to the men was retroactive as of the date that it became effective; so that they were not losing one cent even if they had to wait.

Commissioner GARRETSON. Oh, it was not a question of waiting for that award. Was not the claim made—you are perfectly aware I hold no brief for the men who were in that strike—but isn't it a fact that those men claimed, and with a certain degree of justification, that a lessening of the number of men under the terms of that award in itself constituted a departure from the spirit of the agreement to arbitrate?

Mr. LONG. I think they so claimed; yes. Possibly that is quite true. I think quite a fair conclusion, but the claim was not just.

Commissioner GARRETSON. That is all.

Commissioner AISHTON. Mr. Long, the division of accounts is very clearly outlined by the Interstate Commerce Commission's regulations, is it not?

Mr. LONG. Absolutely.

Commissioner AISHTON. And the rules?

Mr. LONG. Yes, sir; absolutely so.

Commissioner AISHTON. And your comptroller has to keep his accounts in accordance with those rules?

Mr. LONG. Yes, sir.

Commissioner AISHTON. And he has to make a sworn statement at the end of every month accounting for all the division of accounts and moneys expended and what they were expended for and everything of that kind in accordance with the rules laid down by the Interstate Commerce Commission?

Mr. LONG. Yes, sir; that is the reason why he is so exacting about them.

Chairman WALSH. Mrs. Harriman wishes to ask you some questions.

Commissioner HARRIMAN. Mr. Long, are you willing to go on record as for or against the organization of labor?

Mr. LONG. Oh, I think organized labor has done us a great deal of good.

Commissioner HARRIMAN. Well, are you for it?

Mr. LONG. I am for it in certain forms. Organized labor I approve of very much. I think, if I may say a good word in favor of some organizations as against the others—and that possibly applies to the four organizations that have consideration on our railroad—that they have promoted the elimination of intemperance by their actions just as much as the actions of their officers. I think, as a matter of principle, that they are opposed to the use of liquor; and that if they had done nothing else but that, their reason for being would have been sufficient, the achieving of that one good thing.

Commissioner HARRIMAN. Then you are for it? You are not against it?

Mr. LONG. I am not against it.

Chairman WALSH. Did your company oppose the passage of a workmen's compensation act, Mr. Long?

Mr. LONG. I think not, sir.

Chairman WALSH. Or take any action on it?

Mr. LONG. If any action was taken at all, it was simply because some one who knew about enactments of that kind thought that a better one might be drawn.

Chairman WALSH. Well, was there some action taken for a different law than the one that was passed?

Mr. LONG. Personally, my views were not solicited, but my impression is that possibly some of the executives and—that the opinions of men in the legal department were asked as to certain contemplated compensation laws, and whether they were good.

Chairman WALSH. Did you send out circulars with respect to that—your company?

Mr. LONG. No, sir; not that I know of.

Chairman WALSH. Or make any effort to creat public opinion?

Mr. LONG. No, sir.

Chairman WALSH. Did you see any of the arguments used against it by these gentlemen, the executives or attorneys?

Mr. LONG. Well, I saw some, and saw a good many in favor of it.

Chairman WALSH. My thought was concentrated on that by your statement about the farmers. Was there an effort made to have it include the farmers?

Mr. LONG. I think there were several members of the legislature of Pennsylvania who were endeavoring to champion that, but they were rather from the industrial districts, and, of course, the rural members, wanting the farmer vote, they wanted to leave the farmer and wanted to leave the employer who has one servant out of the law.

Chairman WALSH. Was that consideration urged by those gentlemen that you say may be opposed to this law?

Mr. LONG. I don't think that affected them at all.

Chairman WALSH. That is all, thank you.

Mr. LONG. I might say, Mr. Walsh, that the public prints were full of the fact that the passage of the law depended entirely upon eliminating domestic servants and farm help. Of course, we are not, as a corporation, interested in eliminating domestic help or farm help, because we don't employ domestic help or farmers on the railroad.

Chairman WALSH. That is all, Mr. Long. We thank you, and you will be excused permanently.

TESTIMONY OF MR. E. B. HUNT.

Chairman WALSH. Will you please state your name?

Mr. HUNT. E. B. Hunt.

Chairman WALSH. What is your business, please?

Mr. HUNT. I am superintendent of the relief department and agent of the pension department of the Pennsylvania Railroad.

Chairman WALSH. How long have you been in that position?

Mr. HUNT. I have been superintendent since June, 1911.

Chairman WALSH. Have you held other positions with the company?

Mr. HUNT. I was a clerk in the relief department from 1886 to 1905, when I was made assistant superintendent, and upon the death of the superintendent was made superintendent in 1911.

Chairman WALSH. What proportion of the employees of the Pennsylvania Railroad are members of the relief department?

Mr. HUNT. Ninety-two per cent.

Chairman WALSH. Is membership in the relief department compulsory?

Mr. HUNT. As far as new employees are concerned they are all urged to become members. In the statement that I have prepared, and which I would like to read, there is a paragraph on that particular point.

Chairman WALSH. Very good. What are you reading from?

Mr. HUNT. From the book that was presented to you as the Pennsylvania Railway's policy toward its employees.

Chairman WALSH. If you will kindly refer me to the page?

Mr. HUNT. Page 25 [reading]:

"Because of the regulations of the pension department providing for retirement of disabled employees between the ages of 65 and 69 years, if they have had 30 years' previous service, and also for the purpose of obtaining employees physically fitted for the positions in which they are to work, new employees entering the service are required to undergo a physical examination and are thereby practically required to become members of the relief fund, although they are at liberty to withdraw their membership at any time after employment if they so desire.

Chairman WALSH. When employees are discharged or relieved through slackness of work, what becomes of his equity in this department?

Mr. HUNT. It ceases.

Chairman WALSH. What proportion of the 23,000 men who left the service of the company in 1914 were discharged?

Mr. HUNT. Your representative called upon me a few days ago and asked me to prepare a statement showing the number of members of the relief fund who had left the service in 1914, which he understood was 41,412; the average length of service, the cause for leaving, and so forth, and the classification of the occupation. I prepared such a statement, but I am very sorry that I did not have time enough to divide the several groups of occupations showing causes for their leaving the service; that is, the number in each occupation which voluntarily resigned, the number relieved on account of reduction in force, and the number discharged.

Chairman WALSH. You have not that classification?

Mr. HUNT. I have it as a whole, and would be glad to read it to you.

Chairman WALSH. Give it to us as a whole.

Mr. HUNT (reading). "The number of members of the relief fund who left the service during the year 1914 was 41,412. The percentage and number of those who resigned voluntarily was 23,195, or 56 per cent; the percentage and number of those relieved on account of reduction in force and through no fault of the employee was 14,494, or 35 per cent. The number of those discharged for cause was 3,727, or 9 per cent. The average length of service of such employees was one year and three months. The classification of occupations: Officers, agents, and clerks, 1,446, or 3.5 per cent; warehousemen, station laborers, messengers, and so forth, 4,666, or 11.3 per cent; telephone and telegraph operators and train dispatchers, 318, or 0.8 of 1 per cent; conductors on all trains, 307, or 0.7 of 1 per cent; brakemen, flagmen, and baggage-masters on all trains, 3,169, or 7.7 per cent; locomotive and electrical engineers, 34, or 0.1 of 1 per cent; locomotive firemen and electrical engineer helpers, 1,460, or 3.5 per cent; yardmen, 1,162, or 2.8 per cent; shopmen, 9,527, or 22.9 per cent; trackmen, 19,207, or 46.4 per cent; floating equipment, 116, or 0.3 of 1 per cent."

I will file that with the commission for their information.

(The document so identified and offered in eviednce by the witness is printed among the exhibits at the end of this subject—Hunt Exhibit No. 1.)

Chairman WALSH. Have you the information as to how long the men have been members of the relief department?

Mr. HUNT. No, sir; only as a whole. That is, the average length of service—one year and three months.

Commissioner AISHTON. And 92 per cent of employees are in the benefit association?

Mr. HUNT. Yes, sir; 92 per cent are members.

Chairman WALSH. In what are the funds of the department invested?

Mr. HUNT (reading). "As of December 31, last year, Columbia & Port Deposit Railway Co. 4 per cent mortgage coupon bonds, par value $330,000, cost $330,000.

"Western New York & Pennsylvania Railway Co. general mortgage 4 per cent coupon gold bonds, par value $219,000, cost $201,952.50.

"Chesapeake & Ohio Railway Co. general mortgage 4½ per cent coupon registered gold bonds, par value $247,000, cost $265,833.75.

"Cambria & Clearfield Railway Co. general mortgage 4 per cent coupon bonds, cost $47,000, par value $47,000.

"Allegheny Valley Railway Co. general mortgage 4 per cent bonds, par value $50,000, cost $50,000.

"Reading Co. and Philadelphia & Reading Coal & Iron Co. general mortgage 4 per cent coupon bonds, par value $55,000, cost $53,468.75.

"Pennsylvania general freight equipment, trust 4½ per cent certificates, cost $87,038.20, par value $90,000.

"Southern Pacific 4½ per cent equipment trust certificates, par value $100,000, cost $97,181.52.

"Pennsylvania Railroad Co. 3½ per cent convertible bonds, cost $181,785.55, par value $187,000."

That represents a total cost of $1,314,260.27. There is a balance on hand of cash on deposit with the treasurer of $1,680,555.67, for which the relief fund is receiving 4 per cent interest from the company, compounded semiannually.

Chairman WALSH. Who passes upon those investments?

Mr. HUNT. The advisory committee; the advisory committee directs the investment.

Chairman WALSH. Of what does that consist, the committee?

Mr. HUNT. It consists of eight members appointed by the company, eight members elected by the employees with the general manager ex-officio chairman. I am ex-officio secretary of the committee, but am not a member.

Chairman WALSH. In the event of increase in the value of the securities held in trust by this department, how is the increase treated?

Mr. HUNT. We have never had occasion to sell any securities; they are carried on the books the same as I read to you from the annual report.

Chairman WALSH. In case of a decrease, how do you treat them?

Mr. HUNT. The same as I read to you, we have never made any change in our account.

Chairman WALSH. You have never made any change in your account?

Mr. HUNT. No, sir.

Chairman WALSH. Has there been decrease in the real value of any of those securities?

Mr. HUNT. Not to any appreciable extent. I don't recall any, if such is the fact.

Chairman WALSH. Does the company guarantee these funds in any way?

Mr. HUNT. They guarantee to make good any deficiency as outlined in regulation 5. By the way, Mr. Chairman, I would like to file with the commission also a copy of the regulations governing the department.

(The document so referred to, entitled "Regulations Governing the Pennsylvania Railroad Voluntary Relief Department," was submitted in printed form.)

Mr. HUNT. And also a copy of the last annual report, for the full information of the board.

(The document referred to, entitled "The Pennsylvania Railroad Voluntary Relief Department, thirty-ninth annual report for the year ending December 31, 1914," was submitted in printed form.)

Mr. HUNT. We wish to put before the commission all the information that we possibly can.

Chairman WALSH. Does the relief benefit guarantee superannuation payments?

Mr. HUNT. No, sir; it does not.

Chairman WALSH. Does the company insist upon the surrendering of the employee's relief book before the final payment of his wages is made?

Mr. HUNT. Not that I know of. It may be insisted upon by some employing officer, but not to my knowledge, generally.

Chairman WALSH. Now, it has been charged that this department put the expense of accidents on workmen and relieves the company of paying the ordinary common-law liability. I wish you would give us a brief little discussion of that, will you?

Mr. HUNT. Yes, sir. That was true, Mr. Chairman, up to January of this year, to a limited extent. When the relief department was put in operation there was no national employers' liability law—only the laws of the several States. Due to the fellow-servant theory and the assumption of risk and other defenses that an employer had, very few employees who were injured or killed in the service could recover damages, and one of the reasons for establishing the relief department was to take care of all such cases; but as time went on compensation laws have been passed in several of the States through which the railroad lines pass, and there is also a national employers' liability law in effect at the present time; so that if an employee is injured in intrastate commerce he is treated differently from those injured in interstate commerce, and therefore it was thought unfair to treat the employee in one State different from those in another, or, again, those that were engaged in interstate commerce different from those in intrastate commerce, and the regulation of the relief department containing the release provision was wiped out, beginning with January 1 of this year, and benefits are paid now irrespective of any liability; in fact, we pay the benefits and state to the beneficiaries that if they have any claim against the company, or think they have, they should take the matter up with their superintendent.

Chairman WALSH. At this point we will stand adjourned.

(Thereupon, at 12.30 o'clock p. m., a recess was taken until 2 o'clock p. m. of this Thursday, May 6, 1915.)

AFTER RECESS—2 P. M.

Chairman WALSH. We will now resume. Please be in order.

TESTIMONY OF MR. E. B. HUNT—Continued.

Mr. Hunt, will you please resume the stand. I believe you had not finished your answer.

Mr. HUNT. May I ask the stenographer to repeat the last question?

The STENOGRAPHER. The stenographer who reported Mr. Hunt's last answer is not at present in the room.

Chairman WALSH. You were in the midst of your statement in regard to the alleged shifting of liability for accidents.

Mr. HUNT. I think I had finished my statement on that, Mr. Chairman; that the regulations were changed by reason of the fact that there were changes in

the State and national laws, and in order to treat all employees alike and fairly we had done away with what was known as regulation 58—abolished it entirely.

Chairman WALSH. What was regulation 58, if I may ask, Mr. Hunt?

Mr. HUNT. It provided that the acceptance of benefits in the relief fund would constitute a full discharge of liability on the part of the company in case of accident; that is, under that provision an employee who was a member of the relief fund had an election; he could either accept the benefits and waive his right to bring an action or make settlement with the company, or he could accept the benefits, which automatically prevented him from bringing suit or making settlement with the company. Now, that has all been abolished after January 1.

Chairman WALSH. And the relief department cuts no figure in your personal-injury cases at all?

Mr. HUNT. None whatever; a man gets his benefit, and if he feels that he has any cause for action against the company or thinks he should have something in addition, why, he presents the facts to his superintendent and the matter is taken care of that way.

Chairman WALSH. What was the law that affected it? Was there a law passed by the State of Pennsylvania that had a direct bering on it? Was there any provision in the workmen's compensation act that affected it?

Mr. HUNT. There is no workmen's compensation act in Pennsylvania at the present time; there is one in New Jersey, there is one in New York and one in Maryland, and there is a national employer's liability act that has a provision in it that if they accept benefits from the relief fund it does not constitute a release, so we wanted to treat the employees in Pennsylvania, New Jersey, and those engaged in interstate commerce alike, and put them all on the same basis, and the whole thing was wiped out.

Chairman WALSH. Is there any other statement you wish to make that I have not asked you about?

Mr. HUNT. No; only your investigator wants to know the total amount of benefits—total amount of contributions made by the members, and the total benefits paid—and I have made a statement from year to year which is really a copy of our annual report, giving all that information, and I would be very glad to file it with the commission.

Chairman WALSH. Let it be filed.

(The statement above mentioned is printed among the exhibits at the end of this subject as "Hunt Exhibit No. 2.")

Chairman WALSH. I was going to say one thing; we are making a special study of these voluntary relief associations, and you will be called on by representatives of the commission, and if you will be kind enough to give them access to your books we will be glad.

Mr. HUNT. I will be pleased to give them any information I can.

Chairman WALSH. They will be given proper credentials.

Mr. Garretson would like to ask some questions.

Commissioner GARRETSON. Is there any rule, Mr. Hunt, in regard to the character of the securities the surplus funds of the department are invested in?

Mr. HUNT. No; that is, under the regulations the advisory committee directs their investment.

Commissioner GARRETSON. It is purely discretionary?

Mr. HUNT. Yes.

Commissioner GARRETSON. The securities of the company or of its auxiliary companies are not barred as investments?

Mr. HUNT. Oh, no.

Commissioner GARRETSON. For how many years—I have forgotten the date of the institution.

Mr. HUNT. February 15, 1886.

Commissioner GARRETSON. In the period from 1886 down to the passage of the liability act there never was a time when to any employee article 58 was not in full force and effect until the passage of the national employers' liability act, was there?

Mr. HUNT. That is true.

Commissioner GARRETSON. Have you ever made any estimate, or has any agency of the department made any estimate, of the amount that the company saved in damage claims during the years between 1886 and the passage of the liability act? 1906 or 1907, wasn't it?

Mr. HUNT. 1906, I think.

Commissioner GARRETSON. The first one was passed in 1906 and the second n 1908?

Mr. HUNT. You are correct about that.

Commissioner GARRETSON. Have you ever made any estimate of the probable mount that was saved to the company in damage suits?

Mr. HUNT. It was absolutely impossible to tell what the court would say as o the liability on the part of the company, so that it is absolutely—there is absolutely no way of telling.

Commissioner GARRETSON. What has the company paid annually, then, since 1908, in damage suits, if you know?

Mr. HUNT. I do not know.

Commissioner GARRETSON. You have no means of knowing?

Mr. HUNT. No; I would be glad to furnish the commission with the information.

Commissioner GARRETSON. Will you do so?

Mr. HUNT. Yes, indeed.

(The witness subsequently sent in the data requested, and the same appears among the exhibits at the end of this subject as "Hunt Exhibit No. 3.")

Commissioner GARRETSON. When the Sutherland Commission was in existence, was there any definite opposition to the proposed compensation act, except from companies that had a relief department?

Mr. HUNT. I do not recall that there was; certainly on the part of the Pennsylvania Railroad there was not opposition to the compensation bill; in fact, the company favored it.

Commissioner GARRETSON. The opposition was to that specific clause in it which specifically exempted relief funds from acting as a bar to recovery, was t not? Won't the records of that commission show that?

Mr. HUNT. I think not; I don't recall it.

Commissioner GARRETSON. Is it not true that the three companies that have such relief funds on a large scale were the only three that brought opposition o bear on that feature of the compensation act?

Mr. HUNT. This company did not oppose it.

Commissioner GARRETSON. What was the mission of the company's representatives there?

Mr. HUNT. We had made the proposition that the amount that the company contributed to the operation—that is, in any amount that could be recovered under the compensation act—that the company be allowed to set off from what he men received the proportion of the amount that the company paid. If the company paid 25 per cent toward the operation of the relief department and the nen 75 per cent, and that amount to, say, $10 a month to an individual, that hat amount be charged against the compensation.

Commissioner GARRETSON. Was not that the later position of your company nstead of the first position?

Mr. HUNT. No, sir; it was not.

Commissioner O'CONNELL. I understand that the cost of operation of the association is borne by the company.

Mr. HUNT. Yes, sir; they also guarantee the integrity of the fund and make up any deficit that might occur.

Commissioner O'CONNELL. What is the cost of operation?

Mr. HUNT. Three hundred and fourteen thousand dollars last year.

Commissioner O'CONNELL. Just approximately?

Mr. HUNT. Three hundred and fourteen thousand, two hundred and forty-four dollars and sixteen cents last year.

Commissioner O'CONNELL. That was in 1914?

Mr. HUNT. Yes, sir; and since that——

Commissioner O'CONNELL (interrupting). Just before we go into that I want to connect it with another thing. What was the amount contributed by the employees into the association?

Mr. HUNT. Unfortunately, somebody has taken my statement. Last year it was $2,079,000.

Commissioner O'CONNELL. And the men had contributed $2,079,000 and the company $314,000?

Mr. HUNT. Yes, sir.

Commissioner O'CONNELL. Now, these totals, if you have them.

Mr. HUNT. The contribution by the members since the fund began operation was $30,570,495.73; the total contributed by the company for operating expenses, and so forth, $6,027,000.

Commissioner O'CONNELL. Then, to follow up the question asked by Commissioner Garretson, the $6,000,000 and something appropriated by the company would, apparently, be in lieu of the liability it would assume if the employees had not signed away their right to go to the courts?

Mr. HUNT. That is correct.

Commissioner O'CONNELL. That is an assurance for the company against being sued for accidents?

Mr. HUNT. That is correct.

Commissioner O'CONNELL. Do the employees pay their money direct into this association, or is it taken out of their earnings?

Mr. HUNT. It is taken directly off of the pay roll.

Commissioner O'CONNELL. By the company?

Mr. HUNT. Yes, sir; the man giving his assent to it in the application for membership.

Commissioner O'CONNELL. If a man works only a portion of the month—for instance, a new employee—he immediately becomes a member of the association, as soon as he is furnished employment?

Mr. HUNT. Yes, sir.

Commissioner O'CONNELL. Suppose he does not work a month—only half a month or 10 days in the month—and quits; what is his proportion of the contribution—is the entire contribution kept out?

Mr. HUNT. Only his proportion, and for the day he left the service it is returned to him.

Commissioner O'CONNELL. You say last year there were 41,000 changes?

Mr. HUNT. There were 41,000 left the service.

Commissioner O'CONNELL. There were that many changes in the membership of your association? You said about 92 per cent were members?

Mr. HUNT. I can give you the number, in order that you may have full information on the subject. The number of accessions to membership was 32,097, and the number that died was 1,125; the number that left the service from all causes, 41,412; withdrawals, 10; making the total 42,547.

Commissioner O'CONNELL. Does that same proportion of men leaving the service carry out from year to year?

Mr. HUNT. I believe it was greater; I think about 66,000 the year before. The statement that I filed with the commission gives all that information from the time the department went into existence.

Commissioner O'CONNELL. What number of men are drawing superannuation from the company?

Mr. HUNT. I think 55 per cent of the pensioners.

Commissioner O'CONNELL. What is their average superannuation?

Mr. HUNT. I can give you that; it varies, of course, with the length of time they were members. I can give you that as of December 31, from $3.46 to $17.30 per employee.

Commissioner O'CONNELL. From $3.46 to $17.30 per month?

Commissioner GARRETSON. Three dollars and forty-six cents?

Mr. HUNT. Yes, sir; up to $17.30.

Commissioner GARRETSON. Is $17.30 the highest superannuation, the highest you pay?

Mr. HUNT. Yes, sir; not pensions. Understand, pensions are paid by the company, and the superannuation comes out of the relief fund. That is an additional amount paid to the man by the company who happens to be a member of the relief fund.

Commissioner GARRETSON. I understand the pension is paid direct from the company?

Mr. HUNT. Yes, sir; right from the treasury of the company.

Commissioner GARRETSON. And the superannuation is paid out of the funds of this association?

Mr. HUNT. Yes, sir.

Commissioner GARRETSON. And that runs from $3 and something to $17 and something a month?

Mr. HUNT. Yes, sir.

Commissioner GARRETSON. Now, if I understand the figures rightly, the company contributes about one-sixty toward the general fund; that is, figuring your expenses.

Mr. HUNT. I think my statement shows, I can't give you just the exact figures, but about 16 per cent.

Commissioner WEINSTOCK. How is that arrived at, that 16 per cent?

Mr. HUNT. The company paid about 16 per cent to the fund as a whole—that is, the men paid 86 or 84 per cent and the company about 16 per cent.

Commissioner WEINSTOCK. Out of what?

Mr. HUNT. In making up the fund.

Commissioner O'CONNELL. Out of the dollar.

Commissioner WEINSTOCK. I don't think we have that right.

Commissioner O'CONNELL. The company contributes 16 cents to the fund and the man 84 cents.

Commissioner WEINSTOCK. It does not seem to me the figures work out that way.

Mr. HUNT. It is about that. The men have contributed $30,570,000 since the fund was established, and the company has contributed altogether, in operating expenses, deficiencies, and so forth, $6,027,000.

Commissioner GARRETSON. How long has it been since the fund was self-supporting? Where the company put in no contribution except administration expenses?

Mr. HUNT. Since 1909.

Commissioner GARRETSON. Is your cost of operation equal to 16 per cent, administration cost?

Mr. HUNT. About that.

Comimssioner O'CONNELL. It must be that, because that is all they contribute.

Commissioner GARRETSON. It seems to me it is a high cost for administration expenses.

Commissioner WEINSTOCK. It is not that much, is it? What was the contribution last year by the men?

Mr. HUNT. The $6,000,000 that I gave you included past deficiencies that were paid by the company.

Commissioner WEINSTOCK. Taking 1914 as a standard year, what was the contribution by the men?

Mr. HUNT. Two million and seventy-nine thousand dollars, and three hundred and fourteen thousand dollars by the company.

Commissioner WEINSTOCK. Two million and seventy-nine thousand dollars and three hundred and fourteen thousand dollars?

Mr. HUNT. Yes, sir; $314,000 by the company.

Commissioner WEINSTOCK. That would be a little over 6 per cent, 6½ per cent?

Commissioner O'CONNELL. The point I want to make—these figures are near enough. The point I want to make is that the superannuation of the employees of the Pennsylvania Railroad Co., the employees themselves contribute in round figures, taking your figures, 84 cents on every dollar that is paid of superannuation, so that the superannuation carried on by the Pennsylvania system is the contribution of the men to each other, to themselves?

Mr. HUNT. Oh, yes; the superannuation, but not the pension.

Commissioner O'CONNELL. I am not speaking of the pension, but things that accrued in this department.

Mr. HUNT. I see.

Commissioner O'CONNELL. I think it was generally understood—it was my impression that there was a greater quantity of contribution on the question, and, I think, the public impression is that the Pennsylvania Co. is conducting an association that is providing for the old age of its employees. I take it from figures it is the employees themselves who are conducting this organization and by means of contributions are accumulating funds to take care of the men that grow old in the company.

Mr. HUNT. That is true.

Commissioiner O'CONNELL. And not the company?

Mr. HUNT. Yes, sir; and to pay benefits when they are sick or hurt.

Commissioner O'CONNELL. Why, if you can give me any information, was the regular pension system not carried on with this association?

Mr. HUNT. I am not the agent, as I mentioned at the beginning of my testimony; I am the agent of the pension department; I keep all of the records; I report to the board of officers of the pension department.

Commissioner O'CONNELL. Well, does the cost of operating and conducting the pension department figure in the cost of operating this department?

Mr. HUNT. Oh, no.

Commissioner O'CONNELL. That is separate?

Mr. HUNT. Absolutely separate, yes, sir; two separate and distinct departments.

Commissioner O'CONNELL. How long must a man be in the employ of the company to get superannuation benefits?

Mr. HUNT. Well, he must first be pensioned by the company.

Commissioner O'CONNELL. First?

Mr. HUNT. First; yes, sir. In order to be pensioned by the company he must be 70 years of age, or if he has had 30 years of service, and is between the ages of 65 and 70, he may be retired, provided he is disabled, either on recommendation o fhis employing officer or on the application of the employee himself.

Commissioner O'CONNELL. Then does he get the superannuation in addition to his pension?

Mr. HUNT. Oh, yes.

Commissioner O'CONNELL. What are the pensions? What proportion of the salaries?

Mr. HUNT. One per cent of the average wages during the last 10 years' employment.

Commissioner O'CONNELL. What per cent? One per cent?

Mr. HUNT. One per cent; yes. For instance, if a man began——

Commissioner O'CONNELL (interrupting). Suppose a man gets a thousand dollars, would be get $10 a month?

Mr. HUNT. Oh, no; multiplied by the number of years' service.

Commissioner O'CONNELL. Say a man was drawing an average salary of $100 a month for 10 years.

Mr. HUNT. Well, he would get $10; and for 30 years' service it would be $30, and for 50 years' service it would be $50.

Commissioner O'CONNELL. Then, as I understand, a man must first be pensioned before he draws benefits from the other fund?

Mr. HUNT. No; before he receives superannuation allowance he may be disabled and get accident or sick benefits.

Commissioner O'CONNELL. But I mean the pension; he must first be pensioned on his own desire or the desire of the company?

Mr. HUNT. Or at 70 years of age, when he would go out automatically.

Commissioner O'CONNELL. Automatically?

Mr. HUNT. Yes.

Commissioner O'CONNELL. How many employees of the Pennsylvania Co. are now on the pension list?

Mr. HUNT. Three thousand two hundred at the end of last year.

Commissioner O'CONNELL. How long has the pension system been in operation?

Mr. HUNT. Since January 1, 1900.

Commissioner O'CONNELL. A man automatically leaving the service of his own accord or at the wishes of the company automatically ceases to be a member of any of these beneficial associations?

Mr. HUNT. Yes.

Commissioner O'CONNELL. Regardless of how long he has been paying into them?

Mr. HUNT. Regardless, yes——

Commissioner O'CONNELL. That is not taken into consideration?

Mr. HUNT. The relief department is simply an organization where contributions are collected from month to month.

Commissioner O'CONNELL. They have no provision where a man, say, reached the age of 69 years and 11 months and left the service, or for some reason or other was out of the service, because of lacking that one month? No consideration would be given him in any way?

Mr. HUNT. I have never heard of a case of that kind.

Commissioner O'CONNELL. I am making it extreme——

Mr. HUNT (interrupting). I say, an extreme case. where he had not had the 30 years' service?

Commissioner O'CONNELL. Yes.

Mr. HUNT. Well, he would not have any right of pension in that case.

Commissioner O'CONNELL. He would be dropped for a little less than 30 years?

Mr. HUNT. Oh, if he had 30 years' service he would be paid a pension.

Commissioner O'CONNELL. So the benefit funds, to which he has been contributing himself—these various funds—and contributing his service to the Pennsylvania Co., and everywhere they were required—the fact that he had not served the other year would not be taken into consideration at all?

Mr. HUNT. He would not be entitled to a pension; no.

Commissioner O'CONNELL. According to the law. By what method are the laws of this association changed?

Mr. HUNT. You mean the relief department, or the pension?

Commissioner O'CONNELL. Relief department. The pension department, I understand, is the company's own.

Mr. HUNT. Yes; the company's own—managed by a board of officers, separate and distinct.

Commissioner O'CONNELL. Only the company would have the right to change those?

Mr. HUNT. Yes; only the company would have the right to change those. But, referring to the regulation of the relief department, if there is an amendment to the regulations, it is proposed at a meeting of the advisory committee and acted on at a subsequent meeting.

Commissioner O'CONNELL. By the advisory committee?

Mr. HUNT. By the advisory committee.

Commissioner O'CONNELL. Suppose the employees on the system wanted to change the superannuation from $3 to $4—leaving out the cents—or from $17 to $20 a month?

Mr. HUNT. I did not quite finish my other answer. Any amendment would have to be confirmed by the board of directors.

Commissioner O'CONNELL. Well, the point I want to get at—to the members of this association—all the employees now, I take it—it being practically compulsory that they should belong—if they desired to change—if a majority of the employees of the system or the members of this association voted to increase the superannuation to $20 a month, would that prevail?

Mr. HUNT. If the board of directors concurred in it.

Commissioner O'CONNELL. The board of directors have the final word?

Mr. HUNT. Both are concurrent. The board of directors could not make a change without the consent of the advisory committee, and the advisory committee could not make a change without the consent of the board of directors. It must be mutual.

Commissioner O'CONNELL. Then if you should have a unanimous vote of the members of the association—less, perhaps, those on the board of directors, who were in favor of changing the constitution so that it might increase their allowance—it would not become effective unless it had the approval of the board of directors?

Mr. HUNT. No, sir.

Commissioner O'CONNELL. So, in the last word, the board of directors are the men who can change it?

Mr. HUNT. Not necessarily The board of directors can not change it unless the advisory committee concur——

Commissioner O'CONNELL (interrupting). The advisory committee is composed of how many?

Mr. HUNT. Composed of 16 members, 8 elected by the members themselves and 8 appointed by the company, with the general manager as chairman ex officio.

Commissioner O'CONNELL. Then, how many in the board of directors?

Mr. HUNT. I don't recall how many——

Commissioner O'CONNELL (interrupting). Equally as many?

Mr. HUNT. The board of directors?

Commissioner O'CONNELL. The other board you spoke of.

Mr. HUNT. The board of directors of the company; that is, not the board of directors of the managers of the relief department, but the board of directors of the company.

Commissioner O'CONNELL. They have to approve?

Mr. HUNT. They have to approve or reject.

Commissioner O'CONNELL. Now, with these 8 or 10 members on the advisory board and the board of directors opposing it, probably 20 or 30 men, as the case may be, regardless of the 150,000 or 200,000 employees who may be members of the association, these 200,000 employees could not change the laws in this association unless they had the approval of these 8 men and of the board of directors of the company?

Mr. HUNT. Not necessarily. I am afraid I have not made myself quite clear, Mr. O'Connell. The advisory board is a separate and distinct board from the board of directors of the company. Now, they do not act at one time. Amendments to the regulations must be proposed at a meeting of the advisory committee and acted upon by them, and then later acted upon by the board of directors of the company.

Commissioner O'CONNELL. Well, then, let me see if I make myself clear. Suppose all the employees on the Pennsylvania system wanted to increase the superannuation to a maximum of $20 a month——

Mr. HUNT. Yes.

Commissioner O'CONNELL (continuing). Suppose by some means a vote was taken and all these employees voted for it——

Mr. HUNT. Yes; that is, the advisory board.

Commissioner O'CONNELL. No; I am speaking of all the members now; and they put that up to the advisory board and say, "We have voted unanimously"—I do not know how many members, but it does not make any difference whether it is 100,000 or 200,000—"we have voted to increase the superannuation to $20 a month as a maximum." Now, it is within the power of this advisory board to veto the wishes of all these employees if they wish to do so?

Mr. HUNT. Yes.

Commissioner O'CONNELL. And if they approve it, it is yet within the power of the board of directors of the company to veto it.

Mr. HUNT. Yes, sir.

Commissioner AISHTON. You say there are 3,200 pensioners?

Mr. HUNT. Yes, sir.

Commissioner AISHTON. Beneficiaries of the pension system on the Pennsylvania Railroad?

Mr. HUNT. Yes.

Commissioner AISHTON. And that half of those also come in for additional benefits under this superannuation fund?

Mr. HUNT. Yes; that is the number.

Commissioner AISHTON. Have you the figures showing the amount paid for pensions classified as you did as to this superannuation fund that you would like to put in the record here?

Mr. HUNT. No; only as it is shown in the book that we filed. This book shows the amount paid in pensions [referring to the book entitled "The Pennsylvania Railroad; Its Policies Toward Its Employees."]

Commissioner AISHTON. Can you state what the amount was for the year 1914 for pensions?

Mr. HUNT. Yes. In 1914 it was $983,620.40.

Commissioner AISHTON. To 3,200 pensioners?

Mr. HUNT. Yes.

Commissioner AISHTON. That is in the record——

Mr. HUNT. Yes, sir; that is in the record as submitted to the commission.

Commissioner AISHTON. That is all.

Chairman WALSH. That is all, then.

Commissioner WEINSTOCK. Just a moment, please.

Chairman WALSH. Just a moment. Commissioner Weinstock wants to ask you.

Commissioner WEINSTOCK. For the correction of the record, I figured out a little while ago that the company had contributed in 1914 to the pension fund or rather to the sick fund an amount equal to 16 per cent. My attention has been called to the fact that that is an error; that the exact amount is 13.1 per cent, and I want this correction made in the record.

Mr. HUNT. That is what I roughly figured it here.

Commissioner WEINSTOCK. Thirteen and one-tenth per cent?

Mr. HUNT. Thirteen per cent. I did not get that far.

Commissioner GARRETSON. One moment. Mr. Chairman, may I ask one question?

Chairman WALSH. Very good.

Commissioner GARRETSON. How many employees are assessible—135,000 nominally?

Mr. HUNT. Yes; about that. I can give you the——

Commissioner GARRETSON (interrupting). Oh, well, I only care to approximate it.

Mr. HUNT. Yes.

Commissioner GARRETSON. I only remember hearing it quoted several times, and wanted to fortify my own remembrance of that. How much are those men assessed under the superannuation fund and the voluntary relief, because I suppose they are the same?

Mr. HUNT. Well, the full information, the table, is given here [referring to the pamphlet entitled "The Pennsylvania Railroad; Its Policies Toward Its Employees"], and I will read it.

Commissioner GARRETSON. What is the minimum assessment?

Mr. HUNT. Seventy-five cents.

Commissioner GARRETSON. Per month?

Mr. HUNT. Per month; yes, sir.

Commissioner GARRETSON. Nine dollars a year?

Mr. HUNT. Nine dollars.

Commissioner GARRETSON. What is the maximum?

Mr. HUNT. Five dollars and twenty-five cents per month.

Commissioner GARRETSON. And the average amounts that you pay in superannuation run from $3.46 to $17.45?

Mr. HUNT. To $17.30.

Commissioner GARRETSON. In addition to that, for the same rate of $9—I suppose the $9 per year man represents the $3.46 man?

Mr. HUNT. Yes, sir.

Commissioner GARRETSON. He pays $9 a year to get at the end of his period presumably $40 per annum?

Mr. HUNT. Yes; but he may have drawn out enormous amounts in benefits.

Commissioner GARRETSON. Yes; but he may have drawn nothing?

Mr. HUNT. He may have drawn nothing; yes, that is true.

Commissioner GARRETSON. Are you aware of what the men pay and the amounts that they receive in the organizations that have a quasi pension or superannuation or disability system?

Mr. HUNT. No; I have not, Mr. Garretson. I have not that information.

Commissioner GARRETSON. I know one organization that has, out of a total membership of 50,000, I think 510, possibly, to-day men who are on indigent and disability pension.

Mr. HUNT. I see.

Commissioner GARRETSON. At an annual cost of $3 per year to that membership with an average pension of $28 per month. How would you think those figures contrast?

Mr. HUNT. Well, it looks to me that it would be only a question of time when they would come to the end of their resources.

Commissioner GARRETSON. They are paying within their receipts, then?

Mr. HUNT. That may be true. Of course, I don't know what organization you refer to, Mr. Garretson.

Commissioner GARRETSON. Well, it is one that I have very definite knowledge of.

Mr. HUNT. I see.

Commissioner GARRETSON. That question of cost, it seems to me—your administrative cost—16 per cent; is that correct; is that the correct figure? Or was that corrected to 13?

Commissioner WEINSTOCK. Thireen per cent for 1914.

Commissioner GARRETSON. Aren't you higher there than the German Government cost?

Mr. HUNT. Our relief department is operated on a little different basis from any other organization, for the reason that we—a man has only to report sick or that he is hurt. We collect the information or visit the man ourselves to determine whether he is disabled.

Commissioner GARRETSON. Then part of your administrative cost is self-defense?

Mr. HUNT. Well——

Commissioner GARRETSON. I am not using that in an offensive sense.

Mr. HUNT. In a broad sense; yes.

Commissioner GARRETSON. What are your figures and the German figures? I speak of the Germans because they have the most comprehensive Government system.

Mr. HUNT. Yes; that is true.

Commissioner GARRETSON. What are your figures, and what are the German figures as to cost?

Mr. HUNT. I haven't those figures.

Commissioner GARRETSON. Right around 12, isn't it?
Mr. HUNT. I don't recall.
Commissioner AISHTON. If you simply took care of the superannuation and the disabled, Mr. Hunt, do you figure your cost would be as high as $3?
Mr. HUNT. No.
Commissioner AISHTON. Cutting out the disability and everything of that kind?
Mr. HUNT. It would be practically nothing.
Commissioner AISHTON. Practically nothing?
Mr. HUNT. No. In other words, it would about equal the expenses of the pension department which is only about $5,000 a year.
Commissioner GARRETSON. If that is true, what is going to put the other organization on the rocks?
Commissioner AISHTON. You would judge they were making money on their rates, would you not?
(No response.)
Chairman WALSH. Thank you, Mr. Hunt, that is all.
Mr. Hoyer.

TESTIMONY OF MR. SAMUEL M. HOYER.

Chairman WALSH. What is your name?
Mr. HOYER. Samuel M. Hoyer.
Chairman WALSH. What is your business, please?
Mr. HOYER. Contractor.
Chairman WALSH. In what line?
Mr. HOYER. Oh, house building, and that sort of thing.
Chairman WALSH. Building contractor?
Mr. HOYER. Yes, sir.
Chairman WALSH. What was your occupation in 1911?
Mr. HOYER. Latter part of 1911 I was mayor, in 1911, at Altoona.
Chairman WALSH. When did you take office, and when did your office expire?
Mr. HOYER. I first took office in 1893, and next in 1902, and next in 1908.
Chairman WALSH. And the terms are for how long?
Mr. HOYER. The first, 3 years; the first two terms; and the last, 3 years and 10 months.
Chairman WALSH. Now, were you familiar with the conditions in Altoona during the time of this labor trouble in 1911?
Mr. HOYER. I was there.
Chairman WALSH. You were mayor at that time, were you?
Mr. HOYER. Yes, sir.
Chairman WALSH. Would you be good enough to give us a description of the conditions there, beginning with the arrival of the organizers in Altoona, from the A. F. of L.?
Mr. HOYER. I remember some men coming there to organize the shopmen. I do not know of any disturbance brought about by it. I don't know just what you have reference to.
Chairman WALSH. What were their names?
Mr. HOYER. Let's see—there was one by the name of Flynn, another by the name of Gallagher—I don't remember; I think I met all of them perhaps once, but I don't remember the balance of their names.
Chairman WALSH. I will give you the specific points that have been enumerated in complaints that have been filed with the commission. Do you know anything about the ejection of these organizers from hotels?
Mr. HOYER. Yes.
Chairman WALSH. Just describe that, please.
Mr. HOYER. They were refused admission to the hotels on the ground, as I understand it, that they made these remarks—that is, to me, when I met them—that men were afraid they would be refused a license if they kept them.
Chairman WALSH. Refused a license for what?
Mr. HOYER. Selling drinks.
Chairman WALSH. Liquor. Do you have any information on that, except such as you got from organizers?
Mr. HOYER. That was general talk.
Chairman WALSH. Did you ever talk with any of the officers of the company about it?
Mr. HOYER. No.

Chairman WALSH. Did you ever talk with any of the officers charged with the administration of the license law?

Mr. HOYER. No.

Chairman WALSH. What do you know about the treatment of these organizers by the companies—by the company's police—if anything?

Mr. HOYER. They were followed by the police everywhere they went. The day they came to see me, I remember, there was a large window in front of my private office, and an officer kept parading back and forward on the outside, looking in.

Chairman WALSH. Was that the mayor's office at Altoona?

Mr. HOYER. Yes; the mayor's office.

Chairman WALSH. Was there some kind of a difficulty, in which Organizer Gallagher was assaulted?

Mr. HOYER. Yes.

Chairman WALSH. What was there about that?

Mr. HOYER. I do not know what brought about the assault, but he was very badly used up.

Chairman WALSH. Did you see him?

Mr. HOYER. I did not.

Chairman WALSH. How did you get your information?

Mr. HOYER. We had an investigation the following day—the chief of police and myself.

Chairman WALSH. Were you at the head of the police department as mayor?

Mr. HOYER. Yes.

Chairman WALSH. What sort of an investigation did you make?

Mr. HOYER. We called in every person that we thought knew anything about the trouble and took statements from them.

Chairman WALSH. Did you see Mr. Gallagher after he had been assaulted?

Mr. HOYER. Not until after he got out of the hospital.

Chairman WALSH. How long was he in the hospital?

Mr HOYER. I don't remember.

Chairman WALSH. Could you epitomize the circumstances as to this assault on this man Gallagher from what you learned in your investigation?

Mr. HOYER. I remember an officer by the name of Luther, a constable from Logan Township, assaulted him in the presence of a county detective—Mr. Spangler. Our investigation showed that Spangler stood looking on; in other words, keeping others away until the constable would get through with his work, and then immediately placed him under arrest and took him to an alderman's office——

Chairman WALSH (interrupting). Placed who under arrest?

Mr. HOYER. Luther, the constable, and took him to an alderman's office; and he gave bail and he came up missing; he was not to be found for some time after that.

Chairman WALSH. The officer was not to be found who arrested him?

Mr. HOYER. Mr. Luther. Spangler was the county detective.

Chairman WALSH. Spangler was the man that made the arrest, and Luther was charged with assault?

Mr. HOYER. Yes.

Chairman WALSH. Was his bail forfeited?

Mr. HOYER. It seemed not; they never got him back for a preliminary hearing. He seems to have left as soon as the assault was over.

Chairman WALSH. Do you know about the renting of halls by the company to prevent organizers from holding meetings? That charge has been made.

Mr. HOYER. Well, I heard Mr. Creighton direct either Mr. Devero or Preston to rent all of the available halls in Altoona, Hollidaysburg—I am not sure—Juniata was one and probably Gallitzin.

Chairman WALSH. Who was Creighton?

Mr. HOYER. General superintendent of the P. R. R.

Chairman WALSH. Do you know whether any action was taken with respect to the renting of these halls by the company?

Mr. HOYER. I understood they rented anything that was available that the organizers might get.

Chairman WALSH. Did the organizers succeed in getting any hall in which to hold their meetings in Altoona?

Mr. HOYER. I think they had one hall probably, I do not know how they got it or anything about it. I did not concern myself about that part of it, I want you

to understand; I was attending to what I thought was my own business; I was not attending to that.

Chairman WALSH. That is, your business as mayor of the city?

Mr. HOYER. Yes.

Chairman WALSH. What was the population of the city of Altoona at that time, in 1911?

Mr. HOYER. About 52,000.

Chairman WALSH. Do you know anything about the discharge of company employees for affiliating with the organization that was gotten up?

Mr. HOYER. Nothing; only general rumor.

Chairman WALSH. What do you know with respect to the calling of the strike itself?

Mr. HOYER. What brought it about?

Chairman WALSH. Yes.

Mr. HOYER. Well, as I noticed in this little pamphlet [indicating]; first, after the organizers were working for a short time there was an effort made to induce the men to stay out of the organization to save trouble, as I understood, by the railroad company. They had a large meeting in a theater in Altoona, which was attended by a very large number of people, almost all employees, a very enthusiastic meeting, that seemed to settle all trouble for the time, but unfortunately there was a piece card that the company claimed was not intended to be put in operation at that time presented, or got among the men in same way in the shops.

Chairman WALSH. First, under whose auspices was this meeting held in the opera house or theater?

Mr. HOYER. It was supposed to be the shopmen.

Chairman WALSH. Was it a meeting of their organization?

Mr. HOYER. No; just general.

Chairman WALSH. A mass meeting of the shopmen?

Mr. HOYER. Yes; and it seemed to be a very satisfactory meeting, but the real trouble happened the following day.

Chairman WALSH. What was there about the piece card?

Mr. HOYER. This piece card seemed to have cut prices as to some classes of mechanics.

Chairman WALSH. Piecework prices to be paid in the shops?

Mr. HOYER. Yes. One of the shops, if I remember right, that was running almost entirely on piecework, and that got noised about among the men, and some of them being organized they at once appointed a committee to wait on the master mechanic, I think, and while they were waiting on the master mechanic the organizers seemed to hear of it in some manner and got on the Twelfth Street Bridge, the bridge crossing between the main shops of the Pennsylvania Railroad, and began doing some talking that rather enthused the laborers or the employees, and at last a couple of police came along and I had given them instructions to arrest any organizers that would speak at any other point except one point in the city. We designated an old public square for them to do their talking in, and they stopped at a hotel, they stayed at a hotel at this point; and I gave them instructions to arrest these organizers if they found them talking any place else. So, when they began to speak from the bridge two of our officers came along and placed them under arrest. At that a lot of men rushed up the steps onto this bridge and broke the railing and five or six fell over and were badly hurt. I suppose it was a blessing that this happened, because it might have been much more serious if this had not happened, if the railing of the bridge had not broken. Then the men went back to work. There were some men after that stayed out, and they would have a parade each day through the city, which was entirely orderly, and not a particle of disorder in any way whatever. Two of the executive committee, I remember, were arrested one day for throwing about some sort of literature, I think something like this, "What constitutes a scab," and that kind of thing was against the ordinance, and the two were brought into my office.

Chairman WALSH. By the city police?

Mr. HOYER. That was the only disorder that we ever had.

Chairman WALSH. Now, what measures were taken by the company with reference to bringing in police?

Mr. HOYER. Well, the company had a great many police officers there.

Chairman WALSH. Did they have uniformed police officers in the city ordinarily?

Mr. HOYER. No. There may have been about the depot, but their officers, if I remember right, are not uniformed.

Chairman WALSH. Are they required to obtain a commission from the police board or some State authority?

Mr. HOYER. I really don't know; I think they get their appointment through the judge of the court.

Chairman WALSH. How many police were brought into the city by the company?

Mr. HOYER. Mr. Devereaux told us that there were 61, is my recollection, on the bridge.

Chairman WALSH. Who is Mr. Devereaux?

Mr. HOYER. He was their superintendent of motive power and has died since. He told us, a bunch of us together, that there were 61 of their officers on the bridge at the time of this occurrence.

Chairman WALSH. And about how many, would you say, were in the crowd on the bridge?

Mr. HOYER. I have no idea; I went away that day for a little rest; I was up almost day and night.

Chairman WALSH. Did you receive information by way of a report or anything about the number of men, approximately, that were in the crowd?

Mr. HOYER. There were probably four or five hundred anyway; about as many as could possibly get on the bridge.

Chairman WALSH. How many police were on the Altoona force at the time?

Mr. HOYER. Forty-one, if my recollection is right.

Chairman WALSH. Was the city able to preserve order up to that time; did they preserve order?

Mr. HOYER. There never was any disorder whatever.

Chairman WALSH. How long did these parades of the men continue that remained out on strike?

Mr. HOYER. There was parading for four or five days; something of that kind probably, as I remember.

Chairman WALSH. Did you have any talks with the company officials during this time?

Mr. HOYER. Oh, yes.

Chairman WALSH. Give the substance of them, their attitude toward you, what they had to say, etc.

Mr. HOYER. Well, Mr. Creighton always wanted me to arrest the strikers and prevent them from parading, and, of course, I had no authority under the law to do anything of the kind as long as they were orderly; they had a perfect right and were allowed there to parade, of course, but would be cautioned to be careful and have no disorder whatever, and there was not one particle. I could not refer to the slightest disorder of any kind.

Chairman WALSH. What did you say when you were requested to do that? I would like for you to give the substance of the conversation, whatever it was. What was the charge that these gentlemen made against them?

Mr. HOYER. Just on general principles; Mr. Creighton wanted me to arrest them on general principles; either the organizers or the men; just so somebody was arrested.

Chairman WALSH. You refused to do that?

Mr. HOYER. Undoubtedly; I said to him on a number of occasions that the organizers had as much right there as he and I—I used our names because I was mayor and he was superintendent of the road—so long as they conducted themselves properly, and I never saw any disorder or bad conduct about them in any way, nor there never was any.

Chairman WALSH. Was there anything ever said to you by any of the officers of the company that they desired trouble or desired a riot?

Mr. HOYER. Yes, sir; there was.

Chairman WALSH. Just state what that was.

Mr. HOYER. Mr. Creighton on different occasions insisted on me arresting some person, either the organizer—he insisted more freely that the organizers be arrested, and I would always contend that we had no right whatever; that they were keeping within their bounds. I said to him on two different occasions, "Supposing we arrest some person, then likely it will be the cause of loss of life; we will start a riot," and he said, "Supposing we do start a riot," and I said, "There will likely be loss of life," and he said, "Supposing there is." And he on one occasion said, "Don't your officers understand when they take their oath of office that they stand a chance of losing their lives in the discharge

of duty?" And I said, "They have no duty to perform other than what they are," and I thought that he was very unreasonable. The gentleman is present; and if I am wrong he can correct me. He and I were not alone when that was said.

Chairman WALSH. Who else was present?

Mr. HOYER. The chief of police was along with me, for one; Mr. Devereaux and Mr. Preston were present, I think, on both occasions. I know Mr. Preston was once, and so was Mr. Devereaux, and Mr. Devereaux agreed with me and said I had no right to place those organizers under arrest.

Chairman WALSH. Were any arrests ever made by your police force in that strike?

Mr. HOYER. Never; only the two that I told you that were circulating little pamphlets.

Chairman WALSH. That was from beginning to end?

Mr. HOYER. From beginning to end.

Chairman WALSH. Did you have a meeting in the schedule room of the Pennsylvania Railroad with some other gentlemen?

Mr. HOYER. I was called to the schedule room—I had many meetings with Mr. Creighton, and he and I could not agree on handling a strike. I wanted—remember I felt that my duty was this, I had no feeling against the Pennsylvania Railroad Co.; in other words, they always treated me elegantly, and I have the kindliest feeling; but he did not seem to want to settle the strike; there seemed to be something else back of it.

Now, I would instruct my officers every morning and every evening going on duty just what to do. My position was to prevent trouble. I didn't care anything about the organization, whether the men organized or did not, but I felt it was my duty to prevent trouble, loss of life, and loss of property, and we succeeded very well in doing that, and I think any reasonable person will tell you that we did. Now, I was called into the schedule room in the presence—I guess that is what you have reference to there—in the presence of a lot of gentlemen; I remember there was a representative of each of the four newspapers of Altoona, and quite a number of gentlemen, and Mr. Creighton there asked us, he said this, he said, "I have called you gentlemen together, you gentlemen being a representative lot of citizens of the city and county, and the mayor, in order that we might determine some way of stopping this trouble." I told him that he could stop the trouble very quickly. Now, there were a number of men present at that meeting; there must have been 20; and I could name almost all, if you wish; and I told him if he would allow the men to go to work the next day, that they wanted to go back to work, that they saw that they were wrong, that it would settle it; but Mr. Creighton claimed that they could not go back, because the time limit expired that day, in the morning, and this meeting was now probably 8 o'clock in the evening. I knew nothing of this meeting until I was called and asked to come down right away to the office, and I found these gentlemen all there. Quite a discussion took place, back and forth, and some person suggested that I take a hand and settle the strike. That came up, I think, through a newspaper article that said that I had a delegation in my office and that I was going to try to bring about peace. The delegation I had in my office were the two gentlemen that were arrested, and I was advising them to get back to their work, and that they had surely made a mistake in striking, and that is the way it was. They took their information from the newspaper men that I was going to try to bring about peace.

Chairman WALSH. How long was it after this strike was ordered that the men went out on strike that you had this meeting in the schedule room?

Mr. HOYER. I don't remember what day of the week the meeting was on, but I remember it was the same week. I would imagine about four or five days, probably, after the bridge broke down.

Chairman WALSH. How many people were involved in it at that time? How many wanted to go back?

Mr. HOYER. I think almost all of them.

Chairman WALSH. Was that the occasion upon which about 600 went out?

Mr. HOYER. Well, at that time Mr. Devereaux stated there were 573 out.

Chairman WALSH. They were in the main residents of Altoona?

Mr. HOYER. Yes, sir; they were principally Altoona citizens. He took from a couple of slips that he had and said, "These are Altoona shops and the Fourth Street shops and the Juniata shops," and on through, along that way, and added them up, and said there were 573 out.

Chairman WALSH. And you said practically all of them wished to go back?

Mr. HOYER. I think all of them would have been satisfied to go back if they could have gotten back, but the company issued an order that any person that failed to report on that morning at 7 o'clock would consider himself discharged.

Chairman WALSH. What was that time in the day?

Mr. HOYER. The meeting was at 8 o'clock in the evening.

Chairman WALSH. After the strke, did you have any conversation with the officers in regard to it?

Mr. HOYER. No, sir.

Chairman WALSH. Our attention has been called to an alleged conversation which took place between you and the officers of the company with reference to immunity for the men that assaulted the organizers. Is there anything in that story

Mr. HOYER. Yes, sir; there is.

Chairman WALSH. Just state what it was.

Mr. HOYER. We thought from our investigation that there was a great wrong done the organizer, and as mayor we felt it was a shame that such a thing should happen in the city without the person that did it being arrested, for from all appearances the man was kicked to death. We thought he was dead when he was picked up, and, of course, I had the chief of police swear out an information against the person that did it. It was no secret; a number of people saw it. We thought all the time that he was smuggled away, and some time elapsed—quite a good while—I can't say how long, but quite a good while—when Mr. Reading, who was superintendent of motive power, asked me if I would not leave up on this man and leave him come back; that he was sort of homesick for his family; he was a married man and has a family; I don't know how large a one; and saying that they had fixed the judge and the district attorney and the alderman who took the bail and the county detective and I was the only stumbling block. Now, I said, he was not our prisoner; we never caught him; we didn't have an opportunity; that we would have if we could; but that he belonged to the Commonwealth, and if the Commonwealth was satisfied that he should be at large, I had no objection. We notified the police to that effect, and the next day he was on the streets.

Chairman WALSH. Was he ever prosecuted or punished?

Mr. HOYER. No, sir.

Chairman WALSH. Ever have a trial?

Mr. HOYER. Never.

Chairman WALSH. What was the date of the strike, Mr. Hoyer?

Mr. HOYER. I could not give you the exact date. I had all the dates in reference to the investigation, but I don't know whether I could get that one or not.

Chairman WALSH. You have not that with you?

Mr. HOYER. Oh, no; I didn't know what you wanted.

Chairman WALSH. And you could not give the date that Mr. Creighton fixed as the day the men should go back to work, if at all?

Mr. HOYER. No. It was on Friday.

Chairman WALSH. Or the date that you spoke of when you requested that the men be taken back?

Mr. HOYER. I couldn't fix the date exactly.

Chairman WALSH. See if I can fix it as to days; I understand you that the strike occurred on Friday; it lasted Friday, Saturday, Sunday——

Mr. HOYER (interrupting). No, sir; it was Friday that the men had instructions to return to work.

Chairman WALSH. It was Friday that the men had instructions to return to work?

Mr. HOYER. Yes, sir; and they failed to return.

Chairman WALSH. Yes; and you had your meeting Friday night?

Mr. HOYER. Yes, sir; and I was called into Mr. Creighton's office on Friday.

Chairman WALSH. How long prior to that Friday was it—the same week they went out on strike?

Mr. HOYER. They were out then.

Chairman WALSH. How long had they been out on Friday?

Mr. HOYER. I am not able to say, but I think on Monday.

Chairman WALSH. It all occurred within the week?

Mr. HOYER. Yes, sir; and maybe Tuesday; they were only parading about four days is my recollection.

Chairman WALSH. And your recollection also is that it was on that same night that you asked Mr. Creighton to take them back to work, the same Friday night about 8 o'clock——

Mr. HOYER. Yes, sir.

Chairman WALSH. And that was the same day upon which Mr. Creighton had issued his order that they were to return that morning at 7 o'clock or not at all.

Mr. HOYER. For that reason he said he could not take them back, that whenever they issued an order they never retracted.

Chairman WALSH. What had been your business prior to being mayor?

Mr. HOYER. I had been in the coal business for many years.

Chairman WALSH. A coal merchant?

Mr. HOYER. Yes, sir.

Chairman WALSH. Had you been in the employ of the railroad company?

Mr. HOYER. Never. No, sir; I never worked a day for the railway company.

Chairman WALSH. Have you given all the conversation that you can recollect that was had in the schedule room?

Mr. HOYER. Well, I would not like to tell you all of it.

Chairman WALSH. I think it might be well, as long as we have gone into it, a part of it, Mr. Hoyer, unless there is some personal or legal objection, I wish you would go into it and give us the substance of all that was said there.

Mr. HOYER. Well, really, Mr. Creighton had handled the strike proposition in such a way that it had me worried. I had gone through one prior to that in 1894. We had a strike right outside of the city limits, and I settled that one in about two or three hours. But one of Mr. Creighton's predecessors came to my assistance, Mr. Shepherd. That was a real serious one; they were then threatening to burn, and everything of the kind, so much so that I had two revolvers lying on my desk; and they were so tame and mild that there was no excuse for any particular excitement at all at this time. The men were as orderly as men could possibly be. In reference to—I got in a bad humor when Mr. Creighton said that these men, these 573 men, were out, absolutely out, he said, to stay out. When some person made the remark that I be selected to bring about peace, he says, "That won't do; we don't want any politics in this." He seemed to look on me just as an ordinary ward politician. Mr. Greavey was mentioned as a man to settle the trouble, and he said, "Absolutely no; that would be equally as bad." So the matter had been conducted in such a manner that I lost my temper, and I told Mr. Creighton if he did not allow the men to go to work the next morning that I would go out at the head of the strike, that there was really no trouble, and that he was the man that could settle it if he would, just by allowing the men to go back to work; and I left them for a few minutes, and when I came back they decided to leave the men go to work. I told them very positively what I would do.

Chairman WALSH. And so the men were permitted then to return to work?

Mr. HOYER. Yes, sir; they went to work. Mr. Devereaux telephoned me the next day at 10 o'clock that very close to 250 men had gone to work on Saturday morning of the 573, and they dwindled down until there was about, he told me, about 30 or 35, and he said he would like to discipline those men, and wanted it done in a friendly way, and I told him to do so, so what became of those fellows, I don't know.

Chairman WALSH. I believe that is all, unless some of the other commissioners have something to ask you.

Commissioner AISHTON. Just one question, Mr. Hoyer. You say Altoona is a city of 52,000?

Mr. HOYER. Yes, sir.

Commissioner AISHTON. And the police force was 41 men?

Mr. HOYER. Yes, sir.

Commissioner AISHTON. That included the chief of police and patrolmen and all?

Mr. HOYER. Just patrolmen.

Commissioner AISHTON. They are divided, I suppose, into a day and night force?

Mr. HOYER. Yes, sir.

Commissioner AISHTON. Was any request made by any of the Pennsylvania people for additional police protection?

Mr. HOYER. Yes, sir. Mr. Creighton thought we ought to bring in the State constabulary, and I always contended that we could cope with the situation, because there was nothing startling, they were all peaceable and quiet, as

quiet as this room, any more than the noise of men's feet walking the street. The only disorder I heard of at all that you might call disorder were men in passing a newspaper that they thought had not treated them fairly, they just said in a low voice, "Scab, scab, scab, scab." Now, that was the only remark that I heard being made.

Commissioner AISHTON. There was one man, you say, that was assaulted?

Mr. HOYER. Yes, sir; he was an organizer.

Commissioner AISHTON. He was an organizer?

Mr. HOYER. Yes, sir.

Commissioner AISHTON. Were there any other cases of assault?

Mr. HOYER. No, sir; there was not even a fight.

Commissioner AISHTON. You said that the man that assaulted this Gallagher was a man by the name of Luther, a constable, of Logan Township?

Mr. HOYER. Yes, sir; Altoona sets in the very center of Logan Township.

Commissioner AISHTON. Altoona is a part of Logan Township?

Mr. HOYER. Yes, sir.

Chairman WALSH. Was there a petition gotten up by the citizens of Altoona asking Mr. Creighton to take these men back?

Mr. HOYER. Yes, sir.

Chairman WALSH. What were the circumstances of that appeal?

Mr. HOYER. I guess that was done at the same time; yes; yes, sir. Mr. Creighton said that he would leave the men go back, but they would have to have some excuse for doing that, and they prepared petitions and sent them out and had them signed the following day. They were signed numerously of course; all of the citizens of Altoona were anxious that the matter be entirely settled, and the men get back to work, and practically all of the business men of the town, and they were signed very numerously by thousands of people.

Chairman WALSH. Was that before or after this conference?

Mr. HOYER. Right at the time; right afterwards. That was done for an excuse for retracting this order.

Chairman WALSH. As an excuse for whom, for you as an officer?

Mr. HOYER. No, sir; for the railroad people taking back the men after they had given orders that if they did not report to work that morning they would be discharged.

Chairman WALSH. Was this man Spangler that, as as I understood it, assaulted Mr. Gallagher, he was a county detective and was not in the employ of the Pennsylvania Railroad?

Mr. HOYER. He was a county detective.

Chairman WALSH. And not in the employ or connected with the Pennsylvania Railroad?

Mr. HOYER. No, sir. Mr. Creighton told this committee that it was costing the railroad company $750 a day, and that then, I can remember now, 22 days had gone by, at a cost of about $750 a day for policing Altoona, and I contended then again that there was no necessity for them paying them unless they needed them in their line of work, and Mr. Devereaux said they had bought a gross of revolvers, and exhibited one that was placed in the hands of these fellows.

Chairman WALSH. Who exhibited the revolver?

Mr. HOYER. Mr. Devereaux, who was then superintendent of motive power. I think he gave the chief of police one after the trouble was all over.

Commissioner GARRETSON. The assault made upon this man Gallagher, made by Luther, was that before the strike or during——

Mr. HOYER. During the time of the strike, or it might have been right after; now, really, I can not say. I didn't pay any attention to dates. We had all of that matter; I think I could give you all of it if you want it, showing everybody that knew anything about it from beginning to end; we took all of that data the following day, and Luther just laid for this man undoubtedly to kick the life out of him.

Commissioner GARRETSON. After you held the conference with the officers of the company who came to you to arrange for Luther's return, if you would not prosecute him, what was your impression then, that the company stood for Luther's act?

Mr. HOYER. That undoubtedly was; yes, sir.

Commissioner GARRETSON. And that they had known of his whereabouts all the time?

Mr. HOYER. Yes, sir.

Commissioner O'CONNELL. Mr. Hoyer, these 30 men you say that were disciplined in some way, I rather inferred that they disappeared. You mean they were driven out of the city or something of that kind?

Mr. HOYER. I know that some of them could not get employment in the city at all. Just to show you, we had a fund to take care of stranded people, and could buy half-price tickets to get people that were stranded away, and I remember their general superintendent refused me a charity ticket for one of the 33 who were discharged, and didn't have a dollar, and he couldn't get out of town, and we had to put up the straight money and buy a ticket and send him—my impression is to this town; that is, right to Washington, and from here I think he went to West Virginia to some car shops.

Commissioner O'CONNELL. Were these men, any of them, old residents of Altoona?

Mr. HOYER. Yes, sir; this man was, had lived there a long time.

Commissioner O'CONNELL. And did he have a home there?

Mr. HOYER. I think he was a renter; I know he was a resident there and had a small family.

Commissioner O'CONNELL. Were any of the men interested in homes, of those that you say were refused employment?

Mr. HOYER. That I don't know; only what came in my regular line; I didn't pay any attention to the other matters, very little attention. I merely make this statement in the interest of humanity. The way that strike proposition was handled there was really a disgrace, and a thing of that kind ought not to be allowed to happen again.

Commissioner O'CONNELL. Were you a candidate to resucceed yourself as mayor at the next election after this time?

Mr. HOYER. No, sir; I ran for commissioner a year or so ago.

Commissioner O'CONNELL. Were you elected?

Mr. HOYER. No, sir.

Commissioner O'CONNELL. Was there any particular reason for being defeated?

Mr. HOYER. Oh, yes; but it was not on account of the Pennsylvania Railroad.

Commissioner O'CONNELL. Not because of any association with the strike?

Mr. HOYER. Oh, my, no.

Commissioner O'CONNELL. I have heard statements made about Altoona being largely a one-shop town, that the company has rather a natural influence over not only the lives of the people employed in their shops, but in the business world and commercial world of Altoona. What is the general impression in Altoona as to the control of the Pennsylvania Railroad Co., as to controlling them, the entire inhabitants?

Mr. HOYER. The company treats the people very nicely, and while they may exercise some influence in various manners, why, they treat the people of Altoona very fair.

Commissioner O'CONNELL. Do they appear in the political arena in any way?

Mr. HOYER. Oh, yes.

Commissioner O'CONNELL. Interested in who holds the mayoralty job in the city and counselor?

Mr. HOYER. Yes, sir.

Commissioner O'CONNELL. Did they enter actually into the question of the election of certain people?

Mr. HOYER. I could not say that; they are very heavy taxpayers in Altoona.

Commissioner O'CONNELL. Just assumed the natural rights of citizenship?

Mr. HOYER. Yes; just as any other person would be active.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Commissioner Weinstock would like to ask some questions.

Commissioner WEINSTOCK. Can any candidate for political office in Altoona be elected if the Pennsylvania Railroad Co. is opposed to him?

Mr. HOYER. Oh, yes.

Commissioner WEINSTOCK. Then the Pennsylvania Railroad Co. does not dominate the political situation in Altoona?

Mr. HOYER. Oh, no; in fact it is very seldom that they ever take any particular part, very seldom.

Commissioner WEINSTOCK. Do they keep their hands off politically?

Mr. HOYER. As I said before, not any more than the average person or corporation would do.

Commissioner WEINSTOCK. I have in my hand a document entitled "Petition to the Commission on Industrial Relations from the Order of Railroad Telegraphers, by H. B. Perham, president," in which certain charges are made against the Pennsylvania Railroad Co., among others this charge on page 3, that the Pennsylvania Railroad Co. appears to exercise so complete a domination over all of the affairs, industrial and governmental, over a large area of this country that it is sufficient to overthrow legal and constitutional rights of persons not favorable to its domination. That within the area of the domination of this company liberty exists not under law but only to the extent of this company's authorization. Its men have no rights as men, but merely such rights as it permits. Now, you have been a citizen and a public man, mayor of Altoona, and what would be your comment on this charge?

Mr. HOYER. That seems to be the general impression, but I could not say this impression is correct.

Commissioner WEINSTOCK. What are the facts as you know the facts to be?

Mr. HOYER. I was in public office 16 years, as councilman and mayor of Altoona, and I was never asked to do anything that was not entirely right, in my opinion, excepting in this strike proposition, and I suppose in my feeling for humanity—I started as a bit of a boy myself at work—I talked a good deal, I suppose, at that time, and that is why, I suppose, I am here to-day; but I did it because I thought an occurrence of that kind should not happen, if possible, in my city again.

Commissioner WEINSTOCK. Were your sympathies in that particular strike with the strikers or with the company?

Mr. HOYER. Neither; I was only interested, as mayor of the city, in my capacity of keeping order, and that I was doing, and while I was doing that I was prevailed on to do things that looked so ridiculous to me that I became sort of red-headed over it and lost my temper.

Commissioner WEINSTOCK. Prevailed on by whom?

Mr. HOYER. Mr. Creighton. Creighton was the man.

Commissioner WEINSTOCK. Who was Creighton?

Mr. HOYER. He was general superintendent of the road.

Commissioner WEINSTOCK. Of the Pennsylvania Railroad Co.?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. But you did not comply with his requests?

Mr. HOYER. I did not.

Commissioner WEINSTOCK. You acted independently?

Mr. HOYER. I did.

Commissioner WEINSTOCK. You had no political fears in doing that?

Mr. HOYER. I had not; no. I was doing my duty. I made that remark, and I think Mr. Creighton is here to-day and will bear me out in that—that if I have to leave town the day following the expiration of my term as mayor, I will do my duty as I see it.

Commissioner WEINSTOCK. Then I should understand your position to be this: That while there is a general impression abroad that the Pennsylvania Railroad Co. does exercise domination over governmental affairs within its area, that that is not a fact?

Mr. HOYER. Well, from self-experience I could not say so. I have been in office so long, maybe, that they know I am one of the fellows they did not need to look after; I do not know what they might do with other people.

Commissioner WEINSTOCK. Do you know of any instances that have come under your observation or knowledge?

Mr. HOYER. Yes; I do.

Commissioner WEINSTOCK. Where they did control politically?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. Please cite those instances.

Mr. HOYER. I could cite the instance of a contract that was let during my last administration, involving about $30,000, where another was $15,000 less than the one who was given the contract. I vetoed the proposition, because I wanted to be fair to the people who paid the bill, and then one of the railroad officials did call in men who asked me to veto this same legislation and asked them to pass it over my veto after that, after they had been in my private office and asked me. I said, "Men, you do not need to ask me; I will do that regardless of whether you stand by me or not; it is a matter of duty." One of the railroad officials did get the men to change and do the other thing a day or two later.

Commssioner WEINSTOCK. You mean members of the board of aldermen?

Mr. HOYER. No; council.

Commissioner WEINSTOCK. How many were there?

Mr. HOYER. At that time we had a council, but at this time we have a board of commissioners. We had a council then consisting of 36 members.

Commissioner WEINSTOCK. There were 36 members in the council?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. And it took 19, I presume, to carry?

Mr. HOYER. No; there were two branches. There were 12 wards and 12 members of the higher branch and 24 members of the lower branch. So of the higher branch it took 7 members for a quorum. It took two-thirds to pass a resolution over my veto. They got the two-thirds.

Commissioner WEINSTOCK. As I understand it, the council approved of a certain bid which was 15 per cent higher than a certain other bid?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. On what grounds did they approve of this higher bid?

Mr. HOYER. They did not have anything to say, only it was let to a home contractor.

Commissioner WEINSTOCK. But it meant a 15 per cent loss to the people?

Mr. HOYER. Fifteen thousand dollars, practically.

Commissioner WEINSTOCK. And you then vetoed that measure?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. And it was passed over your veto?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. And you say it was passed over your veto because the Pennsylvania Railroad Co., through its representatives, influenced enough members of the council to carry it over your veto?

Mr. HOYER. That is where I am told the influence came from by the gentleman who helped do it. So that is as near as I can get to it.

Commissioner WEINSTOCK. You do not know it of your own personal knowledge, but only from hearsay?

Mr. HOYER. That is correct; they would not let me know that.

Commissioner WEINSTOCK. Do you know of any other instance where the Pennsylvania Railroad Co. was said to have used their influence or power politically?

Mr. HOYER. Oh, yes; but in rather minor affairs, you know. I would not want to say very much about that, because, as I said to you, during all the years I was in public life no official has ever asked me to do anything that did not seem to be entirely all right, except this request of Mr. Creighton.

Commissioner WEINSTOCK. In order to make the thing still clearer, let me say that in my own State of California, for many years, the Southern Pacific Railroad Co. absolutely dominated politically, and no man could get a nomination unless it was with the approval of the Southern Pacific Railroad Co.; they ruled the destinies of the State politically and held that part of the State in the palm of their hand. Does that same condition prevail in your vicinity?

Mr. HOYER. No.

Commissioner WEINSTOCK. It does not?

Mr. HOYER. Not so much; I would not say that.

Commissioner WEINSTOCK. Do the employees of the Pennsylvania Railroad in Altoona, so far as you know, vote independently, or are they dictated to by the company?

Mr. HOYER. As councilman?

Commissioner WEINSTOCK. No; voting as voters.

Mr. HOYER. Employees?

Mr. WEINSTOCK. Yes; so far as you know, has the company tried to influence the vote of its employees?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. It has?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. In what way?

Mr. HOYER. In trying to get them to vote against a certain candidate; but that generally acted as a boomerang against them as to the fellow that they were trying to defeat.

Commissioner WEINSTOCK. What would be their method of endeavoring to get their employees to vote as they wanted them to vote?

Mr. HOYER. Generally through the foremen.

Commissioner WEINSTOCK. The foremen would pass the word down the line?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. Would the men, so far as you know, comply with the request?

Mr. HOYER. Well, we have a secret ballot in Pennsylvania, and it generally just had the opposite effect.

Commissioner WEINSTOCK. So that they really had no control?

Mr. HOYER. Not very much, I would not think so; no. If they showed their hand at all, it only had the opposite effect, even with their own employees.

Commissioner WEINSTOCK. That is, their employees seemed to resent being dictated to?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. And would exercise an independent privilege?

Mr. HOYER. Yes, sir.

Commissioner WEINSTOCK. Really, Mr. Hoyer, the only points of difference that occurred between you and the officers of the Pennsylvania Railroad was a difference of opinion between yourself and Mr. Creighton, the general superintendent, as to the advisability of the arrest of a number of people?

Mr. HOYER. Yes, sir.

Commissioner WEINSTOCK. In the first instance?

Mr. HOYER. Yes.

Commissioner WEINSTOCK. And in the last instance about the advisability of some 300 men being taken back into the shop in a body after their notice had expired?

Mr. HOYER. Yes; between 500 and 600—573 men altogether.

Commissioner WEINSTOCK. So those are the only points of difference that arose?

Mr. HOYER. Yes, sir; I have come in contact with the officials of the Pennsylvania Railroad at Altoona for many years, starting in 1888, and always had the kindest treatment and no unreasonable requests made of me except by Mr. Creighton in this strike affair.

Commissioner WEINSTOCK. And your principal criticism of the handling of the strike——

Mr. HOYER (interrupting). Yes.

Commissioner WEINSTOCK (continuing). Is the failure to take those men back immediately without any question?

Mr. HOYER. From interfering, you mean?

Commissioner WEINSTOCK. No; I say——

Mr. HOYER. Oh, yes; I understand; yes.

Commissioner WEINSTOCK. So the principal criticism you would have of handling that strike was their failure to take those men back to work after their time expired?

Mr. HOYER. Yes, sir; there are a great many of them being punished to this day; I know—many of them to this day.

Chairman WALSH. Mr. Lennon has some questions.

Commissioner LENNON. Mr. Hoyer, I understood you to say that you made the remark that you intended to perform your duty as you saw it even if it caused you to have to leave Altoona the day after your term of office expired. What put that frame of mind into your head so that you gave expression to that?

Mr. HOYER. Well, I knew the powerful influence of this great railroad company.

Commissioner LENNON. So that there was evidently some power that——

Mr. HOYER (interrupting). I knew that Mr. Creighton would not feel kindly to me, of course, taking the position I did, and I am sure I have felt very unkindly toward him for the position he took.

Commissioner LENNON. You mentioned another cause which seems to give some exhibition of political influence or domination. I understood you that after this Mr. Luther had disappeared—failed to appear for preliminary examination, some time thereafter some one came to you and asked that you let up so far as the information which had been filed by your chief of police—that the judge had been fixed, the the constable had been reached with the necessary influence, and that the only thing that stood in the way of the man returning to Altoona and his family was your position.

Mr. HOYER. Yes.

Commissioner LENNON. Do you think that is an evidence of domination in the affairs of a community that is commendable by a corporation?

Mr. HOYER. It is not. It is disgraceful.

Commissioner LENNON. I think that is all.

Chairman WALSH. Mr. O'Connell, did you have something?

Commissioner O'CONNELL. No; Commissioner Lennon asked the question.

Chairman WALSH. That is all, then, thank you, Mr. Hoyer. You are excused permanently, unless you have some statement that you desire to make.

Mr. HOYER. Oh, no; no, indeed.

Commissioner AISHTON. Mr. Walsh, may I ask one more question?

Chairman WALSH. Yes; certainly.

Commissioner AISHTON. Is there a record of any kind of any investigation at Altoona into the circumstances of the injury of this man Gallagher by the township constable?

Mr. HOYER. Oh, yes. I had a full account of that, and I believe, if you wanted it, I could send it to you.

Commissioner AISHTON. It is a matter among the records of the city of Altoona, is it?

Mr. HOYER. Yes. It might be out. There was some person asked for that, and I would have to find out whether it was ever returned. If it was not, I would not know where to find it. But that gives a full statement of the number of people who came onto the scene while it was taking place, and that is what made me feel so badly that that man was spirited away.

(The witness later submitted a newspaper clipping dated Altoona, June 25, 1911, headed "Early Sunday morning row—As a consequence Organizer John J. Gallagher is in the hospital—Is not seriously injured—Alleged assailant was Charles Luther, of Juniata—Stories of trouble conflict.")

Commissioner AISHTON. That was all, thank you, Mr. Chairman.

Chairman WALSH. Now, in regard to the influencing of these officers that you have mentioned, who was it told you about that?

Mr. HOYER. Beg your pardon, I don't——

Chairman WALSH (interrupting). This matter that Commissioner Lennon just asked you about, where you stated that somebody came to you and told you about the judge and other officials had been fixed, was the expression, I believe, that you used.

Mr. HOYER. Yes, sir.

Chairman WALSH. Who was it that made that expression?

Mr. HOYER. Mr. Reading, superintendent of motive power at Altoona.

Chairman WALSH. Did he say who committed this offense, who had spoken to these officers?

Mr. HOYER. The man that he wanted back?

Chairman WALSH. Yes.

Mr. HOYER. Yes; he asked me this, whether I would leave up on Officer Luther——

Chairman WALSH (interrupting). Yes; but did he tell you who fixed the judge?

Mr. HOYER. He says "we."

Chairman WALSH. "We"?

Mr. HOYER. Yes.

Chairman WALSH. He was no more specific than that?

Mr. HOYER. No more; no.

Chairman WALSH. That is all, thank you, Mr. Hoyer.

Mr. Creighton.

TESTIMONY OF MR. G. W. CREIGHTON.

Chairman WALSH. What is your name, please?

Mr. CREIGHTON. G. W. Creighton.

Chairman WALSH. Mr. Creighton, I thought perhaps it might be that you would want to go on as closely after Mr. Hoyer as possible, so that some of these matters might be fresh in your mind that have not really been submitted to you in the little questionnaire, so that if there is any statement you have to make, I think it would be agreeable to the commission for you to make it now, because I have promised to let another gentleman get away; and when you have made the general statement covering anything you desire to make, I will then ask you to stand aside——

Mr. CREIGHTON (interrupting). And then recall me?

Chairman WALSH. And then recall you. No; you may make your statement now, if there is anything growing out of what this last witness said——

Mr. CREIGHTON. Well, I want to thank you for your giving me the opportunity for making a general explanation of this situation. It is quite apparent from what Mayor Hoyer has told you that there was a very wide difference of opinion in which the strike troubles should be conducted.

We can very readily understand that a man occupying the position that I did, at the head of the local organization, approximating sixteen or seventeen thousand men, with probably forty or fifty million dollars at stake, was anxious that there should be nothing left undone that would insure the normal operation of the property—the running of trains and the normal conduct of the shop proposition. We had at that time, as you will note by our report, approximately 11,600 men——

Chairman WALSH (interrupting). Yes. My attention has been called to the fact that I have not asked you some general questions. Your name is C. W. or G. W.?

Mr. CREIGHTON. G. W. Creighton.

Chairman WALSH. And you are the general superintendent of the Pennsylvania Railroad?

Mr. CREIGHTON. From Altoona east.

Chairman WALSH. And your residence is in Altoona?

Mr. CREIGHTON. Yes, sir.

Chairman WALSH. And your headquarters are in Altoona?

Mr. CREIGHTON. Yes, sir.

Chairman WALSH. Very well. You may proceed.

Mr. CREIGHTON. What I was going to say is, with 11,600 men in our service, they are liable to be affected by a strike which we operating people recognize would have paralyzed the Pennsylvania Railroad Co. I was required to take every action at my disposal to prevent, first, the strike; and if, after the strike occurred, any—to prevent anything that would, in my judgment, interfere with, as I said before, the normal operation of the road.

My attitude toward the mayor I think he very clearly expressed in that latter statement he made, namely, that at only one time during his entire career as an officer of the local government was there any difference of opinion. I had on numerous occasions offered him and assured him of the personal and official assistance of this railroad toward conducting the city's affairs. That has always been the case at Altoona. There has been the most cordial spirit between the city and the railroad authorities. There has never been any effort at coercion. At times probably we had our preference for this or that person for office, and I am very glad that the mayor very aptly expressed our inability to control affairs. The men are a very forceful and intelligent body of men, able to exercise their own prerogatives, and they do it.

At the time this strike was threatening this little volume that we have submitted in evidence clearly indicates to you the fact that we did not rely on our own judgment of the best methods to pursue. Personally I was very anxious that I should have the benefit of advice of everybody of consequence in the community; and this recites in connection with this particular strike—I would like to read from it, with your permission, simply that you may understand my own personal attitude toward this question. I am going to read—I am not going to burden you with a lot of information, but just simply want to mention this one point. On page 15 of this history of the labor troubles we go on to recite the fact that the difficulty first originated on the western Pennsylvania division, which is that portion of the railroad west of the Alleghenies and west of my division and under another general superintendent. In time the organizers came to Altoona, as described by the mayor, and endeavored to organize the shopmen at Altoona, without question recognizing, as anyone should, that it was probably the most sensitive point in our whole operation.

On page 16 you will note here a statement to the effect that the general superintendent, meaning myself—this is a recitation, by the way, on the part of the general manager—called a meeting of the mayor of Altoona, representatives of the newspapers, president of the board of trade, and number of prominent citizens. He explained to them all the facts in the case and the prospect of labor difficulties at Altoona, and their advice was requested as to the best plan to pursue. It was decided that the general superintendent should prepare for publication the facts with regard to conditions at that point.

Then I go on to recite in detail the exact statement which was published in the morning and evening papers. We have four papers there, and, as I stated,

the editors of those four papers were there in person, and, as well, Mr. A. B. Clark, the chief of police. This article was prepared and approved by the gentlemen that I referred to there, and was published. So that it was the act not of ourselves, but the act of the people interested in the welfare of the community.

Now, following that statement, I go on to recite that the employees themselves, to the number of about 5,000, were dissatisfied with the action and purpose of the organizers who were present in Altoona at the time—so dissatisfied that they actually went to the extreme of getting the opera house there and holding a meeting, at which there were a number of—it was an open meeting—at which there were a number of speakers who protested in their own language as to this invasion, so termed, and effort on the part of the organizers to disrupt what had always been, as stated in this article here, the pleasant relations with the employees.

Now, this was the condition of affairs at Altoona until about January, 1911, when there was a revision of piecework rates under way in Altoona, and by one of those mysterious errors of operation, as cited here on page 18 of this pamphlet, and without our knowledge, there had been extracted from the records placed in one of our erecting shops, we having three at that place, a rate sheet which had been prepared and was to have been submitted to the superintendent of motive power for his approval. Unfortunately, it had not been so approved, which was one of the necessities before putting the rate sheet into effect. And it was discovered by the men first that there were in two of those shops two different rates in effect—two different rate sheets, and on—I was trying to give the date; it was some time in May; I haven't got it here, by the way—it was discovered by the men, and they, in the usual way, at about noon, appointed a committee to call the attention of the master mechanic to it; and as the committee was in the presence of the master mechanic the rest of them were under what we know as the Twelfth Street Bridge. It is a bridge—only a footwalk, probably 10 feet wide—crossing our shops from one side of the shop's inclosure to the other. And somebody noticed this 50 or 60 shopmen down there sitting around in one place or another, and they assumed at once—this agitation having preceded it—that they were out on strike and carried the news down to what was known as the Senate Hotel, where these organizers were living. Very promptly two of those men ran back to the bridge, and, as recited by the mayor, began to call upon these men down 15 or 18 feet below them to come out on strike; and he, in turn, very properly tried to preserve order by the arresting of these men on the bridge. The men under the bridge, naturally, did not know what was going on. The crowd was gathering in the meantime, and they, the shopmen, ran around to an exit which we had onto this bridge, climbing the stairs to ascertain the cause of the trouble on the bridge, and by that time there may have been two or three hundred crowded into that little 12-foot areaway, and they burst the railing of the bridge and four or five men fell down into the shopyard area and were injured and were taken to the hospital. At the time that happened the committee had had their difficulties settled with the master mechanic. Thirty minutes was all that was probably necessary to fix that up. The error was noticed and the matter was corrected immediately; and it was so quickly done—and I would like to mention this because of the seeming importance of it. I had just gone to my lunch 75 feet across the lawn between my office and my house and everything was quiet when I went to lunch, and I certainly was not gone over 30 minutes; and when I came back this trouble was all on our hands. Following that—I want to avoid reading this if I can, sir, because I think I can give you the gist of it. The two organizers who were urging the men to strike were given a hearing before the mayor, and after they left his office they went to the city square, which was the square in front of the Senate Hotel, at which they had their headquarters, and naturally they had a very large gathering there, at which they made speeches, and continued to make speeches, and finally held a meeting on Sunday, March 28, in one of the public parks, at which there were present, as near as we could ascertain, about 3 per cent of the 11,600 of our employees.

Chairman WALSH. What park was that, Mr. Creighton?

Mr. CREIGHTON. I can't tell you the name; it was on the outskirts——

Chairman WALSH. Was there any effort made to keep them from speaking at Sylvan Park?

Mr. CREIGHTON. No; that is another, different park, and at the other end of the city. Now, in anticipation of that Sunday meeting—and I again want to

repeat the natural anxiety of the company represented by myself to have order and to avoid difficulty and as well the principal matter of operating normally our railroad,—and fearing that this Sunday meeting might result in a very large gathering, the end of which we might not know, and as stated in this pamphlet, I addressed a letter to the pastors of the various churches in Altoona, explaining the fact, in connection with the agitation going on, as to the efforts of labor organizers to induce the shopmen to strike in sympathy with those of western Pennsylvania—the pastors were required to cooperate with the railway company in such way as they thought best.

I will say frankly to you gentlemen that the point I had in view and the way in which I put it to these people was that here was a community dominated absolutely by these railroad men. We have, counting our roadmen, our yardmen, and the shopmen, between sixteen and seventeen thousand men there, practically representing the entire community. An agitation that would affect one would affect all, and I endeavored to get their influence at my command to preserve order. And in requesting these pastors to help us, I wanted them to do it from the pulpit just as I wanted the mayor to do it from his office, namely, to use every effort at his command to avoid everything that would tend to precipitate an actual outbreak or strike. As I stated before, there was at that meeting only about 3 per cent of the shopmen——

Chairman WALSH. Excuse me. At this point I am going to ask you to step aside, as a gentleman who has a very pressing engagement has asked us, and we have promised to try to dispose of him in a half hour, or I would not ask you to do it, except probably it will take an hour or more to finish with you, and we have to accommodate our witnesses——

Mr. CREIGHTON. I would rather like very much not to have much time elapse before I have an opportunity to clear up the very unfavorable impressions created by what the mayor has stated. He has been very kind in the latter part of his statement, to explain and to state that it was a difference of opinion as to the strike——

Chairman WALSH. We try to accommodate all the witnesses, and we have only a half an hour, and you will be put on the first thing in the morning at 10 o'clock.

Mr. CREIGHTON. At 10 o'clock?

Chairman WALSH. Yes.

Mr. Maurer.

(At this point Mr. James H. Maurer took the stand. His testimony is to be found under the subject "Pennsylvania State Constabulary.")

WASHINGTON, D. C., *Friday, May 7, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Garretson, Lennon, O'Connell, Harriman, Aishton, and Weinstock.

TESTIMONY OF MR. G. W. CREIGHTON—Continued.

Chairman WALSH. Mr. Creighton, please.

Now, Mr. Creighton, could you begin where you left off. I cut you off in the middle of a statement last night.

Mr. CREIGHTON. Have you the testimony there?

Chairman WALSH. You were just at that point where you said you had addressed a letter to the pastors at Altoona, and you started to say there were just 3 per cent of the shopmen at a certain meeting.

Mr. CREIGHTON. Yes, sir. This meeting was an open meeting held on Sunday afternoon, May 28, in the vicinity of Juniata, under a call of the organizers, and, as I stated yesterday, I sent a memorandum, or sent to the various pastors in the community a statement explaining the importance of having order preserved and to prevent the gathering of any undue crowd that might result in trouble. At that meeting, as I stated, about 3 per cent of the shopmen were represented, 3 per cent, which represented about 350 men out of 11,600. On May 29—or, rather, at that meeting, I should have stated here—there was a committee of 48 men selected to call upon me to go over the shop situation, as recited on page 20 of this pamphlet, which you have in your possession, called "The History of the Labor Troubles on the Pennsylvania Railroad." [Reading:]

"On May 29 this committee—48 men—called on the general superintendent"—meaning myself. "They were advised that, in accordance with the regulations of the railroad company, it would be necessary for them to present any grievance they might have to the master mechanic in direct charge of the shop. If they failed to reach a satisfactory conclusion with him, they could then appeal to the superintendent of motive power and then the general superintendent.

"Failing in their efforts to secure an audience with the general superintendent, the committee returned to the organizers of the American Federation of Labor."

I would like to explain that point. The meeting of the so-called shopmen that were on strike was presided over by these organizers or representatives of the American Federation of Labor. They had their room and were the real factors in the carrying on of this agitation, and they were responsible for the resolutions passed and the committee of 48 which had been appointed on Sunday. [Continues reading:]

"Later they brought to the office of the general superintendent resolutions adopted at the Sunday meeting, in which they referred to the strike of the shopmen on the western Pennsylvania division and declared that unless men then on strike there were taken back into the service immediately they would discontinue work until their demands were complied with."

The western Pennsylvania division is the division west of the Allegheny Mountains, west of Altoona. [Continues reading:]

"Upon receipt of these resolutions the committee was advised that the settlement of the controversy on the western Pennsylvania division was a matter of which the superintendent"—general superintendent that should be—"of the eastern Pennsylvania division had no jurisdiction or control."

My jurisdiction ends at Altoona; there is another general superintendent taking the territory west of Altoona. Now, in connection with the matter of publicity and the things connected with the strike, we state here that these facts were made known to the public through the newspapers. As a matter of fact, the reporters of the four daily papers there were in constant consultation with us and had access to the same records we had ourselves; they were on the desk there, which anybody could come to and read. [Reads:]

"On May 31 the labor organizers called a strike, which on the first day was responded to by 712 men out of a total of 11,515 shop employees. On the second day the number of strikers were increased to 802, which number was gradually reduced"——

Chairman WALSH. Would you be kind enough to pitch your voice a little higher? When you go to read it strains us some to hear you.

Mr. CREIGHTON (reading). "On the second day the number of strikers were increased to 802, which number was gradually reduced, until on June 7 only a few remained on strike. As soon as the strike began notices were published in the newspapers and elsewhere that all shop employees absent without leave at 7 a. m. June 2, 1911, would be considered as having left the service."

I want to call your attention, Mr. Chairman and gentlemen of the commission, to this point in connection with a statement made by Ex-Mayor Hoyer, to the effect I did not apparently give these men an opportunity to return to work; that there was no opportunity for them to recant or get back into the fold again. The strike, as you will note, took effect on May 31; my notice issued at 4 o'clock that afternoon gave them until June 2—at 7 a. m. of June 2—and that was published in the morning papers of June 1. This date was determined upon in order to give the men ample opportunity to learn of the company's action and decide what course they would pursue. After the publication of this notice a number of the business men of the community, realizing the seriousness of the situation, circulated a petition. And another phase I want you to note in that connection is that this body of citizens were interested about on the same lines, I think, as the mayor. There is no doubt about the attitude of the mayor toward the citizens of Altoona; anyone could appreciate his interest in his people; we do. He is a man of very good principles, but, unfortunately, in this particular instance he and I did not agree on one phase of the work as to how I ought to conduct our operations in the strike.

This petition, which was addressed to the railroad company, read as follows:

"We, the undersigned citizens of Altoona, realizing that the men now out of the service of the Pennsylvania Railroad Co. in this city are out of employment largely because they have been misled and deceived by the organizers of the American Federation of Labor, respectfully request the management of the Pennsylvania Railroad Co. to give the applications of former employees

preference in filling vacancies that now exist or may occur in the shops, if such applications are made within a reasonable period."

As a result of this notice and petition the number of men who actually severed their connection with the company on account of the strike was very small.

My recollection is that June 12, 1911, was on Friday, and that this notice practically meant, from an operating standpoint, that these men would have until Monday at least of the following week; they would have Saturday and Saturday afternoon and Sunday to think over their position. [Reads:]

"Throughout the entire progress of the agitation of the labor organizers and the strike which followed the railroad company's police department was augmented properly to protect the company's property and to afford protection to those men who remained at work, and to follow the movements of the labor organizers."

That last paragraph is rather concise as to just what we did. The methods adopted consisted first in absolutely assuring ourselves of every movement that might be made by the organizers; we felt it a necessity to know in advance what they contemplated doing, and if it happened to be anything that jeopardized our interests necessarily we had to take action to take care of ourselves in a proper and legal way. We also had to have a sufficiently large force to police and protect the property.

The situation at Altoona is peculiar in that while we refer to the Altoona shops, it is not the ordinary collection of buildings that one may see in an ordinary community. We have practically an exposed front of about 7 miles. The main shop, in which there are about 5,000 men employed, is in the center of the city, where we do our miscellaneous work and general locomotive repair work. East of that, about a mile, we have our car shops where there are, say, close on to 3,000 employed. Two miles east of that we have our new locomotive shop—the Juniata shop, as it is called—where we have 2,500 men employed, probably; and a mile and one-half or so east of that we have our large roundhouse, which handles the ordinary and current freight business—locomotive freight business of the road.

Chairman WALSH. Is that on both sides of Altoona?

Mr. CREIGHTON. No; I am referring to the east now. Now, to the west and south we have a large wheel foundry, where at this time we were turning out about 1,050 car wheels a day.

Chairman WALSH. How much of it is outside the city limits of Altoona? How much of the perishable property?

Mr. CREIGHTON. The car shops and the machine shops are in the city; the other shops are outside.

Chairman WALSH. How much frontage would you say? You say you have about 7 miles altogether?

Mr. CREIGHTON. Covering all our shops.

Chairman WALSH. About how much frontage would be entirely outside of the city limits?

Mr. CREIGHTON. About 3 miles to the east—I might say in the city about 3 miles. That whole front is more or less exposed. We have some fencing, but not such a fence as might exclude anybody that might want to get upon the premises; and the history of this strike was that every now and then the organizers and strikers would get upon the premises and it was necessary for us to have a rather active patrol to take care of the situation. We therefore, incident to the failure to get what he thought was the proper and sufficient protection from the city, we had to appeal to the county, and through the sheriff we got about 50 deputies appointed.

Chairman WALSH. Well, had there been some aggressions of some sort or some effort to destroy property?

Mr. CREIGHTON. There was a constant invasion of our property at some point or another in order to interfere with current operation of the railroad.

Chairman WALSH. Of what did that consist, Mr. Creighton?

Mr. CREIGHTON. It consisted very largely of where the bridges crossed our railroad yards and where the car repair men, trackmen, and men engaged upon locomotive work were interfered with either by men on the bridges dropping articles on them or interfering with them in the usual way that might obtain——

Chairman WALSH (interrupting). Well, what way was it there?

Mr. CREIGHTON. Throwing missles at them and preventing them going down into the entrance into the shop yards.

Chairman WALSH. Well, I wanted you to draw the line, if you could. Was it just requests made upon them—what they would call picketing, or some violence?

Mr. CREIGHTON. Oh, there was actual violence.

Chairman WALSH. Actual violence?

Mr. CREIGHTON. And interference a number of times, and almost constantly, with their getting into and from their work. There was a reference in Mayor Hoyer's remarks, I believe, or testimony, to our having automobiles in service at Altoona. We had automobiles there. I have forgotton how many—three or four. They were kept there day and night in charge of men at headquarters, where we had a force of these special officers, extra men that we had employed, for the purpose of moving that force to any point of attack, or expected attack, on this line of 6 or 7 miles. That we felt was a necessity, and, as a matter of fact, it was proven on numerous occasions during the strike that without that we would have been placed in very serious condition and our work interfered with.

Chairman WALSH. Has there been any change in the wage scales in the yards and shops at Altoona since 1911, Mr. Creighton—any general increase or decrease?

Mr. CREIGHTON. There has never been what might be called a general increase. Very seldom does it occur—what we call a general increase—except it is a percentage increase such as 10 per cent.

Chairman WALSH. That is what I mean. Has there been any since 1911?

Mr. CREIGHTON. No; I believe not; no, sir.

Chairman WALSH. Will you please indicate what the wage scales are in the different shops and yards at Altoona?

Mr. CREIGHTON. On piecework?

Chairman WALSH. Well, just describe it yourself—what the men have been paid and what their wages are.

Mr. CREIGHTON. Well, I can not give you the exact figure; but I assume that from 75 to 80 per cent of our work is done upon the piecework principle.

Chairman WALSH. Well, then, will you please tell what the net earnings of the men are?

Mr. CREIGHTON. I can give you some figures upon that subject; yes, sir. Here is a statement I have had prepared, Mr. Chairman, a few days ago—a statement showing the average yearly earnings of employees of the several Altoona shops for the year 1911. Now, that takes in the division officers, division office clerks, machinists, and under the head of machinists it includes blacksmiths, boiler makers, molders, forge men, etc.; and then come carpenters, and so on, showing various occupations. It is shown here—I want to leave a copy of this.

(The statement submitted by witness is to be found at the end of this subject—Creighton Exhibit No. 1.)

Chairman WALSH. Yes; we would like it; but, if you can, give me the heads, for instance, taking division officers and——

Mr. CREIGHTON. Oh, there are 18 division officers; the total earnings—this, by the way, is the 1911 we have under discussion?

Chairman WALSH. Yes.

Mr. CREIGHTON. Eighteen division officers, and they include all the active heads, from superintendent of motive power and the master mechanic down to the assistant master mechanics, and men of that kind. Those 18 men earned a total of $51,734.10, or $2,874.12 apiece.

Chairman WALSH. What is the highest salary?

Mr. CREIGHTON. The master mechanic. I think he is getting now $400 or $450. I find the rate was $325 per month.

Chairman WALSH. A month?

Mr. CREIGHTON. Yes.

Chairman WALSH. Now, what is the next?

Mr. CREIGHTON. I would not like to say definitely. I would say about $250 or $275 or $300; probably $300 is right.

Chairman WALSH. How many of them get that?

Mr. CREIGHTON. The master mechanic at the machine shops, I think, is getting either $400 or $450; the car shops, about $300. I think I can get that for you accurately.

(The witness subsequently sent to the commission a statement in regard to salaries of certain officers, which appears as "Creighton Exhibit No. 2.")

Chairman WALSH. I don't care, really, so very much, except I would like to get that.

Mr. CREIGHTON. They are getting from $300 to $400.

Chairman WALSH. Now, the clerks.

Mr. CREIGHTON. The division office clerks—there are 172, the total getting $162,315.95. The average yearly earnings per man, $943.70.

Chairman WALSH. What is the highest salary of the clerks?

Mr. CREIGHTON. I haven't got it here in that form, Mr. Chairman, but I will be very glad to give it to you.

Chairman WALSH. Well, I wish you would, if you please. We will take that average, but I wish you would submit that—submit them, say, in those various classes, the maximum, the minimum, and what might be called the medium; for instance, the number that get a hundred dollars a month or those that get $75 a month, and so on. It don't need to be refined to the last analysis, but what the bulk there get, or a general statement of prices, or something of that sort.

Mr. CREIGHTON. Well, here, we have got it right here [referring to a document presented to the witness by a gentleman later called Mr. Hoover]. Is this the Interstate Commerce report?

Mr. HOOVER. No; that is not.

Mr. CREIGHTON. Mr. Hoover, by the way, I should like to explain, is our statistician at Altoona. and he seems to have something with him that I did not know we had here.

Chairman WALSH. Can you get it for us?

Mr. CREIGHTON. Yes.

Chairman WALSH. Mr. Hoover can assist you, then.

Mr. CREIGHTON. This shows we have one man at $400 and one at $212, one man at $205, one man at $192.40, and one man at $128.25. Now, what was the other class, Mr. Chairman?

Chairman WALSH. The clerks.

Mr. CREIGHTON. The clerks; we have one man $141.10.

Chairman WALSH. What is his title?

Mr. HOOVER. He is the shop clerk.

Chairman WALSH. Chief clerk?

Mr. CREIGHTON. Yes, sir; chief shop clerk. And we have 1 man at $128.25, 1 man $109, 2 men at $96.20, 4 men getting $89.80, 8 men $83.05, 10 men at $76.95, 13 men $70.55, 1 man at $69.25, 21 men at $64.15, 33 men at $57.70, 1 man at $54.05, 16 men at $51.30, 1 man at $44.90.

Chairman WALSH. In what capacity?

Mr. CREIGHTON. Now, in addition to that, I might say, Mr. Chairman, that Mr. Hoover calls my attention to the fact that a large number of these clerks are working at an hourly rate. There are 107 of them earning $63.83 per month.

Chairman WALSH. Give us the largest number that get one specific sum per hour.

Mr. CREIGHTON. In that list?

Chairman WALSH. In that 107.

Mr. CREIGHTON. Twenty-one getting 20.6 cents. They work only with the gangs at the shops in which they work. If they work on the 8-hour basis, the clerk works on the same basis, and if they work on the 12-hour basis, the clerk gets 12 hours.

Chairman WALSH. Do they sometimes work less than a day? Are clerks put on and put off less than a day?

Mr. CREIGHTON. Yes; they will go with the local force that they may have.

Chairman WALSH. How long has that system or development been in the shop?

Mr. CREIGHTON. It is to be explained, however, that very seldom will a clerk work less than a half a day.

Chairman WALSH. How long has that been in use in the shops?

Mr. CREIGHTON. That the clerks work at the hourly rate?

Chairman WALSH. Yes; how long a time?

Mr. CREIGHTON. So many years, so far as I know; we have had it an indefinite period. Now, the machinists, that includes blacksmiths, boiler makers, molders, forgemen. There are a total of those of 2,213—this is all our shops now; I am not differentiating between them; 2,213 of those men are earning $2,413,926.10, or $1,090.79 each.

There was something said here yesterday, I believe, about the very low earnings, if I mistake not, of the blacksmiths. Now, I haven't looked at this

list, but probably Mr. Hoover can assist me here to see what the blacksmiths do earn.

We have a total at the Altoona machine shops; there are 15 blacksmiths who earn an average hourly rate of 38.8 cents per hour; I think it was said by somebody that we paid them $1.20 a day.

Chairman WALSH. I recall as low as $1.50 a day was made. What was the lowest? Go ahead.

Mr. CREIGHTON. The lowest we have here on this is 1 man, at 24.4 cents per hour; 2, at 28.2 cents per hour; 1, at 29.5 cents per hour; 1, at 41 cents per hour; and 8, at 48.8 cents per hour. The average earnings per man—I am giving you the hourly rates—are $88.41, the full earning per month. In addition to those men working at the hourly rate that I have given you, we have 119 men working on piecework in that same shop. The average earning of a man engaged in piecework is $123.20 per month. Carpenters, we have a total—and that includes, by the way, cabinetmakers and car repairers—we have 1,388 earning $1,221,859, or an average of $880.30 per year. Then, the shopmen, that includes all the various crafts not included in the above, they amounted to 6,333, earning a total of $4,675,423.75, or an average wage per year of $738.26. Watchmen, 95 watchmen—that is, the police organization which you may have heard of—95 watchmen, with a total earning of $66,255.72, an average wage of $697.43. Engine house men——

Chairman WALSH (interrupting). What was the typical wage paid those men if you can gather from the purpose you have there? How much to each man per month?

Mr. CREIGHTON. There is, one man——

Chairman WALSH. Is that a report of the Altoona shop alone?

Mr. CREIGHTON. That is a report of the Altoona shop, and it is typical, however, of our other shops, the wages are practically the same.

Chairman WALSH. Do the 97 watchmen—does it include the Altoona shops alone?

Mr. CREIGHTON. They include the Altoona shop, the machine shops, the car shops, the Juniata shops, and the South Altoona foundry.

Chairman WALSH. Covering this territory you mentioned a while ago?

Mr. CREIGHTON. Yes, sir.

Chairman WALSH. Give us the average.

Mr. CREIGHTON. We have 1 man, at 29.5 cents per hour; 2, at 21.8 cents per hour; 4 men, at 20.6 cents per hour; 4, at 17.9 cents per hour; 12, at 16.6; 3, at 15.4 cents per hour, a total of 54, earning an average monthly of $56.56, their average rate being 16.7 cents per hour. I don't think I read engine-house men. We have 681, the total earning being $558,247.70, an average wage per man of $819.75. Fuel and water station men, 31; a total wage of $21,888.80, or an average wage of $706.09 per year. And car cleaners, oilers, and so forth—and that, if I mistake not, was mentioned by Mr. Pierce—we have 52 of them, earning $30,230.45, or an average wage of $581.35.

Now, all other employees are classified here under one lot that includes laborers of all kinds and miscellaneous employees. There are 981 earning an average of $748.41.

Chairman WALSH. Can you run through the memorandum you have on the sheet, and give us the average wage to a common laborer; just give us some of them?

Mr. CREIGHTON. We have here about seven classifications of laborers—is that the Interstate Commerce classification or our local classification?

Mr. HOOVER. Our local classification.

Mr. CREIGHTON. The great bulk of them are under the head of laborers, ordinary, so I will read that. One at 44.8 cents per hour; 1 at 42.3 cents per hour; 1 at 41 cents per hour; 6 at 38½ cents per hour; 2 at 37.2 cents per hour; 1 at 34.7 cents per hour; 4 at 32 cents per hour; 4 at 30.7 cents per hour; 5 at 28.2 cents per hour; 3 at 26.9 cents per hour; 28 at 25.7 cents per hour; 34 at 24.4 cents per hour; 24 at 23.1 cents per hour; 13 at 21.8 cents per hour; 85 at 20.6 cents per hour; 31 at 19.2 cents per hour; 20 at 17.9 cents per hour; 229 at 16.6 cents per hour. That is a total of 492 ordinary laborers, earning an average of $52.83 per month.

Commissioner WEINSTOCK. How many hours a day?

Mr. CREIGHTON. That would depend of course upon the manner in which the shop was working. It might be on an 8-hour day, a 9-hour, or 10-hour, or it might be some overtime involved.

Commissioner GARRETSON. What amount of ordinary laborers do you pay; there was a very considerable number of men there between 25 and 44 cents an hour?

Mr. CREIGHTON. Yes, sir.

Commissioner GARRETSON. What kind of an ordinary laborer do you pay $4.40 a day on a 10-hour day?

Mr. CREIGHTON. I presume, Mr. Garretson—I couldn't tell you, personally, what this ordinary labor is that gets 44 cents per hour.

Commissioner GARRETSON. That is the maximum that is named there?

Mr. CREIGHTON. Yes, sir; and I think it is inclusive simply of the classifications of men for convenience of the report.

Commissioner GARRETSON. There were a very considerable number of men above 25 cents per hour?

Mr. CREIGHTON. Yes, sir.

Commissioner GARRETSON. And all the way up to 44 cents per hour?

Mr. CREIGHTON. Yes, sir.

Commissioner GARRETSON. That is an utterly unusual rate for an ordinary laborer.

Mr. CREIGHTON. It don't seem to be here; here is the report, sir.

Commissioner GARRETSON. I am not taking your situation; I am taking the situation in general.

Mr. CREIGHTON. Well, it depends on——

Commissioner GARRETSON (interrupting). What is it you pay your highest skilled mechanic laborer, 44 cents?

Commissioner WEINSTOCK. May they not be gang foremen?

Mr. CREIGHTON. Oh, no; the men are all classified. There is no question about them being laborers of some kind or another.

Commissioner AISHTON. Are any of them laborers on piecework basis?

Mr. CREIGHTON. No, sir; not those that I mentioned. I have some there; if you desire I can read it—an ordinary laborer—we have 87 pieceworkers earning $69.47 a month. I would like, if it is the desire of the commission, to file with you a statement showing exactly the character of service performed by these laborers at their various rates.

(The witness later submitted a statement in regard to laborers, which is printed as "Creighton Exhibit No. 3.")

Chairman WALSH. In times of retrenchment, Mr. Creighton, what governs the selection of the men that are laid off?

Mr. CREIGHTON. When there is a reduction of force we scan very carefully all the lists and retain in the service the most loyal and efficient employees.

Chairman WALSH. In matters of discipline, is there any appeal from the action of the specific foreman who discharges the man?

Mr. CREIGHTON. There is always an appeal on the line of the Pennsylvania Railroad in that every employee, whether represented by an organization or not, can appeal to his superior, and in turn, through the various ranks until he reaches the general manager. There is no restriction whatever on the matter of appeal on the part of an employee, the best evidence of which is that the general manager just now, through his labor board, is entertaining appeals in some 50 cases on the part of one of our organizations, some of them having been decided three times, but they are introducing new evidence, and we rehear them whenever they have new evidence. There is really no limit to appeal on the part of any of the employees.

Chairman WASH. Coming up to the strike of 1911, what arms or weapons did the company have on hand, if any, at Altoona?

Mr. CREIGHTON. I do not remember that they had any on hand at all.

Chairman WALSH. Did they manufacture or purchase any, Mr. Creighton?

Mr. CREIGHTON. No, sir; not as far as I recollect. My recollection is—and this, of course, will have to be verified later by evidence probably of Mr. Harper—but my recollection of that circumstance is that we secured those weapons from the purchasing agent's office in Philadelphia, who keeps them during times of peace or stored in Philadelphia for use whenever they may be needed.

Chairman WALSH. What do the weapons consist of that you got from the purchasing agent?

Mr. CREIGHTON. Revolvers.

Chairman WALSH. And clubs, or anything else?

Mr. CREIGHTON. No. The ordinary club is simply a policeman's club, which can be turned out at any shop in a moment, and is only to be used for the purpose of defense, and they are furnished to watchmen on the premises.

Chairman WALSH. Did you manufacture any preceding or during the strike of 1911?

Mr. CREIGHTON. They are always manufactured. They are just ordinary maces or clubs about that long [indicating], and it is cheaper for us to turn them out of the timber that we have about the place, and they are used like a policeman uses his club in the hand.

Chairman WALSH. Was there any increased manufacture of them at that time?

Mr. CREIGHTON. No; there is no manufacture, except at a time like the strike of 1911.

Chairman WALSH. How many were manufactured then, if you know?

Mr. CREIGHTON. Oh, I don't know. There could not have been very many, because I would assume that our total police force there would not have exceeded 200 or 250 men.

Chairman WALSH. Did you ask to have the State constabulary brought in in 1911?

Mr. CREIGHTON. No.

Chairman WALSH. Did you make that suggestion to anyone?

Mr. CREIGHTON. I did. I told Mayor Hoyer at the time of this particular excitement—and that, by the way, was during the strike, when the crowds were surging through the streets in front of our office on Eleventh Avenue, in the heart of the city, in such numbers that the street cars could not run, and there still seemed to be the feeling on the part of the mayor that there was no real reason for anticipating trouble, and yet one could not get across the street without being carried off his feet. I told him that if he could not take care of us that there was, we hoped, a remedy in the State constabulary, and that I would have to appeal to some one to take care of the property.

Chairman WALSH. You heard the statement of the former mayor in regard to this Luther-Gallagher matter. I want to ask you a question or two about that.

Was Luther, who was charged with assaulting Gallagher, an employee of the Pennsylvania Railroad Co. in any capacity at the time it occurred?

Mr. CREIGHTON. I would like to read a little statement which I wrote last night which, I think, will in a very few words——

Chairman WALSH (interrupting). Could you answer that question yes or no?

Mr. CREIGHTON. He is an employee of the Juniata shops, as an officer in no way connected with the Pennsylvania Railroad Co. This squabble, or whatever it might be termed, was entirely foreign to the strike, and its introduction was entirely wrong. In so far as we are concerned, the officers of the Pennsylvania Railroad Co.——

Chairman WALSH (interrupting). One moment, please. Was Luther a county detective at the time?

Mr. Creighton. Luther was a duly elected constable of the borough of Juniata.

Chairman WALSH. What did he do in the Juniata shops?

Mr. CREIGHTON. I can not tell you. If I mistake not, he was a laborer.

Chairman WALSH. An employee?

Mr. CREIGHTON. Yes; an employee in the Juniata shops.

Chairman WALSH. And had been constable for some time at the time this occurred, had he?

Mr. CREIGHTON. For I year, I think. Constables are elected for a year.

A VOICE. For five years.

Mr. CREIGHTON. Whatever it may be.

Chairman WALSH. You may proceed and read any statement you have, Mr. Creighton.

Mr. CREIGHTON. I have just written a number of little explanations here, which I feel I would like to call to your attention in connection with the mayor's evidence of yesterday [reading]:

"There are a number of Mayor Hoyer's comments which, so far as I am concerned, need correction, or explanation, in order that their true import may be understood.

"With reference to the Gallagher case, I wish to state that it should be clearly understood that this case should in no wise have been introduced into this testimony. The man Luther charged with the attack was an ordinary employee of our Juniata shops, and was not a member of our police force, although he was a duly elected constable of the Borough of Juniata. The man Spangler referred to as standing near at the time, was a county detective. He was not in the railroad company's employ.

"The attack upon Gallagher was attributed at the time to various causes. He charged it to the railroad company's officers. Mrs. Luther, it was reported in the papers, copy of which I herewith submit in evidence, stated that Gallagher had insulted her. When this fact was made known to her husband, he took his wife to their home in Juniata and returned to the Senate Hotel and attacked Gallagher, no doubt using him up badly. The presence of our officers on the pavement and in the vicinity of the Senate Hotel within sight of this occurrence is readily explained by the fact that under my orders, for the purpose of knowing every movement of the organizers, some of our officers kept the organizers under surveillance all the time, and were there for that purpose.

"You will note that Mayor Hoyer does not charge our men with participation in the assault; as a matter of fact, so far as the P. R. R. was concerned, the occurrence was nothing of interest to us, and was the ordinary street brawl following a personal squabble."

That is strictly true.

Chairman WALSH. Have you those newspapers to which you have referred?

Mr. CREIGHTON. Yes; they are here.

Commissioner O'CONNELL. Is that the conclusion of that portion you want to read?

Mr. CREIGHTON. No; I want to read some more, but I want to make some comments on some other statements made by the mayor. That is the end, however, of this particular instance.

Commissioner O'CONNELL. Do you know that Mr. Gallagher died shortly after that incident?

Mr. CREIGHTON. I do not.

Commissioner AISHTON. It was stated in some of the papers this morning that Gallagher did get well.

Mr. CREIGHTON. I really don't know whether he did or not.

Commissioner AISHTON. The fact is that he did die shortly after that time.

Mr. CREIGHTON. It may be so; I am not clear; I really do not know a thing about it.

Commissioner O'CONNELL. If the Pennsylvania Railroad Co. were not interested in that particular incident at all, what about the statement made by this ex-Mayor Hoyer, that the officers of the Pennsylvania Railroad Co. came to him for the purpose of interesting him in "letting up," as he termed it, on the prosecution of the men who had assaulted Gallagher? He referred to the master mechanic or superintendent of motive power of the Altoona shops, coming to him personally, and saying that the judge had been fixed, that the district attorney had been fixed, and that the prosecution was fixed, and everything fixed but the mayor. Now, why should the Pennsylvania Railroad Co.'s officials interest themselves, if the statement is true that they had fixed everybody but the mayor to "let up" on the assailants of Gallagher, if they were not interested in it at all?

Mr. CREIGHTON. I read that portion of the testimony last night about 8 o'clock when we got our transcript of the notes, and was then impressed by what the mayor had said. As a matter of fact, I had not personally noted that. I must have been out, because if I were here I certainly would have asked to have some questions put to him at the time. I immediately called Mr. Reading on the long-distance telephone and read to him this portion of the testimony of the mayor and he stated unqualifiedly that he had never said anything of the kind to Mayor Hoyer, and both of us who know the judge know very well that a person who would have endeavored to do anything of that kind would have received very short shrift. He is an exceedingly upright man, and no one in the community would think of charging him with being a party to any "fixing." I am inclined to think that the "fixing," or the use of that term on the part of the mayor, was an inadvertence and really not intended in the sense that one would ordinarily attribute, or use that term. It sounds harsh, and it reads very harshly in the minutes, I will admit; but certainly Mayor Hoyer would not for a moment think of accepting as true a statement of that kind from anybody, and I can assure you that there was nothing of that kind possible. Secondly, there was no attempt, nor have we ever attempted, to fix the court or fix any officer to settle any dispute we ever had with labor.

Commissioner O'CONNELL. Do you think that the mayor, on a matter of such great importance as agreeing to discontinue any efforts of prosecution of a man whom he says personally was a criminal because of the vicious treatment of a man he felt was viciously treated, that he would have said before this commission that a certain person—a well known officer of your company, in

charge of the Altoona shops, the superintendent of motive power, and known by everybody—that the mayor would have been mistaken to the extent of saying he had come to his office, if he had not?

Mr. CREIGHTON. I do not know what reply to make to that, sir, except to say, as I told you, I called my office on the phone last night, long-distance phone, and read the notes to him, just as they appear in the—just as he stated there, and he unqualifiedly stated that he never said anything of the kind to Mayor Hoyer.

Commissioner O'CONNELL. Did he indicate that he did not make an appeal to the mayor? For instance, if not to "let up," to let the man come back to town, or that he did not call up the mayor at all?

Mr. CREIGHTON. There were constant interviews with Mayor Hoyer, as indicated in his evidence yesterday; there was not a day that passed by during this agitation that I did not have the mayor and his chief of police, A. D. Clark, the representatives of the newspapers, and prominent citizens in my office. There was constant intercourse with the mayor, and it was not unusual that they appeared there twice a day. At those times it is possible that any matter of that kind might be up for discussion. I can assure you personally that I never had any discussion with him about the Luther case; it did not interest me, except that I regretted it occurred at the time of this disturbance.

Chairman WALSH. Might I suggest, as we expect to close on this subject to-day, that you take that statement of Mr. Hoyer and have this gentleman who is involved make an affidavit covering that matter? And state the substance of it as he remembers it and let it be filed here.

(See Chenery exhibit at end of this subject.)

Commissioner O'CONNELL. Luther was never tried after he came back, was he?

Mr. CREIGHTON. That is in the report; I can not tell you of my own knowledge whether or not he was.

Commissioner LENNON. I would like to have come into the record from some source whether Luther was tried, and if not what disposition was made of the information that was filed against him by the chief of police; how it got out of court.

Chairman WALSH. The court record shows that the prosecuting witness failing to appear the case was dismissed.

Mr. CREIGHTON. I personally do not know anything about that.

Commissioner AISHTON. Who was the prosecuting witness?

Chairman WALSH. Gallagher.

Commissioner AISHTON. He is dead; that is not a matter of record as to his death?

Chairman WALSH. No.

Commissioner O'CONNELL. It is not a matter of record?

Mr. CREIGHTON. It is not a matter of record with us; he did not die immediately after the accident, and apparently did not die for some time afterwards.

Chairman WALSH. Will you look after that matter I suggested, Mr. Creighton?

Mr. CREIGHTON. I did not have anything to do with that.

Chairman WALSH. I thought you might like to have procured the affidavit of the gentleman who was involved in that and have it put in the record.

Mr. CREIGHTON. Yes; but I would suggest, in order there may be a fair presentation of the case to you, that you ask the mayor to get his; they tell me there were two. In talking about this to Mr. Reading he told me there were two charges against Luther; one was the ordinary city charge for—I can not tell you what the charge was.

Chairman WALSH. Fighting, the paper says.

Mr. CREIGHTON. And he was fined; and then the Commonwealth charge. He was brought before a magistrate.

Chairman WALSH. Do you know anything about a charge that any officer of the Pennsylvania police hid the defendant away from the officers?

Mr. CREIGHTON. I know nothing about this case other than what has appeared there in the newspapers and what I have already stated to you.

Chairman WALSH. How many of the men of the 573 were still out when the meeting in the schedule room took place?

Mr. CREIGHTON. What meeting do you refer to?

Chairman WALSH. There was testimony by the mayor that you had a meeting in the schedule room, in which he made certain requests of you.

Mr. CREIGHTON. That is the reason I asked you to ask him those questions yesterday. I couldn't understand from his testimony what date he referred to.

Chairman WALSH. Let us assume that the strike started on Monday.

Mr. CREIGHTON. I think it started Wednesday.

Chairman WALSH. Well, maybe we can not get at that at all.

Mr. CREIGHTON. May 31, 1911, if anybody knows what day that was.

Chairman WALSH. Do you recall a conversation that you had in which Mayor Hoyer was present, in which he asked you to take back the men, and that conversation occurred the evening of the day indicated by your company, after which none of the men would be taken back?

Mr. CREIGHTON. Then that was on Friday.

Chairman WALSH. Do you remember such a conversation?

Mr. CREIGHTON. I remember of such conversations with him there.

Chairman WALSH. Do you know of one of the evening of that day?

Mr. CREIGHTON. I would not like to say, because, as I told you, at this time we were together sometimes until 1 and 2 o'clock in the morning, and we were almost in each other's company constantly.

Chairman WALSH. How many of the 573 men returned to work?

Mr. CREIGHTON. I don't know that I have any detailed statement to that effect.

Chairman WALSH. Could you approximate it?

Mr. CREIGHTON. How many returned to work?

Chairman WALSH. Yes, sir; of the 573 that went out.

Mr. CREIGHTON. I think in total, at the end of the trouble there, there were about 250 that did not come back.

Chairman WALSH. Please tell us what you know of the movements of those men after leaving your company.

Mr. CREIGHTON. I don't know anything about it.

Chairman WALSH. Do you know what became of them?

Mr. CREIGHTON. It seems that we have had appeals from a number of them that desired to be restored to the service of the company.

Chairman WALSH. Did yourself or any officer of the company to your knowledge make any effort to prevent them from securing employment elsewhere than in Altoona?

Mr. CREIGHTON. No, sir.

Chairman WALSH. When they sought employment in other States or other cities, what answer did you make when they referred to you or when you were called upon to give them a service letter?

Mr. CREIGHTON. I can not say that it ever came to my knowledge that any of these men asked for service cards to be presented to employers elsewhere.

Chairman WALSH. Do you recall, Mr. Creighton, having answered inquiries in other places, or would you do that?

Mr. CREIGHTON. It would not be me; some one of my subordinates possibly, or the man in charge of that particular man.

Chairman WALSH. What would the service card show in a case of this kind, or do you give any specific directions in respect to that?

Mr. CREIGHTON. No, sir; I give no directions whatever.

Chairman WALSH. What would the ordinary service card show, that they went out on a strike?

Mr. CREIGHTON. It would show exactly the cause for being relieved.

Chairman WALSH. What would it show?

Mr. CREIGHTON. In this case?

Chairman WALSH. Left on a strike or resigned, or what?

Mr. CREIGHTON. I don't know in this case, because I don't know what we would attribute the man's leaving the service to. There are a number of causes assigned for leaving the service under the general head of a strike; there are lots of things incident to the strike. A man might have been extremely beligerent, or done something to the company's property, which might be specifically designated under some particular head. We have always been very truthful in our statements of the reason of a man leaving our service, leaving him to use his service card as he desires.

Chairman WASH. The information that you have on these cards, with reference to these men, is it given to anyone else—any other corporation or person?

Mr. CREIGHTON. No, sir; they are given to the employee himself upon his request, or, if he signs an application with an employer with whom he desires to secure work, that is received by us in the ordinary mail and we reply to it, upon the feeling on our part that his signature is his veritable signature.

Commissioner GARRETSON. Under the reference system, Mr. Creighton, if these men apply to another railway company—I am not carrying it further than a railway company—for service under their system of reference, if they come back to you for a verification?

Mr. CREIGHTON. We give them no information whatever unless the individual himself requests it. We do not furnish information to any other railroads, Mr. Garretson.

Commissioner GARRETSON. Does not the ordinary form of application blank used in the transportation service in itself request of you to furnish that information?

Mr. CREIGHTON. Yes, sir.

Commissioner GARRETSON. And in every case, then, it is given?

Mr. CREIGHTON. It is not, sir.

Commissioner GARRETSON. It is not?

Mr. CREIGHTON. Not on our railroad. We do not furnish information of that character except upon the personal appeal of the applicant.

Commissioner GARRETSON. Transmitted directly through you or——

Mr. CREIGHTON (interrupting). Left with the employee. If he asks that his record be transmitted, we transmit it.

Commissioner GARRETSON. Does not the standard form of application embody that request that the man signs?

Mr. CREIGHTON. I can't tell whether it does or not; it depends entirely upon the railroad to which he is applying for employment. There are different forms for it; if his signature is on his application for employment requesting us to furnish his record to this railroad, we will, of course, furnish it; but if not, we would not do it. We do not comply with requests of an officer of any railroad for the service record of an employee unless that employee asks for it.

Commissioner GARRETSON. The idea being that is a legal relief?

Mr. CREIGHTON. It is certainly not customary; I can not tell you whether it is illegal or not.

Commissioner GARRETSON. Did you use brake clubs on your division?

Mr. CREIGHTON. Yes, sir.

Commissioner GARRETSON. What resemblance is there between a brake club and these wooden billies?

Mr. CREIGHTON. Personally I can not tell you, unless it is a little longer than the mace or club that is here designated as an officer's club.

Commissioner GARRETSON. A brake club would make an excellent riot club?

Mr. CREIGHTON. I imagine it would.

Commissioner GARRETSON. Now, in the statement I notice, as well as in the verbal testimony of yourself and Mr. Hoyer, you issued a letter to the pastors of the town in regard to exercising, according to their judgment, their efforts in a certain direction. Do you believe that the influence of the pulpit, regardless of what the faith may be, is a legitimate weapon in either political or industrial trouble?

Mr. CREIGHTON. Mr. Garretson, under the circumstances that existed at that time, we felt that we were acting properly in using or attempting to use any influence at our command to avoid trouble. We had, as I recited yesterday, and I desire to repeat it to-day, endeavored to keep in touch with every interest in the city of Altoona in this trouble, and the action taken was largely the joint action of the various interests involved. It was not just publicity features and the issuing of statements and appeals to the public, and this appeal to the pastors was not my personal conclusion entirely. It was the result of these meetings which I had with these people in the community. I say frankly to you that I don't believe that there was a strike conducted with a greater deference to public opinion than that was.

Commissioner GARRETSON. Deference on whose part?

Mr. CREIGHTON. On my part.

Commissioner GARRETSON. How about the other party, the strikers themselves, did they show proper regard for public opinion?

Mr. CREIGHTON. You know what my opinion of that would be, of course——

Commissioner GARRETSON (interrupting). Let's follow this pastor business through a little bit further. In one case that appeared before this commission it was made perfectly apparent that unless the preachers in communities dominated by the corporations preached the gospel according to the tenets laid down in the manager's office he ceased to preach. Would you consider that legitimate?

Mr. CREIGHTON. By no means, sir.

Commissioner GARRETSON. What is the difference, except in degree, betwee attempting to influence by communication the pastors of the churches or to b in a position where the screws could be put on?

Mr. CREIGHTON. I would answer that by saying that had I been a pastor an appealed to in an instance of that kind, I should have represented to m parishioners what I thought to be the possible outcome of an unusual gatherin such as there might have been incident to this agitation. We were probabl more interested and more fearful—I use that term in the proper sense—tha something might happen. Here was a holiday or Sunday when there was noth ing going on and there were nearly 12,000 shop employees who might attend meeting of that kind; and, with the possibilities of some excitable individua starting trouble, there is no limit to what might happen. We had the experi ence of 1877 at Pittsburgh. It was only a matter of five minutes that th whirlwind struck Twenty-eighth Street and then on down to the Union Station and we had more at stake at Altoona than in 1877 at Pittsburgh, and a ver small incident started the trouble there. Now, I asked these gentlemen to us whatever influence they had at their command with the parishioners not t gather at these meetings and to be peaceful and orderly. I talked to some o them on the telephone and I used every persuasion at my command to accom plish what I was after to avoid trouble. I felt it was right, and I still feel i was right.

Commissioner GARRETSON. Would you have considered it right if those organ izers had used exactly the same tactics and had been able to influence ever pastor in the city to advise his parishioners to go out on strike and to go t these meetings? What, then, would have been your opinion?

Mr. CREIGHTON. I would have used more strenuous efforts to have overcom their persuasion.

Commissioner GARRETSON. You would have called on the mayor to do som more arresting?

Mr. CREIGHTON. I would have done everything I could to offset it.

Commissioner GARRETSON. In other words, we had before this commission minister of the gospel who testified that he did not have a single laboring ma in his congregation, but that he was approached by a business association of th town and notified that unless he withdrew a certain statement that he had mad in a sermon in regard to a labor difficulty that was on in the town that h would be driven from his parish. Would that be the next step that was justi fiable, in your opinion, in attempting to influence the pulpit?

Mr. CREIGHTON. No, sir.

Commissioner GARRETSON. You would not have any sympathy with that?

Mr. CREIGHTON. I certainly would not.

Commissioner GARRETSON. You would not go any further, then, than mora pressure?

Mr. CREIGHTON. I would not go any further than asking for the moral sup port of the people of the community. We acted very largely upon the advice o these people that I have already mentioned as being in consultation with. made no effort to make a move without first having some—having the same ap proved by these people. If you recollect, in my original testimony yesterday mentioned the different interests I had secured for this meeting. I wanted t make certain that I would not be placed in the position which apparently th mayor tried to place me yesterday. I say this very frankly. I don't say don't think he was doing right from his standpoint, but I do say that I ha here the representatives of the board of trade and had the newspaper men an had the mayor and the chief of police, and I had in addition to the representa tives of the board of trade a number of business men who were not on th board of trade, and nearly all the walks of life were represented in that pre liminary meeting and, I may say, any subsequent meetings. This initial meet ing was simply a representative meeting of the meetings that were occurrin every day in my office.

Commissioner GARRETSON. There were no elements in that meeting, either press or business, who were in any way influenced by your company or whos interests lay along the same lines as your company? They were just as open to influence by the other side, were they?

Mr. CREIGHTON. Yes; certainly.

Commissioner GARRETSON. Both the press and the commercial interests?

Mr. CREIGHTON. Certainly, sir; but it is well to state what you can readily appreciate. Here is a town that is practically dominated by the Pennsylvania Railroad in the sense that it is all Pennsylvania Railroad. There is not an

influence there but what ought to be with us in sentiment and feeling and to work with us.

Commissioner GARRETSON. That is, in your opinion, they ought to.

Mr. CREIGHTON. Why, certainly; they are our own employees, and they are loyal if left to their own devices. I would like to say in this connection that here is an instance—there were 11,500 men peacefully pursuing their work in the city of Altoona, and as a matter of aggression about 15 organizers came to our town for the sole and express purpose of crippling us at Altoona in order to make successful the strike at Pitcairn, on the western division. That was the whole scheme of operation. Now, here was a peaceful community, fifty some thousand people practically represented by our employees. We have at least 5,000 more employees than the shop employees—that is, the trainmen living in the town and men engaged in the yards, and so forth—that are not included in our shop employees. Here were fifteen or sixteen thousand men invaded by that small body of agitators who endeavored to create the unrest which has been discussed here, and our effort was to prevent that for business reasons, at least. In the normal operation of the railroad we are required to maintain and have our duty to the public, and we in this case fortunately were able to carry that out; but we used only legitimate means. So far as influencing the community is concerned, here is a peculiar situation at Altoona, and you can readily see that in a one-industry town certainly every industry or every walk of life is interested with us, or should be if we are operating properly, and we hope we are.

Commissioner GARRETSON. Therefore you took no chances in associating these two elements with you to receive your desires?

Mr. CREIGHTON. Which two elements?

Commissioner GARRETSON. The business element and the press.

Mr. CREIGHTON. I should—I say we had them right with us.

Commissioner GARRETSON. Well, I say you were perfectly sure of their agreement with you?

Mr. CREIGHTON. Certainly; because they were all advisers in this course.

Commissioner GARRETSON. And they were advising you for what you considered and what they considered their own interest in the course you took?

Mr. CREIGHTON. Generally, you know, we are selfish.

Commissioner GARRETSON. Sure; that is the only certain thing you can bank on.

Mr. CREIGHTON. In life; yes.

Commissioner GARRETSON. Now, you say these men came and created unrest. Is that correct, or was the unrest there and these people simply furnished the channel for its expression?

Mr. CREIGHTON. There was absolutely no unrest in the city of Altoona. It was peaceful there then as to-day.

Commissioner GARRETSON. Isn't there one difference? To-day it may be like the peace of God—it passeth all understanding?

Mr. CREIGHTON. Yes.

Commissioner GARRETSON. Or the kind you find in a cemetery?

Mr. CREIGHTON. Yes.

Commissioner GARRETSON. But was it the same kind of peace before 1911?

Mr. CREIGHTON. It certainly was. It is best evidenced by the statement made in one of these books—I have forgotten which one—that during this strike there were 5,000 of our own employees openly and publicly protested against the presence of these agitators in our community, and of their own volition hired the opera house and had a meeting, openly protesting, by personal speech and otherwise, the presence of these people in the community. The men were not dissatisfied.

Commissioner GARRETSON. None of that was inspired by the foremen?

Mr. CREIGHTON. Absolutely none of it.

Commissioner GARRETSON. Absolutely spontaneous?

Mr. CREIGHTON. Absolutely spontaneous; I want to say that.

Commissioner GARRETSON. They had no trouble, then, getting a meeting place?

Mr. CREIGHTON. Who?

Commissioner GARRETSON. This meeting for spontaneous expression?

Mr. CREIGHTON. Certainly not. Our campaign had not been started. If it had been, they would not have gotten any meeting place contrary to our authority.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Aishton would like to ask you some questions.

Commissioner AISHTON. Mr. Creighton, your official position is general superintendent of the Pennsylvania Railroad at Altoona, is it not?

Mr. CREIGHTON. Yes, sir. I have six of the superintendents of divisions of the lines east of Altoona, Philadelphia to Pottsville, and the coal branches.

Commissioner AISHTON. And you are the recognized authority of the Pennsylvania Railroad in that territory on all matters pertaining to the operation and conduct of the railroad company's affairs?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. You heard Mayor Hoyer's testimony yesterday? I think he said that one point of difference between you, where you first got crosswise, was on the matter of your trying to incite a riot in Altoona by requesting him to arrest people without a warrant when they were peaceably conducting their business. Have you anything to say in answer to that?

Mr. CREIGHTON. Yes, sir. I, in a general way, as previously expressed—Mayor Hoyer and myself differed, as the testimony in the case shows, very widely on the possibilities of difficulty at Altoona. At the time of the strike, the afternoon of the strike, there were gatherings in unusual numbers on the streets. The strikers were in—they actually occupied the street in front of my office from curb to curb, so that the street cars could not run. The mob carried everything before it between the Senate Hotel for four blocks east, and the meeting place——

Commissioner AISHTON (interrupting). What do you mean by "carried everything before it," Mr. Creighton?

Mr. CREIGHTON. Why, just simply rushed——

Commissioner AISHTON (interrupting). Wiped the people off the street?

Mr. CREIGHTON. Wiped the people off the street.

Commissioner AISHTON. Stopped the street cars?

Mr. CREIGHTON. Stopped the street cars; and they filled the streets from house line to house line. Now, this is no romance; it is the real fact that I am telling you; what actually did occur——

Commissioner AISHTON (interrupting). I think that is what the commission desires to know.

Mr. CREIGHTON. I do not care to invest it with any inflammatory language at all. I am simply stating the facts as they were. At that time, as soon as we saw that condition of affairs, I asked the presence of the mayor and the chief of police, Mr. Clark, and after a little while they came to my office; came in through the back way, because they would not have been able to get through the front; and I called their attention to this condition of affairs—that if it was allowed to go on there was no limit to what might actually occur—and we had a good many men to protect our property, but we were, as I stated before, vulnerable, because of the large front we had to protect; and I felt that we ought to have some action on his part. I was not able to get any action, as previously expressed. It was clearly a case of lack of appreciation of the dangers incident to the gathering of the large crowd and the possibility of a spark igniting the whole people.

Commissioner AISHTON. What were these men doing that were gathered in the street?

Mr. CREIGHTON. Well, the usual things that a crowd of that kind do. They were following first the organizers, who were leading them from point to point in defiance of the mayor's command not to speak on the public streets.

Commissioner AISHTON. Had the mayor issued such a command?

Mr. CREIGHTON. He had notified them that they could not speak. He informed me that he had notified them that they could not speak on the public streets; and, notwithstanding that fact, they erected stands and they spoke on the public streets. He notified them they could not parade, and they defied him and paraded. We requested—these parades were participated in by 600 to 1,000 or 1,100 people on several days, and they would gather outside of the city on the public thoroughfares and then march into the city in formation. And I begged him that he would meet them at the city line and tell them to disperse or disperse them, because of what I again repeated that I thought it was a very serious menace to the peace of the community. He refused in every instance, stating it was a peaceful parade, and so forth. Fortunately, it did ultimately develop that no difficulty occurred, but the possibilities were there.

Commissioner GARRETSON. During all this parade, in your opinion and in your judgment, and under the circumstances, there was danger of a general conflagration and riot?

Mr. CREIGHTON. There was that danger; and my appeal to the mayor was simply from the sentiment and appeal of citizens I have just mentioned to you who were all in my office at the very time. There was one night when things were extremely acute, and I begged of the mayor to issue a riot order and disperse the people who were on the street, and he continued to refuse; and that was the night I told him we would be forced to call on the governor for some help if he could not take care of it himself.

Commissioner AISHTON. What action was taken by the mayor then?

Mr. CREIGHTON. Well, finally he issued some sort of notice and had it posted throughout the town, and they did disperse—that did disperse the crowds, along about 2 o'clock in the morning. Now, my appeal to him was the appeal of these people with whom I was then in consultation. It was not a personal matter. This thing, I am frank to state to you gentlemen, it was not my own thought. It was the combined effort of everybody with whom I was in consultation and who at various times every day were in my office.

Commissioner AISHTON. That is, citizens of the town?

Mr. CREIGHTON. Citizens and representatives of the newspapers and board of trade.

Commissioner AISHTON. Mr. Hoyer testified yesterday, I believe, that Altoona had a population of 52,000 people, and that their police force consisted of either 42 or 51 men, or something like that.

Mr. CREIGHTON. Say, 50 men.

Commissioner AISHTON. Was there any increase made in this police force during all this time of apparent public disturbance?

Mr. CREIGHTON. No.

Commissioner AISHTON. There were no men employed?

Mr. CREIGHTON. No.

Commissioner AISHTON. Any request made on the mayor to increase the force?

Mr. CREIGHTON. Yes, sir; I made that request.

Commissioner AISHTON. That he afford additional police protection?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. Was any furnished?

Mr. CREIGHTON. No, sir.

Commissioner AISHTON. None was furnished by the city?

Mr. CREIGHTON. None was furnished by the city. No, sir; no increase in his organization.

Commissioner AISHTON. No; this 42 or 51 men, whatever it was, was the only protection?

Mr. CREIGHTON. That is all there was.

Commissioner AISHTON. The only protection afforded by the mayor and the city to your company?

Mr. CREIGHTON. That is all.

Commissioner AISHTON. I believe you stated there were 7 miles of front—that is, that your shops extend all along the river there, or valley——

Mr. CREIGHTON. Along the railroad.

Commissioner AISHTON. For a distance of 7 miles?

Mr. CREIGHTON. Yes.

Commissioner AISHTON. How much of that 7 miles is in the city limits?

Mr. CREIGHTON. About 3 miles of it.

Commissioner AISHTON. Leaving about 4 miles of it outside the city limits?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. That, I suppose, is the usual shop layout, buildings, repair tracks, switching tracks, and everything of that kind? Is it crossed by grade crossing providing an outlet and access?

Mr. CREIGHTON. No; no grade crossing.

Commissioner AISHTON. How many bridges are there?

Mr. CREIGHTON. Two bridges east of the city and three street bridges and one footbridge in the city.

Commissioner AISHTON. Are those bridges owned by the city, crossings from outside in the shop ground, or owned by the Pennsylvania Railroad?

Mr. CREIGHTON. The bridges themselves are owned by the city, and we have a right to enter them from our premises to the street.

Commissioner AISHTON. From any city public bridge there is a right of exit; that is, an elevated structure?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. Now, I understand there was some trouble on some of these bridges; I think the mayor testified there was trouble on one bridge,

and the question was asked by the chairman this morning about this picketing, and whether these men were making requests. Now, at the time that these men created the disturbance on the bridge, the whole shop operations were in progress on the ground underneath, were they not; on your repair tracks, and so forth?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. How many men were working in there without thought of striking, or without striking, not counting the conductors or trainmen or engineers?

Mr. CREIGHTON. These men that we referred to were the employees in the erecting shops.

Commissioner AISHTON. I don't refer to that particular shop, but in your entire shop proper; how many men were going on with their usual work?

Mr. CREIGHTON. I suppose twelve or fifteen hundred in the yards at different places.

Commissioner AISHTON. There were twelve or fifteen hundred in the yard?

Mr. CREIGHTON. Yes, sir; and on the repair track and where they sorted metal and places of that kind.

Commissioner AISHTON. And also in your shops; does that include your machinists and boiler makers, and so forth?

Mr. CREIGHTON. Oh, no.

Commissioner AISHTON. These men were working at this time?

Mr. CREIGHTON. In the shops?

Commissioner AISHTON. Yes, sir.

Mr. CREIGHTON. Oh, we had 11,500 men working in the shops.

Commissioner AISHTON. That is what I wanted to bring out; you had 11,500 men working in that 11-mile stretch at their usual occupation?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. How many strikers were there, approximately? I think you said 800.

Mr. CREIGHTON. Yes, sir; about 800.

Commissioner AISHTON. The men that were on the bridge, that were making these requests and taking this other action, were the strikers or their representatives?

Mr. CREIGHTON. They were there in sympathy with the organizers, and upon the organizers appealing to them they preached to them over the railing of this footbridge. This is a footbridge that has been spoken of.

Commissioner AISHTON. What did these men on the bridges do? You said they threw some missiles?

Mr. CREIGHTON. Now, this particular instance was a little different from the others, but on these bridges we had as many as five or six hundred men collected at times. Well, where we have our eastbound repair yards, and at a point where the stairways went down from the bridges.

Commissioner AISHTON. Were they making peaceable requests to those men to stop work?

Mr. CREIGHTON. Not very peaceable.

Commissioner AISHTON. Explain to the commissioners; some of them are inexperienced in that kind of things, and I would like to have them know.

Mr. CREIGHTON. The bridges were public thoroughfares, and the men would gather on them and fill the bridges and congest them so that our men could not get to their work; could not use the stairways that led down to the ground where they were employed in the car repairing, and trackmen, and so forth.

Commissioner AISHTON. Had they used any abusive language to your knowledge?

Mr. CREIGHTON. Oh, yes, sir; it is what is customary.

Commissioner AISHTON. Did they call them scabs and scratch on their arms?

Mr. CREIGHTON. Sometimes.

Commissioner AISHTON. And when those names were used they would lead to personal assault?

Mr. CREIGHTON. Possibly.

Commissioner AISHTON. That actually took place, did it, on this occasion?

Mr. CREIGHTON. Yes, sir; it had taken place constantly, and this force of deputies of about 50, which I had as a mobile force to be moved from one point to another, was the only force I had at my command to disperse this crowd of people, outside of the city limits.

Commissioner AISHTON. These occurrences—I just want the commission to have a mind picture of what was really going on there, and as evidencing the necessity or the wisdom of your requesting the mayor for some kind of action

to stop that kind of thing, and if there is anything more on that line that the commission ought to know, I would be very glad to have you state it.

Mr. CREIGHTON. I want to state, as far as the outlying conditions were concerned, we did get ultimately the active support of Sheriff Orr, who swore in at our request fifty-some deputies, and he personally was in charge of those deputies at our headquarters at Twelfth Street, holding them there in readiness to take them in our automobiles, which have been referred to, to any point of expected attack, and he was the man that we largely depended upon for protecting us at points outside of the city limits. We got no protection whatever inside of the city limits except the customary passive protection on the part of the mayor, who would send to our shop gates, of which we had probably 15 or 20, a number of his officers, who would stand by placidly and say nothing or do nothing actively to protect us. We, on our part, had to preserve at those gates an extremely large force, because we could not go out in the streets and could not get to our work, but in the outlying thoroughfares this force that I have spoken of, it would be taken to a place such as has been indicated, where a crowd was gathered, and interfered with our men, and the sheriff with his deputies would clear the way and allow the men to go to and from their work.

Commissioner AISHTON. During all of this period of disturbance, there were approximately 11,500 at work in your shops?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. And there were 800 men—that would make about 10,700 men peaceably at work?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. And 800 men that were out trying to influence the other fellows by such means as they thought best?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. The mayor yesterday laid a good deal of stress on a conference in the schedule room, and I think you testified that you could not recall just what time that took place, but my recollection is that you had issued a notice that on June 2, at 7 a. m., all the men that wanted to return to work must be in their places, or were out of the service?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. And this meeting was on June 2, in which the mayor endeavored to have you extend that time and let the men go back to work?

Mr. CREIGHTON. That was the difficulty, of finding out what date the mayor had in mind. I would like to explain about this schedule room.

Commissioner LENNON. Mr. Hoyer was right about that, it was the evening of the same day?

Commissioner AISHTON. That is the mayor's testimony, I think. I just wanted to clear it up so that Mr. Creighton might refresh his memory from the record and submit to the commission just what took place on that day.

Mr. CREIGHTON. There is no doubt of what took place that day, because it was taking place every day, because in what is known as my schedule room meetings were held constantly. We were constantly in conference with our fellow officers, or our superintendents or subordinates. We have a room known as a schedule room, but the name is a sort of misnomer, it doesn't mean what it says, because we make up no schedules in that room any more, but it is a large room and has a long table that we can gather around and have a meeting, and this is the room that I invited those men in to this conference, and other conferences.

Commissioner AISHTON. On this occasion, June 2, you invited the mayor to this conference?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. The meeting was not solicited by the major or chief of police?

Mr. CREIGHTON. No, sir; it was at my solicitation in every instance.

Commissioner AISHTON. But at that meeting the mayor brought up the question of extending the time?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. And giving those men further time?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. The mayor made a statement yesterday——

Mr. CREIGHTON (interrupting). In that connection I would like to emphasize, Mr. Aishton, that notice of appeal made to us on the part of the citizens.

Commissioner AISHTON. I was just coming to that in a minute. The mayor, I think, left an impression on the minds of the commission that you were averse

to extending the time, but that you made the proposition to the mayor that if there could be a petition circulated, that was as he expressed it, "to save your face"?

Mr. CREIGHTON. Save my face?

Commissioner AISHTON. Yes, sir; I think that is in the record, at least that is the impression I got, that you would be willing to consider the matter on something of that kind. What are the facts in regard to that?

Mr. CREIGHTON. Merely as stated in this report. The first notice was issued on the afternoon of the strike, on May 31, in which notice I told the men that they would be required to report on June 2, 1911, at 7 o'clock a. m., and failing to do so, they would be considered as having left the service. Now, those gentlemen with whom I consulted thought that they would like to have us be a little more generous, and they of their own volition circulated or presented us with this petition, which I read to you, asking us to extend the time past June 2, and I recollect as stated a while ago, I think it was on Friday. We paid no attention to that notice in the returning of the men, and allowed the time to lapse, and we took men back until, I recollect, on Monday.

Commissioner AISHTON. So that the mayor's understanding about the way that petition was circulated does not agree with your knowledge and understanding of the manner in which it was started?

Mr. CREIGHTON. No, sir; not at all. I didn't have to save my face, he has no reason for saying that at all, because I was acting in consultation with the others.

Commissioner AISHTON. I simply wanted an opportunity to have it put in the record as contrary to the mayor's statement. Mr. Reading was the master mechanic or superintendent of motive power at Altoona?

Mr. CREIGHTON. Yes, sir; Mr. Reading was.

Commissioner AISHTON. And I don't know that it is necessary to raise any further question on that account, to call attention again to the mayor's statement yesterday before this commission to the effect that Mr. Reading had stated to the mayor that they had had fixed, "That we had"—that is the language he used—"we have fixed the judge and prosecuting attorney, and it is up to you." Now, Mr. Reading is your subordinate?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. You as general superintendent of the Pennsylvania Railroad are responsible for the policies of the Pennsylvania Railroad and for the carrying out of the policies of the Pennsylvania Railroad at Altoona and the territory you have charge of?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. If any movement of any kind is made, it could not be made except through you?

Mr. CREIGHTON. It could not.

Commissioner AISHTON. And there was no such move made, as I understand from your testimony?

Mr. CREIGHTON. There absolutely was not.

Commissioner AISHTON. The Pennsylvania Railroad or you, yourself, had no interest in this man Luther?

Mr. CREIGHTON. It is all merely incident. There is no reason whatever for bringing it up in this at all.

Commissioner AISHTON. Luther was not an employee of the Pennsylvania Railroad, was not in your employ in any capacity?

Mr. CREIGHTON. No, sir; and was not on our police force.

Commissioner AISHTON. He was a constable of Juniata Township, and had been elected some months previous and had a term of five months to serve?

Mr. CREIGHTON. I don't know how much time he had to serve. We had nothing to do with his election, and the matter was one of his own volition from beginning to end.

Commissioner AISHTON. If it is not understood, Mr. Chairman, I wish it would be understood that Mr. Creighton will furnish an affidavit sworn to by Mr. Reading as to the circumstances referred to, and put it in evidence as a matter of record.

(See Chenery exhibit at end of this subject.)

Commissioner O'CONNELL. I want it also understood that the mayor, Mr. Hoyer, be asked to furnish an affidavit in addition to his testimony, as to what he has stated was the circumstances.

Chairman WALSH. Mrs. Harriman has some questions to ask.

Commissioner HARRIMAN. Mr. Creighton, there has been a good deal said about conferences that you held with city officials; now, I very much wish to know whether before or after the disturbance you have described with the 750 or 800 men marching through the streets, if, on the part of the railroad officials, there was any attempt made to confer with the labor organizers or representative committees of the men?

Mr. CREIGHTON. There certainly was not. They were intruders, and we had nothing in common with them. They came there with the express purpose of disrupting our organization and creating unrest and creating a strike for the express purpose of requiring us to settle a dispute 100 miles west; and under the circumstances we did not deem it our duty to consult with this character of men whose presence in the community was simply for that purpose of disturbing our usual and ordinarily normal prosecution of the company's duty to the public.

Commissioner HARRIMAN. Did you feel that this 750 or 800 men were absolutely satisfied with conditions before the organizers came in?

Mr. CREIGHTON. Which men?

Commissioner HARRIMAN. The men that went out on the strike; the men who were influenced to go out on a strike by the organizers; were they perfectly satisfied before?

Mr. CREIGHTON. There was not one iota of discussion of a strike until those men arrived there. They were not all there during the entire time. At one time the majority of them were there, but during this strike at one time or another 15 of these men were there. They came in singly and in parties of two or three; as they needed support, they would send for a man of peculiarly persuasive influence in order to get results.

Now we, as has been developed at this hearing, used all the means at our command to ascertain the real facts connected with the current conditions on our railroad; there was absolutely no intimation or indication of trouble east of the Allegheny Mountains until this trouble at Pitcairn; then, finding themselves unable to accomplish anything at Pittsburgh for the settlement of the difficulty to their satisfaction, this weapon was used of sending their organizers into Altoona so as to create unrest and discontent at that point. We naturally would not, Mrs. Harriman, feel it was our duty to at all consult one or more men of this character in order to have quiet and order where there already was quiet and order; and the whole object of our having these meetings in my office was that we could get these citizens to use their means of not allowing any improper action on the part of these people, we being entirely circumscribed in our actions within the confines of the railroad company's property. Our whole scene of operation was, you might say, within the fence lines of our own domain.

Commissioner HARRIMAN. If you had right so completely on your side, might you have not been able to persuade those leaders, if you had given them a chance to air their side, to convince them that they were in the wrong?

Mr. CREIGHTON. It did not so appear to me.

Commissioner HARRIMAN. What did you say to them?

Mr. CREIGHTON. There was nothing to discuss with them; we had nothing in common. They came there for the purpose of creating disorder in our ranks, and I did not feel it was the proper thing for me to do to ask them to desist.

Commissioner AISHTON. Have they presented to you any demands or requests of any specific nature; have you ever to this day received any demands or request of a specific nature from organizers or heads of this organization?

Mr. CREIGHTON. Only in this way I spoke of; this self-appointed committee of 48 who were appointed by these organizers at the meeting held on that Sunday afternoon at Juniata.

Commissioner AISHTON. You would hardly feel at liberty, as an officer of a railroad, to negotiate with these 800 men regarding the affairs of 10,700 men, with no knowledge on your part, in view of the fact that those 10,700 men were peaceably at work and had nothing to do with the other 800 men?

Mr. CREIGHTON. Those 750 or 800 men, as I stated, in no wise represented the general organization of the Altoona shops. At the time these meetings were held there were close to 11,000 men peaceably at work carrying on their daily work, and these other men were creating the disorder in the streets and in the vicinity of our railroad, and endeavoring to get more of the peaceable employees out on strike.

Commissioner GARRETSON. Arising out of the replies to some of the questions that have been asked you by Mr. Aishton, I find it difficult to reconcile some

of the statements made or to understand just what your viewpoint was; you may reconcile it without any difficulty. To start with, you stated there was no unrest among the employees until it was created, and that the organizers were only able to create it in 800 men. Then you stated, in reply to questions, that there were 11,500 men who were absolutely loyal and who remained at work all the time without unrest; and then you stated that on account of your intense apprehension as to what these men that were out might do you insisted on the mayor arresting these men; that you had deputy sheriffs sworn in; wanted the police force of the city increased; and stated you would have to have the constabulary. How could that take place when there were only 800 men against 11,500 men that were loyal?

Mr. CREIGHTON. I could answer that by stating that if you had been in the city of Altoona and seen the effect of 800 men parading, with the organizers at their head, followed by a band, followed by the usual crowd that consorts with a body of that kind, you could readily understand that the possibilities of trouble were there. You know, in difficulties of this kind, that in 9 cases out of 10 we are told, you know, that the striker creates no trouble; it is the mob that goes with it; and that was our anxiety in this case. The 800 men parading the streets—that act of itself created disorder in the city, and it carried with it the usual mob of boys and men out of employment who were not themselves actually engaged in this strike, but they were part of the mob that filled the streets.

Commissioner GARRETSON. Where did this mob come from, if there were 11,500 employees loyal and at work in a town of 52,000 population? There you have got close to the family unit.

Mr. CREIGHTON. Yes.

Commissioner GARRETSON. Are the streets especially narrow in Altoona?

Mr. CREIGHTON. No.

Commissioner GARRETSON. This mob of 800—for how many squares did it fill the streets, from curb to curb, and stop all foot traffic, vehicles, and street-railway traffic?

Mr. CREIGHTON. I would say that for three blocks the streets were so blockaded the street cars did not run.

Commissioner GARRETSON. Until the parade walked three blocks?

Commissioner AISHTON. I thought you said they stood in front of your office?

Mr. CREIGHTON. They did stand in front of my office; and, in addition, it is quite apparent, if one will think a moment, that a parade may gather a crowd.

Commissioner GARRETSON. I have paraded.

Mr. CREIGHTON. You have paraded and know what I mean, and perhaps have gone through some of these experiences we have been discussing, and you know the character of the people that usually assemble; they come from every nook and corner of the community.

Commissioner GARRETSON. With this army of 11,500 loyal men of your own do you wonder that the mayor was not impressed with your intense apprehension?

Mr. CREIGHTON. The 11,500 men—or 11,000 men, to be a little more precise—in an agitation of that kind there is always an element of uncertainty as to what others of them might do. You recognize, Mr. Garretson, as well as I recognize, that an agitation of this kind at any time is likely to draw out this gang or that gang, and they might go out at different hours of the day, a few here and a few there, and our effort was not to permit those things and to avoid the effect of more men withdrawing from the service.

Commissioner GARRETSON. I can readily understand that if there was unrest; but if there was no unrest I can not understand it.

Mr. CREIGHTON. Well, Mr. Garretson, the fact that there were 800 men—which is, of course, a relatively small number—on the streets of Altoona following organizers, making speeches on the open streets, that might of itself constitute a very serious condition of affairs in any orderly community of the size of Altoona; and certainly we, and particularly myself, representing the interests of the Pennsylvania Railroad Co., had to recognize anything that might in any sense contribute to the difficulty of that situation.

Again I repeat what I said about Twenty-eighth Street. No man who lived through—any man who lived through that knows very well it was not the force of numbers at all; it was a local incident that created all the trouble there and precipitated the fire and riot and great loss of property and paralysis throughout the entire State of Pennsylvania at least.

Commissioner GARRETSON. It spread a great deal farther. I was in the tail of it out farther west.

Mr. CREIGHTON. That is exactly what I, as a representative of the railroad company, was endeavoring to prevent at Altoona, and I want to say again that notwithstanding the mayor's effort to minimize all this difficulty, there was a real difficulty there, or why should the citizens of Altoona have been with me on repeated occasions?

Commissioner GARRETSON. I suppose if their interests were in common with yours it was perfectly natural they should be.

Mr. CREIGHTON. That was the situation exactly, and about the only one that did not take any real live interest at all was the mayor himself; I say that frankly, I think he had the wrong conception of the effect of 800 or 1,000 men parading in a community of that kind behind those organizers, and that it would not create disorder of one kind or another.

Commissioner GARRETSON. I can understand your position because I have seen the time when I thought that the 20 general managers I was dealing with were the most unreasonable and most apathetic men I ever saw, when they did not agree with me.

Mr. CREIGHTON. That is one of the difficulties we have. We do not always agree with each other.

Commissioner AISHTON. As an officer of the Pennsylvania Railroad Co., dealing with large numbers of men, you make a special study, do you not, to discover the causes of unrest, and attempt to remove them, if possible?

Mr. CREIGHTON. Yes.

Commissioner AISHTON. You feel, as an officer of the Pennsylvania Railroad Co., that one of the principal assets of the road is the good will and loyalty of its employees, do you not?

Mr. CREIGHTON. Yes; we prize it very highly.

Commissioner AISHTON. And you take every means that you know of to remove causes of unrest?

Mr. CREIGHTON. Yes, sir.

Commissioner AISHTON. That is all.

Chairman WALSH. Commissioner Lennon has a few questions to ask.

Mr. CREIGHTON. I would like to say, Mr. Chairman, at this point, that I have some comment to make here, and I hope you will not drive me away before I have had a chance.

Chairman WALSH. You will have a full opportunity; but as long as this discussion has started, we had better let the other commissioners finish; but you may make the comment you desire before you close.

Commissioner LENNON. Mr. Creighton, did any violence—did any injury take place to individuals growing out of these parades, so far as you know?

Mr. CREIGHTON. I could not cite any, Mr. Lennon.

Commissioner LENNON. Is it still your judgment that had the mayor pursued the policy that you advised at the time and had used the force to drive these people off of the streets, that the city of Altoona and its citizenship would have been better served than by pursuing the policy which he did?

Mr. CREIGHTON. That was my view at the time, and I think so to-day; I think we would have had a settlement of the difficulty probably some days in advance of the actual settlement. That question, of course, is just my judgment and question of opinion. I exercised my judgment in appealing to him to have certain things done, and he simply did not agree with me.

Commissioner LENNON. These parades and assemblages of men in all cases evidently dispersed without doing injury?

Mr. CREIGHTON. Well, they each had their influence toward the possibility of creating disorder; I know we feared that more than anything else.

Commissioner LENNON. No substantial disorder occurred because of the carrying out of the mayor's policies, did there?

Mr. CREIGHTON. Except the particular thing that I mentioned where the streets were very badly congested on several occasions. To say the least it was to the discomfort of the community, and what I feared was that it was liable to precipitate this difficulty at our shops.

Commissioner LENNON. You spoke of occurrences on some of the bridges that crossed the track; were you present? Do you speak from your own observation?

Mr. CREIGHTON. Yes; I rode about in an automobile and saw those things.

Commissioner LENNON. Do you consider it a crime for men to quit work, or, in other words, to go out on strike?

Mr. CREIGHTON. Not a bit, sir.

Commissioner LENNON. Do you believe that men have a right to organize?

Mr. CREIGHTON. Yes.

Commissioner LENNON. Do you permit them to exercise that right if they remain in the employ of the Pennsylvania Railroad Co., and in the shops at Altoona, where you are the principal officer in charge?

Mr. CREIGHTON. Yes, sir; qualified by the comment that was made by Mr. Atterbury, that our interests are not jeopardized by any discussion of the question of the closed shop and affiliation with organizations that may approve of sympathetic strikes with interests that are in no wise connected with our own operation. But so far as the organization of our own men is concerned, we spend a great portion of our time in consultation with these men. Their committees are in weekly conference, I will say, with our officers at all points on the system.

Commissioner LENNON. Did these organizers that came apparently from outside of Altoona behave themselves, in so far as their personal conduct was concerned? Did they keep sober or engage in brawls? Were they profligate or did they behave themselves decently while in Altoona?

Mr. CREIGHTON. I prefer not, unless you—there were some things connected with their personal conduct which I do not think it would help us to mention here. Our means of ascertaining facts connected with what they did there were complete; they did do a good many things that I hardly think would amount to anything for me to mention here. So far as their work connected with organization was concerned, that was conducted in the usual business manner; they used emissaries of all kinds, and were on their part, I know, just as earnest to organize the men as we, on our part, were to prevent it, considering the ultimate end and aim of this character of organization.

Commissioner LENNON. Then, so far as this particular incident was concerned, you did use what influence you had to prevent the men from organizing?

Mr. CREIGHTON. Yes; in this case, because it was the expressed intention on their part to use it for the purpose of settling a dispute elsewhere on our railroad, and we were asked to meet representatives of organizations known to be favorable to the closed shop and sympathetic strike, and that, of course, considering our obligation to the public, we feel ought not to be involved in any wise in our labor questions.

Commissioner LENNON. Do you hold that the principle which underlies the sympathetic strike, that which actuates labor in entering upon a sympathetic strike, is reprehensible?

Mr. CREIGHTON. Yes.

Commissioner LENNON. You think it reprehensible for men to help each other?

Mr. CREIGHTON. That is your way of expressing it; but to those of us who are charged with doing things, it certainly seems wrong that men with whom we have no dispute should be called out, to our detriment, to settle a dispute that may occur hundreds or thousands of miles away from us, simply in order that the grievance of some one else may be settled by force. We do not feel that we ought to suffer in that way; it is a different viewpoint. The sympathetic strike is approved generally by certain organizations; but we have never felt it was a fair thing to the employer, and that, again, is a different viewpoint.

Commissioner LENNON. Does not the same principle exist to a greater or less extent in the cooperation of corporations and large moneyed interests; I mean this same spirit of helping each other?

Mr. CREIGHTON. We all ought to help each other, Mr. Lennon. I quite agree with you in that. Anything that will help one another, but will not disturb any interest in the whole body politic, we feel is a good thing.

Commissioner LENNON. One matter came out in your testimony I want to ask one question about. In these conferences that were held and called by yourself, or by your representatives, of the editors, and chamber of commerce representatives, I did not hear that you mentioned an invitation to any wageworkers to attend these conferences. Why was that? Were there wageworkers in Altoona that were not involved in this controversy at all?

Mr. CREIGHTON. Yes; we had 11,000.

Commissioner LENNON. I mean were they not employees other than those employed by your company—carpenters, bricklayers, waiters, and such; clerks?

Mr. CREIGHTON. No; I did not ask them; I do not think there would have been any objection to it. Here were employers of labor, and that thought never occurred to me. I would not have had any objection, however, to it.

Commissioner LENNON. That is, you were employers of labor, and you invited other employers whom you believed were in sympathy with you to cooperate?

Mr. CREIGHTON. No; I would not say that, Mr. Lennon; I was not aware that these other people were in sympathy with me prior to my invitation that they meet with me to discuss this situation. It was a perfectly frank and open discussion of what we thought was an impending difficulty, and which actually later on occurred, and they were called in without reference to whether or not they agreed with me. I hoped they might be sympathetic to the extent that they could assist me in avoiding difficulty in our community.

Commissioner LENNON. Did you have no acquaintance, or the representatives of your company have no acquaintance with wageworkers in the city of Altoona that were worthy citizens, that had the good and welfare of the community at heart, that were as much interested in justice and right, as were the proprietors of newspapers and representatives of the chamber of commerce, and who could have been called into such conferences?

Mr. CREIGHTON. I believe there was any number of them, but it never occurred to me. It is one of those things that at the time did not appeal to me, I just simply—that phase of consulting with those people never occurred to me; I would not have objected to it at all; I would have been very glad to do it if I had thought of it.

Commissioner LENNON. It was not prompted by a feeling, perhaps, not particularly considered as a feeling, that they earned their living by working for wages, and they might prove to be in sympathy with the men on strike?

Mr. CREIGHTON. No, sir; I would have selected men in Altoona that were not at all in sympathy with this movement. I would like at this point to say that my attitude toward labor and toward the welfare of labor is exactly that of the Pennsylvania Railroad Co. I always was interested in the betterment of mankind in various ways. Our history indicates that. We have endeavored to recite here the various things that can be done for the welfare of our men. As far as I am personally concerned, I have spent a great portion of my life in work of that character, and simply mention it in order that you may understand that we are not so tyrannical in our views in reference to the pursuit of labor because they may happen to be an employee. We respect labor, and personally I have the greatest respect for it. I have, as I say, been personally interested in welfare work for 20 or 30 years. I am to-day the chairman of the State organization of Young Men's Christian Association in the State of Pennsylvania, carrying on the work of helping mankind in one way and another to better methods of living, and I only mention this to indicate to you that there is no disposition on our part to encroach on labor to its discomfort or annoyance.

Commissioner LENNON. Is that welfare work; is it not prompted largely with a view of offsetting the efforts of the working people for organization?

Mr. CREIGHTON. It is not, sir. I am speaking personally, for myself, it is not; it is an interest in the man himself.

Commissioner LENNON. Well, we will say, suppose I come to Altoona and endeavor to organize the men, tried in a gentlemanly way, would there be any interference, direct or indirect, with my carrying on that work if I wanted to carry it on for a year.

Mr. CREIGHTON. It would depend entirely on our information as to what your ultimate end might be.

Commissioner LENNON. My ultimate end would be to raise wages and decrease the hours of labor and better the conditions of the men in the shops.

Mr. CREIGHTON. That is all right, as long as there are not along with those laudable endeavors the proposition of a closed shop and sympathetic strike, with possibly one or two other matters. The main thing we fear in operation is the closed shop and sympathetic strike, they are the two drastic matters that the railroad man is in constant dread of. We know what it means, we have had it in the West recently, and all over the country at various times, and have absolutely insisted always upon the open shop and the absence of any effort to make our system otherwise by strikes of men at other points.

Commissioner LENNON. If I was to appear there in Altoona for the American Federation of Labor, to which you ascribe certain ideas of organization, then you would oppose in so far as you might be able the possible carrying on of that work?

Mr. CREIGHTON. I would repeat what I did in 1911 by every proper and legal means, and endeavor to prevent the organization under the auspices of the American Federation of Labor for the reasons expressed, feeling that I was doing my duty by the company.

Commissioner WEINSTOCK. I took it that while on the one hand, Mr. Creighton, you believe that individuals ought to aid individuals and groups of men ought to aid groups of men, that when such aid involves injury to a third innocent party you regard it as unrighteous?

Mr. CREIGHTON. Unrighteous? I hardly know whether I would apply that as a term in the business sense; I would say it was wrong and something to be avoided.

Commissioner WEINSTOCK. If it was wrong, it would be unrighteous?

Mr. CREIGHTON. From the standpoint of an officer, I would certainly oppose anything of that character that might prevent me carrying out my normal work as an officer of the railroad.

Commissioner WEINSTOCK. In other words, your objection to a sympathetic strike is that if some group of workers and some employer have trouble—have a dispute—that it is unrighteous for them to inflict injury on you as an innocent employer?

Mr. CREIGHTON. Yes, sir; to use me as a means for correcting trouble at another point. That was exactly the situation in 1911. We had no interest in the controversy at Pittsburgh; they were purely local to that point, and consequently I felt that it was entirely wrong to be subjected to the annoyance that we were, and to the very large expenditure that we were called upon to make simply that those men might satisfy that grievance over a hundred miles west of us.

Commissioner WEINSTOCK. And there was inflicted injury on an innocent party, and whenever that is done it is wrong?

Mr. CREIGHTON. Yes, sir.

Commissioner WEINSTOCK. And the sympathetic strike, in your opinion, does inflict injury on innocent people?

Mr. CREIGHTON. Yes, sir.

Commissioner WEINSTOCK. And you oppose it?

Mr. CREIGHTON. Yes, sir.

Commissioner O'CONNELL. Do you consider that, for instance, if the machinists on the western end of the Pennsylvania were on a strike and the machinists at the Altoona shop went out on strike, do you consider that as a sympathetic strike for the same employer?

Mr. CREIGHTON. That is not the point. Here is the case: We might have been just as well two shops on different railroads. The information we had was precise and to the point—that these organizers were to come to Altoona for the express purpose of organizing our men in order that they might paralyze our railroad at that point, in order to make their strike at Pitcairn effective, which it was not. They had pursued their opposition there to the ultimate end without exactly getting the results, and inability to perform its functions, and they thought then they would come to Altoona and by creating a strike at Altoona that they could be successful at Pitcairn.

Commissioner O'CONNELL. That you would consider to be a sympathetic strike?

Mr. CREIGHTON. Yes, sir.

Commissioner O'CONNELL. If the machinists, for instance, at Pittsburgh—we will use the cities that we know—suppose your largest shop was at Pittsburgh—I am simply using that name because it is well known—that the machinists were on strike in Pittsburgh against a reduction of wages in Pittsburgh shops, and they had to go on strike against a reduction of wages, and they went on strike, and that the company moved the locomotives, or the locomotives were taken from Pittsburgh to Philadelphia, saying it was the next largest shop, for repairs, and if the machinists in Philadelphia should refuse to work on those engines, you would consider them on a sympathetic strike?

Mr. CREIGHTON. I certainly would, for they have no local grievance.

Commissioner O'CONNELL. They are working for the same employer and the same company.

Mr. CREIGHTON. Yes, sir; the same employer; but it might extend from Chicago to the seaboard, and it ought not to be started at some other point.

Commissioner O'CONNELL. Then, all the employer would have to do would be to move his rolling stock from Pittsburgh to Philadelphia, and that would settle it?

Mr. CREIGHTON. Your comment was that we had men that were dissatisfied with the conditions of employment at Pittsburgh, without any reference to the conditions at Philadelphia?

Commissioner O'CONNELL. Yes, sir.

Mr. CREIGHTON. And then I would say frankly that I would consider the introduction of that trouble by organizers into the city of Philadelphia just simply as a sympathetic strike.

Commissioner WEINSTOCK. Now, Mr. Creighton, I want to read to you some of the testimony given before this commission yesterday by Mr. Maurer, the president of the Federation of Labor of the State of Pennsylvania, and to invite your comment on it. It reads as follows:

"Q. You say that you and the State federation of labor are opposed to the State constabulary?—A. Yes, sir.

"Q. Are you also opposed to the National Guards?—A. Well, to tell you the truth, all organized labor is opposed to the National Guards in the past. It has been opposed.

"Q. Now, are we to understand that, as you know the situation, that if organized labor had its way it would wipe out the National Guards?—A. There is not much to wipe out any more. Poor little tin soldiers that they are; I can not help but pity them as I look at them.

"Q. May I ask you to answer my question?—A. Yes, sir; if I had my way about it, my dear sir, there would not be a soldier on earth. I think it is a disgrace to our twentieth century civilization that we are still at each other's throats murdering each other.

"Q. How would you protect life and property from the lawless?—A. Quit pursuing people and they will be peaceful. People that are not robbed never revolt.

"Q. Then you don't believe there are such things as criminals?—Oh, yes; sure.

"Q. How would you protect yourself against the criminal?—A. Oh, the criminal? The criminal that we don't find is all right; you can not bother with him, because we can not catch him, but the fellow we catch he is too dumb to be a criminal, and that is why we catch him; he don't have the qualifications of a criminal.

"Q. I don't suppose you profess ignorance of the fact that in labor troubles labor representatives do violate law and resort to crime and blow up houses and bridges, and how would you protect the employer and his property against conditions of that sort?—A. You have reference to the structural iron workers?

"Q. Yes, sir.—A. That is a condition entirely. The one responsible for that condition was the employer, or those who exploit labor themselves. They advocate to-day, we heard it here, we always hear it, of no organization, that they believe in dealing with the individual, and they teach people that way; that is the theory of the individual, that he can work out his own destiny. The McNamaras were strict individualists, in so far as they believed in individualism, but not in political action, and they believed that they could do as they pleased. The power was used against them, and they used the same weapon.

"Q. If you were an employer, how would you protect yourself against the McNamaras?—A. If I was an employer, I would be like any other if I expected to succeed in business.

"Q. Please answer my question. If you were an employer, how would you protect yourself against the McNamaras?—A. I told you I would be like most any other employer.

"Q. How would you protect yourself? If they come and blew up your property?—A. They would blow it up; I couldn't stop it. I don't know that I would do anything else than what the other men are doing now. I would try to protect my own interests. The individual is not to be blamed; you must get the system and not the individual.

"Q. If you were an employer, and you had a dispute with your workers, and you would not agree with them, and they blew up your premises and killed a lot of innocent people, would you try to prevent a repetition of those circumstances?—A. I might answer you if I cared to be untruthful that if I was an employer I would not have such conditions.

"Q. Suppose the workers ask what you felt was an unjust demand, and a thing that you could not meet at all; you know that workers are sometimes human, and are made out of the same sort of clay as the rest of us, and they are as likely to be as unreasonable as employers; suppose the employee asked what you thought was an impossibility, an unfair and unjust position, could you submit or not?—A. If I thought it was impossible, I could not do it.

"Q. You could not agree with your worker then?—A. No, sir.

"Q. Suppose they resorted to violence?—A. I never knew of one yet that did, unless they were goaded on by the men that wanted them to do violence."

I want to invite your comment on these two points: First, do you agree with Mr. Maurer in his statement that he never knew of a worker that did resort to violence unless he was goaded on by the man that wanted him to do violence; and second, I want to invite your comment, as a man of broad experience in labor matters, as to what in your judgment would be the condition in the State of Pennsylvania, for example, in times of labor troubles, if the State constabulary and National Guards were wiped out?

Mr. CREIGHTON. I would hesitate very much, Mr. Weinstock, to attempt to make much comment on Mr. Maurer's testimony. I am familiar with Mr. Maurer's history, and I don't agree with his policy; I heard his testimony yesterday, and in no sense would I agree with his views on the labor question. In my judgment——

Commissioner WEINSTOCK. Just a moment, Mr. Creighton. Mr. Walsh calls my attention to the fact that the hour of adjournment is at hand. Will you defer your answer until after lunch?

Mr. CREIGHTON. Yes, sir.

Chairman WALSH. We will now stand adjourned until 2 o'clock.

(Whereupon at 12.30 p. m. Friday, May 7, 1915; the commission took a recess until 2 o'clock in the afternoon.)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. G. W. CREIGHTON—Continued.

Commissioner WEINSTOCK. You will remember, Mr. Creighton, my last question. My last question, in substance, was an invitation for your comments on the attitude of Mr. Maurer when he said that he had never heard—that he never knew of a labor man yet that had resorted to violence unless he was goaded on by the men that wanted them to do violence; and his other point was that he, in common with organized labor, believed that the State constabulary and militia should be wiped out. And your comments on those two statements were invited.

Mr. CREIGHTON. Just at the moment I do not suppose I could recite any particular experience of the actual commission of an offense at any particular point; but there is no doubt in my mind that we could—almost anyone of us could—discover evidence of an offense of that character directly by those engaged in the strike. We do know that was the wholesale difficulty in 1877, when there was a general assault upon the property of the railroad company; and in our own case our officers were practically driven to secrete themselves for their personal protection, to avoid serious consequences at the hands of the strikers. That was one experience.

Commissioner WEINSTOCK. Were those strikers members of organized labor?

Mr. CREIGHTON. Well, the men were all engaged at that time in this work—striking. They were all strikers, and somebody read—the history here recites that all the means at the command of the State were necessary to ultimately secure order. For some days there was no order. There was disorder of the worst kind at very many points on the system, and I can hardly conceive of what the general conditions socially might be if a difficulty of that kind would arise again and there be no legally constituted means such as the National Guard or the State constabulary to protect the public.

Commissioner WEINSTOCK. Do you think the wiping out of the constabulary or of the National Guard would make for peace and law and order?

Mr. CREIGHTON. I do not, sir. I think rather to the contrary.

Commissioner WEINSTOCK. Was the State constabulary brought into this trouble that you have been telling us about this morning of 1911?

Mr. CREIGHTON. No, sir.

Commissioner WEINSTOCK. So far as you know, has the State constabulary been brought into labor troubles in Pennsylvania in recent times?

Mr. CREIGHTON. I personally have no knowledge of that, sir. They have been used generally throughout the State for the preservation of order. They have, as far as I know, headquarters at different points within the State where small bodies of these men are located in charge of a subordinate officer, for the purpose of patrolling and looking after a prescribed area and seeing that peace is preserved, just as the ordinary local police officer within any community.

Commissioner WEINSTOCK. You have seen the State constabulary in action?

Mr. CREIGHTON. Personally I have not, sir.

Commissioner WEINSTOCK. So that you can not speak from personal knowledge?

Mr. CREIGHTON. No, sir.

Commissioner WEINSTOCK. As to how they conduct themselves when called upon to render a service in a public disturbance?

Mr. CREIGHTON. Not from any personal knowledge, sir.

Commissioner WEINSTOCK. What is their general reputation in the State, as far as you know, in every respect? Are they looked down upon as an undesirable lot?

Mr. CREIGHTON. It has been my impression that their reputation has been of the very highest order. They are a very carefully selected lot of men; they are men who have probably had more than the ordinary advantages in the way of education; some of them have served in our Army; they are men who probably prefer a life of that kind, as some do. Their conduct, as far as I know, is above reproach. I never heard it criticized, except in a general way, that it was in Mr. Maurer's testimony yesterday.

Commissioner WEINSTOCK. Well, you heard Mr. Maurer's testimony. You heard the sweeping manner in which he condemned the State constabulary as being unfit and undesirable. What justification, as far as you know, for that sweeping condemnation on his part?

Mr. CREIGHTON. None whatever, sir.

Commissioner WEINSTOCK. You think he does the State constabulary an injustice?

Mr. CREIGHTON. A very grave one.

Commissioner WEINSTOCK. Do you know what the general public's opinion is in Pennsylvania about the State constabulary?

Mr. CREIGHTON. The general public, I believe, have the very highest opinion of the general morals of the service, and of the individual members in that service. The officer in command, Capt. Groome, is a citizen very much respected in the city of Philadelphia, his home town. His reputation as an officer in that character of work is probably second to none in this country, and I believe that has been attested to by the efforts of other States to secure his services to organize a similar force.

Commissioner WEINSTOCK. Mr. Maurer, among other things, made this statement: He said in the American Cossack, referring to a little book that he said he had written himself, proved that they were—that is, the constabulary—partial in their conduct and used to break strikes, and used by the Lehigh Traction Co. as guards and as attorneys for the strike breakers; paid strike breakers' fines and arrested men on trumped-up charges and railroaded them to jail; that they invaded the homes of foreigners and searched their homes under the pretext of looking for firearms, "and I was informed, and believed my informant, that they robbed some of these people under the pretense of looking for firearms. They arrested them and took them to the steel company's property, and locked them up and held their court there. They paraded the streets, beat men right and left, trampled old people down, and rode to the Majestic Hotel and shot through the doors and shot one man to death and other men down, and trampled people down with their horses, and did everything possible to incite and create a reign of terror and fear and thereby break the strike."

Has any knowledge come to you, Mr. Creighton, as an old citizen of Pennsylvania, that would corroborate that statement?

Mr. CREIGHTON. I would say nothing about that testimony, as the trouble occurred a good many miles from my home, and I know nothing about it.

Commissioner WEINSTOCK. He goes on further to say [reading]:

"I might add that so unpopular has this department become in the State that notwithstanding the fact that the press of other States have been trying to laud it and eulogize this department to the extent that the other States would adopt it, to show you that it is not as popular as the press would have you believe, for the past four years they have tried to increase this department, and I happened to be a member of the Pennsylvania Legislature for the past three sessions myself, and know whereof I speak."

According to this witness's testimony, one would be led to believe that the constabulary was extremely unpopular in the State of Pennsylvania, is that your judgment?

Mr. CREIGHTON. Not as far as I know. There has been opposition on the part of certain people of the character voiced by Mr. Maurer, but that does not represent the sentiment of the whole community by any means. I would say it was

rather a small minority, neither does it represent the sentiment of the large part of the community in any large degree.

Commissioner AISHTON. Just one question and answer, in answer to one of the questions regarding your attitude toward a sympathetic strike. I think you said the objection was that it interfered with the railway company's transaction of business and with the employee. Now, Mr. Atterbury, in his testimony, said that the objection on the part of the Pennsylvania Railroad to a sympathetic strike was on account of a grievance they had, that they had no control over, and which they had no power to remedy themselves; that the service of the railroad and the welfare of the public on its lines would be seriously interrupted. Is that the reason that you have for an objection to the sympathetic strike?

Mr. CREIGHTON. That is the underlying point involved in all labor questions.

Commissioner AISHTON. Then an issue over which the officers of the Pennsylvania Railroad had no control?

Mr. CREIGHTON. That is the primary reason for our objection to the sympathetic strike, that it interferes with our duty to the public to operate our property in a normal way. In other words, our duty is primarily to the public, and a sympathetic strike in a very large degree would interfere with that public function.

Commissioner AISHTON. That is all, Mr. Chairman.

Chairman WALSH. I believe you have a statement that you wish to read?

Mr. CREIGHTON. If you will let me glance at some notes I have here, sir.

Mr. Chairman, in that evidence given by Mayor Hoyer, he mentioned one incident in which, in his experience as mayor of the city of Altoona, an officer—I do not think he mentioned directly who—an officer of the Pennsylvania Railroad had attempted, or had succeeded in interfering in some of his official actions. I have thought over that matter last night, and, as nearly as I could place that incident, he must have referred to an incident in connection with a paving contract which created a great deal of discussion in our city. A large number of our reputable people, including myself as a representative of the Pennsylvania Railroad Co., a very large taxpayer, felt that the investigation as to several kinds of paving had not been properly pursued, and we asked for a little further exploitation of the whole problem, but the contract was ultimately let, and in furtherance of that scheme we—and when I say "we" I mean this committee of citizens, which included a dozen or fifteen prominent people, owners of property—we combined together and employed an expert of the United States Government on paving—I have forgotten his name, but connected with the department here—to examine paving in various cities and give us an opinion. Having obtained which we asked his presence in the city of Altoona and had a meeting of councilmen, and we simply insisted on being heard, after which hearing our case was so clearly proven to the body that we reversed their former action and we advertised for the work; and possibly I think that is the one matter referred to by the mayor that he may have been annoyed about—by that insistence on our part; but we were acting then only as one interest, we paying our proportion of the charge for this expert on paving. I can give you a history of that, if you desire; I just at present have not got the fact in my mind.

Chairman WALSH. You may submit anything further you wish on that.

Mr. CREIGHTON. There are some notes here which I am just simply looking over; I do not want to read them, because I think I have covered these notes in the testimony I have already given.

Chairman WALSH. Unless there is something more, Mr. Creighton, which you wish to say, I believe we will close now with you, because there is such an insistent demand to get through with this subject this afternoon, because so many of the witnesses want to get away.

Mr. CREIGHTON. If you will permit me, Mr. Chairman, I want to say one thing further with reference to the question of service card, and so forth, which you asked me about this morning. I would like to state for the company that everyone leaving the company is given a service card clearly indicating his term of service and stating the cause of the severance of his service with the company. I have been trying to post myself since I left the stand this morning. Upon receipt of inquiry from other railroads we pass to them a form upon which the individual is asked for certain information. In asking Mr. Hoover, who looks after that in my office, he said we have probably had half a dozen last year, and I want to say we have no so-called black list; nothing of that character.

Chairman WALSH. That will be all. Thank you, Mr. Creighton.

TESTIMONY OF MR. J. W. LEE, JR.

Chairman WALSH. State your name please.

Mr. LEE. J. W. Lee.

Chairman WALSH. We have been over the general topic of this pretty well, and I know that you are one of the ones who wishes to get away, and we will ask you to make it as brief as possible; we have a number of special topics that we would like to conclude this afternoon. I believe you were asked for a general statement of the publicity organization and the scope of your activities?

Mr. LEE. Yes.

Chairman WALSH. In as brief a manner as you can and still make it comprehensive enough to throw light on it, please tell us about that?

Mr. LEE. I will read this statement, if you will allow me.

Chairman WALSH. All right; do so.

Mr. LEE (reading): "The object of the publicity bureau of the Pennsylvania Railroad is to keep the public advised of the company's activities, in short to take the public into its confidence. Where matters are in controversy we endeavor to see that the company's position is thoroughly understood by the public. The company started its publicity work some nine years ago by first inaugurating a plan of full publicity regarding all accidents on its lines. Since that time the work has been extended to cover the activities of all departments.

"In the matter of accidents we make public the exact reports received by the general manager, and we make them public immediately on receipt of them, very frequently before the newspapers have even heard of the accident. As a matter of fact a carbon copy of the actual report sent to the general manager is shown to reporters who come to our office and a copy of it is sent to the newspapers. We give newspaper reporters and photographers the run of a wreck, assisting them in every way to get all of the information they desire. We do not endeavor to conceal anything. We are willing to be judged by the facts. In this connection we have from time to time issued notices to the press telling of our policy of publicity concerning accidents."

I have those here, if desired.

Chairman WALSH. You can submit them in the record as exhibits.

(Two circulars issued by the Pennsylvania Railroad entitled, respectively, "Notice to the Press—Relative to Method of Making Public Details of Accidents," dated Dec. 18, 1911; and "Methods for Supplying Information to the Press," dated Jan. 10, 1914, were submitted in printed form.)

Mr. LEE (continuing reading): "If people are injured or killed, we announce it as soon as we learn it, and give the names of the people as soon as we can get them. If the cause of an accident is stated in the report received by the general manager, it, too, is made public at once. In the same way, if we go a year, or two years as we just have, and do not have a single one of all the 181,000,000 passengers carried killed in a train accident, we make that fact public.

"We make an effort to see to it that what the press publishes about the railroad shall not consist of complimentary notices about the railroad or our offices, but real facts of consequence. We endeavor to see to it that in all matters the public learns what the railroad believes to be the truth. We take special pains that it learns those facts which show that the management is doing its job as best it can, and which will create the idea that it should be believed in. We tell our story, tell it frankly, tell it fully, tell it often, and tell it with a view to its being understood and carrying conviction.

"An essential principle back of the publicity policy of the Pennsylvania Railroad is this: If it is going to be able to work out its problems properly it has got to be believed in. It must get embedded in the public mind what is, in all truth, the supreme fact of the situation, namely, that it is doing its work as best it can, and doing it, in the main, exceedingly well—doing it as well as, if not better, than the railroad business is being done anywhere else in the world.

"In short, we endeavor to secure the help of the public in working out our problems. To do that we must acquaint people with our problems.

"The first plan of distribution we worked out was to give information verbally and in printed form to the press in Philadelphia, and then to send, when we had time, copies of that information to the papers throughout our system

direct. There were some very curious results of that. We found, for example—on one occasion having sent it to the papers direct from Broad Street Station—that some of our officers at outlying points were asked the next day the meaning of a particular article, and they didn't know anything about it. It then became perfectly obvious that the local representative of the company in each city must of necessity know what was being given to the papers in his district. We then developed the plan whereby representatives of the company at various points were appointed to deal with the press in each place. In some cases it was the general superintendent, in other cases the superintendent or the agent or some other employee, as the case might be.

"We consider that this information that we send out is in the nature of a report to the public on how we are performing the obligation we have to give the public good and efficient service. We never pay any newspaper anything to print anything as news, or as an editorial, regarding our service. We want the papers to feel that if we give them any information they can do as they wish with it—publish it or throw it in the wastebasket. What they do does not affect in the slightest the attitude of the company toward them. This policy of the railroad has been commended by the press as a broad one.

"Mr. Rea said, shortly after he became president of the Pennsylvania Railroad: 'Do not ever ask any newspaper not to print anything that is so. If it is bad, let them print it, because in that way the matter will probably be brought to my attention, so that we can have it corrected. The only thing we want to ask of newspapers is that when they do mention the Pennsylvania Railroad Co., or they mention railroad matters generally, they publish the truth in small matters, as well as great.'

"I might say that these instructions given by Mr. Rea are typical of the principles the company follows in its publicity work, as well as all of its other activities.

"Having perfected our system of distributing matter through local representatives, a scheme which we have now enlarged so that it now covers the entire Pennsylvania Railroad system, we have yet found that it is not wise to depend entirely upon the newspapers; that there is a very much broader field to cover, and that we must study methods of getting the attention of people, to get into their minds ideas which we could not get to them through the newspapers. We began to study our own constituencies. We found that we had 85,000 shareholders—the company has now over 92,000—who are certainly direct constituents of the Pennsylvania Railroad proper. The subsidiary lines have about 20,000, so that it can be said that the Pennsylvania Railroad system has approximately 112,000 shareholders. Bondholders we estimate at something over 200,000, though a great many of them are not registered. We have, also, our employees, of whom there are between 200,000 and 250,000 on the lines east and west of Pittsburgh. Of course it is a very difficult thing to get at so many men. We have often thought of publishing a magazine, but that would be a very large undertaking. We therefore have started out by publishing leaflets, giving certain details of operation. We don't send them to everybody; but we get out one, for example, and send it almost entirely to the men on a certain division; in another case we will send it very largely to the men on a grand division; in another case we may send it to the locomotive engineers. The idea is to get before our employees facts of interest which the management feels will be instructive and of benefit to these particular men.

"In addition to our employees we have our passengers—about 150,000,000 a year. This means that every day of the year some 500,000 people take our trains. To get them interested is a large undertaking; therefore we are starting out on a plan of publishing bulletins to be posted on our station bulletin boards. The theory is that in publishing these, with more or less frequency, and getting even a small percentage of these 500,000 people a day that take our trains to read them, we will be able to implant in their minds thoughts and facts—not to heavy—which will cause them to think and to discuss the affairs of our company and railroads generally with their neighbors.

"We shall begin shortly placing in the cars of our trains small folders containing information of interest to passengers.

"We feel that we are just beginning in our publicity work. We are continually trying to find new angles from which to approach the public with information about the work the railroad is trying to do.

"The publicity bureau is in charge of the publicity agent, who has sufficient assistance to carry on the work. At the present time there are eight other people in the department besides the publicity agent."

Chairman WALSH. Are you the publicity agent?

Mr. LEE. Yes.

Chairman WALSH. What is your staff?

Mr. LEE. I have one man who assists me in the preparation of material; chief clerk, who handles accident reports, the general-matter distribution, and who has charge of the stenographers and clerks in the office.

Chairman WALSH. Are the documents presented to this commission gotten up under your supervision?

Mr. LEE. No; I couldn't say that they were. I had charge of the printing of those documents—the two brown books. They were prepared after a series of meetings in the general office, at which all the facts we could get together were assembled, the points that the company thought pertinent and of interest to the commission were turned over to me to have put in printed form. I attended all of those meetings.

Chairman WALSH. Commissioner Garretson wants to ask you a question.

Commissioner GARRETSON. Mr. Lee, a very well-known publicity man testified before this commission some time back that the mission of a publicity man was to place before the public that which the interests which he represented wanted the public to know. You do not agree with that?

Mr. LEE. Well, I think I will bank on what I have just said here.

Chairman WALSH. Mr. O'Connell——

Mr. LEE (interrupting). I was going to say that I have bound copies—something——

Chairman WALSH. Yes; anything you desire to submit may be put in, and also anything we have not asked that you think you ought to put in you are at liberty——

Mr. LEE. I will be glad to give you anything you wish.

(Witness here presented two bound volumes entitled "Information for Employees and the Public," vol. 1, 1913, and vol. 2, 1914, issued by the Pennsylvania Railroad.)

Commissioner O'CONNELL. Mr. Lee, when Mr. Atterbury was on the stand—I think Mr. Atterbury—he was asked regarding this statement made on page 36 in the History of the Labor Troubles on the Pennsylvania Railroad?

Mr. LEE. Yes.

Commissioner O'CONNELL. Referring to Mr. Pierce?

Mr. LEE. Yes.

Commissioner O'CONNELL. In this statement he says that Mr. Pierce made application to the Pennsylvania Railroad Co. to handle its legislative matters, which was refused—the application. We asked Mr. Atterbury if that would be confirmed——

Mr. LEE (interrupting). Mr. Long, I think it was.

Commissioner O'CONNELL. Either one; and I think they referred to the fact that you would probably know.

Mr. LEE. Well, I might say that in the preparation of that book there were so many incidents that happened on different parts of the line that the officer who had general charge of assembling this matter assigned to the men on these different divisions those who knew about the different troubles to get all the facts that they could. Reports of these different facts were then assembled. We have here with us all the supporting data for everything that is in those books. That particular point to which you refer was based on information supplied by Mr. J. C. Johnson, superintendent of telegraph, who, I understand, is to testify before you.

Commissioner O'CONNELL. He will be a witness here?

Mr. LEE. Yes; I understand so.

Chairman WALSH. Mr. J. C. Johnson.

TESTIMONY OF MR. J. C. JOHNSON.

Chairman WALSH. What is your name, Mr. Johnson?

Mr. JOHNSON. J. C. Johnson.

Chairman WALSH. Where do you reside?

Mr. JOHNSON. Philadelphia.

Chairman WALSH. What is your business?

Mr. JOHNSON. Superintendent of telegraph for the Pennsylvania Railroad.

Chairman WALSH. How long have you held that official position? Also, please indicate what other positions, if any, you have held on the Pennsylvania Railroad, and a little history of your service.

Mr. JOHNSON. I came with the Pennsylvania Railroad Co. as telegraph operator in January, 1885, and was promoted from time to time from telegraph operator to train dispatcher, chief train dispatcher, assistant train master, and division operator and assistant train master, and chief clerk to the superintendent of telegraph, and in 1910 was made superintendent of telegraph, and I have held that position ever since.

Chairman WALSH. When was that, pardon me?

Mr. JOHNSON. 1910.

Chairman WALSH. I wish you would address yourself to the inquiry of Mr. O'Connell, just put to the last witness, concerning the reference to the difficulty with Mr. Pierce. You know just what he asked?

Mr. JOHNSON. Yes.

Chairman WALSH. Cover that before I get to your regular questions, please.

Mr. JOHNSON. Shortly after the convention of the B. L. F. & E., I think it was, in Washington, in 1912 or 1913—1913, I believe it was—Mr. Pierce wrote to Mr. Long that he would like to have an interview with him, and, as is the custom, that was referred to me. Mr. Pierce was then in Harrisburg, and in order to find out what he wanted to see him about I sent one of my men up to see him, and he said that he had some matters of importance he wanted to talk over with him in regard to legislative matters; and I told him then that he could come down to my office and see me; and after talking over the labor situation for some little time he said he would like to handle the legislative matters for the Pennsylvania Railroad. He thought he was thoroughly capable of doing it, considering his knowledge as a national organizer for the firemen; and I asked him what he expected, and he named his salary, and wanted that, and in addition to that his expenses——

Chairman WALSH. What salary did he name?

Mr. JOHNSON. Four thousand dollars a year; and I told him that that was a pretty big matter and would require some consideration, and if he would keep me advised as to his whereabouts I would write him and state whether we wanted his services. He told me then that he was going West to see some insurance company, if I remember right; but I never received his address, and never have given an official answer that his services in that respect were not wanted.

Chairman WALSH. Did you give the information you wanted in there?

Mr. JOHNSON. Yes, sir.

Chairman WALSH. You gave it to Mr. Long and he had it incorporated?

Mr. JOHNSON. Yes, sir.

Chairman WALSH. State briefly what the general scope of your duties are as superintendent of telegraphers?

Mr. JOHNSON. I am, in addition to that, a staff officer of the general manager, and any matters that he may want me to look after are assigned to me.

Chairman WALSH. I think you were the gentleman that was pointed out as in charge of the police detective department?

Mr. JOHNSON. The police department is under the charge of the superintendent of police, who reports to me and receives his instructions from me.

Chairman WALSH. I believe we have the superintendent of police here—that is, Mr. Harper—and I will not go into that with you, because, you understand, we are trying to get through with this matter to-day.

Mr. JOHNSON. Yes, sir.

Chairman WALSH. Just describe the organization of your detective department, please—as to the number of men, how you employ them, and all about it.

Mr. JOHNSON. There is no connection whatever between the confidential department and the police department. That is entirely separate. While they both come under my direct charge, they are entirely separate.

Chairman WALSH. We are accepting that, and will go to Mr. Harper about the police. Will you please proceed?

Mr. JOHNSON. Now, the confidential work is entirely in my hands on the whole system. It is my business to gather and keep myself informed of any information in regard to labor matters or any other matters that need confidential investigation, and when the investigation is made I give the general manager, or such officers of the company as require it, such information as I think will be of interest to them. We have our force in that respect—it varies with the exigencies of the service. We may have 15 or 20; we may have 40.

Chairman WALSH. How many have you now?

Mr. JOHNSON. At the present time I would say about 35.

Chairman WALSH. And how many did you have at the beginning of the trouble in 1911, or immediately prior thereto?

Mr. JOHNSON. I think about 35—I mean 25.

Chairman WALSH. And did you increase it during the trouble?

Mr. JOHNSON. Yes, sir.

Chairman WALSH. To what extent?

Mr. JOHNSON. Well, I suppose we added about six men.

Chairman WALSH. Is there some particular reason now, without going into the details of it, for having 35 now instead of 25?

Mr. JOHNSON. I can not say there is a reason now except that we are making some investigations looking after the drinking question; we look after that periodically pretty severely.

Chairman WALSH. I wish you would go ahead and give us the details of all the work that these men do for your company.

Mr. JOHNSON. You understand I don't handle them; they are not my men. When I want anything done I simply confer with the superintendent or general superintendent, or possibly if the case is very important I may confer with the general manager of the Pinkerton Detective Agency, and I tell him what I want.

Chairman WALSH. Do you use Pinkerton men altogether?

Mr. JOHNSON. Well, at times there may be some local detective on a local matter that we may have attend to it.

Chairman WALSH. Do you have any in the employ of your own company?

Mr. JOHNSON. No, sir.

Chairman WALSH. Either known or unknown detectives?

Mr. JOHNSON. No, sir.

Chairman WALSH. I don't want to interrupt you. Go ahead with your statement and explain it in your own way, and we will probably get along faster.

Mr. JOHNSON. We have many friends of ours in the railroad that tell us things, but they are not considered in the light of secret men.

Chairman WALSH. Are they paid for the information?

Mr. JOHNSON. No, sir; not any more than they get wages as employees.

Chairman WALSH. Do they ever get any gratuities or rewards of any kind?

Mr. JOHNSON. No, sir; if we send a man to make investigations for us—for instance, a conductor—we may send him to some other railroad to see how they do things there, and we would pay him his wages and in addition his expenses.

Chairman WALSH. Proceed.

Mr. JOHNSON. Now, the confidential work, you understand that covers a great deal more than keeping yourself informed on the labor question. At the present time we are working with the Government together, on some Black Hand matters, and things of that kind. We have a few men working in that direction, checking up all the time, and watching things closely.

Chairman WALSH. Men that check the conductors?

Mr. JOHNSON. Yes, sir; and the auditors and baggage-masters and watching things of that kind.

Chairman WALSH. Now, do you have any contract with the Pinkerton Agency, any written contract with them?

Mr. JOHNSON. No, sir.

Chairman WALSH. Just tell the terms of how you employ these men.

Mr. JOHNSON. I don't know that I would like—I don't know that I am at liberty to divulge anything for the Pinkerton Detective Agency.

Chairman WALSH. As far as the Pennsylvania Railroad is concerned, what do you pay them, what is your contract?

Mr. JOHNSON. We have a sliding scale with them, and it depends on the number of men we have. It runs from $4 to $7 a man.

Chairman WALSH. Per day?

Mr. JOHNSON. Per day.

Chairman WALSH. That is, $4 a man?

Mr. JOHNSON. That all depends on the number, I say, the number that we have.

Chairman WALSH. Now, what determines it, what number determines whether it shall be $4 or $7?

Mr. JOHNSON. The dividing line, I think, anything under 30 men, I think it is, we have to pay them $7; above that the scale slides.

Chairman WALSH. And the money is all paid to the Pinkerton Agency?

Mr. JOHNSON. Yes, sir.

Chairman WALSH. Do the detectives deal with you personally after they come on the road?

Mr. JOHNSON. I don't know any of them at all.

Chairman WALSH. Now, did you have Pinkerton men in the different departments of the railroad acting as employees?

Mr. JOHNSON. There may be; yes, sir. All I ask of the Pinkerton people is to bring me the information needed. They have to get it the best way they can.

Chairman WALSH. How is information transmitted to you?

Mr. JOHNSON. By reports.

Chairman WALSH. Do you meet the operative at all?

Mr. JOHNSON. No, sir.

Chairman WALSH. Do any of these detectives do what might be called police duty?

Mr. JOHNSON. No, sir; I don't think they have any commissions; I don't think they can make arrests.

Commissioner GARRETSON. Have you any corps, Mr. Johnson, with which you are in direct connection among your various classes of employees which constitutes a regular bureau that furnishes you such information as may be of interest to you?

Mr. JOHNSON. Among our own employees?

Commissioner GARRETSON. Yes, sir; in all classes.

Mr. JOHNSON. No, sir; as I stated to the chairman, we have among our employees men who are our friends, that tell us things that happen; but we have no regular corps.

Commissioner GARRETSON. You don't have any of the operators that report what takes place over the wire, or baggagemen that make examination of transit mail or company mail?

Mr. JOHNSON. No, sir.

Commissioner GARRETSON. That is all done by the Pinkertons?

Mr. JOHNSON. I don't know anything about examination of the mails. Their instructions are to see that mail carried by the railroad is purely railroad matter, and that comes under the general superintendent of transportation, and I don't know what method they have any more than they expect a baggagemaster, if he gets hold of any mail that he don't think is right, that he should turn it in to be examined.

Commissioner GARRETSON. And his curiosity may be quite wide, to know what the men in sending letters to each other may be writing?

Mr. JOHNSON. He has no authority to open mail.

Commissioner GARRETSON. Is it done without authority, to your knowledge?

Mr. JOHNSON. Not to my knowledge.

Commissioner GARRETSON. Then, if a man came into possession of a list of names, of course, in a purely legitimate way, that gave a list of 75 employees, giving their number, the amount of money they received, how that money was paid to them, the method of their reporting there for instructions or transmitting their information, they would be Pinkertons, and the men occupying positions with you as conductors or engineers, firemen, brakemen, baggagemen, yardmen, and shopmen of their class, they would not be under your direct supervision, but under the Pinkertons?

Mr. JOHNSON. Yes, sir.

Commissioner AISHTON. Just one question, Mr. Johnson; I understood one of your officers to say that these men were used simply to develop the situation, that the officers made the investigation.

Mr. JOHNSON. That is entirely so.

Chairman WALSH. Do you have charge of any arms or ammunition, or other weapons the company might own?

Mr. JOHNSON. No, sir.

Chairman WALSH. Who would have them—Mr. Harper?

Mr. JOHNSON. No, sir.

Chairman WALSH. Who would?

Mr. JOHNSON. I heard the question asked here two or three times. I do not know of any place on the system where we have anything stored for that purpose. At the times we have had our troubles in the past we have got through our purchasing agent a supply of revolvers.

Chairman WALSH. So far as you know, there are no arms or ammunition kept on hand?

Mr. JOHNSON. I want to explain. After the trouble was over they were returned to the purchasing agent, and I understand he has a few hundred, I don't

know how many, just a few hundred, lying there in a safe same place in Philadelphia.

Chairman WALSH. Who would know of that, if anyone, who is here?

Mr. JOHNSON. I do not know of anyone; I think that is entirely in the hands of the purchasing agent.

Mr. MYERS (from the audience). We would be glad to give you that information.

Commissioner AISHTON. They are kept stored, in the general practice of the railroads, with the purchasing agent or his subordinates, the storekeeper, who keeps the general stores of the company?

Mr. JOHNSON. Yes, sir.

Commissioner O'CONNELL. Do you know whether the Pinkerton people in hunting this information, or any information they might desire, as to any activity on the part of organized labor on the system—whether the men employed on the system are men of the particular trades that are liable to be involved in trouble?

Mr. JOHNSON. I understand so.

Commissioner O'CONNELL. For instance, if the telegraphers were active on the system, would the men who would be put on the system likely be telegraphers?

Mr. JOHNSON. I understand so; yes, sir.

Commissioner O'CONNELL. Do you suppose, if it was essential to have Pinkerton men there, they would try to place them in the national organization of the telegraphers to secure information?

Mr. JOHNSON. I do not know about that; if they wanted information, I suppose they would.

Commissioner O'CONNELL. Do you get information that is indicated as coming from the general officers of the organization?

Mr. JOHNSON. No.

Commissioner O'CONNELL. Your information would not indicate that it comes direct from the national organization?

Mr. JOHNSON. No.

Commissioner O'CONNELL. Do you get information of any kind to indicate that the Pinkerton people are reporting information secured at the headquarters of the various organizations, such as the American Federation of Labor?

Mr. JOHNSON. No, sir.

Commissioner O'CONNELL. That is all.

Chairman WALSH. If there is anything further you desire to say, Mr. Johnson, that we have not asked you about, you are at perfect liberty to do so.

Mr. JOHNSON. There is nothing; I want to be frank; there is nothing to conceal.

Chairman WALSH. That is all, thank you, Mr. Johnson.

Mr. Harper.

TESTIMONY OF MR. J. C. HARPER.

Chairman WALSH. Please state your name.

Mr. HARPER. J. C. Harper.

Chairman WALSH. What is your business?

Mr. HARPER. Superintendent of police of the Pennsylvania Railroad Co.

Chairman WALSH. Where do you reside?

Mr. HARPER. At Philadelphia.

Chairman WALSH. How long have you resided there?

Mr. HARPER. Since February, 1907.

Chairman WALSH. I wish you would sketch a little history of your service with the railroad company, please.

Mr. HARPER. Or the purpose of the organization?

Chairman WALSH. No; your own service. Have you always been superintendent of police?

Mr. HARPER. No, sir.

Chairman WALSH. I mean your personal service with the company.

Mr. HARPER. I came from the telegraph department; I have been with the company 30 years.

Chairman WALSH. How does it happen that the police department should be under the telegraph department?

Mr. HARPER. It is an awful handicap, but, nevertheless, it is a fact. The public do not understand the importance of the superintendent of telegraph; he is a bigger man than his title indicates.

Chairman WALSH. He is on the staff of the general manager, is he?

Mr. HARPER. Yes.

Chairman WALSH. Is that how he comes to have charge of the police?

Mr. HARPER. Yes, because the general manager is too busy a man to handle my matters, which are trifling.

Chairman WALSH. I wish you would be brief and give a little history of your police organization, and begin with the classification. I believe it has been submitted to you; the number of uniformed officers, the number of plain-clothes men, the number of special-duty men.

Mr. HARPER. The organization of the police service was effective November 1, 1907. You understand as a general proposition that until that time it had been purely divisional; each division had its own police, and one division did not know what the other was doing in that respect. Do you want the figures collectively?

Chairman WALSH. The number of uniformed officers, plain-clothes men, the number of special-duty men, if there are such; that is the way I have classified my question.

Mr. HARPER. The number of men with State authority, 361; number of men with city authority, 33. Incidentally I might mention that the 33 men with city authority are located within the confines of Philadelphia. We have but one actual policeman on the road without authority. This makes the total of actual policemen 395. In addition, the police rolls are burdened with 291 men known as watchmen, without any police authority.

Chairman WALSH. Crossing men and the like?

Mr. HARPER. They are crossing men—men who have been incapacitated in other departments by reason of injury, loss of arm or leg, or defective sight; and they are used as crossing watchmen, watchmen at freight houses, gates, or they follow a tour of clocks for fire prevention, and so forth.

Chairman WALSH. Just describe the authority these men have and the territory in which they act—whether or not they settle at one place, or whether any number of them are transferred from place to place along the road, or how that is.

Mr. HARPER. As I have already outlined, the State authority to the policeman is issued by the governor of the Commonwealth.

Chairman WALSH. Directly by the governor?

Mr. HARPER. Yes, sir; a commission from the State of Pennsylvania; and that commission gives the individual police authority for a period of three years, and must be renewed every three years.

Chairman WALSH. Are they renewed every three years?

Mr. HARPER. Yes.

Chairman WALSH. Are there any others that may operate in other jurisdictions?

Mr. HARPER. Yes; in the State of New York for a good while we did not make any effort to obtain police authority from that State; but when we opened our terminal in New York City we did. It was a very large proposition, and in the meantime we operated under city authority.

Chairman WALSH. How many have you in the city of New York?

Mr. HARPER. Now, I can not give minute figures on that, but I can give you approximate figures as of December 31.

Chairman WALSH. We do not want that much detail. How many have you?

Mr. HARPER. I will have to give you the New Jersey division, which takes in that territory.

Chairman WALSH. You have that in documentary form there?

Mr. HARPER. Yes.

Chairman WALSH. So you can submit it?

Mr. HARPER. Yes.

Chairman WALSH. Very well; please submit it, and we will not go into that detail now.

(The information requested is printed among the exhibits at the end of this subject as Harper Exhibit.)

Chairman WALSH. How are the men armed?

Mr. HARPER. These uniformed men are armed with a .32-caliber revolver.

Chairman WALSH. Clubs or other weapons?

Mr. HARPER. If a man feels he is not physically capable of taking care of himself—and, of course, mentality goes with the physical—he is furnished with a leather club about 10 inches long; we do not furnish our men with handy billies or blackjacks. A blackjack puts a hole in your head, whereas the leather don't do you any harm, but temporarily stuns.

Chairman WALSH. Where are your leather ones made, or are they purchased?

Mr. HARPER. The purchasing agent purchases them. I can not tell you offhand where they come from.

Chairman WALSH. To your knowledge, are any arms held in storage at any point on the road?

Mr. HARPER. Yes, sir.

Chairman WALSH. Just describe their character and where they are located.

Mr. HARPER. In a safe in the department of the general purchasing agent at Philadelphia, Broad Street Station; there are 90 guns there. They were purchased for the purpose of arming officers on divisions where a number of post-office safes in our stations had been blown by bandits. In the winter of 1907 I went to Philadelphia—just as an illustration, between Philadelphia and Paoli, a distance of 25 miles, there was not a safe that was not blown up at least once during that winter.

Chairman WALSH. That is, the safes in the stations?

Mr. HARPER. Yes, sir. In one place, Wynnewood, the safe was blown three times, and so on down the line. There is absolutely no use of the police going after that element with revolvers, and that was the purpose of buying these guns. We did not have safe blowing any more thereafter. Those guns are in a safe, well protected.

Chairman WALSH. You do not know whether there are any other arms than those stored at any place?

Mr. HARPER. We might have two or three hundred revolvers that were purchased in bulk in order to get a low rate of cost. You understand that we are governed by the principle that if you are going to give a policeman a revolver it should be a good one, as an inferior make is a dangerous thing; so that for the sake of safety and uniformity we adopted the Colt revolver, which is the standard small arm of the United States Army.

Chairman WALSH. And those are kept where?

Mr. HARPER. In this same place.

Chairman WALSH. Have you trains equipped for police service?

Mr. HARPER. Any what?

Chairman WALSH. Any trains or cars or engines?

Mr. HARPER. No, sir.

Chairman WALSH. You have nothing of that kind?

Mr. HARPER. No, sir.

Chairman WALSH. There was a reference made to Lucknow, the Lucknow encampment.

Mr. HARPER. Yes.

Chairman WALSH. Explain that, if you will, please, Mr. Harper, without being asked any direct questions.

Mr. HARPER. A policeman is on duty 24 hours a day, and 25 hours if possible—I have been on duty 25—and he is not docked if he is off a day, nor is he granted a vacation for extra time on duty. We believe that our policemen are exceptional men, and we try to treat them as such; so that Lucknow encampment was an arrangement with the company to give these men a vacation to get them together to become better acquainted with each other, particularly the captains.

Chairman WALSH. Did they consist of your uniformed police, those with the Lucknow encampment?

Mr. HARPER. Those with uniforms had such equipment with them, and those who did not have them went in civilian clothes.

Chairman WALSH. How many were there?

Mr. HARPER. We split it. All told, we had 340 men, half the first two days and the other half the next two days.

Chairman WALSH. Proceed, now, Mr. Harper, please, where I interrupted you.

Mr. HARPER. I was going to give you the number of uniformed men.

Chairman WALSH. I do not care for that; just complete your answer. Just give us your answer about the encampment—as to the whole matter. It was reported to our investigator that the Lucknow encampment was held at a time when an agreement was being entered into between some of the union organizations, or being settled by some union organization with the officers; and they were encamped and drilled at a place where they could be seen by the people going back and forth, and the inference was that it was being done for the purpose of intimidation or having some effect on the making of the contract; did you understand it that way?

Mr. HARPER. It is possible that something was going on with some of the train-service men. There is something going on practically every day; but I pay no attention to it. That does not enter into my manipulation of the police service. Your other statement, that these men were gathered at a point where they could be noticed by travelers or the men——

Chairman WALSH (interrupting). That is not my statement.

Mr. HARPER. Anyway, that is all wrong, because they were camped in the most obscure place that you could find. They were sent out there for two or three days' vacation, and they were encamped along an old canal bed south of the Pennsylvania line, where they were not seen from the railroad; in an old cornfield, and this old canal bed has a row of trees down both sides.

Chairman WALSH. And the assembling of them at that point at that time had no significance, so far as any labor trouble was concerned, so far as you know?

Mr. HARPER. No, sir.

Chairman WALSH. What date was that?

Mr. HARPER. June, 1913, I think; I do not know positively.

Chairman WALSH. Now, Mr. Harper, unless you have some further statement you desire to make you will be excused permanently.

Mr. HARPER. I have nothing to say, except to reiterate——

Chairman WALSH (interrupting). With all due respect, do not reiterate.

Mr. HARPER. I have nothing further to say.

Chairman WALSH. Very well; you will be excused.

Mr. Auston.

TESTIMONY OF MR. J. R. T. AUSTON.

Chairman WALSH. State your name, please.

Mr. AUSTON. J. R. T. Auston.

Chairman WALSH. Where do you live?

Mr. AUSTON. At Philadelphia, Pa.

Chairman WALSH. What is your business?

Mr. AUSTON. President of the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen.

Chairman WALSH. How long have you occupied that official position?

Mr. AUSTON. Since 1910; I was grand secretary from 1907 to 1910.

Chairman WALSH. Are you a telegrapher; were you originally a telegrapher?

Mr. AUSTON. A telegraph operator since I was 11 years old.

Chairman WALSH. How did you happen to come to the Minneapolis Convention?

Mr. AUSTON. The Minneapolis convention of May, 1907?

Chairman WALSH. Yes.

Mr. AUSTON. I was in the employ of the Denver & Rio Grande Railroad Co., but previous to the convention I was with the Western Union at Denver, and took a leave of absence and went to Minneapolis as a visitor or member in good standing, with up-to-date card to June 30, 1907, which represented 20 continuous years of membership.

Chairman WALSH. Did you pay your expenses to that convention?

Mr. AUSTON. Yes; my own expenses and those of my wife.

Chairman WALSH. Did anybody pay the expenses—any of your expenses during the period of that convention? Or any of the expenses of that convention, that you know of?

Mr. AUSTON. No, sir.

Chairman WALSH. What salary did you receive during the early part of the existence of the organization?

Mr. AUSTON. At Minneapolis, when the division or split, as we call it, occurred, I was asked my rate and I told them I could get along, I thought, on $150, and they thought they could not pay that, and they were all friends of mine, and I said, "Make it $100, and I will come and help you anyway," and my salary to 1910, if I remember right, was $100; then I believe it was raised to $125, and now it is $150 a month.

Chairman WALSH. Has your salary always been paid by the members of the organization?

Mr. AUSTON. My salary has always been paid, when it was paid, out of the revenues of the organization.

Chairman WALSH. I gather from what you say that sometimes your salary was not paid.

Mr. AUSTON. In the first years of the organization—in 1907, when we returned from Minneapolis, they handed me $65; and I also used finances of my own in financing the organization.

Chairman WALSH. Did the Pennsylvania Railroad Co., either directly or indirectly, pay your organization expenses or guarantee them?

Mr. AUSTON. No; under no circumstances whatever.

Chairman WALSH. It has been suggested that they guaranteed your credit with a printing concern to the extent of $1,000.

Mr. AUSTON. That is an absolute falsehood, which can be proven by the affidavits of the printers. I told them I wanted a $1,000 credit, and it was up to them whether I could have it or not, and they gave me credit; and I ran an $800 credit.

Chairman WALSH. Has the Pennsylvania Railroad Co. approved of your organization?

Mr. AUSTON. That is a question I could not answer. They have done business with us, but whether they approve of our organization or any other, I do not know; I never asked them.

Chairman WALSH. Tell us what business you did with the company?

Mr. AUSTON. When the controversy came to a head on the Pennsylvania lines—understand I never worked for the Pennsylvania Railroad Co. in my life, and I never was in their service—the whole general committee, with the exception of one man, members of the O. R. T., of St. Louis, changed their buttons and came to our organization. In 60 days we had over 800 members in good standing. The committee kept right on with its transactions just the same as it did before; in fact, when the disturbance arose in 1905 after the general chairman was out of favor, the committee still kept on doing business with the company without any organization at all behind it, and paid dues to their old secretaries, two in Philadelphia; the committee kept right on doing business, and if the time was not so brief I could bring in a complete schedule of the dates of the meetings, and their results, and so forth; as all general committee work is.

Chairman WALSH. Was there a threatened strike on the Pennsylvania Railroad in 1912?

Mr. AUSTON. In 1912, if I remember right, about in June, there was a movement made by Mr. Perham's organization, who kept a large corps on the Pennsylvania all the time to disrupt it, arranging to bring a committee before the management of the company and force official recognition, which they had never enjoyed at any time from 1907 to that date, 1912. It resulted in the committee being brought into Philadelphia, headed, as I understand, by Mr. McGraill, of the Pittsburgh division, and Mr. Perham himself; and I believe you have all the data in regard to that controversy between Mr. Perham and the Pennsylvania Railroad.

Chairman WALSH. Well, at that time did you undertake to secure telegraphers for the Pennsylvania to take the places of the men who might go on strike?

Mr. AUSTON. No, sir; no, sir. The statement was made by these men, the organizers of Mr. Perham, that I maintained a labor bureau on Filbert Street in Philadelphia and sat behind the desk and enrolled men for such positions.

Chairman WALSH. Did you send any operators to the Pennsylvania during the time this strike was going on?

Mr. AUSTON. No, sir; no, sir; I maintained a neutral position.

Chairman WALSH. Now, Mr. Auston, if there is anything else you would like to say, about which you have not been interrogated, you may do so.

Mr. AUSTIN. I would like to read a brief statement and pass it into the records of the commission.

Chairman WALSH. Can you epitomize it for us and then submit it, and we will take it up as a whole?

Mr. AUSTON. I believe we would save time to just let me read it.

Chairman WALSH. Does it cover any point I have asked you about?

Mr. AUSTON. No; other points.

Chairman WALSH. Now, please omit any points you have been asked about, if you can, Mr. Auston, and read anything now that you want to put in, but please omit these matters that I have asked you about.

Mr. AUSTON. I will start right in [reading]:

"The new organization in 1907 took over the existing general committee, Pennsylvania lines east, and its officers, and continued doing business with the Pennsylvania Railroad management, the same as it had for several years previous.

"After we organized, President Perham, of the O. R. T., appealed for an injunction to debar us from using 'Order Railroad Telegraphers' in our title. The appeal was denied by Judge Holland, of the superior court, Philadelphia.

"Immediately after the close of the Minneapolis convention, in 1907, the new organization was called company organization by Mr. Perham and his agents. A number of organizers were placed on the Pennsylvania system to disrupt the new organization. The work of attempted disruption and the sowing of falsehood and prejudice by the circulating of scandalous reports, while not injurious to the O. R. T., D., A., and S., or retarding its progress and growth, might be said to be the direct causes of unrest among the telegraphers employed on the Pennsylvania Railroad east of Pittsburgh and Erie, who have been misled and deceived by the specious statements and despicable untruths.

"The general committee, working under the guidance and supervision of our organization, has had many conferences with the managements of the Pennsylvania Railroad, the Philadelphia & Reading Railway, the Long Island Railroad, the St. Louis Terminal, and that of other systems, and at the present time has important matters pending final adjustment on some systems.

"Our general committees have been very successful in securing additional compensation, better regulations, and improved conditions, and in no instance is there any indication of a lack of harmony between any of them and the railroad managements whom they have conferred with.

"As the Pennsylvania Railroad east appears to be the system now being investigated, I desire to state that the general committee, guided by our laws, can conclusively prove that from a financial point of view wages of telegraphers and other employees represented have been increased thereon since 1907 to a greater extent or percentage than the Order of Railroad Telegraphers, of St. Louis, Mo., has obtained in the same period on any railroad in the United States."

In connection with this statement I desire to file with this honorable commission some data showing the rates of pay on the Baltimore and the Delaware divisions of the Pennsylvania system and on the West Jersey & Seashore division as they existed January 1, 1914. This is made necessary because Mr. Perham quoted rates on those divisions which have been wiped out to a considerable extent by wage increases secured by our general committee. Also, because the rates quoted were minimums only and rates paid at positions where the responsibility was not very great.

(The statement referred to by witness is printed among the exhibits relating to this subject as Auston Exhibit No. 1.)

Mr. AUSTON (continuing reading). "Mr. Perham stated to this commission that the total membership of his organization was 45,000 and that the total number of telegraphers in the United States was 53,000. To my knowledge his organization has very few members on the Pennsylvania lines east, although I am aware there is a claim made that it has something like 1,100. Information secured by me indicates that many delinquent members are still carried on their system division No. 17, Pennsylvania Railroad, and also that a fair estimate of the total membership would not exceed 400 in good standing up to the end of 1914.

"On the Philadelphia & Reading; the Central of New Jersey; the Lehigh Valley; Delaware, Lackawanna & Western; and the Erie the membership in the O. R. T. is, practically, small. Reports received from southern and western systems exhibit a lack of complete organization; therefore it is evident that if his organization has 45,000 members it will be necessary to find more than 53,000 telegraphers to increase the total of nonmembers and properly man the railroads I have mentioned, upon which his organization is partially represented.

"Mr. Perham has branded me as a company tool and the organization I represent as a company organization. He has done this at meetings. He has done this in his complaint to this commission when he stated that the Order of Railroad Telegraphers, Ditspatchers, Agents, and Signalmen were fostered and financed by the Pennsylvania Railroad. He repeatedly stated the past few years that he had evidence, and that at this hearing he would prove his assertions and put the O. R. T., D., A., and S. entirely out of business. I am surprised that up to this time nothing has been openly presented to this commission in support of Mr. Perham's allegation. He has failed to meet the issue openly and fairly, as I have repeatedly challenged him to do. He has failed to prove up publicly. The charge affects my personal character, the repute of the organization I have the honor to represent, and the good name of its members, and it seems to me that it is cowardly procedure for anyone holding such a high

position in the labor world—the ranks of organized labor—to defame personal character and then pass alleged evidence to this commission under a promise of secrecy, instead of giving it out publicly, even though he did withhold the name of any person he might think would be persecuted for giving him information. The only conclusion possible for a fair-minded man to arrive at is: Mr. Perham did not have sufficient confidence in his alleged evidence and preferred to have it submerged in the voluminous data he has filed regarding 'gum-shoe men' and 'bulls' in whom he seems to be greatly interested—more interested than in proving openly and publicly that I am a corporation tool and the organization I represent a company association.

"In 1912 when Mr. Perham and a so-called general committee polled a strike vote on the Pennsylvania lines east and made a demand on the management for official recognition, I filed a protest against the management of the company recognizing said general committee. This protest is filed herewith."

(The document presented by witness is printed as Auston Exhibit No. 2.)

"My reason for filing the protest just read was that if the company received Mr. Perham's committee it meant our general committee would have to retire and give the Order of Railroad Telegraphers the right of way.

"At the time of filing the protest I had no knowledge as to what might be the decision of the Pennsylvania Railroad management, but I did know the opinion and feeling of our members regarding the matter; therefore it was my duty to put our position plainly before the officials.

"At this time we had some important matters pending adjustment, and anything tending to disturb our harmonious relations with the company would have been disastrous to the best interests of the employees, not only our own members but all employees of the telegraph, signal, and agents departments of the Pennsylvania Railroad system.

"I mention this filing of a protest for the reason that there have been misstatements regarding our position at the time Mr. Perham was considering the advisability of disturbing the transportation business if his demands were not conceded, which were, briefly, "Put the O. R. T., D., A., and S. out the back door and let us in the front door."

"Our organization has a sick benefit of $5 per week and a funeral benefit of $100, both paid directly from the grand division. Our locals are not permitted to have such benefit features. The dues are $9 per year, payable quarterly. We have distributed over $10,000 since 1908.

"The methods of procedure we favor have increased wages, secured better regulations governing seniority rights and promotion and other conditions of service. We have never found it necessary to call a strike vote on the Pennsylvania Railroad or appeal to any governmental board or commission. We have had some difficulties on other systems, but through the exercise of diplomatic tactics, patience, and publicity we have won our case without exciting any spirit of official retaliation.

"Our organization has a strike clause in its laws based on a two-thirds vote of members interested.

"I wish it clearly understood that we have no apologies to make for our plan of organization. Mr. Perham objects to injunctions restraining or preventing the holding of meetings. So do I, but I extend my objection still further. I do not believe that there should be a high court of organized labor in this country—a court possessed of actual or assumed prerogatives to say to all the workers of this country, 'We are the selected rulers of your destinies, and there shall be no other kind of labor organization permitted to exist except those bearing our seal of approval.'

"Such is the position taken by the American Federation of Labor, of which Mr. Perham is a vice president. It must be its position or Mr. Perham would never have spent thousands of dollars since 1907 in a futile effort to disrupt the organizttion I represent. Such position is, in my opinion, a sort of injunction served on labor to prevent any part of that great army from stepping out of an old rut and trying new methods and new procedure.

"So the injunction served on me is that I am a leader of an irregular organization, and that the only regular organization of railroad telegraphers is the one Mr. Perham represents. And still it is 'regular' for the Brotherhood of Railroad Trainmen to have conductors and baggagemen as members and the Order of Railway Conductors to have conductors, too, and for the Brotherhood of Locomotive Firemen and Enginemen to have engineers and the Brotherhood of Locomotive Engineers to have engineers only.

"Whether regular or irregular, the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen asked no one how it should establish itself or what classes of railroad employees it should make eligible to membership. It, however, will always try and respect the rightful jurisdiction of any other organization that is really honestly and practically representing labor; but in the case of Mr. Perham's organization, the Order of Railroad Telegraphers, the organization from which many of us withdrew for causes too many to enumerate, we do not recognize its right to be the exclusive labor organization for railroad telegraphers, or, in fact, recognize it in any way under its present official management for the reason it has deemed proper to villify and abuse and made efforts to disrupt the O. R. T. D. A. & S. ever since it was organized in 1907, instead of seeking some means to harmonize ill feeling and dissension caused by its own official errors of judgment.

"Our organization represents train dispatchers, directors, towermen, signalmen, signal maintainers, telegraphers, levermen, linemen, clerks, agents, and electricians who are employed on a railroad. We have no 'laborers,' as Mr. Perham stated in his testimony.

"Under our plan each class represents itself directly before the supervising officials through its own local chairman and division board of adjustment. Each local chairman, regardless of class, forms the general committee, and the chairman of that committee can be elected from any class by the local chairmen themselves. Our idea is to get the best men in the lead.

"In conclusion I wish to repeat that I do not believe any coterie of labor leaders has a patent on every plan of organization. I have no apology to make to adherents of the class idea for promoting an organization of railroad labor composed of different classes—three departments. I am pleased to be able to state our success has proved the plan to be feasible. The object of labor unions is to promote the welfare of those represented. We are doing that, and take considerable pride in the accomplishment.

"We began life with $65. In a month we had 700 members. When expenses press too hard, owing to organizing expenses, the organization was fostered and financed. I plead guilty to that charge, but I desire to state that Mr. Perham accused the wrong party. It was not the Pennsylvania Railroad or any other railroad; not the Steel Trust, as some of his organizers once reported. It was J. R. T. Auston, the present national president of the order, the writer of this statement.

"Respectfully,

J. R. T. AUSTON,
"National President Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen."

Mr. AUSTON. I thank you for permitting me to read that.

Commissioner O'CONNELL. What is the total membership, Mr. Auston, of your organization?

Mr. AUSTON. At the present time in the neighborhood—we have a quarterly system—and, taking it approximately, I would place the membership on the Pennsylvania Railroad——

Commissioner O'CONNELL. I am not speaking of the Pennsylvania Railroad, but the whole organization.

Mr. AUSTON. We have a little over 3,000.

Commissioner O'CONNELL. What is the membership on the Pennsylvania system?

Mr. AUSTON. Well, somewhere about, possibly, twenty-three or twenty-four hundred. We have not branched out much.

Commissioner O'CONNELL. And out of your total membership you say 2,400 are on the Pennsylvania system?

Mr. AUSTON. Yes, sir.

Commissioner O'CONNELL. Does that mean the entire Pennsylvania system?

Mr. AUSTON. The Pennsylvania lines east. We have not touched the lines west.

Commissioner O'CONNELL. You have no membership in the West?

Mr. AUSTON. Yes, sir; on the Milwaukee & St. Paul and on other roads.

Commissioner O'CONNELL. I mean the Pennsylvania lines west.

Mr. AUSTON. Not but very few; we have a few in Pittsburgh, but I doubt whether any of the western lines are in there yet.

Commissioner O'CONNELL. Does your organization have printed monthly reports or a journal of some kind?

Mr. AUSTON. We have an official journal called the Railroad Wiremen Signal, published monthly.

Commissioner O'CONNELL. Does that contain reports of your income and disbursements?

Mr. AUSTON. No, sir; neither does yours, perhaps.

Commissioner O'CONNELL. Yes; it does.

Mr. AUSTON. Yes; I think you are right. Our laws don't require that; and another thing, an organization that is growing up under difficult circumstances and surrounded by enemies will keep its inside business very close.

Commissioner O'CONNELL. Does your secretary and treasurer, or secretary or treasurer, as the case may be, or yourself, if you are the officer, publish a statement that goes to your membership direct?

Mr. AUSTON. The local lodges are furnished statements and the books are audited once a year by an auditor.

Commissioner O'CONNELL. Does your national organization furnish to your lodges the income and disbursements of your national body?

Mr. AUSTON. We do at the biennial conventions.

Commissioner O'CONNELL. When was your last one?

Mr. AUSTON. We will have one this coming May 17.

Commissioner O'CONNELL. Then you have prepared a statement to present to that?

Mr. AUSTON. I have not yet, but I will if I can get away from here a few days.

Commissioner O'CONNELL. You expect to prepare one?

Mr. AUSTON. Yes, sir.

Commissioner O'CONNELL. Will you furnish this commission with a copy of your statement to the next convention?

Mr. AUSTON. Yes, sir; but it is a little bit irregular. Ordinarily, if ours was the only organization, I would say "yes," frankly; but, as I say, I will have to get permission from the convention—the delegates, at least. I am under oath of office to protect my organization.

Commissioner O'CONNELL. I ask that that request be made.

Mr. AUSTON. If it was put in the form of a demand, we would probably have to comply.

Commissioner O'CONNELL. Let me ask this question: You have made through your organization an agreement of some sort, or arrangement, covering the employment of your people with the Pennsylvania system east?

Mr. AUSTON. Mr. O'Connell, when I came to Pittsburgh along in 1907 they had the seniority rule on a piece of yellow paper, called "the yellow kid," and we kept improving on that until we got it in book form, and we now have the rules and regulations, the rights of employees, and we have enlarged——

Commissioner O'CONNELL (interrupting). I am not speaking of that, Mr. Auston. You entered into some sort of negotiation with the Pennsylvania whereby you agreed upon rates and wages for telegraphers?

Mr. AUSTON. Yes, sir; there was a mutual understanding and agreement.

Commissioner O'CONNELL. Now, you say there is in your constitution a strike provision?

Mr. AUSTON. Yes, sir; a two-thirds vote.

Commissioner O'CONNELL. Then you are not an antistrike organization?

Mr. AUSTON. No, sir; I would not pay 50 cents into an organization that would not strike. You know for 35 years I have carried a union card.

Commissioner O'CONNELL. Having that clause in your constitution, of course, means something to the membership. Suppose your members were in complete control of the telegraph situation at the Altoona station, on the eastern division, and one of your members was discharged in Altoona, on the Altoona force, for what you would consider an unjustifiable position, and you attempted to have those men reinstated and the company refused, under your law, if you made that two-thirds vote you could order that strike of your members for the reinstatement of those men. Do you hold that under that rule you have a right to call your members out at the Philadelphia station in support of the contention of your members at Altoona?

Mr. AUSTON. Yes, sir.

Commissioner O'CONNELL. You have that right?

Mr. AUSTON. Sure we have.

Commissioner O'CONNELL. Then your organization does, as was alleged this morning, have a sympathetic clause?

Mr. AUSTON. No, sir; we have no sympathetic clause; we simply claim the right to represent all of the men on the Pennsylvania lines east of Pittsburgh and Erie that are organized. If such—which I hope won't occur—we will suppose such a case comes up with us, all of the ordinary pressure for harmony would be brought about to avoid a strike, and the membership, and if it comes to a strike every labor union must support the men that are discharged.

Commissioner O'CONNELL. Then you are, as I understand the statement made this morning, you are not the kind of an organization just exactly the Pennsylvania officers would want on their system?

Mr. AUSTON. I don't think so; I was told in the anteroom by a gentleman I just met this morning, "What you want a hearing for; you are opposed to labor organizations," and I said, "You don't know me; you don't know what you are talking about."

Commissioner O'CONNELL. The point I am trying to get at is, for instance, the general superintendent who was on the platform here just before noontime stated that they were not opposed to an organization of labor on the system, provided they were organized along certain lines and without any entangling alliances, and were not in favor of a sympathetic strike; that a sympathetic strike meant that the men, for instance, at one station, speaking of shopmen, that the men on strike at Pittsburgh—there is a contention with the company—and the men struck at Altoona, or if the men go on strike at Altoona it would be looked upon as a sympathetic strike and not in accordance with their idea of an organization.

Mr. AUSTON. The opinion of another witness is not always my opinion. A sympathetic strike in my idea is this, that if the telegraphers were out on the New York Central, and called on them on the Pennsylvania lines to assist in order to drive them into a sympathetic strike to aid the New York Central men, that that would be a sympathetic strike. The illustration of a sympathetic strike given this morning between two shops on the same system is not an example of what I would term a sympathetic strike.

Commissioner O'CONNELL. You don't agree with that idea at all?

Mr. AUSTON. No; not at all.

Commissioner O'CONNELL. Suppose the New York Central, as you spoke of it, you had a strike on the Pennsylvania road and the New York Central furnished operators to take your members' places on strike on the Pennsylvania Railroad, what would you do in case of the New York Central if you had members working for it?

Mr. AUSTON. We would tell them not to come.

Commissioner O'CONNELL. Suppose they did come; would you allow your men to work for the New York Central?

Mr. AUSTON. How about the members that don't come? The few that do come to the Pennsylvania line, you know as well as I do that they violate their obligation to the union.

Commissioner O'CONNELL. But supposing the New York Central line, through its telegraph system, furnished the Pennsylvania Co. with men to take the place of your members who had gone on strike, officially, and done that, what would you do with the New York company if you had members working for them?

Mr. AUSTON. We would have a grievance against the New York Central.

Commissioner O'CONNELL. And you would strike that?

Mr. AUSTON. Yes, sir; if necessary, because they interfered with the Pennsylvania line, just what we are against; we say we won't interfere sympathetically with other lines.

Commissioner WEINSTOCK. On account of the limit of time, I will ask you to answer my questions just as briefly as possible. I have in my mind a document filed with this commission by Mr. H. B. Perham, president of the Order of Railroad Telegraphers, in which he makes certain charges against the Pennsylvania Railroad. I gathered from your testimony that you had been doing business with the Pennsylvania Railroad, and therefore you can probably answer some of these. The first is that the Pennsylvania Railroad Co. denies the right of organization to all employees except those directly engaged in transportation. Is that your idea and your experience?

Mr. AUSTON. No, sir.

Commissioner WEINSTOCK. The second charge is that the Pennsylvania——

Mr. AUSTON. Let me modify it. It is not true as far as my organization, or our organization's activities are concerned, because we are organizing clerks at the present time on the system, and have large locals.

Commissioner WEINSTOCK. Do you represent primarily the telegraphers?

Mr. AUSTON. No, sir; three departments—telegraphers, signal, and agents departments.

Commissioner WEINSTOCK. The second charge is that the Pennsylvania Railroad Co. makes a practice of discharging men for the reason that they have joined a labor organization; also that it coerces and intimidates men who are suspected of having joined a labor organization and habitually discriminates against men who endeavor to exercise their right to organize. Have any of your members beeen discharged?

Mr. AUSTON. I know of none of ours or any other telegraphers being discharged for belonging to any organization.

Commissioner WEINSTOCK. The next charge is that the Pennsylvania Railroad Co. brings into existence and fosters sham labor organizations for its employees which are labor organizations only in name and are merely formal organizations and the subservient tools of the management, designed to obstruct the progress of legitimate labor organizations.

Mr. AUSTON. The only one I know, the only organization that I would apply that to, would be the recently organized mutual benefit association of Pennsylvania employees, which I have attacked in our official journal and endeavored to work against.

Commissioner WEINSTOCK. As far as your own organization is concerned, this would not be true?

Mr. AUSTON. I don't think so.

Commissioner WEINSTOCK. The next is that the Pennsylvania Railway refused to mediate or arbitrate its recent difficulties with its telegraphers and deliberately arranged its affairs to meet a strike by placing inexperienced men in readiness to take charge of the signal towers without regard to public safety.

Mr. AUSTON. You have the data in regard to that controversy; it is not necessary for me to enlarge on it.

Commissioner WEINSTOCK. What is your point of view of it?

Mr. AUSTON. I do not see how the Pennsylvania management could do business with two factions; they were recognizing one, as I stated in my report; they must put one out of the back door and leave the other fellow in or shut the door and not allow them to come in at all.

Commissioner WEINSTOCK. Did the Pennsylvania Railroad Co. ever refuse to mediate with your organization?

Mr. AUSTON. No, sir.

Commissioner GARRETSON. You heard Mr. Creighton's definition of what constituted a sympathetic strike. Did you ever hear such a definition of a sympathetic strike at any other time?

Mr. AUSTON. I will admit it is the first time I ever heard that sort of a definition of a sympathetic strike. I have been in several strikes myself and am pretty familiar with the different kinds.

Commissioner GARRETSON. You are familiar enough with the four train-service organizations to know that if that is a proper definition they are all sympathetic strikers?

Mr. AUSTON. Yes, sir.

Commissioner GARRETSON. The four organizations having contractual relations with the Pennsylvania system?

Mr. AUSTON. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. You will be permanently excused. I have been asked to announce that the only other witnesses that will be called on this Pennsylvania matter are John Guyer, J. T. Born, H. L. Grimm, and W. H. Pierce. All other witnesses on that particular subject will be excused permanently.

Mr. MYERS. May I say a word as to your investigation as to the hearing of the Pennsylvania Railroad and the taking of their testimony? As Mr. Atterbury, who spoke for the company, one of its highest officials, has had to leave to meet an appointment in Philadelphia, I wish to thank you and the members of the commission for the way in which you have conducted the investigation, and I wish to assure you that we stand ready at any time to put at your service any information that we may have which can serve to help you to solve this question that you are investigating. As very large employers of labor, and as men who have devoted our whole lifetime to this question, we

are intensely interested in it, and as good citizens we want to aid you with every means in our power to reach a proper solution.

Chairman WALSH. We thank you, Mr. Myers.

Mr. Guyer, will you please take the stand?

TESTIMONY OF MR. JOHN P. GUYER.

Chairman WALSH. What is your name?

Mr. GUYER. John P. Guyer.

Chairman WALSH. What is your business?

Mr. GUYER. Newspaper man, at the present I am engaged as social worker and clerk for the directors of the poor for Dolphin County, Pa.

Chairman WALSH. What is the county seat of Dolphin County?

Mr. GUYER. Harrisburg.

Chairman WALSH. Now, I wish you would state in your own way, Mr. Guyer, what you call the mobilization of the Pennsylvania police at Lucknow in 1913, which has been testified to here?

Mr. GUYER. About May, 1913, I was city editor of the Patriot, and there came to Harrisburg, into what is called the Lucknow field, or end of the road or yards, I think there were 17 cars, and in them were said to be 450 railroad detectives. These men were there I believe four days. I think Mr. Harper referred to it as a picnic, and at that picnic they used their automatics or revolvers in target practice on the National Guard rifle range. They were in sight of the north central and lines east and west of the Pennsylvania—the lines north, south, west, and east.

Chairman WALSH. Now, did I understand that there was some arbitration going on at the time between the company and certain of its employees?

Mr. GUYER. Yes, sir; at that time there was a question pending in New York in conference with the managers' association and representatives of the B. R. T. and O. R. C., representing about 100,000 men, and they agreed to arbitrate under the provisions of the Erdman Act, and the day following the agreement to arbitrate I noticed—I had been up to see those men practice their target shooting—and I noticed that the picnic left the next day.

Chairman WALSH. When you went up there, Mr. Guyer, were you told that the men were there on an excursion?

Mr. GUYER. No, sir; I was told that they were there because they were expecting a strike.

Chairman WALSH. Who told you that?

Mr. GUYER. The people living in the neighborhood with whom I talked.

Chairman WALSH. Did you talk to any of the men that were there?

Mr. GUYER. No, sir.

Chairman WALSH. To any of the officers?

Mr. GUYER. No; I heard reports. One of our reporters talked to Mr. Harper—Mr. White, I believe—and got the reason they were there, and we published a series of articles in the newspaper and told about their performances, etc.

Chairman WALSH. What statement did Mr. Harper make at the time with reference to what brought them there?

Mr. GUYER. If I can recall it, and he can correct me if I am wrong——

Mr. HARPER. I will correct you very emphatically.

Mr. GUYER. According to the reporter's story, what the men were there for, was, I believe, an outing, and it was the first assemblage of this kind that the police department had had on the Pennsylvania.

Chairman WALSH. He made substantially the statement that he made here?

Mr. GUYER. Yes, sir.

Chairman WALSH. On the statement that he made here?

Mr. GUYER. Yes, sir.

Chairman WALSH. Now, were you there during any strike on the road?

Mr. GUYER. Yes, sir.

Chairman WALSH. What strike was that?

Mr. GUYER. The strike of 1913, or 1914, I guess it was.

Chairman WALSH. What was known as the strike——

Mr. GUYER. That was known as the Pierce strike, according to the common talk around there, Mr. Pierce led the strikers.

Chairman WALSH. I wish you would give us the general conditions as prevailed and as concisely as you can, leading up to that strike?

Mr. GUYER. It would take quite a little time to do that. If you gentlemen would care, I would just as leave write out a statement of the conditions that

I know about, and based upon my observation there as a newspaper man there at that time.

Chairman WALSH. I would be very glad to have you do that?

Commissioner AISHTON. Your observations at Harrisburg?

Mr. GUYER. Yes, sir.

Commissioner AISHTON. And the statement will be confined to conditions that you actually saw?

Mr. GUYER. Yes, sir. I will relate some of them, if you wish, to-day.

Commissioner AISHTON. I don't think it is necessary to take up the time, Mr. Chairman.

Chairman WALSH. If you can state what you saw yourself briefly, do so; but if it will take some time, as you say, perhaps you had better not.

Mr. GUYER. It would take some time. I was admitted to meetings of the men most any time I wanted in, and, in view of all that I attended, I saw a great deal; and I saw the police of Pennsylvania crowd around the halls, so much so that they had difficulty in entering the hall, and the local police were called out. I don't think it is the regular Pennsylvania force, but this was an unusual force that they employed.

Chairman WALSH. Did you observe anything about the blockading of the hall by the company police in which the strikers desired to hold meetings?

Mr. GUYER. The railroad men said they were company detectives, or, rather, imported men, who were about White's Hall on one evening that I endeavored to enter there, and I had to wait there until they scattered out.

Chairman WALSH. How many men went out on strike at that time?

Mr. GUYER. It has been variously estimated from 700 to 2,000.

Chairman WALSH. Were these men brought in to take their places?

Mr. GUYER. Yes, sir.

Chairman WALSH. What was the relation between the strikers and the men brought in to take their places?

Mr. GUYER. Occasionally there was bitterness exchanged, and at other times the strikers and strike breakers would come to strike headquarters and report the conditions that they saw in the yard limits and in the shops.

Chairman WALSH. Do you know anything about attempted bribery of strike leaders?

Mr. GUYER. Nothing of my own observation. It was so reported.

Chairman WALSH. And do you know anything further than you have testified about the policing or the use of detectives in the strike?

Mr. GUYER. I know simply what I heard a number of times; Mr. Grimm was followed a number of times and I was followed a number of times by men I presume were interested in the Pennsylvania.

Chairman WALSH. It has been stated that you personally had some information as to what was called company domination over employees and economic pressure brought to bear by the company on citizens not directly connected with the company.

Mr. GUYER. That is quite extended. Mr. Chanery, your agent, spoke regarding the connection or control that the Pennsylvania exercised over courts and the machinery of the county government, and in that connection I think I told him that these employees, these police, had access to the jail and could incarcerate a man without the formality of a commitment and take him out without any more formality than to walk in and speak to the warden and take him out. They were in evident control. I think I mentioned the matter of Sheriff Wells, one of their shopmen, who was a candidate on the Democratic ticket for sheriff. He brought a letter to me at one time showing, or purporting to show, a letter written by Mr. Donohue, a clerk, to Mr. McCaleb, the superintendent of the division, in substance requesting him to get off the ticket or he would be dismissed, and I think I said to Mr. Chanery that the result was that Mr. Wells continued his candidacy and was elected by an overwhelming vote on the Democratic ticket, although Dauphin is nominally a Republican county.

Chairman WALSH. Now, I wish you would do as you suggested to Mr. Aishton, that you furnish a statement covering any facts in regard to these matters that might be of interest, of which you have personal knowledge.

Mr. GUYER. Mr. Chanery inquired regarding the full-crew law and the methods used by the Pennsylvania in creating public sentiment. In that connection, Mr. Chanery got from Mr. Maurer about one-eighth of the mail that he received on that subject, and with some clerks we tabulated it, and we found 19 form letters mimeographed, and amongst 2,600 letters that we examined we found but 7 which bore any resemblance of originality. A number of

these were upon the stationery of the Pennsylvania, and I can submit them to you, possibly several thousand of these mimeographed typewritten letters with the names of Mr. Maurer written on it and signed, in some instances dated Pittsburgh and signed by John Jones or some one in a little suburb outside of Pittsburgh.

Chairman WALSH. Just submit a few of them, and we will take the names of the others.

Commissioner AISHTON. You have no personal knowledge of what these police were for?

Mr. GUYER. No, sir.

Commissioner AISHTON. In the Lucknow encampment.

Mr. GUYER. No, sir; I didn't talk to them.

Commissioner AISHTON. You were city editor at that time of a newspaper?

Mr. GUYER. Yes, sir.

Commissioner AISHTON. And an item of news that they were there for mobilization, and from the railway, and this practicing, would be of greater value as news than if you would say they were on a picnic or an annual drill?

Mr. GUYER. Yes, sir; no question about it.

Commissioner GARRETSON. Was not the entire press, especially the eastern territory, full of a strike up to the day that the agreement of arbitration under the Erdman, not the Erdman but the Newlands Act, was reached?

Mr. GUYER. Yes, sir.

Commissioner AISHTON. Was it not a foregone conclusion by the press that that would be reached?

Mr. GUYER. There was a very strong hope expressed that it would be.

Commissioner AISHTON. Was it not of general knowledge on the part of the press that that result would be reached?

Mr. GUYER. There was no way of telling beforehand that it would be reached.

Commissioner GARRETSON. Have you any knowledge from the press reports, and the other sources that were available to you, as to who the pressure had to be brought on to get them to agree to arbitration, the men or the company?

Mr. GUYER. I do not have anything official on that line, but all sorts of rumors were about.

Commissioner GARRETSON. You ought to have done like a lot more of them did that came to me. I was there.

That is all, Mr. Chairman.

Chairman WALSH. That is all, thank you, Mr. Guyer.

Mr. GUYER. Do you want to make an inquiry in regard to this matter or shall I include it in my statement that I am to furnish in regard to the pressure brought to bear on the papers to prevent the publication of news favorable to the men?

Chairman WALSH. Yes; you may tell us about that.

Mr. GUYER. I covered the strike news, although I was acting in the capacity of clerk, but I covered the strike news, and Mr. Grimm was at that time city editor, and I was told by some men who claimed there was an effort being made to have the news changed and made favorable to the company, or something of that nature; and later on men in the new brotherhood reported to me that they had heard that the chamber of commerce and officials of the Pennsylvania, including its attorneys, had held a meeting with the three city editors of the local papers in an endeavor to have all the news published favorable to the company—to the company's interests—and Mr. Grimm, of course, subsequently told me such had been the case, but he is here.

Commissioner AISHTON. I want to ask that any statement submitted by Mr. Guyer, a copy of it be furnished to Mr. Long, general manager, for the Pennsylvania, for any reply that he sees fit to make to it.

Chairman WALSH. Yes. That is all, thank you, Mr. Guyer.

Mr. Born.

TESTIMONY OF MR. J. T. BORN.

Chairman WALSH. What is your business?

Mr. BORN. I am postmaster of Wilmerding, Pa.

Chairman WALSH. How long have you lived at that place?

Mr. BORN. Sixteen years.

Chairman WALSH. What business—what was your business prior to being postmaster?

Mr. BORN. Machinist.

Chairman WALSH. By whom were you employed?

Mr. BORN. The last two years that I worked at my trade I was employed by the Pennsylvania Railroad Co.

Chairman WALSH. I wish you would state, Mr. Born, what part you took, if any, in the strike of 1911 at Pitcairn.

Mr. BORN. Why, I was on the grievance committee.

Chairman WALSH. Of what?

Mr. BORN. Of the shopmen.

Chairman WALSH. How long were you employed by that company altogether?

Mr. BORN. Well, five years; but I had left—was out of the company's employ for two years.

Chairman WALSH. And when this strike came on you were with the company, were you?

Mr. BORN. Yes, sir.

Chairman WALSH. Now, what was your record with the company?

Mr. BORN. Well, I guess it was good, because after I left they were after me to come back—that is, the foreman—to return there when I left the place that I was in; to go back. So it must have been good or otherwise they would not have asked for me to come back to the Pennsylvania.

Chairman WALSH. How did you come to finally sever your connection with the company?

Mr. BORN. I was discharged.

Chairman WALSH. For what reason?

Mr. BORN. For being a member of the union.

Chairman WALSH. Did you attempt to return to the employ of the company?

Mr. BORN. Not after the strike.

Chairman WALSH. What was the cause of the strike in 1911?

Mr. BORN. Well, I was a member of the International Association of Machinists before I knew that the shop was being organized. I was only a member of the shop organization about two weeks before. The company seemed to think I was a member a longer time, but I was only a member two weeks when I was discharged. They had organized the shop long before I knew anything of it. The reason I was not asked to join the union—that is, the shop union—or that they did not let me know there was such a thing was on account of me being friendly with the superintendent of the plant and they thinking I might give away something said or done; but the cause of the organization was due to the "off and on" system that the company adopted. They had a new system there that when a man got through with a job he was to report to the clerk. If he was on good terms with the clerk he might get a job immediately when he reported it. If not, he would have to stand around and he would lose the time. They had the piecework system. Now, that was the cause of the organization of the men in the Pitcairn shops.

Chairman WALSH. Was there or was there not substantial unrest among the men on account of that?

Mr. BORN. Well, that is what started it; but later, when the company knew that they were being organized, the old hands were discharged—the old employees. Now, that is what we tried to work with the company, that they should reinstate the old employees. The strike would not have come off at the time if they had not discharged the old hands.

Chairman WALSH. How many of those had been discharged?

Mr. BORN. Quite a number; not only at Pitcairn but all along the line. I think it was done more to scare them from organizing.

Chairman WALSH. Could you approximate the number that was so discharged?

Mr. BORN. Well, I could not. I judge in the machine shops, the shop that I was employed in, there were in the neighborhood of—you see, at Pitcairn they employed about 5,000; that is, all classes, laborers, car men, blacksmiths, pattern makers; they worked in the cabinet shop, and different men working at different work.

Chairman WALSH. How were grievances adjusted between the employees and the management?

Mr. BORN. There didn't appear to be any adjustment at any time. That is what created the trouble. If they would have recognized them——

Chairman WALSH. Was there any machinery for hearing the complaints of the men?

Mr. BORN. No; not to my knowledge.

Chairman WALSH. Was there or was there not any complaint about the wages?

Mr. BORN. Well, there is where it was; it was on this "off and on" system is what made the wages so small.

Chairman WALSH. Well, now, just sketch the trouble in that respect. How small were the wages, or how large—the earnings?

Mr. BORN. Well, if they worked through—had no trouble in getting their work—some of them made good money; that is, for not being mechanics. A man on the Pennsylvania at Pitcairn that was not a mechanic could make as high as a hundred dollars a month—and I thought that was good wages—provided he had the work.

Chairman WALSH. Was there any considerable portion of them that did not have the work that got the rate?

Mr. BORN. Oh, yes.

Chairman WALSH. Well, now, what proportion?

Mr. BORN. Well, just at that time, or for six months, in fact, from the time they adopted that up until the strike there were a great number of them made a very small wage.

Chairman WALSH. Well, what was the wage and about what did it net them?

Mr. BORN. The greatest part of it.

Chairman WALSH. How did it run, generally?

Mr. BORN. Some made less than a dollar a day; some made good wages. Now, with myself, I had no complaint with the Pennsylvania Railroad, personally; they paid me good wages. I was a day rater. I was not on the "off and on" system. They treated me good. I couldn't say anything myself, personally, but good for the Pennsylvania; but their employees as a whole were not treated right; and that is the reason I went with them and helped fight their battle.

Chairman WALSH. Any complaint about the voluntary relief association?

Mr. BORN. Yes, sir.

Chairman WALSH. What was that complaint?

Mr. BORN. Why, they were compelled to join the voluntary relief association. I don't call it "voluntary," because you were compelled to join the relief association. You were in the Pitcairn shop at the time. I don't know how about the others.

Chairman WALSH. Was there any objection to joining it?

Mr. BORN. Yes, sir.

Chairman WALSH. What was the objection?

Mr. BORN. Well, they did not care about joining it for the reason that they did not know whether they would stay with the Pennsylvania Railroad; there is where the biggest part of it was. Now, the company took that money out and the employees, so far as we understood, that 10 per cent of that money went for the pension fund. Now, we may have been wrong—I may have been wrong—but we used that as an argument, that 10 per cent of that money paid in went for the pension fund. Well, if a man did not stay there until he was 70 years of age, all the money he put in that relief he would lose. Now, that is the reason why so many objected to the relief. I for one objected to joining the relief, and I was compelled to join the relief. I was told so.

Chairman WALSH. By whom?

Mr. BORN. By the foreman.

Chairman WALSH. What was the attitude of the company toward labor organizers?

Mr. BORN. Why, it was not good. It showed that by the discharging of the men.

Chairman WALSH. That is what I was going to ask you. Did they discharge the men who joined?

Mr. BORN. Yes.

Chairman WALSH. Well, now, how many, and what were the circumstances connected with that?

Mr. BORN. Why, I venture—I believe there was one-third or over one-half had been discharged by the time the strike was called. Now, I was discharged February 27, 1907.

Chairman WALSH. You said you were discharged for joining the union. Why did you say that?

Mr. BORN. I was told if I would drop the union I could be held.

Chairman WALSH. By whom?

Mr. BORN. By my foreman.

Chairman WALSH. Who was that?

Mr. BORN. Mr. Steinburg.

Chairman WALSH. Were new men employed to take the places of these men discharged prior to the time of the strike?

Mr. BORN. No; not until the strike.

Chairman WALSH. Did seniority rights exist at any time while you were there?

Mr. BORN. No, sir—well, they did up to that time.

Chairman WALSH. What attempt was made, if any, to establish contractual relations with the company?

Mr. BORN. You mean, what measures were used?

Chairman WALSH. Yes, sir.

Mr. BORN. Well, we went before—well, we had correspondence with the officials of the company, the superintendent, the general superintendent, and the manager, for to have a hearing, that we could come to a peaceable settlement; and we were heard by the general superintendent, the superintendent, and the general manager. They treated us courteously, and I couldn't ask for better treatment; and they consulted with us; but they believed they had a right to discharge men if industrial conditions so existed, and that they had a right to use their own judgment. Now, they wanted us to go back to work and settle it afterwards—wanted us not to strike; but it was out of the question. We could not; the men compelled the strike unless the old men were reinstated.

Chairman WALSH. And who actually called the strike?

Mr. BORN. The men did.

Chairman WALSH. By a vote?

Mr. BORN. By a vote.

Chairman WALSH. How many men?

Mr. BORN. Well, each organization—I guess there was in the neighborhood of 5,000 men brought on the strike—more than that, between 5,000 and 10,000.

Chairman WALSH. How long were they out?

Mr. BORN. From the 1st day of May until the 15th day of June, I believe it was the 15th; I couldn't say positively the day they went out—they went back.

Chairman WALSH. What was the conduct of the strikers?

Mr. BORN. Good; could not be better.

Chairman WALSH. Any casualties there or disturbances?

Mr. BORN. There was trouble there the first day of the strike. There were detectives, and we thought they were the Pennsylvania detectives. Since I have been in here I have been informed they were Pinkerton detectives. They marched through the borough of Pitcairn—for what reason I don't know. I went before the council, the Pitcairn council, and asked them if they would not put on an extra police force and place men that were out on strike on the police force, as I believed that would keep better order than by putting strangers there; and the borough council agreed that they would, after I had explained ways of keeping order, and they immediately put on a bunch of policemen that were connected with the strike. There was no trouble in Pitcairn until the company—of course, the shopmen had pickets. They would try to prevent men from going over to work by speaking to them, and the company brought in a bunch of detectives and they came over to the borough to escort men to work, and that day there came nearly being a riot, but they kept it down. The extra police kept the detectives over on their side and from that day on there was no more trouble.

Chairman WALSH. You say there came near being a riot. Was there anybody hurt?

Mr. BORN. No, sir; nobody hurt; no blows struck; no.

Chairman WALSH. Or missiles thrown?

Mr. BORN. No; but there would have been if there had not been restraint.

Chairman WALSH. Now, were there police or not brought into the city?

Mr. BORN. No; not in the borough. The company tried to get the Cossacks there after that date.

Commissioner AISHTON. Who did?

Mr. BORN. The company did—tried to persuade the sheriffs to bring the State constabulary on the scene.

Chairman WALSH. Were the State constabulary brought in?

Mr. BORN. No, sir; the sheriffs took hold of it after that and appointed deputies that were out on the strike.

Chairman WALSH. That is workingmen that were on strike?

Mr. BORN. Workingmen that were on strike.

Chairman WALSH. And were there any police brought in by the company—any uniformed police from outside places?

Mr. BORN. Not in the borough.

Chairman WALSH. Not in the borough?

Mr. BORN. No; but there were in other boroughs where we could not get the council's help to put on men who were connected with the strike.

Chairman WALSH. You mean there was no blow struck, during the strike, at all?

Mr. BORN. Only one case that was at Wall, and that was controlled mostly by the company—a borough called Wall.

Chairman WALSH. How far is that from Pitcairn?

Mr. BORN. Right across the railroad yards.

Chairman WALSH. Well, then, Pitcairn itself was absolutely without trouble.

Mr. BORN. Without trouble. Well, there was trouble one night with a fight.

Chairman WALSH. Did anyone get hurt?

Mr. BORN. One man got hurt by a detective—one of the company detectives or Pinkerton detectives. They are the ones that tried to agitate trouble.

Chairman WALSH. Well, were there any arrests made growing out of this strike?

Mr. BORN. In Wilmerding there were two or three.

Chairman WALSH. Were the persons convicted?

Mr. BORN. No, sir.

Chairman WALSH. Or tried?

Mr. BORN. Yes, sir.

Chairman WALSH. Before a jury?

Mr. BORN. No; before the burgess's court.

Chairman WALSH. Now, briefly, a little of the aftermath. What became of these men that were discharged?

Mr. BORN. From the Pennsylvania Railroad?

Chairman WALSH. Yes.

Mr. BORN. Why, scattered to various parts of the United States.

Chairman WALSH. How many of them failed to get back?

Mr. BORN. Well, about one-third. I interceded for two or three, tried to get them back. I went to Mr. O'Donnell, and he turned me down, would not recognize them. One man in particular; he was on the committee—two men were on the committee—and they were both hurt by the company, and they did not have any part in calling the men out on the strike. They handled themselves properly during the strike, only they were on the committee. They tried to adjust grievances. And I could not see why the company could not accept those two men. They asked me to intercede for them, and I did, but they would not take them, and Mr. O'Donnell told me that we caused the Pennsylvania Railroad Co. to spend over a million dollars, and they did not think that it was right to take men back who were the cause of the railroad company being at such expense.

Chairman WALSH. Was there any change in the status of the men that were returned to work, either in wages or conditions, or anything of that sort?

Mr. BORN. I don't think so; I have not learned of such.

Chairman WALSH. When were you appointed postmaster at Wilmerding?

Mr. BORN. Last September.

Chairman WALSH. You said you were a member of the machinists' union?

Mr. BORN. Yes.

Commissioner AISHTON. And then spoke about an organization of the shop crafts. That was a federation, was it?

Mr. BORN. It was a federation; but I still hold my membership with the International Association of Machinists, and still do—am still a member.

Commissioner AISHTON. And your connection with the matter of meeting with the Pennsylvania was acting as representative of the men of the shop crafts?

Mr. BORN. Yes, sir.

Commissioner AISHTON. And the involved laborers?

Mr. BORN. Yes, sir.

Commissioner AISHTON. And helpers?

Mr. BORN. Yes, sir.

Commissioner AISHTON. And all the classes of employees?

Mr. BORN. Yes, sir; and on that committee there was one representative from each craft.

Chairman WALSH. That is all, thank you.

Mr. Grimm, please.

TESTIMONY OF MR. HERBERT L. GRIMM.

Chairman WALSH. Please state your name.
Mr. GRIMM. Herbert L. Grimm.
Chairman WALSH. What is your business?
Mr. GRIMM. State editor of the North American, Philadelphia.
Chairman WALSH. Of the Philadelphia North American?
Mr. GRIMM. Yes.
Chairman WALSH. Please state your newspaper experience, running back from this time.
Mr. GRIMM. Well, in 1913 I was city editor—you mean my entire experience?
Chairman WALSH. Yes; please.
Mr. GRIMM. Last fall I was acting managing editor of the Gettysburg Star and Sentinel, and prior to that time city editor of the Patriot for a year at Harrisburg. Before that I was New Jersey editor of the North American for two years.
Chairman WALSH. Did you act as representative of the Patriot at the meeting called by the Pennsylvania Railroad Co. and attended by the representatives of four Harrisburg papers, members of the chamber of commerce, and the Pennsylvania Railroad officials?
Mr. GRIMM. Yes; three Harrisburg papers.
Chairman WALSH. I wish you would briefly state how that call was made, and what took place at the meeting.
Mr. GRIMM. The call was made for one of the owners of the Patriot, I think. The Patriot is owned by the McCormicks, Vance C. and H. P. McCormick. And Mr. McCormick was out on the primary campaign; he was then running for governor of Pennsylvania; and I was asked to represent the Patriot.
The meeting was called for the purpose, as I understand it, of making the chamber of commerce members and the newspapers acquainted with the situation with regard to the strike from the railroad point of view.
I do not recall the date of the conference, but it was in the afternoon. There were present about 10 members of the chamber of commerce, whose names I do not recall, but one was Mr. Musser, the president, and for the railroad Mr. Creighton, general manager of the middle division of the Pennsylvania Railroad; Mr. McCaleb, superintendent of the Philadelphia division; and two of Mr. McCaleb's assistants, Mr. Dennehew and Mr. Sweeney; and Mr. Charles Bergner, local corporation counsel of the Pennsylvania Railroad Co., and a couple of others, whose names I do not recall. It was a closed meeting, and nothing was ever printed about it.
Mr. Creighton was the first one, I think, to make an address. The meeting was held in the office of Mr. McCaleb, superintendent of the Philadelphia division, in the station at Harrisburg.
The impression I gained at the time, soon after Mr. Creighton began to talk, was that the meeting was called for the primary object of winning over the members of the chamber of commerce and using them as a club to whip the newspapers, who were standing with the strikers, into line for the Pennsylvania Railroad Co. One of the parts of Mr. Creighton's address, I recall, he said he was at Atlantic City a couple of weeks before that, I believe, and that he was walking out on the board walk and picked up his Patriot and read across the top of the column "Terrible labor conditions in Harrisburg," and he said that was giving the city a black eye and was creating the general feeling that Harrisburg was a very poor town to work in, and so forth. Some of the chamber of commerce members would put in once in a while with, "That is right; that is right." And Mr. Bergner made an address along the same line.
Chairman WALSH. Who is he?
Mr. GRIMM. Bergner was local counsel of the Pennsylvania road. He accused the Patriot of deliberate lying.
Chairman WALSH. Had it?
Mr. GRIMM. No; I do not think so; I told him it had not.
Chairman WALSH. Go ahead.
Mr. GRIMM. Mr. McCaleb made an address along the same line Mr. Creighton did. And then addresses were made by a couple of members of the chamber of commerce, who agreed that the news ought not to be used in the local papers because it would create a feeling of unrest generally. That is about all.
Chairman WALSH. Did you have anything to say?
Mr. GRIMM. I only tried to show Mr. Bergner that the Patriot had not lied. There were representatives of the other newspapers there, and they all made

addresses or made replies and said they would be glad to use everything that the Pennsylvania Railroad Co. submitted, and they also agreed to give them front-page space.

Chairman WALSH. What had the attitude of the papers been prior to that time?

Mr. GRIMM. Well, Harrisburg is essentially a railroad town and about 5,000 of the 12,000 voters are, I think, railroad men. Of course, we cover these railroads, and we had one man on the local staff whose duty it was to "do" the Pennsylvania Railroad and call on the heads of the different departments every day. He always had difficulty in getting anything, and frequently, depending on the humor the railroad officials were in, he was curtly dismissed. I have knowledge of that. We had a story—I do not recall what it was about—one evening, and as it was the policy of the Patriot—if it was attacking, printing any story about a man in public life or any corporation—to always give the party concerned a chance to give their side of the proposition. I called Mr. Dennehew out of bed at 11 o'clock. The Patriot is a morning newspaper. I called Mr. Dennehew at the late hour, in order to let him give the railroad side of the story. The next day he called my chief and told him if anything like that ever happened again they, the railroad company, would never give us a line of anything and that he would take it up with the owners of the paper. That was about two weeks prior to the strike.

When the strike took place Mr. Dennehew and Mr. Sweeney and other railroad men came around to my desk in the evening to know what I had on the strike.

Chairman WALSH. Was there any change in the attitude of the Patriot?

Mr. GRIMM. There was not. The Patriot is owned by men of wealth, who run it more as a hobby and to give expression to their personal principles and beliefs, rather than from mercenary motives.

Chairman WALSH. Then you continued to print the news on both sides as you had done before?

Mr. GRIMM. Well, we always gave the Pennsylvania Railroad a chance to state their side, and the only difference was that we gave the strikers the best position. It was a big story, and we played it up every day. We gave the strikers the lead of the story and the Pennsylvania Railroad Co.'s side of it at the end.

Commissioner AISHTON. In your judgment there was no undue influence used by the Pennsylvania Railroad Co. to control the publication of news in the newspaper, was there?

Mr. GRIMM. Yes; there was. They tried to influence chamber of commerce members, mostly merchants, to withdraw their advertising.

Commissioner AISHTON. Two weeks prior to the strike, at the time you got in the row with them over calling some one up at midnight, there was nothing of that kind, was there?

Mr. GRIMM. After that we always had trouble getting any news whatever out of the Pennsylvania Railroad.

Commissioner AISHTON. They were a cold proposition, in other words?

Mr. GRIMM. They were that.

Commissioner AISHTON. That is all.

Chairman WALSH. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. Did you hear the testimony of a witness here in regard to how the publicity department of the Pennsylvania Railroad Co. works, and the spirit that impels it?

Mr. GRIMM. I did not hear that testimony.

Commissioner GARRETSON. You did not hear that testimony?

Mr. GRIMM. No; I was in the back part of the room.

Commissioner GARRETSON. It was to the effect that absolute knowledge on all subjects of interest was given to the public. Now, if that was the attitude of the publicity department of the Pennsylvania Railroad Co., it was not worked overtime in Harrisburg during your experience, was it?

Mr. GRIMM. They probably gave what they thought was news.

Commissioner GARRETSON. Have you any information as to the mission of publicity men in general? Is it to tell the truth, the whole truth, and nothing but the truth, or is it to tell what their employers want them to tell?

Mr. GRIMM. It depends on what newspaper you are working for.

Chairman WALSH. That is all, Mr. Grimm; thank you; you will be excused.

Mr. W. H. Pierce, please resume the stand.

TESTIMONY OF MR. W. H. PIERCE—Recalled.

Chairman WALSH. You have been recalled, as you understand, to make a reply, at your request, to make a reply to a statement contained in this publication with reference to your applying to the Pennsylvania Railroad Co. for a position, and so forth.

Mr. PIERCE. If you noticed, I just called the officials of the Pennsylvania Railroad Co. outside and requested them to stay until I made this statement, so that if I said anything that was not absolutely so they could contradict it, and I hope the commission and the reporters will pay strict attention when I go over it, and if I don't throw more light on this thing in the next 15 minutes than you have heard here in the last week I will jump out of that window.

Chairman WALSH. Please get down to the matter.

Mr. PIERCE. I see in this report compiled and filed by the Pennsylvania Railroad Co. the following [reading]:

"Strike of shopmen and others at Harrisburg and vicinity.—The strike of shopmen and others at Harrisburg and vicinity was due to the agitation conducted by W. H. Pierce, formerly connected with the Brotherhood of Locomotive Firemen and Enginemen, as a national organizer, and who, after being unsuccessful in his efforts to be elected vice president of that organization at its convention in Washington, June 2, 1913, offered his services to the Pennsylvania Railroad Co. to handle legislative matters in the interests of that company."

I understand that was compiled by the publicity agent of the Pennsylvania Railroad Co. and that the eminent gentleman who compiled it had nothing to do with it. I never met him in the world until I met him here, although I dealt with him from a fireman's standpoint for a long period of time, as I have been assigned to that system for 3 or 3½ years, and I know the tactics of the entire system probably better than any man outside of the official family of that railroad.

Mr. Creighton, sitting here in this chair, did he act as though he was piqued in any way toward the Pennsylvania Railroad? No, he was a loyal employee of that company, and still he was overruled by Mr. Atterbury and Mr. Long, who ran around him with seniority rights. Why should I as president of our organization be piqued because I was not elected vice president of that organization? I want to contradict that statement, however.

Now, during the convention, when I was defeated, I was on a number of boards of appeal, which had all of the cases appealed from the decision of the president to this board, and the decision was handed down to the convention to approve of the decision, and three were members of the engineers who appealed their case; the matter was appealed from the decision of the president to the board of directors, and it was brought out at that hearing, which lasted for more than a week before the board of appeals, that there was crooked work going on on the Pennsylvania Railroad. We knew that those things were going on on the Pennsylvania Railroad, but we did not know to what extent, and no one had been able to find out, so one man who we expelled from the order accused the general chairman of the Brotherhood of Firemen and Enginemen, A. I. Kaufman, from Conemaugh, with receiving $300 from the Pennsylvania Railroad Co. in the shopmen's strike in Pittsburgh in 1911, and Kaufman sat right there and heard this accusation and never denied it. That night Kaufman came to my room and said, "I want to see you on important business." I had a private room and a public room also at the Hamilton Hotel up here. He started in to make a confession. I should say he was very much worried, and he started in to make a confession of receiving this money, and the gentleman is here who paid the money, J. C. Johnson, who has testified here as the head of the police department of the railroad company and also superintendent of telegraphs of that system. But Kaufman did not get a chance to complete his confession to me before other visitors came into my room, and it being the last days of the convention, the convention adjourned before the confession was completed, but I got enough to know there was crooked work going on. I went away on a vacation for a week or 10 days, and on my return I got a message from W. S. Carter to come to New York, and it was 1913, and Mr. Carter called me into his private room and said: "There are two men on two general boards," naming them, and the Pennsylvania board was one. "That is the most corrupt system I have ever seen," and I told him of this partial confession Kaufman had made, and he told me what he was going to do and for me to keep

it to myself; he said, "We will ferret it out afterwards." I had never said anything up to this time, so when I met him in New York and he told me about these leaks, and he said, "I am only allowed $1,666.66 a year for a contingent fund to find out those things, and every time I put a Pinkerton or other agency man on, and they get the goods and get the evidence, they come to me and say it will cost me $4,000 or $5,000, or $6,000 if I want the evidence, and if I don't get the money, they take it back and sell it to the railroads." I asked him to go to Raymond Burns, a son of William Burns, and he said no, it wouldn't do, and he said, "Don't you know where there are men on the Pennsylvania Railroad you can put in who will get this stuff?" I said, "Yes, there are plenty of men with that incentive, who will do it," and he said, "You go back and you can agree to pay them $600 for their services, and we will keep them satisfied with giving them a job." So I went back home and I found many men. If there is any doubt about the veracity of this I hope the commission will go into the innermost secrets of it to find out about it; I am a free lance and have nothing against any man in the world, but I am giving this to you to clear up the stigma that hangs over both parties in this transaction. I hope that a law is passed that will make it a prison offense for a man to receive or give a bribe, and if you do not do that you will always have trouble and unrest in the labor world.

Upon my return to Harrisburg I could not find a man that would, for $600, go into the office of the railroad and find out the system and the railroad crooks on the Pennsylvania road. Being somewhat handicapped in the money line, I figured out that Long was in New York; I knew that Johnson was the head of the bull department. I knew he handled all of the crooks. I said to myself, "If I am fortunate enough to get in communication with this gentleman and get in there to see Johnson myself, I will learn something before he gets onto my game—I will learn something," and I will tell you how he got onto my game a little later.

I wrote a letter to Mr. Long, and I thought if it became public the words "legislative matters" would be easy to explain, and I said I would like to see him, because I was about to sever my connection with the B. of L. F. & E., and I wanted to see him on "legislative matters." I mailed that letter in the morning and waited for results. I had a meeting just outside of Harrisburg, and when I came back to the hotel from that meeting I found a card in my box signed, I think, by J. K. Linn, or James K. Linn, and it was a funny incident. Just a few days before that a fellow had told me about J. K. Linn; he was a man who was listed as assistant station agent at Harrisburg, but was never there. He was a direct representative of Mr. Long, and he said he had called on me and would return at 9 o'clock in the morning. I did not know Mr. Linn, and I was in the lobby of the hotel, and pretty soon I heard some one call my name, and I got up, and it was Linn, and he said, "Let's go somewhere private and talk over some matters," and we went to my room, and he told me he got this letter and Mr. Long was very busy in New York, but that he was going to arrange for a meeting between me and Mr. Johnson, and I lamented the fact that I could not see Mr. Long, because I was anxious to see him; but that was a lie, and I wanted to see Johnson. He told me he thought he could arrange it all right, and he called on the telephone and said he would let me know in a few hours. He said he was going to Williamsport on special business. So I waited there a short time, and he came back and told me they would meet me at 10 o'clock the next day, that Mr. Johnson would meet me, and so I gets on the train and goes to Philadelphia and am ushered into Mr. Johnson's office. He read this letter and then commenced to talk legislative matters, and in regard to fostering legislation in Washington, and we talked legislative matters, and he said, "It will only take part of your time for legislation, for the legislature meets only once in two years; what would you be willing to do outside of legislative matters"? I said, "Anything honorable." We got into the labor movement, and he condemned Carter and Stone and Garretson for their activities, and sided with him more or less in that proposition.

Now, if I make any misstatement, Mr. Johnson, why you correct it. He told me they were a menace in one way or another, and I agreed with him to a certain extent, and finally he came down to getting a man that he could depend on, and I mentioned Joe Compton. We all knew he was a crook, and he said that Compton could not be depended on, and I said, "How about Kaufman"? I knew he had paid Kaufman this money, and I wanted to know what he thought of the article he had bought, and he said he was a dub and no good, and he said the only man he could depend on to pull off a job was Enoch, the general

manager of the trainmen. I thought that was pretty good. And about this time he said, "If you accept employment, will you tell Carter"? And I said I certainly would, and he closed the interview there. He said, "I will take this matter up and drop you a card, where will you be in a week or ten days"? that he was going on a vacation, and he told me to drop in in a week or ten days, but I never did, and I never got a card from him. I was just as honest with him as I am here; I never intended to accept employment.

The Pennsylvania Railroad has not money enough in the world to hire me, nor to buy one hair in my head, nor never had. My efforts up there were to find out who the crooks were; and I can sit here and tell you that afterwards Kaufman confessed the whole matter of receiving this $300. I can tell you the bank he deposited it in. He deposited $250 in the Conemaugh Savings Institution. There was a mortgage there on a piece of property in Conemaugh, and he paid $250 out of this $300 he received to that bank. And he went to Turkey's trunk store in Baltimore and bought a grip that cost him $16. The other $34, he went up to Baltimore with two fellows and had a good time, and came back to the Windsor Hotel and lost $10 playing poker. I ferreted this all out. Now, Mr. Parks, the general chairman of the engineers, confessed that he received $300 at the same time. There was $1,500 spent, if you could believe the clerk in the paymaster's department, they spent $1,500; Kaufman told me. He says, "I got mine," he says; "Park got his," he says; "Hendricks, I know, got his; and Capp, I know, got his, but I have no proof of it. That was called out at length.

Now, to this commission I wish to say this: So long as men will receive bribes, and so long as the people are able, like Joseph (Simon) Legree, or sell them on the block, like Joseph Legree did the negro, the country is going to have this unrest. I stand here to-day in the cause of humanity. I have not a chestnut in the fire—nothing to pull out and nothing to put in. I want to say that this unrest is not caused altogether by the general manager, but it is caused by men like Warren S. Stone, who went into Pittsburgh in 1911 and told the shopmen and Brother Grimm down there, who has just testified preceding me, will vouch for this statement, when Stone said that they had a wonderful machine, and if the Pennsylvania Railroad Co. didn't get right that they could oil up their machinery and give them a spanking. Lee comes on in 1913 and tells the men in Harrisburg and convinced them that he was going to stay with them and spend a lot of money, and he led them on. Don't you know that inspires those men to arm, to organize, the trainmen and firemen and engineers, to just assist them to a certain extent, and then when they get ahead to where the engineers' time came they withdrew all their support and left their own men up in the air as well as the shopmen. Now, I will say to you there is the lowest lot of crooks on the Pennsylvania Railroad that there is on any railroad in this country. Those officials down there know the several different men they can use, and I am not afraid to name one, Milton Robinson, at Harrisburg, who will either work for the company or the organization, whichever he thinks to his interest, and steal from the trainmen's organization first with one hand and then the other. He is a scapegoat and ought to be shot at sunrise. He is only one of a few just such crooks on that system, and until those men are eliminated off of that system they are never going to dispel unrest on that system. I want to say to you I could go on from now until morning telling you——

Chairman WALSH (interrupting). Mr. Pierce, that may all be very interesting, but really what you were recalled for was to answer this one question, and I deem it fully answered.

Commissioner AISHTON. I think it has been fully answered.

Commissioner WEINSTOCK. May I ask one question of Mr. Pierce? What became of Kaufman and the other railroad workers whom you charge with being grafters?

Mr. PIERCE. There is a point I want to touch on. I went and found this out, and when he came for reelection I took the floor and said he is a crook and do not reelect him to office.

Commissioner WEINSTOCK. What happened?

Mr. PIERCE. He was defeated.

Commissioner WEINSTOCK. Was he expelled from the union for being a grafter?

Mr. PIERCE. No, sir; he was not expelled.

Commissioner WEINSTOCK. Do you know of any of these men——

Mr. PIERCE. He transferred his membership, to keep from being expelled, from the Conemaugh, No. 381, to Altoona, 282 (?).

Commissioner WEINSTOCK. Do you know of any men who were guilty of grafting on the employers who were expelled from the union for grafting?

Mr. PIERCE. I know of men who betrayed the union and were expelled. There was Milton Robinson and Derrick (?), and a fellow by the name of Huber (?) that were expelled for that and afterwards were reinstated by the national president.

Commissioner WEINSTOCK. What I want to know is were men expelled for grafting on the employers, not on the union?

Mr. PIERCE. Do you mean accepting money?

Commissioner WEINSTOCK. Yes; accepting bribes from the employers?

Mr. PIERCE. Why, you know it is impossible to expel them.

Commissioner WEINSTOCK. Why?

Mr. PIERCE. On account of the system they have there. Why, if those officials wanted to tell you, they have got a majority of members they could put into all those lodges. They can elect about any man they want in a local lodge by manipulation.

Commissioner LENNON. Mr. Pierce, do you know——

Commissioner WEINSTOCK. I have not finished my question.

Commissioner LENNON. Well, I want my question to follow yours here.

Commissioner WEINSTOCK. Well, I want to finish my question and get his answer. Do you know of any specific cases where men have been expelled from the union they have been affiliated with for grafting on the employers?

Mr. PIERCE. Yes; I do.

Commissioner WEINSTOCK. You can answer that question then. Name them.

Mr. PIERCE. Not the Pennsylvania, but on other roads, I could tell you; but we are not investigating other roads, I understand.

Commissioner LENNON. Do you know of any employers that have bought, or are alleged to have bought, union men or other men for dishonorable service that have lost their employment with the company because of so doing?

Mr. PIERCE. Now, I would have to give that some thought. That is a very broad question. You mean on the Pennsylvania Railroad?

Commissioner LENNON. Yes.

Mr. PIERCE. Oh, you know the Pennsylvania Railroad has got no more use for a sucker than you and I have after they get done using him. They despise him.

Commissioner LENNON. I mean the officer that does the buying?

Mr. PIERCE. Of being discharged? Do you mean to ask me, do I know of an officer who has been discharged from the service for buying men?

Commissioner LENNON. Yes.

Mr. PIERCE. Oh, no; if they did that, they would discharge Mr. Johnson, because he bought men, and he is still in their employ.

Commissioner LENNON. That is all.

Chairman WALSH. That is all. You may be excused.

Mr. PIERCE. I want to thank you, Mr. Commissioners, for allowing me to state this, because I felt that I was in a sense in a very compromising position before this board and before the public, being accused of trying to sell out my organization; I wanted the actual facts known, and they will stand the closest investigation. And should you desire the men whom I went to to get them to do the job, and are unable to get them because they don't have the nerve, I will bring them here to you.

Chairman WALSH. The commission will now stand adjourned until 10 o'clock to-morrow morning.

(Thereupon, at 4.45 p. m., Friday, May 7, 1915, the proceedings were adjourned until the following morning, Saturday, May 8, 1915, at 10 o'clock.)

WASHINGTON, D. C., *Saturday, May 8, 1915—11.30 a. m.*

Present: Chairman Walsh, Commissioners Garretson, Harriman, Weinstock, Lennon, O'Connell, and Aishton.

ADDITIONAL STATEMENT OF MR. S. C. LONG.

Chairman WALSH. Now, I have been requested by the commission to read publicly into the record a communication from Mr. S. C. Long, general manager of the Pennsylvania Railroad Co., addressed to the chairman of this commission. [Reading:]

DEAR SIR: Referring to the statement made to-day before your body by Mr. W. H. Pierce that Mr. J. C. Johnson, superintendent of telegraph of the Penn-

sylvania Railroad, had paid $300 to certain men connected with the train organizations on the Pennsylvania Railroad, we desire to submit the following so that there shall be no misunderstanding in this matter:

When the strike was declared at Pittsburgh in May, 1911, the company was fearful lest some of the members of the transportation brotherhoods might join the strikers. Accordingly the general chairman of each of the four brotherhoods, Messrs. A. I. Kaufman, general chairman, B. L. F. and E.; William Park, general chairman, B. of L. E.; J. B. Hendricks, general chairman, O. R. C.; and E. V. Kapp, general chairman, B. of R. T., were requested by the general manager to go to Pittsburgh and see that the members of their brotherhoods lived up to the agreements with the company and remain at work, with the distinct understanding that the men should not be asked to do any work other than that which they always had performed in the positions which they held.

These men did this, and their efforts were successful in preventing any of the members of their organizations from leaving the service of the railroad company. After the strike was over as each of these general chairmen had occasion to come to the office of Mr. Johnson, who was chairman of the labor board, in the performance of their duties as general chairmen, he thanked them for the very efficient service they had rendered the company and the organizations and told them the company desired to show some appreciation of their work, and accordingly they were each given $300, which they were told could be used toward defraying their expenses or any other purposes they might choose.

Nothing was asked of these men in return. What was done was entirely in keeping with the action of the company toward a large number of other employees, as set forth on page 14 of the "History of Labor Troubles on the Pennsylvania Railroad," a copy of which has been filed with your commission.

Yours, very truly,

S. C. LONG,
General Manager Pennsylvania Railroad Co.

WASHINGTON, D. C., *Wednesday, May 12, 1915—2 p. m.*

Chairman WALSH. We will be in order.

I have been requested by the commission to read publicly into the record two additional letters from Mr. S. C. Long, general manager of the Pennsylvania Railroad Co.

In the letter read the other day naming four men who were said to have received $300 each under circumstances detailed in that letter was mentioned Mr. William Park, general chairman of the Brotherhood of Locomotive Engineers, and we have these two further communications from Mr. Long:

PHILADELPHIA, *May 11, 1915.*

Hon. F. P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: We desire to make a correction in our letter of May 7 mailed to you after the hearing before the commission closed on that date.

We find, after reaching home, that the amount given Mr. William Park, general chairman B. of L. E., Pennsylvania Railroad, was $200 instead of $300. This money was paid Mr. Park after the strike was over and everything cleared up and was to cover expenses and compensation in connection with his efforts during the shopmen's strike in Pittsburgh in 1911, to prevent employees, and particularly engineers, from leaving the company's service, urging them to remain at work and maintain our contractual relations.

We also desire to say that this money was returned to us by Mr. Park, with the verbal statement that the men he represented had paid him his expenses.

You understand that the total number of employees receiving payments after the strike was over was 511, while 295 other employees were given letters of commendation.

Yours, very truly,

S. C. LONG,
General Manager

And also the following letter:

PHILADELPHIA, *May 11, 1915.*

Hon. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: In connection with our letter to you of this date, requesting to be permitted to correct statement in our letter to you of May 7, regarding payment of $200 to Mr. William Park, general chairman B. of L. E., Pennsylvania Railroad, to cover expenses and compensation in connection with service rendered during shopmen's strike at Pittsburgh in 1911, as an act of fairness and justice to Mr. Park, may we suggest that you send a copy of our letter, or have its contents conveyed in your own language, to Mr. Warren S. Stone, grand chief engineer Brotherhood of Locomotive Engineers, Cleveland, Ohio.

Yours, very truly,

S. C. LONG,
General Manager.

WASHINGTON, D. C., *Thursday, May 27, 1915.*

AFTERNOON SESSION.

STATEMENT OF MR. C. T. CHENERY.

Chairman WALSH. I will submit into the record now all of the data with reference to the further investigation made by Mr. Chenery in the alleged giving of bribes and taking of bribes in the Pennsylvania Railroad Co. strike. That includes the letters from the officials of the Pennsylvania Co., the statements of the men involved, and the statement of the local organization of the workers as to the action taken in regard to this alleged bribery, together with the letter from the general manager of the Pennsylvania Railroad, stating the amount of arms and ammunition kept on hand in Philadelphia.

(The letters and statements here referred to are printed among the exhibits at the end of this subject as "Chenery Exhibit.")

STATEMENT OF MR. WILLIAM PARK.

Chairman WALSH. The statements just referred to, which will not be read, will be merely filed. That does not apply to letters from Mr. Park, who desires that the same publicity be given to his letters as was given to the charge that he had accepted and retained this money, or the charge that he had accepted without explanation but returned it. Here is the further record of the case of Mr. William Park:

PHILADELPHIA, PA., *May 11, 1915.*

Mr. WILLIAM PARK,
General Chairman B. of L. E., No. 941 Railroad Avenue, Sunbury, Pa.

DEAR SIR: Referring to the statement made before the United States Commission on Industrial Relations at Washington on May 7 to the effect that you were given $300 to cover expenses and compensation in your efforts during the shopmen's strike at Pittsburgh in 1911 to prevent employees, and particularly engineers, from leaving the company's service, and urging them to remain at work and maintain our contractual relations, which expenses and compensation were paid you after the strike was over and everything cleared up.

In order that the facts may be known to whomsoever they concern, and particularly the locomotive engineers, this is to certify that the amount paid was $200 instead of $300, as stated, and this amount was returned to me by you with the verbal statement that the men you represented had paid you.

We regret this was not made clear in the original statement.

In order that you may be fully informed, I am attaching a statement made to the commission.

Yours, very truly,

J. C. JOHNSON,
Superintendent Telegraph.

[Inclosures.]

Next is a letter from Mr. Park to Mr. Chenery, our investigator, reading as follows:

[Personal.]

MY DEAR MR. CHENERY: I am inclosing a copy of Mr. Johnson's letter to me answering my letter to Mr. Long of the 9th.

This letter is a fair and plain statement, and if Mr. Johnson wants to be fair and not try to discredit the train organizations he should have made this same statement to you rather than muddle it as he did by trying to tell what I have said the many times he has tried to have me take this money all in one short paragraph.

Note he says "in order that the facts may be known to whomsoever they concern."

I feel that the men I represent and myself are very much concerned, and that the people who saw the letter appearing in last Sunday's papers may see this letter from Mr. Johnson. May I ask you to have the press print the same, as a correction of his former letter?

I expect to go to Cleveland in a day or two. If you desire to reach me address B. of L. E., Convention Hall, Cleveland.

W. PARK.

Next is a letter from Mr. Park to Mr. Long, reading as follows:

SUNBURY, PA., *May 9, 1915.*

Mr. S. C. LONG,
General Manager P. R. R., Broad Street Station,
Philadelphia, Pa.

DEAR SIR: I note by to-day's papers in the proceedings or testimony before the Industrial Labor Commission, that a letter had been submitted by you, in reply to the charges by W. H. Pierce, that the chairmen of the four brotherhoods had been bribed, in which you are quoted as stating that when the trouble started in 1911, in Pittsburgh, the four chairmen were asked to go there and urge their members to live up to their agreements and that their efforts were successful, and on their return to Philadelphia they were presented with $300 to reimburse them for their expenses, quoting the names of the four men who were then chairmen.

That letter in the form it is quoted surely places me in a very bad position with all organized men, and particularly so with the men who have recently reelected me for their chairman for the following reasons:

First. I was not asked to go to Pittsburgh by the company, they having only asked me to get into communication with the local chairmen, which I did, and hold copies of the wire I sent them.

Second. I was called to Pitcairn by the local representatives from that point, and later ordered there by Grand Chief Stone.

Third. I have once had charges placed against me for a similar charge wherein I admit that at this time (1911) I was handed a letter by Mr. Johnson, not knowing what it contained at the time, and inadvertently placed it in my pocket to discover after I left the city that I had accepted an envelope containing $200.

Fourth. Your statement, if correctly reported, states that I was given $500. The men I represent will naturally conclude and will have just reasons for doing so, that I did not make a truthful statement when I was tried on this charge, or that I had been given money more than once, and did not make it known.

Fifth. In the published report of your letter to the commission you did not state that I returned this money to Mr. Johnson, telling him that I had been paid by the men I represent in this case, and could not accept it from the company.

In view of these facts, together with the wide publication in this evidence, I can not allow the matter to stand as it does for the public to-day, if for no other reasons, on account of the taunts that may be thrown at my children by their companions.

I would therefore ask, can you and will you correct this statement that I was given $200 instead of $300, as quoted, and also that I returned the money to Mr. Johnson, the man who had handed it to me, giving this correction to the commission that it may be as widely published as your former letter?

I had hoped to leave home for the convention in the city of Cleveland not later than Tuesday evening, May 11, but I can not do so with this matter standing as it does, and if you can not make this correction I shall surely be compelled to seek an audience with that commission for the purpose of getting this question correctly before the people for my own protection.

Anxiously awaiting an early reply and hoping that you will see your way clear to promptly correct your former letters, and in such a way that it will reach the public as widely as before,

Yours, truly,

WILLIAM PARK,
Chairman Engineers Committee.

Accompanying the letter just read is an affidavit or supplementary statement signed by William Park, reading as follows:

SUPPLEMENTARY STATEMENT TO QUESTIONS ASKED AND ANSWERS GIVEN BY ME TO MR. CHENERY, MAY 13, 1915.

In Mr. Johnson's statement of May 11 he quotes several remarks, and in such a way that they would appear to have all been made by me at the time I returned the money, which is not the case.

Mr. Johnson has asked me on several occasions since I returned the $200 to come in and get it, stating that it was intended to reimburse me for time lost and expenses while at Pittsburgh during the shop strike during 1911, and each time advanced some reason for me doing so, which I have always answered with some argument as to why I should not.

I will not attempt to deny this statement in general, but I must try and disconnect it to some extent, that the commission and the public may know and understand.

When I returned the money he (Johnson) took exceptions to it and explained what it was for, as formerly stated, and, among many other remarks made, I did say that it would not be understood in the way he put it, and if the question was ever raised a different construction would be placed on it from the way he understood it.

I had very good reasons to believe that the question would be raised, for I made no attempt to keep it an absolute secret. I had told many of my members all about it long before I ever heard of it through other sources, and before W. H. Pierce used it in his speeches to discredit the train organizations, and I told the members of my own organization all that he produced when he brought charges against me and had me tried before our general committee.

I do not recall ever saying anything about reelection but on one occasion, when I was asked to come in and try to get the money; among other things, I did say that I had charges against me now over that money and would have to stand trial at our next meeting; at this time I had no reason to say anything about reelection, for we were not to hold an election at that meeting.

After this trial, at which I had but one vote against me, or one vote for conviction, and one member refused to vote, I was again asked to come in and get the money or permit it to be sent to my wife, with the remark that it was all over now (meaning, I presume, the trial I had just gone through).

At this time I replied that it was not all over and that the question was likely to go to the convention before it was over. This was the only time the convention was mentioned to the best of my knowledge.

WM. PARK.

Sworn and subscribed to before me this 14th day of May, A. D. 1915.

C. G. SHERMAN,
Notary Public.

ADJOURNMENT.

Chairman WALSH. The hearings of this commission will now stand adjourned without day.

(Thereupon, at 6.05 p. m., on Thursday, May 27, 1915, the hearings of the Commission on Industrial Relations were adjourned sine die.)

ADDITIONAL STATEMENT OF JOHN P. GUYER.

HARRISBURG, PA., *May 12, 1915.*

COMMISSION ON INDUSTRIAL RELATIONS,
Washington, D. C.

GENTLEMEN: Herewith I submit a written statement of those conditions affecting the employees of the Pennsylvania Railroad Co., of which your

representative, Mr. C. T. Chenery, made inquiry, and which you directed should be sent you. Copy is also sent to the Pennsylvania Railroad Co., as directed by Chairman Frank P. Walsh.

The following letter was received by me after Mr. Chenery had made inquiry concerning the dismissal of employees for joining the Brotherhood of Federated Railway Employees:

"Your name was given to me to hand my evidence or testimony to in the case of being discharged from the work train at Huntingdon, which is under J. M. Kinkade. On March 14, 1914, received a note from Mr. Kinkade to come to his office that evening.

"I accordingly went to his office as supervisor at Huntingdon on March 14, 1914, at 7.15 p. m., and after a short conversation he said to me: 'Have you heard about this Brotherhood of Federated Employes Union that is being organized?' I said I had. He then said to me, 'Do you belong?' and I said 'No.' He then said, 'I am certainly glad you do not.' He then said that John Galbraith, the present foreman, belongs to the brotherhood and that he would be relieved from duty after to-day, 'and I want you to take charge of the train.'

"I then told him, or rather asked him, if he was sure that Galbraith belonged to the brotherhood. He said he was sure and he said further that there is several more who belong to the brotherhood and 'I am going to get rid of them, to.' I asked him if he had the names of any others that belonged. He said, 'Yes.' I said, 'who are they?' and he read the following names: David Prough, W. F. Rhodes, Preston Coffman, W. H. Sutton, Chester Peightel, all of Huntingdon.

"He asked me if I knew of any that belongs, and I told him that was my business, and told him to put my name to his list of men who would be gotten rid of because they belonged to the brotherhood. We were all discharged and have not since been employed by the P. R. R. Co.

"I would like if you would place this before the commission as strong as you can, and if they need any or all of us let us know. A man dare not belong to any organization or political party that tends to better conditions for the mass of people. Socialists are hounded like dogs and have to be careful or they will lose their means of making a bare existence. I think it is high time for the Government, who assures to the people life, liberty, and the pursuit of happiness, to get to work and to look this matter of serfdom and wage slavery up. Men have no civil and political rights at all, it seems. The railroads of this country, and the Pennsylvania in particular, do as they please and all the so-called courts of justice are back of them.

"Hoping that this will be of benefit to men who are and want to be better men, I am, yours for a more sane civilization.

"WM. L. MCELWAIN,
"*Huntingdon, Pa.*"

Regarding the matter of the "Lucknow Encampment" of which you inquired, I find that the newspapers examined by myself and Mr. Chenery give the following accounts of it:

[From The Patriot, Saturday, July 12, 1913, front page.]

"Preparations are being made by the Pennsylvania Railroad in this city for the strike which is expected to occur in the near future among the trainmen, according to reports. A special train carrying a number of officials of the road and policemen from the Philadelphia division is said to be coming here to be stationed on a siding near the Linglestown road above Lucknow, where it will remain until all rumors of a strike have died out.

"A train arrived early this morning which consisted of five sleepers and two dining cars and a number of commissary cars. In them the officials and policemen will make their homes for an indefinite length of time. Upon its arrival in this city the train, it is said, will be equpped with Winchester rifles and other paraphernalia, which will be used to protect the railroad property in case trouble should arise among the men.

"Arrangements are also being made for providing water for this train during its stay on the Linglestown siding, it is said, and yesterday several thousand feet of two-inch water pipe was laid temporarily from the Lucknow shops to the place where the train will be stationed. Lavatories have been built and other arrangements made. Forty gallons of milk have been ordered to be loaded on the train upon its arrival in this city, and every effort is now

being made to make the men who will occupy the cars as comfortable as possible during their stay.

"The train was expected to arrive in this city early yesterday morning, but late last night it had not pulled into the Union Station, where guns and other paraphernalia are awaiting it, along with a number of colored porters and waiters, who will care for the officials and policemen while they are stationed in this city.

"It was denied last night at the train dispatchers office that there was such a train coming to this city to protect the railroad property should trouble arise among the trainmen, but according to persistent reports the train is coming, and it is expected here early this morning. It was learned early this morning that the special trains carrying officers will be rushed here from all parts of the Pennsylvania system.

"Coming as far west as Chicago by Sunday night it is believed that fully 500 special policemen and officials will be in this city. It is proposed by the company to make this instruction camp to teach these men how to protect their property, and if trouble is started they will be sent to their respective divisions."

July 14, 1913, first page story:

"The large force of Pennsylvania Railroad police that came in to Harrisburg Friday and Saturday and set up camp along the Linglestown road near the railroad tracks laughed yesterday when asked if their mission to this city was to protect the railroad in case of a strike. The men stated that they were in Harrisburg on their annual outing and that they had nothing with them but their revolvers.

"There are about 450 men in the camp and they come from all points on the eastern division. Yesterday in full-dress uniforms they drilled under the burning sun. The officers stated that, should a strike take place, it would be their duty to protect the railroad.

"The drill yesterday took place before hundreds of spectators.

"It is customary during these annual encampments to take the men out one or two times and drill them, so that when trouble of any kind arises they are able to handle the situation. This is also done to keep the uniform system over the Pennsylvania lines from New York to St. Louis.

"It was denied by both the officials of this city and the members of the force that they had either Winchester rifles or ammunition. So far, the men have not done any target practicing and it was stated will not, as they have nothing to practice with.

"In the face of these denials, however, it is said that boxes of rifles and ammunition and riot clubs have been received in this city.

"The men represent the police force of the Pennsylvania Railroad of the lines east of Pittsburgh and Erie. They represent all capacities of the railroad, from the superintendent to the cop. The men are under command of Supt. Harper, of Philadelphia, who is head of the police of the eastern lines. They came from all the terminal points on the eastern lines, including New York, Philadelphia, Camden, Baltimore, Jersey City, Williamsport, Renova, Pottstown, Altoona, Pittsburgh, Erie, and many other cities.

"In quartering these men the company is using 13 Pullman sleepers, three dining cars, and two commissary cars. It was said they will leave Tuesday and Wednesday."

In same issue of Patriot, July 12, 1913, first page heading:

"Say railroads must recede to prevent strike—Leaders are authorized to declare formal strike any time—At Washington to-day—Interest will center at Capitol in conference with Wilson."

One-column box read: "What the railroad strike would mean:

"Railroads affected, 52, operating 50,000 miles of tracks in 18 States, including New England, Middle Atlantic States, Michigan, Illinois, Ohio, Kentucky, and Indiana. Total gross incomes, $957,190,000.

"Annual pay roll, conductors and trainmen, on present basis of pay, approximately $85,000,000. Increase men now ask $17,000,000.

"Annual pay roll, conductors and trainmen, if strike is won, $102,000,000. The employees affected, 90,000.

"Number voting for strike, 75,734. Conductors, 11,808; trainmen—referring to brakemen and flagmen—60,829.

"Number voting against strike, 3,077—conductors, 1,446; trainmen, 1,631.

"Their chief demands are 20 per cent wage increase and adjustment of working hours.

"Organizations involved: Order of Railway Conductors and Brotherhood of Railway Trainmen."

July 15, 1913, front page:

"The second force of armed policemen of the Pennsylvania Railroad east of the Ohio River arrived in this city yesterday morning to receive instructions on how to protect the railroad property in case of trouble. They proceeded to the instruction camp, which is situated along the Linglestown road near Rockville, where they will remain until to-night, when they will leave for their respective divisions and the camp will be broken up.

"There were nearly 400 men with the force which arrived here yesterday morning, and while they were coming into camp about half that number were returning to their homes. The latter force arrived here early Saturday morning, and have received their instructions.

"The instructions consisted of the handling of riot guns, target practice, and drills, and during the three days since the camp has been opened about 600 railroad policemen from New York, Buffalo, and from as far west as Chicago have receiving training.

"The entire day was spent at pistol practice, which was held on the Lucknow rifle range and was under the direction of Lieut. H. G. Olsen, of the Pittsburgh police force. Lieut. Olsen is a crack shot and is one of a team of four who during their service in the United States Army held the world's record as pistol shot.

"Nearly the entire force which arrived yesterday morning were instructed by Lieut. Olsen on how to handle their guns in case of trouble. He also demonstrated to the men his art of shooting by placing seven shots in the center of the target at a distance of 25 yards, out of as many trials. This gave the instructor a perfect score. A number of the policemen watched the lieutenant handle firearms, and before the day's practice was over nearly all of the men were making high scores. Pistol practice continued until 6 o'clock last evening, when the men were ordered to the dining cars for supper.

"Immediately after the evening meal all the patrolmen, attired in blue uniforms and white-top hats, proceeded to an adjoining field, where a dress parade was held. This drill was under the command of Capt. Robt. Cusick, of the superintendent of police headquarters at Philadelphia.

"Supt. of Police Harper confessed yesterday that the camp was held in order to teach the railroad police how to protect the company property.

"'I knew that this camp was to be held at Harrisburg,' said the superintendent, 'but I did not know when. I was on my vacation when the messenger came to me Friday morning stating that I was to prepare for the instruction camp. It was a very short notice, but until Saturday morning everything was in readiness, and on Saturday morning breakfast was eaten there.

"'When the train pulled into this city early on Saturday morning there were about 311 policemen on it, of which 120 were former Army men. Some of the cars, sleepers, and dining cars which were in the train had to be brought all the way from Chicago.

"'We have now in the service of the railroad force east of the Ohio River 525 uniformed men and 750 regular officers, including superintendents, inspectors, captains, and lieutenants. They are the best men we can find. We protect our police force to the best of our knowledge and equip them with the best firearms and ammunition which can be gotten. If we find any flaws in the revolvers or ammunition, we will throw them away and get new, for we do not want any accident to happen to the policemen which could be avoided. Just to-day we found at least 10 revolvers among the men who participated in the target practice which back-fired, and I ordered them throw away and new ones secured.'

"After the day's instructions were completed the policemen were entertained by a baseball game, which was played on an adjoining field between men picked from the main-line force and Baltimore division, the latter coppers losing to the score of 19 to 4."

On the same day's paper, same page (first), appeared the heading: "Railroad men will arbitrate under new bill—Conference at Washington ends in agreement with trainmen—Bill to be law to-night—Railroads and brotherhoods agree to armistice until to-morrow."

The commission will notice that the interview with Superintendent Harper was published almost two years ago, yet no denial of its authenticity or accuracy has been received by the newspaper publishing it—the Patriot. The num-

ber of men employed in police work was given freely by the superintendent, as was the entire interview. As stated before your commission, the police were withdrawn after decision to arbitrate was arrived at by the board of managers and the officials of the brotherhoods.

During his testimony Mr. Atterbury said, in effect, that the various superintendents see only the bad men who come before them for discipline. There have been reported to me details of conferences which men have held with various superintendents over grievances, in which the superintendent is said to have given out false information to one set of committeemen, charging, in detail, other members of the brotherhoods serving on grievance committee with having taken active interest in brotherhood matters only when their own class was affected. One man has told me how he forced one of the Pennsylvania's superintendents to retract such a statement, though not until some time had elapsed, during which time the injured man was obliged to suffer the odium of suspicion resting upon him in his brotherhood as a result of charges made against him. The charges were preferred by men to whom the superintendent is said to have given the false information.

Names of these men will be furnished the commission, but not for use by the company, which would doubtless discipline them for daring to tell of conditions.

Excepting for one brief instant when one of its superintendents "slipped up" and gave a partial exhibition of character as it really is, the commission has seen the Pennsylvania "with its gloves on." I have seen its bare hands reaching out for the jobs of men who disobeyed its requests for aid of various kinds to further its own ends.

One young man who had just been dismissed or furloughed without cause being assigned, according to his statement to me, had his relief taken away. His wife had just been confined. Shortly afterwards one of the company's representatives came to him and asked him to "break strike" on the Monongahela division, though they didn't use that term. His wife urged him to keep away from that division, which he did. He has never been employed by the Pennsy, nor has he received his relief.

Another man who was furloughed before the 1914 strike was told by a confidential employee of the company to turn in the names of his friends who had joined the new brotherhood, suggesting that by so doing he could be given his work again. This man's wife was pregnant at the time, according to both his statement and that of the wife, so he turned over the names of all the men he knew were in the new organization. Finally his wife learned of it and made him stop, but he had turned in all he knew. He never got his job and is not now working for the company.

An employee of 12 years' experience, with wife and large family, told me how he was treated by the company when the first talk of urging seniority rights was heard. His foreman was notifying him that he was to go on furlough. His "buddie," working on the same line of work, was a single man and owned some property. This friend offered to take the place of the man with family, to prevent the family's suffering. The foreman refused to permit it, and the men say it was mainly because the married man was a brotherhood advocate. The married man has secured work with the company again. The unmarried one has left the company's employ. Both these men told their stories to me shortly after the incident happened and both have repeated it since Mr. Chenery investigated conditions here, telling it to Mr. Chenery in my presence.

In his testimony Mr. Atterbury said that, owing to the great number of employees, it was impossible for the superintendents to know personally each man or to be on such friendly terms that they named their babies for them, yet these foremen certainly have opportunity to know of the conditions of the families of the men employed, and in the instance cited, the foreman was told of conditions, yet intimated he was acting under instructions.

It is such lack of knowledge or of realization of the fact that all men are our brothers, whose welfare is our own, which makes for the industrial unrest.

Sincerely,

JOHN P. GUYER.

ADDITIONAL STATEMENT OF MR. S. C. LONG.

THE NEW WILLARD,
PENNSYLVANIA AVENUE, FOURTEENTH AND F STREETS,
Washington, D. C., May 7, 1915.

HON. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: Referring to the statement made to-day before your body of Mr. W. H. Pierce, that Mr. J. C. Johnson, superintendent of telegraph, Pennsylvania Railroad, had paid $300 to certain men connected with the train organizations on the Pennsylvania Railroad:

We desire to submit the following so that there shall be no misunderstanding in this matter: When the strike was declared at Pittsburgh in May, 1911, the company was fearful lest some of the members of the transportation brotherhoods might join the strikers. Accordingly, the general chairman of each of the four brotherhoods, Messrs. A. I. Kaufman, general chairman B. L. F. & E.; William Park, general chairman B. of L. E.; J. B. Hendricks, general chairman O. R. C.; and E. V. Kapp, general chairman B. of R. T., were requested by the general manager to go to Pittsburgh and see that the members of their brotherhoods lived up to the agreements with the company and remain at work, with the distinct understanding that the men should not be asked to do any work other than that which they always had performed in the positions they held.

These men did this, and their efforts were successful in preventing any of the members of their organizations from leaving the service of the railroad company. After the strike was over, as each of these general chairmen had occasion to come to the office of Mr. Johnson, who was chairman of the labor board, in the performance of their duties as general chairmen, he thanked them for the very efficient service they had rendered the company and the organizations, and told them the company desired to show some appreciation of their work, and accordingly they were each given $300 which they were told could be used toward defraying their expenses, or any other purpose they might choose.

Nothing was asked of these men in return. What was done was entirely in keeping with the action of the company toward a large number of other employees, as set forth on page 14 of the history of labor troubles on the Pennsylvania Railroad, a copy of which has been filed with your commission.

Yours. very truly,

S. C. LONG,
General Manager Pennsylvania Railroad Co.

STATEMENT OF MR. W. G. LEE.

[General offices Grand Lodge Brotherhood of Railroad Trainmen.]

CLEVELAND, OHIO, *May 8, 1915.*

MR. JOHN H. CRANDALL,
Secretary Shorthand Reporting Co.,
Room 720, Shoreham Hotel, Washington, D. C.

DEAR SIR: I am in receipt of your communication of the 6th advising me that, at the direction of Commissioner Aishton, of the United States Commission on Industrial Relations, you inclose extract from the testimony of one W. H. Pierce before the commission, for which I thank you.

I do not believe it will be either possible or necessary for me to appear before the commission to refute any statement made by Mr. Pierce, but would be very glad to have you hand this communication to Commissioner Aishton if you care to do so.

As stated by Mr. Pierce to the commission, I attended a joint union meeting November 30, 1913, at Harrisburg, Pa., held under the auspices of the local lodges of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen. There were present at the meeting something over 1,000 members of the four organizations named, all of whom heard my statement referred to by Mr. Pierce. At that meeting Pierce attempted to have a resolution passed before the meeting was really organized permitting mem-

bers of the Brotherhood of Federated Railway Employees not affiliated with either of the four transportation organizations to be admitted to the meeting. The chairman ruled that only members of the four organizaions would be permitted to remain in the hall, and as a result of this ruling Mr. Pierce left the stage and stood during the greater portion of the meeting in the rear of the hall.

I was reliably informed that Pierce was a self-appointed president of the organization known as the Brotherhood of Federated Railway Employees, and that he had repeatedly in public made the statement that he was supported or backed by the four transportation organizations. I said to those present that while my sympathies were with the unorganized employees the organization I had the honor to represent could only lend its moral support to them until properly organized in one of the various organizations already in existence, such as the carmen, shopmen, freight handlers, maintenance-of-way employees, etc. I stated plainly that I did not propose to antagonize bona fide labor organizations affiliated with the American Federation of Labor by even encouraging Pierce to admit to membership employees eligible to the organizations above referred to; that in order to secure the support of the transportation organizations it would be necessary for him to secure authority from the chief executives of the carmen, shopmen, maintenance-of-way men, and other crafts to admit to membership in the Brotherhood of Federated Railway Employees those classes, and that if such authority was secured or permission given for these classes to affiliate with the Pierce organization I would be only too glad, in conjunction with other officers of the transportation organizations, to join in any honorable attempt to assist them.

I made it plain to all concerned that under no circumstances could either of the transportation organizations be expected to strike in sympathy with any class of employees.

To prove conclusively the foregoing let me call your attention to the fact that the strike inaugurated by Pierce and his followers took effect at noon, May 7, 1914, and that under date of December 8, 1913, the attached circular[1] of instructions was mailed to all lodges and divisions of the engineers, conductors, firemen, and trainmen on the Pennsylvania system over the signatures of the chief executives of those organizations, and particular attention is called to the last two paragraphs of the circular referred to, which deal entirely with the Pierce organization. It must appear strange that in view of the fact that all lodges of the four transportation organizations on the Pennsylvania system had such instructions in their possession they did not know the position of their chief executives several months later when the strike referred to, called by Pierce, became effective. I also attach hereto special circular No. 20,[1] under date of April 15, 1914, dealing with an illegal strike on the Monongahela division of the P. R. R., which clearly defines the position of the Brotherhood of Railroad Trainmen. The policy of the brotherhood is so well known, and so much literature has been sent out over the signature of the chief executive clearly defining such policy, that it seems unreasonable to suppose that even Pierce, who was, and I understand is, a member of the B. of L. F. & E., would not know the position that would be taken in case of a strike such as the one under consideration.

Accusations made against the undersigned by Pierce are unworthy of answer, and I learned many years ago that it is useless to attempt to lock the door against a liar or defamer. Nothing, in my opinion, has injured labor organizations more than men of the character of W. H. Pierce, whose only object seems to be to live without work and to deceive or impose as far as possible upon his fellow workers. If it were deemed necessary or advisable I have no doubt of my ability to place on the stand several hundred members of the four transportation organizations who attended the meeting of November 30 at Harrisburg, and who would corroborate the foregoing statement made by me at that meeting.

Tranking you for furnishing me the information, I am,

Very truly, yours,

W. G. LEE, *President.*

Will the commission be kind enough to wire me date I could appear before it a few moments?

LEE.

[1] Submitted in printed form.

STATEMENT OF MR. G. B. ROWLAND.

[State legislative board Brotherhood of Railroad Trainmen of Pennsylvania, Rooms 503–504, Franklin Building.]

HARRISBURG, PA., *May 11, 1915.*

Mr. JOHN H. CRANDALL,
Secretary Shorthand Reporting Co.,
Room 720, Shoreham Hotel, Washington, D. C.

DEAR SIR: I note through the Associated Press news of the statements made by one W. H. Pierce before the Federal Industrial Commission at Washington, D. C., the following statement by Pierce:

"W. G. Lee came to Harrisburg and addressed a joint meeting of the shopmen and transportation men. Lee said to these men that if the Pennsylvania Railroad discharged one of the shopmen for joining the union, 'we have 135,000 union transportation men and $3,500,000 in the treasury, and will use every dollar and every man against the railroad if they discharge those shopmen.'"

I wish to say that the above statement of Pierce is absolutely untrue, as I was present at that meeting and remember distinctly the statements made by W. G. Lee to the shopmen's trouble in Harrisburg, which was:

"That he could only lend his moral support to the Federated Railway Employees until such time as they had affiliated themselves with the respective bona fide organizations representing their crafts, such as the carmen, shopmen, freight handlers, maintenance-of-way employees, etc."

There was at no time during his remarks that he promised them the support of the 135,000 brotherhood men or $3,500,000 in their treasury.

He also stated that "under no circumstances could either of the transportation organizations strike in sympathy with any class of employees.

Yours, respectfully,

G. B. ROWAND,
Chairman Pennsylvania State Legislative Board,
Brotherhood of Railroad Trainmen.

(Copy sent to W. G. Lee.)

STATEMENT OF MR. W. H. PATRICK.

[Keystone Lodge No. 42, Brotherhood of Railroad Trainmen.]

HARRISBURG, PA., *May 11, 1915.*

Mr. FRANK P. WALSH,
Chairman Federal Industrial Commission, Washington, D. C.

MY DEAR SIR: Recently there appeared in the daily papers some malicious statements made before your commission by one Mr. W. H. Pierce against one of the members of Keystone Lodge No. 42, Brotherhood of Railroad Trainmen, namely, Milton T. Robinson, of Harrisburg, Pa., and also the grand president of the Brotherhood of Railroad Trainmen, William G. Lee, of Cleveland, Ohio.

By action of the above-named lodge I was instructed to inform you that the statements made by Mr. W. H. Pierce have been refuted by the lodge, and that they are not true.

Trusting that you will give this affair your consideration, I am,

Very truly, yours,

[SEAL.] W. H. PATRICK,
Secretary Lodge No. 42, No 2311 N. Sixth Street, Harrisburg, Pa.

STATEMENT OF MR. M. T. ROBINSON.

[State Legislative Board of Brotherhood of Railroad Trainmen of Pennsylvania.]

HARRISBURG, PA., *May 17, 1915.*

Mr. JOHN H. CRANDALL,
Secretary Shorthand Reporting Co.,
Room 720, Shoreham Hotel, Washington, D. C.

DEAR SIR: I have noted by the Associated Press news of the proceedings before the Federal Industrial Commission, sitting at Washington, D. C., of statements

made before the commission, and wherein my name has been mentioned by one W. H. Pierce, and to which I take exceptions and wish to file with the commission my reason for so doing.

I note his statement in reference to a visit to Harrisburg by W. G. Lee, president of the Brotherhood of Railroad Trainmen, and of which organization I am also a member, and attended the meeting at which the following statement, quoted by Mr. Pierce, is supposed to have been made:

"W. G. Lee came to Harrisburg and addressed a joint meeting of the shopmen and transportation men. Lee said to these men that if the Pennsylvania Railroad discharged one of the shopmen for joining the union, 'We have 135,000 union transportation men and $3,500,000 in the treasury and will use every dollar and every man against the railroad if they discharge those shopmen.'"

This statement is absolutely incorrect. Mr. Lee did say "that he could only lend his moral support to the Federated Railway Employees until such time as they had affiliated themselves with the respective organizations representing their crafts, such as the carmen, shopmen, freight handlers, maintenance-of-way employees, etc." At no time during his remarks did he promise the support of the membership of the Brotherhood of Railroad Trainmen, either by membership or by capital. He did say that "under no circumstances could either of the four transportation organizations strike in sympathy with any class of employees."

As to myself a note under date of May 7, where Pierce said that I, "Milton T. Robinson, of Harrisburg, ought to be shot at sunrise."

If I may interpret the meaning of his statement I should say that the statement should be reversed and applied to Mr. Pierce, as he is the only man I know who has not only tried, but has misled many good, reliable, and industrious men to follow him in a movement in which he as an experienced organizer of men knew that he was telling them something that was simply impossible to do. He knew as an organizer of the Brotherhood of Locomotive Firemen and Enginemen that the transportation brotherhoods could not under any consideration strike in sympathy with any other class of employees, and yet he has steadfastly maintained that they would, and thereby induced many employees to join the Brotherhood of Federated Railway Employees. If the term "traitor" should be applied to anyone, it is my opinion it is he who should be "branded."

When he says that the trainmen promised to go out on strike with the members of his organization, there is nothing to his statement, as no one was in authority to speak on that matter other than W. G. Lee, but there was a few persons unauthorized and of the same disposition as Pierce, and who are of the stripe who would do anything at the wrong time and nothing at the right time, who made such statements, but no one should have known the truthfulness of such sayings better than Pierce from his experience as an organizer, yet he continued to deceive his followers.

Very truly, yours,

M. T. ROBINSON,
P. O. Box No. 598, Harrisburg, Pa.

STATEMENT OF MR. H. B. HUBER.

[Brotherhood of Railroad Trainmen, general grievance committee, Pennsylvania lines east.]

HARRISBURG, PA., *May 20, 1915.*

Hon. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: I have been an interested reader of the press reports of the testimony presented to your honorable commission during its many sittings throughout the Nation, but particularly interested in the testimony offered by one W. H. Pierce, president of the so-called Brotherhood of Federated Railway Employees, who, according to the Associated Press report, under date of the 6th instant, testified in part as follows:

"Mr. W. G. Lee, president of the trainmen—I should call him brother, but don't, because it's a disgrace—came to Harrisburg and addressed a joint meeting of shopmen and transportation men. Lee said to those men that if the Pennsylvania Railroad discharged one of the shopmen for joining the union, 'We have 135,000 union transportation men and $3,500,000 in the treasury, and

will use every dollar and every man against the railroad if they discharge those shopmen.'

"The trainmen said to the shopmen, 'Strike, and we'll go with you.' But the trainmen didn't strike with them. If ever a man was guilty of high treason against his fellows it is W. G. Lee. He is the cause of suicides, great loss of property, and the breaking up of homes."

The meeting referred to by Pierce was held in Harrisburg on November 30, 1913, and I was one of approximately 1,000 transportation men who were present at this meeting—the term "transportation men" referring to members of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen. The meeting itself was one of what we railroad men term "fifth Sunday" meetings, which are usually held in some large railroad center on the fifth Sunday of any month in which such occurs, and the attendance at such meetings is generally limited to transportation men, practically the only exception being when members of the Order of Railroad Telegraphers are admitted. Officers of these organizations are invited to address these meetings, as well as men prominent in public life. At the meeting in question President Lee, of the Brotherhood of Railroad Trainmen, was an invited guest.

Pierce, the president of the so-called Brotherhood of Federated Railway Employees, was present at the opening of the meeting in his official capacity, but not as an invited guest, to the best of my knowledge. Pierce—who, by the way, was a defeated aspirant for a vice presidency of the firemen's organization at their Washington convention in 1913, and whose commission as an organizer of that organization expired at midnight, November 30, 1913, sought to have the meeting thrown open to the members of the "federation." After a short discussion it was decided that, in view of the fact that the meeting had been called for transportation men only, the members of the "federation" would not be admitted. Pierce immediately left the meeting in a "huff," but shortly returned in his individual capacity as a member of the firemen's brotherhood, and later on, at the request of the chairman, addressed the meeting.

I was an attentive listener to the address made by President Lee, but at no time in his discourse did I hear him make any statement that could be construed as inferring that Pierce or his organization could, at the least, hope for the support which Pierce testified President Lee promised would be given if the Pennsylvania dismissed any shopman for affiliating himself with the "federation." President Lee did make a statement, which in substance was that if Pierce was organizing the shopmen and other employees and affiliating them with his organization with the permission of the different craft organizations already in existence and affiliated with the American Federation of Labor, then he could no doubt meet with the heads of the four transportation organizations and talk the matter over. Pierce did not then nor has he since, to the best of my knowledge, claimed that he had permission from any of the craft organizations representing other than transportation men in railroad service, such as the Brotherhood of Maintenance of Way Employees, Brotherhood of Railway Clerks, Brotherhood of Car Repairmen, International Car Inspectors' Union, etc., to affiliate this class of employees with his organization. He has repeatedly announced that he would not affiliate his organization with the American Federation of Labor.

There is no doubt in my mind but that Pierce was promised physical support in his then threatened strike by members of the transportation organizations acting in an individual capacity, but this was an assumption of authority on their part that was contrary to the general rules of the Brotherhood of Railroad Trainmen and similar laws of the other transportation organizations. The president of the Brotherhood of Railroad Trainmen, Mr. Lee, acting in his official capacity, can not call a strike of his own initiative, the general rules only giving to him the authority to approve or disapprove the action of a general grievance committee who, having received the approval of at least two-thirds of the membership on a railroad as the result of a referendum vote, can authorize or order a withdrawal from the service. Pierce, as a member and deputy officer of the firemen's brotherhood, was well aware of this fact.

The transportation organizations accept the open-shop policy; their members work side by side with others in their respective classes who do not belong to their organizations on the condition that these nonmembers work for the same rates of pay and upon the same conditions; and these organizations neither believe in nor practice the sympathetic strike.

It might not be out of place to suggest to your honorable commission that in considering the testimony presented by Mr. Pierce that you consult the report of Messrs. John A. Moffit and James A. Smyth, the commissioners of conciliation of the United States Department of Labor, submitted to the Hon. William B. Wilson, Secretary of Labor, under date of July 1, 1914. This report covers the work of the honorable commissioners of conciliation in their efforts to avert the—at that time—impending strike of Mr. Pierce's Brotherhood of Federated Railway Employees.

Respectfully, yours,

H. B. HUBER,
1352 North Street, Harrisburg, Pa.

Sworn and subscribed before me this 20th day of May, A. D. 1915.

[SE IRWIN M. CASSELL, *Notary Public.*

My commission expires March 25, 1917.

STATEMENT FROM HARRISBURG (PA.) PATRIOT.

[From Harrisburg Patriot, Dec. 1, 1913.]

CONCERTED MOVE GREAT FOR MEN—SPIRIT OF HARMONY A NECESSITY TO SUCCESS, SAYS LEE—PIERCE RAPS COMPANIES.

A thousand railroad men attended the regular joint fifth Sunday meeting of the four brotherhood organizations yesterday at the Board of Trade Hall.

William G. Lee, president of the Brotherhood of Railroad Trainmen, who has just finished the eastern arbitration proceedings, was the principal speaker on the occasion. He said he knew of no differences between the various brotherhoods. The especial need of affiliation of the four organizations on the Pennsylvania was urged. Lee declared that he worked for federation and harmony between the engineers and firemen in the Harrisburg and St. Paul conventions. All would stand by the new brotherhood with money and otherwise, he said. He dwelt on spies and gum-shoe men and said it was impossible to keep out the traitor. "With small favors they tempt employees with passes," he said. Government figures were used to show the high death rate on the railroads. For 1912, one killed every five and one-half hours, and those injured, including the killed, average one every 12 minutes. Railroad men can never get just compensation in consideration of these fatalities. He spoke on arbitratiton, concerted movements, and wage scales at great length and intimated that concerted action was one of the most valuable.

Senator E. E. Beidlemen extended an address of welcome to the visiting members.

G. G. Boran, chairman of the State legislative board of the Brotherhood Railroad Trainmen, spoke of legislation and the work of the legislative board, dwelling principally on the public-service commission act and commented on the fact that employees and families will not be granted passes.

J. C. Blarney spoke on behalf of the B. of L. E. and took occasion to commemorate the fiftieth anniversary of the organization, which is the pioneer of the railroad brotherhoods. He alluded to the concerted movement as one of the grandest things and urged a spirit of harmony to prevail among all railroad employees and the four organizations.

W. H. Pierce, organizer of the B. of L. F. and E., who recently organized the Brotherhood of Federated Railway Employees, told of the achievements of organized labor as monuments of the brotherhoods, and, as he is from the rank and file, his heart is with those who earn their living by the sweat of their brows. The expense of handling grievances is much greater now than formerly, he said. One hundred dollars is now spent where 5 or 10 years ago $10 or $15 was sufficient to handle a case. "Petty grievances are now carried to the higher officials. Years ago they were settled in the yardmaster's office," Pierce said. "This is done to create excessive assessments, discourage the men, and make them quit the brotherhood."

The brotherhood meeting held yesterday afternoon in the Board of Trade Auditorium was continued last night at White's Hall, Broad and James Streets, under the auspices of the B. of F. R. E.

Most of the speakers at the afternoon session were present, all speaking a word of encouragement for the new organization. Among the speakers were W. G. Lee, president of the Brotherhood of Railroad Trainmen, and W. H. Pierce, organizer for the Brotherhood of Locomotive Firemen and Enginemen. Both men extended hearty cooperation of their brotherhoods toward the new organization and offered support at all times.

STATEMENT OF MR. P. L. SMITH AND OTHERS.

[Grand Lodge Brotherhood of Federated Railway Employees.]

HARRISBURG, PA., *May 17, 1915.*

To whom it may concern:

We, the undersigned members of the different railroad brotherhoods, did attend a meeting in White's Hall on the 30th day of November, 1913, which was addressed by Mr. W. G. Lee, president of the Brotherhood of Railroad Trainmen, and heard him make this declaration:

(By W. G. Lee.) We have 135,000 members and $3,500,000 in our treasury, and every dollar and every man will be used against the Pennsylvania Railroad if they discharge one of you men for belonging to a union; and he further said if we stood by W. H. Pierce that he, Pierce, would lead us to a victory.

P. L. SMITH,
2010 Susquehanna Street, B. of L. F. and E.
GEO. F. HOFFMAN,
641 Dauphin Street, B. of F. R. E.
R. R. STEVENSON,
1215 Front Street, B. of F. R. E.
J. Q. YODER,
621 Harris Street, B. of L. F. and E.
M. D. HENDERSON,
1911 Foster Street, H. B. G. B. of F. R. E.

STATEMENT OF MR. R. B. SHEELY.

[William H. Morne Lodge, B. of L. F. & E., 673.]

HARRISBURG, PA., *May 22, 1915.*

To whom it may concern:

I, R. B. Sheely, secretary of William M. Morne Lodge No. 673, Brotherhood of Locomotive Firemen and Enginemen, Harrisburg, Pa., do hereby swear that I was in attendance at a meeting held in the city of Harrisburg, Pa., on the 30th day of November, 1913, and heard W. G. Lee, president of the Brotherhood of Railroad Trainmen, in the course of his address, make this statement, to wit:

"The Brotherhood of Railroad Trainmen has 135,000 members and three and a half million in their treasury, and that they (the Brotherhood of Federated Railway Employees) would have the backing of the entire organization if one of their men was discharged for joining the union."

R. B. SHEELY.

MAY 24, 1915.

Sworn and subscribed to before me this day above written, May 24, 1915.

[SEAL.] FRITZ KRAMME,
Alderman.

My commission expires the first Monday in January, 1920.

ADDITIONAL STATEMENT OF MR. W. H. PIERCE.

[Grand Lodge Brotherhood of Federated Railway Emloyees.]

HARRISBURG, PA., *May 27, 1915.*

LEWIS K. BROWN,
Secretary Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: In answer to your request regarding information in regards to the Brotherhood of Federated Railway Employees, I hereby make an official statement covering the question asked me by your honorable commission.

A. I. Kauffman, who was general chairman of the Brotherhood of Locomotive Firemen and Enginemen in 1913, made a partial confession to me that he received money from the Pennsylvania Railroad Co. in the early part of July, 1913, and a full confession in the month of August, 1913. This will, I think, answer the two first questions.

No; the knowledge was not known generally. I had informed two members of Kauffman's own lodge at Altoona, Pa., and one member who lived in Harrisburg, and also W. S. Carter, national president of the Brotherhood of Locomotive Firemen and Enginemen, of Peoria, Ill.

It did become known in June, 1914, in a general way to all members who attended meetings, and most of them were displeased with the action of the general chairman, and I attended the annual meeting of the joint protective board in the city of Philadelphia, Pa., and there told the joint board that Kauffman was crooked and not to reelect him to office, and they defeated him.

I was then a member and am still a member of the Brotherhood of Locomotive Firemen and Enginemen. I belong to Lodge 477, located at Galesburg, Ill.

Mr. W. G. Lee, president of the Brotherhood of Railroad Trainmen, did make a statement at a meeting held in the board of trade hall in the afternoon of November 30 and in White's Hall that same evening, in the city of Harrisburg, Pa., that the Brotherhood of Railroad Trainmen had 135,000 members and $3,500,000 in their treasury, and that they (the Brotherhood of Federated Railway Employees) would have the backing of the entire organization of the Brotherhood of Railroad Trainmen if one of the employees of the P. R. R. was discharged for joining the union.

He also said in White's Hall at the evening meeting that if the shopmen would follow W. H. Pierce, he, Pierce, would lead them to victory.

W. H. PIERCE.

STATE OF PENNSYLVANIA, *County of Dauphin, ss:*

Personally appeared before me the undersigned, an alderman in and for the said State and county, W. H. Pierce, of the city of Harrisburg, State and county aforesaid, who, being duly sworn according to law, doth depose and say that the facts above set forth are both true and correct.

Sworn to and subscribed before me this 15th day of June, A. D. 1915.

[SEAL.] J. WILLIAM BAYLES, *Alderman.*

My commission expires first Monday in January, 1916.

STATEMENT OF CHARLES LIEBAU.

HARRISBURG, PA., *June 12, 1915.*

To whom it may concern:

At a regular joint fifth Sunday union meeting of the railway brotherhoods held at the Board of Trade Auditorium, Sunday afternoon, November 30, 1913, which I attended as a member of Lodge No. 673, Brotherhood of Locomotive Firemen and Enginemen, I personally heard W. G. Lee, president of the Brotherhood of Railroad Trainmen, distinctly state in the course of remarks, in speaking of the shopmen's organization, that the Brotherhood of Railroad Trainmen had 135,000 members and three and one-half million dollars in its treasury, which would be used to back up the shopmen if any were discharged for joining the union.

The above is a true and correct copy.

[L. S.] CHAS. LIEBAU.

STATE OF PENNSYLVANIA, *County of Dauphin, ss:*

Personally appeared before me, the undersigned, an alderman in and for the said State and county, Charles Liebau, of the city of Harrisburg, State and county aforesaid, who, being duly sworn according to law, doth depose and say that the facts above set forth are both true and correct.

Sworn to and subscribed before me this 15th day of June, A. D. 1915.

[SEAL.] J. WILLIAM BAYLES, *Alderman.*

My commission expires first Monday in January, 1916.

EXHIBITS.

PERHAM EXHIBIT NO. 1.

AN AGREEMENT.

The duly authorized representatives of the Commercial Telegraphers' Union of America and the Order of Railroad Telegraphers, for the purpose of more clearly defining their relations to each other and for the further purpose of avoiding disputes and securing harmonious cooperation in joint defensive action, do hereby agree:

1. That for the purpose of this agreement a joint board shall be created, as follows: The president and the general secretary-treasurer of the Commercial Telegraphers' Union of America and the president and the grand secretary and treasurer of the Order of Railroad Telegraphers.

2. That the joint board may adopt rules of procedure in the conduct of business that may properly come before it which shall not conflict with this agreement or the laws of the organizations parties hereto.

3. That meetings of the joint board shall be held upon the joint call of the presidents of the two organizations.

4. That the presiding officer at meetings of the joint board shall be elected by a majority vote at each meeting, provided that should a tie vote occur any other method mutually agreed upon may be adopted.

5. That three votes in the affirmative shall be necessary to adopt any proposition before the joint board, and when so adopted shall be binding on both organizations parties hereto.

6. That each organization parties hereto shall bear equally the incidental expenses of the joint board.

7. That when a joint demand is made by committees representing members of both organizations parties hereto involving either questions of wages or hours, all conferences and business with the employer relative thereto shall be conducted by joint committees of the organizations parties to this agreement, and in case a strike or lockout shall result each organization shall bear its own expenses.

8. That when a strike or lockout occurs where a joint demand has not been made, but where one of the organizations parties to this agreement shall be involved, it shall be compulsory, without further notice, for members of the other organization to protest against handling telegraph business other than that handled before the strike or lockout occurred, provided that nothing herein shall be construed to mean that a sympathetic strike can take place before being constitutionally legalized.

9. That telegraphers employed by a railroad company shall not be admitted to membership in the Commercial Telegraphers' Union of America.

10. That telegraphers employed by a commercial telegraph company, brokerage firm, or press association shall not be admitted to membership in the Order of Railroad Telegraphers.

11. That the officers of the Commercial Telegraphers' Union of America shall insist on all members of that union now in or hereafter entering the railroad service joining the Order of Railroad Telegraphers without delay.

12. That the officers of the Order of Railroad Telegraphers shall insist on all members of that order now in or hereafter entering the commercial telegraph service joining the Commercial Telegraphers' Union of America without delay.

13. That nothing contained in this agreement shall be construed to mean that any telegrapher shall be prohibited from continuing membership in both organizations parties hereto.

14. That upon proof being furnished that a member of either organization party to this agreement worked for a firm, association, or corporation during the continuance of a legal strike charges shall be preferred against such member by the officers of the organization in which he holds membership, and such member shall be tried in accordance with the laws of that organization.

15. That this agreement shall be effective on and after the date of its signing.

Approved.

C. E. LAYMAN,
GEO. O. FORBES,
A. O. SINKS,
Board of Directors, Order of Railroad Telegraphers.

R. J. FOWLER,
S. J. KONENKAMP,
JOS. M. SULLIVAN,
M. J. REIDY,
C. E. HILL,
Grand Executive Board.

Agreed:

H. B. PERHAM,
President Order of Railroad Telegraphers.

S. J. SMALL,
President Commercial Telegraphers' Union of America.

This agreement became effective on October 1, 1906.

PERHAM EXHIBIT NO. 2.

MIDDETOWN, DEL., *July 12, 1912.*

Mr. J. R. DONOVAN,
Division Operator, Wilmington, Del.

DEAR SIR: I am called on committee work for July 15, and I would be glad if you will kindly arrange to relieve me from July 15 and until further advised.

Yours, truly,

T. W. TRUITT.

[Telegram.]

WILMINGTON, DEL., *July 14, 1912.*

T. W. TRUITT:

Will relieve you July 15; advise your address in order that we may reach you if needed.

J. R. D.

S–N., 4.31 p. m.

WILMINGTON, DEL., *August 6, 1912.*

Mr. T. W. TRUITT,
3415 North Twenty-second Street, Philadelphia, Pa.

DEAR SIR: On account of the unusual number of men on our sick list we are unable to further extend your leave of absence, and it will be necessary for you to report for duty at once.

Please arrange accordingly and acknowledge receipt.

J. R. DONOVAN,
Division Operator.
S.

3415 NORTH TWENTY-SECOND STREET,
Philadelphia, Pa., August 9, 1912.

Mr. J. R. DONOVAN,
Division Operator, Wilmington, Del.

DEAR SIR: On account of death in family I have been out of town, and just received your letter. I am sorry you are in need of men at this time, as it is

impossible for me to return for duty at once, owing to the fact the telegraphers' committee is expecting an audience with the officials any day, and it is necessary that I shall be present when this audience is granted. I will report for duty as soon as I am relieved, which should be in a short time.

Yours, very truly,

T. W. TRUITT.

WILMINGTON DEL., *August 23, 1912.*

Mr. T. W. TRUITT,
3415 North Twenty-second Street, Philadelphia, Pa.

DEAR SIR: Referring to your leave of absence granted July 15, my letter to you dated the 6th and your answer of the 9th, will advise this leave of absence is terminated, and it will be necessary for you to report for duty Monday, August the 26th, or else you will be dropped from the rolls and your position advertised. Please acknowledge receipt of this letter.

Yours, truly,

J. R. DONOVAN, *Division Operator.*

HEADQUARTERS OF GENERAL COMMITTEE,
3415 NORTH TWENTY-SECOND STREET, TIOGA,
Philadelphia, Pa., August 24, 1912.

Mr. J. R. DONOVAN,
Division Operator, Wilmington, Del.

DEAR SIR: Your letter of August 23 received. I regret to have to say that I am unable to report for duty on Monday, August 26, as requested, for the reason that I am a member of the telegraphers' general committee, which is now in session and endeavoring to establish a schedule and wage scale on the Pennsylvania lines. I hereby protest against being dropped from the rolls and my position being advertised, and I notify you that such action on your part will cause me to make it one of the grievances we have against the company.

Yours, truly,

T. W. TRUITT.

WILMINGTON, DEL., *August 28, 1912.*

Mr. T. W. TRUITT,
Operator, Middletown, Del.

DEAR SIR: Yours of the 24th instant received. As you have been working for this division for 24 years and received your living from them, I consider your first duty toward them when you are needed in the service. Any employees given leave of absence are likely to be recalled at any time when the service requires, and you, of course, understand the result of refusing duty and insubordination.

J. R. DONOVAN, *Division Operator.*

MIDDLETOWN, DEL., *January 10, 1913.*

Mr. J. R. DONOVAN,
Division Operator, Wilmington, Del.

DEAR SIR: Having about completed my duties as committeeman for the operators I am now ready to resume duty, please advise at your earliest convenience when I shall report for duty at my position here, and oblige,

Yours, truly,

T. W. TRUITT.

MIDDLETOWN, DEL., *January 18, 1913.*

Mr. H. B. PERHAM,
St. Louis, Mo.

DEAR SIR AND BROTHER: I am attaching herewith a copy of the letter sent to Mr. Donovan on the 10th,[1] as per your instructions. You will notice I did not recognize that I had been discharged. This was due to the fact that Mr. Donovan has never officially notified me to that effect.

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[1] Printed in this exhibit.

This letter was sent to Mr. Donovan through the United States mail, and I am very sure that he received it O. K., but up to this time I have received no reply from him. Would you advise that I make a second request or let it stand as it is?

With best wishes, I am,

Yours, fraternally,

T. W. TRUITT.

ST. LOUIS, MO., *January 20, 1918.*

Mr. T. W. TRUITT,
Middletown, Del.

DEAR SIR AND BROTHER: I have received your favor 18th instant, together with the communication addressed to Mr. Donovan, division operator at Wilmington, Del., and in reply will state that in my opinion it will be well to write Mr. Donovan another letter, calling his attention to your communication to him dated January 10, and inclosing copy of same. If you do not hear from him within a reasonable length of time kindly advise to that effect.

With best wishes, I am,

Yours, fraternally,

H. B. PERHAM, *President.*

MIDDLETOWN, DEL, *January 23, 1918.*

Mr. J. R. DONOVAN,
Division Operator, Wilmington, Del.

DEAR SIR: On January 10 I sent you a letter stating that I had about completed my duties as committeeman for the operators, and was now ready to resume duty. Up to this time I have received no reply from you. Not being sure that you had received this letter, I am attaching a copy herewith, and would be glad if you will give me a reply at your earliest convenience, and oblige.

Yours, truly,

T. W. TRUITT.

MIDDLETOWN, DEL., *February 3, 1918.*

Mr. H. B. PERHAM,
St. Louis, Mo.

DEAR SIR AND BROTHER: As per your letter of January 20, I made the second request upon Mr. Donovan to be put back to work, and up to the present time I have received no reply to either letter. To make sure that Mr. Donovan would get my last letter I registered same to him and am attaching his receipt herewith.[1]

From what I can learn from the other men they are being treated in about the same manner as I am. I hear that all the division operators have their orders, and could not make a reply to us if they so desired.

With very best wishes, I am,

Yours, fraternally,

T. W. TRUITT.

ST. LOUIS, MO., *February 6, 1918.*

Mr. T. W. TRUITT, *Middletown, Del.*

DEAR SIR AND BROTHER: Your letter of February 3 received. It is sufficiently conclusive to establish the fact that you were discharged from the service for representing your fellow employees, as you had a right to do. We now have a very good case against the Pennsylvania Railroad on many counts. The delays have been very annoying, but it has given us an opportunity to get ready that otherwise we would not have had, and it may be all for the best.

The situation at Washington has interfered with us and our plans considerably, but we are not alone in that respect.

The organization on the Pennsylvania is standing up wonderfully well, and we certainly ought to win on that account alone.

With best wishes, I am,

Yours, fraternally,

H. B. PERHAM, *President.*

---

[1] Registered-letter receipt attached.

[Organization committee Federated Railroad Trades, affiliated with the American Federation of Labor. Pennsylvania lines.]

PITTSBURGH, PA., *March 4, 1911.*

Mr. FRANK MORRISON,
Secretary A. F. of L., Washington, D. C.

DEAR SIR AND BROTHER: The Pennsylvania Co. continues to discharge the active officers of the new locals. Their present policy can not help but be to our disadvantage unless some change is made at once. Along these lines we have arranged to hold a special conference with delegates from the points affected, and they are principally on the Pittsburgh division. Men being let go at Twenty-eighth Street, Pitcairn, Youngwood, and Derry, Pa.

Up to now our efforts for adjusting these grievances have not proven successful, local shop officials not giving the committees waiting upon them any satisfaction. When the cases are taken up with higher officials the same treatment is accorded. What course the company will pursue when the general committee of each organization waits upon them is not known. It's easy to surmise that little show will be given to these men let go, who are practically all old employees.

Meanwhile organizers are making arrangements for meetings in Altoona, Harrisburg, and at Columbus, Ohio. It may be necessary that some of the international officials make an effort to meet the higher officials of the road and make an effort to have this discrimination stopped.

Vice President Glover, of the blacksmiths, has been assigned to work in conjunction with the other organizers, and for the time being will be located in the Pittsburgh district.

With best wishes, I am,
Fraternally, yours,

A. E. IRELAND, *Secretary.*

[Telegram.]

PITTSBURGH, PA., *February 24, 1911.*

FRANK MORRISON,
801 G NW., Washington, D. C.:

Company continues to discharge union men at all points. Trouble anticipated. Should have two additional men to help. Wire answer.

T. H. FLYNN.

PITTSBURGH, PA., *March 4, 1911.*

Mr. FRANK MORRISON,

DEAR SIR AND BROTHER: Please find inclosed weekly statement for week ending to date.

The work of organizing on the P. R. R. is not as good as it was some time ago; this is due to the fact that the company has started to discriminate against the union men, which has resulted in making some of the men refuse to cooperate with us, but I think that this will not last long, and the men will see that they must make a stand sometime.

The blacksmiths have placed a man on the road, and the sheet-metal workers will have one of their organizers here Monday. So, with best wishes, I beg to remain,

Yours, fraternally,

T. H. FLYNN,
Organizer A. F. of L.

P. S.—Send check to my home address.

T. H. F.

PITCAIRN, PA., *March 6, 1911.*

Mr. FRANK MORRISON:

DEAR SIR AND BROTHER: The Federal Labor Union, of this city, was installed on Saturday last, with a membership of 218. They will send to you for more due books and constitutions.

The P. R. R. has discharged all the men who were active in the formation of this movement and I do not know how we will be able to stop a general strike. We all realize how impossible it would be at this time to win; but how to stop it is also as hard.

Wyatt was in Pittsburgh on Sunday. His reports from Altoona are good. Our reports from Columbus, Denison, and other points in Ohio are real good.

Pierce is in Harrisburg, but we have not received a report from him, but we expect one to-night.

The blacksmiths have placed two organizers on this road—Glover and Horn.

I hope that some arrangements will be made so the men will get their trouble adjusted and not have to strike.

I am inclosing you clippings from Pittsburgh Leader which will explain how it stands up to the present time.[1]

So, with best wishes, I beg to remain,

Yours, fraternally,

T. H. FLYNN.

PITCAIRN, PA., *March 11, 1911.*

Mr. FRANK MORRISON,
Washington, D. C.

DEAR SIR AND BROTHER: Please find inclosed weekly statement for week ending to date, for which you will please send check to my home address.

The conditions on the P. R. R. is about the same, the company is discharging and the men are organizing faster than the company can discharge, while the organizers are real busy keeping the men from striking, for as they say that if the men are all discharged then there will be not enough to strike when the time comes.

The organizers sent to Columbus, Ohio, are organizing real fast, but Gallagher and Wyatt are having all kinds of trouble at Altoona, while we have not received any information from Pierce from the time he left Pittsburgh for Harrisburg.

I have worked all week around Pittsburgh and Youngwood with other organizers getting the locals installed and advising against a strike. At the same time we organized another federal union at the 28th shops, and will make application for a charter Sunday, also will go Sunday night to Johnstown to form another federal labor union.

We are working real hard to get a conference with the company, but up to the present time we have not been able to accomplish much along those lines.

Ireland will be in Washington Monday and will call on you and explain matters to you; so with best wishes I beg to remain,

Fraternally, yours,

T. H. FLYNN,
Organizer A. F. of L.

[Organization committee Federated Railroad Trades, affiliated with the American Federation of Labor. Pennsylvania lines.]

PITTSBURGH, PA., *March 21, 1911.*

Mr. FRANK MORRISON,
801 G Street NW., Washington, D. C.

DEAR SIR AND BROTHER: In connection with the organization work on the Pennsylvania system would state for the past two weeks since the last circular was issued much trouble has been experienced on account of the company's attitude in discharging employees for their activity in organizing.

At some of the immediate points near Pittsburgh the company officials went even so far as to discharge from one-third to one-half of their forces.

For some time the situation was very critical, and in order to offset any attempt on behalf of the company to discourage our movement, it was arranged for a big general mass meeting, and same was held in Old City Hall, Sunday, March 19, when addresses were delivered by President James O'Connell, of the International Association of Machinists, and other organizers.

The outlook at this stage is much more promising, and arrangements are being made to carry on the organization work, particularly at all eastern points.

At a meeting held Sunday morning at the headquarters in the Monongahela House, at which meeting President O'Connell was in attendance, the entire matter was gone into in detail. It was then mutually agreed to arrange for

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[1] Submitted in printed form. They are entitled, "Railroad men remain quiet," Feb. 28, 1911; "Railroad men face struggle," no date; "Many shopmen join federation," Mar. 2, 1911.

a campaign of education by sending out circulars to the unorganized points, it being understood that the mails were to be used to reach this company's employees.

It was agreed as heretofore that the expense incurred is to be borne pro rata by each organization.

Your representatives on the ground will be prepared in a few days to submit to you in detail what the share of your organization will be. Meanwhile every effort is being put forth to further increase our forces. We have been in close touch with the officials of the company. Copies of communications are inclosed.

T. H. FLYNN.

SOME PERTINENT QUESTIONS TO TRANSPORTATION SERVICE MEN.

1. Are there provisions in your agreements for the transportation of scabs to take the place of loyal union shopmen on strike?
2. Does it specify that you shall operate defective motive power and jeopardize the lives of the traveling public, on account of incompetent nonunion workmen?
3. Is there anything therein that says you shall man your trains and mingle around the yards among armed thugs and scab herders and work under their protection?
4. Does it say that you shall haul provisions, clothing, and other supplies to scabs?
5. Is it not true that these striking shopmen refused to be used by the company when you faced a serious conflict less than a year ago?
6. There is a principle involved, stand by these stanch citizens and refuse to work until this company reinstates its old employees. Don't be used as tools to defeat your fellow workmen.

By order general committee striking shopmen, Pennsylvania lines east and west.

[Organization committee Federated Railroad Trades, affiliated with the American Federation of Labor. Pennsylvania lines.]

PITTSBURGH, PA., *June 15, 1911.*

Mr. FRANK MORRISON,
Secretary A. F. of L., 801 G Street NW., Washington, D. C.

DEAR SIR AND BROTHER: Inclosed herewith find statements relative to methods pursued by train-service men which are self-explanatory. Conditions remain unchanged, and unless something is done soon in the way of benefits all men will return to work. Trusting to hear from you soon, I remain,

Fraternally, yours,

GEO. A. NOLTE.

PITTSBURGH, PA., *June 6, 1911.*

On afternoon of June 6, at Weber's Hall, Mr. G. W. Souser, member of Ormsby Lodge, No. 465, B. L. F. & E., addressed about 300 shopmen, advising that if they would sever their connection with the A. F. of L., the Pennsylvania Co. would be willing to make some satisfactory settlement.

PITTSBURGH, PA., *June 8, 1911.*

The following recommendation was furnished by Mr. J. C. Jackson, member of R. B. Hawkins Division, No. 114, Order Railway Conductors, to Mr. J. Jenney, foreman of Pennsylvania Co.

RECOMMENDATION.

PITTSBURGH, PA., *June 8, 1911.*

Mr. J. JENNEY:

The bearer is the man I was talking to you about at Howard. He is a pipe fitter by trade. Anything you can do for him will be thankfully received, and oblige.

J. C. JACKSON,
Order Railway Conductors.

PITCAIRN, PA., *June 13, 1911.*

We, the undersigned men on strike, authorize this committee of five men, David Rodgers, W. C. Woomer, H. E. Baker, J. E. White, and W. J. Harshberger, to meet the representatives of the various crafts of the A. F. of L., namely, Messrs. Ireland, Paquia, Flynn, Nolte, and Bork, and we demand that the said representatives of the various crafts meet in I. O. O. F. Auditorium, Pitcairn, Pa., Wednesday, June 14, at 2 p. m., for the purpose of demanding the strike benefit or passing the settlement of this cause into the advice of the heads of the various operating crafts and if such is not recognized and acted upon according to this request, a message will be sent to all points that is out on strike, notifying them of the action we have taken and asking them to cooperate with us and unite with us and appoint their representatives with full power to act and bring this settlement about.

No promise will be accepted. Immediate action must be taken.

(NOTE.—This petition had 169 signatures.)

BROTHERHOOD OF RAILWAY CARMEN OF AMERICA,
Pittsburgh, Pa., June 13, 1911.

Mr. THOMAS A. JONES,
P. O. Box No. 466, Pitcairn, Pa.

DEAR SIR AND BROTHER: Inclosed herewith find letter from Brother Morrison, secretary of A. F. of L., in which he requests sworn statement regarding the attitude of train-service employees. What we want, Brother Jones, is something to show the exact disposition on part of these men for future reference in their attempt to influence our men to return to work.

We know that there are many instances in which they tried to bring about discord, of which no doubt you can furnish good information, and it is this kind of information that we desire.

If you will also give the names, together with name of organization, number of lodge, etc., or, if in case of grand lodge representatives furnish their name and title, it will indeed be highly appreciated.

We would kindly urge upon you to furnish all information in this connection possible and forward same to this office as soon as convenient to do so.

Assuring you of our best wishes, I remain,

Fraternally, yours,

GEO. A. NOLTE, *Grand Lodge Deputy.*

P. S.—Kindly return letter of Brother Morrison's without fail.

These men have held two public meetings in Pitcairn for the purpose of doing the above business: Edward McGinniss, B. of L. F. & E.; Bob Jackson, B. of L. E.; F. S. Titman, B. of R. T.; Hendricks, O. R. C.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., June 8, 1911.

Mr. GEORGE A. NOLTE,
Monongahela House, Pittsburgh, Pa.

DEAR SIR AND BROTHER: Your several favors received and contents noted. Your last favor received to-day in regard to the attitude displayed by the brotherhoods' executives. I would like you to furnish me with the names of the representatives of the brotherhoods who are urging the men to withdraw from the American Federation of Labor. If you can do that, we can then take it up with the international officers. I will be pleased to have you wire, at our expense, the names of these men and the organizations they represent.

I also have in mind your postscript in your letter of June 6, in which you say you had a debate at Ormsby, at one of the large shops, with the representative of the Brotherhood of Locomotive Firemen and the company's representative; but you do not furnish me with the name of the representative of the Locomotive Firemen's Union.

The executive council of the American Federation of Labor will meet next Monday, June 12.

With best wishes, I remain,

Yours, fraternally,

FRANK MORRISON,
Secretary American Federation of Labor.

[Organization committee Federated Railroad Trades, affiliated with the American Federation of Labor. Pennsylvania lines.]

PITTSBURGH, PA., *June 15, 1911.*

Mr. FRANK MORRISON,
Secretary A. F. of L., No. 801 G Street NW., Washington, D. C.

DEAR SIR AND BROTHER: Inclosed find copy of proposition turned down by the general strike committee at Pittsburgh, Pa., this date, which shows conclusively that the Pennsylvania Co. does not intend to act fair with its employees now on strike.

I am sending this by request of Brother Flynn, who is actively engaged here at present.

With best wishes, I am,
Fraternally, yours,

GEO. A. NOLTE.

Proposition as a basis of settlement from Mr. Shroyer, superintendent Pennsylvania Co. lines west:

First. The company now has an ample force of men at work or en route, none of whom will be displaced.

Second. None of the men now on strike can be reemployed at present.

Third. However, if the strike is called off at once the company will consider applications from the men now on strike, and such of them as it is found desirable to reemploy will be taken on from time to time as new men.

The committee recommends its rejection.

ALTOONA, PA., *June 30, 1911.*

Mr. FRANK MORRISON.

DEAR SIR AND BROTHER: Organizer Gallagher, who has been in the hospital for some days as a result of a very hard beating, is to-day able to be around. We are hopeful that there is nothing serious.

As I wrote to you some time ago asking you to take the matter of continuing organizers in the Pennsylvania system up with the national organizers, I wish you would let me know at your earliest possible convenience what has been done along those lines.

There are now working on this system Organizers Schmitt, Gallagher, Bork, and myself, with Ireland in Pittsburgh, which shows very poorly for the national officers, who pledged themselves at the Pittsburgh conference to continue the work of organizing. Moreover, with this small force of organizers now on the system the company will again take advantage of our organizations and start to discriminate, which will result in disbanding and disrupting all that we have accomplished in the past six months.

Here in Altoona alone we have the following organizations: Boiler makers, 338; blacksmiths, 125; machinists, 436; carmen, 320; laborers, 150.

The laborers have not as yet applied for a charter. There are also several hundred applications from various craftsmen which we have not segregated at the present time.

The blacksmiths have taken their organizer away and the local union feels very hard about it. The same is applicable to the machinists; and I might state briefly that the organizers now on the ground will not be able to accomplish very much effective work if the national and international organizations directly affected do not manifest a more willing desire to perfect the organization of the entire system.

So, hoping that you will bring this matter to their attention, and begging for an early reply, I beg to remain,
Yours, very fraternally,

T. H. FLYNN.

P. S.—You will please find inclosed weekly statement for week ending to date, for which you will kindly mail check for same to my home address.

T. H. F.

PITTSBURGH, PA., *July 1, 1911.*

Mr. FRANK MORRISON,
Washington, D. C.

DEAR SIR AND BROTHER: Please find inclosed weekly statement for week ending to date, for which you will please send check to my home address.

The conditions on the P. R. R. are getting bad. The company knowing that all the organizers except three were off the road has again started to disrupt the organization by refusing to reinstate the old men as per the agreement. This week I had to give up my work of organizing in Altoona and come to help the men at Pitcairn, Allegheny, and other places that have been on strike for a long time and are out of money and not one organizer here to instruct them. I have arranged for an ox roast for the 11th and got all the stuff donated. We expect to get enough money to help some of the strikers.

Now, if the national organizations will not assist in organizing to other shops on the road, the company will continue to discharge all union men. I will go back to Altoona on the 12th. So with best wishes, I beg to remain,

Yours, fraternally,

T. H. FLYNN.

AMERICAN FEDERATION OF LABOR,
Mount Vernon, N. Y., November 5, 1912.

Mr. H. B. PERHAM,
Eighth Vice President, American Federation of Labor,
St. Louis, Mo.

DEAR SIR AND BROTHER: Your favors dated October 28 and 31 received.

I shall write, as you suggest, to Mr. J. H. Marble, secretary of the Interstate Commerce Commission, requesting him to furnish me the report referred to in your letter, or if a later report on the same subject has been published, to send that. I thank you for the information.

Referring to your inquiry concerning a statement issued by an officer of the Pennsylvania Railroad Co., I desire to say that on Sunday afternoon, April 2, 1911, I was in Pittsburgh, for the purpose of addressing a meeting in the interest of the Pennsylvania Railway employees who were then engaged in a strike. Prior to the meeting a local officer of one of the shopmen's unions—I do not remember his name—handed me a typewritten statement, which he said was a copy of a letter issued to the employees. In giving me the statement he admonished me to regard as absolutely confidential the name of the Pennsylvania official attached to the letter. In reading the communication at the meeting I did withhold the official's name.

I, of course, can not vouch for the authenticity of this statement, and while I send a copy of it to you, I suggest that you should investigate before using it, and thus ascertain if it is really authentic.

With best wishes, I am,

Yours, truly,

JOHN MITCHELL,
Second Vice President.

(Inclosure.)

All foremen:

We have been necessitated to discontinue work during the past week to keep within our allotment because of the fact that the force now on our section is greater than the money allotted us can maintain.

In order that we may work our men regular and give them living wages and keep within out allotment, it will be necessary for us to decrease our force. Before making this reduction in the force, however, we desire to have an expression from our laborers as to whether or not they are members of labor organizations now being organized in this vicinity. In this reduction of the force to live within our allotment, it is our intention to first lay off the men who are members of the organization or who propose to join the organization.

Advise us not later than Monday p. m. of the answer of your men to the question, "Are you a member of a labor organization? If so, what? Is it your intention to join one of the labor organizations now being organized in this vicinity?"

W. T. HANLY,
Supervisr No. 10½.

PITTSBURGH, PA., *January 19, 1913.*

NOTES OF P. R. R. CASE.

Joseph Born, Wilmerding, Pa., says as follows:

That about the first or middle of February, 1911 Mr. John Steinburg, foreman, P. R. R. shops, called on him and talked about union affairs, stating it

would be better for Born to drop the union proposition. Born refused, explaining that while it was true that the company, as stated by Steinburg, had treated him (Born) well, there were others of his craftsmen who had not been accorded such treatment and that he (Born) proposed to fight for those less fortunate than himself. That on February 27, following this interview, Mr. Steinburg said to him (Born) "I have orders to discharge you," and did so, giving no other reason for the action. Born claims he was discharged wholly because he was a union man and refused to accede to the request made by Steinburg.

That 500 maces or clubs were manufactured by the P. R. R. at its cabinet shop, Pitcairan, Pa., prior to the shopmen's strike in 1911, and immediately after a committee had notified the company of the desires of the men.

That John Geiger, Trafford City, Pa., knows all about these matters and would be a good witness, but at this time is endeavoring to get back into service with the P. R. R., therefore will probably be averse to talking on the outside.

That E. P. Kepple, Pitcairn, Pa., is also well posted relative to the case and will tell all about it at any time.

Mr. Born says he is perfectly willing to testify to all that he knows of the matter, which is somewhat limited on account of his activity on committee work during the time of some of the occurrences.

That general manager S. C. Long and Mr. Morrow are men that will not stick to the truth, either regarding facts or the things they have previously stated; that occasion made it necessary for him (Born) to call each of them liars at Broad Street, and he did so; that while Mr. O'Donnell is a fighter, he found him truthful.

That all strikers taken back by the company lost all money they had paid into the voluntary relief and rights to a pension, the company claiming the men had "left the service."

That he understands pension rates are determined by the average of the last one year's pay in the service of the company, but does not seem quite clear on this.

Mr. William Shenefelt, sr., 423½ Westinghouse Avenue, Wilmerding, Pa., says:

That he saw clubs or maces manufactured in P. R. R. cabinet shops, Pitcairn, Pa., prior to the strike of the P. R. R. shopmen in 1911, that the clubs were of hickory timber, about 16 or 18 inches long, a hole in one end with a strap through, that they were very dangerous weapons, that he can probably supply one or two if it should become necessary; that these clubs were shipped from cabinet shop to P. R. R. storerooms, about 200 yards distant and stored there.

Shenefelt further states that of his own knowledge the P. R. R. manufactured similar clubs at same place and for the same purpose, viz, arming "bulls" (special agents) at the time a trainmen's strike was looked for; he thinks it was during the year 1909.

That men now in the P. R. R. storerooms, Pitcairn, above mentioned, were also there when clubs were put there in 1911, that the manager, Mr. Nicholson, now, was also manager of the rooms in 1911.

That Jacob Greenwalt, East McKeesport, Pa., was one of the men who turned clubs in 1911, as was also Edwin Cassady, now in the West somewhere. Cassady's father resides in Duquesne, Pa.

That himself and others who went on strike lost what they had paid into the volunteer relief; that the relief is but a "graft" anyway.

That all who went on strike and were taken back do not get the passes they used to get nor that others get who are at work and were not strikers in 1911. Shenefelt was out one week, returned to work, and is still working for the P. R. R.

That he did not assist in manufacturing the clubs, as he is not a turner.

T. E. ELLIS.

PITTSBURGH, PA., *January 20, 1913.*

Mr. E. B. Kepple, health officer and insurance agent, Pitcairn, Pa., says:

That in February, 1911, he was employed as a blacksmith by the P. R. R. Co. at Pitcairn, Pa., and was a union man; that during that month the P. R. R. began "laying off" its old employees in the shops at above-named place; that the employees thus treated belonged to the union covering their craft, these men in most cases being informed that when they left their union they would be placed back to work; that this procedure continued until a thousand or more of the employees were thus treated.

That about the first day of March, 1911, himself, Joseph Geiger, Trafford City, Pa., and Jacob Born, Wilmerding, Pa., as a committee, were sent to wait upon Mr. J. F. Coursan, general foreman P. R. R. shops, regarding above treatment of the employees, Born having been laid off just previous to this visit. The committee accused the company of discriminating against its old employees who were union men, giving names and other evidence. Mr. Coursan disputed the act of discriminating and stated the company would do no such thing. During the interview Joseph Geiger remarked to Mr. Coursan, "Yes; and I will be about the next one to go," implying that he would be discharged for appearing before Coursan on a committee in behalf of the laid-off or discharged employees. Mr. Coursan said, "No, sir; you will not; you will not be molested"—words to that effect. That the next day, March 2, 1911, Joseph Geiger and himself (E. B. Kepple) were both laid off, and neither have been taken back into service yet.

Kepple states that they were discharged at noon, and that the men yet working when he left the shop were instructed to not speak to him until after he was outside the shop.

Kepple has printed copies of affidavits by men who were treated by the company as above; that the company told them they were treated thus because of their affiliation with their union, and that when they would leave their unions they would be put back to work. He says there are thousands of living witnesses to all this, but that Mr. Ireland, of Pittsburgh, Pa., has the original affidavits, in case they are desired. The conversation with Mr. Kepple suggests that the trouble between the P. R. R. and its shopmen in 1911 was due to the discrimination described above. The first man laid off or dismissed from the service in this eliminating process was the secretary of the Brotherhood of Blacksmths and Helpers' local lodge, Pitcairn, Pa., Mr. George Morgan, now residing at North Braddock, Pa.

This cleaning-out process continued from February until May, Kepple says, and that finally a strike was ordered, and if it had not been ordered when it was there would not have been anyone left to strike, as not one-third of the union men were then left in the shops, thus claiming the company forced the men to strike. He says the company had been told a strike would be called but paid no attention and kept on letting the men out.

Kepple says one of the methods the company used was to place bosses near meeting places. The next day or so after the meeting there were sure to be some of those attending laid off or, in other words, discharged from service.

Kepple says the contract entered into between the employee and the company when entering the voluntary relief is of such nature that if in case of death a beneficiary of the deceased enters suit against the company it voids the relief benefit and also bars prospect of recovering through the law. Upon being asked why employees entered into such a one-sided contract, he said, "It's that or no job." He states some of the employees went to an attorney regarding this contract, but the attorney told them it was so ironclad the employee had "no show."

Kepple also says, regarding the lay-off or discharge feature, it was a method of the company to get hold of a man it thought it would be able to bulldoze, call him into the office, and go after him roughshod. To such they did not mince words as to the unions and what would be done, etc.

Regarding the relief, Kepple also says the company is a gainer in case of demotion during the latter part of a pensioner's active service with the company, as in such case the company's donation to the fund would be materially diminished. This matter is very complex. See treaties on the subject.

Kepple says the younger strikers who have been taken back into service are taken into the relief, but the older men are not.

T. E. ELLIS.

PITTSBURGH, PA., *January 22, 1913.*

Thomas Jones, Pitcairn, Pa., to-day stated as follows:

That he was, just prior to March 10, 1911, employed as foreman of a crew at P. R. R. roundhouse, Pitcairn, Pa., and that on March 10, 1911, H. Cosgrove, foreman P. R. R. roundhouse, told him (Jones) that his services were no longer needed; that he had been in the employ of the P. R. R. for about 13 years prior to that date; that, although Cosgrove did not say so, he was discharged because of his affiliation with his union; that hundreds of P. R. R. employees at Pitcairn were treated in like manner and for same reason during

February, March, and April, in 1911. That as soon as the company became aware the men were organizing themselves the company began to lay off (discharge) men, and kept this up until a committee representing the different unions the men belonged to was sent to visit Mr. S. C. Long, Philadelphia, Pa. The committee, after exhausting every reasonable means and after being advised that a lockout would be inaugurated against the men, taking effect at 10 a. m. May 1, 1911, told Mr. Long that unless all men who had been discharged (laid off) be put back to work within 48 hours a strike would be called, to take effect at 8 o'clock a. m. May 1, 1911.

That the committee received no response to this ultimatum, either in way of a reply or compliance with their request; therefore the strike was called as per information given Mr. Long.

That there was no demand made upon the company for increased wages, etc.; that as above stated the whole trouble was caused by the company discharging men because of their union affiliations; that he (Jones) was at the time of his dismissal by Cosgrove recording secretary of local lodge Brotherhood Railway Carmen; that he has never been reinstated with the company.

That when he drew his balance due from the company he suggested that his dues in voluntary relief be deducted as usual. Man in charge refused, stating that Jones was out of the service, therefore out of the relief. Jones called his attention that he had paid in much money to the relief, but this had no effect.

That some little time after his discharge the company began sending "bulls" to his home calling for his pass. They were so persistent that Mrs. Jones was much annoyed; that he finally sent his pass to Cosgrove, but close after he had done so a "bull" came to where the men were holding a meeting in rear of a justice's office and demanded Jones's pass, and stated he was instructed to take it by force unless he could otherwise obtain it. Jones told him to attempt such a thing, but it was not done.

About the last men laid off were a bunch of 30, according to Mr. and Mrs. Jones, who gave this interview in each other's presence. Among the 30 was Frank Freeman, John Ballinger, and others, whose whereabouts they are not aware of. They say all these men were told plainly the act was due to their union affiliations. That the P. R. R. Co. placed a much younger man in the service into his (Jones) position after his dismissal.

That he saw the clubs that were manufactured by the P. R. R. Co. at its cabinet shop, Pitcairn; they were about 2 inches through, about 2 feet long. Were made before his discharge, because he could not have seen them otherwise; that he saw them where stored, in bins in lumber storerooms, open during day but locked at night; that there must have been 250 or more. One day he remarked about them to an employee named Harter.

That at time of strike Mr. J. F. Coursan held the position of president of the borough council; that on one day the mayor or burgess, Mr. M. D. Cameron, a physician by profession, being absent, Coursan thereby became temporary burgess or mayor for that day; that on that day about 20 of the P. R. R. "bulls" marched up the streets of the borough of Pitcairn, Pa., and that this was the only day the "bulls" did this; that it was felt that it was for the purpose of exciting the citizens and thus bring about trouble. None occurred, however, but the next day about 150 or 200 of the bulls lined up just on the edge of the company right of way in a threatening manner, but were met by as many or a greater number of citizens who lined up on the other side of the street. The bulls did not encroach off P. R. R. right of way. That these bulls were toughs picked up by the company wherever they could find such men.

That in 1909, when the trainmen threatened to strike on the P. R. R., an official came to him (Jones) and said, "If we need you, are you going to be a good fellow? May want you to either act as a brakeman or as a policeman." Jones told them he would do neither.

Jones says Kepple appeared O. K. to him; says no better union man than Ireland: says wrote you; says Gallagher called on him and he told Gallagher the whole story; that Gallagher knew it of his own accord. He seems to think Gallagher is O. K. Got better job now than with P. R. R.; is night foreman switching crew at Westinghouse's. Lives in rear, corner Second Street and Boardwalk, up the hill. Milliner store in front.

Says Jacob Greenwaet worked right along during strike.

I have Jones's voluntary relief book. If you haven't one, will send it to you.

T. E. ELLIS.

PITTSBURGH, PA., *January 25, 1913.*

Jacob T. Born, Wilmerding, Pa., to-day, among other things, said:

That while we can not swear that he and others were discharged by the P. R. R. in 1911 because of their union affiliations, there is no doubt about that as being the fact.

That the committee of which he was a member made no demands upon the P. R. R. except that the discharged men, or, as the company put it, the men laid off, be reinstated and put back to work.

That the whole contention between the men and the company was the right of the men to affiliate with their different labor brotherhoods.

That while no particular man was put into his (Born's) position immediately after his discharge, the work upon which he had been engaged was allotted to different men yet in the shop; this work was on the machinery employed in the different shops and came under the head of maintenance, over which Mr. Coursan had jurisdiction.

That he believes that no machinists were hired by the company to fill the place of the men that were discharged or "laid off," but immediately the strike was declared carloads of men were brought to Pitcairn by the company; in fact, a greater number than had been discharged by the company.

That men still employed in the shops before the strike was called told him (Born) that the machinery was "run down" and was in very bad condition on account of lack of men to do the necessary work.

That one day in May, 1911, but he has no record and can not call to mind the date, he was notified by telephone from the committee headquarters, Pitcairn, Pa., that a lot of company bulls were marching in the streets of Pitcairn.

T. E. ELLIS.

PITTSBURGH, PA., *January 25, 1913.*

Rev. Father R. J. Maloney, Pitcairn, Pa., to-day, among other things, stated as follows:

That he sympathized with the men on strike at Pitcairn P. R. R. shops in 1911; that as near as he can judge from the proceedings at that time the men desired to bring about better conditions for themselves in the P. R. R. shops and began to affiliate themselves with their labor unions.

That when the P. R. R. found the men were organizing, the officials of the company began to discharge or lay off those who had joined their unions; that this is absolutely true—that the P. R. R. discharged its employees on this account; told them so plainly when they were discharged; in many instances the men were called before the officials and asked to leave their unions; upon refusal the men were then and there dismissed from the service; Rev. Maloney is very emphatic about this.

That while it is true the P. R. R. pays fair wages, yet the employees are so bound down by the company it amounts to near serfdom; that they are not entirely "free American citizens"—words to that effect; that the men are afraid.

That there was absolutely no rioting nor material disturbance in the borough during the strike; that men did congregate and endeavor to induce other men from working; hissed sometimes when not successful, but used no force at any time; that the strikers conducted themselves splendidly; that he said so then publicly, and told the truth.

That he heard about the company detectives marching in the streets, and, while it was a bad thing to do, because of the natural feeling and heated condition of the men's minds, there was no trouble that he heard of.

That he understands before the shopmen struck they were assured of assistance from the road men, but after the strike came road men would not join them as sympathetic strikers, account their contracts with the company.

That old and young men were discharged—laid off.

Father says it is strongly thought there were union men in pay of the company during the strike to disrupt them.

T. E. ELLIS.

PITTSBURGH, PA., *January 26, 1913.*

Joseph Geiger, Trafford City, Pa., to-day stated, among other things, as follows:

That on March 1, 1911, himself, Mr. Born, and Mr. Kepple, as a committee, visited Mr. J. F. Coursan, P. R. R. shops, Pitcairn, Pa., for getting the older

men whom the company had laid off reinstated. Coursan said he had no authority in the matter, thereby practically closing the interview. Geiger seems very uncertain as to just what was said at this interview with Mr. Coursan.

That next day, March 2, about 10 o'clock a. m., Mr. Cosgrove, his foreman, called him in and told him he was also laid off, and said it was on account of "the depression." At noon Geiger again went to Mr. Cosgrove and asked him why younger men were not laid off instead of the old ones. He received no satisfaction from Cosgrove, who reiterated his previous statement that it was on account of the "depression." Geiger states he was unable to notice any depression other than that which the company made by laying off its men.

That in January, 1912, he visited Mr. O'Donnell, P. R. R. general superintendent, at Pittsburgh, and asked why he could not be put back at work. Mr. O'Donnell told him he could not work for the P. R. R., offering no further information or satisfaction, and has not heard anything from the company since then.

That the first men laid off began with Mr. Morgan, a blacksmith; then Mr. Matson, a machinist, followed by other old employees. Occasionally one of the young men were also laid off, but as a rule the older men were selected first. This began in early February, if he remembers correctly, and continued until hundreds of men had been let out of the shops at Pitcairn. That practically all these men were union men. That the company seemed at first to pick out "gang bosses," he himself being a gang boss.

That while he was not told so by company officials, men who were laid off told him (Geiger) the officials told them it was because they were union men.

That he does not know who took his position at the time he was let out.

That everything was quiet in Pitcairn during the strike, so far as he knows; that he heard of but two arrests during the trouble; two P. R. R. "bulls" were arrested, charged with being suspicious persons, searched, and found to have guns on their persons; they were taken before Justice of the Peace Dewalt, Pitcairn.

That he does not know why deputy sheriffs were brought into Pitcairn.

That he heard of a meeting just before the wholesale return to work of the strikers, between the burgess of Pitcairn, representatives of the brakemen, firemen, conductors, and engineers' brotherhoods, and a few citizens of the borough; that he diligently and for some time endeavored to find out the nature of the meeting, what was done, and by whom arranged, but was never able to do so. Geiger says he is a member of the B. R. T.

That about the time of this meeting or a little after it (he's not clear about time) the ministers of the different churches were asked to intercede with the company officials; they did so; but all the company would offer was to put the strikers back as new men, and after investigation determine what would be done about the cases of the men who had been laid off. Father Ward of Wilmerding represented the Catholic Church on this occasion, Geiger says.

That during the first time he worked for the company he belonged to the voluntary relief, but the second time, beginning in 1901, when he applied and was accepted by the P. R. R. for service, he was told to go to the relief doctor for examination; he did so, but told the doctor he was suffering from a hard cold, and was told to return when he had recovered from the cold. As he did not wish to join the relief he never returned for the examination, although he remained in service until 1911, 10 years, and was not approached by company officials on the subject. Geiger says he is 41 years of age now.

That so far as he can remember there was no ultimatum given Mr. Long at Philadelphia by his committee, of which he was chairman, that they could not get any satisfaction from Long, and after returning to their hotel decided to write him for another interview, which was not granted, and they returned home and put the matter up to the men for a vote, as he remembers it.

That the P. R. R. at Pitcairn shops manufactured clubs or maces in 1909, when it was anticipated the trainmen were going on a strike; that the clubs were stored in the storerooms at Pitcairn; that there are men now working there who made the weapons and assisted in storing them; that he does not know about clubs for shopmen in 1911, jokingly adding that he guessed the company did not consider it worth while to bother about clubs for them.

That Mr. Matson, of Roanoke, Va., was sick for several weeks after being laid off by the P. R. R. in 1911, and presented a claim for his voluntary relief sick benefit, but thinks he never received any satisfaction.

Geiger stated that some of the discharged men were in a position to talk, but that he was getting at an age where he must be careful, at present earning 20 cents an hour.

T. E. ELLIS.

PITTSBURGH, PA., *March 26, 1914.*

This is to certify that I, Robert D. McChristie, was sent from New York, understanding that there was no trouble on the Monongahela division of the P. R. R. When I arrived there I was sent out as flagman without having passed any examination of any kind and was sent from Shire Oaks to Conway with a 42-car train as flagman. The head brakeman quit at Pittsburgh; the middleman never railroaded in his life before, therefore knew nothing about railroading; the conductor did not know the road from Pittsburgh to Conway. The middleman was asleep from Avalon to Conway; the conductor was asleep from Ambridge and did not awake till I was in the yard at Conway and the yardmaster took charge of our train in the yard. Then I woke the conductor and told him that we were in Conway yards. There was no switch report made out, and I had to make out the wheel report. Coming back we had 39 empties and had still the same middleman, the conductor, and myself to run the train; run with three men from Pittsburgh to Conway and return to Shire Oaks. When arriving in Shire Oaks I did not consider I had no protection and did not close main line entering the yard. Joe Sollesby was conductor, James Smith was engineer.

Yours, truly,

R. D. MCCHRISTIE.

H. C. Sellers, 215 Vine Street, Elmira, N. Y., was sent here with his wife with the information that there was no trouble here. After situation was explained he refused to go to work and asked for transportation for himself and wife home, which was refused. He applied for transportation at police headquarters and was told to leave town best way he could.

F. C. Wills, New York City, occupation baker, had not done any railroad work for eight years; was arrested at West Elizabeth for blocking crossing. He did not have a watch, did not know engine number, nor how many cars in train; did not know where he was or what division he was working on. March 27, 1914.

The following men were furnished $1 watches (conductors and flagman): R. C. Smith, J. A. McNeil, G. S. Young, and C. W. Newingham.

ALTOONA, PA., *April 1, 1914.*

To whom it may concern:

On Tuesday, March 24, 1914, the foremen of the Cresson division was called into the supervisor's office by telegram and told they should report and come in on train No. 709.

This was done by the foremen, and they was ordered to withdraw their membership in the Brotherhood of Federated Railway Employees or resign their positions with the company, and gave them and all other employees belonging to the brotherhood 24 hours, or until 3 p. m. March 25, 1914, to do so or leave the service of the company.

The foremen and laborers was given a form of a written statement, to be copied in their own hand, the same a resignation or withdrawal of membership in the brotherhood.

These resignations had to be written by the men, and they was ordered by the supervisor to send same to his office.

I was asked to withdraw my membership from the brotherhood by my foreman, F. A. Bertram, and I told him I would not do so, and the next day I was told I was relieved from the service of the company on account of reduction in force.

The foreman stated to the men that the supervisor, W. B. Groff, had told him that those who did not withdraw from the brotherhood would have to leave the service of the company.

RAYMOND M. ECKENROD.

DILLTOWN, *March 28, 1914.*

Mr. W. H. PIERCE: This is to certify that I have withdrawn from the Brotherhood of Federated Railway Employees. The first letter that I wrote is annulled. The company will send you my notice written with lead pencil—my own handwriting. Count me out of the order at once.

L. D. MCNUTT, *Dilltown, Pa.*

PITTSBURGH, PA., *January 28, 1913.*

J. J. Lovitt, insurance agent, Irvin, Pa., to-day stated as follows, and declares he is willing at any time and ready to make oath to these statements:

That he joined the Sheet-Metal Workers' Union about the 25th or last days of January, 1911; that he was made a committeeman to represent his craft in the P. R. R. shops, Pitcairn, Pa., on February 23, that year.

That a day of so after that Messrs. Kepple, Freeman, and Born, others of the committee, had a meeting with Mr. J. F. Coursan, P. R. R. shops at Pitcairn, relative to the laying off or discharging men at the shops; that during this meeting with Mr. Coursan the names of all the other committeemen were given to Mr. Coursan.

That on February 26, 1911, just before the noon hour, my foreman, S. A. Ebberts, sent his clerk out to me and asked for my annual pass, making no explanation. I asked what he wanted it for. The clerk said, "Go and see for yourself." I went in and asked Mr. Ebberts. He said, "Want to give it to another man." I said, "The pass is in my name; others can not use it." He said, "I want it." I walked out of the office. Fifteen minutes later the clerk, while I was busy at my bench, came and handed me an evelope. I asked him what it was. He said he did not know. I refused take it, believing it contained my discharge. I went into the office and demanded of Mr. Ebberts why he was giving me my time. Ebberts said, "On account of a slack time." As I was the next oldest man in the shop, having been there 10 years, I said, "There are 15 or 20 men here who were hired long after I began. There is one here, Jacob Smith, who was hired but two or three days ago." After some heated argument he gave me my time. I kept on talking about the reason of my discharge. Ebberts got mad. Hitting the desk, he said, "Well, if you have to know, it is for joining the union." I told him that was just what I wanted to know. Present at this time was William Loughrey, Mr. Ebberts's clerk, who heard all of the conversation.

The day following my discharge Mr. Ebberts sent George Saxaur, assistant foreman, to my house, demanding my pass. I refused to give it up. On the next day a party came to my home in Irvin, Pa., and demanded my pass. I asked him who he was. He said, "I am a P. R. R. officer," throwing back his coat, which act exhibited a large blue-steel gun strapped to him. He said he would either take the pass back to Pittsburgh with him or take me there; that those were his instructions by his chief officer. I told him to go ahead and take me; that I would go with him and give the pass to the man who had given it to me. I walked to the P. R. R. station with him. All the way and after arriving at the station this man tried to coax and also to scare me into giving him the pass. I refused to give it to him, and he boarded the train without either me or the pass. A few days later I took the pass to Mr. Ebberts, Pitcairn. He asked me why I had not given it to either of the two men who had come for it. I told him I did not consider those men had any right with the pass. He said, "Well, this will go hard with you if you ever want to work for the company again."

That Levi Cohen, a tinner, employed at Pitcairn shops, was told by S. A. Ebberts, P. R. R., as follows:

That he would give him good work if he remained out of the union and would endeavor to keep other Jews out; that if he joined the union (meaning the Jews) "We will send all of our work to Altoona and discharge you." Cohen told Ebberts the Altoona men belonged to the union. Ebberts disputed this, and said, "You had better get another job." The following day Cohen was discharged. Lovitt says he saw this conversation between Cohen and Ebberts, and that Cohen came direct to him and repeated the conversation, as he (Lovitt) was a leader and the men came to him with their troubles.

Cohen is now in Chicago, Ill., and a member of the Sheet-Metal Workers' local there.

That Charles Reese, sheet-metal worker, Pitcairn, Pa. P. R. R. shops said to him (Lovitt) as follows:

That Mr. Ebberts came to him (Reese) and asked if he belonged to his union (this was in Ebberts's office). Reese told him, "Yes." Ebberts said nothing to this, but that evening Ebberts called Reese to his office and said to him: "You will either have to keep away from those Jews, putting union ideas into their heads, or get another job. You have been attending these meetings, getting this stuff into your head and spreading it among the Jews. If you don't quit all this you can hunt another job." After some argument Ebberts discharged Reese on the spot. Lovitt says Reese is now with the Westinghouse people at Wilmerding, Pa.

That at the Pitcairn shops the Jews were placed on one side in a colony by themselves; other men on the other side. A day or two after the discharge of Reese, Ebberts came in and found some of the other men talking with the Jews and told them if they did so again he would discharge them. Among these men were Phillip Lang, Pitcairn, and James McCreight, whereabouts unknown to Lovitt.

That the committee, himself (Lovitt) included, were to start for Philadelphia on Monday morning to meet Mr. S. C. Long. The Saturday evening before this intended trip, while he (Lovitt) was eating his supper, a stranger came to his home and stated he desired to talk with him. Lovitt took the man into another room. The man asked if they were alone. Lovitt told him they were. The man went to a door of an adjoining room, looked in, then closed the door, came back, and said, after talking about the labor troubles, that he wanted to make some arrangements with Lovitt; that he wanted Lovitt to go to headquarters at the Monongahela House and get the papers and the letters the committee were going to take with them to Philadelphia the next Monday. He said the P. R. R. would take good care of Lovitt; give him a good position in secret-service department, with good salary and pass. Offered a sum of money on the spot and did give me $10. I was to bring the papers to the Union Depot at 8 o'clock, meeting the man there on Sunday evening, next night. I promised to do all this. He told me how to work it; said I should give Flynn, Ireland, and Paquin the best of whisky to drink, so I would not have any trouble in getting the papers; that it meant a life job for me with the company. I promised faithfully, but I went to Pittsburgh and told President Ryan, Ireland, and Flynn what had taken place. It was fixed for me to carry this out by getting together a bundle of old letters and papers. I did this, and waited at point he had instructed me to wait, entrance to smoking room. While standing there he passed and said, "You have a gang with you." I came out from Pittsburgh on the last train; he came also; he met me near my home and said, "You have double-crossed me"; that I had Matson and McGinnis with me at the station in Pittsburgh. He tried again to get me to do the job. I jollied him and told him we would leave Pittsburgh at 7.30 a. m. Monday, but we left on train No. 12. I have never seen this man since. My sister heard all of the conversation on the Saturday evening above mentioned. She listened at the door, on account she was afraid I would be harmed, due to the labor troubles.

That he (Lovitt) was a gang boss when discharged by the P. R. R. and states there was to his personal knowledge at least three new men employed (hired) in his shop after his discharge and before the strike was called.

That Charles Reese told him (Lovitt) during the strike that he (Reese) saw "piles" of clubs or maces in P. R. R. storerooms, Pitcairn, Pa.

That he (Lovitt) was injured on Thanksgiving day, 1909, by falling 35 feet while working for the P. R. R., the fall severely injuring his spine and bladder; that the P. R. R. doctor at Irvin, Pa. (Dr. Sowash), was called in that evening, and the next day he called found I could not urinate. He relieved me with an instrument. The next day he did not call. My sister went for him, but he could not be seen. The next day, Sunday, I was suffering terribly, not having urinated since the doctor had operated. My sister-in-law went for him, but was told that he was not at home. I was almost wild with suffering. Monday Miss Marie Balsimo went for the doctor, whose wife told her he was not at home. It was afterwards found he was in. I then sent for Dr. Bowman, who said my case had been badly neglected. He drew my urine at once and took my case, when I said I would discharge Sowash, which I did. After this Sowash threatened Bowman with personal violence on the street because he had taken my case. I had much correspondence with P. R. R. officials over the bill of Bowman, but they finally paid it; that he has never fully recovered from the injury; that he was unable to work for one year after the injury and drew

$1 per day from the voluntary relief, and this was all he had to keep himself, mother, and sister on. He put the case to the company, but could get no further relief from them. Lovitt has much more of this matter if it is wanted.

That he does not remember the exact date, but has at home a letter from Samuel Gompers that will fix the date. A stranger approached him in Irvin, Pa., after the strike of 1911, stating his name was Wilson, from the Illinois Central Railroad; that Lovitt had received a tough deal by the men during and after strike at Pitcairn, and that it was on account that he (Lovitt) was on the wrong side; that he (Wilson) had authority to give him a good job with regular monthly pay to work on the quiet among the men on the Illinois Central, and so on and so forth, asking (Lovitt) to meet him at Hotel Henry, Pittsburgh, Pa., next day to sign contract. Being encouraged, he handed Lovitt $10. Lovitt did not go, but received a telegram hurrying him. Still he did not go nor reply. Then a special-delivery letter came asking him to come and sign contract, as previously arranged. Lovitt did not go, but sent both telegram and letter to Samuel Gompers, together with a letter explaining the matter. The letter to Mr. Gompers was answered, congratulating him on his stand in the matter, but neither letter or telegram were returned to him.

That at Philadelphia the committee told Mr. Long that if the discharged men were not put back to work they would not be responsible for what would follow, but says strike was not mentioned; that we would return to Pitcairn and put the matter up to the men; Long would give us no satisfaction, and we returned and put it up to a vote. Men voted to strike after listening to a speech by A. E. Ireland; that Ireland was in charge; that the shops outside of Pitcairn wanted to go out at same time Pitcairn men did, but Ireland said better not—to wait till they were asked to come out, but they did not do so and came out without being asked or ordered out.

Then one evening at a meeting of strikers, and the hall was packed, a telephone came for the committee to hurry to Pittsburgh—that they were wanted at once. Shortly after this John McGinnis came in and quietly said to the committeemen that the representatives of the other four organizations wanted to see them at the Colonial Annex Hotel, Pittsburgh, at once. They immediately left the hall—a very bad procedure they afterwards found—and he feels there was something wrong about the call. Jacob Born was to speak that night, it being a very critical time during the strike. That the committee leaving left the meeting without a head, and things were said and done that did the cause no good, some of the men remarking afterwards it was the worst thing that could have happened. Upon getting to Pittsburgh they were told the people there desired to meet them to discuss settlement of the strike. They refused till after the matter had been put to the men at Pitcairn. This was done, and the next day they met the people at the Colonial Annex; that at this meeting Fitzpatrick of the trainmen stated, among other things, that their strike was an illegal one; that the best thing we could do was to settle it as soon as possible; that Paquin and Fitzpatrick quarreled about the character of the strike, but there were other A. F. L. there who agreed with Fitzpatrick about the legality of the strike. That the following looked bad to him after a meeting with Mr. O'Donnell, of the P. R. R., was arranged, and they had met O'Donnell; almost the first words he said to the committee were, "Do you people know this is an illegal strike? You have heard it so stated in some of your meetings, have you not? I understand it has been so stated."

That he heard of the meeting between the burgess of Pitcairn, some of the citizens of that borough, and the men of the four transportation organizations; had endeavored to find out about it, but has never been able to do so.

That there was no rioting nor trouble at Pitcairn that would necessitate the bringing in of outside help; that he heard at different times of the acts of the P. R. R. bulls which were thought by himself and others to be an endeavor to incite trouble, but the people were wise and nothing came from it. He also heard of the marching in the streets of the bulls, but knew nothing personally about it.

T. E. ELLIS.

PITTSBURGH, PA., *February 3, 1913.*

James O. Baldridge, 105 Vannear Avenue, Greensburg, Pa., stated at his home to-night as follows:

That H. F. Altman, his shop foreman, P. R. R., Youngwood, Pa., on February 1, 1911, said to him that he was indefinitely suspended, but gave no reason

whatever for that action. At this time Baldridge says he had been in the employ of the P. R. R. for 10 years. I was sure my suspension was on account of my affiliation with my brotherhood and my position as member of our local board of adjustment, and so said to my wife that day on my return home, remarking that "I had my head chopped off on account mix up with the A. F. L." I kept after Altman for work after the men went back to work until he gave me work the 1st of August, 1911. I was asked to make no promises for the future, and did not do so. I have again joined the P. R. R. voluntary relief, of which I was a member prior to the time I was indefinitely suspended. I can not see where the company would profit by its men going out of the voluntary relief at any time. I do not know whether there is a break in my service record or not. Suppose I could find out if I tried to do so. Of course, the P. R. R. lets old men out to make room for younger men. That when he joined the Brotherhood of Carmen he did not know it was affiliated with the A. F. L. until Ireland and Flynn showed up at a meeting; then he knew he was in for it. That no one has ever told him that they were discharged because they joined the union, but all the men felt that that was the only reason why they were let out by the company.

That before the strike the shopmen were told by the trainmen and enginemen, all four brotherhoods, they would get their support, but that when the strike went into effect they would not assist the shopmen, and on that account all are very sore on that class of men.

That Ireland and Flynn told the strikers they would receive benefits from the A. F. L. while on strike, but they have never received a cent, and the men are all sore on that account, and it would be impossible to organize those men now.

That it was common report among the men that Ireland sold out to the P. R. R. and started a gent's furnishing store on Sixth Avenue, Pittsburgh, with the money; that about nine months ago he was given a card advertising such place; the card was handed him by J. J. Lovitt, Irvin, Pa.

Asked what, in his opinion, brought on the strike in 1911, he answered, "That was a hard question to answer." He would not say what the cause was or what his opinion of it was. He says he is making now the same as he did before the strike, about $80 per month; that he gets a trip pass when he asks for it, the same as before the strike.

Mrs. Baldridge, hearing the conversation in another room, came in and said, "You had better come and eat your supper and drop this talk. If there is to be any more 'union business' you can take the house. I supported this family all summer in 1911, and that will do me." Words to that effect. She is very bitter, and said the men were talked into the matter, the organizers got the money, and the men lost their jobs; that the men got good wages, were making a living, and that was all she wanted, and again told him to go to supper and then to church. After she left Baldridge admitted he did not like to talk much about the matter on her account.

Baldridge is afraid of both the P. R. R. and Mrs. Baldridge, and, by heck, I hardly blame him.

T. E. ELLIS.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

W. E. Smith, machinist, Franklin, Cambria County, Pa., among other things at his home, February 7, 1913, stated as follows:

That on March 14, 1911, Robert Kiser, Smith's foreman at P. R. R. shops, said to him and another machinist, Mr. Hill, "you are laid off," giving no reason for the action (it will be noticed this was six days after the meeting on March 8 and four days after the mayor of Johnstown had dismissed Smith from charges made by Jones); that he, Smith, at that time was vice pres't Local Lodge 328, International Association of Machinists; that many men were laid off along about that time in like manner, everyone of whom were affiliated with their unions.

That after the strike was over he, Smith, applied for his job back, and was put to work by the P. R. R. and is still with them; that conditions are much better in their shop now than before the strike; that the men are given trip passes by the company when asked for; that he is no longer a member of his union, intimating the reason. (P. R. R. won't allow it.)

T. E. ELLIS.

DALMATIA, PA., *March 9, 1914.*

To whom it may concern:

This hereby certifies that John G. Radle, who has been in my employ for about four years is strictly honest, sober, and is an industrious man, but has been honestly furloughed on account of reduction of men on the railroad.

The above recommendation was given to John G. Radle (member of brotherhood) who is next to the oldest man in the gang, when he was laid off on account of a reduction of men on the railroad. The original copy of this is in the hands of John G. Radle, of Pillow, Pa.

MARCH 25, 1914.

STATEMENT OF ROCCO DIFALCCI.

I worked for the Pennsylvania Railroad Co. for seven years as a boiler maker, when they called me in the office and wanted me to go into the brotherhood office at the brotherhood meetings and secure the names of all the men who joined the brotherhood and turn them over to the office. I said that "I refuse to do it." Six days after that they laid me off on furlough, and have not been returned to work.

G. ROCCO DIFALCCI,
1707 North Seventh Street, Harrisburg, Pa.

ALTOONA, PA., *March 26, 1914.*

STATEMENT OF GIUSEPPI SPENALO.

I, Giuseppi Spenalo, was employed by the Pennsylvania Railroad Co. as a night watchman. When I went to work on the evening of the 11th of March the foreman informed me that the supervisor had telephoned to him to discharge me. I asked the foreman why I was discharged, and he asked the supervisor, and the supervisor told the foreman that he could not tell him. The foreman then asked me if I belonged to the union, and I denied that I belonged.

GIUSEPPI (his x mark) SPENALO.

(He does belong to the union, Altoona, Pa.)

STATEMENT OF MATTEO DANELLI.

I, Matteo Danelli, was employed by the Pennsylvania Railroad as a night track walker; worked from 6 p. m. till 6 a. m. On the 10th of March I went to work and found that another man was working in my place, and I went to see the foreman in regards to this matter, and he told me that he had a letter from the supervisor to discharge me because I belonged to the union.

MATTEO (his x mark) DANELLI,
Altoona, Pa.

MARCH 27, 1914.

STATEMENT MADE BY A GANG LEADER.

I have been employed by the Pennsylvania Railroad Co. in Altoona, Pa., as a gang leader for the past two years. On the 27th day of March, 1914, at about 5 o'clock, the foreman under whom I work informed me that he had received a telephone message to discharge me, as I was an undesirable employee to the company. I was a gang leader, having about 75 men under me, the majority of whom are younger men in the employ of the company than myself, but who were still allowed to continue working. I did not belong to the relief.

J. E. VOWINCKEL.

MARCH 26, 1914.

STATEMENT OF AN EMPLOYEE OF THE FREIGHT SHOP.

The assistant foreman of the above shop told me that if I did not belong to the brotherhood and could fix the matter and show that I did not belong that my trouble could be readily adjusted and everything O. K.'d. This statement was made in the presence of myself and R. M. S. Bowser.

G. H. WEAVER.

MARCH 27, 1914.

STATEMENT OF EDWARD CORONO, SALVATORE TAPALUCCI, GIOACCHINO SANGIORGI, AMEDEO GONNELLA, AND GIUSEPPI TAPALUCCI.

We, the undersigned, worked for the Pennsylvania Railroad Co. as laborers on the work train up till the 18th day of March, 1914, when our foreman informed us that he received orders to lay us five men off. We asked the foreman the reason, and he said he did not know. We then went to the supervisor, and he said he did not know any reason. We then went back to see the supervisor, and he asked us if we belonged to the union, and we said that we did not. The next day we went back to see him, and he told us that he might be able to do something for us if we would drop out of this brotherhood.

This supervisor's name is W. E. Groff, Cresson, Pa.

GIOACCHINO SANGIORGI (14 years' service).
ADOARDO CORONO (14 years' service).
AMEDEO GONNELLA (7 years' service).
SILVESTRO TAPALUCCI (5 years' service).
GIUSEPPI TAPALUCCI (13 years' service).

MARCH 27, 1914.

STATEMENT OF ANOTHER EMPLOYEE OF THE FREIGHT SHOP.

There were 10 men employed on the one track on which I was employed—2 single men and the rest married. There were 5 men suspended on this track, and all of them were married men, and the majority of the men kept on are younger men in the service than myself, and I have been employed for two years.

J. R. MULHOLLAN.

(Belongs to brotherhood.)

ALTOONA, PA., *March 26, 1914.*

STATEMENT OF GIUSEPPI MIANO AND NICOLA TANCREDI.

We, Giuseppi Miano and Nicola Tancredi, were employed as track laborers by the Pennsylvania Railroad Co. On the 11th day of March, 1914, we were informed by the foreman that the supervisor had telephoned to him to discharge us, and in the morning when we went to work we got our time. We then asked the foreman why we were discharged, and he asked us if we belonged to the union, and we said that we did, and he then told us that is what we were discharged for.

GIUSEPPI MIANO.
NICOLA TANCREDI.

MARCH 28, 1914.

STATEMENT OF AN EMPLOYEE AT FOURTH STREET.

I have been employed by the Pennsylvania Railroad Co. as fireman on a stationary engine for 11 years. On the morning of the 28th of March, 1914, I received a notice from my foreman that on account of reduction of forces I was relieved from service. I went into the office and asked them the reason for this release, and I was told that I was laid off on account of belonging to the brotherhood.

Rocco (his x mark) MASTDONO.

MARCH 28, 1914.

To whom it may concern:

That I, John de Gerolomo, this 28th day of March, 1914, attach my signature in the presence of these witnesses.

I worked for the Pennsylvania Railroad Co. for about 10 years, up to the 27th of November, when I was discharged by Mr. J. A. Beamer, master mechanic of the Tyrone division. This was the next morning after I attended a union meeting held in the Red Men's Hall in Tyrone, and to my belief I was discharged for attending this meeting. My position was given to a member of

the Tyrone shop band, who was a younger man in the employ of the company than myself. I then started in the grocery business at 833 Twenty-first Street, Tyrone, Pa., and I also kept boarders. Mr. Beamer told several Italians who worked under him that if they did not quit dealing at my store they would get into trouble. He also told one of my boarders that he would have to find a new boarding house or he would give him his time. I can furnish the names of these men if necessary.

JOHN DE GEROLOMO.

Witness:

L. A. BROWN, *Investigator.*

I visited this town and saw this man's store and the other men. It looks like a case of "boycott."

L. A B.

PERHAM EXHIBIT NO. 3.

HOTEL SENATE, *Altoona, Pa., July 5, 1911.*

Mr. FRANK MORRISON.

DEAR SIR AND BROTHER: I am sending you a clipping of Monday's paper containing a report of my action against five of the police. I expect they will have a hearing to-day. Luther, the constable who blackjacked me, they haven't got. Now, if we can bind these thugs over to keep the peace and not follow us, the task of organizing won't be so hard. Schmitt, of the boiler makers, and Borke, the organizer, are on the job, and we all expect, if we get favorable action from the court in relation to these thugs, to establish good, solid locals here. The men at Jersey City are building for a Polish organizer, as four-fifths of the men at that point are Polacks. I expect to be there July 11. I would like if Borke, the Polish organizer, could go over there for several days, as I know from experience how easily he can organize the Polacks, Slavs, and Hungarians. There are a couple of Polish organizers in New York City, but they are not railroad men, while Borke is, and a first-class machinist; again, he is a Christian and belongs to most all the Polish religious and fraternal societies. He is a powerful man among these foreigners and I know that he could do more in a week in Jersey City, where he is also known, than several of us American organizers could do in months.

With best wishes, I am, yours, fraternally,

JOHN J. GALLAGHER, *Hotel Senate.*

(Newspaper clipping, without date, inclosed, entitled "Organizer's new move—Gallagher makes information against railroad and county policemen before Alderman Casey.")

HOTEL SENATE, *Altoona, Pa., July 19, 1911.*

Mr. FRANK MORRISON,
Secretary American Federation of Labor, Washington, D. C.

DEAR SIR AND BROTHER: The situation here is this: We are dogged by "bulls" day and night. We have only one hall that we can meet in—Trainmen's Hall. When a meeting is called the place is surrounded by foremen and "bulls." For my last two meetings I sent out over 600 notices and circular letters, and I saw at least 100 men go by the hall and would not come in. There is more moral cowardice here than I have ever seen before. We have been responsible for the nonenforcement of the new piecework schedule, which meant an average reduction of 40 per cent; and, further, for the first time in years there has been no lay off, always from 2,000 to 3,000 being laid off. We have decided that as only the A. F. of L. and boiler-makers' organziation have men on the job, other crafts indifferent (except the carmen), that the best thing to do is to leave this place for about 60 days and give the P. R. R. a chance to enforce the new schedule and lay off about one-third of the men, and then drop back in here, and it may be some of the scales on their eyes may have fallen off and we may be able to do some business with them. We have dropped the injunction as proposed by the attorneys. I expect to leave here not later than next Monday. I am unable at this time to say just where I will be ordered. I think some work can be done in the east end of this system. With best wishes and regards. regards.

Yours, fraternally,

J. F. SCHMITT.

PITTSBURGH, PA., *July 30, 1911.*

Mr. FRANK MORRISON.

DEAR SIR AND BROTHER: I have been in Freedom on the 29th of July and held a meeting there, and I would like to put the secretary under bond; his name is Jouan Gowic, and I would like you to send him a blank for bond, so as I can get that local complete.

I have about 80 laborers to be organized, but I can't organize them just now, because I wouldn't like to see them lose their work, because Altoona is full of railroad detectives, and watching our every step. I and Brother Smith have been talking about this, and we agreed to leave Altoona for about three or four weeks, until the R. R. company takes in some of the detectives from there, because it is very hard to organize a local without them knowing it and without them finding out the names of workmen that are organized; in many cases I was forced to organize in private homes on account of the detectives. I expect to be in Altoona in about three or four weeks, and then I will do my best to organize them. I am going to try to organize some of the concerns in and around Pittsburgh. I will try it in McKeesport steel mills and the horseshoe makers in Shoenberg mills, of Pittsburgh, and hope that I will meet with success.

Yours, truly,

WILLIAM BORK.

LOGAN HOUSE,
Altoona, Pa., January 5, 1912.

Mr. H. B. PERHAM,
1378 Montclair Avenue, St. Louis, Mo.

DEAR SIR AND BROTHER: For your information, yesterday, the 4th, I got into touch with P. R. R. Detective David R. Jones, Howard Street, Altoona, Pa., who has been in same service nine years. We had a special seance, lasting nearly two hours; when it ended he was lisping in good shape.

He exhibited a bank book in favor of P. R. R.; also a slip from the bank showing that he had same date deposited $2,080 for P. R. R.; this exhibition was due to my doubting his word when he had told me his name. He said the instructions were to report my movements, no matter where they were made, and asked me as a personal favor to come clean with them, so it would be easy, as he wanted to treat me right, etc.; then upbraided me for sneaking Huff out of their way after I had told them earlier in the day there was nothing doing all day, as it was Saturday, and added, it will get me in bad with the company if you lose us. I laughed at him and told him Huff had simply sneaked in order to see some "skirt." Finally he was convinced, and I told him he was a jay if he reported to the company; that they had lost out; but to just report nothing doing but loafing around hotel and town; that I was playing fair. Nevertheless I had lost four of them and saw Henderson, as reported in another letter to your office. All this to give you a line on the situation here.

Fraternally,

T. E. ELLIS,
General Delivery, Altoona, Pa.

ALTOONA, PA., *January 7, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: For your information and record, if it is needed, the following to you:

To-night P. R. R. policeman "Red," after leaving him on Eleventh Avenue, where he had followed me into a picture show, followed me through Eleventh Alley, which is dark, for one block; thence down a dark passageway out onto Eleventh Avenue. We came out facing the P. R. R. gen. offices, in rear of the Logan House, on Eleventh Avenue. I took this trip to test out how far these people had instructions to go in my case. I said to him, after waiting for him to catch up, "Red, this looks to me like pretty bad business; you have made a record; seems as though you have orders to go the limit with me." He said, "That's it; the limit."

Fraternally, yours,

T. E. ELLIS,
General Delivery, Altoona, Pa.

THE COLONIAL HOTEL,
Altoona, Pa., January 7, 1913.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Following as a matter of record, if it should be needed:

Sunday evening, January 5, 1913, about 8 o'clock, I took Brother V. H. Huff with me and strolled out and up Eleventh Avenue here. The weather was extremely bitter; ice over everything. Arriving near Fifteenth Street, I saw an opportunity to dash into a street car, leaving Huff and a P. R. R. policeman, who was near us, in the rear. The conductor closed the door immediately behind me and proceeded on his trip; neither Huff or the P. R. R. man knew of my intention.

I proceeded and, by circuitous routes, held the interview already reported. The policeman then, I am told by himself, stuck so close to Huff that he became angry and, it is said, had words about the matter. I do not know, however, all that was said, as Huff made no report to me of the affair; that policeman told me of the matter to-night.

Yesterday, before Huff left for Lewistown, he held a lengthy interview with another P. R. R. policeman—Heller. Huff reported to me, on my questioning, that Heller told him that the cause of the close watch being held over me was a result of my talk with Spangler; that Spangler told me nothing that he did not want me to know; that they had orders to follow wherever we went, even though it was to Pgh. or Philadelphia.

Huff was very anxious to get away without being followed, but I told him that made no difference, as he was going to do nothing but organize, etc.; bulls make him very nervous.

To-day there has been but one man around, unless they have relayed again; but to-night there are two on the job that I know of.

These P. R. R. men, so this one tells me, are also State men and have commissions from Harrisburg; are subject to the orders of the governor, should he need their services; they can arrest anywhere in the State of Pennsylvania. When transferring operations to another part of the State they simply have to "register" there, giving number of their commission, etc.

General Superintendent Creighton has all these men on his division in charge.

Fraternally,

T. E. ELLIS.

ALTOONA, PA., *January 9, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: To-night at 11 o'clock, when I took last report to post office, I went to stamp and general-delivery window. P. R. R. special agent, Russell Miller, called "Red" for short, crowded right up close. I backed away. He bought 30 cents' worth of cards. I said to him, "This is going too far; do that again and I will take it up with Washington; I have treated you right; if you want to be dirty we will see what's the redress"; words to that effect. This is the first time the attempt has been made.

Fraternally,

T. E. ELLIS,
General Delivery, Pittsburgh, Pa.

THE COLONIAL HOTEL,
Altoona, Pa., January 11, 1913.

Mr. H. B. PERHAM,
St. Louis, Mo.

DEAR SIR AND BROTHER: Perhaps the following may be of use:

At 9.40 to-night I went to the post office for my mail, as the far West mail is usually distributed at that time; the clerk said they were late with it, and that it would be "up" at 10.15. I then went out onto Eleventh Street and up to Federal Alley, back of post office, walked through that alley to Ninth Street, "Red," Russell Miller, P. R. R. special agent, following me, about 50 foot behind. I turned down Ninth Street to Eleventh Avenue and entered the Colonade Hotel, formerly the Gilbert, where in the presence of Wm. Gallagher, night clerk at that hotel, and D. F. McNellis, day clerk at the Colonial Hotel, who happened in, Miller admitted he had followed me as above, and that the alley

is absolutely dark, no lights in it; that so far as he knew I was a gentleman and law-abiding man; that he had no right to lay a hand on me; that he knew of no charges against me; that he was sorry that he had not met me under different circumstances; that he did not like to follow me there, and indicated his instructions compelled him to do so; that he would not have my position for any consideration, indicating this was on account of the constant watch kept on me, and in an apologetical tone said sometimes we are placed in positions we do not like, this in speaking of his trip after me.

I deliberately took the two men's names, as above, in Miller's presence and said to him, "Red, you have made another record to-night."

Yours, fraternally,

T. E. ELLIS,
General Delivery, Pittsburgh, Pa.

AS TO P. R. R. ESPIONAGE AND THE CHARACTERISTICS OF ITS SPECIAL OFFICERS.

READING, PA., *March 13, 1913.*

Ex-P. R. R. Police Officer W. A. Bowers, 1119 North Seventh Street, Harrisburg, Pa., stated on March 12, 1913, as follows:

That he served the P. R. R. for 23 years as special officer or policeman; that he was frozen out of the service in January, 1913; forced to resign because he failed to spy upon employees, men whom he had known for years and who were among the most reliable employed by the P. R. R.; he refused to report them for visiting hotels, etc.; that during his service with the P. R. R. he would never shadow or report an employee or other person who was not guilty or suspected of crime.

That graft is a big factor in the arresting of people on charge of trespassing on P. R. R. right of way or jumping on train.

That during the months of March, April, May, June, August, October, and November, 1912, there were 589 arrests made by Philadelphia division special officers, principally on account of trespass and jumping trains; that each arrest is sure to bring cost or a fine, the size of which depends upon the amount of money the victim has at time of arrest; that he urges me to send a friend on the P. R. R. right of way with $15 or $20 on his person and see what happens; that a good, solid fine and cost will follow, but if the victim has but a dollar or so he will be set free and the dollar taken from him.

That he knows of his own knowledge that Captain of Police Shaeffer, P. R. R., Altoona, Pa., at the present time, while in Harrisburg took to his home a keg of whisky that had been stolen from the P. R. R. and discovered by Bowers; that after the thief had been shot in the leg and arrested, Shaeffer took the whisky home and used it.

That he knows that Officers Shaeffer and Britton, the latter now in the employ of the Southern R. R. in South Carolina as special officer, sold seven sides of harness leather to a harness and saddle maker in Harrisburg, Pa., about one year after he (Bowers) had apprehended the thief and located the twelve sides of leather contained in the original lot. The party who bought the seven sides told Bowers of the transaction, and complained because Shaeffer and Britton beat him out of the eighth side. Bowers, being asked if the P. R. R. knew of the sale of leather and had gotten the money for same, laughed and said, "I should say not; they told me at headquarters the leather had been used in making belts and holsters." Bowers says the real owner of the leather was never found.

That in 1911 he was assigned to duty among the shopmen in Harrisburg; his instructions were to "get among the men, talk with them, see if they are organizing, see what the men have to say about organizing, and that sort of thing, and report, giving names; also see that organizers do not get on right of way." That other special officers had instructions to continuously follow organizers around the city and vicinity (Harrisburg), keeping them in sight all the time, and report their every movement; that his reports always showed "no information about machinists organizing." He exhibited copies of his reports February 25 to 28, 1911, inclusive, all of which read as above.

Bowers quotes numerous incidents where he claimed arrests were made by P. R. R. special officers simply to get the one dollar from so-called costs, but in 1908 this money was cut from the P. R. R. special officers, but that the aldermen get the same cost as before, and he intimates this "graft" now goes to higher-ups instead of to P. R. R. special officers.

Bowers cites instances of the brutal characteristics of P. R. R. special officers; one, that of Lieut. Towsley, of Harrisburg, Pa., in August, 1912. On this occasion a telephone message came to the office that a drunken man was in a coach in P. R. R. yards, and to take him away. Bowers and Towsley proceeded there and found the man, who was so drunk he could not stand; this irritated Towsley, who with his fists beat the man up in an inhuman way; the sight was sickening to Bowers, the man's face and clothing in front being completely besmeared with blood. Bowers being asked if the man resisted arrest said, "Great Scott, no; he was so drunk he could not stand." The man was locked up and next day paid his fine.

That former Captain of Police Britton, who was brought to Harrisburg from Pittsburgh, Pa., on account of the reputation he made at Harrisburg as a drinker, gambler, and chaser of married women, had to leave Harrisburg, but the P. R. R. secured him a job with the Southern R. R., and sent him there.

That Lieut. Barr, Tyrone, Pa., is of the same material as the others, and he has incidents to cite along these lines regarding the man.

That the superintendent's private clerk at Harrisburg has charge of the Philadelphia division P. R. R. police force, and that all these things and more are known to him.

T. E. ELLIS.

J. Franklin Miller, being duly sworn, deposes and says that he resides at 2916 Huntington Avenue, Baltimore, Md.; that during the year 1912 he was general chairman of the telegraphers employed on the Pennsylvania Railroad lines east of Pittsburgh and Erie; that on or about July 16, 1912, he convened a telegraphers general committee in Philadelphia, Pa., having previously rented for that purpose a house known as No. 3415 North Twenty-second Street, Tioga, Philadelphia, Pa., and that the said committee remained in session from July 16 to September 15, 1912; the said committee consisted of T. W. Truitt, of Middletown, Del.; O. T. Arendt, of Foxburg, Pa.; A. L. Rex, of Mapelton Depot, Pa.; T. E. Fidler, of Lutherville, Md.; that during all the time said committee was in session between the dates aforementioned its members were under constant surveillance by detectives employed by said Pennsylvania Railroad Co., there being from two to eight of them on watch at all times of the night and day.

Deponent further states that all persons who visited the committee aforesaid were followed by one or more of the said detectives, and that he was informed on reliable authority that each detective was furnished a considerable sum of money by the Pennsylvania Railroad Co. to defray traveling and other expenses that might be incurred in following such persons.

Deponent further states that from the appearance of the said detectives that he believes that all members of the aforesaid committee and many of the visitors to said committee were in danger of bodily harm while being followed by such suspicious characters.

J. FRANKLIN MILLER.

Subscribed and sworn to before me this 13th day of December, 1912.

[SEAL.] JOHN T. FARDY, *Notary Public.*

AFFIDAVIT BY G. E. NIGHTINGALE, G. S. & T. O. R. T. GENERAL COMMITTEE, DIVISION NO. 17, NEWFIELD, N. J.

On the evening of October 8, 1912, a man called at my home and introduced himself as Mr. Payne, representing the secret-service department of the General Managers' Association.

He stated that he had had me under observation for 10 years and he now had a position for me. I inquired what sort of a position. He replied that it would be along the lines suggested by the association, with the general object in view of eliminating the loss of time and money now expended by railroads in meeting and discussing grievances with the general committees of the various railroad organizations; that I would be expected to attend important meetings not only of my own organization (the O. R. T.), but such others as they might direct, and advise them promptly of any proposed legislation, either industrial or political, so that they might adjust the trouble in advance, and thus save the time of the committees and themselves.

I declined the offer, but he refused to consider my answer as final, and spoke at considerable length on the advantages to be derived, in effect: That I had served the O. R. T. ably for a long time without substantial reward, and now it was up to me to consult my own interest; that I owed it to my family to place myself out of the reach of the uncertainty and unsatisfactory conditions of an ordinary workingman's life; that I would be really helping my fellow workingmen without their knowledge; that there was no possibility of detection, as I would never be addressed or known by my employers by my proper name in any correspondence; that he could get plenty of men right in my own division if he chose, but that they did not have the ability which he recognized in me and which he wished to retain in their interest.

I then asked what salary they would pay for such services. He said that that would depend upon my success in the future; but at the start I would receive approximately as much as I now received from the railroad and the O. R. T. combined, and would, of course, continue in my present positions. He warned me that should I enter their employ that it would be impossible to "double-cross" them, as they always had one employee checked by another; also reminded me that the association was very powerful, and any railroad employee that they considered objectionable could easily be gotten rid of. I asked him if he was threatening me. He said not at all, that he merely meant to convey the idea that with them division officials were very small fry.

He said that the cause of the O. R. T. on the P. R. R. was hopeless, as it had been all "fixed"; that Gompers did not favor a strike and that Perham would not dare consider anything that Gompers did not approve.

I told him that he was wasting time, as I had no intention of trying to walk in two directions at the same time. He then proposed that I should come to Philadelphia the next evening and meet his superior, who, he felt sure, could convince me that it would be worth my while to accept his proposition. I told him that I would consider the matter. He then left, having spent two hours here.

When I told him that I would consider coming to Philadelphia, it occurred to me that I might be able to recognize his "superior" or gain some knowledge that might be useful; but, upon reflection, I decided that should I attend such a conference there might be a plan to compromise me in some way and that I would not take the hazard, so I wired him that I would not come up, and to consider the matter closed.

I received a letter the following day (attached), and on the evening of the 15th he again called and rehashed some of his former arguments, and finally, when he understood that he was making no impression, he warned me to say nothing to anyone that he had been here, as it could do no good and might result unpleasantly.

G. E. NIGHTINGALE.

Sworn and subscribed before me this 2d day of April, 1914.

FRANK MORRELL, *Notary Public.*

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Peoria, Ill., November 8, 1913.

Mr. FRANK PAQUIN,
First General Vice President Brotherhood Railway Carmen,
Kansas City, Mo.

DEAR SIR AND BROTHER: Upon my return to this office I find your letter of October 30, and I am not surprised that you should be interested in the situation on the lines of the Pennsylvania Railroad Co. (east). In order that you may know all that I know of the matter I will recite the situation as follows:

1. For many years past the Pennsylvania Co., by a systematic employment of members of this brotherhood for "special duty service," have succeeded in discounting or discrediting much of the brotherhood's work. While these men will not confess that they are "spotters" there is no question in my mind but what they furnish information to the officials, and discourage our members doing that which the officials object to, as a part of the services they perform and for which they receive extra compensation. I mean by this that while these members of this organization are nominally "air-brake inspectors," "inspectors of switching yards," etc., they are expected to do "dirty work" on the side. The result of this policy has been that the brotherhoods have in past years been quite weak on the Pennsylvania lines east.

2. Notwithstanding the methods adopted by the railroad companies to weaken this brotherhood and others, as just stated, within the past few years the members of the Brotherhood of Locomotive Engineers, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and Brotherhood of Locomotive Firemen and Enginemen have acquired a degree of aggressiveness in wage matters that is surprising, not only to others, but to the officials of the Pennsylvania Co. While this new characteristic of employees of the Pennsylvania lines east has not been so pronounced with the engineers and conductors, so far as the B. R. T. and B. L. F. & E. are concerned, I believe I state the truth when I say our membership have developed a high degree of courage in protecting their own interests. During the year 1912 a temporary cooperation between members of the O. R. C., B. R. T., and B. L. F. & E. (which cooperation the members of the B. L. E. refused to join) secured a very fair settlement of the electrical question and adjusted many grievances that could not have been adjusted otherwise. During these negotiations it became necessary to take a strike vote, and it appeared at one time that nothing could avoid a srike of all conductors, trainmen, switchmen, firemen, etc. The fact that the B. L. F. & E. included almost half of the engineers on the road would have made the strike a very serious one. Since that time the B. L. E. and B. L. F. & E. have agreed to cease their wrangling and have, so far as wages, working conditions, and grievances are concerned, become one organization, in that the two organizations support each other in all such matters.

3. Having regard for the wonderful changes in the work of the brotherhoods, as heretofore set forth, certain officials of the Pennsylvania road (east) conceived the idea that the only way to weaken, if not destroy, the four railway brotherhoods was to institute an organization of all employees on the Pennsylvania R. R. While the prospectus and the statements of the organizers of this new association would indicate that the officials of the road have nothing to do with it, the fact that the officials are approving the movement—in fact minor officials are acting as organizers for the movement—leads us to believe that this new organization is simply an instrument adopted by the Pennsylvania lines (east) to destroy these four brotherhoods. Among the advantages offered by the new organization for all employees of the Pennsylvania lines joining it are that the expense will be less, wages, working conditions, and grievances may be adjusted more readily by the friendship of the officials of the company, cooperative stores will be instituted hereafter, cheap insurance and pensions will be assured, etc. It is not strange that the shop employees, track employees, clerks, and other branches of service that have been coerced in the past, would gladly look to an organization of this kind, which they could join without fear of dismissal from the service of that company, and the result has been that the organization made wonderful strides for a few weeks, and it was claimed that whenever a majority of the employees of the Pennsylvania lines (east) were members of this new association all schedules and agreements with the four railway brotherhoods would be abrogated and the new organization would make schedules for every man in the service, etc.

4. For the past two or three years Mr. W. H. Pierce, a special organizer of this brotherhood, has been doing excellent work on many roads, among which the Pennsylvania Co. has been a most prolific field. When he was confronted by the arguments of the organizers of the new organization, he found himself greatly handicapped in securing applications for membership from the young firemen who had just entered the service and who had been led to believe that their best interests lay in the new organization instead of in the B. L. F. & E. Mr. Pierce, being a very aggressive man, fought the new organization as best he could at public meetings, and, so I understand, at one public meeting where a large number of employees of the Pennsylvania lines from all classes of service (including some officials) were present, Mr. Pierce advised the shopmen, etc., that if they desired to form an organization, they should form one of their own, and not join an organization intended to displace the railway brotherhoods. Such a suggestion was received with such hearty acclaim by those present, that I understand Mr. Pierce secured the signature or approval of 700 men present who heretofore have been denied the privilege of joining any organization. I understand from Mr. Pierce that he has no doubt that he can organize the shopmen, possibly the trackmen, and the office men in an organization of "Pennsylvania employees," and that without very much opposition from the officials. I do not mean that they would approve the breaking up of their own scheme, but it is understood that they would probably not dismiss men from service for joining the organization referred to. I have advised Mr.

Pierce that he has nothing to gain by organizing these men for, not being in that line of service, they would probably elect officers from among their own ranks, and after all of his own efforts he would have nothing, not even compensation, for his work. In reply, he has said that he was not looking for office or for compensation, but he was determined that the Pennsylvania Co. was not going to disrupt these railway brotherhoods by their new scheme, and he has been "fighting the devil with fire."

I am sending carbon copy of this letter to President Ryan, of the Brotherhood of Railway Carmen; to President Perham, of the Order of Railroad Telegraphers; to President Franklin, of the International Brotherhood of Boilermakers; to President Johnston, of the International Association of Machinists; and President Kline, of the International Brotherhood of Blacksmiths, and for that reason I have described the situation at length.

I shall be glad to hear from all concerned, stating any objection they might have to the organization of the employees on the Pennsylvania Railroad into one organization, with the exception of those crafts represented by the railroad brotherhoods, which will be exempted from membership therein.

Yours, fraternally,

W. S. CARTER, *President.*

AS TO THE P. R. R. PITTING ONE EMPLOYEE AGAINST ANOTHER, ASSISTING IN FORMING DUAL ORGANIZATIONS, AND FOSTERING SAME.

PHILADELPHIA, PA., *August 5, 1913.*

Mr. H. B. PERHAM, *President, St. Louis, Mo.*

DEAR SIR AND BROTHER: Mr. M. S. Samson, 4209 Girard Avenue, Philadelphia, Pa., in the presence of P. A. Wenrich, grand division organizer, said at his home to-night, as follows:

That in 1909 the Philadelphia Terminal P. R. R. Conductors' Association was formed with a charter membership of 131; these men, in many instances, came from the ranks of the Brotherhood of Railroad Trainmen, of which Mr. Sammon is a local officer.

That Mr. L. K. Marr was present at the formation of the association and attended a banquet given by it.

That he (Sammon) began warfare against the movement, and was arrested and placed in jail through charges brought against him by some of the ringleaders.

That also he was summoned before officials of the P. R. R. and severely reprimanded because of his fight against the association.

That he secured evidence with which he was able to bring about the expulsion of numbers of the members of the B. R. T. on account of their connection with the forming of the association.

That he secured much correspondence pertaining to the formation of the association, which passed between the officials of the P. R. R. and certain of the employees connected with the organizing of the association, and that he has all of this and other papers in connection with the move; in fact, he has practically all of the papers and paraphernalia belonging to the association; that he won the fight completely; the association was disorganized; that many of the expelled members of the B. R. T. have since begged for reinstatement to the brotherhood.

Sammon is now local chairman for the B. R. T. on the Philadelphia Terminal Division, P. R. R., and an employee of that railroad.

For your information.

Yours, fraternally,

T. E. ELLIS.

PERHAM EXHIBIT NO. 4.

G. R. Difaleg worked for seven years for the P. R. R. as a boiler maker. Was gang leader, and once during this time was suspended for five days on account of the actions of one of his men who was new to the work.

About last December he was called into the master mechanic's office and found there two P. R. R. bulls with the master mechanic Andrus. They accused Mr. Difaleg of belonging to the new brotherhood, but this he denied. They, however, insisted, but told him that they had a good job for him and to go with them that afternoon.

That afternoon he was told that he was to go to the brotherhood meetings and find out what men were members and report them. That the company would take good care of him—that he would have a life job, would wear good clothes, and have all of his expenses paid.

He told the secret-service man who made this proposition that he did not care to earn a living that way! The bull told him to keep his mouth shut about the occurrence, and four days after his refusal to serve he was furloughed. The next day he reported on relief on account of injuries received, and remained on relief for two months, and then, in accordance with regulations, reported for work, but was informed that there was no work for him, nor has he been given work since.

He has since then applied to the master mechanic for a recommendation, but the master mechanic said that he could not give him one, and told him that he would have to see the superintendent. Also asked him how was his friend Billy Pierce, the organizer and president of the new brotherhood. He has made one effort to see the superintendent, but was not successful.

J. G. B. DIFALEG.
W. H. PIERCE.

STATE OF NEW JERSEY,
County of Hudson, city of Jersey City, ss:

Walter A. Kranz, of full age, being duly sworn according to law, upon his oath sayeth: I am employed by S. C. Long, general manager of the Pennsylvania Railroad Co., at a salary of $25 per day; my employment is to find out information from the trainmen of the said Pennsylvania Railroad Co. regarding their transactions and doing at their meetings, and ascertain, if possible, the vote of the men and how the same is taken, and such other information which would work for the benefit of the company and be detrimental to the men. I was also specially instructed by J. A. Donnelly, chief clerk for Mr. Long, to see and interview one Edward McMahon, of Rahway, N. J., passenger conductor in the employment of the said Pennsylvania Railroad Co. I further state that Edward P. Clark, of Camden, N. J., is engaged by said company for the same purpose and with the same instructions, and further state that at the same time these instructions were given to me there were about ten other men present in the same room and received the same instructions. I was especially instructed to obtain above information at any expense. My age is 29 years; my place of residence is Ridgway Hotel, Camden, N. J.; my home is in El Paso, Tex.

WALTER A. KRANZ.

Sworn and subscribed to before me this tenth day of June, A. D. 1912.

[SEAL.] EDWARD MARKLEY,
Notary Public, New Jersey.

THE PORTAGE,
Akron, Ohio., December 24, 1912.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Yours of the 21st received here to-day noon. Brother John Mitchell was mentioned in a very indirect and indistinct way by a couple of parties in Altoona, and in accordance with your first letter on the subject, this part of it will be worked out—perhaps the "John Doe" or the "and others" in the "Baker case" may mean him—however, we will see, as progress is made.

Relative the $200 furnished "bulls" during the "siege" at 3415, I think you will recall that I gave you this information. It was told me by a member of the Philadelphia city police department the night before I took up the location of Mr. Long. I will later on get hold of that party or another and get names and dates. One of the "bulls" told my man.

Will ask that if anyone else is put into this case you advise me in order that we may not get into confusion.

With best wishes, yours, fraternally,

T. E. ELLIS,
General Delivery, Indianapolis, Ind.

DISTRICT OF COLUMBIA, *ss*:

John A. Brandon, being duly sworn, deposes and says that he resides at Whitewater, Wis.; that during the year 1912 he was employed as a traveling

organizer for the Order of Railroad Telegraphers, and in that capacity it was his duty to visit as many of the telegraph and signal employees of the Pennsylvania Railroad Co. as he could reach, with the object of initiating them in the said organization; that during the months of July, August, and September, 1912, he was under constant surveillance by detectives employed by the Pennsylvania Railroad Co.; that on or about August 15, while on North Twenty-second Street, Tioga, Philadelphia, Pa., in the presence of another organizer named E. A. Compton, he was followed by two of the said detectives, one of whom was a negro. Deponent stopped and asked them why they were following him; the white man replied: "We will follow you as much as we like, and we have got your measure." The negro then placed his hand upon his hip pocket as if about to draw a gun, whereupon deponent proceeded about his business, not wishing to get into an altercation under such circumstances; several times thereafter deponent was spoken to in a threatening manner by one or more of the said detectives, and he most firmly believes that all the time he was employed upon this work he was in danger of being assaulted by said detectives, and constantly refrained from going out on the streets alone after nightfall on that account.

JOHN A. BRANDON.

Subscribed and sworn to before me this 13th day of December, 1912, at Washington, D. C.

[SEAL.]

PAULINE M. WITHERS,
Notary Public, D. C.

[General offices Brotherhood of Railway Clerks, affiliated with the American Federation of Labor, Jno. J. Carrigan, grand president, 409–10–11–12 Kansas City Life Building.]

KANSAS CITY, MO., *December 16, 1912.*

Mr. H. B. PERHAM,
President Order Railroad Telegraphers, St. Louis, Mo.

DEAR SIR AND BROTHER: Replying to your favor of recent date, relative to Brother Riley being threatened with violence while he was working on the Pennsylvania Railroad, when they commenced their discriminatory tactics against our brotherhood, Brother Riley advises as follows:

"Referring to Brother Perham's request for the name of the man who threatened me, or, rather, uttered the implied threat, on the ferryboat between Jersey City and New York, while I have every reason to believe that he represented the Pennsylvania Railroad and was acting under instructions, yet I have no way of establishing that fact. He did not volunteer his name, and it did not occur to me at the time to 'feel him out,' but later I regretted that I did not do so for future use, if the occasion should arise. I was watched so closely, every moment being under the surveillance of those whom I felt reasonably sure were emissaries of the company, that the incident did not make the impression upon me which it perhaps otherwise would. From the moment that I called our general committee together in Washington to the time I left the line, I do not think I was out of sight of these supposed secret-service men more than a very short time, probably for a period of two months. The only time I eluded them was when I left a fictitious address in the mail-forwarding book at the National Hotel at Washington. I had no more than turned away from the counter until I noticed a party who had unsuccessfully tried to engage me, as well as members of the committee in conversation, go to the counter, look at the book, and make a memorandum. I had, as soon as our committee met, warned them against talking with strangers, advising them that I had every reason to believe that the company had their secret-service men on the ground for the purpose of trying to ascertain just what we intended to do. However, some two or three days later they had again found me, as I recognized them from seeing them in Washington.

However, I do not think I had before met up with the man who uttered the implied threats on the ferryboat. The facts of the case were as follows:

I went aboard the boat about sundown and was standing out on the upper deck. It seemed that this man was rather ill at ease. He passed me two or three times, evidently hoping to get me away from the crowd. I paid but little attention to him, and in fact would not have noticed him had he not given me a scrutinizing glance each time he passed me.

As we neared the New York shore the crowds began to go below, and there was no one left near enough to overhear an ordinary conversation. This man

came up to me, and as near as I remember the following was the exact conversation which ensued. He remarked:

"Nice evening."

"Yes; very pleasant."

"Your face looks familiar. Where are you from?"

"From the West."

"What business are you engaged in?"

"I am a traveling man."

"Well, I thought probably you was interfering with the employees of the Pennsylvania Railroad Co. I just wanted to warn you that if such was the case, that there have been a number of mysterious disappearances of men engaged in the same manner, right here in New York. So if that is your game, look out."

"Well," I replied, "I am generally able to take care of myself whether in New York or elsewhere. I appreciate your advice and the danger which you mention does not concern me in the least."

I then turned away abruptly and left him. In the meantime the boat had reached its slip and I joined the crowd and hurried ashore.

He was a man of about 35 years of age. Heavy set, powerful build, had a small black mustache and a protruding under jaw which gave him the appearance of being a ruffian or prize fighter with a bulldog tenacity.

As before stated, I have every reason to believe that he was an employee of the Pennsylvania Railroad, was acting for them, and was prevented from saying more on account of getting no chance to speak to me privately until the boat had almost reached its dock. Furthermore, I am firmly convinced that I would have been in great bodily danger had it been dark and no witnesses had been on the upper deck.

I regret very much that I did not give him a chance to speak to me after we landed, as I would then no doubt have secured information which would be valuable to Brother Perham at this time."

I, too, regret that Brother Riley can give no further information, and that there is no way in which he can establish the fact beyond a reasonable doubt that this man represented the company.

With best wishes for your success in your operations against the Pennsylvania Railroad Co., I remain,

Sincerely and fraternally,

JNO. J. CARRIGAN,
Grand President.

ATTEMPTED BRIBERY OF J. J. LOVITT, IRVIN, PA., 1911.

PITTSBURGH, PA., *January 31, 1913.*

January 30, 1913, at Henry Hotel, Pittsburgh, Pa., J. J. Lovitt stated as follows:

That on the first visit of the party he gave me a slip of paper with name of Scott and a post-office box number, East Liberty, Pa., written on it, and told me that if I was not successful in handing the papers from our headquarters to him at the P. R. R. station, Pittsburgh, to mail them to the address given.

That I got on same train with this man, sat in a seat a few feet back of him, and saw him exhibit his pass to the conductor; he went to Pittsburgh and I lost him in the crowd at the station.

He was about 6 feet high, weight about 185, 25 or 28 years old, full face, red cheeks, and rather a blond, with short-cut hair. I would recognize him readily.

(More of this.)

T. E. ELLIS.

PHILADELPHIA, PA., *February 16, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Last evening Officer McFarland, thirty-ninth district, Philadelphia, Pa., said, in presence of J. Leven, shoemaker, 3444 North Twentieth Street, Tioga, Philadelphia, Pa., that he did not know what building the special officers were watching last summer on Twenty-second Street, but that he was instructed they were all right; at first he declared that when citizens there complained of the suspicious presence of the four men, including a negro, he talked with one of them, who exhibited written authority to be there; at first McFarland said it was by a private detective agency, and then by his lieu-

tenant, Johnson, thirty-ninth district; and that he was told these men were all right, therefore he did not interfere with them; that he did not bother to find out who or what the people were that the special officers were watching; that they were there by instructions of a private detective agency and were not employed by a railroad company.

When I asked him if instructions from private detective agencies were supposed to be good with city policemen he said, "Who are you, asking so many questions? You will have to see the lieutenant."

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PERHAM EXHIBIT NO. 5.

ALTOONA, PA., *June 26, 1911.*

STATEMENT MADE BY PATROLMAN JOHN BOOKBERGER WITH REFERENCE TO LUTHER-GALLAGHER AFFRAY.

At 11.50 p. m. June 24, 1911, I was at Green Avenue and Tenth Street. I saw Charles Luther and two women coming from County Detective Spangler's residence, which is located on Tenth Street between Green and Chestnut Avenues. I went from there to Chestnut Avenue and Seventh Street to make my 12.15 a. m. report at box 44. I left there and went down to Green Avenue and Seventh Street, then came up to Ninth Street; this was about 12.20. I heard some loud talk at Chestnut Avenue and Ninth Street and went up that way; when I got there I saw Charles Luther talking to Gallagher and a man named Robinson; they were standing in front of the Hotel Senate office. When I came up to them Gallagher said that he was being abused by Luther and wanted a stop put to it. I said, "Gentlemen it is Sunday morning, you will have to cut it out." Luther then said to Gallagher, "I would like to take you out on the hill and lick you; I could lick six like you." Gallagher said, "I would be a fool to go out on the hill with you, as you are loaded with tools and I haven't anything." Gallagher said, "Go at me here, man to man." I then said to Luther, "You are an officer of the law; instead of agitating trouble, you should help put it down." By that time a car came along; Luther and a woman got on the car. As Luther got on the car he called to Gallagher, "I would like to trim you," Gallagher said, "Go on, you are a four flusher." I stood and talked to Gallagher and Robinson until about 12.55 a. m., then went across the street and walked up as far as the Colonade Hotel; was there about a minute; I heard a crack; it sounded like hitting a man with a barrel stave. I ran down to the Senate and found Gallagher laying on the street, beat up and bleeding; Luther had a hold of Robinson. At this time County Detective Spangler rushed in and got hold on Luther. When I was at Glunt's corner Luther was going down Ninth Street to Green Avenue. I said to Officer Spangler, "Where is Luther." He said, "It was not Luther; I got hold of the wrong fellow." I then met Fire Chief Alleman; he told me that he had ordered the ambulance. Gallagher was still laying there; Officer Spangler got a hold of Gallagher and drug him up by the neck over to the curb, and held him there until the ambulance arrived. As far as I could notice, while in conversation with Gallagher, he was sober, and I could not detect any liquor on him.

There was no complaint made to me about anything, except what Gallagher said about Luther abusing him. Luther said nothing to me, nor did any women complain to me.

During the assault I noticed Capt. Shaffer, of the railroad police, rush in; he was in a position to make the arrest or assist Officer Spangler in making the same. Officers Shaffer, Spangler, and Luther were together a short time before. Shaffer and Spangler were on the scene when Luther assaulted Gallagher, and were there after same took place, and assisted Luther in making his escape.

Others that I saw there were Joseph O'Neil, Fire Chief Alleman, Singer, Ed. Oniel.

With reference to attached affidavit, stories were circulated about J. J. Gallagher insulting Mrs. Luther and a woman named Miss Graham. These stories were investigated, with the results as per attached memoranda.

STATEMENT IN REGARD TO A PRELIMINARY INVESTIGATION CONCERNING THE ALLEGATIONS CONTAINED IN THE AFFIDAVIT OF JOHN J. GALLAGHER, AND OTHER CORRELATED MATTERS.

Editor Kelly, Altoona Times, Altoona, Pa., upon being interviewed by J. H. McGrail and T. E. Ellis, evening of December 6, 1912, at Times Building, Altoona, Pa., in relation to assault committed by Charles Luther upon J. J. Gallagher on June 25, 1911, stated that he (Kelly) was going home on a street car Sunday a. m., June 25, 1911; saw the man, Gallagher, sitting on curbstone with face badly beaten up and in a used-up condition, and thought he had been hit by a street car. In conversation regarding the affair Mr. Kelly stated emphatically that in his opinion the affair was a frame up against Gallagher. His opinion was expressed in presence of J. H. McGrail, Altoona, Pa., and T. E. Ellis.

On December 7, 1912, in Juniata, Pa., High Constable Joseph C. Norris, who is also street commissioner, stated, in presence of H. B. Perham and T. E. Ellis, that Charles Luther, who was at that time ward constable of Juniata, Pa., and who committed the assault upon the person of John J. Gallagher in 1911, was at that same time employed by the P. R. R. Co. as blacksmith at their Juniata shops; had been employed there for some years previous to that time and is yet employed by the said P. R. R. Co.; that Luther's reputation in Juniata is bad; that all of the trouble occurring in Juniata, Pa., during the labor troubles in 1911 was caused by the P. R. R. detectives, and that Luther was the moving spirit or originator of all plans connected with the bad work done by the detectives, enumerating many incidents occurring during that period.

Mr. Norris states that in his opinion the episode occurring during 1911 at the Senate Hotel, Altoona, Pa., wherein a female employee of that hotel charged one J. J. Gallagher with insulting her, and whose name Mr. Norris believes to have been Graham, was a frame up, or put-up job, for the purpose of getting Gallagher as organizer away from that hotel, and believes one Charles Luther, of Juniata, Pa., was also responsible for that frame up, and that, without having direct knowledge upon the subject, a cash consideration was given for inventing the story against Gallagher.

Mr. Meckley, proprietor of pool room and cigar store in Juniata, Pa., stated that it is a matter of general opinion in Juniata that the occurrence at the Senate Hotel, Altoona, in 1911, wherein J. J. Gallagher was accused of insulting a female employee, was a put-up job or frame up for the purpose of getting Organizer Gallagher to leave town.

Mr. J. F. O'Neill, butcher, corner Ninth and Chestnut Avenue, Altoona, Pa., stated, in presence of H. B. Perham and T. E. Ellis, on December 7, 1912, that he was proprietor of Hotel Senate, Altoona, Pa., during the trouble between the P. R. R. and its shopmen in 1911, and at the time J. J. Gallagher was accused of having insulted a young woman by the name of Graham, who was 18 or 19 years old; residence, Juniata, Pa.; employed by said O'Neill at Hotel Senate; that the morning the accusation was made Miss Graham came in late, and as he had been inconvenienced thereby he asked her as to cause, and she stated, among other things, that she made an affidavit against Gallagher and had received some money from a third party for making said affidavit.

O'Neill said that both Miss Graham and her father received money for making the affidavit and that her father accompanied her to the alderman's office to make the affidavit—Alderman Leak—and that there is no question in his mind but that the two P. R. R. detectives at that time boarding at his hotel put up the job against Gallagher.

H. B. PERHAM.

[Robert A. Henderson, attorney at law, Altoona, Pa., Blair County Trust Building.]

JULY 31, 1911.

Mr. FRANK MORRISON, *Washington, D. C.*

MY DEAR SIR: About six weeks ago Charles Luther, a constable in the employ of the Pennsylvania Railroad Co., assaulted one of the labor organizers, John J. Gallagher, here in Altoona, and injured him so badly that Gallagher was confined to the hospital for a week. Luther had been a fugitive from

justice until a few days ago, when he gave himself up. In the meantime Gallagher and the other labor organizers had left Altoona, and I am unable to locate them at present so as to notify Gallagher of the hearing here. Will you please let me know his address.

Yours, very truly,

R. A. HENDERSON.

AUGUST 1, 1911.

Mr. R. A. HENDERSON,
Blair County Trust Building, Altoona, Pa.

MY DEAR MR. HENDERSON: Your favor of July 31 received in regard to Mr. John J. Gallagher. I desire to say that Mr. Gallagher is organizer for the Brotherhood of Railway Carmen, and is not directly under control of the American Federation of Labor, hence I do not know his address. I am writing to the secretary of the organization to-day asking him to furnish you with Mr. Gallagher's address. I am also writing to our organizer in Altoona, Mr. J. M. Imler, asking him to call up Organizer Flynn over the long-distance telephone and try and arrange to have Mr. Gallagher present at the hearing of the case, which I understand is for to-morrow.

Very truly, yours,

FRANK MORRISON,
Secretary American Federation of Labor.

MONONGAHELA HOUSE,
Pittsburgh, Pa., August 22, 1911.

Mr. FRANK MORRISON, *Washington, D. C.*

DEAR SIR AND BROTHER: In answer to your favor of the 13th inst., inclosing clippings from Altoona daily paper of July 28, received, and contents carefully noted. In answer thereto beg leave to state as follows:

If you would only look over your files you will find where I have submitted to you a report, also inclosed clippings the same as you have inclosed to me, and prior to doing this I wrote you and informed you that Brother Ireland would also call at your office and give to you in detail statement of the matter in question. You later acknowledge that Brother Ireland did so.

From the time this controversy started I have written to different people of Altoona, and from what information I am able to glean, this said Clara Graham was not alone employed by the Pennsylvania R. R. Co. to get the parties in question in bad repute, but has also a police record in the courts of Altoona, which leads me to believe that she will do most anything for a monetary consideration. This, of course, does not justify the actions of the brothers in question in purchasing for her wines and liquors, or even mingling in her society. I think you are not unmindful of the good advice you gave to the both brothers during your stay in Altoona. I think you can also recall to mind my advice along those lines and the pitfalls that might await our agents or organizers, who with matured bodies and young heads might become victims of such pitfalls. But they heeded not our words of warning, and I must say that Brother Bork and I are not responsible for the result.

I have also written to our attorney, Mr. Henderson, and told him that any assistance I could render in clearing up this case I would only be too willing to do. I have also written to Gallagher and Schmitt and recommended that if they were innocent of the alleged charges that they should accompany me immediately to Altoona and there prove their innocence, and by so doing purify the stigma that has been placed upon the movement by their alleged actions. As far as I am concerned I know not the parties in question, have never spoken to them, and never associated with that class of people; and I can also say in all sincerity that Brother Bork is equally as innocent as I, who was not there on the date of July the 4th.

So hoping this will be satisfactory, I beg to remain,

Fraternally, yours,

T. H. FLYNN.

PITTSBURGH, PA., *August 22, 1911.*

Mr. FRANK MORRISON, *Washington, D. C.*

DEAR SIR AND BROTHER: I had the pleasure of meeting Organizer Flynn today, who handed me your letter which contained inclosed clippings from the

Altoona daily papers, and which involved my name in connection with that of Gallagher and Schmitt, and which Mr. Flynn wrote to you some time ago about. I beg to state as briefly as I possibly can all connections I had with the Altoona affair:

First. According to the sworn affidavit of Clara Graham, the girl in question at the Senate Hotel, who alleges that I did, with Gallagher and Schmitt, on the 4th day of July, 1911, buy her beer is a falsehood. On the 4th day of July I first arrived in Altoona. Being a holiday, shops being closed, I took advantage of the day and associated with the Polish, the Slavish, and Roumanians for the purpose of arranging a meeting and for organizing purposes, which can be clearly demonstrated by a meeting I held the following night, July 5, and which I reported to your office. It is true that warrants were sworn out for the arrest of Gallagher and Schmitt, but I am informed that my name was never mentioned, nor was there warrant issued for my arrest, other than I was a party to quietly getting Schmitt out of the city, which I thought was a duty I owed Mr. Schmitt, owing to the fact that I knew the sources that this prearranged conspiracy came from, and realizing that Gallagher and Schmitt were innocent, and that the railroad corporation, through one of their agencies, Mr. Jones, who was stopping at the said hotel, had enlisted the cooperation of one of the bartenders to further the scheme to ruin the name of Gallagher and Schmitt. I not only advised Gallagher and Schmitt to be watchful, but I did go further and gave to Mr. Jones all that could be given in the manly art of self-defense.

In conclusion allow me to say that I am willing to meet you, or any agent you appoint, or any man you would suggest, including our attorney, Mr. Henderson, in the city of Altoona and prove conclusively that I am in no way connected with the statement made by the Associated Press or the sworn affidavit of the said Clara Graham; neither have I ever had the so-called pleasure of meeting her, and hoping that you will so arrange that I may go to Altoona and prove conclusively that all that is contained in the above statement are absolute facts.

With kindest and best wishes, I beg to remain,

Yours, fraternally,

WILLIAM BOCK.

ALTOONA, *December 31, 1912.*

H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Referring to inclosed report of interviews with Detective Spangler, Blair Co., Pa., and Alderman Leak, I posed as a labor-union man, giving name, etc., in the interest of the cleaning-house process, that Gallagher's employers desired to know facts regarding the matter; that honest union labor did not approve of men who were not representative; that I individually thought it rather bad that Gallagher should not return and face the charges if innocent, etc., etc. You, of course, understand this man Spangler is, as I understand, virtually a P. R. R. "bull." I have heard this ever since coming onto the job in July last; but he has established the character of Clara Graham and opened the way for the commission, if they care to go for him.

After I retired from the scene last night he pitched into the Colonial Hotel clerk and tried to pump him, asking who I was and how long I had been here, and this a. m., about 9 o'clock, he came up and looked over the register and asked for me. I told the clerk to send him up if he called when I am in.

For your information,

Fraternally,

T. E. ELLIS,
General Delivery, Altoona, Pa.

ALTOONA, PA., *December 30, 1912.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: This date, in presence of Alderman Leak, Altoona, Pa., Mr. James G. Spangler, Blair County, Pa., detective and constable, first ward, city of Altoona, Pa., stated to me as follows:

That he filed the complaint in case of Clara M. Graham vs. J. J. Gallagher et al. in 1911, afterwards contradicted this by stating that Graham's father filed the complaint; that charges were filed July 27, 1911.

That Clara M. Graham was in a family way at the time those charges were filed.

That on July 4, 1911, all the girls employed at the Senate Hotel, this city, were drunk; that the proprietor and family of that hotel were absent on that day.

Spangler first said Clara Graham was at that time 16 years old; afterwards at same place said she was not quite 18 years old at that time.

That Gallagher and Schmidt were nothing but toughs and bums; that he did not have so much to say for Bork; that Flynn was a good sort of fellow, nothing more or less than a "boozer and chippy chaser"; that Gallagher and Schmidt were disgraces to any labor organization.

That the P. R. R. is anxious to find Gallagher in the State of Pennsylvania in order to push the charges against him in the Graham case, and that he (Spangler) is also anxious to get hold of Gallagher; that not long since Graham's people asked him to push the matter.

At same time and place (Alderman Leak's office, Altoona, Pa.) Alderman Leak read to me in presence of Mr. Spangler, the charges Graham vs. Jno. J. Gallagher, Schmidt, and Bork; they are that malt liquors, beer, etc., were given, etc., to a minor, naming Clara M. Graham—nothing said about insults or anything of that sort. Leak did not offer the document for me to read.

During the conversation Alderman Leak corroborated the statement by Spangler that Clara Graham was pregnant at time the charges were made against Gallagher et al. and said a couple of months after that time Miss Graham swore that J. B. Green, Altoona, was responsible for her pregnant condition and that Green settled the matter for a $75 cash consideration. That he supposed Green was considered the handiest man in sight for the purpose, etc., words to that effect. Leak seemed rather backward about showing up the charges made by Graham vs. Gallagher and was rather reticent, except when pushed a little. These charges, according to Leak, have not been booked by him, inasmuch as no arrests were made, but are on file in original form.

After leaving the alderman's office Spangler and I came up toward the central portion of the city on the way, and also after we had entered a saloon at his suggestion and where he seemed intimately acquainted, and also where we met day clerk Colonial Hotel, and until we parted an hour later he said to me, without witness or witnesses, among other things:

That during the P. R. R. shopmen's strike in 1911 one Welker was proprietor of a restaurant near the Juniata shops and took sides with the strikers, placed a placard on his place of business reading, "No scabs served." He, Spangler, went to Welker endeavoring to have card taken down and for him to take care of P. R. R. employees, saying to Welker, "They are not scabs; they are good mechanics drawing good wages and can pay you; the others can not pay you; you will lose out by your present way of doing." But Welker would not listen and eventually had to get out of the business. That some time afterward Welker met Spangler; Spangler asked what he (Welker) was doing; Welker said he had just secured a good job, naming place or firm, and was getting about $100 per month; Spangler says this job lasted one-half day and Welker was told he could not be retained, Spangler intimating to me that it was on account of his record during the strike.

Spangler said that he went to General Superintendent Creighton's office, P. R. R., and talked over matter of taking the strikers back into service. Creighton did not feel inclined to do so, but Spangler said to him he thought if it was made known that the P. R. R. would take back the strikers, or certain ones of them, many would go to work, as they owned their homes here and at Juniata, etc. He said to me, as a result of the conference, such action was taken by the company, and many strikers did return to work.

Spangler stated that during the trouble there were 70 armed men in Juniata P. R. R. enclosure; that he said to occupants of an automobile he and others were using during the strike when some one cautioned about the speed: "Oh, that's all right; if we bust her the company will fix it all right," etc., etc.

Spangler stated that Luther beat up Gallagher because Gallagher called Luther a c——— s———ker in presence of Mrs. Luther; that Gallagher was drunk at the time. Luther did not assault Gallagher when above expression was made, but after returning from Juniata and when approaching Gallagher near Senate Hotel, when Gallagher seeing Luther said there comes the son of a b———. That Luther went to New York and remained one month because he was afraid Gallagher was going to die. (See Henderson's attorney's state-

ment.) Spangler mentioned an organizer, Horn, and spoke of him as being a gentleman and not mixed up with the others during all this fracas.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Altoona, Pa.

RELATIVE J. J. GALLAGHER AND CLARA GRAHAM.

THE COLONIAL HOTEL,
Altoona, Pa., February 10, 1913.

Jerry B. Green, at his home, Wapsononock Avenue Extension, Altoona, Pa., to-night stated, among other things, as follows:

That he paid the Graham family of Juniata, Pa., $75, as per agreement signed by the father of Clara Graham, on account of a charge against him (Green) that he was responsible for her alleged condition. That he saw no indications at that time that she was enceinte, but Clara's sister told him such was the case; that he hardly believes he was responsible for such condition if it was present. That he heard that a child was born to Clara afterwards, but never saw any proof of such an occurrence.

That Clara Graham told him (Green) that her father had made a charge against Gallagher on account of the occurrences at the Senate Hotel, Altoona, Pa.; if he remembers correctly she said it was on July 4, and that she was drunk, but he (Green) paid very little attention to what she said about it, as it did not interest him.

Asked why he was so allegedly easy in his case with Graham, Green said that he did so in order to not allow the matter to get into the daily papers; that he thinks the Grahams thought he was to marry another girl; that Clara was about 18 years old at that time.

PHILADELPHIA, PA., *August 8, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: By my directions Brother A. L. Rex traced and found Miss Eva Hofer, now residing at Avis, Pa., and on August 7, 1913, at her home she stated to Brother Rex as follows:

That in 1911 she was employed at the Senate Hotel, Altoona, Pa., as dining-room girl; also worked in the office; and at the time of the P. R. R. shopmen's strike was still at the hotel. She says she was acquainted with the organizers, Flynn, Ireland, Shelling, Smith, and Gallagher, while those men were stopping at the hotel; that at no time did the girls at the hotel drink beer or other intoxicants in company with any of the organizers named, nor any other organizers, but did drink some beer at different times in the hotel kitchen, but the beer was paid for by the women or girls themselves, but that Clara Graham, being only 16 years[1] of age, never drank any beer either in the kitchen or elsewhere around the hotel so far as she is aware.

That on the 4th of July, 1911, Mr. and Mrs. O'Neill were away from the hotel, but there was no beer drank at the hotel by the girls in company with the organizers; that the story about the organizers and girls being drunk on that day was absolutely false. No one around the hotel, so far as she knows, knew anything of such a story until it appeared in the Altoona Gazette about a week after the 4th. When the story appeared in the paper Organizer Smith challenged Clara Graham in the presence of Eva Hofer and Carrie Wallace, asking Clara why she had told that the girls and organizers were drinking at the hotel on July 4, when she know it was not true. Clara Graham replied to Smith that her father (who resided in Juniata, Pa.) was being paid by a "railroad bull" for her to say this, and had told her if she did not say it her father would not allow her to come home; that her father forced her to say this.

At another time Clara Graham stated in the presence of Eva Hofer and Carrie Wallace, and Eva is quite sure Mr. O'Neill, the proprietor of the hotel, was also present, that the railroad bulls had paid her father to have her swear the organizers had insulted her while working in the dining room as a waitress.

Eva Hofer states that Clara Graham was "flip" and was hired at the hotel as a dishwasher, but sometimes acted as a waitress.

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[1] Marginal note: Wrong—born 1892. See her statement Altoona papers.

Eva Hofer stated that she overheard a P. R. R. bull by name of Jones, of Harrisburg, Pa., say to the other bulls in conversation on the street at Altoona, Pa., after Gallagher had been hit, that if they (the bulls) would give the organizers a good slugging maybe it would scare them out of town.

For your information, I am, with best wishes,

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

RELATING TO CONDITIONS IN ALTOONA DURING SHOPMEN'S STRIKE, 1911.

STATE OF NEW YORK,
County of Monroe, City of Rochester, ss:

Frank Paquin, being duly sworn, deposes and says: That he is first vice president of the Brotherhood of Railway Carmen of America and that he resides at Chicago, Ill.

That upon information and belief several hundred men employed by the Pennsylvania Railroad lines of Pennsylvania and Erie were dismissed in the years 1910 and 1911 on account of their becoming beneficiaries to the relief and pension fund which the employees in the mechanical trades commenced to organize.

Deponent further alleges upon information and belief that employees were dismissed from the service of the company on account of their attaining the age and having been in the company's employ a sufficient length of time when they and their beneficiaries might be expected to draw benefits from the relief and pension funds that had been instituted by that company. That after the men had commenced to organize for the purpose of resisting the injustice aforementioned under the auspices of the various organizations having jurisdiction over their crafts the company continued to dismiss men from its service; that this condition was the chief reason for the men going on strike in May, 1911.

Deponent further alleges on information and belief that the company refused to reinstate the men who had been dismissed, and also declined to agree to a contract or wage scale. That during the strike John J. Gallagher, fourth vice president of the Brotherhood of Railway Carmen of America, was waylaid and assaulted by Special Agent Luther, of the Pennsylvania Railroad Co., in the city of Altoona, Pa., in the month of June, 1911, and left lying insensible in the street; that he was shadowed by Pennsylvania Railroad detectives, who were all the time engaged with these negotiations and conducting the aforementioned strike.

FRANK PAQUIN.

Sworn to before me this 14th day of November, 1912.

[SEAL.] EMANUEL KOVELESKI.
Commissioner of Deeds, City of Rochester, N. Y.

COMMISSIONER'S AFFIDAVIT.

STATE OF NEW YORK,
Monroe County Clerk's Office, Rochester, N. Y.:

I, James L. Hotchkiss, clerk of the county of Monroe, of the county court of said county, and of the supreme court, both being courts of record, having a common seal, do certify that Emanuel Koveleski, Esq., before whom the foregoing declarations or affidavits were made, was, at the time of taking the same, a commissioner of deeds in and for said city duly authorized to take the same; that I am well acquainted with his handwriting and verily believe that the signature to said certificate is his genuine signature.

In testimony whereof I have hereunto set my hand and affixed the seal of said county and courts this 25th day of November, A. D. 1912.

[SEAL.] JAMES L. HOTCHKISS, *Clerk.*

[International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America, office of international president, room 9.]

KANSAS CITY, KANS., *September 25, 1912.*

Mr. H. B. PERHAM,
Chairman Railroad Employees' Department, A. F. of L., St. Louis, Mo.

DEAR SIR AND BROTHER: Your favor of the 20th inst. from Washington, D. C., received and noted, and referring to the matter of Vice President Schmitt

being waylaid in Altoona during the trouble on the Pennsylvania road will state that Brother Schmitt can give you enough history in connection with this matter to make quite a case against the Pennsylvania Railroad and their attitude toward organized labor. Brother Schmitt will be in Kansas City during the month of October, and I will have him make out the necessary papers if that will be early enough to suit your purpose.

Trusting I may hear from you at your convenience and with best wishes, I am,

Yours, fraternally,

[SEAL.] J. A. FRANKLIN, *International President.*

[International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America, John F. Schmitt, ninth international vice president, 1711 Offnere Street, Portsmouth, Ohio.]

CHICAGO, ILL., *November 29, 1912.*

Mr. H. B. PERHAM,

Chairman Railroad Employees' Department, St. Louis, Mo.

DEAR SIR AND BROTHER: While at our executive board meeting President Franklin referred to me your letter wanting some information in regards to the attitude of the Pennsylvania R. R. Co. toward organized labor. I was on the P. R. R. lines from January 3 until late in July and in all that time was hounded by P. R. R. detectives from the time I left my room in the hotels in the morning until I returned in the evening, and it would take several closely typewritten pages to tell my experiences on the P. R. R. lines. I will tell you of a few.

On June 17 Brother J. J. Gallagher, of the B. R. C. of A., was brutally beaten in front of the hotel by Charles Luther, a constable, who was in the employ of the P. R. R. Co. at the time as a detective. James Spangler, a county detective, stood by and saw the dirty work done, and then hid Luther in his home for 36 hours, and then took Luther out in the country and placed him in hiding. An effort was made to get the city officials busy on the job, but only a bluff was made. Capt. Schafer, of the R. R. detectives, and three of his men also stood by and witnessed the slugging, and had it not been for a man and his wife who were sitting at the window and screaming they would have killed Gallagher.

In this same city a public meeting was held, which was composed of city officials, merchants, and R. R. clerks, and foremen employed by the company, at which resolutions were adopted ordering us out of the city. The officials also had a meeting of the hotel men called, at which resolutions were adopted saying they would not take in any organizers and were classed as undesirable patrons. We were stopping at the Altamont Hotel, and after this meeting were requested to leave; we then went to the Senate Hotel, which was one of two hotels that refused to abide by the resolutions as adopted at the hotel men's meeting.

The company also got the old lady who owned the grounds where we were going to hold a picnic to get out an injunction against the man who had leased the park from her and prevent us from holding the picnic, which they did.

Many mornings on leaving the hotel was compelled to submit to be searched. I appealed for protection, but never was able to get it; could not get protection in the hotels; the R. R. bulls sit by the door of the room all night. The R. R. Co. seemed to be powerful enough to get anything done they wished.

The working conditions on these lines are deplorable, and the workmen are not far removed from being slaves. On my first visit to Altoona, when the officials learned of my being there, they made every man return to the shops and stay there until 11 p. m., with nothing to do, and received no pay for this time; and in May they forced the men to put in 13 hours, with not work enough to keep the men busy more than 5 hours a day; all work is done under the piecework system. I have seen time cards where men have been compelled to stay in the shops 10 hours and receive all of 8 cents; I have seen boilermakers' pay envelopes for the month of June, 1911, that had put in every work day, and two weeks of this month 13 hours a day, and receive $29.90 for same.

I am surely pleased to see that some effort is being made to get laws to curb such corporations as the Pennsylvania Railroad Co., and if I can be any further assistance to you in this work I will be pleased to do so to

the best of my ability. I also wish to apologize for not taking this matter up earlier, and hope this will reach you in time to be of some service to you.

With best wishes and success, I remain,

Fraternally, yours,

J. F. SCHMITT.

[Office of general president Brotherhood Railway Carmen of America, affiliated with the American Federation of Labor.]

KANSAS CITY, Mo., *October 3, 1912.*

H. B. PERHAM,
Chairman Railroad Employees' Department,
713 Star Building, St. Louis, Mo.

DEAR SIR AND BROTHER: Your letters of September 14 and 20, relative to Public, No. 300, being House resolution 21094, an act to create a commission on industrial relations, received and contents fully noted. In reply thereto will say that it is with pleasure that I comprehend the great advantage of such a law and the opportunity that it gives the officers of labor organizations, and especially those engaged in railway service, to show up some of the dirty methods and tactics of railroad officials to prevent their employees from organizing.

So far as presenting evidence of this character before a commission on industrial relations, will say that I certainly am in a position to not only verbally testify my experience, but to submit documentary evidence which will be beyond successful contradiction.

In your letter of September 20, from Washington, D. C., you refer to one of our vice presidents, Brother John J. Gallagher, who was assaulted in Altoona, Pa., about June, 1911, by one of the paid hirelings of the Pennsylvania Co. This is true. There never was a more cowardly assault upon a man than that made upon Brother Gallagher. Please permit me to say that when a hearing is arranged by this industrial commission that I will be more than pleased to attend myself, and also to have present Vice President Gallagher and possibly one or two others of our vice presidents who were handling the situation for our organization on the Pa. Railroad Co. during the recent uprising of their employees, which was in May and June of 1911. I would especially like to give Brother Gallagher the opportunity of telling to the Commission on Industrial Relations just the tactics adopted and pursued by the officials of the Pa. Railroad. I would also suggest that you get in touch with John F. Schmitt, 717 Offnere Street, Portsmouth, Ohio. Brother Schmitt is international vice president for the Brotherhood of Boilermakers and Helpers. He was with Brother Gallagher in Altoona at the time he was assaulted. Brother Schmitt would be a most valuable man to give evidence to the above referred to commission.

Assuring you that you will have my most hearty support and cooperation with reference to the subject matter and with kind regards, I remain,

Yours, fraternally,

[SEAL.]

M. F. RYAN,
General President.

AS TO METHODS OF THE P. R. R. IN TREATING SOME OF ITS EMPLOYEES, AND ESPECIALLY THOSE ON STRIKE.

PHILADELPHIA, PA., *April 19, 1913.*

Mr. H. B. PERHAM, *President,*
St. Louis, Mo.

DEAR SIR AND BROTHER: See attached letters by Brother A. L. Rex, Mapleton Depot, Pa., who is home for over Sunday. This refers to the recent strike among the P. R. R.'s section men.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

MAPLETON DEPOT, PA., *April 18, 1913.*

Mr. T. E. ELLIS,
Philadelphia, Pa.

DEAR SIR AND BROTHER: Since arriving home the following has come to my ears: A gang of P. R. R. bulls arrested some strikers at Altoona, Pa., and,

after having these strikers handcuffed, they hit them on the head and cut it open. Flagman Parsons was watching the bulls do the arresting, but when they commenced to hit them with their clubs Parsons expressed his opinion in front of the bulls that they were carrying things to extremes. Since that time Parsons has received notice of 30 days' suspension for interfering with the bulls.

This for your information.

Yours, fraternally,

A. L. REX.

PERHAM EXHIBIT NO. 6.

Among the records and proceedings enrolled in the Court of Common Pleas in and for the County of Blair, in the Commonwealth of Pennsylvania, to No. 749, Equity, is contained the following:

COPY OF EQUITY DOCKET ENTRY.

O. H. Hewit. R. A. Henderson.

ANNA W. BAKER (749) VS. H. H. BARNETT, J. W. CRAB, JOHN GALLAGHER, E. FLOOD, T. H. FLYNN, J. W. SMITH, JOHN DOE, AND OTHERS TO THE PLAINTIFF UNKNOWN, DEFENDANTS.

Plaintiff paid, 2.50; Sheriff Orr received, 8.40; Wm. H. Orr, sheriff. Attorney, 3; Prot L., 2.35; June 14, 1911, received, 5.35; Guy R. Lingafelt, Prot A. J. N. Defendant's bill, 1.70; Prot. L., 4.

Bill for injunction, filed June 2, 1911, praying for relief, as follows:

I.

That an injunction issue, temporary until final hearing and permanent thereafter, enjoining and restraining the defendants, their agents and employees, and all other persons from assembling upon the premises of the plaintiff described in the bill or upon the adjoining premises of the plaintiff containing five hundred (500) acres, more or less, for the purpose of holding a mass meeting or meetings to be addressed by the defendants or others in the interest of the strike of employees of the Pennsylvania Railroad Co. now in progress in the city of Altoona, county of Blair, or for any other purpose other than those of moral amusement.

II.

GENERAL RELIEF.

June 2, 1911, injunction affidavits (2) filed.

ORDER OF COURT.

Now, June 2, 1911, the foregoing bill, together with injunctional affidavits, presented to me, and same read and considered, and it is hereby ordered, adjudged and decreed that an injunction issue as prayed for in the bill, the same, however, to be taken to be dissolved unless a motion to continue the same be argued at the courthouse on June 7 next, 1911, at the hour of 10 o'clock in the forenoon; an approved bond in the sum of $500 to be filed.

By the court:

THOMAS J. BALDRIGE,
President Judge.

June 2, 1911, bond of plaintiff in the sum of $500 with Central Trust Co. of Altoona, Pa., as surety approved and filed.

Sheriff returns: June 3, 1911, served the within writ of injunction upon H. H. Barnett, J. W. Crab, John Gallagher, E. Flood, T. H. Flynn, and others by reading and making known to them the contents of the within writ of injunction, also by handing to H. H. Barnett, J. W. Crab, J. W. Schmit true copy of same.

Now, June 8, 1911, this cause came on to be heard and was argued by counsel, and upon consideration thereof it is hereby ordered, adjudged, and de-

creed that the injunction herein granted be, and the same is hereby, dissolved, except that the defendants, H. H. Barnett, J. W. Crab, their agents, employees, and all other persons, be, and they hereby are, enjoined and restrained until further order of this court from assembling, or permitting to assemble, and from holding mass meeting or any meetings whatsoever where addresses or speeches are to be made in the Sylvan Lodge, as we regard that building unsafe and insecure for that purpose.

THOMAS J. BALDRIGE,
President Judge.

(See opinion filed.)

June 12, 1911, R. A. Henderson, Esq., by writing filed, appears for defendants. June 3, 1911, answer to defendants (printed), original and 10 copies filed. July 7, 1911, plaintiff's printed bill (4) copies filed. September 5, 1911, time to be fixed later. September 5, 1911, motion to dissolve preliminary injunction filed. September 12, 1912, continued.

COMMONWEALTH OF PENNSYLVANIA
Blair County, ss:

I, Guy R. Lingafelt, prothonotary of the court of common pleas in and for said county, do hereby certify that the foregoing is a full, true, and correct copy of the docket entry of the case therein stated, wherein Anna W. Baker is plaintiff and H. H. Barnett, J. W. Crab, John Gallagher, E. Flood, T. H. Flynn, J. W. Smith, John Doe, and others unknown to the plaintiff are the defendants, so full and entire as the same remains of record before the said court at No. 749 equity.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 30th day of December, A. D. 1912.

[SEAL.]

GUY R. LINGAFELT,
Prothonotary.

THE COLONIAL HOTEL,
Altoona, Pa., February 10, 1913.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Inclosed find copy opinion of the court, case Anna W. Baker *v.* H. H. Barnett et al., common pleas court, Blair County, Pa., temporary and permanent injunction.

In connection with this matter I wish to state that Anna Henderson, secretary to Attorney R. A. Henderson, Altoona, Pa., answering my question as to why Dr. Beckman, agent for the Baker estate, did not appear as plaintiff in this case, said to me: "Attorney Henderson asked Beckman this question at the hearing; Beckman replied, 'I don't know.'" Anna Henderson also said there was no doubt but that influences were brought to bear upon Anna W. Baker in the matter, adding, "The Pennsylvania Railroad owns this city."

Although I can not state as a fact, I am of the opinion that it will be found that the temporary injunction, which included the entire 500 acres of that part of the Baker estate, answered all purposes desired by the prime movers in the procedure.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

THE COLONIAL HOTEL,
Altoona, Pa., December 21, 1912.

H. B. P.:

Attorney Henderson was in a great rush to get home to lunch to-day. I entered just as his wife called him on phone, urging him to come at once, etc. I therefore thanked him for the short interview and suggested that I would see him again during first week in January, when I hoped he could give me more information, in order to place Gallagher, Flynn, and others in a better light before their people, and that he should be reimbursed financially for any trouble, inconvenience, etc. Seems an open, easy talker.

Yours,

T. E. E.

Developments indicate this is a very important matter, and on account of the tremendous power shown by the P. R. R. over this vicinity, individually and collectively, it is a difficult proposition and one that can not be rushed.

T. E. E.

ST. LOUIS, MO., *December 23, 1912.*

Mr. T. E. ELLIS,
General Delivery, Indianapolis, Ind.

DEAR SIR AND BROTHER: This will acknowledge receipt of your special-delivery letter of December 21, which was received by me about 1 o'clock this morning. I had written you upon this subject, and am glad to note that you had already gotten on the trail of a very interesting development. I want to include this matter in my petition to the commission, as I deem it to be of more than ordinary importance. When you return to Altoona I wish you would get a copy of the restraining order that, I assume, was issued by the court and send it to me at your very earliest convenience.

I would like to know if this was the injunction matter that prevented Brother John Mitchell from making a speech at Altoona in June, 1911. I am inclined to think that this is the one, but possibly there might have been two such actions.

With best wishes, I am,
Yours, fraternally,

H. B. PERHAM, *President.*

AUGUST 1, 1911.

Mr. E. WILLIAM WEEKS,
Secretary Brotherhood of Railway Carmen of America,
507 Hall Building, Kansas City, Mo.

DEAR SIR AND BROTHER: Attached find copy of a letter that I received from Mr. R. A. Henderson, the attorney who assisted in vacating the injunction against organized labor in Altoona, Pa. If you can, kindly furnish the address of Organizer Gallagher to him.

With best wishes, I remain,
Yours, fraternally,

FRANK MORRISON,
Secretary American Federation of Labor.

AUGUST 1, 1911.

Mr. J. M. IMLER,
Organizer American Federation of Labor,
609 West Twenty-sixth Street, Altoona, Pa.

DEAR SIR AND BROTHER: Attached find copy of a letter that I received from Mr. R. A. Henderson, the attorney who assisted in vacating the injunction against organized labor in Altoona, Pa. I received a communication from Organizer Thomas H. Flynn stating that he was en route to Uhrichsville, Ohio. If you would know where to reach him there by long distance phone, I would suggest that you call him up and try to arrange to have Mr. Gallagher present at the hearing of the case.

Yours, fraternally,

FRANK MORRISON,
Secretary American Federation of Labor.

THE COLONIAL HOTEL,
Altoona, Pa., December 21, 1912.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Herewith inclosed document, which may prove of some value and information in the case. Same was handed me to-day by Attorney Robert A. Henderson, Second National Bank Building, Altoona, Pa. Mr. Henderson was attorney for the defendants in said case and states unhesitatingly that the P. R. R. Company was back of the move by Miss Anna W. Baker, owner in part of the property mentioned, and that the temporary injunction asked for was effective inasmuch as the one meeting was all that was anticipated. That

the pretext—condition of the building—was but a pretext, as the building was absolutely safe for the proposed meeting; that the building has since been destroyed by fire.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Altoona, Pa.

H. B. P.:

You notice Miss Baker included all the property outside and in (it belongs to the Baker estate); also she included everyone that wanted to talk to strikers P. R. R. railroad.

T. E. E.

PITTSBURGH, PA., *December 22, 1912.*

H. B. P.:

I do not know whether you are aware of the fact, but I am told by different people that during the trouble at Altoona during the year 1911, General Superintendent Creighton and Superintendent Preston, of the P. R. R., appointed a committee of railroad men to interview the Socialists' committee at Altoona for the purpose of getting that party or organization to prevail on Debs, who was billed to speak there, to abandon his visit, stating to the committee that on account of the strike it was feared that Debs's talk would cause trouble, etc. The Socialists refused to take action.

Then a committee of citizens and railroad men were sent to Williamsport to see Debs personally. He refused to cancel his date, and sent word back that he would appear as advertised, regardless of the Pennsylvania Railroad Co. At this time 25-cent tickets were being sold in Altoona entitling holder to hear Debs and to 40 weeks' subscription to Appeal to Reason. Immediately after return of the committee from Williamsport the sale of these tickets was suppressed, but was afterwards carried on in secret.

The night of the Debs meeting it is said the P. R. R. Co. ordered a large number of its shopmen to report for work immediately after supper, and held them at work until 10.30. This had never been done before, it is said. However, most of the men went to the place of meeting and listened to Debs's speech, which had been postponed on account of the action by the company as above. It is said the shopmen understood their jobs depended upon their return to work that night.

The report goes that there was no trouble from the Debs meeting in any sense of the word, but there were about 15 city policemen near the hall (Jaffe Temple); also the mayor of the city attended the meeting.

T. E. E.

PERHAM EXHIBIT NO. 7.

ALLEGED ILLEGAL ARREST AND IMPRISONMENT OF MR. W. E. SMITH AT JOHNSTOWN, PA., MARCH 8, 1911.

THE COLONIAL HOTEL,
ALTOONA, PA., *February 8, 1913.*

The following copied from the records of police cases in the mayor's office, Johnstown, Pa., this date:

"Case No. 15004; defendant, W. E. Smith; charge, interfering with an officer; arrested at 9.40 p. m. March 8, 1911, by Officers Jones and Robinson, P. R. R.; up for hearing March 10, 1911; plea, ———; waived hearing and was discharged."

No testimony recorded.

T. E. ELLIS.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

W. E. Smith, machinist, P. R. R., Franklin, Cambria County, Pa., at his home on February 7, 1913, said in parts as follows:

That the night he was arrested and imprisoned at Johnstown, Pa., there was being held in the G. A. R. Hall a joint union meeting for P. R. R. shopmen; that he was doorkeeper at front door; that he noticed the light in entry from back side door disappearing and coming on again. To investigate the

cause of this he passed out the front door around to the side back door, opened it. There was no light, but he could make out three persons in entry. He said, "Where is the switchboard? I will turn on the light." Just then officer A. D. Jones grabbed him, pulled his billy, pushed him down the steps and took him to the jail and locked him up. That as soon as Jones had pushed him outside the door he recognized the other two men; they were P. R. R. Detective Robinson and Chief of Cambria Steel Detectives Carney. On the way to the jail Smith asked what such action meant; was given no satisfaction. He asked to be allowed to telephone his friends for bond; not allowed. Then he asked the detectives to telephone for him; not done. Smith says there was no quarreling nor harsh words of any kind used before Jones rushed him away from the hall.

That in about one hour after he was locked up his stepbrother came to the jail and asked for him. The turnkey said, "Smith is not here." When the steward spoke to him, saying "There will be trouble about this case; Smith had better be released." Then a cash bond of $20 was accepted from Smith's stepbrother and Smith released. That he was brought before the mayor, where Jones stated Smith was arrested for interfering with an officer; that for some reason neither Robinson or Carney, who were present, were called on. He was immediately discharged and the $20 returned.

That officers Jones, Robinson, and Carney were seen in the park facing the G. A. R. Hall in each others company before the meeting began.

That Chief Detective Carney of the Cambria Steel Co. told him (Smith) that that day before the meeting and arrest of Smith, Charles Robinson, P. R. R. detective, telephoned Carney to come over—that there were to be some of the Cambria employees at the meeting.

That he had Officer A. D. Jones arrested for assault and battery (see copy Justice Trimbath's record); that after the case went to common pleas court, County Detective S. J. McClune was sent to Smith's stepfather by Officer Jones with a view of having Smith withdraw the case against him, promising to pay all costs, etc., if he would do so, stating he was sorry the thing had happened and that he (Jones) was in the wrong. On this account, also because of sickness in his family, also being short of funds, he withdrew the case, but that if he had not done so it would have gone hard with Jones at the county seat. (Record in common pleas court, Cambria County, Pa.)

T. E. ELLIS.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

Thomas Trimbath, justice of the peace, borough of Franklin, Cambria County, Pa., said in part on February 7, 1913, at his office as follows:

That Constable and Chief of Police J. R. Slates, Franklin Borough, told him (Trimbath) that Policeman Alfred D. Jones, Johnstown, Pa., told him (Slates) that P. R. R. Officer Robinson had met him (Jones) before the meeting at G. A. R. Hall, Johnstown, and requested him to go with him, that he (Jones) was sorry because of the part he had played in arresting and jailing of Smith and could not understand how he came to be influenced to go there, as he himself was a union man. Trimbath says he will take oath that Slates told him as above.

That W. E. Smith withdrew his charges against Officer A. D. Jones only after the latter had sent word to Smith requesting Smith to do so, offering to pay all costs, etc. This was done and he (Trimbath) received costs due him when settlement had been made. (Record in common pleas court, Cambria County, Pa.) Also see Justice Trimbath's record of the case in his court attached herewith.

That it is a wonder that the treatment of Mr. Smith by the three detectives did not cause a riot in Johnstown, that it would have done so had a considerable number of the union men from the borough of Franklin been in attendance at the meeting. That he (Trimbath) believes that if Jones were a well man he would tell me the whole history without reserve. (Jones in hospital dangerously ill.)

That Mr. W. E. Smith is one of the best citizens of the borough of Franklin, strictly honest, moral in every way.

T. E. ELLIS.

Commonwealth *v.* Alfred D. Jones. Charge: Assault and battery. Warrant issued to J. R. Slater, constable, March 13, 1911, on oath of W. E. Smith.

And now, March 13, 1911, Alfred D. Jones, defendant, arrested and produced bail in the sum of $200 before Alderman J. W. Reese for his appearance at the June term of court.

Alfred D. Jones, Alex Wilson, bail, April 12, 1911. Returned to the court of quarter sessions.

STATE OF PENNSYLVANIA, *County of Cambria, ss:*

I, Thomas Trimbath, a justice of the peace in and for said county, certify that the above is a true transcript from my docket and that the recognizances were duly taken and acknowledged before me as aforesaid.

In witness whereof I have hereunto set my hand and seal at Franklin Borough, Pa., this 7th day of February, A. D. 1913.

[SEAL.] THOMAS TRIMBATH,
Justice of the Peace.

My commission expires first Monday of May, 1918.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

The janitor G. A. R. Hall, Johnstown, Pa., this date corroborated the statements made by W. E. Smith, Franklin Borough, Cambria County, Pa., on February 7, 1913, in all details, and says when he told the three detectives, Jones, Robinson, and Carney, he would report their presence in the cellar of the building to the officers of the union meeting upstairs he was threatened with arrest, and told them to go ahead and arrest him. They did not do so, and then retired to the rear door of the hall, where they arrested without cause and took W. E. Smith to the city jail.

T. E. ELLIS.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

Attorney Frank P. Martin, Johnstown, Pa., to-day stated, among other things, as follows:

That he was attorney for W. E. Smith in 1911 when Smith was charged with interfering with an officer; that when the case came up for hearing Officer Alfred Jones said, among other things, that he was brought into the matter by Officer Robinson, of the P. R. R., and that it was evident that Jones was repentant for his part in the matter; that Mr. Smith was discharged of any offense by the mayor (then a Mr. Wilson). Martin added, "You will likely find there is no record of what was offered at the hearing" (evidence).

Attorney Martin said there was no doubt but it was a put up job by Robinson, of the P. R. R., in order to find out what was going on at the meeting of union men and to see who were there, for the purpose of discharging those who attended the meeting; that there was absolutely no legal cause for the arrest of Mr. Smith.

That if Officer Alfred D. Jones were living he would in all likelihood tell me every word just as events happened. (Mr. Jones died at 6 o'clock this morning as a result of an operation performed Feb. 6, 1913.)

T. E. ELLIS.

LOGAN HOUSE, *Altoona, Pa., February 9, 1913.*

H. R. P.:

Clipping from Friday, February 7, 1913, Pittsburgh Dispatch., Harrisburg, Pa.; political news.

For your information W. E. Smith, Franklin, Cambria County, says he was not physically injured, but considered arrest and imprisonment a greater injury, as it was the only time an officer ever laid hands on him. I do not know how rumor of physical injury came to you. I look at the case as important and information conclusive. No wonder Alderman Lamberd was so noncommittal; he's one of those to whom the octopus has it "cups" applied. I, 13, received several warnings relative interview with him.

Referring again to Smith case, you will notice the Johnstown police record shows he was "arrested by Officers Jones and Robinson, P. R. R." Important.

Yours,
T. E. ELLIS,
General Delivery, Philadelphia, Pa.

Likely leave here Tuesday noon, the 11th.

PERHAM EXHIBIT NO. 8.

The low rate of wages paid by the Pennsylvania Railroad Co. is one of the chief causes of dissatisfaction among the employees at the present time.

The attached exhibit contains a copy of the proposed rules and regulations and wage scale, the original of which was filed with the various officials of the company by the employees' committee in the year 1912. In the wage scale the first column shows the rate of wages paid, the second column the rate of wages asked for, the third column the amount of the increase requested. The lowest rates are shown on the following divisions:

West Jersey and Sea Shore Divisions.

Rate per month—	Number.	Rate per month—	Number.
$30.00	1	$47.50	1
37.10	1	50.55	1
42.40	3	51.00	2
40.80	1	51.95	2
44.50	1	57.70	50
46.65	1		

Delaware Division.

Rate per month—	Number.	Rate per month—	Number.
$35.00	1	$44.90	15
40.80	1	51.30	5

That situation is without a parallel in the United States.

EXHIBIT.

PROPOSED RULES AND REGULATIONS FOR THE GOVERNMENT OF THE EMPLOYEES IN THE TELEGRAPH DEPARTMENT, PENNSYLVANIA LINES EAST OF PITTSBURGH AND ERIE.

No. 1.

Ability, fitness, and seniority entitle a telegraph operator to promotion as opportunity may offer. The superintendent shall decide, after a fair and impartial trial, whether the candidate or applicant is qualified therefor.

No. 2.

New positions and permanent vacancies will be bulletined to the various offices and towers, for a period of ten days, by circular letter (or by "23" message when it can be done without burdening the wires), and at the expiration of that time, given to the operator making application in writing, if, in the judgment of the superintendent, he is qualified therefor and eligible by reason of seniority rights.

All temporary and prolonged vacancies (of six months or more duration) will be bulletined in the same manner as new positions and permanent vacancies and filled by the senior operator making application in writing, regulation No. 1 to govern.

No. 3.

An operator failing to make application for a position forfeits to the man who accepts that position such seniority rights as the position may carry with it, but will be given an opportunity to make application when a vacancy occurs.

No. 4.

After an operator enters the telegraph office of the superintendent, general superintendent, or general office, Philadelphia, and is assigned to permanent service, he shall be in line for promotion therein from the time of entering such office, regulation No. 1 to govern.

No. 5.

In reduction of force, the service of the youngest employee (according to his seniority rights) will be dispensed with first; in reemployment, the oldest em-

ployee (according to his seniority rights) will be given employment first. When an office is closed or reduction of force is made, seniority on the division entitles the employee affected to ask for any position held by another whose seniority is less than his own, and employee affected shall have this right regardless of the rate of pay he formerly received, or the rate of pay of the position to which his seniority rights entitle him. Regulation No. 1 to govern in both cases.

No. 6.

Employees transferred from one division to another at the instance of the company shall, when a vacancy occurs, be given seniority rights on the division to which transferred. An employee transferred from one division to another at his own request shall have seniority rights only from date of transfer.

No. 7.

Overtime shall be paid at the regular pro rata rate; provided that the rate per hour shall not be less than 35 cents. In computing overtime, less than 30 minutes will not be counted; 30 minutes or more will be counted one hour. At stations or offices where only one operator is stationed, overtime will be allowed after the leaving time of the last scheduled train which he is required to meet. When operators relieve each other at regular hours, if by lateness of train or any fault of the operator relieving, the operator to be relieved is compelled to work overtime, no overtime will be allowed.

No. 8.

Regular operators required to perform duty at wrecks, washouts, or similar emergency offices shall receive their overtime rate per hour for the number of hours from the time they are called until their return. If held so as to be unable to work their regular trick the next day, they shall receive pay for a full day, in which latter event pay will not also be allowed for overtime spent at wrecks, etc.

No. 9.

Employees who have received leave of absence shall not lose their seniority rights.

No. 10.

Telephone operators who handle train orders or messages, block or report trains by telephone in lieu of telegraph, will be given equal rights with telegraph operators, based upon the time of their entering the service as either telegraph or telephone operators, and the same regulations as now in effect governing telegraph operators will apply to telephone operators. When a telegraph office is changed to a telephone office, it will not be considered a reduction in force and be opened to advertisement unless the rate of pay or hours are changed.

It is understood that in filling new positions and permanent vacancies, either telegraph or telephone, in accordance with present regulations No. 2, both telegraph and telephone operators will be given an opportunity to make application for such positions. In case no applications for telephone positions are received from either telegraph or telephone operators, such positions to be filled by the selection of the superintendent. An operator can not make application for a position he has just vacated, but if the position is vacated by the man who fills his vacancy he may then make application and his appliction will be considered.

No. 11.

The word "operator" as herein used applies to telegraph and telephone operators, operator-clerks, clerk-operators, agent-operators, and relief-operators.

No. 12.

Operators called as witnesses in court in the interest of the company, coroner's inquests, or railroad investigations of any character will be allowed time for same with the minimum of one day, also traveling expenses and board when away from home.

No. 13.

Operators will not be suspended for minor offenses; pending investigation or decision witnesses will be examined separately, but in the event of conflicting testimony those whose evidence conflicts will be examined together. Operators will receive 10 days' notice prior to the date suspension takes effect.

No. 14.

Operators, signalmen, and levermen whose duties compel them to work Sundays, will receive two consecutive days vacation per month with pay.

No. 15.

Employees considering that they have been unjustly treated shall have the right to appeal, and at hearings in the case may have an employee of their own selection to assist them.

ALLEGHENY DIVISION.

Station or tower.	Tricks.	Position.	Present rate.	Rate asked.	Increase.
MAIN LINE.					
*White Rock	3 tricks	Block station	$64.15	$67.35	$9.60
N. Y. tower	do	do	64.15	67.35	9.60
*Ford City	2 tricks	Blk. sta. and clk. opr	70.55	73.75	6.40
Do	1 trick	Block station	64.15	67.35	3.20
*Kittanning	12 hours	Tkt. and clk. opr	76.95	83.35	6.40
K. O. tower	3 tricks	Blk. sta. E. D. T	67.35	70.55	9.60
*Mosgrove	do	Block station	64.15	67.35	9.60
Orr Hill	do	Blk. sta. and E. D. T	67.35	70.55	9.60
*Templeton	do	Block station	64.15	67.35	9.60
Hooks	do	do	64.15	67.35	9.60
*Rimerton	do	do	64.15	67.35	9.60
*Red Bank	do	Blk. sta. L. G. jct	70.55	75.00	13.35
*Phillipston	do	Blk. sta. and term. yd	73.75	75.00	3.75
Do	12 hours	Message ofs	70.55	73.75	3.20
*S. K. tower	3 tricks	Blk. sta. and E. D. T	67.35	70.55	9.60
Spruce	do	Block station	64.15	67.35	9.60
*Monterey	do	do	64.15	67.35	9.60
*Parker	do	do	64.15	67.35	9.60
*Foxburg	do	do	64.15	67.35	9.60
*Emlenton	2 tricks	do	64.15	67.35	6.40
Do	1 trick	Blk. and clk. opr	67.35	70.55	3.20
Dotter	3 tricks	Block station	64.15	67.35	9.60
Wood Hill	do	Blk. and pump sta	70.55	73.75	9.60
St. George	do	Block station	64.15	67.35	9.60
*Kennerdell	do	do	64.15	67.35	9.60
Brandon	do	do	64.15	67.35	9.60
*East Sandy	1 trick	Blk. and agent opr	73.35	75.00	1.65
Do	do	Blk. and clk. opr	67.35	70.55	3.20
Do	do	Block station	64.15	67.35	3.20
Big Rock	3 tricks	Blk. sta. and E. D. T	67.35	70.55	9.60
Prentice	do	do	67.35	70.55	9.60
V. S. tower	do	Blk. and interlkg	70.75	73.75	9.60
D. K. tower	do	Blk. telephone sta	57.70	60.95	9.70
N. B. tower	do	Block and E. D. T. and yd	64.15	70.55	19.20
*R. D. tower	do	Blk. end divs	57.70	67.35	28.95
Oil City	6 tricks	Supts. msg. office	89.90	.....	.....
Do	do	Telephone disprs	141.10	.....	.....
Do	10 hours	Telephone opr	52.45	60.95	8.50
Allpy div	7 relief	Operators	76.90	83.35	45.15
LOW-GRADE BRANCH.					
Shannon	2 tricks	Bloch station	57.70	64.15	12.90
*Lawsonham	3 tricks	Blk. sta. and jct	60.95	67.35	19.20
Rock Run	do	Block station	57.70	64.15	19.35
C. A. tower	do	do	57.70	64.15	19.35
*Newbethlehem	2 tricks	Blk. and clerk opr	57.70	67.35	19.30
Do	1 trick	Block station	57.70	64.15	6.45
*Oakridge	1 man	Blk. and agent opr	70.55	75.00	4.45
Mayport	do	do	70.55	75.00	4.45
Do	1 trick	Block and clk. opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45

* Handle postal business.

ALLEGHENY DIVISION—Continued.

Station or tower.	Tricks.	Position.	Present rate.	Rate asked.	Increase.
LOW-GRADE BRANCH—continued.					
Kinbrae	12 hours	Block station	$64.15	$70.55	$6.40
*Summerville	3 tricks	do	60.95	67.35	19.20
*Rose	do	L. S. and M. S. jct	64.15	70.55	19.20
Bell	do	Block station	57.70	64.15	19.35
*Fuller	1 trick	Block and agt. opr	70.55	75.00	4.45
Do	do	Block and clk. opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
*Reynoldsville	3 tricks	Blk. and msg. opr	70.55	73.75	9.60
Do	1 trick	Dispatcher	128.25	.....	.....
Do	2 tricks	do	121.85	.....	.....
West End	3 tricks	Blk. and jct	64.15	67.35	9.60
*Falls Creek	do	Block station	64.15	67.35	9.60
*Du Bois	do	Block and y. m. ofs	64.15	70.55	19.20
*Sabula	1 trick	Blk. and agt. opr	70.55	75.00	4.45
Do	do	Blk. and clk. opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
*Penfield	12 hours	Blk. and agt. opr	70.55	75.00	4.45
*Tyler	1 trick	do	70.55	75.00	4.45
Do	do	Blk. and clk. opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
*Medix Run	do	Block and agt. opr	70.55	75.00	4.45
Do	do	Block and clk. opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
*Bennesette	12 hours	Blk. and agent opr	70.55	75.00	4.45
Enstie	3 tricks	Block station	57.70	64.15	19.35
Driftwood	do	Blk. and clerical wk	64.15	67.35	9.60
SALAMANCA BRANCH.					
*Allegany	3 trick	Blk. sta. and term	64.15	67.35	9.60
*Bradford	12 hours	Blk. and agent opr	70.55	75.00	4.45
Vandalia	1 trick	Blk. and clk. opr	64.15	67.35	3.20
Do	2 trick	Block station	57.70	64.15	12.90
Riverside Junction	3 trick	Blk. and pump sta	64.15	67.35	9.60
*Salamanca	do	Blk. and clerk wk	57.70	64.15	19.35
*Red House	1 trick	Blk. and agent opr	70.55	75.00	4.45
Do	do	Blk. and clerk opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
*Quaker Bridge	do	Blk. and agent opr. and pump stat.	70.55	75.00	4.45
Do	do	Blk. and clerk opr. and pump sta.	64.15	67.35	3.20
Do	do	Blk. and pump sta	60.95	64.15	3.20
*Corydon	do	Blk. and agent opr	64.15	70.55	6.40
Do	do	Blk. and clerk opr	64.15	67.35	3.20
Do	do	Block station	57.70	64.15	6.45
Kinzua	3 tricks	Blk. sta. and jct	60.95	64.15	9.60
Hemlock	do	Blk. and col'g sta	57.70	64.15	19.35
*Struthers	12 tricks	Blk. and clk. opr	64.15	70.55	6.40
Thompson	3 tricks	Blk. and pump sta	64.15	67.35	9.60
*Tidioute	12 tricks	Blk. and clerk opr	64.15	70.55	6.40
Trumkeyville	3 tricks	Blk. and pump sta	64.15	70.55	19.20
*Hickory	12 hours	Blk. and clk. opr	64.15	70.55	6.40
*Tionesta	1 trick	do	64.15	67.35	3.20
Do	2 tricks	Block station	57.70	64.15	12.90
*Eagle Rock	1 trick	Blk. and clerk opr. and pump sta.	67.35	70.55	3.20
Do	do	Blk. sta., pump and clerk opr	64.15	67.35	3.20
Do	do	Blk. and pump sta	60.95	64.15	3.20
*Rockmere	do	Blk. agt. opr. E. D. T	70.55	75.00	4.45
Do	do	Blk. and clk. opr. E. D. T	64.15	67.35	3.20
Do	do	Blk. and E. D. T	60.95	64.15	3.20
SY tower	3 tricks	Blk. sta. phone	57.70	60.95	9.75
Siverly	do	Train directors	83.35	86.55	9.60
Oil City	do	Train dispr's	134.65	.....	.....

* Handle postal business.

BUFFALO DIVISION.

Station or tower.	Trick.	Present rate.	Rate asked.	Increase.
Buffalo BD tower	1st	$64.15	$75.55	$11.40
	2nd	64.15	75.55	11.40
	3rd	64.15	75.55	11.40
Buffalo GD tower	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Ebenezer Z tower	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Spring Brook, E. D. T-DT tower	1st	67.35	72.55	5.20
	2nd	67.35	72.55	5.20
	3rd	67.35	72.55	5.20
Elma M	Agt. opr			
Jamison Road Ja	Agt. opr			
	Clerk opr	67.35	70.55	3.20
	3rd	64.15	67.35	3.20
East Aurora AU	1st	70.55	75.15	4.60
	2nd	64.15	72.55	8.40
	3rd	64.15	70.55	6.40
South Wales SW	Agent opr			
	Clerk opr	67.35	72.55	5.20
	3rd	64.15	70.55	6.40
Holland HO	Agt. opr			
	Clerk opr	67.35	72.55	5.20
	3rd	64.15	70.55	6.40
Protection P	Agt. opr			
	Clerk opr	67.35	72.55	5.20
	3rd	64.15	70.55	6.40
Chaffee CF	Agt. opr			
	Clerk opr	67.35	72.55	5.20
Arcade D	1st	64.15	72.55	8.40
	2nd	64.15	72.55	8.40
	3rd	64.15	70.55	6.40
Delevan DV	Agt. opr			
	Clerk opr	64.15	72.55	8.40
Machias CH	12 hours	64.15	70.55	11.40
Machias JC	1st	67.35	75.55	8.20
	2nd	67.35	75.55	8.20
	3rd	67.35	75.55	8.20
Franklinville F	1st	67.35	72.55	5.20
	2nd	67.35	72.55	5.20
	3rd	67.35	72.55	5.20
Cadiz CO	12 hours	64.15	75.15	11.00
Ischua IA	1st	67.35	70.55	3.20
	2nd	67.35	70.55	3.20
	3rd	67.35	70.55	3.20
Hinsdale EDT HD	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80
Olean AD	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80
	Message opr	67.35	75.55	8.20
Olean EDT OW	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80
Portville VA	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Bullis Mill SN	Lay opr	67.35	70.55	3.20
Eldred CR	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80
Larabee BR	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Turtle Point KI	Lay opr	67.35	70.55	3.20
Port Allegany PY	1st	64.15	75.15	11.00
	2nd	64.15	75.15	11.00
	3rd	64.15	75.15	11.00
Relay EDT NR	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80
Keating Summit KS	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Sizerville S	Agt. opr			
	Clerk opr	67.35	70.55	3.20
	3rd	67.35	70.55	3.20
Emporium WB	1st	67.35	75.15	7.80
	2nd	67.35	75.15	7.80
	3rd	67.35	75.15	7.80

BUFFALO DIVISION—Continued.

Station or tower.	Trick.	Present rate.	Rate asked.	Increase.
ROCHESTER BRANCH.				
Rochester HF	Day opr	$72.50	$75.55	$3.05
Terminal RB	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Genesee Jct. GO	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Scottsville SC	Agt. opr	64.15	72.55	8.40
	Clerk opr	64.15	70.55	6.40
	3rd	57.70	67.35	9.65
Wagus WG	Night opr	64.15	70.55	6.40
Fowlerville FW	Agt. opr	64.15	75.55	11.40
Piffard BN	Agt. opr	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
	3rd	57.70	67.35	9.65
Cuylerville Q	Day opr	64.15	70.55	6.40
Mt. Morris MS	1st	57.70	67.35	9.65
	2nd	57.70	67.35	9.65
	3rd	57.70	67.35	9.65
Sonyea SF	Agt. opr	64.15	70.55	6.40
	Clerk opr	64.15	70.55	6.40
Nunda Jct JU	1st	57.70	67.35	9.65
	2nd	57.70	67.35	9.65
Rossburg WC	Agt. opr	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
	3rd	57.70	67.35	9.65
Houghton HN	Agt. opr	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
Belfast FA	Agt. opr	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
	3rd	57.70	67.35	9.65
Black Creek BK	Night opr	64.15	70.55	6.40
Cuba CB	Day opr	64.15	70.55	6.40
Deep cut DC	1st	57.70	67.35	9.65
	2nd	57.70	67.35	9.65
	3rd	57.70	67.35	9.65
CHAUTAUQUA BRANCH.				
Buffalo Bc	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Roland CM	Night opr	64.15	70.55	6.40
Blasdell GB	Agt. opr	64.15	75.55	11.40
Lake View KN	1st	70.55	75.55	5.00
	2nd	67.35	72.55	5.20
	3rd	64.15	70.55	6.40
20 Mile siding FS	Day opr	64.15	70.55	6.40
Farnham FC	1st	57.70	70.55	12.85
	2nd	57.70	70.55	12.85
Silver Creek CK	Clerk opr	70.55	75.55	5.00
Brocton BN	do	70.55	75.55	5.00
	do	64.15	70.55	6.40
	Block opr	64.15	70.55	6.40
Prospect GM	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
Mayville MA	1st	64.15	70.55	6.40
	2nd	64.15	70.55	6.40
	3rd	57.70	67.35	9.65
Summerdale SJ	Day opr	64.15	70.55	6.40
Sherman SR	1st	57.70	67.35	9.65
	2nd	64.15	70.55	6.40
	3rd	64.15	70.55	6.40
Panama BM	Agt. opr	64.15	75.55	11.40
Clymer C	do	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
Corry Jct. EY	1st	70.55	75.55	5.00
	2nd	70.55	75.55	5.00
	3rd	70.55	75.55	5.00
Spartansburg B	1st	57.70	67.35	9.65
	2nd	57.70	67.35	9.65
	3rd	57.70	67.35	9.65
Centreville O	Agt. opr	64.15	75.55	11.40
Tryonville QN	Agt. opr	64.15	75.55	11.40
	Clerk opr	64.15	70.55	6.40
	Block opr	57.70	67.35	9.65
Hydetown RW	Agt. opr	64.15	75.55	11.40
Titusville J	Clerk opr	70.55	75.55	5.00
	do	70.55	75.55	5.00
Miller Farm MB	1st	57.70	67.35	9.65
	2nd			
	3rd	57.70	67.35	9.65

BALTIMORE DIVISION.

Station or tower.	Trick.	Present rate.	Rate asked.	Increase.
C. G. tower	1st trick	$64.15	$70.55	$6.40
	2nd trick	64.15	70.55	6.40
	3rd trick	64.15	70.55	6.40
J. A. tower	1st trick	67.35	73.75	6.40
	2nd trick	67.35	73.75	6.40
	3rd trick	67.35	73.75	6.40
DX. tower	1st trick	80.15	89.90	9.75
	2nd trick	80.15	89.90	9.75
	3rd trick	80.15	89.90	9.75
AC. tower	1st trick	80.15	89.90	9.75
	2nd trick	80.15	89.90	9.75
	3rd trick	80.15	89.90	9.75
KS. tower	1st trick	80.15	89.90	9.75
	2nd trick	80.15	89.90	9.75
	3rd trick	80.15	89.90	9.75
CS. tower	1st trick	80.15	89.90	9.75
	2nd trick	80.15	89.90	9.75
	3rd trick	80.15	89.90	9.75
Calvert Station F	Day	76.95	76.95	.....
	Night	70.55	76.95	6.40
Baltimore	Manager	96.20	105.00	8.80
Baltimore "B"	Supts ofs., 10 oprs	89.90	95.00	51.00
Station BA (master)	1st	70.55	76.95	6.40
	2nd	70.55	76.95	6.40
	3rd	70.55	76.95	6.40
B & P Jct. GU	1st	89.90	95.00	5.10
	2nd	89.90	95.00	5.10
	3rd	89.90	95.00	5.10
MO. tower	Day	70.55	76.95	6.40
	Night	70.55	76.95	6.40
KN. tower	1st	70.55	73.75	3.20
	2nd	70.55	73.75	3.20
	3rd	70.55	73.75	3.20
WD. tower	1st	64.15	64.15	.....
	2nd	64.15	64.15	.....
	3rd	64.15	64.15	.....
MW. tower	1st	64.15	64.15	.....
	2nd	64.15	64.15	.....
	3rd	64.15	64.15	.....
HK. tower	1st	64.15	70.55	6.40
	2nd	67.35	70.55	3.20
	3rd	67.35	70.55	3.20
SD. tower	1st	64.15	64.15	.....
	2nd	64.15	64.15	.....
	3rd	64.15	64.15	.....
FA. tower	1st	64.15	64.15	.....
	2nd	64.15	64.15	.....
	3rd	64.15	64.15	.....
V. tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
PX. tower	1st trick	64.15	67.35	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15	67.35	3.20
GK. tower	1st trick	64.15	67.35	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15	67.35	3.20
MK. tower	1st trick	64.15	64.15	.....
	2nd trick	64.15	64.15	.....
	3rd trick	64.15	64.15	.....
WH. tower	1st trick	64.15	67.35	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15	67.35	3.20
N. tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
AD. tower	1st trick	64.15	67.35	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15	67.35	3.20
RD. tower	1st trick	64.15	67.35	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15	67.35	3.20
NF. tower	1st trick	73.75	76.95	3.20
	2nd trick	73.75	76.95	3.20
	3rd trick	73.75	76.95	3.20
MP. tower	1st trick	64.15	64.15	.....
	2nd trick	64.15	64.15	.....
	3rd trick	64.15	64.15	.....
GR. tower	1st trick	64.15	70.55	6.40
	2nd trick	64.15	70.55	6.40
	3rd trick	64.15	70.55	6.40

BALTIMORE DIVISION—Continued.

Station or tower.	Trick.	Present rate.	Rate asked.	Increase.
U. tower	1st trick	$64.15	$67.35	$3.20
	2nd trick	70.55	73.75	3.20
	3rd trick	64.15	67.35	3.20
BG. tower	1st trick	64.15	64.15	.....
	2nd trick	64.15	64.15	.....
	3rd trick	64.15	64.15	.....
BI. tower	1st trick	64.15	64.15	.....
	2nd trick	64.15	64.15	.....
	3rd trick	64.15	64.15	.....
CO. tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
K. tower	1st trick	73.75	80.15	6.40
	2nd trick	73.75	80.15	6.40
	3rd trick	73.75	80.15	6.40
	1st trick	70.55	76.95	6.40
	2nd trick	70.55	76.95	6.40
R. V. office	Day	70.55	76.95	6.40
JS tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
EM tower	1st trick	64.15	64.15	.....
	2nd trick	64.15	64.15	.....
	3rd trick	64.15	64.15	.....
WJ tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
MR tower	1st trick	73.75	76.95	3.20
	2nd trick	73.75	76.95	3.20
	3rd trick	73.75	76.95	3.20
RN tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
HR tower	1st trick	67.35	70.55	3.20
	2nd trick	67.35	70.55	3.20
	3rd trick	67.35	70.55	3.20
Lamoyne J	1st trick	73.75	80.15	6.40
	2nd trick	73.75	80.15	6.40
	3rd trick	73.75	80.15	6.40
GS tower	1st trick	70.55	73.75	3.20
	2nd trick	70.55	73.75	3.20
	3rd trick	70.55	73.75	3.20
DY tower	1st trick	73.75	80.15	6.40
	2nd trick	73.75	80.15	6.40
	3rd trick	73.75	80.15	6.40
CG to KN	Relief operators	76.95	89.90	12.95
WD to WH	do	76.95	83.35	6.40
N to CO	do	76.95	83.35	6.40
K to DY	do	76.95	83.35	6.40
B & P Jct GU	1st trick	64.15	70.55	6.40
	2nd trick	64.15	70.55	6.40
FREDERICK BRANCH.				
C office	1st trick	60.95	64.15	3.20
	2nd trick	64.15	67.35	3.20
	3rd trick	60.95	64.15	3.20
SF office	1st trick	60.95	64.15	3.20
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95	64.15	3.20
SI office	Day	57.70	64.15	6.45
WN office	Day	57.70	64.15	6.45
SN office	Day	57.70	64.15	6.45
HA office	Day	57.70	64.15	6.45
Q office	Day	57.70	64.15	6.45
WM office	Day	57.70	64.15	6.45
WU office	Day	57.70	64.15	6.45
FK office	Day	57.70	64.15	6.45

ELMIRA DIVISION.

Office.	Tricks.	Present rate.	Proposed rate.	Increase.
QC supts ofs	1st trick	$83.35		
	2nd trick	83.35		
	3rd trick	76.95	$83.35	$6.40
	4th trick	76.95	83.35	6.40
	5th trick	70.55	83.35	12.80
	6th trick	70.55	76.95	6.40
BN office	1st trick	64.15	76.95	12.80
	2nd trick	64.15	76.95	12.80
	3rd trick	64.15	76.95	12.80
SJ Jct office	1st trick	64.15	70.55	6.40
	2nd trick	64.15	70.55	6.40
	3rd trick	64.15	70.55	6.40
F office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
DR office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
S office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
CX office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
DN office	1st trick	64.15	70.55	6.40
	2nd trick	64.15	70.55	6.40
	3rd trick	64.15	70.55	6.40
ZO office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
J office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
GB office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
C office	1st trick	64.15	70.55	6.40
	2nd trick	64.15	67.35	3.20
	3rd trick	64.15		
GU office		(1)		
PC office	1st trick	64.15	70.55	6.40
	2nd trick	64.15	70.55	6.40
	3rd trick	64.15	70.55	6.40
ON office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
M office	1st trick	60.95	67.35	6.40
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95	67.35	6.40
A office	1st trick	67.35	76.95	9.60
	2nd trick	64.15	76.95	12.80
	3rd trick	64.15	76.95	12.80
NY office	1st trick	64.15	67.35	3.20
	2nd trick	64.15	67.35	3.20
Q office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
BD office	Agent operator			
FI office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
MS office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
V office	1st trick, agent operator			
	2nd trick	60.95		
	3rd trick	60.95		
NE office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
RG tower	1st trick	67.35	76.95	9.60
	2nd trick	67.35	76.95	9.60
	3rd trick	67.35	76.95	9.60
HS office	1st trick	60.95	70.55	9.60
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95	64.15	3.20
VA office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		

[1] Minimum.

ELMIRA DIVISION—Continued.

Office.	Tricks.	Present rate.	Proposed rate.	Increase.
fI office	1st trick, agent operator			
	2nd trick	$60.95		
	3rd trick	60.95		
fF office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
fS office	1st trick	67.35	$76.95	$9.60
	2nd trick	64.15	76.95	12.80
	3rd trick	64.15	76.95	12.80
'R office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
'K office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
'C office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
T office	1st trick	64.15	67.35	3.20
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95	64.15	3.20
Himrods HI	Agent operator			
Himrods Jct "G"	1st trick	60.95	64.15	3.20
	2nd trick	60.95	64.15	3.20
	3rd trick	60.95	64.15	3.20
IO office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
'Y office	1st trick	64.15		
	2nd trick	64.15		
	3rd trick	64.15		
C office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
I office	1st trick	64.15		
	2nd trick	60.90		
	3rd trick	60.90		
M office	1st trick	67.35	76.95	9.60
	2nd trick	64.15	76.95	12.80
	3rd trick	64.15	76.95	12.80
'N office	1st trick	60.95		
	2nd trick	60.95		
	3rd trick	60.95		
) office	1st trick	60.95	67.35	6.40
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95	64.15	3.20
G office	1st trick	70.55	76.95	6.40
	2nd trick	64.15		
N office	1st trick	60.95		
	2nd trick	60.95		
)S office	Agent operator			
C office Jct	1st trick	57.72	60.95	3.20
	2nd trick	57.72	60.95	3.20
	3rd trick	57.72	60.95	3.20
'X office	1st trick	60.95	70.55	9.60
	2nd trick	60.95	67.35	6.40
	3rd trick	60.95		
'N office	1st trick	64.15	76.95	12.80
	2nd trick	64.15	76.95	12.80
	3rd trick	64.15		
P office	1st trick	76.95		

WILLIAMSPORT AND SUSQUEHANNA DIVISIONS.

Tower.	Tricks.	Present rate.	Proposed rate.	Increase.
Q tower	3 tricks	$64.15	$68.30	$12.45
I tower	do	64.15	68.30	12.45
'N tower	do	64.15	68.30	12.45
fR tower	do	64.15	68.30	12.45
)O tower	do	64.15	68.30	12.45
[station	4 opr's	70.55	75.02	17.88
C tower	3 tricks	64.15	68.30	12.45
K tower	do	67.35	71.72	13.11
'O tower	do	73.75	78.40	13.95
)S tower	do	67.35	71.72	13.11

WILLIAMSPORT AND SUSQUEHANNA DIVISIONS—Continued.

Tower.	Tricks.	Present rate.	Proposed rate.	Increase.
GF tower	3 tricks	$67.35	$71.72	$13.11
J tower	do	67.35	71.72	13.11
SQ tower	do	73.75	78.40	13.95
NC tower	do	70.55	75.02	13.41
BY tower	do	73.75	78.40	13.95
WD station	3 opr's	64.15	68.30	12.45
KI yd ofs	do	70.55	75.02	13.41
UX tower	3 tricks	64.15	68.30	12.45
RO tower	do	73.75	78.40	13.95
MU tower	do	64.15	68.30	12.45
YM tower	do	64.15	68.30	12.45
DE tower	do	67.35	71.72	13.11
Q tower	do	67.35	71.72	13.11
MO tower	do	67.35	71.72	13.11
MK station	1 opr	64.15	68.30	4.15
OJ tower	3 tricks	64.15	68.30	12.45
DR tower	do	67.35	71.72	13.11
B tower	do	64.15	73.75	28.80
HN tower	6 opr's	75.75	78.40	27.90
DY tower	3 tricks	70.55	70.55	.....
P tower	do	73.75	73.75	.....
BQ office	1 gen'l yd	73.75	78.40	4.65
RF tower	3 tricks	70.55	.....	.....
GD tower	do	70.55	70.55	.....
RU tower	do	64.15	68.30	12.45
RV tower	do	64.15	68.30	12.15
BA tower	do	64.15	68.30	12.45
FY tower	do	64.15	68.30	12.45
JN tower	do	70.55	73.75	9.60
UR tower	do	64.15	68.30	12.45
CF tower	do	64.15	68.30	12.45
VN tower	do	64.15	68.30	12.45
D tower	do	67.35	70.55	9.60
ZA tower	do	70.55	70.55	.....
GO supts office		89.80	95.00	[1] 5.20

RENOVA DIVISION.

Offices.	Tricks.	Position.	Present rate.	Rate asked.	Increase.
CH Renova yd	3 tricks	Interlkg	$67.35	$72.50	$15.45
AK Renova	do	Yd. and blk	64.15	70.55	19.20
CT Keating	do	Jct. intlg	64.15	72.50	25.05
DF Driftwood	do	Yd. and blk	64.15	70.55	19.20
HY Huntley	do	E. D. T	64.15	70.55	19.20
SG Sterling	do	Interlkg	64.15	70.55	19.20
FR Cameron	do	E. D. T. interlkg	64.15	70.55	19.20
JN Emporium	do	Intlg. jct	70.55	76.00	16.35
Do	12-hour msg		70.55	83.37	12.82
RM Emporium	3 tricks	Intlg. E. D. T	64.15	72.50	25.05
GR Benzinger	do	do	64.15	70.55	19.20
MA St. Marys yd	do		70.55	76.00	16.35
Do	Msg. man		70.55	76.00	5.45
AD Ridgway	3 tricks	Block	64.15	76.00	29.55
UK Johnsonb'g	do	Intlg. yd	64.15	72.50	25.05
Do	Msg. man		64.15	72.50	8.35
OW Wilcox	3 tricks	Intlg	64.15	70.55	19.20
KZ Kane	do	Yd. blk	64.15	76.00	27.55
RIDGWAY TO FALLS CREEK BRANCH.					
CR Croyland	1 opr. clerk 12 hours.	Clerk opr	57.75	64.15	6.40
VE Brockwayville	2 operators 9 hours.	Intlg. yd	64.15	70.55	12.80
KN Ludlow	3 tricks	Blk	57.70	64.15	19.35
SH Sheffield	do	do	57.70	64.15	19.35
CD Clarendon	do	do	57.70	64.15	19.35
DW Warren	do	Intlg. E. D. T	67.35	70.55	9.60
FN Warren	do	Block	64.15	70.55	19.20
VA Irvineton	do	Int'lg	67.35	70.55	9.60
PF Pitsfield	do	Block	57.70	64.15	19.35
GD Garland	do	do	57.70	64.15	19.35
SO Spring Creek	do	do	57.70	64.15	19.35
CY Corry	do	do	64.15	70.55	19.20
DK Elgin	do	do	57.70	64.15	19.35
UN Union City	do	do	57.70	64.15	19.35
WR Waterford	do	do	57.70	64.15	19.35
GS Jackson	do	do	57.70	64.15	19.35
BV Bellevalley	do	do	57.70	64.15	19.35
SM Tower	do	do	57.70	64.15	19.35
OD Erie shops	do	Yd. office wk	74.70	76.00	3.90

[1] Per man.

SUNBURY DIVISION.

Office.	Tricks.	Present rate.	Proposed rate.	Increase.
BA tower	3 tricks	$67.35	$70.55	$9.60
WO tower	do	67.35	70.55	9.60
KD tower	do	67.35	70.55	9.60
B tower	do	64.15	67.35	9.60
BC tower	do	67.35	70.55	9.60
CA tower	do	64.15	67.35	9.60
CW tower	1 trick	64.15	70.55	6.40
AG tower	3 tricks	64.15	70.55	19.20
RT tower	do	67.35	70.55	9.60
BM tower	do	64.15	70.55	19.20
NK tower	do	67.35	70.55	9.60
UC tower	do	67.35	70.55	9.60
KO tower	do	64.15	67.35	9.60
UN tower	do	67.35	70.55	9.60
HO tower	do	64.15	70.55	19.20
NA tower	do	64.15	67.35	9.60
BD tower	do	64.15	67.35	9.60
SW tower	do	64.15	67.55	9.60
WN tower	do	64.15	67.35	9.60
JC office	1 trick	64.15	67.35	3.20
NESCOPECK AND POTTSVILLE BRANCHES.				
NO tower	2 tricks	57.70	64.15	12.90
RG tower	3 tricks	64.15	67.35	9.60
OU tower	1 trick	64.15	70.55	6.40
XN tower	3 tricks	67.35	70.55	9.60
RK tower	2 tricks	64.15	67.35	6.40
Q tower	3 tricks	67.35	70.55	9.60
FM tower	do	64.15	67.35	9.60
OT tower	do	64.15	70.55	19.20
BJ tower	do	67.35	70.55	9.60
F tower	do	57.70	60.95	9.75
FB tower	2 tricks	64.15	67.35	6.40
SHAMOKIN AND LEWISTOWN BRANCHES.				
MD tower	3 tricks	67.35	70.55	9.60
KX tower	do	60.95	64.15	9.20
FG tower	do	60.95	64.15	9.20
QE tower[1]	do	64.15	67.35	9.20
SN tower	do	64.15	70.55	19.20
BO tower	1 trick	64.15	67.35	3.20
DU tower	do	64.15	67.35	3.20
M2 tower	3 tricks	60.95	64.15	9.20
GC tower	1 trick	64.15	67.35	3.20
KF tower	2 tricks	57.70	64.15	12.70
FI tower	1 trick	60.95	64.15	3.20
MX tower	2 tricks	57.70	60.95	6.50
MY tower	3 tricks	57.70	64.15	19.35
XA tower	2 tricks	64.15	70.55	19.20
JM tower	1 trick	60.95	64.15	3.20
YA tower	do	60.95	64.15	3.20
RD tower	do	60.95	64.15	3.20
MR tower	do	60.95	64.15	3.20
AD tower	do	60.95	64.15	3.20
Relief schedules, per man		76.95	84.64	.....

PITTSBURGH DIVISION.

Office.	Men.	Hours.	Rate.	Wanted.	Increase.
OD office	1 mgr.	8½	$102.60	$105.00	$2.40
Do	2 mgrs.	8½	96.20	100.00	7.60
Do	15 men	9	89.80	95.00	78.00
EX office	3 men	8	70.55	70.55	.....
BU office	do	8	70.55	70.55	.....
BV office	do	8	83.35	86.20	8.55
CM office	do	8	96.20	109.00	38.40
CM office, O. and L	do	8	83.35	89.80	19.35
VI office	do	8	64.15	67.35	9.60
WK office	do	8	83.35	86.20	9.60
R office	do	8	83.35	86.20	9.60
WG office	do	8	83.35	83.35	.....
UJ office	do	8	76.95	76.95	.....

[1] Weigh scales.

PITTSBURGH DIVISION—Continued.

Office.	Men.	Hours.	Rate.	Wanted.	Increase.
GH office	4 men	8	$70.55	$73.75	$12.80
SZ office	3 men	8	83.35	83.35	.....
CP office	....do	8	83.35	83.35	.....
MF office	....do	8	83.35	83.35	.....
RG office	....do	8	83.35	86.20	8.55
GU office	....do	8	83.35	83.35	.....
SW office	....do	8	83.35	96.20	38.55
AX office	....do	8	70.55	76.95	19.20
KR office	....do	8	76.95	83.35	19.20
KR Lev	2 men	12	64.15	(1)	64.15
BV office	3 men	8	76.95	76.95	.....
BV Lev	2 men	12	64.15	(1)	64.15
DR office	3 men	8	83.35	96.20	38.55
DR Lev	2 men	12	64.15	(1)	64.15
DQ office	3 men	8	70.55	73.75	9.60
HM office	....do	8	73.75	73.75	.....
BH office	....do	8	76.95	86.20	27.75
IJ office	....do	8	70.55	70.55	.....
VY office	....do	8	70.55	70.55	.....
JD office	....do	8	76.95	86.20	27.75
VK office	....do	8	70.55	73.75	9.60
DP office	....do	8	64.15	67.35	9.60
NR office	....do	8	73.75	73.75	.....
SQ office	....do	8	73.75	73.75	.....
RU office	....do	8	64.15	67.35	9.60
SX office	....do	8	76.95	86.20	27.75
SX lev	2 men	12	64.15	(1)	64.15
C TR dir	3 men	8	83.35	96.20	38.55
C opr	....do	8	70.55	76.95	19.20
C lev	....do	8	64.15	64.15	.....
DM office	4 men	8	70.55	73.75	12.80
HO office	3 men	8	64.15	67.35	9.60
AO office	....do	8	73.75	76.95	9.60
MP office	....do	8	70.55	70.55	.....
SO office	....do	8	76.95	86.20	27.75
SO lev	2 men	12	64.15	(1)	64.15
AO lev ofs	....do	12	64.15	(1)	64.15
W office	3 men	8	76.95	86.20	27.75
NY office	....do	8	73.75	73.75	.....
NY lev	2 men	12	57.70	(1)	57.70
LY office	3 men	8	73.75	73.75	.....
LY lev	2 men	12	57.70	(1)	57.70
MO office	3 men	8	80.15	80.15	.....
MO lev	....do	8	57.70	64.15	19.35
UN office	....do	8	96.20	96.20	.....
UN lev	....do	8	57.70	64.15	19.35
AR office	....do	8	83.35	96.20	38.55
SF office	....do	8	83.35	86.20	8.55
AR office lev	....do	8	57.70	64.15	19.35
AG office	....do	8	73.75	76.95	9.60
KN office	....do	8	70.55	70.55	.....
GY office	....do	8	80.15	80.15	.....
WA office	1 man	12	121.85	121.85	.....
FK office	3 men	8	121.85	141.60	59.25
IS office	....do	8	115.45	115.45	.....
RJ office	2 men	9	121.85	121.85	.....
Do	1 man	9	115.55	115.55	.....
Relief men.					
OD to GH	1 man	8	83.35	83.35	.....
GH to KR	....do	8	76.95	83.35	6.40
KR to VK	....do	8	76.95	83.35	6.40
VK to SO	....do	8	76.95	83.35	6.40
SO to GY	....do	8	76.95	83.35	6.40
SW branch	1 and 12	1 & 12	76.95	83.35	6.40
6 additional relief operators					500.10
T. C. V. BRANCH.					
BY office	3 men	8	64.15	67.35	9.60
HD office	2 men	9	64.15	67.35	6.40
SOUTHWEST BRANCH.					
CJ office	3 men	8	70.55	70.55	.....
BC copiers	....do	8	89.80	89.80	.....
BC opr's	....do	8	70.55	73.75	9.60
WU office	....do	8	70.55	70.55	.....
HJ office	....do	8	64.15	67.35	9.60
HN office	1 man	12	70.55	70.55	.....
TR office	3 men	8	70.55	70.55	.....

[1] Wanted 8 hours.

PITTSBURGH DIVISION—Continued.

Office.	Men.	Hours.	Rate.	Wanted.	Increase.
SOUTHWEST BRANCH—continued.					
CN office	3 men	8	$64.15	$67.35	$9.60
NJ office	2 men	9	67.35	67.35	.....
DB office	....do	9	64.15	67.35	6.40
GS office	....do	12	70.55	70.55	.....
RS office	3 men	8	67.35	67.35	.....
VA office	....do	8	64.15	67.35	9.60
LINEMEN.					
Linemen	6 men	10	83.35	88.35	30.00
Do	1 man	10	86.65	91.65	5.00

CONEMAUGH DIVISION.

Office.	Tricks.	Position.	Rate.	Rate asked.	Increase.
SOUTH OF KISKI JUNCTION.					
AC	1 man	Supt's ofs	$89.80	$100.00	$10.20
	....do	....do	89.80	100.00	10.20
	....do	....do	89.80	100.00	10.20
	....do	....do	89.80	100.00	10.20
	....do	....do	89.80	100.00	10.20
	....do	....do	89.80	100.00	10.20
	....do	....do	89.80	100.00	10.20
Pgh 29th st	1st	Signalman	64.15	70.00	5.85
	2nd	....do	64.15	70.00	5.85
	3rd	....do	64.15	70.00	5.85
Q	1st	Ass't t. m. opr	70.55	75.00	4.45
	2nd	....do	70.55	75.00	4.45
	3rd	....do	64.15	70.00	5.85
CX intlg	1st	Opr and leverman	83.35	93.00	9.65
	2nd	....do	83.35	93.00	9.65
	3rd	....do	83.35	93.00	9.65
JO intlg	1st	Opr intrlkg	76.95	85.00	8.05
	2nd	....do	76.95	85.00	8.05
	3rd	....do	76.95	85.00	8.05
DN	1st	Block station	73.75	80.00	6.25
	2nd	....do	73.75	80.00	6.25
	3rd	....do	73.75	80.00	6.25
2	1 man	M. and M. office, opr. and clerk	64.15	70.00	5.85
BG	1st	Block station	64.15	70.00	5.85
	2nd	....do	64.15	70.00	5.85
	3rd	....do	64.15	70.00	5.85
FN	1st	....do	64.15	70.00	5.85
	2nd	....do	64.15	70.00	5.85
	3rd	....do	64.15	70.00	5.85
VC	1st	Opr. and agent	70.55	80.00	9.45
	2nd	Opr. and blk. sta	64.15	70.00	5.85
	3rd	....do	64.15	70.00	5.85
BR	1st	Block station	64.15	75.00	10.85
	2nd	....do	64.15	75.00	10.85
	3rd	....do	64.15	75.00	10.85
GC	1st	....do	64.15	70.00	5.85
	2nd	....do	64.15	70.00	5.85
	3rd	....do	64.15	70.00	5.85
AG intlg	1st	Opr. and leverman	70.55	80.00	9.45
	2nd	....do	70.55	80.00	9.45
	3rd	....do	70.55	80.00	9.45
Relief operator "A"			83.35	93.00	9.65
WEST END.					
Madison Avenue, Allegheny.	1st	Signalman	70.55	75.00	4.45
	2nd	....do	70.55	75.00	4.45
	3rd	....do	70.55	75.00	4.45
CQ	1st	Blk. sta. and sig	70.55	75.00	4.45
	2nd	....do	70.55	75.00	4.45
	3rd	....do	70.55	75.00	4.45
ON	1st	Y. m. office	70.55	75.00	4.45
	2nd	....do	70.55	75.00	4.45
	3rd	....do	70.55	75.00	4.45
BN	1st	Interlocking	83.35	93.00	9.65
	2nd	....do	83.35	93.00	9.65
	3rd	....do	83.35	93.00	9.65
PC	1st	....do	83.35	93.00	9.65
	2nd	....do	83.35	93.00	9.65
	3rd	....do	83.35	93.00	9.65

CONEMAUGH DIVISION—Continued.

Office.	Tricks.	Position.	Rate.	Rate asked.	Increase.
WEST END—continued.					
HR	1st	Opr. leverman	$83.35	$93.00	$9.65
	2nd	do	83.35	93.00	9.65
	3rd	do	83.35	93.00	9.65
YX	1st	do	67.35	80.00	12.65
	2nd	do	67.35	80.00	12.65
	3rd	do	67.35	80.00	12.65
RO	1st	do	76.95	85.00	8.05
	2nd	do	76.95	85.00	8.05
	3rd	do	76.95	85.00	8.05
HI	1st	Blk. sta. and opr. L	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
DY	1st	Block opr	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
SA	1st	do	64.15	75.00	10.85
	2nd	do	64.15	75.00	10.85
	3rd	do	64.15	75.00	10.85
QN	1st	do	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
RX	1st	do	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
KG	1 man	Clerk and opr	70.55	75.00	4.45
UR	do	do	64.15	70.00	5.85
KS	1st	Block operatr	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
BJ	1st	do	73.75	85.00	11.25
	2nd	do	73.75	85.00	11.25
	3rd	do	73.75	85.00	11.25
A AJ	1st	Intlg. opr. and lv'm	70.55	80.00	9.45
	2nd	do	70.55	80.00	9.45
	3rd	do	70.55	80.00	9.45
Relief operator "B"			83.35	93.00	9.65
Relief operator "C"			76.95	85.00	8.05
EAST END.					
DA	1st	Operator	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
Um Intlg	1st	Opr. leverman	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
FR	1 man	Opr. and clerk	64.15	75.00	10.85
GI	1st	Block operator	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
VG	1 man	Operator and clk	64.15	70.00	5.85
NS	do	do	64.15	70.00	5.85
AP Intlg	1st	Opr and leverman	67.35	75.00	7.65
	2nd	do	67.35	75.00	7.65
	3rd	do	67.35	75.00	7.65
RN	1st	Block sta. opr	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
S	1st	do	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
AN	1 man	Operator and clk	64.15	70.00	5.85
UN	1st	Block station	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
FG	1 man	Opr. and clerk	64.15	70.00	5.85
S2	1st	Block station	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
ZA	1st	do	64.15	70.00	5.85
	2nd	do	64.15	70.00	5.85
	3rd	do	64.15	70.00	5.85
BI	1st	do	70.55	75.00	4.45
	2nd	do	70.55	75.00	4.45
	3rd	do	70.55	75.00	4.45
DX	1st	do	73.75	85.00	11.25
	2nd	do	73.75	85.00	11.25
	3rd	do	73.75	85.00	11.25
Relief operator "D"			76.95	85.00	8.05
FD	1st	Block station	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
	3rd	do	64.15	67.00	2.85

CONEMAUGH DIVITION—Continued.

Office.	Tricks.	Position.	Rate.	Rate asked.	Increase.
BUTLER BRANCH.					
WR	1st	Block operator	$64.15	$67.00	$2.85
	2nd	do	64.15	67.00	2.85
XN	1st	do	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
KD	1st	do	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
VO	1st	do	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
	3rd	do	64.15	67.00	2.85
Ba	1 man	Opr. and clerk	70.55	75.00	4.45
INDIANA BRANCH.					
ZD	1st	Block operator	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
MR	1st	do	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85
NM	1st	do	64.15	67.00	2.85
	2nd	do	64.15	67.00	2.85

MONONGAHELA DIVISION.

Offices.	Tricks.	Position.	Present rate.	Proposed rate.	Increase.
PA	4 tricks	Supt. ofs	$89.80	$95.00	$20.80
YJ	3 tricks	Intlg	83.35	90.00	19.95
OB	do	do	83.35	90.00	19.95
AU	do	do	83.35	90.00	19.95
PG	do	do	83.35	90.00	19.95
CR	do	Blk. sta	70.55	73.50	8.85
BO	do	do	70.55	73.50	8.85
WO	do	do	67.35	73.50	18.45
EJ	do	do	67.35	73.50	18.45
WN	do	do	70.55	75.00	13.35
Hs	do	do	70.55	75.00	13.35
MC	do	do	70.55	75.00	13.35
FO	do	do	64.15	68.00	11.55
BD	do	do	64.15	68.00	11.55
CH	do	do	64.15	68.00	11.55
DN	do	do	64.15	68.00	11.55
BC	do	do	64.15	68.00	11.55
FI	do	do	64.15	68.00	11.55
GX	do	do	70.55	75.00	13.35
WB	do	Blk. and msg	70.55	80.00	28.35
BF	do	Blk. sta	70.55	75.00	13.35
BZ	do	do	64.15	68.00	11.55
FH	do	do	64.15	68.00	11.55
WU	do	do	64.15	68.00	11.55
VJ	do	do	64.15	68.00	11.55
NE	do	do	64.15	68.00	11.55
One relief operator			83.35	90.00	6.65
Do			76.95	80.00	3.05
HS opr. and clerk			64.15	68.00	3.85
MN opr. and clerk			64.15	68.00	3.85
AY message operator			64.15	70.00	11.70
My opr. clerk			64.15	68.00	3.85

MARYLAND DIVISION.

Towers.	Present Pay.	Rate asked.	Increase.
MO	$70.55	$76.95	$6.40
MO	73.75	76.95	3.20
MO	73.75	76.95	3.20
KN	76.95	76.95	.....
KN	76.95	76.95	.....
KN	76.95	76.95	.....
MX	64.15	73.75	9.60
RW	64.15	73.75	9.60
RW	64.15	73.75	9.60
HU	73.75	83.35	9.60
HU	76.95	83.35	6.40
HU	73.75	83.35	9.60
WO	70.55	76.95	6.40
WO	73.75	76.95	3.20
WO	70.55	76.95	6.40
U	70.55	76.95	6.40
U	73.75	76.95	3.20
U	70.55	76.95	6.40
HA	70.55	76.95	6.40
HA	70.55	76.95	6.40
HA	70.55	76.95	6.40
HD	70.55	76.95	6.40
HD	64.15	76.95	12.80
AY	70.55	76.95	6.40
AY	64.15	76.95	12.80
HM	64.15	73.75	9.60
CU	70.55	70.55	.....
CU	70.55	70.55	.....
CU	70.55	70.55	.....
WA	76.95	83.35	6.40
WA	83.35	83.35	.....
WA	83.35	83.35	.....
PJ	70.55	76.95	6.40
PJ	70.55	76.95	6.40
PJ	70.55	76.95	6.40
SO	64.15	70.55	6.40
SO	64.15	70.55	6.40
SO	64.15	70.55	6.40
PI	64.15	70.55	6.40
PI	64.15	70.55	6.40
PI	64.15	70.55	6.40
N	70.55	76.95	6.40
N	70.55	76.95	6.40
N	70.55	76.95	6.40
SX	67.35	76.95	9.60
SX	67.35	76.95	9.60
SX	67.35	76.95	9.60
BJ	67.35	73.75	6.40
BJ	67.35	73.75	6.40
BJ	67.35	73.75	6.40
KH	64.15	70.55	6.40
KI	70.55	76.95	6.40
KI	70.55	76.95	6.40
KI	70.55	76.95	6.40
BC	70.55	76.95	6.40
BC	70.55	76.95	6.40
BC	70.55	76.95	6.40
NH	67.35	76.95	9.60
NH	67.35	76.95	9.60
NH	67.35	76.96	9.60
CF	64.15	70.55	6.40
CF	64.15	70.55	6.40
CF	64.15	70.55	6.40
PN	70.55	76.95	6.40
PN	70.55	76.95	6.40
PN	70.55	76.95	6.40
VY	70.55	76.95	6.40
VY	64.15	73.75	9.60
V	73.75	83.35	9.60
V	73.75	83.35	9.60
V	73.75	83.35	9.60
DE	64.15	70.55	6.40
GC	70.55	76.95	6.40
GC	70.55	76.95	6.40
GC	70.55	76.95	6.40
GO	70.55	76.95	6.40
GO	70.55	76.95	6.40
GO	70.55	76.96	6.40
AR	64.15	70.55	6.40
AR	64.15	70.55	6.40
AR	64.15	70.55	6.40
PY	64.15	76.95	12.80
PY	64.15	76.95	12.80
PY	64.15	76.95	12.80
BU	64.15	70.55	6.40
BU	64.15	70.55	6.40
BU	64.15	70.55	6.40
DA	64.15	76.95	12.80
DA	64.15	76.95	12.80
DA	64.15	76.95	12.80
M	64.15	76.95	12.80
M	64.15	76.95	12.80
M	64.15	76.95	12.80
CA	64.15	70.55	6.40
CA	64.15	70.55	6.40
CA	64.15	70.55	6.40
MS	64.15	76.95	12.80
MS	64.15	76.95	12.80
MS	64.15	76.95	12.80
RU	64.15	70.55	6.40
RU	64.15	70.55	6.40
RU	64.15	70.55	6.40
NI	70.55	76.95	6.40
NI	70.55	76.95	6.40
NI	70.55	76.95	6.40
DS	64.15	73.75	9.60
DS	64.15	73.75	9.60
UN	76.95	89.80	12.85
UN	83.35	89.80	6.45
UN	76.95	89.80	12.85
FN	76.95	83.35	6.40
FN	76.95	83.35	6.40
FN	76.95	83.35	6.40
VN	70.55	76.95	6.40
VN	70.55	76.95	6.40
VN	70.55	76.95	6.40
SA	70.55	83.35	12.80
SA	70.55	83.35	12.80
SA	70.55	83.35	12.80
NA	70.55	76.95	6.40
NA	70.55	76.95	6.40
NA	70.55	76.95	6.40
SY	67.35	73.75	6.40
SY	67.35	73.75	6.40
SY	67.35	73.75	6.40
SV	67.35	76.95	9.60
SV	67.35	76.95	9.60
SV	67.35	76.95	9.60
Z	67.35	73.75	6.40
Z	67.35	73.75	6.40
Z	67.35	73.75	6.40
AU	70.55	76.95	6.40
AU	70.55	76.95	6.40
AU	70.55	76.95	6.40
BW	64.15	73.75	9.60
P	70.55	76.95	6.40
P	70.55	76.95	6.40
P	70.55	76.95	6.40
GA	64.15	70.55	6.40
GA	64.15	70.55	6.40
GA	64.15	70.55	6.40
BO	67.35	76.95	9.60
BO	67.35	76.95	9.60
BO	67.35	76.95	9.60
MD	64.15	70.55	6.40
MD	64.15	70.55	6.40
W	70.55	76.95	6.40
W	70.55	76.95	6.40
W	70.55	76.95	6.40
BH	64.15	70.55	6.40
BH	64.15	70.55	6.40
BH	64.15	70.55	6.40
JU	67.35	73.75	6.40
JU	67.35	73.75	6.40
JU	67.35	73.75	6.40
VU	73.75	83.35	9.60
VU	76.95	83.35	6.40
VU	76.95	83.35	6.40
BG	73.75	76.95	3.20
BG	76.95	76.95	3.20
BG	76.95	76.95	3.20
WI	64.15	70.55	6.40
WI	64.15	70.55	6.40
WI	64.15	70.55	6.40
CR	64.15	70.55	6.40

MARYLAND DIVISION—Continued.

Towers.	Present Pay.	Rate asked.	Increase.	Towers.	Present pay.	Rate asked.	Increase.
CR	$64.15	$70.55	$6.40	GD	$64.15	$70.55	$6.40
CR	64.15	70.55	6.40	GD	64.15	70.55	6.40
BF	64.15	70.55	6.40	GD	64.15	70.55	6.40
BF	64.15	70.55	6.40	PS	64.15	70.55	6.40
BF	64.15	70.55	6.40	PS	64.15	70.55	6.40
MF	64.15	70.55	6.40	PS	64.15	70.55	6.40
MF	64.15	70.55	6.40	FH	64.15	70.55	6.40
MF	64.15	70.55	6.40	FH	64.15	70.55	6.40
BM	64.15	70.55	6.40	FH	64.15	70.55	6.40
BM	64.15	70.55	6.40	Relief operators	76.95	89.80	12.85
BM	64.15	70.55	6.40	PC	64.15	73.75	9.60
GW	64.15	70.55	6.40	PC	64.15	73.75	9.60
GW	64.15	70.55	6.40	PC	64.15	73.75	9.60
GW	64.15	70.55	6.40				

DELAWARE DIVISION.

Towers.	Call.	Position.	Character.	Present rate.	Proposed rate.	Amount of increase.
Tower	DJ	Blk. opr. 1st trk	Blk. tower	$64.15	$65.35	$1.20
Do	DJ	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	DJ	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Do	CB	Blk. opr. 1st trk	Elec. tower	67.35	70.55	3.20
Do	CB	Blk. opr. 2nd trk	do	67.35	70.55	3.20
Do	CB	Blk. opr. 3rd trk	do	67.35	70.55	3.20
Do	BE	Blk. opr. 1st trk	do	64.15	67.35	3.20
Do	BE	Blk. opr. 2nd trk	do	64.15	67.35	3.20
Do	BE	Blk. opr. 3rd trk	do	64.15	67.35	3.20
Porter	CG	Blk. opr. 1st trk	Blk. sta	57.70	65.35	7.65
Do	CG	Blk. opr. 2nd trk	do	57.70	65.35	7.65
Do	CG	Blk. opr. 3rd trk	do	57.70	65.35	7.65
Tower	J	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	J	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	J	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Do	M	Blk. opr. 1st trk	Elec. tower	64.15	67.35	3.20
Do	M	Blk. opr. 2nd trk	do	64.15	67.35	3.20
Do	M	Blk. opr. 3rd trk	do	64.15	67.35	3.20
Middletown	MD	Tkt. clk. and opr. 1st trk	Pass. sta	70.55	76.95	6.40
Do	MD	Tkt. clk. and opr. 2nd trk	do	51.30	54.45	3.15
Tower	WN	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	WN	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	WN	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Townsend	TW	Tkt. clk. and opr. 1st trk	Pass. sta	64.15	67.35	3.20
Tower	BI	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	BI	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	BI	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Clayton	CK	Blk. opr. and tkt. clk. 1st trk	Pass. sta	57.70	65.35	7.65
Do	CK	Blk. opr. and tkt. clk. 2nd trk	do	57.70	65.35	7.65
Do	CK	Blk. opr. and tkt. clk. 3rd trk	do	57.70	65.35	7.65
Smyrna	SD	Clk. and opr	do	44.90	57.70	12.80
Tower	C	Blk. opr. 1st trk	Elec. tower	64.15	67.35	3.20
Do	C	Blk. opr. 2nd trk	do	64.15	67.35	3.20
Do	C	Blk. opr. 3rd trk	do	64.15	67.35	3.20
Do	WS	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	WS	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	WS	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Cheswold	MR	Agt. and opr	Agency	64.15	67.35	3.20
Do	MR	Clk. and opr	do	40.80	44.90	4.10
Tower	DV	Blk. opr. 1st trk	Elec. tower	64.15	67.35	3.20
Do	DV	Blk. opr. 2nd trk	do	64.15	67.35	3.20
Do	DV	Blk. opr. 3rd trk	do	64.15	67.35	3.20
Wyoming	WM	Tkt. clk. and opr	Pass. sta	70.55	76.95	6.40
Tower	WI	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	WI	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	WI	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Woodside	WO	Agt. and opr	Agency	44.90	51.30	6.40
Tower	VO	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	VO	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	VO	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Viola	VA	Agt. and opr	Agency	51.30	54.40	3.20
Felton	FN	Tkt. clk. and opr	Pass. sta	57.70	64.15	6.45
Tower	FO	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	FO	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	FO	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Harrington	HA	Tkt. clk. and opr	Pass. sta	70.55	76.95	6.40
Do	HA	Blk. opr. 1st trk	do	64.15	65.35	1.20
Do	HA	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	HA	Blk. opr. 3rd trk	do	64.15	65.35	1.20

DELAWARE DIVISION—Continued.

Towers.	Call.	Position.	Character.	Present rate.	Proposed rate.	Amount of increase.
Tower	H	Blk. opr. 1st trk	Blk. tower	$64.15	$65.35	$1.20
Do	H	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	H	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Do	Z	Blk. opr. 1st trk	Elec. tower	64.15	67.35	3.20
Do	Z	Blk. opr. 2nd trk	do	64.15	67.35	3.20
Do	Z	Blk. opr. 3rd trk	do	64.15	67.35	3.20
Do	GD	Blk. opr. 1st trk	do	67.35	70.55	3.20
Do	GD	Blk. opr. 2nd trk	do	67.35	70.55	3.20
Do	GD	Blk. opr. 3rd trk	do	67.35	70.55	3.20
Greenwood	CU	Agt. and opr	Agency	70.55	76.95	6.40
Do	CU	Clk. and opr	do	57.70	64.15	6.45
Bridgeville	BM	Clk. and opr. 1st trk	Pass. sta	64.15	67.35	3.20
Do	BM	Clk. and opr. 2nd trk	do	51.30	54.45	3.15
Tower	B	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	B	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	B	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Cannon	CO	Agt. and opr	Agency	51.30	54.45	3.15
Tower	CN	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	CN	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	CN	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Do	RS	Blk. opr. 1st trk	do	64.15	65.35	1.20
Do	RS	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	RS	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Seaford	SF	Tkt. clk. and opr. 1st trk	Pass. sta	70.55	76.95	6.40
Do	SF	Tkt. clk. and opr. 2nd trk	do	64.15	65.35	1.20
Do	SF	Tkt. clk. and opr. 3rd trk	do	64.15	65.35	1.20
Tower	BD	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	BD	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	BD	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Laurel	AU	Tkt. clk. and opr. 1st trk	Pass. sta	70.55	76.95	6.40
Do	AU	Tkt. clk. and opr. 2nd trk	do	51.30	54.45	3.15
Tower	RU	Blk. opr. 1st trk	Blk. tower	64.15	65.35	1.20
Do	RU	Blk. opr. 2nd trk	do	64.15	65.35	1.20
Do	RU	Blk. opr. 3rd trk	do	64.15	65.35	1.20
Delmar	DR	Tkt. clk. and opr. 1st trk	Pass. sta	70.55	76.95	6.40
Do	DR	Tkt. clk. and opr. 2nd trk	do	64.15	70.55	6.40
Do	DR	Tkt. clk. and opr. 3rd trk	do	64.15	70.55	6.40
Do	DR	Tkt. clk. and opr. 4th trk	do	64.15	70.55	6.40
Golt	GO	Agt. and opr	Blk. agency	57.70	60.50	2.80
Massey	MS	do	do	64.15	67.35	3.20
Do	MS	Clk. and opr	do	44.90	48.40	3.50
Millington	GM	Agt. and opr	Agency	57.70	60.50	2.80
Do	GM	Clk. and opr	do	51.30	54.45	3.15
Sudlersville	SU	Agt. and opr	Blk. agency	57.70	60.50	2.80
Do	SU	Clk. and opr	do	44.90	48.40	3.50
Barclay	BY	Agt. and opr	Agency	44.90	51.30	6.40
Price	CS	do	Blk. agency	57.70	60.50	2.80
Do	CS	Clk. and opr	do	44.90	48.40	3.50
Centreville	CV	Agt. and opr	Agency	76.95	78.95	2.00
Do	CV	Clk. and opr	do	57.70	60.50	2.80
Lambson	BS	Agt. and opr	Blk. agency	57.70	60.50	2.80
Black	KS	do	Agency	44.90	51.30	6.40
Kennedyville	DI	do	Blk. agency	57.70	60.50	2.80
Stillpond	HN	do	Agency	44.90	51.30	6.40
Lynch	F	do	do	44.90	51.30	6.40
Worton	WR	do	Blk. agency	57.70	60.50	2.80
Chestertown	CH	do	Agency	64.15	67.35	3.20
Do	CH	Clk. and opr	do	44.90	48.40	3.50
Stockley	KY	Agt. and opr	do	44.90	51.30	6.40
Millsboro	MO	do	do	57.70	60.50	2.80
Do	MO	Clk. and opr	do	44.90	48.40	3.50
Dagsboro	GA	Agt. and opr	do	57.70	60.50	2.80
Frankford	FR	do	do	57.70	60.50	2.80
Selbyville	V	do	do	64.15	67.35	3.20
Showell	HO	do	do	44.90	48.40	3.50
Berlin	BR	do	do	76.95	78.95	2.00
Queponco	CU	do	do	51.30	54.45	3.15
Snow Hill	OD	do	do	64.15	67.35	3.20
Do	OD	Clk. and opr	do	57.70	59.70	2.00
Girdletree	GR	Agt. and opr	do	64.15	67.35	3.20
Do	GR	Clk. and opr	do	35.00	44.90	9.90
Federalsburg	FU	Agt. and opr	do	64.15	67.35	3.20
Do	FU	Clk. and opr	do	44.90	48.40	3.50
Do	FU	do	do	44.90	48.40	3.50
Williamsburg	WB	Agt. and opr	do	51.30	54.45	3.15
East New Market	MK	do	do	57.70	60.50	2.80
Linkwood	KD	do	do	57.70	60.50	2.80

CENTRAL DIVISION.

w ages to be increased approximately 10 per cent of the pay roll and increases to be apportioned as may be agreed upon between the officials of the company and the telegraphers' committee.

PHILADELPHIA DIVISION.

Office call.	Kind of office.	Tricks.	Now paid.	Wanted.
UD	Superintendent's office	14	$89.80	$100.00
UD	Superintendents, managers	3	95.00	105.00
DE	Yardmaster	3	70.55	80.15
FI	Train directors	6	83.35	90.00
GI	Yardmaster	3	70.55	80.15
MQ	do	6	70.55	80.15
TOWERS.				
WH	Block office	3	76.95	83.35
R	do	3	73.75	76.95
SZ	do	3	76.95	83.35
PA	do	3	83.35	83.35
FZ	do	3	73.75	80.15
GH	do	3	73.75	80.15
DN	do	3	76.95	80.15
CS	do	3	70.55	76.95
HO	do	3	73.75	80.15
VA	do	3	73.75	80.15
CV	do	3	76.95	80.15
PG	do	3	80.15	83.35
NI	do	3	76.95	80.15
O	do	3	70.55	76.95
MA	do	3	70.55	76.95
NZ	do	3	70.55	76.95
WM	do	3	70.55	70.55
ES	do	3	73.75	80.15
CQ	do	3	73.75	83.35
CA	do	3	70.55	73.75
DV	do	3	76.95	80.15
KF	do	3	64.15	67.35
NV	do	3	67.35	76.95
SA	do	3	64.15	67.35
FN	do	3	67.35	73.75
KU	do	3	67.35	73.75
BN	do	3	64.15	67.35
NA	do	3	67.35	73.75
U	do	3	64.15	67.35
MB	do	3	76.95	80.15
HS	do	3	70.55	70.55
DF	do	3	70.55	76.95
BI	do	3	70.55	73.75
DO	do	3	76.95	80.15
FH	do	3	64.15	70.55
H	Station master	3	70.55	80.15
HG	Block office	3	76.95	76.95
RJ	do	3	83.35	83.35
FB	Train directors	3	70.55	80.15
QA	Block office	3	67.35	73.75
EY	do	3	67.35	76.95
CM	do	3	76.95	80.15
MY	do	3	64.15	67.35
RQ	do	3	70.55	80.15
SM	do	3	67.35	70.55
BG	do	3	64.15	67.35
CF	do	3	67.35	70.55
AR	do	3	67.35	70.55
SH	do	3	64.15	67.35
MH	do	3	64.15	67.35
WA	do	3	70.55	73.75
GR	do	3	64.15	67.35
WV	do	3	64.15	67.35
AK	do	3	70.55	76.95
MO	do	2	64.15	67.35
KN	do	2	64.15	67.35
Q	do	3	64.15	67.35
SF	do	3	64.15	67.35
CO	do	3	64.15	67.35
LG42	do	3	64.15	67.35
LEVERMEN.				
RJ	Interlocking	3	64.15	76.95
HG	do	3	76.95	76.95
FB	do	6	64.15	76.95
WS	do	3	64.15	70.55
DO	do	2	64.15	70.55
MB	do	2	64.15	70.55
DB	do	3	64.15	70.55
CV	do	2	64.15	70.55
PA	do	3	64.15	70.55
FZ	do	3	64.15	70.55

BEDFORD DIVISION.

Station.	Tricks.	Rate pay.	Asked.	Increase.
State line	1st	$57.70	$64.15	$6.45
Do	2nd	57.70	64.15	6.45
Do	3rd	69.00	75.00	6.00
Hyndman	Day	70.55	76.95	6.40
Fossilville	do	63.60	70.55	6.95
Buffalo Mills	do	63.60	70.55	6.95
Manns Choice	do	70.00	76.95	6.95
Colfelt	do	57.70	70.55	12.85
"DC" Junction	do	57.70	70.55	12.85
Mt. Dallas	1st	57.70	64.15	6.45
Do	2nd	57.70	64.15	6.45
Do	3rd	57.70	64.15	6.45
Cessna	Day	63.60	70.55	6.95
Fishertown	do	57.70	70.55	12.85
Reynoldsdale	do	63.60	70.55	6.95
Osterburg	do	63.60	70.55	6.95
Imler	do	57.70	70.55	12.85
Queen	do	63.60	70.55	6.95
Claysburg	do	70.55	76.95	6.40
East Freedom	do	70.55	76.95	6.40

TYRONE DIVISION.

Station.	Call.	Position.	Character.	Present rate.	Proposed rate.	Increase.
Bellefonte sta	BE	Opr. and tkt. clerk	Tkt. office	$64.15	$70.55	$6.40
TOWERS.						
RU		Blk. and opr	Blk. office	64.15	70.55	6.40
RU		do	do	64.15	70.55	6.40
RU		do	do	64.15	70.55	6.40
NO		do	do	67.35	70.55	3.20
NO		do	do	67.35	70.55	3.20
NO		do	do	67.35	70.55	3.20
FX		do	do	64.15	67.35	3.20
FX		do	do	64.15	67.35	3.20
FX		do	do	64.15	67.35	3.20
RN		do	do	64.15	67.35	3.20
RN		do	do	64.15	67.35	3.20
RN		do	do	64.15	67.35	3.20
MW		do	do	64.15	67.35	3.20
MW		do	do	64.15	67.35	3.20
MW		do	do	64.15	67.35	3.20
MD		do	do	64.15	67.35	3.20
MD		do	do	64.15	67.35	3.20
MD		do	do	64.15	67.35	3.20
NA		do	do	64.15	67.35	3.20
NA		do	do	64.15	67.35	3.20
NA		do	do	64.15	67.35	3.20
BA		do	do	64.15	67.35	3.20
BA		do	do	64.15	67.35	3.20
BA		do	do	64.15	67.35	3.20
SI		do	do	67.35	70.55	3.20
SI		do	do	67.35	70.55	3.20
SI		do	do	67.35	70.55	3.20
SA		do	do	67.35	70.55	3.20
SA		do	do	67.35	70.55	3.20
SA		do	do	67.35	70.55	3.20
BF		do	do	67.35	70.55	3.20
BF		do	do	67.35	70.55	3.20
MX		do	do	67.35		
CX		do	do	64.15	67.35	3.20
CX		do	do	64.15	67.35	3.20
CX		do	do	64.15	67.35	3.20
WD		do	do	64.15	67.35	3.20
WD		do	do	64.15	67.35	3.20
WD		do	do	64.15	67.35	3.20
CK		do	do	64.15	67.35	3.20
CK		do	do	64.15	67.35	3.20
CK		do	do	64.15	67.35	3.20
MO		do	do	64.15	67.35	3.20
MO		do	do	64.15	67.35	3.20
MO		do	do	64.15	67.35	3.20
KN		do	do	64.15	67.35	3.20
KN		do	do	64.15	67.35	3.20
KN		do	do	64.15	67.35	3.20

TYRONE DIVISION—Continued.

Station.	Call.	Position.	Character.	Present rate.	Proposed rate.	Increase.
TOWERS—continued.						
GN		Blk. and oper.	Blk. office	$57.70	$60.50	$2.80
UI		do	do	57.70	60.50	2.80
UI		do	do	57.70	60.50	2.80
N		do	do	57.70	60.50	2.80
N		do	do	57.70	60.50	2.80
OA		do	do	67.35	70.55	3.20
OA		do	do	67.35	70.55	3.20
BN		do	do	57.70	60.50	2.80
RA		do	do	57.70	60.50	2.80
SN		do	do	57.70	60.50	2.80
D		do	do	57.70	60.50	2.80
Relief operators, east end of division.				64.15	70.55	6.40
Relief operators, west end of division.				64.15	67.35	3.20

SCHUYLKILL DIVISION.

Wages to be increased approximately 10 per cent of the pay roll, and increases to be apportioned as may be agreed upon between the officials of the company and the telegraphers' committee.

MIDDLE DIVISION.

Tower.	Present pay.	Pay wanted.	Increase.	Tower.	Present pay.	Pay wanted.	Increase.
PR	$70.55	$80.40	$9.85	CB	$76.95	$83.85	$6.90
PR	70.55	80.40	9.85	CB	76.95	83.85	6.90
PR	70.55	80.40	9.85	MI	76.95	83.85	6.90
NC	76.95	83.85	6.90	MI	76.95	83.85	6.90
NC	76.95	83.85	6.90	MI	76.95	83.85	6.90
NC	76.95	83.85	6.90	FX	70.55	76.90	6.35
WA	70.55	76.90	6.35	FX	70.55	76.90	6.35
WA	70.55	76.90	6.35	FX	70.55	76.90	6.35
WA	70.55	76.90	6.35	WK	73.75	80.40	6.65
JO	73.75	80.40	6.65	WK	73.75	80.40	6.65
JO	73.75	80.40	6.65	WK	73.75	80.40	6.65
JO	73.75	80.40	6.65	J	76.95	83.85	6.90
AQ	70.55	76.90	6.35	J	76.95	83.85	6.90
AQ	70.55	76.90	6.35	J	76.95	83.85	6.90
AQ	70.55	76.90	6.35	RW	76.95	83.85	6.90
BD	73.75	80.40	6.65	RW	76.95	83.85	6.90
BD	73.75	80.40	6.65	RW	76.95	83.85	6.90
BD	73.75	80.40	6.65	PX	70.55	76.90	6.35
BW	70.55	80.40	9.85	PX	70.55	76.90	6.35
BW	70.55	80.40	9.85	PX	70.55	76.90	6.35
BW	70.55	80.40	9.85	LF	73.75	80.40	6.65
MS	73.75	80.40	6.65	LF	73.75	80.40	6.65
MS	73.75	80.40	6.65	LF	73.75	80.40	6.65
MS	73.75	80.40	6.65	Z	73.75	80.40	6.65
RK	73.75	80.40	6.65	Z	73.75	80.40	6.65
RK	73.75	80.40	6.65	Z	73.75	80.40	6.65
RK	73.75	80.40	6.65	RY	70.55	76.90	6.35
PN	70.55	76.90	6.35	RY	70.55	76.90	6.35
PN	70.55	76.90	6.35	RY	70.55	76.90	6.35
PN	70.55	76.90	6.35	VF	73.75	80.40	6.65
VE	70.55	76.90	6.35	VF	73.75	80.40	6.65
VE	70.55	76.90	6.35	VF	73.75	80.40	6.65
VE	70.55	76.90	6.35	NH	73.75	83.85	10.10
RE	70.55	76.90	6.35	NH	73.75	83.85	10.10
RE	70.55	76.90	6.35	NH	73.75	83.85	10.10
RE	70.55	76.90	6.35	MU	73.75	83.85	10.10
PV	73.75	80.40	6.65	MU	73.75	83.85	10.10
PV	73.75	80.40	6.65	MU	73.75	83.85	10.10
PV	73.75	80.40	6.65	BP	73.75	80.40	6.65
M	76.95	83.85	6.90	BP	73.75	80.40	6.65
M	76.95	83.85	6.90	BP	73.75	80.40	6.65
M	76.95	83.85	6.90	JC	73.75	80.40	6.65
NA	70.55	76.90	6.35	JC	73.75	80.40	6.65
NA	70.55	76.90	6.35	JC	73.75	80.40	6.65
NA	70.55	76.90	6.35	CH	70.55	76.90	6.35
GZ	70.55	76.90	6.35	CH	70.55	76.90	6.35
GZ	70.55	76.90	6.35	CH	70.55	76.90	6.35
GZ	70.55	76.90	6.35	HU	73.75	83.85	10.10
CB	76.95	83.85	6.90	HU	73.75	83.85	10.10

MIDDLE DIVISION—Continued.

Tower.	Present pay.	Pay wanted.	Increase.
GC	$76.95	$83.85	$6.90
GC	76.95	83.85	6.90
GC	76.95	83.85	6.90
HM	76.95	83.85	6.90
HM	76.95	83.85	6.90
HM	76.95	83.85	6.90
WG	70.55	76.90	6.35
WG	70.55	76.90	6.35
WG	70.55	76 90	6.35
PG	76.95	83.85	6.90
PG	76.95	83.85	6.90
PG	76.95	83.85	6.90
QX	70.55	76.90	6.35
QX	70.55	76.90	6.35
QX	70.55	76.90	6.35
SC	73.75	80.40	6.65
SC	73.75	80.40	6.65
SC	73.75	80.40	6.65
QY	70.55	80.40	9.85
QY	70.55	80.40	9.85
QY	70.55	80.40	9.85
UE	70.55	76.90	6.35
UE	70.55	76.90	6.35
UE	70.55	76.90	6.35
FR	76.95	83.85	6.90
FR	76.95	83.85	6.90
FR	76.95	83.85	6.90
RM	76.95	83.85	6.90
RM	76.95	83.85	6.90
RM	76.95	83.85	6.90
PH	70.55	80.40	9.85
PH	70.55	80.40	9.85
PH	70.55	80.40	9.85
BQ	76.95	83.85	6.90
BQ	76.95	83.85	6.90
BQ	76.95	83.85	6.90
DI	73.75	80.40	6.65
DI	73.75	80.40	6.65
DI	73.75	80.40	6.65
EF	73.75	80.40	6.65
EF	73.75	80.40	6.65
EF	73.75	80.40	6.65
RV yard office	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
Do	70.55	76.90	6.35
GD	76.95	83.85	6.90
GD	76.95	83.85	6.90
GD	76.95	83.85	6.90
FG	83.35	90.00	6.65
FG	83.35	90.00	6.65
FG	83.35	90.00	6.65
JK	76.95	90.00	13.05
JK	76.95	90.00	13.05
JK	76.95	90.00	13.05
BO	83.35	90.00	6.65
BO	83.35	90.00	6.65
BO	83.35	90.00	6.65
AF	64.15	70.55	6.40
AF	64.15	70.55	6.40
BS	64.15	70.55	6.40
BS	64.15	70.55	6.40
KZ	64.15	70.55	6.40
KZ	64.15	70.55	6.40
KZ	64.15	70.55	6.40
SJ	$64.15	$70.55	$6.40
SJ	64.15	70.55	6.40
SJ	64.15	70.55	6.40
F	64.15	70.55	6.40
F	64.15	70.55	6.40
F	64.15	70.55	6.40
BM	64.15	70.55	6.40
BM	64.15	70.55	6.40
AD	64.15	70.55	6.40
AD	64.15	70.55	6.40
WI	70.55	76.90	6.35
WI	70.55	76.90	6.35
WI	70.56	76.90	6.35
SN	64.15	76.90	12.75
SN	64.15	76.90	12.75
SN	64.15	76.90	12.75
EL	64.15	70.55	6.40
EL	64.15	70.55	6.40
EL	64.15	70.55	6.40
AY	64.15	70.55	6.40
AY	64.15	70.55	6.40
AY	64.15	70.55	6.40
RELIEF TRICKS.			
1	76.95	83.85	6.90
2	76.95	83.85	6.90
3	76.95	83.85	6.90
4	76.95	83.85	6.90
5	76.95	83.85	6.90
6	76.95	83.85	6.90
LEVERMEN.			
NC	64.15	70.55	6.40
NC	64.15	70.55	6.40
M	64.15	70.55	6.40
M	64.15	70.55	6.40
J	64.15	70.55	6.40
J	64.15	70.55	6.40
GC	64.15	70.55	6.40
GC	64.15	70.55	6.40
PG	64.15	70.55	6.40
PG	64.15	70.55	6.40
RM	64.15	70.55	6.40
RM	64.15	70.55	6.40
WI	64.15	70.55	6.40
WI	64.15	70.55	6.40
DH	64.15	70.55	6.40
DH	64.15	70.55	6.40
DH	64.15	70.55	6.40
SUPT. MESSAGE OFFICE.			
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA	89.80	95.00	5.20
FA managers	96.20	100.00	3.80
Do	96.20	100.00	3.80
Do	96.20	100.00	3.80

WEST JERSEY & SEASHORE R. R.

Office.	Call.	Position.	Present rate.	Proposed rate.	Increase.
Starr e. p. int	HN	1st operator	$67.35	$67.35	
Do	HN	2nd operator	67.35	67.35	
Do	HN	3rd	64.15	64.15	
Liberty Park	RH	Agent-operator	57.70	60.95	$3.25
Collingswood	CG	do	81.60	81.60	
W. Haddonfield m. int	HI	1st operator	67.35	67.35	
Do	HI	2nd operator	67.35	67.35	
Do	HI	3rd operator	64.15	64.15	
Haddonfield	Q	Agent	81.60	81.60	
Do	Q	1st opr.-clerk	70.55	70.55	
Do	Q	2nd opr.-clerk	64.15	67.35	3.20
Ashland	RU	Agent-operator	64.15	64.15	
Kirkwood	OD	do	64.15	64.15	
Lindenwold		Agent	46.65	50.55	3.90
Lucaston	WS	do	81.60	81.60	
Do	WS	1st opr.-clerk	64.15	64.16	
Do	WS	2nd opr.-clerk	64.15	64.15	
Do	WS	3rd opr.-clerk	57.70	64.15	6.45
Berlin	U	Agent-operator	63.90	64.15	.25
Do	U	Operator-clerk	64.15	64.15	
Atco	F	Agent-operator	70.55	70.55	
Do	F	1st opr.-clerk	57.70	60.95	3.25
Do	F	2nd opr.-clerk	57.70	60.95	3.25
Waterford	WF	Agent-operator	64.15	64.15	
Do	WF	1st opr.-clerk	60.95	60.95	
Do	WF	2nd opr.-clerk	57.70	60.95	3.25
Ancora	RA	Agent-operator	57.70	60.95	3.25
Winslow jct. m. i	B	Agent	70.55	70.55	
Do	B	1st operator	67.35	67.35	
Do	B	2nd operator	67.35	67.35	
Do	B	3rd operator	64.15	64.15	
Hammonton	GO	Agent	90.10	90.10	
Do	GO	1st opr.-clerk	64.15	64.15	
Do	GO	2nd opr.-clerk	64.15	64.15	
Elwood	D	Agent-operator	64.15	64.15	
Egg Harbor	H	Agent	81.60	81.60	
Do	H	1st opr.-clerk	57.70	60.95	3.25
Do	H	2nd opr.-clerk	57.70	60.95	3.25
Pomona	JS	Agent-operator	64.15	64.15	
Absecon	A	Agent	69.95	69.95	
Do	A	1st opr.-clerk	57.70	60.95	3.25
Do	A	2nd opr.-clerk	57.70	60.95	3.25
Drawbridge m. i	BR	1st operator	70.55	70.55	
Do	BR	2nd operator	70.55	70.55	
Do	BR	3rd operator	64.15	64.15	
S. O. Camden e. p. int	SA	Agent	100.70	100.70	
Do	SA	1st operator	67.35	67.35	
Do	SA	2nd operator	67.35	67.35	
Do	SA	3rd operator	64.15	64.15	
Bulson St. m. int	UR	1st operator	70.55	75.00	4.45
Do	UR	2nd operator	70.55	75.00	4.45
Do	UR	3rd operator	67.35	70.55	3.20
Gloucester	RN	Agent	81.60	81.60	
Do	RN	Opr.-clerk	76.35	67.35	
Westville jct. m. int	WC	1st operator	67.35	67.35	
Do	WC	2nd operator	67.35	67.35	
Do	WC	3rd operator	64.15	64.15	
Westville	RO	Agent	81.60	81.60	
Do	RO	Opr.-clerk	67.35	67.35	
North Woodbury		Agent	57.70	60.95	3.25
Woodbury	CH	do	100.70	100.70	
Do	CH	Operator	64.15	64.15	
Woodbury tower m. int	W	1st operator	70.55	75.00	4.45
Do	W	2nd operator	70.55	75.00	4.45
Do	W	3rd operator	67.35	70.55	3.20
Do	W	Leverman	57.70	60.95	3.25
Woodbury Heights	DU	Agent-operator	57.70	60.95	3.25
Wenonah	MA	Agt.-opr	76.95	76.95	
Do	MA	Opr.-clk	64.15	64.15	
Sewell	BO	Agent	76.95	76.95	
Do	BO	1st operator	60.95	64.15	3.20
Do	BO	2nd operator	60.95	64.15	3.20
Do	BO	3rd operator	57.70	60.95	3.25
Pitman	PG	Agent	81.60	81.60	
Do	PG	1st opr.-clk	67.35	67.35	
Do	PG	2nd opr.-clk	64.15	64.15	
Glassboro	SY	Agent	90.10	90.10	
Do	SY	Opr.-clk	70.55	70.55	
Glassboro tower e. p. i	G	1st operator	70.55	70.55	
Do	G	2nd operator	70.55	70.55	
Do	G	3rd operator	67.35	67.35	
Do	G	1st leverman	57.70	60.95	3.25

WEST JERSEY & SEASHORE R. R.—Continued.

Office.	Call.	Position.	Present rate.	Proposed rate.	Increase.
Glassboro tower e. p. i.—Contd.	G	2nd leverman	$57.70	$60.95	$3.25
So. Glassboro M. Int	GS	1st operator	57.70	60.95	3.25
Do	GS	2nd operator	57.70	60.95	3.25
Do	GS	3rd operator	57.70	60.95	3.25
Clayton	CN	Agent	90.10	90.10	.....
Do	CN	1st opr.-clk	64.15	64.15	.....
Do	CN	2nd opr.-clk	64.15	64.15	.....
Franklinville	JO	Agt.-opr	64.15	64.15	.....
Do	JO	Opr.-clk	60.95	64.15	3.20
Iona	NA	Agent	40.80	50.55	9.75
Malaga	MS	Agt.-opr	63.60	64.15	.55
Newfield e. p. int	WI	Agent	75.25	75.25	.....
Do	WI	1st operator	67.35	67.35	.....
Do	WI	2nd operator	67.35	67.35	.....
Do	WI	3rd operator	64.15	64.15	.....
Do	WI	Leverman	57.70	60.95	3.25
North Vineland	Z	Operator	64.15	64.15	.....
Vineland	V	Agent	90.10	90.10	.....
Do	V	Clk.-opr	76.95	76.95	.....
Do	V	1st opr.-clk	60.95	60.95	.....
Do	V	2nd opr.-clk	60.95	60.95	.....
Do	V	3rd opr.-clk	60.95	60.95	.....
So. Vineland	VD	Agt.-opr	64.15	64.15	.....
Do	VD	Opr.-clk	64.15	64.15	.....
Millville s. tower	M	Frt. agent	90.10	90.10	.....
Do	M	Passr. agt	81.60	81.60	.....
Do	M	1st opr	70.55	70.55	.....
Do	M	2nd opr	70.55	70.55	.....
Do	M	3rd opr	64.15	64.15	.....
Manumuskin m. int	MK	Agt.-opr	64.15	64.15	.....
Do	MK	1st opr.-clk	57.70	60.95	3.25
Do	MK	2nd opr.-clk	57.70	60.95	3.25
Belleplain	BU	Agt.-opr	64.15	64.15	.....
Do	BU	1st opr.-clk	64.15	64.15	.....
Do	BU	2nd opr.-clk	57.70	60.95	3.25
Woodbine	WN	Agt.-opr	70.00	70.00	.....
Mt. Pleasant m. int	MP	1st operator	64.15	64.15	.....
Do	MP	2nd operator	64.15	64.15	.....
Do	MP	3rd operator	57.70	60.95	3.25
Sea Isle Jct. m. int	JN	1st operator	67.35	67.35	.....
Do	JN	2nd operator	67.35	67.35	.....
Do	JN	3rd operator	64.15	64.15	.....
Seaville	SV	Agt.-opr	64.15	64.15	.....
Swain	MD	do	57.70	60.95	3.25
Cape May Ct. House	C	do	64.15	64.15	.....
Wildwood Jct	DO	do	64.15	67.35	3.20
Do	DO	1st opr.-clk	64.15	64.15	.....
Do	DO	2nd opr.-clk	57.70	60.95	3.25
Rio Grande	RG	Agt.-opr	57.70	60.95	3.25
Bennett	BS	do	57.70	60.95	3.25
Cape May tower m. int	FK	1st operator	57.70	60.95	3.25
Do	FK	2nd operator	57.70	60.95	3.25
Do	FK	3rd operator	57.70	60.95	3.25
Cape May	CM	Agent	104.00	104.00	.....
Do	CM	Opr.-clk	81.60	81.60	.....
Burleigh tower m. int	.....	1st leverman	42.40	51.00	8.60
Do	.....	2nd leverman	42.40	51.00	8.60
Anglesea s. t.	JR	1st operator	64.15	64.15	.....
Do	JR	2nd operator	64.15	64.15	.....
Anglesea	HS	Agt.-opr	81.60	81.60	.....
Wildwood	WO	do	81.60	81.60	.....
Do	WO	Opr.-clk	64.15	64.15	.....
Holly Beach	HB	Agent	114.50	114.50	.....
Do	HB	Opr.-clk	64.15	64.15	.....
Avalon	DA	Operator	57.70	60.95	3.25
Stone Harbor	NU	do	57.70	60.95	3.25
Ocean View	CV	Agt.-opr	64.15	64.15	.....
Sea Isle City	SI	Agent	81.60	81.60	.....
Do	SI	Opr.-clk	70.55	70.55	.....
Ocean City	OC	Agent	95.40	104.95	9.55
Do	OC	Opr.-clk	64.15	75.00	10.85
Port Elizabeth	.....	Agent	30.00	44.50	14.50
Mauricetown	MN	Agt.-opr	64.15	64.15	.....
Leesburg	BH	do	64.15	64.15	.....
Maurice River	RV	Agent	81.60	81.60	.....
Do	RV	Opr.-clk	70.55	70.55	.....
Forest Grove	.....	Agt.-opr	47.50	60.95	13.25
Buena	.....	Agent	50.55	50.55	.....
Minotola m. int	MW	do	51.95	60.95	9.00
Do	MW	1st operator	60.95	64.15	3.20
Do	MW	2nd operator	60.95	64.15	3.20
Do	MW	3rd operator	57.70	60.95	3.25

WEST JERSEY & SEASHORE R. R.—Continued.

Office.	Call.	Position.	Present rate.	Proposed rate.	Increase.
Richland	DY	Agt.-opr	$57.70	$60.95	$3.25
Mays Landing	MO	Agent	74.20	74.20	.....
Do	MO	1st opr.-clk	57.70	60.95	3.25
Do	MO	2nd opr.-clk	57.70	60.95	3.25
McKee City	RF	Agt.-opr	57.70	60.95	3.25
Pleasantville m. int	PJ	Agent	81.60	81.60	.....
Do	PJ	1st opr	70.55	70.55	.....
Do	PJ	2nd opr	70.55	70.55	.....
Do	PJ	3rd oper	64.15	64.15	.....
J tower	.....	1st leverman	57.70	60.95	3.25
Do	.....	2nd leverman	57.70	60.95	3.25
CA tower m. int	CA	1st operator	83.35	83.35	.....
Do	CA	2nd operator	83.35	83.35	.....
Do	CA	3rd operator	77.30	77.30	.....
Do	CA	1st leverman	70.55	70.55	.....
Do	CA	2nd leverman	70.55	70.55	.....
Baltic Ave. m. int	.....	1st leverman	64.15	64.15	.....
Do	.....	2nd leverman	64.15	64.15	.....
Do	.....	3rd leverman	57.70	60.95	3.25
Sta. master office	BF	1st operator	63.00	67.35	4.35
Do	BF	2nd operator	63.00	67.35	4.35
Atlantic City	K	1st operator	76.95	76.95	.....
Do	K	2nd operator	76.95	76.95	.....
Do	.....	Agent	167.00	167.00	.....
So. Glassboro S. T. tel	.....	1st leverman	51.00	51.00	.....
Do	.....	2nd leverman	51.00	51.00	.....
Aura	.....	Agt.-opr	42.40	60.95	18.55
Monroeville	MY	do	64.15	64.15	.....
Elmer	MR	Agent	81.60	81.60	.....
Palatine	.....	Agt.-opr	44.50	60.95	16.40
Husted	HU	Agent	57.70	60.95	3.25
Finley	.....	do	44.50	44.50	.....
Irving Ave	VI	Agt.-opr	64.15	64.15	.....
Bridgeton	BN	Agent	114.50	114.50	.....
Do	BN	1st opr.-clk	70.55	70.55	.....
Do	BN	2nd opr.-clk	70.55	70.55	.....
Daretown	.....	Agt.-opr	51.95	60.95	9.00
Yorktown	JY	do	57.70	60.95	3.25
Clarksboro	CK	do	64.15	67.35	3.20
Mickleton	MC	do	37.10	50.55	13.45
Swedesboro	SO	Agent	90.00	90.00	.....
Do	SO	Opr.-clk	69.95	69.95	.....
Harrisonville	SN	Agt.-opr	64.15	64.15	.....
Woodstown	WD	Agent	81.60	81.60	.....
Do	WD	1st opr.-clk	57.70	60.95	3.25
Do	WD	2nd opr.-clk	57.70	60.95	3.25
Riddleton	RJ	Operator	57.70	60.95	3.25
Alloway jct	JC	Agt.-opr	57.70	60.95	3.25
Salem	S	Agent	115.00	115.00	.....
Do	S	1st opr.-clk	70.55	70.55	.....
Do	S	2nd oper.-clk	70.55	70.55	.....
Alloway	WY	Agt.-opr	64.15	64.15	.....
Quinton	QN	do	64.15	64.15	.....
Paulsboro	BI	do	81.60	81.60	.....
Gibbstown	MY	do	90.10	90.10	.....
Do	MY	Opr.-clk	57.70	60.95	3.25
Bridgeport	RB	Agt.-opr	64.15	64.15	.....
Pedricktown	PC	do	69.95	69.95	.....
Penns Grove	GC	Agent	81.60	81.60	.....
Do	GC	1st opr.-clk	57.70	60.95	3.25
Do	GC	2nd opr.-clk	57.70	60.95	3.25
Train-wire operators	KN		89.80	89.80	.....
Coopers PT	SM	Opr.-clk	68.75	68.75	.....
Phila., Mkt. St	MF	Operator	64.15	64.15	.....
Extra agents	.....		90.00	90.00	.....
Relief agents	.....		76.95	80.00	3.05
Extra operators	.....		57.70	60.95	3.25

10 per cent commission on Adams Express business for agents who handle same.

NEW YORK DIVISION

Wages to be increased approximately 10 per cent of the pay roll and increases to be apportioned as may be agreed upon between the officials of the company and the telegraphers committee.

BELVIDERE DIVISION.

Station office or tower.	Tricks.	Present rate.	Rate asked.
Belvidere sta. C	Day only	$64.15	$70.50
G tower L. & H. jct	1st trick	64.15	70.50
	2nd trick	64.15	70.50
	3rd trick	60.95	70.50
RG tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
K tower	1st trick	60.95	70.50
	2nd trick	60.95	70.50
	3rd trick	60.95	70.50
MC office	Day only	64.15	67.35
DY tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
HU tower	1st trick	60.95	70.50
	2nd trick	60.95	70.50
	3rd trick	60.95	70.50
P tower	1st trick	70.50	76.95
	2nd trick	70.50	76.95
	3rd trick	64.15	72.50
J jct office	Day	70.50	74.00
Do	Night	64.15	70.50
F tower	1st	64.15	67.00
	2nd	64.15	67.00
	3rd	64.15	67.00
WN tower	1st	60.95	67.00
	2nd	60.95	67.00
	3rd	60.95	67.00
RH tower	1st	60.95	70.50
	2nd	60.95	70.50
	3rd	60.95	70.50
MD tower	1st	60.95	70.50
	2nd	60.95	70.50
	3rd	60.95	70.50
FD tower	1st	60.95	70.50
	2nd	60.95	70.50
	3rd	60.95	70.50
N tower	1st	60.95	70.50
	2nd	60.95	70.50
	3rd	60.95	70.50
BI tower	1st	60.95	70.50
	2nd	60.95	70.50
	3rd	60.95	70.50
SK tower	1st	60.95	67.00
	2nd	60.95	67.00
	3rd	60.95	67.00
FJ tower & jct	1st	60.95	67.00
	2nd	60.95	67.00
	3rd	60.95	67.00
Flemington tower	Phone blk., day only	57.70	64.15
Ringoes	Phone blk. ofs., day only	57.70	64.15
FH station	Day only	67.35	67.35
VI tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
MO tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
WC tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
BR tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
DK tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
Q tower	1st trick	60.95	67.00
	2nd trick	60.95	67.00
	3rd trick	60.95	67.00
MS tower	1st trick	70.50	72.20
	2nd trick	64.15	70.50
	3rd trick	60.95	67.00
FR frt. house ofs.	Day only	76.95	76.95
Relief schedule No. 3		76.95	80.80
Relief schedule No. 4		76.95	80.80
FG supts. office, Trenton, N. J., mgr		89.05	89.05
FG supts. office, Trenton, N. J.	7 A to 4 P	83.35	85.10
Do	8 A to 5 Pm	83.35	85.10
Do	1 P to 10 P	83.35	85.10
Do	do	83.35	85.10
Do	10 P to 7 A	83.35	85.10

Total amount of increase, $525.60.

AMBOY DIVISION.

Station.	Tricks.	Position.	Present rate.	Proposed rate.	Increase.
CB Pavonia	3 tricks	Operator	$76.95	$85.00	$8.05
FS Fish House	do	Intlg. tower	64.15	75.00	10.85
DV Beaverly	1 agent	Agency	76.95	85.00	8.05
BU Burlington	3 tricks	Intlg. tower	70.55	80.00	9.45
MJ East Burlington	do	do	64.15	75.00	10.85
QN East Burlington	1 man	Block office	64.15	75.00	10.85
WR Rusling	do	do	64.15	75.00	10.85
NW Newtown	do	do	76.50	85.00	8.50
DR Yardville	do	do	76.32	85.00	8.68
HN Hightstown	do	do	72.80	85.00	12.20
CY Cranbury	do	do	74.20	85.00	10.80
JG Jamesburg	3 operators	Intlg. tower	70.54	85.00	14.46
GO Helmeta	1 man	Agent	76.30	85.00	8.70
SO Spotswood	do	do	76.30	85.00	8.70
Old Bridge	do	do	76.30	85.00	8.70
CQ South Amboy	3 tricks	Intlg. towers	64.15	75.00	10.85
SA South Amboy	do	do	70.25	80.00	9.75
MR Merchantville	1 man	Agency	76.95	85.00	8.05
JN Mount Holly	3 men	Block office	60.95	70.00	9.05
BJ Mount Holly	1 man	do	64.15	75.00	10.85
NC Browns Mills Junction	do	do	64.15	75.00	10.85
VA Lavallette	do	do	64.15	75.00	10.85
DY Tracy	do	do	64.15	75.00	10.85
F Freehold	do	Tkt., Postal	76.30	85.00	8.70

To establish a minimum rate of $65 per month for operators, and apply same to positions receiving then this amount not hereinbefore stated in itemized schedule.

To establish a minimum rate of $75 per month for agents that have telegraphic or telephone train work to attend in connection with their duties as agent, and to apply same to positions receiving less than this amount not hereinbefore stated in itemized schedule.

To establish a minimum rate of $65 per month where agents exclusive of telegraphic or telephone train work, and to apply same to positions receiving less than this amount not hereinbefore stated in itemized schedule.

To grant 10 per cent increase in wages to agents, operators, signalmen, and levermen in those positions which are not affected nor included in the foregoing schedule and request.

PHILADELPHIA TERMINAL.

Towers.	Tricks.	Position.	Present rate.	Proposed rate.	Increase.
C tower	3 tricks	Director	$89.80	$102.80	$13.00
FW tower	do	Operator and leverman	89.80	100.00	10.20
D tower	do	do	89.80	100.00	10.20
GC tower	do	do	89.80	100.00	10.20
K tower	do	Directors	89.80	100.00	10.20
Z tower	do	do	89.80	100.00	10.20
GV tower	do	Operator and leverman	73.75	89.80	16.05
52 tower	do	do	73.75	89.80	16.05
OB tower	do	do	89.80	100.00	10.20

All positions to have two days off each month, and two weeks vacation each year.

NOTE.—On each grand division rates of present pay in some instances have been increased since negotiations were commenced August 21, 1911.

The following marked paragraph in a Pennsylvania Railroad Co.'s schedule was submitted in this exhibit:

"Uniform parcel porters wearing red caps are in attendance at the Pennsylvania Station, New York; Broad Street Station, Philadelphia, West Philadelphia Station, North Philadelphia Station; Union Station, Washington; Union Station, Baltimore; and at Union Station, Pittsburgh, to carry parcels and hand baggage for arriving and departing passengers."

RED-CAP PORTERS' TROUBLES.

PITTSBURGH, PA., *January 23, 1913.*

Mr. H. B. PERHAM,
President, Washington, D. C.

DEAR SIR AND BROTHER: Attached statement on Postal Telegraph message blanks from which headings had been taken was slipped into my overcoat

pocket to-night at P. R. R. Union Station, Pittsburgh, Pa., by red-cap Porter H. H. Jenkins, 1410 Bedford Avenue, Pittsburgh, Pa. See former report regarding this matter.

Fraternally,

T. E. ELLIS,
General Delivery, Pittsburgh, Pa.

[Inclosure.]

Hours of work, 12. We are compelled to sign our names on a time sheet. A report of 10 or more minutes late means the loss of a day or more. The uniforms cost, complete, from nine to twelve dollars. The first uniform is given free. There are 6 men who get $15 a month, which they lose if they quit the company or get discharged. There are 24 men here at present, who get anywhere from 30 cents to $1.75 per month, from which fees for the relief fund are taken. In case of sickness or injury the 6 men get from 80 cents to $1 a day. The other men get something like 40 cents a day. The rules under which we work are almost unbearable. The average that a hustling man can pick up around here is from $30 to $35 in certain months of the year. We got up a paper once and signed our names to it, asking for a salary, about a year ago, from which we have never received an answer. There is more evidence if needed.

PHILADELPHIA, PA., *February 22, 1913.*

One of the 41 "no-pay" red-cap porters at Broad Street Station states that he, with the other 40 of this class of employees there, are compelled to belong to the voluntary relief, and have to hustle as best they can to pay the assessments, which are 75 cents per month. It is same case with the uniform proposition. This looks to me like an outrage.

FORT PITT HOTEL,
Pittsburgh, Pa., May 4, 1913.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Red-cap Porter Jenkins, P. R. R. Station, Pittsburgh, told me to-night that on March pay day it was circulated among the porters "there was a surprise for them," and when they went to the stationmaster's office for their stipend, or to "sign up," as usual, all white men present except those on duty there were asked to retire, and the porters were all paid wages arranged as follows: Ten men at $15, 10 at $10, 10 at $5. See Jenkins' first statement sent you in January. Jenkins also stated to-night that he drew a pair of trousers since I first saw him, and that the $3.10 has not yet been taken from him. Another drew a cap, but the $1.90 has not been taken from that porter. Another drew a cap and pair of trousers, but the $5 has not been taken from that man. This never occurred before, he says. Jenkins also states that he knew of cases where $15-per-month men had been taxed $1.50 per month for voluntary relief association. This was before he first met me. He does not know about this at the present time. Jenkins thanked me profusely "for what I had done for the porters."

Yours, fraternally,

T. E. ELLIS,
General Delivery, Indianapolis, Ind.

EAGLE BRIDGE, N. Y., *June 7, 1913.*

H. B. P.:

Thought maybe this would interest you.

G. A. JOHNSON.

[Inclosure from New York World, June 7, 1913, entitled "Porter Gets $1 a month—'Outrageous!' Says Court, and Paroles Negro Who Stole $5 from Passenger."]

PHILADELPHIA, PA., *June 12, 1913.*

Mr. H. B. PERHAM,
President, New York.

DEAR SIR AND BROTHER: Note attached, editorial Philadelphia Times, June 10, 1913, relative "red-cap" porter, Pittsburgh, Pa. I will see the editor.

T. E. E.

[Inclosure entitled "The Price of a Tip."]

PHILADELPHIA, PA., *February 12, 1913.*

Mr. H. B. PERHAM, *St. Louis, Mo.*

DEAR SIR AND BROTHER: February 11, en route Altoona to Philadelphia; train No. 44, New York express, P. R. R. Train Porter Simmons, New York, said, among other things, as follows: That he runs between New York City and Pittsburgh, Pa., and makes 10 round trips monthly; his wages are $40 per month.

There are 12 of these colored porters on these runs; all receive same wages. They have been trying for five years to get the company to pay them a living wage and have been promised from time to time, but nothing has come from it. Simmons has been on the runs for six years.

Not long since Simmons discovered en route a broken truck that would have caused disaster, very probably. His boss called him in and congratulated him on account of his watchfulness, and during the talk remarked to Simmons: "You are making plenty of money." Simmons told him "No; nothing doing." Simmons says the public does not tip them, as it concludes they are paid a living wage, and the porters have to hustle outside their duties (at New York) in order to keep even with the world. On some of the runs between New York and Pittsburgh and return the men scarcely have time for three hours' sleep.

The porters are all compelled to buy their uniforms from the P. R. R. Co. They would be thankful for relief from some direction.

Yours, fraternally,

T. E. ELLIS.
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *February 14, 1913.*

On February 13 Red-cap Porter No. 11, Broad Street Station, Philadelphia, Pa., said among other things: That he had been at the business 14 years and is getting $15.85, less 75 cents per month voluntary-relief assessment. That there are 56 of these porters at Broad Street and 15 of these are paid the same as he is and is ashamed to say the other 46 get no wages at all. All are required to belong to the relief. The company gives each applicant for the job a suit and overcoat. After that they are required to buy these uniforms from the company when the company designates they shall buy. That the porters who do not receive wages were in the habit of making enough by extra work in running the elevators to pay their voluntary-relief assessments. Since that has been changed he does not know how they manage the matter. No. 11 says there are just double the number of porters at Broad Street that should be there. Added to this is, on account of the company advertising them as a feature, people think they get fair wages and do not tip as they would otherwise. He recounts an experience occurring two or three weeks ago when he escorted a white gentleman around for about two hours and during that time told the gentleman all about these conditions and says the man was astonished and indignant. In speaking of the advertising part, he said, "They are talking of cutting it out."

T. E. ELLIS.

PHILADELPHIA, PA., *February 24, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: The following letter received from Brother Elliott, Elmira, N. Y., this a. m.:

ELMIRA, N. Y., *February 22, 1913.*

Mr. T. E. ELLIS,
General Delivery, Philadelphia, Pa.

DEAR BROTHER ELLIS: Your favor of the 19th instant at hand. Beg to advise that I am informed by several of the shopmen that the system you refer to is in effect here.

The men, as I understand it, are under the piecework plan and remain at the shops whether there is work for them to do or not, getting paid for just what work is performed.

One of the men stated that he had recently spent one whole day at the shops and made but 7 cents. He also stated that unless the party affected registered a very vigorous kick he would be compelled to put in a great deal of time with no compensation.

I am pleased to advise you that at a joint meeting held here Monday evening last with members from the other roads entering Elmira the Chemung Telegraphers' Club was launched, with about 50 charter members, officers chosen, and we will push the movement for all it is worth. Have no doubt but that it will be a success.

Matters are taking from hereabouts and we ask that you watch us grow.

Sincerely and fraternally,

C. R. ELLIOTT,
Local Chairman.

You note machinery I put in motion last November has been kept going in good shape. Have asked Brother Elliott to return to you constitution and by-laws, Queen City Telegraphers' Club, borrowed at that time.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PERHAM EXHIBIT NO. 9.

FAVORING COMPANY ORGANIZATION.

[The Order of Railroad Telegraphers. General committee. Pennsylvania lines east of Pittsburgh and Erie. G. E. Nightingale, general secretary-treasurer.]

NEWFIELD, N. J., *April 26, 1912.*

Mr. H. P. PERHAM, *President.*

DEAR SIR AND BROTHER: C. R. Williamson, whose address is Palmyra, N. J., told the agent here, Mr. A. Beckett, that the company was interested in the O. R. T. D. A. & S.

He is making desperate efforts to organize the W. J. & S. and Amboy divisions without success, although many of our members are becoming very impatient at the delay, and to increase their discomfort the O. R. T. D. A. & S. is flooding the road with their pamphlet. As none of them are subscribers is this not a violation of the postal laws regarding second-class rates?

My superintendent called me in on the 24th and attempted to browbeat me for a half an hour for appealing over his head to the general superintendent, although he did not deny that my letter to him had not been answered, that he would not meet our committee, and he asserted that the company was doing business with another committee. When I asked him if it was his idea of justice that the complainant had no right to choose his representative or attorney, he changed the subject, and said I had been sending eggs to Atlantic City improperly, and he was considering referring it to the Interstate Commerce Commission, and asked me how a few days behind the bars would suit me? I told him that I was not worrying about it. How about it? Some bluff? The egg business is one dozen which I deliver to the railroad station here without instructions. I do not know who takes them down, but it seems that that is up to the agent or baggage master. In fact, it is my opinion that the interview was simply to frighten me if possible. I trust that, with your help, we may be able to return the favor.

Yours, fraternally,

G. E. NIGHTINGALE.

SOUTH SEAVILLE, N. J., *May 14, 1912.*

Mr. J. F. MILLER, *Baltimore, Md.*

DEAR SIR AND BROTHER: On being in conversation with Brother J. W. Thurston, agent, of Ocean City, N. J., am informed by him that Mr. Andrews tried to induce him to join their order, O. R. T. D. A. & S. Mr. Thurston says he can produce evidence to bear him out in this statement. Have asked Mr. Thurston to write the matter up in full and mail to you or hold for future reference.

You will recall, this is the party I spoke to you about in Philadelphia on 10th instant, being called upon to pay his respects to superintendent after being visited by Andrews and Williams.

Hoping the situation may have its final in a sweeping victory for Miller and his gang, I remain,

Fraternally,

C. E. ELLENBERGER.

THE DAUPHIN,
HARRISBURG, PA., *December 2, 1912.*

Mr. T. E. ELLIS.

DEAR SIR AND BROTHER: I was told by Operator R. E. Erbe, 539 Lancaster Avenue, Lancaster, Pa., that he made application for position on Manhattan Terminal, New York, and was told by some of the P. R. R. officers that he could not be placed there unless L. K. Marr says so, "and the understanding they gave me was that L. K. Marr would not put a man there unless he was a member of the O. R. T. D. A. & S., and not being one I did not get the position."

Fraternally,

T. E. FIDLER.

FOXBURG, PA., *August 16, 1912.*

Mr. O. T. ARENDT, *Philadelphia, Pa.*

DEAR BROTHER: W. H. K. was over the road yesterday, and on account of being laid out by wreck he stopped at Emlenton and was giving Campbell a line of "B. S." Told Campbell there would probably be a strike vote taken this week and for us not to sign it, but to turn down the O. R. T. and join the O. R. T. D. A. & S., so as to be recognized; and also that they had something in store for the O. R. T. D. A. & S. members. So, you see, if you fellows fall down we can join W. H. K.'s order and still have something.

Have heard several of the boys talking, and so far they are all on your side; but when it comes down to the fine point there may be some who will not stick, but all the members who amount to anything are with you. This is too big a country to hang on to one job when the chance comes to get out, and here is one that is going on the first jump and get a good job.

Suppose by this time you have things in such shape that your job there will soon be ended.

Yours, fraternally,

R. V. ROBINSON.

W. H. K. was over the road Saturday on special. Made stop at Philadelphia, and when talking to Red McCoy gave him a "jacking up" for paying his dues for the coming term, and wanted him to drop it and take up the O. R. T. D. A. & S., but Red said, "Nothing doing."

THE PENNSYLVANIA RAILROAD CO.,
TEMPLETON, PA., *August 26, 1912.*

Mr. O. T. ARENDT.

DEAR BROTHER: No doubt you will be somewhat anxious to hear from this vicinity to know how the boys stand. As you are aware, Brother Compton lined up three from this point, making both extra and regular men solid. Also had a short talk with Mr. W. H. Karns Saturday. He called me out of office and asked me if I was a member of the O. R. T. I said, "Yes, sir." He said, "I understand the boys are talking of polling a strike vote in the near future, and my advice to you is to vote against a strike, as you are married and living here, and I would not like to see you get into any trouble. Are your brothers, E. O. and B. S., members, too?" I said, "Yes; they all are." "Tell them what I said, as I shall not likely see them. I have been telling all the boys in North End I see the same; and if it does come to a showdown, I will fight it to the bitter end." I says, "Yes; I do not wish trouble; I will so."

He also asked several south of me about the same dope; but all his talking was in vain, as they all seem firm, and am sure will stick with you boys till the bitter end, knowing that we shall win and everything come out O. K.

I am, fraternally, yours,

H. C. HOOKS.

EMLENTON, PA., *August 26, 1912.*

O. T. ARENDT.

DEAR SIR AND BRO.: I just received your letter last p. m., and in regard to W. H. K. asking me to join the O. R. T. D. S. & A., yes; he said, "Why don't

you drop the O. R. T. and join the O. R. T. D. S. & A., which will do you some good," and that they will not recognize the O. R. T. He has been to two-thirds the men on the division with the same spiel, and wanted to know if it would come to a strike vote, which he thought it would, if we would vote against it. We had quite a talk at Emlenton. I am now working second at S. K.—lost my happy home at J. S. I have been posting all the boys I can get to see, and they are all very strong in favor of it. If they do not come to terms they will stick by you. I say go to it; now or never. W. H. K. appears very uneasy at the present. He was putting a big spiel that we would all lose our pass, and he said he would know who all voted for and against; that he would get the ballots. He said, "What will you do if they come out on a strike?" I said, "I was darn sure I would not scab." I suppose you have no idea when you will be back. Well, stick to her; we are all with you.

Wishing you success, I remain,

Your friend and brother,

P. A. CAMPBELL.

WOOD HILL, PA., *August 27, 1912.*

The following statement was made to me by Mr. W. H. Karns, division operator, Allegheny Division, P. R. R.:

There are about 3,200 operators on the lines east of Pittsburgh and Erie. Of these about 900 are O. R. T. men and about 700 are O. R. T. D. A. & S. men, and the remaining half do not belong to either order. He suggested that we all join the O. R. T. D. A. & S.

E. A. GEORGE.

MOSGROVE, PA., *August 27, 1912.*

O. T. ARENDT,

3415 North Twenty-second Street, Tioga, Philadelphia, Pa.

DEAR SIR AND BROTHER: On the 24th inst. Mr. W. H. Karns, division operator, called at this office and asked me if I were a member of the O. R. T., and when I replied that I was he said he understood that we were going to take a strike vote, and that he would advise me to vote against any trouble. I told him that I wasn't aware that it had come to that yet, and if it did I would consider what to do then. He said, "Well, that's my advice to you," and went out.

Respectfully yours,

C. J. MOORE, *First Trick.*

TIDIOUTE, PA., *August 27, 1912.*

O. T. ARENDT, *Philadelphia, Pa.*

DEAR BROTHER ARENDT: Your letter at hand. I have been told by several that W. H. K. has tried to coerce all the nons and younger men to join the other organization, and have requested T. W. Pringle to come up to see me so I can get his written statement, but if he does not come I will go down on No. 30 and ride up with him from Eagle Rock to Hickory and talk with him, as he told Brother Cridler that Karns called him in, telling him that the O. R. T. had secured all the increase the operators had so far received and asking him to join them. Mr. Pringle refused to commit himself by either promising or refusing, but stated to Brother Cridler that he would join the O. R. T. as soon as he got a steady position.

In relation to Mr. Karns's talk to myself he did not commit himself in plain words, and the following is his exact conversation as nearly as I can remember it: On train No. 34, August 23, just after leaving Irvineton, Karns approached me, and the following conversation took place:

W. H. K.: "Hello, Cross. Are you a member of the O. R. T.?" E. G. C.: "Yes, sir; I am." W. H. K.: "Well, well, how's that?" E. G. C.: "I have been a member since becoming one in April."

W. H. K.: "My brother belongs, too; but maybe you won't believe that, and I am going to say the very same thing to him that I am now saying to you. The fellows around Oil City are getting very much excited. Do you know about it?" E. G. C.: "Perhaps I may." W. H. K.: "I understand there will soon be a strike ballot out, and I presume some of the men will, during the excitement, sign for a strike, and I want to caution you that if you do you will, when the excitement dies away, be sorry; but it will then be too late, for if you once sign that ballot your name will go on record, and, whether there is a strike or not, you lose."

Then followed a conversation about my hearing, and I successfully changed the subject, as I did not wish to commit myself in any way. Just before reaching Thompson Karns asked me if Frank Mascaro, a student by permission from Brother Perham to Brother Kennedy, was a member. I said, "Not yet." He said, "It's a wonder. If you fellows were wiser you would drop this foolishness and get into some order that would get you what you want without this friction," to which I made no reply, having reached our station.

On August 20 T. F. Hilliard, supervisor subdivision No. 12, entered my office, and the following conversation took place, but I was under the wrong impression that he meant Brother Compton:

T. F. H.: "Have you seen the organizer?" E. G. C.: "No." T. F. H.: "Do you belong to them?" E. G. C. (supposing he meant the O. R. T.): "Yes." T. F. H.: "W. H. K. ought to be satisfied, then." E. G. C.: "Why?" T. F. H.: "Didn't the company send the organizer around?" E. G. C.: "No; do you think the company wants to organize labor unions to buck against them?" T. F. H.: "Oh, yes; they did. He travels on a pass, and I heard him talking to the bunch in Richards's office."

I tumbled then and knew he must mean the other organization, and said, "That looks funny to me, for I can't see why our employers wish us to organize." He said, "You better get the other fellows into it, too." His train then pulled out and he left.

Will say further that W. H. K. seems too wise to make statements in words that will commit him directly to those whom he has reason to fear; and, while I do not dare write and ask those whom I know he has approached for fear they might give the game away, I will endeavor to see them personally and get a statement.

Brother McGill, now relief agent, told me W. H. K. had seen nearly every man and threatened them against signing the ballot, and W. H. K. told me he intended seeing every one.

Will learn all I can and try to keep you informed.

Fraternally, your friend,

E. G. CROSS.

TUNESASSA, N. Y., *August 27, 1912.*

Mr. O. T. ARENDT, *Philadelphia, Pa.*

DEAR SIR AND BROTHER: Your letter of Aug. 23 and others prior to this received, and I will now try and write you a few lines in answer to this and thank you for writing to me and wish you success. I see that things are serious, and I think now or never, and there are others that think the same. As near as I can find out all the members are sending in their dues pretty well and mean business, if they will only stay that way.

I saw Brother Compton a few minutes the 23d while train No. 33 stood here, and I understand he has to be pretty careful, but the other men of the other organization are going over this division, but so far guess with poor results.

Yes, W. H. K. has been going over the division seeing different operators, but so far he has not been here. And in regard to W. H. K. and what I can find out, he tried to find out from Brother Brown, second Vandalia, if he was in favor of a strike, and if he would vote a strike ballot, and W. H. K. jumped off 33 one night at Red House and asked Brother F. Goodrich how the O. R. T. was getting along. And I heard, too, that Brother Lamb, first NB tower OC., was up in W. H. K. office, and he tried to get information in regard to the O. R. T., and then he said that he wished he would join the O. R. T. D. S. & A., but Lamb said he guessed the O. R. T. was good enough for him.

I will now close for this time, hoping this will find you O. K. I remain,

Yours, truly,

WALTER LINDEN.

TADIOUTE, PA., *August 31, 1912.*

This certifies that I am a telegraph operator on the Pennsylvania Railroad, and that on Tuesday, August 20, I was approached by Supervisor T. F. Hilliard in behalf of the organization known as the O. R. T. D. A. & S., who informed me that the officers of the Allegheny division of the P. R. R. Co. had on that date sent an organizer out over the Salamanca branch of the Allegheny division for the purpose of securing members for said O. R. T.

D. A. & S. That during my conversation with said T. F. Hilliard he stated that all who wished to hold or continue their positions would be required to affiliate with the above-mentioned organization.

E. G. CROSS.

TADIOUTE, PA., *August 31, 1912.*

This certifies that on Friday, August 23, 1912, I was approached by Division Operator W. H. Karns while en route from Warren to Thompson on train No. 34, and that during the conversation that ensued I was informed to the effect that should I vote in favor of the strike my name would go on record as having so voted; that I would be sorry for so voting whether the strike was won or lost, giving me to understand that I would be blacklisted, although not saying so in plain words, but in such manner that his meaning was plain to me.

E. G. CROSS.

AUGUST 31, 1912.

This certifies I am a telegrapher on Allegheny division, P. R. R., and that I was held in conversation with a "traveling organizer" of the O. R. T. D. A. & S. on a train at a recent date. The conversation having the following import: That the P. R. R. did not recognize the O. R. T. under President Perham, of St. Louis, Mo., as it was affiliated with the American Federation of Labor, and that it did recognize an independent organization called the O. R. T. D. A. & S., in that the O. R. T. D. A. & S. had obtained the last minor increases in salary on the P. R. R. But when I stated that we had made particular investigation of the O. R. T. D. A. & S. and found it to be a counterorganization to the O. R. T., its object in the end to disrupt the uniting of the telegraphers on the P. R. R., he said he would not talk with me further on the subject, but would leave it to my future and better consideration, and handed me two application blanks, which he said he was confident I would wish to fill out soon after the O. R. T.'s committee in Philadelphia had been defeated in their object, which would prove that the O. R. T. was just taking our money willingly for nothing, and that we should belong to the O. R. T. D. A. & S., as it was the coming organization, recognized, and using our money to good advantage.

C. E. KENNEDY.

REYNOLDSVILLE, PA., *September 10, 1912.*

O. T. AREENDT, *Local Chairman.*

DEAR AREENDT: I want to submit my case to you and ask you what the O. R. T. will think of what I may or may not do.

I took this appointed job at "RS" with the understanding that I was to fit myself for train dispatching, and when it became fair, to give me the examination for dispatcher they would do so and carry me as a dispatcher, giving me such extra dispatching as my turn would be entitled to and moving me up to regular dispatcher, as per seniority.

I have done more or less of train running for the other dispatchers since I came to this office, and am somewhat familiar with the work now and feel that I might tackle it.

But now I am getting to the real issue: I have just received a request to present myself for examination for train dispatcher, which will probably mean that (if I pass the examination) they will put me on the list as an extra dispatcher and will require my withdrawal from the O. R. T. At least, that is what Supt. Buckelew required of Dispatcher Campbell.

So you can see where I am at. I want to see the boys win out, and I want to get promoted to dispatcher myself, and feel I owe it to myself to take every advantage of promotion that comes my way.

What I want to know is, Will the O. R. T. (the boys and officials) uphold me if I withdraw now from the order, which is necessary to become a dispatcher.

I consider myself mighty lucky to have gotten as far up as I already have, being with the company only two years, and starting in a ham of the worst specie.

Will my taking the dispatcher's examination, and provided I pass—and work—will it amount to very much to the order after all?

I want to do what is right with the boys, and at the same time I want to get all the promotion that I can.

So, to sum up, would I be a scab if I were to take the dispatchers examination, pass, and work up in this line for the company.

Fraternally, yours,

H. L. BAKER,

P. S.—Please answer quick, as I may have to present myself any day for the examination; am trying to delay it until I hear from you and what you think and what the boys think. Of course I shall do whatever I think best when the examination time comes, but would like to have your opinion on this first.

P. S. S.—Please put yourself in my place, as it were, and look at it in that light before you answer, but please answer soon.

H. L. B.

P. A. WENRICH.

DEAR FRIEND: J. C. M. was to see me yesterday. He asked me if I was a member of the O. R. T.; said "yes." Then he said, "You know the P. R. R. does not want their men to belong to O. R. T.," and said they will not meet the O. R. T. committee and if they call a strike. He said the reason is that if the company will not give in why the O. R. T. calls a strike and they do not want to deal with a union of that kind. The D. A. & S., they will not strike, he says. He asked me how many there were on this division, and I said some fellow said there were about 50. J. C. M. says that fellow must have stretched it some, and he says as soon as superintendent of telegraphers hears of O. R. T. men being on this division he will tell him (J. C. M.) to find some cause to discharge them. He says he thinks the men are foolish to waste their money on O. R. T.—this is for your information. Guess he thinks he can scare the fellows to drop the O. R. T. Am not scared yet. Understand he gives this little story to all the men he meets.

Your friend,

W. R. LONGENECKER,
130 Greenwich Street, Reading, Pa.

READING, PA., *December 13, 1912.*

Mr. T. E. ELLIS,
General Delivery, Philadelphia, Pa.

DEAR BROTHER ELLIS: See your diary November 19, 1912, meeting at Pottsville, Pa.

Referring to our conversation relative to the different things that took place on this occasion, I wish particularly to call your attention at this time to the statement that was made by Mr. G. W. Hoffman, who, I understand, is one of the local board of adjustment, and, if I remember correctly, the L. C. on the Schuylkill division, representing and a member of this so-called organization known as the O. R. T. D. A. & S. Immediately after the meeting, you will remember, you and I were walking up the main street and met Mr. Hoffman, and among other things he said: "Of course, your argument is logical, your cause is good, and I am unable to contradict what you say, but you know as well as I do that, as long as there are three members of the O. R. T. D. A. & S. on the Pennsylvania Railroad the O. R. T. can never do business with the management of that corporation (P. R. R.)." He gave me further to understand that he thinks he should therefore continue to support this so-called organization for that reason. I understand that Mr. Hoffman lives in Pottsville.

I merely mention the above to refresh your memory on what Mr. Hoffman had to say, as I consider it of great importance that we remember such damaging admissions, especially when they come from such a source as this.

With best wishes and kindest regards, I am,

Yours, fraternally,

PAUL A. WENRICH,
Box 606, Reading, Pa.

H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Mr. Hoffman also said at the same time, when I called his attention to the character of an organization in the position which he described, as per Bro. Wenrich's letter, "that it did not make any difference to him if he got returns," etc.

Fraternally,

T. E. ELLIS.

[Telegram.]

READING, PA., *March 4, 1914.*

J. F. MILLER,
2916 Huntingdon Avenue, Baltimore, Md.:

Division operator called me in his office to-day and accused me of trespassing on company property, and I am liable to be discharged or suspended very heavy any minute. He demanded a statement on my job at once. Statement made was about 25 words. Please give some advice.

H. F. STRUNK.

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316 SOUTH SEVENTEEN AND A HALF STREET,
Reading, Pa., March 5, 1914.

Mr. J. F. MILLER,
General Chairman.

DEAR SIR AND BROTHER: Division Operator Moran called me in his office yesterday and there accused me of trespassing on P. R. R. property, and when I asked him to tell me who told him so and demanded time and place of trespassing, if I had done so, he told me if I demanded that he would get rid of me shortly, and he gave me to understand that he wanted a statement from me or my job, so, therefore, I made this statement: "If I trespassed on P. R. R. property while off duty, it was only to see some operator whom I could not see while off duty."

I said, according to that, I had not dare to go in Ra office and see or talk to Operator Ramsay, and he said no, so I asked him what he was going to do with the operators that do go in there every day by the bunch, and he said he thought he had to stop them, and I asked if they could be stopped without being punished, and I had to take punishment. I also had him fast in some other ways, but he told me he would attend to me shortly, so I do not know what the outcome will be. I am not a bit scared, for if they give me a heavy suspension or discharge me, I am sure it will bring all five orders closer together on this pike, and, besides, I know I got support, but still I want to do all I can to hold my position for the present, but all four other orders urge me to go right on with my work, and I mean to do so.

Yours, fraternally,

H. F. STRUNK, *Local Chairman.*

I got application and $3 in money from John Duiolf, from Douglassville, and expect a few more this week yet.

H. F. S.

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316 SOUTH SEVENTEEN AND A HALF STREET,
Reading, Pa., March 11, 1914.

Mr. J. F. MILLER,
General Chairman, Baltimore, Md.

DEAR SIR AND BROTHER: I have not yet got any new members since I wrote to you last. But I tell you what I did get, and that is one-day suspension for trespassing on the P. R. R. property while off duty from February 25 to March 1, 1914. Well this was rather lucky, but I just bet you after they did all they could to scare me and found that they could not do it, and I put on a bold front in the very beginning, that they did not trust to suspend me very hard, for no doubt the way I acted they thought no doubt I had some pretty good backing in some way or other. But I tell you I was really afraid I might get fired in the first place, but I did not let on to them that I had any such idea in my mind, but after I got out of the office I expected to at least be suspended very hard, if not fired, but I was not a bit scared, for I knew I was well taken care of. I will make good use of the day I get suspended, and hope I can get about 5 or 6 new members that day.

I will to-day send you under separate cover a Reading Eagle, the leading daily paper of Reading, Pa., and you can find on page 2, column 1, a paragraph about the P. R. R. M. B. D., and also see that Operators Schaffer and Hoffman, two of the leading O. R. T. D. A. & S., are representing the operators in the P. R. R. M. B. D. This might be some help to you in the future, for it comes to show who are company men, for these two men are both of the $76.95 a month men, and are a few of the men that received an increase in wages on this division last fall a year ago. At the same time that this increase was

given out these men were very active in the O. R. T. D. A. & S., and also the majority of the men that did receive an increase at that time.

About four weeks ago I was to see Operator Hoffman, and he told me then he would not join the O. R. T. if I paid his dues, but I found out since that one time he was fired on the Sunbury division, P. R. R., and then came on here and got a job, and when he was found out he and his father-in-law, Conductor Faith, who is a very active member in the P. R. R. M. B. D., went to see the superintendent of the Schuylkill division and fixed things up, and ever since I understand Operator Hoffman stands up for the P. R. R. and nothing else, and it did prove itself when Operator Hoffman was local chairman in the O. R. T. D. A. & S. that he worked for the company and not for the boys. Operator Bause, chairman of the operators in the P. R. R. M. B. D., is another man hunting a good job that his seniority rights can not give to him, and so he is trying to stand in and took the opportunity of belonging to the P. R. R. M. B. D., and no doubt expects to find a good position in this way. It certainly is disgusting, but we will show them a thing or two before they pull any of these stunts off on us I think.

Wishing you success and a bright future, I remain,

Yours, fraternally,

H. F. STRUNK, *Local Chairman.*

AS TO J. W. KELLY, HADDONFIELD, N. J., AND HIS SECRET WORK ON THE BALTIMORE DIVISION, P. R. R., IN SEPTEMBER AND OCTOBER, 1912, UNDER INSTRUCTIONS OF J. R. T. AUSTON, AND WHILE USING P. R. R. FREE TRANSPORTATION.

PHILADELPHIA, PA., *March 25, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Attached letter from Brother Fidler, dated March 20, 1913, refers to Mr. J. W. Kelly, P. R. R. telegrapher, Haddonfield, N. J., of whom you have other reports. I do not know whether any of our organizers have made any reports to you as to what Kelly did down there around York, although one of the grand division men visited that territory several times last fall. For your information

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

[Inclosures.]

AS TO PITTING ONE EMPLOYEE AGAINST ANOTHER FOR SHADY PURPOSES, ETC.

PHILADELPHIA, PA., *March 18, 1913.*

It will be remembered that the alleged cause of the break between Auston and Jim Tatlow was a request by Auston that Tatlow go to the Baltimore division, P. R. R., and interview certain men, Tatlow refusing. Both Tatlow and Auston have stated to me that Tatlow refused to go and also told Auston that he would not "do things against the O. R. T. (See report of interviews with both.) J. W. Kelly, Haddonfield, N. J., was afterward assigned to that work. The records in P. R. R. headquarters show that J. W. Kelly was relieved from duty at Haddonfield as telegrapher on September 30 and remained away until October 20, 1912. On his return Kelly told telegraphers there (Haddonfield) that he had been down on the Baltimore division, but did not say what the nature of his mission was.

Attached herewith is a letter from Brother T. C. Hunter, Parkton, Md., to Brother Fidler, that refers to Kelly's visit with him.

Also attached herewith is a letter from Brother J. K. Gladfelter, Hanover Junction, Baltimore division, stating that Mr. J. L. Rhorbaugh, agent Shrewsbury, told him of what Mr. Kelly told Rhorbaugh the P. R. R. would do to "break up" the O. R. T. With reference to this I will say that Telegrapher J. P. Connell, Haddonfield, N. J., one of the men who joined the O. R. T. D. A. & S. with Kelly, being promised an immediate advance in wages for so doing in the spring of 1912, states that a man from Haddonfield was sent to J. R. T. Auston's office, Philadelphia, to find out why the advance was not forthcoming, and was told by Auston that Kelly had no authority to make such statements

with reference to advance in men's wages. Quite likely the same would be said of Kelly's other statements.

If Kelly's characteristics are wanted I have considerable of it in writing.

T. E. FIDLER.

PARKTON, *March 6, 1913.*

Mr. T. E. FIDLER.

DEAR SIR AND BROTHER: Replying to your note of March 3, Mr. Kelly was to see me some time last fall; think it was the latter part of September or first part of October. I don't remember much of what he said, but said nothing to me about company helping him "bust" O. R. T.; but he tried to tell me their organization had more members than the O. R. T., and he was very anxious for my application to join them. He showed me his card, which had his name on it as organizer for the O. R. T. D. A. & S. I told him it was no use to talk to me at all, as my mind was made up as to the right organization. He did not get to see P. S. Talbott, as he was in bed the day he was here, and said he was coming back to see him, but did not. I told him then he may as well save his time as to come back.

I am certainly glad to hear the boys are dropping that crowd, and hope they will all come our way.

Yours, fraternally,

T. C. HUNTER.

HANOVER JUNCTION, *March 13, 1913.*

Mr. T. E. FIDLER.

DEAR SIR AND BROTHER: I am sorry that you were compelled to write your second letter for this information. I never met Mr. Kelly. Mr. J. L. Rohrbaugh, agent at Shrewsbury, told me what Mr. Kelly had told him, but it had slipped my memory, and I was unable to ask him before, as I didn't want him to get suspicious, as he is not in sympathy with the operators' cause. Mr. Kelly told him that the company would spend a certain amount of money to break up the O. R. T. It was either $100,000 or $250,000. If I'm not mistaken, Mr. Kelly gave Mr. Rohrbaugh to understand that the "Pennsy" was back of the new order, but if it were to come to a test Mr. J. L. R. might deny this.

This is about all I can do for you at this time in regard to this. If I can find out any more, will let you know at once.

How are you making out up the line? I hope things will soon come our way.

Fraternally, yours,

J. K. GLADFELTER.

P. S.—One of the linemen told me yesterday that Mr. Kendig wants 175 operators. Looks as if they are expecting trouble.

PHILADELPHIA, *March 18, 1913.*

H. B. PERHAM,
President O. R. T., St. Louis, Mo.

DEAR SIR AND BROTHER: Herein find inclosed copy of letter I wrote Brother Miller to-day, which is self-explanatory. We are getting to a very delicate period of the case. I have worked upon the Schuylkill division, and I realize that we will have to handle it with gloves on.

I took a run to this city to-day to confer with Brother Ellis on the situation.

With best wishes, I am,

Yours, fraternally,

PAUL A. WENRICH.

P. S.—I also attach interview of 20th inst. next to that of 18th.

P. A. W.

Rdg., Pa., March 21, 1913.

[Inclosures.]

PHILADELPHIA, *March 18, 1913.*

Mr. J. F. MILLER,
General Chairman, 2916 Huntingdon Avenue,
Baltimore, Md.

DEAR BROTHER MILLER: I am in receipt of your letter of recent date and note what you say.

Just as I suspected, Mr. Boyer has been twisted and molded into shape by this so-called general committee and seemed to be very much in a hurry this a. m., claiming to have had considerable business on hand, and consequently not very communicative. He said they presented a claim for readjustment to the management yesterday, and, then, too, there were other rules and regulations pending that were submitted to the management before his election as local chairman of the Schuylkill division that are being held under advisement. He also claimed that he wrote a letter to Senator Blair Lee regarding a supposed a letter he was alleged to have received from L. K. M. that 3,500 men in the telegraph department did not want that law, and Mr. Lee, he says, replied, saying that he never received such a letter to his knowledge; or, if so, same could not be found on his files, or words to that effect.

Mr. Boyer also contradicted your statement regarding our membership on the P. R. R., and says he can show that they represent and have a membership of 2,500 men, etc. I told him he could not show us a membership of over 200 bona fide telegraphers. This he would neither confirm or deny, but consoled himself by saying that he wanted to belong to the organization that could do business with the management and the organization that was getting these things from the coffers of the corporation through nip-and-tuck methods, and that the corporation had inconvenienced themselves by granting the concessions hereinbefore alluded to, or words I understood to that effect. He was filled with the spirit of Mar-Anst-Dolph-a-mania, and I told him that everything they had secured or anything they can ever hope to secure they owe to the consistent organized telegraphers of the North American continent. In view of the fact that we have all the lines scheduled on this continent, with the exception of nine, with 500 miles of trackage or more, it stands to reason and is common logic to suppose that these remaining lines being in the small minority must either grant increases and other concessions from time to time or else stand the consequences of losing many good men. The P. R. R. being bent on breaking up the O. R. T. on that road through the instrument of the D., A. & S., are using that organization to perform that task by handing out these concessions in the name of that organization in order to pull the wool over their eyes and throw the dust into their faces and blind the men. By such tactics "they make things look what they ain't."

This is about all of the conference or interview I had with Mr. Boyer, as he seemed to be in a very big hurry. I made an appointment with him, however, to meet me at the hotel Thursday morning at 9 o'clock. I will get T. E. E. here, and we will try and learn more about their conference. As near as I am able to judge at this time, I am of the opinion that they accepted what the company felt inclined to give them. I do not know whether or not Mr. Boyer will admit this. We will see and let you know later just what we are able to learn in our interview two days hence. He is filled with the spirit and will have to be handled easy. I know.

With best wishes, I am,

Yours, fraternally,

PAUL A. WENRICH.

READING, PA., *March 20, 1913.*

Mr. J. F. MILLER,

2916 Huntingdon Avenue, Baltimore, Md.

DEAR SIR AND BROTHER: As stated in my letter dated the 18th inst., which I inclose herewith, I had an appointment with Mr. Boyer at the Phoenix Hotel, Phoenixville, Pa., for 9 o'clock this a. m., and, as stated therein, I arranged to have Brother Ellis with me. Mr. Boyer put in his appearance at about 9.45. After Brother Ellis registered, we retired to room No. 2, which the clerk assigned him, and immediately got down to business. We found him more communicative than what I did on the 18th, which, in my opinion, is due to several reasons—first, because Brother Ellis was with me; second, on account of Mr. Giles paying him a visit on Wednesday, the 19th; and, third, on account of the sentiment of his fellow telegraphers on the Schuylkill division, which I am advised is vicious, and as one man puts it, "I never heard such a cursing and carrying on since the death of Supt. Moss." Mr. Boyer admitted that the men along the road look upon the adjustment and hand-out as indirectly due to the efforts of the O. R. T., and that most of the men are satisfied that it was done for organizing purposes.

He states that 29 positions on the Schuylkill division were affected by the increase, reaching about 12 offices, and causing more trouble than if nothing

had been handed out at all. Mr. Boyer advises us that everything was cocked and primed before the D., A. & S. general committee arrived at Broad Street, as everything was ready in blue print form when the committee arrived at Broad Street. He says that the trouble above referred to is due principally to the fact that it is mostly the higher-priced men that were benefited by the adjustment.

He advised us that the reason he thinks Mr. Giles called to see him was on account of a question he asked one of the committeemen after they were through with the conference. He says he asked one of the committeemen whether he thought it looked like a company order, to which the man replied, "Why, no; does it to you?" and quite naturally says he replied that it did not appear so to him. Boyer says he is of the opinion that this man must have told Giles and probably others concerned, as Giles put the question right at him; and Boyer says he told Giles that to join the O. R. T. was the most remote thing in his mind, and was one of the last things he would think of doing. Mr. Boyer says that Mr. Hoffman and himself arrived in Philadelphia Sunday forenoon, and that Hoffman took him to Auston's office, and that after they had listened to what Auston had to say Hoffman looked at him and said, "You can see now that this is not a company organization."

Mr. Boyer says that Mr. Johnson and Mr. Marr were the only officials of the company present at the conference, and that Auston was not there, but says it was shown before the committee met Johnson and Marr that Auston knew what was to be given the committee, and that either Johnson or Auston stated that if the increase would have been handed out, say, about 10 days later and not at the time it was that the Schuylkill division boys would not have fared as well on account of their recent attitude in voting to get into the O. R. T. and attending the meetings the way they did. He says Mr. Johnson mentioned the O. R. T., saying that he understood that we had several meetings in Reading, and that the management would never meet the O. R. T. Mr. Boyer made the statement that three men were running the D., A. & S., and that those three men are Johnson, Marr, and Auston, but that Johnson was the real head.

During the conference Mr. Boyer states that he presented a rule that he wanted the company to adopt, relating to seniority, and to which Mr. Johnson took exceptions; and that he (Boyer) took occasion to say something in defense of this rule and the Schuylkill division, claiming that there have been discriminations in the past in connection with the assignment of positions. After the exchange of a few remarks Mr. Johnson remarked that he would better not have so much to say, as he was the baby of the committee.

In reply to a question propounded by Brother Ellis, he stated that it appeared to him, and now plainer than ever, that they had him spotted throughout. He says he was cautioned in committee room to leave what transpired there at Broad Street, and requested us several times during our interview to keep different facts to ourselves. He cautioned us particularly not to say anything that he told us that Marr was at Broad Street.

Mr. Boyer also took occasion to say during the course of his remarks that he believed that if a fellow would be crooked enough to accept (or have himself elected) general chairman of that order that he could, or in all probability would, fall into a good position with the P. R. R. He indicated that he could and would in all probability have something more to say a little later that might prove of some worth to us. We let it go at that for to-day, however. Mr. Boyer seems to entertain the idea that he is in a position where he will be able to learn more about the inner circle of matters pertaining to the D. A. & S., but we made it plain to him that he was a marked man, and consequently not very likely that they would let him in on anything.

On account of the previous attitude of Boyer on my visit two days ago being somewhat variant, I did not ask him to write you that letter as you suggested, neither did I ask him whether he wrote you as he had promised or not. He advised us, however, that you sent him a journal. I left him a confidential report of our board of directors bearing on the Marr case. He told us to-day that he wished already that he had never accepted the L. C. of the D. A. & S., and he certainly looked as if he meant just what he said. He seemed to be worried, and appeared the very picture of a very uncomfortable man. He predicts that there will not be a dozen members left in the D. A. S. by the end of April, 1913, if all the men drop that threaten to do so.

I believe that Boyer is on the level, but for the present I think it best to follow the suggestion Brother Ellis made to me to-day, and be careful not to give him any information for a while yet. What say you? Did he write you?

With best wishes and kind personal regards, I am,

Yours, fraternally,

PAUL A. WENRICH, *Organizer.*

Copy to H. B. P., St. Louis, Mo., and T. E. E., Philadelphia, Pa.

LUTHERVILLE, MD., *March 25, 1913.*

Mr. T. E. ELLIS.

DEAR SIR AND BROTHER: I was told by H. H. Hubley, operator No. 605, West Princess Street, York, Pa., that Mr. E. Good, operator, living at York, Pa., says that that man Kelly told him he was out organizing for the D. A. S. and the P. R. R. was paying him his salary while off doing so. This man Kelly was also arrested by a company officer at York for trespassing and taken to the train master's office there in York, and after showing his passes and telling who he was, the trainmaster instructed the officer to let him go, as he was all right, which gave him the privilege to continue trespassing, and no other employee is granted that privilege, showing that he has that privilege, contrary to the law of Pennsylvania.

If I get any more will let you know.

Yours, fraternally,

T. E. FIDLER.

MAPLETON DEPOT, PA., *January 25, 1912.*

Mr. J. F. MILLER,

General Chairman, Baltimore, Md.

DEAR SIR AND BROTHER: Your letter of January 23 inst. received, and would say that the reason for me not advising you what was doing on the middle division was account of receiving a letter from you some time ago saying that you would be with me on or about January 23.

My division operator called me to his office on January 19, 1912, and asked if I was still going to be so active in the O. R. T. as I have been in the past. My reply was that so long as it did not conflict with my work for the company I did not see any reason why I should not continue.

He asked about the certificate of authorization, and wanted to know if I was going to put it out among the employees. I told him that I had already put some of them out; but, of course, if he said stop it I would have to listen to him. He told me not to put any more out until I heard from him in a few days. I said that I would obey his request.

He told me that Miller, meaning you, was coming on the middle division next week, meaning the week of January 21, for the purpose of helping me to put out these blanks. I told him that I was very glad for that information, as I thought he could not drop in on me at a better time, and also continued to tell him that I knew nothing of your coming until he had just told me of it.

He asked me what membership I now had on the division, and I told him that he should know that already without asking for it. "Well," he said "I am informed that it is between 70 and 80 per cent." I said, "That is quite right." He said, "Now, Rex, the reason that I brought you up here to-day is to see if you will not drop out of the O. R. T. It is the company's desire that we have as few of our employees as possible in that organization, and don't you think you could withdraw from it." I said I joined the O. R. T. just the same as I employed with the company; I did it voluntary. Also when I joined the O. R. T. I made an investment in taking out their insurance for $1,000, and I did not think that the company would be treating me fair to ask me to drop out of the O. R. T. and have me lose all that I have paid to them on my insurance. He said, "Rex, I see that does not look right, and we will change it somewhat. Can you not cease your activity for that organization? We are going to place our men in this office as opportunity affords itself, and we do not want to have any strings hanging to you when this time comes. You have done wonders for that organization on this division, because only last August you had about 30 per cent in that order, and now you have it increased from 30 to 80 per cent. We have better positions for our employees who are competent of doing such work as you have in the last few months." I told him that I would consider the matter for a few days. I was in his office from 9.30 to 11.45 a. m. Now, the

blanks that I referred to were put out between Mapleton and Lewistown. None of the operators west of Mapleton or east of Lewistown knew that there was such a thing out on the division. On Saturday, January 20, the division operator sent a man out of the superintendent's message room to come down along the division and advise the employees that it was the company's desire for them not to sign the authorization blanks that the O. R. T. were putting out, and if they did they were going to get in serious trouble. Many of the boys called on me on Saturday eve and wanted to know what I had that the company got on the job once and was telling the boys not to have anything to do with it. Well, this put me onto their plan at once. It was to have this man cover the division ahead of me; scare the boys not to sign them, so I could not show that I represented the majority of the employees. I sent a letter to my division operator at once, telling him that I would call at his office on Monday a. m. at 9.30. I did not hold any meetings for the purpose of getting out these blanks, because the most of the employees are scared to do any work. Therefore I took this plan: I would wrap 3 blanks in a newspaper and clip it with a clothespin. An office that had a lever man I would put in 5 blanks. Now, before I would leave the office in the morning I would tell the boys to leave a note in the office; that I would throw a paper off of a certain train and to look for it. Now, this plan worked out good, as every man was at the window looking for me from Mapleton to Lewistown, and when the division operator called for me on the 19th I had nearly all of the blanks that I put out on Thursday signed and in my keeping. Before I left the office on Monday, January 22, to see the division operator, by my request, I told all of the offices from Mapleton to Altoona to look for a paper from train No. 85. I threw these blanks off just as fast as the train could take me to Altoona, and saw that a man was looking for it at every office. I was not going to wait for this man to cover the division ahead of me and then get a letter from the company that they did not object to me putting out these blanks. As soon as I entered the division operator's office on Monday he looked very guilty. Before I said a word to him, he said, "Rex, I have not given you a reply about putting out those blanks yet. I was busy and forgot it." I told him that after the action the company had taken that he did not need to take his time in giving me a reply, as I have put all of them out on the division this a. m. He said, "Well, it will take some time for them to get them by mail." I said, "Perhaps so." You see, he was under the impression that I was putting them out by United States mail. I told him that my trip to see him was concerning certain statements that the man he sent along the line made to the boys. I said, first, he told them that those who signed the blanks would get in serious trouble. I said, "If there is any trouble coming I want to know of it." He called the man in his office, and he denied saying anything of that kind. Second, I said, "Did you not ask the boys if they knew who had already signed any of them?" He denied saying anything like that, and said that he just told the boys that it was the company's desire not to sign them. Well, I got him in two lies; also had him and the division operator a little nervous, because they knew that they were guilty and were not acting fair and honest with me, as I was with them. I told the division operator that my main object in seeing him was to thank him for advertising my work to the employees at the company's expense instead of at mine. I told him that the boys were wanting to know what I had, and as he had already told them, the boys were standing true to the order and were waiting to sign my blanks, 80 per cent strong, backing me up and knocking at his door to let him know that they did not approve of the company's move.

I have these blanks out over the entire division and Petersburg branch, and am receiving or getting them back in my care very rapidly; only a couple that I know of are not going to sign them. The "nons" are signing better and quicker than the brothers. The division operator is under the impression that only the members of the O. R. T. are to sign them. He will get his eyes open in a few days, perhaps, after they are all signed and back in my care.

I have not held any meetings since I was at Washington on account of getting knocked out by that injury, and also have two patrolmen watching my work every night. I am in a tight pinch, but will do all that I can. I am very sorry that you could not be here with us at this date, because I was building upon you getting here about the 23d and set things booming on the east end for me. I can call a meeting now any time, but the question is, the west end is the stronger, and they want a meeting that they can attend. The east end is very weak and needs to be revived, and the few boys that belong to the order that work on the east end say that I should come down there. This question

I was going to leave for you to settle, as I thought you would hold a series of meetings at different points along the line. The way I understand our rules made at Washington, D. C., is that we can only hold one meeting a month. If I was granted permission to hold meetings on the middle division on east and west end once a month I would take two days off and hold morning and night meetings at each end. You see, the boys on here were always used to having two places on the division to go to meetings, and would not go. Now they see their mistake, and they are after me to hold them on east and west end once a month. I told them that you were coming to see me in a short time, and that they would get a chance to attend all the meetings that they were looking for.

I showed Brother Sneath your letter to me requesting him to make a write up for the journal; he said that he would do it.

T. G. Beaver is wanting meetings on the east end to do a little revival work and wants me to go along with him at the expense of the O. R. T. for both of us. Now, you see that I can't arrange to do that. I think that it would be best for you to come to this division just as soon as you can arrange, instead of waiting until February 15. I was just taking you at your word that you would be here in January, and have been doing all of the chasing up and down the line to get what information I could for you that would be a benefit to you and the meetings.

Brother McGrail wrote to me while I was off sick, saying that he was willing to come to Tyrone to help me to put out the blanks. Now, you see, I have the blanks out and coming in and have not held any meetings, which is so much more for the treasury and more work for me. It is not a good thing to have too many in the game, because they are liable to get scared and lay down on you. Now, you see how I beat the company with the blanks, where if I had had meetings and given them out to the boys to distribute over the division, they may have got scared and not given any more of them out. That would have given me ten times more work to get after them to finish their work than when I did it myself. Now, to explain my point is: If I had given some to M. L. Minick to put out on the east end I would have got stung. I was down to see Minick on Tuesday eve. I asked him for his signed blank. He said that he had not signed it yet, because that man from the superintendent's message room was down to see him personally, and that he was studying about signing it. I have not yet received his. Now, cases like this would have crippled the work had I put it out for the boys to do. In a few days, if you do not advise me that you are coming before February, I will call a meeting at the point on the division where I do not get the boys to sign the blanks on account of getting scared out and explain the matters to them, and what ones come to the meeting I will inform them who have not yet signed the blanks and set them to get them to sign and send them to me. Brother Fetzer has sent me all of his correspondence and blanks. He only had 34 blanks signed. I don't know how many are on his roster; I will write to him and ascertain. Brother Kacy sent me two copies of the Philadelphia division wage scale and a copy of his superintendent's reply. I will get in touch with Brother Melchor and see how he is doing with getting the blanks in. I have not heard anything from the Schuylkill division man, but will drop him a few lines at once.

Yours, fraternally,

A. L. REX.

Care O. R. T. 35, Middle Division.

P. S.—Just a word more. The division operator said that he could not understand why the employees put this mater in the hands of my committee instead of first coming to him. I said, "Perhaps I can explain that to you in this way. You have 249 men on your roster. Now, suppose they did not give this work to my committee and would all come to see you personally?" At that point he said he would never receive them; that it would be impossible for him. I said, "Very well; you don't want to meet their committee." He said, "No; I don't." I said, "That's it. You say you won't meet your employees or their committee. Now, you must do one or the other." Well, he saw his mistake and tried all ways to cover it, but I held him to what he had just said.

A. L. R.

[Inclosure.]

MIDDLE DIVISION, P. R. R.

All employees in the telegraph department, union and nonunion:

You are requested to sign the inclosed authorization blank, for the purpose of the local chairman on the Middle Division, to show that he has the authority

to represent you before the general superintendent for the consideration of a wage scale and schedule. Please sign and forward them to A. L. Rex, Mapleton Depot, Pa., as soon as possible by United States mail.

Yours, fraternally,

COMMITTEE REPRESENTING EMPLOYEES IN TELEGRAPH DEPARTMENT.

This letter was put in each pack that I threw off.

[Order of Railroad Telegraphers, Wilmington Division, No. 58.]

NORTH EAST, MD., *April 12, 1912.*

Mr. J. F. MILLER, *General Chairman.*

DEAR SIR AND BROTHER: Referring to your letter of April 10, instant, relative to being approached by officials of the company and trying intimidate the local chairmen, I wish to state that on the morning of December 22, 1911, Assistant Division Operator C. J. Rudulph came to me on train No. 280 and asked me if I was still local chairman of the Maryland Division, and when I replied that I was, he said he was sorry, as he had hoped that I had not been reelected under the new system division, and said he thought it would not do me any good to serve as chairman, and that the company would probably make trouble for me if we should attempt to force recognition for the O. R. T., and said he had hoped that I had given up the local chairmanship, as I had been a long time in the service and he would not like to see me get in trouble; also said the company would fight us and would use the new order against us, and said they expected the new order to help them out; said that the opposition was coming from Superintendent of Telegraph Johnson and that the general manager would uphold him.

Approached again on train No. 280 on January 15, 1912, and practically went over same ground; said the local chairmen of New York and Philadelphia divisions had resigned, and endeavored to get me to do the same, and intimated that if it came to a show-down the company would discharge me; and said they would not meet us on account of our being affiliated with the American Federation of Labor, and said the company would expect the new order to furnish men to fill our places in case we should go out on strike.

Approched again on train No. 280 on January 19 by C. J. Rudulph, who practically went over same ground and tried to induce me to give up the local chairmanship.

Approached again on train No. 280 on February 10, 1912, by Mr. Rudulph, and he said that Supt. Whitney had called him in his office and informed him that all the local chairmen but six had resigned, and said to him, our man will have to resign as local chairman. I told him to tell Mr. Whitney that I positively refused to resign the chairmanship and that I reserved the right to do as I pleased when off duty. He has not mentioned the matter to me since.

Yours, fraternally,

H. B. ARRISON,
Local Chairman.

PHILADELPHIA, *May 22, 1913.*

DEAR SIR: Found your card in mail box. If you are in town you can call Friday night, 23d, after 8.45 p. m., as I don't get home until 8.45 p. m. and there won't be anyone here to let you in, as the family will be away. If not, most any night will do after 8.45—to-night if you get this in time.

I can't call at the Windsor, as some one is sure to see me, etc. (Meaning P. R. R. detectives.)

Yours,

A. W. STOUDT,
2835 North Twentieth Street, Philadelphia.

Or any morning will do before 10 a. m.

MOUNT HOLLY, N. J. *April 18, 1912.*

Messrs. J. F. MILLER, *Chairman O. R. T., Baltimore, Md.*, and
G. E. NIGHTINGALE, *General Secretary O. R. T., Newfield, N. J.*

DEAR SIRS AND BROTHERS: By request of yourselves I submit the following statement as told to me by Brother M. Kunin as having been made to him by one

G. C. Williams: "The company has got you marked up; so have they Austin. I get my orders from New York, and the company pays me for coming around."

This G. C. Williams was supposed to be operator in "PR" Camden at the time, and these words took place in "JN" signal tower, Mount Holly, at the time Brother Kunin was on duty.

Fraternally, yours,

HAROLD G. AUSTIN.

DISCRIMINATION.

LUTHERVILLE, MD., *April 21, 1912.*

Mr. J. F. MILLER.

DEAR SIR AND BROTHER: In answer to yours of the 16th, will say that I bid in one of the positions as extra operator in "B" office (superintendent's office) that was advertised on March 19, and was second oldest man making application for same, according to my seniority rights, but on April 3 I was called to the office by Mr. Donnelly, division operator, and was told by him that I stood second for the extra work in "B" office, but was barred from same on account of being a member of the O. R. T. I said to him, "How about it if I withdraw?" He said: "That is up to you, but you can not work in that office while you are a member." I told him I was a paid-up member until June 30, and if that was to bar me from this office I would have to stand it. He did not tell me I would have to withdraw from the order, but said I would not be promoted while I was a member of same. On April 5 he took another operator (Lanius) in this office ahead of me, and I wrote and asked him why he had done it. (Attached find a copy of letter.) On April 9 I was again called to the office, this time by Assistant Division Operator Kendig. When I went in Mr. Donnelly got my letter that I had written him and began reading it to me, and said: "Now, Smith, in this letter you want to know why I brought Lanius in 'B' office ahead of you, and I want to tell you now, as I told you a few days ago, you can not work in 'B' office while you are a member of the O. R. T." I told him all right; that, as I was a paid-up member to June 30, I could not do anything further. Mr. Kendig then spoke up and said, "Why can't you get a withdrawal card"? I told him if he would give it to me in writing that I would have to get out of the order in order to get promoted I would see what I could do about it. This he emphatically refused to do. About this time Mr. Kendig got up and went out and stayed about five or eight minutes and came back and told Mr. Donnelly that they would have to have a man for "B" office that night and would put me in there pending the superintendent's decision. He then took me over to "B" office to get my orders from the manager of the office, and on our way over there he said to me, "Now, Smith, we are going to put you in here to-night, but if we ever hear of you taking any part in or attending any O. R. T. meetings you will be discharged at once." I thought this was pretty tough after a man giving them 16 years of loyal service as I have done to be treated in this manner.

Yours, very respectfully,

G. M. SMITH.

BALTIMORE, *April 23, 1912.*

J. F. MILLER, Esq.

DEAR SIR AND BROTHER: Yours of a few days ago received and contents noted. In reply to your inquiry as to why I dropped out of the O. R. T. would give you the following. This is not an exact copy of what took place verbatim, but is a sketch of the incident, and the facts given are entirely correct and worded as nearly as possible to remember them:

On January 11, or possibly the 10th, I was approached by Mr. Kendig, our assistant division operator, and told that it was desired by Mr. Latrobe, the superintendent, that I drop the O. R. T. I then asked him if he had told D. L. Koller, our secretary, that Mr. Latrobe said that if he did not drop out of the O. R. T. he would remove him from "B" office, and he said, "No; he did not say that, and he did not think Mr. Latrobe said it either; so after talking about it for some few minutes, and not being able to come to an agreement on it, he suggested that I go see Mr. Latrobe about it. This I did at once, and Mr. Latrobe said to me, "Jacoby, I want you out of the O. R. T. I will not have any man in 'B' office that is a member of that organization." I then asked him if I did not get out of the order whether it was true that he would remove

me from the office? He said, "No; I won't say that, but I will say that I won't have any man in that office that is a member of the O. R. T." So after talking over the matter for about 30 minutes I left him with this answer: "I will think over the matter and let you know my decision." I left the matter go until February 8th or 9th. Then I was notified that Mr. Kendig wished to see me. I saw him down on the concourse of the station, and he opened the matter about the withdrawal from the O. R. T. with this assertion: "Jacoby, Mr. Latrobe says he wants you to get out of the O. R. T.; and do it at once or he will take you out of 'B' office." I asked him if he was sure that that was the way Mr. Latrobe expressed himself, and he said "Yes; those were the very words he spoke." I then asked him if he thought Mr. Latrobe would really remove me if I did not drop the O. R. T., and he said "Yes; I am sure he will, for he is a very determined man in matters of this kind." He also said Mr. Latrobe wished me to get a withdrawal card so as to show him I had really withdrawn. I answered that neither Mr. Latrobe or Mr. Donnelly or any other official had any reason or cause to doubt my word, and that if I said I would withdraw that I certainly would do so, and that furthermore I was in arrears in dues now for the present quarter and could only get a withdrawal card by paying up the semiannual dues, and that I would not pay this amount for a withdrawal card for Mr. Latrobe, Mr. Donnelly, or anyone else. Then Mr. Kendig, after asking what the amount would be, said, "I don't blame you for not wanting to pay that amount for the withdrawal card." Then he said, "Well, just drop a letter stating that you have withdrawn, and I will show that to Mr. Latrobe as a verification that you have really done so." I answered, "You just write me a letter stating what you want and I will answer it. As there has been no writing about this matter as yet you will have to take my word for it until you write me." I have not seen a letter from him yet.

Several days after this I was on a car going home, and Mr. Kendig got on it and immediately approached me in the matter as to what I had done in it. I said, "Nothing at all." He said, "What do you mean by nothing at all? Have you acted in the matter, or what do you mean?" I told him I had allowed myself to become suspended for nonpayment of dues and that I was at the present time not a member of the O. R. T. He then said, "You are better off, as it would not do us any good to belong to it." Then I immediately told him that I differed in opinion about that and that we could not agree along that line if we talked until the day of judgment, and that I preferred not to discuss it with him. He had my word for it that I did not belong to the order, and that ended the incident. So we commenced to talk about other things. This is about the meat of the matter. Of course, there was much more said during the two meetings, but that is about the summing up of all that occurred.

Hoping I have set myself straight before you in the matter when I say that I was compelled to either drop the O. R. T. or be taken out of the office, and that, owing to the drain upon my resources for the 10 months that I was in Texas for my health, I was compelled to take a step that was very disagreeable to me. I may be censured for the action that I have taken in the matter, but that is a matter that every man must settle for himself. My conscience is clear on the matter, and thus I feel as near satisfied as a man can be who was compelled to do a disagreeable action through a power that he was unable to overcome.

Thanking you for your kind inquiry about the family, and saying that they are all well and hope you and yours are the same, I beg to remain,

Yours, respectfully,

H. E. JACOBY,
No. 2018 North Calvert Street, Baltimore, Md.

GREENWOOD, DEL., *April 29, 1912.*

Mr. J. F. MILLER,
General Chairman O. R. T., Baltimore, Md.

DEAR SIR AND BROTHER: As long as we moped along under the local-division plan our superior officers on the Delaware division gave us something like a square deal, but since we have awakened from our slumberings and adopted the system-division plan they have used their time both day and night in gunning for O. R. T. men on the road. Our division operator has been far more active, however, in the game of intimidation than any of the other officials, as he has used the company's time going from place to place holding conferences

with the men and using all kinds of argument and coercion, and even threats, in his effort to force us out of the O. R. T.

We are being discriminated against on account of our affiliation with the order, while nonmembers with enough against them to discharge 25 members do as they please. On one occasion they declared a tower closed when it was moved in order to give a man a job he was not rightfully entitled to. Our men who have been promoted to the superintendent's telegraph office at Wilmington have been forced out of the order, thereby causing them to lose their life insurance policy, which protected their families in case of death. On the strength of this they are forced into spying and doing detective work for the company.

Is it not possible for a good man, who gives the company honest, efficient service every day, to work on the Pennsylvania Railroad and be a member of the O. R. T. without being threatened with dismissal and the refusal of promotion when his turn comes?

I would be glad if you would take this matter up for investigation.

Very truly, yours,

THORNDYKE ROE, *Block Operator.*

CORBETT, MD., *May 10, 1912.*

Mr. J. F. MILLER.

MY DEAR SIR AND BROTHER: Your welcome letter at hand. Glad to hear from you again. I am not very busy at the present time; only made nine days last month, but think I may fare better this month. I don't think there is any show for me now in this department. I am endeavoring to get a new start in a different direction; can explain better when I see you again. That $4 rate surely ought to make the "nons" sit up and take notice. I will have my cousin now in a very short time. It seems as though I have been losing track of things since I lost my old job at "BA" and can hardly keep up to date. Send us some news now and then; we need something to help us keep up the fighting spirit. I am inclosing you some remarks from conversations with the assistant division operator. According to his idea he doesn't see anythng for us, but I told him he had to show me. At least, I gave him to understand that much. These remarks are a little long, but I had to send them that way in order to include all the little points of interest.

I trust you are in better health by this time. Don't work too hard, Frank. We all appreciate what you are doing. I want you to accept my appreciation as an individual.

Trust I may be able to see you soon again and have a good long talk.

With many wishes for your success, I remain,

Fraternally, yours,

EDW. C. MERRYMAN, Jr.

March 18, 1912, as I was about to go on duty at "B" office, Mr. Kendig approached me and asked me if I was a member of the O. R. T. I told him I was, and he advised me to get out, saying I would benefit myself by doing so, and intimated there would be more show for me if I did so. I told him I did not feel that way about it, and as my time was getting short our conversation came to an end.

Sometime after this I had occasion to see him on a matter of business, and when we were through he called me out in the hall for a personal talk, and the following conversation took place; he said: "Now, to be perfectly honest with you, you are standing in your own light by remaining in the O. R. T." And he said: "Mr. Latrobe asked me yesterday if you belonged to the order, and I told him (although I knew you did) I was not sure, but would find out. I withheld this information from him, because I know if he knew you were a member of the order he would not let you work one day in 'B' office, but now he will be asking again, and I will have to tell him."

I was approached several times after this and asked to get out of the order. One time he said: "I can tell you honest, the company is not going to recognize the O. R. T. and you men are only making trouble for yourselves."

On Saturday, May 4, 1912, while working day duty in "F," Calvert station, Mr. Kendig stopped in to see me. He brought up the question of getting out of the order. During the conversation he said: "The general manager is not going to receive your committee," and said he understood our committee tried to arrange for an audience with the G. M. through the superintendent of telegraph, but were turned down. He went on to say: "You people are not

going to get anything, for there is always somebody fighting you." I said: "Yes, I know there is a fake order by the name of O. R. T. D. A. & S., etc., trying to put up a fight, and you know where they are getting their support." "Oh, yes," he said, "I acknowledge the company is supporting them, and that is the reason you will not be recognized." He said, "What did the O. R. T. ever get you?" In reply I asked, "Did not the O. R. T. win the 8-hour day for the men?" And he said, "Yes, and that is about all." I told him if he O. R. T. never wins anything else I am willing to support it the balance of my days as an operator for that.

I then said, "There is no getting around the fact, organization is the workingman's only salvation." "I acknowledge that," he said, "and if I was in a position to support an order in my line of business I would not hesitate a minute to become a member." Also told him our order was not here solely to compel the company to grant us a living wage, but to better our conditions in general; to look after one another's needs, and share one another's burdens; and to help those in need. And also told him our motto was, "Give our employer the best service we are capable of rendering." The subject was then changed.

E. C. M.

[Order of Railroad Telegraphers. Pennsylvania Railroad system, division No. 17. Local board of adjustment.]

FRENCHTOWN, N. J., *May 14, 1912.*

Mr. J. F. MILLER,
General Chairman.

DEAR SIR AND BROTHER: The following is in substance the conversation that took place between the division operator, Mr. W. H. Wilmot, and myself relative to my membership and activity in the O. R. T. on the three different occasions that I was summoned before him in regard to this matter:

In the latter part of December, 1911, I came to his office at his request. He said to me, in substance, "You are a member of the O. R. T.?"

"Yes."

"Your name has been handed to me as a paid organizer and very active."

"No, sir; I am no paid organizer nor never have been; neither have I ever received a cent from the order."

After a few general remarks derogatory to the order, such as the affiliation to the American Federation of Labor, etc., he concluded by saying, "Now, it would be very unpleasant to me to be compelled to suspend or dismiss you on this account, and I would be pleased to have you say to me now that you would cancel your membership. I made some reply about being paid up to December 31 and would think it over.

Some two or three weeks later, after I had been elected local chairman, I received another message to come to his office. On entering he said, "I am told that you are local chairman, and if this is the case you might as well quit right now," striking the table with his fist.

I replied, "Yes; I see I have; but I have not as yet decided to act. I do not think I will quit in any event, but would it not be well to hold the matter in abeyance until I decide? My membership expired on December 31, and I have not as yet renewed." He appeared to be satisfied, and this was about all of importance at this meeting.

On March 4 I received the accompanying letter, after my name had been published in the directory of the Telegrapher as local chairman.

On April 10 last I received a letter to come to the office next day. On entering the office he took from his letter file one of my circular letters that I had sent to the "Nons," appealing to them to enroll themselves on the right side and to turn down the fake concern. He said, "I see you are still active in the O. R. T. after you told me your membership had expired December 31."

I replied, "Yes; but I renewed it; I changed my mind."

He said, "Well, now, I would have thought a great deal better of you if you had told me you had changed your mind and not have me believe you were not a member."

I replied, "Now, Mr. Wilmot, I can not see where that would make any difference. I consider I have just as much right to belong to the O. R. T. as an engineer has to his brotherhood; a fireman, a conductor, a brakeman to theirs; but," I said, "if I were working for the D. A. & S. as others are doing on the divisions, would you object?"

"No," he said, "the company recognizes the D. A. & S."

Then I entered into a statement, wherein the company, for reasons that the operators were familiar with, wished to turn down a committee representing the majority and recognizing a committee representing the minority, and that the operators would not stand for it. After some argument on these questions, I was dismissed, no threats being made against me this time.

Yours, fraternally,

J. G. SIMANTON,
Local Chairman.

[Inclosures.]

THE PENNSYLVANIA RAILROAD CO.,
Trenton, N. J., March 4, 1912.

Mr. J. G. SIMANTON,
Frenchtown.

DEAR SIR: Are you aware that the St. Louis O. R .T. Journal is printing your name as the local chairman for the old Belvidere division? You told me you were not a member after January 1. Why do you allow the use of your name?

Yours, truly,

W. H. WILMOT,
Assistant Division Operator.

OSCEOLA MILLS, PA., *May 15, 1912.*

Mr. J. F. MILLER, *Baltimore, Md.*

DEAR SIR AND BROTHER: Yours of recent date received, and in reply will say that some time last December I was in the division operator's office and he, A. A. Witter, asked if I was a member of O. R. T. I said "No," to get something out of him. He at once congratulated me on not being a member. Said the insurance was a grand thing, but that was all. Advised me the O. R. T. D. O. & S. was the one to belong to, and handed me a card of J. C. Crouse, who came over the road in a week or two with an annual pass riding freight trains. I put all the boys wise on this branch and he sure got his calls from every one he approached—with no results. Then on January 24 he came to my office about 9.45 a. m. and said he understood I was booming the O. R. T. I said, "I don't know." He said he would advise me to drop it or I would lose my job with the company. I said, "I might as well belong to O. R. T. as the one he recommended." He said there was a great lot of difference; that the O. R. T. was antagonistic to the company. He then left, advising me to think over the matter seriously. My relief day was on January 25, and I had also asked off on the 26th, having asked five days ahead. He said he understood I was going out to solicit for O. R. T. Of course I told him what I thought of that. I did not get off my extra day asked for until I went to his office about it, on the 25th. This man retires July 31. I will also call your attention to the fact that vacancy in superintendent's message office here has always been a fight every time a new man goes in, there being a good bit of extra work there during vacations. About six weeks ago he advertised extra work, and a fellow bid it in, or rather they coaxed him to, and one of the youngest men on roster has been working it. This is not right. I was the next oldest bidder on this position. For some unknown reason he is knocking on me.

Hoping to hear of your meeting with the management soon, and that all matters have been satisfactorily adjusted, I am,

Fraternally, yours,

A. P. WOODRING.

FRANKLINVILLE, N. Y., *September 18, 1913.*

Mr. J. F. MILLER,
2916 Huntingdon Avenue, Baltimore, Md.

DEAR SIR AND BROTHER: I wish to call your attention to the following facts: That I am informed that Mr. D. C. Daley has filled a political position at Albany, N. Y., from January 15 until July 1, 1913, but whether or not he drawed a yearly salary or not, I am unable to state. If it is the case, however, I would suggest that the proper commission be informed to investigate whether it is lawful for an official of a railroad company to accept a political position with the

State government favoring the interests of railroad corporations, and as a reward for so doing he is retained in the service of the Pennsylvania Co. and resumed the duty of division operator on July 1, 1913. It might be well to have this investigated, to ascertain whether or not he is drawing a yearly salary from the New York State government. Whether or not it is lawful for an official of a railroad company to accept a political position with the government without first resigning from the railroad company, and to find out just what the position was that he filled.

This man above mentioned is very active in politics and gives his employees very little satisfaction or justice. He is very antagonistic to union labor, and in some cases has made threats and bold insinuations to frighten his employees to resign from labor organization. This for your information.

Yours, fraternally,

BURT SUTTON.

[Inclosures.]

[Pennsylvania Railroad Co., Buffalo division.]

NOTICE.

Effective January 15, 1913, and until further notice, T. P. Howe is appointed acting division operator, vice D. C. Daley, furloughed.

GEO. B. BEALE, *Superintendent.*

BUFFALO, N. Y., *January 13, 1913.*

[Pennsylvania Railroad Co., Buffalo division.]

NOTICE.

Effective July 1, 1913, D. C. Daley will resume duty as division operator. T. P. Howe, who has been acting division operator since January 15, 1913, will resume duty as chief dispatcher.

GEO. B. BEALE, *Superintendent.*

BUFFALO, N. Y., *July 2, 1913.*

FRANKLINVILLE, N. Y., *October 24, 1912.*

Mr. J. F. MILLER,
General Chairman, Baltimore, Md.

DEAR SIR AND BROTHER: The following may be of interest to you: On or about September 6 Mr. D. C. Daley, division operator Buffalo division of the P. R. R., and my employer, came to Cadiz (tower where I am working) on train at 6.30 a. m. Directly upon his arrival the subject of organization was brought up by this statement that he made, "Sutton, I heard that you are a hot-headed O. R. T. man." I admitted that I was a member of that organization, that my dues were paid, and that I intended to remain a member. For nearly an hour and thirty minutes we were engaged in an argument, during which time organization was discussed in general. I remember distinctly the following statements made. He said that I did not understand the fundamental principles of labor organization, that he being older than me and my employer he was in position to advise me. He asked me if I did not realize that he could discharge any man he chose to within a week and if the superintendent so recommended; that the officials of the O. R. T. in the general offices at St. Louis were nothing more or less than a bunch of grafters and more interested in their salaries than the welfare of the members; that if I went out on a strike (as you will remember, a strike was pending) I should consider myself discharged and that I would be a martyr to the cause. That after I assured him that my ballot had been somewhat delayed he said that he would learn within two hours after my ballot reached Philadelphia which way I voted, for or against a strike. He stated that the P. R. R. Co. had men stationed at our headquarters for that purpose. He requested me to withdraw from the O. R. T., and that if I could not see my way clear without belonging to an organization he would suggest that I join the O. R. T. D. A. & S. He said that if the members of our organization was called out on a strike the company could continue business on the Buffalo division main line with a very few offices, perhaps five or six. This division is one hundred and twenty-one miles long; also stated

that only three offices would be required on the Rochester branch, ninety-nine miles of track. He said that men were in readiness to fill my position and that if I ever went out on a strike that I could never be reinstated in the service of the P. R. R.

On or about September 23 Mr. Daley called again and organization was brought up the second time. While I was busy at the office, as I was on duty at the time, he went to my house and had a conversation with my wife. He soon, however, returned to the office, and during the conversation that we had at this time he (Mr. Daley) said that if I resign or withdraw from the Order of Railroad Telegraphers he would stand to my back so long as he could render me any assistance. The title to my house was in question at this time and efforts were being made by the company, through the section foreman, to eject me therefrom. Mr. Daley assured me that he was big enough and man enough to fight those persons who were making the effort to have me ejected from the premises and that he would guarantee that I would remain unmolested if I would resign from the O. R. T., as he would make no effort in my behalf so long as I remained a member.

I immediately had a lease drawn up to lease the ground that the house stood on and paid the farmer who owns the land all the back rent due on same. This action on my part settled the right I had to remain on the premises as far as the company was concerned, as I have not heard any comment on the matter, nor were there any more efforts made to remove me from the premises. This effort to have me withdraw from the O. R. T. proved a complete failure.

You will notice in each of the above cases I was strenuously requested to withdraw from organized labor, but as the right to belong to a labor organization is a personal privilege any person has a right to expect I intend to remain loyal to the order. However, I do not approve of my employer taking the above course in trying to have me withdraw from organization.

I am unable to say just what action will be taken next, but I assure you that I attend strictly to my duty to the railroad company at all times, and for the division operator to come to me, as I have stated in the above, he is doing me a very great injustice, in view of the good service that I have rendered at this office.

This for your information. With very best wishes, I am,

Yours, fraternally,

B. SUTTON.

[The Order of Railroad Telegraphers. Pennsylvania Railway system, division No. 17.]

KEATING SUMMIT, PA., *April 27, 1914.*

Mr. J. F. MILLER,

General Chairman O. R. T., System Division 17.

DEAR SIR AND BROTHER: Mr. D. C. Daley, division operator of the Buffalo division, called me on the telephone about 2 p. m. Thursday, April 23, and asked me if I could get on No. 51 and meet him in Olean, N. Y., on arrival, as he was coming to Olean on No. 44 from Buffalo, N. Y., and wanted to see me a few minutes; also saying he would stop train No. 56, an express train for Philadelphia, Pa., to let me off coming home.

I met him in Olean, N. Y., on arrival of train No. 51. He immediately approached me on the subject of being an O. R. T. member. He said, "I understand you are an agitator for the O. R. T. on the Buffalo division. You know the P. R. R. does not recognize the O. R. T. nor will they recognize them in the future. We do not want the men from St. Louis coming over here telling us what to do," how much the P. R. R. should pay the operators; that the P. R. R. knew what their offices were worth and how much they should pay better than the men from St. Louis, and that we would get our proportion of a raise when the company could give a raise.

He said, "You can not get promotion and expect any favors from the P. R. R. if you stay in the O. R. T." I said, "Why don't you talk to the O. R. T. D. A. & S. men and tell them same as you do the O. R. T. men." He said, "Them are our men; we can talk and reason with them, and they know what we can do." I asked him if he did not belong to the O. R. T. at one time, and he said, "Yes; I was chief telegrapher in Olean, N. Y., when we had a membership of about 124, and when we had a meeting in Olean, a bunch of them would come into the meeting and get drunk, and I never was more disgusted with anything in my life than I was to belong to them; that the majority of the O. R. T. men

were boozers and boomers, and the most of them carried a card to show some operator to get a quarter or so; we have them come in and stick a card in the window to the operators in 'BF' office, Buffalo, and ask them for a quarter; of course you will find a 'non' once in a while the same way."

I told him when he had a promotion for me I could withdraw from the O. R. T. if necessary to get the position until such time that I wished to renew my membership, and he said, "If you do not get out now you will not be considered for promotion."

He said, "It will not be many years when labor organizations will not be recognized in the world, and when it comes and you fellows have learned the lesson you will come back to the company and beg for a job."

Just as I was leaving he said, "Then you'd rather buck the corporation from which you get your bread and butter and listen to those fellows from St. Louis." I said, "Yes, sir." He said, "Then you will be put on a list as an agitator, and you need not look for any promotion or favors from the company."

Fraternally, yours,

C. S. SIMMONS,
Local Chairman Buffalo Division, System Division 17.

D. Y., *August 25, 1912.*

Mr. T. E. FIDLER.

DEAR SIR AND BROTHER: A few days after the last increase for D. Y. office was granted, Mr. John Kerl called to see me and to inform me that they had received an increase for us, and while in conversation he told me if I did not drop the order that my position was at stake. I told him that if my service had not been satisfactory they would have discharged me long ago instead of retaining me for 23 years.

Yours, truly,

H. D. ELLENBERGER.

LEMOYNE, PA., *August 26, 1912.*

Mr. T. E. FIDLER,
Local Chairman, Balto. Div., O. R. T., 17.

DEAR SIR: About March 25, 1912, Operator John Kerl, of New Fredom, called on me at "J" tower, when the following conversation passed between us, he saying: "You heard of the increase in pay effective at 'J' tower March 1." I replied: "Have no official information." He said: "I am here officially to inform you. Also that credit must be given the O. R. T. D. A. & S. for getting this raise. Furthermore if you are a member of the O. R. T., you are to withdraw and join the O. R. T. D. A. & S. or resign your position with the company." I replied: "That may be all right, but I am not alarmed, and when it comes to that there will probably be some one else have something to say."

Fraternally,

B. D. BARE,
Operator and Lever Man, Lemoyne Tower.

T. E. F.:

If necessary, I am willing to qualify to this statement at any time or place.

B. D. BARE.

R. D., FREELAND, MD., *August 28, 1912.*

Mr. T. E. FIDLER,
3415 North Twenty-second Street, Tioga, Philadelphia, Pa.

DEAR SIR AND BROTHER: In regards to your letter to H. W. Sutton dated August 23, 1912, concerning any statements made by any division official or Mr. Kerl about joining the O. R. T. D. A. & S., Mr. John Kerl approached me some time ago and said that if I did not drop out of the O. R. T. that I would lose my position, and that if I cared to prove this statement to write to Mr. Gamble Latrobe, superintendent, and he would tell me the same thing. Mr. Kerl also said that he was doing some organizing for the O. R. T. D. A. & S. at the same time.

I am sure you can get this same statement from a big number of the rest of the boys along the line.

Yours, respectfully,

C. C. SUTTON.

THE DAUPHIN,
Harrisburg, Pa., December 10, 1912.

Mr. T. E. ELLIS.

DEAR SIR AND BROTHER: I have been told by Mr. G. Magee, operator, Baltimore, that he applied to Mr. James Donnelly, division operator, Baltimore division, P. R. R., for position as telegraph operator, which was given him, and after filling out all necessary papers for the position Mr. Donnelly "asked me if I was a member of the O. R. T. I told him I was. He then told me he could not hire me then and could not do anything for me unless I withdrew from the O. R. T. I then made application for withdrawal card and then showed the letter to Mr. Donnelly and he said he did not want me to do that; just wanted me to not pay up and drop out. That was after showing him that letter. I was given a position."

T. E. FIDLER.

HOTEL WINDSOR,
Trenton, N. J., September 14, 1912.

Mr. H. B. PERHAM, *Washington.*

DEAR SIR AND BROTHER: Perhaps you are not acquainted with the situation on the Belvidere division—a part of the Trenton division, P. R. R. Just before the institution of system division 17 it is claimed that Callahan, local chairman, Belvidere, disorganized the men by telling them he was told to leave the O. R. T. or be dismissed, and it is said he added to the men that they also would be discharged if they did not leave the order. The men now are to be disabused of the idea that they will be again betrayed if they join us. Added to this is the presence on the division of 16 working O. R. T. D. A. & S. people, but the Belvidere is the only part of the Trenton division thus effected.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Trenton, N. J.

To whom it may concern:

I, W. W. Glasgow, while in Pittsburgh, Pa., on October 29, 1912, I went to the office of the division operator, Mr. Murphy, of the Pittsburgh division, and asked for a position as telegraph operator on the above division. The reason of my calling at his office was based upon a letter that I had received from Mr. Murphy, stating that he could use me providing I was competent of working an interlocking office on a four-track system. When I appeared before Mr. Murphy personally on the above date I was taken in the message office and examined on through wires. After this examination, I took the copies and presented to the clerk of Mr. Murphy for inspection. Everything seemed favorable. The clerk then said that Mr. Murphy desired to speak to me. The clerk then took me into Mr. Murphy's office. Upon entering the above office Mr. Murphy saw that I wore an O. R. T. button and asked me if I was a member of the above-mentioned order. I replied that I was. He then said: "We have been having trouble with the O. R. T. on our division. We are having telephones placed in our offices, and in a short time we will not be beholding to the O. R. T. or to telegraph operators for their service, and I do not think that it would be advisable for us to hire any more O. R. T. men on this division." He asked me what division of the O. R. T. that I belonged to, and I told him Division 31, or the Missouri Pacific. He said: "I expect that they are solid on that division and that you were required to belong to the O. R. T. to work on the Missouri Pacific. I told him that it was. I then asked Mr. Murphy if that was all he had to say, and if he could not give me work, and he said: "That is all." I thanked him and walked out of his office.

I overheard the chief clerk to Mr. Murphy tell an operator that was sick for several days, that he had no one to relieve him, and that he needed about 15 operators, and that he would have to keep on duty. This conversation was over the telephone.

W. W. GLASGOW.

STATE OF PENNSYLVANIA,
County of Cambria, ss:

Personally appeared before me, a justice of the peace in and for the aforesaid county, W. W. Glasgow, who, being sworn according to law, doth say and

declare that the foregoing statement is true and correct to the best of his knowledge and belief.

Sworn to and subscribed this 15th day of November, A. D. 1912.

[SEAL.] C. J. TROXELL, *Justice of the Peace.*

My commission expires January 5, 1914.

PHILADELPHIA, *April 26, 1913.*

To PAUL D. HEURICH.

DEAR SIR: I am very sorry to tell you that I can not afford to go into the O. R. T., as I have so much to pay out now it would swamp me if I went into the O. R. T. I trust you will keep the conversation and the notes that you got from me secret, as it would hurt me if they got out.

Thanking you for your trouble, I am,

Yours, respectfully,

H. L. DESTLER.

P. S.—I will not be able to go into the O. R. T. at any time, so you can cross my name off that paper that I signed.

H. L. D.

AS TO THE P. R. R.'S ALLEGED DISCRIMINATION AGAINST THE EMPLOYEES ON ACCOUNT OF THEIR AFFILIATION WITH THE O. R. T.

PHILADELPHIA, PA., *May 1, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: See attached note from Brother A. L. Rex, dated April 29, 1913, in relation to what Brother J. F. J. O'Connor, 1026 Spruce Street, Camden, N. J., said to him about an interview that he had with the clerk of the division operator, P. R. R., Camden, N. J.

Brother Fred. Johnson, Hornerstown, N. J., lately told Brother Rex that he is next to go into the train dispatcher's office, P. R. R., at Camden; that not long ago Mr. Wampole, clerk to the division operator, called him to headquarters and asked him if he belonged to the O. R. T. Johnson told him that he did. Wampole told him that they had no objection to the men out on the road belonging to the O. R. T., but O. R. T. men would not be permitted to work in the dispatcher's office.

Brother Rex states that when he solicited the membership of Mr. A. W. Dann, Camden, N. J., in the O. R. T., Mr. Dann replied that he would be a damn fool to join the O. R. T., inasmuch as he is in line for work in "CF" office, Camden; that if he joined the order he would get no work in "CF" and would be taking "bread and butter out of his own mouth." The same old story as comes from practically all over the system.

Yours, fraternally,

[Inclosure.]

IMPERIAL HOTEL,
MOUNT HOLLY, N. J., *April 29, 1913.*

T. E. E.:

While talking to Brother J. F. J. O'Connor, 1025 Spruce Street, Camden, N. J., said that a few days ago he was called to the office at Camden, and that the division operator's clerk asked him if he was a member of the O. R. T. O'Connor replied that he was paid up to June 30. The clerk called O'Connor's attention to the fact that, according to his seniority, he was next to work in superintendent's office, and further stated that they had no objections to the boys along the line belonging to the O. R. T., but Broad Street would not permit them to let O. R. T. boys work in superintendent's office, and in case they would permit any to work in the office that were in the O. R. T., as soon as Broad Street would learn the fact they would demote them at once.

Yours, fraternally,

A. L. REX.

PHILADELPHIA, PA., *May 2, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: See attached letter from Brother J. H. Austin, assistant local chairman, Trenton Division, P. R. R., with reference to what Brother Fred Johnson, Hornerstown, N. J., had to say with reference to his being called into the division operator's office at Camden and what was said to him by Mr. Woompool, assistant to division operator, regarding the O. R. T. and the O. R. T. D. A. & S., etc., etc.,

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

DELANCO, N. J., *April 30, 1913.*

BROTHER ELLIS:

I want to give you a little information, but I was told confidentially not to tell it, but I am going to tell you and you can go see him if you desire, but don't let him know I told you or I won't get any more out of him. Brother Fred Johnson, of Harnerstown, N. J., works third trick at "B. J.," Mount Holley. I was talking to him on the Mount Holly station Monday night. I saw he wanted to tell me something by his actions. He said this: "I was called on the phone by one of the dispatchers, Mr. McCabe, that I had a chance of going in the dispatcher's office, and come down, Stanley Woompool—that's division operator's assistant—wants to see you." He went down and saw him. He took him in his office and said, "Johnson, there is room for one man in D. S. Camden dispatcher's office, and you are in line for it, but you know you belong to the O. R. T. and you can not belong to that and work in there." He said, "Now, Johnson, I know how you feel about it, but that's the company's orders. We don't want any of our men to belong to it anywhere but out on the road. We can not help it, but you can belong to the D., A. & S.," he said.

So Johnson said to me: "Now, I suppose if I go in there and drop the O. R. T. I will be a sucker in the opinion of the men out on the road." I said, "Yes;" but he said "I hate like hell to see all the rest going in ahead of me, and just because I belong to that I can not go in there." I think that means, the way I take it, that he is going to drop us and go in there by his actions now.

If the information is of any use to you use it, but don't let Johnson know I told you, see. Probably I will get more. How are things? Best wishes.

Yours, fraternally,

J. H. AUSTIN, *A. L. C.*

WINDSOR HOTEL,
Philadelphia, Pa., August 14, 1913.

Mr. H. B. PERHAM,
President, St. Louis Mo.

DEAR SIR AND BROTHER: Brother Rex reports that Brother O. R. Simmers, Phoenixville, Pa, stated to him that Division Operator J. C. Moran, P. R. R., Schuylkill division, Reading, Pa., recently said to him after having asked Simmers if he had joined the O. R. T., and Simmers answering that he had, that it might not be the best thing for the boys to join the O. R. T., that Mr. Atterbury did not approve of the boys joining the O. R. T., on account of it being radical, and that he did not approve of its methods. Simmers asked Moran if he should understand that the men were to be discharged because of their membership in the O. R. T., Moran replied, no; explaining there is a law preventing such action and went on to say that Mr. Atterbury objected to the O. R. T., that he (Moran) had nothing against the O. R. T., but had to carry out instructions given him by higher officials. This is the Moran that attended our open meeting at Pheonixville, Pa., on June 30, 1913.

For your information.

Fraternally, yours,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

FREE CARDS IN COMPANY'S ORGANIZATION.

SUNBURY, PA., *August 28, 1912.*

Mr. H. B. PERHAM, *President O. R. T.,*
3415 North Twenty-second Street, Philadelphia, Pa.

DEAR SIR AND BROTHER: I inclose herein a certificate of membership issued free gratis by an organization known as the O. R. T., D., A., & S., with headquarters in Philadelphia, Pa., to Mr. J. W. Orndorf, whose address is Northumberland, Pa., together with other letters of explanation. The letter written me by Mr. Orndorf is self-explanatory.

For your information wish to state that I went to see Mr. W. S. Minnier, whose address is 151 Church Street, Sunbury, Pa., who declared to me in the presence of witnesses that he, too, got a free certificate, practically in the same manner. With best wishes, I am,

Yours, fraternally,

PAUL H. WENRICH, *Organizer,*
General Delivery, Sunbury, Pa.

[Inclosure.]

"Fraternity and cooperation."

ORDER RAILROAD TELEGRAPHERS, DESPATCHERS, AGENTS, AND SIGNALMEN.

This is to certify that J. W. Orndorf is a member of this organization and entitled to such sick, disability, and funeral benefits as are provided for in its laws, subject to such amendments as may be hereafter adopted at sessions of the grand division.

[SEAL.] J. R. T. AUSTON, *President.*

Attest:

ADAM REED, *Grand Secretary-Treasurer.*

Issued at the general offices, Philadelphia, Pa., July 1, 1912.

NORTHUMBERLAND, PA., *August 28, 1912.*

Mr. PAUL A. WENRICH,
Organizer, Order of Railroad Telegraphers, Sunbury, Penna.

DEAR SIR: About one year ago I gave my application to Mr. W. P. Brown for the O. R. T. D. A. & S., together with a dollar, and one month after I handed him this application I requested him to return me the dollar, as I had decided not to join the body. This he refused to do. I have been receiving their monthly publication, which is edited in the city of Philadelphia, Pa., ever since, and I have not paid one cent since I paid Mr. Brown the dollar.

Notwithstanding these facts, I received a certificate of membership on the 17th of July, 1912, free gratis and against my will, which I take great pleasure of enclosing herein, in the hope that it will help the consistent organized telegraphers of North America in showing those concerned, at the proper time, the tactics this so-called organization is resorting to in boosting their membership by issuing these free certificates.

I am willing to testify at any time regarding the facts as herein set forth.

I most sincerely hope the information imparted in this letter will be of service to the general committee representing the O. R. T. and the men in the telegraph department east of Pittsburgh and Erie.

With best wishes to the general committee and the cause they represent, I am,

Yours, respectfully,

J. W. ORNDORF, *Operator.*

Witnesses:
G. C. VANDELING.
C. C. FENSTERMACHER.

NORTHUMBERLAND, PA., *August 28, 1912.*

Mr. P. A. WENRICH,
Organizer, O. R. T., P. R. R. Lines East of Pittsburgh and Erie.

DEAR SIR AND BROTHER: Referring to the papers you have in your possession signed by J. W. Orndorf, wish to say that I can substantiate all the statements contained therein, inasmuch as I have been and am now working in the same office with Mr. Orndorf, who has confided in me the facts set forth in his com-

munication to you by word of mouth time and again. It is evidently plain that this so-called organization is issuing bogus certificates free gratis and to men who are not now and who never have been "paid up" in that "body," in order to boost their membership and make things "look but like what they ain't," in order to discredit the consistent organized telegraphers of North America (the O. R. T.), who are in reality representing 95 per cent of the telegraphers on this division..

With best wishes, I am,

Fraternally, yours,

C. C. FENSTERMACHER,
Assistant Local Chairman, Williamsport and Susquehanna Divisions, P. R. R.

SUNBURY, PA., *August 29, 1912.*

H. B. PERHAM,
President O. R. T., 3415 North Twenty-second Street, Philadelphia, Pa.

DEAR SIR AND BROTHER: The reason I couldn't get the papers from Mr. W. S. Minnier is because he claims he destroyed them. He further claims he has friends in the O. R. T., D. A. & S., and when I wanted him to make affidavit regarding the facts he "ran under the platform," but I have him fast, as he declared himself very plainly in the presence of a witness.

I am,

Yours, fraternally,

PAUL A. WENRICH.

ELMIRA, N. Y., *September 12, 1912.*

Mr. H. B. PERHAM,
President O. R. T., 3415 North Twenty-second Street, Philadelphia, Pa.

DEAR SIR AND BROTHER: For your information permit me to say that a telegrapher employed on the Elmira division of the P. R. R., by the name of Frank C. Collins, whose address is 213 Colwell Avenue, Elmira, N. Y., admitted in the presence of Brothers E. A. Johnson, Starkey, N. Y.; C. G. Robinson and J. J. Clair, of Montour Falls and Watkins, N. Y., respectively, that he—Collins—received a paid-up card in a so-called organization of telegraphers, known as the O. R. T., D. A. & S., free gratis, notwithstanding the fact that Mr. Collins has not paid anything into that organization for over six months prior to the time he received this free certificate.

I have no seem Mr. Collins personally, as yet, but will do so as soon as possible, and will advise you fully when I do so. In the meanwhile you can make use of this information, as the witnesses were very emphatic in their declaration, which was made in the presence of Brother Newman, first vice president of the O. R. T.

With best wishes, I am,

Yours, fraternally,

PAUL A. WENRICH.

1308 NINTH STREET,
Altoona, Pa., September 14, 1912.

Mr. H. B. PERHAM.

DEAR SIR AND FRIEND: Although, as you are aware, I voted against a strike, and I trust there may be no necessity for one, I feel anxious to see fair play. I realize that the new order, known as the O. R. T. D. A. & S., has apparently set up the claim that they represent the majority of the men—a claim I feel is false—yet who knows might not be bolstered up to appear correct? I therefore call immedaite attention to the fact that I have been receiving regularly, for more than a year, the paper known as the Wire and Signal, yet have never subscribed for it or requested it. And on making inquiry among the men here I learn that several of them, both O. R. T. and nonmembers of either the old or new, are now and have been receiving the above-named paper regularly. I therefore suppose that the mailing list of the new order contains many, if not all, the names of the telegraphers, and possibly others hereabouts, gratis, like those I mention. Now, then, if that is the case, surely their mailing list ought not be used as evidence to support any claims of representation, and I therefore inform you of this matter.

Kindly, yours,

C. W. MELOY.

that organization, whether for the purpose of assisting him in getting members into the alleged P. R. R. Company's organization for telegraphers, etc., or not, it was not stated.

If it is desired to know at just what meetings certain ones of the above-named men were in attedance and dates of meetings, I can give you the information.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Altoona, Pa.

PHILADELPHIA, *December 13, 1912.*

H. B. P.:

R. H. Conway, signal repairman, Philadelphia Terminal, 2543 North Nineteenth Street, Philadelphia, Pa.; W. L. Overdorff, assistant yard master, Manhattan Terminal, N. Y., P. R. R. station. Martin J. Kelley, C. F. Bannister, M. W. Burke, and George Carson, train directors, P. R. R. station, N. Y.

Above names are the ones who attended the several meetings.

J. A. B.

PERHAM EXHIBIT NO. 10.

PHILADELPHIA, PA., *June 9, 1913.*

Mr. H. B. PERHAM, *President, New York.*

DEAR SIR AND BROTHER: Information comes to me this a. m. from Brother McGrail, Altoona, reading in part as follows:

"After the conductor on the train which I used to the tower this date collected his tickets, I asked him if he knew anything about the new association; he said, 'You are d—— right I do.' I attended the meeting at Pittsburgh last Monday out of curiosity, and I saw the s—— heels of the Pittsburgh division there and prime movers."

McCrail says the conductor named Hepney and Bently had been thrown out of the O. R. C. account of "underhanded work" last time they were taking a strike vote; also the same man went down to Walls, Pa., during the shopmen's strike and made himself conspicuous in "butting into affairs which he should have stayed out of."

The conductor also told McGrail that Conductor Collins (chairman of the meeting) went to the company and told them he was satisfied when last strike vote was taken. He said the whole move had a mysterious appearance; that it is always good to beware of Greeks bearing gifts.

"Tom, you were right about discredited movers so far as the regular unions are concerned, and I think we should keep track of this thing."

I am sending some of this to a certain few to-day. Received a letter from Miller this a. m., in which he says he left Harrisburg before my request to look up the origin of the articles appearing in the daily papers was received, he also said there is to be a meeting at Wilmington to-night and asked me to be there. There is an open meeting of Auston's bunch here to-night, and if I find I can't get in there I will go to Wilmington.

Telegram from Wenrich the 7th stated he is in bad shape, no relief from the pain, bedfast.

I will try and get our men to get in touch with the other brotherhoods on this association matter. It appears to me cooperation can be brought about through this new move on the part of the opposition. Do you wish me to do this?

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *March 24, 1904.*

Mr. H. B. PERHAM, *President, St. Louis, Mo.*

DEAR SIR AND BROTHER: Brother Blaney, of the B. L. E., was telling me the other day that whenever they discover a member of their organization joining the Penna. R. R. new M. B. A. steps are taken immediately to throw him out. I am advised that some of the other organizations are doing the same thing,

but have not heard of any specific instance. What attitude will we take in the event some of our members join the association, and what will be our attitude toward those that joined the association, but also desire to join the O. R. T.? Will we take them?

Awaiting reply in pleasant anticipation. With best wishes, I am,

Yours, fraternally,

PAUL H. WENRICH, *Organizer,*
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *February 13, 1914.*

Mr. H. B. PERHAM, *President, St. Louis, Mo.*

DEAR SIR AND BROTHER: I inclose you herein a copy of the By-Laws of the P. R. R. M. B. A., and especially call your attention to article 29, on page 41; article 41, on page 53; article 49, on page 73 (this article I believe was based on President Taft's message, in which he gave the result of the Government's investigation of cooperative buying, etc.); and article 54, on page 76.

Brother H. A. Ramsey, this city, told me yesterday that McLaughlin told him last week that he was done with the O. R. T. and all labor organizations; that he done lots of running around for Quick and Perham in bygone days; and that he had tried to land a position after he got down and out and was given no consideration at all. Ramsey says Mack is trying to get on the P. T., and that he had good backing in the person of O. A. Scheetz, who, Ramsey says, is a stockholder. Regret to say that it is generally understood in labor circles in this city that J. J. McLaughlin is a detective employed by a large agency for the purpose of spying on the men, etc.

I have more information regarding J. J. McLaughlin and when I get it completed I will be pleased to let you have it. I am told that he is giving pitiful tales of hardship, etc. I told Brother Ramsey when he told me regarding Mack that I was exceedingly sorry to learn of his misfortunes, and if he saw Brother McLaughlin to send him to see me. If he calls, I will give you result of interview.

With best wishes, I am,

Yours, fraternally,

P. A. WENRICH,
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *March 13, 1914.*

Mr. H. B. PERHAM, *President, St. Louis, Mo.*

DEAR SIR AND BROTHER: Several weeks ago while hunting for a copy or copies of the by-laws of the Mutual Beneficial Association of Pennsylvania Railroad Employees (Inc.) I learned that Steven Green, the Pennsylvania Railroad Co. printer, located at Sixteenth and Arch Streets this city, was doing the printing, and printed 10,000 copies of them about a month and a half ago, and the forms were still intact ready to print another lot.

Yesterday I received the following letter:

[Philadelphia Typographical Union No. 2, 131 North Fifteenth Street. Organized 1850. William Young, jr., president; Jacob Glaser, secretary-treasurer.]

MARCH 11, 1914.

Mr. PAUL A. WENRICH, *P. O. Box 606, Reading, Pa.*

DEAR SIR: I am advised that another edition of 10,000 copies have been printed of the by-laws of the Mutual Beneficial Association of Pennsylvania Railroad Employees, and a page added which contains the following:

OFFICERS: George W. Brown, president; Henry M. Kinsel, vice president; John McCully, secretary; James K. Linn, treasurer; George W. Hanson, comptroller.

DIRECTORS: George W. Brown, conductor; Henry M. Kinsel, telegraph operator; John McCully, shop clerk; Arthur A. Roberts, machinist; Robert Britton, car inspector; James D. Klingeman, engineman; George W. Hanson, station agent.

With best wishes, I am,

Fraternally, yours,

WM. YOUNG, Jr.

This for your information.

With best wishes, I am,

Yours, fraternally,

PAUL A. WENRICH,
Organizer, General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *June 3, 1913.*

Mr. H. B. PERHAM, *President,*
New York.

DEAR SIR AND BROTHER: I am sending you herewith additional information with reference to the new organization on the P. R. R. east of Pittsburgh and Erie, which was the subject of my circular letter of May 28, 1913, to the general committee.

See report of Brother Rex, attached, my circular letter to our general committee here, even date, and the report of Brother Wenrich's interview last Sunday with Mr. Rothermel, of Reading, Pa. The latter follows here.

Rothermel's interview was solicited by himself and he stated to Wenrich that George Hoffman, telegrapher, Pottsville, Pa., a member of the O. R. T. D. A. & S., of whom I have written you before, said at a recent D. A. S. meeting in Reading that the P. R. R. is trying to get away from the "54-road alliance"; that Hoffman is one of the boosters of the new association; that Conductor James Faith, who is Hoffman's father-in-law, is also a booster; that Superintendent of Telegraph Johnson, P. R. R., told Faith that Hoffman is a good man for the work; that Faith gets letters from the various P. R. R. superintendents regarding the matter and permitting him to solicit members among the employees; that Faith is a member of the O. R. C., but is regarded as a weak sister.

Rothermel stated that so far as he had become acquainted with the new organization proposition, the following, in addition to those mentioned above, are working in the interest of the movement: George Diebert, assistant yard master and clerk, Pottsville; T. J. Martin, yard master, Pottsville; W. J. Shick, agent, Pottsville; J. H. Dupell, engineer, (expelled from union), Pottsville; J. D. Myers, engineer (expelled from union), Pottsville; M. A. Kerr, section foreman, Reading; J. A. Sweeney, telegrapher (D. A. S.), William Penn, Pa.; ——— Leary, passenger conductor (ax to grind); ——— Brown passenger conductor (ax to grind).

Rothermel says Telegrapher Boyer, of whom I have written you before and who gave us good information, is peddling information over the division that the O. R. T. D. A. & S. recently endeavored to harmonize with the old order, but that the O. R. T. would not do the right thing, therefore the fight continues.

I expect to get information regularly in regard to this matter and will see you shortly with reference to the situation generally. Have not heard from you with reference to the open meetings I have mentioned as being in favor of holding at Lancaster, Norristown, and Philadelphia.

Yours, fraternally,

T. E. ELLIS.

General delivery, Philadelphia.

[Inclosure.]

AS TO ALLEGED RELATIONSHIP BETWEEN THE P. R. R. AND THE O. R. D. T. A. & S.

PHILADELPHIA PA., *March 30, 1913.*

T. E. ELLIS:

While at Robinsville, N. J., an March 13, 1913, I was in conversation with Relief Operator C. H. Robinson, who lives at Camden, N. J. He informed me that he was a member of the O. R. T. D. A. & S., and therefore there was no use for me to talk to him. I asked him if he did not think that the D. A. & S. was a company order, and he replied that he did. He further stated that he was compelled to be a member of the above organization in order to get extra work in the main office, and if he could get a few dollars more per month by being a member of the above organization, regardless if it was a company affair, that he would be very foolish to drop it, as he had a family, etc., to keep and that he was just looking out for himself.

Robinson continued to say that the company positively would not permit any of the employees to work in the main office that were members of the O. R. T. Therefore he was willing to continue his membership with the O. R. T. D. A. & S.

Summed up, Mr. Robinson's declarations were that he knew that the O. R. T. D. A. & S. was a company organization and that he had to be a member of same in order to work in the main office, which is "CF," Camden, N. J.

A. L. REX.

PHILADELPHIA, PA., *June 3, 1913.*

To all members P. R. R. General Committee greeting:

Referring to my recent circular letter.

Brother A. L. Rex, of the Grand, per my instructions proceeded to Pittsburgh, Pa., on May 31, 1913, and attended a meeting of P. R. R. employees there yesterday, June 2, and reports there were 116 present.

Mr. J. K. Lynn, Harrisburg, Pa., called the meeting to order. Mr. J. H. Collins, passenger conductor, Middle Division, was made chairman of the meeting. Mr. J. H. McCully, Connemaugh Division, was made secretary of the meeting. Mr. H. O. Hooper, an employee of the P. R. R., made a few remarks.

Conductor Bixler, of the Middle Division, suggested the organization or association be named The Pennsylvania Railroad Employees Mutual Benefit Association

Brother Rex reports that Mr. Collins stated the P. R. R. Co. would be glad to handle the funds of the association.

Future meetings subject to call of the chairman. Mr. Collins stated he would finance such meetings if necessary.

My information from other sources and in territory not mentioned by Brother Rex is that the active people in the preliminary work and prior to the Pittsburgh meeting are those who may not be regular with the unions in which they are eligible to membership. I therefore suggest a correct union history of each of the men above named be obtained and that you also investigate the union standing of each employee who is interested in the formation of this association, reporting any information obtainable.

Letters from different members of our general committee, including General Chairman J. F. Miller, state they have no knowledge of this new association or organization, indicating there is a desire to keep such knowledge from us.

For your information.

With best wishes,

Fraternally,

T. E. ELLIS,
General Delivery.

PHILADELPHIA, PA., *November 27, 1913.*

Mr. M. SALTER, *Conductor,*
24 Fayette Street, Phillipsburg, N. J.

DEAR SIR AND BROTHER: Brother J. G. Simanton, O. R. T., local chairman, Trenton Division, P. R. R., Frenchtown, N. J., has requested me to give you the names of some of the more prominent employees of the P. R. R. lines East who are working in the interest of the new so-called Employees Mutual Benefit Association, stating that you desired this and other information for use on the Central Railroad of New Jersey, and I take pleasure in complying with the request, as follows: Lon Johnson, conductor, Monongahela Division; Herbert Peters, conductor, Susquehanna-Williamsport Division; J. H. Collins, conductor, Middle Division; Mr. Bixler, conductor, Middle Division; J. M. Faith, conductor, Schuylkill Division; J. K. Lynn, assistant station master, Harrisburg, Pa.; Robert Britton, foreman car repairers, P. T. Division; J. M. McCullough, Connemaugh Division.

These names have come to me in different reports from over the system. Mr. Faith, of the Schuylkill Division, has been reported to me as having been active on several different divisions. His son-in-law, a Mr. Hoffman, of Pottsville, Pa., has also been reported as having been active and, it is said, attended the meeting on June 2, 1913, at Pittsburgh, Pa., where the association was formed. Mr. Hoffman at that time was a member of the dual organization known as the O. R. T., D., A., & S., and, in fact, until recently was known as a local officer for that concern, which is now practically out of the running here so far as membership is concerned, according to all information at hand, as a result of the energetic campaign prosecuted by the telegraphers here during the past year.

For your information I will state that immediately after I was informed of the movement on May 26 last, and up to the present time, I have done all possible, with the assistance of our local chairman on this system, to acquaint the men in our department and also the men under the jurisdiction of the other four brotherhoods with the movement, cautioning all employees to investigate well, in order to be perfectly satisfied as to the character of the association and the real intent of those who were behind it before committing themselves to its support. I have also taken the matter up with the presidents of the five great brotherhoods on three different occasions. On September 16, 1913, I

recommended to the five presidents in a joint letter that a committee be formed for the purpose of acting jointly on this system in protecting our joint interests against dualism and also against any desire entertained by the corporation for dual organization conditions, and suggested that such committee be formed by selecting five or more men from each of the five organizations, viz, B. of L. E., O. R. C., B. R. T., B. L. F. & E., and O. R. T. I have also urged the five presidents to get together and act jointly in this important matter.

There has been several joint meetings held under the auspices of the five brotherhoods for the purpose of considering dualism and the advisability of forming a closer alliance between the five brotherhoods, and I have noticed that the rank and file is practically a unit in favor of such proceedure, and in my opinion would not hesitate a moment in forming an effective cooperative alliance for joint protection. While there are obstacles in the way of federation as we understand it under the "Cedar Rapids plan," and which by the way I have not so far observed any great results from, there is so far as I can see absolutely nothing in the way of effective cooperative alliance by the membership of the five brotherhoods employed upon any system of railroad in this country, I am absolutely in favor of it, I hope it will be rapidly put into existance, and am not afraid to go on record as stating that the day is not far distant when it will become a necessity.

In my opinion the membership of the five brotherhoods should hold joint open meetings at least once in each month upon each division of any system for the purpose of educating the employees along the lines of real unionism as employed by the five brotherhoods, the meetings to be conducted along educational lines.

My personal opinion with reference to the subject matter of this letter is that there is perhaps a desire by the managers' association to successfully launch dualism among us over the entire country, and this was my opinion from the beginning, later news from the Lake Shore, Jersey Central, St. Louis Terminal, and one or two other places I have in mind rather bears out the opinion.

Brother A. I. Kauffman, general chairman B. L. F. & E., Altoona, Pa., has in his possession, I understand, a typewritten copy of the constitution and by-laws said to govern the P. R. R. Employees Mutual Benefit Association.

If I can serve you further will be glad to do so.

With best wishes, I am

Yours, fraternally,

T. E. E., *Organizer O. R. T.,*
General Delivery, Philadelphia, Pa.

HOTEL HENRY,
Pittsburgh, Pa., November 7, 1913.

W. S. CARTER, *President B. L. F. & E., Peoria, Ill.*
W. G. LEE, *President B. R. T., Cleveland, Ohio.*
W. S. STONE, *President B. L. E., Cleveland, Ohio.*
A. B. GARRETSON, *President O. R. C., Cedar Rapids, Iowa.*
H. B. PERHAM, *President O. R. T., St. Louis, Mo.*

DEAR SIRS AND BROTHERS: The peril of "company organization conditions" affecting all classes of men employed by the Pennsylvania Railroad, in my opinion, is such that immediate joint action by the presidents of the five great brotherhoods is absolutely necessary at the earliest possible minute.

In my opinion we are confronting a situation the gravity of which is not entirely appreciated by all concerned and that it will be found is not entirely confined to this system. I believe the corporations are laying the foundation for a vigorous effort to put us all out of business, and that if we jointly line up now against this menace it can be wiped out, but later on if delayed there will be a different aspect.

Personally I can see no obstacle in the way of such an alliance between the five brotherhoods for such purpose, and believe it absolutely necessary to form such alliance to save each of the five organizations here. My appeal in this matter is not a selfish one for my organization. We have practically put the dual organization formed to fight us out of the running; our men are alive to the dangers threatened, and with me desire to assist all legitimate union labor in the field. The fight is aimed at all of us. In retaliation we can best succeed through joint action by all, therefore I call your attention to the suggestion contained in my letter on this subject dated September 16, 1913.

Yours, fraternally,

T. E. ELLIS,
Organizer, The Order of Railroad Telegraphers.

[Brotherhood of Locomotive Firemen and Enginemen.]

PEORIA, ILL., *November 3, 1913.*

Mr. FRANK PAQUIN,
First General Vice President Brotherhood Railway Carmen,
Kansas City, Mo.

DEAR SIR AND BROTHER: Upon my return to this office I find your letter of October 30, and I am not surprised that you should be interested in the situation on the lines of the Pennsylvania Railroad Co. (east). In order that you may know all that I know of the matter, I will recite the situation as follows:

1. For many years past the Pennsylvania Co., by a systematic employment of members of this brotherhood for "special-duty service," have succeeded in discounting or discrediting much of the brotherhood's work. While these men will not confess that they are "spotters" there is no question in my mind but what they furnish information to the officials and discourage our members doing that which the officials object to, as a part of the services they perform and for which they receive extra compensation. I mean by this that while these members of this organization are nominally "air-brake inspectors," "inspectors of switching yards," etc., they are expected to do "dirty work" on the side. The result of this policy has been that the brotherhoods have in past years been quite weak on the Pennsylvania lines east.

2. Notwithstanding the methods adopted by the railroad companies to weaken this brotherhood and others, as just stated, within the past few years, the members of the Brotherhood of Locomotive Engineers, Order Railway Conductors, Brotherhood of Railroad Trainmen, and Brotherhood of Locomotive Firemen and Enginemen have acquired a degree of aggressiveness in wage matters that is surprising, not only to others but to the officials of the Pennsylvania Co. While this new characteristic of employees of the Pennsylvania lines east has not been so pronounced with the engineers and conductors, so far as the B. R. T. and B. L. F. & E. are concerned, I believe I state the truth when I say our membership have developed a high degree of courage in protecting their own interests. During the year 1912, a temporary cooperation between members of the O. R. C., B. R. T., and B. L. F. & E. (which cooperation the members of the B. L. E. refused to join), secured a very fair settlement of the electrical question and adjusted many grievances that could not have been adjusted otherwise. During these negotiations it became necessary to take a strike vote, and it appeared at one time that nothing could avoid a strike of all conductors, trainmen, switchmen, firemen, etc. The fact that the B. L. F. & E. included almost half of the engineers on the road would have made the strike a very serious one. Since that time the B. L. E. and B. L. F. & E. have agreed to cease their wrangling and have, so far as wages, working conditions, and grievances are concerned become one organization, in that the two organizations support each other in all such matters.

3. Having regard for the wonderful changes in the work of the brotherhoods, as heretofore set forth, certain officials of the Pennsylvania road (east) conceived the idea that the only way to weaken, if not destroy, the four railway brotherhoods was to institute an organization of all employees on the Pennsylvania Railroad. While the prospectus and the statements of the organizers of this new association would indicate that the officials of the road have nothing to do with it, the fact that the officials are approving the movement—in fact, minor officials are acting as organizers for the movement—leads us to believe that this new organization is simply an instrument adopted by the Pennsylvania lines (east) to destroy these four brotherhoods. Among the advantages offered by the new organization for all employees of the Pennsylvania lines joining it are that the expense will be less, wages, working conditions, and grievances may be adjusted more readily by the friendship of the officials of the company, cooperative stores will be instituted hereafter, cheap insurance and pensions will be assured, etc. It is not strange that the shop employees, track employees, clerks, and other branches of service that have been coerced in the past, would gladly look to an organization of this kind, which they could join without fear of dismissal from the service of that company, and the result has been that the organization made wonderful strides for a few weeks, and it was claimed that whenever a majority of the employees of the Pennsylvania lines (east) were members of this new association, all schedules and agreements with the four railway brotherhoods would be abrogated and the new organization would make schedules for every man in the service, etc.

4. For the past two or three years Mr. W. H. Pierce, a special organizer of this brotherhood, has been doing excellent work on many roads, among which

the Pennsylvania Co. has been a most prolific field. When he was confronted by the arguments of the organizers of the new organization he found himself greatly handicapped in securing applications for membership from the young firemen who had just entered the service and who had been led to believe that their best interests lay in the new organization instead of in the B. L. F. & E. Mr. Pierce, being a very aggressive man, fought the new organization as best he could at public meetings, and, so I understand, at one public meeting where a large number of employees of the Pennsylvania lines from all classes of service, including some of the officials, were present, Mr. Pierce advised the shopmen, etc., that if they desired to form an organization they should form one of their own and not join an organization intended to displace the railway brotherhoods. Such a suggestion was received with such hearty acclaim by those present that I understand Mr. Pierce secured the signature or approval of 700 men present who heretofore have been denied the privilege of joining any organization. I understand from Mr. Pierce that he has no doubt that he can organize the shopmen, possibly the trackmen, and the office men in an organization of "Pennsylvania employees," and that without very much opposition from the officials. I do not mean that they would approve the breaking up of their own scheme, but it is understood that they would probably not dismiss men from service for joining the organization referred to. I have advised Mr. Pierce that he has nothing to gain by organizing these men, for, not being in that line of service, they would probably elect officers from among their own ranks, and after all of his own efforts he would have nothing, not even compensation, for his work. In reply, he has said that he was not looking for office or compensation, but that he was determined that the Pennsylvania Co. was not going to disrupt these railway brotherhoods by their new scheme, and he has been "fighting the devil with fire."

I am sending carbon copy of this letter to President Ryan, of the Brotherhood of Railway Carmen; to President Perham, of the Order of Railroad Telegraphers; to President Franklin, of the International Brotherhood of Boiler Makers; to President Johnston, of the International Association of Machinists; and to President Kline, of the International Brotherhood of Blacksmiths, and for that reason I have described the situation at length.

I shall be glad to hear from all concerned, stating any objection they might have to the organization of the employees on the Pennsylvania Railroad into one organization, with the exception of those crafts represented by the railroad brotherhoods which will be exempted from membership therein.

Yours, fraternally,

W. S. CARTER, *President.*

PHILADELPHIA, PA., *October 9, 1913.*

Mr. H. A. ENOCHS, *Chairman,*
Broadway Central Hotel, New York City.

DEAR SIR AND BROTHER: Your favor of the 7th instant received. I am glad to note what you say about your men watching matters connected with the new association. My information from the system shows much energy is being displayed by the boosters of that scheme and not without results. The following bit of suggestive information came in from Altoona, Pa., a couple of days ago, or so:

"Mr. Howard Collins, conductor, middle division, recently visited the P. R. R. shopmen at Altoona in the interest of the new association, among other things saying that it is to pay insurance and take up grievances, to be beneficial-industrial, that the members of the various brotherhoods are getting tired of paying fat-bellied officers big salaries; that committees will be composed of employees and railroad officials; that in that way differences could be adjusted right here on the ground; that Mr. Long is getting tired of having committees in Philadelphia all the time," etc.

That's beautiful, isn't it? The "home-circle" idea so well loved by the corporation is thus beautifully outlined, and many men in all departments are falling for it; that's where the danger lies.

I hope you have put up a case that will win out.

With best wishes,

Fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *October 1, 1913.*

To the General Chairmen B. R. T., B. L. F. & E., B. L. E., and O. R. C., Pennsylvania Railroad, East.

DEAR SIRS AND BROTHERS: Information comes from the Monongahela division this morning that is as follows:

"I have been advised that there are something like 500 on this division that have signed the tentative application for membership. They are explaining that it is a new relief department, something to take the place of the old relief department."

For your information,

Fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *October 2, 1913.*

Mr. J. D. HENDRICKS,
General Chairman O. R. C.,
Wesleyville, Pa.

DEAR SIR AND BROTHER: Information from the Williamsport division this morning is as follows:

"Passenger Conductor Herbert Peters is gathering in men on the mutual benefit association. Mr. Peters resides at Harrisburg, Pa."

For your information.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

WESLEYVILLE, PA., *October 4, 1913.*

Mr. T. E. ELLIS,
Philadelphia, Pa.

DEAR SIR AND BROTHER: This will acknowledge receipt of yours of 1st and 2d inst., referring to Conductors Lon. Johnson and Herbert Peters, of the Monongahela and Williamsport-Susquehanna divisions. This man Johnson has been into this kind of dirty work before, while Peters never did belong to anything and is a "non air" as far as our order or the B. R. T. is concerned. All I have to say that if the new organization can't get anything better to represent them than men of this kind they are in a very bad light, in my opinion.

Can not see where any man with any intellect at all can be drawn into anything of this kind at all, the idea of the committee that the constitution of that organization provides for is enough to kill it in my estimation. If we are to be represented by officials of the company we are working for, no need of any organizations at all, and the sooner our men will see where they are in bad, and I believe it will be one of the strongest points to show all concerned the folly of this move.

Very truly, yours,

J. B. HENDRICKS, *Chairman.*

AS TO THE P. R. R. AND ITS SO-CALLED LABOR ORGANIZATION.

WINDSOR HOTEL,
Philadelphia, April 4, 1913.

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: You will remember the report of my interview with Adam Reed last fall, especially that part of it referring to the transfer of his services from the telegraph to the supply department, thus fixing the source of his salary. Your files show my reports of some of his movements during the time referred to.

On last Tuesday, in an interview with one J. J. Dulley, 368 East Price Street, Germantown, Pa., regarding P. R. R. telegraphers' union matters, when asked if he did not consider the D. A. S. a company affair, said: "Well, myself and others I might mention did not have such a thought until after Reed attended the meetings over the system last fall, also doing some organizing for our

order, while it was understood that he was in the supply department; then the subject came under discussion on account of the company paying the salary." Dulley is a radical D. A. S. man, and says he don't care if it is the Salvation Army, he will support it, providing it "brings home the bacon."

For your information.

Fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

FAVORING COMPANY ORGANIZATION.

HARRISBURG, PA., *July 6, 1912.*

Mr. H. B. PERHAM,
President, Cleveland, Ohio.

DEAR SIR AND BROTHER: Met Brother C. S. Melcher, local chairman, 531 Curtin Street, Harrisburg, Pa., last evening.

Brother Melcher informs me that last February he was on the east end of the Philadelphia division soliciting information-authorization blanks; met several Marr men, and in argument with them stated that they did not have more than 50 telegrapher members, etc.; that shortly afterwards the division operator "called him in" and told him the superintendent had instructed him to get after him (Melcher), and said that "no doubt you want to hold your job. It is said you have been misrepresenting the new organization," etc.; "advise that you keep off," or words to that effect.

Brother Melcher in the interview said that it would not do for me to go on right of way, as I would be arrested for trespass.

Melcher could give me little assistance so far as post-office addresses of the men is concerned, but I have him working on the matter and hope we may be able to secure more blanks in this territory as soon as he can get the addresses in proper shape.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Harrisburg, Pa.

ALTOONA, PA., *January 6, 1913.*

Mr. H. B. PERHAM,
President, 1378 Montclair Avenue, St. Louis, Mo.

DEAR SIR AND BROTHER: Ex-Mayor Mr. S. W. Hoyer, 1900 Third Avenue, Altoona, Pa., at his home last (Sunday) night, January 5, 1913, among other things, stated to me as follows:

That in the beginning of his administration Mr. G. W. Creighton, general superintendent, P. R. R., Altoona, Pa., approached him about as follows: Invited the mayor to his office; said, "I hope you and the P. R. R. will get along nicely"; that the P. R. R. proposed to dominate the political situation in Altoona in the future; and things along these lines.

That about the time the P. R. R. shopmen's strike in 1911 was brewing, Creighton called the mayor to his office and told him of the impending trouble and asked his cooperation, saying interesting things.

That during the strike General Supt. Creighton on at least three different occasions suggested and practically asked the mayor to bring about a riot in order that the State constabulary might be brought into the situation, for the purpose of scaring the men into submission and getting the organizers out of the city. When the mayor refused, and called attention to the fact that such action would cause death, he was told, "What of it; policemen are paid to take such risks." The Mayor stated the police force was for the purpose of preventing trouble and not for the purpose of creating riots, Creighton always being insistent that the mayor "start something."

That General Supt. Creighton tried to get the mayor (Hoyer) to illegally arrest Organizers Gallagher, Schmidt, and others, in order to get them out of town.

That he (Hoyer) heard General Supt. Creighton tell Albert W. Beckman, manager the Baker estate, to prevent the proposed meeting. (See copy court proceedings already sent you; also see statement by Attorney Henderson relative to the swearing of Beckman.)

That it is a fact that Creighton did rent halls, etc., and otherwise prevent meetings in and around Altoona.

That Creighton endeavored to put up a job on him (Hoyer) after this trouble, whereby Hoyer would be implicated in a criminal way in connection with a political campaign.

That Creighton repeatedly told him (Hoyer) that he had 171 armed P. R. R. policemen in service here, and at a cost of $750 per day, urging Hoyer to do something to relieve the company of that large expense, and was as often told to let the men go, that the city police could and were handling the situation without trouble, which was the facts.

That Creighton tried to put up a job on him (Hoyer) by congregating certain citizens, every one of whom were political opponents of the mayor's and including four newspaper men, together with some of the P. R. R. official family, in Creighton's office, then telephoned Hoyer, asking him to come to his (Creighton's) office, where Hoyer went in company with his chief of police, finding the layout as above stated. Creighton stated the meeting was for the purpose of finding some way to stop the strike, etc., and suggesed that he (Creighton) and his people retire, allowing the mayor and the others left to fix upon a plan. The mayor at once scented trouble, feeling that it was the plan to elect a chairman, pass any resolutions desired by the company, making him a party to the procedure, the newspapers doing the rest. Hoyer flatly refused, and asked Creighton if the men out on strike were to be reinstated. Creighton emphatically stated they would not be. Then Hoyer said, striking the table with his first, "In that case to-morrow I myself will lead the strike, and to a finish," and in consequence of this stand by Hoyer most of the strikers were taken back by the company.

That Mr. F. N. Allman, chief fire department, Altoona, Pa., witnessed the assault upon the person of J. Gallagher, near the Senate Hotel, Altoona, Pa., in 1911, and that he said to Mr. J. D. Spangler, Blair County detective and constable, first ward, Altoona, who watched the assault, "Why do you not arrest Luther?" Spangler replied, "He is a constable." Then Spangler and Luther left the scene together. That there is no doubt but what this assault was a frame-up, as was also the one upon the boy in Juniata, of which he heard something at the time.

Hoyer also says he heard about the Graham case at the Senate Hotel, and also believes that a frame-up.

Hoyer says the situation at the time of this trouble was simply horrible, meaning the attempts by the P. R. R. officials as above, and the whole truth is almost unbelievable.

There were other P. R. R. officials named by Hoyer, but I give Creighton, as he was the principal in all the above. One Mr. Durbour, now deceased, remarked when told that Gallagher would probably die, "Well, likely a good thing if he did," according to Mr. Hoyer. He gives other information, much of it, such as the purchase of guns by the company, etc., and will willingly repeat all at any time and under any circumstances, simply in the cause of right and justice, and says he has no ill will against the P. R. R., but that such men and methods should be eliminated from among honorable people, etc.

Fraternally,

T. E. ELLIS.

ALLEGED DISCRIMINATION AND COERCION BY THE P. R. R. CO. APPLIED TO ITS EMPLOYEES WHO ARE AFFILIATED WITH CERTAIN LABOR ORGANIZATIONS.

PITTSBURGH, PA., *February 5, 1913.*

Mr. G. Z. Stover, local chairman O. R. T. committee, Monongahela division, P. R. R. address 243 Fifth Avenue, Pittsburgh, Pa., said to-day among other things, as follows:

That to his personal knowledge ex-local chairman O. R. T. committee, Monongahela division, P. R. R., who is at this time employed by the P. R. R. as a telegrapher, was called into Division Operator C. J. Isler's office, Pittsburgh, and told by Isler to resign his office as local chairman; that he (Isler) was not prepared to say what action Superintendent Mitchell would take in case this was not done; that if he did resign the office of local chairman he (Isler) found that the local chairman was in line for promotion to the position of train dispatcher.

It is stated that then Isler referred to the age of the local chairman (about 49) and to his large family (wife and six or seven children), and said other things along this line.

The name of the above ex-local chairman is C. A. Burgess, Pittsburgh, Pa., a member of the Order of Railroad Telegraphers of some 20 years' standing, and an old and very reliable employee of the P. R. R. Mr. Stover requests that Mr. Burgess' name be handled with care; otherwise serious consequences might result to Mr. Burgess.

T. E. ELLIS.

INTIMIDATION, ETC., BY P. R. R. OFFICIALS AMONG CERTAIN OF ITS EMPLOYEES ON ACCOUNT OF THEIR BROTHERHOOD AFFILIATIONS.

PHILADELPHIA, PA., *April 24, 1913.*

Mr. H. B. PERAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Referring to Article No. 2, your petition to the Industrial Commission. I am informed that Division Operator Moran, Schuylkill division, P. R. R., with office at Reading, Pa., is intimidating or trying to intimidate his men on that division in the following manner: Selects a man who has recently left the dual organization and joined the O. R. T., or those who have at one time or another expressed themselves in favor of doing so, asking if they have joined the O. R. T., and saying to them that they should not join the O. R. T., that the P. R. R. does not recognize the O. R. T., but does the O. R. T. D. A. & S.; that it would be easy matter for him to discharge them, as he could do so for any little thing he might find wrong about their "sheet," and other things along this line.

For your information.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PHILADELPHIA, PA., *August 21, 1913.*

Mr. H. B. PERHAM, *President,*
St. Louis, Mo.

DEAR SIR AND BROTHER: Brother P. A. Wenrich, grand division organizer, while soliciting membership for the Order of Railroad Telegraphers among the employees of the Pennsylvania Railroad in the city of Philadelphia and its environs, among other employees has met the following people who, he states, have made the following statements to him, each statement following the name of the man who made it:

M. J. Gallagher, leverman, 4659 Lancaster Avenue, Philadelphia, Pa., says that he desires to become a member of the Order of Railroad Telegraphers, but fears to join the order singly on account of adverse influences that probably would be brought against him by P. R. R. officials, naming L. K. Marr, train master, New York, and the general yard master, Philadelphia, Pa. Mr. Gallagher is a member of the B. R. T.

M. J. Maloney, leverman, 48 West Southampton Street, Chestnut Hill, Pa., says that he desires to join the Order of Railroad Telegraphers, but dares not do so alone on account of L. K. Marr and other P. R. R. officials. Mr. Maloney is now a member of the B. R. T.

R. McAllister, leverman, 1455 North Fifty-fourth Street, Philadelphia, Pa., says that he has dropped out of the dual organization, and is willing to join the Order of Railroad Telegraphers, providing the balance of his coworkers on the "elevated" (P. T. division) join at the same time, but is afraid to take single action on account of L. K. Marr and other P. R. R. officials, implying that he would lose his job on account of such action.

G. M. Gable, telegrapher, 1343 North Allison, Philadelphia, Pa., says that he is dropping out of the dual organization because of the fact that he does not admire the manner in which the dual organization has been conducted; that he desires very much to become a member of the Order of Railroad Telegraphers, and will do so if a goodly number of the employees will join at the same time, but is afraid to do so singly on account of the influence of L. K. Marr, and when Wenrich called his attention to the fact that L. K. Marr is located in New York, Gable said "Yes; but he is here more than in New York," adding that Marr is a member of the P. R. R.'s official "labor commission." Gable went on to state in giving his reasons for his fears that he knew of one particular instance

wherein Marr approached an employee on the P. T. division, P. R. R., and told him to drop his membership in the O. R. T.; failing to do so he would have to take the consequences.

A. D. Sheldon, 225 Ramsey, West Philadelphia, Pa., says he would not dare leave the O. R. T. D. A. & S., and join the O. R. T., as those not belonging to the O. R. T. D. A. & S. were persecuted so much that life became almost unbearable on the P T. at Seventeenth Street tower, and that O. R. T. members would be especially persecuted.

R. McNeal, leverman, 5719 Woodland Avenue, Philadelphia, Pa., says he is afraid to join the Order of Railroad Telegraphers on account of the influence of L. K. Marr, who is a member of the P. R. R.'s labor commission, and goes on to state his reason as follows: That at the time Mr. Marr became train master or general yard master for the P. R. R. in New York, Mr. Marr sent for him and asked him if he would accept a position on his division. McNeal said to Mr. Marr that he would be glad to accept a position on his division, and requested that a position be also given his son. All arrangements were made to this end, but the arrangements were never carried out, as he believes, that it was ascertained that he was not a member of the O. R. T. D. A. & S. at that time, further stating that it is generally understood on the P. T. division that men in the telegraph department could not secure employment under Mr. Marr unless they were members of the O. R. T. D. A. & S. Mr. McNeal exhibited fear of the consequences should he join the O. R. T. unless a majority of his coworkers should accompany him in such action.

Thomas J. Robinson, "relief," 949 Falon Street, Philadelphia, Pa., says he is afraid to leave the O. R. T. D. A. & S. and join the O. R. T. on account of L. K. Marr, train master, New York, being on the labor commission of the P. R. R. meeting each week with other P. R. R. officials in Broad Street station, implying that his reason for so believing is that Marr was the cause of the dual organization being organized.

E. E. Creely, jr., relief telegrapher, 2128 Orthodox Street, Frankford, Pa., says that he is afraid to leave the O. R. T. D. A. & S. and join the O. R. T. individually on account that the company might take advantage of the condition of his eyesight, thereby causing him to lose his position.

Charles I. Fisher, telegrapher, 1419 North Robinson Street, Philadelphia, Pa., says that he is afraid to leave the O. R. T. D. A & S. and join the O. R. T. on account of the attitude of the train dispatchers in "S" office and also the men in "JR" office, the latter the division superintendent's office. It is said that Train Dispatcher Howard Brown, of "S" office, is one of the men, and John Green, of "JR" office, another who most strongly urge the O. R. T. D. A. & S. proposition among the men, and that the men along the line fear the position and influence of those two men should they antagonize the O. R. T. D. A. & S. or dual organization proposition by leaving the O. R. T. D. A. & S. or joining the O. R. T.

A number of these men state that they do not desire to insult L. K. Marr, who has befriended them, by leaving the O. R. T. D. A. & S. or joining the O. R. T.; also expressing their confidence in him as a man. Others express grave doubts as to Marr's sincerity in the past in relation to matters affecting regular organized labor.

This statement will be continued from time to time.

For your information.

Yours, fraternally,

T. E. ELLIS.

Approved:

PAUL A. WENRICH.
Grand Division Organizer O. R. T.

PHILADELPHIA, PA., *August 20, 1913.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: The two meetings at Reading Pa., August 19 were held according to program. There were but a half dozen at the morning meeting outside of members of the general committee, Wenrich, and myself. The meeting was informal, and the principal subject under discussion was the lack of attendance by the P. R. R. telegraphers, and according to the information gained it was decided that the attitude of Division Operator J. C. Moran toward

the men and the O. R. T. since the Phœnixville meeting on June 30, and also to the fact that too much time elapsed between meetings was responsible.

Brother H. F. Strunk, 316 Seventeen-and-a-half Street, Reading, Pa., stated that Mr. Moran approached him, asking if he belonged to the O. R. T. and went on to state that, of course, he could not discharge him directly because he belonged to the O. R. T., as there was a law prohibiting such procedure, but that almost any little thing might be found against him and his discharge ordered therefor; and while the discussion was going on Moran let it be known that he might at any time receive orders to proceed as above. It seems Mr. Moran canvassed his entire division for the purpose of intimidating the men, including members of the O. R. T., nonmembers, and members of the dual organization, and during each interview stated practically as above. To Brother O. R. Simmers, Phoenixville, Pa., who did not attend either meeting, it is said Mr. Moran stated as above and added that the objection to the O. R. T. on the Pennsylvania came from Mr. Atterbury. Others of the men have also stated that Mr. Moran's attitude and words suggested that he wished them to understand that he is simply following instructions.

At the night meeting, General Chairman Miller in the chair, there were 17 present all told, including 3 P. & R. men.

Train Dispatcher A. W. Haws, who is an ex-O. R. T., also ex-O. R. T. D. A. & S. member, and for one term a member of the board of trustees of the dual organization, and while a member of the board of trustees, according to his statements to General Chairman Miller and myself at Reading, came into possession of information which caused him to leave that organization, further stating that this was due to irregularities practiced by J. R. T. Auston.

Mr. Haws also states to General Chairman Miller and myself that regardless of the words spoken by Division Operator J. C. Moran in his address at our open meeting at Phoenixville, Pa., on June 30, 1913, since then Moran is approaching his men by informing them that the P. R. R. does not desire its telegraphers to hold membership in the O. R. T.; and while the law prohibits him from discharging them from the service because of their affiliation with the O. R. T., any little thing might be found against them and their discharge ordered on that account—words to that effect. Mr. Haws condemned the attitude and procedure of Mr. Moran in this matter, as above stated.

For your information.

Fraternally,

T. E. ELLIS.

AS TO THE P. R. R. PITTING ONE EMPLOYEE AGAINST ANOTHER FOR SECRET PURPOSES AND ITS PECULIAR WAY OF TREATING WITH THE DUAL ORGANIZATION.

PHILADELPHIA, PA., *March 20, 1913.*

Mr. W. H. Boyer, 380 Second Avenue, Phoenixville, Pa., stated to me to-day in the presence of Paul A. Wenrich, at the Phoenix Hotel, Phoenixville, Pa., as follows:

That he was recently elected local chairman O. R. T. D. A. & S. Schuylkill Division, P. R. R., and that last Monday, March 17, 1913, he, with other members of the general committee of the O. R. T. D. A. & S., met by prearrangement at Broad Street, Philadelphia, Pa., Mr. Johnson, superintendent telegraph, P. R. R.; that the only other P. R. R. official there present was Mr. L. K. Marr.

That it was made known to him by J. R. T. Auston, prior to above meeting, that Mr. Marr would be present.

That J. R. T. Auston knew exactly what was to be given above-named committee in way of concessions prior to the time the committee went to meet Mr. Johnson.

That he (Boyer) and the committee found the "readjustment" (concessions) made by the P. R. R. all ready for them in "blue print" when they got there.

That Mr. Johnson stated to the committee that the P. R. R. would never meet an O. R. T. committee, and that this is all there was said about the O. R. T. at the "conference."

That he (Boyer) was told to leave at Broad Street all that he had heard and seen there.

That it was stated, or that he was given to understand, that had the two Reading, Pa., O. R. T. meetings on March 13, 1913, been held two weeks earlier and the action of O. R. T. D. A. & S. men been noted the Schuylkill division P. R. R. would have gotten nothing in way of concessions.

That he (Boyer) asked Mr. Johnson what the readjustment allowed by the company netted all the telegraphers employed by P. R. R. east of Pittsburg and Erie, Mr. Johnson said "these papers do not show that." Boyer says that 29 positions on the Schuylkill division gains $1,012 annually, and are the only ones affected by the readjustment; that most of these are the higher paid positions, in consequence of which there is much dissatisfaction among the men already; that the men also as a rule believe the money handed out by the company to the dual organization is for anti O. R. T. action; that in his opinion there will not be more than a dozen O. R. T. D. A. & S. members left on the Schuylkill division in 60 days from now; that this "readjustment" is the one asked for in either 1910 or 1911. That there are three men who run the O. R. T. D. A. & S., and they are Messrs. Johnson, superintendent telegraph P. R. R., Mr. L. K. Marr, New York, and Mr. J. R. T. Auston, Philadelphia.

That after the "conference" Mr. Huffman, former local chairman O. R. T. D. A. & S., Schuylkill division P. R. R., took him (Boyer) to J. R. T. Auston's office, Filbert Street, Philadelphia, and there asked Auston questions along lines to draw answers from Auston in Boyer's presence that the O. R. T. D. A. & S. was not a company organization. That he (Boyer) is satisfied that reports preceded him to Philadelphia that he had been seen talking with representatives of the O. R. T.; this, I told him, was beyond doubt. He says that general chairman Giles of the O. R. T. D. A. & S. committee came all the way to Phoenixville to visit him yesterday, March 19. That he intends to remain with the O. R. T. D. A. & S. as local chairman a while yet to see what will happen; that at next meeting of D. A. S., at Reading, he will tell the members of just what occurred at Broad Street, as he agreed to do this when he was elected to the office of local chairman; that there will be no one else serve as local chairman; that if they oust him there will be none there.

Boyer stated, in a slow and deliberate manner, as follows during the interview: "If a fellow that is crooked will serve well as general chairman D. A. S. and is foxy he will be sure to get a fine job with the P. R. R.," and cited others Marr and Hartman, along with the declaration.

That the members of the O. R. T. D. A. & S. on the Schuylkill division P. R. R. began to get wise to the proposition latter part of last December, and they are convinced of the true situation.

This interview was prearranged by Wenrich and myself after he had a short talk with Boyer on Tuesday, when Boyer put a much different line of statement to Wenrich. I went over notes of the interview with Brother Wenrich to-day after the talk with Boyer, and he will write Brother Miller this evening of the interview, as per Miller's request. Therefore I am sending it only to you.

T. E. ELLIS.

AS TO RELATIONSHIP BETWEEN THE P. R. R. AND THE O. R. T. D. A. & S.

PHILADELPHIA, PA., *February 21, 1913.*

Telegrapher J. P. Connell, Haddonfield, N. J., second trick at P. R. R. tower, said in part as follows to-day:

That J. W. Kelley, telegrapher, has been employed on the Atlantic Division P. R. R. for the past three years or more; that he understands Kelley is a close friend of L. K. Marr, New York; that Kelley is a southerner, and it is thought he came from the B. & O. Ry. in Virginia, to the P. R. R. That last spring (1912) Kelley represented to him (Connell) that if himself and the other operator then employed at "H I" tower, Haddonfield, would join the O. R. T. D. A. & S. he would guarantee them at least a $5 per month increase in wages right away; that himself (Connell) and Telegrapher H. Panacoast joined with Kelley and paid him $1 each for membership, but as there was no increase in wages, as per Kelley's guarantee, both dropped out, refusing to pay any more money into the order. Kelley is an organizer for the O. R. T. D. A. & S. and works third trick "H I" tower, Haddonfield, N. J.

That during last summer (1912) Kelley was relieved from his duties as telegrapher for two or three weeks by Extra Telegrapher O. A. Coppage, and it was rumored that Kelley was down on the Baltimore Division, P. R. R., doing "gum-shoe" work among members of the Order of Railroad Telegraphers. Kelley himself told the men at Haddonfield that he had been on the Baltimore Division, but refrained to state what he was doing there. It was

also rumored that Kelley was on the P. R. R. pay roll at that time, but he does not know anything about the facts in the case; so states Connell.

That the above-named vacation was the only one from "H I" tower for Kelley so far as he remembers.

NOTE.—It will be remembered that Auston wanted Tatlow to go among a number of O. R. T. men on that division and Tatlow's refusal to do the dirty work is the cause of the split between Tatlow and Auston, as given by Tatlow. Boardman at Winslow states the same thing, as do others acquainted with the matter. Now we find a P. R. R. telegrapher was relieved from duty for the purpose. Dates have not been given me account nonmemory, but same will be furnished with other information on this subject in future reports.

T. E. ELLIS.

WINDSOR HOTEL,
Philadelphia, December 15, 1912.

H. B. P.:

See Brother Wenrich's letter, inclosed, for files in this case.

T. E. E.,
General Delivery, Philadelphia, Pa.

THE GARDENIER,
NEWARK, N. Y., *December 6, 1912.*

Mr. T. E. ELLIS, *Pittsburgh, Pa.*

DEAR SIR AND BROTHER: On the 15th of October, 1912, Brother W. M. Chilson, of 74 Pleasant Street, Canandaigua, hired to P. R. R. on Elmira Division, under Mr. J. Shears, division operator, who asked him if he was a member of O. R. T., and when he was advised in affirmative, he (Mr. Shears) told Chilson he had better drop it as it was not recognized by the P. R. R.; that the O. R. T. D. A. & S. was the organization to get in, as they were doing things, etc.

I took Brother Chilson in O. R. T. at Towanda, Pa., in fore part of this year.

On either November 6 or November 21, 1912, the paymaster asked Brother L. M. Rumsey, How about the telegraphers strike? Whereupon Brother Rumsey said, "Don't know; no doubt we will hear more about it," whereupon the paymaster and clerk gave him a sniff and horse laugh. No doubt they are doing this all over the system. "73."

Yours, fraternally,

PAUL A. WEINRICH.

P. S.—Yesterday got promise of three delinquents to pay up and collected; got one promise to come in. Boys on Shine line clamoring for meetings at some convenient point; for instance, Canandaigua.

P. A. W.

AS TO P. R. R. FOSTERING DUAL ORGANIZATIONS.

PHILADELPHIA, PA., *June 8, 1913.*

Mr. H. B. PERHAM,
President, New York City.

DEAR SIR AND BROTHER: Telegrapher Weaver, P. R. R., Phillipsburg, N. J., recently stated to Brother S. G. Simanton, local chairman, Frenchtown, N. J., that: "P. R. R. Telegrapher Harte, chairman the D. A. S. above Phillipsburg, had been telling the men up that way that if they would join the D. A. S. they would get a raise in wages. When the "hand-out" occurred last March no one above Phillipsburg received any of it, Harte himself included. Harte did not like this, and took the matter up with Telegrapher Vetter, the D. A. S. man at Lambertville, N. J. Harte claimed Vetter said to him, "Well, now, boy, get busy and get these men all in the D. A. S. and you will all get something in the next advance." Harte was not satisfied with this, and said he wrote Vetter about as follows: "I have not received any advance at all yet, and I want it as promised, and so do my men. Now, I will give you 10 days to fix it up, or I will give the whole rotten shooting match away." It is said in a day or two Division Operator Cross and Telegrapher Vetter went to "C R" tower and held a long conference with Harte. Immediately after this the list was corrected to include two more towers on the upper end. It is not known how Harte was

fixed up, but Weaver suggests by a hand-out. At least Harte now seems very reticent and satisfied, 'tis said.

Fraternally,

T. E. ELLIS.

P. R. R. ALLEGED DISCRIMINATION AND COERCION ON ACCOUNT OF ITS EMPLOYEES' MEMBERSHIP IN CERTAIN LABOR ORGANIZATIONS.

PITTSBURGH, PA., *February 5, 1913.*

Mr. G. Z. Stover, local chairman O. R. T., committee, Monongahela Division, P. R. R., address 243 Fifth Avenue, Pittsburgh, Pa., says as follows:

That A. G. Mitchell, superintendent P. R. R., Pittsburgh, Pa., said to him after calling him to his office last fall, that if he (Stover) expected any promotion on the P. R. R. he would have to withdraw from the Order of Railroad Telegraphers.

That if the company needed a train dispatcher and there were two men to pick from, one a member of the O. R. T., the other a nonmember, ability equal, the O. R. T. man having advantage in seniority, that the nonmember would be chosen for promotion over the O. R. T. member.

That there have been several men promoted over him, and none of them have better records and none of them more ability than he has; that he is absolutely sure this is due to his membership in the O. R. T. and his position as local chairman for the men.

That at one interview with Division Operator C. J. Isler, P. R. R., Pittsburgh, Isler told him (Stover) that the O. R. T. was not popular with the P. R. R. and would never be recognized by the company; that he understood the O. R. T. D. A. & S. was all right and being recognized by the company; that Stover was making a big mistake in his activities as local chairman. Stover declares he can name other instances in connection with these features.

T. E. ELLIS.

PERHAM EXHIBIT NO. 11.

NATIONAL HOTEL,
Washington, D. C., September 15, 1912.

Mr. H. B. PERHAM,
President O. R. T., City.

DEAR SIR AND BROTHER: As per your instructions of the 9th instant, I addressed meetings on the P. R. R. at the following points: Harrisburg, Pa.; Williamsport, Pa.; Elmira, N. Y.; Latrobe, Pa.; Red Bank, Pa.; and Freeport, Pa. I found the men at all those places enthusiastic and ready to back up their committee to the extent of striking if it becomes necessary. They have every confidence in the committee and yourself.

From personal talks with the prominent men of each of the divisions that I visited and my personal observation I am of the opinion that 90 per cent or better will strike should one be called.

The officials have visited every employee, and in some instances, especially the ladies and old employees, have endeavored to intimidate them into saying they would not strike. The ladies were told they would never be permitted to work again and the old employees were advised that they would lose all rights in old-age pension fund if they struck.

Employees who have been superannuated by the Pennsylvania R. R. Voluntary Relief Association have been advised that they would be expected to return to the company's service should a strike take place.

In the territory I visited you can depend upon the employees walking out if a strike is called.

The company's organization cuts no figure in that territory, as there are no members worth mentioning out there; I only learned of two of them.

Yours, fraternally,

J. A. NEWMAN,
First Vice President O. R. T.

Mr. H. B. PERHAM,
President, City.

DEAR SIR AND BROTHER: Within the past week I have addressed meetings of Pennsylvania employees in the telegraph department at Greenwood, Del.;

Wilmington, Del.; Camden, N. J.; Trenton, N. J.; and Baltimore, Md.; meeting in all about 400 men. They are very much incensed against the treatment they have received from their employer and the way their committee had been used recently.

The situation is further aggravated by the company attempting to form an organization of its employees to be used for its own purpose, the company being willing to meet representatives from its own organization and treating with contempt the committee that was elected by the employees to represent them. The company wants the small minority to represent the great majority, and as a consquence 100 per cent of the men favor a strike.

I canvassed the situation closely and you may rely upon the truth of this statement.

Fraternally, yours,

J. J. DERMODY,
Fourth Vice President.

PERHAM EXHIBIT NO. 12.

P. R. R. VOLUNTARY RELIEF.

PITTSBURGH, PA., *February 5, 1913.*

Mr. G. Z. Stover, local chairman, P. R. R., Monongahela division (O. R. T.) committee, 243 5th Ave., Pittsburgh, Pa., to-day stated in part as follows:

That in 1910 the Voluntary Relief (P. R. R.) became practically a compulsory proposition; that it is the policy of the company to not engage the services of men who can not successfully pass the Vol. R'l'f examination; that while he does not now belong to that relief it is due to the manner in which he has filled out blanks and answered questions by examiners; that it has been suggested to him by the division operator that "you do not need to go into very close details, they do not need to know all about you," words to that effect; this in an endeavor to get Stover to pass the examination and take membership, which Stover does not want, declaring the Vol. R'l'f is but a graft.

That it is a popular and general belief among the employees of the P. R. R. that several years before they reach retirement age demotion is given them in order to reduce rate of pension when retirement comes to them; that pension rates are arrived at by the average wage of the man during the last 10 years of service.

That the P. R. R. gained a very large sum of money through the "laying off" or discharging its shopmen and the strike resulting from this action in 1911; that there were men in the shops who had been in the service for 25 years and all those who were dismissed from the service or went on strike and belonged to the relief lost all they had paid into it; those who were taken back went into the service and into the Vol. Relief as new employees and members; of course, those who were barred by age from the relief are not members.

T. E. ELLIS.

PHILADELPHIA, PA., *February 14, 1913.*

Conductor Newcomer, work extra, 1142, on P. R. R., between Moores and Chester, Pa., Feb. 13, 1913, among other things stated as follows:

That the P. R. R. Vol. Relief is compulsory, inasmuch that an applicant for work must pass the examination of the Vol. Relief examiner before a position will be given, and if not successful with the examination no position will be given the applicant; in other words, it is join the Vol. R'l'f or no job.

Station policeman, P. R. R., Broad Street Sta., says same thing and adds that he was never asked to join the relief, but was put there at once before he went to work, pays $1.50 each month. I understand same thing exists on the Philadelphia and Reading R'y.

There is also reports that the P. R. R. runs a double insurance; that is, when they put a new employee into the $500 class they place his risk with some regular insurance company for $1,000; this was mentioned by Conductor Newcomer and also Operator W. H. Gibson, Moores, Pa.

T. E. ELLIS.

PHILADELPHIA, PA., *April 22, 1913.*

Mr. H. B. PERHAM, *President,*
St. Louis, Mo.

DEAR SIR AND BROTHER: Referring to article 5 in your petition to the Industrial Commission, it is a matter of discussion among some of the employees of the P. R. R. that a large number of the foreigners who enter the service of that company, and, of course are compelled to contribute to the Vol. Relief, do not give their correct names from one reason or another. In case anything happens to these men there is no legal connection whereby the heirs or beneficiaries may recover. It is said the company officials understand this feature.

Yours, fraternally,

T. E. ELLIS,
General Delivery, Philadelphia, Pa.

PENNSYLVANIA LINES WEST OF PITTSBURGH,
INDIANAPOLIS DIVISION, OFFICE OF DIVISION OPERATOR,
Columbus, Ohio, May 7, 1914.

Mr. A. H. LANTZ, *N. I. Cabin, Ind.*

DEAR SIR: Replying to your note of May 1, the company furnishes you the position and pays you the salary, and as they have an insurance for the benefit of employees, they wish all employees to be members of the R. D.

It seems to me it is a mistake for a man not to be a member when he is in the service. Of course, if you can not see it that way, will send you a blank for withdrawal.

Very truly,

J. H. MCALPINE,
Division Operator.

MARCH 18, 1915.

Geo. F. Hoffman, 641 Dauphin Street, Harrisburg, states that he has worked for the P. R. R. for three different times, the last period being for six years.

He was laid off in November, 1913—furloughed—in company terms.

For the first three months after he was furloughed he continued to pay his Volunteer Relief payments of $1.50 a month. The fourth month the company refused his payment, saying that he had been dismissed from the service. They did not return the $4.50 which he had paid after leaving the company service, nor is it their custom to do so in similar incidences.

Mr. Hoffman says that he individually has received as much from the relief as he has put into it, as he was sick for 27 months on a stretch, but his case is typical of the company practice.

GEO. F. HOFFMAN.
W. H. PIERCE.

HARRISBURG, PA., *March 20, 1915.*

To who it concerned:

This is to certify that I, the undersigned, do hereby state that I was furloughed on March 28, 1914, and that the P. R. R. accepted relief money after the same. I was also dropped from the service about June 15, 1914, and have receipts that the said R. R. Co. accepted relief money for that entire month and did not offer to return to me the surplus. I will also state that I was in the first-class relief.

DAVID MCKEE.

PENNSYLVANIA RAILROAD—WORKING CONDITIONS, TELEGRAPHERS AND TOWERMEN.

Working conditions are continually going from bad to worse on the railroad.

On the Pennsylvania, in the Philadelphia district, it would be hard to picture the exact conditions, for it is almost beyond description to give a truly accurate pen picture.

In speaking of the telegraphers and towermen in the vicinity referred to, it must be said: While conditions in the recent past have been well-nigh unbearable, the company has lately been heaping insult to injury by unceremoniously laying off large numbers of men and closing up offices.

It was rumored that one morning soon after the last lay off as high as 25 telegraphers reported for work at one place and nothing for them to do. The recent lay off is not the first that has occurred this year.

It is beginning to look as if the telautograph may soon be used as an excuse for displacing more men, for these machines are being installed and message business is being diverted through other channels, the object unquestionably points in the direction of further retrenchments.

It is not because the duties of the men in this department have in any way lessened that the company has found an excuse for this reduction, on the other hand the work is continually becoming harder and harder, with no relief in sight; and instead of giving some form of assistance by putting on additional men they are just doing the opposite, and adding unjustifiably to our already tremendous burden.

This burden to which reference is made, and upon which too much emphasis can not be placed, can only be pictured in an illustration of words, and will bring out more clearly the true meaning of this so-called contention relative to working conditions.

The list of physical wrecks, premature deaths, etc., about to be shown, has caused deep sorrow and distress in many homes, from among our associates—passed and present—with whom we have worked shoulder to shoulder, and in behalf of whom we are now registering a protest of words.

The list about to be presented are of men who are, or have been employed in about three or four of the block offices of this little terminal division, and reference is made to the particular individual cases, so that others who follow may benefit.

The following is a partial list of those of the employees affected on this division, and while perhaps in one or two instances may not be shown just as accurately as might be, yet they are given as nearly correct as possible at this time.

The two following sudden deaths occurred, a few brief weeks apart, and early in the present year, 1914:

Faber Sellers, telegraph operator, "A" tower; died suddenly on his return home from work one day in early part of present year. Put in many years service at this office. In prime of life.

William C. Frazier, telegraph operator, "C" tower; died suddenly at his home one day after work early part of present year. See many years' service at this office. He was in the prime of life.

It was perhaps about five years ago that the following death occurred: M. J. Flynn, leverman, "B" tower; died suddenly on his way to work one morning, while in the prime of life; hardly past 47 years; was an old employee; formerly worked at "N."

The following is a list of those more or less seriously affected physically, and presumably directly the result of overwork:

John O'Brien, leverman, "B" tower; physical wreck; has been confined to his home, and absent from work for over a year. Doubt expressed as to his recovery or return to work. Has seen many years' service, and is aged about 45 or 47 years.

William Duffy, leverman, "B" tower; physical and nervous wreck. After being confined to his home for many months he was finally removed to an insane asylum, where he now is. He, also, is over a year away from work, and doubt is expressed if he may again return. He is an old employee, and about 47 or 50 years old.

These are all men of families.

Joseph Uleau, leverman, "N" tower; physical wreck, and has been absent from work for the past 4 or 5 years. Doubt expressed as to his return to duty. Was one-armed man, and having family, being aged about 47 years.

James Hutton, leverman, "N" tower; physical and nervous wreck for about two years. Was absent from work for over a year before returning to duty. Now working over a year. Is an employee of over 30 years' standing, and is about 49 years of age.

Death: Robert McNutt, leverman, "A" tower; physical and nervous wreck, having died in early part of present year after some months' confinement to his home. Was also a telegrapher with same company some years previous. Was old employee, and aged about 48 years.

Death: Harvey Miller, train director, "N" tower; physical wreck, and said to have died in the almshouse broken hearted. He was an old and faithful employee, and a demotion he received hastened his death about three years ago. He was about 58 or 60 years of age.

The following deaths were undoubtedly hastened because of worry over their work. These men died possibly within the last 3 to 5 years:

Lew Brown, leverman, "K" tower; died at about 55 years old, after brief illness. Old employee.

John Beatty, leverman, "C" tower; died at about 55 years, after extended illness. Was an old employee.

Willard Brown, telegrapher, "B" tower; died at about 50 years, after brief illness. Was an old employee.

Th following victims departed for a premature grave without having hardly reached the age of 50 years, and all died within a year or two apart, and about perhaps ten years ago:

T. O. Gallagher, train director, "A" tower; physical wreck, and died after a brief illness. Without a doubt overwork hastened his premature death. For years he worked this nerve-racking job without any assistance, but soon after his death two assistants were appointed. He was an old employee, and aged about 47 or 48 years.

B. F. Donecker, ex train director, "A" tower; died a suicide, while holding the position of yardmaster at Broad Street Station. Unpleasant surroundings hastened his end and rumor had it that his sudden death was the cause of a threat of demotion. Aged about 48 years.

E. M. Myers, ex train director, "A" tower; died after a short sickness, hastened by the death-dealing grind at "A" soon after his appointment as yardmaster, having been elevated to the position left vacant by death of Donecker. Was old employee. Age about 48.

Here is another victim of the dreadful "daily rush": M. E. Casey, telegrapher, "JR" office; physical and nervous wreck; absent from work 2 to 3 years, and in bad shape yet. Still confined to his home. He is an old and faithful employee and in the telegraph department many years. He is aged about 48 or 50.

The following is an additional list of towermen who were seriously affected by this nerve-racking daily drudgery:

I. F. Gill, train director, "A" tower; collapsed from the strain while on duty. After a lay-off period and recuperating he resumed his usual occupation. In service many years, and aged about 47 or 48 years.

L. M. Hatton, ex-train director, "A" tower; became a physical wreck, and after an extended lay-off returned to his work and finally accepted a new position of clerkship to the yardmaster. He has been long in the service, and is aged about 49 or 50 years.

W. J. Wilson, ex-train director, "A" tower; became a physical wreck, and after a great loss of time finally accepted a new position at Washington, D. C., with the new Terminal Co. there. Was about 30 years in the service, and now aged possibly 50 years.

J. K. Osmond, ex-train director, "A" tower; collapsed from the strain while on duty, and after an extended lay-off returned to work in the capacity of leverman, which is a decided demotion. He has been many years in the service, and is aged possibly 46 or perhaps less.

W. G. Cox, train director, "N" tower; became a physical wreck. His condition was aided none by the foul atmosphere from the large engine yard close by, besides the acid fumes from electric batteries located in cellar of building. After much loss of time he finally got located at "B" tower, same occupation. Has been long in service, and is aged about 48 years.

Wm. J. Wilson, electrician, "N" tower; became a physical wreck and resigned his position to get away from the unbearable surroundings. The foul atmospheres here also were anything but favorable to his condition. He had lost much time through sickness and was forced to this action in the interest of his health. He was an old employee, and about two years ago, when he resigned, he was about 50 years old.

Chris. Shread, electrician, "N" tower; became a physical wreck, and is at present confined in a sanitarium. He is away from work for the past six months or more. He, with others who were affected, frequently found cause for complaint over conditions and the filthy, unbearable atmosphere. Aged about 47. Worked 12 hours. No vacation. He was old employee. He filled position vacated by Wilson, who also worked 12 hours and no vacation.

The following is a list of men who were forced to free themselves from their jobs rather than submit to continual injustice and the unbearable surroundings:

D. C. Dickson, train director, "A" tower; relinquished his position and accepted a demotion at another office as block operator to be relieved from the

tremendous responsibilities. Is an old employee, very steady, and aged about 48 or 50 years.

C. D. Richards, train director, "A" tower; resigned his position about five years ago. Old and steady employee. About 45.

J. W. Richman, train director, "A" tower; resigned position couple years ago. Old and steady employee. Aged about 35.

Elmer Derr, day operator, "N" tower; relinquished his day job for a night office at another end of the district (no promotion) to be away from the "grind", the abusive tactics of those in authority, and the unhealthy surroundings. Old employee, and aged about 35 years.

This is just a few individual cases picked up hurriedly from the terminal division and noted here. Many other such cases may be traced by a more careful investigation. All the above information is simply presented to clearly define as briefly as possible the intolerable conditions under which the men here are forced to put up with.

The greatest number of cases referred to is confined to practically the last five years, with perhaps just a few running as far back as 10 years.

Previous to 10 years ago such occurrences as described were of very, very rare existence. Collapses and breakdowns were not then known and deaths in this department seldom happened. It is clearly seen by this that there is something wrong, and something is radically wrong.

It is a fact that most all of these men referred to had some experience with organization at one time and know of its advantages, but unfortunately at the present time a very small percentage of them are affiliated with the labor movement.

This is the secret of their trouble, and had these poor unfortunate human derelicts not abandoned their organization as they did there would not have been such a sad story to tell.

This subject matter is not being presented from any selfish motives, nor is it appealing for any action in behalf of the afflicted ones; on the contrary, it is purely presented as a lesson in the advantages of organization.

This does not infer, of course, that we wish these unfortunates any further bad luck; far from it, for it is only natural that we sympathize with them, but after all there is little to be accomplished by sympathy; therefore we are compelled to direct our activities more and more earnestly in the direction of organization.

The men who have been lucky enough to continue at work and who have not yet been stricken down in their tracks are surely beginning to show "the worse of the wear." They are beginning to show that worn-out appearance, and numbers of them are becoming very nervous, and this is plainly visible in their daily makeup. It is remarkable, indeed, that they have not been driven to drink.

Speaking of retrenchments, this may be justified to perhaps some degree on the railroad, but absolutely not amid the rank and file, where the lash is falling and where all the useful and laborious work is done. Higher up there is lots of opportunity for exterminating waste. This is the sort of waste that undoubtedly was referred to when the railroads were urged to reduce their operating expenses. A little investigation is all that is necessary.

At several of the block offices on this Philadelphia Terminal Division and where hundreds of trains are handled daily, there are no levermen employed, although they are equipped with the electric-pneumatic interlocking, and the telegrapher has to do all of this work, handling the switches and signals.

Some of these offices control subway and tunnel trains and make movements on their respective sections controlling trains running on from three to five divisions of railway.

(1) One morning recently a telegrapher reported off sick who had worked one of these offices where tunnel, subway, and surface trains were operated. No experienced man was available for his place. A telegrapher was sent to this office who was not familiar with the work. To overcome this great difficulty the 12-hour electrician on duty down stairs was called up to help out and requested to operate the levers for balance of the day, which he did.

(2) At a similar office close by and where the night leverman's services were dispensed with not long since, the day leverman failed to report until late in the day, and consequently the telegrapher on duty was forced to handle the enormous business single handed during the busy hours of the morning.

During the busy season, in the summer months, when the vacation list is in operation, at these offices the greater portion of the men work from 30 to 40

and 50 days before they got a single relief day, and then when it is their time for vacation they get a stingy week or 10 days. Some of them do not even get a vacation and some of them get only one relief day a month.

At one time it was the custom to give all offices, or most all, ten days' vacation and two relief days monthly, but since the men's organization has been disrupted the company has taken advantage of this, and many of such privileges have been abolished.

If the telegrapher and towerman had any brains at all he might be only working three or four days a week, just like some of our locomotive engineers, and be receiving big wages like them, for their position is just as responsible, and more so than that of the engineman, but it seems they can not see the length of their nose.

Among other things which have proved to be a great annoyance and affecting lever men (together with the ground switchmen) is the fact that boys are being brought into service to fill those positions, and for the most part they are the sons of officials, foremen, or other influential individuals directly or indirectly associated with the company.

When a lever man (or a switchman) tries to get a day off for some good and sufficient reason he is invariably informed that nothing can be done for him and that there is no boy available to fill his place.

When these boys are first employed they are started as messengers; then, after a few weeks, or perhaps less, they are used as telephone operators at some tower.

Usually at "N" tower, West Philadelphia yard, these boys are "broke in." This office controls the big passenger-car yard there and is the principal feeder for Broad Street Station. The messenger boys and telephone boys employed there are encouraged to pick up the work, pay close attention to the lever manipulations, and within a brief period of time they are pressed into service as levermen, and they are also used on the ground, filling the capacity of switch tenders.

In these capacities the boys mentioned are required to report train movements, both in the yard limits, to and from the main tracks, and also transmit orders between the yardmaster (and other officials) and the train crews.

The ages of these boys range from 16 to 18 and 19 years, and there are instances where they have filled some of these positions at the age of 14 years. When these boys get to learn a little something about the work, then the situation of the men concerned becomes almost unbearable in many cases, for they usually know more than a man, and the boys are, besides, encouraged by those in authority.

They go so far as to direct train movements and the like when the man in charge is busy on phone or otherwise engaged or temporarily absent.

Wrecks, delays, and other forms of confusion have already occurred by such irregularities, and there are instances where men have suffered discipline because of the same, and there is evidently no redress.

In cases where trainmen or enginemen are involved and where discipline is to be dealt out, the towerman is forced to keep quiet and not divulge these irregularities for fear he himself would be punished and perhaps lose his job, and all because of the fact he has no organization to back him up in his protest. If these things could be made clear to the train hands and point out the dangers to which they are exposed it is possible that there would be a different story to tell before many months. For their benefit they should insist on the recognition of our organization and encourage the unorganized to unite, thereby hastening an understanding whereby all these dangers will be eliminated.

In former years it was the custom to employ older and more experienced persons in these positions, especially for tower work, but a change seems to have occurred, and not for the better.

Either cripples or old experienced men used to be given the preference with a chance to fill these jobs on levers, but such opportunities are rare now.

Besides, most of these boys who hold the positions seem to be able to do nearly as they please and "get away with it," as the men in charge offer but little resistance, presumably because of the influence back of some of the lads.

Promotions for lever men and operators seldom occur, but when a chance vacancy of this character does occur some "pet" usually gets the job, and who, very often, comes from another department or branch of the service.

The towermen here in this short district, which is commonly known as the elevated, are all old, experienced, and faithful employees. The company does

not seem to appreciate their value; neither are they holding out any special inducements that would in any way tend in the direction of encouragement.

The wages are not such that a man can afford to take a day off once in a while to rest up; on the contrary, it takes every cent that one can make nowadays to keep the wolf from the door. Besides that constant grind, grind, grind on the job keeps the doctor almost constantly on the move propping us up for just one more day's work. These doctor bills must be paid, and nearly all of us have some good-sized bills already

Nearly every day you hear of some new victim in some of the departments who is "all in" and is not now working every day like he used to. These are facts, and all that a person has to do is simply go amongst the men; you can see it right in their faces. It shows up clearly and no mistake. About worked to death, so to speak.

Recently an engineer had some slight trouble with his engine, and it was getting close to leaving time. He called in one of the towers to report the defect, and recommended a change of engines. The poor fellow was just about ready to collapse. He was simply "all in." He was a nervous wreck and he looked it. Hundreds of instances may be quoted, but why continue? There is a reason for all these terrible things. Retrenchments and further retrenchments help it along. The work is carried on just as hard after retrenching as it was before, and just as much of it. But we are urged to hurry, and if we are not inclined we are politely informed that So-and-so does it and we got to. So there you are. Organization can improve this condition if it will half try. This same state of affairs exists among the trainmen as well as that of the enginemen. Their boss also has got them all about half scared to death.

The men in all the towers alike have the same kick. All you can get out of them is, "It's hell; it's hell."

Attention might be directed to one, for illustration, in West Philadelphia, that is known as "N" tower, or otherwise "the madhouse."

Up until about three years ago this office was in charge of a train director, one who directs movements to be made. Some changes occurred in the district, and finally the assistant yardmasters were given desk room in this large tower. After some few months, and when the A. Y. Ms. had slightly familiarized themselves with the tower work, it was intimated that some few of them were desirous of taking hold of it themselves and running it without a train director. Anyhow, preparations were made for the change, and the train director was finally removed. At the same time one or two of these A. Y. Ms. realized it would undoubtedly work a hardship on them, but the "bright lights," or the younger element in the movement, had that wish carried out, for their desire predominated. They were now destined to fill two positions, that of assistant yardmaster and also that of train director, and they are now making a sorry plight of it. Of course they are saving money for the company, and naturally the job is made harder for somebody. Besides, trains are being made up and moved; but how? Wrecks, delays, and inconvenience to the traveling public is the result. Human wrecks, also, is one of the results. These A. Y. Ms. try to make up trains, and they also try to move them. There is little or no system in their methods and mismanagement dominates. There was no seeming special instructions given these men as to how their work should be performed, and now they are having a hard time to hold their end up and keep things moving. They do as best they can at making up trains and make a very faint attempt at directing movements.

Making up trains is one thing and directing movements is another, and that's sure.

The passenger yardmaster has a corps of assistants all over his district. He has two special assistants who work 12 hours, day and night. They are in charge of the West Philadelphia district, and make "N" tower their headquarters, all the assistants in the district coming under them. The two 12-hour men get in the neighborhood of $150 per month, and the other assistants get, perhaps, $15 to $20 less.

The "rule" at "N" tower is about like this: The 12-hour man "calls combinations," and his 8-hour assistant also calls combinations, all at the same time. Then they get busy on the phones, and the leverman is being continually prompted to "keep 'em moving." If he moves them right, then all is well, but if he moves them not right then the vulgarity and sarcasm is something unbearable. Conductors and trainmen take a turn at it, suggesting movements to the leverman at times, and he is supposed to take notice to it. and usually

things go wrong again, then there is more trouble for the leverman. And to help the leverman along in his troubles the telephone boy or the messenger boy gets on the job, and as usual must obey; then, 9 times out of 10, there is more trouble for him. Wrecks innumerable have occurred at this place, and some men have been hurt and many suspended because of this state of affairs.

No two men of these assistants call combinations alike; that is, when they do call them. Invariably, their principle instructions to the leverman is, "Keep 'em moving; keep 'em moving."

Very few of these men know anything about interlocking, know little about the routes, and practically nothing about the switch or signal numbers, and there is continual confusion.

This is a very big yard; in fact, three yards in one; and with 30 to 40 tracks. Road engines and shifters are constantly on the move, making up, backing, and pulling empty passenger trains. Once in a great while they have an occasional passenger in, but not very often. On special occasions, or in emergency instances, we find it necessary to handle loaded ones.

Discipline for yard men is just as severe as for men controlling the passenger tracks.

Not long since a switch failed to work at this place, and the electrician was called to remedy defect. He made it safe to make one movement over it. Then a movement was awaiting to pass over same switch, but over another point. The leverman protested that it was unsafe to do so, but the man in charge insisted that he do it. The result was a wreck; engine and cars derailed. For this the leverman and electrician were both disciplined.

On another occasion when the man in charge was busy on the phone, the phone boy called a combination for a road engine to back in from engine yard to pick up his train. The leverman had to obey. The route was not properly protected and should have been carefully guarded by the a. y. m. in charge. The result was an empty draft of coaches backed straight into the side of the road engine, derailing and wrecking the rolling stock. For this a brakeman got a very severe suspension. In this instance all hands had to jump hurriedly to save their lives, and there were some narrow escapes.

This is some of the many, many experiences at this point. It is the result of one man trying to fill two men's jobs. But it's becoming common now on the railroad—one man doing two or three men's work. It's about time something was done to stop it. It's dangerous.

The way men in authority talk nowadays is something ridiculous, for they demand that you not only carry out the work of your own department, but they also insist that it's otherwise—for you work for the ——— railroad and you got to do this, you got to do that, and you got to do just what I say. In other words, they insinuate they will take an engineman off his locomotive to tamp ties, if necessary, or a telegrapher or clerk from his office to drive spikes. This is practically the situation in so many words. And they even brag about it.

Another unbearable annoyance at "N" is the fact that these a. y. m.'s come on duty and sit right down to work with their full street clothes on, and in some instances wearing their overcoats. Up goes the windows at their pleasure, and stay that way until they see fit to close them. This in the dead of winter, too. The leverman and operator in their office garb are forced to suffer and pay doctor bills. The only satisfaction you get is, who the hell cares.

These a. y. m.'s fight one another like cats and dogs. Their responsibility is so very great that they keep nagging and picking at one another in crazy struggle trying to keep the business moving on time. Just lately two of them almost came to blows. Then one of them will turn around to the leverman and say, "Have you got that—why that movement we were just talking about." Then the leverman is in wrong again if he don't happen to have it.

These men are all old employees and came from the train service, and an old man is not young by any means when it comes to handling this kind of business. This case might compare with the taking of a canal-boat captain and placing him in charge of a large, modern ocean liner, and it makes nearly a similar comparison. They threaten reorganization—meaning, you'll lose your job. They threaten everybody, when it suits their convenience, in the struggle keeping business moving.

Very often when a regular a. y. m. is off for a few days or on vacation then they will send a conductor or a brakeman to fill his place. Oftener the latter. This is not all pleasant.

When a leverman or an operator reports off acct. sickness or the like, then usually it is a case of double up. This means 12 hours' work, and its a hard,

hard proposition, for, truly, 8 hours is really too long to work in one of these infernos.

Another thing is the difficulty of getting to the toilet while on duty in some of these offices. Very often a man is compelled to go the full 8 hours without being able to attend to the wants of nature, either because of the rush of business or the fact that the toilet is unhandy to reach at the proper time. Besides some of these toilets are filthy dirty.

The a. y. m. has been very successful in imposing several of his duties over to the table of the telegrapher, and the latter must be good, for it will not benefit him in the least to raise a protest. He knows what would happen.

During all these hard times when business is so "bad" the traveler will occasionally see some ladies riding in smokers among the men, and because of the overcrowded condition of the rest of the train. On these trains you very frequently find passengers standing for hours, and no seats; then, besides, there are very many instances where they got to open their own trap doors to get out of the cars at the stations, because of not enough of trainmen.

There has been much said about irregularities in these pages; in how many of these instances has the law been broken? In several, undoubtedly.

What can be done to prevent recurrence? How is this to be stopped and the law breakers punished?

If this grind is to continue, as it is shown in the list of victims here recorded, what is to become of the additional human derelicts that will surely result, following their maimed, shattered, and disfigured condition?

The slaughter has become unbearable, and the turning point should be at hand. Praying and appealing is out of the question. Something more radical should be the order of the day. Demands should be our ultimatum—nothing less—for this is a life and death struggle.

We should urge the enginemen, the trainmen, and conductors to take notice. We should urge that they aid us in an attempt to gain recognition. We have the proof, and we can show to the world that we have a real grievance. We positively would get the support of these organizations. We already have been assured, locally, that they will stand by us. The grievance is just as much their grievance as it is ours, for their members are in danger of injury from irregularities, besides some of them are being punished or suspended unjustly—and is this not a grievance for them?

No time like the present, and now would be an opportune moment for action.

If an organization with a hundred or two men can command respect of the officials of the Penna. R. R. like a certain element that now exists, insignificant as it is, and get a lot of free advertising at the same time, what might we not expect with our several hundred members, if we go the right way about it, and backed up by the influence of the other four great brotherhoods?

The following is a proof of the contemptible frame-up:

This circular was recently sent out from the offices of the Pennsylvania Railroad, accompanied by a small book of so-called regulations:

PHILADELPHIA, PA., *October 27, 1914.*

All concerned, telegraph department, Philadelphia terminal division:

We send herewith copy of Regulations for the Government of Employees of the Telegraph Department, effective October 1, 1914.

It is to be understood that these regulations were proposed by the committee of operators who are members of the Order of Railroad Telegraphers, Dispatchers, Agents, and Signalmen, and have been agreed to by the company after various conferences with that committee.

H. LOGAN, *Division Operator.*

The oppressed ones have now been heard from, and their message is in good hands, let us hope.

P. S.—The a. y. m's at "N" have all stated times innumerable that they could not perform their full duties properly and fully as it is expected of them. They have all intimated to their respective levermen time and time again that they could not call combinations or look after the movements and attend to their own work, too. And this is a fact.

The a. y. m. must keep a true and correct record of all his cars as he moves them from place to place, and is constantly making notations on his various sheets and lists, is on the phones almost constantly, and giving orders to crews, and has not the time to call combinations intelligently.

Nearly every time a leverman sets up a route without getting proper instructions it is invariably wrong; then a signal must be put to danger, which is in

violation of the company's rules. This is one of the principal reasons for this protest. These men have confessed their inability to fill the two positions.

Recently an a. y. m. picked up a paper weight, savagely, because of some irregularity of the leverman, and showed a disposition of firing it at his head, saying, if it was not for the law, etc., what he would do. If this was a joke it was a serious one; besides, there was a number of men present, and it was very humiliating to the leverman, who was innocent of any wrongdoing on his part.

PHILADELPHIA, PA., *March 23, 1914.*

Mr. H. B. PERHAM,
President, St. Louis, Mo.

DEAR SIR AND BROTHER: Some time ago my attention was called to the illness of Brother W. F. Duffy, leverman, "B" tower, this city, and who resides at 1543 N. 57th St., Phila., Pa., and who holds a card in the grand division of this organization; I was advised that his illness was due to overwork. (Last summer I called on Brother Duffy, when he produced his membership card and requested it to be held secret for the present at least.) In view of the above, I immediately called at his residence to pay my respects and to see if there was anything the brothers could do for him. Mrs. Duffy advised me then that Brother Duffy had been taken to an asylum and that nothing but his work put him where he is, and that Mr. Duffy worked some thirty years for the P. R. R.

Last week I learned that Dr. Chas. J. Cavanagh, 1518 Pine Street, Philadelphia, Pa., was Brother Duffy's physician, and determined to call on the doctor, which I did with the following result:

Dr. Cavanagh says that during the month of Nov., 1913, Wm. Duffy, with whom he had been acquainted for some twenty-odd years, came to him in a very nervous condition, claiming that detectives were following him, and that the P. R. R. was laying for him and watching him to find a cause to discharge him, threatening to commit suicide, and laboring under all kinds of hallucinations. The doctor says he tried to have Brother Duffy admitted to Kirkbright's Sanitarium, but the specialists told him that Kirkbrights would not think of such a thing (Kirkbright's is an institution for the elite, and, I am told, charges from $20 to $40 per week to keep a party there), but that finally he received word to bring his patient; but is unable to say who is keeping Brother Duffy there, but thinks the P. R. R. is doing it; he says he noticed a notation "Pennsylvania R. R." on the slip and $5 when he signed up, and is not sure whether it meant place of employment or that the company was putting up the cash. (I saw Mrs. Duffy since the interview with the doctor, and she tells me that she is putting up the cash at the hospital, but that the company had an investigator there, and that she expects them to do something more than pay the relief before very long. Mrs. Duffy is getting the relief money regularly.) The doctor says Kirkbright's said they would keep him for 13 weeks, and that he is there now since Jan. 3rd, 1914. (Mrs. Duffy further states that one of the first questions the company inspector asked her was whether Brother Duffy was a member of any of the R. R. organizations, and says she replied that he was not at this time but had been until this Marr trouble came up in 1906.) Doctor Cavanagh says he has known Brother Duffy and his entire family for some twenty years and knows that his present condition is not due to dissipation, nor was there a strain or taint of insanity in the entire Duffy family, and is therefore of the opinion that the mental strain of his work drove Mr. Duffy insane. Dr. Cavanagh says he is willing to testify to these facts at any time, but requests that he be not put on the stand as a specialist, as he is nothing more than an ordinary physician.

I gave the facts above set forth to the inspector or investigator on Thursday night of last week.

For your information.

Yours, fraternally,

PAUL H. WENRICH,
Organizer, General Delivery, Philadelphia, Pa.

PERHAM EXHIBIT NO. 13.

PITTSBURGH, PA., *January 22, 1913.*

Mr. Michael Hennesy, shoe cobbler, Pitcairn, Pa., an intelligent, old-fashioned Irishman, 63 years of age, with a shop facing where the scenes occurred in 1911, in connection with the shopman's strike, said to-day:

That he saw about all that occurred, so much so that he neglected his work; that the company undoubtedly used methods which they hoped would bring on trouble, but that the people there were level-headed people and it could not be done.

That one day a dozen or two P. R. R. Company "bulls" (these people all call them "bulls") marched up and down the streets of the borough, he feels, for the purpose of inciting the people to violence, but that the people were too wise and did not molest them; that this marching was not repeated nor had it been done before that day he saw it.

That the P. R. R. sent for the sheriff to interfere; the sheriff came to Pitcairn, but found no trouble and said he could see no use in making expense for the county by bringing deputies there, as everything was peaceable, but after this, as the company was not succeeding in keeping men at work in their shops, as the strikers were successful in persuading those working to quit and join the strikers, the sheriff was again sent for by the company, and he came with his deputies, assisting the company as above, he supposes at the expense of the citizens of the county, a demonstration of the strength of capital and corporations over labor, as he put it; that he believes the company now realizes it made a great mistake in 1911, as it lost the cream of its shop employees at Pitcairn; the methods used were very bad, and the men only wanted the right to join and belong to their union.

Judd. Bruff is sheriff of Allegheny Co., Pittsburgh, Pa.

T. E. ELLIS.

PITTSBURGH, PA., *January 23, 1913.*

M. D. Cameron, physician and burgess of the borough of Pitcairn, Pa., today, among other things, said as follows:

That on May 18, 1911, he left Pitcairn, Pa., at 5.03 or 5.04 a. m. for Fayette County, Pa., for the purpose of looking at a piece of timberland. Met there a Mr. Wm. Oler. That he returned to Pitcairn at 9.30 or 10 p. m. same date.

That the night before (May 17) he told Chief of Police Porter of his intended trip on the next day and asked Porter to act as mayor until he returned; that it was known about a week before by citizens of Pitcairn that he was to make the trip.

That when he returned he was told that the company "bulls" had marched in the borough streets, but of course he had not witnessed it. I asked him if it was supposed that the chief would act thus. He hesitated and said, "Well, it has been said that the president of the council is the man, but, of course, was at work during the day and could not do so."

That he sent for Sheriff Bruff, who came to Pitcairn a number of times during the trouble; that Bruff, he was sorry to say, sympathized with the men and made light of the idea of sending deputies into the town, claiming the action was not needed; that it is a fact that Bruff made speeches favoring the men.

"Q. What, in your opinion, brought on all this trouble, Doctor?—A. Well, it was outsiders; the P. R. R. objects to its employees belonging to unions coming under the A. F. of L., giving its reasons for suggestion, that the A. F. of L. makes so much trouble for both employers and employees; the P. R. R., however, does not object outside of that.

"Q. Did you meet the heads or officers of the four other organizations, trainmen, engineers, etc., that came here?—A. Yes; I met them; Mr. Lapp, of Baltimore, was one. I called them to my office and had, with other citizens, a conference with them. There was no P. R. R. official there; this meeting was for the purpose of finding some way to get the shopmen to return to work, cease striking."

Cameron says many strikers told him they did not know why they were out on strike.

That quite a number moved to other towns, Irvin for one, and then came to work on trains, as they did not want to go to work from Pitcairn on account of the action of the strikers at the "bridge," where they congregated, hooting, calling those who went to work "scabs" and other vile names, this action by the strikers was the reason he (Cameron) insisted on Sheriff Bruff sending deputies into the situation and which he finally prevailed on Bruff to do.

That the day that 150 or so of the P. R. R. "bulls" came across the bridge and lined up it had been reported to the shop officials that a man wanted to go into the shops to work, could not do so account strikers, and had taken refuge in Mr. Lewis's store, but that this report proved to be an error; the "bulls" were sent to help this supposed individual out.

That the attitude of the strikers at the bridge at all times was one of force and not moral suasion.

That the sheriff had about 40 deputies there; that most of them were appointed from the ranks of the strikers.

That he has no idea whatever why the P. R. R. "bulls" marched in the streets the day he was out of town; that they did not do so before or after that date (leaving it for me to find out, I suppose).

That after his conference with the officers of the four other brotherhoods, he called on a lot of strikers, among whom was Charles Denny, and told them, making it very strong and clear that the attitude of those officials meant that the strikers would receive no assistance from those brotherhoods and did not have their sympathy; that they were not in accord with the actions of the men on a strike, urging them to go back, etc.

That he (Cameron) was P. R. R. doctor, 1893 to 1896, but never received any wages, simply granted a pass; that he quit the job because there was no money in it for him.

Cameron, answering my question relative to company laying off men, said, "Yes; I think they did; a few, not many though." I hinted at a thousand; he laughed and said, "One third that number would be nearer it."

That he was through the P. R. R. "bulls'" headquarters; made a complete visit to all cars; thinks the company had about 200 of them there; thought the "bulls" looked ordinary men, pretty fair-looking lot of men, in fact; that he was also through the headquarters of the men imported in by the company to take place of strikers.

"Q. Doctor, are you acquainted with Mr. Kepple?—A. Yes, sir; have known him a number of years.

"Q. Do you consider him a good citizen; is his word good?—A. Yes; Kepple is a good citizen, and I will accept any statement he might make as the truth.

"Q. Are you acquainted with Mr. Born, of Wilmerding?—A. Yes, sir; Born is also a good citizen, above the average in intelligence, and a man of his word. I will accept his statement as truth."

Cameron says that about fifty days after the strike was called a lot of strikers engineered a "return to work in a body move," because they did not wish to call any stigma down upon themselves singly; that "hundreds" returned to work in this movement, all inside of 48 to 96 hours.

Cameron also said of Born and Kepple that he heard them talk to the men in committee room several times, and that he considered their talks very reasonable and that good advice was given by them. Of Freeman he said, while he was not so well acquainted, he did not like his manner so well, etc.; that there was a foreigner on the committee that "wouldn't do," words to that effect.

Cameron said the "few" men laid off were treated so in Feb'y and March, 1911, he believes.

That he never saw car loads of strike breakers brought into the place.

T. E. ELLIS.

PITTSBURGH, PA., *January 25, 1913.*

HENRY PORTER, night policeman, Pitcairn, Pa., to-day, among other things, said:

That during the shopmen's strike at Pitcairn, Pa., P. R. R. shops in 1911, he did not make any arrests, nor did he have occasion to make any arrests; that everything was peacable; that neither did the day policemen have occasion to arrest anyone during that period.

That there was no occasion to bring either deputy sheriffs or the State constabulary; that deputy sheriffs were brought in, but that was because the strikers were successful in persuading workmen to join the strikers; that this was not done by force, however; that the strikers were also persuading trainmen to assist the strikers, but did not use force in either case, but talked to them.

That the day the P. R. R. "bulls" marched through the streets of Pitcairn the burgess had gone out of town; that the night before this the burgess had said to him that he was to be out of town the next day, and requested him (Porter) to act as burgess while he was away; that the "bulls" marched early in the forenoon; that he did not molest the "bulls"; that he went to his home and retired at 11 a. m.

That the strikers nor citizens molested the "bulls"; that had they done so, he would have called Sheriff Bruff on phone; later said would have called Mr. Coursan first, as he was president of the council and his superior borough officer; that he did not know the "bulls" were to march; that no one had said anything to him about it, and that he did not know why they marched; that it was not done previous to that day nor after that day.

Asked if he had orders to call Coursan or Bruff, he said, did not remember of such orders; that it was a long time ago, two years ago; this was a favorite answer of his; seemed very reluctant to talk about anything connected with that strike.

About the first answer he made me was, "I do not know anything about it," but gradually opened somewhat.

T. E. ELLIS.

PITTSBURGH, PA., *January 29, 1913.*

Mr. M. L. KECK, real estate agent, Pitcairn, Pa., this evening, in the presence of four witnesses, among whom was D. A. Sherrer, said as follows:

That there is no doubt but that J. F. Coursan, Pitcairn P. R. R. shops, is responsible for the marching of the P. R. R. special agents through the streets of the borough one day during the shopmen's strike in 1911; that the burgess was out of town that day; that no marching was done before or since that day; that Mr. Coursan was in Pitcairn on that day. During the conversation Keck said that Cameron is burgess only in a nominal way; that he accepted the office with that understanding; that J. F. Coursan is president of the council.

That the system of "on and off" practiced by the P. R. R. in its Pitcairn shops is very wrong and unjust to the men, and was one of the causes of the men attempting to organize in 1911; that the P. R. R. discriminates yet against the merchants of Pitcairn who were sympathizers with the men in 1911; that he was at the meeting between the burgess, the four trainmen brotherhoods, and a few other citizens; it was arranged for, and proved a success in starting the men back to work. This meeting mentioned by Burgess Cameron; see report. Keck leans strongly toward the railroad company. Do not think he knew who I was.

That an agreement was made that one "bull" might come to the post office for mail each day.

PITTSBURGH, PA., *January 29, 1913.*

Mr. MCKELVEY, retired, P. R. R., Altoona, Pa., east end shop, foreman, now on P. R. R. pension, at the home of Mr. J. T. Lewis, Pitcairn, Pa., this evening, among other things, said:

That he as a member of the B. L. E. struck with others on the P. R. R. in 1877; that P. M. Arthur, then chief engineer that brotherhood, declared the strike illegal and took the charter from the P. R. R. men; that he then left the union and never joined it again; that some years ago he became foreman at East Altoona, Pa., was drawing $180 per month when retired, and now draws a $103 per month pension less $2.50 per month, which is taken out account his $2,500 policy or death benefit in the volunteer relief. That the rate of a pension is determined somewhat by the average rate of pay for the last ten years of service; that about the only bad feature connected with the vol. r'lf is that demotion or lowering of the rate of wages during the last ten years decreases the rate of pension, but he believes the company fair in dealing with this matter.

That in his opinion Mr. Thomas, former master mechanic for the P. R. R. at Altoona, was altogether responsible for the dissatisfaction among the men in those shops, due to his policy relative to piecework; that a certain card from his office denoting certain changes was found by the men; this dissatisfaction caused the men to begin organizing; that the men in his shop were not dissatisfied, but sympathized with the others and also organized, but did not remain on strike long, some coming back next morning; that Mr. Thomas left Altoona shortly before the trouble.

53 years in P. R. R. service.

T. E. ELLIS.

AS TO CONDUCT OF STRIKE BREAKERS AND "BULLS" DURING SHOPMEN'S STRIKE, 1911.

THE COLONIAL HOTEL,
Altoona, Pa., February 8, 1913.

Justice Thomas Trimbath, Franklin, Cambria Co., Pa., on Feb. 7, 1913, at his office said, in part, as follows:

That it seemed to him that the P. R. R. placed their cars containing strike breakers and "bulls" in such position that it might have caused trouble, due to the objectionable and beastly conduct indulged in by those people in the presence of the citizens.

That to his personal knowledge these men were many times guilty of deliberate indecent exposure of person in plain view of women and children; that he saw these acts on several occasions; that the matter was reported to officials of the P. R. R., but without avail so far as he knows.

T. E. ELLIS.

ATTERBURY EXHIBIT.

THE PENNSYLVANIA RAILROAD CO.,
GENERAL OFFICE, BROAD STREET STATION,
Philadelphia, June 3, 1915.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Referring to your letter of May 25 in regard to information which I promised to supply the Commission on Industrial Relations:

I understand that Mr. S. C. Long, our general manager, has already furnished Mr. Walsh with a statement of arms and ammunition stored on our system, and that under date of June 2 he wrote you relative to our police organization.

If there is any additional information you would like on the subject, please let me know.

Yours, very truly,

W. W. ATTERBURY, *Vice President.*

HUNT EXHIBIT NO. 1.

THE PENNSYLVANIA RAILROAD VOLUNTARY RELIEF DEPARTMENT.

Number of members of the relief fund who left service during the year 1914, showing membership, average length of service, cause for leaving service, and classification of occupation.

Number of members of the relief fund who left service during the year 1914			41,412
Percentage and number of those who resigned voluntarily	56%	23,191	
Percentage and number of those relieved account of reduction in force and through no fault of employee	35%	14,494	
Percentage and number of those discharged for cause	9%	3,727	
Total			41,412
Average class of membership			1.44
Average length of service			1 yr. 3 mos.

Classification of occupation.

Officers, agents, and clerks	3.5%	1,446	
Warehousemen, station laborers, messengers, etc	11.3%	4,666	
Telephone and telegraph operators and train dispatchers	0.8%	318	
Conductors on all trains	0.7%	307	
Brakemen, flagmen, and baggage-masters on all trains	7.%		
Locomotive and electrical engineers	0.1%	34	
Locomotive firemen and electrical engineers' helpers	3.5%	1,460	
Yardmen	2.8%	1,162	
Shopmen	22.9%	9,527	
Trackmen	46.4%	19,207	
Floating equipment	0.3%	116	
Total			41,412

HUNT EXHIBIT NO. 2.

Year.	Receipts.				Payments by companies.					Total receipts.
	Contributions by members.	Interest.	Total.	Donations.	For members first 3 months 1886.	Company relief.	Deficiencies.	Operating expenses.	Total by companies.	
1886	$198,592.33	$1,709.71	$200,302.04		$60,652.86			$54,509.08	$115,161.94	$315,463.98
1887	339,630.35	5,764.56	345,394.91			$1,561.40		56,701.38	58,262.78	403,657.69
1888	341,239.03	8,739.24	349,978.27			8,518.80		55,901.50	64,420.30	414,398.57
1889	377,461.19	11,671.80	389,132.99			13,382.80	$256.18	56,021.51	70,160.29	459,293.28
1890	440,103.83	12,127.87	452,231.70			16,673.00		69,838.01	86,511.01	538,742.71
1891	495,910.26	12,269.98	508,180.24			20,061.50		76,180.91	96,242.41	604,422.65
1892	555,215.84	12,874.43	568,090.27			20,356.20	57,598.65	87,000.26	164,955.11	733,045.38
1893	603,531.19	13,135.92	616,667.11			24,323.50	4,328.35	91,700.68	120,352.53	737,019.64
1894	605,558.76	15,431.79	620,990.55			31,267.60	2,007.50	88,701.47	121,976.57	742,967.12
1895	641,849.12	19,918.68	661,767.80			36,632.55	4,202.28	98,658.53	139,493.36	801,261.16
1896	694,776.49	25,161.42	719,937.91			40,214.20	3,542.18	103,748.11	147,504.49	867,442.40
1897	739,052.21	30,927.81	769,980.02			45,939.90	1,278.37	109,619.89	156,838.16	926,818.18
1898	766,231.77	31,644.83	797,876.60			50,129.50	1,285.50	108,869.53	160,284.53	958,161.13
1899	797,246.25	39,471.19	836,717.44	$2,500.00		54,353.90	1,120.50	114,817.31	170,291.71	1,009,509.15
1900	847,940.35	46,672.33	894,612.68			4.40	4,062.11	128,386.13	132,452.64	1,027,065.32
1901	937,040.69	42,059.10	979,099.79				85,004.43	148,357.13	233,361.56	1,212,461.35
1902	1,061,103.01	44,864.64	1,105,967.65				78,855.06	164,446.29	243,301.35	1,349,269.00
1903	1,230,234.72	45,081.74	1,275,316.46				60,593.55	202,183.82	262,777.37	1,538,093.83
1904	1,270,920.73	34,065.33	1,304,986.06				189,670.35	191,790.90	381,461.25	1,686,447.31
1905	1,410,784.02	49,829.78	1,460,613.80	2,505.25			92,824.79	196,286.81	289,111.60	1,752,230.65
1906	1,548,317.47	55,652.89	1,604,000.36				68,111.44	203,326.23	271,437.67	1,875,438.03
1907	1,648,410.28	60,130.28	1,708,540.56					255,516.48	255,516.48	1,964,057.04
1908	1,511,459.19	66,498.25	1,577,957.44	316.55				275,761.75	275,761.75	1,854,035.74
1909	1,580,013.85	77,433.44	1,657,447.29	27.99			79,172.65	268,807.35	347,980.00	2,005,455.28
1910	1,816,659.80	88,790.86	1,905,450.66					312,997.68	312,997.68	2,218,448.34
1911	1,846,448.97	110,488.42	1,956,937.39	122.25			81,585.61	319,812.57	401,398.18	2,358,457.82
1912	1,992,260.56	106,861.59	2,099,122.15	144.00				311,066.56	311,066.56	2,410,332.71
1913	2,193,245.71	112,902.20	2,306,147.91	45.00				322,349.75	322,349.75	2,628,542.66
1914	2,079,227.76	111,519.68	2,193,747.44					314,244.16	314,244.16	2,507,991.60
	30,570,495.73	1,296,699.76	31,867,195.49	5,661.04	60,652.86	363,919.05	815,499.50	4,787,601.78	6,027,673.19	37,900,529.72

Year.	Disbursements.								Balances.		Number of employees and members of relief fund, showing percentage.		
	Deaths, accident.	Deaths, sickness.	Disablements, accident.	Disablements, sickness.	Superannuation allowances.	Total.	Operating expenses.	Total disbursements.	Dr.	Cr.	Number of employees.	Number of members.	Percentage.
1886	$18,300.00	$79,321.27	$17,664.60	$35,862.00	.....	$151,147.87	$54,509.08	$205,656.95	.....	$109,807.08	.....	19,953	.....
1887	27,706.00	106,645.98	44,122.10	86,131.70	.....	264,605.78	56,701.38	321,307.16	.....	82,350.53	.....	18,744	.....
1888	30,000.00	100,819.34	50,098.80	102,593.96	.....	283,512.10	55,901.50	339,413.60	.....	74,984.97	.....	19,332	.....
1889	37,704.55	112,717.00	66,928.15	126,219.66	.....	343,569.36	56,021.51	399,590.87	.....	59,702.41	65,482	21,457	33
1890	48,912.12	142,125.00	87,884.00	187,372.99	.....	466,294.11	69,838.01	536,132.12	.....	2,610.59	65,454	24,984	38
1891	50,749.70	190,752.40	98,070.55	190,610.17	.....	530,182.82	76,180.91	606,363.73	$1,941.08	.....	68,103	27,200	40
1892	70,371.70	183,242.14	122,107.75	239,550.40	.....	615,271.99	87,000.26	702,272.25	.....	30,773.13	72,846	31,640	43
1893	88,911.49	191,783.61	131,419.20	230,280.88	.....	642,395.18	91,700.68	734,095.86	.....	2,923.78	65,840	32,827	50
1894	48,288.89	171,807.81	104,270.00	222,424.52	.....	546,791.22	88,701.47	635,492.69	.....	107,474.43	65,057	33,405	51
1895	63,000.00	191,298.04	112,125.00	225,072.33	.....	591,495.97	98,658.53	690,154.50	.....	111,106.66	68,416	36,432	53
1896	59,500.00	197,548.48	119,670.75	233,399.97	.....	610,119.20	103,748.11	713,867.31	.....	153,575.09	65,674	40,858	62
1897	68,034.39	240,249.92	114,011.00	258,479.36	.....	680,774.67	109,619.89	790,394.56	.....	136,423.62	69,472	43,675	63
1898	63,045.65	211,024.81	143,558.25	277,226.08	.....	694,854.79	108,869.53	803,724.32	.....	154,436.81	71,040	45,141	64
1899	96,297.74	263,930.15	178,454.16	357,482.93	.....	883,164.98	114,817.31	997,982.29	.....	11,526.86	76,521	48,529	63
1900	89,493.50	242,769.00	189,084.90	355,906.62	$28,503.52	885,747.54	128,386.13	1,014,133.67	.....	12,931.65	80,032	51,528	64
1901	116,343.38	259,930.80	184,314.29	406,047.82	36,017.14	1,002,653.43	148,357.13	1,151,010.56	.....	61,450.79	94,477	59,670	63
1902	159,967.06	307,916.53	226,189.55	426,667.50	40,266.37	1,161,007.01	164,446.29	1,325,453.30	.....	23,815.70	107,802	70,307	65
1903	187,000.44	343,935.39	270,481.05	494,289.91	43,375.12	1,348,581.91	202,183.82	1,550,765.73	12,671.90	.....	110,327	76,607	69
1904	151,174.05	355,892.38	294,139.89	580,154.35	48,940.24	1,430,309.91	191,790.90	1,622,100.81	.....	64,346.50	111,408	79,135	71
1905	180,840.90	352,035.12	312,710.25	555,237.14	54,318.12	1,455,141.53	196,286.81	1,651,428.34	.....	100,802.31	125,383	92,192	74
1906	181,232.92	391,283.84	348,877.95	553,446.12	59,047.85	1,533,888.72	203,326.23	1,737,214.95	.....	138,223.08	125,119	94,777	76
1907	169,893.17	425,740.41	318,123.35	565,912.23	84,084.46	1,513,753.62	255,516.48	1,769,270.10	.....	194,786.94	128,314	99,699	78
1908	88,909.25	439,688.24	285,801.80	598,825.45	33,951.25	1,437,175.99	275,761.75	1,712,937.74	.....	141,094.00	114,977	91,777	80
1909	89,676.50	422,352.98	270,529.55	555,875.64	36,354.48	1,374,789.05	268,807.35	1,643,596.40	.....	361,858.88	123,455	103,824	84
1910	127,318.72	460,055.25	342,627.95	682,885.72	57,516.54	1,670,104.18	312,997.68	1,983,401.86	.....	235,046.48	131,122	115,011	88
1911	99,387.11	504,251.13	345,674.25	731,898.41	96,061.37	1,777,272.27	319,812.57	2,097,084.84	.....	261,372.98	131,244	117,430	89
1912	128,065.73	473,102.76	409,354.00	802,198.20	101,562.21	1,914,282.90	311,066.56	2,225,349.46	.....	184,993.25	142,226	129,434	91
1913	128,007.01	573,520.75	450,405.90	731,152.13	115,411.68	2,198,497.47	322,349.75	2,520,847.22	.....	107,695.44	146,170	134,189	92
1914	88,202.91	532,794.89	407,030.00	952,362.67	130,035.96	2,110,426.43	314,244.16	2,424,670.59	.....	83,321.01	135,313	124,739	92
	2,756,324.88	8,468,535.96	6,031,728.99	11,955,566.86	915,955.31	30,118,112.00	4,787,601.78	34,905,713.78	.....	2,994,815.94			

HUNT EXHIBIT NO. 3.

[The Pennsylvania Railroad Voluntary Relief Department, including the employees of the Pennsylvania Railroad Company, Philadelphia, Baltimore & Washington Railroad Company, West Jersey & Seashore Railroad Company, Office of the Superintendent, 233 South Fourth Street Annex.]

PHILADELPHIA, *June 11, 1915.*

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: I beg leave to advise that the company has paid to injured employees and their dependents on account of suits, settlements, etc., for the years 1908 to 1914, inclusive, as follows:

1908	$91,546.49	1912	$76,691.48
1909	59,954.25	1913	175,660.12
1910	72,579.27	1914	341,014.15
1911	101,859.70		

I trust that these figures will prove satisfactory for your purpose.

Yours, respectfully,

E. B. HUNT,
Superintendent.

CREIGHTON EXHIBIT NO. 1.

Statement showing average yearly earnings of employees at the several Altoona shops for the year 1911.

Class of employees.	Altoona machine.			Altoona car.		
	Men.	Total earnings.	Average yearly earnings per man.	Men.	Total earnings.	Average yearly earnings per man.
Division officers	11	$33,078.90	$3,007.17	2	$6,062.40	$3,031.20
Division office clerks	116	114,475.65	986.86	22	20,843.45	947.42
Machinists: Blacksmiths, boiler makers, molders, forgemen, etc	1,376	1,500,265.35	1,090.31	157	159,485.30	1,015.83
Carpenters; Cabinetmakers, car repair men, etc	287	261,680.25	911.78	1,050	911,201.15	867.81
Other shopmen	3,331	2,472,325.00	742.22	1,391	1,035,193.30	744.21
Watchmen	48	36,562.52	761.72	37	23,296.50	629.63
Engine house men	678	555,889.90	819.90	3	2,357.80	785.93
Fuel and water station men	31	21,888.80	706.09			
Car cleaners, oilers, etc	1	530.15	530.15	51	29,700.30	582.36
All other employees on M. E. rolls (laborers, etc.)	195	128,642.55	659.71	740	581,207.60	785.42
Total	6,074	5,125,339.07	843.81	3,453	2,769,347.80	802.01

Class of employees.	Juniata.			South Altoona foundry.		
	Men.	Total earnings.	Average yearly earnings per man.	Men.	Total earnings.	Average yearly earnings per man.
Division officers	3	$8,115.00	$2,705.00	2	$4,477.80	$2,238.90
Division office clerks	20	17,047.80	852.39	14	9,949.05	710.65
Machinists: Blacksmiths, boiler makers, molders, forge men, etc	454	499,591.20	1,100.42	226	254,584.25	1,126.48
Carpenters: Cabinetmakers, car repair men, etc	17	17,231.75	1,013.63	34	31,745.85	933.70
Other shopmen	1,126	833,363.65	740.11	485	334,541.80	689.77
Watchmen	9	5,723.90	635.99	1	672.80	672.80
All other employees on M. E. rolls (laborers, etc.)	43	22,553.25	524.49	3	1,788.30	596.10
Total	1,672	1,403,626.55	839.49	765	637.759.85	833.67

Statement showing average yearly earnings of employees at the several Altoona shops for the year 1911—Continued.

Class of employees.	Total average.		
	Men.	Total earnings.	Average yearly earnings per man.
Division officers	18	$51,734.10	$2,874.12
Division office clerks	172	162,315.95	943.70
Machinists: Blacksmiths, boiler makers, molders, forgemen, etc.	2,213	2,413,926.10	1,090.79
Carpenters: Cabinet makers, car repair men, etc.	1,388	1,221,859.00	880.30
Other shopmen	6,333	4,675,423.75	738.26
Watchmen	95	66,255.72	697.43
Engine house men	681	558,247.70	819.75
Fuel and water station men	31	21,888.80	706.09
Car cleaners, oilers, etc.	52	30,230.45	581.35
All other employees on M. E. rolls (laborers, etc.)	981	734,191.70	748.41
Total	11,964	9,936,072.97	830.50

ALTOONA, PA., *April 28, 1915.*

CREIGHTON EXHIBIT NO. 2.

This statement is submitted to explain the evidence where I was unable to accurately give the salaries.

MAY 13.

G. W. CREIGHTON.

Division officers Altoona shops, year 1911.

	Monthly rate.	Yearly earnings.	Total.
Altoona machine shops:			
Superintendent motive power[1]—			
6 months at[1]	$700.00	$4,200.00	
6 months at[2]	600.00	3,600.00	
Assistant engineer motive power[1]—			
6 months at[1]	291.50	1,749.00	
6 months at[2]	238.50	1,431.00	
General road foreman of engines[1]	233.20	2,798.40	
General locomotive inspector[1]	212.00	2,544.00	
General car inspector[1]	166.75	2,001.00	
Master mechanic	325.00	3,900.00	
Assistant master mechanic	205.20	2,462.40	
Do	192.40	2,308.80	
General foreman	212.00	2,544.00	
Do	166.75	2,001.00	
Assistant general foreman	128.25	1,539.00	
			$33,078.60
Altoona car shops:			
General foreman	300.00	3,600.00	
Assistant general foreman	205.20	2,462.40	
			6,062.40
Juniata shops:			
Master mechanic	291.50	3,498.00	
Assistant master mechanic	179.55	2,154.60	
General foreman	205.20	2,462.40	
			8,115.00
South Altoona foundries:			
General foreman	238.50	2,862.00	
Assistant general foreman	134.65	1,615.80	
			4,477.80
Grand total			51,733.80

[1] All these officers were carried on this particular shop roll, but they had charge of and devoted their attention to the operation of all shops on the Eastern Pennsylvania Division (Harrisburg, Philadelphia, Tyrone, Bellwood, Creeson, Mount Carbon, State Line).

[2] Change of officers; less experienced men succeeding old men, hence reduction of rate.

CREIGHTON EXHIBIT NO. 3.

[The Pennsylvania Railroad Company, Eastern Pennsylvania Division. Office of General Superintendent.]

ALTOONA, PA., *May 9, 1915.*

Mr. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations.

DEAR SIR: In my testimony before your commission we quoted figures from Altoona machine-shop reports covering the pay of ordinary laborers, under which head we have 492 day workers with an average monthly wage of $52.83 and 87 pieceworkers with an average monthly wage of $69.47. Among these men were included 28 high-rated men, because they fit into this classification better than any other, as follows:

		Cents.
1 storehouse-attendant gang leader	per hour	44.8
1 laborer gang leader	do	42.3
1 storehouse stock man	do	41.4
6 storehouse stock men	do	38.5
2 laborer gang leaders	do	37.2
1 laborer gang leader	do	34.7
4 storehouse stock men	do	32.0
4 laborer gang leaders	do	30.7
2 laborer gang leaders	do	28.2
3 storehouse attendants	do	28.2
3 storehouse attendants	do	26.9

These high rates resulted largely from the fact that their particular work required a better qualified laborer than the usual laborer's work, and they carried with them an advanced rate. When the company made the two separate 10 per cent advances and the 6 per cent advance in pay it was applied to all alike, resulting in the above high rates for this class of service.

G. W. CREIGHTON,
General Superintendent.

HARPER EXHIBIT.

POLICE DEPARTMENT—PENNSYLVANIA RAILROAD CO.

PHILADELPHIA—HEADQUARTERS.

	Monthly wage.
1 superintendent	$212.00
1 inspector	145.75
1 captain	96.20
1 lieutenant	89.80
	543.75

Three of these officers have State police authority; one is uniformed.

EASTERN PENNSYLVANIA DIVISION—HEADQUARTERS, ALTOONA, PA.

1 inspector	145.75
6 captains	657.20
9 lieutenants	833.95
78 patrolmen	6,002.10
94	7,639.00

All of these men have State police authority; 60 have uniforms.

WESTERN PENNSYLVANIA DIVISION—HEADQUARTERS, PITTSBURGH, PA.

1 inspector	145.75
4 captains	434.60
9 lieutenants	840.80
46 patrolmen	3,488.50
60	4,909.65

All of these men have State police authority; 10 have uniforms.

NEW JERSEY DIVISION—HEADQUARTERS, NEW YORK CITY.

2	inspectors	306.05
3	captains	339.20
9	lieutenants	903.60
101	patrolmen	7,197.50
115		8,746.35

All of these men have State police authority; 100 have uniforms.

P. B. & W. R. R.—HEADQUARTERS WILMINGTON, DEL.

1	inspector	145.75
1	captain	116.00
4	lieutenants	359.20
23	patrolmen	1,769.85
29		2,390.80

All these men have State-police authority; 21 have uniforms.

CENTRAL DIVISION—HEADQUARTERS WILLIAMSPORT, PA.

1	inspector	145.75
3	captains	530.00
4	lieutenants	359.20
28	patrolmen	2,154.60
36		3,189.55

All of these men have State-police authority; 34 have uniforms.

NORTHERN DIVISION—HEADQUARTERS BUFFALO, N. Y.

1	inspector	145.75
2	captains	212.00
16	patrolmen	1,231.20
19		1,588.95

All of these men have State-police authority; 16 have uniforms.

PHIADELPHIA TERMINAL DIV.—HEADQUARTERS PHILADELPHIA.

1	inspector	145.75
3	lieutenants	253.10
32	patrolmen	2,052.80
36		2,451.65

Three of these men have State-police authority, while 33 have city of Philadelphia police commissions. 36 of these officers have uniforms.

GENERAL.

Number of men with State authority	361
Number of men with city authority	33
Number of men without commissions	1
Total number of men	395
Monthly disbursement of wages	$31,459.70
	12
	62 919 40
	314 597 0
	377,516.40

The figures in the foregoing table represent the active commissioned police service of the Pennsylvania Railroad Company.

Of the 395 men, 278 are equipped with uniforms.

WATCHMEN IN CONJUNCTION WITH POLICE DEPARTMENT, PENN. R. R.

		Monthly wage.
	Eastern Penna. division:	
6	watchmen	$346.25
	Western Penna. division:	
28	watchmen	1,909.00
	New Jersey division:	
181	watchmen	11,188.55
	P. B. & W. R. R.:	
3	watchmen	180.75
	Central division:	
4	watchmen	233.60
	Northern division, none.	
	Philadelphia Term. div.:	
69	watchmen	4,133.00
291		17,991.15
		12
		35 982 30
		179 911 5
		215,893.80
		377,516.40
		593,410.20

In the main these men, known as watchmen, are disabled employees, physically unfit for service in the operation of trains, etc., and turned over to the police department, which assigns them to duties compatible with their condition, watching shop gates, crossings, etc.

AUSTON EXHIBIT NO. 1.

[Filed with statement of J. R. T. Auston, President Order Railroad Telegraphers, Despatchers, Agents, and Signalmen.]

Rates pay Baltimore division, Pennsylvania Railroad, Jany. 1st, 1914.

Men.	Rate per month.	Men.	Rate per month.
16	$141.10	45	$70.55
1	132.50	2	69.95
19	89.80	53	67.35
3	96.20	19	64.15
1	88.00	5	60.95
7	82.70	5	57.70
1	81.60	1	57.25
27	80.15	1	52.45
17	76.95	1	30.00
11	74.20	—	
14	73.75	249	

Rates of pay on the Delaware division, Pennsylvania Railroad, Jan. 1st, 1914.

Men.	Rate per month.	Men.	Rate per month.
2	$147.50	12	$67.35
7	141.10	79	64.15
1	121.85	13	60.95
1	96.20	24	57.70
6	89.80	6	51.30
1	86.60	8	44.90
2	83.35	2	48.10
1	80.15	7	[1] 25.65
6	76.95	—	
2	73.75	202	
24	70.55		

[1] Probably a helper.

Rates pay on the W. J. & S. division, Pennsylvania Railroad, Jan. 1, 1914.

Men.		Men.	
9	$141.10	11	$73.35
1	109.00	21	70.55
1	93.00	26	67.35
3	90.10	42	64.15
3	89.80	1	63.60
1	86.60	13	60.95
4	83.35	20	57.70
1	82.70	1	51.30
1	81.60	2	[1] 42.40
23	76.95	—	
2	75.00	186	

AUSTON EXHIBIT NO. 2.

[Filed with statement of J. R. T. Auston, president Order Railroad Telegraphers, Despatchers, Agents, and Signalmen.]

PHILADELPHIA, PA., *June 17, 1911.*

Mr. S. C. LONG,
General Manager Pennsylvania Lines east, Pittsburgh and Erie,
Broad Street Station, Philadelphia.

DEAR SIR: I am advised that President Perham, of the Order of Railroad Telegraphers, St. Louis, Mo., has called a meeting of the O. R. T. general committee, Pennsylvania Lines east of Pittsburgh and Erie.

Mr. J. F. Miller, of Baltimore, Md., is the chairman of the committee and the meeting is to be held in Harrisburg, Pa., June 20.

President Perham has expressed his intention to be present at this meeting and formulate some plan whereby the management of the Pennsylvania Railroad will be obliged to recognize the O. R. T. general committee. Also that certain matters affecting the interests of the employees are to be presented for your consideration.

As executive officer of the Order Railroad Telegraphers, Despatchers, Agents, and Signalmen, I feel it incumbent upon me to state that the O. R. T. committee does not represent a majority of the employees of the telegraph department, consequently the membership of our order will most assuredly object to any recognition of the O. R. T. general committee or any adjustments or understandings entered into with that committee.

In view of the harmonious relations now existing between our general committee (O. R. T. D. A. & S.) and the management, I trust you may deem it no more than just and equitable that such relations shall not be disturbed through any contemplated action on the part of Mr. Perham or his committee.

Yours, very truly,

J. R. T. AUSTON, *President.*

PHILADELPHIA, PA., *August 20, 1912.*

Mr. S. C. LONG,
General Manager Pennsylvania Lines,
Broad Street Station, Philadelphia.

DEAR SIR: Being advised that the Order of Railroad Telegraphers, of St. Louis, Mo., is again endeavoring to secure official recognition, etc., the following protest is filed in behalf of the employees who do not desire to be represented by the organization referred to:

Since 1905 another representative general committee has had many conferences with the management of the Pennsylvania Railroad lines east of Pittsburg and Erie. The committee has been headed at different periods by the following chairmen: L. K. Marr, W. G. Bucher, John W. Hartman, and C. M. Giles, all employees of the telegraph department; and the committee has been representative of and has legislated for not only the employees of that department, but also for employees of other departments who have been represented on the committee.

[1] Telephoner.

Mr. C. M. Giles is the chairman at the present time. The business relations between the committee and the management have always been harmonious and the results obtained for those the committee represented have been appreciated.

It is stated that the O. R. T., of St. Louis, Mo., has secured the signature of 2,700 employees and that 1,900 are members of that organization. The signatures attached to what is called a "certificate of authority" authorizing representation through an alleged committee formed under the laws of the O. R. T. and guided by the advice of its national president, Mr. Perham, who has been in consultation with said alleged committee.

According to the St. Louis people, they represent 1,900 organized and 800 unorganized employees east of Pittsburgh and Erie.

The general committee (Mr. Giles, chairman) represents 3,278 organized employees and 8,722 others, including the 1,900 alleged O. R. T. members and the 800 nonmembers. My estimate of the total number of employees is as follows: 5,000 in telegraph dept.; 2,000 agents; 4,500 signal maintainers, linemen, and electrical workers, and about 500 train despatchers and train directors. (The estimate for telegraph department includes telegraph and telephone operators, signalmen, lever men.) This estimate makes a total of 12,000 employees, all of whom are eligible to membership in the organization I represent, and 3,278 of whom are represented by Mr. Giles's general committee as organized men and 8,722 as unorganized. This representation can be proved by data showing increased pay distributed regardless of membership in the O. R. T. D. A. & S., but secured through the argument of and the presentation by the general committee, headed at this time by Mr. Giles.

In behalf of the 3,278 organized employees who have not signed the certificates referred to I hereby file a protest against any official recognition being given to the so-called committee now in Philadelphia, which is headed by either Messrs. McGrail or Miller, and is said to be composed of Messrs. Rex, Truitt, Fidler, Nightingale, and Arendt. The reasons behind this protest are as follows:

1. The 2,700 certificates to represent were secured by paid agents of the St. Louis organization, who, it is alleged, made misleading statements to encourage the signing of the same.

2. As there are 5,000 (estimated) employees in the telegraph dept., 1,900 of whom are claimed to be members of the O. R. T. of St. Louis, Mo., and 2,302 are in the O. R. T. D. A. & S. of Philadelphia, from an organization point of view the Philadelphia organization has the best of it.

3. That the general committee—Mr. Giles, chairman—has and does yet, not only represent 3,278 organized employees, but also the 2,700 signers of the certificates as well as the 6,022 unorganized employees who make up the total of 12,000 employees for whom the said committee has and is still legislating.

4. To recognize the petition of the 2,700 employees practically means the acknowledgment of the right of a minority to legislate for a majority—the minority in this instance being the 1,900 organized men, or 2,700 organized and unorganized men, wanting to represent 9,300 other employees. The general committee—Mr. Giles, chairman—has always represented the 12,000 employees regardless of their affiliation with either organization, or with neither organization, so far as securing increased pay and amended regulations are concerned.

5. It would be impracticable for the management to attempt to do business with two general committees representing the same employees.

6. No good reason being advanced for the withdrawal of official recognition from the general committee—Mr. Giles, chairman—it would be extremely unjust and irregular to do so in view of the harmonious relations existing between the management and the committee as well as the fact that there are matters under official consideration which said committee presented to the management and is now awaiting a decision on. Those matters are of importance to the employees and it would be quite inconsistent for the management, after receiving the papers from the committee and discussing them with the committee, to ignore them and advise the committee, through its chairman, Mr. Giles, that official recognition had been withdrawn, etc., and no equitable reason given for such action.

I respectfully ask your earnest consideration of the above. Should the parties seeking your official recognition decide to appeal to a national board of mediation, etc., I assure you it will be a pleasure for me to be present and aid in the placing of data before said national body which should be absolute convincing proof that the claims of the St. Louis people are made on unstable foundation.

Hoping nothing may occur to disturb the present cordial relations now existing between Mr. Giles's committee and the management, I remain,

Yours, truly,

J. R. T. AUSTON,
President.

CHENERY EXHIBIT.

STATEMENT OF WILLIAM PARK TO C. T. CHENERY, OF THE INDUSTRIAL RELATION COMMISSION IN REPLY TO CHARGES MADE BEFORE THE COMMISSION BY MR. W. H. PIERCE.

Why did you go to Pitcairn during the shopmen's strike in 1911?—Ans. I was called there by the local representatives of Div. 772 and later ordered there by Grand Chief Stone. See copy of telegram from R. F. Jackson and W. S. Stone.

What request, if any, did you receive from the company in connection with this strike?—Ans. I was called on phone by Supt. Allibone and asked to get into communication with the local representatives in and about Altoona. See copy of telegram sent local representatives at Altoona.

Were you paid by your organization for going to Pitcairn, and if so, at what rate?—Ans. At this time the chairman was not on a salary, and I received time lost on my run and expenses—amount to a little more than $89 for the month of May, 1911.

How long after the end of the strike was it before you saw Mr. Johnson?—Ans. If I recall rightly the strike was in May, and some time near the latter part of August is when I saw Mr. Johnson.

What conversation, if any, did you have with Mr. Johnson about money matters at this time with reference to your visit at Pitcairn?—Ans. I had no conversation other than at this time Mr. Johnson handed me an ordinary envelope, with the statement that it was a token of appreciation for the manner in which I had handled the Pittsburgh situation. At this time I did not know what the envelope contained. I later discovered that I had accepted an envelope containing $200.

Did you tell anyone of this transaction?—Ans. Yes; I informed two members of our general committee at my first opportunity, Mr. J. A. Donlin, 309 N. Vanburen St., Wilmington, Del., and Mr. G. R. Johnson, 203 Mercer St., Phillipsburg, N. J.

Why did you decide to return the money?—Ans. Because I had been paid by the men I represent, and did not feel that I was entitled to this money.

When did you return the money?—Ans. I am not able to say just when it was. I delayed the returning of this money, waiting for an opportunity to present itself. I carried the money with me waiting for an opportunity.

What was Mr. Johnson's attitude when you returned the money?—Ans. Mr. Johnson was not pleased, and argued with me that I was justly entitled to this money, as much so as other men who had been paid for lost time and expenses, and insisted on me retaining the money. I would not do so, and at this time I did make a remark to Mr. Johnson that I wanted to be in a position to say that I had never gotten any money from the railroad except what I had signed for in the pay car the same as other men.

Please state the circumstances attending the receiving and the returning of this money.—Ans. On leaving Mr. Johnson's office, after a conference with him, the member who was with me was called to one of the clerk's desk in the outer office, and while he was there Mr. Johnson came to the door between the inner and outer office and handed me the envelope. When I returned it I went back to his office, placed the envelope on his desk, and told him that I could not accept it.

How did your organization feel about the matter?—Ans. Charges were preferred against me by one division, and after a trial by the general committee I was acquitted of the charge of intentionally accepting money. The trial was held in Sept., 1914. I was again reelected in March, 1915, having only 5 votes against me. Charges were preferred against me on the strength of what I had told the members of the committee myself.

WM. PARK.

STATE OF PENNSYLVANIA,
County of Northumberland, ss:

William Park, being duly sworn according to law, doth depose and say that the answers to the above questions are true and correct.

WM. PARK.

Sworn and subscribed before me this 13th day of May, 1915.

[SEAL.] I. A. DE WITT,
Justice of the Peace.

My commission expires first Monday, January, 1916.

SUNBURY, PA., *May 9, 1915.*

Mr. S. C. LONG,
General Manager P. R. R., Broad Street Station,
Philadelphia, Pa.

DEAR SIR: I note by to-day's papers in the proceedings or testimony before the Industrial Labor Commission that a letter had been submitted by you, in reply to the charges by W. H. Pierce, that the chairmen of the four brotherhoods had been bribed, in which you are quoted as stating that when the trouble started in 1911 in Pittsburgh the four chairmen were asked to go there and urge their members to live up to their agreements, and that their efforts were successful, and on their return to Philadelphia they were presented with $300 to reimburse them for their expenses, quoting the names of the four men who were then chairmen.

That letter in the form it is quoted surely places me in a very bad position with all organized men, and particularly so with the men who have recently reelected me as their chairman, for the following reasons:

First. I was not asked to go to Pittsburgh by the company, they having only asked me to get into communication with the local chairmen, which I did, and hold copies of the wire I sent them.

Second. I was called to Pitcairn by the local representatives from that point, and later ordered there by Grand Chief Stone.

Third. I have once had charges placed against me for a similar charge, wherein I admit that at this time (1911) I was handed a letter by Mr. Johnson, not knowing what it contained at the time, and inadvertently placed it in my pocket, to discover after I left the city that I had accepted an envelope containing $200.

Fourth. Your statement, if correctly reported, states that I was given $300. The men I represent will naturally conclude, and will have just reasons for doing so, that I did not make a truthful statement when I was tried on this charge, or that I had been given money more than once and did not make it known.

Fifth. In the published report of your letter to the commission you did not state that I returned this money to Mr. Johnson, telling him that I had been paid by the men I represent in this case and could not accept it from the company.

In view of these facts, together with the wide publication in this evidence, I cannot allow the matter to stand as it does for the public to-day—if for no other reasons on account of the taunts that may be thrown at my children by their companions.

I would therefore ask, Can you and will you correct this statement that I was given $200 instead of $300, as quoted, and also that I returned the money to Mr. Johnson, the man who had handed it to me, giving this correction to the commission that it may be as widely published as your former letter?

I had hoped to leave home for the convention in the city of Cleveland not later than Tuesday evening, May 11, but I can not do so with this matter standing as it does; and if you can not make this correction, I shall surely be compelled to seek an audience with that commission for the purpose of getting this question correctly before the people for my own protection.

Anxiously awaiting an early reply, and hoping that you will see your way clear to promptly correct your former letter, and in such a way that it will reach the public as widely as before,

Yours, truly,

WM. PARK,
Chairman Engineers' Committee.

[General Committee of Adjustment Penn. Railroad lines east.]

SUNBURY, PA., *May 14, 1915.*

Mr. C. T. CHENERY,
Representative of Industrial Labor Investigating Committee,
928 Southern Building, Washington, D. C.

DEAR SIR: Since your visit to my home yesterday I have received a reply from Mr. J. C. Johnson answering my letter to Mr. Long of May 9. He also incloses a copy of the statement given you May 11 in further reference to the charges made by W. H. Pierce.

While his letter to me is very plain and clear, his statement to you of the 11th is put in such a way that I feel that a more complete statement from me should be made, and in accordance with this I desire to add to my statement of May 13 the attached sworn statement as supplementary to my former statement that the commission and the public may have all the facts.

Yours, very truly,

WM. PARK,
Chairman B. of L. E., Pennsylvania Lines East.

SUPPLEMENTARY STATEMENT TO QUESTIONS ASKED AND ANSWERS GIVEN BY ME TO MR. CHENERY, MAY 13, 1915.

In Mr. Johnson's statement of May 11 he quotes several remarks, and in such a way that they would appear to have all been made by me at the time I returned the money, which is not the case.

Mr. Johnson has asked me on several occasions since I returned the $200 to come in and get it, stating that it was intended to reimburse me for time lost and expenses while at Pittsburgh during the shop strike (1911), and each time advanced some reason for me doing so, which I have always answered with some argument as to why I should not.

I will not attempt to deny this statement in general, but I must try and disconnect it to some extent that the commission and the public may know and understand.

When I returned the money he (Johnson) took exceptions to it and explained what it was for as formerly stated, and among many other remarks made I did say that it would not be understood in the way he put it, and if the question was ever raised a different construction would be placed on it from the way he understood it.

I had very good reasons to believe that the question would be raised, for I made no attempt to keep it an absolute secret. I had told many of my members all about it long before I ever heard of it through other sources and before W. H. Pierce used it in his speeches to discredit the train organizations, and I told the members of my own organization all that he produced when he brought charges against me and had me tried before our general committee.

I do not recall ever saying anything about reelection, but on one occasion when I was asked again to come in and get the money, among other things I did say that I had charges against me now over that money and would have to stand trial at our next meeting. At this time I had no reason to say anything about reelection, for we were not to hold an election at that meeting.

After this trial, at which I had but one vote against me, or one vote for conviction and one member refused to vote, I was again asked to come in and get the money, or permit it to be sent to my wife, with the remark that it was all over now—meaning I presume the trial I had just gone through.

At this time I replied that it was not all over and that the question was likely to go to the convention before it was over. This was the only time the convention was ever mentioned to the best of my knowledge.

WM. PARK.

Sworn and subscribed to before me this 14th day of May, A. D. 1915.

[SEAL.] C. G. SHIPMAN, *Notary Public.*

My commission expires January 21, 1917.

(Personal.)

MY DEAR MR. CHENERY: I am inclosing copy of Mr. Johnson's letter to me answering my letter to Mr. Long of the 9th.

This letter is a fair and plain statement, and if Mr. Johnson wants to be fair and not try to discredit the train organizations he should have made this same statement to you rather than muddle it as he did by trying to tell what I have said the many times he has tried to have me take this money, all in one short paragraph.

Note: He says, "In order that the facts may be known to whomsoever they concern."

I feel that the men I represent and myself are very much concerned and that the people who saw the letter appearing in last Sunday's papers may see this letter from Mr. Johnson. May I ask you to have the press print the same as a correction of his former letter.

W. PARK.

PHILADELPHIA, PA., *May 11, 1915.*

Mr. WILLIAM PARK,
General Chairman, B. of L. E.,
941 Railroad Avenue, Sunbury Pa.

DEAR SIR: Referring to the statement made before the United States Commission on Industrial Relations, at Washington on May 7th, to the effect that you were given $300 to cover expenses and compensation in your efforts, during the shopmen's strike at Pittsburgh in 1911, to prevent employees, and particularly engineers, from leaving the company's service and urging them to remain at work and maintain our contractual relations, which expenses and compensation were paid you after the strike was over and everything cleared up.

In order that the facts may be known to whomsoever they concern, and particularly the locomotive engineers, this is to certify that the amount paid was $200 instead of $300, as stated, and this amount was returned to me by you with the verbal statement that the men you represented had paid you. We regret this was not made clear in the original statement.

In order that you may be fully informed, I am attaching a statement made to the commission.

Yours, truly,

J. C. JOHNSON,
Superintendent Telegraph.

[Inclosures.]

STATEMENT OF MR. J. C. JOHNSON, OF THE PENNSYLVANIA RAILROAD CO., TO THE COMMISSION ON INDUSTRIAL RELATIONS, MAY 11, 1915, IN CONNECTION WITH STATEMENTS MADE BY MR. W. H. PIERCE.

As stated in Mr. Long's letter to the commission, after the strike was called at Pittsburgh in 1911, we notified the general chairmen of the different train-service brotherhoods that we would like them to see that their men were kept at work and not attempt to go out on strike in sympathy with the shopmen, who were then on strike. After the strike was over, it was decided to remember a certain number of employees on the system who had performed what we considered commendatory service, and a list was made up which included 511 names for cash payments, aggregating $19,041.10, and 285 names for commendatory letters. This included such men as chief clerk to division operator, inspectors, stewards, foremen of car inspectors, transitmen, rodmen, agents, signal apprentices, chainmen, clerks, telephone inspectors, telegraph repairmen, yardmasters, assistant yardmasters, conductors, captains and inspectors of police, lieutenants of police, patrolmen, plumbers, car inspectors, men from the different departments of the shops, such as engine-house foremen, boiler shop foremen, electricians, assistant foremen. These men were paid anywhere from $10 to $150, no one receiving less than $10. In the case of the general chairman, three of them were given $300 each and one was given $200. In the case of every person except the general chairmen, there was a voucher, with a commendatory letter mailed to the person. In the case of the general chairmen, they were given cash at a time when they called at the office to transact business in connection with their work as general chairmen, and were thanked personally by me for the good work they had done in preventing any trouble and keeping the traffic moving smoothly. It was not given to all of them at one time, as their work did not bring them here together, and some little time elapsed between the time it was given to each

one of them, although I can not state just how long this was. This money was secured from the general manager's contingent fund, that is the money that was paid in cash.

In the case of Chairman Park, some time afterwards (I don't remember how long) he came to me and said that he understood some one had raised a question about his receiving this money and had put the wrong construction on it, and that he wanted to return it because he wanted to be able to say to his men, at the time of reelection and before the convention, that he had never received anything from the Pennsylvania Railroad but what he had signed the pay rolls for. I told him if he felt that way about it, that I would take it back. While we do not have any record to show just how long these men were at Pittsburgh, if my memory serves me correctly, I would say they were there four or five weeks, but I do not think that Mr. Park was there as long as the other three.

It should be understood that they were not under pay of the company either for wages or expenses during the time they were there, and the money given them afterwards, herein referred to, was for expenses and compensation for work performed.

The rewarding of the men in this particular instance is not a new thing, as it is not unusual in cases of trouble of any kind, floods, prostration of lines through storms, strikes, or any extraordinary occurrence, to reward meritorious service.

J. C. JOHNSON.

Sworn and subscribed to before me this 11th day of May, A. D. 1915.

[SEAL.] HENRY E. CAIN,
Notary Public.

Commission expires February 21, 1919.

[Western Union Telegraph Co.]

PITTSBURGH, PA., *May 7, 1911.*

WILLIAM PARK,
941 Railroad Avenue, Sunbury, Pa.:

Conductors, trainmen, and firemen's general chairmen here. Situation serious. Action to be decided on by the four general chairmen in joint session. We must do something to protect our men, also the honor of the organization. Come without delay, for if we do not act we are done for here.

R. F. JACKSON, 772.

After coming back home I later received this telegram:

PITCAIRN, PA., *May 25, 1911.*

WILLIAM PARK,
941 Railroad Avenue, Sunbury, Pa.:

Trainmen strike as individuals to-morrow. Consulted Moyer. Come at once.

R. F. JACKSON.

CLEVELAND, OHIO, *May 25, 1911.*

WILLIAM PARK,
941 Railroad Avenue, Sunbury, Pa.:

Message from Pitcairn that trainmen as individuals will strike to-morrow. Wish you would go there and hold the men in line. Insist on men performing their usual duties, comply with the laws of the order, and carry out their contract if necessary. Call me up on phone, and I will come.

W. S. STONE.

SUNBURY, PA., *May 31, 1911.*

Mr. C. MOORE, *Altoona, Pa.*
Mr. D. G. MYERS, *Altoona, Pa.*
Mr. G. C. IRWIN, *Hollidaysburg, Pa.:*

Keep our men performing their usual duties and protect contracts in case of any trouble.

WILLIAM PARK,
Chairman, G. C. of A.

Copy to C. Moore and D. G. Myers, of Altoona.

[The Pennsylvania Railroad Co. General office, Broad Street Station.]

PHILADELPHIA, *May 15, 1915.*

Mr. C. T. CHENERY,
Care United States Commission on Industrial Relations,
928 Southern Building, Washington, D. C.

MY DEAR SIR: I had a talk with Mr. Hendricks after your interview with him, and the inclosed affidavit is the result. I am sorry that I made this error. If there is anything further I can do to straighten matters out or any help that I can give you, I shall be glad to hear from you.

You will appreciate that all this occurred four years ago, and so much has happened since then that I am sorry to say my memory is not as clear on some of these details as it should be.

Yours, very truly,

J. C. JOHNSON,
Superintendent Telegraph.

SUPPLEMENT TO STATEMENT OF MR. J. C. JOHNSON, OF THE PENNSYLVANIA RAILROAD CO., DATED MAY 11, 1915, TO THE COMMISSION ON INDUSTRIAL RELATIONS IN CONNECTION WITH STATEMENTS MADE BY MR. W. H. PIERCE.

In connection with that part of my affidavit referring to amount of money given the four general chairmen, I made no memoranda of giving this money, and, as the giving of it discharged what I considered my moral obligation, I dropped the matter from my mind. When the question was brought up recently, my recollection was that I had given each general chairman $300. I have this day had a talk with General Chairman J. B. Hendricks and am now reminded of what I did, and this is to correct that part of my affidavit in which he is concerned; that is, that he was given $50 instead of $300. I would respectfully ask that my statement be corrected accordingly.

J. C. JOHNSON.

Sworn and subscribed to before me this 15th day of May, A. D. 1915.

[SEAL.] ERNEST H. BROWN,
Notary Public.

My commission expires February 21, 1919.

STATEMENT OF A. I. KAUFFMAN TO C. T. CHENERY, OF THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS, IN REPLY TO CHARGES MADE BEFORE THE COMMISSION BY MR. W. H. PIERCE.

Q. Why did you go to Pittsburgh in 1911?—A. I was summoned there by Gen. Supt. O'Donnel.

Q. Did the local secretary of the organization or your grand chief also request you to go there?—A. Several of the local members met me in Pittsburgh and asked me to remain there, and also asked the president of our organization to send a grand lodge representative there.

Q. How long did you remain in Pittsburgh?—A. From about May 2 or 3 until June 17, 1911. The dates may not be exactly right, but are very close.

Q. Were you on salary of the organization at this time?—A. Yes, by the day; so much per day, and pay your own expenses.

Q. How long after the conclusion of the strike was it that you saw Mr. Johnston?—A. I can not tell the exact date without referring to the records; but it was about June 24, as near as I can recollect.

Q. The company had not made any promise of payment for your work while in Pittsburgh?—A. No, sir.

Q. Did you have any conversation with Mr. Johnson about money when you saw him on June 24?—A. Mr. Johnson gave me the money.

Q. What conversation took place?—A. During the meeting with the general manager and his representatives and some members of our committee a number of grievances were discussed; at the close of the meeting Mr. Johnson came to me and thanked me for what I had done in the Pittsburgh district during the strike, and also handed me an envelope, plain and sealed, and said: "Here is a token of appreciation from the company and to help to defray your expenses." I said: "I have nothing coming from the company, as the organization paid me for my services during the trouble." He stated that it was due me and that I should keep it, but at this time I did not know what the envelope contained.

Q. How much money was in the envelope?—A. Three hundred dollars.

Q. Did anyone see Mr. Johnson pass the envelope to you?—A. Not to my knowledge.

Q. Did you tell anyone of having received this money?—A. I did. Mr. H. G. McComas.

Q. When did you tell Mr. McComas?—A. On the way from there to Baltimore.

Q. Did Mr. McComas tell anyone?—A. Not to my knowledge. He has told me since that he has not.

Q. When did it become generally known in the organization?—A. I was charged with having received this money during the summer of 1912.

Q. Have you any idea how this information leaked out?—A. I have not.

Q. Did you ever return this $300?—A. Yes, sir.

Q. Did the company keep it or return it to you again?—A. It was again returned to me.

Q. How was it returned?—A. The same certificate of deposit that I had sent them.

Q. On what bank was this deposit drawn?—A. I can tell the place. I think it was the Third National Bank, right across from Broad Street Station on South Penn Square.

Q. Did they write you a letter or send any statement when they returned the certificate?—A. No, sir.

Q. How did your organization feel about this when it became known?—A. Well, some of them felt that I had done entirely wrong, and others did not seem to think so much.

Q. Did it have any influence on the election of the general chairman the past year?—A. Well, probably so.

Q. How did you feel, personally, about it, Mr. Kauffman?—A. I realize now that I made a mistake.

Q. It did not influence you in your duty toward the company in any way?—A. Not in the least, and I think by referring to the minutes of meetings with committees and the company since that time will prove my statement.

A. I. KAUFFMAN.

Sworn to and subscribed before me this 15th day of May, A. D. 1915.

[SEAL.] KATHERINE KANE,
Notary Public.

My commission expires February 21, 1919.

[Joint Protective Board, Brotherhood of Locomotive Firemen and Enginemen, Pennsylvania lines east.]

PHILADELPHIA, PA., *May 14, 1915.*

STATEMENT OF H. E. CORE, GENERAL CHAIRMAN, B. OF L. F. & E., PENNSYLVANIA LINES EAST, TO C. T. CHENERY, OF THE U. S. C. ON INDUSTRIAL RELATIONS, CONCERNING CHARGES OF W. H. PIERCE AGAINST MR. A. I. KAUFFMAN.

The knowledge of Mr. A. I. Kauffman's having accepted compensation from the Pennsylvania Railroad for services performed during the shopmen's strike in 1911, for which the organization he represented had already paid him, did not become known to the members until sometime in May, 1914.

It is the belief of many of our members that this information was first made known to our membership by Mr. W. H. Pierce.

While no formal charges were ever preferred against Mr. Kauffman for his action in accepting this money, his action was nevertheless strongly condemned by practically all our members, as we hold that it is dishonorable for a man to accept compensation from our organization and the company at the same time.

H. E. CORE,
General Chairman, B. of L. F. & E., Pennsylvania Lines, East.
H. G. McCOMAS,
Secretary-Treasurer, B. of L. F. & E., Pennsylvania Lines East.

Personally appeared before me H. E. Core and H. G. McComas, who depose and say that the statements above made are true and accurate to the best of their knowledge and belief.

Sworn and subscribed before me this 14th day of May, 1915.

[SEAL.] WM. H. O'NEIL,
Notary Public.

My commission expires March 9, 1919.

[Order of Railway Conductors, General Committee of Adjustment, Pennsylvania lines east.]

PHILADELPHIA, PA.

STATEMENT OF J. B. HENDRICKS, GENERAL CHAIRMAN ORDER OF RAILWAY CONDUCTORS, TO C. T. CHENERY, OF THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS, CONCERNING CHARGES MADE BY W. H. PIERCE.

Q. Why did you go to Pitcairn during the shopmen's strike in 1911?—A. I was ordered there by the president of the O. R. C., and was further requested to come by the secretary of the local division No. 433, at Pitcairn.

Q. What request, if any, did you receive from the P. R. R. during this strike?—A. None; absolutely none.

Q. Were you paid by your organization for going to Pitcairn, and if so, at what rate?—A. I was paid the regular per diem rate of $10 a day, which covers salary and expenses.

Q. How long was it after the end of the strike that you saw Mr. Johnson?—A. The strike was called in May, and it was some time in the middle or fore part of July that I saw him.

Q. Did you receive any money from Mr. Johnson at this time, and if so, please state full circumstances?—A. I was in Mr. Johnson's office some time in July with Mr. Kapp of the B. R. T. While Mr. Kapp was talking to one of the clerks Mr. Johnson stepped up and handed me a plain envelope and said, "Jim, you boys were under a lot of extra expense at Pitcairn, and here is something to help pay this extra expense." After leaving the office I counted the money and found that there were 10 $5 bills in it.

Q. Did you tell any one of this transaction?—A. No; I don't think that I ever did.

Q. Did this transaction become generally known in the order?—A. It did not.

Q. Was this transaction generally known before Mr. Pierce's charges were made public?—A. It was not.

Q. How did you feel about receiving this money?—A. I feel that as I had to work both day and night to keep our organization out of trouble and went to a lot of extra expense that I was justified in taking this money.

J. B. HENDRICKS.

STATE OF PENNSYLVANIA, *City and County of Philadelphia, ss:*

Personally appeared James B. Hendricks, of Wesleyville, Pa., the within, who, being duly sworn according to law, doth depose and say that each of the foregoing answers to questions asked made by him are true and correct upon the best of his knowledge, information, and belief.

J. B. HENDRICKS.

Sworn and subscribed to before me this 14th day of May, A. D. 1915.

[SEAL.] MORRIS L. KOLB, *Notary Public.*

Commission expires February 26, 1917.

[Order of Railway Conductors, General Committee of Adjustment. Pennsylvania lines east.]

TYRONE, PA., *May 15, 1915.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Washington, D. C.

GENTLEMEN: In accordance with request of your Mr. Chenery, I beg to advise that our organization heard only rumors concerning the acceptance by our general chairman of compensation from the Pennsylvania Railroad for services during Pitcairn trouble in 1911.

Such being the case, the matter has never officially been brought to the attention of the order, and we therefore have had no expression of sentiment by the members.

Very respectfully,

S. C. COWEN,
Secretary G. C. of Adjt. P. R. R. Lines East.

[Order of Railway Conductors, General Committee of Adjustment. Pennsylvania lines east.]

TYRONE, PA., *May 18, 1915.*

Mr. C. G. HASTINGS,
Pittsburgh, Pa.

DEAR BROTHER HASTINGS: Your favor of recent date received and was pleased to hear from you. Thankful for the very kind expressions in reference to my

wife's accident. She is improving right along; had the splints removed last Saturday.

Referring again to my former letter suggesting changes in the personnel of our general committee, would state that I was visited by a Mr. Chenery, who represented the United States Commission on Industrial Relations. He asked me to file a statement with the committee whether I had ever received any compensation from the P. R. R. for service during the Pitcairn trouble in 1911. I stated that I had never been called into the field where there had any trouble arisen between the company and any of its employees other than grievances affecting the conductors, but I had received flattering offers requesting me to report action of our organization on lines east. I gave him a copy of the letters I received. He had a statement from Hendricks confessing that he had taken money from the company during the trouble. This was paid through J. C. Johnson's office. If you remember this was rumored at the time the firemen elected Core to succeed Kauffman, who made the confession implicating himself, Kapp, Park, and Hendricks, and under this confession General Manager Long was compelled to admit under oath before the commission that he had paid $1,500 out at this time to the four organizations, giving each chairman $300; Hendricks in his statement tells that he only received $50. I was asked by Mr. Chenery whether any action had been taken by our organization against our chairman on account of accepting compensation from the company. I told him that we had heard rumors concerning this matter, and such being the case, it was never brought to the attention of our committee, as we had never had an expression of sentiment. I immediately wrote Garretson as to these developments, asking his advice, stating that I believed we should take action at once, and I would arrange to call committee in session and prepare charges against Hendricks.

Brother Hastings, I feel this matter should be prosecuted. Brother Garretson stated to me in a letter some time ago that he had heard rumors concerning certain action during the Pitcairn trouble that looked bad. He admitted that he felt this work was going on, but how to get definite information was the question.

I would be glad if you would give me your opinion just what you think we should do. Remember us to your family.

Very respectfully, in P. F., S. C. COWEN.

[Grand Lodge Brotherhood of Railroad Trainmen.]

GENERAL OFFICES, CLEVELAND, OHIO, *May 18, 1915.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Care Shoreham Hotel, Washington, D. C.

GENTLEMEN: In further reference to testimony given before your commission by one W. H. Pierce, wherein the name of E. V. Kapp, now deceased, formerly general chairman of the Brotherhood of Railroad Trainmen for the Pennsylvania lines east, was mentioned, have to advise that, if my recollection serves me correctly, Mr. Kapp spoke to me personally at one time in regard to the Pennsylvania Co. donating to himself and others some amount, for the purpose of covering time and expense incurred in 1911 while visiting Pittsburgh and vicinity for the purpose of advising members of the transportation organizations to remain at their regular and usual employment instead of leaving the service, contrary to the constitution and general rules of such organizations and participating in an illegal strike in sympathy with certain carmen, shopmen, trackmen, and other employees then on strike.

I do not remember the amount mentioned by Mr. Kapp, nor do I find any record of correspondence passing between this office and Kapp in connection with that subject. I am under the impression that Mr. Kapp told me that the Pennsylvania Co. appreciated the assistance given by himself and other general chairmen. Mr. Kapp visited the Pittsburgh territory at that time under my direct instructions and was paid the constitutional amount provided by our laws for such service. He was not, however, paid any amount to cover hotel or other similar expenses, owing to the fact that our constitution does not permit of the payment of any amount other than a per diem of a given amount.

Mr. Kapp's integrity was above reproach, and I have never known of a more conscientious or honest employee of any company. I do not believe he would have accepted any amount from the company had it not been for a generally known and understood custom on that line for the company to reimburse employees for services rendered independently of organization.

This letter is written in accordance with a verbal understanding had with one of your investigators at Pittsburgh on the 16th instant, suggesting that I forward this information to the commission.

Very truly, yours,

W. G. LEE,
President.

[The Pennsylvania Railroad Co.]

ALTOONA, PA., *May 21, 1915.*

MR. REDMOND S. BRENNAN,
United States Commission on Industrial Relations.

DEAR SIR: I have your letter of May 13, and would advise that my sworn statement of May 8 covers the subject in question as far as I am able to do so.

The proposed statement you sent me with your letter of May 13 covers a denial of a conversation between S. M. Hoyer and myself. To this I can not affix my signature, as there was a conversation between S. M. Hoyer and myself under the following circumstances:

The interview took place in my office, Mr. Hoyer having asked for an appointment, and at this interview he asked me to grant him a favor for a person he was interested in, who was an employee in our shops. Upon the termination of that interview, and having been importuned by friends of Luther to assist him in his trouble, he having already returned to Altoona, I asked Mr. Hoyer to reciprocate by remitting Luther's fine; therefore I can not add anything further to my original affidavit, which is absolutely true and correct and is returned herewith.

Yours, truly,

R. K. READING,
Supt. Motive Power, Eastern Pa. Div., Pa. R. R. Co.

IN THE MATTER OF THE EVIDENCE OF HON. S. M. HOYER, EX-MAYOR OF THE CITY OF ALTOONA, BEFORE THE COMMISSION ON INDUSTRIAL RELATIONS, AT THEIR MEETING HELD AT WASHINGTON, D. C., ON THURSDAY, MAY 6, A. D. 1915.

STATEMENT OF R. K. READING, SUPERINTENDENT OF MOTIVE POWER OF THE PENNSYLVANIA RAILROAD AT ALTOONA, PA.

STATE OF PENNSYLVANIA, *County of Blair, ss:*

Personally appeared before me, Alex Weir, a notary public, residing in the city of Altoona, county and State aforesaid, R. K. Reading, superintendent of motive power of the Pennsylvania Railroad at Altoona, Pa., who, being by me sworn in due form of law, doth depose and say that his attention having been called to the testimony of Hon. S. M. Hoyer, ex-mayor of the city of Altoona, made before the Commission on Industrial Relations at Washington, D. C., on Thursday, May 6, 1915, wherein he states that Mr. Reading (this affiant), who is superintendent of motive power of the Pennsylvania Railroad, asked him to let up on this man and let him come back to the city; that "they had fixed the judge and the district attorney and the alderman who took the bail, and the county detective, and that I was the only stumbling block. Affiant saith that at no time was there any conversation between said Hon. S. M. Hoyer and this affiant in which the language was used that they had fixed the judge and the district attorney and the alderman who took the bail and the county detective, and that Hoyer was the only stumbling block; and affiant further declares and says that the statement of the Hon. S. M. Hoyer, imputing the aforesaid language to this affiant, is absolutely untrue and without foundation in fact, as no such language was used and no such statement made.

R. K. READING.

Sworn and subscribed before me this 8th day of May, A. D. 1915.

[SEAL.] ALEX WEIR, *Notary Public.*

My commission expires January 16, 1919.

[The Pennsylvania Railroad Co.]

GENERAL OFFICE, BROAD STREET STATION,
Philadelphia, May 11, 1915.

Hon. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: Referring to the question raised at hearing at Washington Friday, May 7, at which time you asked Mr. J. C. Johnson, superintendent telegraph, to furnish you a statement of arms and ammunition stored on the system for emergency use, we find that the purchasing agent has in stock in his rooms at Philadelphia 5,113 revolvers, 130 shotguns, 64,107 cartridges, 1,041 riot clubs, 435 pair handcuffs, 1,285 holsters with belts, and 5,013 special-police breast badges, and, as stated to your commission, this material is furnished on regular requisition when needed, and, if used when a strike is in progress, they are collected and again stored after the trouble is over.

Yours, truly,

S. C. LONG,
General Manager.

[The Pennsylvania Railroad Co.]

GENERAL OFFICE, BROAD STREET STATION,
Philadelphia, June 2, 1915.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Your letter of May 25, 1915, addressed to Mr. W. W. Atterbury, vice president, asking for certain information in connection with his testimony before the commission at Washington, has been referred to me for reply.

In regard to the first subject—i. e., the number of rifles usually kept on hand by the Pennsylvania Railroad—permit us to advise that under date of May 11, 1915, we wrote Honorable Frank P. Walsh, chairman of the commission, giving him this information. However, in order that your record may be complete in one communication we quote below the following paragraph from our letter above referred to:

"We find that the purchasing agent has in stock in his rooms at Philadelphia 5,113 revolvers, 130 shotguns, 64,107 cartridges, 1,041 riot clubs, 435 pair handcuffs, 1,285 holsters with belts, 5,031 special police breast badges, and, as stated to your commission, this material is furnished on regular requisition when needed, and, if used when a strike is in progress, they are collected and again stored after the trouble is over."

The 130 shotguns are commonly known as riot guns or rifles.

In regard to the second subject—i. e., condition and number of the police organization—we attach statements giving this information in detail.

Very truly, yours,

S. C. LONG,
General Manager.

[Inclosures.]

POLICE DEPARTMENT, PENNSYLVANIA RAILROAD CO.

PHILADELPHIA HEADQUARTERS.

1 superintendent, 1 inspector, 1 captain, 1 lieutenant.
Three of these officers have State police authority; 1 is uniformed.

EASTERN PENNSYLVANIA DIVISION—HEADQUARTERS, ALTOONA, PA.

1 inspector, 6 captains, 9 lieutenants, 78 patrolmen=94.
All of these men have State police authority; 60 have uniforms.

WESTERN PENNSYLVANIA DIVISION—HEADQUARTERS, PITTSBURGH, PA.

1 inspector, 4 captains, 9 lieutenants, 46 patrolmen=60.
All of these men have State police authority; 10 have uniforms.

NEW JERSEY DIVISION—HEADQUARTERS, NEW YORK CITY.

2 inspectors, 3 captains, 9 lieutenants, 101 patrolmen=115.
All of these men have State police authority; 100 have uniforms.

P., B. & W. R. R.—HEADQUARTERS, WILMINGTON, DEL.

1 inspector, 1 captain, 4 lieutenants, 23 patrolmen=29.
All of these men have State police authority; 21 have uniforms.

CENTRAL DIVISION—HEADQUARTERS, WILLIAMSPORT, PA.

One inspector, 5 captains, 4 lieutenants, 28 patrolmen=38.
All of these men have State police authority; 34 have uniforms.

NORTHERN DIVISION—HEADQUARTERS, BUFFALO, N. Y.

One inspector, 2 captains, 16 patrolmen=19.
All of these men have State police authority; 16 have uniforms.

PHILADELPHIA TERMINAL DIVISION—HEADQUARTERS, PHILADELPHIA.

One inspector, 3 lieutenants, 32 patrolmen=36.
Three of these men have State police authority, while 33 have city of Philadelphia police commissions. Thirty-six of these officers have uniforms.

GENERAL.

Number of men with State authority, 361; number of men with city authority, 33; number of men without commissions, 1; total number of men, 395.
The figures in the foregoing table represent the active commissioned police service of the Pennsylvania Railroad Co. Of the 395 men, 278 are equipped with uniforms.

WATCHMEN IN CONJUNCTION WITH POLICE DEPARTMENT, PENNSYLVANIA RAILROAD.

Eastern Pennsylvania division, 6; Western Pennsylvania division, 28; New Jersey division, 181; Philadelphia, Baltimore & Washington Railroad, 3; central division, 4; northern division, none; Philadelphia terminal division, 69; total, 291.
In the main part these men known as watchmen are disabled employees, physically unfit for service in the operation of trains, etc., and turned over to the police department, which assigns them to duties compatible with their condition, watching shop gates, crossings, etc., and do not have commissions.

[The Pennsylvania Railroad Co.]

GENERAL OFFICE, BROAD STREET STATION,
Philadelphia, June 24, 1915.

Mr. LEWIS K. BROWN,
Secretary United States Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: Answering your letter of June 4 in regard to the arms and ammunition in possession of the organization of the police, whether in Philadelphia, Altoona, Pittsburgh, or elsewhere, we beg to advise that we do not have any arms or ammunition stored at any point on the system except that referred to in our letter of June 2, which, as before stated, is in the possession of the purchasing agent. We have, of the number of policemen employed on the system, 394 who are armed.
We did not understand that you desired the information as to the members of the police force who are armed until your letter of June 4 was received, and the delay in answering has been caused by making a canvass of the police to find out just who were armed. If there is any more information desired, we would be very glad indeed to hear from you.

Yours, truly,

S. C. LONG,
General Manager.

PITTSBURGH, PA., *June 26, 1914.*

Mr. S. C. COWEN,
1533 Pennsylvania Avenue, Tyrone, Pa.

DEAR SIR: I am prepared to place before you a proposition which will add $100 to your monthly income, and the money paid as you desire, either by check monthly or semimonthly, and if preferable cash, special delivery.

At once you conclude the service required must be of a nature involving more than is usually requested in the ordinary affairs of life. In that conclusion you are right, but there need be no misunderstanding or mistake regarding the matter. At the outstart I will state the proposition to be made is presented from a strictly business point of view and will be carried through as such to the end with you, as it is with others in the labor world, if you can see your way clear to accept. Now, then, what I want is a daily letter from you (not every other day) regarding the affairs of your organization; that is to say, a complete report of everything within and without the organization, including, of course, the minutes, etc., of the meetings, special and regular.

You will find this the easiest money you ever earned in your life, and absolutely without the knowledge of anyone except yourself and one other. You are not required to sign your name to letters—only #500—and mail your reports or letters as you will later be instructed to do in case you accept the trust.

The writer is absolutely disinterested in any particular and acts only as a medium through which the arrangement can satisfactorily be completed.

You need have no hesitancy in replying, as this is strictly a straight out-and-out business proposition and not something intended to get you in wrong in any way. It will be carried out, too, in every particular.

I may state that if you render the service you are capable of the pay will be increased to $115 in six months and $125 beginning January 1, 1915.

I wish to further explain for your benefit that the object of getting this advance information is to add to a service intended to be exercised in furtherance of the amicable adjustment or settlement of labor differences and strikes, and as much as possible the avoidance of them. It is believed by advance thinkers on the subject that a good work can be accomplished and organized labor greatly benefited, and to that end the information will be directed, especially within the ranks of organizations with which we are already doing business.

I will appreciate a reply which I now promise will be strictly confidential.

I am,

Yours, very truly,

E. W. ELLIS,
Care of 821 Bellaire Avenue,
Brookline, Pittsburgh, Pa.

PITTSBURGH, PA., *July 15, 1914.*

Mr. S. C. COWEN, *General Secretary O. R. C.,*
No. 1533 Pennsylvania Avenue, Tyrone, Pa.

DEAR SIR: I am sorry you have not written me regarding my proposition made you some days ago, and am not altogether satisfied you want to pass up the opportunity to increase your earnings in the sum proposed. You need have no fear of me in any particular, as I have promised you truly that in case you communicate with me I will protect the same in every way.

I am desirous of having you take up the work, and therefore am not satisfied, as I have stated, to drop the matter. In fact, I would like to have a personal interview if you will grant it, and to that end will here state that I will meet you in Pittsburgh and pay your expenses while here, or I will meet you in Tyrone, at your home or hotel. Do not be foolish and pass up an opportunity like this, as you never will add to your earnings so much money as this so easily.

Trusting I will have the inclosed card returned promptly, I am,

Yours, truly,

E. W. ELLIS,
No. 821 Bellaire Avenue, Brookline,
Pittsburgh, Pa.

LABOR AND THE LAW.

(For exhibits under this subject see pages 10903 to 10928.)

COMMISSION ON INDUSTRIAL RELATIONS.

WASHINGTON, D. C., *Monday, May 10, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners Garretson, Weinstock, Lennon, and O'Connell.

Chairman WALSH. Will the house please be in order.

Judge Clark, will you kindly take the stand?

TESTIMONY OF JUDGE WALTER CLARK.

Chairman WALSH. Will you please state your name?

Judge CLARK. Walter Clark.

Chairman WALSH. And your place of residence?

Judge CLARK. Raleigh, N. C.

Chairman WALSH. What official position do you occupy in the State of North Carolina?

Judge CLARK. Chief justice of the supreme court.

Chairman WALSH. How long have you occupied that position?

Judge CLARK. I have been on the supreme court 26 years; I have been chief justice 13 years.

Chairman WALSH. Now, Judge, I believe there was a little general outline sent you, and I might state here that this commission has held public hearings throughout the country and made many investigations, and we have summoned a great many judges and lawyers who seem to have paid particular attention to these matters, or whose decisions have had a certain significance to sort of epitomizing, if possible, the services, or at least the prevalent actions that seem to exist among people and industries in the United States.

With that general statement, and the suggestions that have been made to you, I will ask you some general questions.

First, I will say that we have met with the suggestion in many places, reiterated over and over, that the poor man does not have a fair chance in the courts of justice, and even here we have had the suggestion made by individuals that they perhaps would have to resort to means of their own to obtain justice, and so forth. Now, does the poor man occupy a different position before the law and in our courts than the rich man?

Judge CLARK. He does not in North Carolina; that is, upon the face of things he does not. Of course, we have this circumstance, that the rich man can employ abler lawyers and more lawyers, and I don't know how you can correct it, but there is no prejudice among the judges or among our jurors in favor of one class against others.

Chairman WALSH. Have you made a decision, Judge—I believe you did make a decision in regard to child labor, which evidently has had a bearing upon the whole situation. I believe that you decided a case some years ago in which you fixed the limit at which a child could be charged with contributory negligence, and I noticed it is referred to many times in the matter of legislation governing the same subject.

Judge CLARK. I just remarked that there was no prejudice in favor of or against the poor man, but North Carolina, as you know as well as I do, is a very conservative State, and to a large extent we have followed the idea of individualism. Of course, that has something to do as between labor and capital. Some years ago we had a case in our State where a child 9 years old was injured, and counsel very strenuously insisted that the courts had nothing to do with that; that the child was hired out by the father, and the father had control of the child, and that, therefore, he was accountable for the negligence and not the company or corporation. I wrote a decision that was concurred in by two

of my associates, and very vigorously dissented to by the other two, that the father had no control of the child; that the company was aware of his incapacity to work; that they had exposed him to this danger and the company was responsible. (Ward *v.* Odell, 126 N. C., 947; Fitzgerald *v.* Furniture Co., 131 N. C., 636.) It didn't meet with public approval at the time, but not long after, after some sessions of legislature, there was passed an action fixing the age at which children could be employed, and there are other decisions in our State on which other acts are taken by the legislature, and successive legislation, as has been the case in other States.

Chairman WALSH. In your opinion, would economic and social questions be considered by judges in rendering their decisions?

Judge CLARK. Not unless they are statutory. Unless in such case as I have just cited, and when legislation is so far behind that the courts ought to take a common-sense view of the case. In this case I have just mentioned where a young child was exposed to these dangers, they have said it was wrong and unjust.

Chairman WALSH. That is the reason I asked you that question, economic consideration seems to have cut a great figure in that particular decision.

Judge CLARK. Yes, sir; it did in that case, and on the side that courts generally do. Courts generally throw the gates down, and that is what our courts generally do, for instance, as to car couplers. Greenlee *v.* R. R. (122 N. C., 977; Troxler *v.* R. R., 124 N. C., 191.)

Chairman WALSH. Should counsel be given an opportunity to indicate fairly economic and social bearings on judicial decisions in arguments before courts?

Judge CLARK. Yes, sir; I think they should discuss them.

Chairman WALSH. What was available, for instance, in this case, Judge, trying to arrive at some comprehensive way of building up laws governing these social and economic subjects what did you have available from an economic stadnpoint when that decision was made?

Judge CLARK. Just simply the common-sense idea of justice that it was not right to take a child 8 or 9 years old and expose him to the dangers of machinery, which cost him his eyesight, or an arm, and that that boy could not recover simply because his father, pressed by the necessities of his home life, had hired him out to the company.

Chairman WALSH. Well, now, as you recall it, Judge, did counsel for the boy urge these broad social considerations that seem to have underlaid this decision?

Judge CLARK. No, sir; he did not.

Chairman WALSH. Then, did the judges have to do that? We would like to get at the minutiæ of the thing; did the judges have to consider that themselves? Was it that the judges, or part of them, simply took a notion that it was wrong?

Judge CLARK. In that particular case the whole matter originated with me. I argued with the court and presented the proposition; I said that the world ought to move, and that the decision ought to be as broad as the injury, and that it was time to take a broader view, and two of the judges concurred with me and two dissented.

Chairman WALSH. Your court is composed of five members?

Judge CLARK. Yes; it was then, and is now.

Chairman WALSH. In your opinion, Judge, from your experience on the bench, would it be feasible or possible to have economic advice for the court in some way in cases of this character, so that they would not have to be led to the knowledge that they gathered from the reading of general literature and such sources as that?

Judge CLARK. I do not know, Mr. Chairman, how that may be; I know the general trend of the courts is just the opposite of what I have told you. Though the legislation in this country or in England has been in favor of justice to the laborer, our courts being composed generally of elderly men, imbued with ideas they had while practicing at the bar, follow precedents and laws are lost sight of entirely or trimmed down instead of the courts making legislation more progressive.

Chairman WALSH. Many persons who have been before us from the labor side have complained bitterly to us of injunctive process, and told us of their reluctance to submit the matters to the determination of courts generally; have you any opinion you could give this commission as to the reasons for that; that is, whether or not there is any basis for that reluctance on the part of individual laborers or labor organizations?

Judge CLARK. Well, speaking as a lawyer, I do not want to attack my profession or the judges, but as a fact, my observation has been, including the reading of the law books, to show me that the courts are very slow to adopt economic ideas contained in the laws which the legislature has enacted. The judges are generally, as I say, elderly men, and most of them have been employed, before they went on the bench, by great corporations. They, unconsciously to themselves, are biased in favor of the view they advocated when they practiced at the bar. When they go on the bench they are still the same men, and unconsciously they put in force, sitting there, the ideas they advocated at the bar. That has been my observation of the course of the decisions.

Chairman WALSH. How could that situation be modified along legal lines, Judge?

Judge CLARK. I do not know of anything except the slow educative process of public opinion. Public opinion has educated them more or less, and as these elderly men pass from the bench, younger men may go on who are imbued with the ideas of the times. This is a slow process, but how else to do it I do not know.

Chairman WALSH. Have you made any study of the Danbury Hatters' case, and the Taff Vale in England?

Judge CLARK. Yes, sir; like every lawyer, I am familiar with them and know something of both. I do not like to criticize those courts, but, speaking as an American citizen, I can say that I do not agree with them at all or in any respect.

Chairman WALSH. Now, just from the standpoint of citizenship, I wish you would give your comment upon them.

Judge CLARK. My view is that the object of the courts is over and above any mere technicality to do justice between man and man. And as to those great corporations that require large numbers of laborers, if those laborers feel that it is necessary for them to take certain steps, in order to protect themselves, I do not see any reason why they should be made collectively responsible for possible excesses of a few of the men. They are trying to better their conditions; they are only in this world one time, and while here they ought to have a fair show and a square deal.

Chairman WALSH. What is the social desirability or undesirability of such action? Is it better for the State that they be permitted to organize freely or not, Judge?

Judge CLARK. Yes; they ought to be just as free to organize labor as we are to organize capital. If we can organize a great railroad system going from here to San Francisco and put our money together, they ought to be able to put themselves together to protect themselves; they are working to support themselves and their wives and children and ought to have as much right to organize as we.

Chairman WALSH. We have had before us here, Judge, in the last week, the operations of what is called the relief department of one of the railroads.

Judge CLARK. Yes, sir.

Chairman WALSH. We have had the necessity of taking that up in many other institutions. Have you given any thought to that subject, or have you had the subject before you, as a judge?

Judge CLARK. Yes; we had—we have had several cases of that kind in North Carolina. The Atlantic Coast Line Railroad system runs through our State. They compel every man who takes employment with that company to pay from $9 to $75 dollars a year into that fund; he could not take employment with them unless he paid that sum. It makes an income of several million dollars a year; I did have the figures. And that fund was disbursed and controlled entirely by the officers of the railroad corporation; and under that system, if a man was injured, if he took any benefit—well, he was compelled to—or went to the hospital or received any benefits, he was debarred from going into the courts of the State to recover damages. He might be damaged $5,000 or $20,000. We had one case where a man was damaged twenty-five or thirty thousand dollars, an engineer, and he received some $356 benefits, and he was debarred from bringing any action. It came before our court and we held that that arrangement was illegal under our State law and under the general precedent. Barden *v.* R. R., 152 N. C., 318.) We had had decisions in other States to the contrary, and the result was that by a change of the personnel of one member of our court the decision was reversed. (King *v.* R. R., 157 N. C., 44.) In the meantime an act of Congress was passed prohibiting those relief departments,

and since then it has been passed on and upheld by the Supreme Court of the United States in Railroad *v.* The McGuire, 219 U. S., 549), and one or two other cases, and as a result we have gone back to the former decision, and they are not barred from damages in the case of employees of railroads.

Chairman WALSH. Could you, Judge, sketch the trend of the decisions of your own State in labor cases? Do you have any other instances than the one you have detailed where the age was established?

Judge CLARK. So far as child labor is concerned, our courts have closely followed the statutes and have not attempted to modify them or cut them down in any way. We have tried to put them in execution, following out the spirit of the law. The purpose in our case is twofold, the age of child labor is very low in North Carolina, lower than most of the States.

Chairman WALSH. What is the age?

Judge CLARK. Thirteen, I think; not more than 12 in some cases. The other trouble is that we have no inspection law in North Carolina to enforce that law; there is no way to see whether it is put in operation or not. The practical result in our State is this, that we have in our legislature a committee to which those matters are referred, and they have a system by which this committee is composed of manufacturers, and of course you know exactly what the result is; we can not get any further legislation.

Chairman WALSH. Have you had any experience in the question of the policing of tracks and bridges of railroads?

Judge CLARK. The railroad men in our State, and I am speaking now of the Brotherhood of Locomotive Engineers and men of that class, who are always very intelligent men, they say they would be glad if some legislation could be had along this line. We have legislation for the inspection of car couplers and of handholds and of those kind of appliances, but there is none for the inspection of tracks or for the inspection of bridges. And they say—of course, I am not a railroad engineer myself—but they say they have bridges along the tracks that were built to hold 30-ton engines and that sometimes now 200-ton engines go across those bridges, and as they do so they bounce up and down. When one of those 200-ton engines goes across one of those bridges it will sink and rise, and such bridges are very dangerous; and if some means could be devised for inspection of tracks and bridges, it would add very much to the safety of the public in traveling and also to the protection of employees of the railroad. Our tracks are frequently defective, and in some places there is not one good tie in seven. Understand, I have not inspected this matter myself, but these men who are intelligent engineers tell me these things. And when an accident happens "no one is to blame," with no inspection; that is, public inspection of the bridges and tracks. I suppose the railroads themselves have some inspection, but there is nothing to protect the public and the enginemen operating the trains.

Chairman WALSH. Have you had experience in your State with the use of the injunction in labor disputes?

Judge CLARK. No, sir.

Chairman WALSH. Have you studied the effect of them, generally, in the United States, as a student of economics and the law?

Judge CLARK. I do not think they can be justified, sir.

Chairman WALSH. What are the economic and social effects of the issuance of injunctions in labor disputes?

Judge CLARK. Well, it has been, of course, to irritate the men, because they feel that in an Anglo-Saxon community every man has a right to a trial by jury, and that to take him up and compel him to be tried by a judge is not in accordance with the principle of equality, liberty, and justice.

Chairman WALSH. Do you think that has been one of the causes of social unrest in the United States?

Judge CLARK. Yes, sir; and undoubtedly will be more so unless it is remedied.

Chairman WALSH. You have observed, have you, judge, the situation out of which these injunctions largely grew, what is called picketing by labor unions?

Judge CLARK. Yes, sir.

Chairman WALSH. And have you considered the question of personal rights involved in that?

Judge CLARK. We have had no knowledge of them in our State, because we have had nothing of the kind; we have not had strikes or picketing, or boycotts; the only thing has been one or two trials for blacklisting.

Chairman WALSH. I was going to ask you about the social and legal aspects of blacklisting. Can that be stopped by law, or how?

Judge CLARK. It is prohibited in our State by law; how far it can be enforced is another matter.

Chairman WALSH. What have the decisions of your courts along that line been?

Judge CLARK. The only decision was that it was absolutely illegal to blacklist a man. We made the railroad company responsible for the damages in that case.

Chairman WALSH. Did you have a case in North Carolina where the railroad company was held responsible?

Judge CLARK. Yes, sir. It came up on a straight proposition where there was evidence showing that the blacklisting was done. We have had but one case.

Chairman WALSH. Did that proceed along the lines of the common law, or was it under the statute you have mentioned?

Judge CLARK. Under our statute.

Chairman WALSH. Have you considered the subject, Judge, of the protection that should be afforded to life and property during industrial disputes?

Judge CLARK. We have had nothing along that line in our State.

Chairman WALSH. Or the use of private guards and detectives?

Judge CLARK. We have had nothing of that kind.

Chairman WALSH. Or of martial law or the action of any military force during strikes?

Judge CLARK. We have had nothing to call them out. Our State is very largely an agricultural one, and we have very few labor disputes.

Chairman WALSH. Have you considered the extent to which Federal control is desirable in that matter?

Judge CLARK. No, sir; we have never had anything of that kind.

Chairman WALSH. Have you considered the extent to which the State may exert control over industrial conditions?

Judge CLARK. Only to the extent of fixing the age of labor and providing against the defective appliances on railroads and in the case of machinery. We have had legislation along that line, and we have had some decisions of our courts tending to show that any failure to use devices and measures for the protection of life and limb, as for instance covering cogwheels. They ought to be guarded, and wherever machinery is used there ought to be every protection that modern invention has found applicable for the protection of labor.

Chairman WALSH. The other commissioners will desire to ask you some questions, Judge Clark. Commissioner Lennon says he has some he wishes to ask.

Commissioner LENNON. Judge Clark, we have had criticism because of the exercise of power by the courts to declare laws passed by Congress and State legislatures unconstitutional; and it has been claimed in some instances that so far as the United States courts are concerned, this power is an assumed one; that there is no justification—actual justification—either in the Constitution of the United States or in the laws enacted by Congress controlling courts giving them any such power. Have you ever considered that matter? If so, what is your view upon it?

Judge CLARK. Yes, sir; I have considered that matter; and I have always believed that Mr. Thomas Jefferson was right when he said it was an assumed power and that there was no authority to exercise it.

Commissioner LENNON. Do you believe that the exercise of such power, particularly by Federal courts, is a cause of social and industrial unrest?

Judge CLARK. I think so, sir.

Commissioner LENNON. Do you think it is a justifiable cause of unrest?

Judge CLARK. Yes, sir.

Commissioner LENNON. That the unrest of that character by the citizenship is a righteous unrest?

Judge CLARK. Yes, sir. I think usurpation of power by any department of the Government is a justifiable cause of unrest among the sovereign people.

Commissioner LENNON. Do you believe it would be wise on the part of the Congress of the United States or of State legislatures to by statute prohibit the exercise of such powers by the courts?

Judge CLARK. Yes, sir.

Commissioner LENNON. I think the most acute criticism of the courts that we have encountered rises perhaps more often in personal-injury cases than any other, and has to do with the subject of the possible delays in getting a

final decision. We find cases where years have elapsed before a poor man has secured a verdict or a final settlement of an original verdict; and they believe that these delays are brought about in order to offset their just claims. What is your experience or what is your observation of the dealings with such matters by the courts?

Judge CLARK. Well, that is a very widespread complaint, sir, and a very just complaint; but how to remedy it is something the legal profession has not been able to ascertain. You take a case which comes up, that there are four or five able lawyers representing a corporation with a young lawyer over here generally appearing on a contingent fee. Now, these gentlemen are men of long experience in the profession and men of known ability, and when they argue the case before the judge and tell him that a witness, or witnesses, is absent or a witness is sick or give excuses of that kind, what can the judge do? It is one of those things inherent in the situation for which it is difficult to provide a remedy.

Commissioner LENNON. Is it not possible that legislation can provide a remedy for this in some way?

Judge CLARK. Well, the difficulty is to find out what legislation can be adopted to prevent this delay. It ought to be prevented. It is a crime and an evil, and has been ever since Shakespeare laid it down that the law's delays were one of the ills to which men were heir to.

Commissioner LENNON. Is it not a fact that the Government of the United States can generally provide a remedy for an admitted evil in the administration of justice?

Judge CLARK. It has been so up to this time.

Commissioner LENNON. Well, it would seem as though we will have some remodeling of our Government?

Judge CLARK. Well, Mr. Taft, who is not known as being a progressive, is now conducting an investigattion into some means for avoiding the delays of the law. He is president of the American Bar Association and is working upon that question, and I do not think he has yet been able to find, among many of the members of the American Bar Association, any practicable remedy for that evil. If so, I don't know what it is.

Now, we had a case which came before the court of which I am a member, where a man was killed on a railroad. An action was brought to recover for his death, and able counsel were able to postpone the trial of that case for four years. The case came up to our bench, and a majority of the court thought there was some little technical error in it and sent it back. Four years after that it came up there again, and another little technical error caused it to be again sent back. At the end of another four years it got there the third time, and we thought it ought not to go back again if we could help it, but there was some technical error or other there again, unfortunately, and against these able lawyers one young fellow on the other side, and, of course, you know, as a lawyer, how that is done——

Commissioner LENNON (interrupting). Well, I am not a lawyer, but I am an American citizen.

Judge CLARK. Well, at the end of some four years more it came back for the fourth time, and at the end of that 16 years, the little child, who was 6 months old when his father died, was then 17 years old; and after this great lapse of time and because witnesses had died, and after 17 years of litigation, and after 4 honorable judges doing their best, at the end of the 17 years nothing was had after all that litigation. Now, what is the remedy? I don't know.

Commissioner LENNON. There was an opportunity during those 17 years for that engineer to have starved to death, and his family?

Judge CLARK. Well, the man was killed, you know.

Commissioner LENNON. Or his family, at any rate, to have starved?

Judge CLARK. Yes; and I reckon they came very near it. It certainly was hope long delayed.

Commissioner LENNON. Well, isn't it the duty of the bar association or the lawyers of this country or the judges, to give a matter of this kind the most profound consideration of which they are capable, in order that the remedy shall be found?

Judge CLARK. Yes. In that particular case I wrote an opinion for our court, which you will find in our reports, reciting the history of that case and the evils, and asking what is the remedy. I have done that in other cases. (Penny *v.* R. R., 161 N. C., 530; Nelson *v.* R. R., 167 N. C., at p. 190.)

Commissioner LENNON. Will you state to the stenographer, so that we can refer to the case in the law books?

Judge CLARK. I have not the memorandum of the case, but I can send it to you, sir.

Commissioner LENNON. All right; send it to us.

(See Walter Clark exhibit at end of this subject.)

Judge CLARK. And I have written a half a dozen others along the same line. I have tried to impress upon the profession and upon the public that the court really desires speedy administration of justice, and that a delay of justice is a denial of justice. (Nelson *v.* R. R., 167 N. C., at pp. 188–190.)

Commissioner LENNON. Referring again to the question of the power of the courts to declare laws and acts of legislatures unconstitutional, have you ever made any degree of study of the exercise of that power by the courts, as to its effects upon the economic and social conditions of our people?

Judge CLARK. Yes, sir; I have delivered two addresses, Judge, along that line, one before the University of Pennsylvania in 1906, and one before Cooper Union, in New York, in 1914, both of which have been published by the United States Senate as Senate documents, and they give my views pretty fully on that matter.

Commissioner LENNON. If you will give us a reference to them, we will get them.

Chairman WALSH. Give us the best reference you can, please, Judge, and we will have them incorporated in our records?

Judge CLARK. They are addresses delivered before the University of Pennsylvania in April, 1906, and published as a Senate document (S. Doc. 87, 62d Cong, 1st sess.), I believe, on the motion of Senator Owen, of Oklahoma. The other address was delivered at Cooper Union in January, 1914, and published as a Senate document on the motion of Senator Overman, of North Carolina. (S. Doc. 610, 63d Cong., 2d sess.)

Commissioner LENNON. That is all, Mr. Chairman.

Judge CLARK. They were both published or reprinted, I think, during the last year.

Chairman WALSH. Commissioner Garretson would like to ask you some questions.

Commissioner GARRETSON. Following up that matter of the law's delay, Judge, would you feel free to express an opinion as to whether or not one of the factors that enters largely into that is—well, for want of a better word, I will say the economic value of a lawyer to his client—depends in a very considerable degree in his ability to aid that client to avoid his legal responsibilites for the payment for injury or damage?

Judge CLARK. Unquestionably that is so, sir, and that is the difficulty; he is employed to delay. He is counsel for the defendant. The defendant does not want to pay. The defendant may know that if it comes to trial when the matter is fresh in the public mind and before a jury sitting over there that there will be a verdict against it. The attorney is retained to prevent that result, and he puts the case off for such time as he can, for 4 years or for 8 years or for 12 years, and by that time witnesses are dead and the impression on the public mind is faded, and he may get a verdict for plaintiff, but certainly for a very reduced amount. Counsel is retained for that purpose.

Commissioner GARRETSON. And as long as the class of lawyers—now, I am differentiating, as the class of lawyers who proceed on the basis that his annual income is based on his ability to do these things is intimately connected with the formation of legislation, in the hope that the legislation by formulating it in such a way that he can defeat it?

Judge CLARK. There has not been a session of the United States Congress or of any State in which there have not been lobbies present and paid for the purpose of defeating legislation that would militate against corporations. You know as well as I do that they do not all stand in the lobby, many have seats in the Senate and in the House.

Commissioner GARRETSON. There will be no dissenting opinion filed. Your State rendered the original decision, or I am in error in saying your State, but a judge in your State rendered the original decision in which the doctrine of fellow servant was passed?

Judge CLARK. No, sir; not the first one. The North Carolina fellow-servant act that was passed in 1898 was drawn by myself.

Commissioner GARRETSON. But you misunderstand the question, Judge. I mean the old, original decision under the common law, a decision was rendered in your State back in 1843, upon which the doctrine grew up, you preceded Massachusetts in that decision, did you?

Judge CLARK. No, sir; I think it was Murray *v.* R. R., in 1842 in South Carolina.

Commissioner GARRETSON. I was under the impression it was in North Carolina in 1838 or 1848?

Judge CLARK. South Carolina; and Massachusetts came second (Farwell *v.* R. R., 4 ——, 49).

Commissioner GARRETSON. Did I gather from the statement that you made earlier, after you came into the chair, that you held your view upon which your decision of child age limit was based that on certain fundamentals that the court is justified in taking into consideration pure equity in reaching a conclusion, provided it is not forbidden by statute law?

Judge CLARK. That is my opinion exactly.

Commissioner GARRETSON. Do you hold, bear in mind that is rather a different idea from what I have heard many men of judicial positions express, do you hold that that power is based on exactly the same principle that gives the judge the power to issue injuctions, or do you base it differently?

Judge CLARK. Upon a different basis, for this reason, an injunction, as you know, is derived from the old Roman civil common law. But this other doctrine you speak of is not. Some old judge about 300 or 400 or 500 years ago, when society was crude, and they had different ideas of labor than now, laid down laws against labor, and very much on the side that the judges came from. We have been following in his footsteps like sheep jumping over fences, and I say the same idea that that judge had to lay down that law is adhered to to-day. That law is nothing more than judge-made law, if he laid down law that was not right or just or fair between man and man, the judge of to-day should not be bound by it. If it is the statute, we must follow it, but we are not bound to take the views of a man 300 years ago about whose ability and integrity we know nothing, simply because he has written a decision.

Commissioner GARRETSON. And still to-day, although not as prevalent as a few years ago, by every case that is brought to an American court in which there is not an existing statute, it is decided on the European common law, which is nothing in the world but a consensus of decisions covering the decisions that you have referred to?

Judge CLARK. Yes, sir; and my opinion has been antagonistic to that principle. I don't recognize the right of some unknown man, who lived in different surroundings and in a different state of society to tell me what I shall say as to what is just between "A" and "B" to-day.

Commissioner GARRETSON. Aud would you take cognizance of the conditions under which you are forced to decide?

Judge CLARK. Yes, sir; and if he had the same surroundings that we have to-day, he might have done better.

Commissioner GARRETSON. On another phase, as to the public inspection of tracks on the part of railroads. You hold that such public inspection—you referred to the fact that it was all only as good as the weakest tie. That undoubtedly would be on what is known as the branch territory?

Judge CLARK. No, sir; I am not a railroad man, I am telling you what men in that line told me. They said in some places, I don't say it is general, but the track is often bad. In making a chain, a chain is no stronger than its weakest link, and the railroad is no stronger than its weakest section.

Commissioner GARRETSON. You hold that such public inspection would act as a protection to the public against the economic greed of the corporation?

Judge CLARK. Yes, sir.

Commissioner GARRETSON. Because the only reason that could be justly put forward for that condition would be that the company could not afford it and pay dividends?

Judge CLARK. I would not say "economic greed," but they are like other men, they don't always do their duty; they are sometimes negligent, and it may be the foreman or the superintendent that is not competent, and they may have a bad piece of track, just through incompetency.

Commissioner GARRETSON. It is to guard against that very feature that you believe that public inspection would be desirable?

Judge CLARK. Yes, sir.

Commissioner GARRETSON. After the decision that was rendered in your court in the case of the Atlantic Coast Line Relief, that worked an absolute revelation with the method of administering that relief fund, did it not? In other words, the company threw it wholly into the hands of the employee, and it did not act as a bar to recovery from them on either?

Judge CLARK. No, it did not; but since that the United States Congress has passed a law on that, and we have had two decisions of the Supreme Court of the United States; one was the McGuire case (219 U. S., 548), and R. R. *v.* Schonbert (224 U. S., 605), and since then they have abolished the compulsory feature.

Commissioner WEINSTOCK. May I ask, Judge, what effect public opinion and public sentiment have on court decisions?

Judge CLARK. What effect?

Commissioner WEINSTOCK. Yes, sir.

Judge CLARK. Well, it is a hard question to answer; but judges are like other men; they live in a community, and to some extent they are bound to take, to some extent, their impressions from the people. They do not do so enough, in my opinion. I think the decisions of the courts of the twentieth century ought to be delivered in accordance with justice, and we ought not to hark back to old opinions rendered three or four hundred years ago.

Commissioner WEINSTOCK. The point has been made, Judge, that without any change in the fundamental laws of the Nation the Supreme Court of the United States, for example, in these matters, and that are affecting the economic condition of the country, have materially changed. For example, it was pointed out by a legal man to me personally that such a decision as has been rendered in more recent years by the United States Supreme Court upholding the constitutionality of the 10-hour law for women in the Oregon Laundry case, and the 8-hour law for underground miners, and the maximum-wage law, that it would have been impracticable one or two decades ago when the courts were not ripe for it. I would like to know your view.

Judge CLARK. In the Lochner case in New York some years ago the State passed a law that men in the bake oven rooms, with a certain degree of temperature, ought not to be employed over 10 hours a day. Their court of appeals sustained the case, and it came to our Supreme Court at Washington, and they turned it down on the ground that it was interfering with the right to contract. But if a man was forced to work in an oven for 12 hours a day, he would be in no condition to contract. That decision has been very much criticized throughout the country.

Commissioner WEINSTOCK. What is the status of the child-labor law in your State, Judge, as compared with other Southern States?

Judge CLARK. I can not say about that, because I have not read the statutes in other States. I don't think the age of labor laws, child-labor laws, is high enough in our State.

Commissioner WEINSTOCK. What is it?

Judge CLARK. Thirteen for some and 12 for others; but I think it ought to be higher. Still the legislature passes on that, and the courts have to take it as they lay it down.

Commissioner WEINSTOCK. North Carolina, I take it, is largely an agricultural State, and only incidentally an industrial State?

Judge CLARK. Outside of the great corporations that run our transportation service and our cotton mills we have scarcely any other industry except agriculture.

Commissioner WEINSTOCK. Are the workers in the cotton mills organized?

Judge CLARK. Very few of them are. A very large proportion in the cotton mills are women and children, and therefore we don't have the labor unions.

Commissioner WEINSTOCK. Discussing the Sherman Act in connection with industrial decisions, Judge, I think that a decision was rendered recently by the Supreme Court claiming that employers have the same right as workers in the matter of hiring and discharging.

Judge CLARK. Yes, sir.

Commissioner WEINSTOCK. There were also decisions rendered and convictions made in favor of employers against the organized class for the upholding of prices, which was declared illegal, and if I remember rightly more recently some other manufacturing employers or manufacturing plumbers or distributing plumbers were taken into court for having entered into what I think was called conspiracy, to maintain certain prices, and to boycott certain dealers by refusing to sell them their wares?

Judge CLARK. Yes, sir.

Commissioner WEINSTOCK. The fact of boycotting a dealer and refusing to sell him wares then became an illegal action, punishable under the law. Now, if the same law is applied to workers as applied to employers, there has to be a difference between the two, both ought to be treated alike under the law,

and might it not be said that if labor has a right to boycott an employer, a merchant for handling certain products, that that is likewise illegal. What is your point of view on that?

Judge CLARK. My point of view on that, that laborers, who have wives and children depending upon their daily earnings, are not in the same position as a Rockefeller or a Carnegie. They are not on a thorough equality.

Commissioner WEINSTOCK. Then you would differentiate on that point between the worker and the employer?

Judge CLARK. Yes, sir; because they are not on a parity.

Commissioner WEINSTOCK. If a group of merchants would come in and boycott some dealer because he cut prices, or some other reason, you would regard that as a crime?

Judge CLARK. Yes, sir.

Commissioner WEINSTOCK. But if a group of workers come in and boycott another worker because he cuts prices of labor, or would boycott a merchant because he handled merchandise that was produced by cut-price labor, you would not consider that a crime?

Judge CLARK. As long as there is no physical violence, and no interference with the property rights of the employer, it is not illegal.

Commissioner WEINSTOCK. Will you go so far as to maintain that what is known as the secondary boycott shall not be punished? That is, let us assume that a labor union, printers, boycott a newspaper because the newspaper hires underprice men, and were unable to bring it to terms, and it goes to the advertisers of the newspaper and demands that they withdraw their advertising from that paper on the peril of being boycotted?

Judge CLARK. If no personal violence to person or property, and no intimidation, I think they have the right to protect themselves.

Commissioner WEINSTOCK. So that from your point of view what has become known as the secondary boycott likewise ought not to be punishable?

Judge Clark. There are some features that would go to the extreme that should be illegal, but simply where they use their influence I don't think they ought to be punished for that.

Commissioner WEINSTOCK. Has the question of injunctions in labor disputes arisen in your State?

Judge CLARK. No, sir; we have not had any acute form of disputes between labor and capital in our State.

Commissioner WEINSTOCK. Undoubtedly you have given that problem thought. What is your opinion on the matter of granting injunctions?

Judge CLARK. I think they ought to be like any other matter; I don't think one man should be allowed to sit there and decide for a corporation when a man is working for his wife and children, and they are depending upon him. He does not have a say at all.

Commissioner WEINSTOCK. Do you have in North Carolina a workmen's compensation act?

Judge CLARK. No, sir; we have not, and for this reason: The system of workmen's compensation act, I take it all you gentlemen agree with me, most men do, that it is a proper system. Now, you take it that an employer is injured, or killed, and leaves the widow and little children with no means to prosecute a lawsuit on the one side, and on the other is a corporation with a million dollars, with counsel retained by the year, and on this side there is nothing in the world that the widow has to do but to go to some young lawyer and have him take her case on a contingent fee. It is an unequal position. There ought to be some system by which there is a certain fixed amount so that the widow will have the implements of war when she needs it the most, immediately after her husband's death. The objection in our State has been that as soon as an act of that kind is introduced in our legislatures the gentlemen of our profession, who happen to be lawyers and legislators, start in to cut down the amount of compensation so low that the workingman will not accept it. In case where the ordinary jury might give a verdict of ten to twenty thousand dollars they put it at two or three or four thousand dollars. Of course the workingmen are not for that act, and that is where the trouble is in our State. We have had a compensation act introduced in two or three different sessions of the legislature. The principle is all right. There ought to be some compensation paid speedily, at the time of the family need (or at the time of the injured's need when he is injured); but when they cut down the allowance so low, of course the men are against it in North Carolina.

Commissioner WEINSTOCK. Now, when the employer or representatives of the employers in your State favor the act, making the issue, only the question is how much compensation shall be allowed, and do you think that the employers are acting in good faith when they favor it or pretend to favor it, and still make it so unreasonable that the workers are against it?

Judge CLARK. I would not like to attack the employers in the matter, but the fact is that proposed bill makes the rates so low that the men will not accept it, and the employer knows that is the reason.

Commissioner WEINSTOCK. Do you happen to know what is the maximum of weekly compensation that the latest bill provided?

Judge CLARK. No, sir; I have it at home, but I know it was so low that the men would not accept it. It was a flank movement, and the amount was so small that the men would not accept it.

Commissioner WEINSTOCK. You probably are aware of the fact that at the present there are either 24 or 25 States in the Union that come under workmen's compensation?

Judge CLARK. Yes, sir.

Commissioner WEINSTOCK. And it is only a matter of time that the public sentiment will be so pronounced that other States will come under workmen's compensation?

Judge CLARK. Yes, sir; nobody opposes the act, but it is the flank movement that cuts it out.

Commissioner WEINSTOCK. It is simply a way of defeating it?

Judge CLARK. Yes, sir.

Commissioner WEINSTOCK. You probably also know that there is a Federal compensation act applying to Federal employees? There are one group of workers that were overlooked in the shuffle, and that is those engaged in interstate commerce, and do not come under the State act or the Federal act. What would be your attitude toward a Federal compensation act that would deal with those engaged in interstate commerce?

Judge CLARK. I think there ought to be an act of that kind with adequate compensation for men engaged in interstate commerce. I would not like to infringe upon the prerogatives of the States.

Commissioner LENNON. I want to ask one question before Mr.. O'Connell starts. I have heard a great deal of criticism regarding the phraseology of laws, that they are purposely——

Judge CLARK. Pardon me a moment?

Chairman WALSH. Yes; we will take a recess for a few moments.

(A recess was here taken for two or three minutes.)

Commissioner LENNON. I was just calling your attention to the fact that we have heard much criticism, and I have heard a great deal outside of what has been presented to the commission during their investigation as to the obscure phraseology of the laws; that lawyers predominate in the lawmaking bodies, and that laws are so worded that the laymen don't, in some instances, know whether it means yes or not. Is there justification for such complaint?

Judge CLARK. To some extent that is due to limitation in language. It is very hard to write matters so clear that no man can fail to understand.. No matter what language you use there is always some ambiguity about it. Of course lawyers are very astute, lawyers can read things into the statute; they are paid to be astute, it is their business to be astute, and it is the business of judges not to let them be too astute.

Commissioner O'CONNELL. Well, I have in my own experience sat in a body of 10 or 12 men, all laymen, none of us lawyers, and everyone of us reached a different conclusion as to what a certain section meant.

Judge CLARK. Yes, sir.

Commissioner O'CONNELL. Is that good for the citizenship of the country to have laws of that character?

Judge CLARK. No, sir; it is not good; sometimes it is undoubtedly due to want of clearness in the mind of the man who drafted the act, and sometimes it is due to the fact that the man was so certain what he meant that he didn't put down what he meant, and sometimes due to limitation in language, and sometimes due to purpose.

Commissioner O'CONNELL. You spoke of the policy of people before the court in the treatment of the law.

Judge CLARK. Yes, sir.

Commissioner O'CONNELL. And that the possible difference was the fact that the one side was in a position to employ better talent or more talent than the other?

Judge CLARK. Yes, sir.

Commissioner O'CONNELL. Do the laws themselves in some instances discriminate in the classes, as for instance in the Sherman antitrust law, it provides that damages can be collected in threefold, and in the case of the Danbury hatters they were assessed threefold by the hat manufacturers at Danville, Conn., and that was opposed by the workingmen. For instance, if blacklisting, for instance, was an opposite effect, and the employers banded themselves together, and if a man lost his position or quit his position or was discharged by an employer he could not find employment again, and was perhaps forbidden from seeking employment, there is no provision in the law for triple damages in his case, and I want to ask your opinion as to the quality of the law itself, if there is not at times discrimination. Take the Sherman antitrust law.

Judge CLARK. You mean in the statute itself?

Commissioner O'CONNELL. Yes, sir.

Judge CLARK. Yes, sir; it is very frequently so; and it is put there purposely, too.

Commissioner O'CONNELL. That is the point I wanted to bring out, if there was not a malicious intent on the framer of the law to apply it that way?

Judge CLARK. How could it be otherwise? A very distinguished American citizen said "we are all practical men"; we are practical men, and we know how legislation is passed. Ordinarily the gentlemen that occupy seats in Congress or other legislatures have campaign expenses, and those campaign expenses are contributed to by the personal friends of the candidate who have means. Can a man sit there and pass an act in opposition to the men that furnished the money to elect him and in favor of the man that did nothing but sell his vote, as some of the voters do? Those are things that are beyond the power even of this honorable body, that are almost even beyond imagination, to determine how we can correct it.

Commissioner O'CONNELL. I suppose you have given thought to the question as to whether labor in its organized form is a trust or not?

Judge CLARK. Yes, sir.

Commissioner O'CONNELL. And you have also given thought to the question as to the origin of the Sherman antitrust law, its intent and purposes? In your opinion, was the Sherman antitrust law ever intended to apply to organized labor as such?

Judge CLARK. You ask my opinion; I say, in general, no; there was no such idea. I don't believe it was so intended. It was a construction that was put upon it by lawyers in the one instance, and by judges in others, who honestly expressed their views on the bench.

Commissioner O'CONNELL. As you studied the formation of labor, you don't look upon it as a trust on which the Sherman antitrust law was compiled?

Judge CLARK. No, sir; not at all, sir.

Commissioner O'CONNELL. There is an expressed fear on the part of some of our citizenship that the legislator might go too far in enacting legislation on the interference of the rights of citizens, and I have sometimes, assuming the rights of individuals, rights that when applied do not appear to be only right to us individuals—for instance, a great proportion of our citizenship believe that there should be one day in seven to rest, and that day the general opinion is ought to be Sunday. Yet, if we attempt to enact legislation that would prohibit Sunday employment, there would be a great number of our citizenship that would hold that we were interfering with individual rights. What is your opinion on that?

Judge CLARK. If you will allow me to express myself in a personal manner, that matter came before the Supreme Court of North Carolina, and my opinion is written on that subject in the case of Ordmann versus Robinson, in the 134 North Carolina, in which I decided that a man is entitled to one day's rest, and one day out of seven was about right, and there were a large proportion of our people that did keep Sunday, and that Sunday was probably the day that should be kept, although the Jews keep Friday, no, Saturday, and the Mohammedans keep Friday, and if they are Mohammedans they ought to have Friday, and if they are Jews they should have Saturday, but the point is that they ought to keep one day in seven to rest. It is not because it is Sunday, but because most of the people are entitled to one day out of seven for rest.

Commissioner O'CONNELL. You believe, then, that the people, the majority of the people, and their representatives whom they select to represent them in the halls of legislatures, would be justified if the habit of prohibiting one day's rest in seven became prevalent, and it became extremely dangerous to the health and

the morals of the people of our country, that the legislators would be justified in enacting legislation that would prohibit, regardless of the rights of the citizens, the continual employment of workers regardless of the day of rest?

Commissioner LENNON. Did I ask you, Judge—I am rather uncertain as to whether you have given any address or written anything upon the subject of the assumption by the court of the power to declare laws unconstitutional?

Judge CLARK. Yes, sir.

Commissioner LENNON. Oh, yes; that is the subject of the addresses you have spoken of——

Judge CLARK. Yes, sir; they are Senate documents.

Chairman WALSH. Did you write anything on the subject prior——

Judge CLARK. Yes; I have written some opinions along that line before. But those were the first two speeches I delivered on the subject. I delivered a speech on labor at Wilmington in August, 1914, on the general subject of these questions you have been just asking me.

Chairman WALSH. Yes. Well, did you write—outside of these two speeches have you written on the subject of the power of the courts to declare laws unconstitutional?

Judge CLARK. Yes, sir; I have written in one of the law magazines and published some other speeches.

Chairman WALSH. As Commissioner Lennon suggests, can you give us a reference to those?

Judge CLARK. I can probably send it to your clerk.

Chairman WALSH. I wish you would, please, then, giving us anything that you have.

Judge CLARK. Yes.

(The witness subsequently submitted the following printed pamphlets: "Labor Day Address of Chief Justice Walter Clark, of the North Carolina Supreme Court, at Wilmington, N. C., Sept. 7, 1914. Roanoke, Va., Industrial Era Print, 1914"; "Address by Chief Justice Walter Clark, of the North Carolina Supreme Court, at Richmond Va., Jan. 30, 1914. Equal Suffrage"; "Address on Reform in Law and Legal Procedure by Hon. Walter Clark, Chief Justice of the Supreme Court of North Carolina, before the North Carolina Bar Association, at Wrightsville Beach, N. C., Tuesday, June 30, 1914. Wilmington Stamp & Printing Co., Wilmington, N. C."; "Old Foes with New Faces, address by Chief Justice Walter Clark, before the Bar Association of Virginia, at Hot Springs, Va., Aug. 25, 1903"; and "Some Myths of the Law, by Walter Clark. Reprinted from Michigan Law Review, Vol. XIII, No. 1, November, 1914."

Chairman WALSH. Now, unless there is something to say yourself, Judge, you will be excused.

Judge CLARK. Nothing more; I thank you for your courtesies, gentlemen.

Chairman WALSH. Thank you, very much.

Judge Edgar M. Cullen.

TESTIMONY OF JUDGE EDGAR M. CULLEN.

Chairman WALSH. Will you please state your name?

Judge CULLEN. Edgar M. Cullen.

Chairman WALSH. And your profession?

Judge CULLEN. Attorney at law.

Chairman WALSH. Where do you reside?

Judge CULLEN. Brooklyn, N. Y.

Chairman WALSH. What official positions have you held, Judge?

Judge CULLEN. I have been judge of the Supreme Court for the State of New York and then associate judge of the court of appeals of that State; and then chief judge of that court until a year ago, the first of January, on having reached the age of 70. The Constitution provides, not unwisely, I think, that after 70 a man shall retire from judicial service.

Chairman WALSH. Have you considered the development in the United States of the declaration of martial law and industrial disputes, Judge?

Judge CULLEN. Not so much the question of martial law as some doctrines that have been held by one court particularly, the court of West Virginia, as to the right of military commissions under the declaration of martial law.

Chairman WALSH. Well, it was that particular subject to which we were going to invite your attention. If you will be kind enough, Judge, we will be glad to have your opinion upon that subject as a lawyer.

Judge CULLEN. Well, my opinion was simply this, as I expressed in a pamphlet, in an address that I delivered, that if the doctrine of West Virginia was true or was to be followed, it would be subversive of all such things as liberty in this country. The doctrine of that court was that not only during actual insurrection and the clash of arms, soldiers might arrest and detain those who were seeking to resist legal mandates, but the person that was offending against the law might be tried by a military commission and might be punished by that commission, although the civil courts might be open in the State.

Chairman WALSH. Would you please outline, just in ordinary terms, Judge, the situation as you understood it, in West Virginia, and the application of this somewhat new doctrine to that situation?

Judge CULLEN. As I understood it—but now, I wish—I can not be sure that my understanding of it is absolutely accurate, because I considered the question entirely from a legal point of view, and took the recital of the facts from the opinions of the court as its basis for that.

The miners had gone on a strike. There had been violence to such an extent that the governor called out the militia. I have forgotten whether he declared a state of insurrection in that locality or not, but at any rate he did call out the militia. The militia made arrests, and he assumed, or it was assumed—who was responsible for it I don't remember—to try some of the alleged rioters by military commission, convicted, and sentenced them; and the question came up on a habeas corpus before the civil courts for their release. At that time—I am depending upon my recollection, but I am very certain I am right—the courts in this county where this military commission sat were open—in the county seat. I think it was Kanawha County, but I am not absolutely certain. But it is immaterial for the point, and the courts of West Virginia held that that punishment by the military court was legal and effective, and refused to discharge the prisoner. Now, you will observe that is another and different question there from the right of suspension of the habeas corpus temporarily, or the right to use force against force, of course, possessed by every officer of the law. If a policeman seizes a burglar and the burglar resists him, he has a right to shoot him. That is an entirely different thing. But they held the law to be that the military commission in such a matter could try, convict, and punish for an offense. That is the whole of it.

Chairman WALSH. Now, what is the fundamental wrong of that view, from your standpoint as a lawyer?

Judge CULLEN. Well, the fundamental wrong is that when the militia is called out they are like other officers of the law—like the constable, like the police officer; they have the right to arrest; they have the right to resist force by force, even if it goes to the extent of taking life; but they have no right to punish, because otherwise while the statutes of the State define crimes and their punishments, a man might be sentenced entirely regardless of the law that had prescribed the offense and the punishment for the offense. Now, frankly and with all due deference to that court—that learned court of West Virginia—it must be said that the military commission did not condemn the man to death, but if they had the power to condemn him to imprisonment, I think they would have equal power to condemn him to death. And with my view of the law I think it is absolutely inconsistent with the decision of the United States Supreme Court in the famous Milligan case, where a military commission in Indiana—as I recollect it, in the time of the Civil War, when there was a great deal of excitement—had assumed to try a man for an offense committed in that State and sentenced him to death, and the case came up to the Supreme Court of the United States and they discharged him on habeas corpus. The radical difference between the two is just this: One rule simply attempts to enforce the law either by preventing the offense or arresting the offender; but giving a military commission power to punish for the offense subverts all authority of the civil courts and renders the civil power subordinate to the military.

Chairman WALSH. Now, Judge, a great deal of criticism has been leveled at that general situation, and a great deal of interest has been expressed by the workers throughout the country where we have held our hearings, growing out of the use of the military power. Now, from your standpoint—from the legal standpoint—what recommendations could this commission make, or what could be done in the way of suggestions, perhaps, to legislatures, or to Congress to remedy that situation?

Judge CULLEN. I don't think that situation can be remedied until you remedy the situation that causes that situation; that is, the use of violence by strikers.

Chairman WALSH. Well——

Judge CULLEN (interrupting). To a certain extent; if the strikers are only few in number the ordinary police force may be sufficient, but especially in the rural communities or where there are no great cities the local police force may be so small that it can not resist them. In New York City, of course, there has been no such trouble. The militia has not been called out over in old New York—not since 1871. There are—I don't remember the exact number—about 10,000 or 12,000 policemen, and whatever their faults, they are perfectly fearless and courageous, whether it be to stop a mob or whatever the emergency may be; and they never have called on the militia forces.

Chairman WALSH. Now, do I take it, Judge, then, that if violence is widespread enough on the other side, it would be justifiable to allow the military to supersede the civil power for the time?

Judge CULLEN. It does not supersede the civil power, in my conception, but simply goes there to enforce order and to enforce the civil law.

Chairman WALSH. Well, in this West Virginia case, Judge, had the violence reached that stage that the civil law, the civil authorities, were unable to cope with it?

Judge CULLEN. I must assume so, though, as I told you, I am not familiar with the facts. I looked at it altogether from the legal point of view and took the facts as stated in the opinion of the court. There was a minority opinion delivered there, too, denying the power of the military that was asserted by the majority, but the judges who dissented did not assume to state that the facts were different from those as stated by the majority.

Chairman WALSH. Is there any middle ground that the law might take, Judge, for instance, to see that the military forces keep the courts open and keep them free for the trial of cases, so that the military authority would not have to take over the question of innocence or guilt of the individual, no matter how great the violence was?

Judge CULLEN. I am afraid that I have not been clear in my expression of my views to you, Mr. Chairman. I have said that I condemned the assumption by the military of the power to determine whether the man was guilty or innocent, or to inflict punishment where the courts were open. They have a right to arrest those who are resisting the mandates of the civil authorities and of the Government, and who are invading the rights or the property of others; and if they had done that and had brought them up to the civil courts, there could not have been any question about their proceeding being within the law.

Chairman WALSH. Well, what I was asking awhile ago—may be I did not make myself clear, Judge——

Judge CULLEN (interrupting). No; I fear the fault is mine, sir.

Chairman WALSH (continuing). Is whether or not any recommendations could be made covering the whole situation from a legal standpoint?

Judge CULLEN. No. I dislike to see the militia use it because, naturally with my training, I like the policeman as the emblem of civil authority much better than the man in uniform. Then the police, where they are in sufficient numbers, are generally more efficient. And then the policeman's club makes no mistakes. If he hits a person in case of riot and outbreak, the man is either an actual offender or it is largely due to his own folly that he is in the riot. While with arms, with the militia, it is generally the innocent person, maybe a half mile or a mile away, that gets shot.

Chairman WALSH. Have you considered, Judge, the authorities governing the use of military power in the State of Colorado?

Judge CULLEN. No; I don't know anything about that. There is no decision—I have only looked at the decisions, as I told you. It is entirely a legal matter with me. There is no decision in Colorado that I have been able to find that upholds the power of a military commission to try and to punish offenders.

Chairman WALSH. Have you ever given any thought to the question of the trial of military offenders in these fields while the trouble is in progress; that is, a member of the militia. We have a case of this sort where a lieutenant was charged with wantonly killing a man—that is, an unarmed prisoner—and he was tried by military court-martial, or a commission of the officers of the military, and acquitted of the charge; and it was claimed that that was a bar to any prosecution by the civil courts. Did your investigation or your thought touch that subject?

Judge CULLEN. Of course, I believe in no such law. If I am right in my other view, he was responsible if he has violated the law, and the civil court must determine that. I had always supposed it elementary law in this country that the command of a superior, unless it was lawful, gave no immunity to his subordinates who obeyed it.

Chairman WALSH. Did you read the Linderfelt case—what is known as the Linderfelt case, Judge? It has been written about much.

Judge CULLEN. No.

Chairman WALSH. That is, a lieutenant had charge of a prisoner and struck him over the head or some part of his body—he claims he struck him on the arm—and broke the stock of his rifle and knocked the man down. Either while he was upon the ground or getting up and attempting to escape he was fired upon and killed. Now, of course, it created a great deal of feeling. This was one of a group of striking miners and one of the leaders of them—a man named Tikas—and with that feeling, why, the military forces undertook to try Lieut. Linderfelt and did try him and acquitted him, and it was claimed, as I say, that that was a bar to any future prosecution in the civil courts.

Judge CULLEN. I should say to the contrary if I had the power to decide the law.

Chairman WALSH. What, in your opinion, is the practical effect, socially or upon the State rights, of agreeing to that power being in the military rather than in the civil law?

Judge CULLEN. As I said to you, such a doctrine, it seems to me, is a subversion of our individual liberty and of our form of government.

I wish to say, and I am volunteering this remark, that very recently that question has come up in Montana, where, I believe, they had some very serious strike of miners. The supreme court of that State held, contrary to the courts of West Virginia, that while the military had the right to arrest a man, they had no right to try him.

Chairman WALSH. Have you observed whether these questions have arisen principally in cases where there were industrial disputes?

Judge CULLEN. I think those are the only cases.

Chairman WALSH. You think those are the only cases?

Judge CULLEN. Yes.

Chairman WALSH. Commissioner Garretson would like to ask some questions.

Commissioner GARRETSON. Your attitude, as I understand it, is that the military can only be properly used under the conditions that existed in West Virginia as an enforcement of the police power?

Judge CULLEN. Yes; that is right; that they shall attempt the enforcement of the law and bring the alleged violators of the law before the tribunals properly constituted to determine their guilt and assess their punishment.

Yes; but I wanted to make one qualification, of course, in most constitutions—but not in the constitution of West Virginia—in most constitutions there is a provision that authorizes suspension of habeas corpus, but the suspension of habeas corpus only authorizes detention, not punishment, when if the writ of habeas corpus were not suspended it would be necessary to bring the offenders immediately before a civil magistrate.

Commission GARRETSON. The only effect the suspension of the habeas corpus is to deprive a man of liberty pending adjudication?

Judge CULLEN. That is all.

Chairman WALSH. That is all, thank you, Judge.

Mr. Roe.

TESTIMONY OF MR. GILBERT E. ROE.

Chairman WALSH. Please state your name.

Mr. ROE. Gilbert E. Roe.

Chairman WALSH. Where do you reside?

Mr. ROE. New York City.

Chairman WALSH. What is your business?

Mr. ROE. Lawyer.

Chairman WALSH. How long have you practiced your profession?

Mr. ROE. Nearly 25 years.

Chairman WALSH. How long have you practiced your profession in New York City?

Mr. ROE. About 14 years.

Chairman WALSH. Have you given any particular attention or made any special study of the attitude of the courts in labor cases?

Mr. ROE. I have had the experience and of observation that comes to a lawyer in active practice, and I have also made some special study of it for the purpose of information in my practice and for the purpose of certain writings on the subject.

Chairman WALSH. What have you written upon the subject, Mr. Roe?

Mr. ROE. I wrote a series of articles a couple of years ago covering the subject in a general and brief way, which appeared in a magazine and was afterwards compiled in book form. That is the principal thing I have done upon that; and I have digested the opinions of two of the former chief justices of the Supereme Court of Wisconsin, where I formerly practiced, and annotated them with reference to labor decisions.

Chairman WALSH. There has been a general statement made to this commission, during the progress of this hearing, and to its investigators, by workers, to the effect that they feel they do not have a fair chance in the courts, or, plainly expressed, that a poor man has no chance so far as the law is concerned. We have also had complaints from employers to the effect that they had no chance before the courts on account of what might be called the political influence of workers and of labor unions, and that this was especially true, it was declared, so far as the inferior magistrates were concerned, and with administrative officers. I wish you would make your comment upon that topic, Mr. Roe.

Mr. ROE. I think that it is true that the poor man is not on an equality with the rich man in litigation. That is almost inevitably true; as it has been suggested on the stand this morning by the eminent jurists who have testified here, the rich man can always hire better lawyers or at least more of them than the poor man; he can bring witnesses from a distance; marshal the evidence. He can endure the law's delays, and perhaps even promote them; and in those respects naturally has, and, as far as I can see, is bound to have an advantage over the poor man in matters of litigation. Those are what I would call the legitimate advantages that wealth has in the courts. It is unfortunate, but unavoidable, I am not speaking now of any improper use of wealth being made in the court.

Then, I think that in labor cases particularly, you have to deal with another factor. It is true, as has been suggested here, that our law is founded upon the English common law, and wherever to-day we have not a statute that controls the decision of a case, we go back to the common law to find out what the decision shall be.

Now, the common law, as we all know, was developed—what we call the common law of England—was developed at a time when England, as compared with the present time, was a semibarbarous country, and at that time labor had no rights that the upper or ruling classes were bound to respect. The common law was not developed in the interest of what we call the laboring classes. So far as it was a contest with authority, it was a contest between the King and the upper classes; they ignored, all of them, the laborer.

In England, as late as 1800, they had a statute, and even after that time and during the nineteenth century, they had a statute which absolutely forbade all combinations on the part of laborers. I think they had the law still in existence at that time which penalized a man for refusing to work for an employer if he was offered the few pence a day that the law required.

Well, now, the trouble is, as I view it, that we all of us, as lawyers, you gentlemen of the commission who are lawyers and myself and lawyers generally, have been educated in the idea that the common law was the height of legal wisdom even if it was not something almost divine. We were taught to accept it the same as the theological student is taught to accept the creed of his church. And we find it very hard to get away from, and most judges have found it impossible to get away from it, and the result is that when a question comes up in which labor is involved and we find no statute controlling it, we go back to the common law, and find, if not a precedent, at least a principle, that is supposed to apply. And even in the case of statutes, so thoroughly saturated is the legal profession with the common-law idea that they interpret statutes in the light of the common law, and if a statute seems to be too revolutionary, as they term it; that is, departs too far from the common law, they find out some way to twist that statute to make it come more nearly in harmony with the common law.

Now, that, in a rough way, is my notion of why it is that labor distrusts the courts as it does to-day. Of course you can take that up in specific ways, if you desire to have that done. I do not want to make a speech, but only to answer your questions.

Chairman WALSH. You are going along an illuminating line, and at this point you may comment on the equipment of judges generally with economic information, their familiarity with the question of economics and the distribution of wealth, etc., that seems at the present time to be entering into all these questions—that is, of the nature of hours of work and minimum wage laws, and the like of that. Do I give you my idea?

Mr. ROE. I think so. Of course judges generally do not come from the laboring class. They almost always undergo a certain course of study which I have attempted to describe, and it has the influence upon them that I have suggested. No part of the preparation for the practice of the law, or for being a judge, as far as I ever heard, was a study of economics or laboring conditions, except what a man gets in his college training generally. So that the judge comes to the bench with the equipment of learning of 500 years ago, but not necessarily with any learning concerning the economic questions of the day beyond that which goes with the ordinary legal education.

Chairman WALSH. Do you believe it necessary that economic and social issues should be considered by judges in rendering their decisions?

Mr. ROE. I believe it inevitable; they do consider them now.

Chairman WALSH. Where do they get their information?

Mr. ROE. Well, at the time the Supreme Court, as Judge Harlan said, reversed itself in the tobacco and Standard Oil decisions, Judge Grosscup, the Federal circuit judge, in commenting on that change of decision, said that while he was in perfect harmony with it, that the court rooms had windows through which the judges acquired information and could see what was going on in the outside world; and I don't know but that is as good a description of the way the judges get their information as you can put it. They have no systematic way of getting it. They can, and it has been done by the Supreme Court of the United States in one recent case that I know of—can take what they call "judicial notice" of facts of common knowledge. I refer to that Oregon case relating to the hours of work of women. And in that case, as I recall, the court said it could take judicial notice of the fact that the long hours of work under certain conditions had an injurious effect on the health of women. In that case there was presented to the court, rather than precedents, certain reports from different societies that had made special studies of this question. I know some of the people in New York that compiled the facts that were presented to the court, and the court took it in that case, and that undoubtedly influenced its decision. But, so far as I know, at the present time all that a court can do in taking into consideration its economic and social facts in its decision is to say that the court will take judicial notice of matters of common knowledge. Of course the court interprets that for itself, and it may mean little or much.

Chairman WALSH. That being the case, it is very important where the knowledge should come from and the character of the knowledge.

Mr. ROE. It would seem so to me.

Chairman WALSH. Have you considered any means by which expressed economic advice could be made available for judges who have to pass on these questions? You say that in one particular instance pamphlets or findings were given to the judges; following out that line of thought, perhaps, is there any way by which machinery could be provided which would give them such advice upon these subjects?

Mr. ROE. I have not given that any particular thought, but I do not know any reason why that could not be accomplished by statute. The thing that prevents it now is the rules of evidence, and those are subject to change by statute.

Chairman WALSH. Have you any further suggestions that might show what you conceive to be the basis of the reluctance of labor organizations and individual workingmen to present their cases for judicial determination?

Mr. ROE. I can—I do not know whether this will be in answer to your question or not. I can give many instances where the application of the law has worked very unfairly it seems to me, and as it certainly seems to laboring men and labor organizations, if that is what you mean. I think those cases are the basis for the condition of which you speak.

Chairman WALSH. Very good; you can give those cases and your comment on them.

Mr. ROE. I do not mean to take up the specific cases, for I think that is not what you desire, but I can give you the line of decisions I have in mind.

Chairman WALSH. Very good.

Mr. ROE. And I might say, if I may be pardoned a personal word, that in my practice it has been my fortune or misfortune, as the case may be, in per-

sonal-injury cases, to usually represent the defendant, so that I naturally have not any bias, I believe, in the other way.

I think that one great reason that labor is loathe to go into the courts is because of what has occurred in what we call personal-injury cases—cases where an employee has been injured and brought his action at the common law to recover damages from his employer. We have developed, or rather we have brought over to this country from England—from the English common law—certain principles that we have applied to those cases, which have been most unjust and unfair in their result.

Ten years ago it would have been heresy to have said that, but to-day everyone admits it, and our compensation laws is the answer that is being made to that admitted unfairness.

Now, for example, in England, nearly 100 years ago, in a very simple case, an employer's two hired men were driving along the street in one of his wagons or vans, which broke down and one of the men was injured, and the court, in order to prevent recovery against the employer—the man who was injured sued the employer—and the court, in order to prevent the recovery devised two doctrines; one was that the servant that was injured assumed the risk of his employment. Of course his employment was the highly dangerous employment of driving along a country road with a very steady team of horses in an ordinary vehicle.

The other proposition of law the court devised was that anyway if the man was injured, if it was through any defect in the wagon, as alleged, it was caused by the negligence of his fellow servant in not keeping the wagon in repair.

Now, you have born into our law from that simple case this whole doctrine of "fellow servant," and an "assumption of risk," that was brought over to this country and early got into the southern reports that have been spoken of, and in the Massachusetts, and spread over the entire country, and is applied, of course, to cases that have absolutely no relation to the simple situation in which the doctrine originated.

I have compiled lists of those cases. I thought probably you would not care to burden your record with them, but we are all familiar with the one in which employees are held to be fellow servants. You may have a switchman up in a tower a thousand miles away from an engineer who is back on the road, and the engineer is injured as a result of the negligence of the man a thousand miles away in that tower, and they are held to be fellow servants, so that the railroad would not be required to respond in damages.

Commissioner GARRETSON. In the original Massachusetts decision was it not a fact that the two men that were held to be fellow servants were at least 2,000 miles apart?

Mr. ROE. I think that is the case, but I have not looked at the case.

Then, of course, akin to that is the doctrine of contributory negligence, and I was favored just day before yesterday with a brief for the Payne Lumber Co. in an action which they are bringing under the Clayton law—the Clayton law which was passed to correct injustices with regard to labor of the Sherman antitrust law, you know. The attorneys for the Payne Lumber Co. have recited this law gave that company certain rights with regard to injunctions that they did not have under the Sherman antitrust law, so they brought their action under that; but in this they get a list of cases in which contributory negligence has been held by the courts to be a defense. I am not able to turn to it this moment.

Commissioner LENNON. Is that the brief filed in the Supreme Court?

Mr. ROE. Yes. I have compiled a long list of those cases, and I would be glad to file it with the commission, with the headings under which they can be grouped.

Chairman WALSH. I wish you would do so.

Chairman WALSH. Have you studied any question of the method for securing the enforcement of the constitutional guaranty of rights, so far as the person is concerned, as distinguished from property rights?

Mr. ROE. You mean the right of free speech and of free assemblage?

Chairman WALSH. Yes; the right of free speech and the right of free assemblage, and everything of that sort, Mr. Roe.

Mr. ROE. It is my notion that if the courts would adhere to the Constitution in those matters they would get along pretty well with them.

Chairman WALSH. Have the courts been adhering to the Constitution, in your view?

Mr. ROE. I do not think they have in the matter of free speech and free assemblage. Of course we have many foolish statutes passed upon those subjects; I think the legislature is responsible, that Congress is responsible; but I think the courts could pretty well have taken care of it if they had done in those cases what they have in other's declared the statute unconstitutional.

Chairman WALSH. Is it your idea that if there has been any breaking done of the law with respect to conserving the personal rights of individuals that it has merely been because of the attitude of the men behind the administration of the law—the judges declaring the law, Mr. Roe?

Mr. ROE. I think so.

Chairman WALSH. Have you made any study of the law as applied to trade-unions—that is, the legal liability of trade organizations for the acts of its members, such as the Danbury Hatters' case and others, Mr. Roe?

Mr. ROE. I have read the cases upon that; I have made such study as a lawyer would who has come in contact with those subjects in the practice of his profession.

Chairman WALSH. I wish you would make your comments on it, especially so far as the social aspect of those cases is concerned.

Mr. ROE. There again it is my belief that the law discriminates against labor as between labor and property. Now, whether a blacklist is right or whether a boycott is right—whether either one or both ought to be prohibited—I do not know, but it seems perfectly clear that if you are going to allow a blacklist on the part of the employer, that you must allow, or ought fairly to allow, the boycott on the part of the employee. Now, in this connection permit me to call your attention to the very recent decision of the Supreme Court of the United States in the case with which I have no doubt you are all familiar, coming up from Kansas, in which the court holds that a law passed by the State of Kansas forbidding the discharge of an employee because he was a member of any union was unconstitutional. The court held in that case that that law was unconstitutional, and held it, I think, by a majority of one.

In that case, as I recall, there was a switchman or a fireman who was a member of his union. He had paid large sums of money into the union, in which he was entitled to sick benefits and other benefits. He was given notice by his employing company that he must either resign from his organization or he would be discharged. That notice was given in the very teeth of and was a clear violation of the statute. The man refused to withdraw from his organization and was discharged. The Kansas courts all upheld the statute and affirmed the conviction of the employer. The Supreme Court of the United States, however, reversed all that and held that the State had no authority to pass a statute of that kind. Now, that, coupled with the Adair case, looks to me as though it did not leave very much of labor's rights to organize.

Commissioner GARRETSON. Is the Adair case one brought under the Erdman Act whereby one section of the Erdman Act was declared unconstitutional by Judge Evans?

Mr. ROE. Yes. Now, if one employer can do that, all employers can do that, and they can either compel the employee to withdraw from his labor union and forfeit his benefits in it or forfeit his job.

Now, then, labor has no such retaliatory right as that against capital. If he wants to boycott himself—I mean personally—if he says, "I will withdraw my patronage" from his employer, the law says he can do it, but when he gets enough people to do it so that it amounts to something, that is called a secondary boycott, and he can not do it. So that it seems to me that in that respect also labor has very much to complain of, and unless there is something done to correct the decisions of the Supreme Court in the two cases that I have mentioned, they may become the Dred Scott decisions of the labor movement.

Chairman WALSH. Well, under the present form of our law and the constitution of our courts, what can be done, Mr. Roe?

Mr. ROE. Of course they can do the same thing that they did in the Legal Tender cases, change the personnel of the courts and change the decisions; the same things that they did in the Income Tax cases; and which occurred, according to my opinion, in the cases of the Standard Oil and the Tobacco cases. If that can not be done, they can pass a constitutional amendment.

Chairman WALSH. Of what character?

Mr. ROE. Which would meet the situation.

Chairman WALSH. Of what character?

Mr. ROE. Well, I have not given the form that that would take any consideration, but clearly giving to a State the right to pass such a statute as this statute of Kansas was.

Commissioner O'CONNELL. Prohibiting the blacklisting of union men?

Mr. ROE. Yes; and prohibiting their discharge because they did belong to a union.

Commissioner GARRETSON. Would you consider, as a remote possibility, that in the event there were no remedial methods introduced, the same spirit might grow up that grew up after the decision that you just referred to—the Dred Scott decision?

Mr. ROE. It does not seem to me improbable that that is likely to follow. I say that very reluctantly.

Commissioner GARRETSON. I would naturally suppose that any man who felt the gravity of the situation would say it reluctantly.

Mr. Roe, in answer to the original question in regard to equality of men before the law under certain conditions you rather divided your answer into two: One in regard to general litigation, and the other was in regard to labor questions.

Mr. ROE. Yes; I intended to, sir.

Commissioner GARRETSON. Yes; your attitude is that in labor cases, if resort is had to the English common law for a decision, that from the very fact that the English common law—the decisions which constitute it—were evolved at a time when the rights of laboring men were—I won't say ignored—but simply considered as not existing—would that in itself prejudice his case?

Mr. ROE. Yes.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. ROE. And it would not make any difference in that respect if the laboring man who brought his action for damages was worth a million dollars or ten millions, if he was injured in his employment and sued his employer for it, so long as he was subject to the fellow servant and assumed risk and contributory negligence propositions of the law, he would be unfairly dealt with just the same.

Commissioner GARRETSON. That would be a foregone conclusion because the decisions or the processes under which the adjudications would be arrived at were originally framed when the man whose property rights might be assailed was absolutely in control of all the means of adjudication?

Mr. ROE. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Well, while you are on that topic, Mr. Roe, if a constitutional provision such as that in West Virginia protecting the right of habeas corpus can be abrogated by the executive and military authorities, what would be the weight of such a constitutional provision protecting the men in their right to organize?

Mr. ROE. No one can say what its weight would be, of course. It is fair to say that in the West Virginia case there was a very strong dissenting opinion, and it was the law of that opinion that Judge Cullen concurred in in his expressions to-day. It is also fair to say that there have been strong dissents from the Supreme Court of the United States in these various cases where statutes have been destroyed that it seems to me ought not to have been destroyed.

Now, if the minority of the court in West Virginia—if their opinion had been the opinion that made the law of the case, it would have been all right. If the minority in many of the decisions which our courts have rendered had happened to be in the majority—in other words, if the personnel of the court had happened to be different, we would not find ourselves in the unfortunate position that we are in. Now, that, it seems to me, points one way out. There ought to be some changes in the personnel of the judges; and without those changes I think that public sentiment can exercise a powerful influence. For instance, about 15 years the Court of Appeals of the State of New York held that a law limiting the hours of night work for women in factories was unconstitutional in that it invaded the woman's divine right to work all night. Within the past year that court has rendered a decision which virtually overturns that former decision. If public sentiment has not changed, the court at least has found out more about what public sentiment is and is trying in some measure to follow it.

Commissioner GARRETSON. Was that decision along the line that the right of the community was paramount to the right of the individual?

Mr. ROE. Yes, sir; it contains that line of reasoning.

Chairman WALSH. At this point, Mr. Roe, we will stand adjourned until 2 o'clock. Would you kindly resume the stand at 2 o'clock? There are some further questions to put to you.

(Whereupon, at 12.25 p. m. Monday, May 10, 1915, a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. Mr. Roe, there were some questions submitted to you to which I understand you have made some answers in your own way. Would you like me to read them to you again, or can you present them your categorical answers?

Mr. ROE. I think, Mr. Chairman, that I have covered the main points of what I have prepared perhaps in briefer form than I have prepared it. There is one or two things that have occurred to me during the intermission which I might add in way of amplification of answers to questions that have already been asked me.

Chairman WALSH. We would be glad to have it.

Mr. ROE. Something has been said about the cost and delay in litigation. Now, I don't wish anything that I say about that to be taken or understood as a defense of the delay in litigation or the cost in litigation. I think there are grave abuses, but I think they are abuses that can be corrected. I think it is not safe to put too much emphasis upon that feature. Bar associations, lawyers, and courts are very ready to discuss and emphasize the delay in litigation and the cost of litigation. Codes are constantly being put forth and promulgated that have for their purposes the correction of these abuses, and they can be corrected, and in a number of States they have been corrected. In New York, which was formerly one of the worst States in that respect, there has been a great advance in the way of bringing cases to a more speedy termination and of cheapening litigation, and I think it is a mistake to put too much emphasis upon that feature of it. That is the obvious feature. I think the complaint lies deeper than that, than the mere form of procedure. It is substantive law itself of which I think labor justly complains. No amount of tinkering with the codes is going to correct that real evil.

Commissioner GARRETSON. Can not the rule of practice in the Federal courts—is that not a discretionary power of all the supreme court justices without legislation, Mr. Roe?

Mr. ROE. Very largely. On the law side of the Federal courts it follows the State practices of the State in which the Federal court happens to be held.

Commissioner GARRETSON. Is that law or custom?

Mr. ROE. Really, sir, that is simply a thing I have always learned was so; I think it is statutory.

Chairman WALSH. There is a statute on the subject that has been analyzed and defined and interpreted that says—I think that the language is that they shall follow the practice and procedure in the State as nearly as may be, or something like that. That has been passed on many times.

Mr. ROE. Yes, sir. I think the statute was probably declaratory of a custom. Of course, on the equity side they don't follow the State practice, and the court is free to make its own rules.

You asked me this morning with regard to the manner in which the courts were derelict in their protection of the fundamental personal rights of free speech, free assemblage, and free press. I answered that, I think, only briefly. If I am to amplify upon any statement, I would say there are three particulars in which I think courts have failed of their duties in respect to those fundamental rights. In the first place, so far as I am aware, the courts have upheld and enforced every statute that has been passed on the abridgment of those rights. Now, whether the courts are going into the business of passing upon the validity of statutes at all or not is another question; but if they are going to declare statutes unconstitutional that relate to property when they are in conflict with the Constitution, it would seem that they ought to apply the same principle to statutes which invade personal rights; and, so far as I am aware, no statute limiting freedom of speech, freedom of assemblage, free press, or the right to bear arms has ever been declared unconstitutional by the courts as an invasion of a personal right. I call attention in this connection to a statute which I am familiar with, because I lately, and unsuccessfully, argued the case in the Supreme Court here. The State of Washington, which, by the way, is a progressive State in a good many matters, passed this statute:

"Every person who shall willfully publish written or printed matter having a tendency to encourage or incite the commission of any crime, breach of the peace, or act of violence, or which shall tend to encourage or advocate disrespect for law or of any court, shall be guilty of a gross misdemeanor."

A man named Fox was convicted in the State of Washington for a very mild publication, in which he criticized the conduct of some people who had made complaint to the court on account of certain petty offenses, and was convicted, and he criticized that conduct as being hostile to the best interests of the neighborhood. The article was a very innocuous article, but he was convicted of the charge of publishing matter tending to create disrespect for the law, and the case was carried through all of the courts of the State of Washington and finally was carried to the Supreme Court of the United States. The Supreme Court of the United States in an opinion handed down only a few weeks ago upheld the constitutionality of that statute. Now, we argued that the statute was so indefinite that it did not constitute due process of law. No one could tell what might be said to advocate disrespect for law, and we pointed out that again and again where statutes had been less open to the vice of indefiniteness than this one had been set aside by the courts because they did not afford due process of law, and yet the court held that for the purpose of depriving a man of the right to express his conviction the statute was sufficiently definite. For instance, it has been held that a statute which says that unjust and unreasonable compensation shall not be required or exacted is so indefinite that the courts wont enforce it.

A State statute which had relation to railroads provided that they should not be guilty of unjust and unreasonable discrimination, was set aside on the ground that it did not constitute due process of law.

And there are many decisions along that line. There are a great many State statutes, of which the one I have just quoted is a type. The thought is and a study of the cases shows very clearly, I think, that the courts are not applying the same rule when they deal with statutes of that kind as they apply to statutes that deal with property.

Another class of cases with which the public is very familiar are those where injunctions are issued to prevent gatherings that are supposed to have unlawful purposes as their object. There is a recent case of that kind which illustrates the principle which arose from the State of Pennsylvania, in the State court there. In that case it was advertised that a meeting would be held at which Emma Goldman was to speak. The police, without knowing anything about what was to be said, locked the doors and dispersed the crowd that was to attend the meeting, and she applied to the court for relief, and here is the rule that the court lays down in denying her relief:

"If such public officers (that means policemen) should attempt to interfere in such case—that is, where they believe that the sentiments which are to be expressed might create disorder—their interference would be justified by the knowledge that dangerous and disturbing sentiments tending to disturb the peace would be uttered. That the utterance of such views in the community would be likely to incite such feelings as would result in a breach of the peace is by no means unlikely. (Referring to the views which the court knew nothing about, except as a mind reader.) It is not unreasonable to hold that such speech is an abuse of the liberty to speak freely on any subject. It is a familiar principle of equity that plaintiffs can not ask relief if they do not come into court with hands that are clean. We can not avoid reaching the conclusion that one who openly and in advance announces the purpose of advocating such doctrines and sentiments as the plaintiff avows is not within the class that can claim protection and relief from a court of equity."

The effect of that decision and decisions of that kind is to make the police department the censor in advance of what is to be said, and whether what is to be said is the proper thing to be said in the community, and, of course, it is utterly subversive of free assemblage and free speech.

It has always been supposed, until very recent years, that it was sufficient, at least, to decide as unlawful whatever was said that was unlawful after it was said, but in this line of cases they justify the police in going farther than that, and virtually saying whether a lecturer, whose sentiments they understand are such as may create disorder, shall be heard or not.

Now, then, a still further and perhaps a more common class of cases is illustrated by what occurred in New Jersey at the time of the Paterson strike. I speak of these particular illustrations because I was connected in some capacity with them and know the facts at first hand. During the strike there were over

300 strikers arrested and put in jail, and they were held in prison for periods varying from a few days to several months, and part of them were convicted, and no offense at all had been committed. Now, the reason I am able to say that is, that in two of the cases where the defendants happened to have a little money and were able to get their cases into the higher courts, writs of habeas corpus were sued out and the cases were taken to the Supreme Court, and in both instances the court held that there had been no violation of the law at all, and the defendants were discharged; yet, on precisely that state of facts, hundreds of men had been deprived of their liberty for days and weeks and months until the backbone of the strike was pretty effectively broken.

Now, I think an incident of that kind does incalculable harm. Nothing can ever convince those people in there that they can trust the courts.

Commissioner GARRETSON. There is ground for the statement freely made in such cases that the court itself is used as a strike-breaking agency.

Mr. ROE. Yes; that is just what it does. And no one can estimate the harm that that does.

Commissioner GARRETSON. The decision that has just been cited before that, Mr. Roe, the Pennsylvania case, of Emma Goldman——

Mr. ROE (interrupting). Yes.

Commissioner GARRETSON (continuing). Were not all the elements present in that case of the invasion of the right of the individual and an arrogation to himself to decide what would be seditious language that were present in the proceedings in the old Star Chamber?

Mr. ROE. Yes; I don't think there is any practical difference.

Commissioner GARRETSON. There the Crown arrogated to itself the right to pass upon the guilt, under any statute it might find, of any individual whom it might desire to suppress.

Mr. ROE. Yes. Here the police—the chief of police—does it instead of the Crown.

A good illustration—I don't want to weary the commission, but a good illustration of what I said this morning about our harking back to the old law is found in the decision of the Supreme Court of the United States in the Robinson case—the case of Robinson against Baldwin, decided in 1896 and referred to only last year again as being good law. That rose in connection with the seaman's case. You know our courts have always held that a seaman is not protected by the constitutional guaranties against slavery; that he could be held in slavery; and the history of how that came about is set out in this case. The common practice, if a seaman escapes from his vessel—indeed, the practice provided by statute—was to have him arrested by a justice of the peace or any other officer, and hold him until the time the ship sailed, and he was put back on board, and he went on the voyage. He had no right to a writ of habeas corpus or any other means to test the validity of his detention. And that continued true until the passage of the seaman's bill this last winter. And here is the way the court arrives at that conclusion. This is the case of Robinson against Baldwin, which the Supreme Court decided in 1896. It says [reading]:

"Returning now to the country from which we have almost immediately inherited our maritime laws and customs, we find Malynes, the earliest English writer upon the law merchant, who wrote in 1622, says that 'Marines in a strange port should not leave the ship without the master's license, or without fastening her with four ropes.'"

You can see how really applicable these ideas are to the present steamship.

"Or else the loss falls upon them. In a strange country the one-half of the company, at least, ought to remain on shipboard; the rest, who go on land, should keep sobriety and abstain from suspected places, or else should be punished in body and purse, like as he who absents himself when the ship is ready to sail. Yea, if he give out himself worthier than his calling he shall lose his hire, half to the admiral, the other half to the master."

Then the opinion says:

"Molloy, one of the most satisfactory of early English writers upon the subject, states that if seamen depart from a ship without leave or license from the master, and any disaster arise, they must answer," quoting the opinion again. "There appears to have been no legislation directly upon the subject until 1729, when act 2, George III, was enacted for the better regulation and government of seamen in the merchant service. This act not only provided for forfeiture of wages in case of desertion but for the apprehension of the seamen deserting or absenting themselves, upon warrants to be issued by a justice of the peace."

So we go back to 1622 to get our law upon that subject, and we do precisely the same thing and go back to about the same period to get our law upon the subject of labor generally.

Chairman WALSH. A great deal of the trouble, so far as the law is concerned, seems to come from the exercise of alleged rights of picketing, as they call it; that is, the employees on a strike soliciting others not to take their places or attempting to argue others who have taken their places into joining the union. Have you given some attention to that, Mr. Roe?

Mr. ROE. Why, I have had something to do with those cases; yes, sir.

Chairman WALSH. Just address yourself, if you will, to the legal aspects of picketing and the legal methods, if any, you would suggest for the regulation thereof.

Mr. ROE. Of course, ordinarily a strike will amount to nothing unless the strikers can picket. There is no use of quitting their jobs and walking out if somebody else can be immediately put in their places. Now, I think that courts pretty generally say that peaceful picketing is lawful. Some courts say it is not, but the New York court holds, for instance, that peaceful picketing is lawful. But, of course, as a matter of fact, there can not be any such thing as peaceful picketing if the employer against whom the strike is directed does not desire that it shall be peaceful. Any detective or any employee can immediately start trouble and somebody strikes a blow, and forthwith the police are on hand and the strikers are carted off. They have very good illustrations of that in New York in some of the garment strikes there, where the girls went on strike and some of the wealthy women of New York took part in picketing and were arrested for disorderly conduct and for obstructing the officers in the discharge of their duties, resulting in a good deal of confusion for the officers and some for the court when the identity of the parties was disclosed in court. Now, I don't know what you can do about that except to try and be fair in the efforts to preserve order. But I think the complaint of labor, so far as manifested in the New York cases I speak of, has been fully justified; that the police force was so manipulated that it became an instrument in the hands of the employers and a means of breaking the strikes. For instance, they testified again and again, as I heard the testimony—pickets testified that they were simply trying to talk to the strike breakers and telling them there was a strike on and what the circumstances were, and that they would be assaulted, and immediately a policeman would come in and they would be carted off to the police station and the other side not disturbed. That is a social and economic condition that really is not primarily the concern of the courts. All that an ideal court could do when the parties were brought before it would be to try to find out what the truth was and act accordingly.

Chairman WALSH. Hasn't that been a leading subject of injunctive oppression?

Mr. ROE. Yes. That has been one of the injunctive powers I think of which complaint has been made.

Chairman WALSH. Does it or does it not involve ordinarily in practice the right of free speech and public assemblage?

Mr. ROE. The issuing of injunctions in those cases; yes.

Chairman WALSH. No; the picketing itself. Does it not involve the right of free speech? Don't those questions present themselves in practically every case where the right is claimed to speak to their fellow men on any subject they please and present persuasive arguments to them, if possible, and the contrary?

Mr. ROE. Yes; that phase of the question is always involved, or usually involved. I distinguish in the free-speech contest between the right to go out and use the street for a public meeting and the right you have when you hire a hall and say what you please in it. Of course, the street is primarily for the purposes of travel and not for the purpose of speaking; but when you go into a hall, however, and people go there for the purpose of listening, I can not conceive of any limits upon the right of free speech.

So that in cases of picketing, where they desire to use the streets or public places for the purposes of public addresses, I have always been very careful, where I have had occasion to advise strikers, to advise them to comply with all the local regulations with regard to permit, if a permit is required for a public meeting, and to meet in the place designated for that purpose, so as not to confuse the issue of free speech with these other side issues.

Chairman WALSH. I call your attention to the subject of boycotts. Have you given some thought to that or had to do with it in a professional way?

Mr. ROE. I have given some thought to it and had a little to do with it.

Chairman WALSH. Generally and broadly speaking, to what extent are boycotts legal in the United States to-day? Or is that too broad a question?

Mr. ROE. There are several large volumes written upon that subject, you know, in which the authors attempt to answer that question and set forth to state what the law is.

Chairman WALSH. That is the reason I am asking you for the practical knowledge of the legal profession.

Mr. ROE. I would distinguish between boycotts and some other forms of combination. Now, boycotts, strictly and properly speaking, relate to labor disputes. It is the effort, generally speaking, of the laborer to get the public, or to get some portion of the public, to refuse their patronage to someone with whom the labor dispute exists. Now, secondary boycott, what are called secondary boycotts, I think, are almost universally declared unlawful. By a boycott I mean the efforts on the part of the laborer to get a large portion of the public to refuse its patronage or refuse to trade with some firm or particular concern. The courts, of course, say that the laborer himself need not trade, if he does not want to, with a particular person, but when it goes beyond that the court uniformly says when you go outside of that and try to get someone else to refuse to trade with a person being boycotted, that is a secondary boycott and is illegal.

Chairman WALSH. In what respect do you think that the law governing boycotts should be modified, if you have any suggestion upon that subject?

Mr. ROE. It seems to me that there are two possible courses to pursue. At the present time the law is not taking either one of them. One is to prohibit boycotting and blacklisting and enforce the statute laws, such as the Kansas statutes that I spoke of this forenoon, and whenever new devices are devolved to accomplish the same result and follow them up and destroy them. Be absolutely impartial in the application of those laws, no matter whether it involves capital or labor. I would not want to be the person to frame the law to accomplish that, but I think they have done that pretty well in England, and I think that possibly it could be done here. Now, that is one course. The other course to take is to repeal the laws or change the laws relating to a boycott and blacklist, put labor and capital on equal terms, let capital blacklist and labor boycott and fight it out.

Chairman WALSH. Which of the two, in your opinion, would be the most desirable socially?

Mr. ROE. I would try to do the former first.

Commissioner WEINSTOCK. What is that?

Mr. ROE. Put capital and labor on an equality before the law and limit the right or destroy the right to boycott as well as blacklist.

Chairman WALSH. You heard the discussion here this morning by Judge Cullen?

Commissioner O'CONNELL. Just a moment before you enter that. What would be the equal opportunity of the two cases? That is, a boycott is publicly and a blacklist you do not do it publicly? It is almost impossible to detect the second with equal opportunity.

Mr. ROE. That is very true. It would be much more easy to convict labor than capital.

Commissioner O'CONNELL. You would still be in the same position of inequality before the law, speaking as labor?

Mr. ROE. Yes, sir; that is true.

And you would have to have means of discovering the violation on the part of capital. You would have to have arbitrary rights to examine books and records. Of course, blacklist is now carried on publicly, for that matter. The courts hold that an employer has a right to discharge a man for any reason or no reason, and if he is discharged for any reason he can publish the reason why he is discharged. If that was rendered unlawful then it would result in secret methods to accomplish the same purpose, but it would be a test of whether the law was capable of ferreting out their methods and gaining convictions. I would have trial by jury. I would not have this injunction business whereby it would put somebody in contempt and then have the question of the guilt or innocence passed upon by the judge instead of a jury. The question is still one of criminal law to be settled by a jury.

Chairman WALSH. We have found a great deal of criticism of the methods of obtaining juries as we go about through the country. For instance, in one of the jurisdictions you would find that there is a property qualification against each and every request produced, and is being made by some people,

practically those that have been in industrial disputes, on the worker's side. We have found communities in which they had an apparently impartial manner of selecting juries—that is, by putting a certain number in the wheel or box—and in some communities we found that the number is quite limited, so that it becomes a jury list which is composed of those persons in the community that are personally known to the jury commissioner or to the judge that selects them. What do you say as to the right of trial by jury in this modern day, meaning the right of trial by jurors drawn from a list of all qualified jurors, simply so far as citizenship and intelligence is concerned? I mean by that, ability to read and write and understand proceedings ordinarily had in courts of justice?

Mr. ROE. I would say that it clearly ought to mean that. I never have given that subject any particular study. Of course, the question of drawing is a question—a local question.

Chairman WALSH. Is it a local question?

Mr. ROE. For each State, I mean. I never have heard any particular complaint about juries in New York State. Indeed, I think the jurors are very fair there. You speak of property qualifications. We have this archaic condition of the law, which is more humorous than anything else: A juror must still, in New York, be a property owner, at least in a small amount, one hundred or two hundred dollars, or else he must be the husband of a woman who has property, which is a matter that has occasioned some amusement in the suffrage campaign which they are conducting at the present time there.

Chairman WALSH. Have you ever considered what might be called the fundamental nature of the question of a jury—whether justice can be democratically administered and men can obtain a fair trial by juries composed of their peers unless all persons are put in the jury wheel?

Mr. ROE. I can not conceive of any other way of doing it and avoiding great abuse. If the power rests anywhere to leave out certain names or certain elements of the population, I can not see how you can hope to escape very great abuse in the selection of your juries.

Chairman WALSH. Have you observed the report in Colorado where those criminal trials grew out of the industrial dispute, where the sheriff selected an open jury—that is, picked them up on the street—composed of citizens that he selected himself? Would you call that the right of trial by jury?

Mr. ROE. Oh, [illegible].

Chairman WALSH. That is, to be tried by a jury so selected?

Mr. ROE. Oh, no; it is a farce.

Chairman WALSH. It means that the jury shall be impartially and democratically selected in the community?

Mr. ROE. Of people that are qualified to serve upon a jury.

Chairman WALSH. We have found a great deal of unrest caused by the importation of armed men into the various States—guards and the like of that—into industrial disputes. Have you given any thought as to the question of placing the sole power of policing into the hands of the State?

Mr. ROE. I have not given any special consideration to that. I have read the reports of what have occurred in West Virginia and examined some of the original sources of information there, but I don't feel that I am qualified to express an opinion that is sufficiently matured to be of any practical value to the commission.

Chairman WALSH. Have you considered in any way the topic discussed by Judge Cullen this morning; that is, the declaration of military law or the putting in force of what might be called military law and the subordination of the civil by the military power in times of industrial disturbance?

Mr. ROE. I gave some time to it in West Virginia, because I had some litigation that involved that, and I concur with what Judge Cullen said, as I understood him. It seems to me that the doctrine announced by the majority of the courts in West Virginia, and I have examined them—and I think it is the doctrine in Colorado, but I am not sure of that—disregard the old law that all of us learned as lawyers, that martial law did not create a condition, it recognized a condition as existing; that when the courts had broken down or had fled the country, or were inaccessible, as a matter of fact, and when the civil process, as a matter of fact, no longer existed, then the governor or the executive authority, in recognition of the existence of those facts, would declare a state of martial law. And then the militia, or the soldiers, would preserve order and make arrests as far as may be and use such force as was necessary, and when the civil authority was restored would bring before it for trial the

persons arrested. Now, in West Virginia they seemed to go on the theory down there that the governor by an edict, by a piece of paper, declared that a state of martial law existed, and then, while the criminal courts of the county were open, ready to transact business, men were taken before the military commission and sentenced to years of imprisonment for offenses that in the civil courts would only mean imprisonment for a few days. They went further than that. There were three stages there of the trouble. Three times martial law was declared and revoked and the troops withdrawn, and they held that for offenses committed between those times the military commission, when it was reconvened, would obtain jurisdiction and go on and mete out punishment for those offenses. That condition wholly destroyed the idea of constitutional liberty; and if that is to be recognized as the law in other States, they are bound to become despotisms.

Chairman WALSH. What would be your remedy for conditions of that sort?

Mr. ROE. My remedy for conditions of that sort, like all other conditions, I would say would be an appeal to the people. I don't believe very much in the made-to-order remedies in the form of law. We can do something in that way, but that sort of a condition ought to have aroused a sentiment in that State that would have been revolutionary in its character, and unless that sort of sentiment can be aroused there or in any State, I don't know that there is any protection you can give the people.

Chairman WALSH. Ought the Federal Government to take any cognizance of it? You say it is an invasion of the constitutional rights of the individual should the Federal Government take any action in such cases.

Mr ROE. The West Virginia cases did not get into the Supreme Court of the United States. I think they pardoned the men, or did something, so that the cases never got up there, and if that action involves violations of the provisions of the Federal Constitution, I would say that it was a case where the Federal court should intervene. I am not anxious, though, to extend the authority of the Federal courts in State matters more than it is necessary to do.

Chairman WALSH. Commissioner Garretson has some questions on a point he desires to ask you.

Commissioner GARRETSON. Mr. Roe, the legal adviser of the adjutant general of Colorado testified before this commission that martial law was never proclaimed in Colorado; that under a decision of the Supreme Court of Colorado it was claimed that the mere presence of the troops in itself superseded the civil process. He referred to this as modified martial law. Mr. Chairman, I am using the phrase that was used in that instance, am I not?

Chairman WALSH. I think that is what they called it.

Commissioner GARRETSON. Have you any decided view on the creation of such a condition—the legal condition?

Mr. ROE. I have a very decided view, which I think, perhaps, would not be fit for the record. Of course, it is absurd as a proposition of law. It does not make any difference who testified to it or what court decided it; it is contrary to the fundamental and most elementary principles of law in this country.

Commissioner GARRETSON. I will say that that legal adviser was also in command of the militia in the field.

Mr. ROE. Yes; perhaps he was testifying in his capacity as commander of the militia and not as an officer of the court.

Commissioner GARRETSON. He testified in many capacities; he investigated himself as a militia officer, also.

It was testified before this commission by a man who is presumably a reputable citizen, bearing in mind having no connection with labor, but as a professional man, that during the time the militia was in the field, and when it was assumed that martial law of a modified form was created by their presence, that in, I think, three of the southern counties, that the adjutant general himself threatened arrest in the city of Denver for remonstrating against certain things under his police power. Could you hold that such a thing was compatible with the existence of civil government?

Mr. ROE. No, sir; not at all; it is not.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Weinstock wishes to ask some questions.

Commissioner WEINSTOCK. Are you connected with the Free Speech League?

Mr. ROE. Yes, sir.

Commissioner WEINSTOCK. In what capacity?

Mr. ROE. I am just a member.

Commissioner WEINSTOCK. Have you been employed in labor troubles professionally?

Mr. ROE. Very little; I have contributed my services sometimes in a small way as a matter of citizenship rather than as a matter of attorney and client.

Commissioner WEINSTOCK. By whom have you been employed?

Mr. ROE. I have been employed by the strikers in some matters in New York, and I have had connection with the litigation that has grown out of the strikes in New Jersey.

Commissioner WEINSTOCK. Have you been employed at times by the employers involved in strikes, also?

Mr. ROE. I think not; my recollection is that some of the employers who have been involved in strikes have been my clients, but that I did not represent them in any strike litigation, as it comes to my mind now.

Commissioner WEINSTOCK. You said a little while ago in regard to labor troubles in West Virginia that troubles of that character and the attitude of the courts in cases of that kind ought to bring a revolution on the part of the people—that is, they should change their system somewhat.

Mr. ROE. No; I said it ought to create a revolutionary sentiment on the part of the people.

Commissioner WEINSTOCK. Let us assume it did create a revolutionary sentiment on the part of the people, and the people felt dissatisfied with the existing system, and they wanted to remedy it; if their dissatisfaction was justified what remedy would you suggest?

Mr. ROE. At the first opportunity I would turn out of office all of the public officers who have been guilty of the conduct I have described and elect successors who I believed were in sympathy with correct principles.

Commissioner WEINSTOCK. What legislation would you enact to prevent their successors from repeating the same methods?

Mr. ROE. Well, in the case of West Virginia, I am frank to say that, having read the constitution of the State and the decision of the court in that case, that I can not frame—I doubt if I could frame a clearer expression than you will find in the constitution of that State forbidding just what the authorities did there.

Commissioner WEINSTOCK. In your opinion the authorities defied the constitution?

Mr. ROE. It seems that way very clearly to me; and I am reinforced in that conviction because of the dissenting opinion of the court in that case.

Commissioner WEINSTOCK. Can you, for the information of this commission, Mr. Roe, briefly point out how in accordance with your point of view the constitution was ignored or defied in that case by the court?

Mr. ROE. In the first place, I have the decisions in that case with me, and I will file those with your honors, if you desire.

I can say briefly, as I remember the case—I have not read it to refresh my memory for this testimony, because I did not know this was coming up in my examination, but, I think, in the first place they have a provision in the West Virginia constitution that the right of the writs of habeas corpus shall not be suspended. In a good many constitutions the provision is that it shall not be suspended except in case of public necessity, but there is some qualification about it. My recollection is very clear that the constitution of West Virginia went further than most constitutions in that respect; it also declared that the civil authorities should always be superior to any military authority, and there was a third provision along the same line which I would not like to attempt to give even the substance of from memory, as it is a matter of record in those cases; but the impression that you get from reading those cases, coupled with your other knowledge of the law, is that the constitution of West Virginia went further than that of most States in forbidding the very acts of which the public officers proved themselves guilty.

Commissioner WEINSTOCK. As a citizen of West Virginia, if you had been a victim of that maladministration of justice, would you have no redress or recourse?

Mr. ROE. I do not know what redress you would have. Now, the majority opinion, as I recall, raised and discussed, sir, that very question, and said, as it seemed to me at the time in a rather hollow way, that they were not passing on the right of the person who is the victim of the military process to get redress subsequently but all they were passing upon was the right of the military commission to proceed. But I do not know what redress a citizen of West Virginia could have. They were taken before a military commission; they were tried without regard to any rules of evidence; they were then taken to the prison and confined there, all as a matter of force, and the writ of habeas corpus was denied them.

Commissioner WEINSTOCK. Would you have no redress, as a citizen of West Virginia, under those circumstances to the Federal authorities?

Mr. ROE. Now, I should think you would, but, as I say, I do not know of any case; no case came up from West Virginia in which that was involved. I think the Milligan case which Judge Cullen spoke of here this morning was a case that rose, I think, from the State of Indiana, and in that case the Supreme Court did grant relief.

Commissioner WEINSTOCK. That is the Federal Supreme Court?

Mr. ROE. Yes. So I should think that would be a precedent probably for the Federal Supreme Court.

Commissioner WEINSTOCK. A little while ago we were discussing the matter of free speech. May I ask at what point, in your opinion, does public speech cease to be lawful and begin to be seditious and lawbreaking in character? Where would you draw the line?

Mr. ROE. Personally I would not draw a line short of the point where some overt act results from the abuse of free speech.

Commissioner WEINSTOCK. You mean, if a man got up in a public place and denounced the Government and the authorities and charged them with all sorts of crimes and misdemeanors you would treat it with contempt unless some unlawful act followed, in which event you would hold them responsible?

Mr. ROE. Yes; I would ignore it. I think that is the right way, in principle; and I think that in practice it is the best way to get along. It is substantially what I understand the English system is—that you can go out in Hyde Park and talk your head off, if you choose, and nothing comes of it.

Commissioner WEINSTOCK. I thought so, too, Mr. Roe, until not long ago I was in London, in Hyde Park, on a Sunday afternoon, and there were groups of Socialists and suffragettes and others that were holding meetings, and I found myself in conversation that a policeman standing near by, and I said to him, "I heard an Englishman state in my State of California publicly that he was in Hyde Park and he heard some of the socialistic, and perhaps anarchistic, speakers denouncing Queen Victoria in most shameful terms, and that a policeman stood near by and did not pay any attention to it." I said, "Is that so?" And he said, "The next time you see that man present him with my compliments and tell him that he is an infernal liar; and if any of those people around here resort to that sort of thing they would immediately be put under arrest. I am here for that very purpose, and draw the line and enforce it and keep them within reasonable bounds." And I am frank to confess that that statement on the part of that policeman corrected an erroneous notion of mine.

Mr. ROE. I have told you my position theoretically and as a matter of principle, and the question will probably have to be settled that way before it is finally settled; but there is a very big practical question here, and that is the question that it seems to me we are all of us interested in, and that is this utterly arbitrary and unwarranted, inexcusable interference with free speech by the police and by the courts by their injunctive processes.

Commissioner WEINSTOCK. You think there are two possible evils, I take it, Mr. Roe; one evil is to have men get up and make reckless statements that incite others to action in violation of law, on the one hand, and the other evil is the authorities becoming despotic and preventing free speech where free speech ought to be allowed; and I take it, further, that of the two evils you would regard the one of permitting men absolute free speech and holding them responsible for the result of such speech is the lesser of the two evils?

Mr. ROE. Yes.

Commissioner WEINSTOCK. And the wiser one for the authorities to follow?

Mr. ROE. I think so.

Commissioner WEINSTOCK. You were present this morning, were you not, when Judge Clark gave his testimony, Mr. Roe?

Mr. ROE. Yes, sir.

Commissioner WEINSTOCK. You probably recall that he expressed the opinion as near as I can phrase it briefly, that if a group of manufacturers or employers or merchants were to boycott a dealer, for example, by refusing to sell him goods because he had cut prices that he would regard that as a violation of the Sherman law and an unlawful act that ought to be punished; but that if a group of laboring men—a laboring union, for example—boycotted a fellow worker because he had cut the price of labor that that, in his judgment, would not be in violation of the Sherman antitrust law and ought not to be regarded as unlawful. In how far do you concur with the judge in his views on that point?—that is, he made the clear distinction between wares on the one hand and labor on the other.

Mr. ROE. I think his distinction is well taken. I am not sure that the first point that you describe there is properly a boycott at all; it is a business combination.

Commissioner WEINSTOCK. In restraint of trade?

Mr. ROE. Yes; in restraint of trade—dealing with trade and commodities—and I should hardly refer to that as a boycott.

Now, the matter of laborers boycotting a fellow laborer is not a matter of very vital—that is not a thing that occurs very often.

Commissioner WEINSTOCK. Why, yes; it occurs very often in the matter of the closed shop; I am a carpenter, for example, and am willing to work for $3.50 a day; whereas the union wage may be $4 or $5 a day. Now, because I am not willing to join the union and demand $4 or $5 a day the union does all it can to prevent me from getting work.

Mr. ROE. You and I are using the term "boycott" in a little different sense, Mr. Weinstock. I used the term "boycott" perhaps in the restricted and perhaps a technical sense, to mean simply trying to get some one else to withdraw their patronage or to cease to have trade relations with the person against whom the boycott is directed.

Commissioner WEINSTOCK. Well, isn't it as clear a case of boycott as you can possibly think of? Here, for example, are the building trades of a community. They establish certain wages, certain hours, and certain conditions; and you and I may be outside of the union—may, for some reason best known to ourselves, decline to join the union. They substantially give notice—may not do it in so many words, using my name or yours, but substantially gives notice to every contractor, "You must not employ Roe or you must not employ Weinstock, because they do not belong to our union. They are scabs; nonunion men. And if you do employ them you must take the consequences, and they will be the worst consequences we can inflict upon you." Then, are not you and I being boycotted by our fellow workmen because we do not think and do as they do?

Mr. ROE. Well, you can characterize that as a boycott, but——

Commissioner WEINSTOCK (interrupting). We are blacklisted, aren't we?

Mr. ROE. I don't see the situation gains anything in clearness by calling it any particular name. It is not strictly a blacklist, as that term is used, or strictly a boycott, as that term has grown up and has been used in the law, and as those terms are used in the law. It is a situation as you have described it. Now, I should say that labor is justified in taking that position, and it is necessary, it seems to me, for labor to have that power, to notify the employer that, for instance, if nonunion men are employed, the union men will not work. That is what it comes to.

Commissioner WEINSTOCK. I think I understood you to say a while ago, Mr. Roe, that you believed in equality before the law of both capital and labor; that one ought not to be given any advantage in law over the other; that both be treated exactly alike?

Mr. ROE. Yes.

Commissioner WEINSTOCK. Now, wherein lies the difference between a group of laboring men trying to prevent a fellow laborer from getting employment because he cuts the price of labor and is willing to work for less than they are willing to work for—wherein lies the difference between that circumstance and the circumstance of a group of merchants or a group of manufacturers preventing a fellow merchant or a fellow dealer from earning a living through his business because he wants to cut the price of his wares? The principle involved in both is precisely the same; the objective is the same; the only difference is in one case you are dealing with wares and in the other case you are dealing with labor. The end is just the same.

Mr. ROE. But does not the difference in what you are dealing in make all the difference in the world as to the principle that should be applied? Have you not answered the question, Mr. Weinstock, by saying that in one case you are dealing in wares, dealing with merchandise, dealing with trade, while in the other case you are dealing with the human equation?

Commissioner WEINSTOCK. Well, if you make that distinction, if you say that when it comes to labor there shall be no equality; that what labor has to sell shall be put upon a different basis from a man's wares, why, then, there is no longer an equality. You make a distinction there. You differentiate it.

Mr. ROE. Well, no; you only do it to this extent, as I see it, that you say that the same rule that applies to the inanimate things called property shall not ap-

ply to the thing—flesh and blood—called labor; and because you say that the same rules shall not apply, I don't see that there is any discrimination there. I don't see that they can be compared.

Commissioner WEINSTOCK. Well, you do believe that anything that is in restraint of trade is unlawful under the law—the Sherman Antitrust Act punishes those who do things in restraint of trade?

Mr. ROE. I think the latest pronouncement on that is anything that is in unreasonable restraint of trade.

Commissioner WEINSTOCK. Very well, let us qualify it and call it unreasonable restraint. Now, if I am a leader of a labor organization, and having the power to do so, go to contractors and say, "You can employ only the kind of men that meet with our approval. If you employ nonunion men we will tie up all your works," and the employer knows I can do it and have the power to do it, and I finally do do it, am I not doing things in restraint of trade? I tie up his business and the business of all his fellow contractors.

Mr. ROE. I don't think you are doing what was intended to be "in restraint of trade" under the Sherman antitrust law. Whether you are doing a thing that should be forbidden or not, of course, is another thing.

Commissioner WEINSTOCK. Well, let me substitute sailors for builders, and by virtue of the power invested in me by my fellow sailors I tie up all the vessels in a certain port or community, and they can not carry their cargoes, to certain destinations, am I not acting in restraint of trade?

Mr. ROE. Well, again I doubt if you are acting in restraint of trade within the sense of that law; but you are, of course, impeding commerce.

Commissioner WEINSTOCK. Well, that certainly is in restraint of trade, as I understand restraint of trade.

Mr. ROE. You are preventing the vessel from sailing; you are preventing the things that would result if the vessel did sail. But, of course, the Sherman antitrust law—"restraint of trade" there used was supposed to be used in certain definite senses; but I don't think we get anywhere by merely discussing terms here. I don't get the fundamental question of the difference between right and wrong, I think, that you are suggesting exists in this contest between labor and capital; and if you will put your question so that I see exactly what you mean, I will try to answer it for you.

Commissioner WEINSTOCK. Well, there is no issue, Mr. Roe, as I see it, if, as you believe, the law plainly differentiates between wares on the one hand and labor on the other. If the law makes it plain that men can organize for the purpose of punishing the price cutters of labor and do it legally, then there is no issue. What I want to get clear in my mind and for our record is your opinion as to whether a man can do that under the law, legally, whether men can boycott—practically boycott—or whether men can prevent other men from working at a cut price and do it legally or not. If, in your opinion, they can do it legally, why, of course, there is no further discussion.

Mr. ROE. I don't think they can do it legally.

Commissioner WEINSTOCK. You think not?

Mr. ROE. I don't think that a strike that has for its object the prevention of the employment of nonunion men, in most of the jurisdictions, is held to be legal. It is held to be unlawful.

Commissioner WEINSTOCK. Well, what do you understand the Federal law to be?

Mr. ROE. Well, I think it is unlawful under the Federal law. I think it is unlawful under the Federal decisions. I don't think it is right.

Commissioner WEINSTOCK. You don't think that the law is right?

Mr. ROE. No.

Commissioner WEINSTOCK. I see. Well, that is a new point of view to me. I was under the impression that a strike was not illegal anywhere; that what became illegal was an attempt to keep other men from taking the strikers' places; and that every man either individually or collectively has a right to quit work either collectively or individually, but has no right to prevent other men from taking the jobs if other men wanted to take their places.

Mr. ROE. No; a strike—the courts declare that strikes may be unlawful for two reasons. One is the object sought to be accomplished, and the other is the method. Now, let me give you, if you please, a list of the instances in which strikes have been held to be unlawful. I will not burden you with the cases, but there are scores of cases on each of these propositions.

A strike to injure an employer is illegal——

Commissioner WEINSTOCK. Well, speaking about the Federal law, now, are you, or the State laws?

Mr. ROE. Both. That proposition is supported by a number of Federal cases and State court cases.

A sympathetic strike where the strikers do not seek direct benefits for themselves is illegal. That is the doctrine applicable particularly to Massachusetts.

A strike to interrupt interstate commerce is illegal.

A combination of railway employees to tie up interstate commerce by a strike offended the Sherman antitrust law.

A strike to compel an employer to operate a closed shop is illegal.

A strike to prevent the employment of certain workmen is illegal. That is the very point you mention.

Commissioner WEINSTOCK. Just read that, will you?

Mr. ROE. A strike to prevent the employment of certain workmen is illegal.

A strike to bring about the employment of union men exclusively throughout any considerable industry in any community is illegal.

A strike to prevent a railway from hauling Pullman cars is illegal.

A strike to prevent a railway from handling the cars of a connecting railroad is illegal.

A strike against a manufacturer because he does work for a fellow manufacturer who is tied up with a strike is illegal.

A strike to extort money is illegal.

Where a strike is illegal the payment of strike benefits may be enjoined.

Of course in case of an injunction issued against a strike to prevent the hauling of cars striking is illegal.

Strikes to compel an employer to give up his business relations with another employer or to cease patronizing another employer are illegal.

Now, these are specific instances in which the courts have held that strikes are illegal.

Commissioner LENNON. Well, are there not other, perhaps more numerous, instances in which the courts have held strikes were not illegal?

Mr. ROE. Well, there are many instances in which the courts have held that a strike was not illegal.

Commissioner WEINSTOCK. In what respect does the recently passed Clayton law affect these decisions? And is the Clayton law likely to affect future decisions along these lines?

Mr. ROE. I have not made sufficient study of that so that I want to express an opinion that I would ask you to attach great importance to. But I am afraid that the Clayton law is not going to accomplish what is expected of it. I do not want to be a prophet of ill omen. But I know the attorneys in the Payne Lumber Co. case, the attorneys for the company, felt they had discovered some things in the law in their favor which gave them rights to injunctive relief that they did not have under the Sherman antitrust law originally. But I have not studied the Clayton law sufficiently so that I care to go on record with a positive opinion about it.

Commissioner WEINSTOCK. Well, then, briefly, your position, I take it, is that while your opinion is that a strike is illegal it ought not to be illegal?

Mr. ROE. Well, I would not quite make that general statement, sir. As I have said, some strikes are illegal and some are not. The illegal strikes are declared to be illegal, some of them, for the methods they use and some for the motives of the strike. Now, so far as the methods are concerned, I think there are doubtless methods used in strikes which ought to be condemned. So far as the motive with which the strike is declared is concerned I would not like to say that there are no instances in which a strike might not be declared illegal because of its motive, but there do not any occur to me at this time where I think it should be so declared illegal. But with all I say in regard to strikes, and all that I say in regard to this question, bear in mind I am simply speaking for equality between the two contending forces here. Now, the courts, when they talk about sympathetic strikes, it is like the secondary boycott, you know. It seems to be the reason it is condemned is because it is likely to accomplish something, whereas the direct strike, if some one is prepared immediately to take the places, or the direct boycott may not accomplish anything.

Now, then, if capital is to have the power to discharge men for any reason that it chooses, to discharge them for belonging to a labor union, to publish them to all the rest of the world and to all other employers, and to prevent that man from getting employment in his occupation anywhere else in the country, why, it seems to me, in order to meet that situation, which seems to be the right of capital to-day, you have got to untie laborers' hands and give them greater freedom than they have.

Commissioner WEINSTOCK. In the matter of the antiinjunction movement, I want to make sure that your idea of what the antiinjunction movement means and mine concur before I put my question. As I understand it, organized labor takes the ground that the good will of a business is not property and, therefore, when organized labor, in its efforts to win out, destroys what is commonly known as good will, it is not destroying property, and that therefore, as a matter of self-protection, it asks that no injunction be granted which, if granted, would protect good will. Now, may I ask what is your professional opinion as to what constitutes property? Does good will, in your opinion, constitute property; and if you destroy the good will of my business or I destroy the good will of your business, are we destroying property?

Mr. ROE. I should say that the good will of a business was property.

Commissioner WEINSTOCK. It has a commercial value?

Mr. ROE. It has commercial value, undoubtedly.

Commissioner WEINSTOCK. Then, if the good will of a business is property, and if the spirit of the law is that your property or mine can not be taken from us without due process of law, then what justification is there on the part of organized labor in demanding that good will shall be treated as not being property? That injunctions in labor troubles shall not be granted to disturb the good will of the business?

Mr. ROE. Do you see any objection to the saying that the good will is a species of property, but nevertheless the right to it, or the impairment, some impairment of it, may be required to give way before the greater necessity of the right of labor to organize? In other words, I don't see how we get any further by calling them by particular names. Now, ordinarily in law, we speak of the good will of a business as property, if the business is to be sold. We, as lawyers, know that sometimes good will has, and generally has a value in the sale of a business.

Commissioner LENNON. Can its transfer be guaranteed?

Mr. ROE. Of course no; oh, no. But call it what you will, if the right to it must be yielded in the face of some superior necessity, I don't see that it makes any difference whether you call it property or not.

Commissioner WEINSTOCK. I can not reconcile your two answers. A while ago you said you regarded good will as property. If it is property, it ought to be protected. Your property or mine can not be legally taken away from us, it could not be without due process of law. Such methods of destroying the good will of a business are not in accordance with due process of law, are they, the methods employed by unions?

Mr. ROE. I don't follow your reasoning, because that would prevent strikes altogether, because any strike may injure the business or good will of the business.

Commissioner WEINSTOCK. There is a great big difference as I see it between my simply withdrawing my services from your employment, for example, or a group of us withdrawing our services from your employment and leaving you free to employ others in your place.

Mr. ROE. But pardon me right there, you should get my thought on the good will of the business. Do you contend that there is any constitutional provision that comes in there to protect it?

Commissioner WEINSTOCK. I don't see how my withdrawal from your business destroys its good will, unless I go out and prevent others from trading with you.

Mr. ROE. The principle is just the same, the strike may be under such circumstances that the strikers' places can not be taken, because of the peculiar nature of the business, and the business is destroyed or greatly impaired. The principle that you are contending for would prevent strikes in that case.

Commissioner WEINSTOCK. Then under these circumstances you would hardly say that good will was property?

Mr. ROE. Yes, sir; good will was property, I would say, just the same. If business was sold the day before the strike occurred it may be that the good will would bring something.

Commissioner GARRETSON. It may be property, but not marketable?

Mr. ROE. Yes, sir.

Commissioner WEINSTOCK. Your point is then that the kind of property that good will is, is not a kind that can not be taken away without due process of law?

Mr. ROE. No; I don't put it that way at all. But I simply say that the good will of a business, call it what you will, that is what all of us admit is held, under the Constitution and the laws, subject to the right of it being impaired

or destroyed by strike. Now, that is all there is to it, and we don't get any further by calling it any particular name.

Commissioner WEINSTOCK. I am afraid that we have gotten rather confused on the situation. On the one hand I think I understood quite clearly your statement that in your opinion good will is property?

Mr ROE. Yes, sir.

Commissioner WEINSTOCK. We start out with that as our basis, but I gathered from your later explanation that it was a different kind of property than this table or this house?

Mr. ROE. Oh, certainly.

Commissioner WEINSTOCK. That while I could not take this kind of property away from you legally without due process of law, that according to your point of view I can not take the good will of your business away without due process of law and do it legally?

Mr. ROE. No, sir; that is not what I am saying at all.

Commissioner WEINSTOCK. Then I have not caught on.

Mr. ROE. You may hold this table, if you are a manufacturer, you may hold a piece of machinery, it is property, but you hold it subject to the right of the laborer to strike. We all of us agree on that. Now, the nature of the machinery may be such that idleness for 24 hours will greatly impair its value. Now, would you say that we are taking property without due process of law? It doesn't seem to me that due process-of-law clause in the Constitution has anything to do with that. The fact is we hold that property subject to the right of labor to strike in some cases and thereby impair or destroy its value. Call it good will or machinery or anything else.

Commissioner GARRETSON. Put it in a practical form. A certain railway company, is not the value of good will exactly like the stock of the company, subject to depreciation on account of a strike ensuing?

Mr. ROE. Yes, sir; both, I would say, are subject to depreciation.

Commissioner GARRETSON. For instance, take a railroad that I know, which was worth 245, after the men had been on strike for eight weeks it was only worth 187, both good will and capital stock are impaired?

Mr. ROE. You simply mean quoted at 245 in the first place?

Commissioner GARRETSON. I did use an undesirable phrase. Its market value, not intrinsic value, changed in that degree, but the intrinsic value might have gone along the circumstances you quote, where disuse would deteriorate it.

Mr. ROE. Yes, sir; both might deteriorate by the strike.

Commissioner WEINSTOCK. Are you in favor of wiping out the so-called anti-injunction labor law?

Mr. ROE. I would not take the anti-injunction law or any other one thing in the labor situation by itself and just stand it up and say I was in favor of destroying that. If I were charged with the duty of passing upon the question as to whether we would continue the injunction or modify it, I would want to have the whole situation before me, and, in other words, make the laws match up. If you are going to destroy one, then you may need to destroy another, so while I believe that the injunction has worked very badly in labor cases, and it has done very great harm, and, as far as I can see now, it would be helpful to repeal it, yet I would not single out any one particular law in the labor situation and go after that. I would try to remake the laws for the whole situation.

Commissioner WEINSTOCK. You know, of course, that organized labor is honestly endeavoring in very many States, especially my own State, California, is endeavoring, to wipe out the anti-injunction law; it is centered on that one thing, especially on the theory that the injunction law is a great injustice to labor.

Mr. ROE. You don't mean wipe out the anti-injunction law?

Commissioner WEINSTOCK. No; I mean the injunction law, and——

Mr. ROE (interrupting). They want to deprive the courts of the power of issuing injunctions in a labor case.

Commissioner WEINSTOCK. Where there is a labor dispute on. Do you think these injunction laws ought to be wiped out? Are you in sympathy with organized labor as against the injunction laws?

Mr. ROE. In a general way I am. I think the laws are very wrong and work badly, but I don't mean to say I would just wipe out those laws and do nothing else about it.

Commissioner WEINSTOCK. What would you put in the place of the injunction law to protect the employer?

Mr. ROE. That I have not worked out. I don't know that you would need anything, and I don't know but what you would need something.

Commissioner WEINSTOCK. You have no constructive suggestion to make as a substitute for the present injunction law?

Mr. ROE. No. And, as I say, I think you get back to one of the two courses, either to withdraw all laws that are restrictive about both, and let them fight it out, or else to see where the evil results, apply the law at that point, but as far as I have observed the operation of the injunction in labor cases, I think that the results have been bad.

Commissioner LENNON. Mr. Roe, I might preface by saying that some of the statements advanced by Commissioner Weinstock do not appear to me to actually express the attitude of labor in some of these instances. It is alleged by labor that in the issuance of injunctions in labor disputes that personal rights are invaded, which is never the case where injunctions are issued as between corporations, for instance, against trespasses and things of that kind. I never have seen an injunction issued as between two corporations where the corporation was restrained from holding a meeting of their executive committee, where they were restrained from publishing the facts that had to do with this alleged trespass that was about to take place; where they were restrained from hiring of halls and holdings of meetings. Now, these are trespasses, in views of labor, on the personal rights of the men. I may say this, labor does not object to the right of injunction being used to protect purely property rights if it does not invade individual personal rights. Is that statement from your experience true, that injunctions in labor disputes invade personal rights and they do not in other injunctions?

Mr. ROE. I think very fundamentally that is true. The very familiar instance of it, of course, is the destruction of the right of trial by jury. I think that is one thing that creates great dissatisfaction on the part of labor. If an injunction is issued, and the man is arrested, he is charged with violating the injunction. Now, it may be, and generally is, that the act with which he is charged is a violation of statute; he may be guilty of disorder, or assembling a crowd, or any of those things, and instead of being tried for a violation of the law he is tried for contempt or violating the injunction. It substitutes the rules of the court for the statutes of the State.

Commissioner LENNON. This matter of good will, have you ever known of a transfer of good will as property, in the ordinary sense, by deeds or otherwise?

Mr. ROE. Oh, it is a common expression in making a bill of sale, of a business, to include the term "good will."

Commissioner LENNON. And suppose a man sells a grocery store that he has had on a corner and establishes a fine business and gets $10,000 for the supposed good will, and when he gets the money in his pocket he goes out and establishes a grocery on the opposite corner, is there any redress because he carried the business with him and the man on the opposite corner has not anything?

Mr. ROE. It was a pretty poor lawyer that drew the paper for the purchase that did not provide that he should not go into business in a given locality in a given time. Now, whether the mere expression in a bill of sale that he conveys the good will for a valuable consideration would operate to give him redress against the seller who sets up in business on the other corner, I don't know. It would depend upon all the facts.

Commissioner LENNON. I want to state a case that I know of personally. A hotel sold in a city with which I am familiar, and $65,000 was added to the sale price for good will. Quite a considerable sum of money. A corporation was immediately formed and a new hotel was built, and still better, and the first one has gone out of business within two years. Is there any way of securing redress by the man that bought out the first hotel and put in $65,000 into the so-called good will?

Mr. ROE. I suspect that there is not, but I would not like to pass judgment on it without going into all of the facts. Of course, this question of good will, you understand, I accepted Mr. Weinstock's proposition squarely, because I thought I knew what he meant, and did not attempt——

Commissioner LENNON. So do I, in a general way.

Mr. ROE. And did not attempt to distinguish this question of good will from other property. I don't think the principle applies, whether you call it good will or not.

Commissioner LENNON. But it is one of those peculiar things in practice that each case depends upon its own peculiar circumstances?

Mr. ROE. That is it exactly.

Commissioner LENNON. Have you given any consideration to the matter that was asked Judge Clark this morning regarding the assumption of power by the

courts to pass upon the constitutionality of laws, or whether they have such power because of legislation?

Mr. ROE. Yes, sir; I have given that some attention.

Commissioner LENNON. Give us your idea of that matter, please.

Mr. ROE. My idea of that is this: That the Constitutional Convention which framed the Constitution was divided, the members were, upon that quesion. It was known to the members of the Constitutional Convention that to put a clause into the Constitution giving the courts that specific power would have led to the defeat of the Constitution. I think that it is a matter of history which we will all agree upon, when we recall the difficulty of getting the Constitution ratified by the people, anyway. The question in a modified form was up several times in the Constitutional Convention, and the idea of giving the courts the power to pass finally upon the constitutionality of all laws, even in a modified form, when it came up in the Constitutional Convention, was rejected, and the Constitution went through silent upon that subject. Now, logically, by all interpretations of the Constitution with which I am familiar, the fact that there was nothing in the Constitution about it ought to have settled the question that the courts did not have that power, because the Federal Government and the departments of the Federal Government have such power, and such power only, as is specifically delegated to them—delegated either to the Government or the department. The branches of the Federal Government can do only that which they are specifically authorized to do, and in that respect the Federal Government differs from the State government, so when you turn to the document and fail to find in there any word giving the courts power to nullify laws, or set them aside as unconstitutional, it would seem from that final canon of interpretation that the courts did not have that power, and in Marbury versus Madison, where Chief Justice Marshall first asserted that power, it was not necessary to a determination of the case. I think he felt out public sentiment and it seemed as though it might go, and some time later that doctrine was applied.

Commissioner GARRETSON. Has there been any instance where the legislative branch has asserted preeminent right that the legislative act is not subject to a decision of the courts as to the constitutionality of it?

Mr. ROE. Have you something specific in mind?

Commissioner GARRETSON. The reconstruction period, was it ever asserted?

Mr. ROE. If you mean that there has been a contest over that question through many years, I think it is true.

Commissioner GARRETSON. That is foregone.

Mr. ROE. Jefferson denied the power, and it was a subject of debate for many years, and it was not until the Dred Scott case——

Commissioner GARRETSON. There never was an assertion of that power prior to the days of John Marshall; that is, that was carried through successfully.

Mr. ROE. No, sir; that power was asserted. The right of the courts to exercise that power was asserted by some of the State courts, and the people resented it. In some of the States they defeated the judges who asserted it and in some they had investigations with regard to their judicial acts.

Chairman WALSH. Was there not one case in which they passed a law that expressly prohibited the Supreme Court of the United States from declaring it unconstitutional?

Commissioner GARRETSON. That was at the time of the reconstruction period.

Chairman WALSH. And the Supreme Court yielded to the demand?

Mr. ROE. Yes, sir. I can not give you the details of that at this time.

Commissioner LENNON. You believe that the exercise of that power by the courts, whether State or Federal, gives justifiable cause for criticism of the courts in some instances?

Mr. ROE. Yes, sir; I think it has furnished a just cause for criticizing the courts.

Commissioner O'CONNELL. I want to discuss this matter of the property ownership, or right. I think I understood you to say, Mr. Roe, that you were not sure that the Clayton law was going to be as effective as its sponsors expected of it. One of the principal enunciations of the Clayton law is that a human being, not an article of commerce, or not a commodity of commerce, I don't know the exact wording, carrying out the idea that you were discussing with Commissioner Weinstock, the difference between articles of products and human bodies. Has that not been one of the principal things that they have tried to inject into this question of injunctions—that the employer had a property right in the human being, and he sought to extend not only his ownership of the property but also in as far as his ownership in the human being; that is,

his employee? In some instances I think the courts have, for instance, prohibited the men from striking?

Mr. ROE. Yes, sir.

Commissioner O'CONNELL. They have in injunction and other cases. Now, in the New Orleans case, where the men were punished for violation of certain laws, and it being inferred that proprietors of the establishment had, or the inference to be drawn, at least, was that he had a proprietary right in the physical make-up of the human employee. What is your idea or thought along that question? Doesn't the Clayton Act clear that up?

Mr. ROE. The language to which you refer in that act seemed to do that, and seems to have had that for its object. My suggestion with regard to the Clayton Act, as I have said before, is not based upon such careful study of the act that I would care to go on record with very positive opinions about it, but it is based in part upon the fact that I found the Payne Lumber Co. asserting injunctive rights under it that it could not claim under the original antitrust law, and also as I read the Clayton Act, in a general way, it did not seem to me that its language had the clear definiteness of thought in it that there is, for instance, in the English Trade Dispute Act. Now, for instance, the act, which you know was passed after the Taft-Vale case, section 5, subdivision 3 of it, reads as follows:

"An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment, or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills."

There, you see, it cuts out the old notion, root and branch.

Then they go on and define trade disputes. They say:

"The expression 'trade dispute' means any dispute between employers and workmen or between workmen and workmen which is connected with the employment or nonemployment or terms of employment, or with the conditions of labor of any person; and the expression 'workmen' means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises."

Now, as a remedial act it does not seem to me, as I have read the Clayton law, that it was as clear and positive in its terms as the English act.

Commissioner O'CONNELL. Have you given thought to the question as to whether or not the employer has a property right in the human being? Whether that is part of his good will?

Mr. ROE. I never have given very much thought to that question. I should not think it would take very much thought to answer that in the negative.

Commissioner O'CONNELL. But there are some that hold he has that right—some employers, for instance, that hold that they have that right. If the workman quits him, or quite a number quit him jointly, he says his business is interfered with, and that the property right he has in their productiveness has disappeared.

Mr. ROE. You mean they asserted that right in the absence of a contract?

Commissioner O'CONNELL. But, no—he would hold, and has held, and it is claimed that he has a property right in labor's power.

Mr. ROE. I would not for a minute admit a suggestion of that kind could be supported either on authority or by reasoning. I don't think you can find any support in the law books at this time for a proposition of that kind.

Commissioner O'CONNELL. It seems to be the opinion of those that were associated in the drafting of that portion of the Clayton amendment to the Sherman antitrust law. There were a great number of legal minds taken in as advisors in the amendment; and the seaman bill also.

Mr. ROE. In the seaman bill you have a different situation.

Commissioner O'CONNELL. But particularly in the Clayton bill a number of supposedly best legal minds in the country were brought together, and they feel that that right of the laborer is protected. That is, labor power is not a commodity to be dealt with the same as a table or a ton of coal or a roll of butter. That it can not be put on the market and pushed around and up and down; that he himself is the sole owner of his power of production.

Mr. ROE. I had supposed that that language in there was to distinguish or to differentiate the commodity of labor from an article of commerce. We had not thought of it having been put in there because it was necessary to negative the idea that an employer had some personal right of property in the labor of his

employee, in the sense that he had any right to demand that he should continue with this labor.

Commissioner O'CONNELL. Well, this question of equality before the law, the impression seems to prevail that the wage earner—that applying, of course, to men, women, and children—is equally protected; he has the opportunity of quitting his work, taking his chances of securing a position elsewhere, and in doing so he is affecting not himself alone but his family. Do you think as a general proposition the question of law as an equality before the court, as an equality toward opportunity, as an equality toward defending himself against the thing Commissioner Weinstock spoke about, the man offering to take his position for 50 cents or a dollar a day less, the impossibility of successfully carrying on what is commonly known as a boycott without having the things necessary to go with it? There is no use giving a man a boycott unless he can boycott. There is no use saying to the employer you can blacklist unless he can blacklist. He is in a position to do that. The employee is not in a position to boycott unless he boycotts. If it is legal for him individually to boycott and say I want to patronize the hats of John Smith, and if it immediately becomes unlawful for him to say to his neighbor, "You must not patronize John Smith," he is making unlawful what the law says he can do. In other words, two men make unlawful what one man is lawfully entitled to do. In all these ramifications of things, where is the general equality of the wage earner compared to the men of wealth or the employer.

Mr. ROE. There is no equality, he is not on an equal footing in any respect.

Commissioner O'CONNELL. Then what must the result of all that be, his opportunity, what must he do?

Mr. ROE. Of course, that is a question if I could answer——

Commissioner O'CONNELL. There is nothing, there is but one thing left to do, and that is to organize.

Mr. ROE. That is the first thing he must do is to organize, but that won't fully answer the question. After he is organized there must be the question still remaining, what he is going to do with the organization, and in this question of equality before the law—this is true also—you may have the same law applying to two men in different situations and yet they may not be on an equality. For instance, suppose that you fined a man worth $1,000,000 a hundred dollars, or so many days in jail, it means nothing to him. He pays his fine and walks out. You apply exactly the same law to the workman to whom it means a term in jail probably, and out of the same law you have entirely different results. The punishment is not the same if the offense is the same. You must keep in mind the consideration in saying that the men should be on an equality before the law, not only the fact of the law but the situation of the men to whom it is applied.

Commissioner GARRETSON. For the same offense, if the laborer only possessed $10 in wealth and the employer possessed a million dollars, if they constituted the same offense relatively, would the fine of the one man of a million dollars be any greater than to fine the other man $10, provided it took all they had?

Mr. ROE. Well, it would take all that either had.

Commissioner GARRETSON. That would be equality before the law in one sense.

Mr. ROE. It would leave them naked, as far as property was concerned.

Commissioner O'CONNELL. Outside of your general thought, fences ought to be taken down, and let's go at it, as it were, and out of this chaotic condition might come some thought, have you given thought to what really is underlying all this unrest and dissatisfaction, is one side dislikes the courts, badly expressed and sometimes expressed not forcibly because the person wants to use friendly language, but it is the language he is acquainted with at the time, and uses language that very probably he should not use, but he believes that he is not getting proper protection or proper treatment, if he goes to the court with a damage suit, he is tossed from court to court until he is broke, and the lawyers say they can not go on further, why they can not carry his case on and pay court fees and transcription of records and all those things, and the man feels he is outlawed. He is not only outlawed because of his case, but feels he is an outlaw; it has a tendency to make a bad man of him, and he dislikes courts, he dislikes lawyers and everybody, and he becomes a regular man hater, because he feels he is not getting justice and has not had a fair opportunity. Now, have you given thought to that as to what you might suggest to this commission as a remedy for all of this? Congress asked us when they created this commission to seek the cause of all of these things and to come back and tell them how to correct them.

Mr. ROE. Congress certainly gave you a big commission. I think that one way to cure it is just the way the commission—this commission—is doing, and that is, going about over the country and taking this testimony and giving everybody a chance to express their opinions, and permitting and requiring the two sides to get acquainted with each other and get the other's point of view. I think that is the first step toward any solution of it, and the important thing for us who are not in the labor movement to appreciate and to learn, and the thing that the work of this commission had taught us very largely is that this is not labor's question any more than it is a question for all of the rest of us; the very conditions that you have so well described in your question to me of this unrest and hatred that is being bred in a very large class of our people, puts it up to all of the rest of the people to help find a remedy and to make some concessions here in order to correct these wrongs, and I think that teaching the public is one of the most important steps you can take toward a solution.

Now, when you come to a legislative program, I am afraid I can not help you very much. I would suggest this, however, I think I suggested it this forenoon, if the dissenting opinions in labor cases which I have referred to here this afternoon, and some of the ablest opinions that have ever been written have been the dissenting opinions of the judges, and in many instances Federal judges, from the propositions that the courts have laid down denying to labor the rights which it claims. Now, I say, if those dissenting opinions had been the majority opinions the law would have been very different, and the feeling of labor would have been very different to-day, and you would have a very different question to deal with.

Now, you can change the personnel of the courts.

Commissioner O'CONNELL. That is simply "The King is dead, God save the King"; that is the impression the laboring man has gotten as to the general condition; his treatment of the court indicates that the judge dies—"The King is dead, God save the King."

Mr. ROE. That is not quite true; the laboring man has got to learn to be patient here as well as the rest of us. I say that with some hesitation, because labor has been patient; but I am pointing out that if we had had a different personnel on the bench we would have different laws, so far as the judicial decisions make the law; and it is not impossible to change a law which has been made.

Then, of course, in taking up a program of constructive legislation, that is a great question which I feel I am not capable of advising upon. I think the English Trade Disputes Act, which I have referred to here, may make a model in some respects, and, of course, has received, or will receive a great deal of study from your commission.

Then, of course, in recommending legislation you are confronted with this situation, that you must recommend legislation that you can get through Congress, and you can not get legislation through Congress unless you create a sentiment such as you are doing now, which will compel that legislation.

Commissioner GARRETSON. I want to ask one question.

Chairman WALSH. Very well.

Commissioner GARRETSON. Mr. Roe, under the questions asked you some little time back by another commissoner in regard to the Sherman Act, and in regard to its application to the laborer and to the manufacturer, would you not get an exact parallel between the manufacturer and the attitude of labor under that act, if you would go back to the condition that existed prior to 1860, and a man dominated the labor market in his city, through actual ownership of labor of a certain class, as he could have done then, would that not be an exact parallel? Then he could restrain trade on the labor side because he owned the labor; it was a ware then, for the man owned, say, a thousand slaves, and he could then commit an act in restraint of trade by withholding them in conjunction with others; is that not correct?

Mr. ROE. Yes; I think that is true.

Commissioner GARRETSON. There you would have an exact parallel, but the moment you ceased to consider the man as property, in that sense the parallel ceases, does it not?

Mr. ROE. Yes; I think it does.

Commissioner GARRETSON. Dred Scott was returned because he was the ware of his owner, the property of his owner. The fugitive-slave law was passed on the idea that either the slave himself or other had abstracted the property of his owner; is that not correct?

Mr. ROE. Yes.

Commissioner GARRETSON. And did not the seamen's law that has been just repealed—that is, the one that has been in existence for centuries in one country or another—was not that law and the fugitive-slave law founded on exactly the English condition which made the masterless man an outlaw and authorized him to be driven from the public highways and put in the pillory?

Mr. ROE. Yes.

Commissioner GARRETSON. And even made it no crime to kill him?

Mr. ROE. Yes; that is the truth. The fugitive-slave law and the seamen's law are the same in principle.

Commissioner GARRETSON. And both founded on the property idea in the man?

Mr. ROE. Yes; I think I have heard it said or read that the fugitive-slave law, as we knew it in this country, was taken from the seamen's law.

Commissioner GARRETSON. And the law is undoubtedly founded on the old act binding the man to the soil?

Mr. ROE. Yes; that reaches back centuries?

Commissioner GARRETSON. That is all.

Chairman WALSH. That will be all; thank you, Mr. Roe.

At this point the commission will stand adjourned until to-morrow, Tuesday morning, at 10 o'clock.

(Whereupon the commission adjourned Monday, May 10, 1915, at 4.30 o'clock p. m., until Tuesday, May 11, 1915, at 10 o'clock a. m.)

WASHINGTON, D. C., *Tuesday, May 11, 1915—10 a. m.*

Present, Chairman Walsh, Commissioners Garretson, Weinstock, Lennon, and O'Connell.

Chairman WALSH. We will please be in order.

Now, Doctor, if you will take the stand, please.

TESTIMONY OF MR. A. J. McKELWAY.

Chairman WALSH. Please state your name.

Mr. MCKELWAY. A. J. McKelway.

Chairman WALSH. And your rsidence?

Mr. MCKELWAY. Washington.

Chairman WALSH. And your business, please?

Mr. MCKELWAY. I am secretary for the Southern States of the National Child Labor Committee.

Chairman WALSH. How long have you occupied that position?

Mr. MCKELWAY. I have been with the committee since its organization, in the fall of 1904.

Chairman WALSH. Will you be kind enough to sketch your professional career—what work you have done, what your work has been up to this time?

Mr. MCKELWAY. Before being with this committee?

Chairman WALSH. Before being with this committee.

Mr. MCKELWAY. I was a minister and pastor of a church in North Carolina for seven years, from 1892 to 1898—six years. I was editor of a religious paper in Charlotte, N. C., for seven years and editor of a daily paper for a year. During my life in Charlotte I took charge of a mill school at Charlotte, N. C., for a year. Since the fall of 1904 I have been secretary of the National Child Labor Committee.

Chairman WALSH. Now, as secretary of that committee of child labor, Doctor, have you made an investigation of certain industrial centers, particularly in the South?

Mr. MCKELWAY. Oh, yes, yes; I have investigated a good many mills myself, and I have had agents under my immediate direction who have investigated every State in the South.

Chairman WALSH. Now, following the suggested line given you by Mr. Manley, Doctor, I wish you would go ahead and state in your own way the results of your investigation, if you will be good enough to present it to this commission. I will let you do it in your own way, following our conversation.

Mr. MCKELWAY. Soon after the committee was organized, in 1904, with Mr. Lovejoy, who is now the general secretary, and then the assistant, we took a trip through New England, and went through the mills at Lowell and New Bedford and Valley Fall River; that was in the fall of 1904. I wished to look at the States that had pretty good child-labor laws and where they were well

enforced by way of comparison. I had done some work in the South in my editorial work in carrying out those principles, and I had something to do with the first child-labor law in North Carolina, in 1903. By the way, Judge Clark was on the stand yesterday, and his decision in regard to a child that was hurt, that the company could not plead contributory negligence for a child under 14 years, helped to pass the first law in North Carolina, they feeling the necessity of an age limit, and they fixed it at 12.

Chairman WALSH. Is that still the law, 12?

Mr. MCKELWAY. They fixed it once at 13, that they could not be employed under 13 in an apprentice capacity, but that was interpreted to mean that if the child went to work under 13 it was an apprentice.

Chairman WALSH. Did the statutes in that particular abolish the common-law rule laid down by Judge Clark that a child under 14 could not be guilty of contributory negligence?

Mr. MCKELWAY. Yes, sir.

Chairman WALSH. And they passed a statute that reduced it to 13?

Mr. MCKELWAY. Twelve in reality.

Chairman WALSH. Go ahead.

Mr. MCKELWAY. I found in Massachusetts at that time that the 14-year age limit was pretty rigidly observed; there were few violations that we saw, but some abuses of the law. I remember an interview with an agent of a Massachusetts mill in Lowell, in which he threw open his mills to us, and they did not employ children that seemed to be under 14; we found none that seemed to be, and I expressed my gratification at the position, and remarked to him at the time that his company owned a large mill in Lindale, Ga., where there was no such law, and I hoped the influence of his mills would be directed toward getting the same law that we had in Massachusetts. He said at once that they had a gentleman's agreement in Georgia and that worked better than the law in Massachusetts, and that he was not in favor of the same law in Georgia that they had in Massachusetts.

I investigated a good many mills in North Carolina at that time. I was by myself—we had no agents—and I remember a little mill in Charlotte, just near my home. I found only 8 per cent of the children of school age attending school, and there were several children under the legal age employed in the mills. But North Carolina is still the only State that has no factory inspection. The commissioner of labor has no authority to enter a cotton factory, and the law has been almost universally violated. There has never been any enforcement, only probably one or two prosecutions. In the first campaign that I conducted as an agent of the National Child Labor Committee in 1905 we went to the legislature. There is rather a peculiar situation in the Senate of North Carolina. As a matter of fact, I have found a great deal more difficulty in getting a bill through the senate than through the house. It is a smaller body, more easily controlled, and I think our opponents have controlled the nominations in advance, and there is no possibility of getting a majority. They have the senate committee on manufacturing, to which every manufacturer is supposed to belong and gets on that committee, and to that committee all child-labor bills are always referred. It is rather a hostile committee, made up in advance—and I mention North Carolina particularly because we have made less progress in that State than any in the South. We still have the 13 age limit, and no factory inspection and practically no enforcement of the law. The Federal Bureau of Labor that made this investigation in 1908 asserted that 75 per cent of the factories investigated in North Carolina were violating the law.

Another great abuse of children in North Carolina has been night work. There has been more night work in the mills of North Carolina than any other State. But the legislature preceding this last passed a bill making a 16-year age limit for night work, which has been the standard, to which we assented.

I have here a stenographic report of the hearing before that first committee, but I do not suppose it is worth while cumbering the record with the statement of the manufacturers' committee.

Chairman WALSH. If you could epitomize that and give a typical statement of the manufacturers—just give us what the manufacturers said.

Mr. MCKELWAY. They took the general attitude that this was an unwarranted interference with their business; that nobody outside of the mills themselves had a right to interfere between a man and his help—his force; that any legislation of this sort was the beginning of labor legislation, and no end of troubles and strikes, and so forth. They always spoke about the betterment work that a few of the mills were doing, the schools they had built and the teachers em-

ployed, and the churches erected. Sometimes there would be a hospital and gymnasiums, and so forth, and those things were always put forward as showing the efforts which the mills were putting forth.

There are some 20 or more cotton mills, through which a visitor going south to investigate the cotton-mill industry is nearly always conducted, and I have become familiar enough with the situation to tell what mills they have been to by reading the reports by the way in which they are described. The custom is for the best mills to put themselves forward in a way to protect the others. They show what they are doing and make an impression on the legislature by the treatment of their employees and say that they are the best ones to trust with the welfare of the employees—men, women, and children.

The poor-widow argument is always put forward. I see it appearing time and again in these hearings, "What are you going to do with the poor widow? Here she is at the factory with a number of children, and it is necessary for those children under 14 to work in order to make support for the family," and, unfortunately for us, there was a persistent accusation against us that we were being financed by the New England mills—our National Child Labor Committee. I do not think we ever received a dollar from any textile manufacturer in New England; but it is possible that one or two contributed, perhaps gave a small sum for literature or something of that sort; but that idea was very industriously fostered, and something of that sort was said at this hearing—but I do not know anything about it—that evidently the New England mills were behind this movement to cripple their southern competitors, and some sectional feeling was aroused.

We did not do anything in the campaign of 1905. The committee on labor in the house seemed to be rather favorable to us. Just before the committee met for hearing the speaker of the house added five or six members hastily to the committee, and the report was unfavorable, and the campaign of 1905 ended there.

I suppose it is generally understood that the cotton-mill business has been the chief opponent of child-labor reform in the Southern States, and wherever there are cotton mills in any number at all they have stood as practically the only opponents to any child-labor reform. There are other industries affected, but they have let the cotton mills stand for them, and they have kept in the background.

North Carolina, South Carolina, Georgia, and Alabama are the four chief cotton-mill States in the country, and the cotton mills are generally confined to a section called the Piedmont section and immediately below the Piedmont section in those States. North Carolina has more cotton mills than any other State in the Union, but they are generally small mills; and South Carolina has more spindles than any Southern State, and ranks next to Massachusetts.

We have been back to the Legislature of North Carolina every two years since 1905. We have attempted cooperation with the manufacturers. In 1907 we got together with them and they agreed to a nominal raise of the age limit from 12 to 13 years. Their first proposal was that children should not be employed under 13, except in an apprenticeship capacity, which would have lowered the whole age limit. I insisted it should be applied to children only between 12 and 13.

In regard to the apprenticeship business, in the last two or three years, our agent in North Carolina, who is a lawyer himself, has attempted to have manufacturers convicted of employing child labor under 13 not originally apprentices, through the regular forms of law, and in each case the manufacturers have pleaded guilty. We have never been able to have a court decision on the question, because they have invariably thrown up their hands and pleaded guilty to employing children under 13 in violation of the law.

Chairman WALSH. Can you approximate how many of those cases there have been?

Mr. MCKELWAY. I think only three or four. I remember one in North Carolina.

That was agreed to then, and everything else was voted down, and there was no reduction of the hours. The hours in North Carolina at that time were 66 a week, which makes 12 hours a day, because under the system in the cotton mills there is a half holiday on Saturday, so that with 6 hours on Saturday, that makes 12 hours for the other five week days.

Commissioner WEINSTOCK. Will you please enumerate the hours of starting and closing for the day's work?

Mr. MCKELWAY. There was no limit to that, gentlemen, they began at 6 o'clock in the morning, with half an hour for lunch on average, sometimes less

and sometimes a little more, and they closed at half past 6 in the evening. Now, it is almost universally an 11-hour day, 60 hours a week, in North Carolina, South Carolina, Georgia, Alabama, and Louisiana. There has been a progressive reduction of the hours in Tennessee.

In the campaign of 1909 we had a distressing example of the treachery of our manufacturing friends who had agreed to what is known as the Hinsdale bill. The Hinsdale bill was favorably reported by the committee on labor in the house. Hinsdale was a young man in Raleigh, and he made such a good speech that the legislature overturned the report of the committee—that is, the house did—and adopted his bill. Then the employers agreed to compromise, and said they would use their influence to have it passed. That is all a matter of record; but the very same men who had made this same agreement, the officers of the North Carolina Manufacturers' Association, when the bill came to the senate, telegraphed opposition to the bill, and those telegrams were shown on the floor of the senate by our friends, but the bill was defeated in the senate. In spite of that, we have had to educate nearly all of our agents in the South, and our local State child-labor committees, to steer clear of that sort of cooperation.

The theory is a wrong one; it is supposed that the legislature is a court, and there are two parties to a contest, so that if they agree upon a measure, the court will do what the two parties say, but the legislature, of course, has a will of its own, and no agreement can bind the legislature, and while we were compelled to keep our agreement, there was no association of manufacturers strong enough to hold all of their members, and the individual members of the association would go back on the word of the officials. We have tried that in North Carolina, South Carolina, Georgia, and Alabama, and we have had universally that experience, that an agreement to pass a certain kind of legislation was not worth the paper it was written upon. I remember a member of the Georgia Senate, who was a member of the Cotton Manufacturers' Association, that agreed with us three or four years ago on the terms of a bill, and who used all his influence in the senate against it.

And, then, this happens generally: We get the public sentiment aroused, and make our investigation and publish our figures, and appeal to the members and the people to get behind our movement, and they say, "This bill must be passed." Then our friends agree with the manufacturers to have a certain kind of legislation passed, and then instantly the public loses interest. They say, "That is settled now; that is going through the legislature; it is agreed to," and then the public interest wanes, and then when the legislature meets we have not that sentiment behind us aroused. We have had that experience over and over again, and now the only thing is to fight and fight to get the laws passed.

I got a letter from the chairman of our child-labor committee in Alabama, following this campaign in 1915, and in which she expressed her appreciation to me for not having written her, "I told you so." Mrs. W. L. Murdock tried the same plan and had to fight her way all through the legislature in spite of a six months' period of arbitration and compromise, and attempt to harmonize these conflicting interests.

I think one of the most unfortunate things about the child-labor situation in the South is that the operatives are such a helpless class. The illiteracy of the factory employees is an appalling thing. In spite of what we have heard and read in the papers about the schools the mill managements have built and the teachers which they employ there is a constant demand for the labor of the children and there is a contest between the mill and the school for the possession of the children, and the mill wins. I have not seen operative figures for 1910, and they are reduced some on both sides, but in 1900 the illiteracy of the white children in North Carolina from 10 to 14 years of age was 16 per cent, but in the cotton factories it was 50 per cent. In South Carolina for the same period the illiteracy of the whilte children from 10 to 14 years of age was 14 per cent, and in the cotton mills it was 48½ per cent. In Georgia the corresponding figures were 12 per cent and 44 per cent. The Federal Bureau of Labor, in its investigation in 1908, found practically the same state of facts—great illiteracy among the children of the cotton mill operatives.

Now, when we think that this industry in the South is already more than a generation old, and that the present factory employees, who have become adults, are male citizens and entitled to a vote, and have passed through that experience with no education, and brought up in the mill with long 12 or 11 hour days, you can understand that they are perfectly helpless to protect their own interests; and we have in our cotton-mill villages in the South a sort of feudal-

ism, sometimes a sort of benevolent feudalism, I suppose, but the manufacturer owns the town, owns the streets, the schools, and the churches. I remember our agent in North Carolina, Mr. W. H. Swift, who is a very intelligent man, telling me more than once that he has heard the mill people say this, "We work in his mill and we live in his house and we send our children to his school and on Sunday we go to hear his preacher." I remember too——

Commissioner LENNON (interrupting). And do they bury them, too, when death comes?

Mr. MCKELWAY. Yes, sir. I know they own a very large graveyard there that is distinguished by the large number of children buried there—owned by the mill property.

Commissioner GARRETSON. I suppose a good many of them think they worship his God also?

Mr. MCKELWAY. I presume so.

I have here a report of one of our agents on this subject. I will take one mill as a typical mill in North Carolina. The president of the mill is now dead, so I suppose there is no use to bring his name in the matter. The mill is at High Shoals. We sent our agent there—our photographic agent, we call him—Mr. Hine, in November, 1908, and he wrote a little account of his experiences there. The superintendent of the mill, Mr. Kale, was also magistrate for the town; and the first thing that he found when he went there was the statement that everything here belongs to the company. A young man friend said, "If you want to take aany photographs, you will have to see Supt. Kale." So he went to Mr. Kale—he was sometimes called King Kale—and he objected to his taking any photographs, and asked him a good many questions, and would not give him permission, or postponed giving him permission, and when he suggested perhaps he had better take them anyhow, his friend said, "You had better wait until you get permission." But he went to the school and took some photographs there and was very sharply called up by the superintendent for having taken any photographs there, and was reminded that the whole mill belonged to the company and that he was really a trespasser on the premises.

There was a welfare worker at High Shoals, Miss Lila Charles, employed there, and she got very much distressed over the child-labor situation at High Shoals, and began to write me; and I wrote to her at once that it was rather dangerous for her if she wished to keep her job to be writing to me; and my replies were on plain letter head and envelope so it would not be known that she was writing to the National Child Labor Committee. But it was found out, and I think—well, here is her first letter, in which she says [reading]:

"I have been in the work here for six months as a teacher in the school and trying to do betterment work. I have had a golden opportunity for studying the conditions here. There is little or no obedience to the child-labor law and no enforcement in this mill village in regard to the age limit."

Then she went on to tell how one of the investigators—when he came there the mill was warned by telephone message from Charlotte and the children were bidden and taken out of the mill—most of them. Then follows a second letter, in which she tells of her discharge from the mill, and she said (reading):

"I was put here by the company to do betterment work and help with the school work, and it was necessary frequently to interfere with the High Shoals money-making scheme. Just as soon as they realized the fact that I had common sense enough to know they were violating the law I was asked to withdraw from my work."

And she went on to say—I find I haven't that correspondence with me, but it was made known to the Post Office Department that she was in correspondence with me and that was the cause for her discharge. She sent also a letter from one of her friends testifying to the same effect.

We had an agent in Georgia, a minister of the Christian Church, the Rev. Mr. Seddon. He was a very accomplished man, a scholar, and a gentleman, and he went to a mill in search of a boy that we were looking for in Georgia—perhaps I might stop to tell you that story.

There was a woman in New York whose husband had gone to Colorado to try to get cured of tuberculosis, whose name was Knapp, and she had a brother living in Georgia, and she sent her three children, the oldest of whom, Charley, was 9 years of age, to her brother, who was working a little farm then, or owned a little farm, and had promised to send these children to school. And soon after that Charley's uncle married a widow with several children, and he concluded to sell his farm and move to the mill and put his sister's children and his wife's children to work for him. The two younger children, however, he

sent back to their mother, and Charley had not forgotten how to read and write. He wrote a little note to his mother and hid it in the pocket of one of the younger children. She was thus informed that he was not going to school in the country, but was at work in the mill; and she went to our New York office—I was living at Atlanta at the time—and they instructed me to try to find Charley Knapp; and the report of this agent—I went out to look for him at the last mill I had heard of his working at. Charley worked in five Georgia mills from the time he was 9 years old until he was 11, in violation of law, because the Georgia age limit then was 12; and in two mills he worked at night in violation of the Georgia law, which then forbade children under 14 working at night. He was hurt twice; once when he was drawing up an old-fashioned bucket—old-fashioned system of drawing water with a windlass—and the windlass slipped and struck him in the head; and a little later they sent him up on a ladder to clean some shaftings in the mill and he got caught in the wheels and his side crushed so that he will be crippled for life; and he was kept at the hospital for a month or two by the mill authorities, but no suit was ever brought for damages. I finally found Charley in a little mill at Juliette, Ga., and the people got very much interested in the story of Charley Knapp; and as soon as they found out he was not the son of this man, his uncle, the mill almost stopped running—it was a small mill—and the people got very much interested, superintendent and all. And I went to the uncle and interviewed Charley's uncle, and after a stormy interview I said, law or no law, I was going to send the boy back to his mother, which I did.

Chairman WALSH. How old was he then?

Mr. MCKELWAY. He was then 11 years of age, and had worked two years in Georgia and in two mills at night.

Chairman WALSH. And he was crippled for life?

Mr. MCKELWAY. Yes, sir; one leg was shorter than the other. He will be crippled for life to that extent. I was trying to find Mr. Seddon's report about this mill, at or near Covington, Ga. I do not seem to be able to lay my hands on it now. I will probably be able to put that in the record later.

(See McKelway Exhibit No. 1 at the end of this subject.)

Mr. MCKELWAY. But Mr. Seddon found a mill near Covington, Ga., and went out there to investigate it. It was 2 or 3 miles from the railroad station. He put up at a hotel, and then the superintendent or the president of the mill came along and found out he was there and told him he was a trespasser; that he had no business visiting the school without his permission; that the school belonged to the company and the streets and the whole town belonged to the company; and when he got back to the hotel he found the order for his room had been canceled and he had no place to stay, and he walked back to the railroad station.

Chairman WALSH. How do you mean the order for his room had been canceled? You mean he was denied admission in the hotel?

Mr. MCKELWAY. Yes, sir; he went to the hotel and made a reservation for a room, and after his interview with the president of the company he was very violent about his being an agent of the National Child Labor Committee, and he went back to the hotel to spend the night, and he was told that he could not stay there, that the hotel belonged to the company just as much as anything else. Now, that is rather an extreme case, of course. Our agents generally have not had troubles of that sort, and I never have had any trouble of that sort. But I remember in Atlanta the Exposition Mills, one of the largest mills there—I had been doing some investigating there and made it rather troublesome for them; and they put up signs on the streets of the mill, which were a continuation of the streets of Atlanta, that anybody going through those streets was a trespasser; and even the market wagons were held up a while and could not deliver their goods. And the newspapers made such a stir about it that the signs were taken down. But the mills were outside of the corporation of Atlanta, and the whole thing belonged to the company just as much as the owner's house did.

Now, I think that is one of the most distressing things we have in the South to-day, and I think some of the southern legislatures are going to wake up to the fact that they need to incorporate these mill villages and give the people the right to elect their officers and conduct their affairs; because the mill absolutely controls that.

Now, I have given one from North Carolina and one from Georgia, and here in one from South Carolina—the mill at Pelzer.

In the mill at Pelzer there was a book written not long ago, some of you might have heard of it, it was called the "Child That Toileth Not." It was

written by Mr. Doyley. I quote from this book—I presume this was pleasing to Mr. Smyth, the manager and president of the Pelzer Mills, because he bought 120 copies of it and presented them to the legislature. Said the author: "I was told a story about these people that not only aptly illustrates their spirit of independence, but also the tyranny of the King of Pelzer." (The King of Pelzer, that was the name by which Mr. Smyth went.) "The labor unions of the North have determined to organize the downtrodden mill operatives of the South, and they sent one of their delegates to Pelzer * * *. But he had scarcely arrived in the place when his plans and movements were reported to the king. The king, seated at his office desk, listened to the report, and then quietly looking up at the clock, said, 'The train leaves at 11; have the constable put him on that train.' And the veracious historian comments with approval: 'The order was obeyed as effectively as though it had been a royal or presidential decree with a Swiss guard or a company of Mexican rurales to enforce it.'"

He treated that incident as a joke, and, I say, I presume the recital of it was pleasing to Mr. Smyth, because he purchased a large number of books to distribute.

Chairman WALSH. What were the circumstances, was it a fact that the constable did put him on the train?

Mr. MCKELWAY. Yes, sir; as a trespasser.

Commissioner WEINSTOCK. Was that book written in a spirit friendly to the manufacturers?

Mr. MCKELWAY. Entirely so.

Chairman WALSH. Sketch this little circumstance, the man's name, the circumstances under which he was put on the train, etc.?

Commissioner WEINSTOCK. What was the purpose of the book; what aim did it have in view?

Mr. MCKELWAY. This is all I know about it, this little extract from the book, although I have condensed it somewhat.

Mr. MCKELWAY. Mr. Doyley was an employee of the Federal Bureau of Labor, who they had sent out, being a man of large experience, to investigate the child and women wage earners in the United States. Their report is published in 19 volumes. He was sent into the mountains of North Carolina to investigate this particular question, which I think was a false issue, but nevertheless he was asked to do this work—whether the people of the mills are better off in their mill environments than in the mountains from which they came. In the first place, only a small per cent of the operatives come from the mountains. I think the files of the Labor Bureau will estimate from 20 to 25 per cent come from the mountains. The real question was not whether they were better off in the mountains or in the mills, but whether they were as well off in the mills as they had a right to be. Still, this is a mooted question, and his report, condensed, is reported in one of these volumes. He had a controversy with Mr. Neill, of the Bureau of Labor, and was separated from the service, and he wrote this book to give his impression of child labor in the mills and in the mountains. The book has been rather a boomerang to the cause, and we find it helps us more than the other side, because the statement as to rural life in the South was so extreme that the rural legislators resented it. The whole argument was to make it appear that the people on the farms or in the mountain coves were in such desperate condition that it was a mercy to move them to the mills if children of tender age were put in the mills.

Commissioner LENNON. Some one furnished the commission with copies of that book, at least I have one, and my wife got hold of it and put it in the stove.

Mr. MCKELWAY. I found this report I was looking for from Mr. Seddon [reading]:

"Learning that there was a hotel in Porterdale——

Chairman WALSH (interrupting). Who wrote that letter?

Mr. MCKELWAY. Rev. A. E. Seddon, one of our agents in Georgia at the time.

"When I reached the hotel I was told I could not be shown to my room until the proprietor, Mr. Brannen, came. After a short while he arrived, and with evident embarrassment informed me that the mill superintendent, Mr. Powers, had intimated to him that I was not to be accommodated at the hotel. He however informed me that Mr. Bowden would take me, and indicated the house. Bowden was out in the front yard, a big, heavily built, ill-looking man, the whole front of his shirt copiously stained with tobacco juice. He

was not, in appearance at least, the kind of man I would like to have for my host. It was not, therefore, a very great disappointment when he growled, 'I don't keep no boarding house.' A little later on I had occasion to view his refusal to take me in with great satisfaction, when I learned that some one, who under similar circumstances had been sent to be that man's guest, had been badly beaten during the night. I was about to return to the hotel to give instructions about my valise when I was called on one side by an elderly man whom I must not name, as he especially requested that I would treat as confidential what he said. He had been an observer of the whole incident and begged me not to return to the hotel, as he had reason to believe that I would be safer in Covington than in Porterdale that night. * * *

"The following day I was returning to Porterdale on foot, not knowing what kind of a reception awaited me. When half way there I was overtaken by an elderly gentleman who offered me the vacant seat in his buggy. I suspected from the first that my fellow traveler was Mr. Porter, the head of the Porterdale Mills. With a view to ascertaining whether my surmise was right, I at once told him I was a stranger and gave him my name. He told me his name was Porter. I inquired whether he was the Mr. Porter of the Porterdale Mills. He answered, 'Yes.' I told him I was glad of the opportunity to make the acquaintance as I was going to Porterdale to see him. I told him I was a representative of the National Child Labor Committee, and that I hoped to gain his permission to visit the mills. At this he began to get wrathy. He wanted to know what authority I had to visit the mill. I told him I was authorized to do so by the National Child Labor Committee. His vigorous reply was, 'That authority is not worth a damn, and you know it.' The only authority he was prepared to acknowledge was legal authority of the county or State. Of course he refused to allow me to go into the mill, and he and his sons were with me the whole four hours before my train left for Covington. They sent to the hotel for my valise, and Mr. John Porter saw me get aboard the train.

"During the four hours I was in the mill office with them we talked on a variety of subjects, but I constantly sought to bring the conversation back to mill conditions."

Chairman WALSH. Did he gain access to the mills?

Mr. MCKELWAY. No, sir; I think he took some photographs on the outside of the mill and at the school. He was detained in the office of the mill, but was not allowed to go through the mill itself. We have had practically the same history of our work in other States. We have always had in Virginia the opposition of the cotton manufacturers until the last session of the legislature; the bill did not affect them especially, and they agreed to let it pass. At the session of the Virginia Legislature preceding the last—that was in 1912—they opposed the bill that we presented at that time, and it was defeated in the senate. The chairman of the committee came from the Danville district, where the largest cotton mills are located, and I remember Mr. Fitzgerald talking to him for hours before the committee——

Chairman WALSH. Who was Mr. Fitzgerald?

Mr. MCKELWAY. Suprintendent of the Danville Cotton Mills; and I had in my hands a letter from Danville, which I tried to find but could not bring it with me, in which there were the names of at least 12, and possibly 15, girls who had been discharged from the mills because they were talking about organizing labor unions. There are about 800 cotton mills in the South, and I don't know of but one—at Knoxville—that is organized or tolerates a labor union.

Commissioner LENNON. Do you know whether the conditions there are any better or worse than the other mills?

Mr. MCKELWAY. I have not visited that mill myself, but I had a long talk with the superintendent, and he believes it is a good thing and that they get a better class of operators. We have had the same experience in South Carolina—the resistance of the manufacturers to any child-labor legislation. They have coupled together in South Carolina the idea of passing a compulsory-education bill with the child-labor bill, and the result of that has been to postpone child-labor legislation. The people of South Carolina had to pass some sort of compulsory-legislation bill at the last session, but the manufacturers very adroitly coupled the two things together, and they were defeated both through a term of years. We finally got through with it.

Chairman WALSH. What is the present condition of the law; have they no compulsory-education law?

Mr. McKELWAY. They did at the last legislature pass what they call a local-option educational law, in which any district and county can put itself under the law if it wishes.

Chairman WALSH. How is it operated in any mill town?

Mr. McKELWAY. I don't know of any mill in North Carolina—only one; that is Asheville, which includes one or two cotton mills. They have one or two in Virginia, but the constitution of Virginia prohibits them from making such a law for children under 12 years.

Chairman WALSH. How old is that constitutional provision?

Mr. McKELWAY. Not very old; there was a constitutional convention about 10 years ago, perhaps, or a little longer?

Commissioner LENNON. 1902, was it?

Mr. McKELWAY. I have forgotten; but about that time. When I went to Georgia I went to Atlanta to live in 1905 or 1906. We passed a child-labor bill through the house in 1905. They had what this New England mill agent described as a gentleman's agreement in Georgia not to employ children under certain ages; if I remember correctly, one week's work shall not exceed 66 hours; no child less than 12 years shall work at night under any circumstances; no child less than 12 years old shall be allowed to work there at all unless such child has a physically disabled mother or disabled parents that depend on the labor of the child; unless they can read and write; and attend school for four months during each calendar year. It also provided that no child under 10 years of age could be allowed to work in the factories under any circumstances.

We found that that was universally violated, and the house in 1905 passed a bill which the senate defeated, and there was such an outbreak of indignation in the press that a year ago the same senate came back and introduced a bill, signed by a majority of the members, which passed, virtually putting into effect this gentleman's agreement. There was a 10-year age limit and the 12-year exception for children of widows or orphans or children unable to support themselves in some way. Of course, you have all heard of the Frank case. One of the largest stockholders of that pencil factory in Atlanta in which Mary Phagan, the 14-year-old factory girl, was murdered, was an opponent of our child-labor law in 1908.[1] I have a letter from him here which I think I will put into the record, with my reply to it.

(Witness here submitted two clippings from the Atlanta Constitution of Dec. 31, 1908, and Jan. 10, 1909, respectively. They are entitled "On child-labor question S. F. Parrott writes letter," and "McKelway makes reply to Parrott on child labor.")

I don't know anything that has caused the governor more trouble than the Frank trial; not only the expense of the court services, all the way to the Supreme Court, but the man was—I don't mean to say whether Mr. Frank was guilty of that murder or not—but I want to make this point: If that law was passed, Mary Phagan would not have been allowed to enter that factory to work. She would not have been allowed entrance until a month after the time she was murdered. She went to work at 12 and was killed a little after she was 13 years of age. We had the cooperation of the labor unions everywhere, in my experience, in the South.

Chairman WALSH. One minute; I see this letter is signed by a man by the name of S. P. Parrott. He is president of the Atlanta Compress Co.——

Mr. McKELWAY. Yes, sir; and also a stockholder in the pencil factory. Our bill was defeated in the legislature in that year. I might say that last summer the Georgia Legislature reached the 14-year age limit for the employment of children, with the still unfortunate exception of 12 years of age for orphaned children or children of dependent parents. I have contended that that was unethical, or if the legislation was for the benefit of the child that the child of the widowed mother was as much entitled to that as any other children. That it was a matter of relief when the family was too poor to support itself except by immature children.

Commissioner O'CONNELL. Did you make a study of the hours as well as age limitations?

Mr. McKELWAY. Yes, sir; the wages for children in the cotton mills are comparatively high. I don't know of any work where children, say, of 12 and 14 years of age, can engage in anything like a wholesale way that pays them any better than working in the cotton mills. My contention is that the employ-

[1] For correction of error in this statement see McKelway Exhibit No. 1 at end of this subject.

ment of children lowers the whole wage scale to child labor. I have some figures I got from the Federal Bureau of Labor on the question of wages: "Doffers of 12 years were paid $3.74 per week; doffers of 13 years were paid $3.92 per week; doffers of 14 years were paid $5.04 per week; doffers of 15 years were paid $4.75 per week." It begins to go back at 15 years.

Commissioner O'CONNELL. How do you mean begins to go back; it gets lower as they get older?

Mr. MCKELWAY. Yes, sir; it is rather singular that the doffer, the girls or boys——

Commissioner O'CONNELL. What is a doffer?

Mr. MCKELWAY. It is a boy operator who takes the empty spool off of the spinning frame and puts on the full spools. Anybody speaking of child labor has certainly mentioned the doffer boy as not having a hard time of it. He can go out and play baseball or marbles between the time that he has to take the empty spool off and put the full one on. His work is intermittent work. The spinners are girls in the South, and they are almost constantly employed. It is not hard work, but it is a strain upon the nerves. They have to watch the spindle frame and as soon as a thread breaks tie the thread.

Commissioner O'CONNELL. Is there any differential between the male and female child in wages?

Mr. MCKELWAY. The wages for the adult man is a little lower than for the adult woman. I have not made a comparison of the wages of children.

Chairman WALSH. Have you the wages of men and women—the adults?

Mr. MCKELWAY. You will find them very accurately stated in 1908 in the first volume of that Federal child-labor report. I have a condensation of some facts here that may be of interest. Two hundred and fifty-one children under 12 years of age earned less than $2 per week and 731 children of 12 and 13 earned less than $2 per week. There were 1,700 workers from 14 to 20 years of age who earned less than $2 per week.

Chairman WALSH. Where is that?

Mr. MCKELWAY. This from the study of the wages of 32,400 workers in the cotton mills by the Federal Bureau of Labor. They studied their wages from the actual pay envelopes and made quite an exhaustive treatise on it. There were 1,700 from 14 to 20 years of age who earned less than $2 per week and 1,085 operatives 21 years of age and over who earned less than $2 a week.

Chairman WALSH. What period did they make that study?

Mr. MCKELWAY. In 1908.

Chairman WALSH. What period of time, I mean?

Mr. MCKELWAY. How long it passed over?

Chairman WALSH. Yes, sir; how many months?

Mr. MCKELWAY. I can not tell you that. I can put that in the record.

Chairman WALSH. I wish you would.

(See McKelway Exhibit No. 2.)

Mr. MCKELWAY. Yes, sir; I will remember to put that in. There were, as I said, 1,085 operatives 21 years of age and over earning less than $2 a week. Bear in mind these all received less than $2 a week.

Chairman WALSH. What are those last figures?

Mr. MCKELWAY. Out of 32,409 workers in the cotton mills whose actual wages per week were gotten from the pay roll we find these figures:

Two hundred and fifty-one children under 12 years of age earned less than $2 per week; 731 children of 12 and 13 earned less than $2 per week; 1,700 workers from 14 to 20 years of age who earned less than $2 per week; and 1,085 operatives 21 years of age and over who earned less than $2 per week. There were more girls from 18 to 20 years of age earning less than $2 per week than there were girls from 14 to 15 earning less than $2. There were 1,733 children under 16 who made from two to three dollars a week, and there was almost an equal number—1,712 workers—16 years and over, who earned the same wages. Children under 16 earning from three to four dollars a week numbered 2,426, and those from 16 to 21 and over earning from three to four dollars a week numbered 2,597. We argued from all of that that child labor reduced wages to the child standard.

Chairman WALSH. I wish you would interpret that; I am free to say I don't understand that. There is a certain percentage of adults earning less than $2. How do you interpret that?

Mr. MCKELWAY. That is out of the whole number—32,000. There is another scale of wages for those earning three to four dollars.

Chairman WALSH. There is such a great number that are earning less than $2?

Mr MCKELWAY. Child wages means family labor, and while one operative

could not support himself on the $2, by living together and putting their wages together they do manage to keep body and soul together.

Chairman WALSH. I don't exactly reconcile that with your statement that the wages were comparatively good.

Mr. McKELWAY. I said the wages of children were high for children. In the South I don't know of any occupation in which the child can engage——

Chairman WALSH. That is only confined to the South?

Mr. McKELWAY. Yes, sir; I am speaking almost entirely of the South, in which children can be employed from 12 to 15 years of age in which they would earn from 50 to 75 cents a day.

Chairman WALSH. What was the daily wage rate, if you have them in those figures, of these people that earn less than $2?

Mr. McKELWAY. Divide that by six.

Chairman WALSH. Could you do that? That surely must be that they did not work full time or included a period in which the mill laid off for weeks.

Mr. McKELWAY. No, sir; they would not have done that; they made a fair study of that.

Commissioner LENNON. Your statement that the comparative wages in the South of children were better in the cotton mills than elsewhere; you refer simply to the South; you don't mean to say that children over 14 employed in some of the industries of the North don't make more than $2?

Mr. McKELWAY. No, sir; I said between 12 and 14. Of course, a boy can get a job that will pay him more than that; but to employ children in any number, the wages of the cotton mill is really a temptation to the parent to put their children to work, and they don't get much more wages after 15 or 17 than before that. The maximum of efficiency is the weaver or spinner. I suppose the maximum of the weaver is at 16 and the spinner from 18 to 21.

Chairman WALSH. How old are these mills in which these conditions exist?

Mr. McKELWAY. There are very few old mills in the South. I used to have those figures on my tongue's end. I think in 1880 there were only 1,667 spindles in the South.

Chairman WALSH. Has it gone on long enough to find out what becomes of these people?

Mr. McKELWAY. Most of them stay at the mills—most of them who went to work as children in the mills—some of them go back to the farm.

Chairman WALSH. Do you find many of them working in the mill that started out at an early day that have reached 50 or 55 or 60 years of age?

Mr. McKELWAY. No, sir; because practically all of the mills that existed were destroyed during the war, and there are very few mills that are more than 30 years of age. The great growth of the mills in the South came between 1880—say, within the last 30 years.

Commissioner O'CONNELL. Do these investigations show the home life they are living—how they live and what they live upon?

Mr. McKELWAY. Yes, sir; there has been a very full statement made about that in the Federal Bureau of Labor's report.

Commissioner O'CONNELL. Does it show the family earnings?

Mr. McKELWAY. Yes, sir.

Commissioner O'CONNELL. So many in the family, so many children earning so much?

Mr. McKELWAY. Yes, sir.

Commissioner O'CONNELL. The number of children all, based upon the family, the father and mother and the children all employed?

Mr. McKELWAY. Yes, sir.

Commissioner O'CONNELL. Their earnings might be ten or twelve dollars a week, something of that kind?

Mr. McKELWAY. Yes, sir. I think the people of the South who know anything about the situation are generally in favor of child-labor reform, but the legislature which is controlled by selfish interests, and especially the smaller house, the senate——

Commissioner O'CONNELL. Do these investigations show the percentage of white and black employed?

Mr. McKELWAY. Nearly altogether white.

Commissioner O'CONNELL. Why is that?

Mr. McKELWAY. There have been two or three experiments tried with the employment of negro labor in the mills, and they have been failures. I don't think that the experiments are entirely fair experiments. I think there were other circumstances probably that led to the failure of the mills, by the long work day. They could not employ a negro and white people in the same

cotton mills, it would have to be negro labor or white labor, but it is nearly altogether white labor. There are some negro men employed in the heavier work of the mills. I remember a little instance in the history of this legislation in Georgia, there was one negro member of the legislature when our bill in 1906 passed, and he was a very much respected member of the legislature, a good man, and during the roll call he had three minutes, I think, in which to express his views, and he said something like this: "Mr. Speaker: My people are not specially interested in this bill, because our children are not employed in the factories; we are trying to send them to school, but we have been legislating for the birds of the air, the beasts of the field, and the fish of the sea, and I am in favor of doing something for the little white children of Georgia."

There was a negro member pleading for the welfare of the white children.

Commissioner O'CONNELL. You said the colored children are sent to school. Is there a comparison made showing the white and colored going to school?

Mr. MCKELWAY. There was a larger percentage of white children attending school in the South than negro children. In the State of South Carolina where there are more negroes than white people, there are more negro children going to school than white children, but the percentage is small. But I have seen in the same town a colored school full of children and the streets empty of children, the children all going to school, and take in a cotton-mill village close by, in which the children are in the mills rather than in the school, are a large number of them. Undoubtedly the negro children in general in the South are getting a better opportunity for education than the white children in the cotton-mill villages. Now, speaking generally, we have not been able to enlist the cooperation——

Chairman WALSH. Pardon me for interrupting you. Has that feature been put forth strongly by your committees in these legislatures, the fact that the negro children are getting a better opportunity for education than the white children?

Mr. MCKELWAY. Yes, sir; we have stretched that a good deal.

Chairman WALSH. What has been the response to that?

Mr. MCKELWAY. I don't know that it has had very much influence. We have had fairly good success over a period of 10 years in defense of child-labor legislation in the South, and it is hard to say what argument has done the most to help it through.

Chairman WALSH. Have the newspapers in the South discussed it, have the educators, the church people, for instance, those that look toward what might be called the bettermen of people as a whole, discussed it?

Mr. MCKELWAY. The educators have discussed it, and some of the papers take it up now and then. We have generally had the following of the press throughout the South. One of our most bitter opponents for a long time was the Manufacturers' Record, published in Baltimore, which was the representative of the manufacturing interests very largely in the South. That is the same paper, by the way, that received a $5,000 contribution, I think, from Mr. Archbold. I have a shrewd suspicion that the reason they stopped the attacks upon us—I was a free-lance editor for an Atlanta paper at the time, and I played that a good deal of the time—and every time he said anything about child labor I had an editorial about Mr. Archbold's contribution, and I have not seen much of it in the last three years. You can take the papers that were influenced very much by the cotton manufacturers, they would be opposed to it, like the Charlotte Journal and News in Charlotte. The Times Union, a Jacksonville paper, owned by the railroad interests there, has been an opponent of the child-labor laws, but generally the press of the South has been with us. A Baltimore paper last year got the age limit of the newsboys reduced by the legislature from 12 to 10, and the governor signed that bill. That brings us to this point, that we have had very few backsets. After we establish a standard it has been very seldom we have lowered it, and the legislatures repealed what they have done.

Commissioner LENNON. They have not repealed it, but has it been improved?

Mr. MCKELWAY. We have factory inspection now of some kind or another in every State except North Carolina. In Virginia the work is very well done, in Tennessee it is very well done, and in Kentucky and Louisiana, it is well done in the city of New Orleans where much of the employment of children has been, but the appropriation was not large enough. We are getting a little more, though, every time we try for it.

I would like to except the Tennessee manufacturers from the general rule, all corporations. They had a 14-year age limit in Tennessee pretty early, and we

have had one or two contests with them, but out of those contests there arose an organization called the Southern Child Labor Association. It was organized in Nashville, and we got together and gave the manufacturers an equal vote with us, and had one or two meetings in New Orleans, and the Tennessee manufacturers have generally stood for pretty good legislation. We have very good child-labor laws in Tennessee.

Chairman WALSH. Briefly, what are the industries in Tennessee?

Mr. McKELWAY. Cotton factories, a few woolen mills, a good many hosiery factories in Tennessee.

Chairman WALSH. The places where the largest are located?

Mr. McKELWAY. Down on the Southern Railway, from Bristol to Chattanooga, and Knoxville has some very large mills, Chattanooga, and some at Nashville.

Commissioner LENNON. Considerable shoe industry, is there?

Mr. McKELWAY. There is a large industry in Virginia—I don't know about Tennessee—and we have investigated that and found but very few children employed. West of the Mississippi the standard was higher than east. Texas has a 15-year age limit for children working around machinery, and a pretty good enforcement of the law.

Chairman WALSH. Have you made any study of the uses of children on farms?

Mr. McKELWAY. Yes, sir; and a very exhaustive study; and we have some pamphlets on that. I might leave one for your files.

Chairman WALSH. At our Dallas hearing it was testified to by a number of witnesses that it was a common practice in certain portions of Texas and Oklahoma to make leases of farms, taking into consideration what they call the "force," which seemed to be the number of children that the person had—the renter had. It was testified there it was common for the children to go to work at the age of 7; that the school hours up to the present time, to the passage of this late law, the school hours and school terms had been fixed with reference to cotton picking and cotton planting, and so on. What has been your observation?

Mr. McKELWAY. Yes—it is not so much observation as reports of our agents. In Oklahoma I wrote the first child-labor law and the first compulsory education law. I remember that I learned that there were roaming bands of people, leading almost a gypsy life, who moved from farm to farm, picking cotton with all their children; and that is done, too, on a wholesale scale in Texas. Our recent investigations down there show such.

Chairman WALSH. What is the age at which they put children to work in the field?

Mr. McKELWAY. There is no limit to that at all. We have some laws that provide that children under 14 shall not be employed during school hours or during the school term, as some of the laws read; but for vacation work there is no limit to the employment of children on the farm.

The census shows a very large percentage of children employed on farms and not employed on their father's farm—not members of farmers' families—as the census calls it. I think it has been put in the record before, perhaps in New York, about this interstate-commerce children's employment—children being employed in the berry fields and in the canneries of Delaware and Maryland, and then transported to the Gulf coast and employed in oyster picking and shrimp-picking industry there during the winter.

Chairman WALSH. Did we have a report on that in the New York hearing?

Mr. McKELWAY. I think you did; I have not seen it, but I think you did.

Chairman WALSH. And have you any report on the conditions of farm child labor in Texas and Oklahoma?

Mr. McKELWAY. Yes; we have in Texas. I don't think we have in Oklahoma.

Chairman WALSH. Well, give us a reference to it, so that if we desire we may secure it.

Mr. McKELWAY. Yes; I have it at the office.

Chairman WALSH. I wish you would submit it.

Mr. McKELWAY. Very well.

(See McKelway Exhibit No. 3.)

I don't want to take up your time, Mr. Chairman.

Chairman WALSH. We are very much interested; go ahead.

Mr. McKELWAY. Perhaps it would interest you, Mr. Chairman, to know that when I went to Oklahoma I drew the first child-labor law there and compulsory education law, and I put a widow's pension clause into the compulsory education law. I don't say that this is perfect legislation in any way, but I think it was certainly the first thing during the past decade in the way of mothers' law. That section is as follows [reading]:

"If any widowed mother or disabled father shall make affidavit to the effect that the wages of his or her child or children under 16 years of age are necessary to the support of such widowed mother or disabled father, then the county superintendent of public instruction may, after careful investigation, in his discretion furnish such child or children a certificate called a 'scholarship,' stating the amount of the wages such child or children are receiving or so much of such wages as shall be deemed necessary to the support of such widowed mother or disabled father, so long as such child or children shall attend the public school in accordance with the provisions of this statute, which aid shall be allowed and paid upon the certificate of such county superintendent of public instruction to the child or children holding such scholarship by the board of county commissioners of the county in which such child or children reside."

I think I may modestly claim this has something to do with the agitation for widows' pension funds throughout the country, though I think it was rather crude legislation.

(For paper submitted by witness, see McKelway Exhibit No. 4.)

Oklahoma has an excellent child-labor law; Arizona has adopted a uniform child-labor law, with the exception that it went further than that, and included the protection of women, limiting them to an 8-hour day to all women in the industry, instead of women under 18. Uniform child-labor laws were unanimously recommended and adopted by the American Bar Association four years ago after recommendation of the commissioners on interstate laws.

Chairman WALSH. I might ask you, what is the situation in Georgia, North Carolina, and in these large mill communities, with reference to securing compensation for the injuries to these children? How are they treated in the courts?

Mr. MCKELWAY. Most of those mills—I don't speak with authority on this, but my impression is that most of them have accident insurance with casualty companies, to protect them; and these companies take up the burden of litigation. The courts have been pretty uniformly though in favor of compensation for injuries, and there have been some pretty good damage suits settled I know of in Georgia and North Carolina in the interests of the children. And I think Judge Clark's dictum there has had its influence throughout the South.

Chairman WALSH. That is, a child of tender years is not chargeable with contributory negligence?

Mr. MCKELWAY. Not with contributory negligence; no, sir.

Chairman WALSH. Or the assumption of the risk of the employment?

Mr. MCKELWAY. Yes; that is right.

Commissioner WEINSTOCK. Under which of the two conditions do the injured get the most equitable compensation, under the common law or under the workmen's compensation act?

Mr. MCKELWAY. Well, we have very few workmen's compensation acts passed in the South.

Commissioner WEINSTOCK. Why?

Mr. MCKELWAY. Well, we have just not reached that subject yet. I think there will be.

Commissioner WEINSTOCK. Is your association working for it?

Mr. MCKELWAY. No; no; we confine ourselves pretty strictly to the general question of child labor and compulsory education.

Chairman WALSH. Could you give us briefly the Texas compulsory education law?

Mr. MCKELWAY. No; I am not familiar with that, but I can get it for you without any trouble.

Chairman WALSH. Well, if you will get it—the two laws, the old law and the new law, and submit them.

Mr. MCKELWAY. Well, they had no compulsory education law in Texas until this last law.

Chairman WALSH. Until lately?

Mr. MCKELWAY. No, sir.

Chairman WALSH. I wish you would get it, then, please, Mr. McKelway.

Mr. MCKELWAY. Yes, sir.

We had quite an interesting experience in Arkansas two years ago. You know the rules for the legislature are peculiar to itself in Arkansas. It is really and literally more difficult to introduce a bill than it is to pass a bill. They have a roll call of the members of the legislature in each house, and when the roll is called the man who answers to his name has the right to introduce a bill in which he is interested, and then that bill is debated until it is disposed of. That

is the way they carry their calendar. And I found great difficulty in getting bills introduced in the Arkansas Legislature, because every man is interested in something else that he considers paramount, and it is difficult to get a bill introduced into the legislature for that reason. At the last session of the legislature, I finally told them that if they did not pass a bill I was going to initiate it and it would cost the State a good deal more expense; but they did not pass it and we did initiate it. They have the right of initiation and referendum in Arkansas. I think, taking Arkansas as a large State with a very large rural population, that it is very interesting to note the result of the vote and the interest that the people felt in that subject. We were required to get about 15,000 signatures, and we got 23,000; and when the vote was had I think the figures were 73,000 for the bill and 25,000 against it.

Commissioner WEINSTOCK. Is that the only southern State having the initiative?

Mr. MCKELWAY. Well, Oklahoma has it, if you call Oklahoma a southern State, and Arizona has it, but I don't think any other southern State has adopted it. But they will get it in the very near future. It is only a question of time. I know in Florida two years ago it almost passed. It passed the house unanimously and was defeated in the senate by a very small margin. I think the southern legislatures are reasonably responsive to the will of the people, and I have found very little graft or corruption or anything of that sort in the legislatures. I have never had any bribery or anything of that kind to contend with in my contests except perhaps the employment of attorneys—employment of legislators as attorneys for companies, and so forth.

Commissioner WEINSTOCK. Are there many blacks in the southern legislatures?

Mr. MCKELWAY. No; I don't suppose there is a single negro a member of any southern legislature now; not that I know of.

The last Arkansas Legislature, even after that tremendous popular vote, attempted to repeal this law passed by the initiative and referendum; but the attempt failed. But we had to have an agent there on watch all the time to keep it from being passed.

Chairman WALSH. What was the law?

Mr. MCKELWAY. It was almost a uniform child-labor law, condensed so as not to take up too much space in printing, but with a 14-year age limit for all occupations, including agriculture, during the school term, 16-year age limit for night work and dangerous occupations, and an 8-hour day for children under 16 years of age.

Chairman WALSH. Did it cause much agitation in the State?

Mr. MCKELWAY. We sent our agent to make speeches in the State and talk to the women's clubs and the churches and get the newspapers interested, and there was a very considerable agitation; and the vote for and against this bill was higher than any other proposition, and was only 10,000 less than the vote for the governor at the same election, so there was a great deal of interest taken in the legislature for and against, and we carried it by a vote of 3 to 1. We have had as the main opposition to child-labor legislation the influence of the cotton mills and cotton-mill manufacturers.

We had a long contest with one of the oyster packers in Florida, John G. Rood, who lived in Apalachicola. He was extremely adroit, and time after time our legislation was defeated. He had had a contest with labor unions, and was not employing children in his factory, which was shut down at the time, but he hoped to do so in the future, and he was very much averse to this class of legislation. Once we got our bill through both houses, and there was a slight disagreement, and there was a conference report of one house, and it got tabled.

Chairman WALSH. Was he a member?

Mr. MCKELWAY. No; he just managed the fight, and he was too much for us. Finally I went to Apalachicola and Key West and made some personal investigation, and got so many facts about what happened in regard to the employment of children that at the next session of the legislature he considerately sailed to Europe and let the bill be passed. We have a pretty fair law in Florida.

We had opposition from the telegraph companies in the protection of messengers. I suppose you want to know something about that?

Chairman WALSH. We are much interested in it.

Mr. MCKELWAY. We have had the same contest in the South and find the same conditions in Virginia and Georgia as found in New York, except on a smaller scale, because the cities are smaller.

Chairman WALSH. How about New Orleans?

Mr. MCKELWAY. New Orleans is perfectly fearful; I never heard or read anything like the reports of our agents in New Orleans, and that has not been corrected there yet.

Chairman WALSH. Do they use them in sending messages, and so forth, to the red-light district?

Mr. MCKELWAY. Yes; and in sending cocaine and whisky when the saloons are closed, and their association with the denizens of the red-light district are intimate. This is especially so of New Orleans, but the same thing exists in Richmond, Nashville, Baltimore, Savannah, Birmingham, Memphis, Montgomery, and other cities, and in some Texas cities; the same conditions prevail practically everywhere. Here in Washington the conditions are better because we have a 14-year age limit for daywork and a 16-year age limit for night work, and we did not find the same condition here as in Baltimore—that is, before the red-light district was closed in Washington.

Chairman WALSH. What is the age of the boys in the different cities?

Mr. MCKELWAY. It depends upon whether there is any law to prevent their employment; we found them from 10 years up.

Chairman WALSH. What are the names of the companies that employ boys?

Mr. MCKELWAY. The Western Union, the Postal, and the District Messenger Cos., which go by various local names.

Chairman WALSH. Those are the companies owned by the Western Union Telegraph Co.?

Mr. MCKELWAY. No.

Chairman WALSH. Or the stock of which is owned by the Western Union?

Mr. MCKELWAY. Not that I know of.

Chairman WALSH. Do you know whether it is or not?

Mr. MCKELWAY. I do not know.

Chairman WALSH. It has been testified to that what are called the district companies, named after the States, and with local names, are subsidiary companies of the Western Union Telegraph Co.

Mr. MCKELWAY. I might modify my answer. Where those district companies are carrying messages for the telegraph company, I suppose they are closely associated with that company.

Chairman WALSH. The testimony was that these district companies that carry private messages and carried packages for private persons, and the like of that, were subsidiary companies of the Western Union.

Mr. MCKELWAY. My impression has been, although I never looked into it carefully, that they were independent district companies.

Chairman WALSH. Publicity has been given to this commission, so far as the employment of messenger boys is concerned, say within the last two or three years.

Mr. MCKELWAY. It has been only within the last three or four years that our committee waked up to this question. We published some pamphlet on the night messenger service, and we had the reports of our agents, and sometimes put them in manuscript form before the legislatures. I think Mr. Lovejoy has a pamphlet that can be put in the record.

Chairman WALSH. I wish you would please do so.

(Witness submitted printed pamphlet entitled "Child Labor and the Night Messenger Service," by Owen R. Lovejoy, general secretary National Child Labor Committee. It is pamphlet No. 141, National Child Labor Committee (Inc.), 105 East Twenty-second Street, New York City.)

Chairman WALSH. It was testified to by the manager of the Western Union Telegraph Co. that those conditions did not exist anywhere in the United States at all.

Mr. MCKELWAY. That is a great mistake.

Chairman WALSH. He testified to it in Chicago, just a few weeks ago.

Mr. MCKELWAY. Here is something I might as well put in the record, on the night messenger service in Virginia, by Mr. Lewis W. Hine. Here is the gist of it. This is 1911 [reading]:

"After numerous confidential conversations with messenger boys in all the large cities of Virginia (as recorded herein), I find that conditions are the same in this State as they are in most of the other States we have investigated. The ready familiarity with the red-light district that these night messengers gain in a few weeks—the fact they are permitted to work at night as young as 14—also that the day messengers in the day and the early evening are thrown into that district more or less; the fluctuating character of the service (the majority

of the boys I interviewed having been in the work but a few weeks or months), all these repeat the story of previous investigations of this character in other States, except that limited time did not permit making so searching an investigation as some of the rest have been. The short term of service rendered by many of the boys indicates something radically wrong with the system of employing young, fickle, irresponsible boys; and, moreover, it increases manyfold the number of boys who are affected by the contact and acquaintance with this form of vice."

That is the general summary of the situation.

I have had some terrific contests with the telegraph companies in different States. I had one in Florida, in which I got Mr. Belvedere Brooks very closely involved in the matter. He was down there on other business, and I understood he had agreed to a bill, as it was drawn up, but his agent opposed it, and published a pamphlet on the subject, which I have here.

(Document referred to by witness was submitted in printed form. It is entitled "Senate Bill No. 160; House Bill No. 296. If the Child Labor Bill Becomes a Law, How It Will Affect the Telegraph Companies, the Public Service, and Messenger Boys." Democrat Job Print, Tallahassee, Fla.)

Chairman WALSH. What was the bill?

Mr. MCKELWAY. He quotes the bill here. It had a 14-year age limit for day-work, and 18 years for night work.

Chairman WALSH. For messenger boys only?

Mr. MCKELWAY. Yes; and they wanted that modified so as to apply to cities of 25,000 population or more, which I think would only have taken in one city, Jacksonville, and perhaps Tampa.

Chairman WALSH. Have you had any contests in any other States in which the company took part?

Mr. MCKELWAY. Yes; in Georgia, just after the New York law was passed, which made 21 years the age limit, and which the presidents of these companies agreed to. I tried to get the same law passed in Georgia; and I have here a stenographic report of the hearing before the committee. I had it taken down because I thought it was of historic interest. They employed an attorney to oppose the bill, and finally forced the age limit down to 16.

Chairman WALSH. Who employed an attorney?

Mr. MCKELWAY. The Western Union and the Postal, both; they were both represented, and their managers testified in this; I will put this in the record.

Chairman WALSH. Yes; I wish you would.

(Witness submitted document in printed form, entitled "Arguments Before the Committee on Labor and Labor Statistics of the Georgia House of Representatives on the Night Messenger Bill, in the hall of the House of Representatives, State Capitol, Atlanta, Ga., 5 o'clock p. m., Wednesday, July 27, 1910.")

Chairman WALSH. You said something about Belvedere Brooks being personally present in Florida.

Mr. MCKELWAY. Yes; he was there, and I met him and talked with him about the situation, and he made this general stipulation, that if we asked simply for an age limit of 18 years for night work, instead of 21, which limit we were insisting on, that he would not have any opposition to the bill; so we fixed the age limit at 18 years in the Florida law, and this agent in Florida—I think his name is Maxwell—did all that he could to oppose the bill and had that pamphlet circulated—and I protested to Mr. Brooks and sent a number of telegrams to him, and I have one addressed to me here, from Mr. Brooks, and this is my reply [reads]:

"Yours received. I presume all the harm that Mr. Maxwell was capable of accomplishing has already been done. Am writing more fully, but meanwhile suggest that as only his opposition is apparent here, best proof of good faith would be passage of bill unamended. Others matters can be settled afterwards. Signed, A. J. McKelway."

I have other correspondence, and if you want to put it in evidence in the record, all right.

Chairman WALSH. I wish you would, please.

(See McKelway Exhibit No. 2.)

Chairman WALSH. Can you state the purport of it now?

Mr. MCKELWAY. They pretended to object to the machinery we had in the law for the enforcement of it, regarding the requiring of a certificate for the employment of boys under 16, the general certificate plan which is in effect in all the laws. Then they said that it would work a hardship in the smaller towns; that they would have to close up the offices at night in the smaller towns because they only had one messenger and could not employ two.

Chairman WALSH. Why could they not employ two?

Mr. MCKELWAY. Because it would cost them more; they could not employ an older boy just to carry messages between 8 and 10 o'clock at night; I don't remember all of the arguments used.

Chairman WALSH. You can submit it then.

(See McKelway Exhibit No. 2.)

Mr. MCKELWAY. We had a contest with what is known as the Theater Trust in New Orleans and New Mexico. They defeated our bill in New Mexico, the whole bill, because of the proposition that children under 14 should not be employed on the stage in the daytime, and under 16 at night; the whole fight was on that clause. In New Orleans we succeeded in changing the law, putting it in the discretion of the judge of the juvenile court as to whether children should be employed. Those are about the only backsets we have had.

I have been engaged in some Federal legislation as well as State legislation, living here in Washington.

Chairman WALSH. I was going to ask you about that.

Mr. MCKELWAY. Very well.

Chairman WALSH. State what effort has been made, and the logical basis for a Federal act and the necessity for it, if you think there is such.

Mr. MCKELWAY. The first legislation which I was engaged on here was the District of Columbia child-labor bill, passed in 1908. Our chief opponent there was a Senator who was a glass manufacturer from West Virginia.

Then, I was interested in getting that appropriation for the Federal investigation into woman and child labor that was passed in 1892, and the children's bureau was established largely through the activity of the child-labor committee. and we had opposition to that of a very peculiar kind. Organs of the cotton manufacturers seemed to think it was an opening wedge for something else, and did not understand it. Most of the votes passed against it were from southern Senators and Representatives; there was considerable opposition to it.

The Beveridge child-labor bill was the first attempt, I think, at Federal child-labor legislation. Senator Beveridge made a great speech on the subject, taking about three days in talking on the bill, which, however, was never reported out of the committee. Mr. Beveridge's child-labor bill put the burden upon the carriers. It said the railroad companies and other transportation companies of any kind should not transport in interstate commerce the products of mines or factories or sweatshops employing children under 14 years of age. The bill, as I said, never got out of the committee. They never even had a hearing on it.

Our own National Child Labor Committee was somewhat divided on the question of Federal legislation for a while, but we have come unanimously to the old conclusion that it is necessary to make a proper standard and enforce the laws; and the Palmer child-labor bill, as originally introduced, put the penalty upon the manufacturer. It said that no manufacturer where children were employed under 14 years of age in the daytime, or under 16 years of age at night, or employed under 16 years of age for more than eight hours a day, should ship their products in interstate commerce; but the Committee on Labor in the House changed that bill, and I think removed some constitutional objections to it by the form in which it is now cast. I will read the first section [reads].

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful for any producer or manufacturer or dealer to ship or to deliver for shipment in interstate commerce the products of any mine or quarry which have been produced in whole or in part by the labor of children under the age of sixteen years, or the products of any mill, cannery, workshop, factory, or manufacturing establishment which have been produced in whole or in part by the labor of children under the age of fourteen years, or by the labor of children between the age of fourteen years and sixteen years who work more than eight hours in any one day or more than six days in any week or after the hour of seven o'clock post meridian or before the hour of seven o'clock antemeridian."

That bill passed the House at the last session by a vote of 232 to 43, and it came over to the Senate pretty late, when it could only be taken up by unanimous consent, and Overman, of South Carolina, objected, and brought along a petition from the manufacturers of South Carolina, who appealed to him to not support it. In the proceedings before the committee, three or four South Carolina manufacturers appeared in opposition to the bill, and that was the whole opposition we had in the hearing; and the Committee on Labor sent broadcast invitations to the manufacturers' associations and individual manufacturers to let them know if there was any opposition to this bill. I think

there is a pretty general feeling among employers, most of whom do not employ children at all, that a standard of legislation on this subject would be very desirable, to remove the alleged disadvantage which one State suffers by having a better child-labor law than a bordering State.

Chairman WALSH. Did you make any special study of that matter, in interstate commerce?

Mr. MCKELWAY. Yes.

Chairman WALSH. It has been urged very strongly, especially in the textile industries, that the State is put at a very great disadvantage.

Mr. MCKELWAY. I can not see how it would be put at a disadvantage by the Federal law. The argument has been persistent and insistent that when we go to one State——

Chairman WALSH (interrupting). That is what I mean.

Mr. MCKELWAY. I meet that everywhere. In Texas when the—in the last legislature there I got the manufacturers together to agree to a pretty good child-labor bill, which was amended a little in the house, and they opposed it and defeated it. They said they wanted Federal legislation; they wanted a 15-year age limit there, and they were at a disadvantage in competition with other States. The Tennessee manufacturers have said several times that they wanted Federal legislation.

The American Cotton Manufacturers, which is a Southern organization, met at Memphis on the 14th of April of this year, and an indorsement was given the proposition to establish an American merchant marine by the right of subsidy, and a protest was made against the operation of a uniform child-labor law, and the legislation pending in courts to require the branding of goods. I suppose this refers to this provision that the manufacturer must have a certificate accompanying his goods saying they were not made by children under a stipulated age.

Chairman WALSH. Is the Federal law still being pushed by the committee?

Mr. MCKELWAY. Yes; we have hopes of passing it during the next session of Congress; I know a majority of the Senate is in favor of it, and also the Members of the House, and if it goes to a vote I think it will be passed.

Commissioner LENNON. Mr. McKelway, what has been the attitude of organized labor in the South toward the efforts to secure child-labor legislation, both as to their work and as to their education?

Mr. MCKELWAY. So far as my personal experience goes, they have universally been on the side of better child-labor legislation and better education. I have worked in West Virginia and North Carolina and Georgia, Tennessee, and Texas. Our agent in West Virginia reported at this last session of the legislature that the glass workers' union, if that is the proper name for it, was opposed to the child-labor bill in West Virginia. I have heard from Gene Gordon, our representative in Louisiana, that the New Orleans Federation of Labor had been opposed to a higher standard of legislation, which she insisted on; but with those exceptions they have been universally with us, as far as I know.

Commissioner LENNON. What has been the attitude of the church in the South toward this legislation, as to declarations of synods and conferences? Have they been aggressive for the legislation, or indifferent to it, or what?

Mr. MCKELWAY. I should hardly say aggressive. The Presbyterian General Assembly passed a resolution demanding child-labor reform, and some Methodist bodies, and some Episcopalian bodies, and some Catholic bodies, although they are careful about mixing up the church and state, as they say. I have had generally the cooperation and sympathy of ministers in this work. I should think the exception would be where the ministers were really subsidized by the manufacturers, where part of their salaries was paid by the mills, and most of them feel that they have a more important work than that of advocating child-labor reform; and to do that would injure their other work of ministerial guidance, although I have known some earnest advocates of child-labor reform from that source.

Commissioner LENNON. What have you observed as the effect upon the morals of the community of the employment of children—say as to the virtue of women and morality generally?

Mr. MCKELWAY. That depends a great deal upon the locality. The ordinary cotton-mill village in the South is a rural community still, in spite of the people living together. They come from the country and the women are pure when they come there, and most of them remain pure. Sometimes in cotton mills located near cities I have heard some very bad things as to the morals of the people, and there has been some testimony to that effect. It depends a little

on the tradition of the mills themselves. Some mills have a bad reputation and others have a good reputation. The most of them have good reputations as to the purity of their women.

Commissioner LENNON. What effect does the employment of children have upon the parent as to their being industrious and looking after their own affairs?

Mr. MCKELWAY. I am speaking now of the South.

Commissioner LENNON. Yes; and I am also.

Mr. MCKELWAY. In the cotton-mill villages when a man moves from the country with his family to the cotton mill, if it is a typical cotton mill, there is very little work that he can do. He can not learn to spin or weave. If there is some rough work about the mill or he can be employed as a watchman, or something of that sort, he can take work with the mill, but the tendency is for him, not finding a job, to be supported by his wife and children.

Commissioner LENNON. Then the support by his children does tend to make him an idler?

Mr. MCKELWAY. Yes; or a vagrant; and we have some vagrant laws intended to reach that, in which a vagrant is defined to be where a man lives upon the earnings of his minor children.

Commissioner LENNON. What has been the effect upon the social or industrial unrest? Do you believe the employment of young children has had an effect upon that? You know that is primarily what this commission is appointed to study, the conditions of social unrest. How does this subject affect that?

Mr. MCKELWAY. Well, that is a pretty broad question. There is a general popular resentment against the exploitation of children; there is no question about that. I think members of the labor unions feel that there is an economic question involved adverse to the best interests of labor. They are, I think, especially resentful of the employment of children, and they know more about the situation than most people do. I think there is a growing feeling of resentment among the operators themselves at their helplessness and about the employment of children.

They had a strike in Atlanta last year; I have not been to Atlanta since the strike in the Fulton Cotton & Packing Mill; and the reason we got through that legislation in Georgia last summer was the part of the bill against the employment of children under 14 years of age. Some had employed their own children under 14 years, and said they were obliged to do it, but they said they wanted a law to protect them.

Chairman WALSH. If there is any other suggestion, Mr. McKelway, that you want to make, we will be glad to have you do so, as you understand our trend here.

Mr. MCKELWAY. I do not know that there is anything.

Chairman WALSH. If there is anything that will throw light on the condition in the South in pamphlet form that you wish to present, please do so.

Mr. MCKELWAY. I will get them together for you.

(Mr. McKelway submitted the following pamphlets written by himself and issued by the National Child Labor Committee (Inc.), 105 East Twenty-second Street, New York City: "Pamphlet No. 92. Child Labor in the Carolinas"; "Pamphlet No. 138. Child Labor in Georgia"; "Pamphlet No. 150. Child Labor in Tennessee"; "Pamphlet No. 169. Child Labor in Mississippi"; and "Pamphlet No. 171. Child Labor in Virginia." Also two other publications of the National Child Labor Committee, entitled "The Child's Burden in Oyster and Shrimp Canneries" and "The Uniform Child Labor Law. Fouth Edition. Revised February, 1912." Also other printed documents of the following titles: "Children Eligible for Employment in the Mills, Factories, and Manufacturing Establishments in the State of Alabama for the Year 1912. Brown Printing Co., Montgomery, Ala."; "An Argument in Favor of Exempting Cotton Mills and Other Textile Industries from the Proposed 54-Hour Labor Schedule"; "Hearings Before the Committee on Labor, House of Representatives (63d Cong., 2d sess.) on H. R. 12292 [Child-labor bill], Feb. 27, Mar. 9, and May 22, 1914"; "H. R. Report No. 1400 (63d Cong., 3d sess.)"; and two newspaper clippings, "Merchant Marine by Subsidy Plan Warmly Endorsed—American Cotton Manufacturers at Memphis Endorse This Plan—Protest Against Child-Labor Law," Asheville (N. C.) Citizen, Apr. 15, 1915, and "Some Strong Child-Labor Facts, by J. S. Mills," the Atlanta News, no date.)

Mr. MCKELWAY. With regard to the attitude of manufacturers, you will find within this volume of the Federal bureau report of the whole story of child-labor legislation in the South up until 1908 very carefully written.

(See McKelway Exhibit No. 2.)

Chairman WALSH. That is all, thank you, Mr. McKelway. You will be excused.

We will now adjourn until 2 o'clock p. m.

(Thereupon, at 12 o'clock noon, an adjournment was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Is Mr. Joseph Kobylak here?

Mr. KOBYLAK. Yes.

Chairman WALSH. Just take the chair, please.

TESTIMONY OF MR. JOSEPH KOBYLAK.

Chairman WALSH. What is your name, please?

Mr. KOBYLAK. Joseph Kobylak.

Chairman WALSH. What is your occupation?

Mr. KOBYLAK. Coal miner.

Chairman WALSH. What is your nationality?

Mr. KOBYLAK. Bohemian.

Chairman WALSH. How long have you been in this country, Mr. Kobylak?

Mr. KOBYLAK. For the last 12 years.

Chairman WALSH. What has been your business all the time you have been here?

Mr. KOBYLAK. Oh, 10 years—8 years acting in the coal mines, and since that time I helped the coal miners on the coal tipple as checkweighman.

Chairman WALSH. What was your occupation in the old country, Bohemia, before you came here?

Mr. KOBYLAK. Coal miner.

Chairman WALSH. How old a man are you?

Mr. KOBYLAK. Thirty-three years old.

Chairman WALSH. Are you a man of family?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Married in this country or the old country?

Mr. KOBYLAK. In this country.

Chairman WALSH. How many languages do you speak?

Mr. KOBYLAK. I speak German, Bohemian, Slavish, Polish, Lithuanian, and a little bit of English.

Chairman WALSH. And where have you worked as miner? Tell us now in what localities.

Mr. KOBYLAK. Gentlemen, I have these statements prepared in writing so I can give you everything exactly, with the dates.

Chairman WALSH. Well, I just want to locate you here first; you are the gentleman that reported to this commission some time ago that you had been arrested for high treason?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Against the State?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. And that you like to make a statement?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. In regard to your experiences?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Now, you say you have that prepared in writing?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Very well. You may go ahead and read it, Mr. Kobylak.

Mr. KOBYLAK (reading):

"GENTLEMEN OF THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS: Having received your call to appear as witness and testify of my own experiences with the courts and with the officers of the law, before I will proceed to tell you, gentlemen of the committee, of my unrightful arrests, charges, and unlawful persecutions, which has greatly injured and damaged my name and my dear family, viz, trespasser, mule killer, speak-easy operator, black hander, rioter, highwaymen like intent to injure, robber, raper, and treason charge. I face last in this present 13-month coal-miner strike in eastern Ohio, compelled to stay in jail under $10,000 bond.

"Kindly note that I am not a salary-paid officer—nor an office keeper—I am only a mine-camp local officer—simply a foreign coal miner.

"Gentlemen of the committee will pardon me for mistakes I make in talking the American language.

"Now, I must go little into my life, to show you the road I have traveled in this time. In 1903 I migrated to America. I was 21 years of age. Located in Jefferson County, Ohio, and began work in the coal mines and joined the union—United Mine Workers of America.

"Now comes the year 1906. I worked in the Bradley mines property of the United States Coal Co. A strike took place in that district. There was no trouble. Everything went along peacefully. The United States Coal Co. condemned our union, U. M. W. of A., and immediately hired a few hundred private guards, generally called gunmen, together with hundreds of scabs and proceeded with their work.

"Striking miners at Plum Run mines, also property of the United States Coal Co., under the threats of brute force by the hirelings of the coal camp, they, the miners, had to surrender—then the camp began to mine coal. The same company attempted to do with Bradley mines—put up reflectors—made trenches for themselves—troubling the strikers, etc. The miners have seen all this—what to do. The strikers at Plum Run received no help, had to surrender. Bradley strikers were in the same position. Surrender? No. So they decided to defend their homes and their families. The hirelings make no progress, so they get ready for wholesale murder.

"July 1, 1906, for more than four hours the gunmen fire continuously into the strikers' homes. Didn't care for women and children. Their motto was to kill whole business—looked to me so. The strikers thank the traitor the hirelings had among themselves. From him the miners received warning in time so they place themselves with their families in safety, and yet the bloodshed took place. Then the Ohio State Militia came. Strikers would not give up the strike. The United States Coal Co. began to realize the strikers would not give up, so the company recognized the union and strikers returned to work.

"The strike lasted four months and contributed lots to my experience.

"In 1907 I changed the work place from Bradley to Plum Run mines. I found there big misunderstandings among the miners, which caused big trouble to themselves and to the union, and the company had always benefited by it. It was and is now the greatest enemy of the organized labor and at present this company hires nonunion labor. The working conditions were bad and the bosses rough to the miners. Local strike was called, miners divided themselves—some struck and some went to work. Little riot took place and the result was strike was lost. Some were arrested and lots discharged.

"Mr. William Green, district president of the Ohio miners, U. M. W. of A., and Mr. Watkins, subdistrict president of the eastern Ohio miners, U. M. W. of A., appeared on the scene at Plum Run to reorganize that place and put it right. A meeting was called of all the miners and I was appointed by the already named officers of U. M. W. of A. for mine committee to represent the coal miners. Appointment was accepted unanimously by the miners, and by the mine management of the United States Coal Co.

"I had a big job on hand. First, I began to organize the miners and had success. The miners, well organized, naturally began to ask for their rights which they were entitled to under the mining law and agreement to which the company had agreed and signed. Many times the company willfully violated the contract and the law, even over my protest they did."

Chairman WALSH. Violated what contract?

Mr. KOBYLAK. Between the miners and the coal companies.

Chairman WALSH. How did they violate the contract?

Mr. KOBYLAK. They have signed a contract that the miners have a right to pick out a checkweighman from among their own ranks, and they have not done that.

Chairman WALSH. They would not do that?

Mr. KOBYLAK. The men elect me in the right way, and they say the mine had asked to remove me.

Commissioner LENNON. They broke the contract by shutting the mines down without regular process under the agreement; wasn't that it?

Mr. KOBYLAK. They violated the contract by shutting the mine and asked that I should be removed. When the contract granted the right to the miners and also the mining law.

Chairman WALSH. Yes.

Mr. KOBYLAK (reading):

"In all cases I was the spokesman. It was my duty to be, as member of the mine committee. With a few shutdowns and with help of the mine inspector we compel the company to respect a little the mining law of Ohio.

"Better working conditions we have secured with strikes. We were compelled to take such action because the bosses refused to grant the miners anything they asked for. The bosses were not satisfied with my actions, they looked for chance to get rid of me and began with persecution. Mule killer in the mine was the first charge against me, but their plan was so weak that they give it up. Then they shut down the mine in which I work, refuse to place me in other mine, but the miners all together, including those who were hired in 1906 as strike breakers to break the union by the United States coal Co. were organized also, elected me for their checkweighman to represent them on the coal tipple and see that their coal is weighed correctly, and for secretary and treasurer.

"Immediately the company shut down all of their mines. This happened in September, 1909. The company violated the contract and the mining law. Mr. William Green, president of the Ohio miners, took up the case, and when company refused to comply with the law or contract he ordered a strike. The strike lasted 16 days. The company gave up, and I was reinstated as checkweighman, but the company did not stop working to get me out."

Chairman WALSH. Had you had a checkweighman before you went in at that tipple?

Mr. KOBYLAK. Yes, sir. [Continues reading:]

"It proceeded with its crooked business in the name of violence, but my fellow mine workers stood with me and prevented all kinds of dirty attacks made by the representatives of the United States Coal Co. against me, which caused about six more strikes, in all of which the company was the loser."

Chairman WALSH. What objections did the operators have to your being checkweighman, Mr. Kobylak, if any?

Mr. KOBYLAK. The miners would appoint me to represent the miners in the mine. I was spokesman, and in determining the rights, you know, under the contract.

Chairman WALSH. Before this time?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Then your idea is that they objected to you because you were the spokesman of the miners?

Mr. KOBYLAK. Yes.

Chairman WALSH. What did they say? How did they put it?

Mr. KOBYLAK. Well, they simply say, "We don't want him."

Chairman WALSH. Did they say why they did not want you?

Mr. KOBYLAK. No.

Chairman WALSH. All right, go ahead.

Mr. KOBYLAK (reading):

"One evening four policemen break into my home, arrested me without warrant, drove me for about 7 miles before squire, and charge that I am speak-easy operator."

Chairman WALSH. You say "speak-easy operator"?

Mr. KOBYLAK. Yes.

Chairman WALSH. What is that?

Mr. KOBYLAK. Selling liquor; and they dragged me off 7 miles, and I had to walk back. They did this so I would not appear on the tipple the next day, and so the miners would get excited if you remove me; they will have no miners on the tipple, and this speak-easy business is a serious thing among the miners, because you know it is a very bad kind of business.

Chairman WALSH. Well, was there an information ever filed against you for running the speak-easy?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Did they take you before the magistrate?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. And did you have a trial?

Mr. KOBYLAK. Yes. They took me there before the squire and charge that I am a speak-easy operater, and he discharged me.

Chairman WALSH. He discharged you, and you went back home?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. And you had to walk back?

Mr. KOBYLAK. Yes, sir; after he asked me a few questions.

Chairman WALSH. Right there, did you keep a speak-easy at any time?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Go ahead.

Mr. KOBYLAK (reading):

"The squire turned me loose, and I walked back.

"One day two officers of the U. M. W. of A. come to my home and ask me for all union books, vouchers, receipts, bank book, and cash money. I wonder and ask what go on anyhow. 'Well,' officer answer, 'you are charged with taking the union money. You are charged so by the United States Coal Co.' Both went over the books and the money and found everything correct. They found that the charge was false."

If the gentlemen will excuse me I will read the report of those two men who went over the books at the special convention of the miners, and I will read the findings [referring to a large pamphlet]. This is the proceedings of the special convention of the subdistrict No. 5, of district No. 6, United Mine Workers of America, held in Wheeling, W. Va., in October, 1911. Vice President Rapp (?) said:

"In explanation of Brother Kobylak's book, I will say that I went over them, in company with Brother ———, and he got a detailed report, of which I can say I never saw a more complete set of books kept in a more honest way, everything to show for every cent that has come in and every cent that has went out. I never saw in my life a more complete set of books than I did in Brother Kobylak's books."

That is from one who went over the books. [Reads:]

"In the month of November, 1910, the company offered me monthly job—to quit the union and go on the company side. I ignored the offer."

Chairman WALSH. Who offered it to you?

Mr. KOBYLAK. Offered by the superintendent three times, and the fourth time the manager, Mr. Bullitt(?) came from Cleveland.

Chairman WALSH. What job did they offer you?

Mr. KOBYLAK. To be the weigh boss.

Chairman WALSH. For the company?

Mr. KOBYLAK. Yes; for the company. [Continues reading:]

"In a short time, January, 1911, shutdown of all the mines took place again, and the company demanded the removal of myself from all the miners. The company failed to break strike in about five months, so the company, in a conference at Cleveland, Ohio, made a new offer to the officers of the U. M. W. of A.; offered to pay for my lost time on strike, willing to buy my home and pay the expenses to move. I ignored the offer again. The company went on with the fight to get me out, but surrendered after 11 months of strike. During the 11 months' strike I was charged as a blackhander, but charge was dismissed. I was reinstated as checkweighman again, but only for short time."

At that time, gentlemen, we had a wise man in the prosecuting attorney, and he did not send out with guards and rifles after me. He simply sent a letter that he wished to see me. Here is the letter I have received from the prosecuting attorney, and I was charged for blackhanding. [Reading:]

[Office of the prosecuting attorney of Jefferson County. Steubenville, Ohio, Jay S. Paisley, prosecuting attorney.]

MAY 8, 1911.

Mr. JOE KOBYLAK, *Rhodesdale, Ohio.*

DEAR SIR: If possible, will you kindly call at my office in this city next Thursday morning, as I desire to talk with you about matters which will no doubt be of interest to you and perhaps beneficial.

Very truly, yours,

JAY S. PAISLEY.

"The company, aroused again, hired a practical robber for weigh boss and private guard. Weigh boss began to steal by wholesale the coal, digged and loaded by the miners. Of course, shutdown took place again. On the 10th day of July, 1912, union asked the company to remove the weigh boss. Later on they did and asked for investigation and that during that time I should stay off the tipple scale. That was granted to the company. I have proved the robbery, but the company motto was to keep me off forever for all prices.

"September 10, 1912, an attack was made on me in the company store when I waited for my mail by the new hired company guard and threatened with arrest. I protested because I was in the United States post office, yet I was ar-

rested about half an hour later as a trespasser. The superintendent, acting as judge, turned me loose.

"September 25, 1912, a big meeting was called by Mr. John Moore, district president of the Ohio miners, and C. J. Albasin, subdistrict president of the United Mine Workers of America. In that meeting I was reelected as checkweighman on the coal tipple. A bloody riot took place at that meeting outside the union hall, but the meeting inside the hall went on peacefully. During the fight I was with the officers in the hall. Next morning myself, as per instructions and in the name of our constitution, contract, and the mining law, went on the tipple as miners' checkweighman, with the understanding that if the United States Coal Co. refused to have me there or try to shut down the mines I shall return to my home and the mine committee place other man in my place. Keep on working—it was to my satisfaction. The United States Coal Co. did not notify me or the mine committee or the local union officers at all about what it intended to do—plan was ready. As soon as I came to the tipple attack was made against me by the company guards. I was placed in hand chains and thrown in the jail at Smithfield, Ohio, charged with trespassing. The second day in jail was read to me another charge—inciting riot. The company put their guards in the union hall. The local union officers were suspended and new elected and proceeded with company guards in the union hall with their local business. In the Smithfield city there were enough farmers to buy near the whole city, yet the authorities refused to accept bond until two lawyers came from Steubenville, Ohio, and demanded the right under the law. The bond was then signed, and I was released from jail."

Chairman WALSH. Who went on your bond?

Mr. KOBYLAK. Farmer, for $500.

Chairman WALSH. Did they know you; were they friends of yours?

Mr. KOBYLAK. Simply surrounding farmers there.

Chairman WALSH. Who procured them to go on your bond, if anyone?

Mr. KOBYLAK. Nobody asked them to go; they simply volunteered to do so. [Reads:]

"The United States Coal Co. have gained what they were after for long years—kept the guards for the purpose to keep me off of their mines at Plum Run and Bradley. The guards are there to-day.

"I was trying to get work in the surrounding mines, but could get none—blacklisted. No money for leaving. I left my family—wife and four children—in Ohio and went to West Virginia and then to Pennsylvania. No work for me nowhere. Miners of the Penobscot mine, Pennsylvania, called a meeting and elected me for their checkweighman. I started work there in December, 1912. The working conditions were very bad. The miners asked the Penobscot Coal Co. from time to time to make better, but without result. So the miners all together lay off January 7, 1913; told the superintendent to fix up the mine; buy supplies so they all can work. Yet instead of buying supplies the company condemned the union miners and order the Pennsylvania State police. I was arrested again without warrant, placed in hand chains with eight other fellows, and tried in the company store at Penobscot (Pennsylvania) mine. This happened January 23, 1913; was charged as highwayman like intent to injure.

Chairman WALSH. What was that?

Mr. KOBYLAK. Like highwayman, intend to injure. That means I was on pike and would stop the workers when they go to work and threaten them not to go to work or I would kill them.

Chairman WALSH. What was the fact; had you had any trouble on the highway with any persons?

Mr. KOBYLAK. No, sir; I was not even there. I was in Ohio. When the mines shut down I had nothing to do, so I went to my home. [Continues reading:]

"Two squires present. They had no business there. Penobscot district was outside their jurisdiction, as proved in big court at Washington, Pa., later on, and yet they open the court in said coal company store. Act brutal. I have protested and demanded they place us where we belong if they think we have violated any law. State police loosen my hands."

Chairman WALSH. Loosened your hands?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. What were on your hands?

Mr. KOBYLAK. Chains, you know; handcuffs. [Reading:]

"Squire sentenced me to leave the Penobscot district inside of 24 hours. Ohio guard of Plum Run mines helping squire in the State of Pennsylvania

after State police left. I could do nothing; had no money to defend myself. I left the State of Pennsylvania. Came back home to Ohio.

"In short time a special committee met me from Rush Run mines; asked me to be their checkweighman. I accept the offer. Meeting was called, and I was elected by secret vote with ballots. The United States Coal Co., with their guards, together with the Glen Run Coal Co., did all they could to prevent me to start work in the Rush Run mines, property of the Glen Run Coal Co., but failed.

"I start work February 3, 1913. Everything went along good, but the coal company didn't like that."

Chairman WALSH. Were you not checkweighman at that time?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. How long had you been acting?

Mr. KOBYLAK. I started on February 3, 1913, and was arrested on March 29.

Chairman WALSH. Now, before March 29, had there been any outbreak of any kind?

Mr. KOBYLAK. No, sir; everything went along peaceful.

Chairman WALSH. Had you had any meetings at which things were discussed?

Mr. KOBYLAK. We had meetings every two weeks; yes.

Chairman WALSH. Had there been any discussion with reference to your work as checkweighman?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Have you had any disputes with your company with reference to weights of coal?

Mr. KOBYLAK. We had a few times when the scale was wrong; they had made the correction, you know; and that is all. [Reading:]

"March 29, 1913, I was again arrested by the guards on the Wheeling & Lake Erie Railroad, placed in jail at Smithfield, and tried in that city, where the coal company had control. Charged as trespasser again, found guilty, and fined with the lightest sum of money by mayor to be found in the law book, namely, $5. Even the citizens of that city have protested. No! There was no pardon for Joseph Kobylak. I went to jail, transferred to the Jefferson County jail at Steubenville, Ohio. There I asked through attorney at law for a new trial. The result was, 'No.'

"In a very short time the Glen Run Coal Co. was compelled by the Rush Run miners to deliver powder, according to the mining law, into the mine. The company got mad and raised the price on powder. The miners refused to buy and went on strike August 29, 1913. Big meeting was called September 5, 1913, by the officers of the United Mine Workers of America. The coal company then reduced the price. The miners won the strike, and I was after the meeting again arrested, placed in hand chains, thrown into jail, and later released on $500 bond charged with attempt to rape. Grand jury dismissed the case. I responded and sued the party for injuring my character. At the last moment the party came to my home and plead guilty—told me that he was a victim of one of the private guards of the United States Coal Co. Asked me not to destroy his home and to forgive him, which I did, and the following statement is the result."

I have the statement signed by him and witnesses, which settled that case at that time, because he was poor fellow.

Chairman WALSH. That was the case you brought against him?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. What did you sue him for?

Mr. KOBYLAK. $2,500. [Reading:]

"I, James Kolar, hereby admit that on or about the 10th day of August, 1913, and in the month of August, A. D. 1913, at Bradley and Dillonvale, in the county of Jefferson and State of Ohio, I made certain defamatory statements of and concerning the moral character of Joseph Keylask; said statements being contained in the petition of Joseph Kobylak for damages filed in the court of common pleas of Jefferson County;

"Now therefore let it be known that I, James Kolar, hereby retract, withdraw, disavow, and recall said defamatory statements and admit that the same were erroneous and untrue, and that I was persuaded and induced to make said remarks and statements by one Thomas Pyle, a private guard in the employ of the United States Coal Co., at Plum Run, Jefferson County, Ohio.

"In addition to this retraction, I have agreed to pay all the costs in the action commenced against me for damages by Joseph Kobylak, including his attorney's fees, the witnesses, and his individual expenses.

"I make this statement in justice to Joseph Kobylak and for the purpose of righting the wrong I have done him.

"JAMES KOLAR.

"Signed in presence of:
"JAMES PITNY.
"BLANCHE ROSE."

"Then came the year 1914. The contract between the miners and the coal operators expired March 31, 1914. We, the miners, were willing to work until May 20; that day the Green law 'run of mine' took effect. The Ohio coal operators refused to let us work to that date and run the miners out, and shut them down April 1, 1914. Locked out over 40,000 miners. Ignored the new law 'run of mine,' and the fight began. About three months later the operators in the Hocking Valley district and the Cambridge district agreed to abide by the law of State, contract being signed with the miners July last, under which 27,000 miners returned to work.

"The eastern Ohio mine owners began then troubling the peaceful strikers. Through their agents and gunmen they have used all kinds of tricks to break up the ranks of the strikers; begin with open shop, hired nonunion men, evicting the miners' families out of their homes, etc. When Mr. Joe Ettor was invited by 16 local unions to speak to them on the labor question in general last June the coal operators thought that would be a nice chance to make trouble, and then to get the State militia, and then breaking the strike if possible. I honor Gov. Cox for his wise act in keeping the militia home. The company's provokers were on the job with their press, but failed. So the company provokers began to think of other plans, especially the agents and guards of the United States Coal Co. got busy; organized trouble at Bradley, which took place in July. Immediately Mr. Willard, manager of the company, telephoned to the Jefferson County Sheriff and ordered him to go to Bradley and fix up the strikers that Mr. Willard didn't like, and that he, Mr. Willard, would pay the bill (last words I took of testimony given by sheriff in court). Sheriff fulfilled the orders and sent automobile after automobile with deputy sheriffs to Bradley; had security to pay them $5 per day. Wholesale arrests began, the deputy sheriffs acting brutal, walking among the strikers' women, threatening them, laughed at them, saying, 'Are you hungry?' and using profane language; 'We will feed you with this kind of bread,' showing them, the women, gun, bullets, and throwing the bullets from one hand to another.

"I was arrested at Dillonvale July 20, 1914, without warrant again. I demanded it, but I got rough answer back. Drove me to the county seat. There I found out that I was charged with 'treason'; placed me in the county jail at Steubenville and kept me there 43 days under $10,000 bond. I don't know what to say now. I guess the authorities did this for fun. The United States Coal Co. have so demanded and the authorities serve the bosses well. It looks to me so."

Chairman WALSH. Who filed the information against you, charging you with high treason?

Mr. KOBYLAK. One was by the deputy sheriff, and demanded by the United States Coal Co.

Chairman WALSH. What was the specification of treason; what did they say in the information that you did; that you levied war?

Mr. KOBYLAK. I have a copy of the warrants, if the gentlemen will so kindly read them.

Chairman WALSH (reading):

"THE STATE OF OHIO,
"County of Jefferson, ss:

"Before me, Henry F. Lawler, a justice of the peace in and for the said county, personally came Edward D. Lucas, who, being duly sworn according to law, deposeth and saith that on or about the 16th day of July, A. D. 1914, in the county of Jefferson aforesaid, one Joseph Kobylak unlawfully, willfully, and maliciously did unlawfully levy war against this State, and knowingly adhere to the enemies of this State, giving them aid and comfort, in violation of section 12392 of the Revised Statutes of Ohio.

"EDWARD D. LUCAS."

These are copies?

Mr. KOBYLAK. Yes.

Chairman WALSH. Was there any information filed against individuals at that time charging them with treason?

Mr. KOBYLAK. No.

Chairman WALSH. Was there any such information filed in the State, to your knowledge? I thought I heard there was some kind of information filed against Joseph Ettor?

Mr. KOBYLAK. Yes; later on.

Chairman WALSH. In the same jurisdiction?

Mr. KOBYLAK. Yes; but in another county. This happened in Jefferson County, and the same charge was made against Ettor in another county.

Chairman WALSH. Were you arraigned on this charge of treason?

Mr. KOBYLAK. Yes; they brought me before a justice of the peace.

Chairman WALSH. And the justice of the peace fixed your bail?

Mr. KOBYLAK. Yes; at $10,000.

Chairman WALSH. Did you endeavor to get bail?

Mr. KOBYLAK. I was not in position at that time to get $10,000.

Chairman WALSH. How long did you remain in jail?

Mr. KOBYLAK. Forty-three days.

Chairman WALSH. How did you finally get out?

Mr. KOBYLAK. I had my wife and five children, and they were eight months on strike, and they had nothing at home to eat; and the citizens of the city began to find out what was going on, and they simply found it out—that it was only fixed up in the name of the company—so they reduced the bond from $10,000 to $2,500, and I was released.

Chairman WALSH. Did some one go on your bond?

Mr. KOBYLAK. Yes; farmers went on my bond.

Chairman WALSH. Who was Mr. Lucas, who files this information?

Mr. KOBYLAK. Deputy sheriff of Jefferson County.

Chairman WALSH. I see here is another information that looks like it might be an amended information that Commissioner Weinstock called my attention to, dated July 20, 1914.

Mr. KOBYLAK. That is the date it happened.

Chairman WALSH. It says:

THE STATE OF OHIO, *County of Jefferson, ss:*

Before me, Henry F. Lawler, a justice of the peace in and for the said county, personally came ——— ———, who, being duly sworn according to law, deposeth and saith that on or about the ——— day of ———, A. D. 191—, in the county of Jefferson aforesaid, one ——— ———, unlawfully, willfully, and maliciously having knowledge that certain persons about to commit treason, unlawfully and willfully omitted and refused to give information thereof to the governor of this State, a judge of this State, or the President of the United States, in violation of section 12393 of the Revised Statutes of Ohio.

EDWARD D. LUCAS.

Sworn to and subscribed before me, in the county aforesaid, this 20th day of July, A. D. 1914.

HENRY F. LAWLER,
Justice of the Peace.

I see that is a different section; were two charges presented against you?

Mr. KOBYLAK. Yes.

Chairman WALSH. Did you have information of any person who was going to commit treason?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Or who was going to levy war against the State?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Did you levy war against the State yourself?

Mr. KOBYLAK. No, sir.

Chairman WALSH. Now, when your bond was fixed at $2,500 you say you were released on bail?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Did you ever go back for trial?

Mr. KOBYLAK. I demanded hearing, and it was granted to me by the probate judge, and when the time arrived I had 11 witnesses, and the prosecuting attorney protested against it, and the probate judge accepted his protest and postponed the hearing, and then the grand jury, when they were in session, refused to indict me and postponed it to the next grand jury, and then the next grand jury met, and so they dismissed the case.

Chairman WALSH. You were still under bond all that time?

Mr. KOBYLAK. Yes; still under bond.

Chairman WALSH. How long a time elapsed between the discharge of the first grand jury and the convening of the second grand jury?

Mr. KOBYLAK. About a month.

Chairman WALSH. When you were discharged, did you come into open court?

Mr. KOBYLAK. No, sir.

Chairman WALSH. How did you get information you could go about your way?

Mr. KOBYLAK. I got a telephone from my attorney—from my lawyer.

Chairman WALSH. What year did you come to this country?

Mr. KOBYLAK. 1903.

Commissioner GARRETSON. The allegation of that John Doe information is for acts committed in 1901?

Chairman WALSH. No; this is meant for 1914; the numeral is not carried out. Go ahead, Mr. Kobylak.

Mr. KOBYLAK (reading):

"They keep on arresting and rearresting me under all kinds of charges. Yet I didn't have no trial, even a heading, this time in Jefferson County seat.

"The trouble with me was that I was active among the strikers not to give up and help strengthen the solidarity of the strikers, to compel the mine owners, the violators of the Ohio law, to respect the State law, namely, 'run of mine.' The coal barons struck against the 'run of mine' State law, starving thousands of miners and their families. They were not charged with 'treason'; they were not enemies to the State. Oh, no; they were safe. But myself, on the other hand, I commit the awful crime of 'treason," because I am a union man, believer in one industrial union of all the workers. I think I have that right. The capitalists are members of their union; the company are believers in trusts, which they already practice. I believe to defend ourselves when we are faced with threats of brute force, like our brothers were at Colorado, Michigan, and other places.

"I am married in this country, I have now six little children, and am a citizen of the United States. I have no show in the courts of justice at all. I was not prosecuted, but persecuted, by the authorities whenever the bosses have asked it.

"My opinion and conclusions regarding the law and its enforcement in connection with industrial matters generally I have not very much to say. However, I do welcome laws which give protection to the working class.

"I come to the conclusion that the pathway for a better, higher, and nobler life of all lays up to the workers themselves. We, the workers, need education—free press, free speech, and free assemblage is most necessary for our progress and to new life. Keep the stoppers off free press, speech, and assemblage away, together with all kinds of guards from labor meetings, and we will have peace soon."

If the gentlemen will allow me to read a report of Senator Green regarding this United States Coal Co. in open convention——

Chairman WALSH (interrupting). The report of whom?

Mr. KOBYLAK. Of Senator Green; he was president of the Ohio miners five or six years ago, but he is now State senator. [Reads:]

"Senator GREEN. With the permission of the convention I would like to make a few remarks. I may be able to throw a little light on this proposition now pending if there are no objections.

"When I was president of the district organization Brother Joe Kobylak was elected checkweighman at Plum Run, and when he was elected checkweigman the United States Coal Co. refused to allow him to go on the tipple. As a result of that I ordered a strike at the mine, and had a conference with Mr. Willard and the mine committee at Plum Run. At that conference a settlement was reached and we compelled the United States Coal Co. to allow Brother Kobylak to go on the tipple.

"It seems that ever since that time the United States Coal Co. has kept up their opposition to Brother Kobylak acting as checkweighman for the miners at Plum Run."

I have also a letter here, there was a different kind of business, and this boy is clerk of Berry County, Ohio, and this letter is from Shawnee, Ohio, and is as follows [reads]:

"I have made more money than I would make up there, and I did not have to steal to make it, neither. How is the new weighmaster cutting it? Is he honest or not?"

Then he went on with personal matters [reads]:

"Joe, you watch yourself and be on the guard, as they will try to get you, as I told you when I was there; you are too honest for them," and so forth.

This is the letter from the man when the weighmaster asked him to steal the coal that resigned and quit and said he would not steal, and went back home and wrote me this letter, warning me to be on my guard.

Commissioner LENNON. Are you working now, Mr. Kobylak?

Mr. KOBYLAK. No, sir. We were over 13 months on strike.

Commissioner LENNON. The strike was settled a few days ago?

Mr. KOBYLAK. Last Saturday night.

Chairman WALSH. Did you at any time own your own home, Mr. Kobylak?

Mr. KOBYLAK. Yes, sir; I owned two homes; and when I got married my wife had three cows and was selling milk, and she put up a home, and I was working in the mine on the machine and I had a home.

Chairman WALSH. Did you have them paid for?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. What was the value of them?

Mr. KOBYLAK. $2,500.

Chairman WALSH. Both of them?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Did you save any money as a miner aside from this?

Mr. KOBYLAK. Yes, sir; when we start, you know, and I was working on the machine.

Chairman WALSH. What salary did you receive as checkweighman?

Mr. KOBYLAK. $3.44 a day.

Chairman WALSH. Did you retain your property through all this trouble?

Mr. KOBYLAK. No, sir; when they began to persecute me so I had to sell the cows and everything, and then the home, now I have to lose home, it belongs to the lawyer that loaned me money in my troubles. They have taken my home, but they have published I am the property destroyer, and the fact remains that they have destroyed my property.

Chairman WALSH. How much have you had to pay attorneys for defending you in your various cases?

Mr. KOBYLAK. Pretty near $200, between $150 and $200.

Chairman WALSH. How much money do you receive as treasurer of your organization?

Mr. KOBYLAK. I have received $6 when I was working and when idle I received nothing.

Chairman WALSH. Six dollars per month?

Mr. KOBYLAK. For treasurer, and $6 for financial secretary.

Chairman WALSH. Now, did the company take the same attitude toward any other checkweighman as they did against you?

Mr. KOBYLAK. No, sir; not in that section; no, sir.

Chairman WALSH. Now, what is your theory of this record you gave as the record of a great many series of troubles, and from your standpoint a very vindictive pursuit of you personally? What is your idea as to what caused that? What was there about you or your actions that would incite that animosity?

Mr. KOBYLAK. Gentlemen, I would say, not knowing any better, of course, there is a lot of foreigners, and I was the best spokesman in the English language, and they appointed me as mine committee to interpret matters, and they told me to be straight, and I was straight, and when they asked me to do something like maybe this kind I objected.

Chairman WALSH. Who told you to be straight?

Mr. KOBYLAK. The officers, to be straight; and I was working straight and demanding the rights under the law and the contract, and they worked against me.

Chairman WALSH. The officers of what?

Mr. KOBYLAK. Of the local union.

Chairman WALSH. You speak more languages than the average foreigner?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. And you were the medium that they used to present their grievances to their employers?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Now, was there anyone else there in that district similarly situated that spoke the same number of languages that you did and took the same course that you did, approximately, or about the same course that you did? Do you understand what I mean?

Mr. KOBYLAK. Yes, sir; I do. No; I don't know that there was any other man.

Chairman WALSH. You are the only one that spoke that number of languages and were fit to do that work?

Mr. KOBYLAK. Of course, there was in the other district or other counties, there might be, but in that particular place there was nobody but myself.

Chairman WALSH. I was going to ask you another thing: Now, you called the attention of many persons to this record that had been made against you, or that you claimed was made against you?

Mr. KOBYLAK. What do you mean?

Chairman WALSH. You called attention to the troubles that you had and had somebody communicate with this commission some time ago and asked to be here?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Some months ago; many months ago?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Now, after a considerable lapse of time a subpœna was served on you to appear before this commission?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Now, did the newspapers publish anything in regard to your being summoned to appear?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Have you the newspaper clipping?

Mr. KOBYLAK. Yes, sir. I have one.

Chairman WALSH. Read that to the record, if it is the one I think it is.

Mr. KOBYLAK (reading):

"Kobylak May Be Deported—Rush Run Miner May Face Charge of Treason at Washington—Accused of Being Follower of Ettor in Strike Zone.

"It is entirely probable that Joseph Kobylak, Rush Run (Ohio) miner, will be haled before the officials of the Department of Labor and the immigration officials in Washington, D. C., in the next few weeks to face a charge of deportation from the country on a charge of treason.

"Kobylak is accused of being one of the followers of Joseph J. Ettor, famous labor leader of the Industrial Workers of the World, who visited Belmont County and the strike zone last fall. He was one of the men indicted by the Jefferson County grand jury"——

Chairman WALSH. Indicted by the grand jury?

Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Were you indicted?

Mr. KOBYLAK. I was not; Ettor was.

Chairman WALSH. Ettor was indicted?

Mr. KOBYLAK. Yes, sir. [Continues reading article:] "For being implicated in the riot at Bradley when the I. W. W. movement was at its height, but the case never came to trial.

"It is said that Government officials have taken up the matter and will summon Kobylak before them for an investigation. It is uncertain whether or not Kobylak is a naturalized citizen, but as he has six or seven children born in this country his friends claim that he has an excellent chance of being cleared."

Chairman WALSH. Have you your citizenship papers?

Mr. KOBYLAK. Yes.

Chairman WALSH. Have you final papers?

Mr. KOBYLAK. Yes.

Chairman WALSH. Has ever any question been raised about your citizenship?

Mr. KOBYLAK. No, sir.

Chairman WALSH. What became of the charge of treason that was lodged against Mr. Ettor?

Mr. KOBYLAK. They have charged him with treason, and they asked him if he will leave the county—Belmont County. They will dismiss the case.

Chairman WALSH. They would dismiss the charge of high treason if he would leave the county?

Mr. KOBYLAK. Yes.

Chairman WALSH. And did he leave the county?

Mr. KOBYLAK. Yes.

Chairman WALSH. And then they did not prosecute him any further?

Mr. KOBYLAK. No; let him loose immediately.

Commissioner LENNON. Is the I. W. W. an industrial movement, or is it a political movement?

Mr. KOBYLAK. It is an industrial movement.

Chairman WALSH. Now, was there something else you had there?

Mr. KOBYLAK. Yes. This is a letter, I think—it is one of the causes they got against me [reading]:

RHODESDALE, OHIO, *October 3, 1912.*

CHIEF INSPECTOR OF MINES, *Columbus, Ohio.*

DEAR SIR: Some of the miners working for the Glen Run Coal Co., Cleveland, Ohio, in the Edgar mines, Nos. 1 and 2, located 2 miles east of Dillonvale, Ohio, Jefferson County, report to me about tipple of said mine that said tipple there is absolutely rotten, dangerous for the miners to work there on said old, rotten tipple. They further reported that in quitting time come on said tipple about 200 miners to see their weight on the checkweighman sheet. Some of the practical miners working there claim that if nobody will take care of said old rotten tipple and the work will go on continuously some these days will break down and kill and injure lot of the miners. Kindly give careful consideration to this short report and investigate before will be too late.

Yours, very truly,

JOS. KOBYLAK, *Secretary.*

Chairman WALSH. To whom was that letter sent, Mr. Kobylak?

Mr. KOBYLAK. To the chief mine inspector of the State of Ohio.

This is the reply [reading]:

STATE OF OHIO, STATE MINING DEPARTMENT,
Columbus, Ohio, October 5, 1912.

Mr. JOSEPH KOBYLAK,
Secretary L. U. No. 2735, Rhodesdale, Ohio.

DEAR SIR: We have your letter of 3d instant this morning in regard to condition of tipple at Nos. 1 and 2, Edgar mine of the Glen Run Coal Co., near Dillonvale, in Jefferson County, Ohio.

I expect to be in your vicinity week after next and will make a personal inspection of said tipple sometime after the 14th of this month, as I have engagements every day up to that time.

Hoping this will be satisfactory, I remain,

Very truly, yours,

J. C. DAVIS,
Chief Inspector of Mines.

Chairman WALSH. Did he make an inspection of the tipple?

Mr. KOBYLAK. They did later on, because I have seen them making reparation there.

Chairman WALSH. Did they repair the condition and put it in proper shape?

Mr. KOBYLAK. Not exactly.

Chairman WALSH. What did they do about it?

Mr. KOBYLAK. They went up and make it better, you know.

Chairman WALSH. Did the State make an inspection?

Mr. KOBYLAK. Made an inspection and forced the company, you know, to fix up the tipple.

Commissioner LENNON. Did you file that kind of complaints—is that the only one you ever filed or did you file other ones?

Mr. KOBYLAK. Oh, I have filed lots of them—plenty of them.

Commissioner LENNON. Then, probably that may be the reason why the coal company did not like you around there?

Mr. KOBYLAK. It looked to me so, you know.

Chairman WALSH. Mr. Weinstock says he has some questions he would like to ask you.

Commissioner LENNON. Just one question, if you will pardon me.

Commissioner WEINSTOCK. Yes.

Commissioner LENNON. Is Secretary Greene familiar with this story pretty well all through?

Mr. KOBYLAK. Mr. Greene, he is partially; yes.

Commissioner LENNON. That is all.

Commissioner WEINSTOCK. You said, Mr. Kobylak, that the officers of your union told you to be honest?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. As a checkweighman?

Mr. KOBYLAK. Yes, sir.

Commissioner WEINSTOCK. And that you were honest as a checkweighman?
Mr. KOBYLAK. Yes, sir.
Commissioner WEINSTOCK. And you believe that the fact that you were honest as a checkweighman is one of the reasons, if not the principal reason, why the company treated you as it did?
Mr. KOBYLAK. Yes.
Commissioner WEINSTOCK. Is that right?
Mr. KOBYLAK. Yes, sir.
Commissioner WEINSTOCK. How many checkweighmen were there in that territory?
Mr. KOBYLAK. A checkweighman on each mine.
Commissioner WEINSTOCK. How many miners in the district?
Mr. KOBYLAK. Oh, over 15,000 miners, and about 60 or 70 camps.
Commissioner WEINSTOCK. And each camp had its own checkweighman?
Mr. KOBYLAK. Yes, sir.
Commissioner WEINSTOCK. Elected by the men?
Mr. KOBYLAK. Yes.
Commissioner WEINSTOCK. To represent them and see that they got a square deal?
Mr. KOBYLAK. Yes, sir.
Commissioner WEINSTOCK. Now, in reply to a question put to you by Commissioner Walsh as to whether the company had treated all the other checkweighmen as they did you, you answered that they had not; that you were the only one that had been treated that way?
Mr. KOBYLAK. Yes; in that section.
Commissioner WEINSTOCK. Well, then, were these other checkweighmen, so far as you know, honest?
Mr. KOBYLAK. Well, I don't know about that, you know.
Commissioner WEINSTOCK. Have you any reason to believe that they were dishonest?
Mr. KOBYLAK. I know a few that they simply have to respect the company, you know.
Commissioner WEINSTOCK. How do you mean—respect the company?
Mr. KOBYLAK. Well, when the coal is run over the screen and went in the pan, it is weighed, but if it is not weighed and is run direct in the railroad car and you don't say nothing, you know, then they like it; but when there was a coal car not weighed, I say, "Boys, we got to get the rest of the coal in the pan, so we can weigh it."
Commissioner WEINSTOCK. Well, are we to understand that some of the checkweighmen were not square to their own fellow workers?
Mr. KOBYLAK. I will say not—some of them.
Commissioner WEINSTOCK. Well, would the men stand for that if they knew the man they elected to watch out for their interests was not square with them?
Mr. KOBYLAK. If they were organized well, they would remove him.
Commissioner WEINSTOCK. And if he is allowed to remain at his job, it is fair to assume that they believe he is acting squarely for them? Well, now, if there are 60 or 70 mines there, and each of the mines has its checkweighman and these checkweighmen have held their jobs for some considerable time, it would indicate that the men believed them to be honest?
Mr. KOBYLAK. Oh, yes; and some of them are honest, you know.
Commissioner WEINSTOCK. All right. Now, if the companies do not persecute them as you say they have persecuted you, the fact of your being honest and watching out for the interests of the men can not be the reason of that persecution, can it? If that were true and were the reasons, they would be persecuting all these other men who were honest as well as persecuting you?
Mr. KOBYLAK. Yes; but consider that I had work to do with all the foreigners on my hands, you know; all kinds of nationalities.
Commissioner WEINSTOCK. Haven't the other checkweighman foreigners?
Mr. KOBYLAK. No, sir; mostly Americans and talk one language.
Commissioner WEINSTOCK. Was yours the only company that employed foreigners?
Mr. KOBYLAK. Oh, no; the foreigners was there, but the checkweighman was not in a position to speak so many different languages as I did, and the foreigners they naturally came to me and asked me to be their interpreter to carry grievances to the company.
Commissioner WEINSTOCK. Were you acquainted with some of those other checkweighmen?
Mr. KOBYLAK. Yes, sir.

Chairman WALSH. Well, those that you knew, were they Americans or foreigners?

Mr. KOBYLAK. Some were Americans and some were foreigners.

Commissioner WEINSTOCK. And what proportion of them, so far as you know, were Americans and what proportion were foreigners?

Mr. KOBYLAK. I might say about half and half.

Commissioner WEINSTOCK. And I suppose they had foreigners in every mine, didn't they?

Mr. KOBYLAK. Yes, sir; nearly every mine. Comparatively few Americans. Well, 20 or 30 or maybe 50 Americans, and the rest foreigners.

Commissioner WEINSTOCK. Well, if it is true, the fact that you have stated, the fact that you said you were being honest and watching out for the welfare of the workers, as you said, instead of that being the cause of their treating you as they did, what was the cause? What had you done to antagonize them? Do you know what I mean by "antagonize"?

Mr. KOBYLAK. Well, the best way I can explain to you from my standpoint is that I insisted upon when they have signed a contract to respect it—to respect the contract.

Commissioner WEINSTOCK. That is, the men insisted upon it?

Mr. KOBYLAK. Yes, sir.

Commissioner WEINSTOCK. And it was your duty to see that the contract was lived up to?

Mr. KOBYLAK. Certainly; as the mine committee it was my duty to do so.

Commissioner WEINSTOCK. In other words, whenever you found the company breaking a contract, it was your place to call attention to it and insist upon its being carried out?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. And wasn't that the duty of every checkweighman?

Mr. KOBYLAK. That was the duty of every checkweighman.

Commissioner WEINSTOCK. Then if there were checkweighmen did as you did, they would be an antagonistic against those—against all these others as against you?

Mr. KOBYLAK. Yes; every checkweighman who made an attempt they have removed him.

Commissioner WEINSTOCK. I understand you to say, Mr. Kobylak, that you are an I. W. W.?

Mr. KOBYLAK. If it is the understanding that the I. W. W. is the Industrial Workers of the World, yes, sir.

Commissioner WEINSTOCK. Now, are the other checkweighmen also members of the I. W. W.?

Mr. KOBYLAK. A few.

Commissioner WEINSTOCK. Were they treated as you were treated?

Mr. KOBYLAK. No, sir.

Commissioner WEINSTOCK. Then the fact of your being an I. W. W. was not the reason, because if that were the reason they would have treated all I. W. W.'s as they treated you. Therefore, there must be some other reason.

Mr. KOBYLAK. Yes; but the company began the persecution before I became an Industrial Worker of the World. You see I joined that organization in 1912, and I had some cases on hand before that time.

Commissioner WEINSTOCK. What proportion of the workers in your mine were members of the I. W. W.? How many miners employed in the mine you were working in? How many employed altogether?

Mr. KOBYLAK. Oh, in that Plum Run mine, 450; and in the mine where I am working now, 300 or 350.

Commissioner WEINSTOCK. Then out of that number, how many are members of the I. W. W.?

Mr. KOBYLAK. Only a few—10 or 15.

Commissioner WEINSTOCK. Well, were you one of the organizers of the I. W. W.?

Mr. KOBYLAK. No.

Commissioner WEINSTOCK. You were not. Did you preach or make speeches in favor of I. W. W.'ism?

Mr. KOBYLAK. I made talks on the streets—not speeches; but I have made talks on industrial unionism.

Commissioner WEINSTOCK. I see. Now, what doctrines did you preach to the men when you talked to them about I. W. W.'ism? What did you say to them about it?

Mr. KOBYLAK. Naturally, I told them the only way is for the workers to be organized on the industrial field and not be divided into locals and districts, and so on; but to have one great union.

Commissioner WEINSTOCK. Did you preach sabotage?

Mr. KOBYLAK. Sabotage?

Commissioner WEINSTOCK. Yes. You know what I mean by sabotage.

Mr. KOBYLAK. I know what it means.

Commissioner WEINSTOCK. Injuring the machinery of your employer when there is any trouble?

Mr. KOBYLAK. By sabotage I understand if the boss paid badly, you know——

Commissioner WEINSTOCK. Yes.

Mr. KOBYLAK (continuing). To not work so much. That is my understanding of sabotage.

Commissioner WEINSTOCK. No; the real meaning of sabotage is to put sand in the machinery and to cripple the machinery in any way they can and to injure the employer and destroy as much of the product as they can and to destroy his profits wherever they can. That is the full meaning of sabotage, as I understand, as interpreted by the authorities.

Mr. KOBYLAK. Well, by sabotage, I mean if the boss refused to grant a living wage to the workers that he shall return bad work, you know.

Commissioner WEINSTOCK. You have been familiar——

Mr. KOBYLAK (continuing). To injure his outcome, so as to compel him to——

Chairman WALSH. Finish; you were going to say something.

Commissioner WEINSTOCK. Did I cut you short?

Mr. KOBYLAK. No; proceed.

Commissioner WEINSTOCK. Now, had you advocated that among the men? Had you told them it was their duty, if they did not get fair wages, to practice sabotage against the employers?

Mr. KOBYLAK. I did not have that chance.

Commissioner WEINSTOCK. You did not have that chance?

Mr. KOBYLAK. No.

Commissioner WEINSTOCK. Why not?

Mr. KOBYLAK. If we go among the men and tell them use sabotage they are liable to take poison and throw in the water. It is impossible, you know——

Commissioner WEINSTOCK (interrupting). I don't quite understand you. You say you did not have the opportunity. If you talked to them you certainly had plenty of chance to say anything you wanted to say.

Mr. KOBYLAK. Yes; but not in that position in public meeting, I was not in a position to say sabotage when I was not in a position to back up that statement. If somebody ask me a question and I will be taken, I could not get that far to preach sabotage.

Commissioner WEINSTOCK. Well, when was sabotage preached to the men, and by whom?

Mr. KOBYLAK. Well, I——

Commissioner WEINSTOCK (interrupting). You say sabotage is part of the propaganda of the I. W. W.'s?

Mr. KOBYLAK. Yes; it is one.

Commissioner WEINSTOCK. The I. W. W.'s believe it is right and believe it ought to be done?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. And they think they ought not to be punished for it?

Mr. KOBYLAK. Well——

Commissioner WEINSTOCK. Well, if they believe that with a clear conscience, you could preach that to them?

Mr. KOBYLAK. Well, yes; I take the positon, if the I. W. W. can go around the country and organize the men, I will not be afraid to tell them, "If you workers, if your bosses treat you bad and threaten you and punish you, simply don't work so much, so you hurt them on the pocketbook." Naturally I think sabotage is used by capital as well in injuring the great numbers of people, and why should the worker not use the sabotage when they are injured if——

Commissioner WEINSTOCK (interrupting). Well, would you, Mr. Kobylak, as an I. W. W., in preaching sabotage to your fellow workers, would you simply stop at saying to go slow on your work, or would you not go further and preach real sabotage? You know that going slow is not real sabotage? That is simply called soldiering, slowing up. That is a very different thing from sabotage. That is, I may go slow, and yet not practice sabotage. I only

practice sabotage when I injure either the product of my employer or his machinery. Now, are we to understand that you would stop at simply saying to the boys, "Go slow," or that you would preach sabotage as the I. W. W. teaches you to preach sabotage?

Mr. KOBYLAK. I wish to make it plain, you know; but I am not in position, as my feeling is to explain to you, but am short of the English language, is the cause that I can not explain so you can understand, as I believe it.

Commissioner WEINSTOCK. Take your own time and explain it in your own way. I think you can make yourself understood.

Mr. KOBYLAK. Well, gentlemen, I rather, if you desire to put this question, that a higher officer tell you what sabotage is, not a little worker. I ask you to exonerate me from this question.

Commissioner WEINSTOCK. You were selected by your fellow workers as their representative, and they must have had confidence in your intelligence and your ability to present their case; and, surely, you ought to be able to explain to us what you said to your workers when you talked I. W. W.'ism to them?

Mr. KOBYLAK. Yes; the I. W. W. meaning is the one industrial union; but it does not say use sabotage in all cases, you know.

Commissioner WEINSTOCK. You had strikes, of course, and were in strikes?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. And talked to the men during the strikes, did you not?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. And you were present when an agreement was finally entered into, and the men went back to work?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. And was the agreement satisfactory to the men, or did they simply have to accept what the employers offered because they were hungry and could not help themselves?

Mr. KOBYLAK. Most instances they have to accept.

Commissioner WEINSTOCK. And were not satisfied with the conditions, but accepted them because they either had to accept or go hungry?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. Isn't that the time for the practice of sabotage?

Mr. KOBYLAK. I know; but listen, gentlemen, I am not in a position to explain to you sabotage, because that was not practiced around there where I came from.

Commissioner WEINSTOCK. What I want to get at, Mr. Kobylak, I want to find out, if possible, one of the real causes of the employers treating you as they did treat you, you say—evidently it could not have been because you were honest, because if that were the reason, they would have treated every other checkweighman as they treated you—those that were honest; it could not have been because you were an I. W. W., pure and simple, because others were I. W. W.'s, who were not treated as they treated you. Therefore there must have been some other reason, and that is what I am trying to get at, if I can, the reason they did that. Perhaps it was because you had preached sabotage to your fellows—that that may have been the reason. What is your judgment about it?

Mr. KOBYLAK. So far as sabotage is concerned, in our district it was not necessary, because we have plenty to do with our contract, to require the company to respect the contract; it was not necessary to use sabotage.

Commissioner WEINSTOCK. But isn't it a fact, Mr. Kobylak, that the I. W. W.'s—that part of their creed is that the worker, no matter how he may sign a contract, is not expected by his union to respect the contract; that if he signs a contract as an I. W. W. he can break it to-morrow; that he has the right to break it to-morrow; that the contract is not to be respected if it stands in the way of the I. W. W.'s getting the result that they have in mind; isn't that so?

Mr. KOBYLAK. Well, the I. W. W., where we are really, is organized as a propaganda. It is not a business local, but organized a local to educate the workers in the field; and we never had any occasion in the case, because we were working under the system of the United Mine Workers of America, and there is plenty of time to teach the workers and let them know what the meaning of the contract is and get the "goods" from the company what they have already granted and consented to them. It is no use to go and tell them to go and use sabotage when they don't know to protect their own rights.

Commissioner WEINSTOCK. I was not speaking of sabotage at this moment, I was speaking about the position taken by the I. W. W.'s, that it is perfectly legitimate for them to break a contract whenever it is to their interest to do so. Now, is that so or not so?

Mr. KOBYLAK. To break a contract?

Commissioner WEINSTOCK. Yes.

Mr. KOBYLAK. If they will be compelled to break the contract; yes.

Commissioner WEINSTOCK. No; that they have the right to break a contract.

Mr. KOBYLAK. Well, the same right the boss has to break the contract. They did break it several times—lots of times.

Commissioner WEINSTOCK. Well, that may be, but if they break it, they break faith, and they could be held liable for it; but, as I understand, the I. W. W.'ism—and I have been so situated that I have had occasion to study that problem of I. W. W.'ism, and I have investigated I. W. W. strikes and riots, and read their literature and letters from representatives of I. W. W.'s, and as I understand it, unless you can show to the contrary, one of the things that the I. W. W.'s believe in is the right to sign a contract to-day and break it to-morrow. I simply want to find out whether you understand it that way also, as an I. W. W. You have been an I. W. W., now, how long?

Mr. KOBYLAK. I joined the Industrial Workers of the World since July 6, 1912.

Commissioner WEINSTOCK. Then you have been an I. W. W. for nearly three years, haven't you?

Mr. KOBYLAK. Yes, sir.

Commissioner WEINSTOCK. And you have talked I. W. W.'ism to your fellow workers, haven't you?

Mr. KOBYLAK. Not so much.

Commissioner WEINSTOCK. You certainly have read the literature, haven't you?

Mr. KOBYLAK. Yes; some of it.

Commissioner WEINSTOCK. And posted yourself on it, otherwise you wouldn't join them?

Mr. KOBYLAK. No; I think not.

Commissioner WEINSTOCK. And you are a pretty intelligent chap, so I take it whatever you do you do as a result of your intelligence?

Mr. KOBYLAK. Yes.

Commissioner WEINSTOCK. So you ought to be fairly familiar with the doctrines of I. W. W.'ism.

Mr. KOBYLAK. Well, one reason I joined the Industrial Workers of the World was because I would like to have an industrial form of organization, and it don't exist except this Industrial Workers of the World. That is why I have joined in the ranks of the Industrial Workers of the World.

Commissioner WEINSTOCK. Yes; I am not taking issue with why you joined it. You had a perfect right to do it, but I am asking you the question as an intelligent member of the I. W. W., and as a member, I assume, who has studied the literature and knows the purposes and the principles of it—at least, I am simply asking you if it is not a fact that the organization consisting of the I. W. W., or the Industrial Workers of the World, considers it perfectly right on their part to break a contract for any reason or for no reason whenever it suits their purpose to withdraw from it?

Mr. KOBYLAK. That is correct; they do not believe in contract.

Commissioner WEINSTOCK. Exactly. That is all.

Commissioner LENNON. Did you ever advise the miners in your district to break contracts?

Mr. KOBYLAK. I did not.

Commissioner LENNON. You never advised them to break any contracts?

Mr. KOBYLAK. No, sir.

Commissioner LENNON. Did these other checkweighmen in the other mines, did they take up with the bosses the same as you did, the settlement of these times when the contracts were broken? Did they meet with the bosses; did you meet with the bosses in the different mines?

Mr. KOBYLAK. The mine committee met the bosses.

Commissioner LENNON. And you were one of the mine committee?

Mr. KOBYLAK. Yes, sir.

Commissioner LENNON. Were all of the checkweighmen members of the mine committee?

Mr. KOBYLAK. Not the checkweighmen.

Commissioner LENNON. But you were a checkweighman and you were a member of the mine committee?

Mr. KOBYLAK. I was a member of the mine committee before I was elected checkweighman.

Commissioner LENNON. This matter of the checkweighmen breaking contracts is something that the miners' organization has taken special pains to prevent by their unions, is it not? The mine workers are reputed not to be in the habit of breaking contracts; isn't that so?

Mr. KOBYLAK. Their intention is not to break contracts; no.

Commissioner LENNON. You were asked some questions about the honesty of checkweighmen, and whether you got into trouble because of your honesty. Every time you saw a few pounds of coal running away that was not weighed, and called attention to it and stopped the process, do you suppose that had anything to do with making the mine owners mad at you?

Mr. KOBYLAK. That was the main cause, I think—that they could not transact their business as they liked to.

Commissioner O'CONNELL. Let us see if we can not get at this cause a little more definite, Mr. Kobylak. You were the one at the tipple who was supposed to watch out and see that the contracts were lived up to?

Mr. KOBYLAK. Yes, sir.

Commissioner O'CONNELL. And when you discovered that the contracts were not being lived up to, you complained to the boss that there was a violation?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And you also filed with the mining department at Columbus, the capital of the State of Ohio, complaints that the property was in a dangerous condition and liable to injure life and limb?

Mr. KOBYLAK. Yes, sir.

Commissioner O'CONNELL. And you were looked upon by the men—expected by the men to look around and see if the property was safe, in their behalf?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. They looked to you to be a sort of one to watch and see that everything was sort of safe around the place?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And then you would report it to the proper officer, or proper State official?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And by that activity in discovering the possibility of accidents occurring and the violations of contract, it is not possible that the officials of the company took a dislike to you because of your activities in watching after the interests of the men, and reporting to the officials of the State that the property was in a dangerous condition, and of appearing before the officials of the company quite frequently and complaining that agreements were not being lived up to, and violations were taking place quite frequently, and by that means you brought yourself into a sort of disrepute with the officials of the company, who considered you too active in the interests of the men; and was not that the principal cause of why they persecuted you?

Mr. KOBYLAK. I considered that the cause, because they went so strong after me.

Commissioner O'CONNELL. You were, from what I take it, intensely active in seeing that the interests of the men were taken care of, by protecting and guarding them and watching that their contracts were lived up to, and probably the company thought you were going beyond what you ought to and was seeing things that did not exist, and it was because of friction you might cause, and that you might excite the men in thinking they were not being treated fairly and honestly, and that the company thought you were an agitator among the men?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And that you had a leadership and that the men would follow you because of your ability to speak different languages and get in close touch with the men because of being able to speak their languages, which their officers were not able to do, and by that means you held a sort of undue influence over the men and that you could lead them into a strike, as it were, or on your word they might stop work, feeling that their contracts were broken; in other words, the company felt you had more power over the men than they; isn't that the case?

Mr. KOBYLAK. The case, as I take it, is that when a contract is signed there is a great number of workers that can not speak the English language and

they can not write and read, and they don't know what their rights are under the contract and the law, and they are cheated by the bosses of the company, and when they have a man like I was they simply go to him and say, "Here, Joe, look this over and see if there is a shortage," and if there is a grievance presented to me, I look to see about it, and I say, "You are right"; and I go to see the boss to see if he will correct it, and there was plenty of such trouble.

Commissioner O'CONNELL. Every day you had some of that?

Mr. KOBYLAK. Not every day, but you can consider it nearly every day.

Commissioner O'CONNELL. A man would come to you and say he did not think his coal was weighed properly, but that it was short?

Mr. KOBYLAK. Yes; and other things.

Commissioner O'CONNELL. In these tipples, where they weigh this coal, the scales are up high where the men can not see them?

Mr. KOBYLAK. Some are on top and some are on the bottom.

Commissioner O'CONNELL. Where they are up, the men can not see the coal weighed themselves; he is not permitted to go up in the tipple?

Mr. KOBYLAK. He is at quitting time, but not before.

Commissioner O'CONNELL. But the coal is being weighed all the time it is coming out of the mine?

Mr. KOBYLAK. Yes, sir.

Commissioner O'CONNELL. You have been been up in the tipple yourself?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And have you seen the company's men with the long beam and watched them weigh the coal?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And you have seen them hit the beam or the weight on the beam and knock it out like that [indicating] and then knock it back again, and wherever it stops when it comes back that is the amount of coal he gives the miner?

Mr. KOBYLAK. Yes; and he watches the balance and when it strikes in the middle it is the correct weight for the coal if the construction of the scale is correct.

Commissioner O'CONNELL. Did you ever see him take the weight on the beam and move it backward and forward until he got the scale just to balance?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. Haven't you seen him knock it out and then back again and not move it forward any more, and whatever weight it showed when it came back he gave that weight to the miner?

Mr. KOBYLAK. Yes; but that is the thing that causes trouble.

Commissioner O'CONNELL. I have seen that myself. I have been up in the tipple and seen them weigh coal, and it is largely on the science of the man that kicks the weight back and forth and how near he comes to it; and unless the miners have a man up there to watch that they believe they are not getting the exact amount of coal they are entitled to, but that the man up there is juggling it, Mr. Kobylak?

Mr. KOBYLAK. Yes, sir.

Commissioner O'CONNELL. The miner is down in the mine at work and he can not see what is going on up there, and his whole earnings depend on the man up in the tipple?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. You say the mine owners made offers to you, offers, of course, to be on the side of the company?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. They indicated that they expected the man up there, where there was a question of doubt at all as to the weight of the coal, that it was to be given to the company and not to the miner; that the benefit would be given to the company and not to the miner?

Mr. KOBYLAK. I don't understand your question.

Commissioner O'CONNELL. You say they wanted you to be on their side?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. What did they mean by that?

Mr. KOBYLAK. To weigh coal for them; for the company, you know.

Commissioner O'CONNELL. And quit the men?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And did they mean by that that you should weigh coal favorably to the company or favorably to the men?

Mr. KOBYLAK. They asked me to weigh the coal the way the coal would show.

Commissioner O'CONNELL. Did they think they were not getting that before?

Mr. KOBYLAK. They were getting that before, and all they can get on the side; they took it, cheating.

Commissioner O'CONNELL. Did they ask you to cheat?

Mr. KOBYLAK. They did not ask me.

Commissioner O'CONNELL. When they asked you to come to work for them they knew you were honest with the men; now, was there any impression that they wanted you to cheat?

Mr. KOBYLAK. I was impressed that I would not take the job

Commissioner O'CONNELL. What was your impression that they wanted you to go to work for them for?

Mr. KOBYLAK. So they could get me off of their road; they saw I was in their road and they could not do the business they liked with me.

Commissioner O'CONNELL. In other words, they could not buy you by offering you an inducement of any kind, and then they wanted to promote you from the men's side to their side, in order to get you away from the influence you had with the men?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And they could not do that, and you believe they started to persecute you in the courts?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And get you out of the territory altogether?

Mr. KOBYLAK. Yes.

Commissioner O'CONNELL. And that you believe to be because of your activity in the interests of the men?

Mr. KOBYLAK. Yes; that is my conclusion.

Commissioner WEINSTOCK. When did the company offer you a job?

Mr. KOBYLAK. In the year 1911—I mean in 1910, in the month of November.

Commissioner WEINSTOCK. November, 1910; if I remember right, I think you said they offered you a job two or three times?

Mr. KOBYLAK. Yes; I was offered a job by the superintendent and then the general manager.

Commissioner WEINSTOCK. When was the first time they offered you a job?

Mr. KOBYLAK. Inside of two weeks after the months of October and November, 1910.

Commissioner WEINSTOCK. These three offers all came in the year 1910?

Mr. KOBYLAK. Yes, sir; all in the year 1910.

Commissioner WEINSTOCK. How long had you been checkweighman for the mine committee?

Mr. KOBYLAK. I was about three years.

Commissioner WEINSTOCK. Now, are they obliged—if the checkweighman for the company is dishonest he can swindle the company out of a great deal of money by giving the men credit for more than they are entitled to?

Mr. KOBYLAK. If they have a man on the other side not in position to see the coal weighed he can.

Commissioner WEINSTOCK. Therefore it is important for the company to have an honest man that will not sell out to the miners, because the company could just as well bribe the miners' checkweighman as the miners could bribe the company's checkweighman?

Mr. KOBYLAK. Yes, sir; but always you consider that the company has always a man on the tipple.

Commissioner WEINSTOCK. So the company always uses its best judgment to select an honest man that will not sell them out to men and favor the men at its expense?

Mr. KOBYLAK. Always the company are after a man who can handle the scales and is for their side, and not if he is honest. I have proof they have hired five or six day bosses during the time I was checkweighman, and they got discharged, and some of them openly told me that they ask that they shall rob, that they shall steal; and they say they will not steal, and then they quit.

Commissioner WEINSTOCK. On the other hand, how could they rob, how could they steal, if the miners had a man alongside of him to watch him?

Mr. KOBYLAK. That is what caused the trouble, you know; that is what caused the trouble with me.

Commissioner WEINSTOCK. Caused it in what way? Explain how the trouble developed and arose.

Mr. KOBYLAK. For instance, this man that they hired last, he came into the office and said, "Good morning, I am weigh boss here to do a straight business." I say, "All right, that is the only way," and we begin to weigh coal, and weigh coal correctly, and the next day weigh the coal correctly, and then in the evening there was one car short on the sheet when we balanced the sheets, and the checker always has a witness there which proves that the car was dumped. If there is no check so you can not prove it, you take the car off. I got this, and then I began to realize that this man went so low that when the coal was not on the tipple and I went down among the boys, he went down to the check board and rubbed the car off the sheet, and so the miner lost the whole car. And when I discovered this happened on the same day, I watched him—especially whenever the car was dumped—I watched him mark it down, and when the car was dumped at 2 o'clock he marked it down and I marked it down, and he moved and took the check; but I have checked too, and I see what he is going to do with the board, and he marked it on the sheet, and there was four or five more cars dumped, and then he began to rub his board off, and I caught him and stopped him at the dump and pretty near had a fight with him; and others came, and their guard was there, and he went away, and I had to send for the mine committee and had no officer of the law, and I had to send for a constable. The guard was deputized by Jefferson County, and he knew what took place, and he ran away, and I was there when the mine committee came, and they made an investigtion, and for the company to prove that I made a mistake they went and just stole a car from another man to make the figures balance with me, but when they dumped the coal off they took this car in the wrong trip. I have proof that this trip, from other miners, that is was impossible for that man to load this car, and the robbery was proven.

Commissioner WEINSTOCK. What was the end of it?

Mr. KOBYLAK. He was discharged.

Commissioner WEINSTOCK. By whom?

Mr. KOBYLAK. By the company. The miners, when the strike—the miners went on strike, you know, and asked to remove him, and they asked for investigation and asked for the miners' officers to lay me off until the investigation is over. During that time they hired new people from Pennsylvania and West Virginia, and when they got them they know they don't want me, then the officers of the union began to realize they have called a strike, so they came and wanted a meeting, and in that meeting they have organizers, and these new people, they had a riot, and cutting; they cut each other with knives outside of the hall.

Commissioner WEINSTOCK. You mean the old miners and the new miners got into a riot?

Mr. KOBYLAK. The company had these new men, and excited—sent them up as guards, and there was a riot took place in that meeting. I was reelected at that meeting; it was not necessary only because the company asked for the election, and the officers have to grant to the company that right; they say they are going to ask the election. I was reelected in that meeting and got the instructions from the union officers, and then in the name of the constitution and the law and the contract I went on the tipple, and their guards attempted to arrest me.

Chairman WALSH. Commissioner Garretson has a question he wants to ask you.

Commissioner GARRETSON. Are not the laws of Iowa and other States creating checkweighman passed because of the almost universal practice of light weighting of miners?

Mr. KOBYLAK. Light weights?

Commissioner GARRETSON. Yes, sir; that they were given less than they had mined. Was that the reason for establishing checkweighman?

Mr. KOBYLAK. Yes, sir.

Commissioner GARRETSON. Were you a mine committeeman for the one mine or for the subdistrict?

Mr. KOBYLAK. For one mine.

Commissioner GARRETSON. Just one mine?

Mr. KOBYLAK. Yes, sir.

Commissioner GARRETSON. There were none of the others that were checkweighmen and mine committeemen?

Mr. KOBYLAK. No, sir.

Commissioner GARRETSON. The consequence was that you, being both the checkweighman and mine committeeman, when you found the contract unobserved, you took it up directly there and then with the officers of the company?

Mr. KOBYLAK. No, sir; I was mine committeeman, but that day I was elected checkweighman; when I was elected checkweighman another miner took my place as mine committeeman.

Commissioner GARRETSON. You ceased to be a mine committeeman?

Mr. KOBYLAK. Yes, sir.

Commissioner GARRETSON. Do you know of any other checkweighman being objected to by the company?

Mr. KOBYLAK. Oh, yes.

Commissioner GARRETSON. They usually quit when they were objected to?

Mr. KOBYLAK. Quitting, or they were so strong, the company, that they have removed him.

Commissioner GARRETSON. They laid down, in other words?

Mr. KOBYLAK. Yes, sir.

Commissioner GARRETSON. You stayed, and the company went after you?

Mr. KOBYLAK. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all, Mr. Kobylak; you will be excused permanently.

Mr. KOBYLAK. I have here a newspaper report about the end of the strike I desire to read to you.

Chairman WALSH. Is it a short statement?

Mr. KOBYLAK. Yes, sir [reads]:

"International Secretary-Treasurer Billy Greene, author of the antiscreen bill, briefly reviewed the strike for the News. He said, 'This agreement brings to an end a strike that in many respects is most remarkable. For 14 months 12,000 miners have been engaged in a most intense industrial struggle. Altogether, counting the striking miners and their families, more than 60,000 men, women, and children have been directly involved. During all that time not a single violation of the law has taken place nor has one dollar's worth of property been either damaged of destroyed.'"

Chairman WALSH. All right, Mr. Kobylak, you will be excused.

Mr. Gregory, will you please take the chair?

TESTIMONY OF MR. STEPHEN S. GREGORY.

Chairman WALSH. Please state your name to the commission.

Mr. GREGORY. Stephen S. Gregory.

Chairman WALSH. And your residence.

Mr. GREGORY. Chicago.

Chairman WALSH. And you profession?

Mr. GREGORY. I am a lawyer.

Chairman WALSH. How long have you practiced the legal profession, please?

Mr. GREGORY. Forty-three years.

Chairman WALSH. Have you held any official position in the city of Chicago or the State of Illinois?

Mr. GREGORY. Not literally; except many years ago I was elected commissioner for a year or two. I have been president of the Chicago Bar Association, the State Bar Association of Illinois, and the American Bar Association.

Chairman WALSH. Have you been arbitrator in any cases under Federal arbitration acts, Mr. Gregory?

Mr. GREGORY. Yes, sir; under the Erdman Act, in reference to wages of switchmen in the Chicago district.

Chairman WALSH. Would you briefly give us the circumstances under which that arbitration was had, and the result of the decision?

Mr. GREGORY. The company—the railroad company—had chosen their arbitrator, Mr. Grey, now president of the Western Maryland, and the switchmen had Mr. Heberling as their arbitrator, and I think under the provisions of the act, Dr. Neill and Mr. Knapp, then with the Interstate Commerce Commission, Judge Knapp suggested me, and it was agreed that I should act with those gentlemen. We heard the evidence for some time, and the result was an increase in wages, I think, of 3 cents an hour.

Chairman WALSH. And the report was adopted and carried out?

Mr. GREGORY. Yes, sir.

Chairman WALSH. Now, Mr. Gregory, I believe you have been given a few questions, or more properly speaking, a list of points that we would be glad

to have you address yourself to, and the first is calling for your opinion on constitutional guaranties, personal rights, for example, trial by jury?

Mr. GREGORY. Yes, sir. I have not prepared anything definitely, but I have examined this and made some notes. Of course, we have in the Federal, and in almost all the State constitutions, in fact, with particular unanimity, certain guaranties that were taken very largely from the Magna Charta, and the Bill of Rights, in England, by which it is sought to secure to the individual the great essential rights to life, to liberty, and property, and I will speak presently as to the difference, as it seems to me, between the Federal and State constitutions in the efficacy of those provisions. The trial by jury is, of course, perhaps in a way related to procedure, but after all it is a great essential right, in my judgment, without which none of the rights can be regarded as secured. So far as habeas corpus is concerned, that is an element available in cases of unlawful arrenst. It might perhaps have been resorted to by the last witness when held upon what would appear to be like an absurd and untenable charge of high treason. It is the only remedy known to the law by which the cause of a man's detention, where he complains of illegal restraint, can be summarily and forthwith examined judiciously. I think under the provisions of the Federal and State constitutions, the statutes of both jurisdictions, that right is reasonably secured. Now, the right of free speech——

Chairman WALSH. One minute, Mr. Gregory. Has your attention been called to the decision in West Virginia and probably the Moyer case in Colorado, where it is suspended during the reign of what might be called military law, or what they call modified military law in Colorado?

Mr. GREGORY. Yes, sir; that, of course, illustrates the old maxim that in the crush of resounding arms laws are silent, but a great chief justice once said that was a statement of fact and not a principle of law. The fundamental principle of this country is that the civil is superior to the military power. Of course, there is an inherent right in an executive commander in chief, vested with military authority in times of disturbances to establish military law. He does so at his peril, and his exercise of power is to a large extent subject to review by the authorities or by the judiciary. Shortly after the Civil War, as you probably all remember in Indiana military courts condemned to death two men, Milligan and Bowles, and they were discharged by the Supreme Court of the United States on the ground that the exercise of authority of such courts, although the country was at war, in jurisdiction where the courts, the civil courts, were sitting and their proceedings were undisturbed, it was unlawful and unconstitutional.

They were charged with virtually treason and were sentenced to death. Jeremiah Black, formerly an Attorney General of the United States, and one of the greatest lawyers of this country, made an historic argument in that case, in the course of which he says, and I hesitate to quote it lest it might be attributed to me: In the palladium of trial by jury, that King Alfred was the greatest King that ever sat upon a throne; that he promised his subjects trial by jury, and that he secured it to them, although it was necessary for him in one year to hang 44 judges to do it. I have not verified the accuracy of that statement, but it will be found in the report of that case in the Supreme Court of the United States.

The right to free press is absolutely vital, and free speech. Here in this District a most remarkable statement was made by a gentleman whom I think is not now on the bench, Judge Wright, where he indicated that it might be possible, and strongly that it was probable, that a man might be enjoined from libelous statements. Of course, if he was enjoined, as I shall presently state in speaking of injunctions, and there tried for breach of that injunction by process of contempt of court, he would not be entitled to trial by jury, and would be deprived of all the constitutional guaranties, which were the subjects of a long historical contest in England, and which has been thought vital to this invaluable right in this country; but there is the fundamental error that lies at the foundation of this discussion in the minds of many estimable men, and some of my own profession, and it has been elaborately discussed recently by a committee of the National Civic Federation, and it was pointed out to those gentlemen in a very clear way by Mr. Choate, jr., that our system did not contemplate any method by which a man could be restrained in advance from speaking his sentiments.

The constitution of Illinois and most of the other States secures the right to speak freely the truth for good purposes, subject only to the right to prose-

cute for an abuse of that right, but that it is not possible in advance to stifle free speech; and one of the highly objectionable methods by which that is accomplished is to make the policeman the censor of public discussions. In times of great excitement, or where people publicly protest and have been aroused and sentiment runs strongly against a certain class or certain individuals in a community, there are instances of that kind which the public condone. The right to speak freely is an essential right; it is secured by our constitutions; and if a man speaks libelously—I would not say slanderously—or incites to violence, he might be answerable for that, but he nevertheless has the right to speak, and, of course, that extends to the ladies now also as well as the men. The right to freedom of the press stands on a secure foundation because the newspapers have so much power and so much influence that they are hardly likely to be very much oppressed in that regard. And possibly some may think that they at times abuse their privilege; they certainly treat us all with great freedom in discussing our conduct; but, after all, I believe with Jefferson that it would be better to have newspapers without government than government without newspapers. I feel that they secure publicity, which is invaluable.

As to free assemblage, there is, of course, this difficulty: The place of assemblage. Sometimes men desire to meet, and they desire to meet on the streets and other public places. Now, it is necessary that the control of these public places should be in the hands of public authorities, and the right to speak freely gives a man no right contrary to law or reasonable regulations to go either upon—or consent of the proper party to go either upon public or private property, and sometimes, no doubt, the authorities act partially and unfairly in giving leave to one class of men to hold meetings in public grounds or public parks and refusing it to others. That is probably, after all, one of those errors of administration which the law can not always redress.

As to freedom, free search, and unwarranted arrest, I think all our constitutions and statutes have necessary principles or provisions upon that subject. There is one thing, however, which seems like a minor matter to call to the attention of this commission, and yet I think it would relieve a great deal of hardship if everywhere for petty offenses, instead of making the first process a warrant, by which the defendant was arrested, he was summoned, as I understand, where there is no particular danger that he would run away; for instance, a teamster gets into a controversy with a policeman on the streets of a city, and I have seen it that the policeman would get on the box and drive him to the station. He is employed by a well-known employer, and there is no difficulty whatever in getting him, and he could be summoned the next day instead of him being locked up overnight and his employer having to go and give bond. There is a good deal of opposition in that way. That is a mere minor change, which I understand exists in some of the States, and certainly in England.

Commissioner O'CONNELL. That is done now in violations of speed laws, a man running an automobile; they take his number and summon him for the next day.

Mr. GREGORY. Yes, sir; that has become common; and one question which I was not going to discuss is—and that illustrates that sometimes it is a doubtful thing in our entire government—these wrongs that are practiced at the expense of the humble don't direct the public attention, but when men get so they own automobiles they have a way of making their complaints heard, and possibly that has done more in opening the eyes of the people to an age-old practice than much discussion on the subject would have. The law contemplates adequate protection against the exaction of excessive bail. That is frequently abused. I remember a case of my own experience, where a man was indicted on five indictments, which were never brought to trial and was discontinued without prosecution, but he was held, a stranger in Chicago, to $50,000 bail. He was not a laboring man or a miner or a victim of any prejudice at all; it was one of those miscarriages of justice which we have.

Now, the constitutional basis for these arrests is founded, of course, upon our Federal and State Constitutions, and the conditions under which they are denied are very largely cases of unwarranted and illegal interference by police and others in public authority. I am not aware of much that could be done in legislation in that regard. I was quite impressed with the statement of this witness that just left the stand as illustrating how, without any apparent—how no legislation apparently would be needed to correct everything of which he complains here. Of course, the attitude of the courts in labor and nonlabor cases is largely a matter of the temperament of the judge, which is certainly a

very uncertain factor in a science which is supposed to-day to approximate the existence of a law; nevertheless, it exists. It was charged against the English judges in the time of Mansfield, and it will be found so stated in Sir Philip Mahon's History of English Law, that they were all alike to power, and that they were hostile to individual rights and to liberty. That may have been so to some extent, and I am inclined to think the charge was justified.

In many labor cases I feel, and I presume you gentlemen are fully conscious of that, that the excesses that are imputed to men on strikes, sometimes probably justly, have the effect to prejudice all sober-minded men, including judges. Crimes of violence can never become popular by any possibility. A man who strikes down another with murderous hand is not apt to be a popular man in the community, nor is murder going to be popular. But more insidious wrongs, wrongs that are hidden, that are covered up, and yet work great injury to large numbers of people, are not so striking; they do not make that impression. And I think judges sometimes are impressed by violence, and that they are prejudiced against labor on that account—against labor leaders—because they impute to every leader of a strike everything that is unlawful that is done in it. In the case of Debs, it was distinctly held by a distinguished Federal judge, for whom I have the highest respect and regard, that it was not necessary to show that he had been actually advising any violence or counseling any violence; that if he were the leader of the strike he must be held for all lawlessness in the course of it. I think that was a mistake; I think that was a mistake in principle.

Of course, as to the social and legal aspect, the consequences of the denial of these rights, they are most serious. It is a serious thing for people or any large class of people to feel they are not treated with justice by the government under which they live. Therefore I think, and I think the people of this country realize—I think the appointment and the existence of this commission recognizes the fact that these complaints must be looked into, and that if there is wrong, if there is denial of rights it ought to be corrected, so that every man in this country shall feel that he is entitled to the full measure of his rights, however humble his position, or how small and trivial may seem to be that charge, when compared with larger issues.

The Federal Constitution furnishes but limited authority for the enforcement of constitutionally guaranteed rights for the reason that the provisions in the Federal Constitution have been regarded as mostly in this regard limitations upon the power of Federal agents; and therefore they do not apply to proceedings in the State courts, where almost all these questions really arise, except in some instances of injunctions; and now, under the antitrust law, more and more they are coming under the Federal laws. But the fourteenth amendment is all that attempts to restrict the power of the States, particularly; and that has in it a provision that no State shall deprive any person of life, liberty, or property without due process of law. But owing partly to the very exigencies of the situation, which would enormously burden the Federal judiciary, the Supreme Court of the United States has so limited its definition of "due process of law," and have gone so far as to hold that a man may be even tried with due process of law without trial by jury, which is certainly contrary to the common law, in my judgment, and without indictment by a grand jury; and in a very able decision by Mr. Justice Harlan, they have practically held that almost anything that was directed by general law in the way of procedure in a State must be regarded as due process of law under that constitutional provision.

The State constitutions contain the most ample guaranties, but the trouble is they are not self-enforcing, and the trouble is frequently with the masses of men that work hard; they are perhaps of limited education, and they have not much influence perhaps except as they get it through organization, and frequently it seems as if public authority was more accessible to the influence of large and consolidated interests. Certainly the provisions of the State constitutions ought to be enforced by the governors and other public officers—sheriffs who are sworn to see that the laws are faithfully executed. But they are all very much burdened in our large cities and large States and large communities. They have no adequate appropriations for this. As an illustration, the supreme court of my own State, the State of Illinois, seven years ago decided that a certain corporation was an illegal trust operating in that State, and it or its successor has continued to operate still, and there has been no effort made by the public authorities to drive them from the State.

I don't know that there is any particular remedy by legislation in this regard, but it is rather a trite remark to say that we should elect no one but capable,

upright, and efficient public officers; but that is the best security for the effective administration of the law in any aspect.

The status of trade-unions and labor organizations under the law is somewhat peculiar. Of course there is no doubt that it might, if they saw fit, incorporate, and I can well understand why they would object to doing that, and they would, I think, object to that for the same reason that the American Bar Association and most associations of lawyers, which certainly ought to have, and no doubt do have, a very high degree of confidence in the courts, object to incorporating. Almost all of these organizations, I suppose—these lawyers' associations—are voluntary associations. Now, the difficulty about incorporating, for instance, in the American Bar Association is that they have 10,000 members. I don't think that there would be 10,000 lawsuits if they were incorporated; but if they were incorporated, they would be liable any time to have some discontented member filing a bill and trying to have a receiver appointed and trying to regulate this—this is an age of regulation—to regulate the association. Therefore whenever it has been discussed I have always opposed it, and we have never done it—as I think, wisely. Now, I think probably a good many members of the labor unions feel the same way. I think they are wise about that.

Of course, at common law it is rather interesting at times to read the encomiums of Blackstone and Hale and others upon the common law. But it was, after all, not quite as humane as we regard it now and then. At common law an association for the purpose of increasing wages among laboring men or for the purpose of shortening the hours of labor was illegal. I know that a very learned judge, Chief Justice Daley, in New York, who had the respect and confidence and affection of the bar in his day, in one of his opinions stated the contrary; but with all due deference he was in error in that point. And in Chitty, which is a work classic among lawyers—Chitty on Criminal Law—will be found a precedent of an indictment for conspiracy among certain workers to shorten a day to less than 13 hours, which shows we have progressed some in our views on these subjects since that time. That was concluded "against the peace and dignity of the King," and not against the statutes, showing that it was a common-law indictment—an indictment on the common law. Now, of course, we have progressed so that these organizations are not now per se illegal, and under the Clayton Act, lately passed by the National Congress, that is distinctly provided.

Of course, the liability of members of a voluntary association is probably very much like that of partners or of principal and agent; and that presents a difficult question, as in the Danbury hatters' case the members of certain labor associations were held to be liable for a large sum, as I think, upon—if I may be permitted to differ from that exalted tribunal—some, I won't say unsound legal theory, but an unsound decision—from a standpoint of sociology. I will refer to that in a moment in speaking of boycotts.

Now, of course, injunctions in labor cases have been very frequently granted, and I think that probably the provisions of the Clayton bill in that regard now, if they could be followed in the States and made effective, would be about as good as anything we could get. The newspapers, and even the judges, have much to say when an employer files a bill and obtains an injunction against workmen on strike from interfering with his men that he has hired in the place of these workmen, and acts of violence, and so forth, about that injunction being granted in order to protect the right of every man to work for whom he chooses. There is really no just relation there, and no lawyer could justify it upon any such theory. I have no right to go out and file a bill to be permitted to work for whom I choose; and if I did, any one of these judges, who sometimes use that language incautiously, would laugh me out of court. Equity deals only with the rights of property. Jurisdiction of the Federal courts in equity, the exercise of which has been particularly criticized in these questions, is derived, not from the Consttution itself, but originally from the judiciary act of 1879; and by that act they invested our Federal courts, and such is also the effect of the present act of Congress in that regard, with all the jurisdiction which the English high court of chancery possessed, among those was this principle of elementary law that equity dealt only with property rights, and that a bill in equity for injunction would not be entertained except for the protection of property rights. Therefore this class of bill exhibited in the case of the United States *v.* Debs, which was a bill filed by the Government, and I don't think any bill has ever been filed like it since, and I think it would be exceedingly unlikely that there will be any more like it, for some time, at least. These in-

junctions are based upon the theory that the man carrying on a business has a certain sort of property right in the good will or the successful conduct of that business; and that when several hundred or several thousand excited men gather around his premises, where he carries his business on, and threaten everybody that comes in there to work, and possibly use violence, that that is such an unlawful interference of property right as may be the subject of protection in equity. And that view of the law has been sustained by the courts of practically all the States.

But the great difficulty about that was this, that having enjoined defendants, namely, striking workmen, perhaps from unlawful interference with the business of the employer, and that unlawful interference consisted in an attack or an assault and battery upon another man, to wit, perhaps a strike breaker, so called, or one who was hired to take the place of one of the striking workmen, that thereafter the judge who had ordered the injunction and whose authority had been thus defied was permitted to put the person charged with the breach of that injunction upon trial upon a charge of contempt really for having committed an unlawful and criminal act.

Now, the Constitution has thrown around the prosecution of criminals—the constitutions, State and Federal—a number of securities. They are entitled to trial by jury; they are entitled to be confronted by the witnesses who are to testify against them; they are entitled to be heard by counsel.

But none of those guaranties, except, perhaps, the right to be hard by counsel, is secured in contempt proceedings; and the obvious wisdom of permitting 12 men drawn from the body of the people to pass on questions of fact—men who are supposed to be prejudiced neither for nor against the parties, who know nothing about the case until they are sworn in the jury box, has so far commended itself to the wisdom of legislators and jurists to such a degree that it has become a permanent feature of our jurisprudence; and to provide that the court may proceed against them for contempt, where the conduct charged against them is criminal, is really an evasion of the constitutional guaranties and a plain attempt to commit to equity jurisdiction over matters which it has been decided over and over again by all the courts that it has no jurisdiction with respect to, namely, the administration of the criminal law.

For instance, I might receive, as I leave the room of tfiis tribunal to-day, a threatening letter from somebody saying they were going to kill me for something I had said or had not said, in a court of equity. Now, that involves personal loss possible to my wife or those dependent upon me; but no court of equity would listen for a moment to a bill I should file, saying "A B" or some other black-hand gentleman had threatened to kill me, or if filed by anybody dependent upon me, and therefore there should be an injunction to prevent him from killing me. That would be an absurdity, a legal absurdity; and none the less is it so where a man is enjoined from committing acts of violence in a strike to try him for contempt without a trial by jury. And that has been an injustice that has rankled in the minds of everybody that has been a victim of it, and justly so.

Sir Charles Napier says: "People talk about agitators, but the only real agitator is injustice; and the only way is to correct the injustice and withdraw the agitation."

Now, that has been attempted by the Congress of the United States in Judge Clayton's bill. So that in every such case the accused, where the conduct with which he is charged under the guise of an information for contempt is criminal under the laws of the State or of the United States, he is entitled to trial by jury; and that is, I think, the best we can do.

Of course, the procedure—requiring notice now in the Federal courts particularly and in most State courts—in the Federal courts they may issue a restraining order, but they must set down the application for an injunction, and that gives notice. In the State courts the court granting the injunction may grant it in a labor case or another case without notice, but I don't think the procedure requires much modification. If you will pardon me, Mr. Chairman, I am running over this——

Chairman WALSH. Would it be asking too much of you, Mr. Gregory, to stay here until morning?

Mr. GREGORY. No.

Chairman WALSH. Well, we are all very much interested in this and would like you to take the time to go into it thoroughly. It is past our adjournment hour, and to accommodate you we will run later, but we would prefer if you will return in the morning——

Mr. GREGORY. I will be very willing to do so.

Chairman WALSH. Thank you very much.

At this point, then, we will adjourn until 10 o'clock to-morrow morning.

(Thereupon, at 4.35 p. m., Tuesday, May 11, 1915, an adjournment was had until Wednesday, May 12, 1915, at 10 a. m.)

WASHINGTON, D. C.,
Wednesday, May 12, 1915—10 a. m.

Present: Chairman Walsh, Commissioners Weinstock, O'Connell, Lennon, and Garretson.

Chairman WALSH. Is Mr. Gregory here?

Mr. GREGORY. Yes, sir.

Chairman WALSH. Now, Mr. Gregory, if you will be kind enough to resume where you left off yesterday evening?

Mr. GREGORY. Much more might be said on the subject, Mr. Chairman and gentlemen, but I had not purposed at present to discuss further the question of injunctions. The next topic that I had in mind was the subject of picketing. In its essentials, without violence and disorder, it should be, I think, and generally is, considered lawful. In Chicago very recently one of our local judges, however, has enjoined picketing by waitresses of a line of restaurants. I have no familiarity with the circumstances of the case, and no knowledge as to the legal theories upon which that injunction was ordered. Of course, in the large communities, if they engage in picketing, or in any other occupation or matter that is essentially lawful, yet if they crowd the sidewalks and obstruct their free use by passers-by, there may be something in the necessity of police regulation, in the nature of police regulation, which renders that, which would not be in itself illegal, inadmissible because of these collateral consequences; but picketing without violence, which if it consists, as I understand it, merely in endeavoring by persuasion, not threats, to induce persons intending to take the place of strikers not to take them, I think it is undoubtedly lawful, and has generally been so recognized.

Of course, the only method of regulation is police regulation now, and then those injunctions, such as I spoke of. The law in itself, it would seem to me, looked at as a question of law, needs no particular amendment, but like so many other topics that we discussed here, the whole question is as to the administration of the law.

The next topic, and substantially the last one on which I intend to say anything, involves what is commonly called boycotts, and the question of how far they are legal and collateral questions. Now, I think that the spirit and genius of American institutions is founded upon the idea of liberty, just as much liberty and freedom as is possible for the individual, consistent with the general welfare, and I have never been able to satisfy myself, notwithstanding legal authorities to the contrary, that a boycott, as we understand it, in and of itself either was or ought to be illegal. A few years since I lived on a little, short street in Chicago running down to the lake, on which there were only private residences. No such incident as I am about to suppose ever occurred, but I have often thought in this connection—it was a beautiful street, shaded with trees, beautiful homes upon it—I didn't own my own home, and therefore did not have that interest, but suppose as the law then stood that a man had desired to establish a saloon in that district; there was vacant property that he might have purchased, there were no restrictions, nothing to prevent him from establishing a saloon. Without criticizing that institution in our community, at least that would have been a very undesirable adjunct to our neighborhood. Assume that my neighbors and myself, this saloon having been established there, property had depreciated, and the usual incidents following it, agreed together that we would not patronize this gentlemen, that if we bought a drink that we would buy it elsewhere, and would not buy anything at his saloon, and done so with the express purpose of driving him out of business. Now, I have never been able to understand on what theory that could be regarded as an illegal combination, and when I have presented that question I have never heard any intelligent answer to it from any source. If that is true, the object of the boycott seems to be not that it is an illegal agreement in itself, but it is an agreement to do something which the court or other body passing upon the validity of that agreement don't think ought to be done. That is another matter. If you agree to commit murder, that crime is illegal, whether it is two or two thousand. If you agree to do any other unlawful act, that agreement is illegal and constitutes

in itself an illegal act. But if men combine to do that which they, each one severally, have a right to do, if after all the combined act is essentially the same as the act of the single individual, then it is very difficult to establish on any logical, legal principle that such a combination in and of itself is illegal.

Now, it is my opinion that the law should be changed by statutes, State and Federal. Some of the States hold the boycott to be, as we understand the term, illegal. So that it should be provided that a combination or agreement by two or more persons not to trade with a third person should not be unlawful nor actionable.

I know very well that portentious pictures can be drawn of these terrible possible consequences that are likely to follow if such a principle of law were adopted; but, in my judgment, none of them would follow. There are thousands of offenses—minor offenses against society—which are punished without the law; that is, not by any principle of law. There is no rule that requires a man to be a gentleman; yet if he persistently prove wanting in courtesy and consideration for others, by a kind of common consent, though not by any formal law, he will suffer from that; and it would be idle for the law to attempt to deal with those cases.

Now, while there may be occasional instances where this principle would be resorted to to the great injury and damage to people, yet in the long run, speaking largely, I believe in the interests of freedom that it ought to be admitted into our law.

Chairman WALSH. Say, Mr. Gregory, I suppose it will be somewhat disconcerting, but Commissioner Weinstock would like to ask you a few questions right there.

Mr. GREGORY. Well, it might me, but I prefer that he should do it that way.

Commissioner WEINSTOCK. I will be very glad to wait until you are through with what you have to say.

Mr. GREGORY. I think I have finished with that subject, and I would really prefer to be interrogated upon it right now.

Commissioner WEINSTOCK. I suppose you are more or less familiar, Mr. Gregory, with the report on the anthracite coal strike in 1902?

Mr. GREGORY. Well, yes; but rather less than more, Mr. Weinstock.

Commissioner WEINSTOCK. Do you recall having read it at any time, Mr. Gregory?

Mr. GREGORY. Not in extenso; largely as it appeared in the papers at the time.

Commissioner WEINSTOCK. The commission, as I recall it, consisted of seven men, including labor representatives, officials, and employers generally. I think the labor men on the commission were the present Secretary of Labor, Mr. Wilson, and I think Mr. Clark, who is a railroad man now connected with the Interstate Commerce Commission, and possibly one other laboring man. The report was signed unanimously, and among other things, in dealing with the question of boycott, this is what the report has to say, and I would like to see how far you are in harmony with the position taken on boycotts by this commission. It says——

Commissioner GARRETSON. Let me interrupt here to make the point that the "Wilson" on that commission was a general of the Regular Army and not the Secretary of Labor at this time.

Commissioner WEINSTOCK. What laboring men were on that commission?

Commissioner GARRETSON. None.

Mr. GREGORY. Perhaps the names are in there.

Commissioner GARRETSON. There was one man on the commission not appointed as a labor man, but as an eminent sociologist.

Commissioner WEINSTOCK. Well, here is a list. You are probably more familiar with their callings than I am (addressing Commissioner Garretson).

Chairman WALSH. Let me suggest that in order to let Mr. Gregory get through, suppose we drop the personnel of that board as being immaterial, and let us ask Mr. Gregory the questions——

Commissioner WEINSTOCK. Well, it might be material to see whether there were any laboring men on that commission. I think that would have its bearing. It says here, Carroll D. Wright.

Commissioner GARRETSON. Commissioner of Labor.

Commissioner WEINSTOCK. John M. Wilson.

Commissioner GARRETSON. A general in the Regular Army.

Commissioner WEINSTOCK. John L. Spaulding.

Commissioner GARRETSON. Bishop of Peoria, in the Catholic Church.

Commissioner WEINSTOCK. Edgar E. Clark.

Commissioner GARRETSON. An eminent sociologist. He was the grand chief conductor of the Order of Railway Conductors.

Commissioner WEINSTOCK. Thomas H. Watkins.

Commissioner GARRETSON. A coal operator of Scranton, Pa.

Commissioner WEINSTOCK. Edward W. Parker, Washington, D. C.

Sommissioner GARRETSON. I have forgotten his pursuit, but he was not a labor man.

Commissioner WEINSTOCK. Well, he is one of them.

Commissioner O'CONNELL. He was a college professor.

Commissioner LENNON. He was a college professor, if I remember correctly.

Commissioner GARRETSON. Well, I have forgotten his pursuit, but he was no labor man. There was only one man who might be referred to as a labor man, but he was on for another reason.

Commissioner WEINSTOCK. I thought that this Mr. Wilson was the Commissioner of Labor.

Commissioner GARRETSON. No; he was a general in the Regular Army.

Commissioner WEINSTOCK. This is what that commission had to say on the subject of boycotts, the very subject you have been telling us about, Mr. Gregory [reading]:

"In social disturbances of the kind with which we are dealing the temptation to resort to this weapon," referring to boycott; perhaps I had better read a paragraph preceding that, which will make it till clearer. [Reading:]

"To say this is not to deny the legal right of any man or set of men voluntarily to refrain from social intercourse or business relations with any persons who he or they, with or without good reason, dislike. This may sometimes be unchristian, but it is not illegal. But when it is a concerted purpose of a number of persons, not only to abstain themselves from such intercourse, but to render the life of their victim miserable by persuading and intimidating others so to refrain, such purpose is a malicious one, and the concerted attempt to accomplish it is a conspiracy at common law and should receive the punishment due to such a crime.

"Examples of such 'secondary boycotts' are not wanting in the record of the case before the commission. A young schoolmistress of intelligence, character, and attainments was so boycotted and her dismissal from employment compelled for no other reason than that a brother, not living in her immediate family, chose to work contrary to the wishes and will of the striking miners. A lad about 15 years old, employed in a drug store, was discharged owing to threats made to his employer by a delegation of the strikers, on behalf of their organization, for the reason that his father had chosen to return to work before the strike was ended. In several instances tradesmen were threatened with a boycott—that is, that all connected with the strikers would withhold from them their custom and persuade others to do so if they continued to furnish the necessaries of life to the families of certain workmen who had come under the ban of the displeasure of the striking organizations. This was carrying the boycott to an extent which was condemned by Mr. Mitchell, president of the United Mine Workers of America, in his testimony before the commission, and which certainly deserves the reprobation of all thoughtful and law-abiding citizens. Many other instances of boycott are disclosed in the record of this case.

"In social disturbances of this kind with which we are dealing the temptation to resort to this weapon oftentimes becomes strong, but is none the less to be resisted. It is an attempt of many, by concerted action, to work their will upon another who has exercised his legal right to differ with them in opinion and in conduct. It is tyranny pure and simple, and as such is hateful, no matter whether attempted to be exercised by few or by many, by operators or by workmen, and no society that tolerates or condones it can justly call itself free.

"Some weak attempt was made at the hearings to justify the boycotts we have been describing by confusing them with what might be called, for convenience sake, the primary boycott, which consists merely in the voluntary abstention of one or many persons from social or business relations with one whom they dislike. This, indeed, might amount to a conspiracy at law if the ingredient of malicious purpose and concerted action to accomplish it were present, but whether this be so or not, the practical distinction between such a boycott and the one we have been reprobating is clear.

"It was attempted to defend the boycott by calling the contest between employers and employees a war between capital and labor, and, pusuing the analogies of the word, to justify thereby the cruelty and illegality of conduct on

the part of those conducting a strike. The analogy is not apt, and the argument founded upon it is fallacious. There is only one war-making power recognized by our institutions, and that is the Government of the United States and of the States in subordination thereto, when repelling invasion or suppressing domestic violence. War between citizens is not to be tolerated, and can not, in the proper sense, exist. If attempted it is unlawful, and is to be put down by the sovereign power of the State and Nation."

Now, in how far, Mr. Gregory, are your views in harmony with the views expressed in this report?

Mr. GREGORY. Not in the slightest respect.

Commissioner WEINSTOCK. Will you point out where, in your opinion, this judgment is in error?

Mr. GREGORY. In the first place it was Sir Fitz James Stephens, the great authority on the English criminal law, who afterwards went crazy, after he had been a judge and acquired a reputation by presiding at the trial of Mrs. Maybrick, who said, in his monumental work on the criminal law of England, that industrial strife of this character was war.

In the next place, I have the highest respect for the personnel of that commission, several of whom I have met. Mr. Wright, a very excellent, painstaking man, who, however, is not a lawyer, and I should not at all be disposed to subordinate my views of the law to his judgment upon it. The chairman of that commission was a very excellent judge, but hardly entitled perhaps to such a commanding place in jurisprudence as those who happen to agree with his utterances on this occasion might be supposed to assign to him.

In the next place, the commission begins by laying down the principle and then denying its application. They were dealing, of course, in this instance with something as to which I have not said anything particularly, and that is what they classify as a "secondary boycott" and not a primary one. Now, it is very common, as lawyers always know, when courts are hard pressed with an argument that is difficult to answer, to concede the principle and deny its application, and that is exactly what, it seems to me, this commission did in this case. In addition to that——

Commissioner WEINSTOCK (interrupting). At what point did this concede the principle and deny its application?

Mr. GREGORY. In the first paragraph you read.

Commissioner WEINSTOCK. May I repeat it?

Mr. GREGORY. Certainly.

Commissioner WEINSTOCK (reading): "To say this is not to deny the legal right of any man or set of men voluntarily to refrain from social intercourse or business relations with any persons whom he, or they, with or without good reasons, dislike."

That is then laying down the principle?

Mr. GREGORY. That is the principle for which I contend, and the logical application of it would have led to directly the contrary conclusion to what the commission reached.

Commissioner WEINSTOCK. Let us see what they say afterwards:

"This may sometimes be unchristian, but it is not illegal, but when it is a concerted purpose of a number of persons not only to abstain themselves from such intercourse, but to render the life of their victim miserable by persuading and intimidating others so to refrain, such purpose is a malicious one, and a concerted attempt to accomplish it is a conspiracy under common law, and merits and should receive the punishment due such a crime."

Otherwise, if we meet and decide not to patronize a saloon and we do it negatively we are within our rights; but if we go out aggressively and by concerted action intimidate others and do all we can to ruin the individual saloon keeper, that is in the nature of a conspiracy?

Mr. GREGORY. Undoubtedly, if we intimidate others; but the commission does not make such distinction; they do not say anything about it being negatively, but they say doing it "voluntarily," and that is what I say.

It reminds me of a story they tell in the West of an embarrassed politician out in Iowa, about a controversy which is still raging there as to the liquor question; and his constituents were demanding that he declare himself, and he hesitated a good deal. He did not want to lose the votes of liquor men and he wanted the votes of the temperance people, and they pressed him pretty hard, and he finally said he would meet the committee and make an announcement, and he did so; and stated that he had considered the matter carefully, and that he was thoroughly in favor of the enactment of a prohibition law, but absolutely opposed to its enforcement.

Now, these gentlemen lay down a principle which, if they had followed out logically and fearlessly, and which of course is often embarrassing for judges and other public officials to do, because sometimes to be logical is to be impractical, would have led directly to the opposite conclusion. I believe they were right in the principle and wrong in their conclusion.

Commissioner WEINSTOCK. Now, the whole thing evidently hinges on the meaning of the word "voluntarily," and it might be well to clearly define what that word really means. I take it that if this group assembled in this room at this moment would agree among themselves not to patronize a certain concern or hotel, that that would be regarded as voluntary action, would it not?

Mr. GREGORY. It would be by me.

Commissioner WEINSTOCK. And suppose this group went further and sent out letters and published statements in the press that others should not patronize that certain enterprise at the risk of gaining the displeasure and the antagonism of all that are present here, and that we would use our influence to injure others that did patronize that enterprise, would that be still called voluntary?

Mr. GREGORY. I should have to see the papers first. It would be voluntary. Suppose they say: "Gentlemen, here is a man who is a disgrace to Washington City; he is a great scamp, and he is harming the city every day, and we think he is guilty of all sorts of things, but we can not prove anything; he is a neighbor of ours, but let us agree that we will not patronize him." Then suppose we should say, just stating the facts and nothing except what we can prove—nothing that is perhaps libelous—suppose we invite others to cooperate with us, the thing does not become involuntary because some one suggests to you that you should take a certain course of action; but you introduce at one time in your discussion another proposition, intimidation, by which I understand unlawful intimidation. If you say: "Here, if you do that, we will do something which the law prohibits," then you introduce another element, and that is an element so often relied upon in strike-injunction cases.

Commissioner WEINSTOCK. What would you call this illustration, given in this report, of the lad employed in a drug store, who was discharged owing to threats made to the employer by a delegation of strikers, for the reason that his father had chosen to return to work before the strike ended, or the case of the young schoolmistress stated here, who was dismissed for no other reason than that her brother, not living in her immediate family, chose to work contrary to the wishes and will of striking miners; what would you call that?

Mr. GREGORY. I should say that was lawful if the only threat was, as to the druggist, that the parties would not patronize him if he continued to employ that boy. As to the school-teacher, I do not know what threats they made; they could very well threaten not to patronize the schools, and in that case I would not be able to form any opinion.

Commissioner WEINSTOCK. May I ask at this point, then, Mr. Gregory, whether in the eyes of the law, as you see it, both sides should be treated equally? That is, the employer on his side, and the worker on his side?

Mr. GREGORY. Absolutely.

Commissioner WEINSTOCK. There should be absolute equality before the law?

Mr. GREGORY. Absolute.

Commissioner WEINSTOCK. And one should not be given privileges denied to the other?

Mr. GREGORY. I do not know whether that means absolute equality before the law; but there should be absolute equality before the law.

Commissioner WEINSTOCK. Well, then, if it is lawful and proper for the workers for a real or fancied grievance to do the things you say they ought to be permitted to do, as a matter of self-preservation and self-protection, because they think a certain employer is unfair and his methods inimical to the interests of labor, should not the employers, on the other hand, likewise be permitted to blacklist if they think a certain worker is doing or saying things inimical to the interests of the employer?

Mr. GREGORY. I had a note there on that subject, "black list"—unfortunate and injurious. Can the practice of blacklisting be governed by law? Not adequately in my judgment. That, perhaps, answers your question.

Commissioner WEINSTOCK. Will you elucidate that a little bit more?

Mr. GREGORY. I consider the question, because it operates very harshly and very injuriously, as I believe it to have been practiced. I have not been able, consistent with my views of individual liberty, to devise any scheme of a statute which would deal adequately with that situation.

Commissioner WEINSTOCK. Then, are we to understand that you do or do not consider blacklisting justifiable?

Mr. GREGORY. If you ask my opinion as to that, I would say that I consider blacklisting in some instances justifiable. That is to say, I don't like to use either the term of blacklist or boycott, because they carry implications that are vague and uncertain; but if an employee is unworthy and unreliable, I consider it proper. For instance, a railroad engineer who has been repeatedly guilty of infractions of the rules—running by a signal and perhaps using intoxicating liquors and things of that kind—I would consider it wrong for the railroad company or the superintendent having knowledge of that quality on the part of the engineer not to advise somebody else, some other railroad officer, who is about to employ that man. I consider that that would be a legitimate act, perfectly.

Now, that boycotting may be abused I have not the slightest doubt, that there may be unjustifiable boycotts. I am not discussing that. There might be boycotts that would work great hardships; but I do say that the law as it exists to-day is, in my judgment, likely to work far more harm than it will good.

Commissioner WEINSTOCK. Then, briefly, the situation as it is from your point is this, as I see, that while, as you point out, the boycott is liable to abuse, you nevertheless think that it ought to be a weapon permitted to labor?

Mr. GREGORY. I prefer to say that combination by two or more persons not to trade with a third person ought not to be unlawful and ought not to be actionable, and I don't apply it to labor any more than the gentlemen in this room or a lawyer or anybody else; but I lay that down as a universal principle.

Commissioner WEINSTOCK. If that principle might even be subject to abuse?

Mr. GREGORY. Yes, sir; there is nothing that can not be.

Commissioner WEINSTOCK. Then, if collective action on the part of workers along the line of so-called boycott ought to be permitted despite its occasional abuse, then I take it, from following out your logic to the end, then black listing, despite the fact that it is occasionally abused, likewise ought to be permitted?

Mr. GREGORY. I have not restricted my statement to what you term boycotting to laboring people. It also extends to employers. They should have the same right. But by blacklisting you mean keeping a record of a man's delinquencies and reporting on them, and I would say that that was a practice that might be abused, might be reprehensible, where it was unfairly used; but I have been unable to think out to my own satisfaction any concrete legislative remedy for it.

Commissioner WEINSTOCK. Here is a definition, Mr. Gregory, that has been given to the boycott and the black list. Let us see if the definitions given here are correct as you see them:

"A boycott is the act of a combination of individuals who undertake to deprive another of benefits, business, or social intercourse for the purpose of compelling him to accept some demand of the combination."

Do you regard that as a fair definition of boycott, so-called boycott?

Mr. GREGORY. Possibly.

Commissioner WEINSTOCK. The definition given the black list is that—

"The black list is the effort of a combination of employers to prevent the employment of one or more individuals."

Mr. GREGORY. Perhaps, as it is generally understood, that may be regarded as a good definition.

Commissioner WEINSTOCK. Then, we see in both cases it is a question of combination, combination of workers on the one hand in the boycott and a combination of employers on the other hand under the black list, and that both involve combinations?

Mr. GREGORY. I think the employer might boycott and the labor union might blacklist under those definitions.

Commissioner WEINSTOCK. You would use those words practically as synonyms?

Mr. GREGORY. Under the definitions that you have given you will find that is not confined to one side or the other. That is to say, the laboring men, if they combine to prevent somebody being employed, they are called a black list, in accordance with that definition.

Commissioner WEINSTOCK. If there is to be absolute equality before the law on both sides, then it seems to me this remains, that either the workers ought to be permitted to boycott and the employer to blacklist; or if the employer is not to be permitted to blacklist, then the worker likewise ought not to be permitted to boycott.

Mr. GREGORY. I don't know as I understand the terms as you do; I don't know that I materially disagree with that view. You would have to judge each case by itself.

Commissioner WEINSTOCK. It becomes self-evident, does it not, that if one side is permitted to combine for the purpose of injuring another party, and the other side is not permitted to combine for the purpose of injuring another party, that there is no equality?

Mr. GREGORY. In a case—it is probably in the law, Mr. Commissioner, that a mere combination to injure may be unlawful, and I don't favor a mere combination to injure. I think it is not necessary to go to that extent; but if men, for the purpose of promoting their interests, combine to do something that may injure another person, then I think you have a different situation; at least it is one that the courts make a distinction of and make much of.

Commissioner WEINSTOCK. Then that is the purpose of blacklisting, as I understand it, the employers get together and agree that they will not employ a certain worker because he is a trouble breeder. He creates dissatisfaction and dissension in the ranks of labor, and therefore he is to them, from their point of view, a detriment and an injury, and therefore they agree not to employ him. Now, then, they have exactly the same object in mind that the worker has when he boycotts? He believes that a certain employer is unfair to him, to his labor, and doesn't give him the proper working hours or conditions, and they propose to prevent him getting labor.

Mr. GREGORY. I don't see any reason why a given number of employers should oppose a man that they regard as an agitator getting employment with other employers. You get readily in these cases the lines of distinction, but they are somewhat difficult to explain. You might readily have a kind of an illegal conspiracy, if it appears that the people engaged in this effort were not trying to promote their own interest but to injure a man against whom their activity is directed. It is a question of a good deal of difficulty, and I think myself that probably, as I said to start with, the difficulties to my mind of regulating or prohibiting what is commonly called black list are such that they seem to me inseparable, as far as suggesting any adequate legislation.

Commissioner WEINSTOCK. There has been legislation on that?

Mr. GREGORY. Oh, yes.

Commissioner WEINSTOCK. That is, there are many States of the Union that have laws against black lists?

Mr. GREGORY. Yes, sir.

Commissioner WEINSTOCK. And there have been convictions under those laws, have there not?

Mr. GREGORY. I don't happen to remember any; I don't say there have not been; probably there have been.

Commissioner WEINSTOCK. I think there have. I think we have notations here, Kitchen *v.* Chicago & North Western Railroad Co., and in Handley *v.* L. & M. Railroad Co., Kentucky, and——

Mr. GREGORY. Those, I would judge, were actions for damages.

Commissioner WEINSTOCK. In this latter case an employer was held liable——

Commissioner GARRETSON. Every one is an action for damages.

Commissioner WEINSTOCK. In this latter case the employer was held liable by his discharged employee for writing a letter to an association of employers containing a request that he be refused employment in all association houses in which he may apply for a position. It was a rule of this association that an employee discharged by one member should be refused employment by all others.

That would indicate that there had been damages awarded.

Mr. GREGORY. I don't know whether there was any legislation there or not, and, of course, irrespective of legislation, a letter of that kind might be libelous and affect an individual cause of action without reference to combination.

Commissioner WEINSTOCK. In the case of Kitchen *v.* Chicago & North Western Railroad something like $21,000 in damages was awarded to the blacklisted individual.

Commissioner GARRETSON. You had better trace the latter part of it.

Mr. GREGORY. I am not familiar with those cases, but I might say that these laws usually are a kind of a dead letter. They are incapable of efficient enforcement in the nature of things. They kind of satisfy the public, as the old saying, "throwing the sop," they pass a law and then go to sleep over it. I have no confidence in such legislation.

Chairman WALSH. You had not concluded?

Mr. GREGORY. Not quite, and perhaps I ought to have; I have taken so much time of this commission.

Now, I come to this proposition, which to a man that has been at the bar as long as I have, is always a serious one. Suppose that we had an ideal system of law prepared with the wisdom of Plato and Socrates or Aristotle, and all the great interests in America, and these lawgivers secured everybody their rights as far as legislation or code could secure it. You have heard here on the witness stand, I have heard since I have been here, testimony of witnesses that show you absolutely how these provisions fail. There is no way of enforcing the law; the man is poor and humble and one unit in the great industrial enterprise. Now, what can be done? He can hire a lawyer that charges $50 or $100 or $500 a day, if he has the money, and vindicate his rights. It is an impracticable remedy. We have tried to remedy these questions by ancient methods that are as impracticable to modern conditions as navigation by a trireme or a stagecoach would be to modern conditions. We have made a new departure. We have attempted now to enter upon a scheme of regulation by government. Where securing the rights of the general public and of great bodies of citizens has been committed to government, the men are elected executive officers and they swear them to see that the laws are favorably executed. We have, first, the railroad, with the Interstate Commerce Commission, which has accomplished much, but much remains to be accomplished, and, in my opinion, the organization of that commission is absolutely inadequate; it is overburdened; it can not by these possibilities, under its present organization, do that which is expected of it. We have recently made a still more ambitious departure in the establishment of the Federal Trade Commission, charged with the important duty of regulating all institutions except railroads engaged in interstate commerce. It is apparent at once that the field there is too large for a single commission. We may have other commissions. Listening yesterday to the witness, it occurred to me that we might have a mines commission. We might have a commission as to manufacturing, and we may have more. In one State in the West I understand they have some 40 commissions now, and the people of that State are inclined to think that is too many, but at least 4 or 5 or a half dozen ought not to be out of proportion for this great country.

Now, I listened to testimony of Dr. McKelway as to child labor. I read that speech of Senator Beveridge and have quoted from it myself in public. It is certain that a national question can only be regulated by the National Government. It is perfectly certain that there can be no efficient child-labor regulation that does not emanate from the National Congress; that is, in a reasonable time. I think that one of the first things that should be done would be for Congress to pass a law providing a Federal incorporation act and also requiring every individual and every corporation engaged in interstate commerce, either to incorporate under that act or to take out a license from the Federal authorities to carry on such business. Of the constitutionality and validity of such legislation I have no doubt.

You at once nationalize all of these questions. Now, it would not be necessary, of course, for the Interstate Commerce Commission to attempt to meet this suggestion as to the railways, but it is different. It should be legalized throughout, and not on different branches throughout the country. There should not be a lawsuit every time a man feels the manufacturer or railroad company refuses to do something required by law. It should not be necessary to travel through the courts, up and down; it is a disgrace to our jurisprudence, but I don't know of any way of stopping it.

For years and years we tried to determine a simple and essential administrative question, and I believe that in time that such legislation as I have indicated, with the appointment of proper commissions, will be regulated. The courts under our constitutional system—there must be some appeal to the courts, but in practice, while there are not bureaus of conciliation and arbitration, there will be bureaus, so that if this miner desires to make a complaint as to the condition of the mines he goes to the commission—the mine committee—and calls attention to the fact, and they act promptly. I know it is attempted to be bone in some States, but in a way, I think, which is rather ineffective. Of course, in order to secure compliance with Federal legislation on the subject there must always be the power in the Federal Government to either suspend or cancel the license to carry on interstate business. A power sufficiently formidable in itself, if rightfully used, and not tyranically, to compel respect for its provisions; that is, one thing or the other, I think, should be carried out. Now, there is another thing that I think will be, perhaps, a little more

practical and potent, and it is in that regard that I look upon the work of this commission as of supreme importance. In the beginning God said, "Let there be light." Why do we light the streets of our cities; why is it that crime seeks darkness and not light?

This commission was constituted and, in my judgment, its most important purpose is to turn on the light to bring the facts as to the industrial conditions in this country to the attention of the American people. The President of the United States in one of those eloquent and felicitous addresses which he knows so well how to deliver last fall stated the opinion of the world is the mistress of the world. It is speaking largely the truth. The opinion of America is mistress of America, and no unjust, oppressive, or unlawful practice can endure, law or no law, when you turn upon them the searchlight of publicity. It is undoubtedly an important duty, as I understand it, of this commission, Mr. Chairman, to report and recommend such legislation as in the judgment of its members the necessity of the situation requires. But, in my opinion, a far higher and more important duty is to lay the entire facts of the industrial situation before the American people, and to that end you have traveled to all parts of this country, you have given everyone an opportunity to be heard, and you have collected what, in my judgment, when it is adequately published, notwithstanding the fact that many of us probably have not contributed much to this discussion, an invaluable mine of information for the American people.

And now I wish to read a brief extract which recently attracted my attention, from the remarks of a distinguished Italian statesman, Señor Pasquale Flore. He said:

"On the other hand, consider for a moment that complex and ominous question, which, day by day, in all countries, grows more demonstrative, the so-called social question. It represents the undefined but unceasing movement on the part of the workmen and the proletariat clamoring for greater comfort and better treatment, greater development of the industries and commerce, so that they may more largely participate in the profit and be able to satisfy the increasing needs of life. The religious sentiment, which urged the people to tolerate privation and actual suffering in the hope of the life that is to come, has lost much of its strength and the proletariat and the working classes demand at once more comfort and more work."

That is a statement of an undenied fact. We hear in this country on the part of large employers of labor much talk of the liquidation of labor, that there will be a fluctuation in the demands of labor, and the right of its recommendation is undoubtedly true. We think there can be or there could be any such liquidation of labor by the great reduction of its share in the depreciation of profit in industries, as is indicated, but that phase is not only impossible, I hope, but is, from their standpoint, most undesirable. Wages must be higher; they must constantly tend to increase, not because the laboring man so wills, but because of prosperity and progress of this country and of every country. Oh, well, the man says, we have done pretty well in life; I don't care what he is, whether a capitalist, lawyer, laboring man, or artisan; but my children must be content or else we must go backward, and not forward, and the moment that happens that country has entered upon a condition of decadency and decay. It is the duty of every man that labors, as the great mass of people do, and I will include in that, although perhaps Mr. Commissioner Garretson seems to indicate to the contrary, professional men—I will include professional men, lawyers—it is the duty of every man that labors to desire that those who come after him in his calling shall have better profits than he had, unless he is unusually fortunate, and that means progress, and it means increased purchasing ability on the part of the masses. Why, we hear much of the burning of gasoline and the opening of champagne on the Great White Way. What does it amount to? Nothing at all as to the prosperity of this country; but it is the ability to purchase by the great masses of people that you see every day on the streets, in which the prosperity of the country, the prosperity of its railroads and every great industrial interest itself is absolutely involved. And any idea that wages must be progressively reduced means simply national degeneration and decay.

Commissioner GARRETSON. Let me correct a word. I said labor men, not laboring men.

Mr. GREGORY. Perhaps there is a distinction sometimes.

Commissioner O'CONNELL. Returning to the boycott for a minute, the impression largely prevails that it is the laboring man that is constantly boycotting. He seems to be the guilty person in connection with this boycotting.

They are lawabiding citizens in the general sense of the application. A few miles away from where we are now sitting property is sold and the deed provides that the property can not again be resold or rented to a colored person. It is found, however, that that is not held good. In a certain section not far from where we are there were no black people living in the section; it was a new section. The property was all laid out with the understanding that it would be sold only to white people. Some persons who bought property there found that they could not meet the payments, and the agent who had sold the property mysteriously found a tenant and sold the property at a large profit, it is reported. One day a colored person moved into this property, into the neighborhood, and there was great excitement. You could have bought that property that day in that neighborhood at 25 to 50 per cent off. Everybody thought the neighborhood was going to turn black instantly. There was an association of the people that owned the property in that territory, formed for the purpose of holding monthly meetings, and looking after the development of that section, and things of that sort for which such associations are organized, and immediately a boycott was placed upon this real estate man, and the sabotage that was spoken about yesterday was being carried out by the white men's children in that neighborhood, not workingmen. The windows were broken in the house and the colored children had to sneak out the back way if they got out at all, and finally the agent was compelled by force of this boycott to take the black tenant out of the house and repair the house, and there has been no attempt to put black people in the neighborhood since. Now, you cited the case of the possibility of a saloon coming into the neighborhood of which you spoke. Under those circumstances the fact that in this territory there was no black person living, and if they had come in it would have had the effect of reducing the value of property, that is the general result that has occurred. Now, is a situation of that kind justified or not?

Mr. GREGORY. Well, that is another question. Legally I say it is not. It does not justify breaking windows.

Commissioner O'CONNELL. No; that was incidental.

Mr. GREGORY. Yes; but I think legally those people should be permitted, if they saw fit, to combine. Those instances happen with us, and one more aggravated than that which you speak of where a colored man had secured a lease of property just before I left Chicago, and the assistant corporation counsel of the city was one of the alleged boycotters. I don't think human nature, Mr. Commissioner, is very different in the laboring men than it is in lawyers and doctors and employers.

Commissioner O'CONNELL. In this case there were lawyers and doctors, and all very active boycotters?

Mr. GREGORY. Yes, sir.

Commissioner O'CONNELL. In the same neighborhood the property is built in a large square, and the lots do not run into each other. Consequently there is a sort of hollow square in this block that the owner or real estate men did not sell to the property owners. All at once, one day, a lot of wagons of rubbish of all kinds usually found around a barn landed in that hollow space, and a very cheap affair building was put up, and within a few days a lot of horses and a lot more wagons piled into this place. There was another boycott declared, and it was claimed that pestilence and flies and almost all kinds of diseases would come into the neighborhood, and another meeting was called and another boycott took place and that disappeared. Now, I cite this to show that the boycotting is not always the workingman who is boycotting to compel some one to grant him better wages or better conditions of employment.

Mr. GREGORY. Undoubtedly.

Commissioner O'CONNELL. We are a nation of boycotters. There is no one within the sound of my voice, so far as I know, that is not boycotting all the time. He tells somebody, my printer is a bum printer, or my shoemaker is no good, or my tailor is beastly in his designs, and so on; constantly boycotting.

Mr. GREGORY. We have the greatest dry goods stores in the world in Chicago, undoubtedly, if you will permit me to say that, perhaps knowing how much disposed Chicago people are to boast a little, and if you should hear the ladies, Mr. Commissioner, as they talk sometimes about their experiences and urge each other to cut this shop or that shop or the other shop you would think this boycotting was even more extensive than perhaps you have heretofore thought. It is a natural impulse.

Commissioner GARRETSON. Now, speaking of boycotting and blacklisting, wasn't the ostracism of the Greek law and banishment of the Roman law ex-

actly in principle boycotting culminating in an individual blacklist by the entire nation?

Mr. GREGORY. Well, I think the ostracism of the Greek was.

Commissioner GARRETSON. In form?

Mr. GREGORY. Substantially.

Commissioner GARRETSON. And we have an instance in one instance where they tolerated the application of it simply because the victim was too good, Aristides, because they got tired of hearing him called "the just"?

Mr. GREGORY. Yes; after Aristides, they got tired of hearing him called "the just."

Commissioner GARRETSON. Does not equality before the law, which has been accented quite strongly, become something of a farce or become absurd when it is considered as between a man like the one who testified yesterday and his employer, when the man has only one weapon, the right not to work, and all the arsenal is in the hands of his employer?

Mr. GREGORY. It's practical accomplishment in such cases is difficult, if not impossible, under present conditions.

Commissioner GARRETSON. In your evidence yesterday, referring to the trial by jury—well, that is not germane to the matter. I will pass the question, Mr. Chairman. That is all.

Commissioner LENNON. I want to ask one question, Mr. Chairman.

Chairman WALSH. Commissioner Lennon has a question.

Commissioner LENNON. Mr. Gregory, is the issuance of injunctions warranted where there is other adequate remedy at law to cure that which the injunction seeks to handle?

Mr. GREGORY. It is one of the canons of the law on that subject that in such cases injunction should not issue—particularly, a preliminary injunction.

Commissioner LENNON. That is all.

Chairman WALSH. That is all. You will now be excused permanently. We thank you for your attendance.

Mr. GREGORY. Thank you, sir.

Chairman WALSH. Is Mr. Arthur Woods here?

Mr. WOODS. Yes.

TESTIMONY OF MR. ARTHUR WOODS.

Chairman WALSH. State your name, please.

Mr. WOODS. Arthur Woods.

Chairman WALSH. Where do you live?

Mr. WOODS. New York City.

Chairman WALSH. And your business, please.

Mr. WOODS. Police headquarters, New York City.

Chairman WALSH. What official position do you hold?

Mr. WOODS. Police commissioner.

Chairman WALSH. How long have you held that position?

Mr. WOODS. A little over 13 months; since the 8th of April, 1914.

Chairman WALSH. What is your occupation—your general occupation, I don't mean now, Mr. Woods?

Mr. WOODS. That is hard to state, Mr. Chairman. I have done a good many things.

Chairman WALSH. I—are you a business man or a professional man?

Mr. WOODS. I have been a newspaper man, and I have been a schoolmaster, and I have been a business man. It is pretty hard to generalize from all those three.

Chairman WALSH. What police regulations are now in effect in New York with reference to free speech and free assemblage and picketing in strikes? I believe your attention has been directed to that particularly?

Mr. WOODS. May I talk a little generally on the question, sir?

Chairman WALSH. Indeed, you may. We would like to have you do so.

Mr. WOODS. Well, free speech and free assemblage are constitutional rights, and as I understand it, the local authorities have the right to regulate those locally, but not in such a way as to destroy them or abrogate them, and really, in effect, only in such a way as to preserve them. For instance, in New York, we not merely permit free speech and free assemblage and picketing, but we protect it. If an assemblage should assume such proportions as seriously to interfere with traffic—that is, if in the endeavor to preserve its own rights it seriously interfered with the rights of others, we should then

have to take measures to stop it in that particular location; not to stop it altogether, but to remove it from the particular location and the particular circumstances in which it was overriding the rights of others.

If a free assemblage incited to immediate violence, I should then take whatever police measures might be necessary to prevent that violence. Except for those two restrictions, free speech and free assemblage are not merely permitted, but are protected in the city.

Commissioner WEINSTOCK. How about picketing?

Mr. WOODS. Picketing, the same principle applies. We not merely permit lawful picketing, but we protect lawful pickets in the exercise of their full rights.

Chairman WALSH. You feel that that is part of the duty of the protecting authority of the law to keep those rights vindicated, and to keep the ways open to the exercise of them?

Mr. WOODS. Absolutely.

Chairman WALSH. And has that been the conduct, so far as guided by you, of the New York police authorities?

Mr. WOODS. Yes, sir.

Chairman WALSH. How have you found it to work out? You say you speak generally; we would like to have you speak generally. You have seen the disturbances that have occurred throughout the country, and the varying views in regard to these very large questions, and they have been before us many times, and we are trying to epitomize here, through the best authority we have, what the attitude of the Government ought to be toward them, and the attitude of the people, for that matter.

Mr. WOODS. Why, I see no two ways. The thing was rather strikingly brought to my attention. A year ago this last winter, as you will remember, through New York City there were a number of disturbances supposed to have been fomented by anarchists, and I. W. W.'s, etc., etc.; and there were meetings every Saturday in Union Square; strong police guards appeared at those meetings, and the result was that there was a good deal of unpleasantness. There were a number of broken heads; there was a good deal of recrimination back and forth, and there were a number of arrests. And the Saturday before I took office—I took office, I think on Wednesday—and the Saturday before I took office there was a particularly turbulent meeting in Union Square—a good many thousands of people. A little while before that there had been a disorderly march up Fifth Avenue, where a number of persons had been arrested. And the Saturday just before I took office there was violence, and there was a certain amount of bloodshed, and the result of it was that there were loud threats as to what would happen the next Saturday if the people did not get their free rights to assemble and speak.

Well, I took office in the interim after that turbulent Saturday, and quite changed the policy, the methods, and the orders given to the police. There was on the following Saturday a very small police force evident, although there were enough police available that if violence had resulted we could have handled the situation. Very few police were there. I had personally given them their instructions, and told them that they were to afford to the assemblage its full rights; that they were to interfere only if the traffic was seriously impeded, and if incitement to immediate violence was present. They were, under no circumstances, to act, as I don't believe they had acted, in any manner that could excite resentment on the part of the assemblage. The result of it was that they had a very large gathering—a good many thousands of people were there—and they spoke all sorts of doctrines, and they went on, and there was no disturbance; there was no trouble; there was no disorder. I had been in the office all the afternoon, and at the end of the afternoon I was called up by the chief inspector, who was in charge. He told me the meeting was practically over; one or two hundred people up there. I went up and stopped in the place. I was not recognized. I went up toward the crowd of one or two hundred people, perhaps, and their orator got up on the billboards, and as I went up he called out, "Well, boys, the cops certainly have made good to-day. Three cheers for the cops." Now, that is one instance.

Now, we had another instance at the time when there was picketing in front of the building where the Standard Oil office was. There was a meeting at Bowling Green during the noon hour, and some woman was addressing the crowd, and a man who was listening to it took exception to her remarks. She got a little strong in some of her remarks, apparently, and he said he couldn't stand for that. There was one policeman at that gathering. He went up to

this man and tapped him on the shoulder and said, "Here, cut that out." "But I can't stand for what she is saying. Did you hear her?" And the policeman says, "Yes; she is having her meeting here, and I am protecting her in that meeting, as long as she keeps the law. If you want to have a meeting, come over here, and I will protect you."

Now, there were several things of that kind that happened. This winter there have been meetings in various parts of the city, in the same place, in Union Square, and there has been no trouble.

Chairman WALSH. In your position as police commissioner have you given special study to the operations of so-called gunmen and professionals of that stamp?

Mr. WOODS. I have.

Chairman WALSH. Have you discovered any connection between gunmen, or their employment in the large cities, and the use of such persons in industrial disturbances?

Mr. WOODS. Yes.

Chairman WALSH. Please give us your observations upon that.

Mr. WOODS. I can not speak much except for New York City; you spoke of large cities.

Chairman WALSH. I was drawing, perhaps, an illustration from that—I thought perhaps we might.

Mr. WOODS. Yes. Well, by "gunmen" you do not mean simply a person who is found with a revolver on his person?

Chairman WALSH. I do not mean the person who is arrested, or ought to be arrested, for carrying concealed weapons, but what might be called one of a body of men commonly known as gunmen.

Mr. WOODS. Yes. They are called "gunmen," "guerillas," "gangsters," and I might define them roughly as men who have a questionable means of livelihood and can be hired to commit crime. Does some such definition as that meet your idea?

Chairman WALSH. Yes; I think you have the idea.

Mr. WOODS. There has been a great deal of crime committed in New York by these gunmen, and it is a kind of crime which is particularly intolerable, because it is crime which can be hired. There seem to be these professional criminals who are hirable to commit crime. They are an undiluted menace to the body politic. Perhaps I had better not go on; I was going to talk a little about gunmen.

Chairman WALSH. Please go ahead; your testimony applies to what the commission has in mind.

Mr. WOODS. I was going to point out what they do.

Chairman WALSH. I wish you would.

Mr. WOODS. There are six or seven different methods of earning an "honest living," and the first is, I say "first," but not in order of importance, they are used at repeating and intimidating voters at election time. Second, in connection with gambling. They are the people who are the cappers for the gamblers, and do the work inside of the gambling houses, and when the town is a little bit tight, as I hope it is at the present time, they do not find such a fruitful source of employment in that particular. Another source of income is by selling and dealing in habit-forming drugs, a traffic which has grown enormously in the past few years and which is a great menace.

Again, they live off the earnings of prostitutes; they live by employment in industrial disturbances; they can be hired generally for any sort of crime, and they have a custom of holding what they call "rackets," which are balls, parties of one kind or another, and then blackmailing people into buying tickets for them. A successful ball for a gang leader with a reputation ought to net him well over $1,500 by the forced sale of tickets. That is the general character of what we call gunmen.

Chairman WALSH. How do you ascertain, Mr. Woods, the use of these men in industrial affairs, industrial disputes?

Mr. WOODS. Well, it has been a matter of common police knowledge for some time that they have been used in connection with industrial disputes, in strikes; but a short time after I took office—well, not a short time— I think it was last September, when I was trying to shrink up the sources of income of these people from all points of view, and was studying out the principal gunmen, who the leaders of the gang were, to see how they were making their unlawful living, I was trying to contract their sources of income so that they might be driven out of town or behind the bars, or put to the unspeakable shame of having to

earn an honest living, I happened to have an opportunity to learn of an attempt of one Dopey Benny, commonly called; he was trying, as the information went, to force the representative of some union which was having a strike to employ him, and the representative of the union did not want to employ him; he said he did not want to have that kind of strike. Benny had give him until that afternoon to give him his money, so we had detectives stationed in this man's shop on that afternoon, and one was supplied with marked money with which he was to pay Benny. The detectives overheard the conversation and made the arrest. The case was such a sure case that this man Benny began to squeal, as the common parlance goes, turned State's evidence.

Well, from September until yesterday that process has been going on. This man has been confessing, has been giving evidence as to his part in industrial disturbances, and at least 8 or 10 other persons have been doing the same thing, and the result or the beginning of the result was the filing of indictments yesterday by the grand jury of New York County—some preliminary indictments. Now, those indictments were all filed against representatives of unions. The investigation so far has shown a very large employment of gunmen by strikers; has shown a very much less employment of gunmen by employers. The cases that we have found where they have been employed by employers have been indirect, in that the employer has hired a private detective agency to protect him against alleged violence, and among the men supplied by the private detective agency have seemed to be some of those gunmen; but the great use of the gunmen in connection with strikes in New York City the past few years has been, we have been able to find out as a result of this very exhaustive investigation, has been by strikers.

Chairman WALSH. Have the indictments been announced yet?

Mr. WOODS. Yes; in this morning's papers.

Chairman WALSH. How many of them were there?

Mr. WOODS. I can not tell you exactly, but I think there were 12 indictments handed down yesterday afternoon.

Chairman WALSH. Is the investigation still going on?

Mr. WOODS. Yes.

Chairman WALSH. Who presented them to the grand jury?

Mr. WOODS. The district attorney of New York County.

Chairman WALSH. Who called attention to the matter, if you know?

Mr. WOODS. I guess I did.

Chairman WALSH. Has any investigation of the use of these gunmen in connection with industrial disputes ever been made before to your knowledge in New York, Mr. Woods?

Mr. WOODS. Well, I can not give you conclusively information about that, but I should say nothing like so thorough going as this.

Chairman WALSH. Has any investigation been made to ascertain whether or not they were used in other places than New York City?

Mr. WOODS. I can not tell you that; there was a recent disturbance at Roosevelt, N. J., which you remember, and it was alleged that New York gunmen had been brought out there; I think probably they had, but we sent out some of our men to see the people there who were arrested, and they recognized none of them as New York gunmen. But it has been brought out in that investigation that New York gunmen have been taken to other cities; we have definite instances where they have been taken to Chicago, Cincinnati, Baltimore, Philadelphia, and other cities. One of the extraordinary features of the case is that in connection with strikes where women are employed. Women are used as "gunwomen," so to speak.

Chairman WALSH. What organizations are affected by these indictments? What labor organizations were found to have taken those men, to have used these people?

Mr. WOODS. The indictments had not been found when I left the city; all I can tell you would be what is contained in the newspapers.

Commissioner O'CONNELL. Largely the east side Hebrew trades, is it not?

Mr. WOODS. Yes; I think so.

Commissioner O'CONNELL. The organization known on the east side as the central body of Hebrew organizations in the east side?

Mr. WOODS. I could not be sure and state definitely it was Hebrews.

Chairman WALSH. What detective agencies have been found to have used these men, as you have stated?

Mr. WOODS. That I should not want to give you a definite list of names about at this time. If you would like, I can send them to you.

Chairman WALSH. I wish you would, and if it is not proper to publish the names at this time, while this grand jury investigation is going on, we will withhold them, of course, until such time as they can be published, but will only use them in our report of recommendations.

(Communication containing list of names referred to will be found printed among exhibits at the end of this subject as "Woods's Exhibit.")

Chairman WALSH. Do you know by whom these New York gunmen were taken to other cities?

Mr. WOODS. No; I do not know.

Chairman WALSH. By what individual or organization?

Mr. WOODS. No; I do not know, but I think you could get that information; would you like to have men send you that?

Chairman WALSH. Yes; very much; please do so.

(Information referred to appears among the exhibits at the end of this subject as "Woods's Exhibit.")

Chairman WALSH. Commissioner Weinstock wishes to ask some questions.

Commissioner WEINSTOCK. How many police commissioners are there in New York City, Mr. Woods?

Mr. WOODS. Only one, unfortunately, at the present time.

Commissioner WEINSTOCK. To use a Greek expression, you are the "whole cheese"?

Mr. WOODS. Yes, sir.

Commissioner WEINSTOCK. You were telling us about these gunmen blackmailing people by compelling them to buy tickets for alleged balls; what happens to a prospect if he declines to buy tickets?

Mr. WOODS. Things are made disagreeable for him in various ways, and he may suffer violence; his windows may be broken; his customers may be kept away from his store; and various things like that may happen.

Commissioner WEINSTOCK. Are these gunmen organized? Have they associations?

Mr. WOODS. It is more or less closed; I should say as a rule it is the development of the so-called corner gang.

Commissioner WEINSTOCK. Do they have leaders?

Mr. WOODS. Yes.

Commissioner WEINSTOCK. And representatives?

Mr. WOODS. I should think probably there is no formal meeting, and they do not have a definte organization with by-laws, and that sort of thing, but they have well-organized groups of men, and the leader is understood.

Commissioner WEINSTOCK. Does the group obey the leader; does he have control over them?

Mr. WOODS. Yes.

Commissioner WEINSTOCK. Is it known what punishment will be inflicted on a member of the gang who does not obey the leader?

Mr. WOODS. You mean, is it known to me, or is it generally known?

Commissioner WEINSTOCK. Is it known to the men in the group?

Mr. WOODS. That has not been brought out, especially what would happen to a member that did not obey the leader; the leader is there by popular selection, and if he is not satisfactory, then he goes.

Commissioner WEINSTOCK. As a result of your investigation, what have you found to be the method of procedure in industrial troubles; do these gangsters offer their services to both sides, and take the highest bidder, or do they confine their operations and offer their services to one side of the labor trouble?

Mr. WOODS. I should not say it was "offering their services," but the result of our investigation shows a course of procedure like this; there would be a strike and the strikers would retain some gunmen to do whatever forcible or violent work they needed. The employer, to meet this violence, would, in a comparatively small percentage of cases, and not as many cases as the gunmen were employed on the other side, would hire a private detective agency.

Commissioner WEINSTOCK. Now, when the unions employed these gunmen, what function were the gunmen expected to perform?

Mr. WOODS. To intimidate workers that were hired to take the place of the strikers.

Commissioner WEINSTOCK. That is so-called scabs?

Mr. WOODS. Yes, sir; so-called scabs.

Commissioner WEINSTOCK. Have there been instances where there has been violence against the so-called scabs?

Mr. WOODS. Yes, sir.

Commissioner WEINSTOCK. To what degree?

Mr. WOODS. Oh, to very strong violence.

Commissioner WEINSTOCK. Have they committed murder?

Mr. WOODS. Yes, sir; I think that is being brought out now. As I remember it last night in the newspaper article there were three indictments for murder in the first degree.

Commissioner WEINSTOCK. There is no limit then to what degree they will go to intimidate the so-called scabs?

Mr. WOODS. No. Now, there was a case that was noticed a good deal in the newspapers awhile ago of an innocent man by the name of Straus, who was shot and killed on the east side. The Dopey Benny gang was employed by the strikers, and some other gangsters were employed by the employers; I can not remember which particular gang it was. One of the Dopey Benny gang had been killed by one of the other gang.

Commissioner WEINSTOCK. Competing gangs?

Mr. WOODS. Yes; one gang employed by one side, and one gang by the other side. I may have my thing a little twisted here, but the gang that killed the member of the other gang was holding a ball, and the other gang came up to get revenge for the killing, and the man that they tried to shoot jumped behind this perfectly innocent citizen, Straus, and Straus was killed.

Commissioner WEINSTOCK. Now, are the so-called gangs of gunmen confined to the east side of New York, or are there other gangs in other parts of the city?

Mr. WOODS. There are gangs in other parts of the city.

Commissioner WEINSTOCK. In what parts of the city, for example?

Mr. WOODS. There are gangs on the west side. The gang—I think I am justified in saying that the number and virulence of gangs has been very much reduced in the past 12 months. The situation we found was a bad situation. The policy under the former administration had been to use mild methods; the whole thing has been very much reduced in the last 12 months, but you will find headquarters of gangs and places they hold out in the lower east side, and the middle west side, and in some parts of Brooklyn, on the upper east side.

Commissioner WEINSTOCK. Is every member of the gang of one nationality usually, or are they composed of mixed groups? For instance, on the east side, are they all Jews?

Mr. WOODS. No; they would be mixed groups.

Commissioner WEINSTOCK. Of different nationalities?

Mr. WOODS. Yes; of course people are naturally nationally clanish, more or less, and you naturally have a predominance of one nationality in one group.

Commissioner WEINSTOCK. For example, in the so-called "blackhand" groups, are there any members other than Italians?

Mr. WOODS. The term "blackhand" is a term which is very much abused. There is no such thing as an organized "blackhand." The term "blackhand" is a pretty terrifying term when used to ignorant persons, and anyone who wants to earn an easy living can write a letter and sign it "Blackhand," and demand a certain amount of money, and sometimes have reasonable success in getting the demand. We have not found organized societies called "blackhand," as in Italy it is understood there are organized societies called the Mafia and the Camorra. We found instances of blackhand work on the part of Italian criminals who were trying to blackmail members of the Italian population.

Commissioner WEINSTOCK. Are gunmen natives, or chiefly foreigners?

Mr. WOODS. Both.

Commissioner WEINSTOCK. Foreigners and natives?

Mr. WOODS. Yes.

Commissioner WEINSTOCK. And they are not confined to any one or the other?

Mr. WOODS. No.

Commissioner WEINSTOCK. And they come from different nationalities?

Mr. WOODS. Yes.

Commissioner WEINSTOCK. No one nationality has a monopoly?

Mr, WOODS. No.

Commissioner WEINSTOCK. Is there anything in the industrial situation, Mr. Woods, that you think is conducive to the creation of gunmen? Is one the cause and the other the effect? For instance, would you say the industrial situation is the cause and the gunmen the effect, or is the existence of the gunmen independent of industrial conditions?

Mr. WOODS. I named, I think, seven different classes of income of the gunmen, and of those seven different sources, strikes were only one, so if he should no longer be able to get a living from strikes, he might from the other sources.

Commissioner WEINSTOCK. So, regardless of what the industrial situation might be, the gunmen would, in all likelihood, continue to exist?

Mr. WOODS. When the police do their duty, as I think they are, he can be blotted out; I think he can be pretty well blotted out.

Commissioner WEINSTOCK. Well, the thought occurred to me that it might be held to be, according to our present industrial system, that gunmen are in all fields of our present industrial system. I want your judgment on that?

Mr. WOODS. I would say not.

Commissioner WEINSTOCK. In relation to it?

Mr. WOODS. He comes in useful in certain homes of industrial dispute, but we have minimized that very largely by affording the protection needed with the police. We try to make it clear where a strike occurs that both sides will be protected in the possession of their full legal rights by the police. It is an outrage there in a civilized community to have one side hire one kind of special and private armed guards, or the other side do the same thing, and neither side rely upon the properly constituted force of law and order.

Commissioner WEINSTOCK. In other words, that neither side would come into court with clean hands?

Mr. WOODS. I don't think you can say there is one side and another side. Each dispute brings in a group of persons.

Commissioner WEINSTOCK. And as a result of your experience you have found that employers are guilty of resorting to the methods you condenmn, and likewise the labor unions have resorted to the methods that you condenmn?

Mr. WOODS. Yes, sir; that there were two points that ought to be considered in connection with that; so far we have not found the direct employment of gunmen except by strikers.

Commissioner WEINSTOCK. The employment by employers has been indirect?

Mr. WOODS. The employment by employers has been indirect, through private detective agencies, and we have found far more employment of gunmen by strikers than by employers.

Commissioner WEINSTOCK. One other thought that is made by critics of the present industrial system is that it is conducive to prostitution. I suppose that dealing with that you have found how to minimize it, and it has led you to investigate the causes? In so far as your investigation and experience goes, would you say that the present industrial condition is largely the cause of prostitution, or have you found, as has been found by many other investigators in many cities, that the question of low wages for women is one of the remote causes, and one of the minor causes for prostitution?

Mr. WOODS. Well, Mr. Weinstock, I hesitate very much about going into any definite conclusion one way or the other. It is a question that has been with us for so many centuries that I don't think we can say that any particular industrial system of to-day is the cause of it. There may be a great many things affect it one way or the other, but I should be and am very slow about letting myself come to many conclusions as to the cause of it.

Commissioner WEINSTOCK. You are not prepared, then, to express an opinion on the matter?

Mr. WOODS. I could say, not expressing at all a finished or considered conclusion, that it seems to me the question of low wages has far less to do with it than I at one time thought; but I reserve full liberty to revise my conclusion on that.

Commissioner O'CONNELL. If you revised your conclusion to any extent, what do you allege it to, on what basis it does occur?

Mr. WOODS. I am at a loss——

Commissioner O'CONNELL. You just conclude that it is not a question of wages, but you have not agreed with yourself what is the cause?

Mr. WOODS. No, sir; it is simply a conclusion.

Commissioner LENNON. You say these gunmen are employed by strikers; you may not be able to answer this question at present—I don't know whether you care to or not—but have you any evidence that connects this employment by strikers with direct action of the union?

Mr. WOODS. You mean formal action of the union?

Commissioner LENNON. Yes, sir.

Mr. WOODS. No, sir; I don't know about that.

Commissioner LENNON. You have no such evidence?

Mr. WOODS. No, sir.

Chairman WALSH. I have been asked to ask you this question: Did your investigation bring out the fact, if it was a fact, that guards and strike breakers were recruited from the ranks of these gunmen by detective agencies, who were afterwards sent to Calumet and to West Virginia in the Cabin Creek district?

Mr. WOODS. I don't think so; I can look it up if you wish?

Chairman WALSH. I wish you would.

(Information referred to is mentioned in "Woods Exhibit," which appears among the exhibits at the end of this subject.)

Chairman WALSH. And I have been asked if you have had any experience with industrial-service corporations in the city of New York that seemed to make a business of employing strike breakers and guards and the like?

Mr. WOODS. I don't remember that title at all. Might I have those questions?

Chairman WALSH. Yes; just take that memoranda, it will show it.

Mr. WOODS. Yes, sir; I will take that.

Chairman WALSH. And unless there is something that you have in mind that you think might enlighten us in our work you will be excused permanently. If there is any other suggestion that you think you could make we would be glad to have it.

Commissioner WEINSTOCK. I might ask this one question. Some one handed me a clipping from the New York Herald of the 5th. Is this the result of your investigation—this case of Dopey Benny? This article says:

"The diary which 'Dopey Benny' Fein, now in Sing Sing, but formerly leader of an east side gang of thugs, kept for five years upon his employment by labor-union leaders proved to be so accurate that yesterday an extra grand jury presented 12 indictments against 34 labor leaders to Judge Malone in the court of general sessions.

"Several of the 34 men are mentioned in each of the 12 indictments, and the charges include murder, assault, extortion, and rioting.

"No better commentary upon the reign of intimidation, backed by violence, conducted by labor unions in that section ever fell into the hands of the prosecuting officers than that unfolded by the diary of 'Dopey Benny.' He combined business ability with his leadership of a band of hired assassins and thugs. He kept accurate books, showing by whom he was employed, who was to be killed or attacked, what factories were to be besieged, where riots were to be started, the prices paid for these services, and the net result in dead and wounded, with names and other details.

"His diary, which really is a complete ledger, was placed in the hands of Lieut. Detective Clinton M. Wood"——

That is not yourself?

Mr. WOODS. No, sir; that is one of my men.

Commissioner WEINSTOCK (continuing reading): "And with several aids he has been investigating the entries. Upon the proof of their accuracy the grand jury yesterday voted the indictments. 'Dopey Benny' also was presented to the grand jury, and he is said to have amplified any clouded entries which might have appeared in his ledger. This business man's document gave in each instance the identity of each member of his band who took part in the crimes and how much he was paid for his services."

Was that the outcome of your investigation?

Mr. WOODS. That is what I have alluded to. That is rather picturesque, though.

Commissioner O'CONNELL. The other side has not been heard from in the matter?

Mr. WOODS. Oh, yes; we have been after all the facts; we don't care who they hit.

Commissioner O'CONNELL. But the defense has not been presented, has not presented its side?

Mr. WOODS. No, sir; not as far as the courts go.

Commissioner O'CONNELL. There is no evidence to show you that Dopey Benny's statements are true; you have simply those statements as facts?

Mr. WOODS. We, of course, would not—an indictment would not be filed, and we would not go ahead on this thing without what seemed to us sufficient corroborative evidence, because, however estimable this man may be, and how reliable his diary may be, we would not go ahead on that without investigating it.

Commissioner O'CONNELL. But the fact that the grand jury indicted is not an indication of guilt?

Mr. WOODS. No, sir.

Commissioner O'CONNELL. So the defense has not had its day yet?

Mr. WOODS. No, sir.

Commissioner WEINSTOCK. In how far have your investigations warranted this statement that appears following:

"Several of the indictments mention assaults upon members of the union, and in this connection District Attorney Perkins said last night that the reign of lawlessness was caused by union leaders who wished to perpetuate themselves in power, who hired assassins to assault contenders in their own union for their places, and who used their union offices to extort blackmail under threats from employers.

"Seven men are indicted for assault in a riot for control of a union. Four men are indicted for hiring Dopey Benny's band to go to a nonunion factory and 'rough house' the employees as they left, and 'wreck' the plant. A dozen workers were wounded in that fight.

"Six union men are accused of extortion and assault in using violence to collect a fine of $100 upon an employer. Four others are accused of hiring the Dopey Benny band to shoot up a nonunion factory. Many shots were fired, the factory suffered a damage of $1,000, and several persons were injured. Other indictments mention cases where the band was employed by union leaders to attack nonunion workers, to wreck factories, and even to assault union men who opposed the leaders."

Does your ivestigation substantiate those statements here?

Mr. WOODS. Yes, sir; that is the general line of things that we found. All that sort of thing.

Commissioner WEINSTOCK. So that this is not mere newspaper exaggeration, to your knowledge?

Mr. WOODS. No, sir.

Chairman WALSH. That is all; we thank you very much.

Mr. Seager.

TESTIMONY OF DR. HENRY R. SEAGER.

Chairman WALSH. Please state your name, Doctor.

Dr. SEAGER. Henry R. Seager.

Chairman WALSH. Your residence?

Dr. SEAGER. New York.

Chairman WALSH. Your profession, please?

Dr. SEAGER. Professor of political economy at Columbia University.

Chairman WALSH. How long have you occupied that position?

Dr. SEAGER. Fourteen years.

Chairman WALSH. And I wish you would please tell us, Doctor, the course of your studies and other means of information which you might have, touching upon the question of the disposition of production in industry.

Dr. SEAGER. My special interest, ever since I began to specialize in political economy, has been the labor problem, and of late years, for several years, I have been president of the American Association for Labor Legislation, and in that connection I have not only been interested in the theoretical aspects of the matter, but have been concerned with the practical aspects of the matter, particularly in New York. That experience has impressed me with the truth of statements that have been made before your commission in the last two days, perhaps more than would have been the case if I had been a mere closet student of economics.

To follow the questionnaire that has been prepared as the basis for my remarks, I don't see how any fairminded person can question the fact that our judges have shown a decided bias in favor of employers. I would not be inclined to ascribe this so much to class bias, although I think that is a factor, as to the antecedent training of our judges.

Under our legal system the principal task of the lawyer is to protect property rights, and property rights have come to be concentrated more and more into the hands of corporations, so that the successful lawyer of to-day, in a great majority of cases, is the corporation lawyer. His business is to protect the rights of employers and corporations. It is from the ranks of successful lawyers, for the most part, that our judges are selected, and from that results inevitably a certain angle on the part of a majority of our judges when they

become judges. Personally I have the highest respect for our judges, I believe that they strive to be judicious in connection with cases that come before them; but coming to the bench after having represented employers for such a long time, they are then removed from their class contact with labor struggles, and the bias, usually the unconscious bias, that they bring with them to their judicial position often persists and influences their judicial decisions. I believe that is shown in connection with any one of the different groups of decisions involving labor issues that one might study. Decisions relating to issues that have arisen in connection with labor disputes show it, and decisions in connection with the constitutionality of labor laws show it, and so with reference to other groups of decisions in labor cases. As to the possible remedy for that situation I myself am inclined to be optimistic, because I believe the criticism of this bias that is more and more common in the discussion of labor cases on the part of many students of the matter is having marked influence on the attitude of judges. It has made them more conscious of this danger and more conscientious in trying to overcome such a predisposition in favor of the employer by studying the other side of the labor problem.

It is quite evident in jurisdictions where judges are elected that there is more or less selection against judges whose reputation is based on eminence attained in defending the interests of corporations, and therefore I believe an historical review of decisions would show that the trend of decisions is toward a more and more fair-minded attitude toward both sides. I think that is conspicuously shown in the case of the United States Supreme Court, and it is certainly very markedly shown in the case of our New York Court of Appeals. From a court which until recently has rendered decisions which seem to me to show a clear lack of understanding of the labor side of the problem, we have had within the last few months as broad and liberal decisions as sympathizers with that aspect of the question could desire.

In the State of New York, as the members of this commission doubtless know, we are in process of amending our constitution, and some of us who are impressed with the unsatisfactory results of the decisions in some of these labor cases are urging in our constitutional convention a change which shall free the hands of the legislators in the field of labor legislation, so far as the State constitution is concerned. The argument that we are presenting to the constitutional convention is that under our system of government we now have protection through the due-process clause of the State constitution, and also through the due-process clause of the Federal Constitution. That the result of this is that a State court may hold a labor law unconstitutional, at the same time that the Federal Supreme Court is declaring constitutional the same sort of legislation. Or a labor law may be held constitutional in one jurisdiction by one State court, while a State court in another jurisdiction takes the contrary view and holds it unconstitutional. We submit that the simplest and most logical and most effective way to avoid this conflict of decisions, and at the same time to preserve the right of the courts to pass upon these issues, is to remove the limitation of the State constitution on the right of the State legislature, with reference to labor legislation, so that the only issue before the State court would be does this violate the due-process limitation of the Federal Constitution, an issue which under the changed system resulting from legislation last winter, if decided against the labor law, might be taken to the Supreme Court of the United States, and there passed upon by that tribunal in such a way that the decision would apply uniformly to the whole country. We feel that this plan offers a needed remedy for the evil of conflicting decisions as to what may be done under the police power. To be more concrete, in New York we passed a workmen's compensation law. Our court of appeals unanimously held that that involved violation of the "due-process" provision of our State constitution, and that the compensation principle was unconstitutional. A little later Washington passed a law not dissimilar in principle to the New York law, and the Supreme Court of Washington unanimously held it constitutional—that it conformed with the requirements of the "due process of law" provision. We feel that if we could get away from this anomalous situation, if all these issues could finally be brought to the Supreme Court of the United States, and it could lay down the rule as to what "due process" requires for the whole country it would be well. Whether that view will be taken by our constitutional convention remains to be seen; but at any rate the matter is going to be urged upon the consideration of our constitutional convention.

Chairman WALSH. Is it your organization that is doing that? That is, the American Association for Labor Legislation?

Dr. SEAGER. It is a committee organized by the Association for Labor Legislation; but the individuals are from a number of other organizations active in New York, and from labor organization, and in that way representing broadly the interests of labor, of social workers, and of students of the problem.

The next question on the memorandum that was given to me was as to whether the poor man was at a disadvantage under our legal system—whether he enjoys equal rights with the rich man. The poor man is at a disadvantage in almost every direction, and I feel clear that he is at a decided disadvantage as our laws operate. The limitations on his ability to enjoy the equal protection of the laws are so obvious that perhaps it would be a waste of your time to go into them. At the outset he may be accused of an offense in connection with which bail would be accepted. He may not be in a position to provide bail. That means that he must languish in prison. Or the penalty may be a fine or imprisonment. In every jurisdiction, so far as I know, the equivalent in a fine for a day in jail is preposterously low under modern conditions. I noticed the other day in the papers that an offender was given imprisonment for 20 days or $30 fine. The man did not have the $30 and so had to spend the 20 days in jail. Then, in reference to the ability to command the best legal advice the poor man is at an obvious disadvantage.

Then, in connection with litigation involving the wage earner there is, as I have indicated, in my opinion, an unconscious bias on the part of the judges—their failure to enter into his situation and to feel or see just the limitations under which he labors. In those various ways and others I fear that there is inevitably a handicap on the poor man—a handicap that probably can not be removed except by helping the poor man not to be a poor man any longer.

The next question refers to the basis of the reluctance of labor organizations and individual workers to present their cases for judicial determination. "How far do you consider that the existing attitude is justified? In what way can the existing attitude best be modified?"

I think the existing attitude is justified to a certain extent, as I have indicated. I think, however, that it is exaggerated because of the lack of acquaintance of wage earners with judicial procedure. In my contact with wage earners I am impressed by the fact that many of them do not discriminate between the different kind of actions and are as frightened by a summons to court as they would be by a criminal indictment. That results from an ignorance of just what a particular order of a court may involve. I see no way to correct that situation other than by education, including education that will make our judges more clearly aware of the interests of both sides, and possibly the provision of machinery for looking after the interests of wage earners—a suggestion that I will come back to in a moment.

The last question asks for recommendations that would tend to modify the present situation in the right direction.

Chairman WALSH. Pardon me, before we get to that, Doctor, have you made any particular study of the methods of selecting jurors so as to——

Dr. SEAGER (interrupting). No; I have not. I have no knowledge, or even impression, on that.

Chairman WALSH. If there is a feeling on the part of workers and a fear of the court which has been expressed before to us many times, that is the reason we are calling your attention, as well as that of some other citizens, to it. If that is true, might it not result from the method of obtaining jurors? Might not the workingman, when he looks at the jury situation, conclude that possibly its organization has something to do with the fact that he does not get justice from his standpoint?

Dr. SEAGER. I have no knowledge on that point. As a teacher I am exempt from jury duty, and perhaps for that reason I have not given attention to that phase of it.

The recommendations I would like to submit for your consideration are three in number. The first one I have already outlined; that is, a change in our State constitutions that would bring about, as a result, final or authoritative decisions as to the scope of the police power by the Supreme Court of the United States, so that as time went on there should be but one controlling view of what is reasonable labor legislation within the police power, and that the view laid down by the United States Supreme Court. That would have the advantage of simplifying the situation and avoiding the absurd result that in New York a law is unanimously held unconstitutional, while practically the same law, or a law presenting the same principle, out in Washington is held to be constitutional. It would concentrate also the responsibility for deciding

wisely these labor cases on the court in which I think all of us are inclined to have the greatest confidence and would bring about in the course of time such special knowledge of the issues involved in these cases that the decisions, I believe, would be in harmony with the interests of both sides.

The second suggestion relates to a phase of the law that has already been discussed before you this week; that is, the view taken by the courts that legislation making it a misdemeanor for the employer to discharge a worker because of membership in a labor organization is not constitutional. That view has been uniformly taken by the State courts and by the United States Supreme Court, and it would probably be idle to argue against it, because it is now so well established. It seems to me, however, that legislation of this character is required if we are going to have real equality before the law between employers and wage earners. My suggestion is that the justification of this legislation would probably be recognized by the courts if the legislation were enacted in a slightly different form. At it has been enacted it has seemed to impose upon the employer a limitation from which the employee is exempt. It says an employer may not discharge a workman because he is a member of a labor organization, and it says nothing about a reciprocal obligation on the part of an employee. My suggestion is that the law ought also to make it a misdemeanor for the employee to give up his employment on the ground that an employer belongs to an employers' association. Practically, that is innocuous. No one ever heard of an employee giving up his employment because he did not like the employers' association to which the employer belonged. The idea that the employee should concern himself about that aspect of the situation is absurd on the face of it. He is not yet strong enough to exert adequate pressure in connection with wages and hours and things of that sort that concern him more directly and is far from ever thinking of trying to dictate to his employer the sort of association he shall belong to. But if that addition was made to this type of statute, it would then be free from the objection that it does not apply equally to both sides; and I am inclined to think, from the reasoning of the courts, which always makes prominent the view that there ought to be equality before the law, that both sides ought to be treated equally, that this legislation against the employers is class legislation, and so on—I am inclined to think that this simple modification, though it would have little practical effect, because it would make this legislation formally reciprocal, would lead the courts to uphold it as constitutional.

I have no illusions as to the benefits that would result from such legislation, however, even if it were upheld, from the point of view that it would make it easier for workers to get together in labor organizations. Employers almost certainly would be able to urge other reasons for discharging employees than membership in a labor organization, and therefore, perhaps, there would be no definite result in that respect; but I think from the point of view of clear thinking on labor issues a great deal would be accomplished, and it would register the conviction of the community that under our system of free government and in a democratic country it is an unbearable condition that employers can organize associations and pride themselves on the fact that through those associations they can prevent their employees from organizing.

I noticed in one of the newspapers recently a rather satirical article in relation to this commission—in one of the Detroit papers—suggesting that it would be a good thing for this commission to come out to Detroit and see the blessings of the open shop as exemplified there, and going on to say that the Detroit employers are organized into an association that maintains the open shop, and admitting that this is the means in that locality by which they have escaped trouble with labor organizations. In other words, the open shop means practically a situation where the labor organization can not exist. Now, I submit that that is an intolerable situation—that employers should organize to prevent their employees from organizing—and that in that situation a change in our law that would formally protect the right of the employee to organize and making it a misdemeanor for the employer to discharge the employee for organizing, and putting the same obligation on the employee with reference to the employees' association, be a step forward in connection with clear thinking on the issue, and would be a moral advance even if practically it did not amount to a great deal.

My last suggestion is along the line of the suggestion made in such an interesting way by Mr. Gregory. I was very much struck by the similarity of the conclusions which he had come to and the conclusions which I wished to submit as a suggestion.

Formal changes in the law will not, so far as I can see, help the situation very greatly; but that conclusion is one that we have come to, not merely in the field of labor legislation, but in many fields, and, as Mr. Gregory pointed out, the other field, the alternative on which we are coming to place more and more reliance, is the creation of commissions that shall not so much penalize citizens for noncompliance with the law as cooperate with them to develop more just and harmonious relations.

The trade-commission act includes that very significant section penalizing "unfair competition." It delegates to this new body the task of deciding what unfair competition is and of directing employers, if they find them guilty of unfair methods, to desist from those methods and play the game fairly.

I believe that the way out for us in this country with reference to labor problems will be found along the same line; that is, the creation of a permanent commission on industrial relations to take up the work that this commission is performing, on the basis of the reports that this commission will make, and to carry on continuously the efforts to bring about more harmonious relations between employers and employees.

All of us recognize, whether we are employers or employees, the lamentable results of the present situation, the terrible waste, from the point of view of production, of this friction between employers and employees that is so evident on every hand. Unless in some way we can develop more harmonious relations we are bound to suffer all along the line, employees as well as employers. I believe that we shall have a permanent commission on industrial relations which will have as its function the exercise of a certain amount of supervision for the purpose of enforcing publicity on all manufacturers' associations, employers' associations, and labor organizations, and the promotion of collective bargaining and more harmonious relations between the two and preparation for the work of the Board of Mediation and Arbitration that we already have when for any reason it is necessary to resort to some outside agency for maintaining industrial peace.

I believe that a commission of that sort could gradually accomplish, with reference to the relations between employers and employees, what we hope the trade commission may gradually accomplish with reference to the relations between industrial combinations and consumers—bring about fairer conditions and more harmonious relations and an opportunity to enjoy more fully the advantages we have by lessening the frequency of strikes, and lessening what is even more serious, the waste due to the constant friction between employers and employees, which shows itself in so many different ways and which hampers so much industrial enterprises in this country.

Chairman WALSH. At this point, Doctor, we will stand adjourned until 2 o'clock. Some of the commissioners——

Dr. SEAGER. I had almost finished.

Chairman WALSH. Some of the commissioners may have some questions to ask you, Doctor, and we will try not to detain you.

(Thereupon, at 12.30 o'clock, Wednesday, May 12, 1915, a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

STATEMENT OF MR. S. C. LONG.

Chairman WALSH. We will be in order. I have been requested by the commission to read publicly into the record two additional letters from Mr. S. C. Long, general manager of the Pennsylvania Railroad Co.

In the letter read the other day, naming four men who were said to have received $300 each under circumstances detailed in that letter, was mentioned Mr. William Park, general chairman of the Brotherhood of Locomotive Engineers, and we have these two further communications from Mr. Long:

PHILADELPHIA, *May 11, 1915.*

Hon. F. P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: We desire to make a correction in our letter of May 7, mailed to you after the hearing before the commission closed on that date.

We find after reaching home that the amount given Mr. William Park, general chairman, B. of L. E., Pennsylvania Railroad, was $200 instead of $300.

This money was paid Mr. Park after the strike was over and everything cleared up, and was to cover expenses and compensation in connection with his efforts during the shopmen's strike at Pittsburgh in 1911 to prevent employees, and particularly engineers, from leaving the company's service, urging them to remain at work and maintain our contractual relations.

We also desire to say that this money was returned to us by Mr. Park with the verbal statement that the men he represented had paid him his expenses.

You understand that the total number of employees receiving payments after the strike was over was 511, while 295 other employees were given letters of commendation.

Yours, very truly,

S. C. LONG,
General Manager.

And also the following letter:

PHILADELPHIA, *May 11, 1915.*

Hon. F. P. WALSH,
Chairman United States Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: In connection with our letter to you of this date requesting to be permitted to correct statement in our letter to you of May 7 regarding payment of $200 to Mr. William Park, general chairman, B. of L. E., Pennsylvania Railroad, to cover expenses and compensation in connection with service rendered during the shopmen's strike at Pittsburgh in 1911:

As an act of fairness and justice to Mr. Park, may we suggest that you send a copy of our letter, or have its contents conveyed in your own language, to Mr. Warren S. Stone, grand chief engineer, Brotherhood of Locomotive Engineers, Cleveland, Ohio?

Yours, very truly,

S. C. LONG,
General Manager.

TESTIMONY OF DR. HENRY R. SEAGER—continued.

Chairman WALSH. Now, please resume, Dr. Seager.

Dr. SEAGER. I have concluded my statement.

Chairman WALSH. Commissioner Lennon has some questions.

Commissioner LENNON. Have you given any study to the subject of the assumption of power or the granting of power by legislative enactment to courts, principally United States courts, to declare unconstitutional acts of Congress or laws passed by Congress?

Dr. SEAGER. I am not familiar with any legislation. Do you refer to legislation giving that power to the courts?

Commissioner LENNON. Yes.

Dr. SEAGER. No; my impression is that that power has been inferred from the nature of the Federal Government, created by the Constitution, and has been exercised by the courts without any legislative grant.

Commissioner LENNON. Do you believe that it is proper for courts to assume such an important function as this without having been authorized so to do by legislative enactment?

Dr. SEAGER. I am unable to see just how our Federal system of government could operate unless there was some authority that would mark the line between the jurisdiction of the States and the jurisdiction of Congress, and that authority has proved to be the courts.

Commissioner LENNON. Well, have you observed in your study personally as to whether the exercise of this power by the courts has been a cause of industrial or social unrest?

Dr. SEAGER. I think it has, decidedly; I think the exercise that has been most complained of has been under the fourteenth amendment, that was added to the Constitution for a very definite purpose, and without any thought that it would be applied to labor disputes, in connection with which the race issue did not enter, and I think the way in which that due-process clause in the fourteenth amendment has been interpreted has caused a great deal of dissatisfaction and has had a great deal to do with the feeling on the part of wage earners that the courts are not only hostile to them but are disposed to stretch their powers to show that hostility.

Commissioner LENNON. Well, from your observation and knowledge of the matter, if you were a member of this commission, would you favor suggesting that by act of Congress that this power be either taken away entirely—if they are entitled to it, as you understand it—or limited in some way?

Mr. SEAGER. No; I do not think I would be disposed to take that position, because I think as time has gone on that the United States Supreme Court has taken a broader and broader view of the scope of the police power. In nearly all of the cases I have had in mind, and to which I referred this morning, there have been strong dissenting opinions representing the views of individual judges; Justice Holmes, for example, in line with the views I imagine most wage earners would take of what might be properly done under the police power. Those dissenting opinions have come to be the dominating opinions of the Supreme Court, so I have very little misgiving myself as to the position the Supreme Court is likely to take on most of these issues. And in connection with issues where I think the court might hold an act unconstitutional, as, for example, it did in the act making it a misdemeanor for railroads to debar from employment members of trade unions; that it would take a different position if the legislation were drawn in a little different way; that is, if I indicated if it applied the same way to the employer and employee, then I think the Supreme Court would withdraw its objection. Even in that case Justices McKenna and Holmes handed in strong dissenting opinions, taking the view that that sort of restriction of railroad corporations was entirely proper and should be upheld as constitutional.

Commissioner LENNON. You feel that with all educational processes we are making progress as rapidly as we can either toward the elimination of this exercise of power by the courts or to their action being in conformity with social ideas as they prevail?

Dr. SEAGER. I think we are, and I think that the progress will be facilitated if we center the matter in the Supreme Court of the United States, as I intimated, by taking that power away from the State courts, except as they exercise it in applying the fourteenth amendment of the Federal Constitution on labor legislation. These decisions could then all be appealed to the Supreme Court of the United States, and I believe we have now reached a point when that tribunal is disposed to take very broad views of those matters.

Commissioner WEINSTOCK. I am not altogether sure whether it was you or some earlier witness who took the stand that a worker comes into court seriously handicapped as compared with the employer? Was that in your testimony, Professor?

Dr. SEAGER. I don't know that I would phrase it in that way, but I think he is at a distinct disadvantage in comparison with the employer.

Commissioner WEINSTOCK. You would make that as a general statement, including union workers or nonunion workers coming into court?

Dr. SEAGER. I would put it in this way, that the judges are very much alive to the property interests at stake. Their whole training has led them to think out very clearly the measures necessary to protect property interests. Their training has not kept them equally alive to the human interests, the other human interests at stake, which is usually the interest in which the wage earner most relies, because usually he is not a person of property, and if he has any standing in court it is not because of property rights to be protected but some other right, and in that sense I believe the attitude of the courts is more favorable to the employer than the employee. Not consciously, but as a result of their antecedent training.

Commissioner WEINSTOCK. Was it you, Professor, or some other prior witness who pointed out that the wage earner is handicapped in coming into court by virtue of the fact that employers as a rule can hire better and more capable and higher-priced attorneys, for example, to defend him or to prosecute the case?

Dr. SEAGER. The question that I was discussing related to poor people as compared with rich people; not employers as compared with employees, but I think that inference from what I said would be justified, except in the case of a wage earner who was a member of a well-organized trade, where the organization had means to command the highest type of legal ability.

Commissioner WEINSTOCK. In the case of a union worker, he is a member of the organization, and has as high legal talent as possible; in that circumstance he is on a parity with the employer?

Dr. SEAGER. I think so.

Commissioner WEINSTOCK. That while the worker could not afford to employ a Parker, for example, who commands $2,000 a day to appear in court, yet a union like the Hatters' Union could?

Dr. SEAGER. Yes, sir.

Commissioner WEINSTOCK. And so far as that circumstance is concerned the worker is on a parity with the employer? Now, you pointed out that courts are likely to be hostile in their attitude toward workers because of their previous training and the environment of the judges; that their sympathy was bound to be with property more than with human rights. Now, is it not a fact, Professor, that charge has been made by employers frequently, and with a good deal of justice, perhaps, that they can not get a square deal in the lower courts?

Dr. SEAGER. Especially in lower courts; yes, sir; I have heard that.

Commissioner WEINSTOCK. That police judges, where the case was first brought up, when violence has been used, to-day to labor in order to get votes, and that the employer is placed at a very serious disadvantage in those cases? Instances have been cited and come before this commission where in Philadelphia, for example, where some strike occurred in the textile industry where some 400-odd arrests were made for violence, and they had only been able to secure 3 convictions, and I presume that that experiment has been repeated very, very many times. Would that not lend color to the fact that the employer likewise has a grievance along that line?

Dr. SEAGER. I will agree with you in reference to that and go further and say that most people who have had the misfortune to come into contact with the police courts are likely to have a grievance. That is my impression of the operation of justice in New York City, that our police magistrates, as a rule, have not a very high reputation for impartiality. We are not particularly proud of that part of our judicial system.

Commissioner WEINSTOCK. Then, if there was criticism to be leveled against our judicial system, it is not one sided; both sides have grievances?

Dr. SEAGER. I would say that is true in the way you have indicated, but the grievance on the side of the wage earner is decidedly stronger, because appeal may be taken to the higher courts, and the issue finally rests with the higher courts, and it is their attitude that is the more important.

Commissioner WEINSTOCK. Now, will that hold in all cases? Here are men that are brought into a lower court charged with a criminal assault, say, on some so-called scabs, and they are discharged, and it is not possible under the law, as I understand it, to bring that question to a higher court. I don't know the legal phrase, not being an attorney, but it would be twice in jeopardy?

Dr. SEAGER. I would agree as to that class of cases. I thought your question perhaps referred to employers' liability cases, where very often the result of a jury trial is less favorable to the employer than the facts warranted. These cases can usually be appealed to the higher court, and this is not to the disadvantage of the employer.

Commissioner WEINSTOCK. I take it you agree that the rights to quit and discharge rest on the same basis, do they not?

Dr. SEAGER. Yes, sir.

Commissioner WEINSTOCK. That is, if you as an employer have a right to discharge me, I as a worker have the right to quit you at any time and for any reason or for no reason?

Dr. SEAGER. Yes, sir.

Commissioner WEINSTOCK. Now, would you regard it fair to all parties, then, to make it illegal or criminal to discriminate against men because they did or did not belong to a union?

Dr. SEAGER. Yes, sir; I should. I don't know that I should make it criminal, at any rate, not very criminal, but I think it would be desirable to make it unlawful.

Commissioner WEINSTOCK. In other words, it would be unlawful to discriminate against a man because he belongs to a union or does not belong?

Dr. SEAGER. Yes, sir; that was the view taken by one of our judges of New York, Judge Bartlett, in a dissenting opinion, insisting that that was the form it ought to take.

Commissioner WEINSTOCK. In other words, if I as a worker have the right to refuse to work, that you, because you are not what is called an employer of union labor, that you, on the other hand, have a perfect right to dismiss me because I was a union worker?

Dr. SEAGER. I would put it the other way around, and not give either one the right.

Commissioner WEINSTOCK. You would put both on an absolute parity?

Dr. SEAGER. Yes, sir.

Commissioner GARRETSON. On the question just asked you in regard to the Philadelphia incident, where out of 400 arrests there were only 3 convictions,

it was stated that that might be cited as an evidence that the lower courts in which jury trials were held were inimicable to employers. Would it be also evidence of the fact that such courts were inimicable to the employer, or would it be a fact that they had utterly unjustly arrested a large number of men where no legal cause therefor existed?

Dr. SEAGER. I should want to be quite open minded about it. I know nothing about the state of facts that Mr. Weinstock's question referred to. I would say, off hand, that your inference is quite as justifiable as the other.

Commissioner GARRETSON. In your investigation, has it not been brought to your attention that one of the great grievances of laboring men in industrial strife is that the weapon of improper or unjustified arrests is indiscriminately used for the purpose of prejudicing the interests of the men striking?

Dr. SEAGER. Yes, sir; I have that impression.

Commissioner GARRETSON. In regard to this equality before the law the fact of union men or nonunion men does not enter into the case at all; it is purely—I want to put the question in its purely economic phase—as between the poor man and rich man, can there then be a real equality between the men, either before the law or in the conduct of any matter of strife, between the man who has nothing but his labor and the man who has other unlimited resources or a resource that will extend over a very long period, for the very reason that the capital of the men who have the resources can subsist upon those resources where labor can not subsist upon itself?

Dr. SEAGER. I think that is true unless the wage earner is a member of an organization that can stand behind him.

Commissioner GARRETSON. I am taking it in the individual sense.

Dr. SEAGER. Yes, sir; I would agree with that.

Commissioner GARRETSON. The man that has the resources is always able to utilize not only the better in a legal contest, not only the higher class of professional talent, and thereby avail himself of all the possible delays of the law in the final adjudication of the case and starve the enemy out; is that not the logical conclusion?

Dr. SEAGER. I think that often describes the situation.

Commissioner WEINSTOCK. In what you have said, Professor, about the attitude of the courts in labor cases, do you have chiefly in mind the cases involving compensation or liability cases and cases relating to sanitary laws and measures affecting women and children, or have you in mind cases involving boycotts and strikes and picketing?

Dr. SEAGER. I had both classes of legislation in mind. If I may be permitted to do so, I have had occasion to review cases on these subjects recently, and I would be glad to submit a reprint of those cases as part of my testimony before the commission. This indicates more in detail just what sort of decisions it seems to me show the bias I have referred to.

(The papers referred to, entitled "The Attitude of American Courts Toward Restrictive Labor Laws," by Henry R. Seager, published by Ginn & Co., Boston, in 1904, and "The Constitution and Social Progress in the State of New York," by Henry R. Seager, published in The Survey, dated April 10, 1915, were submitted in printed form.)

Chairman WALSH. Commissioner Lennon has a question to ask.

Commissioner LENNON. Professor, you were asked as to your belief that the right to discharge by the employer and the right of quitting by an employee rested on the same basis. Do they rest on the same basis from a sociological viewpoint?

Dr. SEAGER. As I understood the question it referred to the legal basis upon which they should rest under our legal system. It was that sense in which I meant that they should be, it seemed to me, on exactly the same basis. The law should deal in exactly the same way with the two sides. As to the sociological or economic aspect, I think usually the job is more important to the worker than the worker is to the employer.

Chairman WALSH. I have been asked to ask you this question: Do you think it would be possible, with a permanent industrial relations commission, to encourage workers to work out their own salvation?

Dr. SEAGER. I am very glad that question is asked, because it will permit me to express the view that a permanent industrial relations commission, if we are to have one, should be a commission of employers and employees, on which the general public should not be represented, and that the basis of selection should be some sort of plan by which the members would represent the two sides—represent the organizations that are developed on the two sides, so that both points of view would be constantly present, and those who have full

knowledge of the difficulties of labor problems would be the ones called on to work toward a more harmonious solution.

Chairman WALSH. Have you found it very difficult to secure members who could be set out as representing the public, who were impartial in their views?

Dr. SEAGER. I think it is very difficult to secure such members.

Commissioner WEINSTOCK. How could you get an agreement under those circumstances, Professor, if both sides were partisan?

Dr. SEAGER. My thought is not that an agreement could be reached on all points, but that agreement could be secured on many points, and that all of the agreements reached would be effective because they would represent really a coming together of employer and employee. Whereas, usually, if representatives of the public are on such commissions, the two sides disagree and the representatives of the public declare the verdict, and it does not carry conviction to either side, which means virtually a failure of the whole system.

Chairman WALSH. The representatives usually do not work themselves, but live on an income from stocks, or something else, involved in industry?

Dr. SEAGER. Very apt to; have to live on something.

Commissioner WEINSTOCK. In other words, you would have the two sides represented without an umpire?

Dr. SEAGER. I should. The function I have in mind for such a commission would be to work toward more harmonious relations and go just as far as it is possible for the two sides to come together.

Commissioner WEINSTOCK. You would follow out the plan that has been in successful operation for many years in the London Chamber of Commerce, where the two sides to the controversy are represented by an equal number of representatives of each without an umpire?

Dr. SEAGER. Exactly.

Commissioner WEINSTOCK. And in nearly every case they come to an understanding?

Dr. SEAGER. Yes, sir.

Chairman WALSH. Commissioner O'Connell has a question, Dr. Seager.

Commissioner O'CONNELL. Doctor, as president of the Association for Labor Legislation, from what source does the active opposition to your legislation come; the legislation you seek in the various legislatures?

Dr. SEAGER. Usually from employers.

Commissioner O'CONNELL. They oppose all forms of legislation initiated by you?

Dr. SEAGER. No; many employers favor legislation; but when there is opposition it usually comes from the employers, and it relates to specific proposals; that is, employers now nearly always agree that some legislation is necessary, but many employers, when you come to a specific proposal, will dissent from that proposal.

Commissioner O'CONNELL. The tendency is usually toward reducing, for instance, the hours or the age limit, I mean, and where we would put it at 16 the employers would try to have it reduced to 14 or 13 or some other compromise on it?

Dr. SEAGER. Yes; that would be illustrative; though, as a matter of fact, we concern ourselves very little with child-labor legislation, because of the existence of another national organization that deals with that. The aspects we have been particularly occupied with have been compensation legislation, legislation with reference to one day of rest in seven, and so on; that is, legislation designed to protect the adult workers rather than children.

Commissioner GARRETSON. And with reference to occupational diseases?

Dr. SEAGER. With reference to occupational diseases.

Commissioner O'CONNELL. Did you observe the recently successful effort in changing the compensation laws in the State of New York at the recent session of the legislature, Doctor?

Dr. SEAGER. Substituting an industrial commission for the compensation commission?

Commissioner O'CONNELL. Yes.

Dr. SEAGER. Yes; I observed that very closely, and was very much interested in it.

Commissioner O'CONNELL. What were the influences behind that legislation?

Dr. SEAGER. The influences were very complex, and any statement I might make would be my personal opinion. There is no doubt but what the proposal started largely on political grounds; that is to say, the department of labor and the compensation commission had been organized under the auspices of a Democratic administration, and there had been a change in the politics of the

State, and the Republicans came into control and a number of measures were proposed, and some were put through, designed to provide—designed among other things, to provide offices for a number of deserving Republicans. It was in that way, I think, that the proposal first came forward. But after it was made, the association for labor legislation, which I represent, which had long been committed to the plan of an industrial commission as the body to administer the labor laws and the compensation law—that is, the Wisconsin plan—opposed the bill as it was introduced, and at the same time agreed to support a bill if it should be changed along lines that would eliminate politics from it so far as possible and insure the sort of organization of the department of labor, and the compensation commission, that seemed to us desirable, and the law, as finally passed, was the bill which was drafted under the auspices practically of the Association for Labor Legislation, and a very different bill from that that was originally proposed.

Commissioner O'CONNELL. But the effort was in the direction of making the compensation laws of New York less effective?

Dr. SEAGER. Not at all. I should say, on the contrary, to make them more effective. There was no change whatever made in the compensation law except to substitute for the compensation commission, as the body to administer the law, an industrial commission as the body to administer the law, and to charge this commission at the same time with administration of the labor law. The industrial commission consists of five members. It happened that the compensation commission consisted of four members, because one of the members had resigned, and only four were actually employed for the work of the commission. The four members of the compensation commission and the commissioner of labor constituted five persons, and the new commission consists of five persons, so the only result is the combination of the work of those two departments, both concerned in a very intimate way with the labor law, and it is likely to lead, in our opinion, to a much greater efficiency in the administration of the law by cutting out duplication as to inspection and so on and so on.

Commissioner O'CONNELL. Was not an effort made, and was it not successful, in allowing greater privileges in the optional——

Dr. SEAGER (interrupting). There were attempts made to amend the compensation law in a good many particulars, but that was entirely independent of the association bill, and all of them were opposed by the Association for Labor Legislation and all but one of them were defeated.

Commissioner O'CONNELL. Who were they supported by?

Dr. SEAGER. Supported, I imagine, by employers, although some of them were rather obscure, and also by casualty companies.

Commissioner O'CONNELL. Insurance companies?

Dr. SEAGER. Insurance companies; but practically all of those measures were defeated; only one of them passed, and that in a form that did not involve a very serious relaxation of the compensation law.

Commissioner WEINSTOCK. Isn't it a fact that one of the evils that developed under the New York compensation law was that of compelling all settlements with injured workers to be done by and through the commission, resulting in the commission becoming, as it were, snowed under and delayed indefinitely the time when the injured worker could get compensation?

Dr. SEAGER. The law provided for that method of settlement, and as a matter of fact the commission was far behind in the settlement of claims.

Commissioner WEINSTOCK. And in order to remedy that the plan was finally adopted—that settlement—a plan that has been employed practically with entire satisfaction in other States—of permitting the employer to make settlement with the injured worker subject to the approval of the commission?

Dr. SEAGER. Yes; that change was made. I would not say that operated to the entire satisfaction of both parties. There was a good deal of dissatisfaction with that method on the part of the workers; but that was entirely independent of the Association's Industrial Commission bill, and personally I was opposed to that change in the New York law. My own opinion was that a different method of handling claims would have enabled the commission to catch up with its business, and that on the whole, in the long run, having claims settled by the commission would be more satisfactory to both sides, assuming an impartial commission.

Commissioner O'CONNELL. The change you speak of, that was in the interest of the insurance companies?

Dr. SEAGER. Doubtless that bill was supported strongly by the insurance companies.

Commissioner O'CONNELL. Do you suppose their interest was that because the commission was not giving prompt attention to claims of individuals, they wanted a change?

Dr. SEAGER. Doubtless that aspect concerned them financially; that is, it was a financial disadvantage to them to have the settlement of these claims delayed. But it was the general impression that the stronger reason was the opportunity that might develop for making more favorable settlements from their point of view.

Chairman WALSH. That is all; thank you, Professor, very much, for your attendance and testimony.

Mr. Haywood, please.

TESTIMONY OF MR. WILLIAM D. HAYWOOD.

Chairman WALSH. Will you please state your full name?

Mr. HAYWOOD. William D. Haywood.

Chairman WALSH. Where do you reside, Mr. Haywood?

Mr. HAYWOOD. Denver is my home.

Chairman WALSH. Denver, Colo.?

Mr. HAYWOOD. Yes, sir.

Chairman WALSH. Where were you born?

Mr. HAYWOOD. Salt Lake City, Utah.

Chairman WALSH. And what is your age?

Mr. HAYWOOD. Born in 1869—February.

Chairman WALSH. At what age did you begin work?

Mr. HAYWOOD. Nine years old.

Chairman WALSH. And in what industry, or what occupation?

Mr. HAYWOOD. In the mining industry.

Chairman WALSH. Whereabouts?

Mr. HAYWOOD. Utah—Ophir Canyon.

Chairman WALSH. Would you be kind enough, Mr. Haywood, just to sketch your history as a worker and miner, up to the time you became a member of the association of the Western Federation of Miners?

Mr. HAYWOOD. Well, after the first short period, we moved from there back to Salt Lake City, where I worked at different kinds of work until I went to the State of Nevada, when I was 15 years old.

Chairman WALSH. Well, now, in a general way, what sort of work did you work at, between the ages of 9 and 15?

Mr. HAYWOOD. Why, I worked at driving delivery wagons, as a messenger boy, in a hotel as elevator boy and bell boy. It was when I was in the latter part of it, the fifteenth year, that I went to Nevada, and went to work in the mines permanently.

Chairman WALSH. At the age of 15?

Mr. HAYWOOD. Yes, sir.

Chairman WALSH. Will you kindly pitch your voice a little louder; the reporters seem to have difficulty in hearing you, and there are a number of spectators who would like to hear you. So you will please speak a little louder.

Mr. HAYWOOD. I went to work for the Ohio Mining Co. in Willow Creek, Nev., and worked there until I was 19; and then drifted around into the different mining camps of Utah, Colorado, Idaho, and back to Nevada again.

Chairman WALSH. Are you familiar with the formation of the Western Federation of Miners?

Mr. HAYWOOD. Yes; being a miner, of course I kept acquainted with what the miners were doing and remember when that federation of miners was organized, and have since become acquainted with all of the circumstances that brought about the federation of miners.

Chairman WALSH. Will you please describe the conditions that led to the formation of the Western Federation of Miners?

Mr. HAYWOOD. It was organized as the result of a strike that occurred in the Coeur d'Alene.

Chairman WALSH. What form of organization did they have prior to that time, if any?

Mr. HAYWOOD. Local unions, and mostly branches or assemblies of the Knights of Labor.

The miners of the Coeur d'Alene had gone on strike against a reduction of wages, and the mine owners called in armed thugs, armed men from outside territory. There was a pitched battle between these guards and the miners,

and in the course of the fight there was a mill blown up. This was charged to the miners, and the mine owners called on the governor for the militia. The militia was sent in there and martial law was declared, and nearly 1,000 men were arrested and placed in what they called the "bull pen." That was a hurriedly erected two-story structure built out of rough lumber, and these men were crowded in there with scarcely room to lie down—so many—with cracks in the floor above permitting the excrement from the men to drop on those below. The result of that incarceration, there were many of them who sickened and died from the diseases that they caught there. At one period of this strike an injunction was issued and 14 of the leaders were arrested and sent to Ada County; 2 of them, I think, were sent to Detroit to serve terms.

It was while these men were in Boise that they conceived the idea of federating all of the miners of the West into one general organization. After they were released, being in jail for six or seven months, they called a convention, that was held in Butte, in May, 1893, and it was there the Western Federation of Miners was started.

Chairman WALSH. Had you been connected in any official capacity with any organizations that preceded the Western Federation of Miners?

Mr. HAYWOOD. No; there was no organization where I was working at that time.

Chairman WALSH. Had you belonged to any labor organization up to that time?

Mr. HAYWOOD. No.

Chairman WALSH. Proceed, Mr. Haywood.

Mr. HAYWOOD. Following the organization, as it was started at Butte, came the first strike; that was in Cripple Creek in 1894. They went on strike to establish a wage of $3 a day and maximum hours of eight.

Chairman WALSH. What was the wage at that time, Mr. Haywood?

Mr. HAYWOOD. Three dollars, but there was an effort on the part of the mine owners to reduce it, as they had tried to do in the Coeur d'Alene. The strike was against a reduction of pay.

Chairman WALSH. The strike was against a reduction of pay?

Mr. HAYWOOD. Yes; in the Couer d'Alene, and it was practically so in Cripple Creek in 1894.

The mine owner had a sheriff in office. I do not think there is any use of mincing words. You know when the mine owners have the sheriff and you know when the miners have him. You know when the mine owners control the court and you know when the others control the court. Well, they had the sheriff and he organized some 1,600 deputies. These deputies were proceeding against the miners who were picketed on the crest of Bull Hill. It was then perhaps the only time in the history of labor troubles in the country when the militia was used in the interests of the men. Gov. Waite went to the Cripple Creek district in Denver and learned of conditions as they existed there and he called out the militia. He put them in between the deputy sheriffs and the miners, and told the deputies to disperse or he would declare a state of insurrection.

The strike was settled by the governor of the State being the arbiter of the men, and a banker of the name of David Moffatt, since deceased,, as the arbiter of the mine owners. The $3 a day was granted and the eight-hour law was established. The eight-hour law had not passed the legislature of the State of Colorado at that time, and it only applied to those quartz camps where the union was strong enough to enforce it.

There was no further trouble in the Cripple Creek district for some 10 years, and the next big strike was in Leadville, in 1896. Again the miners went on strike there to prevent a reduction of wages from $3 to $2.50 a day, and, as had become customary, the mine owners asked for the soldiers. Gov. Waite had been defeated in the election previous, and there was a governor by the name of McIntosh. He sent the soldiers at once. There were hundreds of men arrested, bull pens established, old abandoned shaft houses used as prisons, and the men subjected to some cruelties. They lost the strike; the wages were reduced 50 cents a day.

In 1899——

Chairman WALSH (interrupting). Were there any fatalities in that Leadville strike?

Mr. HAYWOOD. Yes.

Chairman WALSH. And was there any loss of life?

Mr. HAYWOOD. Yes; and there was some loss of life.

Chairman WALSH. Did imprisonment follow in any case?

Mr. HAYWOOD. There was no permanent imprisonment and no trials; with the end of the strike the strife was over.

In 1899 they had a strike in Lake City, and the militia was used again.

I heard some talk this morning of gunmen being employed by union men, but the mine owners always had gunmen in the strikes with the Western Federation of Miners in the West, in the militia, when they could not get any other men.

In 1899 there was a strike in Lake City, and the same year the second great strike in the Coeur d'Alene. In that strike wages had been established at $3.50 a day in nearly all of the mining camps, with, I think, the exception of Bunker Hill; and the mine owners had generally said to the miners that if the wages at Bunker Hill were not increased it would be necessary for them to reduce their wages to that standard. A strike against the Bunker Hill was declared and became general throughout the district. The soldiers were called for; again a mill had been blown up, and they charged the miners with the destruction of this mill, and it probably was the miners who destroyed it. The soldiers came, this time Federal troops. They were the black soldiers, the same who were afterwards dismissed from the Army down in Brownsville, Tex. And the treatment afforded to white men and white women by those black soldiers; I do not mention the fact that they were black because I like white soldiers any better, because I put them all on the same level, but they were colored soldiers in this instance.

Another bull pen was established. This time it was an old rambling one-story building, fenced in with barbed wire, where between 1,000 and 1,100 men were held for many months, between 6 and 7 months, and a good many of the men died.

Chairman WALSH. Were they held on specific charges of crime?

Mr. HAYWOOD. They were arrested without warrant and without charge.

Chairman WALSH. Were the courts not open or operating in the territory?

Mr. HAYWOOD. The courts were open and operating, but a semistate of martial law prevailed.

I recall one instance of a man who died in prison. His name was Mike Devine, he was a Catholic in religion. He had been sick for a long while, and was sick during the strike. Coming out of the hospital he was met on the street by one of the negro soldiers and pushed off of the sidewalk, and when Mike resented this treatment he was arrested and thrown into prison and he had a relapse, and he felt that he was going to die and he asked for a priest, and one Lieut. Lyons, who was there under Gen. Merriam, said to Devine, "You can make your confession in hell." And Mike died without the benefit of a confession.

The result of that strike was that wages were maintained at the same standard as had existed before the strike.

In the Western Federation of Miners there is little difference between the wage of the skilled and the unskilled. A man who handles a shovel gets a minimum wage of $3 a day, while a man who runs a machine drill gets $3.50 a day.

I have tried to mention the strikes that the organization has been mixed up in.

Commissioner O'CONNELL. Did you go up into the strike at Lead, the strike at Lead?

Mr. HAYWOOD. There was a strike at Lead about this period—this was in 1899—but that did not become serious, and the strike, or rather it is a lockout that is on there now, began at a later date.

In 1901 there was a strike in Telluride, Colo. There the company brought in scabs, strike breakers, and there was a fight between the union men and the scabs, and the union men came out best. The strike was won without much court proceedings.

In 1902 and 1903 came the strike that is so well known as the Cripple Creek strike, and that strike was in the nature of a sympathetic strike. The men who were working in the mills in Colorado City, although entitled to the benefits of the 8-hour law, which had been passed in Colorado at that time, were working 12 hours a day, 11 hours a day shift and 13 hours night shift. This condition prevails in the smelting plants of Colorado at the present time, and in some of the milling plants. They went out on strike in September, I think, 1902.

Chairman WALSH. Was the attention of the authorities called to the condition—that is, that the law was being violated with reference to the hours of labor?

Mr. HAYWOOD. Oh, yes, indeed.

Chairman WALSH. Was the law inoperative, or why didn't they prosecute the officials?

Mr. HAYWOOD. The smelter officials, or mine owners, do you mean?

Chairman WALSH. Yes.

Mr. HAYWOOD. Did you ever hear of a mine owner or of a manufacturer being prosecuted for violation of a law? Well, they were not, anyway. The courts don't work that way.

In the following March the miners of Cripple Creek who were producing the ore that was reduced at Colorado City, went on strike.

Chairman WALSH. Was the law being observed as to them; were they working?

Mr. HAYWOOD. They were the ones who first established the law.

Chairman WALSH. They established the law during the following strike?

Mr. HAYWOOD. Yes.

Chairman WALSH. And they were having the benefits of the law?

Mr. HAYWOOD. Yes; they never lost the effects of the first strike. They went on strike on the 17th of March, striking in sympathy and for the benefit of the men in Colorado City, and at that time strikes became very general through Colorado, there being some 10 or 15 camps, and included the smelters of Denver. The State was pretty well tied up, and most of the southern coal fields were on strike.

They were striking, as they struck 10 years before, for the enforcement of a State law. The laws at that time were inoperative at Cripple Creek. The militia ran the district. They threw the officers out of office. Sheriff Robinson, I remember, had a rope thrown at his feet and was told to resign or they would hang him; and other officers were treated in the same way, and some 400 men were deported from their homes. Seventy-six of them were placed aboard trains and escorted by soldiers over into the State of Kansas, where they were dumped out on the prairie and told that they must never come back. Habeas corpus was denied. I recall Judge Seed's court, where he had three men brought in that were being held by the militia. While his court was in session it was surrounded by soldiers who had their gatling guns and rifles trained on the door. He ordered those three prisoners released, and the soldiers went after them, and they were taken back to jail. That strike was not won. It was not altogther lost. There were some places where the eight-hour day was established and increases of wages were granted, but for the smelter men, as I said before, the 12 hours pretty generally prevailed among the laborers.

Commissioner LENNON. What hours prevail in Utah?

Mr. HAYWOOD. Eight hours.

Commissioner LENNON. In the smelters?

Mr. HAYWOOD. Not in all the smelters; no. There are part of them who work eight hours, but there is an eight-hour law nevertheless. That was the first one that was carried to the United States Supreme Court, and it was a similar law that was passed in the State of Colorado that was declared unconstitutional by the supreme court of that State. There is not much to be said about the courts in connection with that strike other than the writ of habeas corpus was denied; free speech was also denied; free assemblage also; bull pens were established; 1,600 men were arrested in Victor and put into the Armory Hall; 1,600 men in one room, and this in the heat of June. There were also women arrested, and during the strike the Western Federation of Miners established stores for supplies for relief of the strikers and did business with people who were not strikers. These stores, which proved to be splendid establishments, were broken into, looted, and safes broken open, scales and such things destroyed and carried off. They carried away fruit by the ton, and things that they could not carry away they destroyed; for instance, cutting open sacks of flour and sugar and dumping them on the floor and pouring kerosene oil over the quarters of beef, and such as that. This was done by members of the militia and of the Citizens' Alliance. Remember that you have a report here in Washington of that, written by Walter B. Palmer, that goes into the details of the labor disturbance in Colorado; also some Senate documents, statements by the Western Federation, and statements by the Mine Owners' Association.

It was during the period of those strikes that the Western Federation of Miners realized the necessity of labor getting together in one big union. We were on strike in Cripple Creek, the miners; the mill men were on strike in Colorado Springs. There were scabs in the mines and scabs in the mills, and there were union railroaders that were the connecting link between those two

propositions. There seemed to be no hope for such a thing as that among any of the existing labor organizations, and in 1905 the officers of the Western Federation of Miners took part in a conference we called—the convention of the Industrial Workers of the World. That convention was held in Chicago in June, 1905, and the Western Federation of Miners, among other labor organizations, became a part of that movement. And there has been a continuation of the same troubles that the Western Federation of Miners was involved in ever since that period. The federation itself has since 1905 had several severe strikes. In Lead City a lockout, which practically disrupted the organization at that point. At Bingham Canyon, Utah, they were involved in a great strike, and you have all heard of it; the strike in the copper mines at Calumet, Mich., where there were many casualties. The men were starved; the children of the miners were burned to death on Christmas Eve. There was no fire; they were trampled to death. A false cry of fire had been given, and in their attempt to escape from the hall there were 95 women and children trampled to death. The Industrial Workers, when organized, became first involved in a strike of serious proportions at McKees Rocks, Pa. There was the first time that we went up against what were called the Cossacks, the black plague of that State. The Industrial Workers met them on a different basis to what other labor organizations had done, and told them "for every man you kill of us, we will kill one of you," and with the death of one or two of the Cossacks their brutality became less.

I am trying to think of these incidents in sequence, as near as I can.

I think the next instance where the Industrial Workers had to contend with the law was perhaps the free-speech fight in Spokane, where the members of the organization insisted on speaking on the streets in front of the employment agency offices. They were telling what the employment sharks—what they were doing; how they would employ men; that these men would go up to take jobs that they had picked for them; that they would be discharged and other gangs sent out. The authorities of the city took up the side of the employment sharks, and between 500 and 600 men and women, members of the organization, were thrown into prison. Several of them were killed. They were put in the hot box and then removed and put in a cold cell. Several died from pneumonia. They got no relief from the court, but, as the members of the organization persisted in carrying on the fight, finally the city of Spokane compromised by saying that they would let them all out of jail provided that the organization would not prosecute certain cases that had been made against the officers. I think that it was the following year that the free-speech fight occurred in Fresno, Cal. There the authorities started to arrest men merely for speaking on the street corner, not causing a congestion of traffic. If I have it correctly, there was between 150 and 200 men thrown into prison there. They were crowded to more than the capacity of the prison. The hose of the fire department was turned on them. I am told that one night they were compelled to stand up to their knees in water, but they won that fight; and perhaps the only one that they have lost at all was the free-speech fight in San Diego, of which at least one of your commission is more or less acquainted. I think it was Mr. Harris Weinstock that made a report on that—a partial report of that San Diego free-speech fight.

The law afforded men no protection there. They were speaking, when arrested, on what is called D Street—D Street is a cross street running into one of the principal thoroughfares. It was not a street that was traveled, but the authorities had got tired of hearing the discussion that was carried on at this street corner every night. The first speaker arrested was a single taxer, and after him a Socialist. It was then that the Industrial Workers of the World became involved, and again I would say 135 men, some women, were badly abused and maltreated and thrown into the jails; they were beaten and whipped, and a man who was not a member of the organization had the letters "I. W. W." burned into his body, into his flesh, with a lighted cigar.

To recite all of the atrocities that took place in San Diego and elsewhere would mean to take up too much time of the commission.

I think this will bring us down to the time of the Lawrence strike, in which the Industrial Workers took charge. There, of course, as everywhere, I might say, that I have seen courts in action, they took the side of the capitalists. There were between 800 and 900 people arrested—men and women, girls and boys; there were some convictions, but a small proportion for the large number that were arrested. In Massachusetts they have a system of State police, something similar to that of Pennsylvania. though they are not mounted.

When the strike was called the State police came, and the park police, the municipal police from other cities, and then they brought in the militia. Several of the strikers were killed, none of the employers were, but they arrested two of the leaders of the strike for the death of Anna ———; she was one of the girls that was on strike. They had those men in jail for nine months and would probably have convicted them if it had not been for the general strike on the part of the workers. After the strike had been settled and the demands were gained, they added to their former demands that Ettor, Caruso, and Giovannitti be released from prison; they were finally acquitted. During the Lawrence strike there were strikes at Clinton and many other places in the textile industry.

At Clinton the police were again used by the mill owners, and they shot into a crowd of striking girls, wounding many of them seriously. In Little Falls the same treatment was accorded the strikers by the police, which is also true during the great strike at Paterson. Nearly everyone is acquainted with the details of that strike and its outcome.

Since the Paterson strike there has been trouble in Wheatland, Cal., where members of the Industrial Workers of the World organized 2,500 hop pickers, asking for better conditions in the hop fields of the Durst Bros. ranches. As the outcome of that demand two young married men, Ford and Suhr, were arrested and charged with the killing of the district attorney. They were convicted, and have been sentenced to prison for life terms.

This, I think, briefly outlines the main strikes of the organization that I have been affiliated with and, I think, clearly portrays a condition that this commission should understand, and that is that there is a class struggle in society, with workers on one side of that struggle and the capitalists on the other; that the workers have nothing but their labor power and the capitalists have the control of and the influence of all branches of government—legislative, executive, and administrative; that they have on their side of the question all of the forces of law; they can hire detectives, they can have the police force for the asking or the militia or the Regular Army.

There are workers who have come to the conclusion that there is only one way to win this battle. We don't agree at all with the statement that you heard reiterated here day after day—that there is an identity of interests between capital and labor. We say to you frankly that there can be no identity of interests between labor, who produces all by their own labor power and their brains, and such men as John D. Rockefeller, Morgan, and their stockholders, who neither by brain or muscle or by any other effort contribute to the productivity of the industries that they own. We say that this struggle will go on in spite of anything that this commission can do or anything that you may recommend to Congress; that the struggle between the working class and the capitalistic class is an inevitable battle; that it is a fight for what the capitalistic class has control of—the means of life, the tools and machinery of production. These, we contend, should be in the hands of and controlled by the working class alone, independent of anything that capitalists and their shareholders and stockholders may say to the contrary.

Personally I don't think that this can be done by political action. First, for the very good reason that the wage earner or producing classes are in the minority; second, that they are not educated in the game of politics; that their life is altogether industrial. That while they are the only valuable unit of society, still their efforts must be confined to the jobs where they work. And I have had a dream that I have in the morning and at night and during the day, and that is that there will be a new society sometime in which there will be no battle between capitalist and wage earner, but that every man will have free access to land and its resources. In that day there will be no political government, there will be no States, and Congress will not be composed of lawyers and preachers as it is now, but it will be composed of experts of the different branches of industry, who will come together for the purpose of discussing the welfare of all the people and discussing the means by which the machinery can be made the slave of the people instead of a part of the people being made the slave of machinery or the owners of machinery. I believe that there will come a time when the workers will realize what the few of us are striving for and that is industrial freedom.

Chairman WALSH. In how many of these places that you have spoken of——

Commissioner O'CONNELL. Just let me carry out this point, if you please, Mr. Chairman. You say you don't believe it can be done by political action?

Mr. HAYWOOD. No, sir.

Commissioner O'CONNELL. Have you in mind some other method by which it can?

Mr. HAYWOOD. Yes, sir; I think it can be done by direct action. I mean by organization of the forces of labor. Take, for instance, the organization that you know, the United Mine Workers of America. They have about one-half of the miners of this country organized. At least a sufficient number to control them all. I think the United Mine Workers can say to the mine owners, "You must put these mines in order, in proper shape, or we won't work in them." They can compel the introduction of safety appliances, of ventilation systems, and save in that way thousands of lives every year. I don't think anybody will deny that they have that power to bring about that improvement. If they have the power to do that by direct action, they have the power to reduce their hours; they have the power to increase or at least to better the laboring conditions around the mines and have better houses. It seems to me there is no reason in the world why the miner should not enjoy, even in a mining camp, some of the advantages that the worker has in the city. And I think that free organization of miners, organized in one big union, having no contract with the boss, have no right to enter into a contract with the employer or any other combination of labor, to my mind. There can be each division of industry, each subdivision, be brought into a whole, and that will bring about the condition that I have described to you.

Commissioner O'CONNELL. You mean by that, by these economic organizations they would create, or control questions of hours and things of that kind you spoke of, but as to the ownership, the right of ownership, what is the method that you have in mind of your organization in connection with the method of taking over?

Mr. HAYWOOD. Taking over through the organization. If you are strong enough to compel the things I say, you are strong enough to say, "Here, Mr. Stockholder, we won't work for you any longer. You have drawn dividends out of our hides long enough; we propose that you shall go to work now, and under the same opportunities that we have had."

Commissioner O'CONNELL. Well, you propose by your strength and numbers to declare ownership?

Mr. HAYWOOD. Yes; exactly; through the efforts of the working class.

Chairman WALSH. Commissioner Weinstock has some questions he would like to ask you.

Commissioner WEINSTOCK. May I ask you, Mr. Haywood, your present occupation?

Mr. HAYWOOD. Secretary-treasurer of the Industrial Workers of the World.

Commissioner WEINSTOCK. The charge has been made that so-called labor agitators, as a rule, are either of foreign birth or foreign parentage. May I ask what was your parentage?

Mr. HAYWOOD. My father was an American, and his father was an American, and his father was an American.

Commissioner WEINSTOCK. So you date your American ancestry back several generations?

Mr. Haywood. Yes, sir.

Commissioner WEINSTOCK. You made the statement a little while ago that the wage-earning producing class is in a minority?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. May I ask what is the foundation for that statement?

Mr. HAYWOOD. Well, Government statistics.

Commissioner WEINSTOCK. What do the Government statistics show?

Mr. HAYWOOD. Isaac Hourwich is the compiler of those statistics. Why, it shows very few States where they have even a slight majority.

Commissioner WEINSTOCK. Well, are you sufficiently familiar with the Federal statistics to tell us about how many wage earners there are in the country?

Mr. HAYWOOD. There are about 10,000,000 industrial wage earners.

Commissioner WEINSTOCK. Including their dependents, assuming there are the usual number of 5 dependents to every worker, that would make about 50,000,000 of people?

Mr. HAYWOOD. No; I don't think so. This includes the man and his wife and some of his children.

Commissioner WEINSTOCK. No—in that 10,000,000?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. Now, assuming or admitting that the wage-earning producing class are in the minority—however, it would have to be admitted, I take it, that they at least have the balance of power, and whichever side they would throw their influence with would win?

Mr. HAYWOOD. I think that is quite so.

Commissioner WEINSTOCK. That is, they are relatively in the position that the Irish representatives in Parliament were in for many years; that is, they had the balance of the power, and while they had comparatively a small minority, yet whichever side they adhered to would win out.

Mr. HAYWOOD. Politically.

Commissioner WEINSTOCK. Yes; giving them of course great strength and great influence. And I take it the same might be said of the wage-earning producing class in this country, that even though in the minority they at least have the balance of power. Are you at all familiar with the number of States where the initiative, referendum, and recall prevail?

Mr. HAYWOOD. No; I have no definite knowledge as to the number of States.

Commissioner WEINSTOCK. I take it you know, of course, that numerous States have adopted the initiative, referendum, and recall in recent years, and that the tendency now is in most of the States to follow the pace set by the advanced States?

Mr. HAYWOOD. I can not see any State, even Oregon, where any benefit has accrued to the wageworker.

Commissioner WEINSTOCK. You think not?

Mr. HAYWOOD. No; I think not. For instance, the unemployment condition in Portland, Oreg., is perhaps worse than in any other city, and has been during this last winter.

Commissioner WEINSTOCK. Will you tell us what the membership of the I. W. W. is at this time?

Mr. HAYWOOD. I would judge that it is about 15,000.

Commissioner HAYWOOD. As you know, of course, this commission is seeking remedies for the industrial unrest; that is the function we are presumed to perform.

Mr. HAYWOOD. Yes; I know.

Commissioner WEINSTOCK. And we are inviting suggestions and opinions from all whose opinions and knowledge would lead them to express opinions that ought to carry weight with them. I take it that if the commission were to ask you what in your opinion is the remedy for industrial unrest, Mr. Haywood, that in all probability you would answer and say , I. W. W.'ism?

Mr. HAYWOOD. Yes; I think that I would.

Commissioner WEINSTOCK. Well, then that clearly brings I. W. W.'ism within the province of the discussion of this commission, does it not?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. Because, if it is I. W. W.'ism, that is what we ought to recommend to Congress?

Mr. HAYWOOD. No; Congress can not do anything with that.

Commissioner WEINSTOCK. Well, we could say that encouragement of the organizattion of I. W. W. would tend to minimize industrial unrest?

Mr. HAYWOOD. I think that would militate against the I. W. W.'s if you did such a thing.

Commissioner WEINSTOCK. If we recommended that?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. Why should it militate against the I. W. W.'s?

Mr. HAYWOOD. It seems to me a recommendation like that, coming from you gentlemen, would militate against the organization and have a tendency to dilute it and dilute its revolutionary strength.

Commissioner WEINSTOCK. Well, at all events, if that should be our conclusion, if after an exhaustive investigattion we should find ourselves in a frame of mind such as you are in, it would become our duty to announce it, no matter what the results?

Mr. HAYWOOD. You will not find yourself in that frame of mind. But if you were——

Commissioner LENNON (interrupting). You would take Mr. Weinstock into membership then?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. At all events, it becomes our province at this time, having invited you to give testimony here, and that carrying with it that your testimony is worth while, and you taking the ground that in your opinion

I. W. W.'ism is the proper remedy for the removal of unrest, it becomes our province properly to discuss I. W. W.'ism and see what it really stands for.

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. Now, I am going to read here some quotations from I. W. W. authenticated literature, Mr. Haywood.

Mr. HAYWOOD. Who is the author?

Commissioner WEINSTOCK. Well, I will give you the authors as I go along, and I will invite your comment on it when I have finished reading the quotations.

The I. W. W. literature placed in the hands of the commission teaches militant action whenever such action may be deemed necessary. In a pamphlet published by the I. W. W. bureau of New Castle, Pa., entitled, "The I. W. W.—Its History, Structure, and Methods," written by the I. W. W. national secretary-treasurer, Vincent St. John, the following statement appears:

"As a revolutionary organization the Industrial Workers of the World aims to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us."

In a pamphlet published by the Spokane local I. W. W., Spokane, Wash., entitled "Industrial Workers of the World, Songs to Fan the Flames of Discontent," there appears the following:

"To arms, to arms, ye brave!
The avenging sword unsheath!
March on, march on, all hearts resolved
On victory or death."

In a pamphlet written by Arnold Roller, apparently an I. W. W. leader, under the title "The Social General Strike," there appears the following statement:

"In this manner the crisis of overproduction is the best guaranty for the success of a social general strike, because the products on hand permit the satisfaction of all needs before the complete reorganization, namely, by a general 'help yourself' on the part of the workers."

In another pamphlet entitled "Industrial Union Methods," by William E. Troutman, which appeared originally in the Industrial Workers' Bulletin, is found the following:

"The industrial unionists, however, hold that there can be no agreement with the employers of labor which the workers have to consider sacred and inviolable.

"Industrial unionists will therefore sign any pledge and renounce even their organization at times when they are not well prepared to give battle or when market conditions render it advisable to lay low; but they will do just the reverse of what they had agreed to under duress when occasion arises to gain advantages to the worker."

Under the head of "Sabotage" the same writer says:

"Inferior goods are turned out by silent understanding of all workers in one shop or plant; time is taken up with getting tools repaired and repair work attended to. These and similar methods are known under the compound name, 'sabotage.'"

In a pamphlet entitled, "The General Strike," by William D. Haywood, in which is published a speech delivered by him in New York, March 16, 1911, the following appears:

"I hope to see the day when the man who goes out of the factory will be the one who will be called a scab; when the good union man will stay in the factory, whether the capitalists like it or not; when we lock the bosses out and run the factories to suit ourselves. That is our program. We will do it."

In a pamphlet published by J. H. Kerr & Co., Cooperative, Chicago, entitled, "How Capitalism Has Hypnotized Society," by William Thurston Brown, an I. W. W. writer and lecturer, appears the following:

"Would it be wrong for the united working class of America to say to-day, to-morrow, any time: 'Not a wheel shall move on any railroad, not a bit of machinery shall be run in any mill, factory, or smelter, from the Atlantic to the Pacific, from the Lakes to the Gulf, unless it is understood distinctly by the people of America that these tools of industry belong of right to the workers of the nation? And, meanwhile, since hungry men and women and children must be fed, and since your charity organizations have recognized the fact, and

your churches have preached it, we shall take the food necessary for our sustenance until it is understood that this system of robbery is to stop forever."

In a leaflet issued by the I. W. W. Publishing Bureau, New Castle, Pa., entitled "Appeal to Wage Workers, Men and Women," by E. S. Nelson, the following appears:

"In case of a capitalist injunction against strikers, violate it; disobey it; let the strikers and others go to jail, if necessary. That would cost so much that the injunction would be dispensed with. Final, universal strike, that is, to remain within the industrial institutions, lock the employers out for good as owners and parasites, and give them a chance to become toilers."

In a pamphlet entitled, "The Crack of Doom, or The Fall of Capitalism," by Laura Payne Emerson, a resident of San Diego, and a recognized representative and lecturer of the I. W. W., appears the following:

"Industrial unionism, the capitalist well knows, spells the abolition of the wage system. The I. W. W. recognizes no craft autonomy and no contract system. All workers in all departments of any industry are organized in one union. No worker or set of workers in any craft or branch of an industry can make a contract with an employer which he must consider sacred while later his fellow workers in the same industry are on a strike, thus enabling him to scab on his fellows while he carries a union card and cusses scabs. When the workers who make these great industries possible get ready for action they will no longer beg for some master to give them enough to live on, but take what belongs to them."

That is fairly representative, Mr. Haywood, of the attitude and propaganda of the I. W. W.—these extracts from these I. W. W. pamphlets and articles I have read?

Mr. HAYWOOD. Yes; in so far as you have quoted from the I. W. W. pamphlet. You have a number of pamphlets that were not compiled by members of the I. W. W. The first that you quoted is the national song of France, the Marseillaise. What you read from the Brown pamphlet, advocating the taking of food, was said in this city by Abraham Lincoln during war time, when speculators, gamblers in foodstuffs ran the prices of provisions up 600 or 700 or 800 per cent, and the people came to Abraham Lincoln and asked him what to do, and he said: "Take your pickaxes and crowbars and go to the granaries and warehouses, and help yourselves," and I think that is good I. W. W. doctrine. I do not see much there I would take issue with.

Commissioner WEINSTOCK. You think, generally speaking, that it represents the sentiment and attitude and the creed of the I. W. W.?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. Well, then, summing up we find that the I. W. W.'ism teaches the following:

(*a*) That the workers are to use any and all tactics that will get the results sought with the least possible expenditure of time and energy.

(*b*) The question of right or wrong is not to be considered.

(*c*) The avenging sword is to be unsheathed, with all hearts resolved on victory or death.

(*d*) The workman is to help himself when the proper time comes.

(*e*) No agreement with an employer of labor is to be considered by the worker as sacred or inviolable.

(*f*) The worker is to produce inferior goods and kill time in getting tools repaired and in attending to repair work; all by a silent understanding.

(*g*) The worker is to look forward to the day when he will confiscate the factories and drive out the owners.

(*h*) The worker is to get ready to cause national industrial paralysis with a view of confiscating all industries, meanwhile taking forcible possession of all things that he may need.

(*i*) Strikers are to disobey and to treat with contempt all judicial injunction.

If that is the creed of the I. W. W., do you think the American people will ever stand for it?

Mr. HAYWOOD. There is one feature there that I do not like; I do not think you can present it as I. W. W.'ism; that is the manufacture of shoddy goods. That is the complaint we have against the capitalists at the present time. There are no goods that are perfect in capitalism. They can not make enough profit out of them. You realize that as a merchant; in the manufacture of woolen goods they have learned how to use old clothes in the making of shoddy; in the manufacture of silk goods they have learned that silk is a peculiar fiber that will absorb four or five times its weight in tin, iron, and zinc, and I do

not believe that goods should be adulterated in that way. I do not believe in the manufacture of such stuff, and palming it off on the consumer as "as good as the best," or "as good as the purest." I do not believe in the poisoning of foods and the adulteratiton of drugs or any of the needs of the human family. I believe that there are plenty of all of the good things of life to reach all of the people.

Now, there are many things I would like to explain to you, that is as to the tactics and the results. Do you know the results we are hoping for? We hope to see the day when no child will labor. We hope to see the day when all men able will work, either with brain or with muscle; we want to see the day when women will take their place as industrial units; we want to see the day when every old man and every old woman will have the assurance of at least dying in peace. Now, you have not got anything like that to-day. You have not the assurance, rich man as you are, of not dying a pauper. I have an idea that we can have a better society than we have got; and I have another idea that we can not have a much worse one than it is at present. So you see that the program of the I. W. W. is not such a bad thing after all, because while we do not ask any advice and are not requesting any help from any other than the working people at the present time, still we believe through the working class that we will find a way of making workers of all of them and that will include myself, too.

Commissioner WEINSTOCK. I do not think there is any room for issue, Mr. Haywood, between you and the rest of us on the question of the adulteration of foods.

Mr. HAYWOOD. Well, you put in there that the I. W. W. wants to produce that kind of stuff.

Commissioner WEINSTOCK. Where?

Mr. HAYWOOD. In the conclusions you arrived at.

Commissioner WEINSTOCK. I was not giving my own views, Mr. Haywood. Please remember that I was quoting from some industrial I. W. W. workers.

Mr. HAYWOOD. From what you thought was.

Commissioner WEINSTOCK. No; I will give you my authority all the way down the line.

Mr. HAYWOOD. I told you that Brown——

Commissioner WEINSTOCK (interrupting). Is this what you take exception to: "The worker is to produce inferior goods and kill time in getting tools repaired, and in attending to repair work, all by a silent understanding;" that was this writer's explanation of what sabotage soood for?

Mr. HAYWOOD. That was Roller's?

Commissioner WEINSTOCK. Yes.

Mr. HAYWOOD. Roller was not a member of the I. W. W.

Commissioner WEINSTOCK. He was telling how sabotage should be employed?

Mr. HAYWOOD. I have a better conception of sabotage.

Commissioner WEINSTOCK. What is yours?

Mr. HAYWOOD. That the worker should refuse to be a party with the boss in robbing the public.

Commissioner WEINSTOCK. That is, that they should cease working?

Mr. HAYWOOD. That they should cease putting adulteration in such things. It is the worker, is it not, that does it? The capitalist never goes into the shop to put this adulteration into the food, and so forth.

Commissioner WEINSTOCK. Let us eliminate the adulteration of food products and take the rest of the summary. Leave that out and let my question be, Do you think the American people will stand for that kind of a doctrine?

Mr. HAYWOOD. Read me that over again.

Commissioner WEINSTOCK (reading). "(*a*) That the workers are to use any and all tactics that will get the results sought with the least possible expenditure of time and energy."

Mr. HAYWOOD. Yes; I believe in the worker using any kind of tactics that will get the results. I do not care what those tactics are when the working class has arrived at that stage of efficiency and organization, I do not care whether it means revolution. That is exactly the very——

Commissioner WEINSTOCK (interrupting). "(*b*) The question of right or wrong is not to be considered."

Mr. HAYWOOD. What is right and wrong? What I think is right in my mind or what you think is right in your mind?

Commissioner WEINSTOCK. "(c) The avenging sword is to be unsheathed, with all hearts resolved on victory or death."

Mr. HAYWOOD. What that means is a general strike.

Commissioner WEINSTOCK. "(d) The workman is to help himself when the proper time comes."

Mr. HAYWOOD. When the proper time comes, when he needs it, let him go and get it.

Commissioner WEINSTOCK. "(e) No agreement with an employer of labor is to be considered by the worker as sacred or inviolable."

Mr. HAYWOOD. No agreement?

Commissioner WEINSTOCK. Yes.

Mr. HAYWOOD. He never wants to enter into an agreement. Let me explain something about an agreement. I heard you talk to Kobylak yesterday. What would a union man say if some member of that union entered into an agreement with the boss? He would say he was a bad man, wouldn't he? And that he ought to stand by the rest of the members of his union. Now, we say that union has only a little nucleus of industry; we say that union has no right to enter into an agreement because the rest of the men employed in that industry ought to be considered. We say that no industry has a right to enter into an agreement because they are a member of the working class; and finally we say that the working class has no right to enter into an agreement because it is the inherent mission of the working class to overthrow capitalism and establish itself in its place. You can let that about contract and agreement stand.

Commissioner WEINSTOCK. "(f) The worker is to produce inferior goods and kill time"—we will cut out that which relates to the production of inferior goods and killing time; that is out of the subject.

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. "(g) The worker is to look forward to the day when he will confiscate the factories and drive out the owners."

Mr. HAYWOOD. I would drive them in instead of out.

Commissioner WEINSTOCK. I think that was your own quotation.

Mr. HAYWOOD. I would make an arrangement to take every owner on the inside and give him a job alongside of me.

Commissioner WEINSTOCK. Have you changed your views any since you delivered this speech on March 16, 1911, in which, among other things, you said this:

"I hope to see the day when the man who goes out of the factory will be the one who will be called a scab, when the good union man will stay in the factory, whether the capitalists like it or not; when we lock the bosses out and run the factories to suit ourselves. That is our program. We will do it." Are your views the same to-day as when you said that?

Mr. HAYWOOD. I hope we can do that to-morrow.

Commissioner WEINSTOCK. The next is, "(h) The worker is to get ready to cause national industrial paralysis, with a view of confiscating all industries, meanwhile taking forcible possession of all things that he may need."

Mr. HAYWOOD. I do not understand the necessity for causing industrial paralysis; that is, when the workers are sufficiently organized they have got control of the machinery; you never saw a capitalist with his hand on the trouble; you never saw him on the stony end of a No. 2 shovel; you read of him on his way to Europe and going down with the *Lusitania* or the *Titanic*; they are not interested in work. It is the workers who have control now of all of the machinery if they would only make up their minds to hold that control and maintain it for themselves.

Commissioner WEINSTOCK. I take it, then, that you take no issue as a member of the I. W. W. with that statement here?

Mr. HAYWOOD. No; I will let that go.

Commissioner WEINSTOCK. And the last is, "(i) Strikers are to disobey and treat with contempt all judicial injunction."

Mr. HAYWOOD. Well, I have been plastered up with injunctions until I do not need a suit of clothes, and I have treated them with contempt.

Commissioner WEINSTOCK. And you advocate that?

Mr. HAYWOOD. I do not believe in that kind of law at all. I think that is a usurpation on the part of the courts of a function that was never vested in the courts by the Constitution.

Commissioner WEINSTOCK. Therefore, you would have no hesitancy in advising your fellow I. W. W.'ists to do as you have done.

Mr. HAYWOOD. I do not like to advise too much, but I would do it myself.

Commissioner WEINSTOCK. Let me repeat my question once more: Do you think that the American people would stand for this program suggested?

Mr. HAYWOOD. I think the American working class will stand for it when they know it.

Commissioner WEINSTOCK. You think they would?

Mr. HAYWOOD. Yes; I think so.

Commissioner WEINSTOCK. Then how comes it that after at least 10 years of agitation and earnest, hard work on the part of yourselves and fellow propagandists and organizers you can only show a membership of 15,000, against, perhaps, 2,000,000 or more of the American Federation?

Mr. HAYWOOD. Well, how many could the American Federation show when they were 10 years old?

Commissioner WEINSTOCK. I do not know; my friends over there [indicating] can answer that better than I can.

Mr. HAYWOOD. That is not the question. We have these 15,000 members in good standing. How many people believe as we believe?

Commissioner WEINSTOCK. Fortunately very few.

Mr. HAYWOOD. That is not true, but may be fortunate for you that you think so. But there are a vast number of people in all walks of life that believe that the present system of society must be changed, and that this is the means of changing it.

Commissioner WEINSTOCK. Well, does not this preachment that I have just summarized practically mean this: That it is the organized and deliberate purpose of the I. W. W. to teach and preach and to burn into the hearts and minds of its followers that they are justified in lying; that they are justified in stealing and in tramping under foot their own agreements and in confiscating the property of others, in disobeying the mandates of the court, and in paralyzing the industries of the Nation; and is it not a fact that if all men and women in the Nation would accept such teaching that it would make society impossible; that it would make a Nation of thieves and liars and scoundrels?

Mr. HAYWOOD. That is the creed of the capitalist as it exists to-day, and as they practice it; they lie, they steal, they disobey the mandates of the court; there is nothing they do not do that you have ascribed to the I. W. W. there.

Commissioner WEINSTOCK. Very well; admitting that they do these things, does that make it right?

Mr. HAYWOOD. No; that does not make it right.

Commissioner WEINSTOCK. Then, would it make it any more right for the workers to do it?

Mr. HAYWOOD. The workers do not do it.

Commissioner WEINSTOCK. This preaches it, does it not?

Mr. HAYWOOD. It does not. Does it say I should lie?

Commissioner WEINSTOCK. If I was to come in and take possession of your property and throw you out, would I be robbing you?

Mr. HAYWOOD. You have a mistaken idea that the property is yours. I would hold that the property does not belong to you; that what you as a capitalist class have piled up as property is merely unpaid labor, surplus value; you have no vested right in that property.

Commissioner WEINSTOCK. You mean, then, that the coat you have on your back does not belong to you, but belongs to all the people?

Mr. HAYWOOD. All right; that is not what I mean. I mean that there might be private property. I don't want your watch, I don't want your toothbrush, but the things that are publicly used; no such word as "private" should be vested in any individual in any of those things. For instance, do you believe that John D. Rockfeller has any right, either God-given right or man-made right, or any other right to the coal mines of the State of Colorado?

Commissioner WEINSTOCK. He has a perfect right to them under the laws of the country.

Mr. HAYWOOD. Then the laws of the country are absolutely wrong, establishing private property to them in anyone.

Commissioner WEINSTOCK. Very well; who are the lawmakers of the country?

Mr. HAYWOOD. Well, you know who they are.

Commissioner WEINSTOCK. I know this: I know that in the State wherein I live, with the initiative, referendum, and recall, the people are absolutely the lawmakers of the State.

Mr. HAYWOOD. All right.

Commissioner WEINSTOCK. And they can be so in every State in the Union.

Mr. HAYWOOD. You know who the people are.

Commissioner WEINSTOCK. You and I and the rest of us?

Mr. HAYWOOD. Yes; the rest of our kind; we are parasites. The real people who have to be considered are the workers, the productive workers, the ones who make society, who build the railroads, who till the soil, who run the mills. I have done no work for 10 or 15 years, and I am a parasite; I recognize that. That is what you are, and that is what the rest of them are that do not labor. You would not object to a society where you and I did actual labor, would you?

Commissioner WEINSTOCK. Are we to understand, then, Mr. Haywood, that your interpretation or definition of a worker is a man who works purely with his hands?

Mr. HAYWOOD. I said brain and muscle.

Commissioner WEINSTOCK. But don't you exercise your brain in your avocation?

Mr. HAYWOOD. I try to, but I am not a productive worker. I am doing a thing that I ought not to be called on to do.

Commissioner WEINSTOCK. But if you say that a man who exercises his brain as well as his muscle is a producer, then you are certainly a producer?

Mr. HAYWOOD. Well, I produce some trouble and things like that, but I really have not produced anything now since I left the mine.

Commissioner WEINSTCK. Then, if I. W. W'ism is the remedy for the industrial ills and you have succeeded in at least getting 15,000 people to think as you do, you have produced something from your point of view, have you not?

Mr. HAYWOOD. I would not say that is all my effort.

Commissioner WEINSTOCK. You have aided in it; you have done your full share in it?

Mr. HAYWOOD. Yes; and in so far as I contributed in doing that much even the workers would say that I have done a pretty good job.

Commissioner WEINSTOCK. Would you deny the claim, for example, of a teacher of being a producer?

Mr. HAYWOOD. No; a teacher is a producer.

Commissioner WEINSTOCK. In your line of work, you are a teacher to those around you and teach those around you. You go out and teach the principles you represent, and you are therefore as much a producer as the teacher, and you have no right to call yourself a parasite.

Mr. HAYWOOD. Well, I will accept your correction.

Commissioner WEINSTOCK. Now, will you tell this commission, Mr. Haywood, as an authority on the subject, wherein, assuming that you and the Socialists and the American Federationists have the same objective in mind; that is, the betterment of the worker—will you point out to this commission as clearly and concisely as you can wherein your methods differ and are better than the method of the Socialists, and of the American Federationists?

Mr. HAYWOOD. Well, I do not like to set myself up as a critic.

Commissioner WEINSTOCK. We have a right to your opinion, I think. You were invited here for that purpose and have certainly given the matter a great deal of thought and study and ought to be able to point out clearly to us the comparative advantages and disadvantages.

Mr. HAYWOOD. Without saying—without criticizing trade-unions, which I regard as having accomplished great good in their time, there are many things in the workings of trade-unions where they recognize the right of the bosses. The Industrial Workers of the World do not recognize that the bosses have any rights at all. We have founded the organization on the basis of the class struggle, and on that basis it must work out its ultimate.

The trade-union says, "Well, the boss has some rights here, and we are going to enter into a contract with him." How long is it going to take to solve this problem if you have continuity of contracts? That is the thing we say.

The trade-union is organized on the basis of the tools they work with. Now, the tools are changing, and it is driving trade-unions out of business. For instance, the glass blowers—glass was made by workmen who blew through a tube. A glass maker, a glass blower himself contrived a machine whereby this blowing is done automatically, and the glass blower, he is wheeling sand to that machine now.

We believe that everybody that works around that machine ought to be organized just as before; we believe that everybody that works around the glass factory ought to be organized, organized with regard to the welfare of each other. That is the reason I pointed out to you that in the Western Federation of Miners there was small differentiation in the wage scale. It is not true with the glass blower; he was paid from eight to ten dollars a day, while the boy off-bearer got a few dollars a week. Now, with us there was no boy went into

the mine younger than 16 years of age, and when he went into the mine he got a man's wages, because we thought he was old enough to do a man's work. It was not a matter of skill; he did not have to serve any apprenticeship; we just took the position when the boy was old enough for the boss to exploit he was old enough to draw full pay.

Mr. HAYWOOD. After the Socialist Party——

Commissioner WEINSTOCK. Let us make this point, Mr. Haywood, before we take up the Socialist Party: I gather, then, from your statement that the two fundamental points in which I. W. W.'s differ from American Federationists is you are are opposed to contracts with employers on the one hand, and you believe in one great union instead of craft unions. Does that make the difference?

Mr. HAYWOOD. That makes two differences.

Commissioner WEINSTOCK. In other words, you believe that by the adoption of the methods adopted by the I. W. W. that the ends can be achieved better and more quickly than under the methods followed by the American Federationists?

Mr. HAYWOOD. Can you conceive of anything that labor can not do if they were organized in one big union? If labor was organized and self-disciplined it could stop every wheel in the United States to-night—every one—and sweep off your capitalists and State legislatures and politicians into the sea. Labor is what runs this country, and if they were organized, scientifically organized—if they were class conscious, if they recognized that the worker's interest was every worker's interest, there is nothing but what they can do.

Commissioner WEINSTOCK. Granting an organization so colossal in its character would have great power for good, would it not have great power for ill?

Mr. HAYWOOD. Yes; it would have great power for ill—that is, it would be ill for the capitalists. Every one of them would have to go to work.

Commissioner WEINSTOCK. Would it not also have great power in doing this—in establishing a new slavery? If the wage earner claims that under present system of things he is in slavery, would not the colossal power of your plan simply be slavery with new masters?

Mr. HAYWOOD. Such a labor organization would be a fine sort of slavery. I would like to work for my union in a shop that I owned best.

Commissioner WEINSTOCK. If you were the "big Injun" chief?

Mr. HAYWOOD. No; to go right back in the mine that I came from. That is the place that I would like to go, right to-morrow, and receive for my labor, without any stockholder, without any Rockefeller taking off any part of it, the social value of what my labor contributed to society.

Commissioner WEINSTOCK. To that degree, then, I take it, the I. W. W.'s are Socialistic?

Mr. HAYWOOD. All right.

Commissioner WEINSTOCK. Let me see if I understand the distinction correctly between socialism and I. W. W.'ism.

As I understand it, I. W. W.'ism is socialism, with this difference——

Mr. HAYWOOD (interrupting). With its working clothes on.

Commissioner WEINSTOCK. As an I. W. W., are you a believer in free speech?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. Are you a believer in free press?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. Now, if your idea prevails and you went to bed to-night under the capitalistic system and woke up to-morrow morning under your system, the machinery of productiveness and distribution would belong to all the people?

Mr. HAYWOOD. Under our system?

Commissioner WEINSTOCK. Yes, sir.

Mr. HAYWOOD. It would be under the management of the working class.

Commissioner WEINSTOCK. There would be collective ownership?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. Of course you are not anarchistic, you believe in organization, you believe in government?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. Well, the anarchists believe in individualism, and carries it to the limit, without government?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. And if you believe in government, then you would have to have a ruler——

Mr. HAYWOOD. Would you?

Commissioner WEINSTOCK. You would have to have superiors; otherwise, how could you have government?

Mr. HAYWOOD. It has been run at times without bosses.

Commissioner WEINSTOCK. Without any officials of any kind?

Mr. HAYWOOD. Without any officials; it was the glassworkers of Italy.

Commissioner WEINSTOCK. Taking society as we find it, as you know it and I know it, if you have organization you have to have officers?

Chairman WALSH. Let us have the glassworkers' illustration; I never heard of it.

Mr. HAYWOOD. The glassworkers of Italy went on strike, and while on strike they determined to run competitive factories, and they built factories of their own, owned by the members of the glass blowers' union. They went to work in those factories; each man knew his work—what there was to do. If you have any surplus and different interests to divide up, then there is some occasion for a boss; but if—suppose, now, that these men who are working in glass factories cooperate, as in this instance, and had some occasion for a boss, they would elect him, wouldn't they?

Commissioner WEINSTOCK. Yes, sir; they would elect him, that is guaranteed, and would put certain responsibilities on him to carry out certain rules and regulations or laws that they might adopt.

Mr. HAYWOOD. I can not conceive of much rules and regulations that would need to be applied with a man of common sense. There would be sanitary regulations around the mine. They would not shoot during shift; they would keep the places well ventilated and clean and well timbered. What other regulations do you want?

Commissioner WEINSTOCK. If this group in this room organized, it can not reasonably be expected to carry out its object unless it elected representatives and officers to carry out its wishes.

Mr. HAYWOOD. But you take a motly group like this; no one can carry out its wishes, because they change every time they turn around. But you take the workers that work in one industry; their interests can be well carried out.

Commissioner WEINSTOCK. Now, would you confine this great army of workers, organized in one body, would you confine their functions and their efforts to industrial matters pure and simple, or would you at the same time have them also deal with the political conditions, with the government of our municipalities, of our Commonwealths, or our Republic?

Mr. HAYWOOD. There would be neither county or State or National lines.

Commissioner WEINSTOCK. There would be no political subdivision?

Mr. HAYWOOD. Only what existed in the community.

Commissioner WEINSTOCK. That is incomprehensible to me, Mr. Haywood; you will have to explain it a little more definitely.

Mr. HAYWOOD. What is the government of the city? The government of many cities has been changed to the commission form.

Commissioner WEINSTOCK. Yes, sir.

Mr. HAYWOOD. The commissioner has the fire department, the public safety, and public improvement. Those are the different divisions. Why not have that same thing under industrial——

Commissioner WEINSTOCK. Have it nationally?

Mr. HAYWOOD. You have no community that is national in scope.

Commissioner WEINSTOCK. How, then, would you have it?

Mr. HAYWOOD. Have this group or this community wherever the industry was located. Do you suppose under normal conditions there would be communities like New York or Chicago with great skyscrapers sticking up in the air?

Commissioner WEINSTOCK. What would you say would be the size of the community?

Mr. HAYWOOD. Some 50,000 or 60,000, where the people in that industry would dwell. There would be no lawyers or preachers or stockholders like built New York.

Commissioner WEINSTOCK. What would you do with the city of New York?

Mr. HAYWOOD. Tear it down, or leave it as a monument to the foolishness of the present day.

Commissioner WEINSTOCK. How long do you think it will be, Mr. Haywood, knowing the conditions as you know them, before your ideals will be realized, before cities like New York and Chicago will be wiped out and replaced by urban communities?

Mr. HAYWOOD. Well, Mr. Weinstock, if some one had asked me a year ago how long it would be before a world-wide war would take place I would not

have answered them; but you see the people of many nations now pitted against each other, committing murder by the wholesale, and I would say that this can come just as quick as the war. I don't know when, but I know that there are people that are interested in bringing about a change of society; whether it will be the change that I have suggested here, or whether that is the right change—and I feel that it is—still I feel that it could come just as quick as other grave things have come.

Commissioner WEINSTOCK. You think it will be an overnight affair?

Mr. HAYWOOD. I think so; that is, as you mean overnight affairs, as war was an overnight affair.

Commissioner WEINSTOCK. I have been asked to submit this question to you if you care to answer it: What would you do with the lazy man and those that would decide which job each man should take, and what each particular man should do under your system?

Mr. HAYWOOD. I would give the lazy man the kind of work he would like to do. I don't believe any man is lazy.

Commissioner WEINSTOCK. You don't know me, then.

Mr. HAYWOOD. It is ingrown with you. You have not had a chance to do the thing you want to do; that is the reason you are lazy.

Commissioner WEINSTOCK. I am thoroughly enjoying the work I am doing, Mr. Haywood. How would you decide on which job each man should have and what each man should do? Who would be the judge; who would be the determining factor?

Mr. HAYWOOD. I think that each man has a selection of his own, and would find his place in the group where the work was going on.

Commissioner WEINSTOCK. You would permit a man to choose his own job regardless of his fitness?

Mr. HAYWOOD. I think he would be the most fit in doing what he would like to do.

Commissioner WEINSTOCK. I have known many merchants that thought they were great poets, and many poets that thought they were great lawyers, and many lawyers that thought they were great musicians, and they were not.

Mr. HAYWOOD. Not in your judgment perhaps, but probably they were according to their own.

Chairman WALSH. Mr. Garretson has a question he wants to ask you before we adjourn.

Commissioner GARRETSON. Mr. Haywood, the thing that I want to know is this: One of the commissioners has presented to you a certain summing up, which seems to me, instead of being a concept of your purpose is rather an indictment of your method. Now, I want to see if I have gathered correctly from what I have studied in regard to the I. W. W., accepting you as one of its principal spokesmen and interpreters—whether or not I gather from that what you claim to be your purpose. I am going to read it in a concise form in my own language, and see whether it is fairly interpretive of not your method but your purpose. Is it your attitude that neither man nor woman should have the right to possess, either by gift, inheritance, or accumulation, in amount of surplus value (I am using the ordinary phrase "surplus value") that it would make them independent, first, of labor in some form? That takes in the two forms you mentioned, mental or muscular, or extends to the duties and responsibilities that they owe to society or are accountable to that society for or that would enable them to influence other legislative processes, judicial processes, or social or executive processes that would apply their form of influence. Is that fairly—I know it is rather long.

Mr. HAYWOOD. I would say that neither man nor woman should be possessed by inheritance, accumulation, or otherwise with anything that would give them that power.

Commissioner GARRETSON. Either of those powers?

Mr. HAYWOOD. Yes, sir.

Commissioner GARRETSON. Just one further point——

Mr. HAYWOOD (interrupting). For instance, I would say in foreign countries they have crowns and titles by divine right, but here they have everything without it. They have the sausage without the skin.

Commissioner GARRETSON. You hold by that every man has a divine right to that crown, worn conjunctly with every other man.

Mr. HAYWOOD. That would suit me first-rate.

Commissioner GARRETSON. You accept that as the definition of divine right?

Mr. HAYWOOD. Yes, sir; but that is as far as I will go with you.

Commissioner GARRETSON. Do you hold further that if your beliefs were made effective that the man that now stands in your estimation as a ruthless financier, or an exploiter of labor, by being deprived of the right to pile up surplus value or transmit it, having the incentive removed, that his energies would be directed to the common as well as the individual good?

Mr. HAYWOOD. I think so. Now, the only standard of measurement that he has is gold and its accumulation. Under a different system of society he would work for approbation and the approval of his fellow man with all the happiness that would mate with a new society, and would be more of an incentive to him than all his gold.

Commissioner GARRETSON. Supposing, of course, that we could not grab the coin at the same time?

Mr. HAYWOOD. Yes, sir.

Commissioner GARRETSON. I won't press it further than that.

Chairman WALSH. At this point we will stand adjourned until to-morrow. Will you please resume the stand at 10 o'clock? Some of the other commissioners have some questions they wish to ask you.

(Thereupon, at 4.30 p. m., Wednesday, May 11, 1915, an adjournment was taken until Thursday, May 12, 1915, at 10 o'clock.)

WASHINGTON, D. C., *Thursday, May 13, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners Harriman, Garretson, Lennon, Weinstock, and O'Connell.

Chairman WALSH. Mr. Haywood, will you please resume the stand?

TESTIMONY OF MR. WILLIAM D. HAYWOOD—Continued.

Chairman WALSH. Mr. Weinstock said he had not quite finished with you last night, and maybe some of the other commissioners would like to ask you some questions.

Commissioner WEINSTOCK. At the hour of adjournment, Mr. Haywood, we were discussing the status of society as it would be if your remedies for the wiping out of industrial strife prevailed. My point was to see whether the condition would be better or worse than now. You remember that I asked you whether or not you believed in free speech and whether you believed in free press, and you said you did. The question that suggests itself to my mind is as to whether, under the conditions which you picture, we could continue to have free press and free speech. To illustrate, let us imagine that we are organized industrially, as you would want it, in one great, big unit, and everything were in the hands of the workers, who are supreme. That, of course, would mean organization; organization would mean the selection of executive officers. That, in turn, would mean the placing upon these executive officers responsibilities. With responsibilities there necessarily must be power. Now, with these officers in the saddle and supreme, unless human nature changed very materially, there would be room for criticism perhaps on the side of the dissatisfied minority. This great group owning all of the machinery, as it would, for production and distribution, would own the press. So that in the first place there would be no opportunity for the dissatisfied minority or the critics to give publicity to their criticism and to their dissatisfaction. If they dared to raise a public criticism of those in power, in all likelihood they would be subject to the same criticism that I found in Guatemala when I visited there a few years ago. The condition I found there would probably exist under your Utopia. Guatemala, a few years ago, elected a president who has only dared to show his head out of his doors three times during that period. Seventeen attempts at assassination have taken place, and yet, despite that fact, he rules his people with a rod of iron. Any man that dares to criticise the president or his policy can do one of two things—either get out of the country or lose his head.

Now, with that concentrated power under your method, would it not after all mean that if there is such a thing as wage slavery to-day, as is maintained by those who think as you, then would it not result simply in a change of masters, and would the slavery not be of a far more severe character than the slavery, if there is slavery, under our existing system?

Mr. HAYWOOD. In the first place, you presuppose a condition that perhaps will not take place at all. That is, you state that there would be officers with power. I can not conceive of that kind of society. In the industries each branch of industry would be operated by a group of workers who best know

that branch, and among that group of workers if foremen or overseers were necessary they would be selected from among the workers. There would be no dominating power there, would there? I can conceive no need of a dominating, national, world-wide power that would have control of the press. The press is not under a dominating control, and under present-day conditions the militant minority has no method of expression. This commission alone has afforded the minority an expression which in a measure finds its way into the press. No other means has been established, excepting for small weekly newspapers, or something of that kind, that are conducted by the minority. It seems to me that under a new society, and you will admit that human psychology will change if given an opportunity, the newspapers of the country would not be devoted to detailing murders and robberies and scandals and stocks and bonds; they would be really for the information of the people, and under normal society it seems to me there would be no radical minority striving for expression. There may be minorities who were striving for change, for the introduction of new ideas or new ideals, but I think that they would certainly be given publicity, because society as a whole would be interested in its own advancement. I think the conditions that you have described, instead of applying to the future society, very well represent the existing society. That is the condition that we have under capitalism to-day.

Commissioner WEINSTOCK. Let me make sure, Mr. Haywood, that I clearly understand the objective of I. W. W.'ism. I have assumed—I will admit that I have assumed in my presentation to you that I. W. W.'ism was socialism with a plus; that is, that I. W. W.'ism in——

Mr. HAYWOOD (interrupting). I would very much prefer that you would eliminate the reference to socialism in referring to I. W. W.'ism, because from the examples we have, for instance, in Germany, socialism has, or at least the Social Democratic Party, has been very much discredited in the minds of the workers of other countries. They have gone in for war, and those of us who believe we are Socialists are opposed to war. So if you don't mind we will discuss industrialism on its own basis.

Commissioner WEINSTOCK. Well, in order that I at least may better understand the purpose, aims, and objects of industrialism, I must, in order to bring out the differences and to compare it with the socialistic doctrine—you may not believe in the socialistic doctrine any more, and I do not; but my purpose is, so that we do not have a misunderstanding of the meaning of words. Now, let me briefly state to you what I understand socialism stands for, and what I understand the I. W. W.'ism stands for. The Socialist, as I understand it, is striving for the cooperative commonwealth, striving to bring about a situation whereby all the machinery of production and distribution shall be owned by all the people, where there shall be but one employer, and that employer shall be all the people, and everything shall be conducted substantially as the Army and Navy are conducted under our form of Government. I understand that I. W. W.'ism believes in exactly the same objectives but differs in the methods——

Mr. HAYWOOD (interrupting). In the first place, I. W. W.'ism has no such thing as an army or a navy, and certainly not as the Army and Navy are conducted at the present time.

Commissioner WEINSTOCK. Well, I did not say that the Socialists believe in a continuation of the Army and Navy——

Mr. HAYWOOD (interrupting). Some of them do.

Commissioner WEINSTOCK. I said that they believed everything would be managed as we now manage the Army and Navy. All the people manage the Army and Navy——

Mr. HAYWOOD (interrupting). But you make a statement that is not true.

Commissioner WEINSTOCK. The soldier and sailor has but one employer, and that employer is all the people. Now the only distinction that I have been able to discover between the aims and objects of those representing the I. W. W. doctrine and those representing the so-called socialistic doctrines, is the methods of getting to the ends. The Socialists believe in getting it through education and political action, and you believe in doing it through direct action——

Mr. HAYWOOD (interrupting). And education.

Commissioner WEINSTOCK (continuing). And the general strike.

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. Therefore the ends are the same, but to be reached through different pathways?

Mr. HAYWOOD. No; the ends are not the same. Now, Socialists, while they present an industrial democracy, they hope to follow the files of existing

governments, having industries controlled by the Government, eventually, however, sloughing the State. They will tell you the State is of no further use; that when industries are controlled by the workers the State will no longer function.

Commissioner WEINSTOCK. Well, then, am I to understand this, Mr. Haywood? I want that made very clear to me, because if the objective is as I understand you have tried to indicate, then I have been laboring under a misapprehension. Am I to understand that it is not the objective of the I. W. W. to have the State-owned industries?

Mr. HAYWOOD. It certainly is not.

Commissioner WEINSTOCK. I see. Then there is a radical difference between the I. W. W.'s and the Socialists, Mr. Haywood?

Mr. HAYWOOD. Yes.

Commissioner WEINSTOCK. The Socialist wants the State to own all the industries.

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. And the I. W. W., then, as you now explain it, proposes to have those industries not owned by the State but by the workers——

Mr. HAYWOOD (interrupting). By the workers.

Commissioner WEINSTOCK (continuing). Independent of the State.

Mr. HAYWOOD. Independent of the State. There will be no such thing as the State or States. The industries will take the place of what are now existing States. Can you see any necessity for the States of Rhode Island and Connecticut, and two capitols in the smallest State in the Union?

Commissioner WEINSTOCK. Except that of home rule.

Mr. HAYWOOD. Well, you have home rule anyhow, when you place it in the people who are interested, and that is in the industries.

Commissioner WEINSTOCK. Well, then, will you briefly outline to us, Mr. Haywood, how would you govern and direct the affairs under your proposed system of 100,000,000 of people, as we are in this country to-day?

Mr. HAYWOOD. Well, how are the affairs of the hundred million people conducted at the present time? The workers have no interest, have no voice in anything except the shops. Many of the workers are children. They certainly have no interest and no voice in the franchise. They are employed in the shops, and of course my idea is that children who work should have a voice in the way they work—in the hours they work, in the wages that they should receive—that is, under the present conditions children should have that voice, children who labor. The same is true of women. The political state, the Government, says that women are not entitled to vote—that is, except in the 10 free States of the West; but they are industrial units; they are productive units; from millions of women. My idea is that they should have a voice in the control or disposition of their labor powers, and the only place where they can express themselves is in their labor union halls, and there they express themselves to the fullest as citizens of industry, if you will, as to the purposes of their work and the conditions under which they will labor. Now, you recognize that in conjunction with women and children.

The black men of the South are on the same footing. They are all citizens of this country, but they have no voice in its government. Millions of black men are disfranchised, who if organized would have a voice in saying how they should work and how the conditions of labor should be regulated. But unorganized they are as helpless and in the same condition of slavery as they were before the war. This is not only true of women and children and black men, but it extends to the foreigner who comes to this country and is certainly a useful member of society. Most of them at once go into industries, but for five years they are not citizens. They plod along at their work and have no voice in the control or the use of their labor power. And as you have learned through this commission there are corporations who direct the manner in which those foreigners shall vote. Certainly you have heard something of that in connection with the Rockefeller interests in the southern part of Colorado. You know that the elections there were never carried on straight, and these foreigners were directed as to how their ballot should be placed.

They are not the only ones who are disfranchised, but there is also the workingman who is born in this country, who is shifted about from place to place by industrial depressions; their homes are broken up and they are compelled to go from one city to another, and each State requires a certain period

of residence before a man has the right to vote. Some States say he must be a resident 1 year, others say 2 years; he must live for a certain length of time in the county; he must live for 30 days or such a matter in the precinct before he has any voice in the conduct of government. Now, if a man was not a subject of a State or Nation, but a citizen of industry, moving from place to place, belonging to his union, wherever he went he would step in the union hall, show his card, register, and he at once has a voice in the conduct of the affairs pertaining to his welfare. That is the form of society I want to see, where the men who do the work, and who are the only people who are worth while—understand me, Mr. Weinstock, I think that the workingman, even doing the meanest kind of work, the workingman is a more important member of society than any judge on the Supreme Bench; than any other of the useless members of society. I am speaking for the working class, and I am a partisan to the workers.

Commissioner WEINSTOCK. Well, among your statements you said that under the present system labor has no representation. Did I get your correctly?

Mr. HAYWOOD. I mentioned the different divisions of labor that have no voice at the ballot box.

Commissioner WEINSTOCK. Take labor as a unit; take all the labor of the country as a unit, would you say it has no representation, no voice?

Mr. HAYWOOD. There may be places where labor may be sufficiently strong to elect a Representative. I realize that in Congress at the present time there are a number of card men, but I do not believe those men were elected by labor, and certainly from their voice in Congress I do not believe they are representing labor.

Commissioner WEINSTOCK. I suppose you, in common with the rest of us, appreciate the fact that whatever remedial legislation may have been enacted throughout the various States and in Congress, such as the child-labor laws, minimum wage for women and minors, the safety laws, the eight-hour day for women and children, and the Workmen's Compensation Act—as a rule, there may be exceptions here and there, but as a rule all of these remedial measures have been opposed by employers and have been advocated by the workers and their sympathizers. Now, if it is true that labor has not had a voice, except in isolated instances, as you point out, and then you doubt whether it is really labor's voice, how do you explain that in spite of the tremendous power of the employers throughout the nation these laws have been put on our statute books and are being enforced?

Mr. HAYWOOD. I said I believe that labor had but few representatives, and that is true. I know there are men who are elected to the different State legislatures that have been assisted by labor's vote, and they have introduced this reform and remedial legislation. But can you show me a place where any of this reform legislation is in effect, even so far as child labor goes and the eight-hour law for women, unless there is an economic organization sufficiently strong to enforce it upon the employer?

Commissioner WEINSTOCK. Yes; in the State of California.

Mr. HAYWOOD. Is the eight-hour law for women observed in that State?

Commissioner WEINSTOCK. Yes, sir; absolutely.

Mr. HAYWOOD. I understand it is not.

Commissioner WEINSTOCK. Then you are misinformed. I can state authoritatively, because I live in the State of California and am thoroughly familiar with the conditions there. There have been many actions brought against the violators of the law. They have been penalized, and there are some remote nooks and corners, in some of the backwoods towns, that can not be reached.

Mr. HAYWOOD. I understand that is so.

Commissioner WEINSTOCK. But wherever it is possible for the labor department to reach it, it is reached, and the law is generally enforced.

Mr. HAYWOOD. Do you believe it is enforced by the law and the authorities under the law?

Commissioner WEINSTOCK. Yes, sir.

Mr. HAYWOOD. Or by the labor—the strong labor organizations of California?

Commissioner WEINSTOCK. I suppose it is being backed by the labor organizations.

Mr. HAYWOOD. California is the strongest union State in the Nation.

Commissioner WEINSTOCK. If organized labor was not behind it, it might not be enforced as effectively as it is. Organized labor, naturally in sympathy with the law, leaves nothing undone to see that it is enforced.

Mr. HAYWOOD. I appreciate that, and that is the reason it is enforced.

Commissioner WEINSTOCK. Now, we are not a peculiar people. Humanity is no different in California than in any other part of the country, and whatever has been done there, and is being done there, can be duplicated all over the Union, and there is no reason why the same results can not be obtained in Maine as in California.

Mr. HAYWOOD. I heard a member of the child-labor commission report on the legislation in Maine. He said they had labor laws on their books in regard to the children employed in the fishing industry, packing sardines, and he said these laws were not lived up to, and it was only through the introduction of machinery that took the place of the children that they were able to enforce the law; that is, that they employed children in spite of the law.

Commissioner WEINSTOCK. Coming back, Mr. Haywood, to my initial question, we have a hundred million people in this Nation. Now, let us assume that under your system the industries would be organized as you would have them organized, and would be by the industrial workers; you still have not explained how the affairs of the Nation would be conducted. We would have foreign relations that would have to be dealt with; we would have to be prepared to protect ourselves against invasion, and we would have to conduct the affairs, the various avenues of governmental service, our postal department, and our various other departments. How would you do that?

Mr. HAYWOOD. Well, you seem to take into consideration that there is only this Nation in the world. Now, I can not imagine, if the workers of the world were organized as I have outlined to you, how there would be any invasion; they would all be interested in the same thing.

Commissioner WEINSTOCK. You will admit this, that you can not expect the whole world overnight to adopt I. W. W. principles; it would have to be a gradual growth.

Mr. HAYWOOD. It does not make any difference to me if it is not for a hundred years.

Commissioner WEINSTOCK. What would you do meanwhile?

Mr. HAYWOOD. The same thing we are doing now—plugging along and taking our part in this class struggle, fighting for better conditions, and hoping to get them to-morrow, but fighting for them, if we do not get them for a century. We are trying to educate such people as you, Mr. Weinstock.

Commissioner WEINSTOCK. I admit that I need a heap of education.

Mr. HAYWOOD. Maybe I do, too, but I can talk, and my working people understand the things we are striving for. It is hard to explain it to a person who has always been under a different environment. I realize that it is hard for you to explain this, but you can talk to people who are in the shop, and they recognize that they ought to have a voice in the workings of that shop. Indeed, there are many newspapers now who are saying that it is wrong for capital alone to direct industry; it is wrong to have the ideas of Mr. Rockefeller, who says that common labor is animate machinery. Common labor is a human being, collective human beings, and they ought to be considered in the same light as other human beings.

Commissioner WEINSTOCK. Can you tell us, Mr. Haywood, especially for the information of the chairman and myself, as well as for the other commissioners, where Mr. Rockefeller said that common labor is animate machinery?

Mr. HAYWOOD. I don't remember where I did see that, but somewhere.

Commissioner WEINSTOCK. I was present for three days, or about three days, when Mr. Rockefeller was on the stand, and he was turned inside out, and almost every conceivable question that could be devised was put to him.

Mr. HAYWOOD. When he comes here next week, ask him if he didn't say that. I think you will find out that he did. I think that is his mind, and I think he has no other viewpoint.

Commissioner WEINSTOCK. I will make a note of that.

Chairman WALSH. A request has just come up from the sergeant at arms that some of the persons in the rear of the hall are very anxious to hear what you have to say in answer to these questions, but are unable to do so and will you please pitch your voice a little higher?

Mr. HAYWOOD. Pardon me.

Commissioner WEINSTOCK. That is all the questions I have now.

Chairman WALSH. Commissioner Lennon has a few questions he wants to ask you.

Commissioner LENNON. Mr. Haywood, Mr. Weinstock asked you a question regarding the necessity of the exercise of power by officers as it might arise under your philosophy of administering the affairs of industry. Is there a

greater degree of social and industrial unrest over the exercise of power by officers under existing governments that has never been given to them by the people?

Mr. HAYWOOD. I think that is one of the chief causes for industrial unrest, is the usurpation of power by people that now control industries, power that has never been given to them—power that they have taken.

Commissioner LENNON. In your recitation of events that took place under your observation, so far as strikes, and so forth, were concerned, as an example of this exercise of power, without having been given to them by the people you mentioned the deportation of men from Cripple Creek. Were they deported by any court of proper jurisdiction after a trial as to whether they were guilty of any crime or not or was it a usurpation of power by officials?

Mr. HAYWOOD. They had never been arrested, never been charged with any crime. They were taken from their homes by the militia at the order of one Adjt. Gen. Bell. He issued an order to his understrappers, giving them a list of names, and instructed them to take these men on special train, assigning the train, outside of the State of Colorado, and to immediately report on their return to him.

Commissioner LENNON. In the case of the two Coeur d'Alene strikes or lockouts, the one that was in Utah, at that canyon, I forget the name?

Mr. HAYWOOD. Bingham Canyon?

Commissioner LENNON. Bingham Canyon; did you see any of this undue exercise of power by officers who had no authority under the law to exercise such power?

Mr. HAYWOOD. During the two strikes in the Coeur d'Alene, I then was a member of the executive board of the Western Federation of Miners, and I went through the Cour d'Alene district. I went from house to house at night, and, of course, could feel the spirit, or lack of spirit, among the workers, who were afraid to move about. I met at that time men who were under indictment. I saw the bull pen; I know that there were thousands of men, or a thousand men, at least, in this bull pen at that time, and I know that they were there without warrant and without charge; that they were never charged with any crime; that they were held for six or seven months, many of them.

Commissioner LENNON. In any case where this undue exercise of power did injury to these men, were they ever able to recover damages or satisfaction of any character for the injuries done to them?

Mr. HAYWOOD. You remember yesterday I mentioned about the soldiers looting the stores at Cripple Creek. At that time we filed with the State auditor of Colorado a claim, I couldn't say just how much, but something less than a hundred thousand dollars for damages that was done to the stores. A few years later the legislature by act granted $60,000 as a return for the damages done by the soldiers to the Western Federation of Miners.

Commissioner LENNON. Were those men who were individually deported, were they ever able to secure any indemnity for the wrongs that had been done them?

Mr. HAYWOOD. The nearest that was done to anything on their behalf, I had each man that I could reach afterwards file claims against the State for individual sums, some of them claiming $5,000, some $7,500, and other amounts. They were filed with the auditor of state and they stand in the auditor's office now and could be granted by the legislature, but up to the present time they have received no redress.

Commissioner LENNON. Taking the men that were imprisoned in the bull pens at the different places you recited and were never tried, they simply turned them out when they got through holding them? Were they ever able to secure any redress?

Mr. HAYWOOD. Never.

Commissioner LENNON. I want to ask you a question or two on another phase of what has come before the commission.

Several questions were asked you yesterday regarding the rights of property. Is it not true that all recognized titles of property are man made, and that if men had the right to create titles they have the right to repeal those titles and substitute some other system?

Mr. HAYWOOD. I absolutely agree with you. I think that the first warranty deed was a fake; that it was a put-up job, the same as many other jobs were put up in this city, and have been; that titles that are existing are wrong and against the best interest of the people, and that the people should revoke the existing titles to private property that is publicly used.

Commissioner LENNON. Government was supposed to be instituted among men for service, for the protection of their rights. I can not quote it, but for the protection of the people's rights, I can not quote literally from the Declaration of Independence, but I think the understanding of the people that founded this Government was that if the Government then founded ceased to serve the best interests of the people, that the people have the right to overthrow it by legislative methods if they can, by revolution if that becomes necessary. Is that your conception?

Mr. HAYWOOD. That is about what the Declaration of Independence says, and about what the Constitution conveys. I do believe that.

Commissioner HARRIMAN. Mr. Haywood, I understand from what you have said to-day, and from what you have said before, that you do not believe in war. Now, if you don't believe in war, why do you believe in violence in labor disputes? One is war between nations, and the other is war between——

Mr. HAYWOOD (interrupting). You say I believe in violence?

Commissioner HARRIMAN. Yes, sir; one of your contemporaries, I think St. John, I asked him the direct question last spring if the I. W. W. believed in violence, and he said yes.

Mr. HAYWOOD. But you said I believed in violence?

Commissioner HARRIMAN. I thought you did.

Mr. HAYWOOD. Probably I do; but I don't want it to be taken for granted without giving me an opportunity to explain what violence means. I think you will agree that there is nothing more violent that you can do to the capitalist than to drain his pocketbook. In that sort of violence I believe, and we are trying to make it impossible for the growth of more capitalists, and to make useful citizens out of the existing capitalists. I give you an illustration of what I think violence is:

In Sioux City, Iowa, last month the authorities of that town came to the hall of the union and told a man, a member of the Industrial Workers of the World, that the chief wanted to see him. He said, knowing his rights as an American citizen, he said, "If the chief wants to see me, tell him where I am." He said, "No; you will have to go to the office." He said, "Have you a warrant?" "No." "Well, I will not go." The detective went downstairs and got a crowd of uniformed policemen and they came to the hall and took this man and all the other members that were in the hall and went to headquarters with them. The men were put in jail temporarily without a hearing. They were all thrown into jail, and the next morning refused a jury trial, refused a change of venue, and were sentenced to $100 fine or 30 days in jail. One of them remarked to the judge, "Why don't you make it a hundred?" And he said, "In your case, I will just double the sentence." Those men were put in jail, and word went out to the other locals throughout the country, and foot-loose members started for Sioux City. They came in groups of twos and threes, and tens and fifteens, and fifties and hundreds, until the Sioux City jails, both the city and county, were crowded to capacity. The authorities thinking to make use of the labor power of these men purchased from Sioux Falls, in South Dakota, three carloads of granite, which they expected the members of the I. W. W. to break, making little ones out of big ones. This they refused to do. They went on a hunger strike. Some 75 of those men were 86 hours without eating. The authorities found that they could not do any thing with them, so they appointed a committee, or a commission, to go to see the men in jail, and asked them upon what terms things could be settled. The men said, "Unequivocal release from prison, the reestablishment of the right of free speech," and one of the boys said, "New clothes for the ones that the 'bulls' have destroyed," and upon those terms they were released. Those men were released from the prison in the face of the fact that they had been sentenced to jail by judges. That I regard as action more violent than the discharge of bombs in St. Patrick's Cathedral in New York, because they enforced the rights that this country gave to them; they compelled the authorities who are supposed to uphold those rights in seeing that they were granted. I believe in that kind of violence, and as I said yesterday when the workers are organized, it matters not to me what becomes necessary, if they are to get control of the means of life. The working class is the only class entitled to any consideration, and as Abraham Lincoln said, "To give to that class the full product of their toil is the righteous duty of any Government."

Commissioner WEINSTOCK. Where do you draw the line, Mr. Haywood, between the worker and the nonworker?

Mr. HAYWOOD. Oh, I think that it is easy to draw the line.

Commissioner WEINSTOCK. Please tell us what your line is. Are you a worker?

Mr. HAYWOOD. No. I told you yesterday that I thought you and I were parasites.

Commissioner WEINSTOCK. Well, you confine the term "worker," then, to the man who does manual labor?

Mr. HAYWOOD. Oh, no; I said brain and muscle. Now, understand, Mr. Weinstock, we are not excluding from the membership in the new society any man who has ability. We recognize the necessity of civil experts; we recognize the necessity for engineers and inventors and all useful citizens. What we can not appreciate is why the great minds or the minds of great men have been used to make lawyers or preachers.

Commissioner WEINSTOCK. Well, would you call an executive officer a useful citizen?

Mr. HAYWOOD. Yes, sir.

Commissioner WEINSTOCK. And despite the fact that he does not work with his hands?

Mr. HAYWOOD. Why, I say we want brain workers, men who will sit down and map out plans. He runs industries now. Well, we don't propose to change the industries, excepting so far as to eliminate waste which ownership brings. Why should the railroaders of this country continue running the road for the King of England? He is one of the largest owners in the Santa Fe. Why should the steel workers be running the steel plants for the potentates of foreign countries who are largely holders of stock in that industry? That is the thing we are after. We want the people of this country to own the steel industry in this country. We do not think a Morgan is necessary to the running of that steel industry. We don't think a John D. Rockefeller, notwithstanding what Mr. Baer said about divine providence, is necessary. We think that the mines can run without providence and without Baer and without Rockefeller and be run a great deal better, and there be no such terrible trouble as has existed there if the men were running them in the interest of the people. There would be no Ludlow affair.

Chairman WALSH. Commissioner Garretson has a question he would like to ask you, please.

Commissioner GARRETSON. You stated yesterday in response to a question that it was not, from your own standpoint, desirable when this or that evil was palliated, because it did not work a benefit to the cause that you represented; that is, the propagation of that cause. In other words, the best harvest field that you find for organization is where injustice is the most prevalent. Is that correct?

Mr. HAYWOOD. Well, that is usually the best place to carry on a propaganda—is where injustice can be best seen, where it is felt.

Commissioner GARRETSON. Where it is the most apparent?

Mr. HAYWOOD. Yes.

Commissioner GARRETSON. And rub the hardest on the galled jade?

Mr. HAYWOOD. That is true.

Commissioner GARRETSON. Is that one reason that the method that the I. W. W. follows is against a legislative program, because you believe it would defer the day of universal acceptance of your doctrine?

Mr. HAYWOOD. Well, as I stated this morning, the majority of the workers have no legislative program; that is, they have no votes. They can not elect their representatives. You will readily admit that is true of children and true of most of the women and true of most of the black men and true of all of the foreigners and certainly affects a part of the American citizens. Then what appeal is there? Where do they find any expression in legislative action?

Commissioner GARRETSON. The question would be whether an educative program directed along those lines would be as effective as an educative program conducted on the other lines for the abolition of the legislative process. What I am curious about—possibly others of the commission are—is this: What will be the form—the medium, rather—of expression of these various bodies grouped on the industrial basis instead of grouped on what might be described now as the governmental basis? That is, the existence of States being abolished and the citizens of the country being grouped industrially. What is the medium of expression between those different groups as to their needs under your plan?

Mr. HAYWOOD. Let me take the different phases that an individual represents in society.

Commissioner GARRETSON. Yes.

Mr. HAYWOOD. We will take the home, for instance, in an industrial community. The father, mother, and children are the family of that home. When they leave that roof they go out to the different branches of industry in that town. They then are no longer a family; they are a part of the group in the industry in which they are employed, and should of necessity be a voice in that group. They should have a voice as to the conditions under which that branch is conducted—conducted now for profit, conducted then for use—and we will naturally suppose that everyone will be interested in doing the work in the best possible way with the best possible output. Leaving their industry, leaving their several groups, coming back to their homes, they will again become a family. But one family can not do the things essential for the happiness, for their happiness, and for their comfort. They would need to cooperate with other families of the community for the establishment of transportation, lighting systems, waterworks——

Commissioner GARRETSON. You are talking now of local transportation?

Mr. HAYWOOD. Yes; local.

Commissioner GARRETSON. Yes; go on.

Mr. HAYWOOD (continuing). Parks and amusements, education, schools. Why, I think that every child is entitled to the finest education that the Government could give—that is, that kind of a government—not the kind of education that we have now. That would be the relations of the individual to the industry and to the community. Now, as to national and international travel, let the railroaders belong to one organization, and you will agree that the railroaders can run the railroads better than coal miners can run them, or better than shareholders or stockholders can do it. Let them conduct the railroads and live in the community on the same basis as other industrial workers.

Commissioner GARRETSON. Well, now, you have placed the community life on exactly the old basis of the archaic condition of patriarchal control of the family, haven't you? You draw from your experience; I draw from mine. If the railroad is taken over as an industry in its present form—take a road that has been rather prominently in the eye here for a few days, the Pennsylvania Railroad—suppose that to be taken over by the employees of the railroad and operated by them. After the expressions that you have given as to those in power, I am at a loss to understand how a community on the Pennsylvania Railroad at Pittsburgh or Chicago is to arrive at a common understanding, first, of their necessities, and, second, of the method by which those necessities will be met in the actual operation without people in absolute control and direction and the power necessary to make their instructions mandatory for the train movement.

Mr. HAYWOOD. You would be there to run the railroads.

Commisioner GARRETSON. Or under the sod.

Mr. HAYWOOD. What?

Commisioner GARRETSON. Some other man will; some man will be there.

Mr. HAYWOOD. Yes, sir. It seems to me you can run them better—and we will take an arbitration board, for instance, the arbitration board sitting in Chicago. They have been looking out for the welfare of 65,000 individuals. Some of those people knew nothing about railroading, absolutely nothing. Well, they are not the people to look after the railroad interests. Take your own executive bard; who can run the railroads any better than they?

Commissioner GARRETSON. Well, now, how can they make their instructions effective unless they are made responsible for it and given the concomitant power?

Mr. HAYWOOD. Why, certainly, give them the power necessary to run the railroads.

Commissioner GARRETSON. Well, then, you are a believer in a system of control and direction which is owned by the men themselves and backed up by the sentiment and action of the men themselves?

Mr. HAYWOOD. Absolutely.

Commissioner GARRETSON. Yesterday possibly either I misunderstood or you phrased it unhappily in stating from your standpoint that there was no necessity for the exercise of executive power. Well, applied to transportation it would become an impossibility, because unless there was a head of that industrial group——

Mr. HAYWOOD. Exactly. Well, in speaking of industries yesterday, when I made that remark, it was with reference to political executive conditions.

Commissioner GARRETSON. Well, it was undoubtedly applicable to industry in general. Well, you know the transportation interest is one that can not be

disposed of by intercommunication—that is, the personal contact—because it is so widely separated. The man in Pittsburgh and the man in New York and the man in Boston have no means of operating except by intercommunication through a controlling power. That controlling power has got to gather, first, knowledge as to the necessity, and he has got to receive it in the community. For instance, there has got to be means of intercommunication through a medium regularly recognized to determine the needs of that community which have to be filled from the community that is distant. Is that not true?

Mr. HAYWOOD. I recognize that.

Commissioner GARRETSON. That community has to have an estimate of what clothing it needs?

Mr. HAYWOOD. Yes.

Commissioner GARRETSON. It has first got to be indicated to the mills to create the material therefor?

Mr. HAYWOOD. Yes.

Commissioner GARRETSON. And known to the shop that turns that into clothing in its various forms. There has got to be a universal estimate of the food supply necessary, because without an intelligent production a market as it is known now ceases to exist for those things and ceases to be the dominative factor in determining production, because the profits of production, in the sense profit is now known, will cease to exist. Am I correct?

Mr. HAYWOOD. You are correct.

Commissioner GARRETSON. And executive power must do it?

Mr. HAYWOOD. Yes; and those executives you describe would be the representatives——

Commissioner GARRETSON. In other words, you would substitute the old folkmote of the Saxon village?

Mr. HAYWOOD. No; place the power in the hands of industry.

Commissioner GARRETSON. Would you put it further and follow the Saxon precedent higher up, the witenagemote?

Mr. HAYWOOD. I don't know anything about that.

Commissioner GARRETSON. Well, those are represented by our State legislatures and by our National Congress, as the case may be.

Mr. HAYWOOD. All right; anything that will take the place of the existing legislature, or let the legislature run—anything that will place the industries in the hands of the people and the direction in the hands of the workers.

Commissioner GARRETSON. In other words, you are willing to accept as much of the existing machinery as appears to be necessary for the carrying out of your ideas and not hostile thereto?

Mr. HAYWOOD. I would accept so much of it, certainly. We are not going to tear down that we can not find something better to put in its place.

Commissioner GARRETSON. Have you a belief on this subject? Reference was made yesterday to the futility of the initiative and referendum. Do you believe that with experience in the use of the initiative and referendum and a consequent education that will come from it, or the acquirement of knowledge, rather, that will come from it, that it will become a more effective thing than it has so far demonstrated itself to be in actual use?

Mr. HAYWOOD. I think that industrial government will bring legislation—the groups in the industries and the initiative and referendum will not become a burdensome thing, but that these matters of detail can be discussed in these groups or communities.

Commissioner GARRETSON. You believe that with responsibility placed upon the individual unit of the community that his conception of his responsibilities will increase?

Mr. HAYWOOD. Certainly.

Commissioner GARRETSON. One practical question in regard to the Colorado situation. At the time of the Colorado strike were the metalliferous and bituminous miners all in one association?

Mr. HAYWOOD. Yes; they were.

Commissioner GARRETSON. Both?

Mr. HAYWOOD. Yes, sir.

Commissioner GARRETSON. At that time the Western Federation of Miners had in its membership both bituminous and metalliferous men?

Mr. HAYWOOD. The Western Federation of Miners organized the coal miners of Colorado first.

Commissioner GARRETSON. Before it did the metalliferous men?

Mr. HAYWOOD. Yes; but at the time of the 1903 strike they had become a part of the United Mine Workers.

Commissioner GARRETSON. Which strike?

Mr. HAYWOOD. In 1903.

Commissioner GARRETSON. But the same agencies were arrayed against both crafts, both the metal and the coal?

Mr. HAYWOOD. Oh, yes; they had the Mine Owners' Association.

Commissioner GARRETSON. That embraced all of the mine owners?

Mr. HAYWOOD. Yes.

Commissioner GARRETSON. Have you any definite knowledge or data as to when the miners separated into two separate associations, if they ever have separated?

Mr. HAYWOOD. I do not think they ever have separated.

Commissioner GARRETSON. Did you hear the statement that was made by Maj. Broughton before this commission to the effect—and Maj. Broughton, you remember, was in charge of the militia in the field?

Mr. HAYWOOD. Yes.

Commissioner GARRETSON. And that he was also under retainer by the Coal Mining Association of Cripple Creek, and that he had no connection with any other mining class in Colorado during this period; did you hear that?

Mr. HAYWOOD. No, I did not hear that; but I think it is true beyond any question of doubt that they were all members of the Citizens' Alliance in 1903.

Commissioner GARRETSON. And that they were furnishing the medium of communication, even if there was different existing groups?

Mr. HAYWOOD. Absolutely.

Commissioner GARRETSON. That is all.

Mr. HAYWOOD. I met the members of the Colorado Fuel & Iron Co. in the senate chamber and the assembly hall before the mines and the mining committee, and they were contending then against an eight-hour law.

Chairman WALSH. I have three questions that I have been requested to ask you that have been sent up, and I wish you would answer them as briefly as you can. One is, Do you not consider the exploitation of children in industry under the present system a form of violence of a very insidious and brutal sort?

Mr. HAYWOOD. I most certainly do. It is only one of the terrible violences that are practiced by the capitalistic class.

Chairman WALSH. Then there is another question: Will I. W. W.ism do away with crime and criminals? If not, how will you organize your society to protect the well-behaved many against the vicious few?

Mr. HAYWOOD. Industrialism will do away with crime and criminals, as 95 per cent of the crime to-day is crime against property. Abolishing the wage system—abolishing private property—will remove 95 per cent of the crime.

Chairman WALSH. Now, I have not here a formal request from some gentleman, through a letter. He says that during the week prominent lawyers and sociologists have been asked a categorical question under the first section of the questionnaire, namely, as to the prevalent attitude of courts in labor cases. I thought your whole testimony was directed to that end, but nevertheless, if you have anything further to say on that, I would be very glad to have you say it. What is your view of the prevalent attitude of courts in labor cases?

Mr. HAYWOOD. I think, Mr. Chairman, that inciting the strikes, showing that the militia have been used in nearly every one; that many, many thousands of men have been arrested without warrant; that thousands have come before the courts, and, although warrants have been issued, they were discharged. It seems to me that in answer to that question it is safe to say that the courts are used, as a general rule, in favor of the capitalistic class.

Shairman WALSH. Now, there is one other question: Were you present during the testimony of Judge Cullen, formerly judge of the New York court of appeals?

Mr. HAYWOOD. No.

Chairman WALSH. I understood you had a comment to make upon that from the field, as it were, as one who had been upon the ground. He discussed the matter from a legal standpoint.

Mr. HAYWOOD. I have the speech made by Judge Cullen, and there are abstracts from his speech which I seem, in a way, to agree with.

Chairman WALSH. What are they?

Mr. HAYWOOD. The militia and the use of the militia in the field.

Chairman WALSH. Did your observation in the field concur with the conclusions reached by Judge Cullen in his speech, which may be said to have been reiterated by him on the witness stand?

Mr. HAYWOOD. Why, yes. I saw the militia at work; I saw them as I told you, and the militia was ordered to bring in three prisoners, and the militia absolutely refused to obey the order, because the court was at that time favorable to the strikers.

Chairman WALSH. As a matter of industrial unrest, does that sort of handling of men cause or does it not cause the most bitter resentment?

Mr. HAYWOOD. The working class of this country have looked upon the courts with a great deal of awe and respect in the past; that is not true now. They look upon the courts as a tool of the employing class.

Chairman WALSH. Do the workers, as a body, have the frame of mind expressed by Judge Cullen (with reference to the judges as a class when this form of what you might call legal oppression is practiced upon them) in his speech as follows [reads]:

"The governor might imprison or execute the members of the legislature or even the learned judges of the supreme court themselves. Frankly, I do not regard such a danger as likely, for I have great confidence in the common sense of the American people, and I imagine that if such a course were attempted not even the devotion of those learned judges to the principles of law they had declared would induce them to voluntarily surrender life or liberty, and that in their resistance they would be supported by the mass of the people."

Is that the attitude of mind the workers have—that when their rights are invaded by the force of the military power they feel they ought to resist, and that the most of the American people would support them if they understood it?

Mr. HAYWOOD. Yes.

Chairman WALSH. So, from your standpoint in the field, and Judge Cullen's standpoint from the court of appeals bench, there is no disagreement on that proposition?

Mr. HAYWOOD. Mr. Walsh, during the Cripple Creek strike of 1903, 1904, and 1905 the miners of that district would have killed every militiaman in the district if it were not for the fact that they believed the people of the United States did not understand it; if it were not for the fact that Roosevelt was in the presidential chair at that time, and there was a 10-company post of soldiers just outside of Denver. They knew their rights were being invaded, and they were willing to fight for their rights.

Chairman WALSH. Just as Judge Cullen says the people would fight if they attempted the same violence on the judges of the court?

Mr. HAYWOOD. Yes; the American people have always fought for their rights, and they are going to fight for them again.

Chairman WALSH. Commissioner O'Connell has some questions to ask.

Commissioner O'CONNELL. That end of the table [indicating] have brought out the position of the independent workmen of the world so plainly that it is not necessary to discuss that further.

I want to get some information in regard to the citation of yesterday, in which you spoke of a man in the Wheatland hop fields that was branded with the letters I. W. W. with a hot cigar.

Mr. HAYWOOD. That was in San Diego.

Commissioner O'CONNELL. Can you give the particulars of that, with the names, and so forth?

Chairman WALSH. We have that in our record.

Mr. HAYWOOD. Did you embody that in your report, Mr. Weinstock?

Commissioner WEINSTOCK. No; that circumstance occurred after I made my investigation.

Chairman WALSH. There is an investigation and it is in our report, because I read it; the name of the man was B. L. Wrightman, and he was taken outside of the city, it is alleged, and his clothing stripped from him, and with a lighted cigar they attempted to burn the letters "I .W. W." on his person; that part of it is in the record.

Commissioner O'CONNELL. And that was after you made your investigation?

Commissioner WEINSTOCK. Yes; after I made my investigation.

Mr. HAYWOOD. Was Nicolage(?) killed at that time?

Commissioner WEINSTOCK. I do not remember.

Commissioner O'CONNELL. I will look it up.

Now, Mr. Haywood, I feel that you will agree with me that the ideas that you have just outlined to us are not going to become operative right away?

Mr. HAYWOOD. Yes.

Commissioner O'CONNELL. It is not going to take place within the next month or the next year or several years; in the meantime we must be doing some-

thing, and this commission was created by Congress for the purpose of ascertaining what the underlying causes of industrial unrest are, the principal causes, and to make some recommendations to Congress. That would imply that Congress would be interested in doing something if we made certain recommendations right away for the relief of the people, particularly the working people.

Now, if you were a member of this commission, Mr. Haywood, what would you be in favor of recommending to Congress to take up immediately to relieve the people? What would you advise this commission to recommend?

Mr. HAYWOOD. I think I would advise, to meet the needs of the people, employment, work, such as the Government could do—reclamation, reforesting stations—such work as would meet the needs of the unemployed; that is, just as remedial measures.

Commissioner O'CONNELL. You consider, then, that unemployment, or temporarily so, is one of the underlying causes of industrial unrest?

Mr. HAYWOOD. Certainly, when a man is out of work, when he has no means of obtaining food for his family, that certainly is a cause of unrest. That is a cause of the present discontent largely.

Commissioner O'CONNELL. And would also imply, as I take it from your answer to a question a while ago, that idle hands beget crime; if there is steady employment, crime decreases.

Mr. HAYWOOD. That is always true; crime always increases in the winter when unemployment is greatest and suffering most intense.

Commissioner O'CONNELL. What would you do in the case of the itinerant worker, the casual employee who only has employment for a certain period of the year, for instance, picking fruit or cutting ice in the winter or doing logging in the summer, and all that?

Mr. HAYWOOD. Of course, I think that all of these people should be organized, and we are going on to that end. We establish what we call the organized workers, and we will meet the vast body of workers employed in the harvest fields.

Commissioner O'CONNELL. Would you have the Government arrange for the carrying of people from one industry to the other, where they were wanted, without cost to the workmen?

Mr. HAYWOOD. I think that workmen should be given free transportation; I don't mean in box cars, as has been suggested; I don't know by whom, that are fixed up, they ride that way now, but they should be given free transportation in proper conveyances in looking for work.

Commissioner O'CONNELL. The job and the man ought to be brought together by the Government itself, without cost to the man or the job?

Mr. HAYWOOD. That may be a remedial remedy suggested by the commission.

Commissioner O'CONNELL. That is incidental to the unemployment, and what you believe to be the fundamental cause of industrial unrest. Have you in mind any other general question that might be effective in this direction, that this commission might suggest to Congress as a remedy? Of course, I don't mean that healthy unrest, we don't want that, but we want the unrest that creates the criminals and makes paupers and makes men helpless, that sort of unrest. Do you think of any other idea you might suggest to the commission? I am sure we would appreciate it, notwithstanding we probably feel that you are so imbued with your Utopian ideas, of things that they would not modernize down to the affairs of to-day, that are effective to-day and tomorrow?

Mr. HAYWOOD. Really, Mr. O'Connell, I don't think that I presented any Utopian ideas, I talked for the necessities of life, food, clothing, shelter, and amusement. We can talk of Utopia afterwards. The greatest need is employment.

Commissioner O'CONNELL. You think unemployment, insufficient wage, long hours of labor, employment of children, employment of women beyond reasonable hours, and at low wages, the unfair application of laws by the courts, the unfair attitude of the courts as to the equity or opportunity of the poor man as against the rich man, to secure justice, all those things point toward unrest?

Mr. HAYWOOD. They certainly do; they are the things that make unrest.

Commissioner O'CONNELL. They are the things that make for unrest?

Mr. HAYWOOD. Yes, sir.

Commissioner O'CONNELL. And those are the things you think this commission ought to interest itself in at this time?

Mr. HAYWOOD. If there was any possibility of Congress remedying these evils, I think this commission has a duty to perform in recommending such changes.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all, Mr. Haywood, and you will be excused permanently. We thank you.

Mr. HAYWOOD. I have here the preamble of the Industrial Workers of the World that I wanted to make a part of the record, I would like to read it in.

Chairman WALSH. We will be very glad to have it put in the record.

Mr. HAYWOOD (reading). "Mr. Chairman, in view of the attempt on the part of Commissioner Weinstock yesterday to create an erroneous impression relative to the methods and aims of the I. W. W., and in view of the further fact that Commissioner Weinstock read into the record in the forms of questions propounded to me portions of a biased report on the I. W. W., prepared some years ago by himself in California, I desire at this time to read for the enlightenment of the commission the very brief preamble of the Industrial Workers of the World.

"I. W. W. PREAMBLE.

"The working class and the employing class have nothing in common.

"There can be no peace so long as hunger and want are found among millions of the working people, and the few who make up the employing class have all the good things of life.

"Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the earth, and abolish the wage system.

"We find that the centering of the management of industries into fewer and fewer hands makes the trades-unions unable to cope with the ever-growing power of the employing class.

"The trade-unions foster a state of affairs which allows one set of workers to be pitted against another set of workers in the same industry, thereby helping to defeat one another in wage wars.

"Moreover the trade-unions aid the employing class to mislead the workers into the belief that the working class have interests in common with their employers.

"These conditions can be changed and the interests of the working class upheld only by an organization formed in such a way that all its members in any one industry, or in all industries if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all.

"Instead of the conservative motto, 'A fair day's wage for a fair day's work,' we must inscribe on our banner the revolutionary watchword, 'Abolition of the wage system.'

"It is the historic mission of the working class to do away with capitalism.

"The army of production must be organized, not only for the everyday struggle with the capitalists, but also to carry on production when capitalism shall have been overthrown.

"By organizing industrially we are forming the structure of a new society within the shell of the old."

Chairman WALSH. Dr. Goodnow, please take the stand.

TESTIMONY OF DR. FRANK JOHNSON GOODNOW.

Chairman WALSH. State your name, please.

Dr. GOODNOW. Frank Johnson Goodnow.

Chairman WALSH. And your residence.

Dr. GOODNOW. Baltimore.

Chairman WALSH. And your present position.

Dr. GOODNOW. President of Johns Hopkins University.

Chairman WALSH. I believe that there has been submitted to you a short outline?

Dr. GOODNOW. Yes, sir; this morning, just as I came here.

Chairman WALSH. I would like to have you address yourself to that. Would you be kind enough to take them up as they were given to you categorically and give us the benefit of your experience and advice and opinion?

Dr. GOODNOW. The question is: "As the result of your experience and study, has your attention been directed in any large degree to the equipment of judges to consider the social and economic questions brought before them in what are commonly known as labor cases?" Now, my experience with regard to this matter is the experience of a teacher of law for a considerable period, and I would say that there is no particular attention given in the requirements for

admission to the bar to securing any practical qualifications on the part of judges to consider these questions. That is, the ordinary admission requirements to the bar only demand, even at the utmost, a high-school education. No particular attention is paid to economic questions in the high schools or in the bar examination. There is thus no attention paid to such educational qualifications as might be of advantage in equipping judges to decide those questions. Whether a judge is or is not equipped from an educational point of view to determine these questions is very largely a question of accident. He may have studied economic conditions, or he may have studied the history of industry in connection with a college course, if he had that prior to his taking the course in the law school, or he may have as the result of private reading equipped himself for a decision of those cases.

Chairman WALSH. Have you any suggestion which you care to make to the commission with regard to the methods by which judges, and lawyers from which judges come, perhaps might be induced to give proper attention to such social and economic questions with regard to the machinery by which judges might be given proper knowledge of the economic and social facts involved in such cases?

Dr. GOODNOW. The only way that possibly might be secured would be by changing the examination or qualification for entrance to the legal profession.

Chairman WALSH. I might state that I had in mind when we were getting up these outlines, for instance, you find these large Government questions given into the hands of commissions; for instance, that these questions were being relegated to an administrative board to take into consideration the facts that might be elicited surrounding industries in order to determine whether or not there is unfair competition in industries, with a right in the first instance to so declare with the supervising power by the court; and in that way it occurred to me that perhaps some of these particular questions with which the judges were not equipped that some similar question might be worked out, as far as industry was concerned.

Dr. GOODNOW. Personally I don't see any way in which you can secure those qualifications, so far as they can be secured by educational requirements, without absolutely changing the entrance requirements to the bar. It is our system in this country, different from some other countries, to choose our judges entirely from the bar; and the judges are not educated for the position of judges as, for example, in Germany. They are simply chosen from the bar, and therefore you have to depend upon the character of the bar or the equipment of the bar for the kind of a man you get as judge.

Chairman WALSH. This question, as I have heard it all over the country, and of the bar playing such a conspicuous part in it, and so much criticism being made, I will say from both sides, what would your advice be as an educator as to the proper approach of the Government to meet the question?

Dr. GOODNOW. As I say, by absolutely changing the qualifications for entrance to the bar. That is, instead of providing, as is the case now, a mere high-school education, which does not include any study whatever into the history of industrial or economic conditions, and after the high-school education a purely technical education in the law, which does not include, as a general thing, any study of economics, I think if you will look over the questions for entrance to the bar you never would find a question of economics. It is questions of a purely technical legal knowledge of the lawyer. I don't see how under those conditions you can expect, except as the result of side reading or an accidental preparation, that a man may have—I don't see how you can expect to equip a man who has no practical knowledge of these economic conditions which, as you say, have become so important.

Chairman WALSH. Have you observed, Doctor, in your reading the late developments on which suggestions have been made to the court by economists or students in this field, for instance, in the Oregon case?

Dr. GOODNOW. You mean suggestions that were made that came up through Mr. Brandeis?

Chairman WALSH. Yes, sir.

Dr. GOODNOW. It was only because he had a much better training than the ordinary man that those questions were presented.

Chairman WALSH. Could any scheme be devised toward the proper education by which advice could be given to judges? Somewhat in the nature as it was given by Mr. Brandeis, for instance, that it could be submitted by experts when a question was up involving industry and the minimum wage and, for instance, such matters as affect the workers—physically affect them—that it could be submitted in some such way as was done by Mr. Brandeis?

Dr. GOODNOW. I think that would be perfectly possible under the scheme of expert witnesses.

Chairman WALSH. As a matter of the testimony in the lower court to be preserved in the record that was sent up?

Dr. GOODNOW. I think so.

Chairman WALSH. Do you think, Doctor, that it would be difficult or not to get that into a record now under the ordinary rules of evidence?

Dr. GOODNOW. I have never practiced law; I have only taught it.

Chairman WALSH. A great many complaints have been made to the commission that what are commonly known as personal rights, such as the right of trial by jury, free speech, and the right of writ of habeas corpus, which are incorporated in the Federal Constitution and in the constitutions of the States, are so frequently disregarded that they amount practically to nothing. What comment have you to make upon that?

Dr. GOODNOW. I have no personal knowledge of the violation of any such rights, but I am under the impression that it is popularly believed that these rights are greater than they actually are under the Constitution as interpreted by the courts. The question as framed here would seem to indicate, particularly the next question, that there is protection against State action of rights of this sort under the Federal Constitution which would affect the State authorities. Of course, the provisions with regard to private rights in the Constitution, except the fourteenth amendment to the Federal Constitution, only affect the operation of the Federal Government. The Supreme Court of the United States has further held that the fourteenth amendment is not a guaranty to individuals of the right to trial by jury, as far as the State is concerned. I think there is no guaranty in the Federal Constitution of any right to habeas corpus, so far as the State is concerned, so that for most of these rights such protection as exists must be found in the State constitutions. Furthermore, as I understand, the provision that is ordinarily contained in the State constitutions to the effect that the governor of the State may declare certain portions of the State in a state of insurrection is practically understood to be very largely within the discretion of the governor who happens to be in at that time, the right to declare what is a good deal in the nature of martial law, and then the courts can not interfere. A man ceases to have certain rights that he would where that state of insurrection was not declared. It seems to me there is a popular impression that there are greater rights than now exist under the law.

Chairman WALSH. Did you read the argument of Judge Cullen, who testified here, and a portion of his argument was put in evidence in connection with the testimony of the last witness as to the meaning of the clause in the several State constitution to mean, I think, that the martial shall always be subordinate to the civil power, I believe, is indorsed in some of them, or the civil power shall always be superior to the military power?

Dr. GOODNOW. No, sir; I did not see that or read it.

Chairman WALSH. The question of military law, the declaration of military law has been a very acute one in many industrial controversies that you have probably noticed, in West Virginia, Michigan, Colorado, and other States, and many questions have arisen as to what is meant by the declaration of martial law. That is, when martial law takes place, and the meaning has been defined so there is what is called semimartial law, modified martial law, some holding that the very existence of the militia in the field is a declaration of martial law in itself. Have you given any consideration to that subject?

Dr. GOODNOW. I never studied it from a technical point of view. I have noticed some of the cases, and I imagine that before anything in the nature of that modified or semimartial law could exist it would be necessary that there be some proclamation of the governor made under a specific provision of the constitution, and inasmuch as the governor is a civil officer, why, the militia, as far as it goes, is subordinate to the civil executive of the State.

Chairman WALSH. Now, in the State of Colorado, Judge Cullen went so far as to state in his testimony the other day that the acts of the militia, so far as they attempt to exercise judicial power, were null and void. One specific instance was this, that a military officer was accused of killing an unarmed person, and a military court was constituted, martial law not having been formerly declared at any time by the governor of the State, in which it was sought, or pretended to have tried the man and to have acquitted him?

Dr. GOODNOW. As I understand the effect of the trial of a man in the military service by a court-martial is merely to relieve him from the penalty of the military law, and that the plea of acquittal before a court-martial is not a good plea

of former acquittal, where a man is brought before an ordinary court. A soldier, as I understand the law, is in a double capacity. He owes subordination to his military superiors, and in regard to that the military courts have jurisdiction, but at the same time he is a citizen, and the mere fact that he becomes a soldier does not relieve him, so far as his civil duty to the State is concerned. In my acquittal by a court-martial they can not influence the decision in the civil court.

Chairman WALSH. Then the plea of former jeopardy would not be a good plea?

Dr. GOODNOW. Not as I understand it.

Chairman WALSH. Regardless as to the details of whether military law was declared or not?

Dr. GOODNOW. Yes, sir.

Chairman WALSH. That places the question on a much larger basis.

Dr. GOODNOW. I would like to qualify that a little. If you had an absolute martial law throughout the country, where the civil courts were not in existence at all, if it was in the field of military operation, then a military court would have complete jurisdiction, as I understand it, but that was not the case that you referred to.

Chairman WALSH. No; the civil courts were open in those States.

Dr. GOODNOW. And I don't think then under those conditions that the acquittal by the court-martial would have any effect when he came before an ordinary civil court.

Chairman WALSH. Have you devoted any particular attention to the relative desirability of State and Federal action in the regulation of industrial conditions and in connection with labor disputes?

Dr. GOODNOW. Well, to a certain extent. Of course, the question comes up in the first place as to the desirability of any regulation, and of course as to that we may differ as to the particular kind of regulation. The further question comes up as to whether, where it is admitted some regulation is desirable, the State or the Federal Government should have jurisdiction. Now as I look at it, one of the greatest troubles with State regulation of labor, where the purpose of the regulation is to secure better conditions of labor, if the matter is left to State regulation you have the competition between States, which makes in the end a State regulation ineffective, because a manufacturer in one State can not compete, if he is under disadvantages with regard to the amount of wages he has to pay or safety appliances that he has to provide, or if the State adopts the theory of the minimum wage, he is at a disadvantage with the manufacturer in a State where none of these regulations have been adopted. Therefore where there is competition, as there is for the most part between manufacturers of different States, I would think it would be almost necessary, if the regulation is to be effective in both cases, that it should be done by the Federal Government. That is apart altogether from any consideration of the constitutional powers of the Federal Government, but looking at it as a question of desirability. Under those conditions it seems to me that the necessary regulation or condition of labor must be, in order to be effective, a regulation by the Federal Government.

Chairman WALSH. From your knowledge of past decisions of the Supreme Court, to what extent do you consider that they are likely to approve the extension of Federal action with regard to labor conditions—I mean philosophically?

Dr. GOODNOW. That is a pretty hard question to ask a man to guess how the Supreme Court is going to decide, and particularly from a general point of view. You would have to take up the matter in a great deal of detail and make up your mind as to how, in view of decisions along a certain line, the Supreme Court would decide as to the constitutionality of the particular kind of law. Now, we have not so very many decisions at the present time to guide us. We have the decision in regard to the pure-food law, which is upheld. Of course, as is well known to the commission, the question has been mooted as to whether the act of Congress should apply the same method to the matter of child labor. That is, whether it could deny to the products of industry that were made as the result of child labor the right of interstate commerce. Now, I think a man could make a very good argument in favor of that proposition, but it is anybody's guess as to how the Supreme Court would decide it. The Supreme Court, of course, varies in its membership, and its views at one time may be somewhat different from at another time, but, as I say, a good legal argument in my opinion could be made in favor of that, in view of the decisions of the Supreme Court.

Chairman WALSH. I thought perhaps the section was evaded, enough at least to draw what might be called philosophical abstracts as to what the court has already done along that line.

Dr. GOODNOW. If you can argue from the decision in regard to the pure-food law and the decision in regard to this proposed child-labor law, I think philosophically they are quite analagous, you could make a good legal argument in favor of it, and I think that it could be pushed further.

Chairman WALSH. Finally, of course, it is the judgment of a majority of the Supreme Court of the United States?

Dr. GOODNOW. Yes, sir; finally.

Chairman WALSH. Calling your attention to this section of the Constitution, the question which provides that Congress shall have power to lay and collect taxes, duties, imposts, and excises, and pay the debts, and provide for the common defense and welfare of the United States; now, considering such a situation arose in which the military arm of the Federal Government is called upon to intervene—that is, the Chief Executive sends troops to a separate State, like in the State of Colorado—do you believe that machinery could be provided under that section by which action could be taken, for instance, if troops were sent in, whether under that section to pay the debts and provide for the common defense and welfare of the United States, that a body could be sent in in the nature of a mediation and conciliation board, or in an industrial dispute, are we committed to the proposition of sending armed forces along?

Dr. GOODNOW. I think there always have been two views in regard to the meaning of that particular clause. The way in which you have stated it I don't think is the view which has ordinarily been adopted. That is the clause as ordinarily interpreted to read that Congress shall have the power to lay and collect taxes, duties, imposts, and excises in order to pay the debts and provide for the common defense and welfare of the United States. It is not to collect taxes, duties, imposts, and excises and pay the debts and to provide for their welfare. You would depart from the fundamental theory of the Constitution, namely, that the Federal Government is a government of enumerated powers. While there is no limit upon the power of the United States to collect taxes, duties, imposts, and excises as long as they are used to provide for the welfare of the United States, Congress has not the power, apart from the enumerated powers of the Constitution, to provide for the welfare of the United States. That is the function of the State government. I would think that nothing could be derived from that clause of the Constitution of the character which you suggest.

Chairman WALSH. Do you have any other legal suggestions in mind by which something of that kind could perhaps be done; that is, if it is impossible in the National Government to send troops in merely to preserve order?

Dr. GOODNOW. The duty provided by the Constitution is that troops shall be sent in on the application of the governor of the State and the State authorities—that is, where a power such as the interstate commerce power of the United States Government is not interfered with.

Commissioner LENNON. Just a question or two. In speaking of the qualifications of judges, would it be helpful or otherwise if judges were required to spend 5 or 10 years in industrial and manual labor, as well as to pass their technical requirements? Would that he belpful to them?

Dr. GOODNOW. I would not think so.

Commissioner LENNON. You would not think so?

Dr. GOODNOW. I would not think so.

Commissioner LENNON. You think the experience would be of no value?

Dr. GOODNOW. I am afraid not.

Commissioner LENNON. There have been judges that have had that experience. I want to ask, sure you have studied it to some considerable extent, what view do you hold as to the right of the courts, either State or national, particularly national, to pass upon the constitutionality of acts or laws passed by Congress? Have they such power granted to them by legal enactment?

Dr. GOODNOW. Well, I don't think in view of the way in which the Constitution has been interpreted that there could be any doubt at all now as to the constitutionality of the exercise of that power by the courts.

Commissioner LENNON. Well, if it can be shown that the power was originally usurped—suppose it had continued for a thousand years, would that overcome the fact that originally it had been usurped by the courts?

Dr. GOODNOW. I would say there was something in the nature of the statute of limitation under those conditions; that the acquiescence of the people for so

long, for over a century, in that action on the part of the courts, would have killed any original usurpation, and I don't mean to say that I believe that there was any original usurpation.

Commissioner LENNON. No. Is it not a fact that this question has been raised in the last 10 years as it never was raised before?

Dr. GOODNOW. I think it is; yes, sir.

Commissioner WEINSTOCK. If the military arm of the Government, Doctor, became oppressive in dealing with workers in labor troubles, what would or could the workers do to protect their rights under the law, in lieu of resorting to force or violence?

Dr. GOODNOW. Well, I don't see what they can do except through the exercise of the power that every voter of the United States has, to endeavor to put out of office a government which in their belief has usurped power, as a general thing. I never made a particular study of the situation, but as a general thing I want to say in all these cases, where there has been this qualified military law declared, the declaration of qualified military law has always been preceded by violence, that was incident to the strike, whether it was due to the strikers or whether it was due to outside people, but there actually was violence, and in view of the existence of this violence, which threatened the continuation of the peaceful relations which we must regard as the basis of our Government, the governor has exercised power which was constitutional and which has been granted to him in the Constitution to exercise under those conditions. That is the way I look at it, as a legal constitutional proposition. Now, it may be, of course, in special instances that the governor has not exercised his power wisely, but I can not see how you can have any other method of exercise of power in that respect than you can have in all of these cases in which there may be the unwise exercise of political power, and that is by resorting to the people.

Commissioner WEINSTOCK. Taking a concrete case, Doctor; taking the case, for example, of the Colorado situation, and analyzing it; let us see what your counsel in the matter would lead to. The governor ordered out the militia in connection with some coal strike that took place in Colorado. There was a conflict of testimony there as to the cause and effect. The National Guardsmen maintain that they fought in self-defense, that they were first attacked by the strikers. The strikers deny that, and claim that the initiative was taken on the part of the National Guardsmen, which led to riot. Let us assume for the purpose of our illustration, and for the purpose of our analysis, that the workers are correct in their statement, and that the militia did take the initiative, and did abuse their power, and did harrass and fire upon innocent people. Your advice and counsel under those circumstances to the worker is: "Take the result. Yield for the time being. Do not attempt to take the short cut and get immediate redress, but recognize the existing authorities and abide by their demand. Let your remedy come by use of the ballot. See to it that the commander in chief that is responsible for this is either recalled under your recall law, or is condemned by public sentiment, and not reelected." Do I follow you?

Dr. GOODNOW. Yes, sir; it seems to me that any other advice is going to lead to anarchy. It seems to me that the fundamental proposition you have to start with is that we must have peace; and we shall not recognize any such thing legally as right to restrain the constituted authorities. The right of revolution or violence or anything of that sort. We must as civilized men adopt that idea or else there is no peace for our Government.

Commissioner WEINSTOCK. In other words, the short cut to the remedy must be condemned?

Dr. GOODNOW. Yes, sir; as I look at it.

Commissioner WEINSTOCK. And that it is better for a group of men to suffer from real or fancied injuries temporarily than to have chaos prevail?

Dr. GOODNOW. Certainly. One of the many troubles seems to be the workers in the country never will gain anything by any such thing as organized violence. The people as a whole condemn it, and they can do very much better by presenting their case as forcibly as it can be to the courts, where that is possible, or to the public as a whole.

Commissioner WEINSTOCK. You feel that where the military arm would be oppressive and unjust and tyrannical, that while that might be in the nature of an extenuating circumstance on the part of the workers in responding, that nevertheless it should be condemned and punished for it on the theory that they have their redress through the ballot?

Dr. GOODNOW. When you come to the punishment, that is rather a different thing. There would be punishment in so far as they contributed to the bringing

about of disorderly conditions, but in the punishment, why, of course, regard would be had for the extenuating circumstances which you mention.

Commissioner O'CONNELL. Would you, right there, as occurred, for instance, to a man in Colorado, the military being out, where the courts were in perfect operation, ready to perform the duties of the courts, and the military simply arrested people and held them in bondage; how was the individual man to get relief in that case?

Dr. GOODNOW. Well, I was out of the country at the time these things occurred, and I don't know. I have no personal knowledge, or even—I was not able to read what did occur there, and so, in any answer I could give, I must base what I say upon the supposition that you have made.

Commissioner O'CONNELL. The same as Mr. Weinstock supposed that the laboring men were perfectly right in resisting?

Dr. GOODNOW. But I understand the courts were in operation, and access to the courts was not denied them; and I would say they have no excuse for not applying to the court.

Commissioner O'CONNELL. How could they get to the courts when they were locked up by the military?

Dr. GOODNOW. Why, anyone can apply for a writ of habeas corpus in favor of anybody under arrest. It is not necessary, I say, that the individual under arrest should apply for it.

Commissioner O'CONNELL. Purely an individual case; an individual with no one particularly interested in him——

Dr. GOODNOW. Yes; but if you have a labor organization, the heads of the labor organization are interested.

Commissioner O'CONNELL. Suppose we have no labor organizations?

Dr. GOODNOW. I think it would be very difficult to suppose a case where it would not be possible for that man to bring the matter up before a court.

Commissioner O'CONNELL. You talk about them waiting and taking time and not taking the short cut, as Mr. Weinstock suggests, but obey orders, as was recited to us here, and remain in the bull pens, if that was the wish of the military, wait until legislation can be secured and proper remuneration for damage; but the man dies in the bull pen, what then? How are you going to bring back his life?

Dr. GOODNOW. Well, of course, you can not bring back his life; but he is in the bull pen because application has not been made to the court for a writ of habeas corpus, assuming that he is being held there unjustly.

Commissioner O'CONNELL. How is the individual man who is simply working from day to day and has no money—lawyers usually don't work for nothing—how is he going to get the admission to the court?

Dr. GOODNOW. Well, as I say, I can not conceive of the condition of circumstances where that would be possible. I don't mean to say that it may not have existed; but I don't know it.

Commissioner O'CONNELL. I understood you to say that you were a teacher, not a practitioner of law?

Dr. GOODNOW. Yes.

Commissioner O'CONNELL. I take it you have not worked in factories, workshops, and mines, and things of that kind?

Dr. GOODNOW. No.

Commissioner O'CONNELL. You have not been right down in the midst of all those?

Dr. GOODNOW. No.

Commissioner O'CONNELL. I take it also that you concede that you can not appreciate the feeling of the man down there in the midst of all this?

Dr. GOODNOW. No; probably not.

Commissioner O'CONNELL. You see it from the purely legal standpoint?

Dr. GOODNOW. Yes.

Commissioner O'CONNELL. Absolutely?

Dr. GOODNOW. Absolutely; yes.

Commissioner O'CONNELL. As the book reads?

Dr. GOODNOW. No; not exactly as the book reads, but as I see life about me.

Commissioner O'CONNELL. You said a moment ago that you were not a practicing lawyer, but a teacher, implying that there was some difference between a man who taught law and a man who practiced law?

Dr. GOODNOW. Well, no; I think you—possibly I did not make myself plain; but in answer to the chairman's question as to the admissibility of such kind of evidence, I said I did not consider myself qualified to express any opinion on that, because that is a matter within the domain of the practicing lawyer.

Commissioner O'CONNELL. Do you teach that to your students?

Dr. GOODNOW. No; I do not.

Commissioner O'CONNELL. Don't you teach them how to practice law?

Dr. GOODNOW. My work has to do mainly with constitutional law and has nothing to do with the law of evidence.

Commissioner O'CONNELL. When you finish with them they understand constitutional law, do they?

Dr. GOODNOW. Well, I hope so—some of it.

Commissioner O'CONNELL. Well, if that be true, wouldn't they know all about the practice of law, under that particular part of the law that you teach them?

Dr. GOODNOW. No; they would not.

Commissioner O'CONNELL. Oh. Then they are not finished in that?

Dr. GOODNOW. No; I think it would be very seldom the case that they would be finished under one feature of law. Law is a pretty wide subject, and has to be taught by a good many teachers; and the rules of procedure, practice, and so on——

Commissioner O'CONNELL (interrupting). Is that the reason we have so many constructions of law, because it is taught by so many and they receive different conceptions of the law?

Dr. GOODNOW. That I can not say.

Commissioner O'CONNELL. But I understand you do not, as a teacher of law—answering Mr. Weinstock's questions, conceding labor was right in all the things they were striving for—they should not attempt to take the short cut. They should simply obey?

Dr. GOODNOW. That is my idea.

Commissioner O'CONNELL. And if the military comes out and says, "You stay in your house, and you must not come out of there," and they say you must do this and the other thing, and say, "We are the boss," they must do that?

Dr. GOODNOW. Well, as I said, the coming out of the military has, so far as I know, in all these cases been preceded by violence.

Commissioner O'CONNELL. Well, suppose now—it is a supposition, there may have been some violence, but it is a supposition there is going to be violence. There are thousands of men on strike in this little community. The local officials, as was indicated here by some witness, or before our commission at some place, that the sheriff felt he was not going to be in a position to control the situation. If the mayor and the city officials in the city where the affair took place did not feel that it was necessary to bring in some outside force, and yet upon the application of one man the force was brought in. He believed there was going to be, and the evidence showed some officials of the city had not been, any violence—none whatever prior to the time these State officials came into the field. It was supposed there was going to be violence because there were large numbers of people out of work or had stopped work. Now, it is not always that violence has occurred before forces were brought into the field. As a man of law, you will agree that when injunctions are asked for it is not always that things have occurred, but they say that they are going to occur—we believe they are going to occur.

Dr. GOODNOW. Well, of course, what you say amounts to this—you are criticising in a particular instance the action on the part of the governor in the exercise of a power which is recognized by the Constitution as his. Now, I don't mean by any means that such a power has not and may not be abused or be exercised indiscreetly. That is true of every power you have in the Government. It may be exercised indiscreetly, but I can not see how, if we are to have a state of civilization based upon peace, that is any excuse for the result to violence with a result of bringing about what is a state of war; that is, the whole theory of democratic government is that under those conditions if the officers of the Government have made an indiscreet exercise of their power, then the people will do what they can at the next election to put them out. That is the theory of the democratic government.

Commissioner O'CONNELL. Has that been the history of our democratic government?

Dr. GOODNOW. I should say very largely it has been. I don't mean to say there have not been exceptions. There have been cases of violence, and they might be extenuated by particular conditions; but what I object to is the statement of a policy of violence. If you support a policy of violence as being the policy to adopt, you are simply breaking into our whole system of civilization. We can not, we simply can not exist, except upon the basis of peaceful relations.

Commissioner O'CONNELL. I do not know of anyone who has declared a policy of violence.

Dr. GOODNOW. That is what you are asking, whether under these conditions they should resort to violence.

Commissioner O'CONNELL. Oh, no.

Dr. GOODNOW. A short cut—it was put.

Commissioner O'CONNELL. I don't know what Mr. Weinstock meant by "short cut." I was simply using his language. Sometimes the longest way around is the nearest way home.

Dr. GOODNOW. Yes.

Commissioner O'CONNELL. I don't know just what he employed short cut to mean, but I take it the short cut was not to commit violence; not to resist with force; not to say to the authorities in the field: "We won't obey your orders. We are entitled to free speech. We are entitled to free press, and all that sort of thing, and we won't obey you?"

Dr. GOODNOW. Well, it is a question of law you have got to determine in a particular case. After the declaration of a State that the State is in a state of insurrection, or that particular counties are in a state of insurrection, where that has been done by the governor, the rights of the individual are not as great as they were before; that is, as a matter of law.

Commissioner O'CONNELL. But the individual per se, without associations or ramifications of any kind, in these great ramifications of this Government of ours, what chance has he before the law?

Dr. GOODNOW. I don't see but what he has got the whole—I don't mean to say there are not injustices in particular cases; but I should say, on the whole, the American citizen has, under our law at the present time, ample opportunity to enforce his rights, although there may be occasions where under local conditions there may be a good deal of passion and prejudice, and so on. Of course, his rights may be limited; but generally, by and large, we do, as American citizens, we have a right, and a very broad right, to free speech, and a right to liberty, and a very broad right to liberty, and we have, generally speaking, the remedies by which we can enforce those rights.

Commissioner O'CONNELL. The poor man is arrested on the street corner, the policeman says, for violating the right of free speech, and he locks him up without ceremony. The next morning he is brought before the court, or probably the ordinary police magistrate, in the locality where he has been arrested. The lawyer appears and says, "I will defend you for $5 or $10," or, I suppose, there are those who will defend him for a dollar or two; but they want money, and he has not got it. What is his opportunity?

Dr. GOODNOW. Well, I think you take it by and large that a man who can, under those conditions, represent his case himself and bring out the facts, I think you will find he will get his rights.

Commissioner GARRETSON. Do you think he would be secured his rights?

Dr. GOODNOW. Yes. I do not mean to say there are no exceptions, for there is nothing perfect in this world.

Commissioner LENNON. What we are after, Professor, is this: We want to know what is the remedy where officials violate the law, that they shall be as quickly punished for violation of the law as the individual; that is what we want and that is what you want. We do not want any redress from violence because we are workingmen; we expect to be punished if we are guilty, but if a militiaman is guilty of violence we want him to be punished as quickly as the individual. How can we accomplish that?

Dr. GOODNOW. The only way I can see—you can not accomplish it at once; the Government is too complicated to make it possible for you to expect that. The only way you can accomplish it is by bringing your case before the public, and by finally exercising the political power you have by way of the vote.

Commissioner LENNON. That is a cause of unrest. I want to state a case that is a matter of record. Two men were brought into a court in Colorado on a writ of habeas corpus, and they were heard, and the court ordered them discharged. The militia surrounded the courthouse and refused to discharge them and took them back and held them. Now, the working people feel that they should have a redress against the militia, just as rapidly as it would be the other way.

Dr. GOODNOW. You never can have that; I do not see how you can have it while the Government goes on; that is my opinion.

Commissioner LENNON. That is all.

Chairman WALSH. Commissioner Weinstock has another question.

Commissioner WEINSTOCK. Would not this be the answer to Mr. O'Connell's question? What redress has the worker or the individual who has been mistreated at the hands of the authorities? Would not this concrete case answer his question: In the city of San Francisco a man was arrested, a chauffeur, for either outraging or attempting to outrage a girl in a park. A large amount of bail was fixed by one of the police judges, and some shyster lawyer having influence with another police judge, succeeded in getting some other police judge to reduce the bail to a trifling amount, which was put up, and the offender escaped and was not reached. This not being even the first case of the kind that occurred, it aroused a good deal of indignation, and the people arose in their might and exercised the recall, and the judge was very badly defeated at the recall, and it ended really in his dying of a broken heart. Is that not a remedy rather than lynch law?

Commissioner O'CONNELL. What became of the girl? Where did she get compensation for her trouble?

Commissioner WEINSTOCK. How could you compensate her?

Commissioner O'CONNELL. That is the question I want to know, that I want to have answered.

Commissioner WEINSTOCK. Can you make any law that will compensate a girl and bring back her virtue?

Commissioner O'CONNELL. Not a law perhaps, but she could be taken care of and helped in that way.

Commissioner WEINSTOCK. Is it not true that if groups of men having real or fancied grievances justified themselves in resisting authority, would it not mean practically a transplanting of the present Mexican conditions onto American soil?

Dr. GOODNOW. Yes; it would result in the destruction of our civilization.

Commissioner LENNON. I want to say that we agree to that, but there is something else.

Chairman WALSH. Commissioner Garretson has a question to ask.

Commissioner GARRETSON. Is this new legal right which you have asserted is the property of every American citizen a theoretical or actual right under the processes that obtain?

Mr. GOODNOW. I should say by and large it is an actual right. Of course, there are certain conditions you always have where it is difficult, if not impossible, to enforce it.

Commissioner GARRETSON. Have you ever heard or known of an instance where a layman, without legal aid, secured a writ of habeas corpus or have you ever heard remotely of such a case?

Dr. GOODNOW. No, I have not heard of any.

Commissioner GARRETSON. Take the men like they were in the Colorado district—the disturbed district—scores of men there with neither family nor any other ties, utterly incapable of getting money through any channel; if one of these men were under arrest, what remedy—is it remotely possible to have such action in his favor?

Dr. GOODNOW. You simply suppose he had no associates—no one outside?

Commissioner GARRETSON. He had no one; he was an alien.

Dr. GOODNOW. Under those conditions, of course, it would be——

Commissioner GARRETSON (interrupting). A theoretical right, Doctor?

Dr. GOODNOW. Yes.

Commissioner GARRETSON. Now, as justice is applied—I saw the other day an incident which very nicely illustrates the assertion that has been made here by a large number of men who are themselves connected in one capacity or another with the administration of justice—looking from my office window to a corner in the city streets, where a policeman occupied the center of the intersection, a teamster cut the corner; the copper climbed up on the seat of his wagon and arrested him and drove him to the station house. Less than two hours after that the owner of an automobile cut the corner and was arrested, and the copper took his number and told him to report. Both were equally identified; do you call that justice?

Dr. GOODNOW. Well, you have got to remember that the number on the automobile is a matter of register, and there is no method by means of which, in the case of a teamster, you could be sure of identification.

Commissioner GARRETSON. Every wagon in that city engaged in traffic has a number on it which is issued by the city, just as the automobile had a number on it issued by the State, and the copper knew both men individually, and that

is no isolated case. One man had a social and political pull; the other had not.

Dr. GOODNOW. How are you going to help it?

Commissioner GARRETSON. You mean without depriving the other one of the pull?

Dr. GOODNOW. I do not know how you are going to prevent those things.

Commissioner GARRETSON. Is that even-handed justice?

Dr. GOODNOW. No. You never had even-handed justice since the world began.

Commissioner GARRETSON. Do you believe that since the world began there has been a considerable number of individuals striving toward it, and who hold it as an ideal?

Dr. GOODNOW. Yes; and we are making progress.

Commissioner GARRETSON. But we have not got to that stage yet?

Dr. GOODNOW. We have not got quite there yet.

Commissioner GARRETSON. What legal view do you hold of this condition; this is actual, as testified to before this commission? It was testified by the legal adviser of the adjutant general of a State that simply the presence of the militia in the field in itself creates modified martial law, without any proclamation by the properly constituted authorities.

Dr. GOODNOW. That depends on the law of the State; you have to look that up.

Commissioner GARRETSON. It was asserted by him that the decision of the supreme court of the State so held; you would hold in that case that it became good law?

Dr. GOODNOW. Well, if the supreme court said so, yes; it is the law.

Commissioner GARRETSON. That dictum will make good law?

Dr. GOODNOW. Well, no; it won't; it all depends on what the constitution of the State says, or the laws of the State say; that is a question you can not answer in a general way.

Commissioner GARRETSON. You would not hold that a dictum of the courts would make the law, notwithstanding what the Constitution was?

Dr. GOODNOW. It would if it was in accord with the constitution of the State.

Commissioner GARRETSON. If it was not appealed to another tribunal?

Dr. GOODNOW. Yes.

Commissioner GARRETSON. Now, your opinion in regard to the adoption of revolutionary methods—that is, opposing force to the lawfully constituted authority—would that opinion depend in any degree, your opinion as to whether it was proper or improper, depend in any degree upon the universality of the injustice complained of?

Dr. GOODNOW. No.

Commissioner GARRETSON. Whether it was in one State or in 48 States?

Dr. GOODNOW. No; that is, I don't see—if you are going to justify violence as a policy, why, then our civilization is gone. I do not mean to say there may not be extenuating circumstances for the violence at a given time, and you can look back through history, and it is perfectly evident that violence has sometimes been of value under exceptional circumstances, but when you try to set up a general policy of violence you are upsetting civilization.

Commissioner GARRETSON. It depends purely on a question of justification?

Dr. GOODNOW. No.

Commissioner GARRETSON. Has humanity advanced; has it ever made a great stride, spiritually or temporally, without a revolution?

Dr. GOODNOW. Yes; most of it has been in the absence of revolution.

Commissioner GARRETSON. What was the birth of this Republic founded in?

Dr. GOODNOW. Revolution.

Commissioner GARRETSON. Was it justified?

Dr. GOODNOW. We think so.

Commissioner GARRETSON. England does not.

Dr. GOODNOW. I do not know whether she does now or not.

Commissioner GARRETSON. They expressed quite forcibly their opinion on it at the time?

Dr. GOODNOW. Yes.

Commissioner GARRETSON. Bear in mind, I have not carried any guns myself. Has there been any instance—the opinion was expressed here to this body by men holding high legal positions that the power was not vested under the Constitution of the United States in the Supreme Court to pass upon the constitutionality of acts of Congress. Do you agree with or dissent from that view?

Dr. GOODNOW. I answered that question, I think, for Mr. O'Connell.

Commissioner GARRETSON. I overlooked it then.

Dr. GOODNOW. I am willing to answer it again; but what I said then was that, whether you considered that there had been originally a usurpation of constitutional power or not, the universal acquiescence in the exercise of that power by the American people for more than a hundred years has cured any usurpation that has existed; and in saying that I do not wish to be understood as admitting there was usurpation.

Commissioner GARRETSON. Have you any knowledge as to whether or not Congress did pass an act in 1865 or 1866 distinctly notifying the Supreme Court to keep its hands off of the act?

Dr. GOODNOW. I do not think that would be exactly a correct statement of the action of Congress.

Commissioner GARRETSON. That is probably a crude way of stating it.

Dr. GOODNOW. The only case I can remember was where there was a case that was at that time on appeal before the Supreme Court with regard to the constitutionality of certain legislation that was incident to the reconstruction subsequent to the war.

Commissioner GARRETSON. The Blind case was on appeal.

Dr. GOODNOW. I do not remember the name of the case, but I could find it if you desire. And while that case was pending before the Supreme Court Congress passed a law limiting the appellate jurisdiction of the court, which is under the control of Congress, and the Supreme Court, as a result of the passage of that law, said that it had no jurisdiction and did not proceed with the decision of the case.

Commissioner GARRETSON. In other words, it recognized the will of Congress in that direction, regardless of how that will was expressed?

Dr. GOODNOW. Yes; in that particular instance.

Commissioner GARRETSON. Well, then, could it reasonably be held that the American people had acquiesced in the usurpation for a hundred years?

Dr. GOODNOW. I think it could be. That did not involve exactly that question. It involved merely the question as to the appellate jurisdiction of the Supreme Court, which, by the Constitution, is to be determined by Congress, and Congress simply limits the appellate jurisdiction of the court in that class of cases, and that being the case the Supreme Court refused to proceed further with that decision.

Commissioner GARRETSON. From that conclusion that the power is absolutely vested in Congress to declare that the Supreme Court does not possess the power of passing upon the constitutionality of acts of Congress?

Dr. GOODNOW. I do not think that any lawyer would regard that was within the power of Congress; I think they would consider that the power the court has is based on the Constitution, and until the Constitution is amended Congress would not have the right to deprive the Supreme Court of the right of considering that class of cases coming under their jurisdiction.

Commissioner GARRETSON. Your idea is that it can only be done by amendment of the Constitution?

Dr. GOODNOW. Yes.

Commissioner GARRETSON. I want to ask you a question, and I do not want to press for an answer if you do not feel free to answer it. There are countries where judicial schools are conducted—they may not be described in that way—where judges are educated

Dr. GOODNOW. In Germany the judges, as I understand, as a general thing are not chosen from the members of the bar.

Commissioner GARRETSON. They are subjected to a course of instruction, in a greater or less degree, to fit them for judicial positions?

Dr. GOODNOW. They have the same education which members of the bar have, but after having passed a certain examination they are associated with the courts in subordinate capacities, and as they show that they are capable then they are promoted until they become full members of the court, so that the members of the court, as I understand it, are not ordinarily chosen from members of the bar in active practice.

Commissioner GARRETSON. I judge that as a teacher of law, no matter what branch it may be, that you have followed with much interest the career of men in that position, and the question is this, if you feel free to answer it: Do you believe that the practice of civil or criminal law is a school that fits a man for the judgeship in the greatest degree?

Dr. GOODNOW. I think one of the troubles, as I have looked at it, in the selection of the judges from the members of the bar, is that you get men whose main work has been the attempt to protect private rights, and who do not

have as fully before them, as they otherwise might, the public interest; that is, we will assume they are absolutely incorruptible and intend to do all that is right.

Commissioner GARRETSON. Certainly.

Dr. GOODNOW. But they are biased as a result of having been engaged in the defense of the private rights of their clients; their bias is rather in favor of private rights than in favor of the public interests, and it is only as judges have been a considerable period upon the bench as they get these questions involving the public interest before them, that they are emancipated from this one-sided, this one angle of vision. That is the way I look at it; just as a private opinion.

Commissioner GARRETSON. That is what I am asking for, because it was reasonably supposed you had a very accurate knowledge of law and a mind developed along that certain line. Can any man follow a pursuit to a mature age without being influenced in a degree by that pursuit itself?

Dr. GOODNOW. I suppose that would be always inevitable.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. I have a couple of questions which I have been asked to put to you. This is one [reads]:

"If a defendant acquitted by a military court and again arrested in the criminal court on the same charge, failed to plead former jeopardy and only entered a plea of not guilty and offered the evidence of former acquittal as res adjudicata, what instruction would or should be given to the jury?'"

An attorney has asked me to ask you that question.

Dr. GOODNOW. As I understand the proceedings in a court-martial, it would have no effect at all; it is another system of court.

Chairman WALSH. And if there is a military law and court, the practice of that court is determined by the code or rules of practice and the decisions respecting it?

Dr. GOODNOW. Yes.

Chairman WALSH. And the question of former jeopardy has to be pleaded separately and heard separately?

Dr. GOODNOW. Yes.

Chairman WALSH. And in most of the States that plea has to be decided before that trial takes place?

Dr. GOODNOW. I don't know about that.

Chairman WALSH. I don't either.

One other question, and this is an economic question [reads]:

"Can you conceive of a condition in which the economic or industrial organizations should become so dominating, industry become organized to such a high degree, that it would be desirable to have persons for judges who were not learned in the law?"

Dr. GOODNOW. That method is adopted, for instance, in France; that is, all these questions between employer and employee come up before a special tribunal, which consists of judges not chosen from among those learned in the law, but chosen from among employees and employers.

Chairman WALSH. Have you an opinion on the subject?

Dr. GOODNOW. I understand that works pretty well in France.

Chairman WALSH. I have been asked to ask this question, also [reads]:

"Do you not fear that to raise the educational requirements for the bar would, by placing the legal and judicial profession beyond the reach of any but the rich, make for a more decided bias in the administration of justice?"

Dr. GOODNOW. Well, of course, that is a question; it would undoubtedly make it more difficult for the poor classes of people.

Chairman WALSH. More expensive?

Dr. GOODNOW. Yes; it would make it more difficult for them to be admitted to the bar, but, of course, you have to offset against that the advantages which might be derived from their education, and at the present time I think we must admit, as I have said, there is no attempt made whatever in our qualifications for entrance to the bar to secure men who have any knowledge of economic questions.

Chairman WALSH. That is all, thank you, Doctor, you will be excused permanently.

The commission will now stand adjourned until 2 o'clock this afternoon.

(Thereupon, an adjournment was taken at 12.30 o'clock May 13, 1915, until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Mr. Cyphers.

TESTIMONY OF MR. HARRY A. CYPHERS.

Chairman WALSH. I am sorry to have had to keep you this long, and another thing is we will have to be quite brief, because we have been pretty fully over those particular questions, but some other little information that we desired to secure from you, though the subject was pretty well covered the other day.

What is your name, please?

Mr. CYPHERS. Harry A. Cyphers.

Chairman WALSH. And where do you reside?

Mr. CYPHERS. South Bethlehem.

Chairman WALSH. And your profession?

Mr. CYPHERS. Lawyer.

Chairman WALSH. How long have you lived in South Bethlehem?

Mr. CYPHERS. Twenty-three years.

Chairman WALSH. Are you familiar with the conditions that prevail in South Bethlehem with particular reference to the steel industry, prior to February 4, 1910?

Mr. CYPHERS. Fairly so; as well as could be with the observation and association on the street.

Chairman WALSH. Briefly, what caused the strike?

Mr. CYPHERS. The real cause of the strike, I think, was the illtreatment or unjust adjustment of the differences that arose between the various employees and their underbosses.

Chairman WALSH. And the main grievances were what?

Mr. CYPHERS. The main grievances were the fact that they got no fair adjustment of any differences that arose. For instance, if a man would complain about some work that he had done, that he didn't get paid for, why it would be waived aside without consideration and brushed aside, and any complaint never reached any further than such dismissal.

Chairman WALSH. But there was a definite feeling of unrest among the men at the time?

Mr. CYPHERS. All over the whole city.

Chairman WALSH. How long were those men on strike prior to the arrival of the constabulary?

Mr. CYPHERS. From February 4 to the 25th of February.

Chairman WALSH. Under that condition what was the condition of South Bethlehem with reference to peace and order?

Mr. CYPHERS. About like an ordinary Sunday morning—quiet.

Chairman WALSH. Was it perfectly safe for citizens and officials of the steel company and others to move about the city of South Bethlehem?

Mr. CYPHERS. Yes, sir; without question.

Chairman WALSH. When did the constabulary arrive?

Mr. CYPHERS. I think it was Friday morning the 25th.

Chairman WALSH. Please describe briefly what was the condition following their arrival.

Mr. CYPHERS. The first excitement arose as soon as it was learned the constabulary had come to town. Everybody wanted to see them, and necessarily the excitement began to increase until they came out onto the street and attempted to drive the spectators off the street, which created discord at once. There was some 25 of them, and they marched up through the middle of the street, and every man that said anything about them, why they made a dive for him. Of course, the people ran wherever they could, and some arrests were made, and they took them down to the old Bethlehem Steel Company's office in the building and locked them up over Sunday. No hearings—disregarded everybody that was in authority, police officers, mayor, and burgesses, and all were disregarded; and they simply went on and locked up people without any consideration, whether they had done anything, or what the cases were; nobody could reach them.

Chairman WALSH. Were you engaged as attorney to represent any persons placed under arrest?

Mr. CYPHERS. I was on a Saturday, I think, my recollection is.

Chairman WALSH. Upon what date was Mr. Zambo killed?

Mr. CYPHERS. On Saturday morning.

Chairman WALSH. What date?

Mr. CYPHERS. The 26th.

Chairman WALSH. The 26th of February?

Mr. CYPHERS. I think it was that; I am not sure whether it was the 25th or the 26th, but I think it was the 26th.

Chairman WALSH. Where were the hearings held for those arrested by the State police?

Mr. CYPHERS. The first lot, amounting to some 30-odd cases, were heard in Mr. Schwab's office, in the office of the Bethlehem Steel Co.'s building.

Chairman WALSH. Was Mr. Schwab present?

Mr. CYPHERS. Yes, sir.

Chairman WALSH. Anybody else?

Mr. CYPHERS. Four or five, or six or eight——

Chairman WALSH (interrupting). I mean, anyone else of the company there?

Mr. CYPHERS. Yes; all the officials.

Chairman WALSH. Who was there representing the men on strike?

Mr. CYPHERS. I was.

Chairman WALSH. Anyone else?

Mr. CYPHERS. No.

Chairman WALSH. Were the trials public? Could anyone come in that desired?

Mr. CYPHERS. No; they didn't have room for them all. By the time they got the State constabulary in and the justice and the district attorney and the steel company officials, there wasn't much room left. We were crowded——

Chairman WALSH. Could the men on strike that wanted to get in get into the room?

Mr. CYPHERS. Nobody attempted to come in. They were held clear in the middle of the building, and the entrance to it was barred by the officials, and you had to go through the hall and——

Chairman WALSH. Is there a requirement in the State constitution of Pennsylvania that a man charged with crime shall have a speedy and public trial?

Mr. CYPHERS. I understand so.

Chairman WALSH. Have you the original notes taken by you at the time with reference to the charges and the amount of bail required?

Mr. CYPHERS. Yes, sir; I have. I made a memorandum of each case at the time, and I looked the other day and found it. The charges were mostly throwing stones; the bail required in all of the cases was $1,000, except one or two. During the first two or three cases that were called and were testified to by the State constabulary——

Commissioner GARRETSON. Was that $1,000 in each individual case?

Mr. CYPHERS. Yes, sir. For instance, the first person I have on my list was Serminski, charged with throwing stones and rioting. The bail required was $1,000.

Chairman WALSH. How many men were arrested on charges of that sort?

Mr. CYPHERS. My recollection is that there were some 26 or 28 in the office when I first went down to the steel company's office to see them.

Chairman WALSH. Could you please offer that into our record here, and we will copy it and return the original?

Mr. CYPHERS. You don't need to return them. I have no use for them. They are merely old files.

(See Cyphers Exhibit at end of this subject.)

Chairman WALSH. Did you offer your services to assist in prosecution of the men accused of killing Zambo?

Mr. CYPHERS. I did, and it was refused.

Chairman WALSH. Who had the prosecuting in all of these cases?

Mr. CYPHERS. The district attorney.

Chairman WALSH. Was there special counsel on either side?

Mr. CYPHERS. Yes, sir; one of the principal attorneys representing some of the cases for the Commonwealth, and I raised the question at the time that if they were permitted private counsel for the Commonwealth in a case in which the strikers were arrested, I wanted to appear for the Commonwealth when it came to the trial of the State constabulary.

Chairman WALSH. What was the reply to that?

Mr. CYPHERS. The district attorney told me all right, and I raised the question before the court, and the court said there was no occasion to appear for the Commonwealth, and that I could appear for the defendants, and I did, and at the trial of them for two days, I came in the court on the morning of the third day, and I told the court I had changed my plea, or would change it, and

submit a plea of non vult, if he would tell me they would be disposed of, and the court agreed to it.

Chairman WALSH. What were they sentenced to?

Mr. CYPHERS. From six to nine months.

Chairman WALSH. What was that plea?

Mr. CYPHERS. Non vult; in other words, don't care to contest the issue. The Zambo case was called for trial, or the trooper, rather, who did the shooting, and when it was called for trial at the next term of court I think I was told by the district attorney he had discussed the matter with the court and to see if he would consent to my appearing for the Commonwealth. They called some one else to testify and would not do it.

Chairman WALSH. Did you defend the strikers for unlawful arrest?

Mr. CYPHERS. I did.

Chairman WALSH. How many?

Mr. CYPHERS. Four.

Chairman WALSH. How were the suits disposed of?

Mr. CYPHERS. They were; in the last week one of the boys came to me one day and asked me whether it made any difference to me if he dropped it, and I said, "No"; and a day or two afterwards there came to my office by mail three letters, which I have in my hand, from the other three directing me to drop the case. They read, addressed to me, "Owing to the fact we do not think the cases now before the court against Wilson and Robinson are of any consequence, we withdraw from the case." The first one is signed Stephen Ganzer.

Chairman WALSH. Who was he?

Mr. CYPHERS. The plaintiff in the case, and the other was John Setzler and Joseph Belt.

Chairman WALSH. Did the plaintiffs remain in the city?

Mr. CYPHERS. Yes, sir; they got their jobs back at the steel company; that was what ended the suits I learned afterwards.

Chairman WALSH. What were the amounts of the suits that were filed?

Mr. CYPHERS. Five thousand dollars, $10,000, and various amounts. The cases grew out of picketing, and they were discharged before the squire.

Chairman WALSH. Are there many injuries of employees, or were there prior to that time, and were there many injuries to employees in the Bethlehem Steel Co.?

Mr. CYPHERS. Yes, sir; we see the ambulance go three or four or five times a day, and sometimes six or eight, to and from the hospital; it passes my office.

Chairman WALSH. As a usual thing are the persons injured recompensed for their injury?

Mr. CYPHERS. We never hear anything about it.

Chairman WALSH. Are there any suits filed against the Bethlehem Steel Co. for injuries?

Mr. CYPHERS. Not to any amount. In the 18 years I have practiced law I have had two. Both were settled before trial; one for a thousand dollars for a man that fell over a mold into a pit, and the other for $600, where a man shoved a train over him and bumped his head off. I don't recall which was for $600 and which for a thousand, but one was $600 and the other a thousand dollars.

Chairman WALSH. What is your idea; why are not more suits brought; you say the ambulance goes three or four times a day?

Mr. CYPHERS. The reason for it is very simple; the steel company is the only industry in the town, and whenever anyone is hurt the members of the family—the brother and sisters, aunts and uncles—work for the steel company, and if some of them wanted to bring suit the influence is enough to quash them. That is the way it is done; it is a mere question of influence.

Commissioner O'CONNELL. I understand you to say there was no rioting before the constabulary was brought in?

Mr. CYPHERS. There was no rioting. It was quiet, generally speaking, as it could be on a Sunday morning. Anyone could go where they wished. There had been a couple of parades, but no rioting, except I heard of a little incident taking place, a little difficulty down at the steel company's office about their pay, and I didn't see that at all. The police officers were in charge, and it might have been a little rough at the time, but it was nothing serious.

Chairman WALSH. On whose request were they brought there?

Mr. CYPHERS. The State constabulary? On the information that came to me it was through the sheriff. The sheriff testified in the suit before the court,

when we tried those people that were arrested; he testified that he brought the State troops to town, and the only evidence of violence that he could testify to was that some boy had thrown a stone and broken a window right in the steel company's office, and they had taken the boy into the office, and they refused to prosecute him. That was his testimony before the court.

Commissioner O'CONNELL. Did the city officers—the mayor or chief of police—make any request?

Mr. CYPHERS. I think not. They refused to is my recollection of the fact.

Commissioner O'CONNELL. They refused to indorse the request for the State constabulary?

Mr. CYPHERS. There was, I think, the sheriff and the burgess that were in conference with the steel company officials for some little time, about the time it happened. I was not present and don't know what it was; all I get is from the talk on the street.

Commissioner O'CONNELL. Were there any arrests made by the city police prior to the State constabulary coming there?

Mr. CYPHERS. Not that I know of.

Commissioner O'CONNELL. Not out of the ordinary, that might occur at any time?

Mr. CYPHERS. No, sir.

Commissioner O'CONNELL. Immediately upon the arrival of the State constabulary there was some trouble?

Mr. CYPHERS. That was what started it up. Before they left the train at the station—they had not gone two blocks before they picked up a man that was half drunk; he was a painter, and had nothing to do with the steel works, and they took him to the market house and locked him up. The town then became very much excited, and everybody was in fever heat for a while until they got their bearings.

Commissioner O'CONNELL. The State constabulary was housed in the buildings of the steel company?

Mr. CYPHERS. The horses were in the steel company's stable, and the men were in the basement of the general offices on Third Street.

Commissioner O'CONNELL. Have you seen anything of the published statement, the financial statement of the Bethlehem Steel Co., showing that there had been compensation in any way for the keeping of the soldiers and policemen and horses?

Mr. CYPHERS. I have not.

Commissioner O'CONNELL. What was the general impression in Bethlehem—that the steel company furnished housing and food and places for their horses?

Mr. CYPHERS. That is the general idea, but we don't know for certain. They furnished everything; everything was free and plenty around there. In the sheriff's office—I was there several times—I was free to go anywhere in the office and about the works. I had on Sunday morning, when this excitement was on, I went down to the works, down to see the men in the building.

Commissioner O'CONNELL. What was the impression of the better—not the impression of the men on strike, but the citizens generally, the business men, as to the conduct of the State constabulary while at Bethlehem?

Mr. CYPHERS. Well, answering that, the business men, it was drawn into an issue between the business interests on the one end and the employees on the other before it had gotten very far, and so the business interests had all lined up with the steel company's side of it as against the employees on the other. That was the turn that the situation took, so that before the State constabulary came the impression of all business interests was with the men, and after they came and the excitement grew more intense it went the other way; and to illustrate how well the people were reposed and how peaceful, when the man Zambo was buried—the day he was buried—one of the priests who had charge of taking care of the interests of the striking employees went down to the steel company's office and told them if they would keep the constabulary in the steel company's fence and not let them out on the street that he would take care of the crowd. There were 5,000 men marched to that funeral and not a word from anybody.

Chairman WALSH. Were they kept in the inclosure?

Mr. CYPHERS. Yes.

Chairman WALSH. I think that was testified to by some one that an understanding was reached that they would not be out that day.

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. You spoke about the courts being held in the office of the company in which these 26 or 28 men were tried. Who held that court?

Mr. CYPHERS. Enright, the justice of the peace. He had his office in the market house, and they asked him to come down to the steel company's office and hold the hearing there.

Commissioner O'CONNELL. Who asked him to come down?

Mr. CYPHERS. The district attorney, or some one; I don't know how it was arranged. I was not consulted.

Commissioner O'CONNELL. Why could he not have held court in his own office?

Mr. CYPHERS. The other justices refused to go; some were asked. He was an old man.

Commissioner O'CONNELL. What impression did that state of affairs create in South Bethlehem when the court was moved into the company's office?

Mr. CYPHERS. It was all over before they found it out.

Commissioner O'CONNELL. After it was over and the matter was found out, what was the impression?

Mr. CYPHERS. The impression was that there had been simply a frame-up to send these men down.

Commissioner O'CONNELL. Did the business men who had gone over to the side of the company feel that was a just way to transact business?

Mr. CYPHERS. I do not think they expressed any opinion; they did not take any interest in it.

Commissioner O'CONNELL. Why didn't they?

Mr. CYPHERS. I never have heard thus far.

Commissioner O'CONNELL. Were they fearful of being forced out of business in South Bethlehem?

Mr. CYPHERS. No; I do not think that entered into the case; it was simply a choice of interests. Their interests laid more with the steel company than with the others. Most everyone in town depends on it for existence.

Commissioner O'CONNELL. What is your idea of the conduct of the State constabulary in Bethlehem?

Mr. CYPHERS. Theoretically they are all right, but practically they are dead wrong. The State constabulary would be all right if they would encamp somewhere in the town simply to preserve order and have nothing to do with the interests of the steel company and stay away from there.

Commissioner O'CONNELL. If they were to occupy simply a neutral position?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. Did they occupy a neutral position?

Mr. CYPHERS. Theoretically, yes; but practically, no.

Commissioner O'CONNELL. Under the law by which they are created they are supposed to occupy a neutral position?

Mr. CYPHERS. Yes; but they do not.

Commissioner O'CONNELL. They could hardly be expected to under the circumstances?

Mr. CYPHERS. No; and then they were fed and their horses were fed and kept on the company's property, and they had drink and refreshments in the company's office, and, of course, you could not expect them to be neutral under those circumstances.

Commissioner O'CONNELL. Were they furnished drink inside?

Mr. CYPHERS. I never saw them drinking, but I saw the bottles around.

Commissioner O'CONNELL. Did you ever see any of them under the influence of liquor?

Mr. CYPHERS. No; I can not say that I did. At the hearing before the squire they were standing around the doors, and if people would gather they would chase them off with clubs, without considering their interests, whether they were friends or relatives of the parties or just lookers-on. When I got into the matter and found the lay of the land I did not have much trouble straightening things out, because I could handle the men and the officers.

Commissioner O'CONNELL. One of the causes of the strike up there was that the men were working 12 hours or more per day 7 days a week?

Mr. CYPHERS. That was one of the elements that entered into it.

Commissioner O'CONNELL. A man would ask to be off on Sunday, "I have worked six days or a year straight ahead without a day off," and they would say, "You can not lay off," and if he laid off he would probably be laid off for good?

Mr. CYPHERS. That is the way I gather it.

Commissioner O'CONNELL. As you gathered the conditions at the steel mill, it was a condition of the men being compelled to work 12 hours per day or more, and 7 days a week?

Mr. CYPHERS. Some of them. I think the statement contained in the report as to the condition there is fairly correct; but the element that really entered into it more was not so much the wage and hours of labor, but the course of treatment the men got when they asked for a concession.

Commissioner O'CONNELL. As I get the causes of the trouble, there was at least that of long hours a day?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And the men working Sundays, without one day of rest in the week?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And the question of discrimination against them?

Mr. CYPHERS. Yes; the discrimination in favor of men that came from the outside; itinerants from the outside would be put alongside of the skilled mechanics and given practically one-third more wages, and if those who lived in town complained, they would say, "You can quit if you don't like it." And, of course, those men had families and could not leave. They were tied up, and as a result the better mechanics would drift along. I have in mind a skilled mechanic working for $3 a day, 30 cents an hour——

Commissioner O'CONNELL (interrupting). I want to get this in sequence, if I can. There were the hours of labor?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And Sunday labor?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. Persistent discrimination against the men for a number of reasons?

Mr. CYPHERS. Yes; various reasons.

Commissioner O'CONNELL. Lack of opportunity for the men to adjust their grievances with the officials of the company?

Mr. CYPHERS. That was a serious question.

Commissioner O'CONNELL. They could not get to the higher officials of the company?

Mr. CYPHERS. No; the higher officials of the company I have the utmost confidence in, and I think they would be fair in any case if it reached them.

Commissioner O'CONNELL. And the pot sort of boiled over, as it were?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. There was no organization among the men?

Mr. CYPHERS. No; two or three men would go around the shop and discuss the case of the men.

Commissioner O'CONNELL. And the pot boiled over, and there was a strike which grew day after day?

Mr. CYPHERS. The way I got the facts at the time it started out with one or two men having some little difference as to whether they should go to work or do some little job of some sort, and some of the men walked out.

Commissioner O'CONNELL. A few hundred one day and a few hundred another day until it was five or six thousand?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And that boiling over of the pot, as I put it, was a very great surprise to those in charge. They thought nothing of the kind could occur, because they had succeeded in preventing organization?

Mr. CYPHERS. Yes; they would not allow the employment of union men. I know of several instances where men, strangers in the town, were employed, and after they had worked two or three months they would attend a union meeting at Easton several miles away, and the next day they would be discharged.

Commissioner O'CONNELL. And this boiling over of the pot and the men being out on the street, from all that I have heard, with the exception of the sheriff, who says there was some rioting, was peaceable and peace existed in the community?

Mr. CYPHERS. Yes; we have a peaceable population.

Commissioner O'CONNELL. And peace existed in the community where there was this large plant with several thousand people on strike, it was evident that testimony had to be obtained, or that the strike might result in some credit to the men, some victory might come to them, and that might force some change in Sunday labor, or hours of labor, or treatment of their grievances?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And then something seemed to be necessary to be done to bring some one in there to start something up?

Mr. CYPHERS. Yes.

Commissioner O'CONNELL. And the result was that the State constabulary was brought in, no one seemed to know why it was done so far.

Mr. CYPHERS. I do not think there was any reason.

Commissioner O'CONNELL. And they were encamped in the office of the steel company, where they were fed and housed and their horses were fed and taken care of inside of the company's works, and that had a tendency to get inside of the minds of the men that these people were brought there for the purpose of breaking the strike?

Mr. CYPHERS. That was the impression.

Commissioner O'CONNELL. And that was the only impression that could be taken from it; they were not neutral?

Mr. CYPHERS. No; if those men that came had been encamped at the other end of town on the common instead of where they were, there would probably have been no question of good faith and no arrests, except for actual violation of the peace.

Commissioner O'CONNELL. Is it your impression that the State constabulary was brought in there for the purpose of starting trouble that might result in rioting and arrest, or were brought in there to intimidate and break the strike?

Mr. CYPHERS. My impression of the matter, from what I have gathered as to the course of conduct they pursued from the time they were brought into the town until the local authorities got their bearings, was to browbeat and abuse everybody until they found out there was some one in the town that had enough influence to preserve order, apparently treating the matter as if the people were a lot of cattle to be driven. I ran myself against Capt. Robinson, and I said, "Captain, now, if you stop this business of beating and abusing we can stop this trouble, and there is no question about it." And there was trouble after the first day, and the people understood the situation—after they had killed those men; and from the information I gathered it is my opinion that it was deliberately planned from headquarters.

Commissioner O'CONNELL. The further arrests that were made by the State constabulary—where did they take their parties to that were arrested?

Mr. CYPHERS. In all cases they were confined in the first instance at the old Bethlehem Steel Co.'s office, down in the center of the works, and from there were taken to the squire for hearing. After the first day the hearing was held on Third Street, about a block from the office, in the town; and from there they were disposed of in one way or another or committed or——

Commissioner O'CONNELL. Well, when they were arrested would they take them right to the squire?

Mr. CYPHERS. No. I say they would confine them in the first instance—the arrests were almost always made——

Commissioner O'CONNELL. Without making a charge?

Mr. CYPHERS. Without making a charge. As soon as I was retained by them I insisted on a charge being made by somebody and sworn to in each case. Of course, they then had to confine themselves to something or hold them until they got ready. So, I say, after a day or two following that course they did file formal charges.

Commissioner O'CONNELL. I gather from your testimony, then, that the cause of any trouble that did occur in South Bethlehem in the way of charged rioting or fighting or arrest or killing, all was the result of the State constabulary coming into South Bethlehem without cause?

Mr. CYPHERS. I have always believed that it was deliberately planned. That is my own opinion.

Chairman WALSH. That is all. Thank you, Mr. Cyphers. You will be permanently excused.

Mrs. Jones, please.

TESTIMONY OF MRS. MARY JONES.

Chairman WALSH. What is your name?

Mother JONES. Mary Jones.

Chairman WALSH. Where do you reside?

Mother JONES. Well, I reside wherever there is a good fight against wrong—all over the country.

Chairman WALSH. Do you claim a residence in any particular State?

Mother JONES. No. Wherever the workers are fighting the robbers I go there.

Chairman WALSH. Now, it may seem unnecessary, but you are the lady that is known to the country as "Mother Jones," are you?

Mother JONES. I suppose so, Mr. Walsh.

Chairman WALSH. I will go right to the cause of the inquiry. You have listened to a great deal of it here, I notice. It is the administration or the lack of administration of law in industrial disputes. So I am going to ask you first, Mrs. Jones, were you in the Pittsburgh railroad strike of 1877?

Mother JONES. Yes.

Chairman WALSH. At what point in the country were you, Mrs. Jones?

Mother JONES. At Pittsburgh.

Chairman WALSH. I would like you to give your experience in that strike, so far as the administration of the law or the conduct of the officials was concerned.

Mother JONES. Well, the strike began in Martinsburg, Ohio. It started with the Baltimore & Ohio Railroad employees, and it reached down to Pittsburgh and east to Scranton. I was in New York. I came down. I was a member of the Knights of Labor at that time, and some of the boys met me and asked me to stay over with them, and I did. So the traffic was stopped and a lawless element that had got into Pittsburgh during the panic of 1873, they had gathered in from the eastern part of the country and, of course, began to revolt and started to rioting. The employees of the railroad and others went to the mayor of the city and asked him if he would not swear them in as deputies to preserve the property and have the law enforced. While this was going on the sheriff of the county telegraphed to the governor, and the governor sent the militia.

Now, at that time I believe the troops went to Pittsburgh, but the fight turned onto the Pennsylvania Railroad; it concentrated on the Pennsylvania Railroad mostly, and some of the militia was quartered in the roundhouse. The business men of Pittsburgh, who for years had complained of discrimination by the railroad company against the city, were free in their expression of enmity against the company. Some of them connected with this committed acts of violence and actually participated in the riots that followed. Cars were set on fire and run down the tracks to the roundhouse, which was destroyed, together with over 100 locomotives belonging to the Pennsylvania Railroad Co. The feeling at that time of many workers and sympathizers was one of distrust, and in many instances amounted to hatred, because the corporations of that day were open and successful in passing antilabor legislation, tramp laws, and other legislation, which caused the workers to feel that they were being discriminated against. The corporations succeeded in the passing of the law which required that in case of a strike the train crew should bring in a locomotive to the starting place before the strike would begin. It was because of that legislation that so many locomotives were housed at Pittsburgh and became the prey to the flames by an outraged populace and not by the workers and not by strikers. I know most of the strikers; all had done everything they could to keep order. Not but what they felt the sting of the lash, the injustice that was done, but nevertheless they wanted to keep order and be steady otherwise. But the business men were the men who perpetrated the wrongs, because they felt that the railroad company had discriminated against them so much. That is about as much as I remember of that. I haven't the notes. I have them laid away, Mr. Walsh, but I am over all the country, and I don't know where to lay hands on things.

Chairman WALSH. You made notes of all these strikes at the time?

Mother JONES. Mostly; I have made notes of them all.

Chairman WALSH. Were you in the anthracite strike in Pennsylvania in 1900?

Mother JONES. Yes.

Chairman WALSH. I wish you would give us whatever comment you have on that as to violence and administration of the law and the action of the authorities in it.

Mother JONES. I had been down in Arnot, Pa. We had a strike there for six months, but there were no deputies and no gunmen and no militia brought in there, and there was no violence. That is the home of the Secretary of Labor.

During the whole six months, it was a nine months' strike, but it was six months after I went there; but the men were orderly and they themselves took

care of the property. The superintendent and the officials of that company could come up 4 miles from Blossburg at any hour of the night they wanted to alone, and they were not afraid and had no reason to be. That strike was settled very peacefully. The Erie Co. conceded to the men most of what they asked for, and there was no violence during the whole nine months.

Then I went into Maryland. I was not in Maryland very long until I was sent for to come into the anthracite region.

Chairman WALSH. When was that, Mrs. Jones, in 1902?

Mother JONES. No; in 1900.

Chairman WALSH. Oh, yes.

Mother JONES. And in that—there were only 7,000 men organized out of 160,000, and I addressed the convention the day that I got in from Maryland and they called the strike right afterwards. Well, of course, we had to go over all the district—three districts—to rally them together. There was no violence up in either Scranton or around Hazelton, and very little of it down in a town named Shamokin—scarcely any violence there, but the militia was brought in. First the company would guard the mines so that the men could not get out, or that we could not get near them; and if we billed a meeting, why the company would always attend the meeting and the men could not; it was the force of the company entirely that attended the meeting, and I concluded that these men had suffered long enough.

I want to say, Mr. Walsh, that I do not take any orders from any officials. I belong to a class who have been robbed, exploited, and plundered down through many long centuries, and because I belong to that class I have an instinct to go and help break the chains; and so I concluded some moves had to be made to bring the men all out; and I organized the men and women, the women particularly, and I made raids every night; we marched and pulled out those mines—the men. There was no violence. The sheriff in Hazelton was a very fine man. He understood the law, and he knew he could manage the affair without bringing the military there. But I went down to Panther Creek. There were 5,000 men there that could not be reached, and I knew they had to be got out in order to get more bread for the children that were coming, so one night, without saying anything to anyone, I gathered up 2,000 or 3,000 women, and naturally the men followed. That is their natural instinct—to know what we were going to do. We started. I had to go into the saloons and tell them to close up and not give any liquor to the boys. I knew the women did not go near the saloons; I was the only one that did. We marched, and about 2 or 3 o'clock in the morning we met the militia. There was a poor little sheriff, not to be condemned at all, but he was unable to grasp the thing, and he yelled like a mad dog in the night to send the guns to him, the governor. I did not know it, or I would have telegraphed the governor to keep the guns at home and there would be no trouble. Then we marched 15 miles over the mountains from Hazelton to Panther Creek, and there we met the militia in the middle of the night. The militia did not know what kind of an army I had with me. He thought it was just a few strikers; he told us to go back. I told him that the American workingman never goes backward; we go forward, and we did not go out to go back; and he said he would charge bayonets. Well, he didn't do it anyway; but it took us three hours to go back 2 miles. I don't like to resist officers and create any trouble, but I saw he was a sort of a Sunday-school fellow and there wasn't very much to him, and I concluded to just pat him on the back a little, and I pulled out the 5,000 men.

Chairman WALSH. You mean by that that you induced the 5,000 men to go out on strike?

Mother JONES. Yes; I wanted them to win the fight. I had a large army with me and I wanted them all, and so I had to get these miners out, because they were furnishing the coal. I brought out the 5,000 men. We held up the street cars and did not hurt anybody, and the men—oh, once in awhile when a boss wanted to jump over us we picked him up and threw him over the fence to his wife, and told her to take care of him. We did not hurt him, but we wanted him out of our way; so that thing continued until 10 o'clock in the morning; and we had the 5,000 men out and that ended it, and that part of the strike was ended peacefully.

The women had nothing but brooms and mops and they were very hungry, and the militia had ordered breakfast at some hotel and I told the women go in and eat their breakfast and let the State pay for it; and it was our breakfast anyhow. So they did. We ate the breakfast. We had more strength to get back.

Mr. Mitchell, then president of the miners, did not know anything about these moves, but I saw him in the morning, and I told him I was up against the militia, and he was a little nervous. But I never get nervous when I face bayonets. I think they are human beings like all the rest of us, and I go in a fight and I am not afraid of bayonets when it comes to a struggle for our rights. One day I got my army together of little boys. I was training them for the future. And when we got everything straightened out the mines closed, and we went back to Hazelton, and Mr. Mitchell asked me what we had done. I told him nothing in the world—just pulled out the 5,000 men and told the militia to take a rest. The militia did not follow us, did not interfere with us otherwise at all. And they treated us with a great deal of courtesy, looking at it from their point of view.

At this time the winter was coming, and I knew that the people would need coal and that the strike would have to come somewhat to a climax. So in Lattimer—I happened to be in Tennessee when the 23 men happened to be shot in the back by the sheriff and the deputies. I did not come East right away, because I had other work to do. I concluded I would have to take the matter up, and the general manager sent word that if I came in there I was going to get killed. Well, it does not make any difference to me when I die, if I am dying for a good cause. I concluded I would go in there, and the newspaper men, while I am always friendly to them, I know they have to make their living just as the balance have, they were in the habit of going to the barns to get buggies to take them out, and the barn fellow would tell ahead of time what I was doing. So this night I told the clerk at the hotel, "Don't notify the newspaper men that I am going out." In that evening I had got one man from each mining department; the others did not know that I had seen anyone but themselves, and I arranged with them to bring their army and meet me.

I got the women—I got about 1,500 women lined up, and we walked into Lattimer. It was dark, and we knocked at every door and told them there was no work to do; that they would have to rest. The general manager didn't know, neither did the sheriff, so they began telephoning. The manager and the sheriff came, and he said, "What are you going to do, Mother?" And I said, "I am going to close up this mine." And he said, "Are the women going to close it up?" And I said, "Yes; we are going to close it up." So the drivers came along to take the mules to the mines, and I had all of the women centered in front of the company's store, and we had 3,000 men down at the mines that the company or the sheriff or nobody knew anything about—they had come in on different roads—and I said, when he ordered the boys to take the mules to the drivers, that the mules would not scab, he had just as well leave them at home in the barns, because the mules remembered that Patrick Henry had passed a Declaration of Independence, and that the mules were conscious of that, and he had just as well leave them in the barns. But the drivers were ordered to take them away, and I didn't worry then, because I knew they would come back pretty soon. I kept entertaining the sheriff and general manager and deputies, and the mules came back directly without the drivers. Of course, we cheered the mules. The men down at the mines were driving the miners back that were going to work. We closed those mines in the anthracite, and that really was the key to the situation. They had shot 23 men in the back, just three years before. I served notice on the sheriff that no 23 men—no 23 workers—would be shot that day; that he had just as well make up his mind that those mines were going to be closed, and we had no pistols or guns, nothing but just our hands, because I don't believe in those instruments and I don't travel with any organizer who carries them. We closed up the mines. The reporters heard of it later in the morning and they came down, but we had our work done by the time they came, so we went back, went home; that really was the key to the situation; that settled the first anthracite strike.

The militia didn't commit any brutal acts, nor did they undertake to force us in any way. I must give Col. O'Neal credit for that. He was the colonel of that militia; that was the crack Fourteenth of Pennsylvania, but it was not very crack that day, I assure you. We carried on our work and finished. That was the first anthracite strike in 1900, and at the close the men called a convention and the strike was called off, and I think Mark Hanna had something to do with settling it. Then I was sent into West Virginia——

Chairman WALSH. That was in 1902?

Mother JONES. In 1900. The strike in Pennsylvania, I think, had closed in November; that strike, it didn't last very long, only six or seven weeks was all

that it lasted, and the men got some concessions; not all they wanted, but they got some to satisfy them. There was no rioting; no bloodshed. The sheriff at Hazelton, Sheriff Harvey, was a very sensible, clear, level-headed man. He came to me that morning and asked me to take them home, and I said, "No; no one is going to get hurt." And he said, "They want me to call for the militia." And I said, "Don't obey them; there is no need for them," and there was no one hurt that morning.

I went into West Virginia; the organization sent me there. I surveyed the situation there. I was mostly in the Kenowa and Norfolk & Western, in the New River country, and I was also in the Fairmount region. I never in my life was arrested until I was arrested in the Fairmount region under a Federal injunction. I was arrested while I was speaking to a large crowd in Clarksburg, and some one sent me work that we were all under arrest, and I said to the audience, composed a great deal of strikers, "Don't you undertake to surrender; I am under arrest, but you keep up the fight; it is a fight for more bread." The United States marshal, Elliott, he didn't come up to me; he sent one of the deputies to send one of our own men to tell me I was under arrest. I had never been in court before then in my life, and we were carried 84 miles, to Parkersburg, to prison, but the marshal sent his nephew with me. He sent five of the deputy marshals with the boys. There were nine of us altogether. The young man said to me, "Mother, my uncle told me to take you to the hotel; he has engaged a room there." I didn't say anything until I got off of the train, and so when I got off of the train the deputies were taking my boys that way and I was going this way, and I said, "Boy, we are going the wrong way." And he said, "Oh, no." And I said, "The boys are going the wrong way, then." And he said, "No; they are going to jail; you are going to the hotel." And I said, "If the boys go to jail, I go to jail, too." And so I turned around and went to jail.

The jailer and his wife were very nice and courteous to me; they didn't lock me up in a cell; they just took me in as a member of the family; but they locked my boys up; and then we were all taken into the Federal court and tried. The judge gave the boys from 60 to 90 days. I did think I was going to be hung, because in the close of that meeting we had I said to the audience, "We are all arrested, but you keep the strike up; don't pay any attention to that injunction machine in Parkersburg, he scabbed on his father." That was the Federal judge. I didn't know much about courts at that time; I had never been there; and so when I was taken into court the prosecuting attorney played that up very much, indeed. He said, "She even insulted your honor." And I didn't know where the insult came in, and he said, "She called you a scab." And the judge said, "Did you call me a scab, Mother Jones?" "I certainly did, Judge." He said, "Who did I scab on? How came you to say that?" "Why, when you ordered my arrest, it just struck me that when the immortal Lincoln—I made a point to read the newspapers—that when the President had sent the commission of appointment that he didn't distinguish senior or junior, that you bore the same initials that your father did, and he was away and you appointed yourself. You took the appointment, and you appointed yourself, and that was scabbing on your father, Judge." He said, "I never heard that before."; I said, "I think if you will run up the files of the papers when the President appointed you that you will find it in the press of either Boston, Philadelphia, or New York, perhaps in all of them." And he said, "You must have a wonderful memory." And I said, "No; I did not, but I didn't have anything else to hit you with when you arrested me, and I thought I would hit you with that."

The prosecuting attorney recommended me to the mercy of the court. I don't want any mercy from any court. I don't do anything but what is my duty to do as a citizen of this Nation, and I don't ask you for mercy. I am asking for justice, and not mercy, and I told the judge not to have any mercy on me. The prosecuting attorney said, "If I would leave the State"; "No; I won't leave the State." And so I was turned loose, but the boys were put in jail. There was one of our boys that was rather in poor health, Mr. Walsh. I want to show you the good points in men, if they are reached, no matter where they are or what position they are in; there is a human side, I believe, to all of them. That judge was looked upon as a terrible fellow by the whole labor world, and most of the other people, and this young man said to me, "I am sorry you are going, Mother." I said, "I am sorry, too, because I should have been put in jail with the boys, but the only one I feel sorry for is old Barney Rice; his wife is very frail, and he has some little children," and he

said, "If you go out to see the judge, I think he would pardon Barney." And I said, "I don't think he would." And he said, "Yes; I think he would." I said, "All right, all he can do is to tell me to get out and not come back again"; and so I went out and saw the judge and pleaded with him, and he asked me to come to dinner. His wife was a kindly, good, Christian woman—that is, as Christianity is considered to-day, and as soon as the dinner was over, the judge came in and I said, "I came to see you about Barney Rice." And he said, "What is the matter?" And I said, "Barney is in awful poor health; I don't think you would have sentenced him to 60 days in jail if you knew the condition of his health." And he said, "What is the matter with him?" And I said, "He has heart disease." And he said, "Has he?" And I said, "Yes; I am afraid it is going to prove fatal. He has a very nervous wife, Judge, and she might collapse when she hears of this." And he said, "I don't want that." And I said, "I know you don't." He called up the jail and asked for Rice to come to the phone, and he came and he asked him how his heart was, and Barney didn't use very religious language to the judge over the phone; he didn't know he was a judge, but he used some classical French to him, and the judge said, "What is the matter with your heart?" And he said, "There is nothing the matter with my heart, it is that old judge." And he said, "Have you heart disease?" And he said, "No; I have not." And the judge repeated to me what he said and I said, "Judge, that man don't know his heart from his liver; I have been out with him, and I think you had better let him out." He called up the jail doctor, and I told this young man, I asked him if he knew that man and he said that he did; and I said, "You get hold of that doctor and have him examine that fellow's heart, and show that there is a disease of the arteries, and so forth; I want to get the man out." This young fellow did; he was a very close friend of the doctor's, and old Barney got out the next day.

The judge had very many fine qualities, and I have a very kindly feeling toward him, no matter what anybody else might say about him.

We had another judge in the New River country, Judge Keller. He issued an injunction that we should not feed the miners, and food that was bought in Cincinnati by the miners' representatives for the miners was switched down into Kentucky and kept there, and he arrested a lot of our men for violating his injunction. There is no injunction on earth that would keep me from feeding hungry people if I was rich enough to get it, because there is enough in the world for all. I was not arrested; that was the only time that I was ever arrested by the civil authorities in my life. I never was arrested by a policeman or sheriff; I have always had the militia, outside of the one time, to deal with.

Now, then, I am coming to that part of it—the strike of 1902 in West Virginia. There is a very sad, sad story to be told about that. They were pretty peaceful boys down there as a rule, and we kept them in line, and there was one mountain, Standford Mountain, and they had issued this injunction, that men could not look at the mines. That injunction was always issued on me, and the boys went one day to take a walk along the highway and came back and went home peacefully and quietly, interfering with nobody nor anything. They had never been in court in their lives, none of those boys; they were law-abiding, good men, living quietly up there in the mountains. The United States deputy marshal came in the next morning with a warrant for 33 of them. They were holding a meeting in their hall, quietly, and he read the warrant, and some said, "You can't arrest us; we have broken no law; we have hurt nobody; and you will have to leave the town." I think his brother was a company doctor, and they asked him to come, and he did come down and take him away. Anyhow, the next night they went up that mountain, and they shot seven men while they slept. There were about 100 of those gunmen and their deputies and these mine owners and their sons, and they went up that mountain, and while those men slept they shot them; they riddled their little shacks with bullets and wounded 23 as they were sleeping. I was going to a meeting the next morning very early, and I was told what happened, and I went and called a couple of boys and told them that they had had some trouble on Standford Mountain, and let's go up. We went up, and the picture I shall never forget. The mattresses were all seeping with blood, and the bodies were lying there. It was sad, and I shudder at the picture, and the women were screaming, and the babies were running to me to call back their papas. It was a sad, sad picture. I knew those men had violated no law outside of walking on the highway and that supposed injunction. They got a coroner, and he held an inquest over them. A few were arrested, but no one was ever convicted for the crime.

Five or six days after this I went back up that mountain; there was a grave out in the field, and a woman was over it and a little baby, and the little baby, when she saw me she screamed, and she said, "Oh, Mother Jones, come and pick up my papa!" And she was scraping the clay with her little, tender hands, and the wife was watering with her tears. That young man was as law-abiding a young man, I think, as you could find in the country. I don't think he ever thought of such thing, but he was shot while standing up on the mountains.

Now, these men did not realize what they were doing.

I left West Virginia; I was called for to go to Illinois for a meeting there, a memorial meeting over the mutilated bodies of the men that were killed in a battle in Illinois—97—and I was to speak on that day, and I went. On my way back—Secretary Wilson was secretary of the miners—and I stopped off at the office, and he said, "You will have to go right into Colorado at once. The governor has sent the labor commissioner here and a board member to see the board and convince them there that there should not be a strike called." I went into Colorado; I examined the situation; I went around the camps; and the men and women told me their sad stories. I called a meeting of the men that night, the officers, and I related to them that the metal miners were in revolt at that time, on a strike, and so we discussed the matter until morning. I was sent back to Indianapolis. I reported in Indianapolis that the fever was there, and at fever heat. The men were almost wild to come out, and I discussed it with three or four of the officers. So I was sent back immediately to Colorado, and I went back. The governor sent for me when he heard I was down at Trinidad, and he sent for me, and I came up to Denver.

Chairman WALSH. That was when, Mrs. Jones, in 1903?

Mother JONES. In 1903. That was the first strike. The governor sent for me, and I never go to see those officers alone; I generally take some of our officials with me when I go. I know them pretty well. He said, "Are you going to have a strike in the southern coal fields, Mother Jones?" I said, "I don't know, Governor; that is up to you. If you can bring the conflicting parties together, I think we can ward off the strike, and both sides concede." He said, "I don't want a strike." "Neither do I, but we will strike rather than slavery." I said, "I suppose you are very anxious to know, Governor?" And he said, "Yes, I am; why do you think so?" And I said, "I suppose you want to get your militia ready to go out." He said that he had them already in another district in Colorado to open a mine. I was not aware that the State owned the mines. I thought they were private property, belonging to a combination of private individuals, and he said, "So they are, but we have to get the militia after that lawbreaking organization." "Who are you talking about, the Western Federation of Miners?" "Yes." And I said, "It is strange that they have become lawless and lawbreakers since you got in. They have developed this State and have their families here, and I think they would hardly become rioters at once." He said, "I won't discuss it." And I said, "What did you send for me for?" And he said, "I want to know if you are going to have a strike." And I said, "Yes, we are, and you had just as well know it now as any time."

And I went back, and the strike order went out. I went around holding meetings of the men, women, and children. We didn't have as large a tent colony then as afterwards. From the miners themselves there was little violence at that time, but the militia was brought in there. The sheriff came to me Saturday night and said, "Mother Jones, I heard the miners are going to organize and make a raid down on some camp" he told me about, and I said, "Sheriff, you are sheriff of the county, and you ought to know that these miners are not going to do anything of the kind. If they do, I would know it the first one." He said, "The governor has a representative here." "Of course, that is perfectly natural that he would have a representative here, but there is no need of the governor sending any troops here. You and your officers of the law here can take care of this situation. There has been no trouble that amounts to anything, and let me guaranty to you that if there is to be any trouble I will give you the first news. Is there any trouble in the county?" "Not that I know of," he said. And I said, "If there is, you get your buggy right out." It was 11 o'clock at night, but I says, "I will go with you to any part of the county, and I will guaranty to you that if there is any trouble we will stop it immediately." "There is none, Mother," he said. I said, "Very well, why don't you go home and to bed and don't bother about this?"

The militia came on Monday. They gambled all night. The representative of the C. F. & I.—I have forgotten his name—and the sheriff and this militiaman; one of them lost, I heard, $700, but that didn't bother me, because it didn't concern me how much it was; it was among themselves. However, Monday the militia came in, and we didn't know anything about it until I got a telephone message from Denver early in the morning, and they said they are mobilizing the militia here, and I think they are going to Trinidad; you had better watch yourself; and I said, "Let them come," and that afternoon the militia came in, and I told one of our officers that I had just got a telephone from Denver that they were mobilizing the militia, and that he had better see the boys and tell them to keep quiet, and he did, and the militia came. I went out to the camp several days, talking to the women and children, and Saturday evening I came in; I had been out all day. But before that we went out to a meeting, and coming back from that meeting I met a wagon loaded with guns that were going to Bowen, I think, and I said to the party with me, "There has been something doing; if those fellows belong to Bowen, they are the gunmen," and I think the superintendent was with them; I am not certain. But when we came back to Bowen a young woman came out screaming. She said, "Stop, oh, stop," and I said to the party with me, "I guess they are drinking in there; keep away, don't mix in it," and she pleaded and pleaded and pulled and pulled; she was an Italian; and so we finally went in. I went into the house, and old man Farley sat there with his head all tied up, and a young man named Rooney was lying in bed all covered with blood. You could have put your finger down through him. They had been at a meeting and were coming home when those fellows attacked them from ambush and almost beat them to death.

There was not very much violence during that strike until the militia came. Then one Saturday night I was going to bed when a knock came on the door, and I said, Come in," and the militiaman opened the door and he said, "Come on;" and, of course, I had to go; there was the bayonets, and I said, "Just wait a moment, will you please, until I dress?" And so I went up to the militia headquarters, and the major asked me where I lived, and I told him I lived wherever there was a fight, and so he called the militia, seven of them, and told me to get my things, and I got a few little things I had, and there was such a hurry—there were seven militiamen, two at my back and two at each side and one in front of me—and they took me down the street and put me on the train and went with me to La Junta, Colo., and left me at the depot at La Junta. I had only 5 cents in my pocket. And a railroad man came, and an Associated Press man, and he said, "Are you Mother Jones?" And I said, "Yes," and he said, "I thought so, because I saw the militia going." And I followed the militia when I saw they were leaving me there, and I said, "I want to say to you fellows that there is not money enough in the United States Treasury to hire me to acknowledge I was the mother of one of you." They didn't say anything, and they went away. This Associated Press man and the railroad man came and asked me what I was going to do, and I said I didn't know, I didn't have time to decide. And I found out there was two of our men there, but the railroad man gave me money. They did not go back, but went to Indianapolis. I went back. I had orders not to come back, but no governor owns the State and no President owns the United States, and I happened to be in this country before any of them, and I had a share of stock in there, and I said I was going back the next morning, and I went back the next morning.

Well, I sent the governor a note, which was not a very polite one, either, because when I get worked up I am not a very polite character, Mr. Walsh.

Then I went down to the western slope, and came back after I held two or three meetings. I was going to speak at Glenwood Springs, and a railroad conductor told me that there was a company of militia coming, and I said, "Let them come;" and I held three meetings, and I went then to Helper, Utah. And I went to the hotel at midnight and got a room, and the next morning I got my breakfast and went to the post office in the morning and got my mail, and I saw I was watched; they went to the post office to find out when I got my mail, and I went to an Italian family and got a room in that house, and I took my things over there and didn't see anything more until the next day, when we were going to have a meeting. The next day was Sunday, and the miners all came up. There was a vacant lot in front of the house where I was staying, and the miners all came along and we were going to hold the meeting there, and the company doctor came and said, you know he didn't

think it was right to hold the meeting, and the marshal said, "I don't think it is right for you to hold the meeting here, and I don't think you ought to do it." I said, "How far does your jurisdiction extend?" And he told me, and I said, "Well, we will go outside of your jurisdiction." And I took the miners and went 2½ miles down farther. I held the meeting. They had notified the railroad men not to come to my meeting, but the men all came, and I held the meeting and went back and went to my room. Quite a number of the boys came up town again, and I had not been in the room 10 minutes until the company's doctor and the marshal came in and said, "You are quarantined, Mother Jones, for 16 days." I said, "What is the matter?" And they said, "Why, you might have had the smallpox." Well, I said, "Maybe I have, but why don't you quarantine the whole train?" They said, "You know you mingle about a great deal." I never have an argument, because it don't do any good and it causes trouble, and I was afraid the men would get excited, and I said, "Boys, you go on down town." And he came along Monday and put a yellow flag on the door, "Smallpox in here." He brought me some books and magazines, and I put them in the stove, because I thought the poor little stove would do anything for his corporation and I put the books in the stove, and the next day, Tuesday, the secretary for the miners came and he was sitting there and I was discussing things with him what they should do, so along came this doctor, and he said, "My, my, my, didn't I tell you not to let anybody inside that gate?" And I said, "You did not; I am a patient, and if you want to keep anybody outside that gate you put a picket at the gate and keep people out; I am a patient and I am not going to do picket work also." And he took hold of this fellow and he got scared, and I said, "Mike, don't get scared, he is only going to inject something into you; don't get afraid; let him inject it."

And they took me down and I was put in the back of an old store. There was no violence, for these miners were as lawabiding as this audience is; there was not a single one of them doing anything, only just striking. They were singing a little down in their tents. I was in the back of an old store, and on Saturday night I learned that they were coming in Sunday morning and going to arrest all of the boys; so I sent for them and I said, "Have you got any guns?" And they said, "Yes." And I said, "You take them up and bury them under the range," because I thought if the boys that had their guns and those men came in suddenly there would be some trouble; and I said, "Boys, you go and bury your guns and you go back; I am going to stay up all night," and they said "No" and I said "Yes," and to-morrow we will talk things over.

At 4 o'clock in the morning the sheriff and 45 deputies came up. I heard them whooping, and so I put my head out of the window and said, "What is the matter?" The sheriff was the first one, and he said, "We are going to arrest all these fellows." I said, "What have they done?" He said, "They are striking." I said, "They have a right to strike; this Nation was founded on a strike, and they have the right to strike; and we have a right to strike; Washington struck against King George, and we will strike against King Gould." But they took them all; they were not allowed to put on their clothes, and they shook like aspen leaves. They took them up several miles and held them there until night and got a box car and took them down to Price.

After they were gone a woman came to me with her babe, weeping bitterly, and said, "You see my Johnnie?" I said, "Yes," and she said, "Let me tell you, Mother, this baby was born at 11 o'clock at night, and I got up in the morning and got breakfast for 11 men to go into the mines." And she was watering the baby with her tears. "Now," she said, "tell me what to do; they have got my John; they have got my house; we rented a little piece of land from the company, and I took in boarders and I put up a little house on it, and I want to give my children a chance; but now they have got my house, they have my health, and they have got my John, and what will I do?"

Now, I want to say to this commission and to this audience that are listening here, on the quivering heart and the aching breast and blasted hopes of this mother, and of thousands like her, Miss Gould and her class carries on her philanthropy in the Scofield mines, where 400 men were roasted to death; their bones are rotting out there, and their wives and children are carrying on life's struggle as best they can, and, my friends, we can have no civilization until such things are abolished.

That woman with her babe and four children was sad to look at, but she is only one of many thousands I know of in this terrific struggle for industrial freedom. It touches a human cord in most anyone. I brought that up before Mr. Rockefeller when I had the meeting with him. I feel that men in that posi-

tion do not grasp these things as they are, nor do the people outside, nor do our officials who live in offices, nor do our newspaper men; it takes those who are down with them to see the horrors of this industrial tragedy that is going on in our Nation to-day.

I then resigned from the miners for a while; there was other work I had to do, and I took up the Mexican refugee cases; they were going to shoot and murder the men, and I raised the money to save their lives. And I came back and the boys sent me to Colorado again.

A judge had sent 15 of them to jail, and they were holding a big protest meeting, and I went there. As I said before, judges are human, like everyone else. I went to see my boys and then went to see the sheriff, and I asked the sheriff to let my boys out on the ground every day, and I said that if any of them went away they could arrest me and put me in their place. So the next morning he went up to the jail and let the boys all go out on the ground, and they could stay out until 10 o'clock every night; and then I went to see the judge himself and had a talk with him, and finally the boys got out of jail.

I then came back and was sent into Westmoreland County, where the strike was. There is where I came up with the constabulary—the mounted constabulary.

Commissioner LENNON. Was that the strike of about five years ago, Mother Jones?

Mother JONES. Yes.

Chairman WALSH. Of 1910?

Mother JONES. Yes. I went into that Westmoreland strike, and I did not have any conflict with the constabulary. The only time I came against them at all was when 12 or 13 women were arrested one day and carried into a squire's office; and he, poor wretch, you could see he was a narrow creature; and I went with the women, and I told them to take their babes along. I said, "Wherever you go, take the children, they are yours"; and so the women took all their little ones and babes; and when the people gave their evidence about them, which did not amount to anything, the judge said he would fine them $30 apiece. I said to the women, "Tell him you are not going to pay it," and he said, "Then you will get 30 days in jail." I said, "Tell him all right, they will go to jail." And the women asked for some one who could take the babies, and I said, "No; God Almighty gave you the babies, and you keep them until they are taken away from you."

Two of the constabulary went with the women, and the women ran across some scabs on the way and they licked them, and I took care of the babies until they licked the scabs.

On the way to Greensburg the motorman wanted to stop the car, and I said, "You can't stop this car, it is contrary to law; you must obey the law until you get to the station." They said, "These fellows want to get off," and I said, "You won't let us off, and you won't let them off."

Well, the women were singing all the way to Greensburg, and the two constabulary turned them over to the sheriff, and the sheriff said, "Mother Jones, I would rather you had brought me a hundred men than these women"; and I said, "I didn't bring them, the old squire sent them up; you hold him responsible." He said, "I don't know how to manage them"; and I said, "What did you get married for if you can't manage women; these women are peaceable, you can manage them." And they were sent up to the room, and I sent them food, and milk for the babies; and I said to the women, "You sing all night, sing all day if you want to, but sing all night and don't stop for anybody." And they didn't; they sang the whole night, and the people complained about the singing, and the women would not shut up, and the babies would not shut up, and nobody would shut up, and they turned them all out.

And then I went out West to do some work for the Harriman shopmen; and while I was in Butte, Mont., one day I picked up a paper, and it said the Payne Creek Colliery Co. would not settle with the miners again, and renew its contract again. I said, "This means that every sort of organization is to be driven out"; and I said, "I will go into the fight and make it cost that company something before I get through." I telegraphed to San Francisco to cancel the dates with the officers of the shopmen, and took the train and went in. I went down to Payne Creek, and a little boy came running to me and said, "Mother Jones, did you come to stay?" and I said, "Yes; I came to stay." The child was crying, and said, "Mother, do you know what they have done to me and my mamma?" I said, "No"; and he said, "They beat my mamma up,

and they beat my little brothers and sisters, and beat me, and if I live to be a man I am going to kill 20 of them for that."

I went up and held a meeting with them and found out—got inside information; and the gunmen were all around, and some of the military in plain clothes in the meeting we had; and I went down the Kanawha River and held a meeting with the miners already organized.

One night two of the miners came to me at about 2 o'clock at night, at Montgomery, and they said, "We have been down to Charleston, and no one will go up Cabin Creek; will you come?" I said, "Yes." For nine years no organizer had dared to go up that creek, and if he did, he came out on a stretcher, or a corpse. The boys said, "They will kill you, Mother"; and I said, "It don't make any difference to me when I get killed; there is a duty to be performed, and I am going." I said, "Is it billed?" And they said, "No"; and I said, "I will attend to that," and the railroad men circulated the bills.

I went up on Tuesday, and the governor heard I was going and sent a company of the militia; and those men came down over those mountains, and their toes were out through their shoes; they walked 12 miles, some of them. They stood there and looked up as much as to say, "Have you brought us any message of hope?" I talked to them with the militia there, and the company's representatives, and I said, "Boys, freedom is not dead," and some poor wretch hollowed, "Where is she?" "She is gently sleeping, and when you call her she will awake." Those men screamed, and they said, "Will you organize us, Mother?" I said, "Yes." They said, "Into what?" I said, "Into the mine workers," and I said, "If you get organized, will you stay organized? I left you all organized 10 years ago when I went away," and they said, "We will, Mother." I took them over by the church; I don't go to church; I am waiting outside for the fellows in the church to come out and fight with me, and then I will go in. Outside of the church I stood up on a bench and organized the men, and I said for everyone to take out their mine clothes in the morning and to take their picks and shovels and dig coal, and I said, "To-morrow you go to work and don't say anything about this meeting." And then I went home. And then they came after me again, and one day I was going to Red Warrior, and I had perhaps 20 men with me. There was not a stick among those men. One old darkey had a battered-up gun, he was carrying along for fun, and up above that tipple there was a machine gun with a company, and the machine gun was turned on the men.

I was in a buggy, and one or two ahead of the crowd, and they turned back; they got scared to death and turned back, and I jumped out of the buggy and ran up, and they said, "For God's sake, Mother, don't go up there," and I beckoned them to step back, and I went up and put my hand on the machine gun, and I said, "Boys, you can't send one bullet out of this gun." One of the men with his lips quivering—he was thirsty for blood—he said, "You take your hands off," and I said, "No; I won't take my hands off, and you won't shoot a bullet out of that gun," and my poor boys were trembling. They were in their shirt sleeves going home.

I was going to hold a meeting up there, and some one said, "What are those fellows up there for? Have they got guns?" I said, "No one has a gun. That old darkey had a battered one that wouldn't shoot a cat; he is just carrying it for fun." One gunman stood behind a tree with his sharpshooter, and I said, "You get out in the open and don't dare shoot a bullet out of that gun; you have yourselves mothers and wives and children probably, and I don't want to hear their groans; and I don't want to hear the groans of the mothers and wives and children of my boys; don't you hurt them." One of them said, "Why don't you stay up on the creek?" And I said, "I have something to do besides staying up on the creek." Then they came down like rats, and the whole army gathered there. I said, "Let us stop that, let my boys pass up to their homes, and let us have peace and not tears," and I shook hands with all of the gunmen. I said, "Let us have peace on this creek; you take care of the mines up there, and the boys won't trouble you."

Chairman WALSH. What year was that?

Mother JONES. That was in 1913. And then I went up soon after that—I was going up to Berwind, and there was a reporter from the Baltimore Sun with me that met me in the depot at Charleston, and he said to me, "Mother Jones, where are you going?" And I said, "I am going up to Cabin Creek." He said, "Can I go with you," and I said, "You certainly can go," and we went and we got off of the train and came down over the tipple; they didn't see us coming down, or they would have stopped us, but when we got by the

company's store where there was a pathway, there was a creek, and the C. & O. Railroad here [indicating], and everybody walked on the road, and I started to go up on this side when a fellow hollered at me, "You get down," and the reporter said, "That creek is there; she will get all wet"; he said "I don't care a damn, she ought to be wet; if she wasn't here, there would be no trouble." He said, "You don't mean to say you are going to make her walk in that creek?" And he said, "Yes." No creek or anything else will bluff me; and I was pretty wet up to my hips, and the general manager and superintendent came, and I sat there and my dress was all wet, and I was dripping; and I was talking, and I threw it into them; I gave it to the general manager and everyone else; I don't say anything to the miners that I would not say to them. It is a fight for human freedom and liberty.

I held my meeting, but the road was only that wide [indicating], and if you step a foot east or west it was private property. One miner said to me to come up and get a cup of tea, and they said, "You can't go up." The man was paying rent for his home, but he couldn't give me a cup of tea. And the reporter for the Baltimore American came along, and I didn't get anything to eat or drink or get a chance to dry my clothes until I got to Charleston at 6 o'clock that evening.

I carried the fight on—I knew the boys would—only this is a spectacular age. They have no conception of freedom or justice; until it hits them they don't care. I thought, "I will make a move that will stir the State and draw the attention of the people to this"; and I went out, and at that time I got 3,000 or 4,000 miners and came up to the capitol with a banner which said, "Nero fiddled while Rome burned"; that is what the governor of West Virginia did. And we went into the Statehouse grounds, and I read the document to the governor asking him to do away with the Baldwin guards; that this Nation was not founded to be governed by gunmen; and I read the document on the steps of the statehouse to about 5,000 people. The governor was at my right, and I said that if the Government would not do business that we would by 8 o'clock to-morrow night. So we sent the document in, and the governor still remained there, and they said, "We will wait, Mother, for him to answer"; and I said, "No; you go back."

Chairman WALSH. That was still in the strike of 1913?

Mother JONES. Yes. So I said to the crowd, "This governor is not going to do anything for you." Some one said, "Why?" I said, "Because the biggest political crook that ever cursed a nation elected him—Senator Elkins," and when he says "Bark," he does it.

I talked for an hour and a half, and there is an inscription on the steps of the capitol that mountaineers are always free, and I called attention to that inscription and I said, "Now, I want to state right here to this audience that we are going to make that good or we will tear up the inscription," and the governor stood there; and so when the meeting was over I went away. I was tired and worn out, for I had been preparing for that for some days; and some one got up and began to blow off a lot of locomotive hot air, and the boys came up to me to stop it, and I took him by the shoulder and told him to get down, and I got up and said, "This meeting stands adjourned until I need you again. And I want you to stay away from the saloons and save your money, because you will need it." Somebody in the audience hollowed, "Well, what will we do with it, Mother?" "Buy a gun," said I; and they bought the guns; they went to every store in town and bought the guns and put them on their shoulders and went off with them.

Well, I went to Washington to see if I could get an investigation, because I believe the longer those things go the more bitter both sides get; and I worked here for a day or two and came back, and the Bull Moose charged again up in Paint Creek in the night and shot the women and shot the men and shot their legs off, and so on the 15th, I think it was, there was a great deal of excitement down in Hansford, and I went down to see what the trouble was, and came back. Well, that night the militia came and arrested a lot of our men—over 200 of them—and I heard the boys on the Kanawha side of the river was lining up to protest against the arrests, and I was afraid there was going to be some trouble. I took the train and went down, and the boys was all at the station and each group began to catch me and said, "Come with me, Mother." "Where have you been," said I. "We have been holding a meeting." And so I went down to Boomer with them; and the conductor held the train, because they were appealing to me. And I went out and held the meeting that night, and I says, "Now, everybody goes home and to-morrow at 10

o'clock come up to Longacre, and there we will discuss it." And so to-morrow at 10 o'clock I was there, and the whole mob got there, and I talked with them, and I says, "Now, boys, you go, each union, and you elect a sober, good, clear-headed man. I want to take him up to the governor, so as to have a talk with the governor to stop arresting our men until we find out what they are being arrested for." Military arrested them. So they did come, and I took them into the church and instructed them what to do and what to say to the governor, and I paid their fare, because they didn't come in the meeting with any money, and I paid their fare up; and when we got up and got off the train—now, I suppose there were 500 persons can swear to my side of it, and how I got that committee and took them up to take them to the governor peacefully and quietly, because these men were getting enraged—there were a good many foreigners among them.

I knew if I kept them quiet for a day or two that they would cool off and nothing would happen until we would straighten things out. So I was arrested as soon as I got off the train and thrown into an automobile and carried down to the Robber's Roost, a hotel near the bridge, which I call the Robber's Roost, because the pirates used always to put up there. So there was no warrant that I saw, and so I was taken to the C. & O. train and put on the C. & O. train and carried down and handed over to the military 25 miles from where I was arrested.

And I was handed over to the military while the civil court was open. Well, I was held there for three months, and they established a drumhead court and the court appointed two lawyers, and they came to see me, and they said that the court appointed them to defend me. I said, "Gentlemen, personally I have nothing in the world against you; but there is no lawyer in the United States that will defend me in that court." Well, some civilian lawyers came down, and they wanted to defend me—not to cost anything, and I said, "No, sir; there is no lawyer will ever go into that court to defend me." And so we were taken into court. I think we were five days there and some nights until 11 o'clock at night. There were about 30 of the men that consented to take a lawyer, but there were six or seven of us that would not have a lawyer to defend us, and we were sent over to the bull pen and the boys were held in their bull pen and I was held in mine, and we saw the military on each side of the bull pen day and night watching. And it was great fun for me. I used to see the poor kids dressed up in that uniform, and I wondered what their mothers thought of them; and I used to feel sorry for them, and I used to give them an apple once in a while. There was a break in the floor and they used to send things up to me out of the cellar; and I felt sorry for them because they were carrying guns to shoot people, and I used to give them an apple; and several nights the Bull Moose came down——

Commissioner LENNON (interrupting). Explain what the "Bull Moose" means.

Mother JONES. The "Bull Moose?" The train the military used. And they came down several nights; and a party in it wanted me to go to Ohio; said my health would break down there. "Well, let it break. I have only one death to meet. I am going to Ohio." Well, the attorney general, I think it was, that came down, and I said to the attorney general, "Now, I want to make a statement right here. This thing has got to end. I want to tell the governor of the State that he can chain me to that tree outside there and he can get his dogs of war to riddle this body with bullets, but I will not surrender my constitutional rights to him. I happen to be one of the women who tramped the highways where the blood of the revolutionists watered it that I might have a trial by jury. The civil courts are open, and I demand that the law be enforced." And so I did not; we were tried, anyhow. We were kept in that bull pen, but I would not surrender.

And one day these boys were taken away from there, and I listened to their babies screaming on the depot when they were taken. I did not know where they were going. I was the lone person in that jail—in that military prison—for five weeks. The others were all taken away; they carried them to Clarksburg, but I was the lone person there, and the editor of the San Francisco Bulletin sent his wife across the continent to find out what was happening to me, and she came up there and got hold of the whole information, and she went up to the United States Senate and saw Senator Kern, and went to Collier's Weekly; the other magazines would not publish it, but Collier's did after it was tamed down. And she saw Senator Kern and it was discussed on the floor of the Senate, and some one going by threw a Cincinnati Post in and I

picked it up and the first thing that attracted my attention was, "Wall Street telephoned Senator Kern to withdraw that resolution and they would make it an object for him." And it said that they did not telegraph nor send anyone nor write. They took the quickest way of reaching him. "Heavens," said I. "Those officials will never understand what that means to the industrial world." And I had no writing material, but there was a book there, and I thought I would send a note to Senator Kern; and then I thought "Well, he won't pay any attention to that. They are tired of those things." And I got a telegram blank and made up a telegram, and this is about what it stated:

"Senator KERN, *Washington, D. C.:*

"From out the military prison at Piat, W. Va., I send to you the groans and heartbreaks and tears of men, women, and children, as I have heard them in this State, pleading with you in their behalf for the honor of the nation to push that investigation, and children yet unborn will rise and call you blessed."

And I had two bottles and I rang them together, and a fellow came down in the cellar, and he came, and I says, "You take that up as quick as you can to that telegraph office. Don't go to this one here, but go 3 miles up the road, and tell him to send that telegram to Washington for me"; and the fellow says, "This is fine stuff; tell Mother Jones it will be in Washington before you get home." And so I slept good that night, when I knew that telegram had gone to Washington, and I had bluffed the gang in Wall Street for once; and I had a good sleep. And the thing came up in the Senate, and old Judge Goff—he is not a bad fellow at all, but he has been dead for 40 years and doesn't know it. The old judge had a telegram from the governor stating that I was not at all incarcerated; that I was in a very pleasant boarding house; and he went on about outside agitators, and who they were and what they were. Well, this Nation was founded on agitation. The chattel slavery was abolished through agitation, and God grant the agitation keeps up until the last chain of slavery is broken. And he said, "That is old Mother Jones, and I want to tell you that if you listen to her as I did you will find out she will convince you." But I never convinced him; but he should never have been in the United States Senate at all. The old fellow was not a bad fellow, but he is dead and the world has run beyond him. Senator Kern pulled out his telegram and read, and the Senators in Washington told me that in 50 years nothing had ever struck the Senate like that telegram. I says, "Well, thank God, something struck them; they needed a cyclone once in a while, and if the telegram stirred them up, so much the better." Then—I hope I am not tiring you, but there is a great deal of history connected with this, Mr. Walsh.

Chairman WALSH. Just go ahead. A little matter came up which I had to answer.

Mother JONES. So the governor sent for me the next day, and I was taken up to Charleston, and he told me that I could go to the hotel and he would see me to-morrow. Well, he did not see me to-morrow, or the next day, either; but I went up to Washington then and saw Senator Kern in the United States Senate, and I worked until we got an investigation. And now I want to show before I close this West Virginia affair—I came down that creek one day—that Cabin Creek—and when I got down to the foot of the creek there was a miner, a colored fellow, and they were hammering him—the colored fellow. I watched them; it was on the platform. They rushed into the station, and the whole mob went in, and I went in to see what was the matter, and when I went in there they had him up in the corner, and this poor fellow was hollering, and I felt sorry for him, and I went over and I pushed the whole mob away, and I says, "You come here." "Oh, Mother," he says, "you take me." I says, "What did you do?" He says, "I was after scabs," he says, "over in North Carolina." "Well, you deserved all you got; but I don't want your mother crying. Now, come out here, and I want you to go down to the C. & O. Come on and get out." Now, the military, in plain clothes, were in that depot, and they never interfered; so I took the fellow out and took care of him and took him away from the crowd, and the crowd dispersed, and I put him on the train, and I says to the conductor, "Here is money for that fellow's fare; take him away." So he did.

Now, this man, Nance, was going by on the platform, and a military officer in plain clothes went to arrest this Italian, and Nance says to him, "You can't arrest him," and he says, "Well, I am going to." "Well, you can't without a warrant." He says, "You get a warrant. I have no more respect for you than I have for a Baldwin thug." So Nance went away. Now, he came back 10 days

after that, and he was arrested by the military and tried in court, and got five years in the penitentiary; and that is all there was to that, because I was there, and I was the one that broke the thing up before it ended; and that was the only crime—the only charge—and they held a drumhead court and sentenced that man to five years in Moundsville.

Well, another day I came down, and here was a railroad man and another one of the Baldwin train men, and the man says, "Don't go up the creek; they are on a strike," to some scabs. So he says—this fellow says—"You can't stop him," and he says, "Well, I am going to," he says. "They are going to take the bread out of my brother's mouth"; and they were in a squabble, and I walked up to see what it was about. Now, there was a militiaman there in plain clothes, and I went up and I took hold of this man and I says, "That train man is right; he was put there to do his duty, so let him do it, and you come with me," and I took him away. Now, that man was arrested, and he got two years in Moundsville, and that was all there was to that; I want to say to this commission, I can go before the world and swear to it if I were dying the next moment. That was the sum total of the crimes, and he was put two years in Moundsville.

There were 15 men for similar reasons put into Moundsville for from 1 to 7 or 10 years, I think; and so I concluded now we will make a job of this; these men are not guilty of any crime. And I started out and borrowed the money, and billed meetings, and came to Washington, and I had a large gathering in the armory that night in Washington, and we put the matter up; and the next morning the door of the penitentiary opened, and they signed their names, and every single one of them was let loose. They went up to Wheeling, and nobody knew but the administration that they were freed. After the meeting was held in Washington, and Congressmen and Senators were at that meeting, and when the matter was put up to them there the doors of the prison opened, and they were turned loose. Now, if that is law, I think there is something wrong.

Now, I am coming back to the Colorado situation, and that will wind up. I don't know how long it is going to wind up. But after I was turned loose in Charleston by the governor—now, mind, I was not taken into any civil court nor no charges brought against me, only one, and it was the stealing of a machine gun. Well, I don't know what I did with it, whether I hid it or what I did with it; but I was accused of stealing a machine gun. However, the machine gun was lost; that is true. It was an $1,800 machine gun, but I didn't steal it; I didn't happen to be around at that time. But I want to show you the rotteness of the thing; and then you wonder that men rebel, and won't work.

I went to Texas to speak on Labor Day. The general manager invited me as their guest—him and his wife both. I declined to go for this reason—that I never do go to persons in that position. I may have to fight them, and it would not be a very pleasant thing after I had taken their hospitality; and so I declined to go, and I said to the boys, "I prefer to go to a hotel." And we held a Labor Day meeting there, and I left that day and took the train and came into Trinidad, and when I left the train the boys met me at the depot, and they said, "We are going to have a convention here." I did not know they were going to, because I was on the go all the time. "What for?" I said. The boys were all up in the air; they wanted to strike. "Well, can't you settle it without?" I said. "Well, we are going to try." So they sent propositions after propositions I learned, and the convention came and the strike was called. Now, I don't know whether you gentlemen in Colorado read the statements at that convention, but they were very deplorable and very condemnatory to the employers without a doubt; and so the sad story of these boys appealed to me. The papers, because they all represented the C. F. & I., they had to write as they were dictated to, and they charged my speech up with calling the strike. Well, I don't care for that; I don't care what charges they make against me. So the strike came, and the tent colony was established. The day of the strike came on the 25th, I think it was, of September, 1913.

I went out to the colony because it was rainy and drizzly, and I wanted to see that the little children were cared for, if there were any there; and I went to carry some clothing to them. In that 14 miles between Trinidad and the tent colony I met 28 wagons; mothers with babies in their arms were walking. It was a cold, drizzling rain. I want to say to this commission that it was the earthly belongings of those people, it was their earthly savings that were in those wagons. There is not a second-hand man in the United States that would have given $30 for the contents of the 28 wagons, yet it was all

those people had. When I came to the tents, the mattresses were wet, and I said to the women, "You didn't sleep there all night?" "Yes; and the baby slept, too." And an Italian said—I said, "Joe, where did you sleep?" And he says, "Out on the ground." "Why, it was raining and the ground was wet." "Sure, mother," he said, "but I no like the company; like better than sleep in company house." Now, this was the sentiment, and nobody can understand this unless they live with those people. I know their lives, and it was on the blood of those people that we carry on our charity institutions and everything else. And that tent colony went on, and we fed them, and then the scabs were coming—there was a convention called in Denver—and I like to put fellows up against it sometimes; and that convention was not a miners' convention; it was the State convention of the Federation of Labor. And we had an old man, that I had brought in from the camps, that they made him dig his own grave—the military did. They made him dig his own grave, and they stood over it telling him to dig 2 feet more. He was going to the post office, and they would not let him go. And he says, as he dug the grave, "Let me kiss my wife and babies." "Dig that grave; go on." That was the reply. So he dug the grave. So when this convention took place, I says, "Bring him in; let him tell it on the platform here." And so I had him put on the platform. And I got up, and I asked the convention to rise as a unit and to go up to the Statehouse and demand of that governor where he stood—whether for the honor of the State and the uplift of her children or for the interest of 26 Broadway, and make him tell it right there, because he won't have time to organize his machine, and he would have to tell the truth.

I had a number of mothers, also, with their babies, to put them up to him, and ask him if they were going to deprive those babies—we had star orators, but star orators they say never get frightened, but they do get scared when they get up against it. Those people are not going to hurt anybody; they were merely going after information that they had a right to get from the governor. The next day the governor had time for his machinery to get to work, and he had two secret-service men walking into the capital with him, and any time that I have to have a secret-service man escorting me I will get down and out. If my own actions and honor don't protect me I won't ask any sleuth to do so.

Well, then, the scabbers were coming in from Mexico; I had been to Mexico a few years before that, down to see Madero and De la Barra and other men; and I was going to El Paso to stop the scabs coming in, and I went down. I was there a week and held some meetings, and I wanted to see the revolutionists and have a talk with them. The morning I came back was the 4th of January, 1914. When I got off of the train here was the bunch. I got off of the Santa Fe. They ran and said, "Here she comes," and I looked around. "Take her back." I said, "What is the matter?" "We have got you." "Here I am, take me, I am going to Denver." "Get on that train." "I am not going on that train." "Get in here and get your ticket." "They don't sell the C. & S. tickets in that office." He went and asked the telephone, and they said there would not be a train for an hour and a quarter yet, so I was put in an automobile and taken to the Columbia Hotel, and I was taken to a room. On the way to the room I said that I had not had any breakfast; I would like to have some breakfast. They said, "Take her in to breakfast," and I asked the captain who was escorting me, I said, "Who is going to pay for this?" And he said, "The State will pay for it." And I said, "All right, if the State pays for it I will get a good breakfast." I don't often have an opportunity to do that, but the State was paying for it and I got a good breakfast. I was taken to the room, and a half a dozen were there to take care of me. The train came and the automobile came, and with three bayonets, one at my back and one at my left, and this fellow that had arrested me was at my right, and there were two others in front. When I got to the depot there were the cavalry and the infantry and the gunmen after one old woman 80 years old. I said, "You are awful brave fellows, your mothers ought to put you in a nursery and give you a nursing bottle for 10 years."

I got on the train and the captain came along and said that he was going to Denver. I told him I was glad to have him. He came along and said, "Don't come back," and I said, "If I don't feel like it, I won't," and so I went on into Denver. While I was here in Washington I picked up a paper and saw where the governor would have me arrested if I came back, and I won't let any governor run a State that I have an interest in; I have one share of stock, and so I went back, and he put two detectives in the hotel to watch me. He put one at the gate watching the trains, and I thought that I would fix

him right there, and I would let the world see that you are not such a wonderful governor after all. The militia was there, and a man, I think he called himself a humane man, I don't know whether he was taking care of dogs or human beings, but he came up Sunday and said, "Are you going down to Trinidad, Mother?" And I said, "Yes." And he said, "When?" And I said, "The last of the week." And he said, "I want to know because I want to go on the train with you." I told him I would be glad to have him, I knew he was a Baldwin rat, and I wanted to go along. He said, "Where are you going this afternoon?" And I said, "Trade and labor." And he said, "May I go with you?" And he escorted me up the street so no one would hurt me, and I said, "I told the boys that the governor said I could not go to Trinidad, but that he didn't own it; I had a share of stock in it, but that I was not going until the last of the week; that I had some matters coming from Washington." I went to my room, and the fellow went home contented; he said there were two other fellows in a house across the street in a room watching me.

I had my sleeper all bought on Saturday, and I got into the sleeper and went to sleep, and when the train pulled out I was asleep, and I told the conductor when he got there to stop the train before it got to the depot. He held up the train, and I got down and walked up the street and into the hotel and sent out and got my breakfast, and was in the hotel three hours before they found out I was there. I sent for the boys, and they came up and I said to the boys that they were liable to arrest me, but don't you fellows make any fuss or move; just let them arrest me; don't say a word and make a move, and keep the boys all quiet and off of the streets, because you can not do that, because the curiosity of an animal is aroused whenever anything is going on. So I had my breakfast, and presently along came the troopers—tramp, tramp, tramp—after three hours. The governor had telephoned and telegraphed, "Arrest her at once," and the general said, "Get her," so they did. I said, "You come after me," and they said, "Yes." I said, "Wait until I get my few duds." I got into an automobile, with a bunch of guns and bayonets behind me and in front, and the poor fellow that was running the automobile was scared to death, but I told him to keep that machine going straight, that they wouldn't hurt him. There was 150 cavalry, 150 infantry, 150 horses with their heads poked at me, 150 gunmen of the Standard Oil Co., and the old woman, and I shook my hands to the boys good-by. I was taken to the hospital and put in a room, and I was kept there for nine weeks and didn't see a human being except Attorney Hawkins. But there was a thing that they called a colonel that came along once in a while that wanted me to go to Denver. But I said, "No; I will stay here." He would come strutting about every now and then, and there were a lot of poor boys there. They had stationed three of the militiamen—three on the outside of the door and two in that room and one outside of the window. I couldn't eat. I didn't have much appetite locked up in a room, and so I gave my food to the militia boys. They are good boys when you get at them right, and I gave my fruit to them to eat and got on the right side of those fellows, and they told me they had not gotten any money for several weeks, and I said, "I have five or six dollars. I will give it to you boys, and you can go to the show to-night." I gave it to them, and they went, and I got them with me, and they said, "I will tell you, Mother, we will never take up a gun again to shoot a worker," and I said, "That is what you should have done before."

Chairman WALSH. At this point, Mother Jones, we will stand adjourned until to-morrow morning.

Mother JONES. I have a good deal to tell you yet, Mr. Chairman.

Chairman WALSH. All right.

(Whereupon, the hour for adjournment having arrived, the commission here adjourned until Friday, May 14, 1915, at 10 a. m.)

WASHINGTON, D. C., *Friday, May 14, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Garretson, Weinstock, Lennon, O'Connell, Aishton, and Harriman.

Chairman WALSH. Call Mrs. Jones, please.

TESTIMONY OF MRS. MARY JONES—Recalled.

Chairman WALSH. I think last night when we adjourned, Mrs. Jones, you had just detailed your arrest in Colorado, and if you would, please, I wish you

would continue and put in the whole Colorado incident down to the end, so far as it has to do with you.

Mother JONES. I think I closed about where I was arrested.

Chairman WALSH. You were arrested at Trinidad?

Mother JONES. And taken to the Sisters of Mercy Hospital. They turned it into a prison, a portion of it, and I was incarcerated there with three military men, one in front of the door, and one at each side of the door, and one outside of the window, and the whole military camp across the way from the hospital, and then the headquarters of the military was in the next room to me. And I didn't see anyone for the nine weeks that I was incarcerated there but my attorney——

Chairman WALSH. That was Mr. Hawkins, I believe?

Mother JONES. Mr. Hawkins and Mr. Clark, who represented him. He came once to see me to get me to sign some documents for writ of habeas corpus, and Maj. Boughton came with him; and I made some remarks with regard to they wouldn't get the writ of habeas corpus granted from the judge there. I knew very well they would not, because he represented the interests there, and I did not want our people to spend any money, because they had none to spend. So, however, they applied for the habeas corpus and it was not granted.

The superioress came and told me—I think the colonel got her to do so, thinking I would succumb and surrender—that it was turned down. I said, "All right," and she says, "You ought to go to Denver." "I will go when I get ready; when my hands are free. I don't need any instructions or advice on that at all." And so she went away and I was kept there; I never got any mail, not a newspaper or a postal card or a single thing for nine long weeks that I was alone in that room. But the colonel used to come every once in a while to see me to see if I was getting ready to surrender, and I said, "Colonel, I will not surrender," or "captain." He says, "I am not a captain; you are pulling me down." I says, "What are you?" He says, "A colonel." He was a strutting jack to tell me what his title was, and so on. I says, "All right, sir." And so he went away and didn't come back for a day or two. And I never saw Gen. Chase at all until the morning I was taken to Denver, at the close of the nine weeks, when they were going into the supreme court in Denver for writ of habeas corpus. He came to me on Sunday and he said, "Would you go up and see the governor if he wishes to see you?" I waited a moment and I said, "Well, yes; I will go up and see the governor if he wishes to see me. While I have no respect for the governor personally, I have a great deal for the office he holds, and out of respect I hold for the office he holds I shall comply with his request." And so that is all I heard of it. And he came that evening eight minutes before the Santa Fe train was to go out, in an automobile, and said, "Are you ready?" "Why," I said, "No; I am just getting ready to retire." He says, "Get ready; they are going in eight minutes." He said, "Jump, jump, jump." Well, I had a little valise there, and I got it and I handed it out to the guard at the door to put the straps on it, and he took the valise and threw it out in the automobile, and they locked the guard up in his room and cleared the whole hall, and so I was taken down the back way—not the front way at all, but the back way—and was put into an automobile in the dark.

The automobile ran away. I had the fellow that was running it—he was running it down by the C. & S. road—to make a short cut to the Santa Fe; and he made him go around some dark alleys. I want to say, Mr. Walsh, it was the first time in my life that I made up my mind I was going to die; I concluded that they were going to kill me, and I was preparing to make a fight before I left. However, after a while we struck the Santa Fe train, pulled away, out entirely away from the depot. That was switched away from the depot, and I was put on. I got a little relief when I was up in the Pullman, and so I went to bed. There were two of the military officers there, this man colonel that used to come all of the time, and another one, a doctor, and we went into Denver. In the morning the general met me at the train. He introduced me to the general, and I didn't catch his first name, and I said to the colonel, "Who is that?" (he was in his civilian clothes), and he said, "It is Gen. Chase." "Oh," I said, "that is Gen. Chase?" "Yes. We will go to the Adams Hotel." "General, if you would, concede to me the right to go to the Oxford; I have been going there for years and know them all, and I don't care to go to the Adams." It was rather aristocratic and was out of my line, and I didn't care to go there, and so we went to the Oxford, and he said, "We will come after you at 9 o'clock to go to the governor." "I think you had better put it off until 10; I want Mr.

Hawkins to go with me," and he said, "You don't need him; the governor will treat you courteous," and I said, "That is not the question involved; I want my attorney to go with me to the governor, and I won't go unless he says go," and he said "All right."

They went away and left me, and I immediately went to the phone and called Mr. Hawkins, and Mr. Hawkins was not yet out of bed, and he said, "Is this you, Mother?" and I said, "Yes; they brought me in, but I don't know what they are going to do with me." And he said, "Who is with you?" and I said, "Nobody." "What did they say?" he said. I said, "They said they were coming after me at 9 o'clock, but I got them to postpone it until 10 o'clock." Mr. Hawkins came down, and Mr. Lawson with him, and I told him the whole story, and he said, "They have kidnapped you, Mother." I said, "I don't know what they have done." But he called the Adams Hotel and asked Gen. Chase what they had done with me, and he said, "She is turned loose; she is free." But we went to see the governor. He says, "I didn't send for you." And I said, "Your colonel said you did. Somebody must be telling something that is untrue, either you or him." Mr. Hawkins and he talked for a long time, and Mr. Lawson.

I said, "Governor, I will tell you something; you don't own this State, nor you don't own Trinidad. I have broken no law; I have never in my life been in a police court or district court, and I am going back to Trinidad." He said, "If anybody told me it was not the thing to do, I would not do it." "If Washington took that advice we would be under King George the Third; if Lincoln took it, Grant never would have gone to Gettysburg." I didn't tell him just when I was going, but some newspaper men came around and wrote the matter up. I stayed at the hotel for a few days, and I said to Mr. Hawkins, "I have no use for a despot in this country; it was not founded on despotism; and I am going back to Trinidad." And he said, "Do you feel able to, Mother?" And I said, "Yes; I feel able to." "Very well," said he; "when you get ready, you can go back."

I openly got my ticket and went to the train and into the sleeper, and Reno, the C. & F. detective was right across the berth from me. My ticket was registered for Trinidad, and my sleeper also. When I got to Walsenberg, before I got in there the military man called me. I let on I knew it was the military, but I didn't undress at all that night, and he said, "You have to get up." I said, "No; I am going to Trinidad." "But we want you." "Who are you?" "Oh, I am the military," he said. "Oh," I said, "all right; I will be with you." I got up and went into the dressing room and combed my hair back and came back. I was taken off of the train by the militia, and the train crew got a little excited; the engineer jumped down and came back and shook hands with me, and the conductor, and I said, "Boys, keep quiet; let this go." We started off with the military, Mr. Brown, an organizer of the United Mine Workers, who happened to be with me on that train. I said to this young fellow, "Where are you going to take me?" He said, "To jail." I said, "Where is the jail?" "In the cellar under the courthouse." I said, "All right. Is there a fireplace in it or a chimney there?" And he said, "I don't know; do you want a fire?" "I am not so particular about the fire, as having the chimney." And he said. "What do you want the chimney for, and not the fire?" And I said, "I will tell you about that; I have a pigeon that I have trained, and it goes to Washington, and there is a new wireless invention around its neck, and every week he comes back from Washington, gets on top of the chimney and unwinds that message and sends it down to me." He said, "Did he come when you were at the hospital?" And I said, "Yes; he came every week." And he said, "They never found it out?" I said, "No; I am telling you that now." Imagine an educated woman that raised a thing like that; imagine a State that put a belt full of bullets around his stomach; imagine the Nation that stands for such insults to the intelligence of the people. And so I was put in the cellar.

It was cold, it was a horrible place, and they thought it would sicken me, but I concluded to stay in that cellar and fight them out. I had sewer rats that long every night to fight, and all I had was a beer bottle; I would get one rat, and another would run across the cellar at me. I fought the rats inside and out just alike. I was there 26 days, but one thing I have to say, the colonel that had charge of that, Col. Berdiker, came to me that morning and said. "Mother, I have never been placed in a position as painful as this; won't you go to Denver?" I said, "No, Colonel, I will not." He said—my breakfast came in, two spoonsful of black coffee and some dry bread, and he said, "Don't eat that breakfast; I will send you some." He sent me my meals all the time I

was there; at least, he got the miners to do it. He was very kind and did everything in the world that his officers would let him do; he had to obey orders, of course, but he was a man in every sense of the word. So I was there 26 days, and during the 26 days I never slept a night; I used to sleep some daytime. At the end of the 26 days the habeas corpus—the Supreme Court had notified the militia to deliver me in person to the Supreme Court, and they had to turn the militia loose before they could deliver me; before they could turn me loose. And so one morning the colonel said, "Mother, I have some good news for you; I don't know that you will consider it good news, but the general has just telephned to me that you are free." I said, "No; I don't consider that good news; I consider it a very dirty, contemptible way of doing business, Colonel; it is not the method I admire at all in a person in the general's position." He said, "You can have transportation wherever you wish to go," and I said, "You tell the general I never have taken any favor from the enemies of my class and I shall accept none from him; I shall transport myself wherever I wish to go, and if I don't have the money to do so, I will walk." And so the colonel shook hands and went away, and the boys came and got my valise and I went to Denver.

Then my attorney knew, of course, the habeas corpus business was turned over, and they sent me to Washington, to Congress.

Now, I do not want to take up the time of the commission, because you are worn out, and there are a great many, many things said here that have no bearing whatever upon the discontent and unrest of the Nation, and if the commission will just bear with me for a moment or two I shall read this. This is the Pennsylvania strike, and I shall turn this over to the commission. This is simply an outline of it. I shall get through just as quickly as I can, Mr. Walsh. [Reads:]

"There is gradually creeping into the decisions of the courts a most dangerous doctrine to liberty, and that is that the militia, under the orders of a governor, may deprive people of their liberty at the will and pleasure of the governor. Such a doctrine has not existed in England for hundreds of years, and it was not supposed to have any foundation in law in the United States until within very recent years. In my judgment, this attempt on the part of some of the courts to sanction deprivations of liberty, if not checked, threatens not only the liberty of all the citizens but threatens the very existence of government itself. It is being recently held in a number of courts that where a strike exists the governor has power to imprison the strikers at his pleasure. We all know that the courts of the country would not stand for any such doctrine if a governor sought to imprison bankers, lawyers, clergymen, doctors, and merchants, and if the courts are going to hold that strikers can be imprisoned without any charge against them, when we know that the courts would not hold the same thing as to bankers, lawyers, clergymen, doctors, and merchants, there is the greatest danger of working people refusing to submit to such a government.

"Magna Charta, that great charter of human liberty, which was adopted in 1215, was a protest against military encroachment. The king, with his soldiers, had imprisoned people to such an extent that it was necessary to declare in Magna Charta that no freeman should be seized or imprisoned or condemned or committed to prison except by the laws of the land.

In the fourteenth century, during the reign of Edward III, Parliament, for the still greater protection of the rights of our English forefathers, provided that the king should have no power to seize the citizen, and that no citizen could be arrested except by indictment or presentment in court.

"Charles I attempted to deprive the people of England of this right, but he paid for it with his head. King George III attempted to force a condition of military rule on the American Colonies, and in 1774 Benjamin Franklin went to Great Britain and entered a protest in the name of the American people. The prime minister laughed in his face, and Lexington, Concord, and Bunker Hill was the answer to that laughter.

"American history affords but four attempts to set aside the writ of habeas corpus and trial by jury, prior to 1899, and each case met with a severe rebuke from the law courts north and south alike.

"Citing these cases as they appear in historical record, the first attempt was made in 1815 when Andrew Jackson, puffed up with military pride, declared himself the military despot of New Orleans. He arrested and imprisoned an editor, and refused to obey the writ of habeas corpus. The courts of Louisiana arrested Gen. Jackson and forced him to pay a fine of $1,000.

"In 1861 President Lincoln undertook to suspend the writ of habeas corpus, but the courts all over the North with great unanimity declared that President Lincoln could not exercise such despotic power. At the same time in the Southern States the military power was making the same claims as to their power that Mr. Lincoln was making in the North, but with clarion voice the courts of the South declared the same as did the courts of the North, that the military commanders had no such power.

"The most conspicuous case in all American history is known as the Milligan case. In Indiana, about the close of the war, a military commission seized a civilian by the name of Milligan and condemned him to death because he sympathized with the South, and the President of the United States approved the death sentence, but the Supreme Court of the United States promptly held that no civilian, where the courts were open, could be tried or condemned by a military commission.

"For 34 years after this no attempt was made to claim that a writ of habeas corpus did not have full force and effect in America; but in 1899 there was again a series of decisions against striking workingmen, which decisions exalt the militia above the civil authorities, and which decisions, in my judgment, if not checked, will result in the destruction, not only of liberty, but of government itself. The Idaho Supreme Court held in the case of Boyle, a striking miner, that the court would not inquire into the cause of his detention, but would allow the governor and his soldiers to work their will. The opinion states no authorities, and in no way attempts to review glorious decisions delivered in favor of liberty which had been rendered for over 100 years. The court simply refused the miner his release. This was followed by a somewhat similar decision in Pennsylvania in 1902, known as the Shortall case. Then came the Moyer decision in Colorado in 1904, where it was held by a divided court that the governor could hold Mr. Moyer in jail at his pleasure. Then came the West Virginia decisions of 1912, in which the West Virginia court held that strikers could be tried and sent to the penitentiary by military commission, and were sent to the penitentiary for terms ranging from 2½ to 7½ years.

"A perusal of the details of these cases just cited from 1899 to 1914 shows an ever-increasing encroachment with each succeedng case upon the civil rights and liberties of the people by the military power. In 1899 the writ of habeas corpus was first suspended in a case growing out of labor disputes; in 1904 it was no longer considered an offense by the Supreme Court of the United States for the governor of a State, acting as the commander in chief of the military forces, to imprison civilians and hold them indefinitely; in 1912 in West Virginia we find the encroachment extending still farther. Here a definite "war zone" was established and proclaimed to be such by a declaration of martial law, yet the military power went outside of that prescribed "war zone," and placed under arrest civilians under warrants made out and returnable to the civil courts, and tried them before the military commission. That this commission may not overlook the significance of this issue, I here quote this military edict issued by the governor of the State of West Virginia in full:

STATE CAPITOL, *Charleston, November 16, 1912.*

"GENERAL ORDERS, NO. 23.

"The following is published for the guidance of the military commission, organized under General Orders No. 22, of this office, dated November 16, 1912:

"1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law and as a punishment therefor, the military commission can impose such sentences either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

"2. Cognizances of offenses against the civil law as they existed prior to November 5, 1912, committed prior to the declaration of martial law and unpunished, will be taken by military commission.

"3. Persons sentenced to imprisonment will be confined in the penitentiary at Moundsville, W. Va.

"By command of the governor.

"C. D. ELLIOTT,
"*Adjutant General.*

"Passing from West Virginia in 1912 to Colorado in 1913 we see the military despot still advancing. Here the militia comes onto the scene without even the excuse of a declaration of martial law, the civil courts are set aside, men and women are placed under arrest promiscuously and held indefinitely and incommunicado.

"This militia, acting under orders from its commander in chief, has committed the most barbaric of crimes culminating in the destruction of the tent colony of Ludlow, the only home these poor wretches could ever boast of, and the massacre of the men, women, and children on April 20, 1914.

"The perpetrators of these fiendish crimes were tried by a court-martial presided over by the very men who gave the orders to shoot down the citizens, and notwithstanding that these militiamen charged with the crime, confessed as to their individual acts, and in fact proudly boasted that they broke their rifles over the heads of their defenseless prisoners, yet they were exonerated by this military commission and given a clean bill of citizenship.

"Contrast this case with the case of John R. Lawson; Mr. Lawson is the international board member of the United Mine Workers of America and a citizen of Colorado. For years practically every law on the statute books of that State for the protection of life and limb, and the sanitation of mines, has been violated by the operators. Driven to desperation by the nonenforcement of the law, and the ceaseless, relentless oppression of the big corporations, the miners on September 23, 1913, went on strike.

"No sooner had they gone on strike, in fact, for weeks before the strike was called, the operators were scouring the country for gunmen, whose profession is that of shooting the miners back into submission. They engaged the services of the notorious Baldwin-Felts strike-breaking agency. These people were brought into the State by the hundreds, bringing with them their artillery, including rapid-fire guns and armored automobiles, in violation of the law. The logical results followed. Men who have the courage to strike and pit their empty stomachs against modern corporate greed are not going to be shot down like dogs without a protest. A fight took place between the miners and the hired assassins of the operators, in which one of the hirelings was killed. Lawson was charged with the murder, tried before a jury that was 'hand picked' to convict contrary to the laws of the State, and sentenced to life imprisonment by a corporation judge who was created for that very purpose.

"Last Monday I sat in this room and listened to a discussion between this commission and Mr. Gilbert Roe on the question of the existence of some mysterious thing which neither side made out to establish, namely, a condition of equality before the law as between capital and labor.

"I want to go on record before this commission by saying that there is no such a thing as equality before the law in disputes arising between labor and capital. Before we can have equality before the law, labor must possess some rights that are recognized by law. To-day the wageworkers of this country have no economic rights that are recognized by law.

"Take the case of a man out of work. He had no right to a job. The law does not say that as a citizen he shall have a right to work and earn a living. As a rule, he lives about two weeks from the bread line. If he gets out of work, he is out of money and out of home. According to the law, he becomes a vagrant. If he begs, he is put in jail; if he steals, he is sent to the penitentiary; and if he attempts to commit suicide and is caught at it, he is sent to the insane asylum.

"In Colorado they organized and went on a strike. The operators, who own the courts of law, turned their hirelings loose on them, clothed in the majesty of the law. These hirelings plundered and murdered these strikers with impunity, as the testimony taken by this commission will prove, and what has the law done?

"A grand jury indicted 150 miners, but the same grand jury found no indictments against the coal operators or any member of the Colorado Fuel & Iron Co., though the facts were established that these operators imported gunmen and machine guns, both in violation of the law, and that strikers were killed and even women and babies were suffocated in the fire at Ludlow. Rotten and one-sided as the law is in Colorado, it was still a question whether or not a conviction of the miners could be secured, but our modern industrial pirates never overlook a chance. During the last session of the legislature Senator Hoyden, an attorney for the Colorado Fuel & Iron Co., who represents in the legislature a district known as the Kingdom of Standard Oil, introduced a bill to establish a new judgeship. The bill became a law, and one Granby

Hillyer, another corporation attorney, who was engaged with Jessie E. Northcutt, the salaried attorney of the C. F. & I. to prosecute the miners, was elevated to the bench, and although outskopen in his prejudice against the miners, refused to vacate his seat and allow the cases to be tried by an unbiased judge. During this trial it was brought out that John Lawson was not within 12 miles of where the fight took place between the miners and the Baldwin gunmen in which he is accused of killing one of the hirelings, yet the hand-picked jury that was established in violation of the law, and the judge who is but a creature of the Colorado Fuel & Iron Co., have found him guilty of murder in the first degree and sentenced him to imprisonment for life.

"Referring again to the tendencies toward militarism, what, I ask, do all these recent decisions mean? The answer is perfectly clear and plain. The American people are just like their Revolutionary and Colonial forefathers. They would have the same hatred against military rule as existed in the days of '76 or '61, but the military rule that has existed since 1899 is military rule against one class of people, and one alone, namely, strikers, and hence the great body of American people outside of the workingmen have not felt the oppression and have not been aroused to the fury that is being aroused among the working classes. If former Gov. Ammons in Colorado had treated a dozen lawyers, clergymen, doctors, bankers, and merchants the way he treated the miners in Las Animas and Huerfano Counties we know that a terrible storm of indignation would have been aroused that would have been identically the same state of feeling that existed among the colonists in 1776. The citizen of Great Britain was not oppressed by the military, and he looked with some indifference upon the struggle of his kinsman across the Atlantic to throw off military oppression. If a governor, who is the representative of capital can use the soldiers to put the workers in prison and keep them there, then a workingmen's governor may do the same thing to a capitalist. Every workingman feels that this would not be permitted by the courts. He knows it would not, and hence he is aroused to indignation against the courts permitting the governor to so act as against the worker.

"It is this feeling which is rising throughout the United States, and which, in my judgment, if not checked, will result in terrible consequences. In my judgment the working people will not stand for any such treatment at the hands of governors or at the hands of courts, and it behooves the courts, if they do not want anarchists made out of workingmen to hark back to the principles of our forefathers, and to declare that the great writ of habeas corpus is now, as it was in ancient days, a sacred writ, and one that no governor and no military commander can refuse to obey. It behooves the courts to hold, just as did the courts in the days of Lincoln, that military power can not imprison men without a charge where the courts are open and unobstructed in the transaction of business. Unless we do get back to this principle, consequences, similar to those which have occurred throughout the history of all the past will result. Charles I was not the only King to lose his head because of an attempt to hold people by the use of soldiers and bayonets. Louis XVI and Marie Antoinette lost their throne and their heads because the crown claimed the right to imprison people at the pleasure of the crown.

"I have only to add that in my own case, I was held in West Virginia for three months, in 1913, and Colorado in 1914 for three months more practically incommunicado, without the slightest charge being made against me and with the courts open and unobstructed in the transaction of business in the counties where I was confined. No one has dared to file any charge against me in court, or made any claim against me that in thought, word, or action I have done wrong."

I have this, I have Mr. Hawkins, I am not sufficiently educated and never had time enough to go down through history, but I requested Mr. Hawkins to help me to prepare that to use in my addresses to the people and awaken the American people to the dangers that were approaching us.

Before I close I would like to ask the permission of the commission, the Child Labor Federal Commission that is here, I am more or less responsible for it. I was called to the strike of the textile workers in Philadelphia. I saw the little boys who had not seen their eleventh year with their hands off here [indicating]; their wrists, taken off from their wrists. I saw their fingers, and I saw those children maimed for life. I asked the reporters; I asked the children first, "Do you work in the mills?" "Yes." "How old are you?" "I am just a little over 10, Mother." And so it went with boys and girls.

I said to the reporters, "Why don't you publish this and make comment on it?" And they showed me the advertisements, and said that they would be only too willing to, but that they didn't dare. I concluded I would have to wake up the people of this Nation, and I went to work and organized some 6,000 or 7,000 children, many of them with their hands off. I telegraphed to the papers in New York to send me down reporters, feeling that the Philadelphia papers would not take any notice of it, and so the New York papers sent down the reporters. I had those children in Independence Park; the police didn't know that we were coming until we were down there. We had our banner, and I marched them to the business part of the city and the newspaper district. I had a table in front of the city hall. I put those children up there. There were 50,000 people at that meeting; the biggest gathering that ever assembled in Philadelphia in their history, they said. I showed them children with their hands off, a sacrifice on the altar of profit, giving to this Nation maimed and useless citizens. I spoke to the ministers, and asked them if they were not carrying out Christ's doctrine, suffer little children to come unto me, they are all that is pure and holy, and you say, "Suffer the little ones to go into the slave pens, and we will grind them into profit." And that is what is done. They closed up; the New York papers and the Philadelphia papers got to fighting one another, and that was all I wanted when I can get those fellows to fight one another, I am all right. It was given publicity, and was discussed in the universities and colleges, and finally got quieted down, and I asked the parents to let me have the little boys, and they said, "Yes." I got 75 little boys; some with their fingers off and their hands off, and I said, "I am going to see the President and have a bill passed to prohibit the murder of children for profit." I was only going 30 miles, but the children were so happy, and the agitation was so great; they never had had the sunshine or the grass before, and now they were bathing in the rivers, and the people were feeding them.

They had their little tincups and knapsacks, and were marching, and were having the finest time they had ever had, and the newspapers were hammering me, and the priests and ministers were hammering me, but I am alive yet. I am still here, hammering them, and so I marched them along until I got them in Jersey City.

I sent some one over to New York to ask the chief of police if he would give me protection for the children, and he was a military fellow, the commissioner, and the chief was away, and he said, "No; you can't come into New York." Well, I concluded I would show him whether I could or not, and I went over myself and asked him if he had any reason, and he said, "Yes"; but he would not give it to me. "Very well," I said, "I will take it to the mayor." And Low was mayor of New York at that time. He evidently knew I was coming, because the usher said that the mayor would see me directly. I said, "All right." In a few minutes the mayor came in, and I told him my business, and he said, "Mother Jones, I had to sustain the commissioner's decision." "Do you have to, mayor?" "Yes." And I said, "I don't see why New York pays an understrapper, if the other man does the business." He just kind of looked down and said nothing.

I said, "Mayor Low, have you a reason?" And he said, "Yes." "You won't object to giving it to me?" And he said, "No;" and I said, "Perhaps we can clear it up."

The reason was, I was not a citizen of New York, nor neither were those children. "Is that your chief reason?" He said, "Yes." "Well, I think I can clear that up, Mayor Low. I think we will straighten that out immediately. Some time last summer there came over here a piece of royalty from Germany, and the United States voted $45,000 to fill that fellow's stomach for three weeks. And President Roosevelt hired a massage doctor to rub him down so he could get back. Was he a citizen of New York," I says. "No," he says, "he was not." "Did he ever create any wealth for this Nation?" "Well, no," he said. And I says, "We did. Don't I have the same right to come in here that he had?" He says, "Yes." So I went in and I got my children all in, and we had a big meeting that night and the police took care of us, and the captain says, "Mother," he says, "you need never go to the chief or the mayor or to anybody else when you want to come in; you come to me and it will be all right."

So my children did have a meeting and we raised $3,000 or $4,000 or $5,000 for the strikers; and I took my children down and took them down to Boston Bay, and Boston came and took them children and showed them the elephants and everything; and they never had seen anything like it.

Now, the reporters were all going to Oyster Bay, and they blocked my job, and I wanted to see the President, so I telephoned Senator Platt to give me

assistant; and he said, "All right, Mother." And I went down. Well, you know this Oriental Hotel, and that is where the robbers of Wall Street go to roost through the summer. So I took the children and went down there, and I had my little band, and they had every place blockaded. You can't step on that sacred ground without there is an officer after you. And I went to a section man, and I says, "How am I going to get in to them fellows?" He says, "I don't know. You can't go in at the door?" "Well, no; the thing is so guarded I can't get in." He says, "Well, I don't know, Mother." "Well, I want to go in with these children, and I want breakfast." And he says, "There is only one way to get in there, and that is through the saloon. And if the saloon keeper lets you in there, you can get in." "Do you know him?" "Yes," he said "I know him; yes." "Well," I says, "come on down with me, and I will get you a drink." And you can always buy an Irishman a drink. And so we went to the saloon and went in, and I says to the saloon keeper, I says, "Can I go in to see them pirates to-day with these children?" And he says, "Yes." And so I took the children and went in, and the children had a little band, and so they sang, "Hail, hail, the gang's all here." Well, that bunch all got up and ran away and went upstairs; the men and women; and the hotel gave us our breakfast, and we all had good things, and the children had never had any such breakfast. The cook fixed it up. You know, he was a miner cook, and he fixed up everything; and the little ones went off happy.

Well, I went down to Oyster Bay, and the reporters didn't know where I was going, and I got in and didn't see no one of the secret-service men; and I thought I would go up and see President Roosevelt about having passed that bill; and when I got up to go there, he put secret-service men all the way from his house down to Oyster Bay to prevent the children coming up there. He had a lot of secret-service men watching an old woman and an army of children. You fellows do elect wonderful Presidents. The best thing you can do is to put a woman in the next time, and she will do it.

Well, that ends that now, and I will not take up any more time; but before I close I have got a letter here. I will have to look it over carefully. It relates to the murder of one of the deputies in Utah. The morning after they had arrested all the men these fellows came along, three of them, and I only had a stone to fasten my door, and I heard the footsteps coming, and I jumped to my feet, and this fellow opened the door and pushed the stone in, and he came in, and he put his gun under my jaw and his finger on the gun, and he says, "Now, if you don't tell me where I will get $3,000 of the miners' money I will blow your brains out." He was one of the sworn deputies that arrested the miners the day before. And I said, "Well, wait a while; I will tell you about these brains; let's talk that over first. You need not waste a lot of powder on these brains. If you blow my brains out yours and mine will not mix. So, save your powder." "Now, where is it? Give it to me. I don't want any talk; and," says he, "I won't have it." And I says, "There are one or two good fellows up in Indianapolis that have the money in the bank." And he says, "Hasn't the secretary got any money?" And I says, "Yes; but he pays every bill with checks." "Haven't you got any money?" "Yes." "Get it out," he says. "I want it." So I took out 50 cents. That is all I had. And he says, "Is this all the money you have got?" "That is all I have here, and I am not going to give it to you." He says, "You won't give it to me?" I says, "No; I want it myself, because I have got the Gould smallpox, and when I get out I want to get a jag on and boil it out of my system, so I won't inoculate the Nation." So the fellow finally went off. And he was killed afterwards for bank wrecking in Utah. Now, that is——

Chairman WALSH (interrupting). Let me suggest, Mrs. Jones, that you submit that into the record.

Mother JONES. All right.

Chairman WALSH. I don't want to hurry you, but Mr. Weinstock said he had a question.

Mother JONES. Well, all right, Mr. Weinstock; go to it, now. But I want you to understand now, Mr. Weinstock, before you go to it, I am not an educated woman; you are, and I am not.

(The matter referred to will be found among the exhibits printed at the end of this subject as "Jones Exhibit.")

Commissioner WEINSTOCK. In your statement yesterday, among other things you told about the experiences you had, I think, in the vicinity of Greensburg.

Mother JONES. Yes, Pennsylvania.

Commissioner WEINSTOCK. And there was some one with you on a street car or a railroad car, and you wanted to get off?

Mother JONES. A street car.

Commissioner WEINSTOCK. And the conductor refused to let you off?

Mother JONES. No; you have that wrong, Mr. Weinstock. The conductor never refused to let me off; it was the women and the babies. The judge had sentenced them to 30 days in jail. I would not let the women leave their babies behind, so they got on the street car, and when we got to a station there were three or four scabs got on the car, and the women were going to jail, and they had a certain resentment against those scabs because they go in and take their bread.

Now, Mr. Weinstock, remember we strikers are striking for a better condition for all, whether they are union men and women or nonunion; they are all workers anyhow; but they make the fight and they raise the wages of the nonunion mother as well as the union one. We are in a conference, you know.

So these women were a little irritated when they saw those scabs get on, and they gave me the babies, and I took the babies; I think I had four or five of them in my arms and another bunch of them around me, and they went and lampooned those scabs, and the scabs began to holler. There were two of the constabulary there, but they were nice boys and they didn't meddle; I think they were a little leery of what was going to happen; and I would not let the street car motorman stop to let those men off until he got to a regular station. They were hollering, "Stop the car," and the motorman got a little nervous, too, and I said, "Now, you don't stop that car; it is against the law, and you must obey the law."

Commissioner WEINSTOCK. That is the point I wanted you to refresh my memory on. You called attention to the fact that they must obey and respect the law.

Mother JONES. Yes, the motorman; he had no right to stop the car there; it was an interurban car.

Commissioner WEINSTOCK. I take it from that, Mother Jones, that you are an advocate of law and order and would insist on people obeying the law and respecting it?

Mother JONES. I certainly do, but when the law jumps all over my class and there is no law for my class, and it is only for the other fellow, then I want to educate my people so as to put my people on the bench. I don't know whether you are a lawyer or not?

Commissioner WEINSTOCK. I am not, Mother Jones; I am glad of it. I am a plain, everyday business man.

Mother JONES. I am glad of it.

Commissioner WEINSTOCK. From what you have explained, Mother Jones, it is evident that some explanation is needed. There appears in the record of the congressional committee a copy of which I have here, setting forth a hearing before a subcommittee of the Committee on Mines and Mining of the House of Representatives, a statement attributed to you, which evidently is a mistake, and does you a grave injustice, and I think you should be afforded an opportunity at this hearing for the purposes of our record to correct it.

(This is entered here as Operators' Exhibit No. 105, "Address made by Mother Jones, delivered before the convention in Trinidad, Colo., on Tuesday, the 16th day of September, 1913.")

Among other things you are alleged to have said, speaking, I think, of some labor trouble in West Virginia:

"We told him we lived in America beneath the flag for which our fathers fought; that we lived in the United States, and we had a right and had a ground to fight on; and we asked the governor to abolish the Baldwin guards. That was the chief thing I was after, and I tell you the truth, because I knew when we cleaned them out other things would come with it.

"So I said in the article we will give the governor until 8 o'clock to-morrow evening to get rid of the Baldwin guards, and if he don't do business we will do business. I called the committee, and I said, 'Here, take this document and go into the governor's office and present it to him. Now, don't get on your knees; you don't need to get on your knees; we have no kings in America; stand on both feet, with your heads erect, and present that document to the governor.' And they said, 'Will we wait?' I said, 'No, don't wait, and don't say, "your honor," said I, because few of those fellows have any honor and don't know what it is.

"When we adjourned the meeting and saw we were not going to get any help, I said, 'We will protect ourselves and buy every gun in Charleston.'

There was not a gun left in Charleston; and we did it openly, no underhanded business about it, for I don't believe in it at all. We simply got our guns and ammunition and walked down to the camps, and the fight began."

Now, as one who believes in law and order and obeying the law, there must be some mistake, or you were misquoted, and this is an opportunity for you to correct it.

Mother JONES. I am going to tell you about that. I made that speech, not in Trinidad, but on the steps of the statehouse in Charleston. The strike was not on very long—three or four months, I think three months—and I did so, and the governor stood there, and the whole statehouse administration was there. When I said, "We demand of the governor to abolish the Baldwin guards," I did so; I don't deny it. I don't believe in any such brutal combination; they are a disgrace to our Nation; they violate every law; they teach the coming children to be lawbreakers, brutes, and murderers, and for that I am strictly opposed to those armies. And I would say, Mr. Weinstock, that I would ask this Government and ask this commission to demand of Congress that she pass a bill that the Government take over all of those detective agencies and run them on an honorable basis.

I don't believe—I have had more experience with those people than any other one person in America and I have never seen one of them hurt. I could have had all those deputies and sheriffs murdered that morning down at Half Way, in Utah, if I had just said one word to those men the night before, but that would not settle the disease; the disease still remained. The disease lies in the private ownership of my bread, and one class of men can say how much I shall eat and how much my children shall eat. I stand for a better citizenship, and I stand for law and have stood for law, and in all my career it can be proven, the records of the courts, police and county, and everywhere can be searched, and there has never been a charge against me; I am always in favor of obeying the law; but if the high-class burglar breaks the law and defies it, then I say we will have a law that will defend the Nation and our people, for whenever a nation undertakes to crush her producers and to debase and dehumanize them, that nation is going over the breakers; it is the history of all nations down the stairway of time. In 50 years we have created more wealth than any other nation in the world has done in 700 years, and one group owns that wealth and the masses of people are impoverished.

I am for schools. I said to the governor of West Virginia, "If you had taken that $700,000 that you spent to crush my class, the miners, and put it into the schoolrooms of the State, and given to the Nation a more highly developed citizenship, morally, physically, and mentally, it would have been more valuable to the Nation. I saw the schooldoors closed on the children, and for many of them never to open again. Many of them had to go out and struggle for bread, and many were made criminals and idiots, and if that money, that $700,000 that was put into the militia, to crush my class, had been put into the schoolrooms we would have had less use for law.

Commissioner WEINSTOCK. There is no change to be made in that statement?

Mother JONES. No; that can stay. I will tell you how that came to be put into the record. They had a little two-by-four lawyer in Charleston, and he made up a job with the coal company's lawyer to run that in, so that he could get it on me, and the miners are paying him $7,500 a year for doing nothing, only incarcerating them, and I am going to put a stop to that thing.

Am I through? I am tired.

Commissioner WEINSTOCK. You know the purposes that this commission is created for, Mother Jones—that is, that Congress expects this commission to come back to it with recommendations for remedial legislation. Now, if you were a member of the commission, Mother Jones, what would you recommend to Congress to remedy the condition that you complain of?

Mother JONES. I will tell you, as I stated before we got to discussing this question, you and I, I was not an educated woman; I belong to the classes. I should recommend to Congress that they should do away with all of these arms and detective agencies, because they create crime. They are criminals.

Commissioner WEINSTOCK. That is, to do away with the gunmen?

Mother JONES. And these detective agencies; let the Government run their agencies, and you will have less trouble, less crime, less penitentiary subjects, and you will have better manhood and better womanhood. I have a great deal to tell the commission, but it is unnecessary; but you see, Mr. Weinstock, we have spent years in the past, we are an infant in the history of nations yet, practically speaking. Now, we have spent our years following our birth invent-

ing machinery, building railroads, telephones, telegraphs, and everything else, and we are reaching a stage where these inventions are taking the place of labor. There must be something done by the National Government to relieve this discontent, because we have armies of unemployed. Last Sunday I addressed a large meeting down here in Pennsylvania. It was the glass industry, where a thousand men were employed. The machine came in and threw the whole thousand of skilled mechanics out—10 men are doing the work of 1,000, and it is so in so many other industries.

Now, Mr. Weinstock, we had a Federal commission 15 years ago. I think Mr. O'Connell remembers that. That commission went through this Nation; it made some of the finest recommendations that could be made to Congress. Those recommendations lie up in the archives of this Nation, and I venture to say in the last 15 years not 12 Congressmen have read them. Now, you see, you had an investigation in Colorado; one whole year passed away, and two days before Congress closed they brought that up on the floor of the House. They had an investigation in Michigan that they never brought up at all. What good are the investigations if the public don't know what is happening in the country? My advice, and I give it to the workers when I speak to them is, when you send a man to the Senate or Congress or to the legislature, when he comes home have a platform at the depot, and make that representative tell you what he has done for the best interests of the Nation, and render an account of himself right then and there, and then you will not have so many Congressmen fighting for bills for the protection of 26 Broadway and other institutions like that.

Am I through?

Commissioner WEINSTOCK. Your recommendation, then, briefly, is this—I want to make sure that I understand it thoroughly—that the remedy for industrial unrest would be to wipe out the detective agencies?

Mother JONES. That is only one step. Now, I believe in taking over the mines, Mr. Weinstock. They are mineral, and no operator, no coal company on the face of the earth made that coal. It is a mineral; it belongs to the Nation; it was there down the ages, and it belongs to every generation that comes along, and no set of men should be permitted to use that which is nature's. It should be given to all of nature's children in other nations.

Commissioner WEINSTOCK. Then your remedy would be public ownership of the mines?

Mother JONES. All other industries, and then we can get the hours of labor down and put men to work. I also believe in the ownership of the transportation lines. I don't want to put you out of a job, Mr. Aishton.

Chairman WALSH. We thank you, Mrs. Jones; and you will be excused permanently.

TESTIMONY OF MR. DANIEL DAVENPORT.

Chairman WALSH. What is your name, please?

Mr. DAVENPORT. Daniel Davenport.

Chairman WALSH. And where do you reside, Mr. Davenport?

Mr. DAVENPORT. Bridgeport, Conn.

Chairman WALSH. And what is your profession?

Mr. DAVENPORT. Lawyer. I have been practicing almost 40 years.

Chairman WALSH. Are you counsel for the American Anti-Boycott Association, Mr. Davenport?

Mr. DAVENPORT. General counsel; yes, sir.

Chairman WALSH. Who are or have been in part your associate counsel for the association?

Mr. DAVENPORT. Mr. James N. Beck preceded me as general counsel and Mr. Walter Gordon Merritt as associate counsel.

Chairman WALSH. I think Mr. Merritt submitted some recommendations to this commission in New York.

Mr. DAVENPORT. I have seen a pamphlet.

Chairman WALSH. When was the American Anti-Boycott Association started, Mr. Davenport? We must have better order in the room, please.

Mr. DAVENPORT. It was along in July, 1902, that the movement first began. I believe it was organized along in 1903, in May, I think.

Chairman WALSH. Why was it started and by whom?

Mr. DAVENPORT. Well, the purpose of the organization is set forth in the constitution, which I don't happen to have a copy of. It was primarily——

Chairman WALSH. I have marked some sections of it, Mr. Davenport, to which I will direct your attention.

Mr. DAVENPORT. It was primarily started for the purpose of enabling the members to protect themselves from unlawful boycotts.

Chairman WALSH. Did the association have some connection with the Danbury Hatters' case that we have head so much about?

Mr. DAVENPORT. Yes, sir, Mr. Walsh. It financed the case. That is to say, it supplied the attorneys who conducted it.

Chairman WALSH. On behalf of the plaintiffs?

Mr. DAVENPORT. On behalf of D. E. Lloyd & Co., who are members.

Chairman WALSH. In article 2, please refer to there, of this constitution, it is stated that one of its objects is to protect its members and their employees and promote the public welfare by proper and legal resistance to boycotts, unlawful strikes, and other labor conspiracies, and cooperate with the public authorities in the suppression thereof.

Mr. DAVENPORT. That is section 1.

Chairman WALSH. Yes; that is right; it is section 1.

Is it the position of the association that all boycotts are now or should be made illegal?

Mr. DAVENPORT. That is opening up a pretty large question, Mr. Walsh. It depends altogether on what you mean by the word "boycott."

Chairman WALSH. That is one of the things that we are trying to define.

Mr. DAVENPORT. It has been pretty well defined, so far as the Federal jurisprudence is concerned, by a decision of the Supreme Court of the United States. The first declaration against a boycott made by the Supreme Court of the United States was made at the instance of the labor unions in the case of Calvin-Wilson (137 U. S.), which arose here in the District of Columbia.

I happened to have here with me that, and I see a statement here which is the foundation case, in regard to that matter. This sort of a combination was by the Supreme Court of the United States, at the instance of the labor unions established. Certain gentlemen were indicted in the police courts here in the District of Columbia for conspiracy, and they were tried in the police court without a jury, on the ground that the offense that they were charged with was a petty offense and under the law they were not entitled to a jury trial. They were found guilty, and Mr. Calvin was put in the custody of the marshal, and the attorney of the union, Mr. Ralston, brought a petition for habeas corpus for the discharge of his client on the ground that the offense charged was a heinous offense, for which he was entitled to a jury trial under the Constitution. The matter was brought to the Supreme Court of the United States.

Now, this is the arrangement that was made among those men, which was subjected to the condemnation of the Supreme Court, at the instance and request of the unions. And you will observe what is the nature of it: By refusing "to work as musicians, or in any other capacity, with or for the persons first above named, or with or for any person, firm, or corporation working with or employing them; to request and procure all other members of said organizations, and all other workmen and tradesmen, not to work as musicians, or in any capacity, with or for them, or either of them; or for any persons, firm, or corporation that employed or worked with them, or either of them, and to warn and threaten every person, firm, or corporation that employed or worked with them or either of them, and to warn and threaten every person, firm, or corporation that employed or proposed to employ the said persons, or either of them, and that if they did not forthwith cease to so employ them and refuse to employ them, and each of them, such person, firm, or corporation so warned and threatened would be deprived of any custom or patronage, as well from the persons so combining and conspiring as from all other members of said organization in and out of the district."

Now, the court held, in other words [reads]:

"This is an offense of a grave character, affecting the public at large, and we are unable to hold that a person charged with having committed it in this District is not entitled to a jury when put upon his trial."

Now, that is probably the foundation case in this country on the subject of illegal boycotts at common law. There might be some doubt that where men combine together to oppose anybody it is an illegal thing. Of course, this subject of boycotts varies under the law as to the jurisdiction. If you care to look it up in the recent case of Gompers *v.* The Bucks Stove & Range Co., Mr. Justice Lamar, giving the opinion of the court, refers in a general way to the different views of different courts in this country as to what constitutes an illegal boycott. Some were there must be violence used, some that it must be this, that, and the other. I wish I had the notations from it here.

Chairman WALSH. Maybe we could get a shorter route by having you suggest what might be defined as a legal boycott.

Mr. DAVENPORT. I doubt very much whether that process of elimination would answer. But that is the law so far as the common law is concerned, but under the Federal law, under the Sherman Act, as has been established by the Supreme Court in the Lawler case, the principles are quite different. Any combination whose purpose is directly to affect or directly restrains trade among States is illegal, and I would say, for instance, that this combination set forth in the proceedings of the American Federation of Labor would be directly in point.

In the proceedings of the American Federation of Labor, at its convention held in 1905, the committee on boycotts reported, and it was unanimously adopted by the convention, as follows [reads]:

"We must recognize the fact that a boycott means war, and to successfully carry on a war we must adopt the tactics, as history has shown, that are most successful in war. The greatest master of war has said that war was a trade of the barbarians, and the secret to success was to concentrate all of your force upon one point of the enemy, the weakest if possible. In view of these facts the committee recommends that the State federations and the central bodies lay aside minor grievances and concentrate their efforts and intelligence upon the least number of unfair parts or places in their jurisdiction. One would be preferable. If every available means of the central bodies and State federations was centered on one point and kept up until successful, the next on the list would be more readily brought to terms, and in a reasonable time anyone opposed to unfair conditions or wages or hours would be brought to their senses and submit to the inevitable."

Commissioner WEINSTOCK. Whose sentiments are those?

Mr. DAVENPORT. The American Federation of Labor. That is the report of the committee on boycotts to the convention in 1905, and unanimously adopted.

Commissioner WEINSTOCK. Does it give the names of the committee?

Mr. DAVENPORT. It can be found in their proceedings. This was taken from that.

Now, what kind of a thing is an illegal boycott? If I were obliged to distinguish in my own mind between combinations that are illegal in the sense of a boycott, I would say that they are those that are illegal which seek to oppress the victim. Now, you know the distinction between secondary and primary boycotts. That, to my mind, don't impart any distinction. There is no difference in my mind as to the character of the boycott, providing the purpose and necessary effect is the same.

Chairman WALSH. A very marked distinction has been drawn between secondary and primary boycotts by expert witnesses.

Mr. DAVENPORT. Certainly. Ex-President Taft when a judge of the circuit court originated that expression, I think, and he has expounded it on a great many occasions. Mr. Gompers has never recognized any such distinction or principle in his editorials in the A. F. of L. But it is all put at rest, as far as interstate boycotts is concerned, by a recent decision of the Supreme Court in the Eastern Retail Lumber Dealers' Association against the United States, and if you care to run down that matter you can find it in that case. I can give you the notation of the case.

Chairman WALSH. Just submit it into the record, please.

Mr. DAVENPORT. It is Eastern Retail Lumber Dealers' Association *v.* The United States (234 U. S., 600).

Chairman WALSH. Now, in that same section, Mr. Davenport, the language is used, "Legal restraint of unlawful strikes." What strikes are considered by your association to be unlawful?

Mr. DAVENPORT. I don't know that I can say what the association considers unlawful, but I as an attorney consider any strike unlawful which has for its purpose to coerce. Of course, you differentiate and ramify those things. For instance, in a railway strike an entirely different principle comes in there because of the provisions of the interstate-commerce act. This is the general principle of law, as I understand it, that any combination of men to accomplish an unlawful purpose by lawful means and enter a combination to accomplish a lawful purpose by unlawful means is an unlawful conspiracy. You must recognize the fact that there is a great system of laws that govern the interstate carriers—interstate commerce—which make combinations between the employers in many respects, unless perhaps it has been changed by the Clayton Act, unlawful.

In a case—one of the cases before Judge Taft 20 years ago he pointed out a combination then under consideration violated the interstate-commerce act and the Sherman Antitrust Act, as well as it was in that particular instance an unlawful boycott, which he attempted to define. But wheresoever there is a law of the United States that requires a man to do a thing, as, for instance, the employee of the railroad, you know every agent, employee, and officer of that railroad company is required to do certain things. Now, any combination for the purpose of inducing that person not to perform that duty, or any combination which prevents his doing it, is a violation of the criminal statutes of the United States, and therefore, of course, any such combination is unlawful. That has been the basis of very many decisions by the courts. If it would save time at all for the commission, or if it has the time to spare, I could call your attention to some particular cases.

Chairman WALSH. I wish you would give us reference to the cases, if you have them; or, if not, you can put them in the record afterwards.

Mr. DAVENPORT. Well, will what I say here be submitted to me for correction?

Chairman WALSH. Yes, sir.

Mr. DAVENPORT. Then, I will take the pains to insert those cases, with possibly quotations from them.

Chairman WALSH. Now, in section 2 of article 1 one of the objects of your association is stated to oppose State and Federal legislation injurious to the public good which would impair the rights and remedies of members in the employment of labor or destroy industrial freedom. Upon what basis does your association determine what is or is not injurious to public good?

Mr. DAVENPORT. That is the class of legislation to which we have given attention. All attempts to strip the Federal courts of power to protect persons and property by the use of the writ of injunction. All such things have been opposed; also every attempt to weaken the power of the Federal court to enforce their injunctions. In one particular instance—I think that was all—is where we had the eight-hour law agitation here. When we thought men were boycotted or supposed to be by the Federal court who worked in a shop more than eight hours. That is the only kind of legislation that I know anything about that we have been interested in.

Chairman WALSH. Well, now, suppose that the other great societies of the people believed that legislation that is a diminution of hours as is cognizant with the public welfare, or for the public welfare, do you assume to speak for them also, or do you limit it to members of your organization?

Mr. DAVENPORT. It came up in this way. Mr. Commissioner O'Connell will remember it. Many years before the House Committee on Labor and before the Senate Committee on Labor legislation, there was effort to take out of the field of Government employment those men that did not run shops on the eight-hour basis. In opposition to that proposition I appeared before both the Senate and House committees, in opposition to Mr. O'Connell and those who believed otherwise. As far as I know, that is the only way in which it ever came up.

Chairman WALSH. Well, have you an example of any other sort of legislation which you have promoted or opposed purely from the standpoint of the public good, as expressed in section 2 of article 2?

Mr. DAVENPORT. I don't recall any.

Chairman WALSH. Just on the eight-hour law?

Mr. DAVENPORT. Not the eight-hour law, but the rights and remedies of people. You know society would not exist without a court of equity to enjoin things that would cause irreparable injury to persons. Now, courts of equity exist only to give orders forbidding things to be done, or commanding; and the only way by which they can be made effective is for the court to have the power to punish those that disobey them, and long-continued efforts have been made to take away from the courts their power. Both the power to issue injunctions in certain classes of cases and also the power to punish for contempt without the interposition of a jury, and in a certain way to take away the power to issue injunctions without previous notice.

Now, all such kind of legislation is what has been my business to, as far as I could, before committees, oppose; but that is all I know about anything else, other than the particular instance or feature of the eight-hour law.

Chairman WALSH. Were you in the organization from its inception, Mr. Davenport?

Mr. DAVENPORT. I might say yes.

Chairman WALSH. Who drew the constitution and by-laws?

Mr. DAVENPORT. Well, I don't know but what I did; I can not say; I helped, at any rate.

Chairman WALSH. What is meant in that section by industrial freedom, and for whom?

Mr. DAVENPORT. If you will tell me what that means—I suppose it is industrial freedom for everybody, employer or employee.

Chairman WALSH. In what instance has the organization sought to promote or impede legislation or affect the freedom of employees?

Mr. DAVENPORT. It is in regard to those things I spoke of—injunctions, maintaining the power of the Federal court unimpaired—to protect the freedom of employer and employee.

Chairman WALSH. In the article, referring to section 1, article 3, in which it is stated that no membership shall be made public without the consent of the member; what is the reason for that provision, please?

Mr. DAVENPORT. The reason for that was that members were timid for fear they would incur the hostility of organized labor.

Chairman WALSH. Do you consider it desirable socially that any large organization should keep its membership secret; that is, engage in a business which affects legislation or affects the Government so closely?

Mr. DAVENPORT. You will notice this does not say secret, but it shall not be made public without his consent.

Chairman WALSH. Maybe I don't see the distinction.

Mr. DAVENPORT. There is a great distinction.

Chairman WALSH. Just state it in your own way.

Mr. DAVENPORT. The distinction is this, that probably one-half of the membership would state that they were connected with it. But it shall not be published.

Chairman WALSH. It just means that it shall not be published in the newspapers?

Mr. DAVENPORT. Published generally.

Chairman WALSH. I will ask you to submit to Mr. Manly, in charge of our department of research, a list of the membership.

Mr. DAVENPORT. I would have to decline to do that. In the first place I don't know it myself, and in the second place——

Chairman WALSH. That first one is an awful good reason.

Mr. DAVENPORT. A sufficient reason.

Chairman WALSH. Is there any place we could get a list?

Mr. DAVENPORT. I can tell you who would know about it, but I don't suppose they would want to break faith with their members. The secretary of the association is Mr. H. F. Lee, of 27 Williams Street, New York City, where the offices are.

Chairman WALSH. Is Mr. Lee an attorney?

Mr. DAVENPORT. No, sir; secretary of the association. The treasurer is Mr. Henry A. Potter, and he is at 25 Madison Avenue, New York City.

Chairman WALSH. If this is not secret, would you indicate who you would be willing to tell it to or what body or what persons?

Mr. DAVENPORT. I don't suppose they would be willing to give a list of it to anybody, but I have no doubt but what a very great number of the members would be perfectly willing to have their connection with it known.

Chairman WALSH. Now, then, why is it not secret, if you are not willing to tell anyone—if the organization itself is not willing to tell anyone or any Government body?

Mr. DAVENPORT. As far as a Government body is concerned, I think very likely that a Government body, if it was strictly necessary for the purpose—but I would suppose this is going a little too far.

Chairman WALSH. Well, who would determine that for the Government, whether or not it was strictly necessary?

Mr. DAVENPORT. Well, I suppose that perhaps the courts; I don't know. But that, I suppose, is entirely irrelevant to the purposes of this hearing; I don't know.

Chairman WALSH. What is the initial membership fee?

Mr. DAVENPORT. $25.

Chairman WALSH. Will you describe the methods of assessment which the executive board may authorize the treasurer to levy?

Mr. DAVENPORT. The assessment shall be at the rate of $1 on each $1,000 of the pay roll——

Chairman WALSH (interrupting). Say, I have been asked—Commissioner Weinstock has submitted a question here [reading]: "Can we insist on the names any more than we could insist on Lawson and Doyle telling us whether they spent money for arms?" Let me say that Lawson and Doyle were two members of the United Mine Workers of America, involved in the Colorado Fuel & Iron Co. strike in Colorado; and when we asked them this question they declined to answer, because there were certain indictments pending against them in the State courts of Colorado. Do you refuse to answer this on the ground that it might tend to incriminate you?

Mr. DAVENPORT. Oh, no.

Chairman WALSH. Or furnish the link in a chain of evidence that might lead——

Mr. DAVENPORT (interrupting). Oh, no; not at all.

Chairman WALSH. What ground do you place it upon?

Mr. DAVENPORT. I tell you, in the first place, I am not familiar with the membership; I am an attorney, but aside from that I suppose that the actual membership is irrelevant to the subject.

Chairman WALSH. And you do not place it, then, on the ground, either, that it is a confidential communication between attorney and client?

Mr. DAVENPORT. So far as I am concerned?

Chairman WALSH. Yes.

Mr. DAVENPORT. No.

Chairman WALSH. Just simply for purposes or for your own purposes you do not want us to know it?

Mr. DAVENPORT. Why, I do not want to have it made public, not because I do not want you to know it, so much, as it might—in the estimation of some of the members—precipitate the very evil against them that they are seeking to avoid; and upon that ground I should suppose that they would decline, so far as they could legitimately, to disclose the membership.

Chairman WALSH. Well, we will go back to the question of assessments. I asked you, please, to describe the methods of assessment which the executive board can authorize the treasurer to issue.

Mr. DAVENPORT. Well, at the rate of $1 on a thousand of the pay roll, no member having to pay more than $500.

Chairman WALSH. For what purpose is the fund thus collected used?

Mr. DAVENPORT. Oh, it is for the purpose of carrying on the association, paying the salaries of the officers, and I suppose paying the attorney's fees.

Chairman WALSH. Well, who is on the general executive board at the present time?

Mr. DAVENPORT. Well, Charles H. Merritt, of Danbury, is the chairman, and really I couldn't give you the others. Oh, I think Mr. Potter and Mr. Lee, by reason of their membership—I think the secretary and the treasurer are also members; but I won't be sure about that.

Chairman WALSH. Please refer to section 5, article 5, in which it is stated that it shall be the duty of the board to classify the members of the association in such groups as will give reasonable representation on the board to the different classes of industry.

Mr. DAVENPORT. Well, I should think that sufficiently indicates——

Chairman WALSH (interrupting). Well, I was going to ask you a question on it, and was just going to call your attention to that. What is your present method of classification?

Mr. DAVENPORT. Why, for instance, in the metal industries, hat industries, carpet industries, and so on. That is the way they are classified.

Chairman WALSH. Are any of the records of your association kept in the city of Washington——

Mr. DAVENPORT (interrupting). Oh, no.

Chairman WALSH (continuing). Or the District of Columbia?

Mr. DAVENPORT. No.

Chairman WALSH. Where is your roll of membership?

Mr. DAVENPORT. Well, I suppose that the secretary treasurer in New York would have it.

Chairman WALSH. That is the gentleman——

Mr. DAVENPORT (interrupting). Whom I have mentioned.

Chairman WALSH. Do you remember approximately how many industrial groups are now so classified?

Mr. DAVENPORT. No; I could not. Probably—I should imagine 25 or 30.

Chairman WALSH. Could you give the industries?

Mr. DAVENPORT. I could not with any—I know, of course——
Chairman WALSH (interrupting). The coal industry?
Mr. DAVENPORT. I don't know whether there is any such group.
Chairman WALSH. The steel industry?
Mr. DAVENPORT. I don't think there is any such group as that.
Chairman WALSH. Boot-and-shoe industry?
Mr. DAVENPORT. I doubt—I couldn't tell you.
Chairman WALSH. The railroads?
Mr. DAVENPORT. Oh, I guess there aren't any railroads.
Chairman WALSH. The oil industry?
Mr. DAVENPORT. No.
Chairman WALSH. The Metal Trades Association?
Mr. DAVENPORT. The what?
Chairman WALSH. The Metal Trades Association?
Mr. DAVENPORT. No; but I think there are different classes or branches of the metal industry.
Commissioner O'CONNELL. National Metal Trades Association?
Mr. DAVENPORT. Oh that has nothing to do with it. These associations are entirely distinct from that. Nothing to do with it.
Chairman WALSH. Who could supply this information to the commission?
Mr. DAVENPORT. I could not think of anyone except Mr. Lee, the secretary, and Mr. Potter, the treasurer.
Chairman WALSH. Now, in regard to Mr. Merritt's recommendations which were given to us in writing, we would like to get some of your views. It states in the recommendation that organizations of workmen have been fostered and encouraged in this country, and the right to strike is recognized as a necessary defense against oppression. By whom is it your understanding that the workmen have been encouraged to form organizations?
Mr. DAVENPORT. No better answer could be made to that, Mr. Walsh, than the following from the decision of the Supreme Court in the Gompers case, the case of Gompers *v.* the Buck Stove & Range Co. (221 U. S., 239). The court said, speaking by Mr. Justice Lamar: "Society itself is an organization and does not object to organizations for social, religious, business, and all legal purposes. The law therefore recognizes the right of workingmen to unite and to invite others to join their ranks, thereby making available the strength, influence, and power that come from such association. By virtue of this right, powerful labor unions have been organized. But the very fact that it is lawful to form these bodies, with multitudes of members, means that they have thereby acquired a vast power in the presence of which the individual may be helpless. This power, when unlawfully used against one can not be met except by his purchasing peace as the cost of submitting to terms which involve the sacrifice of rights protected by the Constitution, or by standing on such rights and appealing to the preventive powers of a court of equity. When such an appeal is made it is the duty of Government to protect the one against the many, as well as the many against the one."
But perhaps equally good is the statement by the Supreme Court of the United States in the case of Adair *v.* The United States (208, U. S., 178), where they were putting at rest the notion that Congress could deny the right of labor unions to organize [reads]:
"Manifestly any rule prescribed for the conduct of interstate commerce, in order to be within the competency of Congress under its power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated. But what possible legal or logical connection is there between an employee's membership in a labor organization and the carrying on of interstate commerce? Such relation to a labor organization can not have in itself, in the eye of the law, any bearing upon the commerce with which the employee is connected by his labor and services. Labor associations, we assume, are organized for the general purpose of improving or bettering the conditions and conserving the interests of their members as wage earners, an object entirely legitimate and to be commended rather than condemned. But surely those associations as labor organizations have nothing to do with interstate commerce as such. One who engages in the service of an interstate carrier will, it must be assumed, faithfully perform his duty, whether he be a member or not a member of the labor organization. His fitness for the position in which he labors and his diligence in the discharge of his duties can not in law or sound reason depend in any degree upon his being or not being a member of a labor organization. It can not be assumed that his fitness is

assured or his diligence increased by such membership, or that he is less fit or less diligent because of his not being a member of such an organization. It is the employee as a man and not as a member of a labor organization who labors in the service of an interstate carrier."

Not only is such the doctrine of the Supreme Court of the United States, but of every other court that I know anything about. The right of a man to join a union is inherent in his personal liberty, as well as the right of a man to refuse to join. In the recent case of Coppage *v.* Kansas (236 U. S.) this doctrine is reaffirmed. They not only have the right to form these associations, as long as they keep within the law and confine their operations to lawful purposes and by lawful means, but those rights are guaranteed by various constitutional provisions.

Commissioner LENNON. What value is that right in the Kansas case if the employer, for no reason except membership, can discharge the man?

Mr. DAVENPORT. In a union?

Commissioner LENNON. Yes.

Mr. DAVENPORT. Well, because the right of the employer, of course, is equal with that of the employee.

Chairman WALSH. Another recommendation: In the first list of recommendations we find that emphasis is placed on the necessity for defining the rights of those engaged in business and giving them adequate protection. In what manner would you advise that the rights of both parties to a dispute can be more clearly defined?

Mr. DAVENPORT. Well, now, Mr. Walsh, this is not my production, and I would be unable to answer that question satisfactorily at this time to anybody. I would suggest that the man who drafted this is a very intelligent man. I think he has appeared before you——

Chairman WALSH (interrupting). He has appeared before us, and this is his testimony, and it contained many suggestions, and some of them, to my mind, of very great value; and, inasmuch as you were the head of the legal organization, I thought—one of the objects of having you here was to get you to amplify and make it a little more definite in regard to the machinery.

Mr. DAVENPORT. Well, Mr. Walsh, my relations with that association are those rather of a man who takes the law as it is and advises as to what the legal rights of his people are, and we do what we can to enforce them. Now, I have never given any attention to these broad recommendations made there and I should—with all respect to the commission, I think my opinion on that subject would not be worth taking your time on. I know of nothing else that is useful except the fact that every person in this country has the right to work. He has a right to buy and sell his labor, and the Constitution of the United States, according to the decisions of the United States Supreme Court, absolutely protects that right from any invasion by the legislature. That is the doctrine laid down in the Adair case. Now, any sort of legislation that impairs this right is null and void, of course, being beyond the power of Congress or of the State legislature, and anything that would deprive the courts of the power to protect those rights is for obvious reasons a nullity. Now, specific pieces of legislation here relating to those matters, like the Clayton Antitrust Act or the Sherman Act or the Ferree bill, so called, that has been adopted in several States, but I am quite willing to give such views as I might have on those subjects.

Chairman WALSH. That is the explanation I was going to make. Now, here is an organization formed for specific purposes, as laid down in the by-laws, and you are their representatives here, and you have stated that you go before committees of Congress and promote or oppose legislation.

Mr. DAVENPORT. I don't say that I promote any legislation. My entire activity has been directed and confined to opposing, as far as I could, legislation which would dismantle the courts or strip the citizen of his rights to legal protection.

Chairman WALSH. If there was a law passed, or if there was a law sought to be introduced or an amendment to the Constitution submitted making it a misdemeanor for an employer to oppose the formation of labor organizations by discharging any man that joined one, would you feel it a part of your duty, under your general instructions from your organization, to oppose that law?

Mr. DAVENPORT. Well, I don't know as I would.

Chairman WALSH. What sort of regulation of labor organizations would you suggest, if you have any suggestions?

Mr. DAVENPORT. Nothing but that they submit to the laws. The fact of the business is I would not recommend any change in any law. I am that fos-

silized gentleman who thinks that existing laws are sufficient to deal with all these matters.

Chairman WALSH. Do you think labor organizations should be regulated by statute law?

Mr. DAVENPORT. Well, to a very limited extent; that is my own individual opinion.

Chairman WALSH. Do you think employers' associations should be regulated by statute law?

Mr. DAVENPORT. Further than they are?

Chairman WALSH. In any way?

Mr. DAVENPORT. Oh, you know, all organizations are under a general law.

Chairman WALSH. Well, I am asking you now——

Mr. DAVENPORT (interrupting). No; not specifically, no.

Chairman WALSH. Well, you said you thought labor organizations might, to a limited extent?

Mr. DAVENPORT. Well, I don't know that—I don't know but I would qualify that, and perhaps retract it. I would let them be just as they are under the laws to-day.

Chairman WALSH. Do you favor incorporation of labor unions?

Mr. DAVENPORT. From the standpoint of the laboring man?

Chairman WALSH. From the standpoint of the public good, we will say, first.

Mr. DAVENPORT. Well, now, you know the American Federation of Labor—you may not know it, but for many years one of their planks was in favor of the incorporation of labor unions. Mr. Lennon will remember that. But for a good many years they have abandoned that idea. Now, if I was a member of a labor union perhaps I would favor the incorporation of it for the reason, as at present voluntary associations, the individual members, are responsible personally for the acts of the officers done within the scope of their employment and the business of the association, the same as any other.

That is the principle, you know, that underlies the decision in the Danbury hatters' case. If a labor union was incorporated, the officers of the labor union would not be, in the sense that they are to-day, the officers of the members; but, speaking broadly, I don't believe I would favor, myself, personally, a law requiring incorporation of labor unions. I would come around to the same view that Mr. Gompers and others contend for on that ground.

Chairman WALSH. Personally, you say you would not favor it?

Mr. DAVENPORT. I don't think I would.

Chairman WALSH. As a member of a labor union?

Mr. DAVENPORT. If I was a member of a labor union, I would favor it for personal protection against the unlawful acts of my own officers.

Chairman WALSH. Well, now, as an employer, or from the employer's standpoint, would you favor the incorporation of labor unions?

Mr. DAVENPORT. Well, for the same reason, the rights and privileges of an employer against the unlawful acts of the members of the labor union are much greater now than they would be if they were incorporated; and it would confine its redress substantially to the means and property of the union, the same as against that of a corporation. To-day every one of the 2,000,000 members of the American Federation of Labor who owns a piece of property is responsible to any person injured by the officers of that organization in and about the business of the association, just the same as any other person.

The only distinction between the liability of the members of a voluntary association and the members of a partnership is this, that the members constitute the officers of the association their agents to act in and about their business; that is the only distinction. Now, we will suppose with a labor union that a person is injured by the officers of the American Federation of Labor in something done in and about the business of the association, every individual member is liable in damages for that. If you care to have me give you the cases, I will do so.

But that, of course, was the principle established or recognized in the case of Loewe *v.* Lawler, the Danbury hatters' case. Now, here is exactly what was done in that case. I brought that suit.

Mr. Loewe's business had been injured and substantially destroyed by the acts of the officers of the United Hatters. Upon the principle that every principal is responsible for the acts of his agent done within the scope of his employment, and in and about the business of his employer, why, I claimed that the individual members of the union are responsible, and that their property could be taken to respond. So I picked out 250 members of the union who

had property and brought suit directly against them on the seventh section of the Sherman Antitrust Act. That was contested throughout until it was finally decided by the Supreme Court. Under the circumstances of that case, the individual members were responsible for the acts of their officers, and any organization—labor organization—which has in its constitution a provision for boycotting, every member is responsible for the acts of the officers, not for what some other member may have done, but for the acts of the officers.

Chairman WALSH. Do you think, Mr. Davenport, that it was intended that the Sherman antitrust law should apply to labor organizations at the time of its passage?

Mr. DAVENPORT. Surely; it is so expressly decided by the Supreme Court. Anyone that ever examined the history of those debates, and there is a volume accessible to the commission, will see that.

Commissioner LENNON. I had the pleasure of interviewing Senator Sherman and Senator Plumb and a large number of gentlemen in the Senate at the time, and they did not look upon it that way.

Mr. DAVENPORT. Which one did you interview Mr. Sherman about, the one he introduced?

Commissioner LENNON. Yes.

Mr. DAVENPORT. That is not the one that was passed, although it bears his name.

If you want to see the history of that matter, you have only to refer to the case of Loewe *v.* Lawler (208 U. S.) where, in that case in the Supreme Court, we debated this question, and we produced the records, and the other side made their contentions; and the Supreme Court, after careful consideration, said that the history showed it was the intention, and indeed you could not—it would not be a workable statute unless it was so intended.

Commissioner LENNON. I do not want to set aside their view, but I have my own view of that.

Mr. DAVENPORT. Sure; but in our church, however, whenever the highest authority speaks we acquiesce.

Chairman WALSH. We have asked many of the legal gentlemen and legal educators who have been before us this question, which I would like to ask you, "What do you think the attitude of the courts of this country is toward labor disputes? Do they show, as a whole, bias one way or the other?"

Mr. DAVENPORT. Not a particle, as far as I know.

Chairman WALSH. You have found them, so far as you have observed, to be perfectly fair?

Mr. DAVENPORT. Yes. I have known more or less about the legislation in courts for 15 years. The first case I ever had, Mr. O'Connell, followed the strike of the machinists—was it in 1901 or 1900—for the nine-hour day?

Commissioner O'CONNELL. 1901.

Mr. DAVENPORT. From that time on I have had occasion to follow that, and as far as I know, Mr. Walsh, they are absolutely impartial, as their oath requires them to be.

Chairman WALSH. Do you consider the boycott should in any way be restrained by statute law?

Mr. DAVENPORT. Further than it is now?

Chairman WALSH. Yes.

Mr. DAVENPORT. It is restrained by statute law now.

Chairman WALSH. Give me a typical example.

Mr. DAVENPORT. The Danbury hatters' case is one.

Chairman WALSH. Outside of the Sherman Act?

Mr. DAVENPORT. Oh, there are several statutes—antiboycott statutes—in force in States, but the common law is enough for that.

Chairman WALSH. You would not suggest any legislation along that line, then?

Mr. DAVENPORT. Oh, no.

Chairman WALSH. What is the position of your association in regard to the legality of what is called by the employers the "closed shop"?

Mr. DAVENPORT. It would be impossible for me to say what the position of the association is.

Chairman WALSH. What is your own opinion?

Mr. DAVENPORT. My own opinion is that as illustrated by the last decision of the Supreme Court of the United States in Coppage *v.* Kansas (236 U. S., ——). Apart from all questions of monopoly, and apart from all questions that affect the public, a man has a right to hire anybody but union men, and a union man

has a right to refuse to work for anybody but union men, and the closed shop is absolutely verified, so far as that phase of it is concerned, by the Constitution of the United States. That is the sum and substance of the opinion of Mr. Justice Pitney in the case of Coppage *v.* Kansas. But when you come to questions outside of that, where you have got a monopoly, other questions come in; but, as a general proposition, men have the right to refuse to work for an employer that employs other than union men, and likewise the employer has a right to say, "I will employ no one but union men," or "I will employ no one but nonunion men."

It is so fundamentally buttressed in the Constitution that I am surprised that anybody takes any different view about it.

Chairman WALSH. Any different view than what?

Mr. DAVENPORT. That the closed shop is strictly legal. Now, we can not, on these subjects, have any better authority than the Supreme Court, because they are the last word on the subject. In this case of Coppage *v.* Kansas Mr. Justice Pitney said:

"Can it be doubted that a labor organization—a voluntary association of working men—has the inherent and constitutional right to deny membership to any man who will not agree that during such membership he will not accept or retain employment in company with nonunion men? Or that a union man has the constitutional right to decline proffered employment unless the employer will agree not to employ any nonunion men? We refer, of course, to agreements made voluntarily and without coercion or duress as between the parties. And we have no reference to questions of monopoly or interference with the rights of third parties or the general public. These involve other considerations respecting which we intend to intimate no opinion."

But in a free country a man has the right to say who he will work for, and state the terms on which he will work, and the employer has a right to say who he will employ, and state the terms, and no legislation is possible that interferes with that right.

Of course there are other phases of the matter where there might, as for instance in the case of Connors *v.* Connoly—where the principle of monopoly comes in, decided by the supreme court of Connecticut, and perhaps you will permit me to refer to that; it is the case of Connors *v.* Connoly (86 Conn., 600). That is where the closed shop had gone so far it had monopoly of the industry in that community. The court said:

"Where the agreement is one that takes in an entire industry of any considerable proportion in a community so that it operates generally in that community to prevent or to seriously deter craftsmen from working at their craft or workingmen obtaining employment under favorable conditions without joining a union, it is contrary to public policy."

And the whole matter is elaborated.

Those are collateral, of course, to the question the chairman puts to me.

I say if there is anything established by the decisions of the Supreme Court of the United States and of every other court I know anything about, the right of a man to work—the right of a man to accept or decline employment—the right of a man to employ or not employ any person can not possibly be invaded by any legislation that the commission could recommend, either State or Federal. The right of the closed shop entered into freely between the employer and the employee is as secure as the Government itself.

Chairman WALSH. Are you familiar with the general purpose and nature of the British trades disputes act?

Mr. DAVENPORT. Not particularly. I have heard it read, as far as that is concerned. I do not think your commission could go very far in recommendations along that line, because of constitutional difficulties.

Chairman WALSH. I was going to ask you to make whatever comment you have in mind, Mr. Davenprt, with regard to both the desirability or constitutionality of similar legislation in the United States.

Mr. DAVENPORT. Speaking generally, we have a written constitution, both State and Federal. The Federal Constitution says that no man shall be deprived of his liberty or property without due process of law. The same provision is inserted in the fourteenth amendment, so far as the States are concerned, that fourteenth amendment providing, "Nor deny to any person equal protection of the law."

Now, any legislation which conflicts with those provisions is, of course, a nullity. Not until the Constitution is amended and those provisions stricken out would any legislation which had that effect be valid in this country, whereas

in England they have no constitution and the will of Parliament is supreme, and those provisions of the trades disputes act, which remove the protection that property of the individual has in this country, which they would have over there, would not be of any avail here; and I think when your honorable commission comes to report on this matter and you look into the matter you will find that for the same reason the Clayton Antitrust Act will not be worth the paper it is written on if that contention is made in behalf of it by the friends or supporters of the measure. So that legislation along these lines is a waste of time unless you can recommend some constitutional amendment which shall take out of the Constitution the provision that no person shall be deprived of his life, liberty, or property without due process of law. If you take that out, you will be in the same situation. Now, if you take that out, you will be in the same situation that they are in England.

Now, I do not know exactly that what I would like to say to the commission on this subject would be pertinent. Of course, I am nothing but a practicing lawyer, and my business is to try cases, and, as I have said, so far as I represent this association, to oppose the legislation such as I have described; but, upon my word, if I was in your position and was called upon to make some practical recommendation as to changes in the existing law, I would not know what to recommend.

Take, for instance, the law as it is left by the Clayton antitrust bill—am I going over the time?

Chairman WALSH. No; you may proceed.

Mr. DAVENPORT. For 10 years I have appeared before committees——

Chairman WALSH (interrupting). It is close to the time of adjournment, and I think we had better adjourn at this point, as some of the commissioners will have some questions to ask you. Please resume the stand at 2 o'clock.

The commission will now stand adjourned until 2 o'clock this afternoon.

(Whereupon, at 12.30 o'clock, Friday, May 14, 1915, a recess was taken until 2 o'clock.)

AFTER RECESS—2 P. M.

Chairman WALSH. I guess we may proceed now, Mr. Davenport.

Mr. DAVENPORT. There is a question propounded, or sent to me, as to what I think about the social and economic effect of injunctions. Well, I suppose that is impliedly confined to labor.

Chairman WALSH. Yes, sir; it is intended to be confined to that.

Mr. DAVENPORT. Now, personally, and from my experience in matters, I think they are of the greatest good socially and economically, and I only regret that any kind of limitation of the jurisdiction of the Supreme Court with injunction processes is available. Of course, it is idle to talk about taking away the right to issue injunctions and to protect the rights of a man to work, or the right of a man to sell his labor, or the right of a man to buy it. The Supreme Court in the Adair case says that is a property right, as well as a right of liberty, that is protected in the Constitution from invasion by any legislative authority, and so in regard to a right of a party to go into a court of equity, when the court is clothed with general equity powers to protect his property or his property rights. It is invulnerably protected by the Constitution, but there is another aspect about the thing, from my experience, that leads me to think that if in some way that process could be extended it would be very beneficial.

I want to tell you a little bit about what is called the Danbury hatters' case. You know the labor unions, particularly the American Federation of Labor, have always upheld the right to boycott; that it is a fundamental constitutional right of a man to boycott, and what any man may do, or a number of men may do; for a great many years, ever since the organization of the American Federation of Labor, and of course, I suppose, for a great many years before that, the practice of the boycott has been, you might say, fundamental with unionism; that a man had a right to work for another, that he had a right to trade with him, and that what one could do a great many could do, and so forth. The consequence was that the laboring people of this country, especially those that were associated in what is called organized labor, believed religiously that they had a right to boycott. Now, the union hatters of North America have been for a great many years engaged in a campaign to unionize all hatters' shops, make them closed shops, and they have very largely succeeded, and they had used the boycott as an instrument to do it—both the primary and what is called the secondary boycott. Well, in the campaign they came to Mr. Loewe. Mr. Loewe was a small manufacturer of hats in Danville, and ran an open shop. The ma-

jority of his employees belonged to the union hatters' union, but the others did not, and they had worked for him a great many years. The officers of the union went to Mr. Loewe and said, "Here, we want to have you unionize your shop; all men in the making and finishing department belong to the union." And Mr. Loewe declined.

Now, so far as I know, from the beginning to the end of that long contest, which was in the courts for 13 years, there was not a particle of animosity on the part of the members of the union toward Mr. Loewe, nor a particle of animosity or feeling on the part of Mr. Loewe toward the union. Here seemed to be the collision: Mr. Loewe said, "I will not discharge those men, because they work for me, and I claim the right to run an open shop." And they said, "If you don't, we will make you, and we will make you by the use of the boycott." And with the result that they pulled out the union men, and then the nonunion men were prevented from manufacturing hats, and they sent out their men throughout the country with a view to stopping the sale of his hats, and with the result that they closed up his business practically, and he sustained a damage of perhaps $200,000. After it had been running a little while, Mr. Loewe put a notice in the papers informing the unions and sent it to every hatter in Danville that he would hold them responsible for damages if they continued for anything they did in the way of injuring his business. They paid no attention to it, evidently believing that they had a right to do what they did, and it ended finally after the thing had been going on for a year, Mr. Loewe had sustained a loss at that time of perhaps in the neighborhood of $50,000——

Commissioner WEINSTOCK. How much?

Mr. DAVENPORT. Fifty thousand dollars, I think. But it became necessary for him to seek the aid of the courts for protection or be ruined. Now, if the state of law such, and there was no limit on the jurisdiction of the Federal court to have interfered in that matter, these parties could have been brought into court, a hearing could have been had, the right or wrong of the matter determined, and a decree of the court been had. We did ultimately go into the circuit court of California and obtain an injunction there, and so far as I know the unions observed it. But that was too late.

Now, what is the consequence? These men went on, and in what condition were they placed? In the unfortunate condition that they are individually and personally responsible for the amount of the judgment that was rendered, $252,000 with interest.

Had the court had the power to have brought that matter to a head by injunctive process, these people would have been free, absolutely, from all this heavy expense and burden. Now, I can not help but believe that if the injunctive process had been effectively available in that case the result would have been in every way desirable, and that these people who are now confronted with the loss of their property unless the union takes care of them, which it agreed to do when the suit was commenced—all that would have been avoided. Now, so much for a particular private case.

Now, I must say I think the doctrine is——

Commissioner O'CONNELL. Are you not in error when you say that the union agreed to it? Are you sure of that?

Mr. DAVENPORT. Oh, yes.

Commissioner O'CONNELL. Have you anything you could file with the commission——

Mr. DAVENPORT (interrupting). This is the way it was, Mr. Commissioner: When the suit was brought and returned to court we had garnisheed about $60,000 of bank deposits and had attached the homes of 250 men. The officers of the union sent to each defendant a letter in which they agreed that if they would turn over the management of the suit to them they would conduct the suit and pay all expenses and pay any judgment that might be rendered in the case. That was accepted by the people. Now, of course, those people have a legal and enforceable contract against the United Hatters to protect them.

Commissioner O'CONNELL. I thought you were referring to the American Federation of Labor.

Mr. DAVENPORT. Well, the American Federation of Labor came into it later, and in this way: After the decision by the Supreme Court in February, 1908, that if we could sustain the allegations of the complaint in the Danbury hatters' case, we would be entitled to damages. At the Denver convention in November, 1908, a resolution was passed reciting the fact that the Supreme Court had so held and pledging the union and these 250 men such moral and

financial support as was necessary, and instructing the executive council to carry it out when the time came. After 1909 the American Federation of Labor conducted the defense. These individual defendants never have had to pay a dollar. Their expenses when they were testifying in their own behalf were paid by the union—first by the hatters and then by the American Federation of Labor—their own legal expenses were paid. Well, as I say, they have a binding legal agreement against the United Hatters. But, I suppose, as against the American Federation of Labor that would be hardly true. But if any of these defendants have to pay, or have their property taken, they can fall back upon the union by reason of their written agreement with the union.

So much for a particular and private case.

Well, now, we all know what situation arose at the time of the great railroad strikes in 1893, and how the matter came to the Supreme Court; and I want to read what the Supreme Court said about the advisability and the advantage of proceeding by way of injunction. In re Debs (158 U. S. Appeal, 597) Mr. Justice Brewer, in giving the opinion of the court, said [reading]:

"We find in the opinion of the Supreme Court a quotation from the testimony given by one of the defendants before this strike commission, which is a sufficient answer to this suggestion"—

That is, that it was inadvisable to resort to the injunctive process in that situation. [Continues reading:]

"As soon as the employees found we were arrested and taken from the scene of action, they became demoralized, and that ended the strike. It was not the soldiers that ended the strike; it was not the old brotherhoods that ended the strike; it was simply the United States courts that ended the strike. Our men were in a position that never would have been shaken under any circumstances if we had been permitted to remain on the field among them. Once we were taken from the scene of action and restrained from sending telegrams or issuing orders or answering questions, then the minions of the corporation would be put to work.

"Our headquarters were temporarily demoralized and abandoned, and we could not answer any messages. The men went back to work, and the ranks were broken, and the strike was broken up, not by the Army, and not by any other power, but simply and solely by the action of the United States courts restraining us from discharging our duties as officers and representatives of our employees."

Now, the court had pointed out the illegal nature of the conspiracy in which they were engaged. Now, they proceed in this way——

Commissioner WEINSTOCK (interrupting). Pardon me. When you say, "They were engaged," whom do you have reference to when you say "they"?

Mr. DAVENPORT. The officers of the railroad union.

Commissioner GARRETSON. Don't you mean the old American Railway Union?

Mr. DAVENPORT. Yes; not the brotherhood, but the old American Railway Union.

Commissioner AISHTON. Debs and his party?

Mr. DAVENPORT. Yes. Justice Brewer proceeds [reading]:

"Whatever single individuals may have thought or planned, the great body of those who were engaged in these transactions contemplated neither rebellion nor revolution, and when, in the due order of legal proceedings, the question of right and wrong was submitted to the courts, and by them decided, they unhesitatingly yielded to their decisions. The outcome, by the very testimony of the defendants, attests the wisdom of the course pursued by the Government, and that it was well not to oppose force simply by force, but to invoke the jurisdiction and judgment of those tribunals to whom by the Constitution and in accordance with the settled conviction of all citizens is committed the determination of questions of right and wrong between individuals, masses, and States.

"It must be borne in mind that this bill was not simply to enjoin a mob and mob violence. It was not a bill to command a keeping of the peace, much less was its purport to restrain the defendants from abandoning whatever employment they were engaged in. The right of any laborer, or of any number of laborers, to quit work was not challenged. The scope and purpose of the bill was only to restrain forcible obstructions of the highways along which interstate commerce travels and mails are carried. And the facts set forth at length are only those facts which tended to show that the defendants were such obstructions."

Now, the point as to that is this: How much better it is to have resort to a court of equity to hear and pass upon the rights of the parties than to force them either into a contest with the civil authority in the shape of the police, and, if necessary, the military resources, or to fall back upon a suit in damages, which can only be heard after a long time, and then ultimately result in a great loss to the defendants if they are successful. So it seems to me, in my personal opinion, if I was the lawmaker and I could do it, I would say, as Mr. Justice Brewer has said in some address once, that it would be wise and beneficial socially, economically, and in every way to extend the powers of courts of equity rather than to restrict them.

Well, now, there is another aspect of this matter that I thought would be well to speak of, in view of some of the questions that have been asked, and that is in regard to the existing procedure in the Federal courts, in the matter of injunctions, and in the matter of contempt proceedings, and it was about that that I was about to talk when the adjournment was had. Perhaps you gentlemen have not followed or had particular occasion to know what is the precise situation in which those matters are left by the existing Federal legislation.

You know, at the time of the Debs case it was claimed by the unions that a man was entitled to trial by jury in contempt cases, and Mr. Debs asked for trial by jury in that case, which was denied, and the Supreme Court sustained that action.

For 10 years I was before committees of the House and Senate, resisting the enactment of laws which would attempt to change the method of trial by jury in contempt cases, and it was the contention of Mr. Gompers and those associated with him that it was a constitutional right for a man to have a trial by a jury in a proceeding of that kind, and they steadily took that position until about a year ago.

In the next place it was the contention of the unions there that there should be—that an injunction should not be issued to restrain an act which was a crime, because that was an invasion of the right of trial by jury, too; and they steadily adhered to that position until a year or two ago, when, to my surprise, they abandoned all those positions and took up the position that a court had a right to enjoin the commission of a crime, and that in Government cases like the Debs case that there should be no trial by jury in contempt cases. And it finally took shape in what is known as the Clayton antitrust bill, in some of its provisions. Now, that bill explicitly recognizes the right of the courts to issue injunctions to restrain acts which are crimes, provided they affect the right of property, etc., and that expressly grants to the Federal court, in cases like the Debs case, the right to have a trial by jury in contempt cases. It is an absolute abandonment by those gentlemen of the position for which they had always contended.

Now, so far as I can understand that bill, it has not made any change in the law—the substantive provisions of the law—in regard to the right to issue injunctions or the right to proceed to try cases—contempt cases—without a jury. There are, as I say, these specific exemptions in regard to the Government cases like the Debs case; but they put in that bill something that I think ought not to have been put in any bill yet. Mr. Gompers clamored for the passage of that bill, and I understood he had the support of the labor unions in this country, and that is this: That when a man is brought up for the violation of an injunction, the court having tried him, can not only sentence him to jail, and not only fine him a fine as a punishment, but can also fine him the amount of the damage he has done the party complaining or any other party. Any person who violates an injunction under the Clayton bill—for instance, if he were to burn up a railroad car that had $50,000 worth of property in it—he can be fined $50,000 in addition to the other fine, and he can be sent to jail to pay that fine—until that is paid—for the benefit of the party; and under the pardoning of the President there is no power to pardon for such an offense.

Now, that is a provision in the existing law which I think is so drastic and cruel, whether you apply it to labor men or to anybody else, that it ought not to be retained in the law.

Well, I guess I have said about all there is to say.

Chairman WALSH. Commissioner O'Connell wishes to ask you some questions.

Commissioner O'CONNELL. Of course, what you are telling us is your own construction of the Clayton law?

Mr. DAVENPORT. Yes, of course——

Commissioner O'CONNELL (interrupting). There are no decisions on it?

Mr. DAVENPORT. No.

Commissioner O'CONNELL. Then it is your own construction of the law?

Mr. DAVENPORT. There can be no question about it, because it reads only one way.

Commissioner O'CONNELL. But it is your construction of the law?

Mr. DAVENPORT. Yes; but let me show you about that [reads]:

"If the accused shall be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct; but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of one thousand dollars, nor shall such punishment exceed a term of six months."

Now, in case of a fine payable to the United States of $1,000 there is a further fine of $50,000 for burning the car or blowing up a building or anything of that kind, and that is the property of the complainant, and the pardoning power of the President does not extend to that phase of it.

Commissioner O'CONNELL. I understand, when you were discussing the question of possible extension of the right of injunction—I am not sure that I get your meaning right; do I understand that you hold that the employer has the property right in the workman?

Mr. DAVENPORT. No; but he has a property right in his business; he has a property right in his contracts with his workmen. That is the doctrine, you know, in the Adair case.

Commissioner O'CONNELL. His contract, then, would be on the so-called open shop, that he agreed to pay a man so much money for so many hours of labor?

Mr. DAVENPORT. But, here, suppose I have a contract with a man to work for me for a month, we will say. That is a contract right in him and in me. That is the same in its relation to the law and the Constitution as if it was a horse. And Congress can not take away from the courts the power to issue an injunction to preserve those rights. And if you care to have me do so, I will insert in my revised remarks the authority that established that.

Commissioner O'CONNELL. We would be glad to have them.

Mr. DAVENPORT. It is not a contract right in the man, but it is the sacred right of everybody. I would like to read what the Supreme Court of the United States said.

Chairman WALSH. Well, it is better just to give the gist of it.

Mr. DAVENPORT. I will stick it in.

Commissioner O'CONNELL. You say a man has a contract if he works for you a month?

Mr. DAVENPORT. Yes, sir.

Commissioner O'CONNELL. Supposing the 250,000 workers in the United States Steel Co. were employed on a day, or so much a month, or so much an hour?

Mr. DAVENPORT. Yes, sir.

Commissioner O'CONNELL. There is no written contract?

Mr. DAVENPORT. Yes, sir.

Commissioner O'CONNELL. Do you mean to say that that employer has a property right in those men to prevent them from going on strike, by injunction?

Mr. DAVENPORT. No, sir; he could not prevent them from striking unless he had a contract with them, but he can go into a court of equity and get a restraining order prohibiting outsiders from interfering with their relations, on the basis of the property right or rights of a pecuniary nature.

Commissioner O'CONNELL. Did I understand you to say that there was no strike—all strikes were illegal where there was a coercive attachment with them? In other words, where it meant to coerce the employer into doing something?

Mr. DAVENPORT. In substance, something that he had the right, the legal right to do. Now, not where they merely quit and leave, but where they do the other things. In other words, the right to strike is not an absolute right.

Commissioner O'CONNELL. Can you conceive of a strike of any character that has not for its purpose the coercion of an employer to do something?

Mr. DAVENPORT. I can conceive of it.

Commissioner O'CONNELL. I would be glad if you would enlighten us.

Mr. DAVENPORT. A man who don't want to work for another man—or men—can quit collectively or separately.

Commissioner O'CONNELL. That would not necessarily take a strike to quit?

Mr. DAVENPORT. That would be a strike, would it not?

Commissioner O'CONNELL. Would you consider the question of a man asking them for an increase of wages a strike?

Mr. DAVENPORT. No, sir; not unless he didn't want to do it.

Commissioner O'CONNELL. If they strike to compel him to do it——

Mr. DAVENPORT. Then you put another phase of the matter in. It is well illustrated by Mr. Justice Harlan in the case of Thomas *v.* Oakes. Take railroad employees. Those men now under contract, of course, and every man not in such a situation that by ceasing to do work he endangers life, or something like that, has a right to quit. And they have a right to quit together, but if their purpose is to tie up the road——

Commissioner GARRETSON. That is the Northern Pacific case?

Mr. DAVENPORT. Yes, sir—why, it is an unlawful combination. Of course, when we are talking about enjoining a man from striking, we have to remember also that under the thirteenth amendment involuntary servitude is prohibited in this country. All the horses and the king's men can't compel a man to work for an employer, yet the courts can enjoin men from persuading men to quit, or ordering men to quit, or doing anything involved in the carrying out of an illegal combination. Perhaps I am not answering the question.

Commissioner O'CONNELL. Yes; it is very interesting.

Now, Mr. Davenport, this commission, among other things, is authorized under the law which has created it, to make investigations into a number of things, and among them is the growth of associations of employers of wage earners, and the effect of such associations upon the relations between employer and employee. It take it that your association, the Anti-Boycott Association, is an association of employers?

Mr. DAVENPORT. Well, I suppose so.

Commissioner O'CONNELL. And it comes within the scope of what is meant here by associations of employers?

Mr. DAVENPORT. I think probably it would.

Commissioner O'CONNELL. And because of such I will ask you some questions along that line.

You said you could not give us the names of the members. Can you give us the number of the members of your association?

Mr. DAVENPORT. What, with definiteness?

Commissioner O'CONNELL. No; approximately.

Mr. DAVENPORT. I would imagine 500.

Commissioner O'CONNELL. Does the Anti-Boycott Association have relations with other associations, such as the National Manufacturers' Association?

Mr. DAVENPORT. None whatever. What do you mean by relations? There is no connection whatever.

Commissioner O'CONNELL. I will ask the question, do you exchange information with them?

Mr. DAVENPORT. Well, I guess the bulletins.

Commissioner O'CONNELL. For instance, I understand the National Manufacturers' Association maintain a legal department the same as your association?

Mr. DAVENPORT. I think they do.

Commissioner O'CONNELL. Does your legal department exchange as to what you are doing, and how you are doing it, with the legal department of the National Manufacturers' Association?

Mr. DAVENPORT. I don't think so.

Commissioner O'CONNELL. Do you keep in the affairs of your office, or of the association that you represent, files or indices of any kind that would indicate the type and character of organizations, or labor, and the men with whom you may or may not have legal controversies?

Mr. DAVENPORT. I could not give you any information on that, you would have to ask the secretary.

Commissioner O'CONNELL. You as counsel for the Anti-Boycott Association, do you keep a record of any kind of individuals and associations?

Mr. DAVENPORT. No; all that I ever had to do with the association, a case comes up, and a member is threatened with labor troubles, and the question is whether he has legal redress—whether it is a case that calls for it. That would be passed on by me probably, and I have had charge in a general way with litigation. For instance, the Buck Stove & Range case, I drew the complaint in that case, and did so in the Danbury Hatters' case, I drew the complaint; and I conducted the litigation, I conducted the litigation, of course with the

assistance of others, or I assisted them in conducting it in court, in these cases, but I have no such facts as you perhaps would like to know of.

Commissioner O'CONNELL. Well, I am interested in knowing whether your association maintains any sort of a bureau that has for its purpose the collection of information that might be used, or would be valuable in the future for any imaginary case.

Mr. DAVENPORT. You mean law cases or decisions?

Commissioner O'CONNELL. Decisions, records of men who are alleged to be active in movements——

Mr. DAVENPORT. Never, never. You perhaps have a mistaken idea about the association.

Commissioner O'CONNELL. I am trying to get it.

Mr. DAVENPORT. It is nothing along the line that you think of. The most that could be said about it, perhaps, would be, I think Mr. Merritt made a very careful collection of all decisions pertaining to labor, has collected the briefs in those cases, and all that, but nothing along the line you suggest.

Commissioner O'CONNELL. Does your legal department furnish, for instance, to State manufacturers' associations, or if they have local antiboycott associations in various States, prepared information in cases to go ahead without probably having to go to the expense of having to gather the information?

Mr. DAVENPORT. On law points?

Commissioner O'CONNELL. Yes, sir.

Mr. DAVENPORT. I could not say, but I think very likely.

Commissioner O'CONNELL. Do you defend the members of the Anti-Boycott Association in individual cases that may be brought against them, say, for instance, damage cases, or alleged damage cases they may have against somebody or some firm?

Mr. DAVENPORT. I never have had any such case as that that has been brought against any of them.

Commissioner O'CONNELL. The individual members, not the association?

Mr. DAVENPORT. Oh, no; I never have heard of any such case.

Commissioner O'CONNELL. What was the cost to the Anti-Boycott Association in conducting the so-called hatters' case?

Mr. DAVENPORT. I couldn't tell you. It was 13 years in court. The aggregate amount?

Commissioner O'CONNELL. Approximately the aggregate amount.

Mr. DAVENPORT. Well, now, I would give a guess of twenty or thirty thousand dollars.

Commissioner O'CONNELL. And in the case of the Buck Stove & Range Co.?

Mr. DAVENPORT. Well, I would think about eight or ten thousand dollars. I would think so. You see, the distinguished counsel that represents that association, he is under a general retainer. He gets paid whether he works or not, and he don't get any more pay when he works than when he doesn't work.

Commissioner O'CONNELL. Are you speaking of yourself now?

Mr. DAVENPORT. Yes, sir; and that is the same way, I guess, with Mr. Merritt.

Commissioner O'CONNELL. Now, since you bring the point up, are you retained at an annual salary by the Anti-Boycott Association?

Mr. DAVENPORT. I have an annual retainer.

Commissioner O'CONNELL. What is that?

Mr. DAVENPORT. Well, now, I must decline to answer; it is too small.

Commissioner O'CONNELL. Do you get a commission upon judgments secured on behalf of the Anti-Boycott Association?

Mr. DAVENPORT. Never a cent, and nobody else.

Commissioner O'CONNELL. What was your fee to the Anti-Boycott Association when you take charge of cases for them?

Mr. DAVENPORT. Nothing. These men club together and hire a lawyer at a stated retainer, and he does the work.

Commissioner O'CONNELL. For that retainer?

Mr. DAVENPORT. Sure.

Commissioner O'CONNELL. Is your entire time occupied in the affairs of the Anti-Boycott Association?

Mr. DAVENPORT. Pretty nearly, mine.

Commissioner O'CONNELL. Do you practice otherwise than for them?

Mr. DAVENPORT. Oh, yes; I have an office in Bridgeport, and wish that the labor attending the service for the association were not such that it would keep me so busy.

Commissioner O'CONNELL. When you appear in your capacity on behalf of the organization, as I understand you to say you do, when you appear before a committee of Congress——

Mr. DAVENPORT. Or something.

Commissioner O'CONNELL. You are there under a regular retainer?

Mr. DAVENPORT. That is all.

Commissioner O'CONNELL. Do I understand you to say that you only appeared before Congress in those matters that directly or indirectly affected the Anti-Boycott Association or the members of that association?

Mr. DAVENPORT. Sure; that is to say, in the respect I testified to. By the way, I was thinking since then there was one occasion when a matter came up before the House Committee on Labor, and that was when the question of having compulsory arbitration, and I did volunteer the position on that to be unconstitutional, but that was the single exception.

Commissioner O'CONNELL. Do you consider the question of the hours of labor to affect the Anti-Boycott Association members?

Mr. DAVENPORT. In this way: Any concern that is running a 9 or 10 hour shop is precluded from competing for the work which is to be let to 8 hour and 9-hour shops. And in that way, of course, the Government is one of the greatest purchasing agents in the country—purchases—and that proposed action was a boycott on all these concerns. At any rate, that is the way it struck me.

Commissioner O'CONNELL. It did not prohibit them from bidding: but I take it from what you mean they bid at a disadvantage.

Mr. DAVENPORT. These eight-hour laws prohibit the Government from buying from such concerns.

Commissioner O'CONNELL. Unless they were brought under the eight-hour law?

Mr. DAVENPORT. Yes, sir; and you appeared there for it and I in opposition. But you ask why the Anti-Boycott Association was concerned in that. It was a boycott, I think, on all of thos concerns that wanted to engage in Government work.

Commissioner O'CONNELL. How far back, did I understand you to say, since you first appeared in Congress in the interest of these matters?

Mr. DAVENPORT. The first time I appeared was in the winter of 1903 and 1904, when I had the pleasure of forming your acquaintance.

Commissioner O'CONNELL. And the Anti-Boycott Association was formed when?

Mr. DAVENPORT. In 1903; it was formally organized along about May, and steps were taken to interest people in it commencing perhaps in July, 1902.

Commissioner O'CONNELL. Do you consider if a Government in its appropriation makes a certain requirement for the standard of work, requires the employer shall build an engine at a certain standard, and that it also adds to that that certain conditions shall prevail in the manufacture of that article, that the latter part of that provision affects your association?

Mr. DAVENPORT. The way it strikes us or struck me was that to say that John Smith is manufacturing an engine, for instance, that the Government would want; to say he could not sell his articles to the Government because he worked his men 9 or 10 hours, and that the man who worked 8 hours only could, was to boycott the other fellow. That is my idea about it.

Commissioner O'CONNELL. But the present law says, or the present riders that were put in the appropriation bills the last couple of years provide, that the work shall be done on an eight-hour basis?

Mr. DAVENPORT. Sure.

Commissioner O'CONNELL. It doesn't say that any man can not bid for it, but all he has to do is to comply with the requirements of the law.

Mr. DAVENPORT. That is true. Of course, this eight-hour business passed out of the realm of anything that I was interested in years ago. When they adopted the practice of putting these riders on, of course.

Commissioner O'CONNELL. They got around your opposition in another way?

Mr. DAVENPORT. They knocked it out. But as far as that is concerned—well, I forget exactly the question you asked awhile ago.

Commissioner O'CONNELL. It is answered, I think.

Now, the question that we are directly interested in just now is the conduct of courts in connection with industries, and so on, and we have had some very learned legal minds before us here. Do you believe that the poor man or laboring man, who is the poor man as a rule, has equal opportunity before the law with the rich man and the employer?

Mr. DAVENPORT. I think so. As far as my observation goes and in any case that I ever had—the fact of the business is, you know, in these labor cases the laboring man has altogether the advantage so far as resources are concerned.

For instance, now, in the Loewe case. The American Federation of Labor would levy a I cent assessment on each of its members, and that would raise $20,000, and they were able to pay counsel that charged $2,500 a day for every day they appeared in court. The price of a poor cigar, 5 cents, would raise $100,000. There is not so powerful a financial institution in the country in the way of raising money than the American Federation of Labor, and it is the same way in regard to the Union Hatters. They had 9,000 members, and an assessment of $1 would raise $9,000, and they used to raise it.

On that point, Mr. O'Connell, if you would look among the statements of the American Federation of Labor as to what moneys they have collected and what moneys they have disbursed in the conduct of the Gompers case, the Buck case, the hatters' case, you would be staggered at the amount of it. Lawyers get $50,000 out of a case. That is doing pretty well. And yet without any burden at all, either upon the defendants or upon the member, because an assessment on an individual, of course, is automatically collected. The executive committee calls for a penny assessment. Thereupon each national union has to pay over the amount of that penny assessment, according to their numbers. If it is the miners' union or a carpenters' union, which is their largest, about, they pay that sum right into the treasury, and they then in turn get it out of the local, and they in turn get it out of the individual member. And that is one of the things in regard to organized labor, the command they have got for pecuniary resources—of pecuniary resources—is a matter that should be considered.

Commissioner O'CONNELL. Yes; but, now, I think I have heard you say on different occasions, in court, I think once, that the American Federation of Labor represented a very small percentage of the workmen in the country.

Mr. DAVENPORT. Sure; yes.

Commissioner O'CONNELL. How about the thousands and millions of workmen who have not these means of collecting funds? What position do they occupy, compared with the rich man?

Mr. DAVENPORT. In what kind of a case?

Commissioner O'CONNELL. Any kind of a case. Say that a man sues his employer for losing his leg?

Mr. DAVENPORT. Oh, I should say that the poor man in that case would be at a disadvantage with his wealthy defendant. That is the reason why I have reconciled my old-fogy mind to the idea of these workmen's compensation laws. But in any case where the war is between organized labor and, as you call it, organized capital, so far as pecuniary resources are concerned, and the ability to command eminent counsel, the labor union gets more money and is able to use it more than any employer that I know anything about or any combination of employers.

Commissioner O'CONNELL. But, so far as the individual workman is concerned, who has not the association, probably has not seen the advisability for a number of reasons for joining his fellow men in an association, the so-called hearse chaser, the ambulance chaser, is the man who gets it, if there is any money, gets the largest portion of it?

Mr. DAVENPORT. That is true.

Commissioner O'CONNELL. And the poor man either is driven from court for want of funds to carry his case on——

Mr. DAVENPORT (interrupting). That is true.

Commissioner O'CONNELL. His leg is gone?

Mr. DAVENPORT. That is true.

Commissioner O'CONNELL. There is no remuneration for him?

Mr. DAVENPORT. That is true.

Commissioner O'CONNELL. He is a fit subject for the scrap heap?

Mr. DAVENPORT. That is true.

Commissioner O'CONNELL. That is the inevitable result?

Mr. DAVENPORT. And it is for that reason, as I say, that I think the movement for workmen's compensation laws is a very excellent one.

Is it implied in your question, any suggestion that it has been stated by me, that it is not an excellent thing for men to form unions?

Commissioner O'CONNELL. Oh, no. I give you credit——

Mr. DAVENPORT (interrupting). And it is so laid down by the Supreme Court.

Commissioner O'CONNELL. I give all men of this enlightened age credit for intelligence enough to know that they ought to associate.

Mr. DAVENPORT. Sure.

Commissioner O'CONNELL. We are living in that age.

Mr. DAVENPORT. Sure.

Commissioner O'CONNELL. Now, I want to discuss with you a second the incorporation of labor unions. I understood you to say, in answer to a question of the chairman, you believed organized labor should not incorporate, but that probably it would be best for the individual if they did?

Mr. DAVENPORT. Well, I thought I explained my——

Commissioner O'CONNELL (interrupting). Yes; I think I understand; but I just want to catch if that is the outline.

Mr. DAVENPORT. This is the idea, as I said this morning. Originally the idea of incorporation of labor unions was very popular with the active men in what is called the labor movement; and if you will look back into your proceedings, you will find that for many, many years it was one of the planks in organized labor's doctrine. I think Mr. Lennon, perhaps, can remember it better, because I know Mr. Lennon was there at the beginning.

Commissioner O'CONNELL. He is a good deal older man than I am.

Mr. DAVENPORT. Well, he was there at the beginning.

Commissioner LENNON. Forty-three years is all.

Mr. DAVENPORT. How many?

Commissioner LENNON. Forty-three.

Mr. DAVENPORT. Well, the idea was that it would be a good thing for labor unions to incorporate. And in accord with that ultimately there was passed through Congress an act providing for the incorporation of labor unions here in the District of Columbia. But subsequent reflection has evidently induced the leaders in the labor movement, so called, the organized labor movement, to change their position in regard to that, and for the last 10 or 15 years they have been very bitterly opposed to it. I should think, from the trend of their views as expressed, that the reason was that they thought they would bring themselves under governmental supervision, the same as any other corporation, and that that was an obnoxious interference with private rights of the individual workingman; that their funds as union funds could be got at and appropriated in that way. That is unquestionably true. But the trouble is this: That unless you are incorporated the individual member stands the same as the member of any other voluntary association and is responsible personally and individually on the principles of agency for the acts of their officers and not like a stockholder. A stockholder in a corporation is liable—his liability is confined to his subscription to the stock—to the amount he has paid in; possibly in the case of Government banks, national banks, it is double; but the individual stockholder is not responsible for the acts of the officers of the bank, though done within the scope of their employment as officers of the bank and in and about the business of the bank, to avoid which incorporation has been resorted to. The principle is that the individual members of the association—of a voluntary association—are responsible for the acts of the agents of the association done in pursuance of or within the scope of their employment and in and about the business, even though they forbade the act to be done, on the same principle that if your chauffeur takes your auto out and you tell him, "Be careful, now; don't you run into anybody," and he does, and in spite of what you told him he runs into somebody, why, you are responsible. That principle of agency exists, and it is the same way in regard to every kind of voluntary association. And, moreover, you know that in some States disputes are permitted against the voluntary association, and you can go after its funds and you can also reach, through proper process, the property of the individual member of the association; but you can also proceed directly, as we did in the hatters' case, against the individual member.

Now, the effect of incorporation would be to relieve the individual members from responsibility, but in doing that, of course, they would have to come under Government supervision.

Now, I know what is stated in this little pamphlet by Mr. Merritt; those are his views. If I was a Senator or Member of Congress and I was called upon on my individual responsibility to decide whether, as a whole, I would vote for the compulsory incorporation of labor unions, if such a thing is possible—I doubt if it is possible—but whether I should vote that all unions should be incorporated, I think I should vote against it on the general grounds of public policy. I should as soon think of requiring all partnerships to be incorporated

and requiring all people to do business as partners as requiring all workingmen to incorporate, and force them to do so, for the various reasons I have stated.

Commissioner O'CONNELL. The purpose I had in asking that question was to get clear your position. As I understand, you would advise that labor unions do not incorporate, and if you were in a position to legislate you would not legislate for the incorporation of laboring men?

Mr. DAVENPORT. I would not.

Commissioner O'CONNELL. But you feel, on the other hand, that the employer has a greater advantage against the individual, when he is not incorporated, for damages?

Mr. DAVENPORT. I think so.

Commissioner O'CONNELL. We have had before us a great number of employers, large and small, legal minds, and I think probably you are the first one I ever heard representing organized employers in any capacity who has said that you would not favor the incorporation of labor organizations. Others say that one of their complaints against organized labor is that they have no remedy, because the unions are not incorporated, and that they should be incorporated, so that they could be held legally and be on a level in that respect with the employers; that is the sort of argument we have had.

Mr. DAVENPORT. I repudiate that argument; I say it has not any foundation in law. I point to the Loewe case and a hundred other cases. The very object of incorporation is to limit the liability of the men that compose it; that is the very object of it. A voluntary association is in its form, and so forth, the same as an unincorporated society. The very object of incorporation is to limit the liability.

Of course, I do not say that if a member of a labor union says to another man that he shan't do a certain thing that he is liable. The distinction, as I tried to point out this morning in my imperfect way, between a voluntary association, like a labor union, and a partnership is as follows: Anyone of the members of the partnership acting within the reasonable scope of—of the work of the partnership can bind his partners and by his contract bind every member of it. It is not so in voluntary associations. They are bound only by the officers that they select to conduct their business; otherwise there is no distinction whatever.

Commissioner O'CONNELL. Do you believe, Mr. Davenport, that if labor has the right to boycott that the employer should also have the right to blacklist; that that would be a case of equity?

Mr. DAVENPORT. I don't think either of them should have that right; neither has that right in spite of the Clayton Antitrust Bill.

Commissioner O'CONNELL. Say they have not; in the case of the labor man, if he boycotts, he must do it in such an open way that it must necessarily be known. If I go to you and ask you not to buy a hat from John Brown, why it is publicly done. How are we to discover whether blacklisting is going on or not?

Mr. DAVENPORT. Well, I don't know.

Commissioner O'CONNELL. Is there any equity between the two?

Mr. DAVENPORT. Of course the basis of a boycott is combination. I or any individual person, not associated with others, has got the right to go to everybody and ask them not to trade with a certain person.

Commissioner O'CONNELL. Well, one employer who blacklists must do it in conjunction with another?

Mr. DAVENPORT. Now, then, to bring it in condemnation of the law it has got to be a combination of employers, respectively. To illustrate it in this way, Mr. O'Connell: Suppose there are half a dozen bakers in my town and I go to one of them and I say, "I would like a loaf of bread and here is the money"; that man has a perfect right to say to me, "Do you belong to the Methodist Church?" And I say, "No"; and he can say, "Well, if you don't I won't sell you any bread." And then I can go to the next one and he can say the same thing, and so I can go to all of them and they can each one say it; but if they combine together not to sell the bread in order to make me join the Methodist Church they are guilty of conspiracy. Now, as I say, it is the combination to oppress.

Now, if the employers unite for the purpose of blacklisting a man, as I understand it is claimed they may do under the Clayton bill, just the same as the unions it is claimed may do it, it is an outrageous wrong, and no laws like that should be permitted to stand.

Commissioner O'CONNELL. Well, if the workmen, as you say, combine, as the bakers did, because the man did not belong to their church; on the other hand, the employers generally in the different trades combine and they maintain employment bureaus or offices and they maintain the index-card system of all their employees, and if a man is discharged or leaves the employment of one of them, or he quits one of them and goes to another for employment—he has been an agitator, or a union man, or he has done a thousand and one things which are charged against him; and that information is held and when he goes to another employer in search of work they will call up the one for whom he has been working and ask for his record, and they send his card over to the other shop, and for no reason the other employer says, "We have no work for you to-day." He might as well say, "We have no work for you because you don't belong to our church."

Mr. DAVENPORT. Do you observe the recognized distinctions in things?

Commissioner O'CONNELL. Oh, yes.

Mr. DAVENPORT. Suppose my wife wanted to employ a servant and a servant applied to her for employment, and she learned she had worked for Mrs. Harriman. So she called Mrs. Harriman up on the phone and asked her all about this servant and as to her habits, as to her honesty and as to her skill and one thing and another; and she told my wife about her—that is a privileged communication under the law, she could not be sued as long as she acted in good faith. Now, so far as this bureau you speak of is devoted to legitimate purposes—and every sensible man knows what it is—diffusion of the character of the man, it is entirely legitimate, and I should suppose commendable.

Commissioner O'CONNELL. Where, then, would the line be drawn?

Mr. DAVENPORT. Oh, if it is used for the purpose of preventing that man from getting employment because of his activities as a union or as a nonunion man, why the books are full of cases where men have brought suit and recovered damages, not only against his employers, but against officers of unions for getting men discharged. It is where the purpose is to injure; and I can see that the fate of the case you quote would depend in a large degree upon the circumstances; but any combination of anybody—two or more persons—with intent to oppress or injure anybody—to deprive a man of his opportunities of earning a living—is an actionable conspiracy and in a court of equity its execution can be restrained where the damage will be irremediable.

Chairman WALSH. Would it be convenient, Mr. Davenport, for you to remain over until to-morrow?

Mr. DAVENPORT. Yes, sir.

Chairman WALSH. Then, if there is no objection, I will ask you to leave the stand at this time; there is a witness that we have promised to let go to Chicago, and Mr. Weinstock has some questions to ask of you, and also Mr. Lennon.

We might get through with the other witness this afternoon, if you will remain in attendance.

Mr. DAVENPORT. I will; but I can stay until to-morrow.

Chairman WALSH. Would it be more convenient for you to leave now with the assurance that you will not be needed until to-morrow morning?

Mr. DAVENPORT. I am getting used to the atmosphere, and I believe I will stay. I have had the pleasure of examining Mr. Lennon and Mr. O'Connell in court, and I want to see how it seems for them to have the power of questioning.

Chairman WALSH. Mr. Johannsen.

TESTIMONY OF MR. ANTON JOHANNSEN.

Chairman WALSH. State you name, please.

Mr. JOHANNSEN. A. Johannsen.

Chairman WALSH. What does the "A" stand for, Mr. Johannsen?

Mr. JOHANNSEN. Anton.

Chairman WALSH. What is your age?

Mr. JOHANSENN. Forty-three.

Chairman WALSH. Where do you reside?

Mr. JOHANNSEN. California.

Chairman WALSH. What place in California?

Mr. JOHANNSEN. Corte Madera.

Chairman WALSH. How long have you resided in California, Mr. Johannsen?

Mr. JOHANNSEN. About eight years.

Chairman WALSH. Prior to that time where did you live?

Mr. JOHANNSEN. In Chicago.

Chairman WALSH. Have you, during your life, been in any official position with labor organizations?

Mr. JOHANNSEN. I was business agent for the Amalgamated Wood Workers a couple of years in Chicago, and was State organizer for the Building Trades Council of California, and at present I am general organizer for the United Brotherhood of Carpenters.

Chairman WALSH. Please sketch, as concisely as you can but still completely, your history in industry, when you started to work and what at, give us a brief story of your life in industry down to the present time.

Mr. JOHANNSEN. It is a long story. I started to work in the mill business in Clinton, Iowa, for Curtiss Bros., a good nonunion shop.

Chairman WALSH. At what age?

Mr. JOHANNSEN. No—I worked the first thing when I came here in a brickyard.

Chairman WALSH. Were you born in this country?

Mr. JOHANNSEN. No; in Germany, in that portion where they have no "Kultur," but a lot of black bread. I don't want anyone to be prejudiced against me because I was born in Germany; that is a pretty bad statement in Washington at this time.

I worked in the brickyard for a year and a half, and worked for Curtiss Bros. after that.

Chairman WALSH. How long—how old were you when you came from Germany?

Mr. JOHANNSEN. Between 9 and 10.

Chairman WALSH. Did you go to school in Germany?

Mr. JOHANNSEN. I went to school about two and one-half years in Germany. I did not get any chance to go to school here.

I worked for Curtiss Bros. until I was 19, and I was always threatened by father that he would give me a beating if I lost my job, and I lost my job, and so I skipped out and got my experience on the road three or four years, and then I came back, and my mother was kind and considerate, and she saw to it that I got married, and I married well; I got a good wife; I got the best of the bargain.

After working for Curtiss Bros. about four or five years I moved to Chicago, and there I became interested in the Amalgamated Wood Workers' International Union and became a member of that organization and was more or less active, and was its business agent for a period of about two years, and then I moved to California. There I became a member of the United Brotherhood of Carpenters, and after being in California for about a year became the general organizer for the State Building Trades Council of California. My place of employment as organizer was in Oakland, seven or eight months, after which I was sent to Los Angeles, as a general campaign was anticipated in Los Angeles to organize that State. With that object in view, several general organizers were sent to Los Angeles to make an attempt to organize Los Angeles, and I was sent there as a representative of the State Building Trades Council. That was in 1910.

I have made a few notes, and I suppose there is no objection to referring to them?

Chairman WALSH. No. You know the general topic we are on, and if you have had any connection with any of the events out of which charges of violence have grown, I wish you would tell about them.

Mr. JOHANNSEN. I would like to speak about the ironworkers.

Chairman WALSH. What connection did you have with the ironworkers?

Mr. JOHANNSEN. Only as I was State organizer of the Building Trades Council. And that trouble was in 1910, when the Times Building in Los Angeles was blown up, and I was quite intimately identified with the defendants of that trial in Los Angeles.

Chairman WALSH. The McNamaras?

Mr. JOHANNSEN. Yes, sir; and also the ironworkers in Indianapolis; and I was on the road soliciting funds for the defense of the ironworkers while they were on trial in Indianapolis.

Chairman WALSH. Were you acquainted with the McNamaras?

Mr. JOHANNSEN. I got acquainted with J. J. McNamara before he went to the coast, and I got acquainted with J. B. in the Los Angeles County jail and have interview him several times since at the San Quentin prison. I hope that the commission will take into consideration that I am under indictment at the pres-

ent time and have been. I am charged with the transportation of dynamite from State to State. I have not seen a stick of dynamite, although I might be able to recognize one because I have read and heard so much about it. I am under indictment, although I have demanded trial every six months, periodically, but I have failed to get a trial in Los Angeles on Federal indictment, and I am out on bail of $1,000.

Chairman WALSH. Were you indicted in connection with the McNamara incident?

Mr. JOHANNSEN. I was indicted on the 30th of December immediately preceding the trial of the McNamaras. The men in Indianapolis were indicted in the month of January following. O. A. Tveitmor, Mune, and Clancey were indicted in both Indianapolis and Los Angeles. I was indicted in Los Angeles only. But that is about enough of that.

I want to read a brief if I can, if you are interested in the fight between the Erectors' Association and the ironworkers [reads]:

"Since the great strike of 1892, known as the Homestead strike, which failed, every effort has been put forth by the owners and proprietors and directors of the United States Steel Corporation to discourage and annihilate unionism in their industry.

"Directly after the Steel Trust was organized it began the business of issuing stocks and bonds, and within a short time the common and preferred stock and the interlying bonds of this company amounted to $1,500,000,000. On all of these bonds and preferred stock have constantly been paid interest since that time, and most of the common stock has paid dividends at the rate of from 4 to 5 per cent.

"In addition to that, an enormous amount of property has been accumulated to the earnings of this company.

"This property originally capitalized at $1,500,000,000 was not worth more than $300,000,000. It was therefore stocked and bonded at the rate of $5 per $1.

"The Steel Trust must provide a way to pay interest and dividends upon this vast amount of water. There was nothing to do but to take it from the workingman.

"According to a statement made by Louis Brandeis, of Boston (and Brandeis is considered, I believe, an authority on economics), a meeting was held in J. Pierpont Morgan's office in New York June, 1901, by the board of directors of the United States Steel Corporation. At this meeting a resolution was passed to prevent any further extension of unionism in the steel industry.

"As an indication of what has happened since that time, the American Federation of Labor at their Atlanta convention in 1911 points out in one of their official documents that every labor union in the steel industry has been exterminated, with the single except of the Iron Workers' International Association.

"At the Philadelphia convention of the Iron Workers in 1905, a declaration of unfairness was declared against the National Erectors' Association and the American Bridge Co., two subsidiary organizations in the steel industry.

"Since that time a bitter and relentless industrial war has raged from coast to coast between these two contending forces.

"In the course of this war the Steel Trust stood for profits and greed. The ironworkers fought for a shorter workday, a living wage, against the 12-hour day 7 days per week which had been in vogue in the steel industry for many years.

"On the side of the Steel Trust were allied the following forces: Enormous wealth, Government, great newspapers, the police powers of the State, and the greatest of all powers—starvation.

"On the side of the ironworkers were men, women, and children fired with social courage to fight as best they could against this antisocial institution. They were afforded very little or no opportunity of protection from any source outside of that which they were able to develop within themselves. The very nature of their work, being as it is exceptionally hazardous, tends to develop physical courage as well as a social instinct for collective self-help.

"It should be evident to any reasonable human being that the policy of the Iron Workers' International Union gave better protection to their organization and members than that which was adopted by other labor unions in the steel industry, which have long since been annihilated and subjected to a 12-hour day 7 days per week, with an average wage of $409 per year.

"I got this data from the Stanley committee several years ago that investigated the steel industry: Average wage $409 a year, 12 hours a day, and 7 days a week.

"Whatever may be said for or against the iron workers, the bold fact remains that they had little or nothing to choose from. Either they must surrender to this power and be subject to its economic and social tyranny and suffer long hours' toil with short pay, such as is now in vogue in all other departments of this industry, or do just what was done until the public conscience could be aroused against the Government's indifference to the social needs of labor.

"If a man represented the ironworkers in the capacity of an organizer and approached a contractor who was building steel bridges, or buildings, on the question of organizing his men, establishing the eight-hour day, and paying the union rate of wages, it was not an unusual thing to have the contractor acknowledge the social justice of labor's demand. But invariably it would be pointed out that the National Erectors' Association and the American Bridge Co. had such control over the output of steel that any contractor who should in any way antagonize the Steel Trust's labor policy would be confronted with the possibility of financial ruin. And so it came that this great comporation, with its allied corporations, like the Standard Oil, exercised a power and force that even the Government itself seemed unable to control.

"The United States steel industry is protected by a high tariff, which makes it possible for them to escape competition abroad. But the labor market has little or no protection from the Government, and therefore is compelled to compete with the cheap markets of the world.

"J. J. McNamara informs me that during his administration as secretary of the iron workers that the erectors' association filled their organizations of labor with spies in all the large cities. But in spite of all the opposition the membership of the iron workers constantly grew until they reached nearly 14,000 members, as compared with a little over 6,000 when he took office. The 8-hour day was established from coast to coast as against the 9 and 10 hour day which prevailed in many localities prior to his administration. An average rate of wage of $4.30 now prevails for an 8-hour day, as compared with an average wage of $2.30 for 9 hours 10 years ago."

For fear I forget at this time, before I get to Stockton, I might call your attenton, especially of my friend Mr. Weinstock, that in the lockout in Stockton that was brought against us last year and lasted over six months. During the course of that lockout they put up a building known as the—I forget the name of the building now, but it was a five-story, Class C building. They were very careful before they declared the open shop on that building. They waited until iron workers were through erecting the steel. It is absolutely impossible in any city, outside of Los Angeles, to erect a steel building without the assistance of the organization of iron workers. They have a good organization. Drew knows that.

Some three years ago the American Federation of Labor made an earnest effort to organize the unorganized in the United States Steel industry. With this object in view a circular was issued in 13 different languages for distribution amongst the men working 12 hours a day for this corporation.

I was present with the officers of the Chicago Federation of Labor that went to Gary, Ind., for the purpose of distributing these circulars in the hope of interesting these workers to form labor unions that might afford some opportunity to alleviate this colossal social injustice.

When we arrived at the plant we found a large wall barring out all visitors, and private police protecting each entrance against interlopers. Over 10,000 men are employed at Gary, a small city named after the head of the United States Steel Corporation. When the men came out of the gates one could read on their faces despair, lack of faith, and no hope, completely dominated by fear that this antisocial beast, the United States Steel Corporation, would dismiss them from service if they should exercise the ordinary right of reading our message. Hence they refused to take our handbills and, in nearly every case, were afraid to look at us, to say nothing about the possibility of social intercourse as freemen.

Any institution that is responsible, as this corporation is, for driving the last bit of hope from the human heart and soul of over 700,000 men, women, and children, is infinitely more criminal and dangerous to a higher civilization and a better society than all the charges made against the McNamaras and other union men, even if they should all be true, which labor denies.

The McNamara brothers are in prison, and so are many of the members of the Iron Workers' Union and many other unions. But little effort has been set forth to ascertain the cause of this social disease that is responsible for the eternal conflict between the house of want and the house of have.

The McNamaras, so far as I have been able to learn, had great hopes to make the world listen to labor's suffering. It is their belief, as well as the opinion of thousands of others, that this very commission is in a large measure the response to their activities. If this be true, then they are not suffering in vain, for the men, women, and children, not only in the ranks of labor, but in many other walks of life, are hopeful that through this commission the lights will be turned on, and industrialism will be shown as it is. Labor has nothing to fear from the full truth. We believe this would help to bring about a greater intelligence, and a more humane understanding could be obtained by the public of the real economic and social condition of our industries.

During the course of this industrial war it is common knowledge that the employing class have not only used every effort to control the courts by legitimate or other means, but they have invariably imported professional strike breakers and thugs to commit acts of violence, in the hope of crystallizing a public opinion against labor.

These large corporations have such a distinct advantage over labor by reason of their control of the press which makes the fight so much more difficult and tends to embitter men and women in the ranks of labor who feel the suffering of our class the keenest.

It is common knowledge that in every large industrial strike the newspapers of the country so arrange the information for the public, giving it a color that is intended to be favorable for the employers, regardless of the mere little thing called the truth.

An organization called the Associated Charities of Pittsburgh made an investigation of the conditions of labor in the steel industries, and they report in their findings that the rate of wages paid is far below what is necessary for an ordinary family to sustain themselves on.

I was at the trial in Indianapolis for some time. Now, if I had not learned to read and had no social intercourse with anybody, and didn't know anything, had never met anybody, I would have sworn that that trial was a meeting of the board of directors of the United States Steel Corporation. If I didn't know Drew and had not seen him, I would have imagined that Judge Anderson was Walter Drew. A fair trial? Heavens! I would not begin to consider it a fair trial. The jury retired on Thursday night, and according to their own statement this jury that was considering a blanket indictment against 40 men, there were originally 54 men indicted, but when the case came up for consideration it was set for the 1st of October, and when it came up for trial there were six or seven of them dismissed, although this indictment had hung over them for six or seven months. That is unimportant, of course, they are only workingmen; but when the trial started, gradually the number of defendants dwindled down, were dismissed, until the case finally went to the jury, and when it finally went to the jury there were 40 defendants to which the jury had to give consideration, which would mean their life and their liberty. The jury retired on Thursday, and acknowledged, according to their own statements, that they did not begin to give consideration to the testimony until Friday morning at 10 o'clock, and admitted that they had reached a conclusion before 5.30 on Friday night, and did not report until Saturday morning. I will tell you why. If you will go back a little bit you will find that every time the M. & M., or Manufacturers' Association, or Burns Detective Agency, or any other detective agency, or enemy of labor, when they thought they had a good story against labor they arranged so that it happened on Saturday. You will find that Haywood was kidnapped on Saturday, the McNamaras on Saturday, the grand jury brought in their verdict on Saturday; everything on Saturday. They have a fine publicity agent; they pay for it the same as Rockefeller. That is not force or violence, that is just money.

They have figured out, and I have had it reliably from newspaper men from this city, from New York, from Chicago, from San Francisco, in fact I have never yet met a newspaper man who was inclined to deny it, at least, those that they could occasionally, on the q. t. tell the truth and they are not many, but they tell me that it is figured out that about 10,000,000 more human beings read the Sunday papers than any other paper, and so a message that shall have for its purpose sending out some more poison against the social hopes of labor must happen on Saturday, so it can be put in on Sunday. They don't believe in violence, that is a mistake; they believe in law and order.

During that trial there is positive evidence that the train was ordered by the Government officials on the 19th day of November, 40 days before the trial closed. They ordered a special train to convey 90 people to the Leavenworth Penitentiary. I will show you how close they guessed—an ordinary person, if you were next to the game, you would not be surprised, but to show you that they guess pretty close, there were 93 or 96, maybe 99. But anyway, the jury were all farmers. I have nothing against the farmer, but after all a man who is so far removed from the industrial whirlpool, it is difficult for him to get the point of view of labor at industrial centers, and when a person does not get your point of view, don't blame them for convicting you, if they have the power. They can not give you any consideration, and don't understand you; they don't know your language. That was the trouble with those poor farmers.

I don't say that the jury was fixed, but I do say if you had fixed it, Mr. National Erectors' Association, you could not have done it better, with the single exception they were too anxious, they brought in a blanket verdict, a blanket indictment covering 38 men, finding them equally guilty on a blanket indictment, and it was so wrong that even Judge Anderson couldn't stand for it, and he dismissed 5 of them. There was one man dismissed after he was examined by Judge Anderson. It seems that some one got word to Judge Anderson to this effect—I can't think of his name now, but I can get it if necessary—but there was some man, a member of the executive board of the International Iron Workers' Association at the time they declared the National Erectors' Association unfair, he voted against the closed shop, and Judge Anderson found it out somehow and he asked him about it, and when he found out he voted against the closed shop he was acquitted, there was no evidence against him; he was all right. He was for the open shop. There were men who were indicted that it was found had not been members of the organization for some time and were not taking active part any more, and they were dismissed also, everything was all right; but when the jury came out and convicted 38, 33 of them finally went to the penitentiary.

Everything was so staged; I don't know whether the Government did it or not, but somebody did it, and I am inclined to think that it is not unreasonable to think that the National Erectors' Association, who were interested in making this as spectacular as possible; anyway, those men were chained alongside of deputies and taken down the principal street for exposé to the county jail. I am very glad to say that their relatives and their friends had sufficient courage to stand by them. I can not help but say for the women, at least, not one woman in that whole fight of the ironworkers, either in Indianapolis or Los Angeles, showed any yellow streak. They all stood pat, every one of them.

Mrs. Painter, the wife of one of the men convicted from Omaha, Nebr., lined up all of the women in the hall after the conviction and went to them with clenched fists and said to them: "Don't you cry; don't you give the erectors' association the satisfaction; put your tears in your muscles; and if our men go to prison, we will have to make the fight. Some day labor will understand."

God! If they ever do, there will be something doing, believe me! That is all. I understand labor; you don't; and the other fellow can't understand; you can tell that by the last witness.

I was in California when the conviction came. I went to Santa Cruz to tell Tveitmoe's wife and children all about the trial, and tried to give them some encouragement and some hope.

Chairman WALSH. Was that Tveitmoe from San Francisco one of the defendants?

Mr. JOHANNSEN. O. A. Tveitmoe, from San Francisco, one of the men convicted, and his case was appealed, and he got the Supreme Court, or the higher court, to throw his case out on account of lack of evidence. A man had a right to send a Christmas card from California to Indianapolis, so the higher court said, but they were mistaken according to the erectors' association, but we won't go into that. When Mrs. Tveitmoe was interviewed by the Examiner, I thought she gave a very unique interview. She said: "I don't know nothing about his union affairs. He is good to his family and true to his friends, and they had better not make him mad." She was a Viking Norwegian woman.

I am glad to say that every union of ironworkers had sufficient social courage and loyalty to reelect every man that was convicted. When they went to prison they took care of the families, and those that are in prison now, including old lady McNamara. When they went to prison the first thing we did in our State convention in Los Angeles we suspended all rules and order of business, and took up the first thing, the reelection of general secretary and

treasurer, and executive board members, and elected Tveitmoe and Clancey by acclamation, and it was the first time this proceeding ever took place in our convention.

Now, about Los Angeles. The organizers went there in the early part of January, 1910, and I don't know of anywhere where the Merchants & Manufacturers are so well organized and have so much power and so much influence as in Los Angeles. There was a time in Los Angeles when we could not engage a lawyer for love or money, except a few socialists. They had not much to lose, anyway, you know, and you could not get any other lawyer; you had to get them from San Francisco.

Los Angeles was recognized by the labor movement, at least on the Pacific coast, and I am satisfied in most of the East, as a city of slaves, where labor had scarcely any power whatsoever. The full strength of the Merchants & Manufacturers' Association was in every instance directed against any individual or against any individual union at any given time they showed any signs of strength, in order to keep them squelched. We have always been told that whatsoever ye sow, that shall ye also reap. I wonder if Otis believes that? We always reap what we sow. In 1910 a general strike was organized in the metal trades. Although not an act of viloence occurred, the city council, four weeks after the strike had been inaugurated, passed an ordinance drafted by Earl Rogers, chief council for the Merchants & Manufacturers' Association, making it unlawful for any union picket to speak to a nonunion man. You would hardly believe that if you were not there. Well, I happened to be at the city council when this ordinance was passed. Now, this city council is comprised of what we call "Goo-goo's." The Goo-goos are reformed Republicans and Democrats, whatever that may mean. The city council was, of course, elected as an anticorporation council. They were against corporations, and against the Southern Pacific particularly, and against corporate interests that were controlled by the crooks, and such men as Otis, Fredericks, and that gang. And when the strike came on and this respectable democratic anticorporation city council had to choose between taking the dope, as it were, from Earl Rogers, whom they hated and looked upon as vicious and crooked, for years active in California rotten politics and connected with the corporation interests, Earl Rogers dictated that, wrote it, read it to the council, and made an argument. Do you know what the argument was? Oh, I wish every one of you men could have heard that. It was rich. Earl Rogers argued before this city council as follows [reads]:

"About five years ago a great strike took place in a city not over 500 miles from Los Angeles"——

He didn't want to name San Francisco. There is an awful feeling between those two cities, you know. [Continues reading:]

"And in that strike some bricks were thrown and some men were hurt and some men were nearly killed; and therefore I advise you to pass this ordinance."

Well, if you can see any logic in that—maybe a lawyer would, but a shoemaker would not. Because there was a strike in San Francisco five years previous to this—that was the famous street car men's strike—therefore the city council of Los Angeles should pass that ordinance prohibiting all kinds of picketing, and they voted for it unanimously, and the old mayor signed it immediately, and it got into a journal right away and became a law. Well, we consulted the peacemakers, as we always do, and so we called a meeting of the representatives of all the unions in Los Angeles, two or three men from each union, and called in the only two lawyers we could get, Job Harriman and Fred Spring, because the others knew they would be boycotted by the M. & M.; and the M. & M. do it on the "q. t.," but it is very effective. But these lawyers pointed out to us that the city of Los Angeles had a democratic charter, and that this charter provided that when this council passed an ordinance, why, such an ordinance would lie on the table 30 days, and if within that 30 days 15 per cent of the voters should send in a petition asking that the ordinance be submitted to a referendum vote it would be submitted to referendum vote. Then there was something else in the charter. Oh, my! They always get that in. "Except an ordinance to preserve the peace of Los Angeles."

They can always get you on that. They can get almost all the working people. Now, when the politicians come around the camp they say they want this, because this means peace. And nobody can get up and say, "I am not for peace. I want to fight." You can't get elected to office if you do that. So they had this joker in the charter: "Except an ordinance to preserve the peace of Los Angeles." So it was written up, and so it was worded accordingly. And Earl

Rogers personally, when he became the chief counsel for Darrow subsequently, he did not hesitate in telling me personally, he said, "This was a joke on the Goo-goos; I put it over on them." So they passed the ordinance. We couldn't do nothing at all—had to do one of two things, either be cowards and call the strike off, or else tell the city council to go to hell; and we did the latter. You will excuse me, Mrs. Harriman, if you please.

Commissioner HARRIMAN. Certainly.

Chairman WALSH. We will leave that out, please, Mr. Johannsen.

Mr. JOHANNSEN. Very well, Mr. Chairman.

So we advised these men against calling this strike off. We have a right to speak to men. This is a rank invasion of the worst kind. And we called a meeting of the men who were affected, about 1,200 of them, and put it to them plain and straight.

The union men and women of California had pledged themselves to pay 25 cents a week out of their wages for an indefinite period until Los Angeles should become organized, and they were sending that pledge, about $6,500 a week, for the Los Angeles strikers from San Francisco to finance the strike with, together with what we were getting from the international organization. We called the men together and described the situation briefly and without any exaggeration, and told them what it would mean; told them we could not afford to hire expensive lawyers; we could not afford to pay fines; we could not afford to bail anybody out. But they ought to resist this ordinance, and if they were willing to we were willing to. We took a secret vote—a secret ballot—after the explanation, after everybody was informed that if you go on the picket line and get arrested you will not be bailed out. If you are found guilty, your fine won't be paid. You will have to suffer. We wanted to go to jail as a protest against this rank injustice. And so we put it to a vote, and the vote was unanimous on the secret ballot that the men would rather go to jail than surrender to such a rank piece of favoritism in legislation.

The passage of this ordinance more than anything else instilled a feeling of hatred and bitterness and resentment in the working people of Los Angeles against the Government. The result was that every man engaged in it unanimously voted on the secret ballot that he preferred to go to jail, and so forth, and so on.

During this year 1910, in the month of August——

Chairman WALSH (interrupting). What was the "so forth and so on?"

Mr. JOHANNSEN. Well, I have already repeated that to you.

Chairman WALSH. Oh, you have?

Mr. JOHANNSEN. During this year the now governor of California, Gov. Johnson, made a speech in Los Angeles in Simpson's Auditorium when he was a candidate for governor, denouncing Harrison Gray Otis in the following language:

"In the city from which I have come we have drunk to the very dregs the cup of infamy. We have had vile officials, we have had rotten newspapers, we have had men who sold their birthright, we have dipped into every infamy, every form of wickedness has been ours in the past, every debased passion and every sin has flourished. But we have nothing so vile, nothing so low, nothing so debased, nothing so infamous in San Francisco, nor did we ever have, as Harrison Gray Otis. This man has attacked me on the only side to which I will not respond, concerning which, rather than respond, I will lose the governorship of the State of California. He sits there in senile dementia with gangrened heart and rotten brain, grimacing at every reform, chattering impotently at all things that are decent, frothing, fuming, violently gibbering, going down to his grave in snarling infamy. This man Otis is the one blot on the banner of southern California; he is the bar sinister upon your escutcheon. My friends, he is the one thing that all California looks at when in looking at southern California they see anything that is disgraceful, depraved, corrupt, crooked, and putrescent—that is Harrison Gray Otis."

It is reasonable to presume that had Samuel Gompers made this speech at this time he would have undoubtedly been indicted by the grand jury, charged with being an accomplice in blowing up the Times.

It was common to hear people on the streets in every city on the Pacific coast give vent to the sentiment "Why didn't they get Otis?" I have heard it all over the country, "Why didn't they kill Otis? It would have been all right."

I am informed that a statement of this character was made by William J. Burns, the great detective, to some of the newspaper men in San Francisco.

The demands of labor in Los Angeles were very nominal and only that which they were already receiving in San Francisco and other coast cities, the metal trades employers in San Francisco contending that unless labor could raise the standard in Los Angeles the employers would be forced to lower the standard in San Francisco.

The Merchants & Manufacturers compelled their members to deposit a cash bond of $5,000 as a guarantee that the employers would not deal with the unions and would insist upon the so-called "open shop," which is open only to a working class that is docile and sufficiently browbeaten to accept whatever terms the employer may insist upon. All men and women who make an intelligent and militant effort toward a better social life are boycotted and penalized with all the power that the M. & M. can rally against them.

I submit for the commission's information a copy of the San Francisco Bulletin, under date of January 10, 1911, which contains the M. & M.'s attitude toward employers that are inclined to be fair, which will show the viciousness of the employers' association, quite regardless of law, order, civilization, or anything else.

(Witness submitted a copy of the San Francisco Bulletin of January 10, 1911, containing an article entitled "Los Angeles boycotts all workingmen who are members of union. Merchants & Manufacturers enforce black list and use methods that are 'un-American' when employed by organized labor.")

This concerned the McCann Iron Works, who signed up with the union, and we compromised with them. They came down to the strikers and made this suggestion. The demand was for an eight-hour day and a minimum wage of $4, the same as in San Francisco in the iron trades, comprising the iron molders, the machinists, the boiler makers, the blacksmiths, the patternmakers, and their respective helpers, and finally it involved the structural-iron workers, who were not organized at that time, but they came off the building like flies, but they were not organized at that time. And this man who was boycotted by the M. & M. came down and signed up an agreement with us, providing that the men might work nine hours a day at a $4 rate until the first of January, 1911, which we agreed to, and he went on and employed 250 men. But the M. & M. put him out of business. He had finally to quit and go back to the open shop. They did not do it with violence, and so we could not do anything with them. They do a lot of violence, but they cover it up with money. If you gentlemen don't believe that, ask the erectors' association, and they will develop that.

I recall an instance where some of the strikebreakers were hurt on a building, and when union men went to the coronor's inquest in the hope that some of our people would be chosen as jurors, only to be disappointed.

You understand under the charter there if anybody is hurt and is taken down to the coroner's office to the inquest, why the jury is generally picked from men who are in close proximity. We knew, of course, that that was the law, and were all law-abiding citizens. So we did not want to give them an opportunity to know we were there, and we sent 200 men down there, and while we were waiting an automobile came along, and in that automobile was the jury, of course. Oh, it was a fine game! In every case the M. & M. dictated supreme, and the juries were selected that were considered safe. Now, of course, there is going to be another trial in Los Angeles on the 1st of September, 1915; M. A. Schmidt and David Caplan. Otherwise I should present to this commission the document which we have in our possession, but which the commission can obtain, I am satisfied, within the next two or three weeks; but we have the documentary evidence that the Merchants & Manufacturers' Association personally and absolutely dictated the character and names of the grand jurors. We have documentary evidence of that, signed by Mr. Zeehandelaar.

Commissioner O'CONNELL. He is secretary——

Mr. JOHANNSEN (interrupting). He is secretary of the Merchants & Manufacturers' Association. Oh, they believe in law and order! You bet your life!

In this they O. K'd Bill Jones, for instance; marked him "hates the union." Samuel Brown, "friend of the Manufacturers," and some other man, "friend—personal friend—of mine—O. K." Oh, it is fine! If we ever wrote a letter like that we would all go to prison, if we represented labor. That is the reason the executive officers of the A. F. of L. have to be pretty careful—have to be, because they can get after them much easier.

My experience in strikes and lockouts has been that labor is by far more law-abiding and less vicious than the employers.

Whatever our sins may be, what little we know we have learned from observing the tactics of the manufacturers' associations.

It was no surprise to the average working man when news came out about Mulhall and his million and a half corruption fund to be used in Congress to influence men against the proposed remedial labor legislation.

Say, if Gompers had done that! Good night! The papers wouldn't have stopped yet.

In the city of Stockton, Cal., we have just emerged from a general lockout brought about by the Merchants, Manufacturers & Employers' Association, in which it was conclusively proven, not alone that they employed 20 professional gunmen and sluggers, but that they actually had a list containing the names of union officials and active men, with a price attached, ranging from $25 to $75, if they were slugged. I was worth $75. I was worth more than the rest of them. I was kind of proud of that.

These union men were to be beaten up and waylaid. Affidavits sustaining this fact can be obtained in San Francisco.

One man by the name of Emerson was caught with a suit case of dynamite and arrested.

Commissioner WEINSTOCK. Is that Stockton or Los Angeles?

Mr. JOHANNSEN. Stockton.

When it was discovered that he was employed by the Merchants & Manufacturers Association he was promtly released, but a week later rearrested. He has been tried twice in Contra Costa County and once in Stockton and finally dismissed. In all his trials the Merchants & Manufacturers employed counsel for his defense openly and defiantly, notwithstanding the fact that he had made a confession involving active officials in the Merchants & Manufacturers' Association, which afterwards he modified and changed to suit the convenience of the M. & M.

Now, this man Emerson told me personally from his own lips the program. He was sent to Contra Costa County to steal dynamite—break into a box car and steal five or six hundred sticks of dynamite—and then he was to put some of it at Tottens & Brant's planing mill. I am a member of the millmen's union and general organizer of the carpenters, so that would directly connect me with it. And he was to put one plant under one part of the Sperry flour mill and thereby directly connect the State Federation of Labor with that, which had had an active boycott against this institution for some time; and also place a plant under the Sampson ironworks, which could connect up the metal-trades department in that locality. And then he was to fill my suit case full of dynamite in the room at the Clark Hotel, and he was to take another suit case full of dynamite and check it at the Santa Fe Station and place the check in Tveitmoe's pocket during the meeting of the State Federation and then arrest Tveitmoe and me, and then the rest would follow. Nine out of ten of the men would have believed it, and if it had been pulled off everyone would say, "Gee! Johannsen and Tveitmoe should have had better sense." Oh, it is fine! If you have the price you don't need to use so much violence. You can make the other fellow do it. That was the program.

Of course he got caught at it. He got caught with his suit case of dynamite; and, of course, he was a coward and a crook all the time, and he would work for three sides, if there were three sides. He would work for anybody for that matter. I really felt sorry for the fellow. He told me; and I told those fellows I would not prosecute him; I would treat him like Christ treated the prostitute, Go away and sin no more. I didn't want to prosecute him. It was a good thing, to tell the truth about it. I am only sorry for him. He was a poor devil and had a wife and children, and she felt awful bad about it; and he told me that he would never go into that kind of a game again; and I don't suppose he will.

But Brokaw was indicted also. Brokaw was in charge of the fighting forces of the Merchants & Manufacturers in Stockton. One thing I admire about those men, they were bold about it and fresh about it. They took their gunmen and brought them down there and took them in an automobile. They didn't know, of course, that we had women in Stockton that had some spirit. We organized 30 militant women in that city of Stockton, and those women—oh, they were fine! They were not handicapped with any philosophy. They didn't have any program to save the world. If they thought that they could see something good in the A. F. L. or in the I. W. W. they were glad to accept it. I suppose they would accept it even in the Republican or Democratic Party if they could have found it; and they may find it some day if they look long

enough. I don't know. Of course we had to instruct them, and I had to get them out, and I had an awful time with them. They didn't know anything about discipline and obeying orders. They just wanted to know what we wanted done. We told them we would like to see them go out on the picket line and not to use the word "scab," and those words which were considered vulgar and bad form and liable to suit; and we told them it was much better to punch a man in the nose first and explain it afterwards than it was to tell him beforehand; there was no use getting arrested for just threatening a fellow. So they were all right, though.

The biggest bunch of scabs was down on what we call the West Side School Building. So I took those women down with me—or rather I meant I went down with them. I had four men who volunteered their machines. They gave me their cars, seven-passenger cars, every day from 4.15 until 6 o'clock. I had charge of all the pickets. I was the captain of all the pickets of all the unions. I got these machines and took these women down in front of this building. I told them that they were to stay there but they were not to call them scabs; and it is awful hard to keep a woman's tongue still, but they done fine. And so there were about 30 men around there and about 20 women, and pretty soon along comes the patrol, and the chief of police was a very decent sort of a fellow. They say he was a poet. I don't know how he became chief of police if he was a poet, but he was really a decent sort of fellow; but I knew if there was any demonstration on the part of our people in his favor it would not be a very good thing to do; and I also appreciated that it would be very easy to start something—start a fight—and I did not want to have that done. So, after the patrol wagon came and stopped about a hundred feet away from where the pickets were, along comes an automobile with six of these gunmen in it. Oh, that was fine! Well, they stopped right in the middle of the crowd of pickets; and these women—I couldn't hold them any longer. These women just went after the automobile, three or four on each side of their machine, and they went for them; and they would say, "Look! Don't he look like a gunman?" "Now, how would he like for his mother to see him now?" "Wouldn't he be ashamed for his mother to see him?" "And wouldn't he be ashamed when he went back to meet his sister?" And all that kind of thing. And it was too much for them. They couldn't stand it. They ran down to the next corner, and ran to that corner and this corner, and the women after them. Oh, it was fine!

Well, finally we discovered that there was no number on the automobile, and undoubtedly they were expecting to start something, and it would not be easy to follow them. The women noticed that and insisted on arresting them. There was a policeman on the corner, and they got hold of him and had them arrested, and when they came to jail they searched the machine and found 12 pick handles about that long [indicating] and 12 blackjacks and a six-shooter about that long [indicating] on each one of them. They all admitted that they were hired by the Merchants & Manufacturers' Association, and I understand that the officers admitted before the commission that they had hired those men. There were 12 pick handles, 12 blackjacks, and 6 big guns. Those men have never been tried, the cases were never called, they were out on bail of $100, and, of course, they disappeared. The women handicapped them. The women were all right. They horsewhipped the president of the chamber of commerce on the street. Of course, that was fine. I didn't know anything about it, neither did the strike committee, when, all of sudden, four women came up the street with horsewhips and were going by the office, and the strike committee said, "You will have to go out there; they must cut that out; they can't walk in front of here with horsewhips;" and I went out and told them, and they wouldn't listen to me, and then Woods, one of the strike committee, went out, and one of the little women came up to him and said, "I suppose you are a Sunday-school man." That got him, and he went back.

They got their man, though, Mantley, the president of the chamber of commerce, and the next day the women were arrested, and the man was arrested, and here is what they finally settled on: The attorney for the Merchants & Manufacturers' Association and the attorney for our side came in and got this agreement, that Mrs. Palmer and Mrs. Hines should be dismissed, and Mrs. Cotte should plead guilty, she was an I. W. W., or at least she thought she was. She was red-headed, and had a lot of fire, but she wore the I. W. W. button, and the Merchants & Manufacturers employers thought they would have to convict her, and she had to agree to plead guilty with the understanding that the man that got horsewhipped would have to pay the fine. So that was

agreed to. Well, after that was done, of course, these women felt that they could do anything and get away with it. I had quite a time to manage them after that, but we kept them pretty well. The fight was finally settled, and things are going along very well there. The union has agreed to withdraw the boycott, and the Merchants & Manufacturers and employers agreed to retract, or rather to rescind their resolution adopted on the 26th of June, declaring for an open shop, so that things are peaceful in Stockton now.

Commissioner WEINSTOCK. In Stockton.

Mr. JOHANNSEN. In Stockton. I don't know what the newspapers would have done if a laboring man, such as me or Tveitmoe, had been arrested under similar circumstances as Emerson, and made a confession, but I imagine, without being prejudiced or anything, that they would have given more publicity to that than they did to Emerson. I don't know how you are going to correct those newspapers; they are hard people to deal with.

I know of no instance where professional strike breakers having deliberately waylaid and murdered active members of labor unions, where they have not been defended to the very last by the Merchants & Manufacturers' Association. I am not saying that in criticism, I think they should defend them, especially if the enemy is the Merchants & Manufacturers or National Erectors' Associations.

No intelligent man or woman who has a strong sense of social justice will be satisfied with the manner in which labor has always been treated, so long as the poor go to jail and the rich go free. There is no equality before the law. It is unreasonable to conceive of a situation where a man without means and few friends will attain the same consideration in a court of justice as a man with plenty of means and plenty of friends.

During the Darrow trial in Los Angeles for jury bribery, 11 different people were given immunity by the State in the hope of convicting Darrow. It would be an insult to human intelligence to draw any other deduction than this: The question of law and order and so-called justice was secondary in the consideration of the public officials of that county as compared with the mad desire to blacken the character of men who had made at least some effort to relieve the weak from the constant oppression of the strong.

In the Ford and Suhr cases in California, these men are at present imprisoned in the penitentiary convicted on a charge of murder, notwithstanding the fact that the conditions of the hop fields—and I want to say in connection with that matter, the Ford and Suhr case, there were four men on trial. If they had been anybody else except hoboes or I. W. W., if you will, they would have had immediately competent counsel, and would have in all probability been able to have separate trials, and the public would have had an opportunity to make some investigation before those men were convicted. Those who attended the trial seemed to be so optimistic, seemed to think that the evidence in that case was so meager and so far from anything like a charge of murder, that there could not be anything else except an acquittal. The judge that tried that case, his son is a member of the carpenter's union in Marysville. I am a member of the carpenter's union, and general organizer of that organization, and work almost entirely in California. That union was requested by the son of the judge that tried the case to pass a resolution prior to the trial that these men, in the judgment of the carpenter's union, would get a fair trial. After the conviction this same son of the judge came to the union and asked them to pass a resolution that they had had a fair trial, and the carpenters' union, I am glad to say, refused to acknowledge that Ford and Suhr had had a fair trial.

In San Francisco five or six women were organizing defense committees. Of course, they were in a sense not directly associated with the labor movement, but they were sympathizers. Some have means; they all had good clothes, and most of them were good looking, and they were in a very sympathetic attitude in all instances, and believed in the social war that is being waged everywhere, and so they came in to see what could be done, what we could do to help. I was with them and also with the attorney, chief counsel for the defense. I told those women I thought that labor would be interested in them if they had the time and inclination to make a canvass. They canvassed every union in San Francisco and in Oakland, and most of the women's clubs and churches, and not a one that I have been able to learn, not in a single instance were they met with opposition, and they raised in a period of six weeks in those cities $4,000 for the purpose of investigating these cases, and taking an appeal and so forth, and the matter is now before the governor, and I

hope and believe that the governor will pardon those men on the ground that they were railroaded by the hop owners.

It is my opinion that the employers should be held at least as much responsible as so-called labor leaders are for the social unrest which is rampant throughout the country seeking and waiting for expression. Failing to find it in one form, it invariably takes another.

It is not always the question of what we like or dislike. It is in many instances our prejudice and lack of understanding which prevent an opportunity to find the real source of corruption, which, after all, should be found and removed if we desire to eliminate the social disease commonly called poverty.

That is all that is the matter. If people have plenty to eat they can smile. I know I can; I don't know how you fellows feel about that.

The manufacturers' association don't want labor to strike; it don't want them to organize; it does not want them to become Socialists. Of course, they don't want us to strike except a nice, little strike, a sort of Salvation Army strike. They don't want us to organize and don't want us to become Socialists. We would not be good citizens then; and they don't want us to be anarchists. Some people think that they are anarchists; if they are, I don't suppose we want to be. They don't want them to be single taxers, and they don't even want the working class to get scientific information on the limitation of families. That is against the law, too. And just at present, just the same as it was 8 or 12 years ago, I venture to say that between now and a year from now that the American people, and especially the working class, will be threatened by Wall Street if they vote the Democratic ticket.

You know when Wall Street locks out the American people, which they do occasionally, the newspapers call it a panic. It is nothing at all but a lockout; you are locked out, and the newspapers want you to say it is a panic, but the real fact is the American people are locked out for selecting a national administration that Wall Street objects to.

I don't know whether I have anything else to say or not.

Chairman WALSH. We may have to ask you to stay over to-night.

Mr. JOHANNSEN. I don't like this town; I don't like the atmosphere of this city.

Chairman WALSH. Commissioner Weinstock has some questions to ask you. We will proceed a while and see how we get along.

Commissioner WEINSTOCK. I have in my hand here, Mr. Johannsen, a pamphlet entitled "Some Recommendations Submitted to the United States Commission on Industrial Relations by the American Anti-Boycott Association, prepared by Walter Gordon Merritt, associate counsel." In it I find certain indictments and certain charges——

Mr. JOHANNSEN. Was that the man that testified here just previous to me?

Commissioner WEINSTOCK. No. Certain indictments and certain charges against organized labor and I feel you should be accorded an opportunity to answer. The first statement that was made is the following [reads]:

"Organizations of workmen have been welcomed and encouraged in this country, and the right to strike is recognized as a necessary defense against oppression. 'Thank God, we have a system of law where men may strike,' said Abraham Lincoln, and our people say amen. But these bulwarks against oppression have become oppressors, and have written into our history in recent years a manifestation of oppressive power so recklessly and inhumanely exercised, and industrial crimes of so grave a character that even their true friends see the necessity for the firmer hand of government. Lawlessness and discontent have been encouraged until there has grown up in our midst, within the circles of organized labor, a group of lawbreakers who, with pernicious sophistry, too often repudiate the ordinary claims of decency and humanity. 'I did what I did for a principle,' said J. B. McNamara. To deprive a nonconformist worker of his job and drive him from his trade; to destroy the property of those who employ any nonunion men; to recklessly attack the business of neutral and noncombatant merchants and manufacturers; to dynamite, maim, and murder—these practices, opposed to all standards of civilization and humanity, are prominent features of labor-union activities at the present. But with few exceptions, no hand of organized labor has been raised to deter or discipline the wrongdoers. Leaders make bold to publicly assert that the sacredness of their cause justifies the support and retention of criminal officers. When serious books in defense of such a position are plausibly written by intimate observers, published by reputable houses and issued as serious reading; when organized labor arrays itself in argument and act against State con-

stabulary and militia, police and guards, injunctions, finncial responsibility, enforceable contracts, and scientific management, what are we to conclude? 'This bodes some strange eruption to our State,' unless forces arise to cure and control."

Now, what comment, if any, do you care to make on that indictment?

Mr. JOHANNSEN. In the first place, the whole thing is all right excepting one thing, it is not true. That is the only thing that is the matter with it.

Commissioner WEINSTOCK. That is, specifically, you would deny as a representative of a labor organization that "lawlessness and discontent have been encouraged until there has grown up in our midst within the circles of organized labor a group of lawbreakers who, with pernicious sophistry, too often repudiate the ordinary claims of decency and humanity." You would deny that "to deprive a nonconformist worker of his job and drive him from his trade, to destroy the property of those who employ any nonunion men"——

Mr. JOHANNSEN. You had better separate that.

Commissioner WEINSTOCK. Very well, we will take it up seriatim.

Mr. JOHANNSEN. What do you mean, do I believe in discriminating against a nonunion man? If you do, I say, absolutely.

Commissioner WEINSTOCK. The charge made here is that you deprive a nonconformist worker of his job and drive him from his trade.

Mr. JOHANNSEN. Certainly. What do you mean by nonconformist worker?

Commissioner WEINSTOCK. A nonunion man.

Mr. JOHANNSEN. Certainly.

Commissioner WEINSTOCK. And to destroy the property of those that employ any nonunion men. In other words, the charges made are that as an organization labor does not hesitate to destroy the property of those that employ nonunion men.

Mr. JOHANNSEN. That can not be answered without the specific situation. Suppose there was a certain house burns down in a certain place, at a certain time, and they would say, "Did union labor do that?" and I couldn't answer it.

Commissioner WEINSTOCK. You brought up the McNamara case?

Mr. JOHANNSEN. What I meant to do was to compare the sins of the organized workers with the employers.

Commissioner WEINSTOCK. Suppose both are guilty?

Mr. JOHANNSEN. They ought to both go to prison.

Commissioner WEINSTOCK. Do you believe in destroying the property of those who employ nonunion men?

Mr. JOHANNSEN. That depends on circumstances.

Commissioner WEINSTOCK. Do you in the McNamara case?

Mr. JOHANNSEN. I don't care to justify them; it is up to them. I don't know what I would do until I got up against it.

Commissioner WEINSTOCK. But tell us what you understand is the attitude of organized labor in this sort of a fight. Do they justify such acts?

Mr. JOHANNSEN. I can tell you what I do, the places where I talk to organized labor, and what my judgment is as to how I find the membership; that is the only thing I have to go by.

Commissioner WEINSTOCK. Yes, sir; I think that would be of interest.

Mr. JOHANNSEN. Well, when I got into Butte, Mont., I spoke to every union there, including the miners' union; that was prior to the eruption in Butte. The miners' union a very peculiarly constituted organization there; they had about 8,000 different members in what you might call four different groups; about 2,000 are Irish Catholics and work at it; about 2,000 Socialists; their chief aim is in the capture of the ballot, and they work at that; and about 2,000 were I. W. W.'s; of course, they work at that; and the rest of them are what they call "Cousin Jacks," I think—Cornish miners—and those four factions were all interested in that union to shape its policy at different times, with the result that there was considerable interest in that union; more than the ordinary interest, and at election time a good deal of interest. When I spoke there I outlined what the iron workers were up against, the social background of it, how hard it was to fight the Steel Trust, how they used the other industries, how the carpenters and the longshoremen, the sailors, the other workers in that field advised, "Wait, wait, wait." They worked 12 hours a day, 7 days a week, for an average of $8 or $9 a week. I found out that the iron workers voted to fight, and that that was the only thing left for them to do.

Commissioner WEINSTOCK. What was that?

Mr. JOHANNSEN. Solidarity, or dynamite, or anything you want to call it. I don't care what yau call it.

Commissioner WEINSTOCK. Are we to understand from what you just said that grievances——

Mr. JOHANNSEN. Let me finish this.

Commissioner WEINSTOCK. Let me finish my question. That the real or imaginary grievances of the iron workers justified them to dynamite——

Mr. JOHANNSEN. That is the way they felt about it; I couldn't say as to that. You might feel that way if you had been an iron worker.

Commissioner WEINSTOCK. Do you think they were justified?

Mr. JOHANNSEN. I was not there.

Commissioner WEINSTOCK. You don't have to answer that question unless you want to.

Mr. JOHANNSEN. You know I am under indictment myself, and I don't care to answer it. I don't think I am competent to answer it. I have a pretty good job, and don't suffer personally. I think McGillicuddy, of Maine, in the House of Congress, a number of years ago, said, "If I was an iron worker I would have done like they did." That was right in the Congress. I say this to the union men, to our friends, to the enemies; they talk about the 21 lives that were taken in Los Angeles. I don't hesitate to say that no man has a right to take another man's life; he can't take something that he can not give back; but I do say this 21, 21, 21 lives lost is not all. Why don't they say something about the 300 or 400 or 5,000 or 10,000, compare their sins with the iron workers; put on the searchlight, let the whole truth be told, send them all to prison, that is satisfactory. We object to your justice on the ground that the rich go free and the poor go to jail.

Commissioner WEINSTOCK. The next charge is that organized labor recklessly attacks the business of neutral and noncombatant merchants and manufacturers.

Mr. JOHANNSEN. That is not true.

Commissioner WEINSTOCK. You deny that?

Mr. JOHANNSEN. Those fellows are as "buggy" as an I. W. W.

Commissioner WEINSTOCK. Are we to understand, then, that you deny that the noncombatant merchants and manufacturers——

Mr. JOHANNSEN. What do you mean by noncombatant? Men that don't fight you? Do you suppose we fight a man that don't fight us?

Commissioner WEINSTOCK. Here is a merchant that advertises in a paper, and the printers are on strike on that paper, and they come to the merchant and say, "You take your advertisement out of that or we will ruin your business."

Mr. JOHANNSEN. I wish we were that well organized.

Commissioner WEINSTOCK. He has done no wrong in this case? You deny that is done?

Mr. JOHANNSEN. Of course, it is not done; I wish it were done.

Commissioner WEINSTOCK. The next charge is they resort to dynamite, maim, and murder; that these practices are opposed to all standards of civilization and humanity, and are prominent features of labor-union activity at the present time; but, with few exceptions, no hand of organized labor has been raised to deter or discipline the wrongdoers. Is that denied?

Mr. JOHANNSEN. No; nothing has been done to discipline the wrongdoers; we always do, but we don't take the Anti-Boycott Association for a judge.

Commissioner WEINSTOCK. Can you cite any instance where a member of your organization, or labor organization, has been expelled for resorting to violence in labor trouble or breaking laws?

Mr. JOHANNSEN. So far we have not decided to try that; the Manufacturers & Merchants' association and other associations have control of all of the police departments.

Commissioner WEINSTOCK. You have no case that you could cite?

Mr. JOHANNSEN. No, sir; I would be ashamed of them if I had.

Commissioner WEINSTOCK. Leaders make bold to publicly assert that the sacredness of their cause justifies the support and retention of criminal officers.

Mr. JOHANNSEN. That is not true.

Commissioner WEINSTOCK. Criminal officers have been rejected and have been thrown out of the organization?

Mr. JOHANNSEN. What do you call criminals? Let them show the case and I can answer.

Commissioner WEINSTOCK. Men that were convicted of crime?

Mr. JOHANNSEN. Let them show the case.

Commissioner WEINSTOCK. Take this very case, this dynamite case. Mr. Frank Ryan, president of the union; he was convicted and sentenced——

Mr. JOHANNSEN. He was reelected up until the last convention. Thank the Lord for that; they had that much courage.

Commissioner WEINSTOCK. That would corroborate the charge made here?

Mr. JOHANNSEN. That is up to the iron workers to answer why they reelected him. If you had suffered like they have, you might be able to answer.

Commissioner WEINSTOCK. The next statement is this: "It seems needless to array facts—a parade for Sam Parks on his way from Sing Sing; the dynamiters defended by the American Federation of Labor, reelected to office by the iron workers, officially recognized by the federation without protest after conviction, met by a public procession of applause at Fort Leavenworth when on their way to prison. In that prison President Ryan performs his official duties and renders his official reports as president of a union of 10,000 members, and a part of the federation."

Mr. JOHANNSEN. I don't know whether it is true, but I hope it is true.

Commissioner WEINSTOCK. Then, it is not disputed, is it?

Mr. JOHANNSEN. I want to say before you go any further, if you want to be fair in this matter, I think the only way for me to answer that question is for you to give me that book and let me write a book in answer to it, and that would take two weeks.

Commissioner WEINSTOCK. You are sufficiently conversant with the facts?

Mr. JOHANNSEN. You want to compare our sins with their sins, and I want to show you their sins.

Commissioner WEINSTOCK. You have already pointed out their sins, and they state your sins here, and here is an opportunity for you to answer for the record; otherwise this would appear in our record uncontradicted.

Mr. JOHANNSEN. I see; oh, that is your purpose?

Commissioner WEINSTOCK. Another statement here reads as follows:

"Though there are cities where markets are monopolized for union products, and this fact is well known, prosecuting attorneys remain inert. 'Do you want to embarrass the administration?' inquired one district attorney. A strange commentary is it that men who entered into a nation-wide conspiracy to dynamite buildings and thereby destroy human life should only be tried and punished for transporting dynamite. Would you punish a murderer for carrying concealed weapons?"

Do you care to comment on that?

Mr. JOHANNSEN. I don't care to pass any judgment on anybody, not even on Drew; I don't care to pass judgment on people; I am not a judge.

Commissioner WEINSTOCK. We have heard a good deal in this commission, Mr. Johannsen, of the courts failing to give the workers justice. Now, here we get the other side of the story. The writer of this pamphlet goes on to make this statement:

"In a recent case against John Mitchell and the United Mine Workers a permanent injunction was dismissed on appeal by three Federal judges, who held that in cases of this character 'a reasonable delay in the issuance of the writ would have a tendency to bring about a settlement between the parties.' To escape the displeasure of organized labor, this court recommends that relief be temporarily withheld from the persons injured, in the belief and hope that the delay will compel the injured person to surrender his rights and accept the terms of the lawbreakers. A Federal judge in New York, acting upon a similar conception of his duties, denied a preliminary injunction against boycotting, while admitting that authority would probably compel the issuance of a permanent injunction when the case was reached for trial. The plaintiff, unable to survive the delay, was compelled to unionize, and delay 'had the tendency to bring about a settlement.' There is something more ominous than coincidence in this same abnormal conclusion of different judges in different parts of the country, and it illustrates the fact that even in Federal court the wind blows from a different quarter than popularly believed.

"The emergency which led to the invention of preliminary injunctions and the reasons which support their issuance in behalf of all litigants when delays can not be endured are forgotten and the remedy summarily ended by legislation. With such decisions, those who can not survive until final hearing—and they are many—are lost. Courts also show a notable aptitude and inclination to avoid the issues in important and well-presented cases, thereby leaving present and future litigants in a state of uncertainty. One judge continued an

injunction on condition that no attempts would be made to enforce it, and communicated that condition to the defendants. Is that the way to cultivate respect for court decrees? Doesn't that explain why Gompers publicly proclaims, 'Go to hell with your injunctions'? Other judges make strange efforts to settle such cases or try to pass the responsibility over to some associate. Is this the question that men are afraid of?"

Do you care to make any comment on that?

Mr. JOHANNSEN. Except to say that I don't recognize any right under any circumstances of a judge to issue any injunction against a laboring man on strike, if such injunction was issued.

Commissioner WEINSTOCK. Would you respect it?

Mr. JOHANNSEN. I got four or five of those things against me in Stockton; they were served on me, and the strike committee said we would have to be careful and not break into jail. I don't think the power of an injunction goes much beyond the courage of those who are enjoined. I think that if a person is convinced in his own mind and in his own feelings that his cause is just, that his demands for an increase in wages, or whatever the fight may be—in Stockton it was against the breaking of our unions—if you think and feel you are right, why, then go ahead, and never mind about those pieces of paper. We didn't pay any attention to them, except this: The attorney advised us not to make any comment to the public, which we didn't; but I went and got 75 strikers, and there was a special house which was designated—I think the Sutter Hotel—and I instructed the pickets, and they all obeyed instructions; they were served with injunctions and they left, and then they served them again and they left, and kept that up until they didn't have any more paper, and then there wasn't any more trouble.

Commissioner WEINSTOCK. Are we to infer from what you say, Mr. Johannsen, that if a man or group of men have any real or fancied grievances they are justified in defying the law?

Mr. JOHANNSEN. Oh, real or fancied?

Commissioner WEINSTOCK. Yes.

Mr. JOHANNSEN. Real or fancied; I don't know what you mean. That is so indefinite.

Commissioner WEINSTOCK. I may have, for example, what I believe is a real grievance, but which may prove to be only fancied.

Mr. JOHANNSEN. After you prove it to us we change our opinion; see?

Commissioner WEINSTOCK. Let us limit it to real grievances; would you say that any man or group of men that have any real grievance is justified in taking the law into his own hands or ignoring it?

Mr. JOHANNSEN. My advice to labor would be, if I was asked for my advice—I am not sure I would take the stump—if you are sure you are right, if you are convinced of judicial invasion of your rights, stand for your rights and take the consequences. Don't engage any attorneys or anybody else.

By the way, this policy was recommended by the President of the American Federation of Labor at the Denver convention. if my memory is right, and the committee brought in a report at that convention for labor to take that attitude, not so much because of contempt of the judges, but because we found that the policy of the National Manufacturers' Association was to use this thing to drain our treasury by making us employ high-salaried counsel, and spending our money for lawyers instead of bread.

Commissioner WEINSTOCK. You were telling us, Mr. Johannsen, about the numerous instances where the employers had employed gunmen?

Mr. JOHANNSEN. Numerous? Why, every place.

Commissioner WEINSTOCK. Well, let us call it every place.

Mr. JOHANNSEN. Sure.

Commissioner WEINSTOCK. Do you know of any instances where organized labor has employed gunmen?

Mr. JOHANNSEN. No.

Commissioner WEINSTOCK. Were you here the other morning when the police commissioner of New York City, Mr. Woods, testified?

Mr. JOHANNSEN. Yes; I heard him testify.

Commissioner WEINSTOCK. Let me refresh your memory by reading the testimony given by Mr. Woods before this commission [reads]:

"Commissioner WEINSTOCK. As a result of your investigation, what have you found to be the method of procedure in industrial troubles; do these gangsters offer their services to both sides and take the highest bidder, or do they confine their operations and offer their services to one side of the labor trouble?

"Mr. WOODS. I should not say it was 'offering their services,' but the result of our investigation shows a course of procedure like this: There would be a strike, and the strikers would retain some gunmen to do whatever forcible or violent work they needed. The employer, to meet this violence, would, in a comparatively small percentage of cases, and not as many cases as the gunmen were employed on the other side, would hire a private detective agency.

"Commissioner WEINSTOCK. Now, when the unions employed these gunmen, what function were the gunmen expected to perform?

"Mr. WOODS. To intimidate workers that were hired to take the place of the strikers.

"Commissioner WEINSTOCK. That is, so-called scabs?

"Mr. WOODS. Yes, sir; so-called scabs.

"Commissioner WEINSTOCK. Have there been instances where there has been violence against the so-called scabs?

"Mr. WOODS. Yes, sir.

"Commissioner WEINSTOCK. To what degree?

"Mr. WOODS. Oh, very strong violence.

"Commissioner WEINSTOCK. Have they committed murder?

"Mr. WOODS. Yes, sir; I think that is being brought out now. As I remember it, last night in the newspaper article there were three indictments for murder in the first degree.

"Commissioner WEINSTOCK. There is no limit, then, to what degree they will go to intimidate the so-called scabs?

"Mr. WOODS. No. Now, there was an innocent man who was noticed a good deal in the newspapers a while ago by the name of Straus, who was shot and killed on the east side, and the Dopey Benny gang was employed by the strikers, and some other gangsters were employed by the employers; I can not remember which particular gang it was. One of the Dopey Benny gang had been killed by one of the other gang.

"Commissioner WEINSTOCK. Competing gangs?

"Mr. WOODS. Yes; one gang employed by one side, and one gang by the other side. I may have my things a little twisted here, but the gang that killed the member of the other gang was holding a ball, and the other gang came up to get revenge for the killing, and the man that they tried to shoot jumped behind this perfectly innocent citizen, Straus, and Straus was killed.

"Commissioner WEINSTOCK. Now, are the so-called gangs of gunmen confined to the East Side of New York, or are there other gangs in other parts of the city?

"Mr. WOODS. There are gangs in other parts of the city.

"Commissioner WEINSTOCK. In what other parts of the city, for example?

"Mr. WOODS. There are gangs on the West Side. The gang—I think I am justified in saying that the number and virulence of gangs has been very much reduced in the past 12 months. The situation we found was a bad situation. The policy under the former administration had been to use mild methods; the whole thing has been very much reduced in the last 12 months, but you will find headquarters of gangs and places they hold out in the lower East Side, and the middle West Side, and in some parts of Brooklyn, on the upper East Side.

"Commissioner WEINSTOCK. Is every member of the gang of one nationality usually, or are they composed of mixed groups? For instance, on the East Side, are they all Jews?

"Mr. WOODS. No; they would be mixed groups.

"Commissioner WEINSTOCK. Of different nationalities?

"Mr. WOODS. Yes. Of course people are naturally nationally clannish, more or less, and you naturally have a predominance of one nationality in one group."

This testimony makes it clear that the unions employed gunmen and gangsters.

Mr. JOHANNSEN. That is, if it is true.

Commissioner WEINSTOCK. As an evidence of that, we have this testimony [reads]:

"In how far have your investigations warranted this statement that appears in the New York Herald of this date," quoting from the New York Herald:

"'Several of the indictments mention assaults upon members of the union, and in this connection District Attorney Perkins said last night that the reign of lawlessness was caused by union leaders who wished to perpetuate themselves in power, who hired assassins to assault contenders in their own union for their places, and who used their union offices to extort blackmail under threats from employers.

"'Seven men are indicted for assault in a riot for control of a union. Four men are indicted for hiring Dopey Benny's band to go to a nonunion factory and "rough house" the employees as they left and "wreck" the plant. A dozen workers were wounded in that fight.

"'Six union men are accused of extortion and assault in using violence to collect a fine of $100 upon an employer. Four others are accused of hiring the Dopey Benny band to shoot up a nonunion factory. Many shots were fired, the factory suffered a damage of $1,000, and several persons were injured. Other indictments mention cases where the band was employed by union leaders to attack nonunion workers, to wreck factories, and even to assault union men who opposed the leaders.'" That is the end of quotation from the New York Herald.

"Does your investigation substantiate those statements here?

"Mr. WOODS. Yes, sir; that is the general line of things that we found. All that sort of thing.

"Commissioner WEINSTOCK. So that this is not mere newspaper exaggeration, to your knowledge?

"Mr. WOODS. No, sir."

Mr. JOHANNSEN. Well, I don't know anything about this case in New York, but I know something about common sense and what the process of reasoning is, the ordinary process of reasoning. I know that every man who places any confidence or any trust of any kind or description in another man who is willing to hire himself to beat some one up, to murder some one, or to slug some one, without any other consideration than money, he certainly is an awful chump who will take that chance.

Commissioner GARRETSON. Did you see in to-day's paper an article ascribed to the district attorney of New York about Dopey Benny's further testimony to the effect that he was bragging on himself because he refused an offer of $7,500 from the same employers to double-cross the labor-union men for shooting them up?

Mr. JOHANNSEN. No, I didn't see that; I wouldn't have anything to do with a man that would hire himself for a purpose like that.

Commissioner WEINSTOCK. I have one question here which I am not sure you are in a position to answer, but if you are I am sure it will be of interest to us. Do you know about the wages in the Steel Trust paid at the present time; do you know how the wages in the Steel Trust paid at the present time compare with the current wages paid before the Steel Trust was brought into life?

Mr. JOHANNSEN. No; I could not say as to that, except this: From what information I have been able to obtain from the report of the committee in Congress, and also from Mr. Brandeis's investigation, and Fitz—whatever it may be; from all of the investigations made, I am convinced and led to believe that in only one other tariff-protective industry outside of the steel industry that pays lower wages, and that is the woolen industry, and then the steel industry.

Commissioner WEINSTOCK. That is, the steel industry to-day pays the lowest wage?

Mr. JOHANNSEN. Yes; and has the highest protective tariff.

Commissioner WEINSTOCK. But you don't know whether the wages to-day are higher or lower than before the Steel Trust was brought into life?

Mr. JOHANNSEN. No; I could not say.

Commissioner WEINSTOCK. I think it would be well to make a note of that and try to get that information.

Mr. JOHANNSEN. Do you want to adjourn?

Chairman WALSH. Commissioner Aishton has some questions he wanted to ask.

Commissioner AISHTON. I will forego my question.

Mr. JOHANNSEN. I can come back in the morning, and go down to-morrow at noon.

Commissioner AISHTON. I want to ask only one question.

Mr. JOHANNSEN. I want to make one more statement myself.

Chairman WALSH. Very well, then, you may return in the morning.

The commission will now stand adjourned until to-morrow morning at 10 o'clock.

(Whereupon the commission adjourned at 5 p. m. Friday, May 14, 1914, until Saturday, May 15, 1915, at 10 o'clock.)

WASHINGTON, D. C., *Saturday, May 15, 1915—10 a. m.*

Present, Chairman Walsh, Commissioners O'Connell, Lennon, Aishton, Weinstock, and Harriman.

Chairman WALSH. We will please be in order.

Mr. Johannsen, please resume the stand.

TESTIMONY OF MR. ANTON JOHANNSEN—Continued.

Chairman WALSH. Mr. Aishton would like to ask you some questions, Mr. Johannsen.

Commissioner AISHTON. I believe I understood you, in giving your testimony yesterday, to say that you were unwilling to permit the Anti-Boycott Association to take their interpretation of the law, or to interpret for your people, I think you said?

Mr. JOHANNSEN. That is correct.

Commissioner AISHTON. In reply to Commissioner Weinstock yesterday, in regard to the obeying of the law by the workers, in cases where injunctions were served, I think you said that you instructed the workers to interpret the law and obey the injunction according to their own judgment; is that also correct?

Mr. JOHANNSEN. I said that would be my advice; it would depend on circumstances; if I thought we could get away with it, it would be my advice.

Commissioner AISHTON. In the particular case in Stockton?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. That was your attitude?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. So that, in that particular case at Stockton you advised and directed the workers to interpret the law according to what they thought was right?

Mr. JOHANNSEN. Oh, no; not the law.

Commissioner AISHTON. Well, the injunctions?

Mr. JOHANNSEN. The injunctions.

Commissioner AISHTON. Which was the law, as interpreted by the court, I believe; that was correct, was it?

Mr. JOHANNSEN. Yes; that was correct.

Commissioner AISHTON. Mr. Johannsen, this commission has been seeking the causes of industrial unrest. It would be rather interesting if we were to analyze the cause of industrial unrest in the individual. I didn't quite catch your testimony, but I think you said your first employment was as a worker in the Curtis Bros. Sash, Door, & Blind Co., at Clinton, Iowa?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. And that you worked there for two or three years?

Mr. JOHANNSEN. Five or six years.

Commissioner AISHTON. Five or six years you worked for Curtis Bros.?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. That is, George and Charley Curtis?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. One was a Senator for a number of years.

Mr. JOHANNSEN. He was a Congressman.

Commissioner AISHTON. My reason for making the inquiry was that I personally worked in the carpenter shop myself of the Curtis Bro.'s plant in Clinton, Iowa.

Mr. JOHANNSEN. Is that so?

Commissioner AISHTON. Probably about the time you worked there, about 1898 or 1899, I think it was.

Mr. JOHANNSEN. I left there in 1899.

Commissioner AISHTON. You worked in the plant at the corner of Second Street and Eleventh Avenue, the Sash, Door & Blind Works?

Mr. JOHANNSEN. Between Twelfth and Thirteenth Avenues on Second Street.

Commissioner AISHTON. I was rather curious—you seem to have this unrest the commission has been trying to probe into, and I thought it would be rather interesting for the commission to know what first started that with you. You worked for the Curtis people, and they were fairly good people to work for, were they not?

Mr. JOHANNSEN. If you were willing to work cheap enough and long enough it was all right.

Commissioner AISHTON. It was a question of wages and hours that started your unrest?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. What form did that take when you ceased connection with them?

Mr. JOHANNSEN. For instance, to give you an illustration of what I mean by the unrest, what I believe has largely contributed to the causes of unrest is the utter inability of the average employer to conceive anything like a human point of view, a social point of view. For instance, when Curtis ran for Congress I was just a boy and had a good deal more enthusiasm than judgment, and perhaps I have yet; but at any rate I made the statement that he ought at least to furnish the employees in that factory with ice water in the summer time. I made that statement and made it very unguardedly, and I got discharged. He had an arbitrary power which one was unable to meet, except through organization, and organization could only be fostered by a larger social vision. The lack of social vision—you take the average employer and you find he can talk about wood and coal and iron and railroads and land and trees and ships and war, and everything except humanity; that is just a side issue with him.

Commissioner AISHTON. In that particular case, Mr. Johannsen, the unrest ferment or idea started in the difference of opinion between yourself and Mr. Curtis as to whether or not ice water should be furnished in the sash and door company's plant?

Mr. JOHANNSEN. If you want to put it that way.

Commissioner AISHTON. We want to get down to the facts as to what started it. We have heard a great many statements in a mass of generality about unrest and the oppression of employers and the state of the employee; all that sort of thing. And there is probably a good deal of truth on both sides; but the only way we can determine is by analyzing the individual cases, and you seem to be quite an advocate of unrest by your testimony, and I think it would be interesting to know what led up to it. The statement about Mr. Curtis and his lack of appreciation of the needs of the employees, that might be further enlarged on by calling on Mr. Curtis to give his side of the story; and from my knowledge of Clinton in those days, it was not considered healthy to drink ice water. There were a number of artesian wells there, and artesian water was pumped through the mains——

Mr. JOHANNSEN. Well, we put oatmeal into it. It was considered safe then.

Commissioner AISHTON. That is a common practice, I believe, so there must have been something else rather than the ice water.

Mr. JOHANNSEN. That is just an illustration. I don't mean to consider that of any great importance.

Commissioner AISHTON. Of course, that didn't create any great, tremendous amount of unrest. I think you said you quit there and went on the road?

Mr. JOHANNSEN. No; I was on the road before I was married.

Commissioner AISHTON. Selling goods?

Mr. JOHANNSEN. No; hoboing.

Commissioner AISHTON. Oh, hoboing? I thought there possibly might have been something about your work on the road that caused unrest, but it was hoboing and association with hoboes. I think you stated, Mr. Johannsen, in your testimony yesterday, that the United States Steel Corporation and American Bridge Co., which I believe are the constituents of the Steel Corporation, wielded tremendous power with all other steel companies and structural companies, in that they controlled the material that was manufactured, and refused to furnish it unless certain things were done. I judge from your testimony they are in a position to refuse to furnish material to people. What actual knowledge have you of that?

Mr. JOHANNSEN. I said it was not an unusual experience for an organizer of ironworkers, when he came in contact with a contractor who was erecting a steel bridge or a building, that invariably you would meet men who agreed with your position as to the hours and wages and had no objection to unionists, but who would inform you or advise you that if they should comply with your demands and employ all union men and observe the union rules that the erectors' association had sufficient power and influence to bring about a financial ruin of that individual.

Commissioner AISHTON. Then the testimony as it shows in the record regarding the steel corporation and the American Bridge Co. controlling the output is hardly correct? You mean to say that the—I forget the name.

Mr. JOHANNSEN. The erectors' association.

Commissioner AISHTON. The erectors' association are the people that control this. Is that the way the record should read according to your last testimony?

Mr. JOHANNSEN. I think the record—I suppose what I said yesterday was correct; I am giving it as near as my memory serves me.

Commissioner AISHTON. Yesterday you specifically stated that the United States Steel Corporation and the American Bridge Co., and I think you also mentioned the erectors' association.

Mr. JOHANNSEN. I said the United States Steel Corporation with its allied companies, such as the Standard Oil Co., controlled or exercised power that the Government itself seemed unable to cope with.

Commissioner AISHTON. Yesterday you didn't mention the Standard Oil Co. Are we to understand that the United States Steel Co. and the Standard Oil Co.——

Mr. JOHANNSEN. Its influence on the Government and on the press and public opinion.

Commissioner AISHTON. What has that to do with material furnished to outside concerns?

Mr. JOHANNSEN. It has a great deal to do with it.

Commissioner AISHTON. Please say how?

Mr. JOHANNSEN. For illustration, suppose you come into a city like San Francisco or Chicago, if the ironworkers' union, for illustration, would have to make their own fight in any given large city without any allied interest to help them, it would be difficult for them to do anything. It is equally true of the National Erectors' Association. It is perfectly reasonable, it seems to me, to presume that wherever the National Erectors' Association or the American Bridge Co. or any other institution which has for its purpose the maintenance and establishment of what they term the open shop, each has the moral support and financial support of these other institutions and individuals that stand for that.

Commissioner AISHTON. That is largely a matter of assumption, isn't it, Mr. Johannsen?

Mr. JOHANNSEN. No, sir; that is my experience.

Commissioner AISHTON. Coming back to this matter of control of material and the furnishing of material, is your statement made yesterday that the steel company and the American Erectors' Association controlled the erecting and controlled the furnishing of material correct?

Mr. JOHANNSEN. So far as I know that is correct.

Commissioner AISHTON. Your knowledge does not go other than as a matter of general report among your people?

Mr. JOHANNSEN. That is quite generally accepted by our people.

Commissioner AISHTON. You made a statement as to the attitude of the employees at Gary. Is that a matter of report about the downtrodden look and that they did not dare to take a paper?

Mr. JOHANNSEN. That is my personal experience. I went, together with Mr. Nockels and John Fitzpatrick and with the general organizer, a fellow by the name of Flood.

Commissioner AISHTON. When was that?

Mr. JOHANNSEN. About two years ago, I think.

Commissioner AISHTON. How long were you there?

Mr. JOHANNSEN. I was in Chicago then about five or six weeks.

Commissioner AISHTON. How often were you at Gary?

Mr. JOHANNSEN. Once.

Commissioner AISHTON. Just once?

Mr. JOHANNSEN. Isn't that enough?

Commissioner AISHTON. I didn't ask you whether it was enough or not.

Mr. JOHANNSEN. I meant that the experience there was hopeless.

Commissioner AISHTON. You were there once?

Mr. JOHANNSEN. Yes, sir.

Commissioner AISHTON. And Gary is quite a large plant, is it?

Mr. JOHANNSEN. Yes, sir; quite a large plant.

Commissioner AISHTON. And what particular part of the plant were you in or gate were you at?

Mr. JOHANNSEN. I have forgotten the name of the street. There are two or three entrances there.

Commissioner AISHTON. And your personal observation, together with what you saw at that time——

Mr. JOHANNSEN. Why, certainly.

Commissioner AISHTON. Mr. Johannsen, you have stated in your evidence yesterday that the employers largely controlled the courts, and you were referring then to this court at Indianapolis, were you?

Mr. JOHANNSEN. No; I was referring to——

Commissioner AISHTON (interrupting). Generally?

Mr. JOHANNSEN. Generally. Well, of course, it is a matter of comparison, you understand.

Commissioner AISHTON. Yes; you made some definite statements about the control of juries and judges and other things, I believe, at Indianapolis.

Mr. JOHANNSEN. Well, I don't know about the control of the juries, but it left that inference.

Commissioner AISHTON. It left that inference?

Mr. JOHANNSEN. Yes, sir.

Commissioner AISHTON. Your knowledge is not definite on that, only from inference?

Mr. JOHANNSEN. I am assuming, if you want me to correct my statement.

Commissioner AISHTON. Well, what records have you to show about that?

Mr. JOHANNSEN. Well, for instance, it is a positive fact from documentary evidence that a train was ordered by the agents of the Government on the 19th day of November, 40 days before the trial closed, to carry 93 passengers from Indianapolis to the penitentiary at Leavenworth. I believe or assume, from the fact that the man who could order that train and make such a close guess as to the number of passengers, must have had some reasonable fact to base his estimate on, as to how many men would go. It is probable that they were very close to the jury. I don't know that they were:

Commissioner AISHTON. So, so far as the record is concerned, whatever you stated yesterday may be, some of that is from inference, and the one fact you have that you can produce proof of, that that train was ordered for 93 men?

Mr. JOHANNSEN. Yes, sir.

Commissioner AISHTON. You were at Indianapolis during this trial, were you, Mr. Johannsen?

Mr. JOHANNSEN. Yes; part of the time.

Commissioner AISHTON. What part of the time during this trial?

Mr. JOHANNSEN. I was there six days at one time, and three days another, and two days another, I think, or such a matter.

Commissioner AISHTON. You, at this time, were the organizer of Brotherhood of Carpenters?

Mr. JOHANNSEN. No; at that time I was organizer of the State Building Trades Council of California.

Commissioner AISHTON. That is something similar to the State Federation of Labor that they have in some States, is it, or is it another organization?

Mr. JOHANNSEN. Well, it has some similarity; only difference in it, in the building trades and the State organization, our business is confined largely to the question of industry. The State federation is confined more to the question of advising social legislation.

Commissioner AISHTON. This is another organization outside of the State federation?

Mr. JOHANNSEN. Yes; it is an independent organization.

Commissioner AISHTON. And don't take in all the trades?

Mr. JOHANNSEN. Only takes in the building trades.

Commissioner AISHTON. I see. The building trades are members of the federation largely——

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. As well as members of this other?

Mr. JOHANNSEN. Yes, sir.

Commissioner AISHTON. What attracted you to Indianapolis; you were representing whom?

Mr. JOHANNSEN. I attended a convention of the Brotherhood of Carpenters in this city, Washington, in September, 1912, and on my return, going back to the coast, I stopped off at Indianapolis; and at that time the executive officers of the ironworkers who were on trial held a meeting and requested me—wanted to know if I had the time and was willing to go out in the larger cities in the East and to tell their story, and incidentally to raise some funds to help, to assist the defense. I got permission from the Building Trades Council of California and so I went to the different cities in the East.

Commissioner AISHTON. That is, you went to the different cities in the East, speaking in the cause of the ironworkers and raising funds for their defense?

Mr. JOHANNSEN. That is correct.

Commissioner AISHTON. And you stopped, you say, three weeks in Indianapolis?

Mr. JOHANNSEN. Well, I should judge, altogether about 10 days.

Commissioner AISHTON. Were you engaged in soliciting funds in Indianapolis?

Mr. JOHANNSEN. Oh, no; you couldn't raise any funds there.

Commissioner AISHTON. You couldn't raise any funds there?

Mr. JOHANNSEN. No.

Commissioner AISHTON. What were you doing at Indianapolis?

Mr. JOHANNSEN. Oh, consulting with the defendants and watching the trial.

Commissioner AISHTON. And you represented nobody but the building trades council, and by their permission you were there helping the ironworkers in their case?

Mr. JOHANNSEN. Yes, sir.

Commissioner AISHTON. Were funds furnished you for that purpose?

Mr. JOHANNSEN. I should say—to me personally, you mean?

Commissioner AISHTON. Yes.

Mr. JOHANNSEN. To pay my expenses?

Commissioner AISHTON. Yes.

Mr. JOHANNSEN. Why, the State Building Trades Council took care of the expenses of my family while I was in the East, and the ironworkers paid my railroad fare and hotel bill.

Commissioner AISHTON. Who employed counsel for the ironworkers? Did you do that?

Mr. JOHANNSEN. No; that was all arranged before I got there.

Commissioner AISHTON. That was all arranged before you came, and you did not have anything to do with that?

Mr. JOHANNSEN. No.

Commissioner AISHTON. And there was no attempt made to influence the courts or anything of that kind by you or any of your associates?

Mr. JOHANNSEN. By me?

Commissioner AISHTON. Yes.

Mr. JOHANNSEN. Of course not. I couldn't influence no court.

Commissioner AISHTON. You spoke about the control of the press. What makes you think the press was controlled, Mr. Johannsen, at Indianapolis? Take Indianapolis, for example; they have four or five newspapers.

Mr. JOHANNSEN. I can tell you that; but before that let me give you a little illustration.

Commissioner AISHTON. All right; go ahead.

Mr. JOHANNSEN. When I was at the Darrow trial at Los Angeles—the first trial—I met "Golden Rule." What I call "Golden Rule" was Lincoln Steffens. We called him "Golden Rule." He took me out to dinner one evening, and I discussed with him everything and nothing, and we came to the same conclusion on both. And all of a sudden he said to me, "Joe, I wish you would be indicted for murder." I was somewhat flabbergasted. I asked him what he meant by that. He says, "Well, if you were indicted for murder and permitted me to advise the defense, I would have engaged for your defense some of the best criminal lawyers in the country—not philosophers or poets, but real criminal lawyers. You would plead not guilty, and we would have to agree that the attorneys would defend you on the ground of emotional insanity. Of course I know you are crazy, but everybody doesn't, and of course you are insane on the labor question. Under that theory the defense would be permitted to introduce any testimony which would be considered as contributory to your insanity, and in that event, in such a trial, every injustice that labor has suffered under the present social and economic system could be introduced as testimony on the grounds of its being contributory—all about the Cherry mine disaster and the Triangle Shirt disaster, and all these different lockouts and things, and hunger and starvation and oppression, and all the system could be exposed at the trial. Of course it would all come out; but you know civilization couldn't stand it. Of course you might get hung, but it would make a hell of a fine story."

Commissioner AISHTON. That was the opinion of Steffens?

Mr. JOHANNSEN. Yes.

Commissioner AISHTON. You said Steffens said——

Mr. JOHANNSEN (interrupting). I said that was his story. And it strikes me that while that might be somewhat extreme, it strikes me that that is a very good picture of the psychology and state of mind of the average newspaper man.

That anything that has any real social value can get little notice in the papers, unless it comes in such an exceptional or extraordinary way that it is real good news. Our suffering is very seldom good news.

Commissioner AISHTON. Coming back to the concrete case of the press at Indianapolis, I did not see the Indianapolis papers, but don't you think, Mr. Johannsen, that the dastardly nature of the crimes that these men were accused of had something to do with the publicity, with the papers' side?

Mr. JOHANNSEN. The point of view of the men who write the story certainly has something to do with it; that is what I mean. They can not get our point of view, and I am not condemning them for it.

Commissioner AISHTON. You think that a man who is a newspaper man and engaged in writing news that his point of view is such that he can not give your side a fair deal. Now, he is not an employer ordinarily; he is an employee; and is it not fair to assume that if he could not give the point of view for the other side as well as of the worker?

Mr. JOHANNSEN. No, sir. For instance, let me give you a specific instance in Indianapolis. A man by the name of John Lofthaus, a member of the Millmen's Union, No. 42, of San Francisco, was subpœnaed by the Government as a witness and came to Indianapolis and was taken into a private room of the district attorney's office to be sweated, the same as all other witnesses, or nearly all other witnesses. He was taken into that private room, and there were present two Burns detectives, or detectives for the erectors' association, I am not sure which, but at any rate two detectives, and they are all alike, it don't make much difference who hires them; and in that room Lofthaus was asked—was told what he knew. "You know, Mr. Lofthaus, that Tveidmoe, secretary of the Building Trades Union, paid money out of the treasury to hire dynamiters." Lofthaus said, "I don't know anything of the kind." They said, "You know it, and unless you testify to that you will be charged with perjury." Lofthaus had the courage to call their bluff, which he did, and they never put him on the witness stand, and they paid him $360 to get him out of town. That was not published in the papers. You could not get it in.

In another case the business agent of the carpenters' union of Detroit, Mich., was on the witness stand for the defense, and the district attorney, Miller, made a charge in open court while this man was on the stand, "This man, your honor, is guilty of perjury, and we want him held." He was held on a charge of perjury, and he was dismissed without a trial or a hearing immediately after the court had adjourned, after the trial was over. The whole thing was simply a scheme of publicity, in my opinion, to create an unfavorable atmosphere in public opinion against our men.

Commissioner AISHTON. I think you said that the attitude of the press was largely, in these matters, determined by their lack of ability to get the point of view on social questions. That is correct, is it?

Mr. JOHANNSEN. That is one phase of it.

Commissioner AISHTON. I do not want to take up too much time, Mr. Chairman.

Chairman WALSH. Go ahead.

Commissioner AISHTON. On this matter of peaceable picketing, this commission has heard a good deal of testimony about peaceable picketing. We have heard some agent of an organization in Pennsylvania tell about peaceable picketing, and that really was a very pretty picture; but I understand your idea of peaceable picketing in California is, according to the advice that was given these ladies, to punch them in the nose. Isn't that it?

Mr. JOHANNSEN. Oh, no; I want you to get my spirit.

Commissioner AISHTON. That is what we want to get. The record shows that, however, the way I stated it; and if that is incorrect I would like to have it corrected.

Mr. JOHANNSEN. You can not get much feeling in a record.

Commissioner AISHTON. I wish we could.

Mr. JOHANNSEN. What I intended to convey was this: That these women, by reason of their lack of experience—they were very anxious to make some threats to the scabs or strike breakers, and I tried to point out to them that it was much better to be arrested for punching a scab than threatening a scab. Of course, I advised them against punching the scabs or attacking them. I tried to persuade them in that way, or to show them that the mere threatening of a scab did not get any results. "That gets you nowhere; you can be punished for threatening as well as punching them in the nose."

Commissioner AISHTON. Naturally, the thing that would get the most results would be to punch them in the nose?

Mr. JOHANNSEN. That does not logically follow. It means that if I was going to do one of two things I would rather punch them in the nose than threaten them and have the same penalty assessed against me for doing it.

Commissioner AISHTON. I think that creates the same impression that was created by your testimony of yesterday.

I think that is all, Mr. Chairman.

Chairman WALSH. Commissioner Weinstock wishes to ask some other questions.

Commissioner WEINSTOCK. I want to call your attention, Mr. Johannsen, to the fact that the record that is being kept here will, of course, become public property, and that it will be a source of information to students all over the country on both sides of the problem, and therefore whatever is said here will tend to make character in the minds of the students and the readers of the output of these students for the witness and the sides they represent and the issues that are at stake. In looking over this testimony of yesterday I notice you make some pretty sweeping statements here, and I felt it was only fair to you to give you an opportunity, if you cared to exercise it, to amend or modify or correct the statements made. Let me read this one to you [reads]:

"Commissioner WEINSTOCK. I may have, for example, what I believe is a real grievance, but which may prove to be only fancied.

"Mr. JOHANNSEN. After you prove it to us we change our opinion; see?

"Commissioner WEINSTOCK. Let us limit it to real grievances; would you say that any man, or group of men, that has any real grievance is justified in taking the law into his own hands or ignoring it?

"Mr. JOHANNSEN. My advice to labor would be, if I was asked for my advice—I am not sure I would take the stump: 'If you are sure you are right, if you are convinced of judicial invasion of your rights, stand for your rights and take the consequences.'"

Of course, in plain language, this seems to defy the authorities. Now, I think you ought to be afforded an opportunity to modify or change this, if you care to do so.

Mr. JOHANNSEN. That is all right as it stands.

Commissioner WEINSTOCK. You prefer to leave it the way it is?

Mr. JOHANNSEN. Sure.

Commissioner WEINSTOCK. Toward the close of the hearing here last evening Commissioner Garretson and you were discussing a situation in New York, and in going over the testimony of Commissioner Woods, Police Commissioner Woods, Commissioner Garretson asked you if you had read yesterday morning's Sun, in which Dopey Benny, the head of the New York gangsters, in his confession had made the statement that he had refused an offer of $7,500 from the employers' association in New York to work on their side, and you said you had not seen that. I also had not seen it, so last evening I got a copy of yesterday's Sun, and I was unable to find the statement that Commissioner Garretson referred to, but I did find this. Let me read it to you and for the record. This is the Sun of Friday, May 14, 1915, under the heading "Inquiry shows labor ring as bloody assizes;" I will just take extracts from it, because the article itself is rather lengthy. [Reads:]

"The deeper Assistant District Attorney Breckenridge delves into the alliance between union men and gangsters the more starting becomes his discoveries. He has found and expects to prove that the despotic ring which ruled by force in the garment workers' unions resolved itself in a secret tribunal and dealt out punishment to nonunion men and recalcitrant union members; to be called before that body meant a beating, maiming, and in some cases death. * * *

"These mock courts termed 'bloody assizes' by their victims sat after strike meetings of business sessions in halls that the union leaders hired in many parts of the city and sometimes in local headquarters. After the ordinary business was finished a few officials with some of their strong-armed men would form around a table with one man sitting as judge. They had what was known as a bailiff, and the man accused was addressed as the defendant. * * *

"Generally one or two men were tolled off to do the actual slugging. If a man protested that he was not nonunion he was knocked down. If he became so infuriated as to call his accuser a liar he was beaten into insensibility. Mr. Breckenridge knows of three men who had ears cut off, and charges at least one murder as the result of one of these trials. * * *

"There are no indictments against the employers, Mr. Breckenridge said yesterday, because there has been nothing brought out in the investigation to show that the employers did more than try to defend themselves against assault. * * *

"'We have got the gangsters and the labor men working against each other,' he said, 'and they are giving each other up. They are running for cover, so deep into the system as the investigation gone, and they are cutting each other's throats in the effort to gain protection for themselves. There has never been such a revelation.'"

Now, if the statement that you made in your testimony wherein you went on to show that the employers hired gunmen and detectives is true, and if the statement made by Police Commissioner Woods of New York contained in the press is also true, it would make it clear that you were in error yesterday when the question was put to you, "Do you know of any instance where organized labor has employed gunmen, and you answered no." It would indicate that neither side, if both sides are correct in their charges, that neither side can come into court with clean hands; that both sides evidently resort to the employment of gunmen and sluggers?

Commissioner O'CONNELL. Will you allow me to read into the record an article in order to verify Mr. Garretson's statement of last night? This is from the Washington Times of yesterday. [Reads:]

"NEW YORK, *May 14*.—Dopey Benny Fein, gang leader, whose confession lead to the indictment by the grand jury of 34 labor leaders and gunmen on charges ranging from assault to murder, refused offers of $7,500 to double-cross the men who hired him.

"This statement was made to-day by Assistant District Attorney Breckenridge, who has charge of the case.

"Fein declared manufacturers approached him and offered him $7,500 more than he was receiving to use his gunmen against the unions that were employing him. Fein turned these offers down flatly. Breckenridge declared he had substantiated Fein's statements by talking to different manufacturers."

Now, in this morning's Post, I read it coming down in the car. I can't lay my hand on it just now——

Commissioner WEINSTOCK. Then Mr. Garretson must have been mistaken in the paper that he read; he said it was the Sun instead of the Times.

However, admitting that that is so, the facts would indicate that both sides are guilty, or that neither side can come into court with clean hands.

Mr. JOHANNSEN. The statement that you read in the paper, the fact that those men have been indicted, or the statement made by Commissioner Woods, does not convince me that it is true. I refuse to pass judgment on any man, no matter where he is from or who he is on the mere indictment against him. That doesn't mean that he is guilty; neither does his conviction necessarily mean that he is guilty. I would not want to pass any opinion, except what I passed yesterday, that it does not seem reasonable to me that a union man, especially an officer with any experience, would be so lacking in judgment and in his information as to trust any man who was willing to slug another man with no other consideration except money.

Commissioner WEINSTOCK. Then all that you say, Mr. Johannsen, on the one side, could also be said with equal force on the other side; the charges made by the unions against employers hiring sluggers?

Mr. JOHANNSEN. With this exception. I don't think the other side are as wise to that as we are. They have too much faith in gold.

Commissioner WEINSTOCK. What has that to do with it?

Mr. JOHANNSEN. That has a lot to do with it.

Commissioner WEINSTOCK. I don't get your point.

Mr. JOHANNSEN. Everthing. If a man is paid, they think, he will do it and not betray them.

Commissioner WEINSTOCK. If you say that the indictment of sluggers hired by organized labor and their convictions before courts and juries are not to be accepted, then why can not that same thing be said on the other side? What if sluggers and gunmen are convicted as employees of employers, what then; would they still be innocent of the charges?

Mr. JOHANNSEN. I presume they do say it, don't they? Did you ever meet a member of the manufacturers' association that told you they hired sluggers?

Commissioner WEINSTOCK. Yes, sir; you and I heard it in the city of San Francisco, where they admitted it very frankly. You will remember that question came up, that Commissioner Garretson asked Mr. Totten, a member of

the association, "Why do you men hire gunmen?" and he answered by "Were you ever in a mob?" And Mr. Garretson said, "I was"; and "Did you ever have half a dozen strikers or representatives of striker on you?" And Mr. Garretson said, "I am too smooth." And Mr. Tott "If I was as smooth an article as you are, I would not need them, There they frankly admitted employing gunmen.

Mr. JOHANNSEN. He said in self-defense. They could not very well there, because we found the pick handles.

Commissioner O'CONNELL. Can I read the Post in here, an article fr York of the 14th [reads]:

"EVEN LAWYERS IN THE NET.

"Dopey Benny's story involves, according to those in the district at office, not only labor leaders, cloak and suit manufacturers, but lawy those who have to do with the conduct of justice in this city."

Commissioner WEINSTOCK. In your statement yesterday, Mr. Joh you brought up the McNamara case. May I ask whether you attended Angeles hearing?

Mr. JOHANNSEN. Certainly.

Commissioner WEINSTOCK. You probably then will recall—were you when Job Harriman was on the stand?

Mr. JOHANNSEN. In the Darrow trial?

Commissioner WEINSTOCK. No; before our commission?

Mr. JOHANNSEN. No; I was not present there.

Commissioner WEINSTOCK. For your information, let me recite an i when Mr. Job Harriman was on the stand, and I was questioning hin said, "You have been interested in labor organizations for years?" sir." "You are familiar with their spirit and aims and purposes?" sir." "Does organized labor stand for law and order?" "Yes, sir." you know of any instances where organized labor standing, claims to stand, for law and order, has disciplined or expelled unioni have violated law and order by having resorted to violence in labor tr 'No." "What then, Mr. Harriman, is the answer to the charge made ganized labor against its opponents that it does not stand for law and o evidenced by the fact that it retains in high offices of trust and honor sponsibility men who have been convicted of crime?" He said, "W must give me some specific or concrete case." I said, "Let us take t of Frank Ryan, president of the Structural Iron Workers, who, afte convicted, was retained in his position of international president." Mr. man said, "Did you read the testimony in that case?" I said, "No not." He said, "If you will take the trouble to read that testimony, y find that Ryan and his associates were innocent men railroaded into

When I came to inquire about the testimony I discovered that it co only 25,000 pages of type matter, and life being short and I, living und sure, found it inconvenient to read 25,000 pages of type of testimony in determine the guilt or innocence of Frank Ryan and his associates evening, however, there was placed in my possession a copy of the rendered by the United States Circuit Court of Appeals for the Sever cuit, October term and session, 1913, in the case of Frank M. Ryan plaintiffs in error, *v.* the United States of America. I find in this those 25,000 pages of testimony were epitomized and condensed into form, and I want to read it into the record, and then I want to ask question about it after I finish reading it.

Commissioner O'CONNELL. The whole book?

Commissioner WEINSTOCK. No; just a page or two. Before I start it, I want to ask you this question: Do you, in common with Mr. Ha believe that Mr. Frank Ryan and his associates were innocent men rai into prison?

Mr. JOHANNSEN. What do you mean by innocent?

Commissioner WEINSTOCK. That they were not guilty of the crimes and of which they were convicted?

Mr. JOHANNSEN. Of course I do.

Commissioner WEINSTOCK. You believe they were innocent men, rai into prison?

Mr. JOHANNSEN. I wouldn't want to put it that way exactly—rail

Commissioner WEINSTOCK. Put it your own way.

Mr. JOHANNSEN. I am satisfied they never committed any crime against labor or a better society.

Commissioner WEINSTOCK. And therefore were unjustly convicted?

Mr. JOHANNSEN. Yes, sir.

Commissioner WEINSTOCK. Now, this is a decision, not of the trial judge, Anderson, whom you say was unfair——

Mr. JOHANNSEN. I have read that very carefully.

Commissioner WEINSTOCK (continuing). Who you say was unfair in the trial; but this is an opinion and decision of the circuit court of appeals, including Judges Baker, Seaman, and Kohlsat, against whose integrity I have never heard a word, and who seemingly went into the evidence most exhaustively and most carefully. That will be demonstrated from the fact that they released Mr. Tveitmoe and others, that the testimony in their judgment did not justify a conviction. If they had not gone into it exhaustively in their review, they would not have made those exceptions. This is a decision by the court [reads]:

"The facts thus recited, as proven by the Government on the trial, may be mentioned in part as follows:

"The nature of the contest between the International Association of Bridge and Structural Iron Workers, of which 'all of the defendants except two that were convicted were members,' and the American Bridge Co., and of the ensuing general strike declared and supported by the association 'throughout the United States,' extending from 1905 continuously down to 'the time of the trial' is described. In the early months it was attended by 'numerous acts of violence' in various places, and commencing in 1906 dynamite was brought into use 'to blow up and destroy buildings and bridges that were being erected by "open-shop" concerns,' and such explosions started in the eastern part of the country and 'extended from the Atlantic to the Pacific' in many places. This course continued 'until the arrest of the McNamaras and McManigal in April, 1911.' Almost 100 explosions thus occurred, 'damaging and destroying buildings and bridges in process of erection where the work was being done by "open-shop" concerns.' And 'no explosions took place in connection with work of a similar character that was being done by "closed-shop" concerns.' From February 17, 1908, until April 22, 1911, 70 of such explosions occurred, 43 of which were in connection with work either of the National Erectors' Association or American Bridge Co. and affiliated concerns, and 27 of the explosions occurred in connection with the work of independent concerns in no way connected with either thereof. Dynamite was first used together with fuse and fulminating caps, the fuse being generally about 50 feet in length, 'and when lighted the explosion would occur in about half an hour.' Nitroglycerin was next brought into use provided with a clock and battery and attachments to be used together with dynamite and nitroglycerin, constituting what was termed an infernal machine, to be used in connection with the dynamite and nitroglycerin in the destruction of buildings and bridges of 'open-shop concerns'; and 'from this time forward the clock and battery was used in connection with charges of dynamite and nitroglycerin in the destruction of life and property.'

"These infernal machines 'were so made and arranged that they could be and were set to cause the explosion to take place several hours after it was set, so that the person setting the explosion could be hundreds of miles away when the explosion took place.' The headquarters of the international association was at the outset in Cleveland, Ohio, but was removed to Indianapolis, Ind., early in 1906, and there remained. The various places in which the several defendants were located are mentioned in various States. The dynamite and nitroglycerin which were used for the explosions mentioned 'were transported in passenger cars on passenger trains of common carriers engaged in the transportation of passengers for hire into and over and across' various States named. Explosions took place 'in all of the States named, and a number of times in some of them and were planned to be made in other States named.' In connection with this work of destruction, 'dynamite and nitroglycerin was purchased and stolen and various storage places arranged to conveniently store such explosives that were to be used in the destruction of property in the various States' referred to; and 'such explosives were carried and taken on passenger trains from such storage places in the various States to various places in the other States where structural ironwork was in process of erection,' and the various locations are named.

"'Large quantities of dynamite and nitroglycerin were at various times stored in vaults of the association' in Indianapolis and also in the basement of the building. These storage places 'were so arranged that dynamite and nitroglycerin could be readily obtained and transported from such place of storage' to other places for their use in destruction or property, also clocks and batteries, as described, and fuse and fulminating caps, as well, in large quantities, 'all to be used in connection with the dynamite and nitroglycerin for the destruction of property'; and some thereof were stored in the vaults of the association at Indianapolis, 'so that the same would be accessible for immediate use in connection with any explosion desired at any other place in the United States.' For the purpose of carrying such explosives, 'suit cases and carrying cases were obtained and purchased, in which such dynamite and nitroglycerin, clocks, batteries, fuses, caps, and attachments could be conveniently placed and carried by persons going from a place of storage to a place in another State on passenger trains of common carriers, etc.' All the explosions mentioned 'were accomplished with the materials, including nitroglycerin and dynamite' so stored, and were transported 'from said storage place to the various places throughout the United States where such explosions occurred in suit cases and carrying cases by persons traveling upon the passenger trains of common carriers,' etc.

"'Four explosions occurred in one night at the same hour in Indianapolis,' and 'explosions were planned to take place on the same night two hours apart at Omaha, Nebr., and Columbus, Ind., and the explosions so planned did occur on the same night at about the same time, instead of two hours apart, owing to the fact that one clock was defective. The explosions referred to at Omaha and Columbus were all 'open-shop concerns,' and the infernal machines used therein were taken from the storage places of said materials above set forth. The 'Times Building at Los Angeles was destroyed by the use of dynamite' on October 1, 1910, and 21 persons killed, 'and immediately after the happening of this event arrangements were made to have an explosion in the eastern part of the United States, as an echo in the East of what had occurred at Los Angeles.' Prior to 'the arrest of the McNamaras and McManigal,' seven or eight explosions were planned 'to take place in different parts of the country widely separated on the same night.' All the dynamite and nitroglycerin, 'except the dynamite that was stolen, the batteries, clocks, caps, fuse and attachments, suit cases and carrying cases, as well as the expense and work of carrying the explosives and articles to be used in connection therewith, including the expense incident to the stealing of dynamite, were paid out of the funds of the international association, and these funds were drawn from the association upon checks signed by the secretary-treasurer, John J. McNamara, and by the president, Frank M. Ryan,' plaintiff in error. * * *

"These basic facts directly bearing upon the issues are followed up with connecting evidence of the following nature: Written correspondence on the part of many of the plaintiffs in error, both between one and another thereof and with other defendants, inclusive of the above-mentioned conspirators, together with letters from one and another of such conceded conspirators to one of the plaintiffs in error and to other defendants, properly identified, constitute one volume of printed record; and these letters furnish manifold evidence, not only of understanding between the correspondents of the purposes of the primary conspiracy, but many thereof convey information or directions for use of the explosives, while others advise of destruction which has occurred, and each points unerringly not only to the understanding that the agency therein was that of the conspirators, but as well to the necessary step in its performance of transporting the explosives held for such use. This line of evidence clearly tends to prove and may well be deemed convincing of the fact of conspiracy on the part of many, if not all, of the correspondents; and many, if not all, of the uses of explosives therein referred to are established by other evidence to have occurred, together with direct evidence of carriage of explosives for such use, as charged. * * *

"One feature of circumstantial evidence is brought out by the testimony and justly pressed for consideration, as tending to prove the conspiracy in all its phases, namely: That use of explosives for destruction of property as described embraced exclusively 'open-shop concerns' and was continuous and systematic from the commencement of such course up to the time of the above-mentioned arrest of the McNamaras and McManigal, and then ceased throughout the country. * * *

"We are of opinion, therefore, that the general challenge for insufficiency of evidence must be overruled; that support for the charge of conspiracy, to say the least, by no means rests on the testimony of McManigal; and that no error appears in submission of his testimony for consideration by the jury. * * *

"1. Plaintiff in error, Frank M. Ryan. This plaintiff in error was president of the association and of its executive board and was active manager and leader of the contest and policies carried on throughout the years of the strike and destructive explosions in evidence. Letters written and received by him at various stages of the contest clearly tend to prove his familiarity with and management of the long course of destroying 'open-shop' structures, however guarded in expression. He was at the headquarters of the association for supervision of operations periodically, usually two or three days each month, uniformly attended the meetings there of the executive board, and made frequent visits to the field of activities. As previously stated, Ryan wrote the letter suggesting that reports of expenditures be discontinued while 'our trouble is on,' and presided at the board meeting adopting such course; and presided as well at all subsequent meetings referred to wherein all expenditures for allowance out of association funds 'were of necessity presented.' He signed all of the checks in evidence (as recited) for payments of expenditures for purchase, storage, and conveyance of explosives. One of Ryan's letters (Jan. 20, 1908) to McNamara in reference to obnoxious work in course of erection at Clinton, Iowa, was followed up by destruction of the bridge (Feb. 17, 1908) by explosives carried there and applied by McManigal (under direction of plaintiff in error Hockin), and the expense was paid through a check signed by Ryan. Letters received by Ryan from the defendant Edward Clark, who resided at Cincinnati, one of the places of bitter contest, and was an active manager in that field, bring home to the former plain information of 'needs' for 'other kinds of methods,' which were carried out in explosions; and many other letters in evidence, both from and to him, however disguised in terms, may well authorize an inference of his complete understanding of and complicity in the explosions, both in plans and execution. Edward Clark testifies of a meeting with Ryan in Cincinnati to examine the work of 'open-shop' concerns, and that Ryan called his attention to a location where a 'shot could be placed to advantage.' McManigal testifies of meetings and conversations with him in reference to explosions caused by the witness, on two occasions, at least, and corroborative testimony appears for one of these interviews. Ryan's own testimony admits visits and conferences tending to confirm the foregoing inferences of complicity.

"The assignments on behalf of plaintiff in error Ryan are overruled, and the judgment against him must be affirmed."

In view of this epitomizing of testimony and the decision of this higher court, whose integrity has not been doubted in any way, as far as I know, will you still say that Ryan is an innocent man, falsely accused and unjustly convicted?

Mr. JOHANNSEN. I would still say that Ryan and his associates failed to get all of the benefits the law prescribed and that the law generally gives to the rich. I want to call your attention——

Commissioner WEINSTOCK (interrupting). You say, "To the rich"; what do you mean by that?

Mr. JOHANNSEN. The man that has plenty of money and friends.

Commissioner WEINSTOCK. How many attorneys were employed in this case to defend Ryan?

Mr. JOHANNSEN. Only 1, and 14 helpers.

Commissioner WEINSTOCK. What was the name of that lawyer.

Mr. JOHANNSEN. Senator Kern.

Commissioner WEINSTOCK. He is not a cheap lawyer.

Mr. JOHANNSEN. No; but he came into the case too late; he came in after the trial had started.

Commissioner WEINSTOCK. Do you know how much money was expended by the structural ironworkers in defending Ryan and his associates?

Mr. JOHANNSEN. I am willing to admit that, but that is not so important. This case was taken to the Supreme Court of the United States, and the United States Supreme Court refused to review the case. Now, on March 2, 1913, the United States Supreme Court handed down a decision on a case of a man whose name I have forgotten, but he is in the Kansas City district; I can get his name. He was charged with fraudulently using the mails. The Supreme Court decided that the principal evidence used against the defendants had been taken from him by forcible means, by agents of the Government and detectives,

something like 600 letters, and the letters used against him as evidence, and therefore the court sustained the defendant and overruled the other court, and ordered a new trial, and further ordered that these letters stolen from him by the Government agents could not be used against him.

It is my deduction, and a reasonable one, had the United States Supreme Court considered the ironworkers' cases and made the same decision, that the documents stolen from the ironworkers by the National Erectors' Association or by Burns and his detectives and by the officers of the Government—if they could not be used against the defendants, they naturally would have been up against it.

Commissioner WEINSTOCK. Would that have changed the fact of their guilt in any way?

Mr. JOHANNSEN. It would have given them the benefit of the law.

Commissioner WEINSTOCK. Would it have altered the fact that those letters had been written and the crimes committed?

Mr. JOHANNSEN. I am not the one to judge of the defendant's guilt; that is not up to me. I say, that, so far as the law is concerned, these men did not get the same process, the same consideration, that other men get in other circumstances.

Commissioner WEINSTOCK. And therefore your conclusion is that they were innocent men?

Mr. JOHANNSEN. My conviction is that they did not get the benefit of the law; that the law that is made by the other class—the lawyers—that the rules of the game were ignored as against the defendant.

Commissioner WEINSTOCK. I did not follow the thing as closely as you did; but may I ask—I have an indistinct recollection of a petition presented to President Wilson, asking him to pardon Ryan and his associates—is that so or not?

Mr. JOHANNSEN. You know there is also a petition presented for the pardon of Hawkins, presented by William J. Burns, I understand.

Commissioner WEINSTOCK. That is not answering my question.

Mr. JHANNSEN. Yes; I think there is such a petition.

Commissioner WEISTOCK. Can you tell us the result of that petition?

Mr. JOHANNSEN. As near as I can remember, I think four or five were pardoned.

Commissioner WEINSTOCK. But Ryan and his associates were not pardoned?

Mr. JOHANNSEN. No.

Commissioner WEINSTOCK. Is it reasonable to assume that the President, whom we all respect and whom we all believe is fair-minded and high-minded and disinterested, could have refrained from pardoning Ryan and his associates, if, as a result of the facts as represented to him, he regarded them as innocent men?

Mr. JOHANNSEN. I am willing to concede the President's honesty, and that if he has not pardoned these men that he assumes, from his information, that they are guilty under the law. I don't know that that is his presumption. I have great faith in his integrity, and that he has a more sincere humanitarian point of view than most of the employers, I can tell you that. I wish we had more like him.

Commissioner LENNON. Mr. Johannsen, I can not use your words, but you practically made the statement that where the law or decisions of the courts invades the personal rights or human rights of the individual you would disobey the law or decision of the court and take the consequences?

Mr. JOHANNSEN. Well, I meant in connection with injunctions.

Commissioner LENNON. Yes. Prior to the Revolutionary War, Great Britain passed what was known as the Stamp Act. The people of the Colonies, feeling that it was an invasion of their rights as subjects of Great Britain, refused to obey the law, and many things happened which can be, some of them, ascertained in the History of the American People, by President Wilson. Has history vindicated the actions of the colonists in refusing to obey that law?

Mr. JOHANNSEN. I should say it has.

Commissioner LENNON. Perhaps it may be out of place to use personalities, but prior to the war of 1861 to 1865, in the fifties my father lived in a slave State and operated a system of underground railway and helped slaves to escape, contrary to the fugitive-slave law. Has history vindicated a position of that kind?

Mr. JOHANNSEN. History and everything else has vindicated it.

Commissioner LENNON. And it always will?

Mr. JOHANNSEN. Criminals of one generation become the saints of the next, socially speaking.

Commissioner LENNON. Are you at all familiar with the starting of the strike of the tailors in Los Angeles, which was one of the first great strikes there—that the members of the union were called into the shops, and they were called in at different times—that is to say, one shop would call them at 10 o'clock and another shop would call them at 11 o'clock and another at 2 o'clock, and so on—and the employer notified them that if they wanted to go to work the following week they would have to turn in their books as members of the tailors' international union and sign an agreement not to become members again while working for these firms?

Did you ever hear of it being done in that strike in Los Angeles?

Mr. JOHANNSEN. Yes, I have heard it; but just in a general way. But the tailors' strike in Los Angeles was before I came to the city.

Commissioner LENNON. The strike lasted 14 months?

Mr. JOHANNSEN. And they won.

Commissioner LENNON. Of course they won.

Mr. JOHANNSEN. Which was very important.

Commissioner LENNON. In the matter of the employment of gunmen, not only did Mr. Totten testify to the employment of gunmen, but while not so direct, it was practically admitted by the president of one of the banks who testified in San Francisco, whose name I have forgotten, he was a contributor, and that it was known such things were done. This was certainly contrary to the law, which was complained of quite often, and rightfully so in many instances. Have these men been indicted or punished or in any way brought to task under the provisions of the law in California or of the United States in these instances?

Mr. JOHANNSEN. No; they are still staying in the same gambling house in San Francisco, waiting for the next job.

Commissioner LENNON. You have been associated with the trade-union movement for quite a long while and have seen much of it in many cities. What is your observation as to the general compliance with the laws of good citizenship by trade-unionists in the cities where you have been as compared with men of the same class, or women of the same class, who are not members of the union? How do they stand as to taking care of their families, as to wife beating, as to drunkenness, as to the general run of crimes that make up the great bulk of the charges that come before the minor courts?

Mr. JOHANNSEN. Well, I will tell you: I have been so awful busy with the union end of it I really have not had much time to draw the comparison between union and nonunion, in addition to being a little bit prejudiced against the nonunion. I think that the workingmen—certainly if the workingmen were not law-abiding citizens there would be something doing. Why, sure there would. The average business man likes the law as long as the law favors him. As soon as he thinks the law does not favor him, then he takes the law into his own hands, the same as he did in San Diego.

Commissioner LENNON. The fact of the matter is that with the belief in the minds of so many workingmen that their personal rights and constitutional rights are invaded by the courts at times, that is the reason, if there is any violation of law on their part, it is because of that feeling of invasion?

Mr. JOHANNSEN. Certainly; decidedly.

Commissioner LENNON. I think that is all I care to ask you.

Chairman WALSH. Mrs. Harriman would like to ask you a question.

Commissioner HARRIMAN. Mr. Johannsen, you speak of an inhuman point of view amongst employers. Do you think this point of view is a willful one, or the result of conditions?

Mr. JOHANNSEN. Why, of course, it is not a willful one. No one has a willful point of view, neither our side nor their side.

Commissioner HARRIMAN. Do you think it is the result of their environment and conditions?

Mr. JOHANNSEN. Of course. Let me give you a little story, if you would not mind, just on that line.

Shortly after the arrest of the McNamaras, Mr. and Mrs. Fremont Older, editor of the San Francisco Bulletin, were about to take a vacation in the country, and they asked my little girl Loretta, who has since died, to go with them; and she went to the country with them, and while in the country they stopped at a country hotel, and there was a rich man and his wife and their son from Los Angeles stopping there, and they were very bitter in their an-

tagonism and arguments, and talked to Older about the condition of things in Los Angeles, especially about agitators, and claimed that the working people were all satisfied and would be if it had not been for Johannsen and Tveitmoe and McCarthy, these agitators that came down there talking to their working people and stirring up trouble; but that they were going to put them all in jail; that they were going to hang the McNamaras. My little girl sat and listened to all that. So the next morning this millionaire—I have forgotten his name—came around to my little girl to get her to go around back of the hotel and see where his son had shot a big deer. My little girl had been taught by her mother not to hurt animals, and so she refused to go and said, "No; I don't want to go." So on the way back from the hotel Mrs. Older asked her, "What did you think about those people, Loretta? Didn't you think they were awful bad when they talked about agitators and about your father?" "No; they can't help it. They have always lived at the finest hotels and never heard anything else." So even she could see that, you know. It was perfectly clear to her.

Commissioner HARRIMAN. Well, the statement has been made before us that the ignorance on the part of the employer is part of the system, and that they do not wish to be enlightened and think about these things.

Mr. JOHANNSEN. Well, I think we are all very much handicapped in getting enlightenment. Of course those of us who are more fortunate in our opportunities to travel and have time to read and to observe and to draw comparison and to meet different kinds of people—why, just now when I met Mr. Drew right here, I felt like really he was not quite so bad as I thought. I hope he did the same as to me. I don't know——

Chairman WALSH (interrupting). I think you ought—you keep referring to "Drew," which is Mr. Walter Drew, whom you speak of meeting here. Now, you keep assuming——

Mr. JOHANNSEN. Oh, yes; I am assuming everybody knows who he is.

Chairman WALSH. Mr. Drew was the attorney at Indianapolis for the erectors' association?

Mr. JOHANNSEN. Yes; he is chief counsel, of course. I don't mean to reflect on him, but——

Chairman WALSH. I didn't mean to criticize you, but you might leave some wrong impression, you understand.

Mr. JOHANNSEN. I think that the question of communication is an all-important question, so far as education and understanding are concerned, or getting the point of view; and so I believe—I have felt that if the people could get the whole story of every strike and every fight and a real character sketch of both contending parties, no matter what they did or how they did it, so they could try and find out what was back of them, and why their attitude, and would they have tried to have done differently under different circumstances. If we could all get that, I think we would have a much better society.

Commissioner AISHTON. Yes; but how——

Commissioner HARRIMAN. Yes; that is it.

Commissioner AISHTON. How, through what channel?

Commissioner HARRIMAN. Yes. Have you any plan?

Mr. JOHANNSEN. Well, I am in hopes that the Associated Press and the journalists will become a little more Christlike in the future; I hope so.

Commissioner HARRIMAN. Mr. Johannsen, do you believe that the workers, when they feel that they are not getting justice at the hands of others, should take the short cut and take the law in their own hands or depend on the ballot for correcting their evils?

Mr. JOHANNSEN. Well, I have not much faith in the ballot. I am glad you asked that question, Mrs. Harriman. Several years ago, in England, when there was a great agitation on for to elect laboring men to the Parliament, they elected several men, and amongst others they asked John Turner to accept the nomination. John Turner was the general organizer of what they call "shop assistants" over there, and what we would call "retail clerks." John Turner is a very intelligent man, well read, well versed, and has a very exceptionally pleasing personality. He refused to accept any nomination. He made this statement: That it was his judgment, from his experience, that the Government only reflected in its legislation the social needs of the people in proportion to the crystallized public sentiment in a given direction from time to time; that that being true, whatever intelligence he might have, whatever ability he might have, he thought he could serve the interests of labor and the interests of the people outside of Parliament better than inside of Parliament.

And that is exactly my opinion, and I take the same attitude toward Gompers or any man in such circumstances.

Commissioner HARRIMAN. How are you going to improve the Government, from your point of view, for your people whom you represent if you do not——

Mr. JOHANNSEN. Oh, the average politician is not so bad. If you can get a public opinion strong enough, even the politicians will pass a social law. Sure they will.

Commissioner HARRIMAN. Well, do you believe in taking the law into your own hands if you have not much faith in the ballot?

Mr. JOHANNSEN. If you mean to ask me that question personally, you understand, I don't want to break into jail. I don't want to help make a case against myself. If I have to go, all right; but I would have to be confronted with the circumstances and the situation. It would depend on how rotten the court might be or how unjust the administration might be in any given city in any given time or under any given circumstances. The police commissioner, for instance, in Stockton, came to me and asked me to take the women off the street and not let them do picketing; that they could not do picketing. I finally convinced him that I knew more about picketing than he did; and I am very glad we finally agreed, because we got along much better.

Commissioner O'CONNELL. Mr. Johannsen, following up the idea expressed by Mrs. Harriman, as to whether you would take the law in your own hands, you believe, I think, that the wageworkers of this country could more successfully, if they agreed to do it, put into effect the shorter workday than they could do it by legislation.

Mr. JOHANNSEN. Why, certainly.

Commissioner O'CONNELL. They could more forcibly put into effect a minimum wage or an average wage or a maximum wage than they could do it by legislation.

Mr. JOHANNSEN. Certainly.

Commissioner O'CONNELL. They could correct the employment of children or of women or compel the proper sanitation of workshops if they would agree to do it unanimously among themselves than they could do it by legislation.

Mr. JOHANNSEN. Certainly.

Commissioner O'CONNELL. So in that direction of affairs the wageworkers of this country have it within their own hands to establish within 24 hours any rule of employment that they can agree upon, if they can only agree upon it? They don't need to wait for legislation.

Mr. JOHANNSEN. Not quite that quick, Mr. O'Connell. Twenty-four hours is a very short time.

Commissioner O'CONNELL. I would like to have the opportunity of saying for them that Monday morning a certain thing would prevail, and if they stood by what I said it would prevail in 24 hours; as I understand it, it is largely a question of education and understanding of the point of view.

Commissioner LENNON. The question that is causing this unrest, of which you were asked, is it not largely because of misrepresentation, as, for instance, in the locality where you came from, which is Los Angeles, which has been in the public eye for several years. It is known as the home of the "open shop." This commission held a hearing in San Francisco and in Los Angeles, and we had before our commission in Los Angeles Gen. Otis, of the Times, and the secretary of the Merchants & Manufacturers' Association—the M. & M.—and the president of it, and a number of manufacturers and Los Angeles business men; and practically all of the witnesses who appeared before our commission gave evidence to the effect that the so-called "open shop" in Los Angeles was open only to nonunion men and that it really was not available to union men. Gen. Otis said upon the stand—I don't venture to quote his language, it is so long ago, but I am sure I am right, in so far as the sentiment was—that the new Times Building or any other Times building that might come in the future would rot before he would ever permit a union printer to enter his establishment, and yet he was the advocate and his paper was the leading advocate in that part of the country for the so-called "open shop." Other manufacturers in the metal trades and in the building trades—I won't say in the building trades, but in the metal trades and in other industries there—made practically the same statement, that they would not permit a union man to be employed in their plants, and that they maintained an employment agency and office in the town and kept a secretary there, and that all workmen making application for employment in any of the plants must make the application at

this one office, and that the specific question asked him was whether he was a member of a labor organization. If he was, he could get no employment.

Now, it is the general impression that Los Angeles has been standing for the so-called "open shop," and the evidence before this commission is absolutely to the contrary; that it is standing absolutely for a nonunion shop in the sense that union men will not be employed. Is that not the real cause of this industrial unrest and war in Los Angeles and vicinity?

Mr. JOHANNSEN. Certainly; only it is worse than what you put it.

Commissioner O'CONNELL. What is your impression?

Mr. JOHANNSEN. For instance, in the millmen—I am a millman by trade, planing mill. The agent for the Southern California Mill Owners' Association there, every millman knows him on the Pacific Coast. They not only insist on dealing with the workman individually, but suppose you are a millman, and you go to Los Angeles, whether you are a member of the union or not, the rule applies just the same. You go to Flannagan's office, in the Bryson Building, at Second and Spring. Well, Mr. Flannagan examines you just the same as you were going to join the Army, or something else; there is a blank sheet—I suppose you got that in Los Angeles. After he examines you and sends you to a mill—to Jones, for instance, and you work for Jones—now, understand you can not get a job if you are a union man; not if they know it; only they have to have, once in a while, a man—can't get anybody else and can't help it—once in a while they might take a union man. But you work for Jones, and you have a neighbor who is working at another plant, and he says to you, "You could get a job over here, and the other fellow wants a 'sticker,' and you can get 50 cents more." So, then, I quit with Jones and go to work for the other man, and Jones, if he wants me back, all he has to do is to telephone Flannagan that "Johannsen has quit me, and now he is working for Squire, and I want him back." I have got to go back or else leave town. That is as sure as I am sitting here on this chair.

Commissioner O'CONNELL. The fact is that the employment agent of the manufacturers of Los Angeles—the one individual—has the power of saying to any human being in Los Angeles you can work in Los Angeles or you can not work in Los Angeles.

Mr. JOHANNSEN. Correct.

Commissioner O'CONNELL. And he can drive him and his family away and break up his home and compel him to leave Los Angeles?

Mr. JOHANNSEN. Correct.

Commissioner O'CONNELL. Is that not one of the underlying causes of industrial unrest?

Mr. JOHANNSEN. Certainly.

Commissioner O'CONNELL. And that makes for hatred among men?

Mr. JOHANNSEN. Certainly.

Commissioner O'CONNELL. That that power should be placed in the hands of one individual or any number of individuals, that a man whose life may have been spent in Los Angeles, his life's little savings, whatever they may be, whatever they may have been invested in, in the home or a little piece of land, and he may have raised his children there, and that he must be compelled to sacrifice all of that thing to what they are pleased to call a so-called "open-shop" condition in Los Angeles, which, before this commission, was proven to be absolutely nonemployment of union men in favor of nonunion men. If that, then, is the evidence of what is meant by the open shop by the employers of this country, that it means the absolute elimination of the union man from their employment, then the so-called right of men to seek employment, or of a man to give employment, or of the equity between union and nonunion men, and the right of citizenship for the employees of our country, is not truly represented by these associations, nor is not being carried out by them?

Mr. JOHANNSEN. Of course not. I don't think anybody believes that very seriously.

Chairman WALSH. That is all, Mr. Johannsen, unless there is some further statement you wish to make.

Mr. JOHANNSEN. I would like to make an explanation in regard to a certain matter to indicate how difficult it is for labor to obtain anything in the way of legislation from the Federal Government, especially, in many States. I have in mind a specific case——

Commissioner O'CONNELL (interrupting). If you will permit me, I wish to put this in the record before you speak of the Federal Government. I meant to say this when I first started to question you. Several years ago myself and

several others—and this statement can be verified by others who are living—called upon the late Senator Hanna, who was then in the United States Senate, in connection with the Federal eight-hour legislation, at which time one of the witnesses who just preceded you, Mr. Davenport, was also interested in the prevention of the passage of that legislation. We met Senator Hanna in the Senate Chamber, and discussed with him the advisability of assisting us in securing the passage of that legislation. Senator Hanna made this remarkable statement to us. He said, "Gentlemen, if you want the eight-hour day, why don't you go out and take it." That is the thought I want to bring to you in the question of labor and the law, and securing an eight-hour day and other things industrially.

Mr. JOHANNSEN. I think that was good advice, Mr. O'Connell. The seamen's bill recently passed both Houses and was signed by the President. The leading man who went through the high seas, politically and socially, as an advocate of the passage of that bill, was Andrew Furuseth, whom I knew personally for many years. I believe a typical incident of his character may be shown, and I would like to tell a little story briefly.

Some time ago Mr. Furuseth was cited for violating an injunction, in contempt of court, in San Francisco; and from newspaper reports there appeared to be a possibility of him being sent to jail. The editor of the San Francisco Bulletin, Mr. Older, called him into his office, and he sat down, and Older said to him, "Andy, it looks as though they were going to put you in jail." Furuseth looked over at him and said, "I don't know and I don't care; they can not put me in a smaller place than I have always lived in. They can not give me simpler food than I have always been accustomed to. They can't make me any more lonely than I have always been."

I was at a loss to understand how a man with such a character, and that is very characteristic of him, whose sincerity and devotion to his people can not be questioned, whose termendous unselfishness and his simplicity in life, how such a man had to sit on the doorsteps of Uncle Sam's palace 21 years, notwithstanding the fact that he had all the moral influence of all of the unions from coast to coast unanimously. He had to wait 21 years for what? To get the Government to agree, by the passage of this bill, to take the shackles off of the seamen, so that they would be afforded an opportunity to work out their own salvation; not to give them anything, but to allow them the same opportunity other workingmen had, so that they could quit individually without going to jail. That is all this means. And when labor has to wait, notwithstanding it has a champion of this character, and notwithstanding the fact that it is a unit from coast to coast—when, as I say, it has to wait 21 years, then I think it is all wrong.

Commissioner LENNON. And that only gives them a right to quit in a safe port?

Mr. JOHANNSEN. Yes.

Commissioner WEINSTOCK. I want to ask a question in connection with the seamen's bill. I want to say frankly that I telegraphed President Wilson, asking him to sign that bill.

Mr. JOHANNSEN. Good, fine; I like you much better, Mr. Weinstock.

Commissioner WEINSTOCK. But I want to say to you, also, that since I did that I have great doubt as to whether I did the wise thing.

Mr. JOHANNSEN. That shows there is a chance for mental improvement.

Commissioner WEINSTOCK. And I want enlightenment from you. The question has occurred to me since, whether the passage of that bill will not absolutely work to the advantage of the oriental sailors and the displacement of the white sailors, at least on the Pacific coast, and give the oriental sailors a monopoly of that industry.

Mr. JOHANNSEN. I have such a supreme confidence in the ability and the knowledge and the wisdom and the integrity of Andrew Furuseth when he says that it will not that I am satisfied it won't.

Commissioner WEINSTOCK. You are simply banking on his judgment?

Mr. JOHANNSEN. Certainly.

Commissioner WEINSTOCK. I am frank to confess that I also banked largely on that.

Mr. JOHANNSEN. And his courage; I have the greatest respect for his courage.

Commissioner O'CONNELL. Can you give us an idea of who has been working to prevent the passage of this legislation to break the shackles of the sailors for the last 21 years?

Mr. JOHANNSEN. The great Shipping Trust and all of the other interests commonly considered antagonistic to organized labor.

Commissioner O'CONNELL. A general lobby of all interests, and that lobby has been before Congress for 21 years interesting themselves in the prevention of the passage of this legislation?

Mr. JOHANNSEN. Certainly.

Commissioner AISHTON. We have heard a good deal about the "verdict of history," and it would be idle for any of us to express any definite opinion as to the wisdom of that bill; you have your viewpoint, and some of us have ours. I agree with Mr. Weinstock, and I think history will indicate that the legislation possibly has not been for the best interests of the country as a whole. You agree, do you not, that history—that the verdict of history—is really the true verdict?

Mr. JOHANNSEN. Well, in a large sense.

Commissioner AISHTON. That is all, thank you.

Chairman WALSH. That is all, thank you, Mr. Johannsen; you will be excused.

TESTIMONY OF MR. DANIEL DAVENPORT—Recalled.

Chairman WALSH. Now, at what point——

Mr. DAVENPORT (interrupting). Mr. Chairman, sitting here and listening to the statements of Mr. Johannsen, and hearing some of the views expressed by some of the members of the commission on certain points, I think that, as far as my specialty is concerned, I would like to call the attention of the commission to certain, you might say, legal aspects of this matter.

I heard Commissioner O'Connell graphically describe the condition of affairs in the city of Los Angeles, which was this, that a combination exists between the employers in Los Angeles which excludes from the ordinary avocation of life anybody who belongs to a union; that that is what is called in Los Angeles the open shop. Now, I don't know anything about the situation there myself; but if his position is correct, if that condition is correctly described, then that is an unlawful combination existing between the employers and it can be condemned by law, and is condemned by the court, exactly the same as if the reverse condition existed; and I thought I would call the attention of the commission to a very recent decision which has been rendered which briefly indicates the law and vindicates that right to every man to be free from the opposition of such a monopolistic condition.

Chairman WALSH. Now, unless Mr. O'Connell wants it in, I will ask you to submit it by title and page.

Mr. DAVENPORT. I was about to indicate it to the commission. I suppose the commission is expected to render some report and give—and, as Commissioner Walsh suggests, perhaps it would be as well or sufficient to just call attention to the authorities. This was a unanimous decision of the higher court of Connecticut in the case of Conner *v.* Connell, Eighty-sixth Connecticut, 641, and is found in the Eighty-sixth Atlanta Reporter, at page 600. I would indicate notations in it which are directly on that point, and it commences with the words "Where the agreement is one which takes in an entire industry of any considerable proportion in a community, so that it operates generally in that community to prevent or to seriously deter craftsmen from working at their craft or workingmen obtaining employment under favorable conditions without joining a union, it is contrary to public policy," citing authorities, then down to the words, "The monopoly need not be complete to come under the ban of the law. It is sufficient if the agreement tends to that end and deprives the public of the advantages which flow from free competition."

So much as to that aspect of the matter.

Now, something has been said which would indicate that in the opinion of some, and, I think, from what I saw in the newspapers it was expressed by the distinguished lawyer, notable Justice Clark, of the Supreme Court of North Carolina, and by Mr. Gregory, if he was properly reported, that the attitude of the court toward labor, and toward organized labor particularly, is unjust. Now, I thought that I would call attention to the real facts about the matter. They are blanket charges; they are generalities. What specific case do they name as indicative of that? Take the Supreme Court of the United States, to which reference was made. I want to call the attention of the commission to the fact that in the first place the decisions of the Supreme

Court of the United States as established absolutely protect the rights of all labor, in the first place, and, in the second, that the rights of organized labor are supported and sustained by that body, and on that point I wish, on the first point, I want to call the attention of the commission to one or two authorities, quotations from the decisions of the Supreme Court of the United States; and the first is in the case of Live Stock Association against—in the slaughterhouse cases, in 83 U. S., page 36: "It is one of the privileges of every American citizen to adopt and follow such lawful industrial pursuits, not injurious to the community, as he may see fit, without unreasonable regulation or molestation, and without being restricted by any of those unjust, oppressive, and odious monopolies or exclusive privileges which have been condemned by all free governments. * * * There is no more sacred right of citizenship than the right to pursue unmolested a lawful employment in a lawful manner. It is nothing more nor less than the sacred right of labor."

That was by Mr. Justice Field, and in the same volume, 83 U. S., page 366, it was said by Mr. Justice Miller:

"For the preservation, exercise, and enjoyment of these rights the individual citizen as a necessity must be left free to adopt such calling, profession, or trade as may seem to him most conducive to that end. Without this right he can not be a free man. This right to choose one's calling is an essential part of that liberty which it is the object to protect; and a calling when chosen is a man's property and right. Liberty and property are not protected where these righs are arbitrarily assailed."

And in the case of the Butchers' Union *v.* Crescent City, 111 U. S., 757, the court says:

"The common business and callings of life, the ordinary trades and pursuits which are innocuous in themselves, and have been followed in all communities from time immemorial, must, therefore, be free in this country to all alike upon the same conditions. The right to pursue them without let or hindrance, except that which is applied to all persons of the same age, sex, and condition, is a distinguishing privilege of citizens of the United States, and an essential element of that freedom which they claim as their birthrght."

Now, so much for the general attitude, the attitude of the Supreme Court, toward the right of labor in general.

Now, in regard to organized labor. Has it been suggested by anyone that there is any decision of the Supreme Court that is antagonistic to that right? On the contrary, as I pointed out yesterday, in the first place, the Supreme Court of the United States has decided, in the case of Adair against the United States, 208 U. S., that it is beyond the power of Congress to interfere with rights of men to form unions in interstate trade. That power to regulate interstate trade did not embrace the right to say whether or not a man shall or shall not belong to a union. But they have gone further. Has it not been for years the contention of labor that it is in the power of the legislatures of the States and Congress to exempt labor unions from the operation of these laws which prohibit, as against the producer and seller and dealer in commodities. That contention of the Supreme Court is upheld in the case of Coppage *v.* Kansas in the 236 U. S.

Commissioner O'CONNELL. You mean an organization for profit or not for profit?

Mr. DAVENPORT. No, sir; between the vendors for service and the vendor of the product of their service. That distinction is written into the law of this country, and in the institutions of this country, by the action of the Supreme Court only last winter. So much for that.

Now, in the next place, no decision of the Supreme Court has been made in regard to the right to boycott that has not been made at the instance of the labor unions. The first decision of any consequence in this country to the effect that a boycott was not only illegal but criminal and heinously criminal was made by the Supreme Court of the United States upon the demand and upon the request of the labor unions. That principle was written into the law, not upon the argument of any representative of any plutocrat, but upon the representation and arguments of the labor unions, and when any man, be he the former president of the American Bar Association or the justice of the Supreme Court of North Carolina, comes here and tells you that the decisions of the Supreme Court as to the legality or illegality of boycotts by labor unions is an indication of any partiality on the part of the courts to the employers, he is utterly at sea and ignorant in regard to the history of the law.

Commissioner O'CONNELL. Have you in mind the case you referred to where the labor asked the Supreme Court——

Mr. DAVENPORT. The case of Callan *v.* Wilson, 137 U. S.

Commissioner O'CONNELL. What was the organization?

Mr. DAVENPORT. The Knights of Labor and the musicians' union.

Chairman WALSH. You cited that yesterday?

Mr. DAVENPORT. And it was done on the demand of Mr. Ralston, who represented those men, that such an offense as that was no petty offense for which a man could be held without a jury, but a most heinous crime against society, to boycott, and the Supreme Court accepted his argument, and adopted his principle, and wrote it into the jurisprudence of the United States, not upon the demand of any employer, but upon the demand of the unions, just and proper. But whenever we hear it said that the rights of labor are invaded by the courts, either the Supreme Court or any inferior court, when they hold men there responsible either in damages or criminally, or enjoin them for boycotting, remember that that was obtained by the unions, and for the protection of the unions against the action of the Government.

Well, now, that is the other case. Why, in my time there have been three noted cases in the Supreme Court of the United States bearing upon these matters; the first was the case in re Debs, 158 U. S., which followed along after, about 30 volumes later than the case to which I refer. The second is the great case of Loewe *v.* Lawler, 208 U. S., and the case of Gompers *v.* The United States.

Now, I want to call the attention of this commission to the fact that every principle laid down in the Debs case has been approved of and has been clamored for by the labor unions, and by their action they have secured the enactment of legislation which has crystallized in the form of a statute every proposition laid down in that case.

Now, of course, we all know how that case originated. The United States Government went into a United States court of equity and secured an injunction against the American Railway Union, and other unions, against obstructing the commerce and the passage of the mails by these gentlemen. The injunction was granted, and Mr. Debs violated it, and Mr. Debs was brought up in court to show cause why he should not be punished for contempt, for violating the injunction which had been issued by Chief Justice Fuller. On the trial he made the claim that he was constitutionally entitled to a trial by jury, and that claim was overruled. He claimed further that injunction was void because it interfered with personal rights of the employees. He claimed, also, that it was—the acts, that they sought to enjoin, were criminal acts, and that an injunction for that purpose was prohibited for constitutional reasons. That case went to the Supreme Court, and the court held these things: First, that the injunction was properly issued; a familiar exercise of equity power. Second, that when charged with a violation of it Mr. Debs was not entitled constitutionally to trial by jury. The third was that the acts which he did, either they were crimes for which he was tried, and he was not entitled to a trial by jury. Every principle that is there established is written down literally in the Clayton bill, at the request and at the demand of the labor unions.

We know that for a long time there was a great clamor against Government by injunction. That was the cry, and 10 years after, this was in 1904, in 1914 the Democratic Party, having control of both Houses and the President, put through that bill. Now, that bill expressly recognizes the right of the Federal Government to go into court and get an injunction against the commission of crimes, where the consequence is the injury of property. In the second place, it recognizes absolutely the right of the courts to proceed and try that person without a jury, and forbids the use of jury upon the application of the accused in that class of cases. And in addition to that it expressly provides that that injunction—that the fact that the things involve a trial, that they were acts of crime, is no objection to the issuing of the injunction, or to the punishment of that person by a trial where there is no jury had.

Then, another thing, they go further than that, and they add to the propositions laid down by the Supreme Court in that case, the one that, in addition to punishment by imprisonment for his act against the public, they may fine him in the amount that his act has done injury to a party, and cause him to be incarcerated, be it $50,000 or $100,000, or any amount, until such time as the complainant may let him out of jail.

Commissioner LENNON. We are in hopes that the court will overrule your opinion of what the Clayton bill means.

Mr. DAVENPORT. There can not be any question about these things I am talking about.

Chairman WALSH. It has been suggested by one of the commissioners, inasmuch as this matter is largely technical, it deals with concrete propositions of law, that you would be kind enough to give us a brief, that we would be obliged to you.

Mr. DAVENPORT. I will do so. I think it is a good suggestion. I was about to take up the Gompers case and the Loewe case. The fact about it is, it is a little difficult for a lazy man and a busy man together, to get down unless he is pretty well paid for it, to write out his ideas about these matters, but I know that the commission is pressed for time.

Chairman WALSH. I was going to make this suggestion; we have gathered, I think the commission has gathered, a splendid first-hand idea of these cases as you have gone along; I am sure I have. Anything that you would say about the Gompers case, or the Loewe case, would be an amplification of what you have already said. I think it would pass over the heads of the commissioners, because I happen to be the only one on this commission practicing law, and I think that anything that you might have to say would be better in a concrete form.

Mr. DAVENPORT. Of course, my idea was to point out to you, if I could, that the courts of the United States, particularly the Supreme Court, should not receive any such condemnation as is made in this way, that it is made here. I could show you how the unions have, under the Supreme Court, the only very cruel thing that the Supreme Court may be said to have done is that it makes every poor workingman that violates an injunction a criminal. Makes him an infamous criminal.

Chairman WALSH. Who got that decision? According to your statement, it was the attorney for the unions?

Mr. DAVENPORT. Yes, sir.

Chairman WALSH. We have been over that?

Mr. DAVENPORT. Not that. They went before the Supreme Court, Mr. Gompers, Morrison, and Mitchell, and said, we are infamous criminals. You know that in law a man is liable to imprisonment in jail for a crime, and three years have passed in which we could have been prosecuted, and we want to be liberated. And the Supreme Court of the United States laid down the doctrine as they requested it, that a man who violates an injunction is an infamous criminal, and if he is not prosecuted within three years he is outlawed, and then when we said, that is not the law, when we said, why, if that is the law, a man is entitled to trial by jury, the representatives of the unions, or the lawyers for the unions said, "No; it is a crime, it is an infamous crime, but the law is not so that a man has a constitutional right to be tried by a jury in that kind of a case."

Chairman WALSH. Is there any contention that the court in that particular case, or in the Buck Stove case, in upholding that case, followed a precedent and declared the law?

Mr. DAVENPORT. They upheld the law.

Chairman WALSH. Did they follow any established precedent, or did you concur in their opinion?

Mr. DAVENPORT. We fought it tooth and nail, and when the court decided it, I say it is my business to accept the law.

Charman WALSH. We are trying to get your state of mind, if you get that into Johannsen's mind, for instance, then we could probably get along better. You thought that the law was not declared in accordance with the established principles which you have enumerated?

Mr. DAVENPORT. Yes, sir; I contended that when a man violates an injunction and goes to jail he is not a criminal.

Chairman WALSH. According to your opinion the Supreme Court was wrong, but as a good citizen, and a practitioner, you abided by it, and say that is the law?

Mr. DAVENPORT. No. The Government of this country and the constitutions say that we have tribunals to decide those matters, and just if I was a Catholic, I would accept the decree of the Pope, so I accept the decree of the court.

Chairman WALSH. Notwithstanding, you do not believe it was correct or in accordance with established principles of law?

Mr. DAVENPORT. According to my theory of it, but the contention of Mr. Ralston was more persuasive and more convincing.

Commissioner O'CONNELL. The court did not agree with your opinion in the matter?

Mr. DAVENPORT. No; they did not.

Commissioner O'CONNELL. I understand in your testimony yesterday that you said that no citizen could be deprived of his liberty without due process of law?

Mr. DAVENPORT. It is in the amendment to the Constitution, nor can any State deprive any citizen of life, liberty, or property without due process of law, securing to him equal protection of the law.

Commissioner O'CONNELL. Do you think that there are any citizens who have been deprived of their liberty without process of law in recent days?

Mr. DAVENPORT. Undoubtedly they have, and they are entitled to habeas corpus. That is what the habeas corpus writ is provided for.

Commissioner O'CONNELL. What, in the case recited before us by Mother Jones, in connection with the Colorado situation, where she was for months locked in the basement of some courthouse, or something—I don't remember the place—and in another case locked in a room in charge of the militia, when the courts in the district were then in operation, ready to perform their business, habeas corpus was denied, and she was held in spite of the very fact when the court said, "You are free," the military officers said, "No; you are our prisoner"?

Mr. DAVENPORT. Well, now, Commissioner O'Connell, I could not take the law for that matter from Mother Jones.

Commissioner O'CONNELL. No; I would not want you to.

Mr. DAVENPORT. I could not take the statement of facts from her. I have never read those cases, the decision by the supreme court of that State, as to precisely what relation under the constitution of that State the military authorities, under such a condition as existed there, possibly bear to civil tribunals. But I know this, that if she was incarcerated in violation of the fourteenth amendment of the Constitution that the process of the Federal court is open for her relief. Now, I should guess—I don't know anything about it—but I would surmise that the difficulty with her case probably lay in the supremacy in that particular situation of the military tribunal over the civil. Now, you know that a state of war exists. It is in the power of the President to say to-morrow that a state of war exists, and then in certain sections of the country there comes into play under the Constitution the military law, and the same power must be granted and conceded to the governor of the State; and while I never have examined those cases I suppose that the highest tribunal of that State, charged under their oath to enforce the Constitution and the laws not only of the United States but their State, that there was some reason why his lady was kept in custody that was not inconsistent with the requirement that due process of law shall exist in every case.

Commissioner O'CONNELL. Well, supposing—I don't think, Mr. Davenport, the question of whether that was so or not is necessary. I think you will agree with me that cases of that character do occur in our country.

Mr. DAVENPORT. I have no doubt in the history of this country in the last 125 years there have been hundreds of instances of men who have been——

Commissioner O'CONNELL. They have been deprived of their liberty?

Mr. DAVENPORT. Illegally deprived of their liberty, and that the writ of habeas corpus properly applied for would have granted their discharge.

Commissioner O'CONNELL. Now, the point I want to get at is this: Conceding that there have been and are and will be cases of that kind, men will be deprived of their liberty without due process of law, what opportunity has the poor man to avail himself of the habeas corpus process?

Mr. DAVENPORT. Oh, I think he has every.

Commissioner O'CONNELL. What opportunity has he? Supposing, in the case you just cited, of Gompers, Morrison, and Mitchell—supposing they had not behind them the influence of organized labor and the possibility of organized labor carrying their cases on, you would have them in jail?

Mr. DAVENPORT. I don't know about that. It is not so easy to get them. At first they said they wanted to go to jail.

Commissioner O'CONNELL. That is not the question.

Mr. DAVENPORT. And all of a sudden they switched around and said, "Get us out, even if they brand us for all time as criminals."

Commissioner O'CONNELL. That is your impression of it?

Mr. DAVENPORT. No, sir; that is what their attorney said in court. The Supreme Court said the only defense is they have committed a crime, and it is outlawed.

Commissioner O'CONNELL. If they were poor men—and they are poor men personally—but that they had no association behind them, on one to assist them financially to carry their case from court to court, you would have had them serving their time?

Mr. DAVENPORT. I don't know about that.

Commissioner O'CONNELL. What opportunity would they have had to carry their cases up until the Supreme Court of the United States finally decreed as to their guilt or innocence?

Mr. DAVENPORT. You mean they would be unable to employ an attorney?

Commissioner O'CONNELL. Yes, sir; to pay the expenses necessary for carrying their cases up.

Mr. DAVENPORT. There are in the statutes of the United States a provision where a man is hard up and can not get justice he can apply for aid from the court.

Commissioner O'CONNELL. And the court would assign, I suppose, him the best talent in the city?

Mr. DAVENPORT. They would have assigned him Mr. Ranston, especially familiar with that kind of law, and an excellent lawyer.

Commissioner O'CONNELL. I think the impression was created here, it was on my mind, by Mr. Gregory and Judge Clark and others, as to laborers and the poor man getting his right before the court, that it was based upon the impossibility of a poor man——

Mr. DAVENPORT. Without the union?

Commissioner O'CONNELL. Yes, sir; getting his right with the court?

Mr. DAVENPORT. I concede that, and that is the very situation of these poor devils in the American Anti-Boycott Association, those that belong to it. Take poor Loewe, ruined and helplessly involved, unless he belonged to an organization that would provide lawyers and pay the expenses. Why, he would have to lay down, and the same reason exists for unions. I don't think that I questioned the right or the wisdom of men to join unions. If I was a workingman I would belong to a union provided the union abided by the law.

Commissioner O'CONNELL. And as I catch your remarks, Mr. Davenport, and your construction of the right to strike, your union would be as ineffective as——

Mr. DAVENPORT. Is it so, for a union to be effective they must break the law?

Mr. O'CONNELL. No; but they must have the right to strike.

Mr. DAVENPORT. I say you have the right to quit, to strike, but you have not the right to use that power for the purpose of pursuing anybody.

Commissioner O'CONNELL. Of compelling a person to pay more wages, to shorten hours, or to improve conditions of living, and not employ generally?

Mr. DAVENPORT. It is the way you get at it. A man can retire and say, "I won't work for you because you don't pay me enough wages," or I can say, "I won't work for you because you hire fellows that don't belong with us." You have a perfect right to do that, but where they use their power for the purpose of coercing an employer to do something that he has got a legal right to refuse to do, then it is an illegal conspiracy, and I would not belong to a union that did that. I belong to a sort of union, the lawyers' union; all the lawyers in my county belong to it.

Commissioner O'CONNELL. That is a closed shop.

Mr. DAVENPORT. It is closed by outsiders. I also belong to the American Bar Association, but if those men—there is a distinction that I am sure, Mr. Commissioner, with your acuteness of mind you can see.

Commissioner O'CONNELL. The employer has a right to refuse to raise wages?

Mr. DAVENPORT. Sure.

Commissioner O'CONNELL. There is no law which says that he must pay more wages?

Mr. DAVENPORT. No.

Commissioner O'CONNELL. And if a union says that he must pay more wages, are they not coercing him?

Mr. DAVENPORT. Not in the sense I mean; it is entirely within the privilege of men to say, "I don't pay more than 10 cents a day, or I will pay $5 a day, to a man," and you can say, "I won't work for you for $5 a day or for $10 a day," and if I have to have help and I come to a bargain with him, that is one proposition; that is entirely within the rights of the contracting parties, but

it that fellow says to me, "You have got to employ me, or you shan't employ anybody else, and we will shut up your shop, and we will prevent you from running it," that is a combination and conspiracy that the law condemns.

Not every strike is unlawful, but any strike that is carried on for the purpose of carrying out an unlawful combination or conspiracy is condemned by the law.

But what is the use of you and me, Mr. Commissioner, arguing about these things; we can never settle our respective views about that. I am with you on the subject of unions to this extent——

Commissioner O'CONNELL. When they do not do anything?

Mr. DAVENPORT. When they do not do anything that is unlawful; but I am against them if they do it.

Commissioner O'CONNELL. Your union would be absolutely ineffective, because it would not do anything.

Mr. DAVENPORT. Would not do anything unlawful.

Commissioner LENNON. I suppose, Mr. Davenport, you recognize the right of union men and all men, if they are not satisfied with the decisions of the courts, and if they are satisfied that the laws are not conducive to the interests of labor, they have a right as citizens to says so?

Mr. DAVENPORT. Yes; sure.

Commissioner LENNON. That is what we are doing.

Mr. DAVENPORT. The trouble, as I was going to suggest to the commission, is this: In any recommendation this commission may have, if I can be of assistance to them I would be glad to do it. Here is the point, I think, before you can do anything in the lines that have been suggested by some, you have got to commence and amend the Constitution. The first thing you have got to do——

Chairman WALSH (interrupting). The Federal Constitution.

Mr. DAVENPORT. Yes; the Federal Constitution. You have got to wipe out this provision: "The judicial power of the United States is vested in one Supreme Court and such inferior courts as the Congress shall from time to time ordain and establish, and the judicial power shall extend to all cases arising under the Constitution and laws of the United States, and to controversies between the citizens of the different States."

When you have gone that far you have got another step to take, you have to wipe out this provision in the fifth amendment: "No person shall be deprived of life, liberty, or property without due process of law"; and then you have to go another step and go to the fourteenth amendment and wipe out this provision: "No State shall deprive any person of life, liberty, or property without due process of law, or deny to any person equal protection of the law."

Now, when you have done that you have got a clean slate; you have got the privilege of doing those things which the Parliament of England can do; you can do those things which these gentlemen come before you and say ought to be done toward crippling the courts, toward stripping men of their constitutional remedies, by injunction or otherwise. You can do all of those things, but not until that is done, and I would suggest to the commission that they say to the court that until this is done it is a mere waste of breath, a mere expenditure of energy, fruitless, and wholly inoperative, because the scheme—the propositions that are aired before such a commission as this, and you have to sit and listen to them, of course, and you will hear them—involves—they are up against these propositions; and I say to them that probably the people of the United States will never consent to the elimination from the Constitution of those provisions, especially never will the union men do it, because they are the bulwark of the Union, as they are of everybody else.

Now, Mr. Chairman, another thing: I have the utmost respect for this commission and I would like to do everything I can to facilitate its labors. The question was asked me yesterday about the membership of our organization, and to give a list of its members. I have thought the matter all over, and I do not believe it would be of the slightest assistance to you gentlemen, and I do not believe it is proper for you gentlemen to insist upon it. If you think, if you have any idea that seems to be implied in these questions, that some of the great trusts are among its membership, that is not correct. I do not take this stand in any disrespect to the commission, but I do not think I would be justified in giving that information.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock.

(Thereupon, at 12.30 p. m., Saturday, May 15, 1915, the commission adjourned until 2 p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. The commission will now be in order, please.

TESTIMONY OF MR. DANIEL DAVENPORT—Continued.

Chairman WALSH. Commissioner Weinstock has some questions he wants to ask you.

Commissioner WEINSTOCK. I have been asked, Mr. Davenport, to put these questions to you, if you will be good enough to answer. How do you distinguish between the terms "in concert," on the one hand, and the term "in combination or pursuant to an understanding," on the other hand?

Mr. DAVENPORT. Well, that is the question. I presume there is a distinction. I would suppose "in concert" might be like the result of common impulse, acting together. A combination rather implies an agreement among the people to get together. Perhaps this illustration that I gave yesterday expresses it. In case I went to every one of a half dozen bakers in a town and ask them to sell me bread, and one after another refused, and gave as their reason why that I did not belong to the Methodist Church. Now, each, I think, would be perhaps impelled by the notorious fact that I did not belong to that church; but if they had agreed together not to sell me bread in order to make me join church, that is a combination.

Commissioner WEINSTOCK. Which of the two terms is used in the Clayton bill; can you recall it?

Mr. DAVENPORT. In one section the word "concert" is used, either singly or in concert, ceasing to work. In other places, I think, is combination.

Commissioner WEINSTOCK. Well, in the legislation that preceded the Clayton Act, I take it the word "combination" is used?

Mr. DAVENPORT. Now, to start into a history of attempted legislation, that covers a period of many years. As long ago as the winter of 1903 and 1904, when I was first obliged to come down here because of the effect of intended legislation upon our hatters' suit, there was a bill that used to be known as the Grosvenor bill, and that remained there until in 1906 without a report. The labor organizations made up their mind they were on the wrong tack, so they enlisted the services of Mr. Spelling, who is a distinguished writer on legal subjects, and has written several important textbooks on the subject of injunctions, and, as I recall it, prepared that bill. It was introduced in the House and referred to the Judiciary Committee by Mr. Pearce, a Member of Congress from Maryland, and it took the name of the introducer of it. I think he stated that it was introduced by request. Now, that was the Pearre bill. It led to a very sharp contest before the House Judiciary Committee, in which one of the subcommittee, Mr. John Littlefield, of Maine, presided, or at least was a very prominent member. We had a long series of fights over that, session after session, without any report until later; and I would imagine it was after the Democrats got possession of the House a bill was introduced by Congressman Wilson, then of Pennsylvania, now the present Secretary of Labor, who took the Pearre bill and modified it somewhat, and after that it went by the name of the Wilson bill. Until in the summer, or coming in of Congress, of 1911, several bills were introduced on the subject of injunctions and on the subject of contempts and combinations, etc.; and finally the House Judiciary Committee, of which Mr. Clayton was then chairman, reported two bills—one the Clayton anti-injunction bill, as it was called, and the other the Clayton contempt bill—both of which passed the House of Representatives and were referred to the Senate Judiciary Committee and referred to a subcommittee of which Senator Root was chairman. That committee did not report. We had hearings in the summer of 1912, and then after the election in 1912, and getting control of both the Senate and House and the Presidency in 1913, those bills were again introduced and referred and mauled over, and no discussion was had upon them before the committee—that is, as far as those that opposed them were concerned—and finally the bill, known as the Clayton bill, was reported, which bill contained and embodied both the Clayton anti-injunction bill and the Clayton contempt bill.

Now, that bill, thus reported, was amended in the House and passed the House, and was then referred to committee in the Senate, and reported with amendments and passed both Houses and was approved by the President. That is the history of the struggle that we have had before Congress in regard to those matters; that is the history of the Pearre bill.

Commissioner WEINSTOCK. Now, Mr. Davenport, speaking for myself, my mind is confused on the merit and the sphere of the Clayton Act, for this reason: On the one hand I have had the representatives of organized labor declare it is the modern Magna Charta of labor; on the other hand, I have heard it said that it has practically brought nothing to labor, that it is a delusion and a snare, so far as granting labor any advantages that it did not previously enjoy. Now, you, as an authority on the subject, will you be kind enough to let me have, for my information and the rest of us, an explanation of what are the advantages and disadvantages under the Clayton Act to organized labor?

Mr. SPELLING. Can I hand you one more question?

Commissioner WEINSTOCK. Yes.

Mr. DAVENPORT. Well——

Mr. SPELLING (interrupting). Just wait a moment.

Commissioner WEINSTOCK. The question Mr. Spelling put, Mr. Davenport, is this: "Do you remember that Mr. Bartlett introduced in the Sixty-third Congress a bill containing the essentials of the Pearre Act, and that Mr. Gompers made an argument in favor of it in December, 1913?"

Mr. DAVENPORT. Yes; 1913. I know that the Bacon-Bartlett bill was introduced simultaneously in the House and Senate by Senator Bacon and Mr. Bartlett, and those were introduced in the spring of 1912, and instead of being sent to the Judiciary Committee, was sent to the Labor Committee in the House and to the Committee on Education and Labor in the Senate. A pressure was brought to bear by these two gentlemen to get a report from the Judiciary Committee, which led to the reporting of these bills I have mentioned.

Now, when it comes to 1913, in the fall, I do not think I was present when Mr. Gompers made an argument on that subject. I think that was rather in camera, and it may be I was there, but I do not recall that.

Well, now, taking up the subject you speak of, there are various provisions in the Clayton antitrust bill which clear up the situations which have heretofore been troublesome to us. I speak representing the parties who have had occasion heretofore to resort to the law—which are now cleared up and obviated entirely by the Clayton antitrust law. I refer to the section which provides that a private party may maintain an action for an injunction for violation of the antitrust law, including certain sections of that law, the same as parties in equity—parties could according to the usual procedure in equity resort to those proceedings. That cleared up a difficulty that existed on account of difference of opinion between the judges of the inferior courts whether, under the Sherman Antitrust Act, a private party could maintain a suit in the Federal court in equity to enjoin the commission of acts which violated the Sherman Antitrust Act, to the injury of his property or business.

In Ohio, Michigan, Kentucky, and Tennessee, that great circuit, they held they could. Judge Taft, Judge Lurton, Justice Harlan, and Judge Knappen held you could maintain that. Whereas in the second circuit, which comprises Vermont, New York, and Connecticut, the decision was directly the other way. In behalf of the Payne Lumber Co., which is one of the members of the American Anti-Boycott Association, and others, we brought a suit against the Carpenters' Union in the city of New York and the building contractors there, and the manufacturers of woodwork, to restrain the carrying out of the combination between the unions and the employers and the manufacturers whereby the product of these men, the western concerns, which was made in open shops, was entirely excluded from the New York market. And the lower court having held all the points in our favor, held that because of this decision we could not maintain that suit. We went to the court of appeals, and the court of appeals stood by its former decision. Then we came up to the Supreme Court, and that case has been argued and is now submitted to the Supreme Court.

Now, that difficulty of proceeding against the unions, and every other combination in restraint of trade, is entirely obliterated by this provision——

Commissioner WEINSTOCK (interrupting). By the Clayton Act?

Mr. DAVENPORT. By the Clayton Act. That is sections——

Commissioner WEINSTOCK (interrupting). Well, is the change one that is favorable or unfavorable to organized labor, as you see it?

Mr. DAVENPORT. Why, it gives to the people that are trying to enjoin the strikers and to protect their business from their actions greater certainty. I contend that the law is also—and so contended in the Supreme Court—that it clears up that. And it was objected in that case by the attorneys of the union that it prevented our maintaining such suits. In that respect I should say that it would be unfavorable to the unions. I will give you the section in a moment—it is very short. It is section 16 [reading]:

"That any person, firm, corporation, or association shall be entitled to sue for and have injunctive relief in any court of the United States having jurisdiction over the parties against threatened loss or damage by violation of the antitrust law, including sections 2, 3, 7, and 8 of this act, when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss and damage is granted by courts of equity under the rules governing such proceedings."

So much for that section.

Commissioner WEINSTOCK. You take it, then, that that section, so to speak, takes away from organized labor certain advantages which it had previously enjoyed?

Mr. DAVENPORT. Well, which they claimed to have enjoyed and which several courts held that they did enjoy.

Commisioner WEINSTOCK. Now, to that extent, at least, the Clayton antitrust law will be to them a disadvantage. Now, what advantages it did not previously enjoy will it enjoy now under this law?

Mr. DAVENPORT. Well, my view about that is that it would not enjoy any.

Commissioner WEINSTOCK. Well, then, if you strike a ballot the act is really a disadvantage to organized labor instead of an advantage?

Mr. DAVENPORT. Well, it is if you view it in that way. As far as my judgment is concerned, the legal situation is unchanged, that the various provisions in the act do not alter at all the law that existed at the time of this passage, with the single exception that I spoke of this morning, that a party brought up for a contempt proceeding is liable to be punished not only by imprisonment to the extent of six months and fine payable to the Government to the extent of $1,000, but for any damage to that citizen, to the complainants, or any other party, and that sum is payable to the complainant.

Now, you understand my construction of this act is not acquiesced in by the gentlemen who see great benefits from it, and it would require considerable analysis of the act to point out what these various sections mean.

In the first place, as was stated here, I think by Mr. Commissioner Lennon, it was claimed that the Sherman Antitrust Act, as it was enacted, did not apply to labor unions and farmers' organizations; that it was so represented to the advocates or to the representatives of the unions, and that their fears in regard to that matter were groundless, and so they neglected to vigorously oppose it. Well, of course, in the first Loewe case in the Supreme Court we fought that all out before the Supreme Court, the representatives of the unions and Hon. James M. Beck and myself, who argued the case for Loewe; and the Supreme Court held that was not so, that the history of the act showed that it was not intended to exempt them, and that, on the contrary, repeated efforts had been made in Congress to amend the act at that time and subsequently so that it should not apply to labor unions, and that they had always been refused. So that the act stands, as Justice Fuller said, as we have it before us to-day.

Well, now, for a great many sessions of Congress the representatives of organized labor have been there pressing an amendment, stating that the Sherman Antitrust Act will not apply or be construed to apply to labor unions and farmers' organizations for the purpose of taking them out from under the Sherman antitrust law. Well, now, the Clayton Act don't do anything of the kind. On the contrary, repeated efforts were made in Congress to have such a provision put in and they were voted down by Congress in the House of Representatives. But, on the other hand, the act is so worded as to accomplish precisely what it ought to accomplish, to wit, this, that it shall not be construed to forbid the existence of labor unions or other activities for lawful purposes. That was carefully considered, evidently, and adopted; and the construction that the court, I think, should and will put upon it—and that is one of the matters that we discussed before the Supreme Court the other day of this case that I speak of—that it leaves the Sherman Antitrust Act exactly where it was before, as the same has been construed by the Supreme Court.

But further than that the Loewe case, the Danbury Hatters' case, was brought under section 7 of the Sherman Antitrust Act, and that the Supreme Court held covered this kind of a case, to wit, the Loewe case. The Clayton Act reenacts, word for word, the seventh section of the Sherman Antitrust Act, including other antitrust laws, to wit, these two or three sections in this law. Now we, upon familiar principles of construction adopt the construction that the Supreme Court put upon that act, so that I think—of course, I am speaking my own opinion about these things—I think the Supreme Court will hold that section—that the Sherman Antitrust Act is not altered in the

slightest degree by the Clayton bill, and instead of exempting labor unions from its operation, it clears up any doubt whatever that those acts in violation of the Sherman Antitrust Act are forbidden, and they are responsible for it. In other words, if anybody thinks that the Clayton Act has changed the legal situation at all, so far as the Sherman Act is concerned, I think they are mistaken.

Commissioner WEINSTOCK: I take it that the purpose of organized labor having this law passed was to cure certain spots in the Sherman Antitrust Act that was granted organized labor?

Mr. DAVENPORT. That is a very peculiar thing. When Mr. Gompers was before the House Judiciary Committee the question was put to him, "What is it now you want done to the Clayton Antitrust Act? Tell us what you are after." And he stated to the committee that all they wanted was to be assured that their existence as unions was not imperiled by the Sherman Antitrust Act, and when the committee reported on the bill this is what the Senate Judiciary Committee, who is the interpreter of the bill, said: "It is well at the outset to state the theory of the bill, both as it passed the House of Representatives and as it is proposed to be amended, for the general scope of the House measure is unchanged. It is not proposed by the bill or amendments to alter, amend, or change in any respect the original Sherman Antitrust Act of July 7, 1890. The purpose is only to supplement that act and the other antitrust acts referred to in section 1 of the bill."

They also quoted in that same report from the House committee's report the following:

"The bill does not interfere with the Sherman Antitrust Act at all. It leaves the law of conspiracy untouched, and it is not open to effective criticism on any constitutional ground."

So it is my judgment that as far as the Sherman antitrust law relates to the activities of labor unions in restraint of interstate trade or in the District of Columbia the law is now as it was before.

Now you come to the twentieth section, which was an attempt or is an attempt to regulate the issuance of injunctions, and in that respect my judgment is that the only construction that will save the law or those provisions from utter destruction by the courts is the construction that the law is left just as it was before. Now, on that subject I want to call the attention of the commission to the difference between the Clayton and the Pearre bill. This Pearre bill is very short, and they drive right straight to the mark. I don't believe it is constitutional. I opposed it on the ground of its invalidity, but the scope of it is what I want to call attention to, and to show you how in the Clayton bill the provisions are so narrow from the Pearre bill that it almost requires a microscope to find the class of cases or a case which comes within the purview of it. Now, the Pearre bill, to which we have referred, reads this way:

"SECTION 1. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and an employee, or between employers and employees, or between employees, or between persons employed to labor and persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment," etc.

Now, that is the scope in all of the cases mentioned, and any case growing out of or involving or growing out of a dispute concerning terms and conditions of employment, which would cover all of those boycott cases. For instance, the Loewe case, that was not a suit between employer and employee or employees, but it was between Mr. Loewe and the unions and the members of the unions. There were not but two of those defendants that ever worked for Mr. Loewe. Now, that was covered by this provision. In the Clayton bill this is the way it is worded, so you will see how it narrows it down:

"That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment involving or growing out of a dispute concerning terms or conditions of employment."

In other words, the provisions of section 20, which we were talking about, is confined by the terms of it to this class of cases. It must be a case between an employer and employee, or employers or employees, or between employees or persons seeking employment and those employed, which involve or grow out of a dispute between them; and it must be by those with whom that relation

exists when the suit is brought; it does not touch cases where men have struck and left their employment, where the relation is terminated, where they have been discharged. That relation specified here must exist at the time the suit is brought or this provision does not relate.

Now, you know that the great majority of cases—it is hard to find a case that comes within it except possibly some of these I. W. W. cases, where men remaining in the employ, by their acts of sabotage or some of the other things they do, injure the property and remain there—and there was a dispute in that class of cases; but except those classes of cases, and it must necessarily be a limited class, section 20 has no application; it does not affect the ordinary boycott, because it does not affect a case like those between combinations of laboring men and combinations of employers in cities like New York, Boston, Chicago, and other places; they are excluded from it. And it is narrowed down so, and purposely narrowed down so, that the scope of the act is, in those provisions, extremely limited. It would not touch, for instance, a case like the Debs case. There the United States brought a suit against the union, the officers, the members of the union; it would not touch those cases, because it is not between them and the employee, nor is it between employees, the relation does not exist.

So you can run through the entire category. In the next place——

Mr. SPELLING (interrupting). May I call your attention to one case?

Chairman WALSH. Please excuse me, but you can not do it.

Mr. SPELLING. I can not do it, unless I ask a question.

Chairman WALSH. You can not do it. It is in accordance with a fixed rule of the commission, established since our inception; any question you care to hand up will be asked.

Commissioner WEINSTOCK. Mr. Spelling has asked me to submit this question. It is a source of great satisfaction to me to find a man whose penmanship is more wretched than mine.

Mr. DAVENPORT. It is not mine.

Commissioner WEINSTOCK. With the permission of the chair I will ask Mr. Spelling to read it.

Chairman WALSH. I will ask Mr. Spelling not to read it, with all due respect to the commissioner. Please take your seat, Mr. Spelling.

Commissioner WEINSTOCK. Perhaps you can read it, Mr. Chairman.

Chairman WALSH (reading): "You said instead of exempting labor, it leaves them, as it were; no; would not the enactment of section 6, containing negative and prohibitive provisions, have the effect of sanctioning, by implication, the prior judical views applying the antitrust act to all conduct not legalized by the terms of section 6?"

Mr. DAVENPORT. Well, I think I will have to pass that question. Perhaps I can take it and by reading it grasp the meaning of it, but I think I had better go on with what I am talking about now.

Commissioner O'CONNELL. I wish to straighten out one matter. You said, speaking of the section applying to differences between employer and employee and all that—did I catch your idea right that if the employees were on strike and therefore not in the employ of the employer that the law would not apply?

Mr. DAVENPORT. No; it would not apply.

Commissioner O'CONNELL. That would not be considered a difference between employer and employee?

Mr. DAVENPORT. It would not be a case between them.

Commissioner O'CONNELL. Your idea is that the moment a strike takes place they are out of employment and it does not apply?

Mr. DAVENPORT. When they strike or quit, it does not apply.

Now, these are the interesting features of this bill or this act, to which your attention could be given with a good deal of profit, and, having it narrowed down in the class of cases as I have described, they go on: "And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any contract of employment or from seeking to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do, or from attempting at any such place where any such person or persons may lawfully be for the purpose of peacefully obtaining or communicating information, or from peaceably persuading any person to work or abstain from working or from ceasing to patronize or employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do, or from paying or giving to or withholding from any person engaged in such dispute any strike benefits

or other moneys or things of value, or from peacefully assembling in a lawful manner or for a lawful purpose, or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States."

Now, it is contended by the gentleman who framed this law and procured its passage that the effect of that law is to strip the courts of the United States of the power under any and all circumstances in the class of cases to which it refers, or all power to protect the business or the property rights, as defined by the Supreme Court—all power to protect them—and that it goes further and it makes lawful under all circumstances all acts specified in this.

Now, if that construction were adopted, then this section would not be worth the paper it is written on, because of two things. The last section says that they shall not be held or considered to be in violation of any act or any law of the United States. That would repeal probably 20; it must be construed in one of two ways: Either it is a direction to the Federal court not to hold acts which are violations of the laws of the United States to be such violations, in which event, with such a construction, that is a direct invasion, would be a direct invasion by the legislative body of the judicial power and function and would be void on that account. On the other hand, if you take it as a comprehensive repeal and amendment and alteration of all of the laws of the United States, why, you are presented with this difficulty: That it repeals absolutely the civil-service laws of the United States; that it would repeal absolutely the interstate commerce act, both as to the carriers and as to the employees; it would repeal the great laws under which the great post-office system of the Government is conducted.

Now, of course, the Supreme Court or any other court in construing that law would never take such a construction as that, and they would not take the other construction if they could avoid it, because it would be a violation of the Constitution; it would be void law.

In the next place, take the first section of the first clause: "No such restraining order or injunction shall prohibit any person from refusing to perform work," and so forth.

What would be the necessary effect of that? It would strip the individual who had this property absolutely of his rights. Not only in the District of Columbia, in which the doors of the courts are barred by this law, but every other Federal court, of the right to go to court to protect the people in these constitutional rights, and it would be void on that account.

Now, the true construction of this act is this: That wheresoever any of the acts specified in this section, in this paragraph, are lawful, no injunction shall be issued to restrain their performance of those acts. The words "Nor shall any of the acts specified in this act be held to be violations of any laws of the United States"—the construction which I think is the correct construction is this: That wherever any of these acts mentioned here can lawfully be done, they shall not be enjoined, nor shall they be held to be violations of any law of the United States, and the history of the times leads up to that construction, so that I conclude that, so far as that section is concerned, the law is left exactly as it is now, or was at the time of the passage of the act.

Now, we come to this provision of the act that relates to contempt proceedings. As I have explained this morning and the other day, the provisions in regard to a trial of contempt cases are limited, so that it is almost impossible, without a microscope, to find a case in which they apply. In the first place, section 24 says that nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice. Now, the courts have held that any violation of an injunction wherever it is committed obstructs the administration of justice, because it interferes with and hampers it, and that exception, "so near to as to obstruct the administration of justice," would take out from under its provisions all contempts that are in the nature of violations of an injuncion. [Continues reading:]

"Nor to contempts committed in the disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States, but the same and all other cases of contempt not specifically embraced within section 21 of this act may be punished in conformity with the uses of law and equity now prevailing."

Now, the Debs case, for instance; there was a suit brought by the United States, and an injunction was obtained and Debs violated it, and he was tried without a jury. The provisions of this section exempt such cases as the Debs case. In short, all those cases which gave rise to the cry of no government by injunction are covered—are excepted from this law.

Commissioner WEINSTOCK. And the violation such as Debs was charged with, in what way would it be treated differently now from what it was treated prior——

Mr. DAVENPORT. Not a bit. Why, it is excepted. You remember the origination—Mr. Lennon will remember it—of the cry of "no government by injunction." The United States went into a court in Chicago and got this injunction, and then when the order was not complied with brought the troops there to enforce the decree of the court, and Gov. Altgeld claimed that that was an invasion of the State of Illinois; that the act of the court issuing an injunction and then hauling men up under it and punishing them for contempt and sending them to prison without trial by jury was an invasion both of the powers of the State and of the rights of the individual. In other words, that it was using the equity power for the purpose of enforcing the criminal law. And so arose the cry of "government by injunction." And it was made the slogan, as you will remember, of many Democratic platforms.

And in 1896—it was in 1894 that I have been talking about—but in 1896 Mr. Bryan made his campaign not only upon the silver question, but upon this question of "no government by injunction." This Clayton Act throws all that to the winds. This Clayton Act rejects all that. This Clayton Act affirmatively approves of, ratifies, and enacts as a statute the thing that the Supreme Court in the Debs case declared to be the law.

Not only that, but in what class of cases is the right of trial by jury given to anybody? We are talking now, for instance, about the laboring man, as that is more intimately connected with the subject that the commission has uppermost in mind. Now, observe what it is, section 21 [reading]: "Any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein or thereby forbidden to be done by him"——

"Only the acts that are forbidden are the matters that come within the scope of the provision, if the act or thing so done by him be of such a character as to constitute also a criminal offense under any statute of the United States or of the laws in any of the States in which the act was committed, shall be proceeded against for his said contempt as herein provided."

That is to say, anything forbidden to be done is a criminal act against the statutes of the United States or the laws of any State where the act is committed, the violation of that injunction shall be proceeded with in this way. In other words, it specifically and in terms authorizes the issuance of injunctions to restrain the commission of crimes, which was precisely the thing the labor union fought against so strongly in the Debs case, contending—they employed that great lawyer, Lyman Trumbull, to argue the case for them, and he argued it with consummate skill, and he contended that this was a misuse of the equity power of the court; that it was a use of it to execute the criminal law. The Supreme Court said not so. It is true these acts are crimes, but those crimes, when they injure a party, are torts also, and that injury can be restrained by the power of a court of equity. This statute expressly confers upon the court the power to do the very thing that the unions contended against, and which the Supreme Court was, for a time, until they accepted this doctrine, as they have done, because they asked for the passage of this bill, which they have denounced the Supreme Court for having done.

Well, the next thing is section 22. It provides [reading]:

"When there is reason to believe that there has been a violation of the order for which the party can be brought into court," which does not materially change the existing law in any way.

Now, then, comes this provision about trial by jury (reading): "In all cases within the purview of this act such trial may be by the court or, upon the demand of the accused, by the jury." It must be a case within the purview of this act. What does that mean? What class of cases are within the purview of this act? Well, the trust cases not relating to labor are within the purview of this act. This provision inserted in this act, so far as it applies to such cases, makes applicable to them the provision of trial by jury. But are the other classes of cases embraced in this act still included? What are they? Those are the cases where the courts are prohibited from issuing injunc-

tions. "No restraining order or injunction shall be issued by any court or any judge thereof in a case between any employer," and so forth. No such injunction shall be issued. You can not try a man for violation of an injunction when no injunction is or can be issued. So that class of cases, the very class of cases it was sought apparently to include are excepted from this law.

Well, now, when you come to the question of trial by jury—if you can find a case that will come within this purview; that is to say, if you can find some case where an injunction is issued forbidding the doing of an act which is a crime either under the laws of the United States or of the State, and you can find a case where it is within the purview of this act—then the following procedure shall be had:

"In all cases within the purview of the act such trial may be by the court or, upon demand of the accused, by a jury, in which latter case the court may impanel a jury from the jurors then in attendance before the court or judge thereof."

In all cases within the purview of the act such trial may be by the court or, upon demand of the accused, by a jury. In which latter case the court may impanel a jury from the jurors then in attendance on the court or the judge thereof.

Commissioner WEINSTOCK. Does that mean it is not mandatory but discretionary?

Mr. DAVENPORT. I say it is discretionary.

Commissioner WEINSTOCK. Discretionary on the part of the court?

Mr. DAVENPORT. Surely; as it always has been.

Commissioner WEINSTOCK. Not on the part of the defendant?

Mr. DAVENPORT. No. That was put in there deliberately. There were 11 or 12 statutes introduced relating to trials by juries at that session of Congress, and everyone had the word "shall" impanel a jury. The word "shall" was stricken out and the word "may" inserted. Why was that done? For the very reason, if you put the word "shall" in there, it would undoubtedly be declared unconstitutional by the Supreme Court of the United States, because all during this time the Supreme Court has been pointing out case after case that any such law as that would be unconstitutional. It was put in there for the purpose of obviating any such difficulty, with the effect that the law is left as it is. I could go on with these features, but it would amount to this, that this act regulates and controls the class of cases to which it is related in a way substantially, as it does now, so far as procedure in contempt cases is concerned at the present or before the passage of this law. It was always within the power of a court to call a jury in, and then proceed to find the facts—such facts as the court submitted to them. They didn't find a general verdict of guilty or not guilty. That was from long and familiar practice, and in the Gompers case the Supreme Court said they might do that, because Gompers had asked for a jury trial, and then withdrew it in the lower court on the ground that he was not entitled to it.

Now, if I were to sum up the whole situation, I should say that the application of this law is by its terms so confined to such a limited class of cases that it is almost impossible to find any that come within the scope of it, and then it is not changed in any material effect, but there is this awful provision which makes me shudder when I think of what condition the unfortunate inhabitants of this country are liable to. We are liable to violate injunctions, not only in labor cases, and then look at it. If the accused shall be found guilty judgment shall be entered accordingly prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States, or to the complainant, or other party injured by the act, in contempt, or may, when more than one is so damaged, be divided proportionately among them, as the court may direct, but in no case shall the fine be paid to the United States in case the accused is the natural person, exceed the sum of $1,000, or such imprisonment exceed the term of six months. Now, an injunction may be issued in any kind of a suit, and if this provision relates to any other kind of a suit than the possible imaginary one under this, any citizen is liable without a trial by jury to have assessed against him damages to an extremely large amount; it might be $100,000 or $200,000, and upon the order of the court he has to be incarcerated until when? Who can get him out? Then Attorney General long since decided that it is not in the power of the President to pardon or remit a fine or damages that is assessed for the benefit of a party, and he has to stay there. Now, that in brief is the outcome of it. But there are

other features of it. Take Mr. O'Connell's condition; he lives here in the District of Columbia, and he is a machinist by trade——

Commissioner O'CONNELL. That is questionable.

Mr. DAVENPORT. I think he must have been a good one, and I don't believe he has lost the skill. That man stands in and upon the soil of his country in the District of Columbia stripped of every right for which our fathers fought and died. If the construction is put upon it then that I have explained, the door of every court in the District of Columbia, including the Supreme Court of the United States, is closed to him. His skill, his strength, his time are his own, which he can sell. That contract that he makes is a property right. His employer can discharge him without a minute's notice under the statute and not commit an unlawful act, or anybody could go to his employer and say, "Don't employ O'Connell," and persuade him to discharge him, and the party would not be liable to him for the wrong that he has done him, and so in all other respects. Take the employees in the Government Printing Office here, 3,000 or 4,000 of them; they are under the civil-service laws; the Government officers are prohibited from discharging those men without cause. Under the terms of that act, as some people contend for, they can be discharged without a moment's notice, and without any cause, or for any cause further than belonging to a union, or not, or without any reason given, and the officers of the Government Printing Office have full sway; and so of all the 300,000 employees of the Government. I could expatiate on this to an unlimited extent.

Commissioner O'CONNELL. We have an unwritten law in the District of Columbia under the civil service, "For the good of the service."

Mr. DAVENPORT. Suppose it is not for the good of the service?

Commissioner O'CONNELL. It is unquestionable. When the highest authority of the Government says it is for the good of the service there is no appeal.

Mr. DAVENPORT. But suppose he says, "I don't care if it is for the good of the service, I will discharge him because he belongs to a union."

Commissioner O'CONNELL. For the good of the service. The President can issue an order for the good of the service, and any civil-service officer can be discharged.

Mr. DAVENPORT. But I am talking about where he has not done it. You have legal rights here.

Commissioner O'CONNELL. But the rights I have now, I have not the political right to protect myself, which is very unfortunate.

Mr. DAVENPORT. I would move out of this district, if this law is as the friends of it contend it to be. I want to contrast the situation, a man like Mr. O'Connell, and other inhabitants of this city, the Capital of the greatest country of the world, I want to contrast it with the condition of the inhabitants, if this construction of the law is true, the inhabitants of Brussels, in Belgium, where that invading army came into that country, and finally occupied the city of Brussels, but the military commander proclaimed that the rights of private property would be protected, and invariably it is the same; it is done by every military commander wherever he goes, and they are protected, and the whole power of the Imperial Government of Germany is behind it, but by acts of Congress it is claimed that inhabitants of the District of Columbia are stripped of their property rights, and the courts of the United States have nailed them up so they can not go in there for protection. Now, the Supreme Court, in my opinion, I think, will hold the act to be susceptible of another construction, such as I have given, and not objectionable on the ground of its invalidity.

Commissioner WEINSTOCK. Your judgment, then, is in accord with that of Mr. Walter Drew, counsel for the National Erectors' Association, who says it may be said that the Clayton law does not make lawful any conduct of a labor union that was previously unlawful? For years Mr. Gompers and his associates tried to secure legislation which would exempt unions from the rule that governs other combinations. The Clayton law does not confer any such exemption. It is possibly better from Mr. Gompers's point of view to believe that it does, than to admit the failure of his long campaign in that behalf.

Mr. DAVENPORT. There is a criticism upon Mr. Gompers, which I don't feel called upon to join in. I agree with the legal effect of it. Now, Mr. Gompers was probably in very much the condition in regard to that act that Commissioner Weinstock said he was; that he was confused about it. I can not believe that Mr. Gompers ever intentionally forsook all of the positions he has taken in fact, and turned about face and came and occupied the position that we had occupied, but he has done it, and I think it is a very good thing that he did. I think that no harm was done by the act, but when you come—now, we

all have our ideas about these things, but there is only one place left yet in this country where they can be settled, and that is in the courts. Many of the things I have been talking about are involved in the decision of Payne Lumber case now submitted to the court.

Commissioner WEINSTOCK. Any further questions?

Mr. DAVENPORT. If there are none, I would like to inquire, I stated to the chairman, I asked him if I could revise what I have said. I would like to have that opportunity, I would like to make some corrections, and would like to shape it up somewhat. Would I be allowed the privilege of so correcting it?

(Chairman Walsh having retired, Commissioner Weinstock acted as temporary chairman.)

Acting Chairman WEINSTOCK. There can be no objection to your correcting your testimony, so far as the construction is concerned, but it has been a rule of the commission not to permit witnesses to change their testimony.

Mr. DAVENPORT. I will stick to what was said. This is the idea, I want to stick in some cases and shape it up so that I shall not be ashamed to read it myself, and with the permission of the commission I will now retire.

Acting Chairman WEINSTOCK. Mr. Spelling.

TESTIMONY OF MR. THOMAS E. SPELLING.

Acting Chairman WEINSTOCK. Will you please state your full name and residence to the stenographer?

Mr. SPELLING. Thomas E. Spelling; I reside in New York City, 215 Broadway.

Acting Chairman WEINSTOCK. Your profession?

Mr. SPELLING. An attorney at law. I have some other professions that I need not mention.

Acting Chairman WEINSTOCK. Will you state for the commission whom you have generally represented in the matter that you have up to discuss before the commission?

Mr. SPELLING. The only party I ever represented was the American Federation of Labor two years, or a little more, in two cases in the courts, and on several occasions before congressional committees. Especially, and I believe solely, in the advocacies of anti-injunction legislation.

Acting Chairman WEINSTOCK. Will you please state in your own way for the information of the commission such matters as you think will be of interest in this connection?

Mr. SPELLING. I would like to ask Mr. Davenport a few questions. I couldn't do that when he was on the stand. I think I can throw more light on the subject in that way than to go ahead and say what I have to say.

Acting Chairman WEINSTOCK. It has not been the practice of the commission.

Mr. SPELLING. I got the permission from the chairman this morning. It is a part of my own statement, if he is willing to answer.

Acting Chairman WEINSTOCK. Are there any objections on the part of any members of the commission to allowing him to do that?

Commissioner LENNON. I have no objection; it is a question of whether it is agreeable to Mr. Davenport.

Acting Chairman WEINSTOCK. If it is agreeable to Mr. Davenport.

Mr. DAVENPORT. If they are questions I can answer.

Acting Chairman WEINSTOCK. You may proceed, if Mr. Davenport has no objection.

Mr. SPELLING. Mr. Davenport, I want to ask you—you can keep your seat. You said that courts had uniformly and consistently held that labor unions were within the antitrust act. Now, did any court ever hold that a labor union as such was within the act?

Mr. DAVENPORT. No, sir.

Mr. SPELLING. Then, we are not in conflict on that.

Mr. DAVENPORT. But that is expressly held by the Supreme Court that they are not.

Mr. SPELLING. Do they not simply hold that when members of unions conspire or combine together and violate the antitrust act that they were held to acountability just like anybody else?

Mr. DAVENPORT. The same as the members of a church, I suppose.

Mr. SPELLING. And in that sense they were within the antitrust act, prior to the Clayton bill?

Mr. DAVENPORT. Yes, sir.

Mr. SPELLING. And are within it yet, according to your view of it?

Mr. DAVENPORT. Yes, sir.

Mr. SPELLING. Now, you spoke of the case of Connor *v.* Connolly?

Mr. DAVENPORT. Yes, sir.

Mr. SPELLING. What town was that?

Mr. DAVENPORT. Danbury.

Mr. SPELLING. That town has figured in the litigation that you have been connected with very prominently. However, that is no part of my question.

Mr. DAVENPORT. I was not in the Connor-Connolly case.

Mr. SPELLING. The court denied the union men the privilege of uniting and combining together to exclude the nonunion men. Is that not about it?

Mr. DAVENPORT. It was an agreement between the union manufacturers of the town and the unions by which they would not employ anybody but a union man.

Mr. SPELLING. Yes, sir.

Mr. DAVENPORT. And Mr. Connor was a member of the union?

Mr. SPELLING. Yes, sir.

Mr. DAVENPORT. And they had a great strike on, and they were out for several months with the result that the union owed him quite an amount of money for strike benefits. Then they called upon Mr. Connors for his dues, and before he could go to work again, and Mr. Connors said that he wouldn't pay it; that he had this coming; and that was contrary to the rules of the union and he was in bad order.

Mr. SPELLING. I beg your pardon, I didn't ask you——

Mr. DAVENPORT (interrupting). I want to come to this. Then Mr. Connolly, representing the union, in pursuance of the agreement that they had with the unionized hat manufacturers, went around and said, "This man is in bad order with the union," and got his discharge.

Wel, he sued the union and the officers of the union, and it was tried before a jury, and he recovered a verdict of $1,100, and it went to the Supreme Court, and they sustained it.

Now, the claim was that the agreement between the union manufacturers of Danbury and the union was a valid agreement, and the supreme court of the State held, relying upon decisions of the Supreme Court of the United States, that that was a contract for a monopoly in violation or contrary to public policy and void.

Mr. SPELLING. Is there any statute in Connecticut that covers that case?

Mr. DAVENPORT. No, sir.

Mr. SPELLING. Suppose all of the men engaged in the jewelry trade in that town had formed a copartnership, or had gotten together and had a monopoly, would there be any law covering that case?

Mr. DAVENPORT. I guess not.

Mr. SPELLING. We don't want to get into any argument, we want to hasten along and not prolong the discussion. Now, you know the courts have made a distinction between primary and secondary boycotts?

Mr. DAVENPORT. Yes, sir.

Mr. SPELLING. Do you think there is any legal distinction?

Mr. DAVENPORT. There is none, and it was expressly decided so in the Supreme Court of the United States on the Sherman Act, in the Eastern Lumber Dealers' Association *v.* The United States.

Mr. SPELLING. I had a little book; I guess I must have dropped it. Now, in a boycott, the clause says, no court shall enjoin or restrain any person, singly or in concert—hand me that, please. That little book. I guess it isn't there. No court shall issue any restraining order or injunction restraining any persons, singly or in concert, from, and then we can skip a few clauses, and come to the boycott clause, from ceasing to patronize or peaceably persuading others from ceasing to patronize any party to such dispute.

Now, what is the effect of the use of those words, "any such dispute," when you consider it in connection with the limitations of the first paragraph of section 20?

Mr. DAVENPORT. Have I not said all I can possibly say on that subject to the commission?

Mr. SPELLING. Does it not limit it to the particular realms which are specified in the first paragraph?

Mr. DAVENPORT. I don't know but what you are right about that; I have not considered that. That would narrow it still more.

Mr. SPELLING. Did you ever hear of a boycott between employees?

Mr. DAVENPORT. No.

Mr. SPELLING. Did you ever hear of a boycott between employer and employees?

Mr. DAVENPORT. No; I don't know that, unless the I. W. W.'s——

Mr. SPELLING. I don't think we care to get into that.

Mr. DAVENPORT. No; I never did.

Mr. SPELLING. Now, did you ever hear of a strike between persons seeking employment, I mean a boycott?

Mr. DAVENPORT. No.

Mr. SPELLING. Now, if that connection were broken and in place of the words, "any party to such dispute," were inserted the words "any persons whatever," wipe out the first paragraph and read it that way, it would cover all kinds of boycotts?

Mr. DAVENPORT. Yes; sure.

Mr. SPELLING. The Clayton bill don't do that, by a long sight?

Mr. DAVENPORT. I don't think it does. Now, you are punching holes in that bill; there are so many in it, it is not worth while to talk about other additional ones. It is shot full of holes now.

Mr. SPELLING. I am not going to take up those things. The strike provision, however, you have very well explained, and I agree with you that the words "lawful and peaceable" clear the whole thing, and when you consider it in connection with the first paragraph it is worse than no legislation; for this reason I want to see if you agree with me on that; it confirms to the courts all acts and all conduct by any party which is not—I mean jurisdiction to enjoin the conduct and all acts which are not lawful?

Mr. DAVENPORT. Yes, sir; anything that is not lawful can be enjoined.

Mr. SPELLING. If the parties to a strike should violate, should commit a misdemeanor and violate some town ordinance or some State statute which did not injure property heretofore, you would have trouble defending or maintaining an injunction in a case like that, would you?

Mr. DAVENPORT. Well, I don't know. It depends on what you consider property. I regard property as any right of a pecuniary nature.

Mr. SPELLING. We will not debate the question of what is property. I said it did not injure property that you had trouble heretofore in maintaining an injunction against that conduct which is unlawful?

Mr. DAVENPORT. Yes, sir; in the Debs case the Supreme Court said it must be property or right of a pecuniary nature, but there have been injunctions issued to protect some personal rights.

Mr. SPELLING. Here is a clause which forbids a court from restraining lawful conduct. Does that not, by essential implication, give the court authority to restrain illegal conduct?

Mr. DAVENPORT. Yes, sir; sure.

Mr. SPILLING. You said something about this Kansas case.

Mr. DAVENPORT. About what?

Mr. SPELLING. About this Kansas case, Coppage *v.* Kansas.

Mr. DAVENPORT. Yes.

Mr. SPELLING. The Supreme Court in effect held that an employer could refuse to employ a man or discharge him because he belonged to a union. Was not that the gist of it?

Mr. DAVENPORT. Sure.

Mr. SPELLING. Couldn't he discharge him or refuse to employ him for any reason?

Mr. DAVENPORT. Sure; good or bad.

Mr. SPELLING. But if those employers formed a combination, you do not think that is exempted by the Clayton Act, do you?

Mr. DAVENPORT. Surely not.

Mr. SPELLING. And another can cease to serve another; he can relinquish employment and persuade others to do so, and strike in concert. What do you understand "singly or in concert" to mean?

Mr. DAVENPORT. I understand that to mean all.

Mr. SPELLING. You mean to act by common impulse?

Mr. DAVENPORT. Rather.

Mr. SPELLING. Suppose that same man went down the street in an automobile and ran over a child or something, and a hundred people rushed at him and beat him up and tore up his automobile. Wouldn't that be acting in concert?

Mr. DAVENPORT. Yes; in a sense it would.

Mr. SPELLING. Well, if they acted together and agreed to do that thing it would be a combination, wouldn't it?

Mr. DAVENPORT. Yes.

Mr. SPELLING. Do any of these things exempt a case of that kind from injunction?

Mr. DAVENPORT. I don't think it does at all, as I have explained.

Mr. SPELLING. So that people are only protected from the use of injunctions in cases where they act in concert, or by a common impulse, without an understanding to do that very thing?

Mr. DAVENPORT. According to my idea of the Clayton Act, it is like a treaty of neutrality with Belgium; it is a "worthless scrap of paper."

Mr. SPELLING. Now, you said, in regard to section 6, that it left the unions just as they are now, in their relation to the Sherman Antitrust Act. Now, then, is not the language, the negative and prohibitive language which makes concerted conduct and certain relations of men lawful—don't that sanction and confirm to the courts to decide as violative of the Sherman Antitrust Act and place the stigma of illegality on it?

Mr. DAVENPORT. I think what was illegal before is illegal now, and I do not think that anything that was illegal before is legal by the act.

Commissioner LENNON. Mr. Chairman, I do not think this procedure is really valuable to this commission; it may be a matter of value to Mr. Spelling, but I do not think it brings out anything from Mr. Davenport up to this time that he has not already put in the record.

Acting Chairman WEINSTOCK. If there is any objection on the part of any member of the commission——

Mr. SPELLING (interrupting). I wish to say a word about section 16.

Commissioner AISHTON. I wish to object to this questioning; it does not get us anywhere, and, as Mr. Lennon says, it is of no value to the commission. It is simply a matter of difference of opinion between attorneys.

Acting Chairman WEINSTOCK. Mr. Spelling asked permission to ask some questions of Mr. Davenport, and permission was granted; but if there is any objection I will ask him to desist and proceed in the usual way.

Mr. SPELLING. I wish to get something in the record of a formal, concise, and logical nature, as my own statement, in regard to the status of unions and the laws governing labor organizations; it will take about 15 minutes, and then I will be ready to yield to the wishes of the commission.

Commissioner AISHTON. I suggest that the witness proceed with his statement.

Mr. SPELLING. I am ready.

Acting Chairman WEINSTOCK. The witness will proceed.

Mr. SPELLING (reading). "There is undoubtedly a disposition or tendency of labor to attach undue importance to legislation already enacted, or which is desired at the hands of legislative bodies. If labor as organized had immunity from legislation enacted by the courts, it could take care of itself, and need only guard against discriminatory statutes. But rules and customs have grown up among business men, and especially among business corporations, which, while appearing to be merely salutary and protective, yet in reality place the public, and especially that part of the public dependent upon the employment of capital by others, at a great disadvantage. These rules and customs come at length to be acquiesced in by all, and become, for all practical purposes, new rules of jurisprudence."

Now, we find in the Clayton Act conclusive proof of a part of the general fact which I have just stated. Instead of its being a new chart of liberty for labor as has been claimed and extensively proclaimed, I see in it nothing but admissions at the hands of Congress, in the form of concessions, of unjust and prejudicial limitations upon the individual and collective rights of labor.

Let's now examine one or two of the clauses of section 20 of the act. There is found here legislation on the subject of strikes. It says here "And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do." Is it possible that any legislative sanction was needed to exclude the courts from interfering within so limited a domain?

When Congress was requested to protect labor from unwarranted interference by the courts therein, it improved the opportunity to insert a qualifying term which by essential implication recognizes a jurisdiction heretofore always denied to the courts and contested. Congress says here, in what purports to be a codification of injunction law in labor cases, that the courts must not interfere

with strikers proceeding peacefully, and the idea that they may interfere with strikes that are conducted by means not peaceful is included. I think this conclusion is warranted by the language of section 20 alone without reference to other parts of the act. The result is to confirm to courts exercising equitable jurisdiction powers similar in some respects to those exercised by the chief of police in a city, or more nearly resembling those of a military governor in a district wherein martial law has been declared. But the power which the judge can exercise is much more far reaching than that of either. The policeman must proceed according to existing laws and the military commander according to established rules. But the judge initiates the repressive proceeding by making a law to suit himself, after which he proceeds to apply it to a case already before him, and consummates the procedure by executive action, because he measures the penalty for a violation and enforces it. I do not lose sight of the fact that courts are legitimately vested with all these powers in proper cases, but until this enactment labor insisted with ample legal reason that if in the initiation and conduct of a strike violence was resorted to or a state of disorder created, a case arose to be dealt with only by the police authorities and the law courts.

But so vague and comprehensive a word as "peaceful" ought never to be used in an act of legislation without specifications as to its meaning, and no one could describe the result of even the most intelligent attempt to paint its proper application and limitations. As this provision now stands, and strike so conducted as to disturb the equanimity or shock the nervous systems of any considerable number of persons is liable to be held to be outside the immunity attempted to be given by it; and under present industrial conditions and owing to the magnitude of enterprises, a strike which does not cause considerable local inconveniences and disturbance is hardly worth winning. And there is some truth in the assertion so often heard that there is no such thing as a peaceful strike. Ample judicial precedent can be found for enjoining strikes by employees of public-service corporations on the sole ground of improper motives in instituting them, coupled with considerations of disturbance of social and business conditions.

But collateral to and yet outside the scope of this narrowly restricted limitation upon the jurisdiction—accepting now the theory that it restricts instead of enlarging jurisdiction—lies the vast, practically unlimited law of conspiracy. The Judiciary Committee of the House in reporting the bill explicitly and truthfully stated that the bill if passed would leave the law of conspiracy untouched. When these provisions come before the courts they will attend to the exact legal import of the words used. That is one important function of the courts, and they will hold that the words "in concert" are not synonymous with and have not the same legal import as acting pursuant to a preconcerted plan or common understanding. Persons oftener than otherwise act in concert from a common impulse without an agreement or mutual understanding, as where they rush simultaneously to a place of safety in case of fire or flood or to the rescue of their fellows in distress. But let it not be forgotten that where laborers deliberate and agree among themselves to strike, the courts have in some cases held that that goes beyond merely acting concertedly for the promotion of a lawful object, and have asserted and exercised the power of inquisition as to the legality or illegality of their motives and purposes; and if they disapproved them the case fell within the legal meaning of conspiracy and might be enjoined as such; and it was this domain of jurisdiction which the Judiciary Committee meant to preserve intact, and which it did preserve, as conclusively shown in its report.

It is the wish of the commission that testimony be not loaded up with authorities; I will cite only one case illustrative of my last statement. In Payne Lumber Co. *v.* Neal, a Federal court case, it was held that although a course of conduct by organized labor was termed a "strike" and had the form and all the characteristics of a strike, yet the court could inquire as to the inner motives of the strikers; and upon making such inquisition in that case, the court held that though started and carried on as a strike, it was in fact a boycott. I submit that such a ruling completely upsets the theory and nullifies the doctrine that the unions may strike for any reason satisfactory to themselves or for a variety of reasons, and that in all their deliberations on a question of striking or not striking the judiciary participates at the council board; and a judge having stamped the movement as in fact a conspiracy, to wit, a boycott and not a strike, of course the clause I have quoted from this act does not apply, and the movement would be tested by another provision which I now quote with its

context: "And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from ceasing to patronize any party to such dispute."

A comprehensive discussion of the boycott and of the bearing of this provision upon it would occupy considerable space. I must therefore content myself with a presentation of a few pertinent suggestions, ample at any rate to correct certain erroneous views which have been promulgated concerning its legal effect.

That the boycott is morally wrong no one with my mental attitude on the subject need deny. I had as soon deny that the spirit of the boycott is evil as to defend ingratitude. But does it follow that because a thing is morally wrong it should be enjoined by the courts? As a matter of mere expediency, I would treat the boycott as a sort of safety valve for human passion, safeguarding individuals and to some extent the whole community from greater evils, and from manifestations of malignity more difficult to deal with or endure. In short, I would leave it severely alone. In fact, all but an infinitesimal fraction of the boycotts intertwined with every thread of the social fabric are let alone. An occasional tradesman or manufacturer may be ruined by a boycott, but many more may be ruined in business by the neglect, or aggressive competition, or malignant conduct of others engaged in trade. In no such instance would any court of equity entertain a complaint for injunctive relief, notwithstanding that in many such cases the injury results from combinations of individuals. Every form of social hate or vindictiveness is, in effect, a boycott.

In view of the constitutional guaranties of free speech, a free press, and of the right of free assemblage, I look upon the use by a Federal court of the injunctive process or other remedy against a labor organization not amounting to a conspiracy in restraint of interstate commerce as a denial of rights protected by the Federal Constitution and a stark usurpation of jurisdiction. I except the jurisdiction to enjoin boycott of interstate commerce only because an injunctive remedy is given in the antitrust act without regard to general principles governing equitable jurisdiction; and of course I limit this denunciation to what enters into what is, properly speaking, the boycott itself. I do not deny liability for damages and criminal prosecutions where illegal acts are done in carrying on a boycott; but such liability would not justify an injunction. The boycott itself consists entirely of an interchange of information and opinion which, however erroneous, should not be interfered with by injunction, and the courts can not interfere with them in any other capacity than as high priests of morality. Of course, this contravenes the judicial and prevailing legal view. But should I concede its unsoundness, yet I would not know of any property or property right which, according to legal definition, could ever be injured or menaced by a boycott. On other occasions I have gone into this topic at length and deem it unnecessary to reiterate the arguments.

Returning now to the above-quoted provisions of section 20 of the Clayton Act, I premise that it is based on an understanding that injunctive jurisdiction in boycott cases is well established, and it has been widely, and I dare say, recklessly claimed that this provision lops off the jurisdiction and renders the boycott immune, especially the primary boycott. Various statements have been made to the effect that this provision "legalizes the primary and probably also the secondary boycott." Those who made them have never analyzed the language of the act nor compared its various provisions, nor is it usually necessary that this be done in order to reach the public through the press and to falsely impress and mislead a large number of credulous readers. The statement contains the erroneous absurdity first promulgated in the Phelan case that there is any such thing as a secondary boycott differing substantially from a fanciful primary boycott. Bearing in mind that the illegality of all boycotts is grounded in the general law of conspiracy, which, as the Judiciary Committee correctly said, remains untouched, such statements need be given no further notice. The question before us, however, is as to what this legislation accomplishes, and the immediate question relates to the legal effect of this particular provision.

The first thing to notice is that this clause differs from the preceding in the respect that the right here exempted from injunctive process is unquestionably limited by the provisions of the first paragraph of the section, because the party against whom the effort to deprive of patronage is directed must be a "party to such dispute," and the term "dispute" is not used in any preceding part of this paragraph, though it is used in the first. Hence the exemption is inap-

plicable generally and is to exist only where a dispute has arisen; that is to say, "involving or growing out of a dispute concerning terms or conditions of employment." And no one can be recognized or given status as a party to such dispute unless he holds a relation to another party either of employer or employee or be at the same time seeking employment.

Let us notive the effect of the use in the boycott clause of the words "any party to such dispute" in connection with the use of the same words in the first paragraph. The right to boycott because of such connection is restricted and the exemption narrowed not only to cases in which a dispute has arisen, but to cases in which a dispute has arisen between persons holding the particular relations specified in the first section, and parties holding such relations never boycott each other or strike against each other.

The exact and full effect of this limitation is not very clear, but certainly there remains not even the right of what is termed the primary boycott until a dispute has arisen, nor is any character of boycott exempted from injunctive process unless conducted by "peaceful and lawful means." The use of these qualifying words excludes from the exemption and sanctions and preserves to the courts unrestrained and arbitrary police powers previously mentioned under the strike provision, to be exercised and enforced injunctively. The primary right to withhold patronage and to induce others to withhold it from a party against whom a boycott is immediately directed, and without waiting for a dispute to arise between him and his employees, or between him and persons seeking to enter his employ, fancifully differentiated as a primary boycott, has been heretofore generally conceded by the courts. Only what were differentiated as secondary boycotts were under the ban. That right no longer exists. This clause takes it away. Suppose that deplorable or intolerable conditions existed between a manufacturer of stoves and his employees, but dissatisfaction had not gone so far as a strike or resolution or agreement to strike; in other words, that no dispute in legal sense had been evolved. In that case and until such dispute arises there can not be in the presence of this legistion inaugurated any kind of boycott against that employer.

But a pretense of making an exemption, and only exempting such acts as are done "by peaceful and lawful means" is so farcical and absurd as to insult the commonest intelligence, because an illegal act can not be done by lawful means. This provision, like the others, merely forbids the issuance of an injunction against lawful conduct, and no court ever held, nor any intelligent lawyer ever asserted, that any lawful act could be enjoined.

There are other so-called exemptions in the same paragraph of section 20, to each of which all I have said about the two that I have discussed is equally applicable. But those defending and seeking to capitalize for political purposes the so-called labor provisions of the Clayton Act have called attention to and emphasized two closing clauses of this second paragraph of section 20. One of them, when connected with its context, reads: "And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto." The most general statement that I can make about this clause is that it is totally abortive, so far as I can see. I have given it much thought, turning it this way and that, and it still appears to me wholly meaningless and innocuous. I could not truly say this were it not for the presence here of that constantly recurring word "lawfully." That completely thwarts any such construction as would relieve laborers from the menace of injunction against them otherwise referable to that clause. Its use throws the question back to the domain of judicial decisions heretofore rendered; and it remains for the courts to determine what any person or persons may "lawfully" do "in the absence of such dispute by any party thereto."

I have likewise given considerable thought to the last clause, "nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States." This has been broadly claimed to contain preservative values, but no one has thought it worth while to specify what such values are. Even if it made any change in existing laws, the courts would be very reluctant to give effect to amendments attempted in a form so slovenly and inept. Under the Constitution Congress can not, of course, tell the courts how they shall construe and apply existing laws to a given fact. But I may pass that by. What act "specified in this paragraph" is now violative of any law of the United States? Not one. There is not a line of Federal statutory law applicable to one of them per se. What law there is consists of precedents founded on general principles of jurisprudence

analogous to the common law. Not one of these subjects is mentioned or comprehended in any "law of the United States." I might ask how any act which must be lawful and peaceable could be violative of any law. But the question furnishes its own answer.

Before dismissing section 20 I will give brief attention to its first paragraph preliminary to comments on section 17. It provides in substance that in cases arising between persons holding certain relations, and which involve disputes concerning terms or conditions of employment, no injunction shall be granted by any Federal court or judge "unless to prevent irreparable injury to property or to property right of the party making the application."

This has been proclaimed by politicians as a substantial compliance with the demand by organized labor, persisted in for several years, for the enactment of the Pearre bill, having particular reference to the first section thereof. But only a little attention to the respective wordings of this act and that bill is required to see the fraudulent and makeshift character of this provision when viewed in that light. This provision is substantially a copy of section 1 of the Pearre bill, except that the word "or" is so omitted that the provision is rendered wholly abortive, or thereby completely "queered." The first section of the Pearre bill began thus: "That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and an employee, or between employers, or between employees, or between persons employed to labor and persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment" and so forth. Now the effect of the omission of the word "or" here found before the word "invlving" is apparent at a glance. It eliminates an almost unlimited class of cases covered by the phrase "involving or growing out of" and so forth, and turns the phrase into words of limitation. In fact, nothing worth considering is left. A scrutiny of the language should be convincing to the effect that cases within the description so limited could rarely if ever arise.

But still more important comment relates to the mutual bearing on each other of this provision of section 20 and one found in section 17 of the Clayton Act. Ignoring, however, for the moment, section 17, Congress has here declared that in certain cases an injunctive process shall not issue unless to prevent irreparable injury to property or a property right; if a legislative body enacts that street cars must not stop until they have reached the far side of street crossings on which there is no other street car track, thi obviously permits them to stop on either side or both sides where there are such tracks. And so the natural import of such a prohibition as this part of section 20 is to authorize the issuance of injunctions in all cases not so exempted regardless of any question of property or property right. So it is in order here to ask what cases in which labor may be interested are thus safeguarded. Still bearing in mind the fact that the specific exemptions in the second paragraph are mere drivel or persiflage, as I have already explained, it is difficult to conceive of a case ever arising to which this first paragraph would apply. There is no strike while the relation of employer and employee exists, nor do those in another's employ ever institute a boycott against him. And permit me to inquire if anyone ever heard of employees or persons seeking employment boycotting or striking against each other? Yet the fantastic legislative theory that there might arise some such case serves as a sufficient peg upon which to hang this prohibition, the only real effect of which is to charter, not the liberty that is claimed for it, but infinite mischief to labor's rights and interests.

If any confirmation of this view were needed, we have only to turn to section 17 to find it. This act is an entire body of legislation, and, unquestionably, all the parts must be construed together.

All of section 17 which seems necessary to quote is in these words:

"SEC. 17. That no preliminary injunction shall be issued without notice to the opposite party.

"No temporary restraining order shall be granted without notice to the opposite party unless it shall clearly appear from specific facts shown by affidavit or by verified bill that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon."

The first sentence was inserted either because the constructor of the provision knew little of the subject of injunctions or because he intended to deceive. I prefer the latter construction because of the high degree of cunning displayed in the whole performance. In fact, I think the men who controlled this situation knew exactly the effect which they wished to produce and how to produce

it. This first sentence is completely nullified by what follows it, and is as completely functus officio as if the space it occupies had been left blank. While there is a technical distinction between a preliminary injunction and restraining order, there is none in legal effect.

Either the part of section 20 which I have been discussing or the provision just quoted is alone sufficient to confirm to the courts jurisdiction so arbitrary, absolute, and boundless that not even the most zealous employing interest ever dared insist upon it before a congressional committee or elsewhere. But both together confirm such extraordinary powers beyond peradventure, with a total indifference to the fundamental restriction of injunctive process to the protection of property and property rights, and to the complete discomfiture of labor with respect to its persistent demands.

Section 17, as here quoted, has the form of a regulation in the matter of notice in injunction cases. But care is taken to preserve to the courts the power to restrain and enjoin without notice in every conceivable case where a court was heretofore authorized to issue an injunction or restraining order at all, and in an illimitable class of cases in addition. But this ripper act does not stop at this. There is the essential implication, as much a part of the law as the part that is expressed, which gives the courts the power to enjoin for any cause, or for the accomplishment of any object whatever, for the protection of any personal right or privilege that may be claimed, subject only to the condition that notice be given.

Having a rather intimate knowledge of the situation in and around Congress with reference to efforts to obtain for labor relief from judicial abuses, I dare say that no one was deeply concerned on the subject of notices in such cases. It has been usually conceded by organized labor that where a party was entitled to an injunction at all he was entitled to as speedy protection against the threatened wrong as could be extended by the courts. Labor's grievance concerned judicial transgression of constitutional limitations in entertaining and acting injunctively on complaints which properly should have been taken jurisdiction of only in civil and criminal courts of law. And this legislative pretense or bluff of regulating notices is but another peg upon which Congress has hung augmentations of judicial power.

As the Clayton bill went from the House to the Senate, it contained between the words "to" and "the" where they occur a second time in the part above quoted, the words, "property or a property right of." The provision, though containing these words, was almost as objectionable as after their elimination, because of its other parts. But the Senate pruned out these words and left the provision as above quoted.

This matter of limiting injunctive jurisdiction to the protection of property and property rights is somewhat technical, and it has ever seemed difficult for the lay mind to become interested in its discussion, or realize its importance. But if ever the organized-labor movement should fail or should stop short of substantially improving conditions, it will be attributable to the power exercised by the courts, and thus confirmed by Congress, to check and restrain united and aggressive action. In the committee report on the injunction bill in the Sixty-second Congress, in May, 1912, it was said that the time had come when labor could be trusted with liberty. But it seems that the Sixty-third Congress, in September, 1914, by the Clayton Act, barred the way to liberty.

The importance of the limitation to property and property rights where judicial usurpation in labor cases is being considered can not be overestimated.

However much I would like to further develop this line of thought, I must refrain, owing to limitations of time. But this provision has the same inclusive and exclusive aspect as have those provisions of section 20, already noticed. This provision forbids the issuance of restraining orders and injunctions without notice except where the facts are so and so, thereby leaving power in the hands of the judges to issue them without limit or restriction where the facts are otherwise, provided that they cause notice to be given.

Another of these so-called labor provisions of the act to be noticed is section 6, which has been supposed to exempt labor organizations from the remedial provisions of the antitrust act. As a literary production it is unique, and reads as follows:

"SEC. 6. That the labor of a human being is not a 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 purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such

organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

I want to say, in regard to what Mr. Davenport said to the effect that unions could become incorporated and escape individual liability, that no labor union can incorporate unless they go into business for profit. Take the laws of his own State. They authorize two classes of corporations—corporations for profit and corporations not for profit. The labor unions would come under the latter designation and can not be authorized with capital stock, consequently they can not limit their liability.

Also, as a consequence of going through the form of incorporation, it would give them merely perpetual existence and the right to carry on an organization in a corporate form; but it would have not the slightest effect upon the relations of the members to each other, nor upon their individual relations to the law, nor to judicial remedies.

Mr. DAVENPORT. Well, but, Mr. Spelling——

Chairman WALSH. Just a moment, Mr. Davenport.

Mr. SPELLING. I am perfectly willing——

Chairman WALSH. Just one moment. Just proceed, please, Mr. Spelling.

Mr. SPELLING. On no subject has there been more deception, some of it no doubt deliberate. In other instances ignorance or lack of proper study of the matter was responsible for it. It is my individual belief that no legislation has ever been needed to exempt labor organizations from the provisions, civil or criminal, of the antitrust act, and that even if such legislation were needed this so-called exemption accomplishes no such purpose. As my view may not be immediately and universally accepted—I would be surprised indeed if they were—I will briefly give my views on section 6 and my reasons for entertaining them:

In the first place, we observe that the declaratory or substantive part of the antitrust act, according to recent constructions, is merely an embodiment of common law and, except for the fact that there are no Federal common-law crimes, creates no new legal liabilities. Then we come to the remedial part and observe that it is directed against personal conduct exclusively. It is not a statute affecting the ownership or title or corpus of property, notwithstanding that in its enforcement property rights and interests are often seriously affected. Now I come to the statement of a proposition which might provoke conflict were it not so firmly founded on legal principle. No labor organization has ever violated nor ever can violate the act, as such, and if any court ever held to the contrary it was merely because of the neglect of counsel to call attention to the legal status of such organization, or the neglect of the court by which such status was overlooked. It legally is as impossible for a labor union, as such, and in the pursuit of the objects for which they are organized to violate the antitrust act as it would be for this commission, under the act creating it, to violate it; but, of course, it is conceivable that its members might conspire together to violate it and might misuse or pervert the name of the commission in carrying out an illegal purpose. That would not, however, involve or in any way affect the legal status of the commission or render it liable to a proceeding against it in any form as a defendant. If it were dragged in by parties complaining of such violation it might be dismissed from the record on motion, or by the court of its own volition; or if no such action were taken and its name were continued in the record as a defendant, notwithstanding that the court should render a judgment against it, which is an unreasonable supposition, such judgment would be, so far as concerned the commission, simply null and void and have no legal effect upon it. But, of course, the proceeding would be legal and the judgment valid as against the individual members of the commission, as individuals, but not as commissioners in the suppositious case.

Prosecutions and other proceedings against labor organizations and their officers are of the same legal aspect. Of course, a body of workingmen might frame a constitution or adopt by-laws embodying a scheme of illegality, but such scheme would stamp it as an illegal body and not a labor union in any legal sense. But if we concede that the fact that proceedings against unions by name have been in some instances ignorantly tolerated constitutes sufficient reason for demanding an exempting statute, our next inquiry is as to whether the demand has been responded to substantially or in any degree by the enactment of this section?

The first sentence, declaring that "The labor of a human being is not a commodity or article of commerce," has no logical connection with or bearing upon what follows or upon any other part of this or any other statute. It is a

mere abstraction and truism. No one after examining the definitions of the terms "commodity" and "article of commerce" can find where anybody ever claimed that the "labor of a human being" was within either definition. If the sentence had been so constructed as to exclude as property or a property right the right to do or continue business and the incidental right, often made the basis of equitable protection by employers seeking injunctions, of going into the labor market and hiring labor, as in the Pearre bill, then there would be some basis for the claim that it accomplishes some desirable end; but as meeting any demand for relief that labor has presented to Congress it is utterly vain.

The balance of section 6 covers a topic which has been the subject of endless discussion, both in and out of Congress. But to what I have already said with reference to the relation of labor organizations to the antitrust act I need add but a few words.

Congress here attempts to construe a prior act of Congress which is clearly a function of the courts; but waiving that defect I may inquire as to the net result. I do not deem it necessary to do more than call attention to the effect of one or two words. The language is that the antitrust act shall not be construed "to forbid" the existence and operation of certain organizations, instituted so and so, or to forbid or restrain individual members of such organizations from "lawfully" carrying out the "legitimate" objects thereof. The concluding clause, "Nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws," are merely surplusage. They add nothing to what precedes. But an act of legislation which merely authorizes men or a body of men to "lawfully" carry out their "legitimate" purposes is a waste of words. To what test or standard will the courts resort when, if ever, called upon to apply this language? Obviously they must look to their own prior decisions, and to these alone, in order to learn what purposes are "legitimate" and how such purposes can be "lawfully" attained.

There are in the act provisions on the subject of jury trials in contempt cases, but as they can not be properly designated as labor provisions I shall refrain from any lengthy criticism of them. I will remark, however, that in the vital provision, which is contained in section 24, the whole scheme is thwarted by an exception exactly as wide as the right, rendering nugatory the whole scheme.

The section reads:

"SEC. 24. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice nor to contempts committed in disobedience of any law, writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States; but the same and all other cases of contempt not specifically embraced within section 21 of this act may be punished in conformity to the usages at law and in equity now prevailing."

Without dwelling upon the exception of all cases to which the Government is a party, I call attention to the established law which extends the "presence" of the court to every point in the country which its process can reach; and an act of disobedience in Oregon of an order made in Maine is constructively committed so near the court as to obstruct the administration of justice, and thus an exception to the rule is made just exactly as broad as the rule itself.

Upon a full consideration of the fact and in anticipation of the consequences of its removal of all judicial limitations I do not wonder at the sore discomfiture of those who have striven so long and earnestly for remedial legislation.

Chairman WALSH. Mr. Weinstock has some questions.

Commissioner WEINSTOCK. The situation is not altogether clear to me, Mr. Spelling. You have represented the American Federation of Labor in legislative matters?

Mr. SPELLING. Yes, sir.

Commissioner WEINSTOCK. They take the position that the Clayton Act is the Magna Charta of labor, and yet you seem to agree with Mr. Davenport that it brings no advantages, but, on the contrary, a disadvantage to labor.

Mr. SPELLING. I don't know about such representations; they may have been made by the officers of the A. F. of L. You will have to inquire as to their present state of mind; it may have changed very materially.

Commissioner WEINSTOCK. Then from your point of view labor has gained practically nothing by the Clayton Act, and labor is under a disadvantage greater than it labored under before?

Mr. SPELLING. I may exaggerate a little and put it too strong; but I think they have not only a lemon but dynamite in this act.

Commissioner WEINSTOCK. You are in accord with Mr. Davenport?

Mr. SPELLING. In matters pertaining to this act we don't disagree in any particular, except in regard to a part of section 6. He seems to think it leaves the unions about as they were before. I think it prejudiced them, because of the essential implication which covers a part of the act, and not being exempt, and matters which are not satisfactory in the language of the act. I can not make it any plainer. I think these lawyers know what I mean, and possibly the members of the commission.

Chairman WALSH. That is all, Mr. Spelling; thank you.

We will now stand adjourned until Monday morning at 10 o'clock.

(Thereupon, at 4.30 p. m. Saturday, May 15, 1915, the commission adjourned until the following Monday, May 17, 1915, at 10 a. m.)

WASHINGTON, D. C., *Monday, May 17, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Aishton, Lennon, Weinstock, and Harriman.

Chairman WALSH. We will please be in order.

Mr. Drew.

TESTIMONY OF MR. WALTER DREW.

Chairman WALSH. Will you please state your name?

Mr. DREW. Walter Drew.

Chairman WALSH. Please state your place of residence, Mr. Drew.

Mr. DREW. New York City.

Chairman WALSH. What is your profession?

Mr. DREW. Attorney at law.

Chairman WALSH. Please describe, Mr. Drew, concisely but as exhaustively as the facts warrant, your connection with what might be called industrial affairs as an attorney.

Mr. DREW. You mean a complete history, down to date?

Chairman WALSH. Yes; a complete history of what your profession has been or your connection in general with such matters?

Mr. DREW. Well, my former residence was Grand Rapids, Mich., and there I was a member of the law firm of Crane, Norris & Drew. We had some cases come into the office involving labor matters, and later I disconnected myself from that firm and practiced law by myself. During that time I became the attorney for the Citizens' Alliance of Grand Rapids, Mich., and the Employers' Association of Grand Rapids, Mich., both of which were organized chiefly for the purpose of taking part in industrial matters.

In the spring of 1906 I was asked by the National Association of Manufacturers to go to Washington to make an argument before the Judiciary Committee of the House of Representatives against the antiinjunction measures then being proposed by the American Federation of Labor—that is, the old Pearre bill that you have heard mentioned here. At that time, during that visit in Washington, I came in touch with the gentlemen who later composed the National Erectors' Association.

Chairman WALSH. Briefly, that is what—the National Erectors' Association?

Mr. DREW. An organization composed of people who fabricate and erect structural iron and steel. From that acquaintance I was asked to become counsel for the National Erectors' Association, when it was organized, and I have occupied that position as counsel and executive officer of that association from April, 1906, to the present time, and still occupy it. I was also called in, I think it was in 1907 or 1908, as counsel for the Employers' Association of the City of Washington. At that time there were some industrial troubles here, in the nature of a general strike, largely over the open-shop issue. I have been counsel for different associations at different times. At the present time I am counsel for a group of plate contractors organized under the name of the American Erectors' Association. In connection with the particular work of this commission, I am special counsel for the National Association of Manufacturers, National Founders' Association, the National Metal Trades Association, and the National Council for Industrial Defense.

Chairman WALSH. You became a member of the New York bar at what time?

Mr. DREW. I never have been a member of the New York bar; I never had a case in the New York courts.

Chairman WALSH. Is your time usually devoted now to those classes of cases—this class of work you have mentioned here?

Mr. DREW. I have had a few private matters, Mr. Walsh, which are remnants of my old law practice in Grand Rapids. Aside from that, all my time is taken up with the industrial questions.

Chairman WALSH. You were furnished with a general outline of the industrial matters undertaken by the commission last week, as to the application of the law to industrial matters?

Mr. DREW. Yes.

Chairman WALSH. And I believe you have been kind enough to prepare something in advance?

Mr. DREW. You were kind enough to furnish me the questions early enough so that I have prepared a reply in advance.

Chairman WALSH. All right, you may read it, and we will then ask you any further questions.

Mr. DREW (reading). "Mr. Chairman and gentlemen of the commissioin: The letter of Mr. Manly, the director, requesting me to apepar before your body, asks me to 'be prepared to discuss along broad lines the question of the law and the courts in relation to the development of what is generally known as the labor movement.' The three first specific subjects assigned me are (1) Attitude of the courts in labor cases; (2) attitude of labor toward the law; (3) protection of constitutionally guaranteed rights.

"These three questions are closely related to one another, and all of them are different parts or aspects of the original and general question. A union, legally speaking, is a voluntary, unincorporated association. There have been a few instances in this country where organizations of workmen have incorporated under local State laws. Such cases are rare, and I believe none of the unions affiliated with the American Federation of Labor or with the railroad brotherhoods have incorporated, although there are statutes permitting such incorporation in different States and also a Federal law which permits the incorporation of a trade-union national in scope.

"The first great legal fact in connection with the trade-union, because of its being a voluntary, unincorporated association, is that it is not legally responsible in a suit at law for injuries which it may unlawfully inflict upon others. A great national trade-union may develop the most compact form of organization and government. Its thousands of members and hundreds of locals scattered all over the country may be knit together by the most effective machinery for purposes of promoting the interests and purposes of its membership. It may collect vast sums and gather them into its treasury. This vast power of compact organization, aided by equally vast financial resources, may be used by its properly delegated officers in ways which are, under accepted principles of law, contrary to the rights of other members of society. It is the power of the organization, the money of the organization, the common purpose of the organization as distinct from the individual purposes of its members, and the directing intelligence of the organization which may inflict this unlawful injury upon some third person, and yet the injured person has no action at law against this same organization for the damages he may suffer. He is left, if he so choose, to seek out the hundreds or thousands of individual members of the organization and to begin action against them as individuals. The mere description of such a legal remedy indicates that for practical purposes it is no remedy at all.

"As an example, those contractors and owners whose work was destroyed by the hundred or more dynamite explosions, caused by the Structural Iron Workers' Union, can not recover a dollar in damages from that union. The evidence is full and clear that these explosions were planned by the executive officers of the union, that the moneys to carry them on were voted by the executive board of the union and drawn from the union treasury and expended under the direction of members of the same executive board. Yet that same treasury can not be reached by any known action at law to recover damages for the injury inflicted.

"In the famous Danbury hatters' case, so widely heralded as a new and unprecedented advance in trade-union liability, it seems not to be generally known that the original action was begun against hundreds of the individual members of the hatters' union. The judgment obtained is not against the union, but against individual members thereof, and unless the judgment is paid by the unions in order to protect these individual members, or is paid by Congress, in accordance with the request in that behalf made, it will devolve upon the

plaintiff in the Danbury hatters' case to collect his judgment from these hundreds of individual defendants as best he may; and proceedings for that purpose have been recently instituted.

"While, therefore, the labor organization may develop an immense power for inflicting injury and ruin upon others, it occupies a unique position of possessing absolute legal immunity for the injury thus inflicted. Power without corresponding responsibility—this fact is, in my judgment, the one most important fundamental fact connected with the legal status of the union. What human institution can successfully endure possession of power without responsibility? What more dangerous millstone to be hung about the neck of a labor organization in its upward climb to its proper place in society and in industry? In recent history, what one thing has retarded the growth and development of trade-unionism along right and proper lines so much as the reckless and lawless conduct of those who have achieved its leadership, and why is not the possession of immense power without corresponding responsibility the direct cause of reckless leadership?

"Much has been said about the obsolete doctrines of the common law in their relation to the labor movement, and also about the failure of our courts to keep pace with the progressive development of modern social and industrial thought. Yet what principle of our industrial law can be considered as so unfitted to our present industrial system, so obsolete from every standpoint of social and industrial ethics at the present time, as this same ancient rule that a voluntary association, no matter what its power or its resources or its aims and purposes, or its actual invasion of the rights of the rest of society, shall be permitted to do what injury it pleases, lawfully or unlawfully, without any legal responsibility? In the old days the principles of the law of conspiracy were so strict and so rigidly enforced that any combination for trade purposes of either masters or workmen was held illegal and even criminal. No necessity, therefore, existed for the possession by third parties of any right of action against industrial associations. Now, with the old common law of conspiracy so modified as to permit the widest latitude in combination, and with the great increase in the power of industrial organizations, with consequent greater ability to inflict injury, distinctly new conditions have come about and a need has been created on the part of the rest of society for protection which did not before exist in such character or degree.

"The establishment of the trade-union upon a proper basis of legal responsibility is a simple matter. It could be accomplished either by incorporation of the union through its own initiative under the Federal or State acts permitting such incorporation, or it could be accomplished by the passage of laws permitting actions for damages for either tort or breach of contract to be brought against trade organizations in their own names, and making any judgment secured collectible out of the funds of the association. In a few States statutes permitting voluntary associations to sue and be sued in the association name have been enacted, but it is very questionable if under such statutes any action is possible except against an association domiciled in a particular State. Whether a national organization extending over many States could be held under such a local statute is exceedingly doubtful, and it is interesting to note that the headquarters of different national unions are located in States where no such statutes exist."

Chairman WALSH. Does that apply to all unions; are their headquarters generally in States where no such statutes exist?

Mr. DREW. I have not investigated that, but I know a great many of them are. [Reading:] "So far as present statute law is concerned, therefore, it remains the general fact that trade-unions are practically immune from civil responsibility in this country."

Right here I want to say that some question has been raised as to the application of the eighth section of the Sherman Antitrust Act. The eighth section of that act says that the term "person" as named in the act shall be held to include associations existing under or by the authority of any State or Federal law. And some of my good legal friends think that an action could be maintained against a labor union in its own name as an association under this Sherman Act; but no known cases of that kind have been brought or have been decided, so that it still remains true that the trade-unions are practically immune from civil responsibility. [Reading:]

"The other course open for placing the union upon the plane of legal responsibility—that of voluntary incorporation—does not seem from the attitude of the leaders of organized labor to be in any near prospect of accomplishment.

This fact of legal irresponsibility, which seems to be so little understood by the general public, is evidently keenly appreciated and understood by the union leaders, who have no intention of relinquishing its obvious advantages. The suggestion that the unions incorporate has been made at different times and indorsed by friends of organized labor. In this connection I refer to and offer in evidence the able article by Mr. Louis Brandeis entitled 'The incorporation of trades-unions,' in which he advocates union incorporation as a benefit to the unions. The article is published in Mr. Brandeis's book, Business a Profession.

"Of such suggestions, Mr. Gompers, in his report as president to the convention of the American Federation of Labor in November, 1904, says: 'We still frequently hear the proposition urged for the incorporation of trade-unions, the evident purpose of many advocates being honorable and sympathetic, notwithstanding how unwise and injurious the results would unquestionably be to labor. Others, again, who advocate and insist upon the incorporation of the trade-unions know full well the purpose they have in view and the schemes they could then hatch to harass organized labor still more with suits at law, regardless of the flimsiness of the cause or the pretext for civil suits. They would not only divert our attention from the effort at economic improvement to a defense against every species of civil suits brought by our opponents against any officer of organized labor, but they would make every effort 'under the forms of law' to mulct our unions in damages for supposed injurious results from trade-union action.

"Mr. Gompers then points out that the chief argument for union incorporation is that it would bring about equality of responsibility between the union and the employers in cases of breach of contract, and he insists that such a claim has no foundation, because, as a matter of fact, employers, in spite of their many violations of trade agreements, have not been held in damages for such violations. In the hearing before this commission at New York Mr. Gompers reaffirmed his opposition to any incorporation of the unions, his reason there being that legal responsibility on the part of the union would be made use of by the employer to harass and to oppress with unfounded suits.

"Such reasons for preserving a condition of legal irresponsibility are, of course, no reasons at all. Equally well might it be said that no action for damages should exist against any of us because, forsooth, our enemies may subject us to unwarranted litigation. Neither is it true that the chief reason for trade-union responsibility is to secure equality with the employer in the making of contracts. That, of course, is one reason, and a most important one, and it would seem that no one more than the unions themselves should be interested in taking every step possible to put organized labor in the position of being able to make a business contract to which there should be two responsible contracting parties and the basis of which should be mutual interest, mutual respect, and mutual responsibility. Such condition would do more than any other one thing I can think of to extend collective bargaining and to place it upon a stable and firm foundation.

"But aside from all questions of contract, why, in all fairness, should not a labor organization be responsible in damages to others whose rights it unlawfully invades? It has been suggested during the hearing of this commission that civil responsibility on the part of unions would interfere with their democratic development, the inference being that the working out of the democratic principle in a trade-union is too important to be jeopardized by any such harsh principle as legal responsibility to the other members of society. The application of such a principle to an industrial organization, the basic essentials of which should be economic and not political, is scarcely deserving discussion; yet even from the standpoint and in the spirit such suggestion is advanced it falls before the first commonplace observation. Our cities are organized and administered on a democratic basis. In them society at large is working out the experiment of democracy, yet for that reason no immunity is granted the city from liability on its bonds or its contracts; and if a city unlawfully infringes your rights or mine, we can maintain an action at law and recover damages therefor. Why, then, should not a labor organization, which is organized for the primary purpose of promoting the interests of its members as opposed to the interests of other classes of society, be legally responsible for its conduct, and is not such absence of responsibility one of the most retarding influences in the growth and development of the union toward its true and proper place as a permanent industrial institution?

"In passing from the remedies, or lack of remedies, afforded by courts of law in connection with trade-union activity to the remedies afforded by courts

of equity, it may be well to consider for a moment such of the aims and purposes of the present-day union as most frequently bring it into conflict with the rest of society. That the individual by himself or in combination with others should use every legitimate effort to increase the rewards for his service is recognized as just and proper. The advantages of combination of workers for this general purpose are obvious. Under the early statutes and common-law rules affecting combinations, whether of masters or men, there was little that the guild or labor union could lawfully do, except to assist its members to develop skill and craftsmanship. The use of the power of combination for any purpose of changing conditions of labor was in that early day unlawful and even criminal.

"But these old restrictions upon the right to act in combination have long passed. In this country the right of workmen to act in combination in matters affecting conditions of labor was recognized by our courts long before such rights were admitted in England. As early as 1842 Mr. Chief Justice Shaw, of Massachusetts, in a leading case of Commonwealth *v.* Hunt (4 Metcalf, 111), held that it was neither illegal nor criminal for a union of workmen to bind themselves under their by-laws not to work for any person who should employ nonmembers of the union after he had been given notice to discharge such nonmembers. In reference to the by-law, he says: 'It is simply an averment of an agreement amongst themselves not to work for any person who should employ any person not a member of a certain association. It sets forth no illegal or criminal purpose to be accomplished, nor any illegal or criminal means to be adopted for the accomplishment of any purpose. It was an agreement as to the manner in which they would exercise an acknowledged right to contract with others for their labor.'

"This same principle of law was announced in almost exactly the same terms in the case of Coppage *v.* Kansas, of which you have heard here.

"This was in 1842, and this interpretation of the rights of unions at common law has been a leading case in American jurisprudence since that time. In England, however, in 1858, in the case of Hilton *v.* Eckersley (88 E. C. L., 47) the agreement of a manufacturers' association that each member would abide by the will of the majority as to whether he should carry on or suspend the work in his establishment was held to be unlawful and the bond to enforce such agreement was held void. Justice Crompton said: 'I am of the opinion that the bond is void as against public policy. I think that combinations like that disclosed in the pleadings in this case were illegal and indictable at common law as tending directly to impede and interfere with the free course of trade and manufacture. Combinations of this nature, whether on the part of the workmen to increase or of the masters to lower wages were equally illegal.'

"In the later English case of Hornby *v.* Close (2 Q. B., 153), decided in 1867, a trade-union was held an illegal combination with no standing in court, even to sue one of its own members for unlawfully withholding its moneys."

Chairman WALSH. What is the date of that?

Mr. DREW. 1867. [Continues reading:] "Chief Justice Cockburn said: 'Here we find the very purposes of the existence of the society not merely those of a friendly society, but to carry out the objects of a trades-union. Under that term may be included every combination by which men bind themselves not to work except under certain conditions, and to support one another in the event of being thrown out of employment in carrying out the views of the majority. I am very far from saying that the members of a trades-union constituted for such purposes would bring themselves within the criminal law; but the rules of such a society would certainly operate in restraint of trade, and would, therefore, in that sense be unlawful.'

"The right to organize, in England, for offensive and defensive purposes and to strike was later conferred by acts of Parliament in the trade-union act of 1871, as amended by the later acts of 1875 and 1906. The right to act in combination in industrial matters is, therefore, seen to have been recognized by our courts without the compulsion of any statute long before such right was obtained in England by acts of Parliament, and it is also clear that the restrictive principles of the law of conspiracy as affecting industrial combinations applied as well to combinations of masters as to combinations of workmen. Now, no legal restriction or disability attends the acts of industrial combinations that does not affect the acts of any other kind of combinations.

"This increased freedom of action has resulted not only in greater extension of trade-unionism, but also in a radical change in its policies and methods. Now, the power of the combination, rather than the merit or skill of the indi-

vidual, is relied upon to secure the advancement of the interest of the members. Everywhere emphasis is laid upon the development of the power of the union as an aggressive and militant institution. The individual is taught to rely upon the strong arm of his organization. The law of supply and demand as a determining factor in wages is recognized, but in much different fashion. The union policy now is not to increase the quality of the service and so increase the demand, but by use of the power of combination to limit the supply.

"Here, then, is the genesis of the closed-shop idea—the arbitrary control of the law of supply and demand, through a monopoly of the supply secured and maintained by the strong arm of combination. So important in the minds of the union leaders is the establishment of the artificial monopoly known as the closed shop, that it has become its one most vital and important principle. The chief, primary aim of all the great national unions affiliated with the American Federation of Labor is the establishment of the closed shop, and the question of the closed shop is the one question that these unions will refuse to arbitrate or to have brought in issue. A closed shop, wherever it can be obtained, is the one fundamental prerequisite to collective bargaining with these unions. Many of the most costly and bitter strikes of recent years have been waged for the chief purpose of compelling the acceptance of the closed shop, and many great industries of this country to-day are either partially or wholly under closed-shop control. And the closed shop as a purpose leads naturally to force as a method, for it is an artificial, not a natural, monopoly of labor, and rests upon the ability of the union to check the free working of the law of supply and demand.

"The strike—that is, the organized refusal of men to work—is the universal and natural weapon of the union. In its simplest form it is not an appeal to force, but to the law of supply and demand. If the labor market does not contain a supply of suitable labor outside the ranks of the strikers, which the employer can secure on the desired terms, then he must do what he can toward coming to an agreement with the strikers. To the strike in its simple form, the modern union with its ideal of closed-shop monopoly, its militant spirit, and its tremendous increase in power and wealth, has added a greater and increasing use of the power of the combination in different forms of force and coercion.

"Force is brought to bear upon the outside supply of labor through the intimidation and violence of the picket line to keep it from filling the places of those on strike. Sympathetic strikes are called by other unions against the employer or against those with whom he has business relations. Through the boycott, pressure to the point of ruin is brought to bear against those who sell the employer his material, or who handle or buy his product, or who deal with him in any way, in order to compel them to cease all business relations with him until he accedes to the demand of the combination.

"And let it not be supposed that the attack of the union upon others always grows out of the effort to secure from the employers better terms and conditions for its members. The closed shop in operation develops naturally into the conspiracy between the closed-shop union on the one hand, and a combination of employers upon the other, whereby they work together to prevent outside competition in the particular locality or industry, to fix such wages and prices as they choose, and to assess the cost of their common monopoly upon the general public. Many such combinations exist in this country. Certain trades in some of our great cities are absolutely controlled by them. Their power rests upon the closed shop of the union which is in a position to prevent any outsider who attempts to break into the prohibited field from securing labor to fulfill his contracts or to produce or handle his product. To perfect and maintain such combinations, many bitter labor wars have been carried on and the rights of innocent third parties ignored and invaded. The conspiracy itself, when perfected, is, of course, a legal and moral wrong as against the rest of society."

I would like to quote from the pamphlet issued in the Johns Hopkins University Study on History and Political Science, by Dr. Frank B. Stockton, at page 61, where he speaks of these combinations as "exclusive agreements," which he calls "An agreement under which a union does not allow its members to work for any employer who is not a member of the employers' association with which the agreement is made." That is what I call the combination between the closed-shop unions and the employers' organization. At page 174, Dr. Stockton says:

"Neither employers nor unions have much to say concerning the advantages of exclusive agreements. This is explained by the fact that such agreements

are generally condemned as being in restraint of trade, and therefore against public policy. Employers who are parties to them obtain a great advantage over competitors in localities where the unions are strong, since they secure virtually a monopoly of labor supplied. Consequently the employer outside of the association is nearly always desirous to enter. He complains of the losses that come from having to employ nonunion men, and is eager to hire union men exclusively. But while the closed shop, under such conditions may be an advantage to those employers with whom unions agree to deal exclusively, the public interests suffer, inasmuch as competition is effectively stifled."

Again, in the wars over questions of jurisdiction, the unions violate every legal and moral obligation to innocent outsiders. The closed-shop union controlling all the labor in its own trade, but desiring to increase its power and monopoly, arbitrarily extends its jurisdiction to cover work claimed by some other union. New tools and new methods may develop new classes of work, which may be claimed by several different unions in jurisdictional quarrels. Each of the contending unions is usually supported by allies among the other unions, with the result that the work of the owner or contractor is completely tied up by strike and counterstrike on the part of the warring unions, and over questions in which the employer has no control and in the settlement of which he has no voice.

The following extracts are quoted from the report of Mr. Gompers, president of the American Federation of Labor, to its convention in 1902:

"Beyond doubt the greatest problem, the danger, which above all others most threatens not only the success but the very existence of the American Federation of Labor is the question of jurisdiction. Unless our affiliated national and international unions radically and soon change their course, we shall at no distant day be in the midst of an internecine contest unparalleled in any era of the industrial world, aye, not even when workmen of different trades were arrayed against each other behind barricades in the streets over the question of trade against trade. They mutually regarded each other with hatred and treated each others as mortal enemies.

"There is scarcely an affiliated organization which is not engaged in a dispute with another organization (and in some cases with several organizations) upon the question of jurisdiction. It is not an uncommon occurrence for an organization, and several have done so quite recently, to so change their laws and claims to jurisdiction as to cover trades never contemplated by the organization's officers or members; never comprehended by their title; trades of which there is already in existence a national union. And this without a word of advice, counsel, or warning.

"I submit that it is untenable and intolerable for an organization to attempt to ride roughshod over and trample under foot the rights and jurisdiction of a trade, the jurisdiction of which is already covered by an existing organization. This contention for jurisdiction has grown into such proportions and is fought with such intensity as to arouse the most bitter feuds and trade wars. In many instances employers fairly inclined toward organized labor have been made innocently to suffer from causes entirely beyond their control."

Mr. Gompers said all that.

Mr. Commissioner Lennon said in his report, as treasurer, to the federation convention in 1903: "One question in particular has been forced strikingly upon my attention during the past year in connection with our trade-union movement. The subject is the one involving jurisdiction of different organizations and the claims made by different unions for jurisdiction over the same people. To me the danger to our movement lies in the divisions existing in the trade-unions themselves, and those divisions are very largely over the question of jurisdiction."

[Continues reading:] "Dr. Nathaniel Whitney, of Johns Hopkins University, has published a pamphlet entitled 'Jurisdiction in American Building Trades-Unions.' The following is quoted: 'In spite of the exhortations of President Gompers and the warnings of the executive council, disputes continued to arise with unabated frequency. In 1908, during the 11 days in which the convention of the federation was in session, there were 19 cases of jurisdictional disputes under consideration. To each of these disputes there were at least two parties. This makes the number of unions involved at least 38, and when one further thinks of the number of members in these 38 unions some idea will be afforded of the extent to which the labor world is disrupted and agitated by such disputes. In addition, it should be kept in mind that the jurisdiction disputes considered by the convention or by the executive council

of the American Federation of Labor do not represent more than a fractional part of such difficulties, for only those disputes which have attained the dignity of national importance—that is, of being discussed by the national officials of the two contending unions—are considered by federation. Besides these there are almost countless controversies over jurisdiction. Each national union has from a dozen to several hundred local unions under its authority; each one of these thousands of subordinate unions is likely at some time to have its trade infringed upon by a branch of another national union, and these disputes may be and frequently are settled locally, and so do not become an issue between the national unions. Moreover, there are many jurisdictional disputes between branches of the same national union which are settled without recourse to the American Federation of Labor.'

"Said the secretary of the bricklayers' union in 1910: 'Our disputes with the operative plasterers' union during the past year have taken thousands of dollars out of our international treasury for the purpose of protecting our interests. The loss in wages to our own members has amounted to at least $300,000. The losses to our employers have been up in the thousands also. In several instances the writ of injunction has been brought into play for the purpose of restraining unions involved in trade disputes, and unless the unions provide some means of eliminating jurisdictional warfare it is only a question of time when the legislatures of our country will be called upon to pass laws that will penalize labor unionists who indulge in such struggles.'

"Secretary Duffy, of the Brotherhood of Carpenters, said, in 1911: 'It is a shame when we have good friendly owners, builders, and architects, who are willing to place in their contracts a provision that union labor only must be employed, and when the building is only half completed have the workers go out and strike. The public does not understand it, and it seems nobody understands it but ourselves.'

"Speaking of an agreement over jurisdictional matters between the bricklayers and plasterers, the editor of the Bricklayers and Masons' Journal, November, 1906, said: 'The agreement removes from the trade-union movement a jurisdictional dispute that has involved the building industry for over 30 years, and which has not only been a source of great loss to the journeymen financially, but has caused most vexatious delays in building operations, and consequent financial loss to employers and to the building public, the latter being innocent parties to the trouble and perfectly helpless in providing a remedy for its correction.'

"Prof. Commons, in a study of the New York building industry, has this to say: 'Building construction was continually interrupted, not on account of lockouts, low wages, or even employment of nonunion men, but on account of fights between the unions. The friendly employer who hired only union men, along with the unfriendly employer, was used as a club to hit the opposing union.'

"In 1911, in the city of Chicago, the grim prophecy of President Gompers was actually fulfilled in the bitter jurisdictional wars fought by rival unions in that city, in which paid thugs and gunmen turned the streets of Chicago into a condition of anarchy, and in which, as a mere incident from the union standpoint, millions of dollars of construction work remained idle, with a resultant loss to owners, contractors, and the business interests of the city beyond possibility of measurement.

"It remains to say that in spite of the efforts of union leaders jurisdictional disputes have increased rather than diminished. Twenty-two disputes, involving great international unions with their thousands of locals, came before the executive committee of the American Federation of Labor in 1914, as against the 19 mentioned by Dr. Whitney in 1908. Perhaps it is not too much to say that the chief concern of the labor leader in this matter has been over the danger to the organization itself, rather than the injury and damage done to others. However this may be, it remains true that these wars among the unions, in the carrying on of which every obligation to outside parties is ignored and violated, have increased with the increase in the extension and power of the closed shop. It is the desire of the particular union to increase its spoils under the closed shop, which furnishes the reason for the dispute, and it is the power of the union under the closed shop which enables it to thus ignore the rights of the rest of society with so little fear of reprisal or punishment."

I quote again from Dr. Stockton's pamphlet.

Chairman WALSH. I won't ask you to do it now, but have you some of Dr. Stockton's conclusions drawn?

Mr. DREW. They are here, and I will submit the whole pamphlet in evidence, if you wish.

Chairman WALSH. I have not read them; I tried to quickly, and could not do it and listen to you at the same time, but at the end please epitomize them, but not now.

Mr. DREW (continues reading). "Dr. Stockton says: 'More than the closed shop is involved—employers in wasteful jurisdictional disputes in which they have no concern. Where there are no closed shops such disputes would be robbed of all their bitterness.'

"The closed shop, when established, also leads to arbitrary and reckless conduct on the part of labor leaders, and disregard for the rights of others.

"I quote from a pamphlet in the same Johns Hopkins University series, Dr. F. E. Wolfe, entitled 'Admission to American Trades Unions,' on page 173: 'When a trade-union by a thorough organization obtains complete control of the workmen within its jurisdiction, its position may become dangerously powerful. Such a union would be enabled, through the enforcement of the closed shop and prohibitive requirements for admission, to restrict the freedom of labor and capital in the industry. The wisdom of intrusting such great power to unregulated private associations is questioned because of the liability of its abuse by short-sighted leaders.'

"If the necessity for some protection on the part of the rest of society against the aggression of powerful industrial combinations pursuing these militant practices and policies has been made clear, and if the courts of law afford no adequate remedy, we come to the point of inquiry as to what courts and what rules of law furnish any such protection. Such courts we find to be the courts of equity, and the principles of law in which are found the limits and restrictions upon the conduct of men acting in combination are found to have their basis in the common law of conspiracy.

"It is the primary function of a court of equity to take cognizance of cases in which there is no adequate remedy in a court of law. The court of equity looks forward rather than backward. When unlawful injury is threatened, for which, if inflicted, the injured party would have no remedy at law which would compensate him properly, the court of equity will interfere by its writ of injunction to prevent the infliction of that injury. Another most vital distinction between law and equity practice is that the court of equity deals with the individual rather than his property. Its decrees are in the form of mandates directed to the individual persons and directing them to do or to refrain from doing certain specific things; while the judgment of a court of law on the other hand calls for the payment of money and is enforced by levy upon property. It is the natural and proper function, therefore, of the court of equity, in accordance with the purpose of its creation, to interpose its protecting arm between men who combine to unlawfully injure others and those who are threatened with such injury. No new function or authority needed to be claimed by the court for this purpose.

"It is also clear that a greater and increasing use on the part of courts of equity of this power of protection would indicate, not the development of any new functions, but rather the increase in the need for such protection. Still further is it clear that the entire power and authority of courts of equity rest upon their ability to secure obedience from the persons to whom their decrees are directed. If such obedience can not be secured or enforced, the decrees of a court of equity become so much waste paper, and its power and jurisdiction are meaningless terms.

"The law of conspiracy, by which the acts of combinations are limited, is exceedingly simple. A conspiracy is a combination having an unlawful purpose or using unlawful means. A combination whose purposes or conduct comes within either branch of this definition comes under the ban of the law. Outside of this simple formula there is practically no limit to what men in combination may do.

"So far as the methods or means employed are concerned, any conduct on the part of a combination which would be unlawful for an individual would likewise be unlawful for the combination, even though it were pursuing a lawful and even laudable purpose. In general, also, it may be said that what would be an unlawful purpose on the part of an individual would likewise be an unlawful purpose on the part of a combination. The law, however, goes

further than this and makes unlawful on the part of combinations purposes which would not be unlawful on the part of an individual, and it may be noted that herein lies the basis of all the objections of organized labor to the law as it affects its activities.

"In the eye of the law a combination is a separate and distinct thing from the individual. It has purposes that are not those of any one individual but the common purposes of the combination. Its individual members in carrying out the common purpose do not act on their individual judgment and initiative, but in accordance with a common plan—the plan of the combination. The combination has much greater power than is represented even by the sum total of the powers of the individuals that compose it. For instance, the 11 members of a football team, each acting individually and all filled with the common purpose of advancing the ball, would not accomplish much, but when they act together as a trained football team, obeying certain signals and following certain formations, they gain irresistible power. And this simple rule applies equally well to industrial combinations or to any other group of men acting together for a common purpose.

"This immense increase of power which comes with combined action brings with it greater responsibilities and in law is the basis of the principle that men may not do in combination all the things they may do as individuals.

"Said the Anthracite Coal Strike Commission in its report: 'Combinations are more than mere aggregations of the rights and powers of the individuals composing them. They become new and powerful entities and factors for good or ill.'

"Said Mr. Chief Justice Harlan, in the case of Arthur *v.* Oakes: 'An intent on the part of a single person to injure the rights of others or of the public is not in itself a wrong of which the law will take cognizance, unless some injurious act be done in the execution of the unlawful intent. But a combination of two or more persons with such an intent and under circumstances that give them when so combined a power to do an injury they would not possess as individuals acting jointly has always been recognized as in itself wrongful and illegal.'

"It follows naturally from the fact that the action of men in combination is in accordance with the plan and purpose of the combination that their conduct as individuals becomes colored and impressed with the character of the common purpose. If the purpose of the combination be unlawful, the action of the individuals in carrying out that purpose becomes unlawful, even though ordinarily the things each one may do, if done for an individual purpose, would be innocent. Much fallacy of reasoning comes from the refusal to recognize this principle. It is a common defense on the part of a combination, when called to account, to point to the single, isolated acts of its individual members and to say, 'These things are lawful.' It is the familiar complaint of organized labor that the writ of injunction is used to deprive workmen of the right of free speech, free press, and other constitutionally guaranteed rights. They complain that men are prohibited from walking the streets, from accosting others, and from doing other ordinarily legal and innocent acts. All such claims in actions against combinations are, of course, based on the refusal to recognize the principle we have noted, namely, that what a man does in carrying out the plan and purpose of a combination is judged by the character of that plan and purpose. The effort, of course, is to free men acting in combination from the responsibility that comes with combined as distinct from individual action.

"Of such an argument Mr. Justice Holmes, in the case of Aiken *v.* Wisconsin (195 U. S., 194), said: 'No conduct has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot; and if it is a step in a plot, neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law.'

"In the famous Danbury Hatters' case Mr. Justice Holmes said of this same argument urged in defense of a national boycott: 'It is suggested that the several acts charged are lawful and that intent can make no difference, but they are bound together as parts of a single plan. The plan may make the parts unlawful.'

"Such an argument was likewise urged in the Northern Securities case—the case of a combination of capital rather than of labor. The Northern Securities Co. was lawfully organized under the laws of New Jersey. It began the purchase of stock in the Great Northern and Northern Pacific Railway Cos., buying the stock in the open market and in accordance with all the forms of law. In

proceedings begun under the Sherman Act this company, the Northern Securities Co., was dissolved by injunction. The injunction prohibited the company from acquiring any more stock in the Great Northern and Northern Pacific Cos. and from voting the stock it already owned in those companies. It prohibited the Great Northern and the Northern Pacific Cos. from paying any dividends on their stock held by the Northern Securities Co.; but, as stated by counsel, each one of these things prohibited by the injunction was in itself absolutely innocent and lawful, and for that reason counsel urged that the combination was lawful and that such acts could not be enjoined.

"Said Mr. Justice Harlan: 'If there was a combination or conspiracy in violation of the act of Congress between the stockholders of the Great Northern and the Northern Pacific Co., whereby the Northern Securities Co. was formed as a holding corporation, and whereby interstate commerce over the lines of the constituent companies was retstrained, it must follow that the court, in execution of that act, and to defeat the efforts to evade it, could prohibit the parties to the combination from doing the specific things which, being done, would affect the result denounced by the act. To say that the court could not go so far is to say that it is powerless to enforce the act or to suppress the illegal combination.'

"Said Mr. Justice Brewer: 'The prohibition of such a combination is not at all inconsistent with the right of an individual to purchase stock. The transfer of the stock to the Securities Co. was a mere incident, the manner in which the combination to destroy competition and thus unlawfully restrain trade was carried out.'

"It is thus clear that the acts of an individual in carrying out the unlawful purposes of a combination can not be judged as standing alone, but must be considered in relation to the common plan and must become colored with the purpose of the combination. It is likewise clear that this principle of law has not been called into being for the special purpose of restricting or oppressing combinations of labor in their activities, but that it applies equally to all combinations, whether of workmen or capitalists. The mere statement of the rule in the strong and clear terms above quoted should be sufficient to answer any questions as to its propriety, its fairness, and its absolute necessity.

"In further consideration of the standard applied by law to the purposes of combinations we come to the distinction drawn by the courts between the combination and the individual so far as the lawfulness of purpose is concerned. As a general rule, the purpose of an individual does not affect the legal quality of his act. He may inflict malicious injury upon others without incurring any legal liability so long as he carefully stays upon his own side of the legal fence. The greater power of the combination for injury and evil over that possessed by the individual is the basis for a distinction between them, and it is a fundamental principle that malice on the part of a combination constitutes an unlawful purpose, and that a combination inflicting malicious injury upon others is unlawful and a conspiracy. The conduct of a combination which results in damage to others must have some proper motive, some legal excuse or justification, else it is deemed malicious and unlawful.

"Said Mr. Justice Holmes, as a member of the Massachusetts Supreme Court, in the case of Vegelahn v. Gunther: 'I agree, whatever may be the law in the case of a single defendant, that when a plaintiff proves that several persons have combined and conspired to injure his business, and have done acts producing that effect, he shows temporal damage and a cause of action, unless the facts disclose or the defendants prove some ground of excuse or justification. And I take it to be settled, and rightfully settled, that doing that damage by combined persuasion is actionable, as well as doing it by falsehood or by force.'

"In other words, Mr. Justice Holmes holds that a combination using even the innocent methods of persuasion may be unlawful, if its conduct is without some legal excuse or justification."

And I might say at this point that Mr. Gregory, in his testimony the other day, rather ignored this particular principle in speaking of the boycott. Of course, "boycott" is just a name or a descriptive term. If the boycott is a combination to injure in a particular case, then it comes within this principle of the law that has been so clearly set forth—if it is a combination to injure. If the boycott in some other case is not a combination to injure, the mere fact of its being a boycott would not make it illegal. [Continues reading:] "On the same point Mr. Judge Taft, in the famous"——

Commissioner O'CONNELL. Have you something in mind where a boycott would not injure anyone?

Mr. DREW. I do not think, Mr. O'Connell, that simply withdrawing patronage, although it is clearly a boycott, is unlawfully a boycott. I think I have a right not to trade with anyone. I think all the people in this room could have some cause of grievances against a storekeeper and agree not to trade with him; and I do not think there would be the slightest legal wrong.

Commissioner O'CONNELL. Would it not have a tendency to injure the storekeeper?

Mr. DREW. Of course. Lots of things all of us do every day in pursuance of our personal aims injure others, though they do not give rise to causes of action. [Reading:]

"On the same point Mr. Judge Taft, in the famous Toledo and Ann Arbor case, said: 'Ordinarily when such a combination of persons does not use violence, actual or threatened, to accomplish their purpose, it is difficult to point out with clearness the illegal means or end which makes the combination an unlawful conspiracy, for it is generally lawful for the combiners to withdraw their intercourse and its benefits from any person'"—

That covers the point you just raised, Mr. O'Connell. [Continues reading:]

"'for it is generally lawful for the combiners to withdraw their intercourse and its benefits from any person, and to announce their intention of doing so; and it is generally lawful for the others, of their own motion, to do that which the combiners seek to compel them to do. Such combinations are said to be unlawful conspiracies, though the acts in themselves and considered singly are innocent when the acts are done with malice, i. e., with the intention to injure another without lawful excuse.'

"What constitutes lawful excuse or justification for the infliction of injury by a combination of men? The courts, under different phraseology, have one general answer, and that is legitimate self-interest. So long as the acts of a combination are prompted by a desire to secure benefits for its members and not merely to injure others, they are held lawful, even though incidentally such acts may cause great injury to others. When, however, the infliction of injury is a direct and primary purpose, such purpose is held in the law to be malicious and the conduct of the combination to be unlawful. To afford justification there must be a reasonable connection between the means adopted and the benefits to result. A remote or intangible benefit sought for the combination will not justify the infliction of great and immediate injury upon others.

"The boycott is the chief weapon of modern unionism and also characteristic generally of its spirit and methods. The discussion of the boycott as a mere withdrawal of patronage is idle and academic. When that is the extent of the boycott in any particular case, the patronage is simply withdrawn and nothing more is heard about it. From such simple procedure the modern boycott has been developed into a very different thing. Said Judge Taft, in an early case (1893): 'The boycott is a combination of many to cause a loss to one person by coercing others against their will to withdraw from him their beneficial business intercourse from threats that unless those others do so the many will cause serious loss to them.'

"Said the Anthracite Coal Strike Commission in its report: 'What is popularly known as the boycott (a word of evil omen and unhappy origin) is a form of coercion by which a combination of many persons seeks to work their will upon a single person or upon a few persons by compelling others to abstain from social or beneficial business intercourse with such person or persons. Carried to the extent sometimes practiced in aid of a strike, and as was in some instances practiced in connection with the late antharcite strike, it is a cruel weapon of aggression, and its use immoral and antisocial.'

"It is clear, then, that the boycott is a war measure; that its plain and avowed purpose is to injure and destroy.

"From the standpoint of purpose what is its excuse or justification? A number of defenses in this connection have been urged. I am speaking of legal defenses and not economic. It has been said that the business competition between the union and the employer was sufficient to justify the boycott as a competitive measure. It has also been urged that a larger competition between labor and capital in general existed, each striving for a greater share of the product of industry; that between them there is a natural conflict of interest; and that the union, in promoting the interests of its members in this larger class competition, is justified in using such weapons as the boycott. It is said that by the use of the boycott the union gains greater power and instills fear and respect for itself in the community, so that it is put in a position where it can better assert and maintain its demands for its own

members as against the interests of the rest of society. Since, therefore, the ultimate purpose is to benefit the union, the injury inflicted by the boycott is claimed to be justified.

"Said Judge Taft of this claim, in the case of Moore *v.* the Bricklayers' Union of this point: 'The right of the plaintiffs to sell their material was not one which, in its exercise, brought them into legitimate conflict with the rights of the defendants to dispose of their labor as they chose. The conflict was brought about by the effort of defendants to use plaintiffs' right of trade to injure Parker Bros., and upon failure of this, to use plaintiffs' customers' rights of trade to injure plaintitffs. Such effort can not be in the bona fide exercise of trade, is without just cause, and is therefore malicious. The immediate motive of defendants here was to show to the building world what punishment and disaster necessarily followed a defiance of their demands. The remote motive of wishing to better their condition by the power so acquired will not, as we think we have shown, make any legal justification for defendants' acts. We are of the opinion that even if acts of this character and with the intent shown in this case are not actionable when done by individuals, they become so when they are the result of combination, because it is clear that the terrorizing of a community by threats of exclusive dealing in order to deprive one obnoxious member of means of sustenance will become both dangerous and oppressive.'

"Said the Anthracite Coal Strike Commission, in its report: 'It was attempted to defend the boycott by calling the contest between employers and employees a war between capital and labor and pursuing the analogies of the word, to justify thereby the cruelty and illegality of conduct on the part of those conducting a strike. The analogy is not apt, and the argument founded upon it is fallacious. There is only one war-making power recognized by our institutions, and that is the Government of the United States and of the States in subordination thereto when repelling invasion or suppressing domestic violence. War between citizens is not to be tolerated, and can not, in the proper sense, exist. If attempted, it is unlawful, and is to be put down by the sovereign power of the State and Nation. The practices which we are condemning would be outside the pale of civilized war. In civilized warfare women and children and the defenseless are safe from attack, and a code of honor controls the parties to such warfare which cries out against the boycott we have in view. "Cruel" and "cowardly" are terms not too severe by which to characterize it.'

"In accordance with the broad principles noted, courts of equity have interposed the protection of the writ of injunction against the boycott and its twin, the sympathetic strike, and also against the organized intimidation and violence of the picket line and other familiar forms of coercion common to union warfare when used in particular cases for unjustified attack upon others. With the growth in the power of the militant union and with the increasing use of these war measures has naturally come a greater need for the exercise of this power of protection. There has come also a determined and systematic effort on the part of closed-shop unionism to break down this protective power of the courts of equity.

"This effort has taken two general forms: An attack upon the courts of equity and a political campaign to secure by statute immunity of labor combinations from the operation of the principles of the law of conspiracy. The attack upon the courts has been bitter and personal, alleging discrimination, partisanship, venality, and usurpation of legislative authority. The obvious design of the attack is to arouse general contempt and distrust for the dignity and authority of courts of equity, and it has been accompanied not only by every form of vituperation and abuse, but by open defiance.

"Said Mr. Spelling, then general counsel of the American Federation of Labor, speaking before the House Judiciary Committee of Congress, upon an anti-injunction measure urged by the federation: 'Now, I might recount to you at great length the abuses of Federal courts in the matter of sending forth what may be properly called special legislation—that is, they usurp the legislative power and make an ex post facto law and crush and destroy one side in a labor dispute. They turn over the judicial power that the Constitution and Congress has given for other purposes. They turn that over to one side in a trade dispute where vital and far-reaching interests are involved, and that side employs it as an unfair, a crushing, and overwhelming advantage against what, despite its numbers, is the weaker adversary.'

"Said Mr. John Mitchell, at an annual meeting of the National Civil Federation: 'It has been the proud boast of the people of our country, at least that no

citizen might be deprived of his liberty except upon the verdict of a jury of his peers. As the result of the indiscriminate issuance of injunctions, this feeling of security has lately been dissipated, and the American workmen now feel that their security has been jeopardized. * * * I wish to say for myself, and I yield to no one living in loyalty to this country, that if a judge were to enjoin me from doing something that I had a legal, a constitutional, and a moral right to do, that I would violate the injunction. I shall, as one American, preserve my liberty and the liberties of my people, even against the usurpation of the Federal judiciary, and in doing this I shall feel that I am best serving the interests of my country.'

"Said Mr. Mitchell in his book called 'Organized Labor,' published in 1903: 'Moreover, when an injunction, whether temporary or permanent, forbids the doing of a thing which is lawful, I believe that it is the duty of all patriotic and law-abiding citizens to resist, or at least to disregard the injunction. It is better that half the workingmen of the country remain constantly in jail than that trial by jury and other inalienable and essential rights of the citizens of the United States be abridged, impaired, or nullified by injunctions of the courts.'

"Mr. Mitchell says practically the same thing in his book on organized labor.

"Mr. Samuel Gompers, president of the American Federation of Labor, in connection with the injunction sought in the Buck's Stove & Range case, in a Labor Day speech at the Jamestown Exposition, said: 'An injunction is now being sought from the Supreme Court of the District of Columbia against myself and my colleagues of the executive council of the American Federation of Labor. It seeks to enjoin us from doing perfectly lawful acts; to deprive us of our lawful and constitutional rights. So far as I am concerned, let me say that never have I, nor never will I, violate a law. I desire to be clearly understood, that when any court undertakes, without warrant of law, by the injunction process, to deprive me of my personal rights and my personal liberty guaranteed by the Constitution, I shall have no hesitancy in asserting and exercising those rights.'

"This personal defiance, issued even before there had been any action of the court, was repeated by Mr. Gompers in a public interview, in which he said: 'When it comes to a choice between the surrender of my rights as a free American citizen and violating the injunctions of the courts, I do not hesitate to say that I shall exercise my right as between the two.'

"After the injunction was issued, Mr. Gompers, writing officially as president of the Federationist, the official organ of the American Federation of Labor, said as to the rights of laboring men: 'They have a lawful right to do as they wish, all the Van Cleaves, all the injunctions, all the fool or vicious opponents to the contrary notwithstanding. * * * Until a law is passed making it compulsory upon labor men to buy Van Cleave's stoves we need not buy them, we won't buy them, and we will persuade other fair-minded, sympathetic friends to cooperate with us, and leave the blamed things alone. Go to —— with your injunctions!'".

This sounds a great deal like the statement of Mr. Anton Johannsen, organizer for the unions affiliated with the American Federation of Labor, made upon the stand here a few days ago. In fact, you can not distinguish between the two. Mr. Johannsen frankly stated that if he was enjoined from doing what he thought he had a legal right to do, he would violate the injunction.

As far as Mr. Johannsen is concerned, I consider the chief significance of what he had to say lies in the fact that he spoke as representative of organized labor, occupying an official position with the unions affiliated with the American Federation of Labor, and sent out by their authority as their official spokesman, speaking to different bodies of workmen in this country, as an organizer affiliated with the American Federation of Labor, and part of his official duties is to organize other unions into the unions affiliated with the American Federation of Labor. In other words, Mr. Johannsen spoke as the official spokesman of the American Federattion of Labor.

Commissioner O'CONNELL. Before this commission?

Mr. DREW. Yes, sir.

Commissioner O'CONNELL. Sent here to do so?

Mr. DREW. I suppose he was subpœnaed, but at the present time he is an organizer for unions affiliated with the American Federation of Labor. Do you want to repudiate that?

Chairman WALSH. You must not ask questions of the commissioners.

Mr. DREW. Then I will withdraw that question.

Chairman WALSH. I will say here that Mr. Johannsen was subpœnaed as a witness, covering the general phase that you are subpœnaed on. You are a member of the American Bar Association, and we do not ask you to speak for them. We don't want any false impression created here.

Mr. DREW (continues reading). "The character and tendency of these utterances of these leaders of organized labor require no comment in a community which rests upon a democratic government and in which the rights and liberties of each of us are vouchsafed to us only by the correlative observance of the rights and liberties of others. Such a community, of course, can not continue to exist as a democracy when one group of its members can successfully defy the rules and obligations common to all. It may be observed, however, that when such a group has reached a position of such power that its spokesmen and leaders feel able to defy and refuse obedience to the courts charged with the common defense of our rights and liberties, there is indicated not a diminished but an increased need on the part of the rest of us for protection. It is to be also observed that these men are the responsible leaders and teachers of millions of organized workmen, that their defiance and abuse of our courts has been systematically continued for years, and that if the 'attitude of labor toward the law' is at the moment charged with hostility, distrust, and contempt, there is no need to seek further afield for the reason therefor.

"The entrance of the American Federation of Labor into politics had for its chief cause this desire to break down and remove the protection of the rest of society against the acts of industrial combinations. The unions, of course, have asked for sanitary laws, child-labor laws, and other measures in the category of social and remedial legislation, but no measure of this kind was important enough to bring about a concerted labor movement in politics. The desire, however, to free labor combinations from any restrictions upon the unlimited use of their power was considered vital and important enough to warrant the systematic development of the political power of organized labor in city, State, and Nation.

"The changes asked have taken many different forms, but all of them upon analysis disclose the one fundamental purpose of freeing labor combinations from the operation of legal rules and principles by which the conduct of other men in combination is measured. The chief effort has been to destroy or cripple the use of the writ of injunction in labor cases. The demand for jury trial in cases of contempt of court has this underlying purpose, for if a court of equity may not punish for disobedience of its decrees except after jury trial, its whole power and authority is made dependent upon the action of a jury, and 1 juryman out of 12 would be in a position to nullify the decree of the court. The demand that in labor cases any conduct on the part of combination shall not be unlawful unless the same conduct on the part of an iddividual would be unlawful, is readily seen in the light of our previous discussion to destroy the foundation principle of the law of conspiracy.

"The Sherman Act, of which so much has been heard, added the attempt to restrain interstate commerce to the things it was unlawful for a combination of men to do, and it is this provision which brought the union into conflict with this law. The Sherman Act gave no injunctive remedy to the employer against the union; it gave him no action at law against the union itself. Under it, however, such damages as he could recover against the individual members of the union for injury suffered through its violation were trebled. The effort to take labor combinations from under the operation of the Sherman Act is a natural part of the plan to secure their immunity from all the legal rules which apply to other men.

"The many legislative proposals designed to secure privilege and immunity for labor combinations need not be further gone into. The recent Clayton law seems of doubtful meaning, although it was supposed and intended to realize to some extent the demands of organized labor. Should it prove disappointing, we are already advised that a more determined campaign than ever will be carried on to secure laws which will accomplish the ends sought.

"One legislative victory, however, has been gained of clear and unequivocal import, namely, the provision in the sundry civil appropriation bill that none of the moneys appropriated shall be used in the prosecution of labor and farmer unions. This victory was the greater inasmuch as such a provision in previous measures called forth the exercise of the power of veto by President Taft and a statement by President Wilson condemning the provision in principle. Such provision is significant in that it defines unmistakably the poltical purpose of

organized labor to be the securing of special legal immunity and a license to do things which other men can not lawfully do. It is significant also as an acceptance by our national administration of the principle of arbitrary class legislation.

"And it is important to remember in any discussion of this demand for special legal immunity that those who make it speak in behalf not only of such unions as may be orderly in conduct and wise in leadership—and which, by the way, have no need for license to do what other men may not do—but they speak also in behalf of such organizations as the Structural Iron Workers' Union, which retains its national officers in power even after their conviction of the greatest criminal conspiracy of the age, and in whose different locals at the present time may be found thugs and ex-convicts as duly elected officers. They speak in behalf of those unions which waged civil war in the streets of Chicago without regard to the rights of others, and in behalf of that final conspiracy between the closed-shop union and the employers' organization against the rights and interest of the general public. The Structural Iron Workers' Union, the unions chiefly engaged in jurisdictional warfare, and the unions generally to be found as parties to these combinations with employers, are members of the American Federation of Labor, and the representatives of that organization in demanding this legislation speak not only in behalf of these unions but in behalf of an extension of their power to do the things they are doing.

"What guaranties are offered that such legal immunity and special privilege will be well and wisely used? The recent history of the activities of the militant closed-shop union under the present status of the law affords no comfort on this score. Mr. Gompers has testified before this commission that the American Federation of Labor has no power of control over its affiliated unions. We have noted the inability of the federation to adjust or control jurisdictional wars. Mr. Gompers's own great personal influence has been brought to bear in many such cases without results. Even the power of expulsion from the federation is not used in cases where unions exceed all rules of legal conduct, for after the conviction of the executive board of the ironworkers' union, Mr. Gompers announced that that union would be retained as a member of the federation and would be sustained and strengthened. Forgetting some of the unwise utterances of the national labor leaders who seek this legislation and granting them possessed of wisdom and prudence and respect for law, still under the loose character of the organization of the federation, and with its lack of control over affiliated unions an accepted fact, what is the conclusion? Simply that reckless and lawless organizations, under reckless and lawless leaders, will, through the legislation demanded, be given greatly increased ability to use the immense power of their combinations for purposes of oppression, selfish ambition, civil war, and plunder of the public. Should not increased rather than diminished legal responsibility be sought by the labor leader who is really wise and far-seeing?

"The first of the special topics assigned to me under the general heading is 'The attitude of the courts in labor cases.' It has been placed at this point in discussion because all that has been said on the other topics seems logically to be preliminary to its proper consideration. The principle and remedies which apply to labor combinations and their conduct and the functions of the courts in their administration are found to be precisely the same with respect to combinations of labor as to combinations of other classes of men. In the administration of the law, it is the fundamental duty of the court to look with impartial eye upon the litigants before it. It has, properly speaking, no attitude, for the very term 'attitude' implies discrimination. It is a tribute to the success of the organized attack upon our courts which we have noted that such a phrase as 'attitude of the courts in labor cases' could have been formed, or such a topic be considered of enough seriousness to warrant its being embodied in the official program of this commission.

"The charge that our courts have unfairly and in a partisan manner administered the laws of the country in labor cases rests only upon the constant statement and restatement of those whose effort is to avoid the equal enforcement of law. Such statements have been challenged time and time again in the halls of Congress and elsewhere, and never has anything in the nature of substantial evidence been offered to sustain them. To enter upon a defense of our courts against such reckless, vague, and unsubstantiated charges is belittling to the courts themselves. That the thousands of our judges, Federal and State, scattered over this country from one end to the other, unknown to one another personally, should by some hidden and occult process arrive at a

mutual understanding and purpose to discriminate against organized labor in the administration of law is a self-evident absurdity, and yet the great bulk of our decisions, both National and State, show a general uniformity in the interpretation and application of the principles of the law of conspiracy as applied to all combinations, whether of labor or of capital. The fearless enforcement of law and the denial of special and unequal consideration to labor combinations as compared with other combinations constitutes the 'attitude of the courts,' which is the real basis of complaint.

"A brief study of that much-used union term 'unfair' will be illuminating in this connection. Any person or company or political party or legislative body which refuses to grant any demand of organized labor is called 'unfair,' no matter what the nature or character of the demand. My first experience with this phase of unionism was as counsel for an undertaker who refused the demand of the teamsters' union to cease from patronizing a certain team owner, who, by the way, happened to be a widow. In order to compel the undertaker to cease from securing carriages from the widow for his funerals he was subjected to a bitter boycott and his funerals were stoned and in some instances stopped by union pickets. The local president of the teamsters' union assured me that the undertaker had been put upon the 'unfair list,' and that the war against him would continue until he ceased to deal with the objectionable widow. So, also, the storekeepers who furnished provisions to families who were under the ban of the union in the coal fields during the anthracite strike were placed upon the unfair list of the union and themselves subjected to a boycott described by the coal strike commission as 'antisocial, cruel, and cowardly.' In the city of San Francisco, the bricklayers' union has a rule providing that contractors shall pay into the union treasury one-half of 1 per cent of the contract price of work where brick is used. The contractor who refuses payment becomes unfair and subjected to all the coercion of strikes and boycotts until the payment is made. I have in mind the case of a man who was expelled from one of the great national unions because his wife unknowingly took in as boarders some open-shop workmen. His miserable and abject letter to the national executive board of the union asking for reinstatement on the ground that he could not get employment and was in desperate circumstances was rejected. The man was 'unfair' to organized labor.

"The legislator who refuses to pledge himself in advance of election to the legislative program of organized labor is unfair; the alderman or supervisor who refuses to assist in the giving of all public work to establishments favored by the union is unfair. The word 'unfair' in union parlance has gained a new meaning. The closed-shop union knows no neutrals. It classes as unfair and as enemies all who refuse unquestioning obedience to its demands without regard to how vicious, unreasonable, unsocial, or uneconomic those demands may be. If a business man having no dealings or dispute with organized labor becomes unfair because he will not at its demand engage in a boycott of some one who has come under its ban, and if a public officer or legislator becomes unfair when he will not violate his oath of office by administering that office in the special interest of organized labor, it can readily be seen what is the real meaning of the charge of unfairness as applied to our courts. It is obvious that a fearless court in labor cases would almost inevitably be called unfair, for the even holding of the scales of justice is 'unfair' in the opinion of litigants who cherish such views and conceptions.

"In the discussion thus far civil courts and civil remedies have been the only ones considered, but much that has been said as to the attitude of organized labor toward the rest of society and toward the law finds equal application in the administration of the criminal laws in cases growing out of labor matters. Here, also, in cases of convictions for crimes committed in the interests of organized labor we find the same charges of unfairness against the prosecuting officers and the courts. The fact that the trials of such cases are always jury trials and that one of the insistent objections by organized labor to courts of equity has been the lack of jury trial seems to make no difference. A result unsatisfactory to organized labor in any court appears to be all that is necessary to bring forth the claim of discrimination, unfairness, and persecution.

"It is natural that the minor courts and local police and prosecuting officials should be more or less sensitive to this attitude of organized labor, especially in view of its political activities. Such local officials and courts, generally with short tenure of office and desiring reelection, would, even with the best of intentions, be careful not to incur the displeasure of a strongly organized po-

litical group of the community. When such local officials, however, are not governed by the best of intentions, as sometimes happens, cases may be found of an actual breakdown in the administration of the criminal law, so far as cases involving labor matters are concerned. A union business agent, writing in to the national headquarters of his union during a period of strenuous picketing on the part of the union, says: 'Some of our members had been arrested once or twice for a little skirmish, which we succeeded in getting them out of. * * * The police court judge said, "For God's sake, don't come around again with the bunch, or I will have to do something," but at the same time he is in our favor.'

"A member of the national executive board of one of the national unions affiliated with the American Federation of Labor writes to a brother member as follows: 'I met this Miller on the street last night and had some words with him, which brought it to blows, and I hit him, knocked him down, and his head hit a post. I was arrested and charged with assault and battery.'

"In a later letter he says: 'I have hired a couple of witnesses to testify that Miller struck me first. Trusting I will be able to get out of it without a jail sentence, and with kind personal regards,' and so forth. He again writes: 'I arrived here this morning and went to court. A friend of mine had already seen the judge in the case, and the judge told my friend to have me plead guilty to simple assault and he would defer the sentence until Monday, as this Miller and Wilson leave here Saturday, and they won't know what the judge sentences me. It is all fixed so I will not receive a jail sentence.' And finally he writes: 'I was sentenced yesterday for the sum of $25 or 30 days. This was the best my friend could do in the case. I had very near the whole city hall behind me, as this Wilson was certainly trying to get me the limit. Miller had a silver plate put in his head. I don't think he will scab for a while.'

"Cases, too, may be cited where the regular strong-arm men of certain unions, in spite of criminal records and after a long series of assaults, have been let off on conviction by local magistrates with either a suspended sentence or a small fine. After the arrest of the McNamaras at Indianapolis there fell into the hands of the local State prosecuting attorney a mass of documentary and other evidence involving the other national officers of the union, as well as being of great importance in the trial of the McNamara cases at Los Angeles."

I would like to state to the commission at this point that that evidence was found in a vault of the ironworkers' union in the basement of the American Life Building, which vault was opened under search warrant primarily issued for the purpose of searching for dynamite. It was not seized from the officers, but taken under due process of law upon search warrant. That is in answer to a statement Mr. Johannsen made. [Continues reading:]

"This State prosecutor, however, not only neglected and refused to take any action toward the prosecution in the State courts of the parties involved, but successfully opposed the request of the Los Angeles court that important evidence be turned over to that court for use in the McNamara trials. He even went so far as to announce publicly that the letters and records of the iron workers' union would be returned, and only the intervention of the Federal court prevented this disposition of this mass of criminal evidence which later formed the basis of the Federal prosecution and trials. This prosecutor's 'fairness' to organized labor resulted in his return to office at the next election. In cities where the closed-shop union is powerful, the frequent breakdown of criminal law in labor cases is notorious and of common knowledge. It is part of the accepted industrial conditions of the locality, for the inability to punish lawlessness committed in labor disturbances becomes a fact of serious importance in the consideration of labor questions, and so is properly termed 'an industrial condition.'

"If the basic elements and influences in the general question of the relation of organized labor to our laws, civil and criminal, have been made at all clear, little more need be said in the discussion of the next subject assigned to me; that is, 'Protection of life and property during industrial disputes.' That life and property will be endangered either by organized effort or by the individual acts of men in the heat and frenzy of industrial conflict goes without saying. That it is the primary duty of Government to preserve the peace under such conditions, without respect to any other or further consideration, also goes without saying. That local officials charged with that duty under the influences we have noted will often evade or willfully refuse its performance is also clear.

"Said a business agent, writing to the officers of his national union: 'There are 9 scabs working and 21 deputies watching them all the time, sworn in by the marshal. * * * Sheriff Carey * * * refused to give them any support, and told them he was a card man himself (which he is). I was up to see him to-day and he told me to tell the fellows if they got into any trouble to have their buttons on and he'd pinch the other fellow.'

"Aside from the influence of political pressure and fear, there are a surprising number of policemen, sheriffs, and even chiefs of police in this country who are members of unions and who have a direct personal sympathy in such cases. It is fair to state, however, that there are chiefs of police holding union cards who have been fair and fearless in the enforcement of law and order in troubles growing out of labor disputes.

"When the employer in time of labor trouble is unable to secure adequate protection from the regular authorities, it becomes not only a necessity but a duty for him to take such measures as may be at hand for such protection. Such necessary course is to be deeply regretted, but the responsibility for it rests solely upon those who fail in the performance of their duties as public officers. The employer in such cases must rely upon such hired mercenaries as he can find in the market for such men, and with the greatest of care there may become included among these hired agents vicious and even criminal types of men. The successful opposition of organized labor to such State bodies as the Pennsylvania State Constabulary and to the State Militia generally, and to the use of the police authorities of our cities for protection in time of labor trouble, will, of course, directly tend to increase the evils which have grown out of the hiring of the armed guard by the employer.

"The attitude of the plumbers used is shown by this quotation from Mr. Wolfe's pamphlet, at page 147: 'Since 1903 the plumbers have forbidden any members to enlist in any military organization under penalty of expulsion.'

"The whole interest of the employer lies in the maintenance of peace and not in the provoking of violence. So far as he can, he will put men in charge of his property upon whose character and discretion he can rely."

That is a matter of common sense. Perhaps you will remember that Mr. Johannsen said that a man who would hire a gunman, or criminal type of man, for the purpose of inciting violence or doing any other criminal act, was a "chump," as he expressed it; in other words, he was foolish to put himself in the power of such an individual. [Continues reading:]

"From every point of view, the logic of the situation as well as the history of actual fact must acquit the employer for the chief responsibility for such unfortunate results as come in some cases from the use of private guards.

"The last of the special topics assigned me is 'State and Federal action in labor disputes.' I shall not attempt to go extensively into the wide field opened up by this question, but will confine myself to one or two matters which have come within the range of my personal experience and observation. The action or nonaction of the State authorities at Indianapolis in the dynamite cases, so-called, has already been mentioned. It must be said of the Department of Justice at Washington that at different times and under different administrations it has also shown exceeding reluctance to institute action against labor combinations charged with the violation of Federal law. In the writer's personal experience several requests for the institution of such action, based upon evidence which later proved sufficient to secure decrees in actions instituted by private litigants, have been refused. Likewise a formal request to the Department of Justice, made long before the arrest of the McNamara brothers, and asking that the investigating machinery of the Government be employed to secure evidence for the prosecution of the criminal conspiracy against the companies whose work was being constantly dynamited, was refused, although even at that time there was ample evidence that the activities of the officers of the ironworkers' union were such as to make that organization an unlawful combination under the Sherman Act. In all fairness, however, it must be added that the Department of Justice under Mr. Wickersham, although at first reluctant to take action in the dynamite cases on the ground that State action in those cases had already been instituted, still when convinced by the evidence produced that Federal crimes had been committed and further convinced that the action of no single State, even if undertaken and prosecuted in good faith, would be able to deal effectively with all the ramifications of a great national conspiracy, moved promptly and effectively. From that time there can be nothing but the highest praise for the thorough, able, and unpartisan action of the

Government authorities in these cases, both under Mr. Wickersham's direction and under the direction of his successors in office.

"The action of another arm of the Government—the Department of Labor—in the case of a recent strike of the boiler makers' union in Oklahoma, hardly measures up to this standard. A group of companies engaged in the erection of oil and gas tanks were conducting their work under a closed-shop agreement with the boiler makers' union. In the Oklahoma field the question of work was such that the union could not supply sufficient workmen. Recognizing the value of its closed-shop monopoly, it refused to admit new members to the union, but instead adopted a permit system by which permits to work were issued to nonunion men on condition that the man receiving such permit should pay 10 per cent of his wages into the union treasury, and payment of this 10 per cent was enforced by the simple method of compelling the contractor to deduct it from the wages of the permit men and to turn it over to the union. This tax did not even secure the permit man in his job, for if a union man at any time became out of work, the rules of the union provided that a permit man must be discharged to make a place for him. In other sections, also, the individual members of this group of contractors were subjected to strikes and all sorts of high-handed and arbitrary conduct on the part of the union agents, in violation of the trade agreement. As a result of all this a number of these contractors allied themselves together and formed the American Erectors' Association, and placed their work in the Oklahoma field and elsewhere upon an open-shop basis, making no change in wages or hours or other conditions, but simply refusing to acquiesce longer in the closed-shop control of the union. The permit men were employed direct and paid their full wages, without any 10 per cent deduction, and there were so many of them that the work of the contractors was well manned from the beginning. The union called a strike, resorting to picketing and violence, and when in a few weeks it was apparent that the strike was a failure, recourse was had to the Department of Labor.

"Mr. John Moffitt, former president of the hatters' union, as the representative of Secretary Wilson, met with the members of the American Erectors' Association at Pittsburgh on March 9, 1915. He stated that as a representative of the Department of Labor he had investigated the situation and found that the charge of the contractors of breach of contract, the unfair action of the union agents, and the maintenance of the vicious permit system were all correct. He said that the union itself had admitted these things. The remedy which, as a representative of the Department of Labor, he suggested to the contractors for this condition of affairs, was that instead of individual agreements between the contractors and the union, the American Erectors' Association should enter into a closed-shop agreement with the union, involving, of course, the placing of the union back in the same position of power and control as it previously occupied and involving also the discharge of such of the employees of the contractors as could not or would not secure membership in the union.

"No question of wages or hours was involved in this matter; no grievances presented for adjustment. The only question at issue was whether the contractors should renew their closed-shop agreement with the boiler makers' union after that union had admittedly made a most unfair and vicious use of such an agreement and had shown disregard of it by frequent violations. I believe it to be a fair subject of inquiry on the part of this commission whether it is a proper function of the Department of Labor to exert its power and its influence in the assistance of trade unions to secure closed-shop contracts, especially under such circumstances. The permit men who, under the open shop, were relieved of the extortion of 10 per cent of their earnings for the benefit of the union, were eager and willing to go to work directly for the employer. What moral, or legal, or economic justification is there for the interposition of any of the machinery of a democratic government to prevent their doing this? Are not they, as well as the members of the unions, entitled to the protection of every department of the Government? Should not the Department of Labor in the proper exercise of its functions seek out such instances as this in behalf of men oppressed by such vicious misuse of union power and relieve them therefrom, rather than to take the part of the oppressors when relief has been obtained by force of other circumstances? This case has been cited because there is and can be no dispute as to the facts, and it is to be regretted that it is typical of the general conduct of the Department of Labor in its attitude in labor controversies."

Commissioner O'CONNELL. May I have that last page, please?

Mr. DREW. I have a stenographic report of Mr. Moffitt's remarks to the American Erectors' Association, if you wish it offered in evidence.

(The matter referred to above will be found among the exhibits at the end of this subject as Drew Exhibit No. 1.)

[Continues reading:] "In conclusion and with special reference to the demand of organized labor that it shall be the beneficiary of special legislation exempting its conduct from the limitations of legal rules which apply to the actions of other men, may I briefly refer to the attitude of organized labor toward unorganized labor? This question becomes material because underlying all other justifications urged by organized labor for special consideration is its more or less tangible claim that it is charged with the divine mission of uplifting the laboring class as a whole, whether within or without its ranks, and that in what it does it is endeavoring to realize the high ideals involved in the performance of this mission. It is the credit extended to this claim by the public which secures for organized labor a large measure of sympathy for its efforts and pardon for its mistakes and offenses. It is the spirit of our age that large social and ethical considerations shall overrule oftentimes the strict application of legal limitations and restrictions.

"But aside from all rhetoric, all pretentions, and all romantic conceptions, what is the real and actual attitude of the closed-shop union man to the outsider?"

Let us call Mr. Johannsen as a witness. He was at least frank and without hypocrisy. He said that the attitude of organized labor was uncompromisingly hostile and bitter toward unorganized labor. [Continues reading:]

"We have also noted the attitude of the boiler makers' union in Oklahoma to be that of plain, every-day plunder. Not only might the nonunion man work only by the payment of a tax to the union, but he might not work at all if some union man wanted the job. There is much evidence before this commission showing a similar use of the permit system in other trades and other localities. More than this, the closed-shop union not only prevents the nonunion man from working at his trade, but through its limitation of apprentices it prevents him from learning the trade at all in the first instance, thus practically sentencing him for life to the ranks of common, unskilled, unorganized, and unorganizable labor.

"These things the union man does, but one final fact is necessary to crown his attitude toward his brother workers. He reserves the right to compete with the outsider in the field of common labor, while denying the outsider the like right to compete with him in his trade.

"If the closed-shop man finds himself out of work in his trade for any reason, does he, in return for the prohibition he has placed against the outsider, consider himself morally bound to wait until he can secure work at his own trade? Not at all. He promptly takes other work where he can get it and thereby enters into competition with the common laborer. Here, then, we have the worker who is really exploited—the common laborer. Every one of us is his potential competitor, for if the lawyer, or the doctor, or the merchant fail in his particular calling, he finds the ranks of common labor always open to him. In turn, however, we find all avenues of progress to higher callings open to the common laborer except those barred by the closed-shop union. It remained for organized labor, asserting the guardianship and protection of the common laborer as a reason for special privilege and license, to be the one institution in modern society which closes the door to its progress and at the same time retains for itself the right to remain in active competition with him in his own field.

"Let us look at these questions sanely without pretense or hypocrisy. Workers have a right to organize for their selfish interests just as any other group of society has such right. They have the right to push those selfish interests as against the interests of the rest of society, but by legitimate and lawful means. It is no reason for condemnation of a union that it seeks the advancement of its members as against the interest of outside workers. In considering, however, the application of principles of law to organized labor let it be frankly admitted that combinations of labor, combinations of capital and business, and industrial combinations generally are actuated fundamentally by self-interest and may be expected always to do the things dictated by self-interest even though that self-interest may conflict with the interest of other classes of society. Labor combinations, with the great power and wealth they have achieved and under clever and able leaders, have no need and no justification in the pursuit of their special and selfish aims and purposes for a special privilege or dispensation not accorded to other combinations of men."

Chairman WALSH. Commissioner O'Connell has some questions he would like to ask you.

Commissioner O'CONNELL. If you had to say, Mr. Drew, whether organized labor in its present capacity, with all the faults that you have alleged against it, with all its weaknesses and ramifications, would you have it wiped out of existence?

Mr. DREW. Not at all, Mr. O'Connell; I think that would be a very foolish thing to do. You may plant a tree out in your back yard, and because of its location or the lack of proper training it may grow to be crooked. That don't mean that you have got to tear the tree up and throw it away.

Commissioner O'CONNELL. I take it that the general thought you have given to bring your mind to its general criticism of organized labor that you must have given some thought as to what organized labor might be and how it should conduct itself and how it should be organized. I am sure this commission would and I would be intensely interested to have your opinion, because of the specialty you apparently have made of one side of the question, as to whether you have given thought to the other side.

Mr. DREW. Mr. O'Connell, I am a firm believer in the organization of workers. I am a firm believer in collective bargaining. I think that nothing more effective could be done in the direction of realizing both of those things than to get the union movement of to-day back to bedrock—a sound economic foundation; to think a little more of the plowshare and perhaps a little less of the sword. There isn't any fair argument against a laboring man using this power, even in militant methods, using your people when they are organized with all the discipline of soldiers in war. But the trouble with that is that you develop class consciousness, according to my mind, along the line of organization; you emphasize the strong arm of the organization so much that the man forgets his own duties and responsibilities and strength as a productive factor in industry.

Now, I have read through the different trade magazines of the country, including the Federationist, and I do not find a word from cover to cover advising the workingmen to increase their efficiency or capacity or to cooperate with the employer in securing as great an output as possible for the common result of his capital and their labor.

Commissioner O'CONNELL. Probably the laborer believes there are now enough engaged in that work——

Mr. DREW (interrupting). Well, I don't know; labor is the one great essential to production; and if the laborer limits production or takes a stand that limits production there is just that much less in the pot for him to fight for a share of.

Commissioner O'CONNELL. I understand you to say, Mr. Drew, that you are a firm believer in organization, and with that in the right of bargaining?

Mr. DREW. No sane, sensible person nowadays objects to those conceptions.

Commissioner O'CONNELL. And you agree that we can not have collective bargaining without organization?

Mr. DREW. Exactly; exactly. Therefore, I think it is a greater pity that the ability of organized labor to realize its proper functions as a party to collective agreements should be so handicapped by a lot of these things that they do.

Commissioner O'CONNELL. Well, first, how are we going to have organization with the opposition of employers, who employ the workmen, against organization? How, then, can we have collective bargaining?

Mr. DREW. Mr. O'Connell, if you will go through the great national industries of to-day that are upon the open-shop basis, you will find that they were once upon a closed-shop basis. Organized labor has collective agreements; had collective agreements with our people; they had collective agreements with the metal trades and founders. They developed the strength to secure them and to have them in actual operation. Why have they lost them? I think that is a very pertinent inquiry. Why are industries that were once closed shop to-day open shop?

Commissioner O'CONNELL. I think the answer is that employers have combined for the purpose of declaring for what they called the open shop.

Mr. DREW. But why did they do that if the agreement with oragnized labor was desirable, was right, was good for the industry, brought about an increase of output, brought about peace in the trade? There were no questions of competition among these men, because the great mass of employers in these industries were parties to those agreements, so that each manufacturer was competing on the same basis with others. Why did they get together to throw off the control of the closed shop? I can tell you why they did it with the structural-iron workers.

Commissioner O'CONNELL. I think you were with us in Los Angeles during our hearing?

Mr. DREW. Yes, sir.

Commissioner O'CONNELL. And heard the witnesses of the manufacturers of that city who came before our commission?

Mr. DREW. I did.

Commissioner WEINSTOCK. And who declared they were running open shops?

Mr. DREW. Yes, sir.

Commissioner O'CONNELL. And that they had agreed not to employ union men?

Mr. DREW. Yes. I want to say to you right now, and I want to say it publicly, as I have said it privately, that I am not at all proud of the particular use which has been made of the open shop in Los Angeles. It is simply evidence that we are all human; that no class can stand power without some responsibility. The excesses that we complain of on the part of the closed shop when it gets control, we find exemplified there in the open shops when our employers got control. It all goes to show that no one of us, being human, can stand too much power without responsibility.

Commissioner O'CONNELL. You heard Mr. Davenport, I think, Saturday, in his opinion as to whether it would be beneficial either to the employee or to the employer for organizations of labor to incorporate, and his statement that he was unalterably opposed—those are not his words, but the intent, I think—that if he was in the position of a legislator to do it, he would not vote in favor of it, nor if he was in a position to say so, would he say to them to incorporate?

Mr. DREW. We do not present a united front on that.

Commissioner O'CONNELL. Lawyers are not all agreed?

Mr. DREW. No, in the first place; and in the second place, Mr. Davenport happened to bring an action up in Connecticut where the Connecticut laws permit an attachment before suit, and also against a union where there was a large number of individual members owning their own homes and some of this world's goods. That made his action against the individual members of the union a good and valuable asset. Generally speaking, that does not hold. Certainly it does not hold with the structural-iron workers, many of whom are a roving class, and do not own their homes and are scattered all over the country.

Commissioner O'CONNELL. Then you do not agree with Mr. Davenport's opinion on the matter of incorporation?

Mr. DREW. No, sir; not at all.

Commissioner O'CONNELL. Mr. Davenport expressed a new view to me in regard to the legality of strikes, or the illegality of them; whether you heard it or not, I don't know, but it struck me as a rather peculiar construction—as to strikes that might be considered coercive, that would be illegal; and I can not bring myself to an understanding of what strike would not be coercive. Have you given that any thought?

Mr. DREW. Well, I touched upon that in my statement by saying that a strike—a simple strike—just the withdrawal of the members from employment was just an appeal to the law of supply and demand and not an appeal to force and coercion.

Commissioner O'CONNELL. Well, that would not be a strike in the sense of a strike—just the withdrawal from employment?

Mr. DREW. Oh, yes; that is a strike. If the men in my employ come to me and say, "We want $5 a day instead of $4," and I say, "I will not pay it," and they say, "Well, all of us will quit," and they do quit, that is a strike.

Now, if that is all they do, just to go away and cease employment, and I can not fill their places, I have to go back to them and dicker with them and give them $5 a day if I can afford it. That is a strike in its simplest terms; and in the light of what we mean legally by "coercion," there is no coercion in it. If you come to me and say, "I want to buy your house," and I say, "I want $10,000 for it," and you say, "I can only give you $5,000," and I say, "You can not have it until you come to my terms," just so 100 men may collectively bargain with an employer, and the law of supply and demand, if there is no coercion, determines the final terms of the bargain; but if men quit, and in addition to quitting they say to others who come to take their places, "You can not work there," and intimidate them from working, then the strike takes another step forward; and the law even permits the use of fair argument with the outsider. But when they go still further and say to the

outsider, "Here, this injury will happen to you if you take our places," social ostracism or violence, or whatever it may be, then there is the further step that takes them over the line of the law.

Commissioner O'CONNELL. I am yet in doubt as to the course; if you say to a man, "You have got to pay me $5," and he can not get anyone for less, and you still demand $5, you would not be coercing him into paying you $5 a day?

Mr. DREW. Not legally coercing. When you come to terms that apply from a legal point of view it would not be coercion.

Commissioner O'CONNELL. And then I combine myself with others and do the same thing?

Mr. DREW. You had a perfect right to do it so long as you don't combine to do injury. A strike can become unlawful if it becomes a combination to injure. A business agent goes to an employer and says, "I want $100," and the employer says, "I won't pay it; it is graft," and the business agent says, "I will call your men out," and he does it. That is a strike for the purpose of injuring that employer until he pays $100 in graft to the business agent, and such a strike is illegal. It has no legitimate purpose or excuse, but it is a combination to injure, pure and simple.

Commissioner O'CONNELL. I would agree with you upon that.

Now, supposing the men are working 10 hours a day and the business agent comes along and says, "Unless you reduce your hours to 8 I will call your men out and won't let you get other men if I can prevent"?

Mr. DREW. There is nothing unlawful about that.

Commissioner O'CONNELL. In the paper you read you discussed the question of jurisdictional disputes, and quoted from a number of persons, President Gompers and others, as to this being one of the greatest causes of friction between employers and employees, and friction between employees themselves in their organizations; that the federation itself was unable to cope with this jurisdictional question; that instead of being able to reduce the number of them they showed an increase; I think that is the sense of what you said. I think I can speak rather intelligently on this subject. For more than 15 years I have been chairman of the committee during that time that has had to do with jurisdictional disputes; all of them have come before me as chairman of the committee, and other committees of which I was a member, I think for at least 15 years, and maybe a few years longer. At the last convention held in Philadelphia, held last November, I think there were somewhere around 25 cases before this committee; I think you said 24.

Mr. DREW. Twenty-two, I said.

Commissioner O'CONNELL. I think probably it was greater than that.

Mr. DREW. One or two I was not certain of; I did not count them.

Commissioner O'CONNELL. But here is the situation: Two or three organizations maybe have a dozen of these cases interwound in various ways among themselves, as, for instance, the stationary engineers' organization, I think was involved in six or seven of them. Now, there is not at the present time before the American Federation of Labor or in the labor movement but one case of undecided jurisdiction, or unsettled jurisdiction of any great import, and that is a dispute between the carpenters and sheet-metal workers; the others are minor. And in the years gone by some of the greatest difficulties have been to straighten out by the federation in convention and by its committees and mediation, methods for the adjustment of these disputes. But here is the difficulty: Over night the industry changes sometimes; the entire method of manufacture, or of material used in the construction of something, is changed in its form, and we have never discovered—it has never been my experience in all these years that the employer attempts ever to give this changed method of work to a trade that is receiving a higher wage than the trade that was formerly doing it, but always trying to pass the new method of performing the work, or new work, to a trade receiving the lower wage, and this causes the great friction between the organizations and the fight that has, as we all recognize, been most disastrous to all parties concerned, but in numbers and numbers of cases the employers themselves are wholly responsible for it.

Mr. DREW. That is true in some cases, Mr. O'Connell, but not in all, and that is the reason why I cited the whole question of jurisdictional disputes, and there is nothing that will justify in law or morals two unions in making war upon each other, and thereby doing injury, not to the immediate employer perhaps, but to the owner and the general public and to third parties generally who have no voice or interest in the disputes. If organized labor can prevent a united front for the purpose of carrying on an offensive warfare and enforcing its

agreements, it certainly has a right to do so, but it ought to settle its own quarrels within its own ranks and not invade the rights of the innocent public in this settlement; there is no question about that.

Commissioner O'CONNELL. But the public, in as far as the employer is concerned, is not always the innocent party. We have discovered in a great many instances that he is the guilty party, and that some judgment on his part or cooperation on his part with that, the dispute might have been avoided and the jurisdiction adjusted. Now, you cited a case in San Francisco where the bricklayers entered into an agreement with the brick employers' association whereby the brick employers' association were contributing a certain per cent of the profits of their business to the bricklayers' union. I think one-half of 1 per cent, something like that. Now, the fact is in that case that the brick manufacturers entered into an arrangement with the union to prevent the terra-cotta manufacturers from getting their material in to displace the brick manufacturers' material?

Mr. DREW. It was part of the combination to control the whole market.

Commissioner O'CONNELL. And they did contribute some money to the bricklayers' union, and I believe when our hearing was there, there was testimony that they were still doing it to prevent the terra-cotta manufacturers' from getting in.

Mr. DREW. The way the bricklayers' union did was to pass a rule and make it a part of their rules that every brick contractor should, whether he wished to or not, pay one-half of 1 per cent to the bricklayers' union, and there was placed in evidence before your commission a number of receipts where such payment was enforced by strike.

Commissioner O'CONNELL. The receipts that I saw were receipts through the secretary of the brick manufacturers' association.

Mr. DREW. No, sir; the bricklayers' union.

Commissioner O'CONNELL. The receipt from the bricklayers' union to the manufacturer?

Mr. DREW. No, sir; I have in mind a receipt from the bricklayers' union for $40 from Brandt & Stevens, contractors, after strike had been called to enforce payment.

Commissioner O'CONNELL. But the fact is there was no strike, no coercion shown, that the bricklayers compelled the brick manufacturers to pay them this money?

Mr. DREW. If brick manufacturers were a part of this illegal combination, they are as much to blame as the unions.

Commissioner O'CONNELL. But the paper that you read before us, there was nothing to indicate that the bricklayers were compelling the brick manufacturers to pay to them a certain per cent every month, without any qualification.

Mr. DREW. They were compelling the men that erected the brick in the buildings. This was forced from the brick contractor, who didn't care about it, but was willing to buy his brick anywhere he could get it, and if it was an attempt between the unions and the manufacturers to control the market in San Francisco it makes it all the more reprehensible.

Commissioner O'CONNELL. It was a fight between the brick manufacturers and the terra-cotta people as to whose material would go into the buildings.

Commissioner WEINSTOCK. Terra cotta or the concrete people?

Commissioner O'CONNELL. Both.

Mr. DREW. I say for the bricklayers' union to lend themselves to such a thing is all the more reprehensible.

Commissioner O'CONNELL. It doesn't relieve the employer?

Mr. DREW. Bless your heart, the employers are the worst part of the combination. They oftentimes are the ones that get them together. They use the closed shop of the union to swindle the general public. The bricklaying industry in New York is practically closed—in New York and San Francisco and Chicago—by deals between the employers and the unions, and the power of that rests upon the closed shop as the power of the union and the ability of the union to prevent any outsider from getting labor in that particular market. I say that is a misuse of the closed-shop power of the union against the rights of the general public.

Commissioner O'CONNELL. Do we see any general criticism offered or published against the employers in their associations for entering into these illegal combinations?

Mr. DREW. You will find our people criticizing them wherever they come together, and there are two court proceedings to dissolve such combinations now pending. We don't approve of it. We say that is the ultimate crime of the closed shop, and it is the logical development of the closed shop.

Commissioner O'CONNELL. You cited or read from a communication that apparently had come to you, and I take it during the ironworkers' case the business agents, writing to their officers——

Mr. DREW. I have photographic copies of those letters if you want them.

Commissioner O'CONNELL. No; I don't want them. I just want to bring it to your attention. Did you hear the ex-mayor of Altoona's testimony before this commission last week?

Mr. DREW. No, sir; I did not.

Commissioner O'CONNELL. In the case of detectives or police officers—I think it was a constable he was called in Pennsylvania—beating up a business agent of the organization in Altoona very severely, and he was sent to the hospital, and after he got out of the hospital he went home and died. A man by the name of Gallagher; the gentleman that appeared was mayor of the city of Altoona at that time; during some strike of the shopmen on the Pennsylvania Railroad. This man went away, and warrant was issued, but they never caught him; and after the strike was over it was all settled, and an official of the Pennsylvania Railroad, the master mechanic at the Altoona shops—I don't recall his name just now—called upon the mayor, with others present, and said he wanted to have him come off of any further attempt to punish this man who had run away from the court; and said that they had fixed the judge, fixed the district attorney, and fixed somebody else. Everybody was fixed but the mayor, and if he would come off the man could come back there, as his home was in Altoona, or in the country there some place, and everything would be all right; and the mayor said, "Very well; if everybody else is agreeable, I am." And the man immediately showed up; he was there the next morning on the street. Does that not show that others have influence, or try to have, with the courts?

Mr. DREW. There is no question about that at all. I would not attempt to defend the acts of all the employers of this country, because they are human just as the rest of us, and are going to fight their fights under the circumstances in which they find themselves at the particular times. And I would like to see some of the labor unions' funds to back up, if they have evidence, such a charge of fixing courts; I would like to see some of your funds used in prosecution of cases of that kind.

Furthermore, I would like to say now that I have been counsel before this commission, as you all know, for nearly a year for the open-shop employer, and I have never offered before this commission a line of evidence on the subject of violence. I am not particularly concerned with the features and incidents of war after war starts. War is brutual business; you must expect that you will have brutality and hatred and bitterness. My chief concern is with the cause that leads up to war before it begins, and not with the way they carry it on after it starts.

Commissioner O'CONNELL. In that direction, I don't think you were with us when—in some of the western places, like Lead and Butte. However, the question that came up before us was in various ways and is quoted, that men should not be deprived of their liberty without due process of law and all that. It is alleged here before this commission every place we have been that citizens are deprived of their liberty without due process of law and where courts are in operation ready to perform the functions of the courts and in disregard for the courts men are deprived of their liberty. Now, what is your opinion, Mr. Drew, of that sort of conduct?

Mr. DREW. There is no excuse for either party to an industrial dispute violating the laws of the land, of course. There are no two ways about that.

Commissioner O'CONNELL. Now, where is the equity in the proposition? That is what I want to get at. Where is the poor man's equity?

Mr. DREW. I don't think it concerns the genesis of our discussion if we can not find equity in every case. Some people are born to the world cripples. What compensation can there be for that? Some are feeble-minded. What compensation can there be for that?

Commissioner O'CONNELL. In the case of men born into the world cripples we train or educate; great surgeons grow up, and thousands of cases have been successful.

Mr. DREW. Sometimes the law of compensation seems to operate, does it not?

Commissioner O'CONNELL. It cures these ills in nature; but there does not seem to be a unanimous opinion of the legal minds in our times. There don't seem to be any unanimity of construction. I asked Mr. Davenport the other day what he would suggest as a remedy for all these things that he was talking about, and he seemed to be a standpatter; he said nothing.

Mr. DREW. Here is the general proposition: The minute you have a law of universal application you will have individual instances where what appears to be injustice comes from the application of that law. The minute you try, however, to make a law to apply to each individual case as it arises you have need of all the functions of a court of equity. Furthermore, if you try to apply that law outside of some judicial action you have chaos. You have each man a law to himself. Now, you have to take your choice between the two. It is one of the prices we pay for not being perfect people and living in a perfect age, that the minute we make rules to govern ourselves of universal and general application there will be individual instances in which they seem to work out unfairly. That applies to the shopkeeper, the real estate dealer, the laboring man, and all the others.

Commissioner O'CONNELL. The laboring man seems to be the most helpless of all. The shopman, he has his shop and his goods in his shop; they stand as a sort of guaranty for him—guaranty that his attorney's fees will be paid—but the laboring man, he has nothing. He seems to be helpless.

Mr. DREW. You show a regard for the laboring man outside of the ranks of organized labor that Mr. Johannsen does not seem to feel; and as to the laboring man inside of the ranks of organized labor, he has ample protection.

Commissioner O'CONNELL. I am not speaking of that man, because I think we have heard you say that there are millions of men outside of organized labor?

Mr. DREW. Yes. What are we going to do with them? That is our problem.

Commissioner O'CONNELL. I am asking you now. What would you suggest?

Mr. DREW. You people keep them from learning trades and oppose them in different ways wherever your interest clashes with them. You don't go out maliciously and attack a man; but where your interests conflict with the outsider in any way you fight him. Where your interests don't conflict you are perfectly willing his conditions should be improved, the same as are all of the rest of us. But what are we going to do with him? Why should we fight or you fight for an increase in union power from the Government to get a man who may be getting 70 cents an hour, 75 cents an hour, and for an eight-hour day, when some of these poor fellows have not even got a job at a dollar and a quarter a day? There is the problem. The employers and leaders of labor organizations and social reformers—all of them should get together and do something for these masses of people, because, after all, the progress of society is to be measured by the upward lift of the masses below. You don't get any appreciable progress by giving a 70-cent bricklayer 75 or 80 cents an hour, but you do by getting the man at the bottom of the pile a little higher up.

Commissioner O'CONNELL. Suppose we all start out to get an increase in wages and decrease in hours——

Mr. DREW. One of the first things, Mr. O'Connell, that would make possible a reduction in the hours of labor would be a general teaching on the part of labor of increase in efficiency, so that they could do in 5 or 6 hours what they now do in 8, 10, or 12 hours.

Commissioner O'CONNELL. I think we have so many people teaching that they have got things all mixed up.

Mr. DREW. You people that reach the ear of the workers don't agree with them.

Commissioner O'CONNELL. There are so many taskmasters and teachers we can not agree; they are like lawyers somewhat. I want to ask you a few questions in regard to the erectors' association. What connection have the erectors' association with other associations, for instance, the National Manufacturers' Association?

Mr. DREW. Absolutely none. At the present time we are a member of this joint committee that was organized solely to work with this commission. We call it the Joint Committee of Associated Employers, and I am counsel of it. That was organized last June, and that is the only connection we have ever had.

Commissioner O'CONNELL. Is there a change or exchange of anything between your association and the National Manufacturers' Association that would be a record of the acts of organized labor?

Mr. DREW. Absolutely none, and here is the general conception about the National Association of Manufacturers that I would like to correct. The National Association of Manufacturers takes no part whatever in industrial disturbances. If one of its members is under strike, he does not even notify headquarters of it. He gets no assistance from the association; they furnish no men, no money, or assistance of any kind. Its general functions, so far as trade is concerned, are entirely along different lines.

Commissioner O'CONNELL. I know it, but it was originally organized——

Mr. DREW (interrupting). It speaks a great deal about the open shop, and its leaders make speeches about it, but it is not a fighting or defensive organization as ours is.

Commissioner O'CONNELL. How is it, then, that the legal talent representative of the National Manufacturers' Association can always be found in the State capitals and other places where legislation is going on, speaking for that association as against legislation sought by organized labor?

Mr. DREW. Mr. Emery, if he is the one you refer to, is not the counsel of the National Manufacturers' Association. He is counsel of the National Council for Industrial Defense, composed of about 250 employers' associations, including the National Association of Manufacturers and the National Erectors' Association and others. He has no official connection with the National Manufacturers' Association.

Commissioner O'CONNELL. But in that degree, and in that sense, speaks for the national manufacturers?

Mr. DREW. As a party to the National Council for Industrial Defense.

Commissioner O'CONNELL. And cites that as one of the organizations that don't believe this or that legislation in favor of organized labor should be passed?

Mr. DREW. The National Manufacturers' Association has overcome some of the criticism to the effect that they take no interest in these new social and remedial measures by taking a very important interest in such measures, chiefly such as workmen's compensation laws.

Commissioner LENNON. Did you read in yesterday's paper, I think it was, the statement of the president of the Pennsylvania State Manufacturers' Association, which, I take it, is associated with the National Manufacturers' Association, the same as other associations——

Mr. DREW. It is not.

Commissioner O'CONNELL. As to its position on the child-labor bill just passed?

Mr. DREW. No, sir.

Commissioner O'CONNELL. And its general criticism of everybody connected with it?

Mr. DREW. No; but we have no connection with it, or the National Association of Manufacturers.

Commissioner O'CONNELL. What number of members in the National Erectors' Association?

Mr. DREW. I would say about 40.

Commissioner O'CONNELL. What are the dues and expenses?

Mr. DREW. Our dues are based upon the number of tons that each concern erects. I think it is 3 cents a ton on material.

Commissioner O'CONNELL. Would you give us the names of some large concerns and cite what it would cost them?

Mr. DREW. Post-McCord, of New York, comes to my mind now; its dues are sometimes $25 a month, or sometimes $125 a month, depending upon the amount of material that they are handling at that particular time. At the present time I am frank to say that our dues are pretty slim.

Commissioner O'CONNELL. Is there a publication of any kind showing the receipts and expenditures of the association?

Mr. DREW. No; but our general income, if you want that, is about $2,500 a month—about $30,000 a year.

Commissioner O'CONNELL. Can you furnish this commission the documents, or have proper officers do it, showing the receipts and expenditures of the association for the past several years? I suppose they are published annually to the officers or members, or something, if not publicly; and the membership and the cost of membership?

Mr. DREW. Well, I will furnish you with the membership and the cost of membership, but I will have to consult our executive committee about our

expenditures for the last several years, but I don't think there will be any question about that.

Chairman WALSH. Commissioner Weinstock has some questions he wants to ask you.

Commissioner WEINSTOCK. You went on in your statement, Mr. Drew, to point out that unions are not legally responsible. In view of that, will you explain how damages were collected against the Danbury hatters?

Mr. DREW. They were sued individually, as individual members of the hatters' union. The judgment lies against several hundred individual men.

Commissioner WEINSTOCK. Can that be done in the case of any union?

Mr. DREW. Yes, sir; if you can hunt up all of the men and they are financially responsible.

Commissioner WEINSTOCK. Do you now recall the other day, as we were walking out after adjournment, a conversation between yourself and Mr. Davenport on this very point?

Mr. DREW. Yes, sir.

Commissioner WEINSTOCK. And I was unable to remain to hear the discussion to the end, but I recall your saying to Mr. Davenport, What redress have you with a lot of union members who individually are financially irresponsible?

Mr. DREW. And badly scattered.

Commissioner WEINSTOCK. Yes, sir; despite the fact the union may have $100,000 in its funds. And if I remember rightly, I heard Mr. Davenport say as I walked along there is no difficulty about reaching that $100,000.

Mr. DREW. Mr. Davenport thinks, under the eighth section of the Sherman Act, that the association is a person, so it can be sued and damages recovered from its treasury. No case of that kind has ever been brought under that section, and it is a question whether that language of the Sherman Act makes a voluntary association a responsibile entity, so it can be sued as such. I doubt very much whether it does, but that is what he meant. We have had previous discussions on that.

Commissioner WEINSTOCK. Then you are not sure that Mr. Davenport is right?

Mr. DREW. I am not sure that I am right. If an association can be sued as a person under the Sherman Act, still all the action that we would have against the association as such would be for a violation of the Sherman Act, and a great mass of our boycotts over the country would still be untouched. Where you had a case violating the Sherman Act you might get it through, but the general fact of civil immunity of the labor organizations in the mass of cases would still remain unaffected.

Commissioner WEINSTOCK. If a boycott is levied against a concern doing interstate business, would that or not be a violation of the Sherman Act?

Mr. DREW. It depends entirely upon whether it restrains the interstate commerce of that concern. The mere fact that it did an interstate-commerce business would not be controlling, unless you can show that it took steps that actually restrained interstate commerce.

Commissioner WEINSTOCK. Take the breweries of Washington, D. C.; I notice at this time that they are almost on strike, and assuming that they do an interstate business, the unions are sending out bulletins to other organizations to refrain from buying that kind of beer; would that be in restraint of trade?

Mr. DREW. I think under the Danbury hatters' case it probably would.

Commissioner WEINSTOCK. And that would be in violation of the antitrust act?

Mr. DREW. I think it would.

Commissioner WEINSTOCK. And would those unions, if they had funds, be liable, for that matter?

Mr. DREW. Yes; being located in the District, you would not have to restrain their interstate commerce; but the very fact of their being located in the District brings them under the Sherman Antitrust Act, because this is United States territory.

Commissioner WEINSTOCK. Well, if those unions have funds and are issuing bulletins or letters or communications to unions outside of the District, then the brewers would have an action, according to Mr. Davenport's view?

Mr. DREW. According to Mr. Davenport, they would.

Commissioner WEINSTOCK. Well, now, admitting that the unions are not held legally responsible, is that situation, then, any worse in the United States

than in Great Britain? As you doubtless are aware, in Great Britain the funds of a union are absolutely exempt from court judgments.

Mr. DREW. No; I think that by a law expressly passed, you can not sue a union, agent, or the union in Great Britain for any damages which grow out of their conduct in furtherance of a trade dispute; that if you sue a union or its agents, and it comes into court and pleads that what it did was in the furtherance of a trades dispute, then you may not maintain your suit. That, I think, is the law by an express act of Parliament.

Commissioner WEINSTOCK. Well, that being the law, and I happen to know that it is the law unless it has been recently changed, the employers of Great Britain are even worse off than the United States employers?

Mr. DREW. Of course, there is this, Mr. Weinstock: Parliament has also passed laws in England which specifically and in precise terms made criminal on the part of a union a great deal of the conduct that over here we can reach only through injunction—picketing, accosting, watching, and besetting. They are all criminal acts by express act of Parliament in Great Britain. I don't think the unions would accept in this country the conditions of the English law as it stands to-day, as regarding their activities. I don't think they would accept it for a moment—the whole English system of law on that. I am sure they would not.

Commissioner WEINSTOCK. Despite the exemption?

Mr. DREW. Despite the exemption; I don't think they would accept it.

Commissioner LENNON. We would, some of it?

Mr. DREW. Well, You would not accept it all.

Commissioner WEINSTOCK. In saying what you have said about your ideas on the questions of collective bargaining and organized labor, which, in brief, I gather in substance to be the following: That you believe that the worker not only has the legal and moral right to organize, but that he should organize for his own protection; that you are not opposed to the closed shop when it is established in the proper way. Now, in that are you simply speaking for yourself, or are you voicing the sentiments of the employers of the association which you represent?

Mr. DREW. Well, I am speaking for myself in the opinions which go beyond our activities, Mr. Weinstock; but I know that is the general feeling among intelligent employers.

Commissioner WEINSTOCK. That they are not opposed to collective bargaining?

Mr. DREW. Why, no. But the collective bargain is the same as any other bargain. It should have two contracting parties, both of whom should stand upon an equal footing and possess mutual respect for each other and mutual responsibilities. How can you have any bargains, collective or otherwise, without those factors and those elements? Now, if a closed union shop is so powerful that is absolutely controls the situation, you have no collective bargain. You have a demand and a surrender.

Chairman WALSH. At this point, will you please resume the stand at 2 o'clock?

We will adjourn until 2 o'clock.

(Thereupon, at 12.30 p. m., Monday, May 17, 1915, a recess was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Acting Chairman LENNON. We will please be in order. Chairman Walsh can not be here for a few minutes.

Mr. Drew, will you take the stand, please?

TESTIMONY OF MR. WALTER DREW—Continued.

Acting Chairman LENNON. Mr. Weinstock desires to ask some further questions.

Commissioner WEINSTOCK. How long have you been connected with these labor questions, Mr. Drew?

Mr. DREW. Well, I suppose, since 1905.

Commissioner WEINSTOCK. For a period of about 10 years?

Mr. DREW. Yes.

Commissioner WEINSTOCK. During that time have you had opportunities of coming into personal touch with labor representatives and labor leaders?

Mr. DREW. Why, to a certain extent, yes, Mr. Weinstock.

Commissioner WEINSTOCK. Are you familiar—fairly familiar with the attitude of mind and the sentiment of labor representatives and labor leaders?

Mr. DREW. Well, so far as that attitude of mind has been expressed in their conduct, I think perhaps I am. I have been a student of industrial questions, more particularly as applied to my own activities.

Commissioner WEINSTOCK. I see. Well, it would seem to me, Mr. Drew, that in justice to Mother Jones, and in justice to Mr. Johannsen, and in justice also to organized labor we must assume that when Mother Jones spoke as she did, and when Mr. Johannsen spoke as he did, they were simply voicing their own sentiment, that they were not officially representing organized labor, and what they said should be permitted to carry only such weight as an individual's judgment would carry who did more or less official work for an organization. Now, this question I was to put to you in view of that situation is this: I want to read to you the expression of sentiment on the part of Mother Jones, and on the part of Mr. Johannsen, and to ask you whether, as the result of your broad experience in the study of these problems and in your personal contact with labor leaders and with labor representatives, whether you think they are voicing the sentiments of labor leaders and labor representatives, generally speaking.

Let me read to you the paragraphs I have in mind.

Mr. DREW. You mean their attitude toward violence?

Commissioner WEINSTOCK. Just a moment; let me read the precise language [reading]:

"Commissioner WEINSTOCK. From what you have explained, Mother Jones, it is evident that some explanation is needed. There appears in the record of the congressiolal committee, a copy of which I have here, setting forth a hearing before a subcommittee of the House, on Mines and Mining, of the House of Representatives, a statement attributing to you, which evidently is a mistake, and does you a grave injustice, and I think you should be afforded an opportunty at this hearing for the purpose of correcting the record."

This was the statement attributed to Mother Jones said to have been made at a convention of labor unionists in Trinidad, Colo.; she goes on to say [continues reading]:

"When we adjourned the meeting and saw we were not going to get any help, I said, 'We will protect ourselves, and buy every gun in Charleston; there was not a gun left in Charleston. And we did it openly; no underhand business about it, for I don't believe in it at all. We simply got our guns and ammunition and walked down to the camp and the fight began.'"

(At this point Chairman Walsh takes the chair.)

Commissioner WEINSTOCK (reading): "There is no change to be made in that statement?

"Mother JONES. No; that can stay."

Now, in the examination of Mr. Johannsen, this appears; in questioning Mr. Johannsen I said:

"In looking over this testimony of yesterday I noticed you make some pretty sweeping statements here, and I felt it was only fair to you to give you an opportunity, if you care to exercise it, to amend or modify or correct the statements made. Let me read this one to you:

"Commissioner WEINSTOCK. I may have, for example, what I believe is a real grievance, but which may prove to be only fancied.

"Mr. JOHANNSEN. After you prove it to us we change our opinion. See.

"Commissioner WEINSTOCK. Let us limit it to real grievances; would you say that any man, or group of men, that have any real grievance, is justified in taking the law into his own hands, or ignoring it?

"Mr. JOHANNSEN. My advice to labor would be, if I was asked for my advice—I am not sure I would take the stump—if you are sure you are right, if you are convinced of judicial invasion of your rights, stand for your rights and take the consequences.

"Of course, in plain language this seems to defy the authorities. Now, I think you ought to be afforded an opportunity to modify or change this, if you care to do so.

"Mr. JOHANNSEN. That is all right as it stands."

Now, how far, so far as you have been able to judge, does Mother Jones and Mr. Johannsen, in speaking as they did, and taking the position they did, reflect the sentiments of labor representatitves and of labor leaders?

Mr. DREW. Mr. Weinstock, you can not draw a blanket indictment of a class. It is just as unfair to attribute lawless sentiments to organized labor because

one or two make statements of that kind, as to say that every employer in this counry is unfair and unscrupulous because you find some employers that way. Now, this is my understanding of the sentiment of organized labor on these matters, so far as actual crude lawless violation is concerned. I am not speaking now of violence of injunctions, because the laboring people have their ideas about injunctions, and from their point of view they think the injunction is a lawless thing, but I am referring now to just these matters of brute violence. The better thought in the circles of organized labor is against the idea of its employment. A union is just like the rest of us, an aggregation of individuals—like a city, if you please. Sometimes the administration of a city gets into the hands of corrupt people and then a rotten administration with all sorts of corruption exists. So labor unions, under their democratic form of government, get into the hands of corrupt and unscrupulous men, and you have all sorts of such cases. My objection to the closed shop is that it encourages those cases and that it furnishes that kind of a leader the power of misusing the strength of the union; that is one of the objections to the closed shop.

You take a street car company with a hundred stockholders. The managers of that company will bribe a city council and get a charter, and the company has no objection to getting it by bribery or corruption. The stockholders of that company may know perfectly well that that has been done. They would not do it themselves, the most of them, yet they will take the dividends that come from the corrupt action of the managers of their company. They will wink at the action of their leaders. So the rank and file of organized labor know that oftentimes methods which they themselves would not use are used in their behalf by their leaders. They do just what the stockholders did; they wink at it and take the benefits that come from the employment of such methods. The two are exactly on a par.

Commissioner WEINSTOCK. Now, is the stockholder or is he not liable morally and otherwise if, knowing the methods of his representative, he condones them?

Mr. DREW. Why, of course he is.

Commissioner WEINSTOCK. Would that rule work both ways?

Mr. DREW. Exactly; there is no rule that don't work each way.

Commissioner WEINSTOCK. And if the rank and file of the labor organization do know what their leaders do is unrighteous and unlawful, though it is believed to be in the interest of the rank and file, and they condone it, and do not take exceptions to it, they really assume the responsibility?

Mr. DREW. Well, not entirely; because that leader is a forceful, able man generally. He builds up an organization that safeguards him in his position. He gets himself beyond the reach of the better element in his organization. It is just the same as a city administration which can bulwark itself against the effort of decent citizens to get hold of it. That holds good all along the line. You can not always hold the organization for what the leaders do. You take the better class of labor organizations, the things that they deplore most in their own councils and try to get rid of are the excesses on the part of the leaders. And I think they would add a great deal to their efforts in that direction if they would encourage greater responsibility on the part of the organization. Then the labor leader misusing the power of his organization would know that the organization was held to account, and the members would be more careful who they elect to office. I think that would be a good thing to help men like Mr. Lennon and Mr. O'Connell and Mr. Gompers to get a better condition of affairs.

Commissioner WEINSTOCK. What would be your remedy of raising the standard of labor?

Mr. DREW. There is no one remedy. We can not any of us sustain power without responsibility.

Commissioner WEINSTOCK. In the course of your argument you referred today at considerable length to the structural ironworkers' case. Did you follow that? I suppose, being the counsel, you followed it from start to finish?

Mr. DREW. I did.

Commissioner WEINSTOCK. And you are familiar with every phase and angle of the case?

Mr. DREW. I think I am.

Commissioner WEINSTOCK. You probably heard the statement, if you did not hear it, perhaps you read it, by Mr. Job Harriman in Los Angeles?

Mr. DREW. I heard it; I was present.

Commissioner WEINSTOCK. And among other things, you may recall the statement that he made, that F. D. Ryan was an innocent man, railroaded into jail?

Mr. DREW. He didn't say just that, but that was the substance of it.

Commissioner WEINSTOCK. And you also heard the statement of Mr. Johannsen here the other day when he said he thought Ryan had been unjustly convicted; that he didn't get the full benefit of a trial, and if he had he would not have been convicted?

Mr. DREW. I heard that.

Commissioner WEINSTOCK. Will you give your point of view as an authority on the subject and familiar with it?

Mr. DREW. I don't pose as an authority on the question of judicial procedure. Every man that loses a case in court thinks that the court was biased against him. He would not have been in court in the first place if he had not thought he was right, and when the court holds that he is not right then the court is wrong. That is the commomn thought of litigants.

I was present at the Indianapolis trial, and from my point of view I think that the trial was absolutely fair. So far as some of the substantial statements that Mr. Johannsen made, I know they have no basis in fact. The statement as to seizure of evidence and papers, the first bunch of correspondence and papers were seized under a search warrant by the State authorities from the vault of the ironworkers. The second mass of evidence later was taken from the office of the ironworkers themselves, which was entered with a key furnished by Mr. Hockin. And he was present, and he was at that time the acting secretary of the union, and the entry was absolutely lawful, and the papers were delivered by the acting secretary of the union.

As to the fact that a United States marshal on December 19, after the trial had been in progress nearly three months, and the evidence was all in and the case ready for argument before the jury, saw fit to order a train, if he did so order it, to take the men to Leavenworth in case of conviction, I can only say that if there is anything out of the way in that procedure, the United States marshal should be called upon to explain it. That the United States marshal was advised by Judge Anderson or the jury that they intended to convict those people I don't think for a moment.

Commissioner WEINSTOCK. You heard the statement made by a witness on this stand, and at other hearings, that labor can not get a fair deal in the courts. How about the employers getting a fair deal in courts?

Mr. DREW. Mr. Weinstock, I never have begun for our people an injunction proceeding.

Commissioner WEINSTOCK. Why?

Mr. DREW. Because it would be pretty hard to enjoin the particular things that we had to contend with, unless you had evidence that would be sufficient to start criminal prosecution, and when we got that the criminal prosecution was instituted.

Commissioner WEINSTOCK. You have represented employers in courts, have you, at different times?

Mr. DREW. In the old days, yes; not in recent years.

Commissioner WEINSTOCK. Did you have any grievance against the courts from the times when you felt that your clients were not getting what is called a square deal?

Mr. DREW. I tried to get an injunction against the printers in Grand Rapids in 1906, and the court didn't give me all I thought I was entitled to.

Commissioner WEINSTOCK. Then, from your knowledge and observation and experience, would you admit the charge, made by labor representatives, that capital or employers always get a square deal in court, and labor does not?

Mr. DREW. I don't think you can draw a blanket indictment there. Courts are human beings, with different training, and to some extent different points of view, even in judicial matters, and one court goes a bit further than the other, or not quite so far. You can not say it is due to partisanship, or due to preconceived opinions or bias. Personally, I like to feel that our judiciary in this country is above charges of that kind, and if it is not, we are certainly in a sad way. I do know there is a general uniformity both in National and State decisions on the fundamental principles applying to combinations of labor and other combinations. Even in the famous McQueed case, where Chief Justice Parker held there was no action, it was not a difference on the law, but on the facts. Chief Justice Parker held in that case, which was a strike to compel the discharge of a nonunion man, that the evidence failed to show any malice on the part of the combination. He held that they were trying

to get the job for themselves, and that the particular case did not show any malice. It is true that Mr. Justice Mann and one or two others in a dissenting opinion held that it did show malice. The majority, though, decided that the facts did not show malice, and no injunction was issued. The difference was on the facts of that particular case, not on the general principle of law.

Commissioner WEINSTOCK. In your statement this morning, among other things, you more or less criticized the Secretary of Labor, because of certain things that he had done in connection with labor disputes. What, in your opinion, should be the qualification of the Secretary of Labor?

Mr. DREW. I think he should represent the laborers of this country, not any one class. Say we had a Department of Commerce that represented the Standard Oil Co. and the Steel Trust and other large corporations and refused to take cognizance of these little manufacturers over the country. What kind of a Department of Commerce would you call that? The organized laborer, through the strength of his organization, less needs the protection of an arm of Government than the unorganized man.

Commissioner WEINSTOCK. What is the attitude of the Secretary of Labor, as you have come to know it in your experience?

Mr. DREW. I have recited the one instance in which I came in personal contact with that attitude, and I have stated it here. The rest that I know concerning his activities is gained from general reading, and I presume this commission has as good access to that as I have.

Commissioner WEINSTOCK. As a student of the problem, Mr. Drew, what is your remedy for industrial unrest?

Mr. DREW. Well, I can not give any remedy, Mr. Weinstock, that would be worth your consideration.

Commissioner WEINSTOCK. If a man who has given the thought and time and energy to the problem that you have has no remedy, where are we at? It would appear it is a hopeless situation?

Mr. DREW. No, sir; I am rather of an optimist. I think we are making headway, in the general education of our people. I think all this talk that we get from people like Johannsen and Mother Jones is good. It sets people to thinking, and if we tell a thing to a man, even if it don't agree with our ideas, as to the kind of mental food that we ought to feed him, still, if he is a thinking animal, he will turn it over in his mind and reject it if it is not right, and will accept it if it is according to his standard. But if we can make him think, that is the important thing. As I have said to Mr. O'Connell a while ago, we can not make any general social progress unless it comes from the bottom of the mass, and the more we can make those people think about themselves and their relation to the industrial problem and social problem, the nearer we are to their expression, their self-expression in some effective way. Such expression would be most effective through organization. Where you can get a lot of them together and exert their force, that, of course, is a greater advantage. But the individual has got to understand fundamentally his relations to industry and to society; and educating and stirring him up and making him think, all these things are helpful. There is no general panacea; there is no one rule of growth. The moment an institution becomes established, some philosopher has said, it becomes obsolete, because the things out of which it grew—the conditions out of which it arose—have changed, so that it is obsolete. You can not force any hard and fast rule upon society.

Commissioner WEINSTOCK. You doubtless have heard more or less discussion, Mr. Drew, in the commission and out of the commission, of the proposed recommendation or suggested recommendation to be made by this commission to Congress for the creation of a permanent board of mediation and conciliation to deal with the interest of labor disputes. What is your judgment of such a proposed body?

Mr. DREW. Well, I can not speak for all the people I represent on matters of that kind. Personally, I think it is a good thing to get big industrial issues national in character into the hands of the Federal Government as far as possible. I think one of our troubles now is having a multiplicity of laws in different States dealing with these questions—different laws, different provisions, and different ways of administration. It make industrial chaos, not only for the worker but for the employer who seeks to do business. I think the more we can simplify and concentrate our legal rules and our administration of those rules, the better it will be for all of us.

So far as mediation and conciliation is concerned. I believe in two people sitting down and talking things over across the table. They will find things

in common that they did not dream of, and they will certainly find that they are human beings, which they have a tendency to deny now.

Commissioner WEINSTOCK. Well, then, you, for one, would not look with unfriendly eyes on such a proposed board of mediation or conciliation?

Mr. DREW. I would not look with unfriendly eyes upon any experiment, Mr. Weinstock, because that is the whole spirit of modern society. We have to try out things—even if a thing is wrong we have tried it and discarded it. We have made some progress.

Commissioner WEINSTOCK. There will be some things, of course, from your experience, that you know in advance would fail?

Mr. DREW. I might think they would fail, and yet sometimes we get surprised at the way things turn out.

Commissioner WEINSTOCK. Could you express an opinion for those whom you represent in this connection?

Mr. DREW. You mean as to what—to a remedy?

Commissioner WEINSTOCK. As to a proposed board of mediation and conciliation, yes.

Mr. DREW. No; I would a little bit rather not do that. Some employers believe in compulsory arbitration, especially for people in the railroad service and other forms of public service. Our people I don't think would oppose any such suggestion as that you mention.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Lennon has a question or two.

Commissioner LENNON. Mr. Drew, is there any opportunity for unorganized labor to express themselves as to their desires for betterment and human uplift except through the voice of organized labor?

Mr. DREW. Well, you assume that they are so expressing themselves, and I would have to debate, of course, the hypothesis before we discussed the conclusion.

Commissioner LENNON. Well, suppose they are discontented; what method of expression have they of themselves?

Mr. DREW. Mr. Johannsen, of San Francisco, is part of the organization which absolutely controls the industries in San Francisco. You have heard him state that their attitude toward unorganized labor is absolutely and uncomprisingly hostile. Now, he does not speak for the average man in San Francisco, but speaks for those whom he represents directly.

Commissioner LENNON. The ends for which organized labor is striving touch all our people; doesn't organized labor speak for those who are unorganized as well as for those who are organized?

Mr. DREW. Mr. Lennon, a while ago I said that whenever in any particular matter the interest of organized labor was not in conflict with that of the unorganized man, then it was perfectly willing to include him in its representation. That, I believe, is true. I believe you, just as any other good citizen, will try to get child-labor laws and other reforms of remedial and social legislation which would include all labor. But wherever any question of legislation comes up, where the interest of organized labor is in conflict with that of the outsider, then I believe the attitude of organized labor would be absolutely different.

Commissioner LENNON. You believe those instances where there is a conflict of interest of laborers do occur?

Mr. DREW. Oh, no question about it. They are competitors for a job.

Commissioner LENNON. Did you express in your paper a seeming belief that there was a hatred and hostility toward unorganized labor by the union men?

Mr. DREW. No question about it. I can read you extract after extract from the official labor magazines expressing that hatred. The very terms of "scab" and "rat" for the unorganized man expresses hatred.

Commissioner LENNON. As to evidences of hostility, are you aware of the fact that a large part of the income of the unions is expended to organize the unorganized workmen?

Mr. DREW. Wherever the unorganized worker, by reason of furnishing a market for the employer, or for some other reason, becomes a menace to organized labor, then organized labor goes out to organize him for its own interests as well as those of the man; and I can demonstrate that from your periodicals.

Commissioner LENNON. I said he did it for his own interest, but primarily for the interest of unorganized labor.

Mr. DREW. Incidentally, but not primarily. May I read right here an extract from the Bridgemen's Magazine bearing directly upon that point?

Commissioner LENNON. Why, I can't stop you.

Mr. DREW. It is not very long. Well, I do not find it; I have mislaid it. I will state the substance of it and file it in the record later.

(The matter referred to will be found among the exhibits at the end of this subject printed as "Drew Exhibit No. 2.")

The substance of it was that reports were coming to the international organization that competent men were being secured in the outlying districts in the South and in Canada to work open shop for the members of the erectors' association; and the proposition was that in view of that a determined effort must be made to organize these outside men so that they would cease to furnish a supply of labor to the open shop work, to the open shop employers. Before that they had made no effort toward organization in those districts.

Commissioner LENNON. Doesn't that justify the conclusion that their interest was to maintain wages and conditions of labor for the unorganized man as well as themselves?

Mr. DREW. There has never been any question about wages or conditions or hours between the International Association of Bridge and Structural Iron Workers and the members of the National Erectors' Association since the open-shop fight. The fight was not over wages or conditions or hours. There has never been any question between them on that score. Our people have increased the wages under the open shop.

Commissioner LENNON. More than they have been increased in the union shop?

Mr. DREW. I made a compilation about three years ago which showed that our people had increased wages on an average of about 11.2 per cent, while the general average of increase in the closed shop trades, taken the country over, was something like 10 per cent during the same period.

Commissioner LENNON. Well, I can not—or have not those figures, but that is not in accord with my experience.

Mr. DREW. Well, on that point may I read a letter from Mr. McClory, president of the International Bridge & Iron Workers, which I received just a few days ago? Mr. McClory wrote and asked for a conference. I wrote and told him that I did not think such a conference would be granted. In my letter to Mr. McClory, which is dated May 4, 1915, I used this language:

"None of the dire evils prophesied from the open shop regarding the exploiting of labor or the oppression of the workmen have come to pass. You allege no grievances or conditions which call for adjustment. The fundamental purpose of trade agreements is to secure proper wages and conditions for the men, not to secure arbitrary unchecked power over the industry. You will find both this association and its individual members not only willing but anxious to take up at any time any question which concerns the well-being of its workmen. We do not consider it a necessary prerequisite to the discussion of labor conditions that your organization or any other be given an unlimited and arbitrary closed-shop control."

In answer to that Mr. McClory says, in part:

"In paragraph 4 you state that none of the dire evils prophesied to follow from the open shop regarding the exploiting of labor or the oppression of the workmen have come to pass. To this I will say that the reason these evils prophesied have not come to pass is because organized labor stands as a barrier between the open-shop employers and the realization of the fruitfulness of that beautiful dream known as the open shop; but the evil of this plan is apparent where it is completely established. I refer you to some of the large cities in the South, where there is no semblance of organized labor and where the conditions of the working people are most deplorable; and it is such conditions as those of the South that the apostles of the open shop would like to establish in the industries of our northern and western cities, and they undoubtedly would but for the opposition of organized labor."

So Mr. McClory admits that in our case at least the exploiting of labor has not come to pass.

Commissioner LENNON. I was just going to ask you, was it not probably a fact that the existence of the ironworkers' organization has been a deterrent against any effort to reduce wages?

Mr. DREW. I think it has, Mr. Lennon, to a certain extent. I think undoubtedly it has, in the first place; and in the second place we are only a small group of people, and we can exercise a general control over the industry which a larger group would not be able to do. Therefore, if our large open-shop concerns desire to adopt a fair and liberal policy in regard to wages, they are in a better position to carry it out than perhaps a larger number of people would be. I think there is something in that.

Now, we have increased the wages, maintained the same hours, and paid the cost of all these dynamitings and all these assaults—hundreds of them—and yet our people can erect steel from 20 to 30 per cent cheaper than they could under the old closed-shop system, and it is something which the public gets the direct benefit of in that decreased cost. Labor has the increased wages, the cost of erection has been lessened, and I see nothing but an economic advantage from the open-shop in the iron-erection industry.

Commissioner LENNON. Then, if you feel that way, you believe that the situation would be better if there were no unions in industry?

Mr. DREW. I believe—I have no objections to unions. No; I do not believe that. I don't see why, Mr. Lennon, a union has got to have absolute power of life and death over an industry in order to exist and to be done business with. I don't see why you can't go to any dry goods store down town and patronize it without patronizing it exclusively.

Commissioner LENNON. Well, if they do not continue the struggle they will soon give away their wages, their hours, and their conditions.

Mr. DREW. It has not been so in our industry. It has not been so with the metal trades.

Commissioner LENNON. Maybe; but I want to say, though, as a union man, for the record, instead of there being hatred and hostility toward the nonunion man, more than half of my time since I have been a union man, which is more than 40 years, has been devoted to trying to promote the interest of the nonunion man; although I have been an official a great many years of my life, my experience is that that is true of nearly all the union men with whom I have been associated.

I want to ask a question: You spoke regarding the legal responsibility or irresponsibility because of not being incorporated, rather intimating that because of the lack of incorporation the unions were not legally responsible in any direction. Is it not true that members are guaranteed benefits, and all the other things guaranteed by the unions, and that they can bring suit and recover, and have done so?

Mr. DREW. In the States that provide that a voluntary association can sue and be sued in its own name; in other States, no.

Commissioner LENNON. I want to ask you one question in connection with a matter pertaining to the ironworkers' case that I think has not come directly before the commission while I have been present. I want to say that it is a cause of tremendous unrest among the workers of this country who believe that John J. McNamara was extradicted from Indianapolis and taken to California, not in accord with the law but the very opposite.

Mr. DREW. Do you want me to explain that?

Commissioner LENNON. What have you to say to that?

Mr. DREW. I was advised by long-distance telephone from Mr. Burns's office in Chicago that McManigal and J. B. McNamara were under arrest in Chicago. I went to Chicago. In Mr. Burns's office I met Mr. Ford, assistant prosecuting attorney of Los Angeles County. Mr. Ford had with him extradition papers signed by the governor of California for the extradition of J. B. McNamara and McManigal and J. J. McNamara. The extradition arrangements were made with the governor of Illinois. With that I had nothing to do. I went to Indianapolis with Mr. Ford and Mr. Burns. Mr. Burns was detailed to get in touch with the superintendent of police and make arrangements for the actual arrest of McNamara, after the proper warrant was secured from the governor of Indiana. Mr. Ford and myself called upon Gov. Marshall, stated the situation to him, showed him the extradition papers properly made out and signed by the governor of California. Gov. Marshall signed a warrant directing the arrest of J. J. McNamara. We took that warrant back to the superintendent of police and turned it over to him. J. J. McNamara was arrested under that warrant.

Under the extradition laws of the country, as I understand them, that was all that was necessary to constitute a legal extradition. The man appointed by the sheriff of Los Angeles County was present to take possession of Mr. McNamara after his arrest. The statute of Indiana provides that in extradition cases the man to be extradited, after arrest, shall be taken before a court and a hearing conducted for the purpose of determining whether he is the man described in the warrant. The superintendent of police said that the judge who usually took care of extradition cases was the police-court judge. On his own initiative he called up the police judge, who came down town and held court after the arrest of Mr. McNamara. Mr. McNamara was taken before this

judge, and he was asked if he was the J. J. McNamara mentioned in the extradition warrant, and he said he was. Thereupon the police-court judge turned Mr. McNamara over to the State officer of California. Mr. McNamara asked for the privilege of a day or two to get affairs in order before being taken out of the State. The judge replied that so far as the State of Indiana was concerned the matter was now beyond its jurisdiction; that he had been arrested under a warrant of the governor and had been turned over to the officer of the State of California; and that the court had no further jurisdiction in the premises.

Commissioner LENNON. Had the court——

Mr. DREW (interrupting). Now, Mr. Burns and myself and a number of the rest of us were thereafter arrested for kidnapping Mr. McNamara, and the ground of our arrest was this, that Mr. McNamara should have been taken before a circuit court and not a police court for purposes of identification. There was no question but what he was the J. J. McNamara; no question but what the extradition papers were all right; no question but what the governor of Indiana had signed a warrant for his arrest. Only the incidental fact of identifying him as the man desired, which he admitted, was involved in that matter, and finally this whole Indiana statute was held void by the Federal court at Indianapolis.

Commissioner LENNON. At the time that the deportation took place under the law to which you refer, was that a court of competent jurisdiction to pass upon the question?

Mr. DREW. Mr. Lennon, we were in a hurry——

Commissioner LENNON. That is evident——

Mr. DREW. We said to the superintendent of police, "What is the court before whom extradition cases are taken?" and he said, "The police judge always handles them, and I will call him up over the phone." And he called him up, and that is all the discussion there was as to what court should handle the matter, or that Mr. McNamara should be taken before. And it developed afterwards that the police court generally and almost universally had assured jurisdiction of cases of extradition, and that no other court did generally do so.

Commissioner LENNON. Have you any knowledge of any other similar case in Indiana where the same judge passed upon the question of deportation and where, after the usual court hours, the judge went out of the usual order to come down town and open court for a specific case of this character?

Mr. DREW. No; I do not; and I will say to you frankly that this was Saturday, that by the time we got the warrant signed by the governor it was noon, and the courts closed at noon in Indianapolis, on Saturday, and whatever court come down would have had to be summoned for that special purpose.

Commissioner LENNON. The cause of unrest lies in this, Mr. Drew, that it is alleged that, and labor believes properly alleged, the undue haste and the way it was conducted deprived Mr. McNamara of rights that he was entitled to exercise through the courts.

Mr. DREW. Well, admitting the deprivation of the technical right, which I don't admit, Mr. McNamara later confessed that he was guilty of the crime of which he was charged. Does organized labor stand in the position of setting up mere technical defenses in the defense of men confessing themselves guilty?

Commissioner LENNON. No; they do not.

Mr. DREW. What is there to all of this argument but that?

Commissioner LENNON. They do contend that any legal right a man has the court could not deprive him of.

Mr. DREW. But legal rights are for the purpose of securing justice, and it would have been an injustice for Mr. McNamara to have asserted a technicality in Indiana, and thereby have escaped a trial in Los Angeles, and if organized labor had had its way and asserted that technicality successfully, it would have been a party to the escaping of Mr. McNamara from just prosecution and punishment.

Commissioner LENNON. That is not the way we see it.

Mr. DREW. It seems to me a pretty fundamental proposition, if organized labor wants to put itself in a position of fighting by technicalities in defense of men they know are guilty.

Commissioner LENNON. Then, there must have been technicalities used in order to prevent his having the opportunity of having technicalities, as far as he was concerned?

Mr. DREW. I have explained exactly what we did, and the governor of Indiana, and the former superintendent of police, and the judge, and all, will

bear me out. There was no choice of this particular court, for any particular purpose. We simply followed out the regular procedure, and after it was all over, it developed that there was a technical question as to whether a police court judge in Indiana was a court of general jurisdiction, or something of that kind.

Commissioner LENNON. That is the kind of thing that causes labor to believe that they do not get a fair show in court. That all their rights can not be exercised, exactly the same as it could have been done if these men had been——

Mr. DREW (interrupting). I don't see much point to be made out of the McNamara case, for the reason that the police court judge was the one that generally took charge of extradition cases. The police always take them to him as a matter of course; the other courts have not been called upon to do that; his authority to do that has been unquestioned.

Commissioner LENNON. I have a different understanding of it.

Mr. DREW. No; that is a fact, Mr. Lennon; and if you will look the matter up in Indiana you will find it to be the fact.

Commissioner O'CONNELL. Mr. Drew, you said you had in your papers the report made by Mr. Moffitt, the representative of the Department of Labor, in connection with the strike of the boiler makers?

Mr. DREW. Yes, sir; I have.

Commissioner O'CONNELL. I wish you would file that, for the reason I have sent a verbatim copy of your testimony this morning to the Secretary of Labor.

Mr. DREW. I will say that I wrote a circular letter to our people some time ago, which was forwarded to the Secretary of Labor, stating exactly what I have said here, so he is familiar with all that I have said here.

Commissioner O'CONNELL. I sent a copy of your statement to him this morning.

Mr. DREW. Shall I read this, or do you wish it in the record?

Commissioner O'CONNELL. Just file it.

Mr. DREW. He states specifically that the charges made are true.

(The document referred to and offered by the witness is printed among the exhibits at the end of this subject as "Drew Exhibit No. 1.")

TESTIMONY OF MR. CLARENCE S. DARROW.

Chairman WALSH. Please state your name.

Mr. DARROW. Clarence Darrow.

Chairman WALSH. And where do you reside?

Mr. DARROW. Chicago.

Chairman WALSH. What is your profession, please?

Mr. DARROW. Lawyer.

Chairman WALSH. How long have you practiced law?

Mr. DARROW. About 37 years.

Chairman WALSH. How long in the city of Chicago?

Mr. DARROW. Twenty-eight or thirty years.

Chairman WALSH. Have you during the course of your professional career had to do specially with labor cases or with cases growing out of industrial disputes?

Mr. DARROW. I have had a good many of them.

Chairman WALSH. You might state, if you can, the professional connection you had with any labor organizations.

Mr. DARROW. I have never represented them only on occasions. I have never been the general attorney of any of them.

Chairman WALSH. You got the general outline of this hearing; that is, the application of the law in labor matters and the attitude of courts in industrial disputes and the fundamental underlying question has been couched differently, and different phases, and do you think that the laws are equally administered between the rich and the poor?

Mr. DARROW. I think they are not.

Chairman WALSH. Now, can you give your own comment and illustration to back up that statement?

Mr. DARROW. To my own satisfaction; yes.

Chairman WALSH. Try it on Commissioner Weinstock and myself.

Mr. DARROW. I might not convince him; I might have a little better luck with you. The law is made by the acts of legislatures and Congress and decisions of courts. Most all the law is made from court decisions. Legislation is a small part of it. The first trouble is that all the men that make the laws are

lawyers, and they are what we call good lawyers—that is, lawyers who get good fees—who have no sympathy with any union except the lawyers' union. Their associations are all with the rich. Their clients are all on that side; they have no knowledge of the questions that confront the poor. If they ever knew anything about them, they have forgotten them, and on any question that arises their whole feeling and whole life is on the other side. Members of Congress and legislatures are pretty nearly all lawyers who have had good practices. If they have not had, they expect to have, and good practice for a lawyer means working for the rich. Judges are all lawyers, and lawyers of standing in their profession. Most of them have been corporation lawyers, and those that have not been hope to be, and their opinions are governed by their views of life.

Men do not act from logic and reason but from impulse. Any man with good intellect can give a good reason for anything he wants to say, and his opinion on either side of the case he is on is always logical if the court is an able man. He first makes up his mind what he wants to do and then gives a good reason for doing it, and if the law had been made by carpenters and shoemakers and day laborers it would have been different from what it is. It would have represented their side of it, perhaps, not any more fairly, but their side. The whole law has been made and administered by the controlling force of society, like everything else in this world, and it could not be any other way. I could give illustrations of it now.

Chairman WALSH. Now, we have called you in, Mr. Darrow, as one from the field of life, as it were, who has had much to do with actual contact with courts and juries and the administration of law, and we have had academic gentlemen here, law writers and students, and people that have given it a great deal of thought, and we are drawing them now from the field of conflict, as it were, and we would like to have you give us any comment that you can that will enlighten us on this subject, and do it in your own way. Give us any illustrations that you can that are pertinent growing out of your actual experience.

Mr. DARROW. Why, here are some as I have observed them, and I think they are.

Reference has been made here to the Debs case, for instance, by Mr. Davenport, I believe, who represented the other side of these questions. First, he did not state his facts right, and next he does not state the law right. The witness who just left the stand referred to the McNamara case, and in that he said that McNamara, by whom he means J. J. McNamara, the secretary of the Bridge and Structural Iron Workers, was arrested in Indianapolis, and it did not make any difference whether he was legally transported or not, that he afterwards pleaded guilty; which is not true. Mr. McNamara was arrested on a warrant charging him with murder, for the blowing up, or setting a bomb in the Times Building, and a fire resulted from that causing the death of a number of people. He did not plead guilty to that charge. He did afterwards plead guilty to a charge of having placed dynamite under the Llewellyn Iron Co.'s Works, for which he had not been indicted until he reached California. Neither does he state the legal proposition right. Whether they had a technical right, whether it was simply a technical right as to whether or not McNamara was to be taken 2,000 miles away to be tried or not, it was a right, and it was a substantial right to anybody, for instance, that lives in Washington, whether he is going to be tried here at home, or taken to Germany or France or Lower California. It is a technical right, but a legal right, but perhaps involves his whole case. Mr. McNamara was arrested and kidnapped. A police judge was called at a late hour on Saturday night, a police judge who had no jurisdiction in his case, and, of course, the courts would have been opened Monday, there is no question about that. He was arrested in that way and taken in that way, so he could not resort to the courts, nothing else. It is not a correct statement of law that the only thing the court had to do was to inquire if he was the right man and there was a requisition. The court had the right to pass on the primary question, whether he was a fugitive from justice and he was not a fugitive from justice. A fugitive from justice is one that commits a crime and runs away, and J. J. McNamara had never been in California.

Chairman WALSH. Is that the legal test, that at the time of the commission of the alleged crime he was in the State?

Mr. DARROW. He must be in the State at the time of the commission of the crime, or he can not be extradited under the law. He may be kidnaped. If there was ever a charge of murder against J. J. McNamara, or a charge such

as he pleaded guilty to, as having planted dynamite at the Llewellyn Iron Works, if that charge was one which could be prosecuted at all, it could only have been prosecuted in Indianapolis, Ind., where he lived. Whether it could or could not, I can not give an opinion, because I am not certain about it.

But if the State or Government were entitled to try him they were bound to try him where he lived and not take him 2,000 miles away from home, and that is a substantial right. He was taken to California. That was not the first time it was done. Moyer, Haywood, and Pettibone were arrested in Colorado charged with the crime of murder in Idaho; they were arrested on Saturday night also, which is a favored time of arresting labor men, long after dark, and long after the courts were closed. They were loaded on a train and taken to Idaho. Under the law they could not have been taken to Idaho, and if they were guilty they should have been tried where they lived, and there is a mighty sight of difference between trying a man at home and in a hostile country. They were taken to Idaho, and the question was raised that the State of Idaho had no right to try them because they had been kidnapped, and did not get there by due process of law. That case was taken to the Supreme Court of the United States by writ of habeas corpus, and the Supreme Court of the United States held that they had no right to take them, and that they were kidnapped, but they were there, and since they were there it was none of the business of the Supreme Court to inquire how they got there. And in that opinion Justic McKenna dissented, but no judge, as far as I know, and I think I am familiar with the cases, has ever held that you had a right to extradite a man unless he was present in the State when the crime was committed, bodily present. Both these cases were entirely different, and still they were tried.

Commissioner LENNON. Before leaving those cases, please tell us how they are a cause of social unrest.

Mr. DARROW. Why, I think pretty much all working people think that they do not get a fair show in the courts of the land, and these cases are common cases that are pointed to as examples of it.

The Debs case, which in a measure was discussed the other day, is another case in which I happened to take a part. Eugene V. Debs was the president of the American Railway Union, and a strike was called by that organization, I think, some time in 1893—I am not sure of the date. It tied up the railroads of the country, especially of the West. The strikers stated various grievances. The American Railway Union consisted of members in all lines of railway employment, and, of course, the railway service was pretty well paralyzed because of it. Anticipating this kind of action, the railroad companies had formed a general managers' association, which consisted of one member from each of the great railroads of the West, and perhaps of the East, whose business it was to deal with labor difficulties.

I am not criticizing their purpose at all. They anticipated this and got ready for it and opened headquarters as soon as the strike came on.

Their attorney was Edwin Walker, one of the ablest lawyers we ever had in Chicago, who for years had been general counsel of the Chicago, Milwaukee & St. Paul Railroad Co. When the strike occurred Mr. Walker went to what is called the Department of Justice and laid his troubles before them, and the Department of Justice immediately appointed him to represent the Department of Justice. It is hardly conceivable that they would have appointed Mr. Debs's attorney to represent the Department of Justice, but they did appoint Edwin Walker, and he filed the bill against Mr. Debs and his associates, signing it as "Assistant Attorney General," which he was, although he never represented anything but the railroads and represented them all through the case.

He filed a bill to enjoin the strikers, and he likewise went into the court and had them indicted for the very same act. That injunction was granted, not by Judge Fuller, as Mr. Davenport stated, but by Judge Woods, of Indiana. The case came on for trial, and Justice Woods sent Mr. Debs to jail for violating the injunction, and the facts he found was that he violated the injunction because violence and force had been used in the strike and that Mr. Debs was responsible for the violence and force, although there was not a scrap of evidence in the case that Mr. Debs ever raised his hand in any way or gave any orders or directions excepting that the men conduct themselves peaceably and not destroy property or interfere with the law. But he did hold that Mr. Debs had started it, and therefore he was responsible for the consequences.

Afterwards the case came on for trial in the Federal court, under the indictment, where the exact facts were applied on trial before a jury, and after fighting that case for six weeks or more we were told that a juror was taken ill—I never knew whether he was or not—but, anyway, we offered to go on with 11 jurors, and they refused, and the case was continued because the juror was taken ill. We demanded a trial again, and rather than try the case the Government dismissed the criminal case on exactly the same facts.

We went to the Supreme Court of the United States for a writ of habeas corpus on the civil case, in the Debs case, and the Supreme Court of the United States did not pass on the question of whether Debs had been guilty of the act—but, as the chairman here understands at least, it was a question of purely of jurisdiction as to whether a bill had been filed before the Federal judge, which gave him jurisdiction of the case, and they held that it had. Mr. Debs was sent to jail for six months—the first time the courts had found a case where the Sherman antitrust law would operate. It would not operate on any of the various corporation cases that had been before the courts before, but here it did.

After it was amended—after many years of agitation, they pronounced the Standard Oil Co. an illegal combination and a violator of the same act, and they gave them six months, not in jail, but six months to amend their charter, so they could do the same things over again, and their stock is worth more and they get more money out of the people than they ever did before the Supreme Court declared them an illegal combination.

Those are some of the facts that every intelligent workingman knows, and what is true of the Standard Oil Co. is also true of the Tobacco Trust and pretty much every combination that has been prosecuted.

The whole business of injunction in labor matters has grown up in a few years; within the memory of all of us. I think perhaps in the railroad strike of 1893 about the first one was issued; possibly one somewhat before that against Arthur. Before that time the courts of chancery had universally held they were only interested in property, and that they would not use a court of chancery to interfere with personal relations, or that they would not use a court of chancery where a court of law could be used, or to interfere where the charge was the commission of what amounted to a crime; but gradually during these labor strikes they have enlarged the powers of the courts of chancery in that direction until they have held that an injunction may be issued against strikers, making service by publication in newspapers, and by posting it upon telegraph poles, or anywhere else, binding everybody, whether they are parties to it or not; and that a man may be tried without a jury; he may be sentenced to prison without any hearing, if necessary, upon affidavit. We have had them sentenced in Chicago where no witnesses appeared on either side, simply on affidavit, and they were sent to jail. Everybody that knows anything about affidavits know that they are easy to get, and under that power the courts have enjoined strikers from quitting collectively on the ground that that was a boycott or use of force; they have enjoined them from committing acts of violence; they have enjoined them from sympathetic strikes where one body of men goes out to help another; they have enjoined them from levying assessments to get money to feed the wives and children of those who are on strike, and they have practically said that they must work unless the courts gave them permission to stop.

And that whole law as to injunctions has grown up—oh, in 20 years at least—until there is not a well-informed lawyer to-day who dares advise anybody as to what the law is on injunction. You do not know. It depends on what the judge is going to say, and the reason for it all is that judges act from their feelings, as all of us do. I am on the one side, some other man is on the other side; it is no use to try to convert you by argument; no one cares anything about that. The instincts and intuition are the moving power with all of us, and that is the way the law has grown up.

If we could get the people on the other side of these questions to make the law a while it would be different, but that is out of the question; the rules of our lawyers' union are too strict for that. Before a man can be a lawyer he must have had at least a high-school education, which carries him along toward 20 years of age; then he has to study law three years after that, which carries him along so that after that most of the poor people are barred; and it is quite a while after that before he can get on the bench, and it is simply natural gravitation which no one can help.

Take another branch of the law that has borne as hard upon the working people as anything else—take personal injury cases. Switchmen perhaps have a chance to live six or seven years and keep all of their more important members intact; ironworkers perhaps the same time; I would not be sure about the figures. When one of them gets hurt, he may have been careless at the time he got hurt; but when we lawyers are careless we do not fall down from the top of a 20-story building, we stumble over and get up again; but it is death to the switchman or the man on top of the building. Sooner or later everybody is careless. A man is careless and he gets hurt, or he is not careless and he gets hurt; he gets a leg cut off by a steam engine and is brought into court. The judges say, "No; you can not recover; you assumed the risk. If you had had any sense you would not have been a switchman, you would have been a banker.

Commissioner WEINSTOCK. Does that hold equally when workmen's compensation laws are in force?

Mr. DARROW. I am going to get to that in a minute; I will cover that.

They will say: "True, you got hurt, but it was not the railroad corporation that was to blame; it was the train dispatcher who gave the wrong order 500 miles away; and if he had given the right order you would have got through, so you can not recover; it is the act of a fellow servant."

We always go back to find out the law, and when we go back we find that in 1815, which is the date of the Battle of Waterloo, which is the only way I remember it, two men were employed driving a butcher's cart in England; the butcher had two men going out to sell meat on the road. In the morning one of the fellows greased up the axle of the wagon, and in putting the wheels back on forgot to put on the nut, and they got on the wagon and started off, and after they had driven a ways the wheel ran off, and the fellow that did not know anything about it got hurt and sued his employer. The case came on for trial, and the employer no doubt had the best lawyer; the case was argued, and the judges decided that where two men worked together for a common master public policy required that they shall know each others habits, and if one of them is not a safe man the other fellow ought to tell the master and have him fired, or else quit himself and open a law office or something like that.

And that law has been repeated and enforced by the decisions of courts for a hundred years, until it is the law that if a train dispatcher in Pittsburgh gives the wrong order which causes a train to go wrong and kill a trackman in Washington, that that is the act of a fellow servant; and in the case of a company like the Pennsylvania Railroad that employs 200,000 men, every employee ought to know all about the character of every other employee, which would not leave him much time for his work.

The reason for the law has entirely disappeared in a hundred years. There were no railroads in existence then and there were no factories in existence such as we speak of now, and no one knew about the application of steam.

The modern world has been made over, but lawyers still apply the old precedent until people outside of the law take a hand; all of the reforms in the law have come from the people outside, the same as all reforms in medicine have come from others than doctors. And they finally became so shocked over it that in many States within the last few years, probably within five or six years, they have changed the law of fellow servants and the law of assumed risk; and in many States they are getting an employers' liability act which gives a man in most of the States for a leg something like, oh, I should say, $1,000; the workmen's compensation law fixes a regular table—so much for the phalangeal of a finger, so much for the second, and so much for the third; and while it is very inadequate I think it is a law along the right line and will probably be worked out. That is quite common in many States, but through all these years, by these decisions and others, the employer has had all the best of it.

If the lawyers had been lined up right in 1815, the court might have said that an employer who hires a man ought to be responsible for the kind of man he hires, rather than the other fellow, who did not have anything to do with hiring him; but they did not decide it that way. They decided it the other way, and this is the natural evolution of the law.

Then, it takes lawyers to get legal rights. For instance, a bill of rights in Illinois says every man shall have redress for every grievance that he suffers, and then he goes on with another clause which says—but no one pays any attention to it—it says he must have it immediately and without expense. That is in the constitution of Illinois and the constitution of most of the

States; but if a man loses a leg by the negligence of a steam railroad and brings suit in Chicago it is two years before he gets a trial; and then, if he happens to win, which he probably wont, then it is appealed to the appellate or supreme court. If he loses, he can not go any further himself, because he can not afford it; but if he wins, it goes there and takes two years more. That is four years. Then, if he and his family are alive they spend half of it for lawyers and court expenses, while the constitution says he shall have a remedy immediately and without cost. And that is true everywhere; the poor man can not get into court with any kind of safety.

Chairman WALSH. Are judges usually qualified by education and experience to decide upon economic and social questions brought before them in labor cases?

Mr. DARROW. Well, they do not pass any examination in that; they are just examined in the law; they are qualified to look up decisions of courts to see what the decisions are; but as to economics, they have not got time to do that; they are studying law.

Chairman WALSH. How is the institution of law meeting the present economic and social questions that seem to be predominant at this day?

Mr. DARROW. Holding them back as hard as it can, and it always has. The law essentially goes back to the old things; it is a creature of precedent. If they want to know what the law is, they want to see what some other judge has done a long ways back; and that applies now. The industrial world is made over; the world of medicine is made over. A doctor who would take a prescription book of 25 years ago and go out and practice on his patient under that authority would be tried for murder; but the farther a lawyer goes back for precedents the better he finds it established.

Chairman WALSH. Dr. Goodnow suggested the other day that perhaps the time for legal study should be extended and instruction taken by applicants or intending practitioners along economic and social lines. What would you say about that? Dr. Goodnow, you know, is a constitutional lawyer and president of the Johns Hopkins University?

Mr. DARROW. Yes; he is an able man. I know about him. Why, if you could extend the course and have them belong to a labor union and work as a switchman for several years and work in a structural iron works, then, if they were alive and got through, that would help; but to extend the course for them to study law would simply make them worse.

Chairman WALSH. Dr. Goodnow, in answer to a question asked by Mr. Lennon, said that it would not be desirable to have them work in workshops.

Mr. DARROW. Well, he must be a lawyer.

Chairman WALSH. Do you think of any plan by which economical and social advice could be given to judges who are not otherwise equipped for the settlement of these questions that are constantly coming up now, like minimum-wage laws and laws limiting the hours of labor, and so forth? I ask that question growing out of the suggestion made in the Oregon and other questions where outside lawyers intervened and who had also given study to such subjects and gathered data for judges?

Mr. DARROW. Why, these questions we are discussing are the most important questions of the day, and any man who has any feeling or imagination is interested in them and will know something about them. But the trouble with lawyers is, that, like everybody else, it is a profession, a business, and they want to make money out of it, or get in office, and they have to stick close to the ordained thing, and they have to make money where there is money. We really haven't any system for the establishment of justice, we have courts but all the courts do is to give a forum for lawyers to try cases, that is all. Courts do not look up the law, they take no hand in the trial, and the different lawyers on the different sides enter into a combat to see who can win, and in the combat, of course, the man who has been able to get the best lawyers, going on down through the ages, consistently prevails, the decision in one case being the starting point in another case, and all the time the strong force pressing against the weaker force until it has made the law entirely lopsided.

I do not know any way under that system, which is the system of the common law of America—I do not know any way that it can be changed. If we had courts to inquire into matters, to settle things without lawyers, to examine facts, and examine law so as to get at justice, something might be done.

But you take an ordinary case, and two lawyers go in, the corporation generally having the most successful lawyer, and the best talent that they can, against the poor fellow with a leg off, having an inferior lawyer, perhaps his

first case. They fight it out. If that occurred in the prize ring, and you led out a dwarf to fight a man like Jack Johnson, the crowd would not stand for it, and yet it occurs every day in court—a constant pressure. One thing furnishes the basis for another until property rights have become nearly the whole thing.

Chairman WALSH. To what extent, if any, are the interests of poor persons prejudiced by the selection of jurors, or have you given any attention to that?

Mr. DARROW. Yes, sir. Of course, the different States have different laws as to that. Federal courts—they are only chosen from the well known in the community—politicians and people who have some standing, some class about them. Not the people who work. Then, of course, in our Federal courts the judge is the whole thing, anyway. The jurors, they very readily find out what the judge thinks about a case, and most all of them unload it on the judge, and say, "I couldn't do anything else under the instructions they gave us." You never yet got beaten in the Federal court but what the jurors came and told you that they wanted to find your way, but they couldn't do it because the judge said so and so.

In the State courts—there are some States where every juror's name as it appears on the poll books, or every person's name as it appears on the poll books goes in, and from the whole the juror is drawn indiscriminately. That gives a workingman a jury not prejudiced against him, sometimes prejudiced for him. In our State we have a jury commissioner who picks out the jurors, in Chicago at least, and very carefully examines the list and looks over their occupation, and we find as a rule a large number of foremen and clerks and very few working people. It is a good deal safer to try a case before an employer than his clerk. In many States there is a property qualification for jury service, which, of course, makes it more or less a class proposition, but so far as it can be done every citizen ought to be drawn impartially for jury service. This helps the workingman and he gets a fair standing in court.

Chairman WALSH. What would be your suggestion with regard to that; that is, the man that possibly insists on the administration of justice should disturb themselves?

Mr. DARROW. Yes, sir.

Chairman WALSH. Has it not been taken up by workers generally, the fact that they are, if it is true as you stated, discriminated against in the selection of jurors. Is it not a sort of basis where justice or triers of facts is concerned?

Mr. DARROW. It has not been taken up very much, but in some cases. Sometimes the better-paid workingmen, as we call them, are in a way to blame for it. The workingman gets from three to four or five dollars a day, always poor at that, can not afford to do the jury service for $2 a day. It is a very serious handicap to them, and they often get excused, where they might otherwise serve. And the lower paid workingman seldom gets on a jury, although they sometimes do. It could be remedied somewhat by paying more to jurors, but it is an important question, I think, in the administration of justice.

Chairman WALSH. Do you find a reluctance in everyday practice and everyday observation on the part of labor organizations, as well as individual workers, to present their grievances to the courts of the country for judicial determination?

Mr. DARROW. I never knew anybody that wanted to get into a court but lawyers. Farmers are taught to stay out or lose their property; mechanics and business men and everybody are taught to stay out. It is regarded as cumbersome and expensive and a wholly unsatisfactory tribunal. Workingmen, of course, in their labor disputes feel that they have no chance as a rule; not before juries, however, because many times they have the best of it before juries. Take a criminal case, where it is a question of a labor organization, and you get a jury of trade-unionists, they will probably stand by him, and the other fellow would go the other way, neither paying much attention to the facts, but each going for their side. That is human nature.

Chairman WALSH. I am calling your attention to what might be called guaranteed constitutional personal rights and ask you to make whatever comment you might have to make on the conservation of these rights by law or the lack of it. For instance, first, the trial by jury. Is it being observed?

Mr. DARROW. Well, in labor cases constitutional provisions have been absolutely nullified. For instance, a court can issue an injunction against a strike or anybody engaged in it, which would only enjoin them from committing unlawful acts, and if they do the act it is a crime, but in order to

escape the right of the defendant to have a jury determine whether he commits a crime or not, the court won't try him for the committing of the crime but try him for disobeying his order not to commit it, which amounts to the same thing if a man is in jail, but it is legal under the law.

I noticed Mr. Davenport's statement of the proposition, which, of course, he did not state correctly, the other day in reference to the Debs case and Mr. Gompers's case. They went into the court defending an injunction on the ground that the court of chancery had no jurisdiction and thereby confessed that they were criminals. I believe he said infamous criminals, a different kind, perhaps. But no such thing ever happened. What they did say was, "You charge me with being a criminal and therefore I want a jury to pass on it," rather than you. They didn't admit it in either case.

Chairman WALSH. As to the personal right to the writ of habeas corpus, is that being conserved, from your observation, or not?

Mr. DARROW. Courts have great reluctance to grant a writ of habeas corpus. Once in a while they do it. The trouble with the writ of habeas corpus, like everything else, is it is such an easy matter to get around it if you want to. It is not hard for a court, any more than for you and me, to decide a thing the way we want to decide it. It is perfectly easy, and we give excellent reasons for it, just as I do for my views of the law, but if a court thinks that a writ of habeas corpus should not be granted in a particular case, it is easy to conjure up any number of technical reasons against it, and then it is impossible for the poor man to get into court. The ordinary man that is in jail has no money or he would not be there. He is poor. You go through the jails in this country and you can hardly find money enough to hire a lawyer, and he can not get into court with a writ of habeas corpus or anything else. No jailer comes around and tells him, "I think I could get you a writ and I will get it for you"; but he sits there, and if he does get a lawyer it is somebody that has been looking him up, and he is generally better off without him.

It is the administration of the law which is all on the other side.

Chairman WALSH. Has your attention been called to the specific violation of that alleged—or specific alleged violations of that writ in cases where the military was called into the district?

Mr. DARROW. Of course there is no such writ when there is the militia. As a witness said the other day, "The Constitution provides for it, but that don't help the fellow any." Any governor can declare martial law when he wants to, or the President of the United States. I believe the court issued a writ of habeas corpus for Mrs. Surratt before she was executed in Washington, but he couldn't deliver it—the military authorities took her away and tried her before court-martial. In West Virginia the courts are all right perhaps, but the governor declared military law, and there were no courts. In Colorado, not also recently but in the strike of the Western Federation of Miners, they at once declared martial law.

Chairman WALSH. What became of the constitutional provision, for instance, in Colorado and perhaps in West Virginia, I am not so familiar with that, which provides that the military law shall always be subordinate to the civil power, and in the case of Colorado the governor issued no proclamation of martial law.

Mr. DARROW. As I recall the Moyer case, I am not very clear on it, they held that while they had not really declared martial law that in effect they had. It was simply a way of getting away from it.

Chairman WALSH. In everyday practice of a man that is deprived of his liberty rightfully or wrongfully, has he access to a writ of habeas corpus, and is it generally used?

Mr. DARROW. It is almost impossible to use the writ of habeas corpus. In the first place, a court, under writ of habeas corpus, takes notice only of the record. The thing is, have you made a paper case against the man. He takes no note of the fact, and any lawyer of fair attainment can write a paper or file an information or draw an indictment that is good on its face. It goes to the face of the case, whether the papers are true, barring the case of extradition that I mentioned a while ago.

Chairman WALSH. I was going to ask you was Joseph McNamara entitled by right, or under the Constitution, to the writ of habeas corpus?

Mr. DARROW. There can be no kind of question about it. The reason he was taken out of Indianapolis on Saturday night was so he could not get to the courts. He asked for a lawyer and they would not give him one.

Chairman WALSH. I have left the subject I was discussing to ask you that question, but now, going back: What is the basis and reason for the right of trial in the district, or in a man's own community? Where does it come from, the right to be tried in his own community, or what is the basis of it?

Mr. DARROW. That is as old as the common law; it comes from England, and I don't know but from way back in Germany. A man has some friends, some standing, perhaps his reputation, if he has any, in that community. It is a community where he can defend himself, his witnesses may all be there and he can't get them some place else; he can't take them 2,000 miles if he is poor, and for that reason a man is entitled to a trial in the vicinity where he lives.

Chairman WALSH. Ought it to be looked upon as a mere technical right?

Mr. DARROW. It is about the most substantial right.

Chairman WALSH. Going back to this question of guaranteed personal rights, I wish you would say from experience in courts generally, the class of cases that you have been in and observed, whether the constitutional right of free speech and free press is carefully conserved by the law and the courts?

Mr. DARROW. Every provision means nothing, when you come to have them interpreted. For instance, the Constitution says every man may bear arms, but a city ordinance in a town of 2,000 people can pass a law sending a man to jail for having a pistol. The Constitution of the United States says he may have them. The right of free speech is hemmed in, and legislated in by every village council, and by every State legislature, and by the Federal Government, until it simply means you have a right to speak if you say what we want you to say, and the right to publish comes to about the same thing. Whether a piece of literature is obscene depends on Anthony Comstock; whether it is revolutionary depends upon the courts that have been educated along the line, believing that almost any kind of talk against existing things is revolutionary. Nobody can tell what they will hold on the question. It is out of the question to tell. The constitutional guaranties, where you do find them working, is when it reaches property.

Chairman WALSH. I was just going to come to that. Could this not be worked out under a proper administration of the law so that due process of law would mean that a man could not be deprived of his right to speak, or right to trial by jury, and other rights? In other words, could that guaranty of right of due process of law be extended to personal rights to be invaded?

Mr. DARROW. It could if the courts and lawyers didn't find some way to get around it after a while. Legislatures could do it and Congress could do it. They have done it, but we find it easy to get around it, and while they are constantly limiting the constitutional provisions that protect the individual, they are constantly increasing those that protect property. For instance, we have a constitutional provision that where a person sues a citizen of another State, he can go into the United States court, because they are citizens of different States. The theory of that is perfectly plain. That was done because a man who would be at home amongst his friends would be supposed to have a better chance, and if citizens of two different States are involved, they go into the Federal court where they stand equally. But the courts have held that the word "citizen" applies to corporations. Of course, a corporation is nothing but an intangible business created by the law, but they say a corporation is a citizen within that amendment, and a body of high-finance men in Chicago get an organization to run the street cars in the city of Chicago, every one living in Chicago, and organize under the laws of New Jersey, which issues letters of marque and reprisal in commerce and calls them charters, and a man sues the street car company in Chicago, it is a foreign corporation and you immediately go to the Federal court.

Chairman WALSH. What does he want to go before the Federal court for?

Mr. DARROW. Because judges in Federal courts are appointed for life or during good behavior, and they always behave and never die. The idea of the Federal court does not depend on lawyers like me, whose sympathies are with the working people, but there is not a corporation lawyer in the United States that doesn't go there when he can; not one. You never heard of a corporation lawyer that didn't move a case to the Federal court the first chance he gets, invariably, because they are sure that their chances to win are greater.

Chairman WALSH. To what extent are boycotts legal?

Mr. DARROW. I don't think anybody knows; you have to get at your boycott, and then get a decision of the court on it to define it, whether it is legal or not, but boycotts ought to be legal; there is no reason why a man can refuse

to trade with any man because he doesn't like his religion, or why he need not work with another man because he don't like the color of his hair, or due to a mere whim; if he is going to be free, he can and should. Of course, the boycott has fallen into disrepute because it has been used by working people, but it has a very distinquished and respectable history. In this country, at the time of the Revolutionary War, the revolutionists got together and boycotted every Tory there was in the country, not only boycotted them, but hanged them, drove them out of the country and settled Nova Scotia with bankers and preachers and lawyers. They refused to buy goods made in England, and refused to associate with anybody that bought goods made in England, and now, of course, the great-grandsons and great-granddaughters of the American Revolution are sending people to jail for boycotts. The boycott has been used in good causes and was respectable until the common people came to use it. It may be a drastic means, but we use it in society. Everybody is boycotted, some for being good citizens and some for being bad, but it simply means that people in this world choose their kind, and they do it unjustly many times, but they have a right to do it, or should have a right to do it. I think in the main—I don't know what I do think about it. They have said everything about it. A fellow that starts a boycott, he has to take a chance; maybe the court will say it is legal, maybe they won't.

I don't hear of many of the other people being prosecuted. There is not a corporation of any great strength scarcely but that will refuse to sell goods if a little merchant buys some goods of its rival. Over and over again they do that and nobody pays any attention to that. "Take our goods or leave them alone. You can't take part unless you take all." All of us are in the boycott business.

Chairman WALSH. Have you observed to what extent private guards and detectives are used in the industrial disturbances?

Mr. DARROW. Yes; I have observed a good many of them.

Chairman WASH. I would like you to give us an idea, if you can, of the extent and method of such uses?

Mr. DARROW. Well, it is safe to say that there is no great labor organization in the country that is not full of detectives—full of them. There are employment agencies whose whole business is to furnish union men to work in labor organizations. There are over and over again officers of unions, secretaries, treasurers, presidents, who are detectives. There is hardly anybody who dares speak to his neighbor, no matter how closely he is associated with him, without fearing that he might be turned up, whatever he says, and that his statements might be lied about. I know in the trial of the Haywood case in Idaho we had one man closely associated with us who at the last minute developed to be a detective who was in the employ of the other side all the while. We had a number of detectives in the office; have them in every great trial; and we use them when we can on the other fellow, but they have the best chance.

Of course, the private gunmen, everybody, I think, knows about that. There is a firm down here in New Jersey that is a common example of it. I had occasion to go over a lot of affidavits made by people in Michigan during the copper strike—affidavits of men who were appointed as guards or officers in Michigan and must be citizens of that State. Those men had been appointed first in West Virginia, then in Kansas City, then in Chicago, and then in Michigan; going right around all the way wherever they were used, where they were wanted, sent here and there.

Chairman WALSH. Have you observed any feeling or unrest on the part of workers on account of delay in securing legislative enactments for their own relief? A question arose here the other day on a statement made by Mr. Johannsen to the effect that efforts had been made for 21 years to secure a seamen's bill before there was one secured. I am not familiar with the provisions, but the general provisions, he said, were simply to release the seaman from what might be termed a condition of slavery, and to give him an opportunity to express himself, to work out his own salvation, I believe he said.

Mr. DARROW. Yes; I understand that bill. I am not very familiar with it, but I understood from what Mr. Johannsen said and what I have heard of it and what Mr. Weinstock here said in asking him the questions, that it was a bill which permitted seamen to leave their job whenever they wanted to do so—that is, in a port; simply leaving them free. And I know they have been working some generations to get that bill—just to have a right to freedom.

Chairman WALSH. Is there a history connected with efforts to get other legislation of a similar nature?

Mr. DARROW. I used to know a good deal of details of it and have forgotten a good deal of what I did know about it and some of the rest is vague. But I think it took 16 years to get a safety-appliance bill for the railroads, so as to get rid of the man-killer coupling and couple cars automatically. Then it took about as long to get it enforced afterwards.

Chairman WALSH. What causes this delay?

Mr. DARROW. Why the vested interests—the people making money out of it. Of course, in some instances no doubt it takes time to equip and get ready, but everybody opposes everything that will cut down profits. That is the first thing. One of the commissioners said they had a doubt as to whether that seamen's bill should have gone through, because it might interfere with our competing with Japan. Now, I don't know. I would not examine that question at all. I should say if the American merchant marine could not live without making slaves out of the sailors, better let all of the ships rot in the harbor or be sent to the bottom of the ocean. There is not a single move made along this line that they do not say, "You can't do it. You can't shorten the hours of labor. You can't keep children out of the factories, because otherwise it will interfere with the profits," as it will. But that's not a matter of any importance.

Chairman WALSH. In your observation is there a general feeling of industrial unrest in the country?

Mr. DARROW. Oh, I think there is no doubt about that.

Chairman WALSH. Among the workers?

Mr. DARROW. No doubt about it at all; about that at all.

Chairman WALSH. What are the principal causes of it?

Mr. DARROW. Well, of course, life is unrest. It is idle to talk about curing unrest, because when you get it cured you are dead. It is the aspiration of people for power and to live; that is the cause. And you can not cure anything in this world. You can only help along to new adjustments and better adjustments. Of course, the great mass of people who are interested in a social question will not stop to analyze accurately. They see a few facts, just enough that they know, for instance, here is all the oil there is in the earth owned by one great corporation; they know that 8 or 10 railroad lines exist between Chicago and New York, but the rate of fare is the same on each except they permit a differential among themselves on passengers. And they know that perhaps a dozen men in the United States are influential enough to shut down the wheels of industry when they want to; and they know the coal mines are owned by a few people; and they know if you get a job you have got to get it from the fellows who have things, and that the great mass of men are poor and struggling along, in debt, hard up, can't get their teeth filled, and can't get anything that the rest of us get; that's about all they do know; and that's enough to know. And there will always be unrest as long as that exists, and if you cure it why they will get restless about something else, of course.

Chairman WALSH. What would be your suggested remedy to relieve the situation? But before you leave that do you think the wage question bears upon it in any way?

Mr. DARROW. Certainly; certainly. The men who see that others get so much more than they do are not satisfied with their wages. They don't live as well. So long as the fellows who do the work of the world live the poorest and the fellows who don't do it get all the good things of the world they are not satisfied, and they would not be if they were fit to live at all. And there is a constant effort to increase wages.

Of course, what you are going to do for it, that is harder. That is what this commission is for—to find out. I presume we will know after you get through, but it's hard to know what to do.

So far as any help for this generation or the next generation, the most substantial things are the organizations of labor. There have never been anything else that I know anything about which has stood back of the working people, excepting their organizations. Otherwise, they stand alone and have no power whatever to make a bargain. Talk about collective bargaining, there is no use for the individual to bargain any more. The Pennsylvania Railroad employs 200,000 men. Suppose they are not organized and one man should go there and say, "I think it is about time for you to raise my wages as a switchman." What do you suppose he would hear? They would say, "I think it is about time for you to quit your job." If there is no organization there is no bargaining at all. They simply post their schedule up there on the wall and say we will give you so much an hour and so much a month. Take it or let it alone as you please and go on about your business. But the railroad men have got to

get together as the railroads get together. But if they are organized and say, "If we can't have this or that there won't any of us work," then there is a chance to bargain. Of course, they might do something by law, but there is not much chance to effect anything by law. Our Government is so medieval in its construction and its institutions that there isn't any chance for the people to be heard from.

It does not seem like a system of Government like ours could be got up by design. It is a lot of stupendous blunders. Suppose the working people wanted to get some law that really substantially affected things. How are they going to get it? Well, you have first got to get it through Congress perhaps. Congress is made up of a body of men from all over the country, elected for two years, and taking seat a year after they are elected and have had time to forget everything; and then if you win there you have got to get it through the Senate, and that is made up of fellows who have their seats for six years, two-thirds of them elected on some other issue entirely. And if you get it through the Senate, then it has got to be signed by the President, and he is elected for four years on some other question, and you have got to get all three, and get all three at once, or else you are lost. You can't get all three by getting one this year and then one the next year, and so on. You have got to get it all at the same time. Then if you have been able to get it through Congress and signed by the President—which you won't—then there is the Constitution. Then you have got to inquire whether John Hancock or some of the rest of them told us whether we could do it a hundred years ago, and, if not, it is all off. And the only way you can tell what the Constitution says—you can't read it and tell; nobody can tell—you have got to ask the Supreme Court, and there are nine judges there for life, and most of them old men who are clear out of this generation; and you have got to do it all and get it all at once and—well, the only way you can get along with it is to not think about it.

Commissioner LENNON. What is your view as to the authority of courts under the Constitution or under legal enactment to pass upon the unconstitutionality of laws?

Mr. DARROW. Why, it is not given to them anywhere; it is not necessary; they have got it.

Commissioner LENNON. It is a usurped power?

Mr. DARROW. Oh, well, lawyers have all kinds of theories. They say that the Constitution is part of the organic law of the land, and the judges have to decide what the organic law is, and therefore they take it into consideration. But I don't think it was ever meant to be used by them, but it is. Yes; there is no constitutional provision requiring it. Take the English Government, for instance, and compare it with ours and you will find that you can do something in England. There is a House of Commons. The House of Lords is about out of it. And the House of Commons is elected directly by the people and goes immediately to work. And the King can not pay any attention to it. He has no power, only sort of to fix the table manners for the people. He has no political power at all. And the House of Lords can not affect it, and they have no constitution. So if the English people want something and pass it through the House of Commons, they have got it. But we can not do it in the life of any generation, and few people have an imagination running beyond their generation.

Chairman WALSH. It will be impossible to finish with you this afternoon, Mr. Darrow, and there are a lot of the commissioners have said they have something to ask you, and so I am going to excuse you and put on a witness that has to leave and whom we call in this 25 minutes that we have left. I am sorry, but——

Mr. DARROW. I will stay over until I can get away to-morrow.

Chairman WALSH. All right.

Mrs. Benedict.

TESTIMONY OF MRS. CRYSTAL EASTMAN BENEDICT.

Chairman WALSH. State your name, please.

Mrs. BENEDICT. Crystal Eastman Benedict.

Chairman WALSH. Where do you reside?

Mrs. BENEDICT. New York City.

Chairman WALSH. What is your profession?

Mrs. BENEDICT. Well, I am—I have been an industrial investigator, writer, lawyer, organizer of one kind and another.

Chairman WALSH. Have you made a special study or given special consideration to the question of women in industry, and women in industry particularly so far as the administration of law is concerned?

Mrs. BENEDICT. I can not say that I have made a special study of women in industry except as a person interested in labor problems as a whole. I have studied the works of others in this connection and associated very closely with people who have made these individual studies. But my own labor investigations have not been with reference to women in industry.

Chairman WALSH. Have been in industry generally?

Mrs. BENEDICT. Yes, sir.

Chairman WALSH. What, in a general way, are the statistics as to women wage earners in America to-day as compared with, say, 10 years ago?

Mrs. BENEDICT. Well, Mr. Chirman, I have some facts in regard to that from the census. In 1910, 23.45 per cent of the females over 10 years of age were wageworkers. In 1900 this was 18.8. Without going into the figures from 1880 up, which I have here, if the increase continues at the present rate, by 1920, five years from now, 50 per cent of the women over 10 years of age will be wageworkers. By "wageworkers" I mean paid workers, excluding women who work in their homes without definite recognized economic reward.

Chairman WALSH. Do you know of any cases where women doing the same work as men are receiving currently lower wages for their labor?

Mrs. BENEDICT. I should say that generally speaking it is a matter of common knowledge that both in public employment—Government employment, city, and State, and municipal work, and in private industry, women, generally speaking, receive less for their work than men. At least this is true in the nonsuffrage States. I have a few figures in regard to that also. And many figures can be submitted to the commission afterwards.

In the first place, the general average of women workers throughout the country get one-half of what the general average of men workers get. This, of course means little. It is simply an indication.

Chairman WALSH. I did not get that. What are those figures?

Mrs. BENEDICT. The wages of the women who are income-producing women, definite recognized income-producing women, average a rate of one-half of what the wages of income-producing men are.

Commissioner LENNON. Do you make an application of that to where women are employed in the trades that are organized as, for instance, in the printing industry?

Mrs. BENEDICT. Now, there, when it comes to the question of organization, I want to get back to the special point of view which I am presenting to-day, and I think if I may state that, Mr. Chairman——

Chairman WALSH. Why, you may; we will be very glad if you will do so.

Mrs. BENEDICT. As a preliminary statement, I am here representing the Congressional Union for Woman's Suffrage. I am a member of the executive board of that body and have asked for a hearing by the commission—a brief hearing on the question of the disenfranchisement of women as one of the causes of social and industrial unrest. I just want to get that stated so that these figures in regard to women in industry may be listened to and regarded in relation to this point of view.

We do feel—I personally feel that the continued disfranchisement of women is one of the causes of social unrest to-day both because there goes with it a growing deep resentment and sense of injustice that this fundamental right has been denied after so much of a struggle and, in addition, because we feel that denial of political rights to women is an actual and practical handicap to them in economic advancement.

The organized women workers have been mentioned, but before I go into that I should like to take up the chairman's question in regard to whether women are paid less than men for similar work. Take, first, Government employees. The advertisements for Government clerks right here in the Federal Government at Washington recite that women start in at $720 per year, and men start in at $900 per year. These women pass the same examinations as the men and their general average is higher, yet they start in at $720, and the men start in at $900. We know of many, many cases where many women earning $1,400 a year after years of service are instructing men clerks at $1,800 per year in the duties of their offices, and the men clerks as soon as instructed will, of course, be passed on further. These women are instructing men who are getting more money than they are getting.

There is actually a statute which provides that the head of any department may, at any time when he finds that he can, substitute a "lower-class" clerk

or a "female" clerk. That mere phrase, I think, makes it very clear that the women are considered lower paid, regardless of the value and efficiency of their work.

So much, then, for the Government clerks. It is a matter of common knowledge that teachers of public schools, who are women, except where vigorous campaigns have been conducted in their interest, receive lower pay for exactly the same class of work than men; this is true, then, not only of Federal work, but State and municipal work and all kinds of public work.

Now, that is comparatively a small group of women; but it is small only in the face of the enormous number of people involved in the problem of industrial unrest, and it is growing. It is a growing group. And as the Government takes over more and more social activities a greater number of women will be employed by the Government. In regard to these Government positions, the disfranchisement of women is an actual handicap, which no one could deny, in securing equality of opportunities and wages. And in addition, I would say that with the Government setting a standard which declares women to be of less value than men, it is no wonder that private industry follows that standard.

Now, let us take the position of women in private industry as a whole. There are about 8,000,000 women wageworkers in this country to-day. This 8,000,000 is about 24 per cent of the women over 10 years old. If the rate of increase continues, there will be 50 per cent of the women over 10 years of age gainfully employed in 1920.

The question of whether these women are getting wages that they can live on as a whole need hardly be brought before this commission. I know that your own investigations have brought out the fact again and again, no matter how low the wages of men are, the wages of women are lower, and that, I think, is a matter which needs no proof.

But let me give you a few facts from a most recent exhaustive inquiry made in New York covering four trades, the confectionary trade, the paper box-making trade, shirt factories, and retail stores. In the first, of over 90,000 persons for which weekly rates were given, more than three-fifths of the male workers received less than $15 per week, while more than three-fourths of the women received less than $10 a week. In the stores half the males get less than $14 a week, and half the females get less than $7.50 a week. In the shirt factories half the men get less than $12 a week and half the women less than $6.50.

Mr. Chairman, I know you are better educated on these matters, after two years of this kind of work, on all these facts, than I am, or anyone else is. I merely want to call your attention to these facts about women. In facing this tremendous industrial question which you have before you do not forget the women; do not forget that whatever you can say about the wages of men, the wages of women are less.

Now, then, the question is, has this thing any relation to the vote? If it has not, then I, as a representative of a suffrage organization, have no logical reason to be here before the commission; but I think it has. Women can not raise their wages directly by the vote, except in Government employ. They must raise their wages as men have raised their wages, by organization. But I think even Mr. Johannsen would admit that the vote has been essential to labor in winning what it has won. It is not always the actual casting of the ballot; it is not always the immediate control over legislators whom you have put in office that counts, but it is the fact that the vote makes a person a little less defenseless in the face of power than he would be if he did not have the vote.

I just want to give one historic illustration of this.

The greatest strike of women, I guess, in the world was the shirt-waist strike in New York. During that strike the women pickets were subjected to probably as crude a line of police abuse as any strikers ever have been subjected to. During that strike some 5,000 of those women strikers marched down through the streets of New York with their women supporters to see the mayor and appeal to him, not in the interest of their demands, but in the interest of police protection and fair treatment from the administration, and the mayor refused to see them. He said he was not interested. Now, regardless of how powerless the men workers of to-day are, and we have many instances before us of that, I doubt if it would be possible to find in history of the United States any instance in which 5,000 voters, no matter how poor and downtrodden, have gone to see an elected official and been refused admission—refused an interview. I think that epitomizes the situation of women workers.

Commissioner O'CONNELL. So that there may not be a wrong impression from the record, you might state the time that was so that some person might not be held responsible for it that should not be.

Mrs. HARRIMAN. Just what mayor was in office at that time?

Mrs. BENEDICT. I think it was Mayor McClellan.

Commissioner HARRIMAN. Wasn't it Mayor Gaynor?

Commissioner LENNON. No; the big strike was under—at the time of Mayor McClellan.

Commissioner O'CONNELL. I will ask, then, that you supply for the record the exact data on that.

Mrs. BENEDICT. Yes.

I would state that this opportunity has come to us very recently, and that my preparation has been brief, and that the Congressional Union will be very glad to furnish an authoritative statement in regard to this whole proposition and our claim.

Now, Mr. Chairman, I also want to mention another great class of workers. After all, I can only say that 24 per cent of the women of this country are wage earners. That leaves us the vast majority who, you might say, have no economic responsibility, and after all perhaps you might say that my plea is in the interest of a very small proportion.

However, it is not true that the vast majority of women who do not work for wages do not work. It is not true that they have no economic responsibility; it is true they have no economic reward of any definite character. They are relieved of economic reward but not of economic responsibility. These women, especially the poor ones—because I am not now speaking of the very few who actually are supported by men, but of women who work in homes, who work on farms, who cook and wash and sew, who produce children and train them and keep them clean, perhaps more continuously than any other class of workers we have, these are the women who have no recognized economic reward. They have the right in law to support from their husbands. That is all. If the husband goes away or is irresponsible, this right is practically nonenforceable.

Now, some solution of the problem of those women must be worked out by this commission, if this great cause of social unrest is to be removed, and I can not see any way it can be done except through legislation, and I can not see how legislation can be achieved until that great mass of women have some representation in legislation. So, I think, it is perhaps even more important for them to have the vote, than it is for the wage-earning women, certainly equally as important.

Now, Mr. Chairman, I have, so far as I feel prepared, stated why I believe there is a connection between economic power and the ballot, lessening as the years go on, but still in existence.

Would the commission care to hear what I wish they would recommend in regard to that?

Chairman WALSH. Yes; just make any recommendation you please, Mrs. Benedict.

Mrs. BENEDICT. I should like to see this Industrial Relations Commission recommend the passing of a Federal women's suffrage amendment (of the bill) of a bill which would prohibit the States from denying the right of suffrage on the ground of sex. And I should like the commission to make that report now, not wait until it makes its regular report. I should like to see you make it now, and this is my reason: This reform I am talking about, granting suffrage to women, has no business in the twentieth century; it is an eighteenth-century question we are talking about. Now, I think it would be a great thing if you could clear the decks of this whole question of giving women political rights for what they amount to. Get that out of the way; make this great body of courageous, devoted, intelligent women in this country, free to help in working out the big industrial-labor problems of the future; free from this irritating, humiliating, continuous demand for political rights, which they will not cease to make until they win. That is why I should even ask that the commission make a report on this question at once, remove it from their minds, go on record on it, and then go on. It does not belong in the twentieth century.

Commissioner O'CONNELL. The body to which this commission reports does not meet until next December.

Mrs. BENEDICT. I have thought of that, and I think it would be a great thing for you to make your report on that to President Wilson. He can bring

about this reform. If you could convince President Wilson during the summer that the success of the Democratic Party depends on taking a stand on this question you will have done a great thing.

Commissioner O'CONNELL. But the law says that we shall report to Congress.

Mrs. BENEDICT. There would be ways of getting that expression of opinion into the public press.

Commissioner WEINSTOCK. Just one question, please. Do you think that a legal minimum wage for women and minors would be of advantage to women and would help equalize the wage problem?

Mrs. BENEDICT. Mr. Weinstock, I have never fully made up my mind about the minimum wage; I don't know.

Commissioner WEINSTOCK. You have no opinion on it?

Mrs. BENEDICT. I have no final opinion; no.

Commissioner O'CONNELL. You are not alone in that opinion then.

Mrs. BENEDICT. No.

Commissioner LENNON. There is one member of the commission who could report on the women's suffrage question years ago.

Chairman WALSH. That is all, thank you, Mrs. Benedict.

We will now stand adjourned until to-morrow morning at 10 o'clock.

(Whereupon, at 4.30 p. m., Monday, May 17, 1915, the commission adjourned until 10 o'clock Tuesday, May 18, 1915.)

WASHINGTON, D. C., *Tuesday, May 18, 1915—10 a. m.*

Present: Chairman Walsh; Commissioners O'Connell, Harriman, Weinstock, Lennon.

Chairman WALSH. We will please be in order.

Mr. Darrow, please resume the stand.

TESTIMONY OF MR. CLARENCE S. DARROW—Recalled.

Chairman WALSH. I had finished your examination, Mr. Darrow, as far as I am concerned, and I think Mr. Weinstock has some questions he would like to ask you. Had you finished your answers last night?

Mr. DARROW. I ran onto this [indicating]. A friend handed me this magazine; this is a copy of an old boycott bill, which would be considered respectable now; the Sons and Daughters of Liberty, in the days of Revolution. This is a placard that was put up:

"William Jackson, an importer at the Brazen Head, at the north side of the townhouse, in Corn Hill, Boston.

"It is desired that the Sons & Daughters of Liberty would not buy any one thing of him, for in so doing they will bring disgrace upon themselves and their posterity forever and ever, amen."

The modern boycott does not generally use that word at the end, but it is the same thing.

Commissioner WEINSTOCK. The name of Dr. Goodnow, the president of the Johns Hopkins University, was brought in during your testimony yesterday?

Mr. DARROW. Yes, Mr. Weinstock.

Commissioner WEINSTOCK. I would like to read some statements which were made by Dr. Goodnow, and invite your opinion thereon with a view of seeing how far you concur with Dr. Goodnow in his attitude; this is how it reads:

"Taking a concrete case, doctor, taking the case, for example, of the Colorado situation, and analyzing it, let us see what your counsel in the matter would lead to. The governor ordered out the militia in connection with some coal strike that took place in Colorado. There was a conflict of testimony there as to the cause and effect. The National Guardsmen maintain that they fought in self-defense; that they were first attacked by the strikers. The strikers deny that and claim that the initiative was taken on the part of the National Guardsmen, which led to riot. Let us assume for the purpose of our illustration, and for the purpose of our analysis, that the workers are correct in their statement and that the militia did take the initiative and did abuse their power and did harass and fire upon innocent people. Your advice and counsel under those circumstances to the worker is, take the result? Yield for the time being; do not attempt to take the short cut and get immediate redress, but recognize the existing authorities and abide by their demand? Let your remedy

come by use of the ballot, see to it that the commander in chief that is responsible for this is either recalled, under your recall law, or is condemned by public sentiment and not reelected? Do I follow you?

"Dr. GOODNOW. Yes, sir; it seems to me that any other advice is going to lead to anarchy. It seems to me that the fundamental proposition you have to start with is that we must have peace, and we shall not recognize any such thing legally as right to restrain the constituted authorities. The right of revolution or violence or anything of that sort. We must as civilized men adopt that idea, or else there is no peace for our Government.

"Commissioner WEINSTOCK. In other words, the short cut to the remedy must be condemned?

"Dr. GOODNOW. Yes, sir; as I look at it.

"Commissioner WEINSTOCK. And that it is better for a group of men to suffer from real or fancied injuries temporarily than to have chaos prevail?

"Dr. GOODNOW. Certainly. One of the many troubles seems to be the workers in the country never will gain anything by any such thing as organized violence. The people as a whole condemn it, and they can do very much better by presenting their case as forcibly as it can be to the courts, where that is possible, or to the public as a whole."

Now, will you please, Mr. Darrow, state how far you are in accord with Dr. Goodnow's attitude and position in the matter?

Mr. DARROW. Not very far. The officers of the law have the least right of anybody to violate the law. If a constable seeks to arrest a man without having legal authority to do it the man not only has the right to resist, but ought to. If the militia attacks people brutally and without authority they should be resisted if there is a chance to resist them and win. Of course, if they can not, safety might dictate something else; but because a man is a militiaman that does not give him the right to make the law or violatee it so far as it is made, or outrage conscience and decency. The idea that a man who is an officer can do anything is only fit for slaves to harbor.

Commissioner WEINSTOCK. Well, are we to gather from that, Mr. Darrow, that if the governor of the State should order out troops, and do it in accordance with the law, and those troops under their command should exercise their very best judgment, and do what they believed was necessary to be done, in order to preserve law and order; that if in the judgment of the strikers the troops were exceeding their authority, would you justify the strikers in resisting and restorting to violence?

Mr. DARROW. As a plain question of law, whether the troops thought they were right or not cuts no figure, the question is, were they.

Commissioner WEINSTOCK. The strikers then would be the judge, whether they were or not?

Mr. DARROW. No; afterwards, I suppose, it would be submitted to some tribunal, and if nothing else, to the people, as to whether they were; but neither one are the judges, each one acts for himself as far as he can.

Commissioner WEINSTOCK. Then, if in the judgment of the strikers they were warranted in resisting the constituted authorities, and did resist, and bloodshed followed and lives were lost and property was destroyed, would you say the strikers should or should not be punished, under the law, for such resistance?

Mr. DARROW. Well, suppose blood was shed and property destroyed, but liberty was saved, then what? There are other things to consider besides property and other things to consider besides bloodshed. The liberty of the man, which is the one thing worth defending, and it is to be judged by history, in the light of all that has happened, and the consequences and result of it. There has been very little improvement in the world that has not, at least, been accompanied with bloodshed. It seems to be the law of nature. The scriptures put it, "Without the shedding of blood, there can be no remission of sins."

Commissioner WEINSTOCK. Are you a believer in bloodshed?

Mr. DARROW. Neither a believer nor disbeliever in it. It is in the course of nature, and we have nothing to do with it. To say that I believe a thing, do I believe it exists, or approve of it, or disapprove of it? There are times when it is absolutely necessary. We would not have any Government here except for bloodshed. The slaves would be slaves yet except for bloodshed. Lots of good has come of it. You take from the world everything that is gained in that way, and we would still be living in caves and clothed with hair instead of wool.

Commissioner WEINSTOCK. You have heard it said, Mr. Darrow, I think it was brought out here at different times before the commission, that the attitude

of—I won't say all organizations, but the attitude of some labor representatives and some labor leaders is that a strike is war, and that everything, so to speak, is justifiable in war. Are you in sympathy with that point of view?

Mr. DARROW. I don't think that everything is justifiable in war, to start with. I think there are many things in the present war in Europe that are not justified under the laws of humanity, and I think it is a mistake to say everything is justified in war. One ought not to forget their human instincts in time of war, although they are often swept away. But a strike is in the nature of war, and conflict between capital and labor to-day are in the nature of war, so regarded by both sides, each side trying to win, and using such power as they have to win, but I think employers do many things they should not do, and the working men do many things they should not do. They are cruel and unnecessary.

Commissioner WEINSTOCK. Do you think, living in a Republic, enjoying, as we are permitted to enjoy, our political and civil rights and liberty, do you think anybody has a right to declare war except the Government itself?

Mr. DARROW. I don't think we live in a free country or enjoy civil liberties. Of course, it is almost impossible to get at whether you have a right to do a thing; there is no way of fixing what you mean by that word. Things happen in this world, and the happening is a justification of it alone. I don't know that the San Francisco earthquake was right, but it came. What are you going to say about it; was it wrong? It don't make any difference whether it was or not, it was in the order of nature. Whatever is is right, according to philosophers, as Pope said it is in the order of nature. There is no use quarreling with it.

Commissioner WEINSTOCK. I want to make sure that I follow your reasoning and get your point of view. I should infer from what you said, reading between the lines perhaps——

Mr. DARROW. Yes, sir.

Commissioner WEINSTOCK (continuing). More than what you say, that we are living under a delusion and a snare, and we imagine we are living in a free country and enjoying political and civil rights, and since we are not living in a free country and are not enjoying civil and political liberties, we are practically as much warranted in resisting authority as in Russia, where there are no civil and political rights, and any group of us that have wrongs, or think we have wrongs, are justified in resisting the authorities?

Mr. DARROW. I don't think I stated it that way or meant to put it as strongly as that. I want to be perfectly frank with you about it, and although the subject that we are discussing is apt to be wrongly quoted, and we are apt to be misunderstood, still I will attempt to tell you fairly. Freedom, of course, is a relative term. People of the United States are freer probably than the people of Russia or Germany; they are not as free as the people of England. They are nowhere near as free as they were 75 or 100 years ago. Everybody, I think, must, who has any vision, know that they are not as free as they should sometime be, when they are ready for it. It is all relative.

As to protecting it by the courts and statutes, they are invoked by the strong and can not be invoked by the weak, as I tried to show yesterday. It takes money; it takes education; it takes opportunity to resort to such safeguards as the law gives us; and the weak are without them. Pretty much everybody in jail are poor people, and in all the prisons all over the world.

Now, the constant struggle of every individual, as of every animal and plant, is for liberty, reaching out for it in all directions, and struggling for it. When the masses struggle for it and the strain gets too great it breaks. Of course, the individual who alone takes up arms against the constituted authority must die. It is the law of nature. A few individuals must die. If I had any power over it, and men should ask us, Shall we do it, I should say "no," probably almost in every instance. I do not know of a time that I should not say "no," because I think the unrest has not reached that point where the change of system should come. The revolutionists in America were against the same proposition. The English Government was fairly free—the English Government that controlled the United States. There were many matters of injustice, practically the same as exist to-day, and a few of them started the revolution, and it went on until it grew and they resisted against the law and won. John Brown got 19 men to wage war on the United States Government; and the movement he started won in the end, because people were ready for it. The injustice was so great and the imaginations of men worked and it made a new system. If it succeeds, it is all right; if it fails, you have to take the consequences. That is all. I don't know whether I have made it any clearer or not.

Commissioner WEINSTOCK. Well, your attitude is, as I understand it, that while, so to speak, on paper we enjoy a free government, as a matter of fact we do not enjoy free government. Now, can you conceive of any more effective way of securing for the big body of the people their civil liberty and their political rights than by manhood suffrage; or, let's go a step further and say in the States, where it has been carried out—universal suffrage plus the referendum, plus the initiative, plus the recall.

Mr. DARROW. Why, I don't know. Now, I don't see anything else; some time we may be discontented with it. Of course, I can conceive of better ways. For instance, if every coal miner in the United States refused to dig coal until the coal mines became public property, they would get at it a thousand years ahead of the ballot.

Commissioner WEINSTOCK. Well, do you know of any better way of the coal mines becoming public property than by giving not only the coal miner but every other worker the ballot plus the referendum, plus the initiative, plus the recall? Supposing—I am sure you will not dispute the fact—that the great body of the voters of every Commonwealth in the Republic, and the great body of the voters of the Nation as well, are not wage payers, they are wage receivers.

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Now, suppose that the great body of the wage receivers of the Nation felt that the time was ripe for the Government to take over the coal mines, for example, as you have suggested. What would prevent it?

Mr. DARROW. Congress, the Senate, the President, the Constitution, and the Supreme Court.

Commissioner WEINSTOCK. Who elects the Members of Congress?

Mr. DARROW. The people.

Commissioner WEINSTOCK. Who elects the President?

Mr. DARROW. In a round-about way, the people.

Commissioner WEINSTOCK. Exactly. Now, if the people wanted—and who appoints the Supreme Court?

Mr. DARROW. The President.

Commissioner WEINSTOCK. Exactly. Now, if the great body of this Nation wanted to own the coal mines, and said so through their ballot, how could it be stopped?

Mr. DARROW. Well, we will assume that there is an election next year, and assume that we could get that issue; of course our country is so spread out and diversified that it wouuld be hard to make an issue in Kansas or Oklahoma or Nebraska on the coal mines in Pennsylvania; but assuming you could—you go to work and elect a Congress that does not take their seats for a year—don't begin working. In the meantime they take their places with the Senators who have been there some four years, and some near six years; two-thirds of them have been elected two years sooner on some other issue. Then you have a President who comes from a different place in society; and then you have the Constitution, which was made 125 years ago and which told us we could not take private property without due process of law; and you have a Supreme Court, the majority of whom have been in their offices for 25 years, and who, I would say, would average 65 or 70 years old, and who, from the natural order of things, could not be seized with any new emotion, if any; and it is out of the question to get them all to say this thing together; never has been done in any very substantial way. You have got to get them all, and have got to get them all at once. It is too clumsy.

Commissioner WEINSTOCK. Well, may I call your attention to this fact, then, Mr. Darrow, as an evidence of the possibilities along the lines of achieving desired results in legal ways. A decade or more ago such a thing in this country as workmen's compensation, the eight-hour day for miners, and the eight-hour day for women and minors, the minimum wage, child-labor laws, public ownership of street railways, State insurance, and women's suffrage were practically unknown. Now, doubtless there were hot-heads and zealots who, feeling that the public weal and the public welfare and individual liberty and individual rights depended on some or all of these things, might have been ready to take up a gun and fight for them, but time has shown that that would have been a very unwise thing to do. Absolutely by virtue of the ballot, and, in some Commonwealths, aided by the initaitive, referendum, and recall, which, likewise, were unknown in this country a decade or more ago, every one of these things has been brought about peacefully.

Mr. DARROW. And all of them are not worth a pinch of snuff.

Commissioner WEINSTOCK. Will you tell us why?

Mr. DARROW. Because they are insignificant. Minimum wage of $6 or $8 a week when the unions can get one much higher, and an 8-hour day for women and a 16-hours day for railroad men and a compensation act, which leaves them no better off than before. They are little bit of trifling things that do not go to the root of the question. I do not say they are entirely useless, but they are so near it that they are not worth the effort that has been taken. Instead of trying to find out whether there are any fundamental causes that tend to the great inequality between men to-day we are tinkering at little fool symptoms and spending the time and life of a whole generation curing some little symptom and leaving the world no better off than it was before.

Commissioner WEINSTOCK. You regard women's suffrage as a little fool symptom?

Mr. DARROW. Well, I have some friends here that believe in it, and I do not like to talk about it. I think it does not touch the industrial question at all. If you would cut out three-fourths of the men's votes, it would not make any difference on the industrial question; it is not how many votes, but how they vote.

Commissioner WEINSTOCK. The point I want to get at, Mr. Darrow, is this: Regardless of how much these things may be worth, which is only a question of opinion, you in your judgment may belittle them and think they are of little value, and others of us may regard them as of great value?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. But let us forget their value and ignore whether their value is great or small. I think we will have to admit, and I am sure you will be frank enough to admit it, that every one of these measures was fought and fought bitterly by the so-called interests.

Mr. DARROW. That is true.

Commissioner WEINSTOCK. And that, despite the alleged tremendous power of the interests in the Nation, a power believed by some to be great enough to stifle the things wanted by the many, despite that power all these steps in the direction of progress have been made, and if these steps have been taken before, why can not still broader steps be taken and made in the same manner without resort to resistance and violence?

Mr. DARROW. I do not want to minimize those things; I believe in them and I am glad to see them; I think it does show some progress. Complaints have gone on for years and years and these things have resulted. Of course, I know they were all fought by the strong and the rich; they instinctively fight anything that is new; I do not blame them; they are like the rest of us; they feel their own interests and they are on that side, but the things themselves are so insignificant; people are not richer on account of them, or very much richer; and you take the workmen's compensation law, which I know something about and I know you do, too; in pretty nearly every State in the Union this law has been framed by the employers and made by them. They did not want it, but when it was forced on them they say, "We will do this much; we will stand for this much." Now, that is something, but it is almost ineffectual. Poor people come to my office day after day injured and apply for relief under it, go away with next to nothing; they do get something, but it is so trifling and inadequate it is not worth the fuss made over it, instead of getting down to the simple fundamentals that would bring about relief. I do not like the attitude of saying, if you will pardon me, that these are legal ways and any other way I suggest is unlawful. I do not care much about ways or the laws to provide ways, but the thing is whether you get it. But if the coal miners say they won't dig any more coal as long as they are digging it for other people, it would be lawful, just the same as if they say they won't work more than eight hours a day or for less than $5 a day; and if the people cutting lumber say, "We won't cut any more trees until the Government owns them," that is perfectly legal so far; and if it is not legal it corresponds with all of our conceptions of right, and many times in the history of the world we reach those things by going cross-lots, and pretty nearly all that labor has gotten has been gotten that way.

Commissioner WEINSTOCK. Two points you have made, Mr. Darrow, that I want to spend a few moments on, so as to equalize our viewpoint more sharply. The first is your criticism of the workmen's compensation act. If what you say is true, then the workmen's compensation act is a sort of delusion and a snare;

it gives the worker a stone when he asks for bread; and I think perhaps in some Commonwealths it may come pretty near being true, but it will not apply to all Commonwealths, and it will not apply to the tendency that is going on every hour of the day?

Mr. DARROW. No.

Commissioner WEINSTOCK. Now, to point out to you the merit of workmen's compensation and to show you how it is a very great one of the great remedies to remove industrial unrest, let me give you a leaf out of my own experience as a member of the Workmen's Compensation Commission of California.

I was called on recently by a little widow; her husband had been an elevator operator and he had been earning $75 a month. He met with an accident in the elevator and was instantly killed. He left his wife and baby with just 15 cents in the world; that is all she had between herself and starvation for herself and babe. Without workmen's compensation the little woman, not being a breadwinner, the first thing in all likelihood that would have happened, she would have been separated from her baby, the baby would probably have been sent to some asylum, and the mother would have to shift some way for herself, and the chances are that she might have gone downward instead of upward. Under the workmen's compensation she was entitled to a reward equal to three years of her husband's wages; her husband received $75 a month, $900 a year, or $2,700 for the three years, payable in weekly installments spread over about four years and one-half.

Mr. DARROW. Without interest?

Commissioner WEINSTOCK. Without interest; her income was about $50 a month for four years and a half. She was saved from immediate distress to begin with; she was made independent; she was put in a position where she could take care of herself and baby for four years and one-half, and in the meanwhile she could qualify herself to become a breadwinner; and therefore she and her baby were saved from falling below the poverty line and becoming a burden on society, and she was able to become self-respecting and self-supporting. I simply state this as one of the thousands of cases that come under our observation?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Now, it is true that all of the States do not treat their injured workers as generously as some of the other States; but those things are naturally a matter of growth, and with the ballot in the hands of the workers and their sympathizers it is not difficult to foresee the day when the highest possible degree of equity will be exercised in practically every State in the Nation toward their injured workers.

So much for workmen's compensation.

You take the ground that the coal miners, if they act as a unit and simply follow the I. W. W. preachment of sitting down with folded arms and paralyzing industry and refusing to dig out a pound of coal until the State or Government take over the mines, that the best possible results would be achieved.

It seems to me that could be hoped for only if the coal miners not only could get within their ranks every able-bodied man who could be taught how to mine coal and were in a position, either by force or coercion or intimidation, to prevent other men from taking their places. As long as it was possible for other men to take their places they could not monopolize the world of labor, and little if anything could be accomplished along those lines. Now, I would be glad to get your answer to that. What has been accomplished in the matter of better condition of the worker in the way of legislation?

I happen to know in my own Commonwealth, and I take it the situation is very much the same in other Commonwealths, organized labor, for which I have the greatest respect, and to which I give the fullest possible credit for having rendered labor heroic service, but for decades in my own Commonwealth organized labor endeavored to secure for women and minors an eight-hour day, and failed, except in some isolated spots. Here and there there was a union of women that managed to get an eight-hour day, but the number of women who had secured, through organized labor, an eight-hour day were infinitesimal. Through legislation, so to speak, overnight, with a wave of the hand, all the people collectively established for all the women workers and minors an eight-hour day. In other words, it was accomplished by legislation, so to speak, at the drop of the hat, what organized labor had not been able to accomplish in decades and would not have been able to accomplish for many, many more decades. The same thing will apply to the question of the minimum wage for the female worker and the minor. Organized labor has tried very earnestly and very

energetically to secure that minimum wage. In isolated cases it has been able to do so for women and for minors, but on the whole up to to-day it has failed. Again, so to speak, overnight and with a wave of the hand and at the drop of the hat, through legislation, the minimum-wage commissions have been appointed in Western States, and while those wage commissions may not have established the minimum wage that you and I and some others think is right, they made a tremendous stride along those lines, and they have succeeded in securing a living wage as a minimum, not as the maximum, and again they have accomplished overnight what organized labor has not been able to accomplish up to this time and is not likely to be able to accomplish for an indefinite period yet to come. In the face of these facts, will you still belittle the achievements that can be brought about by legislation?

Mr. DARROW. To go back to your statement, I don't want to be in the attitude of unduly belittling it, because I think the workingmen, and everyone sympathizing with them, should use every means they have, and the ballot is one, but at least stand up and be counted, whether it means much or not, and I don't want to say that your workmen's compensation act has not been of some value, or that it is a snare and delusion. The reason it is of some value is because the law before that had been a delusion and snare. That is because a man killed in the line of his duty and leaving a family had been left by the courts of this country in such a position that a family was destitute after his death, and therefore this law is of some little value. Take your elevator men for instance. That family you say got in the neighborhood of $2,300?

Commissioner WEINSTOCK. Two thousand, seven hundred dollars.

Mr. DARROW. Four years interest was deducted out of it?

Commissioner WEINSTOCK. No; there was no deduction of interest. I probably misunderstood your question.

Mr. DARROW. No; I think we understand each other. This was payable weekly?

Commissioner WEINSTOCK. Yes, sir.

Mr. DARROW. The gross amount of $2,700 was paid in four years?

Commissioner WEINSTOCK. Yes, sir.

Mr. DARROW. And the present worth would be less than $2,300?

Commissioner WEINSTOCK. From that point of view, you are right.

Mr. DARROW. Under that statute the stingy States, and Illinois is one of the many, you can recover, or could before that statute, for a death $5,000 as a minimum.

Commissioner WEINSTOCK. That was before the law, at common law?

Mr. DARROW. Yes. If the courts had not cut to pieces all of the rights of the poor, that widow would have been entitled, in any State of the Union, to $5,000 or possibly $10,000.

Commissioner WEINSTOCK. May I make a statement at this point on that issue? What you say is true, but this I think you will admit is also true, that under the common law the records show that the average time from start to finish under the common law in a damage suit is six years?

Mr. DARROW. Probably you are right; I don't know, but I presume you are right.

Commissioner WEINSTOCK. And the records further show that under the common law for every dollar that is paid out of the pockets of the employer in a damage suit the injured worker only got about 20 cents, the other 80 cents going——

Mr. DARROW (interrupting). I have no doubt you are right about that.

Commissioner WEINSTOCK. Those are the records. Now, under which of the two circumstances do you think the dependent is better off?

Mr. DARROW. I think under your compensation act, and I have always said for it, and do now, although it is very inadequate, and has been passed as a last resort in all of these States by the consent of the employers for fear they would get something worse. I won't say in all, but as a rule. We are trying to amend it in Illinois. It is almost out of the question. It may be, after long years, we will get something more, but it is very inadequate; but still I am glad to see that much, and I want to see people support it.

Now, as to your second proposition, which relates to the minimum wage and the ownership of coal mines and the like, I would disagree with you in saying that the law has first obtained the minimum wage, or the shorter hours. I think the labor organizations got shorter hours and minimum wages 25 years ahead of the law.

Commissioner WEINSTOCK. For women and children?

Mr. DARROW. Yes; not universally, but in most lines of work the law at the first did only what the organizations had accomplished before, and did not do that as completely. If they had—now in most building trades of the United States they have eight-hour days, and in most of the organized lines they have constantly reduced the hours of labor and raised the price. In unorganized lines of labor the hours have been longer and the price lower, depending on everything else in this world, on the amount of force back of the demand. But I think it has been the 30 or 40 years since they began reducing the hours of labor to eight hours. The general law has not added anything to it, except possibly in a few cases. For the coal miners it has added nothing; they have had an eight-hour day for 25 years; no longer than eight-hour day, when you take it on the average. They work less than that; they probably work less than that in any one day, or any one week. They already had that, There has been some lack of uniformity in it. Sometimes they work too long, and for a long time they do not have any work at all. I think I am pretty safe in saying that the working women of California, of the stores and shops, are not better off since that law has theoretically reduced their hours and fixed a minimum wage at $7 or $8 a week, which is below what life fixes—you can not get it much below life. It does one thing, in my opinion, and that is pretty near all it does; it interferes with what is supposed to be a sacred right of the employer to buy labor as cheap as he can buy it, and it says that the State has some right to say what the price shall be. That is about as far as it has gone, but I am glad it has done that much, although I think it could be done quicker. I admit the difficulty that you speak of with reference to taking the coal mines in the way I say. It is a terrible hard thing to get working men to stand together. It is easy for me, a lawyer, who had always more than I deserve, and the plain workman getting a fair living, to criticize because they don't stand together. Men like you or me have no right to judge of that matter. If we were living along the life line we would probably grasp the first crust of bread that we could get hold of and let the rest go. That is about what we are doing, anyhow. If they do stand together to a considerable degree, it does look like an almost impossible thing to say that all of the coal miners would refuse to dig coal until the coal mines became public property. It would not require them all. It would require 50 or 60 per cent, but you have the same difficulty with the balance. You have to get them together, and you can not get them any easier, and the man who is what the unionists call a scab in the mines, is a scab in the election, too. That is, he votes for the interests of his employer as against the interests of his class, and it is just about as hard to bring them together in one place as it is in another. They never can be brought together as a matter of reason; nobody acts from it. They are brought together through some great emotion that sweeps them along, and it is hard to get it focused on the election; you can generally get it focused on a general strike. Men don't think anything about it, they just do it. In that way some of these things come to pass by a general movement, and when it comes to pass it will come that way.

Commissioner WEINSTOCK. Let us see where your line of reasoning leads us to. On the one hand you admit it is almost an impossible task to get all the coal miners to act as a unit along the line of securing public ownership of coal mines, and on the other hand you admit that it is almost a hopeless task to get the workers to work together with the ballot. If that is true, what is the remedy? If it can not be done through the ballot or collective action, where does your remedy come from?

Mr. DARROW. I don't know whether my philosophy is helpful or cheerful. I don't believe there is any remedy for anything in this world. I am not an optimist, and don't think life is worth while. We are here because of the will to live. You can not prove we get pleasure out of it or it is worth anything. We are here working out our instincts and emotions. You can not prove that the future is going to be better than the past. We are just living it, and we can not get out of living it.

Commissioner WEINSTOCK. Admitting all of that to be true, is it not better to look at the doughnut than the hole?

Mr. DARROW. We differ in our temperaments. It might be better for me to be constituted like you, or the chairman, but I was not, and I can not help it. The forces that mixed up the clay mixed them in a certain way. May be they didn't do right by me, but I can't help it. It is so with you and everybody else. My inclinations drive me to be on the side of the poor man. My emotions are

quickly reached, and my sympathy is quickly touched, and I have a lot of imagination which has caused me a lot of trouble, but I can not help it.

Commissioner WEINSTOCK. You heard the comparison made before this commission in the last few days, and if I mistake not I think you yourself made use of it, along the lines of justifying the boycott?

Mr. DARROW. Yes, sir.

Commissioner WEINSTOCK. By quoting the action of the American colonists during the Revolution. That was practically a boycott on England?

Mr. DARROW. Yes, sir

Commissioner WEINSTOCK. And was resistance to constituted authorities, and that has been used possibly by yourself?

Mr. DARROW. Yes, sir; I did use it, Mr. Weinstock.

Commissioner WEINSTOCK. I know it has been used by other witnesses as a justification for boycott and for resistance, but is that a fair comparison, Mr. Darrow? Are the conditions parallel? Is it not a fact that the Revolution was brought about and there was resistance to the constituted authorities on the part of the colonists because they had taxation without representation? That was the issue? Can it be said to-day that you and I and the rest of us have taxation without representation? Have we not the fullest representation?

Mr. DARROW. Women say they have not.

Commissioner WEINSTOCK. Admitting that it is so, as far as the women are concerned, in the States that do not have women suffrage, can you and I say that as citizens, as voters?

Mr. DARROW. No; but that is only a small thing. The idea is that the boycott is a natural weapon which is resorted to for good and evil which comes from the philosophy of life. I have been boycotted all my life, sometimes because I ought to be, and sometimes I ought not to be, and sometimes because I was too good for the bunch I was living with, and sometimes perhaps because I was too bad for them. A man gets out of line of the common life and he is boycotted. It does not make any difference whether he is ahead or behind. He has got to keep step. There is no man here who has not been boycotted, or does not boycott. I boycott people because I do not like them. I know they are just as good as I am and just as bad, but they don't mix with my chemistry. There is no chemical affinity with me. Everybody boycotts what he don't like. You can't mix a scab and a trade unionist, because the trade unionist believes the class should stand together, and you bring in a workingman that won't stand with his class, they don't like him and won't associate with him. I don't want to be personal, but I can take a man like yourself who has been really and honestly interested in the labor movement, as doubtless you have, and you have doubtless found a good many of your employing class, your associates, who look upon you with considerable doubt. You let an employer be interested in the cause of the poor and the employer thinks he is a traitor, and don't like him. You let the poor be used by the employer, and the poor thinks he is a traitor and don't like him. We are boycotted for our religion and politics, and social views and conduct, and everything else good and bad; and it is a natural thing and you can not help it, and the law is idle to try to help it.

Commissioner WEINSTOCK. Were you present yesterday, Mr. Darrow, when Mr. Drew gave his testimony?

Mr. DARROW. I heard some of it.

Commissioner WEINSTOCK. Well, possibly you may have heard his explanation of where he draws the line between a legal and illegal boycott. Let me see if I can present his thought clearly. He took the ground that the mere refraining from buying things or patronizing other people, individually or collectively, is not illegal. That this group, for example, would have every moral and legal right to say that for any reason, or for no reason, we won't patronize this hotel or that hotel or some other hotel. Nobody could find fault with that or take exception to that. But that the moment that we went beyond that and intimidated or coerced other people because they did what we did not want them to do, then we went beyond the limit and committed wrong, moral and legal wrong, and are subject to punishment.

Mr. DARROW. Those fellows are always strong for the law; they make it. Now, let us see how that question really works out. Under the law, as it is fairly well understood, I think, or has been, to constitute crime, there must be an association of act and intent. Well, what it might be in mental philosophy I won't discuss, because it is outside of the realm of law and lawyers; but there must be a combination of act and intent. A prayer meeting is a perfectly legal thing, but if a combination of men, for the sake of breaking up

the business of John Smith, would arrange to hold a prayer meeting at 12 o'clock every day in front of his store or saloon it would be an illegal combination, because the purpose is bad. The purpose is malicious and born of spite against the man. A boycott should be—I don't know what it is any more in the law, because nobody knows. These fellows all talk learnedly about it, but they do not, any of them, know, because these judges are guessing all the while, and there are so many judges that they can't all guess together. But under the law as it was fairly well laid down, if a combination of men should say, out of pure malice, to me "I won't trade with you," and should go around amongst neighbors and say, "You must not trade with him," through a desire just to work havoc and destruction to me, that is illegal; but if a body of union men or a body of any other men would say, "Here is Darrow running a store; he pays low wages and he hires children, and he cuts prices and we want to make him come into line with the rest of us and pay decent wages; and we are not going to trade with him until he does, and we go around amongst our neighbors and everywhere else and say 'Don't trade with him until he conforms with what we think is right.'" That is not illegal. The purpose is high.

Now, I won't say that some court has not said it was, but the courts make a good deal of illegal law; that is, law that does no correspond with the principles of justice and equity, or to many of the other decisions of courts, which I think are more in line. But that is the line at least. Any body of men ought to have the right to say where they will trade, and where they will buy, and where they will sell. Now, of course, the boycott lots of times works a good deal of injustice. I remember as a boy at district school the boycotts of us children were terribly hard and unjust; we couldn't get out of it; we stood and had to stand them, and everybody else did. But you can't help it until human nature is good, and that probably will never be. But it is a weapon which is an important one, and which has always been resorted to, and everybody else resorts to it, and the workingman has a right to resort to it.

Commissioner WEINSTOCK. Then you are a believer in the justice and moral and legal right, whatever the law may be, of the worker to collectively resort to the boycott to the very limit to gain his ends?

Mr. DARROW. Well, I don't know what you mean by "the very limit." As far as I have indicated I think they should have the right not to trade with anybody, or not to trade with anybody who traded with anybody, or to buy or not to buy of anybody, or to associate with anybody who bought of anybody.

Commissioner WEINSTOCK. You think they are justified in doing this. Mr. Darrow, as has been brought out in the evidence here. I haven't it at hand, but I think I can remember it. Do you think the workers would be justified in carrying the boycott to the limit which they are said to have carried it in Pennsylvania, where they compelled—I think it was a district school—to discharge a teacher against whom there was no complaint of any character, who stood very high, but they insisted she must be discharged because she had a brother who was a so-called scab?

Another instance, which I think a lad was employed in a baker shop, and either his brother or his father was a so-called scab, and he was driven out of his job by the workers, who insisted that unless the baker dismissed him they would boycott him. Do you think it is justifiable to carry the boycott to that extreme and to punish innocent people?

Mr. DARROW. I was the attorney in the coal strike case—arbitration case—and your statements of fact are substantially correct. One of the most striking illustrations of a boycott was at a Catholic mass one morning, when some man got up and said, "There is an unfair man in the house," and everybody left, except the man and the priest. Now, the cleavage in Pennsylvania was absolute and complete. I don't want to leave the impression with you that I am a hard-hearted fellow, for I am not. I am sorry for anybody that suffers under these things; but the innocent and the guilty suffer alike. Natural law knows no such thing as innocence and guilt. A saint is just as likely to be struck by lightning as a sinner, and even more so, because he don't know where to go so well.

I know when I was a boy my father's family was boycotted because my father was not a Christian—that is, because he was, but did not belong to church—and it was kind of tough on us children, but we could not help it.

The anthracite region was in a state of war. There was an absolute cleavage between the one side and the other. The employers were bringing scabs from the four quarters of the earth to defeat the miners in what they thought was a just fight—and what was. The miners, of course, were busy, too. The employers brought gunmen indiscriminately from every big city in the country,

who handled their guns without mercy, and it was a fight to the death. Women and children were on the verge of starvation. The strike lasted for months. You asked me whether they should have said to the teacher, "You can't teach school because your brother is a scab." They hated the brother, and that was reflected to the teacher. You might ask me whether I think the English are justified in the mobs in Liverpool against the Germans. Sitting here, no. Being there, with the *Lusitania* in sight, I can not criticize them. It simply means the emotions of life uttered themselves, and when they do, reason and judgment have to step aside while the emotions are working. That is all it amounts to. I don't know as I have answered your question. I don't know; it is true, that is all.

Commissioner WEINSTOCK. Well, do you say, Mr. Darrow, that you think the law should permit men to exercise the hate within them and the spirit of ill will within them to do what was done to this school-teacher, or would you have the law forbid it and draw the line at hate?

Mr. DARROW. Mr. Weinstock, if you were a lawyer and broad-minded, you would not have such unlimited confidence in the law. The law can not forbid any of the passions in the human heart, and if it did it could not affect them. The human heart does not take any account of statutes at all. It just acts. As the heart drives the blood around through the system, it does not take any kind of law. Now, you may pass a law that every man that does thus and so shall be hung by the neck until dead, but that does not control his emotions. It is just simply to annoy somebody after the trouble is over with.

Commissioner WEINSTOCK. It is a fact that the law itself can not prevent me from committing murder, but it can punish me if I do commit it, and that punishment may be some restraining influence to prevent the commission of such an act by others?

Mr. DARROW. To prevent the next fellow, perhaps.

Commissioner WEINSTOCK. Now, if a law were passed to prohibit strikers from doing what they did to that school-teacher, it might not prevent their doing it, but it would punish them for doing it, and that punishment would act as a restraining influence on others from repeating that act?

Mr. DARROW. Well, isn't that all theoretical? Does it act so?

Commissioner WEINSTOCK. That is the history of civilization?

Mr. DARROW. No; it is not.

Commissioner WEINSTOCK. Our civilization is thousands and thousands of years old, and up to date that has been the best method we have been able to devise—the best method the human mind has been able to conceive of.

Mr. DARROW. I think the ablest people who are studying criminology doubt the whole idea of whether the punishment of one man affects another; but be that as it may, if you punish the people who acted from a perfectly natural impulse to boycott a teacher, punished them long after it was all over with, and the passions had subsided, it would only work cruelty in that case; and when you work up the same feeling again the human heart once more would do the same thing. I think so anyway. We may differ about that, but that is the way I think of it.

Commissioner WEINSTOCK. But don't you know that the reason for punishment is because we believe it has the effect of restraining others——

Mr. DARROW. I think punishment is barbarism, and vengeance.

Commissioner WEINSTOCK. Very well, then; how would you protect life and property against the vicious and criminal?

Mr. DARROW. Well, the vicious and the criminal have the property and should protect it themselves. But to answer your question: I think it is somewhat aside, but I am always glad to discuss it, because I think perhaps I know about this subject more than others which have—which I have been talking about. The idea of punishment is formed on the theory that a man knows right and knows wrong and willfully and wickedly chooses the wrong. It has no foundation in logic or philosophy. A man is a creature of circumstances. He acts from motives. He goes where he must. Nobody is entitled to either credit or blame for what he does; they do it; that is all. Now, to consider the matter a moment, let us assume that it is true. If I punish you for doing something, why it keeps somebody else straight. That is all theoretical. The origin of punishment is not that at all. The original of punishment is vengeance. You hit a dog with a stick, and the dog will bite the stick because he is mad at it, and in that way punishments have grown up. You are mad at somebody and want to harm them, and you punish them and hurt them, hang them, put them in jail, burn them in oil, start a fire around them—something so they will

suffer. That is penalty. That is what the brutal parent does to his child—whips it when it does something that the parent used to do when he was the child's age.

But people have got ashamed of it, and so they accordingly say: "We are not doing that because we think the fellow is bad, but to serve as an example to some one else." To start with, it is not fair to punish me to keep you straight; to hang me to make a good citizen. That is all theoretical; no one knows whether you will or not. You have been doing it for a long while, and there are just as many murderers; and intelligent people are beginning to find out that there is a cause for crime, the same as there is for typhoid fever. Lawyers are the most ignorant people in the world; that is the trouble about these things. They think we can cure a condition by banging some one.

Now, suppose a doctor was called to treat a case of typhoid. He would go and examine the well or find out about the milk supply and find out whether there were any poisonous germs around, and then have the well cleaned; but if a lawyer came along to treat it, he would give the patient six months in jail, thinking he could cure the typhoid, and at the end of six months he would let the patient out whether he was cured or not; and if he got well in six days, he would keep him until the whole six months was up. That is the whole theory of punishment. There is a cause for burglary and a cause for robbery, just as there is a cause for going to church.

You may take all of the murderers and all of the robbers, and as a rule they come from a certain section of a town or city; they come from the slums or the poverty district, where boys have no place to play but on the railroad tracks and the streets; and they come, in the main, from among adolescent boys, boys between the ages of 15 and 25 years, who may do anything. You can not tell anything about a boy between those ages, and it is just as natural for them as for other boys to work on the farm. Sometimes we will try to find the cause and get somewhere with it. Now, we are simply brutal. We say, "You have done this and should suffer thus"—no relation at all. "If you do that, we will send you to jail for 30 days, and next after that for 60 days," You do not think of 40 or 45 days, but 30, and then after that 60, and after you pass 60 it is 90 days and not 70, and then after you pass 90 days it is a year. It is not 7 or 8 months; it is just purely a matter of guesswork and vengeance and ignorance; that is just what it is.

Commissioner WEINSTOCK. It is not to be denied, Mr. Darrow, that you have an uncommon knowledge of human nature.

Mr. DARROW. I don't know; I have been fooled a good many times.

Commissioner WEINSTOCK. You have a knowledge of human nature that I envy you.

Mr. DARROW. Thank you.

Commissioner WEINSTOCK. And I think you have diagnosed the case quite correctly when you point out that when you or I or the rest of us are wronged we are filled by hate and revenge, and I think that if, as in prehistoric times, the remedy was to be left to us as individuals, we would be very cruel and unjust. I know I have been filled at times toward individuals who have done me what I thought was a wrong with such feeling; I have had murder in my heart, and if I had had my way I suppose I would have used the big stick.

Mr. DARROW. Yes.

Commissioner WEINSTOCK. And you and the rest of us are no different, but that is not the legal way of dealing with conditions. While I, as an individual, may feel that feeling of hate, bitterness, and revenge against my enemy, it is not true as a rule—there may be exceptional cases—that a court and jury are filled with the same feeling of hate, bitterness, and ill will, and therefore, except in exceptional cases, I should gravely doubt the statement that the average criminal who is brought before the court for having violated a law or having committed some crime, that he is dealt with in a spirit of revenge, hatred, and ill will.

Mr. DARROW. May I just—I do not want to be philosophizing here and using up your time, but you are kind of suggesting this. I guess I have lived in the courts for 37 years. I ought to know better; ought to have better sense, but I have not. I do know how courts and juries—I think I do, anyway—know how courts and juries act. If not, I have not made much of my opportunities. Juries do hate and courts hate, and they love, too. I think you do not mean personal criticism, because you think what others do; you think too much of the words "criminal" and the "law." Most people have an idea that a man who is a criminal is different from a man who is not a criminal. There is no

difference; we are all partly criminal and partly conventional; put it that way. It is a question of degree, and that is all there is of it. And some of the fellows who have done what society thinks are the worst things have also done some of the best things, as everybody knows who takes any pains to find out; that is, we are creatures of all kinds of emotions, sometimes one kind predominating and sometimes another.

Now, a practicing lawyer, if he has any sense, knows that a jury does love and does hate, and a lawyer prosecuting a man tries to arraign a whole lot of things to make the jury hate the victim; it does not appeal to his judgment or logic; that does not appeal to anybody; but they stir up the feelings. On the other hand, if you are defending a man, you try to throw around the case a feeling of pity, of love, if possible, for the fellow who is on trial. If you can do that, the jury thinks, "Well, I am on trial;" through their imagination they feel the other fellow's pain and position and they act to satisfy themselves. We all do that; we can not act from any other motive, and it is the real feeling of the jury, and a juror can give a good reason for anything he wants to do. If a man wants to do something, and he is intelligent, he can give a reason for it, but you have got to get him to want to do it; you can lead a horse to water, but you can not make him drink; but if you can get a man to want to do an act, he can find a reason for doing it. That is the way the mind acts, I think.

Commissioner WEINSTOCK. You were saying a little while ago, Mr. Darrow, that under our modern system, the poor man has little or no chance in the courts, and you pointed to the statement that the jails were filled, as a rule, with poor men. Do you think that holds good as applied to men brought into court in connection with labor trubles?

Mr. DARROW. Why, no; I did not refer to that. The labor leaders who are brought into court are able to defend themselves generally; but they are a very small number of the people who are in jail. Of course there are often a good many that are very helpless fellows who are arrested. I refer to the ordinary run of people in jail.

Commissioner WEINSTOCK. Yes. Of course the theme that is of prime interest to us here, and the theme to which we are directing our thought, is the labor problem, the industrial situation.

Mr. DARROW. It does hold good that injunctions and the processes of the courts, and all those things that involve labor unions, that they are poor and can not do it.

Commissioner WEINSTOCK. You defended the McNamaras in California?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. And I take it that the McNamaras as individuals are poor men?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. I would hesitate to ask you this question, Mr. Darrow, had not my friends on the commission who represent organized labor established a precedent.

Mr. DARROW. You may ask me anything; perhaps I will answer it.

Commissioner WEINSTOCK. They asked Mr. Davenport, who represented the employers, what compensation he received; may I ask you what compensation you received for defending the McNamaras?

Commissioner O'CONNELL. Mr. Davenport declined to answer.

Mr. DARROW. I will not take advantage of him, Mr. O'Connell; I would just as soon tell.

Commissioner O'CONNELL. I thought you ought to know that Mr. Davenport declined to answer.

Mr. DARROW. May I preface that with a little sketch about it?

Commissioner WEINSTOCK. Yes.

Mr. DARROW. I presume I have been working for 25 years on labor cases. I have managed to make enough out of the rich to help the poor now and then for nothing, and I presume that I have given—well, I think I am safe to say one-third, and I think one-half of my time, in my office in the defending of poor people without any pay at all, and I think three-fourths of the labor cases I have tried for nothing. I have tried—I have been employed in three cases where I got something like a fee from labor. Now, that is not the fault of labor at all. It has always meant to treat me generously, but I know their situation. It is an organization on a strike, and I do not care how rich they are, they have to feed their women and children, and they do not have much left for the courts.

In the coal-strike case—I had just as soon state the three at once, if you do not mind—I spent four months' time; I was the chief attorney for the strikers. We got an award which I think in the course of years amounted to ten or fifteen million dollars and about a half million dollars back pay. For the four months' time I charged them $10,000 and got it. I have no doubt that any corporation lawyer would have charged them ten or fifteen times as much and got it, as I would have, if I had asked them, and they would not have thought anything about it. That is the only case in which I ever made anything.

In the Moyer, Haywood, and Pettibone case—I have a large office in Chicago, and, like every other lawyer, his business is his income, and it takes a long time to build up a business, I left my office and went to Idaho, and spent a year and a half, and not only ruined my business, but my health. I was operated on afterwards, and it was six months more before I could go to work, and I got $35,000 and I came back and my practice was gone. But that was all right, I got what I asked.

In the McNamara case—of course I dissolved my firm and closed out my business, hoping that after that case I would not have to practice law any more. I spent six months and a little over on the work in that case, and I got about $48,000. I spent a year and one-half after that defending myself, and that took it all, practically all, and I have gone back to work; but I got my pay as I went along.

Commissioner WEINSTOCK. Well, you have the reputation, Mr. Darrow, and I think you thoroughly deserve it, as being one of the ablest attorneys in America, on these questions especially. Then it is clear that despite the fact that the McNamaras are poor men, that they had the benefit of the ablest lawyer money could employ?

Mr. DARROW. Well, I am too modest to admit that. I did the best I could for them; I know that. I am sorry I could not do more.

Commissioner WEINSTOCK. So it is clear, then, that so far as poor men who are brought into court in connection with labor troubles are concerned, it can not be said they are not properly defended.

Mr. DARROW. Well, that case and the Moyer, Haywood, and Pettibone case were two striking examples of there having been money raised sufficient to give them a good defense, as good as they could get; but as a rule that does not hold good, Mr. Weinstock. I defend many of them for nothing.

Commissioner WEINSTOCK. I take it in that connection you are very much in the position of the physician who was obliged to treat a great many charity cases?

Mr. DARROW. Yes, sir; I am; but I am sorry to say that most lawyers are not. A lawyer will let a man die on the gallows, because he has no money to pay him. A physician will see that the poorest man has an operation by the best physician, to save his life. Their profession is ahead of ours.

Commissioner WEINSTOCK. May I ask, Mr. Darrow, whether you regard public opinion as of any value to organized labor in striving for its objectives?

Mr. DARROW. I think it is the greatest force and value.

Commissioner WEINSTOCK. You believe then that organized labor can not hope to achieve its ends, and can not hope to go on striving to secure a higher wage, shorter working day, and better working conditions unless it can bring public opinion up behind it to aid it?

Mr. DARROW. It is very important, Mr. Weinstock, and probably I will go pretty near as far as you will, even if I see what you are leading to.

Commissioner WEINSTOCK. Now, if that is true, and public opinion is of value, and of course you can not hope to have public opinion behind us unless we can win the good will and the respect and the confidence of the public generally?

Mr. DARROW. Now, you are putting in some things I can not stand for.

Commissioner WEINSTOCK. You mean that it is not necessary to win the respect——

Mr. DARROW. No at all.

Commissioner WEINSTOCK. Of the public?

Mr. DARROW. Not at all. Capture their imaginations, that is all. Nothing else in the world, especially public opinion. You have to strike while the iron is hot.

Commissioner WEINSTOCK. But then we know that organized labor's objectives are not things that can be achieved; things that organized labor has in mind must necessarily take time to bring about, and perhaps a very long time. Now, do you think it is possible to so blind public opinion that it can be held

and restrained indefinitely, despite unfitness and unworthiness of the object that they are striving to get the benefit of public opinion on?

Mr. DARROW. You can not hold public opinion to anything indefinitely. Everybody, you take any person in the public eye, good or bad, if we can classify it, they have a season of popularity, and then they throw stones at them, or vice versa. I have had my day of it both ways, and the public was wrong at both times. I did not deserve their praise, and I did not deserve their stones. Every public or quasi-public man has been through the same mill, more or less. It does not make any difference whether a man is good or bad, as far as public judgment goes. You take all the heroes and martyrs in history, and wherever you go it is the same thing. Nothing so changes and shifts as public opinion, and nothing is so powerful. We are just victims in its hands.

Commissioner WEINSTOCK. Admitting for the sake of the argument all that you have said, is it not a fact, as far as you know, whether the American people deserve it or not, they at least have the reputation of standing up for what is right and condemning what is wrong?

Mr. DARROW. If they had that reputation, I never heard it. I think they are about the poorest class there are on earth, as far as that goes.

Commissioner WEINSTOCK. The American people as a unit?

Mr. DARROW. Yes, sir.

Commissioner WEINSTOCK. Are the poorest class for what?

Mr. DARROW. As to standing up for what is right and going back on what is wrong. In the first place, we are not a Nation at all, we are a conglomeration of everything from everywhere. We have no nationality. You could depend pretty well on what an Englishman would do, because they are one people; or what the Frenchmen would do, because they are one people; or what the Germans would do; but you can not tell what Americans would do. It will take hundreds of years for them to get welded into a country, and they veer around, and one day Mr. Roosevelt is the idol of the American people and the next day they are busy to see who can throw the most stones at him; because he is conspicuous and spectacular, and those things about him. Look at Dewey. Let me give you one simple illustration. There is a man—captured the imagination of the people because he battered to pieces a few old tubs in the harbor of Manila, without heroism or anything else; but the whole country went mad over him. People got up excursions from the remotest points in America to go to New York to greet him. They got up a donation for him and bought him a house and lot, and he deeded it to his wife and they all went back on him in a minute.

Commissioner WEINSTOCK. Are we to understand from what you say, Mr. Darrow, that the American people, you believe, stand up for the wrong and condemn the right?

Mr. DARROW. Right or wrong cuts no figure. People like it because it is a spectacular thing; it is imagination that moves people. Something captures them. Right or wrong cuts no figure in the world anywhere as to moving people. A great warrior will go out and kill thousands of men without what we would call moral excuse. Napoleon is possibly the most popular idol of the world; maybe he had good qualities, but he was popular because of the great many people he killed, and his dash and brilliancy. Morals had nothing to do with it; just the spectacular part.

Commissioner WEINSTOCK. If you were advising organized labor, who stood before you as a unit and invited your counsel and advice and would say to you, "Mr. Darrow, we want to get public opinion in our favor," I take it you say to them, "First capture the imagination of the American people, regardless of what you do, whether it is right or wrong. Capture their imagination and you will have public opinion behind you, whether right or wrong, and you will have it permanently."

Mr. DARROW. Yes, sir; but the trouble is you have to capture the newspapers, because the great mass of people only know what they read in the newspapers. Of course what you say is right. Capture the imagination of men and then you can do something, because popular opinion is irresistible; no human being can stand up against it and live. They may duck a while until the waves go by and get up in a kind of dazed way, but you can not live against it.

Commissioner WEINSTOCK. The first thing to do along those lines, if organized labor believes as you believe—that public opinion is of great value to it, and that public opinion is influenced primarily by the imagination, whether right or wrong, the first step is to capture the press, and your advice would be, "Boys, go out and capture the press." How could they do it?

Mr. DARROW. It is a hard job; I don't know that they can do it at all. It is pretty nearly necessary to get public opinion to get the press. I don't know how they could do it, Mr. Weinstock. I wish I did.

Commissioner WEINSTOCK. That would be in the nature of a circle. To get public opinion you have to get the press; and to get the press you have to get public opinion?

Mr. DARROW. I don't believe I said that; but that is what it would result in. Capturing the press is a hard job. Mr. Scripps has been trying to establish a newspaper in this country that would not take advertising—he has one in Chicago—and he says he thinks he can do it all over the country. If he can do that, it might go some distance; but to run a big newspaper you have to be very rich, and the owner feels what Grover Cleveland once called communism of combined capital. You can not help it. It is a tough job, and I don't know how we can do it. I would rather raise problems than settle them; it is easier.

Commissioner WEINSTOCK. I have been asked to put this question to you, if you will be good enough to answer it: Will Mr. Darrow point out what principles, if any, have been applied to the issuance of injunctions in labor cases which have not been generally applied to all combinations, irrespective of the character of the persons forming the combination?

Mr. DARROW. I will answer that as near as I can, Mr. Weinstock, but the trouble with that and this whole discussion about the poor and the law is the impossibility of the weak to use the machinery and the ease with which power can use it against the weak. Now, you make a statute which on its face looks like it hits every man alike, but it doesn't hit every man alike. I remember Anatole France in speaking of this question said: Of course, the law is perfectly equal; it provides that it is a crime for anybody to sleep under a bridge, whether he is a millionaire or pauper. But the millionaire don't sleep under bridges. The law is equal, all right, but it catches the poor man only. You take the constitutions of the States, which provide that legislation shall be uniform all over the State, that you can not make it for one section and not the other. Thereupon the legislature will say it applies to all cities over 1,000,000 population where there is only one in the State. You can not make it apply to the city of Chicago, but you can make it apply to any city of over 1,000,000 population. Indirectly they accomplish the same thing.

Now, this particular question. If you can imagine any combination of men outside of the labor unions that would be injured by these injunction cases, it would cover them. You can imagine some acts that would be covered by them like boycotts, which are common in mercantile business, as I am informed, but I never heard of it being applied. I never heard of it. You could imagine that it might be applied to a great mine, where its owners have determined that they would lock out their men, which often happens. Can a workman go into the court and ask for an injunction against their closing down the mine? The theory would be the same thing, but it has never been done, and I don't apprehend you could find a court that would grant it. For instance, in Pennsylvania they hold, and I think very properly, that an employer may refuse to hire any union man simply because he is a union man, but these and other courts have held that a workingman can not say that he will not work with a nonunion man; that is illegal. It depends on the force back of it, and the application you want to make of it and the facility you have for making it. On the face it might look the same, but this whole thing has been built up on labor unions, and has not been applied otherwise as a rule.

Commissioner WEINSTOCK. Now, Mr. Darrow, summing up, may I review the different points that have been touched upon by you and see what we can take away as the result of this most interesting statement on your part?

Mr. DARROW. Thank you.

Commissioner WEINSTOCK. Speaking for myself at least, I wish to make sure that I understand your philosophy correctly. If I misunderstand you, I wish you would correct me as I go along.

Mr. DARROW. Yes.

Commissioner WEINSTOCK. The frame of mind that you have left me in is this: First, that while theoretically we are a free country, practically we are not; that while theoretically you and I and the rest of us have our civil and political rights, practically we have not.

Mr. DARROW. That applies to the weaker.

Commissioner WEINSTOCK. That applies to the weaker?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. That the English, for example, are much freer than we Americans are?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. That they have rights and privileges that we do not enjoy?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Second, that all the progressive laws that have been passed in this country and in the various Commonwealths in the last decade or two, including such laws as workmen's compensation acts, maximum and minimum wage acts, eight-hour day for women, and safety acts, and the initiative, referendum, and recall, are mere patches, are mere makeshifts, that they don't touch fundamentals, and therefore are of little value?

Mr. DARROW. That is about the way I put that.

Commissioner WEINSTOCK. That in the matter of violence you would justify resistance on the part of strikers, for example, if in their opinion the authorities were not giving them a square deal?

Mr. DARROW. Well, now, I will just have to explain that. I justify any man in doing whatever is right, whether rich or poor. The highest thing a man can do is to follow his conscience, no matter where it leads him, and the harder it is the higher credit the man deserves. I think that it would be poor wisdom to resort to violence when there is no chance. I would not advise it or urge it. I recognize it in the scheme of things as one of the inevitable things that go along with human development, but as to saying here I think you ought to go and do this or that, I never do it, and would not take the responsibility. If it is done, I understand it, and I don't blame the man. Remember Victor Hugo's Les Miserables, where he takes the old priest up on the mountain to see the revolutionist, and after the revolutionist has converted him on everything else, he said, "You remember the cruelty and bloodshed of the revolutionists," and he looked at him and said, "Yes; a storm had been gathering for thousands of years; it burst; you blame the thunderbolt." That is the attitude of the people that blame the men for the consequences of those things that have gone before. I don't think I gave any opinion one way or the other. It is not a question of opinion, but of fact and natural law.

Commissioner WEINSTOCK. Well, you say you would not blame the man; that while you would not justify him resorting to violence, if he did you would not blame him? Would you punish him?

Mr. DARROW. No, sir; I would not punish anybody for anything.

Commissioner WEINSTOCK. You think it is a delusion and a snare?

Mr. DARROW. I think it is barbarism. I don't think that anybody should be confined. I think there are people that are antisocial in their nature, and for many years to come there will be people that need confinement. It is not because of any wrong they have done, but a wrong that has been done to them, and they should be treated like hospital patients and kept until they recover or never turned loose.

Commissioner WEINSTOCK. You only leave us this inference that if you had your way you would wipe out all penitentiaries and prisons and establish hospitals?

Mr. DARROW. I would, but I would try to get at the cause of what we call crime and cure it, so there would be only a very small portion of it. But while it might look to you for the moment—and I guess I am carrying you away from what you were asking—it would not make much difference whether you called them jails or hospitals, but it makes all the difference in the world. You say to me you need to be restrained, but it is because you have an evil heart, then you punish me. Then you say to me you are ill and society has not treated you right or nature has not, and I am sorry for you and want to help you, and I must keep you here until you are well; that is another question entirely. It is the attitude of the world toward what we call criminals that I complain most about. If we get them we can cure it.

Commissioner WEINSTOCK. Admitting when we reach that ideal day, when Utopia is here and we wipe out jails and penitentiaries and substitute hospitals, what are we to do in the meantime? What will we do with our criminals?

Mr. DARROW. What we will do is to abuse them and misjudge them and practice all kinds of mistreatment. It is not so far away. I can see a great change in the attitude of the world in the last 10 years. Can't you?

Commissioner WEINSTOCK. Yes, sir.

Mr. DARROW. It was called at once a crazy idea to say what I have said about crime. Probably half of you people on the commission believe it; maybe all of you. Ten years ago very few believed it. Most of the criminologists of to-day have accepted it. We find people going at it as the warden in New York, in Sing Sing, is doing. We have very much the same attitude on the part of the warden in the penitentiaries in Illinois and Colorado. The attitude is growing very fast. I don't belive it will be 25 years until there will be no more prisons, practically. We will be looked on as barbarians for doing those things. There will be people confined, but not in that attitude. I think that is coming faster than a lot of these things, but maybe I am wrong.

Commissioner WEINSTOCK. Now, continuing as to the frame of mind I have been left in. On the question of boycott. I take it you feel it is morally and ought to be legally right; that the boycott be carried to the limit, no matter how many innocent people are injured or hurt?

Mr. DARROW. Of course I kind of shrink from the idea of injuring innocent people, and I don't suppose I could boycott anybody myself. I can justify other people who do it. But everybody is innocent. Mr. Rockefeller, of the Standard Oil Co., who represents, to my mind, what is the most antisocial thing in the world of business to-day, is doubtless as innocent as anybody who looks at it in any other way and justifies himself to himself, the same as the rest of us. Everybody is innocent. You might think there are degrees of it, but hardly that. These things happen. Putting it as you say, I would say that I would justify it, whether it affected the innocent or guilty. I would be sorry for it. But it is not only right, but necessary. For instance, you might take the same causes in the war in Europe. To destroy the German power England has thought it necessary to keep bread from Germany, although the wives and children and noncombatants suffer. It is absolutely justifiable and necessary from their standpoint.

Commissioner WEINSTOCK. You would then regard a strike as war?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. You believe that there is power other than the Government itself, then, that has a right, so to speak, to declare war?

Mr. DARROW. Well, of course, legally, under the laws of the country, to declare what we call war must be done, if I remember it, by Congress. I have not read the Constitution for some time. That and the Book of Genesis I have kind of passed up. But the Constitution does not apply to industrial war, and if it did I would say they had the right to do it, or should do it. I don't like the word right; there is nothing to base a right on. Everybody has their own conception of right and wrong.

Commissioner WEINSTOCK. And finally, your view is that public opinion is very important to organized labor to aid it in carrying out its desired ends, and that to get this public opinion it is not necessary to be right, but it is very necessary to capture the imagination of the public?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Either right or wrong, you are likely to win?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. But you think that the question of right or wrong would enter into an industrial trouble, or do you believe, as our friends the I. W. W. believe, that whatever is good for labor is right, and whatever is bad for labor is wrong?

Mr. DARROW. Well, those are kind of hard questions; questions that a man does not always like to answer, and questions that are not easy to answer, but I will be as frank with you as I can about it. Of course, right and wrong are purely relative terms. You say a thing is wrong, if it sort of shocks your sense of justice and fitness, and it is right if it does not. There is no way to base it. There is no foundation for right or wrong, so nobody can tell. Now, perhaps it is not hardly fair to say that right and wrong in that way have nothing to do with catching the imagination. If you could classify the emotions of men as between hate and fear and revenge, which are some of the emotions that move all of us, and love and pity and sympathy, which are emotions which move all of us, you might call them the higher and lower and the conflicting emotions. Now, we call the one class the higher. I think that on the whole the tendency is that gradually they will survive. You might look for more, based on it, but we are always being ruled by hatred and by fear, and the imagination of the world is always being captured by it, but I think perhaps in the evolution of things it is better the other way and stronger the other way. I don't know whether that makes my position clear on that question or not.

Commissioner WEINSTOCK. You have a faculty of making yourself very clear.

Mr. DARROW. I don't want you to think I am dodging any of these, but they are some of the things that are rather embarrassing, and a man is liable to be misquoted.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Lennon has a few questions he wants to ask you.

Commissioner LENNON. Mr. Darrow, this thing you call imagination, and the higher ideals of it that have been expressed by man, is the world making progress toward those higher ideals, or are we going backward?

Mr. DARROW. Well, Mr. Lennon, that is a hard question to tell. I have sometimes thought that we were going forward. I think, on the whole, we are, but in science or in philosophy I doubt whether there is any foundation for the theory that man is going forward. All we know about life is that there is constant activity and change. Out of that it may for a time go forward or backward, but I believe on the whole it is going forward at this time.

Commissioner LENNON. As to our conception as to what is freedom under government, and what are human rights in society, are we making progress as to those things?

Mr. DARROW. I think we are getting higher ideals and seeing further.

Commissioner LENNON. What force in the history of mankind has been the most potent in that direction has it been the struggle of the laboring class for better conditions, or the advocates of the policy to let things remain as they are?

Mr. DARROW. Oh, whatever position they may take there is no doubt but what the future is to have labor socialism. Whether you call it socialism, or labor, or any of the progressive ideas, the fact is that the imagination of men is working that way. Whether you do a thing to-day or to-morrow or some other time, they have everything to win and nothing to lose, and it is going that way.

Commissioner LENNON. You have been asked some questions regarding the violations of law by individuals and the consequences arising therefrom. Is it not a generally recognized principle that if men believe the law is wrong, and are perefectly willing to take the consequences of violation, that that is a right that they may exercise?

Mr. DARROW. Well, there are lots of people believe it. Who was the great statesman, or something, I don't remember his name, a lot of you recall it, who said that resistance to tyranny is obedience to God. I don't know his name, but his name ought to give it some weight beyond his words.

Commissioner LENNON. A fact was mentioned here the other day that had close connection to myself. My father operated a station on the underground railway before the War of '61–65, and lived in a slave State and did it. Has history justified that resistance to the laws as being right or wrong?

Mr. DARROW. I don't believe you could find many people, either North or South, to-day who would not justify it; there might be some; but events have justified it; as long as it happened that way, it could not have happened any other, although it was a terrible price.

Commissioner LENNON. You expressed at one point something of the hostility of the labor unions toward the scab, as you said?

Mr. DARROW. Yes.

Commissioner LENNON. Do you believe that there is a general hostility, industrially, to the nonunion man on the part of organized labor?

Mr. DARROW. Well, I think that you will disagree with me, but I think organized labor distinctly dislikes the man who would not join the union, and I don't see how they could help it. Whatever labor has now is practically through the labor organizations, and the nonunion man or the scab, as he is called, is the first to take advantage of it, and he is always used for the destruction of unions and the destruction of all their efforts, and I think the attitude of the union man is unfriendly to the man who refuses to come in. Of course, he does not hate the scab as a man, or does not hate him if he has no chance to get in, or is working where he can not be a member of the union, but in the great industrial strife a nonunion man lends himself to the employer to defeat the objects of the union man, which is really the situation, I think he is not liked; he is hated. Every effort is made by the unions to get them in. They spend their money and time trying to convince them they ought to come in, but a lot of men stayed out through selfishness, some through cowardice, and a lot that think they really ought to stay out.

Commissioner LENNON. Now, in the discussion of rights under the law, certain rights, this commission heard testimony regarding the situation in

Colorado of this character, that the civil courts were in operation. Upon a certain writ of habeas corpus two men were brought into court, and the militia were also in the field at the same time. Two men were brought into court on a writ, and after hearing the case the justice ordered them discharged, and the militia, however, took them and held them. Has the militia such a right to exercise such power when the courts are in operation?

Mr. DARROW. Not unless martial law has been declared; and as I remember it was not formally declared out there. The law is plain on the subject. Courts have jurisdiction everywhere except where it is declared.

Commissioner LENNON. Well, it seems almost like a farce that they should have been permitted to go before the court and their case be heard and their release ordered and that they should then have been detained in captivity. It would seem the legitimate thing for the militia to have done would have been to tell the court to go on and mind its own business and held them from the start.

Mr. DARROW. Well, that is what they generally do, surely. Of course, in the last analysis, the fellow that has got the most power has got the most right. The judge can not take a man away from the Army; he can take him away from the strikers because he has got an army back of him; but he can't take him from the Army.

Chairman WALSH. Mrs. Harriman has a question to ask you.

Commissioner HARRIMAN. You spoke, Mr. Darrow of a fair social system. I think you used that phrase?

Mr. DARROW. Yes.

Commissioner HARRIMAN. Will you give us your definition of a fair social system?

Mr. DARROW. Well, I don't know as I could. I think a state of society where everybody who is able to work and is willing to work, where one can find opportunity to employ his labor, and where people practically get the same reward for the same amount of time, would come about as near being a fair industrial system as you could get. I think you would have to abolish the private ownership of mines and forests and railroads and perhaps land, and possibly more, before you could ever reach it. We can approximate it—go toward it.

Commissioner HARRIMAN. Does that differ from the popular conception of socialism?

Mr. DARROW. Well, socialism says that you have got to abolish rent, capital, and interest, and have a cooperative Commonwealth where all production is done by the State—for the people collectively. Now, it may be they are right. The trouble is there is no way to determine exactly how anything will work out; and there is no certainty that any one road is the only road. Of course, I am sympathetic with socialism, sympathetic with single tax and labor unions, and pretty nearly any new thing that comes along; though I do discriminate a little I like to see the disturbance going on and giving them all a chance. If I was laying out a scheme I would say let's get the land monopolies first; let us take the mines and the forests and the railroads and see how they come out, and if that don't work let's get busy and do some more. We won't rest. I don't think anybody can tell in advance the absolutely necessary way or the easiest way; at the present time to feed the present generation and the next, while we are getting all these things, labor unions—organized labor—takes care of a number of these wants that none of these other things can do or have done at least.

Commissioner HARRIMAN. Mr. Darrow, do you think this commission has done or can can do any good?

Mr. DARROW. Yes; I think both.

Commissioner HARRIMAN. How?

Mr. DARROW. Well, my answer to Mr. Weinstock as to public opinion—that is the greatest force there is in the country, and always has been; and so far as you reach public opinion, if it is nothing but talking about it, it has its effect. The recommendations that this commission will send out will have some effect on public opinion; whether you get it into laws nobody knows, or how effective they would be if they got into laws nobody knows. But from my standpoint the more fundamental and radical your recommendations are the more good they will do; and the more you recognize the division of classes and the injustice of it, the more good it will do; but it does good at least.

Commissioner HARRIMAN. That is to give it daylight?

Mr. DARROW. Yes, it attracts the attention of the public.

Commissioner HARRIMAN. That would be your remedy then for industrial unrest; or do you think there is no final remedy?

Mr. DARROW. There is no final remedy for unrest excepting the grave. We are all the time—society is all the time—in a state of unrest. You may take a piece of glass and every atom is revolving around another. You may melt it, and it takes new relations. Society, in the same way, is operating around certain orbits, and some great thing comes along and changes the orbits, and perhaps the resistance is less or perhaps it is greater. We can change only the immediate things. If we all get rich, we will have cancer or tuberculosis, or a tumor or corns, or something to bother us.

Commisioner HARRIMAN. Do you believe in arbitration of labor disputes?

Mr. DARROW. I think in many instances they have done good. I believe in everything that works at the job. I don't believe in compulsory arbitration. I think people should have more freedom instead of less, as a general proposition, in all lines of life.

Commissioner HARRIMAN. That is all, Mr. Chairman.

Commissioner WALSH. Commissioner O'Connell has some questions he would like to propound.

Commissioner O'CONNELL. Some writer said, Mr. Darrow, that I have read somewhere, that the real agitator was injustice, or that injustice was the real agitator, one way or the other. Since I have been on this commission and have heard approximately a thousand witnesses, the impression of a great number of those that have appeared before us seems to be that a great proportion, at least, of the so-called unrest is caused by the agitator, implying, I take it, that the agitator that he had in mind is the so-called labor leader—not necessarily the president of an international organization or the president of the American Federation of Labor, but the men who were in office locally, and by State and by national and international organization, and all that?

Mr. DARROW. Yes.

Commissioner O'CONNELL. Implying that all these men were the agitators, my observation of some 30 years or more of injustice being the agitator, the fact that a man or woman or child has to work under conditions that they feel unjust to them; low wages, long hours, and insanitary conditions; in days gone by terribly insanitary conditions; a total disregard for life and limb; the whole object of the employer being to get production out of his employees; what is your opinion as to the real cause, the real agitator?

Mr. DARROW. Well, I think it is largely an injustice, of course. My experience in 25 years of pretty close relation with labor unions and leaders is that the last man to encourage a strike is the labor leader. Of course that might not always hold true, but the man who is charged with the responsibility—like we call the walking delegate or business agent—is almost always most conservative, because he feels the weight of the thing. Of course, there is a large pressure behind him of people who want their conditions bettered, and then there is the terrible grinding down against men on the other side, and it places him in a hard position. But as a rule, and I think almost universally, the so-called walking delegate is the most conservative man in the whole body, no matter what he might have been before he got his position. I don't believe I ever saw an exception.

Commissioner O'CONNELL. As one having to do with courts—and I think you said when it came to speaking about the criminal law that you felt at home in dealing with that?

Mr. DARROW. Yes; very much at home.

Commissioner O'CONNELL. You must of necessity have given very much thought and study or made some comparison as to the class of people that are in the jails and prisons. I want to ask you if you have made a comparison or given thought as to the comparative number of so-called labor agitators, labor leaders, labor representatives, that are in jail as compared with the number of bankers, doctors, lawyers, and professional men?

Mr. DARROW. No; I never did. If there were more, I would not know whether it would be to their credit or discredit. I guess the labor leaders keep out of jail about as well as the rest of us, and better than the poor.

Commissioner O'CONNELL. I have been informed, and I don't know that I can give the figures exactly—I think it was in connection with Sing Sing, N. Y., as to the occupations that had been followed by the men who were in prison—I won't venture to quote the figures, but I know the comparison was not favorable to the professional man.

Mr. DARROW. Well, there are very few, comparatively, outside of poor people. There are some bankers and some lawyers. It is pretty hard for a banker to defend himself when you get him into court, and they presume he is guilty anyway of something; and also the same way with a lawyer. They are not far wrong, either. Might catch them on something. But, as a rule, they do not get into court much; but I would say 99 per cent of the people in all the prisons are poor. Their crime has been that they have tried to get something.

Commissioner LENNON. The poor, of course, are excepted in this case. I have reference to another matter.

Mr. DARROW. Yes.

Commissioner O'CONNELL. They can not help it when they get in jail—they simply break in. The circumstances compel them to break in?

Mr. DARROW. Yes, sir.

Commissioner O'CONNELL. I am talking now of the learned man. The labor agitator is held up to the police as a horrible example of a brute and a man with instincts of brute force, who cares little for life and less for the property of some one else and less for the rights of some one else, and seek to compare him with the learned man—the college man, the doctor, the lawyer, and the preacher, if you will——

Mr. DARROW (interrupting). Yes.

Commissioner O'CONNELL (continuing). Compare the number of these men that have been convicted and are in jail with their class——

Mr. DARROW (interrupting). I have no doubt there are fewer of them, but, of course, the people do not understand. They might view a surgeon as a brutal man because he cuts off a man's leg and makes the blood run. Lots of people thought that John Brown was a cruel man; but what he did he did because he loved the world and not because he hated it. Most of the labor leaders who have been imprisoned, wherever they have done the things they were charged with did them not for their personal benefit at all, but because they saw the sufferings of thousands and tens of thousands of poor and weak and out of sympathy for them; and the motives of men are everything when you come to judge them.

Commissioner O'CONNELL. Commissioner Weinstock was discussing the question of abolition or dissolution of jails and penitentiaries, and your suggestion that they be turned into hospitals. May I ascertain what could be done to reduce the crime necessary to keep these institutions for the home of criminals? Is not the greatest preventive of crime to do away with the things that result in crime, that cultivate crime? For instance, like lack of people having an opportunity for a fair livelihood—not even a respectable so-called livelihood, but a living opportunity?

Mr. DARROW. I believe you would get rid of nine-tenths of all the things we call crime in one generation if people had a fair chance to live. At least nine-tenths in one generation.

Commissioner O'CONNELL. As, for instance, we had brought before us the other day by the police commissioner of New York, evidence regarding a condition of crime in the city of New York; and we find that the trouble when we look into it is that those people, a considerable body of people who are committing these crimes, come from the terribly dense district in New York, the east side of New York City, where people live by thousands in single buildings and in single rooms; where there are dozens that are living, working, cohabiting in every way in a single room. Is that not in itself a condition begetting crime?

Mr. DARROW. You can not prevent it by punishing as long as those conditions are there. No one who had a choice would dream of letting their own children be raised under those conditions. Still they punish the children of other people for what they can not help.

Commissioner O'CONNELL. One of these subjects that has been before this commission more or less, and at this hearing particularly—two or three gentlemen have called it everything but a respectable name, and that is the so-called union shop, known by the employers as the open and closed shop and by the union men as a union shop or a nonunion shop. The employers charge criminality of purpose, depriving the American citizen of his right to work and the American employer of his right to employ whoever he pleases and under whatever conditions he pleases, and all that. I know you have spoken and written on this subject, and I am sure the commission would be glad to know, and I would, your opinion of the so-called open shop.

Mr. DARROW. I would be glad to say just a few words about that.

Commissioner O'CONNELL. I would be glad if you would take your own time about it.

Commissioner WEINSTOCK. Take considerable time, and I would be glad to have your opinion on the subject.

Mr. DARROW. Of course, there is a lot of nonsense talked about it. They talk about the inalienable right of a man to work; he has no such right; no one has a right to work, and the man who stands for the open shop does not care for anybody's rights to work, except the nonunion man, and they only care for him because they can use him. If a man has any constitutional right to work he ought to have some legal way of getting work. If the Constitution is going to guarantee the right to work, it ought to guarantee some place to work, and there is no such thing. A man can only work if there is a job; he can only work for a man who wants some man to work for him.

The workingman spends a good share of his waking moments in a shop. He does not need to invite a nonunion man into his house if he does not want to, and probably won't, and he is under no more obligation to work with him in a factory if he does not want to. If a Presbyterian does not want to work with a Catholic, he may be narrow and bigoted, but he does not have to. Of course, a union man has a direct reason for it; he believes and he understands and feels that the nonunion man is working against the interests of his class; that the only way a workingman can get anything is by collective bargaining, and by saying, "If you don't give us a raise, not only I will quit but we will all quit and tie up your business"; that is the only way he can do it. One man quitting out of 50,000 is nothing, or even 10 men or 100 men, but if they all quit, so they can do with the employer what the employer does with you, when he discharges you, then they can bargain and there is no other kind of bargaining but collective bargaining.

The nonunion man comes along and says, "I will take your place." He is not loyal to the union, and the union man regards him as a traitor to his class, and he won't work with him, and he has a perfect right to refuse to work with him.

There is no such thing as the open shop, really. There is a union shop and a nonunion shop. Everybody that believes in the open shop disbelieves in the union shop, whatever they say; and I do not say that unions are perfect, they are not. The people that work with them know that better than anybody else. They are just doing the best they can with the job they have, which is a hard one, and with the material they have, which is not perfect. In many instances they are brutal, and have to be, and it is generally like the law, and works individual hardship here and there, but it is one of the necessary things in the industrial world, and the fight is between those who believe in unions and those who disbelieve in them. Those who disbelieve in them say they believe in the open shop; but the open shop is simply a back door to put the union man out.

Commissioner O'CONNELL. You think, then, the employer is not sincere in the open-shop idea?

Mr. DARROW. No; I think he is not sincere.

Chairman WALSH. At this point we will adjourn until 2 o'clock.

(Whereupon at 12.30 p. m., Tuesday, May 18, 1915, an adjournment was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Will you take the stand, please, Mr. Darrow. I think we can just proceed.

Commissioner O'CONNELL. Mr. Darrow, we were discussing when we took a recess the question of so-called and closed shops, from the employers' standpoint. The last question I asked you just before we adjourned was, if you believed the so-called open shop was a subterfuge?

Mr. DARROW. Yes.

Commissioner O'CONNELL. It is therefore a snare, in a term, to induce men to believe that the employer, on his theory of the so-called open shop, is behind it, the real right of the citizenship, workmen?

Mr. DARROW. Yes; I have more respect for the integrity of the fellow that says, "I don't believe in unions and will have nothing to do with them," than the fellow that says, "I do believe in them, but want an open shop."

Commissioner O'CONNELL. The practice of having contractual relations between employer and employee is only successfully possible where there is organization of workmen?

Mr. DARROW. You can not have a contract with any large number of employees only through organized labor, organizations. One man can not do anything. There are too many men in the world and too few jobs.

Commissioner O'CONNELL. The question of the right of the citizen to individually bargain for his own employment, in our present-day industrial affairs, is rather a joke, is it not?

Mr. DARROW. It doesn't mean anything. Under ideal life, which all of us fellows would like to see come, but which does not exist. I suppose there would be no unions, but that is so far ahead it is hardly worth speculating on.

Commissioner O'CONNELL. If we had not had the activity of the last 25 or 30 years of organized labor in this country, what position do you think the wageworkers of this country would be occupying at the present time?

Mr. DARROW. Unless it had taken some other form, they would have been like the wageworkers of China or any other country, where there is no organization, they would simply have gradually reduced the standard of living. Competition of workmen would have prevented better working conditions and lowered the standard of living.

Commissioner O'CONNELL. In a debate at Boston some years ago between President Eliot, then president of Harvard University, and Frank K. Foster, a union man, now dead, the question under debate was the following: "Has the nonunionist a moral right to work how, when, and where he pleases?" Mr. Foster had the negative side of this debate with President Eliot. Do you believe that the nonunionist has the right to work how, when, and where he pleases?

Mr. DARROW. No; I do not. I don't think anybody has that right.

Commissioner O'CONNELL. If he exercised that right in what is expressed by the open shop, I take it that that is what it expresses; at least, that is what they intend to express to the workman?

Mr. DARROW. Yes.

Commissioner O'CONNELL. If that expresses the opinion of the advocates of the so-called open shop, but is not practiced by them, what is to be the inevitable result if the wageworkers are led to believe they have this moral right under the so-called open shop, and in actuality it does not exist? Where will they be led to?

Mr. DARROW. They will be led gradually back to taking whatever they can get, reducing the standard of living, being the subject of charity, etc. That whole idea comes from the thought that a man has a right to work. He has not a right to anything unless he can get it, that is the only way you can determine rights, whether a fellow can get it or not. He has a right to work if he can get a job, is all there is to it.

Commissioner O'CONNELL. In your observation of the affairs of organized society, in its present form, what I mean is to say of people that come together in the form of organiaztion, for instance, laboring people and their organizations of employers, as a rule from your general observation and legal point of view, which form of organization gives the greatest obedience to the law, as such?

Mr. DARROW. Well, I don't know; I might disagree with you somewhat on that. The rich have no trouble obeying the law, because they make it. They would be fools to break it; they simply need to change it the way they want it. It rests on the poor and the weaker class of society, who sometimes have to break it. I don't think obedience to law is necessarily one of the prime virtues. It may show servility rather than heroism or nobility.

Commissioner O'CONNELL. Commissioner Weinstock asked you this morning regarding the compensation received by you in various labor cases. He stated that he would not have asked the question had not other commissioners asked similar questions of others that had been on the stand, and I said the one whom I had asked at least had declined to answer it. The impression prevails that the American Federation of Labor employed you and others to defend the McNamara brothers. Is that true?

Mr. DARROW. No; not as an organization. Certain members of it were instrumental in enlisting me, and in raising money.

Commissioner O'CONNELL. Do you know whether the funds that were raised were the funds of union men or funds from other sources?

Mr. DARROW. They were taken from anybody that wanted to give. I think probably the majority came from union men, I assume it did, but I don't know; but they were taken from anybody that wanted to contribute.

Commissioner O'CONNELL. And there were undoubtedly other contributions?

Mr. DARROW. I know there were.

Commissioner O'CONNELL. I have here a complete statement of the receipts and expenditures in the McNamara defense fund, and these receipts show that a large volume of money was contributed from various sources, even the now popular moving-picture show was used?

Mr. DARROW. Yes, sir.

Commissioner O'CONNELL. And of one donation I see about $25 was from one picture house in Indianapolis, and a number of other large contributions are here that indicate that it came from the public indiscriminately. That the defense fund was not raised entirely by the trade-unionists, but that they were intensely interested to the extent of contributing some finance toward this defense. I want to put this in the record, because of what I believe to be a misconceived idea on the part of the public, probably on the part of some of our commissioners, that you were employed by the American Federation of Labor to defend the McNamara brothers, and the American Federation of Labor raised the funds to carry on that defense. This will show that that is not true, with which I think you will agree.

Mr. DARROW. Yes, sir; as an organization they did not do it. Some members were instrumental in doing it.

(The document referred to by the witness, entitled "Financial Report of the McNamara Defense Fund," dated Aug. 9, 1912, was submitted in printed form.)

Commissioner O'CONNELL. In addition to the question as to whether the non-unionist has a moral right to work how and when and where they please, to which I think you said you agreed, I want to file for the benefit of the record this part of the debate, taken by Mr. Foster, who is well known in trade-union matters, and a speaker of great force and a writer of force on subjects with which the trade-unionists are thoroughly familiar and are in accord.

Mr. DARROW. He is dead now?

Commissioner O'CONNELL. He is dead.

(The document referred to, entitled "Has the Non-Unionist a Moral Right to Work, How, When, and Where he Pleases," by Frank K. Foster, issued by the American Federation of Labor, and dated Washington, D. C., 1912, was submitted in printed form.)

Commissioner O'CONNELL. The position of the American Federation of Labor in connection with the McNamara case is fully set forth in a pamphlet prepared by President Gompers, which shows that the American Federation of Labor, as such, took no part in the defense of the so-called McNamara case, and that the means to carry on that defense was raised by a committee of gentlemen that came together without any particular person calling them together, but being interested in seeing that the McNamara brothers got what they believed they were not getting, a fair trial, and that they would take it upon themselves to raise sufficient funds to guarantee what they believed to be a fair trial for the McNamara brothers and those involved with them. These gentlemen proceeded by different ways and activities to appeal to the trade-unionists and their sympathizers to raise the funds, and the expenditure of the funds in connection with the conduct of the case was left entirely in the hands of those who were engaged to look after it legally, were they not?

Mr. DARROW. I think so. Mainly, anyway.

Commissioner O'CONNELL. There was no direction on the part of the men that raised the funds to the counsel how they should conduct the case?

Mr. DARROW. Not to me.

Commissioner O'CONNELL. And you were recognized as chief counsel in the case?

Mr. DARROW. So far as the Los Angeles end of it was concerned, I was. There were other people in Indianapolis.

Commissioner O'CONNELL. But the American Federation of Labor, or the gentlemen who raised the funds to carry on the defense, in no way indicated to you what you should or should not do, or those that were associated with you, in the direction of the case?

Mr. DARROW. It was left to us to manage.

Commissioner O'CONNELL. The funds were sent to you without question as to how they should be used or suggesting any method as to how they should be used?

Mr. DARROW. Yes, sir.

Commissioner O'CONNELL. The American Federation of Labor, therefore, and the trade-unionists of the country took no part in the direction of how the case

should proceed other than raising what they believed to be sufficient funds to conduct the case and see that the McNamara brothers got what they wanted them to have, a fair trial?

Mr. DARROW. Naturally, over 3,000 miles away, they could not and did not.

Commissioner O'CONNELL. So that impression that prevails among some that the American Federation of Labor or the trade-unionists of this country, whether affiliated or nonaffiliated with the American Federation of Labor, because the record shows that many organizations not affiliated with the American Federation of Labor contributed very largely toward this defense fund—that organization did not indicate to you or to those associated with you in conducting the case how this case should be tried, or intimate whether these men were innocent or guilty, but looked upon you to see, as the leading counsel, that they would receive, so far as you could bring it about, a fair and impartial trial?

Mr. DARROW. None of them ever told me whether they were guilty or innocent.

Commissioner O'CONNELL. And that when the McNamaras confessed to the guilt, which I understand you to say was not the case on which they had been originally indicted——

Mr. DARROW. J. B. was the case; J. J. was not.

Commissioner O'CONNELL. When they did confess and acknowledge to their guilt along certain lines, that then the people who were interested in raising these funds ceased raising further funds in connection with that case and directed you accordingly, or notified you accordingly?

Mr. DARROW. There were no funds raised after that time that I know of. They did not confess; they pleaded guilty.

Commissioner O'CONNELL. But when they pleaded guilty the gentlemen that were interested in raising the funds for the purpose of having these men get a fair trial, believing, as they had some reason to believe, that in the first instance they were kidnapped from the the State of Indiana, and were not receiving fair treatment in accordance with the law of that State, and had not received fair treatment, that after this confession took place, or whatever it was, these men ceased their efforts in raising further funds?

Mr. DARROW. The case was over at that time.

Commissioner O'CONNELL. But so far as the McNamara case was concerned, in itself, the American Federation of Labor, as such, had nothing to do with the raising of funds, and had nothing to do with the McNamara case?

Mr. DARROW. I think various unions contributed of their funds, and I have no doubt that the bulk of the money received was by the unions, and I think the purpose, they thought their men were attacked, and they felt it their duty to defend them, but the organization did not undertake to do it.

Commissioner O'CONNELL. None of the organizations, as organizations, undertook to raise this money?

Mr. DARROW. No.

Commissioner O'CONNELL. All the money that you received in defense of the McNamaras came through committees self appointed for the purpose of raising these funds?

Mr. DARROW. I think they were self appointed.

Commissioner O'CONNELL. I happen to know, because I was one of the members of that committee.

Mr. DARROW. I know you were.

Commissioner O'CONNELL. And I know of every method and means that was put forth to raise money in that case. I wish to put this pamphlet in evidence.

(The document referred to, entitled "The McNamara Case," by Samuel Gompers, issued by he American Federation of Labor in 1911, was submitted in printed form.)

Chairman WALSH. Commissioner Weinstock says he has some questions.

Commissioner WEINSTOCK. You were discussing the question of public opinion this morning, and the value of public opinion to organized labor, Mr. Darrow, and you expressed your views freely on what you thought public opinion amouned to, and how it was to be gotten. I want to make sure, in my mind, that I got your point of view correctly. I gather from the opinion that you expressed the fact that right or wrong did not enter into the capture of public opinion, but that public opinion was largely a question of capturing the imagination of the people, no matter what the objects in the case were. In that you seemingly differ from Abraham Lincoln, who said, as I recall the statement, "You can fool all of the people some of the time, and some of the people all the time, but you can not fool all the people all the time."

Mr. DARROW. Well, I want to say we pretty much agree on that.

Commissioner WEINSTOCK. Well, if that is true, hen public opinion can not be retained unless the basis for such retention is along the lines of right doing.

Mr. DARROW. You can not retain it, then.

Commission WEINSTOCK. You can not retain it?

Mr. DARROW. No, no. The righteous man suffers the same as the unrighteous. The good is crucified as often as the evil, and evil triumps as often as the good. There is no moral purpose in the universe that we can see.

Commissioner WEINSTOCK. Then, you do not believe that in the end righteousness prevails?

Mr. DARROW. Not at all. There is no end, and nothing that prevails. The preacher is just as apt to get a cancer as a labor agitator.

Commissioner WEINSTOCK. That is in the physical world, and you believe the same holds in the moral or ethical world?

Mr. DARROW. Well, the moral world is a question of opinions of the people who make up the world at the present time, and is constantly changing. The physical world is all we know anything about.

Commissioner WEINSTOCK. Mrs. Commissioner Harriman asked you this morning whether, in your opinion, you thought that arbitration was of value and importance. And will you be good enough to refresh my memory with your answer?

Mr. DARROW. I said I thought in many instances it was, and I believed in it, but did not believe in compulsory arbitration.

Commissioner WEINSTOCK. I see. You do believe, then, in arbitration?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Well, then, evidently, I take it, that your views must have undergone a change in the last three or four years on the question of arbitration?

Mr. DARROW. Well, that is entirely possible. However, I do not recall that I said otherwise, but I may have. I have said a lot of things, and a lot of foolish things.

Commissioner WEINSTOCK. May I refresh your memory on the point?

Mr. DARROW. Certainly.

Commissioner WEINSTOCK. You probably have forgotten the incident, though I have not. Several years ago, I think it was either the fall of 1910 or the spring of 1911——

Mr. DARROW. Oh, yes; I think——

Commissioner WEINSTOCK (interrupting). When you were in San Francisco.

Mr. DARROW. I think I remember the circumstance.

Commissioner WEINSTOCK. May I refresh your memory on your attitude at that time?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. I was invited to appear before the labor council in San Francisco and explain to them a plan of mediation and conciliation that I had advocated—a plan that called for the chamber of commerce appointing 12 representing employers as a panel and the labor council a panel of 12 labor representatives, making a joint panel of 24, out of which, in the event of a labor dispute arising in the community, an equal number could be chosen from each panel to sit as conciliators and mediators; and I was invited, being the father of the idea, to appear before the labor council and explain the plan with a view of getting the council to approve it and to appoint 12 representatives to act on that panel. I did appear before the council and did explain it. By a coincidence you happened to be present that evening, and you were called upon to make some remarks immediately upon my having finished. As nearly as I can now recall your attitude, you said, "I have been sitting here for half an hour listening to one of your local lawyers." You paid me the honor of assuming I was a lawyer. "And he has been making an appeal to you in behalf of arbitration." I can not quote you literally now, Mr. Darrow. I can give you only the substance as I recall it. You said, "You have nothing to gain from arbitration. Arbitration is a delusion and a snare from the workers' point of view. You have tried arbitration all over the country, and what have you gotten out of it? Always the small end. Your remedy does not lie along the lines of arbitration. Your remedy lies in getting possession of the machinery for production and distribution, and getting into your own hands political machinery of the country. Don't waste your ideas in striving for arbitration. Get at the fundamentals and control those, and you will get what is coming to you." Now, I am not quoting you literally.

Mr. DARROW. No.

Commissioner WEINSTOCK. But giving the substance as near as I recall it.

Mr. DARROW. Probably you have given it about right, as I have said.

Commissioner WEINSTOCK. Now, taking the position you take to-day, it would indicate your mind had become modified on the question of arbitration, and that you have a higher regard for its merit and value to-day than you had at that time.

Mr. DARROW. Well, it is possible that I have. It is also possible that I might not have agreed with some special things you said and made statements too general. I do believe, however, that arbitration is not a solution of the labor question at all, and I do believe that the employer gets the best end of it, although the working man often improves his condition, and I think I may say generally; but it is small, and I do believe that the other things are the big things. If I left the inference that I thought it was of no value, why I have either changed my mind, or else you were entirely right, and I was entirely wrong in that matter, because I do think it is of value—some. I think it ought to be tried in many instances, and I have in many instances had to do with it. I have acted as an arbitrator in industrial cases, and I have represented the railroad unions of the United States in that way and the coal miners and many large organizations and some small ones; and I think sometimes they have done some good; and I think everything does good if it is nothing but agitation.

Commissioner WEINSTOCK. You believe, then, from your position as it comes to my mind, then, Mr. Darrow, that it is thoroughly worth the while of this commission to do what it can in aiding the spirit of mediation, conciliation, and arbitration?

Mr. DARROW. I feel that; I think this National Commission—I don't mean your commission, but the Arbitration Commission——

Commissioner WEINSTOCK. The United States Mediation Board?

Mr. DARROW. Has in many instances done some good; but I do not believe that you ought to carry with it the recommendation of compulsory arbitration.

Commissioner WEINSTOCK. Well, I don't think there is any such thought in the mind of any member of the commission.

Mr. DARROW. Well, then, that would be about my view of it; about as you seem to hold.

Commissioner WEINSTOCK. Among other things, in your statement this morning, Mr. Darrow, you said that—I don't know as I can frame it just exactly—but in substance I think you said that there are many men who commit acts of violence in connection with labor disputes who do not do it for selfish purposes, but do it in the interest of the common good—do it for a cause—and therefore ought to be treated accordingly?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. Well, now, that, I take it, would apply to a case such as the McNamaras, for example?

Mr. DARROW. I said that.

Commissioner WEINSTOCK. Would you regard the McNamaras then as criminals, or martyrs to a cause?

Mr. DARROW. I said they did it in what they regarded as the interest of the public good; and I am glad to answer that.

Commissioner WEINSTOCK. Well, then, how would you look upon them? How would you regard them? As criminals deserving punishment for their crimes, or would you look upon them as martyrs?

Mr. DARROW. There was no element that goes to make up what the world calls a criminal act, which is an act coupled with a selfish criminal motive. J. B. McNamara, an obscure printer, in a great labor fight in Los Angeles, took 16 sticks of dynamite, I think it was—about a quarter of a pound each—and went in the nighttime and deposited them in an archway of the Times Building, of course, without any intention of killing anybody, as he did not by that. It was done in the nighttime. Unfortunately it was deposited close to some barrels of ink, and they exploded. The barrels of ink became vapor and scattered through the building and set the building on fire, and there were no facilities for escape and they died. Now, let's look at it from his standpoint. That is the only way you can get at it.

If he succeeded and escaped he could get neither money nor glory; he could tell nobody he did it. If he failed, it meant a long term of imprisonment and perhaps death; what did he do it for? He did not do it for money; he did not do it for malice. He was a union man in a great industrial struggle run-

ning over the years. He believed in it, and believed it was necessary to the welfare of his class; he was thinking of the structural iron workers, of the men, women, and children living in poverty and want, and of the wonderful riches on the other hand, and in his mind he thought he was serving his class, and taking his life in his hands without reward. Now, if anyone can condemn him for it, they reason differently from myself, and they feel differently from what I do; I can not.

Commissioner WEINSTOCK. Would you say, then, Mr. Darrow, that under those circumstances, he was a criminal or a martyr?

Mr. DARROW. A criminal, as we understand the word, is one who does a thing for a low personal purpose, and he did not, and could not properly be classified that way. Under some other definitions a criminal is one who violates the law; under that definition he was like John Brown; under that definition he was a criminal; John Brown was a criminal. They were likewise martyrs; very likely Socrates had a fair trial, possibly Christ had a fair trial. Nobody disputes their motives, because they were so far away in point of time. Nobody much disputes John Brown's motives now. Some time they will not dispute the motives of any man who may unselfishly move, whether misguided or not. Everybody has not got the same brain that you have or I have; they do not see things the same way; they are more impetuous and enthusiastic and feel deeper, and you have to put yourself in another man's place, in order to judge him, and when you do that you judge him the way you judge yourself, and you excuse everything. You might say, for the safety of society, that such and such a man ought to be confined, because of the harm he might possibly do his fellow man, but to punish him for the sake of causing him suffering, no.

Commissioner WEINSTOCK. Then, from your point of view, you don't regard him as a criminal?

Mr. DARROW. No.

Commissioner WEINSTOCK. You would then regard him as a martyr?

Mr. DARROW. Well, he was risking his life in a case he believed in; I would not have done it; I would not have advised it; but looking at it from his standpoint, he was a martyr.

Commissioner WEINSTOCK. Do you so regard it?

Mr. DARROW. I can only judge from his standpoint. If I had done it I would not have been, because I would think it would be futile, and I might consider that the evil that might be accomplished would be equal to the good that might be accomplished, or would be.

Commissioner WEINSTOCK. If you had the power, would you or would you not punish him for what he did?

Mr. DARROW. I would not punish anybody for anything.

Commissioner WEINSTOCK. You would permit him to go free, then?

Mr. DARROW. I did not say that. I explained very carefully that I might believe in the confinement and restraint of all kinds of people, but not that I would punish them.

Commissioner WEINSTOCK. But if the power was vested in you, what would you do with a man like McNamara, living as we are in our present conditions?

Mr. DARROW. I do not know what I would do at this time. I want to see him pardoned some of these days, and I think it is pretty near time.

Commissioner WEINSTOCK. You doubtless are more familiar with all of the details of the method of procedure on the part of the structural iron workers than I. Will you tell us what was the fee paid by the structural iron workers to these dynamiters; how much did they get for every case of dynamiting in which they were engaged?

Mr. DARROW. I never saw any schedule; I did not know that there was any.

Commissioner WEINSTOCK. I can not say this authoritively, but my impression is, from what I heard of the testimony, that they were to receive $200 for every successful case of dynamiting.

Mr. DARROW. I do not remember about that. I do not believe there was anybody, or almost nobody, that did it for money; I have no idea there was. They were all intense, fanatical union men, and everyone is a fanatic if he believes a thing strongly enough, whether he be a Christian or a union man, or whatever he may be; and they did not need anything, except they had to live, I suppose. I do not know, however, Mr. Weinstock.

Mr. WEINSTOCK. The testimony, as I recall it—I am open for correction, because I did not study it carefully—is that McManigal and every one of the men engaged in dynamiting received somewhere around $200 a case?

Mr. DARROW. I do not know that, because I do not remember to have heard any such thing.

Commissioner WEINSTOCK. If that testimony is true, and these men did receive at the rate of $200 a case, who were engaged in work where they were only able to earn $3 or $4 or $5 a day as mechanics, it would indicate there was a profit for them?

Mr. DARROW. No; it did not indicate that they made any more money than they would in their own business, and they incurred very much more danger. Of course, the number of cases was comparatively limited as compared with their daily work. I do not think that even McManigal or any of the rest of them was in the business for profit. I think they were fighting the United States Steel Co., and had to do it.

Commissioner WEINSTOCK. The fight, as I understand it, was for the union shop, was it not?

Mr. DARROW. I think so.

Commissioner WEINSTOCK. That is, the employers refused to confine themselves to union men——

Mr. DARROW (interrupting). As I recall it—I don't know whether there was any question of wages or hours involved, or in how many cases they called strikes for the purpose of enforcing the law to put up the floors of buildings as the scaffold went up, so that they would not have quite so far to fall.

Commissioner WEINSTOCK. But the circumstances in this case—the fight was for the union shop; the employers had refused to recognize or deal with the unions, and the unions were making every effort at their command to have unionism recognized and dealt with, and to have the shops unionized, and that seemed to be the issue?

Mr. DARROW. That is my impression.

Commissioner WEINSTOCK. Now, under those circumstances, do you believe that the structural iron workers were justified in resulting to violence? In dynamiting properties and imperiling human life and destroying human life in order to establish the union shop?

Mr. DARROW. Well, I do not know; I think the other side did much worse. I would have to be a structural-iron worker and know the dangers and the surroundings and the fight to pass judgment on it. I would want, before I took any responsibility, to know; I would have to know. I know that everybody on both sides regards it as industrial strife, and a man who would not think of commiting violence in the daily walks of life will do it; employers who would go out of their way to feed women and babies, will starve women and babies for the sake of winning their point, and no rules govern. You ask me about a theory; I do not know; that is, I do not know just what provocation it would take if I were in their place.

Commissioner WEINSTOCK. So you are not in a position to say clearly and definitely that you think they were not justified?

Mr. DARROW. No; I am not; I am not in a position to say that either side were not justified or that they were.

Commissioner WEINSTOCK. You just made the statement a few moments ago, Mr. Darrow, I have forgotten the initial, whether it was Joe or Jim McNamara, was the principal?

Mr. DARROW. J. B. McNamara.

Commissioner WEINSTOCK. Is that Joe or Jim?

Mr. DARROW. Jim.

Commissioner WEINSTOCK. He was the one who put the dynamite under the Times Building?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. You said he did not mean to kill anybody?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. He was a printer, was he not?

Mr. DARROW. Yes.

Commissioner WEINSTOCK. And he knew that the Times was a morning paper and the printers worked all night?

Mr. DARROW. No doubt.

Commissioner WEINSTOCK. Then, how could he be ignorant of the fact that the explosion of that building would, in all likelihood, mean the death of the inmates of the building?

Mr. DARROW. There was not a chance in a thousand of it killing anybody; the explosion did kill nobody; it did not stop the machinery. Unfortunately, in setting it down, it was set down in an open alley where there was not a

chance in a thousand that it would do any damage beyond scaring some one; but that day there had been a number of barrels of ink rolled in there, and, of course, the violence of the explosion made vapor of the ink and scattered it throughout the building, and it caught fire and burned. He might have thought it possible that such a thing might happen, but the chances are that he never contemplated that, and it certainly did not happen from this. There is no question about that, Mr. Weinstock; nobody, I think, disputes that.

Commissioner WEINSTOCK. And, therefore, from your point of view, then, he was not guilty of murder.

Mr. DARROW. Are you talking about legal or moral guilt; or do you think they are the same?

Commissioner WEINSTOCK. I think they ought to be the same, whether they are or not.

Mr. DARROW. Well, if they are not, is it the fault of the moral or legal law? Legal and moral guilt are not the same, in my opinion, and that is all I have to go by. Under the law one who, in the commission of an offense, causes the death of another accidentally is guilty of murder. It has been carried so far that even a trifling misdemeanor that causes death, and the man has no idea of doing it; I disagree with the law utterly; but it is the law. One should be judged only by what he intends to do, but the law is that the criminal intent is made up from the result, whatever it is, and if a larger one holds the legal responsibility is there. So, legally, he was guilty of murder.

Commissioner WEINSTOCK. Let us see whether or no he was merely guilty of murder. The statement came to me yesterday from a man who knows; he was on the situation; that this bomb was placed directly under the desk of Mr. Chandler, the son-in-law of Gen. Otis, and that by a miracle Mr. Chandler was called away at the precise moment, and his secretary occupied that desk, and the bomb shot up through the desk and forced a typewriter into the chest of the secretary.

Mr. DARROW. I do not think he told the truth.

Commissioner WEINSTOCK. And that it was placed there with design?

Mr. DARROW. He did not tell the truth. No such thing happened, in my opinion. The bomb was placed in an alley; it did not go in the building at all, and if there was any office above it, it was certainly unknown, and the general offices were far away, and no such result followed, and nobody knows, because the whole building was in ruins after the fire. I do not think anyone honestly doubts what I have stated here as to the purpose. I know those who drew the indictment did not doubt it, and that was the statement accepted by the State's attorney on the plea.

Commissioner WEINSTOCK. That is all.

Commissioner O'CONNELL. I want to ask one question. Now, Commissioner Weinstock was asking about your agreeing to arbitration of industrial disputes, in which you agree with him; I take it, in your agreement with Mr. Weinstock on the question of arbitration, you have in mind that arbitration is only fair and can be successful only when the wage earners are organized on the one side?

Mr. DARROW. No one will bother to arbitrate with one man.

Commissioner O'CONNELL. I do not know what Mr. Weinstock had in mind. In speaking of railroad questions, the fact that it has been successful at all is because the railroad men have been organized; they have been able to gather and expend large sums of money in gathering statistics and to go into arbitration with the employers as an organization. As unorganized men they would be utterly unable to go into arbitration on an equal basis under those conditions.

Mr. DARROW. You can not arbitrate without organization.

Commissioner O'CONNELL. As, for instance, the brotherhoods. Mr. Garretson was a member of a commission that gave assent to the statement made by me the other day that the arbitration in the Eastern railroads, which occurred recently, and of which Seth Low was chairman, that it cost the brotherhoods in that case over a quarter of a million dollars to gather statistics and prepare to go into arbitration?

Mr. DARROW. Yes.

Commissioner O'CONNELL. And the Western case, just closed—in that matter it cost nearly a million dollars an the side of labor, and no one can tell what it cost the other side in preparing to go into arbitration. If arbitration is going to be as expensive as that, then in no manner could it be successful unless the men on the one side were organized and prepared to gather the proper statistics and information to go into arbitration successfully.

Mr. DARROW. You can not do without it.

Commissioner O'CONNELL. Therefore if we are going to recommend arbitration we must also recommend organization with it on both sides?

Mr. DARROW. I suppose that was assumed. There is no one to arbitrate with unless there is a union, and I suppose Mr. Weinstock assumes that.

Commissioner WEINSTOCK. Yes.

Commissioner O'CONNELL. There could not be successful arbitration without it?

Mr. DARROW. No.

Commissioner O'CONNELL. And when an employer suggests arbitration and connects it with the open shop, then there is no sincerity of purpose on his part, or he does not know what arbitration means?

Mr. DARROW. There must be organization to have it.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all, Mr. Darrow; you will be excused.

TESTIMONY OF MR. JAMES A. EMERY.

Chairman WALSH. Will you please state your name?

Mr. EMERY. James A. Emery.

Chairman WALSH. What is your profession?

Mr. EMERY. Lawyer.

Chairman WALSH. Where do you practice, or where is your place of residence, rather?

Mr. EMERY. It is in Maryland; I have offices here and in New York.

Chairman WALSH. Please briefly sketch your professional career; you understand what we have asked of the other witnesses, to get your viewpoint or angle.

Mr. EMERY. I began the practice of law in San Francisco in 1899, and some three years afterwards became counsel for the local association of employers, associate counsel.

Chairman WALSH. In San Francisco?

Mr. EMERY. Yes; and thus became interested, through intimate contact with questions arising out of industrial disputes that led to litigation.

I came east on private business in 1904 and 1905, and in the course of my eastern visits I became acquainted with officials of employers and manufacturers' organizations in the East, because of my contact with similar matters in the West, and afterwards became associated with the employers' movement in the East. Since that time I have become counsel for a large number of associations of employers and manufacturers, practically confining my work in recent years to work as counsel and interesting myself in both phases of litigation and proposed legislation, together with a great deal of work that had nothing whatever to do with labor matters, but was confined particularly to the conduct of business in interstate commerce.

Chairman WALSH. Will you please indicate the organizations with which you have been connected professionally?

Mr. EMERY. Why, the National Association of Manufacturers is the largest and best known, and I have been also counsel, and am now, for some 250 organizations of employers and manufacturers in different parts of the United States.

Chairman WALSH. Mr. Emery, you understand the matter we are considering is the relation of the law to labor.

Mr. EMERY. Yes, sir.

Chairman WALSH. The attitude of the courts, the trend of decisions, and the light on industrial disputes, and I understand that you have been kind enough to prepare a paper covering some points that you think are significant, and asked for in our outlines, and will you be kind enough to give it to us without specific questioning?

Mr. EMERY. I have not prepared a paper because of the fact that I found that those that did necessarily covered much ground covered by others, and to save the time of the commission and to avoid the repetition of statements I would rather follow the suggestions that the commission have given me for consideration, and so far as any inquiry, the commission can assist me by contributing any fact that you regard as valuable to this matter.

Chairman WALSH. Will you take those parts of the outline that you deem have not been covered, and give your idea, without specific questioning from the commission? We may have some questions to ask you afterwards.

Mr. EMERY. I would like to preface this statement with this observation, that the point of view of any individual who looks at any of these highly important questions, not merely as lawyers, but as men, is necesarily influenced by the fundamental concepts with which to prejudice the discussion. The gentleman that preceded me has discussed these matters and their important relations from the standpoint of his philosophy of life and law, and I must necessarily do the same. Perhaps with that statement and the fact that as a lawyer I accept as binding upon me in construing the law the decisions of the highest courts, that as a man I recognize the individuals making up the universe as having moral responsibility. I can not conceive them as automatons, who are merely acting in obedience to the human machinery installed by the unknown Hand, and consequently can act without responsibility, because they necessarily obey the law of their being. I can not concede that to be the philosophy upon which individuals or society can work out a safe existence, so I preface whatever I may say in regard to these things, predicating the discussion upon the fundamental idea of moral responsibility. Of course, it is utterly impossible for two men to discuss any matter in which they fundamentally differ, especially such matters as are treated here, without that consideration. It is impossible for two men to discuss moral responsibility one of whom believes that individuals have free will and the other who believes they have not and are creatures of circumstances, controlled by minds of passion, and are as irresponsible as the breezes that blow the trees.

The commission has inquired in one of the questions whether I have formed any opinion as to what may be called the attitude of the courts in labor cases, and if so, to please outline it. I assume the commission to mean "in labor cases" to mean not only in labor disputes but cases involving social disputes, such as hours and wages and working conditions?

Chairman WALSH. The word probably should have been industrial causes.

Mr. EMERY. I assume, too, that by "attitude" you mean attitude of mind on the part of officers of the courts?

Chairman WALSH. Yes, sir; or any particular trend of decisions, if you have observed such.

Mr. EMERY. Well, I think there is a very obvious change in the public attitude toward social legislation, which is reflected in the much more greater investigation of the facts upon which social legislation is now being predicated, with the result that cases presented to courts are more carefully prepared in the first instance, and where they are test cases, they are more carefully selected, so that the test may decide the real issue of law, and finally that the investigations of facts are more thorough and more comprehensive and more frequently in the hands of those that are best qualified to make that investigation. I say that is particularly true with what we might call social legislation, which is frequently before the courts where it involves the regulation of hours, wages, and working conditions; and which was confronted always with the limitations that are necessarily placed upon the acts of legislatures by the guaranties of our Constitution, which undertake to protect the freedom of contract of the individual and which do not permit property to be taken without due process of law or persons deprived of liberty. That, of course, is subject to the right of the States to protect the health, morals, and welfare of its citizens, and having once chosen a policy to be the sole judge of the policy involved, into which I understand no court inquires, but it is bound to do when legislative power is concerned with a subject that it has in hand.

I think that most of the criticism of the courts in these matters in labor cases is due to the fact that the cases are not adequately presented to the court, and the legislation is often loosely and badly drawn so that it does not affect its purpose directly. The courts are naturally, I think, from their very nature conservative institutions. It is their purpose to interpret the law, not to make it. These people during the early period of our own generation, particularly coming from the stock we do, we set perhaps an almost undue value upon the preservation of the fundamental liberties which the Government has been founded on to practically safeguard and establish, and to which end not only have powers been granted to legislatures but very significant and serious limitations have been placed upon their acts. Of course, everyone or no one can fully discuss the attitude of our courts without realizing that our form of government is not a mere matter of chance, but it has reflected in every phase of its constitutional provisions a thousand years of English government, and that everything that was put in there was with due regard to the protection of rights

that represented the slow process of the English people through five or six hundred years of continued effort to protect themselves against continued power.

So far as I have been able to see, there is no prevalent attitude or prejudice or antagonism to social legislation as such, but it has been the evident desire of courts to have clearly shown in them, where the question is raised for their adjudication, that the exercise of the power in question is within the authority of the body exercising it, and the presumption of whose lawful exercise is naturally in their favor. The power is not arbitrary, because for every single case we have it, while there has been public discussion over the exercise of legislative power, I think the courts, over a long period of time show that again and again and again there have been sometimes groups in the minority, sometimes in an organized majority that has been the victim of arbitrary exercise of power. I had this thought practically forced home upon me recently by the necessity of examining cases that arose after the Civil War. When we find that the States after the Rebellion were placing all sorts of the severest form of restrictions of civil rights on those that had participated in the civil struggle, and there was no relief for them except in the courts, and the effort to pass bills of attainder were constant. You recollect in your own State the priest that was unable to take the ironclad oath was also kept from giving the last sacrament to a dying man. Such incidents were common, and the people that have suffered much from it have realized its meaning, and have been proud and emphatic in the assertion of their powers, and when we run into a case of that kind there is a strong instinct to get to those happy illustrations of Mr. Darrow—a spectacular creation of public sentiment for a movement, and if the court does not readily respond it is immediately condemned as prejudiced.

I think, moreover, Mr. Chairman, that if any gentlemen will examine the cases which have brought social legislation to the eye of the Supreme Court most recently and most effectively—I refer to the Lockner case, which has been very much criticized, in which the New York baker's law was involved, and the Muller case, in which the Supreme Court sustained the Oregon law, making a distinction between the hours of labor for women and for men; and the recent supreme court decision in the State of New York on the subject of night work for women, as well as the decision of the Supreme Court of the United States on the Ohio law, with respect to the compensation act—that he must appreciate the fact that there is no lack of economic discussion between the justices either of the Supreme Court or of the appellate courts when the facts are presented to them for consideration. Anyone who reads the argument of Mr. Louis Brandeis on the minimum-wage law, recently submitted, will find the economic necessity for the legislation and the basis for it as an evidence that the power is not necessarily exercised is the chief subject of his discussion throughout the entire time before the court; and if you read the dissenting opinions as well as the assenting opinions of the judges in the Lockner case or in the Muller case you will find that they are devoted very largely to the discussions of statistical information and as to the economic views of the position of women in industry. Thus, for instance—and I merely take this as typical—I call your attention to the court's decision in the Muller case, as to the care with which the court considers these matters in its decisions.

The court said:

"In patent cases counsel are apt to open the argument with a discussion of the state of the art. It may not be amiss in the present case, before examining the constitutional question, to notice the course of legigslaion as well as expressions of opinion from other than judicial sources."

Now the court said again:

"In the brief filed by Mr. Louis D. Brandeis for the defendant in error is a very copious collection of all these matters, an epitome of which is found in the margin. * * *

"That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity, continuance for a long time on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and, as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race. * * *

"Doubtless there are individual exceptions, and there are many respects in which she has an advantage over him; but looking at it from the viewpoint of the effort to maintain an independent position in life she is not upon an

equality. Differentiated by these matters from the other sex she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men and could not be sustained. It is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him. Even though all restrictions on political, personal, and contractural rights were taken away, and she stood, so far as statutes are concerned, upon an absolutely equal plane with him, it would still be true that she is so constituted that she will rest upon and look to him for protection; that her physical strucure and a proper discharge of her maternal functions—having in view not merely her own health, but the well-being of the race—justify legislation to protect her from the greed as well as the passion of man. The limitations which this statute places upon her contractural powers, upon her right to agree with her employer as to the time she shall labor are not imposed solely for her benefit, but also largely for the benefit of all. Many words can not make this plainer. The two sexes differ in structure of body, in the functions to be performed by each, in the amount of physical strength, in the capacity for long-continued labor, particularly when done standing, the influence of vigorous health upon the future well-being of the race, the self-reliance which enables one to assert full rights, and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation, and upholds that which is designed to compensate for some of the burdens which rest upon her."

I merely point that out as evidence of the fact that economic considerations receive continuous care from the courts.

Chairman WALSH. At that point I am going to ask you, Mr. Emery, have you observed any difference in the trend of decisions so far as upholding personal rights is concerned, where the cases are political, like the Cummings case, this case of that priest—that is, where it affected a whole closs in their political rights—do you see any line of demarcation in the tendency of the decisions in political cases and of those in cases with an economic base?

Mr. EMERY. Yes; because I think that there is less difference of opinion over the protection of political rights than there is with reference to the nature as well as the protection of economic rights.

For instance, I think I may refer to the time of the minimum-wage discussion. When that first came up there was a wave of feeling sprung up over the country to the effect that perhaps the minimum wage (low wages) was perhaps the chief cause of immorality among women. Now, later researches of those who have been especially interested in the sending and propagating the minimum-wage idea have apparently relegated the minimum wage as a cause of immorality to the rear. However, I think if it had been——

Commissioner WEINSTOCK. You said the minimum wage or the low wages?

Mr. EMERY. The low wage. I speak of the minimum wage as the expression of the movement to protect against the low wage.

Now, at the time that discussion first came up and during the time it was attracting great attention in the press, the tendency was to believe that that was the chief cause—the economic cause, and perhaps if not the chief cause, one of the great primary causes of immorality. I say that idea economically has been abandoned by people most strong to advance it. Now, to say the court was not immediately responsive to the first statement of that proposition would simply mean that the court was waiting for the crystallization of opinion. It seems to me that wherever an economic opinion is sustained by inquiry, until it may be said to be the fixed, calm judgment of the public, or of that portion of it that are interested in these questions sufficiently to express themselves, that there is little difficulty in translating into law a dominant, well thought, and considered public opinion. But during that period of crystallization it is very easy for those who are strongly attached to the necessity for a change to accuse those who do not act as speedily as they do with a lack of sympathy or with a prejudice against the cause.

Now, the minimum-wage law has been argued before the Supreme Court, and argued with great elaboration as to economic conditions. Moreover, I would like to call the commission's attention to the fact that when we discussed whether or not these economic questions are passed upon by a court in accordance with sound, economic views, or by a court which is well informed on economic questions, we may very well ask to what school of economics we refer. You can take a number of professors of economics and put them on this stand, and you will find a great variety of opinion among them on economic questions. Here is one man who believes in the economics of Adam Smith;

here is another who is an adherent of the doctrines of John Stuart Mill, and here is one that is an advocate of the more modern school; and among others you will find those having doubts about the correctness of anything, which merely calls itself pragmatic. To which school is the judge to be sent for his necessary economic information? Is he to accept the composite of all of these, or the doctrines of any one of them? Is he to attend the economic school of those who would concur entirely with the preceding witness on his fundamental concept of life, or to join that school which entirely disagrees with him? So that in selecting a university for the education of judges on economic subjects, there would be quite a diversity of opinion as to which school they ought to attend.

As to the use of the law for the purpose of bringing social benefit and protection to the health or morals of our workers, the courts have sustained with, it seems to me, increasing progress the tendency toward that as rapidly as modern economic science has ceased to be as much of a pseudo-science and become fixed principles. So I think that much of the judicial diffidence on this subject is due not to lack of progress among judges but the lack of agreement of opinion among economists.

Chairman WALSH. Has it been your experience that labor organizations and that individual workers are reluctant to present their cases for judicial determination?

Mr. EMERY. It has been my experience as a lawyer that everybody is reluctant to get into court. That question is a somewhat difficult one to answer directly, Mr. Chairman. It involves the expression of opinion.

Chairman WALSH. I think, however, Mr. Emery, you can catch the drift of it. You have heard a great deal of testimony, you understand.

Mr. EMERY. Yes.

Chairman WALSH. And when I say that, I am adopting the language in this instance of those who claim to have been reluctant. You have heard them on the witness stand here.

Mr. EMERY. Why, I have heard many representatives of organized labor discuss the reluctance of labor organizations to appeal to the courts——

Chairman WALSH (interrupting). You have heard the expression here about their not getting a square deal in personal-injury cases, and heard the expression of some men that I have considered heretofore rather conservative, saying to pay no attention to injunctions, and all that sort of thing?

Mr. EMERY. Yes.

Chairman WALSH. That is what I am directing your attention to.

Mr. EMERY. Yes. I think there is no department of law in which the worker has had so much just cause for impatience with his treatment, and one that has produced such a sense of injustice as in connection with personal injuries. The law has been very slow, indeed, in conforming the protection of personal rights to the changing conditions in industry. But our civilization has been modified so fast that perhaps while it is not an excuse, it is an explanation of the omission; that in many departments of government the machinery of the Government has not kept up with the rapid change in human life. And the courts are naturally slow by their very nature. They are not leaders. They follow the course of thought, because taking its basis in the common law, the law grew up out of the habits and expressions of its opinions.

As Mr. Justice Holmes, in his remarkable volume on the History of the Common Law, calls to our attention, it is merely the experience of mankind, or the experience of the English-speaking people, and the common law expressed their historical development. And these views and rules which grew up under very simple conditions and were very fair and just with respect to those conditions did not change as rapidly as the conditions themselves have, and thus, while fair as to the conditions out of which they grew, they became unfair and incapable of doing exact justice, or even approximate justice, under the conditions which rapidly grew up.

Chairman WALSH. Have you any suggestions to make with reference to the methods of present social and economic questions?

Mr. EMERY. Yes, sir.

Chairman WALSH. Then, though I deem it to be pretty well answered by what you have said, have you any suggestion along the line of perhaps any more definite or specific rule of practice that might be adopted to get such questions into the case or to get such information into the case? How could it be done—just by the introduction of testimony?

Mr. EMERY. I can not see any difficulty in presenting that point of view to the court. The Supreme Court of the United States finds no difficulty in hearing the economic side of the minimum-wage question. The New York Court of Appeals has, as part of its opinion on the recent female labor law limiting night work for women, paid a special tribute to the character of the investigation which presented the economic phases of the subject to the courts.

Chairman WALSH. Your idea would be just to present it as testimony by calling experts or by what other means of information you might have at hand and putting it in the record and let the court pass on it?

Mr. EMERY. Now, I suppose, Mr. Chairman, that when a State presents a case of police enactment it will present to the court, so far as it may, the evidence as to the facts and conditions on which the police power is predicated, and I say I think very frequently the cause of the failure of our courts to respond as quickly to what may be termed the reform social legislation is the failure to adequately present the case. Now, that occurs in other departments of law with great frequency. You will recollect the nature of the first decision under the Sherman Act, which is said to have caused us twenty-four or twenty-five years of fruitless litigation. That was the Sugar case, and Senator Edmunds criticized it years afterwards as a case that had been inadequately and improperly presented to the Supreme Court, and it resulted in a decision which has been a plague to the profession and business ever since.

Chairman WALSH. What is your attitude toward the existing legal liability of trades-unions, for acts committed as organizations?

Mr. EMERY. Do you mean, do I believe that they ought to be liable?

Chairman WALSH. Yes. First, should they be liable; and if they should, then how can it thus be enforced—that liability? That would involve the question as to whether or not they should be incorporated, and all that you have heard?

Mr. EMERY. Yes. I believe that every organization should be liable for its acts. It is axiomatic to say that there should be no power without corresponding responsibility, no matter who exercises it or what class in society exercises it.

The present state of the law is of course that voluntary associations can not be sued in State courts where they have not been given legal personality for the purpose of suit. Neither can they sue. On the other hand, the individual members of the labor organization become liable for the acts of their members within the scope of their employment. That state of the law of course results in this that a few individuals who have been fortunate enough or provident or frugal enough to get some of this world's goods and make a saving, become responsible, as a matter of law, for the more reckless or criminal of their fellow members—the condition of course which they recognize in associating themselves with them. Perhaps, socially speaking, it may have the effect of causing the more responsible in the material sense of the word of an organization to exert their influence more in the conduct of affairs in the organization; but it has never seemed to me an entirely just matter, but one that is difficult to avoid because of the lack of pecuniary responsibility of those composing the labor organizations.

The incorporation of trades-unions is a matter upon which I must confess that I have had a divided opinion because of the naked difficulty of the incorporation—the difficulty of limiting the liability with due regard for the rights of those who may be injured by the acts of the combination. It is easy to incorporate them to such a point that, not having of course capital stock or share capital, they might dispose of their funds in such a manner that a suit is vain. And predicating my conclusion on the proposition that no organization should be permitted to exert power that will not be responsible for the injury that it may do to others when the exertion of that power is injurious, it seems to me that an incorporation in the ordinary acceptance of the term "incorporate" is not sufficient; but that the State should probably give labor organizations a legal status—I am speaking of the organization as such irrespective of its members—so that it can sue and be sued as voluntary associations may be, and assume such control or provide for such control of its funds as will make it responsible within its limit for such injuries as it does. I say this with respect to labor organizations, but it has reference also to organizations of employers, or to any organization that can be party to labor disputes resulting in injury to others. I do not care whether it is the immediate parties to the dispute, or the innocent bystander that gets shot in the course of the conflict, he is entitled to reparation for that injury.

Chairman WALSH. What do you consider has been the great effect of injunctions upon the outcome of individual disputes? Have they served a purpose one way or the other?

Mr. EMERY. I think they have served a very important purpose. Injunctions issued in labor disputes, despite a good deal of wild talk, are generally obeyed. The great body of the working people of the country are law-abiding men, and whether they agree or disagree with the view which the court takes, they generally obey its order. And I think the injunction has been a tremendous conserver not only of property but of life; and it seems to me that you can not have a more striking illustration of it as a social remedy for those condition which too frequently, unhappily, exist in a labor dispute—you can not have a better illustration than is presented in the two West Virginia cases, one of which will immediately arouse the critics of the injunction; but the other of which admits of but little dispute. I referred to the recent strike in West Virginia, accompanied by the use of the military, and much bloodshed on both sides. Prior to that you had the case of the Hickman Coal Co. *v.* Mitchell, in which case an injunction was issued by the lower court against a number of members of the coal miners' organization and their officers, and which injunction was substantially obeyed. So that the acts of violence and intimidation and interference with personal rights ceased, and a condition in which there had been much disorder and threats of life and destruction of property stopped. On the other hand, you had the military called out against the same organization, under exactly the same conditions, and you had wholesale riot, bloodshed, and destruction of property. In the one case you had the peaceful process of the law, which was generally obeyed; on the other hand you had the military force undertaking to put down disorder with the bayonet.

Now, it seems to me, Mr. Chairman, that there is no chance for difference of opinion as to the comparison between the peaceful order of a court issued in a proper case and a bayonet control, because society, quite apart from the employer or the employee, will not submit to a condition of insurrection or disturbance or disorder that interferes with all the functions and duties upon which modern society is dependent for its continued existence, because one of the first features of all these cases is the interference with and injury which they do not only to the employer and employee, but to the great number of people who are not parties to the conflict, and in which disturbances the property of innocent parties is not only injured but destroyed. And you have cases, such as the Debs case, where it is the Government that intervenes for protection of its own functions, so that the carriage of mail and the performance of the duties of the Government itself can be carried on without interference by private parties determined to stop operations even of the Government itself in order to accomplish their purpose.

Now, no matter what form of government you have, you can not have a condition like that. And as society moves on and as material civilization develops and becomes more complex, it becomes more interdependent, one part on another; and you can to-day starve a great city by cutting off transportation; and you can accomplish the same purpose, not only by cutting off the things necessary for daily food but for the production of those things for which their daily activities are exerted. And if they do not obey the orders of the court where the court's orders are issued in a proper case—quite apart from the testimony as to this or that case, but assuming the proper exercise of that power—then if they do not obey, if they do not obey the equity power, there is nothing left for the protection of life or property except force.

Chairman WALSH. Might there be any modification of the mode of procedure in individual cases that might reduce friction in regard to the application of the practice

Mr. EMERY. Well, what particular method of procedure do you allude to?

Chairman WALSH. Well, any feature. There are claims, for instance, made that injunctions are issued without notice or without proper notice; that restraining orders are issued returnable at remote periods which may affect the outcome of the strike, the persons upon whom they are served not understanding them thoroughly, and so forth. You know the common——

Mr. EMERY (interrupting). Yes; so far as the issuance of injunctions without notice is concerned, there are cases in which the issuance of such orders may be absolutely indispensable. And in no legislation that has been offered to Congress by the American Federation of Labor itself has there ever been a line that questioned the propriety of the issuance of injunctions without

notice under proper circumstances. In fact, when Mr. Karl Spelling was counsel for the American Federation of Labor I remember very well his argument before the Judiciary Committee of the House, in which I participated, that he made that very statement, and made it clearly that they were not objecting to the proper issuance of injunctions without notice.

Now, it is a fact that injunctions are sometimes issued and made returnable at a remote time. I have seen cases where I thought there was a considerable lapse of time between the injunction and the hearing; but on examination of the record it was discovered that the judge sitting for a very large circuit was under the necessity of appearing in another part of the circuit, and issued the injunction and put it over for a week or 10 days until he could return to that point. But of course the fact must not be overlooked that the statute affecting Federal injunctions provides that the party against whom the injunction is issued has the unquestioned right to make a motion for dissolution immediately where the injunction is issued without notice to the opposite party. And in addition to that, in our practice in the appeal of orders granting injunctions to the circuit court of appeals, appeals from the order issuing the injunction of that kind have precedent under the practice act at the present time. And under the equity rules adopted by the Supreme Court of the United States, which are binding upon all Federal courts, every effort has been made by that court itself to expedite the hearing of injunction cases.

Now, of course, I insist, Mr. Chairman, and I should be glad to be presented with a case which disputes that conclusion, that there is no different rule and no different principle involved in the issuance of injunctions in labor cases than is involved in the issuance of injunctions in other disputes that have nothing to do with conflicts of that character. And I do not see, as Mr. Darrow has aptly put it, that that is a mere abstraction. I say that there are a number of concrete cases that illustrates that precisely the same thing to which laboring men object in connection with the issuance of injunctions in labor disputes is applied to other combinations in other disputes; and they are forbidden to do the same things without any question on the part of the public or anybody else. I can not use an illustration that will bring that home better perhaps. I will say let us take a case as to which we hear much criticism that the fact that the court enjoins a man from the freedom of locomotion. He is enjoined from going to a particular place to do a particular thing. Well, in all cases in which an injunction is issued against the doing of an unlawful act or a carrying out of an unlawful purpose, or the interfering with some established right, the moment that the combination is formed or undertakes to do an unlawful or criminal thing, then, of course, every act of the combination, however innocent in itself, is made unlawful by the purpose for which it is accomplished. That seems to be a proposition that is often in dispute in these cases; so that if you will permit me I will simply call attention to the fact that in the everyday affairs of life, without any contention as to the law, that condition is recognized by every one of us everywhere.

In the famous White murder case, the case in which Daniel Webster made his famous speech, which has been recited, I suppose, by every schoolboy, a citizen exercised the right of free locomotion walking up and down the streets of a New England village at the midnight hour, and he was tried and convicted and hung for a crime, because the purpose for which he walked up and down the village streets was to warn his accomplice who was at that time engaged in killing an old man in the first sleep at night. The walking up and down on that street was not an absolute crime. He had the right of free locomotion on the village streets for lawful purposes. But when he walked there in order that he might inform his accomplice of the approach of the police, in order that he might accomplish his crime, the innocent act of walking up and down that street became in itself a crime.

That is true of all these acts which are the subject of dispute in these cases. We speak of free speech. We say that men are enjoined from persuading a person to quit, and from persuading him to break a contract, persuading him to do this or that thing. Well, now, of course, the mere persuading by itself can not be an unlawful act. The purpose of the act—of the persuading—is what makes it good or bad. If I persuade you to do a lawful thing, no one, of course, can object to that, unless we happen to be persuading each other in a place where we interfere with traffic, or undertake to prevent others from their accustomed use of the sidewalk. But to say that the use of an injunction issued against the use of the tongue, with which to perform an unlawful act, is an interference with free speech, merely points out the fact that the tongue has

no privilege over the other members of the body, and as a man commits crimes with his hands and his feet, or his head, and as it is possible to enjoin the use of his hands or his feet or his head to do some unlawful thing, the other conditions being proper, it is also proper to use the injunction in connection with the use of the tongue.

Now, to illustrate that, if you will turn at any time, any of you gentlemen, to a very familiar case, that of the Louisville & Nashville Railroad *v.* Bitterman, you will find a case in which round-trip tickets to a fair or some place of popular assemblage were sold at a special round-trip rate, and where this process was used by the railroad for the purpose of preventing their resale. The person buys that ticket and goes to that destination and only uses one-half of the ticket, and then a scalper comes along and offers him so much for his ticket, and he sells it, and the scalper buys it, and the person has made as much out of the ticket as the cost of the ride. Now, the railroads suffered very much from activities of the combined scalpers in many of our large cities; you would see these scalpers' officers on the side streets and would see advertisements in the papers offering to buy return tickets of certain kinds and railroads, and offering so much. Now, to get at the scalpers, the railroads went into court under the general equity powers to enjoin the scalpers from undertaking to produce a breach of the contract between the railroads and customers to whom they had sold the tickets, because they had sold the tickets under an express agreement printed on it that it would be used by the person who purchased it, and that he would not—that he would use it himself and not dispose of it to another. The scalpers induced him to sell the ticket to them, and in this particular case they even advertised in the newspapers of the city of Louisville, Ky., that they would buy tickets to or from such a place, and even that they would pay so much for them. In this case the Supreme Court enjoined the scalpers from persuading the individual passenger to breach his contract with the railroad company that he would not sell his ticket, but use it himself or not at all, and to enjoin the scalpers from advertising that they would buy these tickets, which they regarded as a method of inducing a breach of contract.

Now, of course, the term "breach of contract" need not astound anybody as a technical term. It is nothing more nor less than a breach of an agreement between men that one shall do something for the other for a consideration. A man can not sell or buy or secure a service unless by agreement with someone by which he is to get or give something; and ever since we have had a society among the English-speaking people we have protected that agreement between two people to do something, and have protected it from interference by outside parties who have tried to step in and make one man refuse to do what he had agreed to do for a consideration. Now, there were no public meetings held in the United States when the Louisville & Nashville decision came out in the Bitterman case. There was no organization of scalpers over this country who came down and petitioned to Congress that they had been deprived of their constitutional right of free speech, having been deprived of the opportunity to buy these tickets from the passengers; and the passengers did not even hold an indignation meeting.

Chairman WALSH. Are injunctions issued fewer at the present time than formerly in labor disputes?

Mr. EMERY. I should say on the whole that the courts are much more careful in the issuance of injunctions in labor disputes than they have been, because, naturally, of the criticism that has been directed to the issuance of injunctions in labor cases. So that courts, as a general rule, have got to be satisfied of a very strong case before issuing an injunction. I think, for instance, in the District of Columbia, here, and I take it as an example of the care which surrounds many of the Federal courts—I have not seen the record certainly for many years of the issuance of a restraining order. I don't know that there has been any injunction issued outside of those issued in labor disputes here, and there have been only four or five issued that I know of in the last four or five years; but in all those cases the application for a restraining order was refused and an injunction issued only after hearing.

Chairman WALSH. Do you know whether there is any relation between the efficiency of the local police and the necessity for injunction?

Mr. EMERY. How is that?

Chairman WALSH. I have been asked to ask you, do you think there is any relation between the efficiency of the local police and the necessity for injunction?

Mr. EMERY. I think there is a very intimate relation between the proper administration of law by executive authority and the issuance of injunctions. It would often not be necessary, if the local police would perform their duty in the matter of protecting people against intimidations.

Chairman WALSH. What is the position of the National Association of Manufacturers with regard to the practice of boycotting? What has been the position?

Mr. EMERY. The National Association of Manufacturers adopted an expression on that subject some years ago, and if you will permit me, I will read this. It is very brief, but expresses the platform adopted by them, because it relates to all of the subjects you wished to inquire. It was adopted at the New Orleans convention of the National Association of Manufacturers in 1903 [reading]:

"(1) Fair dealing is the fundamental and basic principle on which relations between employees and employers should rest.

"(2) The National Association of Manufacturers is not opposed to organizations of labor, as such, but it is unalterably opposed to boycotts, black lists, and other illegal acts of interference with the personal liberty of employer or employee.

"(3) No person should be refused employment or in any way be discriminated against on account of membership or nonmembership in any labor organization, and there should be no discrimination against or interference with any employee who is not a member of a labor organization by members of such organization.

"(4) With due regard to contracts, it is the right of the employee to leave his employment whenever he sees fit, and it is the right of the employer to discharge any employee when he sees fit.

"(5) Employers must be free to employ their workpeople at wages mutually satisfactory without interference or dictation on the part of individuals or organizations not directly parties to such contracts.

"(6) Employers must be unmolested and unhampered in the management of their business, in determining the amount and quality of their product, and in the use of any methods or systems of pay which are just and equitable.

"(7) In the interest of the employees and employers of the country no limitation should be placed upon the opportunities of any person to learn any trade in which he or she may be adapted.

"(8) The National Association of Manufacturers disapproves absolutely of strikes and lockouts, and favors an equitable adjustment of all differences between employers and employees by an amicable method that will preserve the rights of both parties.

"(9) The National Association of Manufacturers pledges itself to oppose any and all legislation not in accord with the foregoing declaration."

Chairman WALSH. To what extent to you consider that it is desirable that Federal action should be extended in connection with labor disputes and in the regulation of labor conditions generally? I would like to have you discuss the proposition that we have heard from time to time with reference to the extension of the principles of the Erdman Act.

Mr. EMERY. Of course, the Erdman Act is a method of bringing employer and employee together for the discussion of their differences, and it is applied to corporations which, while private in their nature, are dedicated to the public service. And I think that the principle of investigation into labor disputes, within the Federal jurisdiction, that are of the nature that affect the commerce between the States, is a principle to be encouraged in a way, I believe. I do not believe in compulsory arbitration. It is not possible in this country. I think that these experiments within reasonable limits would better conditions and the relatons between employer and employee, with due regard to the rights of each and of the public, and it should be given a fair trial.

Chairman WALSH. What do manufacturers in this country think in regard to uniformity in the application of labor laws throughout the United States, if you can gather any consensus from them?

Mr. EMERY. I think manufacturers as a whole are, I know them to be, very much concerned, indeed, about uniformity in legislation on any subject that relates or is in relation to employer and employee, or relates to the doing of business by combinations. They suffer very greatly from a lack of uniformity. A man has to do business in 48 sovereignties under 48 types of law, and he finds himself very frequently in difficulty, not only great inconvenience, but put to enormous expense, if not the real violation of some law of the State. I speak

of those engaged in interstate commerce, and that constitutes about 90 per cent of the business of this country, and what we may call interstate business. About 90 per cent of commodities produced in this country are consumed outside of the State of their production.

Chairman WALSH. I will not ask you for any suggestive remedies, because I believe you have been asked in a more formal way. I understand that we will have your advice on some proposed laws to be gotten up?

Mr. EMERY. Yes, sir.

Chairman WALSH. I know you would want to give them consideration anyway after they are drafted?

Mr. EMERY. Yes, sir.

Chairman WALSH. Commissioner Weinstock has some questions he wishes to ask you.

Commissioner WEINSTOCK. You were present, Mr. Emery, when Mr. Darrow was on the witness stand?

Mr. EMERY. Most of the time.

Commissioner WEINSTOCK. I take it that your views on the questions that were discussed while Mr. Darrow was on the stand come from a different angle, an angle that to this commission would be important. I would like to get your opinion.

Mr. EMERY. We probably would disagree also as to facts in some of the instances stated.

Commissioner WEINSTOCK. I would like to get your judgment on some of the points on which Mr. Darrow expressed himself very fully. You may recall that in the case of the McNamaras the question was put to Mr. Darrow, "Do you regard the McNamaras as criminals or martyrs?" And as near as I can epitomize his answer, it was of some length, he left in my mind that looking at the situation through the eyes of the McNamaras he would not regard them as criminals. His distinction between a criminal and a martyr is that the criminal commits a crime for a selfish act; the martyr does things that are unlawful for the common good; that what he believes to be a common good. Now, if we are to take Mr. Darrow's definition, and if the point of differentiation between the criminal and the martyr rests where he places it, is it or is it not a fact then that men like Booth and Guiteau and Czolgosz, who assassinated three Presidents of the United States, from unselfish motives and had nothing to gain by it individually, but were doing it, as they believed, for the common good—was it then not a national crime to treat those assassins as criminals, and should they not have been canonized and lauded and held up as martyrs?

Mr. EMERY. They have been in some instances. You recollect for many years they had an annual celebration in Chicago in honor of the martyrs, so called, in the Haymarket Square trouble. Mr. Darrow very properly says that martyrdom depends upon one's part of view. Very few people regarded Mr. Czolgosz, or whatever his name was, as a martyr. There were undoubtedly a few that did. There were men that wrote letters at the time of Guiteau's trial that indicated that they believed that Guiteau was performing what he believed to be an act of self-sacrifice. And certainly he did more than McNamara did; he risked his life to kill the President of the Nation; and if one is to be canonized for risking his life, he should be. But I take it that Mr. McNamara's thought in placing explosives in industrial disputes was "safety first."

Commissioner WEINSTOCK. In other words, you say they took good care to be as far away as they possibly could when the explosion occurred?

Mr. EMERY. In that particular case there are one or two facts worth noting. Assume that Mr. McNamara believed that he was performing a social service in registering protest, through murder, against a condition existing in the industry that he wanted to free, yet McNamara was not a structural ironworker; he was a printer. The Los Angeles Times had nothing to do with the struggle between the structural ironworkers and their employees. I don't know that it ever had a line about the strike. The destruction of the Los Angeles Times was a mere friendly act, from the testimony at Indianapolis, done by one familiar with the use of dynamite, for the purpose of working a revenge on a man who had been, so they deemed him, a bitter and uncompromising antagonist of labor organizations in California. The conviction of one of the men at Indianapolis was predicated upon the fact that he had written letters referring to conversations evidently had in the East, at some time or other, with respect to some one coming West that was familiar with the use of explosives, to throw a scare into Otis. Now, the Los Angeles Times had nothing to do in relation to the structural ironworkers, and it was not the organ of the erectors' association, and Mr.

McNamara himself was a printer and not a structural ironworker, and he received his scale for every job pulled off.

Commissioner WEINSTOCK. Do you know how much it was?

Mr. EMERY. I don't know in that particular case, but the price ran from $75 to $225 a job, and there were about 106 jobs pulled off, of which there were records in the Indianapolis case. Now, all of them, of course, were the work of McNamara. McManigal and the younger McNamara did the most of this work, but there were others that were permitted to participate. In fact, McManigal testified that the man who paid him what he received for taking a load of these explosives knocked down on him to the extent of $50 on a number of explosives, and I am speaking of his testimony now, when he says that some time later in conversation with the younger McNamara he learned that he was not getting the scale that other men were receiving for the same work.

Commissioner WEINSTOCK. Was it known whether this knockdown was for the good of the cause or for the individual that was knocking down?

Mr. EMERY. I suppose even the martyr has to have his perquisite.

Commissioner WEINSTOCK. You heard Mr. Darrow say that public opinion was of value in aiding organized labor to secure its objective. You also probably heard him say that the American public opinion is based upon emotion and feeling and imagination and not upon the right or wrong involved, as we understand right and wrong. Do you agree with Mr. Darrow in that opinion?

Mr. EMERY. I am more inclined to believe that personal feeling of individuals is often predicated upon spectacular appeals of an interesting personality rather than opinion in any true sense of the word. It is predicated upon mere spectacular performance. I may use the word "opinion" in a different sense from what he does. We have many public men that attract a following by their activity for spectacular publicity, and we have had many interesting examples of that in the course of our political life, but as a rule the opinions, I think, of our people, that have been registered in law or expressed themselves at the ballot box—I speak now of opinions on subjects rather than mere opinions of men, because they are generally two quite different things—I think an opinion in that sense of the word has been very slow of formation.

Commissioner WEINSTOCK. We, of course, know that organized labor is here and here to stay; that it is a permanent institution.

Mr. EMERY. Yes, sir.

Commissioner WEINSTOCK. And we can no more hope to wipe it out than we can hope to keep back the waves of the ocean by the use of a broom? Now, if organized labor is a premanent institution and is here because it ought to be here, and I for one believe it ought to be here, then for them any ephemeral public opinion would be of little value. I take it you agree there is such a thing as ephemeral public opinion and permanent public opinion. Organized labor could get little use out of ephermeral public opinion, and if it is to be of value to it it must be the permanent opinion. How can it get permanent public opinion best?

Mr. EMERY. I suppose like all movements that attract or repel public sympathies, it gets it by its purposes, by its methods, and by its conduct. Organizations, ever since men have had them, have been judged by what they undertake to do, and also by the manner in which they undertake to do it, so it is not only the end which we seek, but the ends by which we accomplish them that seems to give to us the good will of our fellow man permanently.

Commissioner WEINSTOCK. Well, if we assume that public opinion is of value to organized labor in its fight for betterment, and if we assume that permanent public opinion can be retained only by commanding this respect and this good will and sympathy, do you think that organized labor is pursuing the right course to win that permanent public opinion when it retains in its high places and reelects to high offices men convicted of crime?

Mr. EMERY. No; I do not. I think it is condonation of the offense. I can readily see that men would feel bitter, and would feel keenly, and would condone the acts of fellows done in their interest, but I can not see how the cool second thought of a great body of men can permit them to approve, by their conduct, acts which I am sure a great body of them in sober mind would condemn. I don't say that particularly of them, but of any body of organized men.

Commissioner WEINSTOCK. Another point that has been brought out frequently in the hearings here, Mr. Emery, and upon which I would be glad to get your point of view is this: You heard boycotts justified on the witness stand and compared with the attitude of the colonists during the Revolution?

Mr. EMERY. Yes, sir.

Commissioner WEINSTOCK. And it was said time and again that if the American colonists had not applied the so-called boycott to England, and had not rebelled and resisted England, that we still would have been slaves, so to speak, of George the Third. What is your view on that justification of boycotts?

Mr. EMERY. Of course, in the first place that is a very loose use of the term boycott. It often happens, and I think it has in the course of this discussion, men use the same words without thinking the same thought. To discuss boycotts in a legal and moral sense, we refer, I assume, to the act of a combination to prevent another from being benefited in business or social intercourse with one or more of his fellows, until he grants some demand of those engaging in the boycott. Now, of course, the use of the term of the word boycott in the sense of the Boston Tea Party and the refusal of the colonists after the declaration of war to purchase or wear British-made clothes as an expression of antagonism of the people in rebellion and at war with one another socially. If the parallel is perfect, then the boycott which is thus vindicated expresses the permanent and determined hostility and warlike attitude of those engaged in it against the society of which they are a part. If it is an act in war it is defended on the ground that those engaged in it are at war against society or the individual. The word "boycott" in its origin referred to acts which were part of an agitation against landlordism in Ireland at a very acute period in the history of that unhappy land, when a peasant boycotted a landowner, cut him off from all food supply and from all intercourse with the world as far as it was possible, and the person that first did this was a Capt. Boycott, from which it takes its name. When I refer to it I speak of it in the sense in which I have found it.

Commissioner WEINSTOCK. Do you regard the conditions parallel to what existed between the American colonists and Great Britain and between the conditions to-day between a lot of strikers and the employer?

Mr. EMERY. I hope not.

Commissioner WEINSTOCK. Where is the difference?

Mr. EMERY. It depends on the cause of the strike. It may be a mere economic difference of 5 cents or 3 cents a day. One may say on the one side that to those engaging in that strike it may mean life or death in their economic relation. It is equally true, of course, that that may be the situation of those that desire to remain there at work, or take the places of those that quit, and, of course, we can not make the righteousness or regulate the conduct of the individual, in which he interferes with the rights of another, depend upon his belief in the rectitude of himself. If we do that each man in society becomes his own final judge; we have a state of anarchy, in which each man is his own law and own supreme court. We can not have civil society protected under the right of each man to be his own judge of the law.

Commissioner WEINSTOCK. Let us assume that the issue is not a question of wages in the strike.

Mr. EMERY. It very frequently is not. I think in fact that the figures given by the Department of Labor indicate that the greater percentage are not over matters of wages.

Commissioner WEINSTOCK. But let us assume that the question at issue is the open shop. Is it parallel with the case of the colonists?

Mr. EMERY. No, sir.

Commissioner WEINSTOCK. Wherein does it differentiate?

Mr. EMERY. Of course, in the case of the colonists you have people who were engaged in a life and death struggle with a public enemy, and they did not intend to give it aid and support by buying from it, and they wanted also to make themselves self-supporting, as is the occasion in many of the American boycotts, which is always accompanied by the purchase of homespun or home-made goods. It was defended as a hostile act, and excused as an act of war, not of peace.

Commissioner WEINSTOCK. Wasn't the issue there, Mr. Emery, the one I pointed out to Mr. Darrow, the cry that they were taxed without representation?

Mr. EMERY. There were many conditions named in the declaration of the Independence of the Colonies; that was one, and another was that they were taken to England without an opportunity to be heard—without the right of local trial. There were many, many things enumerated in there, but that was one of the popular cries of the hour—"taxation without representation." In

other words, they were deprived of their civil rights, and they were in rebellion against those who had deprived them of those rights.

When you speak of boycotts, you have not only primary and secondary but you have also tertiary and quaternary; you can go as far as you like. I remember the Hall case in Michigan, where an employer ws boycotted because he bought his milk from a milk dealer who had the tips put on his cows' horns by a nonunion tinner. This case merely illustrates the length to which you can go on piling one boycott on another. In this case the local tinsmiths were organized, and this dairyman had simply had a wandering tinker put some tips on his cows' horns, and that started a boycott against him, and the local union took it up. The man who was boycotted was a department-store employer, and he was boycotted because he bought milk from this man who had the tips put on his cows' horns by this tinker.

I can remember, and perhaps you can, 10 years ago in San Francisco, when men were engaged in carrying sandwich boards before the places of those who were boycotted; and in the case of the cooks and waiters' strike, I think in 1904, the sandwich men struck for an increase in wages, and the members of the Cooks and Waiters' Union were hard-hearted and refused to increase the wages of the sandwich men, and these other sandwich men got other sandwich men to march up and down the street with placards stating that the Cooks and Waiters' Union, who were boycotting a restaurant picketed by them because they declared the restaurant unfair, were themselves unfair in so declaring the restaurant unfair.

Commissioner WEINSTOCK. Mr. Darrow pointed out that the liberty of Great Britain was far greater than the liberty of this country; that our liberties are on paper and are not liberties as a matter of fact; that organized labor, for example, is much better treated in Great Britain by legislative enactments than in this country. Have you studied that issue at all, and can you enlighten us on it?

Mr. EMERY. I have. I have been very much interested in it. I am sure that Mr. Darrow did not recall the very many distinct instances in which not only organized labor but any citizen is subject to the purely arbitrary will of Parliament.

The distinction between our two Governments is this, that we live under a written constitution, which is our permanent law, and it expresses the restrictions which a free people have imposed upon themselves for the protection of their liberty, and have granted to the different departments of their Government those rights and duties which they consider necessary to protect the rights which they desire to have guarded; and all the rights thus not granted are still held by the people or held by the States.

Parliament is the repository of all of the law-making power of Great Britain. Parliament, with the King's consent nominally, can enact a condition of slavery in Great Britain to-morrow morning; it can take away any right, not only that the people of Great Britain have, but can take away the right of any individual by name or any class of individuals.

Gentlemen interested in the home-rule movement may recall that in 1881 or 1882, it was about 1880 or 1881 that the Irish Nationalists held a famous meeting at Sligo, in which they bitterly denounced the Government of Great Britain, and language most seditious was indulged in. The Government had no law in existence at that time on which it could rely for their suppression, but the agitation was spreading, and the expressions were bitter, and the feeling was so great that Parliament enacted a law two and one-half months after the committing of those acts in Sligo, which not only made them criminal but led to the arrest and imprisonment of those who took part in them two and one-half months before the law was enacted and did things at that time perfectly lawful. There is there no prohibition against the passage of an ex post facto law; Parliament can enact a statute to-morrow and make it apply to a condition of affairs that existed last year. Parliament can enact legislation with reference to any particular class or individual in the community which it desires. Parliament can do anything except turn a woman into a man or a man into a woman. They have done all sorts of things with respect to labor legislation.

My attention was called in your questionnaire to the British trade-disputes act, and I think many of my labor friends firmly believe that the British trade-disputes act, if enacted into law in this country, would be a very distinct advantage to American trade-unions, chiefly because it relieves them of any liability, any authority, for acts of their agents; that is the particular phase of it to which they have directed attention. But very few of them pause to consider the disabilities which accompany the same act.

The trade-disputes act of Great Britain is an amendment in part of the conspiracy and protection of property act of 1875, which succeeded the criminal amendment act of 1872, and is to be read in connection with the English registration act of 1871 and 1876, and in these acts trades-unions were given a limited right of legal existence. And to-day, when a trades-union desires to register, it files a copy of its constitution and by-laws with the registrar, and he has the power to reject or approve the registration of that trades-union. That condition was brought about by the condition in which trade combinations found themselves under the common law and under the so-called combination acts, many of which were passed between 1800 and 1825, so that it had been held, under the common law, that a combination of workmen to raise wages, or a combination of employers to depress wages, were equally unlawful under the common law as being in restraint of trade. So the combinations of either masters or of men, for these purposes or for purposes for which union men in this country get together, are held practically outlaws, and of course the incidents that accompany these things, the strike to raise wages or the lockout to depress wages, are illegal over there.

The trade-disputes act of 1906 grew out of the Taft-Vail decision, in which the Amalgamated Society of Railway Servants were held liable in the sum of £21,000 for damages inflicted through conspiracy upon the Taft-Vail railroad and the destruction of property and stoppage of traffic incident to that strike.

The act of 1906 amended this conspiracy and protection of property act of 1875, and while it did these two things it relieved the unions of liability for the acts of their agents, and it also authorized what is called peaceable picketing to no greater extent than it is recognized to-day, because it is substantially the law of all jurisdictions, State and Federal, that I know of, that picketing for the purpose of information or persuasion, unaccompanied with intimidation, is lawful; but the protection of property act of 1875, to which that is an amendment, and which is unaltered, remains in force with it, and it carries conditions which not only no trade-union but no worker or employer in this country would support.

For instance, in the first place, public conspiracy or unlawful assemblage made an offense under any act of Parliament is still unlawful and criminal. Then there are a whole series of acts which are enumerated. I have a copy of the trade-disputes act and also of the protection of property act.

In the first place nothing in the trade-disputes act or in the protection of property act exempts any person from punishment who is guilty of conspiracy, or for which a punishment is awarded by act of Parliament. Nor does it affect the law relating to riot, unlawful assemblage, breach of peace, or sedition. And, further, you will observe that in section 7 it is provided: "Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do, or abstain from doing, wrongfully and without legal authority—

"One, uses violence to or intimidates such other person or his wife or children, or injures his property; or

"Two, persistently follows such other person about from place to place; or

"Three, hides any tools, clothes, or other property owned or used by such other person, or deprives him of or injures him in the use thereof; or

"Four, watches or besets the house or other place where such other person resides or works or carries on business, or happens to be, or the approach to such house or place; or

"Five, follows such other person with two or more other persons in a disorderly manner in or through any street or road may be imprisoned for a term not exceeding three months at hard labor, or a fine not exceeding twenty pounds" (or $100).

Now, the trade-disputes act of 1906 amended this fifth section of the act so that the section was to be construed:

"It shall be lawful for one or more persons, acting in their own behalf or on behalf of a trade-union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working."

That is the amendment. Now, under this amendment there have been a number of criminal prosecutions for intimidation, and the courts in construing the act have held further that while that permits peaceful picketing, that if a

body of men surround a house or place of work, or a number of men silently follow an individual workman, this section affords no defense for criminal prosecution.

Furthermore, it is the law of England to-day, and has been since 1875 the statute law in effect, by the trade-disputes act of 1896, that if a man, by himself or in combination with others, breaks his contract of service alone or with others while working for a gas or a water company, if he has reasonable cause to believe that by so quitting, by himself or in combination with others, he will deprive the community, in whole or in part, of water or gas, he is guilty of a misdemeanor, for which there is punishment by imprisonment for three months at hard labor or a fine of £20.

Furthermore, the fifth section of the same act provides that if any person, in any employ, either by himself or in combination with others, willfully breaks his contract of employment, having reasonable cause to believe that his doing so will endanger human life or cause serious bodily injury, or expose valuable real or personal property to destruction or serious injury, he is punishable by a fine of £20 or 3 months at hard labor, and there have been many prosecutions under this act.

That last section would prevent a strike on a steam railroad or a street railway, and the section would make any man liable where he quit, either by himself or with others, in such a manner as to expose valuable property to destruction.

And in the case of Arthur *v.* Oakes Mr. Justice Harlan pointed out that under the law you could not enjoin a man from quitting where, if he quits, he exposed life to danger or any amount of property to destruction; you could not keep him to work by injunction. If there was some positive duty that required a man to keep at work, like a signal man in a tower, it might be done in a case like that, but ordinarily his quitting could not be prevented by injunction.

That is the criminal law of England, and still is the law of the land, and it is a condition to which no laboring man in this country would submit, and that accompanies the trade-disputes act, and it has to be considered with those disabilities connected with it, and consequently the terms of the act apply absolutely to combinations of workmen or of employers.

Now, in the State of Massachusetts a section of the trade-disputes act of 1906 was offered as a legislative bill, and in the State of Massachusetts the supreme court of that State is authorized to give advisory information, so that the legislature, if it is in doubt as to whether or not it has power to enact particular legislation, can ask for the advice of the supreme court; and in this case this bill provided that in the language of the trade-disputes act of 1906 no trade-union should be liable in tort for acts of its agents when done in furtherance of a trade dispute. The words "organization of masters" in the act of 1906 were not in this bill, and the Supreme Court of Massachusetts advised the legislature that such legislation was invalid under the Massachusetts constitution. The supreme court said:

"It deprives all individuals or associations other than those named of the protection to safety, liberty, and property which any free government must secure to its subjects. It takes from them the unhampered right to assert in the courts claims against all which tortiously assail their person and property and to recover judgment for the injuries done. It would prevent all persons from having recourse to law for vindication of rights or reparation for wrongs against a privileged few therein designated, and imposes upon some burdens of which others in like situation are relieved. It throws obstacles in the pathway of those outside unions or associations in the pursuit of their livelihood and in the prosecution of their business not interposed in the way of members of such organizations. * * * In short, it destroys equality and creates special privilege."

So the Massachusetts Legislature found itself unable to enact such legislation, and that is the general condition in this country.

Commissioner WEINSTOCK. Then, summing up and giving them the same wage and the same working hours and the same working conditions, if you were a wage earner or unionist, would you rather live in England with such laws or in America?

Mr. EMERY. In America, by all means. But as you know in the celebrated Osborne case over there, the unions were forbidden in that case to assess their members for the support of a member in Parliament. In England members in Parliament do not receive a salary, and the labor members are supported by funds raised by their unions. This particular member objected to that, and they

expelled him, and the case went to the House of Lords, and they decided that it was against public policy to permit any class in the community to pay the salary of a member of Parliament who was devoted to their exclusive interests. The same principle was applied to the political activity of trade-unions in much more minor offices.

Under that rule over there a case came up along about 1909 which illustrates as powerfully as anything can not only the great injustice that such a condition of law brings about, but the difference between the fundamental law of Great Britain and ours. It is the case of Conway *v.* Wade. In this case a laborer brought an action against a trade-union official for maliciously procuring his discharge. The court said:

"The facts are simple. For 18 years the plaintiff has been a member of the laborers' union intermittently. Seven years ago he was fined 10 shillings, but did not pay, and no action was ever taken against him for such default.

"In September, 1907, he rejoined the union and got his card of membership, and showed his receipt to the defendant on September 25, who told him it was all right, and that he could go to work. On October 1 he was given higher wages as charge man. On October 2 the defendant told Baines, the foreman, that he had better stop the plaintiff or there would be trouble with the men, and he did so. The defendant is a district delegate of the laborers' union; he is not a laborer. It was not part of his duty to inflict a fine or to stop any man from working. He had not authority to call out the men without the sanction of the executive, and he had no such sanction. He gave no notice to the plaintiff, nor did he suggest that he pay the seven-year-old fine."

Then he goes on to say that the plaintiff saw the defendant and remonstrated with him and asked him if he would stop him wherever he went. The defendant said, "Certainly, I will," and the plaintiff said, "Have I got to starve? What shall I do?" And the defendant replied, "Do what you like."

The jury found in this case that the defendant did by his threats procure this man's discharge, the employer being under coercion by threat of strike of the men if he did not discharge him. He recovered judgment in the sum of £50. The case went to the court of appeals on appeal from the judgment of the lower court and the finding of this jury awarding damages. The court of appeals held, under the trade-disputes act, that this being an act done in furtherance of a trade dispute that it was not actionable. The case then went to the House of Lords, and the House of Lords held that it was actionable with regard to this individual because there was no evidence that when he procured this man's discharge he had been authorized to do so by the union; but that if the union had directed him in the furtherance of a trade dispute to cause this man's discharge, and he had done so under those circumstances, neither the union nor he would be liable. So the condition was precisely what that case predicates, that a man could be maliciously injured, that a man's discharge could be procured for any purpose by a combination and any injury done to him.

A man was prosecuted for malicious arrest in which the officers of a union were relieved from tort liability because of the trade-disputes act of 1906, the court holding that because the malicious prosecution was in furtherance of a trade dispute, this writer having attacked them in a newspaper, and they procured his arrest, they were not liable. The court in pointing out the lack of remedy made this remarkable statement: "It is said there was not a time and has not been for centuries in which an Englishman did not have redress against an act injuring himself in the courts of his country, but this court is powerless. Parliament can not make evil good, but Parliament can say that evil shall not be actionable, and you are the victim of the act of Parliament."

Now, that case could not occur in this country because, for the reason laid down by the Supreme Court of Massachusetts, they could not say that any combination of employers shall not be liable for an injury they shall do another, but everyone else shall be liable under the same circumstances. That is precisely the course of the law to which objection has been taken most of the time.

Commissioner WEINSTOCK. Then you do not agree with Mr. Darrow that the English workman enjoys labor legislation that the American workman does not enjoy?

Mr. EMERY. If the condition that Mr. Darrow pictures here were true in England, and as he says that the people have the power are running everything in the Government, if that were true in England and the employer was master of Parliament they could press them to anything they wanted in the way of special legislation. No Englishman has the right to a speedy trial.

Men have been thrown into prison, especially during the Irish agitation, have been thrown into jail for three or four years without trial.

Commissioner WEINSTOCK. Is there any other industrial country in the world that you know anything about where the worker is better protected than in this country by legislation?

Mr. EMERY. None. I think the whole tendency of the time is to give more and more protection to the industrial worker. I think in fact it can be almost demonstrated that the industrial worker in this country at the present time is privileged under the law. If I may call your attention to a few things here——

Chairman WALSH. We will have to excuse you and ask you to come back in the morning. Commissioner O'Connell has some questions he wishes to ask you.

Commissioner O'CONNELL. I have no questions.

Commissioner WEINSTOCK. This is my last question.

Commissioner O'CONNELL. That is what you said before.

Chairman WALSH. Proceed; we will try to get through. I suppose you are anxious to get away.

Mr. EMERY. I don't want to be misunderstood when I say that industrial labor is a privileged class in a sense that is improper or unduly protected by the law. It should be. All labor, not merely industrial labor, but many things that I can call your attention to in regard to industrial labor is not true of agricultural labor or household labor. The protection of the wages of laborers which is thrown around every industrial laborer—the mechanic's lien and all legislation of that character—are examples of the matter; the protection against all acts of that kind. I want to show you that the law has taken particular notice of the interest of industrial laborers in protecting their property and rights. Furthermore, the law of 12 States in the Union to-day makes it a criminal offense for an employer to advertise for labor without stating whether or not a strike exists in that industry. And in most of these States there is some industrial board that has to have the final word and say when a strike is there.

Now, in many of these States, particularly the States of Minnesota and Texas, as typical examples, the employer may, according to the statutes of the State, not discriminate against an employee or applicant for employment on account of his participation in a strike. He may not ask another employer, nor may that other employer tell him—whether he be an individual or corporation—whether or not the applicant for position is engaged in a strike. At the same time, the legislatures in other States—in Texas it is very severe, and even goes so far as to say that a corporation that violated that act can not do business in the State while in Minnesota it is punishable by fine or imprisonment; but at the same time the employer is required to advertise all the facts with respect to his strike yet the law says that the workman shall not tell any facts in regard to the strike that he has been engaged in. It is criminal for the employer to ask a man to go to work for him unless he says he has had a strike, but it is criminal for him to ask the laborer if he has been on a strike.

Now, organized labor says that these injunctions commit great wrongs because they prevent a man from discussing with another things that are about to take place in a strike or about to take the place of a striker, we will say, whether or not he is given the facts in the strike, and induce him to quit employment. In other words, he tells you about the strike. That is precisely what the employer has been forbidden from doing in many States. In other words, the law is making it criminal for the employer to conceal any fact about the strike, and at the same time making it criminal for him to ask an applicant anything about a strike in which he has been engaged. These acts have been sustained in some of these States. That is manifestly a very great consideration on the part of a State for the protection of persons engaging in strikes and for the persons for whom they are to be employed the right to get information respecting them. That discrimination is made and not a word is said against it. When I refer to a strike, I don't refer to a mere quitting of employment. I believe a strike to be a systematic quitting of employment for the purpose of inducing the employer to grant some demand of the striker, accompanied by an effort to prevent others from taking the places of those that quit.

Commissioner HARRIMAN. Going back to Mr. Weinstock's question about Booth and Guiteau, do you happen to know the number or per cent of criminals sent to the penitentiary that test way below the normal mentally?

Mr. EMERY. No, ma'am.

Commissioner HARRIMAN. You never have heard of it?

Mr. EMERY. No.

Commissioner HARRIMAN. I would like to quote from my memory, but I might not get it right, and I would be glad to send you some figures on that.

Mr. EMERY. I would not question that. Insanity is always a defense—or feeble-mindedness, or imbecility, or the failure of a person to understand the act that they do.

Commissioner HARRIMAN. I am not referring to the insane, but——

Mr. EMERY. I would join very cordially in the comment of Mr. Darrow on the question of our criminals. I do not refer to responsible criminals; but still I think it is in the power of the State to better crime under the conditions. Of course we have to realize, whether we believe in the particular form of organization in which we live or not, a condition in which any individual can be judged, is to how he shall disturb property in which he is not interested however willing we may be to see the man succeed.

Chairman WALSH. Mr. Commissioner O'Connell desires to read a letter into the record.

STATEMENT OF MR. W. B. WILSON.

Commissioner O'CONNELL. During the testimony of Mr. Walter Drew he made a charge that the Department of Labor was being unjustly—its application was being unjustly made, and charged that the Secretary of Labor and his representatives in the field were not giving the employers a fair opportunity, and that the department was being used to force the so-called closed shop. I sent a copy of Mr. Drew's statement to Secretary Wilson day before yesterday and asked him to reply to it. I have received this evening a communication from Secretary Wilson which I wish to read. I also wish to file this letter and a letter from Mr. George Reeves to the Secretary, in which he inclosed a letter addressed to him by Mr. Drew, of the erectors' association, a copy of that letter, a copy of Secretary Wilson's reply, and a copy of the decision reached by the commissioner on the conciliation which provided for the open shop. I wish to read this letter into the record (reading):

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 18, 1915.

Hon. JAMES O'CONNELL,
Commission on Industrial Relations, Washington, D. C.

MY DEAR MR. O'CONNELL: Your note inclosing copy of statement made by Mr. Walter Drew before the Industrial Relations Commission, asserting that the Department of Labor is using its influence for the "closed shop," is at hand.

The Department of Labor is not authorized by law to either promote or oppose the "closed shop." Its functions in labor disputes are those of a mediator, whose duty it is to endeavor to find a common ground which will be acceptable to both sides.

I assume that the particular case that Mr. Drew had in mind was the strike of the boiler makers in the oil fields of Oklahoma and Texas. On February 27, 1915, I was informed by representatives of the boiler makers' union that a number of companies operating in Oklahoma and Texas oil fields had declared for the "open shop," which had resulted in a strike of the workmen and the good offices of the Department of Labor were requested in an effort to bring about an adjustment. On March 2, 1915, Mr. John A. Moffitt was detailed as commissioner of conciliation in connection with the dispute. On March 12, Mr. Moffitt made a report, a copy of which is herewith inclosed. On March 20, 1915, I received a communication from Mr. George Reeves, president of the Reeves Bros. Co., of Alliance, Ohio, inclosing copy of a communication under date of March 16 from Mr. Walter Drew, counsel for the American Erectors' Association, copies of which are also inclosed. I am also sending you a copy of my reply to Mr. Reeves, under date of March 26, 1915. My reply concisely sets forth the policy of the department in such matters.

As a matter of fact, the department has handled cases where the so-called "closed shop" has existed. It has handled cases where no organization has existed amongst the workmen. It is directed by the organic act "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment." In carrying out that purpose it is utilizing every element available, whether the workmen are organized, partly organized, or unorganized. You will observe that in the case in question Commissioner Moffitt advised the union officials to accept the "open-shop" proposition made by the American

Erectors' Association. In doing so the department was not committing itself to the "open shop" any more than it would be committing itself to the "closed shop" if it had advised the employers to grant "closed-shop" conditions.

Each trade dispute, as it arises, has its own problems and is dealt with in accordance with the circumstances surrounding it. During negotiations innumerable suggestions may be made to either side, no one of which in any manner commits the department to the support of the principles involved in them. They simply represent the efforts of the conciliator to find a basis of an agreement that will be mutually satisfactory.

Respectfully, yours, W. B. WILSON, *Secretary.*

(The documents referred to by Secretary Wilson will be found among the exhibits at the end of this subject, marked "Wilson Exhibit.")

Chairman WALSH. We will now adjourn until to-morrow morning.

(Thereupon the commission adjourned on Tuesday, May 18, 1915, until Wednesday, May 19, 1915, at 10 a. m.)

WASHINGTON, D. C., *Wednesday, May 19, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners Harriman, Weinstock, Lennon, and O'Connell.

Chairman WALSH. We will please be in order.

Mr. Weinstock has a letter he desires to read into the record.

ADDITIONAL STATEMENT OF MR. WALTER DREW.

Commissioner WEINSTOCK. I am in receipt of a letter this morning, Mr. Chairman, signed by Mr. Walter Drew, counsel for the National Erectors' Association, which he asks to be made a part of our record. It reads as follows:

[National Erectors' Association, 286 Fifth Avenue, New York.]

NEW YORK CITY, *May 18, 1915.*

Mr. HARRIS WEINSTOCK,
United States Commission on Industrial Relations,
Shoreham Hotel, Washington, D. C.

MY DEAR MR. WEINSTOCK: Yesterday I heard only a part of what Mr. Darrow had to say, but I did hear him state that Mr. McNamara had been deprived of a substantial right and that, in effect, he had been kidnapped. These charges are both untrue.

The fact that the original indictment against McNamara was for murder in connection with the Times explosion, and that after he arrived in California this indictment was dismissed and another one issued charging him with the Llewellyn explosion is absolutely immaterial, so far as the question of extradition is concerned. Formal extradition papers, conforming in all respects to the requirements of law, were presented to the governor of Indiana, and a warrant for the arrest of McNamara was signed by him. In most States of the Union, this comprises all that is necessary to authorize the arrest of the men charged and his removal to another State. It is all that is required by the Federal laws. The fact that after removal to such other State one charge is dismissed and another made can have no effect upon the situation as it existed at the time of the extradition proceedings, nor affect their validity in any manner.

In the State of Indiana, however, a statute existed providing for a court hearing to determine the identity of the man described in the governor's warrant. As Mr. McNamara admitted his identity, I still think, so far as this question is concerned, that whether he was taken before a police court or a circuit court was a technicality. However, all the claims based on this matter of court procedure fall absolutely to the ground, as Mr. Darrow must be well aware, from the fact that this statute was held unconstitutional by the United States court in the proceedings begun in that court by Mr. Burns, who was under indictment for this alleged kidnapping. The whole legal status of extradition matters is one primarily within the jurisdiction of the United States and not of the individual States, as any lawyer well knows, and no State has the right to throw such restrictions or limitations about the procedure of extradition as will abridge the general right of one State to demand and receive persons charged with crime who may be in some other State.

Had no court procedure been had at all, the taking of McNamara under the governor's warrant would have still been absolutely legal, since the statute pro-

viding court procedure was held unconstitutional. Mr. Darrow must know, as a lawyer, that his charge that Mr. McNamara was deprived of any right whatever, substantive or technical, is absolutely unfounded.

I would appreciate it if this letter could be filed as an answer to such a charge.

Yours, truly, WALTER DREW, *Counsel.*

AFTERNOON SESSION—2 P. M.

Chairman WALSH. If the house will please be in perfect order, we will proceed. I understand that Commissioner Weinstock has some letters he desires to read.

Commissioner WEINSTOCK. I am in receipt of a communication from Mr. Walter Drew, counsel of the Erectors' Association, in New York, requesting that this exhibit be made a part of the record. His letter reads as follows:

NEW YORK CITY, *May 18, 1915.*

Mr. HARRIS WEINSTOCK,
United States Commission on Industrial Relations,
Shoreham Hotel, Washington, D. C.

MY DEAR MR. WEINSTOCK: I inclose copy of the Chicago Herald of April 28, 1915, containing article upon the indictment of Chicago labor leaders and contractors. The Chicago situation, as outlined in the article, is exactly in line with my statement that the ultimate result of a closed shop in the union was a conspiracy between the union and a combination of employers against the general public. I would be glad if this article could be filed as part of the record.

I also call your attention to the article on page 4, in which the Herald refers to its campaign for the exposure of graft in union labor circles of Chicago. It seems to me that valuable data as to this use of the power of the closed shop by corrupt labor leaders could be obtained from the files of the Herald authenticated, if necessary, by a statement of the editor.

All the evidence of excesses on the part of union agents is valuable, not so much as an indictment of the persons involved, as evidence of the tendency and results of a system which confers immense power upon labor organizations without corresponding responsibility. When the millenium is reached and all men are perfect then, of course, our cities and our unions will be wisely and honestly run, if, indeed, we need any such institutions at all. Until that time comes, and human nature remains frail, we must admit that all possible safeguards must be thrown about the administration not only of our cities but of our unions and other organizations of men in order to prevent them from failing to accomplish their true missions, because of the ignorance or the selfishness or the corruption or the mistaken zeal of men intrusted with leadership. It is the system that permits graft and corruption rather than the men involved that is to be condemned, for where conditions favorable to misuse of power come into existence it must be expected that sooner or later men will achieve leadership who will devote such power to its most vicious uses.

Yours, truly,

WALTER DREW, *Counsel.*

(The articles referred to by Mr. Drew are entitled "Chiefs of unions and employees in Federal net," and "How Herald exposed grafting labor men." They appeared in the Chicago Herald of Apr. 28, 1915.)

Commissioner LENNON. I desire to give notice that I will file a letter in reply to that at the first opportunity.

ADDITIONAL STATEMENT OF MR. JAMES A. EMERY.

Commissioner WEINSTOCK. I am also in receipt of a request from Mr. Emery, who testified before the commission yesterday, to make a part of the record the following statement published in a congressional document, in a hearing before a subcommittee of the Committee on the Judiciary, United States Senate, Sixty-second Congress, second session, at page 263. Mr. Emery also asks that this communication be read into the record in rebuttal of a statement made yesterday by Commissioner O'Connell, in which Commissioner O'Connell said as follows:

"'In one donation I see about $25 was from one picture house in Indianapolis, and a number of other large contributions are here that indicate that it came from the public indiscriminately. That the defense fund was not raised entirely

by the trade-unionists, but that they were intensely interested to the extent of contributing some finance toward this defense. I want to put this in the record, because of what I believe to be a misconceived idea on the part of the public, probably on the part of some of our commissioners, that you were employed by the American Federation of Labor (referring to Mr. Darrow) to defend the McNamara brothers, and the American Federation of Labor raised the funds to carry on that defense. This will show that that is not true, with which I think you will agree.'

"Continuing, Commissioner O'Connell said:

"'The American Federation of Labor, therefore, and the trade-unionists of the country took no part in the direction of how the case should proceed other than raising what they believed to be sufficient funds to conduct the case and see that the McNamara brothers got what they wanted them to have—a fair trial.'

"And again he says:

"'The American Federation of Labor, or the gentlemen who raised the funds to carry on the defense, in no way indicated to you what you should or should not do, or those that were associated with you, in the direction of the case, and the funds were sent to you without question as to how they should be used or suggesting any method as to how they should be used.'"

The article contained in this Congressional Record, which Mr. Emery desires to have placed on file in rebuttal, reads as follows:

"WASHINGTON, D. C., *July 27, 1911.*

"To all workers:

For right is right, since God is God,
And right the day must win;
To doubt would be disloyalty,
To falter would be sin.—Faber.

"From Los Angeles last October came the news that a terrible catastrophe had occurred in that city; that the Los Angeles Times Building had been destroyed, with the loss of a number of lives. The first word spoken, even before the flames had completed their destruction, by the emissaries of the Times contained positive declarations that organized labor was responsible for the disaster. Qualifying statements were conspicuous by their absence. Wide publicity was given; warped and unsupported allegations against the organized workmen of the entire country were featured. Vast sums of money were dangled in the faces of unscrupulous men to fasten the crime upon some member or members of the trades-unions. The National Manufacturers' Association, backed by the Erectors' Association, citizens' alliances, detective agencies, and a hostile press, brought their every influence to bear and appropriated every available circumstance to bulwark and fix in the public mind a mental attitude that the charges against organized labor had been proven beyond the peradventure of a doubt.

"The authors of the charge, after months of intrigue and searching investigation, utterly failed to substantiate the flambouyant and positive accusations that had been made. The public mind was slowly emerging from the hypnotic spell in which it had been developed, and mutterings of suspicion began to be heard against the originators of the indictments against labor men. The position of the hostile employers' associations became exceedingly desperate. The Times management, with its years of relentless warfare against humanity, fearing that its Belshazzar feast of organized labor's blood was about to be denied, redoubled its efforts and demanded that a sacrifice must be furnished that its unholy appetite might be appeased, specifying that some union workman or workmen must be supplied to assuage its unnatural and abnormal hunger.

"The record of events is too well known to make it necessary to recount them in detail. That "the end justifies the means" became the slogan is patent. With all the forces of greed compactly joined there began a campaign of vandalism the like of which has never before found lodgment in the pages of our American Republic's history. A prominent member of union labor was selected, J. J. McNamara, and one at whom the finger of suspicion had never before pointed, whose life had been characterized by an uprightness of purpose and loyalty to the cause of labor, and whose activities in every walk had drawn to him the commendation of his fellows. To give the stage the proper setting and to involve other trades than the ironworkers, J. B. McNamara, the brother, was selected for the sacrifice.

"With intrigue, falsehood, and an utter disregard for all forms of law, applying individual force, conniving with faithless officials, the two McNamaras were

rushed in feverish haste to the scene of the alleged crime. The rights of these two men have been trampled upon willfully, flagrantly, and wantonly.

"Every man, even the meanest, under the constitutional guaranties of our country is entitled to a trial by a jury of his peers, and every man is presumed to be innocent until proven guilty. Thus far the proceedings have been outside the pale of those guaranties. The charge has been lodged against organized labor, and two of its members are now before the bar to answer these charges. What is the duty of the organized-labor movement? What shall be our course? What effort shall we put forth to see to it that justice shall finally obtain?

"The intellect, heart, and soul of the men of labor yield to no body or class of citizens in their fidelity in obedience to the law, and their history is replete with instances of sacrifice that humanity may be protected. If within the ranks of labor there are those who permit infractions of the law, then they should be punished, but there should not be instituted a double standard of justice, one for the wealthy malefactor and another for the workman.

"The organized-labor movement believes that the McNamaras are innocent. Upon that belief there devolves upon us another duty. The accused men are workmen, without means of their own to provide a proper defense. The assault is made against organized labor equally with the McNamaras. If we are true to the obligations we have assumed, if it is hoped to forever settle this system of malicious prosecution of the men of labor, our duty is plain.

"Funds must be provided to insure a fair and impartial trial. Eminent counsel has been engaged. Arrangements are proceeding that a proper defense may be made. The great need of the hour is money with which to meet the heavy drain incident to the collection of evidence and other necessary expense.

"Every man who was connected with the kidnapping of the McNamaras will be prosecutetd to the full limit of the law. It is proposed that the interests of organized labor shall be fully protected and punishment meted out to detective agencies that assume to be superior to the law. The rights of the men of labor must, shall, be preserved.

"The men of labor, unlike the hostile organizations arrayed against us, have not the vast sums of wealth to call upon, but they are imbued with the spirit of justice and are ever ready to make sacrifice for principle.

"The trial of the McNamaras is set to commence on October 11. In the name of justice and humanity, all members of our organizations are urgently requested to contribute as liberally as their ability will permit. All contributions toward the legal defense of the McNamara cases and for the prosecution of the kidnappers should be transmitted as soon as collected to Frank Morrison, 801–809 G Street NW., Washington, D. C., who will forward a receipt for every contribution received by him, and after the trial a printed copy of the contributions received, together with the expense incurred, will be mailed to each contributor.

"Fraternally,

"SAMUEL GOMPERS,
President American Federation of Labor.

Attest:

"FRANK MORRISON,
Secretary."

Mr. GOMPERS. As the party whose name has been read here as signing this circular, I ask that I may have an opportunity to make a statement to the commission on this subject and upon all its phases.

Chairman WALSH. Thank you, Mr. Gompers, we will call on you later.

Commissioner WEINSTOCK. The chairman asked me to call attention to the fact that Mr. Manly, who has charge of our investigating bureau, has made a thorough investigation of the Chicago alleged graft, and that all the documents mentioned are in our possession and in our files.

AFTERNOON SESSION.

WASHINGTON, D. C., *May 26, 1915.*

TESTIMONY OF MR. DAVID CLARK.

Chairman WALSH. What is your name, please?

Mr. CLARK. David Clark.

Chairman WALSH. Where do you reside?

Mr. CLARK. Charlotte, N. C.

Chairman WALSH. And I believe you wired the commission you desired to make a statement in regard to some statement that had already been offered in evidence?

Mr. CLARK. Yes, sir.

Chairman WALSH. And you came here for that purpose, Mr. Clark?

Mr. CLARK. Yes.

Chairman WALSH. Now, in accordance with your suggestion, you would like to get away, we have put you on out of place, with the idea that you could present your statement in a very short space of time.

Mr. CLARK. I will be very brief. I want to read one statement and present the others into the record, if I can.

Chairman WALSH. Very well, we would be glad to have you do it.

Mr. CLARK. I am here for the purpose of answering testimony given by Dr. A. J. McKelway, May 10. I am glad he is in the room, because I don't like to talk about a man behind his back.

The testimony given by Dr. A. J. McKelway on May 10 was very largely false; and where not exactly false, much of it was so shaped as to carry a false impression.

He testified that a large number of employees in southern cotton mills, including 1,085 adults, were making less than $2 per week. Pressed by Chairman Walsh he dodged through four pages of testimony, and when finally cornered said to divide the $2 or less amount by six in order to get the daily wage. McKelway has lived in the South and knows that no wage schedule of 33⅓ cents per day has prevailed in the last 20 years. When McKelway made that statement he knew as I do that it was false. He could have taken data from the 1914 report of the Bureau of Labor, but he went back to the 1908 report, which was prepared under his friend, Labor Commissioner Neill, and it has been often said that Dr. McKelway had a considerable influence in the compilation of that report.

The 1908 report gives the wages of North Carolina mill operatives as varying from $3.87 to $6.56 per week, but there is in it a table of earnings for a specified week, and in summing up the earnings for the specified week it shows that in both northern and southern mills there were a number who, of course, working part time during that week, earned less than $2. In order that there might be no misunderstanding the report specifically stated that the summary is "for the week mentioned."

And it was from that page he got his figures and presented them here, and told you to divide them by six.

Chairman WALSH. I had better call your attention to the rule we have here, that while the witness may freely contradict any other witness by giving the facts, we have tried as far as possible to keep any witness from characterizing any other person, or the motives of any other person that appears before the commission, and if you will devote yourself to the giving of contrastatements as to the facts——

Mr. CLARK. I will do so as large as possible. This is just a continuation of Dr. McKelway's work, and we want some way of going into the record as contradicting it.

Chairman WALSH. Just give the contradiction of the testimony, as far as you can.

Mr. CLARK (reading):

"Dr. McKelway was not deceived when he went back seven years and obtained those figures. He thought that he would deceive you, and through your report deceive the people of the country. He thought he could get by without saying 'divide them by six,' but Chairman Walsh cornered him.

"In order to give you illiteracy figures he went back even farther and gave you the statistics of 1900, or 15 years ago, waving aside the 1910 statistics with the passing remark that they were slightly different. If he had given you the 1914 statistics he would have shown that 87 per cent of the mill operatives in North Carolina can read and write and that the per cent is higher in the other Southern States.

"Late statistics would not give you the false impression that he desired to create, and he therefore gave you ancient history.

"He complains in his evidence that the southern cotton manufacturers do not welcome the representatives of the National Child Labor Committee to their mills. In the first place, the cotton manufacturers regard the National Child Labor Committee as a band of parasites and grafters and, in the second

place, experience has shown that they take advantage of every courtesy to misrepresent and falsify conditions.

"The only case I have ever known where a representative of the National Child Labor Committee told the whole truth was the reply of Homer Folk to an address which I delivered before the National Child Labor Conference on January 5 last, and in which he admitted that the National Child Labor Committee did misrepresent conditions.

"I do not know who pays Dr. McKelway and his associates. Some think that it is the Rockefeller Foundation. If such information could be obtained, it would be very interesting."

I would like to put in evidence the reply of Homer Folk——

Chairman WALSH. Commissioner Harriman said she would like to hear Mr. Folk's reply.

Mr. CLARK. I made an address before the National Child Labor Conference at Washington, D. C., on December 5, 1911, and Homer Folk, vice president of the National Child Labor Committee replied to me as follows:

"Mr. Clark's plea for the southern mill owner was most interesting. It aroused a line of thought in my mind which has often occurred to me in the past. He complained of the ungracious statements made and asked for a square deal and that the facts should be dealt with always with strict accuracy. I wish I could encourage him to feel that the mill owners would get that sort of a square deal. But no such encouragement can be held out as a matter of fact. I would like to give warning that instead of getting more nearly a square deal in the sense of more nearly accurate statements, it is likely in the future to be less of a square deal, because that is the history of all active movements directed against serious evils."

I wish to file a statement showing the wages in the cotton mills in the South. These figures are taken from the books of the Exposition Cotton Mills at Atlanta, from 1894, 1904, and 1914. It also shows the income of a family of four or five workers, and I would like to file that.

(The statement referred to by the witness will be found among the exhibits at the end of this subject, marked "David Clark Exhibit No. 1.")

I wish also to file some statistics, which can be obtained from any of the State reports. It shows that 87 per cent of the cotton-mill operatives can read and write; in the woolen mills, 89 per cent; in the silk mills, 99.5 per cent; and in cordage mills, 98.3 per cent.

(See David Clark Exhibit No. 2.)

And I wish to say in North Carolina we don't feel that we have to apologize to the country for the education of our people. We are looking after the education of our people. After the Civil War we had a reconstruction period that we could not educate them, and we have some adults during that period that can not read and write, but outside of that we have no apology to make. We made the greatest increase between 1900 and 1910, and we don't apologize to anybody.

Now, Dr. McKelway made an attack on Mr. D. A. Tompkins, president of the High Shoals Co., sheeting and knitting yarns—he was president of that mill—and Dr. McKelway had a violent personal grudge against Mr. Tompkins, and for that reason attacked him.

I wish to file, to refute that evidence, a letter from the principal of the school, and also a letter from A. O. Kale, the superintendent.

(See David Clark Exhibit No. 3.)

I would like, if it is permissible, to file an address that I delivered before the National Child Labor Conference in Washington, D. C., January 6, 1915.

Chairman WALSH. Was that the one responded to by Mr. Folk?

Mr. CLARK. Yes.

Chairman WALSH. All right.

(The paper here referred to by the witness, entitled "A Demand for a Square Deal," by David Clark, editor of the Southern Textile Bulletin, Charlotte, N. C., was submitted in printed form.)

Mr. CLARK. I would like to file a copy of Our Monthly, a monthly magazine of Christian thought and work for the Lord. Dr. Jacobs, editor of this magazine, is recognized everywhere as one of the really great men in the church, and it is dealing with the question of child labor.

(The editorial referred to appears in Our Monthly, vol. 52, No. 4, Clinton, S. C., April, 1915. It has no caption.)

The day before I appeared in Washington, January 5, Mr. Hine, who was called their official photographer, came into the meeting and stated there were children 6 or 7 years old that were being employed in the North Carolina cot-

ton mills, and that went out to the press that it was a general condition. We finally made him give us the names of the children referred to, and I wish to file the true facts. They have now admitted that they were 8 or 10 years old instead of 6 or 7.

Chairman WALSH. What was the legal age?

Mr. CLARK. Twelve years old. If you are interested in that, I could give you incidents.

(See David Clark Exhibit No. 4.)

I wish to file with you—Dr. McKelway had something to say about feudalism in the South, and I would like to read a statement giving the commission the real facts. It is very short and I will read it. It is on welfare work, and is an address delivered before the manufacturers' committee of the North Carolina Legislature by Mr. W. B. Lynch, manager of the department of welfare and health of Spray, N. C., a mill town [reads]:

"It has been our aim to encourage cooperative community activities; the people united in service for the common good of all. We feel convinced from our observation and study of the experience of others that no form of welfare effort will attain its highest purpose without a cordial sympathetic cooperation on the part of those most affected by such effort; that any appearance of paternalism, dictation, or condescension may be regarded as benevolent despotism and looked upon with suspicion and disfavor. We believe that the ultimate hope for a contented people lies in that fundamental inborn desire for independence. We may encourage and direct activities which will develop this spirit. All successful welfare work must aim at and encourage democracy and avoid any appearance of despotism."

That is the position of the cotton manufacturers in the South in welfare work. It is frequently the case, the statement made by the National Child Labor Committee, that they refer to children being hurt in the southern cotton mills. As a matter of fact, there are very few accidents in the southern cotton mills. The machinery is very harmless, and as a rule passes over their head. The people that pay for insurance naturally base their rate on the amount of accidents that have occurred, and I want to file with you the rates showing that they start with street car conductor, $4.08, down to 68 cents for farm laborers, and 49½ cents for cotton-mill workers. They regard labor on the farm more dangerous than in the cotton mills. I wish to file this statement.

(See David Clark Exhibit No. 5.)

I would like to file with you a statement taken from an interview published in the New York American——

Chairman WALSH. Whose conclusion is that, that makes the difference in rates, that the rate shows it is less dangerous?

Mr. CLARK. The companies that make up the rate.

Chairman WALSH. Did they say that themselves?

Mr. CLARK. They give you the rate.

I wish to file with you a statement made by one in regard to certain action of Mr. Folk in the collection of $180,000, and also an extract from the Thompson's reservation, giving the salary drawn by Mr. Folk.

(See David Clark Exhibit No. 6.)

I think that is all.

Chairman WALSH. I believe you are the editor of a paper?

Mr. CLARK. I am editor and sole owner of the Southern Textile Bulletin.

Chairman WALSH. We would perhaps like to ask you some questions, but inasmuch as you are in a hurry to get away we will excuse you.

Mr. CLARK. Thank you.

Mr. MCKELWAY. May I have an opportunity to reply to this attack?

Chairman WALSH. Yes, sir.

Mr. CLARK. Will I be given a chance to reply to him?

Chairman WALSH. Yes, sir; it will be submitted to you.

AFTERNOON SESSION.

WASHINGTON, *May 27, 1915.*

TESTIMONY OF MR. THEODORE SCHROEDER.

Chairman WALSH. State your name, please.

Mr. SCHROEDER. Theodore Schroeder.

Chairman WALSH. Where do you reside?

Mr. SCHROEDER. New York City; lawyer without paying clients; attorney for the Free Speech League for the past 12 years. I have some familiarity, I think, with the problems of agitation in relation to freedom of speech and assemblage in general and especially with courts and the police in connection with the problems of free speech in New York City, Philadelphia, New Haven, and so forth.

Commissioner O'CONNELL. You say you are a lawyer without paying clients. Do you mean that you do not practice law?

Mr. SCHROEDER. I do not practice in court. I am working at law problems all the time, but accept no pay for my work.

Chairman WALSH. Commissioner Weinstock says that we owe you an apology for keeping you so long here, and you have been very patient. I wish you would direct yourself to those points you think are the important points, and Mr. Manly, who is trying to order the time around and deal it out, says that if you could say what you have to say in 30 minutes with your direct statement we would be obliged, and Mr. Weinstock may have some questions to ask. I will not ask you any.

Mr. SCHROEDER. It is pretty hard to attempt the process of selecting. I think I am loaded for two days.

Chairman WALSH. Have you your material in such shape that you can give it to us?

Mr. SCHROEDER. I have already dictated to a stenographer at the office the concrete instances of invasion of free speech which seem to me to illustrate the larger proposition as related to the agitation for industrial improvement.

(The matter referred to will be found as an additional statement by Mr. Theodore Schroeder at the end of this subject.)

The larger propositions, so far as the courts are concerned, seem to me to be two—first, the absolute incapacity of any judge in the United States to understand what free speech means in the light of the historical controversy which resulted in the adoption of our free-speech clauses of the Constitution. Likewise, there is an utter incapacity on the part of the courts, except when dealing with problems of property, to understand what law and the due process of law clause of the Federal and State Constitutions means as indicated in the definition of what may be done or is prohibited.

By ignoring those two provisions of the Constitutions in relation to the freedom of speech and of the press we have gotten into a situation where, in my opinion, after studying the statutes and session laws of all of the States in the Union, after reading all of the reported decisions in the United States and some in England and in Canada, and consulting with people that know about other countries, such as Germany and Russia, it is my opinion that we have to-day, in spite of our Constitution, more varieties of penalized opinions than any other country in the world.

Commissioner WEINSTOCK. Explain what you mean by more varieties of penalized opinions.

Mr. SCHROEDER. I mean opinions that can be punished under the forms and letter of the law as criminal offenses. In other words, we have less conceded and protected freedom of speech and of the press in the United States than in any country in the world at any time in the history of the world.

Commissioner WEINSTOCK. Less than Russia?

Mr. SCHROEDER. I think so. In Russia and in Germany the penalties are more severe, but the ideas which are penalized for which you may receive a penalty are more numerous here.

Commissioner WEINSTOCK. Could you briefly enumerate the ones for which you can be penalized here for speaking?

Mr. SCHROEDER. Not briefly. I can indicate some things.

Commissioner WEINSTOCK. Please do so. Will you indicate them briefly, then?

Mr. SCHROEDER. I will give a few by way of sample. For instance, in some of the States of the Union it is a crime to say anything which tends to create disrespect for law, and the courts construe that to mean disrespect for one particular law and not law in general. That means that in such a State you are violating the penal law if you advocate the repeal of a law because there is no efficient advocacy for repealing a law except by creating disrespect for it.

Commissioner WEINSTOCK. In what State is that?

Mr. SCHROEDER. In the progressive State of Washington I recall that kind of a statute.

In the State of New York we have a statute entitling a man to 10 years in jail and a fine of $5,000 if he advocates the overthrow of the Czar of Russia, or overthrow of any organized government by unlawful means, even though no lawful means are provided.

In the State of New Jersey they have a very interesting kind of treason. I thought I had it all here, but perhaps I have left it over in the office. A man was indicted for having that picture in his window [indicating picture], because it represents a man in the uniform of the Italian army, supposedly ridiculing the King of Italy. That, I must suppose tended to create a state of war as between the United States and Italy, and he was indicted for that offense, and put under two thousand bail bond, and kept in jail for some four or five months before he could furnish a bail bond. He has been out about a year and one-half since, without being able to get a trial. Of course he was an agitator.

This kind of laws, I might add, are never enforced except against radical agitators. This inequality in the application of the law increases the evil of repression.

Now, those are some of the laws which I consider particularly outrageous. There are other laws against agitators, of which I gave some illustration in my statement this morning; laws that provide for a penalty for sending anything through the mail on the outside of the wrapper of which there is anything exposing a man to ridicule and contempt, for instance, such as asking a legislator how much he expected to get for calling laboring men bums that did not want to work. This was during a time of an agitation for the legislative reduction of hours of labor from 12 to 10.

Then, of course, there is the injunction with which you are familiar, which is used not only in cases of industrial disturbances, but in cases of agitation when there is no industrial disturbance.

Our postal censorship in the case of obscenity has been used to oppress and punish labor champions for a very simple sort of statement on the relation of economic situations and sex problems.

Of course there are a lot of more or less foolish laws which say you must not say anything that casts contempt on the flag. Another evil is illustrated in the case of one man, under Army regulation, who was given five years in the guardhouse for shaking hands and smiling at Emma Goldman, in spite of the fact that he had been through the Spanish War and had 15 years' good service.

If I were to elaborate on these things by concrete illustrations it would take pretty long. I have given a few illustrations, perhaps two, under several of the laws in my statement this morning.

Commissioner WEINSTOCK. Did you hear the statement of the preceding witness relative to free speech?

Mr. SCHROEDER. I did.

Commissioner WEINSTOCK. You remember he gave it as his opinion that no man ought to be prevented from expressing his ideas publicly, no matter what they were, but that he should be held responsible for them, and if they were vulgar or abusive or improper then he should be punished. Now, in how far do you agree with that witness?

Mr. SCHROEDER. Not at all.

Commissioner WEINSTOCK. Give us your conception of what constitutes free speech.

Mr. SCHROEDER. Free speech. That conception of free speech which he put over is the idea of free speech the English tyrants have had since 1696, after the repeal of the old censorship law. The new law provided for censorship after publication instead of before. This did not enlarge the liberty of free speech, but only to change the mode of suppression and punishment. If we are going to have free speech we ought to have it free. This means that no man should be punished for any expression of opinion on any subject so long as the consequences of that speech is nothing but the creation of a state of mind in some one else.

Commissioner WEINSTOCK. Let us analyze that a bit: If a man should get up on the public street and denounce a prominent citizen as a thief and a liar and a scoundrel and did it maliciously; what, if anything, would you do with him?

Mr. SCHROEDER. Not one thing.

Commissioner WEINSTOCK. Would you allow a man to defame another maliciously without subjecting him to punishment for it?

Mr. SCHROEDER. Yes; he ought to have the same right other men now have to hire professional liars to glorify them beyond their merit.

Commissioner WEINSTOCK. And if anyone did that to you, would you do anything about it?

Mr. SCHROEDER. Nothing except to try to correct him.

Commissioner WEINSTOCK. How?

Mr. SCHROEDER. By making the same kind of speech in my defense.

Commissioner WEINSTOCK. You would not call that slanderous or libelous?

Mr. SCHROEDER. I might call it slanderous or libelous, but not have it punishable by the State.

Commissioner WEINSTOCK. You would have no punishment for slander?

Mr. SCHROEDER. Not at all.

Commissioner WEINSTOCK. Or for libel?

Mr. SCHROEDER. Not at all. The whole theory of the libel law was never designed to protect property in an other's state of mind. It was enacted in England for the purpose of protecting the rich in the enjoyment of their privileges and prerogatives; it applied only to the lords and earls, the clergy, the kings, and the courts. It was not applied in the beginning, and was not intended to be applied for the protection of the common citizen. It is one of those things that came into being for the benefit of those that have the big end of the stick.

Commissioner WEINSTOCK. Then you are not a believer in the biblical injunction, "Thou shalt not bear false witness against thy neighbor"?

Mr. SCHROEDER. As a matter of advice, yes; but not as a criminal law.

Commissioner WEINSTOCK. You would not punish a man that bears false witness against his neighbor?

Mr. SCHROEDER. No.

Commissioner WEINSTOCK. Would you punish him for perjury?

Mr. SCHROEDER. That is a different proposition; that has nothing to do with free speech.

Commissioner WEINSTOCK. You would give every man the right to go out in the public and defame his neighbor maliciously and willfully without punishment?

Mr. SCHROEDER. So far as the physiological effect is the only element involved, he should have the equal right to tell an untruth even maliciously and whether it affects one favorably or unfavorably.

Commissioner WEINSTOCK. Suppose the public statements on the part of the public speaker would lead to violence, what would you do in that event?

Mr. SCHROEDER. If the speech results in violence, then the person who delivers the speech that creates the violence may become an accessory before the fact, and the speaker is punishable for his participation in the violence, but not for the speech as such.

Commissioner WEINSTOCK. If a man got up in public—in a public thoroughfare—and endeavored maliciously and willfufily to rob a woman of her good name, and accuse her of unchastity, would you punish him?

Mr. SCHROEDER. No; no more than I would a man for depriving me of my good name for chastity or unchastity; nor should such a one be punished so long as she is allowed to acquire a reputatioon for chastity which she did not deserve.

Commissioner O'CONNELL. That would apply to the press also?

Mr. SCHROEDER. Absolutely; and that is the only interpretation of free speech which you can possibly get; if you examine the historical controversy which led up to the adoption of the free-speech clauses of our Constitution, and the evil of our judicial system is that we have persistently ignored those historical controversies, and have adopted definitions of free speech which Blackstone gave and which were only declaratory as a matter of practice, not at all intended to declare a principle. In his time there were no constitutional principles of free speech involved. Our courts have blindly followed Blackstone and have upheld something that the Constitution of the United States was intended to destroy.

Commissioner WEINSTOCK. If a man got up in public and called some prominent citizen a liar and a scoundrel maliciously and the victim should assault him for doing so, would you punish the victim for the assault?

Mr. SCHROEDER. If you are having any punishment for assault he should be punished, because he should not be allowed private vengeance. Really all vengeance both public and private should cease.

Commissioner WEINSTOCK. How would he get redress if he was not allowed to punish the offender and the speaker's utterances were not to be punished by law; what redress would he have?

Mr. SCHROEDER. So long as people believe in free speech he is not entitled to redress.

Commissioner O'CONNELL. Simply take the stump against the other fellow and begin talking?

Commissioner WEINSTOCK. Call him another?

Mr. SCHROEDER. Any way, he seemed to think was most efficient. I would recommend correcting the misstatements.

Commissioner WEINSTOCK. I am sorry to confess this is a new doctrine to me.

Mr. SCHROEDER. You will find a lot more things that are new or are interesting if you will probe it further.

Commissioner WEINSTOCK. That is what we have, the probe.

Mr. SCHROEDER. I have got——

Commissioner O'CONNELL. You have sort of thrown a monkey wrench into the gears here?

Mr. SCHROEDER. Now, I have got, and would be glad to leave with the commission some publications of mine for the free-speech league, in which I undertake to justify these things; justify them on the score of orthodox principles, of the established law. One is a thesis on "Free Speech for Radicals" and another is entitled "Methods of Constitutional Construction," which is one in which I go into the sympathetic method of interpretation.

There is another entitled "The Historical Interpretation of Unabridged Freedom of Speech," and another related to these on "Due Process of Law," in relation to statutory uncertainty and constructing offenses.

(The publications referred to by witness, entitled "The Historical Interpretation of Unabridged Freedom of Speech," by Theodore Schroeder, republished from Central Law Journal, March, 1910; "Free Speech for Radicals," by Theodore Schroeder, published by Free Speech League, in 1912; "Methods of Constitutional Construction," by Theodore Schroeder, published by Free Speech League, in New York City without date; and "Due Process of Law in Relation to Statutory Uncertainty, etc.," by Theodore Schroeder, published by Free Speech League, in New York City in 1908, were submitted in printed form.)

Mr. SCHROEDER. Let me show you a situation that arises out of your situation very logically.

Commissioner WEINSTOCK. What do you call my situation?

Mr. SCHROEDER. The one implied by your question, which is that the man ought to be punished for creating an undesirable state of mind. If a man is to be punished for creating an undesirable state of mind he ought to be punished for having one, and if he is punished for having one then we get back, to justify the precedents of Rome, where a man dreamed that he had killed the king, and the authorities said, and very logically, too, "You would not have dreamed this if you had not had the thought, and we will kill you."

Commissioner WEINSTOCK. How did the king know that he had the dream?

Mr. SCHROEDER. The dreamer had told neighbors.

Commissioner WEINSTOCK. He was punished for dreaming?

Mr. SCHROEDER. He had a state of mind, and would not have dreamed it unless he thought it in the daytime. I am opposed to punishing states of mind and free-speech defenders of unpopular states of mind.

Commissioner WEINSTOCK. You are not in harmony with the story about that judge who sentenced a prisoner before him. He gave him a rather stiff sentence, and the prisoner said, "Is it a crime to think?" And the judge said, "No; it is not a crime to think." "Then," he said, "I want to tell you I think you are an infernal scoundrel." And he said, "I will give you five years more, not for thinking but for expressing your thought."

Mr. SCHROEDER. I would suspicion that the man was right, and ought not to have been punished for expressing what he believed to be the truth.

I have some propositions with reference to our courts which you might care to examine me about. I have vaguely formulated a view, very briefly, because I did not want to dogmatically state my conclusions. First, I would say that there is as much reason for the belief entertained by many that our courts are the most pernicious part of our political institutions; second, a stop should be put to the occasional practice and general possibility of packing the court according to economic predisposition, which usually are known only to the few who expect to benefit by them, and occasionally to the appointing or nominating power; third, rules of evidence in criminal cases, where insanity is not pleaded as a defense, absolutely preclude the possibility of a square deal in determining the degree of so-called "moral turpitude" involved in the crime, and thus what is miscalled "law" precludes the possibility of even approximating to justice; four, existing intellectual methods in the arguemnt and decision of legal questions involves the use of memory more than intelligence, and almost preclude

any process toward more enlightened conceptions of justice; five, we should have the recall of all judges, and the recall of all judicial decisions on constitutional questions. It is of especial importance that this apply to the United States Supreme Court. If the people are credited with the right to make constitutions they should be allowed to say what they mean after being framed. Six, while in the act of legislating, no person should be allowed to serve interests conflicting with the public weal, because in such situation the private service is apt to be best rewarded by those seekng the greatest and most inequitable privileges.

All criminal-libel laws should be repealed. All postal censorship over ideas transmitted through the mails should be repealed, and especially such as prohibit information to adults as to the scientific sterilization of marriage. The equality of advantage should be secured to all in the use of postal facilities conducted at a public loss. Publishers should be compelled to accept all advertising at uniform rates.

We must quit sentimentalizing about living wage, and cease quibbling about such words as "martyrs" and "criminals," which quibblings obscure the real issue. We should soon begin a serious inquiry about the standards of judgment for determining relative approximations to a just wage.

No court or law should be too sacred to preclude any serious, pertinent, or efficient criticism. Our superstitious reverence for courts should be destroyed and the judges uncanonized. Contempt laws punishing criticism of courts, especially where the criticism is not made in the presence of the court, should be destroyed, and resistance to such power to punish for contempt should be made by force, if necessary, because courts persist in contempt of the people and their Constitution.

Commissioner WEINSTOCK. The question has been raised, What is your definition of force?

Mr. SCHROEDER. In that situation, remembering that our courts have said that it is unconstitutional for the legislatures to pass a law defending contempt, and saying that nobody shall be punished for contempt except such as is defined in that statute, I see no way of attacking or restraining the courts unless we follow the precedent in England, where, by an act of parliament, 40 judges were hung for their unrighteous judgment. I know no other remedy in a case of that kind, and can hardly consider this a remedy.

Furthermore, I have heard considerable talk here about responsibility as a country for the poor, especially as the same relates to labor organizations. I would like, if that doctrine is to be at all applied, to have it applied where there is more need for applying it, to wit, with reference to our courts, and also monopolists of the good things of the world.

Another thing: We have in New York State approximately 30,000 statutes. We have in New York City perhaps in the neighborhood of between 10,000 and 15,000 municipal ordinances. We have, in addition to that, I do not know how many thousand Federal statutes that are applicable. Every one of those statutes is enacted to defend property. We have constitutional guaranties of freedom of speech and freedom of press, but so far as I know there is not one law anywhere in the United States which even remotely squints at an attempt to protect by law that constitutional guaranty as to freedom of speech and press. If our Constitution and laws are going to be of any use at all, there ought to be some protection for these constitutional guaranties as well as the constitutional guaranty of property right.

Commissioner WEINSTOCK. Did I understand you to say that you would wipe out all the prohibitory postal laws?

Mr. SCHROEDER. I would all censorial postal laws.

Commissioner WEINSTOCK. You would wipe out the postal laws against mailing obscene literature?

Mr. SCHROEDER. Exactly. I have published a book of 250,000 words in defense of obscene literature, so called.

Commissioner WEINSTOCK. In defense of it, did I understand you to say?

Mr. SCHROEDER. Yes, sir.

Commissioner WEINSTOCK. That is, you do not think that anything ought to be put in the way of panderers whose purpose it is to gain through corrupt youths?

Mr. SCHROEDER. That involves the whole question of psychology which I have worked out very elaborately. I do not think that I can adequately condense it here, but it comes to this: You can not, by that literature, create a lascivious state of mind. You can bring to consciousness a thing that exists, and all of that legislation, in my judgment, is based upon psychological ignorance.

Commissioner WEINSTOCK. You do not think we are largely creatures of temptation, and that many of us are kept decent and respectable and virtuous, not because we would be otherwise, but because simply we are not tempted?

Mr. SCHROEDER. I do not know of any great temptation that the printed page would open to anybody's virtue.

Commissioner WEINSTOCK. Do you not think obscene literature and obscene, indecent pictures tend to arouse passions that would otherwise lie dormant?

Mr. SCHROEDER. Not that otherwise would lie dormant. They may bring to consciousness some that already exist. Right in that connection I want to emphasize one thing——

Commissioner WEINSTOCK (interrupting). For example, if you were the teacher of a school, would you forbid bringing into your classroom indecent literature and indecent pictures, or would you encourage it?

Mr. SCHROEDER. I would not do either. I would not forbid it and I would not encourage it. I am not sure that we would at all agree on what is meant by indecent literature.

Commissioner WEINSTOCK. You would not object to it if it was brought in?

Mr. SCHROEDER. Not especially, and I would not, if I had children of my own, object to it. I would undertake to so enlighten them that it could not possibly do any harm. The real evil in all that situation now is that we are denying, under our censorship, the enlightenment which would perhaps preclude any evil, if any evil can possibly come out of that kind of a situation. We are denying the crowd to have ordinary information about a subject that is really scientific. You can get at the theology of sex, but you can not talk sexual science through the mail.

There is one thing that has been emphasized by three witnesses already that I want to especially call to your attention.

Commissioner O'CONNELL. Let me call your attention to the question of the mail being used for purposes of deception, schemes of all kinds.

Mr. SCHROEDER. There, something else besides the psychological effect, is involved—the getting of property. There a property right might be involved, and that would not necessarily come under my definition of freedom of press.

Commissioner O'CONNELL. If you throw the mail open, if you throw the Postal Service open to anybody for any purpose they might desire, that deception could be practiced.

Mr. SCHROEDER. I would throw it open as against all censorship of opinion.

Commissioner O'CONNELL. Where it would not affect property?

Mr. SCHROEDER. It property is affected, then a different situation arises, with which I am not dealing. Three witnesses since I have been waiting here have expressed some concern about the industrial problems being related to the largeness of families of the poor. I think sufficient attention has not been given to the responsibility of the Government for the existence of those large families. We now make it a crime in both State and Federal laws to disseminate any information on the sterilization of marriage. That information, in my judgment, in a city like New York ought to be gratuitously imparted by the board of health, especially to the poor. The others get it any way. I think that would go a very long way toward solving the labor problem so far as large families at least have anything to do with it.

Commissioner O'CONNELL. You mean they should be trained scientifically in prevention?

Mr. SCHROEDER. Yes, sir; that is, they should have the information, should have access to the information just as much as the rich has access to it.

Commissioner WEINSTOCK. You are dealing with the psychologic condition.

Mr. SCHROEDER. Yes.

Commissioner WEINSTOCK. A condition of the mind?

Mr. SCHROEDER. Yes.

Commissioner WEINSTOCK. I gathered from your attitude that throwing the post office open to everything ought to be brought about, that you would not even endeavor to restrain quack doctors from scattering their literature through the mail and imposing on the ignorance of people and getting them to imagine they are the victims of all kinds of diseases, and thus exploiting them.

Mr. SCHROEDER. If you gathered that from my remarks, you did not listen to what I said to Commissioner O'Connell a minute ago.

Commissioner WEINSTOCK. Perhaps I did not catch it.

Mr. SCHROEDER. I said where fraud was involved—that is, fraud for the purpose of getting possession of a man's money—it should not be done, because there is something besides the condition of a man's mind involved.

Chairman WALSH. Is there a limitation on quack doctors sending out all sorts of things?

Mr. SCHROEDER. There is a limitation on their sending out misstatements of fact or fraud, and there is a limitation—whatever it may mean I do not know—to prevent them from sending out preventives through the mail. If the diseases with which they deal are sexual, and they deal with them in such way that somebody might call them obscene, then they are prohibited.

Chairman WALSH. Are not these quack medical institutions advertised all over the country?

Mr. SCHROEDER. Yes, they are; but the advertising must not be obscene in character, whatever that may mean, and there must be no fraudulent misrepresentations made through the mail.

Chairman WALSH. That is, a man describes himself as one of the most wonderful doctors in the world and having the greatest skill——

Mr. SCHROEDER (interrupting). "The most wonderful" I suppose the courts would say was a matter of opinion and not a question of fact. We may not misstate the fact as to his attainments or achievements. He may not say "I am a graduate of 17 colleges," when he is not; that would be a misstatement of fact. To say "I am a wonderful man" is an expression of opinion which may be very honest.

I do not know whether you care to go into any of these separate matters that I have spoken of here with reference to the courts or not.

Chairman WALSH. It would be very interesting, I think, to state the result of your researches a little more particularly with reference to interpretation of laws affecting the right of free speech where the same are not specific and definite. For instance, there were charges made against Mr. Iglesias, who is here, to the effect that he incited the multitude.

Mr. SCHROEDER. We have many laws similar to that that are enforced here. The situation there is this: They have some vague law which says something about disturbing the peace. The court construes that, as they did in the case of Upton Sinclair's Silence League, that merely walking silently up and down in front of a building with crêpe on your arm tends, in the imagination of the judge, speculatively and prospectively to disturb the peace, because Mr. Rockefeller's friends might want to go down and assault Mr. Sinclair in consequence. In my judgment all of that class of laws should be declared unconstitutional, because the statute itself does not define the criteria of guilt in such way that a man, by reading the law, can tell in advance what he may or may not do under it. The courts when dealing with property rihgts, as, for instance, with railroad rates, very uniformly say that such was, because of their uncertainty, are unconstitutional in that they do not constitute due process of law. In order that there may be due process of law there must first be a law, and law means a definite regulation, a definite rule of conduct. In property rights the courst always concede that when a railroad company is involved; but when personal liberty is involved they never once have seen that uncertainty in criteria of guilt ought to result in declaring a statute unconstitutional.

Chairman WALSH. What has been the trend of decisions with reference to declaring laws unconstitutional that undertake to place a limitation upon the right of free speech?

Mr. SCHROEDER. No court, so far as I can recall, ever has declared any law unconstitutional upon that ground. There again judge's minds work in an entirely different manner when they are dealing with property regulations from what they do when they are dealing with problems of personal liberty or free speech. Sometimes a court has said, when the judge believed a particular utterance ought to be permitted, when the judge believed it ought to be permitted, "This particular utterance is protected by the free-speech clause of the Constitution," without undertaking to define what constitutional freedom meant. They only make a concrete dogma, but they never say that the law, of which this is a part, and which by its terms, would cover this language, is unconstitutional. When they are dealing with property rights as, for instance, in the employer's liability law, they take a different view. They say the statute includes something which is beyond the power of Congress as well as something which is within the power of Congress, and then the court will say it is not for the judge to separate the constitutional part from the rest, and "We will declare the whole law unconstitutional." They can always say that when they are dealing with property rights of corporations, but somehow or other they never can say that nor assume that attitude of mind when they are deal-

ing with problems of free speech, with the right of assembly, the right to carry arms.

Commissioner WEINSTOCK. In private conversation, if I understood you correctly, you said you did not think this commission had as yet struck the fundamentals of the problem. Is this your conception of what constitutes the fundamentals—this absolute free speech and free press?

Mr. SCHROEDER. No; that is not what I meant.

Commissioner WEINSTOCK. Be good enough to give us your conception of what are the funadmentals.

Mr. SCHROEDER. The fundamentals of the economic question is the wage problem—of the wage problem—my thought at that time was this—I fear it will take some minutes to really get it over to you, to even approximate it, and I do not hope to succeed then.

The fundamental thing in the matter of the industrial problem, as I see it, is not to get a philanthropic attitude toward the laborer. The real thing is to find a general standard for determining justice of his wage and then to direct legislation up to attain a closer approximation to that ideal, assuming that possibly it can not be done. How are we going to get that kind of standard? Let me state to you a hypothetical situation, which seems to me involve all the aspects of the problem.

Suppose a man with an automobile has a wreck on a lonely road. He breaks his leg, and is thrown out, and is helpless. There comes along a man with another automobile, and the probabilities, we will assume for this hypothetical case, are that there is no other person likely to happen along that road in the next 48 hours, during which time blood poison may set in and the man may die. He appeals to the new man to take him to town to the hospital, and there a situation might arise where an inquiry is made as to what would be a just compensation for that service. Sentimentalism is to be barred.

One undertaking to decide the question presented might approach the problem first from the standpoint of the man who believes in scab labor, and he would say, "A just wage is what some neighboring farmer day after to-morrow, coming by here, will charge me to take me to town, $2."

Another man approaching the problem perhaps from the standpoint of the trade-unionist, who belongs to the Taxicab Drivers' Association, would say, "That is worth $5, because that is the union rate, and it ought to be $5."

But a man comes along with a new automobile, and he says, "But I am a professional man; I am an architect. If I take you to town to the hospital, I will lose an engagement over here, out of which I will earn $250; therefore I want $250. That is a just wage."

A fourth man comes along and says, "You are not worth $250 at the other job; you are robbing the other fellow; you are only worth $125; therefore you ought not to ask more than $125 as a just substitute for what you are losing."

Another man deciding that problem might find out that the injured man has a house and lot worth $1,000, and, believing in Jim Hill's theory, would say, "You must take what the traffic will bear; your life is worth more than your home. I want your house and lot or else you will die."

Which of these five standards are you going to consider as the just wage; and if none of them, how are you going to get at what is a just compensation in that situation? Manifestly justice is not to be achieved by adopting the personal view of the scab, the trade-unionist, the architect, or the equitist, or even Jim Hill. In that situation you have got to get, if possible, an impersonal standard, and in order to get an impersonal standard you have first of all got to rid your mind, so far as possible, of all the preconceptions which are founded upon personal interests or ambitions built upon present-day standards. With a view to aiding that state of mind, I want to read a short paragraph here from a very conservative man, Mr. Paley (?), who wrote over a century ago. Then I am going to lead up to a social standard for the solving of this problem:

"If you should see a flock of pigeons in a field of corn, and if, instead of each picking where and what it likes, taking so much as it wanted and no more, you should see 99 of them gathering all they could into a heap, reserving nothing for themselves but the chaff and refuse, keeping this heap for one, and that the weakest, perhaps the worst, pigeon in the flock, sitting around and looking on all the winter whilst this one was devouring, throwing about, and wasting it. If a pigeon more hungry than the rest touch a grain in the hoard, all the others instantly fly down upon it and tear it to pieces. If you saw this, you would see nothing more than what is an everyday practice established among men."

Now, suppose you start to think about this problem from the attitude of mind of a pigeon society, and then seek a solution by the aid of the historical viewpoint. If you analyzed the demand in behind the words and seek the substance of justice, not getting lost in forms by which slavery was made effective, by such methods let us consider the peasants' wars, the abolition of fuedal slavery, and the controversy over chattel slavery. As you get away from the forms and symbols and processes by which chattel slavery was affected and through which it was opposed, and so discover the real gist of the controversy, it must be this, that in behind the forms, behind which slavery was maintained, there was a half conscious desire that the laborer should get the full product of his labor. If we can not show this demand to be unjust, we should seek to satisfy it.

Now, as far as I can see, from the few days I have heard the inquiry of this commission, the inquiry has not been directed, as far as the questions are concerned, toward anything which would squint at the realization of that ideal or that urge in the laborer toward the demanding and securing the full product of his labor. That is a standard of social justice which ignores the personal viewpoint. Now, then, let's go back to our problem of the fellow with the broken leg and the automobile and see whether we can find a social standard for determining which, if any, of the five attitudes of mind should be the basis of his compensation for taking the injured man to the hospital, and we come to the conclusion that the rescuer is deprived only so much as during an equal length of time he would create in actual social values or accept of others what was necessary to the maintenance of life. Then we have abolished exploitation and gotten rid of the exploiter, and each receives what he really could produce of necessities of life during the same length of time that it would take to carry the afflicted one to the hospital.

Commissioner WEINSTOCK. You being the judge, how much would you reward the man?

Mr. SCHROEDER. If he was a good man at hoeing potatoes, I would try to estimate what share of his time—suppose it took him a half a day, what share he contributes toward the establishment of the value of foods which he creates.

Commissioner WEINSTOCK. And if he were an architect, making $250 a day?

Mr. SCHROEDER. My conception is that decent society would not pay him $250 a day; he gets that because he has a little special monopoly; he has an education that was denied others, and the estimate of his service is estimated on the value of his monopoly.

Commissioner WEINSTOCK. And your idea would be to pay the architect the same, regardless of their ability?

Mr. SCHROEDER. Regardless of their efficiency. The social value of the product of his labor might take into consideration the value of his life to society.

Commissioner WEINSTOCK. How would you compensate him?

Mr. SCHROEDER. By giving him a living as good as others get.

Commissioner WEINSTOCK. Suppose you were an architect, and that I came to you, and you were busy, but I wanted you, and you said, "I have not the time," and I would ask you how much you are earning, and you would say $10 or $15 or $20 a day, and I would tell you that I would pay you twice that——

Mr. SCHROEDER. I have not gotten you away from your viewpoint. I tried to get you to the attitude of the pigeons, that were dividing that corn, according to their necessities, not according to greed. If I could get you to think in terms of our pigeon society, we could easily see a method of getting at the situation.

Commissioner WEINSTOCK. Let's take this concrete case. You are an architect?

Mr. SCHROEDER. Pigeons are architects; they gather corn and build it in piles.

Commissioner WEINSTOCK. I would rather confine it to yourself. You, we say, are an architect, and have your hands full, and I value your skill, and think that you can do my work better than any other architect, that nobody else can do my work, and I am willing to pay you a premium in order to have you take my work in preference to other people's work, that I am willing to give you double the fee, is it wrong for me to offer it and for you to take it?

Mr. SCHROEDER. Both propositions would be foolish, if we had the kind of personal standards of judgment that I described to you. You don't get away from these old modes of thinking. You must view the problem from the standpoint of the social value of the service.

Commissioner WEINSTOCK. In the place of you being an architect, say, you were a physician, and that I felt that the life of my wife or baby was in danger, and I had the greatest confidence in you, more than in anybody else, and I thought that you could save the life of my wife or child, and I had no confidence in the other physicians. You have your hands full, but I want you to come a great distance to perform the service, and I am ready to offer you a premium so you will not be a loser by so doing, is that wrong for me to offer it, and is it wrong for you to accept it?

Mr. SCHROEDER. Not under present conditions, but under decent society it is wrong for me to accept it, and impossible for you to offer it, because you would not be richer than the most. This woman that you assume can not pay me anything may be worth more to society than your wife, and this should determine my choice as to whom I will serve.

Commissioner WEINSTOCK. That is true. Then, I take it, you condemn in toto the present method of compensation?

Mr. SCHROEDER. I say that it is not a just method at all.

Commissioner WEINSTOCK. What is a just method?

Mr. SCHROEDER. The one that I have explained, that makes compensation depend on the social value of the service.

Commissioner WEINSTOCK. Who ought to be judge?

Mr. SCHROEDER. Society, when it gets civilized, will be.

Commissioner WEINSTOCK. What form will you have to determine? Society is a very indefinite thing.

Mr. SCHROEDER. It might be determined approximately; as I stated, an ideal never can be realized to the full. It might be determined approximately, if Bill Haywood's dream was realized, and all of the workmen got into one union. You could keep your paper title to the factories, all they wanted was the entire product of the factory, if they did the work. That would come nearer a solution of it than anything.

Commissioner WEINSTOCK. Is there a name to your philosophy?

Mr. SCHROEDER. I don't know of anybody that believes it, as I do, and I have no name for it myself.

Commissioner WEINSTOCK. Do you call it Socialist?

Mr. SCHROEDER. I do not.

Commissioner WEINSTOCK. Or I. W. W.?

Mr. SCHROEDER. No; I don't think so.

Commissioner WEINSTOCK. It has not been christened yet?

Mr. SCHROEDER. It has not been christened, but I rather deplore a state of mind that fails to understand principles without familiar labels. Now, after all, it is a simple proposition we are trying to get at, namely, the social value of a man's service, and give him as near as we may the social value in return. It does not matter what labor is assigned to it, and perhaps I differ from other radicals only as to the most efficient methods for reaching this end.

Commissioner WEINSTOCK. This commission has invited constructive suggestions, and that are practical in character, and that can be applied to the conditions by which we are surrounded. We are very grateful to you, as to others, if you can give us an idea, not under conditions as Haywood described——

Mr. SCHROEDER. There is no practical remedy for any of these things. There is only an evolutionary growth toward the ideal, and if we see the ideal clearly we shall gradually adjust ourselves to it. First of all there must be freedom of speech, for Haywood and the rest, to defend their dreams. We have not gotten to a stage where a man can advocate free speech. I have been twice suppressed by the police in New York City for attempting to advocate free speech. It is foolish to talk about any practical result. The Members of Congress don't want it, or they might do something like this: First, the land value, the tax, and the income tax which confiscates all above $5,000 a year for each family, and repeal all of the patent laws, by virtue of which a few men have a monopoly on all of the tools of a trade, that might help a little, and in order to protect ourselves against a lawless judiciary, and make it possible to have at least a little new thought getting into the judicial mind, and we ought to prohibit lawyers from reading judicial precedents in their arguments before the court, and the court from citing those other adjudications for their justification. Sir Edward Coke said that a man that knows no reason for the law knows no law. I quote from memory. And by that standard a great many judges would be disqualified for their position. If men were studying judicial decisions to discover the reasons for the law, and they come into a court to enlarge the understanding of the judge instead of trying to pile up

dogmas, we might get a little reform. That is not as foolish as it may seem, because I am told that in France and Germany this method exists, and in one State or Territory in this Nation the reading of decisions were once prohibited by statute, but for different reasons, though—I refer to Utah.

Chairman WALSH. What do you think produces the two distinct mental attitudes of the judges, with reference to property right and free speech?

Mr. SCHROEDER. I think it is largely a trick of psychology that the judge is unconscious of. Certainly in any situation of that sort men naturally can be classified into two groups, the people with conflicting tendencies in their attitude of mind, one is that tendency which when it becomes conscious and expresses itself in definite formula means government from above the people. That is the theory of the aristocrats and royalists' thought. The other, if it becomes conscious and expresses itself, is a scheme of government from out of the people. Now, to judge by his habitual attitude toward things above him, by a consistent habit of harking back to ancients precedent, which always means to go back to England, where the decisions all are dominated practically without exception by those who believe in government from above the people, and that always means government by the rich and for the rich. Now, then, he distrusts instantly, without expressing it, and probably if questioned about it verbally would deny it, he distrusts the action of the common people, and those that come up out of the people, and he has an aversion to the criticism that comes from them that are down and out, and this attitude of aversion compels him to read into the Constitution things that never were intended to be there by men like Jefferson, and likewise it creates that attitude that predisposition to do the thing which promotes the interest of the rich. Psychologically he identifies himself emotionally with them and their rules of the game of life, unconscious as to the process naturally of this thing, abiding by it, not because it is there, but abiding by it because he is in an emotional state, and he gets sympathetic with others.

Now, take Tannebaum; he comes into court, heralded in advance as an anarchist or I. W. W. His hair is a bit long, he has a fluffy tie, he looks different from other people and talks different, and has not the pomp and scraping attitude to the judge, and asserts his indifference, and also asserts that he has not done anything wrong, but he is a dangerous citizen, and the judge takes the emotional attitude toward him that he would take toward a wild animal, a thing that is feared, because he didn't know what he was going to do, how he was going to act. There is no sympathetic understanding in that case. The judge that punished Tannenbaum was elected as a progressive, and to be a progressive in New York is itself a suspicious circumstance; and in view of that fact it is fair to infer, even though not conscious of the fact, or even if he was the emotional reaction would be the same, that if he showed any sympathy that he would be suspicioned as being unduly sympathetic with his theories, and as a sort of action in self-defense, against suspicion of such radicalism, he gives him the limit. I think I know more about psychology than he does himself, and that is the way those things work, and that is why all of this talk we hear of equality before the law is absolutely absurd. There is not now and never has been and, in my judgment there never will be what is called equality before the law, and it arises out of just this sort of a situation.

Again, in criminal cases, and, of course, these agitators get into court on criminal cases often, the laws almost preclude the possibility of justice, unless the plea of insanity is entered. Then, if that plea is made, you can introduce the state of mind that resulted in the crime, and if it is not, the judge refuses to take into account and the rules of evidence preclude those facts, and they can not introduce in evidence the state of mind that caused it. Now, I say that you can not even approximate justice as to these things, unless you get a sympathetic understanding of things, and unless you know the circumstances which induced the particular state of mind which resulted in the so-called criminal act, whether it is violence in a strike situation or what not.

Commissioner WEINSTOCK. If you had been the judge in both of those cases, what sentences would you have given; take, for instance, in the Tannebaum case?

Mr. SCHROEDER. I would not have given Tannebaum any sentence whatever, because he did no injury to anybody, and was simply exercising his right of free speech. He went to a church and asked permission to sleep there, along with others, and they offered to clean up the church afterwards, and he was told he would have to consult the pastor of the church.

Let me illustrate that in a particular concrete case. This is the kind of complaints I find are against the court. A young man by the name of Tannebaum in New York was found guilty of constructive breach of the peace. He was a little boy about 21 years old, who was conspicuous in the disemployment movement in New York. For his constructive offense he received a punishment of one year in jail with a fine of $500, which at the usual rate meant two years and five months in jail, because he had no money. The distinguished gentleman who is the employee of the Sugar Trust robbed the Government of $11,000,000 on import duties, etc., received two years in jail. Now, that is the kind of thing that sticks in their memory, and causes their criticism of courts. The judge who got these Sugar Trust fellows before him, and gave them two years in jail, had before him nice gentlemen, wearing good clothes; they were the kind of people that he meets in his clubs and social life; he could understand their ambition to serve well the corporations that can award high. Perhaps he had in his younger days an ambition to serve them himself. He acts as a sympathetic understanding of that man and judged the penalty accordingly.

Commissioner HARRIMAN. Did he not go in during the services and make a disturbance?

Mr. SCHROEDER. No, ma'am.

Commissioner HARRIMAN. Who was that?

Mr. SCHROEDER. Bouck White. Tannebaum came back, and there is a dispute whether he went in of his own volition, or whether the policeman coaxed him in, and he says they did coax him in, and when he got inside they said that everybody inside was under arrest, and for that he got two years and five months.

Commissioner WEINSTOCK. And the other man?

Mr. SCHROEDER. I don't know, I hate to judge anybody. I think I would probably rather discharge him. Certainly these men should not be punished so long as men like old man Havemeyer escaped the penalty. If anyone is to be punished, it should be the men higher up.

Commissioner HARRIMAN. Mr. Schroeder, evidently you don't approve of people that are rich?

Mr. SCHROEDER. I don't approve of rich people that got rich by exploitation, and there are few that get rich any other way. I have no grudge against the people as people.

Commissioner HARRIMAN. I understand you to say that you are a lawyer and work without pay?

Mr. SCHROEDER. I am a parasite, about as far as the lawyer gets.

Commissioner HARRIMAN. But to the man who is down and out you are a rich man?

Mr. SCHROEDER. Certainly; I am a parasite and ought to be abolished.

Commissioner HARRIMAN. Do you think that the man that is down and out ought to condemn you as a parasite?

Mr. SCHROEDER. I don't think anybody has a right to condemn anybody else.

Commissioner HARRIMAN. You would let him do it?

Mr. SCHROEDER. Certainly; they have done it.

Commissioner HARRIMAN. Is he just as much justified as you in saying what you have about Mr. Havemeyer or anybody else?

Mr. SCHROEDER. Certainly; they have done it often.

Commissioner WEINSTOCK. You have not denied it?

Mr. SCHROEDER. I have not; I plead guilty.

Commissioner HARRIMAN. I want to say it is ony a question of comparison——

Mr. SCHROEDER. I don't think it is a question of what you happen to have, but how you get it, and the system that creates it for you. I think the present system that creates it for you ought not to be, and it seems to me that all our legislation ought to be shaped up to a point of its ultimate abolition, it can not be done at once, of course. It seems to me that the ideal toward which we should strive ought to be the one that gives the laborer the full product of his labor.

TESTIMONY OF MR. SAMUEL GOMPERS.

Chairman WALSH. You are Mr. Samuel Gompers, president of the American Federation of Labor, and you have appeared before our commission before. I am merely making that statement for the record. Now, I understand, Mr. Gompers, that you would like to make with reference to some matters that have gone in here, and supplemental to some others perhaps that you have already

said. You may proceed in your own way, because I do not know exactly what it is.

Mr. GOMPERS. Mr. Chairman, before I proceed to make the statement that I had in mind to make, may I say that in connection with the question asked by Commissioner O'Connell of the witness representative of the Governor of Porto Rico, regarding the advice given by the Governor of Porto Rico to the cigar makers on strike, he advised them to return to work upon the conditions set forth by the employers. I was in Porto Rico at the time, after the governor had given that advice. I had two conferences with the governor and he repeated that advice to me. The cigar makers belonged to the same international organization of which I am a member and an office in addition to being president of the American Federation of Labor. In conference with the striking cigar makers, in public mass meeting, I advised them not to accept the governor's advice; that they could return to work on the employers' terms when they were more hungry than they were then.

They held out. The Cigar Makers' International Union came to their financial support, and as a result of their holding out they reached an agreement with their employers on much better terms and conditions.

A word with regard to the subject of free speech and free press. I have been, with a number of my associates, the victims of attempts of courts to interfere with my right—the exercise of my right as a citizen of the country—the exercise of the right of free speech and free press. Much has been made by witnesses before the commission, witnesses generally in the employ of the intrests against labor, that I have defied the courts. I have had no desire to defy the courts, but I had a very great desire to exercise my constitutional guaranteed rights, when occasion required that I should so exercise these rights in the interest of my fellows. One was, for instance, when, in the bituminous coal strike of 1897, Judge Jackson issued his injunction forbidding public meetings in West Virginia and throughout his jurisdiction, and forbade the freedom of speech. I went to West Virginia and held meetings and spoke. It was then I declared, and I have adhered to it ever since—it was at Thurmond, W. Va.; my memory does not serve me as to the exact terms, but this is it in substance, that when any court shall undertake, by a writ of injunction, to deny me of the right of free speech and free press, as guaranteed to me by the Constitution of my country, I propose to exercise my constitutional rights, the injunction to the contrary notwithstanding.

During the contempt proceedings before Justice Wright of the District Supreme Court of the District of Columbia for alleged violation of the terms of the injunction issued by Judge Gould, his associate, in which I and my associates, and other numerous persons unnamed, were enjoined from discussing either orally or in print or in circular form, or in writing, or in any manner directly or indirectly, referring to the concern with which a large part of the organized workmen were in controversy, I proceeded to discuss that question, both in the American Federationist, the official journal of the American Federation of Labor, of which I was and am editor, through circulars, and upon the public platform.

In 1908, during the presidential campaign of that year, the Republican Party refused to take cognizance of any request which we had made in regard to incorporating in the platform of that party the relief which we asked. We then went to the Democratic Party, and the Democratic Party incorporated in its platform the declarations which we sought. As a result, not because we are Democrats—because, as a matter of fact, we are not, in a partisan sense—but, using the Democratic Party as one of the greatest instruments by which we had hoped to accomplish our purpose to relieve the situation and conditions which arise under such circumstances, to relieve it, first, by the declaration in the party platform, and, secondly, in the hope that if it was successful Congress would enact a law covering just such a complaint and securing the relief.

During that campaign I took the platform in advocacy of the defeat of the Republican candidate upon the platform which ignored the demands of labor and advocated the election of the candidate of the Democratic Party, because the platform of that party contained the declarations of relief which we asked. During my advocacy of the defeat of the one candidate and the election of the other, I used the state of facts as they existed in our controversy between us and that company—which I prefer for the record not to name, because we have come to an amicable agreement with the company, and we do not want to keep alive any feeling which at that time may have been engendered—but,

as I say, in the course of my addresses upon the public platform during a political campaign, advocating the defeat of one candidate and the election of another candidate for the Presidency of the United States, I used the state of facts which existed in the then pending trial, and used it as an illustration for the necessity for the legislative relief promised in the platform of the Democratc Party. Because I used the state of facts, the argument I made upon the platform was used as evidence against me that I violated the terms of the injunction and therefore was guilty of contempt of court. I may say that in the decision which Judge Wright rendered in the first case he used the statement that the constitutional provision by which Congress is inhibited from curtailing the right of free speech, or abridging the right of a free press and free assemblage, was applicable to Congress and had no effect or influence as far as the courts are concerned.

I will say that the judge on that trial sentenced John Mitchell to 9 months in prison, and sentenced Frank Morrison to 6 months, and me to 12 months, because we dared to discuss the merits of a controversy between human rights and a stove. His decision was reversed, and upon another trial he again imposed the same sentences. The sentence was again reversed. We have not been in prison, and Mr. Wright is no longer judge.

Mr. Chairman, having had the opportunity of appearing before the commission on two occasions, I would not have asked to be heard again were it not for the fact that certain matters were introduced here and strenuously presented: First, in regard to the provision of the Clayton antitrust law, which became a law October 1, 1914; second, in regard to the culpability of myself and associates of mine in regard to the McNamara case; third, in regard to the question of the trades-unionists having themselves and their own selfish motives alone in mind and of the declared statements by attorneys for interests hostile to labor and from the mouth of a witness, whom I did not hear, but it was repeated by another in my presence and in hearing of the commission—the statement of "the uncompromising hostility of organized labor to non-unionists."

I realize that you are not only crowded but really jammed for time, and I will try to just meet a few of these things as briefly as it is possible for me to do.

There are some men who, out of their "zeal and friendship for labor," will have very little consideration of what labor really desires and aims to accomplish. I read and I was otherwise authoritatively informed that Mr. Daniel Davenport, the attorney for the so-called American Anti-Boycott Association, delivered himself of a philippic against the provisions of the Clayton antitrust law and declaring that under the same circumstances under which the Hatters' case arose a case would be maintained, and that the powers of the courts, in so far as curtailing the rights and liberties of America's workers, are greater now than before the Clayton antitrust law was enacted; and, further, I am informed that a lawyer by the name of Spelling, a supposed friend, in a carefully prepared paper took the same position—that many of the rights before the enactment of the law were now taken away by the enactment of the Clayton antitrust law.

I do not want to take up your time in arguing this proposition at this time, but I want to submit for the record this document, which I trust may appear if the record is printed in type, equally conspicuous with the type in which Mr. Davenport's statement or Mr. Spelling's paper may appear.

(The document referred to by the witness, entitled "Labor Legislation in the Clayton Act," by Hon. George W. Wickersham, reprinted from the Alumni Register of the University of Pennsylvania, dated December, 1914, was submitted in printed form.)

It is a paper by the Hon. George W. Wickersham, former Attorney General of the United States, on "Labor legislation in the Clayton Act." The copy which I have is a reprint from the Alumni Register of the University of Pennsylvania, December, 1914. I wish to read only a sentence taken from the pamphlet on page 132 of the reprint, as follows:

"The court dismissed the contention that the statute was not violated by those methods of coercion because physical obstruction was not alleged. Had the Clayon law been then in force, it seems clear that the defendants' acts would not have been illegal."

I read the entire paragraph, but I want to read the last sentence by itself, where, speaking of the Hatters' case, he said:

"Had the Clayton Act been then in force, it seems clear that the defendants' acts would not have been illegal."

Commissioner WEINSTOCK. Whose opinion is that?

Mr. GOMPERS. Hon. George W. Wickersham, former Attorney General of the United States under President Taft.

Commissioner WEINSTOCK. And under what circumstances did he write that opinion?

Mr. GOMPERS. He wrote that as his opinion upon the effect of the labor provisions of the Clayton antitrust law of 1914 and its protective features, in so far as the associations of labor are concerned.

Commissioner WEINSTOCK. That is, he gave a public address in which he reviewed the law and its effect?

Mr. GOMPERS. This is a paper contributed to the Alumni Register of the University of Pennsylvania, and in this form it is a reprint from that Alumni Register.

I desire to make this personal expression of opinion, that no one has yet accused Mr. Wickersham of being overfriendly toward organized labor. As a matter of fact, in that opinion which I have just submitted, and from which I quoted that sentence, he takes me very severely to task and criticizes me severely. But I am less concerned for his adverse criticism of me than I am for his indorsement of my position and the position of the American Federation of Labor, that the labor provisions of the Clayton antitrust law do take the voluntary associations out of the Sherman antitrust law, where they were improperly placed by what we held and hold to be the misinterpretation of that law by the courts in our country; and I am willing that the opinion of Mr. Wickersham as a lawyer shall stand as against the opinion of either Mr. Spelling or Mr. Davenport.

Commissioner WEINSTOCK. Was Mr. Spelling employed by organized labor in connection with the Clayton Act?

Mr. GOMPERS. No, sir.

Commissioner WEINSTOCK. He was not?

Mr. GOMPERS. He was not.

Commissioner WEINSTOCK. I understood him to say while he was on the stand that he had been employed by organized labor. I do not recall in just what connection it was.

Mr. GOMPERS. He had been employed by organized labor, at his request, and to which we consented, and he represented us in several hearings——

Commissioner WEINSTOCK (interrupting). In connection with the Clayton Act?

Mr. GOMPERS. No, sir; in the amendment of the Sherman antitrust law, or the supplementary legislation which we sought and which was then known as the Pearre bill. But, in consequence of a statement made by him during one of the hearings before the Judiciary Committee of either the House or the Senate, we preferred that he would no longer represent us. I am not, nor do I wish to be understood, or wish it to be inferred from what I said, that I asperse the motives of Mr. Spelling, simply that he does not represent in the slightest degree the organized labor movement of America.

Commissioner WEINSTOCK. Up to this time, I take it, Mr. Gompers, the test has not been made in the court as to what the Clayton Act really stands for and really means?

Mr. GOMPERS. You are right.

Commissioner WEINSTOCK. It has not been tested yet?

Mr. GOMPERS. It has not; and because of that, sir, I hold that a man who has proclaimed himself as a friend of labor's contention and who still insists that he is, ought not to apply adversely construction upon a law which he says he favors—at least until after the courts shall have adversely determined the question. I have here, Mr. Chairman, an article which I have written and published in the November, 1914, issue of the American Federationist, under the title of "The charter of industrial freedom—Labor provisions of the Clayton antitrust law." If I may have the privilege, I should like to submit that as part of the record.

(The document referred to by the witness, entitled "The charter of industrial freedom—Labor provisions of the Clayton antitrust law," by Samuel Gompers, published in Washington, D. C., in the American Federationist, November, 1914, was submitted in printed form.)

I want to call attention to the first sentence of section 6, of the Clayton antitrust law:

"That the labor of a human being is not a commodity or article of commerce."

That declaration is now the law of the United States—

"The labor of a human being is not a commodity or article of commerce."

Commissioner WEINSTOCK. Is that a new dictum? If I remember rightly, I have forgotten whether it was Mr. Davenport or Mr. Spelling, who, on the witness stand, claimed that that was not new; that that had always been the attitude of the courts not to treat labor as a commodity.

Mr. GOMPERS. The very opposite is the truth, Mr. Weinstock. The whole basis of judicial decisions is founded upon the concept that labor is a commodity, an article of commerce. Indeed, the courts, even in the hatters' case, speak of a free flow of labor between the States. The courts in Massachusetts, and elsewhere, too, but I refer to this particularly, as it comes to me in regard to Massachusetts, the injunctions have all been issued upon the concept that the employer is entitled to a free flow of labor. There can not be a free flow of labor unless labor is a commodity or an article of commerce. It is not like that you can have free flow of labor unless you can have the same free flow of laborers who have the labor power. You can not distinguish between labor and the laborer. It is not as if it were a ton of coal, or a side of pork. It is the first time that any legislative authority of equal power, or perhaps of any power in any country or any State, has made a declaration of this character, and quite apart from the other labor provisions and remedial provisions in so far as injunctions, etc., are concerned in the Clayton antitrust law, that declaration in itself justified me in declaring that it was a charter of industrial freedom, for no court can depart from that declaration.

May I submit, too, here, a report which the executive council of the American Federation of Labor presented to the Philadelphia convention of the federation in 1914, at Philadelphia, Pa., on the Clayton antitrust law, and its understanding of that law; and also a circular which I issued to the workers of the United States to dissipate the false impressions which Mr. Davenport and some of his conferees tried to create among the workers of our country as to what he declared to be the insufficiency of the law in so far as laborers were concerned, and that it was worse than the Sherman antitrust law itself in so far as the laborers were concerned.

(The document referred to by the witness entitled "Report of the executive council of the American Federation of Labor to the thirty-fourth annual convention of the American Federation of Labor, Philadelphia, Pa., November, 1914, upon the subject Clayton antitrust law," published by the American Federation of Labor, Washington, D. C., 1914, was submitted in printed form.)

With that I will leave that subject.

It is stated that the trade-unionists are "uncompromisingly hostile to the nonunionists." If that statement is not correct, I would like to be corrected, as I understand that is a statement made by a witness before this commission.

Commissioner WEINSTOCK. Will you please repeat it?

Mr. GOMPERS. I say it has been asserted before this commission that the attitude of organized labor is one of "uncompromising hostility to nonunionists."

Commissioner WEINSTOCK. I think something to that effect was said, Mr. Gompers, but I do not recall the precise language.

Mr. GOMPERS. I heard it repeated, and it was not modified.

Chairman WALSH. I think that is substantially the statement.

Commissioner WEINSTOCK. I do not remember the exact words, but it was to that effect.

Mr. GOMPERS. The American Federation of Labor has been in existence since November 9, 1881. It has held conventions every year since. The objects of our federation have not been changed in phraseology, so far as my memory serves, from the first declaration at Pittsburgh in 1881. Article II of the constitution of the American Federation of Labor, setting forth its objects, reads as follows:

"SEC. 1. The object of this federation shall be the encouragement and formation of local trade and labor unions and the closer federation of such societies through the organization of central trade and labor unions in every city and the further combination of such bodies into State, Territorial, or provincial organizations to secure legislation in the interest of the working masses.

"SEC. 2. The establishment of national and international trade-unions, based upon a strict recognition of the autonomy of each trade, and the promotion and advancement of such bodies."

Section 3 is new; that is, about six or seven or eight years ago it was new.

"SEC. 3. The establishment of departments composed of national or international unions affiliated with the American Federation of Labor of the same

industry, and which departments shall be governed in conformity with the laws of the American Federation of Labor.

"SEC. 4. An American federation of all national and international trade-unions to aid and assist each other; to aid and encourage the sale of union-label goods; and to secure legislation in the interest of th working people and influence public opinion, by peaceful and legal methods, in favor of organized labor.

"SEC. 5. To aid and encourage the labor press of America."

In that work of organizing nonunion workers we publish, and have published since and including 1894, an official monthly magazine, called the American Federation, in which the wrongs inflicted upon working people are criticized and condemned and the rights to which the workers are entitled are earnestly and zealously advocated, legislation in the interest of the workers particularly argued and urged.

In so far as laws are concerned, we have a legislative committee, and have had such a committee from the first formation of our federation, attending the sessions of Congress, attending upon committees. In every State in the Union there is a State federation, with its legislative committee performing the same duty before State legislatures. In nearly every city of the country we have central labor unions performing that same duty within their localities.

Within the past few years we have published a Weekly News Letter containing the news garnered from the industrial and legislative field affecting the workers generally. We have published circulars and pamphlets urging workers to organize. One of them is a small four-page pamphlet entitled "Aims, Purposes, Declarations of American Federation of Labor."

(The pamphlet referred to, entitled "Aims, Purposes, Declarations of American Federation of Labor," by Samuel Gompers and Frank Morrison, published by the American Federation of Labor, without date, was submitted in printed form.)

Let me read just this from it: "From the inception of the American Federation of Labor it has taken the stand that while unions for the various trades and callings must each and all be left entirely free to govern themselves within their own borders, yet between the members of all these unions there should be a bond as great as that between the members of the same organization."

Then, omitting some parts not germane: "It seeks to organize the yet unorganized workers, the skilled and the unskilled, the permanently located and the migratory."

It further declares the purposes of a similar character.

Here is another four-page pamphlet, "Hints to Unions, Organizers."

(The pamphlet referred to, entitled "Hints to Unions, Organizers, and Others," by Samuel Gompers, issued by the American Federation of Labor, without date, was submitted in printed form.)

Paragraph 17 declares as follows: "The unions should make it easy for applicants to become members."

I have here a small leaflet, entitled "Why We Unite," upon the same purpose.

(The pamphlet referred to, entitled "Why We Unite," by the organizing bureau of the American Federation of Labor, press of the Trades Unionist, Washington, D. C., without date, was submitted in printed form.)

I have here another leaflet, entitled "How to Form a Trade-Union or Federal Labor Union."

(The leaflet referred to, entitled "How to Form a Trade-Union or Federal Labor Union," by Frank Morrison and Samuel Gompers, and published by the American Federation of Labor, Washington, D. C., without date, was submitted in printed form.)

A Federal labor union, I might explain, is simply the organization in small localities, where there are not a sufficient number of workers in any one trade or calling to form a union, so that they may have an opportunity for united or associated action, unions called Federal labor unions having been encouraged by the American Federation of Labor and many of them organized by it.

Here is another pamphlet, entitled "Trade-Unions." It is very brief, and I would like to read it. Each of the statements occupies but a line:

"Foster education and uproot ignorance.

"Shorten hours and lengthen life.

"Raise wages and lower usury.

"Increase independence and decrease dependence.

"Develop manhood and balk tyranny.

"Establish fraternity and discourage selfishness.
"Reduce prejudice and induce liberality.
"Enlarge society and eliminate classes.
"Create rights and abolish wrongs.
"Lighten toil and brighten man.
"Cheer the home and fireside and make the world better.
"All wageworkers should be union men. Their progress is limited only by them who hold aloof. Get together, agitate, educate, and do.
"Don't wait until to-morrow; to-morrow never comes.
"Don't wait for some one else to start; start it yourself.
"Don't hearken to the indifferent; wake them up.
"Don't think it is impossible; 2,000,000 organized workers prove different.
"Don't weaken; persistence wins.
"Organizing bureau American Federation of Labor, Washington, D. C."

I have here another leaflet, "Why Central Labor Unions Should be a Part of the American Federation of Labor," and then providing how it should be done, and then how to form a central body.

(The leaflet referred to, entitled "Why Central Labor Unions Should be a Part of the American Federation of Labor," by Frank Morrison and Samuel Gompers, published by the American Federation of Labor, Washington, D. C., without date, was submitted in printed form.)

I have also a leaflet entitled "The American Federation of Labor," which is of a similar import.

(The leaflet referred to, entitled "The American Federation of Labor," by the Organizing Bureau of the American Federation of Labor, published without date, was submitted in printed form.)

Then I have a leaflet entitled "Labor Omnia Vincit, American Federation of Labor," addressed to all wage workers of America.

(The leaflet referred to entitled "Labor Omnia Vincit, American Federation of Labor," by Samuel Gompers and Frank Morrison, and published by the A. F. of L., at Washington, D. C., without date, was submitted in printed form.)

I will read the first paragraph only: "It is now generally admitted by all really educated and honest men that a thorough organization of the entire working class, to render employment and the means of subsistence less precarious by securing an equitable share of the fruits of their toil, is the most vital necessity of the present day."

And then it proceeds to urge organization all the way through—let me read this: "We unhestitatingly declare the organization of the working people by the working people for the working people—that is, the trade-unions."

I have here a leaflet entitled "American Federation of Labor endeavors to unite all classes of wage workers under one head through their several organizations to the end," etc., the ends being stated.

(The leaflet referred to entitled "The American Federation of Labor endeavors to unite all classes of wage workers under one head," etc., by Samuel Gompers and Frank Morrison, published by the A. F. of L., at Washington, D. C., without date, was submitted in printed form.)

Here I have another pamphlet which is entitled "Hail to Labor! Organize and Stand Together," a quotation from Wendell Phillips. "Wiseacre findings; candid thoughts of experienced men on the trade-union," and then a quotation on the title-page:

"Thank God we have a system of labor where there can be a strike. Whatever the pressure there is a point where the workingman may stop."

That being a quotation from President Lincoln in a speech at Hartford, Conn., in 1860, referring to the New England shoeworkers' great strike.

(The leaflet referred to entitled "Hail to Labor! Organize and Stand Together," published by the American Federation of Labor, at Washington, D. C., without date, was submitted in printed form.)

Commissioner WEINSTOCK. If I may interject at this point, as I recall it—I really do not remember who the witness was—a witness raised the point that the attitude of the American Federation of Labor toward the nonunionist was—do you remember the words used, the quotation that you gave us a little while ago?

Mr. GOMPERS. A witness was asked, "What is the attitude of organized labor toward the nonunionists?" He was quoted by someone in my hearing before this commission as having answered, "One of uncompromising hostility."

Commissioner WEINSTOCK. The spirit in which I understood that to be, Mr. Gompers, was not that the American Federation of Labor, for example, did not

make every possible effort to unionize; that that was not the attitude of the man who unionized, but I gathered from the tone and spirit in which it was said that he meant that that was the attitude of organized labor against the man who did not organize or would not organize. I did not understand him to bring a charge against the association that it was not making efforts to do missionary work, that it was not trying to increase its membership. This, of course, all goes on to show that the efforts of the American Federation of Labor are along the lines of doing missionary work and broadening its usefulness; but his criticism, as I understand it, was not along those lines.

Mr. GOMPERS. I may say that people do not undertake to bring others within their fold for whom they have an uncompromising hostility. If I may, I can conclude with this part in a few minutes and then take up that feature.

Commissioner WEINSTOCK. Very well.

Mr. GOMPERS. I have here in my hand a copy of the American Federation of Labor Weekly News Letter of Saturday, February 1, 1913, and another copy of the same publication of February 8, 1913. You will observe that they contain circulars issued by the American Federation of Labor officials and printed in English and about 10 other languages.

(The letters above referred to entitled "American Federation of Labor Weekly News Letter," by Samuel Gompers and Frank Morrison, published by the American Federation of Labor at Washington, D. C., and dated Feb. 1, 1913, and Feb. 8, 1913, respectively, were submitted in printed form.)

It is an effort to organize the employees of the United States Steel Corporation. I have here documents which are too long to read, in view of the very brief time that the commission has at its disposal, but they are letters sent to my office during the period of 1913, when we were undertaking to organize the working people, and I should say this, that we had made many efforts before and failed, but we had information from a few of the workers that the impositions and tyranny had become so irksome that the men wanted some opportunity to organize in order that they might protest in some way, and we sent our organizer in there. These documents, these letters, and some newspaper clippings disclose the work of the steel corporation, the United States Steel Corporation, of its own—its own men, gangsters, sluggers, detectives, strike breakers, in cahoots with the officers preventing the men having the opportunity to come to the meeting. That system of espionage, by which men that were known to come to the meeting were reported to the company and discharged, and in one instance simply brought about a strike or revolt of them. The halls in the towns were all of them hired by the corporation so that no meeting could be held, they could not meet in the open. The wives of some of the men who could not attend the meeting went to the meeting to inform their husbands, and the husbands were discharged because their wives went to the meeting. Men were slugged and beaten up, and one of them, J. T. Pierce, an organizer, who we sent in there to work and never violated a law in his life, was slugged and beaten by the corporation thug men to such an extent that he was taken to the hospital, and in about seven weeks died from the result of his injuries. In 1910, Mr. Ballard, an attorney of Gary, Ind., now of Chicago, and the former attorney general of Ohio, Frank Monett, we had the evidence obtained and collated of the depredation of the United States Steel Corporation, and presented it to the President of the United States, Mr. Taft, and the presentation is "Statement of evidence in support of petition and charges presented to President of the United States against the United States Steel Corporation by the American Federation of Labor." It was directly presented to the President and was presented by him to the Hon. George W. Wickersham, Attorney General, Washington, D. C., March 22, 1910. We were in hopes that the Department of Justice would begin proceedings upon the statement and the evidence, but it did not.

(Pamphlet with the foregoing title submitted in printed form.)

Realizing that the opportunity for the American workmen to protect even the standard of life now obtaining could only be maintained if there were some means by which the immigration which is practically unrestricted immigration would be a bit more restricted and regulated, and to afford the opportunity for the betterment of the men employed by the United States Steel Corporation and similar corporations, because they had been for years carrying on advertising and stimulating immigration—advertising for immigrants and sending their agents in concert with the shipping company—we met to secure a bill that would restrict and limit immigration. The bill was introduced and passed by Congress. This is the Weekly News Letter, containing the bill and speech by

Mr. Burnett, a discussion of the subject, the votes on the roll call of the House, and several other matters in connection with that subject.

(Witness submits American Federation of Labor Weekly News Letter of Feb. 13, 1915.)

Mr. GOMPERS. This is a copy of the American Federation of Labor Weekly News Letter of January 31, 1915, containing an exposé which I made of those who were really behind the opposition and who were financing the campaign for the defeat of that bill.

(Copy of the foregoing newspaper submitted by witness.)

And they showed that the shipping interests, the steel and mining corportations, were behind it and financed the opposition. This is a reprint of the document which I have in the office of the American Federation of Labor and which, if desired, can be submitted to the commission for verification. I have the correspondence with the president and other officers of the National Liberal Immigration League and the officers of the shipping companies and the payment of money by the shipping companies to finance the work of the National Liberal Immigration League, the contribution made by the United States Steel Corporation and other coal companies to defeat this legislation.

(Witness at this point submitted a copy of the American Federationist for July, 1912.)

Coming to the question of whether or not the trade-unionists have an uncompromising attitude toward nonunionists, which Commissioner Weinstock has suggested, as a matter of fact, there are no such creatures in the country. There are no such workers. When workers do not organize it is due either to their own ignorance of what the purpose we aim to accomplish is or what organization aims to accomplish, or they believe they can curry favor with the employer or foreman or are coerced against organization. If any one group of workers, employed anywhere and in any occupation at any time, manifest a disposition to make a protest against the conditions imposed upon them by their employers, they know where to come. They don't go to the employer's office, they don't go to the attorney for the National Erectors' Association, and they don't go to Davenport. They come to us. They know intuitively who are their friends. They come to us or they send for us, and we go to them, day or night—no night too dark or day too holy.

If you want proof of that, go to the miners in the bituminous regions, who now stand erect as men are and organized; who organized them, and who stood for them, and who fought for them, and who pleaded their cause while they were nonunionists, and they will tell you that it was the trade-unionists. Go to the sweatshop industries in and around New York and Boston and St. Louis—the unorganized sweatshop workers—and ask them whether or not the trade-unionists have manifested an attitude of uncompromising hostility toward them or any hostility at all. It is rather a recognition of the fundamental principle that it is the mission of the organized worker to see to it that the unorganized are organized.

Chairman WALSH. I am very sorry to limit your time, Mr. Gompers, but we were compelled to agree on an hour for adjournment, and it is about a half hour away.

Mr. GOMPERS. May I have five minutes more?

Chairman WALSH. Yes, sir. I let it run 15 minutes, and did not want to interrupt you, but now we have got to close up.

Mr. GOMPERS. I realize your condition, and I can not tell you, Mr. Chairman, and Commissioners, how grateful I am for the opportunity.

Chairman WALSH. You may have five minutes to close.

Mr. GOMPERS. I just want to call your attention; I must hurry along. I have here the circular issued by the American Federation of Labor in regard to the McNamara fund. We believed those men innocent. So long as we believed them innocent, we believed that a grave outrage had been committed against them, and the rank and file took that view, and I venture to say eight or nine tenths of the American people believed that; but at the time when they pleaded guilty we had nothing to do, nothing else to do, but to believe them again, that they were guilty. We raised the funds, because the American workers and sympathizers contributed. Not only workingmen, but many others. And let me say, the American Federation of Labor, as such, did not collect that money. A conference was held at Indianapolis, to which I was called, to create a defense-fund committee, of which I, because I was president of the American Federation

of Labor, or because they had some confidence in me, was made chairman, and Frank Morrison, because they had confidence in him, was made secretary of the defense-fund committee, and that defense-fund committee raised that fund, with the assistance of all others, and I may say this, that Mr. Morrison as secretary of the American Federation of Labor, was summoned to appear before the Federal grand jury in Indianapolis, and every book and scrap of paper that could be wanted, and some he had brought which was not asked for, every scrap of paper, every book, every memorandum, were brought there before the grand jury and subjected to investigation by expert accountants and the United States district attorney, and not a thing—not a thing was found that reflected upon organized labor; not a thing that reflected upon any one of us.

As a matter of fact, they publicly declared there was nothing that held us, that connected us in any way, though it is a fact that we raised this money. It was the second time in the history of the American Federation of Labor where we raised great amounts of money. One was during the anthracite coal strike, when we raised large sums of money, because the heart and conscience of the people had been touched, as well as of the union workers, members of the union, of the federation, and in the McNamara case. I did not believe, and those that were working with me did not believe, that it could be in the human heart to do and commit the crimes with which these men were charged, and the manner of their being taken away from their homes to California convinced every one of us—say that we were mistaken—but it convinced us at any rate for the time being that it was a crime of which this villainous detective Burns was guilty and the chief concocter. If you want to have any proof of this, together with his characteristics, read the letter of Attorney General Wickersham to President Taft, upon which President Taft pardoned the men who were convicted in Oregon for the so-called wood and land scandals. Read that letter. I have a copy of it here; I published it in the July, 1912, Federationist; here it is, July, 1912; page 537 of the July, 1912, American Federationist—"Detective Burns Unmasked." If publishing that letter from Attorney General Wickersham to President Taft was libelous, no doubt Mr. Burns would have prosecuted me, because he wanted me above any man in the country.

I have challenged him and defied him. There is nothing about this of which the organized-labor movement needs to have any apprehension.

Just one word, and I am through. I realize I have gone beyond the five minutes already. I just want to take cognizance of this one condition of Colorado. There have been considerable diverse views expressed as to conditions there.

I am not going into the merits of it at all, but I just want to call your attention to this fact, that in Colorado there was political democracy, but industrial servitude, and though we may have established democracy in religion as well as in the political affairs of our country, the industrial and economic dominates the political and the religious democracy.

What is needed is the exercise of the economic power of the working people that can compel religious tolerance and the enforcement of the fundamental principles of political democracy.

Until the working people exercise their economic power, so long will religious freedom and political equality be a mockery.

Chairman WALSH. That is all. Thank you, Mr. Gompers.

Doctor McKelway, I understood you had some statement you desired to make.

TESTIMONY OF MR. A. J. M'KELWAY—Recalled.

Dr. MCKELWAY. Mr. Chairman, I ordinarily would not take up the time of this commission to attempt to reply to Mr. Clark in his attack of yesterday, but I want this to be borne in mind, that our National Child Labor Commission is the only organization in this country that is solely organized for the purpose of securing legislation for the protection of working children, and any attack made upon the credibility of its employees or agents injures our work to that extent, and it is immediately quoted in papers hostile to our cause and finally does harm to the children, and that is my sole reason for taking up this matter at all.

Mr. Clark said I testified that a large number of employees in the southern cotton mills, including 1,085 adults, were making less than $2 per week. My testimony in regard to that matter is found at page 211 of my former testimony. Mr. Clark totally misapprehended the purpose of my statement about

the wages. It was not to give the wages of adults, but to give a comparison between the wages of adults and the wages of children. I testified that 251 children under 12 years of age earned less than $2 per week; 731 children of 12 and 13 earned less than $2 per week; 1,700 workers from 14 to 20 years of age who earned less than $2 per week; and only 1,085 operatives 21 years of age and over who earned less than $2 per week. There were more girls from 18 to 20 years of age earning less than $2 per week than there were girls of from 14 to 15 earning less than $2 per week. There were 1,733 children under 16 who made from $2 to $3 per week, and almost an equal number, 1,712 workers, 16 and over, who earned the same wages.

The whole purpose of that was to show that child labor reduced wages to the child standard; but I started out by saying the wages of children in cotton mills was comparatively high. He said that I could have taken data from the 1914 report of the Bureau of Labor; I suppose he meant the bureau report of North Carolina.

Now, the wages are given out by the cotton manufacturers in a perfunctory way; the president of a company gets a request for a statement, and he asks one of his men—his superintendent or manager—to make it out. I do not regard that as good statistics.

He says I went back to the 1908 report. This 1908 report is the only one of the kind in existence where a comparison is made between the wages of children and the wages of adults. He says this report was prepared under my friend, Labor Commissioner Neill, and that it had been often said that I, Dr. McKelway, had a considerable influence in the compilation of that report. I suppose I ought to feel flattered that I could influence a Government official to do that. There are a good many hallucinations about my influence, but I never saw a line of the report when it was being prepared. Senator Beveridge showed me a copy of it in manuscript form, which I glanced at, but had nothing to do with the preparation of it.

I went back seven years and obtained those photographs, which will be good a thousand years from now. He says I went back 15 years to get illiteracy figures. The statistics for illiteracy as shown by the census of 1910 have not been published, but I called at the Census Office since I testified before and found they had not been given, and so those I gave were the last on the subject.

The 1913 statistics given in the report of the Bureau of Labor of North Carolina are not worth the paper they are written on. There is a careful analysis of it given by one of the professors in the university showing that is a fact, but the report shows some astonishing statistics as to illiteracy of the cotton mill people.

He said I complained in my evidence that the southern cotton manufacturers do not welcome the representatives of the National Child Labor Committee to their mills. I said the three large interests were hostile; and then he quotes from Homer Folks. He went on to say that child-labor exploiters might expect to be misrepresented, like some of his friends, and that many false statistics were published about that.

He put in another reference to Mr. Folks, and quoted a statement that he was a salaried agent of the National Child Labor Commission. Mr. Folks has never drawn one dollar from the commission, of course. He refers to us as a band of parasites and grafters, and that experience has shown that we take advantage of every courtesy to misrepresent and falsify conditions. I would like to put into the record just who the board of trustees are. The three honorary members are Woodrow Wilson, W. H. Taft, and Theodore Roosevelt. The board of trustees is composed of Felix Adler (chairman), Jane Addams, Mrs. Caroline B. Alexander, Francis G. Caffey, Edward T. Devine, Homer Folks, William E. Harmon, Mrs. Florence Kelley, Adolph Lewisohn, Samuel McCune Lindsay, V. Everit Macy, Charles P. Neill, Isaac N. Seligman, Lillian D. Wald, Paul M. Warburg, Stephen S. Wise, and John H. Wood. And I find among the names of our advisory committee that of Mr. John R. Commons, of this commission, and I hope you will advise him not to associate any more with these "grafters."

He says, "I do not know who pays Dr. McKelway and his associates; some think that it is the Rockefeller Foundation. If such information could be obtained, it would be very interesting."

It would be interesting. We have never received a dollar from the Rockefeller Foundation, though I think we could use it wisely. I think we would

make 14 years the age limit for the employment of boys in the mines of Colorado, as some States have it.

I remember, a few years ago, when I went to New Mexico, soon after I got to Santa Fe there was a dust explosion in the mills of Trinidad in which 6 people were killed. A man from Trinidad told me that the cause of the explosion was a boy striking a match to light a cigarette, and he said they had been trying to get 16 years fixed as the age limit for boys that worked in the mines because a boy under that age is a menace to the whole mass of miners.

Here is a little personal matter he refers to, which, I suppose, I ought to take up. He says I made an attack on Mr. D. A. Tompkins, president of the High Shoals Co., and he said that I had a violent personal grudge against Mr. Tompkins, and that was the reason I attacked him. This was entirely inexcusable on the part of Mr. Clark, because I did not mention Mr. Tompkins' name. I met Mr. Tompkins last summer in the mountains, and he asked me to come and see him at his house; and if I had known it was the last time I was going to see him I would have done so. Our relations were very pleasant.

I have a lot of photographs and will have to pass them up to the commission to decide how young those two smallest children in that group are.

The story about that is that these two children were said to be 6 and 7 years of age by the testimony of their grandmother. The manufacturer had quite a row about it and said the old lady was feeble-minded and did not know the facts; but when our agent took the matter up he found from the mother that they were 8 and 10 years of age. They were both at work in the mills, but only one of them was on the pay roll; we have affidavits to support our statements.

He quotes in his testimony from a statement of welfare work, in an address delivered before the manufacturers' committee of the North Carolina legislature by Mr. W. B. Lynch, manager of the department of welfare.

He also filed a statement taken from an interview published in the New York American, which I had forgotten about since last year.

Mr. Chairman, I would like to say that our organization is one of the most important in America of this kind.

I have here the annual report we filed last year, showing 73 donors giving $16,000 a year; 487 sustaining members who give over $25, and some contributing members who give $7,000, and associate members who are the largest contributors. Our budget is about $63,000 a year, and we have about 85,000 contributing members scattered through every State in the Union.

(Printed pamphlet submitted, entitled "Tenth Annual Report of the General Secretary of the National Child Labor Committee for the Fiscal Year Ending Sept. 30, 1914." National Child Labor Committee (Inc.), 105 East Twenty-second Street, New York City.)

I want to put into the record some statistics prepared by Mr. Swift, showing the difference between school attendance.

(See McKelway Exhibit No. 5.)

And in answer to something put in the record yesterday I want to put in this address of Mr. Clark, "A Demand for a Square Deal."

(Printed pamphlet of the foregoing title, by David Clark, editor of the Southern Textile Bulletin, Charlotte, N. C., submitted by witness.)

Chairman WALSH. That is all, Doctor, you may be excused.

STATEMENT OF MR. H. E. HILLARD.

Chairman WALSH. I have been asked to read into the record, and I will do it now, some correspondence between this commission and the United States Coal Co.

The following inquiry was sent out:

UNITED STATES COAL CO., MAY 13, 1915.
Citizens' Building, Cleveland, Ohio.

GENTLEMEN: I am directed by the commission to forward to you the typewritten transcript of the testimony given before this commission at its public hearing on May 11, 1915, by Joseph Kobylak, of Dillonvale, Ohio, and to invite any statement you have to make by way of comment or reply thereto.

I am inclosing herewith the transcript of the testimony, which you will find in the inclosed booklet, starting at page 253.

Please let us have your reply within the next few days, acknowledging receipt of this communication and returning the inclosed typewritten transcript of testimony, stating any remarks you may desire to submit.

Very truly, yours, REDMOND S. BRENNAN.

To which Mr. Brennan received the following reply:

THE UNITED STATES COAL CO.,
Cleveland, Ohio, May 25, 1915.

Mr. REDMOND S. BRENNAN,
United States Commission on Industrial Relations,
Chicago, Ill.

DEAR SIR: In reply to yours of May 13, inclosing a transcript of testimony given by Joseph Kobylak, I have carefully read the testimony of Mr. Kobylak as given to the commission. I am unable to certify the statements of Mr. Kobylak, except the one that he has been arrested many times by the authorities of the State of Ohio. In the last few years Mr. Kobylak has been known to us as an agitator of the most vicious character, and was sometime past in the employ of our company. During the term of his employment our company was unable, most of the time, to operate its business where he was located. Mr. Kobylak became such a nuisance in the community that the authorities, in response to public sentiment, have had Mr. Kobylak in jail many times. As to his being arrested for treason, that was an act of the State of Ohio against Mr. Kobylak, and I know of no coal operator who had anything to do with it, or were called upon by the State to make any affidavits against him.

As a miner, Mr. Kobylak, to my mind, has not worked inside the mines or produced a pound of coal for some years, and has been able to support himself entirely by agitation, and gets his support by contributions from the men who did work.

I do not think that Mr. Kobylak represents the miners of the district in which our mines are located nor of the State of Ohio.

I am inclosing a copy of an editorial in the Steubenville (Ohio) Gazette, with reference to Kobylak being before your commission. Under separate cover I am returning to you the transcript sent me.

Yours, very truly,

H. E. HILLARD.

The following is the editorial:

"Kobylak, the Dillonvale I. W. W. anarchist who spent some time in Steubenville jail has been ventilating himself before the Industrial Relations Committee. If this pestiferous individual had his just 'rights' he would now be serving time in the Ohio Penitentiary for inciting to riot, or in a national penitentiary for treason. Meanwhile, according to the action of the mine workers on Wednesday, he will have to either get out of their union or cease to be an I. W. W., and maybe that will stop his power for disturbance in this part of the country.—Steubenville Gazette, Wednesday, May 12, 1915."

STATEMENT OF JUDGE R. M. WANAMAKER.

Chairman WALSH. I now read into the record, by request, a letter from R. M. Wanamaker, justice of the Supreme Court of Ohio, as follows:

"To my mind the most serious blow that the working world has sustained for many a year is the recent decision of the Supreme Court of the United States in the case of Coppage *v.* The State of Kansas. We had the same question up in Ohio under an identical statute. The majority, of course, followed the Supreme Court, but I prepared a dissenting opinion, a copy of which I am forwarding you under separate cover. Along legal lines, you may also be interested in knowing that I prepared two articles for the Saturday Evening Post, published September 19 and 26, entitled 'The man on the bench.' It was my chief purpose in these articles to hold the 'man on the bench' entirely responsible for the kind of law administered and the manner in which it was administered, with all its delay, technicality, and expense.

"Permit me to call your especial attention to Article III, section 2, of the Constitution of the United States, defining the jurisdiction of the Federal Supreme Court:

"'In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. IN ALL THE OTHER CASES BEFORE MENTIONED THE SUPREME COURT SHALL HAVE APPELLATE JURISDICTION, BOTH AS TO LAW AND FACT, WITH SUCH EXCEPTIONS AND UNDER SUCH REGULATIONS AS THE CONGRESS SHALL MAKE.'

"The capitalized portion of this quotation suggests the question as to whether or not in passing upon the constitutionality or unconstitutionality of State and Federal statutes there should not be certain regulations imposed

upon the Federal Supreme Court whereby a mere majority should not be allowed to declare State and Federal acts contrary to the Federal Constitution, as in the Coppage case. Courts universally hold that before any such statute may be declared unconstitutional it shall be clearly so, and the Supreme Court of the United States has again and again held that it must be unconstitutional beyond all reasonable doubt. Now, how can a statute be held to be *clearly* in conflict with the Federal Constitution when five or six judges hold that it is unconstitutional, and four or three, respectively, hold that it is not unconstitutional? We have a provision in our Ohio Constitution which, in certain cases, requires the concurrence of all the judges save one (we have seven judges) to hold an act unconstitutional.

"It seems to me that in this enlightened age, when, in the exertion of wholesome and progressive police power, State legislatures and Federal Congress are endeavoring to elevate the condition of men, provide additional safeguards for their health, their life and limb, etc., such legislation should be further protected by preventing supreme courts from nullifying the same with the reckless abandon heretofore indulged.

"The above section of the Federal Constitution unquestionably provides ample power for the Congress of the United States to place such limitation upon the Supreme Court, for all these questions arise under their appellate jurisdiction."

And I also read in evidence in connection with that letter the dissenting opinion of Judge R. M. Wanamaker and read this portion thereof:

"Too many judges know as men what they refuse to know as judges. It is a matter of common knowledge, of which all courts should take judicial notice, that there is constant conflict in some sections of the industrial world between capital and labor; no matter what the cause, whether it be bad leadership and advice on the part of labor, or bad leadership and advice on the part of capital, or both. Those conflicts are of such frequent occurrence and at times so serious in their nature as to shake the very foundations of popular government. We can not forget the Homestead strike of 1892, the Chicago railroad strike of 1894, the great anthracite coal strike of 1902, the Colorado fuel and iron strike of 1914, and many others might be named, as showing how the stability and security of the very foundations of government are seriously menaced.

"Can it be said that a State legislature having these industrial conditions in mind might not legislate in a manner to reduce or minimize the conflict between capital organized on the one side and labor organized on the other by denying to either the right to destroy the other? Indeed, what can be more important than domestic peace and safety?

"The Fathers so recognized it in the preamble of the Federal Constitution, in which they announced that one of the great purposes of government was 'to insure domestic tranquillity' and evidently the Legislature of Kansas, as well as Ohio, whose motives can not be questioned in the enactment of this legislation, may have their acts fairly reconciled with this high purpose of preserving domestic tranquillity by preventing the exercise of coercion by the employer upon the employee.

"Suppose the Legislature of Kansas, or of Ohio, had passed an act providing that 'no employer by himself or his agent shall coerce any of his employees into voting any ticket, or for any officer that he desires to vote for' or 'that no employer by himself or his agent shall coerce any employee into joining or attending any church or lodge' or providing that 'no employer by himself or his agent shall coerce any employee into buying at the company's store,' would it be seriously contended that such statutes were in violation of the liberty of contract, even as construed by those courts that have seemed more eager to protect property rights than personal rights?

"Again the opinion says:

"'Can it be doubted that a labor organization—a voluntary association of workingmen—has the inherent and constitutional right to deny membership to any man who will not agree that during such membership he will not accept or retain employment in company with nonunion men? Or that a union man has the constitutional right to decline proffered employment unless the employer will agree not to employ any nonunion men? (In all cases we refer, of course, to agreements made voluntarily, and without coercion or duress, as between the parties.)'

"Again we see the insidious and strained effort to get away from the 'coercion' of the statute.

"The illustration is not apropos or analogous. In order to be so you must add the element of coercion. You would then have an instance of where an employee was using coercion to induce a nonunion man to join the labor union or to quit the employment. You would then have the same coercion by employee as is prohibited by the statute to the employer. Coercion upon the part of one should be as unlawful as coercion upon the part of the other.

"This coercion is in the nature of a secondary boycott. Employers for years have sought, and finally obtained, the support of courts in enjoining what is known as the 'secondary boycott' upon business. In effect, this is a 'secondary boycott' upon labor for it is directed not against the individual employee but against the labor union.

"This opinion goes much further, and is much more drastic, than anything heretofore pronounced by a court, or even demanded by the National Association of Manufacturers, of which John Kirby, jr., is president, as appears from their fundamental principles touching labor unions. These planks are as follows:

"'1. Fair dealing is the fundamental and basic principle upon which relations between employees and employers should rest.

"'2. The National Association of Manufacturers is not opposed to organizations of labor as such, but it is unalterably opposed to boycotts, blacklists, and other illegal acts of interference with the personal liberty of employer or employee.

"'3. No person should be refused employment or in any way discriminated against on account of membership or nonmembership in any labor organization,' etc.

"There is a substantial and well-grounded public opinion that courts of last resort, and particularly the Federal courts, are too eager to nullify remedial and regulatory legislation enacted by State legislatures under their police power in the interest of the public peace, safety, life, limb, health, and morals. The law is not a mummy nor a straightjacket. It is presumably a live, elastic thing, adjusting itself to the changed and changing conditions of our social, political, industrial, and commercial life. It must of necessity, therefore, be a growth, an evolution, keeping pace with the advancement of our twentieth century civilization.

"This attitude of our courts toward the legislative exercise of police power by the States, in matters that are purely State affairs, has caused a substantial loss of public confidence in courts that is too patent to be denied. While courts are unanimous in holding that such statutes should not be declared unconstitutional unless there is an 'obvious repugnance' between the statute and the Constitution, or unless the statute is unconstitutional 'beyond all reasonable doubt'; yet an analysis of too many decisions of our courts would seem to indicate that the statute was declared unconstitutional, not upon such clear conflict, but upon some whim, caprice, or predilection of the court rather than by sound reason or the laws of logic.

"The decision in the Coppage case is peculiarly unfortunate, not only because it nullifies the Kansas statute and the Ohio statute, but in a large number of other States similar statutes that have been in force for years are also nullified.

"Millions of workingmen and working women, and even working children, not only those who are now members of some labor organization, local, State, or national, but those who may hereafter desire to become such, are all most intimately, seriously, and prejudicially affected by this decision.

"In the hope that the law made by the Supreme Court of the United States in this case may not become the fixed and settled policy of our courts, but that the same may in due course be reversed and labor be given its equal rights with capital, this dissenting opinion is respectfully submitted.

"It would be impossible to indorse too favorably the very able dissenting opinions of Justices Day, Holmes, and Hughes."

This case was the case of William H. Jackson, chief of police of Cincinnati, against Saul Berger; dissenting opinion by Judge R. M. Wanamaker.

ADDITIONAL STATEMENT OF MR. THEODORE SCHROEDER.

My name is Theodore Schroeder. I reside in New York City, and I am a lawyer without paying clients. For the greater part of the past 13 years I have devoted my time to the constitutional, legal, and social aspects of the problem of freedom of speech and of the press.

The purposes of the Free Speech League, as stated in its articles of incorporation, are:

"The principal object for which said corporation is formed is as follows, namely, by all lawful means to promote such judicial construction of the Constitution of the United States and of the several States and of the statutes passed in conformity therewith as will secure to every person the greatest liberty consistent with the equal liberty of all others and especially to preclude the punishment of any mere psychological offense, and to that end, by all lawful means to oppose every form of governmental censorship of any methods for the expression, communication, or transmission of ideas either by use of previous inhibition or subsequent punishment; and to promote such legislative enactments and constitutional amendments, State and national, as will secure these ends."

In addition to this I have had a great opportunity of knowing the sentiments of various classes of radical agitators with whom I have come in contact because of my work for freedom of speech, and also by frequent attendance as a lecturer and in the audience of radical clubs composed of Socialists, Anarchists, Single Taxers, settlement workers, and other social uplifters.

I assume that, primarily, I am to speak upon the problem of freedom of speech and assembly as these may relate to the agitator who concerns himself with economic and industrial problems. My immediate purpose will be to furnish illustrations of the various means by which the agitator is being suppressed and to give such information as I can as to the attitude of the agitator and workingman toward the courts, and to indicate how far judicial lawlessness, and under the forms of law, may contribute to the popular unrest and distrust of courts.

A Conservative Complaint Against Courts.

It may be worth while at the outset to quote some characteristic attitudes toward the courts. The first opinion which I will offer is a very brief one from James C. Carter, for many years the recognized leader of the New York bar. These words were uttered in a lecture delivered at the Harvard Law School and subsequently published in book form. Mr. Carter says:

"The written law is victorious on paper and powerless elsewhere. The Attorney General is sensible of the feebleness of the command resting upon him to enforce a law the enforcement of which would send a hundred of the most eminent citizens to jail and throw the country into confusion." (Law, Its Origin and Functions, p. 213.)

Next, I am going to offer some opinions from agitators. Those opinions are not so remarkable in themselves, but are important because of the circumstances under which they were uttered and because of the fact that they have been many times republished since and seem to respond to a popular demand.

The first of these opinions is one expressed by Jack Whyte before the court in San Diego, Cal., when he was called up for sentence resulting from his activities in the free-speech war which occurred in that city. Jack Whyte said:

"To Hell with Your Courts!

"There are only a few words that I care to say, and this court will not mistake them for a legal argument, for I am not acquainted with the phraseology of the bar nor the language common to the court room.

"There are two points which I want to touch upon—the indictment itself and the misstatement of the prosecuting attorney. The indictment reads: 'The People of the State of California *v.* J. W. Whyte and others.' It's a hideous lie. The people in this court room know that it is a lie; the court itself knows that it is a lie. If the people of the State are to blame for this persecution, then the people are to blame for the murder of Michael Hoey and the assassination of Joseph Mikolasek. They are to blame and responsible for every bruise, every insult and injury inflicted upon the members of the working class by the vigilantes of this city. The people deny it, and have so emphatically denied it that Gov. Johnson sent Harris Weinstock down here to make an investigation and clear the reputation of the people of the State of California from the odor that you would attach to it. You cowards throw the blame upon the people, but I know who is to blame, and I name them; it is Spreckles and his partners in business, and this court is the lackey and lickspittle of that class, defending the property of that class against the advancing horde of starving American workers.

"The prosecuting attorney in his plea to the jury accused me of saying on a public platform at a public meeting, 'To hell with the courts; we know what justice is.' He told a great truth when he lied, for if he had searched the innermost recesses of my mind he could have found that thought, never expressed by me before, but which I express now. 'To hell with your courts; I know what justice is,' for I have sat in your court room day after day and have seen members of my class pass before this, the so-called bar of justice. I have seen you, Judge Sloan, and others of your kind, send them to prison because they dared to infringe upon the sacred rights of property. You have become blind and deaf to the rights of man to pursue life and happiness, and you have crushed those rights so that the sacred rights of property should be preserved. Then you tell me to respect the law. I don't. I did violate the law, and I will violate every one of your laws and still come before you and say, 'To hell with the courts,' because I believe that my right to live is far more sacred than the sacred right of property that you and your kind so ably defend.

"I don't tell you this with the expectation of getting justice, but to show my contempt for the whole machinery of law and justice as represented by this and every other court. The prosecutor lied, but I will accept it as a truth and say again, so that you, Judge Sloan, may not be mistaken as to my attitude, 'To hell with your courts; I know what justice is.'"

The second opinion I wish to present is a speech made by Frank Tanenbaum before a court in the city of New York, where he was about to be sentenced for a constructive disorderly conduct arising out of his connection with the disemployment agitation in New York City, which took place a little over a year ago.

This speech was published from the court record in several radical periodicals. The following is the report which appeared in The Masses for May, 1914:

"FRANK TANENBAUM'S SPEECH.

"The CLERK. Frank Tanenbaum, what have you now to say why judgment should not be pronounced against you according to law?

"The DEFENDANT. I would like to make a statement, I think.

"The COURT. You are at liberty to make any statement you desire.

"The DEFENDANT. I suppose if I make a statement that the press to-morrow will say I wanted to make myself out a hero or a martyr. I don't know who it was who said—some well-known preacher—that society would forgive a man for murder, theft, rape, or almost any crime except that of preaching a new gospel. That is my crime. There are in reality three distinct things I am accused of.

"One is unlawful assembly. I don't know of any circumstance in the world's history where the struggles of the slave class have appeared either legal or respectable or religious in the eyes of the master class. I am a member of the slave class. I am a member of the working class, and I know that our struggles to overcome our present condition are illegal in the eyes of the master class and its representatives. Of course, it was unlawful. I don't doubt that.

"Another very serious objection against me was that I answered 'Yes' to the statement about bloodshed. Why make all this nonsense about bloodshed? Capital sheds more blood in one year than we would in five. We are being killed every day. We are being killed in the mines, in the buildings, killed everywhere—killed in the battlefield fighting the wars of the capital class. No wars in recent times have been fought in the interests of the workers, and yet everywhere it was the workers who died. We don't fear bloodshed. We have nothing to lose except our miserable lives.

"That district attorney hasn't got heart enough to be a dog catcher. He said I took graft, $25. That isn't true. I did not take $25. It wasn't turned over to me. I didn't want it. It was given to Mr. Martin, the sexton of the old Presbyterian Church, Eleventh Street and Fifth Avenue. He came along with us. It was a very miserable, windy night, the snow blowing and sleet, and we took the men—83 in number—homeless, shelterless, naked, and starving men—took them to a restaurant on the Bowery and fed them.

"How about religion and praying to God? Why, there is no more religious thing I have ever witnessed than that lot of homeless, half-fed, half-dressed, illy cled men sitting over a long table enjoying a clean, warm meal, laughing and talking. That is the most religious thing I ever saw. And this man, Mr. Martin, paid for that out of his own pocket, out of the $25 which he, and not I, held. Then we took these men to a Bowery hotel on Third Avenue and put

them to bed, and there was 10 cents left after the men were put to bed, which I will turn over to the district attorney if he wants it.

"Another far more serious act upon my part—unlawful, illegal, unrespectable—was my attitude toward the priests. Now, I don't know of anyone I was ever impolite to. I am polite to everybody, even to my enemies, because I can afford to be. But I want to tell you that Dr. Schneider is supposed to represent the Gospel of Christ; he is supposed to preach and practice the Gospel of the Man who came down and who died on the cross because the poor, common people listened to Him. One of the indictments against Jesus Christ was that the common people listened to Him gladly. And I want to tell you that if He came down upon the earth now Father Schneider would be the first one to crucify Him.

"There are a few other things I want to say. When I was arrested that was the first time I had ever been in court, first time I had ever been in the police station, or had anything to do with the police. I was so ignorant of these things that when I was first called into the magistrate's court I saw the clerk, and I asked the lieutenant if that wasn't the judge. I didn't know then anything about courts and judges, which means the law, the present system, and from what I have learned now I have very little respect for them, I must admit, very little respect for them. I feel after having lived with those boys three weeks in the Tombs prison, every one of them, if they would have been able to go to school, if they had a decent place to live and a decent job, and if they had not been kicked about and driven from place to place, as most of them were, they would have been just as good as anybody else, just as good as anybody else, even the district attorney.

"I think now, your honor—and I am going to say what I think—that when the first man was convicted in this court, justice flew out the window and never returned and never will. You never know, and the law does not take into consideration, anything about human wants or the circumstances impelling a human being to so-called crime. They are not responsible for what they do, their drifting into crimes. You don't know their life. I believe from my impressions and associations with these boys that they are more normal and more spontaneous than others, and that is why they can not adapt themselves to this rotten society. They feel that as human beings for the sake of a piece of bread it is not worth while to work 12 long hours in a factory.

"There is little more I have to say. This trial for me was arranged by my friends in spite of my protest. I didn't want it. I knew what I was going to get, because I am not one of your class. But they prevailed upon me. They said, 'Give them a chance; they will not find you guilty, because you are not guilty of any crime. There is no damage done, no property destroyed.' There was no property destroyed and no injury, and I knew there was absolutely no violence, and they said 'You will be freed.' So I agreed to it. But, of course, I am convicted. It is not a surprise to me. I expected it.

"But I must say that although Lieut. Gegan treated me very nicely always, during the trial he lied absolutely when he said he didn't call me up the steps. That is an absolute lie. I was on those steps, and he told me to come in. He lied. When I took the stand I didn't have to plead my case; just tell the truth exactly as I knew it. I didn't want a trial, but I have got it. I will never, if arrested in labor troubles, submit to a trial again. No more trials for me. The members of the jury, while they may be fair-minded, are not workmen. They don't know the life of a workingman. There is no jury—you could not get a jury of 12 workmen, structural iron workers for instance, to convict me; absolutely no. These gentlemen are members of your class, in a way. They are capitalists. They would like to be. They would like to be rich. That's all right; but they are capitalists. Now, that is all I have to say. I consider my conviction absolutely unjust. You have tried to question the right of hungry men to get their bread. That is the crime, and I am willing to take the consequences, whatever they may be."

I next offer the speech of Fred Warren before the United States Circuit Court of Appeals at Minneapolis, where he had taken an appeal from his conviction for sending through the mails some papers, on the outside wrappers of which there appeared some "scurrilous and defamatory" matter:

FRED WARREN'S ST. PAUL SPEECH.

"I appear before this court in my own defense because my attorneys are unwilling to say what I think should be said. I desire to waive all that counsel for the defense has said with reference to the Government's inability

to prove that this envelope was mailed from the office of the Appeal to Reason, of which I am editor. I wish to waive all the objections interposed by my attorneys and the arguments advanced by them why I should be given a new trial. I do not want a new trial. This case has cost the defense $20,000. A new trial, before a jury of my political opponents, selected by the district attorney's office from among Government employees, or those who hope to get a Federal job, before a judge prejudiced against my cause, could result only in another miscarriage of justice.

"In waiving the arguments of my attorneys on these points (and I wish to say here in justification of my course at this time that the theory on which this case was conducted in the lower court was over my vigorous protest) I do so to put the issue squarely before this court: Is the mailing of this envelope with its offer of a reward printed in red for the capture and return to Kentucky authorities of ex-Gov. William Taylor, under indictment at that time for murder, a violation of the Federal statutes? Stripped of all legal verbiage and technicality, that is the issue here, and no other.

"My attorneys argue in the brief submitted that the indictment is defective. I do not pretend to know about this. I will say, however, that I have no desire to have my sentence set aside on a mere technical defect in the indictment, and I would regret to see the issue involved disposed of in this unsatisfactory manner. It would still leave the question in doubt as to whether the mailing of a reward, printed in red, for the capture of a fugitive Republican politician is a violation of the Federal statutes.

"I call the attention of the court to the testimony introduced by the Government, showing that I submitted a draft of the alleged defamatory envelope to the postmaster at Girard and asked his opinion as to its mailability. The postmaster, the representative of the Government, informed me that in his judgment there was nothing in the postal laws that would prevent the mailing of this reward offer, as hundreds of similar cards and envelopes were mailed in the course of a year at the Girard post office. This certainly establishes my good faith. No man with criminal intent would voluntarily submit the evidence of his contemplated crime to the agent of the institution against which the crime was directed.

"In this connection I wish to call the court's attention to the statement made from the bench by the trial judge that, when this matter was first submitted to him, he himself was in doubt as to whether the mailing of this envelope was a violation of the Federal statutes. If the law is so indefinite that even the trial judge is unable to determine whether a crime has been committed, until after he "had consulted higher authority," how is the layman to determine what is lawful and what is not. In the lower court's decision on our demurrer Judge Pollock stated that the language was not scurrilous and threatening, as charged in the indictment, but that it was defamatory, inasmuch as it was calculated to impress the reader thereof with the thought that ex-Gov. W. S. Taylor was wanted in Kentucky by the authorities of that State for some alleged crime. Under this decision every offer of a reward for a man charged with crime, mailed by a private individual or a civil officer, is a violation of the Federal statute under which this indictment was returned against me. In order to prevent this construction and its far-reaching consequences, Judge Pollock, in his final summing up of the case, decided that it was not defamatory nor scurrilous but threatening. It is hard for the average man to follow such judicial reasoning, and I sincerely trust that this court's opinion will be written in such clear and unmistakable terms that there will be no question as to this law in the future.

"It will be argued by counsel for the Government that kidnapping is a crime, and, therefore, an offer of a reward to kidnap ex-Gov. Taylor is a threat against that gentleman. I will ask the counsel for the Government to cite the Federal law constituting kidnapping a crime. He can not do this. On the other hand, the United States Supreme Court, in an exhaustive opinion, handed down in the case of the three workingmen who had been kidnapped in Colorado and taken to Idaho, plainly states that it is no violation of the Federal statutes to forcibly abduct a man and take him from one State to another. In its opinion the Supreme Court says:

"'Looking first at what was alleged to have occurred in Colorado touching the arrest of the petitioner and his deportation from that State, we do not perceive that anything done there, however hastily or inconsiderately done, can be adjudged to be in violation of the Constitution or laws of the United States.

Even if it be true that the arrest and deportation of Pettibone, Moyer, and Haywood from Colorado was by fraud and connivance, to which the governor of Colorado was a party, this does not make out a case of violation of the rights of the appellants under the Constitution and laws of the United States.'"

"Under this decision I do not see what weight this court can give to the argument of the Government's counsel, that to offer a reward to do what the Supreme Court has explicitly declared is not a crime is in violation of the law.

"What I did, in fact, was to offer a reward to any one who would capture, forcibly abduct if you please, a man under indictment for murder and return him to the Kentucky authorities. To kidnap means not only forcible abduction, but hiding from friends and the proper authorities. Under this view how can it be maintained that it is unlawful to offer a reward for the capture of ex-Gov. William S. Taylor and his return to the authorities of Kentucky?

"Let me state a hypothetical case: Suppose the Socialists capture the political powers of Kansas, as we shall. We find that Mr. Armour is violating the antitrust laws of our State. He lives in Illinois. The governor of Illinois, being a Republican, refuses to grant a requisition. Suppose our Socialist State officials, who would be private citizens in Illinois, should quietly go at midnight, surround Mr. Armour's house in Chicago, capture him, carry him into Kansas, and there place him on trial before a Socialist judge and a Socialist jury. Would the men that kidnapped Armour violate any Federal statute? Would they not be immune from prosecution under the Supreme Court's ruling?

"The question involved in this case is whether there is one law for the workingman and another for the rich employer. The Supreme Court's decision in the famous kidnapping conspiracy in Colorado and the action of high Government and State officials in protecting a fugitive Republican politician charged with murder lends color to my contention that there is one interpretation of the law for the poor and another one for the rich. The action of the governor of New Jersey in refusing to issue requisition papers for Armour, the Chicago meat packer, who was charged by the New Jersey prosecutors with violating the antitrust laws of that State is a convincing argument that there is one law for the poor and none for the rich. The methods adopted by the Government's attorney in his prosecution of me and his refusal to take cognizance of similar acts on the part of bankers and others strengthens our argument that there are two wholly different kinds of law in this country; and your decision will, if that decision upholds the action of the lower court, add to this belief in the public mind.

"The Government's attorney emphasizes the fact that this reward offer is printed red. Out of curiosity I asked a number of the leading ink manufacturers in the United States for what color of printing ink they had the greatest demand, and they replied, without a single exception, that they sold more red ink than all others combined, save one—black. Black is the emblem of piracy and has been since long before the days of Capt. Kidd. Under its sable folds march the land thief, the predatory rich, the employer of little children, those who barter justice, the Wall-Street speculator, the petty gambler and grafter, and all those who plunder labor and oppress the poor. Black is the color of death. Red on the other hand is the color of life; it glows with vitality; it is the badge of universal kinship. It has been from the days of Spartacus, down through the ages, the emblem of revolt against tyranny. Under the crimson banner the revolutionary patriots of 1776 fought and won their battles against the English King. Longfellow's inspiring poem of Pulaski, the Polish patriot who gave his life for American independence, immortalizes the red banner:

"'Where, before the altar, hung
The blood-red banner, that with prayer
Had been consecrated there—
Take thy banner—and if e'er
Thou shouldst press the soldier's bier,
And the muffled drum should beat
To the tread of mournful feet,
Then this crimson flag shall be
Martial cloak and shroud for thee.
The warrior took that banner proud,
And it was his martial cloak and shroud!'

"The original flag of the American Revolution was red. The stars and stripes were added later by our rebel forefathers to distinguish it from the national emblems of other countries. It is a significant historical fact that red predominates in the flags of all countries with one exception—Russia. It is not surprising, therefore, that the Government attorney who sails under the black flag should seek to cast aspersions on the red banner.

"If the liberties bought with the blood of our forefathers, who fought under the red flag, are to be preserved it will be done by the men who to-day march under the crimson banner.

"The theory of law that a man is presumed to be innocent until proven guilty was wholly overlooked in my trial at Fort Scott. I was convicted and sentenced before I entered the court room. I was not prosecuted as a presumable innocent man charged with an alleged violation of the law. I was prosecuted by partisan politicians, before a partisan judge, and on perjured testimony. But this is not the first time in the history of the world that this same farce has been enacted. When the ruling class of any epoch is forced to use such means to bring about the imprisonment of a man advocating revolutionary doctrines, it has always foreshadowed the dawn of a new era.

"Several million men and women in the United States to-day believe that I have been prosecuted in the Federal courts because of my political beliefs. It is true I am in revolt against the present capitalistic régime of graft and boodle, and I have dedicated my life to the Revolution of To-morrow. Our cause will triumph in America just as it is winning in Germany, France, and England. The Milwaukee Socialist victory is a prophecy of what will happen throughout the Nation at no distant day.

"By environment, training, and economic interests the judges who compose this court are opposed to me. You can no more impartially consider the questions involved in this case than could the judges appointed by the English King to consider impartially the questions which arose between that monarch and his American subjects.

"In all controversies that arose between the master and his slave prior to the revolution of 1860, the Federal courts made their decisions conform to the interests of the masters. It was from the slave owners that they derived their powers and held their positions. No man openly antagonistic to the slave power could hold a position on the Federal bench.

"An examination of the decisions of this court—and your decisions are similar to those of all other Federal courts—wherein the interests of the workingman conflict with the interests of the employers, is ample proof of the class character of the Federal judiciary. Dissenting from the opinion of this very court, in a case wherein a working girl was pitted against a great corporation, Judge Thayer said: 'I dissent from these doctrines which seem to have been formulated with an eye mainly to the protection of the employers and with too little regard for the situation and rights of the employees.'

"As a militant member of the working class I frankly confess that I expect nothing from this court. A court of justice, so-called, which turns away a mangled working child empty handed in defense of capitatist-class property against working-class life and limb, is not apt to look with favor upon one in revolt against such shocking inhumanity and the system responsible for it.

"I know that this is the settled policy of this court. I understand why its decisions are in the interest of the employer and against the workingman and working women.

"You are serving those to whom you are indebted for your position and responsible for your power. I am simply trying to show to the working class of of the world which embraces a great majority of the population, the character of the Federal court to which must be submitted their liberties and their lives. The Federal court under capitalist misrule is essentially capitalistic in its sympathies, its interests, and decisions.

"In this important work of educating the working class as to the true character of the courts you are helping me. It was the Dred Scott decision that hastened the overthrow of chattel slavery, and, as history repeats itself, we may confidently expect that the decision of the Supreme Court in the now famous kidnapping conspiracy, backed by the Federal court's decisions in all other labor cases, will precipitate the downfall of wage slavery. When the toilers of the mill, factory, mine, and farm once understand the true situation, they will realize that there can be no relief from judicial despotism until they use the power latent in themselves to abolish the present iniquitous system, based upon the legalized robbery of the Nation's toilers and producers, in

which the courts are mere creatures of capitalist-class rule and instruments of working-class subjection. These workingmen will one day learn to choose their own judges, and while these judges may know little of the intricacies of law and the chicanery of technicality, they will have an inherent sense of justice and they may be depended upon to serve their brothers.

"Personally, it is a matter of no consequence to me what this court may decide in this case. If this court concludes to sanction the scandalous methods employed to secure my conviction and the outrageous sentence imposed upon me for the commission of what Judge Pollock termed 'a mere misdemeanor,' I shall consider it the proudest day of my life when I enter the jail at Fort Scott, imprisoned because of my defense of the poor and oppressed. You will by that act increase my power a thousandfold and carry my message to the toiling millions from sea to sea. Gladly will I make this small sacrifice in a cause to which I would willingly give my life."

LIMITING FREE SPEECH BY INJUNCTION.

This brings me to the matter of furnishing some illustrative cases in the suppression of freedom of speech and press as used by industrial agitators which seem to explain in part this hostility toward the courts, as far as agitators and workers are concerned.

The first case I wish to call your attention to is in the matter of the —— Amusement Co. *v.* Millard, Price, et al., in which Judge John E. Humphries, of Seattle, Wash., issued a temporary restraining order against street agitators. There was at that time no question of strikes or lockouts involved. In the preliminary restraining order, the defendants are "prohibited from using in any way any language tending to incite the defendant's auditors, or the public, to lawlessness, or tending in any way to arouse the anger and incite the antagonism or wrath of the citizens; and also from using any violence or abusive language of any kind toward the United States Government, the State of Washington, or the city of Seattle, or its public officials, and from using language ridiculing the institutions of this country and holding them up to ridicule and scorn." Under this order some 18 persons were arrested for contempt of court and a great deal of agitation resulted. On the final hearing the restraining order was somewhat modified.

I entered into a newspaper controversy over this situation with the defendants of the judge, upon which it finally developed that the judge signed this preliminary order containing the quoted language without even having read it or knowing its contents. Let us assume that the situation was reversed and that Socialists, owning a hall, had sought an injunction against well-to-do citizens of Seattle to restrain them from employing persons who appeared before the Socialists' headquarters to make anti-Socialistic speeches. It is not thinkable that under such circumstances the wealthy citizens would have been thus restrained. The unconscious attitude of mind behind such conduct on the part of this judge, though never formulated, is of the kind which might be expressed in the words that the rich can do no wrong. It is these often unconscious attitudes which in part explain most of the evils of our courts.

Next I come to present the final order in the case of the American Manufacturing Co. *v.* Edward Lindgren et al., where I offer in evidence the following extract from the final decree:

"Ordered and adjudged, that the defendants and each of them, their agents and servants and that the Socialist Party and its members, and all persons, agents, employees, connected with or associated therewith be permanently prohibited and enjoined and restrained from causing, ordering, committing, participating, engaging in, inducing, or assisting in any of the aforesaid meetings and public and private nuisance in and upon the highways adjacent to the mills of the plaintiff or so as to interfere with the free and unobstructed passage and repassage by plaintiff, its agents and employees over the said highways on foot or with horses, wagons, or other vehicles, or so as to interfere with the free and unobstructed ingress to and egress from said premises and the buildings and structures thereon.

"And it is further adjudged and decreed that the plaintiff above named, American Manufacturing Company, have judgment against the defendants above named, Edward Lindgren, Harry Answald, Thomas A. Hopkins, Albert Pauly, T. N. Fall, John Lyons, William Hudson, H. B. Pratt, William Shapiro, A. J. Plitnik, Harry Slaven, J. C. Lippes, and Harry Pepper, individually, and as the executive committee of the Socialist Party in Kings County, New York,

for the sum of one hundred and eighty one & 33/100 ($181.33) dollars, the costs and the disbursements of this action, to be taxed by the clerk of this court, and that it have execution therefor.

"Dated, July 11, 1913.

"GARRETT J. GARRETSON, *J. S. C.*"

Here it is unthinkable again that, if the Democratic or Republican Party had been involved, a perpetual restraining order would have been issued to prohibit all members of such a party from using the public highways, especilaly when the political party as such was not a party to the action.

My next illustration is from the decision of the court in the case of the People of the State of New York *v.* Upton Sinclair, as published in the New York Law Journal of July 10, 1914, and which within the past couple of weeks has been affirmed, without an opinion, by the appellate division of the supreme court:

THE PEOPLE v. UPTON SINCLAIR.

"A merited rebuke may under some circumstances constitute insulting behavior. The defendant intended by his conduct in the presence of others on the occasion in question to rebuke and influence by rebuke the conduct of a Mr. Rockefeller. Where one has publicly announced that because of the alleged misconduct of another he is going to do a given thing with a view to rebuking and affecting the conduct of such other, and thereupon does the thing which he has previously announced that he will do, and does this thing in the presence of others, his behavior is, within the language of the statute, abusive or insulting—abusive because it is injurious and improper; insulting because it is derogatory to the one whose conduct is referred to; and the insult lies in part in the subject matter of the rebuke and in part in the publicity of its infliction.

"The defendant said by his conduct, as interpreted by his language of a named individual, 'I believe you have caused to be done certain abhorrent and criminal acts, and to stir your conscience and change your conduct I and those with me walk in processional form in front of an office building believing that the meaning of what we do having been explained will be understood by many.' Can it be seriously urged that his behavior is not insulting to the one upon whose conduct he thus animadverts?

"If it was abusive and insulting behavior within the meaning of the statute, did the defendant do what he did with intent to provoke a breach of the peace? One of the purposes of an insult is to provoke resentment, and the defendant is presumed to have intended the ordinary and natural consequences of his act. But even if the defendant did not intend to provoke a breach of the peace, it is sufficient, as we have seen, to bring him within the statute if his behavior was such that by it a breach of the peace might be occasioned. It endangered the peace in different ways. Those rightfully passing to and fro impeded by the crowd purposely brought there by the defendant were not unlikely to resent the defendant's conduct, while persons holding contrary views to those of the defendant respecting the conduct of the one who was being made the subject of the defendant's criticism, were not unlikely to resent what the defendant did. The defendant concedes that he anticipated the possibility, if not the probability, of trouble occurring from his behavior.

"A recital of the defendant's apprehensions shows that he realized that trouble might result from what he was about to do and subsequently did. His apologies and admissions form a considerable part of his alleged defense. He anticipated that some of his companions at least might lose their self-control. He anticipated that they might be subject to insults. He anticipated that they might be attacked. He anticipated that there might be interference by the police, and he proceeded to do that which brought about his arrest despite such anticipations. He was apprehensive of himself, of the feelings caused within himself by that which he says he heard at the Carnegie Hall meeting. He was apprehensive of his associates. He recognized the seriousness of the situation by which his address at the called meeting placed him, and he was apprehensive of the consequences of himself, his associates, and others from what he did, and he was justly apprehensive, both because of the wrongfulness and the danger of his conduct.

"The law applicable to the case at bar is that where, as in the present case, one occupying no relation toward another which gives him the right to reprobate the conduct of such other, does by public behavior reprobate the conduct of such other not for the purpose of the enforcement of a private right or the setting in motion of legal process against such other, or the enactment of

legislation, and the one to be reprobated is in private and not in public life, and is so reprobated with respect to a matter of conduct in private life, and the reprobation consists in part of taunting conduct toward such other in a public place, and is therefore liable in such place to be resented by the one so reprobated or by others in sympathy with him or acting in his behalf, the behavior evidencing such reprobation is unlawful as tending to a breach of the peace, although the immediate acts done may intentionally be peaceable and the immediate deportment courteous to those in whose presence it takes place. In such a case the circumstance, if it exists, that the conduct reprobated was reprehensible, does not legalize the act. This view does not militate against the right of free speech or against the right of assembly; nor is it primarily for the protection of the one reprobated. Its sanction is the public interest in the enforcement of law and the preservation of order."

In this opinion are many remarkable assumptions. One is that the killing in the Battle of Ludlow, during the strike of the workers of the Colorado Fuel & Iron Co., for which Sinclair thought Rockefeller to be morally responsible, was a purely private matter, as to which Mr. Rockefeller could not properly be rebuked. The opinion also holds "that a merited rebuke may under some circumstances constitute insulting behavior," and insulting behavior is disorderly conduct under the statutes of New York. Another vicious feature of the court's argument lies in this that it punishes Sinclair for silently walking on the public highways in front of the offices of Mr. Rockefeller upon the ground that such walking might provoke Rockefeller and his friends to a breach of the peace. It seems to me that the function of the Government, if it has any function in this connection, should be to suppress the impending breach of the peace and not the agitation, which in the mind of the judge bears only an imaginative prospective and problematical tendency toward such a breach of the peace by its influence in the mind of some future hypothetical person. In this class of cases and all those involving street speaking the unconscious assumption of courts and policemen always is that the purpose of their existence are the maintenance of peace at the expense of freedom of speech and press rather than the maintenance of peace in spite of such freedom. It might also be said that there is an equally plain, though often unconscious, assumption that we must have peace of mind for the beneficiaries of legalized injustice rather than to protect the constitutional right of their victims to complain of economic injustice.

Censorship of Postal Wrappers.

The next class of invasions of speech which have been used against the agitator are those which arise under a Federal statute which prohibits the sending of anything through the mails on the outside wrapper of which there is anything which is scurrilous or defamatory.

Some years ago the New York Evening Sun contained this item:

"Col. Quigley's bill to make 10 hours a day's work on all surface and elevated railways in all cities of 75,000 inhabitants except New York came up in the senate. The majority of the senators showed no aversion to voting on the bill. Only 13 votes were cast, 12 for and 1 against the bill, and it was laid over. Senator McClelland said that the bill came from labor tramps who do not want to work. Senator Goggeshall said that 'bills like this would pass were it not that corporations can afford to pay their attorneys thousands of dollars while workingmen can not afford to pay anything.'"

A workingman by the name of William McNair pasted this clipping on a postal card and underneath it wrote these words:

"Senator McClelland: Attached is a newspaper clipping of the 13th instant, and as an American citizen and honest workingman, which I can prove, permit me to ask you in reply whether you ever earned an honest dollar in your life by honest labor. If you have, you should be ashamed of yourself as a public servant to make use of such language against the unfortunate and honest New York employees whose interest is centered in this bill. May I ask how much the railroads promised you for this action? No doubt you will reply and say 'it is none of my business,' but later on it will be my business.

"William McNair."

This postal card was addressed to Senator McClelland and probably read by no one except himself. For this "crime" McNair was indicted, found guilty, sentenced to four months in jail, and to pay a fine of $500. The evil of this kind of legislation, like most of the other that I shall call attention to, is

twofold. First, its invasion of freedom of the press, and, second, that this law, and most of the others to which I shall call attention, and which are desructive to intellectual freedom, are a violation of the guarantee of the "due-process law," which, among other things, I conceive to include a guarantee that the criteria of guilt shall be so certain that no man of ordinary intelligence can err as to what he may or may not do under the law.

The Wrapper of the Melting Pot.

A similar case is the case of the United States *v.* Tichenor and Wagoner, who conduct a Socialist magazine called the Melting Pot, published at St. Louis, Mo.

In its issue of August, 1914, on the front page, was a cartoon representing the evangelist, Billy Sunday, behind a pulpit, the altar cloth of which had a dollar sign upon the front of it, and out of the evangelist's pockets were sticking many dollar bills. Above he was represented as saying, "Charles Darwin is in hell. Everybody will go to hell that doesn't renounce their reason and believe in me. Souls saved at $500 apiece. Come on sinners." Underneath this and in the background was a person labeled "saved" and marked "Big biz," and a sack, as if of money, marked "swag."

Papers of this sort are sent out by the publishers in bundle lots, each bundle being addressed to the city for which it is designed. When it arrives at the post offices of its destination the outer wrapper is removed and the papers within them have each upon them the address of the person for whom it is designed.

In this case the contention of the Government was that when this outer wrapper was removed by the postmaster at the delivery office then the cartoon which was on the front page of this paper, became a wrapper. Since now this cartoon was on the wrapper of the papers sent through the mail, therefore these parties are guilty of violating the postal law. A compromise was reached by which they pleaded guilty and were fined a small sum for their offense. They might have received five years in jail and a fine besides for not knowing the meaning of a statute which fails to furnish decisive criteria of guilt.

While in the office of these gentlemen within the past few months I was shown numerous other publications, among them daily papers of prominence, which likewise had upon their front page cartoons that might as well be called scurrilous and defamatory of somebody. However, such papers and their publishers are never suppressed under these laws. By virtue of the uncertainty of this statute it lends itself for easy application to all radical persons against whom there is popular ill will. and they are never applied to those who support the present system.

Scurrilous Wrapper of the Appeal to Reason.

Another illustration of this kind is the arrest of the editor of the Appeal to Reason, Fred Warren. After the kidnapping of Moyer, Haywood, and Pettibone he conceived the idea of proving to his readers that there was one law for the rich and another for the poor. In sending the Appeal to Reason he therefore put upon the outside wrapper an offer of a reward of $1,000 for the kidnapping of ex-Gov. Taylor and his return to Kentucky, where he had been indicted for murder. Current history indicated that Gov. Taylor was being protected in another State by the refusal of the governor of that other State to honor a request for extradition.

Mr. Warren made inquiry of the local postmaster for information as to whether or not such a wrapper would violate any postal regulation and was informed that it would not. Later he was arrested and convicted, and if my memory serves me, he was given a jail sentence of a year in addition to a fine. A tremendous agitation resulted from this, in consequence of which the Socialists were making great additions to their ranks. To put an end to this, President Taft pardoned Warren without Warren's request, consent, or approval and against his protest.

Agitators Suppressed by Criminal Libel Laws.

Another of the laws which are being used to suppress agitators is the criminal libel law. Here the situation is deplorable because of the uncertainty of the law as to the evidence, presumption, and burden of proof in relation to malice in the act of publication. This situation is described in the following language by the Supreme Court of Michigan:

"No question in modern times has perhaps given rise to a greater amount of judicial controversy. The conflict in the decision is absolutely appalling and the attempt to trace the line of mere authority through the maze of hostile decisions would be calculated only to confuse and lead the mind astray from the real principles of justice involved in it and could serve no useful end. A careful review of the decision would require volumes and I shall not attempt it." (Hudson *v.* Dale, 19 Mich., 17–28 to American Rept. 66.)

A similar opinion is expressed by the Hon. William J. Gaynor in 1904 in the case of Hume *v.* Kusche (43 Misc. Repts., N. Y. 414–417).

Not long ago the editors of a Socialist magazine known as The Masses were arrested for a criminal libel against the Associated Press. The libel consisted in a cartoon which represented a man, labeled as the Associated Press, pouring something from a bottle labeled "poison" into a spring labeled "the news." Underneath was this inscription: "Poisoning the news at its source." There was also an editorial charging the Associated Press with having misrepresented the facts in the Virginia coal strike.

Many other periodicals of various kinds had made similar accusations against the Associated Press, but none of these were ever indicted. A Socialist periodical without apparent financial resources and of not much importance was selected for the purpose of establishing the purity of the Associated Press and working vengeance upon the agitators. Much to the surprise of everyone there were found friends to finance the defense. The proposition was then made to them that if they would apologize the officers of the Associated Press would use their good influences to have the indictment dismissed. The editors refused to apologize, threatened to justify their publication, and expressed a willingness to go to jail if they could not do this. Thereupon a second indictment was found against them for the same libel, it being claimed that the picture of the man in the cartoon was a picture of Mr. Noyes, the president of the Associated Press.

The evident purpose of this second indictment was to exclude the possibility of a justification upon the theory that actual misrepresentation made by the Associated Press, even though intentional as to its inferiors, would be no justification of the libel against Noyes, unless it could be shown that he personally had directed the misrepresentation to be made.

The friends of the editors of The Masses now began a vigorous campaign of publicity both by public meetings and in such magazines as could be induced to accept criticisms of the Associated Press. Depositions were also taken to prove justification as to misrepresentations in the Associated Press news concerning the coal strike in Virginia and other matters. Recently the defendants have been allowed to go free on their own recognizance, bail bond was discharged, and in due time, no doubt, the case will be dismissed.

This again illustrates the vicious use of the laws gagging the press, as a means of persecuting agitators. It also shows the power of a free public opinion in producing a cessation of such persecution when it was found that it was going to be the means of publicity as to the truth of what the radicals were claiming.

Obscenity by Hon. Freeman Knowles.

Next I come to the use of the statutes against obscene and indecent literature as a means of harassing agitators. The first case is that of the United States against Freeman Knowles. Mr. Knowles had been a Populist Member of Congress and later had been a Socialist candidate for Congress in South Dakota. He was editor of a paper called the Lantern, which was devoted to Socialist propaganda and which had severely criticized President Roosevelt. Besides this, he was the source of a great deal of annoyance to the mining operators in the Black Hills. Knowles was arrested and convicted in the Federal court of 1908 for sending alleged obscene literature through the mails. After his conviction, in an issue of his paper dated March 28, 1908, he told his story. I quote from an article in that issue:

"I have it upon good authority that this is not the real article that gave offense to the Government, but some other articles which severely criticized President Roosevelt during the Moyer-Haywood trial. An agent of the Government was recently out here gathering up those articles on Teddy, and after consulting with the district attorney, they concluded they could not convict me on any of those, so hunted up this pretended obscene article.

"Under Roosevelt's administration the Federal courts, or that portion of them controlled by the administration, have been made a huge political ma-

chine to punish all protests against present social conditions. The recent indictment against Fred Warren of the Appeal to Reason is a case in point. In my case the hand of the Government at Washington was clearly apparent. The district attorney and his assistant had their parts committed to memory or read them from manuscript. They never do this unless they have been coached from the Department of Justice at Washington. The jury, drawn entirely from the eastern part of the State, were given an excursion to the Black Hills on an evident understanding that they were to support the Government in whatever suits were tried. The United States marshal, a personal friend of Roosevelt, has ways of 'fixing' juries not known to the public." * * *

Then he republishes the criminal article as follows:

"A good illustration of the beauties of our social system was recently given when society in Lead and Deadwood was convulsed by the news that a most sweet and amiable young woman had died at Denver from the effects of an operation performed upon her to hide what society calls 'her shame.' And what was this thing which society blashpemously brand as 'shame'? Why, simply that an unmarried girl, having disregarded the sanctions of some priest or magistrate had made the discovery that God had worked in her the wonderful miracle of motherhood. So this poor girl, having been taught from infancy that such a thing constituted 'shame' kills her unborn child and in so doing kills herself. That the father and mother of this murdered child were designated by nature for each other is proven by the fact that they could not resist their mutual attraction, even in the face of great social peril. Love had its way, and God blessed the union with the most stupendous fruit of the universe—a human child—and 'society' steps in and cries 'shame' and causes the mother to kill both herself and her child. It is a well-established fact in physics, as well as in history, that there are no children so likely to be healthy, robust, so mentally and bodily fit to survive as those very 'love children' who are killed in the wombs of foolish mothers, driven to do the fiendish deed by 'society' and public opinion. Since the dawn of history, the great army of genius has been largely recruited from the ranks of illegitimates. Love's offerings have filled the world with art, music, poetry, and wisdom, as if putting to shame those very ones who cry 'shame,' and as taunting them with their own inferiority. Society is as guilty of the murder of this girl as though she had been put to death by the public hangman."

The editor then thus comments on the offending article:

"Will some one point out what is lewd, obscene, or lascivious in that article? I am aware that few agree with me in my views of our social and marriage system, but I never wrote a more conscientious article in my life than the above. These are my honest and conscientious opinions, for the expression of which I am to be sent to the penitentiary."

For this offense Knowles was given sentence, if my memory serves me correctly, of one year in jail, and this was affirmed by the United States Court of Appeals. (See 170 Fed. Rep., 409–95; C. C. A., 579.)

The Case of Up the Divide.

Next I call attention to the case of a little magazine called Up the Divide. It is devoted to socialism and published at Denver, Colo. Its issue of June, 1911, was arbitrarily suppressed by the Post Office Department, because of an article, beginning at page 326, and entitled "The Market of Women," and ending at page 337. The article is signed by James Lugg.

No prosecution ever resulted, but the magazine was denied carriage through the mails. I consider this article as one evidencing a very high degree of sympathetic understanding with the unfortunates of the world, and it seems to me that no one could find anything really obscene in it, except those who were really offended by that part of the article which charges responsibility for prostitution upon the rich. The article is as follows:

"THE MARKET OF WOMEN.

"Reflections from an original investigation.

"'Sing of the maiden, thy sister, whom men, thy brothers, have sold,
"'Cast on the merciless world, on the tide of the ravening years,
"'Bought with a price in the market and paid with dishonor and gold,
"'Courted and loved and betrayed and deserted to desolate tears.'

"GRANT ALLEN, in the Night Watches.

"In the heart of the great city of Denver is an ill-smelling district where thousands of Chinese are huddled in grimy, greasy tenement; mansions formerly or leading hotels and mercantile establishments, but now given over to decay—and the Orientals! These thrifty people have divided and subdivided the apartments into tiny rooms and cubby holes, creating two stories out of one, burrowed underground in the dark cellars, and herded more bodies in a single little reeking den than formerly occupied a suite in the old-time mansions.

"*Shameless rows.*—In this same district is located 'The Market of Women,' a thoroughfare which, from the number of men and young women passing, is evidently very popular.

"On each side of this street for several blocks are one, two, and even three-story houses, divided into little rooms. Each little room has one door and one window opening on the street or hallway, and each door has its number in large, staring numerals, also the first name (fictitious) of the occupant.

"These rooms are rented to girls and women at $2.50 to $10 per night. This must be paid in advance every 24 hours, otherwise they are made to vacate by having their belongings packed into the street.

"*Inside woes.*—The atmosphere is heavy with tobacco smoke; the walls echo to the unceasing tramp, tramp, tramp of the crowd and the slamming of doors, and occasionally a shrill laugh. For these numbered doors are continually being thrust open by the passing men, who pause, peer inside for a moment, slam the door, and pass on. As you glance into such an opened room you see a woman clad in a light wrapper of kimono. She smiles at all men alike as they look in, stare, leer, and slam the door in her face.

"The face may be a worn, tired one, with a smile that has become hard and glassy, with wrinkles which no enamel can fill and a pallor which no rouge and powder can enliven. In such case the door slams quickly back upon her, be she ever so wheedling with soft words. Or it may be the face of a young girl, not needing the dash of rouge which seems the fashion here. The eyes may be very bright and full of life, the expression may be vivacious or sometimes even girlish, almost maidenly, but the words with which she greets all comers are anything but a maiden's. On such a face the door is not so quickly slammed; men stand before her, four or five at a time, exchanging barroom jokes and profanity, commenting on her appearance, and puffing smoke in her face while she employs her primitive art method of seduction. Her words are honeyed; the draught that blows from her room is sickly warm and sickly sweet in odor.

"*The mongrel customers.*—At her door a man stops when the crowd has passed. He is an immigrant—an Italian. She has a smile for him—as for all—and a sweet or a saucy word. Her hand finds his; she urges; his slight resistance is overcome; the door closes upon him; her white, slender hand appears at the window and the shade is whisked down.

"She has a sweet face, like a girl I knew long ago—a good pure girl, now, thank God, happily married—safe. But this one wrecked!

"And thus these girls are bought and sold and hired in this Market of Women.

"There is no lack of customers, for along the street shuffles a crowd of men and youths from afternoon until early morning. Some are sober and some are drunk; some are dapper; some flashy; some dirty and careless in dress; some of good, clean parentage. Here, for instance, is one fresh from the plow, an easy victim. Others are spawned from the slums of the Old World cities, ill born, ill nourished, degenerate; but all are solicited alike by the girls at the doors and windows.

"*Traces of better days.*—And I am haunted by the resemblance of some of these girls to virtuous women I know; happy, sheltered, beloved wives of mothers living not many miles from this inferno, in God's good world outside. Almost enough alike to be sisters! And are they not sisters? Unloved, but longing for love. Poor relations, if you will—poor in virtue, but not devoid of all virtues. Ah, we who are "rich in virtue" do not know how much or how little of that wealth is ours, never having been sorely tempted. Yet we disclaim all relationship!

"One there was who received Mary Magdalene as a sister and yet if we would claim him as our brother can we disclaim her?

"Like flowers, crushed and bedraggled in the gutter, but still recognizable as violets, roses, or mignonette, I can see in each of these women some trace of her own peculiar girlish charm; the innocent coquetry, so dainty in a maiden, here becomes the gross, artificial spurring of desire; the boyish freedom with which a girl of many brothers faces the world here coarsens into brazen good-

fellowship with thieves and thugs; here woman's passion has degenerated into mere bestiality, and woman's modesty is caricatured with downcast eyes under penciled brows.

"*Displaying the merchandise.*—Each girl strives to attract by means of her own formula of seduction. This one pretends to be desirous of each passer, showers him with love words, grasps his hand and strokes it; but if he, with an oath, wrenches himself free in the middle of a sentence, she finishes it in the face of his successor, declaring that he is the only man whoever attracted her.

"The girl at the next door affects absolute indifference. She reads a paper-covered novel, from which she will not raise her eyes, but her wrapper is cut in such a way as to display generously her dazzling shoulders. A third girl has an indecent gesture and a leer for every chance comer. Is it because she and her sort are a shade worse than the others? Who knows? Their jokes do not indicate humor, nor their laughter mirth; surely their obscenity does not indicate desire. And so the smile on some of these moon faces reminds me of nothing happy, but of that poor misshapen wretch in Hugo's tale who was so mutilated in the face as to stretch his mouth into a perpetual caricature of a smile. It was done for the pleasure of his master, who to make a buffoon marred a man. These women, too, serve a cruel master. The public demands that they submit themselves, no matter what their loathing—with a smile.

"A fourth girl is seated, not in the tiny receiving room, but far back in her bed chamber, and whenever the door opens she merely gazes at one with mournful brown eyes like those of a lost dog in a crowded street.

"Another, who sits with her feet against the doorpost and her chair tilted back, is dressed in bright scarlet. She is 'hail fellow well met' with everyone who opens her door. She puffs her cigarette smoke in every face and has a retort for every smutty witticism, knows the names of all the regular patrons, and addresses them as Harry or Gus and the strangers as 'Sport' or 'Pal' or 'Kiddo'; or if he be a partly bearded man as 'Papa.' Such is her devil-may-care pose, the typical 'scarlet woman' of the gay life; but she has been overheard to say: 'I'd like to be decent for once. I'm sick of being a sport. I'm sick of earning a living this way.' And some day when she is heartily sick of her life she will end it. But suicide in the underworld is such a frequent occurrence that it does not attract the attention of the public unless there happens to be something sensational about it. Perhaps to-night she will make her demise. Who knows? Perhaps in the morning gray when she is exhausted and alone, when there is no one to laugh about, when existence seems a stale, pointless, dirty joke, when she realizes more than ever that not one human being loves her. Meanwhile she laughs.

"*The market keeper.*—Sickening, is it not, the mere description of the lives these girls lead? Still more sickening is it to observe the creature, with the girth and facial expression of a swine, who is constantly to be seen in the street, not as a master, merely as overseer and profit taker in the market of women. He is only one of the many who fatten upon them, for they bring large profits. Each girl pays the landlord $15 to $30 a week rent. Aside from that, she orders meals from his chophouse, fancy drinks from his bar, cigarettes, candy, and notions from his store, and her laundry work passes through his commission. What wonder the swine thrives and waxes fat! His monthly income from this horrible traffic is several thousand dollars. He has become wealthy from the pitiful earnings of human debauchery. There are a number of influential men who own the land upon which these 'cribs' are built and who own the more stylish big houses in the underworld. They can see no other choice. This he brute lives in a palace in the best part of the city. Each brick in his magnificent home represents a lost soul, yet he and his household pass as respected members of society.

"*Keeping the market up.*—And it is for him and his kind that somebody's daughters, sisters—scores of them in his house alone—sell themselves time and again each night, smile into ruffianly faces, receive countless filthy insults, submit to outrage, loathsome disease, and early death. And these women have faces like those we know and love in the greater world.

"It is early when we leave—between 10 and 11 o'clock. Until 2 or 3 in the morning some of these girls will listen to the unceasing tramp of heavy feet in the streets, the slamming of doors, the heartless laughter, the old and obscene jest, and ever the unceasing tramp, tramp, tramp, through the long night until the noise of this great treadmill benumbs the brain.

"*The bottom of the underworld.*—At the bottom of this stratum can be found the lowest types of poverty and stricken humanity. It is composed of all

shades, grades, and colors huddled ogether. Its lairs of iniquity are more base and undisguised. These hell holes catch all kinds of girls, the drift of untoward circumstances. They do not realize their fate until too late. Once in these dens they add thievery to shame. When money is scarce and customers few robbery is most frequent.

"*The obscene show.*—Men are always the proprietors of these shows, and the more vilely and unhumanely they are conducted the more profitable the business. The proprietors usually become rich, while the performers eke out a mere existence. These establishments are maintained by patronage from the well-to-do society world. The bon ton pay big admission fees to see sights too revolting to mention. Our 'best citizens' give as a reason for being there that they are 'curious to know how low a woman can descend.'

"*The fashionable house.*—Besides these lowest dens and common cribs, there are houses in which are seen, on both patrons and occupants, the glitter and the sparkle of diamonds. Grandeur of furnishings is the rule of these places, from exquisite dining room to remotest nook.

"Liveried servants answer the door, escort parties to separate rooms, and order the beer or wine, which is served on silver trays by colored maids.

"But here, too, the white slave pays the awful price. Surrounded by all this grandeur and beneath all its gaudy exterior her life is a tale of untold sorrow and misery.

"Before her arrival she imagines that her troubles will vanish when she becomes acquainted with the rich. But there is no class less generous than the rich man when he is sober. Besides, the girls are required to take part in the lowest debaucheries for his amusement.

"After a girl has been through one of these rich man's orgies there is nothing left of vice that is not familiar to her. She might live in some parts of the underworld for years and not have the knowledge or experience in vice that these girls have learned under the direction of one rich man in a week or a month of his pornographic revelry.

"Hundreds of rich men are entertained in this way daily in these houses. Men from the Christian world come to make the girls their slaves. They come to tell filthy stories and sing filthy songs and to require the daughters and sisters of other men to join in the chorus. They come to demand these daughters and sisters of other men to appear in richest, daring gowns or in the nude and to dance and jest as their tastes may demand.

"The libidinous language these girls hear from such men is revolting and degrading beyond description.

"When woman is so debased and hardened she is what men and conditions have made her.

"*The source and the cause.*—How did these girls get there, and why? Of their own choice? Very few. In the books Traffic in Girls, Soundings of Hell, The Queen of the Red Light, and The Underworld Sewer the snares, frauds, even forcible means, by which men bring good girls to this life are detailed. The facts seem incredible when read in these books. But the whole truth may not be read; it is unprintable.

"An eminent editor of a great reform paper recently wrote: 'Disinherited classes who earn wealth without getting it will have their daughters dragged into prostitution as victims so long as privileged classes, getting wealth without earning it, furnish sons to be seducers and brothel patrons. Privilege in power can not be deprived of its awful toll of woman's virtue any more than of its ghastly toll of human lives. As it is no respecter of "lower-class" age nor sex nor infancy in its industries, neither does it respect the virtue of "lower-class" women in its play.'

"They are called 'sporting women,' with about of much truth as caged pigeons which are shot to pieces by sportsmen at the opening of the doors might be called 'sporting pigeons.' 'Tis true they afford sport to those who have a fancy for such pleasures, but never imagine that it is sport for the caged pigeons or the white slaves.

"*What can we do.*—What are you going to do about it? Many remedies are suggested, ranging from the direct work of reclamation attempted by self-sacrificing rescue workers to the socialists' proposition that the whole social system must be reconstructed before the evil can be abolished. But let the facts be known. Let the diabolical male side of the evil be exposed. Then may parents protect their daughters and girls not fail through ignorance. In the first place, read the literature which treats of this evil and then circulate it. We can all warn some one whom no one else can reach.

"JAMES LUGG."

CENSORSHIP OF THE NEW YORK CALL.

Another instance, of much the same sort, occurred in relation to the New York Daily Call, a Socialist paper. The post-office censorship refused to carry that paper unless they would abstain from the further publication of a series of articles entitled "What a young woman should know." In consequence of this order one issue of the paper appeared with a blank column for which this article in question had been prepared. I can not reproduce the article, because I have not a copy of it, but this indicates duplication here of the Prussian method, where all matters are subjected to prior censorship and excluded if the censors disapprove of any sentiments expressed.

THE CASE OF THE SOCIAL DEMOCRAT.

Next I come to the case of the United States *v.* Coomer, the editor of a Socialist paper published in Oklahoma and called the Social Democrat. This paper in some issues during July, I think, 1912 or 1913, contained the following announcement:

"Free-love edition of Social Democrat, July 10. Order a bundle now. $2 per hundred. Advertisers get your copy in now. 5,000 copies of this edition will be circulated.

"The master class has always taught and paid their hireling teachers, preachers, authors (editors), and other able idiots to teach that woman is merely a multiplication table for the human species; that her only business on God's green footstool is to fry steak and onions and borning soldiers and politicians.

"The master class has even paid poets, and paid them well, to write that woman was nothing but a 'rag, a bone, and a hank of hair,' the 'weaker vessel,' etc. They never considered that woman had any rights to life, liberty, and the pursuit of happiness. They never until recently allowed her to exercise anything but her sexual apparatus.

"The Socialists have made a great discovery. They have discovered that women are human beings. They are getting paid for this great discovery by having 'free love' and many other stupid hee-haws brayed in their ears.

"We are going to tell you in the free-love edition why the Socialists believe women are human beings. Watch for it, and read it when you get it."

For publishing this notice he was given a jail sentence, which was also affirmed by the United States Circuit Court of Appeals. (See 213 Fed. Rep., 1.)

I want to emphasize again that the evil of all this is not only in the suppression of the liberty of the press, but in the uncertainty in all of these statutes, none of which prescribe the criteria of guilt, and leave it to the whim and caprice of courts to determine guilt by post facto standards. (For further discussion of this point refer to my book on "Obscene Literature and Constitutional Law," and especially chapters 13 to 22.)

SEDITIOUS LIBEL REVIVED.

Next I come to a discussion of the prosecution of the agitators for the crime of seditious libel. Here, again, the complaint of the workers arises out of discriminations to which they are subjected, not only under uncertain statutes but also under laws of judicial creation.

Before proceeding to the statement of the troubles of the agitator, I desire to call attention to a few things of a very similar character to that for which agitators are arrested, but coming from entirely orthodox sources, and which have never been made the basis of any prosecution or executive action. The first of these is a publication by Prof. George Gunton in the Bulletin of the New York Institute for Social Economics, I think, under date of March, 1903. I had slight acquaintance with Mr. Gunton and knew some of his intimate friends, and was told by them that his work in the field of economics was being subsidized by the Standard Oil interests. A few years ago—I think it was in the exposé made by Mr. Hearst through the publication of Mr. Archbold's letters—it appeared publicly that Prof. Gunton was subsidized by the Standard Oil interests. This particular bulletin of the Institute of Social Economics was devoted to justify the proposition that might was the only true arbiter of right. These bulletins were sent to debating societies connected with universities, Y. M. C. A.'s, and other literary associations and public libraries. No exception was ever publicly made to that publication or its transmission through the mails.

Another similar illustration is found in a paper called the Nativity Mentor in its issue of April, 1912. In that issue some clergyman became unduly ex-

cited about Socialists and published this: "The Socialist is busy; he follows his red flag and openly preaches his doctrines; his great point of attack is his imagination; his power is an actual menace in our city. There seems to be no law to suppress or control him. He is more dangerous than cholera or smallpox—yes; he is the mad dog of society and should be silenced, even if it be by a bullet." I am informed that effort was made to have this editor indicted by the Federal statutes, but that no action could be secured.

Still another illustration is an article in the Los Angeles Times, dated November 2, 1911. On page 4 is found a lengthy article entitled "The great combine." From that article I quote the following:

"And soon—it has begun to happen already—the plain citizen from every country will form a combine. Its object will be the suppression of sedition and anarchy in the persons of the professional agitators. Theirs will be a big, powerful, effective but very unostentatious revolt. It will work quickly, surely, silently. * * *

"The first thing the plain-citizen combine will accomplish will be the quiet removal of these gentlemen. They won't be blown up; they will just quietly disappear from human ken. There will be a little inquiry at first, but it will die down ever so quickly, for of all people in the world, the professional agitator depends entirely upon his presence and his glib tongue to maintain any sort of interest or influence in his followers. * * *

"The idea of the plain-citizen combine is not being mouthed abroad and it is not seeking members or subscriptions, but it is growing rapidly nevertheless, and it is a very real and tangible thing.

"With the itch removed, the great disease of unrest will soon be cured and the world will settle down for another half century."

In the omitted portion of that article the editor makes it plain that the kind of people he would have quietly killed are men like Mr. Kier Hardie, of England. Mr. Harrison Gray Otis, of the Los Angeles Times, was never arrested for such publications.

The Appeal to Reason has from time to time published other similar articles suggesting violation against Socialists. These articles, of course, come from entirely orthodox sources, and were never prosecuted.

I shall now call attention to the very different way in which radical agitators are treated when their enthusiasm exceeds the boundary of calm, dispassionate discussion. I will first call attention to the case of one Ludobico Comminita. Sometime during the close of President Roosevelt's administration this man was publishing a radical paper at Paterson, N. J. He is an anarchist in his social theories, and, of course, was much of a thorn in the flesh of the operators of silk mills in Paterson. At the time in question he published in his Italian paper an article which it was charged justified arson and murder. I have never seen the article nor a translation of it. At that time there was no statute prohibiting the sending of such matters by mail. The postmaster excluded it and referred the matter to Washington. The Attorney General furnished a written opinion to the President of the United States declaring that no statute justified the exclusion of that paper from the mail, but expressed the opinion that no court of equity would give the publisher any relief, even if his paper were excluded without warrant of law. Thereupon President Roosevelt concluded that he had both power and authority for excluding it, and it was excluded from the mail. Subsequently he asked and received from Congress legislation which would legalize such exclusion in the future. It was under this legislation that the Socialists have endeavored in vain to secure the prosecution of those who advocate violence against them.

Still later Mr. Comminita was arrested under a State statute for the publication of the article above referred to. I am not informed as to what the result of that prosecution has been. My impression is that it has not yet terminated. He was not arrested under that warrant until a couple of years after the occurrence. Another of Mr. Comminita's difficulties arose out of a picture which was exhibited in his shop widow and published by him. The indictment in that case was truly amusing, and I herewith present it in the record:

"Court of Oyer and Terminer in and for the county of Passaic. September term, A. D. nineteen hundred and twelve.

"Passaic County, to wit: The jurors of the State of New Jersey in and for the body of the county of Passaic, upon their oath, present, that Ludobico Comminita & Firmino Gallo, late of the city of Paterson, in the county of Passaic aforesaid, on the nineteenth day of September, in the year of our Lord nineteen hundred and twelve, with force and arms, at the city aforesaid, in the

county aforesaid, and within the jurisdiction of this court, being wicked, malicious, and evil-disposed persons, and contriving and intending the peace of the State to disturb and to bring the Government of the Kingdom of Italy into great hatred and contempt and to incite and move the citizens of this State into hostility and hatred toward the said Government of the Kingdom of Italy and the law and constitution thereof, did at the city aforesaid and county aforesaid, bring and introduce and exhibit in public and circulate and aid and assist in bringing, introducing, exhibiting, and circulating a certain sketch or picture on paper, whereon was drawn and delineated certain structures partly in the form of and suggesting a gallows, and hanging from the cross beams thereof the habiliments of soldiers of the Turkish Army of Tripoli, and having around the neck of each of said forms and figures a rope by which the said forms and figures were suspended from said cross beams projecting out at right angles from the tops of said structures in the posture of convicted men undergoing capital punishment for crime; and the foot of two of said structures suggesting the gallows is drawn and delineated a picture in the form of a woman bowed down with grief and sorrow; and that also thereon was drawn and sketched two certain other figures resembling and portraying a male and female, the male figure being in likeness similitude of the King of Italy, and the female figure having the dress and marks thereon of the Red Cross nurse, and said figures being represented in the attitude of friendliness and intimacy and joyfully promenading together about the field where the said forms of men were hanging from said structures wholly indifferent to the pain and suffering to which said men in the grief and sorrow that is suggested by the forms of the women weeping at the foot of the said two structures on either side of said picture or sketch, and that was also written on a paper attached to the said picture or sketch the words 'Civitia Italina in Tripolitania,' meaning 'Italian civility in Tripoli,' and meaning that the said forms of men that were exhibited as hanging from said structures were prisoners of war captured by the army of the Italian Government in the war with the Turkish Government in Tripoli, and indicating the cruel and inhuman treatment of the Italian Government toward soldiers of the enemy taken captive and held as prisoners of war, with intent to incite, promote, and encourage hostility and opposition and the destruction and extermination of the Government of the Kingdom of Italy, contrary to the form of the statute in such case made and provided, and against the peace of their State of government and dignity of the same.

"MARSHALL DUNN,
"*Prosecutor for the Pleas.*

"Witness:
"CARLO IMPARTO."

For this offense Comminita was required to furnish a bail bond of $2,000, in default of which he remained many months in jail. A speedy trial was then denied him unless he would waive a jury trial. Later a bail bond was furnished, and the last information I had upon the subject the case had not yet been brought to trial. Evidently this indictment and the other were designed only to drive him out of Paterson—at least that is the impression among his friends and others in that city. This last prosecution of Comminita finds a seeming justification under the following statute:

"Laws of New Jersey, 1902 act, page 405, chapter 133.

"A supplement to an act entitled 'An act for the punishment of crimes' (revision of 1908), approved June fourteenth, one thousand and eight hundred and ninety-eight.

"*Be it enacted by the senate and general assembly of the State of New Jersey:* 1. Any person who shall, in public or private, by speech, writing, printing, or by any other mode or means advocate the subversion and destruction by force of any and all government, or attempt by speech, writing, printing, or in any other way whatsoever to incite or abet, promote, or encourage hostility or opposition to any and all government, shall be guilty of a high misdemeanor, and punished by a fine not exceeding two thousand dollars, or imprisonment at hard labor not exceeding fifteen years, or both."

Next I come to a case of seditious libel in which the Pennsylvania court held that, although no statute of Pennsylvania covered the case at issue, yet, in spite of the constitutional provisions guaranteeing freedom of speech and press, the old common-law crime of seditious libel was in force in the State of Pennsylvania. In this matter the court followed a precendent made in 1803 where a royalist was convicted for an extreme vituperative denunciation of

the American form of government. The decision in that case is given in Republica *v.* Joseph Denny (4 Yeates, p. 267). This case has never been followed since 1803, and was resurrected only because of the case of the Steel Trust in Pennsylvania. Here I offer in evidence a copy of the indictment in the case of the Commonwealth *v.* McCarty and others, contained in a pamphlet called The Free-Press Persecution, and beginning at page 9 of that pamphlet and ending at page 24:

"Commonwealth of Pennsylvania *v.* C. H. McCarty, F. M. Hartman, Charles McKeever, Evan Evans, William J. White.

"COMMONWEALTH OF PENNSYLVANIA,

"*County of Lawrence, city of New Castle, ss:*

"Before me, the subscriber, O. H. P. Green, alderman in said city and ex officio justice of the peace in said county, personally came Joseph Gilmore, chief of police of said city, who being duly sworn according to law on his oath says that on and continuously since the first day of July, A. D. 1909, and to the present time, a large number of former workmen and employees of the American Sheet and Tin Plate Company have been on strike in said county, and strike conditions have prevailed during such period of time in said county and in the vicinity of the mills and manufacturing plants of said company situate in said city of New Castle, in that among other things the said American Sheet and Tin Plate Company undertook and proceeded during said period to run and operate said mills and plants, and for that purpose hired, employed, and placed therein other employees and workmen, and many of the former employees and workmen of said company and their associates then on strike, by individual and organized action, undertook and proceeded to interfere with, obstruct, and prevent such operation of said mills and plants by intimidation, menaces, and personal violence to such new employees and workmen in said mills; so that in the vicinity of said mills and in the district and territory wherein said former employees frequented and resided, the personal safety of men and women was continuously imperiled and threatened, and the public peace and general tranquillity of the people was constantly threatened and often disturbed and broken; and during said time the men so on strike established picket stations at or near the entrance to the respective mills of said company and guarded and patrolled certain streets and sections of the city in the vicinity of said mills with intent and purpose to deter and prevent other persons from going to and from said mills and from accepting or continuing employment therein.

"That during the period aforesaid the persons continuing to work in said mills or plants, and going to work therein after such strike begun, were frequently shot, stabbed, beaten, assaulted, spat upon, and insulted on the streets and highways in said city and county, were followed to their dwelling houses by hooting, jeering mobs, and their dwelling houses were frequently struck by stones and other missiles by persons so on strike and their associates, aiders, abettors, and confederates, and by words, taunts, and jeers were incited to anger and resentment and to personal resistance and redress by the persons remaining on strike, their aiders, abettors, and confederates, to the great and imminent danger of riots, uprising, and general defiance of the law and breach of the peace, and to the large destruction of life and property.

"Wherefore it became and was necessary for the officers charged with the duty of maintaining and preserving peace and good order in the community and in the neighborhood and vicinity of said mills and plants to use unusual and extraordinary means and methods in discharging their duties, and necessary reinforcements were procured by the appointment of deputy sheriffs and special police officers and by the presence of members of the State police constabulary; and it further became and was necessary to procure an order from the court of common pleas of said county, dated October 6, 1909, restraining persons so on strike and their associates, aiders, abettors, and confederates from calling persons at work in said mills or seeking employment therein scabs and other vile and opprobrious names, from jeering, taunting, and insulting them, from carrying and exhibiting clubs, firearms, and knives; making demonstrations or doing any matter or thing tending to excite, scare, frighten, or intimidate persons employed or seeking employment in said mills and plants, and from otherwise interfering with or disturbing the peace and order of said community to the end that the rights of persons and property therein should be preserved and protected, which said injunction has been continued in force to this present date.

"That John W. Waddington was sheriff of the said county of Lawrence from the first day of July, 1909, to the 3rd day of January, 1910, when his term of office expired. Since the date last mentioned Robert H. Whaley has been and is the sheriff of said county.

"That Harry J. Lusk was mayor of said city of New Castle on the first day of July, 1909, and since that date has been and now is mayor of said city.

"That Joseph Gilmore was chief of police of said city of New Castle in said county on the first day of July, A. D. 1909, and since that date has been and now is chief of police of said city.

"That from the first day of July, 1909, it was and has continued to be the duty of the said several officers to preserve and maintain peace and good order within the said city and county and in the vicinity of said mills and plants and prevent and suppress the commission of crimes, violations of the law, breaches of the peace, and violations of the ordinances of said city, upon the streets, highways, and public places therein, and leading to and from the vicinity of said mills and plants, and in the discharge of said duty a large number of special police officers were duly appointed by the proper authorities and were present to assist therein, and it became and was the duty of all persons to whom said writ of injunction was directed to respect and obey the same, and the duty of all persons to respect and obey the authority of all said officers and their deputies engaged in keeping and maintaining public peace and good order in said community, and at all times to respect and obey the law and its duly constituted authorities, yet so it is that from July 1, 1909, continuously to the present time many persons in said city and county and particularly in the vicinity of said mills and plants have continued to disregard and violate the laws of this Commonwealth, the ordinances of said city of New Castle, and the injunction issued by our said court; that there have been frequent breaches of the peace, rioting, unlawful assemblage of the streets and highways, and open resistance to law of government as well as the courts.

"That C. H. McCarty, F. M. Hartman, Charles McKeever, Evan Evans, and William J. White, all of the county aforesaid, being wicked, malicious, seditious, and evil-disposed persons and greatly disaffected toward the Constitution and Government and laws of the United States and of the Commonwealth of Pennsylvania, and the several officers hereinbefore named, who were and are charged with the administration and execution of the laws and the maintenance of the peace in said city and county and most unlawfully, wicked, and malicious devising, designing, and intending, as much as in them lay, to bring our said Constitution and Government and the administration of the laws and the duly constituted officers thereof, employed in the enforcement and execution of said laws, into great public hatred and contempt among the residents and citizens thereof, and to alienate and withdraw from our said Government and its officials the love and affection, true and due obedience, fidelity and allegiance of the citizens thereof; deliberately designing to unloosen the sacred bond of union, to unhinge the minds of citizens, and to produce popular discontent with the exercise of power by the known constituted authorities; and wickedly and seditiously to disturb the peace and tranquillity of our said Government and this Commonwealth, to stir up and incite discontent and sedition among the citizens thereof, and to wickedly seduce and encourage the citizens of our said Commonwealth to resist and oppose the government thereof, the administration and execution of its laws, and the orders and decrees of its courts.

"At the city of New Castle in said county of Lawrence and State of Pennsylvania with force and arms unlawfully, falsely, wickedly, maliciously, and seditiously did write and publish and cause and procure to be written and published certain scandalous, false, malicious, inflammable, and seditious matter of and concerning the Constitution and laws of the United States and of this Commonwealth and of and concerning the duly constituted officers and agents of the government employed in the administration of said government and its laws, and engaged in an effort to preserve the peace and to enforce and execute the laws and the decrees of the court, in a certain paper entitled The Free Press, published and distributed in the city and county aforesaid, between the respective dates hereinafter set forth, according to the tenor and effect following; that is to say, to wit:

"On the 31st day of July, A. D. 1909, in a part of a certain article entitled 'Who are these scabs?' the following:

"'From this the working class should take a lesson. Here it is: Let us make our own laws. Make them right from the shop. Never mind whether or not they will conflict with the laws of the political State of to-day. If we are strong

enough in the shop—in other words, if we are organized into one big union—we are able to defy all the capitalists' laws and paralyze the industry of the country to such an extent that they will not be able to send their armed men to shoot us down; moreover, until we are organized into that kind of an organization our condition will continue to become more and more intolerable.'

"And in a part of a certain article entitled 'Call out the independent mills,' the following:

"'But they may say that the contracts agreed upon at the last convention interferes. Contracts, hell! Is the "sacredness of contract" of more importance than the welfare of the tin workers and their wives and children? Must we remain out and starve, pitting our empty stomachs up against the millions of the mill owners, and perhaps go back defeated, as we have done time and again, because of a miserable agreement?

"'Damn the contracts! Contracts are no good, anyway. The capitalist class only stand by them when it is convenient to do so. They don't care for laws of any kind when laws interfere with their bloodthirsty hunger for profits.'

"On the 28th day of August, A. D. 1909, in a part of a certain article entitled 'Call 'em out,' the following:

"'Again the Free Press says: "Call out the independent (?) mills!" The chances of victory and the welfare of the tin workers and their families are of more concern than the honor (?) there is in keeping the most sacred agreement ever signed by commanders of two opposing forces.

"'Break the contract! Do as they have done in Sweden. Break any written instrument that interferes with the workers gaining a point of vantage for their class!

"'Listen, boys: "Any line of action that will advance the interests of the working class is right; and any line of action that will not advance the interests of the working class is wrong."'

"'Read it again and think it over!

"'Therefore, break the contracts! Call out the independent(?) mills! Then your entreaties to the nonunion mills will not be in vain. They will then see the tremendous power of the workers and, being already imbued with discontent, they will heed the war cry for united action.

"'We must recognize that this is a class war between the class that owns the mills and the class that works in the mills, and the earlier we learn that the sooner we will become class conscious and act as our material interests direct.

"'Swing into battle all the reserve forces! Stop the entire sheet production of every mill! Make the buyers on one side of the employers clamor for their orders to be filled and the men on the other side of the employers, the workers, ready to work when they have an equal right to organize for their protection as well as the trust masters.'

"And in a part of a certain article entitled 'Conservative or radical? A wage slave's meditation,' the following:

"'With me it is a war—"war to the knife; knife to the hilt." I may go down, but what of it? Haven't millions whose blood was just as warm, whose flesh was just as pulsating, and whose instincts were just as acute as mine gone down in the struggle?

"'Yes; I believe in force. I believe that, under the present insane system, might is right and weakness the only wrong. I believe that this has been the case since my hairy ancestors left their dwellings in the trees and came out into the open field with club or rock in hand, or paw, to attack and struggle with and conquer the big beasts of the plains and prairies. I believe that the motor power of civilization has been that of force—blind, cruel, and barbaric force so far.'

"On the 11th day of September, A. D. 1909, in a part of a certain article entitled 'This is a big fight,' the following:

"'We notice, too, that several old independent mills that have been idle for years have started up. What does that mean? It means that they are going to make more tin. Union men are going there to work, too, and that will be all right, the heads of the organizations will say. Damn it! I often sit and wonder how the poor "work ox" can be so thickheaded.

"'This is a big fight, and every weapon at our disposal should be used. There is no mercy on the part of the masters. They will grind us down and are doing it. They believe in force, and they apply it at every turn.

"'We have the force, and we have the numbers. We are able to win this strike to-morrow if we would only get together in the right kind of an organization. Until we do that we will be at their mercy.'

"On the 25th day of September, A. D. 1909, in a part of a certain article entitled 'Obey the law,' the following:

"'Damn the laws that must be backed up by guns and clubs and thugs.

"'At any rate, law is the rope with which the working class has been tied by king, priest, and parasite down the centuries. Time was when the poor workingman was driven to his task with lash and club and forced to toil from sunrise until dark for a merciless master, and if they uttered their discontent they were tortured and damned. And this was law! The laborer was despised and spat upon by the very ones who fattened on his misery, and it was called law and must be sacredly obeyed.

"'Throughout the ages the owner of the bent back and the knotty hands has forced his weary way with one hope and one privilege, and that was that some day his burden would be lightened. So far it has been, but that is when he is under the dandelions.

"'The working class has had one privilege, however, and that is the privilege of reproducing their kind, and often that privilege has been violated by the lustful idle class in pursuit of pleasure, to the shame and degradation of the toiling mass of workers.

"'This, too, was law.

"'The working class has struggled to what little liberty it has against tremendous odds. It has always had the numbers and the power, but that power has been divided. Moreover, all that it has gained so far it has gained in contradiction to the law of the masters. And all laws are the masters' laws under the rulership of the political state.

"'Throughout the centuries the workers have been crying out to you who have had all the advantages of education to help them get a few of the good things that their own labor made possible. And you have always given them a ghoulish grin and the advice to obey the law—the master's law.

"'No laws were ever intended to protect labor and never will be so long as the workers are not the absolute dictators of them.

"'If the working class waits to win industrial freedom by obeying capitalists' laws they will be working twelve hours a day in hell a million years from now.'

"On the 18th day of December, A. D. 1909, in a certain article, entitled 'Unspeakable outrage—Strikers jailed for simply walking the streets,' the following:

"'Twenty-four of the most substantial and useful of the citizens of New Castle are lying in jail in default of a $25 fine because they wouldn't be ordered off the streets like dogs by the acting lackeys of the Steel Trust; that is, the police and the company bulls, including the unspeakable "Big Liz."

"'These men have lived here, some of them, nearly all their lives; they have built homes, some of them have reared families; they have paid taxes; they have built the very streets which they are ordered to keep off like so many slaves under a taskmaster's whip.

"'Now, they are in jail because they didn't jump when they were spoken to, and sneak away to their homes as though they were felons guilty of some crime for which they dare not stand erect or walk the streets of their home town in sight of all men.

"'Is liberty dead? Is America Russia? Have Bunker Hill and Gettysburg been fought in vain? Are we to be henceforth the bound and gagged slaves of the Steel Trust, driven at will like cattle off the public streets? Is life so dear or peace so sweet as to be purchased at the price of these insults and indignities? Are all the traditions of the English-speaking world to be flouted, spit upon, and dragged in the mire? If not, action, immediate action, direct action, drastic action, at once, is necessary.

"'The offense for which these 24 strikers were jailed by the unspeakable incubus who now infest the mayor's chair on Tuesday last was this: A number of them were walking on the street, not so far from the Shenango mill, where they had formerly worked. They were walking there, peaceably, talking quietly, minding their own business. Most natural thing in the world for striking workmen to drift toward the scene of their former employment. Any man naturally has a tendency when not otherwise engaged to revisit the place where he has formerly worked, or at least the neighborhood. The power of association and former habits naturally draw him. But these men weren't even trespassing. They weren't on the company's property. They were on the streets—the streets that had been built and improved with their own tax money.

"'Along came the police. "Move on. Get out of here. Shoo, fly. Strikers not allowed to stand on the streets. Sheriff's orders." Just as one might order a troublesome cat or dog out of the way.

"'Back of this action of the police are the orders of Waddington, and back of Waddington Mayor Lusk's court, and back of Mayor Lusk the legislature and judicial machinery of this capitalist-cursed Government, and back of it all the power of the gouty plutocracy who have thieved and continue to thieve the earnings of the common people.

"'What rights has a workingman in law courts? Absolutely none. Why should he have any respect for them or any trust in them? Not a ghost of a reason for it. They talk about equality and justice and patriotism, and all that, but they exist for only one purpose, to help the robber class go through the pockets of the wage earner and make a cleaner and a better job of it. "The voice is the voice of Jacob, but the hands are the hands of Esau."

"'The working class must take matters into their own hands. In New Castle there is only one line of tactics that will save the day now, and that is the tactics that are now winning out in Spokane. Openly resist the despotic orders of this barbarous sheriff and go to jail not by the dozens merely, nor by the scores, but by the hundreds. Don't be cowards and pay fines or let others pay them for you. Be a man and go to jail. As fast as one batch are run in let another crew take their places. Fill the jails to overflowing. Make them improvise new jails. Make the ruling class feed you while you are on strike. Let the wives and children of the jailed strikers march in a body to the office of the poor commissioner and demand relief. Demand it in tones so loud as to be heard. See that you get it. Make the ruling class feed you.

"'Don't hire lawyers. Damn them; they stink of blood money—the most of them. Don't bother about having witnesses called and going through the stupid and dreary formalities of examination and cross-examination, and all that truck. The power is in your own hands when you act. And the line of action just now is simply to line up, defy the sheriff's orders, go to jail, make the ruling class feed you till they're sick of it. Hit them in the pocketbook. That's where their heart lies.

"'In such a fight as this it is no time to ask whether a man belongs to this labor organization or that. It is a working-class fight. For a workingman who has a drop of red blood in his veins there is only one place where he can be found, and that is standing shoulder to shoulder with the strikers in resisting as insolent, as autocratic, as despotic, as corrupt, as conscienceless a municipal despotism as ever cursed the earth.

"'Come on; let's be men.'

"On the 1st day of January, A. D. 1910, in a certain article, entitled 'Bishton in jail for debt—Revival of ancient custom,' the following:

"'At this very moment two workingmen, Edward Vaughn and John Bishton, are lying in jail for no offense whatever and with no charge against them but for being beaten up and assaulted by bulls and scabs.

"'Civil wars have been fought and violent revolutions have been precipitated for a great deal less than this. It is difficult to write this matter up for the press. One's blood so boils at the mere recital of the facts. But here they are:

"'Take the case of Edward Vaughn. He had been sick for six weeks during the latter part of the summer, and feeling a little better one Sunday in August strolled out with two companions to get a breath of fresh air, hoping it would do him good. While walking down Mahoning Avenue they were suddenly confronted by one Arthur Davis, one of the company's bulls, who drew two revolvers and ordered them back.

"'One would naturally think there was some remedy at law for an outrage of this kind, and that was what Vaughn thought, too. Thought he was living in a free and civilized country. Thought the laws and Constitution of Pennsylvania and the United States were something more than a hollow lie. He found out differently. He brought action in law against the ruffian who ordered him off the street at the point of a drawn revolver, only to have his case thrown out by the grand jury and himself assessed $27.54 in costs, for default of which he is lying in jail now. His case wasn't even allowed to come before the judge, and he is slammed in jail for opening his mouth so much as to find fault. He can be kept there three months, and then it will require insolvent proceedings on his part to gain his freedom. If he has any property that can be seized to pay those costs even then after he has laid in jail.

"'That's law. That's law courts. Is there anything for the workingman in either? Answer: Yes or no.

"'The grand jury that threw Vaughn's case out of court was mainly composed of farmers, and it is farmer's sons and relatives (damn them) who to a great extent are scabbing at the mills. It would be interesting to know if

the members of this grand jury had any relatives scabbing, and the Free Press intends to find out later on.

"'The case of John Bishton is, if it were possible, more outrageous still. Bishton was assaulted on Long Avenue during the month of September by two company bulls, Pelton and Smith, and his head so badly beaten in that he had to be taken home in a buggy. This Smith is the same fellow who shot Theodore Otto in the breast, practically crippling him for life, and is now in jail himself for jumping his bail in the Bishton case. Bishton's brother brought action against these two ruffians, with result that the case went against him, of course. And the costs, over $74, were placed on John Bishton, the wounded man. He, too, is now lying in jail, and can be kept there for three months, or, for that matter, indefinitely, unless he institutes insolvency proceedings. So also his property can be distressed to pay the costs awarded against him because his brother complained in law courts on his behalf.

"The Vaughn case stands for the proposition that a workingman on strike dare not complain in law courts of any treatment that he receives at the hands of the bulls and thugs of the employing class. The Bishton case stands for the proposition that his relatives dare not open their mouths, either. In either case he can be slammed into jail and kept there indefinitely.

"'Workingmen of New Castle! These are not things that are happening in Russia; they are happening here. Vaughn and Bishton are lying in jail up on the hill now. No relief is to be had from law courts or from any other of the institutions of the capitalist class. Labor must take power into its own hands.

"'We are engaged in a class struggle bitter as death. It's war; war to the knife; knife to the hilt. We must have done with paltering and with compromises. The working class must get together in one big union that will take the whole wage-earning class and so be competent to give battle to the industrially organized employing class and the pliant tools of the law-making and law-executing officials from the President down. They are all our enemies—all of them. Their country is not our country; their laws are not our laws; their servants are our oppressors. Our hope is not in their institutions, but in the industrial organization of the working class, which we ourselves must build.'

"On the 15th day of January, A. D. 1910, in a part of a certain article entitled 'Use the ballot,' the following:

"'To the end of informing the workers of the position we take on this most vital of all questions to our professed constituency, let the Socialist Party definitely specify that its administrative officers wherever elected will use the police power in their control to do two things:

"'Preserve order, prevent violence of all kinds, guaranteeing protection to the property involved by a thorough patrol of it inside and out.

"'2. Arresting of all strike breakers and private police during any strike, and the prohibition of any person going upon a job to work while a strike is pending between an employer and his employees.'

"On the 29th day of January, A. D. 1910, in a certain article entitled 'War on women,' the following:

"'Our brave officials, having waged successful war on unoffending workingmen, are now showing their mettle by attacking women. Twenty-four wives, mothers, and sisters of strikers were served with writs to show cause why they should not be brought into court for violating the sacred injunction.

"'The A. S. & T. P. Co. accuses the women of throwing epithets, snowballs, stones, bricks, and other missiles at the scabs employed by this company.

"'Whether the women are guilty we can not say; but we know they ought to be. Women who stay in their "proper sphere" and maintain a ladylike demeanor while their helpmates are in the thick of a bitter fight for bread are unworthy the name of woman. Let those who will admire the females whose highest ambition is to ape the 'eminently respectable and conventionally proper' ladies of the ruling class; but we have much more respect for the class-conscious women who use every weapon in their power—even such feeble and ineffective weapons as snowballs and epithets—in defense of their class.'

"In contempt of the Constitution and laws of the United States and this Commonwealth, and its institutions, agents, officers, and courts constituted, employed, or appointed for the administration of said Government to the evil example of all others and against the peace and dignity of this Commonwealth.

"Complainant therefore prays and desires that a warrant may issue and the aforesaid defendants, C. H. McCarty, F. M. Hartman, Charles McKeever,

Evan Evans, William J. White, may be arrested and held to answer the charge of libel, and further deponent saith not.

"JOSEPH GILMORE,
"Chief of Police.

"Sworn to and subscribed before me this 5th day of March, A. D. 1910.

"O. H. P. GREEN, *Alderman.*"

My recollection is that in that case there were several trials, in the first of which the jury disagreed. At the last trial the jury found the defendants not guilty, and penalized them to the extent of the cost of several prosecutions for being not guilty. It seems that such anomalous procedure by which an innocent man may be punished is justified in the statutes of Pennsylvania. In the meantime these defendants continued their criticism of the court, and in consequence were indicted for criminal contempt of court. Here again a precedent was made. This was the first prosecution of the kind that had ever occurred in the State of Pennsylvania—at least so it was claimed. On this indictment the defendants were fined. In the meantime their financial resources had been exhausted, and their agitation had resulted in carrying the election in New Castle, Pa., for the Socialist Party, and this they felt was a sufficient vindication. In the meantime, however, they made very bitter complaint over the fact that the New Castle Republican, one of their rival papers, had published an article entitled "A call to arms," which very plainly was designed to incite to violence against the Socialists, but no prosecution for that article was ever had either under the precedent establishing seditious libel or under the postal laws which penalized the advocacy of some crimes through the mails.

Another case of The United States *v.* Margaret H. Sanger. Margaret Sanger was the author of the articles in the New York Call, to which I have already referred, and which were excluded from the mails. After she became the editor of a little paper called the Woman Rebel, No Gods, No Masters, in its issue for July, 1914, she published an article entitled "A defense of assassination," by Herbert A. Thorpe. This article reads as follows:

"It is generally agreed that lower forms of life must give place to higher types, and when the pioneer of civilization makes his way into the forest, he must of necessity destroy the man-killing animals living therein. Exterminating warefare is also waged against the savage members of the human race wherever they oppose the establishment of conditions necessary for the development of the more highly organized types. Of course, where improvement by instruction and subsequent cooperation is possible, this extreme of annihilation need not be practiced, but unless it can be shown that there is room enough on earth for both savage and civilized, the savage must go.

"Having thus indicated the operation of the law of the survival of the fittest, it would seem that we should apply the same treatment accorded to wild animals and savages to those men in civilized countries whose natures still display traits characteristic of the tiger and wolf, and who, owing to the nature of our social fabric, are beyond the reach of correction.

"It is immaterial whether such men are conscious or unconscious of their true natures and the effect of their actions on others. If their position in modern life is an entirely false one, as in the case of the czar or king, this is their misfortune, but, like the savage or wild animal, they should not be permitted to live upon or block the march of the many toward better conditions.

"There is no different, ethically, between killing a man instantly or slowly, overworking or starving him to death, yet those are the conditions imposed upon millions of workers throughout the world to-day, owing to the brutality of the employing and official classes, and their ability to control large armies of ignorant police and soldiers to intimidate the workers whenever a clash occurs between capital and labor.

"Another weapon used by these undeveloped czars of industry, whose egoism runs riot, is to dictate to their legislative hirelings what laws shall be enacted, or, if any exist that balk their selfish desires, to coerce their judicial puppets so to interpret them as to nullify the beneficial effect sometimes intended.

"The point I wish to bring out is this: That since the great mass of people are by force of circumstances unable to use the same weapons employed by the better educated and privileged class they are justified in using whatever other means of defense may be at their disposal, such as the strikes, boycott, or assassination.

"The assassination of tyrants has been practiced throughout history in all parts of the world, and in regard to nihilism in Russia, Wendell Phillips has this to say: 'Nihilism is the righteous and honorable resistnace of a people crushed under an iron rule. Nihilism is evidence of life. Nihilism is the last weapon of victims choked and manacled beyond all other means of making the oppressor tremble. God means that the unjust power shall be insecure—and every move of the giant prostrate in chains, whether it be to lift a single dagger or stir a city's revolts, is a lesson in justice. One might well tremble for the future of the race if such despotism could exist without provoking the bloodiest resistance. Honor nihilism, since it redeems human nature from the suspicion of being utterly vile, made up only of the heartless oppressors and contented slaves. Every line of our history, every interest of civilization bids us rejoice when the tyrant grows pale and the slave rebellious. We can not but pity the suffering of any human being, however, richly deserved, but such pity must not confuse our moral sense. Humanity gains!'

"The attention of our editors and judges called particularly to the following from the same speech:

"'I know what reform needs, and all it needs, in a land where discussion is free, the press untrammeled, and where public halls protect debate. In such a land he is doubly and trebly guilty, who, except in some most extreme cases, disturbs the sober rule of law and order.'

"History shows that individuals can be so highly organized and so sensitive to human suffering as to be irresistably impelled to seek relief by killing the person responsible, directly or indirectly, for the suffering imposed, and when the assassin merely obeys an uncontrollable natural impulse to eliminate destructive oppression, it seems to me that such killing is a high expression of the individual's outraged better nature.

"Governments, of course, exercise their power to restrain and punish common criminals by imprisonment and death, but since the average intelligence does not perceive that there are many more ways through which scores of less apparent and more insidious crimes go unpunished, stealing and murdering other than by pocket picking and throat cutting, and it is left to the more discerning to denounce the greedy commercial and official octopuses that prey upon society from behind legal barricades.

"There is no reason why those members of society possessing highly social and sympathetic qualities should not attempt to create an environment suitable to their natures, and if the removal of the tiger, the savage, the political or industrial tyrant, conduces to that end, such removal becomes a necessary duty.

"If assassination has failed to achieve very much in the way of reform, it may be not because the method is wrong, but because it has not been practiced persistently enough. Where physical force is employed, numbers mean strength; and while one may fail to produce substantial results, one hundred will succeed. The American Revolution is a case in point. If we concede the right to a group to resist tyranny or injustices by violence, we must also concede the same right to the individual.

"It must not be supposed from the foregoing that I have any scheme of wholesale slaughter in mind. My idea is that if during an industrial crisis, such as a strike or lockout, where sometimes the way to a settlement is blocked by the stubborn selfishness of a single man, it might prove a good lesson to the employing class if such an obstacle were promptly and effectively removed."

For this she was indicated under the Federal postal laws and her case is still pending. The argument in this article was not very unlike the article of Prof. Gunton on "Might in the true arbiter of right."

Another interesting case under a State statute which penalizes all publications tending to create disrespect for law is the case of the State of Washington *v.* Jay Fox. This man received a jail sentence for publishing the following editorial:

"THE NUDE AND THE PRUDES.

"Clothing was made to protect the body, not to hide it. The mind that associates impurity with the human body is itself impure. To the humanitarian, the idealist, the human body is divine, 'the dwelling place of the soul,' as the old poets sang.

"To the coarse, half-civilized barbarian, steeped in a mixture of superstition and sensualism, the sight of a nude body suggests no higher thoughts, no nobler

feelings, than those which the sight of one animal of the lower order of creation produces in another.

"The vulgar mind sees its own reflection in everything it views. Pollution can not escape from pollution, and the polluted mind that sees its own reflection in the nude body of a fellow being, and arises in early morning to enjoy the vulgar feast, and then calls on the law to punish the innocent victims whose clean bodies aroused the savage instincts, is not fit company for civilized people and should be avoided.

"These reflections are based on an unfortunate occurrence that took place recently in Home.

"Home is a community of free spirits, who came out into the woods to escape the polluted atmosphere of priest-ridden, conventional society. One of the liberties enjoyed by homeites was the privilege to bathe in evening dress, or with merely the clothes nature gave them, just as those chose.

"No one went rubbernecking to see which suit a person wore who sought the purifying waters of the bay. Surely it was nobody's business. All were sufficiently pure minded to see no vulgarity, no suggestion of anything vile or indecent, in the thought or the sight of nature's masterpiece uncovered.

"But eventually a few prudes got into the community and proceeded in the brutal, unneighborly way of the outside world to suppress the people's freedom. They had four persons arrested on the charge of "indecent exposure." One woman, the mother of two small children, was sent to jail. The one man arrested will also serve a term in prison. And the perpetrators of this vile action wonder why they are being boycotted.

"The well-merited indignation of the people has been aroused. Their liberty has been attacked. The first step in the way of subjecting the community to all the persecution of the outside has been taken. If this was let go without resistance, the progress of the prudes would be easy.

"But the foolish people who came to live among us only because they found they could take advantage of our cooperation and buy goods cheaper here than elsewhere have found they got into a hornet's nest.

"Two of the stores have refused to trade with them, and the members avoid them in every way.

"To be sure, not all have been brought to see the importance of the situation. But the propaganda of those who do will go on, and the matter of avoiding these enemies in our midst will be pushed to the end.

"The lines will be drawn, and those who profess to believe in freedom will be put to the test of practice.

"There is no possible ground on which a libertarian can escape taking part in this effort to protect the freedom of home. There is no halfway. Those who refuse to aid the defense are aiding the other side. For those who want liberty and will not fight for it are parasites and do not deserve freedom. Those who are indifferent to the invasion, who can see an innocent woman torn from the side of her children and packed off to jail and are not moved to action, can not be counted among the rebels of authority. Their place is with the enemy.

"The boycott will be pushed until these invaders will come to see the brutal mistake of their action and so inform the people."

Other circumstances in which the forms of law are being used to suppress agitators are illustrated by the case of one Prashner. This man was in the free-speech fight at San Diego, Cal. While there with several others he was arrested for deportation, and was the only one who was to be deported from the port of New York. While there the matter came to the attention of Simon O. Pollock, the attorney for the Political Refugees' Defense League. He applied for a writ of habeas corpus, in spite of much discouragement from Federal authorities. Prashner's case had no evidence whatever to support a deportation; in fact, it was so devoid of evidence that the district attorney and the authorities at Washington flatly refused to advocate the deportation in court. Prashner was released under writ of habeas corpus.

Another kind of complaint which is made against the Federal courts is illustrated in the trial and conviction of a number of men for conspiracy to interfere with the carrying of the mails. These men, 18 in number, were drivers of mail wagons employed by private contractors who performed this work for the Government. They were all tried together and all convicted of the same offense. They were organized in a union. Four of the 18 were officers of the union. When sentence was passed these four officers, instead of being commended for their superior intelligence and class interest, were given an additional pen-

alty, with a lecture from the judge to the effect that there was no place for labor unions in any work that might interfere with the performance of public functions.

I have now exhibited some of the ways in which our courts lawlessly invade freedom of speech and press when prompted by a desire to suppress an agitator. The penalties are not so severe as formerly, but the jail hazard of the occupation of being an agitator is much greater than ever. Our courts have held that the old intellectual crimes existing at the time of the American Revolution are still in force in spite of our guaranties of freedom of speech and of the press.

In addition to this, the judges have drawn upon their imagination to assert the existence at common law of the intellectual crime of "obscene libel." (See Obscene Literature and Constitutional Law, chap. 3.) In addition, there is an abundance of legislation in vast extensions of the common-law intellectual crimes. Besides all this, the uncertainty in the criteria of guilt has also been much increased by permitting unlimited speculations about psychologic tendencies.

Quite beyond all this we have the lawless police force, making unlimited arrests of agitators without even the pretense of an unconstitutional statute to support the act. In this wise, Emma Goldman has been arrested and had her meetings stopped about 100 times without pretense of having violated a law. The courts justify such interference solely upon the sensitiveness of a policeman's feverish imagination. (See Goldman, Reyborn, et al., 28 Penn. Dist. Repts., p. 883, and numerous other instances shown before U. S. Commission on Industrial Relations.) Sometimes this police and judicial lawlessness has almost assumed the proportions of an insurrection, when resistance has been offered by the friends of the agitator. Here I refer to the free-speech fights in Spokane and San Diego. The latter I have described with considerable detail in the New York Call, for March 15, 20, 29, and April 5, 1914. This was sent to a former secretary of this commission. Slightly corrected, another copy will shortly be furnished from an enlarged edition of Free Speech for Radicals.

The Spokane free-speech fight assumed even greater proportions and greater violence than that at San Diego. Less important disturbances of similar character have taken place in Missoula, Duluth, Fresno, Aberdeen (Wash.), Kansas City, Los Angeles, Salt Lake City, Palisade (Colo.), Grand Junction, Philadelphia, Minneapolis, Minot (N. Dak.), Tarrytown, New York City, and doubtless other places. In all these cases lawless violence was committed on the pretense of supporting law and order. In every case the police authorities more or less openly aided the lawless element in supporting "law and order" by physical violence directed against the agitator with unwelcome ideas.

In all such cases the courts have been either helplessly inactive or they have given the sanction of legal forms and judgment to the lawless proceedings. Of thousands of men who have thus been wrongfully deprived of their constitutional liberties I do not know of one who has ever secured any redress through the courts. Had there been one I believe I would have heard of it, because I have been watching many, if not most, of the sources of such information.

The official and judicial predisposition is always the same and always favors the suppression of new ideals and unpopular allegations of truth. First, it is falsely assumed that streets and parks can not be used so as to permit both public speaking and commercial traffic. Secondly, in the constructive conflict between the transmission of merchandise and the transmission of ideas, the latter always get the worst of it.

It has never yet occurred to a policeman or judge that the transporter of merchandise should be compelled to go around the block in order that public speaking might be uninterrupted. Complaining ideas must always be suppressed rather than have commerce even slightly inconvenienced. No official ever shows any respect for the constitutional guaranty for free speech. The complaining poor have no such right to voice their complaint, that a policeman must respect or which the courts will protect.

The poor are not even allowed to do their own begging. If they ignore the charity-organization monopoly, they are arrested. So sacred is business that even the business of the professional philanthropist must be protected for the sake of his rake-off, even though the hungry suffer while they wait. I am informed that some charitable organizations even insist that a striker's chil-

dren shall starve unless the striker is willing to submit to the demands of his exploiter.

There is still another way in which this persistent and pernicious official and judicial bias always manifests itself in favor of the privileged ones.

In every incitation to a breach of the peace there are two parties, the person who, intentionally or otherwise, actually or constructively, incites another to a breach of the peace. In this situation if we ignore the guaranties of freedom of speech, the judge, under uncertain laws, may arbitrarily determine whether he will impose the criminal responsibility upon the agitator or upon the person who in consequence actually resorts to a breach of the peace.

If the agitator is a radical, then the police and courts always agree that the speaker is criminally liable for any speech which even, speculatively and prospectively, may irritate any hypothetical future person to a breach of the peace, even though no crime or overt act actually results. Such a constructive breach of the peace exists only in an hysterical apprehension in the mind of the policeman or of the magistrate.

If, however, the speaker or publisher is defending the legalized injustices and vested wrongs by which our privileged classes prosper, then no matter how violent the language used against the radicals, or how much it tends to incite them to disorder, the speaker or publisher is never arrested. In such a situation if any radicals in the audience are provoked to a violent remonstrance, of course they will be arrested instead of the speaker. If the speaker is a radical and his conservative auditors are provoked to a violent resentment, then the speaker and not his excitable hearers are made the criminals.

Through personal observation and from the testimony of many others I have an extensive acquaintance with facts which justify this generalization. And so, in spite of our guaranties of liberty, a lawless police force, with the assistance of a lawless judiciary, succeeds quite thoroughly in making the criminal law a mere gambling device in which the other fellow can always say to the agitator with certainty, "Heads, I win; tails, you lose."

Whenever it can be made to appear that a choice exists between suppressing an agitator's freedom of speech and the suppression of a possible resultant disturbance of the peace, then it is always freedom of speech that is destroyed. It is as if peace of mind for the exploiting and privileged part of the community was the end and aim of government; peace of mind for them at any cost in empty stomachs for the exploited.

Again, when it is a conflict between the victims and beneficiaries of injustice, and it appears that the situation involves a choice between free speech for vigorous and protesting complaint against economic and industrial injustice on the one hand, and freedom from irritating acquaintance with unpleasant facts and disagreeable remedies, then the police and the courts quite uniformly decide against such freedom to demand justice for the afflicted, and act in favor of the emotionally undisturbed enjoyment of those who can indulge in ostentatious waste.

In the days of chattel slavery we made it a statutory crime to teach the negro to read or write, lest he should become discontented with his lot. Then, as always, the underlying unconscious assumption was that the exploiters of the poor have an inalienable property right in the slavish mental attitude of the exploited ones.

In our present wage slavery a lawless police force and a lawless judiciary accomplish approximately the same end by suppressing the agitator who is bent on intensifying or rationalizing the discontent with the view of promoting a better social order.

The Discussion of Remedies.

The ordinary man of the street, if free from an obsessing reverence for the courts, will ascribe to graft nearly all judicial actions which he disapproves or fails to understand. Personally, I take no stock in such an explanation, but believe the situation even worse. In saying this I do not mean to pass a moral judgment on the judges. I am thinking only of the consequences. Even if our judges were inclined to be corrupt, the risks are such that the corrupt motive would be operative in only a very few cases. On the other hand, a persistent, conscientious bias will be unconsciously and automatically operative in every case.

The more intelligent workers explain the practical uniformity of judicial decisions in favor of the economically dominant class by attributing them to an unconscious economic determinism, controlling the judicial intelligence. This explanation also lacks adequate breadth. Those who are familiar with recent developments in genetic psychology will be more inclined to explain the judicial prejudices on the basis of infantile intellectual methods. According to this view the prejudices of a judge are largely controlled by emotional associations established during youth and transferred to new situations in which they have little or no application. Here the economic factor becomes one of many determining influences. As to the mental mechanism of these emotional transferances the judges usually are as ignorant as they are of the scientific method. The check of these infantile processes is, therefore, almost impossible for the average judge. Unfortunately these missing factors of intellectual maturity are quite indispensable to an intelligent and impartial judgment and can not be supplied by legislation.

Another group of radical agitators who see the root of all evil in our economic system and the inefficiency of mere voting, have reached the conclusion that the remedy for all our industrial ills lies in organizing the economic might of the workers through one big union. Such persons are already discussing the question of a "law strike," by which they expect to bring such ecenomic pressure to bear upon the beneficiaries and masters of judicial action as will insure justice. Enough experience already exists to give apparent color to the claim that a lawless "judicial discretion" can be controlled through the purse strings of the employing class. In illustration of this "law strike" I quote the following from Syndicalist paper of recent date:

"THE LAW STRIKE.

"The law strike is crude, uncouth, and primitive. As a means to an end for stiffening the ranks of militant labor it has about run its course. What is the law strike? A law strike is a defense of labor in a capitalist court, a case wherein Labor has hired counsel to defend prisoners accused of labor 'crimes.' This is the labor strike in the law courts.

"We have been watching for several years a cool, calculating systematic plan of action on the part of Capital to drag Labor to death through Labor's pocketbook. The amount of money that Labor is enabled to accumulate is pathetically small compared to the enormous sums showered upon judiciary and jury by Capital. Though a case reach national importance, and whole industries and a swarm of friends contribute each according to the limit of its means, a mere handful of capitalists stack mountains of gold by the side of molehills of silver contributed by Labor. This merry game has been going on so long that Labor has become desperately tired with the cards stacked against him.

"The working class has been so thoroughly saturated with bourgeois conceptions of morality, theological conceptions of justice, legalisms, and veneration for law and 'order,' it believes that a question of mythical rights and wrongs can be thrashed out by the keenest and highest-priced lawyers. Each workingman who contributes his little piece of silver thrills with the joy of adding one more stone to batter the hide of Capital.

"So many labor cases have been dragged into the courts, so many calls have been made upon the pocketbooks of the proletaire, that the supply has begun to drip like the running stream drying up in the heat of the sun. Of late years Labor has supplemented the law strike by purely economic tactics. Later we shall see economic pressure also applied. As the law strike wages we shall hear Labor saying, 'Yes; I did it. To hell with justice! No longer, then, shall the militant man become suddenly nonresistant in the presence of the court.

"The law strike, like unto a craft-union strike, shall merge in an economic solidarity. Sabotage shall be applied on the industries, and pressure brought to bear upon fat pocketbooks of plutocracy. Labor shall but need to say, 'Come out of your cell, fellow worker. Not one of ours shall needlessly suffer.' When Labor shall have strongly organized on an industrial basis, free from parliamentary law, legal claptrap, judicial fakery, and capitalistic confidence methods there will be no need of hiring lawyers. That sort of tomfoolery and bourgeois luxury shall be consigned to limbo."

STATEMENT OF MRS. JOHN JEROME ROONEY.

[The Guidon Club, opposed to woman suffrage; founder and honorary president, Mrs. Rossiter Johnson. 45 East Thirty-fourth Street.]

NEW YORK, *May 19, 1915.*

Hon. FRANK P. WALSH,
Chairman Industrial Commission, Washington, D. C.

DEAR SIR: There are two objections to the suggestion of Mrs. Benedict, representing the Congressional Union, made to the Industrial Commission on Monday, May 17, that you make recommendation to Congress in favor of woman suffrage. The first is that this matter is not properly a national, congressional question; it belongs to the States.

Second. We hold that the argument is against woman suffrage on the merits. These merits should be thrashed out between the citizens, men and women, favorable to and opposed to woman suffrage.

The only forum in which this can be done practically and thoroughly is the States. Why should citizens of the States have woman suffrage forced upon them by Congress if a majority of the citizens in these States are opposed? Again, the way to settle that point is by election in the States.

The law, as a general rule, is the expression of the social consciousness at any given time. It may not be a perfect expression, but that means that it is only a human expression; a change of social conscience or sense inevitably works a change in the law, or, to the same effect, the law becomes obsolete and unenforceable.

Women are more effective as nonpartisans in forming this social sense, and also are more powerful as nonpartisans in framing it into law. Partisanship will weaken and divide this great social force of women. Instead of being divided into antagonistic politic classes women should guard their nonpartisan attitude and work together on necessary social reform.

This is woman's best and most influential public function because it is the one in which all her forces are at the maximum. Fighting with man and her fellow woman in political division and recrimination places woman at the minimum of her strength for social betterment; at the worst, for her personal happiness and elevation of character. At the last it becomes a question of the conservation and direction of energy, the adoption of the best means to the highest ends.

Yours, sincerely,

MARIE COLLINS ROONEY,
President.

STATEMENT OF GEORGE W. ALGER.

[Law offices of Alger & Simpson, Lord's Court, 27 William Street.]

NEW YORK, *May 26, 1915.*

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Transportation Building, Chicago.

GENTLEMEN: I inclose herewith my answers to the questions which you submitted with yours of May 13. I am sorry I could not have attended to the matter sooner, but I was unable to do so.

I remain, yours, very truly,

GEO. W. ALGER.

1. Have you as an attorney, or as a student, devoted any considerable attention to the decisions of courts in what are commonly known as labor cases?

Answer. Yes. I have for 20 years been interested in such matters, more especially, however, with decisions involving construction of industrial statutes and the general economic rights of employees other than questions of strikes and boycotts, to which I have paid comparatively little attention.

2. Will you please outline for the commission as definitely as possible your opinion regarding prevalent attitude of courts in labor cases and the social and legal aspects of this attitude?

Answer. It is very difficult to answer this question with any definite statement. We find in the courts of one State advanced views and in another entirely reactionary views. A general statement covering the courts of the

country as a whole would be necessarily inaccurate. I should state, however, generally, that the courts are slowly but surely for the most part accepting the necessity for greater legislative freedom to enable laws to be passed for the economic betterment of working people. The process is slow and uneven. Some States are still very primitive and follow precedents which, however applicable they may have been to an agricultural state of society, are largely out of date, due to changed conditions. We have numerous reactionary decisions, but I think the tendency on the whole is toward a more enlightened judicial opinion on (1) legislation on the hours of labor; (2) the physical condition of labor, sanitary requirements, etc.; (3) industrial accidents. This forward tendency seems greatest in States where economic pressure is greatest. In agricultural States, where economic and social legislation is less necessary, the courts seem more likely to follow old precedents instead of adapting themselves to changes going on in the courts in other States; in other words, not being conscious of changed conditions they keep to precedents of the past.

Fifteen or twenty years ago the courts were a dangerous handicap upon American industrial growth. They stood in the way of progress and of necessary legislation far more than at present. Public opinion and social necessity are both making themselves felt. The sharp criticism with which many decisions have been met which have hampered the development of industrial legislation has been felt keenly by the courts themselves. While the law is still behind our industrial evolution, it is not so far behind as it was only a few years ago.

Public investigating bodies like this commission, where they have in a scientific way investigated and assembled facts, have helped the enactment of social legislation, and still more have helped in the passage of these laws through the criticisms of the courts. An interesting example of this is two cases in the New York Court of Appeals involving the constitutionality of laws forbidding night work for women. The first case, People *v.* Williams (189 N. Y., 131), was couched in a somewhat supercilious tone, and, with even a show of indignation, declared such a law unconstitutional. The court says:

"When it is sought under the guise of a labor law arbitrarily, as here, to prevent an adult female citizen from working at any time of the day that suits her I think it is time to call a halt. It arbitrarily deprives citizens of their right to contract with each other. The tendency of legislation in the form of regulating measures to interfere with the lawful pursuits of citizens is becoming a marked one in this country, and it behooves the courts firmly and fearlessly to interpose barriers of their judgments when invoked to protect against legislative acts plainly transcending the powers conferred by the Constitution upon the legislative body."

It expressly declared that the statute could not be justified as police legislation for the health of women. Later on came the factory-investigation commission which collected facts. Then, with a very slight amendment, the condemned statute was reenacted, the amendment simply affirming that it was passed "to protect the health and morals of females employed in factories by providing an adequate period of rest at night." This statute was declared constitutional without a dissenting vote a few months ago (People *v.* Charles Schweinler Press, 214 N. Y., 395), just as the former statute, without a dissenting vote, had been declared void seven years before. The report of the factory investigating commission was largely responsible for this changed view. My general impression, therefore, is this: Whenever legislation has been preceded by investigation by commissions or public bodies and the necessity or propriety for such legislation has been shown by facts collected thereby, the courts are inclined to accept the legislation. The much-criticized Ives case in New York is, I think, an exception to this general tendency. The best work done in the way of investigating industrial accidents was done by the New York commission, whose report preceded the quite mild compensation law, which the court of appeals declared violative of both State and National Constitution. If there was any objection to the old law under the Federal Constitution, it still remains as against the new law. It is a curious fact that so generally saisfatcory has been the much broader law passed in New York after her constitution was amended that no case has been made attacking its constitutionality until within the past two or three weeks. The law thus far has been a victor by default.

The general success of social legislation is largely due, I think, also to a new method of presentation of these cases in the courts. Mr. Brandeis and his very

able assistant, Miss Josephine Goldmark, of the National Consumers' League, evolved in the Curt Muller *v.* Oregon case in the United States Supreme Court a new kind of brief. It contains about four pages of law precedents and a hundred or so pages of extracts from reports of investigating committees, factory reports, medical authorities, foreign statutes, and the like, on the effect of overwork on women. Its logical basis was simply a statement to the august court. "You may say that this Oregon law is not within the police power, but if you do you will find here the experience of the whole civilized world is against you on the facts." It is a new but highly desirable form of brief making in these cases. The courts are taking judicial notice of a good many things which they would not have taken judicial notice of 10 years ago. The body of social facts resulting from investigations has greatly increased, and the material which may be used in support of social legislation is much greater. It is very difficult for the courts to be blind when the legislature is able to see.

3. Do you consider it desirable that the courts in their consideration of labor cases should take into consideration the social and economic facts which have a bearing upon the case under consideration?

A. Most certainly; yes. It is not only the right but the duty of the courts in the great majority of these cases to consider social and economic facts. My line of reasoning is this: The police power is a branch of law which is not static. The police power is outside the Constitution. It is the reserve power of the State to meet necessity by law. A true police-power measure has to be tested by social facts and social necessities. A good part of our present social legislation might properly have been considered a hundred years ago as a series of gross outrages upon personal freedom. These measures, then, would not have social necessity to justify them. The thing which makes them proper and desirable now and which justifies the courts now in sustaining them is the existence of economic conditions new to our own time. If the courts do not consider these facts, they are not only obstructions to progress, but fail to perform the judicial function itself. There are, to be sure, some courts which render at times blind decisions, but the law does not require the judges to be blind. It is not part of the judicial function to refuse to see economic and social fact in decisions involving police-power statutes. Quite the contrary, is not only the rule of sense, but the rule of law.

4. Have you any suggestions in regard to methods by which the courts can be brought to take cognizance of such social and economic facts, or with regard to the machinery by which such facts can best be brought to the attention of the court?

A. I have no definite proposal to make except the following generality. The more study which is made of social conditions in America the better basis there is for legislation. The courts can not be expected to make such investigations. That properly falls upon the legislatures and Congress. The courts will be far less likely to hamper or frustrate legislation if they can be convinced that the lawmakers knew what they were about when they passed the law which is being attacked. No machinery is necessary, or should be necessary, to bring social facts before the courts. The machinery needed, and which is sadly lacking, is machinery adjunct to the law-making body. The labor departments of our State government are, for the most part, crude, inefficient, wasteful, and practically useless, and especially useless as investigating departments for social facts. They seem to exist mainly to afford temporary political jobs for "labor" hacks of one party or the other. These departments should be performing regularly, continuously, and relatively, inexpensively the work which commissions perform occasionally and expensively. It is the sheer lack of ability, coupled too often with lack of appropriation, which makes our labor departments useless when they should be vitally important. The labor departments of our American States ought to be far stronger than they are, especially on the investigating side. When they are adequately and intelligently equipped the difficulties with the courts will be very greatly reduced.

5. Have you in the course of your studies devoted any particular attention to the attitude of the court toward what are commonly known as personal rights? Such, for example, as the right to trial by jury, the right to a writ of habeas corpus, and the right of free speech.

A. I have given considerable attention in recent years to this question. The way in which West Virginia courts sustained their lawless governor in overthrowing their constitution in its plainest provisions against martial law, the

way in which Colorado and New Jersey courts have in recent times permitted the Bill of Rights to be disregarded by police authorities, the way in which the writ of habeas corpus has been whittled down in some States so that it is a tombstone for a dead liberty and a hundred legal lawlessnesses in a dozen States, from Massachusetts to California, are disquieting and alarming. Whenever there comes a conflict between lawless workers and lawless employers the two acting together seem to generate lawless courts. I think the commission should do as much as it can to collect together the specific data on a series of these outrages, so that they may be presented in a concrete form to the people. These old liberties which the Bill of Rights guarantees can not exist for one class to the exclusion of another, and it is time we had public opinion thoroughly aroused on the subject.

Yet, after all, I do not believe that the reestablishment of the Bill of Rights, the restoration of free speech and habeas corpus and all the old individual rights will take us very far toward establishing industrial peace. When you get a condition of war at Lawrence, Paterson, or in the West Virginia or Colorado mine regions law seems to break down, passion on one side meets passion on the other, and the lawlessness of both side is met by the lawlessness of the authorities in an attempt to restore what is called order. Nothing is finally accomplished by order restored in this way. There is nothing fundamental finally accomplished by the restoration of all these individual liberties. The fundamental thing is this: The existence of conditions which beget disorder is largely due to the blindness of the State or Nation to responsibilities which it should have recognized long before discontent had reached the boiling point. Those who rely upon freedom of speech, the right to assemble, habeas corpus, and jury trial, to help greatly in producing social justice, are, I think, expecting too much. Not that I underestimate their value. I am more interested in industrial peace and how to obtain it than in industrial war and the rules or fragments of legal rules which are broken in waging it. The main thing which all law-abiding citizens are interested in is getting rid of industrial conditions which inevitably tend to produce war. This is a much more difficult, a much more important problem, requires legislative intelligence based upon legislative fact, and investigations of industrial conditions which will enable laws to be passed in advance of and to prevent industrial war. When we get this idea firmly fixed in our minds we will begin to make progress, and not until that time is reached.

6. What criticisms, if any, would you care to make with regard to the decisions of the courts in connection with these questions of social rights?

A. I have no detailed criticism of decisions of the courts with these questions of social rights. Doubtless your record is full of illustrations of lawlessness supported by the courts in various Mexicanized States, such as Colorado and West Virginia. These two States are only recently conspicuous in that regard. There are many other States where the same lawlessness has been perpetrated in years past. If your body will collect together, as I have suggested, the specific cases where the law has broken down on this subject, it should be an impressive and valuable contribution to the work for which the commission is organized, and this will have a good deal of effect upon the attitude of the courts.

7. Have you in mind any methods by which such personal rights can be enforced, or by which the attitude of the court can be modified to meet your idea?

A. My last answer covers this question as far as I am at present prepared to answer it.

8. Have you devoted any particular attention to the relative desirability of State and Federal action in the regulation of industrial conditions, and in connection with labor disputes?

A. I think both the State and the Federal Government have distinct spheres in which they have failed to take action to prevent industrial war or to obviate by appropriate legislation injustice to working people. I am not referring now to labor disputes. Take, for example, this: Your commission has been investigating the Pullman Co. Do you know that the Pullman companies and the express companies make their employees sign contracts exempting railroad corporations from any responsibility for negligence in case the Pullman employee or the express employee gets killed? Do you know that these contracts have been sustained by the United States Supreme Court? That we have this great body of outlaws in the sense that they have no rights traveling around thou-

sands of miles on our American railroads? This, I take it, is obviously a matter for Federal legislation. It doesn't seem to be anybody's business to enact such legislation. The United States has the worst workmen's compensation act now in force in this country, purporting to cover Federal employees. Why does Congress fail to take action on this important subject? There has been an adequate law before Congress for several sessions, but it has failed to be enacted. What is the Federal Department of Labor doing about it? The notion that all industrial legislation can be left to private initiative I think is fundamentally unsound. To expect the labor unions to confer any lasting benefit upon the whole body of workers through legislation is to expect too much. Such legislation should not come from any one class. It should come from the public authorities interested in the well-being of the people as a whole. Such is not the case at present.

9. To what extent do you consider that it is socially desirable that the Federal Government should attempt to take action with regard to labor conditions?

Answer. I think it is time that the Federal Government passed a workmen's compensation act, for example, covering Federal employees. The trouble is that just now when we should be doing the most to organize industry, owing to war conditions, and what will inevitably follow from it, we are doing nothing. We have a conservative panic on us when we ought to be preparing ourselves for the future. The whole relation of the Federal Government to the immigration problem should be receiving close attention at this time. There is nothing I have seen as yet which indicates that this is being done. The Federal Government should be in a position to regulate the immigrant, determine where he shall be sent, prevent the congestion of immigrants in one section where they are not wanted. It should have a bureau of employment which should perform the function of spreading immigrants where they are wanted. Immigrants who come to this country should come under conditions which will make them desirable as citizens. They should come on our terms and not on theirs. We could readily afford as a Nation to spend five times as much money as we do in making an immigrant an asset instead of a liability. Now is the time to do it, when our immigration department is not paralyzed with the flood of newcomers.

10. From your knowledge of the past decisions of the Supreme Court, to what extent do you consider that they are likely to approve the extension of Federal action with regard to labor conditions?

Answer. The question is too general for a concrete answer. I think the Supreme Court has been very liberal in its construction of interstate commerce in bringing employees under Federal laws, where contrary decisions would be equally possible, placing large classes of employees outside the scope of Federal law. The interstate commerce clause is cutting a wider sweep every year. Through the decisions of the Supreme Court State lines on commerce are disappearing; State lines on labor as a part of commerce are nowhere as nearly as strictly drawn as was the case 15 years ago.

11. In your opinion, to what extent may the section of the Constitution which provides that Congress shall have "power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and welfare of the United States" to invoke as a basis for the extension of Federal control over labor conditions?

Answer. I think this clause has been absurdly misconstrued. All that Congress is given power to do under it is not in the wide sense to provide for the common defense and welfare of the United States, but simply to collect taxes, etc., which are necessary to pay the debts, and which taxes are necessary to provide for the common defense, etc. In other words, the common defense and welfare of the United States, as used in this section, are clearly limited to taxes imposed for that purpose. I can not see that the clause has any substantial basis for the extension of Federal control over labor conditions. The Federal Government has not been given authority except as otherwise expressly stated in the Constitution, to provide for the common defense and welfare of the United States. It is by this section simply authorized to collect such taxes as may be necessary to meet the obligations properly incurred by the Federal Government under powers elsewhere conferred in providing for the defense and welfare of the people.

12. To what extent do you consider that the Supreme Court is likely to uphold the extension of Federal action in labor matters under the interstate commerce clause?

Answer. As I have said before, I think the Supreme Court has been liberal in the extension of Federal action under the interstate commerce clause. I believe

that it is prepared to go somewhat further. Whether it will go to the extent of supporting the bill which the National Child Labor Committee, for example, has been urging for many years with reference to interstate traffic in the products of child labor I am somewhat doubtful. I am so much in sympathy with the objects sought to be obtained by this bill that I would prefer not to express here any such doubts as I have on this matter. Personally I have always felt that the Federal tax power could be used much more than it has been to accomplish social reconstruction. I think Congress could properly tax, as a part of its internal-revenue law, products of child labor, for example, so as to substantially destroy the value of child labor when in competition with adult-made goods. It will be a simpler method of accomplishing the result desired than the only measure which has heretofore been considered by Congress. Congress now imposes a tax, for example, on the manufacturers of adulterated butter. It requires a license to manufacture adulterated butter, and so much a pound on each pound sold. The license and the tax are so high that the effect of the law is to prohibit the sale of such commodities. Why not apply the same principle to goods made by child labor? This is perhaps a digression, but the suggestion may be worth making at this time.

EXHIBITS.

WALTER CLARK EXHIBIT.

STATE OF NORTH CAROLINA SUPREME COURT,
Raleigh, June 2, 1915.

SECRETARY COMMISSION ON INDUSTRIAL RELATIONS.

DEAR SIR: Your letter received. References to the decisions mentioned were made in the corrected copy of my evidence which, at your instance I returned to you, addressed to Chicago.

The two speeches on the Constitution were: (1) Before University of Pennsylvania, April 27, 1906, "Some Defects in the Constitution," reprinted as Senate Document No. 87, Sixty-second Congress, first session, and (2) "Government by Judges," at Cooper Union, January 27, 1914, reprinted as Senate Document No. 610, Sixty-third Congress, second session.

The other cases referred to are Nelson *v.* R. R., 167 N. C., dissenting opinion at p. 189–191; Penny *v.* R. R., 161 N. C., 530; Mott *v.* R. R., 164 N. C., 367; also Fitzgerald *v.* Furniture Co., 131 N. C., 636 to 644; and Ward *v.* Odell, 126 N. C., read pages 947 and 948; and same case, 123 N. C., 248.

Most truly, yours,

WALTER CLARK.

McKELWAY EXHIBIT NO. 1.

REPORT OF REV. A. E. SEDDON.

COVINGTON MILLS.

APRIL 29, 1908.

I had been recommended by Rev. R. E. Pendleton, Baptist minister at Covington, to seek an interview with Mr. N. S. Turner, president of the Covington Mills, with the assurance that I would be cordially received and helped; but this morning, quite early, Mr. Pendleton called at the hotel, being evidently somewhat disturbed in his mind, and urged me not to see Mr. Turner, nor to attempt to visit the Covington Mill. He had just spoken to Mr. Turner, who is a prominent member of his church, and found Mr. Turner so emphatically hostile to the child-labor committee that he feared harm, and not good, would result from the interview. Whilst thanking Mr. Pendleton for his interest and advice, I told him I felt it my duty to try, at any rate, to see both Mr. Turner and his mill.

The mill is situated outside the Covington city limits. I walked out and came first to the schoolhouse. I inquired if any others who were standing around knew anything of the boy or of P. H. Sommers or G. H. McCullum (alias and real name of Charlie's uncle). I next went to the schoolhouse close by and inquired there. Neither the teachers nor scholars knew anything about Charlie Knapp or his uncle. I then asked the teacher's permission to speak to the children. I told her that I represented the National Child Labor Committee and that I was visiting cotton mills in the South to study conditions with a view to securing adequate legislation. She was very glad to know such work was being done and said it was needed right there. I asked her if there were any children in the mills who ought to be in school. She replied, "Lots of them."

Miss Annie Corvan is the principal of the school and her sister Ruth assists her. She teaches the first and second grades whilst Miss Annie teaches the

third, fourth, and fifth grades. Fifth grade is the highest taught in the school.

The Porterdale school has a nine months' term. The county pays for five months, the parents for two months, and the mill pays for two months.

With the teacher's consent I enquired if any of the children present had worked in the mill. I interview every one who held up the hand. None of them had worked in the mill since the beginning of the present year.

I have autographs of the following: Tom Speer, aged 11, fourth reader; Willie B. Mills, aged 11, fourth reader; Louis Burnham, aged 10, third reader; Tet Lummus, aged 10, fourth reader; Annie Smith, aged 10, third reader; Annie Brightwell, aged 10, third reader; Ophelia Kirkes, aged 13, third reader; Dora Lummus, aged 13, fifth reader; Emma Williams, aged 10, first reader (this child's writing is indecipherable; she began to learn only at the beginning of this year; John Williams, brother of the above, aged 12, now working in mill); May Alexander, aged 15, first reader.

The number on the school roll is 89; present at time of my visit, 35. The disparity was accounted for by the teacher as due to removals and sickness and, but to a very limited extent, to being at work in the mill.

* * * * * * *

[Part omitted was read by Mr. McKelway in his testimony given on May 11, 1915.]

McKELWAY EXHIBIT NO. 2.

[National Child Labor Committee, 105 East Twenty-second Street, New York City.]

MAY 12, 1915.

Mr. BASIL M. MANLY,

U. S. Commission on Industrial Relations, Washington, D. C.

DEAR MR. MANLY: I have looked over and edited the carbon copy of my testimony before the commission yesterday. You will note that I have eliminated the paragraph relating to a stockholder in the pencil factory in Atlanta in which Mary Phagan was murdered. I regret very much that I made an error about this. In the year 1908, I had a newspaper controversy, as the clippings which I handed in will show, with Mr. S. F. Parrott, a capitalist of Atlanta, interested in many enterprises. It is possible that he may have been a stockholder in the pencil factory, but I have no means of knowing this. This Mr. Parrott died about two years ago, I am informed. His brother, Mr. George Parrott, was a large stockholder in the pencil factory, and during the newspaper criticism of sanitary and moral conditions in this factory he issued a statement which I remembered, but did not look up before my testimony. I confounded him with the Mr. S. F. Parrott, his brother, with whom I had had the former controversy. Thinking about the matter yesterday afternoon, I went over to the Congressional Library and found in a copy of the Atlanta Constitution a letter from Mr. George W. Parrott instead of Mr. S. F. Parrott, as I had thought, defending the conditions of the pencil factory. So I ask that the whole reference to the stockholder in the pencil factory, together with the clipping containing Mr. S. F. Parrott's name, be eliminated from the record. The main point I wished to make was that if the people of Georgia had passed the child-labor law earlier, which they did enact in 1915, they would have been saved the whole trouble and expense of the Mary Phagan case.

On April 29, at a meeting of the Southern Sociological Congress in Atlanta, at which I presided, three days after the murder of Mary Phagan, I said, in closing the session of the congress:

"If social conditions in Atlanta were of the best, if conditions in factories were of the best, and lastly if children of such tender years were not forced to work, little Mary Phagan would probably never have been murdered." * * * I find this in the Atlanta Constitution of April 30.

I am asking my secretary in my absence to bring you another copy of the arguments before the Georgia committee, at which representatives of the Western Union and Postal Telegraph Co.'s were present in opposition to a bill providing for the protection of telegraph messengers. The bill as finally passed made a 14-year age limit for day work and a 16-year age limit for night work. You will find that this information is to be inserted in the testimony. I am also sending you, as Mr. Walsh asked me to do, a table concerning the wages of some 31,00 operatives in southern cotton mills. Mr. Walsh raised the point

as to how long a period these wages had been studied. You will find on pages 304 and 305 of volume 1 of the Federal Bureau of Labor Reports on Conditions of Woman and Child Wage Earners in the United States, the statement that the earnings of all these employees in a representative week with the average hours worked by the employees was taken. The average hours for all the Southern States were 50.6 a week, which is about 10 hours less than if they all had been employed for the whole time.

And I am sending you the table giving the number of these employees of diffrent ages with different wage scales.

I am also sending you my correspondence with Mr. Belvidere Brooks. Hon. F. M. Hudson was a member of the Florida Senate.

Cordially, yours,

A. J. McKELWAY.

P. S.—I note that I referred to volume 6 regarding the history of child-labor legislation in the South in the same report on the Condition of Woman and Child Wage Earners in the United States. I have only one copy of this and so shall not be able to file it with the commission, but I suggest that the whole 19 volumes should be purchased and studied by some expert in making up the report.

A. J. McK.

Number of employees earning classified amounts in a representative week in southern cotton mills, by sex and age.

	Under 12 years.		12 and 13 years.		14 and 15 years.		16 and 17 years.		18 to 20 years.		21 years and over.		Total.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Under $2	145	106	368	363	394	361	159	283	177	328	483	602	1,726	2,041
$2 to $2.99	133	80	395	341	383	401	143	285	113	322	297	552	1,464	1,981
$3 to $3.99	129	53	580	354	706	604	268	458	155	498	419	799	2,257	2,766
$4 to $4.99	52	34	380	254	647	560	334	574	257	698	541	965	2,211	3,085
$5 to $5.99	5	14	64	111	265	374	242	528	242	657	743	1,063	1,559	2,747
$6 to $6.99	5	1	25	51	146	223	193	336	271	491	884	981	1,524	2,083
$7 to $7.99	.....	1	7	15	44	74	74	129	214	250	791	704	1,130	1,173
$8 to $8.99	1	1	.....	1	19	23	33	48	119	114	663	422	835	609
$9 to $9.99	.....	.....	.....	2	5	7	26	17	80	61	584	250	695	337
$10 to $10.99	.....	.....	1	.....	1	2	4	8	48	18	381	131	435	159
$11 to $11.99	.....	.....	.....	.....	1	1	4	1	24	8	212	44	241	54
$12 and over	.....	.....	.....	.....	.....	.....	1	1	15	7	245	23	261	31
Total	470	290	1,820	1,492	2,609	2,630	1,481	2,668	1,715	3,450	6,243	6,536	14,338	17,066

CORRESPONDENCE WITH MR. BELVIDERE BROOKS.

[The Western Union Telegraph Co. Received at Tallahassee, Fla. 42—J F. 184 DH CO. 2 extra.]

NEW YORK, N. Y., *April 29, 1913.*

Hon. F. M. HUDSON, *Tallahassee, Fla.:*

I understand you have been informed that I read and approved your child-labor bill, No. 160. This is incorrect. I never saw the bill until in New York to-day. We are in sympathy with reasonable child-labor regulations and have cooperated in that direction and in cities of considerable size. Have no objection to limiting the age of messengers between certain hours of the night of 18 years. I do not think the hours of labor should be limited to 54 hours per week, particularly in small places where telegraph companies can only afford to employ one messenger who under our rules is required to be on duty from 8 a. m. to 8 p. m., less two hours for meals, and on Sunday two hours before noon and two hours after noon. The child-labor representatives informed me while in Tallahassee that the bill would provide that boys of 12 or 14 years of age could be employed in the smaller cities, and nothing was said about limiting the hours of labor to 50 hours per week.

B. BROOKS,
Vice President.

COPY OF TELEGRAM TO BELVIDERE BROOKS.

Mr. BELVIDERE BROOKS,
General Manager and Vice President
Western Union Telegraph Co., New York City:

Am astonished at contents of your telegram to Senator Hudson and of State Manager Maxwell's letter to legislators. Our general secretary, Mr. Lovejoy, told you in my presence that Florida child-labor bill regulated messenger service. You asked what the age limits were and were told 12 for day work, 18 for night work, whereupon you agreed not to oppose measure and said you would accept 14 for day work. You asked nothing about hours of labor for children under 16, and hours specified in bill are one more a day than are lawful for children in numerous occupations in New York and many other States and prescribed in uniform child-labor law indorsed by American Bar Association. Certainly, we did not dream that you wished to employ 12 or 14 year old boys 12 hours a day, as per your telegram, with four hours on Sunday. Nothing was said in our interview about employment in cities only. I understand Mr. Maxwell is denying facts of interview, and his letter to legislators advocates employment of boys under 14 even in school hours, opposes the only practicable plan for ascertaining ages of children so as to observe the law, misquotes its provisions and makes other incorrect statements. For example, I happen to know that your representative here was notified of senate committee hearing and was present at hearing. Age limit in Florida bill was reduced from 21 to 18 for night messenger service to avoid opposition from your company, which helped to defeat bill last session, and not because those acquainted with conditions of night messenger service do not wish all minors protected from well-known evils. I have just suggested to our agent in Georgia to pursue same course, and had expected to try that plan in other Southern States for the present; but if our understanding amounts to nothing, and State managers are not controlled by agreement of general manager, fight may as well begin here and everywhere for proper age limit. Have thus far avoided giving out reports of investigations made, with corroborative photographs, in Florida cities. Another bill has been favorably reported in house prohibiting minors from employment in pool rooms, whereas general child-labor bill prescribes 16 only. You are bound to know that night messenger service is more demoralizing. I await reply.

A. J. MCKELWAY,
Secretary for Southern States, National Child Labor Committee.

A. J. MCKELWAY,
% of L. J. Maxwell, Tallahassee, Fla.:

You are evidently laboring under a misapprehension as to the contents of my telegram to Senator Hudson. Would suggest that you read the telegram, and if it does not state exact facts advise me in what particular it does not do so. This company has issued positive instructions that its messenger boys should not be permitted to render service of any kind to disreputable house, and should be allowed to go to such places only for the purpose of delivering telegrams, which is under the law unavoidable. We are not seeking business from that class of people, and if you have information that the instructions above referred to are being violated, I would be very glad to advise you of specific instances, so that immediate steps may be taken as to remedy. As stated to Mr. Lovejoy and yourself, as well as Senator Hudson in my telegram, we are in absolute sympathy with your movement, but in small towns where there are (not) any bad influences which younger boys can come in contact with, we do not see the necessity or justice of your endeavoring to have such drastic laws passed as you propose. The work of a messenger boy in a small town is very different from any other employment, the actual labor performed in many cases amounting to very little. The proposition to limit the hours of labor to 54 a week would compel us in a great many small places in Florida to employ two messengers instead of one, or curtail the operating hours of such offices. The latter course would prove a hardship to the community, and we could not afford to go to the expense of employing an additional messenger to do practically nothing. I am not advised as to what action Mr. Maxwell is taking in regard to this bill, but I am quite sure that he will act entirely in line with my message to Senator Hudson and this message to you.

B. BROOKS.

[Night letter. The Western Union Telegraph Co.]

To BELVIDERE BROOKS,
General Manager Western Union Telegraph Co., New York City:

Yours received. I presume all the harm that Mr. Maxwell was capable of accomplishing has already been done. Am writing more fully, but meanwhile suggest that, as only his opposition is apparent here, best proof of good faith would be passage of bill unamended. Other matters can be settled afterwards.

A. J. MCKELWAY.

LEGISLATURE, STATE OF FLORIDA,
HOUSE OF REPRESENTATIVES,
Tallahassee, May 5, 1913.

Mr. BELVIDERE BROOKS,
General Manager Western Union Telegraph Co., New York City.

DEAR MR. BROOKS: This is the first opportunity I have had of writing you in full concerning your telegram of May 1. It was not so much that the telegram to Senator Hudson misstated the facts as that, in connection with the letter of State Superintendent Maxwell, it made a thoroughly wrong impression. I am informed that State Superintendent Maxwell, after my leaving the city for Atlanta, with no one here as a witness to our interview at the Leon Hotel, went around denying the fact of an interview altogether, and, in fact, questioned my veracity so that some of my friends had to vouch for my character.

This letter to Senator Hudson, enclosing copies of his letter to President Drane and Speaker Farris, contains a good many errors of fact. I presume that you have a copy of this letter. He objects to section 4 of the bill, which provides that no child under 14 can be employed during school hours; to section 7, which requires the securing of an employment certificate in order that the age of the child may be ascertained; he mentions two subsections, which were written in to secure some proof as to age, as if there were no alternates, when one is the simple affidavit of the parent as to the age of the child; he objects to section 12 of the bill, requiring that the child appear personally before the officer issuing the certificate; he also objects to the nine-hour a day law section, the section prohibiting the employment of children under 18 after 10 o'clock at night, and to the penalty clause for the violation of the bill. I quote the following sentence:

"As stated, the bill starts our very fairly, but as it proceeds, by other limitations, the first portion is destroyed."

I feel sure that Superintendent Maxwell is too intelligent a man not to have recognized that the bill is consistent with itself; and as we have the endorsement of the American Bar Association for it, with the exception that we have minimized the age limit in some sections, I am not concerned about the destruction of the bill. The letter ends with the threat that it would be impossible for the company to give the service required if this bill becomes law.

Now, your telegram to Senator Hudson started out by saying: "I understand you have been informed that I read and approved your child-labor bill No. 160. This is incorrect. I never saw the bill until in New York to-day." This seemed to corroborate Superintendent Maxwell's unwarranted statements as to the facts of our interview. You are right in saying that the 54 hours a week was not mentioned to you. You did not ask concerning the hours of labor and we did not think of this, as they did not apply to messenger boys alone. You say further "the child-labor representatives informed me while in Tallahassee that the bill would provide that boys of 12 or 14 years of age could be employed in the smaller cities." I am sure that when you refresh your memory you will recall that nothing was said about the bill applying to the smaller cities only. What you agreed to was the 12-year age limit for day work, or 14, if we preferred, and 18-year age limit for night work.

As to your instructions in regard to delivery of messages in certain parts of cities: Our investigations have conclusively proved that such instructions are not followed; and, even though forbidden, this is inefficient, the only remedy being the prohibition of boys of certain age working certain hours at night. When the fight is over I shall be glad to give you facts I have in my possession, which can be sworn to by three reputable witnesses, as to the employment of boys in two Florida cities in violation of these instructions. But the fight is on here now with a view to securing a better child-labor bill for Florida, and the question is, "What are you going to do about it?"

As I wired you, Superintendent Maxwell has done about all the harm he is capable of. I am too old a man at this business not to recognize the echoes of his letters in my talks with the representatives. In his letter he has objected to everything that you agreed to, and in addition to this, as I am informed, he has denied that you ever made any agreement at all.

To my knowledge no one ever claimed that you agreed to the bill; it was only the sections concerning the employment of messenger service.

If the bill is defeated Mr. Maxwell and the Western Union will inevitably be held responsible for it, as they were in part two years ago; and, frankly speaking, with the sentiment of the people of Florida, now rather evident, it does not seem to me that the company can afford to carry the burden of that odium.

I shall not attempt at this late day to revise the bill by making the age limit for night messenger service 21 years instead of 18, unless I find that the bill is weakened by other amendments in line with those Mr. Maxwell has proposed. We can let our controversy as to other States rest until the matter is decided here.

Sincerely, yours,

A. J. McKELWAY.

[The Western Union Telegraph Co., 195 Broadway.]

NEW YORK, *May 12, 1913.*

Mr. A. J. McKELWAY,
Secretary for the Southern States,
204 Bond Building, Washington, D. C.

DEAR SIR: This is to acknowledge receipt of your esteemed favor of the 5th instant. I hardly know what I can add to my conversation with you at Tallahassee and communication by telegraph. It was reported to me Senators Drane and Hudson had been informed by some one, I don't know who, that the child-labor bill introduced in the Florida Legislature had been inspected and approved by me. This, you know, was not the case, as I never saw the bill until my attention was called to this statement, and as it contained provisions which I was not aware of and did not discuss with Mr. Lovejoy or yourself, I could not have approved it.

I am perfectly sincere in the statements I have made that the Western Union Telegraph Co., as well as myself individually, is in sympathy with your movement, and I only regret that your people seem inclined to include in bills to be enacted into laws conditions that are unnecessarily burdensome and force us to resist instead of cooperate with you to secure their passage. I also regret that you evidently do not see your way clear to give me definite information as to points in Florida where our instructions regarding messenger service to disorderly or disreputable houses or persons are being violated. I have, however, directed that an investigation be made at once with a view to ascertaining the facts and correcting the matter if it exists in our service.

Yours, truly,

B. BROOKS, *Vice President.*

McKELWAY EXHIBIT NO. 3.

FIELD NOTES OF LEWIS W. HINE, CHILD-LABOR CONDITIONS IN TEXAS.

I. Visited the Denison Cotton Mills in Denison, Tex., in the afternoon of September 22 and during the noon hour September 23. Watched the workers coming and going and made careful inquiry among the school children and the school principal. Found no evidences of children under 15 years. The school principal told me the absences of children was due to the child-labor inspector, who is a good one. Principal said that the children are in school the required time and are not in the mill until the proper age.

II. Visited the Bonham Cotton Mills, Bonham, Tex., September 24 and found none under 15, but I did not see all that came out. Talking with the boys of the neighborhood, I could get no evidence of violation.

III. Visited the Sherman Manufacturing Co., Sherman, Tex., September 24. Spent the noon hour and went through the mill as work was resumed. Saw only two that might be under 15. They are building a small school, which is not yet finished. Housing conditions are average, but the outdoor toilets and surface drains are bad, and probably much worse in bad weather.

IV. Visited the Itasca Cotton Mills, Itasca, Tex., September 29. Went all through the mill; found none under 15 years of age except one boy, who seemed to be under, but the overseer says he has mother's affidavit that he is 15. The spinning-room overseer said that while it was better for the children to be kept out of the mills, as it is dangerous and hinders schooling, yet it is hard on the mills to get enough hands over 15 years of age.

V. Waco, Tex., September 30; visited the overall factory, mattress factory, and broom factory. Found none under 16 years. At the broom factory I was told that one schoolboy works outside of school hours, but his age was not given.

VI. Visited the Pittman Handle Factory, Denison, Tex., September 23 and 24. Found boy who said he was 15 running a dangerous machine which bores large holes in the spade handles. He said that another boy had half of his hand bored off a while ago. There is no doubt that it is a very dangerous machine for a boy to run.

VII. I talked with School Superintendent Hughes, Denison, Tex. He said the mill owners were living up to the law because they are conscientious men. There is no inspector that he knows of, and he has heard no talk about child labor. Had no copy of the child-labor law. He says compulsory education will be delayed in Texas on account of families who depend upon the cotton crop and need the children to pick. "I think I voice the feelings of school people all over the State when I say I wish the boll weevil or something would make the people raise other things. Cotton is a curse to these children."

VIII. Visited shaft 3 of the Thurber mines September 26 and 27. Found no boys. Talked with Superintendent Windle. He said he was sure some boys went into the mines at 16 (parents swearing that they were 17), but he did not believe that they went in much below 16. A worker in the mines, staying at the hotel, said they employed old men as "trappers" because a 17-year-old boy wants to earn more than $1.60 a day. The sisters in charge of the Catholic school said that none of their children went to the mines.

IX. Visited the Mount Marion mine at Strawn, Tex., September 17 and 18. Saw them all come out of the mine and saw none under 17, except one boy who was working on the tipple outside as check boy, who said he was 16 years; name, Lindsey; son of the engineer.

COTTON PICKING NEAR DENISON, SEPTEMBER 23.

I drove out to a number of the farms near Denison and found many very young white children working all day in the hot sun picking and dragging sacks of cotton. In one field the labor corps consisted of one woman and six children, one of them 5 years, one 6 years, one 7 years, one 9 years, and two about 11. The father was plowing. The 5 and 6 year olds worked all day as did the rest. The 7-year-old said he picked 50 pounds a day, and the 9-year-old 75 pounds. (A good picker averages several hundred a day.) School begins late on account of the cotton picking, but the children nearly all prefer school to the picking. Picking hours are long, hot, and deadly monotonous. While the very young children seem to enjoy it, very soon their distaste for it grows into all-absorbing hatred for all work.

Near Corsicana, cotton nearly all picked. Only 40 per cent of school children were at school. Other schools not opened yet on account of cotton picking.

COTTON PICKING ON FARMS NEAR HOUSTON AND NEAR M'KINNEY.

On most of the farms that I visited in these sections the high percentage of child labor was appalling. It was exceedingly difficult to get enough statistics on these visits on account of the weather and the fact that the farms are often widely separated; but wherever they were working in the cotton the children were nearly always in evidence.

The wages for cotton picking have recently gone up above $1 a hundred pounds, plus board—due to scarcity of pickers.

GUADALUPE VALLEY COTTON MILLS, CUERO, TEX., OCT. 10, 1913.

These mills were not running this week on account of the floods. I spent the morning around the homes getting acquainted with the children. Two boys took me around. They said they were only 14 years old, and that it was easy to get a job here. They were the only ones under age that I could find here.

THE LIGNITE MINES NEAR ROCKDALE.

I spent part of two days in this region—October 17 and 18, 1913—and drove out to the following shafts: The International Coal Co., employing 50 men; Big Square mine, 20 men; the Texas Coal Co., 75 men; Big Lumb Shaft No. 5, 150 men. While I did not see many miners, yet I talked with workers and bosses around the mines, with women and boys around the homes, and with men and boys in Rockdale. Everybody agreed that there were no boys at work now under 17. One boss said, "Sometimes they'll slip in, but we run them out. It's dangerous, and the law is strict." The workers are mostly Mexicans.

MISCELLANEOUS INDUSTRIES.

I. *Walker Packing Co., Austin, Tex.*—Went through the whole place, but saw no children. Only part of the force was working, however. Sanitary conditions in parts of it, however, were bad.

II. *Model Laundry, Galveston, Tex.*—I saw part of this place and found no children, October 11, 1913.

III. *Miller & Brothers, overall factory, Dallas.*—October 27, 1913, could find none under 29 years here.

IV. *Broen Cracker & Candy Co., Dallas.*—October 29, 1913, watched the workers coming out at 5.30 p. m. Counted ten girls any or all of whom might be from 12 to 15 years.

V. *Hughes Brothers Mfg. Co. (candy makers), 1401 S. Ervey St., Dallas.*—I counted five boys and girls coming and going at noon and night, October 27 and 28, 1913, all of them workers, and ages ranging, apparently, from 12 to 15 years. One girl told me that she is 13 years old, runs a chocolate machine, "But we have to tell 'em we're 15."

VI. *Silvers Box Factory, Dallas, Tex.*—October 27, 1913, made several trips through this place. There is plenty of dangerous machinery, but I found no boy under 20 years.

VII. According to the testimony of Mr. Sam Callaway, formerly county superintendent of schools at Fort Worth, the King Candy Co. managers are very particular about looking up school records to find actual ages of their workers. He said the Hub Furniture Co. may use a few children, not many.

VIII. The work of the elevator boys in the hotels of Texas will bear careful investigation. Boys from 16 to 20 years told me repeatedly that they put in 16 hours a day, and in rush times more. At such times the work is particularly fatiguing, physically and nervously, and such long hours are very harmful. Data are difficult to get from the boys, but the strain of the work can be easily overlooked. At the same time the safety of the passengers is to be considered.

IX. *Lumber mills.*—November 6 to 10, 1913, in the lumber mills at Doucette and Nacogdoches—Frost-Johnson Lumber Co. (large mills), and Millard Lumber Co. I found no young boys. Then I went through the following mills in Beaumont and found no young boys: Kirby Lumber Co., Neches Lumber Co., Beaumont Shingle & Lumber Co., Georges Lumber Co. I talked with the superintendent of the Beaumont Shingle & Lumber Co., who said, "We used to use some young boys in the shingle mill, but a Government inspector came along and said that, while he wouldn't do anything this time, he would advise us to get those boys out of the mill just as fast as we could. It cost us a hundred dollars a day, I think. Boys don't pay around this work anyway."

After finding all these good conditions I was greatly surprised to find three violations of the law in the Miller & Vidor Lumber Co., one of 12 years, and two of 14 years, all working more or less around dangerous machinery. This mill is located some distance from town, and that may account for the liberties they take with the law.

At Orange I found one boy who said he was 13, and one boy who appeared to be 14, working in the Miller-Link Lumber Co., and a 14-year old boy at the Lutcher, Moore Lumber Co., and several who might be under 15.

In other mills more remotely situated there are surely other violations of the law to be found. Fifteen years is too young for such boys to be working near and at dangerous machinery. Age should be raised.

DEPARTMENT STORES.

I. In Houston investigated the following October 13 to 16:

(1) Munn Dry Goods Co., and also their Men & Boys' Store.—Found only one youngster, a wrapper about 13 years.

(2) Levy Brothers Dry Goods Co.—Found one girl bundle carrier who said she is 11 years old and gets $2.50 a week. Her sister, 13 years, works too. Counted half a dozen others that are probably 11 or 12.

(3) Kiams and Mistrot—Curtis Stores.—Found none under 15.

(4) Alkemeyer Department Store.—One cash boy said 10 years old, $2.50 a week, works 9 hours a day, 13 hours on Saturday. Another cash boy said 11 years old. Saw several others apparently 11 or 12 years.

(5) Foleys.—Saw several about 11 or 12 years old.

(6) Columbia Dry Goods Store.—None under 15.

II. Found no children under 15 years, but stores were closed, many of them.

III. Dallas. Investigated the following:

(1) Sanger Brothers.—I saw and talked with several cash boys who said they are 11 and 12 years old. Saw others about the same age. The boys seem to get good treatment here, but this is too young to begin such work.

(2) A. Harris Department Store.—Found only one girl, about 10 years old. They are said to employ many youngsters.

(3) Tiche-Goettinger Co.—Saw none under 15, but others have told me that they do employ some very young.

(4) W. A. Green Department Store.—Saw none under 15.

IV. Waco, November 3, 1913:

(1) Sanger Brothers.—Saw seven boys and girls working here whose ages ranged from 10 years of age (one said he was) to about 12 years.

(2) Goldstein-Migel Co.—Counted twelve whose ages were apparently from 10 to 13 years. One said 11 years old; one said 12.

V. Fort Worth, November 5, 1913. I went all through the two largest department stores here, Stripling's and Monnings, and saw no children who seemed to be under 14 years.

ORIENTAL TEXTILE MILLS, HOUSTON, TEX.

This is a small mill, but it has been the center of a great deal of discussion, pro and con, relative to child-labor and other conditions. When I visited it the mill was running only a small part of the force, and I saw no indications of their using children. However, I did not get into the mill. I can not give any real evidence either way. From the evidence of various persons, from those in the labor department, to friends and enemies of the corporation, I think that in the past they probably have been too independent in the matter of running their mill to suit themselves. October 13, 1913.

DALLAS COTTON MILL, DALLAS, TEX., OCTOBER 20, 1913.

I spent the noon hour at the mill, and found the average age of the workers rather high, but found one boy of 12 years, who said: "I can't get a steady job in the mill, but I can help my sister all I want to." He helps his 15-year-old sister on Saturdays and out of school hours.

WAXAHACHIE COTTON MILL, WAXAHACHIE, TEX., OCTOBER 21, 1913.

Spent the noon hour here, and found only one boy that seemed to be under 15 years, and he refused to tell his age.

TEXAS COTTON MILLS, M'KINNEY, TEX., OCTOBER 27, 1913.

I photographed one typical group coming out at noon, but saw none under 15. The housing conditions here are exceptionally good.

CORSICANA COTTON MILLS, CORSICANA, TEX., OCTOBER 31, 1913.

I met Frank Crow near the mill. He said he is 13 years old now, and that he spent about three months last summer doffing in these mills. "They let me work because my mother is a widow and only one of my sisters to work beside my mother." He took me all through the mill at 4. I saw one doffer who appeared to be 12 years old.

THE NEWSBOYS OF TEXAS.

In all the larger cities of the State the little newsies abound. Their ages range from 5 to 6 years and upward, and many of the little ones start out at

4 and 5 every morning. I want to appeal for strong efforts to raise the age limit, as they are doing in other large cities, notably New Orleans, and at the same time these youngsters must have competent and persistent supervision. In Houston these efforts are being made, and the work of the probation officers, under the direction of Judge Ward, juvenile court, deserves special mention.

The street trades, after they have been divested of the false sentimentalism that has surrounded them for so long, stand before us as dangerous occupations if the boys are not properly supervised and directed in their work.

THE MESSENGER AND DELIVERY BOYS.

By far the most dangerous phase of the work of the street traders is that which sends the boys at all hours of the day and night into the red-light districts of our cities. The popular excuse that the boys are sent to the door of the house only fails when one finds that the boys do not stop there, or, if they do, their information about the life of the underworld, gained at first hand and from the tales of the other boys, gets a start that often ends in their own moral downfall. Judge Ward, of juvenile court, Houston, told me that 20 per cent of juvenile arrests are messenger or delivery boys at the time of the arrest. I examined 50 cases (for the month just passed), 9 of them were messenger and delivery boys (from 14 to 16 years of age); 3 were newsboys; 5 were shine boys. Mr. Ingraham, probation officer at Waco, said that a large percentage of delinquency of boys was due to the influences of the street, and especially of the red-light district. Mr. Sam Callaway, probation officer at Fort Worth, was very vehement over the bad influences of "The Acre" (red light), especially those whose business sends them into that district.

Dr. W. C. Rountree, a specialist, who has a sanitarium for those who are addicted to the use of narcotics, told me he has found a number of children at Fort Worth who use cocaine. Cited the case of a 15-year-old messenger, Chester Robinson, who, while delivering messages to The Acre and working nights and with bad associates, acquired the cocaine habit. The doctor cured him, and he is now on a farm, in good shape. His wreck was due to his work and associations with the red light.

Dr. Smith, house physician in a house of refuge for young girls, has had occasion to investigate the reservation in Dallas. While there she found many cases of harm that came to young messenger and delivery boys through their work in that district. She found a 13-year-old drug messenger this year in a notorious resort so much under the influence of morphine that he couldn't remember his name. Found a 15-year-old messenger on the second floor of a mulatto resort there. Saw delivery boys for department stores going into the rooms of various women in these resorts.

McKELWAY EXHIBIT NO. 4.

SENATE BILL No. —. By WILLIAMS.

A BILL Entitled, "An act to provide for compulsory school attendance, the appointment of truant officers and prescribing their duties; to require school officers and teachers to make such reports as may be required by the county superintendent; to provide for the furnishing of necessary books for children and issuing scholarships to children of dependent parents; and to prescribe penalties for violations of this act and declaring an emergency."

Be it enacted by the people of the State of Oklahoma: SEC. 1. That every parent, guardian, or other person in the State of Oklahoma, having control or charge of any child or children between the ages of eight (8) and sixteen (16) years, inclusive, shall be required to send such child or children to a public, or other school, each year, for a term or period not less than that of the public schools of the school district where the child or children reside.

SEC. 2. The county superintendent of public instruction of each county shall appoint at least one truant officer in each county upon the passage and approval of this act, or as soon thereafter as he may deem advisable in order to carry out the purposes of this act, who shall hold office for the term of one year unless sooner removed for cause. The truant officer shall see that the provisions of this act are complied with, and it shall be his duty to visit all establishments where children under sixteen (16) years are employed to ascertain whether the provisions of this act are complied with, and when, from personal knowledge

or by report or complaint from any resident or teacher of the township under his supervision, he believes that any child subject to the provisions of this act is habitually tardy or absent from school, he shall immediately give written notice to the parent, guardian, or custodian of such child that the attendance of such child at school is required, and if within five (5) days such parent, guardian, or custodian of said child does not comply with the provisions of this section, then such truant officer shall make complaint against such parent, guardian, or custodian of such child in any county court for violation of the provisions of this act: *Provided*, That only one notice shall be required for any child in any one year. Any such parent, guardian, or custodian of child who shall violate the provisions of this act shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars ($5) nor more than twenty-five ($25), to which may be added, in the discretion of the court, imprisonment in the county jail not less than two nor more than thirty days.

All funds collected as aforesaid shall be deposited in the county treasury and be designated the "Truancy fund," and shall only be used in carrying out the provisions of this act.

SEC. 3. The truant officers provided for in this act, except county officers acting ex officio as truant officers, shall receive from the truancy fund of the county treasury not exceeding two dollars ($2) for each day of actual service, to be paid by the county treasurer upon warrant signed by the county superintendent of public instruction: *Provided*, That no warrant shall be issued on the county treasury for such services until the truant officer shall have filed an itemized statement of time employed in such service, and such statement shall have been certified to by the superintendent of public instruction of the county in which such truant officer is employed and such claim shall have been allowed by the board of county commissioners: *Provided further*, That no truant officer shall receive pay for more days than the average length of school term in the county, cities, or towns under his supervision.

SEC. 4. All school officers and teachers are hereby required to make and furnish all reports that may be required by the county superintendent of public instructions or the truant officer, with reference to the workings of this act.

SEC. 5. If any parent, guardian, or custodian of any child or children is too poor to furnish such child or children with the necessary books with which to attend school, then the county superintendent of public instruction of the county where such parent, guardian, or custodian resides shall furnish temporary aid for such purpose to such child or children, which aid shall be allowed and paid upon the certificate of such officer by the board of county commissioners of said county.

SEC. 5. If any widowed mother or disabled father shall make affidavit to the effect that the wages of his or her child or children under sixteen years of age are necessary to the support of such widowed mother or disabled father, then the county superintendent of public instruction may, after careful investigation, in his discretion furnish such child or children a certificate called a "scholarship," stating the amount of the wages such child or children are receiving, or so much of such wages as shall be deemed necessary to the support of such widowed mother or disabled father, so long as such child or children shall attend the public school in accordance with the provisions of this statute, which aid shall be allowed and paid upon the certificate of such county superintendent of public instruction to the child or children holding such scholarship by the board of county commissioners of the county in which such child or children reside.

SEC. 7. Any child who absents itself from school habitually may be adjudged a confirmed truant by the truant officer, the county superintendent of public instruction, and the superintendent of the schools of the city. Such confirmed truant shall be brought before the judge of the county court for such disposition as may be deemed best, in his discretion, and may be turned over to the probation officer of the juvenile court or be sentenced to such reformatory institution as may be designated.

SEC. 8. In order that the provisions of this act may be more definitely enforced it is hereby provided that the enumerators of school children, in taking the school census, shall ascertain and record the place and date of birth of every child enumerated, and the parent, guardian, or custodian of such child shall subscribe and take oath or affirmation that such record is true. The enumerator is hereby empowered to administer such oath or affirmation, and any parent, guardian, or custodian, or any child who shall refuse to take such

oath or affirmation shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not less than one dollar ($1).

SEC. 9. On the first day of school the trustees, boards of trustees, or commissioners of school corporations shall furnish the truant officer with the names of the children of compulsory age who are enumerated on the regular enumeration lists. These names shall be alphabetically arranged and shall give all the information contained in the regular enumeration returns. The county commissioners shall provide necessary postage and such blanks as may be required by the State superintendent of public instruction.

SEC. 10. It shall be the duty of truant officers, in visiting factories and other establishments where children under sixteen years of age are employed, to report to the commissioner of labor any cases they may discover of the violation of the laws relating to the employment of children.

SEC. 11. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 12. For the preservation of the public health and safety an emergency is hereby declared, by reason whereof this act shall take effect and be in force from and after its passage and approval.

McKELWAY EXHIBIT NO. 5.

INSTRUCTIONS FOR READING REPORTS HEREUNTO ATTACHED.

This report contains the census of the school districts, the enrollment, and the attendance.

The percentage of enrollment and attendance is obtained by deducting the census for the actual enrollment average attendance; the same is true when a number of districts are added up at the end of each report.

Here is an example for comparison of mill districts with rural districts and like, whereas a report for the year 1911 and 1912 for the entire rural school population.

The State reports for 1912–13 are not available.

School reports 1912–13—White.

CALDWELL COUNTY, N. C.

	Census.	Enroll.	Attend.	Per c. en.	Per c. at.
4 cotton mill districts.					
Whitnel Mills, Lenoir, 6	250	165	62	66	24
Hudson Mills, Hudson, 1	242	187	152	77	62
Dudley Shoals Mill, Little River, 6	181	83	47	45	25
Valmeade, Moore Mills, Lower Creek, 4	196	127	52	64	26
Average per cent of en. and at., 4 cotton mill dist	869	562	313	64	36
8 rural districts.					
Lovelady, 8	64	60	53	93	82
Lower Creek, 1	78	68	38	87	48
Lower Creek, 2	67	58	38	86	56
Globe, 4	46	28	24	60	52
Little River, 1	41	40	22	97	53
Patterson, 4	44	41	26	93	59
Yadkin Valley, 1	48	46	23	95	47
Wilsons Creek	27	27	23	100	85
Average per c. of en. and at., 8 rural dists	415	368	247	88	59
SUMMARY.					
Mill districts.					
Average, 4 mill districts	869	562	313	64	36
Rural districts.					
Average for 8 rural districts	415	368	247	88	59
Rural report, Caldwell County, State Reports, 1911–12	4,821	3,210	2,148	66	44

At none of the four mills has any schoolhouse been built by the mill.

At Whitnel the mill contributed $140 to pay teachers. I learned that the mill owners had helped to defeat a school tax.

School reports 1912–13—White—Continued.

CATAWBA COUNTY, N. C.

	Census.	Enrol.	Attend.	Per cent of en.	Perc. of att.
4 cotton mill districts, Hickory Township.					
Ivey Mills, Hickory, 14	96	57	31	59	32
Shuford Mills, Hickory, 17	225	144	100	64	44
Brookford Mills, Hickory, 15	248	127	78	51	31
Ivey Mills, Hickory, 16	265	190	112	71	42
Average per of en. and at. 4 cotton mill districts	834	518	321	62	38
12 rural districts, Hickory Township.					
Hickory, 11	50	33	20	66	40
Hickory, 12	79	55	35	69	44
Hickory, 6	79	70	55	88	69
Hickory, 5	72	54	34	75	47
Hickory, 4	108	76	55	70	50
Hickory, 2	67	57	36	85	53
Hickory, 3	75	58	41	76	54
Hickory, 13	131	93	58	70	44
Hickory, 1	46	40	25	86	54
Hickory, 19	49	45	30	90	61
Hickory, 7 (part mill P)	150	103	60	68	40
Hickory, 9	76	65	48	85	63
Av. per of en. and at., 12 rural districts	982	749	497	76	50
Cotton mill districts.					
Long Island Mill, Catawba district, 4	190	156	113	82	59
Providence and Maiden Mills, Newton district, 4 and 6	299	178	139	59	46
Town of Newton, State report 1911–12 (Newton is a mill town).	828	458	311	55	37
Average per mill district above	1,317	794	563	60	42
6 rural districts.					
3 rural districts, Catawba Township:					
Catawba, 3	51	48	36	94	70
Catawba, 8	58	52	37	89	63
Catawba, 1	64	54	43	84	67
3 rural districts, Newton Township:					
Newton, 3	64	61	52	95	81
Newton, 8	79	66	50	83	63
Newton, 11	88	62	46	70	52
Average 6 rural districts	404	343	264	84	65
SUMMARY.					
Mill districts.					
Average for 7 mill districts, including Newton	2,151	1,312	884	60	41
Rural districts.					
Average, 18 rural districts, Catawba County	1,386	1,092	761	79	55
Rural report, Catawba County, State report, 1911–12	7,237	4,983	3,651	68	54

Ivey Mill population lives in two districts.
Brookford Mill contributed $1,600 in schoolhouses.

GUILFORD COUNTY, N. C.

	Census.	Enroll.	Attend.	Perc. of en.	Perc. of att.
Mill districts.					
White Oak	920	354	218	38	23
Proximity	576	188	158	32	27
Revolution	305	159	89	52	29
Average, 3 mills	1,801	701	465	38	25
Gibsonville District:					
2 mills, pt. rural	390	275	190	70	48
Pomona Mills	119	55	26	46	21
Average, 5 mill districts	2,310	1,031	681	44	29

School reports 1912–13—White—Continued.

GUILFORD COUNTY, N. C.—Continued.

	Census.	Enroll.	Attend.	Perc. of en.	Perc. of att.
11 rural districts.					
South Buffalo	131	117	85	89	64
Bessemere	158	155	102	97	64
McAdoo Heights (fact. mill pop.)	105	67	43	63	40
Tucker	47	31	24	66	51
Gethsemane	67	47	40	70	59
McIver	124	80	57	64	45
Deep River	74	43	30	58	39
Oak Ridge	130	122	69	93	53
Friendship	71	44	30	62	42
Whitsett	81	66	54	81	66
McLeansville	116	95	71	81	61
Average for 11 rural districts	1,104	867	605	78	54
10 rural townships.					
Madison Township	226	197	130	.....	.....
Jefferson Township	374	296	226	.....	.....
Monroe Township	323	226	140	.....	.....
Morehead Township	934	775	505	.....	.....
Sumner Township	362	272	168	.....	.....
Bruce Township	364	277	162	.....	.....
Oak Ridge Township	410	373	250	.....	.....
Friendship Township	477	386	246	.....	.....
High Point Township	1,072	792	483	.....	.....
	4,542	3,594	2,310	79	50
SUMMARY.					
5 mill districts	2,310	1,031	681	44	29
3 leading mills—White Oak, Revolution, Proximity	1,801	701	465	38	25
11 rural districts	1,104	867	605	78	54
9 rural townships	4,542	3,594	2,310	79	50
Rural report, Guilford County, 1911–12	9,702	6,818	4,492	67	46

Found report for only two months for Proximity.

Gibsonville is in part rural.

Four good county high schools, but none at mills.

DAVIDSON COUNTY, N. C.

	Census.	Enrollment.	Attend.	Per cent of en.	Per cent of attend.
2 cotton mill districts, Lexington Township.					
Nokomis Mill, Lexington, 1	156	125	58	80	37
Dokatok Mill, Lexington, 3	155	103	52	66	33
Total for 2 mill districts	311	228	110	73	35
9 rural districts.					
Lexington, 2	72	51	35	.....	.....
Lexington, 4	97	90	74	.....	.....
Lexington, 5	92	80	52	.....	.....
Lexington, 6	101	83	55	.....	.....
Lexington, 7	96	92	61	.....	.....
Lexington, 8	63	55	31	.....	.....
Lexington, 9	80	63	40	.....	.....
Lexington, 10	15	11	9	.....	.....
Lexington, 11	40	36	27	.....	.....
Total	656	561	384	85	58
Rural report for entire county, including mill districts, 1912–13	7,087	5,271	3,753	74	52
Report for Thomasville, Davidson County, 1912–13: Thomasville has 2 cotton mills.					
Johnsonville	907	528	417	58	45
Johnsonville (Negro)	268	161	100	60	37

NOTE.—Per cent of enrollment, rural districts better by 12; per cent of attendance, rural districts better by 23; in rural districts enrollment better than in Thomasville two mills by 27; in rural districts attendance better than in Thomasville two mills by 13.

Negro enrollment and attendance nearly as good as for white children in Thomasville.

Entire county rural, including mill districts, better in both enrollment and attendance than mill districts.

WOODS EXHIBIT.

[City of New York police department. Office of the commissioner.]

MAY 28, 1915.

INDUSTRIAL RELATIONS COMMITTEE,
Washington, D. C.

GENTLEMEN: In compliance with your request I send you the following information.

1. Names of private detective agencies which have been used in connection with industrial disturbances: William J. Burns; Pinkerton National Detective Agency; Dougherty Military Police and Detective Agency; Berger Bros.; Empire Secret Service Bureau (Fitzpatrick and Baum); Luxemberg Agency; Schmittberger Agency; Long Acre Agency; United Secret Service Agency (Max Schlansky and Louis Schultz); Ike Silverman (Fidelity Secret Service Bureau); Kelly Agency (formerly known as the Jackson Agency); Kenmore Detective Agency; and Waddell-Mahon Agency.

2. Names of persons or agencies by whom gangsters were sent to other cities: Max Sigmund, Abe Mitchell, Max Schlansky, and Lawrence Agency.

As to whether or not guards, strike breakers, or other people were sent from New York to Calumet and West Virginia, I am unable to say. There is at the present time no available evidence upon which I could predicate an answer.

Yours, very truly,

ARTHUR WOODS,
Police Commissioner

CYPHERS EXHIBIT.

Slav. Commonwealth *v.* Thomas Stevenic and Frank Haska. Denied charge. Riot. 530. Rock in pocket. Throwing stones. Mechanics. Bail, $1,000. Arrested in house. John Gallagher and Chas. Rose.

Commonwealth *v.* John Collins. Charge, riot. $1,000. Trenton, N. J.

Commonwealth *v.* John Sesminski. Riot. Bail, $1,000. Throwing stones. No. 666 Oak Street. Father and mother. Poplars Crossing.

John Misko. Riot. Throwing stone. 411 6th. 4 years. Throwing stones. Bail, $1,000.

Andrew Kunack. Riot. Calling scab. Work, blast furnace. 540 Thomas St. 4 years. Bail, $1,000. Steven Tomas. Chas. Gould, witness. Did not see.

Lorence Gesesto. 3d. Discharged. Carrying knife. 937 5th. 4 years. Bail, $500. Knife open up arm sleeve.

Geo. Nogs. Arrest. Threw stone. Knife opened. 1. Riot, $1,000. 2. Carrying knife. Chapman's quarries. Paul Tonshist. Worked stone quarry.

Steve Dun. Riot. Thomas St., No. 524. Steel wire. 3 years. $1,000. Saw him throw stones. Arrest in house.

John Gardner. Throwing stone. Riot. $1,000. Had stones in hands. 817 Laufer Ave. Jos. Mayer, R. R. Jos. Gardner, Passaic.

John Tuks. Throwing stones. Riot. $1,000. No. 616 School Alley. Many Conell. Brother lives 738 Butternut. One stone in pocket. $1,000.

Lewis Kalman. Throwing stones. Riot. 748 School Alley. Mille Railr. $1,000. Wife 3 children. Rock in hand. Knocked off helmet.

Stanley Bromkosky. Throwing stones. Revolver. 808 Center St.

Albert Border. Old mill. $500. Poplar and 4th St. Big revolver.

Frank Fakas. Riot. Chapman's quarries. Paul ———, Hungarian. Bail, $1,000. 1 mo. 3 years. Got 3d St. barber shop. Saw him throw stone that broke picture frame at John Kiss.

Tony Connoll. No. 7 School Alley. Wife and 5 children. Zeigenfus. A. L. Cope.

Sunch & Steven. 3d St. To-day, Feby. 28, 1910. Forenoon.

Swore. John Shieviey. Monroe Hieght. 2d Poplar St. Disorderly conduct.

Jos. Pass. 208 Birch St. Puddle mill. 7 mo. Kleige. Came Hazzard.

Suits: Commonwealth *v.* John.

JONES EXHIBIT.

Sketch of life of C. L. Maxwell, better known as "Gunplay" Maxwell, outlaw, ex-convict, deputy sheriff, and mine guard for Utah Fuel Co. Killed at Price, Utah, August 25, 1909.

In June, 1900, Maxwell and two of his gang held up and robbed the bank at Springville, Utah, killing the cashier. In the pursuit that followed one of the bank robbers was killed, and Maxwell and a companion named Warner were captured. They were sentenced to a term in prison at Salt Lake City.

Maxwell, being of good address and having a good education, soon gained the confidence and good will of the warden, who gave Maxwell unusual liberties.

On account of the liberties afforded him Maxwell had opportunities to communicate with other prisoners, and he planned to break jail and take a number of the most desperate ones with him, among them being Warner, his pal. The governor of Utah and the prison trustees had arranged to visit the prison on a tour of inspection, and Maxwell, knowing this, planned the break for that day. Now, here is where Maxwell's true character is shown. He went to the warden of the prison and told him that the prisoners were plotting to escape, and that his old pal, Warner, was the leader of the gang. After giving the warden the details of the plot as he had planned it, the warden concluded to let the plan go on, as if he was not aware of it, but he took extra precaution to prevent the plan from succeeding.

The governor and the board arrived as per their program, and when Warner and the others made their break for freedom they were promptly overpowered. Maxwell was brought before the governor, and for his loyalty and good conduct in exposing the plot he was pardoned. Maxwell then went to Helper, where he engaged in gambling, and being a bad man in general, in 1903 and 1904 he was hired by the Utah Fuel Co. as a mine guard and held a commission as a deputy sheriff for some time.

In 1907 he shot L. C. Reidel, a coal miner, at Helper. He was never prosecuted for this.

In 1906 Tom Kelter, a conductor on the Denver & Rio Grande Railroad, was elected sheriff of Carbon County, and he made up his mind to get rid of "Gunplay" Maxwell. Maxwell had organized a gang and was hanging around Helper. Sheriff Kelter learned of a plan of Maxwell's to rob the bank at Green River on July 9, and work on his counterplot began at once. He came to Salt Lake and engaged Ed Johnson as deputy, and also engaged John MacQuarrie, another deputy, of unquestioned courage and skillful with a gun.

In his plan to rob the bank Maxwell had enlisted the aid of five men, four of whom were known to the officers.

The plans of Sheriff Kelter and his deputies to capture the gang were spoiled by an accomplice of Maxwell's now living in Green River, who warned Maxwell that a close watch was being kept, and that their plans were probably known.

Maxwell left for Ogden, where he remained with his second wife, Mrs. W. H. Seman, as she calls herself. Funds were apparently low, as Maxwell pawned the woman's jewels, on which he realized nearly $400, before starting for Carbon County again. This time he planned to hold up the paymaster of the Kenilworth mine.

On Saturday afternoon, when the paymaster rode through Spring Glen on his way to Kenilworth, he was accompanied by a strong guard under the leadership of MacQuarrie and Johnson. Maxwell and a partner were provided with horses and hidden behind a shack along the road near the water tank halfway to Kenilworth when the paymaster and his guards passed. They sized up the party and evidently concluded that it was too big for them, allowing the men to pass, believing they had not been seen. Maxwell's partner on this occasion was a heavy built man who is not known in the vicinity of Price.

About ten days ago C. E. Davies, who has been implicated with Maxwell in a number of "expeditions," and who was ordered to leave the country for his connection with Maxwell when the bandit shot L. C. Reidel at Helper two years ago, appeared at Price and began making inquiries concerning Sheriff Kelter and his "gunmen" deputies, naming MacQuarrie and Johnson. Davies remarked that he had heard that both MacQuarrie and Johnson were bad men with guns, but that Maxwell would be in Price on Thursday and make short work of Kelter and his gunmen.

On Monday morning, the day he met his death, Maxwell appeared in Price, saying he had walked in from a sheep camp. He immediately began to load up on Price whisky, telling what a bad man he was with a gun. To demonstrate his fierceness, he accosted two traveling men, and at the point of his revolver he compelled them to enter a saloon and buy drinks. Sheriff Kelter ordered his deputies to arrest Maxwell, and when the deputies approached him Maxwell said to Johnson: "You are the ——— ——— I'm after," at the same time pulling his gun.

Johnson and MacQuarrie fired at the same time, the balls from their guns entering Maxwell's breast and going clear through his body. The ball from Maxwell's gun went through the lapel of Johnson's coat. Men who were watching the affair from across the railroad track saw the dust fly from his coat and saw the tear in his back as the bullets passed through his body, and also the spatter of dust as the spent balls were embedded in the ground.

DREW EXHIBIT NO. 1.

ADDRESS BY JOHN A. MOFFITT, COMMISSIONER OF CONCILIATION, UNITED STATES DEPARTMENT OF LABOR, BEFORE THE AMERICAN ERECTORS' ASSOCIATION, AT PITTSBURGH, PA., ON MARCH 9, 1915.

MR. CHAIRMAN AND MEMBERS OF THE AMERICAN ERECTORS' ASSOCIATION:

As my card would indicate, I am representing the United States Department of Labor. On or about the 27th day of February, Mr. Secretary Wilson of the department was advised that a strike in the oil fields of Oklahoma and Texas, involving approximately 1,000 men, was in vogue, and he was petitioned by the officials of the Brotherhood of Boiler Makers and Iron Ship Builders, requesting that he use the good offices of his department to bring about an adjustment, if possible, of the strike.

The Secretary was advised that the members of the American Erectors' Association met frequently in the city of Pittsburgh, at the Fort Pitt Hotel, and he directed me to come here and take this matter up with you gentlemen, to see if something could not be done; and if there was not some general grounds upon which you could meet the representatives of the boiler makers, looking toward an amicable adjustment of this strike.

I may say in passing, that upon my arrival here I discovered that no such an association was meeting at the Fort Pitt Hotel, and then I ferreted out one of the local representatives of the boiler makers, and requested that he furnish me with a list of the names of the members of the association. Among others, he gave me the name of Mr. Hughes, of Warren City. I think it fair to Mr. Hughes to state that I wired him on last Friday. The contents of the telegram, as near as I can remember, was where and when, at the convenience of Mr. Hughes, I could converse with him on matters in connection with this strike. Having received no reply from Mr. Hughes, I called him by phone. Mr. Hughes informed me over the phone that he had received my telegram, but was rather embarrassed upon its receipt, because there was an understanding with the members of your organization that matters pertaining to the strike of the boiler makers could be taken up only by the general membership of your organization and not by an individual member; and in order to live up to the understanding of the organization he did not care to discuss with me the merits or demerits of the case. I told Mr. Hughes that I appreciated his position, and that he was justified in the position he was taking. He gave me the names of the officers of the organization, and I went to the Petroleum Iron Works and met Mr. Todd. Mr. Todd advised me of this meeting to-day.

I do not know that I have anything to say other than that the general officers of the boiler makers have informed Secretary Wilson, and the Secretary has so informed me, that they are willing to make any honorable settlement that will be beneficial to both sides, if a conference can be brought about between representatives of your organization and a committee of their organization.

I understand that the members of your organization made contracts with their men who work in the field, and they agree that these contracts from time to time are violated, and by their men. They said that the only way they could obviate difficulties of that kind in the future would be to have an agreement with your association and their national organization, instead of with the men in the field; they had in mind when they made this suggestion that in the past they had agreements with the members of your organization and that the agreements had been violated, and by the men that made the agreements; that is, their own men; they admit that they are guilty of violating these agreements, but they said that the only way that such violations could be obviated in the future would be to have an agreement with your organization and their organization, and not with the men in the field at all; they said that in making an agreement with their organization that would be mutually beneficial, in the event of men in the field violating any of the provisions of

such agreement, they would, by their own act, deprive themselves of membership in their organization. These were some of the suggestions they made to get a conference.

They further agreed that a man in New York by the name of McCarthy, business agent of the boiler makers, raised considerable trouble between the boiler makers and their employers, and did many nasty things that were very displeasing to the manufacturers, and that the manufacturers were right in being displeased with the attitude of this McCarthy; that this McCarthy has been disciplined to the extent of putting him out of their organization altogether. Other matters, minor in detail, were spoken of in connection with the system that was in vogue in the oil fields of Oklahoma, some of which the Department of Labor did not approve of, because they believed them to be against public policy, such as to tax a man for the privilege of working, commonly known as permits. I questioned the men to some extent on this proposition, and they agreed that I was perfectly right about this, and if they can have an agreement with your organization instead of the men in the field, that this system will be entirely eliminated.

In a general way this is their proposition, made to the Secretary, and the Secretary directed me to come here and repeat it, and see if something could not be done to bring about a settlement of the strike in the oil fields, which must be distressing to women and children.

In talking with Mr. Todd, he has his grievance, and justly so, I believe. I want to tell you, gentlemen, that I met some of the boiler makers last night, and I went over some of the matters Mr. Todd discussed with me, and they plead guilty. There is no argument they could advance to justify them in the matter.

I learned that they have somebody furnishing them with what they call "bootleg whisky" in the camps. This proposition, it seems to me, would be a means of inciting the minds of the very best-balanced men, if the character of the stuff is as it was described to me. An elimination of this "bootleg whisky," as they call it, I think would bring about peace in the family of manufacturers and boiler makers.

But these are all matters that, if you can see your way clear to meet a committee of the boiler makers, can be taken up and satisfactorily adjusted. They did not volunteer all this information; it was brought out by questioning them. This, gentlemen in summary, is my purpose here. If there are any questions you desire to ask, I am here to answer.

DREW EXHIBIT NO. 2.

[National Erectors' Association, 286 Fifth Avenue, New York.]

NEW YORK CITY, *May 20, 1915.*

Mr. HARRIS WEINSTOCK,
United States Commission on Industrial Relations,
Shoreham Hotel, Washington, D. C.

MY DEAR MR. WEINSTOCK: I inclose you page 343[1] of the Bridgemen's Magazine for May, 1915. The article entitled "Unionist compares wages" contains a comparative statement of wages in the different building trades in the year 1898 and in the year 1915. It is interesting in connection with the statement of Mr. Johannsen that the wages of the ironworker before the union was organized was only $2.50 a day and that the union had brought about the subsequent increases, the inference being that the $2.50 rate, being under open-shop conditions, was unduly low.

This statement shows that Mr. Johannsen was correct in saying that the rate in the early days was $2.50 a day (or $15 a week). It also shows, however, that this rate of $15 was equal to the wage paid in 1898 to the carpenter, the hoisting engineer, the lather, and the electrician, and was in excess of the wage paid the building excavator, the hod carrier, the cement worker, the elevator worker, and the painter. Nearly all of these were, of course, strongly organized long previous to that time.

It thus appears that the open-shop ironworker in that early day was receiving a wage equal to the union man in other building trades, and that his wages of

[1] Submitted in printed form.

to-day, after eight years of the open shop, have, as stated in the article ($27.50 a week) maintained the same proportion of increase as the rates in the trades that have been upon a continuous closed-shop basis. As this statement is published in the last issue of the official organ of the ironworkers' union, I consider it fair evidence.

Yours, truly, WALTER DREW, *Counsel.*

WILSON EXHIBIT.

[Department of Labor. Office of the Secretary. Washington.]

PRELIMINARY REPORT OF COMMISSIONER OF CONCILIATION.

MARCH 12, 1915.

Re Boiler Makers *v.* American Erectors' Association. Mediation requested by boiler makers. Commissioner, John A. Moffitt. Date of assignment, March 2, 1915.

To the honorable the Secretary of Labor:

For your information I have the honor herewith to submit a preliminary report of my efforts as commissioner of conciliation in the strike affecting one thousand (1,000) boiler makers in the oil fields of Oklahoma and Texas.

Questions involved: American Erectors' Association declared for the "open shop" January 18, 1915.

Number of employees directly affected, one thousand (1,000).

Status of negotiations prior to arrival: Officers of Brotherhood of Boiler Makers requested a conference with American Erectors' Association, which was refused.

Conferences held at Pittsburgh, Pa.; Youngstown, Ohio.; Sharon, Pa., with Joe Franklin, representing boiler makers, March 3, 4, 7, 1915; James Sause, representing boiler makers, March 3, 4, 7, 1915; Mr. Todd, representing American Erectors' Association, March 5, 6, 7, 1915; Mr. Hughes, representing American Erectors' Association, March 5, 6, 7, 1915; and meeting of erectors' association at Pittsburgh March 7, 1915.

Status of conciliatory efforts, briefly stated: Erectors' association will employ the men on strike if they wish to return to work and under the same conditions that prevailed anterior to the strike; i. e., union wages and hours, and will not question their trade-union affiliations.

Remarks: Your representative recommended the acceptance of the above to the officers of the union, and the same was taken under advisement by them.

Respectfully submitted.

JOHN A. MOFFITT,
Commissioner of Conciliation.

[The Reeves Brothers Co.]

ALLIANCE, OHIO, *March 20, 1915.*

Hon. W. B. WILSON,
Secretary of Labor, Washington, D. C.

DEAR SIR: We inclose herewith a letter from Mr. Walter Drew, counsel for the American Erectors' Association, o fwhich we are a member. We indorse what Mr. Drew says as covering the situation quite fully.

Yours, very truly,

THE REEVES BROTHERS CO.
By GEORGE REEVES,
President

[National Erectors' Association.]

286 FIFTH AVENUE,
New York City, March 16, 1915.

To the members of the American Erectors' Association.

GENTLEMEN: I have received a copy of the remarks of Mr. John A. Moffitt, of the United States Department of Labor, made to the association members on March 9. It is my judgment that Mr. Moffitt has greatly strengthened your position, and in fact made it practically indefensible. He states that he has

investigated the situation personally, has heard the union's side from its own members, and that the charges made against the conduct of the union are admittedly true. He points out no grievance arising out of wages, hours, or other labor conditions which require adjustment or any mediation or conciliation. His sole purpose as the representative of the Department of Labor is to induce you to enter into contract relations upon a closed-shop basis with an organization which has proved itself unfit to be a party to a collective bargain. I do not believe that in making such an effort the Department of Labor is exercising its proper functions. It might well interject itself into any situation where serious grievances and unfair conditions existed. Lacking even the claim of anything that is unjust or unfair, it does not seem the proper function of an impartial Government to endeavor to force any citizen or group of citizens into entering into contract relations with any particular organization, especially when the organization demands that the agreement shall constitute practically a monopoly in its favor.

A large percentage of the men now employed by your people held permits from this same union before the open shop was established, and no objection, therefore, could lie to them from the standpoint of the union. The vicious permit system, with its levy of 10 per cent of the wages of the permit men for the benefit of the union treasury, was made possible by the refusal of the union to admit these men to membership. To enter into an agreement with the union at this time would mean the discharge of these men or their compulsory membership in the union, if the agreement were not upon an open-shop basis. If the union is willing to permit its members to work open-shop, no agreement is necessary at this time and the work is open to them. There are no grievances to be redressed and nothing in the actual labor conditions themselves to be discussed or mediated. Should such conditions later develop, there will then be something of which it will be proper for the Department of Labor to take cognizance.

In conclusion, it seems too clear for argument that the present employees of your people are entitled to the consideration and protection of the Department of Labor just as much as are the members of the union, if the functions of a democratic government are to be equally and impartially administered. They are working under conditions admittedly fair from the union standpoint. They are working, not as strike breakers, but as regular and permanent employees. Members of the union have worked side by side with many of them when they held cards as permit men. That they could not work as members of the union was due to the act of the union and not to their own inclination. That they should continue to surrender 10 per cent of their wages to the union treasury for the privilege of working, nobody now justifies. If the union had no objection to its members working side by side with nonmembers, so long as such nonmembers could be taxed, it certainly should raise no objection now to its members continuing to work side by side with nonmembers when such tax, admittedly iniquitous, has been removed. But aside from this, should not the Department of Labor exercise its influence to protect these present employees rather than to lend itself to the effort of the organization which has exploited them to restore itself to a position of power and control over them?

I can only say again that the remarks of Mr. Moffitt have not only strengthened your position, but they should strengthen your determination to continue your present policy. If collective agreements are to be entered into, they should have two responsible contracting parties who have shown some respect for the obligation of contracts and who can give proper guarantees for full and faithful performance. The time is fast passing when irresponsible organizations, under reckless and sometimes corrupt leadership, can command the support of public opinion in forcing closed-shop agreements upon employers. Mere promises to reform and do better—and even such promises are made only in case of defeat—are no longer sufficient. A trade agreement is a business contract and the unions must shape themselves into such responsible and businesslike form that they can make agreements upon the same basis of integrity and responsibility as other business contracts are made.

It may be again remarked that for any of the forces of Government to be employed to compel or influence collective bargaining upon any other basis is a partisan and perverted misuse of the functions of government, which will in the end react to the detriment of the class who seek thus to misuse government for its own ends.

Yours, truly,

WALTER DREW,
Counsel, American Erectors' Association.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 26, 1915.

Mr. GEORGE REEVES,
President Reeves Brothers Co., Alliance, Ohio.

DEAR SIR: I have your favor of the 20th instant, inclosing letter from Mr. Walter Drew, counsel of the American Erectors' Association, relative to the remarks of Mr. John A. Moffitt, of the United States Department of Labor, made to your association members on March 9, while he was endeavoring to adjust a labor dispute existing between you and your employees.

I have no desire to enter into any discussion of the merits or demerits of the controversy with Mr. Drew, but when he asserts that "his (Moffitt's) sole purpose as a representative of the Department of Labor is to induce you to enter into contract on a closed-shop basis with an organization which has proven itself unfit to be a party to a collective bargain" he completely fails to grasp the purposes and policies of this department. Mr. Moffitt's sole purpose was to find, if possible, a common ground that would be acceptable to both parties as a basis of settlement of the dispute. In this particular case our representative found that the dispute centered around a question of the so-called "open" or "closed" shop. That, then, became the important question he had to deal with. If in handling it he found it advisable to suggest to the employers a so-called "closed-shop" arrangement, or to suggest to the workmen a so-called "open-shop" arrangement, it did not and could not mean his indorsement of either policy. Its sole significance was that he was seeking a common ground that would be acceptable to both. The right to accept or reject remained with the parties to whom the suggestions were made, and the statement of Mr. Drew that such a process is an "endeavor to force any citizen or group of citizens into entering into contract relations with any particular organization" is, therefore, unfounded.

I may add that in dealing with these problems the question with the department is not "Are the workmen organized or unorganized"? The question is "Does a labor dispute exist, and can we be of any assistance in adjusting it"?

I trust that this brief statement may result in clarifying the situation so far as the policy and purpose of this department is concerned.

Respectfully, yours,

W. B. WILSON, *Secretary.*

DAVID CLARK EXHIBIT NO. 1.

COTTON-MILL WAGES.

On May 11 Dr. McKelway gave evidence to the effect that 1,085 adults and a large number of children in southern cotton mills earn less than $2 per week, and after floundering through four pages of testimony he was finally cornered and told you to divide the $2 by six in order to obtain the daily average of 33⅓ cents.

Questioned still further by Mr. Walsh he stated that a fair study of the subject had been made, and that 33⅓ cents was the correct figure.

Through that testimony Dr. McKelway has been able to create over this country the false impression that many adults and children in southern cotton mills receive 33⅓ cents per day.

Dr. McKelway has lived in the South and knows absolutely that no such scale of wages has existed during the last 20 years.

It is his custom to quote antiquated figures wherever they will answer his purpose, and in this case he gave you figures compiled in 1908 or seven years ago.

These figures were compiled under a labor commissioner whose name, I think, was Niell; and it was openly charged at the time that Mr. Niell was unduly influenced by Dr. McKelway, and that the forms of reports and instructions to field agents were doctored to suit McKelway's wishes.

In the 1908 report is a table of earnings for one special week, and it specifically states that the figures for those earning less than $2 are for that specified week and are for those who worked less than full time.

Dr. McKelway is an intelligent man, and he knows these facts as well as I do, but it is a fixed policy of the National Child Labor Committee, and admitted by their vice chairman, Homer Folks, to misrepresent facts wherever it suits their purpose.

The December, 1914, report of M. L. Shipman, commissioner of labor for North Carolina, gives the wages paid in North Carolina cotton mills as follows: High average daily wage for males, $2.80; low average, 97 cents. High average daily wage for females, $1.48; low average, 82 cents. The report does not distinguish between children and adults.

The report of the United States Department of Commerce, issued under date of May 11, 1914, gives in detail the wages paid in southern cotton mills, and I take the following figures for North Carolina from same:

	Per day.		
Spinners	$0.95	Speeder hands	1.50
Slasher tenders	1.50	Loom fixers	1.68
Drawing-frame hands	.99	Weavers	1.46
Card hands	1.17		

The report of the tariff board, issued in 1912, gives the average wages of operatives in the southern cotton mills, from which they compiled data, as follows (see p. 647):

	Per day.		
Picker hands	$0.993	Spinners	1.04
Card hands	1.028	Doffers (time workers)	.836
Drawing-frame hands	.925	Doffers (pieceworkers)	1.159
Slubber tenders	1.374	Weavers	1.469
Speeder tenders	1.38	Loom fixers	1.692

The Exposition Cotton Mills, Atlanta, Ga., have furnished me a comparison of the actual weekly earning of operatives that worked full time in 1894, 1904, and 1914. It is a table of much value, as it shows that mill operatives' wages have more than doubled in the last 20 years.

Comparative wages and percentages for the first week in May, 1894, 1904, and 1914, as shown by pay roll of Exposition Cotton Mill.

Operation.	1894	1904	1914	Percentage of increase from—		
				1894 to 1904	1904 to 1914	1894 to 1914
CARDING.						
Overseer	$15.00	$24.00	$30.00	60	25	100
Second hand	6.60	9.60	13.50	45	40	106
Grinders	6.00	7.50	10.50	25	40	75
Card hands	2.40	4.50	7.50	87	66	213
Drawing	2.40	3.00	6.00	25	100	150
Slubbers	5.10	6.00	8.10	17	35	59
Speeders	4.45	6.00	9.90	34	65	122
Picker hands	3.30	4.80	7.50	45	57	127
Strippers	3.30	4.50	7.50	36	66	127
SPINNING.						
Overseer	15.00	18.00	30.00	20	66	100
Second hand	9.00	9.00	13.50	00	50	50
Spinners	1.80	2.40	6.80	33	183	277
Doffers	1.80	3.00	9.60	66	220	433
Sweepers	1.20	3.00	5.25	150	75	337
Section hands	6.00	7.50	10.50	25	40	75
WEAVING.						
Overseer	15.00	21.00	36.00	40	71	140
Second hand	9.00	10.50	15.00	16	43	66
Loom fixers	9.00	9.00	12.00	00	33	33
Piece weavers	4.30	6.40	12.00	49	87	179
Day weavers	3.60	5.10	9.00	41	76	150
Yard hands	3.30	6.00	7.50	92	25	127
Average				34	57	109

FAMILY WAGES.

Realizing that the total income of mill families would have a considerable bearing on the wage question, I went on last Saturday to the Chadwick-Hoskins Mills, near Charlotte, N. C., and obtained data relative to several of their best families. I secured the wage figures from the pay roll of the previous week.

MINGER FAMILY (FOUR WORKERS).

Three boys between ages of 14 and 22; one girl of 17. Father runs a truck garden. Mother keeps house. Boys work in weaving and slashing rooms and make $1, $2, and $2.50 per day, respectively. Girl works in the spinning room and makes $1.63 per day. Total weekly income of family, not including profit of father's truck garden, which also helps to feed them, is $42.78.

DELLINGER FAMILY (FIVE WORKERS.)

Four girls between the ages of 14 and 20 and one doffer boy. Father works as roving hauler. Mother does not work. Three of the girls work in the spinning room, and two of them make $1.50 per day, while the other makes $1.46 per day. The other girl in the spooler room makes $1.63 per day. Doffer boy makes 90 cents and the father $1 per day. Total weekly family income, $47.94.

PADGETT FAMILY (FOUR WORKERS).

Two girls between 14 and 19 years of age, a boy 17, and the father. Mother does not work. The three children are weavers paid by piecework and average slightly over $10 per week each. The father is a loom fixer and makes $10.50. Total weekly family income, $40.50.

These are what might be called "top-notch" incomes, but there are many families making the same, and they are in reach of most of the other families of equal size, as wages are largely based on piecework.

A Georgia mill has taken from their pay roll the earnings of families of three workers only and find the average to be $25.50 per week. This is more than $100 per month for small families and is better than in most of the other lines of work.

DAVID CLARK EXHIBIT NO. 2.

ILLITERACY.

The 1910 census gives the illiteracy among the white population of North Carolina as 12.3 per cent, as compared with 19.5 per cent as in 1900, and shows that North Carolina made the greatest decrease during the decade of any State in the Union.

It can not be denied that this increase was to a considerable extent due to the educational work of the cotton mills and to the schools that they have established and maintained. For years the cotton manufacturers have led the fight for compulsory education.

The report of M. L. Shipman, commissioner of labor for North Carolina, issued on December 1, 1914, shows that 87 per cent of the cotton-mill operatives can read and write. In the woolen mills 89 per cent, silk mills 99.5 per cent, and cordage mills 98.3 per cent.

Dr. McKelway, as is typical of his efforts, gave you statistics of 1900, or 15 years ago, and endeavored to create the impression of extreme illiteracy.

In considering illiteracy figures it is unfair to North Carolina not to take into account the fact that we have a large crop of adult illiterates as an inheritance of the Civil War and the period of poverty and desolation that followed same. It should also be taken into account that we have a large mountain section and that it is extremely difficult to furnish schools for people living in the isolated sections. Our education is a matter that concerns North Carolina alone, and we fail to see why it is so great a concern to people of other States.

The 1913 report of the State superintendent of schools for Georgia shows only 8.6 per cent illiterate white, and yet Dr. McKelway's figures for 1900 show 44

DAVID CLARK EXHIBIT NO. 3.

[High Shoals Co. Sheetings and knitting yarns. Factory: High Shoals, N. C.]

HIGH SHOALS, N. C., *May 15, 1915.*

This is to certify that I have been principal of the High Shoals school for the last 10 or 11 years.

About the year of 1908 Miss Lillian Charles was secured as assistant teacher in our school. I am mighty sorry to say that Miss Charles was the most disagree-

able assistant that I have ever worked with. She not only gave me trouble at High Shoals, but I have learned that she gave trouble at Cherryville, N. C., and at Greensboro, N. C., and some other places that I do not remember just now. She got to the point where we could not agree on anything, and it was almost impossible for our school to succeed in the face of so many difficulties such as she was continuously bringing up. I went so far as to make application for another job as teacher of the school at Lucia, Gaston County, N. C. When I went to put in my resignation, or talking the matter over, the committee advised me to stay. And the committee and all of us agreed that we would do everything possible to get Miss Charles to settle down to business and keep out of any disagreement, but later we found that we were not able to continue her service as assistant teacher. Therefore her resignation was called for. Miss Charles came to the school after this and wanted me to tell her that our relations had been entirely agreeable in every respect. I explained to her that some of our work was satisfactory, but on the whole it had been unsatisfactory.

W. R. RHYNE,
Principal High Shoals School.

[High Shoals Co. Sheetings and knitting yarns. Factory: High Shoals, N. C.]

HIGH SHOALS, N. C., *May 15, 1915.*

Mr. DAVID CLARK,
Charlotte, N. C.

MY DEAR SIR: A copy of Mr. McKelway's report received.

I am mighty sorry that such a report has ever been made. I can safely say that I do not know of a single instance in this report which I can say is true.

In regard to Miss Lillian Charles, we hired Miss Charles as assistant teacher in our schools at High Shoals. At this time we only had two teachers. Mr. W. R. Rhyne was principal and Miss Charles was employed as assistant. We also paid Miss Charles something extra on her salary to do visiting around the village, and to keep us posted as to the condition of the ladies and girls of this place. We also explained to her that we wanted to build up our young girls and women, and if there was anything that she could help us do we would be glad to cooperate with her. Everything went well, and Miss Charles made golden reports to us about what a nice village we had and how well the people fared, and she often explained to us that we had a grand and noble set of operatives. The first thing that we knew she took up with our school committee, A. Q. Kale, J. C. McBrayer, and D. A. Medlin, and impressed upon us that Mr. W. R. Rhyne, the principal, was an old fogy and a man wholly incompetent to be principal of a school of this kind. And the second or third time she came to us making complaints and reports on Mr. Rhyne we told her that we thought it was our duty to stand by Mr. Rhyne as he had been teaching for us some time and had always been satisfactory and had always been satisfactory to the superintendent of public schools, Mr. F. P. Hall.

We learned after Miss Charles got into trouble with Mr. Rhyne that she had had trouble with the principal at Cherryville; also that she had trouble at two or three other places. I think we could possibly locate the places where she had this trouble if it should be necessary.

After Miss Charles had the little trouble with Mr. Rhyne, our principal, she secured a place as teacher in a shorthand school somewhere in Georgia. She explained to Mrs. Henderson, the lady who kept the hotel at that time, that she had secured this position in Georgia and had packed her trunk when she left High Shoals for her Christmas vacation, and made arrangements with Mrs. Henderson to forward her trunk on receipt of a letter which she would write Mrs. Henderson when she got home. She also notified our school committee (by letter) that she had accepted this place and was sorry that she was not able to give us a longer notice. On the face of this letter we employed another teacher, but in the meantime she was notified by the people in Georgia that they could not employ her. So she was back here when the school started after the Christmas vacation. The committee explained to her that we had received her resignation and had also hired a teacher to fill her place. But she prevailed on us that she was a poor working girl and that it would be a hardship on her to be without a job, and we went ahead and discharged the new teacher we had employed and put Miss Charles back to work. She continued to give Mr. Rhyne trouble and we did ask her to resign.

In regard to Mr. Hines' report about the pictures: Mr. Hines came to High Shoals one day and explained to me that he had lung trouble and was using his camera trying to make his expenses from some point in the North to some place in the West where consumptive people were treated. He asked me to have our people lined up by the mill, so he could make a pohtograph of the operatives to sell and help pay his way to some tuberculosis camp in the West. We explained to him that our girls and boys were becoming very sensitive about having their pictures made in their everyday clothes. Mr. Hine left me at the end of this conversation and went to the schoolhouse and told the principal, Mr. Rhyne, that I had sent him up there to make a photograph of the school. Mr. Rhyne explained to him that the children were not dressed for a picture and would rather not have it made at that time, but he told Mr. Rhyne about the condition of his health and Mr. Rhyne consented to having the pictures made. We have not been able to see one of these pictures or any report which Mr. Hine made.

I want to tell you very frankly that we had no disagreement with Mr. Hine and our meeting and talk was very agreeable in every respect. Mr. Hine left the High Shoals Hotel about 9 o'clock in the night, secured a team from the High Shoals liveryman, and drove to Cherryville, N. C., a distance of 12 miles.

Yours, very truly,

A. O. KALE, *Superintendent High Shoals Co.*

DAVID CLARK EXHIBIT NO. 4.

THE LUMBERTON INCIDENT.

Frank Britt, a tenant farmer of Columbus County, N. C., hurt his foot while plowing and a bad case of blood poisoning was the result. Being absolutely without means and having a wife, three children, and a feeble-minded mother-in-law to support, he had to appeal to his two brothers, one of whom, Oliver Britt, was employed at the Lumberton Cotton Mills, Lumberton, N. C. Neither of his brothers were in good financial condition, but they did the best they could and contributed a considerable amount for doctor's bills and for having his leg amputated. The Lumberton Cotton Mills had some vacant houses at that time and at the request of Oliver Britt and as an act of charity they allowed the sick man and his family to be moved from his farm into one of the mill houses and to use the same without paying any rent.

Also as an act of charity, for Mrs. Frank Britt was a green hand and skilled hands were plentiful, they gave her work in the mill. Mrs. Britt could not make enough to feed the family and brought her oldest daughter, Lonie Britt, to the mill and, alleging that she was 12 years of age, secured work for her.

The superintendent, seeing her in the mill and noting her size, ordered that she be sent out; but the overseer, realizing the desperate straits of the family, allowed Mrs. Britt to persuade him Lonie was 12 years of age and she worked in the mill for 25 days. The second daughter, Flossie Britt, said by her mother to be 9 years old, never worked in the mill a single day.

The condition of Frank Britt, in spite of the amputation of his foot, became rapidly worse and he finally died. The wife, three children, and mother-in-law immediately left the mill, as the women's labor alone could not support the family, and moved back to the country where it is legal for even a boy of 7 to toil from sunrise to sunset and under the heat of noontime sun. They are now living there in a miserable hut and in almost destitute circumstances and were recently seen by a person who has been investigating this incident. The mill records show that Flossie Britt never worked a single day. They show that Lonie Britt worked in the mill for only 25 days. Her mother has now filed a statement to the effect that she was born on March 6, 1902, and her uncle, Oliver Britt, a very intelligent man, says that she is about 12 years of age.

The day before Frank Britt died, and while he was suffering agony from his blood poisoning, Photographer Hine, of the National Child Labor Committee, sneaking around among the cotton mills, came upon the scene. He did not do anything to relieve the suffering of the dying man or give money or aid to his wife or children. All he did was to back the two little girls up against the house and take their photograph, get a statement from the half-witted mother-in-law, and go his way.

He presented the photograph at the National Child Labor Conference on January 4, as girls of 6 and 7 years of age who were working regularly in a

cotton mill. Since that time the National Child Labor Committee have been repeating the story over the country. I heard Owen Lovejoy tell a Boston audience of the photograph and intimate that it was one of a large number that he had.

The Lumberton incident is typical of the work of the National Child Labor Committee.

They have referred in some of their papers to a mill boy who had all of his fingers cut off as an illustration of the brutality of cotton mill work. As a matter of fact, the boy to whom they refer had his fingers cut off in some farm machinery while visiting his grandfather on his farm. They were about as near the truth as usual.

DAVID CLARK EXHIBIT NO. 5.

ACCIDENTS IN THE COTTON MILLS.

For several years there has been a persistent and studied effort on the part of the National Child Labor Committee to create the impression that work in southern cotton mills was dangerous and that children were almost daily being killed or maimed.

As a matter of fact very few people are hurt in cotton mills, and the machinery in the departments where women and children work is entirely harmless, and except through extreme carelessness it is almost impossible for anyone to be injured.

Companies that write employment liabilities naturally base their rates upon liability of accidents as found from the records of the past.

The following are the rates charged in North Carolina for a policy covering $5.000 for injury to one person, or $10,000 to several injured at the same time. The rate includes first medical aid and is the price charged per $100 of pay roll: Street car conductors, $4.08; planing mill, $2.47½; foundry and machine shops, $1.36; laundry work, $1.22; furniture factories. $1.09; farm laborers, $0.68; and cotton mills, $0.49½.

The evidence, therefore, of the people that pay money for accidents is that there are fewer accidents and less risks in cotton mills than in any other line of work. They show the remarkable fact that there is more risk in working on a farm than there is in a cotton mill.

DAVID CLARK EXHIBIT NO. 6.

CHARITY TRUST.

Republican Leader Hinman, of the New York Legislature, said in an interview published in the New York American of about March 10, 1915:

"I have been informed that Mr. Folks or his fellow officers collected about $180,000 last year, and that a large percentage was not disbursed for charitable purposes. Inasmuch as the Charities Aid Society owes its existence to the State, the State should know to a cent just how this large sum of money has been expended.

"Mr. Folks recently requested me to advocate a bill to make him the head of the State Charities Board. As such he would be compelled to make an accounting to the people for all moneys appropriated and disbursed. I assume, of course, he will be willing to furnish us with an account of his stewardship as an officer of the Charities Aid Society.

"I am told a bill has been introduced already compelling all private organizations to report annually to the secretary of state. It seems to me, however, that the legislature should know directly all about their financial dealings; hence my bill."

It was brought out at a hearing on the Thompson-Maier resolutions at Albany, N. Y., in February that Homer Folks draws a salary of $100 per day and expenses when acting as a member of the New York Public Health Council, and in addition receives a salary of $8,000 a year from the State Charities Aid Association. It is also said that he receives salaries from five other so-called charity organizations, including the National Child Labor Committee.

PENNSYLVANIA STATE POLICE.

(For exhibits under this subject see pages 11001 to 11025.)

COMMISSION ON INDUSTRIAL RELATIONS.

WASHINGTON, D. C., *May 6, 1915.*

TESTIMONY OF MR. JAMES H. MAURER.

Chairman WALSH. Please state your name, your residence, and your occupation.

Mr. MAURER. My name is James H. Maurer, occupation, machinist; at the present time president of the Pennsylvania State Federation of Labor.

Chairman WALSH. Have you made a special study of the Pennsylvania State police, Mr. Maurer?

Mr. MAURER. Yes, sir.

Chairman WALSH. When was that department of the State police of Pennsylvania created?

Mr. MAURER. In 1905.

Chairman WALSH. How many men composed the constabulary, and how are they divided?

Mr. MAURER. The entire force consists of 232 men, four of whom—one the superintendent of police, and deputy superintendent, clerk, and stenographer—the rest are officers and men.

Chairman WALSH. Prior to the institution of the constabulary, what sort of a State police force was there in Pennsylvania?

Mr. MAURER. Why, the police we had prior to that time were known as coal and iron police—deputy sheriffs before the creation of the State police.

Chairman WALSH. Were those police in the employment of private corporations?

Mr. MAURER. Yes.

Chairman WALSH. They were not officers of the State?

Mr. MAURER. Only to the extent that they received their authority—their right to be police—from the governor.

Chairman WALSH. And they were paid by whom?

Mr. MAURER. By the corporations whom they served.

Chairman WALSH. Could you approximate how many State police officers there were on duty at the time of the passage of this State constabulary law?

Mr. MAURER. No. Each corporation of any importance had a great many of these coal and iron police and private detectives.

Chairman WALSH. Well, now, were those laws repealed when the State constabulary was instituted?

Mr. MAURER. They promised—the general agitation in the assembly at the time, at the time they tried to pass or did pass the constabulary law, was that they were to take the place of the coal and iron police, and the bill itself, which I have here, creating the department made that provision, or made no such provision; but it did provide what it was to be used for. I notice here in one part it says, defining their duties, and says they are intended, so far as possible, to take the place of the police now appointed at the behest of various corporations. This is part of the act creating the department of State police in 1905, when Samuel W. Pennypacker was governor, and to answer your question, the law creating the department—the coal and iron department—this is a copy of the act creating that department, and this act was passed in 1865, and was supplemented by an act in 1866. The supplement provides that any corporation can have the same power that railroad corporations have. And I will offer these in evidence [handing same to the reporter].

Chairman WALSH. Very good.

(The papers referred to are copies from the "Laws of Pennsylvania," entitled "An act empowering railroad companies to employ police force," dated

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Chairman WALSH. Very good.

(The papers referred to are copies from the "Laws of Pennylvania," entitled "An act empowering railroad companies to employ police force," dated

February 27, 1865 (p. 225) and "a supplement to an act approved the 27th day of February, anno Domini 1865, entitled "An act empowering railroad companies to employ police force," dated April 11, 1866 (p. 99); also a copy of a law of the State of Pennsylvania, entitled "An act creating the department of State police, etc.," approved May 2, 1905, which was submitted in printed form.)

Chairman WALSH. Now, as a matter of fact, were the coal and iron police dropped on the institution of the State constabulary?

Mr. MAURER. No, they were not. We still have the coal and iron police as we had before the institution of the State constabulary.

Chairman WALSH. From what forces are the State constabulary recruited—from the police force of the State or——

Mr. MAURER. No. The men are recruited from the ranks of ex-United States soldiers, and again many of them are recruited from the ranks or from the degenerate descendants of the middle classes, young men who are educated, but never amount to anything and no good for anything and generally hunt a job in the State police force.

Chairman WALSH. How many men altogether do you say? What is the total force.

Mr. MAURER. Forty-two.

Chairman WALSH. Have there been any labor disturbances in which the State police were called since the institution of this force?

Mr. MAURER. Oh, yes; a great many.

Chairman WALSH. Could you briefly state what they were, and the use and operation of the State police?

Mr. MAURER. Yes. They are used in various ways. It depends entirely on the nature of the trouble. If the strike is a very large one, say like we had in Westmoreland County, or in a big coal center, then they are used differently than they would be in a local situation, such as a trolley strike where the street car men go on a strike, or perhaps differently from what they would be on a railroad. I will have to recite—I will give you perhaps two illustrations.

Commissioner O'CONNELL. Could you give the Bethlehem Steel Co., for instance; they were in that?

Mr. MAURER. I will give that; I can touch on that, too, but there is another witness here whom I believe will go into that more in detail. Take the Westmoreland coal strike as an example of a large strike. Then in a situation of that kind the deputy sheriffs provide thugs imported there from wherever they can get them, usually from the slums of the great cities, not natives; in very few cases are they natives. These men are clothed with the power and authority of deputies, and are therefore armed, with the right to arrest. Now, the coal and iron police are a little different. He is really more like a detective. He is a gum-shoe man, as it were, in the situation. And word may come to picket men saying that a train is bringing a carload of strike breakers in, to meet at a certain time at the station, and the thugs will gather, and when the train unloads its passengers, these pickets call out to them and say, "There is a strike on." "Don't go out, don't take our jobs." And sometimes they reach them—sometimes they get in close communication with them and sometimes not. That is when the imported thug comes in. He starts something. The coal and iron police, most of the time, are on the scene, and when they start something it is because the thugs and the coal and iron police are armed and the strikers are not armed, and are not permitted to be armed; and they are beaten up by the thugs, and that is about the time the constabulary appear on the scene, and they come around, mounted like cavalry, and they come around and see the disturbance, and they always take good care to arrest only the strikers. That is the part they play in that, and when they had this Westmoreland strike, which extended over a very considerable time in Westmoreland County, and not in one instance did we get any aid from the constabulary. We had men who wished to go home, and tried to go home, and the thugs would waylay them and would beat them up, and the constabulary—we telephoned and asked for protection and never got it.

I have a letter here from one man which was just received day before yesterday, and if you will pardon me I will read it, as it will enlighten you on the various subjects I am speaking about. He says:

"In 1906 I had occasion to visit Sagamore. While walking on the township road with others, two Italians came from the shanty, erected for the convenience of the coal company near the mines, in Sagamore, and came over to the

road, pointed their guns at me, and ordered me off of the township road. I refused to go, and those Italians turned and went to the shanty, which was about 100 feet from the township road, and two members of the State constabulary came along. I stopped them, told them what those fellows had done, and requested them to arrest them. They refused and said they would take it up with the superintendent.

"I am not sure whether those men were disarmed or not, but I was never called to appear against them in court.

"JAMES PURCELL."

This Mr. Purcell is president of District 2 of the United Mine Workers, and I merely mention that to illustrate the method by which they protect; they protect the company and not the strikers. They are strictly partial in their conduct, and never yet have I had one case reported to me or come to my knowledge where they protected the striker. I can cite you other cases in the trolley or small strikes where no private gunmen were employed; then they played the dual rôle of secret-service men, as it were, or thugs, and mingling with crowds in citizens' clothes and trying to create disorder or incite the men to violence, and then after the men beat up others, had them arrested, and the press came out in glaring headlines and said what an efficient force it was.

Chairman WALSH. Have you ever made charges against the constabulary to the superiors?

Mr. MAURER. Yes.

Chairman WALSH. When?

Mr. MAURER. Last year we had a strike of the trolley men at Hazleton which lasted three months, and the company did not operate a car during the three months. When April came the weather opened, and they commenced operating cars with strike breakers, but no one rode on the cars; therefore the strike was very orderly and well conducted, and the strike lasted only three months. While, of course, it was a losing proposition to operate cars without people riding on them, they got busses and jitneys and one thing or another and commenced to handle the passengers in that way, and finally word came to me at Harrisburg that I should come to Hazleton, that there was trouble brewing, and I went there and investigated the situation, and I found only one trooper in my first two days in Hazleton in uniform; the rest of them, I had learned through other agencies, and I found they were operating in citizens' clothes. The method by which they worked was to mingle in crowds on the street corners where the trolley cars came in and then incite the men by calling the strike breakers vile names and cursing, and so forth. The local police, however, were instructed by the mayor to disperse all crowds.

Chairman WALSH. Mr. Maurer, you say the State constabulary did that themselves?

Mr. MAURER. Oh, yes.

Chairman WALSH. Do you have the names of them?

Mr. MAURER. Yes; we can prove all of that. I have that in this book here [indicating]. That was proven.

I want to answer the question you asked me. The local police finally tried to disperse the crowd, and that is how we discovered who they were. We did not know who these men were, and the crowd would be dispersed. They did not obey the instructions of the officer and moved, but the State policeman refused to move several times, and finally admitted to the officer that they were State policemen, and that is how we discovered who they were. The local police, however, said they did not care whether they were State police or not; that they had to move just the same; and they did move, and we in that way prevented the plan that was carried out before to incite the men to violence.

We found in a place named McAdoo, a few miles west of Hazleton, a suburb of Hazleton, where strike breakers used vile and indecent language toward citizens, and the burgess was there and ordered the chief of police to arrest the man that used such language. Four State troopers were in the crowd and heard all this indecent talk on the part of the strike breaker, but made no attempt to arrest him. A burgess then arrested the strike breaker, and he was found guilty and given the option of serving 24 hours or paying a $10 fine, and that is when the State police came forward and offered to pay the fine for the strike breaker, and did pay it.

Another case where a strike breaker shot into a crowd of boys and shot three of them the local police arrested the strike breaker, and at a hearing the State police were there acting as attorney in defense of the strike breaker. The State police also made the offices of the Lehigh Coal or Traction Co. their

headquarters. After we gathered that evidence and other evidence I went to Harrisburg and went to see Gov. Tener and presented the charges, much in the order I have explained to you, to the governor. The governor was highly indignant and refused to believe anything I said about the constabulary, saying that they were not partial, were strictly impartial, and refused to believe it and questioned that I had truthfully laid the matter before him. I told him that I was sorry that he said that and to give me a chance to prove that what I had told him was the truth and to investigate the charges, and they then called into his office a deputy, and I repeated the charges as I had told them to the governor, and the governor instructed him to investigate, and three days after that the deputy and I went to Hazleton, and with the aid of the district miners' officials we gathered our witnesses, and the witnesses were kept in the hotel lobby while we were in the parlor, and we had a notary public there, and no witness knew what the other had testified to before he testified. We had about 15 witnesses and about 30 more waiting to be called within the burgess of McAdoo—the chief of police and attorneys and other citizens—in fact, the best citizens of Hazleton and vicinity—and every charge I made was proven at this hearing, and other evidence submitted that I had not charged. One of them was drunkenness and disorderly conduct.

Chairman WALSH. Before whom was this held?

Mr. MAURER. Before the superintendent (Groomes) of the State police. The State police had a stenographer there, and we had one there, and State policemen were there, and we had a stenographic record of the proceedings, which are in my possession and the governor's at the present time. In this book I published just abstracts of that hearing.

Chairman WALSH. What is that?

Mr. MAURER. The American Cossack. You can have it. It is a book that I compiled myself. So that proved that they were used; that they were partial in their conduct and used to break strikes, and used by the Lehigh Traction Co. as guards, and as attorneys for the strike breakers; paid strike breakers' fines and arrested men on trumped-up charges, and railroaded them from Hazleton to Pottsville, a distance of 28 miles, and would not give them a hearing, notwithstanding there were justices and courts there, in order to railroad them to jail. All of this is a fact, and all of this we have proven, not by one witness but by a number of witnesses.

The governor has that report, and he took no action other than some of the State policemen, one of them I know sure, and two that I think have been relieved from duty; one man's name was Haney, the man that we proved to have been beastly drunk and very officious in his conduct. As to the strike situation in Bethlehem, I was there during part of the strike, and I can say this, at no time was there any necessity for calling out the constabulary. The men there were peaceful in every way. A committee of strangers went to see the governor and the President of the United States, and asked them to use their good offices to settle the strike, and the governor and President both regarded that the law did not give them such power; but as soon as Mr. Schwab called for the constabulary, they had the power to act. There was hardly any disorder, and within one hour after the constabulary arrived there was bloodshed and riot and disorder. They invaded the homes of foreigners and searched their homes under the pretext of looking for firearms; and I was informed and believed my informant that they robbed some of these people under the pretense of looking for firearms. They arrested them and took them to the steel company's property and locked them up and held their court there. They paraded the streets, beat men right and left, trampled old people down, and rode to the Majestic Hotel and shot through the door, and shot one man to death and other men down, and trampled people down with their horses, and did everything possible to incite and create a reign of terror and fear, and thereby break the strike.

I am sorry, Mr. Commissioner, that the time does not permit me to go into detail and work out my evidence more logically and at greater length, but as I have only a very short time to stay, I have to speak against time, and perhaps it doesn't make as good sense as it would if we could work out what I have to say in proper order.

I might add that so unpopular has this department become in the State that, notwithstanding the fact that the press of other States have been trying to laud it and eulogize this department to the extent that the other States would adopt it, to show you that it is not as popular as the press would have you believe, for the past four years they have tried to increase this department,

and I happened to be a member of the Pennsylvania Legislature for the past three sessions myself, and know whereof I speak.

Here is the legislative journal of this month, on the two days when the constabulary question was before the legislature of Pennsylvania. They proposed in this session, as in the last session and previous sessions, to increase it by adding 116 more men to it, and increase the salary of the different officers, and proposed increase of salary of Capt. Groomes from $3,000 to $6,000 a year. Now, Capt. Groomes is only a figurehead; he is in the liquor business in Philadelphia, and his salary is merely a plumb. All he has to do is to draw his breath and salary. Capt. "Loon" is the head of the department, not Groomes. They proposed increasing the salaries of all of the troopers from $3 to $5; they get now $900 a year. We fought that bill, and lost part of it four years ago, and two years ago we fought it and won all of it. I led the fight against it this time, and this time we defeated that constabulary bill 2 to 1. They only got 61 votes out of the lower house and 125 against it. Now, if the department of State police is such a fine institution, I think that the people in Pennsylvania should know it. Gentlemen, there is a few minutes still left me, and I want to say this:

To-morrow you will have a witness from Allentown, Mr. Williams, and when you hear him he will give you the Bethlehem strike situation in detail, and what is true in Bethlehem is true in every other part of the State they went to, with the exception of one, and that one is the Westinghouse Air Brake strike. They were very gentlemanly there, and I attributed that to the fact that it was close to a legislative session, and they knew to make any break there would threaten this particular legislation that I just spoke about. But I have been with them in practically every city that they have operated in, and one I remember in Erie, when they were there. I interviewed the people who suffered through their brutality. I saw a case where they struck down an old man, and he don't know yet whether he was struck down or they dragged him along from the horn of the saddle, and those are facts. Why they do such things to an old man I don't know, unless it is to create a reign of awe and terror wherever they are present that will strike awe and terror into the hearts of the strikers and their families.

Commissioner O'CONNELL. What are they doing when not engaged in the strike business?

Mr. MAUBER. I am very glad, indeed, that you asked that question. They are patrolling the rural districts in the immediate vicinity of the barracks. It leads the farmer to believe that he has police protection. They see this mounted officer. Those of you who never saw him, I wish to state, gentlemen, Capt. Groomes, you will pardon the question, but you will appreciate the answer, but when he was appointed as chief of this department he went to Europe to study the police there, he went to Russia and studied the Cossacks, and through Germany and Europe—this is also part of the record in here—and then to Ireland and studied it there, and came back and recommended that the constabulary of Pennsylvania pattern after the Irish constabulary, and they look for all the world, not exactly like the Irish constabulary, they are a cross between the Russian Cossacks and Irish constabulary. Its duties between strikes is to patrol the rural districts. It is remarkable the work they do. They have maps of every little locality. You can go through the rural districts within 50 miles of the barracks, and you find at every crossroad a mark on the post, and on every bridge, it will be 1–2–0 and x or v or w, any old letter on the bridge, every bridge you pass you will find that mark. They are all laid out on the map, they can tell in a minute, when trouble occurs, and they call for help, they can locate all these byways and highways. That is what they are doing, familiarizing themselves with that part of the State, and after those troopers have been there for a while they move them and bring them on down to the other part, so that the troopers are familiar with both ends of the State. They are located two at the western end and two at the eastern end, but not in the farmers' district where they are used for protection of the farmer.

Chairman WALSH. Do they make arrests at these other times of trespassers or thieves that prey upon the inhabitants?

Mr. MAUBER. Oh, yes; when there is no strike duty to perform, they do arrest and apprehend real criminals, but not as many. Here is Capt. Groomes's report for 1912; he doesn't give any report this time. This will give an idea of how many he made, but if you look over it very carefully, you will find most of the arrests were made on vagrancy, drunkenness, and disorderly conduct charges, which are usually the charges lodge against a man on strike.

Commissioner O'CONNELL. What is the procedure, or who is authorized to call upon the governor for the services of these troops?

Mr. MAURER. The sheriff. The sheriff has the power. If anyone wants them, they apply to the sheriff and he calls on the governor. I wish to state here that the State constabulary of Pennsylvania has absolute power when they enter a strike zone, martial law exists not by official declaration but by the very nature of things for every purpose martial law does exist. Then they override the civil authority; they take charge of the situation and arrest without warrant, invade your home without warrant; they are the greatest power in the State, greater than any civil power, the only power greater is the legislature when it is in session or the governor when it is not in session.

Commissioner AISHTON. Mr. Maurer, what is the membership of the State constabulary?

Mr. MAURER. Two hundred and thirty-two, including the office force of two men.

Commissioner AISHTON. You have a knowledge of their membership; you are a State officer and member of the legislature, and you have a general knowledge of the composition of that force?

Mr. MAURER. Oh, yes, sir.

Commissioner AISHTON. You stated, I believe, that they were made up from two classes of men?

Mr. MAURER. In the main, I qualified it.

Commissioner AISHTON. I did not understand it was qualified. I would like to have the record show that qualification, however.

Mr. MAURER. Oh, yes; I hope it will be; I did not want it otherwise.

Commissioner AISHTON. I did not assume that you wanted to intimate to this commission that ex-soldiers and the degenerate sons of the middle class——

Mr. MAURER. No; not sons. They don't amount to anything; sons the old man is glad to unload, and he will unload them into the constabulary.

Commissioner AISHTON. How many do you imagine the constabulary holds of that class?

Mr. MAURER. The greater part of it.

Commissioner AISHTON. Are degenerates?

Mr. MAURER. Oh, no; I would not say it so broad as that.

Commissioner AISHTON. Will you please correct the record; I think it so states.

Mr. MAURER. They are ex-United States soldiers that find it more profitable to be in the State constabulary than in the Army, the Army don't pay the wages they do in Pennsylvania. And then there are men that are no account, could not make their own living, but were educated, some of them with a college education, and were simply incompetent, and sort of a nuisance around the town. The whole community breathed easy when they found something to do, even if it was cracking men's heads.

Commissioner AISHTON. If the record will state as you read it, I don't know that any further questions are necessary, but you dwelt upon the fact that they were degenerate, as sons of the middle class. I wrote that down and didn't quite understand it.

Mr. MAURER. I thank you for the correction.

Commissioner AISHTON. I don't want to take up the time, and will ask one question: There has a good deal been said about legislation and fighting legislation and you used the term that you fought two years in the legislature and got a certain result, and this year you fought it again and beat it altogether.

Mr. MAURER. This year I led the fight. The organization which I have the honor to represent, the State Federation of Labor, has always been opposed to the constabulary.

Commissioner AISHTON. On the basis you mention?

Mr. MAURER. On the floor of the house, as a member of the house.

Commissioner AISHTON. The record will be safe in saying, in your capacity as an officer of the Pennsylvania State Federation of Labor, you fought it?

Mr. MAURER. In the dual position, as an official, and I carried out the orders of my organization.

Commissioner HARRIMAN. What I would like to know, would you approve of this State constabulary if it was a different character from the Pennsylvania constabulary or would you disapprove of any under any condition?

Mr. MAURER. I myself introduced a bill four years ago to abolish the State constabulary. That bill never got out of the committee. Two years ago the Pennsylvania State Federation of Labor, realizing that we could not hope to

abolish it, had a bill introduced defining the duties of the State constabulary, and we provided that they should be used as fire wardens and fish wardens, and be used in time of floods to save and protect life and property, and to apprehend real criminals, etc. The bill is in that book; there is a copy of it, but under no circumstances, at least, as the last section says, shall they be used in strikes or lockouts or in any disputes between employer and employees. We introduced that, and was quite anxious to have it enacted into a law, but it never got beyond second reading in the lower house, and this year we realized that that could not be enacted into a law, and we tried to prevent it from growing anyway.

Commissioner HARRIMAN. If you could do away with it, what would you put in its place?

Mr. MAURER. I don't think we need anything. I think the mayor from Altoona gave us a good lesson here. He had the strike situation at Altoona under control, there was no need for cracking heads. A little story is told about the men on the bridge. I was just thinking when I heard him explain that story how his two officers went in there and made a few arrests, and that was all there was to it. There was an accident, I believe, a rail broke away, and some men were hurt. If the State police had been there there would have been a different story to tell; they would have rode in and cracked skulls and beat them up and draged them around. That is their method. There is the difference. The employers of labor when they go in a strike situation and know that the State is going to defend them and help them, they are more arrogant and less considerate of the demands of their employees. If we take away that kind of a system, then we will commence to reason logically and intelligently and cease to use that arrogant, overbearing method that they do resort to when they know they have us by the throat by using the State and Commonwealth against us, and they would then commence to talk sensibly, and reason it out sensibly, instead of having them beaten and murdered and robbed and assaulted. I hold that the State has no right to take part in the interests of the employer any more than it has a right to take part in the interests of the employee.

We are quite willing, and at the last convention of the federation I recommended, and I shall insist in the convention next week again, that we learn the art, or we become trained in the science of militaryism ourselves. I am sick and tired of having our men constantly stand up to be shot at. If we must fight, I would rather fight intelligently than empty handed, than always being the fellow without any protection whatever. They have to stop this method of fighting, or there will be more trouble. We will not stand for it much longer. We got along for a century in Pennsylvania without this police. It is military despotism. Every State in the Union has been talking about establishing them. This book has been sent out by the thousands, and every word is true. Here is a book that Col. Groome wrote in answer to that book, and it is lame and flabby and untruthful, and shows the character of the man himself who is at the head of these police. Then the book follows with 11 letters written to James H. Maurer, at his request, in 1910 and 1911, just after he had been elected to the State legislature on the Socialist ticket. Although these rambling letter contain unsubstantiated and absurd charges against the State-police force, they are signed by such well-known American citizens as F. Fagan, and some other foreign names that are hard to pronounce, and show that he is prejudiced against foreigners, because the book is full of other names of congressmen and legislators and American names, Irish names, and he don't mention any of them, but he picks these few, these names who are all foreigners. There is nothing else written there. Those are the poor fellows that are brought in by the coal company to undermine the German and Irish and Americans, and casts that kind of a reflection upon them. He says:

"I presume when the author of The American Cossack wishes Pennsylvania may return to the old peaceful conditions he is referring to the Molly Maguire reign of terror in the seventies."

It is very evident he doesn't understand the history of Molly Maguire.

Commissioner WEINSTOCK. You said, Mr. Maurer, that the State police received $75 a month?

Mr. MAURER. It is probable; yes, sir.

Commissioner WEINSTOCK. Does that include his uniform and his living, or must that all come out?

Mr. MAURER. He gets his uniform and he has a horse and horse feed, his equipment complete, but he has to furnish his own food.

Commissioner WEINSTOCK. Do you know whether many of them are married men?

Mr. MAURER. At the present time not; they have discriminated against the married men, but there was a bill in the senate, introduced by Senator Snyder; the Senate passed it, and it was in the house, providing there shall be no discrimination against a trooper as far as a married man applying for a job.

Commissioner WEINSTOCK. You say that you and the State federation of labor are opposed to the State constabulary?

Mr. MAURER. Yes, sir.

Commissioner WEINSTOCK. Are you also opposed to the National Guards?

Mr. MAURER. Well, to tell you the truth, all organized labor is opposed to the National Guards in the past. It has been opposed.

Commissioner WEINSTOCK. Now, are we to understand that as you know the situation that if organized labor had its way it would wipe out the National Guards?

Mr. MAURER. There is not much to wipe out any more—poor little tin soldiers that they are—I can not help but pity them when I look at them.

Commissioner WEINSTOCK. May I ask you to answer my question?

Mr. MAURER. Yes, sir; if I had my way about it, my dear sir, there would not be a soldier on earth. I think it is a disgrace to our twentieth century civilization that we are still at each others throats murdering each other.

Commissioner WEINSTOCK. How would you protect life and property from the lawless?

Mr. MAURER. Quit pursuing people and they will be peaceful. People that are not robbed never revolt.

Commissioner WEINSTOCK. Then you don't believe there are such things as criminals?

Mr. MAURER. Oh, yes; sure.

Commissioner WEINSTOCK. How would you protect yourself against the criminal?

Mr. MAURER. Oh, the criminal? The criminal that we don't find is all right; we can not bother with him because we can not catch him; but the fellow we catch he is too dumb to be a criminal, and that is why we catch him; he don't have the qualifications of a criminal.

Commissioner WEINSTOCK. I don't suppose you profess ignorance of the fact that in labor troubles labor representatives do violate law and resort to crime and blow up houses and bridges, and how would you protect the employer and his property against conditions of that sort?

Mr. MAURER. You have reference to the structural iron workers?

Commissioner WEINSTOCK. Yes, sir.

Mr. MAURER. That is a condition entirely. The one responsible for that condition was the employer or those who exploit labor themselves. They advocate to-day—we heard it here, we always hear it—no organization; that they believe in dealing with the individual, and they teach people that way; that is the theory of the individual—that he can work out his own destiny. The McNamaras were strict individualists, in as far as they believed in individualism, but not in political action, and they believed they could do as they pleased. The power was used against them and they used the same weapons.

Commissioner WEINSTOCK. If you were an employer, how would you protect yourself against the McNamaras?

Mr. MAURER. If I was an employer, I would be like any other if I expected to succeed in business.

Commissioner WEINSTOCK. Please answer my question. If you were an employer, how would you protect yourself against the McNamaras?

Mr. MAURER. I told you I would be like most any other employer.

Commissioner WEINSTOCK. How would you protect yourself if they come and blew up your property?

Mr. MAURER. They would blow it up; I couldn't stop it. I don't know that I would do anything else than what the other men are doing now; I would try to protect my own interests. The individual is not to be blamed, you must get the system and not the individual.

Commissioner WEINSTOCK. If you were an employer, and you had a dispute with your workers and you would not agree with them and they blew up your premises and killed a lot of innocent people, or try to prevent a repetition of those circumstances?

Mr. MAURER. I might answer you if I cared to be untruthful that if I was an employer I would not have such conditions.

Commissioner WEINSTOCK. Suppose the workers asked what you felt was an unjust demand, and a thing that you could not meet at all; you know that workers are sometimes human and are made out of the same sort of clay as the rest of us, and they are as likely to be unreasonable as employers; suppose the employee asked what you thought was an impossibility, an unfair and unjust position, would you submit or not?

Mr. MAURER. If I thought it was impossible, I would not do it.

Commissioner WEINSTOCK. You could not agree with your worker then?

Mr. MAURER. No, sir.

Commissioner WEINSTOCK. Suppose they resorted to violence?

Mr. MAURER. I never knew of one yet that did, unless they were goaded on by the men that wanted them to do violence.

Commissioner WEINSTOCK. You yourself cited the McNamara case.

Mr. MAURER. I am not satisfied yet, and no one can convince me but what there is a story yet to be told in that case.

Commissioner WEINSTOCK. If the story is yet to be told, then all the facts brought out in the court, that these men were trying to establish the closed shop, and failing to do it they resorted to violence?

Mr. MAURER. If you belonged to any organization long enough you would know what you had to contend with. There is not a union organized without spies of the employer of some kind, to spy on them. You were told how they got their spies and Pinkertons, with their pay roll, as they told you that. What do you think they are doing, sitting around hotels? They are in our unions, doing what you are charging against the McNamaras.

Commissioner WEINSTOCK. Blowing up houses and killing innocent people?

Mr. MAURER. Just as I told you, that they were over at Hazleton trying to incite men to riot. The strikers themselves, or no labor union I ever knew, tried to incite men to violence or disorder, because that is just what we do not want to do. We want order; therein lies our strength.

Commissioner WEINSTOCK. Your position is that labor never resorts to violence?

Mr. MAURER. No, sir; I do not say never——

Commissioner WEINSTOCK. Perhaps I misunderstood you. I wish you would read the last question.

[Question read by reporter.]

Commissioner WEINSTOCK. You take the position that they do not resort to violence, or do not incite violence?

Mr. MAURER. I did not say never. I mean, we do not. I did not say we never do. That is, to incite men to violence; that is the aggressive side of it. Assuming that we were situated like out in Colorado, where they shot down families and burned down our homes and smothered our women and babies, would I recommend that they fight? I guess I would, fight to the last ditch; indeed, I would. And I would feel inclined to shoot all men that would not fight; that is my idea, and you have my idea exactly.

Commissioner WEINSTOCK. Now, in summing up your position, then it is substantially this, that speaking, as I take it you do speak, for organized labor in your State, you would be opposed to the State constabulary, you would be opposed to the State militia; you would afford the employer practically no protection against violence on the part of strikers, and you would simply force him to work out his own destiny in his own way?

Mr. MAURER. I would force him to be decent. In New York they don't have the constabulary, or in Jersey.

Commissioner HARRIMAN. They are trying to get it.

Mr. MAURER. I know they are, and in Virginia they want it, and in every other State. Why? Because they have more violence in those States or more disorder or bloodshed? No; they have less.

Commissioner WEINSTOCK. What is your attitude when the Federal troops are called into a situation like in Colorado?

Mr. MAURER. We had them in Reading one time, in '87, the Federal troops are a different proposition in our case. They simply come and maintain law and order, and that is all there was to it; we have no objection to that; that is what we want, law and order.

Commissioner O'CONNELL. They were not used as strike breakers?

Mr. MAURER. No, sir; in 1902 in our coal strike the State militia was there, and that was the last time they served on strike duty. The greater part of the State militia were composed of workingmen, who when it was over had to go back to the factories and to their work again. The strike lasted six months; it was too long, and the militia was there by the thousands, and there

was no one shot or killed or beaten. That was the trouble. The militia and the strikers got on good terms and played ball together and cards together in the park under the shade trees. I have, myself, gone out early in the morning to the picket. The soldiers were complaining they were starving and could get nothing to eat, and the folks at home were reading the newspapers and noticed where their boys were starving and packed up big cases of angel food and sent it to the soldiers at the front; and the soldiers packed up their other rations, that the State paid for, and put it in boxes, and then ate the good food; and if there was any left over they put it in the box, and in the morning you could see the miners and their wives and children going to the soldiers' camp, and the men would stay outside for fear some officer might catch them; and the women and children would go in there, thinking they would be more lenient if they caught the women and children, and they would come out with these boxes and food, and they found out that the soldiers were feeding the strikers, and that was an awful way to break a strike. There was not any disorder, and we had no fault to find with them.

Commissioner WEINSTOCK. They were National Guard men?

Mr. MAURER. They were State guards. That was the first time they behaved that way. The organized unions have for years in Pennsylvania not allowed a member of a National Guard to join, but the criticism that was heaped upon them has had its effect in time, and they have become decent. We don't object to order, and no organized working force does. That is what instilled the idea of the constabulary into the minds of the operators, and the next legislature following that they came in with this bill that I just gave you. They wanted a militia that could be used the way they wanted it used. This constabulary does that work. They don't know our sufferings and our ills and ailments like the State troopers do. They are excellent shots and horsemen; they can ride the wildest kind of horses; they are splendid horsemen, and physically I dare say they are the best men we have in the country. They are the choice of the country, physically, and many are mentally splendid fellows, and we have nothing against them personally; but some are renegades of the worst type also; but I don't hold that against them.

Commissioner WEINSTOCK. The question has been suggested, How do you reconcile your last statement with your first statement that they were sons of degenerates?

Mr. MAURER. I didn't say sons of degenerates; but they are degenerates in a great measure, in their drinking and carousing and their low-down character, foul-mouthed; they are the kind of men that you would not want to associate with, and neither would I.

Commissioner O'CONNELL. Is the constabulary looked upon in the State as being an organization for breaking strikes?

Mr. MAURER. They don't admit that.

Commissioner O'CONNELL. Is that the general impression in the State?

Mr. MAURER. Yes, sir.

Commissioner O'CONNELL. Is it not the opinion of these men that they are employed for that purpose, and that this country patrolling that they do, or policing that they do, is merely incidental to their employment?

Mr. MAURER. Yes, sir.

Commissioner O'CONNELL. That they are only in active service when on a strike?

Mr. MAURER. That is practically correct, but they really do patrolling duty in rural districts. They get acquainted with the immediate country surrounding the barracks at an industrial center.

Commissioner O'CONNELL. That is incidental to what they imagine they are when they are in the regular service?

Mr. MAURER. Yes, sir.

Commissioner O'CONNELL. Their real active work is breaking strikes?

Mr. MAURER. I was in the barracks one day and they were practicing; they came down a company front, about 40 horsemen, and they would stop suddenly and the horses would rear up, and I asked what was the nature of that drill and they said "that is to stampede a mob." I said, "What do you mean by a mob?" and they said, "A riot of men assembled or a strike," and that they would want to come down all at once and scare them and they would run away, and I said they might run into them, and they said, "What of that?"

Commissioner GARRETSON. You expressed part of an opinion a while ago, and I would like to have the rest of it. It was put up to you as a deadly sin to dynamite a house or destroy it. Do you believe it is a more deadly sin to destroy a house than to destroy a man's future?

Mr. MAURER. I would rather destroy a good many houses before I destroy a man's future. With me life come first and property second.

Commissioner GARRETSON. It has been suggested that in destroying houses you might destroy innocent people; in destroying a future, don't you destroy other innocent lives that are connected with that life—blight the future of other lives?

Mr. MAURER. I can't say that I just grasp your meaning.

Commissioner GARRETSON. Can you destroy a man without destroying those dependent upon him to a large degree?

Mr. MAURER. You can destroy the man without destroying——

Commissioner GARRETSON (interrupting). I mean the future of a man. I am talking about in the moral sense. Is it a moral crime to blight a man's future?

Mr. MAURER. Well, I should think it was.

Commissioner GARRETSON. And at the same time would you not blight unfortunate innocent people that were dependent upon him to a certain degree?

Mr. MAURER. You would.

Commissioner WEINSTOCK. You stated that you believed, and organized labor likewise believed, in law and order?

Mr. MAURER. Yes, sir.

Commissioner WEINSTOCK. Do you and I understand what that means alike, I wonder? My conception of being and desiring law and order is, first of all, to be a law-abiding citizen. Have you the same conception of what law, and order stands for?

Mr. MAURER. Law-abiding? If you can see the laws that we are making in Pennsylvania you would not know when you were law-abiding.

Commissioner WEINSTOCK. What do you mean by law and order, then? Please explain to us what you mean by desiring law and order?

Mr. MAURER. Law and order is—the general understanding is what a man knows of law without requiring a statute book to tell him. The moral law, as the average man understands it—and when I say man I mean men and women—is to do right toward a fellow man; is to do unto the other fellow as you feel he should do to you; to do no one harm; to do no wrong; to do otherwise would be unlawful.

Commissioner WEINSTOCK. Would you consider me a law-abiding citizen if I was guided by my own interpretation of the law and would do what I thought was right, regardless of the law?

Mr. MAURER. Yes, sir; provided you did not work an injury to anyone else.

Commissioner WEINSTOCK. Supposing it did work an injury to some one else?

Mr. MAURER. Then you would be breaking a moral law by taking advantage of another man's right.

Commissioner WEINSTOCK. Then I gather that the proper machinery to determine whether or not I am invading some other man's right are our courts—the machinery established by you and me and the rest of us to determine those points?

Mr. MAURER. Yes, sir.

Commissioner WEINSTOCK. If I take that law into my own hands and say I propose to be the sole judge of what is right and wrong to my fellows I become a lawbreaker?

Mr. MAURER. You certainly do.

Commissioner WEINSTOCK. In answer to Mr. Garretson's question as to whether you considered a house of more value than a man's future, and you said, I think correctly, that you considered a man's future as of more value than the house; but if that house contained a lot of innocent people——

Mr. MAURER. That is a different kind of a house now.

Commissioner WEINSTOCK. And that is the kind of a house I had in mind. If I then saw fit, acting on my own judgment, and doing what I thought was right, regardless of the law, and blew up the house, I would not longer be a law-abiding citizen?

Mr. MAURER. You certainly would not, but you have taken a right that belonged to another, which would not be right.

Commissioner GARRETSON. Was one G. Washington in 1776 a law-abiding citizen?

Mr. MAURER. George Washington? The only way to explain that—if the Revolution was a success, he was strictly a law-abiding citizen; but if it was a failure, he would not be.

Commissioner GARRETSON. He abided by law that did not exist and broke a law that did exist?

Mr. MAURER. Yes, sir.

(The two pamphlets referred to by the witness entitled "The American Cossack," published by the Pennsylvania Federation of Labor, 1914, and "A Reply to 'The American Cossack,'" by John C. Groome, superintendent of Pennsylvania State police, 1914, were submitted in printed form.)

Chairman WALSH. We will now adjourn until to-morrow morning at 10 o'clock.

(Whereupon, at 4.30 p. m. Thursday, May 6, 1915, these proceedings were adjourned until the following Friday, May 7, 1915, at 10 a. m.)

WASHINGTON, *D. C., Saturday, May 8, 1915—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Harriman, Garretson, Lennon, and Weinstock.

Chairman WALSH. We will please be in order.

Mr. Williams, please take the stand.

TESTIMONY OF MR. DAVID WILLIAMS.

Chairman WALSH. Please state your name.

Mr. WILLIAMS. David Williams.

Chairman WALSH. What is your business?

Mr. WILLIAMS. I am now editor and manager of the Allentown Labor Herald.

Chairman WALSH. Where do you reside?

Mr. WILLIAMS. At Allentown, Pa.

Chairman WALSH. What was your business prior to going into the publishing business?

Mr. WILLIAMS. I was a machinist in the steel works from the fall of 1907, until the strike started, February 4, 1910. I am a machinist by trade.

Chairman WALSH. You have some matter, I believe, on the question of the department of State police of the Commonwealth of Pennsylvania?

Mr. WILLIAMS. Yes. They were used against us in the strike.

Chairman WALSH. I will ask you first, how was the department of the State Police of the Commonwealth of Pennsylvania organized?

Mr. WILLIAMS. It was organized in 1905 by an act of the legislature; it is the act of May 2, 1905, and the act was amended June 1, 1911.

Chairman WALSH. What was the June 1, 1911, amendment?

Mr. WILLIAMS. To raise the pay.

Chairman WALSH. Anything else?

Mr. WILLIAMS. Well, that I—the only part I took out of that amendment, and the only part that we fought in 1911, was the raising of the pay. It not only raised the pay but increased the officers, and it was a graduated proposition; it increased the pay from $60 to $75 a month, and it also had a provision providing that a man should get an extra $5 for his second enlistment and an extra $5 for his third enlistment, making a total of $85 a month he could get. And they were used against us in the strike, and naturally we have tried to kill them off ever since.

Chairman WALSH. How is the force controlled and distributed over the State under ordinary conditions?

Mr. WILLIAMS. As I understand, they have barracks in different towns.

Chairman WALSH. For what term are the men enlisted?

Mr. WILLIAMS. I do not know, but I believe it is two years; I am not familiar with that part of it.

Chairman WALSH. Just state, if you know, how the force is controlled and distributed over the State, under ordinary conditions?

Mr. WILLIAMS. As I understand, there are barracks at Pottsville, Wyoming Falls, and Greensburg. I used to go up there quite often; I lived for a couple of months at West Pitson, and I had a chance to watch them closely. I would not say anything against the State police at any time only during strikes. I would not say anything against them being used to run down criminals; I believe they are a very good thing at times, in running down criminals; but our kick is when they are being used as strike breakers.

Chairman WALSH. I wish you would just go ahead, in your own way, Mr. Williams, and describe your experience with the State police force and the grounds you have for objecting to them.

Mr. WILLIAMS. This is all. I believe the members of the commission are familiar with the way the strike was called in the Bethlehem steel works.

Chairman WALSH. If you can state it briefly, I wish you would do so.

Mr. WILLIAMS. There was no organization in the Bethlehem steel works of any kind, the men were compelled to work Saturday, Saturday afternoon, and Sunday, and until 8.30 at night during the week in the shops that went on strike. These men were working on Government work, and they were compelled to have their work done almost perfect, and naturally that work was very expensive and very straining, and time after time those men would try to get off on Sunday, and they were told if they did not work on Sunday they could not work on Monday. Then the crisis came when one man laid off Saturday, and when he came back he was discharged, and the men called a committee together and sent him to the superintendent to have him reinstated.

Chairman WALSH. Were you in the shops at that time?

Mr. WILLIAMS. Yes, sir; and had worked in that shop from the fall of 1907 to 1910. I had a position that took me all over the shops. This committee went to the superintendent on Monday morning, and on Thursday afternoon the committee was discharged by the superintendent.

Chairman WALSH. How many men were on the committee?

Mr. WILLIAMS. Three; and those men on that floor stopped working that night from 4.30 to 5 o'clock; they didn't leave the plant, they stayed right there, but they stopped working and stayed there.

Chairman WALSH. Had there been any organizer in the field trying to organize them prior to that time?

Mr. WILLIAMS. No organizer of any kind at all. The next morning the men came to work again, and came in the shop and went to their positions but didn't do any work, but just stayed there. The general superintendent, Mr. Herbeck, came into the shop and went to one of the departments where he knew some of the men quite well and asked some of them to start to work, and at that time I came down from the upper floor, my line of work put me in touch with the superintendent quite often, and I said "If you want to stop a strike you had better take those three men back," and he said, "Williams, the company don't want those three men," and I said, "You will have to submit to have them come back," because I don't believe the officers realized the feeling of the men due to the oppression they had to submit to. The wages had been cut, and time and a half had been taken off for overtime, and the restaurant in the shops, where we could get five meals for a dollar, had been closed and a restaurant opened up for the officers in the company's office, and the men were being crushed continually.

When Mr. Herbeck said that the company would not take them back, the men commenced to leave the works, and it spread from one shop to another, and the first thing we knew 4 and 6 shops were on strike, probably 800 men were on strike. The general sueprintendent came along and said, "Williams, get back to work, the three men can go back to work," and I said, "It is too late now, you have started something," and he said that all that the men needed was a leader, and I said, "You be the leader." I didn't want to take any chance after he had forced them out on strike, and afterwards the men held a meeting in a big field outside of the plant, and they sent a committee to Mr. Schwab, he had just come back from Washington that day, and he would not listen to them. There is a big hall there, I think it is called the municipal hall, something like the market here, but there was no market there at that time, and the men held a meeting there to see what they could do. There was no preparation, the strike came like a flash, and my position around the plant—I was known to everybody, I was also known to take an active part in civil affairs in the city—that is, Allentown. I never lived in South Bethlehem. There is a work train of 10 or 12 cars goes from Allentown down to South Bethlehem, 6 miles, every morning.

Somebody asked me to address the fellows, and I told them what they had come out for, and said, you fellows stick to it, and if I could get a committee to come along, I would go to see Mr. Schwab. We got that committee, one of the men that was discharged, and one from South Bethlehem, and one from a little town above Allentown, and we went to see Mr. Schwab, and the colored servant said he would not see us, and I told him to tell Mr. Schwab that we would plant right there until he did see us, and pretty soon he came out and saw us, and we had about an hour and forty-five minutes with him, and I asked him to come out to the meeting in the afternoon and explain his position to the men. He talked very nice, and I told him that the men could not work on close work like we had and work the way we had to, 10 hours and 25 minutes was the regular working day, and at 5.30 they would order us to work until 8.30, and Saturday at noon they would say to work this afternoon,

and then in the evening they would tell us to come back on Sunday. That was the way the men were treated.

Chairman WALSH. Well, had there been any agitation prior to this time about working on Sunday?

Mr. WILLIAMS. Only in that agitation; that is, the men did not want to work themselves; that is, there was no organization at all. When the organizations came later, we finally found two or three men in the machine shops working under cover. I myself was not in good standing with the machinists' union at that time, although I had been a member a good many years before.

Well, Schwab positively refused to come to the meeting of the men, to me, although that was the last thing I said coming out of the office. I begged the committee not to say anything what he had said, because I believed in my heart he would come anyhow. My wife was confined at the time, and I had to go home; and I got back to the meeting in the afternoon about half past 2, and Schwab was there before I got in; but he couldn't do anything with the men. The rumor had gone out that he would not deal with the men, and they would not come back. They could not trust him; that was the trouble. Had they known Schwab was on the level they would have gone back. But right at this time—this was on Friday—we were working to settle that strike on overtime. You know no strike can exist unless the men are prepared—very, very seldom, unless you can keep the men all out and take a chance.

Then we holds another meeting Sunday, and right here is where I want to follow through my different newspaper accounts. I don't want to give you my opinion; what I am going to quote you is from the Allentown Morning Call, the Allentown Democrat, and the South Bethlehem Globe, from day to day, showing the kind of a peaceful strike it was, and the advice given to the men, and the way we handled it up until the time the State police were brought there. Then I am going to read you the statements of Mr. Kelly, chief of police, and also Mr. Lynch, who was elected chief of police when Mr. Kelly resigned.

At a meeting of the strikers held Sunday, February 6, two days after the strike started, the chairman of the strikers advised the men in this manner, quoting from the Allentown Democrat of February 7, 1910:

"You have now started a serious proposition, and whatever you do be orderly. Stop all you can from going to work but harm no one. Show Mr. Schwab we are orderly citizens. We are now on strike and will be until we accomplish our object."

Quoting from the same issue of the Democrat we find Mr. Edward Keenan, business agent of the machinists' union, of Philadelphia, advising the men in this manner:

"Keep within the bounds of the law. Violence don't pay. You can conduct this fight legally and successfully. Any disorder injures your chances of winning."

The committee appointed from the different machine shops on strike submitted the following list of "don'ts" to the strikers at the same meeting, which are taken from the Allentown Morning Call of February 7:

"Acting under advice we submit the following list of 'don'ts':

"Don't congregate in groups on the street corners, to the disadvantage of the general public.

"Don't enter discussion which will bring you within the pale of the law.

"Don't participate in any fight or any acts of rowdyism; remain law-abiding.

"Don't congregate in saloons and discuss your grievances. Keep sober. Above all, keep faith with your committee and render them every possible assistance.

"Assuring you we are working in your interests, we subscribe ourselves,

"Respectfully,

"THE COMMITTEE."

That was a list of "don'ts" that we filed and gave to the men to follow out carefully.

How easily the strike could have been settled at this time can be judged from the following letter presented to Mr. Schwab by the committe.

I wish you would pay particular notice to this communication sent to Mr. Schwab at that time:

Mr. SCHWAB,
President of the Bethlehem Steel Co.

DEAR SIR: The striking employees of your plant submit for your kind consideration terms under which we shall be pleased to return to work.

The overtime feature of employment having been a detriment to our health, our homes, and families, we ask for its abolition. If it must be a feature of future employment, we ask for an additional compensation in the plant of time and one-half for overtime, so as we may procure additional nutriment to give strength to our bodies to perform our tasks. We request that discharged employees, who acted as a committee to present our grievances, be reinstated and apprentices be taken back without the loss of time or hours. To this end we respectfully request that you treat with our committee representing Nos. 2, 4, and 6 shops.

Respectfully, yours,

WM. DUFFY,
Chairman of Committee.

This letter is taken from the Allentown Call of February 7, and shows how the men were only fighting for better working conditions, and that there was no attempt at this time to force the company to raise wages or recognize the unions.

A meeting of the strikers was held on February 7, at which time the men were advised by Business Agent Keenan of the machinists in this manner, quoting from the Allentown Democrat of February 8:

"I want to warn you against some people who may join your ranks, and who advise you to do violence, be careful, I plead with you, be careful, be orderly, and disregard all advice tending to violence and disorder. Your success depends upon this. Act the gentleman, and you will win.

"I have had a great deal of experience in strikes, and I know that corporations hire men to advocate violence. These hirelings escape. Remember this; but the men whom they have deluded into committing violence suffer and often go to prison.

"Men avoid drunkenness. Your strike is in excellent shape. The officers of the steel company will only be too glad if you do not keep within the law, in order that they may appeal to the public for their support. Be careful; this support and confidence of the public is of vital importance to your cause."

Chairman WALSH. What was the date of that letter?

Mr. WILLIAMS. That is not a letter; but that is part of——

Chairman WALSH (interrupting). The letter that you read before that.

Mr. WILLIAMS. It is published in the Allentown Morning Call of February 7.

Chairman WALSH. And what was the date of the calling of the strike?

Mr. WILLIAMS. February 4.

Chairman WALSH. February 4, and that was February 7?

Mr. WILLIAMS. This very article was issued on the 6th.

Chairman WALSH. Who made that last statement that you read?

Mr. WILLIAMS. Business Agent Keenan, of the machinists of Philadelphia. He made it very likely on the 6th, and we quoted it in the paper on the 7th. The 6th was on Sunday.

This policy of suppressing all tendency toward violence was followed rigidly by the executive committee of which I was chairman. Notice was served on the men by the chairman that if necessary he would appoint police to make them preserve order.

Time and again I told the men if we caught any of them breaking the law or fighting we would handle them ourselves. We had plenty of big men on the committee and would have done it.

On February 11, one week after the strike started, the Allentown Democrat came out with this statement:

"Without showing any signs of abating, and with men joining the ranks of the strikers each hour, the strike of the Bethlehem Steel Co. is being marked as one of the largest and most orderly labor struggles in the history of the country."

In referring to a malicious lie printed about the strike in the Philadelphia Record the chairman said:

"You have behaved well, men, but there is a man in South Bethlehem who is trying to make trouble. Never in the history of organized labor has there been such a peaceful demonstration as this one."

The reporter for the Philadelphia Record had sent in a report which misrepresented the men.

On February 14, the tenth day of the strike, the Allentown Democrat printed an open letter to Charles M. Schwab, from which we take the following:

"You are aware of certain facts, one of these is that the strike began among unorganized, not organized, men. They had no hope of either leadership, or direction, of financial support when they walked out. That is the usual practice when strikes occur, you will admit. You are also aware that a large part of your men consist of molders and machinists, a high class of workmen—men of

brains, or they would not be members of their respective trades. It is not a set of hudlums who have struck, but men who have brains and used them in their present needs. Still another fact is that they did not, in the first instance, strike for higher wages but for payment for the time they were employed. That is the second characteristic of this strike. And a third one is that it is one of the most orderly in the history of labor troubles as far as it has come, for the men are guilty of no acts of violence or disorder of any kind whatever. It is a peaceful battle for right and justice. It is unfortunate, indeed, that you called in the State constabulary. That is an inflammatory provocation. It was not necessary, but we are sure the occasion will be used by the men only to emphasize their own personal worth and the burdens against which they are contending. They will shine all the more because of the implied reflection you have cast upon them by calling in the guardians of the peace without cause. Nor can it escape your notice that the community sympathizes very generally with your men. In truth, everyone does who knows the facts in the case."

I am quoting freely from the newspaper articles in order to show beyond any doubt that the tactics we were using were peaceful and that the State police were really the cause of the trouble which came later.

Immediately upon the publishing of that letter the officials of the steel company got busy.

The officials of the steel company made an effort to influence the policy of the Allentown Democrat in putting things as they really existed in the columns of that paper, and this brought the following editorial in the Democrat on February 16:

"TIMES HAVE CHANGED.

"The officials of the Bethlehem Steel Co. and their friends are mystified because they have found it impossible to whip this newspaper into supporting the company against the men who are out on strike. They simply can't understand it. It is so unusual to find a newspaper, especially in a small city, that can't be made to see things as the trust sees them.

"It has always been such an easy matter to make the newspapers do this, particularly in Allentown, which, until the rejuvenation of the Democrat, was notorious for the spineless daily newspapers. When the strike at the South Bethlehem plant was inaugurated the officials of the company naturally imagined that the newspapers of the Lehigh Valley, particularly those published in the Bethlehems and Allentown, would take sides with the company and thus end the strike before it could gain much headway. All the local papers did this with the exception of the Democrat.

"This newspaper could not take such a position after it became familiar with conditions at the steel mills and learned of the unfair treatment the workers were subjected to. It gave the strikers its cordial support and consequently, it has been a thorn in the side of the steel trust—a thorn which Mr. Schwab has made desperate efforts to remove, but to no avail. The emissaries he or other officials sent came with an air of self-assurance and departed with the knowledge that there is at least one newspaper in Allentown that is not craven and which will not recede from a position once taken when it is satisfied that said position is right."

The strike continued in a peaceful manner until February 20, when a meeting under the auspices of the Industrial Workers of the World was held in the Municipal hall and addressed by Joseph Ettor and Joseph Schmidt. The hall was given to these speakers with the understanding that they would follow the policy of the other organizations interested and not agitate to violence. Statements and remarks made by Ettor forced the executive committee to take means to stop further meeting of this kind, which we did and which is quoted in the South Bethlehem Globe of February 21 as follows:

"NOT ALLOWED TO SPEAK.

"The Industrial Workers of the World organizers to-day were refused the privilege of addressing audiences in Municipal Hall, because of objections to their aims and ideas by Chief of Police Kelly, who fears the necessity of arresting the leaders and those who may be affected by their speeches. Chief Kelly states that the strike of the Bethlehem Steel Works' employees has been without any disorder or destruction of property so far, and intends that no person or persons shall remain long in South Bethlehem to incite anyone to disregard the law or riot. Two of the disciples of the Workers have arranged for a meeting to-night in Strauss's Hall."

I might say, in explanation, also, that while our strike for over two weeks had been very peaceful, still we had active committees at work in the various shops awaiting the signal to all come out in a body.

We were following out a well defined plan and the tactics proposed by the representatives of the I. W. W. would have disrupted everything we had planned, consequently we were forced to object to their coming on the ground when the strike was about three weeks old and killing what chances we had of winning.

So the entire plant closed up. They ran it from 800 men in the first lap to over 9,000 men in three weeks without a single arrest.

Our plans called for a parade of the strikers on Wednesday, February 23. We changed this date to Thursday, 24, and this is what the South Bethlehem Globe of the 25th said of the parade:

"The parade formed on Birch Street and proceeded to Fourth Street, and thence over the principal thoroughfares of the borough, back to Third Street again, moving eastward to and beyond the steel works' offices at Third and Poplar Streets, with a countermarch in front of the office building, to which place many workmen from the mills shops and furnaces, after a hard day's toil, hurried to secure a good view of the strikers' ranks, which extended the length of four blocks. At Third and Poplar Streets Chief of Police Kelly, with a large squad of policemen, were stationed to see that no clash should ensue between the strikers and the men who have remained at work. There was no attempt at disorder. The parade was headed by a striker carrying aloft a large United States flag, and was followed by the First Hungarian Band, which played a repertoire of airs."

This parade was the climax of a successful campaign, and the next morning, Friday, just three weeks from the time the first men went out, saw the entire plant closed up. This is the reason the steel company immediately called Sheriff Person into consultation and asked him to send for the State police. The governor refused to send the State police upon receipt of the first telegram; asked that he be advised what the sheriff had done in the way of exercising his powers in preserving the peace, and saying that the information before him did not show that the situation could not be controlled without the State police.

The governor refused to send the State police. Now, I want you to get this carefully: To this telegram the sheriff replied:

"It is impossible for me to handle and control the situation in South Bethlehem. It is impossible to get sufficient deputies from this community to act should serious riot and bloodshed and shooting occur. It is absolutely impossible for me to protect men desiring to work, and further riot and bloodshed is imminent with morning."

That statement is not correct, because it would lead you to believe that they had bloodshed.

Chairman WALSH. Is that the sheriff?

Mr. WILLIAMS. Yes. [Reading:] "The whole town is in a lawless state, and I must have help to preserve the peace, since I have exhausted all my resources. Have personally been in the works several hours this afternoon and found it impossible, on account of mobs, to get out. I am supported in the foregoing by the burgess and chief of police of South Bethlehem."

This telegram to the governr brought a troop of about 25 State police to South Bethlehem on February 26. The sheriff of the county had already established headquarters in the office of the Bethlehem Steel Co. The State police began to start trouble as soon as they arrived in the town. Let me read you the account of their brutality from the Democrat of February 28.

"As the result of bringing in 95 members of the State constabulary into South Bethlehem Saturday, conditions have been just reversed, and that little town is now in the midst of a reign of terror."

There were 25 came Saturday morning, and more in the afternoon, and probably by Saturady night there were 95 there as a result of bringing them in.

Their presence was not entirely known in the town until they had killed one man and seriously shot another one through the face, while dozens are nursing battered heads as the result of the cruel wielding of the troopers long riot clubs.

It was shortly before 9 o'clock when the first real trouble came, and a sad incident occurred which will be a blot on the history of South Bethlehem for years to come.

A crowd of about 200 Americans and foreigners had congregated about the front of the Majestic Hotel, corner Third and Linden Streets. The troopers were trying to disperse the crowd, which, owing to its large numbers, could not give way very fast. While the troopers were prodding the men with their riot sticks and driving them off the pavement some one in the mob on the opposite corner flung a large piece of ice, which struck Trooper McGarry in the mouth and ear, partly stunning him. Without waiting to see where the missile had come from one of the troopers charged the crowd, which was rapidly backing into the barroom of the hotel, and drawing his revolver fired two shots into the mass of humanity going through the door.

The first shot struck John Zambo, of 875 Sixth Street, who was drinking a glass of beer at the bar. He fell to the floor with a bullet through his brain, while the second shot struck Tony Costovas, a baker, of 631 Fifth Street, who was also in the barroom. He had a miraculous escape from death, the heavy bullet passing in the left side of his jaw and out the other without striking his teeth.

After the shooting the trooper jumped from his horse and rushing in grabbed Costovas, from whom the blood was flowing in streams, and dragging him over the prostrate form of Zambo, whose brains were oozing out on the floor, pulled him out to the corner and turned him loose.

Why did they not arrest him?

Costovas was then taken in charge by several of his fellow countrymen and taken to the office of Dr. Boyle, where the injury was dressed.

Zambo, whose life blood was fast ebbing away, was picked up and the ambulance called. He was placed in it, and on the way to the hospital Father J. F. X. Walsh administered the last rites of the Catholic Church to the dying man. He died soon after being brought to the hospital, without recovering consciousness.

Following the shooting the bar of the Majestic was immediately closed. The shooting was entirely unprovoked and caused great indignation throughout the town, while groups of foreigners gathered on the corners and muttered ominously in their native tongues.

Two things I wish to bring to your attention from this shooting. The first is that the Majestic Hotel, which was shot into, was the headquarters of the organizers of the American Federation of Labor, and we believe was singled out for this shooting to intimidate the men in charge of the strike. The other is that no attempt was made to arrest anyone for breaking the peace. Even the man who was shot through the face was turned loose.

Quoting further from the same paper [reading]:

"The most serious act of the troopers occurred shortly before noon, when one struck George Kosvas, of 921 Fifth Street, on the head a number of times with his riot stick, inflicting serious injury. Kosvas alleged that he was waiting for a car to get a doctor for his wife, who is in confinement, when the trooper came along and ordered him to move. His injuries required a number of stitches and were dressed by Dr. A. S. Bender."

Here is a photograph of this [indicating]. You can see he was not arrested, and there was no crowd or riot.

I had a number of photographs of the State police sitting in front of the steel works office, making it their headquarters, and recently when there was a movement on foot in New York and New Jersey to establish State police I made a trip to the office of the New York Call, and there are several photographs which I loaned to the State Federation of Labor to get out a special Cossack edition. They used those photographs with the understanding that they were to be returned, but unfortunately they were lost, and all I have is the front page of the sections. You can see the State police sitting in front of the steel works office.

I also have a collection here which shows the State police in action during the strike at different times. It shows the military feature of them and shows them quartered in front of the steel works office.

I have a photo of this man immediately after he was clubbed, and also several postal cards which we distributed at that time. Please keep in mind that he was not arrested and that the policy of the State police was not to arrest men who were breaking the peace, but to club men who refused to be bullied by them. The State police also were quartered in the steel works office, keeping their horses in the barns of the Bethlehem Steel Co.

About 9 o'clock on the same day of the shooting this incident occurred [reading]:

"Another incident which brought mutterings from the crowd was when one of the troopers ordered a man with a baby to move. The man started to walk, but the trooper thought he was not walking fast enough and struck him with his club, almost knocking him down. * * *

"Upon being questioned by a reporter, one of the troopers stated that their motto was 'There is no innocent bystander,' and when the order comes 'Get your man,' you pick anybody. * * *"

These quotations are also from the Allentown Democrat, which stated the conditions of the dead man's family in this way.

You may think I am making a lot of this up, but I have the newspaper clippings of every day of the strike, and I will leave them with the commission, and you can verify everything I say. I took the precaution to get that so that you would not say I had made up the statement; I have the newspaper clippings right here; I will turn them over to the commission.

Mr. WILLIAMS (reading). "The wife of the dead man is in a serious condition. She is about to become a mother, and this together with her grief-stricken condition has made her seriously ill. The family, which consists of the mother and one boy, 6 years of age, is sorely in need of food and clothing."

The Allentown Morning Call gives us additional accounts of the brutality of the State police in this manner: "One foreigner, it is said, was rolling a cigarette when he heard the regulation 'move on.' The man replied, 'I will when I roll my cigarette'; whereupon he was knocked down, one of the troopers planting his heels in the pit of the man's stomach.

"In several skirmishes, a lot of women and children were trampled into the mud and their clothing torn. Among these was Chief of Police Kelly's wife. Frank Fitzpatrick received a badly lacerated scalp.

"A constable of South Bethlehem, elected by the citizens, James Cullen by name, was attempting to protect the residents against the attack of the State police, and he was arrested by Capt. Robinson and five men for 'calling names' and threatening to shoot, as the troopers claimed."

This is recorded in the Democrat of February 26.

On March 1 the Allentown Call contained this article:

"The South Bethlehem police hold a warrant against Andrew Sheltar, one of the troopers, for stealing brass from the Bethlehem Steel Co. more than two years ago. The warrant has gone beyond the time limit. His home is on Second Street, South Bethlehem."

Here we find a fugitive from justice being brought back to South Bethlehem in the person of a State policeman to club and abuse the decent citizens of the borough. Several men had been arrested by the State police during the first two or three days of their visit to South Bethlehem, and this is the way the men were treated: They were taken to the property of the Bethlehem Steel Co. and locked up in one of the buildings of the steel company. Please keep in mind that the headquarters of the State police were in the main office of the steel company and that the sheriff of the county had also made this office his headquarters. The company appeared to have become the dictator as to what was to be done to the men arrested. See where the hearings were held. I am now quoting from the Allentown Morning Call of March 1, 1910.

This will bear out what was said the other day, that there were members of the State police fugitives from justice, or undesirable characters. I would suggest that the commission get a copy of the legislative record of April 20, which has some more accounts of the troopers being arrested from a little town of Hamburg. [Reading:]

"The hearings of the men who were arrested by the State constabulary in the riots at South Bthlehem Steel Works Saturday and Saturday night were held yesterday in the offices of General Manager Grace at the steel plant. With one or two exceptions the men were not strikers but sympathizers who came to South Bethlehem and resented the Cossack invasion.

"While the testimony against some of the men was damaging, the majority of them appeared not to comprehend what they had done.

"While the warrants were being made out, Charles M. Schwab, president of the steel company, appeared. He remained only a minute, going out of the door with the remark that 'this was a very unpleasant duty to perform.' Justice J. M. Enright conducted the hearings, and most of the men were held under $1,000 bail for court. They will be taken to the Easton jail by Detective Dorne."

This to us was a travesty on justice. The State police were brought to South Bethlehem to protect the property of the steel company. Men were arrested in all parts of the town and then taken to the steel company's property.

I want you to get this, too. They arrested men out of town, and they were taken to the property of the Bethlehem Steel Co., "tried in the office of the steel company, and taunted by the president, Charles M. Schwab, while they were being tried."

The inquest in the death of Zambo, killed by the State police, was held at McGettigan's Hotel, Fountain Hill, on March 1. Through some neglect no post mortem examination of the body had been held, so this is what happened at the inquest, quoting from the Allentown Call of March 2:

"The inquest into the death of Joseph Zambo, the striker who was shot and killed by Trooper Moughan, was held last evening at McGettigan's Hotel, on Fountain Hill. It was suddenly discovered, while Dr. Marker, a physician at St. Luke's Hospital was testifying, that no post mortem had been held. This immediately put a stop to the proceedings.

"After some discussion it was decided to take the body out of the casket and convey it to St. Luke's Hospital, where a post mortem will be made. Undertaker Kinney removed the body to the institution at midnight last night, where the post mortem was made by Dr. S. A. Brunner, the senior surgeon of pathology at the hospital. The body was again removed to the man's home and the inquest will be continued this evening."

I want to add the grief of this man's widow, about to become a mother, was something terrible to witness as these men took the body from the casket at midnight, she not realizing what it all meant. The men on strike decided to turn out in a body at the funeral of this man. A committee of which I was a member tried to interview the sheriff so that arrangements could be made to bury our dead peacefully and with no invitation to fight by the State police. In order to get to the office of the sheriff I had to go to the office of the steel company, get permission to go inside from a State policeman, and there I found a deputy sheriff in charge who would give us no satisfaction as to what attitude would be taken if we attempted to parade at Zambo's funeral.

I finally got to the point where I met determined opposition with the same kind of medicine and served notice on the deputy sheriff that we were going to bury Zambo the next day and to keep the State police entirely off the streets of the town. I also told him I had did all I could to control the men when they wanted to clean up the first lot of State police the Saturday before, but if the State police insisted on looking for trouble, there was no alternative open to us but fight, and it would be fight to a finish. I left him with that ultimatum and that afternoon received word from the sheriff's office that we should go on with the funeral and there would be no State police on the streets that day. We held a peaceful funeral and there was not a policeman in sight.

The inquest into the death of this man was held the evening following the post mortem and resulted in this verdict:

"We, the jury appointed to sit on this case, do say that Joseph Zambo came to his death at St. Luke's Hospital, Fountain Hill, Saturday, February 26, 1910, and that the cause of his death was a bullet wound in the left side of his head inflicted by a Pennsylvania State constable by the name of John Moughan at the southeast corner of East Third and Linden Streets on Saturday, February 26."

The troopers continued to bulldoze everyone and continually tried to get the men to return to work.

The Democrat of March 4 reports this:

"It was reported on good authority that late last night squads of the State police were entering the houses of the foreigners near the works and dragging them to work in the mills. One man reports seeing two troopers dragging a Hungarian along the street late last night. The man was struggling wildly and exclaiming, 'Me no want to work; me a striker.' Such actions on the part of these 'guardians of the peace' will be investigated by the committee, and if found true the guilty ones will be punished."

The Democrat of March 5 reports this:

"Boasting that he would show the authorities of South Bethlehem how to run things, John Eastburn, a brother of State Trooper William Eastburn, was arrested yesterday morning at 3 o'clock by Officer Lynch, charged with disorderly conduct. Later on four troopers, including the prisoner's brother, and Attorney James Scarlet, it is asserted, appeared and, after trying to intimidate the chief, offered bail, but the chief refused to grant his release, and after a hearing yesterday afternoon he paid a fine and costs."

The State constabulary continuing to do picket duty for the steel company, the men were warned continually at the various meetings to be on the watch

for them. J. J. Keppler, vice president of the machinists union, finally was forced to issue this advice to the men, as reported in the Democrat of March 8:

"Great excitement was created yesterday at the meeting of the strikers by the announcement of a warning by J. J. Keppler, vice president of the machinists"——

Commissioner WEINSTOCK. Who said that?

Mr. WILLIAMS. J. J. Keppler, vice president of the machinists. I want you to get it correct. [Continues reading:]

"Telling the men to arm themselves and shoot to kill on the occasion of forcible entry into their houses by any of the State police."

It was a matter of defense. [Reading:]

"The statement was the outcome of the action of the troopers in pulling Jack Ringhoffer, a young German, out of bed at 5 o'clock yesterday morning and arresting him, charging him with enjoining men from going to work. It is said the trooper gave him the alternative of either returning to work or submitting to arrest. He took the latter. This action on the part of the State troopers caused much indignation among the men, and the words of Mr. Keppler were received with loud cheers."

The actions of the State police also forced the executive committee of the strikers to send the following appeal to Gov. Stuart, of Pennsylvania, which was dated March 4, 1910:

"My country, 'tis of thee, sweet land of liberty."

APPEAL TO HIS EXCELLENCY, THE GOVERNOR OF PENNSYLVANIA, IN BEHALF OF THE WORINGMEN EMPLOYED AT THE BETHLEHEM STEEL WORKS, SOUTH BETHLEHEM, PA.

SOUTH BETHLEHEM, PA., *March 4, 1910.*

To His Excellency, the Governor of Pennsylvania.

DEAR SIR: The borough of South Bethlehem, Pa., has been forced into a most deplorable situation through your assistance in complying with the request of Sheriff Robert Person, of Easton, Pa., in sending the State constabulary into this borough, based upon information wired to you by him on February 25 or 26 (as per newspaper reports).

These statements are positively false, practically untrue and misleading in every respect, and have forced a libel against good citizens of this borough; and regardless of the consequences which the State may suffer in the matter of suits for indemnity, resulting from assaults committed, false arrests and imprisonment, and murder, you should thoroughly investigate the conduct of the sheriff and the State law permitting removal from the office which he has disgraced and prostituted should be applied.

A cold-blooded murder has been committed by those thugs for which the State and county is held responsible; residents have been brutally assaulted and denied their liberty, for which the sheriff of this county is directly responsible, and you, as governor, indirectly for complying with his request, without thoroughly investigating the necessity of sending the State constabulary to this city, before taking action.

The borough of South Bethlehem has been terrorized, its citizens driven to despair, and in fear of murder, arrest, and riot, people were compelled to arm themselves, not against a mob or an organized body of men who had made threats or had done illegal or unlawful acts, but to protect their lives, their homes, and their children against the State constabulary, which you caused to be brought here in a community where peace reigned and not a single overt act had been committed and not over a complaint received from any citizens during the three weeks in which a large number of men were idle, due to a cessation of work.

No overt act had been committed or the peace disturbed, until the hired strike breakers, known as the State constabulary, appeared on the scene and immediately upon their arrival began a campaign of slugging, arrests, murder, assault, and riot with cause. The viciousness and brutality of which beggars description, and that under the authority of this great Commonwealth, done by your subordinates.

So terror stricken have become the citizens that borough officials and aldermen congregated in the office of the chief of police giving voice to their indignation and condemnation, demanding and persisting that these men known as the State constabulary committing these riotous acts in the name of the State of Pennsylvania be immediately ordered to cease their campaign of

terrorism, which the civil borough authorities, out of fear for their lives, were unable or unwilling to comply with. Police officers of the borough came to the office of the chief of police surrendering their badge, uniforms, and other regalia, resigning their commissions rather than serve this borough as officers of the peace under such humiliating and most revolting conditions, forced upon this community by false statements of the sheriff and assistance rendered by you as governor. And what can be the purpose of all this? The answer is easy. To stampede the men back to work, to break a peaceful and orderly strike and compel men to accept the present wages and conditions, thereby assisting the Bethlehem Steel Co., regardless of the most damnable outrageous falsehood told by Sheriff Person, of Northampton County, and the bringing of the official strike breakers, known as the State constabulary, by you as governor of this State, presumably in the interest of Mr. C. M. Schwab, they riding rough shod over peaceful citizens, terrorizing the entire population, murdering and assaulting innocent men, and imprisoning a number of them, the men remained loyal and did not stampede back to work and are still out, no one knowing who may next be assaulted or murdered.

Through your assistance and the false information furnished you by the sheriff of Northampton County, 17 men were arrested upon charges made by these men, the State constabulary, one of whom is already charged with manslaughter.

Seventeen men are held as prisoners upon what we believe to be trumped-up charges by the constabulary, for the purpose of covering up their disgraceful acts, their misconduct, their terrorism, which, as herein stated, resulted in murder, murderous assault, and false imprisonment.

Incarcerated upon the steel company property, denied the right of counsel, finally tried under the direct supervision of Mr. C. M. Schwab's agents, these men were finally held under excessive bail, and removed to the county prison at Easton, and all this in the year 1910, in the State of Pennsylvania.

Respectfully submitted,

David Williams, chairman, Arthur Mellin, Peter Coyle, J. C. McIntyre, W. F. Smith, Walter Edgar, Thomas Doyle, John Coulter, Theodore Kepper, C. H. Steven, F. J. Gillispie, John F. Forging, Peter Form, L. J. Thomas, John Maley, Elmer Werkheiser, John Boyle, Thomas Bender, Patrick Courtney, George Benker, Charles Watts, Allen Steager, Eugene Doyle, George Sheets, Ed. P. Lucas, Williams C. Duffy, George Becker, James Bellow, Thomas McGunness, Aug. Sheetz, Oscar Victor DeGaigne, Carl Ehrgott, Hamilton Harrison.

ROOM 8, MUNICIPAL BUILDING, SOUTH BETHLEHEM, PA.

The most brutal act committed by the State police which was witnessed by myself occurred on March 17 (St. Patrick's Day.) The Allentown Democrat of March 18 gives the details as follows:

"One of the most brutal scenes since the memorable bloody Saturday was enactel last evening at 5 o'clock at Third and Elm Streets, when James Gallagher, of Fifth and Locust Streets, a 70-year-old man, who refused to move on, was beaten into insensibility while the blood streamed from his head to the pavement.

"According to bystanders Gallagher was standing on the corner, when one of the troopers, whose name is known, ordered the old man to move on. He refused, saying: 'I am an American citizen and a taxpayer and a citizen here for over 50 years, and I don't see why I should move on. I'm not doing anything.'

"Without waiting for anything further the trooper spurred his horse forward, and, seizing Gallagher, beat him so badly with a long riot stick that he had to be taken to a doctor. A large crowd witnessed this act, and they snarled and ground their teeth in rage at the action."

I was 30 years of age when this occurred, and never before had a thought enter my brain to desire to kill anyone, but when I saw this brutal beating up of Gallagher I want to say the only thing that stopped the killing of a State policeman was that we were not prepared.

There is a breaking point between conservatism and radicalism.

If the State of Pennsylvania continues to send men out to club citizens, and old men at that, there will finally have to come the preparation for defense by the working class. When we held out next meeting after the clubbing of this man we advised all men who had guns to strap them on their backs, a right

guaranteed them under the Constitution of both the United States and also the State of Pennsylvania.

In fact, in Pennsylvania we have come to the conclusion that since this organization known as the State police are housed, wined, dined, and controlled by the corporations, we must prepare to protect ourselves from their brutality in times of labor troubles. We had a peaceful strike in South Bethlehem until these men came. Let me read you the statement of Chief of Police Kelly, which is taken from Senate Document 521, Sixty-first Congress, second session.

This statement from Chief Kelly shows beyond any doubt the manner in which the corporations control these men. This same Senate document, which is a report of an investigation made of the working conditions in the plant, as a result of a request made by the committee and signed by myself, shows the working conditions under which the men on strike were forced to submit were deplorable, and that during 1909, 10 per cent of all the men employed had met with some kind of an accident which placed them upon the relief association of the company, as high as 2 per cent of the men employed in two different departments being injured.

The committee investigating the conditions in the steel mill were furnished with statements of working conditions by me and signed by men from the different departments, but all statements from the men, except the general statement covering the cause of the strike, was suppressed from the report by the Department of Commerce and Labor. I have copies of the statements suppressed, if the commission desires to hear them, as two of them in particular deal with some interesting subjects.

I might say a little more in detail that this is a report of the Bethlehem strike gotten out by the Department of Commerce and Labor, for which I sent a telegram, signed by myself and Attorney Cyphers, for the men, who is not here, but will be here next week. I want to say in connection with that that the next important statement furnished the Government in permitting the steel company in frauds affecting the United States Government and the railroad companies, were kept out of that report. I furnished the committee with statements from men in different parts of the plant. I furnished the committee of the Department of Commerce and Labor the statements, with this understanding "I will give you these statements, signed by the men, providing you give me copies. I do not believe you will ever use them. I believe the steel company is too powerful to permit you to use these statements."

Mr. Stewart and Mr. Sullivan said, "Oh, yes; we will use them." But before I gave them to the committee I made copies, to be sure I had copies. They did not use them in the report and I could not get copies of them from the department until I finally notified Mr. Neill that if he did not give me copies I would publish the copies I had made from the original. Then I got copies from Mr. Neill, which I furnished to Congressman Rainey. The copies which Congressman Rainey used came from me.

Commissioner WEINSTOCK. Who is Mr.Neill?

Mr. WILLIAMS. Mr. Neill at that time was the Commissioner of Labor, under Secretary Nagle.

Commissioner WEINSTOCK. Dr. Neill?

Mr. WILLIAMS. Dr. Neill, and there was another statement furnished.

Chairman WALSH. Are those statements in that report which you hold in your hand?

Mr. WILLIAMS. No; they were repressed in this.

Chairman WALSH. Let me see that report. What was the general tenor of those statements?

Mr. WILLIAMS. Well, one of them was a statement from a man who was supposed to put good test pieces with rotten rails so the inspector would pass them, and the railroad company would think they were buying good rails when they were buying rotten rails; and an accident occurred up in New York State a couple of years ago which killed 17 old soldiers because of the bursting of a Bethlehem steel rail. That shows the danger.

Chairman WALSH. Was there only one affidavit to that effect?

Mr. WILLIAMS. Yes. It was his job to put the good test pieces with the rotten rails. It was not an affidavit, it was a signed statement. I have an affidavit here, one by myself, and one by a man in the treating room, as to how they used to doctor the propeller shafts and one thing and another. That is a sworn statement.

Chairman WALSH. What do you mean by "doctoring propeller shafts"?

Mr. WILLIAMS. For instance, you take a shaft; it might have to be of a certain degree of hardness—temper, we call it—and if it was that hard it would

be very difficult to machine; and the steel company, of course, could not machine it in a very short time and would not make much money in machining it; that is, would not save much money in doing it. So, of course, at night when this inspector was at home they would stick it there in some—put it through a heating process which would make it softer, and allow them to machine it quicker, after the inspector had passed it at a certain degree of temperature, or, rather, a certain degree of hardness. That is what I mean by being "doctored." I will read an affidavit after while, and it will explain that.

I want to say that when we furnished Mr. Rainey these statements, which have been suppressed by the Department of Commerce and Labor, Mr. Rainey wanted something further; but some of these men had been driven out of town, and some we did not want to ask them to sign anything or swear to anything, because they have large families, and to do so it was practically a starvation proposition if we would get them to swear to statements. But they had thrown their hooks into me, and they couldn't do any more; so I was absolutely frank with what I knew, and gave them a list of witnesses to call; and the three statements which we added to those already in the Department of Commerce and Labor were sworn to. Now, I don't want to get away from this Kelly proposition for awhile. We are on the State police. If we would get into this detective-work proposition it might get us off of what I want to prove against the State police.

This is from Mr. Hugh Kelly, chief of police. This is a statement which he furnished the Government, and I want you to take particular notice to what Mr. Kelly said. [Reading:]

"When the constabulary arrived here, February 26, within two blocks of the point where they got off the cars, without any notice to the burgess or chief of police of their presence in the town, but in charge of the sheriff, about two blocks, as I say, from where they got off the cars—at Third and New Streets—one of the troopers jumped off his horse, caught a man by the throat, pulled his collar and tie off, without any reason, as I have been told, and he turned him over as a prisoner to one of the police officers who had been doing night duty, and had him locked up in our station house. No charge has been preferred against this man up to this date (Mar. 24). I kept this man until afternoon and released him on a cash bail of $25 to appear when wanted.

"On their way down to the steel company's office they assaulted a number of other people standing on the corners of the streets. In one instance, one of the local police officers who witnessed this assault protested against it, but he had no weight whatever; and between Third and Linden Streets, going to the office, they beat people standing peaceably on the street. Men were arrested, taken to the plant of the steel company, and there confined. They gave them a hearing on Monday.

"I was very indignant at the manner in which the sheriff handled the troopers, in view of the fact that the burgess, myself, and the chairman of the police committee and officials of the steel company were parties to the bringing of the constabulary here for the preservation of the peace and the protection of the steel company's plant. Had the sheriff notified our burgess and chief of police that the constabulary were here, and my claim is we should have been so notified, the riot that occurred afterwards, I believe, never would have occurred."

I want you to get that. It says if they had been notified the riot never would have occurred. [Continues reading:]

"I claim that the sheriff and captain of troopers should have notified our burgess that they were here on the ground ready to give whatever assistance was required by the local authorities. The burgess was never notified officially that the troopers were on the ground by the sheriff. The sheriff took the men to the steel company's plant, and makes his headquarters at the steel company's plant. He has never notified the chief of police that those men were here, nor consulted with him as to what should be done.

"They start out on our streets, beat down our people without any reason whatever, and they shot down an innocent man—Joseph Szambo—who was not on the street, but who was in the Majestic Hotel, when one of the troopers rode up on the pavement at the hotel door and fired two shots into the barroom, shooting one man through the mouth, another (Szambo) through the head, who died that afternoon in the hospital.

"The name of the trooper who shot Szambo is said to be Moughan. Moughan has been delivered up to the office of the district attorney by Capt. Robinson. The district attorney has preferred a charge of manslaughter against Moughan

and he is held in $5,000 bond to the next term of court, which will be held April 11. From all the information I gather there was no warrant for this murder. There was no disturbance of any kind at this hotel. No reason whatever for him to shoot into this hotel. To an outsider it would appear that it was premeditated; the Majestic being the headquarters of the leaders that were conducting the strike. There is no other known reason for it. While this may not be so, it looks so to me, and to many with whom I have talked. It is one of the best hotels in the town and one of the most peaceable. The bartender might just as well have been killed as this man Szambo, as one of the shots was directly over his head, about 6 inches.

"Deputy sheriffs, the number I do not know, appointed by the sheriff to preserve the peace of the borough against mob, riot, and violence have been kept in the plant of the steel company. The troopers he sent out through the town, and whatever riot or troubles have occurred in our town since their arrival is due entirely to their high-handed and cowardly attacks upon innocent people.

"We had 18 special borough police appointed as a result of the strike. The borough authorities on the 15th of March released from duty all but nine of these. There are nine specials on duty now.

"We can point to the fact that notwithstanding the number of citizens who have been cruelly beaten and others thrown into jail, the citizens of our town have not committed any outrage on the State constabulary. If they were not a peaceful and law-abiding community there would be some other tales to tell. Troopers went into the houses of people without warrant and searched the inmates; drove people from their own doorsteps. They beat an old man at least 60 years old, and I believe he is older—a peaceable old fellow named Joseph ———."

He has the last name taken out of the report here. [Continues reading:]

"He was hauled before Justice Bloom. The complaint of the trooper was that the old man was drunk and had made some sarcastic remark to him while on his horse. He struck him with his riot stick, knocked him down on the street, and left him in a very bad condition. The justice made the old man pay the costs of the case and assessed no fine.

"This is only one of a dozen similar cases. Another case was called to my attention by the brother of the man arrested. He came here and made complaint to me that his brother, while on the way to the station with his mother to take a train to New York, was struck down by one of the troopers and thrown into prison. His brother is in prison yet, so far as I know.

"I don't know as you care for a report of a conversation over the telephone, but after the constabulary had been here several days Mr. R. S. Taylor, attorney for the steel company, called me up on the phone, wanting to know before what justice the prisoners arrested by the troopers would be tried. I answered Mr. Taylor that the constabulary had made these arrests; confined these men in the plant of the steel company without notifying the burgess or myself; that I did not care a ——— what justice he had them brought before; that there were four justices in the town. About a minute afterwards Capt. Robinson called me over the phone, introducing himself and asked why I felt so indignant about the arrests. I then called his attention to the high-handed manner in which his troopers beat down our citizens without any just cause, as I understood it. I called his attention to the arrest of a man at Third and New Streets that was assaulted by one of the troopers without any reason, as shown by the information given to me by people who were eyewitnesses. I asked Capt. Robinson what were the powers of the troopers in regard to arrests. He answered, The same as any constable or police officer—the only difference being that their authority was State wide while the local police and local constable was confined to your county or borough, that he was answerable to the sheriff.

"Only one arrest was made by borough authorities, that of Harman Garabrandt, made on complaint of some of his neighbors, to the effect that he carried a revolver. He was reported as having been shooting at targets around in his yard and as having made remarks that anyone trying to stop him from going to work would find out that he could take care of himself. The man was working. When arrested and searched, a loaded revolver was found. He was held to $500 bail to appear before the court (April 11) on a charge of carrying concealed weapons."

Chairman WALSH. I don't want to interrupt you, but in line of our talk before the session, and the time being a little limited, I have thought perhaps that the matter that you have printed in detail might be submitted in our record, and taken up by the whole commission.

Mr. WILLIAMS. Yes.

Chairman WALSH. Now, if you will touch upon what might be called the larger phases of your complaint, why, we will take every bit of that into consideration.

Mr. WILLIAMS. Well, I am practically through.

Chairman WALSH. I know; but when you get to reading that way you run past your time; and we have been on it now quite a little over the estimated time. If you could finish up briefly, I want to ask you some questions.

Mr. WILLIAMS. Yes; I can finish this in two minutes. I should just like to finish this, because it is a very important part and is just a very brief statement that is included. This is what Kelly said, finishing up his statement. [Reading:]

"I have been chief of police here nine years, but refused to be a candidate after March 14, partly on account of the manner of treatment accorded the burgess and myself by the sheriff and the constabulary."

Now, here is a short statement by Michael Lynch, chief of police: "Chief Lynch stated that he had been chief only since March 15, 1910; that on the 15th of March 9 of the 18 special policemen had bfieen relieved of duty; that the force now consists of the chief, nine regular and nine special officers.

"Chief Lynch was present throughout the interview with ex-Chief Hugh Kelly. When asked if he had any report to make as to what had happened since March 15, Chief Lynch said:

"March 22 two troopers, names unknown, at Fourth Street and Linden, rode up to and one of them struck Peter ——— with a riot stick and knocked him down; they rode their horses onto him, and then these two troopers rode off and let the man lay there. Afterwards two other troopers rode up and picked Martin up and carried him to the office of Dr. Leibert and had his wounds dressed, and then let him go home. I sent a patrolman up there to look after Martin. He found him in a dazed condition; the doctor said the worst hurt was over his eye and looked like the print of a horse's shoe."

It says there, print of the horse's shoe. The man had run on him.

"On Tuesday evening, March 22, the men out on strike were walking on the sidewalk up near the company's offices, but on the opposite side of the street—"

I want to read this to show the way they got in amongst our men and started the trouble themselves—

"at the time the troopers rode out of the company's yards onto the street. There were troopers dressed in plain clothes walking in this parade—or whatever it could be called—walking with and among these men on the sidewalk. As near as I can find out it was one of these plain-clothes men who called out 'scab' to the troppers as they rode out on the street, although it is claimed that a foreigner called 'scab.' Anyway, the plain-clothes man struck a man with his blackjack and troopers rode into the crowd and arrested three men. Business men were ordered off their own doorsteps. Troopers rode for half a block on the sidewalks swinging their clubs and ordering people off their own doorsteps. They followed one young fellow into a store. Citizens told me that he had done nothing; that he ran into the store to get out of the way of the troopers. A trooper got off his horse, followed him into the store and arrested him."

I have got a photograph of that. This practically concludes what I have to say; that is, in regard to the direct action of the State police.

Chairman WALSH. Were you here yesterday, Mr. Williams?

Mr. WILLIAMS. I was part of the time.

Chairman WALSH. Did you hear the testimony on both sides with reference to the attempt, through the business men of the city and the chamber of commerce, to create the public sentiment and the denial of that fact? You heard that issue discussed here, did you?

Mr. WILLIAMS. Yes.

Chairman WALSH. What was the situation in regard to that at Bethlehem? What part did the citizens and business men generally take in the matter?

Mr. WILLIAMS. Well, for the first two months—I will say up until about the 1st of April—we had the business men with us.

Chairman WALSH. Until the 1st of April?

Mr. WILLIAMS. Yes; about that time. I can verify that. I will say about the 1st of April. Mr. Schwab called the business men into his office, and he was wild. We had got his goat by sending statements around the country to different architects and different firms that bought material, telling them it would be

advisable for them to get their work, and we told them how their work was being done; and he got considerably up in the air because he could not break the strike. And he called the business men in and gave them to understand that he would move his plant out of South Bethlehem if they did not come across and line up with him.

They appointed a committee. They had arranged a meeting there at the chamber of commerce the next night, and they appointed a committee of business men to come down to Washington and get Congressman Palmer, who represented our district, to come to this meeting and deliver a speech. We found out that this committee had arranged to meet Congressman Palmer at half post 7 in the evening, and we immediately got in touch with the Congressman and asked him not to meet the committee unil our committee came down. And I was one of the committee that came here, and we met in the office of Congressman Palmer, the committee of business men from South Bethlehem, and they pleaded the cause of the company to Congressman Palmer, and we pleaded the cause of the men, and Congressman Palmer refused to attend that meeting, and he did not go up.

They held the meeting and talked resolutions, denouncing the representatives of organized labor and calling for their dismissal from the town, all at the request of Mr. Schwab, who was there and made a short speech.

I have a copy of the resolution here with me and the names of the men who signed it. And from that time on we had to fight the business men as hard as we had to fight Schwab.

Our men were ordered out of the steel company's houses; they tried to order them out on five days' notice, and we got an opinion from our attorney to pay no attention to the company's threats, or bluffs; no tenant can be put out of a house in less than 55 days. They gave us an opinion on the law, and that was passed among the strikers so they would not be scared out of their houses. But the business men refused men credit who had dealt with them for years, and they made the struggle to obtain something to eat and to obtain an existence so much more keen. We could not feed all the men; we had 9,000 out at one time. We were not organized, and in the whole strike of 104 days we got only $6,700, which was not equal to one dollar a month a man, and we kept the strike on for 104 days before it was finally called off.

Commissioner WEINSTOCK. What was the end of the strike?

Mr. WILLIAMS. The 18th of May.

Commissioner WEINSTOCK. I mean, how did it end?

Mr. WILLIAMS. The strike was called off by a committee of nine; it was called off when the chairman of the strikers, myself, was in Washington, and the representative of the American Federation of Labor was with me. We were in Mr. Neill's office fighting for arbitration for the men, and the company went to the committee and told them—promised them their jobs back if they would call the strike off, and they did, and they gave them their jobs back for a few days and then fired them, and that was just what they deserved.

Commissioner WEINSTOCK. How many were taken back?

Mr. WILLIAMS. Just whoever the company wished.

Commissioner WEINSTOCK. How many were there?

Mr. WILLIAMS. There were 500 men discriminated against. No man that had taken an active part in the strike was taken back, with the exception of four men that had issued suits against four of the State police for faulty arrest, and just about the time the case was to come up in the court at Easton, one of these men came to our attorney and said, "I have been offered my job back in the steel works if I drop this case against the State police; what would you do about it?" Our attorney said, "Suit yourself, you have to support your family and if the case goes like the case of the trooper, you would not get anything."

Chairman WALSH. How did that case go?

Mr. WILLIAMS. They would not let our attorney have anything to do with it——

Chairman WALSH (interrupting). What was the result of the trial?

Mr. WILLIAMS. He was acquitted, because they could not identify him.

Chairman WALSH. How are juries chosen?

Mr. WILLIAMS. We have jury commissioners, and they take the names of citizens and put them in a large wheel.

Chairman WALSH. How many are put in the wheel?

Mr. WILLIAMS. That I do not know, but they are taken from all the members of the community. But when they come to select a jury it is like every other place; they are very careful to get a jury not unfavorable to them.

Chairman WALSH. But if a sufficient number of names are put in the wheel how could they get a favorable jury?

Mr. WILLIAMS If a man's name was pulled out who was a member of organized labor they would disqualify him because of the fact that he was biased.

Chairman WALSH. Was there any complaint made about the personnel of this jury?

Mr. WILLIAMS. I do not know; at that time I was moving from town to town, looking for a job. I suggest you take the incidents of that trial up with Mr. Cypher, who will be here.

Chairman WALSH. You say part of the objection was to working on Sundays?

Mr. WILLIAMS. Yes.

Chairman WALSH. Did the church people take part in that and undertake to straighten it out in some way, or did they take any action on it?

Mr. WILLIAMS Yes; about the second or third Sunday several priests in the town and a couple of ministers notified the men to go back to work, and there is a statement from the chairman representing the American Federation of Labor there, in which he condemned the clergy in very harsh tones for standing for and lining up with the steel company, and he addressed the statement to Mr. Charles Spelzy.

Chairman WALSH. On that particular point I was trying to inquire—on the point of working on Sunday, outside of the general proposition.

Mr. WILLIAMS. That is what I want to lead up to. When we assailed the ministers for not taking the part of the men, because these men had been forced to work on Sunday, some of them got busy. A committee of ministers—Protestant ministers—came to us and they said they had been to Mr. Schwab. They said Mr. Schwab was an awful man. Of course, I said, "If you think we are going to submit to Mr. Schwab, or surrender to Mr. Schwab because he is an awful man, you are going to get fooled." And I, of course, went for the ministers, because I believed it was their solemn duty to protect the man who was trying to evade Sunday work. The Rev. Father Fretz, of the German Catholic Church, came to one of our meetings, and he said he knew it was a human slaughterhouse. And, of course, he went after the steel company very harshly. We heard that Mr. Schwab sent for him and said to the Rev. Father Fretz, who was at that time president of the Catholic society in that valley which fights socialism—the socialistic movement very keenly—he said to Fretz, "Do you know that is a Socialist strike up there and this man Simon is a Hungarian Socialist and that others are Socialists?" And the Father said, "No." Schwab said, "They are, and you have been helping this Socialist movement."

This statement was given to me by a reporter who got it from the company, and the only thing I can verify it by is what Father Fretz says. He said to me, "What shall I do?" I said, "Keep your mouth shut and let them alone." But he came back again and wanted to make another statement before the men; he came to me as chairman and told me what he was going to do, and I said to him, "We have out there Republicans, Democrats, and Socialists; and we have Catholics and Protestants, and some men that do not go to church at all; and we are trying to weld them into one labor union generally; so don't go out there and try to divide them along political or religious lines"; but he went out, and we gave him permission to speak, and all he did was to slam the Socialist movement. As quick as he got done I, as chairman, had to smooth it over by trying to defend the Socialist movement, and he took his coat and went out.

But I will say this for him, that while the other Catholic churches had collected the men's church dues through the steel company's office, he never did. It was a common practice, if you were a member of a Catholic church there and gave a dollar to the church, they gave, you did not give; it was taken off your pay; if you only worked a day it was taken off, and the steel company paid the clerks.

Chairman WALSH. Were there any other deductions taken from the pay roll, like hospital dues, or for dues for labor unions?

Mr. WILLIAMS. Not for a labor union, but for their own steel company relief. I don't know of anything else.

Chairman WALSH. Were orders given to do this, or was it on the same plan as what is called the check-off system?

Mr. WILLIAMS. Yes, sir; I believed so. I believe it is the same as used in the mining districts, where they have to check off dues. It was not compulsory on the part of the men, but you know how it is, if a priest or a preacher comes and

say, we will take this off your pay at the end of the month, that is the way it is worked.

Chairman WALSH. Now, getting back to the ministers——

Mr. WILLIAMS. Yes, sir; along about the middle of April the ministers' association of South Bethlehem issued a public statement, in which they said that a committee from the Department of Commerce and Labor had come to them and asked them for information about Sunday work, and in that public statement they said this, that before they gave them any statement they went and saw the honorable president of the Bethlehem Steel Co., and he assured them it was only necessary work accomplished on Sunday, and it was quite a lengthy statement and ended up like this, that they believed that we should work in harmony with the business interests and officers of the steel company in order that business might prevail. I have a copy of that, if you wish it.

Chairman WALSH. How frequently was this Sunday work done up to the time of the strike; how many Sundays did they work?

Mr. WILLIAMS. In the neighborhood of 25 or 30 per cent worked every Sunday.

Chairman WALSH. For how long a period of time?

Mr. WILLIAMS. All the time.

Chairman WALSH. Extending back for what period, a year?

Mr. WILLIAMS. As long as they have been there. It run about 43 per cent.

Chairman WALSH. After the strike, did they quit working on Sundays?

Mr. WILLIAMS. Oh, no, sir; they are working every Sunday; and if they don't work on Sunday to make shells to kill off the Germans, they can't work there.

Chairman WALSH. Is there any protest against working on Sunday?

Mr. WILLIAMS. Individual protests; yes, sir.

Chairman WALSH. I will have to bring this down to a close, Mr. Williams. Now, you have passed a very severe criticism on the State police, are you likewise opposed to the State militia?

Mr. WILLIAMS. I am not. I just want to show you what our State federation of labor did last year in a resolution. I have this with me.

Chairman WALSH. Has the State federation publicly taken official action about the State police?

Mr. WILLIAMS. Yes, sir; this resolution was introduced last year——

Chairman WALSH. Is that what you are going to read now?

Mr. WILLIAMS. Yes, sir; this was passed officially in our State federation convention last year. Resolution No. 1, introduced by R. W. Tillotson, representing the metal polishers——

Chairman WALSH (interrupting). Is it very long? If it is, just give the gist of it.

Mr. WILLIAMS. No, it is not long, and I would like to read it, because I took the floor against it and opposed it, and a substitute was finally passed.

Commissioner WEINSTOCK. Why not read the substitute?

Chairman WALSH. I think we will get a better understanding if you will state the substance of the resolution planned, then the substitute, all together.

Mr. WILLIAMS. This one goes into the question elaborately with the militia, constabulary, and national organizations of the Army and Navy; that they are used by one side of the working class to shoot down the other, and they condemn the whole business. It was an attack on our Regular Army. We took the stand differently; it was right at that time that out in Colorado they were shooting the women and children down, and we were beginning to realize we had to meet force with force, and it was a question in our minds whether we would not send our members of the labor unions into the militia of Pennsylvania, so so when the State constabulary shot down our men that we would be armed to protect our homes, which is guaranteed us under the Constitution of the United States and the constitution of Pennsylvania. The Constitution of the United States is here, also the constitution of the State of Pennsylvania, and section 1 of article 1 is the section I refer to. The question in our minds was how to get these arms, and get them legally, when we were put up against a war, to fight. This was offered as a substitute.

Chairman WALSH. Now, in case both of them were abolished, Mr. Williams, would you have any effective force to maintain law and order in the State?

Mr. WILLIAMS. We provided for that with this resolution—resolution No. 4. I have three here; this is one of them, and it will answer your question. It is introduced by Thomas Kennedy, representing the United Mine Workers:

I might state there was another resolution passed that the executive council investigate the matter of forming semimilitary organizations within the labor

unions. Did you get that? That is, that the executive council of the State Federation of Labor were instructed to investigate the forming of a semi-military organization for the purpose of protecting ourselves at a time when the State constabulary came in, and the executive council will report on that at the convention held next week. We are not going to see our people shot down by these official strikebreakers and remain helpless. We want peace, but if it comes to fighting, we wont go against a machine gun with a brick.

Chairman WALSH. I don't exactly get your meaning.

Mr. WILLIAMS. What I mean is this: When the time comes that we find out that the State only exists for us theoretically and hypocritically—in the Bethlehem Steel Works, in 1909, out of 9,000 working, 927 had been killed or injured in 1909. In 1910 the United States Steel Corporation reports show that 246 out of 1,000 were injured in the plant in one year, and in one mill 500 men out of 1,000 were injured in that plant. Now, men that are forced to work under conditions like that some time are going to revolt. We try every peaceable means we can to remedy these conditions, and certainly if we are forced to the point where we must fight, nobody is to blame. If that man that has had his leg broke or his father has had his back broke in the steel mill and he is forced into a state of militarism, he is not to blame; it is not his fault; it is the man who sits in New York and allows women and children to be burned; it is his fault. We whose ancestors fought in the Civil War, and some of us have ancestors who fought in the Revolutionary War, it is not the spirit of anarchy that wants us to educate our children; but it is the same spirit that forced the men in 1776 to struggle for liberty, and if we fight for it and get it, we will make history to teach our children that John D. Rockefeller and those men were oppressive, and the men that led the move to throw them off were patriots. We will teach them just that, as our forefathers were the men that threw off the yoke of England in 1776 were patriots. If we are beaten, we will be put down as rebels, and for that reason we are going to connect education and intelligence with the struggle and be prepared when it comes. I believe in political action, backed up by an economic organization. Political action without the backing of an economic organization don't amount to that. Two years ago we got an act, although the railroads running 75 cars where they used to run 30, we have a law which compels them to put on an extra man on over 29——

Chairman WALSH. I don't want to bring that subject in, and I feel that my question has been fully answered.

Commissioner Weinstock wishes to ask you some questions.

Commissioner WEINSTOCK. You were comparing, Mr. Williams, the present industrial situation, and you are justifying the strikers in a labor trouble for arming themselves by calling attention to the American Revolution?

Mr. WILLIAMS. Yes, sir.

Commissioner WEINSTOCK. Are the cases parallel? Is it not a fact that at the time of the American Revolution the cry was "taxation without representation"?

Mr. WILLIAMS. Yes, sir.

Commissioner WEINSTOCK. Is it not a fact that to-day you and I and the rest of us have representation? Is it not a fact that you and I can elect to our legislative bodies the men who represent our ideas? Doesn't organized labor have in our legislative halls their representatives who can voice their sentiments and do what they can do to secure such legislation as the workers desire? In the face of that, with the ballot in the hands of the workers, and the workers in the majority in every State in the Union, what justification is there to talk as you talk about arming the men and defying the law?

Mr. WILLIAMS. This justification: Only a small per cent of the male population of the United States have a right to vote. None of the women have it in our State. In a few States the women have the right of ballot, and female labor and child labor is fast taking the place of male labor. Over in New York City, where there is something like 150,000 to 175,000 population in one congressional district, that only voted about 15,000 men and elected Meyer London, a Socialist Congressman.

Commissioner WEINSTOCK. Is it or not a fact that wage earners in Pennsylvania, in common with the rest of the States, are largely in the majority?

Mr. WILLIAMS. Yes, sir; the wageworkers, but not the voters.

Commmissioner WEINSTOCK. The wage earners are in the majority of voters, are they not?

Mr. WILLIAMS. Yes, sir; the wage earners.

Commissioner WEINSTOCK. Let me make it clear. If you could take an analysis of the voters of Pennsylvania, is it not a fact that a majority of them are wage earners, or those that sympathize with wage earners?

Mr. WILLIAMS. The majority of them, we will say, work for wages, because they are all in some line of industry.

Commissioner WEINSTOCK. Now, the majority rules, doesn't it, in Pennsylvania the same as in every other State in the union?

Mr. WILLIAMS. Yes, sir.

Commissioner WEINSTOCK. If the majority of these wage earners wanted the women to vote, can not they by their ballot give them the right by voting for woman suffrage?

Mr. WILLIAMS. Yes, sir; but the women that want to vote won't get it until the men say they can have it. It is the ones that don't get it that are entitled to it.

Commissioner WEINSTOCK. All right. If the majority of the wage earners of the State of Pennsylvania believe it is to the economic and political interest to have the women vote, they can have them vote? The power is absolutely within their own political hands? What need they to rise up in arms against the authorities?

Mr. WILLIAMS. Your actions are judged by the conditions you are forced to submit to. It is all very well for the manufacturer who has been getting a large amount of the wealth that has been produced to say protect my property. This is only a proof of the doctrine of economic determination. The way he gets his living determines his attitude and action. If he was bound by the present system of production and distribution you are satisfied with, but when it makes one Star of Bethlehem, like we have Charles Schwab, then I say the system ought to be changed.

Commissioner WEINSTOCK. How many men work at Bethlehem?

Mr. WILLIAMS. Nine thousand.

Commissioner WEINSTOCK. There were 9,000 men against one Schwab?

Mr. WILLIAMS. Yes, sir.

Commissioner WEINSTOCK. Nine thousand possible votes against one vote?

Mr. WILLIAMS. Yes, sir; and we beat his man for Congress.

Commissioner WEINSTOCK. What greater power can you put into the hands of the worker than the ballot?

Mr. WILLIAMS. I will show you how it works now. He had a candidate, J. Davis, and we defeated him, but when Judge Scott died the Republican governor made this fellow judge in our county that we had defeated.

Commissioner WEINSTOCK. Very well, if that did not suit the wishes of the workers at the next election they could show their displeasure?

Mr. WILLIAMS. Yes, sir; and we will do it.

Commissioner WEINSTOCK. Then you have all the remedy that any reasonable man could ask for when it is placed in your own hands?

Mr. WILLIAMS. Yes, sir; but there is the stump. The railroad unions in our State last year, or two years ago, I guess it was last year, worked for certain men for the legislature, believing they stood for our interests, and when they got them there you don't see the money pass, but they pass corrupt legislation against the workers that sent them there. They serve the interests of these men who live off of the toil of the working man.

Commissioner WEINSTOCK. Are all workers bribe takers?

Mr. WILLIAMS. I didn't say that.

Commissioner WEINSTOCK. Then it is the duty of the workers that have the power in their community to elect representatives that are proof against bribe taking?

Mr. WILLIAMS. How are you going to get the proof? We have been thinking of that for a long time until finally we have a certain number of them in our political labor organizations.

Commissioner WEINSTOCK. Then you can't blame anybody else.

Mr. WILLIAMS. We have never had a working class party in control in any State or in control in the United States. We have parties in control that pass one set, and they do something that the other side doesn't like, and the people throw them out, and we get another bunch in, and they will sit down there and pass something that they don't like, and there is a change again. While there are changes going on all the time the people are getting the same thing all the time with the high cost of living and wages dropping down. The introduction of automatic and semiautomatic machinery by the manufacturer is proving

something that will make a change in the methods of production and distribution of our commodities.

Commissioner WEINSTOCK. You are drifting away from my question. What justification is there for you to incite men to arms, for you to incite men to go against your own government when you and the rest of your fellow workers have the power absolutely in your hands by the ballot?

Mr. WILLIAMS. The justification of carrying on peaceful strikes, of having control of the situation, and the State sending in a bunch of men that spill our life-blood out in the street. The State don't exist for us only theoretically and hypocritically.

Commissioner WEINSTOCK. Then, because the men that you have elected to office have not carried out what you believe is the proper course for them to pursue, you propose to start an open rebellion?

Mr. WILLIAMS. No; I didn't say that; I said in defense of our homes at any time that it means annihilation or fight. I am known in my own town as a man that is one of the yellowist, a fellow that don't go out and want to fight, you can take this book at your convenience and go through here and see where on every page I advocated peace, but I want to tell you that when men have to submit to certain conditions, it is a study of psychology. You can sit in your office and philosophize on the conditions of the working class. When I was a young fellow I stood at a mine where 59 had been killed, and heard the women moaning and crying. Somebody else read that in the newspapers and didn't sympathize with the poor women and children like I did. If that mine owner was satisfied with less profit, we would have had 59 more fathers and brothers, but in order to make profit he took those fellows' lives. That is why the men get that idea. It is not profit with us, it is life and death. We want peace, and the manufacturer brings in the State police and says, you will submit or we will starve you, or you will be clubbed and shot. It is the spirit of your forefathers that makes you fight. I want to tell you now, force to-day is the most respected thing there is in this world.

Commissioner WEINSTOCK. You are an advocate of force, are you?

Mr. WILLIAMS. No, no; I am not an advocate of force. I am against militarism, but what have you got going on in Europe? And to-day the United States Government insists on furnishing shells to blow the Germans to pieces.

Commissioner WEINSTOCK. Are we to understand from the expressions you have given here that you are giving expression to your own views or those of your fellow workers?

Mr. WILLIAMS. No; they are my individual views which have come to me from close study of the labor movement; but I know they are held by the most conservative members of labor organizations in our State and as a result of what the State police have been doing to the men who try to be peaceable.

Commissioner LENNON. I just want to ask you, to see whether I understood your reply to the basis of all Mr. Weinstock's questions: Do you believe that the voting wageworkers of Pennsylvania—and it is the greatest industrial State proportionally in the Union—that the wageworkers have a majority in the State of Pennsylvania?

Mr. WILLIAMS. Well, they have not got a majority of the working class.

Commissioner LENNON. Oh, of all the people in the State.

Mr. WILLIAMS. No, no; not the voter.

Commissioner LENNON. Do the voters that work for wages constitute a majority in the State of Pennsylvania, Mr. Williams?

Mr. WILLIAMS. Not the voters; no; not by far.

Commissioner LENNON. Have they a majority in the United States?

Mr. WILLIAMS. I don't believe so. Why, pretty near half the people in Pennsylvania are foreigners or of foreign descent—or most one-half—according to the last document issued. They have no vote, and those that have no vote are the ones that have to work under the worst conditions. Those are the 12½-cents-an-hour men.

Chairman WALSH. Mr. Garretson has a question he would like to ask you.

Commissioner GARRETSON. Now, you made the statement that your view was that the man should arm himself for the purpose of protecting himself against the invasion of his own home?

Mr. WILLIAMS. Yes, sir.

Commissioner GARRETSON. What is the difference morally between the man protecting his own home with arms and a corporation hiring a body of thugs to protect its property—legal rights?

Mr. WILLIAMS. Well, I should say a man has more right to protect his home than a corporation has to protect its property.

Commissioner GARRETSON. He would have at least as much, anyway, wouldn't he?

Mr. WILLIAMS. Yes, sir.

Commissioner GARRETSON. To risk his own skin instead of hiring skin?

Mr. WILLIAMS. Yes, sir; I want to say in regard to that statement made by Keppler, I had occasion to go to one justice's office with a man who was arrested and was quite severely called to account for that statement by Sergt. Smith, I think the name was; and I asked him then, "Have you got a right to come into my house without a warrant and arrest me," and he says, "No." I says, that is the reason we made that statement. You get a warrant and you can arrest any of us. But we did not want anybody coming in there nights without a warrant and taking us.

Chairman WALSH. That is all; thank you. That matter that you have there, that I interrupted you in reading, if you will just submit that we will consider it with the balance.

Mr. WILLIAMS. What matter do you mean?

Chairman WALSH. You had some material—a report made, in which the testimony of Mr. Kelly appeared, or from which the testimony of Mr. Kelly was read—the chief of police?

Mr. WILLIAMS. Yes, sir.

Chairman WALSH. And you had some other documents you said you wanted to offer in evidence?

Mr. WILLIAMS. That is on defective work and one thing another?

Chairman WALSH. Yes, sir.

Commissioner LENNON. Have you a copy of the report made by the Federal Council of Churches?

Mr. WILLIAMS. Yes.

Commissioner LENNON. Will you file that with the commission?

Mr. WILLIAMS. Yes, sir.

Chairman WALSH. Can you give us the substance of what they say about Sunday work?

Mr. WILLIAMS. It begins and gives you a tabulation of how many men worked on Sunday—the percentage that work on Sunday, and——

Chairman WALSH (interrupting). Did they take a position against it or make any request to the company or the men not to do it, or what did they do?

Mr. WILLIAMS. Why, the suggestion is made by the ministers to the—they made a suggestion to the ministers——

Chairman WALSH. The part I want to get at is that would seem to be a strict conflict now between economics and the moral law. What did they do? Did they tell the men, "Don't work on Sunday; it is against divine law?" Or what did they say?

Mr. WILLIAMS. Well, they suggested certain recommendations. They go on to try to defend the ministers first; but they make the same recommendations——

Chairman WALSH. Well, just submit it. I guess it is a little too long to read.

Mr. WILLIAMS. Oh, it is a long proposition to read. Do you want these photographs?

Chairman WALSH. Yes. Leave those photographs. I understood all these documents were submitted here, including this scrapbook that you offered.

Mr. WILLIAMS. I would like to get this all back again, after you are through with them.

Chairman WALSH. All right; just put that in the record here, that you can have all of it after temporary use. There was one question I omitted to ask you. You say that this trooper was tried and acquitted. Now, was the trooper that assaulted Mr. Gallagher tried?

Mr. WILLIAMS. No; I don't believe so. I don't believe he was ever brought to trial.

Chairman WALSH. Well, was any effort made to prosecute him, that you know of?

Mr. WILLIAMS. Why, in one of my newspaper accounts there it said a warrant had been issued for him; but I don't believe it was ever served. I tell you it was impossible—we used to think we had it on them, and we would recognize the man and would do something——

Chairman WALSH. Well, so far as you are concerned, you did not?

Mr. WILLIAMS. No. They would change the numbers on the men, and the numbers they had would not correspond with the features of the men, and then you could not get after them.

Chairman WALSH. Maj. Groome.

STATEMENT OF MR. J. E. B. CUNNINGHAM.

Mr. J. E. B. CUNNINGHAM (arising from the audience and addressing the commission). Mr. Chariman and Members of the Commission, I desire to present and file at this stage of the proceedings, with your honorable body, my credentials as special deputy attorney general representing the Commonwealth of Pennsylvania, and to have my appearance noted as appearing for the Commonwealth. And I am directed, Mr. Chairmen and Members of this Commission, by the governor and by the attorney general of Pennsylvania to say to you that although they naturally have some question as to the power of this commission, or of any similar commission, to compel the attendance and testimony of officers of the executive department of a State, at the same time they are too proud of the character of the State police of the Commonwealth of Pennsylvania and of the fact that in every instance of industrial disturbance the Commonwealth and its officers have endeavored to maintain, and we think have succeeded in maintaining, a position of strictest neutrality, and because we want to assist you in every way in the performance of your duty, they have directed the superintendent of the department of State police and the special deputy attorney general to come here and give you every fact within their knowledge, and if you want it, a certified copy of every record within their possession.

Now, at the same time, Mr. Chairman, in order that this action on the part of our State authorities may not be treated as a precedent, I desire merely to file with the stenographer a formal protest with reference to the jurisdiction of the commission to compel these things in order that the record may protect us from ever being used as a precedent in case we should at some future time refuse to obey subpœnas by congressional committees.

With your permission, then, I will just submit these for the record and ask you to proceed with your investigation as you may wish.

Chairman WALSH. Very good; and we also appreciate the courtesy of the governor and of the State government and of yourself in attendance here.

Mr. CUNNINGHAM. We are very anxious to give you any facts within our knowledge.

(For documents submitted by witness see Cunningham Exhibits Nos. 1 and 2 at end of this subject.)

STATEMENT OF MR. S. C. LONG.

Chairman WALSH. Now, I have been requested by the commission to read publicly into the record a communication from Mr. S. C. Long, general manager of the Pennsylvania Railroad Co., addressed to the chairman of this commission (reading):

"DEAR SIR: Referring to the statement made to-day before your body by Mr. W. H. Pierce, that Mr. J. C. Johnson, superintendent of telegraph of the Pennsylvania Railroad had paid $300 to certain men connected with the train organizations of the Pennsylvania Railroad, we desire to submit the following so there shall be no misunderstanding in this matter:

"When the strike was called at Pittsburgh in May, 1911, the company was fearful that some of the members of the transportation brotherhood might join the strikers. Accordingly the general chairman of each of the four brotherhoods, Messrs. A. I. Kaufman, general chairman of the B. L. F. & E.; William Park, general chairman of the B. of L. E.; John B. Hendricks, general chairman of the O. R. C.; and E. V. Kapp, general chairman of the B. of R. T., were requested by the general manager to go to Pittsburgh and see that the members of their brotherhoods lived up to the agreements they had with the company and remained at work, with the distinct understanding that they should not be asked to do any work other than that they always had performed in the positions they held.

"These men did this, and their efforts were successful in preventing any of the members of their organizations from leaving the service of the railroad company. After the strike was over, as each of these general chairman had occasion to come to the office of Mr. Johnson, who was chairman of the labor board, in the performance of their duties as general chairman, he thanked

them for the very efficient services they had rendered the company, and the organizations, and told them that the company desired to show some appreciation of their work, and accordingly they were each given $300, which they were told could be used toward defraying their expenses or any other purpose that they might choose. Nothing was asked of these men in return. What was done was entirely in keeping with the action of the company toward a large number of other employees, as set forth on page 14 of the History of Labor Troubles on the Pennsylvania Railroad, a copy of which has been filed with your commission.

"Yours, very truly,

"S. C. LONG,
"General Manager, Pennsylvania Railroad Co."

TESTIMONY OF MAJ. JOHN C. GROOME.

Chairman WALSH. Will you please state your name?

Maj. GROOME. John C. Groome.

Chairman WALSH. Are you connected with the Pennsylvania State Police? If so, what is your position?

Maj. GROOME. Superintendent.

Chairman WALSH. Have you any profession or business aside from that?

Maj. GROOME. Member of the firm of Groome & Co., importers and wine merchants.

Chairman WALSH. And have you taken any interest in that firm for the last four or five years?

Maj. GROOME. I have been unable to take any active interest in the firm on account of police duty.

Chairman WALSH. Is that a corporation or a partnership?

Maj. GROOME. A partnership.

Chairman WALSH. Engaged in mercantile business?

Maj. GROOME. Yes, sir.

Chairman WALSH. And not manufacturers?

Maj. GROOME. Not at all.

Chairman WALSH. And you are a member of the organization?

Maj. GROOME. I am.

Chairman WALSH. And what is your title, may I ask. You are referred to here as "Maj. Groome." I believe that comes from another militia title?

Maj. GROOME. That comes from the highest rank I had in the National Guard, and as a member of which I served in Porto Rico during the Spanish War. I was in Porto Rico with a squadron of cavalry. I had been in the National Guard for many years.

Chairman WALSH. When was the State Police of Pennsylvania organized?

Maj. GROOME. In May, 1905.

Chairman WALSH. How many members has it?

Maj. GROOME. Two hundred and twenty-eight.

Chairman WALSH. Kindly state their rank, so far as their duty is concerned.

Maj. GROOME. Well, according to the act, there is a department of State police, which consists of a superintendent, deputy, and two clerks. Then there is the police force which consists of 228 officers and men. According to the act, it is divided into four troops, a captain, lieutenant, four sergeants, four corporals, and the balance are privates.

Chairman WALSH. What is the provision of the law with reference to increasing or diminishing your forces, Major?

Maj. GROOME. There is no provision whatever. It can be increased only by act of the legislature, and likewise it could not be decreased except by act; that is, the number is fixed by law, and the act which originally created the forces has never been changed. It has been amended to increase the salaries and make some noncommissioned officers of privates, but the original number of 228 has never been changed since the force was first organized; can not be changed except by act of the legislature.

Chairman WALSH. Please indicate where the force is quartered, and in what manner.

Maj. GROOME. Well, the force is divided, as I say, into 4 troops, 2 officers, and 55 noncommissioned officers and men. They are designated as Troops A, B, C, and D. They are in barracks. A troop is located at Pottsville, a troop at Wyoming, in the eastern part of the State, a troop at Greensburg, and a troop at Butler, in the western part of the State.

Chairman WALSH. Is the location made with reference to industrial centers, or agricultural centers, or how? Or is there any design in the location?

Maj. GROOME. Well, I don't wish to take up any more of your time than necessary, and not as much as some of your recent witnesses have, but I would like to explain, if you have the time, the way the force is organized and distributed.

Chairman WALSH. Major, if you prefer to make a statement in a general way prior to being asked any questions, we will be very glad to have you do so, and it may do away with the necessity of asking many questions. You know the subject.

Maj. GROOME. I think I can save your time.

Chairman WALSH. Very good. We will be glad to do it.

Maj. GROOME. When the act was passed creating this department—a State police force—of course it was a new departure. There was nothing like it in this country, and no precedent and nothing to pattern it after and go on. If you have seen the act it is very short and simply provides the number of men and the amount of their salary, their duties as far as cooperating with the local police, and leaves everything else to the superintendent; that is, it spares the distribution of the troops, the rules and regulations controlling the affairs, whether they shall be married or not, their uniforms, and how they shall be armed—everything is left to the superintendent, in the original act. After I accepted this position I went very carefully—it was absolutely new to me, as well as everyone else. I went over the records, the records of crime and disturbances throughout the State and consulted officials living in the various parts of the State, and found that in four districts where the troops were established, were the districts in which there had been the most disorder in the 5 or 10 years prior to 1905; and with the approval of the government I established a troop in each of these localities.

Now, there is some reference to the selection of men, and a few other comments. I should like to say that the greatest care has always been exercised in the selection of the men as to their past records, their moral character, and their physical condition. When the force was first organized I had 1,010 applications for the 228 positions; men that I had never seen or never had heard of. Every one of those men was examined according to the civil-service rules, some at Pittsburgh and some at Philadelphia. The law prescribes that a man shall be between the ages of 21 and 45, a citizen of the United States, of good moral character, and able to read. Those are the only restrictions. From the list of applicants who were examined mentally I may say I selected about 300 of those men who were examined physically, and subjected to a physical examination which was more strict than the Army—the present United States Army—examination; more strict in the eyesight test; and much more strict in some other respects. That was the starting point; and the men who passed those examinations were then appointed on the State police force. Of course, there were no rules, no regulations, and nothing to go by; and these men were divided into four troops. They were sent to the barracks. I designed the uniforms, decided how they should be armed, and decided that it would be necessary for each man to be mounted, and purchased the horses and drilled the men and gave them as much instruction——

Chairman WALSH. Did you make those regulations and instructions yourself?

Maj. GROOME. Absolutely. Nobody else could.

Chairman WALSH. Did you have any prototype in the country on which you planned that?

Maj. GROOME. I have the reports of the Texas Rangers, which was the only organization of any sort in the country, and also I got the reports of the operations of members of the police forces throughout the civilized world. I got the Italians, the Germans, the Royal Northwestern Police, and the Irish police; and from going over their reports and the duties which they performed I came to the conclusion that the conditions in Ireland were more similar to those in Pennsylvania, so far as the industrial and agricultural conditions and the character of the population was concerned.

Chairman WALSH. Did you make any personal investigation of European countries?

Maj. GROOME. Yes; I went to Ireland with a letter from our secretary of state, and spent three weeks in the barracks studying their methods, organization, and rules and regulations of their constabulary.

Chairman WALSH. What are they called?

Maj. GROOME. The Royal Irish Constabulary.

Chairman WALSH. How is that organized? Is there a superintendent, a local superintendent in Ireland in charge?

Maj. GROOME. Yes; he is appointed by the Crown. They have 10,000 men in Ireland.

Chairman WALSH. Is there a superior officer—has he a superior officer in England?

Maj. GROOME. No, sir; he is at the head of it.

Chairman WALSH. The man on the ground in Ireland is the absolute head of the organization?

Maj. GROOME. Yes.

Chairman WALSH. Under the law has he like authority with you say to saying how many there shall be, and the location of the barracks, and the movement of the men from time to time?

Maj. GROOME. I do not think he has at the present time, for the Irish Constabulary has been in existence over 25 years. I imagine the original superintendent must have had that authority. Ireland, as you know, is about the same size as the State of Pennsylvania with 45,000 square miles; and they have 10,000.

Chairman WALSH. How does Ireland compare with the State of Pennsylvania as to population?

Maj. GROOME. It is not so large; I am not familiar with the exact population of Ireland.

Chairman WALSH. Does the constabulary in Ireland have authority in the large cities like Glasgow and Dublin?

Maj. GROOME. They police all of the cities except Dublin.

Chairman WALSH. Does Dublin have a separate arrangement?

Maj. GROOME. They have a municipal force; the balance of the cities are under the constabulary.

Chairman WALSH. You spent, you say, three weeks at the barracks?

Maj. GROOME. Yes; and got their ideas and their rules and regulations.

Chairman WALSH. Did you get a copy of the printed rules and regulations?

Maj. GROOME. Yes, sir. They are very elaborate and not at all useful to us; there are conditions there which we can not touch.

Now, when there is a vacancy on the force at the present time, in order to show you the character of the selection of the men, a man makes his application and it is placed on file, and in his application he states his past experience and recommendations. When his turn is reached his past record is very carefully looked into, and if it is not good he is not considered. If his past record and recommendations are sufficient he comes to Harrisburg or Philadelphia and is put through a strict physical examination by the man who performs the duty of looking them over when they are presented.

Chairman WALSH. Who does that?

Maj. GROOME. The deputy does at Harrisburg, and I should say 50 per cent of the men stop in Harrisburg or Philadelphia, and either the deputy or myself sees them.

Chairman WALSH. Under the Pennsylvania law, with which I am not familiar, if a man is rejected for any reason then you go back to the list for another man, do you?

Maj. GROOME. Yes; take another man.

Chairman WALSH. Is there any limitation upon the continuance of that; that is, can you call for as many as you please until you get the proper one?

Maj. GROOME. We have a list of over a hundred men who have seen service in the Regular Army waiting for positions, and we have hundreds of others besides. I can take the last man on the list if I think it is fair, but we usually take them in turn.

After they pass a physical examination they have a mental examination, written, to show their ability to make reports and keep a proper account of things.

If the applicant is found satisfactory the man is enlisted and sent to the training barracks at Pottsville, where he spends four months in probationary service. He is not allowed to go on duty or go on the road or make arrests until he has been in the service four months. Then during that four months they have daily schooling in the criminal, forestry, and game laws of the State of Pennsylvania and have mounted drills and dismounted drills, and are taught the care of horses and their arms and equipment and the different duties of the police.

At the end of the four months if the man is satisfactory to the officer in charge of the recruiting barracks he is then assigned to one of the four troops and is put on regular patrol duty. That is the way we get our men.

The promotions in the force are all made from the ranks. I have not got a captain to-day who was a captain when the force started. When the force first started it was necessary to select what I considered the best-trained men who

came before me. Those men in the course of time did not prove all I wanted of them; they were not able to handle the position of a captain or lieutenant, and promotions were made from men in the ranks. I have never started a man on the force in any other position than as a private.

If vacancies occur, through resignation or discharge by summary court, promotions are made from the ranks.

The punishment is entirely by summary court, or what is known as court-martial. The punishment is ordinarily fine, or, if the offense is serious enough, dismissal. I have never punished a man to the extent of a fine of 25 cents since the force was organized without a fair and impartial trial before a summary court, conducted by his officer, at which this man can produce his witnesses to prove his innocence, if possible. If he proves that the charge is not correct the man is excused and no record is made of it; if he is found guilty of the charge the evidence and the sentence of the summary court is submitted to me. If I approve of it the man is fined, and the man is discharged. There has never been a punishment without that since the force was organized. The men know that; they know that if they behave properly they can remain on the force, and if they do not behave they will be fined or dismissed, and they know that if once they are dismissed from the force no power on earth can get them back again, and they know that if they behave themselves and do their duty no power can get them off. That has established the esprit de corps necessary for so small a force of men to maintain law and order in such a large State as Pennsylvania, with between 7,000,000 and 8,000,000 of inhabitants; and I think I have got that result.

One of the reasons—well, I may say the force is regulated or controlled by general orders. We have no printed manual. As I say, when the force was organized it was an experiment, and I considered it was a mistake to make rules and regulations; but I saw what was necessary, and as circumstances arose I issued what is known in the service as "general orders," and I suppose there are probably 300 or 400 general orders, some not necessary now, but that number have been issued to guide the men, and my rules and regulations have governed the force.

I have been accused of being influenced by politics in making appointments, and, of course, you can see from what I tell you, that politics do not enter into the appointment of the men in any way.

Of the 230 officers and men on the force to-day, 225 have seen service in the Regular Army. I have got but five men who have not been in the United States service and who came to me with honorable discharges, and the majority of them have character "excellent" on their discharge. If you are familiar with a discharge from the United States Army you will know that there are four grades of character; there is fair, good, very good, and excellent. Excellent is the highest character that a discharged soldier can get; and when I tell you that 225 of my 230 men that have been in the service all have an honorable discharge, and over 50 per cent of them with excellent character, you can recognize that they are not the degenerate sons of the degenerate middle class that some of our friends have claimed. You can also readily understand that the recommendation or record of a discharged soldier is much more complete than any recommendation made by a civilian. If you should send me a clerk from your office, for instance, or a young man from the farm, you could probably vouch for him during the hours of from 9 o'clock in the morning until 5 o'clock at night, but what he does between 5 o'clock in the evening and 9 o'clock the next morning you have no means of knowing, and those are usually the hours that some of those young men get into mischief; but when you get the discharge of a man from an officer of a troop in which that man has served for three or six or nine years, as some of our men have, that officer has seen and knows what that man's conduct has been for every hour of the day and for every day of the year; he can give you a recommendation for that man covering his time from 6 o'clock in the morning until 6 o'clock the following morning, and I consider from experience that the recommendation of an honorably discharged soldier from the United States Army with excellent character is the strongest recommendation and guaranty of a man that you can get in this country; and when we take the greatest possible pains and get men with the best of records and whom we find are fit physically, and then instruct them, we have done all that is possible for human nature to do to provide against mistakes. We can not guarantee the future of the individual, and while we select men with the greatest possible care, some of our men out of the 225 in the last 10 years have turned out badly. When that

occurs we get rid of them, but I think our system of taking the greatest possible care to select the proper kind of men is about the best that can be devised.

Now, after the men are sent to their barracks and have had this four months' schooling at Pottsville, their training does not stop there, but there is a school held once a week in every one of the barracks, and it does not make any difference whether a man has been on the force 10 years, he attends that school, where they are instructed in the advance work of police. There is not a man on the force, I do not think, who has been on over a year, who is not thoroughly familiar with all of the game laws of the State——

Chairman WALSH (interrupting). Is that what is meant by advance work, the study of those laws?

Maj. GROOME. Yes; the game laws of the State and forestry laws and detective work is taken up, and criminal laws. I will say that we have not a man on the force who has been on for two years that can not present a case before a justice of the peace and present the proper evidence, and for that reason our total number of convictions in proportion to the total number of arrests is very large; we have averaged about 80 or 90 per cent of convictions to the arrests made, and that is only made possible by the men knowing when to make arrests, when they have a right to make arrests, and when a crime has been committed, and to have the proper evidence when they bring the case before the justice.

Chairman WALSH. In the inferior courts in Pennsylvania is it usual for the police officer to present the case?

Maj. GROOME. It is, if the police officer has intelligence enough to get it; some police officers have not.

Commissioner O'CONNELL. In the training school, do you train the men as to their duties in connection with strikes and labor disputes? Do you train them as to the rights of citizens?

Maj. GROOME. Certainly.

Commissioner O'CONNELL. How do you train them in connection with labor disputes, for instance, if they are sent to a place like at Bethlehem?

Maj. GROOME. Officially we know nothing about labor disputes.

Commissioner O'CONNELL. That is one of your duties, is it not, to call them out in such times?

Maj. GROOME. We are called out by the sheriff or the local peace officer, and never respond to a request without finding out why we are called. Say, the disturbance is like it was at Bethlehem, where a great many men were collecting, and the sheriff at Bethlehem should telegraph me and telegraph the governor, and his statement to me was that there were from nine to fifteen thousand men in a mob that had done a certain amount of damage and were likely to do more, I would not recognize that as a labor disturbance, because I have no knowledge of the conditions. I don't know to-day and didn't know at the time why there was a strike, nor is it possible for us to tell a so-called striker from the tough or hired thug or anything else.

When we respond to the request from the local authorities to assist them in obtaining law and order, which is provided in the act and which says it shall be our duty, if I go myself, and I go when the entire squad goes out, and if not I send a detachment under an officer who goes, he goes with simply an order to maintain law and order. Those are his only instructions in the case.

Commissioner O'CONNELL. And when is he relieved?

Maj. GROOME. When the sheriff or local authorities who asked for our assistance informs me that the situation has ceased to be serious and he can handle the case himself.

Commissioner O'CONNELL. Did you do personal service at Bethlehem?

Maj. GROOME. No; there was only a troop and one-half there.

Commissioner O'CONNELL. Have you ever done any personal service in labor troubles such as that?

Maj. GROOME. I was out at one time—the men were sent to Bethlehem and were on duty at Philadelphia six days and nights when the call came from the sheriff at Bethlehem.

Chairman WALSH. Mr. O'Connell, will you please let Mr. Groome finish his statement without interruption and then we will take up the question you are asking about?

Commissioner O'CONNELL. I was just asking him about this while he was on the subject of instruction in the school.

Maj. GROOME. I was just saying that never since the force has been in existence have we sent assistance to any locality at the request of any organization or corporation or private citizen. We have sent detached men, one or two, to a

district attorney or to a mayor or to a justice of the peace; but we have never sent a large detail where there is rioting without a written or telegraphic request therefor on the part of the local authorities, and frequently we have refused to send assistance on that request because on investigation I found that it was not necessary, and that the sheriff was laying down on his job and wanted someone else to do his work. And in my answer to your question—written answer—I gave the number of riots in which we have been called on and the sheriff's name, and we have the telegrams or written letters from them showing it was after their urgent request that we sent men at all, but never sent them without a request from the local authorities or the sheriff.

I may say during the 10 years we have been in existence we have had 9 men killed by rioters in the line of duty and 17 men hopelessly crippled for life. We have never yet killed a man; it has never been proven that we have killed a man illegally or unlawfully. We have killed murderers, committing murder when we have seen the murder committed; we have killed men attacking a hall, as the Italians did at New Florence when they attacked a house, but on mob duty it has never yet been proven that we have killed a man.

I would suggest, as it was intimated to me in a letter from your commission, that it is my humble opinion the effect and result of the State police force of Pennsylvania is very excellent, both in apprehending criminals and in the prevention of crime. Now, the statement which has been made, that the State police force is essentially a strike-breaking organization, and when not engaged in strikes they may make arrests or do a little patrolling is very easily contradicted by the fact that each year since the force has been organized the 200 men—it is possible for more than 200 men to be used, but I practically have a working force of 200 men—these 200 men have patrolled over 500,000 miles each year since the force was organized. Last year they visited 2,364 towns in 66 counties during their patrolling; they made 2,198 arrests for 75 different crimes, and of those arrests 80 per cent resulted in conviction. And on that line I would like to say from the records which I have submitted to you, and which you can verify, in reference to being a strike-breaking organization the average time that each man on the force has spent in riot duty since the force was organized has been one day per year per man; the other 364 days in the year this strike-breaking organization is patrolling the State of Pennsylvania, covering over 500,000 miles and making two to three thousand arrests a year. We have made in 10 years over 24,000 arrests, of which I am sure 90 per cent would not have been made if it had not been for the force, because the sheriffs would be rather indifferent about pursuing them after they had gone beyond their jurisdiction. We have gone as far as South Carolina and over into Virginia and other places and brought back criminals who we have pursued. Three hundred and sixty-four days in the year they are patrolling the State and protecting the lives and property of the citizens, and one day each year they are on riot duty; some of it is not due to labor disturbances and some of it is.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock, and you will kindly resume the stand at that time.

(Whereupon, at 12.30 p. m., on Saturday, May 8, 1915, an adjournment was taken until 2 p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. You may proceed now, Major.

Maj. GROOME. Mr. Chairman, I was not exactly sure of the information that the commission might require, so I did not prepare a written brief, I simply made notes, and am trying to give you as best I can a history of the organization, and anything that I omit, I would be glad to have my attention called to it.

Chairman WALSH. It has its advantages, Major, not to have done so.

Maj. GROOME. I saw that. With reference to the number of miles covered and arrests made during the year I may say during the nine years the force has been in active duty the members have patrolled 3,813,512 miles of territory and made 24,633 arrests. A great many of these arrests have been made after rendering assistance to the district attorneys, judges, chiefs of police, or mayors at their request, and to give you an ideau of the number of these requests, I may say in the last five years I have received 17,486 requests for assistance from judges, district attorneys, sheriffs, chiefs of police, mayors, and private citizens. That would be 10 requests a day, every day in the year for five years, which gives you an idea of the general scope of the work and the demand there is from the State officers and the law-abiding citizens of Pennsylvania for this force. Now, referring again to the charge of strike breaking—or before I

get to that I will say, as you probably know, we are authorized under the act to act as game, fire, and fish wardens, to give them every assistance in our power, and in the past we have rendered valuable assistance to the game warden in enforcing the game laws, and to the fire warden in suppressing forest fires and saving millions of dollars in property which would have been destroyed if the fires had continued, and valuable assistance to the department of health, which is incorporated in their annual report, in villages during contagious diseases, where the local authorities are unable to confine the ignorant or foreign classes in their localities where the disease occurred. We have been of great assistance to the State live-stock sanitary board in keeping them quarantined in the foot-and-mouth disease and destroying cattle under their order.

During the Austin flood, which you will remember was serious, and a great many lives lost and property destroyed, that situation was taken charge of by the department of health, and after they had been there 24 hours we sent a detail there at their request, and they found that their organization was unable to handle the feeding, housing, and policing of the homeless citizens, and that department entirely was turned over to Capt. Robinson, who was there in charge of the detail. We fed and housed and kept criminals out of that district for 10 days or 2 weeks. The Sharon flood, we also rendered the same service, at the instance of the department of health. I have given you the number of miles, they run about the same, the number of arrests are about the same. For instance, the arrests in 1911 were 2,425, and the convictions 1,799. The arrests in 1913 were 1,960, convictions 1,744. That is to say, 90 per cent of convictions, and in addition to that there were 128 awaiting trial, taking only those that were convicted it is nearly 90 per cent of the arrests that resulted in convictions. In 1914 we made 2,098 arrests with 1,586 convictions. Those arrests were made and were tabulated in my annual report under various headings.

Chairman WALSH. You have submitted two annual reports, have you, 1913 and 1914?

Maj. GROOME. 1914 has not been printed. The report has been made to the governor, and for economic purposes we thought it was better that the report would be coterminous with the legislative term which is from June 1, 1913, to 1915, the data and statistics of the report are here, but have not been published. I can give you a carbon copy of that.

Chairman WALSH. Have you a typewritten carbon copy?

Maj. GROOME. Yes, sir; a typewritten carbon copy. Now, to give you an idea of the arrests, and a few of the headings under which the arrests are classified, I will take 1914. There were 218 arrests for assault and battery; 157 convictions; there were 311 for drinking and disorderly conduct, with 296 convictions; 40 for murder and 13 convictions. Since the force has been organized we have convicted 109 murderers. We have arrested, I imagine, 140 or 150, but we have convictions of 109, the majority of them in the first degree and the men have been executed. In 1914 there were 22 arrests for rape made, 19 for highway robbery, 43 for robbery, 109 for a violation of the fish-and-game laws. In the eight years and in 1914 there were 19 for rioting. In nine years that the force has been in existence we have made 353 arrests for murder, we have made 167 for rape, we have 121 for highway robbery, 270 for robbery, and 873 for violations of the game law. Those are a few. They are all in the reports, but here are a few of the headings that I have picked out that I thought might interest the commissoin.

Now, in addition to this duty of patrolling the State each year, we have to secure evidence and locate criminals who have escaped from the State of Pennsylvania, and nine times out of ten those criminals would be allowed to remain at large if it was dependent upon the local or county authorities. As, for example, in 1912 a man by the name of John Johnson, wanted for burglary in Chester County in May, 1911, was arrested in New Jersey and tried, and he was convicted and sentenced to 30 years in the Eastern Penitentiary.

A man by the name of Barosa, wanted for murder November 24, 1908, was arrested in New York December 1, 1912, and he was brought back and tried and convicted.

A man by the name of ———, wanted for murder in 1910, was arrested November 17, 1910, in Birmingham, Ala., and was brought back and was sentenced to 20 years in the Western Penitentiary.

A man by the name of Seeny, wanted for murder in Snydertown, committed December 5, 1910, was arrested February 15, 1911, at La Salle, Ill., and tried

and found guilty of manslaughter and sentenced to six years in the Western Penitentiary.

A man by the name of Mandenor, wanted for murder July 9, 1912, in Vandergriff, was arrested November 30, 1913, in Syracuse.

Those are only a few to which I have just referred, but I think they will give you some idea of the work that was done by the force.

I don't know that there is anything further in my statement, except I should like to refer to a statement made by Mr. Maurer the other day when I was not here. I understand he presented you with a copy of a book of his, in which he said every statement in it was true and had been verified. I simply want to call attention to two statements in that book. This is in quotation marks from Mr. Maurer's book. It is headed "Judge Sadler's opinion."

"Taken from the evidence produced in Judge Sadler, of Cumberland County, Pa., impeachment proceedings:

"Affidavit No. 3, page 2.

"In the matter of asking the court for a State police he (Judge Sadler) replied that the State constabulary was all right in case of a riot, but that they could not do detective work; that their epaulettes and their regalia savored too much of display of authority to enable them to ferret out a crime. Then I, deponent, George M. Miller, suggested a man locally who I thought could do the work, but I remarked he was an ex-convict. To this his honor replied that it was no different in that way, as the State police were made up of ex-convicts. I said it was my information they were ex-United States soldiers. Again the court replied: 'More than half of them are ex-convicts.'"

I wrote to Judge Sadler and inclosed this and asked him if the statement quoted him right, and this is his reply:

"JUDGES' CHAMBERS, NINTH DISTRICT, CARLISLE, PA.

"MY DEAR SIR: The statement attributed to me as having been made to George M. Miller, that it was no difference in that way, as the State police were made up of ex-convicts, or that more than half of them are ex-convicts, is utterly false.

"Yours, truly,

"W. T. SADLER."

That is one of the numerous statements in Mr. Maurer's book which are not true.

Chairman WALSH. Does the roll of membership give the previous employment of these men?

Maj. GROOME. No; the roll does not give that. The roll simply shows their military record.

Chairman WALSH. Does the roll show some place that there was a civil-service examination?

Maj. GROOME. All their examinations are on file at Harrisburg. The civil-service examination is not very strict. Personally I do not think very much of the civil-service examination.

Chairman WALSH. That gives the antecedent of the men and their previous occupation and the like of that?

Maj. GROOME. The Army discharge gives their occupation before they joined the Army. My record is the Army discharge.

Chairman WALSH. To your knowledge, has anyone of the men on the force had any criminal record?

Maj. GROOME. Certainly not.

Chairman WALSH. So far as your record goes, then, there is no truth in the statement to that effect?

Maj. GROOME. No; none whatever. I would be glad if some of the men who make these statements would give the names and dates. Anybody can make suggestions or accusations, and I notice that in giving their so-called testimony here no names are submitted, with very few exceptions. If they will give the names of the men or the dates, we can answer, and there is no excuse at any time for any citizen, or anybody else, to claim that he can not tell who the State police officer was he preferred charges against. Every officer has on his collar a seven-eighths inch nickel letter designating his troop. He also has his personal number, not his troop number, but his personal number, in nickel-plate seven-eighths inch long in figures. This method of identifying the numbers of the force is an idea of mine.

Chairman WALSH. Is the number on the other side of his collar?

Maj. GROOME. It is on both sides, one-quarter of an inch from the number of the troop on either side. These numbers are not pinned on, but riveted on by the tailor, and it is impossible for a State police officer to change the number on his collar without destroying his coat. Those letters can be read 70 or 80 yards away, as I know by tests. The number of every man is recorded in his troop and in my office at Harrisburg, and there is no excuse on the part of anyone for not identifying them.

Chairman WALSH. I would be very glad if you would make what comment you wish to make on the affair in the State legislature referred to, by Mr. Maurer, the attempt to amend the law in regard to salary, as to how it was conducted; who favored it and who objected to it. The inference from Mr. Maurer's remarks was that the manufacturing associations and the large industrial establishments favored and the labor unions almost to a man opposed it.

Maj. GROOME. Well, I am not a politician, and I do not think in the 10 years I have been in command of this force in Harrisburg I have been on the floor of the legislature three times, so I am not qualified. I have heard the remarks, but it is impossible for me to say absolutely the reason. I would say offhand that it was a combination of ignorance and want of courage of their own convictions that caused the legislature to pass this. I have had men in the senate and in the house—speakers of one of these bodies, come to me recently when my bill was up and say they considered my force was a fine one, the finest one, not only in Pennsylvania, but in the United States, and one of the most important things in the State; that "I am strongly in favor of it and have seen it operate in my district, and I am in favor of it, but I am going to vote against it because my constituents demand it."

Chairman WALSH. I believe you said you had a great deal of experience prior to the formation of this organization?

Maj. GROOME. Yes.

Chairman WALSH. What advantage do you claim there is, so far as maintaining law and order is concerned, with your present organization as against the old-style military organization?

Maj. GROOME. You are referring to the National Guard?

Chairman WALSH. Yes.

Maj. GROOME. The principal advantage is their experience and training; I have had experience in both. Experience and training is very essential. I had the honor to be in command of the First Troop of Philadelphia City Cavalry, which is a fairly well-known organization, having been in existence 140 years, and is composed entirely of your friends, that class of men who can afford it, and who are absolutely fearless and willing. I commanded it for 16 years, so I think I had their confidence, and I am convinced that those men, in case of trouble, would have gone anywhere I told them; they would have gone anywhere I went. I have been out in command of squads with those troops, and when you take a man of that sort, no matter how able they are physically and mentally and morally, into a town where there are six or eight thousand people in a mob, a lawless mob, it is not only impossible for them to know just what to do, but almost impossible for an officer in the National Guard to know just what to do. It takes a certain amount of experience to show how many bricks to let a man throw before you attempt to defend yourself, just how many shots to fire, and just how much abuse you will stand before you make a move.

The National Guard have had very little experience in that respect even, and the State police had little; they would be out on strike duty, but since that time they have had no experience. The men I have, 154 of them have been on the force from 3 to 5 years, or 10 years some of them, and they have had training, and they are men trained to self-restraint before they came to my force by their military training in the service; they are trained to obey orders, and are fearless and do not lose their heads, and they have had enough experience to know that if four or five men out of a crowd of one or two thousand start to throw bricks they are not going to be killed, that they do not have to shoot them; that one man can ride in and arrest three or four and take them out of the crowd, as we have done many times.

Chairman WALSH. What was the situation at the hotel where the man was killed, and the trooper tried for it and acquitted?

Maj. GROOME. I was not at South Bethlehem.

Chairman WALSH. Was there any investigation made of it by you?

Maj. GROOME. Yes; a thorough investigation. At that time the entire squadron had been ordered to Philadelphia by the governor. You may remember there was a street-car strike in Philadelphia and considerable disorder,

and it had been going on for four or five weeks, and they had not been able to run cars; and they have 3,800 policemen in Philadelphia, but they apparently did not know how to handle the situation, and the director of public safety and the superintendent of police called on Gov. Stuart for the National Guard, and he refused to send it, but offered the State police. They naturally, having 3,800 of their own police, did not think much of getting 178 men of another police force, and the governor refused to send the National Guard, saying it was expensive and unnecessary, and finally they asked for our assistance. I went there with four troops, 178 men, And we were assigned to the troublesome district of Kensington.

Chairman WALSH. Did you take charge yourself?

Maj. GROOME. Yes; I took charge myself, and I had headquarters in the car barns. They did not run any cars until we arrived there. The men went on at 5 in the morning and the last car came in at 12.30. After we had been there three or four days telegrams commenced to come from the sheriff of Northampton County with reference to the matter.

Chairman WALSH. Did you keep the street cars running in Philadelphia?

Maj. GROOME. We got them running the next day after we got there, and they continued to run, we didn't fire a shot during that time, and we made numerous arrests for throwing cobblestones and bricks, not through the cars, but we were telling the crowd that all we wanted was law and order and preventing them from creating any, and mobs forming; and after we had been there five days the director of public safety had enlisted 200 or 300 extra policemen and had mounts for them and saw how to handle the crowd. That is another point, the State police have no experience in handling mobs, and they are about as helpless as the National Guards. The sheriff had telephoned and was telephoning that the conditions in South Bethlehem were beyond his control, and trouble had occurred and would occur, and I consulted with the governor and told the sheriff the first three times that it was impossible to send him assistance, that my men had been on duty for 5 or 6 days for 18 hours a day, and I have seen them so tired when they came into the barn that they just threw themselves down out of the saddle, and I thought they could spare them better from Philadelphia than from South Bethlehem, and after repeated appeals and being confident that the men were needed, I sent 24 men. I let Capt. Robinson go with the detail, and he slept until 3 o'clock Saturday morning, when I awoke him and the other men and sent them on a special train to South Bethlehem, and they got there at 6 o'clock, and at the request of the sheriff, written and telephoned. Robinson called me, after I told him to report the condition, at about 8 o'clock and told me it was one of the most serious troubles he had been in. A large crowd of excited people were on the street, the State police had been shot at, bricks had been thrown, and there were 9,000 men out, according to the statement, out of the mill, and how many more men from the surrounding country I don't know. At 12 o'clock that day I sent 24 more men. We had 48 men at Bethlehem to keep a mob of ten or fifteen thousand men in order, and the next day, or the day after, I sent him 40 more men. We had all told about 80 men that were there for 4 or 5 weeks, and the number of men in the crowd was anywhere from eight to ten thousand.

Up to the time of that shooting, as I said, I was not there, but I got a detailed report from each troop; I get a detailed report from each troop whether they are out on duty, riot duty, or anything else. The report from Capt. Robinson show that these men, my men, were mounted and in the streets, I am not sure of the width of the street, but it came out in the trial, I think it was an ordinarily wide street, and they were being shot at from both sides of the street by the rioters. Two of our horses was badly shot, two or three men were hit with bricks, but at that time our men had not replied. They had orders from Robinson not to fire. When this man was killed he was in this hotel across the street, he was killed by a shot, as I remember, which went through the window or door. There were several, nine shots in the side of the hotel across the street, and several in the side of a house on the opposite side of the street. The mob were firing from both sides of the street, and why more of our men were not killed I don't know, unless they were very bad shots. As a result of this Private Moughan was arrested and held for murder and tried and acquitted, and it was proved that our men had .38-caliber Colts revolvers, and he was killed with a shot from a .45 caliber.

Chairman WALSH. It was a dispute that any trooper shot the man at all?

Maj. GROOME. It was disputed until it got to the court, and then it was decided that he could not have done it, because it was not a bullet that he had, and he was acquitted.

I would suggest in that connection, if you will allow me to, not having been there, I have the records in our office and it was impossible to bring all of the records, but if the commission is interested I would be very glad——

Chairman WALSH. We are interested, but I know I speak for the commission when I say that we would not care to retry the matter. The man was charged with murder and pleaded not guilty, and was tried before a court and jury and was acquitted?

Maj. GROOME. But this charge of brutality and other things, that they were quiet and peaceable when we arrived there, you have my oath and the deputy superintendent, but if you will subpœna the captain that was on duty and knows what the conditions are, and that spent his time there, and two or three of the sergeants there, they can tell you exactly the conditions.

Chairman WALSH. What was the captain?

Maj. GROOME. John F. Robinson.

Chairman WALSH. Where is he?

Maj. GROOME. He has resigned and accepted a position as editor of some paper in Chicago.

Chairman WALSH. We can probably get a statement from him.

Maj. GROOME. And from the men that were on duty there with him.

Chairman WALSH. Anything else you care to submit, yourself, Major?

Maj. GROOME. I don't think of anything else, sir.

Chairman WALSH. The investigation you made into the killing of Mr. Zambo, what was the result of that?

Maj. GROOME. That was the man that was shot.

Chairman WALSH. But you say you made an investigation independent of the court proceedings?

Maj. GROOME. The statement of Robinson was at that time we had not fired any shots, it was a criss-cross fire that went through the window and killed this man.

Chairman WALSH. You were satisfied from this investigation that your trooper did not shoot him, or any other trooper?

Maj. GROOME. Yes, sir. I would like to read one letter; it is very short.

Chairman WALSH. Very good.

Maj. GROOME. It is an incident that was spoken of in Maurer's book, in which he said everything was true. I have given you Judge Sadler's letter, and this is from a man named Panizzi, who has signed a letter in Maurer's book, as I saw the letter published on page 18:

GREENSBURG, PA., *March 22, 1915.*

Maj. JOHN C. GROOME,
Philadelphia, Pa.

DEAR SIR: I saw a letter published on page 18 of a certain book entitled, "The American Cossack," which said letter is dated, Latrobe, February 13, 1911, and purports to have been signed by me and others. I wish to say that I never signed such a letter, and never signed any letter attacking or criticising the State constabulary.

As a matter of fact, I do not know anything about the conditions upon the arrival of the State constabulary at Bradenville on the morning of April 22, 1910. I do know that there was trouble in and about Superior and Bradenville before their arrival, and at this date I do not know whether there was any lives lost prior to their arrival or not.

As to the reference to certain lives that were lost, set forth in this letter under "Question No. 4," I wish to say that I have no knowledge of the conditions in relation thereto, but understand that the State constabulary were not responsible in any manner for any of the lives that were lost, as referred to therein.

If the letter had been submitted to me at the time, I would have refused to sign it, and wish to say that I did not sign it and have no knowledge of the things referred to therein.

I wish to say further that I saw the constabulary almost daily during the period referred to in said letter and during the time of the strike at Bradenville and Superior and know that they acted in a quiet and lawful manner and conducted themselves as gentlemen, and the only times that persons were ordered from the streets were for the purpose of breaking up unlawful assemblies and maintaining order. I had no knowledge that my name had been used in such a connection prior to this date and never saw the letter referred to until to-day, or I would have written you sooner.

Very truly, yours, NOE PANIZZI.

That book of his is so ridiculous it is hardly worth while to go into it in detail, but I wanted to call your attention to two things that happened to catch my eyes that were not quite as accurate as the rest. I don't know of any other information I can give you further than this.

Chairman WALSH. Did you answer the question that your troop has never been detailed except at the request of the man in authority, where they were requested?

Maj. GROOME. No, sir; never. Even after the request, I don't send a detail until I have sent one of my own officers to investigate the condition. I have refused many requests of sheriffs because my men were not necessary.

Commissioner O'CONNELL. Just a moment ago you spoke of the possibility of the officers changing their numbers in order to avoid, as was charged, being known. Would it be possible for them to change coats with each other?

Maj. GROOME. I don't suppose it would.

Commissioner O'CONNELL. That could be readily done, could it?

Maj. GROOME. It probably could be done in the morning when they started to dress; it could not very well be done without taking off their belts and revolvers, and certainly it could not be done in a hurry as you and I would change our coats.

Commissioner O'CONNELL. It could be done, however?

Maj. GROOME. Yes, sir; if they saw fit.

Commissioner O'CONNELL. Well, where did I understand you to say their camps are located?

Maj. GROOME. They are not camps, but are barracks. They accommodate 55 men and stable 55 horses. One is at Pottsville, one at Wyoming, one at Greensburg, and one is at Butler. They are all published on the first page of that report.

Commissioner O'CONNELL. Now, you say those locations were not particularly selected because of the industrial situation of the State?

Maj. GROOME. They were selected because I got them from the records, as there was more disturbance, more murders, more robberies, more lawlessness in those localities than in the center or southern part of the State. They were also selected because it divided the State into four districts. It was necessary to locate them at four different localities, and I thought the logical distribution would be two in the eastern and two in the western. You will find they are about centrally located north and south in both places and about the center part of the eastern and western division of the State. The center of our State is a large farming district with such a small population that hardly necessitated locating them there. In addition to that location each year I establish what we call substations, from 30 to 40 or up to 60, depending on the amount of the appropriation of the legislature. They consist of three men. They get lodging at a farm house or a small hotel, and are scattered through 30 or 40 counties. There is a sufficient number of men, and two men from each substation patrol each day, and the other man remains in the station for any call that might come in. In that way there is a network of substations throughout the State that constantly patrol it within 25 or 30 miles. If the appropriation was large enough these substations would be out all of the year round, and I would have about 40 substations throughout the State and keep about 10 or 12 men in the barracks for an emergency, and it would give me a substation connected by telephone with the barracks and we could maintain law and order in the rural districts and help to prevent the escape of criminals. I carry that plan out as long as the money lasts, as long as the appropriation holds out.

Commissioner O'CONNELL. It seems that from the location they are largely situated with large industrial centers of the State. Pottsville—that is a coal center and near Philadelphia—that is a large industrial center. Now, Butler, that is near Pittsburgh, and that is one of the great industrial centers, and in the center of the State in Westmoreland, there are coal fields there. Assuming that the coal territory of Westmoreland field, there had been many strikes there, and in the last year I think it has been a continual run of strikes; there is one located in that field. Whether the location of these may seem to be divided into portions of the State, it would seem that they are in close proximity to the real industrial centers of the State?

Maj. GROOME. Because the real industrial centers of the State is where the large number of foreigners, who I think are the most lawless element we have, are located.

Commissioner O'CONNELL. You would not call the Butler section a farmer's section?

Maj. GROOME. No; foreigners, I said.

Commissioner O'CONNELL. I beg your pardon.

Maj. GROOME. No; the farmers are pretty tame.

Commissioner O'CONNELL. In Butler proper, it is not an industrial section. There are no large number of foreigners in there?

Maj. GROOME. There are car shops there.

Commissioner O'CONNELL. Yes, sir; but they are small car shops; I know Butler very well.

Maj. GROOME. The location is somewhat influenced by accommodations; that particular Butler troop used to be at Punxsutawney for a number of years. They were located in the exhibition building at the old world's fair ground, and were sleeping on the first floor with the rain leaking through the roof, and it was impossible to get a building at Punxsutawney and I was compelled to go to Butler to accommodate them. I was rather limited in my appropriation and was not allowed to buy property, but was compelled to rent, and in small towns it is a rather difficult proposition to rent a house that will hold 55 men and also stable 55 horses.

Commissioner O'CONNELL. Any examinations that are given the applicant for a position on the force, are they allowed any marks as to previous military experience?

Maj. GROOME. As to their character?

Commissioner O'CONNELL. What number of marks?

Maj. GROOME. It is not divided on marks.

Commissioner O'CONNELL. Per cent on the 100?

Maj. GROOME. No, sir; it is divided into three examinations—moral, physical, and mental. If their moral characted is vouched for by an excellent discharge by an officer we are very glad to get them.

Commissioner O'CONNELL. Would their discharge card from the United States Army be taken as a better per cent, perhaps because of their military experience, than private citizens who would have a recommendation of high moral character from other sources?

Maj. GROOME. Their moral character would not be considered better, but they would be more desirable because they had the training in riding and self-restraint and discipline, which the private citizen can not get, and in getting the force we have found that private citizens do not like the life, and like to get up at 6 o'clock and clean their horse and be required to go to bed at 10 o'clock at night.

Commissioner O'CONNELL. They would be granted the preference because of their military experience?

Maj. GROOME. It is more desirable and saves time and money to the State in training them.

Commissioner O'CONNELL. And probably having been subject to a better discipline, and they have all had training in carrying out orders regardless of what they might be? It is charged that these companies when they are in localities where strikes are in existence, as for instance at Bethlehem, that their headquarters are made in the plant of the offices of the corporation. Is that the policy followed?

Maj. GROOME. No, sir; it is not followed; and in certain instances it is impossible to get accommodations for them anywhere else. At Bethlehem the hotels and lodging houses expressly refused to accommodate them, and at the instructions of the sheriff the men were housed, and the horses on the property of the Bethlehem steel plant, because there was no other accommodations for them. I may say during that time orders were issued, and which are distinctly understood, that the men were not watchmen for the Bethlehem Steel Co. and were not allowed to patrol or to protect inside of the property of the steel company, to let their own railroad officers do that, that we were not watchmen for the corporation, and the sheriff understood that and understood that we were to patrol the street and keep law and order on the streets.

Commissioner O'CONNELL. Are the policemen required to wear their uniforms at all times?

Maj. GROOME. Except when they are in—they get 14 days a year vacation.

Commissioner O'CONNELL. For instance, as in the case of Bethlehem, it is charged that they were circulating among the rioters, as you call them, and strikers I will call them, in civilian clothing?

Maj. GROOME. That I am not positive of.

Commissioner HARRIMAN. That was at Hazelton.

Commissioner O'CONNELL. The same charge was made in Bethlehem.

Maj. GROOME. We have found that there was a great demand from district attorneys and judges for men to operate in plain clothes, and at the present time the district attorneys have not the authority to hire a detective, but they have one detective in the county who is probably an intimate friend of everybody else in the county, and we have had so many calls for assistance of men in plain clothes for murders and similar crimes by the district attorneys that we have used plain-clothes men very frequently in the last six or seven years, and I think we had developed probably five or six men who are very excellent detectives. Beyond that, if we get a complaint from a locality that there have been chicken houses robbed four or five nights in succession, and the police is known, we will send a man around in plain clothes to investigate.

Commissioner O'CONNELL. The ordinary method of catching a thief?

Maj. GROOME. Yes, sir.

Commissioner O'CONNELL. But in the matter of charging a riot is going on, and the streets are crowded in a city where these places are located, are they permitted there to don citizens' uniforms and go in among the crowd to gather information?

Maj. GROOME. They might be permitted; I don't think it is ordered. At Hazelton we had one man in plain clothes who was sent there. I sent him there probably two weeks before the detail was asked to find out for me whether the force was needed or whether the chief of police and burgesses were lying down on their jobs. He was there for two weeks and remained in plain clothes for some time after the detail arrived, and at the same time the railroad company had 20 Pinkerton detectives there in plain clothes. I know that; I have seen the report and know the men were there; the Pinkerton detective is something I know nothing about.

Commissioner O'CONNELL. Did you make an investigation or have one made when the request came in to send the troop to Bethlehem before they were sent?

Maj. GROOME. I could not make one, the telegrams started coming in Thursday morning and continued about the serious conditions, and they kept up until Friday night, and I was tired out, and so was every available man I had, keeping the city of Philadelphia quiet.

Commissioner O'CONNELL. I thought you said in all cases before they were sent you had an investigation made?

Maj. GROOME. I do when it is possible.

Commissioner O'CONNELL. But in this case at Bethlehem?

Maj. GROOME. I did not.

Commissioner O'CONNELL. Was there any request made to you from any other officer of the law in that vicinity except the sheriff, such as the mayor?

Maj. GROOME. The sheriff and the mayor, if I recall correctly. The only record I have here is the sheriff of Northampton County. Some local authority had taken the matter up with the governor, and I think Mr. Cunningham, who is present here now, in conference with the governor went so far as to take it up with the adjutant general to see if they would order out the National Guard. I was not present, but Mr. Cunningham was there and was present, and he knows about the trouble and the personal requests from the local authorities, and my information was from him, and my request.

Commissioner O'CONNELL. Is the organization now, as you have perfected it, keeping up with the requirements of that special police service in the State? Is it filling all the requirements of the case? Is it sufficiently large to cover all the requirements of the State?

Maj. GROOME. No; it can not be when we have 10 requests a day and can only reply to about 1.

Commissioner O'CONNELL. Is that the reason you asked the legislature to increase the number?

Maj. GROOME. And give us a sufficient number of men. We have 200 men and 45,000 square miles of territory.

Commissioner O'CONNELL. What was the increase asked for?

Maj. GROOME. One hundred and ten men—25 or 30 men added to each troop. It would have given us about 310 men.

Commissioner O'CONNELL. How many cases in 1913 and 1914 were you called upon to look after, what you call riots, and what I call strikes, industrial disputes?

Maj. GROOME. I think I have a copy of that with me.

Commissioner O'CONNELL. You have that.

Mr. CUNNINGHAM. I just want to refresh his recollection of where he can find it in his original report.

Commissioner O'CONNELL. We have that then in the report. Now, what proportion of arrests made of the total number of arrests made that you gave us there were arrests made during times when labor disputes were in existence?

Maj. GROOME. Well, that is very hard to arrive at, but out of the total number of 24,000 there were 530 for rioting itself.

Commissioner O'CONNELL. And that would be where there was no other rioting except in a case where you term it a strike?

Maj. GROOME. Oh, yes. I am not familiar with that particular fact; there are several different riots, but that is for rioting where a number of men gather together and are violating the law.

Commissioner O'CONNELL. I asked you a while ago when another point was up and the chairman asked to discontinue at that time, whether at this school where you train these policemen that you taught them the rights of citizenship. Do you teach them what the laws of the State are? Do you drill into a man, for instance, what a violation of a law is and what the laws are? Now, do you teach them what the rights of a citizen is in a conservative way, advise them how to act. A man standing on a street corner might be a violation of a city ordinance. I think in the District of Columbia, where we are now, one standing on a street corner or crossing in the middle of the street is a violation of the city ordinance—that we should cross where the crossings are. Taking the laws as a man should carry them out, are they instructed to overlook some things that are real and technical violations of the law?

Maj. GROOME. I don't know that they are, but they are instructed as to how to treat all of the citizens. They know the law, they know what a man can not do, and what is legal without having to be taught. I remember telling them originally, when the force was first organized, that I considered a man should be a gentleman as well as a policeman, and I expected them to treat elderly people and women and children with the greatest consideration at all times. I think they took that to heart, and I am perfectly free to say that I think my men are nearer gentlemen in their conduct than any police force in this country. We have never had a complaint from a law-abiding citizen as to their conduct. I think I had one about a man when a Congressman was arrested for speeding his automobile, and he thought he had special privileges, and aside from that I can not remember a complaint from a law-abiding citizen as to any infringement of their rights. The other members of the community, if they do infringe their rights, let us know by having our men arrested and held without warrant for assault and battery and various things, but we have never yet had a man complain of a man convicted on a trumped-up charge preferred against the force.

Commissioner O'CONNELL. Have you had any occasions in which you have had to bring the members of your force before your own board or court, as you call it?

Maj. GROOME. Yes, sir; I have dismissed 155 men, I think, in the 10 years, for violations of orders—156. No; 166, I have discharged in 10 years.

Commissioner O'CONNELL. For violation of your orders?

Maj. GROOME. Yes, sir.

Commissioner O'CONNELL. Have there been any of them dismissed for impositions upon citizens? Have any of them been convicted in the courts for breaking of the laws in the way of taking it into their own hands?

Maj. GROOME. No, sir.

Commissioner O'CONNELL. Were any of these cases of discharge where they beat old men and knocked them down in the streets, with their police clubs; were any of them investigated by you?

Maj. GROOME. It was investigated by me in so far—well, where the charge was pressed and the men were arrested they were investigated, and where it was probed, it was reported in the morning report from our commanding officer. I see those reports, and the length of them depends on the activity. They are six or eight pages long, and I get one every day from each commanding officer.

Commissioner O'CONNELL. The troops that were camped in the Bethlehem yards during their stay there, they were fed in the yards of the shop of the company or the shop of company?

Maj. GROOME. In the company's building.

Commissioner O'CONNELL. Did the State pay for their feeding?

Maj. GROOME. No, sir; the men pay for it themselves.

Commissioner O'CONNELL. Who did they pay for it?

Maj. GROOME. I think they had a commissary there, and that was the way it was done.

Commissioner O'CONNELL. Was that paid through the Bethlehem Steel Co.?

Maj. GROOME. Yes, sir.

Commissioner O'CONNELL. Does your record show how that was managed and straightened out?

Maj. GROOME. Yes, sir. The act provides that the men shall board and lodge themselves. The men have a mess committee to buy their food. They can make their meals cost what they want—$65 or $70 a month or less. It figures out the way they have it about 55 cents a day. At the end of the month they may pay 55 cents a day to the troop treasurer, who pays their meat bills or bread bills or whatever it may be. That is the way they pay it. When they are in the substation work or detached work they still pay 55 cents a day to the troop treasurer, and the bills for their food is sent to the treasurer and he pays it. I think at the Bethlehem they came from the Bethlehem commissary, but it is all on record as to who paid it and what was done.

Commissioner GARRETSON. Major, a moment ago you said that no law-abiding citizen had filed a complaint against members of the constabulary, but that others did.

Maj. GROOME. No, sir; I didn't say that.

Commissioner GARRETSON. How was it, or had them arrested?

Maj. GROOME. I said that they had been arrested, but to my personal knowledge there had been no complaints, not to me personally.

Commissioner GARRETSON. Is that your test for a law-abiding citizen, whether or not he has filed charges against the constabulary?

Maj. GROOME. No, sir; and I didn't say so.

Commissioner GARRETSON. I want to know whether it was or not?

Maj. GROOME. Certainly not.

Commissioner GROOME. You said no law-abiding citizen had done it?

Maj. GROOME. I can qualify that by saying no citizen has complained to me about their conduct. Naturally they complained, if some man in a small town had a man arrested, but that is not made to me, or comes to me. They might say this man is beating my dog or horse or something of that kind and have him arrested.

Commissioner GARRETSON. But you created the distinction between these men. You distinguished between a man that had him arrested as a nonlaw-abiding citizen, because you put him in the other class.

Maj. GROOME. That was not my meaning of the word. It was only to separate those people from some of the charges made in the mob at Bethlehem, which were proved in court to be absolutely untrue. Those men are considered not law abiding when they perjured themselves.

Commissioner O'CONNELL. Then you will admit that it is possible that some of the law-abiding citizens had them arrested?

Maj. GROOME. It is quite possible.

Commissioner GARRETSON. Now, you used the statement earlier on, or the language early in your statement, that it was difficult to distinguish between a striker, a rough, and a thug. From the standpoint of the State constabulary does a striker or a workingman, a thug and a rough, bear a marked comparison to each other?

Maj. GROOME. No, sir; I might go on and say that it is not possible in a mob to distinguish between a banker, a lawyer, a judge, an ironworker, a millionaire, or a professional gambler.

Commissioner GARRETSON. You might have, but you did not.

Maj. GROOME. I didn't want to take up so much time. I would like to correct my statement that in a crowd of eight or nine thousand people it is impossible for the State police to tell a man's profession by looking at him.

Commissioner GARRETSON. Have you ever had any difficulty with your men injuring any of these classes that you have named—I mean that you have added on?

Maj. GROOME. I am not sure whether we have or not. I am not familiar with the professions of the 25,000 men that have been arrested by the State police, although we have the records at Harrisburg.

Commissioner GARRETSON. I notice that you stated that your headquarters were in the car barns in Philadelphia.

Maj. GROOME. Yes, sir.

Commissioner GARRETSON. It has been asserted that the headquarters of the constabulary at Bethlehem was inside the steel works?

Maj. GROOME. Yes, sir.

Commissioner GARRETSON. And has the constabulary ever made its headquarters at strike headquarters.

Maj. GROOME. It has never been invited, and I don't think they could accommodate the men; they are not large enough.

Commissioner GARRETSON. When you make your headquarters, as they are accused, you make your headquarters in the domicile of one part of the contestants; is that method calculated to breed belief in your impartiality?

Maj. GROOME. That it is impossible for me to say, what it breeds. The only time the State police are housed, or the constabulary, on the property of a corporation has been occasions when it was impossible to get accommodations anywhere else. In Philadelphia the director of public safety, who I think thought we needed a little work, assigned me to the Kensington district and gave me a territory about 8 squares square, and took all of his police away and said that he would leave it to my force to maintain law and order in this territory and keep the cars moving. In that territory there were no buildings of any kind or character or description to put 178 men and horses in except the car barns. We went over there, much to the annoyance of the car officials, and made them take their cars out of there—they had something like 200 there—and we put up posts to tie the horses to and put hay on the floor, and I slept in the loft myself, because there was no other place for me to sleep.

Commissioner GARRETSON. Was that practice regularly followed?

Maj. GROOME. Not necessarily.

Commissioner GARRETSON. Do you believe it would have a good effect?

Maj. GROOME. What would you do, where would you stay if there was not any fitting accommodations there? Where would you put them?

Commissioner GARRETSON. I would not like to tell you, because I am not under examination. If there was any question, I certainly would not put them in the headquarters of either party in the contention.

Maj. GROOME. You have never been in command, and responsible for the lives of 200 men and horses.

Commissioner GARRETSON. I have been in command and responsible for the lives and welfare of a good many men under just such conditions.

Maj. GROOME. I will repeat, that it was not from choice that the few occasions in which the force has been in the buildings of corporations, but it is purely from necessity.

Commissioner GARRETSON. It is just then from the necessity that they permit a condition to arise that is calculated to build prejudice. Can it be fraud, that is the question?

Maj. GROOME. I don't know whether it can be or not. I think if you will take the activities of the force for 10 years, the disturbances there have been the number of arrests they have made, and the order they have maintained, you will find that upon only two occasions in all of their toll of duty they have been housed on the property of corporations, and upon those two occasions it was a question of necessity, and I don't think they could be accused of creating bad feeling or sentiment on either side.

Commissioner GARRETSON. Have you ever looked up the record of the Northwestern Mounted Police in matters of that kind?

Maj. GROOME. Yes, sir.

Commissioner GARRETSON. Do you know what their policy is?

Maj. GROOME. They don't have barracks.

Commissioner GARRETSON. And they don't live in corporation quarters, either?

Maj. GROOME. They don't have to; they send out two men at a time. We have never quartered a paid policeman on corporation property where we had less than 10 or 15 men in the detail. When we have had 100 or 200 it was necessary once or twice.

Commissioner GARRETSON. Have the strikers ever won a case where the constabulary was called in in Pennsylvania?

Maj. GROOME. What kind of a strike?

Commissioner GARRETSON. Regardless of whether the merits are good, bad, or indifferent, have they ever won a strike when the constabulary was called in?

Maj. GROOME. I have no means of knowing.

Commissioner GARRETSON. What are the purposes underlying the formation of the Royal Irish Constabulary?

Maj. GROOME. I have no means of knowing.

Commissioner GARRETSON. Was it not purely political oppression?

Maj. GROOME. That was long before I was born.

Commissioner GARRETSON. You have not taken the trouble to read up? It would be very interesting to learn that they are similar not only in formation but in object.

Maj. GROOME. It probably would be, but I did not create the Royal Irish Constabulary. My only job is to try and maintain law and order, and I have not gone into the organization of the police forces throughout the world.

Commissioner GARRETSON. Do you believe that law and order cease to exist because there is a strike?

Maj. GROOME. I don't know anything about it.

Commissioner GARRETSON. That is all.

Maj. GROOME. May I read one letter. There seems to be a great deal of emphasis put on the strike. I happened to bring one of the morning reports, during the riot, from the commanding officer who was sent to East Pittsburgh at the request of the sheriff. You asked some time ago what orders were given. The only orders given to an officer taking a detail out is to maintain law and order, and he issues such orders as the circumstances necessitate when he arrives on the spot. This is the report, the first report from Capt. Adams [reading]:

JUNE 30, 1914.

THE SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to report conditions at East Pittsburgh and vicinity in connection with the strike of employees of the Westinghouse industries, which are comprised of the Westinghouse Electric, the Westinghouse Machine, the Westinghouse Air Brake, and the Westinghouse Meter Cos.; also the Union Switch & Signal Co. With the exception of the Westinghouse Air Brake Co. at Wilmerding and the Westinghouse Foundries at Trafford City the employees to the amount of about 90 per cent have been on strike for nearly a month. Up until yesterday it was reported that the strikers conducted themselves in an orderly manner, but on Monday morning a large crowd, amounting to about 2,500 people, massed about the electric and machine plants preventing a number of the office force and others employed about the plant from entering, compelling passengers on street cars to alight and to travel in directions opposite to that of the plants. No one was injured.

According to your instructions, upon receipt of a telegram from the sheriff of Allegheny County, which I herewith inclose, I proceeded to East Pittsburgh with 30 enlisted men, where I was later joined by Lieut. Marsh and 2 additional enlisted men. Upon arrival at East Pittsburgh at about 5.30 p. m. we were met by a large crowd of citizens from Turtle Creek, East Pittsburgh, and other surrounding small boroughs numbering, I should say, between 2,000 and 3,000. This crowd showed no disposition toward violence other than cheers mixed with hoots, jeers, and hisses. I proceeded to the Borough Building, where I met the chief of police of East Pittsburgh, who expressed satisfaction at our arrival in the borough and promised the cooperation of his force. I then proceeded to the headquarters of the striking employees of the Westinghouse interests, where I met the members of the strike committee, and on which occasion I made plain to them that it would be absolutely necessary for them to maintain peace and good order in and about the streets surrounding the affected plants; that it would be necessary for their pickets to abstain from hoots, jeers, hisses, or laying their hands upon persons passing along the streets. This they promised to do.

At 5.45 this morning I posted the entire force along the streets which bound the Westinghouse plants, in such a manner that they coulud easily cooperate with each other. There were at least 3,000 persons on the streets in this vicinity at 6.30 a. m. and remained during the time that the employees, who have remained at work, assembled at the plant. It was not necessary for our men to make arrests except in one occasion in which a man slightly under the influence of liquor and inclined to be boisterous was detained for half an hour until his friends came and promised to conduct him to his home and vouched for his future good behavior when he was released. The men remained upon the streets until 9.30 a. m., and were again posted on the streets at 11.45 a. m. where they remained until 1.30 p. m.

The men and horses are quartered in a building, the property of the Westinghouse Electric Co., this being necessary because hotels capable of accommodating our men refused to grant us accommodations. In connection with this incident I wish to state that a hotel keeper arranged with me and showed me

rooms sufficient to accommodate 26 men and offered me a rate of $1.50 per day per man. Later in the day, however, he became alarmed on account of the fear of boycott and decided that he would not accommodate us. The men are being fed in the restaurant provided for the female employees of the Westinghouse Electric Co. previous to the strike.

I met the strike committee at noon to-day and told them that it would be necessary for them to reduce the number of pickets on a foot bridge which crosses the Westinghouse properties from the main thoroughfare of East Pittsburgh to the Pennsylvania Railroad, as during the morning there was a continuous parade of strikers, amounting to about 200, across this bridge, which is nearly 150 yards long, making it difficult for the large number of employees of the Westinghouse Co. to cross the same to their work. This they readily consented to do, and promised to send but 20 men to this bridge in the morning, and each was to bear a badge designating his authority from the union. They further promised that these men would be composed of their most reputable members, for whom they could vouch would do everything in their power to maintain peace and good order.

While there is a large number of employees involved in this strike and are made up of various classes of citizens, some of those of which are high-salaried workmen of the Westinghouse plants and others of the ordinary labor type of foreigner, I do not anticipate any trouble handling the situation so long as the present committee is in control.

There are, however, a few members of the I. W. W. who are circulating among the foreign element and counsel violence. At present, however, they have received scant attention. I believe that the presence of our men is quite likely to prevent serious disorder at this place.

There was a long conference between the strike committee and the authorities of the Westinghouse interests this afternoon, and considerable progress was made toward a settlement.

Very respectfully,

LYNN G. ADAMS,
Captain, State Police, Commanding Troop A.

Copy furnished Supt. Groome at Philadelphia.

That is simply to show you that in case of a strike, where the riot which is caused by the strike of laboring men, that they consult with them and arrange to maintain law and order, and that ordinarily it is very easy to do. This shows that the labor unions conferred and agreed with Capt. Adams as to the number of pickets they should have, and that they would put badges on them so that they could be easily picked out and not be mistaken for others, and in that way there was not a particle of trouble.

Commissioner LENNON. That is another case where they were taken care of in the company's property?

Maj. GROOME. That is a case where the horses were in the company's——

Chairman WALSH. Where was that?

Maj. GROOME. East Pittsburgh.

Commissioner LENNON. Would you kindly furnish us from your record—not now, but when you have the opportunity, and send it to headquarters—the record of the number of times the troop has been called to serve in strikes and the number of times the men or horses or provisions have been provided in or by the corporations or by the employers?

Maj. GROOME. Yes, sir. You have that information as to the number of strikes in the letter I sent in answer to the questions you gave me two weeks ago; and there are a number of other things that I will get for you.

(See Groome Exhibit at the end of this subject.)

Chairman WALSH. Where were the constabulary housed during the strike at New Castle during 1909 and 1910?

Maj. GROOME. I have not the 1909 and 1910 report. I will have to give you that. It is six or seven years ago, and I have not got all these details in my head as I would like to have. I will probably have to look through these annual reports a moment——

Chairman WALSH. Perhaps Mr. Cunningham or Capt. Longly can get it.

Mr. CUNNINGHAM. We will procure that.

Chairman WALSH. Were you present at the molders' strike, in 1912, at Erie?

Maj. GROOME. No, sir; I only take command when the entire force or squadron is out. When one troop or portion of troop is out the commanding officer

of that troop is with them; when all are out then I take command as the senior officer; but I do not interfere with them in their——

Chairman WALSH. That is all, then, Major; thank you.

Mr. J. G. Sebald.

Mr. CUNNINGHAM. There is the deputy superintendent, Mr. Chairman.

Chairman WALSH. Yes, thank you; I thought I would put Mr. Sebald on first, because I thought my question there might be something that you might wish to answer.

Mr. CUNNINGHAM. Very glad to have you do so, thank you. I was only afraid you might overlook——

Chairman WALSH. Very well. I will try to keep it in mind.

Mr. Sebald.

TESTIMONY OF MR. JOHN G. SEBALD.

Chairman WALSH. State your name.

Mr. SEBALD. John G. Sebald.

Chairman WALSH. Where is your residence?

Mr. SEBALD. Nine forty-five West Sixteenth Street, Erie, Pa.

Chairman WALSH. What is your occupation?

Mr. SEBALD. Cement worker and contractor.

Chairman WALSH. Were you in Erie during the molders' strike in 1912?

Mr. SEBALD. Yes, sir.

Chairman WALSH. Why was the strike called?

Mr. SEBALD. The strike was called for better conditions, more wages, and shorter hours.

Chairman WALSH. What were the hours and wages at the time the strike was called? What number of men were engaged in the strike, and what were their demands?

Mr. SEBALD. The demands were $3.25 a day; and in respect to the wages and rates involved—I did not come here prepared with my attorney or with any papers. I will have to speak just from my own knowledge. I was called away on short notice. I received—my work, I worked at the Erie foundry more than 15 years. The highest wages were $3, and three months before the strike I had to go to Walker's in order to get the $3. I was getting the highest wages—I was what they called an all-around man, what they called a skin-the-cat man, and could do anything—when any man laid off I would take his place. The lowest paid man was getting $1.60 a day, and we demanded nine hours' work. They worked at the Erie foundry until 9 o'clock without receiving any overtime. Whe we demanded overtime we did not demand time and a half or time and a quarter, but we demanded time. And the foreman told us if we don't like this job, git. There are a lot of men around Erie we can get.

Chairman WALSH. How many men were on the strike?

Mr. SEBALD. On the strike there we 856 men; that is, 800 with the molders and the machine operators, and 56 or 65 apprentice boys, if I am not mistaken.

Chairman WALSH. How long did the strike last?

Mr. SEBALD. The strike lasted—the first shop was taken out on the 25th or 27th of November, 1912, and it lasted up until some time in March, 1914.

Chairman WALSH. Now, was the strike a peaceable one or was there violence?

Mr. SEBALD. There was no violence in the strike whatever.

Chairman WALSH. How did the local authorities treat the strikers, and how did the strikers treat the local authorities?

Mr. SEBALD. As far as the local authorities treating the strikers, they treated them rotten—very rotten; because I know I went through the strike and took care of the men, and was instructed from the mayor and his office. He telephoned down to the police court, and the chief told them fellows not to lay their hands on "Baldy"—that is my nickname—and he wanted to give me special police paper to go out and take care of the men; and I told him I refused to take special police papers because the boys would think I was standing in with them, but I would go out and take care of the boys, and any man who got drunk on the line or around the street I would take care of him and see that he gets home safe and sound, and did not allow no man to carry no weapons, not even a pocketknife with a blade more than 2 inches long.

We had two Italians on the strike. I took their pocketknives away from them, and on the strike we did not carry knives, but I found that the men on the other side had the privilege of carrying knives and actually did, and slingshots were taken into police court from Hayes, so that they could not use it on

us, and they told me I was running great chances in going from Eighth and State Streets to Seventh and Pearl with that thing in my pocket, and yet the other fellow that I took it away from and induced to come over to us had been walking around with it three weeks and was not bothered, and the chief of police himself told me I was running a big chance. Now, I don't see where the city of Erie has any ordinance that a man can't stand on a street corner for any reason. They say that two is a couple and three a crowd, and four on the sidewalk, that's never allowed; but we did not dare to walk in pairs. We had to walk single file. Now picture yourself, if you go away with your wife, but you don't have to wait until after 7 o'clock or after supper to go, but my wife and I, when we would go away, we never was stopped, but I have seen a case where they stopped a fellow with girls coming home, and would make them walk single file, and the man refused and they took him down to police court and charged him with disorderly conduct. Now, I was in police court 54 separate times, and the mayor called me up and he says, "John, you will have to cut that out or I will have to put you back of the bars," and I told him I had as much right to be in the police court and as much right as he or the chief of police or anybody else, because I am a taxpayer. What business had the police to stop me from going there? I offered to watch our men, and I tried to avoid any disorder, and if a man was drunk I would see that he was taken care of and see that they did not land him in jail. I did that of my own personal wish.

Chairman WALSH. Now, Mr. Sebald, were the State constabulary called into that strike?

Mr. SEBALD. They were called in there. They were called in by the sheriff at request of the mayor.

Chairman WALSH. Now, had there been violence before they were called in?

Mr. SEBALD. No, sir.

Chairman WALSH. Had there been fights or rock throwing or anything of that sort?

Mr. SEBALD. No, sir.

Chairman WALSH. Well, were there charges for such—were men arrested for that?

Mr. SEBALD. Well, one charge was over in the Polish settlement. They upturned a van with the strike breakers in it. The strike breakers caused the trouble. They called one of the men—I don't want to use the words in the presence of the women here, and it was the men that started it, but the women folks in the neighborhood got so mad they went to work and helped turn up the van.

Chairman WALSH. Now, did you have criticism as to the way the constabulary acted after their arrival?

Mr. SEBALD. Did I?

Chairman WALSH. Yes. How did the constabulary act, Mr. Sebald?

Mr. SEBALD. Well, I had my own experiences. I had no time, as I said before, to write this out, but I will state my case as to the State constabulary. They arrived—they were all—the first day they arrived they were all gentlemen, they were nice. Every one of them that met me addressed me as "Good morning, Baldy." I never met the men before, never saw them before, but it had been tipped off to them by the manufacturers' association, "That is the big guy. That is the guy you want to get." So we didn't pay any more attention to it, and I answered the men until about—well, the second—or that night. They came in in the morning, I judge about 5 o'clock, over the Bessemer Road. That night they went to work and went over in this Polish settlement, and one of the Cossacks—which I was not over there, but by the experience of the men that told me—the Cossack insulted a woman and a child; and some old man about 60 years old was coming along home with a shovel—a long-handled shovel—and he heard the remarks, and he told the Cossack, "If I was as young as you are, I would smash your head," and the Cossack said, "It is not up to you to say anything, and if you do I will knock your block off." And the old fellow forgot himself and he landed with the shovel on the Cossack. And Mr. Cossack—we called them Cossacks. He was a member of the State constabulary, and he went to charge and ride at the old man, and the old man got into a saloon, and he takes his horse and rides into the saloon and gets off his mount and strikes the man and knocks him down, and his horse walks out back to the curb. Now, that is the first trouble we had in Erie. It was the first night the Cossacks arrived there. There wasn't any bloodshed at all outside of that. There was no trouble at all when I was there. We were called out

on the 13th day of December and we went through the strike peaceably and behaved; and also I have a recommendation that I am a peaceful citizen.

Chairman WALSH. How long were the constabulary there, Mr. Sebald?

Mr. SEBALD. Well, I have no diary of it, but I should judge they came there, if I am not mistaken, in April and left some time in March, 1914. I don't know which day.

Chairman WALSH. Please proceed and give us as concisely as possible your personal experiences.

Mr. SEBALD. There are no dates now.

Chairman WALSH. Never mind the dates.

Mr. SEBALD. And I can't give the number of the men, because they would have their hats turned around or would hide their number so we could not see it.

I was going up Walnut Street, from Twelfth to Sixteenth, over the Lake Shore tracks, when—near Walker's, between the Lake Shore track and Huron, and a foreman of the shop said to me, "John, you are getting pretty fat. Let's get a drink." And I was not drinking at the time, but he didn't know that. He said, "You are smoking cigarettes and the organizers are smoking 10-cent cigars." And I said that it was none of his business, and if he wanted a 10-cent cigar I would buy him one. There was an injunction hanging over my head. He asked me to go down as far as Twelfth Street, and I fell for it. That is two squares, and when I got there he walked over and said something to a constabulary, and the constabulary came up to me, and I said, "If you are looking for trouble, I will give it to you." And he used words something that I would not stand for my mother to call me. But he worked for the government, and I was scared of him, big as I am. He said to me that I would either have to move on or he would beat the head off of my shoulders, and I said, "Now, Jack, that is nothing to brag about; anybody can do that." And he said, "Never mind; you go about and mind your own business." And I was a peaceable man, and so I left.

I walked up as far as Huron Street, thinking this man had forgotten me. I walked up Walnut and he went up Cherry, and when I got up as far as Huron and Walnut, as far as the restaurant, there were five Italians there, and I asked one of them for a match; and he was looking for a match through his pockets when this constabulary came around Sixteenth Street, and when these boys saw that they beat it, and I said to them, "Come on back and give me a match." I said it in fun, and two of them came back, and one of them gave me a match. And I was standing on the sidewalk, and it was about 12 feet wide, and I was in the center, and this constabulary came down and reared his horse up on the sidewalk right at me. I knew I was up against it, and he said, "You are going to incite a riot, and I will riot. I will take that German block of yours and knock it off your shoulders." And I said, "If that is the case, I suppose my case is to beat it," and he said, "You beat it." So I beat it two squares up to Seventeenth Street and went into a saloon and restaurant there. This occurred about half past 4, and he kept me in there until about 6 o'clock, and I dared not come out until 6 o'clock to go over to my mother's. That is one of the incidents.

Another incident: I was down in the registry of my precinct, and I had worked around the house all day, and at about 2 o'clock I went to the precinct to register; I will say about half past 3 it was, and coming back from registering I crossed the subway at Liberty under the Lake Shore and the Pennsylvania tracks; and there is an old man there to flag the trains, and when I saw him he remarked to me—he said, "Baldy, are you next?" and I said, "What do you mean?" And he said, "Don't you see the Cossacks watching you?" And I said that I saw them but that I wasn't bothering them and I hoped they wouldn't bother me. And they were standing on Twelfth Street, three of them, facing me. And I stood there a few minutes and then went to Plum Street, three squares away, and I was talking to a conductor and brakeman there, and we talked about the labor trouble, and they asked me how things were, and I said, "Fine"; and I looked and I saw helmets coming up the street, and I said, "It is time for me to beat it; I see them coming and they will get me"; and the brakeman said, "You stick, Baldy, and we will show fight; there are four of us and you make a fifth, and we will clean them up." I said, "Nothing doing, for they have got guns 4 feet, or 2 feet long, and clubs 4 feet long, and there is nothing doing." I said, "Don't do anything; I will walk away peaceably, and give them no show, and I walked up as far as Sixteenth Street. I was on the east side of the road; I lived on Sixteenth between Plum and Cascade, and I had to cross Sixteenth Street to get home.

I was fixing my lawn and had to go up that way, and when the three came along I was standing there, and the little one in the center, I don't know his name or number, but he was an Italian, he reared his horse up and threw him over in front of me within a few inches of me, and the horse's jaw cut my face; and I didn't say, "What is the matter?" and I didn't care; to tell the truth, I was scared; I thought I didn't want to die; I am pretty young for that. He said to me, "Where are you going?" And I said I was going home, and he used vile language again and said, "We are onto you, now you go home and we are going to watch you." And I thought to myself, "If you watch me, all right." I knew I was going home, and I went.

And it was only three quarters of a square to my house, and there is a side entrance, and a side porch, and I went into the kitchen and my wife said, "What is the matter; you are pale; you look scared?" And I told her to look outside and she would see enough to scare a horse, and when she went and looked out there were those three Cossacks standing along the curb, and the three of them gave her the "ha ha"; what do you know about that? And I am afraid to say anything.

There is another incident, and I am only giving instances in my own experience, nothing I heard but my own experience. A woman lives next door to me, Mrs. Bennett, a French women, who married an Italian, and she has four boys, the smallest one 3 or 4 years old, and this State constabulary having their barn about 150 feet from my place, they had horses housed in the manufacturers' association foundry, and they used to come down there and throw down lumps of sugar and the horse would get down on his knees and pick up the lumps of sugar, and they thought that was cute—see? And these little boys took stones and threw the stones down in front of them, thinking the horse would fall for the stones, see? And the constabulary he gets off and walks into that house—he jumps off his horse and walks in, and told this woman, and the language he used was a shame, he says to her—I won't use the language, but he says to her, "If you can't train your children, we will train you and your old man as you were never trained before," and the woman was standing there trembling, and me as a citizen and taxpayer didn't dare to say anything. Why? Because if I had they would have lit into me for starting a disturbance, and they would have had me indicted for it. That is where the whole thing comes up.

There was another incident at my mother's place on Seventeenth Street, between Walnut and Cherry. I was called down to my mother's, my father is dead, and two brothers of mine dead, and I am the oldest boy and take care of my mother's repairing, and I went over there to fix up her gas stove, the bottom was rusted away, and I had done carpenter work on the side.

Getting through with the job, I judge about a quarter to 4, I walked out of the gate and as I walked out of the gate, a Cossack came up and asked me where I was going. I told him I was going home, and he said "You better stay where you are"; that is the proposition I was up against. I had to go back into my mother's and stay there from a quarter to 4 until 6 o'clock, until I saw him go away, at 6 o'clock he went away; they go back to their headquarters at Sixteenth and Cascade to the National Foundry; it is a foundry that has not been used for years, and they put their horses in there free gratis, I suppose, because they would have to pay to keep them at a livery stable, and that would cost too much.

Chairman WALSH. Have you other instances you complain of, of your own treatment?

Mr. SEBALD. That is about all of my own.

Chairman WALSH. Did the striking molders——

Mr. SEBALD (interrupting). Just a moment. I want to tell about one more incident. I don't want to forget this. It happened on Eighteenth near Liberty. I lived two and a half squares from there, and I was coming down Eighteenth Street at about 4 o'clock, and I met the president of the molders' union and the president of the C. L. U. getting donations for the liberty day celebration, and I met them between Liberty and Poplar going down Eighteenth Street, and they asked me to come back and have a drink, and I said: "No; I wasn't drinking." and they said to come back and have a cigar, and I said: "No; they won't let me go but one way, and if I go back they will pinch me," and I told the president of the molders' union, "There is no use throwing a red flag in a bull's face; they are waiting for me." And he said: "You imagine they are looking for you." And I said: "To show you, I will go back." And I went back to Spatt's saloon and restaurant across from the fire house to accommodate my

friends, and I proved to those fellows I had to go out of the back door to prevent being arrested.

Chairman WALSH. Can you give us the names or numbers of the troopers referred to by you?

Mr. SEBALD. That is something I can't do, because I never kept a diary of it, and there was a lot of times they put charges against troopers and you could not get their numbers. They put charges against them lots of times with the numbers, and when they were brought into the police court it seems they would have the same number and a different face. They could change the numbers, but they couldn't change their faces.

Chairman WALSH. Did the striking molders in Erie have any communication with Supt. Groome or any of the officers before the constabulary was sent into Erie?

Mr. SEBALD. That is a thing I would like to have corrected. We sent Dan Sholcalt to Harrisburg to Gov. Tener, but he had gone away somewhere—I think to Virginia—and the deputy sent a telegram to him, and he sent an answer and said the constabulary would not be in Erie until Gov. Tener returned. As I understand Maj. Groome, he said he was not in Erie, but I am pretty sure I saw him there. I don't think I am mistaken in the man's face. He promised Dan Sholcalt he would not send the State constabulary to Erie until the governor returned, but the next morning at 5 o'clock they were in Erie, and Shocalt got in at 8 o'clock and they were there then.

Chairman WALSH. Is there any other statement you want to make not covered by my questions?

Mr. SEBALD. There are some statements, if I don't take up too much of your time.

Chairman WALSH. We are trying to hurry through.

Mr. SEBALD. I would like, if Mr. Groome comes back on the stand, to ask him whether or not the citizens are paying the State constabulary to have benefit entertainments and dress the men up as women and do bareback riding. That is what I want to find out.

He was asked to come up to the C. L. U. Hall at seven hundred something State Street, and we waited there for him until 11 o'clock, and he never showed up. I might be mistaken, but I doubt it. Mr. Groome said he was not in Erie, but I saw him there. We waited for him until 11 o'clock to take this matter up with him. We didn't need the State constabulary, but they were brought in there. Mayor Stern—his finances were running low, and he wanted to make a showing, and I said to keep the constabulary out. I went to the police station and asked the mayor whether I could not get a police license, and the mayor said to me: "I offered you one and you would not take it." And I said: "Why not give me one now?" And he said: "No; you have 15 injunctions over your head." Every man working in the Erie shops as a strike breaker was sworn in as a special police, and before that came up Sheriff Mooney swore in every man as a deputy, and one man was arrested for pointing a gun at a man in a street car, and the man was never sent up or anything.

Chairman WALSH. That is all, thank you, Mr. Sebald.

Mr. LUMB. Mr. Chairman, Maj. Groome has just stepped out of the room, and I would be glad, when he comes back, to ask him to make any statement in reply to the witness.

Mr. SEBALD. I want to make some statement about the Burns men.

Chairman WALSH. Make it brief.

Mr. SEBALD. Those Burns men were brought in there. I want to show you that we didn't come here to frame anything up.

A few days after we got into the scab house, or Waldorf Astoria, a man by the name of McCann, an ex-saloon keeper, came to me and asked me where to buy union tobacco, and I said: "You are the boy; come with me." It was a bluff, but I was on, and he said to me: "You look honest." And I said: "You are the boy; go ahead." And he said: "If you want to fire a scab house you can get gasoline and a quart of oil." And I let him go on a few minutes, and after he got through I told him what I had to say, and it was a-plenty. He was trying to get me in wrong.

Another instance: A man came up to me at First and State—a man by the name of Berry—a stool pigeon for the Burns men. There was a man caught one night in a rooming house with another man's wife, and he was turned out—MacLeese—and they got Farrell in his place.

Chairman WALSH (interrupting). You said you wanted to make some statement about the Burns people.

Mr. SEBALD. That is how McLeese came in. On First and State I received a note. This man came to me and asked me to come into a restaurant and said, "I want to show something to you," and he showed me a note as follows: "We hereby agree to pay you $100 cash, or $100 a month, if you will leave town; if not, we will get you soon. Farrell." That is the Burns man.

Another instance, across the road in an arcade, Wilson, an organizer, sent me in there to see what they wanted. I went in there and they offered me the same thing, $100 cash or $100 a month to go down to New York State and work on divorce cases. I want to say this, that if men are dirty enough to lead a man to such things, such as this scab-house fire, they are pretty dirty.

I could furnish you testimony that would take two days to give it all. I am furnishing this from my own personal knowledge. Groome was here and he left, but I will wait until he comes back, and anything he wants to ask me, I will answer it.

Chairman WALSH. We do not permit any questions to be asked, except by the commission. You will be excused. We are obliged to you.

Mr. Lumb.

TESTIMONY OF MR. GEORGE F. LUMB.

Chairman WALSH. State your name, please.

Mr. LUMB. George F. Lumb.

Chairman WALSH. What is your business?

Mr. LUMB. I am the deputy superintendent of the department of State police of Pennsylvania.

Chairman WALSH. Where is your place of residence?

Mr. LUMB. Harrisburg, Pa.

Chairman WALSH. How long have you been connected with the Pennsylvania State Constabulary?

Mr. LUMB. It is the State police. Since its organization—if you will permit me, I would like to make a correction as to the use of the word "constabulary." That word has been used throughout the examination of the witnesses, but its proper name under the statutes of the State of Pennsylvania is the "State Police."

Chairman WALSH. Is it usually referred to as "State constabulary"?

Mr. LUMB. The newspapers adopted that name at the time of its organization for convenience, and that has been generally adhered to, but to make your record straight I make that suggestion. It is, however, generally referred to almost without exception as the State constabulary for the purpose of distinguishing it on the different police forces.

Chairman WALSH. What are your duties as assistant superintendent?

Mr. LUMB. My duties are mostly of a routine nature. The superintendent is the executive head of the department, and I prepare, with the assistance of two clerks, condensed reports from the four troops; I look after the preparation of vouchers for the expenditures of the various troops, coming through my hands, but they go up to the superintendent for final examination and for his signature, and he makes out checks for the disbursement of the funds.

I have charge of making of morning reports, showing the location of the force and the number of men on duty in the barracks, or on detached service; the location of the substations, and the whereabouts of the horses; the number of men sick in quarters, the number absent on leave; and any other matters pertaining to the men and the personnel of the troops. Those morning reports are accompanied by daily reports of operations which cover the route covered by the various patrols sent out from the barracks on special circumstances. It is also accompanied by special reports of men; for instance, a private is detailed to investigate a murder. On his return he writes out that report over his own signature, telling the time he left the barracks, the district attorney to whom he reported, or the county detective as the case may be, the name of the person murdered, the man suspected, and all of the result of his investigation in detail. That is signed by him, and after being read by the troop commander and a copy of it filed a copy is sent to headquarters where they are consolidated and then go to the superintendent. I am a sort of routine point for the four troops to get together and submit matters in orderly form to Maj. Groome.

I also have prepared monthly reports, and the monthly pay roll, and also the monthly deduction sheet showing deductions made from the pay of the men for any lost property or any leaves granted them without pay. If a man, for instance, has had his limit of allowance for absence, 14 days, in a year, and an

emergency arises, for instance some family circumstance, a wedding, or a funeral or sickness, and it is necessary for him to go home, then, under the regulations, he may have a leave of absence without pay, having already exhausted his allowance of 14 days for vacation purposes.

All those details I look after, but Maj. Groome has the entire matter in his hands.

I would like to take opportunity to say, at this point, with reference to Mr. Maurer's assertion that Maj. Groome is only a figurehead superintendent, that Mr. Maurer is either grossly ignorant of the operations of one of the executive departments of the State of Pennsylvania or that he has deliberately falsified his statements to this commission, and I am inclined to think that, inasmuch as he said he had spent a number of years practically studying this department, that the latter proposition is true. Maj. Groome, and I am not saying this because I am his immediate subordinate and have been since January 1, 1908, and it is not necessary for me at this stage to flatter him, but Maj. Groome is a man of great executive ability. He has a grasp of details which enables him to do in a short period of time much more than men of different temperament would be able to accomplish. In addition to that, his knowledge of military affairs and his knowledge of this organization from having been at the head of it since its organization peculiarly fit him for the position he has, and his work is done without much noise. Men who know nothing about the workings of the department, come to Harrisburg for information, and they are naturally referred to me for matters of detail, and they naturally get the idea that I am running the whole show, and while it is complimentary, I must admit it is not true.

Chairman WALSH. You have followed, I suppose, Captain, as I have noticed you here, the statements made by Mr. Maurer and Mr. Williams, in particular in regard to the State police force?

Mr. LUMB. Yes.

Chairman WALSH. Please, in your own way, take up any of those matters you desire to and make your own comment on them. I understand you have made some personal investigation as to some of these points there were complaints about.

Mr. LUMB. Yes; and I would like to first bring the attention of the commission to a state of affairs in Pennsylvania which will eliminate any question of veracity between Mr. Maurer and myself, and resolve itself into a proposition to be decided by your own reasoning, and it is this: Maurer, in his charges against the State police force, an organization that has been in existence now for 10 years, has indirectly indicted the members of the legislature, and the district attorneys, and the grand juries, and the county detectives of every county in Pennsylvania in which the State police have operated, of either gross or criminal negligence, because if there is a band of renegades or degenerates going through the State, riding men and women down, beating old gray-headed men over the head with shovels, and other acts he has referred to, those people are all grossly negligent and unmindful of their duty, because we are under their supervision and control.

The district attorney in Pennsylvania is the prosecuting criminal officer of his county, elected by the people, and his future legal career as a lawyer depends on the manner in which he conducts that office. Now, for anyone to presume for a moment that a detachment of State police could go out of Westmoreland County, or any other, into another county, where the district attorney is, and a grand jury sits, and do the overt acts referred to, you can plainly see that we are not to blame, but that the whole system of our government is at fault. It is not an attack on the State police, but it is an attack on the very fundamental principles of the government of the State, as it appears to us in Pennsylvania.

Various governors—Pennypacker, Stuart, Tener, and Brumbaugh—have seen fit to retain in office the present superintendent in spite of the bitter personal attacks upon the acts of the force.

In Pennsylvania we have the grand-jury system, whereby a citizen who thinks any wrong has been done in his community, of any magnitude, has three remedies; he can either himself personally make information and have the man arrested on warrant, or he can go to the district attorney and make his complaint, or he can appear before the grand jury and have a presentment made and have the man indicted through the grand jury. All of these remedies are open to the people who have made these hearsay statements and charges against members of the State police, but who have never been apparently specifically identified.

One of my duties is that of going through the State at various times and inspecting our substations, the substations operated in rural communities; and with reference to the statement of Mr. Maurer that the men only patroled the immediate vicinity of the barracks, that is another of his errors. The substations at the present time—I have a morning report here, if you care to have it submitted or refer to it, showing the location of men in Sullivan County, and others where there are a large number engaged in agricultural pursuits. In my duties I am personally responsible to the superintendent for the discipline of those substations to this extent: If complaints come in to Maj. Groome that those men were not properly performing their duty, it would reflect on me in not having discovered it at the time of my inspection when I called on the officer interested.

Now, the State Grange of Pennsylvania, at its last meeting, a few months ago, unanimously and without any move on our part, and entirely unexpected as far as we were concerned, passed a resolution asking the State legislature to increase the State police force and increase the appropriation for the benefit of the rural communities that had no protection from other sources of the police except the local township constable, who is usually a G. A. R., who has the confidence of the people, but who is seldom effective or aggressive. This is not intended as a reflection on the constable, but intended to show there is no organized police force to give the rural communities protection—adequate protection. A copy of that resolution, I am informed, was sent by the State Grange and at their expense to each member of the legislature. When the bill was brought up for consideration there were at least 50 labor organizers back of the rail separating the audience part of the house of representatives from the seats of the members of the legislature. Notes and pages were sent down to the different members at the last moment in order to influence them. That, of course, only indicates that the framers of the resolution, while it might have been effective at the time it was received, was later supplemented by these personal approaches.

Now, in addition to the State Grange, we have been very effective in cooperating with various departments of the Commonwealth. It frequently occurs in Pennsylvania that a smallpox epidemic break out in the community where the majority of the residents are foreigners or people of foreign birth. Dr. Dixon's State health department having met with violence and a great deal of resistance in enforcing the quarantine laws for the health of the community, by insisting on people in infected houses remaining within the limit prescribed by law. Dr. Dixon frequently has called on Supt. Groome for a detail of our men to present themselves in the community under his health officers to enforce the quarantine laws, and they assure us that it has resulted in the prevention of a great deal of disease.

With reference to the State game commission, I want to refer to our annual report of 1908, page 5, in which we have a quotation from the annual report of the secretary of the State game commission, for the same year, a part of which I will read into the record. [Reads:]

"The greatest assistance I had in enforcing the law came from the State constabulary. Every request from this office for help has been promptly met. In my report of last year I cited the fact that during the year 1906, 14 of our men were shot at, 7 shot, and 4 killed by foreigners, with not one of the perpetrators arrested. I do not know at this time of the wounding of one of our officers during the past year. This change in condition, in my opinion, is due to the creation of our State constabulary and the unhesitating, determined, and persistent pursuits of wrongdoers of all classes by members of that force."

There has been a good deal said here, Mr. Chairman, with reference to the men going upon company property at the time of strikes. In 1906, shortly after the force was organized, I was sent with a detachment of men to a place called Eleanor, in Jefferson County, where it was stated that about 2,000 men were threatening the destruction of the tipples and the company property, and they were threatening violence on every hand. Sheriff Shefander of Jefferson County had about 40 deputies, at that little place, and our detachment of about 16 men were met about a half mile down the road from the settlement by 2 men who said they represented the strikers and that we had better turn back, because they were laying for us and they would give us all we were looking for. We said we were sorry and that we were not looking for trouble, but had come to enforce the law and order, under the direction of the sheriff, and if they met us half way they would find us as human as they.

Shortly after we arrived in the town we attempted to find accommodations at the hotel, the only one in the place. The girls, at the persuasion of the men in the strike, vacated the building, the waitresses and cooks, and declined to serve us or make up the beds or anything of that kind; and I suggested to the proprietor that the men were hungry, and if he would permit us access to the kitchen we would detail a couple of men to cook and prepare something to eat until some other arrangements could be made; and when the girls saw that our men were proceeding to cook they decided to come back and do the cooking themselves.

We were there a week when the superintendent of the mine came to me and said the men were going down to a spring on the company's property to get water, which was the only place to get drinking water, and he said he wanted our men to stop them. I said to the superintendent that I understood the rural delivery carrier went down over that road, and that it was a public highway, and, although it ran over the company's property, he had no right to close it to the public. He resented that a little, and I saw from that time on these people went unmolested, and I advised the sheriff not to cut off their drinking-water supply.

They had notified previously a number of residents of the company's houses that if they refused to work they could vacate the houses or they would evict them.

When the proper time arrived Sheriff Shefander asked my aid in vacating those buildings. My orders from Supt. Groome was that there was to be absolutely no civil process, such as landlord-and-tenant issue served by our men, and we were not to go on the company property unless there was actual evidence of violence that it was necessary to suppress, and I said, "We can not assist you in evicting those people." And the sheriff had to get some additional men, either company employees or deputies, I can't say which; and those people were evicted; and I was very careful to see that our men remained the proper distance away, at least four or five hundred yards, at all times, even in making their patrols. The result of it was that in another week or so some of the younger men on the strike came up and invited the men to play baseball with them. And I felt that I could not allow that, because we were up there to keep the men on this patrol, and we were on duty, and the men could not be spared. I cite that early instance in 1906 to show the attitude under which we started out and to show you the opposition that we met with from the start. But we have been as careful—I say this without any reservation—to safeguard the interests and the rights of those men who are on strike as of the owners of the property whom they were striking against. Our issue has been the man that throws the brick, fires the gun, or burns the tipple. You referred to the Hazleton situation. I was sent up there by Gov. Tener to investigate the complaint of Mr. Maurer.

Chairman WALSH. When was that complaint lodged?

Mr. LUMB. It was lodged with Governor—with the governor, and Gov. Tener sent for me——

Chairman WALSH. That is the instance that Mr. Maurer testified to—that complaint to the governor——

Mr. CUNNINGHAM. You did not catch the question; the chairman asked you when that was.

Mr. LUMB. Well, my recollection of that, as to the exact date, is not very clear; but I have the full stenographic notes (transcript) if you permit me to refer to that, I can give it to you.

Chairman WALSH. Very well; if you will get that.

Mr. LUMB. The orders from the governor were about June 8, and the investigation was held on June 11, 1914. Shall I proceed?

Chairman WALSH. Yes; proceed.

Mr. LUMB. Gov. Tener having ordered me to proceed to Hazleton, and having advised the superintendent that I was to go up there, I went, and—not as Mr. Maurer says with him, but I met him at the Loughran Hotel—and I want to emphasize this incident, because there was a question of identity of our men arose up there who were operating in plain clothes.

Chairman WALSH. That is at Hazleton?

Mr. LUMB. At Hazleton; yes. When I arrived at the hotel, having——

Chairman WALSH. You may proceed.

Mr. LUMB. When I arrived at Hazleton, Mr. Maurer and some associates were standing in the lobby of the hotel, and Capt. ——— and Lieut. Mair were there, and I spoke to Mr. Maurer, and Mr. Maurer says, "You have got the

advantage of me," and I says, "This is Mr. Lumb, from Harrisburg, whom you talked with in the governor's office, and afterwards in the corridor of the capitol three days ago." And then he remembered me, and we went up into the parlor of the hotel where he had about 15 members of various unions, and 1 or 2 others that he referred to individually. The sum and substance of their charges against the police, and the complaints were that in six or eight weeks of the strike that the police in plain clothes had acted in behalf of the traction company, and that they had discriminated against the men on strike by driving them away with clubs when they were gathered together on the corner, and that one of our men had been in a drunken fight. That was Sergt. Hennig. The witnesses they introduced, without any exception, were either members of the miners' union or the trolleymen's union or men who had personal grievances, as was developed in the examination of the witnesses. For example, Andrew Marty, vice president of the local union, made some charges against Sergt. Hennig of the nature that he had railroaded him to Pottsville for trial, I believe, or perhaps it was Wilkes Barre (referring to memorandum). No; it was Pottsville. Now, Pottsville and McAdoo were in the same county; but the attitude of the burgesses had been made clear by the statements of our men. And I have here—which you may file with your records—a statement of the attitude of the aldermen of Hazleton, taken by Lieut. Mair in a personal interview.

He went to Alderman Moody and he said, "Have you any objections to hearing the cases brought before you by the State police?" and he said, "I don't care to try State police cases." Alderman O'Donnell said, "I don't want State police cases; to hell with them." F. P. Greenwald said, "I don't want State police cases. I am a sick man and about to retire. I don't want to be bothered with them." Alderman Faey: "Will do my duty. Sworn to try cases according to evidence." Heidenrich: "I don't care particularly about trying State police cases, but will try them if they are brought." Alderman Crellin said, "I don't want to handle State police cases." Fallen: "I will take the cases and render verdicts according to the evidence." Fierio: "I don't want to take any cases of the State police or anyone else, except those in the city of Hazleton, as I am police magistrate here." I might say that our men have the power of city policemen in addition to the power of fish and game wardens, and forestry wardens, and had a perfect right to take cases before this police magistrate. Andruzzi: "Owing to being an Italian, and the stand I have taken, I don't care to take the cases." Huth: "I don't want to try the cases, but if cases are brought before me I will try them fairly." John H. Shopp: "I am in sympathy with the strikers, but would try any case according to the evidence."

Now those were the conditions under which the men were endeavoring to cooperate with the sheriff of Lucerne County and the mayor.

At this investigation I found, and so reported, that they had combed Hazleton with a fine-toothed comb, to use a figure of speech, to get some act of immoral conduct or some act that would cast reflection upon the men. They did not have present at that investigation a representative business man or merchant. We did not have one member of the council. They did not have the mayor or the chief of police. They had a policeman. This policeman had ordered two of our men to go on—to move on about their business, and they said, "We are members of the State police force here on duty." He said, "It don't make any difference to me, you beat it or there will be trouble." That was a little clash. That man came and testified against our men. The mayor had no such authority or the chief of police to take any such nonprofessional action against other police. It was merely a little personal issue. He was one of their witnesses.

Another witness was a man by the name of Harris, from the Palace Hotel. This man testified he had seen Sergt. Hennig drunk and had helped to put him to bed. It developed on cross-examination that Sergt. Hennig had reported this man to the proprietor of the Palace Hotel for charging double prices for coffee and sandwiches because they were police; and the proprietor warned this man if he did it again he would discharge him. I asked Mr. Harris for the name of the person that assisted him in putting our sergeant to bed, and he could not recall it. I asked him for the name of any person to whom he had mentioned the fact at a time that might be so close to the time as to be worth something as evidence. He said "I don't recall who I mentioned it to."

Another example of the nature of the charges against these men was the statement that they had operated—15 of them, some said, and some 6 and

others 8—in plain clothes getting information as spies for the traction company.

Now, Sergt. Hennig did operate in plain clothes. Sergt. Hennig was in charge of the details there, and being in plain clothes at times he was able to get information as to the workings of his own men and as to acts of violence on the streets. He was also investigating two or three individual crimes which perhaps had no connection whatever with the strike of the traction employees but were matters of a personal nature.

It was stated that on one occasion, as I recall the evidence, that three or four State policemen in plain clothes ordered the crowd to move on, and the crowd referred to their side and said, "We don't know who you are, and you haven't any right, without showing any badge, which our men are required to wear and which badge they wear at all times when they are working in plain clothes, that these men drew their blackjacks and clubbed these men." I asked how they knew these men were State police, and the witness replied that he saw them three or four days afterward in uniform on horseback; and I held him down to the time a little bit, and then he admitted that it might possibly have been a week afterwards. I then invited the attention of the commissioners conducting this thing to the fact that Mr. Maurer had conversed with me in Harrisburg, in the governor's office, between half an hour and an hour and that I had also conversed with him in the corridor of the capitol, and a few days afterwards while I was wearing the same civilian clothes I had approached him in the lobby of the hotel in broad daylight, and he didn't know me. How then could these men—that was a part of the testimony they had—how could these men swear on their oath as to the identity of these men they saw in plain clothes and then a week after said they saw them on horseback in uniform. That is to show you the value of the evidence that they produced to sustain the serious charges they were able to raise against the State police force after six weeks of activity.

Chairman WALSH. What sort of a commission was this, please, Captain?

Mr. LUMB. Why, it was made up of Mr. Maurer——

Chairman WALSH. Legislative committee?

Mr. LUMB. Oh, no; no; purely a committee of strikers. It was an ex parte hearing. We had no witnesses there, or anything else. They simply made their charges and substantiated them to the best of their ability. I objected two or three times to Mr. Maurer putting words in the mouth of the witness who was testifying. And Mr. Roger Deever, one of their attorneys, saw and admitted the unfairness of it. Mr. Maurer would sit there and say, "Now, you tell us about that fight in the barroom," and the man probably never thought of such a thing; but then he could go on and relate about a fight in a barroom. And I objected to his leading the witnesses along in that way; and Mr. Deever admitted that it was certainly unfair to enter into that sort of procedure. So he restrained them to a certain extent.

Chairman WALSH. Well, did they make some finding?

Mr. LUMB. Well, the only finding you will ever see of that investigation is my report to Supt. Groome, and by him to the governor, and the book called "The American Cossack" by Mr. Maurer. My report is a full report, having taken a stenographer along with me. And Mr. Maurer's reply in the Cossack shows only such extracts of the testimony as he thought would best suit his purpose.

Chairman WALSH. What was the evidence in that case refuting the charges that you heard Mr. Maurer make on the stand—that is, about members of the constabulary being in the crowd and that they seemed to be desiring to create a disturbance when they were moving a car? Do you recall it? And that the local police dispersed the crowd, and there were two men, I think he said, and a lieutenant, and maybe more that said they were members of the State police?

Mr. LUMB. That was defective in two respects. In the first place, the identity of these two men in plain clothes was never properly established; and I might say in that connection that the traction company, being unable to obtain our men to operate in plain clothes, had men there who were either Pinkerton or Burns's men, but which I am unable to answer, because we did not associate with them, had nothing in common with them, and ignored them.

Chairman WALSH. Was your contention upon this mission and elsewhere that you did not have any men in plain clothes under those circumstances?

Mr. LUMB. Except Sergt. Hennig, and except where men were relieved from duty occasionally—a man gets worn out in that sort of duty, and he is allowed

a day's leave of absence occasionally from the barracks to get clean underwear and do other little things in the way of getting cleaned up. Of course, then he would go to his room and put on his civilian clothes and get on a street car and leave the barracks and would come back after a time and get on his uniform when he went on duty again. We have avoided plain-clothes duty as far as possible.

Chairman WALSH. Now, there is one other point that occurs to my mind. He said that the men of the State police also presented cases in police court and acted as attorney. What was there to that?

Mr. LUMB. Mr. Chairman, we have in Pennsylvania a system of subordinate courts in the cities known as magistrate courts, and in the smaller towns they are called aldermen, and in the counties they are known as justices of the peace, who hear and try small cases, summary convictions, without jury, or if the offense is sufficiently large, if it is of a nature covered by the statute, he has no alternative but to hold a man for court under bail, or to commit him.

Now, you can easily see that it would be an absurd proposition for any policeman to arrest a man for a crime that he had seen committed and simply walk into the justice of the peace and say "I have arrested this man for assault and battery," and then stand there mute himself——

Chairman WALSH (interrupting). I understood from some other testimony that it is the same custom as obtains in Massachusetts, and in some other States where the officer in these inferior courts presents the testimony of himself and has the right to examine his witnesses to sustain his charge and has a right to ask questions of the adverse witnesses.

Mr. LUMB. Well, it is just like this, the officer must make out what we call a prima facie case, or else the man would not be held and justice would be defeated. He has a right to tell his story, and if the adverse witness starts to tell a falsehood, if he can show it by two or three questions, he has that right. But the entire proceedings, however, Mr. Chairman, is under the supervision of the justice of the peace, and our man could not wrongfully conduct himself in that court without being in contempt of court. And it is another evidence that they are attacking the State police and attacking the system of State government.

Mr. CUNNINGHAM. Your description is exactly right, Mr. Chairman, with reference to this Commonwealth, and commonly professional men are not present at all—it is almost unheard of.

Chairman WALSH. Now, did you have any personal contact with the Bethlehem situation?

Mr. LUMB. I did not. I was not there. And, as Maj. Groome explains, he only went out when the entire force was ordered out—that either he or I got on the scene.

Chairman WALSH. Now, did the general nature of these criticisms come to the attention of the officials, the superiors of the State police, Maj. Groome and yourself?

Mr. LUMB. Well, no. I want to say to you, in that connection, in every session of the legislature there has been a certain element at work to have the State police force act repealed. Now, their sessions in the legislative hall have been the same as here, general talks, very seldom giving any dates or names, and always drawn very largely from imagination of one man and told to each other, and he, in turn, relates it always as hearsay evidence. Now, any member of the legislature living in that district or representing the people or the grand jury, as I explained, or the district attorney, or the judge can immediately take cognizance of any such conduct as that and bring our men to prosecution. And I want to say to you, gentlemen, that if any matter of that kind was brought to the attention of Maj. Groome or myself it would be sifted down to the bottom, and we can do it easily, for this reason: There is an order on our force issued in 1909 or 1910, a copy of which I have here, saying in just these words: "Any member of this force known to use outside influence for the furtherance of his own interests will be considered as acknowledging his own incompetency and dismissed from the force." Now, that being true, and all our finances being under the supervision of the auditor general of Pennsylvania, what possible advantage could there be to any of the officers of this force; and when I refer to the officers in this case I have reference to the superintendent, the deputy superintendent, or the captains in covering up or ignoring any act of misconduct on the part of the men. The entire force has to stand on its merit. We know that better than anything else.

Now, it is related to you in this way for the purpose of eliminating any presumption that may exist that men are held on the force by political influence. The first victim of this general order that was issued, on our force, was a lieutenant who got a senator and two or three other prominent men in Pennsylvania to endeavor to obtain for him a vacancy which then existed in the grade of captain. As soon as those letters came in, the lieutenant was given his walking papers. You can easily see, then, how absurd that opinion is that we deliberately cover up acts of misconduct on the part of the men.

Chairman WALSH. Did you personally take charge of the investigation, so far as your own department was concerned, in regard to the trouble with which Mr. Moughan was charged, in regard to Mr. Zambo and the case of the other man charged with an assault upon a man by the name of Gallagher?

Mr. LUMB. No; I did not personally take charge of it by going to the scene; but Capt. Robinson, the troop commander, was on the ground, and he dealt with me at Harrisburg, and in that way it came through proper channels to headquarters.

Chairman WALSH. And who is the captain at Hazleton?

Mr. LUMB. At Hazleton?

Chairman WALSH. Yes.

Mr. LUMB. Capt. Pitcher, of Wyoming, is captain in charge of the detail there.

Chairman WALSH. Still on the force?

Mr. LUMB. Oh, yes. He is captain of the troop at Wyoming now.

Chairman WALSH. Did you get the address of Capt. Robinson from Maj. Groome?

Mr. LUMB. No; but I will get it.

Chairman WALSH. Will you be kind enough to do so, and we will have our investigator take his statement?

Mr. LUMB. It is Capt. Joseph F. Robinson, editor of the Baseball World, Chicago, Ill.

Chairman WALSH. Now, I was going to suggest also that if there is anything else you desire to put into the record you may do so. You have gotten the range of this.

Mr. LUMB. Mr. Chairman, I will leave these minutes of the hearing at Hazleton.

(See Lumb Exhibit.)

Chairman WALSH. Have it confined, of course to first-hand facts.

Mr. LUMB. Yes. Well, I think with what Maj. Groome has put in the record and what I have said, you have got a pretty fair idea of both sides of this controversy, so far as our department is concerned. But I would be glad to file with your secretary this legislative journal, if you care to have it, because it has been referred to by the gentlemen who have raised this issue, and it contains remarks made by those from the rural districts who feel that the State police are an important part of our government.

(Witness submitted a copy of the Legislative Journal of the Commonwealth of Pennsylvania, session 1915, vol. 3, No. 45.)

Chairman WALSH. Now, I would like you to make just one statement. You stated, going back to 1906, where waitresses and others refused to serve the men, and coming down to the situation where they had to go to the steel company's property, how do you account for the prejudice or the lack of sympathy that seems to exist in these towns toward your force? What is the cause of that?

Mr. LUMB. Now, my answer to that, Mr. Chairman, would be more in the nature of a personal opinion than an official statement.

Chairman WALSH. Well, I thought perhaps you had inquired into it and discussed it?

Mr. LUMB. Yes; I will be glad to give you my opinion on the subject, but I would want to state before doing so that this department, in time of disorder, does not take any notice of the fact that a strike exists from that standpoint. It is with us purely a question of the man that throws the brick or fires the gun or burns the tipple; and we do not ask if he is a Republican or a Democrat or a union or nonunion man. It is a question of law or lawlessness on the public highways and the destruction of property.

Now, having cleared the air, so that you will not think this is an official expression of views of the department, I want to say this:

That my knowledge of the old English guilds and various earlier labor unions is that they were for the purpose of protecting the men and raising a

boycott, if necessary. They did not at that time seem to recognize the powerful importance of violence toward others who wanted to work. Perhaps it was due to the fact that the populations were not as dense at that time. Now, it has been held in Pennsylvania that if a man wants to go on a strike he has a perfect right to do so; but that he must not obstruct the highways to prevent other men who wish to work from going on to their work. The Supreme Court, in 1860 or 1861, held that there were no innocent bystanders in time of riot; that it was the duty of every law-abiding citizen, as soon as he hears or learns that there is any disorder on the public thoroughfare, to retire to his home. Those facts being true, and it also being true that the labor unions deny any responsibility for violence—they ordinarily, I believe, claim that most of the violence comes from the class of men who just enjoy such excitement, and that it is not officially recognized by the union as a proper thing. I think they are all agreed now that that is the attitude they generally take—that it is not done by one of "our men"; "he is a fellow that came here from Baltimore." They dynamited street cars in Chester, and cars were blown up, and the unions denied any responsibility for it, and perhaps justly so. I have personal knowledge of the fact that men did come there from Baltimore, and even Philadelphia, and some of them even wearing their conductors' caps, and performed these very acts. If this is true, I can not understand why the labor union, as such, should object to the presence of men who are sent there by the proper authority of the Commonwealth to enforce law and order. But I am greatly afraid, particularly from what I have heard from Mr. Maurer and Mr. Pierce and Mr. Williams, that there is creeping into our labor unions a sort of spirit abroad of anarchy, and I don't believe they voiced the sentiments of labor unions at large. I don't believe they voice the general opinion; and their zeal against our institution is so far-reaching as to be sanctioned by the opinion of the majority of the labor unions of Pennsylvania. That is about as well as I can express it from my personal standpoint.

Chairman WALSH. Then you think this lack of sympathy which you discovered is through the influence of those persons which you have mentioned?

Mr. LUMB. Well, I think—no—every member of the commission must know that there has recently been injected into our country some people from Europe—some people who call themselves Industrial Workers of the World. About three or four years ago there was a strike on the B. & S. Railway, up in Potter County—the Buffalo & Susquehanna. And their attorney, Mr. Robinson, came down to Harrisburg and said, "Capt. Lumb, we have got to have some men." He said, "The sheriff up there, because of the scarcity of the population, except those who are on the strike, is such that he can not get enough deputies to protect us. And the men are putting sand in the journal boxes of the engines and putting soap in the boilers, and are doing everything possible to destroy the property and imperil life and our rolling stock, and the State must sent some State police up there." I said, "Mr. Robinson (or Roberts, whichever it was) it is impossible to send men under those conditions." "Why?" he says, "The Industrial Workers of the World are up there, and they are preaching treason and anarchy, and there is a reign of terror among us people, and we don't dare to go out after dark." I said, "That is a bad state of affairs in Pennsylvania, but you have got to go to your sheriff, and your sheriff can go to the governor or the superintendent of Pennsylvania and certify in writing that the situation is beyond his control before our men can go on the scene."

He stated that the sheriff was a high-strung man who had so much pride in his office that he would not concede that the situation was beyond his control, and that the only question was not being able to get enough men to serve as deputies. Now, as a matter of fact, we did not send any men up there, because the request came from the corporation and not from the proper authorities.

That, I think, is the menace to the labor unions themselves that this wrongful spirit is creeping in and undermining their proper attitude of mind toward law and order. But understand, Mr. Chairman, this is purely a personal opinion, based on purely personal observation.

The department of the State police keep no data of labor unions. We have no information about their workings. We never try to attend their meetings. We do not recognize in our official capacity that there is such a thing as a labor union. When we go into a place at the request of a sheriff we are under his directions. He says at this particular point there was bloodshed last night, or at this place they are going to dynamite property, or here is a mob; and

under his directions alone we go in and under his directions alone we go out, and the sheriff is the high peace officer of the county in Pennsylvania.

Commissioner GARRETSON. Was it not under the direction of the sheriff that the O'Brien gunmen in Roosevelt, N. J., did their work?

Mr. LUMB. Under the direction of the sheriff, who resorted to the employment of deputy sheriffs; and if you have read the editorials in the newspapers, the majority state that had there existed a State police force of men who could keep their heads under fire that series of shootings would not have occurred.

Commissioner GARRETSON. How about the State police force, or State militia under the direction of another company in Colorado?

Mr. LUMB. I am not familiar with that situation.

Commissioner GARRETSON. It was only a question of this: That what they were doing was done under the direction of the sheriff that formed them. If the sheriff is dominated by one or the other class, and he is in control when you are there, all the feelings of the domination are present?

Mr. LUMB. There you are getting back to the principles of whether our principles of government are correct, because the sheriff is an elective office.

Commissioner GARRETSON. Is there any indictment of the form of government, or is there an indictment of the way that it is administered by those who are in office?

Mr. LUMB. In this particular hearing you are referring to?

Commissioner GARRETSON. In any case.

Mr. LUMB. Mr. Garretson, I am not sufficiently educated or a sufficient student of social conditions to enter into any further discussion of this matter with you than the direct duties of the police force of Pennsylvania.

Commissioner GARRETSON. You made the statement that the statement was made by Mr. Maurer that it was more an indictment of the constabulary, it was an indictment of the whole system of government, and I desired to know why—whether it was an indictment of our system of government or an indictment of the methods employed in administering a system of government that if properly administered might be good?

Mr. LUMB. Under the statute laws of Pennsylvania there is only one way of any government; the only right to appoint the superintendent of the police force is with the governor; he appoints him. There is only one way to elect a governor, there is only one way to elect a member of the legislature, and there is only one way to elect a sheriff and impeach him.

Commissioner GARRETSON. Has it ever been whispered that the political methods in the State of Pennsylvania were faulty?

Mr. LUMB. I am not a politician, sir.

Commissioner GARRETSON. Two of us. I have wondered if there was suspicion of bosses.

Mr. LUMB. Pardon me for making the remark that I think should be made. When a man is enlisted in this force we make no inquiry into his politics, and Maj. Groome don't know how I vote my ballot, and I don't know how the sergeants and lieutenants under me vote their ballot, and I have a general order, which I have with me, if you wish to see, that prohibits our men from belonging to any political organization or actively engaging in any political fight, and they are prohibited from making political contributions to any party.

Commissioner GARRETSON. Is there an order in this city in regard to political activity of all sorts?

Mr. LUMB. I know nothing about this city.

Commissioner LENNON. Is it not a fact that nearly all the criticism against the State police originates from their work in strikes, labor troubles? I have not heard a bit of criticism of your course in all of the other duties you perform for anything else.

Mr. LUMB. Yes, sir; that is quite true; and perhaps I can throw a little light on that situation by this statement: Before the organization of the State police force the National Guards were under the fire that we are under now, and if you abolish the State police force you will see the attention of these same people directed toward the National Guards again.

Commissioner LENNON. I am not a citizen of the State of Pennsylvania and will not take any part in an attempt to abolish the force. Is it not possible that if the men in charge of the police force, when they go to a strike zone, will start giving the same attention to the representatives of the strikers as to the representatives of the employing company—certainly if that is done at all, in so far as conferring with them as to the necessary means of maintaining peace and good order, and not be on the property of one unless you divide your men

and put half on the property of the other—would not merely the doing of those things be self-evident and beyond question that the police have no favoritism of any kind, shape, or description to either side in a labor controversy; wouldn't that eliminate a good deal of this?

Mr. LUMB. I would like to say in answer to your question, in the first place when the State police go into a community under those conditions they go in under the direct orders of the sheriff, and you heard the report of Capt. Thomas, which was brought down here as a specimen, and there are hundreds of others on file along with it. In that particular instance Capt. Adams reports that he had a conference with a committee of the strikers, and they came to an agreement as to that bridge, and they were to have 20 pickets. A good deal depends upon the situation where the strike exists. For instance, if there is a strike in a soft-coal region, and if you will examine the census report of 1910 as to the per cent of foreign population of Pennsylvania, particularly with reference to that region, you will find that perhaps two-thirds of the men on strike are actually foreign-born men, either Italians or from south Europe. The minute our men arrive on the scene in their uniforms they are hissed at and jeered at and usually meet with a shower of stones. To reason with them is an absolute impossibility. With reference to distributing our men, as to the assignment of property, some going on the company's property——

Commissioner LENNON. I don't think they should go on either one.

Mr. LUMB. I will try to cover that in my limited way. The men in arriving at a town go to every place providing for public accommodation in hotels and livery stables; and they find that they have been preceded by organizers, who have notified those men that if they gave the State officers their accommodations they would be boycotted forevermore and they might as well go out of business, and the condition depends upon their attitude when we arrive. We would be glad to put up in places where the accommodation is better than on barn floors, and make them eat off of tin plates and drink out of tin cups. These men are men that first had to satisfy the Army recruiting officer that they were citizens of the United States and of good moral character. I speak from 12 years' experience in the Regular Army in peace and in war.

There are two classes of men—the Army makes or breaks a man. The man that is broke is what they call "bobtailed" or discharged without honor; and if the temptations of the new life are too great and he becomes in the habit of getting intoxicated, etc., and disgraces his uniform, after five or six summary offenses he is discharged without honor and can not be reenlisted. The other class are made. They learn self-restraint and self-control and patriotism and learn love of country in the post schools, one of which I had the honor to teach in Fort McHenry, Md. The American soldier of to-day, gentlemen, is no thug; he is a pretty well-trained young man, with a good head, or he won't get through with his enlistment. If he don't come up to the grammar-school education the troop commander finds it out and details him to attend school, which is during the summer months. They may, after they first establish the fact that they are men of employment and moral character, make application to attend that school. Look at the saving in economy to take such men in preference to citizens that we have to look up through various private sources, and then have to depend upon limited observation. A man comes in with an excellent discharge as a sergeant of the Fifteenth Cavalry, and that means that he is not only learned to command himself, but others, and that he is an American citizen above all, and knows the laws to a certain extent and knows the Constitution of the United States. He is detailed for four months of special duty as policeman. He is taught the fish, game, and forestry laws, and we have had cases where they have deceived us; that the man didn't seem to take any particular interest in the study; that he thought it was going to be an easy life, and he didn't want to study any more like he had had to in the Army, so he dropped at the end of his probation period; and on the other hand, if they satisfy us of their good moral conduct they remain on the force.

Commissioner GARRETSON. Is there not one qualification that you have not mentioned that is of greater importance for your purpose than anything; that the man who served as a regular soldier learned one further lesson, and that was when he received a command to fire he would obey, regardless of who stood in front, which is one of the things that the citizen soldier has not learned?

Mr. LUMB. That is true, and it is true also that the soldier has learned to shoot accurately and not to shoot the innocent man.

Commissioner GARRETSON. That is all.

Mr. CUNNINGHAM. Just one word on behalf of the Commonwealth. Maj. Groome had to leave to make a train, and he wanted me to say that he was not in Erie——

Chairman WALSH. I took his statement for that, and it will be so taken by the commission.

Mr. LUMB. Neither he or I were in Erie.

Mr. CUNNINGHAM. Now, accusations have been made by Mr. Williams, of South Bethlehem. It is charged that one of the State troopers beat a man over the head and dragged him around, and so forth. Accusations have also been made by the gentleman at Erie about misconduct of troopers in Erie. Speaking for the Commonwealth, I am not satisfied to leave the matter in that shape. If those things are true, we want to know it, and you want to know it, and I submit that it is only fair that the representatives of the Commonwealth be given an opportunity to produce the troopers who were on detail at South Bethlehem and at Erie for examination before you. It is true they are scattered over the State, and we could not have them here until some day next week or possibly later. I may be permitted to say I have engagements in court every day next week, but I understand you will probably be in session for several weeks, and if your commission will fix a time when we will be permitted to present those men to you who were on the detail, or the officers who were in charge of those details at Erie and Hazleton, or any other place that you desire to inquire about, it will be our privilege to do so.

Chairman WALSH. We will have Mr. Manly confer with you, and we thank you for this opportunity, and we likewise wish to send our thanks to the governor whose message you brought us.

We will now stand adjourned until Monday morning at 10 o'clock.

(Whereupon, on Saturday, May 8, 1915, an adjournment was taken until Monday, May 10, 1915, at 10 o'clock a. m.)

EXHIBITS.

CUNNINGHAM EXHIBIT NO. 1.

OFFICE OF THE ATTORNEY GENERAL,
Harrisburg, May 4, 1915.

Hon. FRANK P. WALSH,
Chairman, Commission on Industrial Relations,
Washington, D. C.

DEAR SIR: I hereby certify that I have this day appointed J. E. B. Cunningham, Esq., a special deputy attorney general of the Commonwealth of Pennsylvania, to represent said Commonwealth, and particularly the department of State police thereof, before the Commission on Industrial Relations created by act of Congress approved August 23, 1912, entitled "An act to create a Commission on Industrial Relations," and in any State or Federal court in all matters arising out of or connected with any proceedings before said commission.

Respectfully, yours,

FRANCIS SHUNK BROWN.
Attorney General.

CUNNINGHAM EXHIBIT NO. 2.

[Office of the attorney general, Harrisburg.]

IN RE SUBPŒNA COMMANDING JOHN C. GROOME, SUPERINTENDET OF THE DEPARTMENT OF STATE POLICE OF THE COMMONWEALTH OF PENNSYLVANIA, TO APPEAR AND TESTIFY BEFORE THE COMMISSION ON INDUSTRIAL RELATIONS CREATED BY AN ACT OF CONGRESS APPROVED AUGUST 23, 1912.

To the HON. FRANK P. WALSH, CHAIRMAN, AND THE HONORABLE MEMBERS OF THE COMMISSION ON INDUSTRIAL RELATIONS:

The department of State police of the Commonwealth of Pennsylvania having been created by an act of assembly of the Commonwealth of Pennsylvania, approved May 2, 1905, Pamphlet Laws, 361, as a part of the executive branch of the government of said Commonwealth of Pennsylvania for the purpose, as stated in said act, of preserving the peace and preventing crime within the boundaries of said Commonwealth and for the purpose of cooperating with the local authorities in detecting crime and apprehending criminals and in order to take the place, as far as possible, of police theretofore appointed under the provisions of the laws of said Commonwealth authorizing the governor thereof to commission policemen upon the application of railroad, colliery, furnace, or rolling mill corporations, the Commonwealth of Pennsylvania, acting through her attorney general, respectfully denies the power and jurisdiction of the said Commission on Industrial Relations to summon and compel the attendance before it, as a witness, of the superintendent of said department of State police of the Commonwealth of Pennsylvania, or his deputy, and denies the power and jurisdiction of said Commission on Industrial Relations to compel said superintendent, or his deputy, to testify before it to any matters or things connected with or relating to the management, control, operations, or activities of said part of the executive branch of the government of the said Commonwealth of Pennsylvania, and denies the jurisdiction and power of said Commission on Industrial Relations to compel the production before it of any reports or papers on file in said department of State police of the said Commonwealth of Pennsylvania.

Assuming, however, that the proposed examination of the superintendent of said department of State police of the said Commonwealth of Pennsylvania is

for the purpose of obtaining such information with relation to the organization and operation of said department in the Commonwealth of Pennsylvania as may disclose whether it has served the purpose of its creation and as may throw light upon the propriety and advisability of the creation and maintenance of similar departments by other States of the Union, the governor and attorney general of the Commonwealth of Pennsylvania, without waiving any of her rights, and without conceding the right of your honorable commission to compel the proposed testimony, submit the superintendent of the said department of State police for proper examination before your honorable commission, reserving the right to her legal representatives to advise the said witness that in their opinion he is not bound to answer questions propounded by or on behalf of your honorable commission at any time during the course of said examination they may deem it proper so to do.

Respectfully submitted.

FRANCIS SHUNK BROWN,
Attorney General.

GROOME EXHIBIT.

HARRISBURG, PA., *June 1, 1915.*

Hon. FRANK P. WALSH,
Chairman Federal Commission on Industrial Relations,
643 Transportation Building, Chicago, Ill.

DEAR SIR: You will doubtless recall that at the time of the adjournment of your commission in Washington on May 10, 1915, you stated to Deputy Superintendent George F. Lumb, of the department of State police of the Commonwealth of Pennsylvania, and to me as a special deputy attorney general, that we would be afforded the courtesy and privilege of an opportunity to reply to the statements made by Messrs. Maurer, Williams, and Sebald, witnesses before the commission, criticizing the conduct of members of the State police department at South Bethlehem, Pa., during the strike existing there in February, 1910, and at Erie, Pa., during the strike which occurred there in August, 1913.

It semed to me that the most satisfactory evidence to the commission would be copies of the telegrams, letters, and reports in the files of the department of State police, which were written at the time of the occurrence and without any idea of preparing an answer to charges against or criticisms of the conduct of the members of the force.

As I understood your statement to us we were to be permitted to mail you such evidence to the end that the same might be placed upon the record of the testimony taken before your commission.

Inclosed herewith please find—

First. Copies of telegrams, letters, and reports relating to conditions at South Bethlehem, Pa., in February, 1910; and

Second. Copies of telegrams, letters, and reports relating to conditions at Erie, Pa., in August, 1913.

I also herewith inclose a letter addressed to you by Maj. John C. Groome, superintendent of the department of State police, requesting that the evidence herewith inclosed be read into the testimony taken before your commission. If this plan meets with your approval I would be glad to have an acknowledgment of the receipt of these papers so that our files may be completed.

Yours, truly,

J. E. B. CUNNINGHAM,
Special Deputy Attorney General.

DEPARTMENT OF STATE POLICE,
Harrisburg, Pa., May 28, 1915.

Mr. FRANK P. WALSH,
Chairman, United States Commission on Industrial Relations,
643 Transportation Building, Chicago, Ill.

SIR: As requested by your commission when I appeared before it on May 8, 1915, I inclose herewith the data and reports of the operations of the State police force during the rioting at South Bethlehem in 1910 and Erie, Pa., in 1913, and respectfully request that these reports be written in the records of your commission.

Very respectfully,

JOHN C. GROOME, *Superintendent.*

COPIES OF LETTERS, TELEGRAMS, AND REPORTS ON FILE IN THE DEPARTMENT OF STATE POLICE OF THE COMMONWEALTH OF PENNSYLVANIA, RELATING TO THE CONDITIONS EXISTING AT SOUTH BETHLEHEM, PA., FEBRUARY 25, 1910, AND THE DUTY PERFORMED BY THE STATE POLICE IN CONNECTION THEREWITH.

1. Telegram from Sheriff Robert Person, Northampton County, to Gov. Stuart, dated February 25, 1910.
2. Telegram from Gov. Stuart to Sheriff Robert Person, February 25, 1910.
3. Telegram from Sheriff Person to Gov. Stuart, February 25, 1910.
4. Statement of duties to be performed, signed by Robert Person, sheriff, and Capt. J. F. Robinson, February 26, 1910.
5. Report of Capt. Robinson to Supt. Groome on duty performed at South Bethlehem—arrest of Pvt. Moughan and disposition of case, June 16, 1910.
6. Report of Capt. Robinston to Supt. Groome, March 7, 1910.
7. Report of Capt. Robinson, in command, to Supt. Groome, March 10, 1910.
8. Report of Capt. Robinson, in command, to Supt. Groome, March 11, 1910.
9. Report of Capt. Robinson, in command, to Supt. Groome, March 15, 1910.
10. Report of Capt. Pitcher, commanding detachment, to superintendent, March 29, 1910.
11. Report of Capt. Robinson, commanding detachment, to superintendent, April 8, 1910.

[Copy of telegram received from sheriff of Northampton County, Pa.]

SOUTH BETHLEHEM, PA.,
February 25, 1910—10.55 p. m.

EDWIN S. STUART,
Governor of Pennsylvania, Harrisburg, Pa.:

It is impossible for me to handle and control the situation at South Bethlehem. It is impossible to get sufficient deputies from this community to act. Serious riots and bloodshed and shooting occurred this morning and evening.

Steel officials helped the situation by surreptitiously removing many of the men in box cars this afternoon. Works entirely suspended. It is absolutely impossible for me to protect men desiring to do necessary work. Further riot and bloodshed imminent in the morning. The whole town is in a lawless state, and I must have your help to preserve the peace, since I have exhausted all my resources. Have personally been in works several hours this afternoon and found it impossible on account of mobs to get out. I am supported in the foregoing view by the burgess and chief of police of South Bethlehem.

ROBERT PERSON,
Sheriff Northampton County.

[Copy of telegram sent to sheriff of Northampton County by the governor.]

Hon. ROBERT PERSON,
Sheriff Northampton County, South Bethlehem, Pa.:

Your telegram received. There are no facts or circumstances before me indicating that the existing conditions at South Bethlehem can not be controlled by you through the proper and vigorous exercise of your high powers as sheriff. Telegraph me immediately what you have done in the way of exercising your powers as sheriff in preserving the peace of your county.

EDWIN S. STUART.

[Copy of telegram received from sheriff of Northampton County, Pa.]

SOUTH BETHLEHEM, PA.,
February 25, 1910—12.40 p. m.

Hon. EDWIN S. STUART,
Governor of Pennsylvania, Harrisburg, Pa.:

Situation at South Bethlehem on account of strike at Bethlehem Steel Works is beyond my control. Employees of the works are mobbed and beaten both going to and coming from the works, and I am very much afraid that there will be increased violence to-night.

I would respectfully request and urge that 25 or 30 members of the State constabulary be sent us at once to assist in maintaining order, so that they will be here to-night. A large number of employees are desirous of working if they

can secure adequate protection to protect men who want to work. We will have to control about 3 miles of territory, including five congested parts.

ROBERT PERSON,
Sheriff Northampton County.

SOUTH BETHLEHEM, PA., *February 26, 1910.*

The following duties will be performed by the members of the State police while on duty in Northampton County, in consequence of the disorders attending the strike of employees of the Bethlehem Steel Co.: State police are to patrol streets and preserve order on same and prevent as far as possible all violations of the law. The State officers are to work in harmony with the sheriff and his forces.

The sheriff and his deputies will, as far as their powers and ability permit, guard the property of the Bethlehem Steel Co., the State police to do the street and road work outside the plant.

If necessary, both forces will combine and aid one another.

ROBERT PERSON,
Sheriff Northampton County.

J. F. ROBINSON,
Captain State Police.

WYOMING, PA., *June 16, 1910.*

The SUPERINTENDENT, DEPARTMENT STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to report that the case of Commonwealth *v.* Trooper John T. Moughan, for the killing of Joseph Szambo, was concluded at Easton, Pa., yesterday, June 15, resulting in the acquittal of the defendant.

This action, as you well know, resulted from the death of Joseph Szambo at South Bethlehem on February 26, 1910, incident to rioting of strikers of the Bethlehem Steel Co. on that date, which was the date of the arrival of troopers into South Bethlehem.

On request of Sheriff Robert Person, of Northampton County, and Burgess Peysert, of South Bethlehem, which action of the latter was supplemented by resolution of council of same borough, Capt. Robinson and detail of 24 men were sent to South Bethlehem to preserve the peace. The officials named above in their request stated that, owing to action of striking employees of the Bethlehem Steel Co., they were unable to control the situation, and that the assistance of the State police was required.

Capt. Robinson and detail left Philadelphia on special train about 5 o'clock a. m. February 26, 1910, and arrived at South Bethlehem about 6 a. m. Detail was met at depot by Sheriff Person, who requested that detail proceed at once to the works of the Bethlehem Steel Co. En route from depot to these works a moderate-sized crowd congregated and followed the troopers, jeering and hooting at the State officers, their action finally reaching such a state that it was deemed necessary to arrest the ringleaders, and three of the latter were placed in custody. After reaching the steel company's works and placing the horses within the inclosure or fence surrounding the company's property a mob of upward of 2,000 people congregated, the more bold of the strikers throwing stones, bottles, and missiles of various kinds at the inclosure, and scores of others yelling and jeering and shouting epithets of an unsavory nature at the officers. Capt. Robinson attempted to talk to these strikers and trouble makers, but, owing to the noise of those jeering and hooting, was unable to make any headway in that line, and he finally warned them to desist and go to their homes. Instead of desisting in their conduct, the strikers became more bold, and it finally came to a crisis where more decisive action was necessary.

In the meantime a conference was held between Sheriff Person and Capt. Robinson, at which the former stated that he was unable to control the situation, and that he did not believe the detail of 25 State policemen then at South Bethlehem was sufficient to cope with the existing conditions. He himself had been practically a prisoner within the company's works for two days. An agreement was made whereby the sheriff and his deputies were to protect the company property, guard the gateway, and prevent assaults being made within the inclosure and the State officers were to preserve the peace on the highways, streets, alleys, etc., preventing the congregation of strikers and other persons gathered together for unlawful purposes and to safeguard any

person who desired to either enter or leave the company property. At the conclusion of the conference the detail was mounted and left the company property.

Upon leaving the gate entering upon Poplar and Second Streets in South Bethlehem troopers were met with a volley of stones, bottles, etc., thrown by the strikers and sympathizers who had congregated in the immediate vicinity, numbering, as above enumerated, upward of 2,000 persons. This mob with considerable difficulty was dispersed by the detail, the strikers running in alleys and taking possession of houses other than their own in seeking refuge from the troopers.

The square embraced by Poplar, Linden, Second, and Third Streets was cleared and an effort made to keep back the mob from making an attack upon the main gate entering the company's works. At the corner of Third and Linden Streets a mob of upward of 300 had collected and refused to move, This mob had collected shortly after this thoroughfare had been cleared by the troopers. The troopers stationed in that vicinity numbered four men, and in their efforts to again clear the streets were met with open resistance. A number of shots were fired at the troopers from lower Linden Street and the vicinity of the Reading Railway tracks, and scores of rocks and bolts were thrown at the troopers.

In front of the Majestic Hotel, at the corner of Third and Linden Streets, upward of 100 persons had collected upon the steps of the hotel and on sidewalk immediately in front of same. Trooper John T. Moughan, who was stationed near that point, was endeavoring to drive them back when he was struck with a rock and nearly unhorsed. At this time two shots were fired at him presumably, shots being fired from lower Linden Street. He and Trooper Dugan rode into the crowd, and both saw a man attempting to draw a revolver. Moughan fired twice, one of the shots presumably hitting and killing Joseph Szambo, a striker, and the other bullet hit a Hungarian, making a slight wound in his cheek. During the mêlee in the vicinity of the Majestic Hotel, where Szambo was killed, six of the troopers were struck with stones, one of whom was quite seriously injured, and a dozen of the horses were hit. It is estimated that fully 20 shots were fired at the troopers, and hundreds of stones were thrown at them. Near this point the violence and the open opposition to law was so great that it was necessary to advise you by telephone for the purpose of requesting reenforcements for detail of 25 men then on duty. You sent the remainder of Troop B, consisting of 23 men, and 42 men of Troop D, under Capt. Pitcher. These reenforcements arrived in South Bethlehem during the afternoon and evening, and were entirely necessary to cope with the situation in the preservation of peace and the preserving of law and order. The town upon the arrival of the first detail of State police was practically in the hands of strikers, and mob violence ruled. The resistance to the State police was open, and was of such a nature that it exceeded the violence of any strike that has taken place within the past five years in which the State police has participated.

Shortly after the death of the striker Trooper John T. Moughan was placed under arrest on the charge of manslaughter. The trial took place at Easton during the week of June 13 and resulted in the acquittal of the trooper. The prosecution abandoned the case on June 15, after failing to show that the shooting was not justified and that mob violence did not prevail in South Bethlehem when the fatality occurred. No witnesses for the defense were heard, for, as above stated, the prosecution, after hearing about 12 witnesses, decided that the Commonwealth had no case and, with the consent and approval of Judge Scott, present judge of Northampton County, had the jury bring in a verdict of not guilty.

At the time there were on strike upward of 9,000 men, former employees of the Bethlehem Steel Co. A large majority of the strikers was composed of foreigners, and on the day of the arrival of the State police at South Bethlehem, February 26, 1910, hundreds of these strikers were drunk and maudlin and in excitable condition. They had practically been in control of South Bethlehem for several days and the overt acts committed with but slight attempts made on the part of the local police to make arrests. And to this fact, in connection with the drunken condition, I attribute the violent opposition shown to the State policemen and the score of overt acts committed on the day of the arrival of the State officers.

The members of Troop B who were in attendance at court at Easton returned to barracks at Wyoming on June 15.

Very respectfully,

J. F. ROBINSON,
Captain Troop B.

SOUTH BETHLEHEM, PA., *March 7, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to present report of operations of Troops B and D for the past 48 hours, as follows:

Patrols extend on highway outside of steel plant for a distance of 2 miles. Patrols are worked from 4 to 8 a. m., 11 to 1 midday, and 4 to 6.30 p. m. In addition, a regular guard is maintained over stables and quarters of troopers, the reserve being always prepared for emergency calls.

South Bethlehem police and borough officials are openly working against the State police, and they are to a large measure responsible for the continuance of feeling of animosity on part of strikers and sympathizers.

The strength of the State police on duty here is as follows: Troop B, 46 officers and men; Troop D, 40 officers and men. The two troops have a total of 93 horses on duty here, of which 9 are practically unfit for active service. None of the horses is seriously injured or disabled.

Many of the troopers have suffered with slight attacks of tonsilitis and sore throat, due mainly to work in early morning during inclement weather. None of the cases is of a serious nature.

Men and horses are comfortably quartered, the former in steel company offices and the latter in improvised stables on company property.

The territory patrolled by troopers will have to be extended, as the strikers are sending their pickets to outlying districts and this morning stopped two cars, firing on one car.

To-day upward of 4,000 men, not quite one-half of the total number formerly employed, were at work at the plant.

Very respectfully,

J. F. ROBINSON,
Captain, State Police, Commanding Detachment.

[Pennsylvania State police, Troop B.]

SOUTH BETHLEHEM, PA., *March 10, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to present report of operations of Troops B and D on detached service at South Bethlehem, for the past 48 hours.

It was necessary to extend patrols morning and evening to include practically all of the residential sections of the workers so as to protect them from molestation while going to and from work. The strikers have organized a very strong band of pickets, and last night after the patrols were withdrawn from the streets several of the workmen were attacked and beaten, and three houses were stoned.

It is estimated that upward of 5,000 men are now at work at the plant, leaving about 5,000 still on strike. The indications are that the strike will be broken within the next 10 days, and until it is I am of the opinion that the present detachment of State police should remain here on duty. The deputies in the employ of the sheriff are of the usual variety, afraid and inefficient, and if the State police were to leave here to-morrow the following day there would not be a man at work through fear of attack on the part of the strikers.

The executive committee of the strikers yesterday notified all of the storekeepers in South Bethlehem not to sell anything to State policemen under penalty of boycott, and the proprietors of the stores are strictly adhering to the admonition.

Two arrests were made yesterday, one on charge of rioting, the other on charge of disorderly conduct. The defendants will be given a hearing to-day before Justice Enright.

Sergt. Smith and a deputy sheriff have been sent to Pittsville to arrest one James Bocan, a rioter who left South Bethlehem following the issuing of a warrant for his arrest.

Men and horses of detachment on service here are in good condition.

Very respectfully,

J. F. ROBINSON,
Captain Commanding State Police Detachment.

SOUTH BETHLEHEM, PA., *March 11, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to present report of operations of Troops B and D on detached service at South Bethlehem for the past 24 hours.

Patrols have been extended to cover a distance of about 5 miles of streets adjoining the steel company plant and the homes of the workers. Numerous cases have been reported of intimidation and threats, and as the result we made two arrests yesterday on warrants issued upon information furnished by employees. Also rearrested one of the prisoners who escaped from the deputy sheriffs on February 26. The defendant was held for court under a thousand dollars bail on charge of rioting.

Men employed this morning total upward of 5,500.

Eight troopers are ill with slight attacks of grippe and many of the men are suffering with sore throats, due to the patrols in the early morning.

The strikers intend to parade with the women and children Saturday despite the fact that a permit for such a parade has been refused by the burgess and by the sheriff. We may experience some trouble, providing the strikers make good their threat and parade.

Very respectfully,

J. F. ROBINSON,
Captain Commanding Detachment.

SOUTH BETHLEHEM, PA., *March 15, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to present report of operations for the past 24 hours of Troops B and D on detached service at South Bethlehem.

Patrols were maintained as usual. Three arrests were made for rioting, assault and battery, and carrying concealed weapons. At hearings before justices of the peace defendants were held for court.

At meeting of South Bethlehem councils last night Chief of Police Kelly was discharged, owing to neglect of his duties and his open avowal of sympathy of strikers. During the entire strike not an arrest was made by the South Bethlehem police force for disorderly conduct on part of strikers, and the removal of the chief is somewhat in the nature of a reversal of the ill feeling against the steel company and the State police.

Very respectfully,

J. F. ROBINSON,
Captain Commanding Troop B.

SOUTH BETHLEHEM, PA., *March 29, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to herein present report of operations of Troops B and D on detached service at South Bethlehem, Pa., March 25 to March 29, 4 p. m.

Patrols were sent out each morning and evening while the men were going to and from work—the patrols going out at 4.30 a. m. and remaining to 7.30 a. m., and again at 4.30 p. m. and remaining to 6.30 p. m. In addition to the above a reserve detail of 10 men is kept on duty at the office building at all times.

There have been no arrests and no disorder, with the exception of last night at about 11.30 p. m., when four shots were fired at Pvt. McGrath, who was on duty outside of the office building, two of the shots hitting the office building, within about 3 feet of where Pvt. McGrath was standing. The shots came from the rear of some old buildings across the street. A diligent search was made, but could not locate anybody.

Very respectfully,

LEON PITCHER,
Captain Commanding Troop D.

SOUTH BETHLEHEM, PA., *April 8, 1910.*

The SUPERINTENDENT, DEPARTMENT OF STATE POLICE,
Harrisburg, Pa.

SIR: I have the honor to present report of operations for the past 48 hours of Troops B and D on detached service at South Bethlehem.

Patrols were maintained as usual and no disorders occurred. Forty-four members of both troops have been subpœnaed to appear at court at Easton next week as witnesses in riot, assault and battery, and manslaughter cases.

Very respectfully,

J. F. ROBINSON,
Captain Commanding Detachment.

COPIES OF LETTERS, TELEGRAMS, AND REPORTS ON FILE IN THE DEPARTMENT OF STATE POLICE, OF THE COMMONWEALTH OF PENNSYLVANIA, RELATING TO THE CONDITIONS EXISTING AT ERIE, PA., AUGUST 23, 1913, AND THE DUTY PERFORMED BY THE STATE POLICE IN CONNECTION THEREWITH.

1. Report of Lieut. Thomas F. Wiechard to Supt. Groome, August 23, 1913.
2. Report of Capt. Lynn G. Adams to Supt. Groome on arrival of detachments from Troops A and D at Erie, August 24, 1913.
3. Report of Capt. Lynn G. Adams to Supt. Groome, August 31, 1913.
4. Report of Capt. Adams, commanding detachment on duty at Erie, to Supt. Groome, September 5, 1913.
5. Letter from Supt. Groome to the commanding officer, Troop A, instructing him to withdraw members of Troop A on duty at Erie, Pa., November 8, 1913.
6. Letter from Supt. Groome to Mayor W. J. Stern, Erie, Pa., informing latter of withdrawal of 20 men from duty at Erie, Pa., November 8, 1913.

ERIE, PA., *August 23, 1913.*

Superintendent JOHN C. GROOME,
1216 Walnut Street, Philadelphia, Pa.

SIR: I have the honor to submit the following report of my investigation of the conditions as to law and order at Erie, Pa., where a strike of molders and foundrymen is in progress.

Arrived at Erie at 9 p. m. August 20, and visited the strike zone, and from inquiries made from men employed at the several foundries I learned that the strike was called in an effort to unionize the shops in Erie; that about 1,500 molders responded and were engaged in doing picket duty on the streets leading to the houses of the men still employed at the foundries; that the strike was inaugurated in November, 1912, and has continued since that time.

I next called on the sheriff of Erie County, arriving at his residence about 11.30 p. m., and found the sheriff in a state of nervous distress; so much so that he insisted on our conference being held in an unlighted room, and at the termination he escorted me from his residence by the rear door. The sheriff outlined the conditions to me as being absolutely beyond his control; that he had put forth every effort to handle the situation but was unable to do so; that he had advertised for deputy sheriffs and about 50 men responded to his advertisement but was able to select only 15 men of the right caliber, and some of those selected were doubtful. He told me emphatically that he was positively unable to cope with the situation; that the strikers had established a system of picketing in which violence was resorted to and in the past 10 days one man had been killed and several seriously wounded and that he was now appealing to the department of State police to assist him in putting down the disorder. At 10 a. m. on the 21st of August, I met in conference Mayor Stern of Erie, the sheriff, chief of police, and the county and city solicitors. The situation was gone over in detail, and the mayor told me that conditions had gotten so far beyond his control that he had placed the matter in the hands of the sheriff and that he (mayor) had heartily indorsed the sheriff's request for intervention by the State police. I next interviewed the secretary of the manufacturers' association, and he showed me a list of casualties and statistics substantiating the statement made by the mayor and the sheriff.

The foundries are located in two distinct sections of the city; one section on the east and one on the west side, and the territory covered by the 20 plants involved is so extensive that the Erie police and the extra deputy sheriffs, even though they were properly instructed, would be unable to handle these con-

ditions. I would therefore recommend that a troop of State police be sent to Erie, and they are assured of absolute cooperation from the local authorities. It is my opinion that sooner or later our department would be obliged to take this matter in hand as the disorders are multiplying each day, therefore intervention by a troop at this time will doubtless save serious trouble and the mobilization of the entire squadron.

Very respectfully,

THOMAS WIECHARD, *Lieutenant, State Police.*

ERIE, PA., *August 24, 1913.*

Supt. JOHN C. GROOME,
1216 Walnut Street, Philadelphia, Pa.

SIR: I have the honor to report that the detachments detailed from Troops A and D arrived Erie at 6 a. m., and were detrained successfully without more than a dozen inhabitants being aware of our presence. At 6.30 a. m. 20 men were on the streets in the affected districts doing regular patrol work, preventing the crowds from congregating and picketing, and there was no case of violence reported during the forenoon. The men on the streets were relieved by the other half of the detachment who remained on duty until 1 p. m., when they were relieved for dinner. It was not then found necessary for our men to go on duty until 4 p. m., when the men at work in the various factories begin to leave for their homes, when 20 men were detailed to patrol the streets as in the morning.

At about 4.30 p. m. a crowd of about 500 men congregated between Eleventh and Fourteenth Streets on Parade Street and refused to obey the traffic regulations, and resorted to violence, which in consequence caused the arrest of seven men, charging same with disorderly conduct. Two arrests were resisted, which necessitated the use of considerable force and the conveying of two men to the Hamot Hospital for repairs. The only injury sustained by the members of our detachment was the destruction of one summer helmet. After these arrests the crowd was dispersed, and at 7.30 there being no further necessity for our men to patrol the streets they were relieved.

Conditions on Sunday morning are very quiet, and chances of a general strike on account of our presence seems to be more and more remote as time passes.

In my next report I will inclose blue print locating the various affected factories, and a map of the method that I shall use to protect the workingmen to and from work in various parts of the city.

Very respectfully,

LYNN G. ADAMS,
Commanding Detachments A and D, Erie, Pa.

ERIE, PA., *August 31, 1913.*

Supt. JOHN C. GROOME,
1216 Walnut Street, Philadelphia, Pa.

SIR: I have the honor to report that the situation remains quiet in Erie. I have just had a conversation with Mayor Stern, and he believes the quietness of the situation here is entirely due to our presence, and would regret very much the withdrawal of our men while conditions remain as they are, because they would probably revert to the conditions that existed before our arrival.

The suppressed spirit of unrest was demonstrated last night by the stoning of houses occupied by those who had been on strike. This matter, however, was handled by the local authorities, who are taking precautionary measures to prevent a recurrence.

Very respectfully,

LYNN G. ADAMS,
Commanding Detachments Troops A and D, Erie, Pa.

ERIE, PA., *September 5, 1913.*

Supt. JOHN C. GROOME,
1216 Walnut Street, Philadelphia, Pa.

SIR: I have the honor to report that conditions are comparatively quiet in Erie in connection with the strike. There appears to be, however, some unrest in the ranks of the strikers inasmuch as some workmen were stoned last night

at a railroad crossing on Chestnut Street, south of Twelfth, but was discontinued upon the appearance of our men. The residence of a nonunion workman was burned at 3 a. m. yesterday morning, the fire being apparently of incendiary origin.

I am inclosing herewith copies of reports of Burns's detectives in the employ of the manufacturers' association.

Very respectfully,

LYNN G. ADAMS,
Commanding Detachments Troops A and D, Erie, Pa.

NOVEMBER 8, 1913.

Commanding Officer TROOP A, STATE POLICE,
Greensburg, Pa.

SIR: You are hereby instructed to relieve the men of your troop now on duty in Erie and order them to return to the barracks on or before Saturday, November 15.

When you leave you can turn over the command of the balance of the detail to Lieut. Wiechard of Troop D.

Very respectfully,

JOHN C. GROOME,
Superintendent.

NOVEMBER 8, 1913.

Hon. W. J. STERN,
Mayor, Erie, Pa.

SIR: The detail of State police now in Erie that was sent to your assistance August 20, after repeated requests from yourself and the sheriff, with your assurance that it was impossible for the local authorities to maintain law and order, has now been on duty in your city nearly three months, and this detail, with the assistance of your men, has been able to maintain law and order during that time, and I now feel that conditions are such that your police assisted by a small number of State police can continue to maintain law and order in the city, and I am therefore writing to notify you that I shall withdraw 20 men of the force now on duty in Erie on Saturday, November 15. I feel that the local authorities have had ample time to make arrangements that will enable them to successfully handle the situation without outside assistance; and should conditions remain as they are, I expect to withdraw the balance of the men within a short time.

Thanking you for the courtesy you have extended to the officers and men of the force and the assistance you have given us, I remain,

Very respectfully,

JOHN C. GROOME, *Superintendent.*

LUMB EXHIBIT.

STATEMENTS OF STRIKERS AND OTHERS GIVEN AT HEARING IN PARLOR OF THE LOUGHRAN HOTEL, HAZLETON, PA., JUNE 11, 1914.

Mr. MAURER. Your men in this district since they came here have not been acting impartial in this strike situation, between the employees of the Lehigh Traction Co. and the Lehigh Traction Co. Their conduct has been so as to favor the traction company and reflect against the employees and to harass the old employees. That they have been, on the other hand, partial and favorable to the Lehigh Traction Co. That charge I stand ready to prove.

Another charge was that they arrested men here and took them to Pottsville for trial, and they could have been tried right here. My assumption was that the purpose of taking them to Pottsville was in order to railroad them to jail.

Another was that their presence and action on the streets tended toward disorder, and that their presence was not in the interests of order but disorder, and stand ready to prove this charge.

Mr. Matti is the man who was arrested here and taken to Pottsville on a charge of disorderly conduct or attempting to incite riot. He had a trial in Pottsville and was discharged.

ANDREW MATTI, vice president, United Mine Workers, called to witness stand.

Q. What is your first name?—A. Andrew Matti.

Q. Do you hold any official position in the district?—A. A district superintendent of the ninth district, United Mine Workers.

Q. (By Mr. MAURER). What led up to your arrest?—A. On the 26th of May I went to McAdoo to attend a meeting of the local union of the United Mine Workers. Standing on the corner, I saw one of the——

By Mr. LUMB:

Q. What street were you standing on?—A. Prinn and Railroad. One of the mine workers, a brother miner got off the car, and when I seen him getting off I went to him and wanted to talk to him. He stopped. I put my hand on him and said, "Do you know these cars are unfair." He looked at me, and we started to walk and talk.

Q. But you did put your hand on him?—A. Yes. I told him that I was an official of the mine workers. While talking to him, three men came along; I know one of them, Mr. Hennig. I don't know these other two gentlemen—that is, I would know them if I would see them. I walked away with this man, and was talking quietly. Mr. Hennig walked up and said, "Don't listen to a damned fool." I says, "I know you; I know who you are." That is all that was done that night. I wasn't arrested or anything until the 28th.

Q. What time was that?—A. In the evening, between half past 5 and 6 o'clock. On the 28th of May, at 8 o'clock in the morning, I was in bed. The three gentlemen appeared again. One of the constabulary I know, Mr. Hennig. Two other gentlemen were with him. I was just getting the paper to read.

Q. Where were you then?—A. At home, Hazleton, 625 Arthur Street. They came up to me and said, "Matti, you're arrested." I says, "What for?" They says, "Never mind what for; just come along." I says, "Do you have the warrant?" They says, "Yes," and showed it to me. I says, "The name of the justice is not familiar in this city. I know them all."

Q. What was the name of the justice?—A. Freiler, I think. They took me to Pottsville. When he took me from home I come down here and asked them, "Could I get an attorney to defend me?" Hennig says, "Yes; you can, if you can get anybody." I phoned for Abner Smith, but he wasn't at home. Hennig says, "You have only five minutes' time; we are going to Pottsville." I says, "What are you going to Pottsville for?" Hennig says, "To take you to jail." He says here on the corner before we got on the train, "If you pay $10, it will cost you that anyhow," he says, "if you give me $10 I will let you go." He says "If you pay $10 to me you can go home." I says, "No, sir; I am not guilty." He says, "Now you can look for bail; you have ample time."

Q. Was Hennig alone?—A. He was with me all the time. Then when we got to Pottsville another officer took me up before the justice of the peace.

Q. (By Mr. MAURER.) Now tell about the saloon?

Mr. LUMB. Mr. Maurer, I object to your leading the witness, and request that he state his grievance in his own way.

Mr. MATTI. I am coming to the saloon later.

Q. (By Mr. MAURER). Did you go right from the train to the justice of the peace?—A. Yes, sir. I went in to the justice of the peace and I made a plea before the justice that I couldn't get my witnesses there. "Well," he says, "you have to get bail"; never told me how much the bail was in Schuylkill County. I says, "I want to see my lawyer," and he says, "It will do you no good anyhow to see him because the district attorney is on our side." "Well," I says, "he will give me a chance to get bail or something." Hennig says, "Now, you are going to jail, remember that." He says, "Now, you are going to jail, understand that." The other two gentlemen were there on the corner at a saloon.

By Mr. LUMB:

Q. What saloon was this?—A. Right at the corner as you come in from the station.

Q. Which station did you go in?—A. The Pennsylvania. We came from the squire's office and went in that saloon. He set 'em up. Hennig took a whisky and the other constabulary man took a beer and one took a ginger ale.

Q. There were three of them, State police, when they arrested you?—A. Yes, sir.

Q. How many appeared against you?—A. Hennig and another constabulary man and a man that used to be a constabulary. We came from the justice's

office and were on the corner of the street. Then we went into the saloon. He set 'em up; Hennig took a whisky and I took a whisky, the other fellow took a beer, and the other fellow took a ginger ale. He (Hennig) refused to pay for the drink I took. I says, "If you don't want to pay it, I'll pay it." He says, "No, ——— ——— you, you don't need to; I'll pay for that drink."

Q. How many of you were drinking?—A. Me and Hennig and the rest of the boys took a drink.

Q. What boys?—A. The constabularies. He says, "You come up and go to jail now." I says, "All right." He says, "Matti——

Q. Who says?—A. Hennig. The other gentlemen were left in the hotel. He says, "Matti, do you know what I have a notion to do? I have a notion to knock your damned block off." I says, "Take that badge off, and I'll take you down the alley." He says, "Come on, you damned fool, come on." We went to the hotel and I says, "Come on, Hennig, come on in here and we will have another drink." Hennig took a drink and I took a drink; took a glass of beer apiece. I seen a fellow I knew, the bartender, and I says to him, "I'm arrested by this constabulary man; would you go my bail?" He laughed and says, "Why, sure, I will go your bail, Matti." So in the meantime Hennig walked around the bar and went behind the bar. The bartender says, "What are you doing back there; what do you want?" Hennig says, "I want to read this bill here," and he says, "I'll read it anyhow." He says to the proprietor, "If you want to go his bail, you have got to go down right away." The proprietor can't walk; he has rheumatism.

Q. What was Hennig's reason for going behind the bar?—A. I don't know. I'm not going to say anything that I don't know. He says, "You've got to go on down now," and the proprietor says, "I'll phone down to the squire and tell him that I will go his bail."

Q. That was the squire that issued the warrant?—A. Yes, sir. So when we got through talking and we had another beer I went with Hennig and he says, "Do you want to see the district attorney?" He says, "You come up to the courthouse and I will show you how close you were to jail." I went up to the courthouse and he saw the district attorney, and I talked to the district attorney after he got through with him. I says, "Where can I get a good lawyer?" He said there were several lawyers around there, but didn't mention any names. We then went back to the squire's office, and Hennig says, "If your bail is not there I'll kick the ——— ——— out of you. Shut up," he says, and he jerked me again and took me down street to the squire's office, and when we got there the squire was there.

Q. Who furnished your bail, Mr. Matti?—A. The proprietor of the City Hotel. I says, "Pay my fare back." He says, "No; I am done with you now, but I will pay your fare in a Pullman if you want to ride."

Q. Who did pay your fare?—A. Hennig. I returned the fare when we got to Hazleton. He wanted the money back, so I gave it to him.

Q. You parted at Hazleton?—A. Yes, sir.

Q. Good friends or otherwise? There was no hard feeling when you separated?—A. Certainly we did. With that many men what could I do? I didn't want my block knocked off.

Q. (By Mr. MAURIER.) Then what?—A. Then I got my hearing.

Q. When was the hearing?—A. The 26th.

Q. What day was it you were taken down that you just spoke about; I thought it was on the 28th that you were arrested? You know it was on the 26th that you touched the man on the sleeve and told him about the cars.

(Witness constantly refers to notebook.)

A. Twenty-eighth I was arrested and on the 29th I had the trial. On the 28th I was took down to Pottsville; on the 29th we had the trial. On the 29th I appeared before a squire, got my witnesses, and give my statement on the road that I did not raise any disorderly conduct and had two witnesses to swear to that. Mr. Hennig swore that I was going to knock his head in on the street, that I raised a disturbance on the street which was never done. I was discharged by the squire not guilty.

Q. (By Mr. KENNEDY.) Matti, who paid the costs?—A. I don't know. The costs were paid. So when we came home after the case went off Mr. Hennig says to me before we parted again, he says, "I'll get you yet." I says, "All right, if you want to get me. All right, if I am guilty." It was here at the station, coming back from Pottsville, on the 28th, I told Hennig, "I am going to get my witnesses ready for to-morrow." He says, "Don't you come up to

McAdoo." He says, "If you do, I'll arrest you again." He says, "If you come up to McAdoo, I will have you arrested again." My lawyer says, "You go to McAdoo and get your witnesses," and I did so.

Q. (By Mr. MAURER.) Mr. Matti was there any officers of the Lehigh Traction Co. along with the State constabluary to Pottsville?—A. Yes. An ex-constabulary man was to Pottsville with the other two men. He followed me up to Pottsville with the other two gentlemen.

(At this point Capt. Lumb reminded Maurer that he had promised to have all the witnesses sworn.)

Matti sworn by James A. Gorman, notary public.

By Mr. LUMB:

Q. Mr. Matti how many drinks did you and Hennig have together on your trip to Pottsville with him?—A. We had two whiskies apiece in that hotel while these two gentlemen were with us, and two beers apiece at the other hotel; that is, the City Hotel.

Q. What was that drink that cost 15 cents that Hennig balked about?—A. Oh, I took a drink of Overholt whisky.

Q. You changed the brand to 10-cent whisky on the second drink?—A. That's it.

W. F. WELSH, second vice president, Trolleymen's Union, sworn.

Mr. MAURER. Now, Mr. Welsh, Mr. Matti said something about you being by when he was arrested——

Mr. LUMB. May I suggest that these men be allowed to tell their own stories?

Mr. WELSH. On the morning of May 28 I was going up to our headquarters, which are in the Saeger Building, at the corner of Broad and Church Streets. At the corner of the intersected streets I met Mr. Matti and did not notice that there was any person with him. Matti says, "I'm arrested." And I says, "Who arrested you?" He said, "These three men here." He says, "They are going to take me to Pottsville on this 9.19 train." Evidently it was within a very few minutes of the train time, because one of the gentlemen that was with Mr. Matti kept pulling out his watch and looking at it, and he made the remark that the train was about due. Then he says, "Come on, we have to go." Matti says, "I want a little chance here." Hennig says, "The best thing you can do is to pay your fine of $10, for you know you are guilty and confessed your guilt, for ——— ——— you, you are guilty." Then they started down street for the station. I saw the secretary of the mine workers and come up the street with him, and told him that they were taking Matti to Pottsville. That is all I know about the case.

By Mr. LUMB:

Q. Did you know that Matti was under arrest when you first saw him?—A. No.

Q. They didn't have a hold of him; he wasn't handcuffed or anything like that?—A. Oh, no.

Q. Mr. Welsh, will you explain the action of the State police toward the trolleymen?—A. Well, their action from reports given me by the men who are out on strike have been simply intolerable and unbearable. They have on several occasions tried to raise disorder.

Q. When they were in uniform?—A. You don't know who the State police are; they are not in uniform. Several have been pointed out to me as being State police in plain clothes. From information received, I am led to believe that they are trying to stir up trouble.

Q. Capt. Pitcher, how many men are there in Hazleton?

Capt. PITCHER. Twelve men and 1 plain-clothes man.

Q. (By Mr. DEVERS.) Will you compel him to appear in uniform?—A. (Ignored.)

Mr. LUMB. We have had one plain-clothes man in Hazleton.

Mr. WELSH. I would say that if you have only got one man in plain clothes here, unless that is Hennig, there was no State police troopers arrested Mr. Matti.

Mr. LUMB. Private Slifer went along to Pottsville.

Mr. MAURER. I think that we will be able to show that there are more than one plain-clothes man here on duty.

NEIL J. FURRY, national committee, United Mine Workers, McAdoo, Pa., sworn.

By Mr. President KENNEDY, United Mine Workers:

Q. Mr. Furry, do you reside at McAdoo?—A. I do.

Q. Were you at Pottsville when the trial came off?—A. Yes; I was down there at Pottsville on the 29th of May.

Q. How many members of the State constabulary to your knowledge were down there that day?—A. How hany members were there? There were two members there and a fellow who said he was an ex-State police, employed by the Lehigh Traction Co. There were two other fellows there, a fellow by the name of Koontz.

Q. The testimony of the State constabulary and the testimony of the gentleman who was a Lehigh Traction Co. police, did it differ in the morning?—A. Yes. The State police and the officers of the Lehigh Traction Co. differed—their testimony was somewhat different, considerable in fact. If you want to hear it I am willing to recite it.

Q. (By Mr. LUMB.) What is the idea, Mr. Kennedy?

Mr. KENNEDY. To show that their testimony was fixed-up evidence. Koontz, a witness for the State police, was fixed. He had fairly good English. I understand that he had been in this country for quite a few years. The testimony that he gave did not coincide with that of the State police. He was discharged. Both sides had submitted all the questions to him that they felt like. After dinner they recalled him to go over the testimony, and his testimony was like that of the State police. In the first place the State police testified that Andrew Matti had called them ——— of ———, skull crackers, and scabs. In the forenoon he said he didn't hear anything like that, but in the afternoon he said he did.

By Mr. LUMB:

Q. Do you know where Koontz lives?—A. Koontz lives out here in Hazle Heights. Those fellows took him down to McAdoo; they know where he lives, I suppose.

Q. Do you know his first name? I would like to find him.—A. No.

Q. Did Mr. Matti have an attorney there?—A. Yes.

Q. Did he make any exceptions to this testimony?—A. Yes; some. When we were coming back I was sitting in the smoking car, and Matti came in and sat beside me. Mr. Hennig came in and made the remark to Mr. Matti that he would "get him yet." Matti says, "Well, if you get me, I will be sure and get you." Hennig said that he would make an example of Matti.

Q. Hennig said, "I'll get you yet."—A. Yes, sir. I believe when the citizens of Pennsylvania pay men to work and look after the citizens who are paying them that they shouldn't be out after any individual, and they should carry out orders.

Q. Now, you are expressing an opinion Mr. Furry, and that is not evidence.

WILLIAM FOX, chief burgess, McAdoo, Pa., sworn.

By Mr. KENNEDY:

Q. What is your occupation?—A. Steam-shovel foreman.

Q. Official position?—A. Chief burgess of McAdoo.

Q. Mr. Fox, was there a trolleyman arrested previous to the Matti case on the record?—A. Yes, sir.

Q. What was the charge?—A. Well, disturbing the peace and the harmony of the borough and using unchaste language and insulting the person.

Q. What was the disposition of the case, so far as you were concerned? What was the verdict?—A. I found him guilty.

By Mr. LUMB:

Q. Where was the hearing held?—A. In the borough lockup.

Q. At what time?—A. Oh, I can't say. Just after the arrest.

Q. Is it not a fact that the hearing was held on the way to the lockup?—A. No; I didn't give no hearing on the outside. I give the man a hearing, and I invited the sergeant in charge or any of the State police to come in for the hearing.

Q. Under what conditions was the man arrested?—A. When the man was arrested the crowd was so thick that I thought there was going to be a riot.

Q. Afraid of getting mobbed?—A. No; they would have to mob me first. I give him a hearing. When we were going in, down into the town, I invited three of them—the sergeant and two other men—to attend.

Q. Where were the State police at this time?—A. The State police went right along, too, and I invited them down into the hearing, and they wouldn't go.

Q. Was there reason to fear that he would be mobbed?—A. Well, its hard to say what might have occurred?

By Mr. DEVERS:

Q. Did they offer any assistance?—A. A man in my position would be crazy to refuse protection. I would resign my office before I would do it. I says to the State police, "I can handle the crowd," and did handle it and proved to them that I could handle it.

Q. You say that there was, or thought that there was, some danger for that man from the mob?—A. I didn't know; but I handled the crowd and saw three State police in it.

Q. You say there was three State constabulary men over there?

Mr. LUMB. Over where?

A. I know there was three in uniform and three in plain dress, civilian dress. Either that or I was misinformed by the sergeant in charge.

By Mr. KENNEDY:

Q. Was there any of the men in the crowd carrying guns?—A. I was informed that some men had guns in the crowd, and when I mentioned it to the sergeant he says, "Those men belong to us. They are in plain dress," and said further, "I am not going to interfere with anything you people do at all."

Q. How many in plain clothes?—A. Three.

By Mr. LUMB:

Q. That was on the 6th of May, was it, Burgess?—A. Yes; that was on the 6th of May.

Q. Did you fine this man any money?—A. Yes; I fined him $10.

Q. Who paid the fine?—A. One of those parties that the sergeant represented to me as a State policeman.

Q. Who?—A. The man who paid the fine was one of the State police.

Q. Do you know what object one of the State police would have in paying a man's fine, Burgess?—A. No, sir; unless to help the Traction Co.

Q. When was the fine paid?—A. Fine was paid probably an hour later.

Q. How long was he in jail?—A. Well, after the fine was paid the troopers asked me if I would take him down, and I says, "Yes; I will take you down and assure you that nothing will happen." There was nobody at all around the lockup; they was all at the trolley car.

Q. (By Mr. MAURER.) Do you think that after the man was turned over to you that the State police were needed?

By Mr. LUMB:

Q. Do you think that there was any possibility of anything being done to the prisoner?—A. I can't say.

Q. Who arrested this man?—A. My officer.

Q. Where were the State police at that time?—A. On the car tracks, close to the sidewalk. The officer arrested him right on this corner.

Q. What did the State police do when he was arrested?—A. Went right along with the crowd.

Q. Did you hear any talk of violence?—A. No; I didn't hear anything at all.

Q. Burgess, when this man's fine was paid you accompanied him to a point where you saw two mounted State police, and then, thinking they could protect him, you turned back. Is that right?—A. Yes. I knew he wouldn't be hurt while I was with him.

Q. Now, gentlemen, you see why a State policeman paid the fine. This man had been sentenced to $10 and costs or 48 hourse in the lockup. Is that right, Burgess?—A. Yes.

Q. Yes. And the State police, knowing they could not stay the 48 hours, arranged to pay this man's fine so that he could escape with his life while they were there to protect him, just as they would have done if it had been the president of your union or any other human being.

Q. Mr. Fox, as burgess of McAdoo, what was your attitude toward the State police at McAdoo?—A. I give orders for the police to keep everybody on the move to prevent the injuring of anybody.

Q. When was that?—A. It was the same evening that Matti was arrested. This Hennig was along with a gray shirt on. He says to the officer "Why don't you go over and disperse that crowd over there?" The officer came to me and told me about it, and I says "Keep the sidewalk clear. We are not looking for trouble."

Q. What night was it that you ordered the State police to leave McAdoo?—A. The same evening. The State police and me never had no words after that, after ordering them away from McAdoo. Their advice was all right—they told me to see my lawyer.

Q. Burgess, you can tell us why the man was taken out of McAdoo for the hearing can't you?—A. No.

Q. Did our men make a request to keep the man in the lockup over night?—A. No, sir.

Q. Was any citizen of McAdoo assaulted by one of the State police?—A. Why, yes.

Q. Who was the citizen, Burgess?—A. He was a tender by the name of Philip Riley.

Q. When was this?—A. Maybe two or three weeks ago.

Q. What was he assaulted for?—A. I don't know.

Q. You just heard it?—A. Yes. I later sent for your men to come so that I could ask them about it, but they didn't come. I didn't see the assault.

Q. Were you at McAdoo the night Matti was there?—A. Yes, sir; I was there.

Q. Did he create any disturbance?—A. No; not that I saw.

STEPHEN POSTUPAK, chief of police, McAdoo, Pa., sworn.

By Mr. DEVERS:

Q. Mr. Postupak, were you at the scene when Matti was arrested?—A. Yes, sir; I was on duty that night.

Q. Did you see Matti create any trouble?—A. No, sir.

Q. As chief of police, what has been the action of the State police? Do they favor the Lehigh Traction Co. or prevent trouble?—A. Four men got after a car the night Matti was arrested and were fresh.

By Mr. LUMB:

Q. What do you mean, fresh?—A. The State police went right through the crowd with a rush. One of the men says, "Here, come on, come on," and I went over. It only happened about a minute; he only held that man about one minute, and afterwards I heard that he was at Pottsville. There was 15 State constabulary troopers in that crowd at that time, and the State police troopers at Pottsville was about 75.

Q. Now, what did you see the State police do that you thought was wrong, Mr. Postupak?—A. Well, I didn't see anything that anyone should be arrested for.

Q. When was this man arrested?—A. I think it was on the 26th that this man was arrested only 20 feet from me.

Q. When was Matti arrested?—A. The State police arrested Matti the next day.

Mr. MAURER. This is to substantiate Matti's testimony.

Q. You are a citizen of the United States are you, Chief?—A. Yes, sir.

WILLIAM GALLAGHER, sworn.

By Mr. DEVERS:

Q. Do you reside in South Side?—A. Yes, sir.

Q. Will you state what the State police done to you over there?—A. It was about the same night that this occurred at McAdoo that I had occasion to come here to town to get a prescription filled here in Hazleton, when two of these troopers came along and I was talking to two other fellows when one of the fellows I was talking to said "Those guys are members of the State police." By that time the State police rode up and they says "What are you doing here?" We wasn't doing a thing, but they chased us away from there and went up to the station where there was two girls.

By Mr. LUMB:

Q. What did they say to the girls?—A. I don't know.

Q. Did you see them speak to the girls?—A. No; but they went up pretty close to where the girls was and stopped. They must have wanted to talk to them after chasing us away.

Q. Why do you want to drag the names of women into this affair?—A. Well, those State police had no business to chase us; we wasn't doing anything.

Q. How did they chase you?—A. Well, they drove us up the road.

Q. Did they have a hold of you?—A. No.

Q. Well, how did they drive you?—A. Well, we kept moving and they kept behind us.

Q. As a matter of fact, Mr. Gallagher, you could have gone in any direction you wished to, could you not?—A. I suppose so. But what did they want to stop by those two girls for?

Q. Where were the girls?—A. They were in the trolley station. The State police might have had a date with them for all I know.

Q. Did the State police speak to them?—A. I didn't see them.

Q. As a matter of fact, these girls were where they properly belonged waiting for a trolley car, were they not?—A. Yes.

Q. And the State policemen were on the road where they properly belonged?—A. Well, what did they want to drive us for and not drive the two girls?

Q. As an American citizen, what is your object in trying to drag two decent girls into a controversy like this, when, by your own admissions, there was nothing either said or done to indicate the slightest misconduct on the part of the State police or the girls? I submit to you, gentlemen, that this line of precedure is unfair. When four or five men are gathered on the road in a time of disorder they are guilty of riot en route, and the police had a perfect right to disperse them. On what date was this?—A. On the 1st or 2d of May.

Q. Did cars run into McAdoo?—A. I don't know. Later the same evening five of us fellows were talking, and these two State police tried to chase us again. I wouldn't run and they got me between their horses. One of the State police then turned around, and whether he put his foot to me or his hand I couldn't say, but he says, "Get the hell out of here," and he pushed me clear out of the road entirely.

Q. How long were you between these horses?—A. Three or four minutes I was between these horses; I was trying to get out from between them, as I was afraid.

Q. (By Mr. DEVERS). What county was that in Mr. Gallagher?—A. Carbon County.

Q. These men were in uniform, were they?—A. Yes, sir.

Q. Did you notice the number on their collars?—A. No, sir.

Q. These men had no business to do anything to you?—A. No, sir.

Q. No sidewalk at that point?—A. No, sir.

Q. But there were five of you together in a crowd?—A. That's all.

CHARLES MCBRIDE sworn.

By Mr. DEVERS:

Q. What is your first name?—A. Charles McBride.

Q. Have you heard Mr. Gallagher testify?—A. Yes, sir.

Q. Will you give your views of the affair?—A. There were four of us together. We thought we would wait thhere to take a bus back to McAdoo. Then Gallagher came along and we began to talk with him, and two State police came up and asked what we were doing there. I did not say anything that I remember of.

By Mr. LUMB:

Q. You don't know whether you said anything to them or not?—A. I did not say anything. We walked over right on the public road. They rushed Gallagher across the road, and one of them says, "You won't go, won't you?" He then dragged Gallagher across the road, came back, and says, "You'd better get out of here." One fellow came right after us and made us hurry up the road. He says, "Don't let me catch you down here any more." So we went up there, or he took us up. He was on the horse and chased us.

Q. He didn't take you up; you went up that way and he followed you?—A. Yes, sir. When we came down to the station two girls were inside, looking out the window, and the two State constables were there, standing and talking to the girls.

Q. Were the State police mounted?—A. The State police were on the outside of their horses.

Q. Did they have any rights there?—A. I don't know.

Q. What do you want to drag the two girls into this for?—A. I didn't see any reason for chasing us away and leaving the girls there.

Q. You don't know why you were chased?—A. They chased us away because I thought they had a date with the girls.

Q. How many men were in your crowd?—A. There were five of us altogether. Five of us standing there talking.

Q. What is your occupation?—A. Carman. I run cars in the mine.

GORDON HARRIS, bartender-waiter, Hazleton, Pa., sworn.

By Mr. DEVERS:

Q. Harris, what is your first name?—A. Gordon Harris.

Q. What are you employed at?—A. Waiter.

Q. Have you had any trouble with the State constabulary since they are in Hazleton?—A. Why, we had an argument between Hennig and me. Hennig was saying he didn't care where he died; was also under the influence of liquor.

By Mr. LUMB:

Q. What did he drink, Mr. Harris.?—A. Beer. Mr. Hennig was stationed here before the other troops were stationed here in plain clothes.

Q. Did you ever see him drunk?—A. Yes; on two occasions.

Q. When?—A. About two weeks before the troop went to Freeland; it was in the latter part of April, and once before that. The bellboy took him up to bed.

Q. Who drank with him?—A. He drank alone.

Q. Who saw him drunk?—A. Bartender McAdoo knew, too, Mr. Hennig was drunk. Several weeks after the State troopers were here there were four State troopers going up this side of the street, after having trouble with Officer Roman. Smith was with them in uniform. Hennig was in citizen's clothes; I never seen him in uniform. Two men were with them; heavy-built fellows, both.

Q. Were these men in uniform?—A. Smith was in uniform. Going up the other side of the street the four of them were telling about the other officer moving. Three came down, the three in citizen's clothes. Smith continued his walk up to the Majestic Hotel. Hennig called the proprietor outside of the hotel. One of the State troopers pushed Gaughan. The State trooper said, "You seem to be pretty fresh around here." Gaughan says, "Have you any right to be here; you have no uniform on, and have no license to come in here and mistreat our customers. You have no right of coming in here and interfering with our customers." Four were going up the other side talking; a train was passing.

Q. Do you know either of the officers of the troop—the captain or the lieutenant?—A. I know Hennig.

Q. Do you know either of these gentlemen here? [Capt. Pitcher and Lieut. Mair.]—A. No.

Q. The captain or lieutenant comes here once a week to find out their conduct. Do you ever report these men's conduct? Have you ever tried to report Hennig to his superior officers?—A. I thought Hennig was the superior officer.

Q. Didn't you know which troop Hennig was from?—A. No, sir.

Q. How did you know these plain-clothes men were State police?—A. I have seen them since in uniform.

Q. Why did you not report them to headquarters?—A. I thought at the time it was the business of the proprietor to report this. At another time he was advised to arrest them. The one guy that comes in here says, "There's no one here big enough to throw me out." He went behind the bar and comes down and raps on the lunch bar. I says to them when they come back again, "We are here to see that customers are treated right." "Well, you hain't throwed us out yet, and we don't see anyone in here big enough to throw us out." They told the proprietor that we had slurred them. We weren't saying a word to them. They were deliberately looking for trouble. One guy seemed intoxicated; the dark-complexioned fellow. The evening after that——

Q. When was this?—A. About three or four weeks after they came here. They appeared in the café; I was going home. Smith and Gaughan were talking. Smith says, "Well, I guess there weren't any guys in there that were big enough to throw him out." He said, "That is a hotbed for the strikers." The two fellows who came into the café were dark fellows.

Q. Did you ever say anything to the chief burgess of Hazleton about the conduct of these men?—A. No; no one but the proprietor.

Q. Did you ever know of anyone but yourself charging anyone more than any other person?—A. No, sir. I charged everybody the same.

Q. Did you ever charge members of this force more than any other customers?—A. No, sir. The proprietor asked me after it appeared that the State

police were overcharged, and I said, "No, sir." The other waiter overcharged the State police, and he said it was a mistake and refunded the money. The proprietor inquired if it was a mistake that the State police were overcharged.

ABNER SMITH, attorney, Hazleton, Pa., sworn

By Mr. LUMB:

Q. Mr. Smith, you have been attorney for the trolleymen?—A. I have been the attorney for the men themselves, just because I know the men.

Q. Explain your opinion as to the State police.—A. Some of them are good fellows, and others are mean and act fresh.

Q. Did you ever say anything to the chief burgess of Hazleton about the State police being drunk.

Q. What have you seen them do that was wrong?—A. The first instance I believe that came to my knowledge was that Mr. Gallagher was arrested in McAdoo without any warrant being issued; was brought over in this jail and in this county.

Q. Did you see the arrest?—A. No; I didn't see the arrest.

Q. What have you seen the State police do that you object to?—A. The State police are only acting as private detectives for the traction company. It is the fellows in authority that are responsible; they act as attorneys for the traction company.

Q. How can they act as attorneys, Mr. Smith?—A. They ask questions.

Q. Who do they represent?—A. The State police act as an attorney for defendants of the traction company.

Q. Can you site a specific instance?—A. Before the squire the other night, Saturday night, he appeared and asked for the discharge of these defendants.

Q. What were they charged with?—A. One was charged with carrying a pistol.

Q. Who asked for their discharge?—A. Hennig asked this. They took Matti down to Pottsville and put him under $500 bail. I told the squire $300 would be enough bail, but Hennig made him get $500. He tells the alderman what to do.

Q. Isn't it up to the justice to fix the bail?—A. Not in every instance. They arrest men and take them away to a county seat or take them miles away. They arrested a man at Freeland and tried to railroad him to Wilkes-Barre.

Q. What are we going to do if the local justices of the peace will not hear our cases?—A. What local justices will not hear State-police cases?

Q. Mr. Moody doesn't want to try State-police cases. Mr. O'Donnell doesn't want to hear State-police cases.

[General discussion, etc.]

A. A man not a citizen was arrested last Saturday, and last Monday night Squire Charles heard the case at Lattimer. Hennig asked for the discharge and acted as an attorney for the traction company.

Q. Doesn't the traction company have an attorney of their own?—A. Yes; they had. Hennig is not neutral. I have nothing to say of any of the other men; they are gentlemen. I have nothing against them, and think their conduct ought to be neutral. I have nothing against Hennig personally; he is smart and takes a lawyer's place at a hearing. I think he ought to be neutral.

Q. Were you ever mistreated by the State police?—A. I was on the corner myself; this is the only instance, and I can prove it. A deputy jostled me, and I told him I would hit him in the eye. It took four State police to arrest Mr. Burns. I think that is too many officers to arrest any man. Burns's father is worth about thirty or forty thousand dollars. They tried to railroad him to Wilkes-Barre, and I wanted him to have a chance to get bail. Hennig came around afterwards, and Hennig says, "Well, we'll take the bail."

Q. Was Hennig in uniform?—A. No.

Q. Did you ever see Hennig in uniform?—A. No.

Q. Mr. Smith, how many men have you seen here in plain clothes?—A. Eighteen or twenty.

Q. Capt. Pitcher, tell us how many men are working here in plain clothes.

Capt. PITCHER. One; Sergt. Hennig.

Mr. SMITH. When four men goes to get one man I think that is not proper.

Mr. LUMB. For one man to arrest Mr. Burns might precipitate a fight. Mr. Burns, you are a big man physically, an official of the union, and very popular about here. If one man arrested you, your friends might be tempted to rescue you, might they not? [Burns smiled.]

Mr. SMITH. They arrested six boys—three from Latimer and three from Jeddo. In the first place they took them down to the traction company's office and gave them a drilling. Then they took them to the alderman's office. I went up and said, "I want in," and Sergt. Smith says, "No; you can't be in." Sergt. Smith didn't want anybody in. When Burns was arrested I says, "I'll go this man's bail." Hennig says, "Anyhow we'll take him to jail."

Capt. PITCHER. The boys (State police) were called scabs.

Mr. SMITH. The State police make their brags on the street, "If I hear anyone call me a scab, I am going to arrest him."

Capt. PITCHER. They have called me a "damned scab" right outside here.

Mr. SMITH. The State police are trying to do more than they should do for the traction company.

LAWRENCE BURNS sworn.

By Mr. DEVERS:

Q. Mr. Burns, are you a citizen of Hazleton?—A. Yes, sir.

Q. (By Mr. LUMB). What is Mr. Burns's position?—A. A miner.

Q. Was any of the State constabulary at your hearing?—A. Some fellow representing the traction company.

By Mr. LUMB:

Q. What was his name?—A. I don't know what his name is. He asked for bail. At that time Hennig came along and this here fellow came along and said, "Say, this fellow wants to talk with you." He says, "We want you to get bail for this fellow," and Hennig says, "I want to pay $100 for this man to appear on Monday night for a hearing." Hennig took out a book and read there about committing murder. The squire asked when that law was passed, and Hennig said, "In 1878." He said he would accept $100 bail and give me a hearing Monday night.

Q. What were you arrested for?—A. I was arrested for carrying concealed weapons, and not being a witness, and disorderly conduct. I was arrested on three different charges.

Q. When were you arrested?—A. On Saturday night.

Q. When was the hearing?—A. The hearing was on Monday night. Hennig he went in and told the company's attorney what questions to ask.

Q. Who is the attorney for the traction company that was there that night?—A. The attorney for the traction company was Bolitski.

Q. How many State police were over at the hearing on Monday night?—A. Quite a crowd.

Q. Were they orderly?—A. Yes; and they didn't cause any trouble.

Q. If the State police did for once behave themselves, I would like to hear of it. Were the men in uniform?—A. There was two members of the State police in uniform at the hearing.

Q. Was Hennig there in uniform?—A. Hennig was there in citizen's clothes and asked for the release on Saturday night.

Q. Mennig asked for his release?—A. Yes; Hennig did ask for the release of this man. That there case that the Lattimer fellows were arrested in, we were all together. We all had our old clothes on, and we went to the Palace. I went and got Mr. Smith for counsel for this man. A mob was ready to take the man out. I was a little late in getting Mr. Smith there, and he had to push the way to get in the door. I asked Sergt. Smith would I be able to get into that hearing. He said, "I won't let you in." I told him that I had just as much right in there as he had. Mr. Smith says "This is a private office; anyone that wants to get in here can do so."

Q. How many people were there?—A. Hundreds of people were there.

Q. Wasn't there a great deal of surging and crowding around at this time?—A. Yes; some.

Q. When the crowd was largest, how many people were there?—A. About a hundred, at least.

Q. Were there 200?—I can't say.

Q. Now, Mr. Burns, if you had been an officer of the law at that time, would you not have tried to keep the crowd away?—A. I don't know.

Q. Don't you think that it was the proper thing to keep the office clear?—A. If you want the question answered by one word, I would say, "No." Mr. Smith, the lawyer, said, "This is a public house, and everybody can come in."

Q. Was there any disorder?—A. Everybody was peaceable.

Q. Was Mr. Smith of the State police?—A. Yes; Mr. Smith of the State police was there and Attorney Smith was there.
Q. Were the police in uniform?—A. No; they were in citizen's clothes.
Q. Were there any uniformed State police there?—A. Well, I don't know; can't say.

RALPH GIRARD, policeman, Hazleton, Pa., sworn.

By Mr. KENNEDY:

Q. Mr. Girard, you are a lieutenant officer in the city here, are you?—A. Yes, sir.
Q. Do you know of any trouble that occurred on the corner when the State police attempted to move the crowd?—A. When the trouble began I wasn't there; did not know at the time the trouble occurred; I wasn't there. I wasn't out on duty, and I was telephoned to to come immediately. The mayor ordered the corners cleared off, and we had them pretty well cleared off when some of the State police persisted in staying.

By Mr. LUMB:

Q. Were they in uniform?—A. They had no uniforms on.
Q. Did the State police object to these orders?—A. Well, they did for a minute, but they moved.
Q. Mr. Girard, was it necessary for you to disperse the officers as well as the crowd? Don't you recognize professional courtesy between police officers?—A. We wanted to break up the crowd. A remark made by one of them shortly before that was that he would sooner see bloodshed.
Q. Who made the remark?—A. Sergt. Smith said this.
Q. What induced him to make that remark?—A. I don't know.
Q. Where was it made?—A. It was down in the police station, and he had an argument.
Q. Did you hear him make the remark?—A. He didn't mention the bloodshed, but I thought that was what he meant.
Mr. KENNEDY. You know, Mr. Lumb, a fight in Hazleton usually means bloodshed.
Mr. LUMB. Well, I have often been here and have always had the opinion that Hazleton was a pretty clean town.

JOSEPH ROMAN, policeman, Hazleton, sworn.

By Mr. DEVERS:

Q. Mr. Roman, you are a police officer in Hazleton?—A. Yes, sir.
Q. Can you make any statement of the orders you received in regard to crowds on the corners, and when?—A. I can't bear in mind the exact date, but it was about four weeks ago. I had been given orders to come out in the daytime. Our orders were to keep the crowd moving. I had kept them moving and everything working nice. It was called to my attention that there wes a crowd at the Palace Café. I had just come from that place.

By Mr. LUMB:

Q. Who was with you?—A. I was alone. That was on my side of the street. I bumped up against two men in citizen's clothes; didn't know whether they were dog catchers or who they were. One of them says: "I have a perfect right to stay right here." And I says: "Move on." I was at them for five minutes before they moved. The first thing I knew Sergt. Smith come down and he grabs a hold of these fellows and says: "Come on; that fellow is looking for trouble." I didn't say a word, because he dragged them up street.
Q. Did you move them?—A. No; I saw Sergt Smith grab a hold of these two men and take them away. The first thing I knew I saw Sergt. Smith going up with the two men.
Q. Up where?—A. He went up to the city hall and came back in a few minutes.
Q. Did you tell them your orders?—A. They knew the orders.
Q. You didn't want them on the streets, then?—A. No, sir. I, carrying out my orders, went up the road and told them kindly to remove and they moved to the Western Union telegraph station, and one says: "Well, we'll have to get them yet."
Q. Were the State police needed to handle the crowd?—A. Our superior officers sent enough men to cooperate with us.
Q. What were your orders on this occasion?—A. Our orders were to move every man in citizen's clothes along the line. I wish to state another thing

that occurred just a day or two ago. Hennig came down to me and says: "Seems to me he is trying to enforce some of his own orders." I said: "As long as you are in Hazleton I've failed to see you in uniform." That same Hennig every time he sees me he tries to bite at me.

Q. He did then show an intention to cooperate?—A. I says: "We have no orders to cooperate with you; and if I see you hanging around the corners or any other place, why, I have just as much right to tell you as anyone else to move."

HENRY ROTH, engineer, Beaver Brook, Pa., sworn.

By Mr. DEVERS:

Q. What is your occupation, Mr. Roth?—A. Engineer.
Q. Where?—A. Beaver Brook.
Mr. LUMB. Is Mr. Roth one of your officials?
Mr. KENNEDY. No.

By Mr. DEVERS:

Q. Mr. Roth, were you on the streets of Hazelton one day about two weeks ago to-day?—A. Yes, sir.

Q. What did you see?—A. Two men were standing across the street in citizen's clothes with two men in uniform. I saw a fellow I knew and got to asking him about his woman when a man put his hand on my shoulder and says: "I have a notion to run you fellows in." And then he says again: "I have a ——— ——— big notion to run yous in."

By Mr. LUMB:

Q. Was the man alone?—A. No; there were two of them.

Q. Do you know their names?—A. No; one was a short fellow and the other was a pretty gabby fellow.

Q. When did this occur?—A. Two weeks ago to-night or two weeks last night; I couldn't tell for sure.

Q. What did you do?—A. I turned around and walked down the road to avoid trouble.

HARRY MURPHY, striker, Hazleton, Pa., sworn.

By Mr. DEVERS:

Q. Mr. Murphy, are you one of the striking street car men?—A. Yes, sir.

Q. Are you a total abstainer?—A. I never drank in my life.

Q. Tell us what you know about the State constabulary.—A. Two weeks ago to-day I was on the other side of the crossing, standing on the corner. There was two men standing on the other corner at Fox's restaurant there. I started down the road and was going to talk to McDevitt and I hadn't a word out of my mouth when a fellow says: "What are you doing here?"

By Mr. LUMB:

Q. Was he an officer?—A. He wore a uniform.

Q. Did you notice the number on his collar?—A. No, sir.

Q. What did the officer do then?—A. He told me to beat it. I said: "I hain't interfering with anybody. I am talking about my own business." And he says: "Go ahead; beat it."

Q. What did you do?—A. I started out, and he says: "Hey, Jack, come back here. I want to talk to you." He says: "You are only a trouble maker." I says: "No; I am no trouble maker."

Q. Did he say anything else, Mr. Murphy?—A. No, sir.

Q. Who else was with you?—A. Lee Hop.

Q. Have you seen that man since in uniform?—A. Yes, sir.

Q. Did he say anything to you?—A. No, sir.

Q. Do you know his name?—A. I don't know their names, but have seen them talking around here on the streets.

CHRIST HOP sworn.

By Mr. DEVERS:

Mr. Hop, were you with Mr. Murphy?—A. Yes, sir.

Q. Testify on.—A. Why, I was standing on the street when Mr Murphy come down to me and says, "What do you know about those two fellows up there?" I turned around to see who the two fellows were. We then walked down toward the corner and these two fellows came along, catching up with us.

By Mr. LUMB:

Q. Do you know these men?—A. No.

Q. Did any of these men follow you around the streets?—A. Not that I know of, unless it was when I didn't see them. They come up to me on the street and says, "Do you know what you are? You are a disturbance maker." Then as soon as I saw Mr. Murphy walk across the street I walked over, and they wanted to know what this was for.

WILLIAM BURNS, striker, sworn.

By Mr. DEVERS:

Q. Mr. Burns, you are one of the striking trolleymen?—A. Yes, sir.

By Mr. LUMB:

Q. What is your official capacity Mr. Burns?—A. On the grievance committee.

Q. Chairman of it?—A. No, sir.

Q. Where were you when the State troopers tried to arrest you in Freeland?—A. Saeger Building with another man, Bevans.

Q. Describe your arrest?—A. Two State police come up, one a pretty big, dark-complexioned fellow. Slifer says, "I have got a warrant for you, Burns." I says, "All right; let me see it."

Q. For what were you arrested?—A. A motorman made information against me for throwing a chew of tobacco at him, and the State police were serving the warrant.

Q. Where were you given a hearing?—A. Squire Ricketts, Wilkes-Barre, heard the case.

Q. When?—A. About the 10th of May.

Q. When?—A. I don't know whether it was before Decoration Day or after. I think it was before; I am not sure.

Q. Who served the warrant?—A. Slifer and another fellow. When I read the warrant and handed it back to him, Slifer says, "Our orders is to take him down to the traction company's office."

Q. Who gave him these orders?—A. I don't know; unless it was the traction company. I wanted to see Smith (Attorney Smith) and explain the situation to him. He says, "Call up your father." By that time there was two men went to the telephone, and I couldn't get my father right away. So Smith the attorney said he had sent a fellow up to get him.

Q. Which one of the officers had the warrant?—A. Slifer.

Q. Were you given a hearing?—A. No; Mr. Murphy went in to enter bail for court, and they said, "Our orders are to take him down to the traction office." The whole crowd jumped into me and they took me forcibly to the office. They said Smith (Abner Smith) was too ——— ——— smart, and they were going to show him up. Hennig says, "We'll give you a square deal, Burns, we'll let you get bail." They took me then to Heidenrich's office. He wasn't in; then they went out and got another alderman by the name of Frye. At the hearing Sergt. Smith says, "$500 bail," and attorney Smith said he thought $300 was enough. Hennig says, "500 will be all right."

Q. What was the charge?—A. The charge was assault and battery.

Q. Who furnished your bail?—A. I was sitting in there and Crosby went my bail. Hennig wanted to bet me the drinks the other day that he would get a true bill against me; and then said, "Burns, I am going to get you three months at the September term of court."

Q. Was any one with Hennig?—A. No one that I seen.

Q. Did you see any State police going around without a uniform on with the exception of Hennig?—A. Yes; I saw Smith and Freeman and another fellow.

Q. Have they been officious in any way?—A. No; only I was going down the street the other day, and James McDermott, captain of the street railway police, says, "There he goes," and Smith says, "Leave him go."

Q. Did you ever see Hennig in uniform?—A. No. Hennig was here in plain clothes before the others came and was always hanging down around the office of the Lehigh Traction Co. I asked Hennig if he was a State police, and he said "No." I saw he was a liar. He made a liar out of himself.

Q. Is this man in the habit of going to the Lehigh Traction office?—A. Yes, I see him go twice a day.

Q. How many times have you seen him in there?—A. I would say 20 times.

Q. Did you not see other men in that office?—A. Yes.

Q. He said that he has seen other men, possibly Hennig, in civilian clothes around here. What were they doing?—A. These men were mingling in the crowds. Last night there were four of them.

Q. Who were they?—A. Smith, Hennig, Freeman, and another.

Q. (By Mr. MAURER). Is your case settled now?—A. No. Hennig is going to give me three months.

STEPHEN POSTUPAK, chief of police, McAdoo, recalled and sworn.

By Mr. DEVERS:

Q. Were you in McAdoo the night that Andrew Matti had the conductor arrested?—A. Yes, sir.

Q. Did any of the troopers put up the fine?—A. Yes; Hennig.

Q. Will you explain what happened there that night?—A. Well, I know the time Mr. Matti had the conductor arrested. Squire says, "Bail is $300." The State trooper was looking after bail at the time.

By Mr. LUMB:

Q. Where did he look?—A. I don't know.

Q. The squire let the State police tell him his duty, did he?—A. Well, Sergt. Hennig came up and says, "Here is the bail." I says, "Here, I am entitled to a dollar."

Q. Did Sergt. Hennig get a dollar from you?—A. No. The dollar was due on the commitment.

Q. Did you get your dollar?—A. No. Hennig cheated me out of it. The squire would not pay me after what Hennig said.

Q. Hennig got the bail?—A. Yes.

Q. Was this a union man?—A. He was a nonunion man.

Q. Do you know his name?—A. Walters. He was arrested the 26th of May; the same day as Matti.

PART OF STATEMENT OF ROGER DEVERS, ATTORNEY FOR PLAINTIFFS, AT TERMINATION OF HEARING.

Now, Mr. Lumb, as man to man, don't you think that we have shown you that your men have discriminated against the union and favored the traction company?

Mr. LUMB. On the face of the evidence, that appears to be the case, but this is only one side of the story. The conduct of all the plain-clothes men in Hazelton has been blamed on the State police, the only identity being that your witnesses have seen them afterwards in uniform. Mr. Maurer here is a man of superior intelligence and close observation. He met me in the governor's office, where we conversed for about 20 minutes, three days before I came here and to-day when I addressed him in this hotel he did not know me, although on both occasions I was in civilian clothes. Isn't that true Mr. Maurer?

Mr. MAURER. Yes.

Mr. DEVERS. I will say again that you have some men of character, but some of your men are not what they should be. Should your men be in the adjoining counties to Luzerne when there is no disorder in those counties?

Mr. LUMB. Not without disorder, but you must remember that our men coming here to a scene of disorder have the powers of policemen of a city of the first class throughout the State, and have a right to follow the disorder to its source, no matter in what county it may be. These men are not corporation police, as you seem to believe, but they are looking for the man that throws the brick, sets off the dynamite, or in any way violates the law. They are also fish, game, and forestry wardens. Your union denies responsibility for these disorders, and that being the case why do you object to police being present to prevent them?

Mr. DEVERS. Now, there isn't any disorder, and the local authorities say they can handle the situation without the State police.

Mr. LUMB. But the sheriff has certified to us over his signature that the situation was beyond his control, and we are here by his orders.

Mr. DEVERS. Well, if the sheriff notifies you that your men are no longer needed, will they be withdrawn?

Mr. LUMB. They certainly will, if the superintendent is satisfied that conditions are normal.

Mr. KENNEDY. Why is it that the State police never visit the offices of the union men if they want to find out who is doing the dirty work?

Mr. DEVERS. If your men would come to us, we could tell them where the dynamiting comes from, and we could give them pretty good proof that the cutting down of the poles, and other things, would get pretty near to the traction company.

Mr. LUMB. Don't you see that if one of our men, under present conditions, was to attempt to visit your meeting that he would immediately be suspected of being a gum-shoe man and coming there with ulterior motives. They have not been invited to your office, and you know as well as I that they are not welcome, although I believe that the result of this hearing will be a more cordial understanding on the part of your union men as to the motives of the State police, and we may in the future be able to cooperate to prevent disorder in cases of this kind instead of conditions being as they are.

Mr. DEVERS. Well, we have shown you what we started out to prove, and the time is coming when the State police will be exposed and the man at the head of them will have to get——. (Confusion of voices.)

LABOR CONDITIONS IN PORTO RICO.

(For exhibits under this subject see pages 11181 to 11224.)

COMMISSION ON INDUSTRIAL RELATIONS.

WASHINGTON, D. C., *Wednesday May 26, 1915—9.30 a. m.*

Present: Chairman Walsh; Commissioners Harriman, Weinstock, and O'Connell.

Chairman WALSH. Mr. Martinez.

TESTIMONY OF MR. P. RIVERA MARTINEZ.

Chairman WALSH. What is your name, please?

Mr. MARTINEZ. P. Rivera Martinez.

Chairman WALSH. And where do you live?

Mr. MARTINEZ. I live in San Juan, Porto Rico.

Chairman WALSH. And you are a native of that place, are you?

Mr. MARTINEZ. Yes.

Chairman WALSH. Now, you have a matter to submit to this commission, I believe, with reference to industrial conditions in the island of Porto Rico?

Mr. MARTINEZ. Yes ,sir.

Chairman WALSH. Do you have it written out, Mr. Martinez?

Mr. MARTINEZ. Yes, sir.

Chairman WALSH. Will you please read it to us?

Mr. MARTINEZ. I will be very glad to do it. Mr. Chairman and members of the commission, I am not very familiar with your language, and perhaps you will excuse me for any fault I may commit while speaking or pronouncing your language.

Hon. Chairman and members of the commission: We feel that it is a great honor for us and our brothers, as well as for the working people of Porto Rico to have the opportunity granted us by the Commission on Industrial Relations of voicing our sentiments in presence of the American people, and also of giving expression to our grievances, the grievances of the Porto Rican producer of wealth as against the several wrongs prevailing in that island, and also to point out the economic, social, and political evils which includes the state of wretchedness the people have fallen into and which justifies the said people to keep up an incessant demand for the improvement of these conditions.

Before going further in the examination of the actual conditions prevailing in the island I deem proper and convenient to refer myself to some details regarding the social and political education of the people in the past, so that the commission may become familiar as much as possible with some of the antecedents which may be very important for your judgment in our case.

The island of Porto Rico is one of the West Indies which occupies an important place as to production. It has been a possession of the Spanish monarchy for more than 400 years and has had a governmental régime such as was absurdly brutalizing in its results, and the régime of this government has been deeply rooted in Porto Rico.

From and after 1898 Porto Rico became a possession of the United States of America.

As a logical consequence of the régime the leaders of the public opinion on the island, the representatives of the people, if they could be called such, those who always held the public offices where the greatest responsibility is required, before and after the occupation of the island by the United States, have and had no other training than that which was unfortunately acquired from the monarchy, of a semimilitaristic tendency, atavic in its principles and bearing the germ of reaction in its own being.

And the reactionary education that has held sway over the island of Porto Rico as long as Spain was the mistress of our destinies is the same that domi-

nates the island to-day, for in spite of being under the American flag for more than 16 years the men who took the Spaniards' places—in the management of the local affairs—are descendants of our first governing classes; they are as ambitious as their fathers were, and as full of social and political vices as they, and as inimical to the rights and public liberty as the most hardened military official of the monarchy could be.

If we were to hold before the commission that the condition of the working classes in Porto Rico at the present time is absolutely the same as it was 25 years ago, we certainly would not be in the right.

It is true that the conditions of the toiling classes have improved somewhat, relatively speaking, though not in proportion to the vast wealth that this same class has produced, and much less in comparison with the great improvements made by the monopolists of commerce, industry, the political power, the financial power, and the masters of privileges and franchises.

But it must be borne in mind that if any change has been noticeable in the condition of the working classes and favorable to them, this change is due solely and exclusively to the great influence of the great organized American people, and in certain instances to the influence of the administration itself, but never to any initiative on the part of our political leaders or to any beneficial action on the legislature in behalf of the wealth-producing masses of Porto Rico.

Moreover, each time we have requested that some legislation beneficial to our class and people in general be enacted into law, each time we have suggested some economic plan that was bound to bring about a change in the island, raise the material standing of our people, discourage the going out to foreign countries of the wealth which we produce, provide for the stability of small industries, ascertain the whereabouts of the wealth produced on the island, obliging the corporations to pay the Government so that it may have the money it needs to meet the expenses of its budget and establish the necessary number of schools; each time we have made demands upon our legislature for some action with a tendency to perpetuate the economic life of Porto Rico, we have been made the object of derision; they have even intended to deny us the right to petition the legislature; we were insulted in the worst manner, and the legislature even included within its records that it did not see fit to do anything through the strange suggestion of labor or any other organization alike.

The self-styled patriotic leaders in our island, the descendants of reaction, who are both influential agitators in public, and men representing the opinion in the leadership of political parties, are also the representatives of the people in the house of delegates, are some of them attorneys of the biggest corporations, of the sugar, tobacco, and coffee trusts, of the railroads and street car companies, electric power and light companies; they are also in the banks, which reap fabulous profits and live off usury; some of them are also who in a like manner grant the franchises, and consider the workingmen as being inferior and unworthy to live like persons; they are who in their political business are creating an anti-American political feeling; they are at the same time who hold the Americans responsible for this condition of wretchedness and misery by casting discredit upon the American people and their institutions. But whenever it is a question of taking their stand with the Americans they are not a mite reluctant to do so whenever it suits their purposes better.

The undertaking of bettering the conditions of the laborers in Porto Rico must be very gradual, constant, and brought about through the introduction of democratis institutions that are advanced, through the agency of the school, the wise administration of the laws and justice, the general and social education encouraged by the labor organizations, and the cooperation which the Government can offer within the limitations of its powers to the working classes.

But the task of bettering the conditions of the laboring classes in Porto Rico while the whole political power is in the hands of a group of privileged persons must be very gradual, even more so than anywhere, and we may say it is almost impossible of being carried out.

Our affirmation is justified by facts that occur on that island frequently enough, and many of which are yet quite recent. All the present generation must die off, and possibly the grandchildren of this generation, before the working classes of Porto Rico feel that a favorable change has been brought about, unless the new organic act for Porto Rico pending in Congress provides in a true manner for the education of the people, for an inflexible sanitary system, a true department of agriculture and labor, and besides the necessary guaranties, rights, and liberties of the people, and the recognition of them as citizens of the United States.

It being the purpose of this honorable Commission on Industrial Relations to ascertain and investigate the causes which keep a state of industrial unrest throughout the different States and Territories of the Union, and though we have passed lightly over certain of the political evils that have been the cause of the industrial unrest in Porto Rico, let us now very briefly establish some facts, so that the reasons ascribed to the Porto Rican worker may be all the plainer understood by you.

Upon reaching this point we are prone to make the following questions: Was there ever any such thing as a frequent industrial unrest in Porto Rico under the Spanish régime? If such was not the case, why did affairs progress in that way as they did? If any industrial unrest is now evident, why should it be so? If any industrial unrest now arises, what is the cause for the same, or which are the causes for the same?

To these questions we shall endeavor to answer in the briefest possible manner, and we shall consider only such points as in our opinion are of the greatest importance.

In the first place, we wish to assert that, in our opinion, Porto Rico can not be called a people in the true sense of that term and that with the duties and rights that this name implies and should assume that name only since the year 1900, however much it may have been a possession of Spain for more than 400 years.

Porto Rico had but too few schools; this may be proved from the fact that there were, in 1899, about 1,000,000 inhabitants, but only 26,000 children whose names appeared as having entered the schools of the island. This alone is sufficient to show that the island lagged behind in the matter of education, and also that of misunderstanding the true conception of what real social struggles are, and it also shows that the toiling masses had no ambition on that account, and public rights and liberty were most totally unknown.

At that time about 85 per cent of the population could neither read nor write, and common-school education was a privilege not within the reach of the poor, inasmuch as the monopoly of these schools was meant to attend to the needs of the sons and daughters of the rich, but not those of the poor.

The toilers were made to believe that they lived like animals, and that their mission was determined by divine fate, and that as this was to be their lot they might as well work on patiently without any other ambition than that of serving the master until his death and turn over to him the total product of his labor. And the toilers were generally converted to this belief, and accordingly not able to stand up like men and fight exploitation.

Porto Rico never knew the meaning of liberty in any shape or form. It was not permitted to speak or spread political or religious ideas, except such as the Government authorized; nor were any writings allowed that did not praise the régime of the Government, and that, too, in the only paper in existence in Porto Rico, and which was managed and controlled by the same Government.

Neither prices, salary, nor contracts existed with respect to labor. Laborers were called upon to work for what the bosses wanted to pay, and under this generous paternalism they were paid whatever the employer saw fit to give them, and in pursuance with the system (truck system) the workers were required to buy their provisions at the store of their employer for whom he worked, and this employer would give him a ticket or brass check that could only be traded in for articles at his place of business.

The Porto Rican laborer had been working century after century under these same conditions without ever giving any thought to bettering himself, in the first place, because the means by which he could have exercised self-defense were not within his reach; nor was he ever able to learn what these means were, inasmuch as he was unable to read and write; and the cause of all may be traced to the upholders of that system of education, so pernicious in its consequences. In the second place, though they had known how to read and got familiarized with these means, they would have discovered that whatever meant a protest in the form of a document was put out of the way in Porto Rico; and, then, also no one was allowed to speak, write, censure, or criticize the acts of any public employee.

These are the most fundamental motives why these industrial unrests we see wherever the modern industries have taken a foothold did not take place in Porto Rico.

The fact that the lands were not cultivated as at present also cooperated in this state of things in Porto Rico. There was not so large a population, the industries had not developed and extended themselves to public and private

lands; there was not lack of work, and therefore, though being in an almost primitive state, it may be said that the laborers did not feel quite so directly the effects of the régime, because, though being considered as slaves or animals, preventing them of the privileges of speaking, protesting, of taking part in the making of the government, of exercising the right of voting or sharing in the public responsibilities, however they were permitted to subsist on, though only for the purpose of producing wealth under the best conditions.

Thus we have lived for centuries, and our history records not a protest from the laborers or an outcry of complaint against the exploitation of the adventurers which devastated the island.

But what had taken place? On May 12, 1898, quite early that morning, the guns of the squadron of American warships awoke the city of San Juan with the good news that a new era of liberty resounded in the whistling of those shells.

The war between the United States and Spain decided, in pursuance with the treaty of Paris, that Porto Rico was henceforth to be an American possession forever, and shortly after the bombardment of the city of San Juan Gen. Miles's troops took possession of the island and caused the Stars and Stripes to be raised over all the towns.

We know not why, but it is a fact that the people of Porto Rico felt and feel a sincere affection for the American people and its Government, and the music of those military bands in all the towns sounded like hymns of redemption for the people of Porto Rico, and the whole island felt an inspiration of liberty that was quickened by the powerful impulse of the American people.

Shortly before the coming of the Americans into Porto Rico, and while we were still under Spanish rule, some knowledge was gained in Porto Rico for the first time of those doctrines of labor which set forth "that all men are equal." A Spaniard had traveled to Porto Rico and came from Cuba. He was being persecuted by Gen. Weyler, Spanish governor in Cuba, for the crime of saying publicly "that all men are equal, and that nobody should live off the labor of another human being." And this doctrine was considered equally dangerous by the Spanish Government of Porto Rico, and persecution was at once brought to bear against that man and in the same spirit as it had been in Cuba. To tell the laborers of Porto Rico at that time that they were entitled to a higher standard of living, to have sufficient schools, to appoint the government by means of their votes, that they were equal to the bosses in the exercise of their human rights, the same as the enjoyment of divine rights—all of these things constituted a danger in Porto Rico for the reactionary element, and they did their level best to stifle the idea of instilling into the minds of the workers the spirit of self-defense.

With this object they imprisoned who for the first time dared to speak to us of economic liberty and political rights, and just when it was our good fortune to be bombarded by the American fleet, the man to whom I refer had been in prison for seven months. He had not been even accused; he had committed no crime; no trial had been held against him; he was simply waiting to see what action the masters of Porto Rico would take in his behalf.

Luckily, the American troops proved to be a God-send for him, and they forbade any more injustice should be imposed upon him.

A few months passed. The relations between the people of Porto Rico and the American people were established. Newspapers began to come, as also books and other literature from the States, and though the number of those who knew English was rather limited, still something was coming home to the people which was not easily forgotten and which was taken up as a sound advice from the American people.

When the civil government was established in 1900 several strikes and incidents occurred throughout the island from 1901 to 1904, precisely because those who were chosen to form the Government were the reactionaries, those whose education was a misfit, those very ones to whom the word "liberty" was something horrible, and those also who could not bear having a law that should place us all on the same level in the enjoyment of our rights and public liberties, and of those who supposed then and at present that the worker was born only to be a slave.

The necessary channels of solidarity between the American and Porto Rican workers having been established by means of this generous principle that moves the world, the man to which I refer having gotten a clear understanding of the meaning of American liberties endeavored to spread the principles of trade unionism under the auspices of the American Federation of Labor. But the

Porto Rican element, which was the direct offspring of reaction, would have nothing to do with meting out anything like justice and liberty; their aim was to put in practice the same system of persecution that was exercised against us during the Spanish Government. At this time persecution was not only directed against this man, for there was a small group of men who had to put up with this same thing; they stood by him in the contest, and he was with some others thrown into prison, and the first federation of workingmen was closed; then this was taken as an example to show the people what a horrible thing a labor organization was, and persecutions under the civil government was just as fierce as it had been under the old monarchial government.

Chairman WALSH. When was that; what date was that, Mr. Martinez?

Mr. MARTINEZ. From 1901 to 1904; when the civil government was established in Porto Rico by the American Government.

But the American Government soon discovered through the American Federation of Labor and the American press what was going on, and the Federal Government itself took action. The consequences were the setting free of the men who had been thrown in prison, the federation was reopened, the laws that prohibited peaceful and legal meetings were abolished, the corrupt office holders were separated, and a new era of peace and tranquility once more settled over the island, and the necessary guarantees for the labor organizations were secured.

The people have kept on educating themselves in the principles of organized labor movement as understood in America; schools have multiplied; merchants began to arrive, and new industries were soon created; corporations began to organize themselves and take up the lands, as well as the whole bulk of the natural wealth; franchises began to be granted; business went along on the increase, and in a short time the population increased from about 1,000,000 to 1,200,000 inhabitants, and we owe it to the initiative of the American people if the island has enjoyed the wonderful prosperity that it really has, but which unhappily has been used only to emphasize on the slavery of the people, because all the wealth that is produced does not remain on the island, to go back again into the business interests of that locality; it goes out and benefits the strangers and becomes dividends on he shares of their holders.

With the increase in population, the higher valuation of the land in towns and country, with the concentration of industry and business, with the formation of the trusts and the concession of some franchises, the worst of evils have come upon the island as a direct consequence of all this. I refer most particularly to the economic evil. The organization of speculative business established in Porto Rico the same régime we find in the States and also in the financial world, and as a consequence of this the laborers began to feel the direct burden of the industrial system in many different forms. Property increased wonderfully in value after it was in the hands of the corporations. The wage system asserted itself above everything, and all the small craftsmen and landholders were grouped under the same head within the meaning of this wage system, because the corporations had gulped everything to their advantage.

Living expenses increased 40 per cent, and had gotten to be a serious problem for the destitute.

The provisions increased 40 per cent from the moment the land no longer produced vegetables and some other products and fruits, the cause of this being the utilizing of the land by the corporations for planting sugar cane and tobacco.

The increase in population, brought on through constant reproduction and very powerfully by immigration that is frequent and unlimited, produced the scarcity of work which had never been seen so much before.

The inquisitorial method of placing men on the "black list" to make them starve to death, which is characteristic of the corporations, was put into practice.

The inhabitants of the island were required to comply with new obligations and greater social compromise as a direct result of the progress that came about; from the moment a man's home had to be remodeled to suit the best conditions, from the moment his sons and himself had to wear shoes and his whole family adopt a higher plane of living, he certainly could not be seen wearing in the towns old dilapidated clothing and shoes; all these necessarily brought on a marked increase in the expense of living.

Privileges in the application of the law were so taken advantage of in Porto Rico that no wealthy delinquent has ever been sent to the jail.

The great mass of wealth producers were left to shift for themselves, no attention whatever having been paid to their needs, and the wage scale is practically now what it was when the Americans began to occupy Porto Rico.

These were the first motives and facts that gave cause for the first protests of the working people of Porto Rico, for they were beginning to educate themselves in the practices and doctrines as established by the organized workers of America, and it was quite natural for them to desire better conditions, to eat better food, to have a more cheerful home, to participate directly in the public affairs of the island, and all this gave them the inspiration to contribute their share in correcting certain social evils through the channels of proper legislation. They being prompted by the desire to make their homes more comfortable, the laborers of Porto Rico initiated the first strike. But what came of it?

Chairman WALSH. The first strike—what was the date of it?

Mr. MARTINEZ. 1901. While we have been theorizing for years on ideas, spreading the principles of unification among the workers, insisting on the creation of a powerful organization for the laborers, neither the representatives of the country who are Porto Rican, nor the members of the corporations the bulk of whom are strangers, thought that the propagation of our doctrines would constitute a menace to them; but when we decided to join to the theory the practice of the same doctrines—in other words, when we reached the point where we offered resistance and initiated strikes because the capitalists did not choose to amicably yield to our demands—then we found other latent evils that had not manifested themselves because it was not the proper time for them to come out.

As soon as the laborers asked for more wages and left their work, their tools, the fields, or the shops, when the machines were paralyzed, and everything was at a standstill, we confronted, or constituted, a danger for the society and the capitalists, as they say, because our demands to them meant an onslaught against their capital and their holdings. And the same system employed by the strength of money in other parts of the world was also carried out in Porto Rico. Men were thrown in prison, beaten and clubbed in the streets of towns and country districts. They were killed by the policemen, and brought down through terror and reduced to absolute silence. The courts proceeded in pursuance to the dictates of the capitalistic system. The promoters of the strike who had been most active were convicted, and the power of the Government helped on in whatever way it could, to bring about the defeat of the aspirations of labor, giving as a pretext that it was anxious to protect public rights and the private property against the aggression of the strikers, when everybody knows the peaceful character of the laborers of Porto Rico, and when the same workers of the island have been described, not by ourselves, in the following terms:

"Its laboring classes are a contented and productive people, strong, of good build, temperate habits, good natured, and notably free from acts of malicious violence."

Upon realizing of the fact that we could not apply the practice of our theories and aspirations through the legal and peaceful means of strikes, we have also discovered that another great evil, which is, indeed, sufficient cause for protest from the mass of the toilers, was found in the action of the Government when it prevented the laborers from exercising the right to strike, and consequently this is another cause for the industrial unrest in Porto Rico, and perhaps the most important of them all.

Some executive orders that are issued from time to time as if they were "ukases" for the purpose of hindering the free emission or exchange of thought, to discourage the propaganda of the ideas, the peaceful manifestations, or to dissolve them violently by the use of force, trampling thus upon the constitutional rights of the people and giving access, as has been the case in many times, to irreparable incidents—right here is another evil that necessarily contributes to the realization of industrial unrest in Porto Rico.

Such commands of those of hindering the progress of public meetings, or to order the orators to get off from the speaker's stand and imprisoning them arbitrarily, as has occurred quite frequently, are in themselves an outrageous illegality which the workers can not put up with, and this, too, is another cause for the industrial unrest in Porto Rico.

The treatment which the workers receive in some of the courts, the insults of the judges and prosecuting attorneys (fiscals), the inquisitorial investigations practiced by officials of the Government, the proceedings held in secrecy, relic of the antiquated monarchy, is another evil which is affecting us in Porto Rico, and which certainly does not satisfy the aspirations of the working classes, which should be entitled to the same privilege within the law granted to the bosses of the island.

We have in this manner become familiar with the social, economic, and political evils and the causes that have led to constant warfare between capital and labor. Industry has kept on its same pace through several years, and in proportion as it has made progress, this very progress has been the direct cause why more pressure has been brought to bear each day upon the worker, whether he be found in the field or the workshop.

A very large number of men from the toiling masses of Porto Rico who have devoted themselves to the study of social and economic problems, and who have been so closely in touch with the labor organizations of America, have learned more and more each day, and they are always looking ahead to learn even more and thereby bettering the conditions of the workers in the island. Thus it is that we have been able to become familiarized with other phases of the social problem which were almost unknown to us.

The sincere relations that the organized labor of America has always had with us have very powerfully influenced our social, economic, and political education. By the other hand, the school. When about 10 years had elapsed since the occupation of the island by the Americans the number of persons among the workingmen who are able to read an English paper or book has very largely increased. The press of the island, which has gone on the increase, now translate articles from the American papers. The workers, up to this date, have had 8 of 10 exponents of the public teaching of the ideas, and the best desire to cultivate the union sentiment has been felt at this time throughout all the towns of Porto Rico.

These are the means which have given us the power to know that labor-saving machinery displaces work done by hand, and these effects are easily felt. How is it that work was not scarce in Porto Rico a few years ago, at a time when there were few industries and when little business was going on? Why is it, we again ask ourselves, that work was not scarce and the people did not feel the pinch of such hard times?

The answer is quite simple. The introduction of modern machinery in the larg centrals or sugar mills, in cigar and tobacco manufacturing, in the shoe shops, and wherever hand labor was used, the introduction of machinery, do we say, has thrown quite a number of working people out of employment in Porto Rico. To-day there are manufacturers who can do with 20 men the work done at a previous period with 100 men, in the sowing season, in the plowing of the ground, in the work about the plantations, machinery shops, sawmills, planing mills, sash and blind factories, railroad workshops, dredging of harbors, coffee mills, and in all lines of work which constitute in themselves the life of Porto Rico.

Then, too, the constant immigration in Porto Rico, as we stated before, is another cause why workers are more abundant.

Another great cause similar to this in its effects has been the employment of women and child labor for doing the same work that was done by men alone; and the wages paid to the women and children amount to less than one-half of that paid to a man. The Porto Rican woman is still more docile than the man; she has yet the same atavic education of several generations; there is no law that protects her sincerely against exploitation, and as a consequence she is preferred to man whenever possible, for then capital has the opportunity of doubling its money more rapidly.

The laborers of Porto Rico being, as they are, placed in this situation, our struggles could not possibly be limited to the bettering of our conditions as men, but to work for the defense and the liberty of womanhood and childhood.

Capitalistic ambition is responsible for taking men and women and children, as if herds, into the narrow rooms of the factory and workshop; the youth would frequently get sick; they breathed no good air; there was a scarcity of light, and everybody aged rapidly; the easy life of the past was no more to be seen; there was need of rising early in the morning to go to work, oftentimes from 12 to 14 hours per day, for 30, 40, 50, 60 cents per day out in the country places, under the command of a harsh boss, and for 60, 70, 80 cents or $1, the most for 10 and 12 hours' work in the shops of the towns and cities, where no air got in. Of course, our struggles must need be directed toward another legitimate aspiration. The limit of hours that should be worked in the day and the limit of days to be worked in the week; the better sanitary conditions, whether in the shops or in the field, occupied our attention.

How were we to secure any improvement in the conditions of labor and establish, too, the necessary defense for the women and children? Our experience has recognized only two means—the action of revolution, and the

action of evolution which can and must be brought into action by the legislative power of any country. We were always, as we are now, in favor of lawfulness. In whose power was it to offer these means of security and life, not only for the workers, but to the rest of the people of Porto Rico who were exposed to contract disease from a number of sickly laborers in these shops? We answer that this duty devolved upon the local Legislature of Porto Rico.

We were, besides, able to learn something else. There never had been in Porto Rico since many years any such thing as large pieces of machinery. Motor power was almost unknown. What about the railroads? A few miles of rail, that could be traveled over in no time with an insignificant engine, and accidents were seldom sustained by the workmen. But the island was apparently involved in a good deal of progress for a certain group of privileged persons. Many hundreds of miles of railroad track have been laid; the transportation service is relatively enormous; the sugar centrals have all big, modern machinery that have won the admiration of the world; electric car lines were built; several other means of transportation of production and of some other character were introduced, either operated by steam or by electricity, and accidents began to occur more and more frequently at the expense of the laborers themselves, their arms, their legs, any of their muscles, life itself, and there were a good many accidents in among the people. Thus did the workers bear along the progress of the island, and left their wives, children, and dearest ones alone in the world. And what must be done? Apply to the legislature. Provide the necessary means by the adoption of a law to protect the orphans of these soldiers of industry who fall in this battle for human progress. But our demands which were relatively insignificant were derided, and upon being derided we had no other course than that of recurring to the political action we had at our disposal, in order to obtain the protection we were entitled to in the bettering of the sanitary conditions in the workshops, to defend the lives of our fellows, and to cut down the working hours of the women and children at least. Since then our struggles in the country had to include the three aspects—the economical, the social, and the political or legislative aspect. We must also obtain the best possible legislation to defend ourselves while at work at dangerous occupations.

We had to fight for the abolition of judicial and police abusive power in our struggles.

We had to struggle against the concession of abusive franchises to exploit the people, and against the concession of privileges granted to certain parties.

We had to fight the granting of public land to private corporations and individuals for private gain, while the peasants of the island had no land on which to live or sow any crops.

We had to struggle to abolish the use of public force which was turned against us during the strikes, for this force always does the bidding of the employers.

We had to contend against the contempt we have always incurred on the part of the bosses and lords of the wealth and those who hold the monopoly of representation on the island.

When the employers saw that our strength merely consisted in the union of our will, the dues within the organizations, and in the strength which the laborer's organization of America has generously offered us, they decided to carry on a vigorous campaign against us, to break us up. They created organizations which they said were inspired by patriotic principles of regionalism, and these organizations rallied the same patriots of the island, some of which represent the Government at the legislature, in the courts, and executive power, and some of the so-called laborers' enemies of the trades-union movement.

They said we were anti-Porto Ricans and accused us to the rest of the island for maintaining a foreign organization in Porto Rico, for this is how they call the American Federation of Labor. They did all in their power to bring about intense hatred against the American Government and the American people and their institutions, because we represented for them an obstacle in their onward march to reaction, and because fortunately and in spite of our humility, the American people always gave us more credit than to the bosses of the island. And being as it is that in Porto Rico the partners, shareholders, lawyers of the corporations, political ringleaders, and some of the representatives of the Government are all one person, they have been all the time waging warfare on our organization, which we must naturally defend, this being also one among many reasons why industrial unrest is found in Porto Rico.

We being as always partial to legal means in the solution of our questions, have always applied to the Government to have our evils corrected, and in so

doing we asked for no privileges, but merely for justice, but the governmental organization of Porto Rico is such, and the power which the absurd representatives wield is such that we have never, never, since some time to the date, been able to obtain redress for the injustice that has been committed against us.

The natural disgust most manifested itself when years and years went by without having gotten any recognition. It is high time that a remedy be applied to the evils we complain against after so many years of petitioning, and it would have been right that those who did some clubbing on the people be brought to account, and the public officials guilty of corruption be removed, for they are a disgrace to the American people and to the workers of the island, and not having succeeded in getting any moral satisfaction and redress from the Government, this must necessarily be another reason for the clash in dissatisfaction.

We have also been able to recently discover a fundamental reason the wealthy element claim to have in order to combat us, and it is that they are afraid of losing their positions, and that would seem most too trying for them.

We have been able to ascertain from important declarations by men of the house that these people look with horror upon the fact that a laborer's son aspires to the study of law, medicine, or to be a representative at the legislature, or enter any other liberal profession. More yet has been said; these or similar words were said in the sessions of the Legislature of Porto Rico:

"Whither are we going at this rate? These laborers are bound to assault our positions; we shall no longer have anybody to work for us in the shops or in the fields; we are unable to find any woman cook or female servants; all of them are bound they want to be lawyers, and the women want to be stenographers or office employees. These workmen vie with us in the style of their dress, they want to dress the same as we do, in a word, they want to be our equals."

It will be easily inferred from this what idea the upper class has formed of the workers, and we may well understand why they are claiming for themselves the position of the master and lord for life. Here is the reason why they make such a strong resistance against us. Hence why they have clubbed us when they have failed in defeating labor through legal means, and we must necessarily in our defense include the defense of free speech, liberty of the press, of holding peaceful meetings, for even that has been supressed in Porto Rico to destroy the aspirations of the workers of the island.

The latest incidents that have occurred in Porto Rico justify all these statements.

The last strike in Porto Rico was brought about by the agricultural workers on the sugar-cane plantations. The maintenance of the protective tariff and destructive influence of the European war made the price of Porto Rican sugar soar in the world's market, and we naturally thought that the proper time for the workers' increase of their wages in proportion to the increase of the sugar had come, if we are to take in consideration that in the last year, and with the mere announcement that the protective tariff was to be abolished, the wages of the laborers were generally cut down in almost one-third. Accordingly, a general agitation was started in the island to increase wages and reduce the hours of labor. The commission got together in the various towns and petitioned the employers for a raise in wages, and these, as they always did, refused to come to any agreement with the men; had they done so, they would have avoided the strike. Consequently, about January 1 ultimo, the strike carried on by the agricultural workers was initiated in Bayamon, and then it spread to other towns of the island. Fortunately, the employers at Bayamon partly granted the request of the workers and promised to pay them more wages, and the Bayamon worker at last saw their conflict come to an end, no incidents having occurred there.

Other towns initiated strikes, and as soon as the sugar trust and growers association heard of this movement, which was now general, they got the authorities to turn their forces in its defense.

The Government did so, though it did not say so openly, and this was sufficient proof as may be understood from the proofs that came out afterwards. After more than 20 hours of discussion with the employers we agreed upon a signed contract or agreement with the representatives of a powerful corporation in the town of Fajardo. The workers signed it, and the representatives of the corporation, central, and the Government did the same, represented by one of the chiefs of an organization in Porto Rico called the Bureau of Labor of the

Government of Porto Rico. But what came of this? The Sugar Growers' Association, which in Porto Rico is the same as the National Association of Manufacturers in the United States in its policy, held a meeting of all the sugar growers of the island. They discussed the agreement arrived at at Fajardo, and upon learning that the agreement provided for a gradual increase in wages in proportion to the price that sugar was to be sold, the growers association passed a resolution to the effect that no contract or agreement should be collectively made with the workers, complicated the situation, and they, the growers, relied upon a plan to force the workers to work for the same wages. And so it came about, two days after the signing of the contract by the Fajardo corporation, the terms of the same were violated by the representatives of the corporation.

When we applied and appealed to the Government to bind them to their agreement we were able to realize that the Government, through its Bureau of Labor, was the most active of all in bringing about the nullification of the contract, and this decision was made known by telegram to the chief of the Bureau of Labor to the workers of Farjardo, though not very clearly expressed to them.

The representatives of the sugar corporations, with the Government's knowledge of the fact, armed dozens of men with revolvers and rifles to be used in their own behalf, when there is no law in Porto Rico granting that privilege to anybody. The insular police headquarters were established out in the country, in the sugar mills, the plantations, and the same masters of the sugar mills gave food, provided horses, bed, and lodging to the insular police that is paid by the people of Porto Rico, and the whole force was at the disposal of the bosses. Why should the employers want to do away with the idea of coming to terms with the laborers? Simply to scare them into subjection, to make them go back to work under the old conditions, they were thrown out of their huts, and their household goods were turned out of doors, and they were persecutetd in many ways. All public meetings were declared illegal by the police and dispersed with pistol shots and clubbing; the most peaceful meetings were disbanded by shooting; a number of five men were killed by the police in Vieguis and one in Ponce; a very considerable number of men was wounded; and the strike was weakened up just as the employers wanted it to be done, and more than 300 men were sent to jail in order to justify the brutalities of the police. Not a few families mourned the loss of some member dear to them, and desolation left an infamous stain of blood in the history of the island.

Thus is briefly stated what occurred recently. We have filed our protests against all these facts and against the onslaughts which jeopardized the rights of all men; we have protested to the governor against these things and begged them to offer the proper redress; we have insisted again on this score; we have persisted time and again and brought our grievances to the consideration of the proper authorities, those authorities which represent the American Government in Porto Rico, and we have always obtained the same answer; we were answered in the negative, and nothing more. We now have thee experience of two strikes that have taken place under the administration of the actual governor of Porto Rico, the police of which have been at the disposal of the employers, who have sought every available means to persecute the workers, and we have never been able to obtain anything like justice in any case for the workingmen of Porto Rico.

As this was not sufficient to force the workers into subjection, the governor of ths island, acting unnder the influence of the employers, issued an approbrious proclamation in pursuance of which the public peace was placed entirely into the hands of the police, so as to justify their brutalities. And the same proclamation made the statement that the laborers would not be permitted to hold parades bearing arms, when the governor should know very well that there never had been any laborers' parade bearing arms during the labor conflict in Porto Rico. He also forbade insidious meetings, when he should know there had never been any such kind of meetings in the island.

Such conflicts as these never occurred under the administration of ex-Governor George R. Colton, and yet there have been strikes in Porto Rico; but he never gave us any cause for complaint.

Now, honorable gentlemen of the commission, this is not the first instance in which we have the honor of coming before the American authorities in search of protection for the labor organizations, security for the liberty of the people, and guaranties for the American institutions which in Porto Rico are being constantly discredited, especially so by the very persons who received the greatest favors from the Government and the people of Porto Rico.

The island of Porto Rico is not now governed practically by the United States. The island is governed by the same reactionary faction to which I have been referring at the beginning of these remarks. What your representatives do in the island, what they allow to be done, is what the native and Spanish element by which they are surrounded want to be done.

The aspirations of a considerable number of the so-called "patriots" of our island consist in nothing more than asking constantly for more self-government; but this self-government they are asking for is not intended for Porto Rico, but for a group of privileged politicias. The people of Porto Rico, and I refer to the producers of wealth, have not yet, and would not have for some years to come, enough influence to steer clear of the reactionary faction which is always quite resourceful in political power and influence.

What these dear "patriots" of ours understand by self-government is to take the places of the Americans who are in the public offices; in this way all opposition would be removed, and they could see their way clear, and they would be in the position of committing all sorts of injustice against the people. They will be coming here year after year before your Congress with their same petition for more self-government, but their real motive is to obtain more public offices for themselves to do in Porto Rico as they please.

Right now all the judicial system of the island is practically in the hands of the Porto Ricans, because, excepting the attorney general and some two justices, the balance of the men in the judicial system are Porto Ricans; the whole executive system, including the insular police force, is Porto Rican; the regiment of infantry of Porto Rico is Porto Rican, and the lower house of the legislature is exclusively Porto Rican. In the upper house, or executive council, as it is called, there are four American members of it, and a majority of seven Porto Ricans. Then we have the governor, who is an American.

It may be inferred from this that we enjoy an almost absolute self-government, for which the Americans living in that island are not responsible, mainly, for the state of affairs.

The greatest harm done to the working people of Porto Rico is precisely that of granting so much of the so-called self-government to the privileged politicians of that island. The greatest harm that could be done in the future to the laborers of Porto Rico, and what would impair the credit of the American institutions in that island would be to keep on granting more of that self-government to this group of politicians, who are after these privileges only to use them against the people and act as they wish to.

As a proof of what we set forth herewith, and which has stood for many years as a living example of bitter experience, we are in a position to assert the following:

When the military government was first established under the American rule in Porto Rico the working classes were granted the benefits of a strict eight-hour law.

Wages were more adequate to the needs of the workers in the island according to the expense of living.

Absolute freedom of the speech and of the press and absolute guaranty in the exercise of all political and religious beliefs.

All sorts of public securities and respect to the organizations and their members.

Just as soon as these politicians began to enjoy the benefits of self-government in pursuance of the establishment of civil government, disturbances took place, regrettable incidents were committed, assassinations, etc.; the laborers were persecuted and their federations closed, the right of free speech or discussion and holding public meetings was suppressed, and the Porto Rican civil government itself was ordered to establish a hateful anarchical government on the island.

Then it was that the President of the United States had to intervene, and he became conscious that a more close vigilance had to be exercised with the office holders of that island.

But time flits away. The persistent demand for more self-government has again been heard, and the honorable President of the United States began to yield in favor of making appointments in the persons of some Porto Ricans; more self-government than before has been granted, and the island feels ashamed at present for what it sees and has seen.

With the amount of self-government at the disposal of our politicians at this time there have been committed against the people social crimes that were unknown to have existed before; daring onslaughts have been attempted and

carried out against the aspirations of the people; the corporations have been given all the power that could be given to them to exploit the mass of laborers. The right of free speech and meeting has almost practically been abolished, and all sorts of abuse has been resorted to against the helpless workers, whose aim is to live like human beings and not like animals.

Under this actual system of self-government it was that the gravest of conspiracies has found expression, both publicly and privately against popular education. An attempt has been made to minimize the teaching of the English language in the public schools, and there has been a desire for demoralizing the teaching profession, such as trying to make the pupil hate the American methods of teaching and even to hate the American teachers. More than 200,000 children of school age have been left without school accommodation. About 300 teachers have been dropped from the teaching force because the school appropriation has been slashed and cut down last year. A measure came up before the legislature whereby the capitalists, merchants, and corporations were favored in every possible way. This had for its object paying the least possible taxes to the insular treasury, and on this account the appropriation for public education is not nearly so large now as it used to be.

In order that those who enrich themselves at the expense of the people should not pay taxes, many items figuring on the appropriation bill have been cut down, and it may be stated that these favored the poor people and public services.

The appropriation for sanitation, schools, roads, and all other items of public service have been, as I stated, to you just now, cut down.

The labor laws as passed in the legislature at different times are so faulty that they are scarcely practical. For the last eight years a compensation bill of employers' liability bill has been under consideration, but no law as yet has been enacted. The employees of the Government receiving the smallest salaries have been cut down, whereas those higher-salaried men have been left intact.

All this has been possible to do to the self-styled "patriots" when they had at their disposal sufficient self-government, and they want more self-government in the future to keep on doing as they have done.

But as the mass of the laborers of the island have not the sufficient organization, education, and political power to repel the action of these men in the management of the island, on this account the worst and least deserved punishment that can be applied to the workingmen of Porto Rico is the concession of more self-government to the representatives of a reactionary and pernicious education which would be in itself a menace to the working people of Porto Rico.

We have wished to point out, in the limit of time we have spent, some of the most important reasons that determine the industrial unrest of the island by establishing some comparison, however slight, in the development of business and industries of the past and of the present, and we are quite sure that the gentlemen who hear us will understand our reasons perfectly.

Though our mission in that country is not and never has been that of a political party, the same needs that confront us obliged us to participate with our indirect action in the fight, for we could not dispose of any other means within the law, to obtain that legislation so necessary to our own defense since this was the only course we had.

These statements which I make before the honorable commission are the same we have been making year after year, and we should be ready to repeat as long as no favorable change is brought about for the Porto Rico laborers, they who are exploited by the powerful corporations which have everything their own way on the island, and which seem to constitute in themselves the invisible government of Porto Rico.

Mr. Chairman and gentlemen of the commission, before finishing these remarks, I only wish to add some of the remedies we have suggested in behalf of the Porto Rican laborers in order to bring about beneficial changes for them and all the people in general.

If the laboring mass of that island had sufficient organization to set down a scale of wages adequate to the needs of life and in harmony with the labor it produces, this alone would be sufficient for the island to change its condition immediately from that of wretchedness to one of prospreity for all. And it must of necessity be so because wages are the most powerful stimulus of industry, and it is the only part of the wealth that remains in the country and benefits local trade. But such is not the case, as we have not this strength,

and as it shall not be with us for some years to come, the most urgent remedies we should advocate are the following:

The Congress of the United States should request and direct your commission to proceed to Porto Rico to make a full and public investigation of all the affairs of the island and to ascertain the true conditions prevailing among the people, with the instructions to make a special report to Congress of their findings, with the recommendations that same commission may deem fit.

Increase the school appropriation to such an extent that the children of school age (404,211 in 1914, and of whom but 160,766 could be admitted into the schools) may receive the benefits of a public education. After admitting these 160,766 pupils the department of edcation was unable to offer accommodations to the rest, and on this account only about 40 per cent of the total number who are of school age receive education in the public schools.

The lands of the people of Porto Rico under a practical and economic plan should be turned over to the peasants for them to make farms that will produce and be beneficial to all. Porto Rico is first and last an agricultural country; there is no hope, at least for the present, that large manufacturing enterprises will thrive on this island, for local conditions do not favor any undertaking of this kind.

By means of a people's bank the Government should grant to the peasants sufficient loans to obtain the necessary implements for cultivating this land, buy the animals, etc., and provide for the needs of life, until the lands produce the first crop.

Instead of allowing the banks in Porto Rico to exploit the business of loaning money at from 12 to 20 and more per cent interest, when they obtain this same money in the United States at 4 and 4½ per cent, thus keeping up a system of usury that victimizes the people of the island, it seems to us that the Government with its sound financial credit should take a large loan in the States and establish a peoples' bank from which money could be taken out at 6 per cent interest. This fact would help the poor landowners, and the island with the profits, and would create a condition such that both the profits and most of interests would remain on that island.

The island should have and maintain a department of labor with the same prestige and authority of the other departments of the Government, at the head of which loyal and intelligent men could be found cooperating with the laborers to bring about better conditions for that class; men who could enforce the necessary labor laws and promote the welfare of the working masses generally.

The Federal law of immigration should entirely apply to Porto Rico. Owing to the ambition of the employers there, they have been able to secure the immigration of any people who care to enter Porto Rico by having the Federal law amended so that it is not so drastic in regard to Porto Rico as to the United States. Porto Rico is one of the sections of the world that most needs the application of a drastic immigration law, owing to its excessive population and abundance of unemployed laborers.

There should be a special law to discourage the absentee of the wealth produced in the island, or to place certain limitations on the same, so that the island be not drained of its wealth by the ambition of these men, because if this is to go on we shall have to witness a mighty poor condition of affairs.

No more franchises should be granted except those which would prove surely to be beneficial to the people and not for the exclusive benefit of those seeking these franchises.

All the Federal laws relating to labor and beneficial in character should apply to Porto Rico through an act of the Congress of the United States.

The United States Congress, upon passing any legislation on the constitution of Porto Rico, in whatever sense this may be done, must take into account the limited amount of power, the small influence, and capacity of the laboring people, as well as the political vices, pernicious education, and bad habits of the masters, and whenever any legislation is to be brought about it should be such that the laborers be not left in the lurch and at the mercy of their masters, but, on the contrary, protected sufficiently and given the assurance that in the enjoyment of all the constitutional rights they are to enjoy the same rights as those of this country.

The possessors of capital should be obliged to pay their full share for what the Government needs for public instructions, for roads, and for improvements of the island, public sanitation, and the security of justice. And by the means which the legislature offers must be avoided the abuse of power in the courts and the use of armed men in labor disputes, be these policemen, soldiers, or private agents.

These simple rules are, in our humble opinion, the ones that could do a great deal of good for the island of Porto Rico.

Aside from all this, gentlemen of the commission, I hold that no better opinion could be gained concerning Porto Rico and the condition of the laborers than by going out there, taking a look at the dwelling houses, knowing what food the workers eat, noticing how many hours they work, learning from them directly something about their customs and habits, for however much we may strive to give you a description of the conditions of the Porto Rican laborers, we could never succeed in depicting the real situation of things in the same way you could if you but could see these things with your own eyes.

I feel certain that, in spite of all that I might have said, I have told you less than the island itself can, and the laboring class also; but a mere glance at the situation would make all these things come home to you much better.

That is the conclusion of my paper.

Chairman WALSH. We thank you for your paper. We will now hear from Mr. Iglesias as to the details and affidavits; and if there is anything further you wish to say, you will be recalled later.

Mr. Iglesias.

TESTIMONY OF MR. SANTIAGO IGLESIAS.

Chairman WALSH. Mr. Iglesias, as you have observed, we are a little limited for time, so I am not going to ask you to go through the general topics referred to by Mr. Martinez; but you may proceed with the statement more directly of some of the matters you have to present—for instance, the trouble at Visques. Is that right?

Mr. IGLESIAS. Yes.

Chairman WALSH. Kindly direct your attention to that.

Mr. IGLESIAS. My intention is now to prove——

Chairman WALSH. Just state the story of the strife or trouble at Visques—that is, the casualties, people hurt, what the fight was about, the number of wounded, the number arrested, the charges upon which they were arrested, the number of convictions, the appeals to the higher courts, and the final results. I am going to say this also, for the purpose of shortening time—I am going to have you make verbal statements, and then, if you have more than one affidavit, you understand, on any subject, you may give us the substance of the affidavits and then put them in the record so the whole commission can take them up when they meet.

Your full name is Santiago Iglesias?

Mr. IGLESIAS. Yes.

Chairman WALSH. You reside where?

Mr. IGLESIAS. San Juan, Porto Rico.

Chairman WALSH. And what is your business?

Mr. IGLESIAS. At this time I am organizer of the American Federation.

Chairman WALSH. The American Federation of Labor in Porto Rico?

Mr. IGLESIAS. Yes, sir; and president of the Free Federation of Workingmen there.

Chairman WALSH. Of the Free Federation of Workingmen?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Are you a native of Porto Rico?

Mr. IGLESIAS. No, sir.

Chairman WALSH. Of what country are you a native?

Mr. IGLESIAS. Spain.

Chairman WALSH. How long have you lived in Porto Rico?

Mr. IGLESIAS. Eighteen years.

Chairman WALSH. And you came there for what purpose?

Mr. IGLESIAS. I came from Cuba. I have been eight years in Cuba and came to Porto Rico in consequence of the persecution from Gen. Weyler there.

Chairman WALSH. Are you the gentleman referred to by Mr. Martinez that was in jail in Porto Rico at the time the Americans occupied it?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. What was your occupation before you went there?

Mr. IGLESIAS. Carpenter.

Chairman WALSH. You are a carpenter by trade, are you?

Mr. IGLESIAS. Yes.

Chairman WALSH. Are you a man of family?

Mr. IGLESIAS. Yes; I have a wife and eight children.

Chairman WALSH. Now, you may go ahead, Mr. Iglesias.

Mr. IGLESIAS. I am going to refer to the same men referred to by Mr. Martinez that have been complained against the doings of the agents of the Government and the agents of the employers against them.

As Mr. Martinez has stated in a general way, it is almost the same complaint of the workingmen of Porto Rico, and I am going now to refer to the affidavits presented by the people there that have been injured, sworn to before notaries and judges. We brought those almost every bit of evidence from almost every town and city and country village where the police and agents of the corporations attacked our people and terrorized our people there.

More than 100 telegrams as to these matters—I notice the chairman says we have got but little time, and I will not read them at this time; but from each town since the 4th of January we received in our office in San Juan dozens and dozens of telegrams charging the local authorities and agents of the corporations of battling with the people, and attacking the people, and shooting them and terrorizing them, and to force them in that way to take the work again under the same conditions that they were previous.

I have here from Juncos, which is the first instance, a short statement, and statements of about 20 others, some of them workingmen and some of them not, the statements of fact pertaining to the last labor strike in Porto Rico.

In the city of Juncos, island of Porto Rico, and before the notary public above mentioned appeared Catalino Marrero, and there are others, I don't read the names.

Chairman WALSH. The names are given there, are they?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. All right, we will take them into consideration.

(The statement referred to and the accompanying exhibits mentioned below are printed at the end of this subject as "Iglesias Exhibit No. 1.")

Mr. IGLESIAS. All of legal age and residents of said city of Juncos, under oath deposes and says, that before they went into strike they beg their patrons for better wages and more respect during working hours; that they were only paid from 40 to 50 cents for working hard from 6 o'clock in the morning to 6 o'clock in the evening; that they were bad treated by their patrons and their agents; that during working hours they were not even allowed to perform human ordinary necessities; that they were never heard, and therefore they decided to go into pacific strike to force their patrons to justify them (the laborers) in thir demands for better wages, treating, respect, etc.; that the strike lasted for about 10 days; that an agreement was signed by agents of both laborers and the patrons; that they (the laborers) have fulfilled their part to the said contract; that said patrons have violated their part to said contract; that their patrons used a circular of Gov. Yager to influence us in believing that no one had right to go into strike asking for better wages and more respect, etc.

Mr. Eloy Franquis——

Chairman WALSH. Were they cigar makers?

Mr. IGLESIAS. No, sir; they are agricultural workers.

Chairman WALSH. Agricultural workers?

Mr. IGLESIAS. Yes, sir.

Mr. Eloy Franquis, under oath, deposes and says that he is a resident of the city of Juncos, P. R.; that he is a cigar maker; that on the 1st day of February of the present year, while he was addressing pacific strikers in a place called Pueblito del Rio of the municipality of Las Piedras, Corporal J. Lopez, of the insular police of the island of Porto Rico, grabbed him down the tribune without justification; that Mr. Franquis was addressing the crowd in a correct manner; that a moment afterwards Mr. Franquis was authorized by said corporal of the insular police force of Porto Rico to continue his speech; that the police force intended to end the meeting without cause; that deponent was charged for slander before the municipal court for the municipal district of Las Piedras, P. R.; that his case was heard and the defendant, Mr. Franquis, was discharged.

Outline of Exhibits C, D, E, F, G, H, I, J, K, L, M. They are all here in Spanish.

Chairman WALSH. They are all in Spanish?

Mr. IGLESIAS. Yes, sir; you can see them there—the seals and the notaries and all. Mr. Eloy Franquis, under oath, deposes and says that about the 1st day of February of the present year about 500 laborers came to him asking his cooperation to better the conditions of the working classes of the municipality

of Juncos; that he acceded and went on, and from the beginning of the strike managed all affairs of same; that the conduct of the police force of the city of Juncos during the strike was very bad; that on one occasion the police told the strikers that they were not allowed to traffic along the carreteras or public roads; that the police ill treated the poor strikers; that the police intended to intimidate the pacific action of the strikers, insisting on them to go to work, or, on the contrary, they said to the strikers, they had orders to use their clubs; that on the 4th day of February a great meeting was to be held in Gurabo, a town near Juncos, and to that effect the laborers from Juncos were on their way to former; that the police, using the most libellant words ever heard, tried and consequently ended the laborers' assembly with their clubs and also firing their revolvers; that many of the assemblers were hurt by the police without justification at all; that the number of victims reached from 15 to 20; that some of the victims went to the hospital to be cured of hurts suffered by clubs of the police; that as soon as the police knew they (the laborers) had gone to the hospital tried and in effect imprisoned all of them; that they were charged by the police of different crimes before the municipal court for the municipal district of San Lorenzo, P. R., and sentenced by said court; that all of them appealed from the sentence rendered by the municipal court for the municipal district of San Lorenzo, P. R., to the higher court—that is to say, the district court for the district court of Humaco, P. R.—and the higher court discharged and freed all of them on the ground that they were innocent of the crimes imputed them; in one particular case a laborer named Pablo Rivera Nieves, a sick man, but a striker, was beaten by the police; persons of 50 years of age were also beaten.

As shown by Exhibit F, Eleuterio Mazán, was the bearer of the American flag in the assembly above referred when the police ended same; that a policeman named Julio Soto, knowing it was the national flag, broke it to pieces; that said Mazán called the attention of the police to the fact that they had broken the American flag, and the response was that the police club poor laborer and afterwards charged him with the commission of a crime; that said charge was dismissed.

As shown by affidavit No. 860, Exhibit G, authorized before the notary public, Mr. Pedro Santana, jr., Mr. Augustin Cintron, of Juncos, P. R., deposes and says that he knows perfectly well that the police force almost in the whole island of Porto Rico, and specially during the strike periods, are in the habit of living on the sugar factories or centrales, not to restore order in case of need, but for causing intimidation to the poor laborers who are working on in the centrales, trying to persuade them to not go into strike, and if they do explaining to them (to the laborers) that they are liable to be clubbed.

As shown by affidavit No. 861, Exhibit H, Mr. Lucas E. Castro, an industrial man of an excellent reputation in the city of Juncos, under oath, deposes and says that he is a resident of the city of Juncos; that he was in Juncos when the strike began; that he followed the course of all affairs in connection with same; that he can say that the conduct of the laborers on strike during the last one was an excellent one; that he saw the police ending a pacific assembly of the strikers, using their clubs and revolvers without justification at all; that on one occasion the action of the police was so hostile to the strikers that almost the whole town was compelled to close doors, etc.; that he never saw a striker make an attempt against the public power.

Exhibit I, affidavit No. 862, before the same notary, Mr. Pedro Santana, jr., Mr. Catalino Marrero, under oath, deposes and says that he is a resident of the city of Juncos, P. R.; that during the last strike the chief of police of said city, Mr. Vicente Torres Quintero, called him one day and told him to tell some laborers who were working on a plantation called "Amel" that everything was all right as far as they continued working; but otherwise, if they were willing to go into the strike, they were liable to be clubbed and imprisoned.

Affidavit No. 863, Mr. Modesto Martinez is a doctor in pharmacy, of the city of Juncos; he declared under oath that the conduct of the strikers in February this year was an excellent one; that they simply left their work to beg for better wages and better treatment; that he saw the police on one occasion clubbing the poor laborers that went on strike.—Exhibit J.

Exhibits K. L. M refers to same thing above mentioned, and affidavits were taken in order to make evidence corroborative.

Exhibits N, O, P, and Q, affidavits from 867 to 870 before the notary public above referred, Mr. Pedro Santana, jr., indicate the following: That deponents Luis Sanchez Ocana, Juan Roman, Jose Maria Pereira, Juan Rivera are all

neighbors of the city of Juncos, P. R.; that they are all well acquainted with the last strike of February of this year; that the conduct of the strikers was of a high order; that assemblies of the strikers were ended by the insular police without justification at all; that strikers were clubbed in the streets, intimidated by the insular police, and told to go to work in order to prevent being clubbed and imprisoned; that the strikers never attempted against the public authorities, and always had faith in their leaders' work. "In a general way we can say that the constitutional rights of the strikers were violated by the insular police of the island of Porto Rico, and this permitted to be done under the flag of Stars and Stripes."

A better idea of what really happened during the last strike in Porto Rico can be obtained reading carefully all of the affidavits authorized before the notaries public of the island of Porto Rico.

Here is one from Humacao, Porto Rico. It is an affidavit to demonstrate how the police are conducting themselves.

Chairman WALSH. Does that refer to any of the occurrences that grew out of the fight at Vieques?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. You are on that subject now?

Mr. IGLESIAS. Yes, sir; it is all through the island of Porto Rico; almost the same thing.

Chairman WALSH. I was trying to get my mind on two things, the fight on the island, which I understand is about 10 miles from San Juan.

Mr. IGLESIAS. Oh, you refer to this of Vieques?

Chairman WALSH. Go ahead and read that affidavit in your own way.

Mr. IGLESIAS. We will read this; I am going town by town.

Chairman WALSH. All right.

Mr. IGLESIAS. The above strike's case was heard before the Hon. Cuevas Zequeira, judge of the district court for the judicial district of Humacao, P. R.

Tomas Martinez was charged for the crime of assault and battery in the person of Evaristo Berrios, corporal of the insular police force of the island of Porto Rico.

The district attorney for the people, Mr. Jose Hernandez Usera, introduced witnesses to prove his case, consisting of several policemen.

The defense also introduced his to prove Tomas Martinez was innocent of the charges filed against him.

After both parties were heard, the honorable judge of the court, Mr. Cuevas Zequeira, among other words, said:

"I think that the proofs introduced by the district attorney in this case have been weak; that the policemen who have testified in this trial, some of them, fell in very important contradictions."

The honorable judge, calling Mr. Berrios, told him: "Mr. Berrios, you are a corporal of the insular police force of Porto Rico; according to the testimony you are a perjurer. This court have faculties according to the last laws passed by the Legislature of Porto Rico to punish you for your conduct. The court hopes that you will never conduct as you have done to-day before this court. You may go now."

The district court of Humacao, after considering all the circumstances connected with this case, discharged the defendant.

I want to refer for a moment to the Juncos matter and to petitions sent to the governor for relief and redress, and the only answer they received was a little telegram, as follows:

SAN JUAN, PORTO RICO,
February 30, 1915.

ELOY FRANQUIS, *Juncos:*

Your telegram received. Has been endorsed to chief of police for investigation. Matter relates to it.

M. A. MUNOZ, *Secretary to Governor.*

The Central Labor Union of San Juan and the State Federation sent letters to the governor requesting, about the Juncos matter, to send help to our people, and the same kind of a reply was received. It is as follows:

SAN JUAN, PORTO RICO,
February 9, 1915.

SIR: Pursuant to instructions from the governor, I have the honor to acknowledge receipt of your letter of the 6th inst., along with which you transmitted a

communication relative to the agriculturists' strike at Juncos, and I desire to state in answer to the same that this matter has been referred to the attorney general, to be duly taken into consideration by him.

Respectfully,

MIGUEL A. MUNOZ,
Secretary to the Governor.

Mr. RAFAEL ALONSO,
Secty. F. F. of W. of P. R., San Juan, Porto Rico.

Of course, the said petitions were never heard of again.

Chairman WALSH. That is all you heard of them?

Mr. INGLESIAS. Yes. I want to state that the police have been, at the start of the strike, charged that the force was not very strong in handling the striking. Such was the statement made by the employers, and consequently the request to the governor that the police take more care of the strikers, because their position was very easy to their interest, and asked for 200 more police in order to protect the interests of the employers. Now, the misprotection of the interests of the employers we will see about a little later.

Now comes the case of Vieques. All these happenings occurred in just 10 or 12 days. The same proceedings that took place in Juncos were repeated again all through the island.

Chairman WALSH. Now you are talking about Vieques?

Mr. INGLESIAS. Yes.

Chairman WALSH. Where they had an occurrence—this refers to one occurrence in Vieques?

Mr. IGLESIAS. Yes.

Chairman WALSH. And the trouble lasted 10 or 12 days and extended all over the island?

Mr. IGLESIAS. Yes.

Chairman WALSH. And you are attempting to portray to us the general conditions at each one of those places while that disturbance lasted?

Mr. IGLESIAS. Yes.

Chairman WALSH. Now, as to Vieques.

Mr. IGLESIAS. Well, you know the island of Vieques is a little possession adjacent to the island of Porto Rico and has about 10,000 or 11,000 population. It has five corporations of sugar interests there who practically control the whole island. It is separate about 9 miles from the mainland.

Chairman WALSH. From the main island?

Mr. IGLESIAS. Yes. The first news from Vieques came through the reports from the police to the governor. Nobody directly knew what happened in Vieques until four days after it happened, so far as the laboring people were concerned. The press only published the accounts and news that the governor's office afforded to the press. Consequently the press was censored even as to the telegrams sent from the island.

Chairman WALSH. Even the press could not receive the news from the island for three or four days?

Mr. IGLESIAS. No.

Chairman WALSH. So you did not know the condition there until three or four days after the occurrence was over?

Mr. IGLESIAS. Yes.

Chairman WALSH. And you then gathered that from the report of the police at Vieques to the Governor of Porto Rico?

Mr. IGLESIAS. Yes. Then we sent a commission from San Juan to ascertain.

Chairman WALSH. A commission of what?

Mr. IGLESIAS. A labor commission.

Chiarman WALSH. Selected by the organization?

Mr. IGLESIAS. Yes; by the federation, with a lawyer. And this commission made a report to us. This report is signed and sworn to before a notary by ex-special district attorney of Porto Rico, who had been engaged in work by the department of justice.

Chairman WALSH. Was he your attorney?

Mr. IGLESIAS. Yes.

Chairman WALSH. And he was the one who went down to make this investigation with the commission?

Mr. IGLESIAS. Yes.

Chairman WALSH. And the report is made and sworn to by him?

Mr. IGLESIAS. Yes. You will see from the report that it is not made in favor of the workingmen at all.

"SAN JUAN, PORTO RICO, *March 30, 1915.*

"Mr. SANTIAGO IGLESIAS,
"General organizer of the American Federation of Labor,
"San Juan, Porto Rico.

"DEAR SIR: After going to the isle of Vieques for a second time at your suggestion and for the purpose of appearing in behalf of the accused during the strike that occurred there recently, gathering up my impressions and investigating matters thoroughly relative to this strike, I take the pleasure of transmitting to you herewith in the most impartial manner what I have found abnormal in the proceedings of this case as well as my personal opinion relative to the legal methods we should adopt for getting up proofs of the facts that have been so misunderstood in the press.

"In the first place, upon arriving at Vieques I called personally at the municipal court there which had intervened in the substantiation of the strike cases that interested us, and I was able to see a series of documents of appeals in sufficient number that had been presented by the same interested parties who had taken this course against decisions rendered by that court on March the 10th, 11th, and 12th inst. With the exception of six or seven among seventy appeals, more or less, all the rest had been rejected by the court on the ground that two days had elapsed, in the opinion of the judge, before the said appeals could be filed.

"I put forth all my persuasive powers to conciliate the municipal judge of that court and make him change his mistaken opinion of this matter. I produced, under my signature, and as the representative of all the sentenced persons I had been able to consult in prison, all the appeals that had been rejected on the fifteen inst., or in other words, within the five days which, in my humble opinion the law allowed, which limit was granted for filing the appeal, but it was of no avail; this privilege was denied to me for the above reasons as alleged by the judge.

"Shortly after my arrival at San Juan I established the extraordinary mandamus recourse presented by myself before the honorable court of Humacao District, which had immediately dictated the said document-peremptorial auto-ordering the appeals to be admitted, which was carried out later because the fiscal later acceded to my petition.

"At the time I was discussing with the municipal judge whether he ought or ought not to admit those appeals on the occasion of my first visit to Vieques, after investigating all the sentences in the possession of the warden of Vieques prison and which were a part of the expedients to each of the accused, I was surprised to realize that on the 16th day, or in other terms, one day after denying me the privilege of filing my appeals, the municipal judge transmitted a communication dated the 16th, ruling the sentences as erroneous and which as writs of imprisonment applied to the expedients and accordingly the said communication accompanied new orders amending the preceding sentence, but which in spite of having been sent on the 16th were dated the 10th, 11th, and 12th days of March inst.

"As this has been brought to bear without any intervention of any kind, not in presence of the accused and aside from the time limit prescribed under the law for filing all appeals, I understood that this amounted to a new sentence, and I once more established a recourse for appeal against all sentences thus amended, which has not been necessary for me to do owing to the provable effect of the mandamus filed at the proper time and legally recognized."

Chairman WALSH. Let me see if I can not shorten that up and also understand it a little better. Now when he went out there the judge told him that his view of the law was that two days having elapsed, these men were not entitled to have their cases reviewed on appeal?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And then did he come back to Porto Rico?

Mr. IGLESIAS. No; he remained there.

Chairman WALSH. He remained there?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And subsequently—his contention was that he had five days within which to file his appeal, and when he came to getting the papers again he found the judge had dated the time of the conviction back to the 10th?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Or other days; is that correct?

Mr. IGLESIAS. Yes.

Chairman WALSH. So on the face of the record, it would appear that more than five days had elapsed?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. In other words, if his contention is true, the lower magistrate falsified the record as to the date of trial?
Mr. IGLESIAS. Yes, sir; as to the dates given new orders, to amending the sentences.
Chairman WALSH. Now, to what court did he have his appeal?
Mr. IGLESIAS. To the district court.
Chairman WALSH. In Porto Rico?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. Or on this smaller island?
Mr. IGLESIAS. No; on the main island.
Chairman WALSH. Now, let me shorten this a little. Then he applied for a writ of mandamus to the court of Porto Rico?
Mr. IGLESIAS. Yes.
Chairman WALSH. To compel them to send up the record of that case?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. Now, was the record finally sent up?
Mr. IGLESIAS. Yes.
Chairman WALSH. How many men were involved in this appeal?
Mr. IGLESIAS. About 75 or 100.
Chairman WALSH. And were they all workers?
Mr. IGLESIAS. Yes.
Chairman WALSH. Were any of them employers or bosses?
Mr. IGLESIAS. No, sir.
Chairman WALSH. Or any of them police officials?
Mr. IGLESIAS. No, sir.
Chairman WALSH. They were all workingmen?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. Now, did he succeed in having their cases brought up to the upper court?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. First, what was their punishment before the lower judge or magistrate?
Mr. IGLESIAS. Six months and $200 fine.
Chairman WALSH. Each got six months in jail and $200 fine?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. Now, what did the superior court of Porto Rico do with these cases?
Mr. IGLESIAS. Well, several of them—about a third—have been discharged and some of the others put at 90 days.
Chairman WALSH. About a third of them were discharged?
Mr. IGLESIAS. Yes.
Chairman WALSH. Now, after it got up to the upper court, was it retired or, that is, did they hear evidence again, or was it heard just on the record?
Mr. IGLESIAS. No; new——
Chairman WALSH (interrupting). A new trial?
Mr. IGLESIAS. Yes.
Chairman WALSH. In the superior court?
Mr. IGLESIAS. Yes.
Chairman WALSH. How many judges?
Mr. IGLESIAS. Just one judge
Chairman WALSH. And was there any further appeal for the one-third that were convicted and got 90 days?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. Went to a still higher court?
Mr. IGLESIAS. Yes.
Chairman WALSH. And have they been discharged?
Mr. IGLESIAS. No.
Chairman WALSH. So the result was that the upper court sustained your lawyer and said these men did have a right to appeal?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. The upper judge discharged two-thirds of them?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. And found one-third of them guilty and gave them 90 days in jail?

Mr. IGLESIAS. Yes.

Chairman WALSH. And you have appealed those cases to the court of appeals?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And it is still pending?

Mr. IGLESIAS. Yes.

Chairman WALSH. And undecided?

Mr. IGLESIAS. Yes.

Chairman WALSH. Now, if that does not cover all the points, you may read.

Mr. IGLESIAS. Oh, yes; there are other points——

Chairman WALSH. What other points do you want to cover?

Mr. IGLESIAS. Oh, many. I request you to be heard.

Chairman WALSH. Well, you understand we are seeking to gain time, and if I have stated that correctly, we will assume that they are proven by your affidavits—that is, so far as your side of it is concerned.

Mr. IGLESIAS. Yes.

Chairman WALSH. That is right, is it [addressing Commissioner Weinstock]?

Commissioner WEINSTOCK. Yes.

Chairman WALSH. Now, if there are any points not covered by my statement, you may read.

Mr. IGLESIAS. There is another point, you will find.

Chairman WALSH. All right. I want to give you your own way to do it, so far as I can, Mr. Iglesias, consistent with getting through.

Mr. IGLESIAS (reading). "After making an investigation of the legal proceedings against the several prisoners I was able to gather that some of them, about five or six, had been thrown into prison pursuant to peremptory orders of imprisonment issued by the humacoa fiscal"—humacao fiscal is the district court, the higher court of Vieques—[continues reading] "to answer to the charge of attempt to commit assassination, under date of February 17, 1915. On February 23 the same persons were set free, in pursuance through an order of the court emanating from the same fiscal, and that same day they were transferred from the jail of Vieques to the headquarters of the police, and without serving any previous notice, and at a time when the court was not legally constituted in its true forum, sentences were dictated against them on the charge of transgression for illegal carrying of firearms exhibited to them, and they were sentenced to serve a certain period in jail, which, if I rightly remember, was 60 days. After being sentenced on this ground they were transferred from the police headquarters to the town of Humacao, at which place they remained until the 26th, and from there back to Vieques prison, under an order of imprisonment for assault and battery, under date of the 26th, by Judge Jose S. Aybar, of the municipal court of Vieques.

"Somewhat later, aside from being sentenced for illegal bearing of firearms, according to accurate information gathered by myself, they were also sentenced or convicted for riot in the country district of Vieques, on the ground of riot at the municipality seat of that island itself, and as prisoners of a crime qualified at first as offense against human life, undoubtedly owing to serious circumstances, which, had they been true, could only have resembled that qualification. Again I say they finally judged merely for the crime of assault and battery, which, though it is true, is almost the same as a lesser transgression"——

Chairman WALSH. They gave him 60 days just from the police station without any court?

Mr. IGLESIAS. Yes, sir. [Reading:] "But it deprived those accused parties of the right of trial by jury as demonstrated by the seriousness of the case they were accused of. In cases of assault and battery they receive the maximum penalty."

Chairman WALSH. What was the maximum penalty?

Mr. IGLESIAS. Six months.

Chairman WALSH. Six months and $200.

Mr. IGLESIAS. Yes. [Reading:] "As there are yet to be tried several cases that have been classified in various ways against individuals accused during the strike, it was my privilege to appear for them as counsel on my second visit. They had been accused of carrying arms, taking part in the riots out in the country, and also in Vieques town, and for assault and battery, and I was able to form an exact idea of how these cases should have been heard, especially those which had come up before the rendering of the decision in the cases for which appeals had been established. In regard to cases for bearing arms a number of sticks"—that is the arms to which the police referred. The stick

is the same as in this country to carry flags, but as they have no refined sticks like in the States here they put any piece of poling——

Chairman WALSH (interrupting). A rough piece of pole?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. You mean they carried those poles with flags on them?

Mr. IGLESIAS. With flags on them.

Chairman WALSH. So, do you mean to say the weapons they were charged with carrying were the flag sticks upon which the flags were?

Mr. IGLESIAS. Yes, sir; those sticks were by the judge considered arms.

Chairman WALSH. The sticks they used for the flags were charged as weapons and arms?

Mr. IGLESIAS. Yes.

Chairman WALSH. Now, did they have any of those sticks or any of those poles upon which the flags were not attached?

Mr. IGLESIAS. No, sir.

Chairman WALSH. Go ahead.

Mr. IGLESIAS (reading). "In regard to cases for bearing arms a number of sticks of different sizes were exhibited in presence of the judge; they were classified under the name of 'garrotes' (big sticks) and these had small pieces of paper stuck on them with a number and the name of each individual. In searching for the 'corpus delicti,' I ascertained that the proof of these charges was presented by the police, and I was informed by them in open court that these six or seven sticks were only a few of the two or three hundred that the strikers had in their possession when the parade disbanded, and which took place Febraury 11 of the present year. I was also informed that such as were provided with sticks during the riot were let free, but that afterwards, when these sticks were all in a bunch, the policeman or policemen who claimed to have gotten hold of them asserted, from mere guesswork, that such and such a stick had been used by such and such an individual. I presumed that fact of determining which sticks belonged to each particular individual, and whether these sticks were of small or large sizes, and in case some of these had been declared as large, and not a few of small size, even under these circumstances it would have been impossible for the judge to determine which particular stick had been used by any given individual, and for want of sufficient proof in this regard the accused persons should be adsolved, as indeed they were, by order of the honorable court.

"If the trials heard previously to this for illegal bearing of arms were all heard under the same conditions, why, then, should sentence be passed against them?"

Because no lawyer was present and in the same circumstances many of those poor fellows were sentenced by the judge; but when a lawyer was there to defend them he had to release them.

"I must say further there was no doubt but that the accused parties who were sentenced for this transgression of the law were in a like manner sentenced for various causes and given the maximum penalty. For this reason it was, as I understand it, they decided not to enter any plea for appeal, because they had practically served their sentences.

"We next come to the case of Mr. Emilio Garcia, known as Mateo Garcia, and who was taken into court on the 26th for the hearing of his trial to answer against the charge of illegal bearing of arms on February 11, and upon reading out the charges, the said Emilio Garcia stated that on the 11th day of February he bore no arms, and accordingly prayed the court to suspend the proceedings until February 27, and that he was in a position to prove that the statements made by him were true and that on that very day he had no arms in his possession at the place mentioned by the court. But on February 27 he was not a little surprised to hear, not the same indictment, but another in which he was accused of carrying arms on February 16 and not on February 11 as appear in the former indictment, he having been obliged to withdraw his witnesses and suffer another trial for which he was sentenced.

"Riot in the country.—According to evidence furnished by the people of Porto Rico the following explains itself very clearly: On the same road as that where the witnesses passed, another parade of the strikers, headed by policemen themselves, passed also, but they had no lettered signs, nor was there any indication that it had been used as a private road for a number of years. February 16th, ult., when another similar parade had already left the town for Barrio Puerto Real, and upon arriving at this point, a certain Esteban Huertas was stopped by two policemen who charged him of being the

spokesman of the workers, and these police forbade Huertas not to pass that way, and that these orders come from superior authority. When Huertas said it was not becoming that the participants in the parade should turn back halfway down the road to come to town and then go by another road; hereupon the police crouched down and aimed at the strikers. The said Huertas fired his revolver three times at the same remarks being made, and firing against the participants of the strike came not only from the police, but also from the majordomos," (the superintendents of these plants) "of Central 'Esperanza,' who, being somewhat behind and hidden by the cane fields, fired also. The local chief of police had taken measures on the 11th, and it seems that he was looking ahead for an incident of that kind to occur, and accordingly ordered the majordomos to be separated from the rest of the strikers, and that is the position they kept on the same day of the riot which as is well known resulted in such fatal consequences that four workers were killed, two policemen, and several workers wounded.

"Riot in town.—After the facts just referred to took place and a number of the men from the disbanded parade who lived at the same town of Vieques, went back to their houses, and upon getting into town, a certain Mateo Garcia was violently arrested near the police barracks. Many persons naturally wanted to know the reason for this. At this moment the chief of police, according to what he himself says, having received word that the barracks would be taken, instead of waiting for the attack, it is as stated, he went out with seven policemen to meet the strikers who were going back to their homes, and all were standing in a line, they shouted 'Halt,' and fired 15 shots. According to what the police themselves say, when they shot at the strikers stopped, and as they did so, they took to their heels without even trying to make any resistance, or carry out any violence of any sort in an endeavor to take the barracks by assault, and under the command of the chief of police of the said barracks, order had been given to fire against the strikers. These are the facts that characterizes the riot in town, according to the opinion of honorable judge of the municipal court of Vieques which passed heavy sentences upon a number of persons whose misfortune was to be present at that place whether involved in the strike or not.

"Assault and battery on the police.—I was present at and witnessed the case of Lorenzo Huertas, accused of assault and battery in its worst form, and which led to the following evidence:

"A witness named Parrillas, who was accused along with the strikers, and who declared he had ascertained that some one was accusing him of having been aggressive to the police, and as soon as the said Parrillas found this out he offered his cooperation to testify against his accuser; said witness also declared that he did not consider himself free from a trial until the fiscal should give him assurance of the contrary. So that this individual, acting under the influence of a strong resentment against the man whom he suspected, stood ready to accuse him in court, and still fearing that his position was not quite safe, made the following declaration: While he happened to be among the participants of the parade reported to have risen up in open manifestation against the police in the country district of Vieques on February 16, when Policeman Brignoni was lying on the ground with machete blow on the back part of the head, a shot in the same place, and several wounds in the body, and considered by everybody dead, the accused party drew close to him saying, 'Let us kill him outright,' and as he said so he dealt him a blow with a machete on the hand with which he covered his face. All of the above came to pass at a time when it was said that a riot was on foot.

"Considering this testimony, and not wishing to discuss the credibility of the witness, I presented a motion to the court, the facts not being considered as a misdemeanor, in order that the case be referred to the district court of Humacao, in pursuance with our laws, so that the trial should be held accordingly to the legal requirements, and that a jury be appointed to hear the said trial. To this request the judge replied the following, 'Though he held the same opinion as the defense, he was sorry to say he could not grant the request, because this case had originally been transferred to the fiscal of Humacao district court, and that it had been returned with instructions to revise it as being a mere case of assault and battery in its worst form.'

"Somewhat later I was informed by phone that nine of the men accused for rioting in the town and country district of Vieques had been convicted and had entered a plea for appeal from this decision.

"I make no mention of the final cases or decisions, convictions, or penalty imposed, because it has already been done in the joint report presented to the

convention of the Free Federation of Labor held at Cayey, by Mr. Prudencio Rievera Martinez and myself, and which it is my desire to add to this.

"Considering the above-stated facts, I have come to the following conclusion:

"First. As the riot is supposed to have taken place out in the country the guilt of the accused parties depends on the legal reasons for having passed by the road which, as it was reported, was forbidden, on the legality of the order given by the police to the paraders not to pass through any public place without any other order excepting the order that they were not to pass through there, the guiltiness of culpability of the accused depends on the aggressive and unjustifiable attitude of the police to exact a strict compliance of their order, which, had it been any good, would have strengthened his authority, but being illegal it granted all the rights to those who attempted to pass on the road which they tried to close. The threatening attitude of the police was answered by the desire which the strikers had for wanting to forge ahead on the same road over which they had formerly traveled.

"Only one individual appears to have shot at the police, and that, too, after the police had threatened to open fire on the group of strikers, and I infer from this that if we may be allowed to discuss over the attitude of the strikers, we should not discuss over the attitude of those who were with him, and who were not only defending themselves from a grave and justifiable danger, but that, far from getting together to withstand the assault of the police, either by force or violence, merely acted in this case on the spur of the moment and at a time when they could not stop to wait.

"After having taken place—the alleged riot—nobody compelled the strikers to abandon the place of the supposed riot; in the whole trial there does not appear any proof of it, and on this account our argument that only one person is guilty, can not involve into culpability the rest of the individuals that happened to be present at an uprising that might have taken place out in the country without previous thinking.

"Second. In so far as the alleged riot of the town is concerned, the idea or version that some one may have given the chief of police that the strikers had been trying to attack the police headquarters, because the impatience of the police did not leave time to these men to carry out this purpose, or even the attitude brought about by them upon being shot at by the police at some distance from the hearquarters, stopping at first, and then taking to their heels, and without committing any acts of violence in an attempt to attack the headquarters. This would not be a sufficient cause for calling it a riot, much less when it is a question of individuals who for the most part lived in town, and who were of necessity compelled to return to their homes after being attacked by the police in the country district of Vieques.

"Third. The police taking as a basis of their belief that the participants were armed, there does not appear any clear proof in the proceedings that they had been carrying weapons contrary to law and much less could the accused persons be identified, inasmuch as many of the sticks called 'garrotes' by the police would in the hands of any man going out for a walk be scarcely of such size as to justify his detention, and others there were short in length, though big, were provided with flags, and there were still other sticks to which flags were attached by nails. These proved that those sticks had been used neither in defense or in offense but as symbols, with the flags, of the idea they represented.

"Fourth. Concerning the complaints against taking away of life, or attempting to assassination, judged as assault and battery, I understand that though it is apparently true this favors the accused as to penalty, in case they should be found guilty, these accused individuals have been deprived of the right of a trial by jury, which should have been done, not to benefit the accused parties but because the fear of a trial by jury composed of twelve citizens independent from the administration could have meted out justice in a more impartial manner in a case of such transcendental importance.

"Fifth. The fact that appeals (filed in due time) were denied, as has been proved with the mandamus issued by the judge of the Humacao district court, leads me to suspect, together with the inconsistency with which these cases were tried that the accused parties were defenseless in the locality of Vieques, which is separated from the rest of Porto Rico, and had no lawyers to plead their cases, and heavy bonds were required of them, and I can conceive how difficult it was for these people to give bonds required of them by, and that the responsibility weighing upon the parties involved in the Vieques incident has not been justly divided out, we are hopeful that we shall be able to submit the cases of these men resolutely to the honorable district court of Humacao, and we also trust that we shall find in presence of this court opportunity enough to

obtain justice which the Vieques workers are longing so much to obtain, and this too from the honorable justice who presides over the said court and in whose trust the accused have placed all their rights with the assurance that their legitimate hopes for explaining definitely the truth will be fulfilled, and that they will not be defrauded of their rights.

"Given at San Juan, March 30, 1915.

"JOSE DE JESUS TIZOL,
"*Attorney at Law.*"

Chairman WALSH. Now, are those men whose appeals are still pending in the court of appeals, or are they out on bond or in jail?

Mr. IGLESIAS. They are in jail awaiting——

Chairman WALSH. Awaiting for their appeal to be decided?

Mr. IGLESIAS. Yes, sir. Now, the lawyer who appeared before the district court, the higher court, makes this affidavit:

"Before the notary public of the city of San Juan, Porto Rica. Mr. Jose Martinez Davila, affidavit No. 1016.

"Mr. Rafael Lopez Landron under oath deposes and says: That he is the attorney for defense of the laborers indicted in Vieques, Porto Rica, on account of the last strike.

"That since he is a practicing attorney in this island of Porto Rico, he never had seen such a peculiar proceeding as that used in all the cases of the poor laborers who went on strike last February, and especially that one used by the district court of the district of Humacao, Porto Rico.

"That cases triable by jury and that are mandatory by law to be tried by jury have been tried according with the wishes of the district attorney.

"That the constitutional rights of the defendants have not been respected.

"That in certain cases a man who has been discharged once for a given crime has been tried two, three, or more times for the same crime.

"That such proceedings are influencing very much the minds of the laborers in Porto Rico, and all and every one of them are in a reign of terror."

The same lawyer says:

"To the effect that as attorney for the great number of strikers, agriculture workers in the island of Vieques, the deponent believe to have thoroughly proven by means of six witnesses, business men, and well to do, that on February 16, 1915, insular policemen Sergio Brignoni and Sotero Moreira (those were the ones who killed the poor people in the country), had been drinking rum at noon of a high alcoholic degree, and that they were carrying in their pockets a half-pint bottle of such redish colored rum when they went to the country to watch for the strikers, and that they, the policemen, had stated before leaving that they were ready to put an end to the strike that very same afternoon, and that in fact one hour afterward, about 3.35 p. m., the same day, and at the place known at 'Trianon,' on the road 'Puerto Ferro,' Vieques, and according to numerous testimony presented, the police held up the parade and fired against the paraders about 15 shots from carbine, and that in the confusion that ensued the police was thrown down by some of the paraders, inflicting them serious injuries."

A letter from Vieques, April 1, 1915.

VIEQUES, *April 1, 1915,*

Mr. SANTIAGO IGLESIAS, *San Juan, Porto Rico.*

DEAR SIR AND FRIEND: At this writing I have just heard that a few days before the shooting affray in the country where some many of our countrymen were killed, Mr. Murraille had asked the house of A. Mayol & Co., of your city, 60 rifles, and he received only 16.

The means, sir, that that was an intentional affair, and also two days before the incident, he set out for San Juan. You can endeavor to secure the copy of an invoice of these rfles, it might come in handy.

As I stated to you in my card for want of lawyer here we are unable to secure the affidavits considering the fact that the judge acts as he does.

Fraternally, yours,

E. MARRERO.

VIEQUES, PORTO RICO, *March 30, 1915.*

Mr. SANTIAGO IGLESIAS,
San Juan, Porto Rico.

DEAR COMRADE: I trust that through your mediation you will communicate to Tizol to ask him if he could do a beneficial turn in behalf of the accused.

We have heard among the accused and nonaccused laborers that the riot was started among the police and the mayordomes of colonies.

Other workers who took part in the parade out in the country also know how it started, and one of them has not been accused; he lives at Puerto Real. The rest who are ready to testify to these facts of the majordomes are arrested. This man who has not been arrested is Hilario Figueroa. He says that if called upon to testify he will tell how it happened. The majordomes summoned to appear were: Jose Casanova, Julio Casanovas, jr., and others of Lujan, Jamie Riveras and Valentin Colon from Perie.

Those who were looking from a neighboring hill say that Policeman Brignoni killed Cruz Levita, who was the first to be wounded and killed.

The rest were killed by the majordomes who stood near the cane field and at the same time wounded by ammunition and bullets. These people made haste to leave this place.

Fraternally,

MATEO GARCIA.

The police ordered the people not to pass this place, and in giving this information I have to mention one of the things that occurred at Vieques, at this parade, it was composed of two or three hundred people, and they, of course, asked the police to stop the parade in the midst of the public road and let the people pass, and after little argument they commenced the shooting. The only witnesses that they, the workers, had to prove their side were themselves, and in order to prevent that any could appear as witnesses in favor of the accused men, the only course to follow was to arrest everyone, and the entire body that was in the parade, and only those that don't dare to say anything were silent, they were let free, but those that had any intention to give evidence in any court in favor of them, regarding the doings of the police when they were parading, were held. Consequently the deplorable affair at Vieques was very hard for us to look for men to serve as witnesses, as far as the country people were concerned. We have men, industrial and agricultural, that appear freely and voluntarily before the court and testify in favor of us. Our federation there was ordered to be closed, and terrorized. The police——

Chairman WALSH. You mean your headquarters?

Mr. IGLESIAS. Yes.

Chairman WALSH. At Vieques?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Were ordered to be closed?

Mr. IGLESIAS. Yes, sir. Here are three affidavits signed by Hilario——

Chairman WALSH. Let me look at them before you read them.

Mr. IGLESIAS. All right. This is another.

Chairman WALSH. These are the translation of the same affidavits you have offered in evidence in Spanish?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. I guess you better read them.

Mr. IGLESIAS. Yes, sir; all right. They are selections from them [reading]:

"TRANSLATIONS OF THREE AFFIDAVITS.

"These three affidavits signed by Hilario Figueroa, Isidro Sanes, and Narciso Gautier are intended to prove that:

"On February 21, 1912, being the hour about 9 a. m., the three men whose names are above stated were at the office hall of the Agricultural Laborers' Union No. 12006, which organization is affiliated with the American Federation of Labor;

"That such office is established at the country district known as Puerto Real;

"That at the hour above stated came to the office the policeman named Nicasio Garcia, badge No. 124, with another policeman whose name is not reported, and the said policeman Garcia ordered the financial secretary of union No. 12006 to close down the doors of the office and stop business. He also told the secretary that the office will not be allowed to be opened any longer, and that they should keep themselves of having the office opened, because if he find it opened again he would know what to do."

These affidavits have been sworn to and before the municipal judge of Vieques, Porto Rico. [Continues reading:]

"TRANSLATION OF AFFIDAVITS.

"The three affidavits signed by Emilio Garcia, Martin Cruz, and Basilio Melendex are intended to prove that:

"On February 15, 1915, a peaceful parade of the laborers on strike was going on a public road near the central 'Esperanza" in Vieques, P. R.

"That this road is the one which there is to travel from the district of Puerto Real to the harbor of the same name.

"That the insular policeman, Nicasio Garcia, badge No. 124, who was coming from the Central with another policeman and the chief, Jose Julia Marin, fired one shot with his carabine against the strikers, and on account of that the parade stopped;

"That Emilio Garcia, who was the leader in the parade, requested the chief of police to cause the order to be kept, and that if the police was to prevent them to pass that way, the same police should tell them which was the public road the paraders should take to reach the harbor of Puerto Real where they intended to go.

"That to this inquirement of Emilio Garcia, the chief of police answered, 'Well, I do not allow you to pass this way, because this road is of the property of Mr. Murraille.'

"That in view of that Mr. Emilio Garcia drafted a telegram to be sent to the governor, and told the chief of police what follows: 'Well, as we do respect the orders of the authorities we will not pass this way, but we shall remain here until we receive the answer from governor informing us whether we can pass or not.'

"That by inquirement chief of police answered to have not authorize policeman Nicasio Garcia to fire over the strikers. That later they were allowed to pass after police having troubled them as they pleased."

These affidavits are sworn before the municipal judge of Vieques, Porto Rico.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock; we have to have a little executive session of the commission.

(Whereupon, at 12.15 p. m., Tuesday, May 26, 1915, an adjournment was taken until 2 o'clock.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. You may resume the stand, Mr. Iglesias.

Mr. IGLESIAS. In order to save time I will refer briefly to the telegrams I have received from several towns all over the island, protesting against the course that the police took against the strikers down there, and several are made regarding facts denying the right of speech. I am going to give you these papers.

(The papers referred to are printed among the exhibits at end of this subject as "Iglesias Exhibit No. 2.")

Mr. IGLESIAS. At this time I want to refer to a conference that took place between me and the governor. I went there to request him to take some steps to do something in favor of the poor agricultral workers that were beaten and maltreated all over. I refer subsequently to the specific points, Juncos and Humaceo, and several other points. The governor promised that he would send investigators.

Chairman WALSH. For the federation to send their investigators?

Mr. IGLESIAS. No; the Government itself.

Chairman WALSH. That the Government send investigators?

Mr. IGLESIAS. Yes, sir; but we never heard about any results.

Chairman WALSH. Did the governor send investigators into those different cities?

Mr. IGLESIAS. I have been informed that in Juncos one man went there to investigate matters. I never knew what the results were, even our own people down there. Those fellows were tried for the charges, they were accused, and at the same time there were about 12 injured down there. Meetings were dispersed, and practically terrorized our agricultural workers in order to compel them to go back to work.

Chairman WALSH. Could you tell us without reading them the substance of them?

Mr. IGLESIAS. Some say that the speakers criticized and insulted the police and the authorities, and incite, and consequently the police had to break and stop the meetings, but most of the speakers went to court, charges were preferred, and most of them have been discharged.

Chairman WALSH. Were the speakers men that were trying to organize the workers?

Mr. IGLESIAS. Yes.

Chairman WALSH. Did they work themselves, in any instance?

Mr. IGLESIAS. Yes, sir; agricultural workers, and to help them in their petitions for raise in wages, and so forth.

Chairman WALSH. Were any of them organizers of your own organization?

Mr. IGLESIAS. Yes.

Chairman WALSH. Some of the speakers?

Mr. IGLESIAS. Yes; many of them.

Chairman WALSH. How many men have you in your organization?

Mr. IGLESIAS. About 15,000.

Chairman WALSH. About 15,000?

Mr. IGLESIAS. Yes; 15,000 to 20,000, and most of them at this particular time, practically could not hold meetings. All the workers there want to speak in regard to the agricultural strikers, but they were prohibited to come on the roads from one point to another point. That meant they never could get together.

Chairman WALSH. They were public roads, were they?

Mr. IGLESIAS. Yes, sir; public roads.

Chairman WALSH. And your claim is that the police would not allow them to walk along the roads from one point to another?

Mr. IGLESIAS. Yes.

Chairman WALSH. And in that way impeded their right of personal liberty to go where they pleased, and kept them from getting together for organization purposes?

Mr. IGLESIAS. Yes.

Chairman WALSH. That is your charge?

Mr. IGLESIAS. Yes.

Chairman WALSH. How large a police force did they have at that—what is the name of that place, Vieques?

Mr. IGLESIAS. About 14 police and the chief.

Chairman WALSH. Did they add any to the force during the time of this struggle?

Mr. IGLESIAS. Oh, yes; several ones, but very few.

Chairman WALSH. Now, there was a meeting at Ponce, was there?

Mr. IGLESIAS. Yes.

Chairman WALSH. I wish you would give us, without referring to the memoranda, unless you have to; if you have to take an affidavit in order to refresh your memory, it would be all right, but I thought we could get at the facts better by inquiry than by reading.

Mr. IGLESIAS. My purpose was only to talk about it, and handing you the affidavits sworn out by hundreds of people.

Chairman WALSH. And put them into our record so that we can take them into consideration afterwards. Now, can you give us a description of what took place at Ponce? I understand there is quite a complaint about that.

Mr. IGLESIAS. The affair at Ponce came in this way: We went to several towns to hold meetings along the line of the eastern coast of the island, and we had some difficulties in these towns. The people there wanted us to speak. A little later in the evening——

Chairman WALSH. Were you present at Ponce?

Mr. IGLESIAS. Yes, sir; I was requested myself to be at the meeting, and the meeting was composed of about 2,000 people there. About five of us had assumed to speak, and everything was very quiet down there, and I was talking myself about half past 11, and when I was referring to the matter that I had had an interview with the governor, and put before him the grievances that the police could not be impartial because of the way they were taken by the employers themselves on the premises, the manufacturers——

Chairman WALSH. See if I understand you. You say the police were not impartial because they were taken by the employers onto their own premises?

Mr. IGLESIAS. Sure; into their buildings, in the manufactories.

Chairman WALSH. Into the manufactory?

Mr. IGLESIAS. Yes, sir; the offices of the sugar manufacturers. I referred that they took their meals there; they ride their horses, their automobiles. They drink down there.

Chairman WALSH. Who, the police?

Mr. IGLESIAS. Yes, sir; the police, and I told that because I saw it myself. Just on several occasions, I have some complaints, and had to go to the offices of the manufacturers of the sugar plantations to look for the chief of police several times, and when I arrived at this point the captain of police says, "You are going to stop right here," and then the police begin to shoot everybody there, and disperse the meeting, and kill the men, and several ones were slightly wounded.

Chairman WALSH. What was the date of that?

Mr. IGLESIAS. On the 1st of March.

Chairman WALSH. What were you saying at the time the police did this?

Mr. IGLESIAS. The police, they had their headquarters on the premises of the manufacturer, and they took their meals there; they ride their horses there——

Chairman WALSH. Were you telling that?

Mr. IGLESIAS. Yes.

Chairman WALSH. That is what you were saying?

Mr. IGLESIAS. Yes, sir; and then I say, because this same thing I told to the governor himself, and the governor told me that it was impossible to do it in any other way, that they have not enough money to have enough horses and automobiles, and that the police can not come to town to take their meals, and consequently they had to stop in the offices of the employer.

Chairman WALSH. How big a place is Ponce?

Mr. IGLESIAS. It is about 65,000.

Chairman WALSH. And what police force have they there, ordinarily?

Mr. IGLESIAS. They only have perhaps 25 police.

Chairman WALSH. And were these men residents of the city of Ponce, these policemen that had their horses there, or were they rural police?

Mr. IGLESIAS. Of course, the insular police consists of a force of 600 or 700, and they are distributed.

Chairman WALSH. Did they have jurisdiction all over the island?

Mr. IGLESIAS. All over the island, and the governor is the general chief of the police.

Chairman WALSH. Now, you had been to the governor and complained. Were you on a strike in Ponce?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. What class of workers were they?

Mr. IGLESIAS. Agricultural workers.

Chairman WALSH. And you went to the governor and complained that the police were quartered in the manufacturing establishments, sugar refineries, and so forth?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And at the time you were making this speech you say there were 2,000 people present?

Mr. IGLESIAS. Yes.

Chairman WALSH. And you were telling the people what you told the governor about the police being not impartial and having their horses there and being fed themselves and drinking?

Mr. IGLESIAS. Yes.

Chairman WALSH. Now, was it at that point you were arrested and taken from the stand?

Mr. IGLESIAS. Well, I was arrested a half an hour after, because the police were shooting the people, clubbing the people, and terrorizing the people, and when all the things were over, then——

Chairman WALSH (interrupting). Who was the man who was killed?

Mr. IGLESIAS. A poor fellow by the name of Caballera.

Chairman WALSH. Was he a laborer?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Where did he work be.ore he was on strike?

Mr. IGLESIAS. In Ponce.

Chairman WALSH. Did he have any family?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. A wife and how many children?

Mr. IGLESIAS. I don't know how many children he had. Now, if you will permit me, I will read the charge that the attorney——

Chairman WALSH. About that situation?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Now, I wish you would give the substance of it in some way, will you, please, Mr. Iglesias, because it is difficult to follow it when it is

read, and it is so voluminous, and, so far as I am concerned, I can get a better understanding of it when you just explain. And I think the commissioner can. Can you [addressing Commissioner Harriman]?

Commissioner HARRIMAN. Yes.

Chairman WALSH. Now, just give the substance. You have a good description of this other matter and what the attorney said about that. Now, give this in the same way.

Mr. IGLESIAS. Well, it is very short.

Chairman WALSH. All right.

Mr. IGLESIAS (reading). "The district attorney charges Santiago Iglesias, Francisco Paz Granela, Manuel Texidor, Prudencio Rivera Martinez"——

Chairman WALSH (interrupting). That is this gentleman here [indicating the first witness of the day]?

Mr. IGLESIAS. Yes, sir. [Reading:] "Santiago Carreras, Maximiliano Combre, and others"—there were two or three others we don't know—"for breach of the peace (riot), misdemeanor, committed as follows: The above-mentioned Santiago Iglesias and others, in Ponce, within said district, and about the first day of March, 1915, while a public meeting was held on account of the agricultural strike, and while one of the defendants, Mr. Santiago Iglesias was addressing the crowd in a violent and threatening manner to the auditory exciting to those present to raise against the governor of Porto Rico and all the Porto Rican's authorities, saying that the governor of Porto Rico with his proclamation and in agreement with the insular chief of police had violated the constitution, and that similar facts had determined the United States and French Revolutions; that the police beat and ill treated the working classes because they (the police) had their barracks at the sugar factories, where they were given meals, drinks, women, etc."

Now, we were arrested that night, and the following day a habeas corpus was presented to the district court of Ponce asking the release of us; and then the district attorney down there came to the lawyer and made an agreement to lay aside the habeas corpus and let us go free under $300 bail under the agreement that perhaps he would not prefer charges against us, and consequently let the matters be quieted for a month or two.

Well, according with the law in 20 days in a misdemeanor case the district attorney had a duty to prefer the charges against any man; and in a case of felony it is 60 days. Nearly a month passed by and there was a very strange coincidence that we would receive on the 26th of March notice that we were to be held by this commission. Then the same date appeared the district attorney, just two or three days before it was closed the right he has in the felony case to present charges that was introduced before the court those charges against us.

Chairman WALSH. This charge that was introduced against you, you claim, after you had been notified to appear before that commission?

Mr. IGLESIAS. Yes; on the 26th of April.

Chairman WALSH. And it occurred on the first of the month?

Mr. IGLESIAS. The trouble occurred on the 1st of March.

Chairman WALSH. And four days more the law would prevent it——

Mr. IGLESIAS. Well, already it had to be debarred in the question of misdemeanor; it only has 20 days.

Chairman WALSH. This was a misdemeanor case?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. I would ask you right at this point, I see this lawyer charges you with using firearms. Did you use some firearms there?

Mr. IGLESIAS. No, sir.

Chairman WALSH. And "steel arms," it says. Did you have a knife?

Mr. IGLESIAS. No, sir.

Chairman WALSH. Or a sword?

Mr. IGLESIAS. No, sir; no, sir.

Chairman WALSH. Did Mr. Martinez, so far as you know, have any firearms or a sword or a knife?

Mr. IGLESIAS. Two or three persons, you will know, have been put in the same charge, and the lawyer will ask to separate those fellows; but in order first that those arms and this knife appear in the charge, then they took those two or three poor fellows with us.

Chairman WALSH. Well, did your lawyer advise you that if they named some and did not name others that they could not prove somebody else had the knife or gun?

Mr. IGLESIAS. No, sir.

Chairman WALSH. And that they could not bring in somebody else and prove they had a knife or a gun and charge it to you that you had it?

Mr. IGLESIAS. And the same charge—and when we were at the police headquarters, arrested, a friend went to the chief of police and asked if we wanted anything we could get from our families, and he was clubbed and beaten.

Chairman WALSH. What is his name?

Mr. IGLESIAS. The last sheet of the paper you will find it. I haven't read it, but I want to put it in the record.

Chairman WALSH. Oh, I see.

(The paper referred to is printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 3.")

Chairman WALSH. Now, I want to ask you another question. Did Mr. Granela and Mr. Texidor and Mr. Carreras or Mr. Martinez—did they have knives or guns or anything?

Mr. IGLESIAS. No, sir; they spoke before me.

Chairman WALSH. All speakers?

Mr. IGLESIAS. Yes, sir; all of them; they were speakers before me and at the meeting. But the intention was to demonstrate that there was 20 or 30 meetings that were dispersed all over the island, and many speakers put in jail and prosecuted. The only ones that was not cited to be in jail were the officials of the federation, and they got them together—all the officials there——

Chairman WALSH (interrupting). Now, the affidavit you want to read from Mr. Piris was that after the riot took place in front of the police barracks, Mr. Iglesias, the police started to beating him, and they put him in their clutches and taken him in those barracks, and the district attorney heard of it and he went to him, and after he went in a time or two they came and took him down to the headquarters and took the keys from him, although he asked them not to, and broke into all the desks and took the papers away.

Chairman WALSH. That is what is alleged here?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And after they did it the chief told them they were justified in doing it because they were looking for firearms and steel arms and guns and power, and so forth?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Then, we will not read that [referring to the paper already introduced as "Iglesias Exhibit No. 3"]. You may proceed.

Mr. IGLESIAS. I have an affidavit by 223 people.

Chairman WALSH. This affidavit is signed by 223 people [reading:]

"That the party or parties responsible for the bloody tragedy which took place in Ponce on the 1st of March, 1915, were Captain Fernandez Nater, of the insular police, and the policemen at his orders, who without motive or cause whatever attacked the defenseless masses that were then celebrating a meeting at the market place at Ponce on the occasion of a general and peaceful strike of the agriculture workers throughout the island; that as a result of the brutal attack of the police a man by the name of Cavallero was killed and seriously wounded one Hemenegildo Robeldo and many others injured; that the people there congregated did not make any attack in any form to the police, nor did they make any provocation on anybody, but fled wildly in all directions. All of which we have been eyewitnesses."

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And that was signed by 223 people who were eyewitnesses?

Mr. IGLESIAS. Yes, sir; and sworn to. You will find here people in all walks of life, merchants, lawyers, and manufacturers and preachers and many teachers. Because the Ponce people, just thousands of people, have protested tremendously against such brutal manner. It is the second time an occurrence of the same kind has occurred in Ponce. The papers in Ponce were protesting against this affair.

Chairman WALSH. Are those the clippings in Spanish?

Mr. IGLESIAS. Those are the clippings in Spanish. One I am going to refer to though that the district attorney called up Carvajal, the editor of this paper, and advised him not to be in touch more with the question of the meeting of the dispersed meeting.

Chairman WALSH. Please interpret the head of that for the benefit of the commission.

Mr. IGLESIAS. This is the Echo of Ponce.

Chairman WALSH. That is the name of the paper?

Mr. IGLESIAS. Yes, sir.
Commissioner O'CONNELL. What is the head line there?
Mr. IGLESIAS. The Echo editor before the fiscal.
Chairman WALSH. What does that mean?
Mr. IGLESIAS. Before the district attorney.
Chairman WALSH. What did the paper say?
Mr. IGLESIAS. This paper—all of them, all the papers in Ponce protest against such brutal and such occurrences there, and there was one of the bunch of papers against the police.
Chairman WALSH. What attitude did they take in this matter?
Mr. IGLESIAS. Yes; and every paper in Ponce—I have all the copies here of every kind of paper there. Not one there but——
Chairman WALSH. Give the names of the papers.
Mr. IGLESIAS. El Eco de Ponce, El Dia, La Conciencia Libre, and El Aguila, and El Tiempo.
Chairman WALSH. Are those all Ponce papers?
Mr. IGLESIAS. Yes, sir.
Chairman WALSH. All right. You say they take the same general attitude?
Mr. IGLESIAS. Yes.
Chairman WALSH. Put them in the record.
(The two batches of newspaper clippings referred to entitled "El Echo ante el Fiscal," March 16, 1915; "La Nola del dia, El capitan Fernandez Natér y guardias que tomaron parte en los sucesos de la Noche trágica dében ser inmediatamente relevados," March 6, 1915; "Donde esta la libertad," no date; "Carta abierta, el Hon Gobernardor de P. R.," March 7, 1915; and "Investigacion oficial," no date; "Los sucesos de antencohe," dated March 3, 1915; published in El Eco de Ponce; "El Motin del lunes," published in El Dia, March 5, 1915; "El suceso del lunes," published in La Conciencia Libre, March 7, 1915; "El meeting sangriento," published in El Aguila de Puerto Rico, March 3, 1915; "Labor nefesta," published in El Tiempo, March, 1915; were submitted in printed form.)
Mr. IGLESIAS. Now, the legislature of the lower house of Porto Rico took a stand in regard to that affair at Ponce.
Chairman WALSH. At what was your bond fixed in this case brought on April 26?
Mr. IGLESIAS. In the first instance, it was $2,000.
Chairman WALSH. Are you out on bond now?
Mr. IGLESIAS. Yes, $300.
Chairman WALSH. And so is Martinez?
Mr. IGLESIAS. Yes, everyone of us. The lower house of the legislature passed a motion.
Chairman WALSH. Is the motion translated there? Have you got a translation of that motion?
Mr. IGLESIAS. No, but I have the report of the commission on the investigation.
Chairman WALSH. Is that translated into English?
Mr. IGLESIAS. Yes.
Chairman WALSH. Let me look at it.
Mr. IGLESIAS. Here it is.
Chairman WALSH. Now, this commission was the commission of your organization, was it?
Mr. IGLESIAS. No, a commission of the legislature.
Chairman WALSH. They appointed a special commission of the legislature to investigate?
Mr. IGLESIAS. Yes.
Chairman WALSH. Was the legislature in session at the time this occurred?
Mr. IGLESIAS. Yes.
Chairman WALSH. What was the terms of the lower house of that legislature?
Mr. IGLESIAS. Sixty days.
Chairman WALSH. And it happened to be in session at this time?
Mr. IGLESIAS. Yes.
Chairman WALSH. Now, I see they say:
"The commission has practiced a careful investigation of the incident that occurred at Ponce, and gave a chance to every interested party therein to explain the commission what he knew about the case. The facts may be di-

vided into two parts. The first which relates the manner in which the riot started and the other which relates to the death of a certain Caballero.

"The events that gave rise to the disturbance of the public peace are subjudice, and this commission must not invade the jurisdiction of the court of justice.

"But one man was killed at Ponce at the conclusion of the riot, and the commission heard the statements of many persons from the various social classes which proffer concrete charges againt a guardsman as being the cause of the said man's death, and, being prompted by the desire of obtaining justice, we are obliged to declare that the circumstances in which this man's death was brought about must be investigated.

"Whereas, the commission not entertaining any desire to intrude upon strange jurisdiction begs to advise the house of delegates that this body inform the attorney general of the expediency, in other words, the necessity, of investigating the facts concerning the death of Caballero, and furnish the said officeholder the record by the commission relative to this delicate matter.

"The preceding report having been approved by the house of delegates, it is hereby respectfully submitted to the honorable attorney general along with the record in the above referred report.

"J. L. AMEDEO,
"*Assistant Secretary.*

The balance of the report, which contains a large amount of testimony, I see was submitted to the legislature with this report, and you can submit that to us so that we may have it translated if we see fit.

Mr. IGLESIAS. Yes.

(The paper so referred to is printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 4.")

Chairman WALSH. Is that the legislature you are still talking about?

Mr. IGLESIAS. Yes. I remember one more distinguished man in Ponce took the floor.

Chairman WALSH. Was he a member of the legislature?

Mr. IGLESIAS. Yes.

Chairman WALSH. That is Mr. Soto?

Mr. IGLESIAS. Yes.

Chairman WALSH. Mr. Soto made a speech in the House and this was taken from his speech [reading]:

"Mr. Fous Soto asked Messrs. Huyke and Martinez Nadel if from the declarations sworn before them it may be asserted that the police ordered Santiago Iglesias to leave the speakers' stand while he was speaking, and these two gentlemen answered affirmatively.

"It being so, stated Mr. Fous Soto, I believe that the occurrences that have taken place at Ponce are of such a serious importance that they should not be overlooked by none of us who stand for the defense of the fundamental principles of that liberty we now enjoy under the Constitution of the United States and under those laws enacted by the legislature of Porto Rico. It is my understanding that the police is authorized in no case to order any speaker to leave the stand, and to disband any meeting, because that fact simply is a violation of the law which guarantees the right of free speech, and for that reason, and not taking in consideration any of those details which signifies but too little in comparison to the fundamental principles of the liberty of free speech, I move that the report of the investigating commission be amended by adding to same the following motion:

"'That the House of Delegates of Porto Rico file within its records its most energetic protest against the violation of the law defining the rights of the people, which violation was committed by the insular police at Ponce, when ordering an orator to leave the stand while he is speaking, and while he was exercising his legitimate right of censure or criticise.'

"This motion was lost for 19 votes against 11 votes in favor."

Now, attached to that is the full address of this delegate in Spanish?

Mr. IGLESIAS. Yes; and what happened is told there in that paper, which is one of the leading papers of San Juan.

Chairman WALSH. You may offer that in the record.

[The matter referred to, entitled "Investigacion de los sucesos de Ponce," published in El Tiempo, March 10, 1915, at San Juan, P. R., was submitted in printed form.]

Mr. IGLESIAS. I want to offer the picture of one man injured in Ponce and a letter he sent to the governor, and this picture represents almost the style of our poor peasant workmen in Porto Rico.

Chairman WALSH. He has his shoes off in this picture and is barefooted; is that the way these workmen go all the time, or was that picture taken in his bedroom?

Mr. IGLESIAS. That was taken when he came out from the hospital.

Chairman WALSH. And that picture was taken in his street clothes?

Mr. IGLESIAS. The people took the picture.

Chairman WALSH. This letter attached you refer to is as follows:

"Outline of a letter sent to the honorable the governor of Porto Rico by Mr. Hemenegildo Robledo:

"On the eleventh day of May of the present year Mr. Hemenegildo Robledo sent a letter to the honorable governor of Porto Rico, Hon. Arthur Yager, stating in a general way the following:

"That he was a spectator at a meeting held in the city of Ponce during the early part of March, this year.

"That the police ordered the meeting to be ended and at the same time began (the police) firing and clubbing everybody at the meeting.

"That the writer, on account of such attitude, went home.

"That on his way home a policeman beat him in a desperate way; another policeman, whom I don't know, fired against me twice, wounding me in the arms and on the left side.

"That the writer had to go to Hospital Tricoche, in the city of Ponce, Porto Rico, where he was a patient for about forty-five days.

"That the writer is now an invalid on account of the shooting, being inutile of the left leg.

"The writer states that he thinks it is not a crime to go to a meeting to hear the orators, as he did.

"That the only fault, if any, he committed that night was to be present at the meeting, hearing the orators.

"That, notwithstanding all the above facts, the writer has been charged by the district attorney of Ponce of the crime of breach of the peace (riot).

"As the writer don't know the author of the shooting, he asks the governor of Porto Rico the privilege of being allowed to identify the guilty policeman, so that the writer be able to establish the consequent criminal charge.

"The writer asks the honorable governor to inhibit the district attorney at Ponce, Porto Rico, to try his case, on account of having said functionary knowledge of all injustices committed with the writer without having taken proper action.

"The writer is willing to be accused by any other district attorney."

And attached to that is a communication in Spanish, the communication of Mr. Robledo?

Mr. IGLESIAS. Yes.

Chairman WALSH. Please offer that in the record.

(The matter here referred to is printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 5.")

Chairman WALSH. Is that the usual custom for the people to go in their bare feet and be dressed the way that man is in that picture?

Mr. IGLESIAS. Yes; without shoes, and almost without clothes.

Chairman WALSH. How much wages was this agricultural laborer getting whose picture is shown here? What wages did he get when he worked?

Mr. IGLESIAS. 45 or 50 cents a day.

Chairman WALSH. Is he a married man?

Mr. IGLESIAS. Yes.

Chairman WALSH. In gold or paper money, Mr. Weinstock would like to know.

Mr. IGLESIAS. It is United States money in Porto Rico.

Chairman WALSH. The circulating medium is the same as ours?

Mr. IGLESIAS. Yes.

Chairman WALSH. Right at that point, how does a man live on 40 cents a day? What is the cost of living?

Mr. IGLESIAS. It is higher than it is in the United States.

Chairman WALSH. Where does the man live? For instance, do they furnish the quarters?

Mr. IGLESIAS. He lived in a shack in the country near Ponce. He has perhaps a little coffee in the morning, without sugar and without milk, and a piece of codfish and a piece of banana and perhaps some beans, and that is all.

Chairman WALSH. This man's name was what, that was injured? What was the name of the crippled man?

Mr. IGLESIAS. I don't remember his name; those papers were sent to me from Ponce. Now, we have here perhaps 14 or 15 affidavits, all in Spanish, but all of them speak in the same way as the other copy.

Chairman WALSH. That is, this one copy, which is the translation of the Spanish affidavits, of which you have about 16 in all—this one of Alberto Fernandez?

Mr. IGLESIAS. Yes.

Chairman WALSH. This one is as follows:

"Affidavit by Mr. Alberto Fernandez before the notary public of the city of Ponce, Porto Rico, Mr. Leopoldo Tormes Garcia, March, 1915:

"No. 1929. That he is of age; that he is a resident of the city of Ponce, Porto Rico; that last night about half past 11 he was coming down from the moving picture, called 'Cine Habana,' and when he reached the corner of Plaza Del Mercado, in the city of Ponce, Porto Rico, I find out that there was a meeting in front of the house of Mr. Julio Torres; that he stopped to hear the meeting; that Mr. Santiago Iglesias was in the meeting; that said Santiago Iglesias was then addressing the crowd; that in a moment a riot arose, and deponent saw the police firing their arms and clubbing the assemblers; that deponent then ran down Leon Street, of the said city; that while deponent was going by the left sidewalk of Vives Street, he saw a policeman beating a man with a stick resembling a stave; that the poor victim beg the policeman to stop beating him (the victim), saying these words, 'Don't hit me more,' and then the policeman shoot him, and the poor man said to said policeman, 'Please don't kill me that I am going out,' and then the policeman shoot again a second time, killing him; that the policeman left the poor man on the street; that captain of the insular police, Mr. Nater, was told by the policeman that the victim had a knife; that deponent went to the place where the victim was lying and, seeing he was expiring, ran away; that he knows the policeman very well; that his name is Norberto Quiles; that he knows the policeman perfectly well.

"There are about 15 more affidavits corroporating the facts sworn by Mr. Alberto Fernandez, to show that the police was the exclusive party who, in a violent way, ended the meeting above referred, resulting deaths and wounded persons, who were innocents and were in proper manner hearing the pacific meeting given by the laborers on strike. * * *"

Mr. IGLESIAS. A resolution of the lower house asked the attorney general to make an investigation of that particular case. The district attorney of Ponce made the investigation and found that the Police Quiles was responsible.

Chairman WALSH. You may put that affidavit in the record.

(The affidavit referred to is printed among the exhibits at the end of this subject, marked "Exhibit No. 6.")

Chairman WALSH. Have you a translation of the report of the committee of the legislature?

Mr. IGLESIAS. No; the only report was that you read before.

Chairman WALSH. Oh, yes; that was the result of the investigation?

Mr. IGLESIAS. Yes; the result of the investigation was to indict a policeman.

Chairman WALSH. Was the policeman indicted?

Mr. IGLESIAS. Yes; by the district attorney of Ponce for voluntary homicide.

Chairman WALSH. Is that the highest degree of homicide, voluntary homicide?

Mr. IGLESIAS. I think so.

Chairman WALSH. What is the greatest punishment that can be inflicted for it?

Mr. IGLESIAS. That is assassination in the second degree.

Chairman WALSH. Does capital punishment exist in the island?

Mr. IGLESIAS. Yes.

Chairman WALSH. Can such an offender be punished by that, in the island?

Mr. IGLESIAS. No; it is third or fourth degree for killing a man.

Chairman WALSH. Such as shooting him without malice, or something like that?

Mr. IGLESIAS. Yes. But now I want to refer to the same question because perhaps 90 per cent of the people of Porto Rico are asking that something be done, and the governor has promised to do something. But at the same time we find the governor defending these men.

Chairman WALSH. Defending the policemen?

Mr. IGLESIAS. Yes, sir; in this way. First, to the executive board of police; this board appointed by the governor, makes the declaration telling that the police is innocent, and they denote from the police fund $100 to defend this police, and at the same time passed a collection of money among all the headquarters of the police to defend that police.

Chairman WALSH. The executive board appointed by the governor conducted an investigation, did they?

Mr. IGLESIAS. No, sir.

Chairman WALSH. But they just made a finding that he was innocent?

Mr. IGLESIAS. Innocent; and paid the money in.

Chairman WALSH. That is government funds?

Mr. IGLESIAS. I believe so.

Chairman WALSH. Where did they get the $100?

Mr. IGLESIAS. Police funds.

Chairman WALSH. From the police funds?

Mr. IGLESIAS. No; from the funds of the board. It is the board of police that have the charge, to qualify the police.

Chairman WALSH. And the money that that board has is taken out of the local taxation; is it?

Mr. IGLESIAS. I can not say to that.

Chairman WALSH. Did they vote $100?

Mr. IGLESIAS. The only thing now is that the police is under bail, and serving his duty as before. He has not been relieved. He is serving in the same position as a man that has the confidence of his superiors.

Chairman WALSH. Have you the statement in English?

Mr. IGLESIAS. No; in Spanish. The commission of police says that he has no record of voting $100 of this fund to defend him. Besides that, most of the collection of money has been taken from 13 police headquarters, to help this police killer. That is a statement that has been taken from the press. Now, in Ponce we find a communication of several workmen, where they accused the police of coming to their homes and threatening them to go to work or leave the house.

Commissioner O'CONNELL. Does the company own the houses?

Mr. IGLESIAS. Yes, sir; and some of our people were taken out without any process of law.

Commissioner O'CONNELL. Who took them out, the police?

Mr. IGLESIAS. Yes; the police.

Chairman WALSH. This that you offer is dated February the 24th, and is signed by Juan Figueroa, Juan Vezquez, Luis Colon, Juanito Figueroa, Gerardo Vega.

"PONCE, P. R., *February 24, 1915.*

"*Mr. Chairman of the Strike Committee:*

"We are pleased to inform you that yesterday at 2 p. m. Policeman Rios came to us. He is on duty at Central Fortuna and came to bring us an order from the boss former (Jefe de Cultivo) Mr. Hanson. Said order related to the laborers who did not want to break the strike were given a 44-hours limit to move out of the quarters, and in case they disobey this order we would be expelled by the police from the said quarters without any more legal advice and without the need of any civil procedure of any kind.

"Thus it is we have been obliged to go back to work for 50 cents (the same price) for to do otherwise meant sure expulsion for us from the above referred quarters.

"The said police Rios, who bears badge No. 45 after transmitting us the order which Mr. Hanson gave him, spoke to us in these terms:

"The Company is most too good for you, for you are getting housing facilities, your medicine free. If the employers were otherwise they would charge you, make you pay for the rooms and medicine.

"The same day in the morning the agents of the company passed around a circular in which it is said the governor and Secretary Travieso had given orders not to allow any one to hold public meetings in the rural zone, also the parading and holding of public meetings in the country or about the streets or highways. The same circular said that each striker should stay at home. Groups of three persons as stated in the said circular were not allowed, and he who did not comply with this order would be arrested by the police.

Very sincerely, yours."

Mr. IGLESIAS. Now, there are telegrams that I want to give from every part of the country.

Chairman WALSH. Giving the alleged conditions there with reference to the striking agricultural workers?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Are they all from different parts, or some from the same parts?

Mr. IGLESIAS. Different parts.

Chairman WALSH. All from different places?

Mr. IGLESIAS. Yes, sir; and some telegrams from the governor, when this man applied for help. The matter has been referred to the police, and will be investigated, he said.

(The telegrams referred to are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 7.")

Mr. IGLESIAS. I want to read a telegram from the mayor to the governor.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. Yes, sir. I am informed——

Chairman WALSH. Let me see it, please. (Reading:)

ARECIBO, *February 21, 1915.*

Hon. GOVERNOR OF PORTO RICO, *San Juan, P. R.*

I am informed constitutional rights have been suspended in Arecibo. I do not see why this should be done in a city where conditions are the same as in other peaceful parts of the island. I believe this measure taken especially here will throw discredit upon this people and this local administration. I sincerely advise and request reconsideration to avoid weakening of people's confidence in American principles of government. This administration offers hearty cooperation to keep order.

E. LANDRON, *Mayor of Arecibo.*

Mr. IGLESIAS. I want to refer to a telegram that I sent myself to the governor of Porto Rico, and the reply.

Chairman WALSH (reading):

Hon. ARTHUR YAGER,

Governor of Porto Rico, San Juan, P. R.:

Went barrio Arecibo to hold labor meeting, being absolutely prohibited right free speech and meeting by police, which informed me to have superior orders to dissolve every meeting in barrios and public roads; prohibiting also groups ten persons bearing national flags. Earnestly request you to grant this people constitutional rights meeting and free speech for credit sacred American liberties.

American Federation of Labor request you to guarantee my constitutional rights of free speech and meeting.

SANTIAGO IGLESIAS,
Organizer American Federation of Labor.

SAN JUAN, *February 21, 1915.*

Mr. SANTIAGO IGLESIAS,

Arecibo, P. R.:

I have received your telegram, and with reference to same wish to state that constitutional rights of free speech and assembly have not been suspended, but that in view of the existing condition in the island, and in order to guarantee peace and tranquillity to all the inhabitants of Porto Rico, I have found it necessary to place the rural zone under the control of the chief of police, who is directly responsible to me for its peace and order. Urban zone will be regulated as before. Request you to kindly see my proclamation to the people of Porto Rico and my letter to chief of police, which you will find in any of today's morning papers, so that you may know exactly what my position is.

ARTHUR YAGER, *Governor.*

Mr. IGLESIAS. Well, I went to the chief of police and showed this telegram, and he said the mayor would grant a permit. He says, "I never will permit you to speak anywhere. I will not permit ten peasants or five peasants, and this kind of demonstrations will be prohibited. Well, I inquire, "It is just through the island," and he said, "Yes, sir; all through the island it is the same." And I have affidavits here——

Mr. WALSH. Are they in English?

Mr. IGLESIAS. Yes, sir; in English. I have the translations.

Chairman WALSH. Let me see them, please. [Reading:]

"Affidavit from Nicomedes Rivera, Emilio Fariza, Jose M. Roman, and Pablo Ramirez: To the effect that on February 22, 1915, they were held up on the

road leading from Arecibo to San Juan, near the Central Cambalache, and to their surprise they found that two policemen ordered them to abandon the auto car, where they were going, and to hold up their hands as if they had been bandits, in order that they might be searched. They were searched, and nothing was found on them.

"Affidavit of Esteban Padilla: That on February 20, 1915, the declarant, in company of Messrs. Santiago Iglesias, Nicomedes Rivera, and Manuel Francisco Rojas, went to a place known as "Dominguito" for the purpose of holding a meeting. That on reaching the place the local officer of the insular police, Mr. Chapel, was informed by Mr. Iglesias, general organizer of the A. F. of L. that a meeting was going to be held, whereupon the officer in question objected to such meeting, stating that he was carrying out orders from his superiors, and the declarant and his companions had to return to the city without obtaining their purpose.

"Affidavit of Nicomedes Rivera: That on February 20, 1915, about 4.30 p. m., the deponent, in his capacity of organizer of the American Federation of Labor, went to barrio "Dominquito" for the purpose of illustrating the masses in their duties and rights in connection with the agricultural strike, but he was not permitted to address them by the police stationed at said barrio. That during the time that he remained there the deponent noticed that some of the men who acted as strike breakers were not permitted by the police to stand about the house where they had to collect their money for the work performed and who had been offered increase in wage for so doing, but which was not fulfilled by the employers, the police assisting the latter with their clubs and threats in keeping away the protesting laborers from the place.

"Affidavit of Esteban Padilla: That on February 21, 1915, while the deponent, in company of Nicomedes Rivera, were going through the Lares road to barrio Dominquito, two policemen ordered the automobile stopped and proceeded to search them for arms. That the matter was brought to the attention of Mr. Shettini and District Attorney Aponte and they were promised that there would not be a repetition of the matter. That notwithstanding this promise they were again held up the following day by two other policemen and all the occupants of the automobile searched worse than the day previous."

Mr. IGLESIAS. We sent a commission to the chief of police, the general chief of police, in order to make an agreement how we can hold meetings. They say there never will be permits to hold such a meeting in any place, in any manner. Here is a telegram regarding the arrests.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. Yes. [Reading:]

ARECIBO, *February 16, 1915.*

JUSTICIA, *Free Federation, San Juan:*

Strikers arrested and sentenced forthwith without defense for carrying working tools. Case and trial summarily, Pedro Rivera, Esteban Martinez, Bautista Ayala, Faustino Medina, Cristino Hernandez. Eighteen sentences pending. A woman held under securities hundred dollars for disturbing peace and extortion, according to police.

Whenever possible let editor come here.

M. F. ROJAS,
Chairman Strike Committee.

And those people were discharged after appearing in the district court, being in jail about 28 days. When they went to the district court they were dismissed, their case. Now, another case—two affidavits more.

Chairman WALSH (reading). "Affidavit of Pablo Ramirez and José Maria Roman: To the effect that they had been intrusted by the strike committee to establish a service of vigilance in behalf of the strike at barrio Campo Alegre, Hatillo, due to the many abuses that the workers were subject in that section at the hands of the police. That the deponents were violently assaulted by two policemen. They begun by asking if deponent were carrying arm; then they proceed to make a search on our persons and ask for our names. On giving the names they stated that 'this are the birds we were loking for,' and forthwith they assaulted the deponent with their hands and club to the extent that the horses on which deponent were riding were abandoned to seek refuge at the home of Mr. and Mrs. Rosado, where deponent remained until the following day for fear of a new attack. That medical attendance was required for treatment of the blows received as is shown by the medical certificate attached to this declaration. That the matter was reported to the district attorney and

Chief Shettini, who stated that they would make an investigation, which was never made, and the result is unknown.

"Affidavit of Esteban Padilla: States under oath that on February 19, 1915, he was called to the insular police headquarters about 8 or 9 a. m., where he was met by Mr. Geo. R. Shanton, chief of the insular police, the district attorney, Mr. José R. Aponte, and District Chief Schettiny, and other policemen. That he was told by Mr. Shanton that meetings in the rural zone were prohibited as well as any manifestation or group of more than ten persons even under shelter; that it was also prohibited to carry flags, and when asked to explain whether the national flag, too, was told that all kinds of flags; that the declarent suggested that he be allowed 24 hours only to go through the country districts to hold meetings in order to inform the people of the Government prohibition as long as it has not been made public, but it was refused."

Mr. IGLESIAS. Well, Mr. Chairman, I think I won't want to read more affidavits. I perhaps have nearly 100 affidavits.

Chairman WALSH. And do they all, those hundred that you refer to, concern Ponce—or all other places in the island?

Mr. IGLESIAS. All other places in the island.

Chairman WALSH. And it covers the topic of interference with the strikers, and the conduct of the police and such matters as you have already detailed?

Mr. IGLESIAS. Yes.

Chairman WALSH. And it is like that, the same general line?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. We will read all of the affidavits; you can just offer them in the record.

Mr. IGLESIAS. They are translated.

Chairman WALSH. I see they are all along that same general line, that they were assaulted by the police, and as they claim, without cause, and complaining of the conduct of the police.

Mr. IGLESIAS. Yes, sir.

(The papers referred to are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 8.")

Mr. IGLESIAS. And here are telegrams, too.

Chairman WALSH. These are telegrams referring to the fact that at different places they refused to allow them to hold meetings, or be upon the highway, and being stopped on the public highway and searched, and they are all that way, except one from Andres Orellano, which reads:

BARCELONETA, P. R., *February 27, 1915.*

Mr. SANTIAGO INGLESIAS,
Federacion Liber, San Juan, P. R.:

Trial held to-day. Judge convicts; 10 dollars or jail. Pays the fine. I am set free. Ask for guaranties. Chief Cabrera persecutes.

ANDRES ORELLANO.

(The telegrams above referred to are printed among the exhibits at the end of this subject as "Inglesias Exhibit No. 8.)

Mr. INGLESIAS. Here is an affidavit from Mrs. Sofia Rivera.

Chairman WALSH (reading). "Affidavit of Sofia Rivera." To the effect that on February 16, 1916, the deponent, while standing with her four sons at the level pass on the railroad line of the Central Cambalache, which crosses the road from Arecibo to San Juan, and where she is employed to attend the crossing, the deponent was an eyewitness of the abuses of the police with defenseless laborers. The police with their club and in an aggressive manner assaulted them. This caused me to call for help, which brought some persons to the place. The police that beated the laborers then confronted me and abuse me with words, and on demanding respect on they part the deponent was arrested and locked in jail. That bail was fixed for my provisional release. That the trial was held, and without any witnesses but the police I was given 30 days for disturbing the peace in the person of the police. The deponent further states that the laborers assaulted by the police were all of them strikers."

Mr. INGLESIAS. Now comes more telegrams from the governor that the matter will be taken up and be investigated.

Chairman WALSH (reading):

"MUNICIPAL GOVERNMENT,
"*Maunabo, P. R., February 26, 1915.*

"Whereas the active anticapitalistic propaganda has so emphasized itself as to constitute a menace in this vicinity;
"Whereas section 30 of the municipal ordinance authorizes me to take the necessary steps for the management of the municipality in pursuance with the laws, it being the true meaning of these to preserve the peace; I have therefore determined the following:
"To temporarily forbid the holding of any public meetings within the limits of the town, and in order that this decision be carried out there is issued a copy of this provision which has been handed to the chief of the police headquarters of this town of Maunabo.

"VTE. ORTIZ Y LOPEZ.
"*Mayor of the Municipality.*"

"This is an exact copy of the original, and I therefore issue the same upon the request of a certain Florencio Cabello.
"MAUNABO, *February 26, 1915.*
"Seen and approved (Vo. Bo.)
["The seal of Maunabo municipality and the signature of Mayor Vte. Ortiz y Lopez."]
Mr. INGLESIAS. Here is another.
Chairman WALSH (reading):

"OFFICE OF THE MAYOR,
"*Yabucoa, P. R., February 23, 1915.*

"Mr. JOSE DIEPPA, *Rep. A. F. of L.*
"DEAR SIR: In answer to your letter requesting use of the public square (plaza principal) on Tuesday next, must say you may use the same for holding a meeting at any hour when the Catholic and Protestant churches are not holding services.
"Very truly, yours,

"JOSE BERRIOS, *Alcalde.*"

Who is Jose Dieppa?
Mr. IGLESIAS. He is an organizer.
Chairman WALSH. An organizer of what?
Mr. IGLESIAS. Of the Free Federation of Workmen. And here is another from Yabucoa.
Chairman WALSH. It is denying the use of the public square for public meetings?
Mr. IGLESIAS. Yes. Here are some telegrams.
Chairman WALSH. They are telegrams from the secretary of the governor acknowledging receipt—I will read them:

SAN JUAN, P. R., *February 12, 1915.*

Mr. ENRIQUE VELEZ, *Cabo Rojo, R. R.:*
Telegram received. Indorsed labor bureau.

M. A. MUNOZ, *Secretary to Governor.*

SAN JUAN, P. R., *February 20, 1915.*

To JOSE DIEPPA, *Yabucoa:*
Impossible to leave San Juan and leaving a thousand matters undone. On some other occasion will be pleased to appear.

J. C. BILLS, Jr.

SAN JUAN, P. R., *February 20, 1915.*

To JOSE DIEPPA, *Yabucoa:*
Much pressing business hinders us from acceding to the urgent expressed in your telegram.

BILLS.

Mr. IGLESIAS. That kind of telegrams we have had by the dozen, telling on account of pressing matters they can not leave San Juan to help the people. Here is a clipping from the paper.
Chairman WALSH. Is it in English?
Mr. IGLESIAS. Yes.
Chairman WALSH. Let me see it, please (reading):
"Influence of the speaker is called for to hold a meeting.
"The speaker of the house of delegates received a telegram from the town of Guayama informing him that the laborers wanted to hold a meeting in the

country district named Jobos, and that they were not allowed by the police to do so. The laborers are requesting Mr. de Diego, speaker of the house, to interpose his influence to be permitted the holding of that meeting.

"Among the orators that were to take part in the meeting there were the lawyers Messrs. Martinez Davila and Cervoni Geli, both of them ex-delegates to the house of delegates."

Mr. IGLESIAS. And on the same line you will find in every town and city——

Chairman WALSH. The same request?

Mr. IGLESIAS. Yes, sir; and denied.

Chairman WALSH. Here is one from Florencio Cabello:

"MAUNABO, P. R., *February 20, 1915.*

SANTIAGO IGLESIAS,

Justicia, San Juan, P. R.:

Workingmen on strike had the purpose to go in a parade to the near town of Yabucoa, and the chief of police notified us that he had received an order from the general headquarters, and that in pursuance of it he had to prevent all kind of acts or parades outside of the urban zone. We believe this to be abusive. Please request Julio Aybar to protest before the house of delegates.

FLORENCIO CABELLO, *President.*

[Translation.]

MAUNABO, P. R., *February 23, 1915.*

HON. GOVERNOR OF PORTO RICO, *San Juan, P. R.*

SIR: Since the beginning of the agricultural workers' strike the attitude of the people is and have been a peaceful one, and no one persons have been arrested during these ten days the strike have lasted.

The arriving here of the chief of police named Azua who is everywhere provoking the people have cause a general consternation. He has made the statement that he shall snatch the American flag from the hands of that bearing it, and that he would cause everybody to go back to work by mean of his club. In a word, the attitude of this new chief of police is intolerable to this peaceful people, and we respectfully request you to kindly order this chief to be removed from here so as to prevent lamentable consequences, and so that we may be able to keep peace here.

The signers of this telegram are all merchants and no strikers, and we see our interests threatened by the attitude of the police, though up to this date order have not been altered.

Juan Rivera, Carmelo Garcia, Juan Garcia Ortiz, Evaristo Fernandez, Octavio Garcia (farmaceutico), Jose G. Sanchez, Juan Lafuente, Salvador Legea, Juan P. Delgado, Federico Leon, Serafin Delgado, Casimiro Estebe, Florencio Cabello, President Strike Committee.

Mr. IGLESIAS. We now present them from several other towns.

Chairman WALSH. Telegrams from several other towns to the delegates at San Juan?

Mr. IGLESIAS. To the central officers of the American Federation of Labor.

Chairman WALSH (reading):

HUMACAO, *February 17, 1915.*

SANTIAGO IGLESIAS,

Justicia, San Juan:

Policemen serving at the district of Central Borinquen have clubbed workers on strike. We earnestly call for investigation. People is indignant for such injustice. Minor children are being employed to violate our signed contract.

ARTURO FIGUEROA, *Correspondent.*

(The telegrams referred to are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 9.")

Mr. IGLESIAS. Now, as to the proceedings of the employers in regard to us. This is an original circular that the sugar growers' association has passed all over the sugar manufactories.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Let me have it, please. (Reading:)

COPY OF A LETTER FROM THE SUGAR GROWERS' ASSOCIATION.

SUGAR GROWERS' ASSOCIATION OF P. R.,
San Juan, P. R., March 18, 1915.

To the members of the S. G. Association, San Juan, P. R.

DEAR SIRS AND FRIEND: The Federacion Regional of Porto Rico, a workingmen's society duly organized with regulations approved of, and of which I furnish you with a copy, wishes to push its works of organization and establish committees in all the towns of the island, and in such a capacity will have a tendency toward educating the working classes to habits thrift, quiet, and morality, and discourage them from the customs of resorting to strikes, which are upheld by the Free Federation, and I deem this a quite fitting course to adopt, and we should assist in the work of extending its influence and effects; and I have been advised by the heads of the said Federacion Regional that a small contribution of $15 per sugar cane grower, even for once, would be a great help to them in the reorganization of their work, in the establishment of which they have taken so much interest. I have accordingly thought proper to look with favor upon the plan of the Regional and forward same to you; and, after examining the said plan and are in full accord with it, then if you approve of it just send your check to the organization for the fifteen dollars asked.

The Federacion Regional and the Liga Obrera are two separate organizations but which are working along the same lines in the proceedings, but both are contrary openly on all lines to the methods which the Free Federacion is adopting.

Awaiting your reply, I remain,
Very friendly, yours,

R. ABOY BENITEZ, *President.*

NOTE.—The name also bears the imprint of the signer.

Mr. Channery, who examined your documents, says that all that you have left contain the general matter?

Mr. IGLESIAS. But this is a new point.

Chairman WALSH. All right; pass it over.

Mr. IGLESIAS. It is to demonstrate——

Chairman WALSH. The employers' association was requesting the members of their association to subscribe to another alleged association of workers?

Mr. IGLESIAS. With the aim in sight to break——

Chairman WALSH. They were opposed to the federation?

Mr. IGLESIAS. Yes, sir. Now, the letter that is mentioned in that letter——

Chairman WALSH. Let me look at it if it is in English. Is that the other organization that they approve of?

Mr. IGLESIAS. Yes, sir; honorary members.

Chairman WALSH (reading):

"*Honorary Members: Arthur Yager, J. C. Bills, jr.; Jose de Diego; Manuel F. Rossy; Benito Zaluondo; Ramon Valdes Cobian; Ramon Negron Flores.*

"SR: In pursuance with a resolution passed by the executive committee of the 'Liga Obrera de Puerto Rico,' an institution which for the last three years has organized and maintained a program, an ideal and a force for a more perfect understanding between capital and labor. The Liga has deemed proper to select fifteen commercial concerns of the highest reputation and good position in the barrio of Puerta de Tierra and among this number yours is included in order that you give your most spontaneous wish and trusting in the good accruing from them all, these will not hesitate to cooperate with their mite to help defray the printing of a large manifest which will be issued on or about the fifteenth of this month, and a few copies we shall forward you for whatever use you may choose to make of them.

"Thanking you in advance for the adherence you may deem proper in favor of this petition of ours, which will be highly appreciated by all the members of this body, we remain,

"Very respectfully, yours,

"JOAQUIN DEL LLANO, Jr.,
"*The Chairman.*"

Mr. IGLESIAS. Also, I don't charge that any of these honorary men have the intention to give their sanction to those men to write letters and ask for money, nevertheless it appears that it was a strikebreakers' association.

Chairman WALSH. You claim it is a strikebreakers' association, and your complaint is, whether these men authorized it or not, they were circulating a letter under the name of the Government, or Mr. Bills?

Mr. IGLESIAS. Yes, sir. The men were workingmen, or at least he believes they are defending, or have some kind of conciliation between workmen and the employers through the Bureau of Labor. The Bureau of Labor, according with the law that created that bureau, and which the federation worked so hard to have the law passed, makes it the duty to go on places on strike and investigate matters of the strike, and their work along the line of bringing the two parties together to discuss the matter with a view of conciliation and agreement. In Fajardo we had about 23 hours' discussion with one of the biggest concerns, sugar concern, discussing matters in the line of an agreement. One of the representatives of the Bureau of Labor was present at that time, and after 23 hours of discussion we got together on an agreement on the line of raising the wages, according to the price of sugar.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. I have only one of the papers.

Chairman WALSH. Is it in English?

Mr. IGLESIAS. Yes.

Chairman WALSH. Let me see if we can get at it. (Reading:) "The sugar situation and the recent strike."

This states it properly, does it, this newspaper clipping?

Mr. IGLESIAS. From the growers' side.

Chairman WALSH. This is from the employers' side?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH (reading): "The following article appeared in the Louisiana Planter of February 27, 1915:

"At a meeting of the Sugar Producers' Association, held in San Juan last week, representatives from most of the large sugar interests all over the island discussed means of handling the situation and finally asked for a conference with Governor Yager and requested the enlisting of at least 200 more insular police. The sugar men asserted that fully this number were required to provide adequate protection for sugar property and to prevent strikers and agitators from coercing contented laborers into strikes and possible violence.

"At this conference Governor Yager was told that in various sections cane fires had followed meetings of strikers at which threats were made by strikers against the property of cane men. It was decided, however, that no more police would be employed except as a last measure. Efforts to reach some definite plan which all of the sugar men should follow out in dealing with their labor were considered inadvisable because of the different conditions which exist in the different sections.

"Most of those who attended the meetings were inclined to oppose a basis of settlement which the Fajardo Sugar Co. had reached with its laborers, which provided for a sliding scale of wages to be based on the price of sugar. Since this agreement was entered into it was found unsatisfactory by the laborers and after a trial of but two days it was dropped, in so far as the field laborers were concerned. In the factory it is still in force. This agreement provided for a wage of 60 cents per day for field labor when sugar was selling at $3 per hundred pounds; 65 cents when sugar was selling for $3 to $3.50; 70 cents when sugar was selling for $3.50 to $4.00; 75 cents with sugar selling for $4 to $4.50; 85 cents with sugar selling for $4.50 to $5, and $1 per day when sugar sold at $5 and above.

"In the factory a somewhat similar scale was worked out and is now in force. The factory labor is getting at present from 70 cents to $1.50 a day, it is said, and the agreement entered into provides that with sugar selling at $3.00 to $3.25 per hundred pounds the employees shall receive an increase in wages of 5 per cent; with sugar selling at $3.25 to $3.50 the increase is to be 10 per cent; $3.50 to $4, 15 per cent; $4 to $4.50, 20 per cent; $4.50 to $5, 25 per cent, and at $5 and above, 30 per cent.

"Previous to the strike Fajardo had been paying on the basis of approximately 25 cents a ton for cane cutting. On this basis the cutters were making from 40 cents a day up to 80 cents and $1. The sliding scale didn't please the laborers and instead they asked for a flate rate of 75 cents a day. On one plantation where this flat rate was tried out it was found that in one day sixteen cane cutters cut but eighteen tons of cane. After this experiment had been made and found unsatisfactory the laborers finally agreed to work on their former basis, with a few increases on different fincas, and reports to-day are that everyone is satisfied at least for the time being.

"At Central San Viceute, near Manati, Rubert Hermanos, the owners, advanced their men to a flat rate of 75 cents a day and besides are giving them one meal a day. This arrangement seems to have completely satisfied the former strikers.

"Around Arecibo, the only town in the island which has a Socialist administration, conditions seem to be the worst, and both Central Los Canos and Cambalache Central are still closed down."

Mr. IGLESIAS. Well, now, the agreement was signed by the employers and employees of Fajardo, and the representatives of the Bureau of Labor and myself, and three days afterwards they broke it.

Chairman WALSH. Have you that agreement there?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Here——

Mr. IGLESIAS. It is signed by about 500 people and sworn to.

Chairman WALSH. The affidavit says—here is a telegram from Mr. Bills, which I will read.

SAN JUAN, P. R., *February 19, 1915.*

Mr. DOMINGO SANTOS, *Fajardo, P. R.:*

Mr. Bird, manager of the Fajardo Sugar Co., has officially informed the Government that workingmen are not fulfilling their part of the contract which makes it, therefore, void. I trust all differences will work out regardless of strike.

BILLS.

Commissioner WEINSTOCK. Who is Bills?

Chairman WALSH. He is the commissioner of labor for Porto Rico; he is here.

Mr. IGLESIAS. And more than 500 signed it and swore to it.

Chairman WALSH (reading). "Affidavit duly sworn to which we the undersigned agricultural workers in the colonies (colonias) in the corporation 'Fajardo Sugar Growers Association' beg to submit and do hereby set forth:

"First. That we have accepted in all its parts the contract entered into on February 8 with the said corporation, which we have obtained honestly and peacefully through our representative, Mr. Sant. Iglesias, and our strike committee—Messrs. Bonifacio Diaz, Nicolas Rexach, and Sotero Ponce—at a meeting held in the room of the Ayuntamiento (town hall) of this locality, and which contract, signed by Mr. Jorge Bird Arias as legal representative of the said association, authorized us to receive the stipulated and agreed upon on the basis of a wage scale like that of the New York market.

"Second. We have fulfilled our part of the contract above referred to and also that part pertaining to our work.

"Third. We deny the statements made by Mr. Bird to the Government that we admitted or accepted other forms of work than that agreed to on the contract.

"Fourth. We understand, according to a telegram from Mr. Bird, that said contract has been annulled by Messrs. Bird and Honoré, without the attendance of Mr. Iglesias.

"Fifth. We understand that Mr. Honoré, along with Mr. Bird and Mr. McLane, went to several colonies and asked two or three ignorant workers if the would like other kinds of work, as that of "working by the job," and which act we believe to be illegal was not the will of more than 1,000 men out on a peaceful strike claiming more wages and protesting against the exceedingly low salary of 50 cents per day, considering the actual price of sugar.

"We understand that this contract has been violated by Mr. Bird for prices not agreed to or introduction of reforms in the work and for which act we earnestly pray for justice, protection, and guarantee.

"Fajardo, February 16, 1915."

Your claim is that it was the boss that broke the contract and not your people, that they were willing to work?

Mr. IGLESIAS. Yes, sir. Now, you will find here a stand taken by the bureau of labor in Porto Rico. We claim that after this agreement was reached the Government received a delegation from the Sugar Growers' Association, and they requested more protection for the sugar cane and sugar mills, and they disclaimed that it was a very good agreement that was made by Fajardo. That it was no good for them.

Chairman WALSH. The growers' association went to the governor and asked for more protection, and said that this agreement made by Fajardo was not a good one?

Mr. IGLESIAS. No, sir; and they said it was because of the workingmen that didn't want to work under such an agreement, when it was before the public.

Chairman WALSH. In public they said the workmen broke the agreement, and when they went to the governor they said it was no good for the boss?

Mr. IGLESIAS. Yes, sir; and at the same time the bureau of labor sent no more men around.

Chairman WALSH. Then the bureau of labor quit sending men out to try to mediate or do away with the strike?

Mr. IGLESIAS. Yes, sir. We have one in Juncos and Humacao.

Chairman WALSH. A representative of the labor department?

Mr. IGLESIAS. Yes, sir; but they called them away.

Chairman WALSH. The claim you make is that when the growers went to the governor and said it was no good for them, that the labor department called in their representatives?

Mr. IGLESIAS. Yes, sir. Here is a paper in Porto Rico that claims an interview had taken place——

Chairman WALSH. This is where Mr. Bills is interviewed by the editor or the reporter of a paper. [Reading:]

"EDITOR. Are you aware that new strikes have broken out in the island?

"BUREAU. Yes, sir; through daily information issued by the headquarters of the insular police.

"EDITOR. Were you or any other employee of your office at the public meeting in the evening held of February 22 on Plaza Baldorioty?

"BUREAU. Mr. Bills (the chief) and Inspector Escalet.

"EDITOR. So, then they heard the speech of Mr. Iglesias?

"BUREAU. Yes, sir; to the very last word he said.

"EDITOR. Has there been any difference of opinion between you and Mr. Iglesias that justify the attacks made by the latter against the employees of the bureau of labor and more particularly Messrs. Bills and Honore?

"BUREAU. The leaders of the Free Federation, especially the residents of San Juan, after the first six months have never been in accord with our program as followed by this bureau and its methods of enforcing the laws, from what we have been able to understand. They have always thought that our attitude should be decidedly partial to the laborers; they seem to forget that the mission we are imposed by law is that of conciliating and harmonizing the interests of the employer and employee, and they require very energetically our activities to be directed in such a way as to satisfy the interests of their organization. As is logical we can not possibly accommodate them, and consequently we are not on the best of terms with them.

"EDITOR. Have the leaders of the Federacion Libre and the sugar-cane growers ever helped you out to bring about a peaceful solution in the strikes?

"BUREAU. In the strikes that have been in Rio Grande, Juncos, and Caguas they gave us proof of their willingness to help, and attended all the meetings and rectified all their former attitude.

"The employers have proved themselves to be deeply possessed with the confidence and esteem for this bureau, and on this account we feel sincerely grateful to them.

"EDITOR. And do they cooperate as much now as they used to?

"BUREAU. The leaders of the Federacion Libre have changed their line of conduct (program) and now censure only our neutral position, and they propagate this censure in their public and private meetings."

Mr. IGLESIAS. This refers to the position that we took about the department of labor. It was a resolution passed——

Chairman WALSH (reading):

JOINT RESOLUTION OF THE COMMITTEE ON RESOLUTIONS IN GENERAL.

The undersigned, committee on resolutions in general, in the part relating to the report of the president, concerning the method of procedure of the bureau of labor during the last agricultural laborers' strike, beg to make the following statement:

First. We have studied the recommendations made to us as to the violations of the contracts and agreements made by mutual consent between laborers and employers during the last agricultural laborers' strike, and in which the representatives of the bureau of labor were present.

Second. That in some of these agreements in which the said bureau has intervened its representatives have signed their names in order to guarantee all the more the rights of the country workingmen.

Third. That this chief of this bureau has permitted the violations of the above-referred contracts and agreements of which the employers made little after they had signed them, while the principal representatives of the bureau have advised the workmen to accept the conditions to which they were submitted and begging them to settle their differences without striking, and without requiring the employers to carry out their part of the clauses signed by themselves, causing thereby great losses to the laborers, and practically denying them their help or authority to have the terms of the contracts carried out.

Fourth. This conduct of privilege observed by the said officeholders was practically granted in behalf of the sugar corporations, and depriving his office of the friendly feeling and assistance of the strikers and workers, and it furnished the means of affirming solemnly our opinion in favor of having true labor representatives at the head of that bureau, so they may carry out beneficial work in behalf of the people and the laboring classes of Porto Rico, using the limited means at its command as provided under the law, and we further declare:

That the official representative of the said bureau of labor, considering his attitude in this strike, does not deserve our confidence on account of his ideas and method of procedure, for his knowledge is of a different sort from that which is needed to protect and watch over the conditions of labor on our island, and his evident misunderstanding of the cause which the American Federation of Labor defends, and we declare that:

The American Federation of Labor accepts as a general principle the constitution of the bureau of labor until such time as the Legislature or the Congress of the United States does not make provision for the control of the aspirations of the proletariat of the island, of a true department of agriculture and labor, with the powers, duties, prestiges, and resources as the other departments of our insular government, and that the American Federation of Labor in Porto Rico does not look kindly upon the bureau of labor while it is being represented by men without ideals, who are ignorant of the service required in a bureau of labor and opposed to the organization of labor and who are utterly unused to labor disputes.

We recommend, moreover, that the executive council of the American Federation of Labor in the United States persist in its demands for reforms in the bureau of labor and that all the documents and affidavits presented by the workers as evident proofs of the violations of contract and agreements with the employers and of the method of procedure of the head of this bureau.

This evidence will be sufficient to prove the justice of our demands and reasons for our protest in asking for an office or department of labor that shall be managed and represented by true men of experience with the sufferings and conditions of the social and economical side of the workers of Porto Rico.

For the above-stated reasons we hope to receive the unanimous sanction and approval of this convention.

Yours, fraternally,

JOSE FERRER Y FERRER, *Chairman.*
JOSE DIEPPA, *Secretary.*

Mr. IGLESIAS. It was passed by the last convention of the federation.

Chairman WALSH. Of the federation in Porto Rico?

Mr. IGLESIAS. Yes, sir; on the 18th of March.

Chairman WALSH (reading). "Clipping from Voz de la Patria, Mayaguez, P. R., Saturday, January 24, 1915:

"This morning it was our greatest pleasure to hail our good friend and companion, Mr. Carmelo Honoré, a recently graduated lawyer, and who came into town just to-day.

"Carmelo Honoré is a workman, his trade being that of a carpenter. This friend of ours owes it to his energies for having obtained such instruction in the intellectual profession chosen by him, and he is besides assistant chief of the bureau of labor, and to this he has added the title of attorney at law.

Upon having obtained the right to practice law in the courts he naturally desired to make a start in his home city where he was born. He now comes to defend a certain Andres Camacho, from Cabo Rojo, accused of the crime of seduction. We again wish Friend Honoré well and hope he will obtain a complete success in his profession."

"THE BUREAU OF LABOR.

"The representative of the Fajardo Sugar Co., using the government as an instrument, and the latter, the bureau of labor, made little of the desires of

the workmen and their promise, from what may be seen in the affidavits that are sworn to by the hundreds of country workers and which give details of this ignoble deed.

"In a telegram signed by Mr. Bills you shall see therein that after saying that Mr. Bird had broken the contract, he advised the workmen to smooth off all the difficulties, not including the strike—aside from any consideration of a strike. Was Mr. Bills allowed to advise the workers to adjust their difficulties and advocate the strike? What would the employers say and what right would they have if Bills, instead of stating in his telegram to come to an understanding with respect to breaking a contract on the part of the employers without going on a strike, would advise to strike? Would Mr. Bills be allowed to do so then? What must we, the laborers, think of a labor bureau chief who after a contract is broken by the employers advises the employees to settle their dispute without getting up a strike?"

Chairman WALSH. Now, I think that sufficiently shows the attitude of the labor bureau toward you and the attitude of you toward the labor bureau.

Mr. IGLESIAS. Here is something [indicating].

Chairman WALSH. All right, I will let you pass on that, because those are new points. Take all the time you want if you have any new points.

Mr. IGLESIAS. That book [indicating] refers to a report.

Chairman WALSH. I see it is a report of the Bureau of Labor to the legislature of Porto Rico, department of labor, charities, and correction.

Mr. IGLESIAS. We have regarded that report as a report against workingmen rather than in favor of them.

Chairman WALSH. Do you want to read what is quoted here?

Mr. IGLESIAS. Some things quoted in there are the keynote of that report, and shows that its purpose was to induce the workingmen to believe that the law intended to be enacted by the legislature was a very fine law for the workingmen, and that was a law proposed to have a piece of land near San Juan to be divided among certain workmen, but the workingman is by the same report to pay about $4.12 a square meter, when in San Juan we find land much better at 50 cents or 75 cents a square meter; and the report was intended to convince the workingmen that it was a very fine scheme, and the scheme was that commercial business in San Juan wanted the legislature to pass a law to give $196,000, or to authorize the municipality of San Juan to pay $196,000 for certain lot of land that was in the commercial section of the island near the harbor. The value of land in Santurce sometime ago was 9 and 10 cents a square meter then, and to-day perhaps is 20 cents a square meter of a certain good land. That means that when the municipality was able to buy a piece of land for $16,000 intended to be for the protection of the houses of the workmen, the municipality refused to buy this piece of land, and on the other hand, for the purpose of passing a law to buy that piece of land, perhaps a fifth of the other in quantity, they want to pay $196,000.

I went to the legislature and talked with some of the friends of labor we had there, and put it in such a way that we succeeded in killing that bill. I want to be clear in this, that the man who represented the labor bureau was not intentionally dishonest or rather had no knowledge of this particular thing. He was very new in Porto Rico when he wrote that book, and I have called his attention to that.

Now, if you see that report you will see some misstatement made there, where there is great injustice.

Chairman WALSH. Let me understand your complaint; your complaint is that a law was proposed to appropriate $196,000 to purchase a certain piece of land and sell parts of it to the workers?

Mr. IGLESIAS. To give the authority of the municipality.

Chairman WALSH. You did not deem that good legislation; you did not think that was wise legislation and opposed it?

Mr. IGLESIAS. Yes.

Chairman WALSH. And the legislature refused to enact the law?

Mr. IGLESIAS. Yes.

Chairman WALSH. You defeated the law?

Mr. IGLESIAS. Yes.

Chairman WALSH. And you claim that Mr. Bills, whom you have referred to, was quite a new arrival in the island, and made this report, which was a report of the bureau of labor; and he advocated the same law that you had

opposed and he made certain statements, which you have marked in there, which you believe improper statements to appear in a report of that kind?

Mr. IGLESIAS. But now that same report has been reproduced by the bureau of labor, and it has been received again in a report on the housing conditions.

Chairman WALSH. You protested against this labor report, and he made a report to the department of labor, charities, and correction, regarding the housing conditions, and used the same material substantially as in this report?

Mr. IGLESIAS. He repeated the same thing.

Chairman WALSH. Which you had protested against?

Mr. IGLESIAS. Yes. I want to hand you these three copies of the reports of the labor bureau in San Juan.

(The reports referred to, entitled, "Annual Report of the Bureau of Labor to the Legislative Assembly of Porto Rico," published in San Juan. P. R., were submitted in printed form.)

The following report is just backing up what we have said in regard to the conditions of labor.

Chairman WALSH. You offer those three reports of the department of labor to prove what you say in regard to the condition of labor is correct?

Mr. IGLESIAS. Absolutely correct. The second report substantially had the same matter, but that first showed the beginning of the division among the bureau of labor. This was in their report, and aim to better labor, to protect the welfare of the laboring classes, and protect them from exploitation by their employers or other associations of capital such as their landlords, and promote the relations between laborers and employers. The bureau will not interfere, however, in favor of any effort, either of laborers or of those who claim to be working for the benefit of laborers, unless such efforts are intended primarily to injure the employees.

Chairman WALSH. I will read the typical cases marked here. You say the reports are the same?

Mr. IGLESIAS. Yes.

Chairman WALSH (reading). "In certain respects we believe the inland laborer especially has been much misrepresented. He is not a lazy man. Thousands of the wage earners of the island, especially inland, are enemic or the offspring of anemic parents, and are not physically as efficient as the corresponding type of unskilled laborers in the States.

"Also all of them are underfed. When put at heavy manual labor, the middle of the afternoon finds them exhausted. It is true also that the great mass of the laborers are unskilled, but they are slowly awakening to the realization of their present conditions. In all parts of the island one will find serious, hard-working men who are deeply discontented with their surroundings. It is not a mere passing discontent; neither is it of the socialist type. It is rather a feeling of injustice of years of struggle against the impossible, and as the masses of the people are becoming better educated this feeling is settling into a solid determination to improve labor conditons. They are coming to realize that they must do more efficient work."

Then you present pictures of the coffee children; how young are children put at coffee picking?

Mr. IGLESIAS. When they are 6 and 7 years old.

Chairman WALSH. Do the whole families work—the women, too?

Mr. IGLESIAS. Yes; the whole family.

Chairman WALSH. You have this marked (reading). "Coffee cultivation has two seasons. The busy or picking season lasts only about three months, from the middle of September to the middle of December, and during this season the number of workers is tripled. Then men, women, and children are all engaged in coffee picking. The work is by piece, the pickers receiving from ten to fourteen cents per almud, according to the section and the condition of the crop. The amount that a person can pick varies greatly with the thickness of the coffee. A fair average for a man is from two to three almudes per day, women and children picking about as much as men. It is impossible to gather actual statistics as to the number of women and children employed, because on the pay roll of the plantations only the man's name is stated, the coffee which his wife and children pick being entered in a lump amount with his own.

"This is the lowest paid labor on the island. Thirty years ago the coffee pickers were paid the equivalent of about forty cents American gold, a higher rate than that which they are usually receiving at present. Then came the depreciation of the "provincial" currency, so that forty cents was only worth 25 cents in actual purchasing value, but the old scale of wages still continued.

During the past three or four years the rates have been increased to a limited extent. The usual pay per almud five years ago was eight cents. This year an average of ten to twelve cents prevails."

The following is also marked [reading]:

"PLANTATION STORES.

"The prices of food at several plantation stores in various parts of the island are given in the section on prices and cost of living. It was difficult to obtain from the managers of these stores the exact prices charged the laborers, and since so many of the articles are sold in one or two penny amounts, it is probably that the actual prices per unit of food are higher than this table shows, and several cents higher than in the neighboring towns. On the other hand, it seems to be necessary for the inland plantations either to maintain a store themselves or to grant the right to some outside merchant to build a little store on their land for the purpose of serving their workmen. The expenses of cartage, small sales with consequent wastes, etc., must be considered, so that probably the actual prices in most cases are not unfairly high. In many cases the plantation store is absolutely necessary in order to prevent the laborers from losing so much time in walking to the nearest town.

"The dangers of the plantation store are well illustrated in a few of those cases investigated. In one instance the merchant had two sets of prices—one for the workmen of the plantation, and another, from 1 to 2 cents less per pound, for those who did not work on the plantation. In this case there was another store a quarter of a mile down the road. The merchant and the owner of the plantation had the usual agreement, however, whereby the merchant sold to the workmen on credit and received his pay every Saturday from the proprietor of the plantation, that amount being deducted from the workmen's wages. Both the owner of the plantation and the merchant stated in emphatic terms that the men were not forced to buy at this store; that there was another competing store within a reasonable distance and that many of the workmen purchased their food there. The fact is, however, that very few laborers have any money with which to purchase their food from Monday morning until they receive their pay on Saturday night. The so-called competing store down the road having no way of insuring payment would not sell on credit and the men were actually obliged to purchase at the plantation store, paying the higher prices demanded in order to get anything to eat during the week. It developed from investigations made among the merchants of the neighboring town that the proprietor of this store was a cousin of the owner of the plantation.

"There is a law on the statutes of Porto Rico forbidding payment of wages in food and requiring that the laborer be free to purchase wherever he likes. The result of this has been that employers in most cases have tried, in form at least, to have no direct connection with the stores, and in the majority of cases the bigger, more successful plantations actually have no connection. There are instances, however, where the mayordomo issue a time check to the laborers, and this check is exchangeable at the store for food. Due to his influence over the men, the mayordomo practically compels them to redeem these checks at the store when they are paid on Saturday, and in this way the storekeeper is protected in giving credit."

Commissioner WEINSTOCK. Who publishes that?

Chairman WALSH. It is a special report of the bureau of labor to the legislature of Porto Rico by J. C. Bills, jr., chief of the department of labor, charities, and correction.

The following is also marked:

"The wages in Porto Rico are uniformly low. The cost of living is higher than in many other tropical countries. Hence standards of living are generally reduced to a primitive stage. Any honest observer of the life of the unskilled laborers of this island must admit that their situation is unfortunate, and the chief cause is inefficiency, resulting from existing conditions, lack of practical education, consequent small earnings, and in many cases wages too low for the labor performed. Yet most employers say that, considering its inefficiency, local labor is the 'most expensive in the world.' Very few employers, however, say that they 'can not afford' to pay more. The fact is that at present most of the industries of the island, except those that have extended their business imprudently and are forced to pay tremendous interest, are highly successful. In other words, the condition of wage earners, especially

those engaged in agriculture, has not kept pace with the general development of the island."

I understand all these Government reports, and I will not read them into the record; but Mr. Bills's attention was called to them, and he has marked some of these places for the investigators, and it will not be necessary to read anything further in extenso from the Government report; we will take it as conceded, as it is a Government report, unless you have something additional to add.

Mr. IGLESIAS. This will show the wages [indicating].

Chairman WALSH. This paper you have just referred to shows the average daily wages of carpenters, masons, painters, and laborers in 1901, 1905, 1912, 1913, and 1914.

(The matter referred to is shown on page 78 of a pamphlet entitled "Third Annual Report of the Bureau of Labor to the Legislative Assembly of Porto Rico, 1915," which was submitted in printed form.

Chairman WALSH. What hours do the carpenters work?

Mr. IGLESIAS. Nine, 10, and 12 hours.

Chairman WALSH. That tabel shows a drop in the wages of helpers from 79 cents in 1913 to 69 cents in 1914?

Mr. IGLESIAS. Yes.

Chairman WALSH. What was the cause of that?

Mr. IGLESIAS. Because, when the military government went there.

Chairman WALSH. When the military government first went in there was a great feeling of enthusiasm, and wages went up for a while?

Mr. IGLESIAS. Yes; and the representatives of the American people stand for more wages for the people and more protection, and, of course, the workmen have an opportunity to raise them.

Commissioner O'CONNELL. They were the highest, apparently, in 1913?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. And then there seems to be a reduction; was there a general reduction of wages in 1914 from 1913?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. The rate was lower in 1914?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. As this table shows?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. Was there a general reduction of wages all over the island?

Mr. IGLESIAS. Yes.

Chairman WALSH. Mr. Commissioner Weinstock wants to know how the wages compared then with the wages before the American occupation.

Mr. IGLESIAS. We have at this time the same wages.

Chairman WALSH. Mr. Martinez stated that in the statement he read this morning.

Mr. IGLESIAS. Yes.

Chairman WALSH. Then there is also shown here the average daily wages of bakers, tailors, and shoemakers in 1901, 1905, 1912, 1913, and 1914.

Mr. IGLESIAS. Yes.

(The table referred to is shown on page 81 of the annual report heretofore referred to, and which was submitted in printed form.)

Chairman WALSH. Then here is table showing the average daily wages of laborers in principal agricultural industries in 1901, 1905, 1912, 1913, and 1914?

Mr. IGLESIAS. Yes.

(The table is shown at page 83 of the annual report heretofore referred to, and which was submitted in printed form.)

Chairman WALSH. Were they usually paid by the day?

Mr. IGLESIAS. Yes.

Chairman WALSH. Have you made yourself familiar with the cost of living of agricultural laborers in this country and in Porto Rico?

Mr. IGLESIAS. In this country?

Chairman WALSH. Yes.

Mr. IGLESIAS. I don't know about that.

Chairman WALSH. Well, go ahead. I will tell you what I wish you would do. You are coming down to these budgets and these conditions, and if you would, I would like to ask you to let them go until Mr. Bills puts his in, and if you have any comment to make or contradiction of them or anything of that kind, you will be given an opportunity afterwards.

Mr. IGLESIAS. All right. Now we come to some other matters in regard to the attitude of the government of Porto Rico in regard to the strike. We were very anxious to get from the government some redress, and we wrote a letter to the governor requesting him to appoint a commission, or rather a judge, district judge—either a special judge or district judge—and a fiscal or attorney in order to ascertain our charges against the police. He answered me with this letter, and I have replied, and the answer and the reply are here.

(The correspondence referred to by the witness is printed among the exhibits at the end of this subject as Iglesias Exhibit No. 11.)

Chairman WALSH. Now, you wrote a letter to the governor of Porto Rico——

Mr. IGLESIAS. Asking for the appointing of a commission to investigate the matters of charges which the workingmen all over the island had preferred against the officials there—the officials of the Government.

Chairman WALSH. And his reply was that it ought to be left to the local government unless there was some specific charge against the local officials?

Mr. IGLESIAS. Sure.

Chairman WALSH. In which case he would appoint a commission to ascertain the truth or falsity of that charge?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. That is the substance of it?

Mr. IGLESIAS. Yes; but I would like to read the answer.

Chairman WALSH. Is this the answer I have in my hand?

Mr. IGLESIAS. Yes.

Chairman WALSH. Well, that was covered in the general statement, and I will interpret it for the commission. Now, the governor refused to appoint such a commission, and states that he believes it is unnecessary to appoint any such special commission as was suggeted by you, and goes on to say [reading]:

"If any public officer has acted in an illegal manner this action can be ascertained and proper punishment given without the formation of such a special commission. The proper course to be pursued by any person who believes that any public officer is guilty of any criminal action is to present the facts before the fiscal of the district or before a municipal judge or a justice of the peace. If any such officers fail to proceed in accordance with the law, where the facts show that there has been a crime committed by the accused, the matter should then be presented to the attorney general to be investigated by him. The attorney general has assured me that in any case where there is evidence that any officer of the department of justice has failed to take the proper action, after proof has been submitted to such officer that a crime has been committed, he will investigate the case thoroughly and will see that justice is done.

"Respectfully,

"ARTHUR YAGER, *Governor of Porto Rico.*"

Mr. IGLESIAS. I want now to read my statement going to the attorney general.

Chairman WALSH. Yes. Now, you went to the attorney general?

Mr. IGLESIAS. Well, previous, before in other strikes, previous strikes; and I say what happened in my letter.

Chairman WALSH. Now, you wrote a letter to him on April the 24th and you say you have received this letter of the 19th, and go on to say [reading]:

"According to your letter you seem to be in doubt on the following points:

"'That can not understand clearly just what authority we wish to give this special commission which we propose.

"'That to accede to our petition for the appointment of a special commission, two members of which are to be appointed by the Free Federation of the Workingmen of Porto Rico, be an admission that there is not confidence in the judicial department of our Government.

"'That if the matters of which we complain are properly presented to the proper officers of the department of justice, they will receive an impartial and fair consideration.'

"In answer to the three points referred to above, and in order to reaffirm the advisability of appointing a special commission, and in consideration of the arguments and reasons expressed in your letter, we again insist upon the appointing of a special commission to be composed as follows:

"Of a special judge and special fiscal.

"The Free Federation of the Workingmen of Porto Rico will choose two lawyers who shall be authorized by the Government to present documents, and upon their petition they shall either summon witnesses or cause the neces-

sary proofs to be legally produced; they shall be authorized to examine and cross-examine any and all witnesses, and they shall have the same rights as the fiscal in every particular relating to the accumulation of direct proofs and corroboration. We are not very particular about the appointment of district judge or district fiscal to serve on the above commission.

"The 'special commission' shall hold its sessions at Vieques, Ponce, and San Juan, and shall practice an investigation of all the charges and affidavits presented to it and in any way related with the incidents of the last strike of the country laborers of all the towns of the island, and the said commission shall give to the Government an account of its investigations with recommendations pertaining to the principles of justice and good government. The said commission shall employ a stenographer to carry on its work.

"As you may see, we neither want any special authority for ourselves or for our counsels unless this be legal and duly accepted by an impartial government, and which wishes to know the the truth, the whole truth, and nothing but the truth, and which desires to punish public employees who have made themselves guilty of extralimitation of authority or felony in true sense of the word.

"There would be no danger of your having any lack of confidence in the department of justice if the appointment of this special commission were authorized inasmuch as the members of the same are to be appointed by the Government itself and gives the authority, and the said members exercising such authority shall do so in pursuance with the insular laws, which course has been pursued by this Government on various occasions.

"Sir, since you have assumed the governorship of the island we have submitted to your consideration many a charge and affidavit, and some charges not sworn to, against certain policemen and judges who have been committing abuse against the workers, and none of the investigations practiced (ordered) by you have given these workers any satisfaction despite the fact that arbitrariness, humiliations, and illegal truths were inflicted against poor and helpless men and women. We have never, no never, known any cases to be decided favorably by you in behalf of the injured workers during the whole period of your governorship.

"This is perhaps largely due to the fact that the investigations as carried out (ordered) by you are of a private character, almost inquisitorial, at the police headquarters or else in offices not open to the public, as the general run of people say, among the interested parties, and the accused police and officers are on hand and meet on friendly terms, which is a system rather employed for terrorizing than protecting the victims.

"On this account we meet with a remarkable case that has occurred within your administrative period, sir, in which case a fiscal of the department of justice has emitted an extraordinary unjust opinion in submitting his report to the honorable the governor of Porto Rico, and which clearly demonstrated the kind of equality before the law upon which this conclusion is based, especially so when it was a question of one of the most bitter complaints from the general secretary of the Free Federation, Mr. Rafael Alonso, against a policeman charged of gross abuse on his person and others and sometimes afterwards this very policeman was accused of killing a poor striker. The paragraph specially referred to is the following:

"'Admitting that Policeman Quiles was not very polite with the strikers in the above-mentioned incidents, it is to be borne in mind that the conditions were extraordinary and that the police had to act arbitrarily to avoid disturbances, as it was easier to stop them before they began than it was afterwards. I do not give very much weight to the evidence as the witnesses in favor of the strike would say almost anything against the police. As a matter of fact, while Policeman Quiles evidently acted somewhat beyond his authority, I think the circumstances warranted his actions. Now that the strike is over, Quiles may be reprimanded.'"

Chairman WALSH. Was that the man that had killed a man?

Mr. IGLESIAS. Yes.

Chairman WALSH. Was that after he had killed him?

Mr. IGLESIAS. No, before; in some other place.

Chairman WALSH. And this same Quiles, whose statement is that? This is a statement that came from the attorney officer after making an investigation?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. He said this Quiles had acted beyond his power, but that he thought it better to stop these disturbances before they began than afterwards. Then you go on to say [reading]:

"Now, then, if any attorney (fiscal) of the department holds such an opinion, and if said opinion is so worded without cause for the same, does not the honorable governor think that we have every reason and sufficient motives to demand the appointing of a special commission, with powers to practice a public investigation and do its work in a complete, impartial, and sincere manner against all the atrocities that have been committed against the country laborers during the last strike, and in which cases it is desired our attorneys would be authorized to establish proofs as if they were a true fiscal.

"Besides, you state that the department of justice had already practiced these investigations, which we take to mean that the said department has formed a proper opinion of itself. We claim that the Government and the people will never know the absolute truth of the incidents and acts of tyranny and oppression brought to bear by the public employees, except through the agency of the special commission it is proposed to appoint, and in which all the parties concerned would have the same privileges of presenting their proofs without fear and reserve.

"Emphasizing once again upon what we have heretofore expressed in the letter, we again desire to respectfully suggest to you the urgent necessity of the special commission for which we have petitioned you so persistently.

"Respectfully, yours,

"SANTIAGO IGLESIAS,

"*President of the Free Federation of Workingmen of Porto Rico.*"

Chairman WALSH. Have you a response to that from the governor?

Mr. IGLESIAS. No, sir.

Chairman WALSH. But that was dated April the 24th, I believe?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And that was how long before you left?

Mr. IGLESIAS. The 24th. Well, we left on May the 12th.

Chairman WALSH. On May the 12th?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And on the 26th, two days following that, an information was filed against you and Mr. Martinez and these other men charging you with misdemeanor?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And you are now out on $300 bail?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And the information was filed by the attorney general or the district attorney at Ponce?

Mr. IGLESIAS. The attorney general.

Chairman WALSH. The attorney general's office filed it?

Mr. IGLESIAS. Yes.

Chairman WALSH. Yes?

Mr. IGLESIAS. You say the charge against me?

Chairman WALSH. Yes.

Mr. IGLESIAS. No; the district attorney at Ponce; but, of course, under the directions of the attorney general.

Chairman WALSH. Are the district attorneys all subordinate officials to the attorney general of Porto Rico?

Mr. IGLESIAS. Yes.

Chairman WALSH. All under that one department?

Mr. IGLESIAS. Yes.

Chairman WALSH. The attorney general has his headquarters at San Juan, and the different attorneys have their offices in the different districts?

Mr. IGLESIAS. Yes.

Chairman WALSH. But those district attorneys, you say, are all under the authority of the attorney general?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Now, anything else there is that you want to submit?

Mr. IGLESIAS. Yes. Now, after reading that letter you may judge why we do not care to present any affidavits or anything else in Porto Rico. We know that we never will have any justice in Porto Rico. This is the third or fourth time that we came to the United States for protection.

Chairman WALSH. This is the third or fourth time?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Where did you go before?

Mr. IGLESIAS. I came here when President McKinley was alive; that was the first time. And the second time was when President Roosevelt—at that time

he himself took the matters up of Porto Rico, and he by his influence and the public press of the United States, and through the agency of the American Federation of Labor, they helped us, stopping many of the wrongs done against the poor people there, and some of the inquisitorial laws were suppressed and suspended. And when Mr. Taft was President, too, I came here to look for the same kind of protection in favor of the people down there. I myself—I have been about 22 times put in prison—arrested. Sometimes I have been seven months entirely without any general hearing. I have never been a minute serving any conviction or any sentence.

Chairman WALSH. Have you ever been convicted?

Mr. IGLESIAS. Never.

Chairman WALSH. And you have been arrested 22 times?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And in jail without trial, you say, one time for seven months?

Mr. IGLESIAS. Yes, sir; and another 40 days, and 30 days, and 25 days, and 6 days, etc. And one time I came here and the President sent a letter of recommendation to Gov. Hunt on petition from President Gompers, and when I arrived there I was put in prison just when I landed at San Juan.

Chairman WALSH. When you got back?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. When was that?

Mr. IGLESIAS. That was about 1902 or 1903.

Chairman WALSH. What were you charged with then?

Mr. IGLESIAS. Contempt of court.

Chairman WALSH. What were you usually charged with these 22 times you were arrested?

Mr. IGLESIAS. Well, sometimes because of breaches of the peace, or injury to the honor or respect of some officer, or writing some article and making some address.

Chairman WALSH. Writing an article or making a speech or speaking disrespectfully to an officer?

Mr. IGLESIAS. Yes; according with the Spanish law, not enforced at that time. Sometimes I was charged with conspiring to raise the price of labor. I was sentenced to four year and four months for that crime.

Chairman WALSH. Where was that?

Mr. IGLESIAS. 1904; and then——

Chairman WALSH. In Porto Rico?

Mr. IGLESIAS. Yes, sir; in Porto Rico.

Chairman WALSH. I thought you said you had never been convicted any of the 22 times?

Mr. IGLESIAS. Well, because the higher courts reversed those convictions.

Chairman WALSH. And discharged you?

Mr. IGLESIAS. And discharged me.

Chairman WALSH. Was violence ever committed against your own person by the officials?

Mr. IGLESIAS. Yes, sir; I was shot at and intended to be assassinated twice.

Chairman WALSH. Shot at twice?

Mr. IGLESIAS. Yes; but never got——

Chairman WALSH. They didn't hit you?

Mr. IGLESIAS. No.

Chairman WALSH. But you were shot at, were you?

Mr. IGLESIAS. Yes. Well, this was the first year of our movement.

Chairman WALSH. That was the first year of your movement?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. How many times have you been arrested, say, within the past few years?

Mr. IGLESIAS. Just once, and that was in Ponce.

Chairman WALSH. Oh, these 22 times were in the early part of your movement, when you were trying to organize them?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. And were those arrests mostly under the old laws that do not obtain any more?

Mr. IGLESIAS. Yes, sir. When I was sentenced to four years and four months the press of the United States took the matter up at that time. They printed editorials, and the Government in Washington, through petitions from the convention of the American Federation of Labor—I meant the Cranston conven-

tion of the A. F. of L.—and the President of the United States called attention to the governor there and advised that such laws can not be maintained under the American principles, and since that time, less or more, I never have been arrested until now.

Now, in regard to one of the important things in our country is education. The education of the people—we have been complained that the courts in the——

Chairman WALSH. Now, have you anything that has not been covered by Mr. Martinez. I think he covered——

Mr. IGLESIAS (interrupting). Yes. I want to cover this, that the budget of last year cut the education item in more than $700,000—$735,535—against the education—cut off.

(The matter referred to entitled "Appropriation act of the Legislative Assembly at Porto Rico for the fiscal year ending June 30, 1916," was submitted in printed form.)

Chairman WALSH. The budget was cut down this last year for education.

Mr. IGLESIAS. Yes, sir. I have to make this statement, that many of the employers in Porto Rico are making efforts to prevent the legislation to pass appropriations giving enough money for education. They used to say sometimes that agricultural work as it is done don't need much education to do the kind of work they are doing.

Chairman WALSH. Who says that?

Mr. IGLESIAS. Some of the employers there.

Chairman WALSH. You mean you just heard them say it, or that they do say it?

Mr. IGLESIAS. Yes; they have made the statement and published it.

Chairman WALSH. Have you got the articles?

Mr. IGLESIAS. I have just—the Bulletin of the Bureau of Labor at Washington in regard to this and other matters makes the statement in the places where you will find the slips. I have put markers.

Chairman WALSH. This is a bulletin of the Bureau of Labor issued November, 1905. I see it says (reading):

"The furnishing of the house is equally simple. A hammock is indispensable and there is, as a rule, a bench or two, a few pots or jars, but usually no chairs and no bed. The clothes are hung upon nails, and there is no such thing as a bureau or washstand. There are also no tables and no carpet or matting. The benches are often nothing but a solid log upon which the people sit. It may be stated as a rule that the cost of all the articles in an ordinary peon's hut is not above $10.

"Practically the only decoration ever seen consists of the colored lithographs of American advertisers, sometimes in Spanish, not usually in English. In one room visited the decoration consisted of 50 or 60 copies of a small colored lithograph issued by an American manufacturer of soap.

"In the cities the housing conditions are probably worse upon the whole than they are in the country. The inhabitants of the country have at least the advantage of fresh air. In view of the aversion of the average Porto Rican peon to currents of air, and especially the night air, the lack of completeness with which his house shuts out the air is perhaps a blessing in disguise.

"The housing conditions in the worst section of San Juan are almost indescribably bad. While a considerable reform has been effected since the American occupation, especially in the matter of sanitation, the conditions even now are extremely evil, and in some respects worse than in the worse habitations in our American cities. In a number of houses which were visited in the course of this investigation it was noticed that habitations which had originally been intended for two or three families had subsequently been converted into rude tenement houses. The available space was poorly utilized, the halls being wide, the buildings low, and much expensive ground partially wasted. Nevertheless these homes, by reason of exorbitant rents which have increased greatly during the last six or seven years, bring in as much as $200 or even $300 a month, and this money is usually sent to Spain, where as a rule the absentee landlord resides.

"The invasion of Porto Rico by Americans, and the infusion of American ideals into the life of the people have led to some slight changes in the attitude of the people toward work and toward the worker. The sons of rich plantation owners are becoming more willing to enter lucrative careers, though the professions are still unduly preferred over agriculture and business. The

Americans have, moreover, tended to strengthen somewhat the position of the workingman by giving him a vote, by defining his position before the law, and by recognizing to a less extent than did the Spanish the difference between the employer and employed. Nevertheless, even at the present moment it is quite clear that the social and economic position of the Porto Rican worker is low, that he is held in small esteem, that there is a contempt for his work—a contempt not even disguised by conventional phrase—and finally that the economic power and the political influence of the workingman are extremely small.

"To a considerable extent the former relationship between employer and employee was conventional rather than contractual, being upon the basis of a patriarchal and more or less benevolent despotism on the part of the employer rather than a free relation entered into by a contract between approximately equal parties. Wages were fixed largely by custom and were fairly uniform in any given district for the same industry. These wages, moreover, were only partly in money, being supplemented by the grant of free lodging and often by other gifts or grants.

"The condition exists to a greater or less extent in the island at the present time, although within recent years, and especially since the agricultural strikes, the patriarchal attitude of employer to workingman is giving way and is being displaced by a very different attitude based on a more purely contractual relation. The attitude of the employers at the present time is to secure labor as cheaply as possible, and of the workingman to obtain all the wages which he can possibly secure."

Chairman WALSH. Now, you give us that as 1905. Do you claim that is still the same situation?

Mr. IGLESIAS. Yes; very likely at this time. It is the final and the best report that has been made upon Porto Rico.

Chairman WALSH. I see you have another piece marked that I want to read into the record. [Reading:]

"The programme which the American people must carry out in order to live up to the theory under which the island was acquired and to improve the conditions of the laboring and other population of the island, is necessarily an extensive one. If the condition of the people is ever to be raised to a standard at all comparable with that prevailing in the United States, the people must be educated and the sanitary conditions improved, civil and political rights guaranteed and extended, and the condition of the workingman amply protected by law. The American people should recognize that they owe a duty to the Porto Ricans, and that they can not permit the welfare of the population for which they have accepted responsibility to be determined by accident or by conflicts of interests. The American people must, if they are to raise the standard of Porto Rican peons, continue to prosecute the work of education upon the island, no matter how severe the financial drain. It is equally essential to carry out a programme of sanitation which will guarantee to every Porto Rican infant the chance to live its allotted life.

"The power of Porto Rican peons to insist upon fair and reasonable conditions of labor is, and for decades if not for generations will continue to be, far less than that of the workmen of the United States, or of the countries of western Europe. It is not probable, under present conditions and without the benefit of progressive education, that the peons of the country will be able to obtain more favorable terms of employment and more reasonable conditions of labor without the intervention in some way of the governmental authority. The demands of the peons for better conditions of labor will be in direct opposition to the interests of those who may insist that they are of a low type, just as their demands for education may be opposed on the ground that their work must remain unskilled.

"If, by means of education, by means of improved means of communication, by means of a free press, and of assemblages and meetings and conventions, and of fairs and entertainments that will bring the people together, the standard of living of the men, and especially of the women, of Porto Rico, is once raised; if the demands on life made by this people become sufficiently great to prevent the population from assuming marital responsibilities with its present recklessness; if, moreover, the resources of the country are exploited more wisely and the peon himself be assured of the ownership of at least a patch of land and be taught to utilize it economically, the conditions of life and labor of the great mass of the Porto Rican population may be permanently improved. Such an improvement, however, will be difficult and slow, and will be evident

only as measured by decades or generations, and not by years. If, however, the island be utilized merely or primarily as a means of providing opportunities for investment and commercial exploitation by American citizens; if the policy of educating the people be held up on account of its expense and alleged uselessness; if the standard of living of the people be not raised, the condition of Porto Rico and of the Porto Rican laboring class after one hundred or two hundred years will be no better than it was in the year 1898, when the sovereignty of Spain gave way to the dominion of the United States of America."

(Papers referred to containing, among other things, the matter just read by the chairman, are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 12.")

Chairman WALSH. Now, you were stating that the budget which provides for the appropriation for education, shows that the appropriation was cut down?

Mr. IGLESIAS. Yes.

Chairman WALSH. And it is cut down now. What is the proposed cut; from what point to what point?

Mr. IGLESIAS. From $700,000 or $800,000.

Chairman WALSH. Mr. Iglesias, the commission thinks that unless you have one or two more points, what you might call high points, that it would be well for you to submit this in writing for the record, the time being really so far advanced.

Mr. IGLESIAS. All right. I want to speak about the fires and the charges of incendiarism on the part of the workingmen.

Chairman WALSH. Yes.

Mr. IGLESIAS. One of the arguments of the employers that was sustained by the Government was to the incendiarism in the island.

Chairman WALSH. That is, it was stated here in one of the statements or one of the papers that after the meetings of the strikers had taken place that frequently fires were found to have occurred in the cane.

Mr. IGLESIAS. Yes. Now, I want to state this: In the first place fires in the cane fields have occurred all the time every year. Even if there was a strike or not a strike. Fires regularly happen in cane fields.

Chairman WALSH. And your statement is—did they break out at the same time?

Mr. IGLESIAS. And the proof——

Chairman WALSH. Or is it seasonal?

Mr. IGLESIAS. Yes, sir.

Chairman WALSH. Certain seasons?

Mr. IGLESIAS. Yes. It is proved that after the strike was over, you find here the reports from the police headquarters telling what fires have been occurring in the country and in the cane fields—reports from police headquarters published by the press containing the accounts about 15 fires that had broken out, and they read like this:

"At 5 a. m. the bells at the firehouse awoke the people, and it was evident that fire had broke out somewhere. We ran in the direction of Rosa Street and saw the house of Esteban Carduche afire. The fire spread from the first house to about nine more, almost all of which were insured. The house where the fire there originated was being repaired; we are not sure whether there was any insurance on the same, but the house next door was insured."

Chairman WALSH. That is the general tenor of those articles.

Mr. IGLESIAS. Now, I want to state that we have a report here from the district attorney of Mayaguez——

Chairman WALSH (interrupting). Have you got that?

Mr. IGLESIAS. He wrote a particular statement.

Chairman WALSH. He was the district attorney?

Mr. IGLESIAS. He was the district attorney.

Chairman WALSH. Did that refer to fires that occurred while the strike was going on?

Mr. IGLESIAS. Yes. In San Lorenzo, Nazuabo, Mayaguez, and Puerto de Tierra.

Chairman WALSH. And I understand the district attorney wrote an article stating that fires occurred in his district were largely fires in buildings set upon fire, or property set upon fire by the owners of the property because they had it overinsured?

Mr. IGLESIAS. Yes; and I have the paper, or I have the clippings, but I don't find them.

Chairman WALSH. Well, if you find them you can offer them in evidence, and if you don't find them at this time we will call for them, and you have them the first thing in the morning.

Mr. IGLESIAS. All right. Another case: Even if the cane fields burn, the owners don't lose anything. That cane has got to be ground, and the sugar is just the same. It means that the fire in the cane field is no loss at all. We have some manufacturers of sugar that used to put fire on their own canes in order to accomplish two things: First, to have the work of cutting the cane cheaper——

Chairman WALSH (interrupting). Yes; I understand. Besides, the burning of the cane field does not destroy the sugar in the cane.

Mr. IGLESIAS. No.

Chairman WALSH. And some employers do that instead of cutting the cane.

Mr. IGLESIAS. Yes. And sometimes when some kind of bug is going to injure the cane then they put the fire to it. When a colony that belongs to or have a contract with any of the manufacturers or sugar corporations, and when they want first to grind their cane, then they put the fire in.

Commissioner O'CONNELL. Don't want to let the other fellow get ahead of him?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. So he burns the place up. Is that a general charge, that occurs?

Mr. IGLESIAS. Well, it is nothing out of the ordinary times to see fire in the canes, nothing else. You put the fire in the cane field and get the workingmen and cut it out; cane may be six days or seven or eight days waiting for the grinding. Nothing is lost in the fire. But the employers, of course, get in the press statements that the fire was going on and the entire cane field and buildings being burned up; but a district attorney has proved it himself, and he states that in his court he has tried many people for arson, and he finds that it was thought insured houses and insured property more higher than property values.

Chairman WALSH. I see we have been over that. But in brief the workingmen have been charged with incendarism, but nevertheless——

Mr. IGLESIAS. But, nevertheless, no man has been found guilty—that I know. Some have been put in prison among the members of the strikers, but have been released again, with any——

(The translation of the newspaper clippings referred to by the witness are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 13.")

Chairman WALSH. No worker has been found guilty of arson, of setting them on fire?

Mr. IGLESIAS. No.

Chairman WALSH. But some were arrested during the strike charged with that, but are any of them still in jail and not tried?

Mr. IGLESIAS. No.

Chairman WALSH. All of them were released from jail?

Mr. IGLESIAS. Yes, sir; as far as I know. I don't know of any man that is in jail awaiting trial.

Chairman WALSH. Now, have you any other point?

Mr. IGLESIAS. Well, I would like to speak about the laws of Porto Rico, the labor laws.

Chairman WALSH. Then I will have to excuse you while I put Mr. Clark on the stand, a gentleman that we promised to let go. I will call you when we get through with Mr. Clark.

Mr. IGLESIAS. All right.

Chairman WALSH. Mr. Channery makes this suggestion, that Mr. Bills has the labor laws here, but there is some comment you want to make on them?

Mr. IGLESIAS. If he is talking about the local laws, all right, I will hear.

Chairman WALSH. But after the labor laws, have you any other point you want to bring up?

Mr. IGLESIAS. Yes, sir; the question of national legislation in regard to Porto Rico, and the laboring men there.

Chairman WALSH. All right, we will put you on before we put Mr. Bills on.

TESTIMONY OF MR. SANTIAGO IGLESIAS—Continued.

Mr. IGLESIAS. I want to refer now to the national legislation.

Chairman WALSH. What were you going to call our attention to next, Mr. Iglesias?

Mr. IGLESIAS. I was going into the national legislation question, and I want to put into the record another document.

Chairman WALSH. This refers to the petition for a writ of habeas corpus, presented to the supreme court of Porto Rico, May 7, 1915, on behalf of the 26 prisoners that had been sentenced in connection with the strike. It contains the reasons why the prisoners claim their release, and also contains the brief upon the law upon the subject as contended for by the petitioners?

Mr. IGLESIAS. Yes, sir.

(The matter referred to by the witness is printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 14.")

Mr. IGLESIAS. And I wish to file an entire list of agriculturists and manufacturers in Porto Rico and the paper that shows the prices that have been paid for sugar for the last five years. There are two papers.

(The papers referred to by witness entitled "Comparative Statistical Report of Sugar Manufactured in Porto Rico from the Crops of 1909, 1910, 1911, 1912, 1913, and 1914," published by the Government of Porto Rico, and a chart showing the "Weekly Quotations of Sugar for 1912–1913," by John C. Pudney, 17 Battery Place, New York, were submitted in printed form.)

And some photographs giving an idea of the so-called agricultural work in Porto Rico.

(The photographs here referred to by witness were submitted.)

You have already heard there was a bill intended to create compensation for the workingmen. It was in the legislature for several years. Now, the lower house passed about two times a bill that was regarded as too radical by the employees, and just last year, the last session of the legislature, Mr. Travieso, I think, the last part of last year, introduced another intending to create another compensation law. It has an insurance scheme in it. The speaker of the house has another bill to be regarded as the workmen's compensation, without any insurance scheme. The lower house has passed before that kind of a bill. Mr. Travieso, being a member of the upper house, appointed by the President of the United States (composed of 11 members), owing to a request made to Mr. Travieso from the Labor Federation and to the speaker of the house to be kind enough to give us some oral information as to the difference of the bills in regard to compensation law. Mr. Travieso answered that he was willing to do that sometimes and he wrote two letters to the secretary of the federation promising that he would give a conference to the representatives of labor, but on December 23 he informed that he could not do that, and then refused, giving his reasons for refusing, and the reason was first that he was not able to give such information in regard to his bill previous to introducing it in the council; after which we requested again, and he replied he could not do that. The same thing was tried to the speaker of the house, and the speaker of the house answered this letter that is translated into English.

Chairman WALSH (reading):

"Answering your communication of December 20, I am pleased to advise you I shall again introduce at the next session of the legislature the bill on compensation to laborers for accidents sustained during their work.

"Relative to the difference between the bill of Mr. Travieso in the executive council and one introduced by myself in the lower house, there is but one important difference, namely:

"In Mr. Travieso's bill the compensations are to be paid from an insurance fund created by the laborers themselves, who are to pay out therefore part of their wages by the employer and the people of Porto Rico, whereas in my bill the compensation is to be paid out by the responsible employer alone; no objection would be made if the employer chose to take out insurance policies for his men. The remaining provisions of Mr. Travieso's bill have practically been copied from mine, which I presented at the House of Delegates in the name of the commission created for studying the bill.

"I have just caused a copy of Mr. Travieso's bill to be sent to me. I desire to look it over again to see, after which I shall be pleased to communicate my impression with you again in regard to the conference you desire to have with me, as per your letter.

"Very sincerely,

JOSE DE DIEGO,
"Speaker of the House of Delegates."

Mr. IGLESIAS. There was a difference between the lower house and the upper house, and consequently no labor laws passed; but, nevertheless, I heard the lawyers of the big corporations, like the Guanica Central, and others told me

that even the bill of Mr. Travieso or Mr. de Digo would be opposed, and they were assured they never would pass and could not have such a compensation law. As to the question of petition of several labor unions all over the country, the agricultural unions, they claimed that a great corporation had in their hands thousands of acres of land that belonged to the people of Porto Rico, and the poor laborers, they had no land or no lot to be possesed by themselves. I have heard an estimate from the secretary of the interior given to us—it was given to the lower house first.

I have a paper in regard to the holding of property lands by the corporations in Porto Rico without paying anything to the people of Porto Rico. They have in their hands thousands of acres of land when the poor peons haven't a square meter, and we have protested before the Government, and you will find a letter from the secretary of the interior giving some information in regard to the big corporations having in their hands thousands of acres of land without paying anything to the people of Porto Rico for its own property; and just at this time is occurring the same thing and the poor peons live on the lands that belong to the people of Porto Rico, and they are being thrown out when the proprietors want to do so in time of strike.

(The letter referred to by the witness is printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 15.")

In some instances hundeds of acres of land have been granted to a corporation when the poor people have not even a small lot.

On account of this protest against those conditions the legislature passed a kind of a law intending to remedy in some way those conditions and perhaps in regard to such a law your commission will have something to present to the representatives of the Government.

Two important things have been protested against by us. Two or three years after the occupation by the American troops there an attorney, called by name Harlan, went there, and he found that hundreds of children and couples living in the country were living together without getting married. That was on account of the great distance to come to the town to get married.

Commissioner O'CONNELL. Did they live together without getting married?

Mr. IGLESIAS. Yes. And the Catholic priests charged too much for a marriage, and they have no money to get married, and consequently they come together and live together and have children and live so 14 or 15 or 25 or 30 or 40 years. And this attorney saw that the best thing to do was to legalize those unions and then have a law passed which our legislature called the "common-marriage law," and in that way all those children, all those couples, the children of those couples became legalized. But what occurred was that many children that have their rich fathers when the law was appealed to and the mothers asked the fathers to give them money some of the lawyers having cases of that kind came to the legislature and succeeded in repealing the law, because they didn't want the law to force the rich fathers to recognize their sons and take a part of their inheritance and property to maintain them.

Commisioner O'CONNELL. They disfranchised them again?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. They took away that advantage which had been given them?

Mr. IGLESIAS. Some cases had been granted. The fathers under that law had to take care of those children and recognize them, and the children, in case of the death of the father, had the right to ask for a part of the property of the father.

Commisioner O'CONNELL. That law was repealed?

Mr. IGLESIAS. Yes.

Commissioner O'CONNELL. Did that mean, for instance, that there had been been cases where children had been given property, and that that property was taken away from them?

Mr. IGLESIAS. Yes; that had been given.

Commissioner O'CONNELL. Was it retroactive? Did it work backward and take away property that had been given to the children?

Mr. IGLESIAS. No.

Commissioner O'CONNELL. It only applied to the future?

Mr. IGLESIAS. Yes.

Chairman WALSH. How long was that law effective?

Mr. IGLESIAS. Five years.

Chairman WALSH. And then it was repealed?

Mr. IGLESIAS. Yes; sometime ago.

An other matter we protested about: We have a law to prevent in many ways the seduction of our girls, or, at least, to make responsible those who were guilty of seduction. We have a law there which compels a man there who seduces a girl to get married or go to jail, but now that law was reformed some way that no father can get a remedy under the law unless he has some corroborative evidence that makes the charge good for the girl. And, also, that law was changed and reformed in such a way that poor people can not have relief in many instances, chiefly in the case of the country people. Now, we have, since the United States took Porto Rico, asked for recognition as citizens of the United States. You may know that we are at this time nothing; we are citizens of Porto Rico, but Porto Rico is not a nation and has no organization as a nation, consequently we belong to the United States; we are a part of the United States but we are not citizens of the United States. We have been asking for years for our citizenship, and it has never been given to us. We are administered in a certain way; the governor can be a good ruler or not, according to the character of the man and according to the honor and the will and the sentiment of the man.

The people have the right to vote to elect the legislature, but the voters in Porto Rico are, about 60 per cent of them, controlled by the masters and the corporations in Porto Rico. In consequence, we have an organic law that means our constitution.

Chairman WALSH. At this time the commission is going to take a recess for 15 minutes, because we want to run later to-night and try to finish up.

(At this point a recess was taken for 15 minutes, at the conclusion of which Mr. Iglesias resumed the stand and his examination continued.)

TESTIMONY OF MR. SANTIAGO IGLESIAS—Continued.

Mr. IGLESIAS. I want to state, Mr. Chairman, in regard to citizenship, that I have two documents, a file of correspondence with Mr. Sampel Gompers, and a letter from Mr. George R. Colton, the ex-governor, in regard to the same matter, which refers to our position in regard to citizenship. I want these put into the record.

(The correspondence referred to by witness and the letter from Gov. Colton are printed among the exhibits at the end of this subject as "Iglesias Exhibit No. 16" and "Iglesias Exhibit No. 17," respectively.)

Also, here is a report of a hearing before the committee on the Pacific Islands and Porto Rico of the United States Senate, which I also want to put in the record.

(The document referred to, entitled "Citizenship of Porto Ricans," dated May 7, 1912, Washington, D. C., was submitted in printed form.)

Also, a report on hearings before the Committee on Insular Affairs of the House of Representatives.

(The document referred to by the witness, entitled "A civil government for Porto Rico," dated Feb. 26, 28, and Mar. 2, 1914, Washington, D. C., was submitted in printed form.)

Here is also a pamphlet, being a report of hearings before the Committee on Insular Affairs of the House of Representatives, referring to a bill proposing to create a department of agriculture and labor in Porto Rico, the head of which shall be a member of the executive council of Porto Rico.

(The document referred to, entitled "A department of agriculture and labor in Porto Rico," dated May 2 to 4, Washington, D. C., was submitted in printed form.)

I also want to hand you the annual report of the Secretary of War, 1911, dealing with the Porto Rican affairs, citizenship, etc., from which you will see that in some ways the Government officials in Washington agree in many ways with our petition.

(The document referred to by the witness, entitled "Annual report of the Secretary of War, 1911," dated Washington, D. C., Dec. 4, 1911, was submitted in printed form.)

Chairman WALSH. What became of the proposed legislation that was being discussed at that being discussed at that hearing?

Mr. IGLESIAS. All was lost, year after year, for 13 years. Well, the citizenship and general bill has passed the House twice, but when it went to the Senate it did not hold.

I call the attention of the commission to this pamphlet, the message of the governor of Porto Rico. This is the first message, and is addressed to the legis-

lature of Porto Rico by Gov. Colton. You will find in this message to the Legislature of Porto Rico the true conditions of the entire people of Porto Rico, and especially workingmen, and how this governor and representative of the United States intends to do as much as he can in favor of the masses of the people there.

(The document referred to, entitled "Message of the Governor of Porto Rico to the Seventh Legislative Assembly, First Session, January 13, 1913," San Juan, P. R., was submitted in printed form.)

In the previous four years more labor laws were passed and more fair dealings in regard to the workingmen.

Then, here is a pamphlet I want to introduce into the record, entitled "Porto Rico's Case and the Tariff Bill," which is mentioned in regard to the economical conditions of Porto Rico, and are set forth in this book by a commission appointed by the governor and the Legislature of Porto Rico to appear before the Senate Finance Committee, in order to argue in favor of the protection of sugar, and you will find here in this book all the figures in regard to the subject. It tells the course about the conditions in regard to education, etc., from 1901 to 1914; all through those years the condition of education has arisen a little, always up and up every year, to benefit the condition of the masses of the people in that respect, and certainly have improved, but in one year, this year of 1914 to 1915, more than $700,000 was cut off from the education fund. I had not intended to make any criticism of any money that has been given in favor of education.

(The document referred to by the witness was entitled "Porto Rico's Case and the Tariff Bill," dated Washington, D. C., May 17, 1913, and published by the Porto Rico Official Economic Commission, was submitted in printed form.)

Here is another special message from Gov. Colton in regard to weights and measures, intending to defend the poor people from being cheated out of their rights.

(Printed pamphlet submitted, entitled "Special Message of the governor of Porto Rico to the Seventh Legislative Assembly, Extraordinary Session, July 5, 1913. Weights and Measures.")

And you find here in this pamphlet the full report of this bureau of weights and measures that was created on account of the recommendation of the governor, and you will find in the pictures of many weights and measures that were taken that were false in many instances.

(Printed pamphlet submitted, entitled "Guberno de Puerto Rico. Oficina del Secretario Negociado de Pesas y Medidas. Eduard J. Saidaña, Jefe. Primer Informe Anual del Negociado de Pesas y Medidas. Enero 1, 1915. San Juan, Puerto Rico. Negociado de Meteriales, Imprenta y Transporte. 1915.")

Nevertheless, representatives of the people who have protested against this thing have been put in jail in many instances. The governor has a chance to call those things by their proper names, but our people had to go to jail for repeating the same thing that the governor—Colton—said.

Now, here is the last annual report of the governor, and you will find how much profit there has been along economical lines. This administration paid more wages and gave more guaranty to the workman by giving more help to them.

(Printed pamphlet submitted, entitled "Extracts from the Annual Report of Hon. George R. Colton, Governor of Porto Rico, for the Fiscal Year Ending June 30, 1912. Published by the Commercial Agency of the Government of Porto Rico, 569 Fifth Avenue, New York, N. Y.")

You will see that there was a rise in money from thirteen millions a year in the commercial business of the island to ninety-five millions and a rise in the value of property from eighty millions to one hundred and seventy-two millions, but notwithstanding that the wages of the working people at this time are lower than when the American occupation began, and when these people organized and went on a strike the police beat them and incarcerated them and killed them. The condition of the workmen of Porto Rico can be seen from this action, but you gentlemen of the commission can not recognize how they are living. None of the cotton workers of the South are living under the conditions of the Porto Rican workers. The same people and the same agricultural workers that you pay in Florida $1.25 for the same sugar, and where the land is not near so good for raising sugar as it is in Porto Rico, yet in Porto Rico they pay only one-half of the wages that the working people get here for the same kind of work. The corporations there are making money, at the rate of more than

27 per cent on their investments, and the Tobacco Trust now at this time controls the whole business of Porto Rico and is making easy money, and so the Sugar Trust. We have a law—our organic law—stating that no corporation shall have more than 500 acres of land. Nevertheless corporations there control 50,000 acres of land—some 25,000 acres, some 20,000 acres, of land. When they control as much as that they go to Santo Domingo and send agricultural products to Porto Rico, and I do not know under which law they have the right to bring cane from Santo Domingo to Porto Rico.

We have a law in Porto Rico granting the permission to agricultural concerns to import seeds from other parts of any foreign country, and those corporations are importing cane and coconuts, and other things are coming into Porto Rican harbors, being sent in as "seeds." That is the way this kind of business has been done by the corporations.

The lands of the people of Porto Rico are being owned by the corporations there, and the Government, as shown by the last message, of the actual governor, has announced the same thing and asked the legislature to do something in the way of retaking these lands from those corporations, but nothing has been done by the legislature. The governor recommends that a commission be appointed in order to ascertain how many acres of land are in the hands of the corporations, and nothing has been done in that particular respect.

I have a letter from the commissioner of education giving us the first information, on our requests—he says that in the last two months they lost 288 teachers in the school in consequence of the reduction of the budget, and those teachers had to get out from the school. Our training schools have been suspended under the argument that the working people do not need much to be in touch with that education or to learn how to do a thing at home, or how to dress, or how to buy things, or how to live. This kind of education, a certain kind of vocational training, has been shut down, and consequently the idea is to maintain the working people and the masses of the people in a serf condition.

(See Iglesias Exhibit No. 18.)

I have here an article which I took from my paper, and I want to introduce it into the record. It is a short story of the conditions of the laboring women down there.

Chairman WALSH. What is this from?

Mr. IGLESIAS. From my paper. I wrote it myself, and I want it to go into the record. That shows the condition of the working women there in many instances.

(Newspaper clipping submitted, entitled "The Labor Women in Porto Rico—Misery and Exploitation." Name of paper and date not given.)

Chairman WALSH. Just proceed.

Mr. IGLESIAS. I am going to submit articles calling for a congressional investigation. This is in Spanish, and I will send it to you in English.

(Newspaper clipping submitted, entitled "Congressional Investigation Needed in Porto Rico." Name of paper and date not given.)

The laws of immigration of this country, except Porto Rico—some provisions of the law to be applied in Porto Rico—when we have enough labor there, plenty of labor. But there has been the action of some invisible influences working against Porto Rico. Almost every Federal law that you find to protect in any way you will find the exception of Porto Rico. Hawaii—that means the sugar enterprise—we call the attention of the commission to recommend that Porto Rico be placed on the same footing as the workingmen of the United States are in the question of immigration or any law helping working people of Porto Rico.

Chairman WALSH. You want the same laws applied to the working people of Porto Rico as apply to the people of the United States?

Mr. IGLESIAS. Yes, sir. That is the best way to make true American citizens.

Here is a copy of the intended bill of the new organic law for the Territory. It has been in our congress for the last two years and intended to be reintroduced in the next.

(Printed document submitted entitled "A comparison of H. R. 14866, a bill to provide a civil government for Porto Rico, and for other purposes, and the act of Apr. 12, 1900, known as the 'Foraker Act,' and acts and resolutions amendatory thereof, now forming the organic law of Porto Rico. Washington, Government Printing Office, 1914.")

I just want to be through in a moment, declaring that we are in accord with everything said by my colleague, Mr. Martinez, and in the conclusions I have a

report of Dr. Wiley (Weyl) for 1905, truly and correctly stating that the need of the Porto Rican people, is first, education—education, no matter how much it costs. We are now 66 per cent who can not read nor write. And then, to protect their freedom, let the people have the chance to speak among themselves in the streets and rural places and in the halls and in other places, to give them the free speech, to maintain the rights—constitutional rights, of the people; to treat the people there as men, as human beings.

We have about 1,400 persons, or more than 1,400, in the jails in Porto Rico, in the penitentiary, and you never will find a rich man there, no commercial man, no business man—not a man that has something in his hands to defend himself, no matter what a criminal he is. He may be a criminal, he may rob, he may take papers from the courts and do many things he wants and never will he go to jail—never, never, never!

And in that way I request from you, gentlemen.

Chairman WALSH. We excuse you and are obliged for your testimony. Just remain in attendance, because either yourself or Mr. Martinez might have something to say when you hear other witnesses.

Mr. Bills, please.

TESTIMONY OF JOHN C. BILLS, JR.

Chairman WALSH. Now, Mr. Bills, I am going to ask you to help out as much as you can by being very brief, and yet exhaustive enough to cover all these subjects.

You have been given a list of questions, have you not?

Mr. BILLS. Yes, sir.

Chairman WALSH. I will just ask you the questions; or would you rather follow the questions themselves?

Mr. BILLS. Just as you like.

Chairman WALSH. Just read them and answer them if you care to.

Mr. BILLS. The fact is, Mr. Chairman, that most of these matters have been considered in our reports.

Chairman WALSH. Well, then, if when you get to those you give us the general thought of your report, the general consensus of your report, and refer us to it.

Your name, please?

Mr. BILLS. J. C. Bills, jr.

Chairman WALSH. What does the J. stand for?

Mr. BILLS. John.

Chairman WALSH. Where do you reside, Mr. Bills?

Mr. BILLS. San Juan, Porto Rico.

Chairman WALSH. How long have you lived there?

Mr. BILLS. Since September 1, 1912.

Chairman WALSH. Where did you live before you went there?

Mr. BILLS. I was in college and law school at Harvard, the last year.

Chairman WALSH. A lawyer by profession?

Mr. BILLS. I have studied law; I have never practiced law.

Chairman WALSH. Have you ever done anything except as a student? Have you worked any place?

Mr. BILLS. Yes; during my time in college I made a special study of social ethics and economics, and also did a great deal of social-settlement and welfare work; and for two years I had charge of the playground of the Providence Play Ground Association and newsboys' work at Boston.

Chairman WALSH. You were in the social-service profession before you went in the civic service?

Mr. BILLS. Yes; and I worked in the Civic Service House for four years under Mr. Bloomfield trainnig a class in public speaking.

Commissioner O'CONNELL. I understood you had been training labor leaders.

Mr. BILLS. The class was made up of local leaders, labor unionists, Socialists, and advanced thinkers in general.

Commissioner O'CONNELL. I imagine largely Socialists and advanced thinkers.

Mr. BILLS. No; a great many of the labor-union men were there for theoretical training.

Chairman WALSH. What is your position in Porto Rico?

Mr. BILLS. I have charge of the insular bureau of labor.

Chairman WALSH. First, I would like for you to state what your personal duties are and how much of a staff you have.

Mr. BILLS. Perhaps the best way to answer that is to refer to the law establishing the bureau of labor.

Chairman WALSH. We are trying to epitomize. How many have you on your staff?

Mr. BILLS. An assistant, two investigators or "inspectors," we call them, a stenographer, two clerks, and a messenger.

Chairman WALSH. Who is your assistant?

Mr. BILLS. Mr. Carmelo Honoré.

Chairman WALSH. All the rest are Porto Ricans?

Mr. BILLS. Yes, sir.

Chairman WALSH. What was Mr. Honoré's business before he went into the department of labor?

Mr. BILLS. He was in the postal department, Federal postal service, at Mayaguez; and before that a contractor, working his way up from an ordinary carpenter.

Chairman WALSH. What were the investigators?

Mr. BILLS. I ought to state also that Mr. Honoré was, until about a year ago, a member of the Free Federation and was while a carpenter in Mayaguez one of the local leaders.

Of the two inspectors, one, Luis Baviera, was a local leader of the Free Federation at Corey and a cigar maker. The other, Alejandro Escales, was a cigar maker and, I believe, a vice president of the Free Federation. Both of those men came into the bureau of labor under the civil-service examination, being the highest men that took the examinations.

Chairman WALSH. What is the general attitude of the Porto Rican employees toward organized labor?

Mr. BILLS. Porto Rican employees generally know very little about organized labor. Mr. Iglesias made the statement here that there were 15,000 organized men. Now, according to the documents which he has given us, the last one being within the last four or five months, showing the names of unions and towns in which located and their membership—I haven't them here, unfortunately, but I remember that the membership was between three and four thousand.

Chairman WALSH. You think Mr. Iglesias is probably incorrect in his figures?

Mr. BILLS. Either one way or the other; I don't know. I am very certain there are not 15,000 organized men.

Chairman WALSH. What would you say from your studies in this country before you went there, as applied to everyday conditions, as to whether or not organization seems or does not seem to be necessary?

Mr. BILLS. I think it is very necessary. And I would like to put myself on record as being most emphatically in favor of the principles of organized labor and the work that has been accomplished in this country through organized labor; and whatever I have to say in the way of criticism, if I am called on to give concrete information, is not in any way against organized labor or against the leaders of it, but against what, to my mind, is the inefficiency of the organization in Porto Rico.

Chairman WALSH. Now, Mr. Iglesias mentioned two other organizations. Just describe, first, the Free Federation of Labor. Is that about what the regular trade-union is in this country, and are those other two what are known in this country as employers' organizations of labor, or what might be called fake organizations?

Mr. BILLS. The Free Federation is a real labor organization.

Chairman WALSH. What about the other two?

Mr. BILLS. The other two I don't know. This is the way I came in touch with the Leagua Obrera. This is the one in which the governor's name and my name appear as honorary members. About a year and a half ago I received an invitation to attend their convention. I attended that convention and spoke. It was a very educational sort of convention. Their by-laws provide for educational advancement. About a week or so later a delegation of that organization came to my office with a big written document and some seals on it and notified me that I had been chosen an honorary member, and I know also the governor was made one.

Chairman WALSH. Did you pay any money?

Mr. BILLS. No; never paid a penny.

Chairman WALSH. Did you notice its literature afterwards?

Mr. BILLS. I heard the letters read here from the Federacion Regional and from the Leagua Obrera, but this literature was sent out since I left the island, and I shall certainly remove my name from that letterhead.

Chairman WALSH. Do you know anything about the details further of those two organizations?

Mr. BILLS. Why, I know this, that we were planning a bulletin on labor organizations in Porto Rico, and we sent out communications to all the various labor groups, and stated that we would print nothing unless they would give us actual proof that their members were paying dues. The Federacion Regional refused to show us the papers. The inference is that they do not pay dues. The Leagua Obrera gave us proof that they had about 30 members—30 or 35 members—paying dues.

Chairman WALSH. Well, then, you would not look upon those as legitimate organizations?

Mr. BILLS. Not as legitimate labor organizations; that is, they have not the power to do anything. Of course, they do some educational work among their members, probably.

Chairman WALSH. Is that the only reason, Mr. Bills, for thinking that they are not legitimate, that they have not the power?

Mr. BILLS. Why, I have no proof that they are not legitimate, except these letters which I heard read here to-day.

Chairman WALSH. Your attention had not been called to that before?

Mr. BILLS. Had not been called to that before.

Chairman WALSH. What is the general attitude of the Porto Rican employers toward organized labor?

Mr. BILLS. I think the attitude of the Porto Rican employers toward what is known as the American Federation of Labor is very similar to the general attitude here. That would be my impression.

Chairman WALSH. Just what is their attitude.

Mr. BILLS. Some favor it and some do not.

Chairman WALSH. Now, what do you see of the large employers, American manufacturers in the island, that you say would favor it?

Mr. BILLS. Why, I have talked with individual employers who expressed a belief in the principles of labor organization.

Chairman WALSH. Well, who were they, if you recall the names?

Mr. BILLS. I have talked with a good many. I talked with some officials at the head of the Porto Rican American Tobacco Co., who spoke favorably of organized labor.

Chairman WALSH. Well, if there is no objection, just state their names.

Mr. BILLS. I am not sure enough of the ideas of the particular individuals with whom I talked.

Chairman WALSH. Does that one tobacco company, that Porto Rico American Tobacco Co., control the production of tobacco in Porto Rico?

Mr. BILLS. Now, that I couldn't say.

Chairman WALSH. Is it popularly supposed to? You heard the statement that Mr. Iglesias made here that the Tobacco Trust did control practically all the production of tobacco in the island?

Mr. BILLS. Of course, the Porto Rico American Tobacco Co. owns nearly all of the large cigar factories. They also produce a great deal of tobacco. They manufacture there and they export a great deal of tobacco.

Chairman WALSH. Well, you heard the statement of Mr. Iglesias with reference to the fact that there was a law limiting the acreage of any one corporation to 500 acres, but that the law is not observed, and that they know it.

Mr. BILLS. That is a part of the Foraker Act, the organic act under which Porto Rico is governed.

Chairman WALSH. Well, is it violated that way?

Mr. BILLS. I don't know; I have no proof at all.

Chairman WALSH. Is it popularly supposed to be?

Mr. BILLS. I have heard many people say that it is violated.

Chairman WALSH. Well, in your investigations through your department, do you find this same company does operate large tracts of land—more than 500 acres?

Mr. BILLS. Most of the tobacco, I believe—this is an aspect of the business in which I have made very little investigation, but most of the tobacco, I believe which this company uses is produced by independent farmers, the company advancing money to them to finance their crop and then buying the crop in the end.

Chairman WALSH. Does that seem to be a legitimate arrangement or a subterfuge to avoid this law that——

Mr. BILLS (interrupting). I should say that was a legitimate business arrangement.

Chairman WALSH. If it be true that they do operate, or that any one company owns or controls land greater in acreage than 500 acres, you don't know of it?

Mr. BILLS. I don't know of it; no.

Chairman WALSH. In the principal industries of the island, please outline briefly the wage scale and the length of the workday.

Mr. BILLS. We have stated those in our report.

Chairman WALSH. Well, epitomize it, if you please.

Mr. BILLS. Coffee, at the present time, from 30 to 40 cents a day; at present, male labor.

Chairman WALSH. And how long do they work; how many hours per day?

Mr. BILLS. Why, from 9 to 10 and 11 hours a day. Sugar, the average before the strike was, I think, according to our figures, 54 cents. That has been increased, as the result of the strike, to something like 68 or 69 cents; and they also work 9 to 10 hours a day.

Chairman WALSH. Is that regarded in that country as a living wage for a man?

Mr. BILLS. It is a living wage, Mr. Chairman, under the standard of living which obtains there.

Chairman WALSH. I notice one of those reports said that as a rule the working people were anemic and underfed.

Mr. BILLS. The hookworm has devastated the laborers, especially those of the interior, for years. During the past 10 years or so the Government has waged a campaign against it, Dr. B. K. Ashford discovering the disease there. If I remember correctly, his first investigations showed that the working efficiency of the laborers in the interior was approximately 50 or 60 per cent of normal, due to the fact that their blood was not strong, but that had improved to 70 or 80 per cent last year. Still there is a great deal of hookworm, especially in the interior. As to being underfed, Mr. Chairman, I have never found a starving person in Porto Rico. Their food is extremely simple, the result of poverty; but they are a hospitable people, and when one man has no work or food and another man has, the latter assists the former. And we must, it seems to me, in a study of conditions in an island like Porto Rico, bear in mind the fact that many of the native fruits and vegetables are very nutritious and very cheap.

Chairman WALSH. Please describe the housing conditions of the agricultural laborers; the cost of the houses first.

Mr. BILLS. I also have a very exhaustive report on that.

Chairman WALSH. About how much are they? Give it to us as we go along, and it will help us.

Mr. BILLS. I would say that it would take the average agricultural laborer four to six days to build a house. The material that is used in that house is mostly given to him by the employer. He erects his own house. Perhaps the boards used in the floor may be worth two or three dollars. The house as a whole—I would agree with the figures of Dr. Wiley—is worth ten or fifteen dollars.

Chairman WALSH. The house is worth ten or fifteen dollars; are they one room?

Mr. BILLS. Two rooms, with a half partition between them. The roofs are thatched with grass. The sides are leaves of the royal palm. They are raised from 6 inches to 2 feet above the ground, and the floor is of boards and pieces of soap boxes.

Chairman WALSH. The sanitary arrangement, if any?

Mr. BILLS. Of course, in this I am speaking of the masses of the agricultural laborers—not those that are living in plantation houses—and among this class of people there are very few sanitary facilities.

Commissioner O'CONNELL. What about the cities, outside of the agricultural districts, the house rent in towns?

Mr. BILLS. The plantation houses are built of wood and zinc, with from two to three rooms, and are worth from one hundred to one hundred and fifty dollars. They are always, practically, provided with outhouses.

Commissioner O'CONNELL. Do they charge rent for them?

Mr. BILLS. No; they charge no rent, the one condition is that the laborer shall work for the employer when he is wanted.

Chairman WALSH. That the laborer shall work for the employer; what does that mean, that the work is seasonable?

Mr. BILLS. The agricultural work is seasonable.

Chairman WALSH. These people that you say get 30 to 40 cents a day, do they have employment the year around at that?

Mr. BILLS. Probably not. The housing conditions in the town, we have in main two classes of houses—the tenement, somewhat similar to the tenements here in the States; many are old brick structures, with very poor means of ventilation. The sanitary conditions have improved vastly in the last three or four years, but there is still room for improvement. The second class are shacks.

Commissioner O'CONNELL. I notice in your report filed here by Mr. Iglesias, showing the cost of these houses and the income, etc., the per cent apparently is enormous, over 100 per cent?

Mr. BILLS. These figures were compiled very carefully, and compiled by myself.

Commissioner O'CONNELL. I saw 149 per cent.

Mr. BILLS. One hundred and thirty-nine per cent, from 20 per cent up to that. That refers to Puerta de Tierra, a laborers' quarter and a suburb of San Juan.

Chairman WALSH. Give us some typical family budgets of laborers, as of laborers in the country.

Mr. BILLS. The bureau of labor is now working on a report on the cost of living, and I have many family budgets. I would say that the average family has $2 or $3 a week for food, and clothing costs perhaps an average of 50 cents.

Chairman WALSH. Is that per man?

Mr. BILLS. Per family.

Commissioner O'CNNELL. What clothing do they have. The pictures we saw show them without shoes and without covering, really, of any kind, really, except possibly trousers.

Mr. BILLS. The laborers of Porto Rico, the poor inland laborers of Porto Rico—there are various classes of laborers—as a class do not wear shoes. They always wear trousers and undershirts and outer shirts.

Chairman WALSH. Do they ever wear drawers and shoes?

Mr. BILL. Generally drawers, I would say, almost universally, and a straw hat. The clothing in the inland section is purchased out of the income of the entire family, obtained during the coffee-picking season, when the wife and children are employed and the income is increased. It frequently is $20 or $30 a week, during the two or three months of the busy season. I would say also the increase in the use of shoes has been tremendous. I believe, this is a general statement, that the majority of laborers in Porto Rico own a pair of shoes. But they don't wear them when working, partly from poverty and partly because they are not in the habit of wearing them.

Chairman WALSH. Have you some typical budget on the tobacco laborers?

Commissioner O'CONNELL. First, you say they are making $20 or $30 a week? How long is the season?

Mr. BILLS. From the middle of September to the last of December, in the coffee season.[1]

Commissioner O'CONNELL. That is about two months?

Mr. BILLS. About three months, and the busiest part of that in any one section covers probably about two months.

Commissioner O'CONNELL. Then there are those that would not be employed after two months?

Mr. BILLS. Women and children are practically not employed at all in coffee except during the season.

Commissioner O'CONNELL. Then the 10-months' salary, or the 9 months', as the case might be, of the family decreases after two or three months' employment of the total family and becomes simply the earning of the man?

Mr. BILLS. Of the male.

Commissioner O'CONNELL. And that averages what? How much employment does he get per year?

Mr. BILLS. It has been impossible to get complete statistics on those things.

Commissioner O'CONNELL. He is not steadily employed the year around?

Mr. BILLS. It is probably true that one-half of the men in that section, during the rest of the year, are not employed more than one-third or one-half of the time.

Commissioner O'CONNELL. And the rest are employed how much?

Mr. BILLS. Steadily, the best men.

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[1] NOTE.—Twenty to thirty dollars a week is exceptional. The average weekly earning of a family of four or five members during the busy season is between $10 and $15.—J. C. BILLS, Jr.

Commissioner O'CONNELL. And the one-half that are not employed live on the generosity of the men that are employed?

Mr. BILLS. In the coffee section of the island.[1]

Chairman WALSH. On what account are women and children engaged in industrial pursuits in the agricultural line?

Mr. BILLS. In the picking of coffee and the fertilizing and picking, in some divisions, of tobacco, and in a few sections of the island in lighter work in connection with sugar, and in some cases in picking fruits and washing and packing them.

Commissioner O'CONNELL. What are the sanitary conditions when they are working, the women and children, in the coffee fields?

Mr. BILLS. A coffee field is a hillside covered with bushes from 10 to 15 feet high and shade trees above that, and it is outdoors.

Commissioner O'CONNELL. Do they get far from their homes in the field, where they live? In other words, do they get so far away that they have to stay away from their home for a while, in connection with coffee fields?

Mr. BILLS. Not overnight.

Commissioner O'CONNELL. They all get back to their homes nights?

Mr. BILLS. Yes, sir.

Chairman WALSH. Do men and women work together in those fields?

Mr. BILLS. Yes, sir.

Chairman WALSH. Now, we had a situation presented to us in California in the hop-picking fields which looked like it might need correction; that is, the toilet facilities there. There were none there, and complaints were made that men and women working that way together, that they should be provided.

Mr. BILLS. Of course toilets are not provided by law in the fields.

Chairman WALSH. In the coffee fields it is just like they are in the hop fields; that they have no toilet arrangements; that they have to go under a tree or bush?

Mr. BILLS. Exactly that.

Chairman WALSH. And how close are they together when they are at work; is it a concentrated proposition?

Mr. BILLS. No, sir; they are paid by piecework, so much per measurement.

Chairman WALSH. But do they work close together in the field?

Mr. BILLS. No, sir; they do not.

Chairman WALSH. How large are the fields?

Mr. BILLS. The coffee plantations are from 20 acres to several hundred acres.

Chairman WALSH. Take those of several hundred acres; how many men and women would be at work at one time?

Mr. BILLS. It depends altogether on the condition of the crop.

Chairman WALSH. Take a typical case, as closely as you can.

Mr. BILLS. One finca that I know of, with approximately 200 acres in it, and they had employed when I was last there, during the picking season, about 50 or 60 people—men, women, and children. Whether that is typical or not I don't know.

Chairman WALSH. What are those women and children paid?

Mr. BILLS. They are paid by the piece. They are paid anywhere from 8 cents to 12 cents a measure.

Chairman WALSH. What do they earn?

Mr. BILLS. They can pick from 2 to 3 measures a day.

Chairman WALSH. What do they earn in regular money?

Commissioner O'CONNELL. You say 2 or 3 measures in a day?

Mr. BILLS. Yes, sir.

Commissioner O'CONNELL. Of how many hours?

Mr. BILLS. Probably eight hours; perhaps longer.

Chairman WALSH. What are their earnings per week?

Mr. BILLS. An individual woman or child, or the family?

Chairman WALSH. The individual woman first?

Mr. BILLS. The pay rolls I have seen would give from $1.50 to $2.50.

Chairman WALSH. Per week?

Mr. BILLS. Per week.

Chairman WALSH. That is per woman?

Mr. BILLS. Per woman. Sometimes, of course, when coffee is plentiful they get considerably more.

Chairman WALSH. How much do the children earn?

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[1] Many of these laborers have small gardens. Others go to the sugar sections and work.—J. C. BILLS, Jr.

Mr. BILLS. About the same.
Chairman WALSH. How early do they go to work in those fields?
Mr. BILLS. About 6 o'clock.
Chairman WALSH. And how late do they stay?
Mr. BILLS. On an average they stay till between 12 and 3 o'clock.
Chairman WALSH. What is the minimum age?
Mr. BILLS. From 10 up.
Chairman WALSH. This gentleman that was on the stand said that some of them worked in the field that were 6 years old?
Mr. BILLS. That is contrary to law, and I have no evidence of that.
Chairman WALSH. Have you tried to look it up?
Mr. BILLS. Yes, sir.
Commissioner O'CONNELL. What is the minimum age?
Mr. BILLS. Ten years.
Commissioner O'CONNELL. Have you had any infractions or violations of the law or punishment under that?
Mr. BILLS. Quite a number.
Commissioner O'CONNELL. What is the punishment?
Mr. BILLS. From $25 to $100.
Chairman WALSH. Have you a report on that, showing the conditions?
Mr. BILLS. I have.
Chairman WALSH. Just indicate what report it is in?
Mr. BILLS. It is in the third annual report.
Chairman WALSH. Give a full description of your report.
Mr. BILLS. Third Annual Report of the Bureau of Labor of Porto Rico.
Chairman WALSH. Read what is on the back of it.
Mr. BILLS. I haven't it here.
Chairman WALSH. Did you submit it to Mr. Manly?
Mr. BILLS. I gave it to someone.
Chairman WALSH. Now, briefly state what are the laws regulating the employment of women and children.
Mr. BILLS. Women work 8 to 9 hours a day, not after 10 p. m., or before 6 a. m. Children under 14 and over 10, not more than 7 hours a day in establishments and 8 hours a day in agricultural work, and in order to work during school hours they must be provided with a special permit issued by the mayor showing that they are orphans, or their parents are unable to support them, and also with an age certificate. Children from 14 to 16 work the same hours, but have to have only the age certificate. The law provides that there must be from 250 to 400 cubic feet of air capacity where women and children are working, and walls and floors cleaned and the women provided with chairs and allowed to use them when possible. There are also regulations regarding the street vending of children and the issuing of certificates.
Chairman WALSH. What provision is there for enforcing these laws, and to what extent are they enforced?
Mr. BILLS. The bureau of labor is empowered under that law to inspect and summon and place under oath and to investigate, and is authorized therefore to enforce it. The law is enforced in practically all of the establishments in Porto Rico. We still need a few other provisions to be able to say that it is absolutely enforced, but it is practically enforced in all of the urban sections of Porto Rico. It has not been possible, with our limited force, to carry on such regular inspections in the mountain sections, to enable me to say that it is enforced.
Chairman WALSH. How do you get your appropriation?
Mr. BILLS. By the insular legislature.
Chairman WALSH. Do they limit you?
Mr. BILLS. We are given a certain amount for traveling expenses.
Chairman WALSH. You submit your budget?
Mr. BILLS. Yes, sir; I do mine and——
Chairman WALSH (interrupting). And have they granted what you have asked?
Mr. BILLS. No, sir; we have never had what we asked.
Chairman WALSH. Are the appropriations inadequate to properly enforce the labor laws with respect to women and children?
Mr. BILLS. There is no doubt that it is not sufficient, and the number of inspectors is not sufficient to enforce it. There is in that law a provision whereby it does not apply to children over 16 and under 10, who are employed in agricultural work, who are accompanied by their parents or guardian or relatives.

It is practically impossible to do anything in those fields, because they are always accompanied by a relative.

Chairman WALSH. Have you tried to do anything, or just considered it useless?

Mr. BILLS. I have been in every part of the island on horseback and trains and automobiles in the past year and a half, and our inspectors make inspections of these towns, and make trips often to the country, and also we have investigated, I think I can say, practically every complaint we have ever received from labor organizations. The members of labor organization have made complaints for violations of these laws, and we have, I think, investigated all of them.

Chairman WALSH. Please give us some idea of the unemployment question of the island.

Mr. BILLS. That is a very serious problem. There are more laborers in Porto Rico than jobs. Offhand I would say by 200,000 or 300,000, perhaps 200,000. Our principal industries are seasonal, coffee for three months, sugar and tobacco for six months, and it means a great deal of unemployment during the idle season. I have not complete statistics to show, but I have here figures of various industries.

Chairman WALSH. What efforts if any are being made to revise this condition of unemployment—minimize it?

Mr. BILLS. The Government has endeavored to provide Government work to give employment, road work, and things of that sort. We have in the bureau of labor a very small employment agency. We have also on a few occasions taken laborers from one section to another, by arrangement with employers, to get them work.

Chairman WALSH. Is unemployment a recent condition, or does it seem to be a permanent one in the island?

Mr. BILLS. It seems to me to be a permanent condition.

Chairman WALSH. Have you any suggestions for remedying it?

Mr. BILLS. There could be a great deal of temporary relief offered by transporting laborers from the sugar sections up to the coffee sections and vice versa during the busy seasons; the seasons not being the same months of the year. The ideal solution would be to have some arrangement whereby many of these laborers could go to Santo Domingo.

Chairman WALSH. Have you given any attention to the suggestions made by these people, that there should be more reform in the law, so the people can get to the land and till it themselves?

Mr. BILLS. A great deal; and there was at the last session of the legislature a law enacted for the selling of small portions of Government land—there are probably 100,000 to 150,000 acres scattered around the island—to laborers on installments and under conditions so that the more efficient laborers can get little gardens and lots on which to build their homes.

Chairman WALSH. What comment have you to make on suggestion by Mr. Iglesias about putting that in a report—you heard his complaint about it?

Mr. BILLS. That was a different matter; it was the blue-colored bulletin which we issued—

Chairman WALSH. That was not the same law?

Mr. BILLS. That is not the same law, and I would like to speak a word about that.

Chairman WALSH. I wish you would.

Mr. BILLS. Very shortly after I got to Porto Rico I began to study the housing conditions, and I had made an investigation of Puerta de Tierra, the suburb of San Juan that I mentioned. A special session of the legislature had been called, and I was notified that a bill would be introduced for the sale of certain insular government lands in Puerta de Tierra. What I was afraid of was that, by some possible manipulation, that land would get into the hands of the landlords that at present control all of the land in Puerta de Tierra. Therefore we issued a little bulletin, not for the purpose of urging laborers to pay $4.16 a square meter for land but with the purpose of tying up the sale from the insular government to the municipality of San Juan, so that if it was sold it could not go into the hands of the landlords of Puerta de Tierra, the suburb that I mentioned. I have not the bill, but it is self-explanatory. It is to the effect that no person owning other land shall be entitled to purchase that land, and provides for installments up to 10 years to laborers. And also to show that they could purchase that land in from 8 to 10 years at the price of $4.16 a square meter by paying only the same

amount that they are now paying for house rent for land rent. Of course it would have been possible for the city of San Juan to sell a great deal of that land cheaper than that.

Chairman WALSH. Will you please describe the principal articles of diet of the working people and various staples. Take the agricultural worker and urban worker as well.

Mr. BILLS. In the extreme inland they are principally bananas, yantias, and other forms of tubers, which they can purchase on their income, from 5 to 6 or 7 for a penny, bananas 10 to 20 for a penny, and yantias, which are a form of sweet potato, they grow practically wild.

Chairman WALSH. Are they nutritious?

Mr. BILLS. Very; they are very starchy. And all over the land rice, beans, and codfish are used. Codfish varies in price, according to the section, from 10 to 12 cents a pound. Rice, according to the section, of course, a great many grades of it, from 4 to 5 cents a pound. That is the quality that is used. The red beans, which they use a great many of, from 6½ to 8 cents a pound, and the white bean a penny less. These beans at the present time have raised in price on account of the war another cent, perhaps; I am not sure.

Commissioner WEINSTOCK. Are those retail prices you are quoting?

Mr. BILLS. Retail prices.

Chairman WALSH. What is the price of our beans?

Mr. BILLS. I really don't know.

Commissioner O'CONNELL. You will have to go to Boston to find out.

Mr. BILLS. Of course sugar and coffee also. Coffee is now cheaper; it would be 10 and 12 and 14 cents a pound.

Chairman WALSH. And how about the fish?

Mr. BILLS. Codfish?

Chairman WALSH. Yes, sir.

Mr. BILLS. Codfish is quoted from 10 or 11 to 13 cents a pound.

Chairman WALSH. All salt cod?

Mr. BILLS. Yes, sir; salt cod.

Chairman WALSH. Shipped in?

Mr. BILLS. Imported. The rice is practically all imported. The red beans are mostly imported.

Chairman WALSH. Red meat is not generally eaten by the laborer?

Mr. BILLS. They can not afford it.

Chairman WALSH. What is the price of meat there?

Mr. BILLS. I have nothing except this report, which is a year old.

Chairman WALSH. Would about 18 cents be right?

Mr. BILLS. Yes, sir; we get it at the American grocery store there at a higher price than it is sold in the native market.

Commissioner O'CONNELL. What do you pay for roast beef, for instance?

Mr. BILLS. I think roast beef—twenty some odd cents a pound.

Commissioner O'CONNELL. I assume that you have such things?

Mr. BILLS. Yes, sir; but I don't do the marketing.

Commissioner O'CONNELL. American beef?

Mr. BILLS. Yes, sir; at a few stores.[1] We have a system of public markets that are owned and run by the municipalities, and frequently they let out the right to sell meat to those merchants who will agree to sell it at the lowest price during the ensuing week.

Chairman WALSH. Who does that?

Mr. BILLS. The municipalities.

Chairman WALSH. Are the company stores maintained on the larger plantations?

Mr. BILLS. Company stores are maintained on the more inaccessible plantations.

Chairman WALSH. And are the employees required to patronize them?

Mr. BILLS. No, sir; except as they are required by the fact that they have no money to buy anywhere else.

Chairman WALSH. You heard the description of Mr. Iglesias that sounded rather familiar to me, and it occurred to me that perhaps he was describing it.

Mr. BILLS. The laborers of Porto Rico as a class, of course, there are many exceptions, live on credit for one week. They request their employer to make an arrangement, either by having a store themselves, or by making an arrange-

[1] Practically all of the beef sold on the island is native beef.—J. C. BILLS, Jr.

ment with some merchant so they can buy on credit for a week, and the employer guarantees the payment of their accounts.

Chairman WALSH. Do they charge more where on credit than where it is cash?

Mr. BILLS. I have found a few cases where they do, but in the last year our investigators have investigated two or three hundred stores, and I think without an exception there was nothing of that kind. Of course, there is the danger of that.

Chairman WALSH. You mean danger inherent in the system that they could overcharge them?

Mr. BILLS. Yes, sir; the workers are illiterate, and the books are kept in a very fragmentary way. I have investigated that question as carefully as I could. I found three cases during the past year where the employers issued pieces of metal or paper checks of some sort, which were redeemable at their store or at a store in which they had an arrangement. We did our best to get evidence for a trial and failed. In all these cases that system was changed. And they now sell simply by credit, kept on the books.

Chairman WALSH. Please give us a general idea of the consumption of alcoholic beverages by workers and of the influence of such consumption on family income? What sort of liquor do they drink and how general?

Mr. BILLS. It is chiefly a kind of rum, made out of sugar molasses. There is quite a bit of alcohol consumed in the island, but I never have seen more than 8 or 10 drunken Porto Ricans.

Chairman WALSH. They are temperate people?

Mr. BILLS. You almost never see any drunkards.

Chairman WALSH. And you say they are a kindly and generous people?

Mr. BILLS. Extremely hospitable.

Chairman WALSH. And they appear to be intelligent people when opportunity affords? Do they take to education well?

Mr. BILLS. I think they do. Of course, there is a great deal of illiteracy in the island.

Chairman WALSH. Did you hear Mr. Martinez read his statement here this morning?

Mr. BILLS. I did.

Chairman WALSH. Are his conclusions as a general thing well founded?

Mr. BILLS. I don't remember them sufficiently to say.

Chairman WALSH. I thought maybe you would. Some of them were very striking, and I won't take time, at least not now, to go over them, but I thought maybe you could say in a general way, from your experience down there, whether his conclusions as a whole were sound?

Mr. BILLS. I really don't remember them sufficiently to say.

Chairman WALSH. Did the paper impress you, Mr. Bills?

Mr. BILLS. Very much.

Chairman WALSH. Was there anything in it that you would say was incorrect in his statement of conditions or conclusions or suggestions as to remedies?

Mr. BILLS. As he read his paper, my impression was that he had stated, as a general condition, many things which did not deserve to be called general though they might be true in individual cases.

Chairman WALSH. What, for instance?

Mr. BILLS. I don't remember.

Chairman WALSH. Please give us a general idea of the medical facilities for the urban population and the general health conditions existing there.

Mr. BILLS. The municipalities, all of them, maintain free dispensaries where medicines are given out. They, all of them, have hospitals, some of which are very inadequate. There are also private physicians. The director of sanitation stated, I believe, a year or so ago that there was 10,000 people who died there without medical facilities.

Chairman WALSH. Where was that?

Mr. BILLS. In Porto Rico.

Chairman WALSH. On the whole island?

Mr. BILLS. Yes; on the whole island.

Chairman WALSH. Ten thousand people out of the population of 1,000,000?

Mr. BILLS. Out of a population of a million and a quarter.

Chairman WALSH. Died without medical attention; in what year was that?

Mr. BILLS. During the preceding year—I am not sure of the year of which I am quoting.

Chairman WALSH. When was that stated—you say during the preceding year?

Mr. BILLS. It was stated, as I remember, about six months ago.

Chairman WALSH. That was last year, then?
Mr. BILLS. Yes.
Chairman WALSH. You heard the statement of Mr. Iglesias with reference to the contract that was made by the Free Federation, called the Fajardo Plantation?
Mr. BILLS. I did.
Chairman WALSH. What do you say about that situation? You have gone into that community into a great many places. I mean, as to how contracts were performed. Did you make some memoranda of some of this matter?
Mr. BILLS. I did, of a few things.
Chairman WALSH. Did it include that?
Mr. BILLS. Yes.
Chairman WALSH. I will wait a little later, and perhaps it will be a little more convenient and better for you and for the commission to make comment on those matters altogether, that you think are worthy of comment, and I am obliged to you for making it.
Is it your opinion that the diet of the average family in Porto Rico is sufficient to keep them in good working condition?
Mr. BILLS. I think the diet, so far as the nourishment included in it is concerned, is sufficient.
Chairman WALSH. How as to quantity?
Mr. BILLS. I think that, in a general way, they have sufficient quantity. I have put that question to a great many physicians who have worked among those people. As to variety, I should not think it was sufficient.
Commissioner O'CONNELL. There are fairly large families there in Porto Rico, are there not?
Mr. BILLS. The average in 1910 was 5.1, and the average among the agricultural laborers is probably one or two higher than that.
Commissioner O'CONNELL. Where do you get your deduction that you think they are fairly well fed? How is it possible on the wage they receive that an average family of more than five is fairly well fed?
Mr. BILLS. I am frank to say that my impression, when I first went to Porto Rico, and for months after I had been been there, was that the laboring masses of the island were very inadequately fed; but I have put that question to physicians who know much more about it than I do, and they almost universally say it is not so; that they are adequately fed as far as nourishment is concerned.
Chairman WALSH. I do not remember the date of that report of the department of labor; but you remember that Mr. Iglesias submitted it and I read it here, that his impression as a whole was that they were anemic?
Mr. BILLS. Yes, sir; as a result of the hookworm.
Chairman WALSH. They did not say it was the hookworm, but that it was a result of their being underfed.
Mr. BILLS. What was the date of that, Mr. Iglesias?
Mr. IGLESIAS. 1905. Mr. Bills also stated that in one of his reports.
Chairman WALSH. That they were underfed?
Mr. BILLS. That is what I stated in our first annual report.
Chairman WALSH. What year was that?
Mr. BILLS. 1912.
Chairman WALSH. 1912?
Mr. BILLS. Yes, sir; and my impression—the impression of a layman, I think, certainly would be that they are underfed; but I was simply deferring my opinion to that of the physicians, whom I thought knew more about it than I did.
Chairman WALSH. What was the date of that report where you say you think they are underfed; that was your first annual report?
Mr. BILLS. Yes.
Chairman WALSH. What year was that?
Mr. BILLS. December, 1912.
Chairman WALSH. When did you get this additional information from talking to physicians as to the cause?
Mr. BILLS. Since then.
Chairman WALSH. So you have changed your opinion about that?
Mr. BILLS. My opinion has been governed by the medical men with whom I have talked. My notion, as a layman, is that they are certainly inadequately fed.
Chairman WALSH. How many physicians did you talk to?

Mr. BILLS. I presume I talked to—I don't know how many—20 or 30, or more.

Chairman WALSH. Did you take down what they said about it?

Mr. BILLS. No.

Chairman WALSH. Did you talk to them as an officer, as an official, to put it in your statistics?

Mr. BILLS. That matter was always brought up in connection with other matters of information. I was talking with them to get information.

Chairman WALSH. Has the data been preserved in some sort of way? That is, as to who the physician was, and where and when he said it, and what opportunity he had for observation of the different classes of people; whether urban laborers or agricultural laborers?

Mr. BILLS. I can name one physician, whom I remember well, a Dr. Stevenson.

Chairman WALSH. My question was whether that data was preserved and put in statistical shape?

Mr. BILLS. No.

Commissioner O'CONNELL. It was verbal conversation?

Mr. BILLS. Yes.

Commissioner O'CONNELL. And no notes?

Mr. BILLS. No.

Chairman WALSH. Who was Dr. Stevenson?

Mr. BILLS. An American physician practicing in a little country mountain town. How long he has been there I do not know.

Chairman WALSH. Is he a general practitioner?

Mr. BILLS. Yes. I had a long talk with him about the nourishment of the mountain peasants living through that section whom he knows very well.

Chairman WALSH. Any other physicians that you recall by name?

Mr. BILLS. I really have talked with so many physicians that I can not recall whether or not I talked with them about this particular thing.

Commissioner O'CONNELL. You got out among them, and you knew the people yourself generally?

Mr. BILLS. Yes; I have been, I think, in most every square mile of Porto Rico.

Commissioner O'CONNELL. You have been in the huts or dugouts where the people live?

Mr. BILLS. Yes.

Commissioner O'CONNELL. And have seen them there and the things they have in their houses?

Mr. BILLS. Yes.

Commissioner O'CONNELL. And haven't you formed some sort of practical idea as to whether these people get sufficient food?

Mr. BILLS. I intended to state my practical idea. I have been right there and have stayed with them, and my practical idea is that I could not live on what they live on.

Chairman WALSH. As they go at their meals do they act like they were hungry or that their appetites are not good? I do not want to suggest it to you, but there are a lot of ways I have of determining whether a person is hungry or not. Do they look hungry to you?

Mr. BILLS. The laborers who get the lowest wages eat what they call "peaches," a kind of banana, which they boil green, and which costs practically nothing. And I have seen such laborers eat a tremendous plate of those bananas and just a penny's worth of rice and beans. And they certainly seem to be good, husky, hungry laborers.

Chairman WALSH. Now, you may start on your own comments, please, Mr. Bills. While I have that in mind please give me briefly a little history of this Fajardo matter. Mr. Iglesias claims they finally got an agreement with that particular company; that they entered into a regular contract, and that no sooner was the contract entered into and signed up—and I believe the labor department took part in the conference—that within a day or two the employers went about among the ignorant and illiterate laborers and suggested to them that they change the contract almost at once, with a result that in three days the contract was broken, the employers claiming that these men who Mr. Iglesias claims they provoked into breaking the contract were not typical; and he has here statements of 500 of those laborers that they did not break the contract, but were glad to keep it; and then he produced a telegram of which he complains you wired them to put up with it and not try to have a strike about it.

Mr. BILLS. I would like to ask Mr. Iglesias if he has the Spanish telegram? I heard the translation. It was sent in Spanish, and I remember dictating that telegram to my stenographer, and it is not translated correctly into English.

Chairman WALSH. Have you the Spanish telegram, Mr. Iglesias?

Mr. IGLESIAS. I will look and see if I have it.

Mr. BILLS. The same thing is true of an English translation of an interview that went to the papers there which Mr. Iglesias introduced here.

Commissioner O'CONNELL. Did you speak Spanish before you went down there?

Mr. BILLS. I did not.

Commissioner O'CONNELL. Did you learn Spanish since you went down?

Mr. BILLS. I can convey my ideas and understand.

Chairman WALSH. Does your secretary send your telegrams?

Mr. BILLS. Yes; he does that.

Chairman WALSH. That is, he translates them into Spanish for you, or into English?

Mr. BILLS. Yes; into Spanish.

In regard to the Fajardo strike, as I remember, the bureau received a telegram from the union organizer—I think his name is Santos—requesting us to act.

Mr. Honoré, my assistant, went there. He was on a trip to Rio Grande and other places, and he went, according to what he told me, to Mr. Bird, the manager of the centrale, and also of the plantation, and requested him to meet the representatives of the strikers. Mr. Bird refused, saying he was perfectly willing to meet with his employees or those who had been his employees, but was not willing to meet with the cigar makers who knew nothing about his business, and the organizers of the strike were members of the free federation and practically all cigar makers; but, by some means, Mr. Honore persuaded Mr. Bird to meet Mr. Iglesias, and I think Mr. Iglesias said the conference lasted some hours, and, as I understand it, no agreement was reached, and, finally, Mr. Honoré suggested this sliding-scale plan, and that was signed.

Two or three days later Mr. Bird came to San Juan and complained that the laborers on the plantations refused to work, saying they were not represented by Mr. Iglesias, and refused to go back to work.

Mr. IGLESIAS. Have you any writing about the workingmen taking this course?

Mr. BILLS. I have not. I stated that was what Mr. Bird said.

Chairman WALSH. I will have to inform you, Mr. Iglesias, that we do not allow persons in the audience to ask questions.

Mr. BILLS. Mr. Honoré first went out to Fajardo to investigate and see if he could not settle it. I heard Mr. Iglesias say here that Mr. Honoré, with the management of the centrale, visited various sections. That complaint was made in Porto Rico, and I asked Mr. Honoré about it, and he said he offered to furnish a horse for the labor representative there, and I knew nothing more about it than that. Mr. Honoré came back and told me that both sides were violating the contract; that there were large sections where the laborers refused to go back to work and other large sections where although Mr. Bird himself did not know about it they were not paying wages according to that agreement. We took the matter up with Mr. Bird, and he informed the Government officially that he considered the contract broken because the laborers had not gone back to work.

Chairman WALSH. In your opinion, what do you think about that proposition? Did Mr. Bird or the men break it?

Mr. BILLS. I wish to add that about a month later I was through that section and stopped to talk with probably 10 groups of laborers along the road, and they were all being paid by the terms of that contract, and that was a week after the strike situation on the island had ended.

Mr. Bird's statement was that he was endeavoring to carry out the terms of that contract as far as he could.

Chairman WALSH. Did you tell Mr. Bird what you found, and did you say to him, "It looks to me as though these men wanted to carry out that contract"? Did you bring any influence to bear on him to do it, if possible?

Mr. BILLS. I certainly did.

Chairman WALSH. Just from your opinion, did you think the men, in bad faith, violated that contract?

Mr. BILLS. I do not think there was any bad faith anywhere.

Chairman WALSH. Did Mr. Bird violate it, do you think? Did he intend to violate it?

Mr. BILLS. No; I do not think he did; in fact, I am very emphatic that Mr. Bird would have carried it out.

Chairman WALSH. Is Mr. Bird an American?

Mr. BILLS. No; he is a Porto Rican. He is a man of very high standing in Porto Rico.

Chairman WALSH. Are you well acquainted with him?

Mr. BILLS. Yes.

Chairman WALSH. How many men has he working for him?

Mr. BILLS. I do not know.

Chairman WALSH. A very great number?

Mr. BILLS. He has the third largest centrale in the island. Mr. Bird has always been perfectly willing to show his pay rolls, etc., which, under the law, we can not compel.

Chairman WALSH. He is obliging.

Mr. BILLS. I will say that he has the best plantation houses of anyone I know of.

Chairman WALSH. Where is his residence?

Mr. BILLS. At Fajardo.

Chairman WALSH. Is that the name of the town?

Mr. BILLS. Yes. Now, that agreement, while perhaps scientific, was really complicated, and in fact the laborers told me later when I saw them that they were misformed as to the price of sugar by people who wanted to hurt Mr. Bird. They were told, "Sugar is now worth 7 or 8 cents," and they were not getting a corresponding wage, while the fact was that sugar was worth only 4 cents.

Chairman WALSH. So it was difficult to carry it out.

Now, we are just about to adjourn and have just a minute or two and you may explain about that Spanish telegram.

Mr. BILLS (translating the Spanish telegram). "Mr. Bird has notified the Government officially that the laborers have not complied with their part of the contract. He considered (not the bureau, but Mr. Bird) the contract null. I hope all differences can be arranged. Now, I really don't know the meaning of this word.

Mr. IGLESIAS. "Without strike;" "without requiring a strike."

Mr. BILLS. And considering the fact that there had been a strike and a settlement, I am sure labor leaders in this country would have gone personally to Mr. Bird to see if the new difficulty could not be arranged.

Now, this is an example of the sort of criticism which has been made—simply on the technicality of a word.

Chairman WALSH. Now, that you have translated that; was the translation given by Mr. Iglesias correct or incorrect?

Mr. BILLS. I think it was incorrect.

Chairman WALSH. In what respect?

Mr. BILLS. Because, as I remember it, it said or it indicated that Mr. Bird said that the laborers were not complying with their part of the contract, and therefore I considered the contract broken.

Chairman WALSH. At this point we will stand adjourned until 9.30 o'clock to-morrow morning.

(Accordingly, the commission adjourned on Wednesday, May 26, 1915, until 9.30 o'clock Thursday morning, May 27, 1915.)

WASHINGTON, D. C., *Thursday, May 27, 1915—9.30 a. m.*

Present: Chairman Walsh, Commissioners Weinstock and O'Connell.

Chairman WALSH. Mr. Bills, please. We will resume where we left off.

Mr. BILLS. I don't remember exactly——

Chairman WALSH. We were talking about the Fajardo business, and your last answer was that Mr. Bird notified—oh, yes; you just read that telegram or just translated it.

Mr. BILLS. I would like to add to what I said about the strike at Fajardo that two or three weeks after the strike was over, according to information gathered by the inspectors of the bureau of labor, the average daily wage of the 3,000 or more employees of Mr. Bird had increased from 60 cents a day to 72 cents a day.

Chairman WALSH. Was that the average daily wage of the day laborer?

Mr. BILLS. The adult male day laborer.

Chairman WALSH. Has Mr. Bird any factories or refineries?

Mr. BILLS. Not a refinery, but a factory where the cane is ground and reduced to raw sugar.

Chairman WALSH. What wages are included in that?

Mr. BILLS. Just the field labor.[1] And although Mr. Bird did inform the Government that he considered the contract broken, I believe that he has lived up to that contract in every case where the workers went back to work. I say this out of justice to Mr. Bird.

Chairman WALSH. Did they go back to work under the contract?

Mr. BILLS. No; but were paid under the contract.

Chairman WALSH. Is the contract still in force on Bird's plantation?

Mr. BILLS. I don't know whether Mr. Bird considers it in force or not.

Chairman WALSH. Is it in force?

Mr. BILLS. The laborers are being paid, as far as any information I have, according to the terms of that contract.

Chairman WALSH. All right, you may go ahead now with your own comments, Mr. Bills.

Mr. BILLS. In reviewing the questions that you gave me to answer, I am afraid that I have given very fragmentary answers, and I really hope the commission will consider these reports of the bureau of labor.

Chairman WALSH. Oh, we do. As far as I was concerned, our questions were touching the large topics from your viewpoint. You have the reports there and those reports will of course be deeply considered.

Mr. BILLS. What I meant to say was that my fragmentary answers might be unfair or untrue as generalizations, in some cases. Also Mr. Iglesias said yesterday that there was a change in the tone of our reports after the first special report. Now, I think that is true. There has been no change in the statement of facts. There has been a change in the expression of opinions. I mean by that, that I don't give opinions.

(See supplementary statement by Mr. Bills at end of his testimony, p. 11115.)

Chairman WALSH. You don't give opinions?

Mr. BILLS. I try not to.

Chairman WALSH. Why is it, have you gotten a different viewpoint, become more judicial?

Mr. BILLS. I was 26 years old when I went to Porto Rico, and I mention that to show that a later study of conditions there convinced me that my point of view was not entirely true. That is, the climate, the food that they have, and the customs fixed upon them through centuries must be considered.

Chairman WALSH. Shouldn't you consider the customs that have been fixed upon the others for centuries—the employer? Do you see more justification now, after men working for 30 cents a day, than before you went down there? You have been accustomed to the changed conditions and changed ideals, we may say.

Mr. BILLS. No; if I may continue, the customs must be considered in suggesting remedies. The mere doubling of wages in a majority of cases would not improve the standard of living.

Chairman WALSH. Why?

Mr. BILLS. Because the laborer would not work full time. This is a charge made by almost every employer in Porto Rico, and one that I did not believe in until I saw a hundred or more pay rolls, including the pay rolls in the Government service; but they proved to me that if the standard of living was fixed at $2 or $3 a week, and if the laborers received more than that, they didn't work one or two or three days each week. I don't say that is universally true, but generally true; that in order to increase wages we have to look at the same time to the raising of the standard of living. Slight increases undoubtedly could be made without having that result.

Chairman WALSH. Then what you would have in mind about increasing the wages is that it would be a bad thing for the laborer?

Mr. BILLS. No; I do not mean to say that.

Chairman WALSH. Really, I don't understand your viewpoint exactly about that. I don't get that exactly. Now, when you went down there you indicated that the laborer was getting 30 or 40 cents a day; that it rather shocked you?

Mr. BILLS. It did shock me.

Chairman WALSH. And after you were there for a while you found out they had the hookworm, or were shiftless, and if you gave them more money they would not work so much, and it didn't make any difference; that it would not be worth while giving it to them?

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[1] Factory laborers are generally skilled men and are paid double or treble the rates paid field workmen.—J. C. BILLS, Jr.

Mr. BILLS. I don't mean that.

Chairman WALSH. I don't want to put any words in your mouth, but I wish you would make that plainer.

Mr. BILLS. I don't think the laborers of Porto Rico are shiftless, but it is very difficult for any person to use profitably an increase in their income unless they know how to use that increase, and while the standards of living of the agricultural laborers have been on the $3-a-week basis, an increase does not mean that they will build any better houses or wear any better clothing. Their standard of living in their own community, their social position, is fixed.

Chairman WALSH. Their social position is fixed?

Mr. BILLS. In their own community. I think there is another reason for this, that during the idle season they are obliged to live, because there is no work, on such a low standard of living that during the other months and when business is good and they could earn a little more they have no incentive to do it, because their position in their own community is fixed.

Chairman WALSH. Commissioner Weinstock would like to ask you a few questions right there.

Commissioner WEINSTOCK. Some years ago, Mr. Bills, when I was at Manila, in talking with one of the commissioners, he said that in handling the affairs of the Government there was one very great problem, and that problem was how to get them to work. He said if they earned enough to keep them that day that they would knock off, and could not be induced to go back to work until they had consumed what they had earned. And he asked if I had not noticed this in my world-wide experience. And my answer was to raise the ambition of the natives and increase their wants, and in order to fill their increased wants they would work more continually. Is the condition at Porto Rico the same as the conditions in the Philippines?

Mr. BILLS. I think you have stated the condition as it is in Porto Rico, generally among the agricultural laborers, but that does not apply to the workers in the towns, who have acquired higher standards of living.

Commissioner WEINSTOCK. Who have greater ambitions?

Mr. BILLS. Yes, sir.

Commissioner WEINSTOCK. Then the science is to raise their ambitions and increase their wants, and instead of preaching the simple life that you ought to preach a complex life?

Mr. BILLS. Absolutely. I would like just a word on this report.

Chairman WALSH. I might just say a word in that connection. You do not find the Porto Rico laborer any different from what you find other laborers, than from what you find Col. Weinstock and myself?

Mr. BILLS. How do you mean?

Chairman WALSH. Does not that follow with all people who are loafing because they do not have to work in every community? Is not that true? It is kind of a natural thing, if things are coming easy for a man who has worked pretty hard to accumulate something, then he indulges in world-wide investigations of other men and has a good time generally. Is not that true?

Mr. BILLS. I think that is true.

Chairman WALSH. And is it not also a fact—you have made a study of this question—that there is not an exploited class of laborers in the world that they are not also condemned inferentially for being lazy or shiftless or bad or something else?

Mr. BILLS. I think that is true.

Chairman WALSH. The argument you make about these men in Porto Rico is the argument that we hear about the exploitation in lumber camps or any place else. It is the old story, isn't it, that if a fellow is exploited, he is also abused?

Mr. BILLS. It is the old story.

Commissioner WEINSTOCK. Not necessarily, if I may be permitted.

Chairman WALSH. Let me get the witnesss to say it, and maybe he will go back on you. [Laughter.] I want to clinch this down for you, Mr. Weinstock.

It is the same old story. Here is a man getting 30 cents a day; it is an awful thing, you think; but after you look over the field awhile and you meet Mr. Bird and find out he is the very best employer in the island, that cuts a figure. It is kind of a justification of the employer, and it is rather a complex thing, and you look at it awhile, and then you find out they have the hookworm, or some doctor thinks they have the hookworm, and then you find out that if one of these men gets $2 and has it on hand he will lay off for a day

or two and go and have some fun home; so you begin to see—I am speaking generally; I do not mean you, you understand—that it would not make much difference to pay him more anyhow, and besides he has a social status—though, of course, some of us do not agree that anybody has a social status—and it is fixed by the centuries. It has made him bare-footed, with a straw hat on his head, and maybe in centuries he will grow out of that. All these things enter into the situation. Whenever there is such a class of laborers that is the situation. Is not that true economically, although that is like one of Brother Weinstock's questions. I ask myself a nice long question, and answer it. Go ahead, Mr. Bills. My answer is yes. [Laughter.]

Commissioner WEINSTOCK. Is it true, Mr. Bills, that that charge can be laid against the workers of all the rest of the world? Is it not true that that charge can not be laid, for example, against the Chinese coolies, who are thrifty and industrious at all times, and does not that hold also with the Japanese?

Chairman WALSH. Are the Chinese thrifty?

Commissioner WEINSTOCK. Absolutely, at all times.

Chairman WALSH. I understood they hit the pipe and loafed around.

Commissioner WEINSTOCK. But you do not get the real Chinaman here.

Chairman WALSH. You leave out those Chinamen on West Sixth Street in Kansas City! [Laughter.]

Commissioner WEINSTOCK. If you have studied the problem of Asiatic labor, as I take it you have, Mr. Bills, you will find the same charge that is made against the Filipinos is not made against the Chinese and is not made against the Japanese; that they are thrifty and industrious, no matter how much they earn they keep on working and do not lay off simply because they have enough to keep them for the next few days. Therefore I think the statement of our friend the chairman will not stand the test of analysis.

Chairman WALSH. And your answer is no. [Laughter.]

Commissioner O'CONNELL. Let me see if I can——

Chairman WALSH (interposing). Arbitrate this matter?

Commissioner O'CONNELL. Well, possibly.

What is the objection to these people if their wages were raised and they discovered that they did not need to work so much and could live by working only three days a week? That would not be the justification for keeping them under a reduced wage?

Mr. BILLS. I did not mean to justify the reduced wage.

Commissioner O'CONNELL. There is no law against these men learning to save a little and lay aside a few pennies for a rainy day, so called, and teaching them to save something.

Mr. BILLS The fact is that they do not save anything. The fact is most of them do not save a thing.

Commissioner O'CONNELL. There is no reason why they should not be taught that that would be a good thing to do.

Mr. BILLS. I think that is what ought to be done.

Commissioner O'CONNELL. They should be taught to lay aside a few pennies, regardless of their absolute indifference to it now.

Mr. BILLS. Absolutely. I have stated many times that I believe they were not receiving a fair wage—not merely a living wage, but a fair wage, considering the work they perform. Of course, that is something very difficult to determine.

Commissioner O'CONNELL. Of course, a fair wage might be considered such there and not here. If a low wage be a wage upon which a family just exists, under our standard of living they do not live, they just exist; and if a standard wage was based upon the possibility of existing, China has us all beat 40 ways in the matter of living on a small wage, or existing, because a penny in wage in China is like a dollar in wage in the United States, and it is practically the same, to my mind, in the islands.

I want to get at a more serious aspect of this matter down there, to my mind. You, as I understand, under the law are authorized to report labor conditions in the island. That is, you make investigations of them and prepare reports to the governor. I am particularly interested in the charges that the police department interfere with public meetings, the breaking up of public meetings and the arresting of men or the shooting of people and all that, that has taken place down there. What has been your purpose or method of procedure? Do you make these investigations, and what recommendations do you make to the governor intervening your annual reports when you make them up? If a disturbance occurs some place and you make an investigation, do you imme-

diately report to the governor your findings in the situation and make recommendations about it?

Mr. BILLS. We do.

Commissioner O'CONNELL. As to whether, for instance, the police force have gone far beyond their authority and exercised rights they were not entitled to exercise and used means that were abusive; that were rather the cause of the disturbance than the preventative of it?

Mr. BILLS. We investigate particularly the causes of the disputes. The enforcement of the law of peace and order is not in any way under the bureau of labor, and the investigations regarding the excessive use of authority and things of that sort are made, I believe, always by the department of justice.

Commissioner O'CONNELL. If you went to this town where this strike occurred that Iglesias was speaking of, where there were men shot, and it was a labor disturbance, you would naturally investigate that as a labor disturbance or labor strike. If you, upon investigation, learned that the police force had done certain things, you would make that a part of your report and a part of your recommendation to the governor?

Mr. BILLS. We never have.

Commissioner O'CONNELL. Would it be in connection with the disturbance?

Mr. BILLS. The disturbance is a matter which we never have been requested to do anything with. It is simply a question of the disputes and what methods can be adopted for settling them.

Commissioner O'CONNELL. Does your office act in any way in the way of mediation and conciliation?

Mr. BILLS. That is exactly what we try to do. This last strike, as an illustration, started in Bayamon. The strikers called a meeting of the employers at the city hall on Sunday, and I attended. The meeting was very poorly conducted, and the employers were very angry because of insults they thought they had received. It took us a week of dealing with the larger employers before they were willing to meet in a conference called by the bureau of labor. Finally they agreed to make certain concessions, and a conference was called, and the matter was settled by an increase of 10 to 15 cents a day. That is always our procedure. We have no power to officially summon either side. We can only get a conference with the consent of both sides. We endeavor, before calling a conference, to find out what the real matters at issue are, to discuss those matters with both sides, to see what possible arrangements may be made, and then if they are willing we call the conference. In this last strike we obtained conferences, with the powerful assistance of the governor, acting directly on the employers in all the north coast places except one, and in some of the places on the southern coast. Our success, in other words, depends entirely, under the law, upon having the confidence of both sides. We have no power.

Commissioner O'CONNELL. If a strike occurred on the island, on which there would be a number of people involved, and out of that strike grow disturbances and riots and deaths, and your department made an investigation of the cause of the strike, and you would not interest yourselves in any phase of it except just the strike itself and the cause of the strike; you would not ascertain that the police or other authorities had gone beyond what you considered their legal rights, and had been a party to inciting riots, for instance, or a party to unnecessary shooting or killing of people; do I understand you to say that would not be a part of your duty?

Mr. BILLS. We never have been called upon to make any investigation of disturbances, but, of course, in investigating the cause——

Commissioner O'CONNELL (interposing). What do you mean by having been called upon? Does somebody have to call upon you to go to a place where there is a strike?

Mr. BILLS. No; I am misstating myself. Of course, in investigating the causes we endeavor to obtain information, because it is pertinent to the cause itself, regarding any disturbances, and, while we made no investigation in Vieques, because it was impossible to get anyone there, one of our representatives did go to Juncos, where there was trouble during the strike, and I believe interviewed the strikers who had been arrested and the police and others there, and, in fact, obtained a conference and settlement there after the disturbance occurred.

Commissioner O'CONNELL. Well, what ' want to find out is whether you in your investigation as you went to Juncos, would report to the government that you found a certain situation there, either that the strikers were at fault, in your mind, in striking, or that there was interference on the part of the police department unnecessarily, and that there was no occasion for it, and their pres-

ence there or their actions in being there intensified the situation. Did you make any conclusions which you passed to the government, except as we find it in your annual report?

Mr. BILLS. Orally; but in the report about the cigar makers' strike there are no opinions of any sort, and in the report we are making on the sugar strike I do not think there will be any opinions.

Chairman WALSH. Please follow with any comment you have to make, because those larger questions about the police, etc., as far as Mr. Weinstock and myself are concerned, we will take the statement of Mr. Travieso. Any comment you desire to make on anything you may do so.

Mr. BILLS. There is a paragraph on page 83 of this report on the housing conditions, May 30, 1914, that I would like to go into the record, descriptive of the character, in the matter we have just been discussing, of the Porto Rican laborers [reads]:

"To say that these people (speaking of the inland laborers) are contented and prefer to live as they do is not true. Customs clinch themselves upon a people so that they appear contented, and these inland laborers have lived under the same conditions for three centuries. Their standards of living are modest and their desires few. In this sense they are contented. Yet there is a deep and powerful change coming over them. They are going to the cities in greater numbers than ever before; their children are attending the little schools in the hills. New ambitions are awakening. When the dull season comes they can not find work. There are times when many of them are hungry. They are not contented.

"That the Porto Rican laborer is of a cheerful disposition is especially true of the so-called jibaro (rustic). He has been obliged to find his joy in simple things. He greets you with a smile; he welcomes you to his house and cheerfully divides his cup of coffee with you; he dances with a show of gayety on a Sunday afternoon. He is ever cheerful but not happy. There may be some customs and prejudices of minor importance that he is loath to change, but in the main he prefers to live as he does because he is obliged so to live. Those who adhere to the laissez faire policy and believe that conditions are good enough as they are do not know the real heart of these people. They need and deserve and must ultimately receive the opportunity to improve their living and working conditions."

Chairman WALSH. That is what report?

Mr. BILLS. That is the report on the housing conditions of laborers in Porto Rico of May 30, 1914.

Chairman WALSH. When was that report made?

Mr. BILLS. It was completed a year ago this coming July or August. There are many pictures in here of typical housing conditions.

There were a number of things mentioned by Mr. Iglesias and Mr. Martinez which do not seem to me to be very important, but they have been placed in the record, and they are not true or are exaggerated statements.

Mr. Iglesias claimed that during the last agricultural strike, after the settlement at Fajardo, the bureau of Labor stopped its efforts to obtain settlement because a committee of the sugar employers went to see the governor at that time, but that is not so. There was a committee of sugar men who went to see the governor. I heard of it and went to the governor. When I got there the sugar men had left. The governor said they had protested against the action of our men as fomenting the strike, but the governor said to me to go right ahead, if we were sure we were acting properly as officials, in the same line of action we had been following. After that occasion a conference and settlement came at Juncos. Inspector Escalat was at Humacao. Mr. Iglesias was present, and a settlement was reached, although we had not called that conference. Also, at Guayania, Ponce, Arecibo, Anaaco, we were working constantly. After that conference, due largely to the statement of Mr. Iglesias and his leaders, that the Governor of Porto Rico was with the strikers and that the governor wanted the strikers to win, and things of that sort, the employers became so angry that they would not meet in any conferences, although we were in constant communication with the central offices in San Juan, and as soon as we got a chance to have a conference we had one, but it was almost impossible to get a conference after that time. It is true that after that time I called in one of our inspectors, because I received information from the police department that he was associating constantly on the street, arm in arm, with some of the leaders of the strike.

Chairman WALSH. Who was that?

Mr. BILLS. One of the inspectors, Mr. Barrera. He was in an official capacity to get the two sides together, and he should not have thrown his influence on the side of the strikers. That is all there is of truth in that statement.

Mr. Martinez mentioned the sanitary conditions, stating that they were bad. That is true, but there has been a greater improvement in the sanitary conditions in the last few years than it is possible to imagine. We have a board of health which can issue regulations with the force of law, and there has been a great amount of legislation placed upon the books for the improvement of the housing conditions and sanitary conditions in general. And while it is impossible to enforce that law in one week or in one year, yet in the case of many of the houses for the laborers and factories these sanitary regulations have been complied with. I mention that to show that the government of the island, which is largely under the control of the Porto Ricans themselves, has become active, wide-awake, and constructive in its attitude toward these problems.

Chairman WALSH. When was your law passed limiting the age of children that could work in agricultural pursuits; that 10-year limitation?

Mr. BILLS. March, 1913.

Chairman WALSH. Passed by the legislature?

Mr. BILLS. Yes; after creating the bureau of labor. The bureau of labor started with my arrival there.

Mr. Martinez also mentioned the question of immigration. He implied that the Federal law was not in force in Porto Rico. The Federal law is in force in Porto Rico as well as in the States. Our immigrants there are not many. We get from 200 to 250 immigrants each year from St. Thomas and St. Kitts, a few of these coming on to the States. These people are not a progressive or efficient or good element in the community, and while very few are coming in I believe it would be well if the Federal immigration law could be made to exclude those people. They live in one little section of Puerta de Tiena and do create competition with the native laborers there, and because they speak English they have some advantage over the natives, which I think is unfair. Aside from that, there is practically no immigration into Porto Rico.

Now, in regard to this woman and child-labor law. I tried to state yesterday that it was in force in the urban sections, in factories, and so forth. It can not be applied, as far as children are concerned, to agricultural work, but does apply to women, and we are enforcing that as much as possible.

Chairman WALSH. I want a reference to that law. Is it in one of your publications?

Mr. BILLS. It is in the back of the second annual report.

Chairman WALSH. I want to see particularly that clause that makes exception when the child is with its parents.

Mr. BILLS. That exception was an amendment passed shortly before the law went into effect.

Chairman WALSH. There is no child under that law allowed to work that is under 10 years, regardless of parents or guardians?

Mr. BILLS. No; and it seems to me that it should be born in mind that our women and children in agricultural work are included, while in the United States such laws do not apply to agricultural work.

We also have other labor laws providing regulations as to scaffolding, and so forth. There have been 30 prosecutions in the last year, and only two were lost. And under the child-labor law we had 8 or 9 prosecutions and lost only 2. And the Porto Rican Tobacco Co., which, it was claimed, controlled the island, was prosecuted three times and a penalty assessed against it each time, the penalty running between $25 and $100.

Chairman WALSH. How much did the total penalties amount to?

Mr. BILLS. Two hundred dollars—one for $25, one for $75, and one for $100. Those cases were appealed to the district court.

Chairman WALSH. And were the verdicts affirmed?

Mr. BILLS. Yes; the verdicts were affirmed and the money actually paid. All these laws are mentioned in our report.

There is a growing middle class in Porto Rico. Dr. Wile, in his report in 1905, says practically there is none. It is a small class, but a growing middle class, of merchants, artisans, and so forth. Also something was said by Mr. Martinez about the Porto Rican control of the upper house and the danger of that to the people of the island. The Porto Ricans have had control of the upper house simply at the last session of the legislature, and at that session a workman's compensation act, carefully drafted, was passed by the upper

house. It will speak for itself. A law providing for the sale of government land under very reasonable or nominal terms to laborers was passed. A law securing the payment of wages to laborers was passed, something similar to the Texas law requiring the payment of wages to railroad employees.

Chairman WALSH. Did I understand the workman's compensation act was passed by both houses?

Mr. BILLS. By the upper house.

Chairman WALSH. Your legislature convenes when—biennial sessions?

Mr. BILLS. Annual sessions.

Chairman WALSH. Is there a limitation on the length of time to which the legislature remains in session?

Mr. BILLS. Sixty days.

Chairman WALSH. Sixty days?

Mr. BILLS. And there was also a bill passed, an amendment to the woman-and-child-labor law, under which we could more adequately enforce that law. Three of them were new legislative enactments, and the other was an amendment to the woman-and-child-labor law. Only one of them passed the lower house. But to claim that Porto Rican control of the upper house is a detriment to labor I don't think is entirely fair.

Chairman WALSH. Please explain briefly how the upper house is chosen.

Mr. BILLS. They are appointed by the President of the United States, by and with the consent of the Senate of the United States.

Chairman WALSH. How many members?

Mr. BILLS. Eleven, seven of whom are Porto Ricans.

Commissioner O'CONNELL. The mere fact that the upper house passed some legislation would not indicate that they were favorable to labor in that legislation. We have some cases here where for many years the Senate was known to be hostile to labor, yet legislation was passed in the Senate when it was well known that it could not go through the House.

Mr. BILLS. There was no reason to think that the lower house would not pass it.

Chairman WALSH. They were apparently in good faith about it?

Mr. BILLS. They were apparently in good faith, and I had talked with a majority of the members of the lower house.

Commissioner O'CONNELL. Why did it not go through the lower house?

Mr. BILLS. One reason was that Mr. Iglesias got up on the platform at San Juan and delivered a speech, which was considered very critical and insulting to the lower house. A Porto Rican gentleman would not say those things of another and he does not expect anybody to say them of him.

Chairman WALSH. A Porto Rican gentleman would not say what things?

Mr. BILLS. What he said, insulting things, such as those stated by Mr. Iglesias from the platform. I don't mean to infer——

Chairman WALSH (interrupting). Mr. Martinez said——

Mr. BILLS. I don't mean to infer——

Chairman WALSH. You mean what you might call the upper class?

Mr. BILLS. No; I don't mean that.

Chairman WALSH. I don't understand exactly what you mean. What do you mean by saying a Porto Rican gentleman would not say anything that was insulting?

Mr. BILLS. He would not have expressed himself in that way. I don't remember the phraseology of Mr. Iglesias, but he would not have expressed himself in the way that Mr. Iglesias did.

Commissioner O'CONNELL. Probably use other language that meant the same thing?

Mr. BILLS. He might have used other language that meant the same thing. A year before, or two years before, there came out an article in the labor press criticizing the lower house, and the animosity aroused in the lower house by such speeches and articles which it seemed to me were very inopportune developed a great deal of opposition to labor legislation.

Chairman WALSH. You think he was acting in too much haste about changing the conditions?

Mr. BILLS. Yes, sir; I think so.

Chairman WALSH. And spoke too forcibly about it?

Mr. BILLS. Yes, sir.

Commissioner WEINSTOCK. Might not this construction be put upon it, Mr. Bills, that the members of the lower house would permit their personal feeling to influence them more than the spirit of statesmanship; that is, as to acts of resentment toward what you say was regarded as offensive statements on the

part of the other witness, the members of the lower house in resentment simply turned down legislation?

Mr. BILLS. I am sure that that feeling influenced many members of the lower house who had no particular interest in this legislation; who we had worked with to arouse their interest. It was not a matter of personal opposition to the legislation because of their own private interests. Of course, they were not very vitally interested in it, or they would have passed it in spite of everything.

Commissioner WEINSTOCK. Well, then, the preceding witness, I can not think of the names——

Chairman WALSH. Iglesias.

Commissioner WEINSTOCK. Iglesias; is that the gentleman that made the speech?

Mr. BILLS. Yes, sir; he was the gentleman that made the speech.

Commissioner WEINSTOCK. In place of helping his cause then by his utterances antagonistic to the members he defeated his end?

Mr. BILLS. I feel frank in speaking of these things here, because I have talked of them with Mr. Iglesias and also with Mr. Gompers. I think he has by expressions of his own views at inopportune times, and I don't wish to say incorrectly, because he perhaps does generally speak the truth, but in effect defeated, or helped to defeat, the very cause for which he is working. And I mention it here simply because I think it throws some light upon the charge he has made against the government at this time.

Mr. Martinez also mentioned an investigation by this commission, or some commission of the United States Congress, of labor conditions in Porto Rico. I would like to add my word of request to that of Mr. Martinez. I think that if an investigation were made there the investigators going on horseback through the interior sections of the island, going into the huts, talking with the people, finding out their standards and customs, etc., that it would do a great deal of good. I have endeavored to arouse interest in the States in my small way regarding the conditions in Porto Rico. A couple of days ago I went over and talked with Secretary Wilson, endeavoring to get him to send an investigator there to make a report. He did not say whether they would or not, but I hope they will, because they can reach the American people where we can not. It is not merely for the laborers in the island, but for everybody in the island. We should have our conditions known here in the States, because our future is in the hands of the United States Congress, and we can not get favorable legislation, which the business people deserve and the laboring interests need, until there is some public interest in these matters in the United States.

(See supplementary statement by Mr. Bills at end of his testimony.)

Mr. Martinez or Mr. Iglesias stated that Federal laws do not apply to Porto Rico. Of course they do all apply to Porto Rico, except those that are, because of their nature, inapplicable. The Federal workmen's compensation act of 1913 applies only to interstate commerce and the District of Columbia, and did not, unfortunately, apply to Porto Rico.

Commissioner O'CONNELL. There has never been any congressional investigation in the island?

Mr. BILLS. I think not.

Commissioner O'CONNELL. There has been individual congressional investigation; Members of Congress have been there and made personal investigations, but never by direction of Congress?

Mr. BILLS. I think not. There was an investigation made by a commissioner, Mr. Carroll, I think it was, shortly after the island was taken over.

Commissioner O'CONNELL. Yes, sir; he was a representative of the department.

Mr. BILLS. And there have been two reports made by the department of labor. Mr. Iglesias made some charges against the police and governor, and so forth. He probably has the facts better than I have.

Chairman WALSH. I would suggest, in order to shorten things up, Mr. Weinstock made several suggestions that he would like to inquire about, and if it is satisfactory to you we will let Mr. Travieso go on the stand now, and you retain anything that you might want to say bout these things.

Mr. BILLS. There are two or three things I would like to mention, omitting the general charges against the police, and so forth. Mr. Iglesias read a couple of sentences from our second annual report, stating the position of the bureau of labor, without reading the parts before or after. He has printed them once or twice in Porto Rico, as showing the attitude of the bureau of labor. I would like to have that whole paragraph marked in that report on page 9 inserted.

Chairman WALSH. While Mr. Travieso is on the stand you might mark that, and then come on and read the whole paragraph, whatever it is, and then show us, if you will, the changed conclusion that should be drawn from it. I don't want to hurry you off if you have any other matters. I believe you said you had one or two?

Mr. BILLS. Why, yes. Mr. Iglesias introduced a telegram from some laborer, which stated that Mr. Honore was defending a seduction case, I think, in the town of Mayagnez. I know nothing about that case, but that telegram by itself is unfair to Mr. Honore. A man who started in at the very bottom as a carpenter, and became a contractor, and worked nights, and entered the Federal civil service, and worked his way up in the post office at Mayagnez until he was next to the chief, and studied at nights——

Chairman WALSH. What was that charge, I wish you would bring it back to my mind?

Mr. BILLS. It was simply a telegram to him from some one, stating that Mr. Honore was defending a seduction case.

Chairman WALSH. Yes; I remember it now.

Mr. BILLS. And who by studying law at nights finally entered the bar in Porto Rico, and who has never used any of his official time in private practice, and, in fact, I know has never taken any case which in any way conflicted with his official duties. It seemed to me that that telegram in itself was unfair.

Chairman WALSH. Mr. Honore, is he permitted to practice private law?

Mr. BILLS. There is no objection to it under the law, and in these cases he has gone before the court he has taken a vacation. It is better for the bureau of labor for him to take a day or two off now and then, than to take a month off solid.

Chairman WALSH. Does he attend to much private practice?

Mr. BILLS. I think he has had a half a dozen cases in the last year.

Chairman WALSH. And instead of taking his vacation when he gets these cases, he gets a furlough?

Mr. BILLS. Yes, sir; 10 or 12 days vacation, a day at a time.

Chairman WALSH. And what is the government regulations; how many days a year does he get?

Mr. BILLS. Thirty days, not counting holidays and Sundays.

Chairman WALSH. And instead of taking his vacation he goes and tries the case?

Mr. BILLS. He goes and tries the case. Mr. Iglesias also mentioned a statement in our bulletin on the housing conditions, in which I said that the landless man was not a good citizen. The context was not given, but what I wrote was that a man not owning land did not have the incentives to good citizenship that the man had that did own land, and that the government should establish conditions so that the laborers could own some land.

It was also said that the prisons and penitentiaries were full of poor men, that no rich men were in them. Within the last year Mateo Figardo, one of the wealthiest men there, has been convicted of violation of the internal-revenue law and sentenced to 10 months in jail. One of the leading merchants of San Juan——

Commissioner O'CONNELL. He has not been put in jail or the penitentiary?

Mr. BILLS. I think he is on bond now.

Commissioner O'CONNELL. He has not been locked up?

Mr. BILLS. I don't think so. One of our leading merchants of San Juan was convicted of selling lottery tickets, and his case is before the United States Supreme Court, and in the last month a member of the pharmacy board, one of the influential citizens of the island, has been convicted of bribery.

Commissioner O'CONNELL. But Mr. Iglesias said the jails were filled with poor people. You are citing cases where people were found guilty of crime, but are any of them in jail doing time?

Mr. BILLS. I have no doubt there are many in jail doing time. That, I don't know about; but I want to refute the inference that the department of justice is in favor of the rich and against the poor. I believe that is all, Mr. Chairman.

Chairman WALSH. All right.

The following notes were subsequently submitted by Mr. Bills and refer to his testimony on the pages indicated:

NOTE TO PAGE 11106.

I should have added that our policy has been to publish the facts, concretely and in detail, and to leave the reader to form his own opinions. It is my experience that this method is usually more effective in bettering conditions than the expression of personal opinions which, while generally true, may not be true of particular instances and so tend to arouse opposition among persons who have been unjustly included in such opinions. The statistical work of a bureau of labor should, I believe, serve two purposes—first, to show the need of specific legislation to the members of the legislature and furnish them with data for the drafting of such legislation and, second, to educate employers and the public in general regarding actual conditions and suggest nonlegislative, as well as legislative, method of improving them. The personal opinions of the chief of a bureau of labor are not as effective in the accomplishment of these results as the frank and accurate statement of facts. My above answer is not, however, entirely true. The reader of any of our reports will find many expressions of opinion, but I have endeavored to support them by proof and to qualify them so that they would constitute real evidence of labor conditions and not be merely expressions of personal opinion. This is, I believe, the change to which Mr. Iglesias refers and I have made it intentionally.

There is no one in a position of authority in Porto Rico who has ever tried to conceal or minimize actual conditions, be they social, political, economic, or industrial. On the contrary, it is the hope of the people of the island that the United States Government will pay more attention to its conditions and so realize the necessity of remedying some of the urgent needs. The problem is to awaken interest in Congress so that legislation may be enacted which, under the present law, our local legislature can not pass. It is for this reason that I urge an investigation. But by investigation I do not mean a mere superficial study or a biased effort to prove predetermined beliefs. To be of any real service to the people of Porto Rico such investigation must be broad and thorough. It must include business, commercial, and political problems, as well as labor conditions. Climate, race, and custom must also be considered, and outside investigators can only appreciate their significance after close, personal contact with them. Certainly no social or labor legislation will be effective which can not be adapted to fundamental local conditions.

TESTIMONY OF MR. M. TRAVIESO.

Chairman WALSH. Your name, please.
Mr. TRAVIESO. M. Travieso, jr.
Chairman WALSH. And where do you reside, please?
Mr. TRAVIESO. I reside at San Juan, P. R.
Chairman WALSH. Are you a native of Porto Rico?
Mr. TRAVIESO. I was born in Porto Rico.
Chairman WALSH. And what is your business or profession?
Mr. TRAVIESO. My profession is that of attorney at law.
Chairman WALSH. Were you educated in Porto Rico or in this country?
Mr. TRAVIESO. At Cornell University, State of New York.
Chairman WALSH. And your present profession with the Government is what?
Mr. TRAVIESO. It is secretary of the island.
Chairman WALSH. And your appointment comes from where?
Mr. TRAVIESO. From the President of the United States.
Chairman WALSH. It is a direct appointment?
Mr. TRAVIESO. Direct appointment by the President.
Chairman WALSH. And your duties generally?
Mr. TRAVIESO. My duties are similar duties to that of a secretary of state of any of the States of the Union, and besides the duty of acting as governor of the island in the absence of the governor.
Chairman WALSH. And you were requested to come here, on a request we made to the government to have some one representing the government in Porto Rico at this hearing?
Mr. TRAVIESO. Yes, sir.
Chairman WALSH. Now, I have been told by Mr. Channery that you had made some notes of matters that transpired here, and that you are in a position to make a statement, which you desire to do without questioning?
Mr. TRAVIESO. Yes, sir.

Chairman WALSH. We would be very glad to have it, Mr. Travieso.

Mr. TRAVIESO. Mr. Chairman, before I take up several matters presented by Mr. Iglesias and Mr. Martinez, I want to make a general statement in regard to the general conditions of the island of Porto Rico. There are several facts which have not been brought to the attention of this commission, and which I believe will help the commission in forming an opinion as to the conditions in general in the island.

Several questions were submitted to me in writing by Mr. Channery, and the first one is this, to give a brief outline of the Porto Rican people by nationality, industries, and mental development. The commission well knows the people of Porto Rico. The natives are of Spanish descent, of Spanish origin. The majority of the population is of that origin, and with the exception of a portion of the population, which is of full negro blood of African descent. The principal industries in the island are the manufacture of sugar, of coffee, and tobacco. Those are the only ones, and for the last few years we have had much of fruit industry. The country, as has been stated, is mainly an agricultural country. The factories that we have are such that are necessary in the preparation of the product for market and the shipping to the market of the fruit.

The mental development of the people of the island is what is stated here, and I agree with every statement made by Mr. Martinez, as far as this point is concerned, that we for 400 years were under the Spanish Government, with nothing of public-school facilities or opportunity to improve our people mentally.

The result or at least the cause for the present condition is the ignorance of our masses, of our people. The man up in the mountain, the group-up man—I believe there is absolutely no hope for him as far as his mental condition is concerned. He does not know how to read or write, and probably has little notion about right and wrong, and nothing can be done as far as his education is concerned for him. He is not in a position to go to school and begin with his a, b, c's; he is too old for that, and our work is being concentrated and our hope of the future is in the children. I will explain later what the Government and everybody in the island, employers and employees, and everybody else, is doing for those children.

During the last 16 years—and I wish to refer to this point in the last report of the governor for 1914. As stated by Mr. Iglesias, the budget in 1898 was the year of American occupation, for educational purposes was but $60,000. I will refer to 372 of the report of the governor of Porto Rico, table 3, which gives the growth of the school system by years. The total appropriation for the year 1898–99, which was the first year under American occupation—and that was the first opportunity our people had of providing for education and we went as far as we could along that line, and from a total of about $60,000 under the Spanish Government our budget at once made big progress along that line, and we appropriated $279,216 for education.

Chairman WALSH. That is the next year?

Mr. TRAVIESO. That is the first year of the American occupation. We have always realized from the very beginning—and in fact we realized it before, but we had not the means in our hands for accomplishing it—that the solution of the Porto Rico problem, whether you look at it from the point of labor or from the social standpoint or from the political standpoint, is education. If we educate our man in the country, he will get a better wage, he will be a better worker, and he will have to get a better wage. His work will be much better, and if he progresses along that line he will progress also as far as wages are concerned.

Our budget kept increasing steadily from year to year up to the year 1912–13, when our total appropriation—that is, our insular revenues—was $1,902,711.68. In the year 1913–14 our appropriation was increased considerably, about 50 per cent, and we appropriated that year $2,745,740, which, together with the appropriations made by the school boards, brought the total figure over $3,000,000.

Commissioner WEINSTOCK. Was that the last year of Spanish rule?

Mr. TRAVIESO. I refer to 1913–14.

Commissioner WEINSTOCK. What was the last year of Spanish rule, and what was the appropriation made during that year?

Mr. TRAVIESO. About $60,000.

Commissioner WEINSTOCK. Then it has increased about five times—no; much more than that.

Mr. TRAVIESO. Oh, yes; 50 times. I refer at this time to a complaint or grievance presented by Mr. Iglesias. Mr. Iglesias complains that the legislature at the last session or during the last year made a cut of $700,000 in the appropriation for education. He naturally wants to blame somebody, the government or the legislature, for doing it. I think it is my duty to explain to this commission the reasons for that little reduction.

In the first place, this large appropriation of $2,745,000 was made during the most prosperous year on the island of Porto Rico, when sugar was being sold at an unusually enormous price. The island was prosperous, the taxpayers were paying taxes without complaint, the customs revenues of the island, which, as you know, go into the insular treasury, were increased by the importation of much machinery, and it was a year of great activity in the island. Naturally everybody was pleased, and there was during the administration of Gov. Colton, to whom Mr. Iglesias refers as a very good governor—and I agree with him; no one can make any complaint about his administration. But we must consider the fact that he was handling the ship when the sea was quiet. Everybody was prosperous and naturally no complaint would be made. The wage earners were getting better wages than ever before. The sugar planters were making money and everybody there was paying taxes, and the legislature took advantage of that opportunity to appropriate, as far as it could go, $2,700,000 for education. But the prosperity did not last very long, and the tariff bill was presented in Congress for the reduction of the tariff. One of the provisions was a reduction on sugar for three years or two years, up to March, 1916. Next year, if nothing happens between now and then, sugar will be placed on the free list. Immediately that caused a financial panic in the island. The centrales, the corporations that own those sugar mills, are heavily indebted. Most of those mills were erected with machinery purchased on credit to be paid for in installments. The lands were also bought on credit and have mortgages on them. They had to bond all this property in order to raise funds for operating the mills.

When the threat of the reduction of tariff came and this panic ensued as a result of that, naturally everybody began to retrench in their expenses, and one of the necessary reductions was in the wages paid to the laborers. The laborers willingly submitted to a proportion of reduction in their wages, and there was a reduction in the activities of the island. The insular revenues have decreased ever since this tariff act went into effect to the amount of $370,000 or about that sum over the previous year, so in only one item of our income the customs revenues were reduced $350,000 by virtue of the tariff. Our sugar industry has been threatened with destruction by the tariff. Everybody agrees in the island—and it is a fact which this commission must bear in mind, and I hope the commission will give to the matter its due consideration—that this is the fact.

Mr. Iglesias has presented a pamphlet which I helped prepare and to which my name is attached. I was a member of that commission before Congress to oppose the passage of the free-sugar provision, and that pamphlet contains very good and complete information about our social conditions and our political conditions and everything, and the reasons why the free-sugar provision should not go into effect as far as Porto Rico is concerned. It will ruin our industry. I agree with Mr. Iglesias and Mr. Martinez that the condition of our labor is a disgrace to Porto Rico. I do not hesitate to call it a disgrace. I do not believe it is due to any intentional fault on the part of the employers. It is certainly not due to any negligence or failure to perform any duty on the part of the Government. It is simply, as I said before, the result of the work of centuries of ignorance of our people and, another point to which reference has not been made, to the excess of population which we have on the island.

Porto Rico has an area of 3,600 square miles and has a population of 1,200,000 inhabitants.

Commissioner WEINSTOCK. What is the area?

Mr. TRAVIESO. Three thousand six hundred square miles.

Commissioner WEINSTOCK. How does it compare in size with any of our American States?

Mr. TRAVIESO. I think it is about the size of the State of Connecticut.

Commissioner WEINSTOCK. It has a population of how much?

Mr. TRAVIESO. One million two hundred thousand. It must be 1,250,000 by this time. If you divide the number of inhabitants by the number of square

miles, you have an average population of 334 inhabitants to every square mile.

Commissioner WEINSTOCK. That is a greater density than that of Connecticut, is it not?

Mr. TRAVIESO. I believe that Porto Rico is the second or third, taking it as a country. Taking it as a country, I think it is third in the world in density of population.

Commissioner WEINSTOCK. Is the density greater or lesser than Belgium?

Mr. TRAVIESO. It is a little less, but it is either second or third to Belgium. The result of this is that, owing to this density of population, to the lack of factories and of industries and manufacturers in the island, the whole population of practically about 800,000 men in the whole island that do not own property, who are not landowners, have to make their living by working for somebody else. They have to be wage earners. Therefore, the supply of labor that we have in the island is greatly in excess of the amount of work to be done. That is the reason why there must be certainly unemployed people in the island.

Another fact that must be brought to the attention of the commission is this: Our crops naturally occur once a year. As to the coffee, as stated by Mr. Bills, the picking season is from about the middle of September to the beginning of January; that is about three and one-half months of the coffee crop. At that time there is great demand for hands. Sometimes even coffee is lost for lack of hands to pick it. But that lasts only about three and one-half months. At that time the men and women and children and anybody who is able to work go to the plantations and pick the coffee, and they make money. I have myself seen families—my father owns a coffee plantation, and I know more about coffee than sugar for that reason—and I have myself paid to a family of a man and wife and two or three children as much as fifteen or eighteen dollars a week for picking coffee. A good picker, a man who is an expert, ought himself, without the help of anybody, to pick five or six hundred pounds a day, and with the help of his family naturally he gets a much larger amount. When the coffee season is closed the women and children do not work. The work is left only for the men then. If during the coffee-picking season you have to employ, say, 200 men, women, and children, the rest of the year all you have to do is to prune the trees and clean the land and keep it in condition for the next crop, and that work you can do, perhaps, by employing a force of 15 or 20 men. They go from one place on the plantation to the other. The rest of the people have to go somewhere else to get a living. They go down to the flatlands, down to the seashore where the cane grows. That increases the supply of labor in the cane lands.

I know it is a fact in a good many cases that the employers prefer to employ a greater number of men than that and to pay them a lower wage so they all may have an opportunity to earn something and, anyway, get enough to live, so they will not starve. They employ a greater number of men than needed rather than employ a smaller force of men at a higher wage. I know of cases where the men in the plantation have been called in, and it had happened on my father's plantation, and that situation put before them. The situation is this, so far as coffee is concerned: We lost our European markets. During the Spanish Government all our coffee was sold in Europe—in France and as far as Russia and Italy. That market was closed by the application to our products—by treating our products as American products. The protective tariff of the United States, which does not protect us, as far as the articles that we need are concerned, operated against us as far as our exportation was concerned, and our coffee was considered as an American product and treated accordingly. Therefore, the duties having gone up, the price has come down, from as high as 32 and 35 pesos of Spanish money that we sold coffee for prior to the American occupation, down as low as $8 or $9.

Commissioner WEINSTOCK. That is not a fair comparison—between 35 pesos and $8?

Mr. TRAVIESO. I will give the reduction from pesos to dollars. A peso was equivalent to 60 cents American gold, so that 35 pesos would be about $21. This year it has been sold at $11 or $12.

Commissioner WEINSTOCK. At what rate can you raise coffee profitably?

Mr. TRAVIESO. It costs between seven and a half and eight dollars a hundred pounds to produce it ready for the market. That is the reason the coffee growers are not making money. During the coffee-picking season they have to pay the usual price, and people make money, but the rest of the year the

plantation is not producing enough to justify the usual expenditure of money in improving. People are simply holding on to what they have, waiting for better prices.

Commissioner WEINSTOCK. Are wages higher or lower than when you were getting 25 pesos per hundred pounds?

Mr. TRAVIESO. You can see these wages are about the same, and have been about the same all the time, with very slight variation. What has changed is the number of men employed. They do not employ so many men because they can not afford to improve the plantation. They do not get their money back if they put it into the land. The wages are lower because they are employing more men than they need in order to keep them alive. I know in the case of my own father he has been losing money because the plantation is making nothing. His profession is that of physician, and he can live without the plantation, yet he realizes the situation, and he has there 15 or 20 farmers living on the plantation. They have houses built for them, and they have a piece of land to cultivate if they want to. He called these people to him and said, "I can not give work to every one of you at the wage you have been getting during the good years. I know all of you have to live, and I will agree to pay you as a wage enough to keep you alive; or you can work one day and the other man can work the next day at the full wage." In that way they are all getting enough to live; they are not starving or going hungry, and naturally are getting wages lower than a man should get.

No one denies that the men in Porto Rico, as a general rule, the agricultural hands, are underpaid. There is no one who denies that, even the planters themselves, and the question is whether under existing conditions they can afford to do better.

Now, I have taken too long, but I think I ought to explain those facts so that the testimony of Mr. Iglesias may be taken together with this explanation.

Chairman WALSH. You made it very clear, I think.

Mr. TRAVIESO. The school facilities of Porto Rico—not to make my testimony too long I am going to leave with the commission for reference a volume containing the report of the Governor of Porto Rico for 1914, which contains as an appendix the reports of all of the heads of the departments of the island, and the report of the commissioner of education is very clear and specific about the number of children going to school.

The total enrollment of the children for years of 1913 and 1914, which is the last report I have, was 207,010 in all of the schools of the island. The number of children in the rural schools was 109,524, and in the urban or city schools the enrollment was 70,954.

Now, we realize, and always have, that the most of our appropriation for education should be spent in the rural schools. We want to put our money to the best use we can by furthering the advantages for education in the lower schools. And even this last year, when we were compelled to reduce our budget because our revenues had decreased and the condition of the island did not justify the appropriation of more money, we had to cut it about $700,000 as compared with the previous budget; but we made a resolution in the legislature and insisted all the way through—I was a member of the conference committee of the budget as finally passed by the legislature, and we decided we would sacrifice anything, from the university down to the high schools or any other active educational department, rather than close a single rural school, and we carried that program through; and I can show this commission that not a single rural school was opened in the year of the greatest prosperity of the island which is not closed when conditions have changed; they are all still open.

Chairman WALSH. Where did the cut fall?

Mr. TRAVIESO. We cut from the university.

Chairman WALSH. How much from the university?

Mr. TRAVIESO. I think the cut from the university was $80,000 from the total appropriation.

Chairman WALSH. Where did the next cut fall?

Mr. TRAVIESO. We cut from what we considered somewhat of a luxury, and that was the domestic science school.

Chairman WALSH. How much of a cut fell on the domestic science department?

Mr. TRAVIESO. I could not give you exact figures on that from my memory, but I can assure the commission——

Chairman WALSH. If you can do it, I wish you would analyze that, so we might have it when we come to make a report—just where the cut fell in practical operation.

Mr. TRAVIESO. I do not know whether I can from the data we have at hand, because all this happened last January, and I do not think I have any report, but I can get the facts for the commission.

Chairman WALSH. Will you attempt to do so before the 1st of July?

Mr. TRAVIESO. Yes. I can get the exact figures and submit them to the commission.

(See Traviesо Exhibit No. 1 at end of this subject.)

Chairman WALSH. Could you say from recollection whether or not the cut resulted in the closing of any of these schools entirely?

Mr. TRAVIESO. No schools have been closed except those I have mentioned.

Chairman WALSH. And your machinery is all still there?

Mr. TRAVIESO. What is that?

Chairman WALSH. Your machinery is all there for carrying on education?

Mr. TRAVIESO. Yes; we simply have closed some of the shops for lack of men to run them. It has not been due to the desire on the part of anybody to curtail our educational department; if we had more money, we would get the vote of every man in the island to put it back in education. The percentage of our expense for education has been almost steadily about 30 or 33 per cent; one-third of our total appropriation has gone to education. The budget for this year is three million—the total budget of the island is $3,600,000, and about one million and a quarter is appropriated by the legislature for education; that is, without the appropriation of the school boards.

Chairman WALSH. What was your total budget last year for all purposes?

Mr. TRAVIESO. Our total budget for last year for all purposes was about $4,000,000; a little over four million, perhaps two or three hundred thousand more.

Chairman WALSH. Compared with what—this year?

Mr. TRAVIESO. Three million six hundred thousand dollars.

Chairman WALSH. A falling off of about $500,000?

Mr. TRAVIESO. Yes, sir; a falling off of about $500,000. We simply could not go any higher. I might say in passing that high budget I read, the highest in our history, when we appropriated $3,000,000 for education, the entire budget was $7,000,000 for the whole island, nearly twice the amount usually appropriated. We all went crazy and appropriated money, not blaming anybody, and we did that from our desire to appropriate as much as possible for education. We had money, and the best use we could put it to was to appropriate it for schools, which we did. The following years we found we could not repeat the performance, and we had to come back to the ordinary circumstances and cut it several hundred thousand dollars, as stated by Mr. Iglesias.

Chairman WALSH. Which was the high year on school appropriations? Has it been uniform in progress or was it higher, say, for the years 1913 and 1914?

Mr. TRAVIESO. Yes; we almost doubled the appropriation that year.

Now, the general status of the laboring population and the attitude of the legislative bodies toward labor legislation. The legislative history of Porto Rico in regard to labor legislation really begins with the year 1902, when the first laborers' liability act was passed in the island. That statute, its main feature, and the only one worth mentioning here, was the one that limited the right of the employee in the case of injury to recover. He could sue his employer for any amount not exceeding $2,000 in case of personal injury, and in case of death his family was entitled to sue the employer for any amount not to exceed $3,000. That law was enforced until the year 1912, I think, or 1913, when I introduced a bill into the legislature to repeal that section of the law where it limited the right of the employee, so far as the amount was concerned. The bill passed both houses, and it became a law, placing the employee upon the same footing as any other citizen, as far as his personal right to recover damages was concerned.

Chairman WALSH. It repealed the limitations of the former law?

Mr. TRAVIESO. Yes.

Chairman WALSH. In case of both death and of injury?

Mr. TRAVIESO. Yes; so that the employees of to-day are on the same footing and on the same level as any other citizen.

Chairman WALSH. Was any part of that fixed liability a penalty?

Mr. TRAVIESO. No; it was simply that he had to bring his case in court and could not recover more than $3,000. The legislature, when their attention was

called to that fact, said they understood that was a great injustice to the laboring classes, and by a unanimous vote of both houses repealed the same.

That same law provided for a commission to make a study of the matter of a workmen's compensation act. The commission made a study of the several bills that have been passed in the United States along the line of compensation, but left aside the question of an insurance plan for the workmen of the island. They presented to the legislature a report, submitting a draft of a bill. The bill, after very hard opposition in the lower house, both by men who were interested by not having any compensation act, because it injured their interests, and also on constitutional grounds the bill was very strongly opposed, and passed the house by only one majority, and it was sent to the council, and in the council I am personally in favor of an insurance plan, as far as Porto Rico is concerned; I think the result would be better, and the benefits to the employees would be greater and safer. So I took up the question from the insurance standpoint and made quite a study of it, and submitted in the council a substitute bill to take the place of the house bill.

Mr. Iglesias read a letter on yesterday from the speaker of the house in regard to my bill, which shows two things—that the honorable speaker never read my bill or forgot what he read. In this letter he says to Mr. Iglesias:

"Relative to the difference between the bill of Mr. Travieso in the executive council and one introduced by myself in the lower house, there is but one important difference, namely:

"In Mr. Travieso's bill the compensations are to be paid from an insurance fund created by the laborers themselves, who are to pay out therefor part of their wages by the employer and the people of Porto Rico, whereas in my bill the compensation is to be paid out by the responsible employer alone, and no objection would be made if the employer chose to take insurance policies for his men."

Now, that is not correct, because my bill specifically provides for an insurance fund created by an appropriation by the insular legislature of $50,000 to start the operation of the law, which sum is to be refunded back to the Government from premiums collected by the Government itself through its fiscal agents from the employers; and there is a provision in my bill, very clear and specific, which I took from the laws in force in the United States, which makes it a misdemeanor, punishable by two years in prison or a fine of $5,000, if any employer should deduct a single cent from the wages of his employees as a contribution to an insurance fund, so that the burden of my bill falls entirely upon the shoulders of the employer.

Chairman WALSH. Then that was either a complete misstatement or misapprehension?

Mr. TRAVIESO. Yes; a complete misstatement or misapprehension.

Chairman WALSH. So the only objection he makes to your bill does not exist?

Mr. TRAVIESO. No. This bill Iintroduced in the council two years ago as a substitute for the house bill. The speaker took the position that his bill should be passed like he wanted it or no legislation should be enacted at that session. That happened during the last few days of the session, when we were overburdened with work, and the result was no legislation was passed as far as the compensation act was concerned.

This year, last January, I revised my bill and improved it considerably and introduced in on the opening day of the session of the legislature.

Chairman WALSH. Was the compensation for death—what was the compensation for death in your bill?

Mr. TRAVIESO. In case of death the family of the man gets $1,500 in cash; that is to enable them to get a house and have a home, and then they get payments—weekly payments, of, I believe—one-half of the wages that the man was getting at the time of his death.

Chairman WALSH. For how long?

Mr. TRAVIESO. For a period of—I would not like to state that from memory. Unfortunately, I brought a copy of my bill, but not of the bill as finally passed by the council when amended. In my bill originally the provision was as follows. [Reads:]

"Section 6. That hereafter whenever any workman shall lose his life as the result of injuries sustained while engaged in a hazardous occupation and the death should occur within three years after the accident"——

The words "hazardous occupation" were stricken out, and it is made general as to any man employed.

(Continues reading:) "And the death should occur within three years after the accident, the legal heirs of such deceased workman, if they depend exclusively on the earnings of the deceased for their support, shall receive relief from the workmen's relief trust fund, as follows:

"Burial expenses, not exceeding forty dollars.

"If the deceased leaves a widow or a mother, or both, depending exclusively upon his wages for support, then the said widow or the said mother, as the case may be, shall receive the sum of one thousand five hundred dollars; and in case there is a dependent widow and a mother left by the deceased, and both of them dependent upon the earnings of the deceased, then in such case each one of them shall receive the sum of one thousand dollars.

"If the deceased workman should leave a widow and one or more children who depended on his wages for support, then the widow shall receive the relief provided in subdivision (b) of this section, and the child or children, as the case may be, whether the deceased left a widow or not, shall be paid a weekly sum equal to fifty per centum of the weekly wages received by the deceased at the time of the accident which resulted in his death, computed on the basis of a sum of not less than three nor more than six dollars; the said payments to be made for a period of not more than two hundred and sixty weeks."

Chairman WALSH. How did that compare with the compensation which was provided for in the bill of the speaker?

Mr. TRAVIESO. The figures were more or less alike, but the objection to the house bill of the speaker was the same objection that was made to the case—the commission must know of the Ives case, decided by the New York Court of Appeals. It contained no provision for the option of the employer; it made it mandatory; he had to submit to the law and was deprived of his right to a hearing in court, and it contained all the constitutional objections that have been made to compensation acts and that have been upheld by courts.

Chairman WALSH. Now, Mr. Travieso, I don't want to throw you out of the order of your statement or to hurry you, and still I know that a question will be asked for you to cover, if you will, please, that whole complaint about the handling of the police?

Mr. TRAVIESO. I am going to that, because I think that is the most important.

Chairman WALSH. If you have to omit anything, we would prefer to have you put this in first.

Mr. TRAVIESO. Regarding the history of the strike, the recent strike of agricultural workers. This strike began at Bajamon; it was started by the agricultural workers themselves, and for a number of days the strike was peaceful, no one was hurt, there were no fires in the cane fields, and the trouble was settled at Bajamon, I believe, at the instance of Mr. Bills, chief of the bureau of labor, who brought the parties to an understanding, and the trouble as far as Bajamon was settled to the satisfaction of all.

Then the strike began to break out in other parts of the island. The governor at once gave instructions to Mr. Bills to get hold of the situation and exercise or use his influence with both laborers and employers to bring the matter to a settlement. Mr. Bills took hold of the situation from the beginning and was getting very good results, and no one was complaining either against the Government or against the employers or employees. As soon as men who agitate these labor questions in the island started to get into the situation trouble began.

I will say as a general statement that the employers of Porto Rico are as a whole, they don't get along very well with Mr. Iglesias. Either they don't believe in him, or in his preaching, or in the manner in which he conducts the interests of labor on the island. The relation is, that as soon as Mr. Iglesias gets into these troubles, trouble begins in the island. A few days after that cane fires began to start in different parts of the island. I have a complete list of the fires that occurred in the island during the recent strike. Mr. Iglesias said yesterday that these fires were due either to accident or to the fact that men set fire to the cane filth in order to get their cane ground before. He also made a statement, which I don't believe anyone that knows anything about it, or anything at all, would corroborate, and that is that you don't lose anything by the setting fire to the cane filth, because the sugar stays in the cane just the same. Mr. Iglesias misunderstood the fact. It is true that if a cane field takes fire you can save part of the sugar. The leaves take fire, but the stalk does not burn, but when you grind them and get the sugar out of them there is naturally nobody but what will understand that there must be a loss. Fire consumes not only the leaves, but the cane itself, and that is a loss of sugar, and no man

would ever for a single minute think of setting fire to a cane field in order to get ahead of the next man and grind his cane before, because naturally he would be the loser.

Here is an incident of the total number of fires along those days, while the strike lasted, here is a list where they had altogether 83 fires. Now, as to the question of their being accidental, here is a place where on February 23, in the jurisdiction of Aguada, at 8 p. m., the cane fields of the Coseager Centrale Corporation were set fire from 19 different parts; that is, while the strike was going on, and the men on strike in that jurisdiction. The police worked actively, and arrested a number of them, and arrested Ramon Ramirez, Fautino Morales, Felipe Alers, and Remigio Esteves. Ramon Ramírez pleaded guilty. The other three were charged with having taken part in the conspiracy. The men were taken before the district attorney and held under $10,000 bail each. Now, it is very, very strange that 19 accidents should take place at the same time in different parts of a cane field.

Chairman WALSH. What was the punishment inflicted on the one that pleaded guilty?

Mr. TRAVIESO. I have no data as to that.

Chairman WALSH. Was he sent to the penitentiary?

Mr. TRAVIESO. If they were convicted they certainly would be sent there, because it is a felony.

Chairman WALSH. Arson?

Mr. TRAVIESO. Arson; it would be arson in the first degree if it was at night.

Chairman WALSH. And you have no data as to whether any of them were sent?

Mr TRAVIESO. No; not as to the results.

These fires broke out, and yet the government was naturally taking precautions to prevent, and trying to catch the men responsible for it, whoever they were. Now, Mr. Iglesias referred to fires in the city, where the houses were destroyed. That has no connection itself with the strike, and——

Chairman WALSH (interrupting). I have drawn that distinction from the data given, and I think the rest of the commission have.

Mr. TRAVIESO. I merely referred to the cane field. The governor naturally if an employer comes—for instance, these people came to the governor and complained that their plantation was set afire in 19 different places, they applied to the governor for relief and protection, and naturally it is the duty of the governor, as we understand it, that it is our duty to send police there if we can afford it, for them to catch the men responsible for a fire, and prevent the reoccurrence of another fire. The duty is not only to arrest the men guilty of the crime, but to prevent the reoccurrence of crime, and that is the reason why the police were sent to the different centrales where fires were taking place. Now, in the centrales there is a complaint that the police live at the centrales. It is a fact in many places.

Commissioner WALSH. What is a centrale?

Mr. TRAVIESO. A sugar mill; and naturally they are not inside the town, they are outside in the cane fields. These centrales, the policemen have to live somewhere, and he has to live there; he is not going home and coming back, and naturally quarters are furnished by the owners of the centrales, because he is there to protect property and life, and there is nothing in the complaint that the police live in the centrales. It is true, and they could not do otherwise. If I am sent to watch porperty or protect it I have to camp out or live in the property of the corporation.

Chairman WALSH. The same thing has occurred in Pennsylvania.

Mr. TRAVIESO. Yes, sir. Now, the first trouble that started was begun at Juncos, and reference was made to that yesterday by Mr. Iglesias. Mr. Iglesias complains that the governor has not taken any action on the investigation of this matter. The commission must know that daily in Porto Rico we get—we Porto Ricans are a great people for complaining; we complain about everything. It is not a fault, perhaps it is a virtue; we are getting to know what our rights are, and are complaining. I get in my office dozens of complaints every day, and I can not go personally, naturally I have not the time; but if it is a complaint against the policeman, I refer it to the chief; if it is against a judge, I refer it to the attorney general; and if Mr. Iglesias sends a telegram, and we get several every day from him, I refer it to the proper authority for investigation. If we get a letter several days afterwards saying there is nothing in the complaint of Mr. Iglesias, the matter is filed without

any further direction. When the matter is of importance a report is drawn, and such was the case in the affair at Juncos. The Government sent, upon getting a complaint that a collision had taken place between the police and laborers at Juncos, the governor selected one of the best men that could be found in the district to make an investigation, and I refer to Mr. Samuel C. Bothwell. He is the marshal of the Supreme Court of Porto Rico, and a lawyer, and a very able man, and a man well liked by every man in the district.

Chairman WALSH. Is he an American?

Mr. TRAVIESO. Yes, sir; he is an American. He has no interest anywhere, either against or for the employer, and I don't believe that a more impartial man could be found to make an investigation.

Chairman WALSH. How long has he been on the island?

Mr. TRAVIESO. He has been on the island ever since the American occupation there, and has been marshal of the supreme court.

Chairman WALSH. Does he practice law also?

Mr. TRAVIESO. No, sir; he is not allowed to practice.

Chairman WALSH. He gives his time to the duties of his office?

Mr. TRAVIESO. Yes, sir. So, Mr. Bothwell submitted a report on February 10, 1915, explaining to the governor what had taken place at Juncos. He went there personally, and I am proud to submit to the commission the report of Mr. Bothwell with regard to the strike.

(See Travieso Exhibit No. 2.)

Mr. TRAVIESO. I will read four lines of the report to give an idea. Mr. Bothwell says [reading]: "My opinion, after the investigation, is that not only were the police fully justified in what they did, but that they were entitled to very high praise in not hurting more of the strikers and in a greater degree."

One of the troubles at Juncos, as it appears in that report, were the troubles of these parades of the people that were armed with revolvers and machetes and clubs. They tried to go through a private road and they were interfered with by two policemen. Just when they were arguing the question, the police and the strikers, one of the bookkeepers of the centrale, probably frightened by the looks of this crowd, or believing that he could scare them away, he came out with a revolver in his hand and began to shout and yell and trying to scare this crowd, and the police took hold of this man and took the revolver away from him and took him back to the centrale and shoved him in the other room together with the other employers, so they could not come out, and the strikers at once, when they saw that, armed themselves with pieces of wood that were in a pile near the centrale, and they went for the two policemen, and the two policemen used their clubs, and two or three men were hit on the head, not very seriously, and the whole matter was quieted down, and Mr. Bothwell gives the facts very clearly in that report.

The trouble at Vieques is the most important of them. Vieques is a small island on the eastern shore of Porto Rico, separated from the island about 10 or 15 miles from the main island. The island has a population of about 10,000 inhabitants, and the total number of policemen in the island is, I think, about 14 policemen to take care of the population of 10,000 men, scattered all over that island.

Chairman WALSH. About how many policemen?

Mr. TRAVIESO. About 14. I have the exact number. The island of Vieques has a total population of 10,425 inhabitants. The number of policemen at Vieques is 1 district chief, 1 sergeant, 6 guardsmen, making a total of 8. Then at Mosquitos, another jurisdiction of the island, there is a lance corporal, 2 guardsmen, making a total of 3; and at Puerton Real there is the same force. The lance corporals and 2 guardsmen—8 and 6, making 14; 14 altogether for the whole island of Vieques.

We were advised of the trouble at Vieques by telegram from the district attorney of Humacao. The chief of police at Vieques, immediately upon the happening of these events, sent a telegram to the district attorney at San Juan, asking for police enforcements and advising him of the trouble, and he immediately communicated with us, and we told the chief of police and instructed him to go over to Vieques and see what the matter was. So the chief of police started for Vieques at once. He went over to Humacao and proceeded with the district attorney to Vieques. They took a steam launch and went there at once.

I would like to submit to the commission a report of the district attorney at Humacao, one of our ablest lawyers in the island, who has been for a number of years—for five or six years—the clerk of the supreme court at Porto Rico. He is the son of our chief justice. He is a graduate of an American university and had been appointed, I believe, just about less than a week before this trouble at Vieques occurred.

The report of the trouble at Vieques agrees somewhat with the statement of Mr. Iglesias as to how the matter occurred. There was a parade of about 200 or 300 men parading along one of the roads in Vieques in a public highway. They came to a point where, in order to proceed to another part which they wanted to reach to propagate a strike, they had to cross through a private road, through a cane field, a road between two cane fields which divides one cane field from another. This plantation had two policemen who had been sent there by reason of the cane fires that had taken place. They were there instructed by the governor to protect lives and to protect property. They had seen the parade of men who were not armed, who were going peacefully along, parading and propagating their ideas without trouble. But the orders they had were not to allow anyone to parade with arms, and everyone of these 200 or 300 men, or a great number of them, were armed. They had machetes and had clubs and had revolvers, as this report of the district attorney shows. They tried to go through this private road, and the two policemen stood there between the highway and the private property, and they called to the leader, a man by the name of Huertas, that "this is private property, and you have no right to go there, and we are here to prevent you from doing it." What did this man Huertas do? Instead of either turning this crowd away from the two policemen and going in another direction, what did he do? According to the letter which Mr. Iglesias read here yesterday—though he did not read according to a copy of the letter which I have, and I want to refer to that point. I have a copy of that letter sent to my office by Mr. Iglesias himself, with his former letter, asking for the appointment of a commission, which was addressed to me as acting governor of the island. The letter is a copy signed by the writer—by the attorney. The attorney says—and I am translating from the Spanish, because the letter was originally written in Spanish [reads]:

"The crowd was stopped by two policemen, who requested the man who had charge of the leadership of the laborers, Saturnino Huertas, not to pass over that road, because they had superior orders. When Huertas replied, calling his attention to the inconvenience that had to be met by the men in the parade, because they would be compelled to walk back about one-half of the distance in order to return to the city and then to start over again in another direction, the two policemen alighted from their horses"——

They were on horseback. [Continues reading:]

"They pointed their carbines to the laborers, and the said Huertas then made three shots from his revolver, and the consequent panic ensued."

So the commissioner will see, not from the side of the government but from the report of the attorney appointed by Mr. Iglesias to investigate the trouble in Vieques, that the only thing the police did was to call the attention of these men not to pass through there, and in order to show that they were ready to make their orders obeyed—and there were only 2 men against 200 or 300—they left their horses and placed themselves in position to make themselves obeyed; and this man Huertas drew his revolver and fired three shots at those policemen, and then the trouble came to them."

Mr. Iglesias read yesterday the same paragraph which I have translated from a signed copy of the letter. I have it here at page 93 of the stenographer's minutes as he read it. He read it this way [reads]:

"When Huertas said it was not becoming that the participants in the parade should turn back halfway down the road and come back to town and then go by another road, hereupon the police crouched down and aimed at the strikers. The said Huertas fired his revolver three times at the same remarks being and firing against the participants of the strike came not only from the police but also from the majordomos."

He stated right there—which is a different statement, because here the responsibility is thrown on the police while in the other it appears the trouble was started by three shots from Huertas's revolver.

Mr. Iglesias claimed yesterday that these 200 or 300 men were not armed in any way; that all they had were some branches of a tree that they had cut; and they had inoffensive flags at the ends of those poles in order to take them

in their parade. But I will read to the commission from the report of the district attorney in regard to the wounds received by the two policemen, and the commission will understand that those wounds could not possibly be committed by an inoffensive branch of a tree. This is a report of the doctor, J. S. M. Pressly, an American at Vieques. This portion of the report to which I wish to call the attention of the commission reads as follows:

"According to the medical certificates issued on that day by an American doctor, who is the municipal physician of Vieques, named J. S. M. Pressly, Policeman Brignoni had eight wounds, as follows:

"Wound No. 1. Incisive wound in the upper portion of the neck, dividing the structure from the vertical column. Closed by stitches and probably caused by machete.

"Wound No. 2. Perforating wound caused by bullet from revolver, fired so closely that grains of unburnt powder were injected into the skin. Point of entrance in the lower left occipital region, passing in hard and finding exit in the midline of the lower occipital region.

"Wound No. 3. Incisive and bruised wound probably caused by blow with club covering the whole left parietal region, closed by suture.

"Wound No. 4. Incisive wound in crown of head, closed by suture.

"Wounds Nos. 5 and 6. Incisive wounds on external surface, lower part of right forearm, closed by suture.

"Wound No. 7. Incisive wound on external surface of middle part of left forearm, closed by suture.

"Wound No. 8. Incisive wound passing obliquely across part of hand and lower forearm on left side, fracturing the second and third metacarpal bones and the first phalange of the small finger, closed by 12 sutures."

The other policeman, named Sotero Moreira, had wounds somewhat similar. they were all caused by similar weapons.

Chairman WALSH. Did he have a gunshot wound also?

Mr. TRAVIESO. It does not say.

Chairman WALSH. A machete wound?

Mr. TRAVIESO. They all seem to have been made by machete; but he had six wounds.

Chairman WALSH. Six wounds that might have been made by a machete?

Mr. TRAVIESO. Yes. These two policemen naturally, when they were fired at by Huertas, had to defend themselves. They fired their revolver or carbines, and the result was that three men were killed right off. Five or six were wounded and one of them died in the hospital a few hours afterwards, making a total number of four dead and four or five wounded. The two policemen were left on the field for dead. They were so cut up that they really did not finish them, because they thought they were dead. They were taken from there to the hospital and they were at the point of death for several days, especially this man Brignoni, who we were expecting every minute to learn had died.

All this information came to Porto Rico and San Juan by telegraph from the fiscal or district attorney who went to make this investigation. Mr. Iglesias said he never heard of the occurrence until four or five days after it took place. Mr. Iglesias knows, and everybody knows, that it was a fact that Mr. Iglesias's colleague, a member of the house of delegates, brought that matter to the attention of the house of delegates upon the following day. The telegrams and the information that were received were turned over to the press, and it was published all over the papers in San Juan. Either Mr. Iglesias was not attending to that part of the work or he overlooked the information. Everybody knew it in San Juan; knew that it had taken place. Every newspaper had its information from their reporters who went with the chief of police, and two or three days after that a committee of men, appointed by Mr. Iglesias, went over there and made an investigation.

The governor of Porto Rico, against whom a complaint seems to be made, I suppose from all this—I want to say that there is no more unjust complaint than the one made against the governor. I do not believe there is a man in the island of Porto Rico—and I do not like to speak about any man in particular in the way that I am going to do about the governor, but I believe that he deserves whatever I am going to say about him. I believe firmly that the labor classes of Porto Rico and the people of the island as a whole have no better friend than Mr. Arthur Yager, the present governor of the island. He is a man who has especially devoted himself to a study of social questions. He takes a great interest in the welfare of everybody in Porto Rico, and especially the working classes. By virtue of the duties of my office I have to be

in touch with the governor more than any other official in the government of the island. I take his place when he goes away, and naturally I have to keep myself informed of everything he does and everything he thinks about our conditions down there. I know he worries a whole lot about the existing conditions of the laboring classes. I know he is trying to get a remedy for them and using the best of his ability and of his intelligence and power to promote the welfare of the classes. I do not believe there is a man in public life in Porto Rico, from the governor down, either in the upper house or the lower house, whom you could call an enemy of the laboring classes of Porto Rico. We all feel kindly toward them, and we would go to any sacrifice whatsoever to better their conditions. The governor is second to no one in his estimation of our people and his desire to do good for them. So whatever has taken place the governor should not in any way be blamed for what has happened.

Chairman WALSH. You think he feels friendly toward them?

Mr. TRAVIESO. Certainly; there is no doubt about that. It is shown by his writings, and I have brought here a copy of the last message of the governor to the legislature showing that he takes an interest in all these matters. I refer especially to his recommendation to the legislature of the passage of an act providing for a distribution of government lands on easy terms to the laboring classes of the island. That appears at page 6 of the message. Also he urged the increase of the educational facilities. He also urged very strongly the passage of a workingmen's compensation law, in either form, by way of a compensation act or under an insurance plan. All through his message you can see what the treatment of the man is toward these poor people in the island. Time and again he has said to me that the most perplexing problem he has, that worries him most and what he thinks more about, is how to find a means for bettering the conditions of these working classes. That is the problem we all think about and that we would be willing to help anybody who is willing to help us solve it. If we have not come to a solution of it, it is because it is not within our means to do it and not because we did not want to.

When this report came to the governor, the governor called me to his office and submitted to me the report and the telegram from the chief of police and the district attorney relating to this trouble at Vieques. The governor had not, up to that time, made any public utterances or statements in regard to the strike. He assumed that his duty was to act impartially in the matter and not to take sides one way or the other. But I can say that if the governor was partial in any way it was in his efforts to try to get the employers to submit to terms presented by the strikers; and from the very beginning, and in my presence, the governor of Porto Rico stated to a number of the employers of these strikers that the strikers were right in claiming a higher wage and shorter hours of labor, and I told them so myself, and the influence of every man in the government was with the strikers, that the strikers were right in their desire to get a better wage and shorter hours of labor. That fact no one denies, and the sympathy of everybody in the island was in favor of the strikers, and if this strike had been peacefully conducted, if Mr. Iglesias and Mr. Martinez—and I am glad they are here to hear what I say about their campaign—if they had refrained from using insulting and abusive language, if they had refrained from trying to incite these people, who are peaceful but ignorant—you can take them either to church or to kill two policemen, if necessary, because of their ignorance—if they had refrained from using that language, the trouble at Vieques would not have occurred, the other trouble at Ponce would not have occurred, and the strike would have been completely a victory for both Mr. Iglesias and for the employers themselves.

Chairman WALSH. What was the language?

Mr. TRAVIESO. I do not know exactly. I could not say that Mr. Iglesias said this or the other thing, because I was not present; but the reports in the press and the investigations by the fiscal at Ponce show that Mr. Iglesias was very violent in his language.

Chairman WALSH. You have the alleged utterances in this report, have you?

Mr. TRAVIESO. Not the specific utterance, but in substance what he said.

The governor succeeded in his efforts to get the employers to come to terms, and there at the governor's house agreements were made, or terms were made, to grant some of the points made by the strikers, and the strike was called off at several of those plantations through the influence of the governor and the influence of Mr. Bills, of the bureau of labor. Mr. Iglesias himself and several other speakers said at several places, as the reports show, that the governor was not with them; that the governor was in favor of the strikers; and that there was

even a sort of quiet complaint, that did not come out in the press, against the governor for having been too much in favor of the strikers.

The general opinion was that the governor and the bureau of labor, as Mr. Bills stated, I believe, were helping the strikers, and that was because we never concealed our opinion and belief, and I reiterate it here, that the strikers were right and that they were entitled to a better wage, because they submitted themselves to a reduction in the wage when the price of sugar went down, and it was natural and logical for them to expect that when the price of sugar went up by reason of the European war they should be given also the benefit of the increase of price. We all agreed with them in that part of their fight. But when it came, Mr. Chairman, to a question of setting fire to property, when men began to attack the police and disobey the law, when people were being incited to arson and murder, and all those things, in the public squares of the cities and towns—when that preaching began to produce its results, as it did at Vieques, and two policemen were nearly killed and four poor, innocent laborers, who were misdirected and misled into what they did, were killed, then the government understood that it was time to interfere and try to put a stop to it.

Chairman WALSH. What was the date of the Vieques trouble?

Mr. TRAVIESO. The Vieques trouble occurred on the 16th of February, 1915.

Chairman WALSH. What was the date of the Ponce trouble?

Mr. TRAVIESO. It occurred a few days later, on March 1. The governor told me, and we discussed the matter of what we could do to prevent a recurrence of the Vieques affair. The island became quite excited. The employers thought this would take place again, and they began to come to us for protection and asking that the police forces be increased by 200. The request was made, but it was not granted. We considered we could handle the situation without any such increase of the police force, and we tried to do it, and I think we succeeded.

I believe even a suggestion was made from the side of Mr. Iglesias that the Porto Rican regiment should be called out. It seems to be inconsistent that such a request should be made, as everybody knows when the military forces get out the rights of free speech and all those constitutional rights are more or less suspended. If you put a town under military rule, meetings are suspended for a time. That is done practically everywhere, and it would have been done there under military rule. Mr. Iglesias, who complains about the curtailing of his liberty of speech, was ready and willing to have the military called out to cope with this situation, created, I believe, by himself—and I do not hesitate to say that.

The governor decided then to address a proclamation to the citizens of Porto Rico. I will submit to the commission a copy, both in English and in Spanish, of the governor's proclamation. I do not believe Mr. Iglesias has submitted a copy of it. He complains about it, but does not submit it. I will not take the time of the commission to read it, but I want to call attention of the commission to the fact that the governor here says, in the third paragraph, very plainly and in terms that can not be mistaken [reads]:

"I believe that the laborers of Porto Rico, as anywhere in the world, have a perfect right to go on a strike and to remain at home or go out on the streets if they so desire, but without arms."

In Porto Rico it is not allowed to carry arms; it is a misdemeanor. [Continues reading:]

"But without arms, without riotous manifestations, without committing acts that might provoke and incite a riot or an attack upon persons and property, and the laborer or the striker who conducts himself in this manner will receive the protection of the police. But, on the contrary, armed laborers engaged in riotous parades, shouting, and howling throught the streets and roads of Porto Rico, provoking disorder and inciting to riots, these will not receive the protection of the government, but will be immediately arrested by the police and taken to the courts to receive their due punishment.

"The credit and the good name of Porto Rico demand that peace and order be immediately reestablished in those parts of the island where they have been disturbed."

So the governor merely makes that statement of the law, and he says to the strikers: "Your right is to strike peacefully, without attacking people or destroying property. If you behave yourselves and conduct your strike without these elements, the law, the policeman, will protect your parades and your meetings and be by your side; but if you break the law, you have to submit

to the penalty of the law." That proclamation was published and promulgated by me as secretary of Porto Rico, and was published in every newspaper in the island and had the desired effect. The next day everything was quiet, and the strike continued, and cane fires subsided for a while, and the island began to feel that the government was ready to protect every man's life and property. I don't believe that any complaint absolutely can be based on the proclamation of the governor. No man that is a law-abiding citizen will refuse to attach his signature to that document, and if any blame is to be given to anybody for it I want to take one-half of it, because I helped the governor to draft it.

Now, there seems to be a general charge made by Mr. Iglesias that the governor tried to use the police to break the strike. Now, if that had been the intention of anybody in the government, that would have been done in the mainland, where we had 600 policemen to accomplish this purpose; and as the matter started in Vieques, a long way from Porto Rico, we least thought that trouble would occur; and all of a sudden it broke; and it is quite a coincident that this trouble at Vieques happened, I believe, there a day or two after or three days after one of Mr. Iglesias's right-hand men, a man named Piris, went over to Vieques and started a strike over there and made very violent speeches against the employers and police and everybody and incited those people, and the result was the Vieques strike.

They were quiet for a while. I believe Mr. Iglesias himself controlled his activities for a few days after the proclamation, until the meeting took place at Ponce. This meeting was taking place, I believe, at the market place in Ponce, and, according to the report, to which I want to call the attention of the commission, and speaking from personal knowledge, I can not say, it is merely from the official information that I have.

Chairman WALSH. You were not present at the meeting?

Mr. TRAVIESO. I was not. The report of the district attorney of Ponce, in reference to the Ponce trouble, contains this paragraph. It says: "Santiago Iglesias was the orator who from the tribune incited the people, and who caused the police to interfere on account of his language, the riot thereupon ensuing. Francisco Paz Granela, Manuel Texidor, and Prudencio Rivera Martinez"—he was the gentleman that testified here—"occupied an automobile in which they had come from San Juan, and from which automobile revolvers were shot off against the police, and the police were also incited. Maximiliano Bre was detained as a consequence of said riot, and a revolver which had been shot off shortly before was taken from him, and Jesus Rosado was also detained as a consequence of the riot, and a knife was taken away from him."

Chairman WALSH. Taken away from whom?

Mr. TRAVIESO. From this man Rosado.

Chairman WALSH. He was in the automobile with Iglesias and Martinez?

Mr. TRAVIESO. No; this man Rosado was not in the automobile; neither of them were in the automobile. The report says that shots were fired from the automobile and this revolver was taken from Bre and the knife from Rosado.

Chairman WALSH. Is there anything in the report that shows the specific language used by Mr. Iglesias on this occasion?

Mr. TRAVIESO. No. The information is that he was criticizing severely the employers and the police and the governor and government, and everybody that he thought was against the interests of the strike, and the chief of police believing that Mr. Iglesias's language was in violation of the law, and complying with the proclamation of the governor, he called Mr. Iglesias down and ordered his arrest for violation of the law. The policeman who received the orders from the chief tried to execute the orders and arrest Mr. Iglesias. According to the report, when he was going to do that one of the men who were there near to this place where Mr. Iglesias was tried to stab the chief of police with a file that had been sharpened, and the chief, in order to protect himself, drew his revolver and shot this man. He was wounded, but he has recovered. He is the man, I think, whose picture has been presented here. His name is Roveldo.

Then, when that shot was fired, the riot occurred. People began to run one way and the other, and the fire was exchanged between the police and the strikers, and there is evidence that another man by the name of Cabellero was killed by a policeman by the name of Quiles. Now, when this news came to San Juan the house of delegates was in session at that time, and Mr. Barrow, who is Mr. Iglesias's representative in the house, he brought to the attention of the house these facts, and they appointed a committee of two members, one from each of the political parties, and they proceeded to Ponce and made

investigation from the reports presented by Mr. Iglesias yesterday. The commission will see that this committee of the house refused to enter into how the riot started or who was responsible for it or anything like that. They said that the matter was under the jurisdiction of the court, and they had no right to interfere and refer merely to the killing of this man, which they believed should be investigated. Now, I don't see how a complaint can be made against the government, because the matter was investigated. The opinion of the district attorney is that this was unnecessary, but that he was not maliciously killed. The district attorney has filed an information against him for involuntary manslaughter. It is punishable by 15 years in the penitentiary.

Chairman WALSH. What is the minimum?

Mr. TRAVIESO. One year.

Chairman WALSH. Did he give the details as to lack of necessity for the killing?

Mr. TRAVIESO. No, sir; he doesn't go into the details, but he says from the testimony he has taken it appears that there is sufficient evidence to charge this man with having illegally and unnecessarily killed this striker. It appears that the wound that killed him penetrated his body through the back.

Chairman WALSH. Which would indicate that he was running at the time?

Mr. TRAVIESO. There was some testimony that the man was running away from the place and the policeman shot at him.

Chairman WALSH. What sort of a man was he; was that looked into? Whether he was of good character?

Mr. TRAVIESO. I believe, to use a common expression, he was a poor devil.

Chairman WALSH. He was a poor fellow?

Mr. TRAVIESO. Yes; he was neither a striker or employee of the cane fields, and probably had nothing to do with the strike; he was a sightseer.

Chairman WALSH. An innocent bystander?

Mr. TRAVIESO. An innocent bystander; and the evidence of the police, as far as cited, is that this man had a knife with him, that this policeman tried to take it away from him, and the man started to run first and then turned around and faced the police. The policeman shot him, and when the man fell the policeman stooped down and took this knife away from him. That is his side of the case.

Chairman WALSH. Did he turn around again; he was running, you say, with the knife?

Mr. TRAVIESO. Yes.

Chairman WALSH. And then he turned on the policeman?

Mr. TRAVIESO. Yes.

Chairman WALSH. And then he started to run again?

Mr. TRAVIESO. He started to run again, and the policeman shot him. So this is a matter that the Government as an executive branch of the administration can not be blamed for.

Chairman WALSH. The prosecution is going on now?

Mr. TRAVIESO. Yes, sir; the man is indicted; and although I don't like to speak with certainty as to the fact, but I can assure and promise the commission that in all probability this policeman has been suspended from employment and from salary; because, as a general rule, in the regulation of the department a man that is charged, a policeman charged with any offense, no matter how trifling it may be, that man loses his moral force in the community entirely, naturally, being under an indictment; and the uniform and club and revolver are taken away from him, and he shall retire until he is clear from that charge. If he is properly acquitted he goes back to the force. If there is doubt left in the department as to his moral conduct, or anything like that, he is discharged, so I can assure the commission that this man is not on the police force at this time. I know they would not allow him there for a minute, after an indictment was filed against him. I will submit to the commission the report of the district attorney with reference to this trouble at Ponce.

(See Travieso Exhibit No. 3.)

Chairman WALSH. Do you recall the substance of the statute with reference to incitation to riot, the statute under which the police were proceeding when Mr. Iglesias was interfered with?

Mr. TRAVIESO. Under the law of Porto Rico, I will say, that our penal code is taken from the American code, from the code of California, which is similar to the code of New York; both civil and criminal code. The Spanish code was done away with after our first legislature met, and that contains a provision making inciting to riot a misdemeanor.

Chairman WALSH. Does it contain the words, "anyone who by words may incite to riot"?

Mr. TRAVIESO. Yes, sir; and it is in my opinion a violation of the statute punishing breaches of peace. I have always claimed that a man who is contending that he is exercising his right of free speech, that he can not go on the platform and insult another man. If it is a misdemeanor to stand on the corner and insult that man as he goes by, I think it is an aggravated offense to insult that man on the platform in free speech. Whenever he abuses that power, and if he insists on a violation of the law, and it is a breach of the peace, we prosecute him like was done here.

Commissioner WEINSTOCK. On that point, if I may ask, what is your interpretation of the law? Is it your interpretation of the law that you can prevent a man from talking in public by assuming that he is going to say things, or is it your interpretation of the law that under the right of free speech a man is at liberty to say anything he pleases, but if he says things that are punishable he should be punished for it?

Mr. TRAVIESO. Yes.

Commissioner WEINSTOCK. You would not prevent him from talking?

Mr. TRAVIESO. No.

Commissioner WEINSTOCK. So your interpretation of the law is that any man can get up and say anything he pleases?

Mr. TRAVIESO. Yes.

Commissioner WEINSTOCK. But if he says things that are improper and unlawful he should be punished for it?

Mr. TRAVIESO. Yes; my interpretation of the law is that a man can go and discuss any other man who is in an official capacity; if he is an official of the government he can criticize his official acts; and I have heard Mr. Iglesias criticize my actions as district attorney; and I took my medicine like we say in the United States. I heard what he said, but did not agree with him. But I heard what he said with pleasure.

Commissioner WEINSTOCK. Are you sure you heard him with "pleasure"?

Mr. TRAVIESO. Well, yes, with pleasure; for I like to see a man say what he feels; I admire a man who speaks his mind and is frank, and Mr. Iglesias was quite frank on that day. So I would not punish a man, no matter whom he criticized, from the government down. I think it is a part of our duty to stand the test of criticism of the citizen; but I believe that no man should go on the stump and criticize a man who is not in public life, or expose him to ridicule or charge him with the commission of a crime for which he has not been indicted; and in things like that I think the right of free speech is limited by the rights of other people.

Chairman WALSH. I was going to ask you, Mr. Travieso, in regard to the warrant that was issued by the municipal judge referred to here; was that warrant issued before or after the meeting?

Mr. TRAVIESO. After.

Chairman WALSH. Mr. Iglesias said that he was not arrested for half an hour, the police being too busy minding you to do it?

Mr. TRAVIESO. The fact was that Mr. Iglesias jumped in that automobile and tried to get away from the place as fast as he could. Mr. Iglesias always succeeds in not getting into trouble.

Chairman WALSH. If your theory was correct, then he could not have witnessed what the police were engaged in during the half hour involved?

Mr. TRAVIESO. Probably not.

Chairman WALSH. Go ahead.

Mr. TRAVIESO. Several men were arrested, Mr. Iglesias being one of them, and the municipal judge fixed the bond in the sum of $2,000, which they could not furnish, and they applied for a writ of habeas corpus to decrease or reduce the amount of the bail, and that was reduced by the district judge at once to the sum of $300. They got the bail and they are still out on bail, and have not been tried, and the case is pending trial in the city of Ponce.

There has been a charge made by Mr. Iglesias, a general charge made, that these men at Vieques have been deprived of the right of a jury trial. Our system of law is such that we divide crimes into misdemeanors and felonies. We have a jury system exactly similar to the one in the United States.

Chairman WALSH. May I shorten that by saying it is an inferior court, like our inferior courts, where they do not provide a jury; that the right to a jury trial is not given, but the guaranty of a right is preserved in the higher court?

Mr. TRAVIESO. Yes.

Chairman WALSH. It is the same situation; is that correct?

Mr. TRAVIESO. Yes; these cases were tried before the municipal court because they were misdemeanors, for which the law did not provide a jury trial. After conviction they appealed to the next higher court, which is the district court, and there they have a jury for felony cases, but not for misdemeanors. The advantage of taking an appeal is that you try the case de novo—that is, the district judge does not care what the lower court decides, but he tries the case again from beginning to end—and these cases were retried, and some of them were acquitted, but the largest number of them the conviction was affirmed, although the judge, believing probably that the penalty was too excessive, reduced it in almost every case. So the men can not complain that they have not been getting justice. They have been tried exactly like any other citizen who violates the law.

I have here a list, which I will supply, of the fires that took place on the island during the strike.

(See Travieso Exhibit No. 4.)

I have also a list prepared by the district attorney of Humacao giving the names of the defendants and the crimes they were charged with and the sentence in the trial court and the decision of the district court on the new trial.

(See Travieso Exhibit No. 5.)

Mr. Iglesias complained that the municipal judge of Vieques refused to approve the appeals of these men taken to the district court. There is the report of the attorney general of Porto Rico covering this point, in which the facts are different from those submitted by Mr. Iglesias. Mr. Iglesias charged the municipal judge—and I am sure if we were testifying under oath Mr. Iglesias would not have made the statement that the municipal judge of Vieques falsified or forged the original sentences. I do not believe that Mr. Iglesias would dare to sign a complaint to that effect. It is easy to make a statement when no responsibility attaches to the statement.

Chairman WALSH. Had you ever heard that charge made before?

Mr. TRAVIESO. No; the first time was here yesterday, and I have no doubt, if the facts were true, Mr. Iglesias would have filed a complaint against him. The attorney general says in his report: "There was a misunderstanding of the municipal judge at Vieques in regard to the right to try it in his court."

I want to call the attention of the commission to the fact that these municipal judges in some of the jurisdictions are not required to be attorneys, but just citizens who are vested with that power.

Commissioner WEINSTOCK. Like justices of the peace?

Mr. TRAVIESO. Yes; exactly.

(Here witness read a letter in regard to the municipal judge refusing to allow appeal.)

Chairman WALSH. I want to ask you about one thing before we adjourn. The proclamation of the governor, as I recollect it, made no declaration as to assemblages at all, did it?

Mr. TRAVIESO. No.

Chairman WALSH. There was a complaint made here that there was some objection to the meeting in numbers exceeding five, was it; or to the extent of five—I do not recall?

Mr. TRAVIESO. That charge is absolutely unfounded and untrue. I will submit to the commission copies of the letters of the governor to the chief of police.

Chairman WALSH. Just a moment while that is on my mind.

Mr. Iglesias, where did you say that inhibition came from? Where do you say the order came from not to allow the men to meet to the extent of five?

Mr. IGLESIAS. You have in your files affidavits of men that have had conferences with the chief of police.

Chairman WALSH. I remember now.

Mr. IGLESIAS. And the governor sent me a telegram saying I have to see the chief of police.

Chairman WALSH. I remember it now perfectly; it slipped my mind.

At this point we will stand adjourned until 2 o'clock.

(Whereupon, at 12.30 o'clock, the commission took a recess until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. M. TRAVIESO—Continued.

Chairman WALSH. You may proceed now, Mr. Travieso.

Mr. TRAVIESO. I left my statement this morning at the place where a reference was made to the prohibition of the police of gatherings of more than five men. Mr. Iglesias charged that that was done in pursuance of instructions of the governor to the police of the island. I have here a copy of the first letter of the governor, addressed to the district attorneys, the mayors, and the district chiefs of the insular police of Porto Rico. A copy of this letter I will leave with the commission, but I want to refer to this paragraph, which says [reads]:

"The proclamation which I have to-day addressed to the people of Porto Rico will show you clearly the attitude of the government throughout the serious situation existing to-day in this island. It is of absolute necessity that disorder, fire, and riot should cease immediately and that absolute quietness be reestablished The parades of laborers armed with machetes, clubs, and other arms must be strictly prohibited, and the machete shall only be used as an instrument of labor when the laborers are about their daily occupation. Meetings at which orators incite the odium and discredit of anybody shall be suppressed and when riot and disorder is provoked.

"The peaceful laborer and everyone who desires to engage in his daily occupation shall be protected, and it shall be prevented at all cost, and by means of force, if necessary, that the freedom of the peaceful citizen to work and not to join the strike be abridged.

"In case of riot and disorder the leader and the authors who by their word or by their actions lead the unconscious masses of the people to execute acts of violence and disorder shall be severely punished.

"Every authority has the absolute support of the government to compel the faithful and energetic execution of the law, and absolute neutrality shall be observed in conflicts between capital and labor, and both shall be protected when within the law; but if any of said elements violate the law, they shall be severely punished, and the government is ready not to allow the rights of the laborer to peacefully strike and to demand in a peaceful manner an increase of his salary, either by remaining at home without working or by persuading the employer by word of mouth to increase his salary, to be used as an instrument and as a means to incite the people to commit acts of violence and force to obtain an increase in salary which can not be obtained peacefully."

That was the original letter of the governor to the insular police. Several telegrams were received when this order was tried to be executed. The governor, to prevent misapprehension or misinterpretation of his letter by the police, followed that letter by one two days later, where he makes more clear and explicit his intentions and his position. In his letter of February 25, 1915, he said [reads]:

"It was not my intention that you should suppress peaceful meetings of the laborers who may gather at some certain point on the public roads or in the 'barrios' for the purpose of discussing in an orderly manner their grievances. So long as these meetings are peaceful and orderly in their spirit and attitude, and so long as the speakers discuss the grievances of the working people within the limits of the law, I desire that you shall not in any way interfere with them."

That was addressed to the chief of insular police and communicated by him by circular letter to every district chief of police in the island.

Both of these letters I would like to offer in evidence.

(See Travieso Exhibits Nos. 6 and 7.)

So that from these two letters which I have offered in evidence it can be seen that the governor has been making clear his intention that the right of free speech and the right of assembly and getting the masses of the people together to discuss questions should not be abridged or impaired in any way, and naturally no one should have any intention of preventing that or curtailing that right in any way.

After the strike at Vieques took place Mr. Iglesias addressed a communication to the governor, to which he referred yesterday, asking for the appointment of a special commission. Mr. Iglesias did not read from his letter and did not, I believe, introduce it in evidence. He merely referred to it and to the reply

of the governor. Mr. Iglesias proposed in his letter the appointment of a commission, which was to be formed of a district judge, a district attorney, and two attorneys appointed by him——

Chairman WALSH (interposing). It was introduced in evidence, together with the reply.

Mr. TRAVIESO. And he also proposed that the president of the federation of labor, who was Mr. Iglesias himself, should have sort of supervision of the workings of this commission, to watch the proceedings, to see that the proceedings were properly conducted. In other words, it was to be a commission of four, under the superintendence of Mr. Iglesias. According to his letter this commission was to have not only the power to investigate, but the power to prosecute and to punish. In other words, the ordinary administration of justice was to be suspended and done away with and in place of the regular machinery for the administration of justice this commission was to take hold of the situation and to deal with it from the investigation to the punishment of every official in the government that had committed any violation of the law.

The petition of Mr. Iglesias came to my hands at the time when I was acting as governor of the island. The governor was away. I studied Mr. Iglesias's petition, and I came to the conclusion, in the first place, that it was not advisable to appoint any such commission, because the government had full confidence and has full confidence in the integrity and in the ability of every man that is a judge in the island of Porto Rico, and the government could not admit for a single minute that the administration of justice in the island was not sufficient to cope with the situation and to punish properly any man who was guilty of a violation of the law.

In the second place, the petition had to be denied for the reason that the governor had not the power under the law to appoint any such commission. The duties of the governor are defined by the organic act of Porto Rico passed by Congress, and the governor has the power to appoint the julges defined in that law, the duties of which judges are also defined by the local statutes. The governor would have no power to give this commission the power to investigate and to prosecute and to punish anybody, unless the Legislature of Porto Rico met and passed a law creating a commission with that power, and I even doubt if the Legislature of Porto Rico would have power to create a commission and give to it judicial powers—the power of prosecuting and punishing for a violation of the law.

Upon these grounds I thought that the application of Mr. Iglesias had to be denied, and I instructed the acting secretary of Porto Rico, the man who was taking my place, to reply to Mr. Iglesias to that effect. The answer of the secretary is inserted in Mr. Iglesias's second communication to the governor.

Mr. Iglesias thought, perhaps, the denial that I had made would not be sustained by the governor, and upon the return of the governor on April 14 he addressed another communication to the governor, wherein he inserted the original communication to me, the reply of the acting secretary of Porto Rico, and reiterated his petition that this commission should be appointed. The governor replied then, upholding my interpretation of the law and denying his application. I do not believe this is any ground for complaint against the government for refusing to appoint this commission, because the position of the governor is that he had no power to appoint any such commission or give such commission the powers desired to be given to it by Mr. Iglesias.

The letters being in evidence, I will not offer them, because I do not want to incumber the record.

I would like to present to the commission a clipping taken from the Times, a Porto Rican newspaper having the largest circulation in the island, and it is a friend of the labor movement. I never knew the Times to be against labor or in favor of capital, and they are really quite impartial in their statement in this regard. It is from the Times of May 14, and it is an editorial in reference to the opinion of that publication as to the conduct of the governor during the strike. It is voicing the public opinion of the island in regard to Gov. Yager.

(The clipping so referred to, entitled "Mr. Iglesias goes north," was published in the Times of May 14, 1915.)

Mr. TRAVIESO. Regarding the riot at Ponce, I will offer a supplemental report made by the district attorney of Ponce under date of March 24, this year, a paragraph of which I will read, and it says, "According to the declarations which are in my hands, it appears that the labor leader, Mr. Santiago Iglesias, comported himself in an illegal manner while addressing his hearers, his speech being one of threats, irony, and contempt for the different officials of the gov-

ernment, for which reason the chief of the insular police of this district, Mr. Fernandez Nater, ordered him to descend from the stump. At this juncture a man armed with a taper file attacked Corporal Ferrer, who was going to execute the orders of his chief, and when the latter saw this he was compelled to come to the aid of his subordinate. Immediately confusion ensued, and shots were fired indiscriminately by the police and by the civilians, the man who attacked the corporal and the captain being wounded, and being now an inmate of the Prisoche Hospital, where he is recovering from his wounds.

(See Travieso Exhibit No. 8.)

Chairman WALSH. Is there any document that we have here, Mr. Travieso, that undertakes to quote the language of Mr. Iglesias, literally or substantially?

Mr. TRAVIESO. I don't know of any. In the testimony affidavits were presented by Mr. Iglesias; there were affidavits made before the house committee that investigated the matter, and the witnesses differ as to the language. Really, that is a subject that is now, and will be investigated before the district court of Ponce when Mr. Iglesias is tried for the offense of which he is accused, and there are two sides in the affidavits. The side of the police is clearly against Mr. Iglesias and the affidavits of Mr. Iglesias's friends are in his favor.

Chairman WALSH. Then we have all of the testimony on both sides as far as you know as to what Mr. Iglesias said?

Mr. TRAVIESO. As far as I know, it is all before the commission. There are one or two points that I want to touch upon briefly.

Mr. Iglesias in his testimony yesterday in reference to the compensation act I heard my name mentioned in his testimony, and, although I am here for an impersonal matter, I would like to explain the situation somewhat further. As I said this morning, I introduced this bill for the insurance compensation of labor by the insurance system. The bill was presented and did not pass two years ago, and I introduced it last a year ago. I received a letter signed by Mr. Iglesias, I believe, inviting me to deliver an address or lecture before the people for the federation of labor. I responded to that at the time, when I was acting as governor, and my reply stated very plainly my ground for not taking part in that meeting at that time. I thought that acting in the capacity of governor at that time that I should not go into a discussion on it, or any other thing, and I said that in my letter that I would be very glad, after my duties had been performed as governor, to take part in that discussion. The governor was back in the island the day before New Year's, and I was very busy helping him in the preparation of his message and preparing for the legislature.

After the legislature met, the speaker of the house introduced, on the first day, his old bill that had been defeated two or three times, as I understood. I then introduced mine. I felt then as a matter of courtesy to the speaker that I should not go out of my way, out of the floor of the council to discuss in different places bills that were pending before the legislature. I wanted to serve the people in the council, and it was for that reason, and not from any desire not to discuss my own bills, that I did not take part in these conferences. I promised Mr. Iglesias, and promise him now, that I would have no objection now to returning to the island and taking this matter and debating it with anybody that wants to enter the debate. I am very much interested in passing that bill, and I believe it is a good law, and very much affects our men in the island, and I hope to get Mr. Iglesias's help, which I have never been able to get all the previous time. The bill was printed and freely distributed, and we advertised public hearings in the executive council, advertised in the newspapers, and they all had notice of it. I did not see Mr. Iglesias at the hearing, and no one appeared in behalf of his organization. I was informed later that at a hearing before the house Mr. Iglesias expressed himself against the establishment of the insurance system for the compensation of workmen. I don't know after reading, or after having seen its provisions, he has changed his mind and is in favor of it. In other words, these charges are general, and most of the charges that have been made before this commission are, that the public lands of Porto Rico have been granted to private corporations without the payment of any consideration to the government. I can say without hesitation that the charge is absolutely unfounded.

The government of Porto Rico has quite an extension plan that belongs to it, and every piece of land that I know of is either in the possession of the government or is rented to private individuals or corporations, but by virtue of the contract they pay rental for the property of not less than 6 per cent of the assessed value of the land. Usually the terms of the contract of lease—and I don't know of any case, and I don't believe that Mr. Iglesias, if

required to produce one, could point out a single case where the government has granted (and granted implies the consent of the government) has granted land to a corporation without the payment of rent. There may be land that belongs to the government on which are living the people that may be termed "squatters," without the consent of the government, but in no case are people accepting government land without paying for it. Mr. Iglesias may refer to the case of the Guanica centrales. It was in possession of lands claiming the ownership of those lands, or the right of possession by virtue of a lease from some man there, I don't remember his name, at Yacuo. This man believes himself to be the owner of that property. It came to a point where the government began to litigate with this man Guanica on one side and the government on the other side to recover possession of the land. The controversy was started, as I am informed, by this Guanica acknowledging the right of ownership in the government, and they were allowed to remain in possession by the execution of a contract where the government is recognized to be the owner of the land, and they pay rental to the government. That is the only case that has been brought up for public discussion.

Before I close, if I may, I want to say a word with reference to the question of citizenship. I want to join my voice to that of Mr. Iglesias and Mr. Martinez in advocating that the question of citizenship should be decided at the earliest possible date. We have been claiming it for 16 years, and if we believe, as we all believe, that it is our duty to raise the moral and social standard of our working classes, one of the best means toward that end would be to make all these men somebody as far as citizenship is concerned. At the present time our people are men without a country, we might say. They are allowed to live in Porto Rico under the protection of the American flag, but they are denied the right of citizenship and they can not call themselves citizens of the United States, while, as a matter of fact, they are enjoying the same right as citizens of the United States, and it is only a question of declaring them citizens of the United States. I hope that is done at an early day and done collectively without requiring them to go before a court and state that they want to be citizens.

There was statement made by Mr. Martinez in the paper he read yesterday with which I want to take issue. He said in one of those paragraphs, if I am correct, that one of the biggest mistakes made by the administration, the Federal Government, was granting—the granting of too much self-government to Porto Rico, he believing that that is one of the reasons for the social unrest existing in the island and for the condition of the agricultural laborers. I find a very great inconsistency in the statement of Mr. Martinez, why he believes a mistake has been made in granting too much self-government, and in the following paragraph he advocates the passage by Congress of the bills pending before Congress, and those bills provide for the granting of more self-government to Porto Rico; so, on the other hand, he condemns the American administration for giving us too much self-government, and on the other hand, he complains of the administration because they do not pass bills providing for more self-government.

Commissioner WEINSTOCK. Who do you refer to?

Mr. TRAVIESO. Mr. Martinez; in his statement read at the opening of this investigation.

He also complains that the men in control of the administration of the Government, who are leaders in official circles, are men, who, he says, are more or less men who had Spanish training and ideas, and who were reactionaries. The fact is, Mr. Chairman, that the majority of the men who have any power in their hands in Porto Rico, not only those in the upper house of legislature but the district judges and district attorney, the men who have the greatest responsibility in their hands, are men who have been trained in the United States. Most of them are young men up to date in American ideas, who came to this country when they were young men; they got their training and education in this country and went back there fully Americanized and fully aware of the necessities of our country, and fully aware that something should be done for the laborers of Porto Rico, and everyone of them willing to do it. They are not what could be called reactionaries, and do not look backward; they look forward.

The means we have to fight against these conditions are weak, and it is not our fault if we do not succeed. We have not the organization and the means such as exist in a big, rich country like this. We have to fight against conditions as we find them and do the best we can.

A complaint was made against my colleagues in the lower house of the legislature, and either Mr. Iglesias or Mr. Martinez said that the attorneys in the legislature, or members of the legislature, were attorneys for the big corporations. It is true in some of those cases those men are attorneys for corporations, but they are elected by a popular vote, the people themselves—the very men represented by Mr. Iglesias, and who are wage earners, put them in office. It is in their hands—it is in their power, and if they are not satisfied with the way they conduct their duties as legislators, it is in their power to change them. We have universal suffrage and every man has a vote, and if he does not know how to use it, it is his fault. And I think that Mr. Iglesias should concentrate his efforts toward the education of those people and teach them how to use their vote. I do not believe any man is using his place to further the interests of the corporations he may represent; but if there is any such man, it is in the power of the voters to punish him by not reelecting him, and that Mr. Iglesias should teach to the men that follow him.

I want to say, before I forget it—to say that there was another bill recommended by the governor in his message to meet a condition that exists in Porto Rico, like it does everywhere, where men work for a contractor, for instance, and that contractor throws up his contract because he is unable to go on with it and those wage earners sometimes lose a week's wages. They can not go to court and sue that contractor to recover $4 or $5 or $6 or $7 for their week's wages; they have to hire a lawyer and pay him, and naturally it does not compensate them to do that.

Mr. Bills, the chief of the bureau of labor, drew a bill following the recommendation of the governor and it was introduced in the Executive Council and passed by a unanimous vote, providing that when a wage earner is defrauded in this manner by a contractor or his employer he may sue the employer in court and recover not only the amount of damage but a certain amount as attorneys' fees, so that there will be an inducement for the lawyers to take up these cases, because they know their fees are going to be paid. This bill passed by a unanimous vote of the upper house of the council, but, to my great surprise, it was defeated in the lower house by Mr. Iglesias's representative, Mr. Aybar. If Mr. Aybar had voted in favor of that bill; if he had used his influence in the house for the passage of that bill, the bill would have become a law and the existing evil would have been corrected. Either Mr. Aybar was not informed as to the contents of the bill, or I find no explanation of his action in that respect. All our work along that line was lost by the vote of the very man that claims to represent the interests of the working class in the lower house of the legislature, and that is a fact that can be substantiated.

There are so many points that I would not think would throw any light on the main question that I will not go any further.

Chairman WALSH. I think you have covered very thoroughly the matter, but Mr. Commissioner Weinstock has some questions to ask you at this point.

Commissioner WEINSTOCK. I will make my questions very brief, and I am sure you will try to brief the answers, because we are working under great pressure.

Mr. TRAVIESO. I realize that, and I am sorry to have taken so much time.

Commissioner WEINSTOCK. We must adjourn this evening, and we have several witnesses here who want to be heard. My questions will be rather desultory and disconnected, but I will give them to you in the order in which I have jotted them down.

Have any charges of graft been made against legislative members in Porto Rico?

Mr. TRAVIESO. No.

Commissioner WEINSTOCK. The legislature is clean?

Mr. TRAVIESO. It is clean.

Commissioner WEINSTOCK. Is there a free and honest ballot in Porto Rico?

Mr. TRAVIESO. I do not think it is any freer there than it is here or anywhere. I do not believe the absolute free ballot exists in the world.

Commissioner WEINSTOCK. You have the secret ballot?

Mr. TRAVIESO. We have the secret ballot.

Commissioner WEINSTOCK. The Australian ballot?

Mr. TRAVIESO. The Australian system. The men, being ignorant and not knowing how to write or read, have to express their vote by making a cross; by making their mark.

Commissioner WEINSTOCK. Who is entitled to vote in Porto Rico?

Mr. TRAVIESO. Every man who is over 21 years of age.

Commissioner WEINSTOCK. Regardless of illiteracy?

Mr. TRAVIESO. Regardless of illiteracy; yes.
Commissioner WEINSTOCK. Do you have woman suffrage?
Mr. TRAVIESO. No; we do not.
Commissioner O'CONNELL. Does he have to have any property?
Mr. TRAVIESO. Absolutely not. He has to be of age and be a citizen of Porto Rico or of the United States.
Commissioner WEINSTOCK. You stated that to put sugar on the free list means the ruin of Porto Rico. Why?
Mr. TRAVIESO. Because we have to compete with Cuba in the production of sugar.
Commissioner WEINSTOCK. What advantage has Cuba over Porto Rico?
Mr. TRAVIESO. Cuba has the advantages of a more fertile soil——
Commissioner WEINSTOCK (interrupting). Any cheaper labor?
Mr. TRAVIESO. And perhaps cheaper labor.
Commissioner WEINSTOCK. Do you know what wages are in Cuba as compared to Porto Rico?
Mr. TRAVIESO. I could not say, from memory. I know that they appear in the pamphlet which we presented to Congress.
Commissioner WEINSTOCK. Approximating it, about what difference do you think there is in the average percentage, dealing with it on a percentage basis?
Mr. TRAVIESO. I do not believe the difference exactly in the wages as to the production, but they are more or less similar because the countries are very similar to one another. The difference is that the cost of the production of sugar in Porto Rico is much higher than in Cuba. In Cuba, for instance, they plant cane and they get seven and eight and nine crops out of the same planting. In Porto Rico we have to replace it every two or three crops.
Commissioner WEINSTOCK. In other words, they have a much more fertile soil?
Mr. TRAVIESO. Yes; and we have to use fertilizer to keep our soil producing.
Commissioner WEINSTOCK. But they have comparatively little advantage on the wage question?
Mr. TRAVIESO. Very little advantage on the wage question.
Commissioner WEINSTOCK. Is there any difference in the efficiency of labor; is the Cuban labor any more efficient than the Porto Rican labor?
Mr. TRAVIESO. I do not think so. I think our men are just as efficient as any other men.
Commissioner WEINSTOCK. Are the proceedings of the legislature conducted in English?
Mr. TRAVIESO. In the Executive Council we use both languages. Those of us that speak enough English to make ourselves understood use the English language.
Commissioner WEINSTOCK. How many members are there in the lower house?
Mr. TRAVIESO. They are all in Spanish.
Commissioner WEINSTOCK. I say, how many members are there?
Mr. TRAVIESO. There are 35.
Commissioner WEINSTOCK. From what ranks are they generally recruited; what walks of life do they come from?
Mr. TRAVIESO. Like almost every other parliament or legislative body, the lawyers get the best of it, and the majority of them are lawyers.
Commissioner WEINSTOCK. Are there any representatives of labor in the house—representatives of organized labor?
Mr. TRAVIESO. There is one, the gentleman I mentioned before, Mr. Aybar, and another man, Mr. Vargas. Both of them were elected by the same district.
Commissioner WEINSTOCK. They are unionists themselves?
Mr. TRAVIESO. Mr. Aybar is, and Mr. Vargas, I understand, was until two or three years ago, when he had some disagreement with Mr. Iglesias, and he resigned from his position in the free federation, but he still represents the labor interests, and I think is the most efficient man that the labor people have there.
Commissioner WEINSTOCK. Is the governor appointed by the President?
Mr. TRAVIESO. The governor is appointed by the President.
Commissioner WEINSTOCK. Has he power to initiate legislation?
Mr. TRAVIESO. To recommend it in his message.
Commissioner WEINSTOCK. But not to initiate it?
Mr. TRAVIESO. Not to introduce it.
Commissioner WEINSTOCK. Has he the veto power?
Mr. TRAVIESO. He has a conditional veto power.

Commissioner WEINSTOCK. What is the condition?

Mr. TRAVIESO. We may pass a bill by two-thirds of both houses over his veto.

Commissioner WEINSTOCK. Then, that law is the same as it is in most of our States?

Mr. TRAVIESO. Yes; with the exception that the federal congress has retained the power to declare any law void that is in conflict with the constitution.

Commissioner WEINSTOCK. The statement has been made that wherever the white man, the American or European, goes into other countries he carries with him and introduces certain vices that the people there before have never practiced. Has American occupation brought any new vices to Porto Rico?

Mr. TRAVIESO. I do not think it has. Perhaps—no; I do not think it has any.

Commissioner WEINSTOCK. Drinking and gambling?

Mr. TRAVIESO. No; I think drinking has not increased any. Our people are not, fortunately, given to drink very much. The climate is not well adapted to that vice, but of course there are exceptions.

Commissioner WEINSTOCK. Would your legislature, for example, have the power to appoint a minimum wage commission and fix legal minimum wages?

Mr. TRAVIESO. I do not believe we would have, within the powers given to us by the organic act.

Commissioner WEINSTOCK. Haven't you the same powers that any State would have in the Union?

Mr. TRAVIESO. No; not exactly. We have very limited powers, and they are defined by the organic act. I do not believe we could, as far as fixing a minimum wage regarding the contracts between private individuals.

Commissioner WEINSTOCK. Could you do it for women and minors?

Mr. TRAVIESO. We have done it, under the exercise of what we claim to be the police powers, in the matter of health.

Commissioner WEINSTOCK. You have fixed the wage?

Mr. TRAVIESO. Not the wage; I mean the hours of labor.

Commissioner WEINSTOCK. If you can fix the hours of labor under a police regulation, why can not you fix the minimum wage for women and minors?

Mr. TRAVIESO. That is done under the argument that it is better to health.

Commissioner WEINSTOCK. That is exactly the same reason offered in fixing the minimum wage in this country for women and children, that it is necessary that they shall be able to live decently so that they can reproduce.

Mr. TRAVIESO. I think the same argument could be invoked. There is no reason why it should not be.

Commissioner WEINSTOCK. Do you understand that organized labor in Porto Rico wants the authorities to be more than neutral in labor disputes or wants the authorities to favor organized labor?

Mr. TRAVIESO. I think, judging by what I know of the desires of the leaders of the movement, as far as I can judge from their communications and the way they act, that they would like the Government to be more than neutral; they would like the Government to be decidedly in their favor.

Commissioner WEINSTOCK. That is, they want you to be more than neutral? They want you to be biased in their favor?

Mr. TRAVIESO. Exactly. I can say that, for instance, Mr. Iglesias himself is a man that if he gets a letter from the governor saying, in the course of the usual procedure, the governor addresses him "My dear Mr. Iglesias," and when Mr. Iglesias gets such a letter from the governor, at the first opportunity or at the first meeting he has he reads that letter from the governor and makes those organizations believe that he is a private and intimate friend of the governor and has "pull" with the administration, and all that; and he goes as far as to say sometimes that the Government is with him, and that is the propaganda he makes among the people. That is a natural feeling to have. Perhaps I would feel the same way. I do not blame him for it, and I think that is part of his duty, to get everybody on his side and to get everybody to help him.

Commissioner WEINSTOCK. What is the policy of the Government in labor disputes?

Mr. TRAVIESO. To be entirely impartial and to use its influence, whenever necessary, to see that justice is done the laboring classes, and that we did during the last strike.

Commissioner WEINSTOCK. Do you regard the conditions of the workers better or worse since American occupation?

Mr. TRAVIESO. I think they are better, taken as a whole.

Commissioner WEINSTOCK. What advantages to the worker do you see in American occupation?

Mr. TRAVIESO. I think prior to American occupation for a number of years the majority of these people living in the country were anemic. We started, I think, with an appropriation of $75,000 a year to start a campaign against anemia, and then we reduced that gradually as the anemia was disappearing, and the number of cases that have been cured from this disese is several hundred thousand people that have been treated successfully.

Commissioner WEINSTOCK. What are the disadvantages to the worker under American occupation as compared to what they were before American occupation?

Mr. TRAVIESO. I do not believe they have any new disadvantages, except, perhaps, the cost of living may be a little—it is higher than it used to be.

Commissioner WEINSTOCK. That, of course, is a world condition?

Mr. TRAVIESO. Yes; that is a world condition.

Commissioner WEINSTOCK. And not confined to Porto Rico?

Mr. TRAVIESO. You could not blame anybody for it.

Commissioner WEINSTOCK. On the whole, you would say the workers are better off under American occupation than they were under Spanish rule?

Mr. TRAVIESO. I think they are. I think the island as a whole is better off in every other respect.

Commissioner WEINSTOCK. Are there Socialists and I. W. W.'s in Porto Rico?

Mr. TRAVIESO. I do not know. It is hard to draw the line between Socialists and——

Commissioner WEINSTOCK. And the I. W. W.'s? They usually announce themselves; those that are Socialists announce themselves as Socialists, and those that are I. W. W.'s announce themselves as I. W. W.'s.

Mr. TRAVIESO. For instance, if you ask 100 citizens in Porto Rico, 99 will tell you that Mr. Iglesias is a Socialist, and I know Mr. Aglesias does not admit the fact that he is. He would deny that, and yet ninety-nine men out of one hundred will tell you that he is, judging by his preachings.

Commissioner WEINSTOCK. Are there any socialistic organizations there, any bodies that call themselves socialistic groups?

Mr. TRAVIESTO. There is a group called Socialists up there in one place. They won the last election. There was a majority split, and then the Socialists got the better of it and they elected a mayor who claims to be a Socialist.

Commissioner WEINSTOCK. Are there any groups there that call themselves I. W. W.'s—Independent Workers of the World?

Mr. TRAVIESO. Not that I know of.

Commissioner WEINSTOCK. Complaint was made by one witness that Porto Rico has been having hard times. From what you know of world conditions, are the times in Porto Rico any harder than they have been universally for the last two or three years?

Mr. TRAVIESO. At the present time, perhaps, Porto Rico is far better off than most of the South American countries because, owing to the European war, the price of sugar has gone up very high. I believe they are selling now pretty close to $5. The sugar people are making money now. That is why we believe that they should pay better wages to the employees.

Commissioner WEINSTOCK. The previous witnesses seemed to have grievances against the officials. Now, do you know from your knowledge whether their grievances are greater against the American officials or the native officials?

Mr. TRAVIESO. The point is that the grievances are all of such a general nature, nothing is specific. In that letter in which I replied to Mr. Iglesias I sent to him in reply to his complaint I told him very plainly that the courts were open to him, to any citizen that cared to present a complaint against any individual. Under our law, and every other law that you know of, you can not complain of a man unless you have it in writing under oath.

Commissioner WEINSTOCK. Are the judges natives?

Mr. TRAVIESO. Yes, sir.

Commissioner WEINSTOCK. Are the judges of the supreme court?

Mr. TRAVIESO. They have two American judges and three Porto Ricans.

Commissioner WEINSTOCK. How are the supreme court judges chosen?

Mr. TRAVIESO. By appointment by the President of the United States.

Commissioner WEINSTOCK. And do you think that the condition of Porto Rico would have been better or worse if the United States had treated Porto Rico as Cuba—gave her absolute independence?

Mr. TRAVIESO. That is a very difficult question to answer, but I am very frank in my statement and my opinion, and I want to try the American rule as far as possible before I decide in favor of independence.

Commissioner WEINSTOCK. So at this time you would not advocate it?

Mr. TRAVIESO. I would not only not advocate it but I have opposed it openly, and bravely, I might say.

Commissioner WEINSTOCK. Is there a demand for independence?

Mr. TRAVIESO. Yes, sir; it doesn't extend very largely, but it is there.

Commissioner WEINSTOCK. From what branch of society does this demand come, from the worker?

Mr. TRAVIESO. Not from the worker exactly, but from the men who are agitating this, one is the speaker of the house of delegates.

Commissioner WEINSTOCK. What would happen to-day if the United States would separate Porto Rico from this country and give it absolute independence? Would the conditions be any better for the worker?

Mr. TRAVIESO. I don't think it would be better off, I would not like to try it.

Commissioner WEINSTOCK. The workers would have nothing to gain by that?

Mr. TRAVIESO. I don't think they would, in the present condition of Europe, because if anything could save us it would be a market for our coffee. If we had good prices for our coffee the economic problem would be solved.

Commissioner WEINSTOCK. Did I understand from your previous statements that the first act of violence was committed in the recent labor trouble by the workers?

Mr. TRAVIESO. Yes, sir; at Vieques.

Commissioner WEINSTOCK. Yes, sir.

Mr. TRAVIESO. It appears so from the reports submitted to the commission and from the letter of Mr. Iglesias's attorney.

Commissioner WEINSTOCK. That the first act of violence came from the workers?

Mr. TRAVIESO. Yes, sir; it says that there.

Commissioner WEINSTOCK. What is your tax rate?

Mr. TRAVIESO. One per cent on the assessed value of the property.

Commissioner WEINSTOCK. And how is property assessed, full value or part value?

Mr. TRAVIESO. Property is assessed; for instance, agricultural land is taxed so much per acre.

Commissioner WEINSTOCK. Is it taxed at the selling price?

Mr. TRAVIESO. At what we considered to be the market value. We say, for instance, if sugar lands are selling for $200 an acre, that is what they are assessed at.

Commissioner WEINSTOCK. For full value?

Mr. TRAVIESO. Yes, sir.

Commissioner WEINSTOCK. About 1 per cent?

Mr. TRAVIESO. Yes, sir.

Commissioner O'CONNELL. You spoke about the officers of the island being neutral, between the employer and employee, indicating that they would not advise either side, only in the line of keeping peace. Did not the governor of the island address the cigar makers and advise them to return to work on the terms of the employer?

Mr. TRAVIESO. The present governor?

Commissioner O'CONNELL. Yes, sir.

Mr. TRAVIESO. I have no knowledge of that. At that time I was not in the position I occupy now.

Commissioner O'CONNELL. My information is that he did, and advised them to return to work on the terms of the employers, and that the employees refused to accept the advice, and later on made a settlement with the cigar companies on a much better basis than was suggested by the governor or offered by the employers, which to my mind would indicate that the governor was interested, at least, to have them accede to the wishes of their employers.

Mr. TRAVIESO. I would not deny or admit the fact, because I have no information whatever on the matter. I am absolutely ignorant about those facts.

Commissioner O'CONNELL. You say that the conditions are better there than they were formerly, which I suppose everybody will concede. Do you think that the fact that workers in Porto Rico organize themselves into whatever form they may have, even though it may be small in number, has not had a beneficial influence on the island?

Mr. TRAVIESO. I think it has. I wish all of them would be organized.

Commissioner O'CONNELL. You think it would be well for them all to be organized?

Mr. TRAVIESO. I think so.

Commissioner WEINSTOCK. It would have the effect of bringing better legislation to the island?

Mr. TRAVIESO. Yes, sir; and the mere fact of their organizing would be an evidence of progress.

Commissioner O'CONNELL. It would indicate that they were becoming more intelligent by organization?

Mr. TRAVIESO. Yes, sir; more intelligent.

Chairman WALSH. That is all. We thank you, Mr. Travieso.

Mr. TRAVIESO. I want to tell the commission, in closing, to consider that the work we are doing now in the island, the Government and all, we are destroying the work of 400 years, and have only had a chance of 16 years, and it is hard to destroy 400 years in 16 years.

Chairman WALSH. We thank you very much for your attendance.

Chairman WALSH. I believe you stated that you had a matter, Mr. Martinez, that you could present in 15 minutes, covering the cigar makers, which you had not an opportunity when you were first upon the stand?

Mr. IGLESIAS. On the question of the cigar makers' strike, we have agreed it shal be five minutes to me and five minutes to him.

The CHAIRMAN. This will have to be concluded by 6 o'clock. You may proceed, Mr. Iglesias.

TESTIMONY OF MR. SANTIAGO IGLESIAS—Recalled.

Mr. IGLESIAS. It has been stated by the secretary of Porto Rico, Mr. Travieso, that in certain sections of the island 18 fires started at different places, and just at that particular place, Aguada. I want to state that in that particular place there never has been a strike—no strike at all.

Chairman WALSH. Where is the closest place there was a strike to that place?

Mr. IGLESIAS. About 10 miles, perhaps. The men who were arrested there have been set free, because no specific charge has been proved against them. The reason for taking them was because it was rumored that a strike was to take place, and to prevent this strike those men that were named as the leaders were taken to jail and accused of fires that never occurred.

I want to refer to the fact that we never have said that our men in Vieques should oppose the police. Our attorney, in giving us the information from Vieques, took himself the opinion from the "people of Porto Rico," from the fiscal, in order to convince everybody that he had not intended to be passionate in giving his views and his opinion. The "people of Porto Rico" are represented by the fiscal. He represents them as attacking first, and not us. We are convinced the police attacked the poor men first and killed them, and that other people, that are not even workingmen or strikers, in order to prevent the police to kill more men, injured these police and attacked the police in order to prevent more killing. But we never said that our men or the workingmen attacked the police first. It was the fiscal who says that, not us.

It has been said that the application for habeas corpus was presented to the court in favor of us in Ponce in order to ask for the reduction of bail. No; we have presented a habeas corpus at the court of Ponce the following day of being arrested, asking that these men be set free and treated as innocent men and not because we had to ask a reduction of bail. The district attorney there made the agreement with our attorneys to let us go free on $300 bail pending an information or investigation that he wanted to make. He took nearly 60 days to get that information. The same day that we were invited to come to this country to appear before this commission, then the charge was introduced by the fiscal at Ponce.

Mr. Travieso stated that I asked for the military regiment of Porto Rico to come to the camp. That is true—in our favor. The governor of Porto Rico told me that he could not do anything, that the police had the right to do it, and that we would have help to maintain the law; that if we wanted to hold a meeting we must apply to the police, and the police will see if we have the right or not. But we said to him that, "You, in your proclamation, indicated that the peaceful paraders and meetings could be held if they were peaceable." He said, "The police will tell you." The police have told us, "We will not permit those meetings, even peaceable." He said, "Well, perhaps because they

are afraid of trouble." Then I say to the governor, "If they fear any outbreak, you have about 1,000 soldiers. They could take to the cane fields; but we ought to be permitted to hold meetings and speak to the people." He said, "No; because if I call the soldiers, then public opinion will believe that there is some more serious trouble."

Mr. Travieso said that the land had never been granted free from the legislature or through the legislation of the Government. I declare here that about 6,000 acres has been granted to a man called Borda, a business man, without any payment to the people of Porto Rico, and that land now is under contract with a sugar corporation, and it gets about $10,000 or $15,000 a year, and the people of Porto Rico did not get a cent. Some other pieces of land of 500 and 2,000 and 1,000 acres are given to several individuals. The legislature has granted pieces of land to a lot of men—rich men—that has the value of more than $50,000, free of any cost to them. The same thing has been done with the Young Men's Christian Association and with some other associations that the workingmen have no use of.

Mr. Travieso said something about the reduction of the school budget. It has been said it was because of the revenues and the taxes that can not be paid into the treasury. I say that at the last day of June the same sum of money will be spent in Porto Rico as was spent in previous years, and we will have a net reduction of more than $700,000 left in the school budget. But in taking into consideration the difference between the last budget and the present one is only a so-called economy of $500,000 or less, and you will see that the reduction of the budget took place in the school item, taking more than $700,000—$735,535.

I will say further on this that the same legislature that has reduced the school budget has given more than $80,000 or $100,000 perhaps to the sugar-growers' association in this way: They have a so-called experimental agricultural station for their own business. We have another experimental station created by the Federal Government. That experimental station of the sugar-gowers' association was made by collections among the different manufacturers and sugar centrales, by one giving $2,000 and another $1,000, etc. But now the people of Porto Rico have to pay the expenses and do the work for the employers, for the sugar interests, and the legislature passes a law to buy the land of the so-called agricultural experimental station and pay a mortgage of about $30,000 and then $80,000 more for the land, and place on the people of Porto Rico the burden of paying about $30,000 or $40,000 to pay the chemists and the agricultural experts and some other men in order to do the work for the employers and for the sugar interests there, and in the same budget where there was a cut in the education budget.

Chairman WALSH. The education budget was cut down more than $700,000, and the legislature appropriated $80,000 or $100,000 for this experimental station that was for the benefit of the sugar growers alone? That is your statement?

Mr. IGLESIAS. Yes; that is it; and put the payment on the people of Porto Rico for years to come.

Mr. Travieso said something about the municipal judge of Vieques and what he did in changing the sentences or the dates of the sentences. That statement comes from our attorney himself, and it is so. He referred to us in that statement. That statement will be verified in Porto Rico, because one of the great things we will get from this commission will be that this is the first time that Porto Rico will know how these investigations were carried on by the Government of Porto Rico, and who pays the Government of Porto Rico, and how those documents have been written and given to the Government of Porto Rico. Everybody thinks that some friends of the people mentioned here have written the reports. They appear before the people as impartial and just men. We will know now from your records who are responsible for the situation in Porto Rico.

Chairman WALSH. You have just one minute more.

Mr. IGLESIAS. Referring to Mr. Bills, the chief of the department of labor, he said it was unfair to refer to the lawyers working in his department. Yes; they work as lawyers. They are paid to put down the gamblers and other things like that, and it is all mixed up in the same political family. The boss of this chief in Fajardo is a shareholder in that sugar-growers' association, and an important politician, and at the same time a brother-in-law of Mr. Bird, and the judge of that town is another brother-in-law. The boss of this man is a brother-in-law of that man, who is a chief of the entire labor department.

They are brothers-in-law and sons-in-law—the mayors and judges—whole families that take the localities there and they do the things they please.

Chairman WALSH. Anything else you have to say you will have to submit in writing. You, Mr. Martinez will have to submit your statement in writing in the record, if you desire to say anything further.

Mr. Iglesias subsequently submitted the following letter:

SAN JUAN, P. R., *June 29, 1915.*

Hon. FRANK P. WALSH,
Chairman Commission on Industrial Relations,
Transportation Building, Chicago, Ill.

DEAR SIR: In addition to all what we have stated before the Commission on Industrial Relations, during the hearing held at the Shoreham Hotel, Washington, D. C., May 26, and the several charges preferred against the administration of Porto Rico, we are also inclosing to you herewith copy of a statement made, published in one of the biggest papers of the island in regard to fires, by one of the district prosecuting attorneys of Porto Rico that have been for many years in that position. This copy is sent to you such as I offered you when the sittings of the commission were adjourned at Washington, D. C.

We are also inclosing you herewith a copy[1] of our official organ, "Justicia," and have marked with red pencil an article of said paper in which we are answering to the statements that have been published by "The Porto Rico Progress," which is regarded in Porto Rico as the official organ of the government of this island, and which probably may be inspired by the Bureau of Insular Affairs, which is a dependency of the War Department, and under which bureau are all the affairs of Porto Rico.

We beg to call your attention to the article in our paper which is an answer to "The Porto Rico Progress," and more particularly to the quoted paragraphs of "The Porto Rico Progress" that when referring to the labor representatives before the Commission on Industrial Relations says as follows:

"Also they were unfortunate in having come into contact with the Commission on Industrial Relations, whose general attitude on labor questions undoubtedly has given them a false impression on the attitude of Uncle Sam himself.

"At Washington, hearing it developed that all the witnesses from Porto Rico want a congressional investigation or a careful study by some commission appointed by Congress. Absolutely nothing can be accomplished by such an investigation.

"But the question of interest to Porto Rico is: To what will this investigation amount?

"To which I venture to answer, Nothing."

We do insist that the Congress of the United States should inquire into the true conditions of the island, and we are sure that due justice and sincere protection may be provided for the laborers of this island by Congress when enacting any law or the new organic act for the people of Porto Rico.

Very respectfully, yours,

SANTIAGO IGLESIAS,
President of the Free Federation of the Workingmen of Porto Rico.

[Translation.]

PARAGRAPHS FROM A STATEMENT MADE PUBLIC BY MR. ANGEL ACOSTA QUINTERO, PROSECUTING ATTORNEY OF THE DISTRICT OF MAYAGUEZ, P. R., TAKEN FROM THE PAPER "LA DEMOCRACIA."

ACCESSORIES OR PARTY OF THE FRAUD DONE AGAINST INSURANCE COMPANIES.

The recent fire in city ward (locally known) Puerta de Tierra, San Juan, the cancelling of the policies against fire in connection with the same, have brought some protest from the press. We understand the insurance companies did what was right. Those whose polices have been cancelled need have no fear, for they will henceforth be more "assured" against the risk of arson. A sad

[1] Submitted in printed form.

official and professional experience has taught us that the cancelling of certain policies has avoided a calamity and a conflagration as well.

We have seen the insurance company agents many times in connection with the police and have suggested to them the advisibility, pursuant to certain reports and investigations, of cancelling certain policies.

This advice has been heard and grave dangers (fires) have been avoided in so doing.

In our official and professional practice we occasionally find that real estate buildings insured and then destroyed by fire for the most part are insured for a larger sum than that given for the effects of valuation and taxation on property.

Tenement houses (ranchones) or houses that are only taxed for $800, $1,000 appear as being insured for $1,500, $2,000, and even $3,000.

Some there are who live in insured houses; others there are who live in houses that are not insured; but the tenant in either case has his furniture and household effects insured even for a larger amount than they are worth, and there is no data at the internal-revenue office of such a valuation.

In cases like these the agent who issues the policy is just as guilty as the applicant. Moreover, we believe that the insurance company agents in such cases have acted up true.

The crime—not of arson, but of fraudulent destruction of insured property, causing at the same time the destruction of those not insured—has become natural, it has become deep rooted and commonplace among, and it is necessary that the upright people and the legislature put a stop to this. It is high time that the abuse should be done away with, and that this abuse, this shameless act of many an evildoer and thief current be discouraged among us, for there is a tendency that the good Porto Rican people are only capable of committing arson.

STATEMENT OF GOV. ARTHUR YAGER.

GOVERNMENT HOUSE, *Porto Rico, June 3, 1915.*

GENTLEMEN: I have been informed in letters received from Mr. Martin Travieso, jr., and Mr. J. C. Bills, who are at present in Washington, that in the hearing before the Commission on Industrial Relations, May 26, in regard to the recent strike among the sugar workers of Porto Rico, the statement was made by Mr. Iglesias and corroborated by Mr. Gompers that during the cigar makers' strike in 1914 Gov. Yager advised the strikers to return to work upon the conditions set forth by the employers.

I desire to state emphatically that both Mr. Iglesias and Mr. Gompers are mistaken; that I did not give any such advice at any time and especially at the conference held in my office between the parties to that controversy, some time in March.

First, in support of my statement to this effect, I desire to submit in the first place the explicit statement of Mr. J. C. Bills, the chief of the bureau of labor, who was present during the whole of the conference, which lasted several hours, and who understood everything that was said by all parties, both in English and in Spanish, and whose recollection is clear, and whose testimony is unequivocal on this point. Secondly, the testimony of my secretary, Mr. Miguel Muñoz Morales, who was also present during the whole conference and acted as interpreter for me and for those who spoke in Spanish.

Second, it is not at all probable, in a conference at which both parties were represented and which had been called by the governor to secure a settlement of the matters in controversy between them, that the governor would have given any such advice to either side. The entire purpose of the conference was to bring the parties together in order that they might talk over, face to face with each other, the matters in controversy and see if they could not come to some sort of agreement, by compromise or mutual concession, which would end the strike and bring about a reopening of the factories and a return of the laborers to work. The proper attitude of the governor was simply to impress if possible upon both parties the interests of the public at large in having the matter settled and the industry continue. I am perfectly sure that I never for one moment departed from this attitude of complete impartiality as between the two parties. I remember clearly that it was a complicated matter, full of technical details as to grades and shapes of cigars and methods of payment, which I did not fully understand, but all of which had a bearing upon the

amount of wages paid to different classes of workmen and the methods of conducting the business. All these things were thrashed out by the participants in the conference, and much to my regret they separated without reaching an agreement.

Third, in proof of the fact that this was my attitude throughout the entire strike I desire to submit letters written by me to the employers and the laborers at the time when the strike was finally settled on June 8, 1914. These letters will show conclusively that I did not undertake to judge as between the parties, but simply to urge upon both parties the importance of arriving at a settlement because of the suffering produced among the families of the workers, and because of the damage done to the community at large through the prolongation of the strike. I also inclose copies of some correspondence between myself and Mr. G. W. Perkins, international president of the Cigar Makers' International Union of America, Chicago, Ill., which will also show the spirit and purpose of the government throughout the strike, and indicate clearly that Mr. Perkins himself understood and appreciated my personal efforts to secure a fair settlement. I also send a letter written to Mr. Gompers during the progress of the strike. It is hardly necessary for me to explain that when I emphasized to Mr. Gompers the importance "for all the interests concerned, and especially for the public interests, that these strikers should all go back to work," I did not mean to imply that they should go back upon terms or under conditions laid down by the employers, but that they should get together and agree upon some fair settlement of the points in dispute and resume their work under conditions satisfactory to them.

Very respectfully,

ARTHUR YAGER, *Governor.*

The honorable the COMMISSION ON INDUSTRIAL RELATIONS,
Washington, D. C.

[Cigar Makers' International Union.]

CHICAGO, ILL., *June 23, 1914.*

HON. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.

DEAR SIR: I have your esteemed favor of the 10th and note with more than passing interest all that you say in connection with the strike of the cigar makers and the final outcome.

At a banquet given to President Gompers and myself when leaving San Juan, among other things, I said that no one could successfully govern the people of any country, without the governing forces thoroughly understanding the temperment of the people and realizing fully the former and present conditions, and knowing something of the hopes and aspirations of the people from their own standpoint. I judge from your letter and what you said personally that you are in accord with the fundamental sentiment underlying the foregoing statement. I am conscious of the fact that circumstances over which you had no control made the situation a delicate and a difficult one to handle.

With assurance of appreciation for the sentiments expressed in your letter, I am,

Very truly, yours,

G. W. PERKINS, *Int. Prest.*

JUNE 10, 1914.

MR. G. W. PERKINS,
Monon Building, Chicago, Ill.

DEAR SIR: I received in due course of mail and read with much interest your letter of the 24th of April.

I assure you that I have kept in mind steadily the ideas and purposes which you credited me with at the time of your visit here and which you express so clearly in the letter referred to.

Of course you will have learned before this reaches you that the cigar makers' strike has at last been settled in a manner satisfactory to both parties. Certain issues were waived, and what I take was the main issue—that of wages—was compromised, and the factories are to be opened and the laborers go back to work to-morrow.

I rejoice greatly in the settlement and in the increase of wages which the laborers were able to secure, and now I desire to assure you of two things: (1)

That I labored constantly to secure just this kind of a settlement through all the three months and more of the strike. The first conference that was held was arranged at my suggestion, the second one likewise, and the third and last one was arranged in response to a special request that I made of both parties to get together and make another effort to come to a settlement; and when this last conference was in session and seemed to have reached a deadlock, I sent to them a special message urging them not to give up the matter until a settlement was reached. I am thankful to say that they took heart again and did reach a settlement. (2) In spite of all this I think the laborers here have allowed themselves to be prejudiced against the Government because they have not all of them clearly realized the weight of responsibility placed upon the authorities to keep the peace and preserve order. Some of the strikers, I do not believe there were many, were imbued with the idea of accomplishing their purpose by violence, and it was necessary for the entire administration to be firm and alert in its efforts to keep order. This was sometimes misinterpreted into a lack of sympathy with the cause of the laborers. Of course I am not so foolish as to charge the whole organization with responsibility for the acts of a few of its members or sympathizers; but in a time of struggle and excitement like this the great body of laborers are not always able to keep clear in their minds the issues involved and to do justice to those who have the difficult task of preserving the peace and enforcing the law regardless of their personal sympathies.

I am writing thus freely to you because I am of the opinion that Mr. Gompers was himself perhaps somewhat prejudiced by the vigorous representations made to him by local leaders. However, we can certainly all rejoice now in the settlement of the difficulties in an entirely honorable way, which I think was preferable to any way, even that of arbitration.

With best wishes for you, and assuring you always of my interest in the cause of the toiling masses everywhere, I am,

Sincerely, yours,

ARTHUR YAGER, *Governor.*

SAN JUAN, P. R., *June 8, 1914.*

To the parties at conference for the settlement of the tobacco strike.

GENTLEMEN: When the industrial life of a people is disturbed by a rupture of the relations between labor and capital it becomes the duty of all public-minded citizens and especially of all who are charged with public positions of trust, to exert every possible effort to promote a proper, satisfactory, and expeditious settlement of such controversy.

A long-continued struggle brings serious suffering not only upon the parties immediately interested but also upon the public at large. Prompted by this sense of duty, I have appealed to you, the representatives of the parties involved in this strike, to meet in conference and make a further attempt to reach an agreement upon the questions still at issue; and I am now sending this brief message to express to you, on behalf of the people of Porto Rico, and especially in behalf of the families who are now so bravely enduring suffering and privation because of this struggle, my appreciation of the promptness with which you have responded to my request that you meet again in conference. I desire to extend also my earnest hope that you will continue the negotiations begun under such propitious asupices until a proper and beneficial agreement can be reached, an agreement that will promote better and more lasting relations between the employers and employees of the tobacco industry of Porto Rico.

Congratulating you upon the progress you have already made toward a settlement, and trusting that you will, in a patriotic and broad-minded spirit, be able to agree upon a fair and honorable settlement, I am,

Very sincerely, yours,

ARTHUR YAGER, *Governor.*

JUNE 3, 1914.

Mr. PRUDENCI RIVERA MARTINEZ,
President Central Strike Committee,
Federación Libre, Luna Street, San Juan, P. R.

DEAR SIR: I have received a communication from the president and the secretary of the "Concejo General de Oficio," and also a copy of the resolu-

tions adopted by the general assembly held May 27 in the house of delegates, San Juan, making an appeal to me to do what I can to aid them in securing a peaceful settlement of the controversy between the cigar makers and the Porto Rico American Tobacco Co. I am addressing this reply to their communication to you as the president of the central strike committee, hoping you will communicate it to them.

In view of the fact that this strike has continued now for more than three months and has closed the factories of Puerta de Tierra and Bayamón, inflicting great loss not only upon the parties immediately concerned but also upon the merchants and general business of the community, and entailing great suffering upon many innocent people, I have concluded that it would be proper for me to request that another conference be held by the members of your committee and the officials of the company.

I am aware that one or two conferences have been held before this and have failed to effect a pacific settlement; but I am compelled to believe that both parties really desire a pacific settlement of this disastrous strike, and I am, therefore, led to hope that continued discussion of the differences between the parties will eventually lead to a pacific settlement. At any rate it will assuredly do no harm to make another effort to secure a pacific settlement of a controversy which is so harmful to all parties concerned and to the public as well.

I have, therefore, commissioned the bureau of labor of the insular government to have an interview with you and also with the officials of the company, with a view to arranging a conference. I hope you will accede to this arrangement.

With sincere respect, I am,

Yours, very truly,

ARTHUR YAGER, *Governor.*

JUNE 3, 1914.

Mr. JOHN FRESE,
Vice President Porto Rico American Tobacco Company,
San Juan, Porto Rico.

DEAR SIR: I have received a communication from the president and the secretary of the "Concejo General de Oficios," and also a copy of the resolutions adopted by the general assembly held May 27 in the house of delegates, San Juan, making an appeal to me to do what I can to aid them in securing a peaceful settlement of the controversy between the cigar makers and your company.

In view of the fact that this strike has continued now for more than three months and has closed the factories of Puerta de Tierra and Bayamón, inflicting great loss not only upon the parties immediately concerned but also upon the merchants and general business of the community and entailing great suffering upon many innocent people, I have concluded that it would be proper for me to request that another conference be held by the officials of your company and the committee of the strikers.

I am aware that one or two conferences have been held before this and have failed to effect a pacific settlement; but I am compelled to believe that both parties really desire a pacific settlement of this disastrous strike, and I am therefore led to believe that continued discussion of the differences between the parties will eventually lead to a pacific settlement. At any rate it will assuredly do no harm to make another effort to secure a pacific settlement of a controversy which is so harmful to all parties concerned and to the public as well.

I have therefore commissioned the bureau of labor of the insular government to have an interview with you and also with the committee of strikers with a view to arranging a conference. I hope you will accede to this arrangement.

With sincere respect, I am,

Yours, very truly,

ARTHUR YAGER, *Governor.*

APRIL 29, 1914.

MY DEAR MR. GOMPERS: I received in due course of mail your letter written from Washington with reference to the labor conditions in Porto Rico, and, as you suggested in that letter, the laborers of this island have occupied a large place in my policies and my thoughts.

I take for granted that you familiarized yourself when here with the important phases of the local situation as to the strike of the cigar makers of Porto Rico, and that you have kept in touch with the developments which have taken place since you returned to Washington.

I am sure you will agree with me that it is important for all the interests concerned, and especially for the public interests, that these strikers should all go back to work. Every day that passes emphasizes the importance of their doing so. There have been some acts of violence, as you are aware, and all of them seem to have been committed against those who were opposing the strikers, the last being a well-nigh successful attempt to assassinate the foreman of the Bayamón factory, against whom the strikers entertained especial objections and whose discharge by the company they made a condition of their return to work. Such acts as these have greatly injured the cause of the strikers and of union labor in general in the estimation of the public. I fear that a continuation of the contest will lead to still further injury.

I am inclosing herein a circular recently issued, by the committee of strikers, appealing for aid in the United States. Practically every assertion made in this appeal is false except the most important one of all, and that is that the striking workmen and their families are in great need and are suffering greatly for the necessities of life. I wish that I could do something to help them, but under the circumstances I do not think that any help extended along the lines of their request would be of any real benefit.

I inclose also a copy of an official report on the strike made by the bureau of labor which I am sure is thoroughly impartial and gives the actual facts.

I am sending these documents to you with the hope that you may be able in some way to bring to bear upon the leaders of the strike here the influence of your larger knowledge and wider experience, so as to secure a settlement of the difficulties and a return of the strikers to work.

I have done everything that I could to keep the peace, preserve order, and at the same time promote the interests of the public by securing a peaceful settlement of the strike.

With best wishes for you, I am,

Yours, very sincerely,

ARTHUR YAGER, *Governor.*

Mr. SAMUEL GOMPERS,
Washington, D. C.

(Through the Bureau of Insular Affairs.)

[Cigar Makers' International Union.]

CHICAGO, ILL., *April 24, 1914.*

HON. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.

DEAR SIR: Being mindful of your statement made to President Gompers and myself on the occasion of our visit to your office on March 26, that it was your desire to be helpful in bringing about a better understanding in the cigar makers' strike and a speedy termination of the same along lines mutually satisfactory to both sides involved, I am taking the liberty of saying that since my return home I have been furnished with regular weekly reports from our representative in Porto Rico. These reports complain bitterly against the authorities in some places, who, it is charged, are taking sides with the firm, and I should judge from the tone of the reports that this can only arouse bitter resentment on the part of the workers now on strike.

I am sure that all fair-minded and right-thinking men and women are desirous of bringing about peace in the tobacco industry, and I am frank to say that in my judgment this desirable end can not be accomplished unless the full rights and privileges and lawful purposes of the workers are readily considered and safeguarded against any injustice or unwarranted interference on the part of those whose duty, as we understand it, is to simply keep the peace. I should judge that the workers of Porto Rico are at least partly aroused to a realization of their rights and privileges, and because of temperament and environment any attempt to unjustly interfere will have a tendency to arouse bitter resentment and unnecessarily delay a just and fair settlement of the difficulty.

I am of the opinion that if these people now struggling to maintain and improve living and working conditions are beaten by an unwarranted exercise

and interference of the police authorities, that while it may temporarily suppress the strike, it will by no means ultimately do so.

Your manifestation of interest and apparent desire, on the occasion referred to, to be helpful in bringing about stability of employment and fairer conditions warrants me in urging that in so far as lies within your power the rights interests, and activities of the cigar makers be safeguarded and protected against any unwarranted or unjust interference on the part of the police power of the island. I have personally, verbally, and in writing urged upon our officers and members there a strict obedience to all laws and conservative action and have urged that our officers and members there agree to submit the whole controversy to arbitration, and I have been assued that they have agreed to do so.

Yours, respectfully,

G. W. PERKINS, *Int. Prest.*

REPORT OF THE GOVERNOR OF PORTO RICO COVERING THE STRIKE OF AGRICULTURAL LABORERS ON SUGAR PLANTATIONS IN PORTO RICO.

SAN JUAN, P. R., *April 19, 1915.*

Mr. PRESIDENT: In reply to inquiries made from your office of the Bureau of Insular Affairs, with respect to the recent strike of agricultural laborers on sugar plantations in Porto Rico, I have the honor to make the following report covering the history of this strike from its inception to its conclusion. I also inclose documents supporting the statements made in the form of official reports from fiscals and other judicial officers and a report from the chief of the bureau of labor discussing the various phases of the matters involved in the controversy between the sugar producers and their laborers.

The cause of the strike was the low wages and the long hours of labor which prevailed on the sugar estates in Porto Rico. It is true that low wages have been the rule in the island for a great many years, doubtless for centuries, but it was felt by the laborers that inasmuch as the wages of some of the sugar workers had been somewhat reduced in the last two years, owing to the crisis in this industry, and inasmuch as the present price of sugar has been greatly increased by the European war, it was an opportune time for the wages of the sugar workers to be increased. In this view of the matter the laborers had the entire sympathy of the public and of the Government. In fact, the justice of their contention was freely admitted by the owners of the sugar mills.

Unfortunately there was no organization or leadership whatever among the workers in the sugar fields, and being generally illiterate and quite amenable to influences outside themselves, the situation furnished a great opportunity for the professional labor leaders. The opportunity was promptly seized by the leaders of the Free Federation of Labor, and their organizers and speakers were sent to all parts of the island not only to foment the strike but also to induce the agricultural workers to enter their organization and become permanently amenable to their leadership.

The strike was inaugurated at Bayamón on January 18 by a group of cigar makers. It was spread along the north coast, from one commmunity to another, but in many places was settled in a week or so by the employers granting some increase of wages. The methods used by the leaders to spread the strike became more and more objectionable as time went on. Meetings were held at night in the various towns and villages, in which the language used became ever more violent and incendiary, and by day noisy parades were led along the highways and through the cane fields, persuading, and sometimes intimidating the peasants so as to get them to cease work and join the strike. Pretty soon cane fires began to occur among the standing canes, which, of course, menaced the destruction of the whole unharvested crop. At the same time several destructive fires occurred in some of the towns of either incendiary or accidental origin, and while these had no connection with the strike, they tended to increase the uneasiness, and considerable alarm was felt by the property owners, and they appealed to the Government for stronger protection. The owners of the sugar estates were especially urgent in their appeals. The governor promised to use every means in his power to maintain order and protect property, but he stated to them that he believed the sugar laborers were justly entitled to an increase of wages. The employers agreed to this and promised to grant an increase when their laborers returned to work.

The first clash between the strikers and police occurred at Juncos on February 4. A large body of strikers or their sympathizers tried to force their way over a private road into the fields of a sugar estate after they had been prohibited to enter by the police. This was not at all serious and resulted only in a few bruises and slight wounds among laborers.

On February 16, however, there occurred a very serious outbreak of lawlessness and murderous violence at Vieques. Vieques is a small island of about 10,000 population under the jurisdiction of Porto Rico and situated some 15 or 20 miles distant and therefore somewhat difficult of access for lack of regular means of transportation. In Spanish times it was used as a sort of penal station by the Government of Porto Rico, and as a result the population at the present time is supposed to be somewhat more turbulent than those on the main island. The land is very fertile, and a large port of it is planted to sugar cane. To this island one of the leaders of the federation of labor proceeded and set about getting up a strike, using their usual methods. The first intimation the Government had of his activities was the report of a very serious riot that had taken place in Vieques on the date mentioned. The chief of police was immediately dispatched with reinforcements of police, and the fiscal, or prosecuting attorney of that district accompanied him with instructions to restore order and investigate thoroughly in the regular legal manner the entire occurrence, arresting and arraigning all offenders in the manner provided by law. The official report of the fiscal made to me soon after his arrival in Vieques is herein inclosed. It is an important document, for it discloses a most deplorable affair and illustrates what might have been done by the misguided leaders of the laborers wherever they might secure an opportunity to carry out their operations in their own way.

A mob of so-called strikers, armed with machetes and revolvers, marching about the cane fields in a secluded spot, some 6 or 7 miles from the town of Isabela Segunda, came upon two lonely policemen who were guarding some private property and right of way. They were immediately warned by the policemen that they could not enter, whereupon they divided, surrounded, and attacked the police, cut them down in the most ferocious manner with their machetes, and, leaving them for dead upon the roadside, marched away to the distant town, with the evident purpose of destroying, in like manner, all the police to be found there, and of taking complete possession of the little island. It is true, of course, that the two policemen defended themselves bravely, and before they were cut down shot and killed two or three of their frenzied assailants and wounded several others. It is also true that the six or eight policemen who were in the town rallied together at their cuartel, and armed with guns, which they fired in the air, succeeded in dispersing the mob after its arrival without further casualties. But the spirit, methods, and purpose of the leaders who had organized, armed, and inspired this mob were plainly manifest, and the menace to public order was too serious to be overlooked. Moreover, the papers throughout Porto Rico immediately published accounts of this riot, and a painful impression was produced upon the minds of all good citizens.

It was necessary that prompt and firm action be taken by the government to assure all classes that order would be maintained and personal-property rights be protected. The governor immediately issued a proclamation to the people and a letter of instruction to the chief of police, defining clearly his attitude toward the situation, and announcing his determination to preserve order and at the same time to uphold the law and deprive no citizens or class of their constitutional rights and liberties. The Vieques riot was the turning point of the strikes. A full understanding of it is necessary in order to explain the acts and policy of the government.

After the proclamation the atmosphere cleared and uneasiness, on the one hand, and the tendency to violence on the other, gradually passed away. On the north side of the island the sugar centrals, one by one, compromised the controversy with the laborers, and all promptly resumed work at somewhat higher wages. On the south side the strikes continued for some time in a few localities, and the leaders made desperate efforts to rekindle the fires of passion and spread disorder further, but they were forbidden to make incendiary speeches and incite the peons to violence, which is contrary to the laws of Porto Rico, and also to march about the country in large bodies the peasants through the cane fields, for the reason that these bands intimidated workers who were actually working in the fields, and also invariably led to a string of cane fires following in the wake of the paraders.

The entire movement finally closed with the so-called Ponce riot. The exact facts as to this occurrence have not yet been thoroughly ascertained. The judicial authorities of the Ponce district have the whole matter in charge, and no trials have as yet been held. My information, gathered from reports of the police and the fiscal, is to the following effect: A large meeting was held in the principal plaza of Ponce to promote the strike. After many speeches had been made, at about midnight or later, Mr. Santiago Iglesias, the president of the Free Federation of Labor, began to address the meeting. His language was said to be very incendiary and inciting to lawlessness. The police who were present called upon him to desist. Several labor leaders surrounding the speaker resisted the execution of this command, and confusion immediately followed in which shots were fired and one unfortunate man was killed and two or three others were wounded, not seriously. Mr. Iglesias and one other speaker were arrested for violent language, and some other persons for disorder. All were given bail. There is dispute as to who fired the fatal shot. The district court, in due process of law, will, undoubtedly, in my judgment, enforce the law impartially after fair trials of all the accused.

After the Ponce affair the strike on the south side greatly diminished in excitement and soon entirely ceased. The laborers, in practically every case, were given an increase in wages as soon as they returned to work.

SUMMARY.

As will be seen, the strike was due in the main to a controversy between the sugar workers and their employers over an immediate increase in wages. The wages of these laborers were pitifully low, the time seemed opportune, and the justice of their plea for higher wages was universally admitted. The other points as to shorter hours, contract work, etc., as will be seen from the report of the chief of the bureau of labor, were very much more difficult of proper settlement. The intrusion of the Free Federation of Labor into the matter was resented by the employers inasmuch as none of their laborers had any connection with this organization; but this may have been useful and even necessary because of the lack of leadership and intelligence of the workers.

The strike began at Bayamon on January 18, and was gradually extended to other points, but was settled at Bayamon Janury 29 before many other places were involved. Altogether there were perhaps 20,000 workers involved in the movement from the beginning to the end, but not more than 6,000 were out on strike at any one time. The movement ended March 1, with a substantial increase of wages for the laborers concerned, not only for those who joined the strike but also for those who did not.

The demands made by the leaders of the strike differed in different points, but most frequently they were a flat rate of $1 per day for all classes of field workers, the limitation of the working day to eight hours, and the abolition of the contract (or ajuste) system of harvesting and cultivating cane. Substantial gains were made by the laborers, and doubtless more could have been gained, if the tendency to, and the acts of, violence could have been entirely eliminated. The wages of the field workers on the sugar plantations have always been and are still pitifully low, as are the wages of all unskilled laborers in Porto Rico; but their standards of living, of intelligence, and moral character are also low and have been for a long period of time. These unhappy conditions are the result of overpopulation and the tradition and usages of centuries of bad administration and social evolution. These conditions are well understood in the island and in the United States and can be improved only gradually and through education and patient effort on the part of the Government and all those interested in social uplift. Certainly violence and lawlessness can not help.

In considering the table of wages before and after the strike appended to the report of the chief of the bureau of labor herein inclosed, it must be remembered that only the wages of day laborers are given. The wages actually received by those who work under contract are not easily ascertainable. It is universally conceded, however, that the strongest and best workers prefer the contract system, and that they earn considerably more than the day laborers.

Finally, both during the strike and since its close only regular and legal methods have been used by the Government to prevent and punish acts of violence. The police have been used only to preserve order and protect property. No constitutional or legal rights of laborers or of others have been contravened.

There is no trial by jury in the municipal courts of Porto Rico, but in the district courts, in felony cases, trial by jury exists. All offenders against the laws have been arrested, arraigned, bailed, and tried by the regular judicial officers and methods. Appeals to the higher courts have been granted in all cases where they have been applied for, and there is no reason whatever for any one to believe there is any danger of a miscarriage of justice in any case for lack of a fair trial or for any other reason.

The leaders of the Free Federation of Labor have frequently demanded unusual and extra legal methods of investigation and procedure, but these demands have been refused, as there has never at any time seemed to be any need for them. As an illustration, there is inclosed a copy of the most recent demand of this nature and the reply of the Government.

All the inclosed documents are forwarded to support and supplement the statements made above.

Very respectfully submitted.

———— ————, *Governor.*

To the honorable the PRESIDENT OF THE UNITED STATES,
Washington, D. C.

[Telegram—Translation.]

VIEQUES, P. R., *February 18, 1915.*

The GOVERNOR, *San Juan, P. R.:*

We began inquiry into Vieques affair at 3 p. m. The following facts proved by evidence secured up to 10 p. m.: Two policemen received serious machete and revolver wounds and three laborers were killed in riot out in the country. Four seriously wounded laborers are in the hospital. Two of them will probably die. The policemen, while preserving order, were set on by 300 strikers in groups. All were armed with revolvers and machetes. Evidence shows attack on policemen was premediated. They were left for dead. Fiscal ordered the arrest of the four men who wounded the policemen on a charge of assault with intent to kill. Bail fixed at $5,000. Seventeen men arrested on charge of rioting. Bail fixed at $2,000. Forty other arrests of strikers awaiting investigation. Various kinds of weapons seized. Inquiry to be continued to-morrow. The police conducting themselves as they should. Everything is quiet.

HERNÁNDEZ AND SHANTON.

SAN JUAN, *February 20, 1915.*

To the Fiscals, the Alcaldes, and the District Chiefs of Police of Porto Rico:

The proclamation[1] which I have to-day addressed to the people of Porto Rico will show you clearly the attitude of the government throughout the serious situation existing to-day in this island. It is of absolute necessity that disorder, fire, and riot should cease immediately, and that absolute quietness be reestablished. The parades of laborers, armed with machetes, clubs, and other arms, must be strictly prohibited, and the machete shall only be used as an instrument of labor when the laborers are about their daily occupation. Meetings at which orators incite the odium and discredit of anybody shall be suppressed and when riot and disorder is provoked.

The peaceful laborer and everyone who desires to engage in his daily occupation shall be protected, and it shall be prevented at all cost and by means of force, if necessary, that the freedom of the peaceful citizen to work and not to join the strike be abridged.

In cases of riot and disorder the leaders and the authors, who by their word or by their actions lead the unconscious masses of the people to execute acts of violence and disorder, shall be severely punished.

Every authority has the absolute support of the government to compel the faithful and energetic execution of the law, and absolute neutrality shall be observed in the conflicts between capital and labor, and both shall be protected when within the law, but if any of said elements violate the law they shall be severely punished, and the government is ready not to allow the rights of the

[1] Submitted in printed form.

laborer to peacefully strike and to demand in a peaceful manner an increase of his salary, either by remaining at home without working or by persuading the employers by word of mouth to increase his salary, to be used as an instrument and as a means to incite the people to commit acts of violence and force to obtain an increase in salary which can not be obtained peacefully.

The Government expects every one of you to do your duty, and thus you will receive the absolute support of the authorities.

ARTHUR YAGER,
Governor of Porto Rico.

GOVERNMENT HOUSE, *Porto Rico, February 25, 1915.*

SIR: In accordance with my verbal instructions to you, and in order that you may understand clearly how to exercise your control over the meetings and parades of the striking laborers outside the urban zones, which by my letter of the 20th instant were placed under your control, inasmuch as such meetings are not generally regulated by municipal ordinances, I desire to make the following explanatory statement in writing.

It was not my intention that you should suppress peaceful meetings of the laborers who may gather at some certain point on the public roads or in the "barrios" for the purpose of discussing in an orderly manner their grievances. So long as these meetings are peaceful and orderly in their spirit and attitude, and so long as the speakers discuss the grievances of the working people within the limits of the law, I desire that you shall not in any way interfere with them.

Noisy and threatening parades of large bodies of workmen for the purpose of intimidating peaceful laborers, or parades which cause or tend to cause the setting of fires in the cane fields or disorder among the people, should be prohibited. This, of course, will not prevent the peaceful use of the roads by the laborers or others who desire to assemble at any point for the purpose of holding a peaceful meeting.

This letter must not be construed as in any manner modifying or withdrawing any part of my proclamation or letter of the 20th instant, but simply as explaining the manner in which you are to execute some of the instructions of the letter.

Respectfully,

ARTHUR YAGER,
Governor.

THE CHIEF OF INSULAR POLICE, *San Juan, Porto Rico.*

MEMORANDUM OF THE QUESTIONS IN DISPUTE DURING THE RECENT STRIKE OF THE AGRICULTURAL LABORERS IN THE SUGAR-CANE INDUSTRY.

The matters complained of and discussed by the strikers were:

(1) Low wages; (2) improper payment of wages at stores; (3) the ajuste system; (4) the system of agregados, i. e., laborers living in houses owned by their employers; and (5) a shorter working day.

It is extremely difficult to gather accurate data upon the earnings of laborers employed in this industry, because thousands of them work by ajuste, and neither the contractor nor the employer has any records of the daily earnings of the individual laborers. Also laborers employed by ajuste work irregularly, so that it is difficult, even when the daily or weekly wages can be obtained, to know whether or not those wages represent a full day's or full week's working time. The plan of investigation has been to go to three or four of the most important colonos of each section and get such information from their payrolls as they had, and then to go out into the fields and talk with the laborers with the purpose of corroborating and supplementing this information. This work is not complete, but such data as has been gathered is shown in the following table:

Table showing daily wages of laborers in cane fields investigated, January to March, 1915.

District.	Name of mill.	Number of laborers investigated.		Average daily wages.	
		Before strike.	After strike.	Before strike.	After strike.
Aguada	Central Coloso	490	(1)	$0.525	(1)
Aguirre	Aguirre	(2)	(2)	.50	(1)
Añasco	Ana María	198	280	.57	$0.717
Arecibo	Cambalache and Los Caños	193	202	.56	.615
Arroyo	Lafayette	(2)	(2)	.57	.67
Barceloneta	Plazuela	(2)	(2)	.54	.65
Bayamón	Juanita	156	449	.48	.595
Caguas	Santa Juana	136	131	.535	.61
Camuy	Soller, Alianza	155	(2)	.49	(1)
Carolina	Progreso	143	(2)	.67	(1)
Cayey	Cayey	162	(2)	.665	(1)
Ensenada	Cuánica (Colonias)	(2)	(2)	.65	.75
Fajardo	Fajardo	(2)	(2)	.60	.72
Guayama	Machete	599	600	.604	.715
Guayanilla	Rufina and San Francisco	(2)	(2)	.50	(1)
Hormigueros	Eureka	(2)	(2)	.44	.53
Humacao	Ejemplo and Pasto Viejo	239	243	.52	.715
Jayuya	Santa Bárbara	30	(2)	.50	(1)
Juana Díaz	Boca Chica	(2)	(2)	.50	.60
Juncos	Juncos	190	259	.51	.61
Loíza	Canóvanas	322	287	.56	.67
Manatí	Monserrate	1,200	1,049	.54	(1)
Maunabo	Columbia	301	301	.545	.65
Mayagüez	Rochelaise	(2)	(2)	.44	.53
Naguabo	San Cristobal	125	134	.48	.59
Ponce	Fortuna, Mercedita, and Constancia	(2)	(2)	.55	.65
Patillas	Providencia	250	250	.57	.67
Rincón	Córsica	(2)	(2)	.60	.70
Río Piedras	Vannina	(2)	100	.54	.59
San Sebastián	Plata	(2)	(2)	.50	.60
Santa Isabel	Cortada	(2)	(2)	.55	.65
Toa Baja	Constancia	(2)	(2)	.60	(1)
Utuado	Utuado	40	(1)	.41	(1)
Vega Alta	Cármen	(2)	(2)	.54	.64
Vega Baja	San Vicente	1,700	1,700	.62	.70
Vieques	Puerto Real, Playa Grande, Arkadia.	(2)	(2)	.65	.75
Yabucoa	Morcedita	176	156	.51	.59

[1] No strike, or strike settled before any outside agitator took any action. Really, laborers at these places have obtained 20 per cent increase over prevailing salaries in 1914; and hours of work reduced on same basis.

[2] Inspectors of the bureau of labor were unable to see pay rolls and had no chance to get data, but salaries prevailing, furnished by laborers.

Summary.—From the above table it will be seen that laborers in 28 mills and properties went on strike and upon return to work they get, practically, an increase on salaries of from 9 per cent to 37½ per cent which render a general average of 23¾ per cent over prevailing salaries before the strike.

The second complaint, that wages should be paid in lawful money and not in metal disks or pasteboard checks, and that laborers should not be permitted to run credit accounts at stores owned by the employer or in which the employer guarantees the payment of the purchases made by his employees, is an important and exceedingly difficult problem. The bureau of labor has made investigations of many of these cases during the past year, but it has not been possible to prove a technical violation of the existing law. The bureau of labor proposed an amendment to this law at the last session of the legislature which died in the house. That great injustice is frequently practiced upon illiterate laborers through this means is certain.

Employers have a right to issue evidences of indebtedness from day to day or from week to week, where it would not be reasonable to expect them to have on hand a large amount in cash, and where such evidences of indebtedness are redeemable in lawful money at reasonable times and places. Of the principle there can not be any criticism. The trouble is, however, that the laborers need ready cash from day to day and frequently sell these evidences of indebtedness at tremendous discounts before the arrival of the regular pay day,

at which time they could exchange them for lawful money. The system of giving such metal or pasteboard evidences of indebtedness is frequently connected with the store-credit system, the employer giving these disks or cards to laborers showing the amount of money which they have earned, and the laborers taking them to the store belonging to the employer or with which the employer has an arrangement where he is permitted to make purchases with them. Upon pay day, of course, the employer redeems these disks or checks, paying the storekeeper their face value in lawful money. Usually, however, no disks or checks are given by the employer, but the laborers are allowed to purchase on credit without them, their purchases being entered in a credit book and the amount thereof deducted from the wages which are due upon pay day. There is one evil of great importance that attaches to both these systems, and that is that the prices of food in many, if not in a majority, of such stores are higher than they are in the other stores in the same community. There is really no reason for this as the storekeepers very seldom lose anything on such accounts. There is another evil connected with the credit-book system, and that is that the storekeeper does not keep the quantity and the items purchased from day to day, but simply enters the word "efectos" (things) with the value of the same, and the vast majority of the laborers being illiterate, there is no doubt that the customary disputes between the laborers and the storekepers, when they come to settle up, are frequently, if not usually, justified so far as the laborers are concerned.

A great difficulty is, however, that practically all of these laborers live one week behind hand. On Monday morning they have nothing to make their purchases with for the coming week; they must get food somewhere, and they themselves beseech their employers to provide them with means of purchasing on credit. I believe that the government can accomplish considerable in preventing exploitations under the present law, but new legislation is absolutely essential to a material betterment of conditions. It is doubtful, however, whether perfect conditions in this problem can ever be attained through legislation or through strikes.

The third point in dispute, that of the ajuste system, is a just cause of complaint in some sections of the island, while in other sections it seems to be working equitably and advantageously. Ajuste contracts vary greatly in different sections of the island. In some places the ajuste contractor controls hundreds of men and is comparable to an administrator or superintendent in the importance of his work. Such ajuste contractors agree to cut hundreds of acres of sugar cane, for example, at a stated price per acre. In other cases the ajuste contractor has only a few men under him, and the importance of his position is comparable to that of a subboss. Such contractors agree to cut a certain number of rows of cane, for example, for a certain price. In both of these cases the ajuste contractor has control of the employees either directly or through his subcontractors. The smaller ajuste contractors work themselves with their laborers, and sometimes the price received is divided proportionately among the gang, the contractor receiving a few cents more. In still other sections of the island the employer makes his ajuste contracts with the individual laborers directly. This is the simplest case and varies but little from ordinary piecework. It is certainly the most satisfactory method.

The difficulty with the system of adjuste contract is that one or more middlemen are introduced, each one of whom is in a way an independent merchant profiting according to the cheapness with which he can employ his needed laborers. The remedy is for the employer to have a salaried employee who will make contracts directly with the individual workmen. This is more cumbersome, according to some employers, and, of course, it increases the burden of administration upon the employer and his staff.

The fourth problem in dispute, that of the agregados or laborers living in houses belonging to the employer, also varies greatly in the different sections of the island. In some places as, for example, Bayamon and about Aguadilla, there are employers who allow their laborers the free use of a house and also of a small piece of land on which vegetables are cultivated and in some cases, pigs and chickens and even a cow and a calf are kept by the laborer upon his employer's land. The general rule seems to be that where the employer provides nothing except the land, then the laborer shall take all or practically all of what is produced; but where the employer provides the seeds and the implements for cultivation, etc., then the laborer gives the employer one-half of what is produced. In some other sections of the island, especially along the south coast, such laborers are given the use of a home and nothing

more. In many trips about the island the undersigned has found not more than three or four cases in which laborers living in plantation houses received less wages than laborers living outside of the plantations. They are generally paid the same rate of wages. The advantage to the employer is that he has a resident supply of more or less skilled labor upon which he can depend. The one condition upon which laborers occupy such houses is that they must work for the employer when he requests their services. During the last strike many laborers were thrown out of such houses in violation of law. Generally in the sugar-cane sections the houses occupied by such laborers have been erected by the employer and are built of boards and zinc, but in many places they are mere thatched huts erected by the laborers from palm leaves, etc., obtained from the employer's land.

The fifth problem in dispute, that of the hours of work per day, is practically the same in all parts of the island. Laborers usually say that they work from 6 a. m. to 6 p. m., with from one-half hour to one hour off for the noonday meal. Employers say that their laborers do not work steadily all of this time. It is probable that the average working day is approximately 10 hours. The agreements made during the last strike fixed the maximum day at nine hours.

J. C. BILLS., Jr.

REPORT OF MR. HOWARD L. KERN, ATTORNEY GENERAL OF PORTO RICO.

DEPARTMENT OF JUSTICE OF PORTO RICO,
OFFICE OF THE ATTORNEY GENERAL,
San Juan, April 20, 1915.

The honorable the GOVERNOR OF PORTO RICO,
San Juan, P. R.

SIR: I am inclosing herewith two copies of a report of the fiscal of Humacao summarizing the facts in connection with the riot which occurred on February 16, 1915, in the island of Vieques. Previous to this report the fiscal had made oral reports to this office and had sent a complete copy of the affidavits, in Spanish, taken during his investigation. The present summary, which is dated April 19, 1915, covers the situation up to that time, and I have asked the fiscal to give me complete statistical information of all the cases in the municipal court of Vieques and the appeals to the district court of Humacao as soon as these appeals have been decided by the district court. When this information is forthcoming I will send you a copy.

I have also requested the fiscal of Ponce to send me a complete statement of the number of persons arrested in the riot which occurred in Ponce on March 1, 1915, and the number of persons who were injured in that riot. There was one person killed in this Ponce riot, and I now have a detailed report of the investigation made by the district fiscal of Ponce in regard to this death, and if I ascertain that there is sufficient evidence against one Norberto Quiles, a policeman, who is charged with having unnecessarily caused this death, the fiscal will be directed to proceed with the trial against him.

These two riots are the only instances which have come to my knowledge in which there have been any deaths or serious injuries during the recent strike of the cane workers in Porto Rico. There have been several other disturbances and clashes between the police and the strikers, but none of them of as serious a character as these two. You already have a report by Mr. Samuel Bothwell, who was appointed special fiscal for the purpose of conducting an investigation in regard to the disturbance at Juncos.

In no case has any striker or any other person been deprived of adequate relief in the courts. The trials have all been held, and are being held, in the ordinary course of procedure and the accused are given the rights of bail and appeal. Indeed, if in any case such rights were denied, any person has a right to bring a special proceeding in a higher court to see that these rights are secured, and if in any case evidence was presented to me that these rights were not being granted, I would immediately take steps to see that they were enforced. As you of course know, there is no right to a trial by jury in misdemeanor cases in Porto Rico, and none of the municipal courts have jury trials. All of the crimes of which the persons who were convicted in the municipal court of Vieques were charged were cases of misdemeanor. Many of them have beeen appealed to the district court of Humacao, where they will be tried de novo, but of course without a jury, inasmuch as they are misdemeanor cases. All of the evidence must be produced at this new trial,

and every case must stand or fall upon the merits as presented to the district court. There was a misunderstanding of the municipal judge of Vieques in regard to the right to appeal in some of the cases in which convictions were had in his court, and the municipal judge at first refused to allow an appeal in certain cases where the appeal was not presented within three days, but upon this fact being communicated to me I immediately wrote to him a letter, dated March 20, 1915, in which I cited to him an act approved May 28, 1904, and requested him to study this law thoroughly and to state the ground upon which he had denied these appeals when they were presented within five days from the date of the sentence. I did not, of course, direct the municipal judge to allow these appeals, for that is a matter for judicial determination, and if he wrongfully refused to allow appeals his action could be reviewed by a higher court and he could be compelled to allow such appeals. On March 23, 1915, the municipal judge replied that he had reconsidered his former decision and had decided to allow the appeals.

My information from the various officials of the department of justice is that the strike situation is entirely settled and that at the present time there are no disturbances in the islands, and that all parties are endeavoring to obtain a proper judicial determination holding those persons responsible who have violated the law.

I scarcely need state that any complaint as to illegal action on the part of any insular official will be carefully investigated, and if found to be true the proper action will be taken.

Respectfully,

HOWARD L. KERN,
Attorney General.

APRIL 19, 1915.

The ATTORNEY GENERAL, *San Juan.*

SIR: Referring to the Vieques riots, I have the honor to submit to you the following report:

On the night of February 16, 1915, I received from the police district chief at Vieques the following telegram:

"A riot has just taken place of a serious character. Policemen and civilians seriously wounded. Your immediate presence urgent to institute criminal proceedings. Bring police reenforcements from Humacao district."

As soon as I received that telegram I tried to communicate by telephone with the police headquarters at San Juan, and I was informed that the chief of the insular police would meet me at Humacao on the following morning with police reenforcements in order to proceed at once to the island of Vieques. On the following morning Col. Shanton arrived at Humacao, and early in the morning we proceeded to Naguabo Playa, but on account of some trouble in the motor of the steam launch that was to take us to Vieques we had to go to Fajardo and there take a steam launch to Vieques. I took with me the stenographer of the district court of Humacao in order to take the testimony of every witness in connection with the investigation. Col. Shanton, myself, and the other members of the party arrived at Vieques at noon on February 17. I took the testimony of the alcalde at once in the hotel, and after lunch we went to the municipal hospital in order to take the testimony of those who were seriously wounded, it being claimed at that time that some of them were in a dying condition.

There in the hospital we found two policemen seriously wounded, named Sergio Brignoni and Sotero Moreira. According to the medical certificates issued on that day by an American doctor, who is the municipal physician of Vieques, named J. S. M. Pressly, Policeman Brignoni had eight wounds, as follows:

Wound No. 1. Incisive wound in the upper portion of the neck, dividing the structure from the vertical column. Closed by five stitches and probably caused by machete.

Wound No. 2. Perforating wound caused by bullet from revolver, fired so closely that grains of unburnt powder were injected into the skin. Point of entrance in the lower left occipital region, passing in hard and finding exit in the midline of the lower occipital region.

Wound No. 3. Incisive and bruised wound, probably caused by blow with club, covering the whole left parietal region. Closed by suture.

Wound No. 4. Incisive wound in crown of head. Closed by suture.

Wounds Nos. 5 and 6. Incisive wounds on external surface, lower part of right forearm. Closed by suture.

Wound No. 7. Incisive wound on external surface of middle part of left forearm. Closed by suture.

Wound No. 8. Incisive wound passing obliquely across part of hand and lower forearm on left side, fracturing the second and third metacarpal bones and the the first phalange of the small finger. Closed by twelve sutures.

I took the testimony of this policeman, who is a strong young man, and, although he was in a serious condition, his head was very clear, and gave a very vivid picture of the riot which had taken place the day before on the afternoon He mentioned the names of practically every one of those who had assaulted him, because, having been born and brought up in Vieques he was familiar with almost everybody, and knew them well. All those who took part in the assault upon him were tried in the municipal court of Viequez for aggravated assault and battery and were sentenced on March 12, 1915, to two years in jail and $2,000 fine each. The trial could not be had before, because the main witness—that is, the injured party—Sergio Brignoni, having been so seriously wounded, was not able to leave the hospital and attend the trial until about that date. On March 15 all of the defendants took an appeal to the district court of Humacao, and on the same date the appeal was allowed by the court and the bond fixed at $2,000, which they have not been able to furnish, and they are in jail, awaiting the hearing of the appeal. All these appeals in cases related to the Vieques riots have been set for the 26th of april, a special criminal term having been called for said date.

The other policeman wounded is named Sotero Moreira, and he had six wounds, as follows:

Wound No. 1. Incisive wound in the left parietal region.

Wound No. 2. Incisive wound in the crown of the head. Closed by suture.

Wound No. 3. Incisive wound below the left leg.

Wound No. 4. Incisive wound on the external surface of the lower part of the left arm. Closed by suture.

Wound No. 5. Incisive wound of third finger of right hand, fracturing the bone and almost amputating the finger. All the foregoing wounds were caused by machete.

Wound No. 6. Contused wound on the external surface of the lower part of the right thigh, caused by blow with blunt instrument.

I also took the testimony of this policeman, but he could not mention the names of those who assaulted him, because he had only been in Vieques about three months and was not familiar with the people; but he said that he could identify them if they were brought to his presence.

There were five persons accused of aggravated assault and battery upon this policeman, and they were tried on the 12th of March and sentenced on the same date to two years in jail and $2,000 fine each, and they all appealed on the 15th of March, and the appeal was allowed on the same day and the bond fixed at $2,000, which they have not been able to furnish. Some of the defendants in this case are also defendants in the other case above mentioned. Policeman Sergio Brignoni being a very important witness in this case, trial could not be had until he was able to leave the hospital.

I found in the hospital five peons wounded, named Augustin Ortiz, Bruno Gonzales, Zollo Sanchez, Rafael Perez, and Ceferino Morel. Augustin Ortiz had two bullet wounds, and died on February 20, 1915; Bruno Ganzales had one bullet wound; Zollo Sanchez y Cordero had one bullet wound; Rafael Perez had several gunshot wounds; and Sergio Morel had two gunshot wounds.

With the exception of Agustin, who died as above stated, all the others recovered.

After examining those who were in the hospital we proceeded to the cemetery, and there we found three dead peons, named Cruz Lavita, Bernabe de Santiago, and Mario Lopez. A post-mortem examination was made of their bodies, and, according to the certificate issued by Dr. Pressly, they died from hemorrhage caused by bullet wounds.

I at once started to take the testimony of the different persons who had been arrested in connection with the two riots which had taken place on the 16th of February, one in the country and the other in the town of Vieques. This examination continued until about eleven o'clock p. m., and on the morning of February 18 we rode out to the place where the riot had taken place, and there on the spot we examined some witnesses, and I obtained a very graphic description of the occurrence.

I took the testimony of 118 persons between February 17th and February 18th, and on this day at three p. m. I finished the investigation and we sailed back to Porto Rico about five p. m., leaving some police reinforcements in Vieques to keep law and order. Before my return I set at liberty the following persons who had been arrested the day before in connection with these riots: Jose Maria Samuel, Qumersindo Rojis, Juan Parrilla, Nolasco Navarro, Avelino Roman, Francisco Garcia, Juan Gautier Colon, Leonardo Bermudez, Pablo Burgos, Dionisio de Santiago, Domingo Huertas, Anastasio Gautier, Sabat Lugo, Tiburcio Garcia, Genaro Melendez, Francisco Santiago, Luis Melendez, Manuel Rivera, Genaro Morales, Nepomuceno Lopez, Alfredo Esquiaron, Evaristo Camacho, Evaristo Mercado, Otilio Casillas, Julian Ayala, Atanasio Rivera, Agustin Garcia, Inocencio Torres, Santiago Aponte, Rufino Velazquez, Juan Encarnacion, Francisco Delgado, Isidoro Garcia, Senobio Laureano, Roman Ramos, Ruperto Tirado, Juan Carrasquillo, Nicolas Melendez, y Saturnino Huertas.

There remained in jail 21 persons accused of participating in the riot which took place in the town of Vieques on the 16th of February and 34 accused of participating in the riot which took place out in the country the same day. There remained also in jail seven persons accused of assault with intent to kill Policeman Sergio Brignoni.

From the testimony of all the witnesses it was evident that a very serious riot had taken place in Vieques on the 16th of February, 1915. It seems that there were two big crowds of strikers parading through the town of Vieques and through the country roads trying to pick up more laborers to join the strike. One of these crowds was composed of about 200 or 300 persons, laborers armed with machetes, clubs, and the leaders with revolvers. The other crowd was of smaller size and was unarmed. Policemen Sergio Brignoni and Sotero Moreira were detailed by the district chief to accompany the unarmed parade, and they went out to the country, and at a certain plantation or barrio called Trianon, belonging to Mr. Murraille, the unarmed parade met the armed parade; then they halted and leaders of the armed parade tried to go through a cane field crossed by a private road belonging to Mr. Murraille, and these two policemen advised them to go on through the public road and not to trespass upon a private land and break through a private road. The leaders refused to obey the instructions from said policemen, who were riding on horseback, and after inciting the crowd they urged them to go through the private road if necessary by force and told them that they could overpower the two policemen, because they were very much larger in number. When the two policemen noticed the attempt made by the leaders and those who were walking in front of the parade to use force in order to cross that private road, then they rode back and dismounted and the crowd avalanched upon them and they were compelled to use their rifles and revolvers to repel the attack; and a real battle with revolvers, machetes, and clubs ensued, in which three laborers were killed, five were seriously wounded, and the two policemen were so seriously wounded that they were left there as dead. This is called the country riot. Another riot took place afterwards, in which this same crowd took part. This second riot is called the town riot.

After the armed parade left the two policemen as dead in the country, then they planned to come to the town and take the police station by assault. They did come to town armed with revolvers, machetes, and clubs, shouting through the streets, "Down with the police! Let us take the station by assault!" And the police was notified of those shouts, and then the four or five policemen who were in the station lined up on the street armed with their rifles, and when the crowd came near to the station they shot through the air and dispersed the mob and arrested a good many of them.

From the information which I got in Vieques there is no doubt that on account of the violent conduct of the leaders the laborers on strike were in a very turbulent mood. When I was there there were two fires in can plantations in one night, and there had been ten fires in a week.

The conduct of the strikers was so violent that I was told by witnesses that when they passed through the different plantations if they found any laborers working they would go into the cane fields and compel them by force to quit work, and in the case of cartmen they would cut with machete the rope that held the yoke to the oxen, and in that way set the oxen free and compel the cartmen to abandon the animals, the loaded cars, and quit the work, leaving the oxen alone to eat the cane and destroy the property. I am told by trustworthy witnesses that property owners did not dare to go upon the road, because,

they were afraid of being assaulted, and the overseers did not dare to go out of the cane fields alone without risking their lives.

On account of the riots which took place out in the country there were 53 defendants sentenced to different periods in jail from six months to two years and fined from $250 to $1,000. And on account of the riot which took place in the town there were 31 defendants sentenced likewise.

There were 38 cases for carrying concealed weapons, of which 30 resulted in conviction and 8 in acquittal, and of the former in 17 cases appeals have been taken to the district court of Humacao. There are 15 more cases for carrying concealed weapons in which trial has not been had, because the defendants can not be found. Of all the foregoing cases the records of the two cases for riots have already reached the district court of Humacao, and also the records of the appeals taken in the two cases for aggravated assault and battery upon Policemen Brignoni and Moreira. The records in the other cases for carrying concealed weapons are being prepared with all possible haste by the clerk of the municipal court of Vieques, and undoubtedly every appeal in connection with the Vieques disturbances will be heard in the district court of Humacao at the special criminal term called for the 26th of April, 1915. As soon as the appeals are decided I will submit to you a tabulated statement of the disposition of said cases. I want to call your attention to the fact that in accordance with our laws a second appeal may be taken to the Supreme Court of Porto Rico.

Respectfully,

J. HERNANDEZ USERA,
Humacao District Fiscal.

RESOLUTION ON ECONOMIC CONDITIONS OF PORTO RICO.

[Free Federation of the Workingmen of Porto Rico.]

SAN JUAN, *March 1, 1914.*

Honorable members of the Legislature of Porto Rico:

Pursuant to Gov. Yager's recommendations, seconded by petitions from corporations and money, labor, and land monopolies of Porto Rico; and

To judge from the declarations by some of your representative members, in passing the resolution naming a commission to investigate the departments of the insular government, the purposes of the legislature seems to be to effect important economies in public services, and to lower taxation, though in so doing governmental institutions which are instrumentalities for progress and public justice may have to be dispensed with or crippled.

In the years from 1903 to 1911 we have in all sold $29,291,424 more than our purchases.

During the fiscal year 1912 the island purchased in the United States and foreign countries $42,926,473 and sold to them $49,705,413. So that that year alone witnessed a balance of trade in favor of the country of $6,778,940.

In short, according to official figures, the island had netted the handsome profit of $36,070,364 up to 1913. Never before had work in the country been rewarded by such a balance of trade for a like period.

The total taxable wealth of the island, which amounted to $90,000,000 in 1898, rose to $178,275,130 in 1912. Thus, in that year the total wealth had doubled, while the population had increased but 17 per cent. Yet in 1913 one of the facts best known to all was that there were an alarming decrease in the money in circulation and a loss of credit.

And this was not due to a want of duly incorporated banks to supply the community with money and credit for its business operations. In fact, such private concerns have doubled, being now 11 in number instead of 5 as formerly.

Nor is it due to a want of corporations whose object is to profit by encouraging production that we all feel now this lack of money and credit; for, indeed, in the fiscal year 1912 private corporations reached their heyday. In that year alone there were registered in the secretary's office as many as 12 foreign and 40 domestic corporations, with an authorized capital stock of $1,481,500 and $6,903,000, respectively. So that these corporations, together with the many others registered during the preceding 11 years, should have insured many additional millions for business transactions.

Nevertheless, neither the money in circulation increased nor credit was available at lower rates of interest. On the contrary, while credit was con-

tracting more and more, the circulating capital, as estimated by business men through their agents, was in 1913, as now, hardly in excess of $4,000,000.

The treasury finds it difficult to farm the revenues completely and on time. The official deficit is estimated at about $2,500,000. The 11 private banks, instead of making liberal loans, instead of facilitating credit, are calling in loans and restriction credit. Notwithstanding the fact that sugar still commands a good price the centrales are failing one after another. Land is passing into the hands of absentee landlords at an alarming rate. Usury is exacting unheard-of interest rates; loans are given at rates varying all the way from 9 to 100 per cent.

We are compelled to buy elsewhere, at four or five times their cost, foodstuffs of prime necessity which we can and should produce here superior in grade and more cheaply and abundantly. We have to import, via North America, rice from Japan, milk from Switzerland, and corn from the Far West. A dense population, with coasts all round, have yet to feed on fish purchased in outlying countries. Being prevented from producing for home consumption, they have to give all their energies to producing exchange commodities or raw materials; the former to enrich foreign speculators with, the later to be returned in the shape of manufactured goods at an exorbitant price.

The Free Federation of the Workingmen of Porto Rico can not remain silent in the presence of such state of things, of a growing crisis which hampers and dampens our energies and wears down and annihilates our large producing classes, the island's proletariat; and when it is desired to cause, and we are threatened with, a setback in our progress and a return to both the wretched conditions and the moral, physical, and intellectual oppression of former times.

What becomes of the enormous production of our large family of 1,118,012 inhabitants? Whither does it find its way? How is it that 90 per cent of that community form part of the proletariat?

The press, voicing certain purposes, suggests measures which leave in the minds of the producing masses a feeling of alarm.

What we ask for is a public and thorough-going investigation, with a view to ascertaining the whole production represented by the agricultural, industrial, financial, and intellectual activities of the people of Porto Rico. We want and we ask for humanity's and the Porto Rican people's sake that before excusing owners of monopolies and exploiters of the country from the payment of taxes they should pay, an inquiry be made into the sources of revenue of Porto Rico so as to determine whether there are reasons for doing away with public services or whether in spite of the Democratic tariffs the country does produce enough to incur budgetary expenditures of not less than $7,000,000.

Is it perchance not known that the large production wrought by the country's inhabitants leaks out of the island through open valves, and that through those valves escapes our money, and with our money land ownership, and with land ownership sustenance, and with sustenance the health and strength of the people? We have a school population of 404,211, almost half a million; yet only 160,766 attend school—that is, about a third part, hardly 40 per cent, are receiving education. Owing to lack of roads and schools the rest are condemned to ignorance. Must those innocent human beings live on doomed to illiteracy and exploitation, like so many beasts of burden?

Shall we give up all hope for betterment? Shall a country busily engaged in the work of production have to go without a goodly share of public services, while very large exploiting agencies go untaxed? Shall the deficits, the decay brought on by legalized usury, have to be met with greater privations and more hardships inflicted on our immense proletariat—ninety per cent of our population?

Is the present financial crisis due to natural, unavoidable causes, or is it due to purely artificial causes arising from combinations by monopolies or by monopolists and exploiters of the country?

Can the Government of Porto Rico maintain all present public services, improving them, increasing the number of schools, urging public works, sanitation, and labor potentialities forward?

We have been overtaken by no cataclysm, storm, floods, war, blockade, earthquake, or anything of the sort ordained by the Divine Will. Purely willful, fictitious, artificial, preconceived causes and unbounded speculating ambitions can alone have brought on this deplorable condition of things.

In view of the seriousness of the present situation, the Central Labor Union of San Juan, affiliated with the American Federation of Labor and the Free

Federation of the Workingmen of Porto Rico, at the convention of unions held on Monday, January 26, 1914, proposed and adopted the following resolution:

Whereas, pursuant to the governors' recommendations, and at the request of capitalist and monopolist combinations of the country, the Legislature of Porto Rico has just passed a law to investigate the departments of the Government, with the object of effecting economies by suppressing public services, and considerably lowering the revenues of the insular treasury;

Whereas increased production by the labor population of the island has marked increasing poverty of that same population, this can only be the consequence of private monopoly of the producing forces and of the profits of production, this production and profits, instead of benefiting the country, cause financial hardship and threaten to destroy those institutions of our which are agencies for civilization and to turn us into an enslaved factory; and

Whereas a people suffering great social and economic harships should know the causes therefor and secure the urgent remedy required thereby: Now, therefore, be it

Resolved by the Central Labor Union of San Juan, in general assembly, That the honorable houses of the Legislature of Porto Rico be requested to enact a measure authorizing the honorable governor to name a people's investigating commission, to be composed of six members presided over by a justice of the supreme court, with the following rights and duties:

1. The commission shall proceed to make a full and public investigation all over the island to ascertain the number of all producing private corporations or companies operating for profit: the total production of each in 1912; a list of the total operating expenses of each, so itemized as to show the amounts for salaries, wages, improvements, and maintenance; the number of partners or shareholders in each; the number of shares held by each shareholder, the face value and the market price of shares; the place of residence of shareholders, their full names; and the sums distributed out in dividends; all these details to be ascertained also from each and all the banks doing business in the country.

2. The commission shall be composed of citizens not connected with any corporation or enterprise for speculation, or with banking institutions, and who are not lawyers for any company; and the commission shall have discretionary power to investigate, in this connection, any other details which in its opinion may be relevant.

3. The commission shall contain representatives from the legislature, labor, industry, and commerce, said representatives to state under oath that they have no personal or pecuniary interests in the business of any corporation. The commission to be presided over by a justice of the supreme court.

4. A sum not less than $25,000 shall be appropriated to enable the commission to employ the necessary personnel, and such means as its work may require, the commission being empowered to examine witnesses and to compel parties to show their mercantile books, documents, and papers.

5. It shall be the duty of the commission to begin work immediately, and to make to the governor of Porto Rico separate reports for each of the investigated private corporations, companies, firms, or enterprises for the exploitation of urban or rural properties. The governor of Porto Rico shall in turn send the reports to the legislature, with suggestions for such measures as he may deem necessary to get from the investigated corporations the benefits due to the the country.

6. Reports on investigations shall also contain the following information:

(a) The number and names of citizens, companies, banks, corporations, or private owners of estates with more than 500 acres of land, and the number and names of those possessing more than 5,000 acres, together with a statement in both cases as to the industry to which the land is devoted, nationality of the owners, total tax paid on all heads, and, in case of concealment or fraud, amount of tax not paid and tax that should be paid under the law.

(b) Number and description of the banks in the island, annual business operations, number of stockholders, dividends paid, amount thereof sent out of the country, interest rate charged, tax paid, and tax that should be paid on dividends leaving the country.

(c) Native and foreign persons residing in the island who directly, indirectly, or through shares or subcontracts, have businesses, industries, or urban properties in Porto Rico and send the proceeds thereof to Europe and America, enriching thereby other peoples and impoverishing ours.

(d) Number of corporations remitting to shareholders in outlying countries over $5,000 a year, as well as number of those sending under the same conditions over $2,000,000 in dividends; amount of tax not paid and amount of production concealed.

(e) Number and names of private individuals who have loaned or loan money at an interest rate exceeding 12 and 25 per cent per annum; approximate sum loaned by them; sum they collect all over the island as interest charges.

(f) Number and description of insurance companies of all kinds doing business in the country without paying taxes.

This is all we petition of the honorable Legislature of Porto Rico. It is our hope that your love for the good people of Porto Rico will induce you to direct your attention to the highly important questions hereinbefore stated, and that before proceeding to suppress any public service in any way an instrumentality for progress, you will favorably pass on this project for a public investigation.

Very respectfully,

RAFAEL ALONSO,
President Central Labor Union.
(Signatures of various other officers.)

CORRESPONCENCE OF THE AMERICAN FEDERATION OF LABOR RELATING TO SITUATION IN PORTO RICO.

[American Federation of Labor.]

WASHINGTON, D. C., *March 4, 1915.*

EXECUTIVE COUNCIL, AMERICAN FEDERATION OF LABOR.

COLLEAGUES: A few days ago I received an unsigned cablegram from Porto Rico, as follows:

"SAN JUAN, P. R., *Feb. 19, 1915.*

"FEDERATIONIST,
"*American Federation of Labor,*
"*Ouray Building, Washington, D. C.:*

"Twenty thousand sugar-plantation workers struck, asking 80 cents wage per day. Police killed 22 wretched peasants; 50 wounded, both sexes. Meetings violently dissolved. Terrorized workers forced to work. Request Industrial Relations Commission to come soon to make investigation Porto Rican workers. Implored your American people press protection humanitarian rights."

I immediately called up Gen. MacIntyre, Chief of the Bureau of Insular Affairs, read the cablegram to him, and asked if he had had any information as to the situation. He said he had not. He then sent for me the following cablegram:

WASHINGTON, *D. C., Feb. 24, 1915.*

SANTIAGO IGLESIAS, *San Juan, P. R.:*

Cable me accurate account of alleged killing and wounding of agricultural workers in consequence of strike and if constitutional rights have been violated.

GOMPERS.

To that a reply was received, as follows:

PONCE, P. R., *Mar. 2, 1915.*

FEDERATIONIST,
Ouray Building, Washington, D. C.:

Police dissolved peaceful meeting with shots while I was speaking. One dead, several wounded severe. Organizers Martinez and myself jailed. Federation hall searched.

IGLESIAS.

I heard nothing further upon the matter and neither have I seen any press reports as to the situation in Porto Rico. To-day I received a report from Organizer Sanitago Iglesias upon the situation, copy of which you will find inclosed herein.

As I shall have to leave the city early in the morning to keep important engagements in Philadelphia and New York, I have requested Secretary Morrison to lay the entire matter before Secretary Wilson, of the Department of Labor, and to urge that that department shall make an immediate investigation. As soon as I am in a position to give the members of the E. C. any further information upon the Porto Rican situation it will be promptly transmitted to you.

Fraternally, yours,

SAML. GOMPERS,
President American Federation of Labor.

MARCH 9, 1915.

P. S.—Secretary Wilson did not return Mr. Iglesias's letter until yesterday afternoon, hence the delay in sending this letter to the E. C. Since dictating the above I have received two additional letters from Organizer Iglesias, dated February 27 and March 3, copies of which are inclosed herein, copies having also been furnished to Secretary Wilson.

S. G.

[American Federation of Labor.]

WASHINGTON, D. C., *March 17, 1915.*

THE EXECUTIVE COUNCIL AMERICAN FEDERATION OF LABOR.

COLLEAGUES: Regarding the situation in Porto Rico, you will please find inclosed herein copies of additional letters from Organizer Iglesias, which have just been received. Copies of these letters have also been sent to Secretary Wilson of the Department of Labor.

In my letter transmitting copies of these communications to Secretary Wilson I expressed a strong hope that something will be done to ascertain the official and actual conditions which prevail, not only for the use of the Government but for the rectification of the wrongs which have been inflicted upon the people there.

As soon as I have any further information upon this subject I shall be glad to transmit it to you.

Fraternally, yours,

SAML. GOMPERS,
President American Federation of Labor.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *February 22, 1915.*

Mr. SAMUEL GOMPERS,
Pres. American Federation of Labor,
801–809 G. St., N.W., Washington, D. C.

DEAR SIR AND BROTHER: I am writing you this letter on this Washington's Birthday with the purpose to inform your office in regard to the actual affairs in which are involved at this time the agricultural workers of this island who declared themselves on a strike in Bayamon during the last days of January and which has been generalized throughout the whole island.

About 30,000 agricultural workers of the sugar-cane fields and some of the mills are at this time on strike. The bulk of them are lacking of a necessary organization and direction and of all necessary resource for striking. However, it has been necessary for me to intervene in this strike and lend to the workers all the help in my hand, for the simple reasons that this is the most favorable we have to make the peasants know our principles and aims of the trade-unionism and the best occasion to create the most powerful organization of the poor agricultural workers. When this strike was originally and spontaneously declared in Bayamon, where the men were unable to support themselves and their family with the wages they were receiving, and also unable to suffer longer the bad treatment they suffered as slaves, I immediately thought that no better opportunity would present itself to bring about any favorable change in behalf of the peasants, after taking into consideration the deplorable conditions prevailing at the countries, the low wages and long hours they are work-

ing, and taking into consideration also the high and good prices obtained at this time in the American market by the corporations in the selling of the sugar, I immediately thought, I do repeat, that no better opportunity would present itself to enforce the recommendations of the convention of the American Federatoin of Labor held in Philadelphia, Pa., in regard to the organization of the skilled and unskilled laborers, and which were transmitted by you to your representatives by the last circular received from the headquarters.

But the old, old history is repeated everonce that the workingmen entertain any plan to look for freedom. As soon as the bosses did realize themselves that the slaves were trying to break up their chains and to offer the labor movement the opportunity to be heard, and the chance to create a powerful organization, the repressive measures were taken and are actually in full force. It has been and it is my intention, when intervening in different towns involved by the strike, to cause that a settlement be reached where the entity and personality of the organized-labor movement be recognized, and, due to our efforts as trade unionists, some agreements were reached after a very hard work and discussion was done; but these agreements where I have appeared as a labor representative, the representatives of the capitalists, and the chief of the bureau of labor, have been broken down and violated by the capitalists and owners of the plantations, and with the consent of the government represented by the bureau of labor as it has been known by a telegram of the same chief of that bureau. The capitalists and owners of the cane plantations and mills with this policy, by which are making fun of the peasants and taking as a joke this serious conflict, are causing the men to despair and voluntarily creating as a consequence the bitter feelings.

The labor men are persecuted, jailed, wounded, and killed up in the streets and countries with the intention of stopping the advancement of the labor movement and cut in the button the aspiration for freedom of this peasant folk, who produce all the wealth of the island.

I am receiving every day telegrams from the different sections of the island in strike informing of the brutalities and assaults of the police force to the strikers. The most serious accidents have taken place in Vieques.

Vieques is a small island situated in the eastern part of Porto Rico which belongs to the United States and to Porto Rico, and which is under the government control of this same country. This island of Vieques is 9 miles long and 2 miles wide, and there are established 4 sugar mills of different corporations. When they, the inhabitants of Vieques, realized the price in sugar and compared their actual situation with that one of the other towns of Porto Rico they also thought they were entitled to better their conditions and went to strike. Readyway the plots and combinations of the capitalists and some officials of the Government reached them also, and on February 16, while coming from the country to the city in a pacific parade to hold a meeting in the town, they were assaulted by the police and foremen of the sugar-cane plantations and hunted as beasts, some of them. The parade was violently dissolved with the guns of the policemen and foremen. Four of the agricultural workers were left on the ground dead, more than 10 wounded, and in order to justify their action more than 100 men were jailed. At the present there are in jail more than 50, against whom charges have been preferred. The last information received from Vieques is that the police force have compelled the financial secretary to close down the doors where headquarters of the local unions affiliated to the American Federation of Labor are installed.

According to the old policy of tyranny, the Government has absolutely adhered itself to the bosses and privileged, the police force have been put at their disposal to force the agricultural workers to return to work, to compel them to leave the houses where they are living if not going to work under the old conditions, and when protesting against those actions they are brutally wounded, jailed, and killed without any consideration.

The bosses have also been granted the privilege to have a private corps of guards, armed to the teeth, to work as strike breakers and hunters of strikers, and all the public police force, under the pretense of keeping order and guaranteeing the properties, are to the service of the private corporations, landlords, and capitalists breaking the strike, forcing men to work, enjoying their banquets and drinks, and in almost all the towns where the workingmen are striking the local headquarters of the police force are installed within the sugar mills or under their premises, the men of the force are fed by the plantations' owners, and the horses used by the police to ride on horseback to hunt the strikers are also given by the bosses.

The constitutional rights of free speech and free press have also been suspended and martial law has been practically declared. Governor has made public to the people of Porto Rico by means of a proclamation that all the rural zone is under the control of the police force, and that no meeting or manifestation will be tolerated by the police.

In order to give you an approximate idea of the state of affairs in Porto Rico, besides of the former information, I am quoting here the substance of some of the telegrams received from different sections of the island, as follows:

"Juncos, Feb. 15, 1915.—Mayor, judge, and police are accused by the people of being in same plot with the proprietors of the central to watch out for defenseless labor strikers, at which placed their were attacked and fire upon by police. At time of shooting nobody was arrested. As many wounded as presented themselves to the hospital were arrested and bailed out for large amount. Numerous workmen sustained wounds and 15 workingmen in jail."

"Anasco, Feb. 15, 1915.—To-day 5 workingmen have been beaten by the police without any cause whatever. Velez arrested for upholding the rights of workmen. Police antagonize the strike. We are without protection."

"Anasco, Feb. 15, 1915.—Beating goes on. We need protection. See governor."

"Arecibo, Feb. 15, 1915.—Capt. Schettini forbids peaceful parade of workingmen. Orders use billies and revolvers against workers. Felix Ruiz clubbed for no reason. Men prohibited to use the main road. Many men arrested."

"Arecibo, Feb. 16, 1915.—Strikers arrested and sentenced forthwith without defense for carrying working tools. Case and trial summarily six men. Eighteen sentences pending. A woman held under bail for disturbing peace."

"Ponce, Feb. 16, 1915.—Strike on. Conduct police unworthy. I am not answerable for attitude of strikers. Speak to governor."

"Anasco, Feb. 16, 1915.—Meeting held last night broken up on Plaza with shots and clubbing. Police completely under control of the cane plantation owners."

"Mayaguez, Feb. 16, 1915.—Police together with foremen break strike. Anasco brutalized by police. Investigation should follow soon."

"Mayaguez, Feb. 16, 1915.—Workingmen break strike at bidding of police and foremen. Anasco police beating and arresting strikers."

"Arecibo, Feb. 16, 1915.—Peace disturbed. Police keep on with abuses against orderly and defenseless men. Juan Diaz clubbed by Guardsmen Rivera and Pagan. Snatch American flag away from workingmen. Capt. Schettini and Lieut. Chapel do work gratifying to cane planters."

Besides the telegrams that I have quoted in substance, telegrams have been received every day informing of more new brutalities committed by the police force.

While in Arecibo yesterday I sent the following message to the governor:

"ARECIBO, *Feb. 21, 1915.*

"ARTHUR YAGER,

"*Governor of Porto Rico, San Juan:*

"Went barrio Arecibo to hold labor meeting. Absolutely prohibited right free speech and meeting by police, who informed me to have superior orders to dissolve every meeting in barrios and public roads, prohibiting else groups 10 persons bearing national flags. Earnestly request you to grant this people constitutional rights meeting and free speech for credit sacred American liberties. American Federation of Labor request you to guaranty my constitutional rights of free speech and meeting."

The mayor of Arecibo also sent the governor the following telegraphic message:

ARECIBO, *Feb. 21, 1915.*

I am informed constitutional rights suspended in Arecibo. I do not see why this should be done in a city where conditions are the same as in other peaceful parts of the island. I believe this measure taken specially here will throw discredit upon this people and this local administration. I sincerely advise and request reconsideration to avoid weakening of people's confidence in American principles of government. This administration offers hearty cooperation to keep order.

E. LANDRON, *Mayor of Arecibo.*

In answer to my telegram Governor Yager has answered as follows:

"I have received your telegram, and with reference to same wish to state that constitutional rights of free speech and assembly have not been suspended; but that in view of the existing conditions in the island, and in order to guarantee peace and tranquility to all the inhabitants of Porto Rico, I have found it necessary to place the rural zone under the control of the chief of police, who is directly responsible to me for its peace and order. Urban zone will be regulated as before. Request you to kindly see my proclamation to the people of Porto Rico and my letter to chief of police, which you will find in any of to-day's morning papers, so that you may know exactly what my position is.

"ARTHUR YAGER, *Governor.*"

According to this state of affairs I did not hesitate in sending you some information by cable, according to the information of the press. I also proceeded to send you another cable making a rectification in the number of men killed by police, because I proved that the number of men killed was a canard.

The number of men killed is at this time four, as has been proved by the direct investigation made by the State federation.

For all these facts stated we have deemed necessary to request the Commission on Industrial Relations to investigate the motives and causes that are the origin of the actual unrest prevailing in Porto Rico, where the workingmen have lost all the hopes for obtaining due justice and redress from the hands of the local authorities in this island and from those representing the American Government in Porto Rico.

I am sending you here inclosed a copy of our letter to the Commission on Industrial Relations, and beg your best efforts to secure that the actual conditions of this island be investigated as suggested.

I am also sending you herewith a copy of the last cable sent to the Federationist on February 21st.

Yours, fraternally,

SANTIAGO IGLESIAS,
Gen. Org. A. F. of Labor.

NOTE.—Have sent my cables to you addressed under the name of "Federationist" to save money. Personal cables cost 75 cents by word and press fares 20 cents a word.

S. I.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federation of Labor. Fundada en 1899.]

SAN JUAN, P. R., *Feb. 27, 1915.*

Mr. SAMUEL GOMPERS,
Prest. American Federation of Labor,
801–809 G St. NW., Washington, D. C.

DEAR SIR AND BROTHER: According to the cablegram received yesterday through the governor of Porto Rico in which you were requesting accurate information regarding the general affairs of the strike in the island, I sent the secretary of Porto Rico a letter requesting him to transmit to you a cablegram answering to you in which a substantial informatiton was rendered.

I am very glad to give you some more details upon the case by means of this letter. When the occurrences were reported in the first moment, some mistakes were reported. Among them the number of workingmen killed at Vieques and the statement made by the same capitalistic press of San Juan informing that at a riot at Juana Diaz, 15 men had been killed and 25 wounded. But when we had the chance to directly investigate the occurrences at all these towns, the most accurate information has been transmitted to your office, and it is what in substance contains the cablegram requested to the secretary of Porto Rico to be forwarded to you.

I have feared that the Government of Porto Rico would have censored all the details and information, and that is the reason why I was, in my cablegram to you, as brief as possible.

But the cablegram I should have sent to your office had to be the following:

From the investigation directly practiced by Organizer P. Rivera Martinez, of the Cigarmakers' Internationtal Union of America, at Juncos, it has been proved that the police disbanded, violently and illegally, a parade of peaceful

agricultural workmen who were out on strike on February 4. Twelve strikers were clubbed by the police and wounded. Despite the fact that a number of pistol shots were fired by the police, nobody was wounded by the bullets. Nobody was arrested at the time of disbanding the parade, but the wounded, upon presenting themselves at the hospital to be cured, were arrested by the police to justify their brutal action, and later sentenced without even giving them any reasonable time to prepare their defense or to be represented by a lawyer. The flags which the strikers carried in the procession, even the American, were torn by the police from the hands of those who bore them.

On February 16 in Vieques the strikers, upon going into the town in the attitude of orderly workers, were attacked by the police and the managers or foremen of the sugar estates. Four workmen were killed, three of them wounded quite seriously, and six more sustained lesser wounds. These wounded ones were victims of the policemen's bullets and slug shots, as well as the dead, who not only fell a target to the bullets of the police but also to the bullets of the foremen of the centrals.

The laborers in defending themselves wounded two policemen with their cutlasses or machetes. More than 100 arrests followed. In the town the police scattered the people with shots and blows. There was great dread in the town. The police closed the federation office. Those who took part in this investigation were Organizer P. Rivera Martinez, Julio Aybar, member of the house of delegates, and Brother Bolivar Ochart.

The press reported that at Juana Diaz the police had killed 15 workers and wounded 25, but this was afterwards denied by the Government.

At Anasco the police often attacked the country folk who were striking, and a meeting was dissolved amidst shots and blows; five workers sustained wounds. At Arecibo a gathering was dispersed, an American flag was torn from the hands of an aged country striker, and he himself was hit by the policeman's billy. Two labor speakers were criminally clubbed at 4 a. m. in a country district called "Dominguito," at Arecibo, after which the police took care to conceal their names, and it is not even known to-day who did the clubbing.

At Humacao five countrymen were clubbed and a gathering was dispersed. At San Lorenzo a meeting was violently dispersed by the police. The police was openly doing the bidding of the owners of the sugar estates. They live, eat, and drink in quarters provided for them on the estates and sugar mills.

Gov. Yager tells me that he is going to give the unfortunate country folk protection against illegal onslaughts, but the next day the police exercise violence to a still greater degree. Taking as a starting point the advice of the landowners and bankers and stockholders, who, being helped by the capitalistic press, are daily heaping lies upon lies against the strikers, the governor turned over to the police the whole rural region and these in their turn have forbidden that there should be any public meeting, gatherings, parades, and that not even groups of 10 persons on the highways and barrios of the whole island, though it were shown that such gatherings are of an orderly and peaceful character.

Martial law was practically declared by the police and attacks upon the persons were accumulating rapidly, to the discredit of the police, who kept on terrorizing the country people.

We, representatives of the American Federation of Labor, were forcibly deprived of calling open-air meetings of the workmen to address them and give them advice throughout the rural zone.

When I ask the governor to interfere with the brutal violation of the Constitution by the police, he gave me assurance that he would do it and that he would give me a copy of his order, but he has not made good his promise up to the present time, and thus it is that the wish of the police is secured, namely, that of breaking the strike of the poor country workers through fear and intimidation, through persecution and the "stick." The bureau of labor is only an agent of the Government, which stands in favor of the landowners in this connection.

In his last statement given to the press it is quoted as saying: "The landowners have proved themselves to be possessed of the confidence and regard which this bureau has for them and for which we are sincerely grateful toward them."

The following telegram was sent by the chief of the bureau of labor: "DOMINGO SANTOS, Fajardo, P. R. Mr. Bird, manager of the Fajardo Sugar Co., has officially informed the Government that workingmen are not fulfilling their part of the contract, which makes it therefore neutral. I trust all differences will

work out, regardless of strike. BILLS." This telegram was sent after the Sugar Growers' Association and Corporations had agreed not to sign any terms of agreement with the workers or agree upon any wage scale. More than 1,000 country workers in Fajardo filed complaints, duly sworn to before a judge, protesting against the attitude of the chief of the labor bureau in combination with the landowners.

The country workers denounce the impious facts and treatments that are being directed against them, and all the leaders of the unions complain of more abuses, newly committed and repeated acts of moral violence to get them to take up their work. The organization of the peasants and all unskilled laborers and their defense for more wages will be practically impossible unless the Washington authorities hinder them from being executed any longer and this beautiful island from being turned a vast factory of toiling slaves, so warranted by the officials of the Government.

Very fraternally, yours,

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

[Federacion Libre de los Trabajadores de Puerto Rico Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *March 3, 1915.*

Mr. SAMUEL GOMPERS,
Prest. American Federation of Labor,
801–809 G St. NW., Washington, D. C.

DEAR SIR AND BROTHER: According to the policy followed by the Government of Porto Rico regarding the strike, persecutions and brutalities of the authorities are daily being committed.

Last Sunday, Feb. 28, and according to repeated requests from the different towns on strike, I concluded that it was necessary for me to pay a visit to those different towns and cities, to give them my advices, and take in the several meetings the necessary advantages for the propaganda of the organization of the agricultural workers and of other trades who have demonstrated, especially the agricultural workers, to be ready to create the most powerful organization in the island.

Bearing in mind that our time should be limited and saved as much as possible, I requested the organizer of the Cigarmakers' International Union and some other officers of organized labor in Porto Rico to accompany me in order to be able to hold a meeting at every one of those towns in the eastern and southern part of Porto Rico which are on strike.

On Feb. 28, very early in the morning, I left San Juan with my companions and the first town where we stopped was Yabucoa. There were about 2,000 men in strike. They have been denied the constitutional rights of speaking and assembling when they want and where they legally please, and at the time we reached Yabucoa the workingmen had been unable to hold a meeting while they had been on strike for two weeks.

I requested the local committee of the strike that the tribune be placed at the called Plaza, and while I was speaking I was ordered by the chief of police to leave the place on the ground that the mayor of the city, who is interested in business and the main enemy of the strikers, had not given his permission to hold the meeting there. I had to come down from the tribune, and then it was placed in one of the extremes of the town.

From Yabucoa I sent to the Governor of Porto Rico the following telegram:

YABUCOA, P. R., *Feb. 28, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

When I was speaking at the Plaza of this town the police told me I had to dissolve the meeting because the mayor said that there was no permit to hold the meeting at the Plaza. He refused many times to give permit.

SANTIAGO IGLESIAS,
Gen. Org., A. F. of L.

After having held a monster meeting at Yabucoa, at which all the orators and myself did our part, and where the conditions prevailing are notoriously marked of partiality against the strikers, we proceeded to Maunabo. From Maunabo I had to send the Governor of Porto Rico the following telegram:

MAUNABO, *Feb. 28, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

Agricultural workers of Barrios Palo Seco, Lisa, and Matuyas had to return back their homes because police prohibited them to walk town, certainly to prevent them to attend a labor meeting, where the labor federation representatives were going to address the people.

SANTIAGO IGLESIAS,
Gen. Org., A. F. of L.

The Governor of Porto Rico up to this date has given no answer to the two telegrams above mentioned. We did at Maunabo all we could in favor of the strikers and to bring the parties to terms, and we reached at last an agreement by which the hours of labor daily for the agricultural workers were reduced to nine, and salary of 50 and 55 cents per day was increased to 80 cents daily.

After having held a meeting there and left all things settled at Maunabo and the agreement signed, we proceeded to Guayama where we also held another meeting lasting to 1 o'clock, March 1, and in which did their part two lawyers who are actually in sympathy with the strike, and who have cooperated to the agitation and maintenance and defense of the same.

On March 1, in the morning, we left Guayama and went to Ponce via Salinas, reaching the city of Ponce about 4 o'clock p. m. In view of the conditions prevailing in Ponce, and being necessary for us to return to San Juan as soon as possible to pay attention to some other important matters, we had already decided not to take part in the meeting of Ponce and had already taken the automobile to return. But a commission composed of members of the local unions of Ponce among which were officials of the Cigarmakers' Union 449, requested us in the name of the organization and in that of the agricultural workers to do our part in the meeting at the open air, and then we agreed that the automobile would remain near the place where the meeting was to be held to be taken by us immediately after having done our duty.

The meeting was opened at half-past 7 p. m., and in the same took part the characterized members of the organized labor movement: Mr. Modesto Calderin, Mr. Santiago Carreras, Mr. Francisco Paz Granela, Mr. Manuel Texidor, Cigarmakers' International Union's organizer Mr. Prudencio Rivera Martinez and myself. While I was speaking for about an hour, and making the statement that "the police could not be placed on an impartial and independent position while having their quarters in the premises of the sugar mills and plantations, while eating and drinking with the bosses, while using the horses of the sugar mills owners under the pretense of being guaranteeing the properties," I was brutally ordered to leave the tribune, while the captain of police, Fernandez Nater, cried: "This meeting has finished."

Then the police was ordered to dissolve the meeting, and shots and clubbing against the gathering were made. The result of this social crime committed against the people was a poor man dead and several wounded. Organizer Rivera Martinez, myself, and all my fellows from San Juan in the commission were arrested and placed under a bail of $2,000. From Ponce I sent the governor the following telegram:

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

Last night police dissolved a peaceful meeting while I was speaking, shooting and clubbing poor peasants. One dead and several wounded. Seven labor representatives and myself were jailed—accused of riot. This fact is very deplorable, and respectfully protest against unnecessary and unjustifiable disregarding of constitutional rights.

SANTIAGO IGLESIAS, *Gen. Org. A. F. of L.*

No answer has been given to the quoted telegram. We remained in jail up to half-past 12 p. m., March 2, when we were provisionally sent free under bail of $300 each, returning to San Juan at 6 a. m. to-day.

The offices of the federation in Ponce were researched by the police, who violently broke the locks of the desks and took with them some papers and documents of the strike committee.

If the Federal authorities do not take a rapid and energetic action in favor of the American Constitution and in behalf of the Porto Rican laborers we fear that the labor organizations may be swept from the surface of the island by the Democratic Government, represented in Porto Rico by Mr. Yager, as an unjustifiable punishment for the working masses of this Island.

Yours, fraternally,

SANTIAGO IGLESIAS,
Gen. Organizer A. F. of Labor.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *March 4, 1915.*

Mr. SAMUEL GOMPERS,
Prest. American Federation of Labor,
801–809 G St. N. W., Washington, D. C.

DEAR SIR AND BROTHER: I have in hand your two letters of Feb. 24, inclosing me copy of your cablegram and a clipping from the New York Call, in which some information is reported about the affairs of the strike in Porto Rico.

Regarding the cablegrams which were received by you on February 19 addressed to the Federationist, I beg to inform you that those cablegrams were directly sent to the Federationist in order to save some money instead of being sent to you, and though not bearing any signature both cablegrams were sent by me. The fact of the cablegrams not bearing my signature is due to a mistake on the part of the clerk in charge of handing the cablegrams to the cable office, because he did not put the signature into the columns of the blank intended for the words for which we are going to pay. That is the reason why the cablegrams went to you without my signature. The first cablegram sent to you reporting 22 men killed was based upon the information of an old capitalistic paper of this same city, which is supposed to be an impartial one, and who very early in the morning, as every day, was circulating in San Juan giving the information that, in addition to the 7 men killed at Vieques, 15 more had been killed at the town of Juan Diaz in a riot between the strikers and the police. The information of the paper above mentioned, La Correspondencia de Puerto Rico, was denied by nobody in the first moment, and the ratification of the report published was heard everywhere. On account of that I sent you the first cablegram on February 19. But later, when I was able to gather some more information I immediately and in the same date sent you another cablegram correcting the number of men killed. When the first report was received from Vieques informing that the police had disbanded a peaceful parade of the workingmen, the same official report stated that six men had been killed, among them two police. Based upon this official report is was that I sent you the second cablegram. But still doubting of the truth, I request Mr. Rivera Martinez, organizer of the Cigarmakers' International Union, and Mr. Aybar, labor representative in the house of delegates, to visit the island of Vieques and make a thorough and impartial investigation of the facts. The investigation was made, and the result was that four men were killed by the police while disbanding the peaceful parade of the strikers, six seriously wounded, some other more sustaining lesser wounds; more than 100 men arrested; constitutional rights of assembling and speaking suspended; hall feredation closed down by the police; and the most cruel brutalities committed by the police force against the strikers.

When having the very accurate information gathered directly by our representatives, I sent you that information. The man sending cablegrams directly to the Call is Mr. Edward Conde, and all the information sent by that man was near to the truth according to the statements given by the same capitalistic press of this island.

I have carefully revised the information published by the New York Call and found that generally the information is accurate, outside of a mistake contained in same which is that in the following paragraph: "The police have set fire to hundreds of their shacks, leaving thousands of men and women shelterless." It is true that fire has been set to some houses in the barrio of Puerto de Tierra, San Juan, and in the town of Maunabo. More than 40 houses were burned in San Juan and about 175 in Maunabo, but it is supposed that the fire has been set by those insuring the houses in the companies for more than their proper values, because fires have always begun in one of those houses insured.

What the police have done with the poor peasants it is to request them to leave their shacks immediately and go out if they are not willing to return to work under the old conditions. This statement regarding the police to set fire to the shacks of the poor peasants is the main one I have found in the information published by the Call. The most of the information published by the New York Call is taken from our labor paper Justicia, which I am sending you, regarding the conditions of the laborers in Porto Rico.

I have given my very particular attention to that part of your letter stating that "Gen. McIntyre had informed you not to have received any information as to the killing or wounding of anyone or that any constitutional rights of the people were invaded; that the governor had cabled that there had been an attack upon one of the plants of the sugar refineries; that the property was in the hands of a receiver; and that the situation was well in hand." Regarding this point, as informed to Gen. McIntyre by the governor of the island, I am grounded in saying that that is the first information I have received about having been attacked any of the plants of the sugar refineries in the hands or out of the hands of any receivers. They are grounded in saying that the situation is well in hand. It has always been, it is, and will be. It is better than in hand. It is under the terrorism, brutalities, and assassinations of the police force, under whose control are all the towns of Porto Rico, with the request and order of the governor, tolerating the suspension and annulment of all the constitutional rights of the citizens of Porto Rico not only in the rural zones as in the beginning, but within the urban zones and at everywhere. The cablegrams, copy of which you send me in your letter, was received by myself, by means of the secretary of Porto Rico, and the manifested partiality of the Government is precisely proved in the same case. As soon as I received your cablegram I sent to the secretary of Porto Rico a letter containing duly quoted a cablegram to you and requesting him to transmit it to your office by means of the Bureau of Insular Affairs, as your request had been received. The letter referred to was sent to the secretary of Porto Rico on February 26, and a copy of it was sent to you. As the answer given to you was containing the accurate information of facts, I was in the confidence that the Government would transmit to you our answer if affairs were to be appreciated fairly and conducting to a square dealing. But it has not been so. Five days after having sent our answer to you I have received from the secretary of Porto Rico the letter which I quote herein:

[Government of Porto Rico, office of the secretary.]

SAN JUAN, *March 2, 1915.*

SIR: Replying to your communication of the 26th ultimo, wherein you request this office to transmit to the Chief of the Bureau of Insular Affairs the cablegram quoted in your said communication and purporting to be a reply to a cablegram received by you through this office, I beg to inform you that it is the policy of the Government not to transmit messages through official channels when the said messages are not in strict accordance with the facts. I regret to say that in the cablegram that you desire to be sent through this office some of the statements therein made are contrary to the facts as they appear by the several investigations made by the Government. For the above reasons I respectfully inform you that it is my duty to decline to comply with your request.

Very respectfully, yours,

MARTIN TRAVIESO,
Secretary of Porto Rico.

Mr. SANTIAGO IGLESIAS,
President Free Federation of the Workingmen of Porto Rico,
San Juan, P. R.

This information will explain you what has happened. I am perfectly in accordance with your recommendation that to expect fruitful results and righting of the wrongs inflicted upon the working people no exaggerated accounts should be transmitted, and I have ever tried to follow that policy, so that any charge preferred against the enemies of this people or the conduct of any authority may be proven. But in the same manner it is my believing that all the abuses of the power should be denounced, and that it would be a crime for us to keep silence while the armless and defenseless peasants of this island ask for better wages and better living conditions, and they are violently disbanded and criminally assassinated in the cities and countries, while the hall federa-

tions are illegally closed down by the force, and while the constitutional rights of the people are placed in the hands of the most brutal and unscrupulous people of this island.

Awaiting for your instructions and good advices and trusting that your efforts will greatly cooperate to settle the affairs of the island, I am, with best wishes,

Fraternally, yours,

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *March 5, 1915.*

The EDITOR OF THE TIMES,
San Juan, P. R.

SIR: In answer to your courteous invitation for a version of Mr. Conde's speech, as delivered by him at Fajardo a month since, and in view of the letters from Mr. Bird, as representative of the Fajardo Sugar Co., inserted in your daily, it remains for me to repeat here again what I had previously reported on the matter—that is to say, that Mr. Conde's speech was well thought and meditated, and that all what he said on that occasion was in accord with his ideas and the law, otherwise the police which was present would have called his attention or denounced him. Things worse than that I have witnessed in Ponce.

The letters printed in the Times come all of them from interested parties to whom Mr. Conde's speech could not make a good impression. The signers of the letters in question are all of them, without doubt, persons of standing and well to do in the community, but they are indeed prejudiced for reasons of social and human nature. They seem to be commonly interested because of family or business reasons, and in certain cases they appear in Mr. Bird's pay roll. This, of course, makes them feel hostile and grudgesome in commenting over the speech.

Neither Mr. Conde nor the Federacion Libre can rejoice over the death, accident, or misfortune that may befall a human being, and we could not feel so toward Dr. Santiago Veve or Mr. Bird. Mr. Conde neither declared that he was in favor of incendiarism, but rather turned them into ridicule.

Besides, the ideas of Mr. Conde, there is no doubt but what they are utterly opposed to his accusers, and therefore it is quite natural they should say whatever he (Mr. Conde) said was all out of place, terrible, and even impious. The speaker had the right, and still has it, of uttering the most fit opinions on his subject at issue then, and the gentlemen whose signatures appear in the above-referred-to letters have the same right to hold a contrary opinion about Mr. Conde.

On the other hand he went to Fajardo upon the invitation of the workmen of the locality to help them to bind a contract with the employers or let the strike go on. After the meeting referred to he took part in the discussion of the terms of the arrangements and was busy at this for a whole day with Mr. Bird and other employers, and, mind you, there was not friction of any kind among those people. It is in reality very strange that after the strike should be over and arranged and the contract not fulfilled by Mr. Bird that they should now turn around and accuse Mr. Conde of fact that took place as between employers and country employees at the Fajardo town hall and to which Mr. Conde gave his assistance.

I think it is enough for me to say that whatever statements were made by him with the object of warding off the bad impression Mr. Bird reminded the signers of the contract relative to the address delivered by Mr. Conde, which after all did not produce the same disagreeable influence as the speech which Mr. Iglesias pronounced at Ponce and to which your editorial of to-day refers.

The Ponce meeting began at 7.30 p. m., and five speakers had already delivered their address before Mr. Iglesias himself stepped forward to speak also. The meeting had been going on for four hours before anybody ever dreamed of how it would end. Mr. Iglesias began speaking at 11.15 p. m., and after he had spoken about three quarters of an hour and stated that the police could not possibly be impartial, in as much as they had taken up their headquarters on the estates, sleeping, eating, and using the horses and automobiles of the landowners in connection with the strike. At this point of Mr. Iglesias's remarks a loud cry from Capt. Fernandez Nater, saying, "There,

now, that will end it;" those words brought on the most reproachful blow that can ever be dealt to the rights of free speech and the most unjustifiable attack against constitutional guarantees of any civilized people. The people were dispersed by clubbing and shooting, and the result was that one man was killed and others wounded.

Besides this lamentable incident I am quoted as having used violent language against the governor, religion, and other institutions generally, all of which is absolutely false and purposely gotten up.

I am in the same position as Mr. Conde, or perhaps worse off than he, Mr. Editor, since it is impossible to prevent popular opinion and commentaries, when these are replete with prejudice and sentiments hostile to the cause for which we stand and believe to be just and patriotic,. Not wishing to tire you with a lengthy letter, I beg to remain,

Very sincely, yours,

SANTIAGO IGLESIAS,
Gen. Org. of A. F. of L.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *March 10, 1915.*

Mr. SAMUEL GOMPERS,
Prest. American Federation of Labor,
801–809 G St. NW., Washington, D. C.

DEAR SIR AND BROTHER: I am very much pleased to give you this additional information regarding the so-called riot of Ponce, about which I sent you formerly more detailed information. When the house of delegates was informed by one of his members that a meeting had been disbanded by the insular police in Ponce while I was addressing the gathering, the matter was in the first moment discussed and one of the members of the house moved that a special committee be appointed to investigate the facts and inform the house of the truth in view that one of the men present in the meeting had been killed by the bullets of the police, and some others more seriously wounded.

Such committee went to Ponce and gathered the information they please from the public and the insular police, but nor I, neither the men which in my companion were arrested and placed under a bond of 2,000 accused of riot, were requested to inform to that committee. The committee returned from Ponce, and in spite that all the affidavits concurs in the fact that the responsible of violating the law, depriving the citizens from the free exercise of their liberty, and of killing the man who is dead, and of the men being wounded is the insular police; in spite of that the committee of the house have not dared to inform and tell the truth to that legislative body. Their report to the house was quite a "white wash" to the police, though verbally and not with their signature; a member of the such committee, composed of two men recognizes that the most brutal crime have been committed with the people of Ponce, and the most unjustified violation of the law have been committed by the police.

The report of the committee to the house of delegates was largely discussed and an important discussion of the general affairs of the island and the policy of the government in the strike was maintained. The most important part of the discussion in substance is as follows:

LOWER HOUSE INVESTIGATION OF THE PONCE INCIDENT—EXTRACT OF THE SESSION.

Mr. Tous Soto, of the district of Ponce, asked Messrs. Huyke and Martinez Nadal, the members of the investigating committee, if from the statement made by them it must be construed that the police caused Mr. Santiago Iglesias to come down from the speaker's stand in the midst of his address, and they answered in the affirmative.

"It being so," said Mr. Tous Soto, "I believe the Ponce incident must be given such an important significance as shall not be overlooked by the men who stand for the fundamental principles of the liberty we all enjoy under the Constitution of the United States and the laws enacted by the legislature of this country. I understand the police have no authority at any time to cause a man to come down from a public rostrum and so break up a meeting, for this is equivalent to a violation of the law which guarantees the free expression of thought; and on this account laying aside all particulars which

have such small significance as compared with the fundamental principles of the liberty of thought. I move that the following amendment be added to the report of the investigation committee:

"'Be it enacted that the most energetic protest of the house be brought to bear against the violation of the law defending the rights of the people committed at Ponce by members of the insular police while they caused a man to come down from the speaker's stand or rostrum while he was in the full exercise of his rights of censure.'"

Mr. Tous Soto stated that above all it was the duty of every citizen to safeguard the liberty acquired by himself, and that the right of free speech is consecrated by the laws of this island and by the United States Constitution, and that it was of more importance than all the law that could be called into action to violate the sacred right of the people in expressing themselves freely. The people must not be dependent upon the police to interpret their words and suspend a public meeting, inasmuch as the police have no authority to do this, but this is the business of the courts to decide whether a speaker infringes upon the laws.

Mr. Huyke, one of the members of the committee, stated here that the police acted upon being instructed by their chiefs, and I say that if this is the case, then I will amend my amendment in such form that the criticism of this house be directed against the person of this government who had issued such instructions, because I understand that nobody in Porto Rico is above the Constitution or any other man of whatever high standing he may be as to abolish the Constitution and the law defining the rights of the people.

The amendment proposed by the delegate, Mr. Tous Soto, was voted upon, and all the reactionaries and capitalists in the house voted against the rights of the people, defeating the amendment and so justifying the most brutal and social crime committed in Ponce and the most unjustified violation of the Constitution of the United States.

With kind regards, I beg to remain,

Fraternally, yours,

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

[American Federation of Labor.]

WASHINGTON, *D. C., March 23, 1915.*

THE EXECUTIVE COUNCIL AMERICAN FEDERATION OF LABOR.

COLLEAGUES: Referring to the situation in Porto Rico, I herewith enclose copy of a cablegram received from Organizer Iglesias, in President Gompers's absence. I have transmitted copy of same to Secretary Wilson, of the Department of Labor, so that he can have the information in connection with the other communications which have been furnished to him bearing on the situation in Porto Rico.

Yours, fraternally,

FRANK MORRISON,
Secretary American Federation of Labor.

[Cablegram.]

CAYEY, PORTO RICO, *March 21, 1915.*

FEDERATIONIST, *Washington.*

Last night police violently disbanded peaceful meeting, clubbing people and federation leader, who was arrested. Annual labor federation convention now in session at Baptist Church feels indignant against police lawlessness. Constitutional rights absolutely disregarded. Judicial brutalities sentenced 130 men Vieques for alleged riot and assault, depriving them of jury trial, appeals being illegally denied. More than one hundred pending sentences. Federation convention discussing general strike plan to protest against disgraceful administration, which gives no credit to American principles of justice and liberty.

IGLESIAS.

CORRESPONDENCE RELATING TO ALLEGED KILLING AND WOUNDING OF WORKERS.

[Government of Porto Rico, office of the secretary.]

FEBRUARY 25, 1915.

SIR: I have the honor to quote below for your information cablegram just received from the Bureau of Insular Affairs, Washington, D. C.:

YAGER, *San Juan.*

SANTIAGO IGLESIAS: Cable me accurate account of alleged killing and wounding of (circling?) workers in consequence of strike, and if constitutional rights have been violated.

SAMUEL GOMPERS.
McINTYRE.

Respectfully,

MARTIN TRAVIESO, Jr.,
Secretary of Porto Rico.

Mr. SANTIAGO IGLESIAS,
San Juan, Porto Rico.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *February 26, 1915.*

Mr. SAMUEL GOMPERS,
Pres. American Federattion of Labor,
801–809 G St., NW., Washington, D. C.

DEAR SIR AND BROTHER: I have just to-day received from the secretary of Porto Rico the letter which I quoted herein below and which is as follows:

[Government of Porto Rico, office of the secretary.]

FEBRUARY 25, 1915.

SIR: I have the honor to quote below, for your information, cablegram just received from the Bureau of Insular Affairs, Washington, D. C.:

YAGER, *San Juan.*

SANTIAGO IGLESIAS: Cable me accurate account of alleged killing and wounding of (circling?) workers in consequence of strike, and if constitutional rights have been violated.

SAMUEL GOMPERS,
McINTYRE.

Respectfully,

MARTIN TRAVIESO, Jr.,
Secretary of Porto Rico.

Mr. SANTIAGO IGLESIAS,
San Juan, P. R.

To the former communication I answered to the secretary of Porto Rico in the way you may see by the copy of the letter I am attaching herewith for your information.

Yours, fraternally,

SANTIAGO IGLESIAS,
Gen. Org., A. F. of L.

[Federacion Libre de los Trabajadores de Puerto Rico. Afiliada a la American Federacion of Labor. Fundada en 1899.]

SAN JUAN, P. R., *February 26, 1915.*

Hon. MARTIN TRAVIESO, Jr.,
Secretary of Porto Rico, San Juan, P. R.

HON. SIR: In answer to yours of February 25 inst., I would be very grateful to you for transmitting Hon. McIntyre the cablegram quoted herein below:

"McINTYRE, *Washington:*

"Answer Gompers parade strikers Vieques was dissolved by police and foremen. Four workingmen killed, eight wounded. In several towns meetings were broken, twenty-seven men wounded. Constitutional rights speech even

myself denied in rural zones, which are under control police. Strikers claims police used to break strike. Some strikers Arecibo summarily sentenced. Federation Hall, Vieques, close down by police. More than 100 arrested and sentenced. Letter mailed."

Thanking you very much, in advance, I beg to remain,

Very respectfully, yours,

SANTIAGO IGLESIAS,
Presidente Free Federattion of the Workingmen of Porto Rico.

[Government of Porto Rico, office of the secretary.]

SAN JUAN, *March 2, 1915.*

SIR: Replying to your communication of the 26th ultimo wherein you request this office to transmit to the Chief of the Bureau of Insular Affairs the cablegram quoted in your said communication and purporting to be a reply to a cablegram received by you through this office, I beg to inform you that it is the policy of the government not to transmit messages through official channels when the said messages are not in strict accordance with the facts.

I regret to say that in the cablegram that you desire to be sent through this office some of the statements therein made are contrary to the facts as they appear by the several investigations made by the government.

For the above reasons I respectfully inform you that it is my duty to decline to comply with your request.

Very respectfully, yours,

MARTIN TRAVIESO, Jr.,
Secretary of Porto Rico.

Mr. SANTIAGO IGLESIAS,
President Free Federation of the Workingmen of Porto Rico,
San Juan, P. R.

STATEMENT OF MR. FREDERICK F. INGRAM.

[Frederick F. Ingram Co., perfumers and manufacturing pharmacists.]

DETROIT, MICH., *Mar. 15, 1915.*

Hon. LOUIS F. POST,
Department of Labor, Washington, D. C.

DEAR MR. POST: Referring to the inclosed page[1] from Public, March 12, I know something of the situation in Porto Rico, it so impressed me that while visiting there last spring I addressed a communication to Congressman Doremus from this district (inclosed find copy of same). So far as I know, forwarding my observations to Congressman Doremus has produced no results.

I did not talk on the island with workingmen or their representatives; was in touch only with business men, Americans and natives, but the information I gathered through them made me feel that if a tendency then apparent was not speedily checked the result would be a most humiliating situation for the United States. It looked to me as if it was leading to a system of dependent peonage even worse than the situation existing in Mexico preceding the present disturbances there. The natives of Porto Rico are a fine race, superior to any others in West Indies, Central America, or Mexico. Previous to the American occupation all had access to the land, their little patch of ground, and opportunity for advancement if disposed to advance. The ownership of this land is being centered to corporations, if I was correctly informed when there, that is almost unbelievable.

Might I venture to ask you to forward this to Hon. Frank P. Walsh, chairman of the Federal Commission on Industrial Relations, if you approve of it.

Yours, respectfully,

F. F. INGRAM.

I received a letter to-day from a business friend in Ponce, P. R. He says the cigar strike has been followed by a school strike. The dissatisfaction and unrest has emptied the schools of the native children.

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[1] Submitted in printed form.

22 APRIL, 1914.

Hon. FRANK E. DOREMUS, M. C.,
Washington, D. C.

DEAR MR. DOREMUS: Leaving to-day homeward bound, visiting on the way several other W. I. islands and the Canal Zone after 3 weeks spent in Porto Rico, primarily for a rest and incidentally to develop a trade on the island, meeting many men in the mercantile lines, natives as well as Americans, has given me opportunity to learn about local conditions as viewed by business men.

It seems to me that the situation in Porto Rico is not correctly understood in Washington, which prompts me to write you on the subject.

The manager of one of the largest mercantile houses on the island, an American, but of 15 years' active business experience in Porto Rico, said, "When the Americans came to the island, of its population of 1,100,000, they found 1,000,000 to be their friends. To-day the Americans and their Government can count all their friends in the 100,000 and to have some of the 100,000 left."

It is claimed that promises made at the time of occupation have been broken, that acts undreamed of then have since been done by the American rulers, surpassive in some instances in their unpopularity of anything heretofore ever done by former rulers. This is provoking unrest and prejudice against the Americans here, interfering with business and prosperity of all the races and classes.

Much was expected from the change of administration, but so far there has been disappointment that has filled the cup of bitterness, for the old evils have not only been continued, but it is claimed new evils have been imposed from which American residents are perhaps the greatest sufferers, excepting those in official life.

It seems to me that justice as well as political experience should prompt those that will be held responsible for existing conditions to carefully consider these alleged grievances, some of which follow:

First. That the same system and in a large measure the same gentlemen as under the previous administration are still in power and the unofficial domination is by the same influences.

Second. The former and present Government greatly antagonize the natives by misgovernment and favoritism.

Third. It is conceded that Gov. Yager is well meaning but lacks political experience, is easily imposed upon by special interest that has his ear and that have impressed upon him their viewpoint. That he ignores the Democrat organization and the party leaders as well as the business interest, except the sugar and tobacco corporations.

Fourth. Porto Ricans were promised citizenship by Gen. Miles. It is not yet granted. They want collective citizenship, not the kind proposed in the present Senate bill which treats the Porto Ricans as illegitimate children, legitimacy to be conferred by a court upon application.

Fifth. The recent special revenue tax on American goods entering the island is very exasperating. It injures the business of Americans in the States, who otherwise could sell in the island. It relieves the island real estate of taxes which are transferred to the consumers—a tax upon the poor to the profit of the rich and the corporations. This tax was made retroactive, embargos placed upon stores, and their stocks were released only when the stamps were affixed to goods, in some cases confiscating property because the goods could not be sold at the increased prices. This tax works out to the profit, so it is claimed, of the great sugar corporations, enabled by it to hold land out of use because of the very small tax on it, thus depriving the poor of employment that working such idle land would afford.

Also, so it is claimed, to the advantage of the American Tobacco Co., who under various names own the tobacco companies operating here.

Sixth. The limited land-holdings clause of the Foraker law is being evaded by the corporations as it was under the previous government, and sugar corporations through dummies have acquired immense holdings, making it practically impossible to buy a few acres for raising other crops or for pasture, except poor land in the mountains, while the new proposed organic act now before Congress omits the clause altogether.

Seventh. By a scheme officially permitted cane is being imported from Santo Domingo by the large Guanica centrale, to the detriment of the Porto Rican people and to the loss of revenue by the treasury.

I inclose copy of resolutions adopted by the Ponce Democratic Club (Ponce is the largest county on the island) this month which names other apparently serious grievances. I have talked with many business men of the island and they, of all political parties, seem agreed as to the seriousness of the situation. Its application to practical politics in the coming campaign for the election of a new Congress, which seems to be a certainty, is regarded with much complacency by our Republican friends and, it seems to me, with reason, for if the Democrats do not take steps during this session to relieve themselves of responsibility for such undemocratic measures forced upon a helpless people the party will have an exceedingly increased hazard to overcome to carry the close districts.

I expect to be back home by May 22. I know it is a far cry from Detroit to Porto Rico, but it is not so far but what these matters may be with us for explanation in November.

Frankly, it seems to me that Porto Rican affairs need looking into. They will be looked into. I hope it will be by the Democrats, who are responsible for the present status.

With kind regards, I am,

Yours, sincerely,

F. F. INGRAM.

EXHIBITS.

IGLESIAS EXHIBIT NO. 1.

STATEMENTS PERTAINING TO THE LAST LABORERS' STRIKE IN THE ISLAND OF PORTO RICO.

The following is an outline of the affidavits taken before the notary public of the city of San Juan, P. R., Mr. Pedro Santana, jr., with offices at corner of San Justo and Tetuán Streets, of said city:

EXHIBIT A.

In the city of Juncos, island of Porto Rico, and before me the notary public above mentioned, appeared Catalino Marrero, Agustín Cintrón, Juan Cruz Rivera, Lorenzo Vazquez, Juan Pagán, Francisco Peña, Gregorio Marquez, Agapito Ocasio, Aniceto Hernandez, Encarnación Robles, all of legal age and residents of said city of Juncos, under oath depose and say: That before they went into strike they begged their patrons for better wages and more respect during working hours; that they were only paid from 40 to 50 cents for working hard from 6 o'clock in the morning to 6 o'clock in the evening; that they were badly treated by their patrons and their agents; that during working hours they were not even allowed to perform human ordinary necessities; that they never were heard and therefore they decided to go into pacific strike to force their patrons to justify them (the laborers) in their demands for better wages, treating, respect, etc.; that the strike lasted for about 10 days; that an agreement was signed by agents of both the laborers and the patrons; that they (the laborers) have fulfilled their part to the said contract; that said patrons have violated their part to said contract; that their patrons used a circular of Gov. Yager to influence us in believing that no one had right to go into strike asking for better wages and more respect, etc.

EXHIBIT B.

Mr. Eloy Franquis under oath deposes and says: That he is a resident of the city of Juncos, P. R.; that he is a cigarmaker; that on the 1st day of February of the present year while he was addressing pacific strikers in a place called Pueblito del Río of the municipality of Las Piedras, Corp. J. López, of the insular police of the island of Porto Rico, grabbed him down the tribune without justification; that Mr. Franquis was addressing the crowd in a correct manner; that a moment afterwards Mr. Franquis was authorized by said corporal of the insular police force of Porto Rico to continue his speech; that the police force intended to end the meeting without cause; that deponent was charged for slander before the municipal court for the municipal district of Las Piedras, P. R.; that his case was heard, and the defendant, Mr. Franquis, was discharged.

OUTLINE OF EXHIBITS C, D, E, F, G, H, I, J, K, L, M.

Mr. Eloy Franquis under oath deposes and says: That about the 1st day of February of the present year about 500 laborers came to him asking his cooperation to better the conditions of the working classes of the municipality of Juncos; that he acceded and went on, and from the beginning of the strike managed all affairs of same; that the conduct of the police force of the city of Juncos during the strike was very bad; that in one occasion the police told the strikers that they were not allowed to traffic along the carreteras or public

roads; that the police ill treated the poor strikers; that the police intended to intimidate the pacific action of the strikers, insisting on them to go to work, or, on the contrary, they said the strikers they ahd orders to use their clubs; that on the 4th day of February a great meeting was to be held in Gurabo, a town near Juncos, and to that effect the laborers from Juncos were on their way to former; that the police, using the most libelous words ever heard, tried and consequently ended the laborer's assembly with their clubs, and also firing their revolvers; that many of the assemblers were hurt by the police without justification at all; that the number of victims reached from 15 to 20; that some of the victims went to the hospital to be cured of hurts suffered by clubs of the police; that as soon as the police knew they (the laborers) had gone to the hospital, tried and in effect imprisoned all of them; that they were charged by the police of different crimes before the municipal court for the municipal district of San Lorenzo, P. R., and sentenced by said court; that all of them appealed from the sentence rendered by the municipal court for the municipal district of San Lorenzo, P. R., to the higher court, that is to say, the district court for the district of Humacao, P. R., and the higher court discharged and freed all of them on the ground that they were innocent of the crimes imputed them; in one particular case a laborer named Pablo Rivera Nieves, a sick man, but a striker, was beaten by the police; persons of 50 years of age also were beaten.

As shown by Exhibit F, Eleuterio Mazán was the bearer of the American flag in the assembly above referred, when the police ended same; that a policeman named Julio Soto, knowing it was the national flag, broke it to pieces; that said Mazán called the attention to the police to the fact that they had broken the American flag, and the response was that the police clubbed the poor laborer and afterwards charged him with the commission of a crime; that said charge was dismissed.

As shown by Affidavit No. 860, Exhibit G, authorized before the notary public, Mr. Pedro Santana, jr., Mr. Agustín Cintrón, of Juncos, P. R., deposes and says: That he knows perfectly well that the police force almost in the whole island of Porto Rico and specially during the strike periods are in the habit of living on the sugar factories or centrales, not to restore order in case of need but for causing intimidation to the poor laborers who are working in the centrales, trying to persuade them not to go into strike; and if they do, explaining to them (the laborers) that they are liable to be clubbed.

As shown by Affidavit No. 861, Exhibit H, Mr. Lucas E. Castro, an industrial man of an excellent reputation in the city of Juncos, under oath deposes and says: That he is a resident of the city of Juncos; that he was in Juncos when the strike began; that he followed the course of all affairs in connection with same; that he can say that the conduct of the laborers on strike during last one was an excellent one; that he saw the police ending a pacific assembly of the strikers, using their clubs and revolvers without justification at all; that on one occasion the action of the police was so hostile to the strikers that almost the whole town was compelled to close doors, etc.; that he never saw any striker to attempt against the public power.

Exhibit I, Affidavit No. 862, before the same notary, Mr. Pedro Santana, jr., Mr. Catalino Marrero under oath deposes and says: That he is a resident of the city of Juncos, P. R.; that during the last strike the chief of police of said city, Mr. Vicente Torres Quintero, called him one day and told him to tell some laborers who were working on a plantation called "Amel" that everything was all right as far as they continued working, but otherwise if they were willing to go into the strike they were liable to be clubbed and imprisoned.

Affidavit No. 863, Exhibit J: Mr. Modesto Martínez is a doctor in pharmacy of the city of Juncos; he declared under oath that the conduct of the strikers in February this year was an excellent one; that they simply left their works to beg for better wages and better treatment; that he saw the police on one occasion clubbing the poor laborers that went on strike.

Exhibits K, L, M refer to same thing above mentioned, and affidavits were taken in order to make evidence corroborative.

Exhibits N, O, P, and Q, affidavits from 867 to 870, before the notary Public above referred to, Mr. Pedro Santana, jr., indicate the following: That deponents, Luis Sanchez Ocaña, Juan Román, José María Pereira, Juan Rivera, are all neighbors of the city of Juncos, P. R.; that they are all well acquainted with the last strike of February of this year; that the conduct of the strikers was of a high order; that assemblies of the strikers were ended by the insular police without justification at all; that strikers were clubbed in the streets by

the police; that strikers were intimidated by the insular police and told to go to work in order to prevent being clubbed and imprisoned; that the strikers never attempted against the public authorities and always had faith in their leader's work.

In a general way we can say that the constitutional rights of the strikers were violated by the insular police of the island of Porto Rico, and this permitted to be done under the flag of Stars and Stripes.

A better idea of what really happened during the last strike in Porto Rico can be obtained reading carefully all the affidavits authorized before the notaries public of the island of Porto Rico.

IGLESIAS EXHIBIT NO. 2.

[Telegram.]

CIDRA, *February 17, 1915.*

SANTIAGO IGLESIAS, *San Juan, P. R.:*

Agricultural workers of cane fields are peacefully on a strike. Chief of police, with two policemen, prevent the laborers to hold peaceful meetings. Laborers are threatened to be clubbed and shot if they hold any meeting. Police frankly to the side of the interests of the corporations. No reasons are taken into consideration by the police, who seek for the chance to provoke a conflict. See governor and send us an urgent resolution.

JOSE E. SEGARRA,
Strike Commission.

[Telegram.]

VIEQUES, P. R., *February 11, 1915.*

SANTIAGO IGLESIAS, *San Juan, P. R.:*

Leaders labor movement arrested. We need protection to-day. Answer at once.

MANUEL CRISTIAN.

[Telegram.]

JUNCOS, P. R., *March 15, 1915.*

SANTIAGO IGLESIAS, *Editor of Justicia, San Juan.*

Lawsuit followed against Masan for alleged insult to the American flag has been stayed. Who will be the real offenders?

ELOY FRANQUIZ,
Correspondent.

MUNICIPAL COUNCIL JUNCOS, P. R.,
OFFICE OF THE MAYOR,
March 9, 1915.

Messrs. JOSE M. PEREIRA and ELOY FRANQUIS,
Chairman & Secretary Union Obrera Central.

SIR: In answer to your letter dated to-day relative to holding a meeting Wednesday next March 10, I may say you are free to use the Plaza de Pueblo Nuevo.

Respectfully, yours,

JOSE BARRERAS,
Mayor of the Town.

N. B.—This plaza or square is situated on the outskirts of the town, and this communication means that the mayor who signed his name to it refuses the laborers the use of Plaza Central which is in the middle of the town itself. (Remark from the translator.)

GURABO, P. R., *February 8, 1915.*

Mr. RAMON GONZALES NIEVES,
Mayor of the Town.

DEAR SIR: The undersigned commission, auxiliary committee and true committee of the agriculturists' strike begs to request of you an authorization to

fill out and comply the necessary requisites under the law for the purpose of holding parades and meetings in public both in town and country.

We desire that permit be issued to us in writing and for an unlimited space of time.

Very sincerely, yours,

(Signed by 11 citizens, and for the mayor of the town as an approval.)

SAN JUAN, P. R., *February 19, 1915.*

GUILLERMO COLON, *Gurabo:*

Your telegram received and placed in the hands of chief of police.

ARTHUR YAGER.

[Telegram.]

SAN LORENZO, P. R., *March 6, 1915.*

EDITOR OF JUSTICIA, *San Juan:*

Since the night of the outrages committed by the policemen in our labor meeting, we do not dare to hold any meeting if the honorable municipal judge is not present in it. When he is unable to attend the meeting we do not hold them, until there be not removed from here Chief of Police Juan Alejandron, and Policeman Suner bearing badge number 335, and also Policemen Nemesio Garcia and Pio Concepcion. Request governor to kindly accede to our petition for the good of our families which are most alarmed on account of the attitude of these policemen.

Were we not so peaceful and sincere keepers of law, last night certainly would be a tragic one.

If governor wants to have as an evidence any document signed by a very large number of persons from all social classes, I will be very glad to do so, and more than three hundred families will bless him if acceding to our petition.

JOSE G. GARCIA,
Correspondent.

GENERAL CONSIDERATIONS—CACIQUISM OR BOSSISM.

The force of reaction has done nothing but show its aggressiveness during these years past. All the work that could be done to combat the labor organizations of the island has been done, even though for this it has been necessary to occupy certain positions and defend men and Government officials who, unfortunately, are the most harmed by accepting that kind of support or defense.

The detrimental achievement of those who stand for reaction and inquisitorial methods, the enemies of the democratic institutions, is not and can not be easily forgotten in the course of a few days.

A newspaper which for nearly half a century has been the genuine representative of inquisition in Porto Rico, the faithful interpreter of tyranny and despotism, the official organ of the odious government of the monarchy in Porto Rico; the periodical, we say again, has become the defender of the island caciques (bosses), because the methods adopted by the administration to rule this country for a few years back has been all the advantage to the tyrants, such as those which the Spanish Government put into practice as well as all the most despicable and hateful means suggested by the reactionary group of the advisory chamber.

The enemy of all the American institutions; the enemy of all that bears the seal of democracy; the enemy of all that represents a principle of liberty; the enemy of the teaching of the English language in the schools of Porto Rico; the enemy of all the American governors ruling this island; the defender of the Spanish monarchy, with all its horrors, is now the best friend of the American Administration in Porto Rico.

And it is not the best friend of the American administration because he has done hating American institutions, rectified his conduct, altered his liberty that is at hand, or because it thinks English language should be taught in the public schools, or because he has become reconciled with the principles of liberty or altered his conduct. No; not a bit of it. He is even now in more perfect accord with the principles of the monarchy and more partial than ever to the absurd methods of reactionarism.

What is going on now in the Government just suits it. The Administration has just met it half way, but he did not go to the trouble of going to it. Enough said. What greater discredit could come upon the Administration of Porto Rico than that of receiving its support by the reactionary elements of this island?

And if not, let us stop to consider what has been and is the attitude of the reactionary press of Porto Rico, which approves of all the brutalities of the public officials and every means of oppression.

When only a few months ago one of the representatives at the House of Delegates of Porto Rico presented a bill granting the Free Federation of the Workingmen of Porto Rico a building site for the purpose of erecting thereon the labor temple, El Boletin Mercantil, which is the paper to which we have been referring all along in this article, published an editorial that wreaked vengeance on the American Federation of Labor, because, in the opinion of El Boletin Mercantil, the said American Federation of Labor is an exotic organization and an enemy of Porto Rico. And let us see what stand this paper, which defends the Administration of Porto Rico, also takes in behalf of the American institutions, whether these be labor organizations or not. The article just referred to was published under the title "The Enemy at Home," and contained such reading matter as this:

"The Free Federation has requested the house of delegates to grant it a building site toward Puerta de Tierra for the purpose of erecting a building thereon, to be known under the pompous name of Temple of Labor; but, in other words, the said building would be nothing but a sort of lodge (or refuge) for the conspirators of the liberty of Porto Rico."

And the said periodical went on, saying in the same article:

"What would this so-called Temple of Labor be but a lamentable branch of the American Federation of Labor, an inimical institution to all local (religionalistas) tendencies, as may be proved from the time it has been carrying on its work among us?"

Another paragraph of the same writer says:

"The tendencies of this exotic orgnism are sufficiently well known and which aspires only to weaken the spirit of regional defense on the island, that the legislative authority should lend it the powerful arm which they are striving to obtain in proportion as this international labor organization extends throughout Porto Rico; and he who does not care to desert the rank and file of the patriots remains in a weaker condition of self-defense when he has to withstand the all-absorbing politics and her corrupting influence as we have had occasion to see here later.

"The perfidy of the politicians who have found their 'Eldorado' here, figuring in the obscure play at which we have seen them, has found some relief for the most weak resistance of the country introducing and giving vent to the element of discord and also this pro-Americanizing tendency which seeks nothing but an appetite and an absurd satisfaction for a grudge."

This should suffice to know the manner of thinking of such as take their stand for the administration in Porto Rico when they declare themselves as virulent enemies of all that is American, just for that fact only.

And the men who believe so are the defenders of the actual American administration in Porto Rico, and it is necessary for one to think that the administration has had to become reactionary so as to reach an understanding.

Another paper representing another phase of the capitalistic opinion and which directed its shafts of insult against us and President Gompers, is "La Democracia," the official organ of the Unionist Party. This paper is published and edited by Mr. Luis Muñoz Rivera, Resident Commissioner of Porto Rico at Washington, and who is at the same time its proprietor and editor.

Several articles published in this paper plainly induced the Government to apply persecution and vexatory measures against us. We quote herewith:

"In any well-regulated country the Government is alone responsible for the maintenance of good order and guarantee of the people. We have had disorder going on now one month and the Government has not paid any attention to the situation, which surely casts discredit on the island at a time when the status of Porto Rico is to be defined very soon at Washington.

"It is very significant that every year, whenever Congress makes an attempt at taking action on political reforms of the country, that such disturbances should be found at the federation whose leader is the anarchist, Santiago Iglesias, or Santiago Panting (we leave it to anybody to ascertain his name), who, together with the old man, Gompers, sued not long ago as a dynamiter,

who endeavored to prevent the Porto Rican Government from not falling into the hands of the Porto Ricans."

These paragraphs in themselves published in the periodical of Luis Muñoz Rivera, Resident Commissioner of Porto Rico at Washington, should plainly show the rankling and the hatred which those who live by despotism feel against the institutions of liberty, and hence the hatred they have conceived for Gompers and Iglesias and for those who hope to see this island to form a part of the American people and in all the enjoyment of the rights which the citizens of the United States have.

The plot to destroy us because we stand for the establishment of the American institutions in Porto Rico does not "let up" for a minute. All the mud slinging that can be done against the American institutions and the American people is heaped up by the partisans of monarchy and by those who were born on the island, those who in spite of this hold high positions in the Government and are constantly betraying the public, which gave them its confidence, if elected, or the American official who got their appointment, if they were so designated.

We propose to go on resolutely with our work until the day when the American Congress recognizes that Porto Rico must be a part of the American people and enjoy all its rights to the liberty, the guarantees, and the citizenship of the American people.

Meanwhile, let the struggle go on and we shall see the result.

IGLESIAS EXHIBIT NO. 3.

IN THE DISTRICT COURT OF PONCE, PORTO RICO.

In the name and by the authority of the people of Porto Rico.

UNITED STATES OF AMERICA, THE PRESIDENT OF THE UNITED STATES, *ss.*

THE PEOPLE OF PORTO RICO *vs.* SANTIAGO CARRERAS ET AL. } In the district court for the judicial district of Ponce, P. R., April 26th, 1915.

The district attorney charges Santiago Iglesias, Francisco Paz Granela, Manuel Texidor, Prudencio Rivera Martinez, Santiago Carreras, Maximiliano Combre, and others, for breach of the peace (riot), misdemeanor committed as follows: The above-mentioned Santiago Iglesias and others in Ponce, within said district and about the first day of March, 1915, while a public meeting was held on account of the agricultural strike, and while one of the defendants, Mr. Santiago Iglesias was addressing the crowd in a violent and threatening way to the auditory, exciting to those present to raise against the governor of Porto Rico and all the Porto Rican's authorities, saying that the governor of Porto Rico with his proclamation and in agreement with the insular chief of police had violated the constitution, and that similar facts had determined the United States and French revolutions; that the police beat and ill treated the working classes, because they (the police) had their barracks at the sugar factories, where they were given meals, drinks, women, etc. By that time the district chief of police ordered the speaker to end that attitude, and then and there the defendants above mentioned, in an illegal, malicious, and voluntary way, acting together and without legal authority, causing fear to a great number of persons therein present, they (defendants) used firearms, steel arms, causing in that way a breach of the public peace.

The above criminal charge is signed by the district attorney for the judicial district of Ponce, P. R., and subscribed and sworn by said attorney before the secretary of said district court on the 23d of April of the present year.

AFFIDAVIT OF JUAN CRUZ PIRIS.

The following is an outline of the affidavit taken before the notary public of the city of Ponce, R. I., Mr. Leopoldo Tormes Garcia.

Deponent Mr. JUAN CRUZ PIRIS: The testimony of Mr. Juan Cruz Piris, of the city of Ponce, P. R., to the effect that some time after the riot he was in front

of the insular police barracks, where the captain and some policemen grabbed him and started beating him with their clubs, guns, etc., for about five minutes; afterwards he was taken inside the barracks and therein examined; three hours later, then the district attorney came and questioned him (deponent); that district attorney ordered his discharge, because there was not criminal liability imputable to him (deponent); that the district attorney asked the police's captain why the deponent had been beaten, and he answered it was by mistake; that after this deponent went home to sleep; that five minutes after deponent had reached his house five detectives inquired from him the key to open the building where the American Federation of Labor's offices are situated in Ponce; that deponent answered he had not the key; that they (detectives and deponent) went to look for the person who had possession of the key; that he was found; that the police opened the doors of said building and started a search of all papers, desks, etc.; that deponent begged district Chief of Police López Arzuaga to leave everything in order and don't break the desks; that said chief answered deponent that he (the chief) was authorized not only to do what he pleases, but also to beat deponent in the mouth; that nothing wrong was found; then the chief told him they were justified in doing all they had done, because they had an order to look therein for firearms, steel arms, gunpowder, etc.; that they left the building carrying with them all papers concerning the strike.

AFFIDAVIT OF MR. CATALINO SANTOS.

The following is the affidavit of Mr. Catalino Santos before the notary public of the city of Ponce, P. R., Mr. Leopoldo Tormes García:

No. 1930.—That he is a resident of the city of Ponce, P. R., of legal age; that on the night of the first or second he was hearing the meeting; that he saw when the police started firing their arms and clubbing the assemblers; that he fled; that he saw a policeman firing the crowd; that the crowd didn't make any resistance to the police; that everybody in the crowd was unarmed; that going home he saw a man fell to the ground owing to a policeman's shot.

IGLESIAS EXHIBIT NO. 4.

REPORT OF THE COMMISSION ON INVESTIGATION OF THE PONCE INCIDENT.

The commission has practiced a careful investigation of the incident that occurred at Ponce and gave a chance to every interested party therein to explain to the commission what he knew about the case.

The facts may be divided in two parts—the first which relates to the manner in which the riot started, and the other which relates to the death of a certain Caballero.

The events that gave rise to the disturbance of the public peace are sub-judice, and this commission must not invade the jurisdiction of the court of justice.

But one man was killed at Ponce at the conclusion of the riot, and the commission heard the statements of many persons from the various social classes, which proffer concrete charges against a guardsman as being the cause of the said man's death; and being prompted by the desire of obtaining justice, we are obliged to declare that the circumstances in which this man's death was brought about must be investigated.

Whereas the commission, not entertaining any desire to intrude upon strange jurisdiction, begs to advise the house of delegates that this body inform the attorney general of the expediency—in other words, the necessity—of investigating the facts concerning the death of Caballero, and furnish the said office-holder the record of the commission relative to this delicate matter.

The preceding report having been approved by the house of delegates, it is hereby respectfully submitted to the honorable attorney general along with the record [1] in the above-referred report.

J. L. AMEDEO,
Assistant Secretary.

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[1] The record referred to was submitted in Spanish in typewritten form.

IGLESIAS EXHIBIT NO. 5.

OUTLINE OF A LETTER SENT TO THE HONORABLE THE GOVERNOR OF PORTO RICO BY MR. HEMENEGILDO ROBLEDO.

On the eleventh day of May of the present year Mr. Hemenegildo Robledo sent a letter[1] to the honorable Governor of Porto Rico, Hon. Arthur Yager, stating in a general way the following:

That he was a spectator at a meeting held in the city of Ponce during the early part of March, this year.

That the police ordered the meeting to be ended, and at the same time began (the police) firing and clubbing everybody at the meeting.

That the writer, on account of such attitude, went home.

That on his way home a policeman beat him in a desperate way; another policeman, whom I don't know, fired against me twice, wounding me in the arms and on the left side.

That the writer had to go to Hospital Tricoche, in the city of Ponce, P. R., where he was a patient for about forty-five days.

That the writer is now an invalid on account of the shooting, being inutile of the left leg.

The writer states that he thinks it is not a crime to go to a meeting to hear the orators, as he did.

That the only fault, if any, he committed that night was to be present at the meeting hearing the orators.

That notwithstanding all the above facts the writer has been charged by the district attorney of Ponce of the crime of breach of the peace (riot).

As the writer don't know the author of the shooting, he asks the Governor of Porto Rico the privilege of being allowed to identify the guilty policeman, so that the writer be able to establish the consequent criminal charge.

The writer asks the honorable governor to inhibit the district attorney at Ponce, P. R., to try his case, on account of having said functionary knowledge of all injustices committed with the writer without having taken proper action.

The writer is willing to be accused by any other district attorney.

IGLESIAS EXHIBIT NO. 6.

AFFIDAVITS FROM PONCE, P. R.

The following is an affidavit by Mr. Alberto Fernandez, before the notary public of the city of Ponce, P. R., Mr. Leopoldo Tormes Garcia March, 1915.

No. 1929.—That he is of age; that he is a resident of the city of Ponce, P. R.; that last night about half past 11 he was coming down from the moving picture, called "Cine Habana," and when he reached the corner of Plaza del Mercado, in the city of Ponce, P. R., I find out that there was a meeting in front of the house of Mr. Julio Torres; that he stopped to hear the meeting; that Mr. Santiago Iglesias was in the meeting; that said Santiago Iglesias was then addressing the crowd; that in a moment a riot arose, and deponent saw the police firing their arms and clubbing the assemblors; that deponent then ran down Leon Street of the said city; that while deponent was going by the left sidewalk of Vives Street, he saw a policemean beating a man with a stick resembling a stave; that the poor victim begged the policeman to stop beating him (the victim), saying these words, "Don't hit me more," and then the policeman shot him, and the poor man said to said policeman, "Please don't kill me, that I am going out," and then the policeman shot again the second time, killing him; that the policeman left the poor man on the street; that captain of the insular police, Mr. Nater, was told by the policeman that the victim had a knife; that deponent went to the place where the victim was laying and seeing he was expiring ran away; that he knows the policeman very well; that his name is Norberto Quiles; that he knows the policeman perfectly well.

There are about fifteen more affidavits corroborating the facts sworn by Mr. Alberto Fernandez, to show that the police was the exclusive party who in a violent way ended the meeting above referred to, resulting in deaths and wounded persons, who were innocents and were in proper manner hearing the pacific meeting given by the laborers on strike.

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[1] Typewritten letter submitted in Spanish.

IGLESIAS EXHIBIT NO. 7.

[Telegram—Translation.]

SAN JUAN, P. R., *February 21, 1915.*

Mr. JUAN CRUZ PIRIS, *Ponce, P. R.:*

I beg to advise you that you should see upon my proclamation of yesterday, in order you may perfectly realize of the attitude of this Government. Rural zone is under the control of the chief of police who is responsible to me of order within the same.

ARTHUR YAGER, *Governor.*

[Telegram.]

PONCE, P. R., *February 21, 1915.*

Mr. SANTIAGO IGLESIAS, *Fed. Libre, Arecibo, P. R.:*

Inform note police hinders parade and meeting laborers out of city. Looking for you every minute.

J. CRUZ PIRIS.

[Telegram.]

ARECIBO, P. R., *February 6, 1915.*

J. C. BILLS, *Chief Bu. of L. San Juan, P. R.:*

Request sojourn of labor inspect. here at next meeting with employers.

M. F. ROJAS, *President Strike Committee.*

[Telegram.]

PONCE, P. R., *March 4, 1915.*

Mr. S. IGLESIAS, *San Juan:*

We are still under dominion of terror, meeting in town forbidden. People excited front city hall, want meeting. Last night all social classes crowded front of city hall, cheered commission, house delegates, acclaiming justice. Capt. Nater and police ordered out down hall by petition, people which protested. I am investigating conspiracy, purpose assassination of yourself and Aybor.

CALDERIN.

[Telegram.]

PONCE, P. R., *February 26, 1915.*

Mr. S. IGLESIAS, *Fed. Libre, San Juan, P. R.:*

Denounce governor; no guaranty given by police. They break up peaceful laborers' gatherings. Want laborers to go back to their work. See if you can come.

MODESTO CALDERIN.

[Telegram.]

PONCE, P. R., *March 2, 1915.*

Mr. M. BERNARD SILVA, *Federation Libre, San Juan, P. R.:*

Last night while Iglesias was addressing meeting same was violently dissolved by police by shots and blows. Iglesias and other leaders arrested. Texidor under bond. Takes Angle Capital with information. Telephone Inglesias family, no serious accident. Accused of riot, the boys and all required bond $2,000.

J. CRUZ.

IGLESIAS EXHIBIT NO. 8.

AFFIDAVIT FROM ANDRES ARELLANO.

To the effect that on April 1, 1915, he was at the town of Barceloneta; that the same day a conference was announced by Mr. Luis Fajardo, who requested

deponent to present him to the public; that while deponent was introducing to the public the speaker took occasion to state that on his arrival at Barceloneta, on February 17, he, deponent, had been arrested by the local chief of police, Domingo Rivera Cabrera, without any motive for such action; that immediately the officer in question stepped up to the platform where the deponent was standing and dragged him to the ground, stating at the same time, "You are going to jail again; I will fix you." When deponent was on the ground the officer searched his person, but did not find any arm; that deponent was reduced to arrest, and bail fixed at $100, which was furnished by two citizens, for disturbing the peace; that while deponent was in jail he was visited by the justice of the peace and warned that he could never speak again in Barceloneta, and that if he caught deponent speaking he, the justice in person, was going to arrest him.

AFFIDAVIT FROM RUPERTO PONCE, JULIAN CACERES, CERAFIN RODRIGUEZ.

To the effect that on the 16th of February, 1915, when they were returning home and near Central Camabalache, on the road from Arecibo to San Juan, they were met by the police stationed at that place and questioned as to whether or not they were strikers; that the aggressive manner in which the question was put to them they hesitated to answer, whereupon they were insulted and an attempt was made to assault them, stating in a most violent language that they had to get done with the strikers anyhow; that due to the risk they were confronting they decided to flee from the place; that the police, mad at the fruitless pursuit of them, took hold of Juan Diaz, a laborer who was going to the city with the national flag, seizing it from him and clubbing him merciless with their clubs.

AFFIDAVIT OF JUAN DIAZ.

To the effect that on February 16, 1915, when the deponent was coming from barrio Santana to the city to take part in parade of the agriculture strikers, and while he was carrying an American flag, was unexpectedly assaulted by the corporal of the insular police, Pablo Norat, stationed at Central Cambalache. The deponent further states that he was taken to the emergency hospital in the city to be cured, and was therefrom taken to the hospital for treatment, as he could not stand on his feet, due to the awful beating that he had been subjected to, and without any respect to the American flag.

AFFIDAVIT FROM CESARIO RIOS, BARDOMERO PEREZ, ESTEBAN MARTINEZ, FAUSTINO MEDINA, JOAQUIN CORTES, JUSTINO RIOS, JUAN RODRIGUEZ, JUSTINO HERNANDEZ, FELIPE RIVERA, FELIX SALCEDO, BAUTISTA AYALA, MANUEL ORTIZ, ISIDRO MOLINA, PEDRO RIVERA, JESÚS CORTES, NICASIO TIRADO, EVARISTO CLASSEN, CELESTINO SILVA, CARLOS ORTIZ.

To the effect that on February 16, 1915, the deponents had met at barrio Carreras, Arecibo, to consider the situation in connection with the strike; that all of them were arrested by the police, among them Pedro Manzano and Manuel Barrio, and were taken to the police headquarters, and from there to the jail; that charges were preferred against the deponents for extortion, and bail fixed at $500 each to obtain the release; that the bail being excessive for poor laborers they had to remain in jail until February 26, 1915, when the deponents were tried and sentenced to 30 days each; that the sentences were appealed to the district court, and on March 15 the case was heard and the deponents were acquitted, as nothing could be proved, notwithstanding the charge of the district attorney and the testimony given by the police; that innocent as the deponents were, they had to remain in jail from the time of the arrest until their acquittal.

IGLESIAS EXHIBIT NO. 9.

[Telegram.]

ARECIBO, P. R., *February 15, 1915.*

JULIO AYBAR,
San Juan, P. R.:

Capt. Schetini forbids public meeting of peaceful strikers along main road. Police orders use of billies and revolvers if laborers disobey. Country workers indignant. Awaiting guarantees to be able to defend themselves. Felix Rouiz beaten without cause. Francisco Martinez arrested for carrying a stick. Main highway barricaded near Cambalache. Get information department of interior about right to use highway around Cambalache.

M. F. ROJAS,
Chairman Strike Committee.

[Telegram.]

ARECIBO, *February 20, 1915.*

"JUSTICIA,"
San Juan, P. R.:

Strict orders Chief of Police Shanton to local police forbidding parades and groups more than 10 persons in public highways. Meetings forbidden in all agricultural district Arecibo. Forbidden carry flags though it were the national flag. Orders are to search the peasants wherever found. Summary: They implicitly suspend constitutional guarantees.

SANTIAGO IGLESIAS, *Org.*

[Telegram.]

ARECIBO, P. R., *February 23, 1515.*

Mr. SANTIAGO IGLESIAS,
Editor "Justicia," San Juan, P. R.:

Police to-day deal blows to José María Román and Pablo Ramírez, Barrio Dominguito. Yesterday I passed by Hacienda "Los Caños" (sugar estate) going to Dominguito, where they gather cane to weigh it. Saw cane weigher and a policeman. The cane weigher told policeman I was one of strike committee. I was searched.

NEMESIO MORALES,
Correspondent.

IGLESIAS EXHIBIT NO. 10.

[Telegram.]

HUMACAO, P. R., *February, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

Representatives of labor and employers are ready to meet in conference with view of reaching an agreement, but bureau of labor representative is asked by employers to be present.

SANTIAGO IGLESIAS.

[Telegram.]

YABUCOA, P. R., *February 23, 1915.*

EDITOR OF JUSTICIA, *San Juan:*

Police refused to grant rights and guarantees to hold meetings in country. They snatched away flags on main road from the hands of the laborers and dissolved meetings.

JOSÉ DIEPPA, *Cor.*

[Telegram.]

SAN JUAN, P. R., *February 16, 1915.*

JUAN BTA. DELGADO, *Anasco:*

Your telegram received. Matter endorsed chief police.

M. A. MUNOZ.
Secty. to the Governor.

[Telegram.]

MAYAGUEZ, *February 16, 1915.*

Mr. JULIO AYBAR, *House Delegates:*

Police together. Overseers (capataces) break strike. Añasco brutalized by police. Investigation should follow soon.

JESÚS BALSAC.

[Telegram.]

MAYAGUEZ, *February 16, 1915.*

Mr. SANTIAGO IGLESIAS,
Editor "Justicia," San Juan:

Workingmen break strike at bidding of police and overseers. Añasco police beating and arresting strikers. Uurge governor to investigate.

J. M. BALSAC.

[Telegram.]

GUAYANILLA, P. R., *March 2, 1915.*

Mr. J. AYBAR, *San Juan, P. R.:*

Workers Barrio Indio have quit work, Chief Police Salmon Costa compelling them go to work. Here situation quiet; ask chief of this. Are witness Eladio Torres, Meliton Ortiz.

RAMON VAZQUEZ,
Pte. Strike Comette.

[Telegram.]

AÑASCO, *February 15, 1915.*

Mr. SANTIAGO IGLESIAS,
Editor "Justicia," San Juan:

Meeting held last night broken up on plaza with shots and clubbing. Police completely under control of the cane plantation owners. See governor and show him my telegram. Secure immediate investigation of facts and safety for our lives.

JUAN BTA. DELGADÓ,
General Correspondent.

[Telegram.]

AÑASCO, *February 15, 1915.*

SANTIAGO IGLESIAS,
Editor "Justicia," San Juan:

Beating goes on. We need protection. See governor.

J. B. DELEGADO,
General Correspondent.

[Telegram.]

AÑASCO, *February 15, 1915.*

Mr. SANTIAGO IGLESIAS,
Mgr. "Justicia," San Juan:

To-day five workingmen have been beaten by the police without any cause whatever. Governor has been advised of facts. Velez denounced for upholding the rights of workmen. We have requested immediate investigation. Police, and cane proprietors' personal antagonizing strike. We are without protection.

JUAN BAUTISTA DELGADO,
General Correspondent.

[Telegram.]

AÑASCO, *February 16, 1915.*

Hon. GOVERNOR OF P. R., *San Juan, P. R.:*

Policeman Antonio Carlos and his companion Carde have threatened workingmen Toribio Mendoza, Zaenon Cuevas, Pedro Viera, Juan Cabaguin, Ramon Acosta, Manuel Pereira. Police is terrorizing. We request the necessary guarantees for our lives.

JUAN BTA. DELGADO,
Labor Representative.

[Telegram.]

AÑASCO, *February 15, 1915.*

SANTIAGO IGLESIAS, *San Juan:*

We are still under outrages. We are in need of guarantees. See governor.

JUAN B. DELGADO.

[Telegram.]

AÑASCO, *February 9, 1915.*

SANTIAGO IGLESAS,
Editor of Justicia, San Juan:

An agent of the plantations "Bravo" fired three times with his revolver against a striker. Lieutenant of police beats strikers instead of arresting aggressor. Strikers are not armed. Agents of the plantations are armed to the teeth.

JUAN RAMIREZ LORENZO,
Correspondent.

[Telegram.]

AÑASCO, *February 10, 1915.*

SANTIAGO IGLESIAS,
Editor of Justicia, San Juan:

We need you to see governor and inform him that some policemen armed with carabines are making propaganda among the strikers to cause them to go back to work. We have witnesses of this.

JUAN BTA. DELGADO,
Correspondent.

[Telegram.]

SAN JUAN, *February 26, 1915.*

FLORENCIO CABELLO, *Maunabo, P. R.:*

You telegram received. I understand refusal for authorizing you holding meetings is due to purpose preservation order. I advise agreement of the mayor and chief police who have authority to forbid meetings contrary to public order, who will surely not oppose meetings absolutely peaceful.

ARTHUR YAGER, *Governor.*

[Telegram.]

SAN JUAN, *February 24, 1915.*

JUAN CRUZ RIVERA, ET AL., *Maunabo, P. R.:*

Your telegram received. Has been referred to general police headquarters for immediate consideration.

ARTHUR YAGER, *Governor.*

[Telegram.]

YABUCOA, P. R., *February 28, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.:

When I was speaking at the plaza of this town the police told me I had to dissolve the meeting because the mayor said that there was not permit to hold the meeting at the plaza. He refused many times to give permit.

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

[Telegram.]

MAUNABO, P. R., *February 28, 1915.*

Hon. ARTHUR YAGER,
Gov. of Porto Rico, San Juan, P. R.:

Agricultural workers of Barrio Palo Seco, Lisa, and Matuyas had to return back to their homes, because police prohibited them to walk town, certainly to prevent them to attend a labor meeting, where the Labor Federation representatives were going to address the people.

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

IGLESIAS EXHIBIT NO. 11.

FEDERACION LIBRE DE LOS TRABAJADORES DE PUERTO RICO.
San Juan, P. R., April 14, 1915.

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.

HONORABLE SIR: The following communication was sent to your office:

"APRIL 3, 1915.

"To the honorable the GOVERNOR OF PORTO RICO,
"*San Juan, P. R.*

"SIR: The Free Federation of Workingmen of Porto Rico, affiliated to the American Federation of Labor, at its convention in the town of Cayey, P. R., held from March 18 to March 24, inclusive, resolved to demand of you the following:

"'For the purpose of obtaining full knowledge of the truth in the criminal abusive and despotic cases on the part of the police and other authorities in the towns of Vieques, Ponce, Juncos, Arecibo, Humacao, Añasco, Cayey, and Barceloneta, and in order to give the opportunity so that the persons of other localities desiring it be present to testify or serve as witnesses in connection with these cases, we propose that a commission be appointed as follows: A district judge, a fiscal, and two associate lawyers, to be chosen by the Free Federation of the Workingmen of Porto Rico, and who being empowered as accusers shall proceed according to law to investigate, formulate, and uphold to the last resort the public accusation resting upon each of the members of the police force, of the judges, and of the administration in general, and against whom, in pursance with the facts found against the accused together with the declaration of the witnesses and affidavits, there may be found concrete charges of extra limitation of powers, authority, or any other crime.

"'The president of the Free Federation of the Workingmen of Porto Rico is to be present at this investigation with the purpose of taking cognizance of the proceedings and doings of the commission for the effects of better ascertaining the penal result.

"'We consider this as being the only legal means to arrive at the truth of this case, and that it is as impartial as it is logical.

"'The Free Federation of the Workingmen of Porto Rico, duly constituted under the laws it faithfully wishes to carry out, is willing to respect and maintain the judgment or decision arrived at by the commission to be named for that purpose.

"'All we want is an opportunity to present publicly and impartially the facts of the matter in support of our plea in connection with the facts as they occurred during the last agriculturists' strike of Porto Rico, and which have been the cause for so many tears in Porto Rican homes and deprived hundreds of citizens of their liberty and practically cohibited the free exercise of all guarantees under the law, and more particularly as specified in section first of the United States Constitution now in force in Porto Rico, and which defines the rights of the people and granting the same to all citizens alike.

"'We beg to forward you under separate cover copies of certain documents, telegrams, and statements of the facts concerning which we request an investigation to be carried out.

"'Hoping to receive a favorable reply to this our request, we are,

"'Very respectfully, yours,

"'SANTIAGO IGLESIAS,

"'*President of the Free Federation of the Workingmen of Porto Rico.*'"

We have received the following answer to the above:

"GOVERNMENT OF PORTO RICO, OFFICE OF THE SECRETARY,
"San Juan, April 9, 1915.

"SIR: By direction of the acting governor, I have the honor to answer your letter of the 3d instant, in which, pursuant, to a resolution adopted by the convention recently held by the Free Federation of the Workingmen of Porto Rico at Cayey, you request the appointment of a commission which is to be composed of a district judge, a fiscal, and two lawyers to be chosen by the federation, and is to investigate certain facts reported to have been committed by judicial and administrative officials and individuals of the insular police force which the federation holds to be punishable or to have been committed in excess of their authority.

"The government holds that there is no reason to justify the appointment of such special commission. All the investigations it may be necessary to pursue concerning the acts of public officials in connection with the recent strike of the agricultural laborers will be carried out by the proper judicial or administrative officers, in whose intelligence and impartiality the Government has the fullest and most absolute confidence.

"Therefore if concrete charges under oath against any person performing public duties are preferred by you or any other member of the Free Federation to the governor the proper investigation will be ordered without delay, and if the charges are duly proved you may be assured that the guilty official will receive the punishment he deserves.

"But, in view of the frequency with which charges which have on different occasions been preferred against the agents of authority have proved to be wholly groundless, the Government has made it a rule, in order to avoid expenses and delays in the despatch of public business, not to order any investigation unless the charges preferred are supported by affidavit or by evidence proving the facts upon which said charges are based.

"Respectfully,

"R. SIACA PACHECO,
"Acting Secretary of Porto Rico.

"Mr. SANTIAGO IGLESIAS,
"President Free Federation of the Workingmen of Porto Rico,
"San Juan, P. R."

FINAL PETITION.

The Free Federation of the Workingmen of Porto Rico is in full accord with the idea of presenting a sworn declaration (affidavits) on all concrete charges in its possession or it may have to bring up later against the public officers of the Government who may be responsible for the said punishable facts as well as extralimitation of authority in connection with the agricultural workers' strike in Porto Rico during the administration of its government.

But the Free Federation of the Workingmen of Porto Rico reiterates the just petition that such sworn statements and charges are to be presented in due form to a commission to be appointed by the governor and authorized by him, and which is to be composed as follows:

A district judge, a fiscal, and two associate lawyers, the latter two of which will be appointed by the Free Federation of the Workingmen of Porto Rico, who, as a commission, shall proceed in due process of the law to a full investigation, and which shall formulate, sustain to the very last resort the public charges against whoever proves to be guilty of such concrete charges and extralimitation of authority or of any other crime.

The reasons we have for insisting upon the appointment of this commission is that we are firmly convinced that in no other way can the Government obtain the absolute truth of the deplorable facts of tyranny and oppression brought about by the public officers of the Government during the strike, and that this is the most impartial course, as well as sincere equity, by means of which the parties will be favored with equal advantage in presenting their case publicly and the Government will safely ascertain the truth, all the truth, and nothing more than the truth.

Respectfully,

SANTIAGO IGLESIAS,
President Free Federation of the Workingmen of Porto Rico.

GOVERNMENT HOUSE,
Porto Rico, April 19, 1915.

Mr. SANTIAGO IGLESIAS,
President Free Federation of Workingmen of Porto Rico,
San Juan, Porto Rico.

SIR: I have the honor to acknowledge receipt of your letter of April 14, 1915, in which letter you inclosed a copy of a letter from you, dated April 3, 1915, to this office, and of a letter dated April 9, 1915, from the acting secretary of Porto Rico addressed to you. In your letter of April 3rd, 1915, you state that the Free Federation of Workingmen of Porto Rico, affiliated to the American Federation of Labor, at its convention in the town of Cayey, P. R., held from March 18 to March 24, inclusive, resolved to demand of the Government that a commission consisting of a district judge, a fiscal, and two associate lawyers to be chosen by the Free Federation of the Workingmen of Porto Rico, be appointed, and that this commission, "being empowered as accuser shall proceed according to law to investigate, formulate, and uphold to the last resort the public accusation resting upon each of the members of the police force, of the judges, and of the administration in general, and against whom, in pursuance with the facts found against the accused, together with the declaration of the witnesses and affidavits, there may be found concrete charges of extralimitation of powers, authority, or any other crime."

You also request that the president of the Free Federation of Workingmen of Porto Rico be present at this investigation for the purpose of "taking cognizance of the proceedings and doings of the commission for the effects of better ascertaining the penal result."

This letter of April 3, 1915, was replied to by the acting secretary of Porto Rico, on behalf of the acting governor of Porto Rico, in a letter dated April 9. In this letter it was stated that there was no reason to justify the appointment of such a special commission; that all the necessary investigations would be carried out by the proper public officials in the judicial and administrative branches of the Government; but that if you or any other member of the free federation should present to the governor under affidavit concrete charges against any person holding public office, an investigation would be immediately made, and if any such charges were duly proved, the guilty party would receive the proper punishment. With this reply, made on behalf of the acting governor, I fully concur; but now you have presented a further petition, in which you again insist upon the appointment of this special commission, and I wish to state to you the further reasons why I believe that such a request can not be granted.

"I do not understand clearly from your letter just what authority you wish to give this special commission which is proposed by you." If it is proposed that this commission shall be given the powers of a fiscal or committing magistrate, this course would be illegal, and if it is proposed that they shall merely act for the purpose of preliminary investigation to present charges and evidence to the proper committing magistrates, then I do not believe that it is necessary. If the free federation desires to appoint a committee or employ lawyers to investigate alleged violations of law and present charges, and the evidence upon which such charges are based to the district fiscals or other committing magistrates, there is no objection to this course being pursued, but for me "to accede to your petition for the appointment of a special commission, two of the members of which are to be appointed by the Free Federation of the Workingmen of Porto Rico, would be an admission that I do not have confidence in the judicial department of our Government, and, on the contrary, I believe that if the matters of which you complain are properly presented to the proper officers of the department of justice they will receive an impartial and fair consideration. Moreover, it would be highly improper to designate a district judge to act in any such capacity as is suggested in your request. Regular and special fiscals from the department of justice have already made several investigations in connection with the disturbances of which you speak, and it is the proper function of the prosecuting officers of the Government to make such investigations. It is, however, the duty also of every citizen having knowledge of any criminal action to present the evidence which he may have to the proper prosecuting officer; and it is only in the event that such officer fails to do his duty, after the facts have been fully presented to him, that I would feel that it was necessary to ask the attorney general to make a special investigation, and even in such cases the proper course to be pursued is to present the facts first to the attorney general.

Therefore I believe that it is unnecessary to appoint any special commission such as is suggested by you. If any public officer has acted in an illegal manner this action can be ascertained and proper punishment given without the formation of such a special commission. The proper course to be pursued by any person who believes that any public officer is guilty of any criminal action is to present the facts before the fiscal of the district, or before a municipal judge or a justice of the peace. If any such officers fail to proceed in accordance with law, where the facts show that there has been a crime committed by the accused, the matter should then be presented to the attorney general to be investigated by him. The attorney general has assured me that in any case where there is evidence that any officer of the department of justice has failed to take the proper action, after proof has been submitted to such officer that a crime has been committed, he will investigate the case thoroughly and will see that justice is done.

Respectfully,

ARTHUR YAGER,
Governor of Porto Rico.

SAN JUAN, P. R., *April 24, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.

SIR: I have the honor to inform you that I have received your communication of April 19 inst., in which you reply to the petition submitted through my agency by the last convention of the Free Federation of the Workingmen of Porto Rico requesting you to appoint a special commission with authority to practice a complete and impartial investigation of all the regretful facts occurred during the past strike of the agricultural workers.

According to your letter, you seem to be in doubt on the following points:

"That can not understand clearly just what authority we wish to give this special commission which we proposed.

"That to accede to our petition for the appointment of a special commission, two members of which are to be appointed by the Free Federation of the Workingmen of Porto Rico, be an admission that there is not confidence in the judicial department of our Government.

"That if the matters of which we complain are properly presented to the proper officers of the department of justice they will receive an impartial and fair consideration."

In answer to the three points referred to above, and in order to reaffirm the advisability of appointing a special commission, and in consideration of the arguments and reasons expressed in your letter, we again insist upon the appointing of a special commission, to be composed as follows: Of a special judge and special fiscal.

The Free Federation of the Workingmen of Porto Rico will choose two lawyers, who shall be authorized by the Government to present documents, and upon their petition they shall either summon witnesses or cause the necessary proofs to be legally produced, they shall be authorized to examine and cross-examine any and all witnesses, and they shall have the same rights as the fiscal in every particular relating to the accumulation of direct proofs and corroboration. We are not very particular about the appointment of district judge or district fiscal to serve on the above commission.

The "special commission" shall hold its sessions at Vieques, Ponce, and San Juan, and shall practice an investigation of all the charges and affidavits presented to it and in any way related with the incidents of the last strike of the country laborers of all the towns of the island, and the said commission shall give the Government an account of its investigations, with recommendations pertaining to the principles of justice and good government. The said commission shall employ a stenographer to carry on its work.

As you may see, we neither want any special authority for ourselves or for our counsels unless this be legal and duly accepted by an impartial Government and which wishes to know the truth, the whole truth, and nothing but the truth, and which desires to punish public employees who have made themselves guilty of extra limitation of authority or felony in true sense of that term.

There would be no danger of your having any lack of confidence in the department of justice if the appointment of this special commission were authorized, inasmuch as the members of the same are to be appointed by the Government itself and gives the authority, and the said members exercising such au-

thority shall do so in pursuance with the insular laws, which course has been pursued by this Government on various occasions.

Sir, since you have assumed the governorship of the island we have submitted to your consideration many a charge and affidavit and some charges not sworn to against certain policemen and judges who had been committing abuse against the workers, and none of the investigations practiced (ordered) by you have given these workers any satisfaction despite the fact that arbitrariness, humiliations, and illegal truths were inflicted against poor and helpless men and women. We have never—no; never—known any cases to be decided favorably by you in behalf of the injured workers during the whole period of your governorship.

This is perhaps largely due to the fact that the investigations as carried out (ordered) by you are of a private character, almost inquisitorial, at the police headquarters or else in offices not open to the public, as the general run of people say, among the interested parties, and the accused police and officers are on hand and meet on friendly terms, which is a system rather employed for terrorizing than protecting the victims.

On this account we meet with a remarkable case that has occurred within your administrative period, sir, in which case a fiscal of the department of justice has omitted an extraordinarily unjust opinion in submitting his report to the honorable the governor of Porto Rico, and which clearly demonstrated the kind of equality before the law upon which this conclusion is based, especially so when it was a question of one of the most bitter complaints from the gen. sec. of the Free Federation, Mr. Rafael Alonso, against a policeman charged of gross abuse on his person and others and sometime afterwards this very policeman was accused of killing a poor striker. The paragraph specially referred to is the following:

"Admitting that Policeman Quiles was not very polite with the strikers in the above-mentioned incidents, it is to be borne in mind that the conditions were extraordinary and that the police had to act arbitrarily to avoid disturbances, as it was easier to stop them before they began than afterwards. I do not give very much weight to the evidence, as the witnesses in favor of the strike would say almost anything against the police. As a matter of fact, while policeman Quiles evidently acted somewhat beyond his authority, I think the circumstances warranted his actions. Now that the strike is over, Quiles may be reprimanded."

Now, then, if an attorney (fiscal) of the department holds such an opinion, and if the said opinion is so worded without cause for the same, does not the honorable governor think that we have every reason and sufficient motives to demand the appointing of a special commission with powers to practice a public investigation and do its work in a complete, impartial, and sincere manner against all the atrocities that have been committed against the country laborers during the last strike, and in which cases it is desired our attorneys would be authorized to establish proofs as if they were a true fiscal?

Besides, you state that the department of justice has already practiced these investigations, which we take to mean that the said department has formed a proper opinion of itself. We claim that the Government and the people will never know the absolute truth of the incidents and acts of tyranny and oppression brought to bear by the public employees except through the agency of the special commission it is proposed to appoint, and in which all the parties concerned would have the same privileges of presenting their proofs without fear or reservation.

Emphasizing once again upon what we have heretofore expressed in the letter, we again desire to respectfully suggest to you the urgent necessity of the special commission for which we have petitioned you so persistently.

Respectfully, yours,

SANTIAGO IGLESIAS,
President of the Free Federation of Workingmen of Porto Rico.

IGLESIAS EXHIBIT NO. 12.

HON. SIRS: Animated with the best desire and highest patriotism, we beg you to prove all those evils denounced in the communication which was sent to the chairman of the honorable Commission on Industrial Relations, dated February 19, 1915, by the Free Federation of the Workingmen of Porto Rico, for the sole purpose of having these evils removed from the country because

they are actually detrimental to the industrial pursuits of the island and because they constitute the greatest reasons that determine the condition of slavery and wretchedness now existent in Porto Rico.

For the above reasons we do begin our statement and will try to produce the necessary evidence in each case in order that the situation of the island be impartially understood, and aside from any sentiment of passion it may be asserted whether or not the working people have sufficient reasons to be continually entering protests so as to bring about a change from the present situation in which they are, and at the same time it will be demonstrated whether they ought to receive the bad treatment they are getting at the hands of the corporations and employers, this not being all, but from the Government, that should be more particularly interested than anyone in presenting the best possible solution in this connection, inasmuch as this would add great credit to the Nation and to the island as well.

When making the statement "that in our opinion there is no people on the face of the earth in which the laborers, more especially the farm hands, occupy a more unfortunate condition and are the victims of the worst sort of exploitation," we must offer for the investigation those fair testimonies and statements from persons who may be considered as most impartial, and in so doing let us quote herein some paragraphs of Mr. Walter E. Weyl, Ph. D.

"The Porto Rican laborer has the reputation of being extremely lazy, but it is probable that his reputation in this respect is somewhat worse than he deserves. It is frequently alleged by large planters that they do not pay their workmen any higher wages, because if they did the men would work a fewer number of days. It is claimed that the men who earn 50 cents a day for 6 days would not work over 4 days if the rate was raised to 75 cents a day. This assertion, which is made by the Porto Rican employers, as it was made by the English employer two centuries ago, must be taken for what it is worth, although it might be suggested that the experiment has not often been tried. What does appear to be true is that the Porto Rican is fairly constant in his employment and works with a fair degree of regularity. On many of the plantations the testimony is that workmen return with a fair degree of regularity to their work and accept all the employment offered to them. In a majority of cases, on the other hand, the failure to work regularly throughout the week is attributed to the conditions of the industry and to the fact that the employer can not use the men. In the coffee districts, for instance, large numbers of men are left unemployed at the end of each crop, and during the season there is no work for the men when it rains. It is quite the truth that when the ordinary peon earns more than usual he is likely to spend it in gambling, but it has not been demonstrated that in Porto Rico an increase in wages would mean a proportional reduction in the number of working days." (See the report of Dr. Weyl under the caption, "Labor conditions in Porto Rico," inserted in the bulletin of the Bureau of Labor, No. 61, Department of Commerce and Labor, pages 770 to 771, Nov., 1905.)

From the same report of Dr. Weyl we quote what follows:

"The amount of saving among the workmen of Porto Rico may be practically disregarded. In the first place, wages are too low to admit of any extensive saving. With the wages prevailing, especially in the coffee districts, it is more wise to spend than to save. In some parts of the island in recent years the earnings of the family have not been sufficient to maintain the workingman in a state of industrial efficiency. The best investment of the meager earnings of the workman in these districts is in food and drink, and anything like saving would be unwise and almost criminal, if it were not impossible. In the sugar districts on the coast it might be possible to save small sums of money, but under present conditions the habit of the Porto Rican of not saving seems perfectly justified, in view of the narrow margin between wages and the cost of mere subsistence. Even if wages were higher, it is doubtful whether for many years to come there would be any extensive saving." (See the report of Dr. Weyl inserted in the bulletin of the Bureau of Labor, No. 61, Department of Commerce and Labor, p. 775, Nov., 1905.)

Regarding housing conditions Dr. Weyl says:

"The housing conditions in the rural districts of Porto Rico are extremely primitive. There is no necessity for the house to be warmed, since the temperature, except in the higher altitudes, is never sufficiently low to cause discomfort. The houses of the majority of rural workers are merely a framework of poles, covered with the bark of palm trees and with dried leaves, and thatched with palm leaves or a tough grass which is found all over the island. These

houses are sometimes built on the ground, but more frequently they have a board floor made of palm. This floor is raised from the ground so as to permit the rain water to flow under the house, and often the house is built on a slight incline. The house invariably is one story in height, and usually consists of one large room, varying from about 10 to 20 feet square. This room, especially if it is large, is sometimes divided by a partition. There is, as a rule, no division of the sexes, since in such cases all the family live, and often work, in one of these rooms during the day and sleep in the other at night. The influence of these conditions upon the sexual impulses of adolescent children is not favorable.

"The furnishing of the house is equally simple. A hammock is indispensable, and there are, as a rule, a bench or two, a few pots or jars, but usually no chairs and no bed. The clothes are hung upon nails, and there is no such thing as a bureau or washstand. There are also no tables and no carpet or matting. The benches are often nothing but a solid log upon which the people sit. It may be stated, as a rule, that the cost of all the articles in an ordinary peon's hut is not above $10.

"Practically the only decoration ever seen consists of the colored lithographs of American advertisers, sometimes in Spanish, but usually in English. In one room visited the decoration consisted of 50 or 60 copies of a small colored lithograph issued by an American manufacturer of soap.

"In the cities the housing conditions are probably worse upon the whole than they are in the country. The inhabitants of the country have at least the advantage of fresh air. In view of the aversion of the average Porto Rican peon to currents of air, and especially the night air, the lack of completeness with which his house shuts out the air is perhaps a blessing in disguise.

"The housing conditions in the worst section of San Juan are almost indescribably bad. While a considerable reform has been effected since the American occupation, especially in the matter of sanitation, the conditions even now are extremely evil, and in some respects worse than in the worst habitations in our American cities. In a number of houses, which were visited in the course of this investigation, it was noticed that habitations which had originally been intended for two or three families had subsequently been converted into rude tenement houses. The available space was poorly utilized, the halls being wide, the buildings low, and much expensive ground partially wasted. Nevertheless, these houses, by reason of exorbitant rents, which have increased greatly during the last six or seven years, bring in as much a $200 or even $300 a month, and this money is usually sent to Spain, where, as a rule, the absentee landlord resides." (See Dr. Weyl's report, above mentioned, in pp. 789, 790, and 791.)

Dr. Weyl's report continues, as follows:

"The invasion of Porto Rico by Americans and the infusion of American ideals into the life of the people have led to some slight change in the attitude of the people toward work and toward the worker. The sons of rich plantation owners are becoming more willing to enter lucrative careers, though the professions are still unduly preferred over agriculture and business. The Americans have, moreover, tended to strengthen somewhat the position of the workingman by giving him a vote, by defining his position before the law, and by recognizing to a less extent than did the Spanish the difference between the employer and employed. Nevertheless, even at the present moment it is quite clear that the social and economic position of the Porto Rican worker is low, that he is held in small esteem, that there is a contempt for his work (a contempt not even disguised by conventional phrase), and, finally, that the economic power and the political influence of the workingman are extremely small.

"To a considerable extent the former relationship between employer and employee was conventional rather than contractual, being upon the basis of a patriarchal and more or less benevolent despotism on the part of the employer rather than a free relation entered into by a contract between approximately equal parties. Wages were fixed largely by custom and were fairly uniform in any given district for the same industry. These wages, moreover, were only partly in money, being supplemented by the grant of free lodging and often by other gifts or grants.

"The condition exists to a greater or less extent in the island at the present time, although within recent years, and especially since the agricultural strikes, the patriarchal attitude of employer to workingman is given away and is being displaced by a very different attitude based on a more purely contractual rela-

tion. The attitude of the employers at the present time is to secure labor as cheaply as possible and of the workingman to obtain all the wages which he can possibly secure." (See the same bulletin of the bureau of labor above mentioned in p. 806.)

Regarding the present tendencies, Dr. Weyl says:

"There are many reasons for not anticipating a rapid and radical improvement. In the first place, Porto Rico is essentially an agricultural country. Its natural resources are all agricultural, and it has neither the geographical position nor the resources of iron and coal to permit it ever to become a great manufacturing country. The small manufacturing industries which formerly existed on the island have tended rather to diminish than to increase as a result of the American occupation. Free trade with the United States means the importation of articles manufactured more economically upon a large scale to take the place of articles formerly manufactured by the hand or by simple tools on a small scale. While it is possible, and even probable, that a considerable industry will grow up in the making of cigars and in the canning of fruits, it seems reasonable to think that the counry will remain permanently in an agricultural state.

"It is, moreover, practically inevitable, from the tendencies now observable, that a large proportion of the laboring population will belong for many decades, if not permanently, to the peon class. There is no room in the industry of the island for large numbers of skilled men. Most of the work to be performed upon the sugar, coffee, and tobacco plantations is the rudest agricultural labor, and the great mass of the population will necessarily be employed at these tasks. Conditions as they now exist tend rather to lessen the hold of the peon upon his land. The enormously increased prosperity in sugar culture, as well as the growth of larger estates and the increasing custom of grinding sugar in huge central factories, causes the real unit of production rapidly to increase. To be economically operated, a sugar mill requires the output of several thousands of acres; and while the ownership of these acres may for a considerable time remain in the hands of separate owners, the lands must be cultivated in a joint manner and practically as a single operation.

"The programme which the American people must carry out in order to live up to the theory under which the island was acquired and to improve the conditions of the laboring and other population of the island is necessarily an extensive one. If the condition of the people is ever to be raised to a standard at all comparable with that prevailing in the United States, the people must be educated and the sanitary conditions improved, civil and political rights guaranteed and extended, and the condition of the workingman amply protected by law. The American people should recognize that they owe a duty to the Porto Ricans, and that they can not permit the welfare of the population for which they have accepted responsibility to be determined by accident or by conflict of interests. The American people must, if they are to raise the standard of Porto Rican peons, continue to prosecute the work of education upon the Island, no matter how severe the financial drain. It is equally essential to carry out a programme of sanitation which will guarantee to every Porto Rican infant the chance to live its allotted life.

"The power of Porto Rican peons to insist upon fair and reasonable conditions of labor is, and for decades if not for generations will continue to be, far less than that of the workmen of the United States, or of the countries of the western Europe. It is not probable, under present conditions and without the benefit of progressive education, that the peons of the country will be able to obtain more favorable terms of employment and more reasonable conditions of labor without the intervention in some way of the gvernmental authority. The demands of the peons for better conditions of labor will be in direct opposition to the interests of those who may insist that they are of a low type, just as their demands for education may be opposed on the ground that their work must remain unskilled.

"If, by means of education, by means of improved means of communication, by means of a free press and of assemblages and meetings and conventions and of fairs and entertainments that will bring the people together, the standard of living of the men, and especially of the women of Porto Rico, is once raised; if the demands on life made by this people become sufficiently great to prevent the population from assuming marital responsibilities with its present recklessness; if, moreover, the resources of the country are exploited more wisely and the peon himself be assured of the ownership of at least a patch of land and be taught to utilize it economically, the conditions of life and labor of the

great mass of the Porto Rican population may be permanently improved. Such an improvement, however, will be difficult and slow, and will be evident only as measured by decades or generations, and not by years. If, however, the island be utilized merely or primarily as a means of providing opportunities for investment and commercial exploitation by American citizens; if the policy of educating the people be held up on account of its expense and alleged uselessness; if the standard of living of the people be not raised, the condition of Porto Rico and of the Porto Rican laboring class after one hundred or two hundred years will be no better than it was in the year 1898, when the soverignty of Spain gave way to the dominion of the United States of America." (See Dr. Weyl's report upon labor conditions in Porto Rico inserted in bulletin No. 61 of the Bureau of Labor, Department of Commerce and Labor, November, 1905, pages 815, 819, and 820.)

Another testimony that we do consider as a fair one and which we do produce herein as an evidence to strengthen our assertions, is the statement from Hon. Samuel Gompers, president of the American Federation of Labor, who has twice visited the island in the years 1905 and 1914, and who has had the opportunity to personally study and investigate the labor conditions of Porto Rico.

The statement from President Gompers is as follows:

"I saw men working in the sugar refineries in Porto Rico 15 and 16 hours a day for 40 cents a day.

"I saw men working on the sugar plantations cutting cane, working and hauling 15 hours a day for 40 to 45 cents wages. Several of the sugar refineries have a system of truck or company stores, or, as we labor men have designated them, "pluckme stores," where the employers pay this 40 or 45 cents a day with little checks for 15 or 16 hours' work, which checks, of course, are redeemable only at the company's store. The people have no money other than these tokens. The company store sells an inferior quality of the "necessaries" of life—and I will try to tell you a little later what are the necessaries of life as they understand it—at greatly increased price over that which the same articles could be purchased for elsewhere, if the people only had the money and the right or the opportunity to make the purchase.

"As a consequence, these people, even if they had the desire to leave the employment of these companies, could not do so. Travel to another part of the island to what? Find work at somthing else? Impossible, even if they desire to take the chance to find work. How are they going to pay the fare for a coach or upon the railroad with this kind of money? They are as much bound to the soil as were the serfs in the old time guilds when the lords and barons held their sway.

"I have seen women and girls selecting coffee from 12 to 14 hours a day in the coffee houses for 15 and 20 cents a day. I have seen laborers receive only from 30 to 40 cents a day for 11 or 12 or more hours of labor. Riding along the road from time to time I directed the driver to stop to make an inquiry from the laborers. I often got the answer that they did not know what wages they were going to receive until they were paid.

"I have seen more idle men, more unemployed men, not idle by choice, but because they can find no work to do, in my travels in Porto Rico than I have ever seen among like numbers of people in all my life; nothing to do.

"Not only on the sugar plantations; not only in the coffee fields and mills; not only in the orange groves; not only among the cocoanut trees; not only in the fruit orchards and fields, but in every line of industry. I never saw less building construction nor less repairs going on.

"I never saw more wretched men and children in all my days. I never saw so many poorly fed men, women, and children. I never saw more children clothed only with the atmosphere and sunshine anywhere on earth, and I have seen something of this mother earth.

"In the island, so wonderfully situated, with such a balmy climate, so full of rare sunshine and brilliancy, I never saw so many hovels and shacks where the only ray of light penetrated through small doors, the rest completely obscured in darkness. There live the father, mother, and children, and sleep and eat and perform the functions of life. I have seen ten or twelve people living in just one small room; not only one, but thousands and thousands of instances. Out of town in the suburbs and along the roads most of the houses are built of stilts, and when I say a house I want you to bear in mind that I refer to shacks, the exterior dimensions about twelve by ten feet, with a height of perhaps eight at the highest point, and thatched roofs. They are warmed by the

elements. In the rainy season in Porto Rico we have heard how it rains. My visit was not made during the rainy season. But notwithstanding that, there was not a day while I was there that it did no rain in torrents for an hour, and still I say that was outside of the rainy season.

"But imagine men and women and children living in these little shacks and trying to protect themselves from the rain by getting under the houses. These houses are so dilapidated that everything in the room becomes absolutely saturated with rain, and as soon as the rain is over they must go back to those rooms and eat and sleep and perform all ordinary duties of life therein.

"I saw more misery and hunger stamped on the faces of men and women and children in Porto Rico than I ever seen in all my life, and hope I may be spared from seeing the like again.

"I have been asked several times whether conditions are better or worse in the island now than they were under the Spanish rule, and I want to say this: That having seen the poverty and misery, and the absence of the possibility of modesty under such circumstances, and having seen the myriads of men that are hungered, and women and children, too, dying there of starvation, knowing that there is a constant monthly death rate of 450 to 1,000 people from anemia, in other words, hunger, starvation, I say to you, ladies and gentlemen, it matters little to me under which rule conditions were better or worse. I know that the conditions prevailing in Porto Rico to-day reflect no credit upon our country." (See the editorial of the newspaper "Justicia," dated Jan. 23, 1915. Vol. II, No. 17. Edited at San Juan, P. R.)

Another statement with which we want to cooperate in the verification of our report is that one from Mr. George Williams Perkins, president of the Cigarmakers' International Union, who also visited the island and after having personally learned about our conditions and made the necessary inquiries, is perfectly warranted when stating:

"Porto Rico has been exploited by Spain for centuries, but is now being exploited by rich Americans, corporations, and trusts just as relentlessly and just as brutally as it was under the Spanish monarchial rule. The American Tobacco Company practically owns all the available land suitable for growing tobacco. Prior to American occupation 5,900 acres of land were devoted to the cultivation of tobacco. At the present time 25,000 acres of land are devoted to the growing of tobacco. And the most of these acres are owned and controlled by the trust, the American Tobacco Company. At the time of the American occupancy and control the value of cigars exported to the United States was about $300,000 per annum. At the present time the value of the cigars sent to the United States is about $5,000,000 per annum. Just prior to American occupancy the cigarmakers working in the smaller factories received from $3 to $4 weekly in wages. At the present time cigarmakers working for the smaller factories receive from $2.50 to $3.50 as weekly wages. Just prior to the American occupancy, the cigarmakers working for the larger factories received weekly wages of from $8 to $10. At the present time the cigarmakers working for the larger factories receive from $5 to $12 in weekly wages. The trust, the American Tobacco Company, employs, in a measure, practically the same methods there that they do here. Their first move was to put in women and children under the bunch break and roll up system, and to gradually reduce wages by the old shell game of changing sizes.

"The great mass of the agricultural workers are illiterate and live in homes that beggar description. It is true that the United States has started a public-school system in Porto Rico. I personally visited several of the alleged homes in the agricultural districts, which are composed of a small one-room shack with positively no division within the shack and practically no furniture except that of the crudest and barest necessity. None of them had running water or other conveniences of any kind. They go to the nearest river or brook for what little water they use. These shacks, in which the whole family, consisting of man and wife and all the way from five to eight or ten children, are built of crude, cheap boards, with usually a thatched roof made from the bark of trees. These tenants play peek-aboo with the sun in the daytime and with the stars at night through holes through which the rain pours when the clouds weep at their misery. The houses are on stilts and frequently I saw whole families huddled with the pig, the dog, and chickens under the house in order to escape the rain. In one of these alleged homes they were actually drying tobacco on the outside as well as in the inside of the house. The homes of the city workers are some better and in a little more sanitary condition, but still years

and years behind the proper sanitary conditions. Some of the workers living in the city have two or three rooms, but if they have any more than that they take boarders.

"Some idea of the manner in which these poor people are exploited is portrayed by the following: The Porto Rican Tramways, Light and Cars Company has its head office in Canada; the American Railways Company have their head office in France; and, as you all know, the Porto Rico American Tobacco Company has its head office in Wall Street, New York. The people employed by these trusts, outside of those who are organized in the International Union, receive from thirty cents a day to fifty-two cents per day in wages. I have already told you something of their homes. They live on rice, bread, and fruits, mostly wild fruit.

"The chief industries in the island are tobacco, cigars, sugar, coffee, and fruit. The best of the land is owned by a few trusts. The most of the people live in huts and receive wages from thirty to fifty-two cents per day.

"While, in my judgment, Porto Rico can never be a manufacturing country of the variety and scope of countries of the Temperate Zone, it nevertheless, under proper management and laws calculated to be beneficial to the mass of the people can enjoy a condition and standard of living which would be eminently satisfactory to the great mass, who could live in contentment and prosperity. Porto Rico is in the Tropical Zone; its lands are fertile and require little attention; no fuel and mighty little clothing is required, hence with the proper disposition of the land and the opportunity to till it in their own interests the masses would enjoy a reasonable degree of prosperity. It is a shame to permit them to be exploited for the sole benefit of a few soulless corporations and trusts located in America and other countries." (See the Cigar-Makers' Official Journal, published at Chicago, Ill. Issue of May, 1914, pages five, six, and seven.)

The foregoing statements, which, in our opinion, will offer no doubt to the men in charge of weighing our arguments, have been published by the signers, and with the sole purpose and aspiration of having for the workingmen of the island the due justice and redress to which they are entitled.

IGLESIAS EXHIBIT NO. 13.

REPORTS FROM THE POLICE HEADQUARTERS PUBLISHED BY THE PRESS.

[Taken from La Democracia.]

LAST NIGHT'S FIRE.

Shortly before 11 o'clock an attempted (conato) fire broke out in the store of Messrs. R. Suarez & Co., popularly known as Canel de Panama. The fire was put out shortly afterwards by the men of the pump station.

[La Correspondencia, April 2, 1915.]

COLONY ON FIRE.

In colony knwon as "Vasca," at Yabucoa, a fire broke out. Some 80 cuerdas of cane were burned. From reports given out the fire was accidental.

[Union Obrera, April 5, 1915.]

TEN HOUSES BURNED AND 4 RUINED.

At 5 a. m. the bells at the fire station awoke the people, and it was evident that fire had broken out somewhere. We ran in the direction of Rosa Street and saw the house of Esteban Carduche afire. The fire spread from the first house to about nine more, almost all of which were insured. The house where the fire there originated was being repaired; we are not sure whether there was any insurance on the same, but the house next door was insured.

[The Times, May 11, 1915.]

FIRE AT CAGUAS.

On the 8th day of this month, and at night, a big fire started and burned the grandstand of the B. B. league. The police are investigating the case.

[La Correspondencia, May 8, 1915.]

FIRE AT AGUADILLA.

Early in the morning on this 5th day a big fire broke out at barrio Victoria, which destroyed two houses pertaining to Mr. Aniceto Ceide. Both were insured for $3,000 by the Commercial Union Insurance Co. and the London Assurance Co. The municipal judge and police are investigating this affair.

Reports coming from Gunyama have it a big fire broke out in the cane fields of "Reunion," Josefa and Melania colonies. This took place at 4 a. m. Losses were approximately 93 cuerdas of cane.

FIRE AT ARROYO.

APRIL 15, 1915.

A big fire occurred in the cane fields of Central Machete. Losses reported to be 4 cuerdas of cane. Matter is being investigated.

[Taken from La Correspondencia, May 7, 1915.]

BURNED THROUGH CARELESSNESS.

A telegraphic dispatch from Yabucoa states a peon yesterday at the Yabucoa Central lighted a cigar which had fatal consequences. Result, 10 cuerdas of the plantation were burned.

FIRE IN A CANE FIELD.

From Lares comes the news that on the 12th, p. m., quite a serious fire took place in the cane fields of Hacienda Dolores (Guanica Centrale). About 40 cuerdas of cane were consumed. The matter is being investigated.

[From the Ponce Eagle, April 24, 1915.]

FIRE IN CANE FIELD.

Eighteen cuerdas of cane field were burned at Hacienda Barrancas pertaining to the Guanica Centrale. The Hacienda Barrancas is situated in barrio Machnelo Arriba, this municipality. The police are aware of the event, and the corresponding investigation will be practiced.

[The Times, April 26, 1915.]

At barrio Machelo Arriba, Ponce jurisdiction, 18 cuerdas of sugar cane were consumed by the fire at Central Barrancas. This cane was the property of Guanica Centrale.

[La Correspondencia, April 17, 1915.]

A FIRE.

At Hacienda Dolores, in the town of Lajas, a fire broke out which burned up some 40 cuerdas of sugar cane.

FIRE.

APRIL 3, 1915.

The Guayama police report that on March 30, p. m., a fire broke out in the cane field of Central Lafayette. Result, 2 cuerdas of cane burned out.

The next morning another fire broke out in the cane fields again at Colinia Esperanza, the property of Central Machete. Then cuerdas of the plantation were destroyed.

IGLESIAS EXHIBIT NO. 14.

SUMMARY.

This petition for habeas corpus was presented to the supreme court of Porto Rico on May 7, 1915, in behalf of 26 prisoners from Vieques who had been sentenced in connection with the strike by the municipal court there and who were afterwards retired for the same offenses in the Humacao district court and sentenced for a second time to imprisonment.

The request for the writ of habeas corpus briefly states as follows:

1. That all of the said petitioners are illegally deprived of their liberty.

2. That the petitioners Esteban Huertas, Santos Torres, and Aquilino de Hóyo were so deprived of their liberty by sentence imposed upon them by the Humacao district court on April 23, 1915, condemning them to two years' imprisonment each for assault and battery to the police on February 16, 1915, at 3.35 p. m., at the place known as Trianon. Vieques, when the same parties had been previously sentenced by the same very court and for the same offense, and notwithstanding that they had been sentenced also by the municipal court at Vieques to 60 days' imprisonment for the very same deed and offense; that is to say, for carrying concealed weapon, and notwithstanding further that they were retried again on April 29, 1915, by the above-mentioned court—Humacao district court—again for assault and battery and given two year each.

3. That the petitioners Francisco Encarnación, Rafael Pere, and Higinio Colon are serving sentence imposed by the Humacao district court on April 29, 1915, giving them one year each for rioting at the same place and hour mentioned above, when they had been previously tried for the same offense under the charge of carrying concealed weapon and given 60 days imprisonment each.

4. That the petitioners, Pedro Encarnación, Marcelino Melendez, Manuel Ojeda Iro, and Narciso Encarneción, are now confined by virtue of sentence imposed by the Humacao district court on April 29, 1915, giving them two years each for assault and battery to the police at the same hour and place already mentioned, when these same parties had already been tried and sentenced by the Vieques municipal court for the same offense under the charge of carrying concealed weapons.

5. That the petitioner, Derfin Arizmendi, is now confined, due to a sentence of 3 months imposed by the Humacao district court on April 28, 1915, for rioting at the same hour and place already mentioned, when the very same court had previously passed sentence of 30 days upon him for the same offense under the charge of carrying concealed weapon.

6. That the petitioners, Martin Rivera, Juan Casillas, Julio Almestica, Evaristo Camacho, Juan Becerril, Alfredo Augustin, Lucas Zelardo, Nepomuceno López, Juan Torres, Matias Ramos, Juan Velez, Julian Torres, Alfredo Isidoro, and Ramón Figueroa, are serving sentence of 3 months each for rioting, imposed by the Humacao district court on April 30, 1915, the offense being alleged to have been committed at the aforementioned hour and place, when these parties had been previously tried by the Vieques municipal court and given 30 days each for the same offense, under the charge of carrying concealed weapons.

7. That from the records it appears that there had been a previous conviction of these parties for the same offense and for the same substantial act.

8. That it is prohibited by the Constitution of the United States to prosecute and punish twice or more for the same offense.

9. That the application for the writ is not only made to the supreme court by virtue of its original jurisdiction in such case, but also for the purpose of defeating the jurisdiction of the Humacao district court in sentencing and de-

priving of their liberty for a second and more times the same parties that had already been tried by the proper court for equal offenses.

The application winds up by requesting that the writ of habeas corpus be granted, and it is sworn to by the attorney upon information received of reputable persons and by facts of his own knowledge.

This application was denied by the Supreme Court of Porto Rico on May 8, 1915, on the ground that lack of jurisdiction had not been shown.

Whereas a motion was presented to the same court which briefly states as follows:

It seems to the petitioners that the Supreme Court has not interpreted in the true sense the text of the application, where it is repeatedly stated that the lack of jurisdiction is due to the fact that they had been tried and sentenced for an offense committed on February 16, 1915, at the place known as Trianon at Vieques, and afterwards retried and submitted to new trial by the Humacao district court. The motion recites that the *non bis in idem* is a constitutional prohibition that exists in all civilized government without exception. In a country where such guaranty does not exist it is useless to provide for a limitation of prosecutions and extralimitation of power at the hand of the judiciary, and it also makes fruitless any defense against the wantonness of the judiciary power when it violates its most elementary duties. To abandon this guaranty is to resign to everything. The parties in this case can not help insisting with all the respect that it may be deemed necessary that the Constitution and due respect for the law be upheld.

The motion continues, making citation of the law and different provisions, and ends by requesting that the writ, notwithstanding the great delay already had, be granted.

IGLESIAS EXHIBIT NO. 15.

PUBLIC AND PRIVATE LANDS OF PORTO RICO—WHOM ARE THE BENEFITED WITH THEM.

We have made the statement that at the head of the organization of great enterprises there stood, and there actually stands, the sugar growers' trusts, which practically got hold of nearly all the lands available for cultivation in Porto Rico, and they even obtained some land which belongs to "the people of Porto Rico," which they carry on for their own personal benefit and without benefit of any kind to the workers of Porto Rico.

Almost as a repetition to the foregoing statement we have asserted that while the country folk lack of work and even a piece of ground on which to place their huts and devote their energies to planting their crops, corporations there are on the island which hold the land of the people of Porto Rico in just the same way as any private individuals, without as much as paying a red cent to the insular treasury, but they simply utilize vast extensions of this land for their own personal profit and have not been required to pay for this land or give them up.

The people starve for want of work, while a group of individuals and corporations are in possession of this land and all the privileges and franchises attached thereto, so as to exploit the workers all the more for an indefinite period, even without any permission from the government, and in order to state clear proofs we herewith insert some paragraphs of the last message of the honorable governor of Porto Rico to the legislature of the island.

"MESSAGE OF THE GOVERNOR OF PORTO RICO TO THE EIGHTH LEGISLATIVE ASSEMBLY, FIRST SESSION, JANUARY 11, 1915.

"*Public lands.*—The public lands of Porto Rico belong to the whole people, and should be administered for the benefit of all the people of the island. That they are not now so administered is made evident by the most casual inquiry.

"Owing to inadequate and inaccurate surveys, it is impossible to ascertain the boundaries of the various tracts of public lands, or the amount of character of these lands, or where they are located. It is known and suspected that some public lands are now in possession and use of private individuals who have no right to them and no need to use them.

"It is rather vaguely estimated that there are in the whole island—[continues the Governor]—about 150,000 acres of public land. Of these lands there have

been surveyed during the past ten years, or twelve years about 25,000 acres. At this rate of progress it will require at least a half century to complete these surveys. Meanwhile the lands are being trespassed upon and wasted in a manner that is entirely indefensible and without excuse."

According to the official data at the present time more than 25,000 acres of land are devoted to the growing of tobacco, and the balance of all the other cultivable land of Porto Rico is in whole controlled by the sugar trusts and owned by themselves. The people have also made the accusation that the organic act of Porto Rico is being violated in many ways and because this island has been placed under the provisions and dispositions of Congress, that is the body in more direct line to righten all the evils mentioned. On account of the great monopoly of the lands, the people of this island are economically considered like a feudal vassalage or a factory post fet only to be "worked," and the people considered as slaves depending on the sugar trusts, the tobacco trusts, and speculative schemes. It is also charged with some degree of justification besides the monopoly of the lands that another cause of our misery is that Porto Rico has been converted into trading and bartering post in which more slaves are employed, and that more than 60% of the net product of earnings made by the workingmen of this island are taken away by the trusts and corporations which well sufficiently explain why this country is drained of its wealth and which leaves the people in a wretched condition financially.

When the eighth Legislative Assembly of Porto Rico opened its first session last January, Delegate Aybar from the Mayaguez district requested of the speaker of the house to ask the commissioner of the interior to submit a report on the public lands of Porto Rico as well as the use that had been made of them up to the present.

The commissioner of the interior sent to the clerk of the house of delegates a communication explaining what disposition had been taken of those public lands, and uses to which these lands have been put may be seen from the said reports and from them may be seen also that the free use of these lands has been granted to a number of capitalists for a term of from 30 to 40 years.

The communication from the commissioner of the interior to which we refer reads as follows:

"GOVERNMENT OF PORTO RICO, DEPARTMENT OF THE INTERIOR.

"SIR: With reference to your letter dated 19th inst. in which Hon. J. Aybar requests information concerning the leasing of public lands, I am pleased herewith to forward a statement showing what disposition was made of all the holdings pertaining to the people of Porto Rico and which are at the present time leased, and also showing the area and relative location of the land, period when the contracts expire, and the annual income as well as the person who leased said land.

"The only lands of The People of Porto leased with the privilege of not being subject of the terms of the lease are the marshy lands of "Caño de Tiburones," with a total area of 4,200 acres adjoining in and around Arecibo and Barceloneta; they were leased to Mr. Wenceslao Borda for a period of forty years; the lands adjoining the Barrios of "Las Marias," Guayama, and Salinas, which were leased to Mr. Juan R. Baiz for a period of thirty years, but the terms of this contract were never carried out because Mr. Baiz left the land; and next comes another parcel of marshy land measuring 6,270.95 square meters adjoining Puerta de Tierra in San Juan City itself, but more particularly San Antonio Dock; this was leased to Mr. Harnand Behn for a period of thirty years, he obligating himself to build a bulkhead therein, to dredge the channel, and to turn the ground in a sanitation condition, all of which necessitates an expense of no less than $105,000.

"Besides the land leased as is here shown, there are other the lease of which is undergoing the due process of the law (tramitation) especially one with an area of 453.99 acres, already approved by the executive council to the Guanica Centrale, and another having 414.95 acres to Mr. George Mussenden. These are located with the municipalities of Guanica and Yauco, respectively.

"When the measurement of the land of The People of Porto Rico was carried out in these municipalities this department of the interior found out that the sugar mill "Cinco Hermanos," which belonged at the time to Mr. Alejandro Francheschi, who had leased the Guanica Centrale, was also occupying as his property the said tract of land (453.99 acres) pertaining to The People of Porto Rico; it was also ascertained that Messrs. Lluveras Brothers were holding as their own property another tract of land pertaining to The People of

Porto Rico (482.64 acres); Mr. George Mussenden occupied the aforesaid tract of land (414.95 acres), while other persons occupied other smaller tracts.

"In November of 1914 this department, as is customly in cases of this kind, advised all the landholders of The People of Porto Rico in the towns of Yauco and Guanica that in order to enjoy the usufruct of the land they held they were required to make a contract with this department of the interior, all of whom expressed their willingness to have contracts drawn up, with the exception of one who claims the ownership of the land held by him.

"This office began at once to proceed to issuing contracts for the leasing of this land, the occupants thereby recognizing the fact that The People of Porto Rico is the real owner of the land.

"Respectfully yours,

"MANUEL V. DOMENECH, *Commissioner.*

"Mr. JOSE MUÑOZ RIVERA,
Clerk of the House of Delegates, San Juan, P. R."

The summary inclosed by the commissioner of the interior with the communication above quoted is the following:

"SUMMARY.

"In pursuance with the foregoing statement issued by the commissioner of the interior, to which he refers in the preceding letter, under the approval of the executive council the following acreage of public land has been leased:

"Number of acres leased, 10,383.46 acres. Besides total number of square meters, 172,804.33 square meters. And a number of islands and islets leased, 22 in all; extent of acreage not given. Number of houses, 7, and 5 shacks. Number of building lots (quantity of acres not given), 36 in all.

"The sums obtained by The People of Porto Rico for such leases amounts to $9,106.91 per year, which is only another way of saying that the average price paid by the occupants of the public land of Porto Rico is only $0.25 per acre yearly."

This, then, is what is being paid to The People of Porto Rico on these lands, the occupants of which are known.

Among the largest occupants are the following:

Wenceslao Borda, who pays not a red cent, 4,200 acres at Arecibo. This privilege was granted him by the Legislature of Porto Rico, and for which purpose hundreds of poor country families were ordered off this land. This privilege was granted Mr. Borda for the period of 40 years.

Mr. C. B. Battle, 121 acres in Barros for $90 per year.

Balseiro and Giorgetti, 102 acres within the urban zone of the town of Barceloneta for $1,240 per year.

Messrs. Antonio Pacheco and Antonio Rodriguez, 255 acres at Ciales for $90 per year.

Mr. Enrique Chevalier, 502 acres at Guallanilla for $65 per year.

Mr. Ramon Gonzales, 297 acres at Isabela for $148.87 per year.

Florencio Cintron, 121 acres at Juana Diaz for $73 per year.

Behn Brothers have 6,270.95 square meters of marshy land adjoining the barrio of Puerta de Tierra, in San Juan, and pay absolutely nothing, and hold the land for 30 years at that; they expect to construct a coal shed or deposit.

So may be found the lands belonging to The People of Porto Rico.

We also adduce as another evidence in our assertion that there are capitalists now carrying farming for personal profit on the public lands of Porto Rico without paying any rent to The People of Porto Rico, or even without the consent of the same, the fact that follows:

As soon as it became known in Porto Rico that the American Federation of Labor, at its Philadelphia convention, had adopted a resolution requesting the honorable President of the United States or the American Congress to appoint a commission to investigate the economic conditions of the island and to ascertain the violations of the organic act of Porto Rico by the corporations holding a larger acreage than is required under the law and to probe what disposition has been made with these lands, from that moment irregularities began to be known as to the use that had been made of these lands, as well as the illegalities existing. And this fact may be proved from the fact that some capitalists candidly had made the statement to the same officials of the Government that for some years past they have been making illegal use of these lands. There was one capitalist who expressed himself before the Senate as follows:

"I have been making free use for many years of some 435 acres pertaining to The People of Porto Rico for the simple reason that I ignored whether these lands were mine or whether they belonged to the People of Porto Rico." These lands were some of the most fertile lands in Porto Rico. And the said gentleman continued as follows in his statement: "But as I am now convinced that these lands belong to The People of Porto Rico, I honestly desire to lease them and pay rent on same from now on."

We have mentioned this case, but this has not been the only one in Porto Rico; and the lands have been leased and not a cent has been paid by anybody for the former use of the land; and the country folk are fairly starving (dying away with hunger) for want of sufficient ground in which to plant anything, and they have not even so much room as to build a shack.

Believing these arguments to be sufficient to demonstrate to what extent the monopoly of the lands exists in Porto Rico, and the illegal use that is being made of the same, we merely stop here with the statement that the total acreage of public lands of Porto Rico in the hands of the corporations privately and individually constituted runs above the 70,000 acres mark.

(To verify the letter from the commissioner of the interior see the issue of the paper Justicia dated January 30, 1915, Vol. II, No. 18.)

IGLESIAS EXHIBIT NO. 16.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., April 15, 1914.

Mr. SANTIAGO INGLESIAS,
Organizer, American Federation of Labor,
Box 807, San Juan, P. R.

DEAR SIR AND BROTHER Enclosed you will please find copy of letter which I have just received from Hon. Jose de Diego, speaker of the house of delegates, together with copy of my reply. I want you to give the subject matter of the enclosed very serious consideration and make full reply to me so that I may have it at the earliest possible moment.

With best wishes, I am, fraternally yours,

SAML. GOMPERS,
President American Federation of Labor.

HOUSE OF DELEGATES, PUERTO RICO,
SPEAKER'S ROOM,
San Juan, April 8, 1914.

MR. SAMUEL GOMPERS,
President American Federation of Labor, Washington, D. C.

MY DEAR MR. GOMPERS: I suppose you are already reposed of your quick and laborious campaign in Porto Rico, and I beg you to excuse me if I trouble your attention, but it is for the importance and transcendency of the matter contained in this letter.

After you having sailed for New York, I was informed that in the meeting which you presided in the Municipal Theatre of our city, it was resolved that you should recommend to Congress in the name of the "Free Federation of Laborers of Porto Rico," the granting of the American collective citizenship to the Porto Ricans.

I thoroughly understand that such a recommendation is inspired in a noble purpose; but I can not conceal that at present the immense majority of the Porto Ricans, rendering a sincere homage to the high value of the American citizenship, desire, however, to maintain its exclusive citizenship of Porto Rico.

Any which the future of our island may be, the Porto Ricans will always feel a high esteem toward the people with which we always have been related with ties of gratitude and affection.

But it is a terrible thing for the Porto Ricans that the policy of the Government of the United States should grant us American citizenship not as a source of rights and liberties, but as a chain which will tie us forever to a perpetual colony. Read the report of the Committee of Insular Affairs of the House of Representatives, regarding the bill of Porto Rico and you

will see that it takes from us all hope to constitute our country as a State of the Union, or as an independent Nation. They want to make us forever a colony; they want to apply the system of the English imperialism, inconsistent with the institutions of the United States.

Within this situation, the Unionist Party and our house of delegates, which as you know, represents the immense majority of this country, have requested the President and the Congress not to adopt a measure, which as the American collective citizenship, may prejudge the future of Porto Rico; even though we accept that the optional citizenship may be permitted, as it is provided in the bill which Mr. Shafroth introduced in the Senate, in order that those Porto Ricans who desire it, could acquire the noble title of American citizenship.

This measure of optional citizenship covers the whole matter and with it a thing, as the citizenship, which must rise voluntarily and freely from the heart, is not imposed to anybody forcedly.

Herewith I am sending you two copies of the last memorial of the house of delegates regarding this matter and under separate cover several other pamphlets on matters relating to our political regimé.

But the principal subject of this letter is to present to your consideration the convenience that the branch of the American Federation of Labor of Porto Rico should not take any action in favor of any of our local parties, but in those matters which directly affect the labor problem.

Concerning the citizenship, the Unionist Party and the Republican Party are here in a frank and open struggle, and any action of the American Federation of Labor favoring the collective citizenship would be understood as a support to the Republican Party.

This matter of the local policy has mostly obstructed the progress of the Free Federation of Labor, and I am very interested in that the labor associations may obtain the greatest exit and receive the aid of all the parties.

The Unionist Party in its last convention consigned in its platform the most important problems of the laborers, and all the leaders of the party are ready to work for the emancipation and welfare of the working classes of Porto Rico.

The question of the citizenship should be postponed until the Government of the United States and the people of Porto Rico may have studied better which should be the future of our island, but meanwhile the important and urgent thing is, without affecting the citizenship, to change the present régime into a system of home rule, which may permit us to show our capacity for self-government and in which our purposes may not be obstructed or paralyzed, as it happened in the workmen's compensation bill, by a aristocratic and oligarchical house, as the executive council.

And hoping that you will give your high and illustrated attention to the matters contained in this letter, I remain,

Sincerely yours,

JOSE DE DIEGO.

AMERICAN FEDERATION OF LABOR.

WASHINGTON, D. C., *April 15, 1914.*

Hon. JOSE DE DIEGO,
Speaker of the House of Delegates, San Juan, P. R.

MY DEAR SIR: Your favor of April the 8th has been duly received, and I assure you I appreciate your letter and its contents and have given the subject matter which you present very serious consideration. It was a great pleasure to me to meet you when in Porto Rico and to have the opportunity of listening to the excellent address you delivered on workmen's compensation and your sympathetic declarations in regard to labor.

Now as to the subject of citizenship for Porto Ricans, I shall make further inquiry into the matter. You can rest assured that whatever I may do, it will be with the object in view of what will best serve the interests of the people of Porto Rico.

Trusting that I may hear from you again at some time, with assurances of my high regard, I am,

Very truly yours,

SAMUEL GOMPERS,
President, American Federation of Labor.

FEDERACION LIBRE DE LOS TRABAJADORES DE PUERTO RICO.

APRIL 29, 1914.

Mr. SAMUEL GOMPERS,
President A. F. of L., Washington, D. C.

DEAR SR. AND BROTHER: I am in receipt of your kind letter of April 15 with which you included a copy of the letter sent to you by Hon. Jose de Diego, speaker of the house of delegates, as well as the reply you made to him, stating that you would make a further inquire concerning the question of citizenship for the Porto Ricans. You, at the same time invite me to give this matter the most serious consideration and to forward you a reply at my earliest opportunity.

The resolution approved at the convention of organized labor held in San Juan, March 31 ult., requesting "that Mr. Samuel Gompers, president of the A. F. of L., present at this convention, urge upon Congress the granting of collective citizenship for the people of Porto Rico," is but a ratification and the repeated petition which the Federacion Libre de los Trabajadores de Puerto Rico, has constantly approved, year after year at its annual meetings and presented each time in the conventions held by the A. F. of L., and favorably endorsed by such conventions at the wish of the workingmens' delegation from Porto Rico. The Federacion Libre has not only believed but still believes this petition for citizenship to be inspired by the noblest purposes, but it understands and has emphatically declared that collective American citizenship, upon being granted by Congress declares and completely defines the status of the People of Porto Rico, and it further consolidates for all time the peaceful revolution brought about by the United States Government upon its taking possession of this island in 1898, that it upset the monarchical régime, annulled military and clerical despotism and bureaucratic insolence and in their place establishes civil liberty, liberty of thought, of the press, of free speech, and association.

Collective citizenship for Porto Rico means its opportunity for complete political liberation as a people aspiring to constitute itself after a democratic form of government, thus obtaining the guarantees for the present and future, all of which will be enjoyed by the laboring masses in their development toward their social and economic welfare and social and human justice.

Mr. de Diego is unable to ascertain whether the immense majority of Porto Ricans wish to keep their Porto Rican citizenship and refuse American citizenship. Truth of the matter is that the vast majority of the people of the island stand positively by the American institutions and have constantly been asking for the right of being made American citizens.

The only persons whose attitude has changed in regard to this matter, whether on account of sentimental or other causes, are the leaders of Unionist Party and even some from the Republican Party. Mr. de Diego, like other prominent leaders, has been asking for collective citizenship for several years; they now refuse this privilege. We, the organized workingmen, are decidedly in favor of collective citizenship and have absolutely no reason to change our attitude or opinion. On the contrary, we affirm that the people of Porto Rico ought to be granted American citizenship through Congress collectively, because it is justice.

This is what we have been asking for for 16 years, even before the organization of the Republican Party on the island, and even before the Unionist Party was what it is to-day, and even before Mr. de Diego was elected speaker of the house of delegates.

Mr. de Diego puts forth as an argument that American citizenship would not be conceded as a source of rights and liberties, but as a chain which will tie us forever to a perpetual colony, but we affirm that there is only one class or kind of American citizenship in the United States, and that is the only one which Congress can grant to us. The idea of Mr. de Diego and others is that they confound American citizenship with the form of local government which Congress might make for the people of Porto Rico and this form may be more or less democratic or advanced, but which in the end can be nothing except a temporal and not a permanent form. American citizenship is permanent. As to whether we shall be recognized as a State of the Union, this is a proposition which can not be decided at this time and nobody is prepared to say what the future representatives of the American people would or would not do.

Texas, New Mexico, Arizona, Oklahoma, and other States of the Union had to wait a long time, perhaps one or two generations, before they were taken

in as States. Therefore, this argument is very premature at this time and we give it absolutely no importance.

It is our opinion that the first step toward the freeing of Porto Rico is that it should be granted collective American citizenship, omitting those who do not choose to become such in just form as proposed in the inclosed bill, and which is none other than a part of the general bill of reforms reported favorably to the House by Chairman Jones at the present session of Congress.

Senator Shafroth's bill proposes individual citizenship and Mr. de Diego admits that, because he is confident, undoubtedly, that the great ignorance of the countrymen and poorest workingmen will contribute to their not adopting it. And, besides, with individual citizenship a very deep division would be established, fed, as it were, by the elements who are interested throughout the island in keeping away the people of Porto Rico from the beneficial influence of the people of the United States.

Mr. de Diego lays before you the convenience for the American Federation of Labor in Porto Rico not to meddle with politics either with one party or the other, and precisely in this matter of American citizenship, because it was understood that when we stood for collective citizenship, it was understood that we favored the Republican Party. The Federacion Libre was established before either of the parties in Porto Rico, and this petition for American citizenship is older standing than the opinions of both parties, and, besides, this is a question which is not and never can be a local proposition of party politics, but rather a national issue of the greatest importance for the entire population of the island of Porto Rico, and above all for the working classes.

We are convinced that the guarantees, rights, liberties, and progress of the working classes of Porto Rico depend largely upon the influence and power lent to it from time to time through the American Federation of Labor, by the American people and National Congress. The Unionist Party, the Republican Party, the house of delegates, and the government of the island itself have paid some attention to the demands of the workingmen, not through any self or spontaneous initiative on the part of the political leaders or representatives of the local government, but through the determination of obtaining justice by the initiative of the organized workers of Porto Rico, assisted, as it were, in a determined and powerful manner by the American Federation of Labor at Washington, and also through the influence of ideas, aspirations, and the powerful example given us every day by the laboring people of the United States, struggling daily for their rights and well-being; if the working people of Porto Rico must be sure of not being persecuted and outstripped in this country, they must be closely united with the labor army of the Nation just as is represented in the American Federation of Labor.

The secret, and not frankly expressed policy of Mr. de Diego is to ultimtaely arrive at a situation of independence of the people such as Cuba, Santo Domingo or Venezuela, and we cannot for obvious reasons stand for any such thing as that.

If you authorized me to participate in the public hearings that are to take place in the Senate and before the Committee on Pacific Islands and Porto Rico when the Jones bill for Porto Rico comes in approved form from the House, I would go to Washington myself at the proper time to present a statement regarding all these very important matters to Porto Rico laboring men, and I would, before all, do my best endeavor to have all demands of our fellow workers including in the new organic act under directions of yours and legislative committee.

Your story of the travel to Porto Rico has been received and read with very much interest.

With best regards, I am,

Fraternally yours,

SANTIAGO IGLESIAS,
Gen. Org. A. F. of L.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., May 6, 1914.

Mr. SANTIAGO IGLESIAS,
Organizer, American Federation of Labor, Box 807, San Juan, P. R.

DEAR SIR AND BROTHER: I have read with a great deal of interest your letter of April the 29th which has just been received. You state the Porto Rican situation clearly and forcefully. As to your suggestion to come on to Washington to appear before the Senate Committee on Pacific Islands and Porto

Rico when the Jones bill is taken up, I would say that your coming on is utterly impractical at this time, because what with the Mexican situation, the canal repeal tolls proposition, and particularly in so far as labor legislation is concerned, it is hardly probable that Congress will take any action at this session on the Porto Rican bill. You may rest assured that the legislative committee of the A. F. of L. will not neglect the matter.

With best wishes, and hoping to hear from you whenever convenient, I am,

Fraternally yours,

SAML. GOMPERS,
President American Federation of Labor.

IGLESIAS EXHIBIT NO. 17.

GOVERNMENT HOUSE, PORTO RICO,
Jajome Alto, October 30, 1911.

MY DEAR MR. IGLESIAS: Replying to your letter of the 28th instant, asking an expression of my opinion in regard to the granting of collective citizenship by the Congress of the United States to the people of Porto Rico, I beg to inform you that I am unreservedly in favor of such action. I believe that the granting of full citizenship of the United States to the people of this island is the paramount political consideration now pending in their behalf; that it would have a far-reaching beneficial effect upon their lives and activities; contribute more than anything else to their happiness and contentment and thus promote the progress and prosperity for their native land, which has become, through the interests of all affected, an inseparable part of the United States.

The people who await this act of justice are sympathetic, lovable, and loyal; there is nothing in their character incompatible with our national life, and their blending into it will add a note of comingled sweetness, patience, and idealism that will perhaps be a beneficial admixture with our more rugged temperament. They and their country have become a part of us and our country; they need and are entitled, from every consideration, to all of the benefits of our institutions, sentimental and otherwise, that such affiliation should bring. They came into our country, as a whole, willingly and gladly more than thirteen years ago, but no opportunity has yet been given them to become citizens without traveling fifteen hundred miles from their present residences in American territory to another part of the United States, which is of course out of the question for the mass of the people, while during that time many thousands of foreigners, with to say the least, no better qualifications than they have emigrated to the United States and individually become citizens thereof and are to-day exercising their rights as such. That this inconsistancy is understood by the people of the mainland, and will be eventually reconciled, is shown by the fact that both of the principal political parties of the United States, in 1906, incorporated into their platforms clauses indicating their intention to support the granting of citizenship to the people of Porto Rico. That such action has not yet been taken is probably due to the fact that the measure has not yet been presented opportunely or in proper form to secure its passage.

The people of Porto Rico have made their desirs for citizenship manifest to all men in high governmental positions who have visited the island, and practically all of such officials, including President Taft and his predecessor, President Roosevelt, have recommended to Congress that it be granted, but measures before Congress or any other legislative body for that matter, must be followed up by those at interest and their friends upon the ground to prevent their being overlooked. Trusting, therefore, that your organization, representing as it does the largest class of people in the island, who are not less interested than all other classes, will adopt such means as may be deemed proper and efficacious for procuring the early consideration of this just and wise measure by Congress, and assuring you of my full cooperation in that behalf, I am,

Very sincerely,

GEO. R. COLTON,
Governor.

HON. SANTIAGO IGLESIAS,
President Federacion Libre, de los Trabajadoes de Puerto Rico,
San Juan, P. R.

IGLESIAS EXHIBIT NO. 18.

Teaching corps.	1913–14	1914–15	Decrease.	Increase.
General superintendents	2	3		
Special supervisors	5	2	3	
Supervising principals	41	41		
Assistant supervising principals	9		9	
Principal teachers	10	10		
Teachers of English	150	110	40	
Graded	795	825		30
Rural	1,350	1,325	25	
Continuation and industrial	50	50		
Manual training and household economics for grades	130		130	
Music	25		25	
Drawing	25		25	
Special	30	20	10	
Agriculture	41		41	
High school	69	59	10	
Total	2,733	2,445	318	30
Increase			30	
Net loss			288	

TRAVIESO EXHIBIT NO. 1.

Comparison of appropriations for department of education.

Appropriation.	1912–1913	1913–1914	1914–1915	1915–1916	1915–1916 savings.
Salaries and contingent expenses, office of the commissioner	$46,000	$75,500	$53,500	$45,450	$8,040
Salaries and contingent expenses, common schools	809,600	1,499,250	1,088,350	1,072,650	15,700
Textbooks and school supplies (common schools)	67,500	135,000	90,000	50,000	40,000
Salaries and contingent expenses, high schools	32,740	110,350	65,635	58,845	6,790
Scholarships:					
United States	16,000	16,000	16,000	8,250	7,750
High schools	8,640	8,640			
Industrial school buildings and maintenance		125,000			
Summer institutes for teachers	1,000	1,000			
Total	981,480	[1] 1,970,740	1,313,485	1,235,202	78,280

[1] Includes additional appropriation of $528,250 granted by the legislature of 1913.

TRAVIESO EXHIBIT NO. 2.

SUPREME COURT OF PORTO RICO, MARSHAL'S OFFICE,

SAN JUAN, PORTO RICO, *February 10, 1915.*

Hon. ARTHUR YAGER,
Governor of Porto Rico, San Juan, P. R.

SIR: I have the honor to report an investigation made by me at Juncos at your request regarding the fight between the police and the strikers at the Juncos Centrale.

My opinion, after the investigation, is that not only were the police fully justified in what they did, but that they are entitled to very high praise in not hurting more of the strikers and in greater degree.

Briefly, as it seemed to me, the situation was this: The strikers of Juncos desired to march to Gurabo. From Juncos to Gurabo the carretera is the logical, best, and straightest line, and known by all to be a public road. The parade turned from this road to the Juncos Centrale with the intention of passing to Gurabo by a trail road which runs between or over the several estates between the Juncos Centrale and Gurabo. This road is variously called in different parts by the names of the adjoining estates. The sworn reason for wishing to go by this road, according to one of the directors of the labor party, was to withdraw from the fields laborers who had not as yet joined the strike.

It seems that the day before this parade the director of the Juncos Centrale. Tomás Survirana, had asked the chief of police of Juncos for police protection from these same strikers. Three policemen had been sent there with orders from the chief to protect the property of the centrale. The manager of this centrale told these policemen that this road was the private property of the centrale and that he wanted it protected, and that under no circumstances should they allow any labor parade to pass over it.

The parade, when it reached the entrance to this road, was stopped by these three policemen and informed that it could not pass over this road. A commission from the parade then went to the office to ask from the administrator of the centrale permission to pass over this road. This permission was refused. Then the parade turned back and went toward Juncos, a distance of from thirty to forty meters. Some hot-heads in the parade urged and insisted that the parade return and attempt again to pass the police. On their second return they were again stopped by the policemen who insisted that they should go away and not attempt to force a passage through the road. Near to where the strikers were stopped were the piles of firewood for the boilers. Perhaps as a means of intimidation to the three policemen who were there alone, or perhaps with the intention to use them as weapons, a number of the strikers seized these logs of wood. The directors of the labor movement busied themselves in taking the clubs from the members of the parade and by voice attempted to persuade all to drop their clubs and stones. Just at this instant the bookkeeper of the centrale, Simón Lizarribal, came running down with a revolver in his hand and pointed it at the strikers. Notwithstanding the threatening attitude of the strikers against the police, the police took time to shove this bookkeeper with his revolver in the storeroom and shut the door on him. This unfortunate interruption of the police at the moment that their attention to the strikers was most necessary and important gave a chance for the row to begin, so that after they had shut the bookkeeper in the storeroom the fight had begun, and in order to prevent the parade from marching over the road they were compelled to use force. I don't think that the strikers in marching through there had any desire to fight, and I am sure, from the action of the police, that they used every means in their power to prevent a row, and that they did their duty in the very mildest possible manner under the circumstances to give the protection to the property, for which purpose they were there. It must not be overlooked that there were but five policemen all told at this point (the Chief of Gurabo and one policeman from Gurabo arrived just as the row started and joined the other three), facing this crowd of from five hundred to one thousand men, all armed with clubs or stones, or at least the clubs and stones so closely available that they only had to be picked up. At the very beginning of the row there were very few of the strikers who had weapons in their hands.

My impression is that if it had not been for the interference of the bookkeeper with his revolver that there would have been no clash of a serious nature between the police and the strikers. It can be said in this connection that when the police were fighting the strikers the bookkeeper and other employees of the centrale were safely shut up in the storeroom and took no part in the fight.

I wish to say that I took quite a number of affidavits from all sides which I believe will sustain my conclusions in the matter. They are filed in the attorney general's office with a report which I am submitting to him regarding these same matters and one or two incidental questions which came up.

Respectfully,

S. C. BOTHWELL.

TRAVIESO EXHIBIT NO. 3.

DEPARTMENT OF JUSTICE OF PORTO RICO,
OFFICE OF THE FISCAL,
Ponce, April 20, 1915.

Hon. HOWARD L. KERN,
Attorney General, San Juan, Porto Rico.

SIR: Answering your letter dated the 18th inst., relative to the details of the riot which took place in this city on the night of March 1, 1915, I wish to inform you that Messrs. Santiago Iglesias, Santiago Carreras, Francisco Paz

Granela, Manuel Texidor, Prudencio Rivera Martinez, Maximiliano Coimbre, and Jesús Rosado were arrested that night on warrant issued by the municipal judge.

Santiago Iglesias was the orator who from the tribune incited the people and who caused the police to interfere on account of his language, the riot thereupon ensuing; Francisco Paz Granela, Manuel Texidor, and Prudencio Rivera Martinez occupied an automobile in which they had come from San Juan and from which automobile revolvers were shot off against the police, and the people were also incited. Maximiliano Coimbre was detained as a consequence of said riot, and a revolver which had been shot off shortly before was taken from him, and Jesús Rosado was also detained as a consequence of the riot and a knife was taken away from him.

There was a dead man, Juan Arroyo (a) Caballero, and another wounded, who is recovering in the "Tricoche" Hospital, whose name is Hermenegildo Robledo. The dead man, it is alleged, was killed by Insular Policeman Norberto Quiles. The investigation is now in your possession. And it was the wounded man who assaulted the chief of police of this district, Mr. Fernandez Nater and Corporal of Insular Police Ferrer with a knife when the latter went to arrest Iglesias in obedience to orders received from his chief.

The investigation against Policeman Quiles is in possession of Y. H., and I await your directions in this case and the return of said investigation, as well as the termination of the present jury trials, to present accusation for riot, misdemeanor, against the parties hereinabove mentioned and the wounded man, now convalescing, Robledo.

Inasmuch as the term to file this accusation is about to expire already, I would appreciate it if you return to me the investigation which is in your possession as soon as possible.

The accused are all enjoying liberty under bail bonds of three hundred dollars each.

Respectfully,

LIBERTAD TORRES GRAU, *Fiscal.*

TRAVIESO EXHIBIT NO. 4.

LIST OF CANE FIRES TAKING PLACE ON THE ISLAND OF PORTO RICO DURING THE RECENT STRIKE OF AGRICULTURAL LABORERS, COMPRISING MONTHS OF JANUARY, FEBRUARY, AND MARCH, 1915.

AGUADA.

February 23, at 8 p. m. the cane fields of the "New Corcega Central Corporation" were set afire from nineteen different parts. The police worked actively and arrested Ramón Ramírez, Fautino Morales, Felipe Alers, and Remigio Esteves. Ramón Ramírez pleaded guilty and charged the other three men with having taken part in the conspiracy. The men were taken before the district attorney and held under $10.000 bail each.

March 16, eight cuerdas of cane were set afire on this date belonging to the central "Coloso." From all appearances the fire was of an incendiary nature.

AÑASCO.

February 9, on this date the cane fields of Colonia "María," belonging to Oscar F. Bravo, were set afire. Six acres were completely destroyed. The fire appears to have been intentional.

February 15, at 10 a. m. thirty-one cuerdas of cane belonging to Colonia "Eugenia" were destroyed by fire. It was proven that this fire was intentional and strikers were suspected of committing this deed.

February 15, at about 12 p. m. six cuerdas of cane on plantation "Tres Hermanos," belong to central "Corcega," were destroyed by fire.

February 17, at about 8 p. m. a fire took place in the "Esperanza" cane plantation, belonging to the Guanica Central. One and one-half cuerdas of cane were destroyed. A public meeting was being held in the town by strikers when the fire occurred.

ARECIBO.

February 10, fires took place during the night in cane fields belonging to the "Caños" and "Cambalache" Sugar Centrals. The same were immediately smothered. There was also a fire in the "Lisas" cane plantation, belonging to M. Savala & Co., 12 acres having been destroyed.

February 17, a fire took place in the "Mercedes" cane plantation belonging to Central "Cambalache." The foreman surprised the criminal in the act and shot at him, but without wounding nor overtaking him.

February 19, the cane fields of Mr. Gandía, district of Hatillo, were also set afire. The police shot at the criminal, but the latter escaped.

February 19, at 11 a. m. fires took place in cane fields belonging to the "Caños" and "Cambalache" Sugar Centrals. The same were smothered immediately.

ARECIBO.

February 22, at 9 p. m. one-fourth cuerda of sugar cane belonging to the "Plantaje" colonia was destroyed by fire.

ARROYO.

February 25, during the night a fire took place in the cane fields of Mr. Rafael Nido. One cuerda of this product was destroyed by fire.

February 28, at daybreak a fire took place in the cane fields belonging to Mr. Fantauzzi. Slight damage was caused thereto. It was proven that the fire was of an incendiary nature.

March 5, during the night another fire took place in the cane fields of Mr. Fantauzzi. About one cuerda of this product was destroyed thereby. From all indications this fire was of a criminal nature.

March 12, about one cuerda of cane, belonging to Central "Lafayette" was destroyed by fire during the night.

March 15, on this date about one-half cuerda of cane, property of the "Lafayette" Central, was destroyed by fire.

BAYAMON.

January 24, at about 10.15 p. m. a plantation belonging to Central "Juanita" was set afire, part of same being destroyed. Antero Pizarro and Juan Pizarro were arrested and held under $1,000 bail.

January 19, at 10 p. m. a fire took place on plantation belonging to Messrs. Dávila & Co. One and one-half cuerdas of cane, valued at $300, was destroyed.

February 9, at 9.10 p. m. an attempt was made to set fire to a cane field belonging to José Barroso, of barrio "Juan Sánchez." A bottle containing kerosene oil was found on the place.

CAGUAS.

February 22, during the night a patch of cane belonging to Angel Barroso was set afire. About one cuerda was destroyed thereby. It was proven that the same was intentional.

FAJARDO.

January 1, at 7 a. m. a fire took place in the "Aguas Claras" plantation belonging to the "Fajardo Sugar Co." Slight damage was caused. On the night of this same day a half cuerda of cane belonging to the "Tolonesa" plantation (Fajardo Sugar Co.) was destroyed by fire.

January 15, at 9 p. m. nine cuerdas of cane were destroyed by fire at the "Fortuna" Colonia.

January 17, at about 3 p. m. a fire took place on the "Santa Rita" plantation belonging to the Fajardo Sugar Co.

January 18, during the night four cuerdas of cane from the "San Pedro" plantation of the Fajardo Sugar Co. were destroyed by fire.

January 21, at about 4 a. m. a fire took place on the "Santa Isidra" plantation of the Fajardo Sugar Co. and slight damage was caused thereto.

February 9, at daybreak two fires took place in the "Santa Maria" and "Aguas Claras" plantation of the Fajardo Sugar Co., situated in the barrio of Ceiba. Three cuerdas of cane were destroyed. The police arrested Pedro

Carmona, Mercedes Filomeno, and Deniel Santos. The municipal judge held these men under $5,000 bail each.

March 15, at about 8.30 p. m. the "Santa Rita" plantation, belonging to the Fajardo Sugar Co., was set afire from different parts. About 1 acre of cane was destroyed thereby.

March 25, at 2.30 p. m. a fire broke out in the cane fields belonging to Successors of Fuente Fría. Slight damage was caused. The fire proved to be of a criminal nature.

March 26, at about 9.15 a. m. about three cuerdas of cane of the "Tolonesa" plantation, belonging to the Fajardo Sugar Co., were destroyed by fire. From all indications this fire was of an incendiary nature.

GUAYAMA.

February 21, at about 1 a. m. a patch of cane of the "Esperanza" plantation, belonging to the Central "Machete," was set afire. About two tons of cane were destroyed. Francisco Soto and Juan Montalvo were arrested and held by the district attorney under $10,000 each. Soto was a watchman of the Central in question, but appeared on the list of strikers.

March 22, at about 7.30 p. m. a fire broke out on the "Vardaguez" plantation of Central "Machete" and four cuerdas of cane were destroyed.

HUMACAO.

February 5, at 10 p. m. a fire broke out in the cane of Mr. Avelino Marquez, situated in barrio Montones de Las Piedras. A little over one cuerda of cane was destroyed. There is reason to believe that the fire in question was of a criminal nature.

February 9, at about 6 p. m. a half cuerda of cane of the "Patagonias" plantation, property of Mr. Roig, was destroyed by fire. From all indications this fire seems to have been intentional.

JUANA DIAZ.

February 21, at about 12 noon a fire took place at Central "Amelia." Some three cuerdas of cane were destroyed as a result thereof.

JUANA DIAZ.

February 22, during the night a patch of cane was set afire at Central "Ponceña." About three cuerdas of cane were destroyed. Florencio Fernández was placed under arrest as the perpetrator of this deed.

February 28, during the night a fire broke out in the cane fields of Central "Luciana" (property of the Guanica Central). About one-eighth part of a cuerda of cane was destroyed.

March 11, at about 11 p. m. a fire broke out at Central "Luciana." About one-third of a cuerda of cane was damaged.

JUNCOS.

February 9, at 9.30 p. m. Manuel Hernandez set fire to cane of the "Santa Ana" plantation, belonging to Central Juncos. Slight damage was caused thereto. Hernandez fled but was arrested the following day and held under $15,000 bail.

MAYAGUEZ.

February 9, on this date a fire broke out in one of the plantations of the Guanica Central and three cuerdas of cane were destroyed thereby.

February 16, two cuerdas of cane were destroyed by a fire at Central "Rochelais" on this date. Jorge Nadal was arrested on the same day for inciting others to destroy cane fields.

February 18, during the night a fire broke out in the middle of a patch of cane on the "Cristy" plantation, belonging to Central "Rochelais." About one cuerda of cane was destroyed. It was proven that this fire was of incendiary origin.

MANAUBO.

February 19, during the night a fire broke out in the "Garona" plantation, belonging to Mr. Fantauzzi. Slight damage was caused thereby.

March 20, at daybreak a small amount of cane belonging to Central "Colombia" was destroyed by fire.

NAGUABO.

February 26, seven cuerdas of cane of the "Esperanza" plantation, property of the Fajardo Sugar Co., were destroyed by fire.

PONCE.

February 20, at "Barrancas," of the Guanica Central, six cuerdas of cane were destroyed by fire. Strikers Ramón del Valle and Lorenzo Nieves were arrested as suspects. Another fire broke out at about 1 p. m. at the "Estrella" plantation of Messrs. Sauri & Subirá. At this latter place twenty-two cuerdas of cane were destroyed. Strikers Marcial Cartagena and Juan J. López, suspects, were arrested.

PONCE.

February 20, at 12 p. m. a fire broke out at the "Esperanza" plantation, of the Guanica Central. Slight damage was caused thereby.

February 20, at about 3 p. m. a fire broke out at the "Estrella" plantation, belonging to Messrs. Sauri & Subirá. Slight damages caused therefrom.

February 28, at about 3 a. m. a fire broke out at the "Fortuna" plantation, which caused slight damage to the cane. Juan Figueroa was arrested on suspicion.

March 11, two fires broke out during the night at Central "Reparada." A meeting of strikers was commenced at the time the fire started. There is reason to believe the same was intentional.

RIO PIEDRAS.

January 21, at about 11 p. m. two cuerdas of cane were destroyed by a fire taking place at "San Patricio" plantation belonging to Messrs. Cerecedo, of San Juan.

SANTA ISABEL.

February 19, during the night a fire broke out at the "Cuatro Hermanos" plantation, and six cuerdas of cane were destroyed.

VEGA BAJA.

February 4, during the night three fires broke out at the "San Vicente" and "Carmen" Sugar Centrals. Some of the cane was destroyed.

February 25, at about 8 p. m. a patch of cane belonging to Mr. Francisco Jimenez was set afire in fifteen different places. Candles were found at various places.

February 28, at about 3.30 p. m. three cuerdas of cane belonging to Mr. Luis García were destroyed by fire.

VIEQUES.

January 23, at the "Leguillon" plantation, belonging to Central "Esperanza," a fire broke out in which thirty cuerdas of cane were destroyed. Alfonso Velázquez was arrested on suspicion.

February 13, at Central "Esperanza," belonging to Mr. Mourraille, a fire took place. This fire was no doubt intentional.

February 22, at 9 a. m. a patch of cane belonging to Central "Arkadia" was set afire. On investigation Rito Ayala was arrested and held under $15,000 bail.

February 24, at 10 a. m. ten cuerdas of cane, belonging to Central "Arkadia," were destroyed by fire. From all indications this fire was intentional.

YAUCO.

January 18, thirty-eight cuerdas of cane belonging to the Guanica Central were destroyed by fire.

YABUCOA.

February 20, at about 1.30 p. m., a fire broke out at Central "Mercedita." From eight to nine cuerdas of cane were destroyed. The police surprised strikers Martín Morales and Victorino Rodríguez as they came out from the place where the fire started. On seeing the police they fled, but were arrested later. Both men were taken before the municipal judge, who held them under $4,000 bail each.

February 21 a fire took place in the cane fields of Messrs. L. Martinez & Co., but the same was smothered immediately.

February 27, at 11 a. m., 20 cuerdas of cane belonging to the "Diaz & Aboy" plantation were destroyed by fire. The fire started at two different places at one time.

TRAVIESO EXHIBIT NO. 5.

MAY 12, 1915.

The honorable the GOVERNOR OF PORTO RICO,
San Juan, Porto Rico.

SIR: I have the honor to enclose herewith a copy of a letter from the district fiscal of Humacao giving results of the cases against persons engaged in the Vieques riots which were appealed to the district court of Humacao from the municipal court of Vieques. You will note from this letter that the fiscal states that he entered into a stipulation with the attorney for the various accused as to the facts, and that the court sentenced those persons in regard to whom the stipulation was entered into to three months in jail in each case.

I am enclosing a copy of this stipulation and a copy of my letter dated May 6, 1915, to the fiscal of Humacao in connection with this stipulation; also a table of the cases tried in the district court of Humacao in connection with the same matter, with the names of the accused, the crimes of which they are accused, and the result of the trial in each case.

Respectfully,

_____,
Attorney General.

Casos de Vieques, Abril de 1915.

CORTE DE DISTRITO DE HUMACAO, P. R.

No. del acusado.	Nombres de los acusados.	Acometimiento y agresión a sotero moreira.	Acometimiento y agresión a sergio brignoni.	Motín campo.	Motín pueblo.	Portar armas.
1	Pedro Encarnación	2 años.		Absuelto.	$200 90d.	
2	Esteban Huertas	2 "	2 años.	"	" "	
3	Santos Torres	2 "	2 "	"	" "	
4	Aquilino del Hoyo	2 "	2 "	"	" "	Sobrese.
5	Narciso Encarnación		2 "	"	" "	
6	Vernancio Cabrera		Absuelto.	"	" "	
7	Benito Ojeda	Sobreseído.				
8	Marcelino Meléndez	2 años.		Absuelto.		
9	Manuel Ojeda 1°	2 años.		"	Sobrese.	
10	Delfín Arizmendes			3 meses.		$30 30d.
11	Francisco Encarnación			1 año.	$200 90d.	
12	Rafael Pérez			1 "		
13	Higinio Colón			1 "	$200 90d.	
14	Manuel Cristián			1 "	Sobrese.	
15	Martin Cruz			Absuelto.		
16	Evaristo Camacho			3 meses.	Sobrese.	
17	Pilar Gonzáles			Absuelto.		$30 30d
18	Ventura Cruz			"		
19	Alejandro García			"	$200 90d.	
20	Juan Mercado			3 meses.		
21	Ambrosio Carrasquillo			3 "	Sobrese.	
22	Carmen de la Cruz			3 "	"	
23	Sixto Cabrera			Absuelto.	$200 90d.	
24	Miguel García			Sobrese.	" "	
25	Simplicio Cardona			3 meses.	Sobrese.	
26	Julio Almestica			3 "		
27	Miguel Hernández			3 "		
28	Martín Rivera			3 "	$200 90d.	

Casos de Vieques, Abril de 1915—Continued.

CORTE DE DISTRITO DE HUMACAO, P. R.—Continued.

No. del acusado.	Nombres de los acusados.	Acometimiento y agresión a sotero moreira.	Acometimiento y agresión a sergio brignoni.	Motin campo.	Motin pueblo.	Portar armas.
29	Juan Gautier			3 meses.		
30	Gregorio Jaime			3 "		
31	Ceferino Monell			3 "		
32	Antonio Rivera			3 "		
33	Manuel Batalf			3 "		
34	Aniceto Serrano			3 "		
35	Antolino Ramos			3 "		
36	Marcelino García			3 "		
37	Aniceto Rodríguez			3 "	Sobrese.	
38	Cruz González			3 "		
39	Juan Becerril			3 "		
40	Alfredo Augustín			3 "		
41	Leonardo Morales			3 "		
42	Diego Camancho			3 "		
43	Lucas Belardo			3 "		
44	Quintín Becerril			3 "		
45	José Rosado			3 "		
46	Nepomuceno López			3 "		
47	Juan Torres			3 "		
48	Rufino Velázquez			3 "		
49	Gabriel Nieves			Sobrese.		
50	Francisco Corsino			3 meses.		
51	Celestino Sanes			3 "		
52	Matías Ramos			3 "		
53	Julián Tapia			Sobrese.		
54	Juan Casillas			3 meses.	$200 90d.	
55	Juan Vélez			3 "		
56	Manuel Ojeda			3 "		
57	Vicente González			3 "	Sobrese.	
58	Julián Torres			3 "		
59	Alfredo Isidoro			3 "		
60	Ramón Figueroa			3 "		
61	Emilio García				Absuelto.	$50 60d.
62	Gumersindo Rojas				Sobrese.	
63	José María Samuel				"	
64	Marcelino Meléndez				$200 90d.	
65	José García				Sobrese.	
66	Alejandro García Félix				"	
67	Basilio Meléndez				"	
68	Daniel Rodríguez				$200 90d.	
69	Eugenio Morales				" "	
70	Antonio Rivera				Sobrese.	
71	Luís González				"	
72	Matías Ramos				$200 90d.	
73	Lorenzo Huertas				" "	

RESUMEN.

Acometimiento y agresión:		
Condenados	7	
Absueltos	1	
Sobreseídos	1	
Total		9
Motin campo:		
Condenados	43	
Absueltos	13	
Sobreseídos	3	
Total		59
Motin pablo:		
Condenados	18	
Absueltos	1	
Sobreseídos	15	
Total		34
Portar armas:		
Condenados	3	
Sobreseídos	1	
Total		4

TRAVIESO EXHIBIT NO. 6.

SAN JUAN, *February 20, 1913.*

To the fiscals, the alcaldes, and the district chiefs of police of Porto Rico:

The proclamation which I have to-day addressed to the people of Porto Rico will show you clearly the attitude of the Government throughout the serious situation existing to-day in this island. It is of absolute necessity that disorder, fire, and riot should cease immediately, and that absolute quietness be reestablished. The parades of laborers armed with machetes, clubs, and other arms must be strictly prohibited, and the machete shall only be used as an instrument of labor when the laborers are about their daily occupation. Meetings at which orators incite the audium and discredit of anybody shall be suppressed and when riot and disorder is provoked.

The peaceful laborer and everyone who desires to engage in his daily occupation shall be protected, and it shall be prevented at all cost and by means of force, if necessary, that the freedom of the peaceful citizen to work and not to join the strike be abridged.

In cases of riot and disorder the leaders and the authors who by their word or by their actions lead the unconscious masses of the people to execute acts of violence and disorder shall be severely punished.

Every authority has the absolute support of the Government to compel the faithful and energetic execution of the law; and absolute neutrality shall be observed in the conflicts between capital and labor, and both shall be protected when within the law, but if any of said elements violate the law they shall be severely punished and the Government is ready not to allow the rights of the laborer to peacefully strike and to demand in a peaceful manner an increase of his salary, either by remaining at home without working or by persuading the employers by word of mouth to increase his salary, to be used as an instrument and as a means to incite the people to commit acts of violence and force to obtain an increase in salary which can not be obtained peacefully.

The Government expects everyone of you to do your duty, and those you will receive the absolute support of the authorities.

ARTHUR YAGER,
Governor of Porto Rico.

TRAVIESO EXHIBIT NO. 7.

[Government House, Porto Rico.]

FEBRUARY 25, 1915.

In accordance with my verbal instructions to you, and in order that you may understand clearly how to exercise your control over the meetings and parades of the striking laborers outside the urban zones, which by my letter of the 20th instant were placed under your control, inasmuch as such meetings are not generally regulated by municipal ordinances, I desire to make the following explanatory statement in writing:

It was not my intention that you should suppress peaceful meetings of the laborers who may gather at some certain point on the public roads or in the barrios for the purpose of discussing in an orderly manner their grievances. So long as these meetings are peaceful and orderly in their spirit and attitude, and so long as the speakers discuss the grievances of the working people within the limits of the law, I desire that you shall not in any way interfere with them.

Noisy and threatening parades of large bodies of workmen for the purpose of intimidating peaceful laborers, or parades which cause or tend to cause the setting of fires in the cane fields or disorder among the people, should be prohibited. This, of course, will not prevent the peaceful use of the roads by the laborers or others who desire to assemble at any point for the purpose of holding a peaceful meeting.

This letter must not be construed as in any manner modifying or withdrawing any part of my proclamation or letter of the 20th instant, but simply as explaining the manner in which you are to execute some of the instructions of the letter.

Respectfully,

ARTHUR YAGER, *Governor.*

The CHIEF OF INSULAR POLICE,
San Juan, Porto Rico.

TRAVIESO EXHIBIT NO. 8.

[Department of Justice of Porto Rico, office of the attorney general, San Juan.]

MARCH 25, 1915.

The honorable the GOVERNOR OF PORTO RICO,
San Juan, P. R.

SIR: I have the honor to submit to you herewith a translation of the report of Fiscal Torres Grau upon the present status of the investigation of the riot in Ponce which occurred as a result of the recent strike.

Yours, respectfully,

HOWARD L. KERN,
Attorney General.

[Department of Justice of Porto Rico, office of the fiscal, Ponce.]

MARCH 24, 1915.

Hon. HOWARD L. KERN,
Attorney General, San Juan.

SIR: In accordance with our telephone conversation of yesterday, I am to-day reporting regarding the particulars of the riot which occurred in this city as a result of the agricultural strike.

My first intention was to present an accusation as quickly as possible before the district court, as a means of avoiding future contingencies, but since the House of Delegates acted in this case, and taking into consideration that the said strike ceased completely, I expected that your honor would send me the record of the house with instructions.

In the course of the investigation of the events there are several declarations which I am forwarding to your honor, as some liability arises therefrom for an officer of the insular police.

According to the declarations which are in my hands, it appears that the labor leader Mr. Santiago Iglesias comported himself in an illegal manner while addressing his hearers, his speech being one of threats, irony, and contempt for the different officials of the Government, for which reason the chief of the insular police of this district, Mr. Fernandez Nater, ordered him to descend from the stump. At this juncture a man armed with a taper file attacked Corp. Ferrer, who was going to execute the orders of his chief, and when the latter saw this he was compelled to come to the aid of his subordinate. Immediately confusion ensued, and shots were fired indiscriminately by the police and by the civilians, the man who attacked the corporal and the captain being wounded and being now an inmate of the Tricoche Hospital, where he is recovering from his wounds.

Now, according to the declarations which I attach, it appears that later on, and when the riot had been subdued, a policeman attacked from behind a man who was retiring and without justification shot at this man, thereby causing his death.

This was what gave rise to the investigation made by the House of Delegates and was one of the principal reasons for withholding presentation of an accusation by me, as public opinion indiscriminately pronounces itself against this policeman.

Inasmuch as he is an employee of the people of Porto Rico—that is, an insular policeman—in accordance with section 64 of the political code, I forward said declarations so that your honor, upon examination thereof, may decide whether I should continue the investigation against said policeman, giving him an opportunity to be present and defend himself, and when said investigation is complete, that it be forwarded to your honor that you may decide what might be most proper in the interests of justice.

Respectfully,

LIBERTAD TORRES GRAU, *Fiscal.*

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Low, Alvin H., attorney ..... VI, 5867
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Lowman, Will A., president, Puget Sound Salmon Canneries Association ..... V, 4365, 4547, 4548
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Lumb, George F., deputy superintendent, Pennsylvania State police ..... XI, 10989, 11010
Lundrigan, John, general superintendent, industrial department, International Paper Co., New York ..... II, 1907, 1954
Lusier, Victor A., cashier, Miners & Merchants Savings Bank, Lead, S. Dak ..... IV, 3646
Lynch, Henry, commercial telegrapher, Winnipeg, Canada ..... X, 9350, 9514, 9515
Lynch, James M., commissioner of labor, State of New York ..... I, 594; II, 1949
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McClure, E. L ..... VI, 5873
McCord, Frank B., vice president, Post & McCord, contractors, New York ..... II, 1608
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McCusker, M., employee, United States Industrial Commission ..... IV, 3835, 3844
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McDonald, Rev. James, pastor, Methodist Episcopal Church, Aguilar, Colo ..... VII, 6767, 6776
McDonald, P. J., president, Los Angeles Planing Mill Co ..... VI, 5616, 5875
McDonnell, Arthur, president, Dyers and Mercerizers' Union ..... IV, 3064, 3086
McDowell, Miss Mary E., head resident, University of Chicago settlement ..... IV, 3328
McElreath, C. H., telegrapher, Detroit, Mich ..... X, 9390, 9527
McFarlane, Arthur E., magazine writer and settlement worker ..... III, 2147
McGill, Rev. Oscar H., social-service secretary, Methodist Church, Seattle ..... V, 4381, 4552, 4553
McGregor, John A., president, Union Iron Works, San Francisco ..... VI, 5405, 5419
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Machinists, International Association of:
Alifas, N. P., president, district No. 44 ..... I, 940
Conlon, P. J., vice president ..... I, 873
Grace, Samuel H., general organizer ..... X, 9863, 10045
Grow, C. F., business agent ..... VI, 5548, 5902
Hannon, William, general vice president ..... VI, 5274, 5398, 5400
Keenan, Edward, business agent ..... III, 2877
Malloy, H. J., general organizer ..... X, 9846
Meagher, James J., former president, Local No. 641, Clinton, Ill ..... X, 9812
Taylor, J. A., agent, district 26 ..... V, 4336, 4343, 4520–4535
Taylor, John G., business agent, Southern Pacific system, Oakland, Cal ..... X, 9874, 10048
Mack, William B., manager, S. E. Slade Lumber Co., the Slade-Wells Logging Co., and the Hump-Tulips Logging Co ..... V, 4292
MacKaye, James, chemical engineer, Cambridge, Mass ..... IX, 8052
McKelway, A. J., secretary for the Southern States, National Child Labor Committee, Washington, D. C ..... XI, 10493, 10861, 10903
McKenzie, A. B., district attorney, Contra Costa County, Cal ..... V, 4994
Mackie, James, former employee of Wanamaker's ..... III, 2317
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McMahon, Dr. Theresa S., teacher, political and social science department, University of Washington ..... V, 4163, 4508, 4563
McNab, John L., formerly United States district attorney and now counsel to Chinese Six Companies, San Francisco ..... VII, 6312
McQuarrie, John, special agent, Colorado & Southern Ry., formerly undersheriff of Huerfano County, Colo ..... VII, 6780
Macy, R. H., & Co., Percy S. Straus, partner ..... III, 2377
Madden, Dan, carpenter, president, Silverbow Trades and Labor Council ..... IV, 3830
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Magnet, Louis, silk-ribbon weaver ..... III, 2572
Malloy, H. J., general organizer, International Association of Machinists ..... X, 9846
Maloney, Miss Elizabeth, financial secretary and business agent, Waitresses' Union ..... IV, 3244, 3253
Manley, Warren, in charge of information and statistical department, San Francisco Chamber of Commerce ..... VI, 5435
Manly, Basil M., director of research and investigation, United States Commission on Industrial Relations ..... VIII, 7505
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March, James E., formerly employment agent for the Erie R. R ..... II, 1342, 1387
Marelli, Henry, attorney at law, counsel for the strikers, Paterson, N. J ..... III, 2529, 2540, 2627, 2631
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Marsh, Benjamin C., taxation expert, New York City ..... IX, 8375
Marsh, E. P., president, Washington State Federation of Labor ..... V, 4390
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Martin, Irving, publisher the Record ..... V, 4865, 4866, 4874
Martin, Samuel, cutting department, cloak workers, New York ..... II, 1067
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Maryland, Miss Anna Herkner, assistant chief of bureau of statistics and information ..... II, 1315, 1380, 1384
Massachusetts, Walter Lincoln Sears, superintendent, State free employment office, Boston ..... II, 1275, 1440
Massey, C. F., organizer, International Association of Bridge and Structural Ironworkers, New York ..... II, 1703

Master Builders' Association, Portland, Oreg., George W. Gordon, former secretary ..... V, 4724
Master Carpenters' Association, New York, Edwin Outwater, president ..... II, 1618
Master Painters' Association, New York, John W. Grimmer, president ..... II, 1752
Master Steam Fitters' Association, New York, George H. Morris, chairman, board of arbitration ..... II, 1723
Mathewson, E. P., manager, Washoe Reduction Works, Anaconda Copper Mining Co ..... IV, 3790
Matthews, John L., editor, the Paterson Press ..... III, 2583
Maurer, James H., president, Pennsylvania Federation of Labor..III, 2957; XI, 10931
Maury, Lowndes, attorney at law ..... IV, 3801, 3988
Maxwell, Dr. William H., superintendent of schools, New York City ..... II, 1880
Mayper, Joseph, general secretary, legislative committee, North American Civic League for Immigrants ..... II, 1358
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Meitzen, Judge E. O., farmer and editor, Hallettsville, Tex ..... X, 9142, 9260, 9288
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  Schwacke, Justus William, president ..... III, 2889
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  Morton, C. E., manager of the employment bureau of the New York and New Jersey branch ..... II, 1247, 1387
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Metz, John A., president, Carpenters' Union ..... IV, 3359
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Miami Copper Co., Adolph Lewisohn, president ..... IX, 8355
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Miller, Miss Dorothy, former clerk in the Fourteenth Street Store, New York. III, 2258
Miller, H. G., lumber business, Kalispell, Mont ..... IV, 3813
Miller, Rodney, organizing engineer, formerly employed by the National Silk Dyeing Co ..... III, 2494, 2500
Mills, James, fruit grower ..... V, 4955, 4969
Mine Workers of America, United:
  Costigan, Edward P., counsel ..... VIII, 7203; IX, 8113, 8126, 8128
  Doyle, Edward L., district secretary-treasurer ..... VII, 6925, 6961; VIII, 6993, 7217, 7334, 7343, 7344
  Drennan, Henry, representative ..... IV, 3821
  Hayes, Frank J., international vice president ..... I, 449; VIII, 7189
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Torpy, Charles B., business agent ... III, 2918, 2921
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Morgan, Henry, secretary, Metal Manufacturers' Association ... III, 2902, 2924
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Morgan, John Pierpont, director, United States Steel Corporation, Northern Pacific Ry., and other corporations ... IX, 8084
Morgan, Thomas F., secretary, Loom Fixers and Twisters' Association ... III, 2413
Morris, George H., chairman, board of arbitration, Master Steam Fitters' Association, New York ... II, 1723
Morton, C. E., manager, New York and New Jersey branch of the National Metal Trades Association employment bureau ... II, 1247, 1387
Moskowitz, Dr. Henry, clerk, Board of Arbitration, New York ... II, 1145
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Cleveland, Frederick A., director ... IX, 8310
Cutting, R. Fulton, president ... VIII, 7934; IX, 8452
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Murray, Dr. T. J., in charge of Murray Hospital ... IV, 3850
Murrin, Thomas D., manager, Hearst Mercantile Co. ... IV, 3578
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Hammond, John Hays, chairman, industrial economic department ... VIII, 7987
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Carpenter, Edward W., former manager ..... II, 1222
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National Society for the Promotion of Industrial Education, Miss Cleo Murtland, assistant secretary ..... II, 1862
National Women's Trade Union League:
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Robins, Mrs. Raymond, president ..... I, 309
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Neary, J. L., credit man, Homestake Mining Co ..... IV, 3641
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New York City:
Baker, Dr. S. Josephine, director, division of child hygiene, New York Department of Health ..... II, 1814
Bell, George H., commissioner of licenses ..... II, 1198
Maxwell, Dr. William H., superintendent of schools, New York City ... II, 1880
Ragan, Adolphus, examiner of accounts ..... II, 1210
Robinson, Herman, former commissioner of licenses ..... II, 1206
Walsh, John H., assistant superintendent schools, board of education, New York ..... II, 1820
Wilcox, Mrs. Anna H., supervisor, continuation schools, New York City .. II, 1859
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New York City High School Teachers' Association, Eli W. Weaver, chairman, students' aid committee ..... II, 1848
New York City Industrial Removal Office, David N. Bressler, general manager ..... II, 1213, 1363
New York Clothing Trade Association, William Goldman, member, executive committee ..... II, 1972
New York Milk Commission, A. H. Larson, statistician ..... II, 1266
New York, New Haven & Hartford R. R., David Van Alstyne, assistant to president ..... I, 883
New York State:
Clark, Mrs. Marion K., chief investigator, bureau of industries and immigration ..... II, 1191, 1193
Cullen, Judge Edgar M., former chief judge, court of appeals ..... XI, 10465
Gernon, James L., chief mercantile inspector, department of labor, New York ..... II, 1838; III, 2373
Hebbard, Robert W., secretary, State Board of Charities ..... IX, 8326
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Mitchell, John, member, New York State Workingmen's Compensation Commission ..... I, 401; IX, 8059
Rogers, William C., chief mediator, department of labor, State of New York ..... II, 1931
Wilson, Lewis A., State inspector of vocational schools ..... II, 1865

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Norman, C. G., former chairman, board of governors, Building Trades Employers' Association, New York..... II, 1672
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North Carolina, Judge Walter Clark, chief justice, supreme court.... XI, 10453, 10903
Northam, G. A., special agent, Homestake Mining Co..... IV, 3630, 3674
Northcutt, Jesse G., attorney, Colorado Fuel & Iron Co., Victor-American Fuel Co., and the Rocky Mountain Fuel Co..... VIII, 7135, 7181, 7402
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O'Hara, Rev. Father Edwin V., chairman, Industrial Welfare Commission of Oregon..... V, 4668
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Park, Edward Leon, interpreter, United States Immigration Service, San Francisco..... VII, 6303
Park, William, general chairman, Brotherhood of Locomotive Engineers.. XI, 10274
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Pauly, Henry, chairman, Local 22, Itinerant Workers' Union..... V, 4242, 4405, 4561
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Groome, Maj. John C., superintendent, State police..... XI, 10965, 11002
King, Millard B., expert assistant of industrial education..... III, 2971
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Peters, Miss Louise Edgar, magazine writer and investigator of longshoremen in England..... III, 2188
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Taylor, Richard H., inspector ..... VII, 6231
White, Henry M., commissioner of immigration, Seattle ..... VII, 6125, 6145
United States Post Office Department, John Wanamaker, former Postmaster General ..... III, 2669, 2707
United States Steel Corporation:
Perkins, George Walbridge, director ..... VIII, 7598, 7610
Morgan, John Pierpont, director ..... IX, 8084
United Textile Workers of America, John Golden, president ..... I, 985, 1012
United Typothetæ of America, Albert W. Finlay, chairman, executive committee ..... I, 609
University of California:
Cross, Dr. Ira B., assistant professor of economics ..... VI, 5412
Hecke, George Henry, farm advisor ..... V, 4952
University of Chicago settlement, Chicago, Miss Mary E. McDowell, head resident ..... IV, 3328
University of Colorado, James H. Brewster, acting professor of law ..... VII, 6632, 6653, 6727
University of Oregon, Dr. F. G. Young, professor, economics and sociology ..... V, 4575
University of Pennsylvania:
Lewis, Dr. William Draper, professor of law ..... III, 2661
Nearing, Dr. Scott, instructor in economics ..... III, 2649
University of Texas:
Austin, Prof. Charles B., division of public welfare, extension department ..... X, 9077
Haney, Prof. Lewis H., chairman, school of economics ..... X, 9149
Holman, Charles W ..... I, 333
Leonard, Prof. William E., instructor ..... IX, 9044
University of Washington:
Berglund, Dr. Abraham, assistant professor of economics ..... V, 4393, 4412
McMahon, Dr. Theresa S., teacher, political and social science department ..... V, 4163, 4508, 4563
Smith, Dr. J. Allen, professor, political and social science ..... V, 4130
Untermyer, Samuel, lawyer, New York City ..... VIII, 7429, 7682
Utah Construction Co., John G. Tyler ..... VI, 5106

V.

Valentine, Joseph F., president, International Molders' Union ..... I, 481
Valentine, Robert G., industrial counselor ..... I, 852
Van Alstyne, David, assistant to president, New York, New Haven & Hartford R. R ..... I, 883
Van Cise, Capt. Philip S., Colorado National Guard ..... VII, 6805; VIII, 7311, 7324
Victor-American Fuel Co.:
Gove, F. E., attorney ..... VIII, 7084, 7347–7362
Northcutt, Jesse G., attorney ..... VIII, 7135, 7181, 7402
Osgood, J. C ..... VII, 6422; VIII, 7241
Snodgrass, B. W., coal-mine superintendent ..... VIII, 7077
Vocational Bureau of Boston, Meyer Bloomfield, director ..... I, 390

W.

Wahrburg, Richard G., president, Employment Agents' Protective Association, New York ..... II, 1177
Waid, D. Everett, architect, New York ..... II, 1657
Waitresses' Union, Chicago, Miss Elizabeth Maloney, financial secretary and business agent ..... IV, 3244, 3253
Wald, Miss Lillian B., superintendent, Henry Street Settlement, New York ..... II, 1965
Walker, Dale, cotton-gin owner, Gregory, Tex ..... X, 9225, 9227
Walker, John H., president, Illinois State Federation of Labor ..... IV, 3196, 3202, 3445
Wallace, John H., hoisting engineer, former member, Washington State Industrial Insurance Commission ..... V, 4358, 4535, 4538, 4547
Walsh, John H., assistant superintendent schools, board of education, New York ..... II, 1820
Wanamaker, John, former Postmaster General ..... III, 2669, 2707
Wanamaker, John, Co.:
  Lynn, Preston P., manager ..... III, 2232, 2256, 2396, 2397, 2398
  Mackie, James, former employee ..... III, 2317
  Smith, Miss Jeannette, former employee ..... III, 2261
Wanamaker, Judge R. M., justice, Supreme Court of Ohio ..... XI, 10864
Warren, Rev. D. C., local elder, Methodist Church, Lead City ..... IV, 3600
Washington State:
  Daggett, Floyd L., chairman, Industrial Insurance Commission ..... V, 4349, 4405
  Ernst, A. B., member, Industrial Insurance Commission ..... V, 4369
  Olson, Edward W., labor commissioner ..... V, 4112, 4414, 4441, 4484
  Wallace, John H., hoisting engineer, former member, Washington State Industrial Insurance Commission ..... V, 4358, 4535, 4538, 4547
Washington State Federation of Labor, E. P. Marsh, president ..... V, 4390
Washington State University. *See* University of Washington.
Watson, Miss Elizabeth C., special investigator, International Child Welfare League, New York ..... II, 1887, 1899
Watson, John, assistant general superintendent, International Mercantile Marine Co ..... III, 2068
Watt, John, business agent, Pattern Makers' Association ..... III, 2914
Waxman, Mrs. Mary, investigator and social worker, Council of Jewish Women ..... III, 2275
Weaver, Eli W., chairman, students' aid committee, New York City High School Teachers' Association ..... II, 1848
Weed Lumber Co., G. H. Wendling, president ..... VI, 5218, 5388
Weitzel, E. H., manager, fuel department, Colorado Fuel & Iron Co ..... VII, 6727; VIII, 7252–7265
Welborn, J. F., president, Colorado Fuel & Iron Co ..... VII, 6545, 6549, 6606, 6668; VIII, 7115, 7245, 7252
Wendling, G. H., president, Weed Lumber Co ..... VI, 5218, 5388
Western Comrade, Frank E. Wolfe, editor ..... VI, 5845, 5992
Western Federation of Miners:
  Kirwan, James, member ..... IV, 3602
  Scoggan, Warren E., member ..... IV, 3621
Western Union Telegraph Co.:
  Brooks, Belvidere, vice president ..... X, 9332, 9512
  Carlton, Newcomb, president ..... X, 9293, 9471
  Carroll, T. W., division traffic superintendent, Chicago ..... X, 9336
  Daly, George, former messenger, Chicago ..... X, 9418
  Hayes, J. P., chief clerk, San Francisco ..... VII, 6230
  Rosenberg, Eli, former messenger, Chicago ..... X, 9420
Wharton, A. O., president, railway employees' department, American Federation of Labor ..... X, 9759, 9765, 9966
White, Henry M., United States commissioner of immigration, Seattle ..... VII, 6125, 6145
White Star Line:
  Campbell, John George, storekeeper, Pier 60 ..... III, 2133
  Platto, Frank C., timekeeper, Pier 60 ..... III, 2109
Wiater, Antoni, laborer, Liebig fertilizer plant, Chrome, N. J ..... IX, 8229, 8237
Widner, Frank T., manager, employment department, Underwood Typewriter Co ..... VI, 5879
Wilcox, Mrs. Anna H., supervisor, continuation schools, New York City ..... II, 1859
Wilde, A. L., secretary-treasurer, Steam Shovel Men's Union, San Francisco ..... VI, 5139, 5160

Williams, Arthur, president, National Association of Corporation Schools, New York ..... II, 1872
Williams, David, editor and manager, Allentown Labor Herald, Allentown, Pa ..... XI, 10942
Williams, J. E., mediator of labor disputes ..... I, 697
Williams, Thomas J., president, building trades department, American Federation of Labor ..... I, 675
Wilson, Lewis A., State inspector of vocational schools, Albany, N. Y ..... II, 1865
Wilson, Hon. W. B., Secretary of Labor ..... XI, 10833, 10921
Wing, Lew, merchant, San Francisco ..... VII, 6220
Winslow, Charles H., in charge of investigation with reference to wages and grievances ..... II, 1059
Wisconsin:
Beck, J. D., member, Wisconsin Industrial Commission ..... I, 278
Leiserson, William M., deputy, Industrial Commission of Wisconsin ..... I, 344
McCarthy, Charles, Legislative Reference Bureau of Wisconsin ..... I, 377
Price, C. W., assistant to the Industrial Commission of Wisconsin ..... I, 285
Wolfe, Frank E., editor, Western Comrade ..... VI, 5845, 5992
Wollner, William S., chief engineer of maintenance, Northwestern Pacific R. R. Co ..... VI, 5095
Women's Garment Manufacturers' Association of Philadelphia, William A. Kelly, secretary ..... IV, 3121, 3126
Women's Trade Union League, National:
Noel, Mrs. Frances N., chairman Los Angeles committee ..... VI, 5717, 5730, 5969
Robins, Mrs. Raymond, president ..... I, 309
Women's Trade Union League of Chicago, Miss Agnes Nestor, president ..... IV, 3377, 3450
Wong Tong, general merchandise, San Francisco ..... VII, 6334
Woo Gen, Chinese wholesale merchant, Seattle ..... VII, 6203
Wood, Dr. A. E., instructor in social science, Reed College, Portland ..... V, 4605, 4745
Wood, C. E. S., lawyer ..... V, 4676, 4768
Wood, John P., vice president, Manufacturers' Association of Pennsylvania ..... III, 2948
Wood, Walton J., public defender of Los Angeles County ..... VI, 5818, 5972
Wood, Wire and Metal Lathers' Local Union No. 46, New York, John T. Taggart, business agent ..... II, 1692
Woods, Arthur, police commissioner, New York City ..... XI, 10550, 10917
Woods, J. T., president, Stockton Building Trades Council ..... V, 4819
Woodward, W. F., druggist ..... V, 4684
Wright, Edwin R., president, Typographical Local Union No. 16, Chicago ..... IV, 3433

Y.

Yager, Hon. Arthur, governor of Porto Rico ..... XI, 11145
Yarrington, Thomas L., telegrapher, Chicago ..... X, 9436
Yazoo & Mississippi Valley R. R., Charles H. Markham, president ..... X, 9699, 9958, 9962, 9965
Yearsley, Miss May ..... IV, 3085, 3089
Yeary, W. B., farmer and banker, Farmersville, Tex ..... X, 9163, 9168
Yost, George W., president, National Association of Bottle and Vial Manufacturers, Bellaire, Ohio ..... III, 3027
Young, Dr. F. G., professor, economics and sociology, University of Oregon ..... V, 4575
Young, Robert, miner, Walsenburg, Colo ..... VII, 6913
Youngblood, B., director, Texas Agricultural Experiment Station ..... X, 9185
Yuba County, Cal., Edward B. Stanwood, district attorney ..... V, 5025

Z.

Zeehandelaar, F. J., secretary, Merchants and Manufacturers' Association ..... VI, 5493, 5514, 5839, 5891–5898
Zucker, Henry, deputy clerk, garment workers, New York ..... II, 1070
Zuersher, Edward, secretary-treasurer, local union, Industrial Workers of the World ..... III, 2585, 2591

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