Working Class Justice

A POPULAR TREATISE ON THE LAW OF INJUNCTIONS IN LABOR DISPUTES

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By Maurice Sugar

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Do You Work For A Living?

If so, read this pamphlet. You are going to learn some things of vital importance to you. You are going to be introduced to yourself. You are going to be shown how you live, how your wife, your children and your babies live; you are going to be shown how you all work; you are going to be shown what your misery makes you do, and you are going to be shown how the courts of the country operate so as to keep you in submission and perpetuate your misery when you do it.
There is considerable variation in the estimates given as to the amount which a man must earn each year in order to exist on any reasonable basis of decency or comfort. But there is a general minimum about which the estimates fluctuate. In drawing some of its conclusions, the Commission on Industrial Relations, which was created by Congress to investigate social problems, and whose members were appointed by President Wilson, uses an estimate of $700.00 per year as the very least that a family can live upon “in anything approaching decency.”

This estimate is rock-bottom. Nearly every other official estimate places it at a higher figure. A municipal committee reports to the bureau of standards in New York City:

“Our conclusions are that below $840.00 a year an unskilled laborer’s family of five persons cannot maintain a standard of living consistent with American ideals.”

The United States Public Health Bulletin, Number 76, signed by Dr. B. S. Warren, surgeon in the United States Public Health Service, and Edgar Sydenstricker, public health statistician, makes an estimate between these two:

“An examination of a number of studies of the budgets of American workingmen’s families indicates that the point of adequate subsistence is not reached until the family income is about $800 a year.”

With these indications of what the minimum may be, let us turn to this last report to discover how many receive enough to live on. The report says, with reference to its estimate of $800 a year:

“Less than half of the wage-earners’ families in the United States have an annual income of that size, according to all statistics of income for workingmen’s families.”
This means that more than half the workingmen’s families do not get enough income to furnish “adequate subsistence”—that is, not enough to live on.

Does this seem exaggerated? Look at the report of the Commission on Industrial Relations:

“Between one-fourth and one-third of the male workers, eighteen years of age and over, in factories and mines, earn less than $10.00 per week ($520 a year); from two-thirds to three-fourths earn less than $15.00 per week ($780 a year). This does not take into consideration lost working time for any cause.”

What does this mean?

It means that from two-thirds to three-fourths of the workingmen in this country do not receive enough to live upon “in anything approaching decency.”

The United States government is authority for this conclusion. The United States government points out that the great majority of workingmen and their families do not get enough to eat, nor enough to wear, nor enough for shelter—in other words, not enough of the bare necessities of existence.

What does this poverty do?

It kills and disables more workmen every year than did our Civil War. The Public Health Bulletin says that each year poverty causes the death from preventable diseases of 250,000 American adults, while causing 4,700,000 others to be disabled. The American youth is so poorly fed, so ill-nourished, that during the recent rush to enlist in the militia, four out of every five sons of the workingmen were rejected by the army doctors as physically unfit!

Major-General William C. Gorgas, surgeon-general of the United States army asserts that if from $1.25 to $2.50 a day were to be added to the laboring man’s wages, the life of the average American would be lengthened at least thirteen years. This statement is corroborated by prominent insurance experts.

Poverty makes criminals. The Chicago Commission on Crime reported last year:

“This pressure of economic conditions has an enormous influence in producing certain types of
crime. Insanitary housing and working conditions, unemployment, wages inadequate to maintain a human standard of living inevitably produce the crushed or distorted bodies and minds from which the army of crime is recruited."

There are other penalties for being an American workingman. The United States Bureau of Labor Statistics for 1915 shows that for that year about 35,000 persons were killed in industries in this country, and that at least one-half of these deaths were preventable.

These are some of the signs which are overlooked by those who point to "our prosperity."

What becomes of the wife of the worker, the mother of his children? Her family cannot live on such a "prosperous" income. The result is that the woman is compelled to share the burden of supporting the family. The Report of the Immigration Commission shows that in the families of the working class, 37 per cent of the mothers are at work. Of these, 30 per cent keep boarders and lodgers, and 7 per cent work outside the home.

That is what poverty does to the mothers of the working class.

What of the daughters of the working class?

Thousands are torn from the normal pursuits and studies of growing girls and thrown into factories, stores and industrial occupations. From two-thirds to three-fourths of these work at less than $8.00 a week. Nearly one-half earn less than $6.00 a week.

They cannot live on this. What do they do? It has been estimated that there are in the country from 500,000 to 700,000 prostitutes!

The first 3 conclusions of the Illinois Vice Commission upon its investigation in 1916 are as follows:

"1. Poverty is the principal cause, direct and indirect, of prostitution.

2. Thousands of girls are driven into prostitution because of the sheer inability to keep body and soul together on the low wages received by them."
“3. Thousands of girls are forced into industrial employment by the low wages received by their fathers; they are separated from proper home influence at an excessively early age; they are inadequately schooled and are insufficiently protected; and many of them become recruits for the system of prostitution.”

These are the daughters of the working class. And that is what “our prosperity” does for them.

The working man finds that he cannot give to the children he loves the education which he so desires they shall have. He must have their help in the struggle to keep alive.

According to the United States Bureau of Education only one-third of the children in our public schools complete the grammar school course, and less than 10 per cent finish high school.

They are taken out to be put to work, in order that the family may keep alive.

“Those who leave,” says the Commission on Industrial Relations, “are almost entirely the children of the workers, who, as soon as they reach working age, are thrown, immature, ill-trained, and with no practical knowledge into the complexities of industrial life.”

Such is the effect of poverty on the education of the workers! The seriousness of the problem of the poverty-stricken children was indicated by Dr. Wiley, the pure food expert, who said:

“Half of the children of the United States are starving. The child who does not have some nutritious food is not alert mentally, and eventually becomes either a criminal, idiot, or imbecile. The very foundations of this government are threatened.”

What of the babies—the babies of the worker? What does poverty do to them?

It kills them.

The investigation made by the Federal Children’s Bureau in Johnston, Pa., demonstrated that:
"The babies, whose fathers earned less than $10.00 per week, died during the first year at the appalling rate of 256 per 1000; on the other hand, those whose fathers earned $25.00 per week or more died at the rate of only 84 per 1000.

"The babies of the poor died at three times the rate of those who were in fairly well-to-do families."

This is what poverty does to the babies of the working class in the United States, the country where "all men are created equal."

Occasionally it is contended that the farmer is not caught in the great whirlpool of poverty. The facts show the truth to be otherwise. In the first place, the farmer is losing his farm. He is becoming a tenant, tilling soil which is not his own. In 1890, 20 in each 100 farms in the United States were tenant operated. In 1910 the number jumped to 37 in each 100. This shows an increase of 32 per cent in the number of farmers who have lost their farms.

And then, what is the tenant farmers' lot? In Texas, where a thorough investigation was made:

"It was found not only that the economic conditions of the tenant were extremely bad, but that he was far from being free, while his future was regarded as hopeless. Badly housed, ill-nourished, uneducated and hopeless, these tenants continued year after year to eke out a bare living, moving frequently from one farm to another, in the hope that something will turn up. Without a large family, the tenant cannot hope to succeed or break even, so in each tenant family, numerous children are being reared to a state which under present conditions will be no better than that of their parents, if as good."

So says the report of the Commission on Industrial Relations.

We have very briefly reviewed the conditions of the working class in the United States. We have seen the condition of the working man; the condition of the work-
ing woman; the condition of their grown sons and daughters, their smaller children, and their babies.

It is a terrible indictment. But it is true!

ANCIENT "CONSPIRACIES"

Bearing in mind the terrible conditions under which the working men in the industrial centers and the farmers in the country are compelled to labor, it would be a miracle were there not to be here and there a strenuous endeavor to break the chains, and to secure more of the necessities and comforts of life.

The time comes when these Americans can no longer tolerate the wretched existence to which they are confined by their miserable pittances. The time comes when the consideration of these men for the health and comfort of their wives, the desire to raise their children in physical decency, the craving to enjoy for themselves some of the reasonable comforts to which, as human beings, they are entitled—the time comes when these things prompt them to demand wages and working conditions which will obtain for them and their loved ones the food, the clothing and the shelter necessary to raise them above the plane of animal existence. They make demands, and the employer, in his desire to accumulate profits, and to continue the domination of his employees, refuses. Finding an appeal to the employer futile, these men in their despair resort to another method. They agree among themselves that they will face starvation rather than remain in slavery. Side by side with them stand their wives, willing to suffer with them in their heroic struggle. Knowing the long, dark days through which they must live in destitution, knowing the long, sleepless nights which they must pass in the despair which is known only to poverty, they determine on the only course open to them. There is a strike.

Have they a right to strike? Do not be too quick to answer yes. Those who bellow so loudly about preserving the constitution, and endeavor to impress us with the sacredness of the courts’ decrees always avoid an investi-
gation into the laws of the past. They know that the laws of the past are not the laws of today. They know that laws have been changed and they know that knowledge of these changes tend to enlighten the worker—to show him how the laws of today must be changed as well. This is the reason that the enemies of the laboring man do not disclose this information and this is the reason that we are going to disclose it.

The first case on the right of workmen to strike was tried in England in 1721. The Journey-men Tailors of Cambridge went on strike. They were indicted for conspiring to raise their wages. They were found guilty. Here is how the court reasoned it:

"It is not for the refusing to work but for the conspiring that they are indicted, and a conspiracy of any kind is illegal although the matter about which they conspire might have been lawful for them to do, if they had not conspired to do it."

Isn't that delicious? If your pay is too low, you can quit. That is not effective. If my pay is too low, I can quit. That is not effective. But if we both meet and both decide to quit—ah—that may be effective. So that is a conspiracy and we may be sent to jail.

As the English Judge Grose says:

"Each may insist on raising his wages if he can, but if several meet for the same purpose, it is illegal and the parties may be indicted for conspiracy."

In other words, the only legal strike would be one in which every man was independently inspired to quit—and all acted simultaneously! Can you imagine such a strike?

Suppose you were a judge and were trying to frame your opinion in such a manner that the workman might think he had some rights, making sure at the same time that he could not exercise them effectively, could you figure up a better way than by giving just such an opinion as appears above?
Bear the reasoning of this old decision in mind. It is the same logic that is used in all our modern cases—as we will show later.

The first case in this country was tried in 1806. The Boot and Shoemakers of Philadelphia were indicted for, among other things, "conspiring to raise their wages." The prosecutor argued to the jury that it was a crime for these men to "confederate and refuse to work unless at increased prices."

The Judge said:

"A combination of workmen to raise their wages may be considered in a twofold point of view: one is to benefit themselves, the other is to injure those who do not join their society. The rule of law condemns both."

So it is illegal for workmen to combine to raise wages to benefit themselves! The workmen were found "guilty of a combination to raise their wages."

"Conspiracy" is the principle upon which this rule is founded—and listen to the judge:

"If the rule be clear, we are bound to conform to it, even though we do not comprehend the principle upon which it is founded. We are not to reject it because we do not see the reason of it."

It might be well to bear this bit of judicial philosophy in mind when we get down to modern cases.

The reasoning of the English case is also found in the New York Hatters Case in 1823. The court said:

"Journeymen confederating and refusing to work, unless for certain wages, may be indicted for a conspiracy."

In referring to the paralyzing effect of these decisions on organizations of workmen, Professor George Gorham Groat of Ohio Wesleyan University says:

"One man might, of course, stop work. But when several stopped at the same time and for the same cause that was almost prima facie evidence of conspiracy."

And conspiracy was criminal. A mighty effective method of keeping workmen in subjection, was it not? The word "conspiracy" has a treacherous sound. Its
use conjures up a picture of a number of outcasts meeting in a den of vice and plotting the most vicious of crimes. In reality, what is the “conspiracy” in these cases? It is the meeting of a group of laboring men in their homes or in a hall and planning to better their conditions and that of their families. As Judge Caldwell says:

“When you substitute ‘agreement’ for ‘conspiracy’ the case falls.”

But they do not substitute.

One of the reasons for the existence of such decisions was the conscious or unconscious saturation of the judiciary with the idea that the employer had a property interest in his workmen. It was not so long before that the law expressly provided for such ownership. After the great plague in England in 1665, in which so many men were killed off, there was a great scarcity of laborers, and consequently the surviving laborers sold their labor power for higher wages. It was then that Parliament took the matter in hand, and fixed the price of labor; and the price of labor generally was fixed by law in England up to 1824. Lord Campbell rebuked an employer who paid more than the law allowed, and warned him that he was laying himself criminally liable by his action.

It is readily seen that this use of the government by the employers of labor practically made the laborer the property of the employer. And through all the development of the law, down to the present day, the legal reflection of this ownership of the laboring man has retained essentially the same characteristics.

MODERN STRIKE LAW

The application of the law of the older cases is not the same as that of the modern. Some progress has been made. While at one time there could be no such thing as a legal strike, today every state in the nation concedes the legality of some strikes. But there is only one state which clearly concedes the legality of all strikes. It is California. In all other states the legality or illegality depends upon the purpose of the strike. Judge Taft says:

“It is the motive for quitting, and the end sought thereby, that makes the injury inflicted unlawful, and the combination by which it is effected, an unlawful conspiracy.”
In other words, the court tells the working man that he cannot quit his job unless his reasons suit the court.

In 1916, after a call by the railway unions for a strike on Labor Day, the newspapers carried dispatches telling of the issuance of injunctions in various parts of the country to restrain the men from quitting!

And this in a free country—a democracy!

Notice how the courts get back to the old cases, agreeing that it is lawful for one man to quit, and unlawful for more than one. In 1906, Judge Loring of Massachusetts said:

"A single individual may well be left to take his chances in a struggle with another. But in a struggle with a number of persons combined together to fight an individual, the individual's chance is small, if it exists at all. It is plain that a strike by a combination of persons has a power of coercion which an individual does not have."

Passing over the point that one man, an employer, by reason of his wealth, may have more power than his 20,000 employees, we are struck with the similarity of this presentation of argument with the opinion of the judges in the old cases.

Here is Professor Groat's explanation of the meaning of this doctrine:

"When many unite to cease at the same time, the chances of accomplishing the unlawful motive becomes greater. This becomes a basis for holding that the motive make a strike wrong. Or again, the acts of many in combination increase the chances for success and therefore undue pressure is brought to bear upon the employer."

In other words, no matter what your motive may be, you, alone, can quit. That is ineffective. No matter what my motive may be, I alone can quit. That is ineffective. But if we quit together—ah, that is effective. Consequently the court will immediately scrutinize our motive. And if the court doesn't like our reasons for quitting, we have violated the law.

Comparison with the old English cases and the old American cases, shows the striking similarity in reasoning.

Abraham Lincoln, in a speech in 1860, referring to the New England shoeworkers' great strike, said:
"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."

Would Lincoln give thanks over the development of judicial legislation in the last half century?

Some of the doctrines of the courts of yesterday are repudiated by the courts of today. Take the workingman of today who, unable to secure the necessities for living in physical decency, combines with his fellow workers and goes on strike. As we have shown, he is permitted to strike in many cases today, where formerly he would have been guilty of violating the law. When he strikes, the employer starts to hire another man to take his place.

Our workman says to himself:

"I am a free-born American citizen. Even if I haven't any property or wealth, I have my liberties, guaranteed to me by the Constitution of the United States, and (let us say) of the State of Michigan. I shall persuade upon this man who is hired to take my job to join me in my fight for life. I shall talk with him when he comes out of the factory. I shall issue circulars appealing to all fair thinking people to help me by refusing to patronize this employer unless he gives me the consideration of a human being. I and my fellows shall work together and plead our cause to these new men, and to the public."

Maybe he gives fervent thanks for the liberties which he considers are his under the fundamental law of the land.

Then he starts to do the things which he has thought about; he starts to carry out his plans to win the strike. If his efforts are futile, he is not interfered with. If they are effective, he immediately finds himself served with an injunction.

"What does this mean?" he asks. "When I talked to these men I did nothing but exercise my right of free speech. When I issued circulars, I did nothing but exercise my right of free press. When I waited with others for the men to come from the factory I did nothing but exercise my right to peacably assemble. All these rights are guaranteed me by the Constitution."
Poor innocent workingman! He does not know that the injunction prohibits him from exercising his "right of free speech," his "right of free press," and his "right of assembly."

But it does! He soon learns. His experience is his teacher.

Here is the first step. When the employer finds that the striking workmen are doing effective soliciting and are convincing his new men that their cause is just, he rushes to his attorney in dismay. The attorney is not worried. He knows what the law will do. He frames a "bill" setting forth the grievances the employer claims to have suffered. He supports the bill by affidavits, usually of some professional strike breakers—most truthful men. He draws up an injunction to be issued. He presents it to the judge, who signs it—in a great majority of the cases, without having read it. Thus the injunction becomes law.

This shows clearly that injunctions against striking workmen are products of the combined efforts of the employer's attorney and the judge. It is not law by statute. It is not law by the people. It is judicial legislation.

It is difficult to believe that the injunction prevents the exercise of some of the most vital provisions of what is known as the Bill of Rights. Yet it is so. And here is how it is done:

**FREE SPEECH AND ASSEMBLY**

Let us take the state of Michigan as an example. The right of free speech and free assembly is prohibited under the garb of "picketing." Almost everyone thinks that it is legal for striking workmen to approach men going to or leaving a factory and talk with them, if it be done peacefully.

It is not legal. It is "picketing."

The Supreme Court of Michigan, in 1898, in a case by Jacob Beck & Sons against the Railway Teamsters' Protective Union, the Detroit Council of Trades and Labor Unions, and others, held valid an injunction which prohibited the striking workmen from remaining in the vicinity of the employer's premises to approach strike
breakers to solicit their help in the struggle. The Supreme Court said:

"To picket complainants' premises in order to intercept their teamsters or persons going there to trade is unlawful. It itself is an act of intimidation and an unwarrantable interference with the right of free trade. The highway and public streets must be free to all for the purposes of trade, commerce and labor. The law protects the buyer, the seller, the merchant, the manufacturer, and the laborer in the right to walk the streets unmolested. It is no respecter of persons; and it makes no difference, in effect, whether the picketing is done 10 or 1000 feet away."

Just look at that paragraph again. Let us take the third sentence and add, in parentheses, a few words to show its real meaning:

"The highways and public streets must be free to all for the purposes of trade, commerce and labor (except to the laborer who is on strike),"

And the next sentence:

"The law protects the buyer, the seller, the merchant, the manufacturer, and the laborer in the right to walk the streets unmolested (except the laborer who is on strike)."

Clearly the "law is no respecter of persons"—if the persons happen to be laboring men on strike.

And picketing is illegal whether done 10 or 1000 feet away! If it is illegal 1000 feet away, it is illegal a mile away, for the same kind of picketing that can be done one thousand feet away can be done a mile away. And if it is illegal a mile away, it is illegal 5 miles away. And if it is illegal 5 miles away, it is illegal at any distance.

This shows to what lengths the courts of this state have gone in making it impossible for labor to win a strike.

A case decided by the Michigan Supreme Court in 1914 shows how thoroughly the judges have killed off the last semblance of the rights of the workingman on strike. In this case, Harry Langell, a member of the International Molders' Union No. 225, was on strike at the Seager Engine Works of Lansing, Michigan. An injunction was issued. Afterwards Langell went up to the
premises of the employer, and stood on the street directly opposite one of the entrances, and remained there while the employees were passing to go to work. He spoke to no one; he interfered with no one. These are the facts as the court states them.

The court found him guilty of contempt of court for violating the injunction.

The Supreme Court upheld the decision, quoting with approval:

"There can be no such thing as peaceful picketing, and consequently all picketing is illegal."

Now, there is a portion of the opinion of the Beck case which reads as follows:

"They (laborers) may use persuasion to induce men to join their organization."

That looks clear, does it not? The workingman is conceded the right to use persuasion to induce men to join his organization.

It would seem that if a man has the right to peacefully persuade another, he necessarily has the right to talk to him. The mental development of the workingman is not such that he is able to communicate his ideas by mental telepathy.

Having the right to talk to a man, he necessarily has the right to meet him. It will not be contended that he must confine himself to the use of the telephone. Supreme Court decisions are effective even where no telephones are in use.

Having the right to meet a man, he necessarily has the right to go to meet him. Peaceful persuasion is not effected by avoiding the one it is desired to persuade.

And having the right to go to meet a man it would seem to follow that he has the right to go to places where he expects that man to be.

But courts have said that he has not this right.

Thus we see how the law gives an abstract right—and how the law acts when there is an endeavor to apply it.

It must have been a situation like this which caused Charles Macklin, a long time ago, to say something like this:

"The law is a sort of hocus-pocus science, that smiles in yer face while it picks yer pocket."
We are reminded of a maxim often uttered by judges: "The law abhors subterfuges."
And we are constrained to add:

**So do the people!**

Now, consider this Langell decision along with the Beck case and note the significance. By the last case, standing still, saying nothing, and doing nothing, as a strikebreaker goes by, is picketing! By the first case, picketing is illegal no matter how far away from the plant it may be done. Thus, according to the law of the State of Michigan as it stands today, it is illegal for a striker to stand still a thousand feet from the plant, and watch a strikebreaker go by—illegal to stand without saying a word, let alone to speak.

"The right of free speech," states Darling, "implies the right to influence persons as to how they shall exercise their legal rights. When one has the right to choose one of two courses, another has the right to address him, to argue the matter and to request him to choose one course rather than the other. The law does not put a ban on the communication of ideas between responsible human beings."

If "the law does not put a ban on the communication of ideas between responsible human beings" the conclusion seems irresistible that laboring men in the state of Michigan are not "responsible human beings."

If you turn to the constitution of the State of Michigan, Article II, Sec. 2, you will find:

"The people have the right peaceably to assemble."

This looks plain enough, does it not? Yet, in the face of this provision, the courts of Michigan say it is illegal for workingmen to picket. Professor Groat says:

"It would hardly be possible for workingmen to carry through a strike without picketing."

Consequently the Courts of Michigan virtually say that it is illegal for workingmen to carry through a strike. According to the Detroit News of July 17, 1916:

"Injunctions have been known in Detroit which have shut off whole districts in which
strikers were not even allowed to walk with their families.”

That disposes of peaceable assembly, does it not?

If the worker does not picket, he loses the strike; if he does, he goes to jail. If he stands alone, he stands no chance. If he joins with others, he is guilty of conspiracy!

His situation presents an even more embarrassing dilemma than that of the Irishman, who, with a companion was chased by a bull. His companion managed to reach a fence but he couldn't make it, so he ducked into a hole in the ground, and the bull thundered over him. Then he came out. Back came the bull and down he went again—and again the bull went over him. After this had happened several times his astonished companion yelled, “You fool, why don't you stay down in the hole?” “Fool yourself,” answered the Irishman as he came out of the hole for the sixth time. “There is a bear in the hole.”

FREEDOM OF PRESS

Our innocent workingman turns to his distribution of circulars. He tells the public that he had been treated unfairly by his employer and asks the help of sympathizers by withholding their patronage from the employer.

That was tried in the Beck case, before mentioned. The circular in that case informed the public that Jacob Beck & Sons had:

“broken faith with the representatives of the Trades Council and the Railway Teamsters’ Union, by annulling an agreement with the above organizations in July last, that none but union men should be employed by that firm thereafter. They have now discharged their union men, and hired non-union men to take their places. We therefore ask all people who believe in living wages and fair treatment of employers to leave this firm and their product severely alone.”

The circuit judge was of the opinion that the man had a perfect right to peacefully distribute these circulars. The Supreme Court reversed him, and prohibited the distribution.
In a strike in Massachusetts, the strikers had a banner in front of the premises, on which appeared the following:

"Lasters are requested to keep away from P. P. Sherry's."

The court said this was illegal.

When union men have sent notices to their fellow union men stating that a certain firm was unfair to them, and asking their fellows not to patronize the unfair firm, the courts have issued injunctions to prevent it.

It is illegal to write to your friends for help!

Freedom of the press? For newspapers—yes. For laboring men—that is different.

Turn to Article II of the Michigan Constitution, Sec. 4:

"Every person may freely speak, write and publish his sentiments on all subjects, being re- sponsible for the abuse of such rights, and no law shall be passed to restrain or abridge the liberty of speech or of the press."

That looks plain enough, does it not?

The Supreme Court of Michigan has held that under this section, one cannot secure an injunction to prevent the publication of a libelous article; which means that no matter how false and malicious an article, it cannot be suppressed—the only remedy is to sue for damages after its publication. The freedom of the press is too valuable to be jeopardized by the issuance of injunctions.

How does the Supreme Court, in strike cases, square itself with these provisions of the constitution?

Conspiracy!

Hark back to the old cases. The "conspiracy" is illegal. Therefore every act done in pursuance of the "conspiracy" is illegal, even though it would otherwise fall under the specific constitutional provisions given above. Picketing is an element which goes to make up the "conspiracy," therefore speech by a picket to strikebreakers is in pursuance of a "conspiracy," and will be enjoined along with the conspiracy, although the right to free speech is "guaranteed" by the constitution.

Suppose the distribution of circulars such as set out above is accompanied by a threat, or "intimidation" on the part of the strikers. (Remember, standing near the plant is "intimidation.")
Then the distribution of the circular becomes a part of the unlawful conspiracy, and will be enjoined, though the right to a free press is "guaranteed" by the constitution. To the average mind it would seem that if a man does something wrong, he might be punished, and if he does something that is not wrong he might be allowed to do it, and not prevented from doing what is right merely because he has done something that is wrong.

But then the average mind is not a judicial mind. Here is a judge who puts it clearly in a single precise paragraph. Judge Caldwell says:

"This proposition, that it is unlawful for men to do collectively what they may do, without wrong, individually, was announced more than a century and a half ago, when all manner of association and co-operation among men offensive to the king or not in the interest of despotic power or of the ruling classes or not approved by the judges were declared by the courts to be criminal conspiracy."

Judge Holloway of Montana does not agree with this conspiracy doctrine entertained by the majority of his fraternity. He says:

"If an individual is clothed with a right when acting alone, he does not lose such right merely by acting with others, each of whom is clothed with the same right."

THE RIGHT TO LIVE

In 1916, the International Harvester Company secured an injunction in Chicago which not only prohibits the exercise of the rights of free speech, free press, and free assembly, but, to quote the words of Dante Barton, investigator for the Commission on Industrial Relations:

"prohibits the American Federation of Labor and the Chicago Federation of Labor and all union men and all other people from helping the strikers with money, or with groceries, or with credit, or with new jobs, or with any kind of assistance or reward."

Barton says:

"If these underpaid foundry workers and molders and other striking workers are hungry or are
out of money, after six weeks of heroic struggle and sacrifice for their families, they are to be branded as criminals and put in jail for contempt of court if they accept a loan or a gift from their fellow unionists to help them over into the day of better industrial justice.

“If union labor, national or state, or city, or local, helps these Chicago strikers to win their particular battle in the general fight of the working people, then all union labor is to be in contempt of court and is to be punished.”

No comment need be added to show the meaning of this. It is slavery!

PRESERVING THE CONSTITUTION

The Michigan Manufacturers’ Association, in fighting the attempt of the laboring men of the State of Michigan to change these judge-made laws, say they are fighting “to preserve the Constitution of Michigan.” We have seen how well preserved the constitution is. What they want preserved are the courts’ decisions. And they have these well preserved now—and stored away for use in all seasons.

The way constitutions have been preserved has caused Judge Sherwood, quoting Cooley, to write:

“The security of individual rights cannot be too frequently declared, nor in too many forms of words, nor is it possible to guard too vigilantly against the encroachments of power, nor to watch with too lively a suspicion the propensity of persons in authority to break through the cobweb chains of paper constitutions.”

Judges are persons in authority and it requires no intellectual effort to note their propensity to break through the cobweb chains of paper constitutions.

If the power of judges to issue injunctions is to continue, then the workingman might as well return to the servitude of his ancestors with his eyes open. To give him a constitution and then to wriggle around it and to ride over it and to crawl under it and to smash through it in the fashion indicated above is—bewildering, to say the least.
Still, if it were done in any other way, it is quite probable it could not be done.
Here and there a judge can be found who indicates the real danger of the injunction in these cases.

Judge Sherwood says:
"Wherever the authority of injunction begins, there the right of free speech, free writing or free publication ends. No halfway house stands on the highway between absolute prevention and absolute freedom.
"If these defendants are not permitted to tell the story of their wrongs, or, if you please, their supposed wrongs, by word of mouth or with pen or print, and to endeavor to persuade others to aid them by all peaceful means in securing redress of such wrongs, what becomes of free speech, and what of personal liberty?"
That is stating it very clearly, is it not?

The Michigan Manufacturers’ Association would have the public believe that this judge is in favor of destroying their factories—he talks just like an ordinary, common sensed man!
The attitude of the Michigan Manufacturers’ Association is in reality like that of Timothy Campbell of Tammany Hall, who said, “What’s the constitution between friends?” Or that of Major McClelland, Colorado state militia commander, who said: “To hell with the constitution.”

Apparently Judge Garoutte of California is another one of the degenerate and violent type of criminal. He says:
"The right of the citizen to freely speak, write, and publish his sentiments is unlimited, but he is responsible at the hands of the law for the abuse of that right. He shall have no censor over him to whom he must apply for permission to speak, write or publish. It is patent that this right to speak, write and publish cannot be abused until it is exercised, and before it is exercised there can be no responsibility. The purpose of this provision of the constitution was the abolishment of the censorship, and for the court to act as censor is directly violative of that purpose."
Does the court act as censor? We have just seen.
Judge Holloway of Montana says:

"To declare that a court may say that an individual shall not publish a particular item is to say that the court may determine in advance just what the citizen may or may not speak or write upon a given subject—is, in fact, to say that such court is a censor of speech as well as the press."

Justice Fenner of Louisiana and Chief Justice Shepard are of the opinion that under the reactionary decisions of many courts, the press "might be completely muzzled, and its just influence upon the public opinion completely paralyzed."

The Michigan Manufacturers' Association says that if this power of strangulation of liberty is taken away from the judges, it will "make it possible to destroy the employer's factory if he does not accede to any demand made upon him." Would they say that these five judges are in favor of destroying factories? Some judges cannot be so respectable after all!

**DOES NOT WORK BOTH WAYS**

We hear it urged, occasionally, that although the employer has the use of the injunction against the employee, the latter can likewise use it against the former. Vicious as this abuse is, it might lose some degree of obnoxiousness if it were subject to mutual application. Let us look into this contention and see if it has any merit.

We have seen that in the state of Michigan an employer may secure an injunction to prevent a striker from approaching a strikebreaker near the shop where a strike is in progress. Let us assume a parallel case, with the parties reversed.

Suppose two workers are living in the same house, and one of them is on strike. Suppose the employer comes to that house, while the striker is there, to try to persuade the other man to go to work for him and help break the strike. Could the striker get an injunction to prohibit the employer from remaining in the vicinity of the house? Not much! If he tried it he would be out of court fast enough to qualify for the finals.

What is the difference between these cases? To the ordinary man they seem identical.

But to the legal mind—how different these cases appear. And here are the legal differences. In the first
place there is no conspiracy! The employer is only one man, while the employees are many. And since there must be more than one to make a conspiracy, the employer is exempt. It makes no difference that one man may be more powerful than a combination of 10,000 of his employees, nor that, as Robert L. McWilliams puts it:

"Under modern economic conditions one person may, because of his situation, be able to inflict far more loss on his competitors or on the public than any number of persons combined for that purpose."

Another reason why the worker could not get an injunction is that he could not show any legal injury. The employer can show that his business is being injured—and that involves the damage of property rights. Can the worker show that his babies are in rags and slumbering in filth for want of decent support? Can he show that the misery and wretchedness of his own existence are being prolonged by the activity of the employer?

No!

Such injunctions issue only in cases of irreparable injury to property. Irreparable injury to life, to health, to comfort and to happiness are not known in the law of such cases. These injunctions concern themselves with property. The worker has no property. So these injunctions do not concern themselves with the worker—except to restrain him.

This was clearly brought out before the Industrial Relations Commission by the testimony of Mr. S. S. Gregory, former president of the American Bar Association. He explained it as follows:

"I might receive, as I leave the room of this tribunal today, a threatening letter from somebody saying that they were going to kill me for something I had said, or had not said before the commission. 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."
The practical conclusion is that the opportunity for the use of the injunction lies with the employer, the owner of property, and not with the employee, who owns none.

Finally, the Commission on Industrial Relations shows how courts have adapted their opinions to the interest of the employers. They say:

"It is proper to contrast the almost uniform prohibition by the State and Federal courts of secondary boycotts in labor cases even to the extent of enjoining the publication of 'unfair lists,' with the decision in the case of Park Co. vs. Druggists' (175 N. Y.) In this case the Park Co., charged that the Druggists' Association fixed prices of proprietary medicines; that they refused to sell to anyone who did not abide by the prices thus fixed; that the druggists combined in this association refused to sell to the Park Co. and that they used spies to ascertain with whom the Park Co. did business with intent to compel such customers to cease doing business with the Park Co. The facts were admitted on demurrer, but the court refused to issue an injunction, holding that the boycott was caused by plaintiff himself and could be removed whenever he saw fit to abide by the association's rules; and further, that there was no conspiracy."

And here is what the Commission says about the case:

"If the same line of reasoning were followed in labor cases, it is difficult to imagine any kind of boycott which would be illegal."

But the same line of reasoning is not followed:

MORE "CONSTITUTIONAL RIGHTS"

Assume that there comes a workman who, in spite of the injunction, believes that he has the right of free speech, the right of free press, the right of assembly. He has gone to school, and there he learned about the Magna Charta, with its guarantee of personal rights and liberties. And he has read the Declaration of Independence, with its clause that "all men are created equal," and are endowed with "certain inalienable rights," including "Life, Liberty and the pursuit of Happiness." He may have read the Federal Constitution, with its guarantees, and the State Constitution, with its incorporated
"Declaration of Rights." He is thoroughly imbued with the dignity of his status as a free-born American citizen, and he has courage enough to try to put his convictions into practice. He walks up to the plant and looks at the workers going by.

He has violated the injunction.

Is he arrested? Oh, no. He cannot be arrested for that. But, you say, if he has done anything wrong, why can he not be arrested? Because he has not committed a crime. But, you say, if he has not committed a crime, how can he be sent to jail? Because he has disobeyed the order of the judge. No rule of the common law has been violated. No statutory law has been broken. The judge's order is the law—and if he disobeys that order, he disobeys the law! Does a policeman arrest him for looking on? No. That is, he has no right to do so. Then how is he taken into custody? He isn't taken into custody.

Here is the procedure: the employer's attorney draws up a petition setting forth the fact that the worker has stood and looked at the shop. No, not the prosecuting attorney—the employer's attorney. This is not a criminal case. Bear that in mind. No criminal law has been violated. Therefore the prosecutor is not concerned. The employer's attorney takes this petition to the judge—usually the judge who issued the injunction. The judge reads that the worker stood and looked at the shop and issues an order, already drawn for him by the attorney.

What is the order? It is issued to the worker, and it is called an "Order to show cause." What does that mean? The complete name of this order issued to the worker is "Order to Show Cause why he should not be punished for contempt of court." His act is considered a "contempt of court" because it is in violation of the order of the court. The order of the court is the injunction. And he is ordered to come into court on a certain day, to show to the court why he should not be punished for contempt of court.

In criminal cases, a man is considered innocent until proven guilty. In labor injunction cases, a man is considered guilty until he proves himself innocent. A striking laborer is not given the consideration of a pickpocket. He is compelled to take the witness stand and show why he should not be punished.
Article II., Sec. 16, of the Constitution of the State of Michigan provides:

"No person shall be compelled in any criminal case to be a witness against himself."

But, you understand, this is not a criminal case; therefore the provision does not apply: it is meant for thieves, murderers, rapists and others who are merely guilty of violating the criminal laws, and not for the ordinary laboring man who has defied the order of a judge. And the striker must take the stand as a witness against himself.

What about the "honor of honest work?" What of the eulogies to the "horney-handed sons of toil?" What has become of this "dignity of labor?"

Dignity of Labor!

When a man is convicted of a minor crime, he is sentenced to jail for one year, or two years, or any number of years provided for the offense. If he is convicted of some serious crime, some heinous offense, which calls for particularly severe punishment he is sentenced to a number of years in jail at hard labor. So much for the dignity of labor in the eyes of the law.

Our workingman has received his education in American schools. He has learned of the great Anglo-Saxon safeguards thrown around personal liberties. He knows that every accused man is entitled to a trial by a jury of his peers.

Indeed!

Not if he happens to be accused of violating an injunction. Here again is a protection of which the criminal can avail himself—but our striking laborers must face trial before a single judge. He can demand a jury until he is exhausted—but to no avail.

Article II., Sec. 13 of the Constitution of the State of Michigan reads:

"The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law."

How does the court get around that? Easy. The Constitution reads "the right of trial by jury shall remain." The court says that means it shall remain as it was before the Constitution was adopted. And since our worker never did have a right to a jury, the Constitution
does not help him. The Constitution merely asserts that anyone who was entitled to a trial by jury before its adoption retains such right.

That is not exactly the way our worker got it in school, but it is a mighty good law!

Suppose he is charged with murder, and pleads not guilty. And suppose on the day of trial he says to the court:

"Judge, I know I am entitled to a jury trial. But I do not want one. I have heard of your reputation for fairness, and I am not only willing but I am desirous that I should be tried by you."

What would the judge say? He would smile, and answer something like this:

"My dear man, I cannot try you. The constitution of this state has thrown safeguards around you. I have no authority to try you. It makes no difference that you do not want a jury. The laws say that you cannot be convicted without a jury, and you cannot waive this protection. This man charged with waiting in the street and killing another man cannot be tried by a single judge. He must have a jury trial.

The man charged with waiting in the street and speaking to another man, must be tried by a single judge. He cannot have a jury trial.

Mr. S. S. Gregory, former president of the American Bar Association, says:

"The constitutions have thrown around the prosecution of criminals 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 him; they are entitled to be heard by counsel.

"But none of those guarantees except perhaps the right to be heard 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 cause until they are sworn in the jury box—has so far commended itself to the wisdom of legislatures"
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 parties for contempt, where the conduct charged against them is criminal, is really an evasion of the constitutional guarantees 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.

"It is an absurdity—a legal absurdity, 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."

Not only does a single judge try the workingman, but in most cases he is tried by the very judge who issued the injunction. In other words, the man is being tried for violating a judge’s order, and is being tried by the very judge who issued the order. It is as if the judge were to say to this man:

"I have ordered you not to do this. The employer informs me that you have violated my order. I command you to come before me and show me why I shall not punish you for disobeying me."

How does that sound? Is it to be expected that the laboring man could get an unbiased bearing under the circumstances? Judges are not super-human. They are subject to the same influences and prejudices as anybody else. Under a set of circumstances such as we have given—the usual circumstances in such cases—the laboring man might just as well serve his time in jail and save the state the expense connected with a trial.

Another injustice that “justly rankles in the minds of everybody that has been a victim of it,” and of everyone else who has a love for the principles of justice and fair play, is the fact that a man may be tried in criminal court for the commission of an offense, and may also be tried for violation of an injunction for the doing of the same act. It is an old principle of our common law that no one shall be twice placed in jeopardy for the same offense.
This principle is older than our constitution, and is another one of those good old Anglo-Saxon prides.

Why does it not apply? Because his trial for violation of injunction is not for the commission of a crime. It is not an offense, apparently. True, it is punishable by fine or imprisonment, or both—but it being the disobedience of a judge's order, and arising out of a civil suit, and not a criminal case, the principle does not apply. It applies only when a man is charged twice with the commission of a crime.

Here is a distinction which the lay mind will find difficulty in grasping. The absurdity is so apparent that the most careful application of sophistry can not hide it. It is a display of characteristic legal reasoning, utterly disregarding substance for the preservation of form—and bad form at that.

Can it be wondered that men raised with a pride in what they believe are institutions of freedom, rebel when they are confronted with such an instrument of oppression? Can it be wondered that men, schooled in the love of liberty, resist when they are forced into subjection to their employer, by the use of this weapon? Can it be wondered that the Commission on Industrial Relations after thorough study of the problem concluded:

"Such injunctions have in many cases inflicted grievous injury upon workmen engaged in disputes with their employers, and their interests have been seriously prejudiced by the denial of jury trial, which every criminal is afforded, and by trial before the judge against whom the contempt was alleged.

"It is felt to be a duty, therefore, to register a solemn protest against this condition, being convinced of its injustice not only by reason of the evil effects which have resulted from this procedure, but by virtue of a conviction that no person's liberty can safely be decided by any one man, particularly when that man is the object of the alleged contempt."

THE LAW MANUFACTURERS

A good many people have a peculiar idea about judges. They consider them as a sort of divine off-spring delegated to guide the more unfortunate elements in humanity
along the path of righteousness. Taft once said that the courts "typify what we shall meet afterwards in heaven under a just God."

There is a difference of opinion on this, however. Representative Charles F. Booker said in Congress:

"Let me say to you that more crimes have been perpetrated against the liberty and lives of the people of this world by judges of courts than were ever perpetrated by the people themselves. Who was the bloody Jeffreys? Was not he the judge of a court? Who condemned the Savior and sent Him to the cross? Was it not a judge? Who condemned Charlotte Corday to the guillotine? Was it the people? Oh, no, it was the judge of a court. Who sent Robert Emmet to the gallows? A court. Who sent the witches of Massachusetts to the stake? Was it the people? Oh, no, it was a judge every time. Who sent hundreds, aye, thousands, to the guillotine during the French Revolution? Judges, of course."

Some light may be thrown on the nature of injunction law by quoting a reference to judges made by Prof. Henry R. Seager, of Columbia University:

"I don't see how any fair-minded person can question but what our judges have shown a decided bias in favor of the employers. I would not be inclined to ascribe this so much to a class bias, although I think this is a factor, as to the antecedent training of judges. Under our legal system, the principal task of the lawyer is to protect property rights, and the property rights have come to be concentrated more and more into the hands of corporations, so that the successful lawyer of today, in a great majority of cases, is the corporation lawyer. His business is to protect the right 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 inevitable a certain angle on the part of a majority of our judges."

These are the judges who issue the injunctions. Prof. Groat says of them:

"The judges' attitude of mind and habit of thought, a result of legal training and legal prac-
tice, become of prime importance. Doubtless this is the cause which has led in so many cases to the decision in favor of the employer."
The Commission on Industrial Relations concludes:

"The bias of the court is nowhere more clearly shown than in cases involving persons and organizations with whose economic views the court does not agree."

The "courts" are judges. The "persons" are laboring men. The "organizations" are labor unions.

Now and then judges themselves have pointed out the disastrous effect of compelling a man to be tried before a single judge, and have opposed the issuance of injunctions in labor disputes. Judge Walter Clark, Chief Justice of the Supreme Court of North Carolina, testified before the Commission on Industrial Relations:

Chairman Walsh:

"Have you studied the effect of the use of injunctions in labor disputes generally in the United States, as a student of economics and the law?"

Judge Clark:

"I do not think they can be justified, sir. Their effect 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 principles 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."

Some judges have spoken with the utmost frankness about the grave dangers which inhere in the despotic powers of the courts. Take, for instance, the straight-from-the-shoulder indictment made by ex-judge W. B. Fleming, of the United States District Court of New Mexico:

"The people can never be free until the tyranny of our judicial system is overthrown. If the spirit
of liberty be not dead in the hearts of the people
a storm will be raised that will sweep this canker
from our system of government."

IMMEDIATE RELIEF

What can be said in defense of the existence of this
power in the courts? Diligent search has uncovered
two arguments advanced in favor of the right of the
courts to issue injunctions in labor disputes. Let us
give these our consideration.

The first is that an injunction is necessary for im-
mediate relief from unlawful activities on the part of
strikers. Let us assume unlawful activities on the part
of the strikers. The question then is: does the injunction
give immediate relief? Any lawyer who has had the
experience will inform you that he has usually compiled
and collected his material for several weeks before he
even makes application for an injunction. He will tell
you from the very nature of the grounds upon which the
prayer for relief is based, he is compelled to wait con-
siderable time to gather evidence to support his applica-
tion. So, as a matter of fact there is nothing immediate
about the "relief" at all. Men could burn a factory, build
it up and burn it again in the time which is sometimes
taken to secure an injunction. The police could arrest
every striker ten times over before an injunction was ever
issued. The immediate relief comes from the police, and
it comes before there is any attempt to secure an injunc-
tion.

In the recent case of the striking printers in Detroit,
Michigan, the strike had gone on for a period of nine
months before an injunction was issued. And the bill
upon which the injunction was issued alleged acts of
strikers as happening ever since the strike started—nine
months before! Apparently the "illegal" acts had been
going on for nine months before the injunction was
brought into use!

Immediate Relief!

Several months later the employer's attorneys filed a
petition, and an order was issued by the court to three
printers, compelling them to show cause why they should
not be punished for contempt of court. They appeared.
Then the hearing was adjourned for one reason and an-
other for a period of six weeks.
Immediate Relief!
The trial took nine days, and the judge took the case under advisement for two months before finding the defendants guilty.

Immediate Relief!
And all this time the printers were not in custody. They were free to go where they pleased—they could continue to "picket" or they could leave the state.

So much for immediate relief.

PREVENTING VIOLENCE

The other argument urged in favor of injunctions in labor disputes is that they are necessary to prevent violence. This is the argument which is so vehemently used by the employers in their attack upon the laboring men of the State of Michigan, who are petitioning to amend the Constitution of the State so as to abolish the power of the judiciary to issue injunctions in labor disputes. The argument constitutes the opening paragraph of an article in the Detroit Saturday Night, which, according to a contemporary, is "a weekly social newspaper printed for those who do not work for a living." It is in such a paper that such an argument most appropriately appears. This article was reprinted by the Michigan Manufacturers' Association and sent broadcast throughout the State of Michigan. The paragraph follows:

"Take the protection of the law away from the employer's property! Make it possible to destroy the employer's factory and his goods if he does not accede to any demand made upon him! Tie and gag the circuit judge to prevent him from coming to the assistance of workers upon whom felonious assault is being made! Mob the employer and all his defenders, but do not let the law intervene. These are the preachments and the demands of organized labor in Michigan today."

That does look rather violent, does it not?

Aside from the expression of an argument, this statement appears as the product of an agitated mind. If we were to believe it, we must stand ready to convict the Commission on Industrial Relations of urging the dynamiting of the factories of employers; we must be prepared to discard all the statements of authorities quoted in this article. We must be willing to indict Judge Sher-
wood, Judge Garoutte, Judge Halloway and Judge Clark, for encouraging the commission of felonious assaults. If, indeed, these judges are such characters as this attack indicates, it ought to be conclusively established, by virtue of that fact, they should not have any power at all and therefore, of course, they should not have the power to issue injunctions in labor disputes.

But let us take the argument for what it is worth. In the first place, when all this violent destruction of property and life is going on, where are the police? The police seem to have been left out of all calculation. That was probably because considering the police would have the effect or spoiling the argument. The only rational explanation is that the author of this argument is of the opinion that labor is advocating the abolition of the police force. This being merely a false impression, we content ourselves with correcting it. The scenes pictured by this article call for the intervention of the police, and no one else. It is a police function to prevent crime, injunction or no injunction.

The police have nothing to do with an injunction. The police cannot arrest a man for violation of an injunction. Men charged with violating an injunction are not arrested. They are ordered to appear before the court upon the petition of the attorney for the employer. But the police do have everything to do with the prevention of crime—and in the event of the attempt to do the things pictured, it is the function of the police to operate for prevention.

The injunction will not prevent violence. How can it? It is merely a piece of paper—an order not to do certain things. How could that prevent violence? There is no mental phenomena which begins to operate when an injunction is issued so as to paralyze the physical activities of anyone. After signing an injunction does the judge go out to the plant and see that it is not violated? Never! Does the court send anyone? No. As far as preventing violence the status of things is the same after the issuance of an injunction as it was before. The fact of the issuance of an injunction neither gives any more power to the police nor takes away any which it already has.

Suppose there is an alleged case of violence. What does the injunction do? It brings the worker up before
the judge who issued the injunction and whose sym-
pathies usually are with the employer, to be tried without
a jury, compelled to testify against himself and subject
to being jailed twice for the same offense. The police
alone concern themselves with the prevention of crime.
The injunction and the criminal law alike concern them-
selves with the punishment after its commission.

THE ENEMY

The laboring men are now campaigning in the State
of Michigan for the abolition of the power of judges to
issue injunctions in labor disputes. It is a tremendous
fight—because there is an enemy of tremendous strength.
That enemy is the combined employers.

The Michigan Manufacturers' Association calls the
effort of labor to abolish the use of injunctions in labor
disputes, "The plan to abolish our courts and smash our
prosperity."

If by "our courts" are meant the courts of the state,
the statement is of course a deliberate falsehood, as the
plan is not to abolish the courts. If by "our prosperity"
is meant the prosperity of the people of the state, the
statement is deliberately false, as the plan is to aid he
people to secure some of this much talked of "pros-
erity."

If, however, the reference by the Association to the
courts of the state by the significant expression "our
courts" is indicative of a belief on their part that the
courts belong to them, it may frankly be admitted that
the intention is to interfere with such ownership; and if
the reference to "our prosperity" applies to the wealth
which is accumulated by the members of the Associa-
tion through the poverty and misery and wretchedness
of the masses, it may likewise be admitted that the plan
is to interfere with such "prosperity."

But pernicious activities of the Michigan Manufac-
turers' Association are not limited to poor argument.

The rottenness of the work of this body and its allied
organizations was disclosed by the Congressional Lobby
Investigation. Commenting on this investigation, the
Commission on Industrial Relations says:
"The substance of this evidence is so well known to Congress and to the people that it is necessary here to call attention only to the fact that the efforts of such associations in preventing the enactment of practically all legislation intended to improve the condition or advance the interests of the workers were not confined to Congress, but were even more effective in the state legislatures."

That the combination of Detroit employers pursue activities in keeping with those to which the Commission refers is disclosed by an article in the Detroit News of July 17, 1916. This article told of the meeting of the employers for the purpose of considering ways and means of defeating the measure proposed to abolish injunctions in labor disputes. After describing preliminary conversation of this body, the News proceeds:

"Having agreed that the newspapers are run 'for revenue only,' this conference was at last on familiar ground. The thing to reach, therefore, in the quest for injunction support was not the newspaper's reason, conscience or sense of humanity—but its purse.

"How to reach its purse? Not in the crude way of a cash bribe—that would be far too raw. One bright, young capitalistic worker, who has been very active in anti-labor lobbying at Lansing, had an idea of reaching that purse by indirection. His theory is that there are two ways of influencing and coercing a person or a paper; you can put money into its purse as a bribe; or you can threaten to take money out of its purse as a punishment. This bright mind conceived that the best way to handle the newspaper would be to take money out of its purse.

"I think that the editorials usually are a reflection of the sentiments of the advertising columns, and I think if we could get to the advertisers we could then reach the editorial writers."

"Advertisers and editorialists please note! Note especially the 'get to' and 'reach.'"

Here is laid bare the campaign methods of the organization—an organized campaign of bribery in order to defeat the measure. This should be borne in mind
when reading any newspaper opposition to the plan, for as the Detroit News says:

"Their proposal reflects rather seriously on the justice of their cause and the honesty of their purpose."

THE FIGHT

This is not a problem for any particular class of men. It is a problem for all classes of men who can lay claim to the doing of things useful in society. The fight against these injunctions is a fight in practice and in principle. It is a fight in practice for those who are in the actual struggle of supporting a family in decency, and find their efforts to secure the essentials for existence blocked by the injunction. It is a fight in principle for those who do not feel the immediate pressure, but who, from considerations of democracy, freedom and justice, find themselves compelled to enlist in the great fight against this instrument of plutocracy, subjection and injustice. The application of the injunction is widespread. In 1916 it was used most effectively against Illinois farmers who were fighting the dairy combines of Chicago in an effort to secure a fair compensation for their produce. Undoubtedly it was the consideration of the universality of the fight for a living that prompted President Hall, of the Illinois Division of the Farmers' Educational and Co-Operative Union of America to notify farmers and their friends in the vicinity of striking miners, to help the strikers as much as possible. The universality of the application of injunction demands the universality of resistance to it. Every man who works for a living is concerned in the successful prosecution of this campaign, and every man who does not work for a living is expected to be on the other side.

Abraham Lincoln characterized our government as one "whose leading object is to elevate the condition of men—to lift artificial weights from their shoulders; to clear the paths of laudable pursuits for all; to afford all an unfettered start and a fair chance in the race of life."

It is apparent that we have not conformed to this standard. The inequality before the law such as grows
from the decisions of the courts in matter concerning
the industrial and economic life of the community, is so
flagrant that denial of its existence can come only from
those who are in pitiful ignorance as to the actualities,
or have a guilty interest in their perpetuation.

The workingmen of the State of Michigan have awak-
ened. They have inaugurated a gigantic campaign for
the purpose of reading back into the constitution the
rights which the judges have read out of it.

It is a movement, not of "the state's leading employ-
ers," but of the state's ordinary workers. It is a move-
ment in the interest of justice. It is opposed by those
who are interested in the perpetuation of wage slavery,
and championed by those who are striving to throw off
their shackles. Enlisted in the great cause should be
every man who has a decent regard for the rights of him-
self and his fellow men.

The great mass of people must be educated to the
danger of the despotism of courts in labor disputes. To
remain unaware of the workings of this influence is to
find oneself subjected to the dictatorship of a judge as
to his very right to live. Ignorance breeds subjection;
freedom springs from knowledge. Let the people know
the truth about the "government by injunction" and
they can be depended upon to deprive the capitalist of this
most efficient department of his business.

If the people are not educated—well, here is what
Judge Seymour D. Thompson told the State Bar Associa-
tion of Texas:

"There is danger, real danger, that the people
will see at one sweeping glance that all the powers
of their government, Federal and State, lie at the
feet of us lawyers, that is to say, at the feet of a
judicial oligarchy; that these powers are being
steadily exercised in behalf of the wealthy and
powerful classes, and to the prejudice of the
scattered and segregated people; that the power
thus seized includes the power of amending the
constitution, * * * that trial by jury and the
ordinary criminal justice of the states, which
ought to be kept near the people, are to be set
aside, and Federal court injunctions substituted
therefor; that those injunctions extend to pre-
venting laboring men quitting their employment
although they are liable to be discharged by their
employers at any time, thus creating and per-
petuating a state of slavery. There is danger that
the people will see these things all at once; see
their enrobed judges doing their thinking on the
side of the rich and powerful; see them look with
solemn cynicism upon the sufferings of the
masses, nor heed the earthquake when it begins
to rock beneath their feet; see them present a
spectacle not unlike that of Nero fiddling while
Rome burns. There is danger that the people
will see all this at one sudden glance, and that
the furies will then break loose and that all hell
will ride on their wings."

The people have been patient. They have struggled,
blindly but courageously, to make headway in the face
of the great restraints placed upon them by judicial
manipulations of the laws. They have resolved to no
longer meekly submit. They have "screwed their courage
to the sticking point," and they will not fail. They will
not tolerate "government by injunction."

About such government, they say, 'even as was written
in the Declaration of Independence:

"When a long train of abuses and usurpa-
tions, pursuing invariably the same object,
evinces a design to reduce them under absolute
despotism, it is their right—it is their duty—
to throw off such government, and to provide new
guards for their future security."

Shall the laws be dominated by property to the sac-
rifice of all personal rights? Shall the people submit to
their judges "doing their thinking on the side of the
rich and powerful?" Shall they surrender to the ju-
dicial oligarchy?

Rather shall they subscribe to, and put into execution,
the words of Abraham Lincoln:

"The people are the rightful masters of the
courts."