

✦ THE CHICAGO TRADE AND LABOR ASSEMBLY ✦

at its regular meeting, Sunday, Nov. 5th, 1893, adopted by an enthusiastic rising vote the following letter by Henry D. Lloyd, and the subjoined resolutions, and ordered 50,000 copies printed and distributed,

TO AID IN THE DEFEAT OF JUDGE GARY.

By order of the Chicago Trade and Labor Assembly,

THOMAS J. MORGAN, Committee.

An Exposure of Judge Gary,

By HENRY D. LLOYD.

"Burden of Monopoly is Light."—Judge Gary.

In the rising issue between the people and monopoly that side will win which has the judges.

As the judges decide, so goes the contest. To enforce their decisions all the police of the cities, and all the sheriffs of the counties can be used, and behind them are the militia of the state, and back of them, in reserve, are the regular army and navy of the United States.

After years of consideration the public demanded and the legislature enacted that the abominations of the truck store system must cease, and that the great employers must no longer force loans of millions from their men, women and children, without interest and without consent by withholding wages. But these laws are not "the law." The judges of the Supreme Court have found for the benefit of the corporations "a higher law" in their ancient and fishy political economy. They set aside the anti-truck store law, and the weekly pay-day law. The too-rich millionaires are made richer, and the million correspondingly poorer, and on the say-so of these judges, without appeal, there is an end of the will and welfare of the people.

Along the line of such late decisions as those of Judge Ricks, at Toledo, and Judge Billings, at New Orleans, lies the good time coming when every workman can be pinned to his task, if need be, by a bayonet.

Judge Gary's public utterances give unmistakable evidence that in this crisis he is on the side of monopoly and against the people, and specially and most bitterly is he against the organizations of labor.

"What can we do to break it down?" he cries of the latter. But the "burden" of monopoly, he says, "is light."

At the Bar Association dinner December 28, 1887, Judge Gary, as reported from his own manuscript by all the leading daily papers, referring to what he called "the arrogant assumption of the labor organizations to control the acts of every man who lives by manual labor," spoke as follows:

"The monopolies of capital are a mischief which calls for a remedy, but the burden from them upon the individual is so light as to scarcely be felt. Corruption in office adds temporary burden to taxes, and frauds at elections put the wrong men in office. But none of these evils, unless in very rare instances, deprives anybody of the necessities of life. The tyranny under which labor groans stops industry and takes bread from the mouths of hungry women and children. What can we do to break it down?"

A judge who thinks that the burden of monopoly "is light" will give a "light" sentence when pronouncing upon those concerned in monopolizing the coal, oil, sugar, flour, lumber, salt, gas, street cars, railways and the other "necessities of life" of the people. So, in Buffalo, two members of the oil monopoly convicted of having conspired to blow up the works of a rival refiner at the risk of murdering a score of workmen were sentenced by a judge who thought the burden of monopoly was "light" to pay a fine of \$250 each. But workmen like those in the Heiss brewery in New York, who distribute circulars asking their friends not to patronize an unjust employer, are sent to the penitentiary for a year.

By this speech, Judge Gary, and the Bar Association which applauded him to the echo, egged on the monopolists in their lamentable attempt—sure to fail—to break up the trades-unions in order to force the disunited and helpless workers to make their contracts as "individuals" with employers massed into corporations and unions of corporations with uncounted millions of capital. He and the applauding bar say to the combinations of capital: "Your offence is light." To the combinations of labor: "We will break you down."

This extenuation on one side, and on the other the passion of the exclamation: "What can we do to break it down?" reveals a prejudice

which, in a great social crisis animating the exercise of judicial power, might do incurable mischief.

Enveloped in several passages of Judge Gary's utterances can be traced the unborn outlines of the judicial opinion, fully conceived and waiting for the time of delivery, holding that in case of a conflict between strikers and Pinkertons or other mercenaries of business ever-member of the trade-union which ordered the strike is guilty of murder if anyone be killed. "The law is (my) common sense," and a few strokes of judge-made logic—chop-logic in the days of the headsmen—choke-logic in these better times of the gallows—could hang or jail the members, for instance, of the Amalgamated Association of Iron and Steel-Workers at Homestead to the accompaniment of "a universal roar of approval."

In an interview in the daily *Tribune*, of January 21, 1888, on the subject of railway passes, Judge Gary gave utterance to the following views, which throw a search-light on his relations to the railway corporations which are the most powerful and the most constant litigants in our courts.

"I have always accepted passes, and probably always shall. I only regret that I can't get more. The passage and enforcement of the Inter-State Commerce law has ruined all my passes that were good for anything; and I would not give much for a pass that will not take a man outside the State of Illinois. If any one has any suspicion that in possession of these passes is liable to influence my judgment, why they are welcome to such suspicion, that's all."

It is unquestionable an abuse, and, as I said before, is only palliated by its being a universal practice. The acceptance of passes is wrong in theory, but very convenient in practice. I intended to go to California next summer, but I don't see how I am going to do so without paying my way beyond the Mississippi River. No, sir; I don't believe a judge was ever influenced by a railroad pass. I am sure I never was, and I have accepted all the passes that were tendered me and only regretted that I did not have more time to use them. You can make that point just as strong as you please."

A railway president, head of one of the most important western roads, Mr. A. B. Stickney, tells very frankly and succinctly in his book on the Railway Problem, that passes are given by the railways, "to legislators, the executive officers, the judicial officers, and to all the clerks, and employees of the several departments of state, then to county boards and the various county officials, clerks and employees; then to city and town boards and their various officers, etc., then to that very numerous class known as 'political workers,' and finally, to every person supposed to be able to do something to aid a railway company in case of political or judicial emergency, or if not so propitiated, to do harm."

In plain English they are meant to be bribes. Let us interpret the velvet word passes into this equivalent. These words quoted above would then read thus:—"I have always accepted bribes, and probably, always shall. I only regret that I can't get more. If anyone has any suspicion that my possession of these bribes is liable to influence my judgment, why they are welcome to such suspicion, that's all. It is unquestionably an abuse, and, as I said before, is only palliated by its being a universal practice. The acceptance of bribes is wrong in theory, but very convenient in practice, etc., etc., etc."

Judge Gary's words and example encourage the railways and the whole army of public servants, from the highest to the lowest, to continue the degrading practice of bribe-giving and bribe-taking. Judge Gary sits in the Court of Appeals to set aside the decision of the lower courts in favor of citizens against the steam and street railway corporations.

Therefore, Resolved, By the Trade and Labor Assembly, that we as heretofore resent the putting forward of this man for any public position, and as good citizens, wishing to see the law wisely, properly and justly administered, enter our earnest protest against the election of Joseph E. Gary as a judge of any court, and we call upon all our friends, whether within the ranks of organized labor or not, even those who are upon the ticket with him, to do their utmost to encompass his defeat, in order to show that we are not so subservient as to be at the beck and call of the press, the monopolists, or our would-be masters.

* This line should read: "this crisis he is on the side of monopoly and against the people, and"

Leaflet Issued by the Chicago Trade and Labor Assembly Reproducing
a Letter from Mr. Lloyd.