

# INDUSTRIAL RELATIONS

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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 irreparable.

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 your 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. JOHANNSEN. 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. Tveitnor, 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 exception 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 corporation, 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 attention, 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 working-men; 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 Hayward 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 violence 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-goo's are reformed Republicans and Democrats, whatever that may mean. The city council was, of course, elected as an anti-corporation 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 "g. 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-goo's; 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. Johanssen.

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 workmen 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 coronor'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 promptly 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 lock-out; 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 inhumanly 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, financial 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 you 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 clump who will take that chance.

Commissioner GARRETTSON. 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 subpoenaed 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 AISHRON. 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 AISHRON. 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 Fein, 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 startling 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 led 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 saying, "Were you ever in a mob?" And Mr. Garretson said, "I was"; and he said, "Did you ever have half a dozen strikers or representatives of strikers jump on you?" And Mr. Garretson said, "I am too smooth." And Mr. Totten said, "If I was as smooth an article as you are, I would not need them, either." There they frankly admitted employing gunmen.

Mr. JOHANNSEN. He said in self-defense. They could not very well deny it here, because we found the pick handles.

Commissioner O'CONNELL. Can I read the Post in here, an article from New York of the 14th [reads]:

"EVEN LAWYERS IN THE NET.

"Dopey Benny's story involves, according to those in the district attorney's office, not only labor leaders, cloak and suit manufacturers, but lawyers and those who have to do with the conduct of justice in this city."

Commissioner WEINSTOCK. In your statement yesterday, Mr. Johannsen, you brought up the McNamara case. May I ask whether you attended the Los Angeles hearing?

Mr. JOHANNSEN. Certainly.

Commissioner WEINSTOCK. You probably then will recall—were you present 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 incident when Mr. Job Harriman was on the stand, and I was questioning him and I said, "You have been interested in labor organizations for years?" "Yes, sir." "You are familiar with their spirit and aims and purposes?" "Yes, sir." "Does organized labor stand for law and order?" "Yes, sir." "Do you know of any instances where organized labor standing, as it claims to stand, for law and order, has disciplined or expelled unionists who have violated law and order by having resorted to violence in labor trouble?" "No." "What then, Mr. Harriman, is the answer to the charge made by organized labor against its opponents that it does not stand for law and order as evidenced by the fact that it retains in high offices of trust and honor and responsibility men who have been convicted of crime?" He said, "Well, you must give me some specific or concrete case." I said, "Let us take the case of Frank Ryan, president of the Structural Iron Workers, who, after being convicted, was retained in his position of international president." Mr. Harriman said, "Did you read the testimony in that case?" I said, "No; I did not." He said, "If you will take the trouble to read that testimony, you will find that Ryan and his associates were innocent men railroaded into prison."

When I came to inquire about the testimony I discovered that it contained only 25,000 pages of type matter, and life being short and I, living under pressure, found it inconvenient to read 25,000 pages of type of testimony in order to determine the guilt or innocence of Frank Ryan and his associates. Last evening, however, there was placed in my possession a copy of the decision rendered by the United States Circuit Court of Appeals for the Seventh Circuit, October term and session, 1913, in the case of Frank M. Ryan et al., plaintiffs in error, v. the United States of America. I find in this decision those 25,000 pages of testimony were epitomized and condensed into a brief form, and I want to read it into the record, and then I want to ask you a 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 to read it, I want to ask you this question: Do you, in common with Mr. Harriman, believe that Mr. Frank Ryan and his associates were innocent men railroaded into prison?

Mr. JOHANNSEN. What do you mean by innocent?

Commissioner WEINSTOCK. That they were not guilty of the crimes charged and of which they were convicted?

Mr. JOHANNSEN. Of course I do.

Commissioner WEINSTOCK. You believe they were innocent men, railroaded into prison?

Mr. JOHANNSEN. I wouldn't want to put it that way exactly—railroaded.

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. JOHANNSEN. Yes; I think there is such a petition.

Commissioner WEINSTOCK. 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 AIGHTON. Yes; but how—

Commissioner HARRIMAN. Yes; that is it.

Commissioner AIGHTON. 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 tremendous 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—Rescinded.

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 operation 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 in every man to be free from the operation 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 Connor v. Consett, Eighty-sixth Connecticut, 641, and is found in the Eighty-sixth Atlantic Reporter, at page 885. 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 workmen 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