

intimate when the spell of it still is heavy upon the mind. That spell held the audience strangely. Throughout the evening there was little applause—little, that is, if what demonstration that was made is measured by the intensity of the emotions aroused. The demeanor of the people is described with absolute truth when it is said that for a great part of the time they were listening in silence and in tears, their eyes dimmed by the pathos and the reality of the struggle, their hearts aching with the tension of it.

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AN OPEN LETTER FROM DANIEL KIEFER TO JAMES W. VAN CLEAVE.

Mr. James W. Van Cleave, Pres. The National Association of Manufacturers.
St. Louis, Mo.

Dear Sir:—Charles Kingsley, in his novel "Alton Locke," portrayed a certain class very much like the anti-Bryanites of the National Association of Manufacturers. He describes the Chartist agitation, and the foolish, unreasoned fear it aroused. The demand for reforms, all of which have by this time either been incorporated into English law, or received the endorsement of England's greatest thinkers and statesmen, was so misrepresented by the aristocratic interests that the business men of the time were deluded into believing that the Chartists stood for riot and plunder. Kingsley tells how a number of London tradesmen hastened to be sworn in as special constables, to protect the city from the imaginary danger; and how they marched about shouting, "God, save the Queen!" On hearing these shouts, he makes his hero state the blunt truth: "What you mean is, 'God save our shops.'"

The National Association of Manufacturers furnishes us with duplicates of these London "society savers" of the past century. Like them, they have let themselves be scared like a crowd of children by a bogey, labeled "Bryanism," displayed before their frightened eyes by representatives of special privilege. Like them, they are trying, by raising patriotic shouts, to conceal the fact that their childish fear is only dread of personal loss. Like them, they are letting themselves be used as cat's-paws for the privileged interests.

When they endorse the political pamphlets you are issuing as president of the Association, they show either that their fright is so strong that they are incapable of realizing the number of absurdities contained therein, or that their ignorance of matters outside of their immediate business interests is so dense that they must take for granted anything of an economic or political nature that designing schemers see fit to tell them.

You ask, "Where are the persons asking for a

modification of the court practices regarding injunctions?" Possibly you do not consider anyone outside of the National Association of Manufacturers as anybody, or you would not ask that question. The question of restricting injunctions was before the people in 1896 and 1900, and both times more than six million voters approved the demand. Only a very small percentage of these voters were either "political laborers" or "truckling politicians." Indeed, most of the trade unionists and truckling politicians voted the other way—to their shame be it said.

But I find it necessary to inform you of a truth that must be news to you, as you do not seem to have grasped it in any of your writings. The right or wrong of a demand has nothing at all to do with the question of who favors it or how many. If it be just, it ought to be granted regardless of the number or the identity of those demanding it.

You declare the demand for a jury trial in cases of indirect contempt to be a reflection upon the judge. Well, what of it? Are there not men on the bench like Peter Grosscup, who was recently shown to have deliberately misquoted the record of Judge Landis's court in the interest of the Standard Oil Company? I would certainly have some misgivings if I were interested in a case against that corporation before Judge Grosscup, no matter how much justice I might have on my side. Honestly, now, wouldn't you feel doubtful yourself? Grosscup is only a type. He was "caught with the goods on." Other judges, as bad or worse, have been more cautious and have covered their tracks.

But the need of a jury trial in indirect contempt cases is shown even in your own objections. You say it would delay and defeat the court in the enforcement of decrees. How could there be much if any more delay in trying a case in the presence of a jury than without one? Only in one way. The jury would want to hear the evidence and arguments of both sides, and carefully consider them, before rendering a decision. If the judge honestly wanted to do the same thing, it would take about as long for him to decide. But suppose he did not want to take time for this? Suppose his mind was made up in advance? Then you are quite right. A jury trial would delay and defeat the court. Don't you think it ought to do so? Now, what kind of a judge would be most likely to object to a jury trial of one of his contempt cases? One who knew his decree to be a proper one, or one of the Grosscup kind?

Your peculiar objections have been voiced by Candidate Taft as well. What stronger indication can there be that, down in his heart, he feels that no reasonable and impartial jury would have upheld him in his own injunction cases? Yet, in spite of this implied admission of your own candidate, you challenge Mr. Bryan to "cite a

single instance of prejudice against workers in the whole record of injunctions by the Federal courts which gives the slightest color for this accusation."

Do you not know that when the practice of substituting court injunctions for legislative enactments was still in its infancy, a man named Woods, occupying a Federal judgeship, issued an injunction against Debs and other officers of the American Railway Union, forbidding them from doing some things which they had no intention of doing, and others which they had a perfect legal right to do if they saw fit? Do you not know that Debs was afterward charged with violating this injunction, his alleged offense consisting of acts already forbidden by law? Do you not know that after a mock trial before Woods, without a jury, Debs was found guilty and sent to jail for six months? Do you not furthermore know that a criminal indictment was found against Debs for the same acts he was said to have committed in violation of the injunction? And do you not know that, in spite of all the efforts of Debs' attorneys to secure a trial of his case on this indictment, which would have come before a jury, the District Attorney insisted on having the case nolle? Why? Before the jury the prosecution would have been compelled to produce the evidence, and this evidence would have shown that when Woods sent Debs to jail for contempt, he did so knowingly without proper cause. The jury would have been compelled to acquit; and this acquittal would have been a public announcement of the unjust and partisan character of Judge Woods' action. Are there not some circumstances in this case which give a slight color to an accusation of prejudice?

Judge Taft's action in the Phelan case was very similar to Woods's, but there was no grand jury indictment here to embarrass him later.

You admit the right of unions to organize, but say you oppose violence, intimidation and murder. That is a part of your attempted defense of the Federal court injunctions. It was sufficiently answered in a little squib that appeared about eleven years ago in the *Johnstown, Pa., Democrat*, somewhat to this effect:

Suppose some judge sitting in equity should enjoin every person from committing any crime whatsoever. What would that mean? That every person charged with crime would be denied the right of trial by jury.

Violence, intimidation and murder are already forbidden by law, but, while most persons charged with committing any of these acts would be given the benefit of a trial by jury, the Federal injunctions that have been issued single out certain persons connected with labor unions for the purpose of depriving them of this right.

You have nothing to say, apparently, in defense of the injunctions that have forbidden peace-

able persuasion or such proper acts as the advancing of railroad fare by a union to some non-union worker. I do not wonder at this. The job is no doubt beyond your power. You could say nothing in defense that would not serve equally well as an argument in favor of establishing a Russian despotism.

Most amusing is your declaration that you were a Democrat until 1896, when, as you say, "The Democratic party ceased to be democratic." It shows that you do not know democracy when you see it. You say the party "ceased to be democratic" at the very time it only began to be so. But your statement certainly means, if it means anything at all, that previous to 1896 the party was as democratic as yourself. Yet, you say in regard to the free trade in trust products plank of the Denver platform, "As nearly every sort of a business which is conducted on a large scale throughout the country would come under the Bryanite definition of a trust, what does Mr. Bryan propose to do with the factories which his policy would close?" You thus show that you hold that American industries need a protective tariff. If you did not, you would not ask the question you do. Yet you were "always a Democrat until 1896." And you furthermore let it be understood that you would be a Democrat today if the party stood in the same position it did previous to that year. That means, among other things, you favor such a platform as the party had in 1892, a platform that declared protection to be a fraud and a robbery of the American people, and furthermore denounced it as unconstitutional. This was the foremost plank of that platform, the one on which the campaign was fought and won.

You would have us believe that you favored this principle, that you only opposed the Democratic party because it does not occupy the same position it did in 1892, and yet you forget yourself further along to such an extent that you declare protective duties to be necessary and justifiable.

It is well you are responsible only to such an organization as the National Association of Manufacturers. No other would tolerate such a blunder in a public statement of its president. Certainly no labor organization would fail to have members with sufficient political and economic knowledge to see that it was not made ridiculous by such contradictory statements in the same pamphlet.

It is possible that you share with the other members of your organization the silly fear of the bogey labeled "Bryanism," with which beneficiaries of vested wrongs are trying to scare the country. This may account for the state of mind that causes you to declare yourself on both sides of the same question. But it certainly does not improve the quality of your reasoning and arguments.

Yours truly,
DANIEL KIEFER.

Cincinnati, Sept. 7, 1908.