

The "Labor Library" And The Post Office

Madden Delivers Another of His Learned Decisions—Debars Leaflets on the Ground that They Are "Books"!!!—The Correspondence in the Case, With Comments.

I.
Post Office Department,
Office of the Third Assistant Postmaster General,
Classification Division,
Washington, D. C.
May 16, 1905.
Publisher of "Labor Library," New York, New York.

Sir:—You are hereby notified that, in accordance with the Act of Congress approved March 3, 1879 (ch. 851, 31 Stats. at L. 1107), you will be granted a hearing at the office of the Third Assistant Postmaster General, Washington, D. C., at 1:30 p. m., on Tuesday, June 13, 1905, to show cause why the authorization for the admission of "Labor Library," to the second class of mail matter under the Act of March 3, 1879, should not be revoked, and why the third-class rate of postage should not be charged for the transmission of that publication in the mails upon the following ground:

That the issues of the "Labor Library" do not constitute a newspaper or other periodical publication within the meaning of sections 7, 10, 12 and 14 of the Act of Congress of March 3, 1879 (Chap. 180, 1 Supp., R. S., page 246) governing "mailable matter of the second class" but come within the provisions of Section 17 of said Act, and, are, therefore, third-class matter and chargeable when sent in the mails at the rate fixed by law for that class of mail matter.

Your answer, in writing, must be submitted on or before June 13, 1905.

Should you desire to avoid the expense and trouble incident to a trip to Washington, your written answer will be given the same full and painstaking consideration as though you appeared in person or by representative.

Respectfully,
Edwin C. Madden,
Third Assistant Postmaster General.
GGT—w
Registered.

EXTRACTS FROM THE ACT OF MARCH 3, 1879, IN RELATION TO "MAILABLE MATTER OF THE SECOND CLASS."

Sec. 47. Mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals; and as frequently as four times a year, and are within the conditions named in sections twelve and fourteen.

Sec. 48. The conditions upon which a publication shall be admitted to the second class are as follows:
First.—It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.
Second.—It must be issued from a known office of publication.
Third.—It must be formed of printed paper sheets, without board, cloth, leather or other substantial binding, such as distinguish printed books for preservation from periodical publications.
Fourth.—It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: Provided, however, that nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates. (Act of March 3, 1879, sec. 14, 30 Stats., 359.)

II.
New York Labor News Co.,
2, 4 and 6 New Reade Street,
New York, May 19, 1905.
Edwin C. Madden, Esq.,
Third Assistant Postmaster General,
Washington, D. C.

Dear Sir:—Yours of May 16, C. D. No. 3598, notifying us to show cause on or before June 13, 1905, why the authorization for the admission of "Labor Library" to the second class of mail matter should not be revoked, received; and we answer as follows:

The "Labor Library" is entitled to the second class rates of postage, because:

First.—It is a periodical publication published at regular intervals and more frequently than four times per year, to wit: a monthly publication, whose issues are numbered consecutively.

Second.—It is so wrapped for mailing as to permit of easy examination by the Postal Authorities, that they may ascertain whether or not matter subject to a higher rate of postage is contained.

Third.—It is issued from a known office of publication.

Fourth.—It is formed of printed sheets, without board, cloth, leather, or other substantial binding, such as distinguish

printed books for preservation from periodical publications:

Fifth.—It was originated and is published for the dissemination of information of a public character, and has a legitimate list of 334 subscribers, whose subscriptions are paid for by the subscribers themselves.

Sixth.—It is not designed primarily for advertising purposes, nor is it designed for free circulation or for circulation at nominal rates; neither does it violate any copyright granted by the United States.

Seventh.—It issues no supplement separate from the publication itself.

The "Labor Library" is not properly subject to the third class mail matter rates of postage, because:

First.—It does not come within the provisions for third class matter contained in Section 17 of the Act of Congress of March 3, 1879 (Chap. 180, 1 Supp., R. S., page 247.)

Second.—It is not a book nor a transient newspaper.

Third.—It is not a "circular" in the meaning of sections 17 and 18 of said Act, inasmuch as:

(a) It is not, "according to internal evidence," a printed document addressed in identical terms to "several persons," nor is it mailed by a "sender" in the meaning of the term as used in section 18 of said Act.

(b) It is a regular periodical publication of a public character; devoted to scientific discussions of public questions.

(c) It is "sent" only to such individuals or organizations as order and purchase copies of it or who subscribe and pay for it, at its regular prices and rates.

(d) There is no free circulation of it, except that a few sample copies are occasionally mailed, in strict compliance with the provisions of the law regulating the mailing of "sample copies" as second class mail matter.

(e) Its price is not a nominal price, but is a reasonable and adequate price, based upon the cost of the publication of the periodical.

Fourth.—It is, therefore, not a periodical in the meaning of section 17, but a periodical of that class embraced by the provisions of section 7, 10, 12 and 14 of the Act of Congress above referred to, providing for "mailable matter of the second class."

In consideration of the facts herein set forth, we trust that you will find the "Labor Library" is entitled to admission to the second class of mail matter; and that its authorization for such admission will not be revoked.

Respectfully,
New York Labor News Co.,
Publishers of "Labor Library,"
By Charles H. Chase,
Manager.

III.
Post Office, New York, N. Y.
Office of the Postmaster.
June 20, 1905.
Publishers of the "Labor Library,"
2-6 New Reade Street,
New York, N. Y.

Gentlemen:—You are hereby informed that upon consideration of the rule to show cause and after a hearing accorded the publisher on June 13, 1905, the Post Office Department determines that the "Labor Library" is not entitled to transmission in the mails at the second class rates of postage because it appears from evidence in possession of the Department that the issues of the "Labor Library" do not constitute a newspaper or other periodical publication within the meaning of sections 7, 10, 12 and 14 of the Act of Congress of March 3, 1879 (Chap. 180, 1 Supp., R. S., Page 246) governing "mailable matter of the second class," but are in fact books, which, under section 17 of said Act, are third class matter, and chargeable when sent in the mails at the rate fixed by law for that class of mail matter.

Therefore, the authority issued for the acceptance of the "Labor Library" for mailing at the second class rates of postage has been revoked.

Any copies of this publication mailed hereafter will be subject to postage at the third rate—one cent for each two ounces or fraction thereof—to be prepaid by stamps affixed to each separately addressed copy or package of undressed copies.

You are also informed that no notice of entry of the publication as second class matter should appear upon any copies hereafter printed.

Very respectfully,
William R. Wilcox,
Postmaster.
Per E. N. Morgan,
Assistant Postmaster.

The decision, then, is that the "Labor

Library" leaflets are books!!!

In the light of this learned decision, we realize that a large book business we have been doing. We recently sent 18,000 "books" to Section San Francisco; and Buffalo, Los Angeles and some of our other Sections also sent in similar large orders for "books." How Harpers, Appleton, and the other publishing houses must envy us our "book" business!!!

Now we would hardly presume to say, or even think the high authorities at Washington have erred in their decision, in fact we know for sure that the issues of the "Labor Library" are books; but, when we first saw the decision, before we had time to consider what respect and deference we owe the honorable officials of our country, we admit we did feel that calling such a publication books was about the most ridiculously absurd thing we could imagine. If the information hadn't come from Washington, and on the official letterhead of Third Assistant Postmaster General Edwin C. Madden, we would think yet that it was ridiculous.

Some people have been telling us that the Post Office Department is bribed and manipulated by the express companies in such a way as to deny legitimate matter the second class privilege, so that it will have to be sent by express at regular express rates, paid to the express companies; they say that is why the Postal rulings are always so favorable to the express companies; and they have been saying also that the capitalist politicians use the authority of the Post Office Department (which cannot be appealed from), to hinder the circulation of literature dangerous to the capitalist system of exploitation, but we respect our officers at Washington, and we don't believe they would do either of those wrong doings. We know well enough now why they don't allow us second class rates on the "Labor Library." It's because these leaflets are "books." We know that in every other respect we have complied with the law, so, if they want let us send "Labor Library" leaflets as second class matter it must be because they're books, else why can't we send them?

When we read the postal law, which says books are distinguished from second class matter by their "board, cloth, leather or other substantial binding," we made the "Labor Library" a small four page leaflet, only folded once and not stitched, weighing barely thirteen pounds to the thousand copies, so we felt dead sure it was a paper, and entitled to second class mail rates; and we were a little astonished when the Postal Authorities informed us that everything else was all right, but we weren't entitled to second class rates because "it appears from evidence in possession of the Department that the issues of the 'Labor Library' are in fact books."

When this decision came in we glanced over our Weekly People to make sure it was all safe. First thing we saw was the Arm and Hammer, and we shivered—looked like they might find that "the issues of the Weekly People do not constitute a newspaper or other periodical included in 'mailable matter of the second class,' but are in fact pictures." But our fears were soon quieted by our observation that, as astrologers foretell the fortunes of people, not by their dispositions or characteristics or possessions, but by the positions of the heavenly bodies, so does the Postal Department decide upon the rights of the various publications to the second class mail privileges, not by the character of the paper, not in the least (why should they?) but by the erroneous position of the heavenly censor presiding over it!

What could be made in paper that would less resemble a book than a copy of "The Difference"?

How'er it be, the authorization stands revoked by the powers at Washington. Sections and subscribers will take notice!

ATTENTION, BOSTON!
The next meeting of Section Boston will be held Thursday, July 6, in place of Tuesday, July 4. The election of officers will take place at this meeting.
It is the duty of all the members to be present at this meeting and do their share to build up the movement in Massachusetts. This is your fight.
Frank J. Callan, Sec'y.

PERSONAL.
H. Herman, late of 73 East Fourth street, New York City, is requested to communicate with his family at the above address. They are in straitened circumstances and require his assistance.

JERE L. SULLIVAN

WAITERS' CZAR RUNS UP AGAINST INDUSTRIAL UNIONISM AND GETS EXPOSED IN GOOD STYLE

San Francisco, Cal., June 12.—I would like to publish an account of the circumstances that led up to my expulsion from the Hotel and Restaurant Employees' International Alliance and Bartenders' International League of America, in order to add further proof to the well known fact that pure and simpleminded is rotten and corrupt. In the month of February, 1904, I offered an article for publication in "The Mixer and Server," under the heading "The Forum." In this publication every member is allowed to express his views, providing they coincide with the views of Mr. Jere L. Sullivan, the Editor of the journal, and also secretary-treasurer of the International Union. The article in question was an effort to show the advantages of Industrial Unionism and I was informed by his Royal Highness that it was unconstitutional to publish such article, but, however, he might publish the same some time in the future in modified form.

At the American Federation of Labor convention held last November in this city, I interviewed Mr. Jere L. Sullivan, who was here as a delegate to the convention, and asked him how he would vote upon the resolutions to be presented favorable to industrial organization; and he was very much offended to think that one of his humble subjects should have the audacity to ask questions of his "majesty" and practically insulted me. At the following meeting of the Waiters' Union of this city, the whole delegation was present and each of them did their little stunt and handed us a package of warmed over hot air, such as undoubtedly has been swallowed in most every other local meeting they attended. They particularly scored members who complained about the actions of the officers, etc., on the outside of the meeting hall and to use their own language, "the kickers that kick in the saloons and street corners."

After they got through, I obtained the floor, reiterated what they said about the "kickers" and told them that I would do some kicking. I referred to the article I wanted published, and the answer I got and told the secretary-treasurer that I did not want him to publish my article in modified form, for after he had modified it, would possibly not recognize myself, but, to show the futility of restricting the opinion of the members I produced a copy of the New York People, dated September 10, 1904, containing a three column article regarding the International Union, showing the corruption that prevails in the International Union. I told him that it was too long to read in full but I would merely repeat the main points it contained and wanted to have it thoroughly understood that I did not intend to make any charges, but merely repeat statements published in a newspaper. I told him that the very fact that such statements were in public print without any official denial did not tend to create any confidence in our officers and I wanted them explained, denied or verified.

I asked why the general office had spent about \$15,000 over and above receipts in a period of ten months, in spite of an increase of membership of over 11,000, leaving only about \$44 in the General Fund of a large International Union as this is supposed to be. I also wanted to know if it were true that the general president and several organizers while handling a strike of the colored waiters in Chicago were carousing and indulging in intoxicating beverages, enjoying \$50 suppers, etc., while the members out on strike were without food and shelter. I also wished to know if it was true that the secretary-treasurer was in collusion with the organizers in defrauding the International Union in various ways as outlined in the above-mentioned article.

Jere L. Sullivan, as well as the other delegates, continually interrupted me and said that I was an exponent of that notorious "anarchist and strike breaker, Daniel De Leon." T. J. Sullivan, the general president, said that I evidently was a traitor to the organization and intimated that I ought to be kicked out. Another delegate said that before any confidence is taken in what I said it should first be found out—whether there were any yellow streaks in me. It was evidently their intention to overawe the meeting, for they partially succeeded and did everything in their power to prevent me from speaking; but there was some spirit of fairness in the meeting; some of the members insisted that I be heard and afterwards Jere L. Sullivan got up and threatened me, and said he would get me; he had never seen the time that he didn't get the best of one of my kind.

At the next meeting a letter was received from Jere L. Sullivan stating that at the meeting he attended I made serious charges against him and demanded that I be forced to make those

FIFTH ANNIVERSARY
OF THE
Daily & People

GRAND PICNIC
...AND...
Summernight's Festival
ARRANGED BY
SECTION N. Y. COUNTY
SOCIALIST LABOR PARTY
GLENDALE SCHUTZEN PARK
Myrtle Ave., Queens Co., L. I.
ON TUESDAY JULY 4TH, 1905.
Commencing at 2 P. M.

Ticket, Admitting Gentleman and Lady, 25 cents.
Extra Lady's Ticket 15 cents.

PRIZE GAMES FOR WOMEN AND CHILDREN
PRIZE BOWLING FOR GENTLEMEN

DIRECTIONS—From Brooklyn Bridge take Myrtle Ave. trolley cars or Ridgewood train and transfer at Ridgewood for the Park. From New Williamsburgh Bridge, Broadway, Grand, Houston, 23d St. or 42d St. Ferris take Bushwick Ave. car and transfer at the same point for the Park.

INDUSTRIAL UNIONISM
A NEW LEAFLET \$1.25 A THOUSAND
ORDER AT ONCE. NEW YORK LABOR NEWS CO.

form of organization is of course opposed by the labor fakirs, one large organization requires one set of officers, ten small unions require ten sets of officers, hence the possibilities for graft would be diminished, there would not be jobs enough for all the fakirs and some of them would have to get their own living instead of letting the working class get it for them. The convention that has been called to meet in Chicago June 27, for the purpose of organizing industrial unions will undoubtedly be a success. Pure and simpleminded is rapidly decaying and upon its ruins a better labor movement will be established, which will finally wrest the means of production and distribution from its private owners for the benefit of the toilers. Its aim is the final emancipation of the working class and the inauguration of a workers' republic.

Fraternalty yours,
I. Shengan.
(Enclosure.)

COPY OF CHARGES FILED BY JERE L. SULLIVAN AGAINST I. SHENKAN.

To the Members of the General Executive Board. Greeting:—
Brothers:—In accordance with the law of the International charges are hereby preferred against Bro. I. Shengan, member of Local No. 30, San Francisco, Cal., for conduct unbecoming a union man, to wit:—
At a meeting held at No. 110 Turk street by Local No. 30, November 16, 1904, the said Bro. I. Shengan did by intimation and actual accusation charge the undersigned with manipulation of the funds of the International Union and alleged further the expenditure of several thousands of dollars without authority or law, the said expenditures occurring during the term 1903 to 1904.
That the said Bro. I. Shengan had boasted before the arrival of the undersigned in the city of San Francisco, that he proposed to show myself and the members of the General Board up as a lot of grafters.
That at the meeting above referred to, the said Shengan did by intimation and accusation, charge the undersigned with appropriating the funds of the International Union, for his personal use.
That the said Shengan is now and has been engaged in attempting to discredit the officers of the International Union for no other purpose than to create dissatisfaction and finally secure the withdrawal of Local No. 30 from the A. F. of L., International Union, and ultimately attach the said Local No. 30 with the American Labor Union.
That the said Shengan is a contributor to the "Voice of Labor," the official journal of the American Labor Union, while being such does not of itself constitute a charge, the fact that he is in such close touch with the American Labor Union and its officials make the

allegation relative to his efforts to have Local No. 30 withdraw from the International and become a part of the American Labor Union worthy of your consideration.

That the said Shengan wilfully and with malicious intent did read from a copy of the New York People, and from personal memorandum, matter intended to destroy confidence in the officers of the International Union, and for no other purpose than to destroy the influence of the International Union, and make easy the withdrawing of Local No. 30 from the International Union.

That the said Shengan has been writing letters to officers and members of our locals wherein the charges that he made on the floor of the meeting of Local No. 30, November 16, 1904, are being repeated, and that his purpose in so writing is to create discontent and force our locals into taking action similar to what he is trying to bring about with Local No. 30, namely, to pull out of the International Union and affiliate with the American Labor Union.

That the said Shengan had in his possession the alleged evidence of my wrong doing from the month of September, 1904, until the date of the meeting of Local No. 30, that he had shown the allegations to numerous members, that he knew that the proper course for a true member of the organization was to properly file charges against the undersigned, but that realizing that such action would speedily terminate in showing the allegations to be unfounded and the truth would take from him the privilege of using his power and earn the salary that he no doubt receives from the American Labor Union.

That Shengan is the author of the matter published in the New York People there is hardly room for doubt, that he is the author of the articles that have been printed in the "Voice of Labor" his signature to same will certify, and as both are especially anxious for the downfall of the American Federation of Labor, this organization can hardly continue to give asylum to such spies and enemies of the parent body and the International.

All of the foregoing is submitted for your consideration, a copy of this document has been mailed to the said I. Shengan at his last known address, a copy forwarded to Local No. 30 for filing, and an additional copy sent Local No. 30 in compliance with the laws of the International Union.

The foregoing document has been mailed this tenth day of March to accused and Local No. 30, and in accordance with the usage followed, thirty days from date an answer to the charges is due from the said I. Shengan of No. 30; his reply, if forwarded to this office, will be referred for your consideration.

Yours fraternally,
(Signed) Jere L. Sullivan,
Secretary-Treasurer.
Cincinnati, Ohio, March 10, 1905.

