

Local Associations

From the very earliest beginnings of unionization among needle workers, the alliance of workers led to the alliance of employers. As early as 1836, the New York Master Tailors Association was organized for the express purpose of combating and destroying the workers' new strength. Members of this association used the blacklist declaring that they would refuse to receive into their employ "any man who is a member of the Union Trade Society of Journeymen Tailors in the City of New York." Similar masters' associations were organized during this same period in Cincinnati, Louisville and St. Louis for the same purpose—to oppose all efforts of the tailors to organize into unions.

Most present day manufacturers' organizations date from the advent of the modern unions. The original purpose of most of them was to resist the union shop. When workers' strength and solidarity made this too expensive a proposition, many employers surrendered to the unions, dealing with them henceforth collectively through associations trying to obtain the best possible terms for their members. Others have held out to the present day and combat workers' solidarity at every turn.

In the men's clothing field the manufacturers of New York and vicinity are represented by The New York Clothing Manufacturers' Exchange, Inc., which had a membership of 211 concerns in July, 1933. It is this group which presents a united front in dealings with the Amalgamated and has established, in its own words, "an adequate and well-tried bargaining machinery operating every working day of the year." Contractors' interests in the same market are represented by the Greater Clothing Contractors' Association. Minor groups in the same locality include the Single Knee Pants Manufacturers' Association, the Manhattan Merchant Tailors Association, and others.

We find a similar picture in other men's clothing centers.

CHAPTER XI

EMPLOYERS' ORGANIZATIONS AND TACTICS

The Bosses Unite

CLOTHING employers have successfully organized themselves into powerful protective organizations to promote the interests of those who own and operate the shops. Some of these have persistently fought to prevent unionization of their workers. Others, when faced with strong workers' organization, have deemed it the better policy to recognize the unions and to deal with them through organized employers' bodies which could bargain with labor unitedly rather than as scattered individual firms. In any event the promotion of the interests of their members as against labor is the common and primary organized objective of the employers' organizations.

A widely diversified industry with many thousands of production units scattered throughout the country, ranging from large establishments in the urban centers to small plants in remote rural communities, clothing has been relatively difficult to organize into employers' organizations. In addition to the scattered nature of the industry, there is the added factor of the division into many trades each with its own separate problems and the further division within each of these into inside manufacturers, jobbers or contractors—each often antagonistic to the others. United and coordinated activity of all has therefore been impossible to achieve. Instead of one all-embracing employers' association we find many smaller ones, each usually embracing all or the majority of the firms of a single type within a given market who are engaged in a similar line of work.

Rochester, Chicago and other markets have their Clothing Exchange while contractors have a widely scattered network comprising the Chicago Tailor Contractors Association, the Cincinnati Clothing Contractors Association, and others. The Philadelphia market has its Philadelphia Clothing Manufacturers' Association and Pennsylvania Clothing Contractors' Protective Association. About 95% of all men's clothing manufacturers in Baltimore belong to the Baltimore Clothing Manufacturers Ass'n., Inc., which in February, 1934, signed with the Amalgamated the first citywide agreement ever negotiated in that market. Incidentally, this agreement, like so many others signed by this union, prohibits strikes as well as lockouts and confers sole power to settle disputes upon Simon E. Sobeloff, U. S. District Attorney, from whose decisions there can be no appeal. Not to be outdone, the contractors of Baltimore likewise have their Clothing Contractors, Inc., embracing nearly all the contractors' shops in that city.

In women's clothing, New York is represented in the cloak and suit field by the Industrial Council of Cloak, Suit and Skirt Manufacturers, Inc., which embraces the inside manufacturers, the Merchants' Ladies' Garment Association, representative of the jobbers, and the American Cloak and Suit Manufacturers Association, embracing the sub-manufacturers and contractors. Dress manufacturers in this market are organized in the Affiliated Dress Manufacturers, Inc. (inside manufacturers) the National Dress Manufacturers Assn. (jobbers) and the United Association of Dress Manufacturers (contractors).

The local employers' organization set-up in other markets is similar to that of New York. For example, we find the Los Angeles Coat and Suit Manufacturers Association, the Ohio Apparel Manufacturers Association, Inc. (largely composed of Cleveland cloak and suit manufacturers) and the Chicago Association of Dress Manufacturers. This Chicago association signed in 1933 the first market-wide dress industry

agreement with the I.L.G.W.U. since the union began operating in Chicago 35 years ago and put over terms more favorable for the employers than those prevailing in New York.

In other fields of women's wear employers have their class interests well represented by such organizations as the National Association of Blouse Manufacturers, the Wash Dress Manufacturers Association, Inc., the Lingerie Manufacturers Association, and so on.

The cloth hat and cap manufacturers of the East have the Cloth Hat Institute, while the National Association of Cap Manufacturers represents the West. Fur manufacturers speak through such organizations as the Associated Fur Coat and Trimming Manufacturers Association, the United Fur Manufacturers Association, the New York Fur Trimming Manufacturers Association, the Associated Employers of Fur Workers, the United Fur Manufacturers Association, the Far Western Fur Industries Association. Cotton garment manufacturers of all descriptions are united in a wide network of associations of which such groups as the Connecticut Shirt and Boys Blouse Association, the Pennsylvania Shirt Contractors Association, the Kansas City Needle Work Association and the Needle Trade Association of Baltimore are typical.

National and Regional Associations

Most of the attempts at national organization have been unsuccessful. As early as July, 1919, the National Industrial Federation of Clothing Manufacturers was formed for the purpose of obtaining greater harmony and uniformity of policy in labor matters in the various men's clothing centers. The employers' associations of New York, Chicago, Baltimore and Rochester had each previously appointed a labor manager, the four of whom had been united in a single board to devise uniform labor policies, and in 1919 this apparatus was enlarged through the formation of a joint industrial

council to cover the nation. However, this did not last long under the pressure of sharply competitive interests.

The NRA gave the greatest impetus to national organization among employers. It called upon industries to form national bodies for the purpose of drafting codes of trade practice and otherwise devising ways and means of "policing" industry. Large firms particularly were finding themselves undermined by competition from those able to evade union "supervision," labor laws and the like. The prospect of eliminating this type of competition through standardization of wages and conditions sent employers scurrying into the national organizations. At the same time, they recognized the advantage of uniting in the fight to lower labor standards. "It is just as if we were all holding to the railings of a steamship wrecked in mid-ocean, trying to hang on until some one came along to save our lives," commented Henry J. Ettelson, president of the Philadelphia Clothing Manufacturers Association in May, 1933, when a national organization was in the offing under the promptings of President Roosevelt. "The man we were waiting for has arrived," he continued, "and he is leading us to shore, to the solid ground, where we can once more build up a safe and sound business. I call on every clothing man in the country to fall into line and to back this movement for a national association of clothiers."

The first of the new national clothing groups to come into existence in response to these plans of the Roosevelt government was the Clothing Manufacturers Association of the United States of America. It invited "every member of the industry" (men's clothing) to join its ranks in order, "to have you sit with us in our labors to place the industry in which we have a mutual interest in the position to which it rightfully belongs" and in order to "have a voice in drawing up the Code of Practice required of each industry by the Government under the proposed National Recovery Act, which will

fix maximum hours and minimum wages, as well as such other standards as will form the law of our industry."

Those who flocked into this organization from New York, Chicago, Rochester, Philadelphia, Baltimore, Boston, Indianapolis, Cincinnati and other cities were the members of the so-called "organized market," those who were in contractual relationship with the Amalgamated. Others were assured by the new group that "there is no reason for open shops to feel apprehensive about labor relations, nor believe that union domination may be forced on them. . . . Let's have it understood that our association represents the manufacturers, not the union nor the workers."¹

In spite of such assurance, however, the open shoppers in the men's clothing industry were wary of their "organized" competitors and "in order that all elements in the industry should have a voice" organized a separate association of non-union employers, called the International Recovery Association of Clothing Manufacturers.

Separately organized on August 2, 1933, was the Associated Pants Manufacturers of America. The contractors similarly organized the American Clothing Contractors Assn., Inc., in reality a loosely organized body of 11 already existing local contractors' associations. Manufacturers of uniforms are also organized separately, calling themselves the National Association of Uniform Manufacturers. The latter, however, were organized in July, 1932, before the Roosevelt call to unity was broadcast. Similarly, there was no need for a new national body to represent the merchant tailors, these groups having an older national body, the National Association of Merchant Tailors, now in the 49th year of its existence.

Under the NRA both cloth hat and cap groups already referred to came to function jointly under the name of the Cap Association of the United States, Inc. Dress manufacturers from Boston, Philadelphia, Cleveland, Chicago, St. Louis, San Francisco and Los Angeles, were invited on June

2, 1933, by the National Dress Manufacturers Association steering committee to participate in the nation-wide movement for organization which originated in the New York market. This national movement, however, is still very loosely knit. Later in the same month representatives of the cloak and suit markets of Baltimore, Kansas City, Boston, Philadelphia, Cleveland, Chicago, Los Angeles and New York formed a National Council of Cloak, Suit and Skirt Manufacturers which prepared the code of standards for that industry under the NIRA. Similar bodies representing smaller trades, such as the National Leather Clothing Industry of America, were set up about the same time, while representatives of the leading men's and boys' shirt manufacturers met and organized the Shirt Institute, Inc. Shirt contractors also have another regional group, the National Association of Men's Shirt and Boys' Blouse Contractors, embracing contractors in Pennsylvania, New Jersey, Connecticut and New York.

For cotton garments and work clothing the sponsoring organization for the cotton garment code was the International Association of Garment Manufacturers, a federation of smaller associations which represent subdivisions of the trade (over 75% of the production of each article). These constituent groups vary in age, and usually are regional in nature.

Producers of overalls, work shirts, work pants and cotton work garments who deal with the United Garment Workers of America (largely out of a desire to attach the union label to their products) are affiliated in the Union Made Garment Manufacturers Association, an organization which is about 20 years old. Others have regional groups among which are the New England Cotton Garment Manufacturers Association, the Southwest Work Clothes Manufacturers' Association, the Southern Work Clothes Manufacturers Association and the Southern Garment Manufacturers Association.

When the Supreme Court declared the NRA unconstitu-

tional, the associations which were born under it continued to function. They began immediately making plans to strengthen themselves. These associations constitute one of the few enduring results of the Recovery Act.

Attitude Toward Labor

How organized employers disagree on the question of labor unions was illustrated by the Men's and Boys' Shirt Manufacturers Association in the summer of 1933. "As an organization we have not committed ourselves on the question of Union Labor," stated Walter Zinn, secretary of the group. "However," he continued, "a number of shirt manufacturers, both members and non-members of our Association, deem it advisable and necessary for their own purposes to enter into a settlement with the Union."

Both organized and individual employers have followed four main lines of labor policy: (1) To resist *any* unionization; (2) if defeated in this main purpose to recognize the unions, but as organized employers associations rather than as individuals; (3) to so deal with these "reasonable" and "legitimate" unions as to transform them into agencies through which to put over a lowering of standards; (4) to use these unions as a major offensive and defensive weapon against militant, class conscious organizations.

The early years of modern unionism illustrate the first of these principles perfectly. "The Merchant Tailors Society of the City of New York," read its half-page newspaper advertisement in January, 1920, "declares for the Open Shop and Industrial Freedom. . . . As good American citizens let us rally round the standards of Freedom and Social Order. Let us show a united front against those forces of sedition and disloyalty which aim at the destruction of our established Government and its time-honored institutions. . . . We demand the OPEN SHOP, LAW AND ORDER, A SQUARE DEAL FOR ALL; one LANGUAGE, one LOYALTY, one FLAG."

As part of the same policy, the Clothing Manufacturers

Association of New York instituted a suit in court for the dissolution of the Amalgamated Clothing Workers, when it was still a fighting, militant organization, "on the ground that it is an unlawful combination and conspiracy . . . and [that it seeks] substituting in place of the existing industrial structure the control, ownership and management of all present means of production by the Amalgamated."

Similar efforts to smash unions head-on have continued in different places and in various ways up to the present time. The open shop forces of Minneapolis, late in 1929, opened a vicious anti-union campaign against the Amalgamated in that city. The Kiwanis Club took the lead, calling together at a luncheon some two dozen organizations hostile to organized labor. On this occasion the city chief of police was a guest of honor as were the presidents of the Commerce Association, the Real Estate Board, the Minneapolis Builders' Exchange, the Business Men's Association and the Rotary Club. The aid of the press was enlisted, and it too did its bit. The head of a Chicago open shop association was imported to direct the fight.²

Similarly, in December, 1931, notwithstanding the fact that the Journeymen Tailors Union, Local 5 of Chicago, staunchly contended that an understanding had been reached with the local merchant tailors to end the strike which started on October 1 of that year, Frank Dorpols, president of the Chicago Association of Merchant Tailors asserted that the members of his organization would henceforth operate "under the open shop and on the piece-work basis." This was the first time in over a quarter of a century that these employers operated without an agreement and on an open-shop basis. They "played along with labor" until they felt that they held the trump hand. Then they struck hard.

Some groups, such as the Southern Garment Manufacturers Association, have held out against unions until the present day. On May 4, 1934, a staff correspondent of the *Daily News Record* described the efforts of the United Gar-

ment Workers to establish itself in and around Atlanta. "Southern cotton garment manufacturers," he pointed out, "consider this as the greatest threat yet to the existence of their industry in this part of the country, which accounts for their determined attitude to resist the unions." At the meeting of their association on June 12, 1934, John W. Fite of Nashville described the attitude toward unionism as a "battle to the death."

When recognition of the union becomes a necessity, the united front of employers again serves its purpose. "We have had several conferences with Mr. Hillman," wrote the secretary of the Men's and Boys' Shirt Mfrs. Ass'n. to the members of the trade in June, 1933, "and are now in a position to arrange for better settlements for them as members of our organization than they could possibly hope to negotiate as individuals. . . . If you contemplate entering into any arrangement with the Union it will be to your advantage to attend our meeting before doing so."

After recognition, moreover, employers desire widespread and if possible universal organization in all shops in order to equalize competitive conditions in various markets and between competing firms in the same market. It is for this reason that the Associations continually prod the unions into greater organization effort and urge them to widen their scope. "It is unfortunate that union contractors will continue to be faced with the drastic competition from substandard, unorganized resources," commented Louis Gabbe, president of the Association of Dress Manufacturers, Inc., in 1932, and another representative of the same group loudly complained that the union "has not made much effort to embarrass non-union contracting firms." In 1933 the New York Clothing Manufacturers Exchange and the Greater Clothing Contractors Association demanded of the union "equalization and stability in all markets" calling upon it for "some assurance or guarantee . . . that New York will be placed on a parity with other markets and that at least cut-

throat competition from New Jersey, Pennsylvania, including Philadelphia, upstate New York and Baltimore will continue to be curbed." 8

In line with the same policy, when the Amalgamated called a stoppage in the New York Men's Clothing market in August, 1932, not only the union but the association as well cooperated in the movement and, according to the press, "Both Sidney Hillman, president of the A.C.W. and Rudolf Greeff, general manager of the contractors' association, expressed satisfaction with the success of the movement." The Exchange, likewise, stated that it "views the stoppage as an organization drive on the part of the union, which will have the effect of stabilizing the market. . . . It is a wholesome move on the part of the union and the membership of our exchange having accepted the collective bargaining agreement with the union, are entirely in accord with it."

It must not be supposed for a single moment, however, that acceptance of the principle of collective bargaining implies the acceptance of humane conditions in the shops. Not only are agreements signed in bad faith and then treated as scraps of paper but periodically, upon the expiration of agreements, the associations "serve notice" of intention to terminate existing arrangements. Then usually follows a protracted period of "negotiations" during which the employers make demands for changes in the contracts. Through a system of espionage the employers keep a close check on the unions' strength. When this, plus economic conditions, are in their favor the bosses take full advantage of the situation.

The employers, however, were quick to embrace the old-line union leaders when faced with threats of organization of a militant character, such as that which, until the recent mergers, was presented by the Needle Trades Workers Industrial Union. Realizing their inability to make this union play their game and that it was organized for struggle, no pains were spared in building up good-will for the A. F. of L.

groups. "Let us deal with Schlesinger in spite of the fact he asks for increased demands," said the president of the New York Cloak Manufacturers' Association in 1929. When asked by a member whether to deal with the "rights" even if they were unable to enforce their part of the agreement, the answer was, "We are morally obliged to enter into conference with the I.L.G.W.U." 4

Similarly, on January 29, 1931, the Association of Dress Manufacturers addressed a letter to its members which read in part as follows: "The threatened strike of the 'Lefts' may become an actuality in the very near future. . . . Make sure that the people in your employ are members of the 'Right' Union. . . . Report to this office at once any 'Left' agitation carried on by a worker or workers in your employ."

Individual Employers' Activities

Individual employers may join an association and sign an agreement. But they are always ready and anxious to "chisel a little on labor." Many sign up during strikes with the mental reservation to break their agreements as soon as that appears possible. Then at some propitious moment they start a wage slashing campaign. Some will even resign from the manufacturers' association in order to escape the obligations of the collective contract. Others will close shop for a period, plead lack of work and then drop hints to the workers about ability to obtain business on the basis of reduced prices. Others, like Kutzman Brothers of Los Angeles, who ordered a 20% cut after a signed contract, supposed to last a year, had been thrown into the wastebasket by the employers in December, 1933, waste no time in stratagems. They simply tell the workers to "quit if you don't like it."

Still others, regardless of what the remainder of the trade may do, hold steadfastly to the open shop. In the face of union activity they frequently resort to a lockout hoping thus to starve out their employees and break all resistance. Thus

J. Clapps and Sons, manufacturers of men's clothing at Jacksonville, Ill., since 1839, closed their factory employing 385 people in November, 1933, rather than sign with the Amalgamated. Frequently such tactics are accompanied by full-page newspaper ads in which the bosses "appeal to the public" and offer an opportunity to all former employees "who have not been guilty of misconduct" to return to work on or before a specified date or "otherwise your places will be filled." Ten St. Louis men's and women's clothing manufacturers joined in such a full-page newspaper advertisement on September 4, 1933, when strikes for union recognition were in progress in 81 establishments in that city. Under the caption "Stop the Bloodshed" the statement charged that the strikes were brought on by "professional labor agitators from other communities" whose purpose it was "plainly to compel by force of arms all employees to join their unions, whether or not the employees wish to do so."

The professional strikebreaker and the hired thug go hand in hand with such advertisements. Special agencies supply the bosses with each. One such agency, "The Manufacturers Industrial Association, Labor Adjusters," in a letter to an employer, a photostatic copy of which is in the hands of the writer, wrote that:

We respectfully submit for your consideration the following facts, which partially show our expert methods of handling strikes and lock-outs. We are in a position to recruit and furnish you with any number of operators, basters, finishers, pressers and cutters, as you may require to take the places of those who do not remain loyal to you. . . . At the small cost that may be arranged between us, we not only furnish non-union help but protect and operate your plant under open shop conditions.

Still another kind of service is typified by that offered in a more recent letter sent on December 12, 1932, by the Braun International Detective Bureau to a New York City shirt manufacturer:

In the course of our professional work we have come into possession of information as to very active agitation originating and being fostered in your plant, looking to labor disturbances. . . . We feel that we can be of great service to you in ferreting out and apprehending those who are behind this movement hostile to your concern. . . . We will furnish you on request the best of references and recommendations from firms and corporations, some of whom we have been serving for over 15 years.

Armed thugs and gangsters may be supplied, as witness the following private advertisement from an agency providing them to employers: "We also furnish experienced first class guards with police military experience and accustomed to strike duty, to preserve peace and protect plant, life and property." During nearly every strike big, husky, degenerate-looking individuals, many with long underworld records, stand guard over strike breakers and, in cooperation with the police, question any one who goes near the shop. They usually carry guns, razors or long knives that have left their mark on many a picket and they have beaten, crippled, maimed and even murdered militant workers.

Only one of many examples is the killing of Morris Langer, leader of the Fur Dressers and Dyers Department of the N.T.W.I.U. He was murdered in cold blood on March 22, 1933, by a bomb, placed under the hood of his car during the course of a strike against J. H. Hollander & Co., which the union was conducting for shorter hours, higher wages and sanitary conditions. On April 24, 1933, gangsters descended in a body upon the headquarters of the Industrial Union. "The place looked like a slaughter house" testified a witness later in court. "Blood covered the floor, and wounded workers stretched out were groaning and screaming with pain." Seven of the gangsters were identified by workers on this occasion, but although they had murdered two and wounded and permanently disfigured several others the city authorities merely charged them with "first and second degree assault."

Other Gyp Schemes

No scheme is too mean or petty for the employers in trying to cut a few additional pennies from the envelopes of their underpaid operatives. Thus, for example, a Pennsylvania sweatshop manager recently admitted to a State Legislative Commission that his firm took five cents out of the \$5 a week pay of his girls for the ice water they drank on hot days. He further admitted that he docked an additional 5 cents weekly from them to pay the costs of holdup insurance on his sweatshop payroll.⁵

The Pennsylvania Department of Labor and Industry, in commenting upon a practice of many small employers, reports that "Employees who have not been paid wages owed to them have deluged the Department with complaints." Frequently worthless or post dated checks have been given—particularly when employers are about to discontinue their plant and can no longer be reached. Even in going concerns, manufacturers and jobbers often pay their contractors in notes and the latter in turn pass the buck on to their workers by either skipping pay days altogether until the notes are paid or else by paying their workers with checks which the banks return marked "insufficient funds."

"Gyping" by not shutting off the power on time or requiring unauthorized overtime is an indirect means of accomplishing the same end of obtaining unpaid work. If there are laws regulating hours of work, these are simply disregarded. "One boy said he worked from 7 A.M. until 5 P.M.," commented one observer, "and then returned to the factory three nights each week to work from 7 P.M. until 3 A.M.; others told of being ordered to hide in the cellar and on fire escapes when State inspectors came."⁶

In many of the smaller communities girls must sign pledge cards to work two weeks for nothing. Frequently earnings are confiscated in fines, for replacing damaged work, and the like. Another form of outright theft, accompanied

by terror, is exemplified by a finding of the Consumers' League of New Jersey in December, 1932, that, "There are instances of the workers complaining of too little money in the pay envelope at the end of a full week's work, whereupon, if the 'mistake in pay' is rectified, they are discharged."

Apprentices and "learners" must often work for very little or nothing at all "until they learn the business" whereupon they are frequently discharged and replaced with another group of deluded "learners." We have already seen how the NRA codes permitted a percentage of "apprentices" at sub-standard wages and how the Code Authorities were deluged with individual requests for permission to increase their number of "student workers" beyond the permitted ratio.

Another example of the way the wage provisions of the codes were circumvented was the "Executive Order on Privileged Persons" signed by Roosevelt on February 17, 1934. It provided that any person whose earning capacity was limited because of age, physical or mental handicap, or other infirmity, might be employed at a wage below the minimum established by a code. Obviously, an employer could "interpret" such a provision so as to include almost any worker he wished to hire at sub-code wages.

The Government—Strikebreaker

The government is used by the employers in their offensive against the workers. Courts, police, troops and the entire administrative and judicial apparatus are at the beck and call of the business class. During strikes as well as during periods of industrial truce the government does 24-hour service on behalf of the true rulers, the capitalist class.

The injunction is a weapon that clothing employers have used for many years. In the fall of 1899 two firms against which strikes were declared in New York nearly demoralized the then existent United Brotherhood of Cloak Makers through the use of the injunction. In the cloak and suit makers' strike of 1910 Judge Goff issued an injunction char-

acterized at the time by the *New York Times* as "the strongest decision ever handed down against organized labor." It forbade union members to picket for the closed shop.

Perhaps the classic injunction in behalf of the employers was issued against the Amalgamated on March 30, 1921, by Justice Van Sicken of New York State in favor of the firm of Schwartz and Jaffee. Ruling that neither peaceful picketing nor picketing accompanied by violence is lawful, this judge declared as follows: "They [the courts] must stand at all times as the representatives of capital, of captains of industry, devoted to the principle of individual initiative, protect property and persons from violence and destruction, strongly opposed to all schemes for the nationalization of industry." It would be difficult to find anywhere a more precise statement of the rôle of the courts under capitalism.

Not a year passes without its scores of needle trades injunctions. The long trail continues through 1935 in every city and in every branch of the trade.

At conventions, the A. F. of L. union leaders have expressed condemnation of the injunction, but this defiance has almost always been expressed in words and not in deeds. Instead of real defiance they enter into long legal controversies in which the workers are almost sure to lose.

In contrast to the wishy-washy tactics of the A. F. of L. is the militant policy of the left wing in the fight against the injunction. This is the policy so well expressed in court in 1928 by Morris E. Taft, then manager of expelled Local 41 of the I.L.G.W.U. Taft in a fearless statement to the judge challenged the right of the courts to prevent workers from picketing and organizing. He stated frankly and openly that without regard to consequences he would continue to defy the injunction then under consideration as well as any other injunction issued by the courts under any pretext whatever. This courageous stand of open defiance and of mass violation is the only way in which injunctions can be effectively fought.

Besides the issuance of injunctions the courts have been used to indict and frame up militant workers in order to rid the industry of "undesirable" individuals. Sixteen leaders of the N.T.W.I.U. were thus indicted in November, 1933, on the charge of "conspiracy in restraint of the fur trade and terrorism."

In Vineland, N. J., the Chamber of Commerce delivered this edict on September 23, 1931: "Enlist the aid of the county judge, prosecutor and sheriff to drive clothing union leaders out of town and all those causing trouble, and in two months the backbone of the trouble will be broken." On this occasion, Mayor Samuel Gassel, of Vineland, was the principal speaker and every member of the Clothing Manufacturers Association was present as well as its attorney, Salvo Tusso. Two days later, Francis A. Stanger, Judge of the Common Pleas Court of Cumberland County told the same group that "the officers of Cumberland County will maintain law and order even if we have to swear in deputy sheriffs and appeal to the Governor of the State for troops."

Whenever the bosses' interests are in jeopardy, uniformed officers, members of the brutal Industrial Squad (New York), the Red Squad (Los Angeles), special deputies and similar agencies are used "to preserve law and order." They club and arrest pickets, guard shops and trucks, frame up workers and their leaders, break up strike meetings, prohibit mass demonstrations, shadow, threaten and do whatever else lies within their power to thwart effective mass action in the workers' interest.

Usually the arrests of the workers are made on such flimsy pretexts that the cases are thrown out of court. However, the main purpose—removing pickets from a strike scene at least temporarily—has been served by the arrest.

When convictions are impossible by normal court procedure, police, in collaboration with employers, will resort to every kind of frame-up in order to get certain individuals out of the way. This is illustrated in the frame-up of I.

Weissberg, organizer (and later manager) of the dress department of the N.T.W.I.U. So effective was he in the interests of the workers of his union that it was determined to "railroad" him at all costs. He was accordingly charged with assault during a strike at Needleman and Bremmer in the latter part of 1931 and sentenced to a jail term of up to three years, although it was known to every one in the market (including the police) that he was nowhere in the vicinity at the time of the alleged act.

In their attack on militant workers the agents of the bosses, as we have noted, do not stop even at murder. When two thousand workers employed in dress factories at South River, N. J., dared to strike in September, 1932, against wages of \$3, \$4, and \$5, for a 54-hour week (out of which some owners charged them for the electricity they used in pressing and finishing dresses and others paid by check and required the workers to pay the check tax), the Mayor of South River hired outside police from Newark at an expense of \$1,300. These outside deputies and the local police fired point blank at a group of strikers. An old man had a bullet lodged in his arm; a boy had another in his arm; a nine-year-old boy, Walter Rojek, who had been standing on the outskirts of the crowd, was killed by a bullet in the back of his neck. On this occasion state troopers had to be called in to protect the police from the fury of the workers, who held the public and private police virtual captives in the Borough Hall for nearly six hours following the shooting. At the same time, Tom Scott, sent to the scene by the International Labor Defense to protect the workers' legal rights, was promptly arrested and sent to jail.

Wherever possible less obvious methods are used by the open shop clothing employers in breaking strikes. One such weapon is "mediation" or "arbitration." It is used to "peacefully settle issues" whenever the occasion warrants.

The Federal Government as well as New York and other state governments maintain divisions of "Mediation" or "Con-

ciliation" which seek to adjust disputes so that production may continue. "A stoppage of work ordered in 2,200 plants employing 50,000 workers in the dress industry in New York City," reads a release of the National Recovery Administration dated April 17, 1934, "last night brought an offer from Division Administrator Sol A. Rosenblatt to place the complete arbitration facilities of the NRA at the disposal of all parties to effect an amicable adjustment of the dispute."

During the past two years "mediation services" of the federal or state government were effected in needle trades disputes in New York, St. Louis, Chicago, Easton, Pa., Worcester, Mass., and Los Angeles. What sort of "peace" these agencies offer is illustrated by the settlement suggested in St. Louis in December, 1933, and accepted by the Amalgamated. "The settlement provides for the return of all workers except those convicted of violence during the strike months. No strike or lockout may be called for about a year. No increase in the wage scale is provided. The union may represent the workers in small matters but may not represent them on wages and hours."

In 1932, the then Lieutenant-Governor Lehman personally intervened and mediated a threatened New York cloak and suit strike—on the basis of a 10% wage cut. He had previously been called in to serve as "mediator" of the 1930 dress strike and the 1929 cloak strike and had been an active participant on Governor Smith's Commission on the cloak industry which served from 1924 to 1926. When he ran successfully for the governorship of the State in 1932, the entire body of employers rose to his support.

Other government agencies are likewise rallied whenever needed both in the direct interests of the bosses and against left-wing unionism. When hearings on the fur code were being held in Washington before NRA authorities every effort was made to bar the representatives of the Needle Trades Workers Industrial Union, although it represented

the overwhelming majority of the workers. Instead, Deputy Administrator Conkling, the presiding officer, announced that Peter Lucchi, president of the A. F. of L. International Fur Workers Union, would sit with him as labor advisor. A chorus of boos and cries of "Who's Lucchi? We don't know him!" arose on that occasion from the benches where the workers were assembled. In answer to the protests of Irving Potash, New York district secretary of the Industrial Union, Colonel Conkling replied that "no matter what Mr. Potash felt, Mr. Lucchi would speak for labor."⁸ Potash did speak, however, due to the mass pressure of the workers.

In line with the same policy was the refusal of Secretary of Labor Frances Perkins to even see a delegation of 40 New York members of the Industrial Union who came to protest police brutality and intimidation by employers and gangsters. She finally admitted them when they prepared to picket her office. Similarly, when Edward F. McGrady was appointed to the staff of General Johnson, former NRA chief, as representative of organized labor, the trade press pointed out that "Mr. McGrady is a familiar figure to the needle industries because of his activity in assisting the International Ladies Garment Workers Union and the International Fur Workers Union in their fights against Communist domination of their unions."

Many other governmental agencies, even those dealing with education and "relief," stand always ready to attempt to crush the spirit and struggles of the workers. In the Pennsylvania sweatshop strikes of children in their 'teens during April, 1933, for example, the Northampton local authorities threatened to stop relief for the families of children who went on strike. Even the school officials tried to break the strike by threatening to force these young workers back to school "since they no longer were employed."

When Employers Get Hurt

Class conscious workers and revolutionary trade unionists had no illusions about the NRA. They have none about any other agencies of the capitalist state. They recognize these as mere instruments of the ruling class to smash the struggles of the workers, to destroy the right to strike and picket. They have long since learned that they have won improvements only through strike struggles and not through the action of these political machines.

Code wage and hour scales were set at the lowest point consistent with mass tolerance. But when they seemed too favorable to the workers to satisfy the most slave-driving sections of the employers, these latter had no intention whatever of being guided or restricted by the limitations imposed by their own creature—the capitalist state.

We have already discussed the wholesale violations by employers of NRA code provisions. Thus, pants manufacturers themselves pointed out during the life of the Recovery Act that "practically all pants manufacturers are ignoring the executive order. . . . These are not cases of isolated violations. They are general."⁹ Wash dress manufacturers stated openly, "Suppose we determine among ourselves that it is an impossibility [to abide by requirements]. . . . What then?"¹⁰ Still others pointed out that, "The same sharks and shysters who were responsible for the sweatshops before the NRA went into effect are to-day sitting up nights figuring out ways to violate their codes."¹¹ And the Southern group frankly challenged that they "don't care what decision the deputy administrator makes. The South will not abide by it. . . . Call out your troops and come down and make us."¹²

Nor did complaints to officials by unions or others bring results. As was pointed out at the time, "Almost every time the union files a complaint against a non-union firm . . . the code authority starts investigating a union plant instead."¹³ Or if, as in the case of L. Greif & Bros., Inc., of Baltimore,

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the second largest men's clothing producers in the country, the code authority finally did intervene (in this case ordering the company to pay in excess of \$100,000 back wages of which the workers were defrauded) the companies found little trouble in rushing into court and finding some obliging judge who would sign an order restraining the NRA code officials from enforcing their decrees.¹⁴

In other words, employers have no intention whatever of being restricted, regulated or otherwise interfered with in their quest for private profit—even by those agencies which the capitalist class erects to disseminate illusions among the workers.

Prison Labor

Probably the cruelest of all forms of labor exploitation is the forced labor required of prisoners in various penal institutions. Some 25 states have commercialized their prison industries, offering cut-throat competition to outside labor through the sale of prison goods on the open market at prices which make even sweatshop competition almost impossible.

Work clothing, shirts, cotton pants and a host of other garments are the leading products of convict labor. It was estimated that in 1926, 41% of all work shirts and 35% of all work pants were manufactured within prison walls and although exact recent statistics are lacking, it has been shown on excellent authority that the extent of convict-made work clothing has increased steadily.¹⁵

The customary system is for the state to award to a private firm the use of the labor of a certain number of convicts. Either the contractor or the state sets up a plant within the prison and the convicts are forced to manufacture some commodity. Taxpayers' money is used to feed, shelter, and otherwise care for the convicts. The firm saves the costs of rent, light, heat, power, etc., which are likewise paid for out of public funds. The state receives in return from one-sixth to one-third of what "free labor" would receive outside of

prison walls—one Tennessee contract calling for work shirts at a price of 45 cents a dozen. Moreover, as the shirt manufacturers have pointed out "there is no such thing as hours of labor in a prison if the warden likes the manufacturer."¹⁶ Under the "task" system, the prisoner is required to do a specified minimum of work each day—with punishments running to "30 or 40 blows with a heavy strap as a last resort for not pulling task"¹⁷ and other forms of torture.

Some of the largest firms in the country utilize the labor of convicts, such as the Reliance Mfg. Co., which "through the Gordon East Coast Co. and other wholly owned stock affiliates and subsidiaries, receives the entire output of the Alabama State Penitentiary cloth mill at Kilby, Ala., and of the State prison garment factories in Alabama, Kentucky and Wyoming."¹⁸

In spite of various forms of regulatory legislation, all of which are being successfully evaded, cotton garments and work clothing of prison manufacture are flooding all markets in increasing numbers. Clever salesmen quote astonishingly low prices on this merchandise and sweatshop proprietors in turn lower still further existing labor standards "in order to meet competition."