

The Gompers Contempt of Court Sentence

[excerpt]

(January 2, 1909)

Justice Wright of the Supreme Court of the District of Columbia,¹ hitherto unknown, has suddenly achieved national distinction, enviable or otherwise, according to the point of view, by deciding Samuel Gompers, John Mitchell, and Frank Morrison guilty of contempt of court in the case of the Buck Stove and Range Co. and sentencing them to jail for one year, nine months, and six months, respectively.²

It is worthy of note that coincident with the decision of the supreme court of the District of Columbia sentencing the federation leaders to jail the Supreme Court of the United States rendered its decision absolving Edward Harriman, the railroad king, from answering the questions of the Interstate Commerce Committee in reference to certain stock jugglery and other shady manipulations.

The Gompers contempt case began in August 1907 and grew out of the boycott placed upon the company by the American Federation of Labor and the publication of the company's name in the "unfair list," and it is for the alleged violation of this injunction that Justice Wright now sentences Gompers, Mitchell, and Morrison to jail.

Justice Wright's review of the case, his argument and summing up are without flaw, his decision absolutely correct and his sentence reasonable and just, from the capitalist point of view. From the labor point of view it is the precise opposite and is nothing less than an exhibition of supreme judicial despotism which outrages every workingman who has intelligence and self-respect enough to know when he is outraged.

The capitalist class character of the federal court, especially in its supreme branches, is well established among the few who see and think for themselves, and this decision of Justice Wright will do much to open the eyes of the unthinking and idolatrous many who still look upon courts in open-mouthed wonder and awe as sacred and infallible institutions.

All through the decision "handed down" by Justice Wright labor is treated as a commodity and in this the court is entirely logical, and so far as those who regard labor as a commodity are concerned and treat it

accordingly, there is no valid reason for objection and no good ground for complaint.

But labor is not a commodity but life, human life, with a soul in it, and as sacred as the God who created it, and that is why Justice Wright's decision is heartless and infamous; and if Gompers, Mitchell, and Morrison are in contempt of his capitalist court — and if they are not they ought to be — his court is in an infinitely larger degree in contempt of enlightened human conscience.

I have nothing to say here about Gompers, Mitchell, and Morrison as labor leaders. Their official attitude, views, and policies I have no sympathy with, not the slightest, but this is not the time nor the place for such discussion, nor for the exploitation of any other differences or disagreements. In this fight, forgetting all else, I am with them, not half-heartedly, but as thoroughly in earnest as if they were my socialist comrades, and I shall gladly give them all the support in my power.

This jail sentence which has been imposed upon them is an attack not nearly so much upon them as it is upon organized labor and the working class and as such it ought to be resented with indignation by all the workers of the country.

When Moyer, Haywood, and Pettibone were kidnapped the Appeal to Reason and other Socialist papers took the lead in the fight to rescue them because they had been attacked for serving labor, and the same is true in this instance of Gompers, Mitchell, and Morrison, and every socialist and labor paper and every socialist, trade unionist, and workingman, and every sympathizer with labor, should make this fight his own and raise such a storm of protest that even capitalist courts will be given to understand that labor is not a commodity to be treated as hair, hides, and tallow, and that it will no longer stand for outrageous court decisions jailing its officials for the meek and humble offenses of serving notice that it will not patronize its enemies.

* * *

Gompers, Mitchell, and Morrison have not been tried by a jury of their peers, but have been sentenced to jail by the arbitrary will of a judge before whom, in the very nature of things, they were foredoomed to conviction. If in this case they are guilty of anything to their discredit it is not for

openly defying the insolent and despotic order of the court in the first instance.

The same federal court refused to take cognizance of the kidnaping and deportation of labor leaders in flagrant violation of the Constitution of the United States, and it also legalized the blacklisting of workingmen, and now it caps the climax by ordering union officials sent to jail for simply calling by name the enemies of organized labor.

Federal judges are extremely jealous of the sacred rights of capitalist "property," but supremely indifferent to working class life. The boycott of labor is punished with a jail sentence, but the blacklist by capital, under which a workingman is driven to suicide and his wife and children to starvation, is no infraction of law or equity, as administered by corporation judges, and no capitalist has ever been as much as fined, saying nothing to being sent to prison, for that infamous crime.

It is only in these latter days since corporations and trusts have become supreme that courts proceed to such extremities in subjugating labor, and if labor submits without protest it will soon be shorn of the last semblance of its dignity and the last vestige of its rights.

Whether this decision of Justice Wright is allowed to stand and Gompers, Mitchell, and Morrison go to jail depends entirely upon the working class. Upon this issue they can all unite — radical and conservative, organized and unorganized — in such widespread, emphatic, and determined protest as will not only rebuke the court and prevent the sentence from being carried into execution, but absolutely secure them against any such despotic decision in the future.

The Appeal, in this fight, is for the federation officials and against the federal court. Every labor union and every socialist local should rise in protest. The measure of labor's slavery and degradation is the measure of its supine submission when it is wronged. It can at least protect and give evidence of its consciousness that it is wronged and of its determination to draw the line at some point and maintain some degree of its self-respect.

Let but the workers make this case their own — for such it is — and a storm of protest will sweep over the nation and never again will such a decision be rendered in the United States.

¹ Daniel Thew Wright (1864-1943), a former prosecutor from Hamilton County, Ohio, was nominated to a seat on the bench of the supreme court of the District of Columbia by President Theodore Roosevelt in November 1903. He resigned in October 1914, in the face of a forthcoming inquiry by the House judiciary committee over allegations that Wright illegally accepted legal fees, wrongfully appropriated money, falsified records, and engaged in acts of judicial misconduct while on the federal bench.

² On December 23, 1908, Samuel Gompers, John Mitchell, and Frank Morrison, executive officers of the American Federation of Labor, were issued jail terms ranging from six months to a year for contempt of court for the continuing boycott of the Buck Stove and Range Company. The three were released on bail totaling \$12,000 pending appeal and a protracted legal battle followed in which the AF of L leaders lost at every turn. The case went to the US supreme court in January 1911. In May of that year, several months after the AF of L and Buck Stove and Range had settled their legal dispute, the high court set aside the sentences against the three labor leaders as wrongful, ruling that the case against them was civil rather than criminal and that only fines could be imposed by judicial fiat, not jail terms.