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FAVORABLE DECISION ON EIGHT-HOUR LAW

The eight-hour law for public work was upheld by Circuit Judge Kavanaugh last Wednesday when he found Arthur D. Kern, a sub-contractor, guilty of working an employee 16 hours and 15 minutes. Judge Kavanaugh fined Kern \$100.

Judge Kavanaugh's decision is regarded as an important one, especially in view of the amount of road work and other public improvements now pending. Because of this, Arthur A. Murphy, Deputy District Attorney, was present when Judge Kavanaugh decided the case, and took special note of the decision.

Kern was indicted in 1913 for working W. R. Earle, a teamster, more than eight hours. A second indictment was returned against him on the technicality that he had worked Earle 16 hours and 15 minutes, but had not paid him overtime. Judge Kavanaugh dismissed this second indictment, stating that more cause for civil action existed than for criminal action.

The far-reaching effects of Judge Kavanaugh's decision in the Kern case, it is said, will mean that contractors no longer can make sub-contracts and allow the sub-contractors to work the men more than eight hours. Kern had charge of a pavement mixer in paving some streets in East Portland.

This case is illustrative of the difficulties encountered in securing decisions in cases of this nature. The case first came before District Judge Dayton in 1913 and the defendant was held to the Grand Jury. The case was passed to the following Grand Jury and by special efforts on the part of Deputy District Attorney Hammersly indictments were returned. The case then remained in the District Attorney's office until May, 1915, awaiting a stipulation of facts between the district attorney's office and attorney for the defendants.

And the end is not yet. The defendant has served notice of appeal.

If some hungry working man had stolen a loaf of bread at the time this contractor violated the law the poor devil would have had most of his jail sentence served out by this time.

PROMINENT OFFICIAL SAYS DAY LABOR PLAN IS BEST FOR ALL PUBLIC WORK

Following out the plan to endeavor to induce the County Commissioners to build the roads by day labor instead of letting the work to contractors, the Central Labor Council, at its meeting last Friday night, took action to secure a large number of additional names to the petitions that have been circulated by the Married Worker's Association.

The Commissioners have not given the least intimation that they intended to seriously consider the matter of building the roads by day labor, but the Council is going right ahead with the proposition, because they are confident that they are right and that eventually their claims will be given consideration.

In support of our contention that it is the best plan to build the roads by day labor, we quote below a portion of a report of Chas. R. Case, Superintendent of Streets and Sewers of Seattle:

"During the year 1912 the Board of Public Works entered into agreements with paving contractors to take over all maintenance contracts on pavements. About the same time the city asphalt plant, built in 1908 at an original cost, as shown in Engineer's report for that year, of \$21,000 but which had never been made use of to any extent, was turned over to our department. It was in the worst possible condition of repair, as shown by the fact that we had to spend \$3756.49 in the first six months to get it in condition to successfully operate.

"Out of the profits of the contract work we have done, together with the repairs of cuts made for different public utility companies, we have kept up the necessary maintenance and have a profit of \$4262.72.

"Had the maintenance contracts in existence last year continued in force during 1913, the city would have paid \$33,214.84 therefor, to which we add an actual plant profit of \$4262.72, making a total actual saving to the city through operation of asphalt plant, of \$37,477.56.

"Aside from this actual saving the cost of asphalt paving has been considerably lessened by the fact that we were in a position to lay asphalt top on new work for paving contractors who had no plant of their own. We have given bids as low as 70 cents a square yard for standard asphalt paving, which we are advised is 20 cents a yard under any bids ever given by other contractors, owning asphalt plants, prior to our entering into competition with them. P. J. McHugh at one time tendered us a written proposal stating that he would do our street repair work at one-half what it was costing us if we would close our plant and keep it closed. You have our answer to him in the account of the work done.

"The City Engineer in his 1911 report said: 'The laying of asphalt pavement is a matter calling for special skill and equipment which the average contractor does not possess.'

"Believing that our public work could be carried on more satisfactorily, with a better quality of work and perhaps more cheaply, we asked the Board of Public Works to authorize us to subgrade and pave Fifteenth avenue West. In order that we might have actual figures for comparison we waited until bids had been opened before asking permission to do this work. The Barber Asphalt Paving Company were low bidders in the sum of \$16,622.00. We estimated that we could do the job for \$15,411.95.

"After the Board of Public Works authorized us to undertake the work, the plans were changed to include 1200 additional feet in length of street, which portion had to be filled and made necessary the hauling of earth from subgrade the entire length of the job.

"The cost, according to our estimate of the originally planned improvement, with addition of 2581 linear feet of curb, would have been \$14,146.38, to which we add 10 per cent for superintendence and use of tools (though we bought and rented most of the tools used, paying for same out of this ordinance) making a total of \$15,561, as against our estimate (with additional curb included) of \$16,831, a saving of \$1270 over our own estimate, or \$2351.49 less than the Barber Asphalt Paving Company's bid if additional curb put in was included in their bid.

"This saving was accomplished despite lack of organization in our department for such work and the further fact that the Puget Sound Traction, Light & Power Company delayed us 60 days in the completion of the job, which delay cost us several hundred dollars because of bad weather encountered. With proper organization and equipment I am satisfied that from 15 to 20 per cent can be saved on much of our paving and improvement work by doing same by day labor.

"We have had to on many occasions act in defense of workmen who were being exploited by contractors through evasion of the minimum wage, eight-hour and other ordinances enacted for their protection.

"Inspectors on work apparently considered it none of their business how much labor was exploited so long as materials and workmanship were satisfactory.

"Through our efforts resolutions were adopted instructing all inspectors to use the same care and diligence in seeing that all ordinances affecting workmen were enforced on contracts the same as specifications regarding materials and workmanship.

"Careful inspection by employees of our department of contract work reported to us as completed and ready to turn over to us for maintenance, has resulted in a number of instances in the discovery of serious defects in the work. In the case of the contract for the East Fifty-first street sewers, we became suspicious that the work had not been properly done because of the large quantities of sand we found in endeavoring to clean same. We uncovered a section of it and found no cement in pipe joints. At our insistence the contractors have since gone back and uncovered 2,005.2 lineal feet, 669 lineal feet of which was found un cemented.

"Through this and many other similar experiences we have reached the conclusion that unscrupulous contractors are slighting work whenever an inspector's back is turned; that they are scheming to attract an inspector's attention to one portion of the work while they do questionable work on another part of the job; that workmen are being exploited

ENGINEERS PLEAS WITH LECTURERS

Professor Worster and Rosencrans of the Oregon Agricultural College have just completed a 3-months series of lectures and demonstrations before Local No. 87, International Union of Steam Engineers, from which the members have profited to a considerable extent.

Almost the entire membership of the organization has attended the meetings and a number of the members have assisted the lecturers in carrying out experiments in local plants.

All of the members are highly pleased with the results and both Mr. Rosencrans and Mr. Worster were tendered and accepted membership in the local.

War fans are still waiting to see what those Germans can do on their home grounds.

CARPENTERS LOCAL 808

There will be a special called meeting of Local No. 808 held on Tuesday, June 8, 1915, for the purpose of voting on a referendum from the general office, the election of local officers and secretary and business agent of the district council, and such other business as may legally come before the meeting.

Fraternally,
WILL C. SHUGART,
Secretary.

SALEM AND ASTORIA MEMBERS CAN HELP IN TOWNSEND FIGHT

Organized labor in Portland is especially anxious that members of labor organizations and their friends and sympathizers in Salem, Astoria and other towns take notice of the fact that the Townsend Creamery Company is unfair.

Here is a list of the products of the Townsend Company: Brands of butter: Cascade, Jersey, Mayflower, White Lilly, Orange Dairy, Crescent, Meadow Brook, and White Clover, the latter being their leader.

The company also manufactures White Clover Ice Cream. Don't buy any of the brands of butter named above and don't buy any White Clover Ice Cream.

The management of this company absolutely refused to see a committee representing the unions and has shown by his every action that he is a lover of the infamous, so-called "open shop." The kind where the front door is open for seabs and the back door open for any union man who might happen to become employed through an oversight.

It is especially requested that our friends in Astoria and Salem see the grocers and confectioners and request them not to handle the products of this company.

The Weatherly ice cream, the product of the Crystal Ice Co., is fair to organized labor, and there are several other brands of butter and ice cream that are fair, so that there is no excuse on that score.

Lawson a Convict—Rockefeller a Saint

BY SAMUEL GOMPERS.

"Guilty of murder in connection with the death of"—the words came with a weird shock. They had an appalling fascination because of their unbelievable reality. John Lawson has been found guilty of being an officer of organized labor and sentenced to living death in connection with the death of a man of whose death he knew nothing. Why? Because somebody wants to get John Lawson out of the way. It is a familiar trick of hostile employers to undermine unionism by getting the leaders out of the way by allurements, discharge or jail—some way, any way. John Lawson is a miner; he is one of the strong, courageous, reliable men in the movement to establish industrial justice and freedom for those who work.

That the labor movement is a great evolutionary force, that it brings in its wake a new industrial status, employers fully appreciate. The coal barons of Colorado have been dominated by a man who would sacrifice all of his investments in Colorado rather than recognize the new industrial situation which assures wage-earners a voice in determining conditions under which they work. In the relentless pursuance of this policy John Lawson became a marked man.

But John Lawson was known throughout the state of Colorado as an honorable, just man, a man who had reverence for human life. Because of the world-wide publicity which the strike gained, due to the subversion of civil authority and to the disgraceful civil war that was inaugurated by the coal barons, John Lawson became equally well-known as a responsible, frank, kindly advocate of human justice. The governmental officials and agencies of Colorado have become infamous for facile subservience to the machinations of corporate "vested interests." But the existing agencies could not be trusted to convict John Lawson of a murder that he did not even see. A special tribunal was "made to order."

A new judgeship was created to which was appointed Granby C. Hillyer, formerly corporation attorney for the coal barons. To him could be entrusted trials of union miners indicted during the strike. Jesse Northcutt, the well-known attorney for the coal operators, acted as prosecuting attorney. When this "machinery of justice" was ready for business the labor "trials" began. The first trial was that of Louis Zancanelli. The machine clogged—careful study revealed defects in the jury. The newspapers of Colorado assert that the jury was "improved" by the injection of three gunmen, a corporation doctor, and a man who was said to have bet on the trial.

This time the machine did the trick and was pronounced equal to the work of getting John Lawson out of the way.

Profiting by the first experiment the Sheriff provided a hand-picked jury chosen by open venire. The law of Colorado provides that juries shall be chosen by drawing names from the jury box, but as that method was inconvenient for this special judicial machine it was not permitted to interfere. Then the machinery to convict the leader of the miners of Colorado was ready and the formalities of securing legal "sanction" for connecting John R. Lawson with the death of the gunman, John Nimmo, were enacted.

There was not a scintilla of evidence to establish Lawson's guilt. It was not even proved that he was present at the battle. The prosecution simply proved Lawson to be a union official, but failed to establish that he advocated, practiced or even encouraged violence. The employes and gunmen of the coal operators offered testimony to substantiate the company's prosecution.

After long deliberation the hand-picked jury brought in its verdict. In the death-like stillness Lawson was declared guilty of murder in the first degree in connection with the death of John Nimmo, October 25, 1913. A gasp of unbelieving wonder followed this travesty of jus-

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