Trade Unionism and Chapter XIII.

Laws Pertaining to Industrial Disputes.

The Legality of Trade Union Practices.

Prior to 1909 there were no laws in California restraining the activities of labor organizations but, on the other hand, there were few laws actually protective* ~~in nature.~~*

*In 1903 an act had been passed restricting to some extent the use of the injunction in labor disputes and in 1905 section 49 of the Civil Code had been amended so that the enticement of a servant from his master was no longer prohibited. (See Eaves, Lucile, History of California Labor Legislation, pp. 422-432.)

A general use of the injunction by the employers, however, had narrowed the unions' activities to a great extent.

In 1908 Miss Eaves stated, "The injunctions have been so general in their terms that it is easier to state the few remaining forms of trade union activity which the courts still permit, than to attempt a summary of prohibited actions. The efforts to enjoin the strike have been declared unconstitutional in the United States Supreme Court, so the right of the workman to quit work, whenever and for whatever cause he sees fit has been fully established. The right of peaceful persuasion is allowed, though the value of this concession is not great, since the means and opportunities for persuasion are held subject to injunction... The use of labels to advertise work done under good conditions, and their advertisement has not been enjoined."*

*Ibid., pp. 436-437

We shall now ~~attempt to show~~ point out what has occurred since 1908 to affect the activity of trade unions in California. Several laws pertaining to the subject have been enacted by the legislature and a few important judicial decisions have been rendered, both of which have changed to some extent the legality of workers' collective activities.

Trade Unions. The legality of trade unions per se has remained intact in California and their position in some ways has really ~~been~~ become strengthened.

In 1909 organized labor succeeded in obtaining two protective statutes. One measure provided that persons unlawfully wearing the button of any labor union of the state ~~was~~ guilty of a misdemeanor, ~~and~~ the maximum penalty being ~~was~~ a fine of $20 and imprisonment ~~of~~ for 20 days in the county jail.*

*Cal. Stats. 1909, p.546.

The other measure provided that any person who should wilfully use a union card in order to obtain aid, assistance or employment, unless entitled to use the card under the rules and regulations of a labor union within the state, was guilty of a misdemeanor.*

*Cal. Stats. 1909, p.668.

At the 1910 convention of the California State Federation of Labor, a resolution sponsored by the Laundry Workers' Union No. 52 of Los Angeles urged the Federation of Labor to support a bill ~~which if passed would~~ to further protect labor unions in the state.* The resolution was

*"Report of Committee on Law and Legislation", Proceedings of the 11th Annual Convention of the California State Federation of Labor, October 3-7, 1910, p.32.

adopted by the convention* and accordingly the proposed

*Ibid., p. 33.

bill was introduced in the 1911 session of the legislature. The measure provided for the protection of employees as members of labor organizations and made it illegal for an employer to coerce, compel or influence the opinions or actions of his employees not to join or become a member of any labor organization as a condition of continuing in his employment. It specifically provided that an employer should not compel any person to enter into an agreement, either written or verbal, not to join a labor organization.* The

*A law pertaining to the subject had been enacted in

1893 and was still upon the statute books but it was practically worthless because of a faulty enforcement provision. (Penal Code, Section 697, Added Stats. 1893, p.176.)

---

bill passed the Assembly with no great difficulty but died in the Senate Committee on Labor and Capital.*

---

*Final Calendar of the Legislature, 1911, p.467.

Similiar bills were introduced in the 1913 and 1915 sessions of the legislature. The 1913 bill died in committees. Before the 1915 measure had come up for final voting a similiar Kansas law was declared unconstitutional by the United States Supreme Court,* and, therefore, organized

---

*Coppage vs. Kansas, 236 U.S. 1, 35 Sup. Ct. 240 (1915).

---

labor decided not to attempt for a while the enactment of such a law in California.

In 1923 the old statute of 1893 which had forbidden anti-union contracts* was declared unconstitutional by the

---

*See footnote, Supra.

United States District Court of Appeals. The Pacific Electric Railway Company, operating in Southern California in inter-state and intra-state commerce, had carried on its business for several years under non-union agreements. In 1918 represent-

atives of the railway brotherhoods undertook to unionize the workers, and after three months' activity 1,200 of the 1,500 men employed had become affiliated with the unions. ~~After~~ Upon securing this measure of unionization a strike was precipitated ~~on the~~ after demand ~~of~~ for recognition of the union ~~and~~ had been refused by the company, ~~s refusal~~. The company sought a temporary injunction restraining the defendent organizers from interfering with its business and with its contractual relations with its employees. This injunction was granted, and on appeal was sustained by the United States Circuit Court of Appeals.* ~~The~~ nearly two years after the organizers submitted their answer in the case

*Montgomery et al vs. Pacific Electric Railway Co., 258 Fed. 382, 169 C.Ca. 398, (1919)

of the temporary injunction, ~~and nearly two years later~~ the case was brought to hearing in the district court upon an application for a final decree. The district court found the California anti-union contract law on an identical footing with the similar statute of Kansas which had been held by the Supreme Court of the United States to be "repugnant to the 'due process' clause of the fourteenth amendment, and therefore void".* That decision was regarded as control-

*Coppage vs. Kansas, 236 U.S. 1, 35 Sup. Ct. 240, (1915).

ling in the ~~present~~ Montgomery case, so that the statute of California was likewise void and ineffective.*

*293 Fed. 680, (1923)

The practice of ~~so~~ many California employers of refusing employment to applicants for work unless they ~~would~~ had signed individual contracts wherein they agreed not to join any labor organization led organized labor, in spite of the adverse decision of 1923, to again appeal for protection through ~~this~~ legislative enactment. Accordingly, in 1927 a proposed bill directed against these "forced" contracts occupied the most conspicuous place in the legislative program of the California State Federation of Labor. The hated agreements had been nicknamed "yellow-dog" contracts in some of the eastern cities and this name was adopted on the Pacific coast. Paul Scharrenberg, Secretary-Treasurer of the California State Federation of Labor, argued that the boosters of the so-called "American Plan" or "open shop" were the ones who were using "yellow-dog" contracts and he claimed that they were using them in order to drive out the labor unions.* Mr. Scharrenberg stated that the Industrial

**"Report of Secretary-Treasurer", Proceedings of the California State Federation of Labor, 27th Annual Convention, Sept. 20-25, 1926, p.95.

Association of San Francisco was attempting to raise a million dollar fund for the purpose of fighting organized labor.*

---

*The Industrial Association is an organization of employers and is a successor of the ~~old~~ Law and Order Committee of San Francisco which had conducted drives for the "open shop" in 1916 and again in 1921. (Ibid., p.96).

The bill (A.B.177) drafted by Labor and presented in the 1927 session of the legislature was entitled, "An act to declare provisions in contracts of employment whereby either party undertakes not to join, become or remain a member of a labor union or of any organization of employers or undertakes in such event to withdraw from the contract of employment, to be against public policy and void". The proposed measure had its first hearing in the Assembly Committee on Capital and Labor and then went to the floor of the Assembly with a "do pass" recommendation. On March 29, the bill was referred to the Judiciary Committee for an opinion as to its constitutionality. By request of this committee, Attorney General Webb spoke at length on the constitutionality of the measure and asserted that ~~this~~ the bill was different in character from similar measures ~~heretofore~~ previously declared invalid. Attorney Phleger, representing the Industrial Association of San Francisco, addressed the

committee and insisted that the bill was unconstitutional. The representatives of labor replied to Phleger and argued in the opposite direction. The bill was favorably reported out of committee and was finally passed by the Assembly on April 14. April 28, on the floor of the Senate, the measure was killed by a vote of 18 ayes to 20 noes.*

*Final Calendar of the Legislature, 1927.

In 1929 the same measure proposing to out-law "yellow-dog" contracts was introduced in the legislature but this time it was voted down by the Assembly.*

*Labor Clarion, May 24, 1929, p.4.

Strikes.

The right to strike has remained unquestioned by the courts of California. The leading judicial decision pertaining to the subject is the Parkinson case of 1908. At that time the Supreme Court of California decided that "Laboring men and labor unions formed by them, if not bound by any contract to continue work, and not forbidden by statute, and who use no unlawful means, may lawfully combine for their own protection, and may pledge themselves not to work for any employer of 'non-union' men and not to handle any material supplied by the employer, and not to work for any contractor dealing with the employer."*

*Parkinson Company vs. Building Trades Council, 154 Cal. 581, 98 Pac. 1027, (1908).

In 1917 when the Retail Clerks' Association declared a strike against Samuel Rosenberg of Santa Clara County, the California Appellate Court in sustaining an injunction against the association did not question the right to strike. The court held that "Strikers have an unquestionable right, where no contractual obligation interfere, to present their cause by peaceful persuasion and argument."*

*Samuel Rosenberg vs. Retail Clerks' Association, 39 Cal. A. 67, 177 Pac. 864.

The most recent Supreme Court case was decided in 1921. At that time Justice Shaw declared, "The right of a workman to quit his employment is as absolute as the right of a fellow-employee to remain in the employment, or of another workman to take the place vacated by the one who has quit, or the right of the employer to dispense with an employee's services".*

*Southern California Iron & Steel Co. vs. Amalgamated Association of Iron, Steel & Tin Workers, 186 Cal. 604, 200 Pac. 1, (1921).

Prior to 1913 California's organized workers had complained of the fact that employers while engaged in industrial disputes were permitted, through misleading advertisements, to import strike-breakers from various parts of the state.*

*See Proceedings of the California State Federation of Labor, Conventions of 1910, p.19; 1912, p.40.

Labor leaders finally succeeded in obtaining a protective measure in 1913, however, which regulated advertisements and solicitations for help during strikes and other labor troubles.* The statute was not entirely satisfactory ~~though~~

*Cal Stats. 1913 Ch. 333.

as is explained in the following resolution which was presented by the Waiters' Union of San Francisco at the State Federation of Labor Convention in 1925:

> Whereas, the present law to regulate advertisements and solicitations for employment during strikes, lockouts and other labor troubles, is inadequate, in that it permits the advertisement to be made in papers published solely within the city where the strike exists, although the paper so published may have a circulation extending all over the state and oftentimes even in other states; and
>
> Whereas, the law as it now reads, makes it impossible to place the responsibility for the advertisement; and
>
> Whereas many persons unaware of the existence of such labor troubles, do respond to such advertisements, and come to the cities or places where such trouble exists, at a great loss to themselves, and to the strikers, thus defeating the purpose of the law; therefore be it
>
> Resolved,...that we try to secure the amendment of the present act by striking out the exception, which is made to advertisements published solely or made within the city or locality where the strike...exists, and also by adding a section to the law requiring persons...advertising for employees during labor troubles to insert in the advertisement the name of the party responsible for the advertisement and making such advertisement prima facie evidence of violation of the law, if any.*

---

*Proposition No.47, Proceedings of Convention, p.47.

Previously, the State Federation of Labor had tried to get the law changed in 1921, 1923 and 1925, each time the legislature had favored the desired amendment but ~~and~~ each instance the governor had vetoed it.* However, in 1927 the labor

---

*Final Calendar of the Legislature, 1921, p.124; 1923, p.127; 1925, p.126.

---

leaders were at last successful.* The changes in the law

*Cal. Stats. 1927 Ch. 314.

were ~~the same as~~ those which had been suggested by the Waiters' Union of San Francisco in 1925.*

*See Supra.

Boycotts.

The California courts have held that primary boycotts are ~~were~~ legal,* ~~and~~ In 1909 the California Supreme Court de-

*Parkinson vs. Building Trades Council, 154 Cal. 581, 98 Pac. 1029 (1908); Rosenberg vs. Retail Clerks' Association, 39 Cal.A. 67, 177 Pac. 864 (1918).

cided that the legitimacy of a secondary boycott depended upon the legality of the means employed or threatened to be employed in carrying it into effect. Justice Henshaw, expressing the majority opinion, stated: "This court recognizes no substantial distinction between the so-called primary and secondary boycott. Each rests upon the right of the union to withdraw its patronage from its employer and to induce by fair means any and all other persons to do the same, and in exercise of those means, as the unions

would have the unquestioned right to withhold their patronage from a third person who continued to deal with their employer, so they have the unquestioned right to notify such third person that they will withdraw their patronage if he continues so to deal."*

---

*Pierce vs. Stablemen's Union, 156 Cal. 70, 103 Pac. 324, (1909).

The same view was held in the case of Rosenberg vs. Retail Clerks' Association in 1918, but the court, disappointed labor, decided that ~~practically~~ all trade union methods of enforcing boycotts involving coercion, menace or intimidation were illegal.* This decision was quite a setback to

---

*39 Cal.A. 67, 177 Pac. 864.

---

organized labor as a boycott is ~~but~~ merely a myth unless it can be made effective.

The San Francisco Chamber of Commerce sponsored an anti-boycott bill in 1917 which would have made the secondary boycott and sympathetic strike illegal, but the bill got no farther than the Senate committee to which it was referred.*

---

*Final Calendar of the Legislature, 1917, p.89.

Picketing.

Picketing is an ordinary method employed to enforce a boycott or strike. "Without the right to picket, without the right to observe and advertise to the public, the right of the modern workingman to organize with his fellows is, at least in certain occupations and trades, a barren and impotent right."*

*Labor Clarion, September 15, 1916, p.8.

California courts have followed the precedent of the federal courts, as well as tribunals in other states, by greatly limiting the right ~~of unions~~ to picket. Thus in 1917 the California Supreme Court sustained an injunction against the Motion Picture Operators' Union enjoining them from picketing by the use of placards or devices displayed in front of or in the immediate vicinity of a boycotted theatre in Sacramento.*

*Berger vs. Superior Court, 175 Cal. 719, 169 Pac. 143.

A year later the California Appellate Court stated that the question whether picketing was a peaceful and lawful means was one that had received frequent judicial consideration. ~~It then concluded,~~ "The cases in different juris-

dictions are not harmonious upon the question. Some of the courts have recognized, or at least do not deny, that picketing may not be unlawful. The weight of authority, however, and the governing tendency, is to accept the contrary view, and to regard picketing as inherently illegal, for the reason that it is inseparably associated with acts that are indisputably illegal."*

*Rosenberg vs. Retail Clerks' Association, 39 Cal.A. 67, 177 Pac. 864, (1918).

Similarly in 1919 the same court sustained an injunction against the picketing of a restaurant by members of the Cooks, Waiters and Waitresses' Union who were ~~as a means of~~ maintaining a boycott to induce the restaurant owner to unionize his employees. Justice Thomas who rendered the argument stated, "There can be no such thing as 'peaceful picketing' and members of a labor organization have no right to maintain a 'peaceful picketing' in front of plaintiffs' place of business so that all members and friends of labor unions may know that plaintiffs are operating their business in a manner believed by organized labor to be unfair, and a court acts within its jurisdiction in granting an injunction to restrain such action."*

*Moore vs. Cooks etc. Union, 39 Cal.A. 538, 179 Pac. 417, (1919).

A somewhat more liberal view was held by the California Supreme Court, however, in 1921. A case decided at that time involved the Amalgamated Association of Iron, Steel and Tin Workers who had picketed, during the course of a strike, the place of business of the Southern California Iron and Steel Company ~~during the course of a strike~~. The court unanimously decided that it was lawful for an employee who had quit to peaceably persuade a fellow-employee to leave his position, and if there were a number of employees who had left a common employer, "they were within their legal rights if and when they attempted as a group to persuade other employees, who continued to work, to quit, provided there be no force, violence, or intimidation, physical or moral, used, since the mere fact of numbers does not necessarily make such persuasion illegal."*

*186 Cal. 604, 200 Pac. 1, (1921).

There has been no picketing case before the higher courts in California since 1921 and, although in the light of the Southern California Iron and Steel Company decision some picketing, if peaceful, may be permitted, the legitimacy of all picketing is in a most uncertain position.

The Union Label.

Beginning in 1909 a concerted effort was made by many of the trade unions in the state to encourage the use of union label products. Women's union label leagues were organized in many communities and all consumers were urged to buy only those goods which bore the union stamp of approval. The union label department of the State Federation of Labor asked that all labor organization members wear at least five articles of clothing bearing the union label to show their loyalty to the cause.* It was explained that the label

*Labor Clarion, May 21, p.3; June 4, 1909, p.8; Proceedings of the 11th Annual Convention of the California State Federation of Labor, 1910, pp.46, 49, 55.

was "a badge of fairness, an emblem of justice in industry designating the product of the free working men, working in sanitary shops reasonably short hours, receiving a fair rate of wages for their labor and enjoying the right to confer with their employers to adjust wages and working conditions.*

*Labor Clarion, September 3, 1909, p.1.

The United Garment Workers complained that many non-union articles made in sweat-shops and other similiar places

of employment were being marketed in California as union label goods, the labels having been transferred from true union label products. They urged that protection should be received through legislative enactment.*

*Coast Seamen's Journal, February 1, 1911, p.6.

As a result of the combined efforts of organized labor a protective measure was enacted in 1915. Sections were added to the Penal Code which provided for a maximum fine of $500 and imprisonment for ninety days for fraudulently using union labels or trademarks or for fraudulently claiming employment of union labor.* This measure was strengthened by another act passed in 1921 which stated that "Whoever wilfully uses or displays the genuine label, trademark, insignia, seal, device or form of advertisement of any association or labor union, in any manner not authorized by such association or labor organization or not in conformity with the by-laws thereof, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one hundred dollars or by imprisonment for not more than three months.*

*Cal. Stats. 1915 Ch. 487.

*Cal. Stats. 1921 Ch. 372.

Thus, California has ~~thus~~ been generous in protecting by law the union labels of organized labor.

The Anti-Syndicalist Law.

In 1919, during the post-war hysteria, there was a great desire in California, as in some other states, to enact anti-socialist, red-flag and I.W.W. laws. Three such measures were passed by the California legislators which indirectly affected labor unions. One act made it a felony to display a red flag,* another amended the criminal conspiracy law,

*Cal. Stats. 1919 Ch. 101.

presumably to facilitate the prosecution of organized radicals,* and the third, a law which has proved to be "a thorn

*Cal. Stats. 1919 Ch. 125.

in the side" of organized labor, was aimed at an organization known as the Industrial Workers of the World* and

*See Brissenden, Paul F., I.W.W., a Study of American Syndicalism.

was known as the anti-syndicalist law. The latter statute defined "criminal syndicalism" as "any doctrine or precept advocating, teaching or aiding and abetting the commission of crime, sabotage (which word is ~~hereby~~ defined as meaning wilful and malicious physical damage or injury to physical

property), or unlawful acts of force and violence or unlawful methods of terriorism as a means of accomplishing a change in industrial ownership or control, or effecting any political change." Section two of the act provided that any person who "by spoken or written words or personal conduct advocates, teaches or aids and abets criminal syndicalism" should be guilty of a felony and punishable by imprisonment in the state prison not less than one nor more than fourteen years.*

*Cal. Stats. 1919 Ch. 281.

Labor leaders have been afraid that the statute might sometime be used against bonefide organizations when resorting to the strike and boycott.* They have agitated for the

*See Labor Clarion, April 25, 1919, p.10; October 30, 1925, p.5; Transactions of the California State Federation of Labor Convention, Sept. 20-25, 1926, p.35.

repeal of the act each time the legislature has convened since 1919 but their bills have ~~uniformily~~ uniformly been voted down. Many organizations, among which is the California Society, Sons of the Revolution, have maintained that the statute should be preserved.* Other organizations, however, have

*It is an interesting sidelight that the direct descend-

ants of the ~~radicals~~ revolutionary patriots of 1776 are today perhaps the most conservative and reactionary group in our political society. The following is an extract from a resolution by the Sons of the Revolution presented to the legislature of 1927:

"Whereas, there is a movement on foot to bring about the repeal of the criminal syndicalism law; and

Whereas, said law is aimed only to prevent the teaching and advocating of the use of force, violence and terrorism as a means of affecting a change in industrial ownership or control, or any political change; and ....

Whereas, the Sons of the Revolution, carrying in their veins the blood of those who served and died that this government of ours might live, will ever resent any attempts to destroy it or affect changes within it based upon, or accomplished by, an appeal to force, violence or terrorism; now, therefore, be it

Resolved, that we most earnestly protest against the proposal to repeal the criminal syndicalist law and in that wise offer direct and positive invitation for the making of inflammatory speeches, the circulating of propogandizing literature and the holding of treasonable meetings...(Assembly Journal, March 1, 1927, p.422.)

---

joined with labor in urging that the law is not only foolish but that it is actually in violation of the first amendment to the United States Constitution which guarantees freedom of speech, freedom of press and the right of peaceable assembly.* University professors, preachers, publicists, educators and social reformers have advocated the statute's repeal. Perhaps the basic evil in having a law of this kind is that, irrespective of the committing of an overt act, a person may be convicted of crime. Then, too, it is a serious question whether the state gains anything from limiting freedom of conscience and freedom of thought, ~~inasmuch as~~ Much of our ~~most~~ progress is made through radical and "impractical" ideas.

---

* The validity of the act was upheld in 1926 by the United States Supreme Court, Whitney vs. People of the State of Cal., 274 U.S. 357, 47 Sup Ct. 641 (1926).

Attempts to Regulate the Use of the Injunction in Labor Disputes.

The injunction has long been used in California to restrain the actions of trade unions. Miss Eaves has written concerning early injunction cases in the state and has described how they crippled organized labor.* We have reviewed ~~the more recent labor injunctions~~ in other sections of this chapter the more recent labor injunctions.*

*Eaves, Lucile, History of California Labor Legislation, Chapter XIX, "Judicial Restraint of the Actions of Trade Unions", pp.394-438.

*See Supra.

In 1911, following the lead of the American Federation of Labor, California labor leaders ~~in 1911~~ initiated a drive against the use of the injunction in labor disputes.* Their point of view is illustrated in the following quotation: "The crying evil in the present use of the equity power is the application of injunctions to personal relations; thus superseding the common and statute law. The solution lies in legislation compelling the judiciary to abandon the use of

*Coast Seamen's Journal, March 22, 1911, p.1; Labor Clarion, September 1, 1911, pp.18-19.

equity except to protect property rights, where there is no remedy at law. The courts have seized jurisdiction by extending or altering the definition of property, claiming that to carry on business is a property right, instead of a personal right."*

*"Government by Injunction is Despotism", Proceedings of the Convention of the California State Federation of Labor, Oct. 2-6, 1911, p.88.

A bill patterned after the American Federation of Labor's anti-injunction bill was presented in the 1911 session of the legislature. Its main provisions were, first, that no injunction should be granted by any judge or court in labor disputes unless necessary to prevent irreparable injury to property when there was no adequate remedy at law; second, that the right to carry on business should not be treated as a property right; and third, that no labor agreement should constitute a conspiracy or criminal offence unless the act or thing to be done or not to be done would be unlawful if done by a single individual.* Andrew Furuseth,

*Senate Bill No. 965, see Coast Seamen's Journal, Mar. 22, 1911, p.1.

as well as other labor leaders, worked untiringly for the bill's passage but ~~he was not successful~~ without success. The measure pass-

ed with a small majority in the Senate but it never came to a vote in the Assembly.*

*Final Calendar of the Legislature, 1911, p.237.

The same measure, or a similiar one, has been sponsored by labor nearly every time the legislature has convened since 1911. The bill came within a few votes of passage in 1913, it was killed by the Senate Judiciary Committee in 1915, two years later a measure copied after the Federal Clayton act passed the legislature but was vetoed by Governor Stephens,* the same bill in 1919 was lost in the Sen-

*Organized labor felt very bitterly this particular defeat. On June 6, 1917, page 6, the following editorial appeared in the Coast Seamen's Journal: "Neither Mr. Koster, of the notorious "Law and Order" Committee of San Francisco, nor General Otis, the dean of the union busters in Los Angeles, had any serious influence with the late California Legislature. Despite their intimidation, threats and bulldozing tactics a majority of the members of the Senate and Assembly voted for Labor's Bill of Rights, commonly known as the anti-injunction bill. This placed the measure squarely up to Governor Stephens. From that day on the insidious influences of intrenched greed were focused on the governor's office. And now it has developed that the wouldbe labor crushers of California found much more pliable material in an appointed executive than in a Legislature elected by the people. Complying with the requests of the state's dwindling standpat forces and using their own words as an apology, Governor Stephens has vetoed the anti-injunction bill. In vetoing this inherently just and fundamentally sound measure, the present chief executive of California has given notice to all who care to know that the progressive era of the Golden State has come to an end."

ate by a scant margin of votes thus saving Governor Stephens

the trouble of another veto, and since 1919 the proposals have ~~usually~~ usually been voted down in the Senate Judiciary Committees.

According to Daniel C. Murphy, former President of the State Federation of Labor, trade unions have not agitated as strenuously for a protective measure during recent years. "The reason", says Mr. Murphy, "is ~~been because of the~~ that labor has been disappointed in the results of the Clayton act, and then, too, employers in California have not resorted to the labor injunction very much during the last few years."*

---

*A personal interview with Mr. Murphy, March 1931.

Mr. James W. Mullen, Editor of the Labor Clarion, however, feels that "Labor is not going to become discouraged. It is going to keep up the fight until relief has been definitely achieved. How many more years will be required to reach that stage we do not, of course, attempt to state, but we are sure that the battle for justice in this connection will never cease until the sought-for goal has been reached no matter how long and hard may be the struggle. Labor is right in the premises and it will eventually win."*

---

*"The Anti-Injunction Bill", Labor Clarion, March 22, 1929, p.8.
A most illuminating book entitled "The Labor Injunction" was published in 1930 by Felix Frankfurter and Nathan Greene.

Legal Restraints on Employers.

During the last twenty years a number of laws have been enacted in California pertaining to the duties and liabilities of employers in relation to their employees and other organized workers.

A bill prohibiting blacklisting was passed by the Senate and Assembly in 1913,* but only after several exemption

*An anti-blacklisting bill had been passed by the legislature in 1911 but was vetoed by Governor Johnson because of the vagueness of its phraseology. (Veto message pertaining to Assembly bill 604, Assembly Journal, Mar. 9, 1911.)

clauses had been tacked on to it. The railroad workers had been the initiators of the measure and ~~they~~, having some confidence in the value of the amended bill, they induced the governor to sign it. The newly enacted statute provided that, with certain exemptions, any employer who, after having discharged an employee, should by word, writing or any other means misrepresent and thereby prevent or attempt to prevent such former employee from obtaining employment with another firm, should be punished by a fine not exceeding two thousand dollars.*

*Cal. Stats. 1913 Ch. 350.

Attempts were made in following legislative sessions

to remove the exemption clauses from the act. Trade union leaders claimed that many workers were continually being blacklisted in direct violation of the intent of the law.*

*Proceedings of the California State Federation of Labor Conventions, 1915, p.24; 1925, p.99.

Finally, in 1929, the statute was strengthened to some extent by an amendment which prohibited employers from photographing or finger-printing employees and then passing on the pictures or prints to others.*

*There were possible exemptions ~~from~~ to this provision. (Cal. Stats. 1929 Ch. 586).

It is questionable whether or not the present amended law will be of practical value to labor unions as it is extremely hard to prove that employers use blacklisting methods.

An act prohibiting employers of labor from interfering with the political activities of employees was passed in 1915.* The same year a measure was enacted for the purpose

*Cal. Stats. 1915 p.47.
A statute of 1905 (Amended Stats. 1905, p.644) protects employees as voters.

of regulating the practice of using detectives to spy upon workers' organizations. The act provided that "public service

corporations employing special agents, detectives or so-called spotters should, before disciplining or discharging any employee upon a report by such special agent, give notice and accord a hearing to such employee upon his request therefor".*

*Cal. Stats. 1915 Ch. 65.

Company stores and commissaries have often been objected to by organized labor in various parts of the state. The reason for this objection is that sometimes employees have paid high prices for food, clothing, tools, etc. because they have been forced to patronize the company commissaries.* In 1917 labor leaders sponsored a bill ~~pertaining to the subject~~ which made it illegal for any employer to make, adopt or enforce any rule compelling or coercing any employee to patronize said employer or any other person in the purchase of anything of value. The bill passed the Assembly and Senate without any great difficulty and was signed by the governor on April 26* ~~thus becoming a law.~~*

*In isolated sections of the state this has been especially the case.

*Cal. Stats. 1917 Ch.141.