

EDITORIAL

THE CASE OF SHELBY SMITH.

By DANIEL DE LEON

ELSEWHERE in this issue will be found a remarkable document under the above head.¹ Shelby Smith is the Editor of a Philadelphia paper called the *Trade Union News*, in which he took occasion to severely castigate the International Executive for their conduct of hostility towards the Philadelphia Local No. 2, of which he was a member, during a strike that the local Union had inaugurated against the *Enquirer*. In these articles Shelby Smith charged the International Executive with siding with “rat” employers and printers. The International Executive brought charges against him for this language, and his local Union triumphantly acquitted him. The International Executive thereupon appealed the case before a body of their own creation, the International Committee of Appeals. On last August 15th, the annual convention of the International Typographical Union being then in session in Toronto, the Committee made its report, reversing the decision of local Union No. 2, and ordering the expulsion of Shelby Smith unless he make “a complete and satisfactory apology through the *Typographical Journal* and the *Trades Union News*,” and that “the apology must meet the wishes of the Executive Council”. Furthermore, local Union No. 2 was threatened with the revocation of its charter if it fails to submit to this order within 30 days.

The document referred to is a virile protest against the tyrannous powers arrogated by the international officers of the Union, and surely no less so by the overwhelming majority of the convention who bowed obsequiously to the uncouth despots. Nevertheless, the document is weak in two respects.

The document is weak in that it makes no mention of the Corregan Case, a case that preceded that of Shelby Smith and that was, if such is possible, a still more

¹ [\[Go to page three or click here.\]](#)

defiant violation of the civic rights of the citizen. Smith was at least tried; Corregan was condemned without trial by his accusers themselves, in Lynch's own Syracuse Local. Small thanks to the protesters in the Shelby Smith case that the outrage perpetrated upon Corregan has been redressed, that he whipped the malefactors, and that, with heavy costs and damages, they had to re-instate him. The present protesters remained silent, while the capitalist press shouted, jubilant at the attempted violation of the constitutional right of free speech, and applauded the criminals who sought, as in the Shelby Smith case, to muzzle the rank and file in the interests of the capitalist class, and thus to keep secret the felonious conduct of the labor fakir. The countenancing of one wrong weakens all protest against another.

Furthermore the document is weak in that it seems to impute the outrage perpetrated upon Shelby Smith wholly to the malignant disposition of Lynch, the President, and Bramwood, the Editor of the Union's journal. This is a serious error. The conduct of the Lynches and the Bramwoods is the result, not of original malice, but of their status in the Civic Federation. The journal of the Union is on the list of the Labor papers who sit at the feet of the Civic Federation "economists"; the President and the Editor of the Union are Labor-Lieutenants of the Belmont capitalists. As such, being allowed by the Union to be such, what wonder that only "malice is coiled in their hearts", what wonder that they pursue the apostles of Labor with the malignancy that lackeys ever display in their master's service?

Nevertheless, for all these weaknesses, the document is historic. Better late than never. It is one of the symptoms of the times. Capitalism digs its own grave: how can the lackeys of the capitalist class, the "Labor" Editors and Presidents, the nasty pets of Belmont, fail to take the cue from their masters and, in their turn, dig their own graves? It is as an evidence that the felonious pursuivants of capitalism, of high and low degree, will actually dig their own, and not the grave of the Working Class, that the document in question was at all issued; as such it deserves to be and is hailed with joy.

THE CASE OF SHELBY SMITH

To the Delegates and Members of the International Typographical Union, and to all members of Trades Unions everywhere:

For the first time in the history of trades unionism a gag has been placed upon the press, the written constitution of the United States and the unwritten constitution of Great Britain have been overruled and nullified, and the editors of labor papers served with notice that the laws of lèse majesté shall be made to apply to their collective and individual cases. The signers of this paper, by accident of birth, are citizens of the United States, and by reason of training and inclination are thorough trades unionists. We yield to no man or set of men in our fealty to the principles of trades unionism, and we prize more highly than time or space will permit us to tell, our union working cards, because they evidence our unionism, and our devotion to the principles of unionism. But much as we prize our cards, there is one other thing that we prize more highly, and that is our guaranteed right as citizens of the United States to free speech and a free press, being amenable only to our own consciences, to God, and to the laws of our beloved republic.

We protest, individually and collectively, against the action of our international convention in threatening with expulsion any member of our craft who may be

editing or publishing a labor paper, who may exercise his right of free speech. We deny the right of the international convention, or any of its delegates, or any of its officers, to exercise a censorship over our publications, and we insist with all the emphasis at our command that we will oppose the claim of our executive council, that it is the state, and therefore above criticism. We stand ready at any and at all times to answer to either the civil or the criminal law for all that we say, but we do strenuously object to being hauled before a jury appointed by the prosecution and having our cases tried before a judge owing his place to the complainant's favor. We emphatically object to being tried by a jury selected by our prosecutors, and in addition being denied the right to face our accusers in open court and put them on the witness stand.

The Smith case was tried in the local union, where evidence could be secured, and where witnesses could be met by the defendant, face to face. The trial resulted in an acquittal with but two negative votes in a meeting of 300 members.

Had the charges against Mr. Smith not been susceptible of proof, and had the executive council not been fully conscious of that fact, the published statements constituted criminal libel, and the criminal courts of Pennsylvania are open six days a

week. But President Lynch and Secretary Bramwood knew that, going into the criminal court, the defense would have had the privilege of summoning witnesses and requiring them to testify under oath—a tribunal they did not see fit to seek.

We demand for ourselves only that which the infamous criminal is accorded—a fair trial before an unprejudiced court and jury—and we further demand that the law of our land be observed, namely, that we be not tried twice for the same offense, and that a fair verdict of acquittal be the end of any and all proceedings.

We protest against having the cards of our fellow unionists jeopardized because of any offense we may commit, and we further protest against the idea that fellow-craftsmen shall vicariously be sacrificed in order to satisfy the vengeance of men made drunk with fancied power and dazed with elevation to office by the efforts of men now gagged and bound and made powerless through the vote of men who profit more than any other men by the boasted liberty of our press.

We disclaim any intent on our part to use our papers to further personal or selfish ends; but we do claim the privilege of being put upon the stand to testify to the intent of any language we may use, holding that in law we are the most competent witnesses on that point. The idea that accusers shall also be judges and jurors is so utterly wrong and fallacious that we are surprised and pained that union printers should deprive a member of his card upon a verdict rendered under such conditions.

We regret the intemperate and unwise language of President Lynch in referring to

labor editors as “vipers”, and we demand that he be tried upon the charge of maligning fellow-craftsmen, many of whom have carried union cards before he arrived at manhood’s estate, and many years, apparently, before he arrived at the age of discretion. We charge that when President James M. Lynch declared before the convention that the labor press was seeking to discredit the eight-hour movement, he was guilty of an act unworthy of any union man, and an act immeasurably more heinous than any charge of language made by Shelby Smith against the executive council. We charge this for the reason that labor editors are not salaried representatives of our union, and are not beneficiaries of dues and assessments placed upon the membership at large.

We here and now declare our firm and unalterable purpose to defend our rights, not only as union men, but as editors of labor papers, and at no time and under no circumstances will we submit to the gag. As long as life is given us and we are permitted to act in an editorial capacity, we will stand upon our rights as guaranteed to us under the constitution and bill of rights, and we defy any man or set of men to apply the gag to us.

The so-called “Smith case” embraces more than Shelby Smith—it embraces every man who dares to think for himself and accordingly to his own best judgment. If Shelby Smith can be expelled from our union for exercising the right of free speech, then also may any or all of us; and this being the case, what becomes of our boasted free press and what assurances

have we that our cards shall not be taken from us at the whim or caprice of men who only imagine themselves aggrieved?

When the officers of our union become so exalted that they are above criticism, when members of our organization, beneficiaries of a free press, seek refuge behind a gag law, when a union printer's card is endangered if he speaks freely and fully, when these things come to pass, then is unionism tottering to its fall and fraternity and mutual interests only a memory.

In conclusion, we, and each of us, hereby declare that no gag law shall rule us, and if the ax falls upon one, then shall all of our necks go to the block to satisfy the vengeance of individuals who dare not face us in open court upon the issues drawn and in conformity with law and established custom.

Warren C. Brown
Ex-Editor *Union Printer*.

Will B. Maupin,
Editor Lincoln (Nebraska) *Wageworker*.

F.A. Kennedy,
Editor Omaha (Nebraska) *Western Laborer*.

Geo. W. Harris,
Editor Winchester (Tennessee) *Truth*.

Charles W. Fear,
Editor Kansas City (Missouri) *Labor Herald*.

Harry F. DeGour,
Editor Reading (Pennsylvania) *Labor Advocate*.

Transcribed and edited by Robert Bills for the official Web site of the Socialist Labor Party of America.
Uploaded March 2008

slpns@slp.org