


1916 CONFERENCE BETWEEN OFFICIALS OF THE INTERBOROUGH RAPID TRANSIT COMPANY AND A COMMITTEE OF THE EMPLOYEES.

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Conference Between Officials of the
Interborough Rapid Transit Com-
pany and a Committee of
the Employees

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CONFERENCE BETWEEN OFFICIALS OF THE INTER-
BOROUGH RAPID TRANSIT COMPANY AND A
COMMITTEE OF THE EMPLOYEES.

165 Broadway, New York, September 5, 1916.

Met pursuant to adjournment at 10:30 o'clock
a. m.

APPEARANCES:

On behalf of the Interborough Rapid Transit
Company: Mr. Hedley, Mr. Keegan and Mr.
Quackenbush.

On behalf of the Employees: W. B. Fitzgerald,
National Organizer of the Amalgamated Associa-
tion.

P. J. O'Brien, Fifth Vice-President of the Amal-
gamated Association.

Patrick J. Shea, Member of the Executive Board.

Louis Fridiger, Attorney for the Amalgamated
Association in New York City.

Michael Herlihy, Chairman, and John McGovern,
Thos. D. Mahoney, William McCord, Frank Cullen,
Timothy Connor, Lawrence Culla, Benjamin S.
Hamilton, Thomas Kerr, J. O'Neill, P. Connolly,
Daniel Murphy, Dennis Donohue, Israel Simpson,
Michael Curly, Patrick Simmons, Daniel Reardon,
T. Nolan, John Ryan, John Murphy, John Warren,
Daniel Horan, Edward Lubey, William J. Quinn,
E. Maurice McCarthy, Michael Kelly, John Heslin,
A. L. Harding, Patrick J. Begley, and Patrick J.
Brennan.

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Mr. Hedley: Are you ready, gentlemen?

Mr. Fitzgerald: Yes, sir, we are, Mr. Hedley. Now, the first thing we want to talk to you about this morning is that at a mass meeting held by employees on Friday, the 1st, of over 3,000 men, there was a resolution adopted unanimously instructing the officers and the committees to meet with the company officials again, and request that the agreements signed by them, known as the service contract, at the request of the company, that they be returned back to them.

Mr. Hedley: Well, I gave you my answer on that. We will not do it.

Mr. Fitzgerald: You will not do it? You will understand now that the request for these agreements are merely as to the members of the Amalgamated Association and affecting them.

Mr. Hedley: We stand absolutely on what we told you before, that none of those agreements will be returned until first I could be satisfied that they were signed by the man who did not know what he was signing, and I cannot conceive that it is possible for any man to convince me of that. Any man holding one has the right, under the Constitution, to resort to the courts, and let the courts of the country determine. We will absolutely continue, positively continue with our work of continuing to make individual contracts with our men.

Mr. Fitzgerald: If it can be shown to you and a method brought forth which would give the opportunity of proving to you these men did not sign these agreements of their own free will, that they did not know what they were doing, and the intent and purpose of it—

Mr. Hedley (interrupting): You cannot satisfy me. You would have to go to court with that.

Mr. Fitzgerald: Go to court?

Mr. Hedley: Yes.

Mr. Fridiger: Mr. Hedley, with reference to the working agreement under discussion now, that has reference mainly to the question of wages.

Mr. Hedley: Which working agreement do you refer to?

Mr. Fridiger: The only one I know of, Mr. Hedley, the one that has been under——

Mr. Hedley: Do you refer to the individual contract for employment?

Mr. Fridiger: That is what I have been trying to call it, but you insisted upon calling it a working agreement, so we can call it now a contract of employment. I do not want any misunderstanding between you and me, that is the reason I referred to it as a working agreement. I have been trying to call it contract of employment right along. Referring to the individual contract of employment, it covers mainly the question of wages, also has to do with hours, and in cases has to do with days off per month.

Mr. Hedley: Mr. Fridiger, we can cut that right short. I will not discuss any other features of this entire matter that you gentlemen have had up with me before in relation to Interborough Rapid Transit affairs, when you gentlemen have gone out and caused a very small minority of our men to threaten us with a strike and to tie up this city from the Bronx to Coney Island and paralyze the transit situation of New York. And, until that is disposed of, I decline to talk with you about any of those other matters. We will settle that one matter first.

Mr. Fridiger: I am glad we have your position clear on the record, but permit me to state that is an absolute misstatement of the fact; and I am very charitable when I use that term, that it is a misstatement of the fact. None of these men have gone out and done any such thing as you have suggested. Some three thousand, as Mr. Fitzger-

ald has stated, brought about the situation that is here at present, simply because of their feeling and resentment at what they believed was the absolutely unfair methods of the company in attempting to obtain these signatures to these contracts of employment. When you say that "you men" went out and did it, that is positively untrue. On the contrary, those whom you refer to as "you men" did all in their power to stop any immediate strike, and it was the sense of the meeting there, and it was the individual expression of opinion on the part of most of the men who were there, that instead of authorizing a committee to go down and do what it was possible, in a peaceable way, that it was their desire to immediately have a strike vote and declare a strike; and it was "you men," quoting your expression——

Mr. Hedley: If you want to do that, that is up to you; I cannot help that.

Mr. Fridiger: Nobody realizes that better than we. It was "you men," using your expression, referring to ourselves, who stopped any such thing as that, and advised them to move slowly and advised them not to call any strike, but advised them, if they did want any action, to permit their committee to come down here and see if the thing could not be amicably adjusted. That is what I mean when I say I was very charitable when I said you were making a misstatement of the fact.

Mr. Hedley: I have made no misstatement of the facts. I have been informed—and I will further state our position and repeat—we absolutely will not cancel those contracts.

Mr. Fridiger: We understand that, Mr. Hedley.

Mr. Hedley: We will continue and let our men continue to get the other men, if they want to, to execute those contracts individually. And I do not propose, and the company will not permit, the threats and intimidations that have been going on

with the few union men we have got among our employees that are not union men. Immediate action will be taken in those cases.

Mr. Fridiger: We hope so.

Mr. Hedley: All this matter of your union men getting on and threatening a man because he has not joined your union is going to stop forthwith, and the company is going to take action in every one of those cases. Now, you might just as well understand it clearly. I have my instructions in this matter and that is their decision, and that is all I have got to talk about. Now it is up to you, gentlemen, it is entirely up to you, and I absolutely decline to discuss any of these other matters. You came down here at your request, at an adjourned meeting, to get my reply as to what we would do with those contracts, which is the main issue. I have told you definitely what we will do with those contracts, and we are going to use whatever power we have got to see that that is carried out.

Mr. Fridiger: Mr. Hedley—

Mr. Hedley: And I decline to discuss any other matter with you, Mr. Fridiger, until that is settled.

Mr. Fridiger: We are not going to discuss any other matters, but we do not want any wild statements of yours going on the record unanswered, because we have seen times where a statement goes unanswered and it is deemed perhaps an admission of the fact. So far as any action your company is going to take with reference to the men making threats and of intimidating your own men, we hope that that action is taken, because there is nobody who has advised or have advised—

Mr. Hedley: If you do that, I will dismiss the men in this room immediately.

Mr. Fridiger: Go ahead. That is your privilege.

Mr. Hedley: Of course it is, and I am going to maintain it, too.

Mr. Fridiger: There is nobody who has advised more strongly against that than we have, and the men in this room have themselves. On the other hand, I have never seen a greater piece of intimidation and coercion than the statement issued by your company in which you stated that any man who desires to go out on strike or remains away from his employment during the pendency of such a strike will do so at the penalty of absolute dismissal.

Mr. Hedley: That is what we mean. That is plain language.

Mr. Fridiger: Of course. If that is not intimidation or coercion, I would like to know what is. You say to these men: "You do not dare to go out on strike or you will lose your jobs."

Mr. Hedley: Exactly.

Mr. Fridiger: You do not call that intimidation or coercion?

Mr. Hedley: You can construe it as you please.

Mr. Fridiger: Certainly; we are doing that now. Now we have something definite as far as your attitude is concerned on intimidation and coercion. We would like to have something definite as to the members of this Committee.

Mr. Hedley: I absolutely decline to talk to you on any of those matters just now. I have settled the one big problem, once and for all. I am ready to adjourn any moment you gentlemen are.

Mr. Fitzgerald: We will be ready to adjourn just as quickly as you.

Mr. Hedley: I am ready now.

Mr. Fitzgerald: We want to make a few statements, however, before we adjourn, because you have had that privilege.

You say "A minority of the men." That is to be seen. We are not going to go up in the air and do anything until we know where we are at from our side of it. All the intimidations and all the

acts on the part of this company that have been going on are not going to influence our judgment one iota. When these men are ready to take any action, they are going to take that action, and not going to be driven into any action until they are sure of their ground. If you want to dismiss any man, you can go right along and dismiss them.

Mr. Hedley: Of course I can.

Mr. Fitzgerald: Just as fast as you want to.

Mr. Hedley: No one disputes that.

Mr. Fitzgerald: And those men have the same right to resort to methods that you resort to and your company resorts to. You say in one breath that you will give these men the right to organize without interference or intimidation, and in the next breath you say that you will meet with them on all grievances and then, at the next turn, you put out an agreement and force the men to sign it. There is intimidation.

Mr. Hedley: That is a false statement you have just made.

Mr. Fitzgerald: That is not a false statement, and we can prove it.

Mr. Fridiger: We will prove it.

Mr. Fitzgerald: We can prove those statements, every one of them. There was a man dismissed this morning, Jack Kennedy, a wireman at 148th Street shop. He refused to sign the service contract, and was sent home. Is that intimidation?

Mr. Hedley: I am not going to talk with you about those matters at all, just now.

Mr. Fitzgerald: But we want to show you that there is intimidation.

Mr. Hedley: Go right ahead and put on the record what you like. I will not answer your questions in relation to any of these details, when there is a strike threatening to tie up this town and paralyze the transportation situation. On that one issue I have given you the answer. We will

not discuss matters of detail with you in regard to it.

Mr. Fridiger: Mr. Hedley, at the conference held on August 30th, you stated that, in so far as this company was concerned, it would follow the policy adopted by the New York Railways Company, by reason of the fact that the same Board of Directors, the same officials and the same management controlled both. You, at that time, committed yourself to the proposition of arbitration, so far as the Interborough was concerned. Will you consent to submit to arbitration the question of the fairness or unfairness of the contract of employment under discussion now and the fairness or unfairness of the methods employed in obtaining signatures to that contract of employment?

Mr. Hedley: I have given you my reply as to those contracts, and I am not going to argue the matter with you.

Mr. Fridiger: I am not asking you to argue the matter. I am just asking you for an answer.

Mr. Hedley: I am not going to answer any further questions in relation to the matters that I have talked to you about in the past, in so far as the Interborough Rapid Transit Company is concerned.

Mr. Fridiger: That offer is made pursuant to the purposes for which we came down here—not for the purposes as you mentioned that we came down here for—but for the purposes of attempting to settle this difficulty amicably; and looking towards that we now ask you to arbitrate the question as to whether the contracts of employment were fair ones, and the further question as to whether the methods employed by your company in obtaining signatures to these contracts of employment were fair or not. I would just like to have an answer on that, if you see fit to give it.

Mr. Hedley: I have told you what your course is in relation to those contracts.

Mr. Fridiger: So there will be no misunderstanding in the future, may we take that answer as a refusal to arbitrate that question?

Mr. Quackenbush: Let me say a word, Mr. Fridiger.

Mr. Fridiger: Certainly, Mr. Quackenbush.

Mr. Quackenbush: Anything you have to show about the manner in which those contracts were executed will have to be done in court, under oath, so that the man, if he commits perjury, will understand that he faces States Prison. We are not going to go into arbitration, where there is not the sanction of an oath for the statements that may be made.

Mr. Fridiger: There is nobody that desires that state of affairs more than we do, because we would like to get some of your men on the stand under oath, where a violation of the oath would mean prosecution for perjury.

Mr. Quackenbush: We do not need to have any unpleasant argument. You see the legal objections to it.

Mr. Fridiger: Can't we accomplish that purpose through some form of arbitration?

Mr. Quackenbush: I don't think we could.

Mr. Fridiger: You realize that in order to go into court it would require an individual action on the part of every man who signed that agreement. You know how impracticable that would be—I do not say that is the reason you have suggested it—but with a couple of thousand of those individual cases it would mean starting a couple of thousand suits, and that is the reason I have suggested arbitration. Arbitration has been established as the policy of your company here.

Mr. Quackenbush: When we agreed to arbitration we were not confronted with this situation here

now, and while if there were 2,000 cases it would take some time to try them, I won't disagree about that, yet whatever is said about the manner of obtaining the execution of these contracts has got to be said under oath.

Mr. Fridiger: Couldn't that be obtained through arbitration?

Mr. Quackenbush: No, I don't think so.

Mr. O'Brien: May I ask you a question, Mr. Quackenbush—you just said when this company made certain conditions or agreed to certain conditions they were not confronted with the situation that they are confronted with now. Have you got any authority for making any such statement as that? What conditions are you confronted with now that you were not confronted with right along?

Mr. Quackenbush: Mr. O'Brien, I do not want to have any misunderstanding between you and me, so I will answer your question by saying I was discussing with Mr. Fridiger his statement about arbitration, which was as to a conversation that took place last Wednesday. Last Wednesday there was not any committee here with authority to order a strike if we did not return these contracts.

Mr. Fridiger: It being your desire to get these statements made under oath, so that those who make them might be sent to State's prison if they were found guilty of perjury—could not we bring about a quicker result by going down and letting the Public Service Commission, which has authority, take testimony under oath, and listen to this matter?

Mr. Quackenbush: They have no jurisdiction.

Mr. Fridiger: No jurisdiction of what?

Mr. Quackenbush: Of this matter.

Mr. Fridiger: The purpose you desire to have served is this: That anybody who makes false statements with reference to the fairness or unfairness of the contract or the fairness or unfairness of the

methods employed, might be punished by being sent to State's prison in case he is guilty of perjury?

Mr. Quackenbush: Certainly.

Mr. Fridiger: That could be brought about by having them put under oath before the Public Service Commission.

Mr. Quackenbush: Oh, no; because the Public Service Commission would not be a tribunal having jurisdiction of the premises. You cannot confer a jurisdiction by consent.

Mr. Fridiger: They have jurisdiction to order and hold an investigation.

Mr. Quackenbush: I cannot agree with you. Mr. Fridiger, there is no use of our arguing about questions of law here.

Mr. Fridiger: There isn't any reason for arguing questions of law perhaps right here, but there is a reason for you and I to dispose right here of whether or not your object can be served in a way that we can get some results in the immediate future without going to court in a thousand cases and taking five or six years to have them determined. The Public Service Commission can order an inquiry. Don't you think in a big matter of this kind, affecting the public at large, they will be glad to aid you and me, or rather the company and employees, in bringing about an adjustment of these difficulties? If they have an investigation, the procedure of which will practically follow the procedure in a court of record, putting the men under oath, and if they swear falsely, they will be subject to perjury charges just the same as in the United States Supreme Court.

Mr. Quackenbush: I don't agree with you.

Mr. Fridiger: Mr. Quackenbush, if you are aware of the law on that, any lawyer conversant with criminal law will tell you if a man testifies falsely, he would be subject to prosecution for perjury just

the same as if it were before the Court of General Sessions.

Mr. Quackenbush: I am afraid, Mr. Fridiger, that, with all due respect to you, as to your suggestion about what some lawyer would tell me about the law, you forget that as long ago as twenty-one years I was a prosecuting officer of the State and have continued to familiarize myself with the criminal law of the State.

Mr. Fridiger: Do I understand you to say if a man testifies falsely before the Public Service Commission he would not lay himself open for prosecution for perjury

Mr. Quackenbush: He would on matters concerning which they have jurisdiction. They have no jurisdiction here. They would be merely acting as arbitrators.

Mr. Fridiger: They have jurisdiction to order an investigation.

Mr. Quackenbush: Not on this subject.

Mr. Fridiger: Assuming that is so, we will not have any further argument.

Mr. Quackenbush: Understand, I do not want to be discourteous or to cut you off, at all.

Mr. Fridiger: Would you consent to conferring jurisdiction on them?

Mr. Quackenbush: I would not. It has got to go into a legally constituted tribunal.

Mr. Fridiger: I would like to ask you, just so there may be no misunderstanding, whether you are trying to drive us into those tribunals, or whether you would not be willing to go into a tribunal where we could get some immediate action?

Mr. Quackenbush: The courts will be open to you, and with all the judges that are here, you would get it just as quick as trying to bring it before the Public Service Commission, which consists of only five men.

Mr. Fridiger: You know if we go into court, it will consist of a proceeding before but one man, don't you?

Mr. Quackenbush: Oh, no; your cases, if they are going to be as numerous as you have said, will go into the different parts that are trying those questions.

Mr. Fridiger: Each individual case will be presided over by one judge.

Mr. Quackenbush: But there will be more judges.

Mr. Fridiger: You will only have one judge in each case.

Mr. Quackenbush: You have more than one judge in the County of New York.

Mr. Fridiger: To govern each individual case.

Mr. Quackenbush: Just the same as you would have one Public Service Commission, although consisting of five men.

Mr. Fridiger: But you would have——

Mr. Shea: I think that is a waste of time.

Mr. Fridiger: I think we can take Mr. Hedley's suggestion and adjourn.

Mr. Shea: We will accept the suggestion of a lockout and if they do not agree, lock them out.

Mr. Fitzgerald: I want to ask you, Mr. Hedley, so there will not be any further misunderstanding, that the relief of these men on the committee—can they be relieved from duty?

Mr. Hedley: For how long?

Mr. Fitzgerald: Well, until we make the request in the next few days.

Mr. Hedley: Within the next few days? How many days, Mr. Fitzgerald?

Mr. Fitzgerald: It may be only to-day.

Mr. Hedley: They are relieved for to-day, yes.

Mr. Fitzgerald: And then they can make application for to-morrow, if necessary?

Mr. Hedley: They can make application, but I will not tell you they will be relieved to-morrow. They can make application, and if we have got enough men in our service to operate our cars, they will be relieved. If we have not, they will be told to go to work.

Mr. Fridiger: The day has started along pretty well; can you not arrange with Mr. Hedley now to cover the men to-morrow?

Mr. Fitzgerald: It will be two days.

Mr. Hedley: No, I will not consent to cover it to-morrow. They are off to-day.

Mr. Fitzgerald: All right, Mr. Hedley.

(Thereupon, at 11 o'clock A. M., the conference was adjourned.)

