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EDITORIAL

THE CASE OF CORREGAN.

By DANIEL DE LEON

IN July, 1901, that is two years ago, Charles H. Corregan of Syracuse, a member of the local Typographical Union No. 55, was tried by a committee of his union, without his being notified, on a charge of having denounced its officers as "Labor Fakirs" at a public meeting of the Socialist Labor Party. The committee sentenced him to pay a fine of $50, or stand suspended. Immediately upon notification of his sentence, Corregan moved to appeal and demanded a copy of the papers to base his appeal on. The papers were refused him on the ground that he had to pay first. Financially unable to meet this exaction, his card was forthwith taken from him, the shop was declared on strike and he was thrown out of work. Corregan then brought suit for reinstatement and damages. These facts were all of record on the trial that took place, at last, some time last month, and stood uncontradicted.

Leaving aside the circumstance of a union "trial" without notification—a circumstance that merely aggravates, but does not materially affect the real issue—the situation was this: Corregan was sentenced to pay a fine that was ruinous to him; he tried to appeal, but appeal was made conditional upon his paying the ruinous fine, and, as if the wall he had to leap in order to reach the procedure of appeal was not high enough, he was incontinently knocked flat by the daily bread being knocked from his own mouth and the mouths of his wife and children. Access to the courts of his union being thus barred, and no further recourse being open to him in the union, Corregan looked for redress in the courts of the land—the special term of the Supreme Court of the Fifth Judicial District. It took two long years to reach a trial, finally, the very Judge who granted at least one extension of time in such a pressing case, Justice William S. Andrews, now dismissed Corregan's case, not, of course, on the merits of the case, but on the ground that Corregan had not

exhausted his remedies in his union.

The argument of the court, which will be found elsewhere in this issue,[1] is that the provision of the general laws of the union to the effect "that pending an appeal the accused shall not suffer any penalty, must be held to mean that no final judgment shall be taken against him," and "the provisions which have been quoted with regard to the appeal do not appear to be so burdensome and unreasonable that the courts will relieve a party from resort thereto." In other words, that to demand of a workingman $50 on the nail as a condition to appeal, and then to make his inability to leap that barrier more certain by immediately depriving him of his living, and thus raising the barrier still higher, is not "any penalty" and is neither a "burdensome nor unreasonable condition," such as to justify the court to grant relief. Translated into language plain enough to be understood by the dull intellects of the Labor Fakirs, the decision of Mr. Justice Andrews amounts to this:

"I delegate to the Labor Fakirs and invest them (as far as their own rank and file are concerned) with all the powers that the constitution and the laws of the State have invested me with—provided always the Labor Fakirs raise the wall, that an appellant has to clear, high enough to endanger his neck in clearing it, and provided also they make assurance doubly sure by surmounting that wall with shards of glass. Provided the Fakirs do that, they shall stand in my shoes (as far as their own rank and file are concerned), seeing that I shall insist upon it that appellants from the Fakirs' outrages, 'first exhaust their own union remedies,' that is, break their necks and cut their hands in trying to leap that wall that they must clear in order to so 'exhaust their own union remedies.'"

Nor yet does this aspect of Mr. Justice Andrews' decision betray all its monstrousness. Democrats have denounced Republican officials in unmeasured terms on the stump; Republicans have denounced Democratic officials in equal terms. From the President down, officers have been severely criticised. The language may not be always parliamentary. The stump is not parliamentary. Who ever heard of any such denouncer fined, least of all deprived of the bread for his own and his family's sustenance? The Labor Fakir is to be hedged in with greater

[1] ["Corregan's Case: The Decision of Judge Andrews in Syracuse."—*R.B.*]

sanctity. Not the public, as in all other instances of such criticisms, but the Labor Fakir himself is to be the judge,—aye, judge, jury and executioner. True enough, Mr. Justice Andrews' decision does not, in as many words, pass upon that. But it virtually does. When it refuses to intervene on the grounds that it does, in a case in which a man and his family are deprived of their living on a charge of his having denounced the officers of the union and called them "Labor Fakirs," what else is the practical effect of the decision but to elevate that ulcer on the face of the earth—the Labor Fakir—into a position of greater inviolability than the President of the United States himself?

Of course, wrong headed decisions have been rendered before. Never have they stood unless the aggrieved party caved in. When he refused to cave in and appealed they have almost invariably been overthrown. The Socialist Labor Party has some experience in this. Charles H. Corregan will not cave in. It will remain to be seen whether higher tribunals will uphold so wrongful a decision.

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