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EDITORIAL

## A DEVELOPMENT.

By DANIEL DE LEON

**U**NDER the above title we publish elsewhere in this issue an [article](#) that should be clipped and carefully preserved. It should be pasted in a scrap-book labeled "Sign-posts," and containing only articles of this nature. They are sign-posts to warn the Working Class against the ominous figures that are bound to arise in their midst. The article supplements and throws light upon the series of articles, published in these columns, on the recent decision of the Supreme Court of the United States declaring the ten-hour law of this State unconstitutional. Finally, the article has the merit of coming, not from an adverse and prejudiced, but from a source friendly to Mr. Henry Weissmann, whose development it gives, from an officer of the Bakers' Union, who managed to secure the ten-hour law during his incumbency, to a lawyer, who managed to get the boss-bakers to put in his hands the case that was to cause the declaration of that very ten-hour law unconstitutional.

In giving his antecedents to the capitalist press, Mr. Weissmann made certain misstatements and overlooked certain items which may not be of little importance to the understanding of his career as given by himself. We shall here correct the errors and supply the deficiencies.

Mr. Weissmann did not learn the trade of bakery in Germany, as the article says. He learned the trade in a San Francisco penitentiary, where he was confined for complicity in a dynamite conspiracy. Mr. Weissmann came out a baker. His knowledge of or liking for the trade was inferior to his liking for something easier. Accordingly, with whatever knowledge of the trade he possessed as a base, he joined the bakers' organization; secured an office in it; and, about thirteen years ago, transferred the field of his activities to this city, where he became the Editor of the *Bakers' Journal*, and leading transactor of the bakers' business—the Fleischmann's

yeast boycott among others.

Upon his arrival in New York, Mr. Weissmann sniffed around the Socialist Labor Party. The organization offered him no “field”; but he speedily drew to himself by elective affinity several members of the Party who, gifted with a scent less keen than himself, had drifted into the Party and discovered what he had scented in advance—that the “field” was not favorable for their operation. The ramshackle set of driftwood, consisting of one W.C. Owen, one John Steel, and two or three others, who had foregathered in this city from the four quarters of the world’s compass, gathered around Weissmann, and the bunch set up Gompers for their patron saint. It was the first “trouble” that the Socialist Labor Party experienced in the ’90s. The slogan against the Party was its Trades Union attitude. Owen, Weissmann and Steel, who became a reporter on the capitalist press, cannonaded the Socialist Labor Party with lampoons and with “reports” gotten up by Steel. Gompers and Gompersism was the beau ideal.

Weissmann flourished under boycotts and strikes; a central body of labor which he established against the then Central Labor Federation, a body closely allied to the Socialist Labor Party, was eventually dropped as no longer needed, and Weissmann himself dropped out of the Bakers’ Union, immediately blossoming forth as a boss-baker.

But Weissmann’s name did not vanish from the subsequent chronicles of the Labor Movement. It appeared almost continuously as the subject of the wrath of the bakers whom he now employed. One day it appeared conspicuously in a new connection. Within the week of the day on which Theodore Roosevelt was nominated for Governor of this State in 1898, a little lunch party was held by the candidate with two “leading representatives of Labor”—as the reports had it. Of these two “representatives of Labor,” Henry Weissmann was one, the other was a gentleman whose original name was something like Karkowinsky, but who is extensively known as Harry White, the then Secretary of the Garment Workers, subsequent co-member of Gompers on the Civic Federation, recently convicted of hiring scabs to break a garment workers’ strike in Chicago, and finally bounced by his own organization. That was the trio at that lunch.

The latest conspicuous appearance of Weissmann in print is now. He had

become a lawyer. He tells us himself, in the article referred to, that when the boss-baker Lockner was convicted in this State for violating the ten-hour law, the State Association of Master Bakers “came to him,” and placed the case in his hands on an appeal to the Supreme Court of the United States, and that he took the case because the law was “unjust” and violated the principle of the “freedom of contract.”

Mr. Weissmann does not state whether it was his reputation as a lawyer that, having reached the master-bakers’ association, induced them to “come to him,” or what was the reason and method by which they came together. Indeed, the information is unnecessary. The decision of the Supreme Court of the United States is, as we have shown in these columns, planted, not upon the law, but upon a finding of fact by the Court—the alleged fact that ten hours steady work each week in a bakery establishment is not dangerous to health, an alleged fact that involves this other fact that the wages received are not incapable of restoring the life-tissue expended in such establishments, and therefore inhuman.

It was not as a lawyer but as an “expert on the bake-shop” that Mr. Weissmann helped the capitalist to stab the Working Class in the back—thus furnishing the latest justification for the attitude that the Socialist Labor Party took against him in 1892, when he and his set, with Gompers at their head, were branded and fought for what it was perfectly obvious that they were.

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

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# MADE THE 10-HOUR LAW, THEN HAD IT UNMADE

## Weismann Was Bakers' Secretary, Then Employers' Counsel.

### HIS INTELLECTUAL OVERTURN

Tells How His Views and Activities Altered as He Progressed from Journeyman to Lawyer.

The New York State law making ten hours a day's work and sixty hours a week's work in bakeries was declared unconstitutional by the Supreme Court of the United States as the result of arguments advanced by Henry Weismann, counsel for the master bakers of the State of New York.

This same law was passed by reason of the labors of Henry Weismann, International Secretary of the Journeymen Bakers' Union of America.

Henry Weismann, counsel of the master bakers and Henry Weismann, International Secretary of the Journeymen Bakers' Union of America, are one and the same man.

"When I was young—a journeyman baker and Secretary of their National organization—I thought labor was right in all things," said Mr. Weismann yesterday afternoon. "I was fiery and full of ideals. Later I became a master baker, and, undergoing an intellectual revolution, saw where the law which I had succeeded as a journeyman baker in having passed was unjust to the employers. I withdrew from labor circles because I was unwilling to keep on saying 'Yes' and 'Amen' to measures which were manifestly wrong.

"The fight which the master bakers have won against an arbitrary ten-hour day does not mean that they are opposed to ten hours as a working day. It means that they wish to preserve inviolate the principle of the freedom of contract, and that they object to the criminal feature which was injected into the enforcement of the law when, in 1898, it was codified as a labor law. As the legal representative of the master bakers I am free to say that if the journeymen bakers would go before the Legislature and ask for the creation of a ten-hour day by law, eliminating the criminal provisions of the measure, we would not oppose the amendment which would achieve such an end."

Mr. Weismann is a native of Germany. He was a German baker for several years before he came to this country. On landing in America he went to San Francisco, where he pursued his trade. While there he became an active labor worker, and was at last elected International Secretary. In 1890 he came to New York as one of the editors of *The Bakers' Journal*. It was while he was holding this position that he became interested in the enactment of the ten-hour-day law.

"He went about it with skill. Dr. Rainford was interested by him. He secured the support of Bishop Potter and the Church Association for the Advancement of Labor. The measure became a law in 1895. In 1897 he left the journeymen bakers' organization and became a master baker. Then he went into politics. He was chosen as chief deputy to the Clerk of Kings County and was recognized as one of the Republican leaders. He held this place in 1901, 1902, and 1903. He studied law and was admitted to the bar while occupying the post.

"In November, 1901, Joseph Lochner was arrested for violating the ten-hour-day law," said Mr. Weismann yesterday. "The case went against him in Oneida County. The State Association of Master Bakers appealed, Lindsley & Mackie representing it. The Appellate Division sustained the lower court, and it was taken to the Court of Appeals. The Court of Appeals sustained the Appellate Court, Judge Parker writing the decision.

"I had been admitted to the bar in the meantime, and the master bakers came to me. I took it to the Supreme Court of the United States, associating Frank Harvey Field with me. As the law was originally passed it was primitive. At the time when I gave my energies toward passing it I did not recognize the injustice it would work.

"As I understand it, the decision of the Supreme Court of the United States does not make unconstitutional the labor laws enacted for the restriction of the hours of employment on public works. As far as I can see, it has not reversed its opinion in the case of *Atkins vs. the State of Kansas*, rendered in 1903. That opinion was in reference to the eight-hour proviso holding in the State of Kansas, which applied to public contracts and contractors working for the State.

"In that opinion the court maintained that a State or its subdivisions, when they were themselves employers, had a right to prescribe conditions under which said work should be done, and a contractor who undertook a job for the State was bound thereby. It was read into the contract.

"In nullifying the ten-hour clause in the bakery law the Supreme Court does not undertake in any way to interfere with the police powers of the State of New York. With the exception of Section 110, which forbids any man to work more than ten hours, no matter whether he wants to or not or what he gets for overtime, the law is not changed. The sections looking to sanitary precautions stand. The punitive provisions stand in so far as their violation is concerned.

"The decision does not mean that it is unconstitutional to prescribe the hours of labor in other spheres. On railroads, for instance, the State can dictate the hours of labor on the grounds of public safety. If the health of a people is menaced the hours of toll can be set forth and insisted upon. If, however, the other sections of the labor law regarding bakers and confectionery establishments are enforced—and the decision of the Supreme Court does not check their operation—the surroundings will be so sanitary and healthful that there is no reason why, from a standpoint of health, a baker may not work twelve or fourteen hours if he be so minded. His surroundings will be all that could possibly be desired.

"The truth of the matter is I have never been in sympathy with the radicals in the labor movement. Even when I was secretary of the international association I was in favor of law which would deal with conditions as they were, and was never an advocate of measures which seemed destined to apply to the ultimate of the ephemeral co-operative commonwealth. For this reason I was in favor with the radicals.

"This did not concern me then any more than it does now. I did my duty as I saw it. I confess that there is a difference in the point of view, as I saw when I became a master baker, but, even though I have succeeded in knocking out the ten-hour day for bakers, I am not against a ten-hour day. The only principle for which I contend is the right of a man to work an hour or so overtime for extra compensation if necessity arises and he needs the money and is willing to do the work."