

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT
OF MISSOURI WESTERN DIVISION

IN EQUITY No. 2924

DONNELLY GARMENT COMPANY, a corporation,
DONNELLY GARMENT SALES COMPANY, a corporation,
Plaintiffs,

vs.

INTERNATIONAL LADIES GARMENT WORKERS UNION, an unincorporated
association, DAVID DUBINSKY, president of said association, and DAVID DUBINSKY,
individually, LUIGI ANTONINI, first vice president of said association, FREDERICK F.
UMBREY, executive secretary of said association, and ABRAHAM W. KATOVSKY,
MORRIS BIOTIS, ROSE PESOTTA, ISRAEL FEINBERG, SALVATORE NINFO, ELIAS
REISBERG, PHILIP KRAMER, GEORGE RUBIN, ISIDORE NAGLER, JOSEPH
BRESLAW, JULIUS HOCHMAN, BISILIO DISTI, LOUIS LEVY, CHARLES KREINDLER,
HARRY WANDER, MAX COHEN, SAMUEL PERLMUTTER, JACOB J. HELLER,
HARRY GREENBERG and CHARLES S. ZIMMERMAN, members of the general
executive board and LUIGI ANTONINI, FREDERICK F. UMBREY, ABRAHAM W.
KATOVSKY, MORRIS BIOTIS, ROSE PESOTTA, ISRAEL FEINBERG, SALVATORE
NINFO, ELIAS REISBERG, PHILIP KRAMER, GEORGE RUBIN, ISIDORE NAGLER,
JOSEPH BRESLAW, JULIUS HOCHMAN, BISILIO DISTI, LOUIS LEVY, CHARLES
KREINDLER, HARRY WANDER, MAX COHEN, SAMUEL PERLMUTTER, JACOB J.
HELLER, HARRY GREENBERG and CHARLES S. ZIMMERMAN, individually, MEYER
PERLSTEIN, Southwest regional director of said association and MEYER PERLSTEIN,
individually, MAX D. DANISH, editor of the publication "JUSTICE" and MAX D. DANISH,
individually, WAVE TOBIN, manager of Kansas City Joint Board of International Ladies
Garment Workers Union, WAVE TOBIN, agent of International Ladies Garment Workers
Union, and Wave Tobin, individually, KANSAS CITY JOINT BOARD OF
INTERNATIONAL LADIES GARMENT WORKERS UNION, LOCALS 114, 115, 118,
JANE PALMER? ESTHER SMITH, MARY JANE MILLER, GRACE BULLARD,
CINDERELLA ROBINSON, LOUISE SMITH, ORA THORNTON, ANNIS VAUGHN,
JACK SPRY, ETTA LEPP, Lola Royer, Bertha Powers, Anna Zupka, Ruth Thompson,

Grace Isgriggs, Della Jackson, Margaret Clements, Arlene Gaither, Velma Roseberry, Charlotte Carter, June Adams, Leta Meadon, Jo Nichols, Wanda Harrell, Mary Cornet, Ruth Davis, Mabel Jordan, Rosalie Poole, M. Smith, M. Fugina, I. Burke, S. Lafallier, V. Hedrick, P. Tindle, H. Mixels, F. Bennet, P. Austin, D. Dunning, N. Schaefer, E. Blankenship, R. Vest, M. Wallace, R. Love, G. Chinnery, A. James, Y. Boettcher, G. Knepp, John Doe, Jennie Roe, Hazel Roe, Helen Boe, Richard Roe, June Adams, Mary Ashlock, Pearl Austin, Mary Adams, Pauline Axton, Jean Amoroso, Shelby Anderson, Anna Bost, Helen Barnes, Genevieve Barnes, Babe Bonocoiso, Ika Burke, Yvette Beettcher, Frankie Bennett, Ray Bowlin, Harry Bell, Lena Condi, Bill Copaken, Gertrude Chinnery, Velma Cox, Mildred Dale, Della Dunning, May Dalton, Mary Deisz, Johnnie Day, Cecie Fizell, Betty Firestone, Gertie Farmer, Mary Fugina, Mary Flowers, Barney Glass, Anna Gann, Elsie Garrett, Anna Glorioso, Jenny Givens, Georgia Gill, Thurby Harri- man, Tillie Harrison, Velma Hedrick, Dorothy Halley, Tillie Harriman, Gladys Hindman, Margaret Hanson, Anna Halpein, Maude Jackson, Mary Johnson, Anna James, May Jackson, Mary Jones, Bennie Kwiatek, Anna Koval, Gladys Knepp, Birdie Koontz, Irene Liggett, Stella Lafallier, Frank Levene, Cleo Lowe, Eva Lee, Nellie Mezzacoso, Pearl McKitterick, Loma McMillian, Henryette Mikels, Hubert McGhee, Tony Mange, Belle Maxey, Maude McCowan, Angelie Moley, Helen May, Esther Miller, Mildred McCabe, Mary McCain, Uni Nepote, Lily Provenzo, Nora Pulver, Hazel Poole, Esther Smith, Clara Seaton, Nadine Scott, Minnie Smith, Lucy Lee Skrivin, Evelyn Swanson, Grace Switzer, Pearl Tindle, Letha Triby, Anna Talperin, Rose Talperin, Ruth Vest, Lola Walters, Faye Wilbarn, May Wallace, R. Williamson, May Wall, Mildred Moore, EthelEngle, Jessie Kuhl, Jessie Mills, MildredMcCabe, Henrietta Berry, and all other members of said Union who are too numerous to mention are hereby made defendants as a class in this action, and each and all agents, servants and employes of said Union who are too numerous to mention are hereby made defendants as a class in this action, Defendants.

AMENDED BILL IN EQUITY

Plaintiffs for their amended bill and cause of action
state:

I.

1. That the plaintiff Donnelly Garment Company is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, and maintains its office and principal place of business in the Western District of the United States Court of Missouri, at 1828 Walnut Street, Kansas City, Missouri. That since its incorporation in 1917 it has been and is now engaged exclusively in the manufacture and sale of ladies' garments and wearing apparel under its trade mark "Nelly Don", and has built up a demand and market for its said garments throughout the United States until at the present time the better class stores in the principal cities of over two thousand in population throughout the United States sell said garments.

2. That the plaintiff Donnelly Garment Sales Company is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri and has its principal office and place of business in the Western District of the United States Court of Missouri, at 1828 Walnut Street, Kansas City, Missouri. That since its incorporation in 1935 it has been and is now actively engaged in the sale and distribution exclusively of "Nelly Don" garments and wearing apparel and has a profitable business with its customers, to wit, retail stores throughout the United States, until at the present time it maintains an organization sending agents and salesmen into each and every State of the Union to procure orders from its said customers in said respective states for said "Nelly Don" garments.

3. That the defendant International Ladies' Garment Workers Union (hereinafter sometimes designated as defendant union) is an unincorporated association, at all times herein mentioned and at this time having many hundred members residing in each of the two districts of Missouri, and in the Western Division of the Western District of Missouri, and in the Eastern Division of the Eastern District of Missouri, respectively, That said International Ladies' Garment Workers Union at all said times has had and now has an office for the transaction of its usual and ordinary business, and in fact transacts such business, in Kansas City, Jackson County, Missouri, in the Western Division of the Western District of Missouri, and at all said times has had and now has an office for the transaction of its usual and ordinary business, and in fact transacts such business, in the city of St. Louis, Missouri, in the Eastern Division of the Eastern District of Missouri; and

that said defendant union at all times has been and is a resident of, and has agents and members in, and transacts its usual and ordinary business in both the Western Division of the Western District of Missouri and the Eastern Division of the Eastern District of Missouri. That all of the defendants herein are now and at all times herein mentioned have been citizens and residents of the Western Division of the Western District of Missouri, except the defendants David Dubinsky, Luigi Antonini, Frederick F. Umbrey, Abraham W. Katovsky, Morris Biotis, Rose Pesotta, IsraelFeinberg, Salvatore Ninfo, Elias Reisberg, Philip Kramer, George Rubin, Isidore Nagler, Joseph Breslaw, Julius Hochman, Bisilio Disti, Louis Levy, Charles Kreindler, Harry Wander, Max Cohen, Samuel Perlmutter, Jacob J. Heller, Harry Greenberg, Charles S. Zimmerman, Meyer Perlstein, and Max D. Danish, whose citizenship and places of residence respectively are to the plaintiffs, unknown. That the defendants Meyer Perlstein and Wave Tobin are now and at all times herein mentioned have been respectively agents and direct representatives of defendant International Ladies Garment Workers Union, having and exercising express and implied authority to represent, and actually representing, said union in the management, control, direction and conduct of its ordinary and usual business and activities in both the Western Division of the Western District of Missouri and the Eastern Division of the Eastern District of Missouri.

II.

That the grounds upon which the court's jurisdiction herein depends are these: This is a suit of a civil nature in equity, wherein the matter in controversy exceeds, exclusive of interest and costs, the sum and value of \$5,000.00, and which suit arises under laws of the United States known as the Sherman Act and Clayton Act, including U. S. Code, Secs. 1, 4, 7, 8, 12, 15 and 26. Many of the wrongful acts and much of the wrongful conduct of the defendants, hereinafter complained of, have been and are being committed and threatened to be committed by defendants in the Western Division of the Western District of Missouri.

1. That at the present time the plaintiffs do an aggregate volume of business of approximately \$5,000,000 annually and that they employ more than 1300 persons in and about the conduct of said businesses. That plaintiffs are interdependent upon each other for the successful operation of their respective businesses for reasons, among others,

that the Donnelly Garment Company manufactures all merchandise sold by the Donnelly Garment Sales Company; that customers residing outside the State of Missouri purchase more than eighty per cent of all said "Nelly Don" garments so manufactured and the same are shipped from Kansas City, Missouri to said points outside the State of Missouri through the channels of interstate commerce; that plaintiffs have made preparation to do a large and profitable business for the next twelve months; that large orders for goods have been accepted and are continuing to be accepted under an understanding and agreement that said orders, when accepted, will be filled; that commitments for hundreds of thousands of dollars of raw materials have been made which if not manufactured and sold in the usual course of business and trade will result in a loss to said companies of hundreds of thousands of dollars; that said companies are now operating at full capacity and that any curtailment, interruption or restraint of the manufacture or sale of said garments by the unlawful and illegal combination and conspiracy of defendants as hereinafter set out will materially burden, obstruct, interrupt and destroy commerce between the states, and interrupt the free flow of raw materials from foreign countries and from points in the United States outside the State of Missouri to plaintiffs, and materially burden, obstruct, and interrupt and destroy the free flow of garments manufactured in the State of Missouri through the channels of interstate commerce, and materially and directly burden, obstruct, interrupt and destroy the sale of said garments in the various states of the Union outside the State of Missouri and materially affect the cost of manufacture and the prices for said garments, and cause diminution of employment and wages in such volume as substantially to impair the market and prices for said garments flowing from and into the channels of commerce, and will result in a loss to the plaintiffs and to each of them of a sum greatly in excess of Three Thousand Dollars, exclusive of interest and costs, and will probably result in a loss of hundreds of thousands of dollars.

2. Plaintiffs further state that defendant International Ladies Garment Workers Union, hereinafter referred to as "Defendant Union", is a national and international organization consisting of over 250,000 members residing chiefly in the city of New York and its environs. That it also has members in the Dominion of Canada and in Puerto Rico and in other foreign countries. That its membership embraces garment workers, textile workers

and workers in other industries producing or selling garments of various kinds. That it employs a large number of paid officers, servants and agents who do no productive work but devote their entire time to creating dissatisfaction amongst the employees working in said trades and industries and in intimidating, coercing and compelling those who do not belong to said organization to join the same and submit to the dictation and control, and in seeking to injure and destroy the business of individuals and companies and the business of their customers unless said individuals and companies force their employees to join said organization, all to the end that said organization through its extortions and exaction of dues and tribute levied upon said members, enriches the said officers and agents who are engaged in said activities. That said defendant Union holds a convention yearly, elects a president and other officers and a general executive board. That the President is defendant David Dubinsky, the Vice President is defendant Luigi Antonini and the executive secretary is defendant Frederick F. Umbrey. That the General Executive Board is composed of defendants David Dubinsky, Luigi Antonini, Frederick F. Umbrey, Abraham W. Katovsky, Morris Biotis, Hose Pesotta, Israel Feinberg, Salvatore Ninfo, Elias Reisberg, Philip Kramer, George Rubin, Isidore Nagler, Joseph Breslaw, Julius Hochman, Bisilio Disti, Louis Levy, Charles Kreindler, Harry Wander, Max Cohen, Samuel Perlmutter, Jacob J. Heller, Harry Greenberg and Charles S. Zimmerman.

3. Plaintiffs further state that the President has authority to operate and manage the said union and all of its activities subject to reversal by the general executive board. That the President is authorized to appoint regional directors and other agents to represent and act for said defendant Union in all of its activities, designs and purposes.

4. Plaintiffs further state that defendant Union owns, controls and publishes an official organ styled "Justice" for the purpose of disseminating information concerning its various activities and carrying forward the conspiracy herein set forth. That defendant David Dubinsky is President and General Secretary- Treasurer of said official organ "Justice". That defendant Max D. Danish is editor of the same.

5. Plaintiffs further state that defendant Meyer Perlstein is a member of defendant Union and is Regional Director of said Union and in active charge of all its activities in the southwest trade territory which comprises southwest Illinois, Missouri, Texas, Tennessee, Arkansas, and other parts of the southwest. That defendant Wave Tobin is a

member of defendant Union and is one of its managing agents, and is actively engaged in assisting in carrying forward all of its schemes and devices, and is also the manager of what is called the Kansas City Joint Board of defendant Union. That defendants Jane Palmer, Esther Smith, Grace Bullard and Mary Jane Miller are members of defendant Union and its paid agents, servants and employes. That defendants Cinderella Robinson, Louise Smith, Ora Thornton, Annis Vaughn, Jack Spry, Etta Lepp, Lola Royer, Bertha Powers, Anna Zupka, Ruth Thompson, Grace Isgriggs, Della Jackson, Margaret Clements, Arlene Gaither, Velma Roseberry, Charlotte Cater, June Adams, Leta Meadon, Jo Nichols, Wanda Harrell, Mary Cornet, Ruth Davis, Mabel Jordan, Rosalie Poole, M. Smith, M. Fugina, I. Burke, S. Lafallier, V. Hedrick, P. Tindle, H. Mixels, F. Bennet, P. Austin, D. Dunning, N. Schaefer, E. Blankenship, R. Vest, M. Wallace, R. Love, G. Chinnery, A. James, Y. Boettcher, G. Knepp, John Doe, Jennie Roe, Hazel Roe, Helen Boe, Richard Roe, June Adams, Mary Ashlock, Pearl Austin, Mary Adams, Pauline Axton, Jean Amoroso, Shelby Anderson, Anna Bost, Helen Barnes, Genevieve Barnes, Babe Bonocoiso, Ika Burke, Yvette Boettcher, Frankie Bennett, Ray Bowlin, Harry Bell, Lena Condi, Bill Copaken, Gertrude Chinnery, Velma Cox, Mildred Dale, Della Dunning, May Dalton, Mary Deisz, Johnnie Day, Cecie Fixell, Betty Firestone, Gertie Farmer, Mary Fugina, Mary Flowers, Barney Glass, Anna Gann, Elsie Garrett, Anna Glorioso, Jenny Givens, Georgia Gill, Thurby Harriman, Tillie Harrison, Velma Hedrick, Dorothy Haley, Tillie Harriman, Gladys Hindman, Margaret Hanson, Anna Halpein, Maude Jackson, Mary Johnson, Anna Jones; May Jackson, Mary Jones, Bennie Kwiatek, Anna Koval, Gladys Knepp, Birdie Koontz, Irene Liggett, Stella Lafallier, Frank Levene, Cleo Lowe, Eva Lee, Nellie Mezzacoso, Pearl McKitterick, Loma McMillian, Henryette Mikels, Hubert McGhee, Tony Mange, Belle Maxey, Maude McCowan, Angelie Moley, Helen May, Esther Miller, Mildred McCabe, Mary McCain, Uni Nepote, Lily Provenzo, Nora Pulver, Hazel Poole, Esther Smith, Clara Seaton, Nadine Scott, Minnie Smith, Lucy Lee Skirvin, Evelyn Swanson, Grace Switzer, Pearl Tindle, Letha Tribby, Anna Talperin, Rose Talperin, Ruth Vest, Lola Walters, Faye Wilbarn, May Wallace, R. Williamson, May Wall, Mildred Moore, Ethel Engle, Jessie Kuhl, Jessie Mills, Mildred McCabe, Henrietta Berry are members of defendant Union and also members of its local branches at Kansas City, Missouri. That all other members of said defendant

Union whose names are now unknown to these plaintiffs and who are too numerous to set forth, are hereby made party defendants as a class in this action. That all the agents and servants of defendant Union whose names are now unknown to these plaintiffs and who are too numerous to set forth are hereby made party defendants as a class in this action.

6. Plaintiffs further state that on the twenty-seventh day of April, 1957, all their employes, voluntarily and without domination or interference of any kind or character whatsoever on the part of the plaintiffs, and in order to protect themselves against unlawful interference and domination of the defendants and availing themselves of the right to self-organization, to collective bargaining through representatives of their own choosing, and to have said representatives when so selected by a majority of the employes bargain for all the employes in respect to rates of pay, hours of employment, wages, conditions of employment and any and all other matters for their mutual aid or protection as are guaranteed under provisions of "An Act of Congress of July 5, 1935" (49 Stat. 451-467) entitled "National Labor Relations Act", met and formed a union styled "Donnelly Garment Workers Union", and unanimously selected a committee of nine members to represent them for the purpose of collective bargaining, and authorized said representatives to negotiate a contract with said plaintiffs with reference to hours, wages, conditions of employment, bargaining rights, and any and all other matters pertaining to their employment. That said plaintiffs and said representatives, after negotiations, entered into a contract on the 27th day of May, 1957, with reference to hours, conditions of employment, bargaining right, arbitration and membership of said employes in said union. That said parties, after further negotiations, entered into a supplementary contract on the 22nd day of June, 1937, providing for a fixed scale of wages. That said contracts provide for more favorable wages, working conditions and privileges for employes than are contained in any contract entered into by the defendant International Ladies Garment Workers Union or any sub-organization or association thereof with any other person, firm or corporation engaged in the garment business. That said contracts are being fully complied with by plaintiffs and their employes. That said employes are perfectly satisfied with the terms and conditions of the same and refuse and have refused to join defendant Union or to be represented by it or any of its officers or agents*

7. That on and prior to the making of said contracts and each of them, and at the time of the filing of this suit, all of the employes of plaintiffs were, and they are now, members of the Donnelly Garment Workers Union; and none of plaintiffs' employes were at any of said times, and none of said employes are now, members of the defendant Union.

8. Plaintiffs further state that under Section 158 of an Act of Congress of July 5, 1935 (49 Stat. 452) known as the "National Labor Relations Act", it is made unlawful and illegal for the plaintiffs to refuse to bargain collectively with representatives so designated and selected by a majority of the employes in respect to rates of pay, wages, hours of employment, conditions of employment, and any and all other matters pertaining to their mutual aid and protection*

9* Plaintiffs further state that defendants and each of them are denied under the said "National Labor Relations Act", the right to represent said employes regarding rates of pay, wages, hours of employment, conditions of employment and any other matter pertaining to their employment, and are without right to in any manner interfere with their organization or to do anything to disturb the peaceful relations existing between their organization and the companies, or to attempt in any way to cause the members of said Donnelly Garment' Workers Union to violate or breach its contract with said companies.

10. Plaintiffs further state that there is no labor dispute between them and their employes with respect to rates of pay, wages, hours of employment, conditions of employment, representation, or any other matters pertaining to employment, and that the only persons having any interest in the matters aforesaid are the employes of said companies acting through their representatives duly elected by a unanimous vote of all of said employes.

11. Plaintiffs further state that the defendants, together with their agents, servants, employes, and other parties now unknown to these plaintiffs who are acting in confederation with defendants and at their instigation, have engaged in and are now engaged in an attempt to disrupt said Donnelly Garment Workers Union and to cause it and its members to break their said contract with the plaintiff companies by various devices, means and misrepresentations and particularly by the means hereinafter set forth, all of which is done in pursuance of an illegal and unlawful combination and conspiracy; that among other things, they have sought and are seeking to force said

employees to join defendant Union and to compel the plaintiffs to force them to join said defendant Union, all in violation of "An Act of Congress of July 5, 1935" (29 U. S. Code, Secs. 151-166), known as the "National Labor Relations Act".

12. Plaintiffs further state that for many years defendants together with said other persons united with them have been and are now engaged in a general combination and conspiracy to force, against their will, all persons, firms or corporations engaged in the manufacture and sale of ladies' garments in interstate commerce in the United States and foreign countries, including plaintiffs herein, to organize their employes into an organization to be part and parcel of the defendant Union, with the intent thereby to control the employment of labor in and the operation of all said businesses, and to extort from said workers large sums of money by way of dues, fines, penalties and other exactions, and, in order to carry out such conspiracy and scheme, to restrain and to destroy the interstate trade and commerce of such persons, firms or corporations, their employes and customers in the several states until such time as, from the damage and loss of business resulting therefrom, the said persons, firms or corporations will yield to defendants' said demand and force their employes to join the defendant Union and to subject themselves and their employes to the orders, dominance and control of defendant Union and its officers, to such an extent that the right of the employers to deal with their employes as to wages or conditions of labor is denied, and the right of the employe to bargain for and fix his own wages is denied, and said employes are compelled, although satisfied with their wages and working conditions, at the mere command of the said Dubinsky or at the command of certain of his subordinates, to strike, and to lose the opportunity to earn a livelihood, and to enrich defendant Union and its officers by the payment of large sums of money as dues, fines and assessments, and to submit to defendants' each and every command so completely as to reduce themselves to a species of slavery.

13. That in furtherance of said scheme and conspiracy and in carrying the same into effect, the defendants have organized gangs of lawless and dangerous persons, not employes of the particular plant to be assaulted, and have caused said gangs to attack the employes of various plants who desire to work and to threaten them with great bodily harm and even death if they continued to work and refused to join defendant Union and

assist it in a strike against their employers. That among other means employed, said gangs have assaulted the employes, most of whom were women, with fists, knives, razor blades, clubs, pulling of hair; that one of their favorite devices was and is to tear the clothing from the women employes and to strip them naked in the public streets, and to threaten all manner of physical harm to them and their families and to use toward them abusive, vile and obscene language, and to assault and molest them on their way to and from their work, and to prevent by threats of violence to drivers of delivery vehicles merchandise from being taken away from the places of business or delivered into the same, and by picketing in such large numbers about the places of business as to prevent ingress and egress from the same.

14. That in furtherance of said scheme and conspiracy and in carrying the same into effect defendants published and circulated false and libelous attacks about said companies, including the statement that orders could not be filled unless said companies yielded to the demands of defendant Union.

15. That all of the aforesaid acts were, within the last three months, done and perpetrated in Kansas City, Missouri, against and upon the Gernes Garment Company Inc., the Missouri Garment Company, and the Gordon Brothers Manufacturing Company and their employes.

16. That thereupon said companies obtained writs of injunction in the Circuit Court of Jackson County, Missouri against defendant Union and its members commanding them to desist from all of said acts. That defendant Union, its officers, employes and members, engaged in said unlawful activities, openly defied said injunctive judgments and writs, and boasted that they would not obey the injunction of any Court, and continued their depredations aforesaid until in the end the said companies were compelled to submit to the demands of defendant Union and to coerce or compel their employes to join the same or to quit their employment.

17. That in all of the matters aforesaid, the defendants Meyer Perlstein and Wave Tobin, being then in the city of Kansas City in this District, organized said gangs and directed and controlled them in the perpetration of the atrocities aforesaid,

18. That in the city of St, Louis, the methods aforesaid were employed against a number of manufacturing companies and their employes. That the outrages were under

the special direction of defendant David Dubinsky. Among other atrocities there perpetrated, numerous women employes were stripped naked in the streets, vilified and threatened and brutally beaten. That as a result of these outrages and wrongs in the city of St. Louis, at least one large factory was compelled to close its doors and more than 2,000 workers, chiefly women, were deprived of employment.

19. That in carrying out the conspiracy aforesaid, the said defendants have in numerous cities of the United States employed the devices and committed the wrongs above described.

20. Plaintiffs further state that defendants, in pursuance of their illegal and unlawful combination and in order to increase the effectiveness of their acts against plaintiffs, their employes and customers, have made public announcement of the fact that they will use against plaintiffs, their employes and customers the same means to accomplish their aforesaid purpose as they have used against other persons, firms and corporations including Gernes Garment Company, Inc., Missouri Garment Company, Gordon Brothers Manufacturing Company, as hereinbefore alleged, unless plaintiffs will immediately yield to defendants' demands and force their employes to join defendant union and shall subject said employes to its dominance, control and extortions.

21. That as a part of said conspiracy and in furtherance of its objects and designs and especially in furtherance of their boycotts against the products of companies who have refused to force their employes to join defendant Union, and in furtherance of their scheme to boycott all places of business buying and selling the goods produced by the company attacked, defendant Union has established an official paper or organ styled "Justice" in which are published articles, reports and statements of union officers, their agents, members, servants and employes and other persons, containing false and libelous statements concerning the manufacturers of garments and their method of manufacture, the character of their goods, the treatment of their employes, their inability to fill orders, and other false and scandalous statements. That the said paper "Justice" is widely and generally distributed to and among the members of said defendant Union and other affiliate unions and widely distributed elsewhere. That the officers and servants of said defendant Union give frequent interviews to the press of the country making false statements regarding the producers of garments and regarding all of the other matters

heretofore set forth, in order to injure the business of said producers and their customers and to restrain the commerce in said goods among the several states. That all of the aforesaid measures of boycott have been brought and are being brought against these plaintiffs in violation of the laws of the United States and the State of Missouri.

22. Plaintiffs further state that in the year 1934 the defendant Union, by and through its officers, agents and servants including defendants David Dubinsky, Meyer Perlstein and Wave Tobin, in furtherance of said conspiracy, undertook to create dissension amongst the employes of plaintiff Donnelly Garment Company and to create a spirit of antagonism amongst said employes against said plaintiff Donnelly Garment Company, by making false statements and charges against said plaintiff and by causing certain persons who were no longer in the employ of plaintiff Donnelly Garment Company to organize or pretend to organize a branch of said defendant Union for employes of Donnelly Garment Company, and to cause to be filed false charges against said plaintiff Donnelly Garment Company. That amongst the false reports and statements made by the said defendant Union and by the said Perlstein and his agents and assistants were the charges that the wages paid to the employes of Donnelly Garment Company were much less than those paid in other shops in every city of the country where dresses were produced; that the employes of the Donnelly Garment Company were receiving wages fifty per cent or less than were paid in said other factories; that the workers for the Donnelly Garment Company were being exploited by the Company, all of which statements were maliciously made and were known to the makers thereof to be false and untrue. That in furtherance of said conspiracy, said false statements were printed in circulars and distributed, among other places, at the doors of the Donnelly Garment Company plant, to its employes and to customers. That said conspirators further caused said Donnelly Garment Company plant to be picketed and said pickets carried placards charging that the said Company was unfair to its labor. That its customers were called upon to no longer buy the products of said company. That by the means aforesaid and by the circulation of other false and slanderous and libelous statements, defendant Union and its said officers and agents sought to induce or compel the employes of said Donnelly Garment Company to join defendant Union and to strike, and to the ends aforesaid held meetings in Kansas City, Missouri, at which it invited the employes of said

Donnelly Garment Company to attend, at which said meetings the false charges heretofore set forth were made.

23. That afterwards, in the year 1935, in furtherance of said conspiracy defendant Union and its agents, servants and employes including defendant Meyer Perlstein called a mass meeting at Kansas City, Missouri and sought to induce the employes of the Donnelly Garment Company to be present, and at said mass meeting falsely charged that the plant of said Company was a sweat shop plant; that starvation wages and sweat shop hours were about to be reintroduced in Kansas City by all garment makes of said city, including the Donnelly Garment Company, and caused circulars containing said charges to be distributed at the doors of the Donnelly Garment Company factory, to its employes, and to customers.

24. That in carrying forward said scheme, plan and conspiracy to compel plaintiffs to force their employees to join defendant Union as herein alleged, defendant Meyer Perlstein, as Regional Director of defendant Union, on or about February 25, 1937 caused to be published in metropolitan newspapers of Kansas City, Missouri, having circulations of many hundred thousand, a public statement wherein he announced that the defendant Union planned a campaign to organize the workers in the Donnelly Garment Company plant, and had appropriated a large sum to be spent in the drive; that the defendant Union had employed six women whom defendants planned to send to various cities and towns where the garments of the Donnelly Garment Company were sold, advising retailers and labor organizations of the campaign; that within a year the defendant Union would have the employes of the Donnelly Garment Company completely organized, and that as soon as the defendant Union had enough members, said Union would call a strike; that the calling of the strike would be only one part of the plan; that a further part of the plan contemplated the sending out over the trade territory of the Donnelly Garment Company the six women representatives aforesaid who would visit all cities and towns where the Donnelly Garment Company's garments were sold, and would contact all customers of the Donnelly Garment Company and all labor organizations in said cities and towns, in the effort to interest them in the drive to unionize the Donnelly Garment Company; that the first step in the attempted consummation of this plan would be for the defendant Union to send a letter to the

plaintiff Donnelly Garment Company suggesting a conference to establish collective bargaining on questions of wages and working hours; and that if the Donnelly Garment Company refused to enter into a conference, the defendant Union would actively begin its said campaign and drive.

25. That in carrying forward said scheme, plan and conspiracy to compel plaintiffs to force their employes to join defendant Union as herein alleged, defendant David Dubinsky, president of defendant Union, on March 5, 1937 held a public meeting at Kansas City, Missouri, at which in substance and effect he declared that defendants intended to force the Donnelly Garment Company to unionize its workers, and that an intensive campaign to that end would be started within a few days; and that the first step would be a polite letter to the plaintiff Donnelly Garment Company inviting it to confer with the leaders of defendant Union about signing a union contract (meaning a contract which would compel said Company to force its employes to join defendant Union), and that if said Company refused to accede to the demands of the said leaders, a campaign to force said company to yield would at once be begun; that while it might take a long time to force said Company to submit and cause the unionization of its employes and yield to defendants' demands, they (meaning said conspirators) would win out in the end, as all of the 240,000 members of the Union were behind them (meaning the said conspirators). That thereafter, in accordance with the aforesaid public announcement, defendants on March 9, 1937 wrote and caused to be delivered to the plaintiff Donnelly Garment Company a letter reading as follows:

"March 9, 1937.

Donnelly Garment Company 1828 Walnut Street Kansas City, Missouri

Gentlemen:

The Kansas City members of the International Ladies' Garment Workers' Union feel compelled to place before you the following grievances that should be adjusted immediately.

Fifteen members of our Union were discharged by your firm because of their affiliations with our organization. Their case was up before the National Labor Relations Board. During the period the hearings took place the NRA was declared unconstitutional by the Supreme Court of the United States and the Government could proceed no

further. The discharged workers have not as yet been returned to work by your firm.

The Dress Industry, in which your firm is engaged, is highly unionized throughout the country. Every producer of dresses is in contractual relations with our Union, The 150,000 workers employed in this industry are enjoying a 5-day, 35-hour working week and a \$22.05 per week minimum wage scale for operators and reasonable, fair minimum scales for finishers, pressers, cutters, et cetera. Piece workers, who compose the majority of workers in your shop as well as in the industry, are enjoying the right, through committees selected by them, of having an equal voice with the management in each shop in determining the piece rates for each garment or operation of a garment.

The workers in the industry enjoy the freedom and right of organization. Collective bargaining has been established as a permanent institution. These are the conditions and wage scales in the industry.

In your shop the minimum wage scale for operators is between \$12.50 and \$15.00 per week

The wage scales for finishers, pressers and cutters are at least 30% lower than those that exist in the industry

The hours of work in your shop are 40 and more per week

Your workers are denied the right of joining a labor organization, and those who do, are immediately discharged. Your workers are denied the privileges of genuine collective bargaining. The piece workers in your shop have no voice as to what the piece rates should be as they are set exclusively by representatives of your firm.

The conditions and wages under which your employees are working not only deprives them of the privileges and opportunities enjoyed by the workers in this industry, but endangers their general work standards and wage scales. Your firm has undue and unjustified advantages over your competitors. The Union believes in 'Fair Competition', but it does not consider competition fair when it is gained solely at the expense of the workers.

Under your system of production the worker is compelled to invest extraordinary effort, but the reward that follows is very meager in proportion to the efforts invested* Under modern methods of production such treatment of workers is not only wrong from the humane point of view, but also destructive from the economical point of view. In

comparison with other shops in the industry which produce the same type of garment the production in your shop is about 30% higher while the earnings of the workers are about 30% lower.

We, therefore, believe that a conference between our Union and your firm, for an adjustment of these grievances, should take place immediately. The Union has named a committee which stands ready to meet a similar committee named by your firm.

May we respectfully request that you advise us before the end of this week as to when and where it would be convenient for you to meet our Conference Committee.

Our aim is industrial peace. We believe in intelligent co-operation between employer and employee. Such cooperation is essential for the welfare of all factors in industry, including the consuming public and community at large. Peace and harmony prevails in the major part of the Dress Industry and we are eager to extend this cooperation to include your firm. Let us join hands to avoid industrial conflict.

Respectfully yours,

Kansas City Joint Board INTERNATIONAL LADIES' GARMENT WORKERS' UNION

(Signed) Wave Tobin

By Wave Tobin, Manager

(Signed) Meyer Perlstein

Approved by: Meyer Perlstein, Regional Director MP INTERNATIONAL LADIES' GARMENT WORKERS' UNION "

26. That plaintiffs never replied to said letter and ignored the same; and so defendants wholly failed in their intended purpose to provoke a controversy with plaintiffs by the writing and transmittal of said letter.

27. That each and all of the statements in said letter relating to alleged "grievances" were false, and defendants well knew they were false when the letter was written; and defendants made said false statements and communicated the same to plaintiff Donnelly Garment Company in said letter with the fraudulent intent and purpose of attempting to make it ostensibly appear that there was a "labor dispute" within the meaning of the Norris-LaGuardia Act (29 U. S. Code, Secs. 101-115), when in fact there was none, thereby fraudulently attempting to deprive courts of justice, including this court, of the power and jurisdiction to enjoin the wrongful acts described in this bill, all of which

wrongful acts at the very time they wrote and transmitted the aforesaid letter defendants planned to commit. That said letter was written by defendants with the further fraudulent and malicious purpose to destroy plaintiffs' business by publishing and widely circulating said letter (and defendants in fact did immediately publish and widely circulate said letter) with its false, libelous and defamatory statements, to the public and plaintiffs' customers; all for the purpose, by the fraudulent means herein alleged, to coerce and compel plaintiffs to force their employes to join the defendant Union. That the aforesaid letter v/as therefore not written in good faith but v/as written in bad faith, and solely with the fraudulent, ulterior purposes aforesaid. That said letter, therefore, was and is a mere sham, subterfuge and pretense; and that each of the so-called grievances" enumerated therein had no foundation whatsoever in fact, as defendants well knew when the letter was written.

28. Plaintiffs state that at the time the said Dubinsky and Perlstein made the statements aforesaid, and when said letter v/as written, there was peace, harmony and good will existing between the employes of the plaintiffs and said plaintiffs; and that, as plaintiffs are informed and believe, not a single one of their employes belonged to defendant Union or any of its branches; and, therefore, the defendant Dubinsky, defendant Perlstein and the said defendant Union did not represent and had no right to represent any of the employes of plaintiffs.

29. Plaintiffs further state that for the purpose of carrying out said conspiracy, defendants opened headquarters in Kansas City, Missouri, which were in direct charge of defendants Meyer Perlstein and Wave Tobin, and sought to compel plaintiffs to force their employes to join defendant Union and to subject themselves to the orders and commands of said Union and its officers, and defendants organized and began to carry forward a campaign to boycott the products handled by plaintiffs, and to boycott, the customers of plaintiffs who were handling their goods in the various retail stores in the several states of the United States,

30. That as part of said scheme of boycott defendants threaten the owners of said stores that their places would be picketed, that they would be held out as unfair to labor, and their customers would be warned not to purchase goods of any kind at their said stores including the products of plaintiffs.

31c That for the purpose of carrying forward said boycott and making it effective defendants, through the columns of the aforesaid publication "Justice", which is published and widely circulated amongst all of the members of defendant Union and elsewhere, have maliciously and falsely charged, among other things, that plaintiffs have established in their plant the most perfect driving system developed by the ingenuity of man, that the girl workers are so driven that their energies become quickly exhausted; that the minimum wage scale in plaintiffs' plant is \$15.00 per week while the minimum scale for the same type of dresses in other concerns in this section is \$22.05 per week; that the hours said employes of plaintiffs are compelled to work were until recently 50 hours per week; that no worker showing any inclination toward unionism is permitted in the shop and that the campaign to unionize plaintiffs' companies would be two fold: "First, an organization among the workers and, second a publicity campaign on a large scale" that would call the attention of retailers and customers to the aforesaid alleged conditions.

32. The said defendant Perlstein reported to defendant Union, and said report was published in said "Justice" of date April 1, 1937, in substance and effect that the employes of plaintiffs work over 58 hours per week; that the speed-up system in plaintiffs' plant is such that very few girls can last long; that their nerves become shattered in no time; that they have in said shop a caste system, that the higher grade of employes can not mix with the lower grade, and when they are seen socially together both are fired, all of which statements were made maliciously and were false and untrue.

33. That in said "Justice" of June 15, 1937, is published the declaration that the drive to unionize the Donnelly Garment Company continues to be the sensation of the day, and promises to become more dramatic as the drive continues; that many outside elements have entered the field such as detective agencies, some of them the most notorious in the country; that said statements were false and maliciously made.

34. That the statement was further made in "Justice" that the campaign of defendant Union was three-fold, first, to unionize the workers in the plant; second, the wide publicity campaign (meaning the campaign of slanderous and false statements heretofore set out) and, third, personal contact with retailers that sell and with the public that buys the Nelly Don dresses (meaning a secondary boycott). That it was stated in said publication of

June 15th that two groups of girls left on the road to visit every town of more than 10,000 where the Nelly Don dresses are being sold. That the first group had left the preceding Saturday. That a young lady by the name of Jane Palmer who was formerly a practicing attorney in Kansas City and had, for the last six months, been connected with defendant Union was in charge, accompanied by Esther Smith, a member of Local 118 in Kansas City, who on the picket line had developed an intelligent initiative and knowledge, and was to be entrusted with this important work. That said two will visit the Middle West and Eastern section of the country. That another group, headed by Miss Mary Jane Miller, manager of Local 114, Houston, Texas, accompanied by Grace Bullard, a member who recently joined defendant Union ranks in Kansas City and had the privilege of being a delegate to the Union convention, will visit the South. That labor organizations, women's study and social clubs will also be visited and appealed to for a boycott of Nelly Don dresses and all places of business that sell the same.

35. Plaintiffs state that all of the aforesaid plans and threats were immediately carried into execution. That the agents above referred to have been engaged in carrying on said boycott by visiting a large number of dealers in the various states of the Union, who are the customers of and who sell the products of plaintiffs. That at various cities and towns, including Alexandria, La., Remsen, Iowa, Jackson, Miss., Birmingham, Alabama, Decatur, Ill., Independence, Kansas, Baton Rouge, La., Mobile, Ala., Gulfport, Miss., Parsons, Kansas, Des Moines, Iowa, Beaumont, Texas, Madisonville, Ky., New Orleans, La., said agents and employes of defendant Union have gone to the proprietors or managers of said places of business, and have insisted that they shall not handle or sell garments manufactured by plaintiffs for the reasons above set forth, and for the further reason that plaintiffs will not be able to fill orders on account of the attacks of defendant Union; and have threatened them with declaring a boycott against their places of business and picketing the same, and have circulated among said customers and the public all of the false and slanderous statements heretofore set out; and that the agents aforesaid and, as plaintiffs are informed and believe, many other agents operating in the different cities and states of the Union whose names at this time plaintiffs can not set forth, are engaged in carrying forward said boycotts in the manner and by the means heretofore stated.

36. Plaintiffs further state that said defendants have threatened, in support of said boycotts, to carry on an advertising campaign in the press of the United States and by means of radio, to prevent the patronage of products of plaintiffs; and the said defendant Meyer Perlstein representing said defendant Union has declared through the public press that if store operators refused to comply with defendants' demands by ceasing to handle products of plaintiffs that their stores will be picketed; that a strike will be called in plaintiffs' plant; and that defendant Union is ready to spend \$250,000 to accomplish its goal, and that that amount of money is ready. That said defendant Union also caused to be published a statement that there were two organizers working in the plant at the present time and that Miss Wave Tobin (defendant herein) reported that she would build up the membership in the defendant Union in the plaintiffs' plant, and that a strike in the plant would be necessary.

37. That the object, purpose and effect of said boycotts is to restrain and obstruct interstate commerce in the products of said plaintiffs, to injure, ruin and destroy their businesses, and to accomplish this by terrorizing their customers through the threats made against them as heretofore stated.

58. Plaintiffs further state the defendants are carrying out all of their aforesaid acts and threats, and. threaten and intend to continue to do so; that defendants intend to do everything in their power to disrupt and destroy the businesses of plaintiffs; that defendants' acts are restricting and destroying and, unless enjoined, will continue to restrict and destroy the interstate commerce in plaintiffs' said products; that the acts, threats, purposes and designs of defendants are malicious, and that the same constitute a combination and conspiracy of defendants in restraint of trade and commerce in plaintiffs' products among the several states and with foreign nations, and are intended by defendants to operate in restraint of lawful interstate trade in plaintiffs products, and in restraint of free competition in lawful trade and commerce in plaintiffs' products among the several states and with foreign nations, all in violation of the laws of the land and especially in violation of the laws of Congress known as the Sherman Act and Clayton Act (Chap. 1 of Title 15 U. S. Code).

39. Plaintiffs further state that by reason of the character of the acts complained of, plaintiffs will suffer immediate and irreparable injury, loss and damage before notice of

application for a temporary restraining order can be served and a hearing had thereon. That the same will exceed Three Thousand Dollars, exclusive of interest and costs and will probably amount to an aggregate of several hundred thousand dollars. That it will be impossible to collect from defendants the damages by them caused; that plaintiffs are without adequate remedy at law; and by reason of the acts aforesaid an emergency exists, and that it is imperative that a temporary restraining order issue from this Court as prayed herein, and that the same issue without notice, and that unless said restraining order is granted as herein prayed great loss, damage and injury to plaintiffs will be unavoidable.

WHEREFORE, plaintiffs pray that said defendants and each of them, their agents and servants, be required to make full and direct answer hereto; and that each and all of said defendants, and all the officers, members, agents and servants of said International Ladies Garment Workers Union, and of all labor unions designated as International Ladies Garment Workers Union, locals 114, 115, 118 be, by decree of this Court, perpetually enjoined and restrained from further commission of any of the acts hereinabove complained of, and that they be perpetually enjoined and restrained:

1. From picketing and parading in front of, around, or in the vicinity of, the premises of plaintiffs' places of business at 1828 Walnut Street, Kansas City, Missouri.

2. From engaging in any act or conduct at or near said places of business of plaintiffs, or at any other places whatsoever, in any wise calculated to interfere with, disturb or injure any officer, agent, employe or customer of plaintiffs in the peaceful performance of his or her business.

3. From doing any act or acts whatsoever calculated to injure or interfere with the businesses of plaintiffs, or to injure or interfere with the businesses of plaintiffs' customers on account of said customers dealing in or handling plaintiffs' merchandise or to interfere in any way with trade and commerce between plaintiffs and their customers, or to interfere or molest any person or persons making delivery of goods or parcels to the plaintiffs' places of business, or with any person or persons hauling or conveying goods or parcels from plaintiffs' places of business.

4. From interfering in any way with the contracts existing between said Donnelly Garment Workers Union and plaintiffs and from in any way interfering with any contracts

which plaintiffs and said Donnelly Garment Workers Union may hereafter negotiate or make.

5. From attempting, by violence, intimidation, coercion or misrepresentation, to compel or induce any of the employees of plaintiffs to withdraw or resign from the voluntary association of employees designated as Donnelly Garment Workers Union, or to compel or induce any of said employees, by violence, intimidation or coercion, to join the International Ladies Garment Workers Union or any sub-organization thereof, including locals 114, 115, 118 and 250,

6. From announcing, charging, publishing, circulating, or causing to be announced, charged, published or circulated, any untrue and false statements regarding wages, hours of labor, working conditions, labor policies, or the inability of plaintiffs to fill orders.

7. From conducting or causing to be conducted a boycott of plaintiffs' garments, a secondary boycott of their customers and from notifying or requesting plaintiffs' customers and/or the public not to patronize plaintiffs or purchase plaintiffs' merchandise.

8. From interfering with the business of the customers of plaintiffs, wheresoever situated; from boycotting them or picketing their places of business; from issuing circulars containing untrue statements calculated to affect the business of plaintiffs or their said customers, or from issuing any false statements calculated to prevent any person or persons from purchasing the goods produced by plaintiffs, or to do any other act or thing whatsoever calculated to interfere with the business dealings between plaintiffs and their customers.

Plaintiffs pray for such other and further relief as may be proper in the premises.

Plaintiffs further pray that a temporary restraining order issue forthwith, and that thereafter after notice to defendants and a hearing, a preliminary injunction issue out of this Court, commanding the defendants, their agents and servants, and all persons acting under the authority, direction or control of the defendants or any of them, and all persons to whom knowledge of said restraining order shall come, to immediately desist and refrain from continuing any and all of such acts, or doing any and all of the things above set forth, and from in any wise interfering with the plaintiffs in the peaceable conduct of their business, or with the business dealings between plaintiffs and their

employees, and from interfering, by intimidation, violence, threats of violence, or false statements, with any employees of plaintiffs' companies, and from interfering with the business dealings between plaintiffs and their customers, and from publishing and circulating or causing to be published and circulated untrue and false information regarding wages, hours of labor, working conditions, the labor policies of plaintiffs and the inability of plaintiffs to fill orders, and from aiding, conducting or participating in any boycott of plaintiffs' merchandise or in a secondary boycott of their customers and from notifying plaintiffs' customers and public not to patronize plaintiffs or purchase plaintiffs' merchandise, and from doing any and all of the acts against which plaintiffs hereinabove pray injunctive relief; and that plaintiffs may have such other and further relief as may be proper in the premises to the end that they may enjoy their lawful right to carry on their business and their lawful right to the freedom of contracts, and that plaintiffs may have protection of their property and that plaintiffs' employees may have the right to engage in their lawful occupations and that plaintiffs' customers may have the right to carry on their businesses.

Plaintiffs further pray that this Honorable Court order defendants and each of them to appear and then and there to show cause, if any there may be, why a preliminary injunction should not issue as herein prayed pending the final hearing of this cause, and that upon a final hearing said temporary restraining order and preliminary injunction may be made permanent against each and all of the defendants, their members, agents, servants, employees, and all persons acting under the authority, direction or control of said defendants and/or any of them and any and all persons to whom knowledge of said injunction may come.

Solicitors for Plaintiffs

STATE OF MISSOURI :

: ss.

COUNTY OF JACKSON :

Robert J. Ingraham, being duly sworn, deposes and says that he is Secretary, agent and attorney of the Donnelly Garment Company, one of the petitioners above named, and that he has read the foregoing amended bill and knows the contents thereof and upon his own knowledge swears that all of the allegations contained therein with

reference to the business of the Donnelly Garment Company, its treatment of and relation to its employes, and its relations to the Donnelly Garment Sales Company are true, and that all of said other allegations of said petition are made upon credible information and are true as he verily believes.

Subscribed and sworn to before me this 4th day of September, 1937.

Notary Public in and" for My Commission expires Jackson County, Missouri

STATE OF MISSOURI :

COUNTY OF JACKSON :

Robert J. Ingraham, being duly sworn, deposes and says that he is agent and attorney of Donnelly Garment Sales Company, one of the petitioners above named and that he has read the foregoing amended bill and knows the contents thereof and upon his own knowledge swears that all the allegations contained therein with reference to the business of the Donnelly Garment Sales Company, its treatment of and relation to its employes and its relations to the Donnelly Garment Company are true, and that all of the other allegations of said petition are made upon credible information and are true as he verily believes.

Subscribed and sworn to before me this 4th day of September, 1937/

Notary Public in and for Jackson County, Missouri

My commission expires