

AFFIDAVIT OF
LILLIAN RUTHERFORD

(COPY)

STATE OF MISSOURI
SS
COUNTY OF JACKSON

LILLIAN RUTHERFORD, being first duly sworn makes oath and
says:

My name is Lillian Rutherford. I am 48 years of age, married and reside at 2909 East 12th Street in Kansas City, Missouri. I have been a resident of Kansas City for 20 years.

I am now employed at the Quality Hill Dress Shop located at 905 Broadway, Kansas City, Missouri. I have worked there since the business started, about a month and a half ago. Prior to that I worked at the Missouri Garment Company and the Marlene Dress Shop.

I began working for the Donnelly Garment Company in 1925 and worked there more or less steadily until July, 1934. From 1931 until July, 1934, I worked steadily and was only off during seasonal layoffs, which lasted usually from ten days to two weeks. I usually worked on try-outs, samples and special work. This is supposed to be the most difficult work in the factory and my instructors always complimented me on work. Shortly before July, 1934, Mrs. White was my instructor and she told me that they had only a few good operators and since I was one of them I would have to work on samples. The operators would rather not work on samples because it is harder work than the ordinary work in the factory. I could and did any kind of work to be done in the factory - straight sewing, binding and piping. There was never any complaint about my work.

In the summer of 1934, I became interested in the trade union movement and talked with a number of the girls with whom I worked about joining the International Ladies' Garment Workers' Union. I made application for membership in that union during the summer of 1934 and was one of the charter members of Local 124. I had a vacation with

pay during the last three years of my employment by the Donnelly Company and in 1934 was given pay vacation the latter part of July. After the vacation I called over the telephone to find out when I could go back to work. I was promised I would be put back to work but not having any word, I went to the factory and talked to Mrs. Wherry, head floorlady. I asked Mrs. Wherry if there was any reason why I hadn't been called back. There was no discussion between Mrs. Wherry and me of the union but she said they had no prejudice against me and would put me back as soon as they could place me. The latter part of November, 1934, I went to the employment office of the Donnelly Garment Company and talked to Ella Mae Guerrant. She told me to call her in a day or two, and I did, and she said she could not place me that day but to call her the next day. I called her and she told me then to get work some place else.

Prior to the establishment of the N. R. A. Code in 1933, the hours of work in the Donnelly factory were fixed by the officers of the company. We often worked from 50 to 60 hours a week and not infrequently on Sundays. We never had any say-so about the fixing of the piece work prices and if a price was fixed which enabled the operators to make more money than they had been in the habit of making, the piece work price was immediately reduced.

Before 1933, if we were five minutes late we would lose work for that day and we were told by our instructors that if we did not on Saturdays and Sundays, when requested so to do, we would lose our Jobs.

Before 1933, we were required to sit at our machines whether there was any work to do or not and when we would ask the instructors if we couldn't go home on account of there being no work, we were told that we could go home if we wanted to stay there. During these slack seasons I have frequently made as low as \$4.00 and \$5.00 a week at the Donnelly Company. At both the Marlene and Quality Hill Dress Companies, which make garments similar to those made by the Donnelly Company, I have received better wages and worked shorter hours. Both these companies have a 35 hour week.

Further deponent saith not.

(Signed) Lillian Rutherford.

Subscribed and sworn to before me this 30th day of October, 1937.

(Signed) Harry Wellington, Notary Public.

My commission expires April 20, 1939.

In Equity No. 2924

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

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, et al,

Defendants.

DONNELLY GARMENT WORKERS UNION, an unincorporated association, et al,

Interveners.

(COPY)

AFFIDAVIT OF LILLIAN RUTHERFORD

FRANK P. WALSH JEROME WALSH

Attorneys for Defendants