Counsel for Petrillo

At the foundation of the American conception of justice is the assumption that every defendant has a case which he is entitled to present to the court with the help of the best legal talent at his disposal. As a corollary, no opprobrium does or should attach to the willingness of a lawyer to accept the case, however eminent, the lawyer and however weak the case in popular estimation. Yet Judge Seabury will forgive us for expressing a surprise, which we believe is widely shared, that he should become counsel for James C. Petrillo and the American Federation of Musicians in the suit in equity brought against them by the American Guild of Musical Artists and certain of its members. His decision violates no professional ethics, but it comes as something of a shock that the arch-crusader against political tyranny and corruption should agree to lend the weight of his ability and prestige in support of a labor tyranny more vicious than Tammany rule.

Petrillo, who rides about in an armored car with a bodyguard and is known as the "unseen Mayor" of Chicago, is a typical specimen of the labor overlord. Thanks to clauses in the constitution of his union that empower him personally to call strikes, impose fines up to $5,000 on its members or to set aside or revise any part of the document, he has become the virtual owner of an organization of more than 150,000 members and czar of the entertainment field. In this capacity he recently served an ultimatum on a group of distinguished violinists belonging to the Guild of Musical Artists demanding that they switch to his union or he would prevent them from appearing with any other musicians, from making phonograph records or from performing on the radio. Said he: "They're musicians and belong to me." The suit to prevent his carrying out his threat is their reply.

It may be that the law permits Petrillo such despotism, but if it does it flies in the face of the principle on which, ostensibly at least, all our present labor legislation is based—namely, that workers shall have the right to bargain collectively through representatives of their own choosing. As a matter of record Judge Seabury once lashed out against the law on this very point. This was two years ago when, as counsel for the Metropolitan Life Insurance Company, he was arguing in the Supreme Court against an order of the State Labor Relations Board that the Metropolitan bargain with a certain C. I. O. affiliate. "The board," he said, "is given unregulated and unrestrained power to fix the unit of representation and to depose the representatives of the employees whenever it pleases." He spoke of this power as "despotism" and an introduction here of the "essential principle" of the Soviet system. But when Petrillo seeks to exercise the identical despotism, we find him defending it. Somehow the contradiction of his former course is a little hard to swallow.