

SUBJECT: In re: Brotherhood of Sleeping Car Porters v. The Pullman Company,
ex-porter S. E. GRAIN, New York District.

MEMORANDUM FOR MR. G. A. KELLY

Referring to your memorandum dated February 13th, S. E. Grain was never nominated as a candidate or elected as an Employee Representative to any Local Committee under the Plan of Employee Representation. He was not eligible for election because he did not accumulate two years service with the Company.

Ex-porter Grain was discharged from our service August 7, 1925 on report that he expressed many disloyal remarks against The Pullman Company and publicly vilified it in a meeting of from 30 to 40 porters held at Detroit on July 31, 1925.

The service record of ex-porter S. E. Grain, obtained from Mr. Vroman's office is as follows:

Porter: Shepard Edward Grain
Born at Lincoln, Nebr. April 3, 1891

| | |
|--------------------------------------|----------|
| Employed as porter, New York | 10-17-23 |
| Transferred to N.Y. Comsy, as waiter | 10-23-23 |
| " " " porter, Los Angeles | 11-20-24 |
| " " " " New York | 2- 1-25 |

Discharged 8-7-25, on report that he held meeting of porters at Detroit July 31, 1925 at which he expressed many disloyal remarks and publicly vilified The Pullman Company.

Service Record

2 Commendatory Reports

For your further information I quote the following from confidential reports of the dates specified:

June 25, 1925 at New York:

"Operative states that Waiter S. E. Grain of New York Central District, who had club car on train No. 47, had an argument with Mr. Freeman. Grain happened to be out of New York on pay-day. A few days after pay-day he returned to New York, went to the office, obtained his check, but the office refused to cash it. Grain claims he went to the main Pullman office and endeavored to ascertain from Mr. Freeman why he could not get his check cashed. Freeman told him he had no time to talk to him and directed him to see Mr. Sheen. Sheen also told him he had no time to talk to him, but that Grain made so much noise about it that he was finally given a note to the cashier, directing him to cash his check. At the Mott Haven Yards Grain criticized Mr. Freeman with reference to cashing of checks for porters. Grain said that he was going to see Mr. Powell at Chicago to ascertain why checks of porters could not be cashed after pay-days."

June 26, 1925 at Detroit:

"Upon his arrival at the sign-out office Grain talked to a number of porters and told them to 'get out of the rut'. In his remarks he said that if the negroes in the employ of the Company would get together and organize they could demand things they are entitled to, and eliminate a lot of unnecessary red tape and injustice that is being done to porters. Grain further said the porter's job is the worse that a man could get, that it paid nothing and that the men should get together and organize."

June 26, 1925, enroute:

"Operative had a short talk with Waiter Grain who said he 'wants to do something for his fellowmen'. He said he has plenty of money, does not have to work and is willing to be a martyr to the cause that will help the negroes. He said he does not believe in fighting in the open, but rather on the quiet."

June 30, 1925, at New York:

"About 10:00 a.m. operative met Waiter S. E. Grain of New York District, at the Grand Central Terminal. He told the operative he wanted to discuss something with him and arranged to have the operative call at his home, 204 West 140th Street, apartment F-1, at 3:30 p.m. Operative called there at this time and learned that Grain has in mind starting up a Building and Loan Association among the Pullman porters in every district with the permission of Mr. Powell. His plan is to have the company paymasters hold out a dollar each month from each porter's pay, the money to be turned over to the Building and Loan Association which will finance the construction of homes for porters desiring to build, funds of the Association to be loaned out for such purposes as this at a moderate rate of interest."

"With reference to Totten, Grain said that Totten is a good man but that he is afraid to fight the Company in the open. Grain stated in order for one to get anything from the company he has to be diplomatic, has to work with the company quietly and at the same time preparing himself to fight the company."

July 2, 1925, at New York

"Operative talked with Waiter Grain who said he had been to the main office at Chicago and reported difficulty New York porters have in cashing their checks and that the officials at Chicago told him they were not aware of this condition and were glad he had reported the matter."

July 30-31, 1925:

"At Mott Haven Yards while waiting for train No. 47 to back down to station July 30th Waiter S. E. Grain said to operative in the presence of Porter Joe Saitch, New York District, regular on Line 1521 that

'The Pullman Company is the dirtiest company in the world; the company is low and mean. I am going to make a speech in Detroit against The Pullman Company which will be of benefit to men'. Operative asked him when he was going to make the speech and he answered that he would talk before or after Rathbun signed out men in Detroit. Operative remarked that perhaps Instructor Henderson would not allow him to do so, but he said he would be careful of what he said. Enroute to Detroit Grain told every porter on the train to be present at the meeting.

"At Detroit on July 31st the operative went to the sign-out office. Grain and Porter Lambert were there. They waited until after Rathbun had signed out men. Henderson then said that Lambert had something to say. Lambert got up and spoke briefly about the 'Record Bureau' which he said the company approves of:

"When Lambert finished Henderson introduced Grain, who stood up and first said that he approved of everything that Lambert had said. He then said that what he had to talk about was entirely different from what Lambert talked on. He said he had something to say that would be of benefit to the men. He said, 'Do you know the Pullman porters are working for the cheapest, lowest and meanest company in the world. They should pay you a living wage. The authorities at Washington, D.C. figured the other day that a living wage for a man is \$2,000.00 per year and you are working for the measly sum of \$750.00 per year. You men should get together and organize and demand more money and shorter hours and better working conditions. Any organization The Pullman Company has anything to do with that involves the men is no good for the men because what is good for the men is not good for the company. I am a member of the P.P.B.A. That organization is no good for the men and it costs them from \$20.00 to \$55.00 per year. Do you know that whether you belong to the P.P.B.A. or not, if you die the Pullman Company must pay your family \$1,000.00? I'll tell you how that came about. After the war the Government released control of the railroads. They owed the government several million dollars and they told The Pullman Company they would not pay them a cent if they did not raise their employees' wages, especially the porters. The Pullman Company agreed to pay porters \$60.00 per month and give their families \$1,000 death benefit in case a porter died while in the service of the company. I have had a conference with Mr. Green the man who took Samuel Comper's place and he said to form a union and get a membership of four thousand and he would take care of us. I have not all the details worked out but in a week or two I'll have the details and application blanks and all data. It will cost one dollar to join and 50 cents per month and we will then get what the Pullman Company should pay us for we are the most essential body of men working for The Pullman Company. They have to pay us a living wage and all I want is your support and we will make them pay us what we want.

"I am going to St. Louis Sunday and Monday I'll make the same talk there. I know that the Company will know what I say now and it may cost me my job but they can fire me now or any time. I don't have to work for them. I'll get what I'm after on or off the job. I am going to organize a union of four thousand membership and show them what organized men can do. I have the backing of the American Federation of Labor and on or off the job I'll get for you what you ought to have. Of course, as I said before, it will cost you something, but what is

50 cents per month compared with the benefits - a decent living wage. Every man that has started to do what I am going to do has been bought out, bluffed out or fired by the company. They can fire me tomorrow but that will not stop me. A living wage, shorter hours or all men quit the d--- job.'

"There was much applause among the thirty to forty men present. All present seemed enthusiastic. Henderson then got up and said 'Whatever you d--- niggers do go ahead and do it and keep your mouths shut.'

"Operative mingled with the porters and finds that they are in sympathy with Grain.

"Returning to New York Grain told operative that the article published in the New York World two weeks ago with reference to all American labor being unionized set him to thinking. He said he talked with McDougall, a New York negro lawyer and also went to the World office to see if he could find out who wrote the article. He said he met the writer of the article and that he referred him to the secretary of the American Federation of Labor at New York, who referred him to the secretary to Green, President of the A. F. of L. Grain said that he was then called into conference with Green, who told him to get a membership of 4000 porters and that he would back him to the limit.

"Grain said that Totten is a 'dead issue' and that he is going to put his (Grain's) matter over. He stated he has advice of McDougall on this matter and that he is going to go ahead with it and put it across. He says he does not care if he is fired."

Following investigations, Mr. Powell wrote Superintendent J. A. Rittenhouse as follows, on August 6, 1925.

"Confirming my wire of today directing the immediate discharge of Porter S. E. Grain of the New York District, would say that I have authentic information to the effect that Grain is very much dissatisfied with his employment with The Pullman Company and we have decided to release him so that he can find other work that may be pleasing to him. Within the last few days he has acted in a very disloyal manner, publicly vilifying the company that he is working for. We could not expect satisfactory service from an employe who harbors such ill-feeling toward his employer, consequently, we considered that it would be for his best interests as well as ours that he obtain work elsewhere."

On August 11, 1925 Mr. J. A. Rittenhouse, advised Mr. O. P. Powell, as follows:

"As per your telegraphic instructions of the 6th instant, Porter S. E. Grain was discharged under date of August 7th, as per copy of form 93.170 attached.

I also quote confidential report dated August 12, 1925 as follows:

"On the morning of this date operative called at Grain's room and had a long talk with him. Grain said that he was called down to

the Pullman offices Friday before Messrs. Saring, Brunswick and Sheehan and asked as to the propaganda he was disseminating. Grain stated he told these officials that he was not agitating but that he had simply made several speeches to men in which he referred to more money and betterment of conditions for men and that he intended to organize them in order to get for them what they should have inasmuch as the men made the company and that they are entitled to more money and better working conditions. Grain said that Mr. Saring told him they could not keep any one in their employ who was working against the company. Grain claims he said that he knew all the while that the Company was posted on what he was doing and that it was not necessary for them to call him in and ask him what he was doing. When asked if he had his keys he states he told the officials that he is so interested in the welfare of the men and thinks so little of the company that he never thinks of keys until time to go out. He said he would turn in his keys and equipment when he gets time.

"Grain told the operative that he is glad he has been discharged as he will now have an opportunity to 'have something to work on'.

"Grain said that he and his associates (one representative each from Baltimore, Washington, Philadelphia and Boston) all of whom are 'independent financially and care not if they lose their jobs' held a meeting on the previous day for the purpose of formulating demands to be made upon the company.

"He stated he has the backing of Green of the American Federation of Labor and that he has had another conference with him. Grain also told the operative that he made a talk the other evening at the Pullman Porters' Athletic Club and 'took the place by storm'. He said he was applauded at St. Louis where the men shook his hand and offered him money but that at the P.P.A.A. the other night he received even a greater ovation than at St. Louis.

"Grain said they would have another meeting soon and would let operative know about it. The first week in September Grain expects that applications, etc. will be put in the hands of men all over the country; that local organizations will be set up in each district; that there will be zone headquarters and a main office in New York City.

"Operative understands that McDougall's wife and the wife of Marcus Garvey are backing him.

"Grain did not say what demands they intend to make upon the Company."

I also quote the following confidential report dated August 23-24, 1925:

"Operative did not connect with Grain on Sunday, August 23rd. On Monday Grain went to the Mott Haven Yards and passed out his literature. Instructor Taylor told McDermott of Grain's presence at the yards and of his activities. McDermott came out of the office and

asked Grain if he did not know that after a man is discharged from the service of The Pullman Company he is no longer allowed at the yards. Grain said, 'How do you know that I am fired?' McDermott told him he would just give him five minutes to get off the premises. Grain said, 'It's too late now for I've finished my operations here but had I not finished I would not get off'. George Williams, commissary man said, 'I'd advise you to get off the property'. Grain then left, but not until he had passed out his bills.

"Operative spent two hours with him in the evening. Totten is one of the 'big ones' in the movement but is remaining in the background. There is also a Pullman porter named Frazier. There are men from Washington, Jersey City, Pennsylvania Terminal and Boston but Grain would not mention who they are. Grain is very careful in discussing his proposition. Totten is not doing any talking. It is said that he has learned his lesson and will not say anything that might injure him.

"Grain and A. P. Randolph are the ones who started the movement to organize the Pullman porters. Randolph is said to have 'connections with the New York World' and that articles are to be published in that paper and in The Messenger.

"At Tuesday's meeting, according to Grain, the speakers are to be representatives of the Big Four Brotherhoods, M. DesVerney, A. P. Randolph, Chandler Owen and Grain. Grain is to be chairman of the meeting.

"Grain claims he has four men covering territory around New York to get men to the meeting.

"The Trades Union Committee, 2380 Seventh Avenue is headed by Crosswaite. The purpose of this organization is to organize laundry workers, seamstresses, etc. This outfit has no connection so far as is known, with Grain's movement."

According to a letter dated September 26, 1925, Mr. Rittenhouse advised Mr. Powell that ex-porter S. E. Grain had inquired of our Second Assistant Superintendent at Mott Haven Yards as to the consideration given his grievance blank which he handed to Chairman W. C. Taylor of Local Committee "C", in which he desired to have the Local Committee determine as to why his services were dispensed with.

Under date of October 17th Mr. Rittenhouse further advised Mr. O. P. Powell that while the Local "C" Committee was in session October 15th one of the porters' representatives brought up the question of a grievance which he stated had been filed with the Chairman by ex-porter S. E. Grain, and which grievance, the committeeman claimed, the Chairman suppressed, or at least told Grain that he had no grievance. The committeeman insisted very vigorously that the Chairman had absolutely no right, under the Plan of Employee Representation for such action and demanded that the matter be rectified and Grain be furnished with another blank, which he would see was properly filled out on behalf of the ex-porter.

Mr. Powell replied to Mr. Rittenhouse's letter of October 17th under date of October 23, 1925, as follows:

"Referring to your letter of the 17th instant, in regard to ex-porter S. E. Grain, would say that your memorandum of September 26th attached to which was a grievance blank without date or signature has inadvertently been entirely overlooked, and in returning the form to you enclosed herein I would suggest that you return it to the chairman of the Local Committee explaining the cause of delay. It should also be stated to the committee on behalf of the management in answer to the question of Ex-porter Grain as to the reason for his dismissal that his services were terminated because of disloyalty and because he publicly vilified and libeled the Company he was working for in the City of Detroit on July 31, 1925."

Under date of November 6, 1925 Mr. J. A. Rittenhouse advised Mr. Powell that the grievance of ex-porter S. E. Grain was given a hearing by the Local "C" Committee at Nett Haven Yards on November 6th; further stating that ex-porter Grain tried to take full charge of the meeting and run things to suit himself, in which he did not succeed. He also stated that while the Committee assembled to begin the session but before it had been called to order by the Chairman, Grain stated that he knew he had already been tried, convicted and judged. He refused to sign the "Statement of Facts". He did, however, sign the "Employee's Contention" after considerable explanations had been made to him. After ^{relevant} Form 9.151 had been read, Grain was called upon for information and made quite a lengthy talk in which he set forth what he claims he said at the meeting in Detroit before 50 porters. This talk was to the effect that the porters should organize; that no one working for the Company could serve on a grievance committee and do justice to another employe and that therefore the porters should organize and have their representation from the outside. He also denied that he said anything against The Pullman Company. One of the employes' committeemen suggested that the committee should have more definite information regarding the remarks or acts on the part of Grain which were disloyal and which publicly vilified and libeled the Company, and the names of his accusers. The point was then made that that was not before the meeting; that the question raised by Grain was for what reason he was discharged and the Company had answered that question and if Grain wanted more information he would have to file another grievance, and the matter was closed out on that basis. The employe representatives seemed to be agreed among themselves that Grain was not seeking re-employment; that his object in filing a grievance was to probably work up a case for use later or for purposes of propoganda and they thought that under the circumstances it would be better to have all the facts and give him a full and impartial hearing and avoid giving him any possible ground to say that he has not had a square deal, which evidently it is ^{his} purpose to prove as evidenced by his remark that he had already been tried, convicted and judged, and under the circumstances it was recommended that complete information be furnished the committee so that they would be able to handle the case when the additional grievance was filed.

According to the minutes of the Local "C" Committee meeting held on November 6, 1925, Grain's actions and language before the committee were

very displeasing to some of the members. It developed that his only reason for presenting his contention was to find out who the persons were who said he had been disloyal to the Company and had vilified it. He was told that his actions against the Company in Detroit in July were sufficient evidence of his disloyalty without any necessity of names being mentioned to substantiate the charges. This he denied although it was plainly obvious that he had no desire to be reinstated in the service. The consensus of opinion among the members of the committee was that Grain was only trying to use the proceeding of the committee meeting as food for propaganda. In view of these considerations the committee voted on this case in the following manner:

"Resolved: That the committee sustains the management in the question raised by ex-porter Grain as to the cause of his discharge. Yet this action of the Committee doesn't entirely dispose of Grain's case. He raised the question as to what was meant by the management's statement that he had vilified and libeled the Company. He claims he wants to know the definition of vilify and libel as contained in the statement against him, and intimated that he would present further grievance along this line."

We have no record of any further appeal of his grievance.

J. L. Simmons

Chicago, February 17, 1933.

WEB.M