

## CHAPTER II

### DANGERS OF UNIONISM

As we have seen, a militant trade union is not a natural, but an unnatural, formation. It does not come in the course of natural progress. It is a demand of warfare. It arises from a necessity some laborers feel to make defense against the encroachments of what they erroneously call "capital." Afterwards, as it becomes strong, it changes its policy from defense to offense. As in other warfare, this leads to much real as well as to much seeming injustice.

First of all, to the average man who has nothing to do with unions and who does not realize that privilege is shutting up natural agencies against labor, and therefore that employment is growing relatively scarcer, nothing can seem more against the American principle of personal freedom than to force a laborer against his will to join a union, whether the force used be moral or physical.

If a man is a free man, it is reasoned, if he belongs to himself, then he has a clear and indisputable right to sell his exertions as he will. Following the fundamental law of human nature, which impels him to satisfy his desires with the least exertion, he will sell his labor for the best price he can get. Then why should he join himself with others, taking for his labor only as much as they take for theirs, and refusing to work when they refuse to work? On what principle of justice can such a

free man be compelled to give up his freedom and be forced into the union?

On the principle that men are drafted unwillingly into armies for the defense of the state. On the principle that compels those who have necessities to share with those who have them not in the emergency of a famine. On the principle that prompts the blowing up of houses lying in the course of a city conflagration. Rights of persons and property are infringed in these cases, but they are infringed for the general good.

And similarly, laborers form unions for warfare. They do not voluntarily so organize. They are driven to do so for defense primarily against the oppression of Privilege, which is miscalled "capital." They also feel that the compulsion realized by some should be made to bear equally on all laborers, since the more men that act together, the better the average benefit. It is for the common good of laborers that all join forces against the common foe. Therefore those who first organize resort to what the state does when volunteers do not take up her defense in time of need — they use compulsion; they draft other laborers. Their excuse is common necessity. Their motto is: "An injury to one must be the concern of all." They say that all skilled laborers should be in unions. They proceed to force such to join who do not freely do so.

This is not compatible with free conditions? No; but conditions are not free. Privilege controls the avenues of employment, and in that sense tends to enslave laborers. If trade unions are against the free exercise of personal liberty, censure should not be bestowed upon the unions without first condemning Privilege, which drives laborers to this course.

Keeping this in mind, we may fairly challenge the point of view taken by the distinguished president of Harvard University, Dr. Eliot, who honors the "scab" as representing the spirit of personal liberty among work-

ingmen.<sup>1</sup> As a matter of fact, the "scab" would not exist in free conditions. Existing in conditions of restraint or limitation upon labor, he presents rather a mean than an admirable character — that of one who would undercut his fellows when they are trying, and not unjustly, to put up, or at least keep up, the rate of pay.

There is more in the life of a laborer than mere employment. There is such a thing as fellowship, the touch of the elbow; that which produces *esprit de corps*. Man is not solitary in his habits; he is gregarious. He lives in groups. He likes to be associated with his fellows. From this association spring powers not merely of mental enjoyment, but of physical coöperation. It adds to and multiplies man's powers. This craving for association is just as natural to him as is that law in the physical world which relates to the mutual attraction of bodies. And as human beings seek and enjoy each other's society, so it follows that men will find most harmony by segregating, if only in a loose and free way, into crafts. This is not by any human rule or statute, or the following of any wise man's precepts. It is according to the inborn desires of our nature.

And if men naturally desire to associate with their fellows, is there not an added reason for laborers to associate when the purpose is to institute a militant betterment movement? "Scabs" are laborers who refuse to join this movement. They are induced by hard conditions not to adhere to the fellowship of their craft, but to desert and undersell it. Certainly there is no virtue in that.

It follows then that the "scab" may not possess the virtuous, hardy independence of spirit that we hear ascribed to him, but rather the mean one of advancing

<sup>1</sup> He delivered a series of addresses in Sanders Theater, Cambridge, before the students of the university, on industrial conditions, during April and May, 1904.

himself at the expense of his fellows, when they are fighting to advance the fortunes of all.

Yet not only is it said that trade unions invade the liberty of individual laborers in compelling them to join the unions, but that they force employers to organize in self-defense. It is true that some employers — competitive employers — are driven into what are called employers' associations. But while this may immediately be due to militant unionism, it is antecedently due to that which causes laborers to organize for warfare, that is to say, to the pressure of monopolies of various kinds.

And yet said President Charles S. Mellen, of the New York, New Haven and Hartford Railroad, in a recent public speech: "No one interest has done more to promote the trust or combination — the larger corporation — than organized labor. It has forced them into existence for protection from exaction."

Poor, weak things — these trusts and combinations and other privileged corporations! Laborers who have banded themselves together to save themselves from being ground to pieces by the great monopoly machine, have forced the building of the monopoly machine! What next? As well say that the crew of a merchantman who armed themselves and determined to sell their lives as dearly as possible, thereby called into existence the buccaneer craft they beheld crowding down upon them. As well accuse wayfarers of infesting a lonely highroad with robbers, when they drew knives and pistols for defense. So far from the buccaneers and highwaymen springing up because merchantmen and wayfarers armed themselves, the reverse was true. Merchantmen and wayfarers armed because buccaneers and highwaymen threatened.

But while we may no more agree with the railroad president about the origin of trusts, combinations and other privileged corporations than we do with the university president about the virtues of the "scab," we

cannot deny that a fast growing and centralizing trade unionism is potential for ominous results within the state if guided by unwise or unscrupulous leadership.

This centralizing movement is as obvious as the augmenting numbers of the unions. The extension of the principle of the "sympathetic" strike and the contribution from far and wide to enormous strike-war funds<sup>1</sup> attest that. The growth of the American Federation of Labor, embracing 1992 unions, aggregating a membership of one and three-quarter millions, attests that. But what attests it more than either is the "expansion" movement among the unions.

The printers, for instance, find that the developments of the craft have brought into close and reciprocal relations with it workmen of other crafts, like the stereotypers. The printers consequently desire to have their union in some way include the stereotypers, since the latter are indispensable to them. Likewise the coal mine workers say that the pump men and the engineers in the mines are really at one with them in general interest, and that these men should not form outside and totally separate organizations, but should be in some way closely affiliated. The brewery workmen in the same manner think that all the workmen about breweries, having a common interest, should be bound together, and not be broken up among various craft unions.

The advocates of this kind of union — by trade rather than by craft — who desire to bind in one union all the crafts belonging to a given trade, are called "expansionists." Those who oppose are called "autonomists." They aim to keep the crafts separately organized, no matter how much they may overlap each other in various trades. The autonomists are for the most part com-

<sup>1</sup> More than \$2,600,000 were raised for the anthracite strike fund in Pennsylvania in 1902, of which \$1,500,000 were paid out in strike benefits and in kindred ways. More than \$400,000 of this money came from other unions and the public.

posed of the numerically smaller crafts. They fear, and reasonably, that absorption into the larger bodies will lose to the members of the small crafts whatever power their unions now give them for self-help. Since printers greatly outnumber stereotypers, the former might be expected to look more particularly after their own needs, and not so carefully after those of the stereotypers, as the stereotypers would were they acting as a separate organization. The stereotypers and printers have met this difficulty by keeping up their separate unions, but by agreeing each to support the other in a strike. This brings the closest unity of action between the two unions. A similar policy is likely to follow in all the trades of mixed crafts where the great expansionist unions do not absorb the smaller autonomist unions. But whether the unions merge or covenant, the end is the same — centralization.

Now the growth in numerical strength and the centralizing movement among the trade unions calls forth a power in no way provided for in our civil polity. It is not a power accountable to the masses of the people, unless it in some way infracts the general laws. Short of that it is responsible only to those who brought it into existence, who compose it and who direct it. Its policy is not the fundamental one of killing privilege, and so of ending the necessity of militant unionism among laborers. It assumes that privilege must not only continue to exist, but grow, and that the only recourse for workingmen is to extend their organization to meet it. John Mitchell says this frankly: "Whatever the advantage or disadvantage, the merits or faults, of trusts as they exist to-day, it is inevitable that industrial combinations continue to exist. . . . The lesson which the labor union should learn from the trust, is the absolute necessity for complete organization upon a national scale."<sup>1</sup>

Thus the course advised to meet augmenting privilege

<sup>1</sup> "Organized Labor," by John Mitchell, pp. 196-201.

is greater and more centralized labor unionism. With the wisdom and integrity of a Gompers or a Mitchell at its head, there might be reasonable assurance of good use of the great power this must bring. But here is power that is to a large extent extra-constitutional, and to that extent not to be called to account by the body of the people, as is that of corporate bodies and public servants under the civil law. Do men of wisdom and integrity come to the top where such irresponsibility exists; or coming to the top, do they stay? Experience shows that they do not as a rule. When men get power for which they do not have to account, they become corrupted by it and they abuse it; or else, resisting temptation and striving to use their power well, they are swept aside by the crafty and unscrupulous. Human nature remaining what it is, this must be the rule.

The chief aim of labor unionism is to raise wages and reduce hours. Is it not in the very nature of things that as time inures laboring men to trade union warfare to this end, they will become less and less sensitive to other things? Has not this a menace of a state within a state, or worse — of an armed camp within a state? Indeed, do we not see manifestations of this in the policy of some of the large labor bodies now? Is there not a frequent display of arrogance and arbitrariness? "We've got the power and we're going to use it," has often and often been the precursor of injustice.

One form of this injustice we have seen grow up. It is blackmail. Dennis Kearney in the smaller way in California and Samuel Parks in the larger way in New York are examples of this. They both obtained sums for their own pockets as an item in the price of peace with unions they represented. Nor was this a secret. It was known and talked about. So far from losing them their standing in the unions, it rather strengthened it. The tribute they extorted came, not out of the unions, but out of the employers — not out of the chosen people, but out of the

**Egyptians.** Parks was actually elected grand marshal of the Labor Day parade in New York when he was awaiting retrial on blackmail and conspiracy charges. Soon afterwards he was found guilty as charged and was sentenced to a term of imprisonment, from serving out which he was saved through death by consumption.

Sometimes a union's members not only know that blackmail is practiced by the leaders, but they sanction the practice with the expectation of sharing the spoil. An instance of this kind appeared in the case of one Lawrence Murphy, who was brought to trial in the Supreme Court of New York on the charge of embezzling from the treasury of the Journeymen Stonecutters' Association, of which he had been treasurer. His defense was not that he did not take the money. He admitted he took it, but he contended that in taking it he did not take what legitimately belonged to the union, since it had been obtained by blackmailing employers, and that therefore the union had no valid title to it. That is to say, the theft on Murphy's part was admitted, but his plea was that the union could not sue for something to which it had no true title, the laws of New York not recognizing extortion as constituting a valid basis for property. I attended that trial and heard Murphy's counsel—a brilliant ex-Assistant District Attorney—argue in defense of the prisoner and against the union in this style:—

If a highwayman meets his victim in the night and takes his property, he cannot acquire title to such property, obtained as it was by duress, violence or threats. The man who steals from me by physical force, coercion or by fear he inspires in me acquires no title to the property he has taken from me. It has been held repeatedly by the higher courts, and I refer your Honor especially to the case of the *People vs. Barondess*, that to threaten to tie up a shop if money is not paid, and money on this threat is obtained, is extortion. Whoever does this is guilty of extortion, and he cannot have a clear title to money obtained by a crime.

The astonished judge exclaimed, "You do not seriously offer this as a defense of the prisoner at the bar?"



To which the counsel replied: "I certainly do. Stealing must be from the true owner. If these men [representatives of the union] went to the bosses and demanded money on the threat that they would declare a strike, they were guilty of extortion and have no title to the money thus obtained. The indictment in this case charged Lawrence Murphy with the theft of money from the true owner. I submit that he is not guilty of such a crime."

The judge answered that if the men representing the union obtained the money improperly the remedy against them lay in another proceeding. Murphy was found guilty of embezzling from the union — something he did not deny. He was sentenced to a term of imprisonment.

This case also furnished an instance of the way in which unions may, and the Journeymen Stonecutters' Association of New York did, use the club of extortion. The union fined 240 of its members \$40 each for a cause not explained, not even in court. Of course the men could not pay this money themselves, and of course if they did not they would be suspended from the union. Suspended from the union, they would be outside of its jurisdiction, and therefore would rank as "scabs." An employer who gave employment to a suspended member would himself fall under the displeasure of the union. Non-union stonecutters not being numerous enough to warrant stonecutting employers to act independently of the union, the only course for such employers to pursue in order to continue work on their contracts with union men was to pay the fines the union inflicted on its 240 members!

What is this but brigandage, even if practiced by a trade union? Yet if the existence of monopoly privileges primarily compel laborers in self-defense to band themselves into unions and then those unions use that power of combination to extort pelf, should we not go back to its source in condemning it? Trade union blackmail is but the spawn of monopoly privilege.

Thus there are cases where the unions mulct employers.

But there are also cases where they engage in a very different kind of and more far-reaching mulcting — cases where the unions contract with the employers to mulct the public.

Such agreements occur between highly organized unions and closely associated employers. Who are the employers who can thus associate? Not competitive employers; that is, not those in ordinary competitive lines, for competition would prevent such employers from making any but the loosest association. But those who possess government-made or sanctioned privileges, such as railroad franchises, coal and ore beds, can come closely together and thereby command a monopoly in their channel of business. They can and do openly combine or covertly form “gentlemen’s agreements.” By virtue of such fusing they are enabled to put up prices and thereby rob the public. These are not competitive, but monopoly, employers. Entering upon a treaty with the organized laborers in their employ, they agree to give certain pay for certain conditions of service. They thus obtain assurance, generally for a fixed term, against a strike or other interference, while they ply a purse-filching trade against the public.

The unions do not make distinctions between competitive and monopoly employers. They engage in collective bargaining relatively on the same terms with all who wish to buy their labor. They consider that their first duty is to themselves, that the public can take care of the trusts as it pleases. They say substantially, “Trusts may or may not be natural, yet while we must live under them, we only follow the primary law of human nature — that of self-preservation — in making the best bargain we can with them.”

Now, this collective bargaining may with the growth of unionism lead to what has been called the “arthurization” of the labor movement. The word “arthurization” is drawn from the name of the late P. M. Arthur, who for more than twenty-five years was Grand Chief of the Brotherhood of Locomotive Engineers and who brought

that organization to the point of highest perfection. Mr. Arthur had earlier in life been a locomotive engineer. He had gone through the Pittsburg strike and riot of 1877, which cost the Pennsylvania Railroad so dear. Out of it he emerged with a scheme to have the engineers, as a union, make the best terms possible with the railroad companies and "go it alone," regardless of other bodies of labor and also regardless of public rights the railroads were overriding. He rose to the head of the organization and remained there until he died, largely, no doubt, by successfully appealing through this policy to the self-interest of the men; but somewhat, I have been credibly assured, by a watchfulness against all opposition, — even going to the length, it is thought, of secretly requesting railroad managements to send certain men off on special runs to prevent their participating in Brotherhood elections that might prove inimical to Arthur's policy and power.

Once in a while the engineers had to fight the railroads, but this was rare. Generally there was peace. They went on serving the railroads, regardless of how the railroads were treating the public. And it is certain that the shackles of hard conditions have been kept on all other railroad employees and that many an opportunity for betterment of general railroad employment has been lost because the railroad engineers turned a deaf ear to appeals for a united labor demand. The engineers refused to listen because Chief Arthur, speaking for them, made substantially an offensive and defensive alliance with the railroad companies and severed all ties of kinship with other labor bodies. For this alliance with the monopolies, that were not only enemies of his fellow-workingmen, but the robbers of the general public, Chief Arthur obtained special concessions; and he could, by making his demands moderate, at most times get concessions for the engineers from the transportation corporations.

The Arthur policy of aloofness from other labor bodies will, with the growth and centralization of trade unionism,

probably soon yield to coördination. That is to say, trade unions will not fight each other; they will act together. But will this not put them in a better position to carry on the other feature of Arthur's policy — to make treaties with monopoly employers?

Some unions make the grossest kind of such treaties even now, without the least pretense of hiding them. For example, the Coal Teamsters' Union of Chicago "hunts the public" in company with the Coal Team Owners' Association. The latter is the delivery department of the Coal Trust. The Coal Trust controls the mineral. The coal teamsters entered into an understanding with the trust by which the teamsters received more wages, the trust got a higher price for its coal — and the public suffered a further hold-up.

Sometimes these wage agreements help to build a monopoly combination. It was charged and was generally believed that when the house-building George A. Fuller Construction Company moved from Chicago to New York it brought Samuel Parks to "scab" for it and then to control the Bridge Builders' Union in New York for it. During the early summer of 1903 a lockout of bridge builders engaged in house construction occurred. It was a general lockout, with the single exception of men employed by the Fuller Company. Respecting this, Mr. Ray Stan-  
nard Baker, in an article in *McClure's Magazine* for November, 1903, said: —

During the whole time of the lockout the man on the street may have noticed that work on many new buildings, some of the most important in New York, went forward without interruption, quietly, persistently. Further inquiry would have shown that all, or nearly all, of these buildings were under contract by a single concern — the George A. Fuller Construction Company. Now, why was this company working when all the other builders of New York were idle? How did it rise superior to strikes and lockouts? Had it solved at last the labor problem?

The Fuller Company, itself capitalized at \$20,000,000, was at that very time owned and operated by a still larger

corporation, the United States Realty and Construction Company, capitalized at \$66,000,000.

Other monopoly companies have endeavored to influence the labor unions by offering to its members (not in the aggregate as forming the union, but separately as individuals) stock in their respective companies at a reduced or "ground-floor" price. The United States Steel Corporation (Steel Trust) has in this way enlisted more than twenty thousand of its employees for three things: continuance of the trust, peace between trust and union, and high steel prices for the public. A similar policy has been tried to a limited degree by some of the large railroads, and has proved more or less successful.

I recite these things to show what trade unions now actually practice and to suggest that if Privilege shall continue to exist and, continuing, shall cause unionism to strengthen in numbers and centralization, there is serious reason to fear that strong and unscrupulous individuals among the unions, such as work their way to the top wherever power resides, will use the great labor movement to get a larger tribute out of Privilege and directly or indirectly out of the public as well.

Nor will the use of "labor-crushing" devices by Privilege lessen the likelihood of this. It will, on the contrary, strengthen it, since it will in the end force closer organization among laborers. Most important of the powers used by Privilege to "crush labor" are court orders and soldiers. These are so important as to require subsequent consideration in separate chapters. But we may here speak of the lesser powers employed.

First of these may be named the "Free Companies." They are large or small bands of workmen who can at short notice be set in the places of striking or locked-out men. The members of these bands are drafted from all parts of the country and, under what are virtually contracts, are carried from point to point as strike troubles arise: now to New York on a subway railroad strike, per-

haps next month to San Francisco where a surface street railroad strike is threatened. The generality of these strike substitutes are good-for-naughts, or men rendered desperate by the bitter strife for a livelihood. They are banded together like those prototype "Free Companies" of mediæval Europe, which sold their swords to any cause and put cities to ransom. If forms differ, the principle is the same. The "Free Companies" of to-day sell their services to any cause to which they can be adapted. They ask no questions as to who is in the right or who in the wrong, or what is the eternal justice of things. They want a living. They see no easier way of getting it than by taking the pay of Privilege to fight their brother laborers.

If the National Association of Manufacturers has little resemblance to the "Free Companies," it nevertheless is a serious embarrassment to labor unionism. This association was organized among a number of large manufacturers about ten years ago for joint effort along lines of mutual interest. One of the first matters to engage its efforts was the development of export trade. Other matters followed. But the labor question became paramount. The manufacturers in this association were large employers. Some of them belonged to the great trust combinations, possessing railroad, tariff and other government-made privileges. They denounced the "arrogance" and "tyranny" of militant trade unionism. They opposed it and declared for an "open-shop" policy under which they said they would employ men showing best ability. To the laborers this was serious, for, as Professor John R. Commons of the Wisconsin University said in an address before the American Economic Association last year, "No amount of protest or solemnity of promise, and especially no appeal to the Declaration of Independence from those protected by a tariff that violates the Declaration, can persuade the unions that the employer wants the open shop except to get his labor below the union rate."

The execution of this plan to "free labor" fell to Mr. David M. Parry, president of the association. His friends take pride in telling how twenty years ago Mr. Parry was a blacksmith, then became a wheelwright, and from that arose to buggy manufacturing, until now he has in Indianapolis the largest factory in that line in the world.

Mr. Parry masterfully set himself to strengthening his organization. He succeeded wonderfully. His association now includes approximately three thousand of the great manufacturers in the United States. It has an extensive information and correspondence bureau in New York, and publishes fortnightly a newspaper devoted to its interests. It has been a vigilant and bitter opponent of all eight-hour and anti-injunction legislation, stamping such as "class" legislation.

But this was not enough. The members of the Manufacturers' Association wanted to go more actively into the local strike and boycott field than the other aims of their organization would permit. With that in view, a separate organization was formed, called the Citizens' Industrial Association of America. Besides the heads of great manufacturing plants, it is composed of employers' associations, anti-strike and anti-boycott associations, strike insurance associations and Citizens' Alliances. Mr. Parry was elected president, and the Citizens' Industrial Association's purpose was announced to be to protect free labor. The word "free" did not mean free from the shackles of Privilege, but free from the fellowship of trade unions; free from "the acts of violence of organized labor."

The Citizens' Industrial Association of America is intended to be active only in times of strike or in boycott crises. Yet if we are to judge of its methods by those found to be employed by the Citizens' Alliance of Colorado when I made a formal examination into the conditions of the great miners and smelters' strike there a year ago, those methods must without hesitation be pronounced

utterly lawless and subversive of civil rights and civil order.

Composed of representatives of the railroads, the mining and the smelting monopolies that rule that State, together with associated or dependent bankers and newspaper proprietors and editors, and including all the merchants and storekeepers and their clerks who could be coerced into joining it, the Citizens' Alliance instigated the Governor, State militia and State Supreme Court to seize men whose only crime was that they were known to be trade unionists, clapped them into prison without warrant and even without the preferring of formal charges, kept them there without pretense of trying them, and shipped them out of the State under military escort by car and train loads when the prisoners persistently refused to renounce their unions and join the Citizens' Alliance. With the backing of the soldiers it also invaded and searched domiciles without legal process; sacked a trade union coöperative store; at the muzzle of loaded revolvers forced a sheriff and a member of regularly elected town officials to resign from office and substituted men of its own choosing. It even drove out judges who ventured to threaten it with legal proceedings and punishment. It even went the length to admit that there was no civil law in all this. Its plea was that the "best elements" in the community had had to set constituted laws aside and adopt vigilant methods against "trade union secret assassination" and "wholesale murder by dynamite." Yet though ample time has since elapsed, not one of the specific charges has ever been proven in court, and some of them have never even been brought there. No greater blow was ever delivered against American liberties than was struck in Colorado by the Citizens' Alliance with the help of the militia and in the interest of the corporate privileges of that State. Yet it was all done under the plea of protecting life and property and of "freeing labor from the thralldom of trade unionism."



Such methods may in places and for a time break the power of labor organizations. But the reaction will come and laborers become the more closely organized for resistance. And they will evince marvelous self-restraint if they do not use the club fashioned by the "better element." Elsewhere than in Colorado soldiers have been used and everywhere the injunction order is being applied, as we shall in subsequent chapters see. But so long as Privilege exists to crowd down laborers in their pay, labor unionism will grow in power for passive or forcible resistance.

The alternative to such strife — Privilege continuing — is the treaty: an industrial agreement between organized privilege and organized labor. In that event let the nation beware. It will come to realize that it has two vast standing industrial armies quartered upon it. One army will be the army of Privilege; the other, of laborers. Refraining from blows, they will agree to share, even if unequally, the advantages of Privilege, and together they will eat out the substance of the nation.