cannot escape a major share of the blame for creating a situation which made such an upheaval possible.

The truth of the matter is that the railway workers, and particularly the underpaid, unskilled workers in yards and repair shops, are entitled to a substantial wage increase to meet the present price level, and that their just demands have been flouted and scoffed at and ignored. It is not fair to blame their leaders. Short of tying up the country with a nation-wide strike, they have done all that was humanly possible to impress upon the public and upon the government the gravity of the situation. They have either been ignored, or put off with unfulfilled promises. Nor is it entirely fair to blame the railway companies. Until March 1st, they had no control over wages at all, and until the Interstate Commerce Commission acts on their rate schedules, few of them are in a position to grant substantial wage increases. It is too much to expect the railway directors to rouse themselves from the lethargy into which the government guarantee has thrown them, and meet the situation heroically. Nor can Mr. Hines properly be blamed. Since March 1st he has been no more than a claim adjuster, checking up war time accounts of railways, and before March 1st he had no mandate to confront the railways with a fait accompli by ordering a general wage increase.

The real fault lies with Congress and with the Esch-Cummins bill. Instead of recognizing the railway workers as men with real grievances and with constructive and carefully considered plans for remedying those grievances, the majority in Congress chose to regard them as agitators and apostles of sovietism. Congressmen and Senators conceived that they were doing their duty to their country when they gave a six months' guarantee to the railway stockholders out of the public treasury, and took no effective step to guarantee a living wage to the railway workers. Instead of so legislating as to give us a national railway system strong enough and solvent enough to pay a living wage, they shrank fearfully from any thoroughgoing railway policy, and threw the railways back into the competitive chaos of private operation.

It may be some time before the growing discontent of railway workers, railway investors and shippers takes form in a constructive political program. With the possible exception of Mr. McAdoo, every Presidential candidate seems determined to dodge the railway problem. There will be a tendency to place the blame everywhere but where it belongs. The shippers will blame the Brotherhoods, the Brotherhoods will blame the stockholders, the stockholders will blame the bankers, and everyone will blame the Interstate Commerce Commission. But the time cannot be far off when the three principle parties, the workers, the investors and the shippers, will recognize that their real enemy is not any group of union leaders, railway presidents or bankers, but the whole system of wasteful, unstable and semi-insolvent corporate railway management which Congress has once more saddled upon the country.

Arbitration—Compulsory or Voluntary?

PRESIDENT GOMPERS of the American Federation of Labor has accepted the challenge of Governor Allen of Kansas to debate the question of compulsory arbitration of industrial disputes.

If the issue lay between the compulsory authority bestowed on the six months old Kansas court of industrial relations and no alternative method of eliminating strikes in public service industries, the outlook for the workers' freedom would not be hopeful. The enthusiastic reception of Governor Allen by eastern chambers of commerce and merchants' associations proves that large sections of the business and professional world would elect the Kansas law through sheer nervous impatience at the recurring inroads upon their comfort and convenience. Happily, however, as Mr. Gompers has been patiently pointing out for some years, compulsory labor and industrial anarchy are not the only alternatives. The experience of some of our industries supplies Mr. Gompers with solid testimony in behalf of a middle position which has the endorsement of the several million union wage earning voters. And despite the fact that Mr. Gompers refuses to see any good in it, the recently advanced proposal of the President's Second Industrial Conference is certainly not in basic conflict with his own ideas.

All discussion of the merits of one or another type of arbitration should be prefaced, however, by the warning that arbitration cures nothing. It is merely a necessary device in an emotionally overcharged and economically transitional era, for minimizing resort by any group to the extreme exercise of their economic power by strike or lockout. The fairest provisions for arbitration do not constitute preventive machinery and they do not of themselves do anything to mitigate the ill-will and distrust which today characterize the relations of managers and workers. The word, arbitration, indicates that the parties most concerned have remained so far apart that a relatively disinterested

party must decide their case for them. That we must have such a device as an instrument of last resort is the scientific conclusion; but let it be utilized in such a way as to call out the maximum of sober and responsible leadership, and to give rise as little as possible to a sense that arbitrary power has been oppressively exerted or that men have been required to work against their will.

There are at least three possible ways of handling the immediate problem of unsettled disputes between employers and employed. Kansas has adopted one. The President's Second Industrial Conference presents another. The industries in which there are national collective agreements or national councils are working on a third.

The Kansas method is that of legal compulsion. Machinery is provided by law requiring the arbitration of disputes not settled by existing machinery in those industries declared under the statute to be affected with a public interest. Findings of a new state industrial court are binding upon the parties to a controversy; and penalties are imposed for refusals to work or continue production "with reasonable continuity and efficiency."

There are other interesting provisions of the law which attempt to prohibit willful limiting or ceasing "operations for the purpose of limiting production . . . . or to affect prices." If the statute were to be seriously construed, the court would have to assume within the state functions which in the national government have in the recent past been delegated to the Federal Trade Board, the War Trade Board, the Interstate Commerce Commission, the Railroad Administration, the Food Administration, the Fuel Administration and the like. The body of facts and the extent of administrative knowledge required to exercise honestly this function of determining whether employers are curtailing production for seasonal, personal or exploitive reasons, is overwhelming. Indeed, this attempt is too fantastic a legalized wish to be taken seriously. It is rather the aspect of enforced employment under terms dictated by a state court which gives us pause. For although the law specifies the "right of any individual employee . . . . to quit his employment at any time," it prohibits conspiring with others to quit employment or inducing others to quit, or picketing; and thus it denies the right of strike at those times when there is no other way to call the public's attention to intolerable terms of employment.

The liberal social scientist has long recognized a number of insuperable objections to the existence of compulsions of this kind. The first is an exceedingly practical one. It has always proved difficult to find arbitrators sufficiently intelligent, liberal and disinterested to arbitrate to the satisfaction of all. It has also been found difficult to assure enforcement of awards. Moreover, since the concept of "fairness" and "justice" as applied to industrial relations is in such rapid flux, there would be an elaborate and, therefore, static adjudicative machinery trying to deal with situations of an essentially dynamic nature. And the danger would be that precedents rather than the relevant facts would determine decisions.

A further practical difficulty grows out of attempts to enforce the penalties. Are several thousand strikers to be imprisoned or fined? Canada has found it virtually impossible to impose the legal penalties under a comparable statute prohibiting cessations of work while disputes are being investigated—a law which Colorado has copied and which the workers of Colorado are now testing in the courts.

But organized labor's most unanswerable argument is that compulsory arbitration entails compulsory labor and thus denies the basic rights of free citizens.

It is impossible to convince the manual workers that they would have real equality before the law with employers; and without such equality, confidence in findings and acceptance of decrees cannot be expected. Public acquiescence in court decisions in criminal and civil cases grows fundamentally out of a social history which has convinced society of the expediency of the legal method. The security of the judicial machinery depends wholly upon popular faith in the disinterestedness of the tribunal. Whether employers like it or not, the fact is that there is not today throughout the community that confidence in the disinterestedness of our courts in respect to the industrial issues which would assure respectful adherence to their decrees. Hence for this basic reason and for all the other more "practical" reasons, the idea of successfully applying court procedure to industrial cases, is not feasible at the present time. The whole idea of deliberating judicially upon problems concerning which the conflict of interests is so profound would put a strain upon these courts under which they would literally go to pieces.

The method of handling strained relations between employer and employee suggested by the President's conference over which Mr. Hoover recently presided is far sounder and safer. In brief the proposal calls for the consideration of unsettled disputes by district boards composed of employers and workers in the same industry; and if such Regional Adjustment Conference fail there may be reference to a National Industrial Board or to an individual umpire as arbitrator. Reference of a

dispute to the Conference by both parties is voluntary and indicates agreement to abide by its decision. Failure of one or both sides to refer a dispute shall be the signal for creating a Board of Inquiry which is authorized to investigate and give publicity to findings.

This proposal means the legal establishment of arbitrative machinery which would work primarily in the hands of local people familiar with the industry, thus securing two essentials features of a sound plan,—maximum devolution in consideration of cases and consideration by a group which is an integral part of the industry. The only compulsion is that requiring the Boards to investigate continued cessations of work, although no penalty attaches to such cessations. In short, wherever an employer and his men found agreement impossible, the government would provide a way of further conference with the aid of reasonably friendly and informed business associates, and of arbitration if that proved necessary.

The third method of assuring the full joint consideration of industrial controversies differs from the second in detail rather than in principle. Indeed, the two are really variants on the idea of voluntary action. The President's Conference plan makes no specific reference to the labor unions as the workers' agents and spokesmen. And by omitting such reference it makes it applicable to those plants and industries as yet unorganized. But where labor organization is strong the process of collective bargaining usually develops arbitrative as well as conference machinery; and in such cases a point is ultimately reached where national unions stand face to face with national trade associations —as is already true in the glass blowing, molding, printing, electrical and men's clothing trades—and a national agreement or joint organization is consummated.

Under such conditions of national organization of employers and workers throughout an industry, the procedure of arbitration can be most satisfactorily provided. For the national joint body becomes a legislative instrument laying down general rules assented to by both parties and indicating in these rules the machinery of a local, district and national scope to which both sides agree to resort when controversies fail of settlement by the principals. Thus the elements of successful arbitration are fully assured. There is voluntary joint dealing, strong national organizations on each side both having a big stake in peaceful methods of negotiation, voluntary joint adoption of an arbitration machinery and voluntary assent to the findings of arbitrators.

The one shortcoming of this third method lies less in the method than in the fact that it cannot at present be widely used because of the weakness of organization among both employers and workers in many industries, and in the reluctance of many employers to deal with labor unions. Mr. Hoover's plan on the other hand commends itself because of its immediate availability regardless of the employers' hostility to unions, and because joint action under it can help rather than hinder the get-together process which must in many industries precede collective bargaining. The plan can thus be a real educational force in the direction of a more highly organized industrial world and of the more fully autonomous constitutional government for industry which promises to grow out of national collective bargaining.

Meanwhile if there is to be legislation in which prohibitions and compulsions must feature, why not prohibit the crippling of labor union action by the use of conspiracy, "due process of law" and "freedom of contract" arguments, and compel the recognition of the labor union as a legitimate and necessary association?

Preaching will not bring an end to strikes or lockouts in industries affected with a public interest; nor will scolding; nor, indeed, will legislation or even injunctions—if they are used too frequently.

Responsible action in the avoidance of socially inconvenient and dangerous interruptions of work can never be obtained from trade unions which are fighting for their very life at every step. It can only be expected from associations of workers when they have been accepted as an integral part of the governing body of an industry, responsible to themselves and to society for rendering a public service on terms which assure not merely a livelihood but a life.

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Nonpartisan Labor

THERE are two "nonpartisan" plans for giving labor a share in the control of politics. One is the A. F. of L. plan. The other is Minnesota's. They present interesting differences. And insofar as labor takes a livelier interest in politics the differences become important.

The A. F. of L. plan, as Mr. Gompers has many times explained, is strictly trade union. Each one of the thirty-five thousand local unions in the Federation has been invited to organize its own campaign committee. Friends are to be rewarded, enemies marked for extinction. Probably it will be easy enough to identify the "enemies." But suppose, locally, there are no "friends." That is the situation in which the Chicago Federation of Labor pictures itself, when it comes to indorsing any of Chicago's present representatives in Congress. In such a case, how does the A. F. of L. plan work? Mr. Gompers calls the statement of the Chicago Federation "surprising." What! ten Congressional districts in Chicago, and not one of them in the hands of a friend of labor? To dispose of that idea Mr. Gompers cites six Chicago Congressmen all of whom, he says, have been fair in their attitude towards organized labor. "They are likely to be defeated if the Labor party remains in existence and divides the votes of the workers." Who are the friends thus threatened? Four of the six voted for that Cummins-Esch railway bill against which all of labor's strength, including of course the best effort of Mr. Gompers himself, was ineffectively mustered. Yet these men, when it is necessary to translate into something concrete an ambiguous policy of rewarding friends, become friends apparently for the reason that elsewhere in Congress are men less friendly still. The primaries, suggested a recent A. F. of L. manifesto, can be used for "a smashing effort . . . to nominate members of trade unions for elective office." First smash, however, is not to be made in the city of Chicago.

II.

Like the plans of the A. F. of L., the present venture of the trade unions in Minnesota is called nonpartisan. That is because it proposes using old-party labels. It is not in name a Labor party. It is the Working People's Nonpartisan League.

It was the 1919 convention of the Minnesota Federation of Labor which gave the League its impetus. Minnesota labor had recently been witnessing an experiment in politics. Another league —this one the Farmers' Nonpartisan League of North Dakota—had come across the borders of its native state and invaded Minnesota with plans for renovation. Its program included, as it included in North Dakota, the establishment of the state in the business of running grain mills and elevators. That might be marked a project designed exclusively for the farmers. But there is a growing belief on the part of labor (witness the All-American Farmer-Labor Congress meeting in Chicago on Lincoln's birthday) that state mills and elevators, anything proposed as a means of shortening the line between producer and consumer, is an experiment quite as much in the interest of city labor as of the farmer himself. In addition, the Farmers' Nonpartisan League speedily lined up in support of a measure for which liberal and radical forces in Minnesota had long been working, a tonnage tax on the rich ore taken from the mines of the Mesaba range. Finally, the Farmers' League arrived with a record of fairness toward industrial labor in North Dakota. Industrialism in that state is not far advanced. There is little trade union coercion. Taking the initiative without coercion, a farmers' legislature in North Dakota had enacted one of the most liberal workmen's compensation laws in the country, as well as laws establishing a minimum wage and an eight-hour day for women in industry, and various measures to safeguard hazardous employment and to limit the issuance of injunction. This League of farmers had taken a stride towards meeting the traditional demands of labor. How far would labor go to meet the farmers?

The Working People's Nonpartisan League was organized to operate with the Farmers' Nonpartisan League for the purpose of putting Minnesota under a joint farmer-labor administration. Unlike the A. F. of L. plan of nonpartisan action, it is not a venture in which the trade unions alone are invited to participate. Its prospectus reads: "Working people, whether members of trade unions or not, and small business men and professional men interested in the welfare of the people and the protection of the most sacred rights of our population, are eligible for membership." There are doctors and lawyers on the roll of the League, as well as trade union members. "Outsiders," of course, are still a minority. It is natural enough that since the League is still a novelty, and originally a trade union venture, the bulk of its enrolled strength has so far been drawn from the unions. How much solid support can it command, however,