"Hello, Colonel! I hear you've come down here to smash the A. A. U.!"

The Colonel, as representative of the Secretary of War, had come for no such purpose. He had come to attempt to unite all amateur sports organizations into a National body. But the meeting was packed with exponents of the A. A. U. idea and there were chips on nearly all shoulders, and the War Department's unification programme was smothered.

"What we ask of the A. A. U.," declared Colonel Johnson during the debate, "is that the Army man can compete on a certificate from the Army that that man is an amateur. We had that during the war, but we do not have it at the present time."

The A. A. U. idea concerns itself chiefly with an overlordship of competitive athletics, while the new idea lays major emphasis on community athletics. The A. A. U. deals with the individual athlete and punishes him alone for infractions of the rules, while the new idea holds the organization which the athlete represents responsible for maintaining amateur standards. Thus a professional athlete competing under the colors of an amateur organization disqualifies the organization itself. Moreover, the new idea demands that voting power should be based upon equal representation.

These new principles have been embodied in a tentative constitution of the National Amateur Athletic Federation, proposed by the Secretary of War and concurred in by the Secretary of the Navy; and the fight between the two camps now centers in the effort of the progressives to reorganize amateur athletics into a National federation that will break the present hold of the bosses.

TOLD TO MIND THEIR OWN BUSINESS

General Pierce's overtures to the A. A. U., initiated in a spirit of Nationalization, control, and direction of this country's participation in the Olympic Games, have been treated with scorn. Mr. Rubien flatly refused to attend a conference last November on the subject. In a letter to General Pierce dated October 27, 1921, Mr. Rubien expressed surprise that he should have been invited to attend and curtly wrote that "every shoemaker should stick to his last."

The heads of the A. A. U. seem to regard the faculty control of college and university athletics with suspicion and distrust. It is reported that the A. A. U. men threatened to withdraw from a recent meeting of the Olympic Committee if Professor A. Alonzo Stagg, of the University of Chicago, attempted to attend. They view with undisguised resentment the rapidly increasing faculty control of college sports. They stand for the exploitation of stars as against the development of careful physical education on broad and general lines.

The proposition of the Secretary of War for the formation of a National Athletic Federation continues to move rapidly forward, despite the opposing efforts to frustrate it. And the National Collegiate Athletic Association is developing intercollegiate sports to a point far beyond anything of the kind in the past. At its first National meet, held last spring in Chicago, forty-five colleges participated. Its second annual meet will occur on June 17, 1922, and already seventy-five colleges have entered; and the meet in the year 1924 should have a direct bearing upon the final selection of American participants in the Olympic Games of that year.

The bosses are of course bitterly opposed to this sudden unification of American college athletics, which promises to be the means of shattering the present control over American participation in the Olympic Games.

YOU CAN'T MAKE A MAN WORK

BY ELMER T. PETERSON

THE Nation-wide coal strike which began on April first, the introduction of an industrial relations tribunal bill in the New York Assembly, and controversies arising over the recent developments in Kansas make it appropriate at this time to clear up a number of misconceptions that have arisen concerning the actual workings of a court or commission of industrial relations.

In the broad sense, the coal lying under the mountains and plains belongs to the public. Human needs have become so sharpened and centralized upon special places that if any special economic interest should obtain complete control of coal the fundamental right of the people as a whole would enable them to seize the mines and work them for the common good, in case that special economic interest should seek to deprive the public of coal for any considerable period. That principle is always in the background of National polity, just as the principle of the conservation of natural resources is a dominant one. It was expressed by Theodore Roosevelt in the anthracite strike, and it always comes to the fore when any great industrial crisis threatens. Some would remedy the ill that lurks in the situation by nationalizing coal mines and other great utilities. This would be a step in the direction of Socialism. Under the industrial relations court principle, the trend is away from Socialism, for it provides a republican and democratic substitute. Such a court permits private ownership to continue, and it also permits labor unions to exercise reasonable liberties in collective bargaining; but when the two privileges clash and threaten the public weal, then the court steps in and says: "Thus far you may go—and no farther."

The present coal strike vividly exemplifies the need of an adjudicatory industrial tribunal rather than an arbitral one.

Arbitration is a dickering of special interests. In the ordinary industrial arbitration body the public is represented by one-third of the board or not at all, whereas it is quite evident that the public should have complete representation, just as it has upon a civil or criminal tribunal. If a court representing the people is not competent to handle a dispute in industrial relations, then it is also incompetent to handle a dispute in civil relations. It must be borne in mind that a great industrial dispute is even more of a public concern than a great civil dispute. It is obvious that the threatened coal strike, like last summer's threatened railway strike, is primarily a matter that involves public welfare.

"Then let public opinion hand down the decree, as it did in the recent railway crisis," some are now saying. They do not want a court which imposes penalties for violations of decrees.

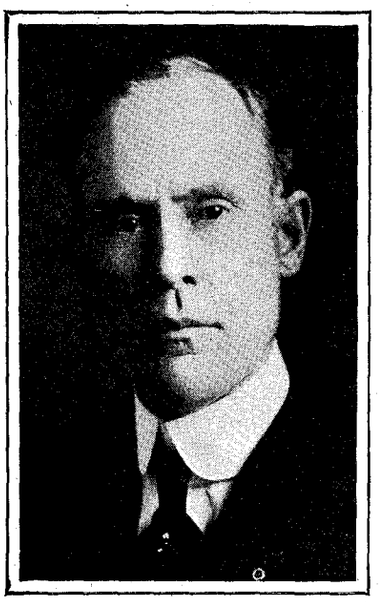
A recent statement of Ben W. Hooper, Vice-Chairman of the United States Railroad Labor Board, who handed down the decision that prevented the strike, is significant. It is said that it was the sheer force of public opinion backing up Mr. Hooper that turned the trick. Mr. Hooper's testimony, therefore, is important. If any one should believe in settlement by public opinion, he should. In an address before the National Civic Federation he said the other day that the idea was a failure—that after the public had made its wishes known through the Labor Board either labor or capital could put its hand to its nose and wriggle its fingers at the Board. He pointed out the very significant fact that the worst offenders were the employers—that labor had obeyed the Board's decrees in practically every instance, while the railways had repeatedly ignored its orders because of the very nature of things. The public knows little about those violations and is able to do less. So Mr. Hooper advocates a tribunal backed by the penalties of law.

"Then what about the penalty? Can you make a man work?"

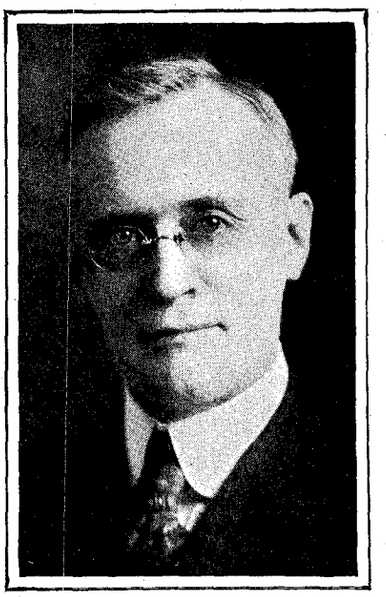
That is usually the next question in the sequence.

It has been charged that the Kansas Industrial Relations Court is a failure

JOHN H. CRAWFORD



W. L. HUGGINS, PRESIDING JUDGE



J. A. McDERMOTT

JUDGES OF THE KANSAS COURT OF INDUSTRIAL RELATIONS

because it did not compel the Howat adherents in the coal strike or the packing-house employees to remain at work. Usually the very same objectors paradoxically oppose the court because they say it "imposes voluntary servitude." They condemn it because it does and because it doesn't.

Section 17 of the Kansas act specifically states: "Nothing in this act shall be construed as restricting the right of any individual employee . . . *to quit his* employment at any time." Now comes the distinction. "But it shall be unlawful . . . *to conspire* with other persons to quit or *to induce* other persons to quit their employment *for the purpose* of hindering, delaying, interfering with, or suspending the operation of any of the industries . . . governed by the provisions of this act." Picketing is also proscribed in the same section.

First, there must be a purpose or intent to restrict production of a vital essential. The principle of intent is covered thoroughly in jurisprudence. It allows a court or jury considerable latitude in fixing guilt or absolving the accused. A man is considered to intend the probable result of his act, and the probable consequences can be determined quite accurately by an industrial commission examining facts. In the Howat coal strike the miners had no such intent, but left their work either because they were ordered to do so by Howat or because some of them mistakenly believed that they could by striking secure Howat's release from jail. The two leaders, Howat and Dorchy, induced them to quit work, besides engaging in other unlawful acts, so they were jailed. The production of coal was not in any way threatened by the recent Howat strike. There was an over-production, with 200 filled cars standing on the sidings when John L. Lewis, President of the United Mine Workers, stepped in, deposed Howat, and placed a new president in charge of the district. The mines have been running practically at capacity all the while since then. When the troops were recently called out, it was not to protect the State against the union miners. It was to protect the union miners against the Howat "outlaw union" men and women. The union miners under Lewis were law-abiding and at work. There was no quarrel between them and the Industrial Court. The production of coal was not threatened. Therefore the Industrial Court under the law clearly could not have arrested the Howat "outlaw union" strikers even if it had wanted to.

Attention has been called to the fact that Attorney-General Hopkins urged the enactment of ordinances compelling men to work or leave town. This had nothing to do with the Industrial Court act. "I did this under the Vagrancy Act of Kansas, in order to get rid of a number of alien troublemakers who were hanging around pool-halls and fomenting disturbances," said Mr. Hopkins. Practically all States have such vagrancy acts, which would have been invoked under similar circumstances in any of those States. The State did not care whether the men went back to work in the mines, as far as the production of coal was concerned. They could have gone to the farm or any other place. Hence this incident must not be confused with the idea of "involuntary servitude," which is imputed to the Kansas tribunal.

In the packing strike the situation was similar in some respects. Again it was not disclosed that there was any "purpose" or "intent" on the part of the Kansas workers to restrict production. They were ordered to strike by leaders in Chicago or elsewhere who were outside the jurisdiction of the Court. Production was not threatened, for the packing-houses immediately hired men to take the places of the strikers. The Kansas Industrial Court offered its services to the workers and employers before the strike was called, but those services were rejected. Inasmuch as the packing industry covers the whole United States, it is plainly seen that the functions of a State industrial court are necessarily limited. A Federal tribunal is necessary for the comprehensive treatment of large enterprises.

After the relation of employer to employee ceases the Court has no ground for action except to prosecute for overt acts, such as picketing. It is worthy of note that in Kansas there were no disturbances whatever during the packing strike, while other States reported considerable violence and bloodshed—all of which proved to be fruitless for the workers.

"Why cannot the Court act after the men have quit?"

This question was asked often by Kansas welfare workers.

When there is no employing relation the Court automatically loses jurisdiction. Otherwise Tom, Dick, and Harry could come to the Court and start action against the Smith Packing Company at any time, saying, "I would like to work for Smith's, but they don't pay high enough wages, and I demand that they be compelled to do so and so." It is evident that this would be entirely unworkable.

An industrial tribunal cannot well question any man's motive in quitting work. According to the Fourteenth Amendment, he is protected from legislation which might deprive him of the right to quit work at any time and under any circumstances. The Kansas law does not prevent him quitting work. But, as Governor Allen says, "It does prevent him from coming back with

brick in his pocket and trying to prevent others from working." It also covers the matter of "conspiracy to restrict production," which is a very important differentiation. This differentiation must be studied and fully grasped. Such a conspiracy may be exercised by the head of a union or other leader. It is possible that in the years to come some of such conspiracies may be accomplished successfully without detection or punishment, but the occasional violation of a law does not prove failure. The Court has wide powers of discretion in this case as well as in civil or criminal cases.

One more phase of the packing strike in Kansas should be noted before passing on. If the Kansas employees had brought their case before the Industrial Court before quitting work, they could have secured an order restraining the companies from putting the wage decrease into effect and at the same time they could have asked for a minimum-wage decision. In the meantime they would have been able to continue at work steadily and they would have been protected by the law against discharge or discrimination arising from their bringing of complaints. Very likely their contentions would have been upheld, for similar contentions were upheld in the case of the Wolff Packing Company, of Topeka, several months ago. Several improvements were ordered and put into effect and an increase of wages granted. This increase is now being impounded and will be paid to the workers pending the outcome of an appeal to the Supreme Court, in case the decision of the Industrial Court is upheld.

The workers in the recent strike chose to follow the advice of their leaders. Now they are out of work, for the strike is lost and their places have been filled. Which is the better way for the workers? The packing-house employees have seen their union practically destroyed by their own leaders, whereas the Kansas tribunal specifically recognizes and sanctions unions and collective bargaining. All of its decisions have been accepted by labor as just and fair. Who is the real friend of labor—the Kansas Industrial Court or the strike agitator?

When the Kansas law was first enacted, Herbert Hoover made the observation that the law would work well in times of prosperity, when wage trends were upward and the Court could gain favor by granting increases, but that it would be unpopular in hard times, when wage trends were downward. The prediction has not been verified, for hard times bring unemployment and plenty of strike-breakers. The strike leader who leads men out of their jobs in hard times is undertaking a very dangerous enterprise, and is sure to become unpopular. If there is an impartial tribunal at hand ready to listen to the grievances of the workingman and protect him against the greed of an employer who knows that the labor market is glutted and sharp reductions are possible, the workingman is likely to feel kindly toward the tribunal. The strike leader was never more unpopular among workingmen than he is now, when unemployment is a serious problem.

In such times as these the workingman deserves protection against the employer who would take advantage of his need and his hunger for work.

The strike method has failed miserably. Like a stone hatchet in the watch factory, it has no place in the finely ordered mechanism of present-day sociology and economics. It is a weapon of crude force—useful in a day when desperate defensive warfare was needed as a last resort and there was no sensitive public conscience in the matter of industrial relations. In this day, when the public and its servants are keenly alive to the needs and rightful deserts of labor—when the weapon kills helpless babies, invalids, and other innocent people and constitutes a real menace against the whole public—there is a better way. That way does not point toward enslavement. It points toward a better arranged freedom and the acceptance in greater measure of our great instrumentalities of American justice and fair play.

A FORTUNE IN GROWING APPLES?

BY E. K. PARKINSON

"HOW much are these table apples?" inquired a New York business man of his grocer, who was taking his orders for the day.

"Those are Newton pippins. They are grown in the Hudson River Valley, and have a wonderfully fine flavor. May I put a few in with your order? They are only ten cents apiece."

"Ten cents apiece!" repeated the inquirer. "Not on your life! I object to being robbed when I know it. Ten cents for an apple! By the time the agricultural bloc in Washington gets through I suppose we'll consider ourselves fortunate to buy an apple of any kind for twenty cents." As he said this he noticed a tall, ruddy-faced, well-built man standing near by, apparently enjoying his outburst.

"Have you ever raised any apples?" the man asked, smiling.

"No, indeed; but I'll bet there's more money in the apple game than in manufacturing wall paper, which is my business. Why, when I go on my vacation I drive past hundreds of orchards loaded with fruit, and yet I have never seen any one working. The sun and rain seem to take care of the fruit until the time comes to pick it," he ended, laughing.

"Well," replied the other, "I raise apples just like those you asked the price of, and the wholesaler paid me this year $3.20 for a bushel box, or $8 a barrel, which averages about two and a half cents apiece. My name is William Jenks, and I live about eight miles beyond Hudson, and if you will come and spend a few days with me I will show you my orchard and tell you about my work."

"Thanks. I'll be glad to come next spring for a few days. My name is James Waterberry, and I'll telephone you when to expect me."

"Very good; I'll be on the outlook for you," Jenks replied, as he nodded good-by to his new city friend.

About the middle of May, when all nature was at its best, an automobile stopped in front of Farmer Jenks's house, which stood some one hundred and fifty feet back from the highway, was painted white, with a red roof, and, though unpretentious, had an air of solid comfort. As Waterberry got out of his car he noted the well-cared-for lawn, the flowers, and two beautiful elms that spread their branches over the roof as if in benediction. A tap with the old brass knocker brought to the door a woman of pleasing appearance. She was thin and somewhat angular, but her face bore all the indications of nobility of soul and a cheerful disposition.

"You're Mr. Waterberry, are you not?" she said in a low-pitched voice. "My husband was expecting you, so come right in. He's out with the boys, and, as it is noon, I expect him in any minute, for my men folks are pretty apt to be on hand for meals," she ended with a smile.

Waterberry thanked her, and said: "I suppose you're Mrs. Jenks, and I trust I am not imposing on your hospitality coming in this informal way, but your husband struck me as a man who meant what he said, so here I am." As he turned to go to get his bag he found himself face to face with his host.

"Well, I'm glad you come," said the farmer, holding out a generous-sized hand. "We'll just run your car out to the barn and have a bit to eat. Mother, let Joe carry up Mr. Waterberry's bag to his room."

At the table Waterberry met two alert, wide-awake girls and two strapping big boys.

"My children, Mr. Waterberry, Alice and Jean, Rob and Joe. You see, I am very fortunate in having all my family with me in business, so that we never have to hire outside help. How many