

ONE LAW FOR ALL

A REVIEW OF THE ECONOMIC, POLITICAL, AND SOCIAL RESULTS OF THE GREAT STRIKES

I—THE HISTORY OF THE STRIKES

BY ROBERT D. TOWNSEND

THE strike of the coal miners began on April 1; the strike of the railway shop men on July 1. In the first case, therefore, five months have been spent in argument, debate, and attempts at an agreement; in the second case two months have elapsed. As August ends in neither case does there seem to be immediate prospect of complete or satisfactory settlement. From week to week and month to month we have had proposals, counter-proposals, public remonstrances, Governmental urging, and yet the public, which, after all, is the party most deeply involved in the injury, has been fed upon hopes only. As Don Marquis, in his "Sun Dial," remarks of the anthracite strike: "Every paper we pick up we see that the miners and operators are still hoping for peace. We hope that hope will warm a house next winter."

The cost of this summer of labor troubles to the workmen, to the railway and mine owners, and to business at large has mounted into hundreds of millions of dollars. So far as business and the household are concerned, the prospective loss in the coming fall and winter will continue indirectly even if the strikes are now settled promptly. Probably one reason why the public have until recently been somewhat apathetic about the conditions is that they have not been directly injured seriously as much at this time of year as they would be in the full tide of railway business and when a supply of coal is absolutely necessary for business as well as for the home. Lately, however, the people and the Government have realized that action is needed, but are still debating as to what must be done. It is a good time to recall what Mr. Roosevelt said to the leaders of mine strikers and operators in 1902: "The evil possibilities are so far-reaching, so appalling, that it seems to me that you are not only justified in sinking, but required to sink for the time being, any tenacity as to your respective claims in the matter at issue between you. The situation imperatively requires that you meet upon the common plane of the necessities of the public."

THE RAILWAY STRIKE

The railway strike resulted from a decision of the United States Railroad Labor Board by which a wage reduction was ordered, while, on the other hand, the practice of sending repair and construction work into shops not owned by the railways was disapproved. It is odd, at this distance of time, to note how

completely these two issues have gone out of the discussion, which now turns almost solely on the question of seniority. The reason is that public and press were so strong in their declaration that the proper course of the railway men was not a strike but a request for a new hearing that the unions soon showed willingness to resubmit the question of wages to the Railroad Labor Board.

Their claim was that the wage cut was not fairly arranged; that the total reduction of wages (put at about \$110,000,000) was excessive in comparison with the cost of living, and that particularly the minimum wages for some classes of shop work and maintenance work were below the needs of American workmen—some of the maintenance-of-way men under the schedule arranged would receive less than twelve dollars for a normal week's wages. The labor members of the Railroad Labor Board declared that the majority report was made "with no consideration of human needs."

Whether the decision was fair or unfair, it was the outcome of the work of a Governmental board authorized to deal with the questions which had been submitted to it. The Railroad Labor Board, established under the Esch-Cummins Transportation Law of 1920, has nine members, three each representing the railways, the workers, and the public.

The recognition of the fact that the shopmen were on the wrong track in striking rather than attempting to reopen the case and the apparent probability that peace would be reached at an early date held the maintenance-of-way men from carrying out a strike which the vote of the local unions had authorized.

The fact that the strike affected only one large class of railway workers, the shopmen, has made the strike a peculiar one, in that the general service of the roads has continued. It has not been perfect by any means, but freight has been carried and passengers have been taken care of. This is one more reason why public exasperation has not led to an early settlement.

The claim that was made by some local railway unions, that their members were in danger because of bad equipment and that others were endangered by the presence of guards in the railway yards, has never been sustained. Its object was to force the great railway brotherhoods into the fight. There never has been evidence of any serious danger or annoyance to the union men from these sources.

One result of this agitation, however, aroused the country to indignation and denunciation. President Harding, in referring in his recent address before Congress on the labor question to this matter, declared that the desertions of transcontinental trains in the desert regions of the Southwest "have revealed the cruelty and contempt for law on the part of some railway employees who have conspired to paralyze transportation."

The single proposal made by the President in his recommendation to Congress which applied to the railway situation was that of asking that Congress should give power to the Railroad Labor Board to enforce its decisions. In view of the power exercised by the Interstate Commerce Commission and the recent decision of the Supreme Court which makes unions responsible for failure of their members to obey the law, it is hoped that relief from future railway disputes between the men and the executives may be found in such legislation.

For the last month the conflict in the railway strike has waged almost solely over the question of seniority. The decision of the Board did not touch upon this point. But the railways at once gave the strikers warning that they were in danger of losing their seniority privileges, and thereupon the unions refused to consider any settlement which did not secure to old workers those privileges. The pensions and retiring payments by the roads to old employees were not involved, with a few possible unimportant exceptions. The seniority rights relate to the men's relative standing in the distribution of desirable and profitable positions.

Logically, the railways are clearly right in holding that when the men deserted their work they were bound to take the consequences of their acts. The roads also clearly have a duty to those employees who have retained their positions during the strike and to those newcomers who have proved efficient and loyal.

President Harding at first tried to induce the railways to restore seniority rights unimpaired to returning strikers, but without success. He then withdrew that effort and urged both sides to submit the matter to the decision of the Railroad Labor Board. An interesting résumé of public and official opinion on this question of seniority will be found in the issue of *The Outlook* for August 16, in which, in reply to the request of *The Outlook* for an expression as to public sentiment, a number of Governors

of States and editors of influential journals in various centers discuss the points involved. The Outlook itself commented: "The strikers felt that the wrongs they were suffering were so great that the only remedy was war. When a man makes war, he must take the consequences of his act."

As the discussion continued, it became evident that the solution sought must be something which would take into account both the strong feeling of the strikers that their experience and skill should count in the grading of men for promotion and also the just feeling of the railways that the non-strikers and new men should be protected. It certainly does not seem beyond the power of common sense and tolerance to come to an agreement on this point.

But effort after effort has been made, and up to the time of this writing in vain. The leaders of the brotherhoods took a hand in this effort to reach a compromise settlement, but on August 24 the proposal made by them was rejected almost unanimously by a conference of railway executives. The brotherhoods peace plan would allow the Railroad Labor Board to adjust the relative standing of employees when a dispute arises and to provide that all strikers should be "reinstated in the position of the class they originally held," except those guilty of violence. The executives point out that the phrase just quoted, in their opinion, would imply acknowledgment by the railways that the men returning to work should be senior to those who remained and to the new employees, and that the Labor Board would be bound by the meaning of the quoted phrase. The result was that the railway executives unanimously rejected the proposals of the brotherhoods, and the dispute near the end of August is to all appearances no nearer settlement than before.

THE DUAL COAL STRIKE

As with the railway strike, so with the dual strike of the United Mine Workers in both bituminous and anthracite fields—the difficulty in reaching a settlement seems more and more not to be so much on the question of wages, the nominal cause, as in fixing the method of deciding that and other questions now and in the future. It is because the disputants in the soft-coal field have partly yielded on the latter point that district or local agreements have been signed and that soft coal is being mined in increasing quantities.

In brief, the miners want National agreements, the operators district agreements; the miners want contracts renewed from time to time after bargaining between unions and operators; the operators want to provide a method of arbitration in which outsiders should take part.

When the unions struck five months ago (technically speaking, the anthracite men did not strike, but stopped work during conferences), the issue was

whether wages should be cut, kept as they were, or raised. The demand for a raise was preposterous; the men didn't expect to get it. The argument for reducing was that coal industries must take their share in the general deflation needed to put business on a sound basis. The public generally accepted this belief; the men insisted that present wages were not beyond a fair living wage. The soft-coal men laid weight on the un-

Marcus in Forbes Magazine



"PUTTING OUT" THE FIRE

From Joseph B. Hayn, Buffalo, N. Y.

steady conditions of work. To many miners 150 days was a year's work. The public agrees that over-production and over-manning has produced a bad industrial state in the soft-coal field.

Conferences, suggestions, pleas from the President, have not yet brought settlement into view in the anthracite field. Meanwhile anthracite is not being mined, cold weather is near; the condition of things is alarming.

The Cleveland agreement, which has helped the bituminous situation, allowed operators to open their mines on the wage scale of April 1 and to make contracts up to next April 1. The United Mine Workers in this field abandoned their contention for National collective bargaining. Only 60,000,000 out of 400,000,000 tonnage was actually covered by the agreement, but the movement has spread. It provides for resumption of work at the old wage scale of March 31 last, with the check-off of union dues and the appointment of an advisory fact-finding commission at a joint conference in October to report on a new contract to another joint conference in January, 1923, which will endeavor to settle finally the basis for agreement for April 1, 1923.

Well-informed judges of coal conditions believe that the soft-coal dispute has been broken. They attribute the spread of the Cleveland agreement idea

to the eagerness of operators to sell coal at high prices instead of letting the non-union coal producers get the top of the market. They believe that the mine workers were influenced in this settlement by the hope that it would lead to unionizing coal districts now non-union.

The worst feature in the history of the strike in the soft-coal district has been the planned and cold-blooded slaughter of strike breakers at the mines in Herrin, Illinois, regarded callously by the people of the place, and as yet unpunished. President Harding, in his address before Congress, spoke of this as "a butchery of human beings wrought in madness."

The anthracite situation has baffled all attempts of settlement up to near the end of August. Both sides seem indifferent to the issue of humanity. One caustic critic avers that the men are interested in high wages, the operators in high prices, that both will probably get what they want and "Mr. Peter Public will pay."

The latest failure to agree was the breaking off of a conference between miners and operators at Philadelphia on August 23. The operators proposed to use the present Anthracite Conciliation Commission as a body with arbitrary powers to determine the wage scale, with provision for three outside umpires to decide in the event of deadlock. This was rejected by the miners in pursuance of their fixed policy of rejecting any outsiders as arbitrators, as that would commit them against the ultimate use of the strike as an economic weapon. Even "recommendatory arbitration" was refused flatly.

The settlement in the bituminous field was helped by the fact that the non-union bituminous coal mines were in operation and the owners and miners were profiting by the high prices due to the strike in the unionized mines. The continuance of the strike in the anthracite field, on the other hand, is made possible by the fact that the whole anthracite field is organized, and that practically all men whom the law allows to mine the coal are members of the union, so that there are no men who can legally take the strikers' places.

Congress is moving quickly on some at least of President Harding's coal measures. The House on August 23 passed a "fact-finding bill" in accordance with the President's wishes, including the exclusion of miners or operators from the proposed commission, all of whose members should stand for the general public interest. It then took up a bill that, if passed, will give the Government power to buy, sell, and regulate the sale and distribution of coal. Already Secretary Hoover, the Inter-State Commerce Commission, and the Government authorities generally, have taken measures to control (so far as the laws allow) the priority of coal shipments and its fair distribution, and to prevent profiteering in the desperate emergency that will be on us in a few weeks. Home-

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owners have been advised to arrange to use bituminous coal for fuel when possible. A Federal Distributer, Mr. H. B. Spencer, has been appointed.

There has been a growing and now urgent call from the public for the establishment of a permanent National Coal Commission to take up the work of any "fact-finding" commission and to provide such regulation of the industry as will prevent such strikes and disputes as those still going on. The Outlook has long advocated such a step. Bills by such men as Senators Calder, Frelinghuysen, and Borah and ex-Senator Kenyon have been introduced and "shelved."

The coal business is the people's business. The joint telegram from five State Governors to the President suggesting that the Government might find it necessary to seize and operate both mines and railways is a sign of the times. Twenty years ago President Roosevelt planned, but did not threaten, to do that very thing if the coal quarrelers did not listen to reason; he had a general selected to command the troops and to operate the mines like a receiver in bankrupt proceedings.

If we are to have normal economic conditions, there must be recognition of the fact that the people's interest in fuel

is basic and must not be ignored. Two months ago President Harding summoned fifty operators and miners to the White House. He said to them: "You should settle this matter in frank recognition of the mutuality of your interests. If you cannot do that, then the larger public interest must be asserted in the name of the people, *for the common good is the first and highest concern.*" We italicize the last clause and commend it to the earnest attention of all disputants and wranglers. We repeat what we said a month ago. "Supreme over every other interest is the interest of all the people."

II—STRIKES AND THE NATION

AN INTERVIEW WITH THE AMERICAN PEOPLE

BY ROLLIN LYNDE HARTT

THE OUTLOOK asks: "Is the settlement of the coal strike merely a temporary armistice, and will the battle break out again? If so, when? Have the unions in the coal and railway industries strengthened themselves or weakened themselves? Is the public more sympathetic now or less sympathetic than it was before the strikes with the trade-union idea in all industries? Are the trade unions as a body, as William Allen White says, a parcel of fools in this contest? Have the coal operators and railway managers shown a disposition to deal fairly with leaders and to compromise on reasonable terms? Has private ownership of great public utilities been strengthened or weakened by the contest? Has this contest tended toward or away from Government ownership and operation of public utilities? Has the policy of the Government under this Administration shown weakness or strength in our Governmental structure? What legislation, if any, does this situation call for from Congress and the States?"

In order to answer these questions, it has been necessary to interview the American people—a thing less difficult than might appear.

They speak through their 2,500 newspapers. All those papers come regularly to the editorial rooms of the "Literary Digest." There all reports and editorials bearing on the labor problem are brought to one desk. For a dozen years and more they have been examined by one man, Mr. William Carman Roberts—a brother, by the way, of Charles G. D. Roberts and a cousin of Bliss Carman. During the absence in Europe of Mr. W. S. Woods, Mr. Roberts is serving as editor-in-chief, though added responsibilities have not prevented him from continuing his patient, thorough, and wholly unprejudiced study of public opinion regarding the strikes. I have interviewed Roberts and, through Roberts, the 2,500 newspapers which—am I not right?—speak for the American people.

WHAT do these strikes mean? Are they warnings of new dangers? Have they the sympathy of the people? Do they constitute oppression through a new form of monopoly? The Outlook, believing that these questions are of vital interest, formulated them in more detail and asked Rollin Lynde Hartt to seek in the organs of public opinion answers to them.

IS IT AN ARMISTICE?

Is the coal-strike settlement merely a temporary armistice? "The best informed observers," says Mr. Roberts, "expect the battle to break out again. At no distant date, either. Run your eye over this clipping from a trade paper, the 'Black Diamond.' Although that paper seemed to welcome the strike, as it 'was going to bring many miners to their senses,' we now read, 'The public can look for a repetition of the struggle next year. A temporary surrender to the miners' union was thought best to prevent our population from freezing next winter and to avoid industrial paralysis that was slowly but surely being felt in all parts of the country. He who fights and runs away lives to fight another day.'"

THE STRENGTH OF THE UNIONS

Have the unions gained or lost strength? "It is too early to judge of the effect on the railway unions," says Mr. Roberts, "but—in point of morale, at least—the coal miners appear to have gained. Let me quote you a sen-

tence or two from a labor journal published in Minneapolis: 'The union has won one of the most notable labor triumphs of the United States. In view of the previous power, pride, and arrogance of the employers, this result is remarkable. Nothing has happened in a generation so calculated to inspire and strengthen organized labor.'"

THE VOICE OF THE PUBLIC

But what, meanwhile, of the sympathies of the public? Mr. Roberts answers: "Never in my whole experience have I known strikes to be so generally condemned. As a rule newspapers are inclined to side with the 'under dog.' This time, with the exception of the labor press, they have been almost unanimous in denouncing the strikers, as the strikes appeared selfishly inopportune, coming just when a return of prosperity was in sight. The railway strike especially invited censure. The railway unions, so the papers have been declaring, assumed that 'the sacred right to strike' was greater than 'the sacred right of the Government to act for the greatest good of all the people.' For instance, here is the Washington 'Post' telling us that 'in flouting the efforts of the Labor Board to avoid a strike the shopmen have flouted the Government of the United States for whom it speaks and the American people whom, as an agency of the Federal Government, it represents.' And here is the Philadelphia 'North American' declaring: 'A circumstance that has had a powerful influence in turning sentiment against the unions is that they fully recognized the jurisdiction of the Labor Board when it increased the railroads' pay-rolls to the extent of \$600,000,000 a year, and repudiate its authority only when it reduces wages on the same principle on which it raised them.' The public still believes in unionism, still thinks trade unions necessary to keep the balance. Moreover, the public recognizes that in the recent struggle they have shown re-