

We're In the ILO

Few Americans know it—but we're in the ILO now. One of the last acts of the last Congress was to give the President permission to join. The indications are that the New Dealers plan to carry out their social and labor reforms in the world arena, again to change our foreign policy and further to ignore states' rights.

by Cedric Fowler

LATE in its seventy-third session—on the last day, in fact—the House of Representatives took time off from community singing, from whistling and from foot stamping to pass a Resolution. The Senate had passed an identical one just a short while before. They passed it at the request of the President. Ordinarily, there is nothing very exciting about a Congressional Resolution. Both houses pass scores of them during the Congressional year, for all sorts of purposes—to start an investigation, to stop one, to condemn or praise some person or thing, or to impress the folks back home. But this Resolution was different. It was a Resolution empowering the President, if, as and when he sees fit, to enter the United States of America as a member of the International Labor Organization of Geneva.

This latest Administration move is extremely significant, for all the simple form in which it was authorized. If we join—as seems certain—it will have far reaching effects on the whole of our national economy. The effects will be felt everywhere, in industry, agriculture, social service, law, foreign relations, government—in the entire set-up. And if the White House strategists can keep the Congressmen in line to the implied promise in the resolution, the effects will be permanent.

The International Labor Organization is, briefly, a treaty making and an advisory body, meeting regularly at Geneva, and transacting its business independently of the League of Nations. The business is with labor and industrial conditions throughout the world. At the moment it has fifty-odd members, a fine big building on the shores of

Lake Lucerne, a permanent staff of four hundred and fifty employed therein, a list of treaties and conventions controlling conditions of industrial and agricultural labor among its members and a colossal output of printed words and tables, data on every conceivable subject that is connected with work.

The treaty making function of the International Labor Organization is the

one to keep your eye on. As everyone knows, treaties are a part of international law. International law is more powerful than national law, in the sense that it has superior legal force. This, while it may be a blow to strict nationalists, is the cornerstone of international legal relationships. Once a treaty is made, signed and ratified, it cannot be repealed or set aside by any national or local legislative process whatever, unless the country concerned is willing to violate the first and most sacred canon of the comity of nations. Nor can a treaty be denounced unilaterally—that is, by one signatory—unless there is provision for that purpose written into the treaty itself. And most treaties, since they are agreements among equals, are so made that all must denounce them before the denunciation becomes legal internationally.

In the light of this understanding of the nature of treaties, it can be seen how acutely important our membership in the International Labor Organization promises to be. The United States of America lives under a Federal system of union. Powers not specially reserved to the Federal government belong (or were supposed to belong) to the individual states. Among these powers is a considerable amount of social, labor and industrial legislation. But among those reserved to the Federal government is the power of concluding, ratifying and enforcing treaties.

Now the International Labor Organization has already dealt with many things which America reserves to the individual states. Under the powerful impetus of our membership, it would deal with many more. And the individual states would have nothing legally to say about it. The Federal government, by arranging whatever subject it chose to deal with in treaty form, could apply any program of social, labor and industrial legislation it wanted to the entire country. Enforcement would be just a matter of persuading Congress to pass the necessary enabling acts. No other legislative power could hold it up. It would seem to have been one of the smartest of smart tricks, this innocent joining of the ILO as means to swift social reform on a national scale. For this method is, in effect, a sure-fire way of getting around the reluctance, or indifference, of state legislatures that has held up so many labor laws. Some may prefer to call it an invasion of states' rights; and such critics will have to be content with the explanation that it is perfectly legal invasion. Fanciers of political irony may point out how queer this looks from the Party of Jefferson and the anti-Federalists, but it will be by no means the first time they have had a chance to exercise





their wit. Congress and the White House, both Democratic, have done it, and that seems to be that.

The resolution also implies an interesting change in New Deal policy, particularly in its relations to other countries. Back in 1933, the line was wholly national. The recovery program, according to its framers, concerned us and us only. We wanted no help from the outside—and

certainly we were extending none to the outside. Tariffs were left where the previous Administration had put them. We were still laboring under the illusion that foreign trade and foreign conditions were of no importance to us. Our monetary policy flouted world interests, and its makers ignored the possible effect of outside conditions on their plans. In July of last year, we withdrew from the World Economic Conference, with melodramatic flourishes and slaps in the face all around. The recovery program was an exclusive business, and its exponents behaved as though none of them had ever heard of a foreign country, or would care a nickel about what was happening in it if they had.

Now we are once again reversing ourselves. The shift has taken place in the past few months; it began, of course, before the resolution to join the International Labor Organization was actually proposed. In a way it may be said to have started with the deals we tried to make after Repeal, when we tried to trade apples and pork for champagne and whisky. Then the new tariff proposals, giving the President power to revise rates and schedules as he saw fit, marked a definite swing away from strict nationalism in the recovery plan. The wise men in Washington had at last begun to admit the importance of world trade and world conditions, and the need to negotiate with the world on something like equal terms if these facts were to be met. The move to join the International Labor Organization is the latest, and also the most startling, evidence of their conversion.

In a sense this may be taken as an admission of weakness. The NRA, for example, has been under fire from every shade and color of critic. Radicals find it designed to protect profits and promote monopoly. Employers complain that it has taken away their ancient right to deal with their own workers in their own way. Rugged individuals are bitter about regimentation and bureaucracy. In general there is an impression that the NRA has not been a success.

And the impression is well founded. The NRA has not produced the mass re-employment that was so confidently expected from it at the beginning. Only a small portion of the six million jobs promised for last Labor Day (then for Christmas, finally postponed indefinitely) has materialized from NRA's devious and often silly workings. It has not raised living standards appreciably for those workers possessing jobs. In fact the whole recovery program has

raised prices, while wages have lagged heavily behind.

Another part of the purpose in our joining the ILO, announced when the resolution was put to the House, is to share in a world-wide drive to raise living and working conditions. The effort is to be made in full coöperation with every other power represented in the Organization. Any successes in this effort will have the full sanction and weight of the treaty process. Enforcement will not depend solely on domestic policy and opinion. It will have international status—and that, in spite of recent treaty defiances, is still of considerable value.

The New Deal is turning to the outside world for help. Patriots who prefer the strictly American way of doing things will be indignant, for membership in the ILO will involve us in an even wider program of social and industrial legislation than we have yet undertaken. Already the Administration is planning action on questions like unemployment insurance, national sickness and old age insurance, and child labor. Under the Constitution, this sort of legislation cannot be done by Congressional act alone. Either the treaty making power or the process of Constitutional Amendment would have to be invoked. Joining the International Labor Organization is the Administration's idea of getting around these checks which the Constitution originally placed upon the Federal government.

The International Labor Organization is ready for us. Since its foundation it has been preparing conventions, recommendations, studies and research projects on the types and varieties of social legislation desired by the New Deal. An enormous wealth of data is ready for our uses. Scores of experts have been kept in the field, quietly plugging away at the subjects chosen for study. And, whether or not you feel cynical about tables, charts and sociological data, their work has been done efficiently and wholly without fanfare.

As a matter of fact our decision to make use of this material and of these facilities is much in the nature of a return to an earlier enthusiasm. In 1919, when the Organization was founded, Americans were prominent in the first of the work. Samuel Gompers, then head of the American Federation of Labor, was one of the original sponsors. The first meeting was held at Washington. Until the Senate storm that swept away Versailles, League and all the peace settlement in so far as it concerned us, our participation in the Organization was whole-hearted and generous.

Search for the real antecedents of the International Labor Organization takes us back to 1897, when the first international conference on purely labor matters was held in Brussels. America sent a delegate from the Department of Labor. From this conference an International Labor Office was formed in 1900, a semi-official body supported by government contributions—including an annual one of one thousand dollars from the United States. Though this primitive office lacked treaty drawing powers, it did accomplish one benefit to labor in the prohibition of poisonous white phosphorous matches. In 1920 its library and archives were absorbed into the present Organization.

The present body owes much for its existence to the discontent and revolutionary feeling rising from the World War. As we may remember, the Allies were in the habit



had been admirably docile throughout the war—"loyal" was the word used. But for another thing there was Bolshevism, just born and anything but loyal to the war-makers. The British were the first to see that some reward must be handed out to the workers, both in gratitude for past virtues and as a preventive of possible future vices. At the end of the war, it must be remembered, Bolshevism was threatening to engulf the working class movement the world over.

So the elder statesmen and the older foreign office experts were somewhat surprised when the first session at Versailles set up a Labor Commission, and still more when the Labor Commission accepted the whole list of principles that the trades unionist and Socialist convention had drawn up at Berne a few months previously. This, the so-called Labor Charter, laid down the broad outlines of the International Labor Organization. Later it was incorporated into Part XIII of the Versailles Treaty. Here the language used was idealistic in the extreme. The High Contracting Parties, desiring "Universal Peace" and recognizing that "such a peace can be established only if it is based on social justice," and also realizing that "conditions of labor exist involving such injustices, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled," agreed to form an organization to consider and improve such matters as hours of work, unemployment, wages, industrial sickness and accidents, old age, and (anticipating Section 7-a of the NIRA) "the recognition of the principle of freedom of association."

The ILO was to consist, first, of a General Conference of all members, composed of four delegates from each, two appointed by the member governments, one by the employers' associations and one by the workers. Under this came a governing body of twenty-four, chosen from the principal industrial powers—twelve appointed by their governments, six by the employers and six by the workers. Permanent headquarters were provided at Geneva and a Secretariat to do the expert and the clerical work. The General Conference was to meet at least once a year, the governing body when required. Money for all this was to be provided by the League of Nations through the Secretary-General.

Procedure was arranged in the Treaty. Selection of subjects for consideration and action is mainly the function of the governing body, which receives suggestions from the members at large. Once on the agenda, the subject is turned over to the Secretariat for study and report. The Diplomatic Division sends questionnaires all over the world

of holding open conferences from time to time in which their war aims were announced—always in terms of the highest idealism. At the same time Allied labor was discussing what it wanted from the war. The British government was the first to see that some concession to labor's aims would need to be made. For one thing, labor of the trades unionist and Socialist persuasions

to learn how the countries involved feel about the question in hand. From these studies the Secretariat draws a tentative draft treaty for the General Conference to act upon. The General Conference then draws either a treaty or, if the subject does not deserve such high treatment, a recommendation, which must be passed by a two-thirds vote of the Conference. The treaty is then forwarded to the members for signature and subsequent ratification, and if ratified becomes a part of international law. Recommendations are simply what the name implies, and do not involve signature or ratification.

The first year of the Organization was the best one in number of important treaties drawn. Idealism was naturally highest in the beginning, and at Washington the delegates agreed on five significant measures. These included the institution of the eight-hour day and the forty-eight hour week, the abolition of private employment agencies, provision for maternity insurance and rest periods, and prohibition of night work for women and of child labor under the age of fourteen. To date, thirteen members have ratified the day and week limit, twenty-seven the employment agency ruling, twenty the child labor limit and twelve and twenty-four the other two.

The following year three conventions relating to seamen were drawn up, providing a minimum age of fourteen, a wages indemnity in shipwreck and for public shipping agencies. These were ratified by twenty-three, seventeen and nineteen members. In 1921 a fourteen-year limit on farm workers was proposed, the farm workers' right to unionize was recognized and agricultural sickness and accident insurance arranged, measures which secured fourteen, twenty-three and sixteen ratifications. Four years later the Organization secured twelve and twenty-two agreements to an effort to standardize industrial accident and disease compensation. In 1928 a similar effort on minimum wage technique was ratified by nine members. In 1930 forced labor was outlawed by ten countries—of which, significantly enough, only one was a great colonial power. An attempt to regulate clerical hours was ratified by only two members, and a similar attempt for mine workers by one.

A more detailed analysis of these ratifications reveals many contradictions. Spain and Bulgaria, hardly leading industrial nations, have the best records—Spain with a score of thirty from a possible thirty-two, and Bulgaria twenty-seven. Germany and Great Britain trail with sixteen and eighteen. France and Czechoslovakia have ratified eighteen and twelve. Some of these ratifications are not of much benefit to the workers in the countries concerned. Japan, for example, was glad to ratify regulations on the treatment of immigrants, but ignored almost all those for the protection of sailors. Belgium protects workers in a non-existent merchant marine but has no international concern for her miners. And some conventions, though ratified, are simply not enforced. England agreed to the ban on forced labor, but continues the hut tax system in her African colonies, where natives otherwise indifferent to exertion have to work out a cash levy in months of hard labor.

But the failures and contradictions of the Organization do not condemn it out of hand. It is not an enforcing body, as the League of Nations was once designed to be. It can apply no sanctions to its members, but must rely on

world public opinion for support. It is not a policy making body, and cannot touch on national issues between labor and capital in the broad sense. Its real function is one of regulation and coördination, accomplished through agreements whose only impetus is persuasion. In a nationalistic, competitive world where economic questions are approached more and more in open struggle, it cannot be expected to produce a new world society. Indeed, it was not designed to do this. Whether its original purpose—to keep the workers of the member countries content with peaceful agitation and away from Bolshevism—will succeed permanently or not no one can say. Certainly the violence of events in Europe in the past eighteen months does not argue a good example to the world proletariat.

And however sketchy and confused the Organization's record may be, it compares favorably with the domestic record in our own country, where social legislation has been left to the individual states. Looking over this list, it can be said flatly that not one of the International Labor Organization controls is equaled in all of the forty-eight states. On child labor, only twenty-six states have met the Organization's limit of fourteen years. Thirty-six states

prohibit forced labor. Twenty-five set an eight-hour day and a forty-eight hour week, but that only on public works. Only six enforce a twenty-four hour rest period in the week for all adult workers. One state provides unemployment insurance, with a few more giving pensions to the aged. Federal laws, including the NIRA, do not cover the whole ground considered in Organization treaties. A few (notably the laws on marine employment) surpass them, but the majority are inferior in social protection.

Whether or not the generous ambition of the sponsors of the resolution will be achieved—the raising of world standards of working and living—is an open question. It does not depend wholly on our decision, for other member countries will have equal say with us at the Conference. And before we can assume the direction of a world uplift, we shall have to bring our own social legislation up to Organization levels. But of this we can be certain: the move to join the International Labor Organization means another shift in New Deal policy. Those who were dismayed at our World Economic Conference histrionics will be reassured. And those who would like to see our social legislation second to none—as it could easily be in the world's wealthiest country—will take heart as well.



Mosquito District—There She Stands!

By Edward M. Barrows

Can American local government be saved? It is threatened with collapse under a burden of too many districts and subdivisions. Investigation attending the taxpayer's revolution reveals one county with nearly 2,000 governmental units!

THIS year the legislatures in three quarters of our forty-eight states were considering ways of rebuilding our local governments from their foundations upwards. Some have already taken long steps. Before another President is elected most of the others will have been forced to show some results from their deliberations.

There is none of the high-falutin', impractical altruism of the New Deal behind these reforms. Exasperated taxpayers have been banding themselves in local units to bend the political machines to their desire, which primarily is to reduce their own taxes. The politicians realize that they are being asked to dance for their constituencies with their own heads on a platter, and they are loath to accept the invitation. Yet they are powerless before the horde of taxpayers' leagues, citizens' councils, regional planning committees and the like which are making their voices heard all over America today. These have much more than the purely local significance they imagine themselves to have.

With our home-town efforts at civic housecleaning, most of us are familiar. But what the majority do not realize is that the efforts of our own communities are being paralleled, town by town, county by county, and state by state from one end of the country to the other, so that the coincidence of all these single efforts is remoulding our actual political system to an extent which is seldom realized. There is no national leadership for this revolt. There is no need of any. American local government is a welter of obsolescence and special privilege that has its roots in every community. By attacking in each community its own particular root, the whole growth gradually is being overthrown.



The same depression that started the new Federal Commissions, Authorities and what-not on their way, curiously enough is responsible for the counter move toward stronger local governments. Taxes are the connecting link. Business could reorganize and retrench in many directions, but in the matter of taxes it found itself against a stone wall. Protests, public

and private, by men who had always taken their political influence for granted because of their business rating, not only failed to lower the tax rates but could not check their tremendous increase in the face of industrial stagnation. Right there began the average business man's new interest in local politics—not in voting the right ticket, but in understanding what the party office-holders did with their time and the people's money. Only one thing seemed clear at the beginning of this uprising three years ago. Taxes were exorbitant and were most ineffectively expended, under the direction of men who apparently could only be reached by votes. So desperate taxpayers *en masse* began seeking a method by which the voting power might be used wholesale.

They found it in the handful of local taxpayers' organizations which for many years had been having a rather futile and uncertain existence in various parts of the country. There were other potentials toward reform: municipal research bureaus, civic leagues and similar bodies which were far more effective technically, but which had really never been understood except by a select and educated few. The taxpayers' association, with its simple objectives, loose organization and democratic base, furnished the germ of the idea which local non-political leaders everywhere proceeded to work out. By the summer of 1933 about 3,000 of these organizations were at work—a number which coincided roughly with the number of counties in the United States. They were reinforced by special tax committees from Chambers of Commerce and various civic organizations which became increasingly valuable as the fight developed into situations that the original sponsors could not foresee.

The first interest naturally centered on tax reduction. The assumption generally was that the waste and extravagance in local government was due chiefly to illegal and dishonest administration. Many of the early efforts therefore were simply fiats to the party leaders to slash taxes by an arbitrary percentage, or else face prison, or complete political annihilation.

Some amazing consequences followed. Left to their own devices of economy the politicians started curtailing on the modern essential services such as schools, public health, libraries, parks and playgrounds. Particularly they concentrated on such highly technical positions as were more or less free from political control. The result was a civic uproar which for three years has produced large quantities of sound and fury, and in a majority of cases