

## THE TRAINMEN'S EIGHT-HOUR DAY. II

**I**N a former article<sup>1</sup> dealing with the Trainmen's Eight-Hour Day, the writer discussed the early phases of the movement, giving a brief historical account of the railroad brotherhoods, and tracing the recent eight-hour issue from its inception in July 1915 to the close of the conference between the railroads and the men held in June 1916. The present paper is concerned with later developments.

### IV. *Voting to Strike*

When the public learned that the conferees had broken off negotiations and that a strike vote would be taken, considerable discussion arose concerning the inability of the parties to agree. The press in general supported the railroads, condemning the men for refusing to arbitrate. Much of this criticism was caused by failure to perceive that the managers had suggested arbitration, not for the eight-hour day *per se*, but only as modified by their own "contingent proposition," and even today the public has never had opportunity to study critically this proposed modification. Yet it was the indefinite nature of the railroads' proposal that caused the break in negotiations. Had the managers genuinely wished to continue the conference, they could probably have re-worded their "contingent proposition" so as to make it specific in its application. The "yardstick," which they offered as an explanation, was virtually as equivocal as the original, and only tended to heighten the suspicion of the men that in case of arbitration it might be used by the roads to nullify many advantages in existing trade agreements.

On the very day that the conference ended, strike ballots were sent out to all train-service employees, union and non-union. Accompanying each ballot was a statement by the brotherhood leaders giving their explanation of the failure of

<sup>1</sup> POLITICAL SCIENCE QUARTERLY, December, 1916, vol. xxxi, p. 541.

the meetings, due, they said, mainly to the vagueness of the "contingent proposition."<sup>1</sup>

While voting was in process the unions complained bitterly that the railroads were trying to influence the men, notwithstanding the fact that the managers had promised there should be no interference. Some of the charges were: <sup>2</sup> That employees were being called in by local officials and questioned on their attitude toward the strike; that bulletins and circulars were issued to mislead and intimidate the men; that personal letters were sent out by road officials asking the men to remain loyal; that some roads openly advertised for new employees; and that on other systems counter-ballots were circulated by managing officials. The National Committee later denied that it was in any way responsible, since the activities were conducted by individual roads and not by the committee itself.<sup>3</sup>

The polling being practically complete by August, another conference was called at New York.<sup>4</sup> The men submitted figures showing that approximately ninety-three per cent favored striking in case their leaders could not effect a satisfactory settlement with the operators.<sup>5</sup>

<sup>1</sup> See Bulletin issued by the Brotherhood Chiefs, June 16, 1916, pp. 1-4.

<sup>2</sup> *The Railroad Trainman*, vol. xxxiii, no. 8, August, 1916, pp. 699, 718. *Ibid.*, no. 9, September, 1916, p. 817. *Locomotive Firemen and Enginemen's Magazine*, vol. lxi, no. 2, August, 1916, p. 192.

<sup>3</sup> Minutes of Meetings held between the National Conference Committee of the Railways and the Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, Brotherhood of Locomotive Engineers, and Brotherhood of Railroad Trainmen, August 8 and 9, 1916, p. 580. Hereafter referred to as August Conference.

<sup>4</sup> *Ibid.*, pp. 553-593.

<sup>5</sup> The detailed figures of the strike vote were as follows:

	<i>Per cent favorable</i>
Locomotive Engineers	
Southern District . . . . .	98.72
Western District. . . . .	90.35
Eastern District . . . . .	94.54
Railway Conductors	
Southern District . . . . .	84.03
Western District. . . . .	84.08
Eastern District . . . . .	93.04
Firemen and Enginemen (all districts) . . . . .	98.10
Railway Trainmen (all districts) . . . . .	97.00

The managers took the result of the ballot under advisement. Their answer, which was given the next day, followed along the lines of their final reply at the June Conference.<sup>1</sup> They insisted that an eight-hour day involved such extraordinary changes in operating methods and such a radical revision in the established bases of compensation as to make a settlement impossible, unless this result could be obtained by the Federal Board of Mediation and Conciliation. The note closed by inviting the brotherhoods to join in invoking the friendly offices of the federal board.

President Garretson, in replying for the men, argued that the interests of both parties could best be served by voluntary negotiation; past experiences with the government board, he said, had been so unsatisfactory that the unions did not favor putting the present controversy before it. If the managers wished to invoke its services, however, the brotherhoods would offer no objection.<sup>2</sup>

The operators appealed to the board at once and as its members were already in New York efforts at mediation began immediately. The path of the mediators was not strewn with roses. Neither side would make a concession, and after four nerve-racking days and nights the board gave up in despair.<sup>3</sup>

#### V. *The White House Conferences*

By this time the country was thoroughly aroused to the possibilities of a great strike. Telegrams were pouring into Washington asking President Wilson to intervene in case the federal board failed. This he did on August 9, telegraphing both sides to come to Washington to confer with him.<sup>4</sup>

At the first meeting with the employees the President proposed that the whole controversy be turned over to a board of arbitrators. The men refused, saying that they would never arbitrate the contingent proposition submitted by the railroads.

<sup>1</sup> August Conference, pp. 589-590.

<sup>2</sup> *Ibid.*, pp. 590-591.

<sup>3</sup> *New York Times*, August 13, 1916, p. 1.

<sup>4</sup> *Ibid.*, August 14, 1916, p. 2.

At a succeeding conference President Wilson submitted another plan of settlement. His own statement of it follows: <sup>1</sup>

I have recommended the concession of the eight-hour day, that is, the substitution of an eight-hour day for the present ten-hour day in all the existing practices and agreements. I made this recommendation because I believed the concession right. The eight-hour day now undoubtedly has the sanction of the judgment of society in its favor and should be adopted as a basis for wages even where the actual work to be done cannot be completed within eight hours.

Concerning the adjustments which should be made in justice to the railroads and their stockholders in the payments and privileges to which their men are now entitled (if such adjustments are necessary), there is a wide divergence of opinion. The railroads which have already adopted the eight-hour day do not seem to be at any serious disadvantage in respect to their cost of operation as compared with the railroads that have retained the ten-hour day, and calculations as to the cost of the change must, if made now, be made without regard to any possible administrative economies or readjustments. Only experience can make it certain that rearrangements would be fair and equitable either on behalf of the men or on behalf of the railroads. That experience would be a definite guide to the Interstate Commerce Commission, for example, in determining whether, as a consequence of the change, it would be necessary and right to authorize an increase of rates for the handling and carriage of freight (for passenger service is not affected).

I therefore proposed that the demand for extra pay for overtime made by the men and the contingent proposals of the railroad authorities be postponed until facts shall have taken the place of calculation and forecast with regard to the effects of a change to the eight-hour day; that, in the meantime, while experience was developing the facts, I should seek and, if need be, obtain authority from the Congress to appoint a small body of impartial men to observe and thoroughly acquaint themselves with the results with a view to reporting to Congress at the earliest possible time the facts disclosed by their inquiries, but without recommendation of any kind; and that it should then be entirely open to either or both parties to the present controversy to give notice of the termination of the present agreements with a view to instituting inquiry into suggested readjustments of pay or practice.

<sup>1</sup> Mimeograph copy of the President's statement, furnished by his secretary.

This seems to me a thoroughly practical and entirely fair programme, and I think that the public has the right to expect its acceptance.

One can see that the President's proposal was in the nature of a compromise. The men were to gain the eight-hour day, but not their claim for time and a half pay for overtime. The investigation of the operation of the law by a congressional committee held out possibilities of securing co-ordination between wage and rate increases—a point for which the railroads had long been contending.

The union leaders were favorable to this means of settlement, and promised to present the matter to their general chairmen for ratification on the following day. The President then called in the railway managers for their opinion. They objected to the plan and accused the Chief Executive of acting after listening to one side only, which they claimed placed the railroads in a very unfair light. Many newspapers supported the managers and trained their guns on President Wilson, charging him with cowardice and playing politics. Publicity agents of the corporations used every means at their disposal to bring pressure to bear upon the White House to substitute some other plan.

President Wilson, however, showed no intention of receding. Failing to convince the National Committee, he telegraphed leading railway presidents. In reply to an appeal from Colonel George Pope, president of the National Association of Manufacturers, asking that the principle of arbitration be upheld, he replied that while he approved the principle, there was no machinery for compelling its acceptance. The feasible thing, he added, was to inaugurate an eight-hour day, "toward which the whole economic movement of the times seems to point," and the "immediate creation of an agency for determining all the arbitrable elements in this case in the light, not of predictions or forecasts, but of established and ascertained facts."<sup>1</sup>

The railroad presidents proved as obdurate as had their national committee. The capital was filled with rumors of congressional action, even government ownership, whereupon the executives asked for further time to consider the matter.

<sup>1</sup> *New York Times*, August 21, p. 1.

In the meanwhile a new source of worry arose. The 640 chairmen had acceded to the plan largely through the influence of their leaders, but as day after day dragged by without a similar acceptance by their employers, the rank and file of the group grew very restless.<sup>1</sup> Evidence was procured which showed that the managers were utilizing the delay to bring still greater pressure to bear upon President Wilson, and the men became insistent that their leaders take definite action at once.

On August 26, twelve days after the first White House conference, the railways offered a counter-proposal to President Wilson. They suggested:

1. That the Interstate Commerce Commission authorize the railroads to keep two sets of maintenance books, one on the basis of the existing rate of pay, and one on the basis of an eight-hour day.

2. That the President name a board of arbitration to consider the issues between the railroads and the brotherhoods.

3. That the difference between what the two sets of maintenance books showed be subject to draft of the arbitrators, who were to have authority to pay therefrom any wage increase they might grant.

The brotherhoods promptly rejected the proposal, thus causing talk of an immediate strike. On Monday, August 29, the labor leaders admitted that they had already called for a cessation of work on the following Monday, Labor Day, September 4.<sup>2</sup> The news nearly caused a panic. Every piece of governmental machinery designed to forestall such a crisis had signally failed, and Congress itself was on the verge of adjournment. Transportation companies at once put embargoes on future shipments, and a cloud of uncertainty enveloped all traffic movements. President Wilson, convinced that further attempts at mediation were useless, took the matter to Congress on the following day. His plan involved six features:<sup>3</sup>

1. The enlargement of the Interstate Commerce Commission.
2. The creation of an eight-hour day in train service.

<sup>1</sup> *New York Times*, August 22, p. 1.

<sup>2</sup> *Ibid.*, August 29, p. 1.

<sup>3</sup> Address of the President of the United States. Delivered at a Joint Session of the Two Houses of Congress, August 29, 1916. Washington, pp. 3-8.

3. The appointment of a small committee to investigate the operation of the new law and report to Congress.
4. The recognition of the power of the Interstate Commerce Commission to grant higher freight rates to offset the added expense due to the eight-hour day.
5. The compulsory investigation of all future disputes between the railroads and their employees.
6. The granting of power to the president to take over the roads and draft train crews into service in case of military necessity.

A hasty caucus in the House by majority leader Kitchin showed the futility of attempting to put through all the measures before Congress adjourned, and serious work soon centered about the creation of a legal eight-hour day and a commission to investigate its effects.

Within sixty hours after the President had read his message the House had drawn up, considered and passed an act embodying these features. To prevent unnecessary delay the Senate accepted the House bill, and after a day filled with oratory, passed it. The measure could not be signed at once, as the President was at Shadow Lawn receiving notification of his renomination, but, acting upon the assumption that there would be no difficulty from that quarter, the brotherhood leaders late Saturday ordered the strike off. President Wilson returned to Washington the next day long enough to sign the bill.

The act, commonly known as the Adamson Law, provided that beginning January 1, 1917, eight hours should constitute a day's work in train service, the men to be paid the same wage for eight hours that they had received under their old schedules, a majority of which were on the ten-hour basis. Work in excess of the legal day was to be paid *pro rata*. A commission was created to watch the workings of the shorter day and report to Congress within ten months after the law went into effect. The measure followed along the lines first suggested by President Wilson.

Endless discussion ensued concerning the wisdom of this legislation. Many periodicals condemned both the President and Congress, loudly maintaining that the national Executive and our legislative body had been openly clubbed into submis-

sion by the trainmen. At the other extreme were the labor unions, wildly exultant. The American Federation of Labor, which but recently had criticized the brotherhoods for their exclusiveness, now unstintingly praised them, and there was talk of an understanding between the two. Between these extremes stood the public, heaving a sigh of relief that a strike had been averted, yet inclined to resent the method employed—like a man who, jumping to dodge an automobile, is profoundly grateful to escape, yet angered at being obliged to hurry.

Circumstances soon forced the new law into politics. The presidential campaign was at hand, and as yet no definite, clear-cut issue had presented itself to either party. The Democrats could obviously utilize the act to illustrate their friendliness toward organized labor: Republicans, however, realized that many persons considered the law rank class legislation, and that prominent financial contributors would be glad to see it roundly abused.

President Wilson in the opening speech of his campaign declared that public interest justified the passage of a measure which would prevent a nation-wide strike, and from time to time throughout the campaign he referred to the beneficent features of the law, with the added promise of recommending further protective legislation in case of railway disputes as soon as Congress convened.

Mr. Hughes, the Republican candidate for president, could see only evil in the Adamson Law. He declared that Congress had passed it under duress and that at no time had the rights of the public been adequately considered. He caused uneasiness by giving his opinion, as a lawyer, that the act was unconstitutional.

## VI. *Aftermath of the Adamson Law*

The electoral vote was still in doubt when affairs relating to the eight-hour situation took a new turn. On November 8 the railways began to file suits in various federal courts throughout the country contesting the validity of the Adamson Law.<sup>1</sup> Attorneys

<sup>1</sup> *Information Quarterly*, vol. ii, no. 4, January, 1917, p. 638.



on both sides agreed to co-operate in getting a test case tried as soon as possible. The one selected was the injunction petition instituted by the receivers of the Missouri, Oklahoma and Gulf Railroad asking that the operation of the law be withheld until its legality had been definitely determined. The government on November 21 asked for an immediate hearing upon this case, and, in the event that the court should sustain the injunction, it requested that the judge direct the railroad to co-operate with the government in securing an immediate hearing before the Supreme Court of the United States.<sup>1</sup>

On the following day Judge Hook, who was sitting in the case, declared the injunction sustained, as in his judgment the law was illegal.<sup>2</sup> He did not hand down an opinion, but merely a restraining order, and took occasion to emphasize that his decision was not founded upon mature deliberation, but was given hurriedly in order to expedite a Supreme Court hearing.

Both sides found it impossible to hasten matters as rapidly as they had hoped, so that January was nearly half over before the final hearing took place before the highest tribunal. The arguments pro and contra centered around the questions: Did Congress have power to limit hours of service of railway employees? Did the Adamson Law regulate wages? And if so, did Congress possess wage-fixing powers? The government based its plea largely upon the authority of Congress as upheld by the federal court in the case of the Baltimore and Ohio Railroad *v.* the Interstate Commerce Commission, wherein the validity of the so-called sixteen-hour law, passed by Congress, was sustained. Federal attorneys insisted that the Adamson Law was not wage regulation, but even if it were, the power of the national legislative body was sufficient to cover such a contingency. The railways claimed that the act was fundamentally a wage law—something which went beyond the scope of Congress; that it took property without due process of law; and that it abridged the freedom of contract, both of which last acts were contrary to provisions of the federal constitution.<sup>3</sup>

<sup>1</sup> *Information Quarterly*, *loc. cit.*

<sup>2</sup> *Ibid.*, p. 640.

<sup>3</sup> *Ibid.*, p. 640.

While the wheels of justice were grinding away on the measure, the eight-hour question developed new phases. The Switchmen's Union of America, following the lead of the "Big Four" brotherhoods, petitioned its employers for an eight-hour day. On August 7, the case was brought under the provisions of the Newlands Act and was submitted to arbitration.<sup>1</sup> A federal board began to sit on the case early in November, and just before the holidays it reached a decision in which the men were granted their demands in regard to hours.<sup>2</sup>

The question was also receiving attention in Congress. President Wilson in his message on December 5 dwelt primarily upon the need of further railway legislation.<sup>3</sup> After recalling the fact that in the closing days of its former session Congress had enacted only two of his six proposals, he urged strongly the immediate passage of a law increasing the size and facilities of the Interstate Commerce Commission, and another act providing for compulsory investigation before a strike or lock-out could be declared. On January 6, Representative Adamson, chairman of the House Committee on Interstate and Foreign Commerce, submitted a bill providing for supplementary legislation according to the President's wishes. On January 17, 19 and 23, the committee held extended hearings.<sup>4</sup> The brotherhoods, backed by the American Federation of Labor, strongly opposed the adoption of compulsory investigation and arbitration. The Senate and House found it difficult to agree on definite proposals, and gradually foreign relations pushed the whole matter into the background, so that Congress adjourned on March 4 without new legislation.

During these developments the brotherhoods were proceeding upon the assumption that the Adamson Law was valid. Late in September they requested the National Conference Committee to join with them to discuss the interpretation of

<sup>1</sup> See Copy of Award, published as form no. 53, New York, December 28, 1916.

<sup>2</sup> The victory for the switchmen was not complete, as they were denied certain important requests. For full statement see Award mentioned above.

<sup>3</sup> *Congressional Record*, vol. liv, no. 2, December 5, 1916, pp. 16-17.

<sup>4</sup> 64th Congress, Second Session, hearings on H. R. no. 19730, before House Committee on Interstate and Foreign Commerce, Jan. 17, 19 and 23, 1917.

the act.<sup>1</sup> Such a conference was held in November, but little was accomplished. The railroads declared that the Adamson Law eliminated the old method of payment by the mile, substituting in its place payment on the basis of eight hours' work. The unions insisted that 100 miles still constituted a day's work, the only change being that after January 1 the distance should be run within eight hours instead of ten. The managers brought the meeting to an abrupt close by announcing their intention of contesting the law in the courts.

On December 26 the railroads served notice upon their employees that since the constitutionality of the act was still in doubt, the provisions of the law would be ignored until a final decision was handed down.<sup>2</sup> The roads, however, said that they would keep book account of the amount to be paid the men in case the law was held valid.<sup>3</sup>

The 640 general chairmen met in Chicago early in January to consider the situation.<sup>4</sup> After thorough discussion they decided to wait a reasonable time for the decision of the Supreme Court, and after adopting a resolution opposing compulsory investigation and arbitration, they adjourned. On the following day the brotherhood chiefs issued a statement in which they expressed their belief that the probability of a general strike to force the acceptance of an eight-hour day was very remote.<sup>5</sup>

Two months dragged by, and the decision of the court was not forthcoming. Gradually the murmurings of the men at the delay changed to vigorous protests. Early in March rumors were in circulation that the Supreme Court might soon adjourn until fall without handing down an opinion. This stirred the men to final action. The chairmen were hastily summoned to meet at designated centers throughout the country, and a secret order was sent out telling the men to prepare for a strike.<sup>6</sup>

<sup>1</sup> Joint Statement by Union Leaders, known as form no. 49, Dec. 6, 1916.

<sup>2</sup> *Information Quarterly*, vol. ii, no. 4, January, 1917, p. 640.

<sup>3</sup> Joint Statement by Union Leaders, known as form no. 52, Dec. 28, 1916.

<sup>4</sup> *Railway Conductor*, vol. xxxiv, no. 2, February, 1917, pp. 133-34.

<sup>5</sup> *Ibid.*

<sup>6</sup> Joint Order by Union Leaders issued on March 10, 1917.

The public got its first intimation regarding this new turn of affairs on March 12, but little credence was given to the stories until two days later, when the union leaders publicly announced that their men would quit work on the following Saturday, March 17. Suddenly the public awoke to face a national crisis in transportation.

Congress had again adjourned without passing protective legislation of any kind, and President Wilson was even more helpless than he had been in the preceding summer, because at that time he was able to call upon the national legislative body. The country was nervous and excited at the prospect of war with Germany. In fact, the very imminence of war, said the brotherhood leaders, was the reason for striking at this time, for the prospect of establishing an eight-hour day after hostilities were once declared would be very remote. The leaders attempted to fortify their position by promising that in case war was declared the strike would be terminated at once.

The unions planned a progressive walkout beginning Saturday evening in strategically located freight centers; by the following Wednesday, if the roads had not come to terms, the entire country was to be tied up.

For two days the country shivered with apprehension. Gradually all eyes turned toward the President, for everyone knew that whether or not he had authority to prevent the strike, he would make every effort to do so. He discussed the question at the cabinet meeting on Friday, and a few hours later sent messages to both sides urging a re-opening of the issues. A committee of mediation, consisting of members from the Committee of the Council of National Defense, left Washington for New York to offer their services.

Conferences were held continuously throughout Friday night and all day Saturday, but little headway was made until late in the afternoon, when the unions announced their willingness to delay the strike forty-eight hours. Telephones and telegraphs were instantly utilized to notify the men so as to prevent any interruption of service. Meetings continued throughout most of the night and all day Sunday. Sunday night shortly after twelve o'clock the operators announced their willingness to con-

cede the eight-hour day. In their formal letter to the mediators, the managers expressed the reasons for capitulation as follows: <sup>1</sup>

In the national crisis precipitated by events of which we heard this afternoon, the national conference committee of railroads join with you in the conviction that neither at home nor abroad should there be fear or hope that the efficient operation of the railroads of the country will be hampered or impaired.

Therefore, you are authorized to assure the nation there will be no strike, and as a basis for such assurance we hereby authorize the committee of the Council of National Defense to grant to the employees who are about to strike whatever adjustment your committee deems necessary to guarantee the uninterrupted and efficient operation of the railroads as an indispensable arm of national defense.<sup>2</sup>

The next morning the United States Supreme Court affirmed the legality of the Adamson Law by a vote of 5 to 4.<sup>3</sup> Chief Justice White in delivering the majority opinion stated that the measure was both an hours-of-service act and wage regulation, and that Congress had ample power to provide for both these features. To say that the national legislative body had no authority to enforce a settlement when the railroads and men refuse to adjust their differences, said the Chief Justice, would be to hold that private rights had destroyed public rights.<sup>4</sup> He explained that Congress had ample power to compel arbitration in cases which threatened to interrupt national traffic.

While the decision itself was robbed of its immediate importance by the previous surrender of the roads, yet there is no doubt that the verdict opens a new epoch in congressional labor legislation and paves the way for still further enactments.

<sup>1</sup> *Morning Oregonian* (Portland, Ore.), March 19, 1917, p. 1.

<sup>2</sup> The mediators awarded the men the same concessions they were to receive under the Adamson Law. See Joint Settlement award by the Committee of the Council of National Defense, March 19, 1917.

<sup>3</sup> Opinion of Supreme Court of the United States in the case of Francis M. Wilson, United States Attorney for the Western District of Missouri, Appellant, *v.* Alexander New and Henry C. Ferris, as Receivers of the Missouri, Oklahoma & Gulf Railway Company, March 19, 1917. Reprinted by the Chamber of Commerce of the United States, 1917.

<sup>4</sup> *Ibid.*

There is one phase of the eight-hour question that is as yet incomplete. That is the work of the commission appointed by the President to investigate the effects of the new law.<sup>1</sup> This commission has been greatly hampered in its activities by the court litigation referred to above, and it was not until after the Supreme Court had given its final ruling that anything like a definite mode of procedure could be devised. Even yet plans are more or less tentative, but some idea of the great amount of work which the body has before it, is seen in an outline furnished the writer by E. E. Clark, one of the commissioners. He said in part:

We hope to show the amount of wage increase for each road, for each occupation and for each class of service; the percentage relation of these increases to the total payroll in each class and for the road as a whole, and also the percentage relation to the total and net operating revenues of the carriers, individually and collectively. We hope to show, for each of the classes of service and occupations, the average number of miles and the average number of hours per run, thus showing how near to the twelve and a half miles per hour basis the actual average speed is in various sections of the country, on divisions of varying densities of traffic and on single and double-track divisions. We propose an analysis, for each class of service and occupation, of the extent of the overtime payments and the arbitrary allowances under present methods of operation.

We plan to show by classified tables of wages, hours and miles run, by occupations, how many of the men working exclusively in passenger, freight or yard service during a given month, earned specified monthly wages, and what service, measured in miles and hours, was performed per man by those in each of the wage classes.

We had thought of making a study of the tonnage of trains in relation to speed and delays, with the idea of showing the growth of the train load as a means of economy in conducting transportation, it being strongly urged that this has caused a sacrifice of the shorter work day for the employees. We will be able to show the result of an analysis of the freight trains reported and the effect of density of traffic and loading on the movement of trains, together with some analysis of the character and extent of delays to various kinds of freight trains.

<sup>1</sup>On October 5, the President announced the appointment to this commission of Major-General George W. Goethals, Hon. E. E. Clark and Hon. George Rublee.

We plan to trace the growth of wage schedules from their early simplicity to their present complex form. The method of wage payment here considered is probably the most complicated in existence. On account of time limitations it will be necessary to confine this study to selected roads.

We hope to show an impartial picture of how engine and train crews work, as compared with men in other vocations; the accident death rate as compared with that in other employments; and the training and physical tests required. We do not anticipate showing anything new in this connection, but the facts should, we think, be clearly outlined, if possible, in our report.

We hope to show, for certain divisions or roads, the conditions that would have to be met to carry out the theory that the railroads could avoid the overtime penalty by speeding up their trains.

No one can survey the plans of the commission without realizing the gigantic task which they have assigned to themselves. The completion of even a major portion of the work would be of inestimable value in judging correctly future controversies between the railroads and their employees. The only cause for apprehension at present is that neither the funds nor the time at the disposal of the commission will enable it to accomplish half that it now proposes.

### *VII. Summary*

To look back over the struggle and criticize it fairly is not an easy task. There have been so many maneuvers and counter-maneuvers, such shiftings of lines of attack and defense, that it is difficult to see clearly the issues at stake. The writer is inclined to believe that at no time were the employers prepared to withstand an extensive strike. They hoped, through the pressure of public opinion, to force the brotherhoods to arbitrate their demands and the "contingent proposition" of the managers.

The fact that nearly half a million dollars was spent in "educating the public" is indicative of the importance placed upon this mode of procedure. The failure of the operators may be laid to two chief causes: First, a considerable portion of the American public believes in an eight-hour day, and while many heartily disapproved of the use of the strike to bring such a

change about, yet they were pleased to see the new day established. Second, the roads made a fatal mistake in refusing to submit a definite counter-proposition to the men at the beginning of the June Conference. The skilfully worded "contingent proposition" sounded well to the ears of the public, and might conceivably have made a favorable impression upon the neutral members of a board of arbitration, if untutored in railroad technique; but the brotherhood leaders saw therein limitless opportunities for manipulation. The writer believes that the managers' insistence upon it, more than anything else, antagonized the men and determined them to fight to a finish.

Although the final settlement was a compromise of their original demands, the men greeted it as a glorious victory.<sup>1</sup> This was not without reason. Never before in the history of industrial warfare have 400,000 employees received an eight-hour day without a reduction of wages, the loss of an hour of work, or the expenditure of a cent of strike money. The trainmen's success stands as the high-water mark in achievements by American trade unions. The methods used were those common to labor organizations in our present stage of industrialism, being neither better nor worse than those employed by the vast army of labor, union and non-union. The explanation of the results which the men secured is found not only in the native strength of the brotherhoods, but in a fact frequently referred to by President Garretson, namely, that in order to be successful, a concerted movement by a body of laborers must take place at the "psychological moment." The brotherhood leaders showed genuine skill in selecting their time for action. Business was good. Railroad revenues were the highest in years. Skilled labor was scarce. The cost of living was steadily increasing, and finally, American public opinion was distracted by foreign affairs. Not in the last half-century, in all probability, has there been a time more auspicious than that chosen by the unions for the railroad men to try conclusions with their employers.

<sup>1</sup> The greatest drawback is that the unions have doubtless arrayed against them a large portion of the public press.



From the standpoint of the public, the controversy has been full of excitement. Twice our transportation facilities were brought to the verge of paralysis. Such machinery as existed for handling industrial disputes proved wholly inadequate. The President, Congress and the Supreme Court were forced to work at white heat to prevent a great catastrophe. For such a condition of affairs the chief blame must ultimately rest upon the public itself, for it has signally failed to safeguard its own interests, and as long as it continues this neglect, it must expect to play the rôle of the innocent bystander. According to the Supreme Court, Congress has ample power to provide the necessary protection, and it is the duty of the citizen to see that this is done.

EDWIN CLYDE ROBBINS.

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## BRITISH IMPERIAL PREFERENCE AND SIR ROBERT PEELE

THE chief obstacle in the past to the establishment of a system of commercial preference throughout the British Empire has been the resolute adherence of Great Britain to free trade. But the experiences of war have powerfully stimulated the sentiment in England in favor of greater imperial unity, and of commercial preference as a means of attaining it. It now seems likely that the land of Cobden and Gladstone will abandon free trade and set up a protective tariff that will give preference to the products of her empire.<sup>1</sup> This prospect suggested the following inquiry into the old preferential system in the British Empire, and the circumstances of its decline.

### I

Sir Robert Peel never fully accepted the views of his free-trade contemporaries on imperial questions. Though he came to be deeply influenced by the economic doctrines of the Manchester School, he was not prepared to carry them out literally at the expense of the integrity of the British Empire. He was never a "Little Englander" in the sense in which the term may be applied to Cobden or Bright. Nevertheless some of his commercial measures did strike directly at the foundations of the British imperial system, and in the ranks of those who supported him in the great battle of the corn laws were not a few who actually looked forward to the dissolution of the empire as one of the beneficent results of free trade. It is the purpose of this article to show how commercial preference in the British Empire was undermined during his ministry. The story of its fall will not here be carried to its end, since it was

<sup>1</sup> The principle of imperial preference was endorsed by a British Committee on Commercial and Industrial Policy in a report made in February 1917, and by the Imperial War Conference a few weeks later. It should be remarked, however, that preferential treatment may be accorded by other means than tariff discriminations; see Beer, *The English Speaking Peoples*, chap. vii, and p. 306.