



Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

GOMPERS-ALLEN DEBATE

DEBATE

BETWEEN

SAMUEL GOMPERS

PRESIDENT AMERICAN FEDERATION OF LABOR

AND

HENRY J. ALLEN

GOVERNOR OF KANSAS

AT

CARNEGIE HALL, NEW YORK

MAY 28, 1920



NEW YORK

E. P. DUTTON & COMPANY

681 FIFTH AVENUE

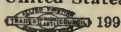
COPYRIGHT, 1920,
BY E. P. DUTTON & COMPANY

All Rights Reserved

HD8083
K25E6

TO THE
LIBRARY OF

Printed in the United States of America



199

COMMITTEE FOR MR. GOMPERS

EXECUTIVE COMMITTEE

HUGH FRAYNE, *Chairman*
General Organizer, American Federation of Labor

JAMES DUNCAN, First Vice President,
American Federation of Labor

FRANK MORRISON, Secretary,
American Federation of Labor

MRS. SARAH A. CONBOY, Secretary-Treasurer, United Textile Workers of America

MATTHEW WOLL, Eighth Vice President, American Federation of Labor

HONORARY COMMITTEE

JAMES P. HOLLAND, President,
New York State Federation of Labor

ERNEST BOHM, Secretary, Central Federated Union

JOHN P. COUGHLIN, President,
Brooklyn Central Labor Union

W. F. KEHOE, Secretary, Brooklyn Central Labor Union

ROBERT P. BRINDELL, President,
Building Trades Council

M. FEINSTONE, Secretary, United Hebrew Trades

FRANK GILMORE, Treasurer, Associated Actors and Artists of America

EDWARD I. HANNAH, President,
Central Federated Union

B. A. LARGER, Secretary-Treasurer,
United Garment Workers of America

JOHN GOLDEN, President, United Textile Workers of America

MICHAEL F. GREEN, President,
United Hatters of No. America

JOSEPH N. WEBER, President
American Federation of Musicians

MICHAEL J. CASHAL, Vice President, International Brotherhood of Teamsters, Chauffeurs, Stablenen and Helpers

BENJAMIN SCHLESSINGER,
President, International Ladies Garment Workers Union

JOHN SULLIVAN, Vice President,
International Union of United Brewery, Flour, Cereal and Soft Drink Workers

V

COMMITTEE FOR GOVERNOR ALLEN

EXECUTIVE COMMITTEE

R. J. CALDWELL, *Chairman*

DR. SAMUEL McCUNE LINDSAY

GEORGE W. WICKERSHAM

R. FULTON CUTTING

WILLIAM M. CHADBOURNE

HONORARY COMMITTEE

GEORGE GORDON BATTLE

TRACY S. LEWIS

COLONEL R. E. BREED

OGDEN L. MILLS

MISS MABEL CHOATE

GEORGE W. PERKINS

ROBT. ERSKINE ELY

MRS. JOHN T. PRATT

CHARLES D. HILLES

MRS. DOUGLAS ROBINSON

ANTON G. HODENPYL

COL. THEODORE ROOSEVELT

ELON H. HOOKER

DR. ALBERT SHAW

HERBERT HOOVER

PAUL M. WARBURG

GOMPERS-ALLEN DEBATE

GOMPERS-ALLEN DEBATE

DEBATE BETWEEN SAMUEL GOMPERS,
PRESIDENT, AMERICAN FEDERATION
OF LABOR, AND HENRY J. ALLEN,
GOVERNOR OF KANSAS,
Carnegie Hall, New York,
May 28, 1920.

HON. ALTON B. PARKER:

Ladies and Gentlemen: Two great leaders of men are to speak through you to-night to more than one hundred millions of people. What they have to say will command at the outset wider consideration by both the press and the people than the famous Lincoln-Douglas debate. This is so first, because all of the people of the United States are interested at this moment in the questions which they are to discuss, and, second, for the reason that in addition to the great skill of the debaters, they have had for a long time since a record of work that demonstrates their faith in the positions which they are to take to-night. Each of these men is a man of high character, of demonstrated patriotism, of great ability, and endowed

with moral courage which enables them to confront all comers in a struggle for that which they believe to be right and just. These qualities have given to each of these men a large and independent following. This following is well and equally represented here to-night in this audience, each and every one of whom I am sure is imbued with the American spirit of fair play. Fair play demands that the partisans of each speaker on this occasion shall give courteous and respectful attention to the speakers who are making arguments in opposition to their views. This, Ladies and Gentlemen, is due to the speakers who are addressing millions of attentive but absent persons as well as the thousands within this hall.

It is now my pleasure to present to you as the first speaker, Samuel Gompers, President of the American Federation of Labor.

SAMUEL GOMPERS:

Mr. Chairman, Ladies and Gentlemen:

Taking advantage of this lull for a moment, I desire to say that in order to adjust the differences which are now occupying the minds of the people of New York, I had a conference with the representative men engaged in the controversy on our water fronts and I am authorized by them to say here and now that they are willing to submit their matters in controversy to fair and impartial arbitration, and pledge themselves in advance to abide by the award (Applause), and

the moment the companies' managements agree to that, the men will return to work within six hours from such notification. (Applause).

Shakespeare puts into the mouth of Brutus this wondrous warning:

There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea are we now afloat,
And we must take the current when it serves,
Or lose our ventures.

We are at the parting of the ways in the great controversies which are now occupying the mind of our people. On the one hand, we have the great constructive movement for progress, for civilization, and with all the tasks these impose; on the other hand, we have those who are leading the course of reaction, of injustice, of tyranny. Yes, we are at the parting of the ways, and the time is at hand when there must be determined whether the eternal principles of freedom, of justice and democracy shall hold sway or be supplanted by the tyranny and the injustice as of old (Applause).

I want to lay down a few fundamental principles now.

(Mrs. Sara A. Conboy, reading for Mr. Gompers):

“The free man's ownership of himself and his labor power implies that he may sell it to another or with-

hold it; that he may with others similarly situated sell his labor power or withhold it; that no man has even an implied property right in the labor of another; that free men may sell their labor power under stress of their needs, or they may withhold it to obtain more advantageous returns. Any legislation or court construction dealing with the subject of organizations, corporations or trusts which curtail or corner the products of labor, can have no true application to the association of free men in the disposition or withholding of their labor power.

(“The attempt to deny to free men, by any process, the right of association, the right to withhold their labor power or to induce others to withhold their labor power, whether these men be engaged in an industrial dispute with employers, or whether they be other workmen who have taken the places of those engaged in the original dispute, is an invasion of man’s ownership of himself and of his labor power, and is a claim of some form of property right in the workmen who have taken the places of strikers, or men locked out.”)

“If the ownership of free men is vested in them and in them alone, they have not only the right to withhold their labor power, but to induce others to make common cause with them, and to withhold theirs that the greatest advantage may accrue to all. It further follows that if free men may avail themselves of the lawful right of withholding their labor power, they have the right to do all lawful things in pursuit of that lawful purpose. And neither courts, injunctions nor other processes have any proper application to deny to free men these lawful, constitutional, natural and inherent rights.”

The Clayton Act, declaring that the labor of a

human being is not a commodity or article of commerce, put these principles on the United States statute books. There is a common error in the minds of a large number of our people, and peoples of the whole world who confuse the terms "labor" and "capital" as being in exactly equal positions toward each other. The fact of the matter is that capital is the product of labor. (Applause) And as the immortal Lincoln said, "Capital is the fruit of labor, and could not exist if labor had not first existed. Labor, therefore, deserves much the higher consideration." (Applause).

Then we hear much about capital and labor and the "public" as if the workers were not part of the public.

Labor is the effort of the human to produce. Capital is the product of labor. Labor, toil, is part of the human being and cannot be taken except you take him. Capital is that which one has. Labor is that which one is. (Applause).

It is not my desire to attempt to call into question the motives of those who are engaged in an effort to make the workers subservient to their masters. I have no feeling in my heart against those who are trying to make strikes, cessations of labor, unlawful and criminal. I can see in them as I have seen and as you have seen men who, impatient and tired of the struggle of the human family, want to find a royal road to the goal of tranquility and peace.

There are some who would, in the effort to tie men

to their jobs, go back to the ages that have fortunately been passed over, when the man of labor was not only a slave but a serf, and who was, if he and his associated themselves for the purpose of improving their material condition, charged with conspiracy to rob their employers of their labor, and who, for such alleged offenses, had their ears cut off, and if a man refused to work at statute prices, he was branded with the letter V (vagabond) and reduced to slavery for two years, and if he attempted to escape from that position, he was branded on the forehead with the letter S, and became a slave for life; and if he objected to that state he was hanged to the gibbet.

I have seen, in my more than fifty years of service to my fellows, many, many nostrums proposed to reach the goal of life without any further ado. I agree that strikes and cessations of work are uncomfortable, make for inconvenience, but my friends, there are some things worse than strikes, there are some things worse than cessations of labor, and among them is a degraded manhood. (Applause).

A people intelligent, independent and virile with life, activity and aspirations are always the vanguard for progress and civilization. (Applause). We know the pangs that motherhood undergoes, but because of that pain and travail, is there any one who would advocate that the wonderful present and future of motherhood and fatherhood shall cease?

In every country on the face of the globe, and in all eras, there have been the incidents and the vents of

struggle; struggle for expression, struggle for a better life, a happier day. All the efforts of old to suppress by law, by edict, the right of the toilers to express themselves, have been in vain. The law attempted to be enacted, whether in the United States Congress, or by any state within the Union, will find the exact fate of the laws and edicts and decrees of sovereigns and parliaments and judges in the past. (Applause).

The hope for freedom is in every man's breast. The hope for a better time for him and his is in the mind of every honest thinking man. He who would not struggle to leave the industrial field better than when he entered the struggle for life and of life, the man who would not try to bring about a better day for him and his dependents and those who are to follow, is a poltroon to himself and to society.

We are living in the United States of America, in a Republic, a Republic which has commanded and earned and deserved the respect, the loyalty, the love and the devotion and the willingness to sacrifice on the part of every man and woman now living in our country.

America is not merely a name. America is an ideal based upon the principles of sovereignty, of independence, of character and hopes and a willingness to struggle to make the ideals of our America not only attainable but attained and to stand as the beacon light for all the peoples of all the world. (Applause).

When the American Continentals met in Virginia and later in Philadelphia to formulate the Declaration of Independence, they could find no place in which to meet. Then the Carpenters' Union of Philadelphia offered their hall, Carpenters' Hall, where the Declaration of Independence was signed. (Applause and cheers).

That Declaration of Independence created not only a new nation, a republic, it did something else. It declared that there were certain inalienable rights to which the people of the United States, the people of the American Colonies, were entitled, and among them was the right to life and liberty (Applause) and the pursuit of happiness, and for a long time they have been in pursuit of happiness, but haven't caught up with it. (Laughter). Mark you this fact: This charter of the American Republic, the cause for which the Colonists declared the independence of the thirteen colonies, was the inalienable right to life, the inalienable right to liberty, and yet after a hundred and forty years and more, there rise up men who in their impatience with humankind want seriously and by law to make it a criminal offense to exercise liberty on the part of the working people. (Great applause).

I said "liberty," and there are people who have so many peculiar conceptions of what liberty really is.

In the old time in Russia the men of wealth, employers of labor, business men, were as free there as they might be in the Republic of the United States.

Wherever men of wealth lived and carried on their affairs they were welcome and free. It was different wherever the poor were, wherever the workers toiled, and the harder they toiled the less liberty they enjoyed, and the more tyranny was imposed upon them. Liberty! After all what is liberty? Liberty to sing the pæans of glory to the reigning crowns or to the administrations of the countries? We do not have to have liberty in order to sing, "My Country, 'Tis of Thee." We do not require guaranteed rights to our liberty to sing "The Star Spangled Banner," and, by the way, I am disappointed as it was agreed that we would have those songs sung, both of them, before these proceedings were begun and ended (Applause).

Liberty! What is liberty? The right to own one's self, man's ownership of himself, that he may do with his powers what best conserves his interests and his welfare. Liberty! The man who was a slave or a serf had no liberty. The Thirteenth Amendment to the Constitution of the United States gave sacred guarantees for the liberty, for the future liberty, of the chattel slave, that is, that neither he nor any other person in the United States or in any part under its jurisdiction, should be forced into a form of slavery or involuntary servitude except as a punishment for crime of which the party should be duly convicted.

The difference between a slave and a free man is that the slave must work when his master or owner directs and wills. The free man may stop his work,

the free man may stop work whatever consequences or suffering may be involved. The right of a free man to dispose of himself, of his labor and his labor power, has been set forth in a Supreme Court decision, an opinion read by the then Associate Justice of the Supreme Court, Mr. Hughes, in which the principle is clearly set forth that involuntary servitude is any control by which the personal services of a human being are disposed of or coerced for any other benefit. It does not mean that a man must be himself in servitude so that the master can say to him "you shall not leave here, or you must leave here," but it is any control by which his personal services are disposed of without his will, the coercion meaning not by the lash of the whip, but coercion by the operation of the state. If any one should attempt to try and portray to you violence in connection with a strike, if that violence is in the form of any attack upon life, body or property, I will agree in advance to say that that must be punished and wiped out of the affairs of our Republic. (Applause). But the right of sovereign free men in the Republic of the United States can only be maintained when men shall have the right, as Lincoln said, "Thank God we have a system of labor where there can be a strike. Whatever the pressure, there is a point where the workingman may stop." (Applause).

I prefer to align myself with the patriotism and the far-seeing justice, and the vision, of the martyred

Lincoln, rather than with any reactionary who wants to enforce compulsory labor.

In every country there is a manifestation of unrest which finds its expression in some form or other. We find it in Russia, we find it in Germany, we find it in Spain and Italy, we find it in France, we find it in the United States. That expression has found itself in revolution of the most radical type in some places; revolution of a more moderate type in other places; manifestations of deep unrest and determination for redress in others. In the United States it finds its expression in the workers organizing upon the American idea, upon the American principle of organization by nation, by state, by locality, and all based upon the sovereignty of the individual.

In the United States we organize our unions and federate them in state and national bodies. In the United States we undertake by negotiation with our employers to bring some light into the life and the work of the toilers. And when we cannot agree, when the employers and the workers fail to agree, what does it mean; a cessation of work? a strike? It means that the old conditions and terms for the purchase and sale of labor power have proven unsatisfactory either to one or the other side and each undertakes to do that which he has the lawful right to do—endeavor to persuade the other to his terms. (Applause.) And when the strike or the lockout is over the new conditions and terms form the agree-

ment upon which industry shall be resumed between them and carried on for a period of a year to five years until there is a new want among employers or a new desire and hope among the employees. That is the strike. I repeat, if there were any violence in connection with it that each is subject to the laws, whether there be a strike or lockout or there be turbulence of any other character. The labor movement lives and can live only and will live only when it is virile and when it is intelligent and when it is constructive; not by revolution, but by evolution; to make to-day a better day than yesterday; to make to-morrow a better day than to-day: to make to-morrow and to-morrow's to-morrow, each of them a better day than the one which has gone before (Applause).

If it were not for the unions what would have been the fate of our boys and our girls in the United States working in the mills and the factories at five and six years of age, twelve or fourteen hours a day? What would have been the fate of the boys in the coal mines, the breaker boys who, from six to eight years old, were put into the mines and seldom saw daylight? And it was the strike of the coal miners that took those boys out of the coal mines (Great applause). It was the strike of the textile workers that took the children from out of the mills and put them into the school-room and in the playground where they could imbibe God's sunshine and grow into the manhood and the womanhood of the future, upon which the perpetuity of our Republic must depend (Applause). It was the

strike of the men and the women in the needle trades that broke up the sweatshop when all the laws of the states could not prohibit it or prevent it (Applause).

There are some things which are axiomatic. Water runs down hill despite the force pump. Lightning strikes in spite of the lightning rod. The sun shines in spite of awnings and parasols. And so with the labor movement, it has done so much, it has brought light and hope and opportunity to the masses of labor that, make what law you will to outlaw strikes, depend upon it your law will be futile and you will simply make criminals and law-breakers of workmen who are honest, patriotic citizens. (Applause).

Home work, tenement house work, all of it, all of it, the man who would *now* tie the men of labor to their jobs, they knew in part of the conditions prevailing then, but like the Philistine, they walked on the other side, expressed their sympathy and "let well enough alone." There is but one ground upon which any justification may be assumed to tie men to their jobs, and make strikes unlawful; that is the confession that our republican institutions and our democracy have ceased. Admit that and I have no word to debate except that I combat it every moment of my life.

The Boston Tea Party was a very nice affair. What was it except a strike against England, tyranny and injustice?

Nearly a month before the President appeared before the Congress of the United States and laid the indictment against the German Imperial Government,

the representatives of labor of America met in conference, and by unanimous vote declared that come what may we would serve our Republic whether in peace or in war, and called upon all our fellow-workmen, and all our fellow-citizens to give such like loyal and devoted service, and better still, that declaration was unanimously approved at the following convention of the organized labor movement of America, the American Federation of Labor, and better than all, during that entire period American labor kept the faith and made good. And now after giving that loyal service, and our sacred dead are buried in Flanders Fields, we come to the United States to find the reaction. Where we entered the war for the destruction of militarism, and particularly for the destruction of autocracy, we find industrial autocracy being forced upon the people of the United States. In 1776 the revolutionists did not have full sway. There were some of the Hessians appearing in the garb of reactionaries.

In 1861-5 and during the war, it is testimony that the men of labor gave the best that was in them voluntarily for the cause of freedom, and in the maintenance of the Union.

In his second inaugural address, President Lincoln paid a tribute to the weavers and textile workers of England, expressing the gratitude of the United States because the textile workers of England refused to accept work based upon the recognition of

the Confederacy, and the effort of the Government of England to destroy the blockade so that cotton could be exported from the South and imported into England so as to give the textile workers the opportunity to toil and earn their bread but at the sacrifice of their principles and ideals. They preferred to go through hunger and privation rather than support slavery and disunion in the United States. I invite your attention to the subterfuge so frequently employed wherever the attempt has been made to outlaw the cessations of labor—strikes, by asserting that the individual can quit his work. That is, an individual who says: "Well, I don't like this job any more, I am going to quit." He may leave, and just imagine what a wonderful influence such an individual would have, say for instance in the U. S. Steel Corporation, (Laughter) or with the coal corporations or with the other great industrial plants of the country, or on our railroads. The individual may stop, but if he says, "Say, Bob, I don't like this job, let's you and me get out and look for something else." If they did that, that is unlawful and for it they can be sent to jail or fined. It is a mere subterfuge.

Modern industry is divided and subdivided and specialized, so that each of the workers performs just one infinitesimal part of the process necessary to complete the article. On the other hand is the concentration of wealth. It is only when the workers act as a unit that they regain their economic power of

which they were deprived by reason of this division, subdivision and specialization in industry. It is unity which the workers must have and the freedom to exercise their normal activities so that the impress may be made upon the employer that their demands for a better life, their demands for a better return for the service they give to him and to society must be heard and heeded, that service which the workers give to society, without which progress would be meaningless and civilization a failure. (Applause) The right to own one's self, the right to be free from a court's direction or a judge's direction, when that normal and natural right to stop work is exercised, not to commit crime, not to commit overt acts, but to stop work—the right of a man to own himself, to work or not to work—is his right, and not the right of government, or states, or courts. It is man's; it is the human right, from which there can be no departure without taking away the freedom, the liberty and the natural expression of the human.

That is the thing for which we are contending and will contend, no matter what may come. The men and the women of labor of America are sovereign citizens with all of you, and if it should come to pass that you can make labor compulsory for the working people, there is no reason why they should not turn upon all and say, "Well, if compulsory labor is right, then we shall be compelled to labor for society." (Prolonged applause and cheers). (Floral offering tendered to Mr. Gompers).

THE CHAIRMAN:

I now present to you Henry J. Allen, the Governor of the State of Kansas (Applause).

HON. HENRY J. ALLEN:

Mr. President, Ladies and Gentlemen, and Fellow Citizens: I think I agree with most of the history which the distinguished President of the American Federation of Labor has phrased and reviewed for us to-night. I think we have all been hearing those wonderful phrases all through the growing industrial quarrels. I have come to-night to you, not as a representative of capital, or a representative of labor, but as a representative of us all, the general public, to tell you what we have done in Kansas (Applause). So I must hark back to the coal strike of last winter, and when I do that I do not do it for the purpose of passing any judgment upon the merits of the controversy. I do not know who was the most to blame.

The fuel ban had been lifted by Dr. Garfield, and coal went up. Then the miners came, demanding an increase of 65 per cent in their wages, and a shortening of their hours to five days in the week, six hours in the day. I was concerned in reference to that only as the executive of a state, which when the strike came on, was out of coal except as to the operators and the miners. Within two weeks from the hour the strike began, there was the necessity to close down the school-houses and to shorten all of the activities of industry. Finally, there was suffering in

homes and in hospitals, and there was coal in Kansas mines enough and to spare.

And so, acting under what I believed to be my moral duty as the Executive of the state, I went before the Supreme Court with the request that the state be given over the mines in order that we might produce coal for a people who were threatened with freezing.

After the receivership was granted, I went for a week or ten days holding meetings in the mining district, begging the miners to go back under the assurance that whatever was granted to them in the way of benefit in the negotiations then going on in Washington, would be made retroactive, pledging them moreover that if by the first of the year—it was then November—their own officers and the operators' representatives had not agreed upon an acceptable wage scale, the state would take up the subject, make a fair and just wage scale and the scale thus made would be retroactive. I wish to say in justice to a great number of the miners, that they desired to go back to work. Frequently they said to me in open meeting, "We would like to go back," but somehow they had lost that boasted liberty which the distinguished president of the American Federation of Labor has told us about to-night. (Great applause). One man had the temerity to stay on his job, a man by the name of Guffy, and the union suspended him from membership for ninety-nine years; union officials went to the grocery store where the man had

bought his groceries and threatened the extinction of the business of that grocery store if they sold to Guffy, and then they went to Guffy's landlord, and said, "You can't keep Guffy in your house any longer. The union has suspended him from membership for ninety-nine years." That is your personal liberty! (Great applause).

When the miners did not go back to work we called for volunteers, and after twenty-four hours, more than eleven thousand people of Kansas who had no interest in the subject of the quarrel between capital and labor, but thought only of the dire emergency, responded to the call and said, "Let us dig coal." (Great applause).

From that great offering we chose enough men to operate the strip-mines of the state. We chose them from the lads who had been in the service of their country. I had seen many of these lads in France, and as I had observed them overcoming obstacles that seemed insuperable, I could not harmonize in my mind the belief that coal could be digged only in a certain way, by certain individuals, at certain hours of the day, under certain fixed regulations. I knew better (Applause).

And so these lads, most of them dressed in their service uniforms, landed one day in Pittsburg, Kansas, the capital of the mining district, and the miners were there to receive them. In a perfectly orderly array they came. The miners came with certain things to say to these lads, things that are in

their literature, things that have been said to strike breakers before. Then these lads unloaded—keen, kindly, clean faced young chaps, dressed in their uniforms. They were so obviously what they were (Applause), patriotic, good natured Americans, unloading as quietly as though there were no disturbance. I remember seeing a lad in whom I had an interest marching along beside his comrade; a miner came up to him and said, “Say, bo, you ain’t goin’ to the mines to-night. Why, you couldn’t do anything out there. The mines have been shut down three weeks, the pits are full of water, the machinery is out of repair. Why, we couldn’t mine coal this kind of weather.” It was bad weather, the thermometer was below zero, and the Kansas zephyr was functioning. The boy said, “Yes, we are going out to-night; we are going to begin to mine to-morrow. There is need of coal, the people are freezing.”

The miner said, “You cannot do it; you cannot turn a wheel,” and this lad, without looking at the miner as he trudged along, just spoke to him out of the corner of his mouth, saying, “Did you ever see any trenches in France?”

So those lads went to the mine. The first day they produced a car of coal. It was not very good coal. It more nearly resembled slack than coal. These boys were inexperienced in the use of dynamite; they used too much. But we sold it for coal; it helped. In ten days we had mined enough coal to relieve the emergency in two hundred Kansas communities. (Ap-

plause). And as these great American lads mined this coal, they realized finally that they were doing something even more fundamental than producing fuel for a suffering population—they were proving to themselves and to the state that government does have the right to protect the public. Ah, my friends, if the strike were as gentle a thing as our distinguished labor chief has told us to-night, I do not think we would ever have passed the Kansas law. If the strike merely related to the privilege of men to quit work, we would not to-day be subjected to the nervousness that characterizes the whole United States over the subject.

We have not forbidden to any man the right to quit work. We have not taken away from any man his divine right to quit work. We merely have taken away from Mr. Gompers his divine right to order a man to quit work. (Applause, cheers and boos). I know rather well how you feel and now let us just take that as an expression from both sides as your attitude upon this, and give me the liberty to go on. (Laughter and applause).

A great deal is said about the growth of Brotherhood, and I am not unconscious to-night of all the progress that has been made by organized labor through its solidarity. I am not unconscious of the victories it has won from reluctant capital, and I am glad for the legitimate progress of every labor union organization in the United States to-day. (Applause).

I am myself the employer of a considerable number

of people, and every man who works in my publishing establishment is a union labor man and has his labor contract, but when they talk to me of brotherhood, I have this memory with me, gathered at Pittsburg. While we were mining, there came this incident out of the hospital—a beautiful hospital, builded out of the pride of the community through public subscription. It was filled with sick people and it was “flu” weather; more than half of the sick population were union miners. One day there came to me two men who had been mining a small shaft to provide coal for the hospital, and they said, “Governor, you will have to give us some coal.” I said, “Why?” They said, “We have been warned not to produce any more coal.” I said, “Surely, your leaders would not be so mean as to deprive the hospital of fuel at a time like this.” They said, “We have been warned to produce no more coal,” and so I went out to a mine near the city where a group of Kansas University men were mining coal and got them to mine some coal for the Pittsburg hospital, and then two days later these same miners came to me and said, “Governor, can you haul the coal to us?” I said, “Why?” They said, “The truckmen have gone on a sympathetic strike,” and so I had to mine their coal and haul it to them, or else there would have been death in that hospital. Ah, friends, surely government may do better than that for poor people (Applause).

A woman came to me from Weir City, bearing

all the marks of hopeless poverty which linger on a life, and she said, "I have come to tell you my troubles." I said, "What are your troubles?" She said, "My husband has been out on this strike of the Central Coal & Coke Company for six months. He doesn't even know what the strike is about. He would like to go back to work. We have been living for six months on strike benefits. We have been trying to pay for a little home at Weir. We are hard up, and yesterday when your miners came to the Italiana mine, I went down there to see if I couldn't get some work from those boys, some mending and some washing, and I brought home quite a lot of it."

I said, "I am glad you did." And she said, "Yes, but last night a committee from my husband's own union came to me and told me that I was not to attempt to do that work, and I was not to go back to that mine." I said, "Go on, do the work, they will not molest you." She said, "I don't think they would while you are here, but when you go away I think they would burn my house." Ah! surely, surely, government may foster a better spirit of brotherhood than that. (Applause). And then we called a session of the Kansas Legislature to pass a law which would prevent in the future the recurrence of a thing as dangerous to the public as a fuel famine. When the legislature met almost everybody who belonged to any union got in touch with Topeka. There was again the contest between the conservative union labor man

and the radical. I do not need to explain that contest. There is not a union labor man here that is not acquainted with it. There is not a great leader of labor here that has not had to fight on account of it. The radicals wanted to make their protest against the law emphatic and dramatic; they wanted to bring 50,000 laborers to Topeka and march seven times around the capitol building. The conservatives said they had better make their protest by committees, and so the committees came, representing both union labor and organized capital. Union labor said, "This law is involuntary servitude." Capital said, "This law is state socialism." The capitalists were more cunning, of course. The union labor leaders came frankly, saying "We won't have it, we won't have it, and that is the end of it:" They used the same language that President Gompers used in New Jersey not long ago, "If you take away the right to strike, we will find some other way." And before the debate ceases to-night, I implore Mr. Gompers in behalf of the country that is waiting to know, to tell us what other way he has in mind.

The law was passed after full discussion.

As I say, the laborers said they did not want it. The capitalists were a little more reasonable in their language. They said, "This is a great law, this is the greatest movement forward since the days of Adam." But the law should be changed in this respect and in this respect and in this respect (Laughter). The capitalists wanted the law with the teeth all located

on the lower jaw (Laughter). I am glad to tell you that when the law was finally framed it had the teeth located on the upper jaw and on the lower jaw (Applause and laughter). And when it was passed, only four men in the Senate voted against it, and only seven men in the House voted against it. It became a law with almost unanimous approval. (Applause). 71

Will any man say that government has not the right, backed by public sentiment, to protect the public? Does Mr. Gompers deny the right of those legislators to pass that law?

And what is the history of Kansas on labor legislation? The first law we passed in Kansas touching labor was in 1871. It was a law forbidding an engineer of a railroad train the right to strike between stations (Laughter). Then we passed a voluntary arbitration law in 1886. It has worked about like other arbitration laws have worked. Why, when I select a man representing one side of a controversy and you select a man, representing the other side, and the two of them select the umpire, he may do one of three things: He may join your side and get a partisan decision, he may join my side and get a partisan decision, or he may dicker back and forth and get a compromise, but into the consideration of that Board of Arbitration there never comes any concern for the party whose right is chief at interest in an essential industry—the general public. (Applause). Then we passed a law in 1897 forbidding black-listing, and then the next law provided seats for women and

girls in stores and elevators and wherever they worked. Then we passed a Child Labor Law and to-day in Kansas no child under 16 years of age labors. (Great applause). Talk about the divine rights being taken! Why, society has taken over the divinest rights. The quarrel between capital and labor is the only private conflict which government still allows to go on. We have done away with every other conflict from duelling to fist-fighting.

We have taken away the right of the husband to control his wife. (Laughter). We regulate the sacred relations of the parent over the child. We have done everything we could to protect the public and if to-night two men should get into a quarrel in front of my window and scratch each other up and tear each other's clothing and wake me up, I could have them both placed in jail, not for what they were doing to each other, but for waking me up. (Laughter). There was an hour when men believed it was all right to fight things out hammer and tongs, claws and hoofs. There was a day when our first question concerning a fight was, "Was it a fair fight?" To-day our first question is, "Where was the officer of the law?"

Thirty-five or thirty-six years ago, when President Gompers took charge of organized labor, it was not so intricate a machine with which he had to deal, but to-day, through the far-flung avenues of distribution and production and transportation, we have become interdependent, and no one unit of production or transportation may cease to function without throw-

ing the entire machinery out of gear. Thirty-five years ago a milk strike would have held no terror for Chicago or New York. Thirty-six years ago a port strike in New York would not have tied up the transportation of food supplies for this great city. What was the exercise of liberty then is the exercise of tyranny now. Organization is the secret. If one person rushes to one side of an excursion steamer there is no effect. If there is a general running about there may be no appreciable effect. But if a thousand people should, by pre-arrangement, rush to one side all at once, the boat would turn over. What would be the exercise of liberty in the case of an individual becomes a most dangerous and suicidal proceeding when such exercise is organized. Organization has become a huge thing, like a Frankenstein in its potentiality. Its power seems unsuspected by Mr. Gompers, who has watched it since its inception as a crude, rudimentary thing, devoted to simple and laudable objects. He still visualizes organized labor as it was thirty-five years ago.

In Kansas, we have taken away nothing from labor, we have provided protection in all the industries, we have forbidden convict labor to come in competition with other labor, we have established a free employment service, we have provided an industrial welfare commission, we have provided that no injunction, whether interlocutory or permanent in any case between employer and employee or between persons employed, or persons seeking employment, grow-

ing out of a dispute concerning terms, conditions and so forth shall be issued without previous notice and an opportunity to be heard in behalf of the party enjoined. We have established liens to protect workers, we have established the small debtors' court, we have established the eight hour day in mines and mining, we have established everything that has been established in the history of the progress of this great industry.

I remember that when we were establishing by state law the provision that every operator should make a suitable bath house for the miners, the mine owners said, "It won't do any good. What is the use of it? You cannot take away from any man the inalienable right not to take a bath, if he doesn't want to." (Laughter). Judge Curran said, "It was urged against this law (and he said this the other day in holding the Industrial Court law of Kansas constitutional) that the miners could not be compelled to take baths, but when the bathing facilities were provided it could not then be urged that the state had not provided for the health and comfort of the miners, whether the miners decided to avail themselves of the privilege or not." Well, they did use the bath house: they struck one day because one of the bath houses was too hot. They struck another time because it was too cold.

The president of that district tells us that we have taken away from labor the only weapon it had in its right to strike. I contend that it is an adequate

answer to say that we have given him in every honorable controversy the more reliable weapon of the state government.

How does he use the weapon? Why, down in that district for the three years that ended with the beginning of the operation of the Kansas law, there were 407 separate strikes, an average of over 15 strikes a month, and these 15 strikes a month had given to the miners—these 407 strikes—in monetary victories, something like \$870. And they had cost the miners in wages out of their pocket over \$3,000,000; and it cost the miners out of their dues last year alone, \$157,000 to maintain their strike bureau. Surely, surely, just government may do better than this.

Society in Kansas is stratified according to the following percentages: At the top, possibly $1\frac{1}{2}$ per cent of employing capital, an organization builded for war, having no soul, concerned with profits. At the bottom $5\frac{1}{2}$ per cent, representing organized labor, builded to meet the war machine. In the center, is ninety-two per cent, representing us—a good-natured, protoplasmic mass, having no power save the good-natured power of passive resistance.

And now we are criticized because we say in behalf of these, the submerged nine-tenths (Applause), that they shall have protection! (Applause, cheers and laughter).

My friends, the Kansas law does not do away with collective bargaining. It gives to miners the legal right, organized or unorganized, and it protects the

sanctity of their contract. It says to the operators, "You shall not close down your plant for any purpose to effect a wage controversy or to effect the price of your commodity to the public." It says to the operator, "There shall be reasonable continuity in the operation of your industry." This means that the miners being able to work during the summer-time, will build a reserve of coal, and we will begin the winter in Kansas hereafter with a coal reserve instead of a fuel famine. It says to the miners not "You shall not quit work," but "You shall not conspire for the purpose of closing down the operation of this industry, whose product is necessary to the welfare of the people." (Applause). This is in line with the oldest law in the world; it was one of the twelve inscribed upon the Roman tablets, "*Salus populi suprema lex esto*"—"Let the safety of the public be the supreme law." You may build around this all the phraseology that belongs to the history and the philosophy of the labor movement, but you will not be able to wipe out that fundamental fact, and at any time when in the history of this country the general public arises to say, "We have had enough of this economic pressure," it is over! (Great applause).

Mr. Gompers, within the last three days, has issued an ukase calling upon all the members of organized labor to assemble themselves around the political effort to see that no man goes to Congress who is not in favor of his program. Do we want that? Do we

want a shackled, bridled Congress? Ah, let me tell you: The political party in the forthcoming campaign that has not the constructive courage to stand out and pledge to the public protection against the wrongs and terror of industrial warfare will travel down the pathway of cowardice to defeat. (Great applause).

What have we done since the Kansas law was passed? Let me read you the record printed by Mr. Fear, the editor of the Missouri Trades Unionist, a labor leader doubtless well acquainted with all these distinguished representatives of organized labor assembled here to-night. Mr. Fear said: "Copies of the new Industrial Court law are being eagerly sought by Missouri workmen, and many want to see how it operates before declaring for or against the law. Seven of the first ten cases filed in the new Industrial Court were from the miners' unions and from railroad brotherhood locals. They are as follows (and then he relates them): The miners at Pittsburg against the Simons Coal Company; the miners at Mulberry against the Cherokee Coal Company; the miners at Scammon; the miners at Osage City; the Electric Railway Company employees against the Kansas City Western; the telegraph operators against the M. K. & T.; meat cutters against the Cudahy Packing Company; electric workers against the Edison Company." All the cases that have been adjudicated have seen the awards accepted by both sides.

In the award of the Joplin & Pittsburg Railway

Company the case was brought by Mr. W. E. Freeman. Who is he? He is the president of the State Federation of Labor in Kansas. He is one of Mr. Gompers' state officials. He invoked the new law which Mr. Gompers tells us shall never be used by labor and secured an adjudication providing for an increase in wages of the carmen, and then the other employees of this railroad, and the railroad operators, took the basis of the court's award and agreed together upon a new schedule for the entire industry. Last year there were two strikes in that railway's operation. The last year of the war there was a strike in that industry that laid it out for two months, costing employees of the industry thousands upon thousands of dollars in loss of wages.

In quoting the court's decision in this case, I want to show you an indication of the spirit of the Kansas industrial court. A living wage had been asked for. The presiding judge, Mr. Huggins, declined to make use of the term "a living wage." He explained that a living wage is a wage sufficient only to meet the cost of living, and therefore we have decided in this case that which we believe to be a fair and just wage. What is it?

In his decision, Judge Huggins said, "Such persons, in all fairness, are entitled to a wage which will enable them to procure for themselves and their families all the necessities and a reasonable share of the comforts of life. They are entitled to a wage which will enable them by industry and economy not only to

supply themselves with opportunities for intellectual advancement and reasonable recreation, but also to enable the parents working together to furnish to the children ample opportunities for intellectual and moral advancement, for education, and for an equal opportunity in the race of life. A fair wage will also allow the frugal man to provide reasonably for sickness and old age."

We found a very harmful example of greed which had been going on in the mining district for years. By law, pay day was once every two weeks. When a man came in to collect his wages in advance of pay day—that is, wages which he had already earned and which he needed to meet some emergency in his finances, the operators would pay him the wages due him, but would take a discount of ten per cent because it was paid in advance of pay day. This greedy practice had been going on for years. The district president had not protested against it. When it was brought to the attention of the court it was promptly wiped out. We are carrying on there now to-day a welfare canvass of the district for the purpose of improving housing conditions, labor conditions, working conditions. Kansas is one of the three states which maintains mining rescue stations at the expense of the state. (Applause).

When you tell me that the principle of this law has not the support of the labor leaders, let me read you some of the witnesses, who have declared for orderly adjudication under law of their grievances.

Here is Mr. Fear, editor of the Missouri Trades Unionist, who has already been quoted, "We know that workingmen with whom we have discussed the question declare that the law is a move in the right direction for peace in the labor world. Why not give the law a trial and have it amended if amendment is needed?"

Why not? Why is it that union labor officials began to fight this law before they had read it? If it is a bad law, it will go the way of the laws of the 13th century to which Mr. Gompers referred. Has any man yet offered a constructive remedy, except this one?

George Detweiler, once the editor of the "Rights of Labor" of Chicago, declared for boards of industrial arbitration established by general government with provisions that each side should be liable to the other in damages for refusal to abide by the decrees of the court. He closed by saying, "The problem should be solved as nearly as possible for the government to solve it."

S. M. Massey, once secretary of the Amalgamated Association of the Street Railways of America, declared for the establishment of an arbitration commission with full power to attend to all differences arising from any cause at hand, and with further power to compel parties to obey its mandates. And each state should locate similar laws to govern in such matters of labor difficulties.

Mr. King, Minister of Labor of Canada, calls at-

tention to the fact that the Canadian Federation of Labor has passed a vote approving the Canadian effort at compulsory arbitration and calling attention to the fact that this law, incomplete as it is, has averted strikes during 1919. Of the 182 cases passed upon by the Canadian court, strikes were averted in all but two. In New York alone, in that year, you had 666 strikes and 42 lockouts.

Alexander McAllister, a shot-firer since 1889, filed a petition with one hundred other shot-firers, asking the court to establish a fair wage and better working conditions in the Pittsburg field. McAllister filed the case, notwithstanding the recent amendment which had been made to the constitution of the United Mine Workers of America, providing a fine of \$50 to be assessed against any member of the union appealing to the court, and \$5,000 against the head of such union. Mr. McAllister would have been liable to the \$5,000 fine. He testified under oath, "Fifty per cent of the miners have become so disgusted with the locals that they do not go any more. There is nobody there but the officers." McAllister added that the shot-firers would welcome the industrial court.

On May 25th, the officers and delegates to the 8th annual convention of the Kansas State Association of Stationary Engineers, indorsed the Kansas court.

Here is a great witness, Woodrow Wilson, President of the United States. (Cheers). You all remember the hour when the members of the Four American Brotherhoods sat in the gallery of Congress and held

their stop watches while Congress under coercion passed the Adamson law.

Here is what the President said, referring to that incident: "Matters have come to a sudden crisis in this particular dispute and the country has been caught unprovided with any practical means of enforcing the principle of arbitration, by whose fault we will not stop to inquire. A situation had to be met whose elements and fixed conditions were indisputable. The practical and patriotic course to pursue, it seems to me, was to secure immediate peace by conceding the one thing in the demands of the men which would bring peace.

"At the present moment, circumstances render this duty particularly obvious. Almost the entire military force of the nation is stationed upon the Mexican border to guard our territory against hostile raids. It must be supplied and steadily supplied with whatever it needs for its maintenance and efficiency that should be necessary for the purpose of national defense to transfer any portion of it upon short notice to some other part of the country for reasons now unforeseen. Ample means of transportation must be available, and without delay."

After discussing this emergency and the unprotected position of the general public, the President then said: "There is one thing we should do if we are true champions of arbitration. We should make all awards and judgments by record of a court of law in order that their interpretation and enforce-

ment might lay not with one of the parties in arbitration, but with an *impartial* and *authoritative* tribunal. These things I urge upon you, not in haste or merely as a means of meeting a present emergency, but as permanent and necessary additions to the laws of the land suggested indeed by circumstances we hoped never to see, but imperative as well as just, if such emergencies are to be met in the future. I feel that no extended argument is needed to commit them to your favorable judgment."

The President was appealing for the passage of a law exactly in compliance with the principles upon which we have written the Kansas law of industrial relations (Applause). Mr. Gompers in a speech delivered not long ago paid great tribute to the success of the anthracite coal strike. I call your attention to the historical fact that what happened in the anthracite matter was not attendant upon the success of the strike, but upon the success of an impartial judicial tribunal appointed by President Roosevelt of the United States. (Applause).

In the minute that remains I should like most respectfully to ask President Gompers if he will answer this question:

When a dispute between capital and labor brings on a strike affecting the production or distribution of the necessities of life, thus threatening the public peace and impairing the public health, has the public any rights in such a controversy, or is it a private war between capital and labor?

If you answer this question in the affirmative, Mr. Gompers, how would you protect the rights of the public?

And in addition, I wish him to define for us, if he will, who had the divine right to forbid the switchmen to strike in their outlaw strike? Who controls this divine right to quit work?

(End of Governor Allen's first presentation.)

CHAIRMAN PARKER:

Let me give you the time of the speakers remaining, so you will know when it is to close. Mr. Gompers now has thirty minutes. Governor Allen then has thirty minutes. then Mr. Gompers ten: then the Governor fifteen, and Mr. Gompers closes with five (Applause).

PRESIDENT GOMPERS:

Mr. Chairman and Friends: It is one of the most difficult tasks for one to attempt to keep up with a statement of facts or alleged facts and expect another to answer them all (Applause). The Governor has taken the last minute of his time to read a question. If I had the time, I would answer the Governor. (Laughter and applause. Several voices: You can't! You can't!).

I will prove it to you, if I live long enough to prove to you that I can. Let me say this, however, that an innocent child can ask more questions of his father—

(Speaker interrupted by laughter and great applause. Several voices: Answer it! Answer it!).

PRESIDENT GOMPERS:

The Governor's adherents here are made up of ladies and gentlemen. (Applause). I shall try to meet the Governor's statements as best I can, and I assure you of an answer, if I have the time, even this evening. He referred to the coal strike, the Anthracite Coal Strike, and spoke of a judicial tribunal having been called in and settling the strike. First, the strike occurred, and secondly, the then President of the United States, Mr. Roosevelt, appointed a commission of a voluntary character, and there was no law by which he was directed or authorized to appoint such a commission. The whole action was of a voluntary character, as was the award, and as was the obedience of the men to the award.

I suppose I shall have rather to make my statements than argue them. In regard to the Adamson law, probably the Governor does not know, or fails to remember, the fact that President Wilson appointed Secretary of the Interior, Mr. Lane, Secretary of Labor, Mr. Wilson, the President of the Baltimore & Ohio Railroad, Mr. Daniel Willard, and me, as a commission of four for the purpose of composing the differences between the railroad companies of the United States and the railroad employees, and that for 36 hours or more this commission of four was in session and finally succeeded in securing an agree-

ment, a voluntary agreement, between the railroad Presidents and the railroad brotherhoods. That inaugurated the eight-hour day, and not the Adamson Law.

I cannot recall all the names that Governor Allen has quoted as those who have spoken for the industrial relations court of Kansas, but I do remember, because he mentioned the name of one person several times, Mr. Fear. Mr. Fear does not live in Kansas now, does he?

GOV. ALLEN:

He lives in Missouri.

MR. GOMPERS:

He lives in Missouri. (Laughter and applause). And if you want to know anything about Mr. Fear go among the working people of Missouri. (Applause). And then the Governor quoted Mr. King. He didn't give his other name. I am going to give it to you,—Mr. McKenzie King. Who is he? He was one of the principal men for the Compulsory Investigation Law of Canada. And who is he now? He is the spokesman and writer of John D. Rockefeller, Jr. (Prolonged applause and cheers).

The Governor has said that I have recently issued my ukase. I suppose that is good English. (Laughter). That is, that I have called upon my "myriads of hosts" to follow me in this pending political campaign. The fact of the matter is I have not issued

any such thing, call it ukase or anything else. What I have done was to carry out the instructions of more than five and one-half million organized industrial workers and farmers of the United States, (Applause) by the direct instruction of the last convention of the American Federation of Labor, and by direct authority of a conference called and held December 13th last in the City of Washington, where the program and policy were declared that labor and farmers should have the right to organize and not come under the restrictive legislation that has been enacted by Congress in some respects, and particularly in Kansas in others. I wonder whether the Governor now with his pet law operating to fix wages for labor, fix wages for the workers, whether he will fix the prices for the farmers. (Applause). I know that in his message to his special session of the Kansas Legislature, he spoke of profits and profiteering, but after the Legislature had enacted this un-American slave law (Loud cries of "Slave law, that's what it is!") and after the Legislature had enacted that law, both of them finding the approval of the Governor of that great State, they passed a law, so-called anti-sedition law, prohibiting really the freedom that comes with American citizenship. These are the two laws that the special session of the Legislature passed. And when they came to the question of profiteering—why they closed the other eye. (Applause and cheers).

The Governor, in his message stigmatized the Compensation Law of Kansas as a blot upon the State,

but the Legislature did not pass anything of an improvement upon the Compensation Law. It was Hell bent upon enacting a law for the enslavement of the working people, and instead of calling this law a law for peace and tranquility in industry or justice, it might be better termed a law for the enslavement of labor and for the enfeebling and destroying of the effective work of labor organizations. (Applause). The Governor says that he wants to take from me, from Gompers, the divine right of ordering strikes. (Laughter). It reminds me very much of a man who has been told a story utterly ridiculous; but to his bland mind it seemed simply to be the truth and he ran away and believed it. It may be interesting news to the Governor to know that in all my life I have never ordered a strike of two men more or less.—never, never—and I challenge him or any one else who will give his name to assert the contrary. (A voice in the audience: Who then ordered the strike?)

MR. GOMPERS:

Go home and find out. Take your special train back to Kansas (Laughter and applause).

I ought to say this is not a haphazard statement of the Governor because he repeated that statement in several of his speeches of late, one of them before the Constitutional Convention of Missouri. He may be informed of this and probably he will mend his ways in the future, upon that subject, at least. (Laughter). As a matter of fact, one of the decisions of his court,

instead of using the term a "fair living wage," uses the term of "a wage for subsistence." Speaking of the labor movement as representing five and a half per cent of the population of the United States, or, say of Kansas—the Governor corrects me in my time—he says it refers to Kansas. Well, I wonder whether he counts the men of organized labor, as all living the lives of unmarried men. I assume that the ratio of population is about the same in Kansas as it is in many other states of the Union, and it is fair to assume that for every male adult of marriageable age there are five to the family. What becomes of the five and a half per cent even in Kansas?

Now, after all, it is not alone what the Governor has said here to-night, but, assuming the privilege that he has assumed of speaking of that which is said elsewhere, I think there is no better authority than that which is said in his message to the special session of the Legislature.

I ask you, my friends, whether the conditions have changed in Kansas, as the Governor seems to want you to believe. As a matter of fact, there have been since the enactment of the Kansas law, a number of strikes of the greatest proportions in Kansas, in so-called basic industries than have ever occurred within the history of the State. (Applause). The miners went on strike, since the passage of this law, against the action of the coal operators in increasing the cost of the explosives which the miners must use in blasting and getting the coal out of the mines. They went on

strike. Last week there were 12,500 miners on strike in the State of Kansas in a basic industry. (Laughter and applause).

How about that court which was going to prevent the recurrence of such a condition of affairs?

As a matter of fact, I am not quoting these facts as justification for the strikes. The men found their justification in that they could not secure the redress and they proposed to make the demand upon the employers, the mine owners, and within three days the mine operators conceded that the men were right and justified, and they returned to work. (Applause).

In the case of an automobile factory in Kansas, the employer approached the men, or through his representative, and told them that he would not employ a union machinist or helper in his factory again, and any man who wanted to work in that establishment would have to tear up his union book, his union card. And the machinists went to the Court of Industrial Relations (Laughter) and presented the matter, and the court declared that it had no jurisdiction. (Laughter and applause).

The coal strike, the general coal strike, including that of the miners of Kansas, was settled, adjusted, and the men returned to work, before the Kansas law became operative; before, yes, before the miners of the United States returned to work, before the special session of the Legislature was called. I don't know how true it is, but a gentleman, a very large coal operator, the night before last said this to me: "The

trouble with the whole affair is this: You know Howat has got the Governor's goat. Howat is the president of the Miners' Union of Kansas. He has got the Governor's goat, and he can't see anything but Howat, and as a matter of fact, the law on the statute book of Kansas creating the Court of Industrial Relations has no other cause than Howat." That statement was made to me by a reputable coal operator in the presence of two other men. But apart from that, apart from the law in Kansas, the Governor has now become a propagandist. He is now going around from his great state, largely an agricultural state, preaching the gospel of this divine law to bring peace and comfort and the elimination of strikes from our industrial life. He has had a taste of it himself since. The Governor says that he does not come here as a representative of capital, nor does he come here as a representative of labor, but that he represents all. I venture to call his attention to the fact that the men of the organized labor movement of Kansas and the State Federation of Labor adopted by unanimous vote a resolution denouncing not only the Kansas Industrial Relations Law, but also in not very nice terms, denouncing the Governor. (Laughter and applause from the labor representatives). The coal miners of Kansas in convention assembled adopted a resolution attacking and denouncing the Kansas state law for industrial relations.

The Governor has gone before several of the legislatures of states, but he has also gone before bankers'

associations and national manufacturers' associations and chambers of commerce. This is the first time that he has had the pleasure, as it is mine to meet him, as a representative of labor, and with all that as an American citizen and a part of the great Republic of the United States. (Applause). It may not be amiss to call attention to this fact also, that this Industrial Relations Court is also a sort of commission of public utilities, and the men employed in several of these public utilities have asked for an increase of wages, and they have been accorded an increase of three and four and seven per cent, and while the public utilities corporations have been allowed increases of more than one hundred per cent in many instances in their charges upon the public.

You will see that it is quite in a sort of desultory manner that I can take cognizance of the Governor's points which he has made, although you will have observed that he has not touched upon one of the fundamental rights which I have asserted belong to American citizens. (Applause).

The Governor has given an illustration here, and he has said that several times, about the law with its lower jaw and teeth, and the upper jaw and teeth; you heard that, did you not? You know the lower jaw is that upon which the pressure is made. The lower jaw moves. The upper jaw is typical of those who have power and strength. The upper jaw does not move, it is stationary, it stands pat, and crushes the lower jaw. The Governor has referred to the

Kansas labor laws. Well, who are responsible for these laws being upon the statute books of Kansas or any other state in the Union? The much misunderstood and misrepresented, abused, organized labor movement of our country. (Applause). The law for which Kansas is now noted, is the law that if two or more men stop work, they can be sent to jail (Laughter).

I would like the Governor in his time to answer the fundamental question, whether strikes as such should be outlawed and made criminal, for that is the crux of the whole question. If there is nothing else, I have nothing to debate with him. If men may stop work there is no quarrel, no dispute. Children quarreling in front of his window, that is all right; but the men of labor who go out on a legitimate strike, they are not quarreling, they merely fold their arms and walk away and do nothing, not even disturb the slumber of the Governor (Laughter and applause).

Stop strikes by law; prohibit them, make them unlawful! My friends, it was a strike of the people, of the working people of Germany, that prevented the reaction, the military reaction, the coup d'état inaugurated under General Von Kapp to restore the old regime and which drove the government of the Republic of Germany out of Berlin, and established itself. Then the workmen went on strike and defeated General Von Kapp and his reactionaries (Applause). If there ever were to arise in the United States some other coup d'état, if there were an at-

tempt to establish an oligarchy or a monarchy in the United States, and if it were successful or partially successful, if the workmen of Kansas would go on strike to prevent it and safeguard the Republic the Governor would send them to jail. (Applause).

The Governor said that it is the law, the Kansas state industrial law, the relations law that put back the idea which destroyed the loan shark system by which the mine owners charged miners ten per cent per month because they needed money between pay-days. Let me say to the Governor that it was the Miners' Union of Kansas that established the two payments a month system and thus destroyed the vicious system of usury adopted and pursued and practiced by honorable coal operators of Kansas. (Applause, cheers).

GOVERNOR ALLEN:

I dislike very much to take direct issue with the distinguished speaker upon a question of fact. He was so polite; I like to be polite, but he misstated the situation as to the strikes in Kansas this year.

I have the testimony of the President of District Number 14, who has taken especial pains to explain in his answer to the Supreme Court of our State that these men who went upon this journey from work, did not strike; they were not ordered out; they did not violate the law.

Here is what happened in reference to the ex-

plosives situation. The order of the Federal Council was vague. The miners refused to work until they knew what explosives should cost them, and they brought their case into the court. The court established a fixed price upon explosives, to be the price until the 15th of the following month; in the meantime, the operators and the miners were to get together upon the subject. On the 16th they had not gotten together, and the men quit; they had a right to, and the operators called up the court and asked, "How long can we have to continue this process of discussion we are going through." The reply from the court indicated that it was advisable that they reach a decision by the next day, which they did, and the men went back to work. In reference to the men who quit work: when it became necessary for Judge Curran to send the President of District 14 to jail because he refused to testify, Mr. Howat himself explained they did not strike. It was a novelty for them in that district to have the privilege of visiting their distinguished leader who was in the county jail, so they did that, and gave him a nice reception. But to-day, out of nearly a dozen decisions, not a single order of the court is being questioned either by the laborers or the operators. The Kansas law is being tried out in the Supreme Court of the State upon an issue raised by Mr. Howat, who said he did not want to testify in court because he did not believe in the law. The issues involving the constitutionality of the law are going to be tried out in the Kansas court in

July. If it is held constitutional, then it is law, and as such it will be enforced.

I wish Mr. Gompers had had the time to answer that question, because the only thing we are trying to do in Kansas is to find a constructive remedy. The quarrel has been going on these many years and the increasing number of strikes have not been as gentle in their effect upon the public as he describes them to be. The strike has been war, civil war, and it is the only private conflict in the world over which government has not assumed the responsibility—the only one. We have stamped out every other one from duelling to fist fighting. Can we not find in this obligation of government to protect the people and render just and equitable judgment, a remedy? My friends, if moral principles do not exist in American institutions, for their orderly extension to meet these emergencies, then free government is a failure and American institutions have out-lived their purpose and gone down in defeat. (Applause).

Mr. Gompers has taken considerable pains to define the strike, but he has not defined it. He has said nothing of the rights of the man who does not want to go out on a strike. He has said nothing of that fundamental provision in union labor for the compulsory organization of labor, not a word, and yet it stands out as the great and operative principle in it. John Mitchell said in an article in the official paper of labor, "The compulsory unionization of men will become in time as natural a thing as compulsory

education of children on the part of the government, and men will think no more of it than the child thinks of being compelled to go to school." Ah, my friends, if there is going to be any compulsion in this country of one man over another, then in God's name let us have that compulsion directed by government. (Applause). Mr. Gompers did not go into any extended discussion of the switchmen's strike. He criticizes us because we were not able to keep all the men at work in Pittsburg. Does his law work any better than ours? When these switchmen went out on a strike, why shouldn't they have gone? What principle under Mr. Gompers' direction forbade them? They were known to be conspicuously an underpaid craft of railway labor. While they were working for sixty cents an hour in the open, in dangerous employment night and day, men in shops and in trains were getting nearly twice the amount.

These men had waited long upon vague promises, and so they struck. And then we found out from Mr. Gompers that they did not have the divine right to strike. Why didn't they?

Mr. Gompers has talked to us much as a reminder of the work of labor in the war. I would say no word to-night that would rob labor of any of the credit for its patriotic activities in the war. I would say no unfavorable word touching those splendid young men from the ranks of labor who went out with the farmer's son and the merchant's son and the students from the colleges, who trained side by side

with them in the training camps and fought with them in France. Of all these great representatives of our country, sixty thousand are lying in graves in France, twelve thousand are in hospitals trying in vain to beat back to conscious life, two hundred and fifty thousand are bearing the scars of war which will go with them to their graves; four million others have come back and taken off their uniforms and gone to work, and with the modesty of the really brave, they do not ask us to remember how patriotic they were. (Applause.) Their conduct is such that it elevates them to a degree which leaves them out of this controversy, but when we come to make some investigation of the part of labor leaders in the war, can we say that labor's leaders were any more patriotic than those of capital? Six thousand strikes from the eighth day of April, 1917, to the fifteenth day of November, 1918, 6,000 strikes in industries which were producing the sinews of war; some of them were strikes on your docks here in New York that prevented the loading of ships taking supplies to the men in the battle line.

I want to quote you here the statement of President O'Connell in a meeting in October, 1917. President O'Connell, representing the Metal Trades Department of the American Federation, in an address at Washington, said:

"It is the aim and the object and the effort of the leaders of organized labor in our country to maintain organized labor, to maintain our rights, to

strengthen our position and to be a part of the war, but we must be consulted, we must be taken into confidence, we must be taken into conference, we must be sat down with, not by the employers but by they who are in control of the Governmental affairs of the country."

Did anybody else say that? Did the 14,000,000 farmers say: "We must be guaranteed that we will come out of this war stronger than when we went in"? (Applause.) Did the mother who gave her only boy say, "The Government must sit down with me"? Oh no! She said, "It is all I have, but the Government is in peril, take him along." And then Mr. O'Connell speaking then to those men who actually controlled shipbuilding, said, "Nothing can take place, nothing can be done unless we are consulted and practically give our consent to it. *No movement can be*, no movement can progress, no movement can become a power in this country, no movement can be successful unless the Trades Council Movement says so."

And then, speaking direct at this critical hour, when we were weighing the chances of helping our Allies and preparing to send 250,000 men per month across the sea in needed ships, he said, "You have the shipbuilding and we are not talking about getting a penny in our increase now. Now we are striking for dollars. You have forgotten that there is such a thing in the market as a penny any more. It is dollars we are talking about.

"Out on the Pacific Coast, you know what is going on out there, Seattle, Portland, San Francisco, asking for a dollar, two dollars, three dollars a day increase. It does not frighten anybody any more. Nobody gets boisterous about it any more. We are just getting together, and we are going to get dollars instead of pennies. Get it in your head, and talk dollars. See what you got when you talked dollars the last time. Keep these things in your mind. Talk about dollars, and after a while, when you have been doing that a while, you have no hesitancy in doing it." And so they went on talking about dollars, dollars, dollars, until by collusion with the other influences in our cost plus war activities which also talked in multiplied dollars, they piled high the cost of this war into extravagant and unbelievable billions.

I do not blame labor alone for it. (Applause.) But labor cannot escape its share of the accountability. Labor led by this sort of leadership (Applause and unintelligible cries from the audience) cannot escape its share of responsibility for the waste which followed the unspeakable profiteering of the leaders of both capital and labor.

CHAIRMAN PARKER:

Just demonstrate to the Governor of Kansas at least that you are gentlemen. (Applause.)

GOVERNOR ALLEN:

No, my friends, this was not the spirit of individual laboring men. This was the advice of labor leadership, which often vied with capital in war profiteering. (Applause and boos.) And this is a part of the page of the history that was written in this war, and it was written out of the element and the doctrine of compulsion which is the essential spirit of radical labor unionism. (Applause and boos.) I am not saying you can get along without it. I do not know. I am only saying this, that if we are going to build here a government of law, a government of righteous justice, then there cannot be any part greater than the whole. (Applause.) If these problems are to be solved, and I believe they are to be solved, then they must be solved in justice, and if government is not righteous there is orderly process at the ballot for the correction of government all the time. I believe that the day is coming, my friends, when the doctrine we presented in Kansas will come to be accepted as the broad and just and impartial remedy for the compulsion of radical unionism. I would not seek to wipe out unionism. I would seek only to place it under less radical direction. (Applause and boos.)

Here is a typical strike. Can you define the milk strike of Chicago, for example, as a legitimate and successful endeavor? It had the approval of all your labor leaders. It started out with a lockout and be-

fore it was over the strikers were dumping cans of milk into the streets to prevent its being delivered to sick children. In Kansas the court would have prevented the lockout in the beginning. It is an essential industry.

Replying to Mr. Gompers' reference to the automobile workers, we do not render decisions in the automobile business, because Kansas has not yet come to the conclusion that the automobile industry is a basic one. (Applause.) We have merely taken under the direction of the law food, fuel, clothing, transportation, upon the broad principle that when you affect any of those industries you imperil the welfare of the public. And if government has not the right to protect the public, then all the pretenses we have made for government during all the ages have failed utterly and absolutely.

Mr. Gompers some time ago in a speech said that these efforts had all been made in Australia and New Zealand. My friends, there are no points of comparison between the Kansas law and the Australian law save in name. The Australian law was created in its first instance to encourage unionization. Its function is to enforce the judgments of arbitration. The function of the Kansas law is to protect the public. The Australian law orders all of its awards paid through fines which must be collected from the unions through processes of judgment in civil courts. Frequently they cannot be collected. It also pro-

vides that if laboring men do not belong to a chartered organization they cannot come into the court. The court also says that a man must put up a bond for costs, if he comes into the court of Australia; in Kansas the state pays the costs. The Kansas Court of Industrial Relations might be called the "Court of the Penniless Man." Any man who wishes an adjudication of his grievance may come there and the state provides him with a lawyer, an engineer, an accountant, a coal mining expert or whatever expert he needs, for the development of all the facts in his case. The state provides without cost whatever instrumentality is needed so that all the facts in the case may be developed. And then after the case has been heard in that Court of Industrial Relations, if the aggrieved party is not satisfied, he may appeal to the Supreme Court of the State, and there again the state provides free of charge a transcript of the evidence, and all the experts needed to develop the facts in the case. Then when the Supreme Court, answerable to all of the people of my state, in the "solemn referendum" of a general election, has made a decision, it remains decided as to the cause upon which they spoke.

That does not take away from anybody any right to quit work. Any man may quit work anywhere in Kansas, any time he pleases, and go on about his other business if he has any. Any man or any group of men may quit. But they are not allowed

to come around the places they have left with brickbats or dynamite for the purpose of preventing the other fellow who may wish to continue to work.

I do not believe this nation is going to be obliged to adopt any compromise with any minority. I believe that this nation is going to live according to the rights of the majority all the time. I believe there is a radicalism in the country to-day which seeks a position from which it may menace government through the solidarity of its minority. When it is better understood by union laboring men themselves it will not meet with their approval. If Mr. Gompers gets around to the point where he figures out an answer to the question (Laughter), as to how he would protect the public against the wrongs of industrial warfare, then we will be making some progress toward remedying it. But, until union labor leaders reach the conclusion that a constructive program under order is possible in this country, then we will have no progress.

I grant you that the effort of the second Industrial Conference was along right lines as far as it went, and there is nothing in the Kansas Court of Industrial Relations that does not provide for all this great program of conciliation and arbitration, but when that has failed then the Kansas court comes in with final judgment. We believe that the finest basis of industrial peace is that which is conditioned upon mutual understanding and mutual advantage, and so I read the report of the Second Industrial

Conference with great approval. I do not believe Mr. Gompers did—it is my understanding he did not approve it. But whether he did or not, the effort went as far as the very able gentlemen who drew it believed they could go at this time. The Conference Report is full of a wealth of sermons upon the subject of equal and exact justice between capital and labor. The Kansas law means all that the report of the Second Industrial Conference means, and it means it so much that it has provided a just and impartial court under which final judgment may be rendered when conciliation and arbitration have failed.

The point where the Kansas court is to diverge from the Industrial Conference report, if divergence is possible under the somewhat vague recommendations of this report, is that this Conference approaches the subject of industrial relations on the plane of a pure commercial transaction, ignoring the fact that strikes have a sweeping effect on the general welfare. The settlement of an industrial dispute is considered on the plane of a collective bargain, in which only special interests participate. A settlement under the Kansas court in the strikes where public welfare is concerned, is made a matter of judicial decree.

Mr. Gompers quoted us a little while ago from Abraham Lincoln. Ah, what a wealth of truth there is in all the literature that emanated from his great soul! How there is that which steadies us in every

great crisis! I do not suppose that anybody in this audience believes for a moment that Abraham Lincoln would have endorsed the milk strike of Chicago, or the coal strike of last winter. (Applause.)

Here is the utterance of a great truth from him, "A majority," said he, "held in restraint by constitutional checks and limitations and always changing easily with the changes of popular opinion and sentiment, is the only true sovereign of a free people. Whoever rejects it of necessity flies to anarchy or to despotism. The rule of a minority as a permanent arrangement is wholly inadmissible, so that rejecting the majority principle, anarchy or despotism in some form is all that is left to us." (A voice: How about North Dakota?)

GOVERNOR ALLEN:

The gentleman wishes to know "How about North Dakota?" I don't know just exactly what he means, except that North Dakota has been carrying on some very extraordinary experiments under a group of ultra radicals, known as the Non-Partisan League, headed by a man by the name of Townley, who was convicted during the war of disloyalty. (Great applause.)

And now Mr. Gompers says he has not issued any "ukase." He questions the word, and wonders where I got it. I got it from the language of the country from which so much radical thought and

philosophy have been borrowed recently by radical union labor leaders. It is a Russian word. (Laughter and applause.)

But here it is. On March 29th Mr. Gompers said, "We will stand by our friends and administer a stinging rebuke to men or to parties who are either indifferent, negligent or hostile, and whenever opportunity affords, secure the election of intelligent, earnest trade unionists, with clear, unblemished, paid-up union cards in their possession,"—a movement, my friends, to unionize the Congress of the United States. (Great applause.) Now, my friends, I take it to be the right of the American people to decide upon whether they wish to do this thing or not. I do not believe they will decide to do it. I do not deny to labor its right to its fullest liberty in politics. I think it is perfectly all right, and I think that when you meet the issues of this country, that you ought to meet them that way—not by seeking to unionize Congress, but by seeking through the instrumentality of your votes to place the constructive measures that you have upon the statute books of the land; that is all right. But that is not what they are doing to-night in the Port of New York; that is not what they sought to do in the steel strike; that is not what they sought to do along the long line of strikes in this country, which were always accompanied by disorder; that is not what they did down in Virginia, where nine men were killed the other day.

Mr. Gompers tells us of how we grow through strife and pain. Maybe we do, but we are not growing through that kind of strife and pain. We have never grown stronger by class warfare in the United States of America, and we never will grow stronger through class warfare. Our only hope, my friends, is in a constructive program which brings you under the leadership, gallant as it has always been, with Mr. Gompers, into a program that will cause America to go forward according to the basic principles of our constitution which guarantees to us the rule of the majority, not the minority.

My time is up. (Prolonged Applause.)

MR. GOMPERS:

Of course no one can tell what Lincoln, the immortal Lincoln, would have said or done if he lived to-day, whether it be a milk strike or an automobile strike or any other kind of a strike. But let me say to you that the quotation I gave from Lincoln's speech was one delivered by him to striking shoemakers of Worcester, Mass. (Laughter and applause.) And if there be any measure of the vision and the idealism coupled with the practical heroism of a man, Lincoln would have been on the side of the poor who are struggling for their rights. (Applause. Voice in audience: How poor are you?)

MR. GOMPERS:

I will bet you two cents that I am poorer than you. What is your name? What is your name? Who asked that question? (Another voice: He dassen't tell it.)

It is a filthy, cowardly, ungentlemanly insinuation. (Applause and cheers.)

In reference to what occurred in West Virginia a few days ago by which nine men lost their lives, probably the Governor doesn't know how it occurred. Every one else does. (Applause.) The fact of the matter is that the gunmen of the Fels Detective Agency went into West Virginia against the laws of the state and turned the miners out of their homes and cottages. The public authorities, including the Mayor of the town, questioned the right of these men to evict the miners out of these shacks and the chief of the detective gunmen had his gun in his pocket and shot and killed the Mayor outright. (Applause and cries from audience. Voice from audience: Keep it up, Sam. Laughter.)

I omitted to refer to the 407 strikes which the Governor declared had occurred within these recent times. I will say this: I made inquiry in regard to these so-called strikes, and the best information I have is this, that during certain periods of the winter when the weather is all the way from ten above to ten or more below zero, the miners go from their work, from the

mines, changing their clothes at the mines for their street workmen's attire to go home. Returning to the mines the following morning, they find that the pipes have frozen, that their clothes in the mines are frozen and damp, and that they cannot enter the mines at all and these days when the miners do not work on account of this character of weather are marked down a strike in the vocabulary of these reactionaries. (Applause and cheers.)

The question of compulsory organization? I wouldn't want any one to imagine that our movement is so debased as to depend upon compulsory organization. I believe in the voluntary, and the men who are with me, the men who believe in me, believe in the voluntary system, and I hold, as every one holds, that as it is the right of a non-union workman to work beside or with a union workman, so it is the right of union workmen to refuse to work beside non-union workmen. (Applause and cheers.)

The switchmen? Well, there is an evidence of your attempt to stop strikes by law, when not only could they not be prevented by law, they couldn't even be prevented by the moral obligation of their connection with the union. As a matter of fact, their treatment was so mean and contemptible, so regardless of their rights and welfare and lives, that in sheer desperation they went on strike. They went in spite of the law of the land, in spite of the law of Kansas, in spite of the law of the unions, and they took their chance and outlawed themselves, and they struck,

your court in Kansas to the contrary notwithstanding. (Applause.)

The Governor has spoken about the right of appeal in the Kansas law. Now I will tell you. The law affords the workman the right of appeal, and it also affords the employers the right of appeal. But if the employers refuse to abide by the award, they are required to do so pending the appeal. The higher court may overturn it, or it may not. If it overturns it, the employer gets all the award back, and you can measure what chance he has to get it back from the workman who had it all that time. (Applause, cheers and laughter.)

On the other hand, if the award is against the workman, the workman must work, different from the employer, losing something or gaining something. The employees, the workmen, must work or go to jail, and what matters it then to be entitled to an appeal when as a matter of fact compulsory labor has been enforced by the power, by the courts, by the government of the state of Kansas. (Applause.) The matter is, my friends, if this thing is going to stand in Kansas instead of there being a discussion upon the political issues of the state or of the country, with this law the question as to the Governor, or the aspirant for the gubernatorial position in Kansas, will be: Is he with the men of labor or with the other side? (Great applause.) It will be the issue in every political campaign, and the question of government will be set at naught. The question is the

life and the rights and the standards of the men and their families. That will be the question, and, by the way, I have just a word to say about this, that this is not an industrial government; this is a political government, and I still believe with Jefferson that that government is best which governs least. (Great applause.)

CHAIRMAN PARKER:

Time is up.

GOVERNOR ALLEN:

Now, my friends, I know it will be a cheerful piece of news for me to tell you that at last Mr. Gompers and I can get together upon one thing in this debate. I agree with him in relation to the Virginia episode, but that episode could not have happened in a state where the industrial controversies were controlled by a court of justice. (Applause.)

I like what Jefferson said about government, but I think the most cogent and comprehensive definition I ever heard of Government, was that delivered by John Adams when he said: "The chief aim of government is justice." (Applause.)

If that is the chief aim of government, and it is, then believing as we do in Anglo-Saxon institutions, we are bound to believe that there is only one place in which you may standardize and guarantee justice, and that is in government. (Applause.)

Mr. Gompers here has held before us one picture, that society goes forward through industrial strife. I do not believe it does. It is not in our history and this question that I have tried to get him to answer, has been at the foundation of organized society from the beginning. It is a simple question. Again, let me read it to you.

“When a dispute between capital and labor brings on a strike, affecting the production or the distribution of the necessities of life, thus threatening the public peace and impairing the public health, has the public any rights in such a controversy, or is it a private war between capital and labor?” (Great applause.) All through the years courts have been deciding the question. Here is a case, the case of Gompers vs. Buck Stove & Range Company. The Supreme Court said, “Society is an organization and does not object to organization for social, religious, business and all legal purposes. The law therefore recognizes the right of workingmen to unite and to invite others to join their ranks, thereby making available the strength, influence and the power that comes from such association by virtue of this right. The very fact that it is lawful to form these bodies with multitudes of members means that they have thereby acquired a vast power in the presence of which the individual may be helpless. This power when unlawfully used against one cannot be met except by his purchasing peace at the cost of submitting to terms which involve the sacrifice of the rights

protected by the constitution, or by standing on such rights, and appealing to the preventive powers of a court of equity. When such appeal is made, it is the duty of government to protect the one against the many as well as the many against the one."

There is the answer to the question. And what is harmful in that answer? If we cannot trust government, then exit democracy.

The spirit of brotherhood is not the spirit that Mr. Gompers has been talking about to-night. He would have us believe that all the progress which has been made in the conditions of labor is due to strikes. He leaves out of consideration entirely the fact that there has been progress in every department of human activity. There has been an advance of moral standards, an advance of the realization of equal rights, an advance of the program which has been running through civilization from the beginning.

The program did not begin with organized labor. It did not begin with any kindly men who operate industry. It has been coming on, slow but certain, since the foundation of human society and you can go back tracing its slow progress by the glow it has cast upon history. You can begin the backward survey by asking Lincoln where he got the inspiration that led him always to put the call of humanity above every other call, that led him to place the man above the dollar. Lincoln would have told you that this program was in the beginning, that it was what Washington and his ragged soldiers at Valley Forge

struggled for, that it was what Miles Standish and his patriots meant when they held the first Thanksgiving celebration at Plymouth Rock. You can go on back, passing the early patriots who came to found the new order of things; you can pass Cromwell, who is fighting his king for the cause: you can pass Luther, who is nailing his thesis to the door of Castle Church: you can pass the place where they burned Savonarola at the stake; you can pass Runnymede, where Englishmen are forcing upon a reluctant king the Magna Charta; you may pass Paul, who is on his way to Damascus; you may pass John the Baptist, who is preaching by the roadside in the Roman province of Palestine; you may pass Gethsemane and then you come to Calvary; that where Jesus Christ gave his life for the real purpose of brotherhood is where this program began. (Applause.) And we have transplanted it to this God-blessed country, and four generations of soldiers have given up their lives for it until we have planted it as a principle of leadership which makes us all to believe that God Almighty means America for leadership.

I think we are going to have leadership in the world when we are worthy, and this leadership is not going to depend upon any particular society for international problems that we may join. It is going to depend upon the success which we make, as just and honest Americans, of the problems of government and practical brotherhood in the civilization of the United States of America. (Applause.)

That is what we are building to in Kansas. That is what the Kansas Court of Industrial Relations is, and when that court was established by practically all the men in the Kansas Legislature, coming as they did from the farms, the mining districts and the other industrial sections of the state, it meant that the people of Kansas again were trying to hold up to the nation a remedy that would bring us back to the righteousness of peace and justice.

The message I desire to leave to-night is that the highest purpose of the Kansas industrial court is not to prosecute labor or to prosecute capital. It is not a court of arbitration or conciliation. It is a court of justice, and its aim is to protect labor against capital, capital against labor, and the public against them both or either of them. (Applause and cheers.) And again, I ask Mr. Gompers if he has anything better to offer to the American people than this. Last year his strike remedy gave in this country the most generous exhibition of the use of the weapon the world ever saw. There was lost to labor last year through strikes more than seven hundred million dollars, and the strikes that have multiplied during this year have brought us to a point at the very hour when we are demanding relief in the way of productivity, to a point where all men are demanding a remedy, in plain and simple justice, for the solution of the problem.

My friends, I believe we found in Kansas a just solution. Mr. Gompers has offered you no relief to-

night. His remedy for war is more war. My remedy for it is peace conditioned upon the impartial judgment of the righteous and responsible government.

I appreciate very much the very kind attention you have given me. I thank you who do not yet believe in my angle of this controversy for your really very nice courtesy to me. I thank Mr. Gompers for his courtesy and his interest in coming here that we might hold before the American people a frank discussion of our individual positions, and I am glad to have the opportunity of saying to you who represent labor, that it is my deliberate judgment that within a year the best friends of the Kansas Industrial Court law will be the laboring men of the state of Kansas. And the real fight we have to make, my friends, may be finally with the operators.

Thank you very much. I will not consume the rest of my time, if any remains.

MR. GOMPERS:

I have only five minutes. Do not take any from me by your applause.

First, let me say that the repetition of the question of the Governor does not seem to me to be fair. I might say that, continuing the thought that I expressed, that a child may ask its parent or anybody else a question, and the mere repetition of the question does not give it the ground of soundness or

fairness. (A voice in the audience: How about the answer, though?)

The question is really a catch question and one that a lawyer might put to a witness upon the stand, such as "Do you still beat your wife?" If you answer in the affirmative, why, you are still beating her, and if you answer in the negative it would indicate that you have stopped beating her (Laughter and applause).

Let me say this. I have only a few moments, and I shall be through. If the United States were industrially or commercially in such a position that its industry, its commerce, were ruined, or progress and civilization warped, then there might still be some justification for such a proposition under discussion.

But there is not a country on the face of the globe where there is such production in quantity and in quality individually and collectively as in the United States of America. If strikes were the abomination and the curse that some people want to attribute to them, then China ought to stand at the head of civilization.

Now I want to read a few stanzas of a poem which typifies this conservative idea of life and the struggle, but before I do so, I want to join with the Governor in expressing my appreciation of the courtesy and the attention which has been given to both him and to me in a debate of this character. Men with strong convictions and strong feeling, and having an audience composed of equal numbers, the choice of

both, without knowing them personally, and to have had a discussion such as we have had this evening, and arousing all the tense feeling, and yet general courtesy obtain, is something upon which the American people can again congratulate themselves in this Republic of the United States.

I want to recite this poem within my own time:

More than half beaten, but fearless,
Facing the storm and the night,
Breathless and reeling, but tearless,
Here in the lull of the fight,
I who bow not but before Thee,
God of the fighting clan,
Lifting my fists I implore Thee,
Give me the heart of a man.

What tho' I live with the winners
Or perish with those who fall?
Only the cowards are sinners,
Fighting the fight is all.
Strong is my foe, he advances!
Snapt is my blade, O Lord!
See the proud banners and lances!
Oh, spare me this stub of a sword!

Give me no pity, nor spare me,
Calm not the wrath of my foe;
See where he beckons to dare me!
Bleeding, half beaten—I go.
Not for the glory of winning,
Not for the fear of the night;
Shunning the battle is sinning,—
Oh, spare me the heart to fight.

Red is the mist about me;
Deep is the wound in my side;
"Coward," thou criest to flout me,
Oh, terrible Foe, thou hast lied!
Here with my battle before me,
God of the fighting Clan,
Grant that the woman who bore me,
Suffered to suckle a man!

Good night. (Great applause.)

CHAIRMAN PARKER:

Sit down a minute. By the contract between the parties Mr. Solon Fieldman of the Press Debates Association will occupy two minutes.

MR. FIELDMAN

One minute will do. The Press Debates Association arranged this debate and because it is a business corporation, both Gov. Allen and Pres. Gompers declined to debate under its auspices, so that the public not understanding might jump to the conclusion that they were debating for money.

There is a staff of the most expert stenographers working in relays that have taken down every word as well as the psychology of this audience, and the record of this debate will be published after it has been edited by both of the debaters. It will be published in book form and it may even be syndicated. Both of the speakers have declined to be personal

beneficiaries so far as financial results are concerned, but they will receive, each of them, 25 per cent of the total gross proceeds which each will spend for some cause in which each believes. We are happy that this debate was arranged, and it is the first of a long series. We thank the debaters. We thank you and the noble committee that has organized this splendid meeting and the glorious chairman that kept it in order. I thank you.

CHAIRMAN PARKER:

Ladies and Gentlemen, sit down just a moment. Now let us all rise in compliment and thanks to the distinguished debaters who have spoken to us this evening.

(Every one arose.)

SUPPLEMENTARY STATEMENT

BY

SAMUEL GOMPERS

IN REPLY TO GOVERNOR ALLEN'S QUESTION

The following statement was issued May 30th by Samuel Gompers, president of the American Federation of Labor, in reply to a question propounded by Governor Allen of Kansas in the course of the debate between Mr. Gompers and the governor:—

In the debate between Governor Allen of Kansas and myself in Carnegie Hall, New York, May 28, Governor Allen propounded a question which I said I would answer if time permitted and which I found myself unable to answer during the debate because it would have developed a line of argument foreign to the question then at issue. It was impossible, within the time specified, to undertake a discussion of every phase of what the world knows as the labor problem.

Governor Allen asked a question which required no effort in the asking and were I so minded I might put to him countless questions equally easy to ask. His question, really three questions, follows:

When a dispute between capital and labor brings on a strike affecting the production or distribution of the necessities of life, thus threatening the public peace and impairing the public health, has the public any rights in such a controversy, or is it a private war between capital and labor?

"If you answer the question in the affirmative, Mr. Gompers, how would you protect the rights of the public?

"And, in addition, I wish him to define for us, if he will, who had the divine right to forbid the switchmen to strike in their 'outlaw' strike; who controls this divine right to quit work?"

In the first place the language of the question is improper, as I stated on the platform in Carnegie Hall. To describe a strike as a "private war between capital and labor" is to come perilously near applying the language of either thoughtlessness or ridicule to a struggle of humankind toward the attainment of an ideal.

Employment, as employers would have it, is something offered by them to workers. Employment, to employers, has meant the purchase of something which would result in profit. Employment, to employers, has been a means to an end. It has been an impersonal thing, like buying steel, and the aim has been to secure the best possible terms.

Employment, to workers, has been and is, vastly different. Employment, to workers, is the means of sustaining life. Workers have labor power to contribute to society. The reward which they secure

for their labor power fixes the manner in which they may live. By the day's pay is measured the meagerness or the fullness of life for them. The wage is translated immediately into pounds of meat, suits of clothes, rental of homes, snatches of rest and pleasure and glimpses into books of learning.

Employment to the employer is the basis of profits. Employment to the worker is life. These viewpoints conflict from opposite angles. They will conflict so long as industry is conducted for profit alone. This conflict will not be ended by statute law. It can neither be argued out of existence nor legislated out of existence. Learned men, like Governor Allen may try, but learned men have through all time attempted to deny truth and disown facts. Learned men laughed at Fulton and his steamship, they laughed at Newton and they persecuted Gallileo.

The strike is the only effective weapon by which the workers may compel consideration of just demands. It is a weapon the use of which entails serious consequence, but the question of life, which is the question at issue, is a serious question. It is much more serious to strikers than it is to Governor Allen or members of employers' associations.

The freedom of workmen in enjoyment of the right to strike means the freedom of men to make life better, safer, happier—the right of men to elevate the whole tone of society and to force abolition of abuse, injustice and oppression.

Workmen grow less oppressed and more free as

they increase their organized power. When few workmen were organized their grievances were but lightly considered. Those countries offer to workmen the least of life where workmen are poorest organized. China, India, Japan—these are glorious havens of Governor Allen's kind of liberty, but workmen there must accept what is given them.

There is no denial that strikes of magnitude temporarily affect the general public. Governor Allen's public seems to be for the most part an employing and non-union public. The real public includes all union men and women and is in fact fully one-fourth union.

The question propounded by Governor Allen is an inquiry as to whether the public has any rights when strikes affect "production or distribution of the necessities of life, thus threatening the public peace and impairing the public health?" In such cases the public, including union men, has rights and the striking union usually is first to recognize those rights. Few strikes affecting production or distribution actually threaten the public peace and fewer become a menace to the public health. Strikes in which there has been a threatening of the public peace usually have been strikes in which employers or public officials influenced by employers have created the breach of peace by the use of thugs, armed guards and detectives. The necessity for order and obedience to laws governing conduct is impressed upon every striking organization by its leaders. The

conscience of employers and of officers of the law has frequently not been so clear.

Labor has no desire to cause inconvenience to the public, of which it is a part. The public has no rights which are superior to the toiler's right to live and to his right to defend himself against oppression.

When but a few were organized, when employers were able to dictate and enforce their will, there was no great outcry against strikes. So long as Labor was ineffective and unable to protest there was little concern for labor.

The great concern of most newspapers and public officials who propound ready-made remedies is that labor should labor. Stripped of its adornment that is the essence of the outcry against strikes. Workers must work. And while workers work the newspapers and oratorical public officials will be silent about them. This is not prediction; this is record.

So far as labor is concerned, the right to strike must be and will be maintained, not only as a measure of self-defense and self-advancement, but as a measure necessary to public progress. There is no escaping some inconvenience during strikes, particularly for those who engage in striking. The strike has won its right to a post of honor among the institutions of free civilization and the temporary inconvenience it has caused is but a small price to pay for the permanent benefits it has brought.

Every strike against deterioration is a check upon

avaricious employers pressing the unorganized still further down. Every strike for the improvement in the condition and standards of those engaged in industry has its reflex and influence for the uplift of all.

American workmen are the world's finest workmen, far removed from the impoverished and illiterate peasant populations of the oppressed areas of Europe. American workmen, through organization and protest—through the strike—have paid back to America in fitness for citizenship a thousand fold for the suffering strikes have caused.

Throughout the debate Governor Allen expressed the same ill-conceived notion which is so often unsoundly uttered, that is, that there is a public wholly separate and apart from employers and employees, when, as a matter of fact, other than those who may be paupers or charges upon the community, every one is either an employer or an employee.

Strikes are caused by the refusal of employers to reach agreement with workers—often by the refusal of employers to negotiate at all with workers. It becomes necessary for the workers to cease working, to withdraw their service from the industry. Instinctively the workers put life before property, social welfare before material gain for the employer. It is the duty of the public to throw the weight of its influence on the side of the protagonists of progress and justice—the workers.

As to the third section of Gov. Allen's question, re-

lating to the switchmen, it is absurd. Labor is damned if it does and damned if it doesn't, which reveals the insincerity of the critics. Labor believes in and practices majority rule—democracy. In the case of the switchmen a minority, goaded by employers beyond endurance, defied the majority. That is all there is to that. When the governor talks of divine right he leaves the issue and resorts to inconsequential. Strikes are ordered by the majority vote of union memberships, they are not ordered by officials at will. When officials issue strike orders they do so as the result of a vote of the membership authorizing such an order.

The hope of the public, the hope of the workers, the hope of all for peace and progress, for continuity of production and for safety from oppression, lies not in a state-erected machine, but in acceptance by employers generally of the machinery of collective bargaining. Trade agreements reached through collective bargaining offer the only safeguard that will work. The public rights are not safeguarded by laws that aim to prevent strikes. For roughly forty years the glass bottle blowers have not had a strike. The trade agreement between organized employers and organized workers has made the strike unnecessary. For about the same length of time and for the same reason the stove molders have had no strike. Many trades have had peace for ten and a dozen years. The very newspapers that seem most interested in behalf of the public are published day

by day, year after year, by virtue of the trade agreement reached through collective bargaining. Their labor turnover probably ranks close to the lowest in American industry.

Industrial peace is desirable. Industrial greed is what prevents it. The workers will struggle and organize and strike when necessary to prevent industrial injustice. The strike—the withdrawal of their service—is the one final effective weapon that they possess. The state can offer no substitute, the public can hope for no state-made substitute, for the struggle is in industry, not in politics.

When employers agree to abandon their old concept, then will industrial warfare begin its decline. When industry ceases to be operated for profit alone, then will there be time to relax that eternal and militant vigilance which has saved the workers from the abyss and given them a position of power and an intelligence fitting to our Republic and our time. The workers will not sacrifice human progress for an abstraction which is called public welfare, a term which is misused to mislead the very public upon which sycophants and politicians fawn.

Public welfare cannot exist except upon a foundation of liberty and democracy.

The ridiculous assumption that menace to public welfare lies in strikes undoubtedly serves well the purposes of employers who wish to continue autocratic practices, who wish to continue to control prices, who wish to maintain the right to curtail pro-

duction as it best serves profit to do—but clamor cannot always masquerade as wisdom.

The first step toward conservation of the rights of the public lies in a real and intelligent understanding of industrial problems by all of the people and in the possession of that understanding the people will see that public and general welfare cannot be conserved by denying fundamental liberties to the useful members of society.

The right to strike, with all its disadvantages, is an agency of progress, a buttress of manhood, of health and vigor, a promoter of public thought and education—an instrument for good, democratic in concept and essential to freedom. Its greatest justification is found in its results.

REJOINDER

BY

GOVERNOR ALLEN

“When a dispute between Capital and Labor brings on a strike affecting the production or distribution of the necessities of life, thus threatening the public peace and impairing the public health, has the public any rights in such a controversy, or is it a private war between capital and labor? If you answer the question in the affirmative, Mr. Gompers, how would you protect the rights of the public?”

This question, which was not answered in the debate appearing elsewhere in this volume, was taken up later by Mr. Gompers in a supplementary statement, which also appears as a part of this book. A sur-rebuttal therefore becomes necessary.

His statement, in its essence, once was more picturesquely and pointedly expressed by a railroad baron in these words:

“The public be damned.”

Failing to reply to the pivotal question in the 45 minutes remaining to him, he dismissed it as a “catch question,” and finally, in his supplementary state-

ment, he seeks to class it lightly as "one of countless questions easy to ask," and again evades the point at issue.

The nearest he comes to answering the question is where he says, "The public has no rights which are superior to the toiler's right to live and to his right to defend himself against oppression."

The toiler's right to live is not questioned in this discussion. This right, in fact, is upheld, and upheld strongly, by the governmental power of the Kansas Court of Industrial Relations, as a reading of its decisions and of the law itself will disclose. The real argument concerns the right of an organized minority which has secured control of the human necessities to conspire for the purpose of bringing economic pressure to bear in the form of a fuel famine, a food famine, a transportation famine, upon a defenseless public; whether, in fact, labor's right to start a civil war is superior to the public's right to live and defend itself against oppression. I will not be diverted from that issue.

This entire issue is illustrated very nicely by the recent action of the Transportation Trades Council of New York, which was engineering a strike of 100,000 checkers, weighers, handlers, lighterage men and truckmen, at the very time the debate was held.

This strike did not remotely concern "the toiler's right to live." The purpose of this strike was to control within the hands of union men all products handled by the union men from the time of their

origin to the time of their consumption. For instance, fish received from distant villages were segregated. Fish caught or handled by union men were sent through and delivered promptly. Fish caught or handled by non-union men were left to rot. The public was the sufferer, as usual, and paid the price. Intimidation, violence and destruction of property were employed to enforce the union demands.

Let the reader apply my question to this New York situation and he will see at once that Mr. Gompers has not answered it. And there are many other instances of like nature where great strikes in essential industries have been called—not to protect “the toiler’s right to live,” as Mr. Gompers sentimentally expresses his vague evasion, but to dictate the terms of life to society.

He declines to recognize the supreme right of the public in a strike which imperils the supply of the necessities of life. He puts the matter in all its dangerous absurdity when he says, “The public has no rights that are superior to the toiler’s right to live and defend himself against oppression.”

Thus he begs the whole question. For in no one of the recent strikes that have imperiled the public safety has their action been necessary in order to secure either a living for the workers or freedom from oppression. In every one the wages or conditions upon which the strike was called threatened in no way the ability of the worker to live, even at present costs, and the main object of the strike was

to control the production and transportation of human necessities.

Mr. Gompers knows the provisions of the Kansas Industrial Relations Court Act. He would have no right to plead ignorance. He is, without a doubt, thoroughly familiar with the decisions of the Court. He knows that nothing can be further from the nature, purpose and spirit of the Court than to "deprive the toiler of the right to live and defend himself against oppression." Let the Court speak for itself. In the case of the Topeka Edison Company, the Court says:

"The Court is very desirous to do nothing in this case which will unduly burden the respondent. However, it must be admitted that wages to labor must be considered before dividends to the investor, and that business which is unable to pay a fair wage to its employes will eventually have to liquidate. The Kansas Law imposes upon the court the obligation, so far as it has power to do so, to assure to labor a fair wage and to capital a fair return."

Further, the Court, in differentiating between a living wage and a fair wage, says:

"They are entitled to a wage which will enable them by industry and economy not only to supply themselves with opportunities for intellectual advancement and reasonable recreation, but also to enable the parents working together to furnish the children ample opportunities for intellectual and moral advancement, for education and for an equal

opportunity in the race of life. A fair wage will also allow the frugal man to provide reasonably for sickness and old age."

One weak place in Mr. Gompers' armor is the fact that he fails to distinguish between that function of the strike in private industry which is the attempt to secure better wages or working conditions, and that function which attempts to delay or stop production of an essential industry, and thereby coerce the public or bring about such a state of economic pressure or distress as to force a surrender to any demands that might be made. The New York strike just mentioned was of the second kind. He even goes so far as to justify the German political strike, which was nothing but government by direct action. It had nothing whatever to do with the "toiler's right to live," but Mr. Gompers thinks some such thing might become necessary in the United States some time. Thank God we have a government that preserves our constitutional popular rule by much stronger, safer and more permanent means than that of economic direct action through the strike. This is not Germany and this is not Russia. In America we govern by the ballot and not by capitalistic or industrial pressure.

The key to Mr. Gompers' general contention is found in his sweeping assertion that the "state can offer no substitute for the strike, for the struggle is in industry and not in politics." The United States

must be a political government—not economic—otherwise it will not be a republic or a democracy. If its functions, among which is the guarantee to its people of life, liberty and the pursuit of happiness, are usurped by any industrial or economic organization, then we shall cease to be governed politically and there will arise an invisible government within the formal government.

Mr. Gompers says “the language of the question is improper.” He attempts to ridicule the question by imputing to me the statement that “a strike is a private war between capital and labor.” I have not said it was. I asked the question, “Is it?” The State of Kansas has decided that when a strike results in tying up industries used in the production and distribution of commodities necessary to the life, health and peace of society, then that strike loses its right to continue as a private war and becomes a matter of momentous public concern, a subject for state action.

Hence, the Kansas Court of Industrial Relations. The Act which created the Court was adopted by a vote of the Legislature which was almost unanimous. A Court of competent jurisdiction has passed upon the constitutionality of the Act. In the decision of the Court referring to conditions during the coal strike last winter, Judge Curran said:

“At that time traffic was paralyzed, cities were dark, persons in hospitals were suffering from the

cold, schools were closed, means of obtaining food were cut off and generally the state was suffering severely and facing a situation almost beyond description. If the state of Kansas had failed to recognize the perils in that situation, if the state of Kansas had neglected to look after the welfare of the people, and had allowed that condition of affairs to go on unchallenged, if it had taken no remedial steps, it would have been a reproach upon organized government and upon civilization.

"The argument has been raised by the defense," Judge Curran said, "that the Industrial Relations Court law was in conflict with the bill of rights, with the state constitution and with the Federal Constitution."

He said, that he failed to find it in conflict with them. The Legislature expressed the will of the people, he said, and any doubt as to the motives of the Legislature, or the economic or sociological reasons for its action must necessarily be resolved in favor of the legislature.

Mr. Gompers would have the public unprotected, or left at the mercy of industrial strife. The state of Kansas has decided that the protection of the public is the public's business, and that no organization within the body politic, whether of capital or of labor, can take the place of the duly constituted authorities of public justice. Would Mr. Gompers have us abandon our constitutional political government and have America ruled by the American Federation of Labor?

Mr. Gompers speaks of employment to the employer being based upon profit, whereas to the worker it is life. He says: "These viewpoints conflict from opposite angles"! and "this conflict will continue so long as industry is conducted for profits alone"; and "it cannot be argued out of existence or legislated out of existence." What does Mr. Gompers have in mind when he expresses a hope for "industries conducted not for profit alone"?

All his life he has opposed the Socialist State; and he is organized labor's leading opponent of the government ownership and operation of industries. Besides, present state ownership and operation does not sustain his position. City, State and National Governments maintain departments that are industrial in character, and none of them are "conducted for profit," and all of them are operated by labor, secured on a quid pro quo basis. The state is not giving anything for nothing, neither to labor nor to the public at large; and labor is not seeking an opportunity to serve the public freely; it rightfully demands compensation for its services. The conflict spoken of by Mr. Gompers exists in the various departments maintained by the Government for the public service, just as it exists in industries owned by private capital, and "conducted for profit alone."

The police department of Boston is maintained for public service and not conducted for profit at all. But the conflict existed there. The police strike of Boston would have wrecked the city if the Gov-

ernor of the State of Massachusetts had not used the military power of the state to safeguard the public.

Mr. Gompers indulges a tendency to draw distinction where distinction is impossible. There are industrial plants "conducted for profit alone," but labor is actuated by anti-social motives as often as capital. He says that employment to employers has been "to secure the best possible terms," but to workers "has been and is vastly different." Why? Are not strikes called for the purpose of "securing the best possible terms" for the workers? Who can determine where selfishness ends and a desire to serve society begins? To attempt to draw this distinction is fruitless and throws no light on the discussion.

"But," says Mr. Gompers, "this conflict cannot be ended by Statute Law. It can neither be argued out of existence nor legislated out of existence." Well, what kind of law will end it, Mr. Gompers? Trade Union law? If the statute law operating through duly constituted public authority cannot end the harassing attacks upon the life of humanity and protect the rights of society, what is the hope of ending it through a leadership which is not responsible to society unless it be made responsible under the law? Face this question, Mr. Gompers. Would you have us substitute for our present Government, government by organized capital? Of course not! And yet you seek to foist upon the American people government by organized labor. We are opposed to government by organized labor for exactly the same

reason that we are opposed to government by organized capital. The war between labor and capital is anti-social. Both labor and capital through their war upon each other injure the public, and therefore must be controlled in the interest of the public; and this control must be exercised by and in the name of the public, through duly constituted public authorities of public justice.

The industrial world cries out for justice. The worker cries out for justice. The public cries out for justice. The right treatment of men and women by employers and the safeguarding of society's life and welfare by the guarantee of an uninterrupted flow of life's necessities require the giving of justice. Who shall give justice?

Mr. Gompers himself once answered this question to my entire satisfaction, in the *American Federationist* for April, 1920, when he said:

"Justice cannot be the possession of a group because there is no justice until there is justice for all."

And yet, in this debate, and in his supplementary statement, he arrogates to his own class group and his own group leadership, the power to decide, by the use of the forcible strike, what is justice. It is plain that what he wants is not justice, but power.

The war between labor and capital cannot be suddenly suppressed by any kind of legislation. The anti-social character of the war cannot be suddenly ended by a statutory act any more than it could be argued out of existence. But the warring elements

in society can be controlled by the legislative and judicial power vested in the states and the nation. Society must be protected against everything that threatens the public peace and impairs the public health. The wheels of justice move slowly, but they grind exceedingly fine. Those who legislated against theft, arson, assault and battery, rape and murder had no hope of completely abolishing the conflict between good and evil—the lawful and the unlawful. Yet who among us would advocate the abolition of our system of laws in dealing with crime and criminals? When a strike cripples an industry upon the continuation of which depends the life and health of the public, no matter what good the warring groups may see in attaining their objectives, the welfare and the life of the public must be safeguarded. The Kansas Court of Industrial Relations represents the first really constructive attempt, in the United States, to protect the public from the dangerous and destructive conditions arising from and incident to industrial war.

Mr. Gompers has a great deal to say on “the right to strike.” He has nothing to say on the right not to strike. He harps on “the right to quit work,” but is silent on “the right to stay on the job.”

“Every man,” he says, “has the right to cease work whenever it pleases him to do so.” But he has nothing to say to the converse contention, which is equally true, that every man has the right to continue work or resume work whenever it pleases him to do

so. In this connection Mr. Gompers speaks of "the insincerity of the critic." What shall we say of him? Mr. Gompers knows that the Industrial Relations Court Act says, on this point:

"Nothing in this Act shall be considered as restricting the right of any individual employee to quit his employment at any time, but it shall be unlawful for any such individual employee to *conspire* with other persons to quit their employment *for the purpose of hindering, delaying, interfering with, or suspending the operation*, or to intimidate by threats, abuse, etc.

Any minority which has secured control of a product upon which human life depends and which undertakes, for the purpose of affecting wages or profit, to withhold that product from the public until the public shall freeze or starve has in effect superseded the government and has assumed control of the destinies of human life which government alone may have the power to safeguard.

Mr. Gompers seems to have a misunderstanding about the nature of the public. He says, "Other than those who may be paupers or charges upon the community, every one is either an employer or an employee." Common experience proves the contrary. The great bulk of the women and children, the aged and the sick, are neither employers nor employees, and they constitute the bulk of the public and are in the greatest need of the protection of the

law, and that is the part of the public most severely attacked by strikes and lockouts that tie up socially necessary industries.

The ideal form of industrial peace is that which rests upon mutual understanding and mutual justice between capital and labor. When efforts at negotiation between capital and labor have failed, who is there that is so wise that he can say, "The employer is right," or "The employees are right"? Then it is that the Court of Industrial Relations is offered as a substitute for the strike and the lock-out, for the instrument of the public through government is properly and logically the court of last resort. The Union laborer says, "It takes away my weapon of the strike." As a matter of fact, it gives to labor, in all its just contentions, the weapon of impartial government. Mr. Gompers has no case. Once he thought the strike was the last resort. Now he thinks it is the first. His reply is not a defense. It is a challenge.

A great deal has been said about liberty. It does not well become an advocate of strikes to talk about liberty, for strikes imply compulsion. The strike is a weapon. "It is the only effective weapon," says Mr. Gompers. "It is the tooth-and-claw method," says J. I. Sheppard, counsel for the Kansas Federation of Labor. The strike is the exercise of sheer economic power to compel obedience to the demands of the strikers. The lock-out is the exercise of sheer economic power to compel obedience to the demands

of the employer. Both are therefore foreign to the subject of liberty.

As I have said before, the use of the strike cannot be defined merely as the right to quit work. As time has gone on, bringing new complexities of industry and capital, the definition must be enlarged.

The right to quit work is like the right to earn money. It can be abused. It can be overdone, and by means of combinations and organizations either right can be made into a wrong. Either can be transformed into an instrument of force and terrorism. Cornering labor, and bringing it to bear upon the public welfare, invites disaster precisely the same as cornering money-earning and bringing it to bear upon public welfare invites disaster. It must always be borne in mind that the Kansas law does not restrict the right to quit work as long as it is not used as a combination for the oppression of the public.

"So far as labor is concerned, the right to strike must be and will be maintained, not only as a measure of self-defense and self-advancement, but as a measure necessary to public progress," says Mr. Gompers.

Let us take the testimony of another man well known for his championship of the cause of the laborer—Harry F. Ward, of Boston. He says:

"On our Western frontier years ago it was the custom for every man to 'pack a gun.' Killings were frequent. Then community life developed. Courts were set up, the carrying of firearms was forbidden.

Old frontiersmen said they always had, and always would carry a gun. But they were gradually either disarmed by force and fined by the court, or else were killed in resistance to the officers of the law. The community interfered with their right to defend themselves, because that interfered with others' right to live."

There is no element of progress in the strike. It is reactionary. It is the resort to the cave-man tactics. What civilization needs, as it painfully struggles toward a better day, is to substitute justice for force.

The high standard of American workmanship was not brought about, as Mr. Gompers suggests, by such a negative force as the strike, but the positive effort of the individual. It was that kind of effort that brought forth such giants as Lincoln. The biographies of the great majority of successful American men of affairs shows that they began their lives as poor workers. As a matter of fact, strikes have not produced efficiency. There was never a time when strikes have been so numerous as in these latter days, and there never was a time when labor was so indifferent to the demand for efficiency.

In speaking of the so-called "outlaw" switchmen's strike, Mr. Gompers says that "strikes are ordered by the majority vote of union memberships, they are not ordered by officials at will." Unfortunately this assertion does not always hold good. Scores of strikes in the Kansas coal fields were ordered by the

union officials and the cause was unknown to the miners. The miners were not consulted in the matter at all. They were simply ordered to quit work, and if they refused, they were visited with dire penalties. The divine right to work certainly is greater than the divine right to quit work, yet these men were deprived of the right to work at a time when work meant bread and butter for their children.

A meeting of union leaders was recently held in Chicago to discourage the "unauthorized" strikes of railway workers. What do they mean by "unauthorized"? Has not a man the right to quit work if he pleases?

The union leaders say, "No—his quitting must be authorized by the officials."

The Kansas Industrial Court says, "Yes,—so long as he does not conspire to restrict the production or transportation of essentials."

Mr. Gompers recommends collective bargaining as the remedy for industrial difficulties. Collective bargaining certainly ought to assist in abating the evils of industrial warfare, but what has collective bargaining got to do with strikes? Collective bargaining necessarily implies a peaceful agreement. Strikes mean war. The two things are opposite in every conceivable function. His conception of a collective bargain, when he connects it with a strike, is not a conciliatory or harmonizing function, but a one-sided arrangement whereby the employee dictates to the

employer and lets the devil take the hindmost, which is usually the public.

He says, "The workers will not sacrifice human progress for an abstraction which is called public welfare." Why does he not use his terms in straightforward manner, and argue on the question? What he really means, when he drops the artificial and studied cant of the stump speech is this: "The workers will not sacrifice their right to strike for an abstraction called public welfare." If he does not mean that, he means nothing. If he does mean that, it is plain he holds to "the public be damned" policy, for public welfare is anything but an abstraction.

It must be borne in mind throughout this discussion that the Kansas Industrial Court is a corrective of undue economic pressure, no matter from what direction the pressure comes. To say that it is directed against labor is to ignore and deny some of its most essential and outstanding provisions.

Profiteering has come to be a great evil in the United States. It is a manifestation of the misuse of economic power expressed by combinations of capital and interlocking organizations of business interest that permit exorbitant charges for commodities and small wages for labor.

The Kansas Industrial Court is a step toward the curbing of profiteering, for it retains the functions of the old Public Utilities Commission and has the power to investigate the profits of certain corpora-

tions. It has the power to remedy bad working conditions and order wage increases. As the law develops in its functions it will indirectly and gradually accomplish results in the direction of price fixing, although all economists agree that this is a very difficult and delicate process, because of constitutional and other natural limitations. The court is in the interest of the public, however, and will operate to safeguard the interest of the public against capital as well as labor, striving to maintain the proper balance between profits and public welfare. In times of industrial depression, when there is a surplus of labor, the court will prevent the greed of capitalism, and insure stabilization. In times, like the present, when there is a tendency toward profiteering, the effect of the Kansas Court again will be toward stabilization of prices through its power to prevent closing down of industries or the shortening of production.

The spirit of ruthless compulsion has been all too evident on the part of both capital and labor.

In the last two decades organized labor seems to have taken the cue from organized capital, and some of the wholesome concepts upon which organized labor was founded have been supplanted by strange doctrines. In 1903 John Mitchell advocated unionization by compulsion, saying that the principle should be the same as that of school attendance.

Continuing into the present era, we find that compulsion is put forward and collective bargaining is relatively neglected. Compulsion is used not only

against employers and the public, but against the workers as well. There are innumerable instances of men earnestly desiring to work on account of dire necessity, but not daring to do so, because of the compulsion to strike that comes upon them against their own wishes. Under radical labor leadership, compulsion has steadily grown and consequently liberty has approached the vanishing point.

The Mitchell-Gompers conception of the labor union seems to be that of a distinct government which in several important respects displaces the functions of state and national government. If there is to be compulsion and interference with liberty, shall such interference come from civil government or from an administration having no connection with civil government? Gompers says it is wrong to interfere with what he calls "liberty," but it is perfectly all right for union leaders' government to interfere with that same liberty. Can anything be more absurd? Can anything be more destructive of Americanism?

Throughout Mr. Gompers' presentation there runs a note which makes it plain that his first appeal is in behalf of union leadership. This is especially evident in his closing of the Carnegie Hall debate. Secondly, his appeal is for that part of the labor ranks which is organized. To unorganized labor he accords no consideration. To the public he makes no appeal, for he stresses only his group interest and group antagonism.

I fear that he and his like-minded lieutenants in

the labor movements have become too deeply immersed in their fight to remember the paramount rights of the public and the fundamental truths of American liberty. Their fault is not of motive but of perspective.

As civilization becomes more complex, of course the individual must surrender some of that which he calls liberty, in order that we may have a workable system of society. The only absolute liberty is that which is found on the desert island. The American people, complying with the profound truths of the fathers, have been willing to surrender certain activities called liberties when those liberties have been found to interfere with the common good. But they steadfastly and instinctively refuse to surrender their liberties to organized groups not connected with civil government. To do so would be to become intangled in a system of government alien to Americanism and American institutions.

Manhood is not degraded by yielding to the power of a righteous government founded by a majority rule and controlled by the system of checks and balances which our constitution provides. It is only by such yielding and by such a respect of public good that a democracy is made possible. Manhood is degraded by a surrender to autocracy, whether that autocracy be of royalty, of the mob, of organized capital or of organized labor.

It is obviously to the interest of the public that

labor be given a square deal. The instrument of the public never goes permanently wrong. In the long run the people govern well. The day of tooth-and-claw industrial relations is passing. There is a better way and a better day.

14 DAY USE
RETURN TO DESK FROM WHICH BORROWED
LOAN DEPT.

This book is due on the last date stamped below, or
on the date to which renewed.
Renewed books are subject to immediate recall.

16 Jan '63

16 Jan '63

APR 29 1963

JUN 13 1992

5 Jan '64 DYX

IN STACKS

DEC 9 1953

REC'D LD

JAN 21 '64 - 4 PM

15 Jan '65 TM

REC'D LD

JAN 4 '65 - 11 AM

LD 21A-50m-11,'62
(D3279s10)476B

General Library
University of California
Berkeley

YB 19156

U.C. BERKELEY LIBRARIE



C007021289

440268

HD

8063

K2566

THE UNIVERSITY OF CALIFORNIA LIBRARY

