

## Organized Labor's New Game

EDITOR'S NOTE—The following article, reproduced from the September second issue of "The Black Diamond," points out some glaring misstatements in Clarence Darrow's article, "Why Men Fight for the Closed Shop," which appeared in the "American Magazine" for September, and suggests the possibility of Mr. Darrow having been chosen to arouse public sentiment in favor of excepting labor from the application of the Sherman Act.

**I**N the September number of the *American Magazine*, Clarence Darrow, a Chicago lawyer, writes on "Why Men fight for the Closed Shop." Mr. Darrow was retained to defend the McNamara brothers, labor leaders, charged with dynamiting the *Times* building in Los Angeles. He conducted the Haywood trial and was John Mitchell's adviser in the anthracite strike case. We assume this qualifies him as an authority on the labor union question.

At that point the reviewer passes from admitted premises to a zone of bothersome questions. The editors of the *American Magazine* customarily are not content with any superficial statement. The laborious investigations of such writers as Ray Stannard Baker and Ida M. Tarbell prove that point and we could amplify it if necessary. Why, under the circumstances, should a magazine policy be waived while Mr. Darrow presents a superficial account of labor unions which so adroitly conceals facts and so plays up the unmeaning "law of humanity," and "law of business," as to be unmoral in the cleverness of its misrepresentation? Why in a magazine which forgets yesterday and burns with to-day's questions, should an article have been printed which does nothing but reiterate a dream principle of a great many years ago, but which has almost been lost sight of in the rush development of the last generation? We wonder.

The reviewer also wonders why, at this time, Clarence Darrow, a lawyer, places so much stress upon a foundation and outlived theory, and pays only a brief and apologetic attention to the real development. Why does he, at this time, ask us to consider, as existing, conditions which passed out years ago? Why does he disregard the labor union problem of this hour, this year, this generation?

We reserve our answer until we have referred to a few of Mr. Darrow's sentences, one of which is as follows:

"The most vital issue of unionism is the closed shop, and it is around this issue that labor and capital have gradually closed in."

In saying that the closed shop, while not ideally right, is the main issue, Mr. Darrow speaks a half truth. The closed shop is essential to union stability. If unionism were really an issue the closed shop would be the vital question. With unionism taken for granted the main issue becomes something else, as we shall show.

Having made his point clear and having hinted at pending revolutionary social changes, Mr. Darrow proceeds to make the bromidic statement that combinations of capital are taking place in spite of human law,

and ends with this statement, which is equally trite:

"But while these trusts are contrary to the laws of the country, the fact of their growth and persistency even against law shows that they are in harmony with the deeper laws of industrial life—laws that in the end control; and all legislative efforts to hamper this growth, by civil and criminal laws, are worse than futile—they are mischievous and meddling in the extreme. So long as there is economy of production under a larger scale, just so long will public opinion and public laws be helpless to prevent it."

We understand the reference there fully and begin to see reason for the article. All the forces of labor have been fearful that some upright judge would apply the Sherman anti-trust law to labor unions as being combinations in restraint of trade. Such men as Samuel Gompers tried to have Congress, in the last session, say that no funds of the Government would ever be used to prosecute workmen for violating this act. He was willing that the law should continue to stop capital from combining, but he was not willing that it should act in the same way toward labor. Is this the first of an effort to have fish made of one offense and flesh made of another? If not, why did not Mr. Darrow follow M. A. Hanna, George W. Perkins and Judge E. H. Gary in advocating a monopoly in every competitive business, there being a monopoly in capital and in labor?

We would like to stop here to ask who told Clarence Darrow that large corporations produce cheaply? Instead we will go on, resisting a desire to crush some false logic. This article of Mr. Darrow seems to have a purpose and it seems to come out in this statement:

"However friendly capitalists and the labor unions may be, still under present methods of industry, capital and labor are enemies."

We do not now need to argue much. He has hinted at inevitable combinations of capital which are above the law. Then, with a lawyer's logic, he argues for a combination of labor strong enough to protect the warm hearted clean labor unionist against the dreaded "trust."

Having shown what appears to be his purpose in writing this article, a word as to the facts. Every intelligent coal operator, with whom we have come in contact in a period of five years, has gone directly opposite to Mr. Darrow's positive assertion. In five states we know of only one operator in union territory who does not say, substantially:

"Our views on labor unions are never properly expressed if it is made to appear that we would destroy the union. The time for such talk has long since passed; to-day no operator would voluntarily go back to the old period of unintelligent workmen and the unequal conditions which come from individual bargaining. We accept and respect the union as a permanent force in business; the only thing we ask is that it shall act with reason."

The difference between antagonism to a thing itself and desiring action within reason is so broad as to obliterate fine distinctions, yet Mr. Darrow and his associates do not seem to appreciate it. Going blindly upon an old trail—for purposes at which we have hint-

ed—he gives utterance to the old idea in the following expression:

“Under the laws of business, the employer is interested in keeping the laborer detached from his fellows and in using the least intelligent and skillful, the most docile and complacent, for this means greater profit on the finished product. Not only does this class of labor call for lower wages, but it is contented with longer hours, with cheaper tools, with less sanitary conditions, in short with a lower standard of living which the employer must inevitably force upon the workman unless he is met by the same concerted resistance which prevents him from following the natural laws of trade, because in his contest for wages every individual workman is practically helpless against the employer.”

To take any such view of present conditions and to say that it is actually representative of the attitude of coal operators is equivalent to expunging the community growth of the last generation. One might as well draw a picture of life at the close of the Civil War and label it a picture of life in the United States to-day. However, this is a partisan plea for a purpose and we must not forget the objective point of the writer. It is not stated, to be sure, but the student knows and understands.

It does not relieve Mr. Darrow from the implication of having a purpose for him to say that this is a “law of business.” That language becomes his cloak rather than his defense. What he says may be a fundamental principle of human nature. He must remember however, that under existing conditions, no man forces his unobstructed will upon a community. Our spreading democracy tones down and tones up to something near a common level. That is a point which those concerned in the production of this article should have kept in mind.

Mr. Darrow, at another point, says that “both against the tendency of the market to lengthen the hours of labor and to furnish cheap and unsafe tools and unsanitary conditions of toil, there is but one aggressive and substantial force in modern society to-day. That force is trade unionism.”

Is it possible that Mr. Darrow overlooked the workmen's compensation laws? Is it possible that he has overlooked the constant procession of suits in court to compel the employer to pay for a life sacrificed? In view of these present day conditions, does Mr. Darrow believe that any sane employer would wilfully put an unsafe tool in the hands of an employe because it cost a few cents less, only to run the risk of paying for the destroyed or maimed life of that man and of any number of others working in the same room or entry? Such a thing might be a fundamental desire of inconsiderate human nature, but the larger business considerations of to-day repudiate it as even fairly good business. He forgets that one such accident in a coal mine may cost more than the property is worth. We refer him to the Cherry fire.

In this other statement, Mr. Darrow gets away from the discussion of “the laws of business” and comes out with a flat assertion which he must defend.

“And just as persistently have the employing class, as a class, sought from the beginning, by every means at their command—by public opinion, the press, legis-

latures, courts and jails—to destroy these workmen's organizations.”

We answer that by referring him to every contract between the United Mine Workers of America and the coal operators' associations of the various states. The life of every union depends upon its ability to collect the dues of its members. Voluntarily, the miner would not always pay his dues when no necessity existed to use the union as a weapon of offense and defense. To overcome this lukewarmness the check-off system is a part of every contract. The check-off system is nothing more than a provision by which the operator deducts the union dues from the pay of the miner and turns it over to the union. By collecting the miner's dues the operator keeps the union together. Only when it is necessary to discipline the union for violating a contract does the operator ever think of such a drastic act as even discontinuing the check-off system. That hardly seems to us like a persistent effort to destroy the union.

With one more citation from Mr. Darrow's articles we will bring this discussion to a close. He says: “The only course open to the unions in enforcing their demands for the closed shop is the refusal to work with any who are not members of their craft.”

Mr. Darrow had been discussing the number of widows and cripples left by careless miners or careless workers. At one point he said specifically that the labor union was trying to exclude the careless worker. That may have been the theory of unionism at some remote point in the past and it may even be a “law of human nature,” but it is not a fact.

When a mine is blown up by a careless worker who shoots off the solid or who refuses to tamp his shot with clay, it sometimes costs the mining company, as it did the Pittsburg Coal Company, a half million dollars. Not infrequently it precludes the possibility of ever using that mine again. Always the employment of careless workers is tremendously dangerous to property and all mine operators want to exclude the careless workers from the mines.

With the facts all against him, why should Mr. Darrow impose his composition upon the *American Magazine*? Union labor tried in the last session of Congress to have itself relieved of any fear of the Sherman Act. It did not succeed. One defeat is never accepted as final. Is it possible that Mr. Darrow has been chosen to arouse public sentiment in favor of the union that it may win, ultimately, what it wants?

### The St. Louis Exposition of Inventions

THE International Exposition of Inventions, which was given at the St. Louis Coliseum, during the week of September 11, was successful from the inventor's, manufacturer's and manager's point of view. There were seventy-five exhibitors and over two hundred inventions exhibited, all of a practicable kind, and a large number of manufacturers attended.

The International Exposition of Inventions will be made an annual event at the St. Louis Coliseum, and is intended to rival the annual Invention Show at the Crystal Palace, London, an important event in Europe.

The business and civic organizations of St. Louis gave the Exposition their co-operation and support.