

# PETITION TO THE PRESIDENT FOR A FEDERAL COMMISSION ON INDUSTRIAL RELATIONS

(PRESENTED TO MR. TAFT DECEMBER 30)

*To the President of the United States:—*

The case of the State of California *vs.* the McNamaras is legally closed.

By confession of their guilt, the trial has been brought to a conclusion swift and indisputable. In all subsequent criminal proceedings involving industrial relations, we trust that the outcome as to guilt or innocence will be as clear and decisive.

But what happens from now on to the McNamaras in San Quentin prison does not concern the American people so profoundly as what happened, is happening, and may happen to workmen who did not and would not use dynamite as a method to secure their ends.

Their case has not been before the tribunal of the law. It comes before a larger tribunal—the social conscience of the nation, of which the law is only a partial expression. The courts accept and interpret the progress which society has made; but progress in a democracy implies the people's freedom to criticize and develop the very civilization which the courts conserve.

With our stupendous manufacturing development, the industrial workers assembled in many cities exceed by thousands the entire populations of whole states a generation ago. Our statutes in the main were originally enacted for the different conditions existing before these industrial changes, and naturally such evolution as there has been has been dominated by the readily mobilized forces and influences controlled by capital. Here, in part, lies the explanation of that serious distrust which has come to be felt by great masses of workers toward the fabric of our law and the structure and control of the machinery through which we apply it.

In order to arrive at the worker's point of view, it is necessary only to review the long list of occupational diseases, the failure of both employers and the state to prevent them or mitigate their effects, the lack of employers' liability laws, the failure to provide adequate safeguards against accidents in danger-

ous vocations, the attacks upon the constitutionality of laws to shorten the hours of women and of workers in certain trades, the reluctance of legislatures to abolish child labor—it is necessary only to contrast this dead center of the social machinery with the speed at which it acts to prevent picketing and rioting during strikes. The workingman sees the club of the officer, the bayonet of the militia directed against him in the defense of property, and he believes that the hand of the law, strong in the protection of property, often drops listless whenever measures are proposed to lighten labor's heavy burden. Occasional and imperfect expressions of this underlying feeling reach the surface. Those who dismiss them as sporadic assaults upon the judiciary have no appreciation of the depth and breadth of the social situation. There is profound restlessness among large groups of labor who feel that there are no organic ways open through which they can act collectively with respect to the things that most concern them—that they are thwarted when they get together for common strength and when, not as mutual benefit societies, but as aggregations of men, they set out to mind their business.

Thinking men and women of the nation must ask themselves: What channels are open to American workmen who, through collective effort, seek to better their conditions?

Are the American people prepared to counsel violence as the method to be employed—force, dynamite, intimidation? The answer has been given at Los Angeles: No, and the country affirms the judgment.

Is the channel of political action open? The answer of the spirit and institutions of the American democracy is—Yes; and, in increasing numbers, the workmen of the United States are each year turning to the ballot as a way out.

But are there not channels open for economic action to secure industrial justice? The answer made by great groups of em-

employers and employees who jointly, year in and year out, adjust their interests without disturbance, and settle their differences without bitterness, is—Yes. The answer made by equally powerful industrial groups, of which the structural iron trade is in part a sobering example, is—No.

No: in terms of the labor policy which unrestricted capital has deemed itself justified to employ on grounds of self-protection.

No: in terms of discharge of those workmen who, refusing to rely for fair play and security upon the good-nature of foremen and superintendents, have attempted organized action.

No: in terms of spy systems and strike breaking organizations equipped to man a job and break the backs of local strikes, whether or no their cause be just.

No: in terms of evictions, injunctions, the very instruments of our self-government turned to root out the simplest forms of democratic action.

No: in terms of the economic disfranchisement of vast groups of American wage-earners.

Who is right?

The American people as a whole must think these things through. Too much hangs on them for mere individual conviction to be the last word. We need more light. Mindful, as the undersigned are, of the important duty which the department of justice has before it, we hold that the criminal court is not a sufficient instrument through which the democracy can address itself to the economic struggle. The federal grand juries may well concern themselves with those who have carried dynamite across state boundaries. We want light along a more crucial boundary line—the borderland between industry and democracy. We want light on that larger lawlessness which is beyond the view of the criminal court. This is a matter of public defence in which we, as a people, should if necessary invest as much money as we put into a battleship. We appeal to the federal government to create a commission, with as great scientific competence, staff, resources, and power to compel testimony as the Interstate Commerce Commission:

1.—To investigate (and on this point make a preliminary report within six months) conditions of labor during the last six years in the structural iron trade, including in the study the organizations of employers and employees, the methods and purposes of each, and the relations of each to the other.

2.—To gauge the break-down of our machinery of industrial government by tracing the trend of law and judicial decision through state and federal courts with respect to labor causes (the boycott, the picket, the injunction, the strike); and to examine the exact economic and legal status of the union, the union member, the non-union man, the strike-breaker, the tenant of a company house.

3.—To investigate the economic and social cost of strikes to employers, to workmen, and to the public.

4.—To examine and review the rules and records of trade unions and employers' associations in their relations to each other; the conditions of the trades in which unions are strong and those in which no unions exist.

Nor should such a commission's work be limited to these negative lines. It should be commissioned:

5.—To study and make report on the scope and methods and resources of federal and state bureaus of labor to the end that they may meet permanently those responsibilities which through the work of such a commission would be more adequately defined.

6.—To make special and exhaustive study into the practicability and working principles of schemes of economic government such as the trade legislature in the cloak, suit, and skirt industry, the joint arbitration board which for seven years controlled the New York building trades, the Wisconsin Industrial Commission, the Canadian Industrial disputes acts, the minimum wage boards long established in Australia and recently introduced in England.

Today, as fifty years ago, a house divided against itself cannot stand. We have yet to solve the problems of democracy in its industrial relationships and to solve them along democratic lines. On the same vitality, the same idealism, the same constructive justice of the people which stood the stress of Lincoln's time, we ground our confidence in petitioning the President and Congress of the United States to appoint a commission to investigate, study, and consider the grave problems of internal statesmanship herein set forth.

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