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The Open Shop: Volume II Number 3

Business Men's Association of Omaha

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The Nebraska Legislature has recently passed a law which, if properly enforced, will make it possible for every man to decide for himself what action he will take in an industrial controversy. Without this law it has always been possible for a few radical leaders to force men to quit work against their will and when the conditions did not warrant such action.

This law takes away from no man the lawful rights he has always enjoyed. It does not prohibit him from striking. It does not prohibit him from presenting his reasons to others and thus persuading them to do likewise. It does, however, prevent him from using violence and intimidation and from persisting in forcing his arguments upon another against the other's will.

Picketing has always resulted in intimidation and violence. By its use leaders have been able to keep men under their authority and cause them to strike against their own will and on the most trivial grounds. A cause that is just needs no such weapon to gain support. Public opinion is prone to support the cause of the working man. It finally decides all controversies and if his cause is just will decide it in his favor.

We print the law for the benefit of our readers. Read it carefully and you will see that it takes no lawful right from any man, but on the other hand it protects him in one of the most fundamental rights he has — the right to work.

BE IT ENacted by the people of the State of Nebraska:

SECTION 1.—That it shall be unlawful for any person or persons, singly or conspiring together, to interfere, to attempt to interfere, with any other person in the exercise of his or her lawful right to work, or right to enter upon or pursue any lawful employment he or she may desire, by doing any of the following acts, to wit: by using profane, insulting, indecent, offensive, annoying, abusive or threatening language toward such person, or any member of his or her immediate family, or in his, her or their presence or hearing, for the purpose of inducing or influencing, or attempting to induce or influence, such person to quit his or her employment, or to refrain from seeking or freely entering into employment, or to persist in talking to or communicating in any manner with such person or members of his or her immediate family against his, her or their will, for such purpose, or to follow or to intercept such person from or to his work, from or to his home or lodging, or about the city, against the will of such person, for such purpose, or to photograph such person against his will, or to menace, threaten, coerce, intimidate or frighten, in any manner, such person, for such purpose, or to commit an assault or assault and battery upon such person, for such purpose, or to loiter about, picket or patrol the place of work or residence, of such person, or any street, alley, road, highway, or any other place, where such person may be, or in the vicinity thereof, for such purpose, against the will of such person.

SECTION 2.—It shall be unlawful for any person or persons, singly or conspiring together, to loiter about, beset, patrol, or picket in any manner, the place of business or occupation of any person, firm or corporation engaged in any lawful business or occupation, or any street, alley, road, highway or other place, in the vicinity where such person, firm or corporation may be lawfully engaged, in his, their or its work, business or occupation, for the purpose of inducing or influencing, or attempting to induce or influence, others not to trade with, buy from, sell to, work for, or have business dealings with such person, firm or corporation, so that thereby the lawful business or occupation of such person, firm or corporation will be obstructed, interfered with, injured, or damaged and such person,
firm or corporation thereby be induced or coerced against his, their or its will, intimidated, or threatened, to do something, he, they, or it may legally refrain from doing, or to refrain from doing something, he, they or it may lawfully do.

SECTION 3.—Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than $10.00 nor more than $100.00, or shall be imprisoned not to exceed sixty days, or shall, in the discretion of the court, be both fined and imprisoned.

U. S. R. R. Board Against Closed Shop

The United States Railroad Labor Board recently rendered a decision abrogating the existing national agreements on the railroads, effective July 1, 1921, and calling upon the officers and employees of the roads to begin negotiations for agreements on each individual road. In announcing this decision it laid down sixteen principles which should control in making the agreements.

Several of these principles point out the very practices of organized labor, such as soldiering on the job, restricted apprenticeship, and the closed shop, that are receiving the condemnation of the whole country today. We reproduce these statements below.

1. An obligation rests upon management, upon each organization of employees and upon each employee to render honest, efficient and economical service to the carrier serving the public.

2. The spirit of co-operation between management and employees being essential to efficient operation, both parties will so conduct themselves as to promote this spirit.

3. Management having the responsibility for safe, efficient and economical operation, the rules will not be subversive of necessary discipline.

6. No discrimination shall be practiced by management as between members and non-members of organizations or as between members of different organizations, nor shall members of organizations discriminate against non-members or use other methods than lawful persuasion to secure their membership.

9. Proper classification of employees and a reasonable definition of the work to be done by each class for which just and reasonable wages are to be paid is necessary, but shall not unduly impose uneconomical conditions upon the carriers.

14. The carriers and the several crafts and classes of railroad employees have a substantial interest in the competency of apprentices or persons under training. Opportunity to learn any craft or occupation shall not be unduly restricted.

G. A. R. Condemns Closed Shop

At its annual encampment at Hastings, Nebraska, last week, the G. A. R. passed a resolution denouncing the "servile acceptance of the un-American closed shop rule and the denial to the American boy of the right to learn a trade."

This action on the part of the veterans, who are the champions of American ideals, should help to awaken leaders of organized labor to a realization that it is time for them to abandon their false doctrine of the closed shop and their practice of restricted apprenticeship.

Admiral Benson Says No Closed Shop

There have been a number of instances lately showing the attitude of the present government on the aggressive closed shop policy of the unions. The latest of these was the answer given by Admiral Benson, chairman of the United States Shipping Board, to the demand that the Sea Service Bureau, maintained by the board as an employment or recruiting agency for seamen, be abolished and that preference be given to employment to union men. The Admiral said that the board could not consent to the abolition of the Sea Service Bureau and to the other demand he said, "The Shipping Board as a Government institution must stand for that equality in its relations to the Government which is guaranteed to every citizen by the Constitution of the United States."
The Open Shop and Unionism

Labor leaders continually charge that the open shop movement is an attempt to destroy labor unionism. Either they are unable to understand its true meaning or they are misrepresenting it for selfish purposes.

The open shop movement is the result of the natural American reaction to the monopolistic closed shop policy that modern unionism has attempted to force upon industry. It is the same opposition that met the monopolistic tendencies of certain groups of capitalists twenty years ago.

Freedom to work has always been a fundamental American principle, just as freedom to worship and political freedom. Likewise freedom to hire whom he pleases has been considered a man’s fundamental right. It was left for modern unionism to try to force a discrimination in favor of the small per cent who affiliated with it.

Natural sympathy for the laboring man kept the public from taking note of this vicious policy until union leaders became so autocratic during the war that they forced great wrongs upon it. That led to an awakening to the full meaning of the policy.

Legitimate trade unionism need have no fear of the open shop move-

ment. It will be a great boon to the conservative rank and file of laboring men both in and out of the union. However, the radical leaders and those unscrupulous men who have used unionism to not only prey upon employers and the public, but upon the membership as well have a great deal to fear from it. It will destroy their power to do these things.

Trade unionism needs to forsake its false gods. Among these are restricted apprenticeship, restricted production and the closed shop. In place of these let it co-operate with owners of capital and managers for more efficient production so that there will be more to divide between interest and wages. Let membership requirements in the union be such that to belong will mean that a man has attained excellence in his trade. With this kind of a program managers of industry will be glad to hire union men and public opinion, which in the end decides all questions, will look with favor on the program of organized labor.

The open shop movement is not an attempt to destroy trade unionism, but it is a spontaneous protest against the autocratic tendencies of present day organized labor.

Union Men Slaves of Business Agents

Officials of trade unions in Chicago testified before the Dailey legislative investigation commission May 6, that conditions in the building trades organizations are “vicious” and that a system has been built up whereby members virtually are slaves of the business agents.

“We asked the officials why no united effort was made to throw these men out,” said Senator Dailey. “They replied that each business agent controls his particular territory with an iron hand and that if anyone so much as dared to protest he would be in constant danger of bodily harm.

“When specific cases of graft come up in the so-called meetings no one has the courage to take the initiative to clean out the locals because of terrorism. When workmen who have been forced to quit jobs so that the business agents can collect their graft, complain that they are out of work, they are told that they are lucky to be allowed in Chicago at all.

“Chicago union labor men are under a despotism as cruel and as tyrannical as that of a czar or a kaiser. They are slaves, in fact. Some legislation powerful enough to put a stop to this despotism must be adopted.” — IRON TRADE REVIEW.

Law of Compensation

The following excerpt is a very sane statement of facts as they apply to the present industrial situation. It is taken from a bulletin issued by the Employing
Printers of America, and was inspired by the demand for a 44-hour week with no reduction of pay made by the typographical unions. It has, however, a general application.

"The average American citizen is for labor receiving a fair day’s pay for a fair day’s work; they are even stronger in expecting a fair day’s work for a fair day’s pay. The public will not be fooled all of the time, neither will they permit any part of the public demanding by virtue of organization alone, increased wages for greatly diminished effort. The pendulum is on the return swing and all industry is gradually deflating. War prices and war wages are now history and competition is again becoming keen; under such circumstances business will again resume a normal basis ‘not necessarily pre-war,’ but an established normal under which the purchasing power of the dollar will be increased. No organization that does not recognize the law of compensation will be able to maintain an arbitrary position and until trades unions realize this they will fail to accomplish anything other than fleeting results."

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**Chicago Exposures**

The Dailey Joint Legislative Committee, appointed by the Illinois State Legislature to investigate the building situation in Chicago, is uncovering a story of graft indulged in by labor leaders that equals the findings of the Lockwood Committee in New York City.

It seems that the theatres are the principal targets of the business agents. Mr. Mort. H. Singer, general manager of the Orpheum Circuit, admitted that he authorized the payment of $47,350 to union business agents during the construction of the State-Lake theatre building. Other witnesses testified that they were charged all the way from 5 cents to 15 cents per seat per month by the electrical workers union, as an "electrical maintenance" shakedown. Theatres that refused were made uninhabitable by stench bombs. Carpets and furnishings were ruined and in one theatre a pipe organ was damaged to the extent of $40,000 in the course of disciplining the owner.

Chicago is a completely "closed shop" town in the building trades. Several years ago an agreement was entered into between contractors and the unions for the settlement of disputes. This agreement was heralded as the Chicago Plan and was supposed to be the cure for industrial troubles. The Dailey Committee is now showing us how this plan worked.

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**Smoky City Goes Open**

The Building Construction Employers’ Association of Pittsburgh, Pa., formally announces, by means of large advertisements in the press, that after June 1st next, building operations in that city will be conducted on the open shop plan. Employers of Pittsburgh state they have arrived at the conclusion that this step is necessary if the acute housing shortage is to be remedied.
The New Labor Union

As labor was more generally organized in Great Britain than in the United States, so the uncontrolled power of organized labor has reached its climax there before it has here. The miners' strike was nothing less than a challenge to constitutional government in Great Britain. Mr. Haldeman Finnie of Detroit, now in London, makes that clear on another page of this issue.

The miners counted on the full strength of the other members of the famous triple alliance—the railway men and transport workers—to defy the government. Not even a mine pump was to work until the government surrendered. The government accepted in kind this challenge to civil war. At the last minute the triple alliance refused to strike and the miners had to go it alone. The Manchester Guardian, a friend of the labor unions, says: "The triple alliance is dead and buried." The Guardian also looks for "a break-up of much of the present organization of trade unionism."

Having reached the ultimate in labor union aggression before America, Great Britain may quite possibly develop the new labor union before America—**the labor union that appeals to reason more than force, that accepts responsibilities as well as privileges, and that listens to the voice of the whole community in economic disputes and not to the voice of its own exclusive interest**. That is the labor union of the future—not the kind that started a revolution in Seattle and Winnipeg, or the kind that would load the country down with plum plans, or the kind that aims to create a job trust through the closed shop and dictate to employers and public alike. If Great Britain develops the new labor union first she will show America how to avoid a good deal of trouble.—**Detroit Saturday Night.**

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Bad Counsel

The American Federation of Labor seems bound to destroy whatever confidence the public still has in its sanity. Recently it denounced "radical European fanaticism" and then instructed its members to refuse "to recognize or abide by the terms of injunctions which seek to prohibit acts which the workers have a lawful and guaranteed right to do." Injunctions are not usually issued against lawful acts, so the Federation's advice is to violate the law as interpreted by our courts, which is about as near anarchy as any European radicals have got. Fortunately the members of labor organizations have more sense than their chiefs. If not they will have to be dealt with the power of the state.—**National Stockman and Farmer.**

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Open Shop Newspapers

According to the Buffalo Commercial there are now 50 open shop newspapers in the country where in 1920 there were only four. Commenting on this the Bulletin of the National Metal Trades Association says:

"In view of the fact that the printing trades is one of the most strongly organized branches of the American Federation of Labor, this large increase in the number of open shop newspapers is significant. It indicates that there has been some progress towards removing from labor unionism that control which they are seeking to establish over all the industries of our country. The public press has always played an important part in the shaping of public opinion, and for this reason it should be unrestricted by any influences, whether labor union or otherwise. It is to be hoped that in the course of the next year the number of open shop newspapers will be greatly increased."

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The Real Shop Democracy

We don't follow Sam Gompers in his line of argument, else, perhaps, we would be better able to understand his reasons for claiming that a closed shop ruled by an overfed, overpaid walking delegate is more democratic than an open shop where every man stands on his own feet and wins by industry and merit.—**Philadelphia Inquirer.**
Printers Go Open Shop

The ill-advised strike of the printers for a 44-hour week has resulted in the spread of the open shop movement in printing shops throughout the country. The following telegram recently sent out by J. M. Vollmer, secretary of the National Forty-eight-hour League of Employing Printers at Chicago shows the trend:

"Fifty shops, representing sixty-five per cent of business done in St. Louis, declared for open shop today—Denver, Jacksonville, Syracuse, Cleveland, Boston, Oklahoma City, and whole state of Mississippi and other points declaring open shop, raising total shops changing from closed to open known at this time to 376."

A large number of Omaha job shops, those that do the big majority of the printing work, are running on an open shop basis. They should receive the whole-hearted support of all people who believe in the American Plan in industry.

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Union Rights and Wrongs

When the American Federation of Labor leaders at their conference in Washington demand public support of the right of workers to organize into trade unions they demand something which there is no need to demand. It is theirs. The "right to and practice of collective bargaining" is theirs. The "right to work and to cease to work collectively" is theirs. At the same time, of course, it is the right of those who do not want to join trade unions to stay out of them. It is the right of those unwilling to do collective bargaining so to abstain from it. It is the right of those wanting to continue to work so to continue, though others collectively refuse. So long as the unions stick to their legitimate purposes and practices of co-operating to increase their wages when they are too low, to better their working conditions when they are not right, to improve economic results and to stabilize industrial situations they not only, in truth, are entirely within the rights already belonging to them but are in a useful and justifiable business.

When, however, Sam Gompers' conference of union leaders and politicians declares for the deliberate defiance of court decrees and the wanton violation of regulatory laws it declares for a knock down and drag out with the National and State Governments and the American public. And when Mr. Gompers' or any other organization thus assumes to set itself beyond the authority of representative government and above the power of the whole people such a blistering body is not headed for an extension of its rights and privileges; it is headed for an experience from which it will emerge pulverized.

Before anybody can get a special "exemption from the conspiracy and anti-combination laws" of this nation, as Gompers demands, the nation itself will have to be dissolved. For any Gompers conference to dream that such a thing is possible is sheer lunacy. Before anybody can make himself immune from the state prison penalties of "a flat refusal to recognize or abide by the terms of injunctions," the American people will have to be subjugated. For any Gompers aggrandizement to press to its ultimate consequences the fulfillment of that law violation and court defiance challenge would be suicide.—New York Herald.

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General Organizer of A. F. of L. Resigns
Open Letter To Secretary
January 27, 1921.

Mr. Frank Morrison,
Secretary American Federation of Labor,
Washington, D. C.

Dear Sir and Brother:
I am herewith enclosing my Commission as General Organizer for the A. F. of L. and respectfully request that my name be removed from the list of Organizers.

After nearly forty years of more or less active effort in the trades union movement, I find myself compelled to discontinue further contractual relations with the Binghamton Typographical Union in the near future, and consequently have no right to retain the Commission with which I have been honored for the past twenty-four years, during which time I have assisted in the organization of over fifty trades unions and twenty-two farmers' unions, settled a number of strikes, attended several conventions, made seventeen Labor Day speeches, addressed over four hundred local unions in seven states, and edited three labor papers.

To sever relations with organized labor after so many years of service in the movement causes me the deepest regret, but in sheer self-protection it becomes absolutely necessary, and in order that you may understand my position it will be necessary to go somewhat into details.

Seven years ago I started in business with $1,600 in cash, and promises of $4,000 more (which never materialized). At the end of the first year I was in debt for
equipment, stock and building about $35,000. Have done a total business of approximately $250,000 on which there has been an average profit of ten per cent, all of which has gone into the business, and I now owe about $25,000.

Owing to increased cost of materials and higher wages during the war, selling prices have practically doubled, but profits have remained at the same percentage, or less. In fact, our profits for 1919 were less than four per cent.

Four years ago the employing printers of this city entered into an agreement with the union providing for an increase of about 27 per cent over the previous scale of wages, but this scale has been completely ignored on account of the increased cost of living, and the actual wages for the past two years have been anywhere from $8 to $15 per week more than the scale calls for.

Now the union demands an increase of from 30 to 50 per cent more than the wartime wages, with a reduction of four hours per week.

Selling prices for printing will have to be reduced the same as prices of practically all other commodities, and it does not require much mathematical calculating to determine what would happen to our 10 per cent profit were we to increase wages 30 per cent or more and at the same time meet the lower selling prices for printing that are inevitable. The increase in wages would amount to over $6,000 per year in our plant, which is just about double the amount of our yearly profits.

Under these conditions there is but one of two things for us to do—either go bankrupt or drop out of the union, and we do not intend to go bankrupt if it can be avoided.

The attitude of organized labor in refusing to share any part of the burden of after-war readjustment, while at the same time clamoring for lower prices for all they buy, looks to me like unwarranted selfishness to say the least. In justice to labor is entitled to its fair proportion of production, but this does not justify or excuse the shirking of the necessary sacrifices of the inevitable deflation that follows all wars.

Trades unions have done more than all other agencies combined for the general betterment of conditions for all wage workers, but their power for good can easily be diverted to power for disaster if used in the wrong way. Labor tyranny is just as reprehensible as autocratic tyranny, and just as dangerous. Abuse of power by organized workers is no less an evil than abuse of power by organized employers, because the motive is the same in both cases even though the victims would be greater in number in one instance than in the other.

We all know that trades unionism is not the final solution of the so-called labor problem, but is merely a necessary expedient under our present system. So long as monopoly continues to take a large part of the products of labor and capital combined, labor and capital will be compelled to fight over the division of what is left.

Our Socialist friends propose to substitute one gigantic governmental monopoly for all the lesser monopolies now in operation, and set up a labor dictatorship over all mankind.

You think they are wrong, and so do I; but what does organized labor offer as a substitute? Organization and more organization, with higher and still higher wages, and a shorter and still shorter work day. Carried to its ultimate conclusion this system would eventually lead to business bankruptcy and bolshevist chaos.

You and Mr. Gompers and Mr. Lennon and Mr. Furuseth and many more of the most enlightened labor leaders know and have known for many years that monopoly of natural opportunities is the real cause of the perpetual conflict between capital and labor in all countries, and that the conflicts will continue as long as the cause is uncorrected, but apparently you are all afraid to say so publicly. Privately you are individualists and believe in fair competition, and still you continue to advocate the collective system of regulating wages because it has so far proven to be the most successful system for immediate results. And I have been doing the same thing for thirty years or more, but, I am beginning to believe that there is a better way, and that is the reason for our change in methods in our own shop.

Not that we believe in wishy-washy welfare work, or fake profit-sharing plans that look fine in print but amount to practically nothing in practice; but we do believe that a practical plan of real cooperation can be made of benefit to all concerned in the production of printing at reasonable prices, and we are going to give it a trial. If it doesn’t work out right we can go back to the old methods, because labor unions will be here long after we are gone, but if some other way can be worked out that will produce better results with less wrangling, the newer method will have proven its merits.

I am yet unable to see any advantage in too much collectivism or too much individualism. Wolves hunt their prey in packs, while wild cats work alone, but who wants to imitate either wolves or wild cats except the extreme socialists and the extreme anarchists? Common sense would
suggest a middle course as the wiser way for human being to make a living, and that is the course we will adopt.

We are not going to run an all-union shop nor a non-union shop, but just a plain printing shop on a mutual benefit plan, which of course will be contrary to closed shop rules and will necessitate our refusal to sign any more collective-bargaining agreements.

As far as possible our employees will be stockholders and share in the responsibilities of management as well as in the profits or losses. To the extent of their share holdings they will become capitalists, and will learn by actual experience that there are responsibilities in that capacity of which they are now almost wholly unaware as mere wage workers.

This, we believe, will be of benefit to them as well as to the business by broadening their point of view and creating a motive for more efficient endeavor, something that is almost entirely lacking under the closed shop and closed book system. A knowledge of the actual cost of production and the limitations on selling prices under competition will enable them to see the necessity of real co-operation for a common purpose.

Working under these conditions, we believe that most of our employees will receive more than they are getting now because they will earn more than they are earning at present.

Through the elimination of many petty arbitrary restrictions, output will be increased without imposing hardships on anyone, and all unnecessary duplication of work will be avoided. As a sample of ridiculous restriction, a new section in the printers' regulation of office management provides that no proofs can be sent out without being read by a proof reader in the shop. Some of our work is technical medical matter, and the publisher does not want us to waste time reading the proofs or revises, but the union says we must read everything, whether it is necessary or not.

The object of this, of course, is to create a job for somebody regardless of the useless waste of time and money, but we do not propose to increase the cost of production simply to make work for another printer. Our aim is to produce printing as economically as possible, and we know that the best way to do this is to pay good wages to competent craftsmen who are doing a fair day's work.

I might go on with a long list of closed-shop restrictive regulations and expensive trade jurisdiction rules, but I do not further encroach upon your time and patience.

Conditions have reached a point that compels a change, and after mature deliberation we have concluded to adopt a different method of doing business which we believe will be of mutual benefit to ourselves and our employees.

Personally I expect to devote some of my time to the publication of a small magazine in which an attempt will be made to show the real reason why capital and labor are compelled to fight each other. Trade unionism will never solve the problem, and until the basic cause of their conflicts is removed capital and labor will continue to fight. Some day they will both be forced to recognize that monopoly of Nature's opportunities is as injurious to one as to the other and unite their efforts to overcome their common enemy.

As Henry George once said: "Half-way measures do not produce half-way results—they produce no results at all." And I think he was right, so hereafter I will do what little I can to promote the real remedy for industrial injustices, and the only practical method so far suggested that will bring about industrial peace and prosperity.

Labor can continue to call capitalists crooks and tyrants and capital can continue to call labor leaders loafers and grafters to the end of time and it will get them nowhere, even though it be proven that some capitalists are tyrants and some labor leaders are grafters.

The great majority of men are honest at heart and want to do the right thing in the right way, and the only reason they do not succeed is because they continue to do wrong things in the wrong way, because they are afraid to approve new methods that run contrary to their purposes or clash with inherited prejudices. Such civilization as we enjoy was not made possible by men of that type.

Thanking you for all past favors, and wishing you continued good fortune and official success, I am

Very truly yours,

Fred E. Kennedy,
President Kennedy-Morris Corp.

Open Shop Newspaper

Yuma.—May 17.—The printers' strike has caused another open shop declaration, this by the Yuma Daily Sun. This eliminates the typographical union from the county. The Flagstaff Sun also has announced itself an open shop, with a lengthy statement of its reasons. Elsewhere in the state is presented the odd spectacle of a number of newspapers operating under the typographical union, yet with their job offices considered open.

—Los Angeles Times.