The Open Shop: Volume III Number 1

Business Men's Association of Omaha

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Supreme Court Vindicates Law

The highest court of the land, speaking through its Chief Justice, has vindicated the action of the Nebraska Legislature in passing the Anti-Picketing or Right to Work Law. The Supreme Court's decision, given in the case, American Steel Foundries, Petitioners, vs. The Tri City Central Trades Council, December 5, 1921, coincides exactly with the Nebraska law.

When the bill was before the Legislature for passage, labor leaders continually claimed that it prohibited talking to a man and thus denied the right of free speech. A careful reading of the law shows that the claim was false. The Nebraska law provides that it shall be unlawful—

"to persist in talking to * * * * a person against his will * * * or to menace, threaten, coerce, intimidate or frighten * * * such a person, for the purpose of causing him to quit his employment."

The law precisely says "against his will" when it forbids talking to a person and that is the point the United States Supreme Court emphasizes when it speaks of a man's rights when he declines to listen to a discussion of a matter.

Judge Taft in giving the opinion of the Court says in part:

"In going to and from work, men have a right to as free a passage without obstruction as the streets afford, consistent with the right of others to enjoy the same privilege. We are a social people and the accosting by one of another in an inoffensive way and an offer by one to communicate and discuss information with a view to influencing the other's action are not regarded as aggression or a violation of that other's right. If, however, the offer is declined, as it may rightfully be, then persistence, importunity, following and dogging becomes unjustifiable annoyance and obstruction which is likely soon to savor of intimidation. From all this the person sought to be influenced has a right to be free and his employer has a right to have him free."

If the people of Nebraska support the action of their Legislature by approving the Law when it comes before them on referendum next November, they will assure to all the people of this great State the rights that the Supreme Court said belonged to the American Steel Foundries and its employees.

School Buildings Open Shop

Omaha is building a new three million dollar high school. The contract was let to F. P. Gould & Son, a local firm that operates open shop. Many men are at work on the job and rapid progress is being made.

Another open shop contractor, Peter Kiewit's Sons, has recently finished a grade school building and has the contract for another. A large share of the construction work done in Omaha during the past year has been done on an open shop basis. The same thing may be said of work in the course of construction at the present time.

The Open Shop Review tells the following:

"Charles Raynor, 16, pleaded guilty to the charge of burglary in a Brooklyn Court last month—he had broken into a store and stolen 19 cents. The Judge suspended sentence. "To my mind," the Court said, "this boy is the unhappy victim of conditions that surround poor boys. There are organizations in this country that are shutting the door of opportunity to poor boys by depriving them of apprenticeships in the trades. Foreigners, who have learned their trades on the other side, can come here and be welcomed into affiliations, but to the poor boy of our own land even the door to an apprenticeship is closed."
Enjoin Evil Practices

Under the stress of an injunction suit the executive heads of the International Organization of Bricklayers, Masons and Plasterers practically admitted the practice of restrictive methods that have been charged to the building trades. In a conference with Attorney General Daugherty they consented to the entry of a decree in the Federal Court at New York enjoining certain practices of the union which have been under investigation by the government.

This decree lays down the following basic principles:

One—There is to be no limit to the productive capacity of the individual workman within the working day, or any other given time.

Two—There is to be no limit upon the right of the employer to purchase his materials wherever and whenever and from whomever he may choose, whether these materials be union made or otherwise.

Three—There is to be no favoritism shown by organized labor toward employers or trade associations or contractors’ associations, and no discriminations are to be indulged in against the independent employer who may not be a member of such an association.

Four—The labor organization is not to be used, or permit itself to be used, by material men or contractors or subcontractors as an instrument for the collection of debts or enforcement of the payment of alleged claims.

Without the un-American closed shop the vicious practices referred to would not be possible. In fact it is to make possible such practices, that the leaders of organized labor demand the closed shop. Incidents of this kind will lead the public to see the evils of the closed shop policy.

The Farmer and Union Labor

In view of the fact that a strong effort is being made by leaders of the Non-partisan League and of labor unions to weld these radically different interests into a new political party whereby these same leaders expect to be benefited politically the following excerpt from the National Stockman and Farmer is very timely.

There is one difference between organizations of agriculture and organizations of labor which has received too little attention. Organization of labor rarely if ever do anything to make their members efficient, capable of producing more wealth and earning a larger share of it. In general the idea of these organizations is to get more, not to earn more. Some of their rules are made for the purpose of getting more and are in direct violation of the economic principle that men cannot long continue to get more out of anything than there is in it.

One reason for the present unemployment is that labor persistently demands more than there is. On the other hand organizations of agriculture are usually if not always concerned in those things which will enable their members to become more competent producers, which will make possible more economical production. They advocate and teach higher standards of production and of products, study of costs in producing and marketing, training for efficient work, in fact any legitimate means of producing more wealth and securing a greater share of it. If organizations of labor would teach and act on the same principle all interests, including labor, would be vastly better off.—National Stockman and Farmer.

As a student of economics I am persuaded that the Open Shop is to the interest of all individuals in industry, whether they be employers or employees, unionized workers or non-unionized workers. The Closed Shop may seem to give temporary advantage to certain groups, but an extension of the principles will ultimately curtail individual freedom and impair the welfare of all.—Dean Fred H. Robinson.
Collective Bargaining—Does Union Labor Believe In It?

The question is often asked, "How can you have collective bargaining unless you have the closed shop?" Union leaders make a great deal of the point.

To go to the bottom of the matter we might ask, "But, does union labor believe in the principle of collective bargaining?" It does not.

The only kind of collective bargaining that union labor believes in is where the management is compelled to "bargain" with the officers and business agents of an international union whose headquarters are in Indianapolis or some other remote place and whose local members may be scattered throughout a number of competing factories.

It is opposed to any plan whereby the management and the representatives of all the employees of a company meet to adjust their differences and plan for the welfare of the company. Organized labor must have its form of collective bargaining or it will have none.

There are many examples of the successful operation of collective bargaining plans under the open shop policy.

The National Cash Register Company is a pioneer in this plan of handling industrial relations. Conferences are held at regular periods between the management and representatives of all the employees where matters vital to the success of the company and to the welfare of the employees are discussed and decided. A fine spirit exists in this company, all causes of friction are easily removed and continuous employment, uninterrupted by strikes, is the result.

The Standard Oil Company of New Jersey furnishes another example of collective bargaining without the closed shop.

Following a disastrous strike of several years ago the Colorado Fuel and Iron Company established a system of employee participation in the affairs of the company which brought peace and contentment among the employees. Union organizers have furnished the only disturbing elements since that time.

Several of the large packing companies have recently adopted a plan of collective bargaining with their employees. When union leaders saw that it was working successfully for the benefit of employees and employers alike, they ordered their members to refrain from taking part in the plan and later called a strike. When the violent features of the strike were removed, employees who had been intimidated hurried back to their jobs. An honest effort is being made by the management and the employee representatives to work in harmony for the welfare of all.

The leaders of organized labor are willing to accept anything that will promote the welfare of the organization. They are not so solicitous of the welfare of the working man. Dealing with business agents and international organizers plays up the importance of the union. Hence their demand for that kind of "bargaining."

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Essentials to Success

To succeed in any line of human endeavor an individual must put in unreservedly his intelligence, loyalty and energy. Any proposed system for the industrial betterment of mankind can be tested by the above rule of three. Does the closed shop help or hinder its advocates in these essentials?

First, it belittles the value of intelligence and too often teaches the hand-worker that he alone produces all wealth.

Second, it weakens, if it does not totally destroy, the loyalty of the employee for the firm for which he works by the teaching of class hatred and that there can be no harmony between so-called labor and capital.

Third, under the restrictions of the closed shop the energetic worker is prohibited from doing his best and must reduce his production to the level of the indifferent or poor craftsman.

This does not mean that unionism is wrong but it does mean that our present kind of unionism is wrong.—The American Plan, St Paul, Minnesota.
Why the Deflation?

Congressman Charles L. Underhill of Massachusetts, recently issued a statement which contains some very pertinent truths.

Union labor is today reaping in unemployment, wage reductions, and the nation-wide revolt against its un-American insistence that it shall be allowed to dictate where, how, and when a man shall work, the whirlwind of its madly selfish war profiteering.

It not only is false but puerile to blame the administration for deflation of labor since the war. It did not do all the profiteering, but the sins of others do not wash away its own. It took advantage of the scarcity of labor and national necessity to boost wages as high as humanly possible. These war wages had to come down; the inevitable readjustment, reparation or retribution, call it what you will, made that necessary for the obvious reason that when people no longer could pay war prices, war costs, including labor, had to come down. The administration had nothing to do with it. If Samuel Gompers himself had been President, this deflation of labor would have gone on just the same.

Union labor, under the leadership of this same Gompers, went the limit during the war to get all it could, and it has only itself to blame if its tyranny has produced a reaction in this country not disposed to discriminate between what is good and what is bad in union labor. When the worm turns, it usually turns all the way around.

After discussing union labor's attitude during the war and the tactics it used in the time of their greatest need, he continues:

Close to 90 per cent of us in this country belong neither to organized labor nor to organized capital. It is this great middle class, so often forgotten by organized minorities and the politicians, that holds the whip hand, the balance of power when it turns, when it asserts its rights. It was this class which forced deflation, not only in prices, but in costs, including labor. No administration, whether representative of organized labor or organized capital, could have prevented it.

The organized worker has two alternatives. He can get rid of his selfish leaders whose slogan has been, 'To hell with the people,' or he can turn in his union card and join the rest of us on the march back to that normal American condition of equal opportunity to work for all, whether organized or unorganized. This great middle class will not tolerate the closed shop in American industrial life. It will not tolerate tyranny either from organized labor, organized capital, or any other organized minority which seeks to make its own will the master of the majority.

It is time for organized labor to wake up and climb aboard the band wagon. Delay is dangerous; the American people will get impatient and lawfully end organized labor as we have come to know it in this country during and since the war.

Ex-President Roosevelt struck the keynote when he said: "If the laboring man permits himself to put improper burdens on capital he will bring everything down with a crash; and even if the man higher up is smashed, this will be small comfort to the man lower down if he too is under the ruins."

The fact of the matter is that the employing class and the employed class have nearly everything in common and they must succeed or fall together.

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If labor were the basis of all worth, then China would be the richest nation in the world, for she has more labor, and they would be doing better than they ever did. But it is only when labor and capital are linked together that a country is rich.—GOVERNOR ALLEN.

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Cause For Strike

The miners employed at the Old Forge Mine of the Penn Coal Co., Scranton, Pa., could not wait until April 1. Five hundred of them went on a strike during March. Here is their grievance. On March 2nd, four miners loaded three mine cars when, according to union rules, they were allowed to load only two. The four miners were fined $25.00 each. Three of them paid their fines but the fourth refused. The union demanded his discharge. This was refused so the union reduced the fine to $1.00 and requested that the company either pay the fine or discharge the miner. The company refused to comply and the miners struck.
Justice Impaired

Justice is in a serious state in Chicago. The citizenship is confronted with a breakdown of law and order. The closed shop is directly to blame for a large part of this condition.

Because of the unlimited power and influence closed shop unionism afforded them, criminals got themselves elected to the principal offices of a number of unions. Judge Kickham Scanlan, in his instructions to a special Grand Jury called to investigate the situation described them in these words:

I might demonstrate to you that many important unions in the city of Chicago are controlled by convicts and professional criminals. The man just elected the president of the Building Trades Council of the city of Chicago, Mader, I sentenced to Joliet a few years ago for conspiracy to extort money from citizens of this community.

"Doc" Curran, whom I sent to the penitentiary for an offense of the same character as Mader has, since his return from Joliet, been the business agent of his union; Mike Boyle, a convict, is the agent of his union; Tim Murphy, under conviction for robbery of the United States mails is the business agent of his union, and a dominant factor today among the men of violence that are terrorizing the city of Chicago. In a robbery case before me the other day, it appeared that one of the defendants, William Marx, was the agent of his union.

These are the kind of men who are leading organized labor in Chicago today. It has become practically impossible to convict them of crimes.

Two cases of recent date illustrate this. William Quesse, head of the Flat Janitors' Union, and a number of other defendants were indicted for conspiracy to extort, by means of terrorism, money from the people of Chicago. "The jury, in the face of a mountain of evidence proving guilt were only saved from returning a verdict of not guilty by the fact that there were three honest red blooded Americans on that jury who refused to be terrorized or influenced, and who brought about a disagreement."

In 1914 Quesse had been indicted for murder in Chicago. He was not brought to trial until December, 1916, when he was found not guilty, "despite the fact that seventy-six witnesses testified to facts that proved as certain as day follows night that Quesse and his co-conspirators were guilty, and yet, as a proof that there was conspiracy, the defendants offered no evidence at all."

"The other case is that of Simon O'Donnell. 'In that case thirty or more witnesses, some of them prominent men in the city of Chicago testified to facts that demonstrated beyond the shadow of any doubt that O'Donnell and his co-defendants, or at least most of them, were guilty, and again we see this conspiracy working out. In this case not one word of evidence was introduced in behalf of the major defendants, yet the jury returned a verdict of not guilty.'"

The above quotations are all taken from Judge Scanlan's instructions to the special Grand Jury.

Attempts at bribery and terrorizing still continue. Members of the Grand Jury and the District Attorney have received letters threatening them with death unless they cease their activities. Buildings are bombed and outrages are being committed against working men.

It is time for citizens of Chicago to arouse themselves and put down such high-handed disregard for law and order.

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The New York Hat Makers' Union, by vote of 2 to 1, following similar action taken by Hat Finishers' Union, Danbury, Connecticut, has decided to remove restrictions prohibiting its members from taking employment in open and non-union shops.

* * *

Duluth, Minnesota, is just passing through its first experience with open shop in the building trades and very satisfactory progress is reported. "Probably 65 to 75 per cent of all building this year has been done on the open shop plan" says the Citizens Alliance of Duluth.
Closed Shop in New York City

The following facts were brought out in testimony before the Lockwood Committee as reported by the New York Times. The issue of the paper that carries the testimony and the name of the witness is given in each case.

The New York "Electrical Workers Union" gives "permits" to work to non-union men for $2.50 weekly. (W. A. Hogan, financial secretary of the union, December 6.)

Foremen must be members of the unions and since subject to trial and discipline do not dare to give workers orders and are powerless to serve the employers' interests. (C. G. Norman, Chairman of the Board of Governors of the Building Trades Employers Association, which signs closed-shop agreements, December 7.)

Union plasterers refuse to put up panels and mantels if they have been bought ready made after having been cast in an outside shop, even though architects and owners are satisfied, since they are thus deprived of work. (Norman, December 7.)

Employers are "fined" by the unions for refusing to abide by the union rules. (Norman, December 7; John Pearly, Vice-president of the Plasterers' Union, December 8.)

The hoisting engineers have no more members today than ten years ago, despite increased building requirements. (J. E. Donahue, Union delegate, December 7.)

The plasterers' constitution provides that men "rushings or taking any mean advantages" may not work in the same shop for one year and shall be fined $10.00. (John Pearl, Vice-president of Plasterers Union, December 8.)

The union "sticks a harpoon" into foremen who "push" their men. (Pearl, December 8.)

The Marble Polishers' Union has an initiation fee of $200 and issues not over thirty "permit" cards at a time for $2 a week each. (Joseph Laznonsky, business agent, December 8.)

The Plasterers' Union fined Italians, Germans, and Jews for working on St. Patrick's Day. (M. P. Gallagher, recording secretary, December 14.)

Models used for plaster casts cannot be used more than once, but must be destroyed, even though the architect would like to employ them again. (Norman, December 8; Michael Colleano, president of Plasterers' Local No. 60, said rule was made to prevent members being thrown out of employment. December 8.)

Wages and Cost of Living

No subject is more often discussed than that of the fluctuations in the cost of living compared with wages during the period from 1913 to the present time. The average person has based his conclusions on a few scattered experiences with which he has come in contact. Fortunately, a comprehensive study has been made of the subject and the results published.

An article on this subject written by J. L. Jacobs, a prominent statistician, appears in the February issue of "American Industries." His conclusions are based on a study of 1026 establishments and industrial groups in practically every kind of industry in the country and covering 5,000,000 workers. He says:

From 1913 up to the summer of 1920, the average hourly wages in the United States increased approximately 134 per cent for all American workers, while the cost of living rose slightly over 116 per cent during the same period. Since the beginning of deflation early in 1920, the cost of living for the average industrial worker's family, as calculated by the United States Bureau of Labor Statistics and other agencies, has decreased approximately 20 per cent from the peak, while the average wages of over 5,000,000 employed workers have been reduced about 16.1 per cent. Thus at the close of 1921 the average worker's wages are approximately $3.5 per cent higher than the level of 1913, as compared with approximately 22.3 per cent higher cost of living level and only 50 per cent higher wholesale commodity price level at this time over 1913.

Labor is Wrecking Itself

To charge employers of union labor with plotting its destruction for the purpose of enslaving the working man is a silly accusation that deceives no one who does not wish to be deceived. Union labor is being wrecked—it is only necessary to consider the change in public sentiment towards it
A Minister's View

The following ideas were expressed by Dr. David J. Burrell, a Presbyterian minister of New York City:

In the process of industrial evolution some strange and unwarranted things have come to pass. The labor unions have in my judgment made some frightful mistakes.

First, they have practically signed away their freedom to unwise and incompetent leaders. It is bad enough when a self-respecting artisan at work with others in a well conducted shop is constrained to throw down his tools at the dictation of a walking delegate who suddenly appears and cries "Knock off." It is still worse when the same workman is under bond to sacrifice both reason and conscience at the direction of unprincipled leaders who have recently been forced to call a halt at the very foot of the gallows-tree.

Second, the resort to violence is a mistake. The reference is not merely to mobs and dynamite, but to all lawless methods whatsoever.

But the third mistake made by labor unions is the most lamentable of all. I mean the adoption of the proposition known as the "closed shop." This has been approved by the foremost leaders of organized labor. The closed shop means that a man who declines to join the union shall not be permitted to work; the shop is closed against him. This is one of the most unjust, unreasonable, and desperately wicked and suicidal principles ever formulated by an association of organized men.

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A Wife's Opinion of the Closed Shop

The following letter is well worthy of careful consideration. It exposes an angle of the strike situation that is not often considered.

To the Editor of The American, Cincinnati, Ohio:

I read in your paper the article advising the wives of the workers to take a hand when their husbands are ordered out on strikes. You are right, and the women are with you. Why shouldn't we have the say? My husband has been a union man for years, and the only discord we ever had was when he was on strike. I know from bitter experience what it means to the wives and children when the husband and father is idle. At first I was with the unions, but when I had one or two jolts, I became wiser. Now I don't believe my husband is any different from the usual run of workers. He has an ordinary education and can think intelligently. Down in his heart he is opposed to unionism. He has told me so in our many talks on the subject. He says there are any number of the men who think as he does, but they have come under the spell of the unions and are entirely controlled by the leaders. He tells me they would like to break away and assert their independence, but they are afraid of the criticism of the radical workers. My idea is that if our husbands won't assert themselves, that the wives should do so. Why haven't we the same right to form a union as the labor leaders? We and our children are the ones who have to suffer when our husbands are idle. We should start a wives' and children's protective association and demand a right to have a voice in the calling of a strike where our husbands are involved. I have talked with many women on this subject and they feel the same as I do. If I can be shown a single instance where a strike bettered the condition of the workers involved, I am willing to retire and say no more. I know of three strikes my husband was in, and in each instance I and the children suffered. The unions promised strike benefits, and the only ones who received them as far as I could learn, were the labor officials. If the workers must have a union, let them form one of their own with no high-salaried officials to be a constant drain on their pay envelopes. If my husband can't get $40.00 a week, I am sure we can get along on $25.00 better than we can on nothing. Keep up your good work and the wives and children of the workers will call you blessed.

A Wife.
Labor's Friend?

Labor leaders often charge employers with the will to crush the laboring man. How do they classify or explain the practices shown in the following article which appeared recently in the New York World:

Four men out of work who were picked up in the streets by the Reverend John Haynes Holmes, told 250 persons in the Community Church, 34th Street and Park Avenue, last night, they had found it impossible to get union cards in their trades here or to be permitted to work unless they paid a fee, usually $200. Mr. Holmes, at the conclusion of the men's talks, denounced the American Federation of Labor.

The Federation is not and never has been a friend of the laboring man," said the minister. A young man in this congregation, an expert electrician and a member of the union of his craft in Pittsfield, Massachusetts, came to New York in search of more regular work and better general prospects. He went to the officers of his union here and applied to have his membership changed to New York.

Was this done? No. The young man was told it would cost him $200, paid in advance, to have the transfer made. **

Sidney Godfrey, a painter, said he got work for a day, when an agent of the union came along and stopped him, telling him he must pay $200 to get a card permitting him to work here. He said he scrubbed decks, cleaned stores and made 50 cents by selling toys in 14th street, but has been unable to ply his trade here because he did not have money to pay a heavy fee.

A Bitter Indictment

"Confidence in it there never was and such hope as there might have been that the board might at least make an effort to deal fairly, with vision and understanding, has been almost entirely dissipated. The board today stands as a crude almost brutal, instrumentality, accused of being pro-employer, a link in the anti-union chain, a blind, tottering wreck of an idiotic experiment."

Thus Samuel Gompers pays his respects to the Railroad Labor Board in an editorial in the February number of the American Federationist. He has hardly dared to go quite this far in his denunciation of the Federal Courts although he attacks them bitterly.

Is it any wonder that his readers among union men at times show little regard for constituted authority, especially when engaged in a strike?

The Railroad Labor Board was established by Congress to help in the readjustment of the country's transportation problems. It is not a perfect device but it can hardly be said to be "a blind, tottering wreck of an idiotic experiment."

Such tirades as delivered by the president of the American Federation of Labor can serve no good purpose in the solution of industrial ills and may do a lot of harm.