

of the much-coveted principles underlying the Wagner Act, the war for the full rights of labor has not yet been won, and that many bitter battles remain to be fought. Candor impels the necessity to remind labor that the enjoyment of the full fruits of labor can come to pass only when the basic element of production will be available to all on equal terms and the rights of the people to their God-given inheritance restored. Equality before the law and the right to life, liberty, and the pursuit of happiness are delusions so long as labor must pay tribute to the privileged few for the opportunity to labor and produce.

In the celebrated case of the National Labor Relations Board against the Jones & Laughlin Steel Corporation, recently decided, Chief Justice Hughes, who delivered the majority opinion of the Court, said:

"The right of employees to self-organization and to select representatives of their own choosing for collective bargaining or other mutual protection without restraint or coercion by their employer is a fundamental right. Employees have as clear a right to organize and select their representatives for lawful purposes as the respondent has to organize its business and select its own officers and agents. Discrimination and coercion to prevent the free exercise of the right of employees to self-organization and representation is a proper subject for condemnation by competent legislative authority. Long ago we stated the reason for labor organizations. We said that they were organized out of the necessities of the situation; that a single employee was helpless in dealing with an employer; that he was dependent ordinarily on his daily wage for the maintenance of himself and family; that if the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and resist arbitrary and unfair treatment; that union was essential to give laborers opportunity to deal on an equality with their employer."

From these words it may be fairly inferred that a laborer, as a member of a labor organization, is on a basis of equality with his employer and therefore in a position, through the power of collective bargaining, to demand his full rights. But before accepting this conclusion and ringing down the curtain on the problem of labor, let us examine the facts. And in considering this problem, let it first be observed, in order that laborers, either individually or collectively, may deal on an equality with their employer it is necessary that such laborers enjoy freedom of contract. It goes without saying that, unless the right to bargain on the part of the contracting parties is free from pressure or duress from any source whatsoever, there cannot be equality between the parties. It has been said:

"Freedom of contract begins where equality of bargaining begins."

In other words, there is no freedom of contract where the bargaining power of the contracting parties is unequal.

Freedom of contract is a deceptive phrase. Americans are boastful of their so-called freedom and accept as a matter of course that the inalienable rights with which man is endowed are theirs to enjoy. Upon examination, however, this is a bold and unjustifiable assumption. America has not yet achieved that station of economic and political development where it can be truthfully asserted that the wage workers are free and independent. True freedom is impossible in an economic order when even the most obscure worker is denied the opportunity to use his labor for the satisfaction of his wants.

Do laborers, even with the right of self-organization and collective bargaining, enjoy the economic freedom necessary to use their labor to satisfy their wants or to deal with their employers on a basis of equality?

Reprinted in part from the *Congressional Record*

Port Newark— Suckers and Sharks

NEWARK, N. J. is a city of half a million people. However, she has never attracted much attention in the past, due no doubt to her proximity to New York City. Lately, events have occurred which have put Newark on the map, so to speak, and therein lies our tale.

Among the "failings" of New Yorkers is a propensity for poking fun at their neighbors. There is a story that a big New York daily once taunted the smaller town by propounding the mock question, "Where is Newark." A newspaper of the latter hastened to reply, "Why, just 9 miles from the biggest sucker town on earth." Yet, as subsequently will be shown, the New Jersey paper spoke less wisely than it thought, despite the fact that, among other evidences of her gullibility, New York has tamely submitted to a sales tax and similar devices for mulcting her citizens of any advantages which her peculiar location has given.

One of the reasons which caused the big city to look with scorn on Newark was due to the fact that ages ago Mother Nature saw fit to lay at the future Newark's backyard acres and acres of slimy marshes, in which the mud would ooze back and forth with every change of the tide of the bay, just off the Atlantic ocean. The brackish waters and the millions of "cat-tails" growing out of them seemed to serve but one purpose—the creation of a paradise for the famous New Jersey mosquitoes. This part of the earth was cursed by every New Yorker, and Newarker, who felt the sting of the pests.

But something happened. In what was a liability heretofore, Newark saw possibilities. Those salt meadows were potential assets. In a few years they were given artificial drainage and a great part of them was filled in. As a result, a fine seaport has been developed there, as well as a superb landing field for air planes, the finest in the annals of aviation. Even New York acknowledges the smaller city as the eastern terminus for the transcontinental plane traffic. So that in a very short time Newark "has come into her own," but only metaphorically speaking. Let us see.

After Newark first saw what seemed to be a vision, she was confronted with the problem of working out the plans. Despite the fact that the drains and fill on the meadows were done at municipal expense, the city did not have title to all the lands necessary for the development. To be sure, she had a sort of claim to part of them, but these were of the tax title variety, always looked on rather coldly by the legal profession. However, in the initial stages there seemed

no need of hurry. It was felt that outstanding claims could be bought at leisure and it would be only a question of time to assemble all the various parcels into Newark's hands. Even then, there were some meadow owners who were offering to let their holdings go for a "fair price," which in some inexplicable manner tended to settle around \$3,200 an acre. A few decades back they could be had for a song.

Time passed. Progress tarried not to bargain with the land owners, either peacefully, collectively, or otherwise, but started the good work of constructing basins, piers, warehouses, runways and accessories for airplane service. And land values moved forward, a sure sign of progress. (?) Now and then a site would be "lawfully" acquired although at increasingly higher prices.

Things apparently were running smoothly, when of a sudden a storm broke loose. It was all due to one of those periodic American pastimes known as an election. On May 11, just passed, several dozen candidates were running for the five-man office styled the Newark City Commission. The "outs" sized up the port situation, and forthwith took up against the incumbents seeking re-election that good old battle cry, "Throw the rascals out!" At the proper time a Supreme Court investigation was ordered, to inquire into certain alleged acts of misfeasance by the commissioners.

In 1928, as brought out at the Court hearing, the basic price of certain of the meadow lands was "fixed" at \$3,200 an acre by willing sellers, as stated before. But for reasons which will hereafter appear, the city was not disposed to buy at that figure. Almost imperceptibly lawyers, and more lawyers, entered the picture. Transfers of title from the old to new owners were arranged. "Dummies," severally and in groups also became seized of various parcels. Anyhow, in 1935 we find the commissioners very anxious to buy, almost at any price! The "base rate" of \$3,200 an acre had jumped to \$20,000. In fact one parcel formerly offered by an old landed family for \$16,000 and refused, was now ordered to be purchased *from the new owners* for \$190,000. Somebody got word of this to a taxpayers' association who emitted such a lusty howl as to bring about a rescission of the contract. This outburst, however, must have exhausted their lung power, for the sale of other tracts went through. One, formerly begging at \$3,040 now brought \$44,000 to the new owners, mark you. More such lands were taken over at similar rates. In the old days such prices would have been preposterous. And rightly so, for then the ownership of the prizes was not in the "right" people. It takes a little while to swing deals of this kind, and a little cash, not to mention connections with the powers that be. But great and mighty were the forces of the vendors now. Each deal required a host of lawyers, appraisers, and go-between men, also politicians to travel far and wide to unearth heirs having 3/32 interests, etc. A new basic rate was evolved for the airport site requirements. For the floor of a landing field, what was more natural than to ask "ceiling" prices. The sky was the limit.

It was Abraham Lincoln who characterized as sharks the various gentry who were in his time despoiling the West with their speculations in our lands and natural resources. The analogy is a good one, but there is this difference. Unlike the water species, land sharks often go to great lengths to complicate their technique. The latter are much more acrobatic, as was evidenced in the Newark case by the remarkable trapeze acts of the recipients in concealing the sums they acquired through the meadow purchases. There were split checks, cut-back checks, cash checks and rubber checks. There was cash, lots of it, in tin boxes. Female performers had a part also, being ideal repositories of the aforesaid monies realized by their husbands. There were the usual terrific feats in forgetfulness of who did anything or what was what—appraisers hired and paid for by the city, but selected by the selling promoters and making their reports in the latters' offices; one "city" appraiser, who, for signing a report prepared by a municipal employee, received \$1,000 from Newark for the "appraisal;" reports for vendors and vendee containing in themselves the tell-tale evidence they had been typed on the same machine.

One episode in particular must be mentioned, for it depicts a struggle, in reverse, so to speak, between honor and shame. Strangely enough, the city had on its regular staff an expert in these salt meadow titles, who, in making a bargain with a pair of lawyers representing a vendor, actually got the better of it. Such outrageous conduct in taking advantage of a land owner and his two attorneys was not to pass unchallenged by counsel for the commissioners under investigation. The expert on cross-examination was asked if he didn't feel ashamed for his part in giving the city a break. Lo and behold the callous fellow admitted he hadn't lost any sleep over it! The examining counsel reeled back, speechless. Alas, that he could not have been inspired by Gilbert and Sullivan to have cast the moral in some such tripping refrain as

Oh, we don't aim to bear the blame,
We only seek to show the shame.

Of course, the commissioners had a defence to the charges. It was a simple one. They unanimously explained it was impossible to give the land purchases a proper consideration. Why? Because of the pressure of other business. Surely, they said, it must be a matter of common knowledge that about one-half their time is taken up in attempting to provide for or escape from the demands of indigent citizens. To put it in their own words the City Hall is primarily a headquarters for handouts and job seeking. Then too, municipal financing is a constant source of worry, giving them no end of sleepless nights. Not so long ago the Commissioner of Finance, frantic at the condition of the treasury, hit on the desperate idea of taxing all bank accounts in Newark. But of course the plan didn't work, for by October 1, the day on which they were to become assessable, most of the accounts walked out and went to New York and other places, thus escaping the tax. Slackers, the Commissioner called them, oblivious of the natural law that if you tax capital you tend to drive it away.

It was also shown that the port titles were very expensive, and this of course increased the city budget. On this point the Court minutes reveal from another commissioner a statement something like this—"When the City does not seek any lands they are offered for a reasonable price, but just as soon as we wish to purchase them the values seem to go sky high." Now that calls for a poet laureate to record a new version of naivete.

But there is even more unpleasantness ahead. Newark is about to face litigation. The cloverleaf layout for motorists on the meadow State Highway, the United States army base, and parts of the landing field are on disputed ground. A warning has already been given the city to get its lessees off the "rightful owners'" property, or they will, as a sample of their might, enclose the runways on the airfield. (Fancy being a passenger on a plane some day and having to make a three-point landing on a picket fence.) It might be noted that this prank is contemplated by one of the lawyers who cleaned up when the pickings in meadow lands were good. Nevertheless, he is a down-right honest fellow, and anything but a hypocrite. At the outset of his activities he made something of a vow which goes like this, "Never give a sucker a break." He claims he has never broken faith with his philosophy, and the facts in the case fully support him, as Newark can well testify.

To turn to serious comment, should we really get worked up at the doings of those whom good people are pleased to call despicable sharks. In the existing order of things are not sharks, of the marine variety, quite natural? Will they not continue to propagate as long as their God-given element continues to exist? Certainly. Is it not therefore idle to inveigh against the habits of any creature for merely adapting itself to its environment? Why, then, feel any differently towards land sharks. Can society really complain of the latter when society has produced the spawning grounds for them.

The real remedy consists in removing the cause. While in the present state of knowledge we may be unable to change the divine decree that makes ocean man-eaters possible, we do have it in our

power to repeal the man-made decree that makes the institution of land sharks possible.

How much closer to real justice would our aforesaid Court be, if instead of passing on the guilt or innocence of any individuals in the case, it were possible to hand down a presentment to the people of New Jersey, and elsewhere, as follows:

"We feel it is about time to cease making vain decrees on this vexed subject of land dealing. To this end, we would recommend immediate legislation for handling the cause rather than waste time on the treatment of the effects of speculation in land.

"In her slogan 'Newark Knows How,' we are left to infer that somehow this means progress. But what does it profit a city to rear splendid monuments if they rest on the backs of the people for the enjoyment of a favored few. When Newark first conceived a busy harbor and matchless air field, was that vision? Certainly not, if the effect inevitably tended to make it more difficult to get the necessities of life. And can this be denied in the face of higher and higher taxes together with a greater cost of living in relation to our purchasing power.

"Newark, you are held to ransom, and do not know it. The Port deal tribute you render is but a fraction of what you daily and hourly pay as a result of permitting private individuals to appropriate throughout the entire community the socially created land values which of right belong to all the people.

"You belie your slogan, 'Newark Knows How.' As presently typified, history will record it only as an evidence of membership in those legion states which have spent their substance in the fattening of the ultimate destroyers of all progress. If it is true that Newark Knows How, then remove the scales from your eyes, take up the banner of Henry George, exemplify his teachings, and lead the nation, and the world, to sanity and freedom.

CHARLES JOS. SMITH.

We append to the above the following editorial, taken from the *Newark Evening News*, dated July 2, 1937.

PORT'S FUTURE AND TAXES

Resignation of Newark's Industrial Commission, established to help develop Port Newark, has been ascribed to two causes: First, disagreement with Mayor Ellenstein's leasing policy, and, second, Newark's moronic administration of the personalty tax law. . . .

Of these twin handicaps the gravest, of course, is Newark's tax policy. The commission found it a formidable barrier to industrial expansion. Plants and payrolls naturally gravitate toward communities with a more equitable system, as has been demonstrated by the consistency with which General Motors and other corporations have passed up Newark for Linden, Trenton and other cities in and out of the state. . . . Other communities, less favorably situated, restrain the impulse to pile up crushing assessments. The inevitable result is that they get the business Newark should get. . . .

Unless Newark gets tax relief it isn't much use to consider the future of the Port.

The Fairchild Picnic

CLOUDY skies threatened on Saturday, June 19, but hearts were light as we climbed aboard a bus chartered by the Henry George School of Social Science and set out for Mr. Fairchild's annual picnic at his home, on the banks of the Mahwah River in Suffern, New York.

Arrived at our destination we found the graduating students of the Sunnyside Extension Class already there. A little later we greeted a large contingent from Middletown, N. Y.

The raising of the flag and singing of the Star Spangled Banner opened the day's activities. After that George-

ists made no secret of the fact that they were hungry and wanted to eat. Charles Homer, of the Sunnyside Extension Class, did an excellent job as chef and it was not long before coffee and frankfurters were being passed around.

Luncheon over, it was time for speeches and the presentation of the diplomas. The rain which we had cheerfully predicted would "hold off" commenced to fall in a dismal drizzle, but we were comfortable in a roofed stand which Mr. Fairchild told us was a new addition to his pleasant estate.

In his address of welcome Mr. Fairchild recalled an earlier picnic at which Oscar Geiger had announced publicly for the first time, his plans for a Henry George School. Speaking of his own work as a class organizer, Mr. Fairchild described groups in Middletown, Suffern, Sunnyside, and Madison Street, New York.

Our next speaker was Dan Beard, who related reminiscently his friendship with Henry George. He told of the gatherings at his studio in New York when Henry George, Father Huntington, Father McGlynn and Hamlin Garland met to discuss the problems of the day. "Henry George," said Dan Beard, "was a delightful companion."

Then we heard Mr. Frank Chodorov of the Henry George School of Social Science, who opened his remarks with a typical Chodorovian sentence—"More important people will speak to you today, but no one represents a more important movement than I do, because I am here to speak to you of the Henry George School." He sketched the history of the School from Mr. Geiger's first class to its latest graduation.

Speeches were made by various students, teachers and workers of the graduating groups. We heard Mr. Z. K. Green and Mr. Clunan, both of Middletown, Mrs. Bitterman, Secretary of the Suffern Class, Gerald Reynolds, Treasurer of the Sunnysiders, and Mr. Garn who conducted a class of fifty young lawyers in Madison Street, New York.

United States Senator Copeland, friend and neighbor of Mr. Fairchild, talked to us. "History," said he, "is filled with a series of revivals. Henry George developed a philosophy which has survived all these years. I am wondering if this may not be the beginning of a new revival. We need to revise our present tax system—we need a simpler plan which will solve the problems of our people, not tax laws which need a Philadelphia lawyer to figure out."

Diplomas were distributed to the graduating students by Mrs. Copeland. A rousing burst of applause greeted the announcement that a graduating student of the Teachers Training Class of Sunnyside was none other than our host—Mr. Walter Fairchild.

With the reading of a poem composed by Mr. Garn, the meeting came to a close.

The only casualty reported involved three unlucky Georgeists whose maritime skill proved inadequate when