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The British coal interests, to which we referred last week, are said to be combining for the purpose of making British coal consumers pay the export tax by arbitrarily increasing the price of coal for home consumption. Those interests could easily combine, and the plan might work well. In our country it would work perfectly, because we have a protective tariff on foreign coal. But in England there are no protective tariffs, and any combination of British coal interests may be quickly smashed by the importation of foreign coal.

Hamilton Lewis, of Washington, has a queer notion about cross-matches in presidential politics. He proposes to hitch David B. Hill and Tom L. Johnson together, as candidates for president and vice president, because Johnson represents the new democracy, which is "not an ally of corporations," and Hill represents "the conservative democracy," which, we are to assume, apparently, is an ally of corporations. Mr. Lewis approves this ticket also because he thinks free trade is the coming issue. That is the reason, we suppose, that he suggests a free trader for the tail of the ticket and an anti-freetrader for its head.

Less than 40 years ago Howard Crosby, then the most prominent Presbyterian clergyman in New York city, made the patriotic boast in a public speech that there were no native beggars in the metropolis. It was true. New York beggary was then confined to foreign professionals. Dr. Crosby's boast was most im-

pressive, as indicating that this country offered opportunities for a decent and honest livelihood to all who chose to embrace them. But times have changed. Not only do native beggars now swarm in New York, but London complains that American beggars have become a nuisance there. Has the native American degenerated without reason, or have American opportunities for a decent and honest livelihood narrowed?

"There is nothing in this world," said the president in a speech at San Francisco, "that so promotes the universal brotherhood of man as commerce, and we want to encourage commerce." What could Mr. McKinley have meant by saying that commerce promotes the universal brotherhood of man? That is not protection doctrine. It is free trade doctrine. And what does he mean by encouraging commerce? Would he abolish the protective tariff, which hangs like a millstone about the neck of universal trade? Has Mr. McKinley become a free trader, favoring open markets and unrestricted commerce? If not, what kind of universal brotherhood is it that he would have us aspire to?

Penny whistle "optimists," those self-styled "optimists" who are really the worst of pessimists, never tire of assuring everybody that "the world moves onward and upward in spite of fault-finders," and so on, and so on. But they seldom stop to reflect that it is those whom they call fault-finders, the people who "rail," as they would put it, at communal evils—the anti-monarchy Sam Adams's, the anti-slavery Beechers, and the like—that make it possible for the world to move onward and upward. No people, any more than any man, ever

learned to do well without first ceasing to do evil. "Cease to do evil; learn to do well," expresses the universal order of progress. When did a happy-go-lucky optimist ever contribute to the onward and upward movement of the world? His function seems to be to sit on the fence and whistle at misery, while imagining that the world moves onward and upward by some mysterious process of its own, and not through the impulse it receives from men who agonize for it.

The settlement of the Albany street car strike makes it easier to be understood in discussing that event than if the strikers and the militia were still in bloody conflict. There were a large number of street car workmen who went upon strike. One of their grievances was the employment by the company of "scabs," of persons not members of the street railway employes union, and this became the only issue between the company and its striking employes. Some of the strikers and their friends grew disorderly. The strike developed into a disturbance of the peace, which the local authorities could not control, and valuable property was destroyed. The governor, being appealed to in this emergency, called out a large body of troops to restore regular conditions. Resistance followed, some lives were lost and many persons were injured; but finally the conflicting interests came together and settled their differences. This is the substance of the facts as the telegraph reports them. It might be criticised in some particulars by either side, but in all probability it does not vary essentially from the truth in any material respect. Now, the question that arises is how such a situation should be regarded by peaceably dis-

posed, justly-inclined and law-abiding people.

Considered in the abstract, as the comfortable classes are prone to consider labor questions when laborers are abstractly in the wrong, the question is a simple one. Each employe of that street car company had the right to quit work, provided he violated no contract obligations in doing so. What each had the right to do alone, all had the right to do together. Consequently, the strikers are not to be condemned for striking. But just as the employes had a right to strike, so had the company a right to hire other men, provided it did so by free contract. Consequently, the street car company is not to be condemned for employing "scabs." It is under no obligation of law or morals to choose its employes from associations or unions, the more especially as those unions are not guarantors to the traveling public of the professional qualifications of their members, but are mere combinations for self-assertion. If, then, the striking employes resent the hiring of "scabs," and carry their resentment to the point of destroying the company's property or threatening the "scabs" with bodily harm, of forcibly preventing the operation of the cars, of disturbing the public peace and of resisting peace officers—if they do that, they must be brought under control by the use of superior force, even though lives are lost in the process. They are entitled to no consideration at all, to no sympathy whatever. In the abstract, they are wholly and maliciously in the wrong.

And if justice prevailed in our social life, if we were as determined to put down the disorders that are not violent as those that are, then cases like this Albany street car riot could be properly considered in the abstract, and we should make short shrift with disorderly strikers. But justice does not prevail in social life. We are not so sensitive to social disorder of the nonviolent kind as to breaches of the peace. It hap-

pens, therefore, that Gargantuan disorders—peaceable, but terrible in their effects—not only exist, but are fostered by our laws and institutions. These disorders have brought about a social condition in which opportunities for profitable employment, instead of being overabundant, as in the abstract they are assumed to be, are so scarce that the man who accepts another's job is his enemy, and yet men have to do that or suffer for the necessities of the humblest existence. This was exemplified in the Albany case itself. Even for the poorly paid work of a street car employe, union men and "scabs" were in deadly conflict. In these circumstances human nature asserts itself, and its manifestations must be not only recognized but sympathetically considered. When loss of employment means probable hunger and possible death, it becomes a prime factor in a deadly struggle for existence, and the instinct of self-preservation asserts its sway.

Those conditions must be taken into account in weighing responsibility for the Albany riot and for all similar disorders. These cases cannot be considered in the abstract alone. They must be considered also with reference to actual conditions. Since deprivation of a job partakes, under the circumstances, of the nature of a deadly assault, resistance—even violent resistance—must be regarded as coming in a sense, to the extent of explanation if not excuse, within the scope of the principle of self-defense. That the resisting violence is not directed at the right person or thing, makes no difference. The man in the midst of a crowd, who is being crushed by pressure from the edges of the crowd, doesn't reach over those about him to thump the heads of the guilty ones. He jams his elbows spasmodically into those next to him, with whose persons he is in contact and the pressure of whose weight he feels. It is much the same with strikers. The objects of their wrath are "scabs," but for whom they could dictate

terms and retain their jobs. The pressure that bears upon them, bears also upon the scabs; but they don't know whence it comes nor how to stop it. All they know or care is that it is the "scab" who presses against them. He personifies to them all that is terrible in loss of employment. He is veritably the workingman's "wolf at the door." So, figuratively, they jam their elbows spasmodically into the "scab;" literally they stone him and scare him. Even if directed at victims of the great disorder, like themselves, this is self-defense nevertheless. That is the spirit of the strike and of all manifestations of the strike, even the worst. It is essentially defensive.

We do not urge these views at all as reasons for withholding the strong arm of the law when strikes become violent. Public violence must be restrained in the interest of public peace, even when the violence has the excuse of self-defense. Our purpose is to condemn the wanton recklessness with which powerful employers, in the mere pride of power, excite masses of dependent men to violence; and to rebuke those pretentious sticklers for law and order who are swift to condemn the violence of strikers, but slow to consider remedies for the legalized and institutional disorders which cause restricted employment, and therefore explain, even if they do not excuse, the violence of labor conflicts.

The difference between considering superficial labor questions in the abstract, as if society were justly organized, and considering them with reference to actual conditions, as society is in fact organized, was well illustrated last week in one of the Chicago courts. While the Albany riots were at the worst, Judge Frank Baker, of the circuit court in Chicago, delivered a decision sustaining the principle of blacklisting. The case had been brought by William J. Strong, a brilliant Chicago lawyer, who has for several years been fight-

ing cases of blacklisting in behalf of labor organizations. His client was Miss Annie Condon, by trade a can painter and labeler, who had been employed as such in a Chicago packing house. In the summer of 1900 this packing house reduced wages, and Miss Condon with other employes went upon strike in consequence. Thereupon all the packing houses in Chicago entered into an agreement that none of them should hire any striking employes of another without the other's consent. This agreement was charged by Mr. Strong to constitute a conspiracy to arbitrarily ruin Miss Condon, among others, by depriving her of all opportunity to earn her living at her trade in her own city. As the case came before Judge Baker on a demurrer to the plaintiff's allegations, no question of fact was involved. There was a simple question of law for the court to decide, namely, whether the owners of all the business establishments of a certain kind in a given community may lawfully enter into an agreement which arbitrarily forbids each of them to employ workmen, though the workmen be competent and their services are desired, without the consent of their former employer if he is a party to the agreement. Judge Baker held that the owners may do this. His conclusion, in his own words, was that—

One has the right to decline to enter the service of another, and several persons acting jointly, in pursuance of an agreement to that effect, have the right so to decline. So one has the right to decline to employ another, and several persons acting jointly in the pursuance of an agreement to that effect have the right so to decline.

As an abstract principle of economics we believe Judge Baker's doctrine to be sound. As a statement of what the law ought to be, under circumstances in which opportunities for making a living are not arbitrarily restricted by law, we should accept his pronouncement unhesitatingly. As a social goal to be sought for and established upon the firm foundation

of equal rights, we most heartily commend it. But we are far from certain that it is the law; and the true province of judges is to declare law and not to make law. In behalf of the blacklisted girl, Mr. Strong argued that we are living not in the ideal economic conditions of free contract which Judge Baker's decision assumes, but in distorted economic conditions, which make of the term "free contract" a byword. That in these distorted conditions, the number of men who control all the avenues of employment are so few that in some lines of business and in some localities they can by combining command the livelihood of all persons whose skill is in those lines of business and who live in those localities. In Miss Condon's case, for instance, her trade, and all her possibilities of earning a living at it in the city of Chicago, were involved in the legality of the blacklisting agreement. If that were lawful, it exiled her from the city of her home. She must go elsewhere to get a living at her trade; not because her services were not wanted, but because the packing houses had agreed to deprive her arbitrarily of employment.

Such an agreement, Mr. Strong contended, is, under existing social and economic conditions, legally in conflict with public policy. There would seem to be great force in that position. If opportunities for employment were not restricted by social maladjustments, the courts might well hold—they unquestionably ought to hold—that employers are legally free to hire whom they please, to discharge whom they please, and to act individually or in concert as suits them best. But while opportunities for employment are so oppressively restricted by social maladjustments, that he who has a job to offer is master of him who needs it, other considerations must enter in when the courts are called upon to act. It is true that the courts cannot compel an employer to give em-

ployment to one to whom he objects, nor punish him for not giving it. But when employers combine to refuse employment to certain persons for the manifest purpose of injuring them by shutting up all avenues of employment, there exists a state of facts upon which courts have seldom before been slow to act, provided no class prejudice stood in the way.

We welcome Senator Depew's literal and cordial adoption of our suggestions regarding a third term for Mr. McKinley. In a New York dispatch published on the 19th in the Chicago Tribune, an administration organ, Mr. Depew is reported as having addressed another prominent republican in these terms:

Let me make a prediction. President McKinley will be nominated for a third term and elected. The people are satisfied with McKinley. The great business interests of the country have confidence in him and his administration. They desire the present period of prosperity to continue, and they dread any change or the substitution of a weak man in McKinley's place in the white house. They realize that, owing to our new territorial acquisitions, great and important issues must be solved and policies worked out that cannot be completed during President McKinley's present term, and this fact will, I think, lead to McKinley's nomination for the third term.

Of the correctness of that prediction and the soundness of the reasons for it, no true representative of the great business interests that Mr. McKinley's administration has fostered, really entertains a doubt. It would be folly to sacrifice to a mere sentiment about successive reelections to the presidency, the unexampled prosperity which Mr. McKinley has for five years and a half bestowed upon those upon whom he has bestowed it. When Mr. McKinley dies, we shall be obliged to risk a successor. But meantime, why relinquish a good thing? Senator Depew apprehends.

The death in Chicago of one of Dowie's followers, a woman who refused medical attention in childbirth and was served only by the prayers of