

Baker - Gompers "Open - Shop" Correspondence

Being of the opinion that the correspondence between Hon. Newton D. Baker, former Secretary of War, and Samuel Gompers is of an interesting and illuminating character, it is published below for the benefit of all who may desire further information upon the principles involved in the so-called "open-shop."—(S. G., ED.)

GOMPERS TO BAKER

WASHINGTON, D. C., August 19, 1922.

HON. NEWTON D. BAKER, *President,*
Cleveland Chamber of Commerce,
Cleveland, Ohio.

DEAR MR. BAKER: Someone has sent me a copy of a pamphlet, "The Human Side," in which you are quoted as being a convert to the so-called "open shop." The pamphlet prints extracts from an advertisement inserted in the Cleveland papers in which you are purported to say:

"An enlightened and determined public opinion will eventually settle the Building Trade situation in Cleveland upon a right principle—the principle of the open shop; the shop where every worker's chance is as good as every other worker's chance, and from which no worker is shut out because he holds a union card and from which no worker is shut out because he has no union card."

Knowing you as I did before and during the war and since, this alleged conversion of yours to all that is detrimental to the interests of the wage earners proved a very great shock. You surely must be aware that the "open" shop is not "the shop where every worker's chance is as good as every other worker's chance."

Among the corporations that maintain the so-called "open shop" are the United States Steel Corporation and the meat packers. Do you believe "that every worker's chance is as good as every other worker's chance" in those corporations? If that were true, would hundreds of thousands of employes of the United States Steel Corporation rebel because conditions were unsatisfactory? Would many thousands of employes of the big meat packers have rebelled against conditions, if they had been satisfactory?

These two industries have demonstrated the fact that the so-called "open shop" is indeed a closed shop, as any hint that a worker is a member of a union immediately erects a bar to his employment.

Do you know that in a number of cities there have been employers' organizations which have combined for the purpose of refusing to sell materials and products to employers who operate an agreement with the unions of working people? Did you read the testimony before the Lockwood Committee that the United States Steel Corporation and the Bethlehem Steel Corporation refused to sell material to builders and building contractors if they employed union workmen? Do you know that the Employers' Association of San Francisco has inaugurated a system that builders and contractors who want material must obtain a permit from that association and that permits are refused to builders and building contractors who are in agreement with the unions in the building industry? And that as a matter of fact, the Department of Justice is conducting an inquiry into that situation? And that in all likelihood prosecutions may be instituted? And that thousands of such instances have been put under the euphonious title of the "open shop" or the traitorous "American plan" shop.

Your experience with the United States Steel Corporation during the war should not have influenced you to believe that it was an altruistic corporation. If the government of the United States could not compel that corporation to do what it should do in the interest of our government during the great war, can you believe it possible that its employes will receive the consideration due them when they are dealt with by the corporation as individuals through straw bosses?

I feel very deeply in this matter, and, after reading what is attributed to you in

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favor of the non-union shop, I could not bring myself to believe that you were correctly quoted. But, since then, I have received a number of clippings from labor papers published in Ohio that point to you as the leader of the interests which are striving to crush the labor unions. The Washington papers carry a story today that you have been re-elected chairman of the executive committee of one of the dominant parties in Cuyahoga County. You know that I am neither a democrat nor a republican; that I am partisan to principle and not to party. But do you believe that many of the wage earners who have struggled and sacrificed for years to help build up American standards will follow your advice politically if the declarations credited to you are based on facts?

I regret very much having to write this letter, but, during the trying days of the great contest in which we were thrown much together in endeavoring to give every aid to the winning of the war, I learned to respect you very highly for what I believed to be your high principles where Labor is concerned. If there is anything that savors of captiousness in this letter it is not intended. What I say is simply to call to your mind the terrible step you have taken—one that I can not understand and can hardly believe.

Very truly yours,

SAMUEL GOMPERS.

BAKER TO GOMPERS

THE CLEVELAND CHAMBER OF COMMERCE
FOUNDED IN 1848

NEWTON D. BAKER, *President.*
RICHARD F. GRANT, *First Vice-President.*
F. C. CHANDLER, *Second Vice-President.*
GEORGE A. COULTON, *Treasurer.*
MUNSON HAVENS, *Secretary.*

AUGUST 24TH, 1922,
Cleveland, Fifth City.

MR. SAMUEL GOMPERS,
President, American Federation of Labor,
Washington, D. C.

MY DEAR MR. GOMPERS: I have just received your letter of August 19th. By a curious coincidence, on the day you wrote that letter I read your article in "The Woman Citizen" entitled "The Wrong Way in Kansas," and at the conclusion of my reading I sat for a long time questioning whether I might venture to impose on your good nature a letter on the subject. Then my attention was drawn aside to something else and now you have written me on a very much broader subject, thus generously excusing in advance this addition to your many and great burdens.

I hold no brief for the Kansas Industrial Disputes Act. Such examinations as I have been able to make of its provisions, rather than of its workings, have inclined me to a favorable opinion of it, but this is not the result of prolonged consideration and of course, however good the act in itself may be, its virtue could be destroyed by an unjust or partisan administration of it, so that I would withhold judgment until I could learn what the results of the law in practice are, but your criticism of the act impressed me most because in all you say there is not a single sentence which recognizes any public interest in labor controversies. Feeling sure that this omission must be due to the compression with which you were writing for that paper, I have spent two days re-reading your views as set forth in "Labor and the Common Welfare," and there again I find that you reject the idea consistently. Any attempt on my part to summarize your opinion would be an impertinence, but these stirring and eloquent addresses and editorials of yours seem to me to hold that Labor alone understands its interests, that any interference from the outside with Labor's pursuit of its interests is wrong and that true progress can only be made when Labor is allowed a free hand by negotiation, where possible, and strike and boycott, where Labor deems them necessary, to secure a recognition of these rights. I am

strengthened in the conclusion that this is the central belief of your philosophy by your statement to Mr. Untermyer before the Lockwood Committee:

"Organized society has no understanding of the affairs of labor," and your steady insistence, before the Lockwood Committee, of opposition to every effort by law to abate any evil growing out of the actions, internal or external, of labor unions. This position seems to me not only untenable in theory and unworkable in practice, but in flat contradiction to every principle of American liberty with which I am acquainted. In the first place, the public has an interest in labor controversies, not a speculative, academic interest, but a direct, positive interest. It would be folly to argue such a statement as you would be the first one to concede its truth, nor would you and I disagree as to the character of that interest. I permit myself to enumerate some of the ingredients in it: (1) The public has an interest in the welfare of workers involving adequate and just wages, wholesome and safe conditions, educational and cultural opportunities, provision against unemployment and dependency resulting from injury and old age; and (2) the public has an interest in continuity of production, facility in distribution and cost to the consumer, which should be as low as is consistent with just compensation to the workers and a reward to capital sufficient to tempt it to embark upon and remain in productive enterprises.

When any aspect of this multiform public interest is neglected the public is injured and if that neglect proceeds from any corrigible cause it is the public right by appropriate means to correct it. This does not mean that the public has the right to insure some elements of its interest by neglecting others, as for instance, quantity of production or cheapness of price at the expense of justice to the workers, but it does mean that the public interest is real and far too vital to be left to such incidental protection as may emerge for it out of unregulated conflicts between the self interests of employers and employes.

As I have for thirty years been a trade unionist I long ago convinced myself of the enormous benefits which have come to the workers and to society at large by reason of trade unions. I do not, however, believe that all the improvements in the conditions surrounding labor have come through that agency. On the contrary, I believe that the activity and advocacy of men and women of humane and enlightened sentiments, as individuals and as members of groups, have been very potent in securing betterment against the evils of child labor, industrial fatigue, work with poisons, over-work by women, bad factory conditions and many other conditions which depress the vitality of the workers and so injure the race. I believe too that at least some part of the success which trade unions have achieved in raising the standard of living has been because of the intelligent sympathy of justly disposed persons who, though not themselves members of trade unions, brought to the support of the unions an overpowering weight of public opinion. I agree with you that no man can fully enter into the emotions of a worker unless he has himself had a wife and family depending for their livelihood upon his pay envelope and has been through the anguish of a precarious job and long-continued involuntary unemployment. The best outsiders can do is to respect those emotions with reverent sympathy, but that organized society should abandon its own obvious interests in this whole situation because it is not full partner in these emotions is a *non sequitur* which we do not permit in any other phase of public interest. Men who have never had the smallpox legislate for the prevention and relief of that plague. Childless men as members of legislatures act and vote upon measures for the establishment of orphanages and the education of the young. Farmer members of legislatures exact regulations for the government of cities and city representatives vote on rural matters. The whole theory of our institutions is that the public representatives represent the public interests and not the particular interests of a class, created by experience or any other mode of segregation.

Your letter of August 19 quotes from an advertisement printed by the Cleveland Chamber of Commerce in one of our local papers, which declares in favor of—

"the shop where every worker's chance is as good as every other worker's chance and from which no worker is shut out because he holds a union card and from which no worker is shut out because he has no union card."

On the basis of this statement the pamphlet to which you refer classes me as a convert to the so-called open shop and your letter, as I understand it, objects to this position not because the position itself is unsound but because that seemingly just position is used by some manufacturers and groups of manufacturers as a cloak to hide a movement on their part in favor of a closed non-union shop arrangement.

It is upon this subject that I frankly stand in need of your counsel and advice, and I am writing this letter in the earnest hope that you will add to the many kindnesses you have already done me by speaking frankly to me on this subject.

As I see it there are three or possibly four positions which one may take. He may favor (1) the closed non-union shop; (2) the open shop; (3) the preferential union shop; and (4) the closed union shop. My mind reaches an instantaneous and final disapproval of the closed non-union shop. I think it is intolerable that a man should be denied the right to work at his trade because he elects to join a labor union and so associate himself with others in his craft in counsel and action for a betterment of his condition. The closed union shop seems to me equally objectionable. You will understand that I am not discussing what it is wise for a man to do in the matter of joining a union, for if I were a worker I would join a union and be very active in it and I would seek to have the strength of that union back of me in collective bargaining for my wages and the conditions of my work. But how can it be that if being such a worker I freely elect not to join a union that those who elect otherwise are given any right or power over me thereby? If I am a plumber and decide not to join a union, can those who decide otherwise coerce me into joining or accepting as an alternative the starvation of my wife and children? You yourself have described expulsion from a labor union as capital punishment if it be effective and ridiculous if it be not. Upon what theory can it be claimed that a labor union has the right to prohibit a non-union man from working at his trade, and if that right is claimed, by what sanctions and penalties is the labor union to enforce it? If you are right that in an efficiently organized industrial society the non-union man is condemned to capital punishment, then have we not two governments in America, one dealing with the externals of our general political life, subject to known laws enacted by elected representatives and subject to change at will, and the other an extra legal, voluntary society organized for the purpose of furthering the interest of a class, arbitrarily excluding from membership those whom it does not desire, imposing the death sentence upon those whom it desires to punish, and imposing upon all who are not members of it the consequences of its judgments without leaving in them any redress, right of representation or right of appeal? Such a government might suspend the production of coal and so freeze me and my family to death. It might suspend transportation and so starve me and my family. It might suspend the production of medicines and so devastate the country with a plague, and all the while those who suffered these inconveniences or catastrophes would for the most part be persons who had no voice in the making of the judgments by which they were thus destroyed.

I do not stop in this letter to argue the case of any of the groups, corporations or individuals to which you refer. The views you express of them may all be true; if so, they are evil, but what I am very earnestly seeking is some light upon this question which lies at the root of any social progress: Does the American Federation of Labor stand for the principle of the closed union shop as universally applicable to industry in America and if it does, what does it believe should be done to those who for any reason prefer not to join labor unions and what provision does it expect to make for the protection of the interests of the millions of men, women and children, who, not being workers in the technical sense, are not eligible to membership in trade unions, but yet are, in their life and liberty, affected by industrial controversies?

I write you these earnest observations and questions, my dear Mr. Gompers, because I learned in Washington to admire deeply the statesmanship, wisdom and patriotism which you exhibited during the great crisis of our country's history. The admiration I then conceived is too deep and genuine to be affected by any present or future difference of opinion which may arise between us. My hope is that your patience and frankness will persuade you to help me again and that as the result of this interchange of let-

ters I may have the relief of knowing that we do not differ in any fundamental way and that I can continue to work with you and for America as I am sure we both did in high spirit in the days of the War.

With personal affection and regard, believe me,

Sincerely yours,

NEWTON D. BAKER.

BAKER TO GOMPERS

THE CLEVELAND CHAMBER OF COMMERCE

FOUNDED IN 1848

NEWTON D. BAKER, *President.*
RICHARD F. GRANT, *First Vice-President.*
F. C. CHANDLER, *Second Vice-President.*
GEORGE A. COULTON, *Treasurer.*
MUNSON HAVENS, *Secretary.*

SEPTEMBER 28, 1922,
Cleveland, Fifth City.

Mr. SAMUEL GOMPERS,
President, The American Federation of Labor,
Washington, D. C.

MY DEAR MR. GOMPERS. I have read with great interest your special article in the *New York Times*, of Sunday, September 17, 1922, in which you charge that there is a conspiracy to destroy the trade union movement by a concerted movement on the part of employers.

In this article you have enumerated a list of associations which you characterize as "organizations of anti-union employers." In this list you have included the Chamber of Commerce of Cleveland. Such inclusion, I believe, must have been made by you without adequate information concerning The Cleveland Chamber of Commerce, its membership, and activities.

This Chamber of Commerce has over 4,000 members, who joined as individuals. Its membership is made up of men from many walks of life, including manufacturers, merchants, educators, engineers, lawyers, doctors, dentists, and other occupations too numerous to mention. Corporations or organizations which employ labor are not represented as organizations.

The record of this chamber in labor relations is clear. Its action in labor matters has been based entirely on its "Declaration of Principles," adopted April 7, 1920, by a committee composed of manufacturers, merchants, attorneys and two nationally known labor leaders. This declaration takes the stand that "the public interest is paramount." It is not anti-union in language or intent.

In April, 1922, press dispatches announced that you had requested local labor organizations throughout the country to investigate the activities of chambers of commerce in labor relations. On April 17, 1922, we addressed a letter to the secretary of the Cleveland Federation of Labor in which we offered every facility for investigation of our activities for your information. We were not called upon to furnish any information as a result of this offer. I am quite sure that had such investigation been made, the facts furnished to you would have led you to omit from your list of anti-union organizations the name of The Cleveland Chamber of Commerce.

I am looking forward with exceeding interest for your reply to my letter of August 24 in answer to yours of August 19.

With expression of high regard, I am,

Sincerely yours,

NEWTON D. BAKER,
President.

GOMPERS TO BAKER

Oct. 2, 1922.

Mr. NEWTON D. BAKER, *President,*
Cleveland Chamber of Commerce,
Cleveland, Ohio.

DEAR MR. BAKER: I shall attempt to reply to your letter of September 28, and also to your letter of August 24, which I have been too busy until now to give the consideration which I feel it should have.

First, I want to say that there is a fundamental difference between your philosophy and the philosophy of the trade union movement, which is also my philosophy, in relation to the labor movement and the affairs of industry in general. It is because of this difference that we find ourselves in opposite positions in relation to such vital questions as the union shop and the Kansas Court of Industrial Relations. Discussion of the immediate facts in either case can not lead to any worthy result because our difference is founded upon something deeper, which is the principle involved.

I shall discuss your letter of September 28, relating to the Cleveland Chamber of Commerce briefly. You believe that I was wrong in naming the Cleveland Chamber of Commerce among institutions of anti-union employers. I am willing to grant you that perhaps the Cleveland Chamber of Commerce is one of the least bitter and least militant of such organizations, but I have no hesitation in saying that in its deeper implications it is as much anti-union as any similar organization in the country. I can not enter into a discussion of the attitude of all of the members of the Cleveland Chamber of Commerce. No doubt there are among those members many employers of union labor. No doubt there are among those members many who are in thorough accord with the organizations of the workers and whose ideals and principles are of the highest order. The fact is, however, that the declarations of the Cleveland Chamber of Commerce afford to anti-union employers what may be called a pious cloak for their iniquity.

It is the expressed conviction of the Cleveland Chamber of Commerce that the union shop is wrong and that "an enlightened and determined public opinion will eventually settle the building trades situation in Cleveland upon a right principle—the principle of the open shop. . . ." What holds good in relation to the building trades, so far as the position of the Cleveland Chamber of Commerce is concerned, holds good for all industry.

You are at present the President of the Cleveland Chamber of Commerce. I find you quoted as having said: "The closed union shop presents, in my judgment, an un-American and undemocratic principle." I find in the *Open Shop Encyclopedia*, published by the National Association of Manufacturers, a report of a special committee of the Cleveland Chamber of Commerce, in which that special committee declares that: "The existence of a closed union shop throughout the local building industry is the prime cause of the following conditions which your committee considered detrimental to the public interest as well as to the industry itself." There follows a digest of the report alleging underproduction, restriction of output and a consequent alleged increase of 200 per cent in union labor building costs. I doubt if there could be a better example of bias.

I say to you, and I think you know, that the building contractors of Cleveland are incapable of ascertaining upon the basis of present records anything even roughly approximating any change in per man production or in per man cost of operations. I am sure that the building contractors of Cleveland are upon the average no more advanced in methods than are employers throughout the country. After an exhaustive investigation the Federal Trade Commission finds that not more than 10 per cent of the manufacturing and commercial institutions of the country know what are their costs of operation. If the costs of operation are not known, there can be no possibility of accuracy in charging to labor a decrease in productivity or in charging that any decrease in productivity is due to labor. Yet we find the special committee of your Chamber of Commerce charging that the union building trades workers of Cleveland reduced their output by one-third, and for that reduced output received twice as much pay as for-

merly. It is going to be difficult to maintain that any such allegation as that comes from friendly, or even fair, sources. The anti-union propagandists of the National Association of Manufacturers are evidently satisfied that the declaration of the Cleveland Chamber of Commerce is good anti-union propaganda material.

You are frank in avowing your position. Amazed as I am to learn that it is your position, I am bound at the same time to believe that it is a position taken as the result of thought and conviction. What I am equally sure of is that you have not thought with the thoroughness which might be expected of you and that you have overlooked a great deal of essential information.

The position of the Cleveland Chamber of Commerce, as approved by you, is that the union shop is wrong and that what you term the open shop is right. You appear to believe that the Cleveland Chamber of Commerce can maintain this position and still be friendly to the organizations of the workers. I maintain that you can not hold this position and seek actively to apply the position to the industrial life of Cleveland and to remain friendly to the organizations of workers. If the union shop is wrong and what you term the "open shop" is right, and if you and your organizations seek to right that which you believe to be a wrong, you can not avoid making an effort to destroy the union shop. Your position must either be a purely academic position which you make no effort to apply in practice or else you must in practice pursue a course which is destructive of the unions, destructive of union standards and bitterly hostile, not only to the desires, but to the rights and interests of the workers. You can not avow a purpose of hostility and at the same time maintain a status of friendship.

I want you to understand that I am not saying these things in a spirit of personal hostility, although I am writing with all of the candor which the subject requires. However disappointed I may be to learn what are your views upon these questions, I am bound to respect them as views honestly arrived at by a man with whom I have had not only pleasant but I believe useful relations, and for much of whose public work I have had, as you know, a great admiration.

If I may turn now to your letter of August 24, I should like to discuss some of the points which you have there set forth. It is impossible to keep the two letters entirely separate, because the same great issue runs through both communications. You quote in the earlier letter from an advertisement printed by the Cleveland Chamber of Commerce, declaring in favor of—

"the shop where every worker's chance is as good as every other worker's chance and from which no worker is shut out because he holds a union card and from which no worker is shut out because he has no union card."

Do you not see what an evasion there is in such a declaration? That declaration constitutes what will appear to great numbers of people as a cloak of respectability for even the bitterest anti-union establishment in your membership. Practically every so-called open shop organization in the United States makes some such declaration as that. These declarations are like a pious wish. The worker who holds a union card may not be absolutely shut out, but he is seldom allowed in in any numbers.

Consider this fact. The shop is only an open shop so long as there are in it sufficient non-union men to make it so. The employer who is determined not to operate a union shop is bound to see to it that at best only a small minority of union men secure employment in his shop. If he puts into his public utterances some such declaration as you have quoted about "no worker being shut out because he holds a union card," he is bound to forget his declaration on that score as soon as union men seek to enter his shop in sufficient number to minimize his non-union majority.

You fear that I am misunderstanding you on this very point. I do not for a moment doubt your intentions, nor do I doubt your belief that there can be such a thing in general practice as a true open shop, or your belief that it is desirable that there be such an open shop. The point is that you are deluding yourself. Those who declare for what is termed the "open shop," as the Cleveland Chamber of Commerce has declared, are using their declarations exactly as I have said they are using them. The practice is exactly as I have represented it to be. The fact is, it can not be otherwise. I grant

you there may be isolated exceptions where there is actual and honest open shop operation, where there really is no discrimination against union men and where the terms and conditions of work put forth by union men as the minimum of justice are provided without question and without any demand on the part of the workers. I do not believe, however, that there is anywhere any such shop in which at sometime, sooner or later, the issue will not arise as to whether finally that shop shall be union, or non-union, and some time sufficient union men will find their way into the shop, or sufficient non-union men in the shop will become union men, to force the issue of unionism.

There are, as you say, four positions which one may take. That is to say, there are four positions in theory which one may take. I know of only two positions which may be taken by those who are willing to face the facts and to understand the philosophy of human relationship that underlies the facts. You might reject the shop closed entirely against union men and yet accept readily the shop and the idea which, if successful, must ultimately become closed against union men. It is much like shrinking from instantaneous execution while welcoming a gradual suffocation.

You tell me that if you were a worker, you would join a union and would be active in your union, and you would seek to have the strength of that union back of you in collective bargaining for your wages and conditions under which you would work. If you were a union man and a wage-earner, you would find that in order to be effective your union would have to be sufficiently strong to speak on terms of equality with the employer and that your union would have to be strong enough to induce the employer at times to do things which he would not be willing to do if there were no unions in existence. It might not be necessary to write into an agreement the stipulation of absolute union shop operation and that frequently is not necessary, but it would be necessary, as you would find, to have sufficient strength to make certain at all times that the terms and conditions and standards required by the union could not be endangered by the employment of numbers of non-union men. If you were a union man, you would be active and you would do everything possible to secure those things for which union men contend and you would find two obstacles in your path, one of which would be an unwilling employer, while the other would be the non-union worker.

You assume, however, that if you should elect not to join a union you should not be coerced into joining it, or accept as an alternative starvation of your family. You know, of course, that the union compels no such alternative. What the union workers in a union shop declare is this: "We will not work in this establishment if non-union workers are employed. They may, of course, be employed, and the employer has the right to employ them, if he chooses, but in case of the exercise of that right we shall be compelled to decline to continue at work. Non-union men may work in this plant, but if they do, we shall cease to work in this plant. We do not propose to work with those who are unwilling to assist in securing improvements in conditions of work, improvements in wages and the establishment of reasonable hours of labor." That is precisely the union position in the union shop toward the employment of non-union workers. You might elect to be a non-union worker, which is to say that you might elect to take for yourself the benefits, the improved standards of living, the enlarged opportunities, the reduction in hours of work, the protection against uncertainty and whatever safeguards and advantages might be gained by union workers as a result of their united intelligence and ability to bring about those improvements. You would not contribute toward the effort to secure improvements, but you would gladly accept those improvements for yourself. You would incur none of the risk and would suffer through none of the strikes. You would take none of the chances of being locked out for your convictions and would pay none of the dues necessary to maintain organization, but you would take the benefits. These you would get whether you liked it or not, because they would be thrust upon you.

Throughout all of our industrial history the unions have gone ahead pioneering, breaking down one evil after another, destroying one curse after another, removing one after another the menaces of industry to life and limb, raising continually the intellectual lives of the toilers, improving their social status, bringing to them greater op-

portunities for education and for the education of their children, bringing to them better homes and a better environment generally, fitting them to find a keener enjoyment in life and to have time for that enjoyment, and making them more fit and capable to be citizens of our republic.

I do not think you will presume to say that any great industrial advance has been achieved by unorganized workers, or that any great industrial advance, so far as the workers are concerned, has been brought about upon the initiative of employers. In the background of every single gain that has been made have been the efforts of the organizations of the workers themselves.

For the non-union man who remains so because he is unable to see what is transpiring about him and what has happened in the past, I have a deep sympathy. For him who understands and still remains a non-union man I have a feeling which it is perhaps not necessary for me to express. You may be sure it is not complimentary. But that the non-union man, understanding the facts of life about him, has a moral right to accept the gains, the advances, the advantages and the freedom won by the united efforts of those whom he refuses to join, is something that I can not concede and that I do not believe you will contend after you have given the matter the thought and consideration of which you are so capable.

You speak of the unions as exercising an extra legal power to discipline those who transgress their rules. Because unions at times expel those who are unworthy, you seem to think that we have "two governments in America." I am not inclined to argue the point. It is so self-evident that those who band together for a purpose have a right to deny their company and association to those who prove themselves unworthy, that it seems to me unnecessary to go further into the matter. Does the Cleveland Chamber of Commerce retain in membership, or take into membership, those whom it deems unqualified or disqualified for membership? If the exercise of this legitimate function constitutes the setting up of a separate government, then it is impossible to say how many governments we have in this country, because every organization exercises the same right.

Your letter leads directly into a further conclusion that: "Such a government might suspend the production of coal and so freeze me and my family to death." I am bound to conclude that such an assertion could be made by you only in haste and as a result of the most superficial consideration of the subject. The miners might say, as they have said, that they would mine coal only under such conditions as were fair and satisfactory to them. They might say, as they have said, that under certain conditions offered by the employers they could not agree to mine coal. No organization of the workers has at any time made any other kind of stipulation. Unless you are to deny to the workers all right to an effective voice in the determination of conditions and terms under which they are to give service, you must concede to them the right not to give service under terms and conditions which they can not approve or accept. The truth is, that if mining operations were to be suspended so as to cause inconvenience to you and your family, or others and their families, it would be entirely wrong and a falsification of the facts to say that mining operations were thus suspended by the autocratic action of the miners. Why not say that mining operations were made impossible by the autocratic action of the mine owners?

We have just had a coal strike. At the very moment that the mine owners agreed with the miners as to the terms and conditions governing mine work, the miners returned to their work and the production of coal was resumed. The purpose of the miners was not to cause inconvenience. It was to bring about the establishment of terms and conditions which they deemed proper. That inconvenience was caused is, of course, a fact. That the miners were responsible is not a fact. Furthermore, I am sure that you will agree with me that it is much better that there be temporary inconvenience than that there be permanent injustice. I have used mining as an illustration largely because it was the illustration which you used. The principle involved applies everywhere.

Perhaps I have not touched upon every point contained in your letter, but I have tried to so present the case in relation to the major points as to answer at the same

time the minor points involved. Perhaps I shall not have succeeded in changing your point of view in any particular. I trust, however, that what I have said may have some effect. I shall be glad if you will let me know your impressions and if there be remaining doubts I shall deem it a privilege if you will communicate them to me, in order that I may seek to remove them. I shall hope to hear from you again in the near future.

Very truly yours,

SAMUEL GOMPERS,
President, American Federation of Labor.

P. S.—I am sending you some pamphlets in relation to the Kansas Court and one or two other matters.

GOMPERS TO BAKER

NEW ORLEANS, LA., October 15, 1922.

HON. NEWTON D. BAKER,
Cleveland, Ohio.

DEAR MR. BAKER: I have re-read with much interest our recent correspondence in regard to that most important and fundamental principle and though we are "on the outs" upon that issue I can not refrain from writing you a word upon that most outrageous article which appears in the Encyclopedia Britannica in reference to your administration of the War Department during the great war. In my judgment a gross and unwarrantable misrepresentation and attack has been made upon you.

As a member of the Commission of the Council of National Defense, as a representative of Labor and as a citizen, I had the opportunity of being in close touch with you and your work as chairman of that council, as Secretary of War and as a public-spirited, earnest worker in the great issues so crucial at the time and for the future rights of the people of our own Republic as well as the allied countries, who, with us, were jointly making the greatest of possible sacrifices in order to be able to live their own lives and safeguard their democratic self-determining institutions. Before, during and after the close of the war, I know of no man among all our people who could more efficiently, faithfully and unremittingly conduct the affairs of our War Department than you, and though, as I say, we are "on the outs" upon another issue, I feel it only a fair modicum of justice to you to express my contempt and indignation that so unjustified an attack upon you should have been made by a publication usually regarded as dependable.

Very truly yours,

(Signed) SAMUEL GOMPERS,
President, American Federation of Labor.

P. S.—The above was dictated while en route to New Orleans where I am to address the convention of the American Legion.

Pope Leo XIII, on May 15, 1891, said: "But all agree, and there can be no question whatever that some remedy must be found, and quickly found, for the misery and wretchedness which press so heavily at this moment on the large majority of the very poor. By degrees it has come to pass that workingmen have been given over, isolated and defenseless, to the carelessness of employers and the greed of unrestrained competition. And to this must be added the custom of working by contract, and the concentration of so many branches of trade in the hands of a few individuals, so that a small number of very rich men have been able to lay upon the masses of the poor a yoke little better than slavery itself."

The public be damned! I'm not running this road for the benefit of the public! I'm running it for my own benefit."—*Cornelius Vanderbilt, of the New York Central Railway.*