

The Neglected Side
OF
Trade-Unionism.
The Boycott.



BY
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1902

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At the Twenty-first Annual Convention of the American Federation of Labor, held at Scranton last December, the boycott was specifically brought forward as the most effective weapon available for the purpose of coercing independent manufacturers and independent employees. President Gompers in his address insisted that not only was the strike the exercise of a lawful and moral right, but that the boycott was equally a lawful and moral right. At this convention committees of various trades reported the names of numerous firms boycotted.

The boycott policy of the trade unions as asserted in this report has been negligently ignored by newspapers, and other periodicals. It is only actual physical violence against the rights of liberty and property that has received any considerable attention. The more peaceable methods of encroaching on these same rights have been left uncriticised. While the open and forcible infliction of injury will never succeed in winning public approbation or the consent of the courts, the more peaceable methods are the more alarming because so subtle in their operation. Though they are fully as great an encroachment on individual and public rights and cause as much substantial damage they are more easily disguised and concealed and to superficial observation are not so flagrant. It is this permanently established system of ruining others that demands public opposition—the ceaseless gnawing of the silent boycott.

Recognizing the reason and the need for labor organizations when confined to a just and legal purpose, the public must not be blind to such unjust and illegal methods as are adopted by the Scranton convention. The extent and efficiency of these illegitimate schemes, which are now to be considered, are partly due to the apathy and ignorance of the public at large.

BOYCOTT OF THE PRODUCT.

First, as to the Means by which the Boycott of the Product is Accomplished. The indispensable part of all boycotts is a distinguishing mark. In the case of labor organizations, the efficient weapon is the Union Label; or in some cases the specific trademark of the boycotted Manufacturer. The former is the pre-eminently important part of their machine of conspiracy. Registered in most of the States, no unlicensed person can use it without incurring severe penalty according to our laws, thus making a complete monopoly. It is now a well recognized trade mark, by which the dealer and walking delegate distinguish all goods of union manufacture, from those of non-union make. As soon as this practical method of discrimination was adopted the establishment of the boycott was assured. All articles without the label are severely proscribed.

This label does not necessarily represent quality, earning capacity, sanitary conditions, or short hours, but is a club to coerce employers and injure independent workmen by making possible the boycott. It is so totally void of the usual significance of trademarks that in the absence of special statutes many courts have denied it protection. It cannot exist as a mere abstract right, they say, but only as an incident to business indicating certain facts concerning the purchased article. The union label is used in all manner of factories, most of them only partly organized and represents no uniform conditions for which it would be a guarantee to the consumer. Because of such decisions the unions have in many cases been obliged to establish its legality by special act of the State legislatures. It is useless to say that such a mark is only used to right wrongs. The boycott is used in defiance of right and as a power to subdue both employers and employees who dare to exercise their liberty. The notorious example of boycott of the special machine made by the National Cash Register Company of Dayton, Ohio—the modern Utopia of wage earning and careful provision for those in its employ—illustrates the flagrant use of this illegal and morally wrong power. The threat of being deprived of valuable trade causes the distributor to select union goods with the label and the general consumer not in the labor union buys what is offered him regardless of the label.

Next, as to the Plan for the Dissemination of the Boycott. By combining many unions of all trades with an aggregate membership of great volume into a central national body known as the American Federation of Labor, through the use of the boycott, a gigantic

engine of tyranny has been created. Resolutions are offered by local unions asking the American Federation of Labor to boycott certain concerns. These resolutions are referred to a Boycott Committee for consideration. If the decision is favorable President Gompers sends out letters to the various affiliated unions promulgating it. Here is a report by the Boycott Committee on a resolution introduced at the Scranton Convention.

"The Committee recommends that the incoming Executive Council endeavor to bring about a satisfactory settlement of the controversy between the National Cash Register Company, Dayton, Ohio, and the Metal Polishers by February 1st, 1902. In case of a failure to come to an agreement the Executive Council will declare a boycott against the National Cash Register Co., Dayton, Ohio, and place the product of the said Company on the unfair list of the A. F. of L."

The letter resulting from these proceedings now follows, and it would seem from its date that they did not wait until February 1st, to declare this boycott.

Notice.

HEADQUARTERS
AMERICAN FEDERATION OF LABOR,
423-425 G ST. N. W., WASHINGTON, D. C.,

January 3, 1902.

To All Affiliated Unions:

At the request of the unions interested, and after due investigation and attempt at settlement, the following concerns have been declared UNFAIR:

The National Cash Register Co., Dayton, O.

The National Biscuit Co., Chicago, Ill.

Henry H. Roelofs & Co., Philadelphia, Pa.

Jamestown Street Railway Company, Jamestown, N. Y.

Secretaries are requested to read this notice at union meetings, and labor and reform press please copy.

Fraternally yours,

SAMUEL GOMPERS,

President A. F. of L.

After the receipt of such a letter the local unions appoint committees to wait upon the jobbers and retailers who are in the habit of handling the boycotted goods informing them that they represent a large number of organized laborers who will not patronize them if they sell the boycotted article. Frequently local unions have a national organization of the same craft, and the national unions

employ agents to travel over the whole country to spread the boycott in behalf of their own particular product. The constant circulation of vituperative letters, pamphlets and labor periodicals conspires with the ceaseless vigilance of the walking delegate and the traveling agent, to bar the sale of the goods made by the condemned manufacturers. In every trade in which they have a union all articles of non-union manufacture are proscribed, especially those manufactured by specifically boycotted concerns. It is a system of reciprocity carried on between the numerous ramifications of the American Federation of Labor all over and beyond this country—"You boycott all non-union goods in my line and I will boycott all non-union goods of your line."

A very important factor in the promotion of the use of the union label, and the boycott is the Retail Clerks' Union. Their influence is exerted over their employers to secure the purchase of only union articles. If they are not entirely successful in clearing the store of non-union goods in this way, they still further strengthen the system by giving prominence and recommendation to the article with the label. The consumer who knows nothing of the label makes his purchase according to the advice of the wily clerk, who will not show the goods made in free and open shops.

The old maxim has been re-affirmed: "Those who are not with us are against us." All those who will not join the unions in violating the law and inflicting injury and injustice, are themselves made the victims of the same illegal acts they discountenanced. A merchant in one town was informed that if he continued subscribing for the *New York Sun*, he could not sell another pennysworth of goods. An agent who innocently rode on the boycotted trolley in another town was followed from store to store by emissaries, of the union, who prohibited the merchants from buying any goods of him. Any one who is courageous enough to patronize the proscribed firms after notice from the union, finds himself ensnared by the same conspiracy he refused to support. The unions themselves have an established system of levying fines on their members who buy non-union articles or patronize the proscribed concerns. The delivery wagon of a non-union baker was followed in order to obtain a list of union patrons and levy fines on them.

There is still another phase to this conspiracy. Whenever the edict of the boycott is issued under the authority of Samuel Gompers, as President, it is quite a common occurrence for the members of the different building trades organized into unions to refuse to handle the product of the boycotted concern, thus paralyzing busi-

ness enterprises, and depriving the boycotted firm and their employees of their opportunity of earning a livelihood.

Though the articles manufactured by independent manufacturers may be better or cheaper than those of union manufacture, the consumer does not have access to them for they lack the union label or sanction of the unions, which is the necessary passport to reach the market. Retailers and jobbers dare not buy them. Extravagant as the phrase may seem, it is literally a reign of terror. Let it be emphasized that these are not strike conditions, but the ceaseless boycotting of goods during peaceful times when public sentiment is indifferent. It has not the excuse of angry passion or sudden impulse. It is the result of an elaborate and premeditated scheme to bring to disaster and ruin all non-union manufacturers and employees, and to deprive them of their inalienable right to the unimpeded pursuit of a livelihood.

Except in towns where union sentiment is predominant, this does not ordinarily take the form of popular boycott by the consumer. The average purchaser does not know whether he is buying a union or non-union article. A majority undoubtedly would not recognize the Union Label. This emblem of tyranny and injustice is generally situated in an inconspicuous place. It is not the influence wielded over the consuming public that makes the boycott so successful; it is the terror and fright excited in the minds of the jobber and retailer when the walking delegate appears. They fear that their trade will be boycotted if they buy non-union goods and would rather buy goods against which there is no opposition and the purchase of which would make them no enemies. As there is no organized anti-union sentiment they think they will remain on the safe side and buy only union goods.

It sometimes happens that this general and continuous boycott is not disastrous enough to satisfy the unions, and they institute what is termed a special boycott. Some independent manufacturer because of his victory in a strike or because of unusual business success and the failure of their ordinary efforts to injure him, will arouse their antagonism and his name will be virulently denounced in the usual terms of demagogical extravagance. All union men will be exhorted to become active in the destruction of his business. Special agents follow his salesmen from point to point and secure the countermand of orders just placed.

Such is the boycott by a reign of terror—terror to the dealer lest his name too be added to the unfair list and he will be unable to find a market for his goods. It is enforcing the boycott by a boy-

cott and fear of boycott. People must attack others that they be not attacked themselves. Many who condemn such a policy as repugnant to justice, fair play and honest competition in which the most competent succeeds, are obliged to co-operate in it for self-defence.

The illegality of the boycott can scarcely be questioned. A boycott cannot even be justified when done for purposes of competition but the unions here have no such excuse. Their direct motive is the injury and the ruin of the manufacturer. To be sure their ultimate object is the amelioration of their own condition, but that is too remote to permit the boycott to be termed by any such euphemistic name as competition. It is a monstrous conspiracy to put up prices to stem all the forces of economic laws, and rise upon the ruins of their victims. Of true competition they know nothing, and if all they and their advocates claim for them were true, they would not be obliged to resort to the ruin of non-union citizens in order to rise. If they were seeking to improve sanitary conditions and the efficiency of labor, and were succeeding in so doing, they would not be afraid to compare a union article with a non-union article of the same grade. If their objects were so commendable and they were improving industrial conditions, public sympathy and public interest would assure them the market without the use of the boycott. It would not be indispensable to their success that non-union goods should be kept out of the market. As it is they rise not by the superiority of their own work, but by the destruction of their competitors.

The boycott of the market is in no sense competition and has no defence in law or justice. According to the definitions of certain courts it is a wilful and intentional infliction of injury in order to attain some object. It is an organized effort to exclude a person from business relations with others by intimidation. A man's business is his property and he is entitled to protection from unlawful interference therewith. It is based upon the fundamental rights of life, liberty and the pursuit of happiness, which are recognized in our Declaration of Independence. It declared all men to be born free and independent, and to have certain inherent and indefeasible rights, among which are those of enjoying and defending life and property, and of acquiring, possessing and protecting property.

THE BOYCOTT OF THE NON-UNION WORKINGMAN.

The boycott of non-union goods is undoubtedly the strength and life of the whole union movement. By virtue of the power of the American Federation of Labor in this conspiracy are all other movements made effective. The boycott of the non-union man, which we are now about to consider, is largely dependent on the power they wield through the boycott of the market. No aspect of union activity should arouse a stronger protest from the non-partisan than the condition of the non-union workman whom the unions attack. The capitalist it is thought, can take care of himself but that the non-union laborer should be made an object of disaster seems without excuse, and the more so because it is a movement by only one-tenth of the whole labor population. Then too, those who deserve the most sympathy because of their greater misery, and whose helplessness makes them a still easier prey to the avarice of capital, are not, and cannot become members of the union.

By the boycott of the product of the manufacturer, ninety per cent.* of the labor population are used as stepping stones on which the Union boycotters rise the higher in the scale of prosperity. With every step of theirs, unorganized labor is forced still farther down. By boycotting and refusing to work with non-union men, and enforcing their policy with threats of striking, a large proportion of the labor world is shut out from employment in union concerns, where they could be employed to mutual advantage. Their industrial freedom is being assailed on all sides. Those inalienable rights that Jefferson declared to be self-evident have been placed in jeopardy. The free and independent man finds it nearly impossible to obtain and keep a position in a town containing a strong union faction; and his ability to earn subsistence for himself, his wife and children is impaired. His indisputable right to work where he pleases has been infringed on to say nothing of the moral wrong of social ostracism that follows the so-called "scab."

Now and then we hear from indignant voices incidents of the grievous injury inflicted by the boycott against the non-unionist. A woman was engaged by a trolley company to play the piano for vaudeville performances, which occurred at one of their summer parks. Everything was satisfactory until a committee of the union threatened a boycott of the trolley line if she were not discharged, because she did not belong to the Musicians' Union. The chivalrous union

* See, statement of Labor Commissioner, Carroll D. Wright.

with all its sympathy for its fellow-laborers pitted the strength of its organization against this helpless woman, and she was obliged to abandon her work. This is not an isolated case, but could be added to by innumerable others. No man who reads, or has had any intercourse with unions, will doubt the frequency of similar acts of injustice. Here again we find the Retail Clerks' Union active in the furtherance of the boycott. They do not rest satisfied till every clerk in the store becomes a member of the union, or loses his position. Prominent buttons on their coats bring the union customer to their counter, while the non-union clerk is so avoided that his sales are diminished, and his apparent inefficiency brought to the notice of the employer. In this way able salesmen lose their positions.

In the recent coal strike, Mr. Thomas, President of the Erie Railroad, said that much of the Company's opposition to the union is based upon its discrimination against the employment of non-union men. "It is," he declares, "the inalienable right of a man to labor without regard to nationality, creed or association. To seek to prevent it is a crime, and we cannot even by implication sanction such a course."

In a series of articles, entitled "The Rights of Man," Dr. Abbott says: "If any section of society endeavors to prevent any man from working and from enjoying the product of his work that section of society is unjust. If any organization undertakes to prevent any man from working when he will, where he will, for whom he will, and at what wages he will, that organization violates the essential rights of labor. It is not primarily the enemy of capital; it is primarily the enemy of labor; for every man has a right to work and every man has a right to the products of industry."

Mr. Thomas and Dr. Abbott appreciate the appalling tyranny and outrage practiced on free and independent citizens. The union arbitrarily determines its membership. Some are intimidated to join in order to protect their liberty and property, and especially their ability to obtain employment. Others suffer from the same hardships, but cannot join because the Union does not deem it expedient to admit them. So do the dictators select from among our citizens, those who shall be endowed with special opportunities to earn a livelihood. Not to be a member of this association is a disqualification that bars one from many lines of employment; a disqualification which cannot be surmounted by perseverance or competency, but rather depends on the will of the minority. Whether skilled and superior workmen, and men of honesty and integrity, the result is the same. An overwhelming proportion of the labor of the United States is disqualified

from entering certain businesses and concerns, at the will of the organized and aggressive one-tenth. The product of the Free and Independent Labor population is liable to be boycotted that the price of Union labor and articles of Union manufacture may be maintained at an arbitrary level by means of a monopoly limited in its membership.

It would certainly seem that the laws must afford a remedy for the woman pianist, and that under a government "conceived in liberty," the industrial freedom of our citizens should be secure. According to Dr. Abbott as we have seen, the industrial freedom of a laborer means the right of every man to work "when he will, where he will, for whom he will and at what wages he will." Unions have no right to organize together and use the power they possess, because of the employers' dependency on them, to compel the discharge of certain men for not belonging to their association. The motive is unreasonable and unjust, and the conspiracy is oppressive. The rights of those attacked have been encroached upon and the courts should be unanimous in the assertion and protection of them.

Whether it is the boycott of the product or of non-union labor, the duty of the courts to suppress it is plain. President Gompers himself acknowledges the illegality of their acts when he said in one of his speeches: "Some years ago the Federal Congress passed a law for the incorporation of our trade unions. Beyond question the advocates of the bill really believed they were doing organized workers a real service; but at the time and since we have repeatedly warned our fellow unionists to refrain from seeking the so-called protection of the law, which in cases referred to justify the suspicion and conclusion that the courts would in time have declared our unions liable to be mulcted in damages." They will no longer trust the law, but set themselves above the law in favor of unlawfulness. If the Scranton Convention believed the boycott to be a legal and moral right why should they fear to seek the protection of the law?

LEGISLATIVE ACTIVITY.

In spite of President Gompers' contemptuous reference to the "so-called protection of the law," if our present laws define their acts as illegal they resort to the legislature to have them changed. Even in the National Congress the American Federation of Labor has salaried representatives who are ever alert to secure favorable legislation. As they represent a large number of votes, and there is no organized opposition, their influence is enormous. Again the

Spectre boycott appears, and the legislator who is temerarious enough to oppose their bills finds himself boycotted at the polls by the combined strength of organized labor. The union label, which, as we have seen, had no legal status in the courts of law and represents nothing but a boycott, has been legalized in many States by legislation at the instigation of organized labor. Recently they have been trying to lobby through Congress a bill to limit the meaning of the word conspiracy by which they hope to impair the power of the courts in granting injunctions. Its object is to prevent all legal interference with picketing, boycotting and other similar acts which are now recognized as unlawful. Mr. Ralston, as attorney for the American Federation of Labor, advocating a similar bill said it would permit the boycott even though it starved a man to death. A brief consideration should show how pernicious such a bill is. Yet such is the influence of organized labor and the subservience of Congress to their demands that it passed the House and its defeat in the Senate was a matter of grave doubt. Is it strange that people are alarmed at the labor movement when even the legislatures ignore the rights of the majority and legislate in favor of a few?

MONOPOLY.

If all labor was organized and the price of labor was to rise everywhere, the price of the articles of consumption would experience a sympathetic rise, and the working man would be no better off. Likewise if the unions admitted too many men of each trade they would introduce competition in their ranks and thus defeat their own ends by forcing down the price of labor. Accordingly the number of apprentices in each union factory is limited, and limited so closely as at times to be insufficient to the natural growth of the business, and only enough to answer for the usual number of deaths. And just as they limit the number of apprentices in each individual factory so as not to have too many employees eligible for employment in that factory, just so do they limit the membership of unions throughout the country, that the price of union wages may be inflated by cornering the supply.

If it were so easy to ameliorate the condition of labor as a whole we would not hear so much talk about Socialism. As it is what one section wins the other loses. Therefore in order to be some winners there must be some excluded who are to be the losers.

CONSPIRACY IN RESTRAINT OF TRADE.

The essence of the Union policy is a conspiracy in restraint of trade to raise the price of labor in defiance of competition.

By means of this monopoly strengthened as it is by the outrageous boycott they have placed their wages on a level above unorganized labor. The non-union man can get no employment in a union factory, and is obliged to accept lower wages than ever from the much depleted profits of his boycotted employer. It is a glaringly unjust conspiracy by which a part of that fair return of wages which economic laws have given to all labor is taken from him and appropriated to fatten the pocketbook of the union man. The consumer too bears an unjust burden inasmuch as the boycott often deprives him of the opportunity of purchasing the cheaper article. The result is an inequitable division of the burdens of earning a livelihood depending on certain artificial and illegal barriers.

There is this danger of injustice in all combinations, and it is the cause of the attacks on trusts, yet considering the present state of society, the courts have given laborers the privilege of combining to control the price of labor, and have denied capitalists the right of combining to control the price of their commodities. People may not object to this discrimination in favor of the weak, but to allow laborers to strengthen their power for injustice by boycotting non-union goods and non-union labor, is inconsistent with our free institutions and at the same time places too much arbitrary power at their own selfish disposal. Though they may combine in order to enforce their demands absolute freedom must be given the free and independent laborers to work for whom and what they please; and the manufacturer must be assured free access to the market. It is our only safeguard as to the liberty of the individual, the prosperity of the country, and a fair distribution of the profits of industry. Remove the illegal boycott and give adequate legal protection to the great mass of free and independent non-union working people, and matters will adjust themselves by natural laws.