A Plan for Avoiding Strikes

Gratifying interest has been stirred in legislative, labor and business circles by the flood of thoughtless anti-labor legislation. The suggestion, offered on this page last week, is to step into all labor disputes with an offer of its good services.

Of course this plan has no real chance of adoption, but it may lead to settlement of the overwhelming majority of major disputes, without any tampering with established labor rights or safeguards. It is a fair question to ask of us: From what do you derive your confidence that these will be the results?

It is naive to approach the current defense labor problem as if there had never been a war in the country before. The democratic way (history is taught in the schools for this reason) requires us to look at the record.

For instance, the Erdman act led to the settlement of 42 out of 61 controversies before the Labor Board. In 1894, which was settled before the investigation, it did offer government arbitration, but of finding a way which will establish friendship instead of antagonism.

The railroad workers are trusting in their good faith. The spirit of unanimity shown in the adoption of the Transportation Act of 1920, limited to actual operating crews, is exceptional. In the settlement of 61 controversies before the Labor Board a decent living wage was established for the great majority of the railroad workers.

It was in this setting, on the basis of considerable experience, and with labor almost completely organized, that the Railway Labor Act of 1926 came to be written. It was the result of arbitration, not of a strike situation in the railroad field. Investigation after a strike had begun proved to be a cumbersome device; it was used only once, during the Pullman strike of 1894, which was settled before the investigators made their report.

This was succeeded by the Erdman Act of 1898, limited to actual operating crews of trains. This made no provision for investigation. It did offer government arbitration, a mediation clause that could initiate action only on the request of one of the parties to the dispute; if the other party refused to agree, the offer fell. As weak as it was, the Erdman act led to the settlement of 42 out of 61 controversies between 1898 and 1913.

The Newlands Act of 1913 created a permanent Board of Mediation and authorized the appointment of six arbitrators in order to avoid the settlement of the overwhelming majority of major disputes, without any tampering with established labor rights or safeguards. It is a fair question to ask of us: From what do you derive your confidence that these will be the results?

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Almost every device known to man was applied in turn in efforts to solve the problem, from the use of federal troops against strikers in the seventies to the adoption of many different forms of conciliation work, mediation and arbitration.

One plan worked. It was that outlined in the Railway Labor Act of 1926, whose terms are very similar to those of our proposal for avoiding strikes. Though that plan was written into the statute empowering the President of the United States to order a “waiting period” before a strike, the statute itself was enacted as the result of complete agreement between labor and management in the railroad field, and was, in fact, brought to Congress by the railroad industry and by its employee organizations, the railroad brotherhoods.

Let us review, briefly, the steps which led to this voluntary employer-employee agreement on a permanent plan for peace.

There was first the Act of 1888, a feeble measure which provided for an offer of arbitration, and then, if that were refused, the appointment of an investigating commission by the President, to report on each

That the new law worked, with some later refinements and improvements, is history. Its applicability to the present day is clear. Peace comes through agreement, not duress. Strikes end, not when the right to strike is violated, but when the right to strike is preserved and made one of the bargaining instruments through which a “waiting period” device is voluntarily agreed upon to reduce the number of strikes. It is in the atmosphere of voluntary agreement, such as that out of which the Railway Labor Act grew, that fears subside and understanding is won.

Here, if we are big enough to accept it, is the clear lesson for the present day. To start with a new law is dangerous. To start with voluntary agreement on procedure is to come closer to the day when we can write more mature labor statutes, based on acceptance. We can avoid strikes, if we will. We can do so democratically, thus proving our democracy the while we prepare to defend it.