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FACT-FINDING IN LABOR DISPUTES

3

A SERIES OF ADDRESSES AND PAPERS PRESENTED AT THE SEMI-ANNUAL
MEETING OF THE ACADEMY OF POLITICAL SCIENCE IN THE
CITY OF NEW YORK, APRIL 11, 1928

EDITED BY
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PREFACE

IN this volume are published the addresses and papers presented at the Semi-Annual Meeting (Forty-Eighth Year) of the Academy of Political Science, on April 11, 1928, at the Hotel Astor, New York City.

Considering that a timely and valuable public service might be rendered by the Academy through a discussion of certain legal and economic aspects of the labor problem by experts and by spokesmen of the various interests concerned, the Committee on Program and Arrangements formulated a program centering around the basic problem of "Fact-finding in Labor Disputes". The Morning Session was devoted to a series of addresses, followed by discussion from the floor, on the use of injunctions and the rôle of the courts in labor disputes and on the various fact-finding agencies, governmental and voluntary, which have endeavored to clarify industrial conflicts by means of investigation. At the Afternoon Session the topic of "Trade Union and Employee Representation Plans" was discussed from many different angles by representatives of capital, of management, and of labor, and by distinguished economists. At the Dinner Session a large and representative audience heard five able addresses on "Present Needs in Industry". The program of the three Sessions, in detail, was as follows:

PROGRAM

FIRST SESSION

Wednesday, April 11, 1928, 10 A.M.

North Ball Room, Hotel Astor

TOPIC: Courts or Voluntary Agencies

GEORGE ROBERTS, *Presiding*

1. *Introductory Address.* GEORGE ROBERTS.
2. *Fact-finding in the Coal Industry.* EDWARD T. DEVINE.

Supreme Court's Control Over the Use of Injunctions in Labor Disputes. THOMAS REED POWELL.

Industrial Fact-finding as a Function of Government.
RICHARD H. LANSBURGH.

5. *What Has Been Done by British Fact-finding Bodies in Industrial Relations.* JOHN H. RICHARDSON.
6. *The Future of Injunctions in Labor Disputes.* T. YEOMAN WILLIAMS.
7. *Discussion (under the ten-minute rule).* MORRIS HILLQUIT.
8. *Discussion (under the five-minute rule).*

Paper read by title: *The Use of Impartial Machinery in Labor Disputes.* RUSH C. BUTLER.

SECOND SESSION

Wednesday, April 11, 2:30 P.M.

North Ball Room, Hotel Astor

**TOPIC: Trade Union and Employee
Representation Plans**

HENRY R. SEAGER, *Presiding*

1. *Introductory Address.* HENRY R. SEAGER.
2. *Employee Representation: A Warning to Both Employers and Unions.* WILLIAM M. LEISERSON. *
3. *Our Experiences with Employee Representation.*
HARVEY G. ELLERD.
4. *Union-Management Cooperation in the Railroad Industry.* OTTO S. BEYER, JR.
5. *The Trade Union Attitude Toward Fact-finding Bodies.*
K. C. ADAMS.
6. *Discussion (under the ten-minute rule).* HERMAN OLIPHANT. HENRY S. DENNISON.
7. *Discussion (under the five-minute rule).*

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THIRD SESSION
SEMI-ANNUAL DINNER MEETING

Wednesday, April 11, 7 P.M.

Grand Ball Room, Hotel Astor

TOPIC: Present Needs in Industry

SPEAKERS

HALEY FISKE, *Presiding*

RUSH C. BUTLER

B. SEEBOHM ROWNTREE

FELIX FRANKFURTER

DONALD R. RICHBERG

The following brief "Who's Who" of the speakers who participated in the meeting and whose contributions are published in this volume may serve the convenience of readers, despite the brevity required by limitations of space. The names are arranged in alphabetical order, rather than according to the sequence of speakers on the program.

K. C. ADAMS, whose address at the Afternoon Session presented "The Trade Union Attitude Toward Fact-finding Bodies" (see pp. 128-138), is Director of Research for the United Mine Workers of America.

OTTO S. BEVER, JR., whose address on "Union-Management Cooperation in the Railroad Industry" (see pp. 120-127) was a feature of the Afternoon Session, is consulting engineer for the Standard Railroad Unions and was personally active in the inauguration of the employee representation plan on the Baltimore and Ohio Railroad.

WARREN S. BLAUVELT, of the Hudson Valley Coke and Coal Products Corporation, Troy, N. Y., contributed to the discussion at the Afternoon Session (see pp. 147-148).

RUSH C. BUTLER, senior member of the law firm of Butler, Lamb, Foster and Pope, was retained by the Interstate Commerce Commission during the years 1908 to 1914 to represent

the public interest in the investigation of relations between coal-carrying railroads and coal operators under the terms of the Tillman-Gillespie resolution. Mr. Butler is President of the Illinois State Bar Association and Chairman of the American Bar Association's Committee on Commerce. At the Dinner Session Mr. Butler delivered an address on anti-trust legislation (see pp. 156-161); he also contributes to this volume a paper, read by title at the Morning Session, on the subject of "Industrial Arbitration" (see pp. 178-184).

STUART CHASE, who took part in the discussion at the Afternoon Session (see pp. 145-147), was a partner of Harvey S. Chase and Company, certified public accountants, in Boston until 1917; during the ensuing five years he was occupied with the investigation of the meat-packing industry under the Federal Trade Commission; and since 1922 he has been with the Labor Bureau. He is the author of *The Tragedy of Waste* and joint author of a widely read volume entitled *Your Money's Worth*.

JULIUS HENRY COHEN, who participated in the discussion at the Morning Session (see pp. 88-89), is a member of the law firm of Cohen, Gutman and Richter, of New York City, and author of several important books on legal and labor problems, notably: *Law and Order in Industry* (1916); *The Law—Business or Profession* (1916); *The League to Enforce Industrial Peace* (1917); *Commercial Arbitration and the Law* (1918); and *American Labor Policy* (1919).

HENRY S. DENNISON, President of the Dennison Manufacturing Company of Framingham, Mass., is a distinguished pioneer in matters of industrial management and employee representation. Mr. Dennison participated in the discussion at the Afternoon Session (see pp. 141-144).

EDWARD T. DEVINE, Dean of the Graduate School of the American University, addressed the Morning Session on the problem of "Fact-finding in the Coal Industry" (see pp. 5-13). Dr. Devine served on the United States Coal Commission of 1922-1923; he is the author of *Coal—Economic Problems of the Mining, Marketing, and Consumption of*

Anthracite and Soft Coal in the United States (1925), and has remained in close contact with the situation in the coal industry. For many years Dr. Devine was editor, and subsequently associate editor, of *The Survey*; he was Professor of Social Economy at Columbia University from 1905 to 1919, Director of the New York School of Philanthropy from 1904 to 1907 and from 1912 to 1917, General Secretary of the Charity Organization Society of New York from 1896 to 1912 and Secretary of the same society from 1912 to 1917. During the war he had charge of the Bureau of Refugees and Relief under the American Red Cross Commission to France.

HARVEY G. ELLERD, of the Personnel Department of Armour and Company, recounted the experiences which led to the establishment of the Conference Board system of employee representation in the Armour plant (see pp. 110-119).

HALEY FISKE, President of the Metropolitan Life Insurance Company since 1919 and director of the Chatham and Phenix National Bank and Trust Company, of the Victor Chemical Works, and of the National Surety Company, was the presiding officer at the Dinner Session. A summary of his address is found on pp. 151-155.

FELIX FRANKFURTER, Professor of Law at the Harvard Law School, addressed the Dinner Session on the "Present Needs in Industry" (see pp. 171-177). Professor Frankfurter is the author of *Cases under the Interstate Commerce Act* (1922), *The Oregon Hours of Labor Case*, and *District of Columbia Minimum Wage Cases* (1923), and of numerous contributions to reviews. During the war period Mr. Frankfurter served as assistant to the Secretary of War, secretary and counsel to the President's mediation commission, assistant to the Secretary of Labor, and Chairman of the War Labor Policies Board.

MORRIS HILLQUIT, who led the discussion at the conclusion of the Morning Session (see pp. 84-87), has been engaged in the practice of law in New York since 1893 and was the Socialist candidate for mayor of New York City in 1917. Mr. Hillquit is a member of the National Executive Committee of

the Socialist Party and has been a delegate to several Socialist national conventions and international congresses.

RICHARD H. LANSBURGH, who contributed a paper on "Industrial Fact-finding as a Function of Government" (see pp. 14-19), was formerly Secretary of Labor and Industry of the Commonwealth of Pennsylvania and is now Professor of Industry at the University of Pennsylvania.

WILLIAM L. LEISERSON, Professor of Economics at Antioch College and Chairman of the Board of Arbitration of the Men's Clothing Industry of New York from 1921 to 1923 and of Chicago since 1923, has drawn from practical experience as well as from academic study in preparing his discussion of the challenging topic, "Employee Representation—A Warning to Both Employers and Unions" (see pp. 96-109).

THOMAS REED POWELL, who contributes to this volume a trenchant and documented study of "The Supreme Court's Control over the Issue of Injunctions in Labor Disputes" (see pp. 37-77), is a distinguished specialist on the Supreme Court's decisions. Mr. Powell was formerly Ruggles Professor of Constitutional Law at Columbia University; since 1925 he has been Professor of Law at the Harvard Law School. He has been a frequent contributor to the *Political Science Quarterly*, of which he served as Managing Editor from 1913 to 1916, and to legal periodicals.

MURRAY T. QUIGG, who participated in the discussion at the Morning Session (see pp. 87-88), is the Editor of *Law and Labor*, the organ of the League for Industrial Rights, with offices at 165 Broadway, New York City.

JOHN A. RICHARDSON, a distinguished British economist on the staff of the International Labour Organization at Geneva, came to the United States this year to serve at Columbia University as Visiting Professor of Social Legislation. His address at the Morning Session presented a comprehensive analysis of "What Has Been Done by British Fact-finding Bodies in Industrial Relations" (see pp. 20-34).

DONALD RICHBERG has practised law at Chicago since 1904 and has acted as special counsel for the City of Chicago in gas litigation since 1915, as chief counsel for the railroad unions in the government injunction suit of 1922, and as general counsel for the National Conference on the Valuation of Railroads since 1923. As counsel for the railroad unions he has been actively and intimately concerned with the problems confronting the labor movement. He is the author of *The Shadow Men* (1911), *In the Dark* (1912), *Who Wins in November?* (1916), *A Man of Purpose* (1922), and of numerous articles contributed to magazines and reviews. His witty and yet by no means mainly whimsical address at the Dinner Session expounded the philosophy of "Mutualism" as a remedy for the evils of the existing industrial order (see pp. 185-194).

GEORGE ROBERTS, Chairman of the Committee on Program and Arrangements for this meeting, and presiding officer at the Morning Session, is a member of the law firm of Winthrop, Stimson, Putnam and Roberts, with offices at 32 Liberty Street, New York City.

B. SEEBOHM ROWNTREE, Chairman of the Rowntree Cocoa Works, is an eminent British industrialist and a member of the British Liberal Industrial Inquiry which has recently been engaged in formulating a notable program of industrial reconstruction. As a statesman of industry, coupling a courageous vision with the practical experience of a responsible man of affairs, Mr. Rowntree has a very large number of warm admirers and friends in America as well as in Great Britain. Mr. Rowntree's address on the topic "A Liberal Industrial Policy" was an outstanding feature of the Dinner Session (see pp. 162-170).

HENRY R. SEAGER, Professor of Political Economy at Columbia University and a Trustee of the Academy of Political Science, is an authoritative specialist on labor problems who needs no introduction to readers of these pages. Professor Seager acted as presiding officer at the Afternoon Session (see pp. 93-95).

T. YEOMAN WILLIAMS, who addressed the Morning Session on the topic "Future Injunctions and Labor Disputes" is the Secretary of the League for Industrial Rights (see pp. 78-83).

To the group of distinguished speakers who participated in the Meeting, and whose contributions give this volume its value, the most sincere gratitude and appreciation are due. The officers of the Academy likewise wish to express their indebtedness to the Committee on Program and Arrangements, whose advice and suggestions were of inestimable value in the formulation of a well-balanced program on so many-sided and controversial a subject as the one under consideration. The membership of the Committee was as follows:

COMMITTEE ON PROGRAM AND ARRANGEMENTS

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