

# Some Phases of the Labor Question

*Address by*  
**WALTER DREW**  
*of NEW YORK*



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## SOME PHASES OF THE LABOR QUESTION.

### The Public Interest.

ONE of the important features of the industrial situation is the universal public interest which at the moment attaches to labor questions. The traditional attitude of the public as to labor relations and controversies has been that of a friendly neutral, usually leaning toward the side of the worker. It has not thought of itself as having direct and vital interests in the relations between employer and employee so long as the surface of industry was peaceful and its own convenience was not disturbed by industrial conflict. In this respect the public's attitude may be compared with that of a certain gentleman of Hebraic extraction on board one of our trans-Atlantic liners. When approached by an excited fellow-passenger who exclaimed "My God. The ship is sinking," he replied. "Vell, vot of it? It is not my ship."

But the public has discovered that all of us are very much upon the industrial ship. The war furnished much illumination along this line, for even the most ignorant knew that the real battle was being fought out in the workshops of the contending nations. Since the war Society's work problem has not diminished in intensity. The waste of war has not been replaced and the work neglected in war time has not been done. In the construction industries alone in this country, including not only building but construction work of all kinds, it is estimated that we have at least four years' accumulated work to be done. If Society, when confronted with such vast needs, suddenly finds the efficiency and morale of its working force dissipated and broken down, it is small wonder that it should begin to pay some attention to its work problem.

It is significant that one of the chief manifestations of the public interest in labor matters has been a spontaneous and general reaction from one coast to the other against union domination of different localities and industries. This reaction has been largely promoted by commercial and business organizations which in times past considered themselves as neutrals on the labor question. Note, for instance, the referendum vote of the United States Chamber of Commerce on the platform of industrial principles submitted to its membership. The first two principles of that platform read as follows:

"1. Any person possesses the right to engage in any lawful business or occupation and to enter, individually or collectively, into any lawful contract, either as employer or employee. The rights are

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"2. The right of open shop operation, that is, the right of employer and employee to enter into and determine the conditions of employment relations with each other, is an essential part of the individual right of contract possessed by each of the parties."

The open shop declaration was adopted by a vote of 1665 for, to 4 against. How many of these 1665 Chambers of Commerce and commercial bodies would have taken a position on the labor question two years ago? Now, many of them, including such great organizations as the Philadelphia Chamber of Commerce and the Cleveland Chamber of Commerce, have undertaken active work in behalf of the open shop.

Doubtless many of you followed the activities of our Citizens' Transportation Committee in New York during the past year. That Committee was composed of representatives from the Merchants' Association, the New York State Board of Trade, the Board of Trade and Transportation, the Brooklyn Chamber of Commerce, and the Chamber of Commerce of the Borough of Queens, as well as some representatives from the public at large. This body, acting in the name of the public and for the public interest, created a trucking service, hauled freight, instituted legal proceedings against common carriers and unions alike,—all for the purpose of opening up the channels of trade in the port of New York which had become practically closed through the longshoremen's strike and the accompanying sympathetic strike of the truckmen.

In many hundreds of cities and in nearly every state of the Union open-shop movements are in progress at the moment. For parallel, one has only to recall the general public reaction against the great aggregations of capital a few years ago and the long course of drastic legislation in which it found expression. The parallel goes further for the cause of the public resentment in both cases is at the bottom the same, that is, the abuse of power secured through combination and exercised without due responsibility and in disregard of the rights of others. And may I say that at this time when the unions are on trial, those in their ranks who are working sincerely and unselfishly to put them upon the path of true effort should receive that same sympathy and support which right-thinking men have always extended to the worker in his honest efforts at self-improvement. May I add, too, that the cause of unionism has no more dangerous enemies than its misguided friends who defend or condone anything done in its name.

The concern of Society with the question of how its work is done and what are the relations

among those who do it must of necessity increase with the increasing complexity of industry and the growth of industrial combinations. So great has become our mutual dependence that the social interest in the labor question may well be considered one of self-preservation, and such an interest carries with it the right and duty to adopt measures to insure its adequate protection. But Society cannot settle its work problem with a mere plan or formula, but must recognize it for what it is—a major part of the general problem of human adjustments and relationships. Until men have learned to live together without friction, and selfishness has become replaced as a motive force by altruism, we shall have the labor question with us.

What is most needed is a clearer understanding on the part of the general public regarding industrial matters and their vital connection with the general welfare. No formula or law will help to better things which does not reflect a sound philosophy of human relations or which is not in accord with those fundamental principles of liberty and equality which men have learned to be essential to social existence and progress.

#### Position of the Worker.

The worker's position has been fundamentally affected by the change from the individual to the factory system of production. Formerly he worked side by side with his employer and turned out the completed article, which in many cases was delivered to and used by some member of the immediate community. His handiwork was a source of satisfaction and pride. He saw and understood the whole process of production, distribution and consumption. Now he finds himself a cog in a vast complicated system whose workings he does not understand. A hundred men make the article formerly made by one, and no one of them can be or is praised for the merit of the article when finished. The old human contact and the joy and pride in good work have been taken away. As to where the finished product goes, or what is the relation between the price paid for it and his own wage and security of employment, he has no conception. The one thing he has in common with the workman of former days is fear of unemployment. His great need is new understanding and broader vision to restore his old incentives to him in some measure. Lacking these, he becomes suspicious and receptive to misrepresentation and false doctrine.

The inclination for workmen to organize has been greatly stimulated by the factory system. This is natural and proper. Clearly there are useful and important functions which organizations of workmen could perform in their own interest and for the interest of the community. They could assist the worker to regain a sense

of the dignity and importance of work and an understanding of his place in the industrial system. They could teach him the immeasurably greater social value of modern industry as compared with the old individual methods. They could replace his distrust and suspicion with an understanding of the mutual interests that bind him and his employer together, the value of co-operation and the vital necessity to himself as well as to Society that industrial enterprise should be raised to the highest point of efficiency and productivity possible. Is it not to the worker's interest that he should know that greater efficiency results in lower costs and prices, greater demand for the product and hence for the labor to make it, with a consequent greater security of employment and a betterment in wages—especially in real wages? Is there anything inconsistent between the teaching of such truths to the worker and the upholding of his rights and interests with all the power of his organization?

#### Union Doctrine of Force—The Closed Shop.

The serious features of our present labor problem grew out of the fact that unionism has elected not to follow this path of constructive service, but rather to rely entirely upon force,—that is, the power of class action and of combination to compel concession to its demands. The closed shop in its present form is the concrete expression of this doctrine of force. It is a shop closed to non-members of the union. It represents a monopoly of employment in favor of the union in the particular establishment, as well as a vantage ground from which attacks may be launched upon other establishments. From the refusal of union men to work with non-union men in individual cases, there has developed the idea of using the closed shop as a means of securing nation-wide control of industry. Since about the year 1890 the great national organizations affiliated with the American Federation of Labor have been co-operating along systematic lines to this end. Whatever questions or differences they may have over matters of internal union politics or of jurisdiction, they present a united front upon the one question of using their common strength to secure the advancement of the closed shop.

The adoption by the unions of the fundamental concept of force naturally colors and controls their whole philosophy and program. Under such a policy the workers must be brought to think en masse and act en masse, to be part of labor's army. They must look upon the employer and upon Society at large as enemies. The Preamble of the Constitution of the American Federation of Labor, adopted in 1881, recites:

"A struggle is going on in all the nations of the civilized world between the oppres-

sors and the oppressed of all countries, a struggle between the capitalist and the laborer, which grows in intensity from year to year, and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit.  
\* \* \*

#### Statements of Labor Leaders.

Some of the leaders of organized labor can themselves best state its position. Said Mr. John Mitchell, in 1903:

"With the rapid extension of trade unions, the tendency is toward growth of compulsory membership in them, and the time will doubtless come when this inclusion will become as general and will become as little of a grievance as the compulsory attendance at school. The inalienable right of a man to work will then be on a par with the inalienable right of a child to play truant, and the compulsion exercised by the trade union will be likened to that of a State which in the interests of Society forces an education upon the child, even though the child and its parents are utterly and irreconcilably opposed to it."

Mr. J. W. Sullivan of the Typographical Union is one of the acknowledged spokesmen and leaders of organized labor. In the "Weekly News Letter" of the American Federation of Labor, October 25, 1919, discussing the right of wage earners to organize in labor unions and to bargain collectively, he said:

"Once this foundation right is in good faith accepted by employers, they take upon themselves the obligation of modifying all alleged abstract rights of wage workers in general which are inconsistent with it as a basic and encompassing principle. In accepting this right, they concede to an association of wage workers the right of its self-preservation, and this includes the right, when necessary to that end, to refuse to work with persons whose acts would tend to destroy the association."

In other words, the worker's right of individual contract, which the Supreme Court of the United States has held to be part of the personal liberty guaranteed by our Constitution, is, according to the union view, a mere "alleged" abstract right, and the employer who accepts the union idea of collective bargaining must modify or deny this "alleged" right by denying employment to the non-union worker. The union, therefore, not only intends to use its own powers of compulsion to force the worker to abandon his individual rights and accept union control, but intends that the employer shall join in that compulsion.

How far it will go in the kind of force it is willing to employ against the worker is shown in the official report of Mr. Luke Grant to the United States Commission on Industrial Relations, made in 1915. Mr. Grant is a union carpenter, and both before and after his report was officially connected with labor unions. He said:

"In recent years there has been a marked change in the nature of the violence committed in the building trades and in the methods used. The ordinary workman who in former days was apt to use his fists on the head of a scab for the sake of the cause, seldom does so now. His place has been taken by the professional thug and gunman. Violence has become commercialized and made more brutal. Assaults on non-union workmen are seldom made openly as in former days when the strikers did the assaulting. The professional slugger lies in wait for his victim, assaults him with a bludgeon or probably shoots him to death \* \* \*. If the destruction of property seems more expedient than the slugging of non-union men, the professional will attend to that \* \* \*. That such a system of organized thuggery obtains in many of the building trades unions is beyond dispute."

Here is a typical extract from the Bridge-men's Magazine, the official organ of the Iron Workers' Union. It is from the report of a Business Agent of the Union and refers to some open-shop work at Salt Lake City. The report says:

"They built a 12 foot board fence around the job, so the bunch could not see them, but some ungracious fellows hoisted a few rocks over the fence. They must have been good shots, for they got a couple of them, and the rest of the snakes got 'cold feet' and quit. This was on Friday, June 11th, and on the following Monday our men went to work \* \* \*. The boys of No. 27 fought nobly for their rights, which were principle and unionism on our side and the open shop policy on the Minneapolis Steel and Machinery Company's part."

#### Defiance of Courts.

It is fairly common knowledge that unions are legally irresponsible, generally speaking, and that the writ of injunction to prevent threatened injury is practically the only remedy against unlawful union activity. In pursuing the doctrine of force, organized labor through the boycott, the sympathetic strike, the general strike and the methods incidental to the use of those methods of warfare has frequently invaded the rights of third parties and of the public. The

use of the injunction in such cases has resulted in a bitter attack by the leaders of organized labor upon our courts and judicial system.

Said Mr. John Mitchell:

"If a judge were to enjoin me from doing something that I had a legal, a constitutional and a moral right to do, I would violate the injunction. I shall, as one American, preserve my liberty and the liberties of my people even against the usurpation of the Federal Judiciary."

Said Mr. Gompers, in a public speech at the time of the Buck Stove and Range Case:

"I desire to be clearly understood that when any court undertakes without warrant of law by the injunction process to deprive me of my personal rights and my personal liberty guaranteed by the Constitution, I shall have no hesitancy in asserting and exercising those rights."

Mr. Gompers then asserts greater authority than that of the Courts created by the Constitution in the interpretation of his rights under the Constitution. This absurdity would be ridiculous if it were not the cloak of Anarchy, for what else is anarchy than a condition where each man is final judge of his own acts? And Mr. Gompers is the leader, teacher and spokesman for 4,000,000 workmen.

After the injunction was issued against the strike of the coal miners in the Fall of 1919, the Executive Committee of the Federation of Labor issued a bitter statement in criticism of the action of the Government, which concluded:

"By all the facts in the case the miners' strike is justifiable. We endorse it. We pledge to the miners the full support of the American Federation of Labor and appeal to the workers and the citizenship of our country to give like endorsement to the men engaged in this momentous struggle."

Organized labor in its application of the doctrine of force had thus arrived at the point where it was willing to use its strength and resources in defiance of the order of a Federal Court issued upon the suit of the Government itself acting in the interests of the life and industry of the nation. You will remember, also, that in the passage of the Adamson Law, representative government was suspended and that piece of legislation was rushed through Congress under threat of a national strike by the Railway Brotherhoods. And in shame be it said, it was made law within the time limit fixed by the Brotherhood chiefs.

In discussing this law, Mr. Garretson, President of the Order of Railroad Conductors, said before the New York Economic Club, December 11th, 1916:

"Industrial war is precisely of the same character as actual war. No battle has been fought in establishing the rights of mankind, either real or fancied, where the hospital hasn't been filled afterwards, and the corpses left upon the field. And it is just so in industrial war. If you complain that four hundred thousand men held up the Government, what will eight millions of them do, if they can, to hold up the Government?"

#### Class Interest vs. Society.

The leaders of organized labor recognize that the final issue lies between the unions as representing a distinct class interest and society at large. They are not content with their present measure of legal immunity, but make it clear that it is their purpose not only to extend closed-shop control through methods of coercion and force to industry as a whole, but that in the exercise of the power thus acquired they will not be bound by the rules and laws which govern other classes in society, or even by the authority of the State itself. For a number of years past, there has regularly been added to appropriation measures of the Federal Congress a rider providing that none of the money appropriated to the Department of Justice should be used in the prosecution of labor unions.

In July last, Mr. Frank Morrison, Secretary of the Federation, in a statement in the New York Times entitled "Labor's Ultimatum to the Public," said:

"The workers will not concede that the community has any purpose or intention to render justice to the workers should it force itself into participation in industrial relations."

Also, that the workers will not "yield the right to quit work singly or collectively when in their judgment the conditions under which they work justify such action," and "will not submit their cause to adjudication by utopian schemes based on sentimentalism."

He also said that "the trade union should be permitted to function without interference by any of these agencies" (referring to the army, the courts, and the legislature), and that "there is no question in modern industry which cannot be determined quickly and satisfactorily through the trade union philosophy."

On the social and political side, therefore, the trade union philosophy under the doctrine of force involves denial of personal liberty, development of class consciousness, stimulated hostility to the employer and society, no recognition of the mutual interests of those engaged in production, a monopoly of employment, and the acquisition of an autocratic control of industry above the law and the State.

#### Economic Aspects of Closed Shop.

But what of the effect upon the economic side of the unions' doctrine of force and of closed-shop control? Under the concept of force, the worker from the union standpoint is viewed not as a factor in production, but as a soldier in the ranks of labor's army. Discipline in an army is the first essential, and in order to maintain the morale of the soldier workers and keep them in readiness for mass action, it is necessary that they should all be upon the same level. Hence the flat wage rate, the demand for labor standardization, the opposition to piece-work or bonus systems or any other plan or method which encourages individual initiative and tends to bring about inequalities in the wage rate. The result of all this is obviously to take away from the worker the incentive for effort and to make the efficiency of the least competent the common denominator for the efficiency of all. The lack of co-operation and the spirit of hostility engendered in the closed shop are further obstacles to the development of efficient productive methods.

#### Restriction of Output.

But the trouble goes deeper still. The workman, as we have seen, has lost his place in the industrial picture. He does not know the factors that enter into the demand for the product he helps to make, or that anything that he or his fellow-workers do has any effect upon that demand. Out of his fear of unemployment and lack of understanding has emerged the idea that by doing less work he will help to make employment for more workers. He knows that he is not treating his employer fairly by such a course, but he has been taught that the employer is exploiting him and is not entitled to fair treatment. In England, where union domination of industry is almost absolute, the idea of slowing down to make more work is practically universal among the workers. In this country it is well-established wherever the unions have a closed-shop control. With the power acquired by the closed shop, it is possible for the worker to put this vicious misconception into actual practice. The individual not only deliberately reduces his efforts, but oftentimes restrictions on output are enforced by union rules and regulations.

This economic fallacy is deliberately fostered by union leaders. Mr. Gompers, as far back as 1887, publicly said that "So long as there is one man who seeks employment, the hours of labor are too long." In 1908, he appeared before a Government Commission of Nova Scotia as the official representative of the American Federation of Labor, in support of a proposed eight-hour law. He said, "A man cannot do as much work in eight hours as in nine or ten. The shorter day must lessen production and

make room for more men. The short day will accordingly give work to all the unemployed."

The 1920 Convention of the American Federation of Labor officially repeated and endorsed this fallacy in the adoption of the report of the Committee on shorter work day. The report said:

"There is no doubt within the near future many organizations will determine that in order to take care of all their members gaining a livelihood by employment at their trade it will be necessary to 'inaugurate a six-hour day,' and advocated that the Federation lend its support to such movements. It also said, 'The words 'increased production' have a magic sound to the profiteering manufacturer. Your committee believes that the employer should have a fair return from labor for a fair day's pay, but it resents the idea that there must be a continually increased return from labor solely for the benefit of such employer.'"

Such are the views and theories received by the union men from his chosen leaders. That he owes a fair day's work to himself even more than to his employer, and that his own interests are vitally affected by efficiency and productivity, are things that he never hears. He does not know that by decreasing production he is setting in motion forces which tend toward unemployment and decreased wages. Consider for a moment what would be the effect of a nationwide closed-shop control of industry exercised in accordance with such views and theories.

#### **The Building Industry.**

The public has been shocked by the recent exposures in the building industry in New York. The important fact is that nothing new has been disclosed and unless underlying conditions are changed, things will continue in the future as in the past. The Brindell Building Trades Council, with the complete control of all the building trades vested in a small group of delegates who had the power to call strikes at will without a vote of the rank and file, has its duplicate in many large cities. The graft and corruption that naturally follows from such a control has been exposed at different times in many different cities when the grafters become too reckless or too bold. In New York, Sam Parks in 1903 was convicted of the same things with which Brindell is now charged, yet the conditions which made his operations possible still exist. But graft, in the toll it takes from the public, is an insignificant item compared with the other kinds of tribute imposed by closed-shop control. In New York, the final infamy is found in conspiracies between groups of employers and closed-shop unions to control the market against outside competition and thus to

plunder the public and exploit the worker. In trade after trade it was shown that the power of a combination of employers to control not only local building work, but even the materials that were used, rested entirely upon the closed-shop control of the union in the particular trade, and such outsider as might secure a contract found himself absolutely unable to perform it because of strikes called by the Brindell Council. But even this condition is not new. Similar combinations were cited as early as 1903 by the Commissioner of Labor in an exhaustive Government Report, and in some of the very trades in which such agreements have been brought to light in the recent investigation. As a matter of fact, such agreements are common and usual in the building industry wherever the closed shop has become established.

In the building industry, too, we have the regular closed-shop evils in intensified form. We have thirty or forty trades quarrelling among themselves over questions of jurisdiction, yet uniting in the use of the sympathetic strike, the boycott and other methods of union warfare against any attempt to question their power and control in any trade. As to efficiency, it has sunk to the lowest degree. A recent Report of the Cleveland Chamber of Commerce says that in that city the building trades workers do only two-thirds of the work done before the war. Before the war, however, the efficiency of the building tradesmen was far below what a fair normal day's work should be. The bricklayer in union communities now lays 350 to 400 bricks a day, where before the war he laid 800, and a normal fair day's work would be 1500.

Recently, a local Union of Steamfitters in Buffalo broke away from the American Federation of Labor and announced its adoption of the open shop in a strong resolution. One of the chief purposes outlined in the resolution was to give an increased production on the part of the workers which they had been prevented from doing, and in a public statement the Business Agent of the Union called attention to the fact that the average steamfitter could erect and connect from four to six radiators in an eight-hour day, but that in the past they had been limited to erecting and connecting not more than one or one and a half radiators per day,—in other words, that union steamfitters in the past had been compelled to limit their output not to exceed one-third or one-fourth of their natural ability.

The character of the Building industry explains why union control has become so strongly established. The building contractor is merely an agent, spending someone's else money. He bids on conditions as he finds them, adds his profit, and the owner pays the bill. Each job is a completed transaction, and the builder does not have to manufacture his product and

then send it to outside markets to compete with the product of other localities. He has little incentive, therefore, to engage in a one-sided contest to change conditions. The cost-plus contract has also been a factor, as under it the extra cost entailed by new conditions, even during the progress of the work, is passed on to the owner. Often, too, the builder who has tried to resist some unusually unfair or uneconomic demand receives no support from the owner, but is told to complete his contract on time or incur its penalties.

It is clear, then, that too much cannot be expected from the builders themselves in the matter of reform. Nothing can be expected or asked from them unless they are assured of the full backing and support of the business community and the public. In some States laws have been passed based upon the theory that the building industry like the public utility is affected by the public interest. If this is not so legally, it is certainly so in very large degree as a matter of practical fact. It is not merely a matter of rents and housing. Practically everything we use has to be made in buildings, stored in buildings, and sold out of buildings to the final consumer. In all the different processes from the raw material to the finished product, building cost enters at each stage as an item in final production cost. That this item, multiplied over and over again, is several times larger than it ought to be under proper conditions is a very serious matter for the consumer. It is time for the public, then, to give more attention to how and under what conditions its agent, the builder, does his work.

As to remedies, it must be remembered that building is peculiarly a local industry. This means that each community has its own building problem. What is needed in one community might not apply in another. I am known as an advocate of the open shop, yet I would not advise the open shop as a panacea for any and all conditions in any and all communities. Neither do I believe that the resentment of the public should take the form of a general campaign against organized labor as such. In some trades and in some places perhaps the open shop is the only remedy, and whenever this is true the remedy should be applied intelligently and without undue bitterness and always with a view to the public interest.

There are, however, certain fundamental principles of general application, that must be observed if right conditions are to be secured and maintained. The right of contract, the sanctity of trade agreements, the obligation of any group or combination to respect the rights of others and of the community, and the preservation of law and order,—these are all a part of our American institutions and against none of them can any class or group have any proper complaint.

Above all, I should say that the elimination of the sympathetic strike in the building industry was the one most important thing to be brought about. The power of men like Brindell rests upon the sympathetic strike, and if it could be eliminated, 99-100 of the labor problems of the building industry would be solved. Then you would automatically have created trade autonomy, that is, a condition where each trade would work out its own problems without interference from other trades.

#### The Open Shop.

The open shop is an industrial establishment which has not become closed to any class or group and where the relations between the parties are arrived at through the exercise on each side of that same individual right of contract which obtains in the relations of men generally. Happily the closed shop has not made the headway in this country that it has elsewhere, notably in England. 90 per cent of our industries and of their employees operate under the open shop today. Our position and leadership as an industrial nation has been built up under open-shop operation. Whatever defects or weaknesses or injustices are incident to the open shop, one fact must be clear, and that is that they are not to be cured or a better order established through the substitution of the closed shop. While the employer is human and is actuated by the same self-interest as is the worker or the labor leader, he has not that power of exploitation and oppression with which he is commonly attributed. He, too, is governed by economic law. He must pay for competency, and efficiency, and merit what it is worth, or it will find another market. The very influences which widen the sale of his product and tend to increase his profits also widen the demand for labor and tend to force him to pay a better wage in order to secure that product. The ultimate demand which fixes the wages of the worker comes from the consumer of goods, and the employer can no more prevent the operation of this law than he can stop water running down hill. In the long run, the worker's interest in dealing with the employer will be more surely safeguarded by the laws and forces that control them both than by any power he can exert through an organization committed to the destructive fallacies of the closed shop.

#### The Employer.

And a final word about the employer. He organizes the forces of production. He is the natural leader of his workmen, and is able by instruction, example and fair dealing to bring to bear constantly upon them influences for right-thinking and action and for loyalty to the common enterprise. He cannot escape responsibility if he neglect this opportunity and they become alienated and followers of false leaders

and vicious doctrines. His position also carries with it larger obligations and he should consider himself not as engaged in business entirely for individual profit, but as a trustee for the beneficial use of the forces of production that he controls. The making of profits can no longer be considered the sole test of business success. Industry has not performed its function unless it brings betterment of conditions and increased comforts to the worker as well as to the owner and unless its product is made available to the general public at prices as low as possible through efficiency, co-operation and unrestricted production. This broad view by the employer as a working principle in his own business and in his association with other employers is not altruism, but is being found to be a sound constructive business philosophy. The employer's control of industry in this country has not as yet been seriously challenged. If he will but recognize and fulfill the high requirements of the trusteeship involved in his position, he will justify and strengthen his leadership, and there will be little danger that false doctrine or dangerous and radical movements will make serious headway among our people.

WALTER DREW.