

## THE RIGHT TO STRIKE

This Industrial Conference recognizes that the conditions of labor and living for all working people, both organized and unorganized, have been greatly improved by strikes. Inconvenient, wasteful, and even dangerous as industrial strikes may be, it cannot be gainsaid that by means of them the lives of the working masses have been improved and benefitted. To this extent, the well-being of society has been advanced.

Even more important than the strike itself, has been the right and power to strike. This right has been, and must continue to be, at least so long as the present industrial system prevails, an important factor in progress. Experience has clearly shown that every attempt to deny the right and power to strike to the workers has resulted in producing conditions which are injurious to the workers and to society in general. The Conference therefore affirms as the basis of a sound public policy that the right to strike should not be abrogated or denied.

This principle can only be recognized and applied with the understanding that the right to strike, like every other human right, is subject to certain obligations, restrictions and reservations. There are no rights which do not involve duties, and there is no right which is absolute, to be freely exercised at all times and without restriction. To acknowledge the right to strike in any other sense than this would place the whole of organized society at the mercy and in the power of any group chancing to be engaged in the performance of a vital function.

We hold that strikes fall naturally into two main categories. Strikes which bring about a stoppage of an ordinary industry in normal times cannot be considered as being on a parity with strikes which bring about a stoppage of such an industry at times when extraordinary conditions, such as war, for example, would make such a stoppage perilous to the life of the State. The stoppage of an ordinary industry in normal times may cause great hardship and suffering to many besides those im-

mediately involved in the controversy. Yet that is no good reason for action denying the right to strike, and no scheme of compulsory arbitration attended by the use of the forces of the State to enforce the awards of such arbitration has ever given satisfaction or promoted industrial peace.

To quite another category belong strikes which bring about a stoppage of vital public services, such as, for example, railway transportation upon which the life of millions of people depends, and strikes which tend to cripple and paralyze the functioning of government, such as, for example, the sudden suspension of police service. Such strikes involve consequences too serious to be regarded as the exercise of ordinary rights. A strike which cripples an important government function involves the elements of revolution, and while there is a certain abstract right to revolution, widely acknowledged, there is also a right of society to protect itself, by all the force at its command, against revolution.

It follows from these premises, (1) That as a general rule there can be no denial of the right to strike in ordinary industries, except in times of war, public disaster and other like extraordinary conditions; (2) that it is impossible for society to submit to the stoppage of such vital public services as railway transportation, or to a paralysis of government functions involving the danger of the overthrow of constituted authority.

With regard to strikes falling within this second category it is clearly the right and the duty of society to enact measures for its own self-preservation. While full freedom must be given to all workers in such services to organize into unions, and, if desired, to associate with other unions, very definite and important limitations must be set upon the right to strike. It is clearly contrary to the whole interest of society that such workers should engage in what are known as sympathetic strikes, that is, to strike for the purpose of aiding other striking workers elsewhere, and not because of conditions of which they themselves are victims.

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It is equally clearly impossible for society to recognize any legal or moral right on the part of workers so employed to suddenly bring about a stoppage of functions so vital. Without taking away the right to strike from such workers, even while giving the right a definite legality, it is both practicable and desirable to surround it with limitations and restrictions conceived in the interest of organized society, the State.

We suggest that in such public services and governmental functions it should be made necessary, by statutes making such requirement part of the contract of employment, for any organization or group of workers intending to strike unless certain demands are met, to give not less than sixty days' notice of their intentions, during which time their claims shall be fully investigated and arbitrated by a joint board composed of an equal number of representatives of the workers, the employers (whether such be a private corporation or firm or a governmental body) and the public, the latter representatives to be designated by the Department of Labor or some other stated and competent authority.

The awards made by such joint board of investigation and arbitration should be made within thirty days and should be final. In case the workers making the complaint then determine to withdraw from their employment at the end of sixty days, they should be permitted to do so, without penalties of any kind, and the Government of the United States should thereupon use every resource at its command to carry on the service without interruption.

(Submitted by Mr. Spargo)

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