

INTELLIGENT AND HONEST RADICALS

The Chicago Federation of Labor
and the Politics of Progression

MITCHELL NEWTON-MATZA

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**INTELLIGENT AND
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This book is dedicated to the loving memories of my cousin Tommy Zefeldt and good friend Greg Armstrong. You two were a major part of my life, and while I miss you, I will not say goodbye. Rather, as many Native Americans say, “until we meet again, whether in this lifetime or the next.”

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Introduction

THE CONNECTION BETWEEN THE Chicago labor movement and the law often seems to conjure up memories and visions of violence and upheaval. The Haymarket Riot of 1886, the Pullman Strike of 1894, the mass strikes of 1919, and the Memorial Day Massacre of 1937 are what history frequently remembers most about the bonds linking Chicago's laborers to the laws governing their daily lives. John Fitzpatrick, the late president of the Chicago Federation of Labor (CFL) and one of Chicago labor history's most respected figures, placed the blame for such violence upon "the forces of government used against us." Fitzpatrick then pointed his finger in the other direction and blamed the labor movement for failing to take charge, claiming that "we had our opportunity, by a peaceful, a lawful, an American method, to take the power of government into our own hands."¹

In 1896, to curb the activities of corrupt labor leaders, the American Federation of Labor (AFL) placed the legitimate Chicago unions under the guardianship of a new organization: the Chicago Federation of Labor. The CFL then became the city's most prominent and influential labor association, eventually assuming a distinct identity apart from the AFL. In the period 1919–1933, the CFL worked diligently through peaceful means to change and influence the labor laws of Illinois governing, and often hampering, the development of the Chicago labor movement.

This is a study of the Chicago labor movement's relationship to the Illinois system during the years 1919–1933, especially as seen through the eyes and activities of the CFL. First, the era is significant for several reasons. The year 1919 witnessed the great strike wave across America, and 1933 was the year

of Franklin D. Roosevelt's inauguration as president and the beginning of the New Deal, assuming an overwhelming presence of the federal government in the affairs of the nation's labor movement. Also in the early 1930s, local Democrats achieved considerable political power as well, including the election of Anton Cermak as mayor of Chicago. The following is a localized study of one particular labor movement during this time.

Second, 1919–1933 is one of the most widely overlooked periods in Chicago labor and legal/political history. This era was a time of great labor activity that extended far beyond the innumerable attempts to unionize the city. The Chicago labor movement would have a greater involvement in the areas of law and politics, building upon past attempts to influence these systems. While exorcising the ghosts of a violent past was a concern, working to improve current conditions, such as creating a pro-labor environment, was the major focus. The labor movement was not afraid to move forward, even when faced with an antiquated reputation. As John McGuire notes, the 1920s “suffer from a surfeit of analysis. Most historians consider the decade to be a dull, conformist period. . . . The social and political discontents of the pre-1914 era did not disappear, nor did reform efforts collapse.”²

However, the 1920s are better remembered as the era of welfare capitalism and for U.S. Supreme Court decisions unfavorable to the needs of labor.³ Irving Bernstein's influential book *The Lean Years* argues that this was a time when unions were in decline and collective bargaining had little support. His analysis of labor's relationship to law sticks mostly to U.S. Supreme Court decisions, with little, if any, emphasis on the state level. While Bernstein explores the issues that led to such important decisions, he does not explore how labor laws were passed, what such laws meant to the working classes, or the way in which the labor movement worked for such change.⁴ Bernstein is correct in stating that this was not a golden period in labor history, but it was not a washout either, whether in Chicago or in other parts of the nation. Local studies could aid in redressing the balance that sometimes suffers from an excessive focus on national developments. This very idea was discussed, once again, in a recent study of Chicago labor by Andrew Cohen. As he notes, “historians cannot understand the contingency of economic development and the modern nation unless they do local research. Nowhere is this fact more apparent than in political history, where the dominant scheme—the so-called ‘organizational synthesis’—is explicitly totalizing.”⁵

How do we separate the study of Chicago labor history from its past reputation? Is it in fact necessary to do so? In addition to the seemingly endless brushes with the law, as Howard Myers Barton points out, “Chicago has long had a name for violence and lawlessness. In few other cities have the methods used by labor and employer in industrial disputes been so violent, so cruel,

and so unscrupulous as in Chicago.”⁶ Chicago, like any other major city, must battle the ghosts of its past. Haymarket and Pullman were quite influential in the course of Chicago’s labor history, with repercussions extending into the twentieth century, but they do not represent the overall tone of the city’s labor movement. Outside of our most vivid memories of extralegal activities, how did Chicago workers and the legal/political system react to each other?

But if the movement wanted to work peacefully within the existing framework of the system, and not promote a revolution, then what makes this “radical”? When considering the time period, the answer is in the question. With the Russian revolutions of 1917, the fear of Communism, and the mass strike wave of 1919 (to be discussed later), any sort of action on behalf of the workers was perceived to be radical; the idea that the labor movement might become more actively involved in politics can be compared to the Red Scare of the 1950s and the fear of “boring from within,” meaning a military takeover was not necessary. All one needed to do was to begin indoctrination, and the rest would follow. The CFL was known to have members of many political persuasions. The mere presence of any with a perceived radical ideology would be a threat. The CFL was once referred to as “intelligent and honest radicals” (to be discussed in later chapters). The agendas they put forward, while not always new, addressed issues that were resisted for years (and would be for years to come).

The relationship between law and society is a perplexing problem. How far should a system of laws extend into the lives of its citizens, and to what extent should the citizens display their obedience to the law? What is the difference between petitioning and protest to outright disobedience? On the other side of the coin, how far can a group of citizens exert their influence into the legal/political system, and how much should the system respond to the fervor of the moment?

Legal history should, in theory, describe this relationship. Sometimes legal history conjures up visions of legislation created from the minds of elected representatives, opposed by another party, and then challenged in the courts, whereby this law is either upheld or overturned in a statement often creating a policy completely different from the one originally intended when the law was passed. Some legal studies examine a specific body of law, but also fall into the trap of examining how the laws came about and how they were interpreted by the courts. Should legal history base itself upon this battle between legislative intent and court interpretation, or should it concentrate mostly upon the social forces that influence our legal system?⁷ However, there is a middle ground, and one that can be easily discerned by examining how “ordinary” citizens understood the law. One of the ways they understood the law is seen in the many methods used to change and influence the system.

Before venturing forth into the relationship between the Chicago labor movement and the legal/political system, it is first necessary to examine the many ways this unique relationship was perceived. This study is quite separate from those that tend to focus on the overall development of labor, because the nature of this relationship between law and labor was influenced by so many diverse factors. Although the nature of legal/political studies can go in whichever direction the current trends take it, one question remains: What lies at the center of labor law?⁸

Stephen Mueller and A. Howard Myers realize that “labor law cannot be subjected to meaningful scrutiny apart from its cause—the social setting in which particular rules of law arise, are modified, or are rescinded.”⁹ Mueller and Myers note the various sources of labor law, beginning with the heritage of the English common law system in America. They also point out the delicate balance between state and federal jurisdictions. How much power does the Constitution grant the federal government concerning labor legislation? As they point out, “[I]n case of ultimate conflict between the state constitution and the Federal Constitution, the latter prevails.”¹⁰ In dealing with the Chicago labor movement, we definitely see this “social setting” whereby the rules are made, or even unmade.

John Commons and Selig Perlman, labor history’s first influential scholars, do not believe that the workers wanted to overturn the system. However, they see labor’s activism as mostly economic, which is not surprising when one considers that Commons and Perlman were economics professors and favored the AFL nonpartisan approach toward the involvement of labor in legal and political activities. The improvement of working conditions was foremost on the minds of the working class, and, as noted by Simeon Larson and Bruce Nissen, Commons and Perlman saw that the bond that held “workers together was derived from common job site problems and unions were seen as instruments to improve working conditions.”¹¹ In other words, the Commons/Perlman vision underplays the importance of labor and the political system, which is at the heart of this study.

The 1920s is generally regarded as a period of negative labor law, most of it being court-made. Elizabeth Brandeis, who accurately notes that “labor’s role in securing the new legislation is not susceptible of precise measurement,” also claims that “during the twenties almost no progress was made . . . [that] organizations which had won the gains in earlier years now found themselves singularly unsuccessful.”¹² But should we measure this progress solely in terms of legislation passed, and then court approved? Perhaps labor did face some major setbacks during this time in terms of favorable legislation, or even in terms of membership. But even during this time of such staunch anti-labor sentiment, the movement possessed some strength at the end of the decade.

Although labor finally received a helping hand from the New Deal, the New Deal was not entirely supportive of labor's rights. Rather, Roosevelt and the federal government saw that a stable labor force was vital to overcoming the current economic problems, and labor responded favorably to the New Deal ideas. Had the labor movement been as weak as many claim, the great strides made during the 1930s would not have been possible. The federal government could do only so much. Labor had to make up the rest.¹³

Richard C. Cortner's *The Wagner Act Cases* sees fit to acknowledge the period leading up to the successful labor legislation of the New Deal. To Cortner, the 1920s began badly. The labor movement actually believed that with William Howard Taft, the former president and now chief justice of the United States of America, the Supreme Court would be more sympathetic to their needs. The movement believed this was evidenced by the "liberalizing influence which his service on the War Labor Board had exerted on him."¹⁴ Cortner also points out the devastating effect the Court had on labor, but the labor movement was not hog-tied. Rather, as Cortner argues, it was "frustrated."¹⁵

So in order to see how important industrial centers like Chicago were to the development of an interesting relationship with law/politics, Charles Killingsworth provides an engaging argument. Writing in the post-New Deal era, Killingsworth notes that "the states have often served as testing laboratories for proposals later adopted—sometimes in revised form—by the federal government. In the matter of labor relations law the federal government was first in the field; but this fact has by no means precluded fruitful state experimentation."¹⁶ In terms of state legislation between 1892 and 1929, "these early state laws were either declared unconstitutional or interpreted into meaningless by the courts. Renewed efforts by the states . . . in 1929 were more favorably received by the courts."¹⁷ One such successful effort was with the injunction issue, something that Illinois was able to overcome with a law in 1925, seven years earlier than the federal government's Norris-LaGuardia Act. The Illinois Supreme Court decision upheld the state act in 1934.¹⁸ What, exactly, does all this mean for the local labor movement during the 1920s? Where would workers seek protective legislation or vital court decisions? From the states that were, as Killingsworth argues, "laboratories," or from a federal government whose work was at the mercy of a conservative Supreme Court? In places such as Chicago, there were lessons to be learned from watching national events. But there were also lessons that could be taught in their own locale.¹⁹

Labor law begins at the most local level of society. As Oliver Wendell Holmes once remarked about the law, "We see reflected not only our own lives, but the lives of all men that have been." Lawrence Friedman states, "In one sense, law is always up-to-date. . . . History of law is not—or should

be—a search for fossils, but a study of social development, unfolding through time.”²⁰ Understanding what Chicago labor wanted translated into political/legal action speaks volumes about what issues were more vital. This study of the relationship between the Chicago labor movement and the legal/political system begins with what will be coined as “local legal culture.” That is, what labor wanted from the system was based more upon individual experience than on the false image of a worldwide platform.²¹

As with the study of labor law, labor history is also local history.²² There has never been a solid unified labor movement, although we can discern certain unifying regional, national, and international aspects. Instead, labor history is a series of fragmented, and often competing, stories. As opposed to the Commons/Perlman vision, there is so much to be considered, starting with one’s own personal experiences. There is no universal labor movement, for one brings to the movement exactly what is unique for one’s own self. Knowing how and what Chicago wanted translated into political action explains more about the movement than merely a demand for benefits or recognition of collective bargaining. As Peter Friedlander points out, divisions within the labor movement can begin as locally as on the shop floor.²³ We could never write a comprehensive history of the U.S. labor movement without including the many stories that vary from place to place. Elizabeth McKillen believes that “[l]abor historians, preoccupied with rewriting history from the ‘bottom up’ have largely failed to confront the success of business and state leaders in creating a ‘world system’ that exploits workers and limits the power of labor movements in both the industrial core and underdeveloped regions.”²⁴ McKillen brings up an excellent issue about “bottom-up” history, one that is still debated: Do we learn more from what the local scene battled against, or how the more sweeping world stage wielded its power? The battle against the trusts of the late nineteenth century is a prime example of how a “world system” was created. But this is not a story of the world stage. It is one of where a local movement first sought to change its immediate environment in order to influence a larger stage.

Melvyn Dubofsky also discusses the political history of the labor movement, especially regarding the influence of the time period that this book covers. According to Dubofsky, “The political history of American industrial workers from 1933 to the present naturally was shaped by the inheritance of the past. In the United States, unlike Europe, political democracy and mass political parties preceded the emergence of a modern proletariat with its own institutions and forms of organization.”²⁵ One of the points of this book is to show that although the labor movement did not have a banner decade in the 1920s, it did have enough influence to carry it forward.

But is concentrating on the local influences of a single city such as Chicago the best way to proceed? Herbert Gutman remarks that specialized studies “often substitute classification for meaning and wash out the wholeness that is essential to understanding human behavior.”²⁶ However, part of “understanding human behavior” is to examine a local story to appreciate the ideology behind that particular locale. Ideology was, and is, very important to the workers, and understanding how the labor movement developed its ideas cannot be ignored. Workers were, and are, very ideological, and not just in the way historians would like them to be.²⁷ Workers had their own sense of the world and were comfortable with it. This sense of ideological contentment was also a constant source of frustration to Communists, Socialists, or any other radical group wishing to “educate the masses.” I am reminded of Henry McCuckin’s *Memoirs of a Wobbly*. McCuckin wrote a piece for the *Internationalist Socialist Review* about an old construction worker who was cast to the side by the world. When changes were suggested, McCuckin refused, stating that “no one is going to murder [the article] with a lot of big words that the old man didn’t use and probably never even heard.”²⁸

This frustration is also shared by some historians who constantly try to explain why the American labor movement never embraced Marxism, Communism, or any of the other ideologies claiming to cure all of the world’s problems. “Class consciousness” does not, and should not, always have to take an openly Marxist or non-Marxist standpoint. Aileen Kraditor argued that it is the private sphere of the workers that is more important than a universal one. Class consciousness should instead be met on its own terms. But since we are unable to look into the minds of every single worker, we will never completely know how much they embraced, or even knew, about such ideologies.²⁹

So, keeping these ideas in mind, we can now turn exclusively to the study of Chicago, starting with the nineteenth century and working our way into the twentieth. Eric L. Hirsch examines the nineteenth-century Chicago labor movement, applying numerous theories such as Marxism and urban political movements. According to Hirsch, “the revolutionary tendency in Chicago in [the nineteenth century] was not a marginal political sect; it may have been the most highly mobilized urban revolutionary movement in American history.”³⁰ But did this “highly mobilized urban revolutionary movement” carry over into the twentieth century? The anarchist movement, although hurting a bit after Haymarket, was strong, but the extent to which the Chicago movement embraced such ideals, or even whether the movement merely sympathized with a group despised by mainstream society, remains uncertain. Chicago labor certainly had its sights set on change, but to call it “revolutionary,” using current notions of revolution (particularly as it applies to the radical influence and

the activities of labor), implies that a “revolutionary” movement is more interested in *destruction* rather than *reconstruction*. For most groups in Chicago, especially the CFL, the goal was positive reconstruction, not destruction. Even Hirsch himself admits that most were not looking to replace the system, but merely to correct its faults. This in itself was, and is, considered revolutionary. The matter is simply how to go about effecting this change.

The relationship between law and society is, at best, a perplexing problem. In terms of Chicago we must find where this local legal culture exists. It is a social phenomenon born out of reaction to the legal system, weaned on the notions of self-preservation, and matured by the ideals of political empowerment.³¹ “Political empowerment” does not necessarily mean taking over the reins of government. Too many labor leaders knew the problems of unifying the workers under a single political theme.³² This was demonstrated time and again, especially when the CFL attempted to create a labor party during the post-World War I years and was sorely disappointed at the inability of the labor movement to rally behind the cause.³³ “Political empowerment” also refers to political activism, political dissent, and the drive to incorporate non-labor-movement individuals. “Political empowerment” likewise means the concerted efforts to exert any influence possible into what was often perceived as an impenetrable barrier of the state legal system. It is this very political dissent to the existing system that also helped label the movement as radical.

One does not have to necessarily be militant or violent to be perceived as radical. One can see the results of a violent action, such as a bombing or murder. But is anyone a mind reader? An anti-union industry leader can look out over the floor and try to guess who the “troublemakers” are, but what are the others thinking? As is all too well known, thoughts are to be feared first, for they lead to action, be it violent acts or attempts to influence the political process.

This work is to discuss how the CFL addressed several vital points during the 1920s. It is not meant to be a discussion of its overall relationship with the AFL, although certain issues will be discussed from time to time. There is not a dearth of scholarship on the CFL, and very little on many of the issues discussed here. Plenty is already in existence about the AFL and its political activities, so those are not covered. This book is meant to cover a period of activity that had a great deal of meaning to those who were present at the time. Covering a void in Chicago labor history, the difficulties the CFL faced as it struggled for respect need to be remembered.

In order to demonstrate the presence of this local legal culture, four important issues will be discussed: (1) The formation and struggles of a labor party. Risking a serious breach with the larger, stronger AFL, Fitzpatrick and the CFL launched an ill-fated attempt to create a labor party. The party wished to