LABOR IN AMERICA

A History

Fourth Edition

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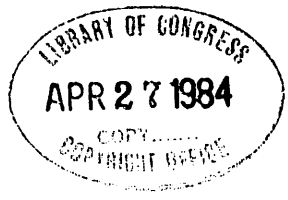

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A bit of the Background History on 10-hour Day

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BUILDING TRADES

The girls working in New England cotton mills again went on strike. "One of the leaders mounted a pump," the *Boston Transcript* reported, "and made a flaming . . . speech on the rights of women and the iniquities of 'monied aristocracy' which produced a powerful effect upon her auditors, and they determined to have their own way, if they died for it." As in the first waves of strikes instigated by the original trade societies, such turn-outs were almost always peaceful, but they became so general that the business community became increasingly alarmed. Between 1833 and 1837, no less than 168 strikes were recorded in contemporary newspapers.

As in later periods, the employers sought to attribute these disturbances, not to labor's legitimate grievances, but to the activity of radical and subversive agitators, generally supposed to be foreigners. "I fear the elements of disorder are at work," a conservative New Yorker, Philip Hone, former mayor, noted in his diary; "the bands of Irish and other foreigners instigated by the mischievous councils of the trades union and other combinations of discontented men, are acquiring strength and importance which will ere long be difficult to quell." Whatever the workers' complaints (and Hone noted himself the tremendous increase in the cost of living), he felt that any strike, however orderly, was an "unlawful proceeding."

The demand of workers throughout the East for a ten-hour day came to a head during this period in a concerted outbreak of strikes. There had been earlier agitation for such a reduction in the hours of work. It had been the background for the formation of the Mechanics' Union of Trade Associations in Philadelphia in 1827, and of the Workingmen's Party in New York two years later. But the workers were now ready to use their strongest weapon as a means to coerce employers to grant their demands.

"All men have a just right, derived from their creator," stated a resolution of the journeymen carpenters in Philadelphia, "to have sufficient time each day for the cultivation of their mind and for self-improvement; Therefore, resolved, that we think ten hours industriously imployed are sufficient for a day's labor."

On this same note, New England workingmen also demanded a shorter day and, surprisingly, found support from such a conservative paper as the *Boston Transcript*. "Let the mechanic's labor be over," it urged, "when he has wrought ten or twelve hours in the long days of summer, and he will be able to return to his family in season, and with sufficient vigour, to pass some hours in the instruction of his children, or in the improvement of his own mind."

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In other periods of labor's long struggle for shorter hours, stress would be laid upon the ill effects of prolonged, exacting toil on the workers' health and wellbeing, or upon the importance of spreading work to combat the danger of unemployment. In the 1830s, however, the emphasis upon time for self-education, which was considered essential to enable the newly enfranchised laboring classes to fulfill their obligations as citizens, was a great deal more than merely a facile argument. There is compelling evidence that the workers were deeply interested in education for themselves as well as for their children. The crowded workingmen audiences at the popular lyceum lectures of these years, the growing vogue for circulating libraries, and the insistent demand for free, public schools all attest to a deep concern born of the idealistic belief that education alone could provide the basis for a successful democracy.

"We have been too long subjected," a circular of striking workingmen in Boston in 1835 stated, "to the odious, cruel, unjust and tyrannical system which compels the operative Mechanic to exhaust his physical and mental powers. . . . We have rights, and we have duties to perform as American citizens and members of society, which forbid us to dispose of more than Ten Hours for a day's work."

Such arguments did not, however, carry much weight with employers. The proposal for a ten-hour day, one newspaper declared, "strikes the very nerve of industry and good morals by dictating the hours of labour. . . . To be idle several of the most useful hours of the morning and evening will surely lead to intemperance and ruin." A statement published in the *Boston Courier* by a group of merchants and shipowners further emphasized the serious loss to the community in any reduction of the working day and deplored the "habits likely to be generated by the indulgence of idleness." However deeply grounded was the real objection to shorter hours because of its effect upon business profits, it was, indeed, this professed fear that leisure would undermine the workers' morals and foster intemperance that became the chief stock in trade of the conservative opposition to any change in the traditional sun-up-to-sunset system.

The organized workingmen in city after city refused, however, to be persuaded by such arguments and stood their ground. Their universal demand was for a working day from six in the morning until six in the evening, with an hour off for breakfast and another for dinner. In Baltimore, the members of seventeen trades joined forces in a strike for this reform in 1833. Two years later, the carpenters of Boston, with the support of masons, stonecutters, and other workers in the

building trades, walked out with similar demands. Both of these movements failed. In Philadelphia, on the other hand, an even more widely organized and popularly supported strike won a resounding victory in 1835 and had wide repercussions.

This strike was initiated by coal heavers and other common laborers, but they were soon joined by cordwainers, handloom weavers, cigar makers, saddlers, printers, and members of the building trades. A circular relating the experiences of the Boston workers had an electric effect in unifying those of Philadelphia and strengthened their determination not to give in. Workers of all trades paraded through the streets, with fife and drum and banners emblazoned "from 6 to 6."

"We marched to the public works," wrote their leader, John Ferral, a handloom weaver and fiery labor agitator, "and the workmen joined in with us. . . . Employment ceased, business was at a standstill, shirt sleeves were rolled up, aprons on, working tools in hand were the order of the day. Had the cannon of an invading enemy belched forth its challenge on our soil, the freemen of Philadelphia could not have shown a greater ardor for the contest; the blood-sucking aristocracy, they alone stood aghast; terror stricken, they thought the day of retribution was come, but no vengeance was sought or inflicted by the people for the wrongs they had suffered from their enemies."

The common council of the city was the first to give in and established a ten-hour day for all public servants. The master carpenters and master cordwainers followed, and other employers then quickly fell in line until the ten-hour day prevailed throughout the city. "The mechanics of Philadelphia stood firm and true," Ferral wrote; "they conquered, because they were united and resolute in their actions. The presses which could not retard the progress of public opinion, nor divert it from its just objects, viz. the adoption of the ten-hour system. . . now proclaim the triumph of our bloodless revolution."

The movement spread to other parts of the country and in many instances won a corresponding success. Soon the ten-hour day had widely replaced, for artisans and mechanics, the former sun-up to sunset. In the factories that were being established for the New England textile industry, and in many other manufacturing industries, the work day was long to remain twelve hours and more. In some trades, the gains of the 1830s were to be lost. But a very real victory had been won for the workers by their concerted stand in the

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strikes of Philadelphia and other cities. Moreover, the federal government was soon to be induced to establish a ten-hour day for all public works. Congress had refused to take any notice on the frequent memorials addressed to it on the subject, but when striking shipwrights appealed directly to Jackson in 1836, the system was installed at the Philadelphia navy yard. Four years later, President Martin Van Buren even more directly admitted his debt to the workingmen for their political support by an Executive Order which established ten hours as the work day on all governmental projects.

The employers held out as long as they could in combating the workers' demands for both higher wages and a shorter working day. They continued whenever possible to undermine their employees' bargaining power by drawing upon cheaper sources of labor. But where skilled artisans and mechanics were concerned, employers found it increasingly difficult to maintain their position. The craft unions succeeded in enforcing a closed shop which tied the employers' hands. Through public cards listing as "unfair" any journeyman who did not join a union and designating as "foul" any establishment where an "unfair man" was given work, they largely controlled the labor market. Of course, this was not always true, but the records of the time reveal an unexpected power on the part of the organized workers in the skilled trades.

In these circumstances, employers turned more and more to mutual protective associations which were prepared to act together in opposing "every injurious combination" of the workingmen. In New York, a group of employers, curriers, and leather dealers took up arms against the General Trades' Union and mutually agreed that they would not employ "any man who is known to be a member of that or any other society which has for its object the direction of terms or prices for which workmen shall engage themselves." In Philadelphia, the master carpenters took the lead and called for the formation of an Anti-Trades' Union Association. A set of resolutions was adopted which delcared the trades' union to be arbitrary, unjust, mischievous, and a powerful engine of the leveling system that would reduce masters to the status of journeymen. Employers had every right, it was maintained, to make whatever contracts with their employees they chose—without the interference of any workingmen's society.

When the employer associations were again unable to hold out against the labor societies, court action was once more in order. The

drive to break up unions as conspiracies in restraint of trade was vigorously renewed, and, as in the opening years of the century, the employers found willing allies among conservative members of the bench.

The case of *People* v. *Fisher*, decided in New York Supreme Court in 1835, was an important demonstration in this period that the opposition of the courts to labor unions had not changed. A society of journeymen cordwainers in Geneva, New York, was prosecuted for conspiring to raise wages and thereby, as claimed by the plaintiffs, committing an act injurious to trade and commerce and a misdemeanor under existing laws. The presiding judge ruled in the employers' favor. On the theory that the interests of society were best served when the price of labor was left to regulate itself, he declared that, in combining to raise wages, the cordwainers were working a public injury because "a conspiracy for such an object is against the spirit of the common law."

"Competition is the life of trade," the decision concluded. "If the defendants cannot make coarse boots for less than one dollar per pair, let them refuse to do so; but let them not directly or indirectly undertake to say that others shall not do the work for a less price.... The interference of the defendants was unlawful; its tendency is not only to individual oppression, but to public inconvenience and embarrassment."

The effect of this decision was to encourage other employers to seek to suppress the trade societies even though they did not engage in strikes, and, when the courts continued to follow a flagrantly anti-labor policy, a storm of protest arose among workingmen and their sympathizers. It came to a head in New York after a further case in 1836 where the presiding judge strongly charged the jury to find a society of journeymen tailors guilty of conspiracy in restraint of trade.

"They were condemned," William Cullen Bryant wrote in vehement defense of the tailors in the New York *Evening Post*, "because they had determined not to work for the wages offered them! Can any thing be imagined more abhorrent.... If this is not Slavery, we have forgotten its definition. Strike the right of associating for the sale of labor from the privileges of a freeman, and you may as well at once bind him to a master or ascribe him to the soil."

The outraged labor leaders of New York distributed throughout the city circulars, inscribed with a coffin, which called upon all work-

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"On Monday, June 6, 1836," the circulars read, "these Freemen are to receive their sentence, to gratify the hellish appetites of the Aristocracy. On Monday, the Liberty of the Workingmen will be interred! Judge Edwards is to chant the requiem! Go! Go! every Freeman, every Workingman, and hear the melancholy sound of the earth on the Coffin of Equality! Let the court-room, the City Hall—yea, the whole Park, be filled with Mourners!" The crowd which actually turned out does not appear to have reached the hoped-for proportions, and it was entirely peaceful. A week later, however, after the tailors had been duly sentenced, another mass meeting was held which drew some 27,000 persons. The offending judge was burned in effigy.

The reaction against these trials was in fact so strong that juries could not fail to be influenced by it, and in two other conspiracy cases during the same summer verdicts of not guilty were returned. Finally, in 1842, Chief Justice Lemuel Shaw of the Massachusetts Supreme Court rendered an important decision in *Commonwealth* v. *Hunt* which appeared to provide a firm basis for the legality of unions.

The case was that of the Journeymen Bootmakers' Society of Boston, whose members had agreed not to work for any person who employed a journeyman who did not belong to their organization. Shaw stated that the manifest purpose of the society was to induce all those engaged in the same occupation to become members, and that this could not be considered unlawful. Nor could he see that, in attempting to accomplish it by refusing to work for any employer who engaged a journeyman not a member, the bootmakers were employing criminal means. He cited as a possible parallel a society whose members might undertake to promote the highly laudable cause of temperance by agreeing not to work for anyone who employed a user of strong spirits. In other words, agreement for common action to achieve a lawful object was not necessarily a criminal conspiracy. "The legality of such an association," the decision concluded, "will. . . depend upon the means to be used for its accomplishment."

Since the labor societies might still have to prove that the means which they adopted to attain their ends were in every case lawful, this decision was not a complete victory for labor. It had, indeed, turned upon certain technicalities in the indictment. But both union

organization and even the principle of the closed shop had nevertheless received substantial support. It would not be until a much later period that labor again found itself on the legal defensive, fighting renewed conspiracy charges under the antitrust laws and the arbitrary use of injunctions against strikes and boycotts.

In the ten-hour movement, the revolt against the conspiracy laws, and in their strikes, the workingmen of the 1830s had the full and active backing of their general trades' unions. These organizations were ready to render whatever assistance they could, both in supporting the local societies in their demands and in extending financial assistance when workers went out on strike. In New York, Philadelphia, Boston—wherever general trades' unions had been formed—there was close cooperation among the workers as a result of this leadership. Monthly dues were paid to the central organization, making possible the creation of a strike fund, and in many instances additional union appropriations aided the members of other societies out on strike. Occasionally such aid was extended from one city to another. When a delegation of Philadelphia bookbinders appealed to New York's General Trades' Union for aid in February 1836, a resolution favoring such action was at once adopted. It called upon all members to support "their fellow mechanics who are at this inclement season driven to a stand for their rights against aristocratical tyranny." Varying sums of money were sent to the bookbinders not only by unions in New York but also by those of Washington, Baltimore, Albany and Newark.

The National Trades' Union, which had met first in 1834 and held conventions in the two succeeding years, did not have the close organization of the general trades' unions. It remained little more than an annual conference which debated labor issues and occasionally addressed memorials to Congress—on the ten-hour day, prison labor, or public lands. It also went on record, although it refused to enter upon direct political action, in support of many of the reforms being promoted by the Jacksonian Democrats. It attacked "this American banking system, this rag-money system, this system of legalized monopolies which makes the rich richer and the poor poorer." It was in no sense a class-conscious movement, however. "Our object in the formation of the Trades' Union," declared its organ, the *Union*, on April 21, 1836,"... was not to create a feeling of enmity against the non-producers; ...[but] to raise in the estimation

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Perhaps the greatest contribution of the National Trades' Union to the cause of labor was to bring together the workingmen's leaders from various parts of the country. It gave them a sense of common purpose and of support for their activities which encouraged them, as in the case of the ten-hour movement, to keep up their local struggles for labor's rights.

John Ferral, the aggressive handloom weaver who led the successful ten-hour strike in Philadelphia, was a prominent figure at union conventions. No one more strongly urged direct economic action by labor societies or warned more often of the danger of their being diverted from their main purposes by political blandishments. "The office holders and office seekers of all parties have tried to lure us into the meshes of their nets," he wrote, "but experience came to our aid, and, coy as the young deer, we shied off from their advances; we felt grateful for their proffered aid, but told them 'we knew our own rights, and knowing dared maintain them.'" His initiative and energy were perhaps the most important factors in the organization of the Philadelphia General Trades' Union. He served as chairman of one of its original organizing committees, was constantly involved in its activities, and references to his "spirited addresses" run through all the proceedings of the union.

Another Philadelphia delegate was William English, for a time secretary of the General Trades' Union. He was a journeyman shoemaker and a radical, highly erratic champion of the workers' cause. His critics declared that he did not have an idea which he had not borrowed or stolen from someone else, but his impassioned addresses always held popular attention.

The principal representative of the New England workingmen was Charles Douglas, one of the founders of the New England Association of Farmers, Mechanics, and Other Workingmen, and editor of the *New England Artisan*. His opposition to political activity was no less pronounced than that of John Ferral. Douglas' special interest was the status of factory operatives in the textile mills, and he was one of the first spokesmen for this class of workers.

Attending at least one National Trades' Union meetings was his coworker in this cause, Seth Luther, the so-called "Traveling Agent" of the *Artisan* and a prototype of many later labor agitators. He was one of the most picturesque leaders of this period, a tall lanky,

tobacco-chewing Yankee, in a bright green jacket, who toured through the factory towns calling upon workers to defend their rights. "You cannot raise one part of the community above another unless you stand on the bodies of the poor," he repeatedly declared, and, in support of this thesis, he issued a stream of pamphlets which depicted the harsh life of the women and children who worked in the cotton mills under the lash of factory managers. His style was grim, sardonic, and highly colored. "While music floats from quivering strings through the perfumed and adorned apartments...of the rich," Luther wrote, "the nerves of the poor woman and child, in the cotton mills, are quivering with almost *dying agony*, from *excessive labor* to support this splendor."

The first president of the National Trades' Union was Ely Moore. Originally a student of medicine, he had abandoned that profession to become a journeyman printer and then entered actively into the labor movement. He suffered from ill health, which was eventually to force his retirement from the political scene, but not before he had proved himself both an able organizer and effective administrator in union activities. Tall, handsome, with curly black hair brushed back over a broad forehead, invariably well dressed and habitually carrying an ivory-headed cane, he possessed, according to contemporaries, a thrilling power of eloquence. He headed the General Trades' Union in New York before taking over his post in the National Trades' Union, and in the former capacity had sounded the keynote of the developing labor movement in addressing the workingmen as Pioneers in the Great Cause.

"To you, then, gentlemen, as the *actual* representatives of the Mechanic interests throughout the country," Moore declared, "the eyes of thousands and thousands are turned; for should the experiment succeed here, and the expectations of the friends of the 'Union' be realized, other Unions of a kindred character will be formed, in every section." But should they fail, he then went on to warn his audience, "the haughty aristocrats of the land will hail the event with exulting hearts and hellish satisfaction."

Moore soon made his position in labor circles a springboard for entry into active politics, and, with the support of the unions and Tammany Hall, he was sent to Congress the same year that saw him chosen head of the National Trades' Union. There he won national prominence as a spokesman for the interests of labor and played a notable part in introducing the various memorials addressed to Con-

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During the aftermath of the popular excitement aroused in New York by the conspiracy trial of the journeymen tailors, Moore rose on one occasion in April 1836 to defend labor under unusually dramatic circumstances. A representative from South Carolina had warned of a possible workingmen's insurrection. Although he was so ill that he had to steady himself by leaning on his cane, Moore addressed his audience in a ringing voice that reached to every corner of the House. How could the interests and safety of the state be plotted against, he asked peremptorily, by a group composing three fourths of the state? "Sir," he declared, glaring at the Speaker as his audience listened intently and one southern congressman was heard to murmur that the high priest of revolution was singing his swan song, "there is much greater danger that capital will unjustly appropriate to itself the avails of labor, than that labor will unlawfully seize upon capital."

"My eye was fixed upon him," wrote a reporter who described the scene for the *Democratic Review*; "I saw him grow paler than ever; till a deadly hue swept over his face; his hands were arrested in the air—he grasped at emptiness—a corpse seemed to stand with outstretched hands before the agitated crowd—his eyes were closed—he tottered, and amid the rush and exclamations of the whole house, fell back insensible into the arms of one of his friends."

Moore recovered from this attack of illness but he would not again address the House. His friends felt that he was in too poor health to undergo the strain which public speaking imposed upon a person of his excitable, nervous temperament. But his oration went rapidly through four editions and played its part in arresting the drive to outlaw unions by court action. Public opinion was more and more swinging to their support. "What but a general revolt of all the laboring classes is to be gained," William Cullen Bryant asked in the New York *Evening Post*, "by these wanton and unprovoked attacks upon their rights?"

The labor movement of the 1830s, to be sure, differed substantially from the one which emerged a century later. It originated in a society in which the great mass of workers were either skilled artisans and their apprentices in small-scale shops, or unskilled fetchers and haulers. Hence the founders of most early trade societies, or unions,

thought of themselves as respectable, independent mechanics, men who preferred to obtain a just price for their product rather than a fair wage for their labor.

The lines which the artisans drew in American society were between rich and poor, parasites and producers, aristocracy and democracy, as well as between employers and employees. They were greatly aroused, as was stated in an address of the New England Association, by "the low estimation in which useful labor is held by many whose station in society enable them to give the tone to public opinion." They resented the trend whereby all those who could, sought to find some means of living without hard work and condemned the more useful and industrious portion of the community to a life of constant toil—"stripped of the better share of their earnings, holding a subordinate, if not degraded situation in society, and frequently despised by the very men, and women and children who live at ease upon the fruits of their labour." The dignity of labor, and the respect due to workingmen, were as much the concern of the labor unions of the 1830s as improvement in actual working conditions.

Whatever may be said of the high purpose of the labor unions of the 1830s, and whatever progress they made in achieving both their broader and more immediate aims, their days were numbered. In 1837, the prosperity which had provided the background for their growth and accomplishments came to a sudden end. The bubble of speculation was rudely punctured. As prices plunged precipitately downward, hard times again swept over the entire nation. Trade and commerce dried up, manufacturing sharply declined, and business stagnated in the formerly prosperous towns and cities of both the Atlantic seaboard and the West.

The workingmen again faced what depression has always meant for them—declining wages and unemployment. When the alternative to work was starvation for themselves and their families, they deserted the unions as they had in 1819 for fear of employer retaliation, and they did not dare to strike to protect the gains they had won when things were going well. With few exceptions, the journeymen societies which had seemed so powerful completely folded. They were crushed by economic circumstances, and in their collapse their newspapers and their federations also disappeared almost overnight. The depression of 1837 brought the emerging labor movement to a halt, as the Panic of 1819 eighteen years before had broken up the original trade societies.

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Had organized labor survived this financial and economic panic, its subsequent history might have followed a quite different course. Strong unions would perhaps have been able to cope with the new needs and new problems which confronted labor when the full impact of the industrial revolution made itself felt in American society. Its long shadow was falling over the land in the 1830s and the new class of factory operatives was constantly growing. The skilled workers, already organized, were prepared to cooperate with these weaker wage earners, and they could have helped to promote at this early stage of industrialization the establishment of effective unions among the unskilled. But this was not to be. As the steady expansion of manufactures tended to depress the wage-earning class, labor failed to develop for the workers as a whole any program which could successfully defend their interests.