PUBLIC REACTION TO PINKERTONISM
AND THE LABOR QUESTION

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Upon no other branch of government did the second "Industrial Revolution" throw heavier responsibilities than the ancient office of the sheriff. In the old and rural America the duties of the sheriff had been relatively simple. The pursuit of criminals and the protection of life and property were tasks that received the approbation of all elements of society. If circumstances beyond the ordinary arose which threatened to overtax the regular facilities in the hands of the sheriff, citizens could be called upon to render their services. The *posse comitatus* was a serviceable organization when every man possessed a weapon which he was willing to use in defense of the safety of the community. Then things were either white or black; right or wrong; within the law or without. Ishmael-like, all hands were raised against the despoiler of person and property, and the duty of the sheriff was clear to all.

Into this simple scene the events and implications of a changing America burst with a roar. New responsibilities were placed on the shoulders of the sheriff—responsibilities he was prepared neither to face nor to carry out. But, while state militias were reorganized and molded into efficient law-enforcing units, the office of the sheriff remained as before. Here was an institutional "lag" paralleled only by a similar check in the minds of man. The implications of the new order were like seed cast upon stony ground.

What was a sheriff to do when faced not by a relatively small number of criminals whom everybody recognized for what they were but by hundreds and sometimes thousands of striking workers who were ordinarily peaceful, law-abiding citizens of a community? Could he call upon other citizens to drop their usual pursuits of life, take down their weapons, furnish their own food, and march against men who might be their own neighbors, merely to secure for some mill owner the right to operate his
mill as he saw fit? Public opinion was quite clear on the moral issue involved; enforcement of the rights of the property holder, however, was another matter. Especially was this true when the striking employee evinced a propensity to meet force with force, gun with gun, and a cracked skull with a cracked skull. The sheriff and the country confronted a new problem. Clearly if the ordinary facilities of the law-enforcing agencies were not adequate to provide the protection which he felt necessary to the operation of his enterprise, then the employer must secure that protection for himself or else treat with his employees. To fill this want came the private detective concern, among the most prominent of which was the Pinkerton National Detective Agency.

Allan Pinkerton, the founder of the institution bearing his name, left Scotland as a fugitive from the results of his participation in the Chartist movement—a strange contrast to his career in America, the land of his adoption. Moving westward to Chicago and then to Dundee on the Fox River, he followed his trade of a cooper. Quite accidentally he discovered traces of a counterfeiting band and assisted in its capture. His career as the archfoe of criminals was launched when he was appointed deputy sheriff of Kane County, Illinois. On his return to Chicago in 1850 he became the only detective on the newly organized Chicago police force. A year later he set up his own agency and soon withdrew to private practice. His organization prospered, and his reputation was enhanced by his Civil War service. In 1869 he suffered a paralytic stroke, and although he lived until 1884, the direction of the agency passed into the hands of his sons, William and Robert A. Pinkerton. Thus the real development of the Pinkerton agency coincided with the industrial development of the country after the Civil War. Indeed, it may be said that the nature of its work in the next quarter century was to be dictated largely by the course of events in the economic life of the nation.

From the very beginning the agency had had contacts with corporations. Railroads were among its first patrons; the or-

organization functioned chiefly to ferret out dishonest employees. When the industrial unrest of the postwar years began, it was a comparatively easy step from furnishing watchmen for the protection of banks and business houses to providing guards to "protect" factories. Nor, in the mind of the founder, was that step a difficult one. Apparently Allan Pinkerton had come in contact with the baser side of the labor movement and honestly believed unions were detrimental to the worker's interests. In his account of the strike of 1877, in which his men served, he displayed a tendency to associate labor unions, Communists, the Paris Commune, and the Internationale in one great body. As one writer said of him, "His was not a mind for analyzing social problems, but rather a genius for detail, organization and practical results." While Allan Pinkerton still was in charge, the agency had begun its work of participation in labor disputes—work which within a quarter century was to make the name Pinkerton anathema in labor circles.

Although somewhat obscured by the passions of the day, the organization's labor activities seemed to lie in three general lines. The nature of one of its functions is indicated in a circular admitted to be authentic by the agency.

Pinkerton's Preventive Patrol, connected with Pinkerton's National Detective Agency . . .

Sirs, We take this method of calling your attention to the advantages of our private police patrol in case you are in need at any time of our services . . .

We respectfully call the attention of railroads and other corporations who have to deal with large numbers of patrons or disaffected or striking employees, to the advantage of our patrol system . . .


3 Holmes, op. cit., p. 623.

4 With the pursuit of criminals, although it is a fascinating story, or with the more humdrum work of guarding banks we are not concerned. As Powderly said, "We readily recognize their proper duties on [sic] such work as furnishing detectives for balls—that of the '400's for instance. Of course, they know who need watching." *The Employment of Pinkerton Detectives, House Report 2447, 52d Congress, 2d Sess.* (Washington: Government Printing Office, 1893), p. 235. Allan Pinkerton wrote many volumes on this branch of the agency's work. Of its other activities he had little to say, nor does the historian of the agency throw any more light on the subject. To Rowan, Homestead was an error of strategy and nothing more.
Corporations or individuals desiring to ascertaining [sic] the feeling of their employees and whether they are likely to engage in strikes, or joining any secret labor organization with a view of compelling terms from corporations or employers, can obtain . . . a detective suitable to associate with their employees and obtain this information.

At this time when there is so much dissatisfaction among the laboring classes and secret labor societies are organizing throughout the United States, we suggest whether it would not be well for . . . extensive employers of labor, to keep a close watch for designing men among their own employees, who, in the interests of secret labor societies, are inducing their own employees to join these organizations and eventually cause a strike.

It is frequently the case that by taking a matter of this kind in hand in time and discovering the ring leaders and dealing promptly with them, serious trouble may be avoided in the future.\(^5\)

When asked whether his men had been sent into the Knights of Labor, Robert Pinkerton refused to answer, but the head of the Chicago branch admitted that they frequently had been assigned to such work.\(^6\) Much of the hard feeling toward the Pinkertons was engendered by the fact that not infrequently detectives worked their way into high positions in the union and then revealed the intentions of the organization to the employer.\(^7\) In 1895, for instance, the leaders of a secret union set up by Homestead workmen dissatisfied with their wages were promptly discharged. A spy had been in their midst.\(^8\)

A second and similar function of the detective was to work his way into the union during strikes. From this advantageous position information could be secured against the leaders; and if

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\(^7\) *Ibid.*, p. 79. It must be remembered that in Chicago alone there were at least eleven detective agencies. The Pinkerton organization as the most prominent bore the brunt of the attack, for critics carelessly made “Pinkertonism” synonymous with the profession as a whole.

\(^8\) *Proceedings of the Annual Convention of the National Lodge, Amalgamated Association of Iron and Steel Workers* (Published by order of the National Lodge of the United States, 1895), vol. xv, pp. 4882-3.
arrest and conviction followed, the strike would be broken. It was this procedure that particularly aroused the antagonism of labor. From the viewpoint of labor the Pinkerton method was odious.

The moment a strike or lockout takes place [said a labor organ in 1888] an agent will call upon the . . . managers of the firm in trouble, and offer to handle the affair for them according to the most improved methods known to the profession. They are to protect property, secure recruits to take the place of the striking employees, and bring the whole affair to a successful termination as soon as possible. . . . The tactics resorted to to bring about this result are as despicable as they are cowardly. A detective will join the ranks of the strikers and at once become an ardent champion of their cause. He is next found committing an aggravated assault upon some man or woman who has remained at work, thereby bringing down upon the heads of the officers and members of the assembly or union directly interested, the condemnation of all honest people, and aiding very materially to demoralize the organization and break their ranks. He is always on hand in the strikers' meeting to introduce some extremely radical measure to burn the mill or wreck a train, and when the meeting has adjourned he is ever ready to furnish the Associated Press with a full account of the proposed action, and the country is told that a 'prominent and highly respected member, of the strikers' organization has just revealed a most daring plot to destroy life and property, but dare not become known in connection with the exposure for fear of his life!9

To labor it seemed that the moment the private detective entered upon the scene of a strike, violence could be expected. Thus in an iron molders' strike in St. Louis, dynamite was placed on the molds. For the resulting explosion strikers were arrested, but they contended the dynamite had been placed there by detectives seeking evidence upon which to convict them and end the strike. In the Burlington strike of 1888, workers were arrested for wrecking a train. When one of them turned out to be a detective, labor was loud in its claim that the detective had incited the act. In the New York Central strike of 1890

9Journal of United Labor, July 12, 1888.
ties were placed on the track in an effort to derail the train. While the scheme did not succeed, an attempt was made to blame the strikers. Powderly at once charged that the Pinkertons had placed the ties there in order to discredit the strikers in the public eye. In 1892 the Duquesne employees of the Carnegie Steel Company went out on strike in sympathy with their fellow laborers across the river. A riot broke out shortly thereafter, and a number of the workers were arrested. Only then was it disclosed that two of them were Pinkerton detectives. Their evidence secured the only convictions, save one, that occurred in that entire labor dispute. A former Pinkerton employee revealed to the Senate committee how membership had been obtained in the unions for the purpose of obtaining information about the leaders that would result in their arrest and conviction of some crime. The president of the Carpenters' Trade Council of Chicago likewise testified that detectives had worked their way into his organization and others during strikes and tried to incite them to violence. The previous year it was reported that detectives had gained admission into the Architectural Iron Workers Union and urged them to sabotage and violence during a strike. If there is anything of value in the two works exposing the methods of the detective in labor struggles, it is the disclosure of unethical methods used to convict and discredit union labor. As is to be expected, all such charges of fomenting violence were denied by the agency.

A third practice and the one with which this article is fundamentally concerned was that of furnishing guards during labor disputes. In general this sort of work followed a common pattern. A difference over wages, union recognition, or some other point would precipitate a strike. The employer would attempt to introduce nonunion labor to operate his plant. The sheriff would be called upon for protection, and if the number of strikers was large or public sympathy was with the strikers, 

11 Pittsburgh Commercial Gazette, July 24, 1892.
12 Senate Report 1280, pp. 136-141.
13 Ibid., pp. 131-132.
14 Rights of Labor, July 25, 1891.
he could not secure a posse. The employer would then turn to the detective agency, which would furnish the required number of armed guards. These the sheriff or the federal marshal would then swear in as deputies. If the strike was on a railroad, they would ride on the trains; if in a mine or factory, they would patrol the grounds, allowing no one to approach except the newly recruited workers. Their status as deputy sheriffs assured legality, and immunity for their action was thus practically guaranteed.

The first strike for which the Pinkerton agency provided guards was a miners' strike at Braidewood, Illinois, in 1866. Two years later it was again called upon to serve at the same place. Between then and 1892 Pinkerton employees participated in seventy labor disputes and opposed over a hundred and twenty-five thousand strikers. A full list of the strikes was never made public, but some of the more important may be noted. Pinkerton men were employed during the railway strikes of 1877—whether as detectives or guards is not known. They were present at the Hocking Valley coal strike. Henry Frick made use of them to fight the unions in the coal fields in 1884 and to protect the Hungarians and the Slavs whom he imported. Then in 1891, when the Hungarians and Slavs revolted, he called in the Pinkertons to protect the Italians brought in to break the strike. In the 1889 embryo strike at Homestead, Pinkerton guards were called into Pittsburgh; a peaceful settlement, however, made their use unnecessary. In 1884-1885 Pinkerton men were active in the great southwest railroad strike and in 1888 in the Chicago, Burlington, and Quincy strike. In 1886 they participated in the Chicago stockyards strike; in 1890 they did guard duty for the New York Central strike. In 1890 they were at the service of the sheriff of Jefferson County, Pennsylvania, and in 1891 they moved down to Braddock, Pennsylvania, where they were commissioned coal and iron police. In 1892, a few weeks after the debacle at Homestead, they—along with operatives from other agencies—were employed at the Coeur d'Alene mines in Idaho.¹⁸

It might well be asked how the Pinkerton agency secured men for its activities. For ordinary criminal work and night patrol

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¹⁸ For a list of these strikes see Senate Report 1280, pp. 52-59, 242-243. Journal of the Knights of Labor, Jan. 9, 1890; August, September, 1890; May 14, 1890; July 21, 1892.
it had a force of between six and eight hundred. There is considerable conflict in the evidence as to how the guards were obtained for strike breaking and as to what their character was. The agency in its testimony before the congressional investigating committee went to considerable length to stress the care with which its men were chosen. All applicants were required to give references, it said, and each applicant was investigated before his name was placed on file. Whenever an emergency arose requiring the services of a large number of men, selections were made from the files. As proof of the good character of the agency’s employees Robert Pinkerton cited their record of having only two homicides charged against them over a long period of years in which they had faced attack and abuse by strikers.17

On the other hand is the testimony of a former employee that he had been hired from the street with no reference.18 The New York World wrote that the Pinkerton guards were secured by advertising, by visiting United States recruiting offices for rejectees, and by frequenting water fronts where men were to be found going to sea as a last resort of employment.19 To labor they were a “gang of toughs and rags and desperate men, mostly recruited by Pinkerton and his officers from the worst elements of the community.”20 They were “criminals of the lowest order—men who were not allowed to live in civilized society, but . . . , like rats and other vermin, make their habitation in the slums and sewers of the great cities, and only come out of their holes when they are employed by him [Pinkerton] to commit murders.”21 The investigating senators concluded that “it is reasonable to suppose . . . , as they are hurriedly assembled to meet an immediate exigency, sometimes responding to newspaper advertisements, they are not of the highest order of morals or intellect.”22

It was this background of a quarter century of intermittent warfare in which Pinkertonism had become to labor a synonym for violence and oppression that Henry C. Frick introduced into

18 Ibid., pp. 136 ff.
19 New York World, quoted in Journal of the Knights of Labor, July 21, 1892.
20 The Critic, July 9, 1892.
21 The Rights of Labor, July 30, 1892.
22 Senate Report 1280, p. x.
the Homestead strike of 1892. With picket lines of striking steel workers thrown around the Carnegie mills, three hundred guards were brought up the Monongahela River in covered barges. But the strikers, on the alert, met them at the river bank, and a pitched battle ensued. After a siege of twelve hours the Pinkertons surrendered, only to be set upon by the mob as they marched through the streets of Homestead. If a band of determined but ordinarily peaceable men suddenly became transformed into a blood-thirsty mob, and if their wives displayed traits long thought obliterated from civilized people, it must be remembered that for the first time the Pinkertons were at bay and the accumulated wrath of labor was wreaked upon them.²³

The spectacular battle and the long strike which followed attracted wide attention throughout the country. Public opinion from all walks of life gave vent to deep feelings on “Pinkertonism” and on the respective rights of labor and capital. Homestead burst like a flash of lightning across a darkened sky, and in the brief glare the very soul of American economic thought was exposed to its depths.

On the question of “Pinkertonism” an astonishing degree of unanimity was exhibited. From all sides came protests against the employment of private armies. It was not that the employer’s right of protection was denied; the feeling was that that protection should be rendered by the civil authorities. The appearance of Pinkerton guards was a sure sign that the regularly constituted authorities were powerless to furnish the protection every owner of property had the right to expect. “That any occasion should be given for the employment of such agencies is a disgrace to American institutions,” commented a Pittsburgh newspaper.²⁴

Since the public felt so strongly on the subject, it was inevitable that the politicians would act. Indeed, there was a movement on the part of the states already under way to prohibit the use of nonresidents as peace officers. This was accelerated by the failure of the congressional committees to discover any grounds on which

²³ There are many accounts of this battle, which ranks as an epic in labor history. Most of the accounts seem to be plagiarisms on Arthur Burgoyne, Homestead, which was written in 1893 at the request of organized labor. For a fuller account of the whole strike see J. Bernard Hogg, The Homestead Steel Strike of 1892, a manuscript dissertation, the University of Chicago.
²⁴ Pittsburgh Chronicle Telegraph, July 7, 1892.
the national government could act. While deploring the method by which the Carnegie Company had set about to control its property, the investigators believed that the use of Pinkertons involved no violation of law and went beyond no rights inherent in property. Nor did Congress have the constitutional power to legislate in the matter; it was a question the solution of which lay within the jurisdiction of the states.\textsuperscript{25}

Before the Homestead conflict at least eleven states had passed laws forbidding the use of private guards; within twelve months ten more had approved similar acts, and by 1899 twenty-six states or territories had taken like steps. Previous to 1892 the general nature of this legislation was merely to prohibit the use of non-residents as police officers; after that time some of the lawmaking bodies, including Congress for the District of Columbia, referred specifically to armed groups, detective agencies, and even Pinkerton detective agencies.\textsuperscript{26} Since Pennsylvania was the state directly concerned in the matter, it is appropriate to quote from the Pennsylvania statute framed to end the evil.

Section I. Be it enacted, etc., That no sheriff of a county, mayor of a city, or other persons authorized by law to appoint special deputies, marshals or policemen in this Commonwealth to preserve the public peace or quell public disturbances, and no individuals, association, or corporation . . . shall hereafter appoint or employ as such special deputy, marshal or policeman, any person who shall not be a citizen of this Commonwealth.\textsuperscript{27}

It is a striking indication of the change in public opinion on the question that in 1891 labor could not get this bill out of committee but in 1893 it was approved without a dissenting vote.\textsuperscript{28} Indeed, it is true that the passage of anti-Pinkerton laws in

\textsuperscript{25}Senate Report 1280, p. xv; House Report 2447, p. xvi. The House Report went so far as to suggest unconstitutionality of such legislation on the grounds that it would deprive citizens of one state of “privileges and immunities of citizens in the several states.” \textit{Ibid.}, p. xvi.


\textsuperscript{27}\textit{Laws of the Commonwealth of Pennsylvania passed at the Session of 1893} (Harrisburg: E. K. Meyers, state printer, 1893), pp. 174-175.

\textsuperscript{28}For the sensitiveness of lawmakers to public opinion on this question see editorial in \textit{Indianapolis News}, August 5, 1892, quoted in \textit{Public Opinion}, vol. xiii, pp. 447-448.
various states before July, 1892, had been provoked by particular acts of violence on the part of agency personnel.

The effectiveness of such legislation is beyond the scope of this study. That the law might have had its loopholes is indicated by the testimony of Robert Pinkerton:

My feelings at the present time are that we would decline to put men into another state where legislation has been that we could not swear them in, although I believe we would have a right under the law; that is to put private watchmen on the ground on private property.29

It is probably quite true that the reversal of public opinion and the increase in danger and violence had as much to do with the discontinuance of the work as the legislation. William Pinkerton in an interview indicated that the agency would furnish no more guards, and according to a caustic critic it supplied none after 1892.30

The legislation, however, was no answer to the question. Although it eliminated what the Nation called a "national disgrace," it did not touch upon the larger question of the proper relation between capital and labor. The defenders of labor had implied a moral or higher law, but even their chief spokesman had admitted that he did not know how to "clothe this moral law with legal rights."31 Labor's opponents were more numerous, and they knew what they wanted.

There were some who failed to see that previous conditions were gone forever. To them the old machinery was still adequate if properly handled. Frick was sure that the only way to cope with disputes was to have strict enforcement of the law by the county officers, in which case "a strike would not last any length of time."32 Senator Morgan of Alabama likewise thought that if the power of the sheriff was exerted, all such troubles would end.33 A United States marshal from Illinois in relating

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30 Friedman, op. cit., p. 3.
31 Congressional Record, 52d Cong., Senate, 1st Sess., p. 7009.
32 Senate Report 1280, p. 173. The views on this question of Judge Thomas Mellon, whose sons at this time were rising young bankers in Pittsburgh, are interesting. See ibid., pp. 219-20. He advocated having all strikes declared off if not successful within three days.
33 Congressional Record, 52d Cong., Senate, 1st Sess., p. 7009.
his experience with the *posse comitatus* expressed the opinion that if the penalty was increased for refusal to serve, the sheriff would have no more difficulty. But these were solitary voices, and it was the general consensus that more effective means than the sheriff and his posse were necessary to deal with the new situation. The great trouble was that often the sheriff was inefficient and for political reasons would not act for fear of antagonizing the voters. That a new situation existed calling for new remedies was felt on every hand. The many solutions suggested were within the accepted economic tenets of the day.

*The Engineering and Mining Journal* found the answer to the problem easily. It examined the Pinkerton record and gave it a clean bill of health. Then it looked into the cost of calling out the state militia. From that evidence it reached the conclusion that the only thing to do was to repeal the anti-Pinkerton legislation and put the cost of defending their property back upon the corporations where it belonged. But this proposal found no defenders.

In Pennsylvania the prevailing tendency was to revert to the use of coal and iron police. This practice dated back to a law of 1866 which gave a corporation the privilege of securing from the executive a commission for a watchman or policeman, who had the power to act on the corporation's property. In his message to the assembly Governor Pattison referred to this power as rendering the importation of armed bodies unnecessary. Robert Pinkerton stated that his agency had organized the first coal and iron police in Pennsylvania at the time of the "Molly Maguire" troubles in the eastern coal fields. Just when the Carnegie Company instituted its own police force is uncertain; the first record is in September, 1892, when the sheriff deputized the members and gave them authority to operate in the streets of

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*Senate Report 1280*, pp. 128-129.
*"The committee contents itself at this point with the simple suggestion that it is exceedingly doubtful whether that instrumentality can be effectively employed in the controversies between employers and workmen in this country." Senate Report 1280, p. iv.
*Engineering and Mining Journal*, vol. liv, pp. 242-3.
Homestead to protect nonunion men. That the use of this method was not exceptional may be seen in the fact that the Reading Railroad Company had between seven and eight hundred policemen in 1889. Katherine Mayo reported that there were more than five thousand employed in 1903.

The Senate, citing the use of the injunction in Allegheny County, held that the courts should have been applied to before resort to any other means was taken. In a minority report to the House of Representatives, Boatner of Louisiana said that interstate carriers should be required to appeal to the United States courts for protection. "The officers who would be assigned the duty under such circumstances, being clothed with legal authority, would be respected as such," he declared, and no scenes of violence would follow.

The germs of yet another idea began to appear. As early as July 27, 1892, the Pittsburgh Commercial Gazette suggested some sort of state-maintained armed body that would do away with the necessity of calling out the militia and would replace the sheriff's posse. Reviving the idea in November, the editor wrote that "the best means to that end would be a well-drilled and thoroughly-equipped body of militia enlisted for a specific term of service and ready for action at an hour's notice." The idea found encouragement in the columns of the Iron Age, which recommended "the employment of a State Police, which could be quickly concentrated at any one locality. . . . [This] would probably be the cheapest in the end, and might avoid the exasperation which the Pinkerton service produces."

Nothing came of the suggestions for the time being. It was not until the anthracite strike of 1902, when the state was forced to call out the militia for a protracted period, that a state police

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39 Pittsburgh Post, September 10, 1892. Michael Tighe, for many years president of the Amalgamated Association, told the writer that one of the Pinkerton men organized and headed the Carnegie Coal and Iron Police.
40 Journal of United Labor, July 18, 1889.
42 Senate Report 1280, p. x. It is strange that the injunction, used successfully in Allegheny County only a short time before, was not tried at Homestead.
43 House Report 2447, pt. 2, p. 2. This appeal was tried in 1894, but the results were not what Mr. Boatner had predicted.
44 Pittsburgh Commercial Gazette, July 27 and November 25, 1892.
system was organized. According to the prevailing feeling of the time this action was no doubt the logical solution to the problem of handling the situation. Katherine Mayo's *Justice to All*, and especially the introduction by Theodore Roosevelt, offers sufficient proof of the primary purpose of the Pennsylvania police.\(^4\)

It can thus be seen that the proposed remedies for "Pinkertonism," however they varied, had a common purpose: to solidify capital in its right to manage its property as it saw fit without restraint from anyone, least of all from labor. Labor itself was so thoroughly indoctrinated with the belief that it could suggest no alternative. Perhaps it received some consolation in pronouncing its own obituary:

> 'What fools these mortals be.' Organized labor is congratulating itself over the downfall of Pinkertonism at Homestead, and calls it one of labor's greatest victories. Can people not see that the great lesson taught at Homestead is that the militia will abundantly protect the capitalist, and there is no use for the Pinkertons when the state will furnish the militia free? Better fight Pinkertons, whom all people despise, than to fight the militia with public sympathy on their side.\(^5\)

On the subject of the use of private armies in labor disputes the public left little reason to doubt its stand. But did this mean an actual defense of labor itself? What rights had labor that the public would recognize? Was there any consciousness of a labor class or a labor problem? On these questions every stratum of society was to demonstrate again a unanimity that was most astonishing when compared with the heated battles of the political arena.

As the nineteenth century drew to a close, two concepts were fundamental to American economic thought. The first was that of private property, of the right of the owner to do as he pleased with his possessions. It was geared to a rural world, to a rel-


\(^5\) *Age of Labor*, September 1, 1892.
tively simple economic system in which wealth meant land and men were tillers of their own soil, what they did with it having little effect on others. This ancient concept, inherited from a day that was fast passing, was now to be applied to a new situation—a situation in which few men possessed the wealth and the capital out of which they gained their living; the living of the many was in the hands of the few. Faced with the inalienable rights of property, could labor find a place in the thought of the day?48

Somewhat akin to the belief in the natural rights of property holders was the concept of the freedom of the individual and his inalienable right of contract, not subject to any force beyond his own free will. Each person was the master of his own destiny. Every man, no matter what his status in life, must be free to work where, when, and upon whatever terms he pleased, with no interference whatsoever from any individual or group of individuals. This conviction, a vestige of economic liberalism, envisaged a perfect world in which natural laws operated without restraint. It presupposed the existence of a free society with governmental restriction at a minimum, with no artificial restraints either from the employer or from the employed, from the capitalist or from the laborer. The employer was free to state the wages he would pay. The employee was free to accept, to reject, or to bargain; if he did not like the terms, he could go elsewhere. The laborer had his services to sell, the capitalist his goods. Theoretically both commodities were bought and sold in an open market with no restraint other than the law of supply and demand. It mattered little to the theorist that in so far as the capitalist was concerned, this ideal condition prevailed only as a figment of the imagination. If it did not exist, it ought to, and labor must conform to it.

How did organized labor fit into this situation? Did it have any ground on which to stand, particularly when unorganized labor appeared at Homestead ready to accept the wages which the strikers rejected? Within the limitations of the principles involved labor had to find its place. It was a class paradoxically trying to fit into a society which admitted of no classes. How

48 The rural background of the last decade of the nineteenth century cannot be overemphasized. Chief Justice Paxson boasted of his rural connection and went to agriculture for his illustration. Frick too was a product of a rural community. Many of the Homestead workmen came from farms.
would the American public, impregnated as it was with the concept of the right of everyone to property and to individual freedom, look upon the issues posed at Homestead?

In the course of a charge to the grand jury in the Homestead treason trials Chief Justice Edward Paxson of Pennsylvania made an official statement on the rights of labor and what laborers could legally do. Referring to the actions of the Homestead Advisory Committee, he said:

It was a deliberate attempt from men without a grievance to wrest from others their lawfully acquired property and to control them in their use and enjoyment of it. . . . The company had the undoubted right to protect its property; for this purpose it could lawfully employ as many men as it was proper, and arm them, if necessary. . . . So, as long as the men employed by the company as watchmen, to guard and protect its property, acted only in that capacity and for that purpose, it mattered not to the rioters, nor to the public, who they were, nor whence they came. It was an act of unlawful violence to prevent their landing upon the property of the company. . . . The moment they [the strikers] attempted to control the works and to prevent by violence or threats of violence, other laborers from going to work there, they placed themselves outside the pale of the law and became rioters. It cannot be tolerated for a moment that one laborer shall say to another laborer, "You shall not work for this man for that wage without my consent," and then enforce such demands with brutal violence upon his person. . . . The law should be so enforced . . . that the humblest laborer can work for whom he pleases and at what wage he sees fit, undeterred by the bludgeon of the rioter or the pistol of the assassin.49

Clearly here was an opinion that upheld capital in the broadest use of its property and restricted labor within narrow bounds. In every direction labor ran into the "law." Governor Pattison felt that the problem at Homestead was not one of capital and labor but one of government. "Restore your government," he said, "enforce the law, and then questions of labor and capital can be readily adjusted and settled."50

49 Pittsburgh Commercial Gazette, October 11, 1892; Senate Report 1280. pp. xv-xix.
50 American Manufacturer, vol. li (September 16, 1892), p. 506.
Pennsylvania militia was sure that "Philadelphians can hardly appreciate the actual communism of those people. They believe the works are their's [sic] quite as much as they are Carnegie's."

Conditions at Homestead he characterized in three words: "revolution, treason, and anarchy." 51

The elected representatives of the people who investigated the Homestead affair put their views on the labor question into their reports to their respective bodies. It was the conclusion of the senators that employers and workmen have equal rights—the one to employ and dismiss at will, the other to organize for their own protection and to stop work if their demands are not met. "Having discontinued work, they have no right, legal or moral, to undertake by force or intimidation to keep others from taking their places, or to attempt to occupy, injure or destroy the property of their employers." The employment of armed bodies for private purposes was deprecated; not because an employer was to be denied the right to protect and use his property but because such employment was an "assumption of the State's authority by private citizens." 52

Nor were the representatives one whit less positive in their report. The law of the land, they declared, protected "the right of any man to labor, upon whatever terms he and his employer agree . . . and the right of a person or corporation . . . to employ anyone to labor in a lawful business." In a free country these rights must not be denied. "To do so would destroy that personal freedom which has ever been the just pride and boast of American citizens. . . . All must recognize that in this country every man is the architect of his own fortune. . . . Our entire system of government is based upon the idea of individual right to life, liberty, and the pursuit of happiness." 53

A much stronger statement was made in the minority report of Representative Ray of New York in which it was held that labor had a right to strike and refuse to work, but that there its rights ended.

They had no right to take possession of the property of the Carnegie Steel Company or by unlawful means to

51 Pittsburgh Chronicle Telegraph, July 30, 1892.
52 Senate Report 1280, pp. xiv-xv.
prevent that company from carrying on its business with the aid of non-union laborers. They had no right whatever to interfere with that company in the lawful management and conduct of its own property and business as the company saw fit. They had no right to intimidate or by force or threats of personal violence prevent non-union workmen from laboring in the Carnegie mills at Homestead. ... If they could not make terms with the Carnegie Company, it was their duty to seek employment elsewhere.\textsuperscript{54}

The trade periodicals may be considered as representing the views of the employers of labor. The \textit{Engineering and Mining Journal} found Homestead to be "another very sad example of the tyranny of unorganized labor." Labor had the undoubted privilege of refusing terms unsatisfactory to it, but this involved a respect on the part of the strikers for the equal rights of others. "Each individual has an absolute right to work, as well as to strike, and each establishment is free to employ or not to employ any workmen willing to work for such wages as it offers. The essence of Liberty is respect for the rights of others, and in violating these rights the Homestead men have already injured their cause almost irreparably."\textsuperscript{55} The struggle was no longer over wages, but over a principle: "whether the owner of a works has the right to manage them himself, or whether the control is hereafter to be in the hands of an irresponsible committee of workmen." The writer was not at all opposed to labor organization and was a firm believer in arbitration, but, he went on,

there are, however, certain questions which cannot be arbitrated, such, for example, as the right of every man to work for whom and on whatever terms he pleases, and his liberty to stop work when either his remuneration or conditions of labor are unsatisfactory to him. The right of every employer to operate or stop his works, and to employ whom he pleases, and to discharge un-

\textsuperscript{54} \textit{Ibid.}, pp. I-lii. Much the same sentiment was expressed on the floor of the Senate by Hawley of Connecticut, who said, "I deny the right of any man or body of men, whether working at Homestead twenty years or twenty days, to take possession of that property and propose to control it. I deny the rightfulness of the attempt to prevent new workmen from taking the places of the old ones save by peaceful persuasion." \textit{Congressional Record}, 52d Cong., Senate, 1st Sess., vol. xxiii, pt. 23, p. 7011.

\textsuperscript{55} \textit{Engineering and Mining Journal}, vol. liv (July 9, 1892), pp. 25-26.
satisfactory workmen are inherent rights which do not admit of question. 56

But few were so outspoken in defense of the inalienable rights of property. It was more popular to defend the laborer who was prevented from exercising his individual right of contract by tyrannical unions than to extol the privilege of capital, far better to expound on the abstract principle of the law than to explain why a millionaire should consider labor on the basis of supply and demand. "The question is the supremacy of the law. . . . Every right minded citizen forgets for the moment his views as to the original cause of the strike, and unites in demanding immediately and imperatively that the laws of the commonwealth shall be supreme." The steelmakers in every way acted in accordance with their "legal and moral rights," whereas the men at all times were violating the law. 57 If labor unions were to continue in this defiance of the law, they would be endangering "our institutions." Workmen had rights in which they were protected by law, "but there is something higher than mere class rights, and that is the rights of every man as a member of the community. . . . If labor organizations are to live in this country, they must respect and obey our common law." 58

The use of Pinkerton guards was not advocated, if only for the reason that the practice tended to antagonize the workmen. But there was a certain class in the laboring ranks that on the slightest provocation would resort to arson, riot, and even murder. "It is this class which can only be met with rifles, which it respects only when the conviction is clear that they will be used to kill." Employers must be guided by the character of the men with whom they had to deal in deciding whether Pinkertons should be used or not. "It is their duty to themselves, to their

56 Ibid. (August 6, 1892), p. 122. For similar expressions see issues of July 16 and August 13.
57 American Manufacturer, vol. li (July 8, 1892), p. 66.
58 Ibid., vol. li (August 26, 1892), p. 375. For further comments of a similar nature see issue of November 25, 1892, in which it was stated, "The growing sentiment of the country in favor of the liberty of action of the individual began to assert itself." See issue of July 22 for comments on the importance of Frick's victory in stamping out the "sentiment of socialism . . . in the ranks of the steelworkers." It is difficult to see in this solicitude over the rights of nonunion labor more than crocodile tears. Freedom of contract for labor was wanted because the corollary of it was freedom of contract for the employer.
stockholders, and to the better class among their workmen, not to shrink from extreme measures if circumstances unmistakably point to their adoption."\(^5\)

The press was, if anything, more outspoken than the trade journals about the respective rights of labor and capital. Regardless of party affiliation its representatives stood firmly against the threat to the safety of "American institutions." At few other times has it been so apparent that the American people are one in their thinking, despite the nomenclature of the two-party system.

Throughout the long summer and autumn election months the Homestead men had no more vociferous a champion than the Chicago Times; in searching for a ground on which the locked-out men could stand, however, that paper could only say: "The laboring man who claims for himself the right to work stands upon unassailable ground. But he surrenders his advantage when he assails the rights of other men to the same privilege."\(^6\) The Cleveland Plain Dealer likewise spent the summer heaping coals of fire upon the gentleman of Skibo Castle and using the cause of the steelworkers for its political advantage. Nevertheless, it said,

there ought to be no question at all on one point. The law should be supreme. The Carnegies are entitled to the peaceful possession of their works. If the locked-out workmen at Homestead wish to have the moral support of the country, a single sheriff's officer will be sufficient to protect the Homestead works and all within from violence.\(^6^1\)

One might well ask of what value to the Homestead workmen was "the moral support of the country" when smoke began to roll out over the Monongahela. Clearly here was no recognition of any right that meant anything to organized labor. Nor did the lone Democratic organ in Pittsburgh, so valiant in attacking the "plutocracy" when the tariff was the issue, show any sympathy for the cause of the workingman in his struggle against capital.

The Homestead mills [declared the Pittsburgh Post] belong to the Carnegie Company, and their right to put

\(^6\) Chicago Times, July 13, 1892.
\(^6^1\) Cleveland Plain Dealer, July 9, 1892.
into those mills non-union workers if they should see proper to do so is undeniable. With such a movement no one has any right, legal or moral, to interfere; and when such interference takes place it is unjustifiable and lawless. . . . Their policy in attempting to stop the owners of the mills from doing with their property just as they please is wrong, altogether wrong, and without excuse or justification.

Could the attitude expressed in this analysis be distinguished from that in the advice of another Pittsburgh editor that the only course left to the workers was to make "a complete and final surrender of the mill property, leaving its future use and occupancy at the disposal of its owners"? The seizure of the property was regarded as the fundamental wrong which led to further errors and "to a state of lawlessness which could not be tolerated." It was commented that "the law can be no respecter of persons, a non-union man is just as much a citizen as a union man, and just as much entitled to the protection of the laws." Anything which attacked personal rights and the equal privilege of every citizen was seen as a threat to the safety of American institutions. "Unless a labor contest can be carried on without raising the issue of fundamental rights of American citizenship," warned the Pittsburgh Chronicle Telegraph, "it is doomed to failure. Ponder these things."

These quotations could be virtually duplicated without end. Without exception the press of the nation was united in these twin concepts of American institutions: the unlimited rights of property and the liberty of the individual. Harper's Weekly saw "society and civilization" at stake, a mob "interfering with property rights and hindering the peaceful employment of labor." In any other civilized land, it maintained, such acts would constitute treason and rebellion. "But," it added, "personal sympathy with individuals must not affect our judgment upon a crisis in which civil government and the order of society are at stake."

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[a] Pittsburgh Post, July 7, 1892. Lurking in the minds of Pittsburghers was the ghost of the riot of 1877. Would they once more be shouldered with a debt incurred through damage done by riotous labor?
[b] Pittsburgh Commercial Gazette, July 12, 1892. The Gazette, said the editor of the Labor Tribune, "dearly loves a rich man and very dearly loves a very rich man." December 1, 1892.
[c] Pittsburgh Chronicle Telegraph, July 25, 1892.
The only thing the Nation could say for the Homestead men was that they had not destroyed property. It felt that although the steel makers and their imported guards had been entirely within their legal rights, "the conduct of the Homestead workmen was utterly unjustifiable legally, and atrocious morally." To the religious Independent the episode was the suicide of labor all over again. "What strange fatality is it that blinds workmen to the hard and inevitable penalty that overtakes those who resort to violence?" it asked. "Law must protect property rights. If it did not what would become of the snug homes of the workmen?"

George Gunton in the Social Economist wrote that there might be an explanation but no defense of "physical force adjustments" of industrial relations. Workmen might as well recognize that to raise their hands against property was to strike a fatal blow at their cause, he said. "Property is the very basis of social welfare, and whatever endangers its safety undermines the security of civilization itself."

One of the most outspoken comments on the relations of capital and labor was made in an address before the Sunset Club in Chicago. A speaker declared that such relations were entirely contractual—that when labor was paid the wages agreed upon, all obligations of capital ceased. But the question of wages at Homestead and all other questions paled into insignificance when compared with one great principle in that contest: "namely the right of a man to work in a factory where a union had ordered a strike" and "the company's right to manage its own business and employ such men as it desired to work." Among the eternal truths which labor must learn by heart was that "man has an inherent and inalienable right to labor, and this must not be interfered with by unions or strikers."

A decade after the Homestead strike James H. Bridge, confidant of steel kings, could look back and approve every one of Frick's acts; the "titanic struggle," he was sure, had not been in vain. The attitude of the workmen, he continued, had been such as to imply a "misconception of the mutual rights and duties of

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69 The Social Economist, vol. iii, no. 3 (September, 1892), p. 163.
70 Z. S. Holbrook, The Lessons of the Homestead Troubles (Chicago: Knight, Leonard and Company, 1892), pp. 3-5, 25. There is evidence that a labor leader spoke at this meeting, but his speech was never printed.
laborers and of employers." Confronted with such theories as the natural rights of labor, the most drastic measures had been necessary. "The talk of compromise with such ideas was foolish and injurious. There are some things that cannot be compromised. Insurrection was one of them. It is not possible to jump half-way down Niagara." 70

Here, then, was a striking unanimity of opinion from the political, capitalistic, and public spokesmen. What of the exponents of labor? Were they, too, agreed on these fundamental principles? To be sure, they bitterly assailed the Pinkerton guards, but could they perceive that although others also were opposed to their use, a mere substitution of public for private police was suggested? Could they see that under the prevailing philosophy as stated by some, labor had no rights of any consequence and no equality as individuals? Could their thinking lead them through the paradox that in the changing world men if they remained free were not equal?

The National Labor Tribune, official organ of the Amalgamated Association, was as the voice of labor capable of wielding on occasion potent weapons. But it had no quarrel with the existing order. "The sheriff's civil authority and a governor's military power," it said, "are all sufficient and all that was ever intended by state laws until the corporations came to the front and by the corruption of insolent wealth over-slaug hered the bottom principles upon which states and the union of states was [sic] built." 71 Obviously what the editor objected to was the means and not the end.

President William Weihe of the Amalgamated was an old and respected member of that association. When he was before the House investigating committee, one of his interrogators went to great lengths to secure from him "the workingman's idea of the situation . . . in regard to their right to take possession of the mill, . . . how their minds work and what they think about it." But no matter how the question was put, Weihe made no attempt to justify the workers' point of view or to claim any rights


71 National Labor Tribune, July 16, 1892.
whosoever." Asked why labor so hated the Pinkertons, he said, "Because most of them are people brought from other cities ... without character or standing." To the query as to whether the working people had any objection to the presence of state or federal troops for the purpose of protecting property and preserving the peace he replied: "Not that I am aware of. To be explicit in that, the workmen that have given the matter study, know that law and order must be maintained. All that they desire is that the proper authorities should have charge of it."73

In contradiction to the caution of its leader the advisory committee of the organization came out with a statement in defense of labor's position. Pledging itself to refrain from violence and lawlessness and resting its cause with the "public conscience," it pointed out:

The most evident characteristic of our times and country is the phenomenon of industrial centralization, which is putting the control of each of our great national industries into the hands of one or a few men and giving these men an enormous despotic power over the lives and the fortunes of their employes and subordinates—the great mass of the people; a power which eviscerates our national constitution and our common law, and directly antagonizes the spirit of universal history in the world-wide struggle after lawful liberty; a power which, though expressed in terms of current speech as 'the right of employers to manage their own business to suit themselves,' is fast coming to mean in effect nothing less than a right to manage the country to suit themselves.

The employes in the mill of Messrs. Carnegie, Phipps and Company at Homestead have built there a town with its homes, schools and churches; have for many years been faithful co-workers with the company in the business of the mill, have invested thousands of dollars of their savings in the said mill in the expectation of spending their lives in Homestead and of working in the mill in the period of their efficiency. . . .

73 House Report 2447, pp. 79-81. It is to be regretted that the interrogator did not pursue his inquiry further. The nearest approach to an answer to the question came in a statement by William Roberts in reply to a query as to the government's power to interfere in such disputes: "I certainly think they have. I may not know sufficient Constitutional Law to be able to tell the reason why, but I don't see why the Government should not have the right to take care of its people to its best interests." Senate Report 1280, p. 210.

76 Senate Report 1280, pp. 196-200.
Therefore the committee desires to express to the public as its firm belief that both the public and the employees aforesaid have equitable rights and interests in the same mill which cannot be modified or diverted without due process of law.\(^7\)

Terence V. Powderly, noted for his outspoken defense of labor, invited himself before the House committee investigating Pinkerton activities. His opposition to the use of private guards was based on the character (especially the irresponsibility) of the men employed rather than against the right of the employer to guard his property by force. He contended that the men had created the Homestead mills with their labor and that therefore they "had some rights which . . . the law could not give them. They felt they ought to defend those rights." But when asked what recourse the owners had but to take the property by force, he fell back lamely on the argument that the protective tariff protected the plants and it was the duty of the government to see that the benefits of protection were properly distributed.\(^7\)

In the *Journal of the Knights of Labor* Powderly cited the unwritten or higher law as a justification of labor in resistance to the Pinkertons. That he had not reached the core of the problem is obvious in his statement in the same issue that "the legally constituted authorities . . . should have been appealed to before turning elsewhere for aid."\(^7\)

Thus it would seem that not even labor, while deeply cognizant of the inequality of its position in the land of equality, could solve the riddle of that paradox. It is apparent that all classes were agreed on the inviolate rights of property and the sanctity of the individual right of contract. It might well be wondered if somewhere there would not be a voice lifted in behalf of labor.

As nearly as can be determined, three solitary defenders appeared to point out the ineptitude of pouring new wine into old bottles: one in the United States Senate, another in the pages of a religious publication, and the third in an article by an obscure journalist.

\(^n\) Pittsburgh *Post*, July 23, 1892. This, said the Pittsburgh *Commercial Gazette* on July 27, 1892, was "a monstrous doctrine."


\(^n\) *Journal of the Knights of Labor*, July 14, 1892. Powderly did point out that when labor obeyed the law, it found itself "the lookers-on when the agents of the law stand guard over men who take the bread and butter from our mouths." *Ibid.*, July 21, 1892.
In the course of a debate on a resolution to investigate the Homestead affair Senator John Palmer of Illinois arose to vindicate the resolution. He had no desire to have the blame placed on the steelmakers, he said, for they were but "representatives of new conditions in society." The episode might have happened in any one of a hundred places. But the owners claimed that they had an unlimited right to manage their property as they saw fit and that their employees had no voice whatever in the control of the mills. In contradiction to this viewpoint the men claimed some rights difficult to defend if those who made them were regarded simply as trespassers. But the Illinois senator felt that those men did have the right to be in the mill—a right earned by their years of service there. And the law, "not as the law is generally understood, but according to the principle of the law which must hereafter be applied to the solution of these troubles," must clothe that right with legality.

Within my lifetime [continued the senator] I have seen marvelous changes. There was a time when individualism was the universal rule and men lived alone almost because they could support themselves; but matters have changed. Today the world is practically divided between the employers and employes. . . . You must regard it; you must adjust it. How can you adjust it? You cannot do it by asserting . . . that every man has a right to the control of his own property in his own way; if he does not like to go to work for the Carnegies he may go to work for somebody else. You cannot settle it by saying that Mr. Carnegie has the right to employ whomsoever he pleases. Those are old truisms which have no application in this changed condition, when organized capital furnishes us all that we have. . . .

If some solution is not found . . . this army of employes will be controlled by the employers, and there will be established an aristocracy more terrible than exists in any free country, and this nobility of wealth will become our governors.  

So far as can be found, no voice was raised in support of Palmer's contention. On the contrary, much criticism was directed his way. "What is this but socialism pure and simple?"

\[Congressional Record, 52d Cong., Senate, 1st Sess., vol. xxxiii, pt. 6, pp. 5824-5825.\]
demanded the Pittsburgh Commercial Gazette. "If this does not strike at individual liberty and the right of property in the most direct and dangerous manner, then no socialist ever assailed those rights." Another newspaper saw in the senator's statements some of that "meddling Yankee spirit" which would end the "good old rule that he may do whatever he pleases with his own."

As to a remedy Senator Palmer had none. But he felt that the organization of capital had been encouraged so long that labor was comparatively weak. Labor, he said, had a moral right to employment, and "this moral right . . . must in some way or other, how I do not know, be clothed in legal form."

From another source came a cautious reminder of the dangers of applying "conformity to law" to every labor disturbance. "Civil law, at any one time," it was pointed out, "is adjusted to the defense and maintenance of certain well-recognized rights, and may neglect, or even stand in the way of, other rights less generally recognized." Rights of employers to dismiss at will were upheld by law. The privilege of workmen to combine, although not denied, received no protection. "The civil law gives instant recognition and thorough support to the business right of the employer, and no recognition to the social right of the employe. . . . It thus becomes a most unfair and inadequate judgment of the social principles to remand the parties to the law."

If labor disputes were accompanied by violence, it was only because labor had no legal redress. "The very thing demanded is a readjustment of the civic protection of social rights" through enforced arbitration.

A third defender (as well as critic) of the laboring man was Hugh Pentecost, who wrote in the Twentieth Century magazine that the Homestead workmen must be judged from their own standpoint; as long as they accepted the existing order, they could not but be found guilty of breaking the law. "Clear thinking persons," he continued, "cannot sympathize with them from the point of view at which it is apparent that they violated their own

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Pittsburgh Commercial Gazette, July 12, 1892.
ideas of good citizenship and of law and order." Pentecost hoped that the Homestead affair would make the working people understand that they were not on an equal footing with owners of property before the law and that the government was established in the interests of the property owners. Labor was beaten not by the Pinkertons but by the government. Nor would the laboring people complain. They were "ever ready to bow before 'law and order'; and to throw their hats with tears of joy when they see the dear old flag. Such conduct is beautifully pious; touchingly patriotic; but matchlessly stupid."8

With this cross-section view of the public attitude on the relations of capital and labor, it may well be asked if there was any recognition of a labor question. Workers if they possessed any rights at all possessed them not as a labor class but as individual members of society. They had the undoubted privilege of organizing and ceasing work in a body, just as any individual might. They could attempt to persuade others not to take their places, but they must not carry persuasion to the point where it became coercion because that would interfere with the freedom of other individuals. Laborers might make demands on their employer, but if the latter did not see fit to meet their terms, their only recourse was to seek employment elsewhere; they must not interfere with the employer's use of his property. The relations between employer and employee were entirely contractual, and fulfillment of the terms ended all mutual obligations. Labor as a factor in the productive process was on the same level as raw materials. What it could obtain for its services depended on the supply and demand. If it could stop work and capital could find no other workmen, it stood well to gain its end. But on most occasions the hope was illusory, and few workingmen cared to put their fortunes at the none too tender mercies of economic law. In the sight of the law labor did not exist; nor was there any greater recognition of a laboring class in the public consciousness. As a unit it could find no place for itself. Clearly it obeyed the Biblical injunction, but the mote must have been great.83

83 Twentieth Century, quoted in Age of Labor, September 15, 1892.

83 Despite their negative character these rights constituted mileposts in labor's long struggle for freedom. Release from conspiracy laws and the right to organize unmolested by the law at least implied the privilege of acting in unison. Shallow as these concessions were, they marked progress in the history of labor. See the comments of Judge Thomas Mellon on the wisdom of such laws. Senate Report 1280, p. 221.
On the other hand, public opinion was quick to accord full and plenary rights to the holder of property. The employer might hire and dismiss at pleasure. Wages were a matter of his dictation, influenced only by the supply of labor and his own conscience. Protected market for goods and free trade in labor were realities. Human endurance was the only limit to working conditions and hours. Against these conditions, which society itself could not regulate, labor could protest only ineffectively. The law was sworn to uphold the owner of property in the maintenance of his rights. At the slightest infringement it would come to his rescue, even to the extent of marching soldiers. Property and its inalienable rights were the foundations of society, the key to the economic thought of the decade.

Thus there was no philosophical basis for a labor movement. In such arid ground as existed no real labor organization could grow. Surely the sole factor that could prevent the crushing of all organized labor was the counting of the cost. The certainty of ultimate victory to the employer need not have entered into consideration when law, if not moral justice, was conceded on every hand to be on his side. The survival of any labor organization in such a hostile environment can excite only astonishment.\(^4\)

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\(^4\) The survival of the struggling American Federation of Labor during this period is in part attributable to the caution of its leaders. They made no effort to aid the Homesteaders. Gompers made some fiery speeches but confined himself to that. He knew a lost cause when he saw one and gave up an important branch of the federation rather than risk the whole organization. In this policy he was undoubtedly wise.