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Theodore Roosevelt on Labor Unions: A New Perspective

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ABSTRACT

An abstract of the thesis of Louis B. Livingston for the Master of Arts in History presented October 14, 2010.

Title: Theodore Roosevelt on Labor Unions: A New Perspective

Historical studies of Theodore Roosevelt's views about labor and labor unions are in conflict. This was also true of contemporary disagreements about the meaning of his labor rhetoric and actions. The uncertainties revolve around whether or not he was sincere in his support of working people and labor unions, whether his words and actions were political only or were based on a philosophical foundation, and why he did not propose comprehensive labor policies.

Roosevelt historiography has addressed these questions without considering his stated admiration for Octave Thanet's writings about "labor problems." Octave Thanet was the pseudonym of Alice French, a popular fiction writer during Roosevelt's adult years. Roosevelt on several occasions praised her knowledge of factory conditions and discussions of labor problems, and he invited her to the White House. The thesis analyzes her labor stories, Roosevelt's comments about her labor writings, and their relevance to how he responded to the growth and tactics of organized labor. It

also addresses the influence on Roosevelt of contemporary writing on labor unions by John Hay, Henry George, and Herbert Croly, as well as his relationship with labor leader Samuel Gompers.

The thesis concludes that Roosevelt was sincere about improving the social and industrial conditions of workers, primarily through government action. It further concludes that his support of labor unions in principle was genuine, but was contingent on organized labor's repudiation of violence and attempts to justify violence; and that he opposed union boycotts and mandatory union membership as inimical to his vision of a classless society. The thesis additionally considers the extent to which Roosevelt's views were embodied in national labor legislation after his death.

Theodore Roosevelt on Labor Unions:

A New Perspective

by

Louis B. Livingston

A thesis submitted in partial fulfillment of the
requirements for the degree of

Master of Arts
in
History

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Portland State University
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The late-in-life transition from the practice of law to the historian's discipline was not seamless for me. I did not anticipate how different advocacy for clients based on the facts and law was from historical weighing of facts and circumstance. To the extent that I accomplished the transition, I am grateful to a number of people in Portland State University's History Department. In particular, Professor Tim Garrison, my adviser and a former lawyer himself, was patient, collegially instructive, and appreciative of what I was trying to do. A graduate colloquium under the leadership of Professor Friedrich Schuler helped me understand the subtle distinctions between writing a legal brief and historical analysis. Mentioning them here does not diminish my thanks to others, especially Professors David Horowitz and Caroline Litzenberger, in whose courses I found enjoyment and benefit. It pleased me immensely that they unhesitatingly agreed to serve on my thesis committee.

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Finally, there are two people who deserve special acknowledgment.

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I. Introduction

Theodore Roosevelt's description of his early success in politics, that he "rose like a rocket," is an apt simile for his nearly forty-year trail through public affairs, from the early 1880s until his death in 1919. It was not merely a boast, because he conceded that it caused him to lose "perspective," which in turn also taught him "by bitter experience the lesson that I was not all-important and that I had to take account of many different elements in life."¹ Roosevelt's simile and the ensuing lesson could also describe the course of America's labor movement during those years. Sometimes following the same trajectory and sometimes seeming destined to crash, the two rockets changed the relationship between government and organized labor. This study is about one of the mysteries they left behind, namely, the nature of Roosevelt's view of labor unions.

The mystery remains unsolved after a century of Theodore Roosevelt scholarship. Organized labor regarded his words and actions as mixing favorable and unfriendly elements. These are both legitimate interpretations that also perplexed Roosevelt's non-union contemporaries and continue to be a cause of debate among historians. One clue that has not been pursued in TR historiography has been a fundamental component of Roosevelt's intellectual and emotional orientation toward organized labor, namely, his taste

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¹ TR letter to his son Theodore, October 20, 1903, in Elting E. Morison, ed., *The Letters of Theodore Roosevelt* (Cambridge: Harvard University Press, 1951), 3:634-635.

in literature about "labor problems." Accordingly, it is appropriate to reconsider Roosevelt's views about labor unions in light of this previously unexamined evidence.

A brief review of what others have said about Roosevelt and labor is in order, beginning with Richard Hofstadter's characterization of the labor subject as "[o]ne of the best indices of Roosevelt's place in the political spectrum." Hofstadter minimizes Roosevelt's pro-labor reputation as the result of animosity by some businessmen, notably the mine operators whom he declined to champion in the 1902 anthracite coal strike. Such business opposition "provided the dramatic foil that enabled him to stay on the stage plausibly as a reformer." Looking backstage, Hofstadter questions the motivations behind Roosevelt's ostensibly pro-labor actions – whether his intervention on labor's behalf in the 1902 strike showed sympathy for the strikers or fear of socialistic action, and whether his support of workmen's compensation legislation showed concern for crippled wage earners or fear that Democratic politicians would occupy the field if he did not. Thus, Hofstadter doubts that Roosevelt deserved "his reputation as a strenuous reformer."²

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² Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York: Vintage, 1948), 217, 223, 225, 230-231. An early Roosevelt biography takes the Hofstadter-like position that TR used his intervention in the 1902 anthracite coal strike to make the political claim that he had defended the legitimate rights of labor. Overall, however, the biographer regards TR as a centrist who "bared his white teeth at the conservatives on the right and the liberals on the extreme left." Henry F. Pringle, *Theodore Roosevelt: A Biography* (San Diego: Harvest, 1956), 145, 195.

Putting aside the question of the historical legitimacy of elevating uncertain personal motives over known facts, the reality is that Roosevelt scholarship subsequent to Hofstadter's speculations contains major disagreements about Roosevelt's attitude toward labor and labor unions. For example, William Henry Harbaugh describes Roosevelt's intervention in the anthracite coal strike as a "great service" to the American labor movement and Roosevelt as "the first great President-reformer of the modern industrial era," because he encouraged, "however cautiously, the growth of countervailing labor unions [in a capitalistic society]." Roosevelt was, Harbaugh argues, "the first President, in fine, to understand and react constructively to the challenge to existing institutions raised by the technological revolution."³

In contrast, Kevin Phillips contends that Roosevelt's predecessor in the White House, William McKinley, did more for labor than Roosevelt because McKinley as a lawyer provided *pro bono* legal services for strikers accused of rioting, as a congressman and governor of Ohio pursued federal and state systems of labor arbitration, and as governor supported workmen's compensation and union non-discrimination laws. Phillips diminishes Roosevelt's labor record as "half-submerged in an upper-class derogation of labor unions."⁴

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³ William Henry Harbaugh, *The Life and Times of Theodore Roosevelt* (New York: Collier, 1963), 179, 492-493.

⁴ Kevin Phillips, *William McKinley* (New York: Times Books, 2003), 32-33, 37, 39, 111, 118. Phillips' biography enthusiastically attempts to redeem President McKinley from the shadows

Conflicting interpretations about Roosevelt's real intentions toward organized labor also mark the work of the two historians who made Roosevelt's labor record their central scholarly concern. Howard Lawrence Hurwitz's study of Roosevelt's pre-presidential labor attitudes acknowledges TR's labor-friendly evolution from early anti-unionism, but he attributes it to political motives. According to Hurwitz, the second-place showing of a union-backed candidate in New York City's 1886 mayoral election, with Roosevelt in third place, alerted TR to the political strength of unions. The positive treatment of unions that he displayed thereafter, Hurwitz contends, was the result of TR's desire to avoid jeopardizing his political career. Hurwitz also argues that Roosevelt never understood that strikes were "labor's chief means of bringing about an adjustment of grievances," that labor violence arose from "existing inequalities," that organized labor should have "bargaining power with rights equal to those of employers and government," and that TR's emotional opposition to strike violence reflected his frustration that unions did not appreciate his efforts on behalf of working people.⁵

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cast by TR's popularity as McKinley's successor. To a similar effect, but without analysis, see Nathan Miller, *Theodore Roosevelt: A Life* (New York: HarperCollins Perennial Paperback, 1992), 377-378 ("Basically, Roosevelt's aim was to prevent radical change.").

⁵ Howard Lawrence Hurwitz, *Theodore Roosevelt and Labor In New York State, 1880-1900* (New York: AMS Press, 1943; reprint, 1968), 100 ("anti-labor bias"), 138 (election lesson), 197-199 (gubernatorial enforcement of labor laws), 217-219 (friendly interactions with labor leaders), 238 (political decision-making), 278 (importance of labor vote), 285 (violence and "existing inequalities"), 289 (political jeopardy of antagonizing unions), 292 (labor's use of strikes), 297 (union bargaining rights and TR's frustration at being unappreciated). Concentrating on the final two years of the period covered by Hurwitz, another historian reaches different conclusions. G. Wallace Chessman, *Governor Theodore Roosevelt*

Irving Greenberg's appraisal of Roosevelt's presidential and post-presidential labor record takes issue with Hurwitz's finding of TR's coolness to unionism. Greenberg accepts the sincerity of Roosevelt's distinction between the positive underlying value of organized labor and the negative of union-related violence. He argues, contrary to Hurwitz's and Hofstadter's interpretations of TR's motivation, that Roosevelt's goal was to secure laborers "all just and proper consideration."⁶

Much harder on Roosevelt than any other critic, the Marxist labor historian Philip S. Foner has nothing favorable to say about TR's labor record. He gives Roosevelt little credit for settling the 1902 anthracite coal strike or attempting to moderate the use of judicial injunctions against labor, preferring instead to accuse him repeatedly of being a tool of anti-union employers. Even when Foner praises the Progressive Party platform on which Roosevelt ran in 1912, he dismisses Roosevelt as a captive of capitalist millionaires who were trying to stave off social revolution.⁷

There is ample interpretive space between such conflicting views. Thus, Edward Wagenknecht concludes that "Roosevelt's essential moderation is

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(Cambridge: Harvard University Press, 1965), 304-305, 320. Roosevelt's labor program, Chessman argues, was the same as his "square deal" approach to most issues, namely, not allowing any interest group to dictate policy that endangered the public good.

⁶ Irving Greenberg, *Theodore Roosevelt and Labor: 1900-1918* (New York: Garland Publishing Co., 1988), 74, 76-77. As evident from the titles of the Hurwitz and Greenberg books, they cover different periods of time; consequently, neither work analyzes the consistencies and evolution of Roosevelt's thinking during his full career.

⁷ Philip S. Foner, *History of the Labor Movement in the United States*, (New York: International Publishers, 1947-1980), 3:51, 301, 310-311, 5:108, 110-112.

seen most clearly in connection with his attitude toward the problem of capital and labor." Wagenknecht's appraisal of Roosevelt from multiple angles includes the proposition that TR's study of the declines of ancient and medieval republics led him to a labor policy based upon "his desire to avoid a class war." His interpretation is that Roosevelt adopted "middle-of-the-roadism on capital-labor problems," i.e., friendliness to labor unions tempered by fear of labor tyranny and insistence on enforcement of the law whenever labor acted unlawfully, regardless of labor's rationale. More recently, H. W. Brands likens Roosevelt's "steering a middle course in labor-management disputes" to his foreign policy approach: "Just as Roosevelt aimed for a balance of power between Russia and Japan, so he sought a balance of power between management and labor."⁸

The discord among historians about Roosevelt's attitude in labor matters echoes comparable disagreements during his lifetime, when he was the object of attacks by some business organizations and newspapers for excessive pro-unionism and by some union leaders for excessive anti-unionism. Roosevelt dismissed both sets of attackers as standing on "a plane of mendacity," a word he enjoyed using to describe his critics.⁹ "Honest

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⁸ Edward Wagenknecht, *The Seven Worlds of Theodore Roosevelt* (New York: Longmans, Green, 1958), 210, 216-219; H. W. Brands, *T.R.: The Last Romantic* (New York: Basic Books, 1997), 508, 542-543.

⁹ See, for example, Theodore Roosevelt, *American Ideals* (New York: Putnam, 1897), 174; and TR's letter to his son Kermit, November 14, 1907, in Will Irwin, ed., *Letters to Kermit from Theodore Roosevelt, 1902-1908* (New York: Scribner, 1946), 222.

workingmen are misled," he said, "into believing that I am an enemy of labor by [Eugene] Debs' [newspaper] *Appeal to Reason*, and other men are misled into believing that I am an improper friend of labor."¹⁰ Apparently relishing the variance in press interpretations of his labor actions, Roosevelt observed that one New York newspaper accused him of "truckling to capital" while another New York newspaper regarded the same set of facts as proof that he was "truckling to labor."¹¹

Both the historical and contemporary variances in respect to Roosevelt's attitude toward organized labor can be traced in part to the two-sided nature of what he had to say on the subject. A dichotomy between his embrace and critique of organized labor appears repeatedly in his public remarks. "I believe emphatically in organized labor," President Roosevelt told railroad union members in 1902, but he cautioned them that his praise of union organizations was conditional. "To call an organization an organization does not make it a good one," he continued. "The worth of an organization depends upon its being handled with the courage, the skill, the wisdom, the spirit of fair dealing as between man and man, and the wise self-restraint which, I am glad to be able to say, your Brotherhood has shown."¹² In other

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¹⁰ TR letter to Pennsylvania progressive Thomas Robins, January 2, 1912, in Morison, *Letters of TR*, 7:471-473.

¹¹ TR letter to Nicholas Murray Butler, president of Columbia University, August 2, 1904, in Morison, *Letters of TR*, 4:878.

¹² TR speech to Brotherhood of Locomotive Firemen, in Chattanooga, September 8, 1902, in Hermann Hagedorn, ed., *The Works of Theodore Roosevelt*, National Edition (New York: Scribner, 1926), 16:152.

words, he refused to find virtue in unionism per se. A union had to earn and to keep earning his approval to prove its worth.

Roosevelt proudly trumpeted his honorary membership in the Brotherhood of Locomotive Firemen, but he coupled it with the assertion that, as he explained in 1910 after leaving the presidency, this was “because the organization is fundamentally managed as an organization should be – in conformity with the law and in conformity with the interest and best judgment of the American people.”¹³ The editors of the indispensable eight volumes of Roosevelt’s letters note “the Rooseveltian manner” of referring “to the rights of the laboring man and labor unions on the one hand, and, on the other, to their obligations.”¹⁴

Missing from both the historical appraisals and the contemporary reactions has been Roosevelt’s admiration for the labor writings of Octave Thanet. A conservative and popular short-story writer of Roosevelt’s era, she is virtually forgotten today. Roosevelt historiography either ignores his esteem for her depiction of “labor problems” or simply does not bother to study what her views were.¹⁵ This study tries to fill that gap, as a means to understanding Roosevelt’s rhetoric and actions regarding organized labor.

¹³ TR speech in Freeport, Illinois, September 8, 1910, in Hagedorn, *Works of TR*, 16:160-161.

¹⁴ Morison, *Letters of TR*, 5:796n.

¹⁵ This oversight is true even of Wagenknecht’s comprehensive review of Roosevelt’s reading interests. Wagenknecht, *Seven Worlds of TR*, 44-76. He groups Thanet with other women writers at page 76 for the general proposition that the “social usefulness of literature is stressed heavily in what he [TR] has to say” about them, without any indication of Thanet’s focus on labor matters or TR’s reaction to it.

In his efforts to resolve what Thanet called “labor problems,” Roosevelt seems to have been guided by his distinction between “politics and applied ethics,” even while arguing that they “ought to be interchangeable.” His ethical approach transcended his enthusiasm for politics, the latter of which he equated with “the same kind of interest one takes in big game hunting, or football, the kind of interest quite compatible with doing excellent work but which cannot inspire the highest kind of work.” In contrast, applied ethics led him to be “deeply and indeed painfully impressed with the tremendous problems of our social and industrial life.” For Roosevelt, it was not enough to have “a material and economic foundation [essential] for every successful civilization,” because even a successful civilization could not survive without “lofty disinterestedness and power of community feeling.”¹⁶

Grappling with the tension between politics and applied ethics, Roosevelt embraced organized labor’s aspirations for the material and economic progress of working people, but he was troubled by unethical methods employed by some unions. As a master of practical politics, he cultivated some (but definitely not all) labor leaders and accommodated organized labor with vigor, unless its methods and goals conflicted with his

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¹⁶ TR letter to the author Rider Haggard, June 28, 1912, in Morison, *Letters of TR*, 7:567-568. For TR’s enthusiasm for big game hunting, see his *Outdoor Pastimes of an American Hunter* (New York: Scribner, 1923), and *African Game Trails*, 2 vols. (New York: Scribner, 1923); and for football, see his letter to Walter Camp, the “father of American football,” March 11, 1895, in Morison, *Letters of TR*, 8:1434.

opinion of what ought to be. The ethicist in him insisted that his endorsement of unionism had to be conditional.

In reconsidering Roosevelt's labor views, we should keep in mind Roosevelt's watchword for historians. He once told another eminent politician/historian that "it is one of the commonest and cheapest of all forms of intellectual entertainment to hold up to ridicule and reprobation a man who in the past has done a very great work, because he does not come up to the ideas which are indispensable for the present."¹⁷ Roosevelt was a man of his time, not ours. In our time, labor unions have achieved political and economic power far beyond what they possessed in Roosevelt's day, and the praise and criticism directed at them now are different from then. Yet, Roosevelt's engagement with labor questions and problems remains exciting to read -- for his insights, his willingness to question traditional responses to labor issues, his determination to explain his views logically, his style, and his wit -- whether our experience leads us to agree or disagree with him.

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¹⁷ TR letter to Senator Henry Cabot Lodge, June 27, 1907, in Morison, *Letters of TR*, 5:696.

Figure 1

THEODORE ROOSEVELT,
President of the United States.

II. "Curious Signs of Demoralization": Unions by the 1880s

In theory, American labor unions had won their rights to exist and to apply economic pressure through strikes and other means by the time of Theodore Roosevelt's birth in 1858. Sixteen years earlier, the Massachusetts Supreme Judicial Court, in the landmark case of *Commonwealth v. Hunt*, held that unions were lawful entities and strikes were lawful union actions. But the case also reconfigured the labor battlefield, by suggesting that government might still constrain union actions, including some strikes, if they were deemed socially undesirable.¹

Commonwealth v. Hunt was a criminal case in which the state alleged that members of the Boston Journeymen Bootworkers' Society had unlawfully conspired among themselves not to work for employers who also employed non-members of the union. After being convicted by a jury, the accused members of the Society won reversal on appeal to the state's highest court, which held that employees could lawfully insist upon a shop limited exclusively to unionized workers. The court said this was because it was "useful and honorable" to assist fellow union members in times of poverty, sickness, or distress; raise their intellectual, moral, and social conditions; or improve their work. In that sense, said the court, union encouragement of its members'

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¹ *Commonwealth v. Hunt*, 45 Mass. (4 Metcalf) 111 (1842). Labor history treats the case as the first in which "the highest court in a state had finally recognized the right of workers to organize" and as commencing four decades of protecting unions from litigation based on unlawful conspiracy. Foner, *History of Labor Movement*, 1:164; Selig Perlman, *A History of Trade Unionism in the United States* (New York: Macmillan, 1923), 25-26, 151-152.

refusal to work with a non-member was no more unlawful than a refusal to work with an intoxicated co-worker. Although a strike might economically harm the targeted employer, it was lawful because it was like “all competition in every branch of trade and industry” where the ultimate object was “meritorious and public spirited.”

Despite this holding, the court articulated two reasons why its decision did not end disputes about the legality of union activity. First, if the union had “purposes of oppression and injustice,” rather than useful and honorable goals, then it might still be liable. Second, the court warned that even when strikers pursued lawful ends, they could not utilize unlawful means. The court identified a few such unlawful means, namely, violating the strikers’ own contracts of employment, seeking an employer’s violation of contracts with other employees, engaging in one of the three F’s (fraud, force, or falsehood), or – albeit imprecisely and tautologically – “other crime or unlawful means.” A fuller definition of what purposes and means would be considered unlawful was left for future cases, but the key point was that the right to strike was not absolute.

As a result, what remained in play was whether or not both the purpose and the means of union activity were legitimate.² Since the court declined to uphold the jury’s verdict, it would be up to judges to decide questions of legitimacy as a matter of law. The implication was, as a later commentator

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² 45 Mass. at 122.

observes, that “the rights of labor are determined quite as much, if not more, by the social and economic philosophy of the judges as by so-called immutable principles of the law.” Subsequent exercises of judicial power to determine labor rights were to raise the hackles of Theodore Roosevelt. On its face, however, the holding of *Commonwealth v. Hunt* clothed most labor unions in legitimacy and authorized them to engage in effective economic actions against employers, while the court’s language warned that there were some actions, largely undefined, that unions could not pursue.³

If we fast forward to Roosevelt’s pre-presidential years as an adult, 1880 to 1900, we can see that legitimizing unions did not guarantee labor tranquility. During those years, there were twenty-three thousand strikes in the United States, 75 percent of which occurred in the main industrial states of Illinois, Massachusetts, New York, Ohio, and Pennsylvania. Labor history refers to the turbulence in the middle of the 1880s as the “Great Upheaval.”⁴ In 1885, railroad workers represented by the Knights of Labor forced a major railroad operator to negotiate the end of a strike, what one historian identifies

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³ Alpheus T. Mason, *Organized Labor and the Law* (Durham: Duke University Press, 1925; New York: Arno, 1969), vii-viii, 65-67, 90-91. Although this decision applied only in Massachusetts, the same tension existed in the labor jurisprudence of the other major industrial states of the period. *Moore & Co. v. Bricklayers’ Union*, 10 Ohio Dec. Rep. 48 (1889) (unlawful secondary boycott); *Flaccus v. Smith*, 199 Pa. 128 (1901) (unlawful to organize employees who had employment contracts promising not to join a union); *National Protective Association of Steam Fitters v. Cumming*, 170 N.Y. 315 (1902) (lawful to strike for a closed shop); *People v. Hughes*, 137 N.Y. 29, 37-39 (unlawful to threaten boycott); *Wilson v. Hey*, 232 Ill. 389 (1908) (unlawful secondary boycott).

⁴ Hurwitz, *TR and Labor in New York*, 11-12; Perlman, *History of Trade Unionism*, 90-91, 106. One effect of the “Great Upheaval” was increased judicial and legislative efforts to control labor militancy through the use of injunctions and criminal penalties. *Ibid.*, 154-158.

as “the first such demonstration of union power in American history.”⁵ Another labor dispute, leading to violent May 1886 demonstrations in Chicago, is of particular interest to any labor study of Roosevelt because of his reaction to what he regarded as its unacceptable manifestations.

Organized labor’s long-time campaign to limit the legal workday to eight hours had reached a crescendo with union calls for a national strike beginning on May 1, 1886. An estimated three hundred fifty thousand workers heeded the call. Many employers acceded to the eight-hour demand, but in Chicago the strike took a violent turn. There, during a violent demonstration against strikebreakers at the McCormick harvesting machine factory, the police fired into the crowd and killed four demonstrators. On the following day, at a mass meeting in Chicago’s Haymarket Square to protest the shootings, a police contingent of nearly two hundred officers appeared and ordered the crowd to disperse. Someone threw a bomb toward the police, killing six policemen and injuring another four dozen. The police retaliated, causing more deaths and injuries.⁶

Although the actual bomb-thrower was never identified, Roosevelt shared the nationwide public and press disapproval of the bombing as part of labor agitation. Eight Haymarket rally supporters were indicted for murder on

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⁵ Eric F. Goldman, *Rendezvous with Destiny* (New York: Knopf, 1952; Vintage, 1956), 34.

⁶ Foner, *History of Labor Movement*, 2:99, 103-107. Foner’s editorializing about violence during labor disputes is highly colored in favor of victimized workers and against capitalist treachery, but his work provides wide-ranging details. Compare the treatment of the May violence in Perlman, *History of Trade Unionism*, 92-93.

the basis that they had instigated the bombing. All were convicted, and seven were sentenced to die by hanging. Arguing that an unfair trial and overly severe punishment undermined the cause of labor, many labor organizations supported demonstrations urging clemency for the Haymarket defendants. In 1893, three defendants were pardoned by Illinois Governor John Peter Altgeld, on the basis that they were innocent and had been victimized by a packed jury and biased judge. Elements of the press, including the *New York Times* and *Chicago Tribune*, protested the pardons. Roosevelt never forgave Altgeld.⁷

Meanwhile, the labor movement was undergoing transformation in its strategies and organization. Beginning in the early 1880s, labor unions publicly sought and politically achieved a "laborer's national holiday" to be held on the first Monday in September.⁸ In 1886, unions throughout the nation undertook to form independent labor parties and to run pro-labor candidates

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⁷ Foner, *History of Labor Movement*, 2:108-112, 114; Melvyn Dubofsky, *Industrialism and the American Worker, 1865-1920* (Arlington Heights, Ill.: Harlan Davidson, 1975), 43; TR letter to his sister, May 15, 1886, in Anna Roosevelt Cowles, ed., *Letters from Theodore Roosevelt to Anna Roosevelt Cowles, 1870-1918* (New York: Scribner, 1924), 80-81. Also unsympathetic to the Haymarket defendants was the leadership of the Knights of Labor, the largest national union of the day, who condemned the "Haymarket anarchists" for placing the union movement in jeopardy. Foner, *History of Labor Movement*, 162-163. Roosevelt variously condemned Altgeld for pardoning "the Anarchist bomb throwers," openly sympathizing with "the Chicago mob," practicing politics that led to McKinley's assassination, contributing to "unhealthy sentimentality and morbid 'class-consciousness,'" and even making it impossible for Roosevelt to appoint a former Altgeld associate because employers would protest that "This is Altgeldism." TR letters to Jacob Riis, January 23, 1899; Edward N. Buxton, November 19, 1900; William Allen White, September 7, 1901; and Lyman Abbott, April 13, 1906, in Morison, *Letters of TR*, 2:921-922, 1427, 3:140, 5:219.

⁸ In 1887, Oregon became the first state to make Labor Day an official holiday; and in 1894, Congress and President Cleveland made it a national holiday. Foner, *History of Labor Movement*, 2:96-98.

for political office.⁹ As discussed below, Roosevelt was a mayoral candidate in the election that best illustrates the labor party trend.

Perhaps most significantly, in December 1886, dozens of labor unions created the American Federation of Labor (AFL). Its purposes included formation and unification of trade unions, lobbying for pro-labor legislation, and emphasis on the autonomy of each skilled trade. The AFL was formed in reaction to what its member unions perceived as major shortcomings, particularly insufficient labor solidarity, of the dominant labor organization of the day. An ideal of that organization, the Knights of Labor (KOL), was replacement of the existing wage system with a more cooperative society. Unlike the KOL, the AFL began by stressing confrontation within the wage system by "oppressed" laborers against "oppressor" capitalists.¹⁰ For reasons beyond the scope of this study, the KOL declined from seven hundred thousand members in 1886 to less than a third of that number in 1888. In contrast, by the end of the decade, the AFL claimed that its own membership had more than quadrupled.¹¹

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⁹ Ibid., 2:119, 129-131.

¹⁰ Another distinction was the AFL's emphasis on worker representation by craft and the KOL's philosophy of representing a broad constituency of skilled and unskilled workers. A caveat to distinguishing the two organizations by these tests is that they also shared practical and idealistic goals, as well as parallel membership components like the AFL's representation of unskilled laborers in its "trade" unions and the KOL's trade-specific "assemblies." Robert E. Weir, *Knights Unhorsed: Internal Conflict in a Gilded Age Social Movement* (Detroit: Wayne State University Press, 2000), 16, 18, 36-37, 43-44.

¹¹ AFL membership figures for the period are reputedly unreliable. Foner, *History of Labor Movement*, 2:141-144, 157-158, 171. See also Perlman, *History of Trade Unionism*, 71-72, 78-80, 100-101, 121.

A contemporary establishment response to strikes, labor violence, and the growing influence of organized labor came from John Hay, an old friend of Roosevelt and later a key member of his presidential administration. Hay was a formidable nineteenth-century personage. He had served as one of President Lincoln's two private secretaries and co-authored a massive Lincoln biography; worked as editor of Horace Greeley's *New York Tribune*; wrote popular poetry and non-fiction; and had filled high-ranking diplomatic posts for the United States in Spain, France, and Britain before becoming secretary of state under McKinley and Roosevelt. Roosevelt regarded Hay as "one of the most delightful of companions, one of the most charming of all men of cultivation and action."¹²

In late 1883 and January 1884, Hay anonymously wrote a popular novel, *The Bread-Winners*, using as background a fictional short strike in the 1870s. Hay had experienced such a strike during a two-week period in the summer of 1877. It began as a railroad strike over wage reductions in Maryland and West Virginia and then became a national strike that a labor historian describes as "one of the most widespread and militant strikes" in the nation's history. Assigned to establish order, some local militias killed demonstrators and were in turn besieged, while other militias fraternized with the strikers. At the request of governors in affected states, President

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¹² William Roscoe Thayer, *The Life and Letters of John Hay* (Boston: Houghton Mifflin, 1915), 1:90 et seq., 334, 355, 360, 403, 405; 2:9, 173-175, 268; Theodore Roosevelt, *An Autobiography* (New York: Macmillan, 1913; DaCapo Paperback, 1985), 399.

Rutherford B. Hayes dispatched federal troops to restore order. Newspapers treated the strikes as insurrections and a "labor revolution."¹³

Hay's novel first appeared in magazine installments and then in book form during Hay's lifetime in 1884, 1893, and 1899. None of these versions identified the author. An early Hay biographer says that the magazine success of the novel "outran that of any previous American novel," in part because of the mystery about the author's identity and in part because the novel was "the first important polemic in American fiction in defense of Property."¹⁴

On its face, *The Breadwinners* satirizes the romantic entanglements of two beautiful women, one from the working class and the other from the propertied class. Each woman resolves her multiple relationships in the aftermath of a strike marked by rioting, damage to homes of the wealthy, and violence inflicted on or by their true loves. One of the working-class heroine's admirers is a villainous, self-styled "Labor Reformer," Ananias Offitt, who leads a tiny union called the Brotherhood of Bread-winners. Hay depicts Offitt as a

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¹³ Foner, *History of Labor Movement*, 1:464-474, 506-507; Perlman, *History of Trade Unionism*, 58-60; Dubofsky, *Industrialism*, 39-40.

¹⁴ My references to the novel are to the posthumous edition. John Hay, *The Breadwinners: A Social Study* (New York: Harper, n.d.), which is notable as the first to carry Hay's name as the novel's author. Although undated, it was published during or after 1915, because the first page of the Introduction quotes from 1915's Thayer, *Life and Letters*, 2:8-9, 15; Robert L. Gale, *John Hay* (Boston: Twayne Publishers, 1978), 87 (dating its publication as 1916). In an anonymous letter defending his right to be an anonymous author, Hay explained that as a businessman his "standing would be seriously compromised if it were known that I had written a novel." Tyler Dennett, *John Hay: From Poetry to Politics* (New York: Dodd Mead, 1933), 114-115. Hay was a vivid writer. He is sometimes remembered today for his felicitous phrase-making, including his description of the Spanish-American War as that "splendid little war" and his laconic instruction to the American consul in Morocco on how to handle the kidnapping by the Moroccan bandit Raizuli of a supposed American citizen named Perdcaris ("Perdcaris alive or Raizuli dead"). Thayer, *Life and Letters*, 2:242, 337, 383.

physically repulsive (“oleaginous”) thief, attempted murderer, conscienceless liar, and potentially fatal betrayer of the workers he purports to lead.¹⁵

Neither Hay nor William Dean Howells, a literary contemporary and friend of Hay, regarded the novel as anti-union. In an anonymous preface to the 1899 edition, Hay insisted that the novel expressed “no opinion” of labor unions in general. “I have told about a little society,” he wrote, “organized for his own ends by a criminal, who uses the labor-reformers’ slang and something of their methods to swindle a few workmen out of their money.” Howells, who favored the right to strike, wrote that the novel “shows no strong antipathy to strikers till they begin to burn and rob and propose to kill.”¹⁶

Rather than specifically anti-union in content, construction, or style, the novel is an egalitarian parody of many social institutions and classes. Its principal symbol of capital, a factory magnate, is lampooned for his inability to speak without cursing, his inclination to unnecessary violence in defense of property, and his complacency about use of industrial and social spies. The

¹⁵ *The Breadwinners*, 75, 81, 90, 166, 208, 221, 223-225, 238-239, 260, 274, 276.

¹⁶ [John Hay], *The Bread-Winners* (New York: Harper, 1899), v-vi; George Monteiro and Brenda Murphy, eds., *John Hay-Howells Letters: The Correspondence of John Milton Hay and William Dean Howells 1861-1905* (Boston: Twayne, 1980), 135. For a contrary interpretation, see Vernon Louis Parrington, *Main Currents in American Thought*, vol. 3, *The Beginnings of Critical Realism in America 1860-1920* (New York: Harcourt, 1930), 173-179. The novel continues to invite conflicting social interpretations. Kenton J. Clymer, *John Hay: The Gentleman as Diplomat* (Ann Arbor: University of Michigan Press, 1975), 37, 224-225, shares the Parrington view. Dennett, *John Hay*, 103-104, 107, regards the novel as a sarcastic critique of Cleveland society, which Hay had experienced through his wife's family. In a third interpretation, Howard I. Kushner and Anne Hummel Sherrill, *John Milton Hay: The Union of Poetry and Politics* (Boston: Twayne, 1977), 53, 55, argue that the novel reflected Hay's Civil War orientation contrasting the national Union with labor unions by reflecting “the dangers posed by a working-class revolution [that] seemed to undercut the basis of national power and the Union's victory.”

novel also pillories public officials for their self-serving use of patronage, as well as for their platitudinous embrace of labor against capital until laborers literally get in their way.¹⁷

Contrary to the satirical treatment of these targets, the novel treats striking workers almost sympathetically. The mass of strikers are good-natured and “ma[k]e no threats,” and the strike does not cross law-and-order boundaries until the union leadership loses control because “a few tonguey vagrants and convicts from the city and neighboring towns” begin to exercise “wholly unexpected authority.” The factory magnate directs his concern about violence at “a lot of bad eggs among the strikers – not the unionists proper.” As for the villain’s Brotherhood, it is a fringe group of a few disreputable men, does not have any leadership role in beginning the strike, and self-destructs when it stumbles in its effort to transform the strike into mob destruction of property because of personal grudges or opportunities for theft.¹⁸

Instead of attacking the labor movement as such, the novel’s more subtle point is that worker strikes unintentionally open a Pandora’s box of misfits and attitudes that jeopardize society as a whole. The strike leads, even among non-strikers, to “curious signs of demoralization, as if the spirit of work was partially disintegrating.”¹⁹

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¹⁷ *The Breadwinners*, 148-151, 183-187, 301.

¹⁸ *Ibid.*, 184, 215-216, 253-254.

¹⁹ *Ibid.*, 191-192, 223-225, 234.

Hay's dismay about strikes reflected his personal assessment of the 1877 railroad strikes that had turned into mob riots. In contemporaneous letters to his businessman father-in-law, he described the nation as "at the mercy of the mob" with the government "utterly helpless and powerless in the face of an unarmed rebellion of foreign workmen, mostly Irish." There were, Hay noted, "plenty of scoundrels to encourage them [workingmen] to all lengths." In an anonymous letter defending his novel, Hay argued that "no important strike has ever been carried through without violence." Privately, Hay expressed labor concerns that went beyond strikes, complaining that unions interfered with employees' rights to make their own employment agreements and select the trade they wanted.²⁰

In essence, *Commonwealth v. Hunt* and Hay's novel both seem to be asking how to approve of unions as societal partners while simultaneously preventing union tactics from harming either social norms or other segments of society with whom unions were supposedly not in conflict. Neither offered a solution. This was the labor context in which Roosevelt began his rise to political power.²¹

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²⁰ Thayer, *Life and Letters*, 2:1-2, 5; Dennett, *John Hay*, 112.

²¹ One commentator argues that Hay's novel "offered a solution" of uniting the wealthy and wise at the lowest level of politics, in order to reconstitute "an eroding deference system." Clymer, *John Hay*, 46, 47. There is, however, little evidence in the novel that Hay regarded his satirized propertied class as capable of solving either its political or social shortcomings. In contrast, another commentator observes more persuasively that Hay "stated vividly a problem which he could not solve." Dennett, *John Hay*, 117. Roosevelt's reaction to the novel and Hay's labor attitude is addressed below in the section on Octave Thanet.

Figure 2

John Hay

III. "A Little Loose on the Relations of Capital and Labor": Pre-Presidency

In his 1913 *Autobiography*, Roosevelt seemed to divide his views of labor issues into two phases. As a young man, he was obtuse about social problems. As he matured, however, he became socially conscious. The division is marked by changes in his understanding of the relative importance of individual responsibility and collective power. In the initial phase, individualism was triumphant, which he attributed largely to his Harvard education. What Harvard taught him was that "the whole duty of the man lay in thus making the best of himself," a duty that did not include joining with others "to make things better for the many by curbing the abnormal and excessive development of individualism in a few." In political economy, that meant devotion to "canonical" *laissez-faire* doctrines. The Harvard of his day offered "almost no teaching of the need for collective action, and of the fact that in addition to, not as a substitute for, individual responsibility, there is a collective responsibility."¹

In 1881, not long after his Harvard graduation and at the age of twenty-three, Roosevelt was elected to the New York State Assembly, one of the state's two legislative houses, where he was to serve for three years. He admitted in his *Autobiography* that he was not then "alive to social and industrial needs which [three decades later] we now all of us recognize." To be

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¹ Roosevelt, *Autobiography*, 27-28.

sure, the young legislator believed in “the virtues of consideration and fair dealing in business as between man and man, and especially as between the man who is an employer and the man who is an employee.” That being said, however, Roosevelt underscored his lack of responsiveness to social reform by remembering that “as yet I understood little” of the effort “to secure a more genuine social and industrial justice.”²

It is therefore not surprising that Roosevelt’s New York legislative votes did not often suggest progressivism on labor matters. He opposed union-supported abolition of cheap convict contract labor; pay increases for city laborers, police, and firemen; limitation of daily work hours; and premium pay for working more than a specified number of hours. He did, however, vote for union-supported protective legislation for women and children, safety regulations for workers in various industries, and the establishment of a bureau of labor statistics.³

Intentionally or not, Roosevelt’s autobiographical reminiscences of his early years of public service depict a snob at work.⁴ For his “slowness in grasping the importance” of controlling big business, he offered a “partial reason” that was not “an excuse or a justification.” The reason was “the

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² Ibid., 63, 79-80.

³ Hurwitz, *TR and Labor in New York*, 93-103, 106-107. Hurwitz characterizes Roosevelt’s “anti-labor bias” as an accompaniment to his “guardianship of the public purse.” Ibid., 100.

⁴ Historians have documented his snobbish tendencies at Harvard and immediately afterwards. Edmund Morris, *The Rise of Theodore Roosevelt* (New York: Coward, McCann, 1979; Modern Library ed., 2001), 58, 99, 163-164; Wagenknecht, *Seven Worlds*, 111.

corrupt and unattractive nature of so many of the men [whom he did not identify] who championed popular reforms, their insincerity, and the folly of so many of the actions which they advocated." He blamed unnamed hypocritical demagogues, who openly defended labor and privately deserted it, for arousing his "indignant and contemptuous dislike," which in turn "prevented those of us whose instincts were sound from going as far as we ought to have gone along the lines of governmental control of corporations and governmental interference on behalf of labor."⁵

Roosevelt's *Autobiography* employs the *mea culpa* description of his early public service years to set the scene for his eventual epiphany, namely, his first personal experience of social injustice. He was appointed to a legislative committee studying a bill to prevent the manufacture of cigars in tenements where families also lived. The bill was sponsored by the Cigar Makers' Union, and driven largely by one of its officers, Samuel Gompers, the future president of the American Federation of Labor.⁶ Roosevelt initially regarded the bill as "contrary to the principles of political economy of the *laissez faire* kind; and the business men who spoke to me about it shook their

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⁵ Roosevelt, *Autobiography*, 80-81, 92.

⁶ Samuel Gompers, *Seventy Years of Life and Labor* (New York: Dutton, 1925), 1:526. Interestingly, Roosevelt's *Autobiography* does not mention Gompers by name in connection with the tenement-house bill. Morris questions Roosevelt's assertion that the tenement-house bill was a turning point in his attitude toward labor and argues that "he 'matured' in this respect very slowly." Morris, *Rise of TR*, 810.

heads and said that it was designed to prevent a man doing as he wished and as he had a right to do with what was his own."

Roosevelt's investigative visits to tenement houses shocked him to a new viewpoint. His "practical common sense" told him that the crowded, unhealthy conditions he witnessed made it impossible for the children living there to "grow up fitted for the exacting duties of American citizenship." Consequently, he successfully championed passage of the bill and then, at the request of "the battered, undersized foreigners who represented the Union and the workers," personally appealed to Governor Grover Cleveland to sign it. Cleveland signed the bill, but the highest court in New York State later declared it unconstitutional in the *Jacobs* case as a deprivation of personal liberty and property rights.⁷ Roosevelt, dismayed by the court's decision, said that the case "first waked me to a dim and partial understanding of the fact that the courts were not necessarily the best judges of what should be done to better social and industrial conditions."⁸

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⁷ In the Matter of Application of Jacobs, 98 N.Y. 98 (1885). The court refused to find that the statute's alleged protection of public health in tenement houses trumped personal and property rights, on the basis that cigar manufacturing was allowed elsewhere. Roosevelt's reference to the "battered, undersized" union representatives can be interpreted in a number of ways -- disparaging, sympathetic, or factually consistent with the vivid physical description of Gompers in William Allen White, *The Autobiography of William Allen White* (New York: Macmillan, 1946), 580-581.

⁸ Roosevelt, *Autobiography*, 81-82. During his presidency, when a court used a freedom of contract argument to invalidate legislation beneficial to workers, Roosevelt belittled "the freedom of contract under which a half-starved and ignorant girl deprives herself of the right to protest against her employer's brutal disregard of the appalling danger to life and limb in which he has placed her." TR letter to William Howard Taft, July 15, 1907, in Morison, *Letters of TR*, 5:719-720. Roosevelt reviled the legal formula of "liberty of contract," when used to invalidate worker-protection laws, as standing for the proposition that "men must not be deprived of their

In Roosevelt's tenement-house narrative, we can see a number of labor attitudes that surfaced throughout his career. He was sympathetic to workers who were mistreated. He regarded the government as the proper forum for correcting such abuses. Unions served a valuable purpose when they brought unfair working conditions to the government's attention. The courts could not be counted on to do right by workers. On the contrary, cases like *Jacobs* (echoing the effect of the *Dred Scott* decision before the Civil War) constituted "bars across the path of social reform" that "brought to naught so much of the effort to secure justice and fair dealing for workingmen and workingwomen, and for plain citizens generally."⁹

Labor reform to the Roosevelt of this period did not, however, depend on unions and certainly did not imply approval of union tactics.¹⁰ As mentioned above, in 1886, two years after leaving the New York legislature, Roosevelt condemned Chicago's strike-related Haymarket Square bombing by focusing on the strikers. Writing to his sister, he said:

My men here [on the ranch] are hard working, labouring men, who work longer hours for no greater wages than many of the strikers; but they are Americans through and through; I believe nothing would give them greater pleasure than a chance with their rifles at one of the mobs. When we get the papers, especially in relation to the dynamite burners, they become more

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'liberty' to work under unhealthy conditions." Theodore Roosevelt, *The New Nationalism* (New York: Outlook, 1910), 40-41.

⁹ Roosevelt, *Autobiography*, 83.

¹⁰ Roosevelt's sense of the propriety or impropriety of a bill was independent of union sponsorship. "For the labor unions, per se, I care absolutely nothing," he told the Assembly in 1884, in explanation of his legislative philosophy. Hurwitz, *TR and Labor in New York*, 75.

furiously angry and excited than I do. I wish I had them with me and a fair show at ten times our number of rioters; my men shoot well and fear very little.¹¹

This statement has come down to us as a blot on Roosevelt's labor record.¹² Its intemperate tone, however, rarely recurred in his later utterances about strikes, although its substance contains several themes that did. He regarded mob violence as un-American, and he associated it with strikes. When the two occurred together, Roosevelt was inclined to consider force or the threat of force as justifiable in order to suppress strike-related violence.

Yet, we should not presume that the excited remark of the twenty-seven-year-old Roosevelt, about a deeply shocking and unpopular incident, meant that he would always be violently predisposed against unions. Contrary to such a presumption, we know that Roosevelt used similar violent imagery to emphasize his feelings about a host of issues. For example, in the same year as the letter suggesting he would shoot rioting strikers, he made a speech saying hyperbolically that as an elected official he would "chop [the] head off" any public servant who was dishonest. Hofstadter, a less than admiring historian of Roosevelt's career, cuts TR some slack for his rhetorical ferocity

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¹¹ TR letter to his sister Anna, May 15, 1886, in Cowles, *Letters from TR*, 80-81. In 1884, Roosevelt had declined to run for another legislative term and moved from New York to North Dakota to become a cattle rancher. His escape from New York followed the double tragedy in February 1884 of the deaths of his mother and first wife, who had just given birth to Alice, the first of TR's children. Morris, *Rise of TR*, 229-230, 248-249, 268-269, 829-830n.

¹² Harbaugh, *Life and Times*, 70.

by observing that he discharged his penchant for violence “on a purely verbal level, appeased by exploding in every direction at once.”¹³

In another incident, Roosevelt used similarly violent language in connection with the 1912 Republican national convention at which he was defeated for the presidential nomination by then-President William Howard Taft. Alleging that the convention deployed police and barbed wire to intimidate Roosevelt supporters, he blamed such actions partially on the convention’s chairman, Elihu Root, his formerly trusted friend and cabinet officer. He said that he “wanted to take a pistol and go into the convention,” where, if trouble started, “by George, I wouldn’t have wasted a bullet on a policeman. I would have got Root and got him quick.” The outburst was, however, evanescent. An observer noted that Roosevelt almost immediately metamorphosed into a smiling TR, “his rage being spent.” Root acknowledged that, after the 1912 presidential campaign ended, he and TR became political confidants and “friends again without any discussion of the past.”¹⁴

In the same year as Roosevelt’s 1886 violent outburst against the Chicago strikers, he became a central player in one of the era’s most dramatic political confrontations between labor and capital, and he did not repeat the anti-striker tirade. Republican leaders in late 1886 persuaded the young

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¹³ Hagedorn, *Works of TR*, 14:73-74; Hofstadter, *American Political Tradition*, 228.

¹⁴ White, *Autobiography*, 469, 494-495. Roosevelt’s generally sympathetic biographer, Harbaugh, points out that TR was always “an extremist in speech when the battle was on,” which can be read as a suggestion that his violent language was more of a tactic than an expression of enduring conviction. *Life and Times*, 141, 292-293.

Roosevelt to run for mayor of New York City. His opponents were a strong Democratic opponent, Congressman Abram S. Hewitt, and Henry George, a union-backed independent.¹⁵

George had written a popular book, *Progress and Poverty* (1879), in which he blamed material progress for causing poverty and attributed this to the private ownership of land. His theory was that some landowners deliberately failed to make improvements on their land, speculating that land values would inevitably rise. The result was lack of productive opportunities for both labor and capital, leading to the spread of poverty. George believed that the real “antagonism of interests” was land ownership vs. labor and capital, not labor vs. capital. His proposed solution was abolition of all taxes except a single tax on “land values, irrespective of improvements,” which would encourage landowners to generate income by making improvements on their land, and thereby lead to more jobs with higher wages and investment of capital – and neither labor nor capital would have to pay taxes on their gains.¹⁶

As noted earlier, the election year of 1886 was a time of widespread labor disturbances. In addition to the May strike accompanied by the Haymarket bombing, there had been approximately fifteen hundred strikes

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¹⁵ The campaign was short, Roosevelt and Hewitt having been selected by their parties' leaders less than a month before the election. Hewitt's biographer says that “never before or since have men of such ability” contended for the New York mayoralty. Allan Nevins, *Abram S. Hewitt* (New York: Harper, 1935), 460, 463.

¹⁶ Morris, *The Rise of TR*, 339-341; Henry George, *Progress and Poverty* (New York: Modern Library ed., 1929), xi-xii, 9, 227, 252, 264, 272, 282, 418, 436, 438.

nationwide and strike violence in New York City. George seized the moment as a time for change in New York governance and accepted the invitation of union leaders to run for mayor as an Independent Labor Party candidate, on condition of pledges of support from thirty thousand workingmen. Thirty-four thousand made the pledge. As a mayoral candidate, George called for "the ending of industrial slavery." Gompers, shortly to become president of the newly formed AFL, actively campaigned for George, and organized labor helped to fund George's race by levying a twenty-five cent per capita assessment on union members.¹⁷

The paradox of George's union alliance was that George had grave concerns about organized labor's effectiveness in solving social problems. He believed that unions' potential benefit to working people was "extremely limited" because wage increases achieved for workers in a particular trade increased prices and therefore tended to lessen demand for what they produced, and their wage gains were further diluted by attracting an excess of workers to that trade. Although proud of his former union membership, George openly frowned on strikes, notwithstanding his recognition that they were the essential method for union action, because they were "necessarily destructive"

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¹⁷ Morris, *Rise of TR*, 349, 829-830n; Hurwitz, *TR and Labor in New York*, 114-117; Nevins, *Hewitt*, 461; Foner, *History of Labor Movement*, 119-120, 123, 125.

of worker wealth and, like organizing for war, “necessarily tyrannical” as an infringement on personal freedom.¹⁸

The Democratic candidate, Hewitt, was the perfect counterpoint to George and his labor supporters. A wealthy iron magnate as well as a member of Congress, Hewitt the businessman personified principles of social justice, having protected the jobs of his employees despite operating losses during the depression of the 1870s. He believed that strong unions could advance workers’ economic interests, but he regarded a labor-dominated political party like that supporting George as representative only of one class of citizens. His fear was that this would undermine good government and the rights of other classes. He and George engaged in a public debate that a Roosevelt biographer summarizes as “a stately series of open letters which expounded the philosophies of Labor v. Capital [George arguing for social justice, Hewitt warning about the dangers of unionized politics] so brilliantly that Roosevelt himself suggested they should be published in book form.”¹⁹

The George-Hewitt labor debate was not a triangular correspondence. For reasons still not clear, Roosevelt was less confrontational than Hewitt about George’s labor support. Nevertheless, both Roosevelt and Hewitt

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¹⁸ George, *Progress and Poverty*, 312-316. His alliance with unions was short-lived. After the election, trade unionists distanced themselves from George and his single-tax theory. Foner, *History of Labor Movement*, 147-148, 152; Perlman, *History of Trade Unionism*, 104.

¹⁹ Nevins, *Hewitt*, 465-466; Morris, *The Rise of TR*, 353. Henry Adams, the intellectual in residence across the square from the White House, described Congressman Hewitt as “the most useful public man in Washington.” Henry Adams, *The Education of Henry Adams* (Boston: Houghton Mifflin Sentry ed., 1961), 294-295.

repudiated "class" politics. When Roosevelt in his writings invokes "class," whether based on wealth or occupation, he means it as a curse. He regarded class interests as a substitute "for devotion to the interest of the state and to the elementary ideas of morality." To him, division along class lines leads "inevitably" to the anti-democratic triumph of one class-based party over another and "the supremacy of a part over the whole," whether the ultimate result is oligarchy or "mob rule." In response to George's faction-directed claim that he "would make a better mayor for the working men" of New York, Roosevelt simplified the philosophical divide between them, asserting that the issue was who would be the mayor for "every citizen of New York."²⁰

Apart from his use of coded language about "class," Roosevelt's campaign approach adhered to his earlier views that "individual self-help" was the cure for social evils. Notwithstanding his espousal of the tenement-house bill, Roosevelt wrote a public letter arguing that class legislation was not the answer to social ills, any more "than you could do away with the bruises which you receive when you tumble down, by passing an act to repeal the laws of gravitation."²¹

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²⁰ Theodore Roosevelt, *The Strenuous Life* (New York: Century, 1900), 74-75, 78-79; Hagedorn, *Works of TR*, 14:74-76.

²¹ Hurwitz, *TR and Labor in New York*, 124 and n.66; Morris, *Rise of TR*, 344-345. In an article he wrote then and republished in book form a decade later, Roosevelt expressed sympathy for working men while cautioning that "the state cannot ordinarily attempt to better the condition of a man or a set of men, but can merely see that no wrong is done him or them by anyone else." Roosevelt, *American Ideals*, 103. Roosevelt's preferred approach to advancing worker interests was his own experience in which his ranch employees had "some interest in the

Partially because of the Republican Party's last-minute decision to recommend shifting votes from Roosevelt to Hewitt in order to ensure George's defeat, Roosevelt ran third in the mayoral race, with 60,435 votes to Hewitt's 90,552 and George's 68,110. Roosevelt's interpretation of George's strong showing was that labor was "a new element to be bid for by the old parties." In an analysis of the election, Hurwitz argues that what Roosevelt learned "was to be more careful of public statements on his attitude toward the labor movement."²² We should, however, be wary of the implication that Roosevelt's subsequent statements and views about labor unions were based only on political considerations.

From the time of Roosevelt's mayoral defeat in 1886 until his appointment as a New York City police commissioner in 1895, he did not hold a position from which he could act on matters of social justice or labor unions, but his reported comments indicate very little change in his generally negative attitude about organized labor.²³ His reaction to the national government's handling of the Pullman strike and boycotts in 1894 shows not only his attitude

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profits" or had the opportunity to invest in the business. TR letter to a Henry George Campaign Club, October 22, 1886, in Hagedorn, *Works of TR*, 14:71.

²² Hurwitz, *TR and Labor in New York*, 137-138, 278; Nevins, *Hewitt*, 468.

²³ On December 9, 1894, Roosevelt wrote and later published a misanthropic letter to Columbia professor Brander Matthews that included but was not limited to organized labor. He wrote, "I know the populists and the laboring-men well, and their faults; I like to see a mob handled by the regulars, or by good State guards, and not over-scrupulous about bloodshed; but I know the banker, merchant and railroad king well too, and they also need education and sound chastisement." Roosevelt, *American Ideals*, 6-9, 13; Morison, *Letters of TR*, 1:412. I do not interpret this as announcing a double standard based on class. Rather, Roosevelt was justifying bloodshed to control undesirable union *behavior* (an interpretation supported by the fact that he never equated union existence with mob status) while deeming less violent measures as appropriate responses to the state of *being* a capitalist.

at the time, but also provides a useful comparison to how (as we will see) he responded as president to another national crisis eight years later during the 1902 anthracite coal strike.

In 1894, workers employed by the Pullman sleeping-car manufacturer joined Eugene Debs's recently formed American Railway Union to protest rent increases in their company-supplied housing, alleged workplace abuses, and wage reductions. After a month on strike against the Pullman employer, the union decided to boycott any railroad that handled Pullman cars, eventually expanding the strike nationally to one hundred fifty thousand railroad workers. The boycotts substantially halted rail traffic, despite the continued work by members of traditional railroad brotherhoods (organized by craft in contradistinction to the American Railway Union's one-big-union policy of admitting to membership any railroad worker, skilled or unskilled).

At the direction of President Grover Cleveland's attorney general, the national government obtained a sweeping court injunction against the strike and boycotts, in part because mail could not be delivered to some railroad-served localities. Regarding the injunction as fatal to their strike and boycotts, Debs and his union disobeyed it and were held in contempt of court. President Cleveland then sent federal troops to enforce the injunction by force of arms, and Debs and other labor leaders were arrested.²⁴

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²⁴ Foner, *History of Labor Movement*, 2:255, 261, 263-267, 269-270; Perlman, *History of Trade Unionism*, 137-139.

The United States Supreme Court unanimously upheld the injunction and contempt citations. Disapproving of settling labor disputes “by the club of the policeman and the bayonet of the soldier,” the Court nevertheless declared that traditional criminal trials by local juries “would be doomed in advance to failure” when “the whole interests of the nation in these respects would be at the absolute mercy of a portion of the inhabitants of that single state.” Since the Court knew that the Debs injunction had been enforced by club and bayonet, its reliance on judge-issued labor injunctions as a preferred pacification of labor disruption seems in retrospect to have been a triumph of wishfully selective thinking. In any event, the Pullman strike and boycotts ended in defeat for the American Railway Union, which soon disappeared. Roosevelt supported as “admirable” the Cleveland administration’s “quick” and “emphatic” use of the labor injunction and federal troops, on the basis that it averted a repetition of the Paris Commune and “fierce social war.”²⁵

As of 1895, Roosevelt still admitted only to “dimly realiz[ing]” that beyond improvement in political conditions, there was a need “to improve economic conditions, and to secure social and industrial justice, justice as between individuals and justice as between classes.” Assuming the duties that year of an appointed New York City police commissioner, Roosevelt coupled his “ignorance” of the full scope of causes of social injustice with being “well

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²⁵ In re Eugene Debs et al., 158 U.S. 564, 581-582, 583 (1895); Foner, *History of Labor Movement*, 276; Felix Frankfurter and Nathan Greene, *The Labor Injunction* (New York: Macmillan, 1930), 17-19; Roosevelt, *American Ideals*, 6-8.

awake to the need of making ours in good faith both an economic and an industrial as well as political democracy.”²⁶

From then until he was elected as President McKinley's vice president in 1900, Roosevelt held in succession four government offices – one of the four New York City police commissioner positions, assistant secretary of the navy, lieutenant colonel (promoted to colonel) of the Rough Rider cavalry regiment in the Spanish-American War, and governor of New York. In the first and last of these, Roosevelt built a more complicated intellectual structure in respect to social reform and labor unions.

It is useful to begin a discussion of this period with Roosevelt's definition of “social and industrial problems,” what he called in his 1913 *Autobiography* “the most interesting and important of the problems with which our public life must deal.” He described these problems as “the protection of all the crushable elements of labor,” not just women and children; obtaining justice between “the big corporation” and its employees, its smaller rivals, its customers, and the general public; addressing concerns when rising dividends accompany falling wages; sharing the benefits of improved machinery with the workers who use the machinery; and creating “some correspondence” between rewarding workers and the value of their work.

Organized labor could as easily have issued such a to-do list, but Roosevelt did not mention labor unions or their role in this discussion of “social

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²⁶ Roosevelt, *Autobiography*, 162.

and industrial problems.” Instead, Roosevelt delineated a non-union ranking of responsibilities to handle these problems: government first, then individual action (“the most vital of all factors” being individual character), and then non-governmental “collective action” and specifically a “body of public opinion” that will “in the end transform, and be transformed by, the gradual raising of individual standards of conduct.”²⁷ As shown by the *Autobiography*’s later references to organized labor, he did not exclude unions from playing some role, but he was not inclined to put the union movement on the marquee.

During his police commissionership, however, he found ways to relate to union leadership that he had not pursued since his tenement-house bill cooperation with the Cigar Makers’ Union. He modified his prior attitude that many union leaders possessed a “corrupt and unattractive nature.”²⁸ Instead of his statement as a mayoral candidate that legislation could no more cure social ills than it could repeal the laws of gravity, he also acknowledged that “sometimes [as expressly distinct from “always”] human affairs can be much bettered by legislation.”²⁹

His old and newly emerging attitudes were not mutually exclusive. They converged in Roosevelt’s handling of the police response to New York City strikes. During the winters of 1895-1896 and 1896-1897, Roosevelt displayed his old attitude by assigning both uniformed and plainclothes policemen to

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²⁷ Ibid., 162-163.

²⁸ Ibid., 80-82.

²⁹ Roosevelt, *American Ideals*, 211.

protect the cabs and other property of struck taxi companies. When a union official complained about such a police presence in the absence of rioting or mob violence, Roosevelt expanded his rationale for government action to prevent violence, by pointing to prior "brutal assaults on the peaceable employees of the New York Cab Company" plus his concern about "the slightest danger of one repetition of such an assault." He said that "if any man is incited to violence by the presence of an officer of the law, the very fact affords proof that he is of disorderly and vicious character."³⁰

Yet, two weeks after making that statement, Roosevelt demonstrated his new attitude by meeting with union leaders to discuss the matter. "We talked for over three hours with entire courtesy and also entire frankness," he told his sister, "and we got along together much better than I had expected. In fact, I think we parted distinctly pleased with one another."³¹ Roosevelt's powerful and persuasive personality probably contributed to the friendly outcome of his meeting with the New York labor leaders.³² Beyond that, he also assured the union leaders that the labor men "were allowed to picket just

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³⁰ Hurwitz, *TR and Labor in New York*, 168-170; TR letter to union official Jacob E. Bausch, January 12, 1897, in Morison, *Letters of TR*, 1:575-576. As police commissioner, his "sympathy was for the friends, and not the foes, of order. If a mob threatened violence we were glad to have the mob hurt." Roosevelt, *American Ideals*, 166.

³¹ TR letter to sister Anna, January 31, 1897, in Cowles, *Letters from TR*, 203.

³² A Kansas newspaper editor remembered his first meeting with Roosevelt in 1897 as having set the editor "afire with the splendor of the personality I had met." White, *Autobiography*, 297. Wagenknecht describes his effect on people as "all tonic." *Seven Worlds*, 10-11, 107-108. On a more subdued note, even the "peevish" Henry Adams (to use D. W. Brogan's word), who knew TR well and famously mocked him as "pure act" ("the singular primitive quality that belongs to ultimate matter – the quality that mediaeval theology assigned to God"), also recognized Roosevelt as "always an amusing talker" whose "vigor of view" one had to admire. Adams, *Education*, xi, 417, 464.

so far as under the law picketing could be permitted, so that the strikers had ample opportunity peacefully to persuade other labor men not to take their places." But even then he insisted upon "the keeping of order" as a prerequisite to resolving "all other questions" and said that "no rioter was permitted to masquerade under the guise of being a friend of labor or a sympathizer with labor."³³

In his *Autobiography*, written sixteen years after this labor meeting, Roosevelt emphasized his friendliness to organized labor. "By this time," he wrote, "I was becoming a strong believer in labor unions, a strong believer in the rights of labor." On that score, the *Autobiography* took some historical liberties, because at the time of the labor meeting he had also written that labor leaders were "the worst foe of the poor man" when they taught that the poor were victims of "conspiracy and injustice." He regarded the "average" labor leader as uncooperative in helping to achieve civic improvements and largely "sullen," "shortsighted," and unpatriotic.³⁴

Despite the inconsistency between his contemporary writings and his later *Autobiography*, Roosevelt seems to have found a formula for dealing with union leaders, namely, openly embracing both the leaders and the principle of unionization without abandoning his law-and-order approach to strikes. Roosevelt believed this had persuaded some labor leaders to accept his

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³³ Roosevelt, *Autobiography*, 207.

³⁴ Roosevelt, *American Ideals*, 212, 214.

sincerity, because when he left the police commissionership in April 1897, several of them told him they were sorry to see him depart. One of them wrote that he was "particularly grateful for your liberal attitude toward organized labor, your cordial championship of those speaking in behalf of the toilers, and your evident desire to do the right thing as you saw it at whatever cost."³⁵

Roosevelt nevertheless firmly believed that prevention of labor violence involved more than suppressing violence after it occurred. It also required action in anticipation of lawbreaking. If, as his taxi strike approach showed, his goal was to prevent violence, then a relevant question is how far he thought government should go. While police commissioner, Roosevelt opposed legislation that would have prohibited using detectives to infiltrate organizations in order to obtain evidence to convict potential lawbreakers. Explaining his position, he used a labor example. He referred to "[t]he 'Molly Maguires' who terrorized a large section of Pennsylvania through murder, arson, and violence of every kind, [and] were broken up by the employment of the very means which these bills would forbid the police force of New York to employ."³⁶

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³⁵ Roosevelt, *Autobiography*, 207.

³⁶ TR letter to Francis M. Scott, February 11, 1896, in Morison, *Letters of TR*, 1:513. Dubofsky, *Industrialism*, 34-38, provides a brief history of the labor conflict in Pennsylvania's anthracite coal fields in the 1870s, culminating in the trials of violent members of the Irish secret society known as the Molly Maguires, whom the prosecution linked with the miners' union. Roosevelt wrote elsewhere that "the function of the detective is primarily that of the spy" and that it was "absolutely necessary to employ him." Roosevelt, *American Ideals*, 163. Side by side with his belief that government's duty was to keep militant labor in check, Roosevelt at this period of his life seemed still to harbor doubts that labor unions were necessary. He wrote to a British

After the election of McKinley as president in 1896, the new administration in Washington appointed him to federal positions that allowed him to gain political respect and national fame during 1897-1898. His cunning advocacy of naval preparedness as assistant secretary of the navy in Washington and especially his Rough Rider heroism in Cuba during the war with Spain led to Roosevelt's election as governor of New York State in 1898.³⁷

One of the most intriguing contemporary statements of Roosevelt's labor attitude occurred in the spring of 1899, when Roosevelt had been governor for only a few months. Senator Thomas C. Platt, the "Boss" of New York State's Republican Party, wrote to him and alluded to "many views" at the time of the gubernatorial nominating process that Roosevelt was "a little loose on the relations of capital and labor, on trusts and combinations, and, indeed, on those numerous questions which have recently arisen in politics affecting the security of earnings and the right of a man to run his own business in his own way, with due respect of course to the Ten Commandments and the Penal Code." Platt grouped this somewhat vague catalogue under the vaguer

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friend in 1897 that "in our country at any rate, I am convinced that there is no real oppression of the mass of the people by these capitalists. The condition of the workman and the man of small means has been improved." TR letter to Cecil Spring Rice, May 29, 1897, in Morison, *Letters of TR*, 1:620. See also Roosevelt's 1894 comment that "The workingman is, on the whole, better fed, better clothed, better housed, and provided with greater opportunities for pleasure and for mental and spiritual improvement than ever before." Roosevelt, *American Ideals*, 264.

³⁷ Although beyond the scope of this study, Roosevelt's pre-gubernatorial career during 1897-1898 is elegantly summarized in Morris, *Rise of TR*, 592-633, 643-644 (Washington) and 670-676, 681-688 (Cuba).

notion that “a number of business men” believed that Roosevelt “entertained various altruistic ideas.”³⁸

The reason behind Platt’s letter was not a labor issue. Its genesis was Governor Roosevelt’s having, “at the last moment” of the New York legislative session, done “a thing which has caused the business community of New York to wonder how far the notions of Populism, as laid down in Kansas and Nebraska, have taken hold upon the Republican party of the State of New York.” The “thing” that Roosevelt had done was to support, strongly and successfully, a bill to tax the franchises granted to corporations that operated electric street car lines in big cities like New York and Buffalo.³⁹

Roosevelt seized upon the labor reference to defend himself by insisting that his attitude toward organized labor actually proved his support of business interests. He reminded Platt of his response as governor to a recent strike by seven thousand dock workers in Buffalo, when he had stood ready to call out the National Guard to “intimidate” any labor man “anxious to commit lawlessness.” Roosevelt argued that taxing corporations would make the Republican Party “all the stronger when we declare that the laborers shall

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³⁸ Roosevelt, *Autobiography*, 307-310. TR in his first annual message as governor on January 2, 1899, did speak favorably of what “organization and association, as has been shown by the careers of many of the trade-unions and labor federations,” might do to “supplement” individual self-help. Hagedorn, *Works of TR*, 15:9. Platt did not refer to the message in his “little loose” letter.

³⁹ Roosevelt, *Autobiography*, 308; TR letter to his sister Anna, May 1, 1899, in Morison, *Letters of TR*, 2:1000. When Roosevelt later discussed his disagreements with Platt and the latter’s reasons for wanting TR out of the governorship in 1900, TR did not mention labor matters. TR letter to Herbert Croly, December 20, 1911, in Morison, *Letters of TR*, 7:458.

commit no disorder and that we are utterly against any attack on the lawful use of wealth." There were evils to be corrected, he wrote to Platt, and he urged that "whereas the populists, socialists and others really do not correct the evils at all . . . on the contrary we Republicans hold the just balance and [should] set our faces as resolutely against improper corporate influence on the one hand as against demagoguery and mob rule on the other."⁴⁰ In other words, Roosevelt portrayed his tough stance against union militancy as redeeming his tough stance against corporations.

Although the absence of violence and a relatively quick labor settlement made it unnecessary for him to send troops to the Buffalo dock strike mentioned in his letter to Platt, Roosevelt turned threat into action the following year, in April 1900, when he sent thirteen hundred National Guardsmen to police a strike by non-union workers constructing the Croton Dam. The troops kept the strikers from gathering in crowds, protected the few strikebreakers, and arrested strike ringleaders. Writing to a friend after one of the soldiers had been shot, Roosevelt admitted that the cause of the strike might well have been employer unfairness to the workers, but "where the riotous Italians [who preponderated in the workforce] have begun by assassinating one of the

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⁴⁰ TR letter to Platt, May 8, 1899, in Morison, *Letters of TR*, 2:1004-1006; Hurwitz, *TR and Labor in New York*, 244-245; Chessman, *Governor TR*, 149-150, 215-217.

National Guard . . . we have got to put them down and shall do it at any cost."⁴¹

Just as Roosevelt insisted that he provided assistance to corporations through governmental restraint on organized labor's militancy, he utilized a similar backdoor argument to show his support for unions. Governor Roosevelt contended that "I have been all along the staunchest believer in the immense possibilities for good through the organization of labor," based on his support of labor actions that paralleled union goals, namely, limiting daily hours of work, elimination of sweatshops, efficient government enforcement of a factory inspection law, and appointment of union men to various state jobs.⁴²

Roosevelt's pro-labor self-justification, although generally accurate,⁴³ requires some qualification. His support of worker legislation did not arise in lockstep with its endorsement by organized labor. On the contrary, in 1899 he vetoed a union-supported bill limiting the hours of drug clerks, based on concerns about its effect on smaller druggists and his characterization of the

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⁴¹ Hurwitz, *TR and Labor in New York*, 251-253; TR letter to Henry Cabot Lodge, April 17, 1900, in Morison, *Letters of TR*, 2:1265; Chessman, *Governor TR*, 221-223. Although Roosevelt told his sister that sending the militia to Croton Dam had angered "the federation of labor," Chessman argues that there was little union support for the non-union Italian workers, because they were difficult to organize, were ineligible to vote, and competed for union members' jobs. TR letter to Anna Roosevelt Cowles, April 30, 1900, in Morison, *Letters of TR*, 2:1277; Chessman, *Governor TR*, 223.

⁴² TR letters to Edward M. Brown, July 27, 1899; and William Webster, railroad union member and diplomat, April 16, 1900, in Morison, *Letters of TR*, 2:1042, 930n, 1264 ("You know how heartily I sympathize with what is known as the labor element and I have tried in every way both in my administration and in the procurement of legislation to do everything I can for them; but order must be maintained and violence checked at the very outset of the slightest faltering.")

⁴³ Chessman, *Governor TR*, 202-204, 207-212; Morris, *Rise of TR*, 735.

bill's union advocates as showing only that "they go for anything that calls for shorter hours."⁴⁴ He did not hesitate to look behind union rationales for particular pieces of legislation, as in his determination to veto a union-sponsored bill designed to transfer non-union prison manufacture of school furniture to private manufacturers. Despite his stated desire "to do anything I properly can for" the unions, "it seems to me that this bill is really in the interest of one big furniture firm and that we ought to be very cautious about breaking down our present system of employment in the prisons."⁴⁵

Similarly, although Governor Roosevelt sought to amplify his outreach to union leaders that marked his police commissionership, by following their recommendations for appointments to state jobs, he bowed to political and practical obstacles. Thus, he withdrew the appointment of Henry White, a founder of the United Garment Workers union, as chief factory inspector, when "Boss" Platt objected. Even when he was able to appoint wageworkers recommended by labor leaders, he was frustrated by their performance. "What I did not foresee," he lamented, "was their intense jealousy of one another." This persuaded him that in the future he should appoint the best administrators "without regard to whether these men were wageworkers or

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⁴⁴ TR letters to his friend and social reformer Jacob Riis, May 11 and 13, 1899, in Morison, *Letters of TR*, 2:1010, 1012. In 1900, Roosevelt signed another bill establishing a seventy-hour per week work limitation for drug clerks. *Ibid.*, 2:1010n; Chessman, *Governor TR*, 204-205.

⁴⁵ TR letter to Joseph Bucklin Bishop, May 12, 1900, in Morison, *Letters of TR*, 2:1282.

not."⁴⁶ By the time of his New York governorship, therefore, Roosevelt was no longer a snob about social issues or labor unions. He was instead treating organized labor as a mechanism to be used for achieving his broader policies.⁴⁷ Hurwitz contends that the gambit "failed to win the support of either labor or capital," but by 1900 it did not inhibit the Republican Party from nominating TR to run for vice president on McKinley's re-election ticket.⁴⁸

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⁴⁶ Morison, *Letters of TR*, 2:946n; TR letters to Josephine Shaw Lovell, February 20, 1900; and Thomas A. Fulton, April 14, 1900, in Morison, *Letters of TR*, 2:1194-1195, 1261-1262. See Chessman, *Governor TR*, 200-201, for Roosevelt's early gubernatorial consultation on labor matters with White and other "prominent trade unionists."

⁴⁷ In the second year of his governorship, Roosevelt even argued that strikes in New York State proved that prosperity had arrived, because they were predominantly for wage increases, rather than against wage reductions. TR's annual gubernatorial message, January 3, 1900, in Hagedorn, *Works of TR*, 15:48.

⁴⁸ Hurwitz, *TR and Labor in New York*, 255. As noted, Greenberg's analysis of Roosevelt's labor views expressly disagrees with Hurwitz's overall conclusions. Greenberg, *TR and Labor*, 76-77. Hurwitz's more specific interpretations have also been criticized, including with respect to his treatment of organized labor as monolithic, instead of divided by religious and political issues; his "intimation" that TR's personnel decisions were exclusively political; and his "exaggeration" of labor protests against TR's military response to the Croton Dam labor dispute. Chessman, *Governor TR*, 207n, 209-210n.15, 223n.43. Labor issues may not have had anything to do with TR's vice-presidential nomination. Historians concur that "Boss" Platt supported the nomination in order to get Governor Roosevelt out of New York. Harbaugh, *Life and Times*, 130-134; Pringle, *TR*, 151-155.

IV. The Labor Union "Has Come to Stay": Presidential Rhetoric

From the time he became president in 1901 upon the death of the assassinated President McKinley, Roosevelt often spoke favorably, if qualifiedly, about labor unions. A characteristic statement was included in his acceptance of the Republican nomination for the presidency in 1904, when he declared, "We recognize the organization of capital and the organization of labor as natural outcomes of our industrial system." A few months earlier, he had written to a supporter, "I want it understood that I am not against unions any more than I am against corporations." But he revealingly added, "I am against *abuses* in both."¹

Roosevelt made a more detailed statement of his qualified endorsement of organized labor early in 1904, when he wrote to his eldest son, then sixteen years old, about how to discuss unions. "I would not discuss the labor-union question from the side that labor unions are harmful," he wrote. "I think they are beneficial *if handled as they should be*, and that the attack should be made, not upon the principle of association among working people,

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¹ TR letters to Speaker of the House Joseph Cannon, September 12, 1904; and Herman Kohlsaat, July 20, 1904, in Morison, *Letters of TR*, 4:927, 862. In his book about Roosevelt's presidential years, a recent biographer opines that middle age and the Spanish-American War's democratizing effect "had moderated his [TR's] attitude toward organized labor" by the time he became president. Edmund Morris, *Theodore Rex* (New York: Random House, 2001), 32. The biography, however, is short on analysis of Roosevelt's labor views, an omission that the biographer hopefully will rectify in an anticipated third volume of his TRilogy (following *The Rise of Theodore Roosevelt* and *Theodore Rex*) covering the post-presidential years.

but upon the abuses in the manifestation of that principle."² He realized that this was a challenging distinction. As he told a favorite correspondent in England after the 1904 election, "Somehow or other we shall have to work out methods of controlling the big corporations without paralyzing the energies of the business community and of preventing any tyranny on the part of the labor unions while cordially assisting in every proper effort made by the wageworkers to better themselves by combinations."³

There is in these letters a sense that unions, as well as big business, tend toward abuse, even evil, and need to be "handled" or managed by government. Indeed, in another letter to the same English correspondent, Roosevelt explicitly argued that both corporations and labor unions "are potent weapons for evil, when under the control of unscrupulous men."⁴ Roosevelt was skeptical that Americans could count on the fairness or public spirit of either business managers or union representatives, and he sought to stake out a position where he was not the political agent of either side in labor conflicts. He told a journalist who requested a statement of Roosevelt's real views about organized labor, "My action on labor should always be considered in connection with my action as regards capital, and both are reducible to my

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² TR letter to Theodore Jr., January 29, 1904, in Morison, *Letters of TR*, 4:713 (emphasis added).

³ TR letter to Sir George Otto Trevelyan, March 9, 1905, in Morison, *Letters of TR*, 4:1133.

⁴ TR letter to Trevelyan, May 13, 1905, in Morison, *Letters of TR*, 4:1174.

favorite formula – A square deal for every man.”⁵ No wonder that contemporaries found, and historians have continued to find, difficulty in defining Roosevelt as either pro-union or anti-union.

We can observe President Roosevelt trying to define his labor views in each of his eight year-end official messages to Congress. The purpose of the messages was to describe what he considered to be the issues of the moment and to suggest ways of dealing with them.⁶ Every message contains references either to labor matters in general or to organized labor specifically, and sometimes to both. What is remarkable from the perspective of our current union-saturated legal environment is how little legislation Roosevelt proposed for the benefit of organized labor, as distinct from legislation beneficial to workers generally, and how he inevitably balanced praise for organized labor with cautionary words.⁷

As the starting point of his first message, Roosevelt drew lessons from the assassination of President McKinley. Pointing to “the reckless utterances” of anarchists who inflamed the assassin by appealing “to the dark and evil spirits of malice and greed, envy and sullen hatred,” he argued that

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⁵ TR letter to Ray Stannard Baker, August 27, 1904, in Morison, *Letters of TR*, 4:908.

⁶ President Roosevelt sent over four hundred messages to Congress. Lewis L. Gould, *The Presidency of Theodore Roosevelt* (Lawrence, Kan.: University Press of Kansas, 1991), 11.

⁷ The absence of union-focused legislative proposals reflected to some degree the political realities of TR's time. Congressmen like Speaker of the House Joe Cannon opposed any government support for labor unions. From a very different standpoint, the AFL distrusted government regulation and also preferred to keep government from taking the lead ahead of organized labor in establishing labor improvements. Greenberg, *TR and Labor*, 347, 355-356, 455, 460-461.

inflammatory speech was dangerous to society. This was an accusation that in later years he would apply directly to public statements of labor leaders.⁸ “The wind is sowed by the men who preach such doctrines,” he warned, “and they cannot escape their share of responsibility for the whirlwind that is reaped.”

On labor matters, however, Roosevelt spoke positively. He told Congress that the purpose of American political institutions was to “afford opportunity to every honest and intelligent son of toil.” In that spirit, he proposed that the government regulate the labor of women and children, as well as the hours of work and the sanitary conditions of all employees of the government and its contractors. He proposed a department of commerce and industries to concern itself with, among other business issues, “whatever concerns labor.”⁹

As for labor unions, “[v]ery great good has been and will be accomplished” by them, provided -- and here, again, is the dichotomy in Roosevelt’s labor union rhetoric -- that they are “managed with forethought, and when they combine insistence upon their own rights with *law-abiding respect for the rights of others*.”¹⁰ While repeatedly recognizing in later

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⁸ For example, in his famous “man with the muckrake” speech, on April 14, 1906, Roosevelt included a reference to “the so-called labor leader who clamorously strives to excite a foul class feeling on behalf of some other labor leader who is implicated in murder.” Hagedorn, *Works of TR*, 16:420.

⁹ Hagedorn, *Works of TR*, 15:84, 93-94. These were legislative goals that TR repeatedly proposed; in subsequent messages he added recommendations for safety, employers’ liability, workers’ compensation, unemployment insurance, and old-age pension legislation. *Ibid.*, 15:218, 283-284, 358-359, 435, 437-438, 501-502.

¹⁰ Hagedorn, *Works of TR*, 15:84, 93-95 (emphasis added).

messages that America was in “an era of federation and combination” of both capital and labor that should not be attacked “as such,” he continued to emphasize the dichotomy. Both kinds of combination could do good, but “as a necessary corollary they can both do evil.” He called for opposition to “whatever is bad in the conduct of any given corporation or union,” identifying the “bad” as including “arbitrary or tyrannous interference with the rights of others.”¹¹

These are, of course, abstractions that do not define what constitutes “evil” or the “bad,” the boundaries of labor rights vs. public or employer rights, or how to resolve conflicts between opposing assertions of right. Moreover, despite his personal intervention to resolve the 1902 anthracite coal strike (as discussed below), Roosevelt seemed reluctant to have the national government either define or police such issues. In his 1904 message, he asserted that the states had “primary control of the police power,” which meant that federal interference should be limited to “altogether extreme” circumstances either for labor rights or against “unruly persons who shield themselves behind the name of labor.” The only extremes he acknowledged as sufficient to invoke federal power were interference with federal property or rights, or if a state called for federal help in a crisis. Even then, federal intervention to assist the states should be restricted to “restoring order without

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¹¹ Ibid., 15:148, 171.

regard to the questions which have caused the breach of order . . . all other questions sink into abeyance until order has been restored."¹²

In Roosevelt's final four annual messages (1905-1908), there was a definite shift in tone and content that did not favor organized labor. Roosevelt's perception was that labor disputes were tending to degenerate into class conflict, which he warned was a threat to the republic. He began the shift by condemning as "most unwise" organized labor's efforts to have Congress legislate limits on the judiciary's power to grant injunctions in labor disputes. Although he recognized that the injunctive power had sometimes been misused, that did not "justify a denial of the power any more than an improper exercise of the power to call a strike by a labor leader would justify the denial of the right to strike." He did, however, suggest imposing on the courts a requirement of due notice to adverse parties before granting a labor injunction. In addition, rather than limiting federal intervention in labor disputes to extreme circumstances, Roosevelt began to call for a greater federal role in labor disputes. He advocated federal investigation of the issues in "any great labor disturbance," followed by publicity about its findings.¹³

In 1906, he intensified his opposition to organized labor's desire to abolish labor injunctions. "It is criminal to permit sympathy for criminals to weaken our hands in upholding the law," he said, "and if men seek to destroy

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¹² Ibid., 15:215-216.

¹³ 1905 message in Hagedorn, *Works of TR*, 15:284, 286-287.

life or property by mob violence there should be no impairment of the power of the courts to deal with them in the most summary and effective way possible." In an echo of his attack on preachers of violence whom he had accused of provoking McKinley's assassin, he inveighed against preaching "mere discontent" by men "who seek to excite a violent class hatred against all men of wealth." Accompanying such heated language was the most far-reaching legislative proposal Roosevelt had yet made to deal with labor disputes. He called it "compulsory investigation" of labor disputes, in which the parties would be required to explain their respective positions to a non-binding but "unprejudiced body representing the nation," thereby enabling public opinion to "crystallize and thus to exert its full force for the right."¹⁴

Whether or not "compulsory investigation" and a "crystallized" public opinion could ever be sufficient to achieve labor peace, Roosevelt's embrace of these notions demonstrated recognition that labor conflict was increasing. His 1907 message spelled out the magnitude of the dilemma posed by a more militant form of organized labor. During the five years ending on December 31, 1905, Roosevelt noted, the number of strikes and lockouts was double the number of those in the preceding five years and greater than in any prior ten-year period. The trade union, like the corporation, "has come to stay," he

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¹⁴ Hagedorn, *Works of TR*, 15:347, 356, 361-362.

observed, and both shared responsibility with politicians for labor problems.¹⁵

The president's 1908 message to Congress seems notable today for its despair over both conservative business interests and militant labor leaders. On one side, "a blind and ignorant resistance to every effort for the reform of abuses and for the readjustment of society to modern industrial conditions represents not true conservatism, but an incitement to the wildest radicalism." On the other side, "certain leaders of organized labor" were still attacking the judiciary's power in labor matters, "refusing all compromise," and seeking an outcome that would legalize blacklisting, boycotts, secondary boycotts, and giving juries power in contempt of court trials that was previously the responsibility of judges. This was "the enthronement of class privilege in its crudest and most brutal form, and the destruction of one of the most essential functions of the judiciary in all civilized lands."

Unions' class-selfishness, he feared, would lead to a division of society and "would inevitably in the end cause a violent reaction." He continued to propose worker-friendly legislation and "some way" to limit the abuse of labor injunctions, but he also suggested blurring the distinction between employer and employee, by giving the latter the opportunity to "own a far greater share than at present of the wealth they produce."¹⁶

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¹⁵ Ibid., 15:413, 436-439. Roosevelt also used the "come to stay" phrase years earlier in a letter to a journalist. TR letter to Ray Stannard Baker, October 21, 1903, in Morison, *Letters of TR*, 3:636.

¹⁶ Hagedorn, *Works of TR*, 15:499-501, 505-506.

In late January 1908, Roosevelt sent Congress a special message containing strong criticisms of business. Roosevelt advocated expansion of government supervision over virtually all aspects of railroad operations and chastised great corporations and their representatives for teaching dishonesty as the path to business success. This did not mean elevating the power of unions as a counterweight to corporations. "If a labor union does wrong, we oppose it as firmly as we oppose a corporation which does wrong," he said, "and we stand equally strongly for the rights of the man of wealth and for the rights of the wageworker."¹⁷

Roosevelt's reactions to two Supreme Court decisions that had been issued earlier in the month of his special message suggest where his labor priorities resided. Both cases had declared federal labor legislation unconstitutional on the ground that the laws sought to regulate *intrastate* actions, because congressional authority was limited to *interstate* commerce. In the *Howard* case, the Court struck down an employers' liability law that provided compensation when railroad employees were killed on the job due to the negligence of others. Although the employee in the case was on an interstate trip, the Court said the statute was also broad enough to cover employees who worked exclusively in a single state. Since such employees were constitutionally subject only to state law, this "interblending" of interstate

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¹⁷ The special message is published in Morison, *Letters of TR*, 6:1575-1577, 1580, 1582; see Gould, *Presidency of TR*, 275-276.

and intrastate workers rendered the statute unconstitutional.¹⁸ Roosevelt asked Congress for a new law covering only those employees engaged in interstate commerce.

In the other case, *Adair*, the Court struck down a statute making it a federal crime to discharge an employee, even if engaged exclusively in intrastate work, because of union membership.¹⁹ That decision had an obviously negative impact on unions. Roosevelt circumspectly urged Congress's "careful consideration" of the case while he decided "in what way to call the matter to your attention."²⁰ One explanation for the circumspection is that the case was decided only a few days before, in contrast to the several weeks during which he had to consider the first case. That being said, however, there was a level of urgency in Roosevelt's request for new legislation addressing employee safety that did not appear with respect to replacing a law that primarily benefited union interests.

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¹⁸ *Howard v. Illinois Central R. Co.*, 207 U.S. 463 (1908). As explained in the dissent by Justice Moody, a Roosevelt appointee to the Court, the majority decision blocked Congress's intent to provide greater protection to employees in four instances disallowed by the common law and not otherwise covered by state law. The federal statute would have allowed recovery for death in addition to injury, when the injury or death was caused by the negligence of another employee, when the injured/killed employee's own contributory negligence was relatively slight, and in spite of employment contracts that purported to waive the employee's right to damages. 207 U.S. at 536-537.

¹⁹ *Adair v. United States*, 208 U.S. 161 (1908).

²⁰ Morison, *Letters of TR*, 6:1572-1575.

Presidential words provide important clues to what Roosevelt thought about unions, but behind his words was what he liked to call his big stick, which leads next to examination of how he wielded that stick in labor matters.²¹

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²¹ Roosevelt wrote to Nicholas Murray Butler of Columbia University on August 29, 1903, that his speeches necessarily dealt in generalities, but that his actions "are concrete and speak for themselves." Morison, *Letters of TR*, 3:579.

V. "Each Given Case As It Arose": Presidential Actions

In his *Autobiography*, Roosevelt wrote that when he became president, he believed in efficient government, in industrial and political democracy, in people's rights, and "in invoking the National power with absolute freedom for every National need." But as to his realization of these high-minded abstractions, "[i]n internal affairs I cannot say that I entered the Presidency with any deliberately planned and far-reaching scheme of social betterment." Instead, "I was content to wait and see what method might be necessary in each given case as it arose."¹ Action "in each given case as it arose," however, begs the question of what principles held the cases together.

Like his carefully balanced labor rhetoric, President Roosevelt's labor actions do not fully answer the question. His actions in respect to seven union-related subjects underscore the puzzle created by his words. These subjects are labor legislation and enforcement that improved American conditions of work; intervention to resolve the 1902 anthracite coal strike; use of the military in labor conflicts; resistance to organized labor's goal of mandatory union membership of all employees whom they claimed to represent; criteria for Supreme Court nominations; modification rather than (as unions wanted) elimination of judicial injunctions against union conduct; and the creation and demise of a Foundation for the Promotion of Industrial Peace.

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¹ Roosevelt, *Autobiography*, 400-401.

A. Labor Legislation and Enforcement

The *Autobiography's* chapter on "Social and Industrial Justice" begins by emphasizing *government* action for the betterment of working people. There is no mention of legislation to assist unions or union organization, one reason being that President Roosevelt had not sought such legislation. His recital of the actions he took as president "to fight for the rights of the workingman" were making the national government "a model employer of labor," seeking "good laws" for workers wherever the national government had power, and enforcing the existing eight-hour workday law. The meaning of "labor" in reciting his commitments to social and industrial justice simply does not include labor organizations.²

More specifically, the "good laws" mentioned in the *Autobiography* are workmen's compensation for federal employees, health protections for miners in the territories and for motormen and conductors on street railways in the District of Columbia, supervision of District employment agencies, safety requirements for factory employees in the District and for interstate railway employees, and a new employers' liability law for interstate railroads after the courts had declared a prior law unconstitutional. All of these laws and actions

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² Roosevelt as president offered a similar recital in a long letter he wrote to a railway union member and then released publicly as a campaign document in support of Taft's presidential candidacy. Apart from an introductory statement of his pride at being an honorary member of a railway union and a discussion of the legal right of "workingmen" to strike and picket, most of the letter is devoted to what his administration had done for workers and what he expected Taft to continue doing if elected. Union contributions were treated as little more than incidental to worker betterment. TR letter to P. H. Grace, October 19, 1908, in Morison, *Letters of TR*, 5:1295-1302.

were expressions of Roosevelt's feeling "most strongly that all that the government could do in the interest of labor should be done."³

It was not merely a stylistic choice that Roosevelt began his autobiographical chapter on labor matters without mentioning labor unions. It reflected the substantive advice he had given in 1904 to his former attorney general, Philander C. Knox, upon the latter's election to the Senate. Roosevelt was then at the height of his power and fame, having overwhelmingly been elected president the week before, and his letter reads like an anointment of Knox as his senatorial tribune. He told Knox that the great challenge of the day was that the organized labor movement was growing as "a factor of vital importance" in American society and politics. In response, continuation of a conservative, business-first Republican hostility would lead to "a radical and extreme democracy with a crash which will be disastrous to the Nation." Roosevelt feared the "dreadful calamity" of a nation divided between two parties: property owners and conservatives against wageworkers and the less prosperous.⁴

Having dramatically described the challenge, Roosevelt went on to share with Knox his conceptual cure. He concentrated on government's beneficence to working people, not on what their representatives in organized labor could do for them. "We must not only do justice," he wrote, "but be able

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³ Roosevelt, *Autobiography*, 476-478. See Gould, *Presidency*, 106-107.

⁴ TR letter to Knox, November 10, 1904, in Morison, *Letters of TR*, 4:1022-1024.

to show the wageworkers that we are doing justice . . . [W]hile we unflinchingly demand good conduct from them, yet we are equally resolute in the effort to secure them all just and proper consideration." His credo was the golden rule, not collective bargaining, because "here in this republic it is peculiarly incumbent upon the man with whom things have prospered to be in a certain sense the keeper of his brother with whom life has gone hard."

Although the letter began with "the great problem of organized labor," Roosevelt returned to unions only toward its end, obliquely and without enthusiasm, suggesting that Knox "could get in touch with some of the labor people." That was not because they had solutions to offer, since "you might find that you had to go against most of what they wished." It was because "I would like you to know what they desire to do – what their real feelings are." President Roosevelt believed that organized labor performed an educational role that could be useful in solving labor problems, but that employers and ultimately the government should play the lead roles in reaching solutions.

This was not just cant. Roosevelt tried, as we would now colloquially express it, to walk the talk. When he visited the Panama Canal construction zone in late 1906, he personally met with machinists and other workers whose complaints about working conditions had been transmitted to him in part by the International Association of Machinists (IAM) union. He then visited sites the workers had identified as problems and, if he agreed with their complaints,

ordered corrective action and informed the IAM what he had done. Where he found that their complaints had not been substantiated, he wrote to the IAM's president and explained his findings. It was his demonstration that government employees could count on the government and on him as its CEO to provide them with fair employment.⁵

B. Anthracite Coal Strike

Only after describing what his government had done directly for workers does Roosevelt's *Autobiography* move to a detailed description of his government's interactions with organized labor. His Exhibit A was the government's intervention to settle the 1902 anthracite coal strike, which Roosevelt characterized as "[v]ery much the most important action I took as regards labor."⁶ If so, then why did Roosevelt place the coal strike intervention *after* his enumeration of his non-union actions respecting "Social and Industrial Justice"? One interpretation is that it was a belated expansion of Roosevelt's definition of "labor" to include labor organizations. An alternative reading, consistent with his ambivalent style whenever he discussed labor unions, suggests that he saw the strike in terms of the government's extrication of workers and the public from a socially dangerous situation.

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⁵ TR letter to James O'Connell, president of the IAM, November 27, 1906, in Morison, *Letters of TR*, 5:504-508. See also TR letter to Ralph Easley of the National Civic Federation, November 27, 1906, in Morison, *Letters of TR*, 5:508.

⁶ Roosevelt, *Autobiography*, 478.

Historians treat the coal strike as Roosevelt's most important labor action, at least based on the space they give it.⁷ It remains a riveting tale, national drama juxtaposed against deliciously low comedy, illustrating Roosevelt's talents for negotiation and adaptability to complex circumstances. Questions remain, however, about what Roosevelt's ad hoc strike intervention contributed to the development of the government's labor union attitudes and policies and, indeed, whether Roosevelt even had a long-term view of how the government should react to the growth of union power and ambitions.⁸

When the coal strike began in May 1902, Roosevelt had been the president of the United States for eight months. United Mine Workers (UMW) delegates had voted to strike the Pennsylvania anthracite coal mines after their union failed to reach agreement with mine owners on a labor agreement, and nearly one hundred fifty thousand miners stopped working.⁹ The UMW had in the years preceding this strike demonstrated willingness and ability to lead massive miner strikes. In 1897, bituminous coal strikes had resulted in labor agreements and an astonishing increase in union membership from ten thousand to one hundred fifteen thousand miners. In 1900, UMW-led

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⁷ See Morris, *T Rex*, 131-137, 146, 150-169; Brands, *TR Romantic*, 450-462; Miller, *TR Life*, 370-378.

⁸ One historian neatly captures the essence of the questions in the subtitle to his article about the strike. Robert H. Wiebe, "The Anthracite Strike of 1902: A Record of Confusion," *The Mississippi Valley Historical Review* 48 (September 1961): 229-251.

⁹ Perlman, *History of Trade Unionism*, 175-176.

anthracite coal miners engaged in a successful six-week strike in Pennsylvania shortly before the presidential election.¹⁰

Although President McKinley did not intervene in the 1900 strike, presidential politics led to its settlement. J. P. Morgan, the dominant financier of the era, and Senator Marcus A. Hanna, Ohio colleague and 1900 presidential reelection campaign chairman for McKinley, feared that continuation of the strike would favor the election of Democrat William Jennings Bryan. Accordingly, Hanna convinced the mine operators to agree to a pay increase and a grievance procedure to settle the strike. By that time, Morgan interests had largely consolidated the coal-carrying railroads through ownership and interlocking directorates, and these railroads had acquired many of the coal mines. The men who ran the mines believed, however, that they had been maneuvered into a political settlement that primarily benefited the UMW, and they took a tough stance against the union's bargaining demands in 1902.¹¹

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¹⁰ Jonathan Grossman, "The Coal Strike of 1902 – Turning Point in U.S. Policy," *Monthly Labor Review* 98 (October 1975): 21. The union estimated that within ten days, 136,000 of the region's 142,500 miners joined the 1900 strike, a number that "exceeded the fondest hopes of the union leaders." Robert J. Cornell, *The Anthracite Coal Strike of 1902* (Washington, D.C.: Catholic University Press, 1957), 46-47.

¹¹ Grossman, "The Coal Strike," 22; Cornell, *Anthracite Coal Strike*, 9-12, 34-36, 54-56, 60. After the Civil War, the Pennsylvania coal mining area was the scene of multiple strikes and the consequent collapse of various unions and miner self-help movements, including the Molly Maguires. Union membership grew after successful strikes and evaporated after unsuccessful strikes. John Mitchell, *Organized Labor* (Philadelphia: American Book & Bible House, 1903; Clifton, N.J.: Kelley, 1973), 363-364, 367; Cornell, *Anthracite Coal Strike*, 26-27. The use here of the term "demand" to describe union bargaining proposals does not reflect any editorial comment about union tactics. The UMW president, John Mitchell, used the same term in describing the negotiations. Mitchell, *Organized Labor*, 365, 371.

Roosevelt initially believed he had no power to intervene in the 1902 strike. There was no legally enforceable procedure for validating union claims for recognition as the representative of employees, recognition that the UMW demanded and the mine owners declined to give. There was no mechanism for preventing either employer or union bad faith in bargaining, which arguably surfaced in the owners' persistent refusals to make any bargaining concessions and in the union's alleged responsibility for intimidating non-strikers. There was no established government process or bureaucracy dedicated to mediation of non-railroad labor disputes. All of these government powers became law in the 1930s and 1940s, but they were not available to Roosevelt in 1902.

Roosevelt also had little inclination to involve the presidency in what initially appeared to be a dispute involving only miners and mine owners. "As long as I could avoid interfering I did so," he later acknowledged. He understood and for a time accepted government inaction as working to the mine owners' advantage. The mine owners believed that the economic suffering of the miners and their families would eventually end the strike. They "were confident that if order were kept, and nothing further done by the Government, they would win." Roosevelt interpreted the owners' position as

"merely taking the extreme individualistic view of the rights of property and the freedom of individual action upheld in the *laissez faire* political economies."¹²

What eventually led Roosevelt away from that viewpoint was his belief that the economic struggle in the Pennsylvania mines was going to harm the public. Normally conservative state and municipal officials reported to him that, as autumn approached, their communities were facing a heating crisis that Roosevelt referred to variously as "a National menace," a "calamity," even "the direst disaster." Roosevelt recalled, "It is not too much to say that the situation which confronted Pennsylvania, New York, and New England, and to a less degree the States of the Middle West, in October, 1902, was quite as serious as if they had been threatened by the invasion of a hostile army of overwhelming force."¹³ Unfortunately for a *laissez-faire* strategy, the mine owners were unable to extract much anthracite coal without the striking employees, in part because of violence against strikebreakers and their families, despite the presence of private police forces hired by the mine operators.¹⁴

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¹² Roosevelt, *Autobiography*, 480-481; Cornell, *Anthracite Coal Strike*, 97.

¹³ Roosevelt, *Autobiography*, 480; TR letter to Massachusetts Governor Murray Crane, October 22, 1902, in Morison, *Letters of TR*, 359-360. Northeastern states consumed 80 percent of the Pennsylvania anthracite coal production. Cornell, *Anthracite Coal Strike*, 1. Wiebe argues that fears of a coal famine were misplaced, because bituminous coal was plentiful and had proved to be a usable substitute during the 1900 strike. "The Anthracite Strike of 1902," 243-244.

¹⁴ UMW president Mitchell dismissed the idea "that the majority of the men were prevented from working in the mines by the force and intimidation of a minority." He also accused the mine owners of hiring "thugs" who committed acts of violence and murder. Mitchell, *Organized Labor*, 381, 385; Roosevelt, *Autobiography*, 480-481.

Practical politics also pushed Roosevelt to intervene. During a one-week period in late September, Roosevelt's closest friend and political adviser, Senator Henry Cabot Lodge of Massachusetts, wrote him three nearly hysterical letters translating the hike in coal prices and the growing lack of coal at any price into a "political disaster" for their Republican Party. Lodge offered no recommendations, plaintively asking, "Can nothing be done?" to press the mine operators. Roosevelt acknowledged "the immediate political effect" of the "unreasoning feeling" that made people blame the government for any large calamity.¹⁵

During pre-strike mediation sponsored by the recently formed National Civic Federation (NCF), an organization of union, management, and political leaders seeking ways to achieve industrial peace, the gap between management and union positions was enormous. The operators refused to budge on any union demand. The union had not overcome this resistance by halving its wage demands from 20 percent to 10 percent and, instead of its original demand for reducing the ten-hour workday to eight hours, proposing a nine-hour workday.¹⁶ Union leader John Mitchell had further offered to submit all unresolved bargaining issues (which included UMW demands for formal

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¹⁵ Henry Cabot Lodge, ed., *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918* (New York: Scribner, 1925), 1:528-531; TR letter to Lodge, September 27, 1902, in Morison, *Letters of TR*, 3:332. Even earlier, in an August 26, 1902, letter to powerful Republican Senator Nelson Aldrich, Roosevelt had written that the strike was "bad – politically as well as otherwise." Morison, *Letters of TR*, 3:323.

¹⁶ Cornell, *Anthracite Coal Strike*, 64, 86.

management recognition of the union's right to represent miners) to an arbitration panel appointed by the NCF.¹⁷

The mine owners rejected the union's arbitration offer on the basis that "business management" was the exclusive responsibility of a corporation's president and directors.¹⁸ The leading spokesman for the coal-carrying railroads repeatedly voiced objections to union involvement in discussing mine practices, on the grounds that the union lacked technical knowledge of mine conditions, undermined mine efficiency by encouraging employees to disobey management's reasonable orders, and practiced "terrorism, tyranny and lawlessness."¹⁹

Blocked in bargaining, the UMW sought public support. Mitchell thwarted a proposed sympathy strike by bituminous coal miners, despite their argument that a sympathy strike's denial of this railroad fuel would increase the pressure on the mine-owning railroads. Mitchell's successful rebuttal was that a sympathy strike would constitute a violation of the bituminous coal mine contracts that the UMW had previously negotiated and would undermine the UMW's position that management and the public could rely on the union's fidelity to signed contracts. His position was sustained at a union convention on July 17, which led to favorable press portrayals of the union's

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¹⁷ Greenberg, *TR and Labor*, 104-106; Mitchell, *Organized Labor*, 371-372. The NCF is described more fully below in the section on Mandatory Union Membership.

¹⁸ Mark Sullivan, *Our Times* (New York: Scribner, 1927), 2:424.

¹⁹ Correspondence and public remarks of coal-carrying railroad president George F. Baer, quoted in Cornell, *Anthracite Coal Strike*, 75-76.

reasonableness.²⁰ Mitchell also downplayed the UMW's self-interested goal of obtaining formal owner recognition as the miners' representative, by depicting the strike as "for living wages for American conditions of employment."²¹

In contrast to Mitchell's demonstrations of UMW willingness to compromise and adhere to labor contracts, the mine owners' public relations were disastrous. In late August, after owner rejection of NCF arbitration, the press publicized a private letter written by the chief owner representative, George F. Baer, president of the mine-owning Philadelphia & Reading Railroad. The letter was Baer's ill-considered response to someone he did not know who had written in a way that Baer characterized as "biased in favor" of working men. Explaining the owners' position, Baer replied:

The rights and interests of the laboring man will be protected and cared for – not by the labor agitators, but by the Christian men to whom God in His infinite wisdom has given the control of the property interests of the country, and upon the successful Management of which so much depends.²²

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²⁰ Senator Hanna personally argued to Mitchell that a sympathy strike would weaken defense of the union as a contract-respecting organization, undermine public sentiment in favor of the union, and "discourage me in my effort" to help the UMW. The NCF likewise articulated the importance of the union's standing by the bituminous agreements as a "fundamental proposition." Mitchell also had a practical reason for opposing a bituminous coal miners' sympathy strike. At the union convention in July, the miners voted not only to keep the bituminous mines in operation but also for an assessment of a dollar a week or 10 percent of their earnings to assist the striking anthracite miners. Greenberg, *TR and Labor*, 109-111, 117; Mitchell, *Organized Labor*, 377-380; Gompers, *Seventy Years*, 2:118; Cornell, *Anthracite Coal Strike*, 100, 102-103, 118-119, 122.

²¹ Wiebe, "The Anthracite Strike of 1902," 240-241.

²² The letter is reproduced in Sullivan, *Our Times*, 2:425.

Press and pulpit reaction ridiculed Baer's invocation of a management-only deity. Roosevelt later referred to it as the "Viceregent of God" position.²³

The combination of fear of winter coal shortages, Mitchell's appearance of reasonableness, and Baer's selfish religiosity led even the conservative Senator Lodge to tell Roosevelt that the mine owners were guilty of "insensate folly."²⁴ Roosevelt later remembered, "As September passed without any sign of weakening either among the employers or the striking workmen, the situation became so grave that I felt I would have to try to do something." As to the substance of the strike issues, he was largely silent.²⁵

Roosevelt considered and rejected a variety of suggestions to end the strike. These included suing the mine owners or seizing their property on the theories that they constituted an unlawful trust under the Sherman Antitrust Act or were endangering public health; suing the UMW under the same law for monopolizing coal-supplying labor; and replaying President Cleveland's *Debs* case precedent, by seeking a court injunction against the strike and then, if necessary, using the army to enforce it.²⁶

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²³ Ibid., 426-427; Morris, *T Rex*, 133, 136-137; TR letter to Michael A. Schaap, January 24, 1913, in Morison, *Letters of TR*, 698.

²⁴ Lodge, *Selections*, 530.

²⁵ Roosevelt, *Autobiography*, 481; Wiebe, "The Anthracite Strike of 1902," 245.

²⁶ TR letters to Henry Cabot Lodge, September 27 and October 7, 1902, in Lodge, *Selections*, 533, 537; TR letter to Attorney General Knox, August 21, 1902, in Morison, *Letters of TR*, 3:323; letters to Knox from David Willcox, vice president and general manager of Delaware & Hudson Company, June 7 and October 6, 1902; and from Walter W. Ross, general attorney of Delaware, Lackawanna & Western Railroad Co., October 6, 1902, in Philander C. Knox Papers, Library of Congress, Box 25; Roosevelt, *Autobiography*, 481.

Roosevelt believed that there was “literally nothing” that “the National Government has any power to do in the matter.” He followed the advice he received from Attorney General Knox, whose papers contain an unsigned, undated legal memorandum analyzing one of the letters from a mine owner representative, plus a communication from Knox to Roosevelt in early October begging the president’s indulgence for him to present his analysis of the same letter “in a more finished and fuller way.” The thrust of the memorandum was that the strike was not subject to *federal* government action because the United States Supreme Court had declared the Sherman Antitrust Act inapplicable to production of goods, as distinct from their interstate transportation; and that the *Debs* case involved, unlike the coal strike, interference with the transportation of federal mail.²⁷

As the strike dragged on, Roosevelt underwent a transformation in his understanding of presidential power in labor disputes. He explained later that the strike was a “great national crisis” that allowed him as president to move beyond what the Constitution required or what Congress authorized him to do.

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²⁷ Knox Papers, Library of Congress, Box 25 (the legal memorandum) and Box 31 (Knox letter to TR, October 7, 1902), both referring to the Walter W. Ross letter dated October 6, 1902, *supra*. The Supreme Court case referred to was *United States v. E.C. Knight Co.*, 156 U.S. 1 (1895), in which the Court held that monopolizing the in-state manufacture of refined sugar (even if intended for interstate shipment) was not a violation of the Sherman Antitrust Act because that law regulated only the actual transportation of goods in interstate commerce. Manufacturing was constitutionally subject to regulation exclusively by the state where it occurred. Knox had orally given the same advice to Roosevelt, who was awaiting Knox’s “little brief on the matter.” TR letter to Mayor Seth Low of New York City, October 3, 1902, in Morison, *Letters of TR*, 3:337. Roosevelt told former President Cleveland and Senator Lodge essentially what appears in the memorandum from the Knox papers. TR letter to Cleveland, October 5, 1902, in Morison, *Letters of TR*, 3:338-339; Lodge, *Selections*, 533.

He asserted the president's "legal right to do whatever the needs of the people demand, unless the Constitution or the laws explicitly forbid him to do it."²⁸ He equated the coal strike and the contradictory advice he was receiving with Lincoln's challenges during the Civil War and expressed his determination not to follow pre-Civil War President Buchanan's principle "of striving to find some constitutional reason for inaction."²⁹

Roosevelt's first step in the direction of expanded presidential power was tentative, in the sense that he first relied on his personality and the bully pulpit of his office. He took the unprecedented and dramatic step of inviting representatives of the mine owners and the union to meet with him at the temporary White House on October 3.³⁰ Roosevelt heightened the drama by appearing in a wheelchair. It was a legitimate posture, because Roosevelt's carriage had recently been sideswiped by a trolley car in Pittsfield, Massachusetts, injuring the President and killing his bodyguard. Roosevelt's injured left leg was operated on twice in the ensuing month.³¹

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²⁸ Roosevelt, *Autobiography*, 479. TR's daughter remembered that "there was a howl from the newspapers that his 'interference' was unconstitutional. That protest is amusing to recollect, as one observes the present day role of government, in its 'interference' with labor and industry." Alice Roosevelt Longworth, *Crowded Hours* (New York: Scribner, 1933), 54-55.

²⁹ Roosevelt, *Autobiography*, 479; TR letters to William Allen White and Robert Bacon, October 6 and 7, 1902, respectively, in Morison, *Letters of TR*, 3:343-344; TR letter to Massachusetts Governor Murray Crane, October 22, 1902, in Morison, *Letters of TR*, 3:360, 362. Roosevelt wrote the letter to Crane soon after the end of the strike as "a full account of the whole affair." *Ibid.*, 3:359.

³⁰ TR letter to Lodge, September 30, 1902, in Lodge, *Selections*, 535. The White House was then undergoing a major restoration. Morris, *T Rex*, 149.

³¹ Morris, *T Rex*, 141-143; Lodge, *Selections*, 535; Wagenknecht, *Seven Worlds*, 28; Gould, *Presidency*, 65, 66.

In attendance before the wheelchair-bound President were six representatives of the coal mine operators, including the deity-invoking George Baer; four UMW officers, including John Mitchell; Attorney General Knox; Commissioner of Labor Carroll D. Wright, who had been monitoring the strike for the President; and George Cortelyou, Roosevelt's private secretary and a future cabinet member.³² Roosevelt began the meeting by reading a statement in which he "disclaim[ed] any right or duty to intervene in this way upon legal grounds or upon any official relation that I bear to the situation." Nevertheless, he said he represented the affected general public and asked for "an immediate resumption of operations in the coal mines in some such way as will without a day's unnecessary delay meet the crying needs of the people."

At this stage, Roosevelt was leaving it to the management and union parties to determine how to resolve their conflict, although they had been unable to do so since early spring. Mitchell immediately offered face-to-face negotiations with the mine operators or, if that failed, third-party resolution, suggesting that the president name a tribunal whose award the parties would agree in advance to accept. The mine owners took a different approach. Baer

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³² Except as noted, the following account of the meeting is from the government-printed *Report of the Conference between the President and Representatives of the Anthracite Coal Companies and Representatives of the United Mine Workers of America, October 3, 1902*, in Knox Papers, Library of Congress, Box 25; with further color provided by Morris, *T Rex*, 155-161, and Sullivan, *Our Times*, 2:431-433. That Roosevelt saw the meeting as an important influence on public opinion is suggested by the fact that the government printed and distributed the *Report* immediately after the meeting. Morris, *T Rex*, 161.

expressed their annoyance by first detailing the violent misdeeds of the union and its supporters ("the fomentors of this anarchy"), but he then offered to submit the miners' "alleged grievances" to the local courts. The offer was significant because it meant that the mine operators were agreeing to third-party resolution, albeit in a venue different from that proposed by Mitchell. Despite this significant concession and its acknowledgment in the government's *Report* of the meeting, management's offer to let the courts decide was ignored. Roosevelt did not mention it in his *Autobiography*. On the contrary, his statement there was that the owners "refused to talk of arbitration or other accommodation of any kind."³³

What Roosevelt focused on later in discussing the owners' conduct at the meeting was their "most insolent frame of mind" and their "language that was insulting to the miners and offensive to me." He contrasted the operators' conduct with that of Mitchell, "who kept his temper admirably and showed to much advantage." Mitchell later described the operators' performance at the meeting as "a series of tirades and invectives against the union and its officers, which left no ground for discussion or conciliation." He too omitted any reference to the operators' offer to submit disputed issues to the local courts.³⁴

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³³ Roosevelt, *Autobiography*, 481. One historian contends that the union opposed resolution by local judges because they were "not particularly known for pro-labor sympathies," which may also explain why the mine owners proposed that form of adjudication. Greenberg, *TR and Labor*, 152-153.

³⁴ Roosevelt, *Autobiography*, 481; Mitchell, *Organized Labor*, 387-388; TR letter to Hanna, October 3, 1902, in Morison, *Letters of TR*, 3:337.

It is difficult to believe that Roosevelt did not notice the operators' offer of judicial resolution. Not only was it mentioned in the government *Report*, but the chief of the federal government's Division of Mineral Resources also told Roosevelt on October 8 that George Baer had amended the mine owners' court-resolution proposal to allow referral of outstanding strike issues to any higher court designated by the president. Roosevelt refused to convey this amendment to the union unless other mine operators agreed to it and, further, unless they apologized to him for their conduct at the meeting on October 3.³⁵

A more likely explanation for Roosevelt's course is that he concluded that the October 3 meeting's publicity had weakened the operators' public standing while strengthening that of the union. In the days after the meeting, the press generally condemned the operators' attitude and reported that the union had gained popular support. Lodge told Roosevelt that the striking miners gained sympathy because of what was perceived as Mitchell's "fair proposition." Even "so naturally conservative a man" as former President Cleveland, who had forcibly suppressed the 1894 railway strike, wrote that he supported Roosevelt's actions.³⁶

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³⁵ Cornell, *Anthracite Coal Strike*, 200. My belief that this was a deliberate repudiation of the employer proposal is not shared by Morris, who explains it away as a failure by both the president and the UMW to catch the "significance" of the owners' suggestion for third party resolution. *T Rex*, 159-160. Roosevelt may also have been aware of the union's continued resistance to judicial resolution, as Mitchell allegedly told Oscar Straus of the NCF that the owners' idea of mine-by-mine resolutions was too burdensome. Cornell, *Anthracite Coal Strike*, 191.

³⁶ *Ibid.*, 189-190; Lodge letter to TR, October 5, 1902, in Lodge, *Selections*, 536-537; Roosevelt, *Autobiography*, 488; TR letter to Hanna, October 5, 1902, in Morison, *Letters of*

Having tried inaction and then mediation, Roosevelt devised a supposedly secret plan to send the army to the coal fields. Upon a request from the governor of Pennsylvania for federal troops to maintain order, he would send the army to seize the mines and run them until an Investigating Commission could "decide on the rights of the case" and report findings to him for further action. He had already arranged for Cleveland to serve on the commission, which Roosevelt said would investigate the conditions and causes of the strike, including at this late date "whether there has been violence and if so to what extent."³⁷ He did not tell Cleveland about the military aspect of his plan.

Roosevelt was at pains in his *Autobiography* to dispel any inference that army seizure of the mines smacked of dictatorship. Describing in an avuncular way his selection of the retired Major General John M. Schofield as commander of the troops, he later wrote, "He was a fine fellow – a most respectable-looking old boy, with side whiskers and a black skull-cap, without any of the outward aspect of the conventional military dictator." Although neither Roosevelt in his *Autobiography* nor his biographers have shed much

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TR, 3:342-343. The Cleveland letter of October 4, 1902, which suggested a cooling-off period, and Roosevelt's extensive reply on the following day are both set forth in Joseph Bucklin Bishop, *Theodore Roosevelt and His Time Shown in His Own Letters* (New York: Scribner, 1920), 1:204-207. Sullivan, *Our Times*, 2:433-435, credits Cleveland's letter to Roosevelt as emotional inspiration and political cover for what Roosevelt did next, but he offers no substantiating evidence for this interpretation. Roosevelt expressly rejected Cleveland's idea of a cooling-off period as unworkable. Bishop, *TR and His Time*, 1:207.

³⁷ TR letter to Cleveland, October 10, 1902, in Morison, *Letters of TR*, 3:346-347; TR letter to Cleveland, October 13, 1902, in Bishop, *TR and His Time*, 1:209.

light on why Roosevelt selected a supposedly unthreatening retiree to command the troops, Schofield had a strike suppression background. Ten years earlier, in 1892, Schofield commanded fifteen hundred federal soldiers sent to the Coeur d'Alene mining district, where they assisted in protecting strikebreakers and arresting strike leaders and sympathizers.³⁸ This suggests that Roosevelt picked Schofield to keep both owners and strikers in doubt about his ultimate intentions.

Roosevelt claimed in his *Autobiography* that only General Schofield knew about the mine-seizure component;³⁹ however, a few days after hatching the mine seizure plan, Roosevelt wrote Governor Crane of Massachusetts that he had "outlined" it to Secretary of War Elihu Root and Attorney General Knox and told them to write letters of protest if they wanted to avoid responsibility, a suggestion that implies their knowledge of a potentially controversial military action. Supporting that implication, he also said that Root had informed him that ten thousand army regulars were available immediately.⁴⁰

Writing to his biographer in 1930, Root expressed uncertainty about whether Roosevelt would have actually sent federal troops to take possession of the mines. "Theodore," Root wrote, "was a bit of a bluffer occasionally, and at the same time he had nerve to go on – to take a chance his statements

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³⁸ The violent Coeur d'Alene strike in 1892 also reverberated in Roosevelt's later career, since it led to the formation of the Western Federation of Miners that Roosevelt despised and about which we will have more to say. Foner, *History of Labor Movement*, 2:232-234.

³⁹ Roosevelt, *Autobiography*, 489-490.

⁴⁰ TR letter to Crane, October 22, 1902, in Morison, *Letters of TR*, 3:362-363.

would have the deciding effect and, if not, to go on and trust the country would back him up." Attorney General Knox had firmer doubts about Roosevelt's intention to seize the mines. Much later, Knox said that Roosevelt had asked him for a legal opinion about seizure of the mines. When Knox responded that Roosevelt lacked the power to do it, Roosevelt said he would abide by Knox's opinion. Consistent with Knox's recollection, during the intermission of his October 3 meeting with the mine and union representatives, Roosevelt wrote the mayor of New York City that the idea of seizing the mines and having the government act as a "receiver" was "absurd."⁴¹

Root was concerned enough that he felt "as if Roosevelt needed a little help . . . Roosevelt, after all, was a young fellow [TR was forty-three years old; Root was fifty-seven] without very much experience in the ordinary affairs of life." The "little help" that Root devised was "a way for the people to get out of the impasse without humiliation," and, by implication, without use of force. His concept was simultaneously to address the "double line of complaints" – the miners' objection to existing work conditions and the owners' objection to any

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⁴¹ Philip C. Jessup, *Elihu Root* (New York: Dodd, Mead, 1938), 1:275-276; David S. Barry, *Forty Years in Washington* (Boston: Little, Brown, 1924), 251; TR letter to Mayor Seth Low, October 3, 1902, in Morison, *Letters of TR*, 3:337. In 1915, commenting to the English foreign secretary about English strikes during World War I, Roosevelt recalled that he had been prepared to send in the army during the anthracite coal strike, "dispossess for the time being the capitalists," and forbid "the smallest outrage or interference on the part of the striking workingmen." That he did not have to do so resulted when "the capitalists and workingmen both became impressed with the fact that drastic action impended." TR letter to Edward Grey, November 24, 1915, in Morison, *Letters of TR*, 8:987. There has never been an explanation of the practicality, as distinct from the symbolism, of expecting ten thousand soldiers with no mine training to replace one hundred fifty thousand experienced miners, while simultaneously maintaining order in the mining district.

kind of recognition of the union's right to speak for the miners. What Root wanted was a statement from the owners that while they remained unwilling to make an agreement with or recognize the UMW as the representative of the workers, they were willing to submit the existing situation to impartial adjudication. "[I]t was a damned lie," Root said, "but it looked fair on paper."⁴² Although Root's solution seemed to be a rehash of a union proposal that the mine owners had already rejected, he framed it so that neither the union nor the president would actually propose it.

On October 9, Root wrote to J. P. Morgan, outlining his proposed solution. At Morgan's invitation, Root spent the day of October 11 on Morgan's yacht, *Corsair*. He persuaded Morgan that his idea to resolve the strike would be the best course for the mine owners. Root later denied that he had threatened government action, which would preclude his having raised Roosevelt's military option.⁴³ Morgan was probably amenable without government threats, because he had led Senator Hanna to believe in late September that the financier would agree to a third-party "decision," a position that the operators, through Baer, "absolutely refused to entertain" at that early date.⁴⁴ Since Baer had expanded the owners' definition of acceptable third-

⁴² Jessup, *Elihu Root*, 1:275-276.

⁴³ Roosevelt knew that Root met with Morgan. Jessup, *Elihu Root*, 1:275-276; Cornell, *Anthracite Coal Strike*, 218; TR letter to Crane, October 22, 1902, in Morison, *Letters of TR*, 3:363. One Roosevelt biographer suggests that the military plan "must have been outlined" by Root to Morgan, but this is speculation. Pringle, *TR Biography*, 193.

⁴⁴ Hanna letter to TR, September 28, 1901, in Bishop, *TR and His Time*, 1:201.

party resolution three days before Root met with Morgan, logic also suggests that Root may not have needed to unsheathe Roosevelt's sword to convince Morgan. Moreover, the failure of the Pennsylvania National Guard's recent arrival in the coal fields to encourage a back-to-work movement would have demonstrated to the mine owners that their wait-and-see strategy for breaking the strike was moribund.⁴⁵

Having reached agreement, Morgan and Root then drafted "a little memorandum" on the yacht's stationery in which the *owners*, rather than the union or the president, proposed a presidential commission to arbitrate the labor dispute. When that was done, they took a cab to a private club, where Morgan proposed the memorandum to various mine owners. The owners approved the Root-Morgan memorandum, but added the condition that the arbitration commission had to be composed of five members -- an expert mining engineer, a man with experience in mining and selling coal, a military officer from the engineering corps, a federal judge from the Eastern District of Pennsylvania, and a person "eminent as a sociologist." Morgan and Root then transmitted the amended mine owner proposal to Roosevelt. By October 13, it was announced that the mine owners were proposing arbitration.⁴⁶

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⁴⁵ On the effect of the Pennsylvania National Guard's presence, see Cornell, *Anthracite Coal Strike*, 219-222.

⁴⁶ Jessup, *Elihu Root*, 1:275-276. Roosevelt reproduced the "little memorandum," as amended by the operators, in his letter to Governor Crane, October 22, 1902, in Morison, *Letters of TR*, 3:363-365; Sullivan, *Our Times*, 2:440; Roosevelt, *Autobiography*, 482; Greenberg, *TR and Labor*, 155-157.

It was Mitchell's turn to object. He questioned the fairness of an arbitral body packed by the operators, but he was willing to agree if the commission were enlarged by the addition of a representative of organized labor and a Catholic ecclesiastic, because the miners were predominantly Catholic. The mine owners demurred, emphatically on the first point, and Morgan sent two of his associates, Robert Bacon and George W. Perkins, to discuss the commission further with Roosevelt on October 15. Roosevelt knew and liked both men. Bacon had been his Harvard classmate and later became his secretary of state. Perkins would serve as Roosevelt's chief money-raiser and head of the Progressive Party when Roosevelt tried to reclaim the presidency in 1912. He regarded them as "entirely reasonable," but they were under strict orders from the operators not to allow the appointment of a labor representative.⁴⁷ Their meeting with Roosevelt became the occasion for the strike's comic relief, and Roosevelt would later tell and retell the story with glee.

"[A]fter about two hours' argument" over adding members to the commission, Roosevelt wrote, "it dawned on me that they were not objecting to the thing, but to the name. I found that they did not mind my appointing any

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⁴⁷ TR letter to Morgan, October 15, 1902, in Morison, *Letters of TR*, 3:351-353; Roosevelt, *Autobiography*, 482-483; Lewis L. Gould, *Four Hats in the Ring: The 1912 Election and the Birth of Modern American Politics* (Lawrence, Kan.: University Press of Kansas, 2008), 130. In a pre-strike letter to his brother-in-law, Douglas Robinson, on October 4, 1901, TR described Bacon and Perkins as "men of the highest character, who are genuine forces for good." Morison, *Letters of TR*, 3:159.

man, whether he was a labor man or not, as long as he was not appointed as a labor man, or as a representative of labor." Roosevelt wrote to Lodge (and later used some of the same imagery in his *Autobiography*) that he finally realized that "the mighty brains of these captains of industry had formulated the theory that they would rather have anarchy than tweedledum, but that if I would use the word tweedledee they would hail it as meaning peace."

With that illumination, Roosevelt announced that he would appoint as the "eminent sociologist" the chief executive of one of the railroad unions, even though he doubted the labor official "had ever previously heard" of such a title. He then appointed a Catholic bishop to be the seventh man on the commission. Bacon and Perkins, speaking for the operators, "saw nothing offensive in my language and nothing ridiculous in the proposition, and Pierpont Morgan and Baer, when called up by telephone, eagerly ratified the absurdity."⁴⁸ Roosevelt's tweedledee appointment of an eminent sociologist to the commission suggests the same labor relations insight as Root's earlier idea that an already rejected presidential commission could be resurrected by shifting its sponsorship to the owners. Both TR and Root understood that the appearance of things, no matter how bizarre, is what may count most in labor disputes.

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⁴⁸ Roosevelt, *Autobiography*, 482-484; Lodge, *Selections*, 539-540. In a letter to the humorist, Finley Peter Dunne, creator of "Mr. Dooley," Roosevelt described the commission's appointment process as "screaming comedy." Morison, *Letters of TR*, 3:357. In contrast to Roosevelt's rollicking recitation of these events, Root's dry recounting of the same facts nine months later provides its own humor. Bishop, *TR and His Time*, 1:212-213, 216.

Within a week, the representatives of the striking miners voted to end the strike, and "all questions in dispute were submitted to the arbitration of the commission appointed by the President of the United States."⁴⁹ After a three-month period during which it heard 240 union witnesses, 154 operator witnesses, and 153 strikebreaker witnesses, and gathered over ten thousand pages of testimony and exhibits, the arbitration commission ordered significant percentage wage increases along the lines demanded by the union and workday hours reductions to eight hours without loss of pay for some classifications and nine hours for others.⁵⁰ Although it did not order the operators to recognize the union's representative status, it ordered de facto recognition by establishing a conciliation board to interpret and administer its other orders. The conciliation board was to be composed of an equal number of operator and union representatives.⁵¹

Mitchell regarded the outcome as "a clear victory for the men [that] justified the declaration of the strike" and "a landmark in the history of labor."⁵² AFL president Samuel Gompers later said that the strike was "the most important single incident in the labor movement in the United States" and that

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⁴⁹ Mitchell, *Organized Labor*, 390.

⁵⁰ Most of the miners' were paid based on time worked rather than the "tonnage" of coal mined. Cornell, *Anthracite Coal Strike*, 111.

⁵¹ Mitchell, *Organized Labor*, 393-396; Grossman, "The Coal Strike of 1902," 26. Voting deadlocks were to be resolved by decision of a federal appellate judge. James Ford Rhodes, *The McKinley and Roosevelt Administrations, 1897-1909* (New York: Macmillan, 1923), 247.

⁵² Mitchell, *Organized Labor*, 391.

it “abolished” the whole system of company dominance in the coal mines.⁵³

Roosevelt believed that “the great monied interests” and the newspapers they controlled never forgave his coal strike actions.⁵⁴

Some historians agree that Roosevelt’s handling of the strike was a watershed in American labor relations, because it achieved a “new standing” for organized labor, according to one,⁵⁵ and defended “the legitimate rights of labor,” according to another.⁵⁶ Less effusively, Hofstadter credits Roosevelt for deviating from prior presidents’ strike interventions as “partisans of the captains of industry” (i.e., Hayes in 1877 and Cleveland in 1894) by seeming “in the public eye to stand not only apart from but above the opposing sides.”⁵⁷

Nevertheless, Roosevelt’s twists and turns during the strike and his virtual silence about its underlying issues suggest that he did not have a principle at stake or a policy in mind. One historian of the coal conflict calls the strike an example of the “passive nature” of Roosevelt’s labor policy in his first presidential term.⁵⁸ Roosevelt’s intervention resolved only one labor dispute, without establishing principles for government to follow in future strikes. That the anthracite coal strike became part of American labor’s folklore does not alter the fact that it provided no long-term palliatives to labor strife when

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⁵³ Gompers, *Seventy Years*, 2:126-127.

⁵⁴ Roosevelt, *Autobiography*, 492-493.

⁵⁵ Cornell, *Anthracite Coal Strike*, 259.

⁵⁶ Pringle, *TR Biography*, 195.

⁵⁷ Richard Hofstadter, *The Age of Reform* (New York: Knopf, 1955; Vintage, 1960), 235-236.

⁵⁸ Greenberg, *TR and Labor*, 221.

collective bargaining fails.⁵⁹ Although Roosevelt proved that government intervention could resolve a major strike without invoking the authority of the courts or the military, the settlement of the coal strike did not include a comprehensive labor relations program, rule, or precedent.

No one understood this better than Roosevelt. As he explained, the strike was “absolutely peculiar, because we dealt with a necessity of life,” so that “everything [including resolution of bargaining issues, stopping strike violence, and the rights of non-strikers to work] had to give way to the prime necessity of saving people as a whole from a fearful calamity – or rather, had to be postponed to thus saving them.” Yet, he still believed that “*under ordinary conditions* a strike is not a subject for interference by the President.”⁶⁰

In 1920, Joseph Bucklin Bishop wrote in his authorized biography of Roosevelt that the coal strike commission secured labor peace in the anthracite mines “permanently, for since 1902 there has been no strike there and no serious labor trouble.”⁶¹ Nevertheless, as a Roosevelt contemporary observed, “In the quarter century that passed between the coal strike of 1902

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⁵⁹ Whether intended or not, the strike resolution provided political cover for Roosevelt in his 1904 presidential campaign, because it signified that he and his party were not the captives of the trusts, including the railroads that owned the mines. Lewis L. Gould, *Reform and Regulation*, 3rd ed. (Prospect Heights, Ill.: Waveland, 1996), 35, 54. Roosevelt certainly did not disavow the political benefit of labor support, as symbolized by the inclusion in his inaugural parade of “the anthracite coal miners in their miners’ caps, who, since the settlement of the coal strike, had a special feeling” for him. Longworth, *Crowded Hours*, 66.

⁶⁰ TR letter to his sister Anna, October 16, 1902, in Cowles, *Letters from TR*, 253-254 (emphasis added). Beyond the labor implications, historians argue that the enduring significance of Roosevelt’s strike intervention was its contribution to “enhancing the power of the presidency.” Gould, *Presidency*, 69; Wiebe, “The Anthracite Strike of 1902,” 251.

⁶¹ Before his death, Roosevelt reviewed and approved the part of the Bishop biography that covers the coal strike and its immediate aftermath. Bishop, *TR and His Time*, 1:vii, 219.

and the year 1927, it cannot be said that any measurable progress had been made, either in England or in America, toward formulating means for settling strikes through official governmental action."⁶² As this implies, the anthracite coal strike exposed, without resolving, underlying weaknesses in collective bargaining that seemed to call for further government attention.

We should not presume to judge what Roosevelt accomplished in 1902 from the perspectives of today, or of the labor management environments in the 1930s and 1940s when Congress did try to formulate a labor policy.⁶³ But we should not forget that the problems were visible in 1902 and that Roosevelt did not attempt to craft structural solutions.

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⁶² Sullivan, *Our Times*, 2:444n.

⁶³ Congressional labor legislation in those decades is discussed below in the Conclusion.

Figure 3

JOHN MITCHELL
President of the United Mine Workers of America

Figure 4

PRESIDENTS OF COAL ROADS DURING THE GREAT COAL STRIKE OF 1902

E. B. THOMAS,
Erie R. R.

THOS. P. FOWLER,
New York, Ontario & Western

GEO. F. BAER,
President Phila. & Reading

R. M. OLYPHANT,
President Del. & Hudson R. R.

WM. H. TRUESDALE,
President D. L. & W. R. R.

ALFRED WALTER,
Lehigh Valley R. R.

C. Military Intervention in Labor Disputes

Roosevelt's threat to send the army to Pennsylvania during the anthracite coal strike distracts us from the fact that for months he did not seriously consider using federal troops to bring order to the coal fields. That fact is significant because Roosevelt usually insisted on suppression of strike violence before addressing the underlying labor problems.

Roosevelt had information about violence during the anthracite coal strike, and he believed that strike violence was inevitable in such a massive strike. At the October 3 wheelchair meeting, Mitchell's counter to the operators' accusation that twenty people had been murdered was to admit to only seven deaths. In his later recounting of strike events, Mitchell conceded that some strikers and their sympathizers acted violently, sometimes fatally, but he argued that it was "utterly impossible to control every act and deed" among one hundred fifty thousand strikers. A case in point was when a mob of five thousand strikers and strike sympathizers in late July 1902 beat two men (one of them a shopkeeper) to death for trying to protect non-strikers. The incident received national publicity.⁶⁴

Roosevelt acknowledged to a biographer that disorder in the anthracite coal strike "has been very great in the present instance and of a very evil kind," but he also observed that he had received reports to "the exact

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⁶⁴ TR letter to Governor Crane, October 22, 1902, in Morison, *Letters of TR*, 361; Cornell, *Anthracite Coal Strike*, 151-152, 186-187; Mitchell, *Organized Labor*, 381, 385; Morris, *T Rex*, 134.

contrary.” In either event, he was of the opinion that the existence of violence “in no way justifies a refusal to have some dispassionate body settle the respective rights and wrongs of the two parties.” Dealing with violence had to wait, “vital though I deemed it that violence should be stamped out,” because the shortage of coal threatened innocent people with a calamity. “When the calamity has been averted then the other question can be taken up.” He rejected a suggestion that he condemn the violence on the basis that “not a particle of good would come from my denouncing the outrages in question.”⁶⁵ In short, when faced with a strike of some undefined enormity, he was willing to bypass his normal sequence of order before equity.

Moreover, the threat to dispatch troops under General Schofield did not prefigure a policy for utilizing the military option in the future. Root’s biographer asserts that Roosevelt as president “was inclined to resort rather readily to the use of federal troops” to control an impending riot of striking miners.⁶⁶

Roosevelt was certainly not shy about threatening military action.

Representative of such rhetoric were the two opportunities he took in Chicago in May 1905 to publicize his willingness to use the army there in response to an ongoing strike. He told labor leaders that he would not hesitate to use the

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⁶⁵ TR letters to Joseph Bucklin Bishop, October 13, 1902, and Ethelbert Talbot, October 29, 1902 in Morison, *Letters of TR*, 3:349, 371; TR letter to his sister Anna, October 16, 1902, in Cowles, *Letters from TR*, 253-254.

⁶⁶ Jessup, *Elihu Root*, 270. This contention leads directly to the Root biography’s discussion summarized above implying that Root was the peacemaker and Roosevelt the militarist during the 1902 anthracite coal strike.

army to suppress rioting. Then he publicly announced "in the plainest possible language" that his government would act against disorder "whenever the necessity arose." He assessed his remarks proudly, "So if the rioting in Chicago gets beyond the control of the State and City, they now know well that the regulars will come."⁶⁷

Similarly, during a post-presidential 1910 speaking tour, he declared that, notwithstanding his support of workers' rights, in labor disputes the first duty of an "honest and upright civil official is to restore order" because "while the mob rules there is no time to find out the right and the wrong of the question at issue between that mob and any person or any corporation."⁶⁸

In practice, however, President Roosevelt was hardly doctrinaire. He approached *each case as it arose*. Subsequent to the anthracite coal strike, Roosevelt faced four major occasions when state governors called on him for military assistance in connection with labor conflicts: Arizona in 1903, Colorado in 1903-1904, Idaho in 1906, and Nevada in 1907-1908. He reacted differently to each request.

When mine workers in Morenci, Arizona, struck in June 1903 to protest the territorial legislature's enactment of a limitation on daily hours of work without maintaining their daily pay levels, the acting governor requested federal troops to prevent an impending riot. The federal government promptly

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⁶⁷ TR letters to Henry Cabot Lodge, May 15 and 24, 1905, in Morison, *Letters of TR*, 4:1179-1180, 1193; TR letter to son Kermit, May 14, 1905, in Irwin, *Letters to Kermit*, 101.

⁶⁸ Roosevelt, *New Nationalism*, 172.

sent troops, who were ordered to take action only if local authorities could not restore order. Secretary of War Root's biographer argues that this demonstrates Roosevelt's inclination to send troops to quell labor disturbances unless restrained by Root, who happened to be away from Washington. Roosevelt's role in the episode, however, is historically unclear. He was also out of town, and the order to send troops was issued by the acting secretary of war and the acting adjutant general. Roosevelt nevertheless took credit for the order. In any event, the troops were quickly withdrawn when they found no disorder, a recall that was not present in some of the other instances discussed below.⁶⁹

During a strike in Colorado by the Western Federation of Miners (WFM) beginning in 1903, the Roosevelt administration initially refused to send troops, on the dual grounds that the governor failed to demonstrate the state's inability to cope with violence and inappropriately sought to put federal troops under state direction and control.⁷⁰ Root, a skilled lawyer trying to rationalize federal intervention in labor conflicts, had shown Roosevelt that the United States Constitution limited domestic use of the army to requests from affected states for aid to suppress "insurrections," but that subsequent congressional

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⁶⁹ For Roosevelt's involvement, see Jessup, *Elihu Root*, 270; Greenberg, *TR and Labor*, 225-226; Jacob Riis, *Theodore Roosevelt the Citizen* (New York: Outlook, 1904), 380; TR letter to Lyman Abbott, September 5, 1903, in Morison, *Letters of TR*, 3:593. For his non-involvement, see Bennett Milton Rich, *The Presidents and Civil Disorder* (Washington, D.C.: Brookings Institution, 1941), 122n. The Arizona action led to labor criticism of Roosevelt as "unfriendly." Riis, *TR the Citizen*, 371.

⁷⁰ TR letter to Philip Bathell Stewart, November 23, 1903, in Morison, *Letters of TR*, 3:656.

enabling legislation gave the president power to decide if an insurrection actually exists and what force is “necessary and sufficient to suppress such insurrection.”⁷¹ Whether or not Roosevelt intervened militarily, as we will see, seems to have depended on how his decision would affect one particular union, the WFM.

During the following summer, the Colorado labor dispute escalated in the Cripple Creek mine area. There was evidence of violence perpetrated by both the WFM and organizations supporting the mine owners. A local Citizens’ Alliance, frustrated by the economic effects of the strike, allied itself with the Mine Owners Association to enforce the governor’s order that the militia transport union mine workers from the area.⁷² As the Cripple Creek violence increased, the *union* asked for federal troops to protect their members from what it characterized as state-supported violence. Roosevelt procrastinated, waiting for several investigative reports on the situation. By September 1904, state militia had neutralized the WFM by closing union-represented mines and deporting union miners.⁷³

Roosevelt offered various rationales for his Colorado inaction. He told a journalist that he could not accede to the union miners’ request for protection because it would “require” unlimited federal interference in local disputes,

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⁷¹ TR letter to Governor Edwin Warfield of Maryland, February 12, 1904, in Morison, *Letters of TR*, 4:727-728.

⁷² TR letter to Carroll D. Wright, June 6, 1904, in Morison, *Letters of TR*, 4:838, 838n.

⁷³ TR letters to Wright, August 4, 5, 13, 22, and 25, 1904, in Morison, *Letters of TR*, 4:880, 882-883, 891-892, 900-901, 900-901n, 905.

including "in every State where a negro is lynched." To his political confidant, Philander C. Knox, however, Roosevelt sympathized with the Colorado governor for "manfully [doing] his duty in stopping disorder and in battling against a corrupt and murderous conspiracy among the Federation of Miners."⁷⁴ The suspicion from this episode is that Roosevelt's decision not to send troops was motivated in large part by the fact that the WFM, a union that he intensely disliked, had made the request. Anti-WFM motivation becomes even more apparent as we examine the Idaho and Nevada situations.⁷⁵

The Idaho request for federal troops in early 1906 did not involve a strike in progress, but it did involve the WFM. Three of the union's leaders, its secretary-treasurer William D. Haywood, its president Charles H. Moyer, and their supporter and confidant George A. Pettibone, were arrested in Colorado and extradited to Idaho, where they were indicted for the 1905 murder, by dynamite, of former Idaho Governor Frank Steunenberg. The case against the union leaders rested largely upon the testimony of the actual murderer, who said they had hired him to kill Steunenberg. Their motivation was allegedly to retaliate against Steunenberg for requesting, as Idaho governor in 1899,

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⁷⁴ TR letters to Ray Stannard Baker, August 27, 1904; and Knox, November 10, 1904, in *Letters of TR*, 4:909, 1024

⁷⁵ The most prominent leader of the WFM, William D. Haywood, personified the antithesis of Roosevelt's labor views. Haywood enthusiastically supported the Haymarket defendants and the Pullman strikers; led the WFM to become the "dominant factor" in the 1905 formation of the Industrial Workers of the World (IWW), an organization "founded on the class struggle"; and reviled "class collaboration" and the AFL as inconsistent with the principles of unionism. William D. Haywood, *Bill Haywood's Book* (New York: International, 1929), 73, 77, 100, 109, 174-177, 181-182, 185.

federal troops to put down what he termed an insurrection by striking miners in the Coeur d'Alene region after they blew up a mine concentrator and drove all non-striking company personnel away.⁷⁶

With the WFM leaders imprisoned in Idaho, organized labor undertook a national publicity campaign to free them as, according to Roosevelt, "martyrs to the cause of labor." The Idaho governor became concerned that there might be riots on the defendants' behalf, and he requested Roosevelt to send federal troops. Although no riot had occurred (and none subsequently occurred), Roosevelt quickly sent troops to Boise, with instructions to remain there indefinitely. In justification of this action, Roosevelt did not hide his hostility to the WFM and the defendants for their many years of practicing "every form of violence" and for past "incitement to assassination." He also inveighed against their union supporters, including Eugene Debs, for threatening violent revolution if the defendants were convicted, which he interpreted as "a certain duress on the courts or on the Government authorities."⁷⁷

Beginning in July 1907, all the Idaho defendants were acquitted or the charges against them were dropped. But Roosevelt's condemnation of the WFM leaders never abated. He regarded the acquittal of Haywood as a "gross miscarriage of justice" that he supposed was the result of a "terrorized" jury.

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⁷⁶ Greenberg, *TR and Labor*, 317-322. For a compact and clear summary of the case, see Walter Lord, *The Good Years* (New York: Harper & Row, 1960; Bantam, 1962), 140-167.

⁷⁷ TR letters to Attorney General William Moody, March 26, 1906; Secretary of War Taft, April 18, 1906; and magazine editor Lyman Abbott, April 23, 1906, in Morison, *Letters of TR*, 5:196-200, 214, 219.

When the “infamous creatures at the head of the Western Federation of Miners” later opposed the Idaho governor’s re-election, Roosevelt actively supported the governor.⁷⁸

In December 1907, the governor of Nevada requested Roosevelt to send federal troops to reestablish order in his state because of reciprocal violence between what Roosevelt later called “greedy” mine owners and the “lawless” and “constantly armed” WFM. In his *Autobiography*, Roosevelt justified his deployment of troops as temporary “until time had been given for the State authorities to organize their force so that violence could at once be checked.”⁷⁹ This obscures the full picture.

The WFM had gone on strike in late November in opposition to Goldfield, Nevada, mine owners’ payment of wages in scrip that merchants then discounted. Roosevelt sent troops within three days after receiving the governor’s request, even though there was little or no evidence of violence. “It is far better to avoid conflict,” he told the acting secretary of war, “by sending too many troops than by sending too few to run the risk of inviting bloodshed.” After the arrival of the troops, the mine owners opportunistically announced wage reductions and their intention not to hire men affiliated with the WFM.

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⁷⁸ Morison, *Letters of TR*, 5:189n; TR letter to Whitelaw Reid, July 19, 1907, in Morison, *Letters of TR*, 5:733; Greenberg, *TR and Labor*, 322-328.

⁷⁹ Roosevelt, *Autobiography*, 390-392.

Yet, there was still no violence.⁸⁰

During more than two months beginning on December 17, 1907, Roosevelt wrote the governor of Nevada five times questioning the justification for federal troops in the absence of insurrection and insisting that the governor should call the Nevada legislature into session to provide for a state police force. Roosevelt recognized that the governor was stalling, but he repeatedly postponed removal of the troops from Nevada until March 7, 1908. One effect of their presence was to help break the WFM strike.⁸¹

Roosevelt's various demonstrations of animosity toward the WFM in the Colorado, Idaho, and Nevada incidents suggest that on labor matters his was a government of men, not of laws or principle. As the eminent Roosevelt scholar, Elting Morison, observes, justice for Roosevelt was a matter of "personal intuition," lacking any "organized statement of self-evident truths about man and his requirements to provide a direction or a basis for judgment in political action."⁸²

Roosevelt's hostility to the Western Federation of Miners and its leaders did not mean, however, general hostility to unions or strikes. It reflected his distinction between good and bad labor leaders. As he told a supporter of the

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⁸⁰ TR letter to Robert Shaw Oliver, December 6, 1907, in Morison, *Letters of TR*, 5:863; Rich, *Presidents and Civil Disorder*, 125-128.

⁸¹ TR letters to Governor John Sparks, December 17, 20, and 28, 1907, January 4, 1908, and February 4 and 7, 1908, in Morison, *Letters of TR*, 6:866, 868, 877, 895-896, 923, 927; Rich, *Presidents and Civil Disorder*, 129, 131, 133, 134-135.

⁸² Morison, *Letters of TR*, 5:xvii.

WFM leaders, he drew the “sharpest possible line” between them and “law-abiding and upright representatives of labor.”⁸³ Just as he railed against Haywood and Moyer of the WFM as bad labor leaders, he rewarded John Mitchell of the United Mine Workers as a good labor leader during the anthracite coal strike.⁸⁴

When the WFM was not involved, Roosevelt showed restraint in his exercise of government power in strike situations, as he demonstrated early in 1908 in response to a threatened railroad strike. The presidential precedent for dealing with railroad strikes was Cleveland’s 1894 decision to seek an injunction and then prosecute strike leaders for contempt when the strike did not end. Roosevelt’s response was very different. He notified the Interstate Commerce Commission of his desire for an investigation and publicity about the *railroads’* strike-provoking decision to reduce wages, and he offered government conciliation of the dispute under a post-Cleveland law, the Erdman Act. Roosevelt’s pro-labor and mediating response led to rescission of the wage reductions and settlement of the dispute, for which Gompers and other labor leaders gave him the credit.⁸⁵

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⁸³ TR letter to Honore Jaxon, April 22, 1907, in Morison, *Letters of TR*, 5:653-654. Roosevelt’s hostility to “bad” unions like the WFM extended to his vow (“to the death”) not to hire any of their members. TR letter to John Campbell Greenway, October 5, 1903, in Morison, *Letters of TR*, 3:616-617.

⁸⁴ The distinction helped Roosevelt avoid universal union opposition, because some AFL leaders shared his dislike of violence and radicalism in the union movement. John Morton Blum, *The Republican Roosevelt* (Cambridge: Harvard University Press, 1954; New York: Atheneum, 1963), 59.

⁸⁵ TR letter to ICC, February, 18, 1908, in Morison, *Letters of TR*, 6:947, 948n.

Roosevelt was equally vindictive toward some business leaders as he was toward some union leaders. One footnote to the Haywood/Moyer affair was Roosevelt's public condemnation of the railroad magnate, E. H. Harriman, who had allegedly refused to donate to the Republican Party because he said it was easy for him to buy Democrats, Congress, and the judiciary. Roosevelt denounced Harriman for "cynicism and deep-seated corruption" and declared him "at least as undesirable a citizen as Debs, or Moyer, or Haywood." This reflected Roosevelt's viewpoint that it was "essential that we make it clear that we war on the evil of human nature, whether shown in the labor man or the capitalist."⁸⁶

To Roosevelt, the evils perpetrated by bad labor and corporate leaders undermined the nation's democratic fabric. In the midst of the Haywood/Moyer affair, Roosevelt wrote a revealing letter to the steel magnate and philanthropist, Andrew Carnegie, in which he analogized the conflict about "economic equity between labor and capital" to the French Revolution. On one side were violent extremists who favored change, and they were "to be dreaded almost or quite as much as the Bourbon reactionaries who are against it." Violent labor leaders paralleled French revolutionaries like Marat, Hébert, Robespierre, and Danton, who did no good because they "nullified the good that others did" and produced "a reaction that re-enthroned despotism."

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⁸⁶ TR letters to James S. Sherman, October 8, 1906; Honore Jaxon, April 22, 1907; and magazine editor Lyman Abbott, June 18, 1906, in Morison, *Letters of TR*, 5:452, 653-654, 307.

Such men "did not improve on the morality of the worst nobles of the Old regime; they merely damaged freedom as their predecessors had damaged order."⁸⁷

Roosevelt's comparison between the French Revolution and contemporary economic and social conditions was not casually made. He was a student of the French Revolution, having written a sympathetic biography of Gouverneur Morris, the American minister to France during the Jacobin terror. "There was never another great struggle, in the end productive of good to mankind," he wrote, "where the tools and methods by which that end was won were so wholly vile as in the French Revolution." Beyond his distaste for Jacobin means, Roosevelt saw something even more sinister. In challenging Bourbon absolutist misrule, the revolutionaries also "destroyed the principle of authority" in a government that "represented the whole," by establishing "the rule of an anarchic despotism which, by what seems to a free American a gross misnomer, they called a democracy."

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⁸⁷ TR letters to Carnegie, August 6, 1906; and Ray Stannard Baker, June 3, 1908, in Morison, *Letters of TR*, 5:345, 6:1049. Similarly, while stumping for McKinley in the 1896 presidential campaign, he said that the labor leader, Eugene Debs, and the Democratic candidate, William Jennings Bryan, were "strikingly like the leaders of the Terror in France in mental and moral attitude." Hagedorn, *Works of TR*, 14:258. He even used the comparison against President Woodrow Wilson in connection with a labor matter. Angered by Wilson's yielding to a union demand for legislation to limit the workday in order to avoid a railroad strike, Roosevelt wrote, "I think it is as foolish and as wicked to back any labor union which is wrong as to back any great corporation which is wrong. It makes no difference to the State whether we suffer from a White Terror or a Red Terror; whether the tyranny is that of the ministers of Louis XV, or that of Robespierre, Danton and Marat." Instead, he believed that Wilson should have acted primarily as the representative of "the people of this nation as a whole," rather than of property owners or laborers. TR letter to Lyman Abbott, September 2, 1916, in Morison, *Letters of TR*, 8:1112-1113.

When Roosevelt the champion of an ordered democracy equated militant labor leaders with fanatical Jacobins, he did so because he regarded both as threats to fundamental societal values. For him the worst aspects of the French Revolution provided lessons that were not limited to eighteenth-century France. He wrote:

Jacobinism, socialism, communism, nihilism, and anarchism, -- these are the real foes of a democratic republic, for each one, if it obtains control, obtains it only as the sure forerunner of a despotic tyranny and of some form of the one-man power.⁸⁸

Roosevelt's opposition to such isms went beyond fears of bloody revolution and despotism. It also reflected his commitment to achieving social change by peaceful means. Thus, just as he distinguished between good and bad unions, he distinguished between good and bad socialist principles and methods, depending on whether or not they were "in the interest of the people." Although there were aspects of socialism that he supported, this did not mean that he was "therefore committed to all of Karl Marx's theories." He disagreed "most emphatically" with Marxian Socialism because it was "unalterably opposed to our whole industrial system," sought to destroy capitalism through continual class struggle, and rejected the possibility of reconciliation between the employer and worker classes.⁸⁹

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⁸⁸ Theodore Roosevelt, *Gouverneur Morris* (Boston: Houghton, Mifflin, 1899), 150, 225, 234-235, 259.

⁸⁹ The principles of socialism that Roosevelt identified as worthy of his support were free public schools and compulsory education, neither of which seems purely socialist in

During his 1910 post-presidential tour of Europe, he made a point of observing European socialism. His comments were not positive. In Italy, he sympathized with “some of the Socialistic aims,” but had “a very profound distrust of most of the Socialistic methods” and noted that the “well-meaning” Socialists he met had “wild eyes.” In France, the Republicans who treated him as a soul mate were “very uneasy over the Socialistic propaganda” that seemed headed toward “mob work and general sinister destruction.” In Sweden, he “could not understand the extreme bitterness of the Socialist attitude” that welcomed class destruction by appealing for an end to having children. In Germany, he studied the “advanced” social security system, intended by the emperor “to draw the teeth of the Socialists by remedying all the real abuses.” But he found that this did not stem social discontent that “was primarily political rather than economic.” In Denmark, he was baffled that Denmark’s social security system for manual laborers was “a higher and more intelligent social and governmental action than we have begun to have in America; yet I encountered much bitterness towards the national government among the large and growing Socialist party.”⁹⁰

The negative tendencies he found among Marxists and socialists conflicted with his belief that “employer and employees have overwhelming

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inspiration. Roosevelt, *Autobiography*, 156, 497-498, 515; TR letter to Emerson Hough, May 4, 1908, in Morison, *Letters of TR*, 6:1022.

⁹⁰ TR letter to Trevelyan, October 1, 1911, in Morison, *Letters of TR*, 7:359, 380, 385, 390, 398.

interests in common, both as partners in industry and as citizens of the Republic." Even when their interests diverged, he was confident that adjustments could be made by changes in law and its interpretation. Roosevelt's optimistic political philosophy led him to a middle-of-the-road position between the revolutionary Marxian socialists and the "reactionaries" whose "standing pat" on matters of industrial justice provoked revolution. He was comfortable there, because it allowed him to place a foot on either side of the road so that he could practice "sane radicalism."⁹¹

Roosevelt's linkage of dangerous isms with "bad" unions did not mean that there were no limits on how he sought to control the Western Federation of Miners. He drew the line against trying to manipulate the law to convict WFM leaders. In a letter to his attorney general condemning Haywood, Moyer, and the WFM for their historic espousal of violence, Roosevelt also insisted on a fair trial and an investigation of contentions that the union leaders had been improperly extradited from Colorado to stand trial in Idaho for the murder of former Governor Steunenberg. The ensuing Department of Justice report that the extradition had been lawful furnished him with a foundation for combining adherence to "fair trial" protections with condemnation of the WFM defendants and their sympathizers.⁹² Our modern sensibility may nevertheless cringe at

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⁹¹ Roosevelt, *Autobiography*, 498-499; TR letter to Raymond Robins. August 12, 1914, in Morison, *Letters of TR*, 7:798.

⁹² TR letters to Attorney General William Moody, March 26, 1906; and Boise newspaper editor Calvin Cobb, June 16, 1906, in Morison, *Letters of TR*, 5:197, 302-303

Roosevelt's seeming to base military intervention on how it would affect the WFM.

Shortly before his presidency ended, Roosevelt was candid that as president he "used every ounce of power there was in the office." One of his examples for establishing "a precedent for strength in the executive" was "keeping order in Nevada this year [1908] when the [Western] Federation of Miners threatened anarchy." But he tried to balance his assertion of power by insisting upon his sense of responsibility. Explaining his refusal to run for almost certain re-election in 1908, he said, "I believe in a strong executive; I believe in power; but I believe that responsibility should go with power, and that it is not well that the strong executive should be a perpetual executive."⁹³

This is an appealing bid to justify his treatment of the WFM as subject to review by another president. Four years later, however, that sense of responsibility did not prevent Roosevelt from running again for the presidency, and he never ceased hoping that he would eventually be re-elected.⁹⁴

D. Mandatory Union Membership

Within a year after the 1902 anthracite coal strike, Roosevelt upheld the right of a government employee not to be a union member and yet keep his job. Because the incident did not involve Roosevelt's usual gallery of infamy -- namely, violence and the Western Federation of Miners -- it provides an

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⁹³ TR letter to Trevelyan, June 19, 1908, in Morison, *Letters of TR*, 6:1087.

⁹⁴ Joseph Bucklin Bishop, *Notes and Anecdotes of Many Years* (New York: Scribner, 1925), 149.

intriguing case study for assessing Roosevelt's attitude toward what organized labor perceived as an essential union interest.

The situation arose when an assistant foreman in the Government Printing Office (GPO), William A. Miller, was expelled from the Binders' Union in May 1903 after introducing cost-saving machinery, establishing production levels higher than those in union rules, making negative comments to a newspaper about his union, and complaining to a congressman about GPO inefficiency. The expulsion made him the only one of five hundred GPO employees who was not a union member, a status that defied the GPO's de facto "union shop" since its inception in 1860. The chief executive of the GPO then discharged Miller, arguably to head off an expected union strike if Miller remained in employment.⁹⁵

Miller appealed his discharge to the Civil Service Commission, which ordered his reinstatement on the basis that the discharge was not justified under civil service rules. The GPO nevertheless refused to reinstate Miller and appealed the order to Roosevelt and Secretary of Commerce and Labor George L. Cortelyou, arguing that all employees of the GPO belonged to one

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⁹⁵ A clear and scholarly statement of the Miller affair appears in a chapter of Willard B. Gatewood, Jr., *Theodore Roosevelt and the Art of Controversy* (Baton Rouge: Louisiana State University Press, 1970), 139-165, which also describes Roosevelt's use of the affair as a jumping off place for reorganizing the notoriously inefficient GPO. Except as otherwise noted, the following account of the affair reflects Gatewood's narrative. See also Greenberg, *TR and Labor*, 185-187.

or the other of eleven unions and that Congress had never disputed the practice of employing only union members.

In letters to Secretary Cortelyou, Roosevelt supported Miller and ordered his reinstatement. First, Roosevelt said that union decisions could not override federal civil service law. Second, and most importantly for this study, he invoked the finding of the Anthracite Coal Strike Commission that "no person shall be refused employment or in any way discriminated against on account of membership or non-membership in any labor organization, and that there shall be no discrimination against or interference with any employee who is not a member of any labor organization by members of such labor organization." Roosevelt then extended the Miller precedent to all executive departments by means of an order declaring that they were to follow open shop principles, namely, that federal employment was not contingent on union membership.⁹⁶

Labor leaders emphatically disagreed. AFL president Gompers regarded the open shop as a weapon to weaken and destroy labor unions. UMW president Mitchell, who tried hard to be supportive of Roosevelt after the anthracite coal strike, must have chewed his tongue over the Miller affair. In a contemporaneous book about the union movement, he set forth the reasons why organized labor believed mandatory union membership was a necessary

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⁹⁶ TR letters to Cortelyou, July 13 and 14, 1903, in *Letters of TR*, 3:514-516; Greenberg, *TR and Labor*, 188-190, 192-193, 196-197.

condition of employment. These included a worker's moral duty to his class, avoidance of personal animosities in the workplace, and the view that the majority of non-unionists are "at the worst, stupid and apathetic."⁹⁷ Some unions not only opposed Roosevelt's decision, but they also called for his defeat in the 1904 presidential election. In a demonstration of how ugly the dispute became, Miller's former union and Gompers unsuccessfully continued to seek Miller's discharge on the newly advanced grounds of alleged bigamy, wife-beating, desertion of family, fraud, and theft.

Having tacked to starboard on the substance of the Miller case, Roosevelt then responded to union dismay by tacking to port. He agreed to discuss the Miller case with the AFL executive council, including Gompers and Mitchell, on September 29, 1903. Based upon a draft he had prepared in advance, Roosevelt issued a statement at the meeting that was a masterpiece of giving something to both sides in the open shop dispute. He held the tiller steady on his Miller decision, emphasizing that "I can no more recognize the fact that a man does or does not belong to a union as being for or against him than I can recognize the fact that he is a Protestant or a Catholic, a Jew or a Gentile, as being for or against him." But he deliberately limited his position to government employment in order to appease the union officials. Thus, not only did he omit repetition of his reliance on the authority of the Anthracite Coal Strike Commission's open shop pronouncement (which related to *non-*

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⁹⁷ Mitchell, *Organized Labor*, 272-285; Greenberg, *TR and Labor*, 194.

government employment), but he also provided a formula to limit the Miller decision to government employment by telling the AFL executive council that "I am dealing purely with the relation of the Government to its employees."⁹⁸

That was enough to satisfy the AFL.⁹⁹ At its convention in November 1903, the AFL declined to pass anti-TR resolutions, while reasserting its position for "union shop everywhere, as well in federal, state and municipal employment as in private enterprises." In what a cynic may regard as Roosevelt's symbolic expression of gratitude, a week after the AFL convention he invited six labor leaders from Butte, Montana, to visit him at the White House.¹⁰⁰

Roosevelt's accommodation with the AFL executive council was disingenuous, given that he had originally cited the Anthracite Coal Strike Commission's "clearly and fearlessly enunciated" private-employment decision as the authority for also covering government employment as a matter of "elementary decency."¹⁰¹ Moreover, the belated distinction between government and non-government employment does not reflect his bedrock

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⁹⁸ Roosevelt, *Autobiography*, 496-497; Morris, *T Rex*, 271. Roosevelt's statement is reproduced in his letter to Henry Cabot Lodge, September 30, 1903, in Morison, *Letters of TR*, 3:607.

⁹⁹ Greenberg, *TR and Labor*, 210-213. Roosevelt's explanation of his reference to government employment was that it was "the point at issue," and "I had nothing to say about" private concerns. TR letter to Lemuel Clarke Davis, October 5, 1903, in Morison, *Letters of TR*, 3:617.

¹⁰⁰ Roosevelt noted that the visit was "denounced in certain capitalistic papers." Roosevelt, *Autobiography*, 507-508. On the other hand, according to a friend, Roosevelt qualified even his union-welcoming gesture when he said, "The White House door, while I am here, shall swing open as easily for the labor man as the capitalist, and no easier." Riis, *TR the Citizen*, 371 (emphasis in original).

¹⁰¹ TR letter to Cortelyou, July 14, 1903, in Morison, *Letters of TR*, 3:516.

labor views. Long after the Miller affair, he reiterated his all-inclusive belief "in the right of the nonunion man to refuse to join a union and to work side by side with the union men."¹⁰²

Roosevelt's actions in the Miller case, from beginning to end, had a political basis. He believed that Wall Street capitalists were "especially bitter against me because of my having settled the Anthracite Coal strike" and that this had contributed to Republican defeats in local elections during November 1903. In a letter to Senator Hanna at an early stage of the Miller controversy, Roosevelt noted that his opponents and other "curious men" regarded him "as improperly friendly to organized labor and to the workingmen generally." Almost simultaneously, Senator Lodge wrote Roosevelt that a group of railroad managers, fearing an imminent strike, had said that Roosevelt was "entirely given over to the labor side" and would "not treat the labor men in the same way that you would treat capital if they violate the law."¹⁰³ Initially, therefore, the Miller case enabled TR to show business interests and other conservatives that he was not invariably friendly to organized labor. Roosevelt calculated the political risks in reinstating Miller:

The labor unions were very arrogant and domineering because they did not believe I would face the music, and it was necessary to give them a good jolt to make them understand at the outset

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¹⁰² TR letter to Edward P. Costigan, union lawyer and Progressive Party candidate for governor of Colorado, August 15, 1914, in Morison, *Letters of TR*, 7:807.

¹⁰³ TR letter to Richard Watson Gilder, November 4, 1903, in Morison, *Letters of TR*, 3:645-646; TR letter to Hanna, May 29, 1903, quoted in Bishop, *TR and His Time*, 1:246; Lodge letter to TR, June 3, 1903, quoted in Greenberg, *TR and Labor*, 184-185.

that I would not tolerate anything in the nature of tyranny on their part. I was very sorry to have to go into the matter, because I entirely appreciate the political disadvantages of what I did and I should be a fool if I did not regret having to do anything that I thought would be politically disadvantageous to me; but this was the case where I did not feel that I should be justified in any hesitancy.¹⁰⁴

Against the political disadvantages of upsetting union leaders, Roosevelt sought to gain political advantage from the Miller incident “as an illustration of the fairness with which the administration has tackled the two sides of the labor-capital question.” As he later told his son Kermit, the Miller case “gave to trades-unions a lesson that had been taught corporations – that I favored them while they did right and was not in the least afraid of them when they did wrong.”¹⁰⁵

Labor history has viewed “open shop” rhetoric at the time of the Miller case as code for more comprehensive anti-unionism. At the turn of the century, after it had become apparent that union membership was growing in a geometric progression, employer associations began forming nationally for the purpose of achieving a non-union business environment. The best known of these organizations was the National Association of Manufacturers (NAM), whose membership consisted mostly of smaller businesses. It had originally been formed to promote trade and commerce. In early 1903, however, it

¹⁰⁴ TR to Albert Shaw, August 1, 1903, in Morison, *Letters of TR*, 3:537.

¹⁰⁵ TR letters to Jacob Gould Schurman, August 31, 1903; and Lyman Abbott, September 5, 1903, in Morison, *Letters of TR*, 3:581, 591-593; TR letter to Kermit, October 26, 1904, in Irwin, *Letters to Kermit*, 79.

embraced a Declaration of Principles that claimed not to oppose labor organizations “as such” but condemned strikes, boycotts, closed shops, and other interference with employer control over the conditions of work. One manifestation of these principles was requiring employees to sign an agreement, sometimes known as a yellow-dog contract, not to join unions or induce others to join.¹⁰⁶

Roosevelt’s position in the Miller case should not be confused with the NAM’s adoption of the open shop as part of an anti-union agenda. In his *Autobiography*, Roosevelt castigated the NAM for its “selfishness and short-sightedness.” By opposing “every rational and moderate measure for benefiting workingmen, such as measures abolishing child labor, or securing workmen’s compensation,” the NAM’s course and language were “ominous of evil” and “of such reactionary type as directly to incite revolution.”¹⁰⁷ His opposition to mandatory union membership never descended to the yellow-dog level of compulsory non-unionism. On the contrary, his words clearly expressed the right (as distinct from the obligation) of employees to join unions. In that respect, he shared the philosophy of the National Civic

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¹⁰⁶ Foner, *History of Labor Movement*, 3:27, 34-42; James Weinstein, *The Corporate Ideal in the Liberal State: 1900-1918* (Boston: Beacon, 1968), 4-5, 15. The terms “closed shop” and “union shop” were sometimes used interchangeably. Gompers argued, however, that the “union shop” sought by the AFL was not “closed” to any wage earner who was willing to join the union; whereas the “open shop” as practiced by “the opponents of labor” effectively prevented a union member from working in the shop. Samuel Gompers, *Labor and the Employer*, ed. Hayes Robbins (New York: Dutton, 1920), 112.

¹⁰⁷ Roosevelt, *Autobiography*, 505-506.

Federation, which had been formed in late 1900 to improve relations between capital and labor.

The NCF was organized on a tripartite model, with representatives of capital, predominantly from large corporations; labor, predominantly from the AFL; and the general public. This third group included men who were or became close to Roosevelt, like his future cabinet appointees Oscar Straus and Charles Bonaparte. The NCF's goal, at least until 1905, was for employers and unions to work cooperatively on the basis of "reason and understanding," byproducts of which would be favorable employer treatment of the unionization of skilled workers in return for union abstention from more militant activity like the organization of unskilled workers. Implicit in that philosophy was willingness to accept union shops under unspecified circumstances, a willingness that the NAM used to attack the NCF.¹⁰⁸

Marxist labor historian Philip S. Foner dismisses the contention that the NCF and NAM had different union values by pointing out that many employer representatives in the NCF came from demonstrably anti-union, open shop corporations and that their corporations were the dominant funding source for the NCF. However, union representatives in the NCF included Gompers, Mitchell, and Henry White of the United Garment Workers whom Roosevelt had once sought to appoint as chief factory inspector in New York State. They

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¹⁰⁸ Foner, *History of Labor Movement*, 2:384-386; 3:61-65, 68-71; Weinstein, *Corporate Ideal*, 7, 18.

thought enough of the NCF to reshape their early-AFL class-struggle rhetoric. In its place, they embraced the NCF view that there was “no necessary hostility between capital and labor” and endorsed the idea of working with employers.¹⁰⁹ This view paralleled Roosevelt’s hopes.

E. Criteria for Supreme Court Nominees

Roosevelt made three appointments to the United States Supreme Court. They were Massachusetts Judge Oliver Wendell Holmes, Jr. (1902), federal appellate Judge William Rufus Day (1903), and Attorney General William Henry Moody (1906). There is no warrant for inferring that labor considerations were decisive in his selections, but labor-relatedness may nevertheless shed some light on his thinking.

The Holmes nomination provides the strongest evidence of a labor connection. Roosevelt wrote to Senator Lodge on July 10, 1902, that his reasons for nominating Holmes included the following:

The labor decisions which have been criticized by some of the big railroad men and other members of large corporations constitute to my mind a strong point in Judge Holmes’ favor. The ablest lawyers and greatest judges are men whose past has naturally brought them into close relationship with the wealthiest and most powerful clients, and I am glad when I can find a judge who has been able to preserve his aloofness of mind so as to keep his broad humanity of feeling and his sympathy for the class from which he has not drawn his clients. I think it eminently desirable that our Supreme Court should show in unmistakable fashion their entire sympathy with all

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¹⁰⁹ Foner, *History of Labor Movement*, 2:386-387; 3:64-68, 71-72.

proper effort to secure the most favorable possible consideration for the men who most need that consideration.¹¹⁰

A detailed study of the Holmes nomination, however, concludes that his labor decisions were not the predominant reason for his selection. More important was Roosevelt's attitude toward territorial issues growing out of American expansionism under President McKinley.¹¹¹

Moreover, since Roosevelt did not identify particular labor decisions, we do not know which cases he had in mind. While on the Massachusetts Supreme Judicial Court, Holmes dealt with both the rights of labor organizations and, separately, the rights of working people without reference to organized labor.¹¹² Roosevelt could have been invoking either.

When we consider Holmes's two famous repudiations of injunctions against union activity, it is also unclear what Roosevelt may have specifically liked about them. In *Vegeahn v. Gunter*, Holmes dissented from issuance of a broad injunction against picketing, because he regarded the injunction as having unreasonably forbidden peaceful picketing. But he also acknowledged

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¹¹⁰ H. W. Brands, ed., *The Selected Letters of Theodore Roosevelt* (New York: Cooper Square, 2001), 279-281. The letter reviews over a dozen reasons for and against appointing Holmes, including the quoted labor portion and concerns about judicial handling of islands taken from Spain in the recent war. It is difficult, if not impossible, to apportion weight to any of the reasons.

¹¹¹ John A. Garraty, "Holmes's Appointment to the U.S. Supreme Court," *The New England Quarterly* 22, no. 3 (1949): 291-303. Some historians interpret the mention of Holmes's labor views in the letter to Lodge as indicating that they contributed to the final decision to nominate Holmes. George E. Mowry, *Theodore Roosevelt and the Progressive Movement* (New York: Hill & Wang, 1946), 19; Greenberg, *TR and Labor*, 396-397.

¹¹² E.g., on the latter subject, Holmes argued in dissent for the constitutionality of a statute restricting the docking of wages for imperfect work. *Commonwealth v. Perry*, 155 Mass. 117 (1891).

that an injunction would have been proper if there had been proof (rather than an unsupported inference) of force or threatened physical harm to prevent someone from crossing a picket line.

In *Plant v. Woods*, Holmes dissented from enjoining a threatened strike for a closed shop (where one union's members refused to work with members of another union) on the basis that "unity of organization" was a justifiable purpose, a principle that we know Roosevelt rejected when he later decided the Miller mandatory union membership case. To complicate interpretation further, Holmes criticized the union action, despite his view of its legality, for benefiting one group of workers "at the expense of their fellows."¹¹³ Despite the complexity of Holmes's analyses, Roosevelt was almost certainly aware that the judge's labor injunction views disagreed with the more anti-union attitudes of a majority of his fellow Massachusetts judges.

A somewhat clearer insight into what labor views Roosevelt wanted in a Supreme Court Justice came four years after his nomination of Holmes, when the president briefly considered nominating federal Judge Horace Lurton to another seat on the Court. Roosevelt regarded Lurton as "sound" and "right" about labor, making clear that what he meant by judicial soundness was willingness to insist upon union obligations, rather than union rights. Lurton, he

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¹¹³ *Vegeahn v. Gunter*, 167 Mass. 92 (1896); *Plant v. Woods*, 176 Mass. 492 (1900). These dissents are reproduced and commented on in Max Lerner, ed., *The Mind and Faith of Justice Holmes* (New York: Modern Library ed., 1943), 109-122.

wrote, "takes just the attitude we take as regards . . . the checking of labor people when they go wrong."¹¹⁴

As for the nomination of Judge Day, his biographer characterizes the reasons as "somewhat obscure" and suggests that "geographical influence" may have been determinative because both Day and Taft, Roosevelt's first choice, were from Ohio. Day, a former lawyer for small corporations, was well regarded for his work in the State Department, where he eventually served as secretary of state, and as a federal judge.¹¹⁵ The only evidence of a labor connection is that Roosevelt intended to appoint Day to a commission of investigation just before the settlement of the anthracite coal strike, describing him variously as "a good man" and an "eminent outside gentleman." Since Roosevelt was at that time expressing exasperation with the mine owners for their "gross blindness," insensitivity to the public interest, and responsibility for the failure of his White House settlement conference,¹¹⁶ it is tempting to

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¹¹⁴ TR letters to Taft, July 27 and August 2, 1906; and Root, August 18, 1906, in Morison, *Letters of TR*, 5:338, 343, 368. Lurton and Secretary of War Taft had been colleagues and friends when they served together on the Sixth Circuit Court of Appeals. Taft apparently lobbied Roosevelt on Lurton's behalf, despite the fact that Lurton was a Democrat. Instead of Lurton, Roosevelt appointed Attorney General Moody. In 1909, Taft appointed Lurton to the Supreme Court. Morison, *Letters of TR*, 5:338n.

¹¹⁵ Joseph E. McLean, *William Rufus Day*, The Johns Hopkins University Studies in Historical and Political Science, series 64, no. 1 (Baltimore: Johns Hopkins Press, 1946), 534-535, 548-549, 564-565, 569-570. As a judge, Taft had issued labor injunctions. He opposed union boycotts, injury to employer property, and unlawful interference with business operations, but he also believed that workers were entitled to organize in unions and to strike. Henry F. Pringle, *The Life and Times of William Howard Taft* (Hamden, Conn.: Archon, 1964), 1:367.

¹¹⁶ TR letters to Hanna and Cleveland, October 10, 1902; Bishop, October 13, 1902; and Governor Crane of Massachusetts, October 22, 1902, in Morison, *Letters of TR*, 3:348, 346, 349, 362.

speculate that Roosevelt regarded Day as sufficiently independent to make a fair assessment of the dispute between mine owners and their employees.

The Day nomination exemplifies the presidential difficulty of knowing what a nominee will actually do on the Court. Justice Day took positions in two cases that are diametrically opposed from a labor standpoint and can only be reconciled based on his views of the constitutional division of authority between the national and state governments. In 1905, he joined the majority of the Court to declare unconstitutional, as a violation of the prevailing doctrine of liberty of contract, a *federal* statute that prohibited railroads from requiring employees to sign so-called yellow-dog contracts that they would not join a union.¹¹⁷ Seven years later, he voted to uphold a similar *state* yellow-dog prohibition, because he thought that state police power (as distinct from federal commerce power) included the right to restrict such employment contracts.¹¹⁸ Issues of federalism, in other words, trumped labor issues.

Of his three nominees, Roosevelt probably knew the most about Moody, whom he had previously appointed to the offices of secretary of the navy and attorney general. We know that Roosevelt respected Moody and that Justice Day recommended him.¹¹⁹ Moody had a reputation from his years in the House of Representatives (1895-1902) for sympathy to pro-worker legislation as an antidote to socialism, whose proponents had achieved

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¹¹⁷ *Adair v. United States*, 208 U.S. 161 (1908). Holmes, contrary to Day, dissented.

¹¹⁸ *Coppage v. Kansas*, 236 U.S. 1 (1915). See McLean, *Day*, 633-635.

¹¹⁹ TR letter to Moody, December 16, 1906, in Morison, *Letters of TR*, 5:527.

political success in his congressional district. He had also expressed a willingness to exempt labor unions from antitrust liability. Like Roosevelt, he believed that "the corporation has come to stay as has the trade union." Yet, Moody campaigned actively in 1906 to thwart the AFL's electoral efforts to defeat congressional candidates who supported labor injunctions.¹²⁰ In all these respects except his early idea of antitrust exemption for unions, Moody was similar to Roosevelt.

What Roosevelt's three nominees had in common regarding labor matters was that they were empathetic to wageworkers and neither hostile to unions nor predisposed to give unquestioning acceptance to union actions. Insofar as a capsule description may aid our understanding of a person, this one is also applicable to Roosevelt.

F. Labor Injunctions

Organized labor's leaders regarded the injunction issued against Debs and the 1894 railroad boycott as a threat to organized labor's effectiveness. Debs stated that the injunction broke the Pullman strike and restrained union leaders "from discharging our duties as officers and representatives of the employees." Perlman, the labor historian, contends that "sporadic" use of labor injunctions thereafter became "a veritable crop."¹²¹

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¹²⁰ Judith Rene McDonough, "William Henry Moody" (Ph.D. diss., Auburn University, 1983), 20-22, 127, 148.

¹²¹ Perlman, *History of Trade Unionism*, 155-156, 159; Frankfurter and Greene, *The Labor Injunction*, 17-19. A more recent analysis argues that an accurate tally of the number of labor

By 1906, a congressional election year, organized labor was determined to challenge the legal foundation for court injunctions against unions and their leaders. One form this took was opposing election of politicians who did not agree to support laws banning labor injunctions.¹²² The union campaign, which intensified in the 1908 presidential election, aroused Roosevelt's energetic defense on behalf of two of his most cherished notions: the continued political dominance of the Republican Party, where organized labor found most of its foes, and the necessity to maintain a bulwark against union actions that he regarded as lawless. Despite his willingness to accommodate organized labor in part, he would not yield to complete eradication of labor injunctions.

AFL officers met with Roosevelt early in 1906 to express their desires for an anti-injunction law and for heightened enforcement of existing laws limiting workdays to eight hours. Emblematic of Roosevelt's sentiments regarding those issues, his immediate response focused only on obtaining evidence to enforce the eight-hour requirements.¹²³ Behind the scenes, he simultaneously began to consider a compromise on the use of labor

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injunctions is "impossible," because many were temporary or preliminary decrees, not published in law reporters, or part of court records that no longer exist. It estimates, however, that the number of labor injunctions quadrupled in the 1890s compared to the prior decade and then doubled in the 1900s. In each of those decades, the proportion of strikes judicially enjoined did not exceed 3 percent. William E. Forbath, *Law and the Shaping of the American Labor Movement* (Cambridge: Harvard University Press, 1991), 193-198.

¹²² Julie Greene, *Pure and Simple Politics: The American Federation of Labor and Political Activism, 1881-1917* (Cambridge, Eng.: Cambridge University Press, 1998), 82, 103-104.

¹²³ Gompers, *Seventy Years*, 2:243; TR letter to AFL secretary Frank Morrison, March 22, 1906, in Morison, *Letters of TR*, 5:190-191.

injunctions. In a letter to his attorney general, Roosevelt sought a fairer use of the injunction power in connection with a broad, anti-union injunction recently issued by a Philadelphia court. "My own theory," he wrote, "has always been that while any attempt at violence, or coercion by threat of violence, must be put down in the strongest manner; yet on the other hand, it is only right that the labor union people in the event of a strike should be given full liberty to try to convince by legitimate and peaceable arguments the men who are taking their places [i.e., strikebreakers] that they ought not thus to act."¹²⁴

In framing a response to organized labor's efforts to defeat Republican candidates who did not support a ban on labor injunctions, Roosevelt recognized that it was "a bad business to solidify labor against us." He wrote that "great care should be taken when assuming a position antagonistic to labor on one point to make it clear as a bell that we are not as a whole antagonistic, but friendly, to labor." He sought to show the administration's friendliness to labor by counseling against attacks on Gompers and other labor leaders, because "a large number of slovenly thinkers" would otherwise mistakenly confuse such attacks as on all labor men. He believed that a compromise on the injunction issue might prevent a rift with organized labor. He speculated that if the government acted "on behalf of one or two labor

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¹²⁴ TR letter Attorney General Moody, March 22, 1906, in Morison, *Letters of TR*, 5:191-192.

organizations where we regarded the injunction as wrong, it would strengthen us when we regarded the injunction as right."¹²⁵

But Roosevelt the applied ethicist pulled in a different direction from Roosevelt the politician. Although the president conceded that Congress had not done "all they might have for these labor people," the union position was "so extreme that they have left us no alternative but to come out squarely against some of their demands." This meant support of Republican candidates who shared Roosevelt's opposition to union anti-injunction efforts, even when that entailed distasteful alliances. One such alliance was with Republican Representative Charles Littlefield of Maine, whose anti-labor record led the AFL to make him a primary target for defeat in 1906. Roosevelt delegated Secretary of War Taft, Senators Lodge and Beveridge, and others to campaign for Littlefield, despite the congressman's "fool attitude" as a cheap, dishonorable poseur.¹²⁶

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¹²⁵ TR letters to journalists George Lorimer, May 12, 1906, and Lyman Abbott, July 1, 1906; cabinet member James Wilson, September 1, 1906; Speaker of the House Joseph Cannon, September 17, 1906; and Charles Bonaparte, Moody's successor as attorney general, December 23, 1907, in Morison, *Letters of TR*, 5:268-269, 328, 404, 413-414; 6:873. Roosevelt did not hide his belief that some labor injunctions were indefensible. He criticized "the judge who by misuse of the process of injunction makes it plain that in him the wage-worker has a determined and unscrupulous enemy." Roosevelt, *Autobiography*, 473.

¹²⁶ TR letters to Root, August 18, 1906; Lodge, August 9 and September 12, 1906; and Speaker of the House Cannon, August 15, 1906, in Morison, *Letters of TR*, 5: 350, 360-361, 367-368, 408. Littlefield was re-elected and then publicly demonstrated his ingratitude to Roosevelt and Taft by demanding that they provide specific citations to prove that the courts had ever abused their power to grant labor injunctions. Roosevelt's reaction was to relegate Littlefield to a deeper level of disdain by adding "dishonest" to his earlier list of the congressman's shortcomings. TR letters to Littlefield, May 2, 1908; and Taft, August 18, 1908, in Morison, *Letters of TR*, 6:1021, 1179.

Organized labor's failure to defeat the Littlefield persuasion in the 1906 elections did not cause it to retreat from seeking a ban on all labor injunctions. Roosevelt offered a compromise on the injunction issue in a special message he sent to Congress in January 1908, the beginning of a presidential election year. Still of the opinion that it was "most unwise to abolish the use of the process of injunction," because that would undermine the judiciary's ability "in effective manner [to] check disorder and violence," Roosevelt suggested a middle way to accommodate organized labor's concerns. The labor injunction, he told Congress, should not "prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment." Therefore, surround the injunction procedure with "safeguards," such as reasonable notice to the party against whom the injunction was sought.¹²⁷

Several days after the special message, the Supreme Court issued its decision in *Loewe v. Lawlor* (colloquially known as the Danbury Hatters case), holding that unions were combinations subject to liability under the Sherman Antitrust Act.¹²⁸ The decision intensified organized labor's efforts to escape from the antitrust law. It also set the stage for an alliance of government, business, and labor to amend that law to provide for what Roosevelt

¹²⁷ Morison, *Letters of TR*, 6:1574.

¹²⁸ *Loewe v. Lawlor*, 208 U.S. 274 (1908). Even before this decision, there had been a lower court holding that unions were combinations subject to the Sherman Antitrust Act. When Gompers and John Mitchell were subsequently charged with violating a labor injunction under that law, Roosevelt became concerned that a jail sentence for contempt of court in advance of the 1908 election would doom the Taft campaign. TR letter to Taft, August 24, 1908, in Morison, *Letters of TR*, 6:1195-1196. See *Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418 (1911).

conceived as the joint benefit of all three. The complexity of Roosevelt's conception underscores how difficult it is for historians to pigeonhole his attitude toward organized labor.

The *Loewe* decision coincidentally followed a period when Roosevelt and large business organizations, as represented in part by the NCF, were already working on some kind of government regulation of business that would be coupled with changing the Sherman Antitrust Act to allow "reasonable" restraints of trade. As the fruit of a carefully prepared conference in October 1907, the NCF prepared a legislative campaign to amend the Sherman Act to permit reasonable restraints of trade in conjunction with unspecified government regulation of business. Since labor unions were represented at the conference and active in the NCF, the amendment was also intended to protect national and local organizations of labor.¹²⁹

Roosevelt was less than enthusiastic about the NCF proposals, because they would defer implementation of his business regulation goals to further study before realization of congressionally mandated rules. Instead, he wanted an amendment that would immediately allow reasonable restraints of trade, conditioned on a government body's first approving the reasonableness of the restraints. In other words, he was agreeable to the NCF's ultimate goal contingent on granting the executive branch of government greatly expanded

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¹²⁹ Martin J. Sklar, *The Corporate Reconstruction of American Capitalism, 1890-1916* (Cambridge, England: Cambridge University Press, 1988), 203-213.

control of business. What was appealing to Roosevelt was that the NCF had crafted an alliance with organized labor and farm groups. In response to Roosevelt's interest, the NCF created a three-person directorate composed of the NCF president, a farm leader, and Gompers to work closely with Roosevelt and his staff to draft legislation.¹³⁰

The AFL's participation in the Roosevelt-led effort was galvanized by the *Loewe* decision, which it interpreted as threatening the very existence of labor organizations. When its leaders explained their fears to Speaker of the House Joseph Cannon in March, he categorically rejected both the union interpretation and any need for a remedy. Moreover, as discussed above, unionization efforts were under attack by small employers belonging to the National Association of Manufacturers, as well as big corporations belonging to the NCF. Roosevelt's regulatory scheme seemed to offer organized labor a safer harbor.¹³¹

The Roosevelt-NCF-AFL alliance did not proceed smoothly. It went through at least thirteen drafts of a bill before the principals could agree on what to present to Congress. In its final form, known as the Hepburn bill after the congressman who agreed to introduce it, Roosevelt obtained strong government regulation of business through a registration procedure, and business obtained the right to engage in reasonable restraints of trade.

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¹³⁰ *Ibid.*, 213-223.

¹³¹ *Ibid.*, 223-230.

Although organized labor gained a much less demanding registration procedure than that for corporations, it was not exempted from the Sherman Antitrust Act. Tension between Roosevelt's and the AFL's primary goals quickly became apparent.¹³²

In a special message to Congress on March 25, 1908, regarding the need to amend antitrust law (without specifically endorsing the Hepburn bill that he had shaped), Roosevelt both caressed and slapped organized labor. He said it was unfair and potentially destructive to unions not to clarify the Sherman Antitrust Act, since labor combinations were "absolutely necessary" in the modern industrial world; strikes were a legitimate tool for dealing with "very wealthy individual employer, and still more wealthy corporation"; and the Sherman Act's treble damages should not be assessed against labor organizations. But all this was premised on unions' acting "peaceably" (a word he used several times), and "Nothing should be done to legalize either a blacklist or a boycott that would be illegal at common law."¹³³

While supporting the business provisions of the bill, organized labor continued to seek an outright exemption from the Sherman Antitrust Act. Moreover, many businesses, not limited to members of the National Association of Manufacturers, opposed the bill as undermining the labor leverage that *Loewe* had given them. In addition, a diverse group of employers

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¹³² Ibid., 235-238.

¹³³ *A Compilation of the Messages and Papers of the Presidents* (New York: Bureau of National Literature, 1911-1922), 15:7343-7346.

and business associations argued that the bill had gone too far in its statist implications. In the face of so many objections, the Hepburn bill never got out of committee.¹³⁴

After the mildly cooperative Hepburn bill interlude, the AFL's continued opposition to all labor injunctions became its litmus test in the 1908 presidential election. Roosevelt was unable to persuade the Republican Party to embrace even a modest compromise with organized labor. He and Taft desired a plank in the party's platform that would "moderate" the use of labor injunctions. Without "the slightest expectation of placating or gaining the ultraviolent labor men," Roosevelt believed this would "enable the labor men who would naturally be with us to feel that they had a justification for staying with us." The Republican Party, however, would go no further than a plank upholding the authority of the courts to issue injunctions, while urging legislation that would "more accurately" define court rules in such cases and forbid injunctive orders without notice, "except where irreparable injury would result from delay." It did not identify the *labor* injunction as a situation needing special attention. Lodge called it "a colorless plank."¹³⁵

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¹³⁴ Sklar, *Corporate Reconstruction*, 254-266, 267-273, 282-283; Weinstein, *Corporate Ideal*, 79-81.

¹³⁵ TR telegrams to Lodge, June 15 and 16, 1908; and letter to Lyman Abbott, June 17, 1908, in Morison, *Letters of TR*, 6:1077, 1078, 1081; Arthur M. Schlesinger, Jr., and Fred L. Israel, eds., *History of American Presidential Elections, 1798-1968* (New York: Chelsea House, 1971), 3:2106. Even so, the 1908 Republican platform was more accommodating to organized labor than its 1904 platform, when TR was the party's candidate. The earlier platform approved combinations of labor and capital, "when lawfully formed for lawful purposes,"

This was not nearly enough for the AFL.¹³⁶ After a Republican resolutions committee blocked Gompers' efforts to gain strong anti-labor injunction language, Gompers declared that labor had been "thrown down, repudiated and relegated to the discard by the Republican Party." He took his case to the Democratic convention, where he obtained platform language under the special interest heading of "Labor and Injunctions" that limited labor injunctions in broad terms and required trial by jury (not judges) to determine whether or not compliance with the injunction had occurred. Gompers expressed his appreciation by endorsing the Democratic presidential candidate, William Jennings Bryan.¹³⁷

Roosevelt, previously willing to seek an accommodation with organized labor on injunction limitations, used the injunction issue to attack Gompers' presidential endorsement. In a precisely and sharply phrased letter to Senator Knox, Roosevelt challenged Bryan to separate himself from what he depicted as the dangerous implications of the Democrats' labor plank.

Because Gompers claimed that the Democratic plank embodied anti-injunction legislation that organized labor had already proposed, Roosevelt's letter targeted the legislation proposal. He attacked it and supporting

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provided that "both are subject to the laws and neither can be permitted to break them." Ibid., 3:2005.

¹³⁶ But it was too much for the anti-union National Association of Manufacturers, which feared that saying anything about labor injunctions might generate distrust of the courts. Pringle, *Life and Times of Taft*, 350-352.

¹³⁷ Schlesinger et al., *History of Elections*, 3:2073-2074, 2078, 2096-2097; Gompers, *Seventy Years*, 2:262-263.

comments from organized labor as an attempt simultaneously to treat business operations as having no legally protected property rights while protecting all labor actions from being treated as unlawful conspiracies.¹³⁸ This would mean, he argued, that unions could not be enjoined from engaging in violence, conducting secondary boycotts against innocent third parties away from the premises of a labor dispute, or establishing blacklists against anyone who opposed union activity. Roosevelt argued that such union power would constitute a reversal of the position taken by the Anthracite Coal Strike Commission that he had created to help organized labor accomplish its strike aims in 1902.

Lest anyone mistake his letter as a pamphlet for big business, Roosevelt ended it with a tribute to American workingmen. "I believe both in the patriotism and the intelligence of the workingmen, the laboring men, of America," he wrote. Absent, however, was a conciliatory tone toward Gompers. "I do not believe that they [workingmen] will permit Mr. Gompers to

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¹³⁸ So-called business "property rights" (e.g., in the form of goodwill or the right to carry on the business) were important to a business seeking a labor injunction, because they provided a basis on which to claim irreparable injury that could not be translated into a specific monetary loss. Absent an adequate monetary remedy, the judicial remedy for such irreparable injury was a cease-and-desist order, that is, an injunction against the union action. Mason, *Organized Labor and the Law*, 103-105. By seeking to eliminate "property rights" in business, therefore, organized labor's goal was to eliminate a crucial pillar on which labor injunctions were constructed.

deliver them like chattels to Mr. Bryan in exchange for a sham." He then immediately released the letter to the public.¹³⁹

On the day before his letter to Knox, Roosevelt wrote a more personal letter touching on the same subject to his son Kermit, then a Harvard freshman who would soon accompany TR on an extensive, post-presidential hunting trip to Africa. In it, Roosevelt said that "labor people" (the context suggesting that he was speaking about laborers, not labor unions) had "just cause of complaint with the Republican party taken as a whole, because Congress under the lead of [Speaker of the House] Cannon treated them badly; and the courts representing both the old school Republicans and the old school Democrats, have been curiously disregardful of their interests." On the other hand, Roosevelt observed to Kermit that Gompers "and the Democratic and labor demagogues" were "demanding outrageous and impossible action both by the legislature and Executive." His letter significantly contrasts laborers with labor union leaders, the former group's just cause of complaint with the latter's demagoguery, and the legislature (note the first letter is lower case) that had treated laborers badly with the Executive (note the first letter is upper case), Roosevelt himself, whom workers knew "so well

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¹³⁹ TR letter to Knox, October 21, 1908, in Morison, *Letters of TR*, 6:1305-1313. Gompers regarded TR's attack on him as ending "the old friendly relations between us." Gompers, *Seventy Years*, 1:533. As strongly phrased as the letter was in its defense of the labor injunction, it was mild in comparison to Roosevelt's rhetoric during the 1896 presidential campaign when he said, "The men who object to what they style 'government by injunction' are, as regards the essential principles of government, in hearty sympathy with their remote skin-clad ancestors who lived in caves, fought one another with stone-headed axes, and ate the mammoth and woolly rhinoceros." Roosevelt, *American Ideals*, 196-197.

that I think they would support me without regard to their grievances real or imaginary against the courts and the Congress."¹⁴⁰

In his final annual message to Congress, issued after Taft's defeat of Bryan for the presidency, Roosevelt repeated his and the Republican Party's pre-election proposals for further definition of the labor injunction procedure and for due notice before issuance of an injunction, "except where irreparable injury would otherwise result." He repeated the critique of proposed union legislation set forth in his October letter to Knox. The unions, he said, had refused all compromise, instead making demands that "would mean the enthronement of class privilege in its crudest and most brutal form, and the destruction of one of the most essential functions of the judiciary in all civilized lands." Union class-selfishness would divide society and "would inevitably in the end cause a violent reaction." What was most important for industrial reform and betterment, he told Congress, was *government* action that directly benefited working people -- like child-labor prevention, shortening of hours of work, a comprehensive employers' liability law, old-age pensions, and unemployment compensation. Soon to step down from the presidency, Roosevelt seemed to turn away from political accommodation with organized

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¹⁴⁰ TR letter to son Kermit, October 20, 1908, in Morison, *Letters of TR*, 6:1304. From Kermit's early days in prep school, Roosevelt wrote him candidly about political and policy matters, while expecting Kermit to keep such correspondence confidential. Irwin, *Letters to Kermit*, 69, 190. The special quality of their relationship was further underscored by the fact that Kermit was the only relative who accompanied Roosevelt on the African safari in 1909 and the South American adventure in 1913.

labor and focus instead on the government's primacy for obtaining social justice.¹⁴¹

G. Foundation for the Promotion of Industrial Peace

In 1906, Roosevelt won the Nobel Peace Prize for mediating an end to the Russo-Japanese War. It came with a monetary award of what was then the substantial sum of nearly \$40,000. He did not feel that he could morally accept that part of the prize because being paid "for making peace would in any event be a little too much like being given money for rescuing a man from drowning, or for performing a daring feat in war." He and his wife together decided that he must apply the money for a public purpose.¹⁴²

At his request, Congress established a Foundation for the Promotion of Industrial Peace to which he donated the Nobel money.¹⁴³ "In the present state of the world's development," Roosevelt later said, before the onset of the Great War in Europe, "industrial peace is even more essential than international peace; and it is fitting and appropriate to devote the peace prize to such a purpose."¹⁴⁴ Writing to the Norwegian chairman of the Nobel Committee, he described the object of the "permanent" foundation as "better

¹⁴¹ Hagedorn, *Works of TR*, 15:499-511.

¹⁴² TR letter to son Kermit, December 5, 1906, in Irwin, *Letters to Kermit*, 174-175.

¹⁴³ Except as otherwise noted, my summary of the Foundation's history is based on Congress, Senate, Senator Lodge speaking for the Foundation's dissolution, S. 7410, 63rd Cong., 3rd sess., *Congressional Record* 52 (26 January 1915): 2303-2304; Theodore Roosevelt, *The Great Adventure* (New York: Scribner, 1918), 173-178; and TR letters to philanthropic businessman Alexander Smith Cochran, February 4, 1915; and Congressman James A. Gallivan, July 2 and August 22, 1918, in Morison, *Letters of TR*, 8:887, 1344-1345, 1363-1366.

¹⁴⁴ Roosevelt, *Autobiography*, 558.

and more equitable relations among my countrymen who are engaged, whether as capitalists or wageworkers, in industrial and agricultural pursuits."¹⁴⁵ Consistent with that vision, the Foundation's trustees included representatives of labor and capital, the judiciary, politics, and the general public.¹⁴⁶

During the next eight years, however, the Foundation apparently did nothing. In late 1914, after the Great War had begun, a special committee of the Foundation's trustees recommended that Congress return the Foundation's assets to Roosevelt for his personal disposition, because the Foundation had received no additional gifts and "the fund itself is too small to be successfully administered" by the trustees. Roosevelt agreed, noting in his characteristically vivid language that his plan, "through no fault of the trustees, has resulted in the talent being hidden in a napkin for eight years."¹⁴⁷

The evidence suggests that Roosevelt had another reason for terminating the Foundation. In early 1915, he expressed a desire for funds to meet the "innumerable" demands that he received for pro bono contributions. He complained that Congress "won't even give me back the Nobel Peace Prize to make use of." Despite proposed legislation to dissolve the Foundation

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¹⁴⁵ TR letter to J. Lovland, December 10, 1906, in Morison, *Letters of TR*, 5:524.

¹⁴⁶ Roosevelt, *Autobiography*, 558.

¹⁴⁷ Roosevelt's humorous metaphor may have masked genuine disappointment about the inaction of his trustees. Compare it with his telling a Harvard audience that the worth of Andrew Carnegie's 1910 donation toward accomplishing international peace would ultimately "depend upon the common sense and good judgment and efficiency with which the trustees or those working under them try to embody the purpose of the donation in actual acts." Theodore Roosevelt, *Applied Ethics* (Cambridge: Harvard University Press, 1911), 31-32.

in January of 1915, Congress did not take that action until 1918, when Roosevelt renewed his request for return of the funds. His request was then quickly approved by Congressional resolution, and the Foundation's existing assets worth \$45,482.83 were transferred to Roosevelt.

Whatever the reason for the demise of the industrial peace foundation, Roosevelt donated the funds to individuals and organizations like the Red Cross and the YMCA "to care," in his words, "for our soldiers, and for the widows and children and mothers of our soldiers, in this great war."

Roosevelt's dispositions included American and Allied beneficiaries. In fulfilling his moral intentions, he apparently also paid a political price, since \$2,000 of the proceeds, or approximately 5 percent, were donated to the Speaker of the House and the wives of the three members of Congress who sponsored the resolution releasing the funds, to be used "for war activities or charities" of their choosing.

Roosevelt's shift in the use of the Nobel Peace Prize funds from industrial peace to war-related purposes undoubtedly expressed his sense of the Great War's overwhelming importance.¹⁴⁸ His way of prioritizing issues, as he explained in another context, was "a question of the major interest driving

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¹⁴⁸ Theodore Roosevelt, *The Foes of Our Own Household* (New York: Doran, 1917), 17-18, 22 ("The deeds of peace are for the future. The instant need is for the deeds of war."). During the final sixteen months of his life, from September 1917 to January 1919, Roosevelt wrote over one hundred articles – nearly two a week – for the *Kansas City Star*, almost all of which dealt with military and war policy and the direction of peace negotiations. Theodore Roosevelt, *Roosevelt in the Kansas City Star*, ed. Ralph Stout (Boston: Houghton Mifflin, 1921).

out the minor interest.”¹⁴⁹ Shortly after the war began in Europe, he made clear that American military preparedness was his major interest and that industrial justice was a distinctly minor interest. “[I]t is of no use talking about reform and social justice and equality of industrial opportunity inside of a nation,” he wrote, “unless that nation can protect itself from outside attack.”¹⁵⁰ Not only did war aims supersede Roosevelt’s vision of achieving industrial peace, but it also led him to call on the labor movement to subjugate its interests to those of the war effort. In a 1915 speech on “Americanism,” he disparaged strikes while the nation was preparing to defend itself as “a scandal to the country as a whole and discreditable alike to employer and employee.” Just as employers should recognize human rights and work cooperatively with employees, he argued, their employees should shun the militancy of labor organizations like the IWW or else brand themselves as “not merely an open enemy of business but of this entire country.”¹⁵¹

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¹⁴⁹ Robinson, *My Brother TR*, 274.

¹⁵⁰ Theodore Roosevelt, *Fear God and Take Your Own Part* (New York: Doran, 1916), 79.

¹⁵¹ *Ibid.*, 366-367, 375. The IWW (Industrial Workers of the World) was a militant labor organization founded in 1905 by, among others, the Western Federation of Miners, Roosevelt’s chief example of the “bad” union. Roosevelt considered the IWW as part of “the squalid crew who preach the gospel of envy and hatred, who preach a class war which, when preaching is translated into action, expresses itself through the bomb and the torch.” Roosevelt, *Great Adventure*, 121.

VI. "What Books a Statesman Should Read": Octave Thanet's Fiction

If we could code by color the positions that Roosevelt took in the labor actions described above, like countries differentiated on a map, their diversity would require multiple colors to represent the underlying rationales. Indeed, for some of the actions (like those regarding the coal strike, union membership, labor injunctions, and the industrial peace foundation), there would have to be different shades of color to signify Rooseveltian changes of position. Did Roosevelt have core beliefs, like roads and bridges on a map, which help to connect those positions? My contention is that at least part of the answer can be found in Roosevelt's taste for a certain kind of labor literature.

Roosevelt read widely, and we know a great deal about what he read.¹ In November 1903, Roosevelt responded to a letter from Nicholas Murray Butler, influential Republican and president of Columbia University, asking what books Roosevelt had read during the first two years of his presidency. The "catalogue" Roosevelt furnished would be extraordinary even for a person with more leisure time than a president of the United States. His list identifies over a hundred works (some multi-volumed), either by title or author, including classics of literature, history, philosophy, poetry, drama, comedy, children's books that he "read aloud to [his] children, and often finished afterwards to myself," travel, and hunting, not to mention "ephemeral novels" whose names

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¹ Wagenknecht, *Seven Worlds*, 44-76.

he had forgotten.²

Deep in Roosevelt's "catalogue" is the pregnant statement that he had read stories by Octave Thanet, "which I always like when they deal with labor problems."³ Not only does that comment contain one of the few expressions in the list of what he liked, but the item is also the only one singled out for addressing labor matters. It provides a key to understanding Roosevelt's attitude toward unions because Octave Thanet wrote labor stories that seem to foreshadow or parallel Roosevelt's own experiences as president.

The French-looking name Octave Thanet was the pseudonym of an American writer whose family name was "French." Alice French (1850-1934) was the daughter of wealthy New England parents. She moved as a child with her family to Davenport, Iowa. There, her father was a successful manufacturer, banker, and railroad executive.⁴ She did most of her writing in Iowa and on a large plantation she later bought in Arkansas. Virtually forgotten today, she was a popular and prolific writer of regional fiction during Roosevelt's adult years. Her biographer lists over one hundred fifty short stories and articles published in magazines between 1871 and 1903, the year

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² TR letter to Nicholas Murray Butler, November 4, 1903, in Morison, *Letters of TR*, 3:641-644.

³ *Ibid.*, 3:643.

⁴ George McMichael, *Journey to Obscurity: The Life of Octave Thanet* (Lincoln, Nebraska: University of Nebraska Press, 1965), 18, 54-56.

of Roosevelt's reading "catalogue." These were so popular that, by the latter year, book publishers had issued eight separate compilations of her stories.⁵

In addition to her reputation based on local color and patois, her work displays a profound distaste for labor unions. We do not know which of Thanet's labor stories Roosevelt read, but all the logical suspects (namely, those published in book form before Roosevelt's revealing letter to Butler) reflect condemnation of unionism or admiration for salt-of-the-earth business managers.⁶ Curiously, Roosevelt's interest in Thanet's labor stories has received little attention from historians.⁷

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⁵ McMichael, *Journey to Obscurity*, 222-231. Magazines by the 1880s were paying for her stories at twice the standard rate. *Ibid.*, 115. William Allen White, the midwestern newspaper editor and Roosevelt friend, rated her "one of the best short-story writers of the nineties." White, *Autobiography*, 311.

⁶ The Thanet stories discussed below are those that deal with labor problems in the eight book compilations. Although her biographer reports that TR told Thanet in 1910 that he had taken one of these books on African safari in 1909 as part of his specially bound "pigskin library," Roosevelt's detailed account of what he actually took does not mention any of Thanet's works. He did, however, comment on books he had taken on earlier journeys, including "the novels and stories of Octave Thanet," a reference immediately followed by his statement, "I have certainly profited as much by reading really good and interesting novels and stories as by reading anything else, and from the contemporary ones I have often reached, as in no other way I could have reached, an understanding of how real people feel in certain country districts." Compare McMichael, *Journey to Obscurity*, 191, with Roosevelt, *African Game Trails*, 513-516. None of Thanet's eight books or her labor stories appears in inventories of Roosevelt's Sagamore Hill library, but they may have been given away or otherwise disposed of. Author's telephone conversation with Amy Verone, Chief of Cultural Resources, and e-mail correspondence with Mark Koziol, Museum Technician, both of the National Park Service, Sagamore Hill National History Site, in July-September, 2009.

⁷ The fullest account of his presidential labor attitudes and actions does not mention Thanet or her stories. Greenberg, *TR and Labor*. The same is true of almost all of the TR biographies mentioned in this study. Edmund Morris' more recent study of Roosevelt's presidential years mentions Thanet only by name in connection with the "catalogue" of Roosevelt's reading, without referring to either Roosevelt's liking for her stories or their labor subject matter. Morris, *T Rex*, 288.

One of her earliest stories, "Communists and Capitalists: A Sketch from Life" (1878), demonstrates Thanet's thinking about labor organizations.⁸ The "story" is actually a series of dialogues in which a woman who works her way from clerk to part owner of a plow factory debates a self-described communist blacksmith whom she refuses to hire unless he promises to abandon his union affiliation and strike advocacy. He rejects her offer as "tempting me to turn traitor" and the capitalist system generally because it "grinds a poor man to powder, so as to make a rich man richer." She argues that he has ignored human nature's subjection to a Spencerian "survival of the fittest" and that in communism "the weak would have less protection than even now, for all those restraints of morality, which are bound up inseparably with rights of property, would have been thrown aside."⁹

Neither the capitalist nor the communist convinces the other, and Thanet suggests they never will, but the story's moral resides in the character of the debaters. The capitalist woman is altruistic, tangibly aiding the blacksmith's wife and children, and kind to animals. Contrary to the accusation that she wants to exploit workingmen, her goal is for workers to become company stockholders so that they can share in her factory's profits.

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⁸ Reprinted as "A Communist's Wife" in *Knitters in the Sun* (New York: Houghton Mifflin, 1887). The further reprint of that volume referred to here is Alice French, *Knitters in the Sun* (New York: Garrett, 1969), 173-200. French was responsible for the story's title change, believing this would help to liberate it from its tendency toward essay. McMichael, *Journey to Obscurity*, 105.

⁹ French, *Knitters*, 189, 190-191. Roosevelt was not a fan of Herbert Spencer, whom he regarded as a teacher of "social nihilism" who stood "as far to one side of the line of sane action as [Karl] Marx stands on the other." Roosevelt, *Foes*, 127, 163.

Roosevelt would have been attracted to that labor approach, for, as early as 1886, he had boasted that almost every one of the many wageworkers on his ranch "has some interest in the profits."¹⁰ In contrast, Thanet's labor advocate is so dedicated to communist principles that his family lives in poverty and poor health. When he later becomes a leader of Chicago rioters supporting the 1877 railroad strike, he physically rebuffs his terrified wife while he gives orders to the rioters. He refuses to take any responsibility for her death during the ensuing rioters' battle with police and troops, blaming it instead on the capitalist woman's declining to hire him years earlier.¹¹

Thanet did not remain a dry theoretician. Her story "Otto the Knight" (1888) is a melodrama that criticizes violent union rhetoric.¹² There, Arkansas mill workers who are members of the Knights of Labor quit work in protest against the story's hero, their head carpenter, because he had formerly worked as a strikebreaker. Influenced by union rhetoric and threats against the hero, a youth named Otto attempts to blow up the hero with dynamite when the latter is working alone in the mill, but a child wanders into the area after the fuse has been lit. In the prelude to a happy ending fit for silent movies, the non-union hero and Otto the union sympathizer together save the child. Guilt-ridden, Otto confesses to the mill owner, who humanely protects the boy from

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¹⁰ Morris, *Rise of TR*, 345.

¹¹ French, *Knitters*, 175, 183-184, 187, 192-193, 195-198, 200.

¹² Octave Thanet, *Otto the Knight and Other Trans-Mississippi Stories* (Boston: Houghton Mifflin, 1891), 1-58.

going to jail. The story ends with the community blaming the union for the dynamiting and the pretty ingenue choosing the non-union hero over a union suitor.

In one of her most modern stories, Thanet uses domestic conflict to parody the process of labor-management dispute resolution. In "The Strike at Glasscock's" (1893), Mrs. Glasscock is the only worker at her husband's mill. In order to protest Mr. Glasscock's refusal to paint their house, she goes on strike in imitation of what she has read in newspapers about union disputes. Based on the same newspaper reports, he adopts the management tactic of locking her out of the house. Instead of talking through their dispute, he foresees using the method for strike and lockout resolution learned from the newspapers. "Why, *nobuddy* gives in," he explains to a stranger. "They finds somebody they can have confidence in, an' they leaves it to him, an' both on 'em will abide by his decidin'." The joke is that the husband believes he knows "aforehand what a decent arbitrationer" would decide, and he does it himself. As he paints the house, the wife returns to home and work. Good sense has resolved their labor dispute without waiting for the formality of a third party's decision.¹³ The story is a tongue-in-cheek forerunner of the convoluted path to third-party resolution taken by the mine owners and the UMW in the 1902 anthracite coal strike.

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¹³ Octave Thanet, *A Book of True Lovers* (Chicago: Way & Williams, 1897). It was reprinted in Alice French, *A Book of True Lovers* (Freeport, N.Y.: Books for Libraries, 1969), 1-20.

The most extensive collection of Thanet labor stories was published in 1898 in a book entitled *The Heart of Toil*. Instead of depicting universal union villainy or absurdity, Thanet refines her labor critique by contrasting a thoughtful and decent union leader, Harry Leroy, who appears in several of the stories, with hotheaded or venal characters who misuse union power for selfish ends. The reasonable union leader represented by Leroy would become familiar to Roosevelt during his anthracite coal strike dealings with the UMW's John Mitchell, who struggled against violence during the strike, argued against a contract-violating sympathy walkout by bituminous coal miners, and maintained his composure in front of the president despite vituperation from mine owners. For Roosevelt, the law-and-order predisposition of union leaders like Mitchell and the fictitious Leroy was a model for responsible union leadership.¹⁴

Fictional union leader Leroy actually opposes striking a plow factory in "The Non-Combatant" (1897). He privately tells a shop owner whose trade has declined during the strike that when responsible union leaders support strikes, "[I]t's either because they see no other way to prevent the men's being ground to powder, or because there's a crazy pressure on them from the hot-heads that they can't resist." Leroy works hard to maintain peaceful discipline among

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¹⁴ Octave Thanet, *The Heart of Toil* (New York: Scribner, 1898). The reprint cited here is Alice French, *The Heart of Toil* (Freeport, N.Y.: Books for Libraries, 1969). For Thanet's invocation of Leroy's adherence to law and order, see pages 89, 121.

the strikers. He then risks his life to save the factory owner from a beating by hotheaded, inebriated strikers.¹⁵

The moral of the story is that the strike damages the entire community. It impoverishes strikers' families; jeopardizes the economic well-being of other local businesses and their employees, whether or not they sympathize with the strikers; undermines personal relationships; and encourages anonymous fire-setters to burn down a shopkeeper's home and store after he helps Leroy protect the mill owner. Thanet seems to ask the reader to consider the empty purpose of all this suffering, when we learn that the mill owner and the union leader find that their joint defense against union violence engenders mutual trust that enables them to resolve the labor conflict in a single conversation.¹⁶

Similarly, in "The Way of an Election" (1897), Harry Leroy's logical advocacy before union members of a conservative political choice prevails over an ambitious labor editor's emotional arguments against an amorphous "money power," but only after national politicians have bribed the editor to change his position.¹⁷ Thanet's opinion of venal union leaders foreshadows Roosevelt's. In a letter to his secretary of state, John Hay, during a western trip in 1903, the president wrote that "in Butte, every prominent man is a millionaire, a gambler, or a labor leader, and generally he had been all three . .

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¹⁵ Ibid., 3, 13, 23, 25, 30-34.

¹⁶ Ibid., 36.

¹⁷ Ibid., 45, 59, 61-63, 68, 74-76.

. The millionaires had been laboring men once, the labor leaders intended to be millionaires in their turn, or else to pull down all who were."¹⁸

Thanet's decent labor leader prevails over another ambitious and unsympathetic union adversary in "The Moment of Clear Vision" (1898). Leroy's goal is to obtain a strike settlement that benefits the employees, rather than yielding to his adversary's desire to prolong the strike in order to achieve wider union recognition (one of the key stumbling points, it will be remembered, in Roosevelt's efforts to settle the 1902 anthracite coal strike). The theory of Leroy's adversary is that "[i]ndividual hardships must be borne for the sake of the cause." Thanet's dramatic device in this story is Leroy's kidnapping of the adversary, but only to renew the man's contact with family and human values from which he has strayed because of union careerism. Leroy justifies the kidnapping as "better one man should suffer than four or five hundred, and maybe a great many more."¹⁹

The most violent and action-oriented story in *The Heart of Toil* is Thanet's defense of a strikebreaker in "The 'Scab'" (1895). Hired as a railroad fireman to replace a striking worker during the 1894 railroad strike, the "scab" feels guilty that he has profited from another man's suffering, but justifies his action by the need to support his wife and six children. (By the time the story

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¹⁸ Robinson, *My Brother TR*, 152-153.

¹⁹ French, *Heart of Toil*, 83, 88, 90, 92-94.

was published in book form, Roosevelt was also the father of six children.²⁰) The train's engineer, conductor, and brakeman, who are members of non-striking railroad unions, are not entirely sympathetic to the strikebreaker, but they abhor the striker violence directed at trains still in operation. The "scab" exposes himself to harm in order to help the train travel safely past dangerous, striker-placed obstacles and to protect a woman passenger from a pro-strike mob. He finds later that his guilt for replacing the striking fireman was misplaced, because it was this same striker who attacked the woman passenger and who had a reputation among his fellow trainmen for pre-strike arrogance and laziness.

The story also offers an intellectual defense of the "scab" by arguing that replacing a striker is morally the same as a union member's replacing a non-union worker fired for refusing to join the union.²¹ Whether or not the two kinds of replacement are equivalent, Roosevelt may have appreciated the linkage between the equal rights to employment of both strikebreakers and non-union employees when he reinstated non-union federal employee Miller to his job at the Government Printing Office.

In *The Heart of Toil's* final story, "The Conscience of a Business Man" (1898), Thanet shifts her focus to assess the character of a steel mill president. Faced by declining business and the unwillingness of banks to

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²⁰ Harbaugh, *Life and Times*, 74.

²¹ French, *Heart of Toil*, 159, 165-166, 168, 173-174, 186, 190.

finance his company during a downturn, the president must decide whether or not to lay off workers. There is no union involvement, but Thanet shows how labor agitators try to stir up employees by spreading rumors of an impending layoff and accusing the company president of greed. The president, however, is a self-made man with genuine concern for his employees, and he defers a personal home-buying dream by loaning his available cash to the company in order to avoid a layoff.²²

In 1905, Thanet sent Roosevelt her labor novel, *The Man of the Hour*, telling him that the model for the hero was her deceased brother. The hero is a do-gooder, who abandons a thriving, family-run, machine-manufacturing business and spends a large inheritance to support workers in a strike whose purposes he nevertheless distrusts. At this point in the story, he personifies the principle of backing the union-right-or-wrong, because that is how he believes he can do the most good for working people.

The novel recounts in detail union strike tactics, both legal (e.g., winning public support by offering to arbitrate all disputes with the struck employer and recruiting non-employee picketers) and potentially illegal (e.g., threats and violence against persons and property and secondary boycotts

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²² Ibid., 191, 197-199, 210-211, 215. This story develops the Thanet theme in praise of fair business managers. As a sympathetic, but unlettered, character says of "plutocrats" in "The Moment of Clear Vision," *supra*, "Some of them are good men, and I've known of their doing kind things right here in Chicago." Ibid., 118.

directed at non-struck employers).²³ Disillusioned by strike-related deaths for which he feels partially responsible, the hero finds absolution by successfully leading strikebreakers at his family's factory against a walkout fomented by a corrupt and violent union official. The hero's rewards are an unqualified return to his family, an executive position in the family company, and marriage to his childhood sweetheart. The novel's message is that the alternative to strikes is helping people through "the only true, sensible, American way, by giving them a show to help themselves," provided that "the great business man of the future" understands that he must "have a heart or he can't understand and manage his men." It is the same golden rule that Roosevelt preached.²⁴

Thanking Thanet for the novel, Mrs. Roosevelt wrote that it showed that the author's hero/brother was a good man. According to Thanet's biographer, the president told an Iowa newspaper that he was interested in the novel, praising Thanet for her knowledge of factories and the machine business. Roosevelt later proclaimed the accuracy of her stories about "American labor people."²⁵

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²³ Where Roosevelt analogized labor violence to the excesses of the French Revolution, Thanet saw parallels between labor violence and the actions of Russian nihilists at the end of the nineteenth century. Thus, a nihilist emigré's attempt to burn down the hero's family factory at the beginning of the novel is echoed by a striking union's attempt to do the same at the novel's climax. Octave Thanet, *The Man of the Hour* (New York: Grosset & Dunlap, 1905), 98-99, 461-462.

²⁴ Thanet, *Man of the Hour*, 475.

²⁵ McMichael, *Journey to Obscurity*, 164, 191-192; TR letter to Trevelyan, November 23, 1906, in Morison, *Letters of TR*, 5:499-500.

Thanet's unsubtle labor lessons can be simply summarized. Business owners do not invariably exploit their workers. In contrast, unions undermine morality and property rights by becoming vehicles for hotheads and self-aggrandizing leaders. Even the most responsible union leader struggles against such socially destructive elements. Strikes lead to violence, impoverishment of families, and harm to the wider community. Strikes and third-party intervention are not necessary to reach agreement on common-sense labor resolutions.

For Roosevelt the former cowboy and Rough Rider, Thanet's good guy vs. bad guy mythology was attractive, because it portrayed the kind of life lessons that were important to him.²⁶ In his *Autobiography*, Roosevelt addressed the question of "what books a statesman should read." His answer was "poetry and novels – including short stories under the head of novels." He acknowledged the importance of reading history and government, science and philosophy. "But, in the final event," Roosevelt explained, "the statesman, and the publicist, and the reformer, and the agitator for new things, and the upholder of what is good in old things, all need more than anything else to know human nature, to know the needs of the human soul; and they will find

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²⁶ Roosevelt's sister said of his Dakota experience as cowboy and ranchman that he became "not only one of them from a physical standpoint, but also one of them from the standpoint of understanding their mental outlook." Robinson, *My Brother TR*, 123. For a concise summary of Roosevelt's cattle ranching years and the three books TR wrote about them, see Harbaugh, *Life and Times*, 54-58, 66. Roosevelt also described his ranching years in an autobiographical chapter entitled "In Cowboy Land." Roosevelt, *Autobiography*, 94-131.

this nature and these needs set forth as nowhere else by the great imaginative writers, whether of prose or of poetry."²⁷

Roosevelt made clear to Alice French that he regarded her Octave Thanet stories as illuminations of human nature and the needs of the human soul. Shortly after the anthracite coal strike, he told her, "I doubt whether I have ever seen a story of yours which I have not picked up and read, always with pleasure, and, especially where you deal with labor problems, real profit." He praised her stories "on acute phases of the labor problem" as "missionary work" and invited her to the White House.²⁸ She dined there twice, in 1906 and 1908. Praising her as "a trump in every way" a short time after the first dinner, Roosevelt wrote to another writer friend, William Allen White, that Octave Thanet "has always seemed to preach just the social and economic gospel that we as a people need." That gospel, as Roosevelt could not have failed to see in her stories, did not depict unions as part of salvation.²⁹

Roosevelt's comments about Thanet's labor stories and gospel coincide with his presidential years, and there are no comparable Thanet references in

²⁷ Roosevelt, *Autobiography*, 346-347.

²⁸ TR to Alice French, February 7, 1903, in *Letters of TR*, 3:421-422; McMichael, *Journey to Obscurity*, 160.

²⁹ McMichael, *Journey to Obscurity*, 172, 180. Roosevelt's reference to Thanet's "social and economic gospel" evokes the name of the Social Gospel, a contemporaneous liberal theology. It is unlikely that Roosevelt was suggesting concordance between the two gospels. On labor matters, Social Gospel thought was quite different from Thanet's. The Social Gospelers' perception of the industrial injustices of capitalism led them to support union organization on moral grounds. Many of them, however, were unsympathetic to strikes and groped for an alternative to what they viewed as potential union abuse of power. A few, like Washington Gladden, accepted strikes as part of labor's "belligerent right." Charles Howard Hopkins, *The Rise of the Social Gospel in American Protestantism, 1865-1915* (New Haven: Yale University Press, 1940), 81-82, 92-97, 225, 246-247, 324.

his published writings thereafter. There is some post-presidential evidence, however, in his appraisal of another labor-fiction writer, John Hay, that he retained his underlying distrust of organized labor's tendencies. As discussed earlier, Hay had anonymously written an anti-strike novel, *The Breadwinners*, nearly two decades before Roosevelt's ascension to the presidency.³⁰ It is uncertain when Roosevelt read it, but he was certainly familiar with the novel by 1915, ten years after Hay's death. In a review that year of a biography of Hay, Roosevelt called the novel "a really powerful presentation of one side of our complex social and industrial problems; a side which needs to be stated, but which there is a certain irony in having stated by Lincoln's biographer."

Roosevelt found irony in comparing Hay's radicalism when he worked for Lincoln with the novel's conservative "instincts and ways of thought." He attributed Hay's change of heart to "horror of lawlessness and disorder and the brutal violence unleashed by demagogues who were powerless to control it" during the 1877 railroad labor riots. Recourse to irony, however, does not demonstrate disagreement with Hay's "really powerful presentation." What it does suggest is Rooseveltian evasiveness, for we know that he shared Hay's horror of labor lawlessness and disorder. Significantly, he did not characterize as wrong either Hay's radicalism or later conservatism. Indeed, Roosevelt

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³⁰ The emphases in the labor fiction of Hay and Thanet are different. His focus is on the undesirable consequences of strikes; hers reflects a broader critique of labor union tendencies. Both, however, are critical of the potential of labor unions to undermine morality and social stability.

minimized the meaning of the words “radical” and “conservative” because of their “inexactitude in terminology, for the same action may be radical from one standpoint and conservative from another.”³¹

In his *Autobiography*, written earlier than the book review but also after Hay’s death, Roosevelt found another indirect way to comment on Hay’s labor views. Noting Hay’s “jesting with me about my supposedly dangerous tendencies in favor of labor against capital,” Roosevelt recounted Hay’s 1905 inaugural gift to him of a ring containing a cutting of Lincoln’s hair. “I often thereafter told John Hay,” Roosevelt wrote, “that when I wore such a ring on such an occasion I bound myself more than ever to treat the Constitution, after the manner of Abraham Lincoln, as a document which put human rights above property rights when the two conflicted.”³²

Until I read Roosevelt’s review of the Hay biography, I found it difficult to understand where he was heading with the Hay comment in his *Autobiography*. Was he returning Hay’s labor jest, disagreeing with Hay, or hiding their agreement? When read together, however, the two references underscore Roosevelt’s deliberate avoidance of either rejection or adoption of Hay’s labor views. They nevertheless seem to serve a dual purpose, because they allowed Roosevelt to offer, indirectly through Hay, disapproval of labor unions without directly playing the role of critic. Given Roosevelt’s skill as a

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³¹ Hagedorn, *Works of TR*, 11:244-245.

³² Roosevelt, *Autobiography*, 399-400.

writer and his earlier admiration for Thanet's labor views, this seems at least to suggest that Roosevelt did not abandon his Thanetological perspective in his post-presidential years.³³

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³³ Roosevelt's comments about Thanet's labor views were almost all private; whereas the two comments about Hay's views were very public. Roosevelt was, unsurprisingly, more candid in private than he was in public. One can argue that his circumspection about Hay's labor views showed respect for a deceased friend. Perhaps, but he was hardly circumspect in his brutal, albeit private, posthumous criticism of Hay's performance regarding foreign affairs and administration of the State Department. TR letter to Lodge, January 28, 1909, in Morison, *Letters of TR*, 6:1489-1498.

Figure 5

Courtesy Iowa State Department of History and Archives
Alice French, at the height of her career

VII. "Labor is the Superior of Capital": Post-Presidency

Roosevelt historiography sometimes treats his post-presidential years as the flowering of a more liberal social agenda, including in his attitude toward organized labor. Regarding a man whose career demonstrates frequent modifications of outlook, this is an appealing concept. It is possible to find isolated instances that support the interpretation, but easier to show that Roosevelt's labor views underwent little change during this period.¹

After leaving the presidency, Roosevelt spent a little more than a year collecting animal trophies in Africa, counseling with royalty and intellectual leaders in Europe, and considering complaints that President Taft had not furthered Rooseveltian ideals. In late summer of 1910, he embarked on a national speaking tour in which he articulated his political philosophy, the New Nationalism. At the beginning of his itinerary, in Osawatomie, Kansas, Roosevelt delivered a speech memorable for his most famous labor statement.

Quoting Lincoln, his political hero, Roosevelt said, "Labor is prior to, and independent of capital. . . . Labor is the superior of capital, and deserves much the higher consideration." He proclaimed that "I stand for the square

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¹ Compare Kathleen Dalton, *Theodore Roosevelt: A Strenuous Life* (New York: Knopf, 2002; Vintage, 2004), 417-418 (arguing for his leftward movement), with Patricia O'Toole, *When Trumpets Call: Theodore Roosevelt after the White House* (New York: Simon & Schuster, 2005), 351 (arguing for lack of evidence of change). Dalton bases her conclusion largely on TR's expressed sympathy for striking garment workers in 1913, but as president he had also sympathized with strikers and supported their right to unionize. O'Toole notes that in 1918 TR's new world of economic justice "was virtually a twin of his old one."

deal,” and by that he meant not just fair play under the current rules, but “having those rules changed so as to work for a more substantial equality of opportunity and of reward for equally good service.” He wanted “to regulate the terms and conditions of labor,” including wages “more than sufficient to cover the base cost of living”; shorter hours of work; comprehensive workers’ compensation; regulation of children’s and women’s labor; practical training in common schools; and better sanitary conditions and safer equipment.

The Osawatomie speech did not address the role labor unions should play in realizing Roosevelt’s vision for a worker square deal. But when he invoked the “need to set our faces like flint against mob violence just as against corporate greed; against violence and injustice and lawlessness by wage workers,” it was clear that he continued to have concerns about union irresponsibility.² He elaborated on this when he told members of the Brotherhood of Locomotive Firemen in early September 1910 how to resolve potential conflicts between labor rights and labor obligations. “Insist upon your own rights and remember your own duties,” he said. “Of the two, lay a little more stress on the duties than on the rights.”³

As the New Nationalism tour progressed, Roosevelt followed two lines of thought about organized labor – one friendly and one skeptical -- without resolving the problem of where they might intersect. The friendly line tracked

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² Roosevelt, *New Nationalism*, 8, 11-12, 24-25.

³ Hagedorn, *Works of TR*, 16:163.

the emergence of the nation's "extraordinarily complex industrial development," which required new protection for employees and recognition of "the desirability of the right of collective bargaining [through trade unions] on the part of employees face to face with the great corporation, as was not necessary when the employer was one man or a partnership of two or three men employing half a dozen or half a score of men." It was "outrageous" for employers to discriminate against employees who want union representation "or to refuse to deal with a union when organized." Roosevelt announced, in words that unions still quote in organizing drives, "If I were a wage worker, I should certainly join a union."⁴

Roosevelt's skeptical line of thought grew from the premise that "labor organizations have the weaknesses and defects common to all forms of human organization." When they acted "very well," he was for them. When they acted "very badly," he was against them. Acting badly encompassed strikes with "violence, lawlessness, and mob rule." Such instances had to be dealt with promptly and sternly, "no matter what the cause may be that excites them," and "all questions of reform had to be postponed until the orderly process of the law was resumed." Speaking in Columbus, Ohio, during a street railway strike that had turned violent, Roosevelt even condemned attorneys who defended the "miscreants" accused of such behavior. He told the wage

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⁴ Roosevelt, *New Nationalism*, 37-38 (speech to Colorado legislature), 127-129 (speech in Sioux Falls, South Dakota), 224 (speech in Columbus, Ohio). The reference to union use of TR's advocacy for joining a union is from the author's personal experience.

workers to “get rid of the attorneys . . . [because] such action inevitably tends to cast a doubt upon the sincerity of the expressions of the men who disclaim sympathy with those outrages.”⁵

Roosevelt’s inventory of the “weaknesses and defects” of labor unions was not limited to violence. It was also “outrageous” for unions and employees to “force a man to join” the union (echoing his presidential action in the 1903 Miller case) or to encourage “secondary boycotts” where unions sought to pressure the involved primary employer by harming its vendors and customers. What troubled Roosevelt about such tactics was the union’s extending the labor dispute to harm the public, “the people as a whole.”⁶

Roosevelt’s simultaneous endorsement and criticism of organized labor reads today like the tension embedded in the labor legislation that Congress passed in the 1930s and 1940s, but he did not propose such legislation.⁷

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⁵ Roosevelt, *New Nationalism*, 118 (speech in Sioux Falls), 129-130, 133 (Labor Day speech in Fargo, North Dakota), 172 (speech in Omaha), 207 (speech in Chicago), 219, 221 (speech in Columbus). In his 1913 *Autobiography*, at page 493, Roosevelt called “unworthy” any public servant who “invariably throws the weight of his influence on the side of the trade union, whether it is right or wrong.”

⁶ Roosevelt, *New Nationalism*, 132 (Labor Day speech in Fargo), 222, 224 (speech in Columbus). To the list of union behaviors that should be “repressed,” Roosevelt later added restriction of output and jurisdictional disputes between unions. At the same time, he continued to identify employer wrongs. Roosevelt, *Autobiography*, 494-495. Studies show a contemporary parallel to Roosevelt’s ambivalence about labor unions among the progressive movement’s middle-class leaders, who felt they were “hemmed in” politically and/or economically by monopolistic capitalism and the combination of organized labor and socialism. George E. Mowry, *The California Progressives* (Berkeley: University of California Press, 1951; Chicago: Quadrangle, 1963), 91-95; Hofstadter, *Age of Reform*, 170, 241. To the same effect, an appraisal of national political leaders in the progressive movement concludes that abuses of union power complicated their desire to balance property and union rights. Fred Greenbaum, “Ambivalent Friends: Progressive Era Politicians and Organized Labor – 1902-1940,” *Labor’s Heritage* 6, no. 1 (1994): 62-76.

⁷ These enactments are discussed below in the Conclusion.

Instead, the New Nationalism as expressed in 1910 relied on the internal workings of each union's membership to cure organizational defects. His prescription was to "let the men within the organization realize the necessity of keeping the organization straight."⁸

Running for President in 1912 as the leader of the Progressive Party, Roosevelt effectively abandoned the Republican Party's "colorless" 1908 plank regarding labor injunctions. In essence, his 1912 platform adopted the Democrats' 1908 platform, by incorporating broad language restricting labor injunctions and granting trial by jury to those accused of contempt in labor disputes. Further, his 1912 platform explicitly favored "the organization of the workers, men and women, as a means of protecting their interests and of promoting their progress."

Yet, the gap remained between Roosevelt's Progressive Party outreach to organized labor and his emphasis on the primacy of government action to protect workers. The Progressive platform clause favoring worker organization was placed last of fifteen paragraphs defining the components of "Social and Industrial Justice," with the earlier paragraphs setting forth *government* responsibility for worker health, safety, and job security; minimum wages; limitations on hours of work; social insurance; and education. As an exclamation point to government as the source of worker benefits, the Progressive platform also called for establishment of a cabinet-level

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⁸ Roosevelt, *New Nationalism*, 131 (Labor Day speech in Fargo).

department of labor "with wide [though unspecified] jurisdiction over matters affecting the conditions of labor and living."⁹

Roosevelt's 1911 and 1912 writings and speeches likewise emphasized the government's role in achieving social and industrial justice. He called for realization of the Progressive Party's labor goals through "legislation."¹⁰ In his "Confession of Faith" delivered to the Progressive Party convention that nominated him for the presidency in 1912, Roosevelt supported the party's "social and industrial justice" platform with unequivocal rhetoric calling for the establishment of "minimum occupational standards." Any industrial condition below such standards "should come within the scope of Governmental action and control," and he pledged that his federal government would have investigative, standard-setting, and enforcement power over virtually all aspects of work.¹¹ In a campaign speech less than two months before the 1912 election, Roosevelt reached a crescendo in asserting the supremacy of government to remedy social and industrial wrongs. "The only way in which our people . . . can protect the working man in his conditions of work and life," he told a San Francisco audience, "the only way in which the people can prevent children working in industry or secure women an eight-hour day in

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⁹ Schlesinger, *History of Elections*, 3:2188-2189.

¹⁰ Roosevelt was critical of the judicial branch of government for having thwarted, through "foolish and iniquitous decisions," the efforts of legislatures "to remove burdens from wage-workers." Theodore Roosevelt, *Progressive Principles*, ed. Elmer H. Youngman (New York: Progressive National Service, 1913), 5, 76-77, 93-96, 241.

¹¹ Roosevelt, *Progressive Principles*, 131-135.

industry, or secure compensation for men killed or crippled in industry, is by extending, instead of limiting, the powers of government.”¹²

As for labor unions, Roosevelt refined but did not revise his blueprint for resolving the tension between labor rights and labor duties. He was for collective bargaining and for seeing labor organizations become powerful, but he saw peril ahead when that happened. “The minute any organization becomes powerful,” he wrote, “it becomes powerful for evil as well as for good; and when organized labor becomes sufficiently powerful the State will have to regulate the collective use of labor just as it must regulate the collective use of capital.”¹³

Organized labor did, however, receive prominence in one of Roosevelt’s most famous 1912 campaign addresses, delivered just after a would-be assassin had shot him and before he was taken to the hospital. At that dramatic moment, less than a month before the election, Roosevelt seemed determined to express his fundamental beliefs. His impromptu remarks (stenographically captured and “differing considerably from the prepared manuscript”) encompassed both an embrace of unionization and a desire to circumscribe how unions act. In “one-half of the appeal that I make,” he asked “the outsider and the capitalist” to recognize “that the laboring man must organize for his own protection.” The other half of his appeal was “to the

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¹² Hagedorn, *Works of TR*, 17:309-310.

¹³ TR article in *Outlook Magazine*, February 4, 1911, reprinted in Hagedorn, *Works of TR*, 17:72.

labor man himself." Roosevelt asked everyone associated with organized labor to denounce "crime . . . violence . . . disorder . . . and the inciting of riot," the black clouds hanging over the labor movement; and "to feel in their turn that exactly as justice must be done them so they must do justice." But he did not indicate what he would do as president if either half of his appeal was ignored or rejected.¹⁴

Roosevelt's statements in the 1910-1912 post-presidential years raise the question of Herbert Croly's influence. Croly's book, *The Promise of American Life*, appeared in 1909.¹⁵ Roosevelt read it before returning to America from his African and European trip. He regarded it as a "profound and illuminating study of our national conditions," a watershed book for its emphasis on "collective responsibility," and a corrective to the prevailing notion of "individual responsibility" by which business preeminence had dominated American life.¹⁶ Some historians treat the book as either a stimulant to or extension of Roosevelt's progressive thinking, and at least one prominent Roosevelt biographer gives Croly credit for conceiving the New Nationalism

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¹⁴ Roosevelt, *Progressive Principles*, 108-109; Hagedorn, *Works of TR*, 17:320n, 325.

¹⁵ Herbert Croly, *The Promise of American Life* (New York: Macmillan, 1909; Archon Books, 1963). Croly was a forceful writer who, after dropping out of Harvard three times, rose to the intellectual heights with this book. Harvard soon awarded him an honorary degree, and he later became a founding editor of *The New Republic*.

¹⁶ TR letter to Lodge, April 27, 1910, in Morison, *Letters of TR*, 7:76; Hagedorn, *Works of TR*, 17:53; Roosevelt, *Autobiography*, 27, 79.

(there is no disagreement that the name was borrowed from Croly) on which Roosevelt based his 1912 campaign.¹⁷

Croly's book is a dense critique of what he regarded as an essentially anti-democratic individualism in American political and economic history. His democratic ideal, which paralleled Roosevelt's, emphasized a wider distribution of wealth through the actions of a strong national government. Little attention has been paid, however, to Croly's labor views, how they did or did not influence Roosevelt, or whether Roosevelt's praise of Croly's notion of "collective responsibility" encompassed labor organizations.

On labor union matters, *The Promise of American Life* contains savage anti-union criticism oddly combined with a call for transforming the union movement by ceding to it enormously expanded power. Initially, the book describes labor organization as natural and beneficial to worker standards of living, but it also condemns some unions' "arrogant and lawless" use of mob violence for creating an atmosphere in which "the average union laborer" accepts assaults on strikebreakers as "morally justifiable." Croly's appraisal was that worker preoccupation with union and class had turned workers away from American ideals, the national interest, and a democratic future.¹⁸

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¹⁷ Pringle, *TR*, 379-380 (including the New Nationalism attribution); Harbaugh, *Life and Times*, 321 (crediting Croly with formalizing Roosevelt's piecemeal regulatory program); Goldman, *Rendezvous with Destiny*, 146-147, 161, 163. The editors of Roosevelt's letters conclude that Roosevelt "did not derive his progressivism from Croly. The two simply agreed." Morison, *Letters of TR*, 6:922n, 7:76-77n.

¹⁸ Croly, *Promise*, 126-130.

This sounds very Rooseveltian, as does the initial statement of Croly's solution. He advocated "a more effective body of national opinion, and a more powerful organization of the national interest," plus state constabularies to "prevent the lawlessness which frequently accompanies strikes."¹⁹ As Croly came to the end of his book, however, he took a U-turn. He outlined a "radical and revolutionary" program that he acknowledged the average American would rightly regard as "subversive of the established political and economic system of the country."²⁰ Croly's labor program advocated "substantial discrimination" by the state in favor of unions, through an explicit preference for union labor over non-union workers. He regarded the latter as "a species of industrial derelict," because their competition with union laborers tended to degrade everyone's standard of living. If "worthy [non-union] individuals" were thus sacrificed, he regarded it as excusable because change "involves individual cases of injustice."

In return for such pro-union discrimination, Croly suggested imposing conditions on unions. These would include the right of employers to discharge any worker "not worthy of the money," to bypass the union in order to arrange with individual workers for higher rates of pay and hours, and to participate in setting membership terms for admission to the union. Croly was vague about how to establish these conditions or what would happen if unions resisted

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¹⁹ Ibid., 131, 344.

²⁰ Ibid., 398.

them as unacceptable limitations on their organizational rights and authority. He did say that when unions were "bad," because their "rules and methods are inimical to the public interest," the state would "relentlessly and aggressively fight" them and would organize "counter-unions" whose members would have exclusive rights to the work in question. He did not seem worried about his theory's potential for civic tumult or government dictatorship of labor relations. As for strikes, the union manifestation that Croly had criticized earlier in his book, they would not be forbidden; indeed, they would not go away "unless the spirit and methods of collective bargaining were very much improved."

Croly recognized that the state's role "can only be indefinitely answered" and that discriminating between "good" and "bad" unions was "beyond the courage of existing governments." Not surprisingly, he admitted that it was "improbable" his program would "prove to be any ultimate solution of the labor problem."²¹

Would a re-elected President Roosevelt have tried after 1912 to implement Croly's "improbable" solution to the labor problem? Roosevelt's New Nationalism does not address it, and Roosevelt's defeat in the presidential election of 1912 obviated his having to flesh out his approach to unions. We know, however, that Roosevelt disagreed categorically with Croly's

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²¹ Ibid., 386-396.

conception of favoring unionized workers and abrogating the rights of non-union workers.²²

In 1917, Roosevelt articulated a package of novel, but non-Crolyan, concepts for dealing with strikes.²³ First, after the army had acted to restore order during a violent strike, his usual first response, he added that the government “clearly” had the further duty “to step in and deal with the conditions which called forth the violence.” This included elimination of employer security forces, forbidding the importation of strikebreakers, and “a thoroughgoing and impartial governmental inquiry into the causes of the strike.”²⁴

Second, the notion of a government inquiry should also apply to “exceptional labor disturbances” where the national interest was affected, apparently even if violence had not occurred. In those situations, the government should substantively decide “all of the questions at issue” in the strike and issue a decree that “will be binding upon the capitalists, the property-owners.” If the capitalist employers did not comply, the government would run the business until they did. In dramatic contrast, the workers could ignore the decree and continue the strike, the sole qualification being that “the

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²² In addition to the earlier discussion of this point, see Roosevelt’s post-*Promise* statement in 1913 that “[t]he non-unionist, like the unionist, must be protected in all his legal rights by the full weight and power of the law.” Roosevelt, *Autobiography*, 496.

²³ Roosevelt, *Foes*, 110-112, 116-118.

²⁴ Roosevelt had long believed in governmental inquiry into what caused a strike. See his 1911 articles in the *The Outlook* magazine, quoted in Hagedorn, *Works of TR*, 17:75. The new component was his specification of actions that the government should take thereafter.

government would guarantee, by the exertion of the entire police power of the nation, that there should be no violence against them [the employers], no lawless interference with their running the business according to the terms laid down." In other words, Roosevelt was proposing arbitration of certain labor disputes that would be binding only on the employers.

Moreover, as Roosevelt framed the concept, government intervention in "exceptional labor disturbances" would also apply to *any* strike that involved violence. If so, it would mean that even in non-exceptional labor disturbances unions could unilaterally precipitate the one-sided arbitration scheme by acts of violence.

Aspects of these radical ideas are so remote from the corpus of Roosevelt's writings and actions about labor problems that they defy integration with the rest of his canon. The one-sided resolution of labor problems (mandatory for employers and voluntary for unions) and what appears to be a built-in incentive for labor violence were not only departures from Roosevelt's past approaches, but they were also inconsistent with his virtually simultaneous expressions about union issues.²⁵ Indeed, that same year he told a colleague that improved worker benefits should be "arranged by *common consent of both sides* of the community," but if "they cannot be thus

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²⁵ In the same book that set forth the new concepts, Roosevelt also emphasized that the rights of men should prevail over "any powerful labor union which shows brutality or insolent disregard for equity in dealing with the rights of any of our citizens" and that compulsory arbitration would not eliminate "the chance of trouble in a great strike." Roosevelt, *Foes*, 97-98, 108.

arranged, the State will have to do it.”²⁶ And a year earlier, as vice president of the Authors’ League of America, he had opposed the organization’s affiliation with the AFL as too divisive for the membership, belligerently asserting that “I don’t care a rap whether the Federation of Labor does or does not understand my position.”²⁷

Roosevelt’s conservative reaction to the Bolshevik revolution in Russia at about the same time further illustrates the anomaly of his radical 1917 labor concepts. Before the Bolsheviks gained power, he cautioned a Russian correspondent against “any of those sinister and dreadful deeds which a century and a quarter ago in France produced the Red Terror, and then by reaction the White Terror.”²⁸ When the Bolsheviks seized control of the government, he condemned them. He saw Bolshevik rule as meaning not only that Russia would no longer be a war ally against Germany, but also a threat to liberty and democracy. Although he called himself “a very radical democrat,” he professed to be “equally radical in the insistence on orderly liberty.” He told a friend that he was “inclined to think Bolshevism a more serious menace to world democracy than *any* species of capitalism.” To another friend, he said that the Bolsheviks were operating under “the pretense of lifting the lowly

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²⁶ John J. Leary, Jr., *Talks with T.R.* (Boston: Houghton Mifflin, 1920), 153 (emphasis added).

²⁷ Bishop, *TR and His Time*, 2:401-403.

²⁸ TR letter to Ilya Lovovich Tolstoi (son of Leo), May 1, 1917, in Morison, *Letters of TR*, 8:1186.

[which] merely smashes the man on top and brings down everybody under the ruins."²⁹

Roosevelt's imagery in describing the Bolshevik revolution is reminiscent of his earlier association of militant labor unions with the worst aspects of the French Revolution. Equally interesting is that the Bolshevik threat to liberty and democracy led him to defend capitalism and capitalists. None of this is consistent with the tactical advantages that his 1917 labor concepts showered on labor unions over "the capitalists, the property owners."

Perhaps the novelty of his 1917 labor ideas was a bid for labor support in anticipation of a future run for the presidency. Perhaps it was a message to posterity about how radical he was willing to be. Perhaps his preoccupation with the war in Europe or aging and health issues had affected his intellectual focus.³⁰ We may never know, but we do know that he did not repeat the concepts.

Roosevelt died in January 1919, when he was barely sixty years old. Nearly six years later, the *New York Herald Tribune* published five articles that had been found among Roosevelt's papers. According to the newspaper,

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²⁹ TR letters to James Bryce, November 26, 1917; Felix Frankfurter, December 19, 1917; and W.A. White, May 2, 1918, in Morison, *Letters of TR*, 8:1253-1254, 1264, 1315 (emphasis added); O'Toole, *Trumpets*, 383. He even used some of the money released from his industrial peace foundation to support the anti-German, anti-Bolshevik military plans of a Russian battalion commander named Madame Maria Bochkareva. TR letter to Congressman James A. Gallivan, August 22, 1918, in Morison, *Letters of TR*, 8:1364-1365.

³⁰ During this period, he was often "wracked with pain from the malignant malarial fever he had suffered in Brazil [in 1913-1914] and from abscesses of his thigh and ear." Harbaugh, *Life and Times*, 435-436, 475.

Roosevelt had written them a few months before he died, in reaction to labor troubles at a Colorado mining company, but had then put them aside.³¹ One has to be cautious in drawing conclusions from those articles about Roosevelt's beliefs, because he never approved them for publication. Their style, including redundancies, suggests neither a finished product nor Roosevelt's usual grace of expression and organization.

The content of the articles nevertheless elaborates on themes that Roosevelt had developed throughout his career – the right of working people to organize in unions; the obligation of workers to act “wisely” when they organize; the right of “a non-union man to work side by side with a union man”; union recognition of “the need that prosperity shall come to the managers and investors, no less than to the manual workers, in any business”; the public's interest and right to intervene in labor disputes that are grave enough to affect the people's welfare; suppression of strike actions (by the army, if necessary) that menace life and property, before trying to deal with the causes of the labor conflict; and the establishment of bodies whose “prime function shall be the exposure of the facts and perhaps the power of mediation.”³²

These themes are dramatically different from the radical labor concepts he expressed in 1917. What is perhaps most interesting in the articles is their emphasis on the benefits of profit-sharing and employees' becoming “actual.

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³¹ Greenberg, *TR and Labor*, 432.

³² *New York Herald Tribune*, September 7, 14, and 21, 1924, and October 5, 1924.

partners" in the business as a result of the distribution to them of company stock reflecting a percentage of company profits. Roosevelt had alluded to those notions previously, but the articles seem to offer them as solutions for a failed labor-relations model.³³ One article says that owners' "benevolent despotism is not permanently possible under American conditions." Another says that raising wages from time to time will not "settle the strike question and whether or not there shall be strikes." The implication is that benefit and pay increases will never be sufficient to guarantee labor peace. In contrast, when profit-sharing has been tried, it "has worked admirably, greatly minimizing the friction that has heretofore existed between capital and labor, minimizing the strike menace to almost nothing."³⁴ The articles seem to suggest that if workers become owners, then strikes and labor militancy, and perhaps even unions, will wither away.

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³³ TR letters to Leon O. Sutton, May 25, 1911; and S. Stanwood Menken, January 10, 1917, in Morison, *Letters of TR*, 7:270-271, 8:1143.

³⁴ *New York Herald Tribune*, September 7 and 28, 1924.

VIII. "A Sleek Article": Samuel Gompers

Roosevelt's relationship with Samuel Gompers, president of the AFL and the foremost union leader of their era, provides a coda to the evolution of TR's attitude toward organized labor. Not only did their careers coincide, but the two men also frequently interacted during nearly four decades. During that period, Roosevelt migrated from an early appreciation of Gompers's social insights and advice, to active courtship of Gompers's support, to increasingly hostile political opposition, and finally to disdain and a near-physical altercation in connection with Gompers's defense of labor actions that Roosevelt considered evil. Examination of that sequence reveals much about the role Roosevelt expected unions and their leaders to play in his America.

We have already reviewed Gompers's influence on the young Roosevelt's legislative career in connection with their joint support of the tenement-house bill. A mutually supportive relationship continued during Roosevelt's terms as New York City police commissioner and New York State governor, when Roosevelt accorded Gompers access and consideration on labor issues, leading Gompers "to believe he had respect for me."¹

By the time Roosevelt became president of the United States, Gompers had been president of the AFL for more than a decade. According to Gompers's description of their interactions, President Roosevelt diligently attempted to woo the AFL president. He was frequently and courteously

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¹ Gompers, *Seventy Years*, 1:526-527.

greeted at the White House; was the first labor leader invited to a social function there; was introduced to Mrs. Roosevelt and other members of the president's family; and received private briefings from Roosevelt about the government's foreign policy intentions. Not only was Roosevelt the first president to use the term "organized labor" in an official message to Congress, but also "at times [he] accepted my advice and acted upon it." Looking back, Gompers characterized their relationship as one of friends.²

One can nevertheless see, as early as the second year of Roosevelt's presidency, that TR had misgivings about Gompers. These appeared in the Miller case, where Roosevelt had taken a firm stand against organized labor's insistence on mandatory union membership. After Roosevelt met with labor leaders to discuss his position, he shared his impressions of the meeting with his good friend Senator Lodge. The union leaders, he wrote, were "entirely reasonable," especially the UMW's John Mitchell, with whom Roosevelt had developed an excellent relationship during the anthracite coal strike. As for Gompers, however, Roosevelt was not enthusiastic. Calling Gompers "a sleek article," he dismissed Gompers's reasonable demeanor as something the labor leader "thought it better to be so."³

A political rupture between the two men became evident in 1906 when organized labor actively opposed Republican congressional candidates who

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² Gompers, *Seventy Years*, 1:529-531.

³ TR letter to Lodge, September 30, 1903, in Morison, *Letters of TR*, 3:607.

did not support its legislative goals.⁴ Even then, Roosevelt insisted that Republicans minimize personal attacks on Gompers, but his restraint did not inhibit telling his daughter after the election was over that “[i]t is very gratifying to have ridden iron-shod over Gompers and the labor agitators.”⁵ The break became more serious two years later when Gompers and other labor leaders supported Bryan instead of Taft in the election to succeed Roosevelt as president. As discussed earlier, the dispute between Roosevelt and Gompers focused on the use of labor injunctions and Roosevelt’s devastating critique of Gompers’s position in the president’s widely publicized October 1908 letter to Senator Knox.

What provoked Roosevelt’s ire far more than political disagreements were labor leaders who defended unions that, in Roosevelt’s opinion, had engaged in lawless or unethical conduct. During a period of his exasperation with the Western Federation of Miners, he set forth his creed about how responsible union leaders should and should not act:

Moreover, to a man who believes as sincerely as I do in substituting genuine rights for these equivocal rights of labor, it is a source of chagrin as well as of anger to see the actions of labor unions in subscribing money to pay for the defense of the

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⁴ The political fallout also affected labor support for non-congressional Republican candidates, as shown by Roosevelt’s “alarmed” letter to New York gubernatorial candidate Charles Evans Hughes that it was difficult to find “trustworthy labor men” to help the Hughes campaign. TR letter to Hughes, October 2, 1906, in Morison, *Letters of TR*, 5:438-439.

⁵ TR letters to Speaker of the House Cannon, September 17, 1906; and Alice Roosevelt Longworth, November 7, 1906, in Morison, *Letters of TR*, 5:413-414, 488. Although Roosevelt in his letter to daughter Alice did not directly call Gompers an agitator, he did elsewhere. TR letter to Lodge, October 10, 1906, in Morison, *Letters of TR*, 5:459.

criminals at the head of that criminal organization, the Western Federation of Miners.⁶

In the same vein, Roosevelt sensed “great danger” when labor leaders “express sympathy with other labor leaders accused of murder, simply because they *are* labor leaders.”⁷ Gompers became the object of Roosevelt’s wrath in the aftermath of the dynamite bombing of the *Los Angeles Times* building on October 1, 1910, during a city-wide union organizing strike. Twenty-one employees of the newspaper died in the blast. The owner of the *Times* was Harrison Gray Otis, a vocal advocate of “open shops.” Gompers described Otis in his autobiography as a bitter enemy of unions, while also calling the bombing “a terrible happening.” At the time of the bombing, Roosevelt praised Gompers for his “moderate and gentlemanly tone” in contrast to Otis’s “scurrilous blackguardism.”⁸

Eventually, authorities arrested the two McNamara brothers, one of whom was an officer of the Bridge and Structural Iron Workers union, and a third man who confessed to the trio’s joint responsibility for the dynamiting. Gompers agreed to take over the fund-raising and disbursement of funds for the McNamaras’ Legal Defense Committee. He contended that he was not aware of any connection between the bombing and organized labor. He also said that he believed “responsibility [for the dynamiting] lay with operatives in

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⁶ TR letter to George Alger, March 20, 1906, in Morison, *Letters of TR*, 5:189.

⁷ TR letter to magazine editor Lyman Abbott, April 23, 1906, in Morison, *Letters of TR*, 5:219 (emphasis in original).

⁸ TR letter to Gompers, May 7, 1911, in Morison, *Letters of TR*, 7:279.

the service of the 'open-shop' crowd" that had been "making war" on the McNamaras' union.

On December 1, 1911, early in their trial, the McNamara brothers changed their not-guilty pleas to guilty, ostensibly to avoid the death penalty. Gompers asserted in his autobiography that if the McNamaras had told him they were guilty, "I would not have engaged in the work of collecting money for their defense, neither would I have urged that course upon the labor movement."⁹

Even before the guilty pleas, Roosevelt had challenged labor leaders over their McNamara advocacy. Arguing that the arrests resulted from evidence gathered by "impartial" sources, he announced "heartly reprobation of those labor leaders who, without wanting to know anything of the facts of the case, have at once flown to the defense of the alleged dynamiters . . . and who talk about the arrest as being part of a conspiracy against labor unions." While

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⁹ Gompers, *Seventy Years*, 2:183-193. As to the changed plea, muckraking journalist Lincoln Steffens claimed that he had brokered a deal with the brothers, their attorneys, business leaders including the owner of the *Times*, the prosecutor, and the judge, for a lighter sentence, no further indictments, and a labor-management conference to resolve Los Angeles' labor problems. Lincoln Steffens, *The Autobiography of Lincoln Steffens* (New York: Harcourt, Brace, 1931), 668-689. Another view is that the business leaders accepted this resolution because of their fear that one of the McNamaras' defense attorneys, a socialist, would otherwise be elected mayor of Los Angeles during the trial. Mowry, *California Progressives*, 53-55. Whatever the reason, "public opinion, even the labor vote, was against labor and the settlement"; further arrests followed; and the labor-management conference never occurred. Steffens, *Autobiography*, 685, 688-689; Mowry, *California Progressives*, 53. Gompers continued to hover between condemning the dynamiters and justifying their motives. In a 1913 article, he rhetorically followed condemnation with a question -- "were the methods used by the employers less deadly to humanity and freedom?" -- that he answered by criticizing the presiding judge in the McNamara case for failing "to realize causal relationship." Samuel Gompers, *Labor and the Employer*, ed. Hayes Robbins (New York: Dutton, 1920), 231.

he concurred that it was proper to fund their legal defense, "it is grossly improper to try to create a public opinion in favor of the arrested men simply because . . . [they] are members of a labor union."¹⁰ Roosevelt did not mention Gompers by name, but Gompers soon gave him the opportunity.

After the *Times's* Otis editorially lambasted Roosevelt for currying union favor by not assuming the guilt of the McNamaras, Gompers's rebuttal provided an opportunity for Roosevelt to lash both Otis and Gompers. Roosevelt courteously acknowledged Gompers's "honorable statement" of opposition to Otis's more extreme comments, but he also observed that some labor men "so framed their statements about the explosion as to convey the impression – and, I fear, to excite the feeling among their followers – that this matter was to be treated as a case of class conflict, and that the labor men were to rally behind the accused as a matter of class duty and loyalty."

Accordingly, he asked "Mr. Gompers and those associated with him in the cause of labor" to "make it equally evident that they do not intend to stand by the men right or wrong." He believed that labor leaders should not wait for a court verdict, because escaping conviction for murder was not "warrant enough for upholding a labor leader when the outside circumstances are such as conclusively to show that . . . the labor leader is an undesirable citizen." He

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¹⁰ Theodore Roosevelt, "Murder is Murder," *The Outlook* 98 (May 6, 1911): 12.

explicitly invoked his similar, prior condemnation of the Western Federation of Miners.¹¹

Commenting in 1916 on the country's industrial preparedness for expansion of the war in Europe, Roosevelt archly mentioned Gompers as the embodiment "in some sense" of what the country wanted in a champion of labor. The qualifying phrase takes on a negative meaning when compared with Roosevelt's description the year before of a former railroad union leader who was "the only prominent labor leader I ever met who was as good a citizen, as good an adviser politically, and as broad and practical a worker for social justice as the best of our people generally."¹² Even allowing for hyperbole, this statement suggests that Roosevelt did not hold Gompers and most union leaders in high regard.

The low point of the Roosevelt-Gompers relationship came on July 6, 1917, when Roosevelt was the featured speaker at a Carnegie Hall reception for representatives of the new Russian revolutionary government under Kerensky. In his speech, Roosevelt criticized recent race riots during a bitter strike in East St. Louis, where white strikers fatally attacked black strikebreakers. His ostensible point was that the United States should prevent such "appalling brutality" if it wanted to be treated as an international model for

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¹¹ Theodore Roosevelt, "Mr. Gompers, General Otis, and the Dynamite Charges," *The Outlook* 98 (June 17, 1911), 330-332.

¹² TR letters to Guy Emerson, May 16, 1916; and the American writer Winston Churchill, August 4, 1915, in Morison, *Letters of TR*, 8:1042, 958-959.

liberty and justice. Roosevelt later insisted that he had not mentioned organized labor. The next speaker was Gompers, who nonetheless understood Roosevelt to have "scathingly denounced labor for participating in the riots." On that basis, Gompers explained the economic background of the riots, including "luring negroes from the South . . . to be used in undermining the conditions of the laborer in East St. Louis." Such "luring of these colored men" was "on a par with the behavior of the brutal, reactionary, and tyrannous forces that existed in old Russia." What ensued was a bitter confrontation between the two men.¹³

Roosevelt regarded Gompers's remarks, in conjunction with a reported statement by another labor leader, as an unacceptable and anti-democratic attempt to justify murder and violence because the victims had declined "to unionize and strike." Accordingly, he rose to reply to Gompers before the next speaker began. "Never will I sit motionless," he said, "while directly or indirectly apology is made for murder of the helpless." In brief remarks and later, he expanded his condemnation of the riots to cover "all persons, whether representatives of organized labor or not, who attempt to palliate or excuse

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¹³ *New York Times*, July 7, 1917, pp. 1, 4. The day before the Carnegie Hall meeting, the AFL's secretary, Frank Morrison, issued a denial of union responsibility for the East St. Louis riots. *New York Times*, July 6, 1917, p.18. Roosevelt's side of the Carnegie Hall confrontation is set forth in his *Foes of Our Own Household*, 280-286. Gompers' side is set forth in his *Seventy Years*, 1:534-535. See also Bishop, *TR and His Time*, 2:432-435.

such crimes, or who fail to condemn them in clear-cut and unequivocal fashion.”¹⁴

Gompers's account of their Carnegie Hall confrontation focused less on what Roosevelt said than on the manner in which Roosevelt said it. “He strode across the stage,” Gompers remembered, “until he reached my side where he stood towering over me and pointing his forefinger at me and shaking his fist in my face and at one time laying his hand on my shoulder.” In contrast, Roosevelt's account omitted any reference to his physical conduct and instead was devoted exclusively to the reasonableness of what he had said. For Roosevelt, the issue between him and Gompers was his statement that “murder is not debatable.”

Later the same year, Roosevelt offered through a third party to help Gompers prevail over unionists who opposed American participation in the Great War. It did not represent a full reconciliation between them. Roosevelt simultaneously asserted that “I do not take back any word I have ever said about him [Gompers], and I don't care whether he takes back anything he has said about me or not.” In contrast, Roosevelt was unequivocal in his open praise for leaders of labor organizations like the International Typographical Union and the United Mine Workers, whose support of the war effort included

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¹⁴ Roosevelt's criticism of people who failed to condemn the criminal behavior of others belonging to the same affinity group was not limited to organized labor. He made similar remarks about people of color in connection with a Brownsville, Texas, riot that had been attributed to African-American soldiers. Gould, *Presidency of TR*, 238.

commitments to maximize production and avoid strikes.¹⁵ Gompers's patriotism did not elicit the same reaction from Roosevelt because Gompers at Carnegie Hall refused to subordinate union militancy to prosecution of the war.

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¹⁵ Leary, *Talks with TR*, 251-253, 255; Roosevelt, *Kansas City Star*, 170-172, 211-212.

Figure 6

SAMUEL GOMPERS AT 65

IX. Conclusion

The evidence is substantial that Roosevelt tried to improve the working conditions and benefits of laborers. Not only do his words support that proposition, but we can also observe him practicing what he preached in his efforts to obtain legislative improvements for workers, his enforcement of worker-friendly laws, his intervention to resolve strikes and threatened strikes for the benefit of workers, and his nominations to the Supreme Court of men who had open minds on the subject of labor rights. Greenberg contends that Roosevelt was “inevitably pro-labor” because he wanted to substitute “welfare capitalism guaranteed by the state” for “socially irresponsible capitalism.”¹

This brings us back to the distinction between “labor” and “organized labor” in Roosevelt’s world view. Roosevelt shared his era’s widespread suspicion that organized labor tended to defend and even organize disorder rather than prevent it. We see this in Roosevelt’s frequent condemnations of labor violence and his insistence upon maintaining some form of injunctive power to deal with union lawlessness.² The same suspicion appears in the

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¹ Greenberg, *TR and Labor*, 84, 355-356. This study also includes evidence supporting Hofstadter’s speculation that Roosevelt was motivated by the fear of socialism. The ultimate question here, however, is where organized labor fit within Roosevelt’s approach, regardless of his social motivation.

² As a Roosevelt scholar notes, TR’s “exercise of power at home, the concerts of power the world over, were intended first of all to provide order.” Blum, *Republican Roosevelt*, 6.

writings of his era's intellectuals, whether they were conservatives like John Hay and Octave Thanet or radicals like Henry George and Herbert Croly.³

That Roosevelt gravitated toward Thanet's view of labor problems should not, however, obscure the evidence that he was willing to make common cause with organized labor when it served his larger purposes, as shown by his intervention to resolve the anthracite coal strike, his alliance with Gompers to amend the Sherman Antitrust Act, and the inclusion of union leadership in the foundation he conceived to promote industrial peace through collective action. It is nevertheless difficult to avoid the conclusion that Roosevelt's tolerance for union activism was thin. This was not limited to his disapproval of organized labor's manifestations of violence and attempted justifications of violence. To the same effect, labor union insistence on mandatory union membership offended Roosevelt's democratic instincts by seeming like a discriminatory bid for special interest power that would complicate his goal of a society that benefited all classes.

Horrified by the specter of bloody class conflict that he had condemned in the French Revolution's reign of terror, Roosevelt believed that a democratically elected government should be the primary and indispensable instrument for obtaining social and industrial justice. This remained true even when politicians like Speaker of the House Cannon and the courts thwarted

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³ I use the words "conservative" and "radical" only in a relative sense, with due regard for Roosevelt's aforementioned disdain for their "inexactitude in terminology."

legislation that was beneficial to working people. Union leaders like Gompers were welcome in Roosevelt's ethical universe, provided they were willing to accept the government's – and especially TR's -- guidance.

Arguments have been made that for Roosevelt labor issues were just politics. Sometimes, those arguments attribute his positive rhetoric and actions regarding organized labor as designed merely to gain worker votes. The inverse arguments focus on the less union-friendly aspects of his rhetoric and actions as reflecting his protection of privilege and the necessity to curry favor with the businessmen who financed the Republican Party. The first set of arguments fails to account for Roosevelt's actions that were politically unpopular with unions and their labor constituency, e.g., those regarding mandatory union membership, the Western Federation of Miners, and labor injunctions. The second set fails to account for the sincerity of his efforts generally to improve social and industrial conditions and his criticism of businesses that did not treat their workers with respect.

Roosevelt's labor words and actions went deeper than political calculation. Their roots are visible in his admiration for Octave Thanet's literary descriptions of labor problems, namely, her positive view of the potential fairness of non-monopolistic employers, ethically motivated workers, and occasionally an exceptional union leader; and her negative depiction of the suffering inflicted by union-led labor conflict on union supporters, antagonists,

and neutrals. Roosevelt did not always follow the Thanet creed, but his fondness for it shows his philosophical starting point for approaching union issues.

If his attitude toward organized labor was fundamentally skeptical, rather than politically generated, the question remains where organized labor fit within his ethical universe. There is some guidance in a series of lectures he gave at the University of California, Berkeley, in the spring of 1911, when he placed the phrases "applied ethics" and "realizable ideals" on the same plane. They both stood for "the only spirit which I think counts for anything in preaching," he said. It was incumbent on the nation to have a "lofty ideal," but it was desirable to avoid preaching "ideals which cannot be measurably attained" because "[i]f we consciously or carelessly preach ideals which cannot be realized and which we do not intend to have realized, then so far from accomplishing a worthy purpose we actually tend to weaken the morality we ostensibly preach."⁴

When Roosevelt commented in the Berkeley lectures about labor unions, they were not part of a lofty ideal. A wageworker, he said, should be wary of candidates who condone violence or "recognize the rules of a labor organization of any kind as standing above the Constitution and the laws of his country," because that was the road "where democracy would come to an end,

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⁴ Theodore Roosevelt, *Realizable Ideals* (San Francisco: Whittaker & Ray-Wiggin, 1912), 2, 32.

where self-rule would come to an end.” For Roosevelt, it was shameful if “a multi-millionaire or a wage-worker, whether the member of a big corporation or the member of a labor union,” ever placed “loyalty to cast or class ahead of loyalty to good citizenship.” In his declaration that the way to stand up to big corporations was “to replace our individual strength by the strength of all of us collectively,” the collective entity that he invoked was the government, not a union.⁵

Unable to dissuade union leaders from what he regarded as their misguided defenses of mandatory union membership, labor violence, and total insulation against labor injunctions, Roosevelt may have wondered whether the tactics of organized labor would ever enable America to realize his ideals for social and industrial justice. This may also explain why he never offered a comprehensive legislative or administrative program to define union *rights*, because he regarded union *responsibilities* as equally important and did not believe that organized labor was ready to accept the responsibilities as the price for the rights.

Nevertheless, Roosevelt traveled a long way from his early doubts about the societal value of unions and his approval of President Cleveland’s unhesitating use of the courts and the army to quell union militancy. He arrived at a general acceptance of union involvement in bettering social conditions. As he put it in a 1910 Labor Day speech, “Wherever there is organized capital on

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⁵ Ibid., 103, 115-116, 134-135.

a considerable scale I believe in the principle of organized labor and in the practice of collective bargaining."⁶ There were tangible manifestations of this acceptance in his responses to actual (coal) and threatened (railroad) strikes, in his efforts to bring greater fairness to the labor injunction process, and in his willingness to address the AFL's fears that organized labor faced jeopardy under the antitrust law.

The greatest impact of Roosevelt's labor journey as it affected unions was in the intangibles. Instead of the perceived government approach represented by President Cleveland's dispatching the army to control unions, President Roosevelt was more interested in vindicating the rights of organized labor (excluding those of the Western Federation of Miners). He may not have treated organized labor as an *equal* partner in his welfare capitalism, but he was willing to give it a "respectable" partnership interest.⁷ He shared many of organized labor's industrial and social goals. Where he departed from organized labor was in the details of how to arrive at the destination.

A relatively recent appraisal of TR's presidency concludes that, "In his policies and such preachments as the Square Deal, Roosevelt posed some of the right questions about conservation, the control of corporations, the welfare of the average American, and what constituted a just society."⁸ Posing

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⁶ Roosevelt, *New Nationalism*, 128-129.

⁷ Compare Greenberg, *TR and Labor*, 85, 173-175, 451.

⁸ Gould, *Presidency of TR*, 300. See also the introduction by Henry Steele Commager and Richard Brandon Morris in George E. Mowry, *The Era of Theodore Roosevelt* (New York:

questions is admittedly not equivalent to developing policy answers. Before criticizing Roosevelt's failure to develop policies and procedures for what he identified as the needs and tendencies of organized labor, however, we should consider a crucial point. He was no different in that respect from other leaders of his time or those in the generation that immediately followed him.

For a quarter of a century after his presidency, both Democratic and Republican national governments also failed to frame comprehensive labor policies. Even the New Deal Congress and the second President Roosevelt answered only some of the questions that the first President Roosevelt had posed about the proper governmental treatment of organized labor. Congress did not address the full sweep of those questions until after World War II.

The first step occurred twenty-six years after Theodore Roosevelt left the White House. Senator Robert F. Wagner, Democrat of New York, introduced a bill that became the National Labor Relations Act of 1935, often referred to as the Wagner Act.⁹ As finally passed and signed into law by FDR, a distant cousin of TR who had married TR's niece, the Wagner Act began by blaming "strikes and other forms of industrial strife or unrest" on employer denials of union organization rights and collective bargaining. Its solutions to

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Harper, 1958), xi-xii, stating that Roosevelt "ushered in a revolution" with respect to "the relations of the different elements of the economy – capital, labor, and agriculture – to each other." Mowry makes the same point in his earlier book, *TR and Progressive Movement*, 16 (while TR "did little himself to solve the numerous questions he broached, he did create a national demand that these questions be met and answered.").

⁹ *Legislative History of the National Labor Relations Act of 1935* (Washington, D.C.: Government Printing Office, 1949; reprint, 1985), 1:1295-1310.

that declared problem were establishment of government-run procedures for employee selection of union representatives through whom employees could collectively bargain, legalization of their further right “to engage in concerted activities [including strikes] for the purpose of collective bargaining or other mutual aid or protection,” and enumeration of prohibited *employer* “unfair labor practices.” What the Wagner Act did not address was the idea of *union* unfair labor practices or the existence of other reasons for strikes.

Theodore Roosevelt had advocated for employee rights to engage in collective bargaining. Yet, only one reference to him appears in the Wagner Act’s legislative history. A Republican congressman from California, who supported the bill, invoked TR’s name, along with the names of Lincoln, Woodrow Wilson, Pope Leo III, former British Prime Minister William E. Gladstone, and Bismarck, “the great Iron Chancellor” of Germany, for the proposition that “[t]he right of collective bargaining has been subscribed to by many of the greatest minds this world has ever produced.”¹⁰ Flattering company for TR, but it also diminished his groundbreaking role as the American president who first articulated government’s support of the rights of organized labor and, at key moments, provided such support.

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¹⁰ *National Labor Relations Act Legislative History*, 1:clxv, 2:3183.

Despite its good intentions, the Wagner Act did not end labor conflict.¹¹

In the winter of 1945 and the first half of 1946, the country experienced what a congressional leader called an “unprecedented wave of strikes.” Although the House of Representatives passed a bill to broaden the reach of the Wagner Act, the Senate did not – until, as one Republican congressman sarcastically observed, “John L. Lewis came to the rescue.”

Lewis was a successor of John Mitchell as head of the United Mine Workers, the union that TR helped in the 1902 anthracite coal strike. The post-World War II strike militancy of Lewis’s UMW against coal operators “closed down industry after industry, while across the nation cities and towns dug up wartime ‘brownout’ regulations to conserve power.” In contrast to the positive outcome for the UMW under Mitchell, Lewis’s UMW galvanized the Senate to curb union powers. The result was congressional passage of the Labor Management Relations Act of 1947, familiarly called the Taft-Hartley Act, over President Harry S. Truman’s veto.¹²

The Taft-Hartley Act contained the responsibility side of TR’s view of organized labor, the side that saw a need to restrain unions and protect non-union workers. It prohibited *union* unfair labor practices. These prohibitions

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¹¹ Its backers stressed that securing employee rights to union organization would “remove a primary cause of strikes” and promote industrial peace. Other arguments for the act included political recognition of organized labor and smoothing out business cycles by increasing employee purchasing power through collective bargaining. J. Joseph Huthmacher, *Senator Robert F. Wagner and the Rise of Urban Liberalism* (New York: Atheneum, 1968), 191-193.

¹² Fred A. Hartley, *Our New National Labor Policy: The Taft-Hartley Act and the Next Steps* (New York: Funk & Wagnalls, 1948), 18-20.

included bad faith collective bargaining and secondary boycotts against employers not directly involved in a particular labor dispute. It also allowed states to prohibit mandatory union membership within their jurisdictions.¹³ Although Theodore Roosevelt had advocated for something akin to these concepts, no legislator invoked his name during the debates over the Taft-Hartley Act.¹⁴

The failure to give TR credit for the principles underlying either the Wagner Act or the Taft-Hartley Act suggests that his two-sided, though structurally lacking, reactions to organized labor did not fit neatly into either a pro-union or a union-restraint perspective. Because TR's labor record did not unequivocally support either side of the conflict between unions and employers, neither camp could claim him as its unqualified champion.¹⁵

After well over a half century of experience with the two post-TR laws that were intended to accomplish labor peace, their goal has still not been fully realized. As society continues to grapple with labor problems, it is worth recalling that Theodore Roosevelt was the first president who actively abandoned the old government hostility to unions. His importance to American

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¹³ For a graphic comparison of the Wagner and Taft-Hartley Acts, see *Legislative History of the Labor Management Relations Act, 1947* (Washington, D.C.: Government Printing Office, 1948; reprint, 1985), 2:1661-1680.

¹⁴ An irony of the Taft-Hartley Act was that it was named after Senator Robert A. Taft, who shepherded it through the Senate. He was the son of President William Howard Taft, whose defeat for re-election in 1912 was ensured by TR's decision to run against him as the candidate of the Progressive Party.

¹⁵ With respect to organized labor's views of Roosevelt after his death, it is interesting that a 1920 compilation of Gompers's public statements did not contain any reference to TR. Gompers, *Labor and the Employer*.

labor history is that he was the first president who committed, albeit irregularly, to seeking peaceful solutions to labor conflict based more or less on government neutrality, rather than on a partisan perspective. That he did so despite his philosophical concerns about organized labor is a tribute to his capacity for separating his public actions from his personal views and to his refusal in labor matters to subordinate his office and his sense of the public good to the interests of either business or organized labor.

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