

Journal of Collective Bargaining in the Academy

Volume 0 *National Center Proceedings 2019*

Article 11

April 2019

Plenary: The History of Right to Work from the First Gilded Age to Janus

Chad Pearson
Collin College

Follow this and additional works at: <https://thekeep.eiu.edu/jcba>

 Part of the [Collective Bargaining Commons](#), and the [Higher Education Commons](#)

Recommended Citation

Pearson, Chad (2019) "Plenary: The History of Right to Work from the First Gilded Age to Janus," *Journal of Collective Bargaining in the Academy*: Vol. 0, Article 11.

Available at: <https://thekeep.eiu.edu/jcba/vol0/iss14/11>

This Proceedings Material is brought to you for free and open access by the Journals at The Keep. It has been accepted for inclusion in Journal of Collective Bargaining in the Academy by an authorized editor of The Keep. For more information, please contact tabruns@eiu.edu.

From Fighting the Dangerous Classes to “Protecting” the Common People

By Chad Pearson

I want to talk about one of the most powerful campaigns of the early twentieth century: the open-shop movement. Union-fighting is probably as old as capitalism itself, but the open-shop movement, which achieved many victories in the century’s first two decades, represented an important turning point. It was important because it united employers across industries and included many people outside of industrial relations settings, including clergymen, journalists, academics, lawyers, judges, politicians, liberal social reformers, and non-union workers. But employers called the shots. The *New York Times* wrote in 1904 that “the open-shop is the first issue ever presented to employers upon which they could combine in entire agreement.”¹

This generation of union-fighters understood the significance of public relations, or propaganda. Consider some of the words and phrases they used during this time: “open shop,” “free workers,” “right to work,” and “American Plan.” Many of these people participated in organizations that sounded rather class neutral, including “Citizens’ Alliances.” The men behind this movement repeatedly claimed that they were part of a broader crusade to reform American society, insisting on, as the Citizens’ Industrial Association of America put in their letterhead, their determination to protect “the common people” against “union dictation.” Movement spokespersons, employing the language of benevolence and inclusivity, repeated many of the same talking points, including the idea that they were not anti-union, but instead were interested in hiring men and women irrespective of union status. I will point out that this language was designed to mask the ugly reality of strikebreaking, union-busting, and the blacklisting of labor activists.

¹ “The Open-Shop Movement,” *New York Times*, April 29, 1904, 8.

Organized labor's opponents did not always communicate in reform-sounding ways. I will discuss the shift away from a raw-style of union-fighting led by individuals interested in challenging the dangerous classes and protecting private property to what appeared to resemble a more populist and progressive approach to the so-called labor question. In fact, a handful of the individuals responsible for leading and shaping the early twentieth century open-shop movement had gotten their hands dirty in earlier vigilante campaigns, including those led by western landowners, southern Ku Klux Klansmen, and law and order leagues in the Midwest. During labor conflicts in the final decades of the nineteenth century, vigilantes often complemented the repressive activities carried out by security agencies such as the Pinkertons, national guardsman, and sometimes federal troops.

I would like to spotlight a few of these individuals. First, consider the case of Wilber Sanders, a Union side Civil War veteran and prominent Montana-based lawyer. In 1863, he served as the lawyer for the Montana Vigilantes; this organization hanged people responsible for thefts and murders. In the words of a newspaper report from 1890, Sanders and the vigilantes “ruled the Territory in the interest of peace and order by the terrorism of mask and rope.”² Sanders remained a well-known individual throughout the late nineteenth century, and shortly after Montana became a state, he served as one of its two first US Senators. Following his political career, Sanders was heavily involved in the Helena Citizens' Alliance, a chapter of the Citizens Industrial Association of America. He had proposed the name of that group.

Others active in the first wave open-shop movement were also veterans from earlier struggles. The Shelbyville, Tennessee-born N. F. Thompson, for example, served in the Confederacy and later became a Ku Klux Klan leader. Given the Klan's secrecy, it is difficult to

² “A Vigilantes Death,” *The Wahpeton Times*, March 13, 1890, 3.

know precisely what its members did, but newspaper reports provide clues. According to one source, Shelbyville’s members visited “the huts of the colored people, filling their minds with vague apprehensions of all manner of impending evil if they should dare visit the polls the following day.”³ It is highly likely that Thompson took part in these types of voter suppression activities.

Third, we must note the significance of J. West Goodwin, a newspaper owner, Union-side Civil War veteran, and one of the founders and organizers of the Law and Order League movement. Law and Order Leagues emerged in the context of the 1886 southwest railway strike, and Goodwin helped establish the first one in his hometown of Sedalia, Missouri. Goodwin and his colleagues soon branched out, and the law and order league movement spread to large and modest-sized communities in many parts of the Midwest. These were armed capitalist militias, and the men involved in these leagues directly confronted Knights of Labor members and their allies during strikes in the 1880s and early 1890s. They aimed to protect private property and disseminate anti-union messages. *The Nation* magazine reported on the importance of what it called “The Sedalia League” in late April 1886. The magazine was impressed by the assistance that the league offered to Jay Gould and Gould’s Vice President of the Southwestern Railway system, H. M. Hoxie. According to the *Nation*, the league “has sent word to Mr. Hoxie that he need give himself no further pains to insure the protection of life and property there—that they will be responsible for such protection hereafter.” *The Nation* called on labor union opponents and advocates of law-and-order in other cities to follow the “Sedalia example.”⁴ Twenty years later, Goodwin, like Sanders and Thompson, was active in fighting union activists and socialists.

³ “The Ku-Klux and the Election,” *The (Shelbyville) Republican*, November 13, 1868, 3.

⁴ “The Week,” *The Nation*, April 22, 1886, 329.

Finally, we must highlight Hugo Donzalmann, Wyoming's first attorney general and one of the lawyers for the Wyoming Stock Growers Association when its members launched a violent invasion of Johnson County in the Spring of 1892. The fifty men responsible for the raid, justified under the banner of fighting cattle rustlers, killed two people before the community rose up in self-defense. The governor and president Benjamin Harrison intervened to save the invaders, but the community was appalled to discover a 70-person kill list. After the raid, Donzalmann helped to kidnap witnesses whom were slated to testify against the so-called "millionaire murderers."

The participants in these repressive campaigns saw themselves "fighting the dangerous classes": horse, cattle, and gold thieves; insubordinate former slaves; and labor activists. Large sections of the nation's privileged classes greeted their campaigns warmly, but the participants put little effort into winning over the broad public. I think it is safe to say that they did not have good public relations.

In fact, anti-labor union actions hurt the images of businessmen, various elites, and their agents. Obviously, African Americans despised the Ku Klux Klan. Jay Gould was one of the most hated men in the nation. The Pinkertons were widely disdained, especially after the deadly confrontation in Homestead, Pennsylvania in 1892. In fact, the launch of the People's Party in Omaha in 1892 explicitly condemned the Pinkertons. And as I pointed out, critics referred to the Wyoming Stock Growers Association as "millionaire murderers." The ruling class and its agents had serious public relations problems.

The individuals behind the-turn-of-the-century open-shop movement took a different approach to the so-called labor problem. This was true organizationally and rhetorically. Almost all proudly fought their campaigns under the banner of the open shop. Organizationally,

they continued to form employers' and businessmen associations, and the most influential one was the National Association of Manufacturers, which, in 1903, placed union-fighting at the center of its agenda under the leadership of David M. Parry, the powerful Indianapolis-based wagon manufacturer. Employers and manufacturers' associations were joined by other union-opponents. For instance, employers helped oversee the creation of anti-union unions. By early 1903, we see the emergence of numerous Independent Labor Leagues, which spokespersons claimed were led by anti-union workers, but the evidence suggests these were front groups for organized employers. And finally, we see the creation of Citizens' Alliances, including the massive Citizens Industrial Association of America (CIAA). This was an extraordinary undertaking, involving a national coalition of employers, including individuals who had served on both sides of the Civil War conflict.

Public relations were important to the CIAA. Its letterhead read: "for the protection of the common people." What were the origins of the phrase? According to breakfast cereal manufacturer and anti-union leader, C. W. Post, Abraham Lincoln inspired it. As a young boy, Post had known Lincoln in Springfield, Illinois. "Mr. Lincoln said one time, 'I believe in the common people; there are so many of them.' It was to protect the common people that the Citizens' Industrial association was organized."⁵

The CIAA developed a public relations wing at its first meeting in 1903. One of the very first people to serve on its press committee was Kansas City newspaperman George Creel. Creel is best known as the chief propagandist during World War I, but he had established himself as an anti-union spokesperson more than a decade earlier. Creel was not the only well-known figure to help the public see non-unionists as virtuous rather than as menacing. In 1907, C. W. Post

⁵ Post quoted in "Champions Open Shop," *Montreal Gazette*, September 18, 1905, 12.

appointed famous author Owen Wister to the seven-person committee on Education and Publicity. Wister is best known as the author of 1902 book, *The Virginian*, a story based loosely on the Johnson County War that many identify as *the* foundational western novel, one that helped to inspire countless others. The book celebrates individualism and frontier vigilantism, and it helped to restore the reputations of the powerful Stockgrowers.

The men behind the growing open-shop movement were inspired by official politics. Many admired Theodore Roosevelt, and applauded his involvement in high-profile industrial relations matters. During a massive coal strike in eastern Pennsylvania in 1902, the president set up a commission, which in March 1903 recommended that miners receive a 10 percent pay raise but no union recognition. That report, written by open-shop advocates, recommended protections for both union and non-unionists—a decision that undermined the practice of working-class solidarity. Roosevelt called the outcome “The Square Deal,” and organized employers expressed appreciation for this decision. Inspired by this outcome, the CIAA named its monthly magazine, *the Square Deal*. Roosevelt’s actions played a critical role in legitimizing the open-shop principle, helping the employers further their propaganda campaign.

While organized employers framed their struggles in progressive ways, they continued to aggressively fight unions directly. Let me offer some examples from the four people I mentioned earlier. Reflecting on his life in Montana as a young vigilante and lawyer, Wilbur Sanders insisted in 1904 that he has fought “every form of civic corruption for forty years and now that it has become triumphant, I fight still.”⁶ Speaking at the 1900 US Industrial Commission meeting, N. F. Thompson, the former Klan leader, called for the development of a “justifiable homicide law.” The creation of such a law “would make it justifiable homicide for

⁶ Quoted in Frederick Allen, *A Decent, Orderly Lynching: The Montana Vigilantes* (Norman: University of Oklahoma Press, 2004), 400.

any killing that occurred in defense of any lawful occupation.”⁷ Such a law would allow managers and scabs to kill picketers in the context of labor struggles. Three years later, J. West. Goodwin explained to a fellow union opponent that the “secrecy of the [CIAA] is one of the greatest elements of strength.” It was a form of strength, Goodwin insisted, because it promoted fear. And fear, he explained, involved “so many hidden punishments. In fact it strikes terror to their ranks.”⁸

Indeed, organized employers periodically terrorized union activists. Hugo Donzelmann boasted at a CIAA-organized meeting in 1904 about how he and his fellow members of the Cheyenne Citizens’ Alliance had beaten back ‘lawless’ strikers at the Union Pacific shops in the Wyoming capital after they “began to dictate to us” the previous year. In response, Donzelmann asked his audience. “Did we wait? Did we wait for the injunction law? Not us. We went to our homes and we got our guns, and, 463 strong, marched down to those yards and told these strikers that they would have to step aside and let any man work who pleased, and they stepped aside.” Donzelmann’s anecdote suggests that employers were not simply happy with the right to work; they also appreciated the right to carry and the right to shoot.

According to Donzelmann, the men had mobilized not for themselves, but rather to help the vulnerable members of a newly formed anti-union workers’ organization, the Independent Order of Labor, “as a result of their labor troubles’ with union members.”⁹ In other words, this was a struggle to protect the interest of the “common people.”

⁷ *Report of the US Industrial Commission*, 757.

⁸ J. West. Goodwin to E. J. Phelps, September 11, 1903, M465 Citizens Alliance of Minneapolis Records, 1903-1953, Roll 1, Minnesota Historical Society.

⁹ Quoted in “Shotguns Used to Break a Strike,” *Indianapolis Journal*, 23 February 1904, 10. It See Maury Klein, *Union Pacific: Volume II, 1894-1969* (Minneapolis: University of Minnesota Press, 2006; 1989), 141.

The first-wave open-shop movement is important for many reasons. Its members busted unions and broke strikes under the banner of progress and reform. In the process, it won support from individuals from the far right to the center-left. Above all, it was significant because its participants provided moral cover to what was a fundamentally repressive movement that empowered and enriched the few at the expense of the many.