

EXCERPT FROM THE OPEN SHOP

Newspaper/Magazine Article

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In this 1921 editorial published in the magazine of the American Federation of Labor (AFL), James Lord attacks the employers' rationale for the open-shop campaign. In 1920, the National Association of Manufacturers launched its national drive for an open shop under the patriotic guise of "the American Plan." Following up on the antiunion tactics used so successfully during the Red Scare of 1919-1920, American employers sought to break the power of unions and turn the clock back to open shops, in which anyone could work for a company regardless of whether the person joined the union representing the company's workers. Under a union shop, after a trial period, the worker would have to join the union or leave the firm. In theory, the claims for the open shop sounded fair, but in practice they fell flat, as Lord argues.

Lord notes that the open-shop drive is aimed at attacking unions. Business leaders organize to act collectively, while the rhetoric of the open shop says, in effect, that workers should not be allowed to organize themselves, but rather should act individually. He points out that working people can make their lives better only through the collective action made possible through unions. Through them, contract negotiations and an arbitration process allow for the peaceful settlement of labor disputes between managers and workers. In calling attention to the ironic rhetoric of "open" and "closed" shops, Lord argues that a union shop is really the most "open" for American workers.

The open-shop drive lasted throughout the 1920s and became a national union-breaking movement. After the U.S. Supreme Court ruled in 1921 that picketing was illegal and upheld the use of antiunion court injunctions to break strikes, employers went on the offensive against unions. Between 1920 and 1929, union membership declined from 5 million to 3.4 million. The antiunion language and tactics that emerged in the Red Scare set the tone for American labor relations in the 1920s.

PRIMARY SOURCE DOCUMENT

The Open Shop, by James Lord from *American Federationist*, January 28, 1921

The drive now on for the "open shop" is a drive against unionism. Nothing else. No one need be fooled in this respect except those who want to be fooled. It is the old Bourbon fight. It is the wearisome, reactionary cry of those who "learn nothing and forget nothing." To anticipate industrial peace and orderly progress through this misguided and misleading tenet is worse than useless. The entire argument is as misleading as the term "open shop," or the purpose of its sponsors.

The real purpose of the "open shop" is to destroy the efforts of all effective labor unions and subject the workers to the complete selfish domination of the employers. This idea, old, antiquated as the bow and arrow, inadequate in all the processes of industrial history, can never find an abiding place in the minds of a free people. What right have one set of citizens in our Republic to say to another set: "We shall not recognize *your* associations, we shall be guided by the wisdom of *our* association in dealing with *your* affairs." Just the same right they would have to say that this government should be conducted on the "open shop" basis, and that those who remained aloof from membership or participation in the government, or who refused to subscribe to taxation, would have the right to enjoy a full measure of the benefits of the government.

The men and women in industry, like the citizens of the Republic, can only make their desires and aspirations known through collective action, and by collectively selecting their spokesmen and representatives. Industrial peace will be maintained in the same proportion as adequate joint relations and understandings are established between employer and employe through their respective organizations. With each side privileged to put forward any idea in joint conference that seems fit and proper, with no undue restraint or advantage on either side, and where nothing can be adopted except it receives the unit vote of both sides, intelligent and orderly peace may be achieved in industry. A joint agreement reached in this manner, is the property and concern of both sides, and is subject to amendment and perfection as time and experience warrant. The erection of adequate machinery for the peaceful settlement of disputes, guarantees that industry will be kept in operation during the life of the agreement, are questions for joint consideration by both parties. To write an agreement, with either side refusing to recognize the equity or association of the other side is as futile as walking on the hands to save shoe leather.

The union shop is the real "open shop." It is open to all workers, in every trade and industry, who desire to join and lend their efforts to an intelligent solution of their affairs. No matter what their past attitude has been, no matter what they in their ignorance have done to retard progress in their own and other men's affairs, the past is wiped out that minute they exhibit a desire to carry their share of the burden and costs of their own movement, as well as share in its achievements and blessings.

The non-union shop is the real "closed shop," closed to any measure of democratic action by the workers. Under the policy generally known as the

"open shop," the employees have no power to resist any changes detrimental to their interests the employer wants to force on them. True, in some instances, some form of joint relations appear to exist, where grievances are considered "jointly," but they amount to just as much as "playing horse" as far as any real results are concerned. It is just a pitiful pretence. On the employers' side is a complete organization, as complete in every respect as they are able or desire to make it, while on the other side is disorganization, lack of any considered policy, and simply the privilege of taking part in a pretence of joint relations which are absolutely set up by the employers. As far as getting the collective advice or desires of the workers in the industry, or conferring with them in the event they ought to resist some particular decision emanating from the employers, they are as helpless as galley slaves. The entire procedure is an empty farce. To give these "open shop" movements some appearance of being genuine, the particular clauses dealing with the handling of grievances, are invariably copied from existing joint agreements between unions of workers and their employers. They read alike, word for word, but always, when the interval for "playing horse" is over, the terms of the employers are final and there is no appeal. This joint movement, agreement and all, is their creation and property.

There are two kinds of shops in vogue, and they are properly termed union shop and non-union shop. Under the union shop plan, the controversial matters that arise in industry are brought into a real joint conference and dealt with intelligently. This method naturally brings to the workers, not only an interest in their own affairs, but an interest in the industry itself, and the desire to keep up a sensible, sane relationship and continuity of production. The human equation is recognized and the atmosphere is altogether clearer for both sides. Better cooperation and greater efficiency is manifested all along the line, and the workers under such conditions will watch with jealous eyes any attempt to jeopardize these relations, coming from either side. Where full opportunity to express their views is denied the workers, every semblance of mutuality is swept from the situation and the most intelligent and thoughtful of the workers realize that they are up against an absolute dictation of terms by their industrial taskmasters, from which there is no escape other than by force.

Industry, in the hands of workers who are denied full expression of their desires and needs, is carried on in a desultory or dissatisfied way, a sullen or open spirit of enmity is prevalent in all phases of industry all the time, and the irreconcilable in the ranks of the workers can get a fuller play and more attention from the workers than in any other situation. He has been furnished with the reason, or the ammunition, for inflaming his fellows, preaching discontent and often bringing about industrial chaos and stagnation.

Those who are carrying on the fight for the "open shop," whether because they are paid for it, are dependent on social or business patronage through it, or simply because they know no better, are working in one of the surest

ways possible to bring about an industrial upheaval in America. The fact that they can put across some phase of their program for the minute, or that they are the recipients of momentary applause, signifies nothing but the fact that they have made a contribution to the most uncertain situation that has ever existed in this world.

The workers know, by bitter experience, what the terms "open shop" and "closed shop" mean. They know that their hope for the future rests in their ability to make progress now in the thinly veiled fight for the non-union shop as against the union shop, or free action as against suppression, and I was never more sincere in my life when I say that nothing in the world can stop the men and women who do the useful work of our country, by hand or brain, from forging ahead with such measures of freedom as they now have, to a greater and better environment, and to try to block or sidetrack this desire is to try to dam the forces of Niagara, to later meet these pent up forces with the additional power gained by being held back from their natural course.

The future of industry will be largely determined by what is done today. Intelligent analysis and action today mean better relations and understanding tomorrow, while beclouding and misrepresenting the issues of today mean widening the breach and adding to the uncertainty and unrest for tomorrow.

Nothing in the world has ever permanently stopped the desire for truth and freedom in the mind of man. Nothing ever can. Then where is the gain in temporizing with a situation that anyone who desires may fully understand? The workers are demanding the full, unrestricted rights of citizenship in this country equal in all things, to any other class of citizens, and the rights of free speech, a free press, the right of peaceful assembly and the right to form their own association, according to the constitution of these United States, are rights that they will defend now just as quickly as they did at Lexington and Concord, at Shiloh and at Gettysburg. And the workers are also a part of *the public*.