ONE OF THE FIRST TRIALS of the idea that Progressive ideas might enable the resolution of labor disputes came at the turn of the century, when the nation was repeatedly threatened by the prospect of a lengthy coal strike. The United Mine Workers had expanded from the bituminous or soft coal regions of western Pennsylvania and the Midwest into the rugged anthracite region of eastern Pennsylvania, a place known for its railroad feudalism and the violent legends of the Molly Maguires. Much change had come to the anthracite lands in the generation since Franklin B. Gowen of the Reading had persecuted John Siney's mine union and the Mollies. The long Irish dominance of the region had receded before a polyglot wave of Italian and Eastern European immigrants, whose many languages and customs brought cultural variety but whose willingness to work at low wages complicated union organizing. Nonetheless, when in 1900 the UMW began talking strike in anthracite country, tens of thousands of miners, immigrant and native alike, signaled their readiness.

This development worried Marcus Alonzo Hanna, U.S. senator from Ohio and the chair of the Republican National Committee, who was busy trying to secure the reelection of President William McKinley. Based in Cleveland, Hanna had made a fortune shipping coal and iron on the Great Lakes; for years he had been the managing force behind McKinley's career, boosting the two-term Ohio governor to the White House in the election of 1896 with a promise to workingmen of a "Full Dinner Pail." The slogan was reprised for McKinley's reelection campaign of 1900 as "Four More Years of the Full Dinner Pail," assuring labor he would continue to safeguard its interests. The incumbent was expected to withstand the challenge from Democrat William Jennings Bryan, whom he had defeated four years earlier, but Hanna, ever cautious, feared the political ramifications of a protracted coal strike, pitting miners against big business and possibly creating a fuel shortage in the chill autumn weeks before the election.

Hanna shared the Progressive perspective that by showing labor organizations respect, management fostered greater productivity and

minimized potential disruptions from Socialists and other radical elements. "A man who won't meet his men halfway is a God-damn fool!" he exclaimed. "My plan is to have organized union labor Americanized in the best sense, and thoroughly educated to an understanding of its responsibilities, and in this way to make it the ally of the capitalist, rather than a foe with which to grapple."[20] He put his beliefs on the line as a labor conciliator for the National Civic Federation, founded in 1896, a group of businessmen, reformers, and mainstream labor leaders that sought to improve America's industrial relations. The NCF's roster was a decidedly mixed bag, including powerful men of means like industrialist John D. Rockefeller Jr. and financier August Belmont, laborites Samuel Gompers of the AFL and John Mitchell of the UMW, as well as former president Grover Cleveland and the president of Harvard, Charles W. Eliot. The NCF represented an effort to insert a moderate public or "conference" sensibility into the labor-capital relationship—the faith that no issue was too divisive to defy rational dialogue—but because of its diverse makeup, the organization never fully gained either labor or management's trust.

Hanna typified that ambivalence; he stood at the nexus of the country's politics and business, and while he may have sincerely believed in a "full dinner pail" for labor, his ambitions were large and he knew how to use money to serve them. For McKinley's 1896 presidential run he had raised unprecedented sums of money, staging what many historians regard as the original "modern" American political campaign, with slick promotional materials, an army of volunteers, and a corps of effective surrogate speakers. Not for nothing was he known as "Dollar Mark."

He set out with like determination to protect McKinley in 1900 by seeing to it that a coal strike did not invigorate Bryan's candidacy. Through negotiation with J. P. Morgan, the leading coal and railroad financier who had tremendous financial influence with the anthracite business, Hanna was able to obtain a settlement for the miners of a 10 percent pay hike. The mine owners refused to formally recognize the UMW, but the union ordered its forces back to work, staving off a coalfield insurrection and helping ensure McKinley's reelection.[21]

Less than a year into his second term, in September 1901, McKinley was assassinated by the anarchist Leon Czolgosz, putting Vice President Theodore Roosevelt in the White House. Roosevelt and Hanna shared little of the rapport that had characterized the Hanna-McKinley partnership, and the new relationship was sorely tested in May 1902 when the 1900 coal agreement expired and the UMW made new demands. Wages remained unacceptable, the miner's ten-hour day was too long, and workers resented the operators' practice of laying men off and rehiring them based on short-term need. In addition, safety measures in the mines were inadequate, and the company towns in which the miners and their families lived were generally degraded, unsanitary hovels, where already thin salaries were gouged at company stores. Some miners described their lot as a Northern variation of the sharecropping system. On their behalf the UMW demanded a 20 percent pay raise, an eight-hour day, and a more just method of measuring coal production where it was used to adjust pay scales.

Roosevelt was as contemptuous of industrial tycoons as he was of radical change-seekers; he did, however, accept the ideas that the conciliatory adjudication of labor's legitimate demands would be of great benefit to the nation. "I strongly favor labor unions," he had once said. "If I were a wage worker in a big city I should certainly join one."[22] The avoidance of labor disruptions, he insisted, was "really in the interest of property, for it will save it from the danger of revolution."[23] While he believed that government might serve as an honest broker in labor-management crises, he had his own prejudices; he was inclined to form a favorable view of a labor union only if he respected and felt personally at ease with its leading spokesman.

In confronting the 1902 UMW demands, Roosevelt had reason to distrust Hanna, who had become a force in the Senate and was thought to harbor presidential ambitions for 1904. It would suit Hanna's aims to once again deliver labor peace to the nation, and there was no doubt heroic measures would be called for in the face of a devastating coal strike. A walkout by the UMW would affect 357 collieries and nearly

150,000 miners in eastern Pennsylvania, with the capacity to cause inconvenience and suffering for millions of citizens for whom coal was an essential commodity.[24] The loss of anthracite coal in particular would be a hardship, as it was superior to the softer bituminous variety as a burning fuel.

When the strike began on June 2 the mine operators reverted to the labor-busting methods of the 1870s, sending replacements and industry cops into the mine region, although one factor in the union's favor was that Pennsylvania now required that miners be licensed, thus limiting the number of scabs who could step easily into the job. Another advantage was the character of UMW president John Mitchell. A mine worker since age thirteen, he had, like Eugene Debs, advanced precociously through organized labor's ranks, becoming master workman of his Knights of Labor local before he turned seventeen. An attractive man known for his assured personal style, Mitchell had ingratiated himself with the ethnically diverse groups that each day descended into the nation's mines, and was widely respected by his union's rank and file, as Debs had been by the ARU. Mitchell also got on well with President Roosevelt, who considered him "a gentleman."[25]

Mitchell used all his skills to sustain public support for the striking miners, the first time "a labor organization tied up for months a strategic industry," historian Selig Perlman explains, "without being condemned as a revolutionary menace."[26] He didn't inflate the crisis by insisting UMW workers from the soft-coal regions strike in sympathy, and he agreed to submit the entire dispute for arbitration to the NCF or another impartial entity. Probably the biggest help to Mitchell and the UMW was the presence on management's side of a "tailor-made villain,"[27] the unyielding George F. Baer, a sixty-four-year-old attorney and president of the Philadelphia & Reading Railroad, who was adamant that no labor union would dictate terms to mine owners. Baer was "the master-spirit of the anthracite industry," according to a contemporary account, "foremost among the commanding generals, on active service, fighting the battle of vested interests against the advancing forces of radicalism." The

military analogy was not offhand; he was a Civil War veteran, and his manner when in full antiunion mode was said to resemble that of a Prussian officer planning a siege, complete with the habit of pacing deliberately up and back in a room as he spoke. The sole humanizing quality of this "cold-tempered" man appeared to be horticultural—an enthusiasm for engineering chrysanthemum hybrids. But he wanted no part of any "sentimental" fix to the coal strike, such as the help of the NCF, nor would he deal directly with or even condescend to acknowledge the UMW.[28] That Baer and the mine operators turned aside the UMW's call for fair arbitration played poorly with the public, suggesting indifference to the real suffering that would result from a "coal famine" and raising suspicion that the anthracite profiteers wouldn't mind a prolonged strike that drove up prices.

At the heart of the coal operators' refusal to recognize the UMW was the issue of the closed shop, a union's exclusive representation of all labor working in any particular job site. To unionists the closed shop was seen as essential to collective bargaining, as it alone granted a union the ability to speak for all workers, unifying them with regard to their demands, strike votes, and ultimate acceptance or rejection of management's offers. As dear as the concept was to labor, however, capital experienced it as potentially ruinous. Indeed, employer groups such as the National Association of Manufacturers (NAM), founded in 1895, worked assiduously to ensure that the very term "closed shop" came to carry negative, un-American associations in the public mind, at odds with sacred notions of individual liberty.

The NAM boosted instead "the open shop," a workplace in which unions would not be allowed to collectively "dictate" workers' desires and goals. This controversy, so easily linked to emotionally powerful terms like "freedom" and "choice," cut to the very core of labor's struggle, as there was perhaps no issue more critical in unionization than the question of the ability of workers to amass their strength in such a way as to present a solid bargaining position to an employer. Management, historically, seeks to disrupt that process. The "closed shop, open shop"

debate took place in this context, with both sides realizing early on the significance of the relevant terminology. Samuel Gompers, keenly aware of the unfortunate connotation of "closed shop," always made a point of substituting the phrase "union shop," which he believed rang more pleasantly in the ear. "It is absurd to consent to, or give assent to the organization of labor, and deny the logical result—the union shop," he affirmed.[29]

Of course, George Baer was not simply parsing words. He sincerely believed that mine owners deserved to retain authority over their workers, and went so far as to suggest this might be a matter of divine appointment. "The rights and interests of the laboring men will be protected and cared for—not by the labor agitators," he proclaimed, "but by the Christian men to whom God in His infinite wisdom has given the control of the property interests of this country."[30] Baer was only paraphrasing the common adage that "the best men should rule," but at a moment when it appeared likely Baer's obstinacy might cause a coal shortage, his assurance that God was on his side stunned and offended many Americans.[31]

Baer's imperious remark would be recalled as the cold nights of fall came on in the big cities, and the strike-induced shortage of coal sent per-ton prices climbing from $5 to $20. While punishing to large institutions such as schools, factories, hospitals, and hotels (coal was not only a source of heat but also powered gas illumination), the crisis fell most heavily on the poor, as they were accustomed to buying coal in small amounts, sometimes a pailful at a time. Newspapers warned of "no more coal in sight" and printed ominous headlines such as "Darkness Threatens Chicago."[32] With the UMW and Baer's operators checkmated it was the public that finally pressed for resolution, clergymen gathering their congregants and other citizens in parlors and church basements to call for government action. "A conflict between employers and employed which involves the interests of every home and business establishment," a statement drafted at one such meeting declared, "can no longer be regarded as a private quarrel."[33]

The operators, led by Baer, had begun thinking similarly, although their idea of government participation was for President Roosevelt to assist in procuring a court injunction against the striking miners under the Sherman Antitrust Act. The president demurred, believing that organized labor deserved a hearing and should be viewed as a partner in seeking resolution to workingmen's difficulties. Moreover, conscious of Mark Hanna hovering over his shoulder, willing to jump in and resolve the strike should Roosevelt falter, he wanted his own involvement to be perceived as constructive. After the president dispatched his commissioner of labor, Carroll D. Wright, to investigate the strike's origins and causes, Wright reported back that the miners' working hours probably *were* too long and that a fair bargaining scenario would be the best approach, despite the operators' reluctance. Roosevelt, fearing "untold misery . . . with the certainty of riots which might develop into social war" in case of a continuing fuel shortage, called a Washington conference of all parties to take place on October 3.[34]

Such a gathering was newsworthy—a president had never before offered to help mediate an industrial strike—and on the day of the meeting, reporters and a "snapshot brigade" of press photographers hovered as the representatives of coal and labor were welcomed to a building adjacent to the White House. Roosevelt was incapacitated as the result of an accident a few weeks earlier when his carriage had been struck by a trolley car, and it was from a wheelchair that he called the event to order. He got straight to business, reminding his guests that the coal crisis affected not only the interests in the room but the public and the economic health of the country. Mitchell of the UMW, flattered by the conference's implied recognition of the UMW, fell in at once with Roosevelt's conciliatory tone, offering to put his miners "back to work immediately, provided the operators would agree to leave the [strike] issues to President Roosevelt to decide, and agreed to abide by his decision or the decision of a tribunal to be appointed by him."[35]

Baer and his associates would have none of it. They still resented Hanna's intrusion into the 1900 strike and scorned the notion of putting

wage issues into a third party's hands, even if those hands were those of the president of the United States. Instead they sought to jog Roosevelt's memory about the Pullman Strike of 1894, when President Cleveland had not hesitated to send the army to deal with turbulent workers and rioters; they suggested that he follow his predecessor's example and "put federal troops in the field." Baer, according to one account, spoke with such "great earnestness" that at one point he brought his fist down on a table with force enough "that the blow could be heard even across the street."[36] Roosevelt, who didn't care much for Baer to begin with, was displeased by his audacity and lack of etiquette. "Bitter language was used, and fists were waved in the air," it was reported. "The President's chair was so near the window that from across the street he could be seen at intervals making gestures and every time that he did a clinched hand was seen waving above in counter-gesticulation."[37] Roosevelt later said of Baer's arrogance, "If it wasn't for the high office I hold, I would have taken him by the seat of the breeches and the nape of the neck and chucked him out of the window."[38]

Despite the thorough airing of views, not even the hint of a breakthrough emerged from the conference. The coal operators agreed to deal with the miners generally, but not with the UMW. During the meeting Baer and the others actually refused to address Mitchell directly, even as he sat a few feet away, for fear so ordinary a courtesy might grant legitimacy to the miners' union. Roosevelt, however, did not have the luxury of ignoring any further the mounting public pressure for a solution. As a sop to the operators he did send troops to the anthracite region, at one point even suggesting he would, if necessary, have the army take over the mines and operate them. But this development had little effect on either the owners or the miners, who held steadfast to their positions. Determined at all cost not to involve Hanna as an emissary to the coal interests, Roosevelt dispatched Elihu Root, his secretary of war, to consult J. P. Morgan, who had reportedly begun to share the president's and the public's concern. Root, a successful attorney whose impeccable reputation included fighting political corruption in New York City, met with

Morgan for five hours on October 11 aboard Morgan's yacht, *Corsair*, in New York harbor, an unusual place to resolve a coal strike but one chosen to evade reporters.

Morgan's interests controlled railroads and valuable coal lands throughout the coal region, and while he was accustomed to allowing the operators a free hand to control the mines, he agreed with Root that the nation would only suffer from any further destabilization of the anthracite industry. The question, after the ruckus at the meeting Roosevelt had convened, was how the various parties—especially the prickly Baer—could be brought into mediation without the owners formally recognizing the UMW. Root and Morgan discussed a proposal in which the mine owners would request that the White House create an Anthracite Coal Strike Commission, its members to be selected by the president. A few days later in Washington, Morgan reiterated the idea directly to Roosevelt, who approved.

The owners and the miners also consented to the plan, the owners imposing the caveats that they would not be forced to recognize the UMW and that no labor representative would take part in the arbitration. Roosevelt agreed to their demands, although he did manage to save a chair on the panel for an "eminent sociologist," and into that slot installed a union man, Edgar E. Clark of the Order of Railway Conductors, who did his best to fulfill the masquerade by dressing and acting professorial. Once seated, the commission worked swiftly. On October 23 a deal was outlined that awarded the miners a 10 percent wage hike, reduced their working hours from ten to nine, or eight in some instances, and established a permanent six-man mediation board to handle future disputes with management.

Although the process had been far from smooth, Roosevelt, with the help of Mitchell, Root, and Morgan, had achieved a significant advance by demonstrating the efficacy of a new means of managing labor disputes. There had been no court injunctions, no violence; no one had been driven from the street at the point of a bayonet. The mining of coal, so essential to the nation's well-being, had been peacefully

restored. The UMW failed to gain recognition from the Baer forces, but the operators had at least bought into the conference system, implicitly acknowledging miners as persons whose demands deserved attention and resolution. Whether they would concede the point or not, the operators had participated in a process that affirmed the legitimacy of labor unions.[39]

THE CONTEST BETWEEN LABOR AND CAPITAL had found its way to the conference room, but it was, with increasing regularity, also beginning to turn up in court. The government's decisive use (or misuse) of the antitrust laws in the Pullman Strike had helped stir this trend, and in the early years of the new century, arguments regarding controversial issues such as the closed shop and the regulatory powers of state legislatures, and the rights of organized labor, would frequently be heard and decided there. "What chance," Samuel Gompers complained to attorney Louis Brandeis in 1902, "have labor and the laborers for fair play when the whole history of jurisprudence has been against the laborers? There never was a tyrant in the history of the world but who found some judge to clothe in judicial form the tyranny exercised and the cruelty imposed on the people." When Brandeis told Gompers he was being emotional, the leader of the AFL replied, "It is true that I am emotional but I am also emphatic."[40]

Curiously, one person keenly interested in these questions was Attorney General Richard Olney, the official who had orchestrated the Cleveland administration's assault on Debs and the ARU during the Pullman affair. In the months after Pullman, Olney had been criticized by the press for his transparent loyalty to the very railroad interests he'd served in the private sphere; there had been at least one petition demanding his impeachment. Said to be personally insulted by the outcry, Olney was chastened enough to sever some of his financial ties to the railways. He was also candid in his regret for the immense financial harm that had come to the railroads—$5 million in lost revenue and damage—notwithstanding the success in dethroning "King Debs."