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Washington, D. C., January 7, 1916

N

Hon. George Sutherland,
 United States Senate,
 Washington, D. C.

Dear Sir:

During the past few years a proposal has been freely discussed which has aroused the apprehension and the disfavor of the organized labor movement of America. This proposal involves the principles of delegating to government the right to stipulate or regulate by law, industrial relations in private industries. The most general form which this proposal takes is to secure by the enactment of a law the eight-hour workday for all workers in private industry - for all in all walks of life.

The organized labor movement has opposed such proposals and holds that their rights and their freedom as industrial workers depend upon their keeping under their own control the determination of industrial relations with their employers. They hold that there must be certain rights and privileges guaranteed to them as citizens and workers which are free from interference of state action. Their position is based upon the fundamental principles underlying constitutional government; that is, that government must be representative, must exercise its authority within a prescribed sphere and must be prohibited from invading personal rights and privileges belonging to individual citizens. Of course, safety, sanitation, etc., etc., come within the functions and duties of government.

I have consistently opposed any effort to establish anything that would delegate to governmental agencies any degree of compulsion for the workers in industry and which would authorize a state to determine industrial relations in private industry.

The right to determine industrial relations implies the right to enforce such determinations, and, therefore, opens up opportunities to extend the field of governmental regulation to all personal industrial relations in private industry and thereby abolishing voluntary agencies.

In discussing the proposal to secure the eight-hour day by law in private industries, I expressed the thought that there never had been a government on the face of the earth, nor in any nation existing today which did not and will not exercise tyranny when the time, opportunity or "need" presented themselves. I had in mind the thought that governments sought opportunities to extend powers and jurisdiction in emergency and then after such an emergency had passed still continued to exercise the extraordinary power. But further consideration of the subject has aroused a new apprehension on my part based upon the following thought.

Under the old laws which conferred power upon the courts to regulate relations between "master and servant" and to govern wages, hours of labor and other conditions of work, the courts which exercised such functions, such as the old English Court of Quarter Sessions, stipulated wages, hours of work, etc., at which the workers must work. Workers who failed to obey the commands of the courts were fined or put into prison as common felons and not infrequently executed for repeated violations of laws or violations of the decisions of the courts. None of those laws which conferred upon courts the rights to stipulate industrial relations and none of the decisions of the courts have been repealed by statute law. The thought that occurred to me is this: if new laws were enacted authorizing governmental agencies to stipulate industrial relations, would not the reversion to that old principle itself revive all of those

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old court decisions and that part of the "common law" connected with the old Laborers' Statutes?

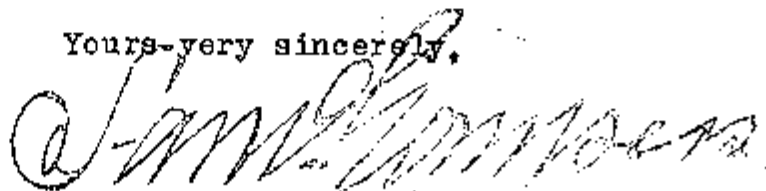
There has been great progress and genuine widening in concepts of freedom, humanity and justice, which have recognized the new industrial status of the workers, and these are a reflex of common thought and general conviction. If a law were enacted giving the government the right to control hours of work in private industry, would not the endorsement of that principle revive all that was the outgrowth of the old legal and judicial reasoning, to which I have referred and take from the workers industrial freedom?

If there is foundation for this apprehension, the adoption of eight-hour laws for private industries - for all workers - would bring about a very serious conditions which would menace the foundations of liberty.

I am writing to you to ask for an expression of opinion upon this possible eventuality. The question involved is one of concern to all liberty-loving citizens, and I venture to ask you to do this in the interests of justice, liberty and humanity. Perhaps I may be unduly apprehensive of this phase of the question I propound, but it is one which causes me no little concern. I am seeking the judgment of yourself and others who are interested in the maintenance of the fundamental principles of liberty.

Will you please favor me with your opinion in regard to this matter as soon as possible, and oblige,

Yours-very sincerely,



President
American Federation of Labor