“I HAVE THE EAGLE”: CITIZENSHIP AND LABOR IN THE PROGRESSIVE ERA, 1890-1925

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ABSTRACT

During the critical years of American industrialization and rising status as a world power, a great struggle unfolded in the United States over workers’ status as citizens and what rights their status entailed. The outcome of this struggle shaped and constrained what workers would achieve in twentieth-century America. Just as imperialism raised the question of whether “the Constitution followed the flag” abroad, industrial conflict in those years raised the question of whether the flag – and the Constitution it symbolized – would follow laboring men and women into workplaces, streets, homes, and interactions with employers and government authorities. This dissertation argues that labor conflicts in this period were frequently fought over the boundaries and content of working-class citizenship. However, by the dawn of the New Deal era, the right to organize had become narrowly defined as a matter of market regulation, not as a matter of constitutional principles.

This dissertation draws on the experiences of a wide range of workers to make its argument, including Japanese plantation laborers in Hawaii, agricultural workers along the U.S.-Mexico border, coal miners in Colorado, ore miners in the Midwest, and mill workers in the Northeast. Their struggles are situated in the context of a U.S. working-class undergoing rapid transformation, the expanding power and reach of the American
state, and the simultaneous emergence of imperialism, racial segregation, and
disenfranchisement that illuminated the limits of constitutional protection of the rights of
those deemed non-white – as well as those who posed a threat to capitalist interests.

This dissertation demonstrates that the power of the state, primarily expressed
through the courts, armies, and militias, was repeatedly deployed on behalf of employers
to defeat the organizing efforts of workers, especially nonwhites and immigrants. Yet it
also shows that workers repeatedly resisted repression from both employers and the state
by claiming rights – whether or not they enjoyed the formal status of U.S. citizen. In
doing so, they ultimately offered an alternative interpretation of the Constitution,
influenced the New Deal, and created a more expansive vision of what citizenship should
and could mean.
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INTRODUCTION

During a 1913 strike in Calumet, Michigan, the American flag became a source of struggle between strikers and soldiers. Annie Clemenc, an American-born daughter of Croatian immigrants, led daily marches down Main Street carrying an enormous flag. One morning, Captain Frank L. Blackman of the Michigan State Militia tried to wrestle the flag out of Annie's hand. Annie yelled, “This is the flag for freedom, and we want freedom!” During that scuffle, Blackman managed to seize the brass eagle from the top of her flagpole. Afterwards, he told reporters that he “had the eagle, and intended to keep it.”¹ This site of conflict between an immigrant striker and a soldier, especially in the midst of American expansion, speaks to a host of major historiographical themes in the working-class history of the Progressive Era — Americanization, race, gender, immigration and migration, mobility, imperialism, and citizenship all are linked together in that one moment of struggle. This dissertation will explore why.

The small confrontation in Calumet reveals a much larger dynamic of state power, patriotic ideology, and worker organization at a crucial moment in the development of the United States as a world power. At the turn of the twentieth century, as American soldiers were deployed to Cuba, Puerto Rico, and the Philippines, there was a corresponding rise of militarized violence at home against workers and people of color. Many of the same soldiers and units who fought overseas in the Philippines were deployed at home to combat largely immigrant strikers. Veteran troops were deployed against striking miners in Salt Lake City, Utah, and Coeur

¹ Denver Times, September 14, 1913, 1.
d'Alene, Idaho, in 1899, Telluride, Colorado, in 1901 and 1903, and Idaho Springs and Cripple Creek, Colorado in 1903. Nearly 10,000 soldiers were deployed to Pennsylvania in 1904. Arizona Rangers were mobilized to protect American business interests in Mexico in 1906. Lieutenant Karl Linderfelt of the Colorado National Guard, who fought in the Philippines, was charged with the murder of a Greek strike leader in the southern Colorado coal strike in 1914. State militias were mobilized 328 times between 1886 and 1895, for many reasons, but most often to put down strikes and “brush away all obstructions to interstate commerce.”

The soldiers and militiamen deployed in these interventions, whether foreign or domestic, often used the same tactics and language to describe their adversaries. They also interpreted their projects in similar ways. Tactics such as water boarding, adopted by U.S. soldiers in the Philippines, were later used against striking miners in Colorado, and even to punish “unruly” girls at reform schools in New York, placing labor strife, colonial insurgency, and social control along a graphic continuum. Violence in the Philippines and Mexico became linked in the public imagination to violence in Colorado, Michigan, and Massachusetts. Workers responded with

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2 On the rise of state policing of labor conflict, see David Montgomery, *Citizen Worker: The Experience of Workers in the United States with Democracy and the Free Market in the Nineteenth Century* (New York: Cambridge University Press, 1993). Here Montgomery is quoting the U.S. Supreme Court ruling during the 1894 Pullman boycott, in which it made clear the coercive role of the military to support the market: “The entire strength of the nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights entrusted by the Constitution to its care. The strong arm of the national government may be put forth to brush away all obstructions to interstate commerce or to the transportation of the mails. If the emergency arises, the army of the nation, and all its militia, are at the service of the nation to compel obedience to its laws.” (97) For more on the Coeur d’Alene strike and the years of conflict that followed, see J. Anthony Lukas, *Big Trouble: A Murder in a Small Western Town Sets Off a Struggle for the Soul of America* (New York: Simon and Schuster, 1997). For more on the Cripple Creek strike, see Elizabeth Jameson, *All That Glitters: Class, Conflict and Community in Cripple Creek* (Urbana: University of Illinois Press), in which she analyzes the development of class politics in Cripple Creek over the course of a decade. For a broader view of the Colorado mine wars, and the interactions between workers and the state, see George Suggs, *Colorado’s War on Militant Unionism: James H. Peabody and the Western Federation of Miners* (Detroit: Wayne State University Press, 1972).

patriotic rhetoric, sometimes literally wrapping their bodies with the American flag, and demanding to exercise their rights such as free speech, access to public roads and post offices, and peaceful assembly as citizens.

During the late nineteenth and early twentieth centuries, labor conflicts repeatedly raised questions regarding the basic rights of citizens and residents of the United States. Workplace struggles frequently became conflated with struggles over whether or not deputies could enter homes without warrant, detain workers indefinitely without cause, obstruct access to the U.S. mail, or subdue political protest. In some cases, these struggles hinged on whether or not the leaders of a strike were legally qualified for citizenship, introducing the idea that labor rights were intimately attached to citizenship. But, as I demonstrate in Chapter 5, activists frequently appealed to their “Constitutional rights,” whether they were citizens or not, and claimed constitutional protection for their activities. They used their fights for rights as workers to advance demands for recognition of their rights under the Constitution – a view not always supported by the state or the courts. In turn, these demands offered an alternative view of a Constitution that could and should protect workers as a class, extending its protection to expressions of solidarity, and legal categorization of organized activity as political activity.

As this dissertation will argue, in a process that I call constitutionalism from below, Progressive era workers saw their struggle for labor rights as intimately tied to their quest for citizenship and inclusion. Workers applied their own definitions of citizenship and demanding what they considered their own just rewards for both their labor and their indispensable participation in the polity. In doing so, workers confronted a paradox at the heart of American citizenship, which fueled so much social and economic conflict in their time: the contradiction between what America promised and what it was.
The spoken and written vision of United States citizenship celebrates the concept of universal belonging, no matter who you are or where you come from. But at its heart, this vision is also an elastic and flexible one. The ideal of belonging has meant different things to different people throughout the history of the Republic. Today, this ideal has come largely to be understood as a form of liberalism, an inclusive membership in the polity that is more expansive than restricted, a membership that includes people regardless of their biological or cultural caste. But as Rogers Smith has argued, liberal ideas did not exclusively define legal membership in the American political community. Liberalism was in constant tension with equally American “inegalitarian ascriptive traditions” that described the body politic itself in terms of gender, racial, religious and ethnic hierarchies. Smith goes on to argue that this “ascriptive Americanism,” is the dominant intellectual framework for ideas about citizenship in the United States.  

Gary Gerstle suggests this framework for citizenship exists in a “crucible” of nationalism and race, in which beliefs about the profoundly universal qualities of civic nationalism, in which everyone has access to political and social equality, are set against an intensely racial nationalist tradition. The space between these liberal and ascriptive traditions has created occasional, vast silences about fundamental contradictions within the state. In other words, how can one explain radical inequality within a liberal framework?

In wrestling with this question in their time, workers inevitably experienced conflict. “Constitutionalism from below” elicited a forceful response from employers and the state alike.

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In retrospect, the resulting conflicts that erupted over the use of the flag, restrictions of basic rights such as free speech and freedom of movement, efforts to define the true meaning of the Constitution, and the connection between imperial and domestic violence all highlight the charged context of labor conflict in the Progressive Era. That context was defined by three crucial developments: the arrival of masses of new immigrants, whose presence elicited a powerful backlash and propelled calls for “Americanization”; the rise of a “new American state” possessing powerful judicial and police powers; and the transformation of the United States into a race-conscious colonial power whose policies and dominant ideology relegated people of color both abroad and at home to positions of subordination. This dissertation draws upon and contributes to literature on each of these developments.

*The Emergence of a New American State*

At the time of the Revolution, Enlightenment philosophers like Locke and Rousseau, who emphasized the Greek and Roman binaries of independence and dependence, public and private, shaped American political thought. As the colonies broke away from England, independence was deliberately associated with liberty, and dependence with slavery. Nancy Fraser and Linda Gordon note that independence therefore became explicitly tied to property and economic freedoms.⁶ Such associations marked both independence and dependence as racialized and gendered from the beginning. Colonists defined themselves in opposition to the chattel slaves in the colonies, both in personal and economic freedom, and the color of their skin. For republican artisans, the concept of independence would also come to include the ideal of the family wage, of their own small rule over a house and a constellation of dependents within it. Thus, the citizen of the Republic would be male, he would be white, and he would own property. As Eric Foner

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points out, these traditional republican ideas “view[ed] small property as the foundation of economic and civic autonomy.”7 For the purposes of this study, this is reflected in struggles over whether soldiers and sheriff's deputies could enter homes without warrants, prevent workers from purchasing goods where they wanted, or dictate norms of home life.

If the major social movements of the twentieth century—the civil rights movement, the feminist movement, the environmental movement—are understood to be a struggle to correct these ascriptive spaces within the liberal framework by referring back to and claiming the fundamental rights of citizenship, then the actions of workers and their conflicts with the state in the Progressive Era must be similarly understood. William Forbath has argued that it was the adoption of the Reconstruction Amendments after the Civil War that allowed subordinated groups to claim the status of citizens “in language rooted in those amendments.”8 Historians have extensively documented the ways in which the Fourteenth and Fifteenth Amendments have been used to negotiate and adjudicate more equitable rights for women and African Americans.9 But the new discourse on equal citizenship opened the way for working class activists and their allies to argue for a more expansive definition of citizenship, and as a corollary, a more expansive understanding of the responsibilities of the federal government.

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James Grey Pope, Lea VanderVelde, and other law scholars have long recognized the limitations of First Amendment constitutional protections for labor activity, and pointed to the Thirteenth Amendment as a stronger argument for worker rights as citizenship rights.\textsuperscript{10} As Pope notes, since the \textit{Lochner vs. New York} decision in 1905, which ruled that a state law setting maximum working hours for bakers was unconstitutional, the Supreme Court has treated labor as a commodity. The extent of labor liberty is therefore an individual’s right to sell their labor as a commodity. Even when labor advocates have attempted to expand the protections for labor, they have been forced to make shaky appeals to the First Amendment and “freedom of expression,” which do not fully protect labor as an identity, and do not acknowledge the ways in which work is inseparable from personhood –even as other classes of identity, like race, gender, and sexual orientation, have enjoyed an expanding range of protections. Pope refers to the concept of a “labor black hole” in the Constitution, suggesting that a remedy may lie in analogizing labor activity to political activity, in a more robust application of the Thirteenth Amendment, or in reinvigorating a republican free labor ideology that recognized economic independence as a form of self-realization.\textsuperscript{11}

Along these same lines, Lea VanderVelde argues that the Reconstruction Congress intended the Thirteenth Amendment to apply to the full spectrum of labor, not just the abolition of slavery. As she writes, “The framers of the Thirteenth Amendment sought to advance both a floor of minimum rights for all working men and an unobstructed sky of opportunities for their advancement.” Some of the rights of free labor sought by the framers included right to one’s own household, right to quit and find new employment, right to choose employers and terms of work,


\textsuperscript{11} See Pope, 1073, 1102. For more on Republican free labor ideology, see Eric Foner, \textit{Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War} (Oxford: Oxford University Press, 1995).
to enjoy the “fruits of their labor,” meaning a share in the return from their profit, and to not have employers conspiring to keep wages low or limit employment opportunities. It was a vision that unified economic security and citizenship, elevating labor above property in the eyes of the law because labor created property, and not vice versa. And it was a vision that sought to recognize the more intangible and ethereal aspects of full citizenship. As Senator Henry Wilson, one of the leading Radicals, said, freedom under the Constitution meant the ability to “walk the earth, proud and erect” in “conscious dignity.” This dissertation will trace the ways in which workers continued to lay claim to these promises, even as the state and the courts swiftly retracted them.

The first case on the Reconstruction Amendments to come before the Supreme Court was the 1873 Slaughter-House Case. Butchers in Louisiana were required to use the slaughterhouses of 17 individuals who had been granted a monopoly by the state. The butchers argued that this was a form of feudalism. In a 5-4 decision, the Court ruled in favor of a narrower interpretation of the Thirteenth and Fourteenth Amendments, holding that there was a distinction between U.S. and state citizenship, and therefore there were limits to the protections offered by the Constitution. In their dissenting opinions, Justices Stephen Field and Joseph Bradley expressed concern that “the capitalists' wealth was being purchased at the price of making the working class unfit for citizenship.”

In another significant case, the Supreme Court considered whether the Sherman Antitrust Act of 1890 would apply to a manufacturer that controlled 90 percent of the U.S. sugar market,

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12 VanderVelde, 495, 496.
13 VanderVelde, 476.
14 The Slaughterhouse Cases, 83 U.S. (16 Wall.) 36 (1873).
in the 1895 case of the *United States vs. E.C. Knight Co.* \(^{16}\) The Court decided in favor of the company, ruling that the Sherman Act would not regulate monopolies in manufacturing. This opened the floodgate to a massive consolidation of industry. Over the next decade, thousands of firms combined to control their markets, giving rise to monopolies like Standard Oil, General Electric, and Dupont. By 1904, just 300 corporations controlled more than 40 percent of American manufacturing. At that point, Standard Oil was responsible for 90 percent of crude oil production in the United States, and 85 percent of sales. \(^{17}\) This consolidation of industry – and the ensuing gulf between the wealthy and the working-class – led directly to unrest. It also spurred increased rank-and-file unionism, as workers sought power to counter the increasingly monolithic corporations. As a Colorado miner named Mike Sikoria said, “I am not an organizer, but I tell a couple of fellows to combine, like the big corporations. I says, Here boys, we must join the union. It’s time for the working man to tie to something.” \(^{18}\)

Forbath argues that interrelated court decisions and uses of state power severely limited the tactics available to unions, and in turn forced the labor movement to become more narrow and defensive in its dealings with employers. An activist and hostile judiciary was, in his mind, one of the main reasons for the “exceptional” nature of American labor. Hampered by the restraints of a hostile judiciary, Forbath argues that the great reform movements sought to replace the Court with elected lawmakers in the role of the nation's “authoritative” constitutional political economist. These reformers “assailed judicial supremacy and insisted on the coequal authority of other branches...declaring that state lawmakers, as the most direct representatives of the sovereign people, were better equipped than federal courts to determine the Constitution's

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\(^{16}\) United States v. E.C. Knight Co., 156 U.S. 1 (1895).


\(^{18}\) CCMC, 692. Testimony of Mike Sikoria.
metes and bounds.”

Victoria Hattam points to the use of conspiracy charges as the “primary mechanism through which American courts regulated working class behavior.” She mentioned the strategic dilemmas created by “the distinctive institutional structure of the American state”—meaning the unusual power and independence of its judiciary, which repeatedly blocked and nullified labor's efforts to affect government policy. Under this interpretation, the “voluntarism” of the American Federation of Labor (AFL), in which labor actively disengaged from electoral politics, was a rational response to a hostile state.

The Progressive Era was also a period in which the United States saw both an expansion of the state, and a new kind of relationship between labor, the state, and capital. Stephen Skowronek argued that during the nineteenth-century, the two institutions that created an integrated national politics were the judiciary and political parties – the judiciary by shaping the economic system, and political parties through patronage and control of local government. This state of “courts and parties,” as he famously described it, threatened to unravel between 1877 and 1900, challenged by the new administrative requirements of industrialism, ultimately leading to a more centralized power invested in the federal government. Historians, particularly those working in the field of American Political Development like Skowronek and Karen Orren, have clashed over the meaning of state institutions in workers’ lives. Orren, for example, argues that while judicial decisions on most commercial relationships were centered on individual freedom of contract, the employee-employer relationship was governed by a feudal master-servant

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Other historians and legal scholars would disagree (as demonstrated by the arguments of James Pope and William Forbath, who see laissez-faire as the guiding principle at work in most court cases involving labor relations.) David Montgomery argues that the main power in workers’ lives was their employer, buttressed by a state whose coercive capacity grew “steadily.”

The Dick Militia Act of 1903 increased the power of the state through its regularization and professionalization of the National Guard, and the additional resources allotted for training and equipment. The nation also expanded its reach through infrastructure. As Richard John demonstrated in his history of the U.S. post office, the development of its network led to “thickening the bonds of union,” but also served to lay bare divisions, such as controversy over what kind of ideological materials could be delivered through the mail. These controversies will become significant in Chapter 4 of this dissertation, as access to the mail became a major source of contention in labor struggles. Meanwhile, a patchwork of railroad lines stitched together industrializing settlements across vast territorial distances, and federal laws on immigration and public health created what Mae Ngai calls “a kind of imported colonialism,” through which the state both created and perpetuated racial and class hierarchies.

This work also draws on the “corporatist synthesis” conceptual framework proposed by Thomas McCormick, which is premised on the idea that groups like organized labor, capital and the state develop collaborative relationships with one another to impact domestic and foreign

23 Montgomery, Citizen Worker, 117.
policy arrangements. This analysis helps to explain how capital and the state directly shaped labor’s development through a wide range of legal and economic mechanisms, spanning from immigration and property rights to public health policies. It also explains how worker agency in turn affected capital and the state. Just as capital and the state helped define working-class identity and experience, the working-class in turn affected the development of capital and the state. 26

The Transformation and “Americanization” of the U.S. Working Class

During the Progressive Era, a rapidly changing population was remaking the nation from within. Over 23 million immigrants entered the United States between 1880 and 1920, creating a “new” working-class, largely consisting of eastern and southeastern Europeans, but also including significant numbers of Mexicans and other nationalities. At this same time, over 6 million African Americans began to migrate from the rural South to the industrial, urban centers of the Northeast and Midwest. These working-class communities in formation would radically transform the demographics of the United States. This transformation also produced a racial and nativist backlash, which I explore in more detail in Chapters 3 and 4. As Cecilia O’Leary has demonstrated, in the decades after the Civil War, middle-class reformers sought to both unify the nation and contain the “radical” elements within it through a process of Americanization, creating and consolidating American icons like the pledge of allegiance, the national anthem, and the Fourth of July. 27 Immigrant workers were tutored in these rituals, which also emphasized traits of obedience, subservience, and cleanliness. As Theodore Roosevelt said about the immigrants flowing into New York, “We must Americanize them in every way, in speech, in

political ideas and principles, and in their way of looking at the relations between Church and State…The immigrant [must] revere our flag; not only must it come first, but no other flag should ever come second…Above all, the immigrant must learn to talk and think and be United States.”

Roosevelt rose to national prominence in 1898 through his actions in the Spanish-American War, leading a contingent of volunteer Rough Riders to famous victories in Las Guasimas, Kettle Hill, and San Juan Hill. Through his Rough Riders, he modeled his own conception of American citizenship – one steeped in masculinity, and one that simultaneously offered opportunities for individual advancement while demonstrating the racial hierarchies that limited those opportunities. His Rough Riders included a “melting pot” of student athletes from Ivy League schools, Indians, Kentucky backwoodsmen, and a few Irishmen, Jews, and Italians, but he did not accept any black or Asian volunteers. (He was later forced to acknowledge the bravery of black troops, veterans of Indian warfare west of the Mississippi, who were pivotal in the Kettle Hill and San Juan Hill victories.) As president, Roosevelt later used immigration policy as a form of social and racial control, signing a sweeping 1907 law that, among other things, stripped an American-born woman of her citizenship if she married a foreigner, and established what later became the Dillingham Commission, charged with examining which nationalities were “slow to Americanize.” That same year, he negotiated the “Gentleman’s Agreement” which halted the immigration of Japanese male laborers to the mainland United States. These laws sought to imprint middle-class ideas of morality, masculinity, obedience and race onto the changing population.

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But Roosevelt and his contemporaries found that immigrants and workers were determined to shape their own definition of American identity, one that was inclusive of their social and economic rights. They waved American flags in their Labor Day parades, framed their demands in reference to the Constitution, and linked their struggles explicitly to their status as citizens.

In this regard, James Barrett’s work on “bottom-up Americanization” adds a critical dimension, in which he argues that workers were active agents in shaping their experience of the nation, and their own meaning of American identity. Barrett acknowledges that Americanization typically had conservative connotations, as a coercive process “done to” immigrants, American Indians and people of color. But the process was not just unidirectional, as these groups formed their own understanding of what it meant to be American, and enacted their own experiences of acculturation, both informally, at dance halls, movie theaters and social clubs, and formally within the structures of unions, shop floors, and political participation.

In particular, Barrett notes that the “new” working-class population at the turn of the century had to contend with the structures built by an earlier generation of workers, and were largely dependent on this earlier generation for acculturation and socialization. He identifies this process as ethnocultural or segmented class formation, a process that happened within ethnic groups and yet also happened across ethnic communities in places where those ethnic communities intersected. He says that this was a synthetic process, not necessarily or uniformly nationalist or republican in nature, and moreover, the ideology was not always “progressive in content,” as demonstrated by Irish, British and German labor activists who supported restrictions

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on new immigration. More recently, Katherine Benton-Cohen demonstrates the ways in which workers constructed their own ideas about race, class, and family, and the way those ideas became enforced by the law in her study of the 1917 Bisbee Deportation, in which nearly 2,000 suspected union activists were forcibly rounded up and deported from an Arizona mining community.

These contributions are vital because they redistribute state-making agency to the working-class. This dissertation seeks to add to this analysis, moving the argument beyond the cultural into the structural. Historically oppressed communities like workers, immigrants, and people of color have long challenged the contradictions between the spoken and written vision of America and its ascriptive qualities. As James Kloppenberg notes, social justice movements have appealed to the pluralism promised in the founding documents of the United States in the struggle for equal rights at home and abroad, in what he calls “aspirational nationalism.”

Building upon this insight, this dissertation argues that Progressive era workers repeatedly engaged in an effort to create a bottom-up citizenship or bottom-up Constitutionalism in which marginalized communities are actively engaged in the structural and legal composition of their class.

The Constitution, the Flag, and Imperialism

This changing composition of the U.S. working-class is connected to the relationship between U.S. imperialism and the domestic working-class experience. John Hay, the future Secretary of State, wrote and published anonymously a book called The Bread-Winners in 1884, which castigated the participants in the 1877 railroad strike and approvingly notes the actions of

31 Barrett, 1001.
a landlord who recruits a private army to shoot them. The book was still in print decades later, as Hay helped architect the ongoing occupation of the Philippines and the creation of the Republic of Panama.\textsuperscript{34}

This was also the era of the so-called Insular Cases, a series of decisions rendered in 1901 arising from Puerto Rico, Hawaii, and the Philippines. This was the U.S. Supreme Court’s response to the question of how to govern the new territories gained from the Spanish-American War, which had become a major issue in the 1900 presidential election, and was summarized by the phrase “Does the Constitution follow the flag?” These decisions established the idea that full constitutional protection of rights does not automatically extend to all places under American control. In fact, even U.S. citizens who inhabited unincorporated territories like Puerto Rico might not have some constitutional rights. The cases also established the idea of territorial incorporation, in which there could be degrees of incorporation — the Constitution would be applied fully in incorporated territories like Alaska and Hawaii, and only partially in unincorporated Puerto Rico and the Philippines. But they did establish the constitutional basis for America’s “informal empire.” As Bartholomew Sparrow points out, they also related directly to whether or not people residing in U.S. jurisdictions were entitled to equal political and legal rights.\textsuperscript{35}

This, of course, raised important questions when related to American workers, particularly immigrant and black workers. Did the Constitution also “follow the flag”

\textsuperscript{34} Zeese Papanikolas, \textit{Buried Unsung: Louis Tikas and the Ludlow Massacre} (Lincoln: University of Nebraska Press, 1982), 108. \textit{The Bread-Winners} was first serialized in \textit{Century Illustrated Monthly Magazine} between August 1883 and January 1884. Speaking before the Pioneers’ Association of the Western Reserve in 1879, Hay told his audience that with middle-class manners and submissive behavior, one could attain “that priceless gem of true citizenship, the innate perception…that it is brave and honorable to obey the laws.” Frederic Cople Jahar, “Industrialism and the American Aristocrat: A Social Study of John Hay and His Novel, the Bread-Winners,” \textit{Journal of the Illinois State Historical Society}, 65 (Spring 1972): 69-93.

\textsuperscript{35} Bartholomew Sparrow, \textit{The Insular Cases and the Emergence of American Empire} (Lawrence: The University Press of Kansas, 2006), 7.
domestically? Or were there varying degrees of incorporation by individuals, and different kinds of citizenship conferred by status?

Amy Kaplan, Kristin Hoganson and others have explored the ways in which imperialism impacted U.S. domestic life.36 Amy Kaplan has shown that U.S. imperialism has profoundly shaped American culture at home, linking diverse figures and events like Catharine Beecher, Mark Twain, the campaigns in Cuba and the Philippines, conflicts with Indians, race relations in the South, Mark Twain's journals, and the writings of W.E.B. Du Bois. As Kaplan says, “The idea of the nation as home...is inextricable from the political, economic, and cultural movements of empire, movements that both erect and unsettle the ever-shifting boundaries between the domestic and foreign, between “at home” and “abroad.”37 Kristin Hoganson has also written on the impact of overseas imperialism on the American home, arguing that gender and race were major factors in the jingoism of the time. Similarly, Mary Renda contends that the United States was “remade” by its international military actions, as the occupation of Haiti “facilitated the domestic renegotiation of racial and gender issues.”38

This dissertation further links the domestic and overseas activities of the state in this period, illuminating the relationship between the state and workers, placing the state’s efforts to regulate labor relations on the continuum of imperialist behavior.39

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37 Kaplan, 1.
39 In addition to the cultural connection, there are also obviously economic and racial connections. For the arguments that American imperialism was an economic enterprise, see Walter LeFeber, The American Search for Opportunity, 1865-1913 (New York: Cambridge University Press, 1993). Walter Williams connects Progressive Era attitudes towards Indians to overseas imperialism. See Walter L. Williams, “United States Indian Policy and the
A Note on Organization

This dissertation will add a new dimension to the historiography on the formal relationship between labor and the state in the Progressive Era through a deep examination of potent forms of political participation that may be more “informal.” A worker demanding the right to walk down the street without being harassed by soldiers is a form of political participation. So is a worker marching down a street carrying an American flag. When Japanese workers struck for the cancellation of their penal contracts in Hawaii after it was annexed as a U.S. territory, they went on strike to enforce the Organic Act, which outlawed those contracts, an effort with both economic and political implications. In all of these instances, workers made claims to rights as citizens that were derived from their role as productive laborers. They advanced their expansive claims in an era before the nation’s laws or practices would begin to draw a sharp line between one’s role as a worker and one’s claim to the rights of a citizen, as would happen with the inauguration of the Bracero program or the proliferation of undocumented labor later in the twentieth century, and before the New Deal era, when Wagner Act, the Fair Labor Standards Act, and the Social Security Act would extend social rights to some workers, while excluding others. Although the most expansive visions of Progressive era workers went unrealized, as this dissertation will show, their struggles nonetheless helped shape the development of the twentieth century United States.

Each chapter of this dissertation will examine a different aspect of this worker-driven struggle to redefine citizenship. Chapter 1 looks at the relationship between imperialism and domestic labor suppression, for the same reason that historian Julie Greene has turned her attention to the links between imperialism and labor – because in an era of colonialism both

domestically and abroad, when global migrations were remaking the population at large and the working-class within it, it is useful to recognize the continuum of state violence and racism and see how it was mobilized domestically on behalf of capital.\textsuperscript{40} This continues into Chapter 2, which is a deep dive into the experiences of Japanese workers in Hawaii at the turn of the century, where they fought for their rights on a unique precipice of nation-formation and race. Chapters 3 will show how workers deployed the flag in their efforts to claim their rights, Chapter 4 will examine conflicts over access to public spaces and public utilities such as the Post Office, and Chapter 5 will look at how workers utilized arguments and rhetoric based on the Constitution to contest judicial injunctions. Finally, Chapter 6 examines the life of Clemente Idar, the first Mexican-American organizer on the AFL payroll, using his experience to illuminate the limitations of a nation-centered language of rights and citizenship in the context of a transnational capitalism that was already beginning to confound labor organizers more than a half-century before the term \textit{globalization} entered labor’s lexicon. Every chapter is centered on workers themselves – their words, their perceptions, and their experiences. This structure also seeks to provide both a wide and deep analysis that is both comparative and comprehensive.

This dissertation developed first from recognizing parallels in various labor struggles – both in the suppression tactics that were used and the actors that were involved, but more importantly, in the worker responses and the ways in which they talked about and understood their struggles in a way that was centered on civil liberties. I began my compiling a record of incidents that spoke to the role of citizenship and the Constitution during labor conflict. The

\textsuperscript{40} In her examination of the labor that built the U.S. empire at the turn of the twentieth century, Julie Greene describes five major themes, including the unfree labor of military service, struggles over citizenship in unequal U.S. territories, the role of colonial and postcolonial subjects as migrant laborers, labor tensions in U.S. occupations, and labor migration as central to the logic of empire. Julie Greene, “Builders of Empire: Rewriting the Labor and Working-Class History of Anglo-American Global Power,” \textit{Labor: Studies in Working-Class History of the Americas} 13 (2016): 1-10.
testimonies before Congressional investigating committees in this period were vital to resurrecting first-person accounts by workers, including witnesses and participants in labor conflicts in Iowa in 1900, Pennsylvania in 1909, Michigan in 1914, and the 1915 Commission on Industrial Relations, among other government documents. The transcripts of these hearings provide the single most unfiltered and unmediated source of testimony by workers and citizens. The searchable newspaper database at the Library of Congress allowed me to quickly examine newspaper coverage of some of the key strikes in the Progressive era, as well as use different combinations of search terms and time frames to identify trends and develop overarching theories around the flag and Constitutionalism. Finally, archival research in Wisconsin, Hawaii, and Texas allowed the development of case studies, creating an analysis that could be deep as well as wide. In every case, the priority was to center the analysis on the workers themselves.

In a widely published 1915 speech in Boston, Louis Brandeis evoked the possibility of interpreting the rights guaranteed by the Constitution—rights to life, liberty, and the pursuit of happiness—in terms of the social and economic conditions necessary for their meaningful exercise in modern America. “The essentials of American citizenship are not satisfied by supplying merely the material needs...of the worker,” he said. That same year, he told the U.S. Commission on Industrial Relations that, “Only by bringing constitutional democracy into industry could the U.S. produce not only goods, but citizens.” His vision was one in which the identity of citizens was inseparable from their identity as workers.41 Brandeis’s vision was not his alone. Many rank-and-file workers in 1915 also perceived their workplace struggles as part of a broad political and legislative reform movement, a movement that would become narrowly defined only later, in the legislative bargains of the New Deal. Which returns us to the struggle

between the worker and soldier on that crisp fall day in Michigan in 1913, each tearing at the American flag. What were they actually wrestling over? Who could claim the brass eagle of American citizenship, that shiny, golden prize?
The relationship between workers and the state should be considered in the context of U.S. state-building and colonialism during the Progressive Era, since the relationship between workers and the state was deeply dependent on and related to race, hegemony, and imperialism.\(^1\) America was turning into an empire toward the beginning of the twentieth century. Soldiers were deployed to Cuba, Puerto Rico, and the Philippines during the Spanish-American and Philippine-American wars. The United States annexed Hawaii, and assumed control over the Canal Zone in Panama. This period of heightened U.S. aggression overseas corresponded to new levels of militarized violence against poor whites, people of color, and immigrants at home. Indeed, the same state and federal troops who served overseas were ordered into action against workers at home. National Guard soldiers were deployed against striking miners in Leadville in 1896, Salt Lake City and Coeur d'Alene in 1899, Telluride in 1901 and 1903, Idaho Springs and Cripple Creek in 1903. They killed striking miners in West Virginia in 1911, textile workers in Lawrence in 1912, and textile workers in Paterson in 1913. Lieutenant Karl Linderfelt of the Colorado National Guard, who fought in the Philippines, was charged with the murder of Louis Tikas, a Greek strike leader, in the southern Colorado coal strike in 1914. The use of soldiers in these situations was justified by the state in the name of law and order, the protection of private

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\(^1\) See Alfred W. McCoy and Francisco A. Scarano (eds.), *Colonial Crucible: Empire in the Making of the Modern American State* (Madison: University of Wisconsin Press, 2009). In this anthology on formal and informal colonial practice in the rise and growth of the American state, the editors describe the complicated web of administrative and military functions as the “invisible capillaries of empire.”
property, the protection of interstate commerce and the transportation of mail. But often, the result was the occupation of both company property and working-class communities, as well as the overall failure of the strike in the face of arrests and violence. By acknowledging these parallel experiences, we see a new dimension of labor conflict as part of a continuum of coercive state action.

When President William McKinley spoke at the Pan-American Exposition in Buffalo in September 1901, it was to celebrate the mighty reach of the American arm. Within the previous three years, U.S. troops had invaded Cuba, Puerto Rico, the Philippines, Guam and Wake Island, and Congress annexed Hawaii. Behind McKinley, the Exposition buildings, in a pastiche of Spanish mission and European baroque, reflected the glow of the Edison Company's Tower of Light. The crowd jostled forward to shake the president's hand. A pale young man stepped in front of him, his right hand covered in a clean white bandage. Beneath the bandage, he held a 32-caliber pistol, which he fired twice into McKinley, hitting him in the chest and stomach. McKinley staggered into the potted plants as Secret Service agents and bystanders tackled the assailant. “Be easy with him, boys!” McKinley cried out, as blood seeped through his white shirt.

McKinley had just been elected to his second term in office with 52 percent of the votes, and seemed like a force of unstoppable conservatism. Leon Czolgosz, an unemployed Polish anarchist who raised rabbits in his backyard, felled the most powerful man in the world with two bullets. He said, “I done it because what he did with the war on the Philippines does not harmonize with what they taught us in school about the flag.” After his death by electric chair,

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2 For a very good history of the use of the American military at home, see Clayton Laurie and Ronald Cole, The Role of Federal Military Forces in Domestic Disorders 1877-1945 (Washington: Center of Military History, 1997).
jailers poured sulfuric acid over his body, dissolving the bones into the earth, to make him disappear.³

The assassination of William McKinley was in many ways a reflection of a larger, anguished struggle that transformed the United States at the turn of the twentieth century. Those years saw the United States engage in a series of brutal expansionist invasions. Spurred by the 1898 sinking of the USS Maine on the coast of Havana, which may or may not have been accidental, America engaged in a proxy war with Spain that ended the next year. Spain relinquished sovereignty over Cuba and ceded Puerto Rico, Guam and the Philippines to the United States. John Hay, U.S. Ambassador to England and later Secretary of State, called it a “splendid little war.” Many agreed with him. Before invading the Philippines, President McKinley knelt in the White House and prayed. He later said that God told him, “There was nothing left for us to do but to take them all, and educate the Filipinos, and uplift and civilize and Christianize them.”⁴ Then he went to bed and slept soundly.

But McKinley would come to find out that there was a difference between theoretical control and the realities of occupation. The United States may have “purchased” the Philippines from Spain, but the Philippines were not even fully under Spanish control. Crisis erupted on the evening of February 4, 1899, nearly three months after the formal end of the Spanish-American War. Led by General Emilio Aguinaldo, nearly 12,000 Filipino guerrillas attacked American

³ For a detailed examination of the McKinley assassination, see Eric Rauchway, Murdering McKinley: The Making of Theodore Roosevelt’s America (New York: Hill and Wang, 2003). Rauchway dwells in particular on the psychology of the immigrant working-class, but the anti-imperialist nature of the action deserves deeper inquiry.
troops. They recorded about 3,000 casualties, while the Americans had 250. By the next day, the Filipinos withdrew into the countryside, and the Americans found themselves in a guerrilla war.\(^5\)

The war in the Philippines was a savage experience for both sides. By the fall of 1899, Americans had over 60,000 troops in the Philippines, and nearly 1,000 casualties resulting from conflict. There were many more deaths from typhoid, malaria and dysentery. Increasingly, they could not or would not distinguish between the insurgents and the civilian population. American soldiers regularly burned the homes of insurgent *barrios* and killed the women and children. This was part of an unofficial American policy to make no distinction between civilians and enemy combatants.

Meanwhile, the guerrillas changed their tactics, adopting a policy of raiding, terrorism, and propaganda. They ambushed and sniped at American troops, cut their telegraph wires, and stole their supplies. They also attacked Filipinos who cooperated with the Americans. Over 350 municipal officials were assassinated. The head of one official was wrapped in a kerosene-soaked American flag and set on fire.\(^6\) Both sides tortured and executed prisoners. Over 300,000 Filipinos were relocated, in an effort to disrupt their communities and the support they might offer to guerrilla fighters.\(^7\)

Washington faced years of quagmire ahead and needed to reassess its strategy. In April 1900, President McKinley created a Philippine Commission, led by William Howard Taft (later President). This Commission worked alongside the native ruling classes to form a pro-American

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\(^6\) Miller, 199.

political party, the Federalists, and consolidate native opposition to Aguinaldo. Major General Arthur McArthur assumed command of the Eighth Corps and initiated a new phase of the war. The army actively seized Filipino food and ammunition, stopped releasing captured prisoners, and deported anyone suspected of guerrilla activity. In addition, greater civil powers were granted to the Philippine Commission. Over 15,000 Filipinos were employed as scouts, constables and municipal police officers. This vertically integrated them into the colonial government. Finally, in March 1901, Aguinaldo was captured. One month later, he released a statement recognizing American sovereignty over the Philippines. The resistance, for all intents and purposes, was broken.

The United States spent $400 million on the conflict, more than twenty times the amount Washington paid Madrid for the archipelago. A total of 126,468 American soldiers landed in the Philippines, 4,000 of them never returned. However, the Filipinos suffered nearly genocidal losses. To this day, there are conflicting reports of how many died. At least 20,000 guerrillas perished, and at least ten times more civilians died from starvation, disease, dislocation and violence. As a result, the price of guerilla campaigns became exorbitant. Moving forward, America would have to factor those costs into the bargaining equation.

The fight in the Philippines coincided with a period of increased labor turbulence at home. When the scarred, weary veterans of these wars returned from overseas, many joined National Guard units and found themselves deployed in strike regions. Others were recruited for guard duties at industrial operations like factories or mines. Their military experience and willingness to follow orders made them attractive hires. A typical example is Private Edwin

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8 See Oscar V. Campomanes, "Casualty Figures of the American Soldier and the Other" in Angel Velasco Shaw and Luis H. Francia, eds., *Vestiges of War* (New York: New York University Press, 2002); Paul Kramer, *The Blood of Government* (Chapel Hill: University of North Carolina Press, 2006), 157. Campomanes estimates a range from 100,000 to 1,000,000 deaths; Kramer says 250,000 is a conservative estimate.
Segerstrom, who was born in Pecatoria, Illinois, and enlisted in the First Colorado. Although he was not an immigrant, his family was Swedish, and he was sensitive to those who questioned his American identity and patriotism. After serving in the Philippines, he returned to Denver and became a member of the Colorado National Guard. He fought in the Cripple Creek labor conflict of 1903-1904. Later, he became an accountant, and suffered lifelong effects from the malaria he contracted during his overseas service. He died in Denver in 1929. From the Philippines, he wrote letters home to his mother and sister, who worked in an Illinois mitten factory, describing his mission with patriotic fervor. Henry Wheeler, the sheriff of Bisbee, Arizona who oversaw the deportation of nearly 2,000 union activists in 1917, had served in the U.S. cavalry in the Spanish-American War. As historian Katherine Benton-Cohen demonstrated, he was motivated at least in part by a belief that by targeting labor radicals, he was protecting American national security at the border as the U.S. entered World War I.

A number of military veterans would go on to play a role in the Colorado labor conflicts. These include Charles Kennedy, who had enlisted in the army at thirteen and served in the Philippines and Burma before becoming a guard at the Forbes mine. Edward Carson, a captain in the National Guard who occupied the southern coal fields during the 1914 strike, served in the British army and fought in both the Boer Wars and the Sudan campaign. Major Pat Hamrock, a veteran of the federal campaign against the Sioux who had participated in the massacre at Wounded Knee, was also a member of the Colorado National Guard. Karl Linderfelt, known as 'The Butcher', had fought in the Philippines for nineteen months before going on to find work as

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9 Harper, 17.
a mine guard in the southern district, and as a lieutenant in the National Guard.\textsuperscript{13} After the 1914 strike ended, the Adjutant-General's report noted that, “Among the mine guards who were thrown out of employment by the presence of the troops in the field, a few ex-soldiers were found whose discharge papers were of such a character that it seemed desirable to enlist them in the National Guard of Colorado.”\textsuperscript{14} [See Figure 1.] These personal narratives of soldiers echo the reminder from historian A. Hope McGrath that military labor connected imperialism and expansionist capitalism.\textsuperscript{15}

General John Chase, a West Point graduate, commanded the Colorado National Guard during the 1903 strike at Cripple Creek. Following Chase’s intervention, 42 men were killed, 112 wounded, 1,345 arrested and imprisoned in military camps, and 773 deported from the state. The state treasurer recommended that the state issue “insurrection bonds” to help defray the cost. This may be interpreted as a mirror of federal overseas policies. As historian Philip Curtin notes, “Overseas subjects paid for their own defense, and they often paid most of the cost of imperial expansion.”\textsuperscript{16}

Such veterans took up arms against strikers at a time when suspicion of immigrant radicals was rising. Leon Czolgosz, William McKinley's assassin, was the son of Polish immigrants, and his experiences were like many immigrants from southern and eastern Europe. They started arriving in significant numbers in the 1890s, and numbered eighteen million by 1920. The change was reflected in the demographics of the industrial work force. The same

\textsuperscript{13} U.S. Congress, Senate, Industrial Relations. \textit{Final Report and Testimony Submitted to Congress by the Commission on Industrial Relations}, Created by the Act of August 23, 1912, 64\textsuperscript{th} Cong., 1\textsuperscript{st} sess., 1916, Doc. 415, vols. 7-9, pp. 6866-70. Hereafter referred to as the CIR Report.

\textsuperscript{14} The Military Occupation of the Coal Strike Zone of Colorado, by the Colorado National Guard, 1913-1914. Colorado. Adjutant-General’s Office. p. 37.


factory or mine often employed Italians, Greeks, Poles, Austrians, Mexicans, Japanese, Slavs, Serbs and more. One contractor later testified that the Colorado Fuel and Iron Company placed orders with him for the number of workers needed and the orders “specified the number of one nationality and the number of another nationality—all speaking different languages—and no English-speaking nationality.”\(^\text{17}\) To union-friendly reformers, such efforts were simply a deliberate attempt by employers to keep their work force unorganized. The result was a series of isolated, polyglot communities in which the only chance for resistance was to find new creative forms of commonality. “America” became the common experience.

During these decades, Americans were anxious about their own national identity, a question of citizenship became highly intertwined with race, class and imperialism. As early as 1898, the same year that the United States invaded Cuba, the Philippines, and Guam, a chapter of the Daughters of the American Revolution in Buffalo, New York, started delivering lectures on American history and government in various foreign languages to Buffalo's immigrant population. Their stated goal was to “teach obedience to the law, which is the groundwork of true citizenship.”\(^\text{18}\) Boarding schools were used to “Americanize” Indian, African-American and immigrant women by teaching them domestic work—often forcing them to accept jobs as domestic workers in the homes of white families. These schools were also established in the Philippines, Puerto Rico and Hawaii, as part of America's colonizing project.\(^\text{19}\)

America’s effort to “civilize” the Philippines was in sync with such experiments in social control. Following the end of hostilities, the U.S. War Department created a public school system in the Philippines, to be staffed initially by soldiers until teachers could be recruited from the

\(^{17}\) CIR Report, 6499.
\(^{18}\) Evelyn Nakano Glenn, Forced to Care: Coercion and Caregiving in America (Cambridge: Harvard University Press, 2010), 72.
\(^{19}\) Glenn, 53.
United States. The base language of the school system would be English. This same act allowed priests to use the school buildings to teach religion three times a week, but if any priest or religious leader used the opportunity “for the purpose of arousing disloyalty to the United States…or of interfering with the discipline of schools,” that priest or religious leader would be banned from entering the school building again.20

As Antonio Gramsci argued, cultural hegemony could be used to maintain the state in a capitalist society, generating both force and consent.21 As Filipinos were forced to learn English and “better” sanitation, immigrant workers at Henry Ford's factories were subjected to compulsory English classes and home visits by workers from the Sociological Department.22 The Colorado Fuel and Iron Company created kindergartens for workers' children to mold them into “better citizens more contented with their work,” by indoctrinating them with “the true democratic spirit—the spirit of sympathy, of unselfishness, and of equal rights.”23 This also took the form, at times, of infantilizing both colonized peoples and immigrant workers. In a 1909 essay, John Golden, head of a union of skilled, native-born textile workers in Lawrence, Massachusetts, wrote that the picker room was “the kindergarten for the foreigners.”24 Similarly, General Robert Hughes told the Senate Committee that, “Whenever he went into action against the Filipinos, he felt as if he were fighting children.”25

Yet cultural hegemony was not the only tool used to subjugate the subaltern: exclusion from protection of the U.S. Constitution was another. Congress added a clause to the

23 Glenn, 185.
immigration bill of 1903 that prohibited citizenship for “anarchists, or persons who believe in or advocate the overthrow by force or violence of all governments, or of all forms of law, or the assassination of public officials.” For the first time since Confederates were required to swear a loyalty oath at the end of the Civil War, Congress defined eligibility to be an American in terms of a belief. At roughly the same time, after heated debate over the future of the Philippines, it was decided that the Philippines would not become “incorporated” into the United States, but would instead remain an unincorporated territory. Filipinos, like anarchists, would not be considered American citizens.

Military veterans also brought home the experience of serving in highly racialized environments. Race was undeniably an important factor in both colonial and domestic military encounters. General Robert P. Hughes, testifying before a Senate Commission investigating human rights abuses in the Philippines, said that the United States should encourage African-Americans to emigrate there. He said, “The colored troops taken to Samar mixed readily with the natives, and many of the latter shed tears when the colored soldiers were removed.” This further indicates the racial conflation of black and Filipino. Other times, black soldiers in the Philippines became scapegoats for military setbacks. The Balangiga massacre of 1900 was blamed on David Fagen, whom the press labeled “a black renegade from the Colored 24th Infantry.” Fagen deserted the American army, and then accepted a commission in the Philippine army in November 1899, in the Mount Arayat area. It was unlikely that he participated in the Balangiga massacre or a number of other American defeats for which he was blamed. Still, “his military exploits and infamy continued to grow in editorial fantasies.” When the last armed resistance to American rule in Nueva Ecija finally collapsed in the spring of 1901, Captain Fagen

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and his Filipino wife fled to the mountains and a six-hundred-dollar bounty was promised in exchange for his head. The next December, a Spanish hunter killed him and carried his head and finger to authorities to claim the reward. The finger sported a West Point ring that had once belonged to one of Fagen's prisoners.  

Soldiers used similar racial language towards both Filipinos and workers. Private Selman Watson, twenty-three, was born in Sterling, Colorado, and was a member of the First Colorado. In his descriptions of life on patrol, he talked about the language with which white soldiers conflated Filipinos with African Americans. “We crossed over the rice-paddies,” he wrote, “crossed a Creek that flows over a bed of Limestone and climbed a hill on the other side to the Mariquina Road and down past fields of Sugar Cane and Sweet Potatoes till we came to a tall tree by the road side where the M Co. boys are stationed…we could see the Insurgents trenches and caught sight of a few ‘Coons’.”  

Others used even more vicious slurs against their Filipino adversaries. These slurs were also directed at home against immigrant workers, making the workers acutely aware of their status and ethnicity.

Racialized descriptions of striking workers were common in Colorado. In the aftermath of the Ludlow massacre, the militia held several of the strikers prisoners and one prisoner, George Churchill, later said that a guard “called us rednecks and waps, and told us if we made a move he'd kill us. I asked him what a wap was. He said I was a wap. He said foreigners were waps. I told him I was raised in this country the same as he was.”

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27 Miller, 206.
29 Meanwhile, Confederate veterans like Colonel Keller Anderson were praised for bringing “honor” to the country for their military service in the Civil War and in domestic labor strife. The Confederate Veteran recognized Anderson for surviving three wounds during the Civil War and then “going on to quell the 'mobs' during the 'mining troubles' of Coal Creek, Tennessee, between 1891 and 1893.” O’Leary, 143. Quoting “Confederates Commanding U.S. Regiments,” Confederate Veteran, 6 (August 1898): 365-67.
30 CIR Report, 7383. Testimony by George Churchill.
miner's wife and Colorado massacre survivor, wrote an autobiography called *Those Damn Foreigners!* The title alone is an indication of the degree to which, in her mind, the “foreignness” of the strikers played. After the massacre, the official military investigation claimed that the cause of the conflict was the “numerous class of ignorant, lawless and savage South European peasants.” “The tent colony population is almost wholly foreign,” Captain Edward Boughton wrote, “and without conception of our government. A large percentage are inassimilable aliens to whom liberty means license.”

The federal military and state militias were sometimes used interchangeably, further demonstrating the conflation of state-building at home and abroad. During a mining strike in Coeur d'Alene in 1899, Governor Frank Steunenberg would have ordered the Idaho National Guard to the strike zone but they were already deployed to the Philippines. So, he requested federal troops from President McKinley. The soldiers sent to Idaho were members of one of only four black units in the U.S. Army. Their race further inflamed the ethnic tensions. Managers from the mines walked them through town, pointing out which men to arrest. Both native born and immigrant miners were rounded up, brought to “bull pens” resembling concentration camps, and held without trial, some for as long as eight months.

During a mining strike in Trinidad, Colorado in 1904, the same strike where Private Edwin Segerstrom was a soldier, the intersection of gender, race and violence became brutally apparent. The strikers complained that the National Guard soldiers were harassing and assaulting the women. One husband returned home just in time to prevent an attack on his wife. The soldier was fined seven dollars. Major Zeph Hill said that the soldier “may have frightened some

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32 The Military Occupation, 41.
women, but the story of the attempted assault I do not believe. A lot of Italians and strikers make
the charge, and I will believe my own men before I believe them." But there were other
incidents that could not be disputed. Two soldiers attacked a teenage laundress in a lumberyard.
Three masked men castrated seventy-year-old Mexican striker, Joe Raiz behind a tent in
Sunlight, Colorado, and he died three days later. It is difficult to determine whether the
violence was heightened by the introduction of soldiers with previous overseas service. But it is
clear that some of the same soldiers served both overseas and domestically, and that they used
similar tactics in both situations.

Colorado was not the only state in which the National Guard was enlisted to help quash
strikes. The Wisconsin National Guard was mobilized in 1898 during a strike by woodworkers in
Oshkosh, known as “Sawdust City.” In Oshkosh, seven major companies manufactured doors,
blinds, window sashes and custom woodwork, employing about 2,000 woodworkers in their
factories and yards. The workers were primarily German, Irish, Polish and Danish immigrants.
Their neighborhoods divided between Prussian Lutheran and Bohemian Catholic parishes.
Because of technological advances in machinery, about a fourth of the skilled male woodworkers
had recently been replaced in the factories by women and children. The workers struck at all
seven of the mills demanding higher wages, recognition of the union, and the abolition of female
labor from the mills.

The Wisconsin National Guard was young but active, as over 4,000 men recently
answered the federal call for service in the war with Spain. Two units, the 2nd and 3rd

34 Priscilla Long, Where the Sun Never Shines: A History of America’s Bloody Coal Industry (Boulder: University of
Colorado Press, 1989); p. 236; “Serious Charges Against Soldiers,” Rocky Mountain News, 1 April 1904, 7.
36 Long, 235.
37 Virginia Glenn Crane, “The Very Pictures of Anarchy: Women in the Oshkosh Woodworkers’ Strike of 1898,”
Wisconsin Infantry Regiments, were on their way overseas to Puerto Rico. The 4th Wisconsin Infantry Regiment was also on its way to Puerto Rico until it was diverted to Oshkosh. By Friday, June 24, soldiers from the 4th Regiment positioned themselves at the Paine Lumber Company Gates, the largest of the mills. Faced with overwhelming force, the strikers abandoned their planned activities for the day, leading the newspapers to gloat that the “bristling bayonets” of the military had been a success. The district attorney took advantage of the Guard presence and initiated criminal proceedings against strike leaders, mostly “foreign” women. Warrants were issued for the arrest of Lizzie Hando and Caroline Pomerening, both immigrants from Prussia. They were charged with unlawful assembly and riot. The charges were felonies, and carried a sentence of three to seven years in prison. The Oshkosh Enterprise opined that if a woman “unsexed” herself by participating in public demonstrations, she should expect to face violence—“the policeman's club, the discharge of musketry or the Gatling gun.” During another skirmish on August 3, the newspapers described the women as “wild-eyed Bohemian and Dutch women” who were “the very pictures of anarchy.”

After their deployment in Oshkosh, this same regiment was sent to Camp Shipp in Anniston, Alabama to prepare for occupation duty in Puerto Rico as part of the ongoing Spanish-American War, although the regiment was never deployed. They returned to Wisconsin in February 1899. An examination of the muster cards of this regiment reveals a population that was largely Swedish, German, and Anglo-Saxon, with names like Krueger, Schroeder, Koepp,

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38 Crane, “Very Pictures of Anarchy.” Mary Ryan suggests that the public participation of women could offer a reassuring, softened image of radical activity, but this incident points to the limits of that tactic when the women in question were immigrants, and therefore marginalized as “unsexed” and “not respectable.” Mary P. Ryan, Women in Public: Between Banners and Ballots, 1825-1880 (Baltimore: Johns Hopkins University Press, 1990), 53.
and Gutknecht. Most of the soldiers self-identified as holding middle-class, entrepreneurial occupations, and most apparently enlisted in the first patriotic flush of war with Spain.\(^{39}\)

One military tactic soldiers learned abroad during their service in Spanish-American and Philippine Wars was the “water cure,” a simulation of drowning now known as “waterboarding.” A young soldier stationed in the Philippines with the 32\(^{nd}\) U.S. Volunteer Infantry described the practice in a letter to the *Omaha World-Herald* in May 1900. “We lay them on their backs,” he wrote, referring to captured Filipino soldiers. “A man standing on each hand and each foot, then put a round stick in the mouth and pour a pail of water in the mouth and nose, and if they do not give up pour in another pail. They swell up like toads. I'll tell you it is a terrible torture.”\(^{40}\) [See Figure 2.] L.E. Hallock, a private in Company I, Twenty-sixth Volunteer Infantry, from Massachusetts, testified before the Senate Committee on the Philippines that the torture was used on a dozen Filipinos captured in the town of Leon, Province of Panay, in an attempt to learn details about the torture and death of Private O’Herne of Company I, who had been cut with bolos and then “roasted all day over a slow fire.” Members of Company I used the water cure on their prisoners on two separate days. “The stomach would swell up, and in some cases I witnessed blood come from the mouth.”\(^{41}\) Grover Flint, First Lieutenant in the Thirty-Fifth Volunteer Infantry, also from Massachusetts, testified that he first witnessed the water cure administered by some Macabebe Scouts, Filipinos who fought alongside U.S. troops, in early

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\(^{39}\) Kristin Hoganson masterfully describes this phenomenon, as well as the close relationship between manhood, race and imperialism, in her book *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars* (New Haven: Yale University Press, 2000). The muster cards for the 4th Wisconsin Infantry Regiment are housed in the Wisconsin Veterans Museum in Madison, Wisconsin. Wisconsin Muster and Descriptive Cards. 1898. B1-5 (3-1-2) / Mss22, F21 (6-1-3).


May 1900, and that it was not an “American invention.” The next day men in his regiment administered the “cure.” He said he had only heard of one reported death from the torture, but had seen prisoners become unconscious and when it was given to old men, “he had seen their teeth fall out.”

Soldiers from the Vermont National Guard tortured a Catholic priest named Father Augustine with the water cure in an effort to find money he had allegedly hidden. The priest died from the torture, but the soldiers were not brought to trial because they had mustered out of service by the time of the War Department investigation and were therefore “beyond the reach of military justice.”

Military and government officials reacted with horror to the spread of the practice. Secretary of War Elihu Root personally ordered the court-martial of Captain Edwin Glenn, who had supervised the water torture of the mayor of a small Filipino town. George Davis, who was at the time Judge Advocate General for the U.S. military, also strongly condemned the torture, which in his view was illegal under General Orders 100, governing the conduct of troops in the field. “No modern state, which is a party to International law, can sanction either expressly or by a silence, which imports consent, a resort to torture with a view of obtaining confessions as an incident to its military operations,” he wrote. Not only did the Army persist in using the water cure in the Philippines, soldiers and state authorities used this form of torture in a range of domestic situations.

Once practiced during conflict overseas, the “water cure” was brought home and put to use in domestic conflicts. In 1909 it was used to subdue political prisoners at Leavenworth

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43 “Water Cured Priest,” Los Angeles Times, Nov. 9, 1902, 5.
Prison.⁴⁵ According to Captain Philip Van Cise of the Colorado National Guard, Lieutenant Karl Linderfelt tortured strikers with the “water cure” during the 1914 coal strike.⁴⁶

Use of the “water cure” in the United States spread to some unlikely settings during the first decade of the twentieth century. A 1915 report on discipline at the Hudson Training School for Girls in New York State found that the “water cure” was even used on girls who had been “impudent” or “unruly.” As the New York Times described the scene, “The girl is taken to her room by the Assistant Superintendent, accompanied by a trained nurse of the hospital and one of the matrons of the cottage. The bedding is removed from her bed, a blanket, rolled, is placed on the wire springs. Her clothes are loosened and her hands are handcuffed behind her back and leg irons are put on. The Assistant Superintendent sits on the knees of the girl while the hospital nurse dips a towel in water and holds it, sopping wet over the mouth of the girl for ten minutes.”⁴⁷

Addressing the “disorder” of disobedient or unruly behavior was a popular Progressive concept, and “disorder” was one of the adjectives used most often to describe both labor strife and colonial insurgency. Using the same techniques in each situation draws the two even more closely together, in what John Parry might argue is a continuum of state violence and coercive action.⁴⁸ During a strike of Japanese plantation workers in Hawaii in 1900, a commissioner from the U.S. Department of Commerce and Labor sniffed that many planters and police believed that

⁴⁵ "Admits Using ‘Water Cure': Leavenworth Prison Warden Also Confesses to 'Crib,'” The Baltimore Sun, January 1, 1909, 5.
⁴⁶ James Alfred LeRoy, The Americans in the Philippines (Boston and New York, 1914), wrote that the “contagion of guerilla methods spread from the Filipino to the American camp. And in many, indeed, almost certainly most places it did infect American officers, both high and low, and their soldiers.” (226) Van Cise’s testimony can be found in the Frederick Farrar Papers, WH1071, Western History Collection, The Denver Public Library.
the Japanese needed to be taught a lesson, “the kind that the militia could best teach.”49 A local newspaper editorial similarly asserted that the Japanese workers should “make up their minds to submit to ordinary discipline.”50

Another tactic used in the Philippines that was also brought back to the mainland and used in labor conflicts was that of dislocation, particularly by burning the homes of civilians. During the Philippine war, Sgt. Edward Davis of Company M, Twenty-Sixth Volunteer Infantry, from Greenfield, Massachusetts, witnessed the burning of the town of Igbaras on the orders of Captain Glenn. The town contained 10,000 people but was a “no business place,” reported the New York Times. “All except fifteen houses were destroyed, and men, women, and children were forced out indiscriminately. The witness also said that a neighboring town containing about 12,000 people was burned, but that he did not know who ordered for its destruction.”51 William L. Smith, private in Company M, Twenty-Sixth Volunteer Infantry, from Athol, Massachusetts, said “he had assisted in the burning of the town of Igbaras, and that the natives generally escaped from their houses only with the clothes they wore.”52 Grover Flint said that the idea behind burning the villages was “to drive the people to the woods or to the towns and concentrate them.”53 During the Senate Commission hearings, General Robert Hughes said that the houses were burned to eliminate shelters and hiding places for guerillas. When confronted with the impact on women and children, he said, “The women and children are part of the family, and where you wish to inflict a punishment you can punish the man probably worse in that way than

49 Takaki, 150.
50 Hawaiian Gazette, Feb. 14, 1900, 7.
in any other.” Hughes was asked whether this was civilized warfare. “These people are not civilized,” he said.⁵⁴

Only those who lived in designated zones were assured they would remain unmolested by U.S. troops. Major Smith, the American commander, issued an order requiring all Filipinos to live in the five principal island towns where American troops were stationed. “Natives who continue to live in the country will be considered revolutionists.” One might argue that employers similarly used housing as a form of social control of their workers by forcing them to live on company property, often in company housing, guarded from contact with union organizers and outside “agitators.”⁵⁵

In the context of what happened in the Philippines a decade earlier, the Ludlow, Colorado, massacre of 1914 takes on new significance in this context. The afternoon of April 19, a witness reported that a soldier said, “We will have a roast tomorrow.”⁵⁶ The next day, the militia launched an attack on the strikers' encampment, firing machine gun rounds into the colony, and then moving through with flaming torches, looting the tents and then lighting them on fire, one by one. Two women and eleven children suffocated to death in the flames. Karl Linderfelt killed Greek immigrant and strike leader, Louis Tikas, while the latter was an unarmed prisoner of the militia. He slammed the barrel of his Springfield rifle so hard into Tikas' skull that he shattered the stock. Men, women and children, dislocated and dazed, many wearing their nightgowns and barefoot, made their way to the railroad depot. The soldiers taunted, “You all should have been burned in the tents.” One man carried the body of his son, wrapped in a sheet.

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⁵⁴ Miller, 215.
⁵⁵ David Silbey points out that in addition to the “water cure,” mock hangings were also used as a terror tactic in the Philippines. The National Guard used this tactic against strikers and strike sympathizers, including in one documented case in Cripple Creek, Colorado in 1904, against Sheriff Henry Robertson (see Figure 3). David Silbey, A War of Frontier and Empire: The Philippine-American War, 1899-1902 (New York: Hill and Wang, 2007), 164.
⁵⁶ CIR Report, 6347-6356. Testimony of Pearl Jolly.
The strikers were dislocated and stripped of their possessions, and the strike, for all intents and purposes, was broken.\textsuperscript{57}

The frequency of use of the National Guard varied wildly from state to state depending upon the nature of the administrations in power and the degree of labor unrest. Some states, like Pennsylvania, displayed a reluctance to use the National Guard to police labor conflicts, because they had a well-developed police force available for such work. Other states used the Guard often and violently. The state-by-state variances around the use and deployment of the Guard is significant, for it allowed policymakers to avoid creating a coherent federal policy on the use of the military in domestic disturbances. The historian Joan Jensen argues that American internal security policy has evolved over the last two centuries to become one that “maintained restraint, sometimes precariously, in using the army to defend the government from the domestic population.”\textsuperscript{58} Both state and federal executives used the military forces at their command on numerous occasions to intervene in domestic “rebellions.”\textsuperscript{59} It was not until 1974 that the courts ruled that the U.S. Army could not participate in civil law enforcement in the absence of a presidential proclamation. Jensen argues that the concept of personal restraint by the executive branch—as opposed to codified legal restraint—is still largely the governing principle at work when deciding whether to mobilize a domestic force, meaning that there was in practice not much check on the domestic use of military force.\textsuperscript{60}


\textsuperscript{59} Jensen, 1.

\textsuperscript{60} As seen in other colonial projects, such as Hawaii and Burma, the decisions to mobilize force were often made locally, leading to what Philip Curtin terms “absence of mind” imperialism, in which state decisions with major ramifications were made in a decentralized way, by local representatives of the state like army officers and plantation superintendents. Philip Curtin points out that colonial France, for example, often operated “on the
The persistent use of National Guard members against striking workers created a difficult situation for unions. Many labor leaders went so far as to urge their members not to serve in the National Guard. As Samuel Gompers said in 1892, “Membership in a labor organization and the militia at one and the same time is inconsistent and incompatible.” Two years later, Gompers urged the American Federation of Labor to lobby against an amendment to New York's constitution that would have made National Guard service mandatory for young men. Gompers warned that passage would mean workers could be arrested for treason if they “refuse to perform military duty and shoot down their fellow workers. Mark my words…if this amendment is adopted it will be put into operation only in the case of some dispute between some unscrupulous corporation and its outraged employees.”

Despite the protestations of Gompers and the AFL, workingmen did serve in the National Guard and felt the burdens of conflicting loyalties. During a 1901 steel strike in Pittsburgh, members of the deployed Second Brigade of the Pennsylvania National Guard received threatening letters which stated, “In case your command is called upon to do duty against the steel strikers do not forget that there are many laboring men and union men in your regiments, and watch where you stand when you give the order to fire.” The following year, during a strike in Wilkes-Barre, Pennsylvania, a soldier from the Eighteenth Regiment identified as Private Wadsworth shot and killed a striker named William Durham after he ordered Durham to stop approaching a union home and Durham ignored him. Durham was a veteran of the Spanish-American and Philippine Wars, pointing to the complicated loyalties and class alliances of the initiative of the French naval officers, with little direction from Paris—sometimes without permission." The World and the West, 29.
62 O’Leary, 184.
63 Montgomery, Citizen Worker, 101-103.
64 “Threats to Militia,” Baltimore Sun, August 20, 1901, 2.
period. During the same strike, fifteen hundred strikers paraded through Shenandoah on their way to hear a socialist speaker from Chicago, led by four men wearing National Guard uniforms and carrying American flags. During a march of 3,000 striking railroad workers in Burnside, Illinois in 1922, former soldiers led the parade to lend their respectable images to the cause. They carried banners that read, “We fought in the world war so that this country might live; let us live,” arguing that service to the nation had earned them economic citizenship rights as well.

In some cases, workers deliberately sought to build relationships with state military forces. During a 1902 strike in the anthracite coal fields of Pennsylvania, the strikers tried to make allies out of the soldiers. When the Tenth Regiment arrived, full of veterans who had fought overseas, throngs of strikers boarded the train to celebrate those soldiers who had “exchanged shots with the Spaniards and the Filipinos.” However, the warm feelings were not enough to compel them back to work.

A warm relationship between soldiers and strikers could cause unexpected upheaval for the authorities. During a mining strike in Parkersburg, West Virginia, the National Guard soldiers deployed to the region openly sympathized with the strikers. In the words of one newspaper, the soldiers “used their influence with the men who are at work, and have persuaded so many of them to join the strikers that the detachment stationed at Rush Run had to be recalled and sent to another point to keep it from emptying the mine. It is probable that the troops will all be ordered home soon…. Some of the soldiers have even shared their food, provided by the State, with the families of the men who are in the strike and hungry.”

68 “Hundreds of Families Without Shelter or Food in West Virginia,” *Baltimore Sun*, Sept. 1, 1902, 8.
It was often the case, however, that workers initially applauded the arrival of the National Guard as a mediating force during intense conflict, only to discover that the Guard would side brutally with employers. Consider what happened when the governor of Pennsylvania ordered the National Guard to the coal mining town of Shenandoah in 1909, where thousands of Lithuanians and Slavs were on strike. The militia had been mobilized after fierce fighting. During one battle, the strikers fought the sheriff and two deputies, as well as 200 armed men, “English-speaking residents.” A Polish miner was killed in the fray, and 300 “English-speaking residents” in the town armed themselves with guns, clubs, and sabers, and patrolled the streets until the Guard arrived. According to the Chicago Tribune, a throng of 5,000, including many strikers, cheered as the first company marched into town, and gave the soldiers enough firewood “to supply campfires for a week.”69

Before long, however, these strikers learned that the National Guard was not on their side. The general in charge of that Guard unit was John P.S. Gobin, Republican Lieutenant Governor, former officer in the Union Army during the Civil War and Brigadier General in the Spanish War. Gobin met with the mine owners and promised “an armed guard for every mine” that wanted to re-open, as the soldiers pitched their tents and set up their Gatling guns. He said his men were ready for anything. Many were Spanish-American War veterans, and were “well acquainted” with combat situations. “We are going to keep order here if it requires every soldier in the state to do it.”70

Overwhelmingly, workers came to the conclusion that the National Guard served as a strike-breaking force. A streetcar strike that pitted the Amalgamated Association of Street Railway Employees against the United Traction Company and disrupted Albany and Troy, New

69 "State Army on Guard at Mines,” Chicago Tribune, Sept. 23, 1900, 1.
70 Ibid. See also "Fate of Struggle in Balance,” Chicago Tribune, Sept. 24, 1900, 1.
York, in May 1901, provides a case in point. In that instance, the Twenty-Third Regiment of the New York National Guard was mobilized following an eruption of violence during the strike. On May 13, the company started trying to operate with strike-breakers. Thousands of protestors gathered, pelting the cars with stones and bricks. The protestors managed to convince three of the crew to join them (a fourth was hospitalized after being hit in the head with a rock.) To bring the transit system to a halt, the crowd cut the power lines, and stopped a repair crew from reconnecting the lines.

The transit company’s general manager John McNamara announced was determined to break the strike, announcing, “We intend to run our streetcars if it takes the entire New York National Guard to protect us.”\(^\text{71}\) The local National Guard was ordered to the armory, and the Twenty-Third Regiment of Brooklyn, which “had some experience with strikes,” was summoned by telegraph.\(^\text{71}\) By May 15, more than 2,200 National Guard troops were deployed in Albany, tasked with protecting 75 strike-breakers. They loaded the strike-breakers into wagons and galloped them down the street, sabers drawn, as the crowd threw rocks and bricks at them. The soldiers swung wildly with their sabers, sometimes intentionally running towards the crowd with their bayonets lowered and only raising them over the heads of their frightened victims at the last minute.\(^\text{72}\)

The following day, during another clash, the National Guard fired into the crowd, killing two men and wounding another. The victims turned out to be prominent Albany businessmen, not connected with the strike, who were merely interested observers of the spectacle in the streets.\(^\text{73}\) General Roe of the National Guard made excuses for the soldiers, saying that all

citizens had been warned to stay off the streets. In a final, tragic act of coincidence, the National Guard ranks included the son of one of the victims, and the nephew of the other. By the next day, the number of National Guard deployed in Albany reached 3,000. The city council decided to revoke the company's charter if settlement was not reached soon. As for the Guard, they said they had “orders to shoot anyone who threw stones.” 74 When the strike was finally settled, the workers returned to work with their streetcars festooned in American flags.75

The Albany and Troy streetcar strike made the debate over the National Guard within the labor movement even more heated. After the strike, the Amalgamated Sheet Metal Workers amended their constitution to bar any member of the armed forces from joining the union. Their amendment specified that it was acceptable to fight foreigners—Russians, Turks, Prussians, “and particularly Englishmen”—but union members were not allowed to bear arms to suppress “civil disorder.” The Central Federated Union of New York met to discuss whether to embrace such policies. After a spirited debate, in which some labor leaders defended the patriotic activity of the Guard in the Philippines and Cuba, the federation agreed to support the right of the Amalgamated Sheet Metal Workers to establish this policy. The New York Herald Tribune shuddered that now there would be a “great army of wage earners consolidated on the principle of disloyalty to the government and bound by the rules of their union to refuse it assistance in repelling invasion or putting down domestic rebellion.”76

A number of unions took action to separate their members from National Guard service. A 1902 article from the New York Times described the plight of William Potter, a member of the Painters and Decorators' Union in Schenectady, New York, who was expelled from the union.

because he was a member of the National Guard. This led to a further debate among labor leaders about whether unions should permit their members to also serve in the Guard. William Long, President of the Typographers' Association, which had no specific rule prohibiting members joining the National Guard, is quoted as saying: “My own opinion is that a trades unionist is liable to find himself in a very embarrassing position if he is in the National Guard and is called upon to shoot against strikers. A man cannot serve two masters. He cannot be an efficient member of the National Guard during a strike and a good trades unionist at the same time.”

That same year, at the Illinois Federation of Labor convention, W.D. Ryan of the United Mine Workers proposed a resolution stating that no union member could join the state militia and if any were now members, they should resign immediately. Other speakers called the National Guard “a tool of the capitalist,” “foe to organized labor,” and a “menace to liberty.” The Teamsters national president Albert Young said that he was “still scarred by the lead shot at him by members of his own union during the strike in Colorado.” J. Smith of Quincy referred to the upcoming passage of the Dick Militia Act, which sought to professionalize the National Guard, saying “plans are now on foot to take the militia from state to state. If this happens we will have two great armies in the country,” seeing danger in the swelling ranks of armed representatives of the state.

The Industrial Workers of the World (IWW), the radical union founded in 1905, was even more critical of workers’ service in the Guard. It distributed leaflets to soldiers urging them to desert, and reminding the soldiers that they would have to turn their rifles on workers if they stayed in the Army. One of the leaflets, “The Trade of a Soldier,” tried to create feelings of

78 “Union Men Told to Quit Militia,” Chicago Tribune, Oct. 18, 1902, 2.
solidarity with the soldier: “We know you scorn the idea of shooting at workers, because most of you are working men, and you know that no man ever worked without getting in a fight with his boss. But after having seen two or three years' service, your brain will have been sandpapered and all your foolish ideas removed. So, you see if you want to be a strikebreaker, a man who kills his fellow worker, go ahead and join, see the world, be a hero. But you will no longer be a man.”

Seeking to head off growing opposition by unions to Guard service, some state militias made overtures to the labor movement. In 1905, three representatives of the Maryland National Guard sent a letter to the president of the Maryland Federation of Labor asking for a hearing. The officers wanted to make the case that the National Guard needed sustaining support in the state—from labor and employers alike. Even the idea of the hearing was controversial. A number of delegates argued that their unions did not permit its members to join the militia and that “a good union man would not be a militiaman.” The financial secretary of the federation, William Stintz, shared an anecdote of trying to reach his office during a fire and being stopped by a drunken soldier. An anonymous garment worker argued that the militias “always shoot down workingmen like dogs when they strike.” Charles Mettee, delegate from the Paperhangers' Union, said “The only excuse for the existence of the militia is that they are the oppressors of wage earners,” invoking the memory of a massacre twenty years previously, when soldiers shot into a crowd of men and women on a Baltimore street. A representative from the Can makers said that he would fire any man who said he was a member of the militia.

There was scarcely unanimity on the National Guard question in labor’s ranks, however. Some union delegates were pleased that the militia leaders wanted to meet, seeing it as

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80 To Hear Militia Committee,” *Baltimore Sun*, May 11, 1905, 12, 22, 31.
affirmation of their entry into the middle-class. One even called it “the greatest compliment that
a labor union had ever received.”\textsuperscript{80} A delegate from the Paperhangers' Union, Robert Lee, said
that “if the labor men would work themselves up as high in the militia as they did in politics,
probably the militia would not be so ready to shoot down the workers when they went on strike.”
Another delegate argued that one of the strongest traits of their organization was their
conservatism, and “as conservative men they should be willing to hear what the committee had
to say.”\textsuperscript{80} After a vote, the delegates agreed to the hearing with the National Guard officers.

Many states reacted with alarm to the threat of a union boycott of National Guard service.
New York, Texas, Michigan, Illinois and Maine passed laws that made it a crime to “prevent,
obstruct or annoy any member of an organization or his employer and respect to such
employment because such member… is not listed in organized militia.”\textsuperscript{81} New York passed a
law making it illegal to discourage enlistment in the militia or to cause members of the National
Guard to lose their employment due to the fact of their enlistment.\textsuperscript{82}

The controversy that surrounded the National Guard fed a growing movement to reform
the state militias in the first decade of the twentieth century by increasing their professionalism
through more training, resources, and uniformity. Scholars Clayton Laurie and Ronald Cole
point out that these changes did not occur in a vacuum. “Military reforms closely reflected
similar changes already taking place in civilian institutions,” they wrote.\textsuperscript{83} The Spanish-
American and Philippine Wars had demonstrated that irregular state troops could not adequately
support the Regular Army as warfare became more technological and organized. But it was not
just experience overseas that led to efforts to reform the Guard. As Laurie and Cole point out,

\begin{itemize}
  \item \textsuperscript{81} Foner, \textit{Militarism and Organized Labor}, 14.
  \item \textsuperscript{82} “Labor and the Guards.” \textit{Baltimore Sun}, Feb. 16, 1906, 12.
  \item \textsuperscript{83} Laurie and Cole, 179.
\end{itemize}
“the dubious performance of the various state National Guards in the labor disputes of the nineteenth century” also played a key role.\textsuperscript{84}

There was widespread recognition that it was time for reform. As Louis Cuvillier, Chairman of the Committee on Military Affairs in the New York State Assembly, wrote in a 1911 letter to the \textit{New York Times}, “The Government at Washington has awakened to the fact that since the Spanish-American War, it must depend on the State militia for its main support in the time of war, rebellion, or insurrection.” He called for a series of reforms such as reducing the years of enlistment from five to three, and creating a State military institute with free scholarships for 250 students. “I am pleased to say that Congress and the Secretary of War are giving the States great encouragement and financial assistance in this direction.”\textsuperscript{85} Under the direction of Secretary of War Elihu Root, Congress passed the Dick Militia Act of 1903 to provide federal funds for training, uniforms, armaments, and other professionalizing tools, and to clarify that the Guard could be called into federal service when there was an invasion or danger of invasion, a rebellion or danger of rebellion, or when the president was unable with Regular forces under his control to execute the laws of the United States.

An amendment to the Militia Act, passed in 1908, empowered the president to set the length of service, and to mobilize the guard either inside or outside the United States, for any length of time the president believed to be necessary. The colonial projects abroad and at home therefore led directly to a more professional and powerful state militia, and clarification of the executive ability to use that power at will. Moreover, note Laurie and Cole, “these reforms had a

\begin{itemize}
\item \textsuperscript{84} Laurie and Cole, 184.
\end{itemize}
substantial impact on federal attitudes and policies concerning labor disputes and on the Army's role in dealing with labor-related civil disturbances.”

As the tragic events that took place in Ludlow in 1914 make clear, these reforms did not eliminate the use of the National Guard as a strikebreaking force. In that conflict and in other instances of its deployment in the labor upheavals of the early twentieth century, the National Guard brought to bear within the borders of the United States tactics and approaches that were honed in overseas conflicts between the U.S. military and people of color during the early years of U.S. imperialism.

In *Origins of Totalitarianism*, Hannah Arendt suggests the potential of an imperial, colonizing impulse as a “limitless expansion for its own sake.” Arendt and many historians, such as Isabel Hull, have pointed to the precipitating factors in a genocidal and conquering regime as technological and organizational ability, the identification of a civilian population as the enemy, and the dehumanization (which often takes the form of racialization) of the enemy. These factors were chillingly evident in the Philippines. In his study of genocide, Ben Kiernan notes that such violence is “made possible by the complete powers granted to the perpetrators by the regimes they serve. The killers come as agents of a state or a state-in-the-making.” He notes that the concentration camp, pioneered by the Americans in the Philippines and the British in the Boer War, became one of the key features of the twentieth century, a way of controlling movement of the body, writing, “Torture demonstrated the power of the regime on the body of the victims; it is a 'spectacle of absolute power'.” Workers in the United States soon found these

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86 Laurie and Cole, 179.
very tactics directed against them by men in military uniform, dispatched by “agents of the state.”

Daniel Fusfeld argues that the savage, violent repression of workers by business and government “remade” the American state while unmaking the radical labor movement. If we consider the making of a state as a process in which conflicts between “legitimate” authority and marginalized or oppositional social groups define and redefine the state, this forces us to reinterpret the violence of encounters between soldiers and workers, or soldiers and “others,” at home in the age of imperialism. Not only was military power used abroad to build an American empire, it was deployed at home to shape and enforce the hierarchical character of that empire, marginalizing workers—and especially immigrants and workers of color—in the process.

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Figure 1: National Guard soldiers unload equipment in Colorado strike zone, 1914. http://blogs.denverpost.com/library/2014/04/09/ludlow-massacre-occurred-colorado-100-years-ago/9675/.

Figure 2: (LEFT), U.S. soldiers and a native collaborator apply the “water cure” to a Filipino “insurgent.” (RIGHT), Life cartoon: European colonial powers mock the United States. The caption reads: “Those pious Yankees can not throw stones at us anymore.” Source: http://philippineamericanwar.webs.com/thelastholdouts.htm.
Figure 3: National Guard soldiers prepare to lynch a labor supporter in Cripple Creek, Colorado in 1904. The victim in the picture may be Sheriff Henry Robertson, who survived his encounter with the militia and left town soon after. Source: Colorado Historical Society, Denver Public Library.
CHAPTER 2

Citizen by Contract: The Japanese in Hawaii

This chapter, about the experiences of Japanese contract laborers in Hawaii, examines the ways in which agricultural workers in what might be described as the “periphery” demonstrated behaviors similar to industrial workers in the “core” during this same period, through tactics such as striking and sabotaging their workplaces during key moments of production.\(^1\) It demonstrates that while workers on the periphery behaved in ways similar to workers in the core, so too did periphery employers behave in ways that resembled core employers. Hawaiian plantation owners acted cooperatively, pooling their resources during strikes, and demonstrating the kind of industrial collusion we see during these same years among timber, coal and steel magnates. Like employers and workers in the industrial core, Hawaiians fought bitterly over the interpretation and enforcement of the Constitution and federal law. Like workers on the mainland, Japanese laborers in Hawaii were consistently disappointed when they sought to assert their rights in a context shaped by both race and class inequality. Dissecting this period in Hawaii demonstrates the complex interplay among workers, the state, and capital, showing concretely how each shaped the others, and how workers ultimately saw their interests marginalized in the process.

As American interests subdued the Philippines with military force, they also arrived in

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\(^1\) The “periphery” and “core” refers to the world-systems analysis first suggested by Immanuel Wallerstein, which proposes “core” countries which are focused on higher skill, industrial, capital-intensive production, and countries that are primarily low-skill and extractive. This chapter offers evidence of a continuum of labor practice between what might be seen traditionally as core and periphery economies. See Immanuel Wallerstein, *The Modern World-System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century* (New York: Academic Press, 1974).
Hawaii with the force of economic capital. Missionaries and businessmen from New England established the first sugar plantation in the Kingdom of Hawaii in 1835. By the end of the nineteenth century, the sugar planters of Hawaii depended on imported labor to work the fields -- first Chinese laborers, which were barred under the Hawaiian Kingdom Exclusion Act in 1886, and then Japanese, Puerto Rican, and Portuguese laborers. The Japanese were the largest group of laborers, recruited by the Japanese government, signed to onerous penal contracts, and shipped to Hawaii via emigration companies. They found themselves trapped on the islands, working under German and English *lunas* who wielded thick black whips known as “snakes.” The emigration companies withheld their wages to pay for their passage. By 1900, over 26,000 Japanese men and women were working on the plantations, living in feudal conditions and in limbo between multiple state and economic powers.

In June 1900, the Organic Act went into effect. This law annexed Hawaii as a territory of the United States, and made contract labor illegal. Suddenly, the Japanese labor contracts were null and void. To enforce the law and fully dismantle the contract labor system, thousands of Japanese laborers were forced into conflict, sometimes against the plantations, sometimes against the emigration companies, and sometimes against the Japanese consul Miki Saito. The wave of strikes ended in victory for the workers, as they successfully managed to have their contracts either returned to them or destroyed.

During a second strike wave in 1904, the Japanese laborers demanded increased wages. The powerful Sugar Planters' Association responded by organizing themselves to set uniform wage scales across the industry, increase their recruitment efforts in Puerto Rico and the American South, and assist one another in bearing the cost of strikes. They also worked closely with federal immigration and health agents to regulate the size and ethnic composition of the
work force. During a third strike wave in 1909, as Ronald Takaki previously demonstrated, the Japanese laborers were led and supported by a new professional Japanese middle-class, who applied the Progressive Era language of Americanization and citizenship to their struggle for higher wages and better working conditions for “family men,” even as technology made many of the unskilled jobs obsolete.²

This chapter also looks at the experiences of Japanese laborers as a case study of the ways in which workers laid claims to legal and Constitutional rights on the basis of their productive value, providing legitimacy to their demands for equality under the law. As this case study demonstrates, however, such claims were negotiated in the context of a web of public and private relations, a conspiracy of government and capital that served to bind workers more closely to their status as workers – even as that status allowed them to also lay claim to their rights.

Evelyn Nakano Glenn previously examined the events recounted in this chapter and used them to demonstrate how citizenship status was tied to labor status in the Progressive Era, specifically the ways in which “struggles over labor and citizenship rights were dominant issues that shaped relations among white and nonwhite groups.”³ This chapter draws on Glenn’s pioneering work as well as that of Gary Okhiro and Edward Beechert. Okhiro framed the reaction of the state to the labor unrest in Hawaii within the context of the rise of a larger anti-Japanese movement, rooted in white supremacy and patriarchy.⁴ Beechert focused on the role of markets in shaping both the structure of the state and its people. This chapter builds on this

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historiography by telling a new story about how categories of labor and citizenship were constructed through the state. Contemporary readers will also find this chapter relevant to current political debate, as industrial work has become migratory, and the status of worker has become more permanent and enduring than the status of citizen.

The Hawaiian Islands became unified into a single kingdom in 1795, when King Kamehameha I brought together a number of independent native people through a series of political and economic alliances. As Anglo-Saxon missionaries and merchants arrived from the United States and Europe, the King used marriage with royal Hawaiian women to build a new class of Hawaiian elite, embedding race into the newly stratified society. But these Anglo-Saxon immigrants brought something else with them as well—the concept of private ownership of communal lands. In the Great Mahele of 1848, King Kamehameha III divided up the 4 million acres of island land, setting aside less than 30,000 acres for common use. Two-fifths was given to 250 alii (chiefs) while the rest became either the private property of the crown or public property controlled by the legislature. Over the next two decades, much of this land was then sold to American and European business interests. This single royal act created the structural conditions for a plantation economy.5

The warm Pacific climate made Hawaii an attractive place for agricultural enterprises, but the soil was rocky, and working the land was difficult. Planting and harvesting pineapple and sugar cane was a time-consuming process, requiring hard labor to irrigate the fields and loosen the soil. From the beginning, sources of cheap, docile labor were required to make the plantation

economy successful. World opinion had recently turned against slavery, and the large population of missionaries among the planter class found slavery abhorrent, so this was not an option to meet the labor needs in the islands. However, an entirely free class of labor was not considered desirable. Thus, a penal contract system was implemented, primarily through the Masters and Servants Act, which was first proposed at a meeting of the Royal Hawaiian Agricultural Society in April 1850 by a former judge from New York, and passed into law by the Hawaiian legislature on June 21, 1850.\(^6\)

The Masters and Servants Act shaped labor relations on the islands for the next fifty years, instituting a penal contract system enforced by the judiciary. In the original version of the Masters and Servants Act, contract employees received full protection of their civil liberties, and the contracts could be invalidated by district magistrates because of “cruelty, misusage, or violation of the terms of the contract.” Most importantly, once the contract was in force, as Edward Beechert notes, “imported workers were regarded in the law as though they were citizens.” (Italics mine.)\(^7\) In return, contract employees bound themselves to an employer for a specific period in a form of indenture, submitting themselves to the employer's control in terms of working and living conditions. The Masters and Servants Act passed a few short months before the United States Congress passed the Compromise of 1850, which attempted to broker a peace between pro- and anti-slavery factions, and which undoubtedly factored into the new labor system in ways both lenient and punitive.

The Masters and Servants Act allowed employers to “bind” workers for as long as a decade. If workers “deserted” or were absent from work, they faced fines, imprisonment, and the

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\(^7\) Beechert, 42-43; citing Penal Code of 1850, 170-177.
lengthening of the duration of their contract. The original Act stipulated that the contract would be void on the death of an employer, skirting one key aspect of chattel slavery. But it was common to see contracts transferred between parties.\(^5\) The penal provisions (secs. 1419-1422) granted enormous power to the district courts, which were supposed to enforce contracts for both master and servant. The Supreme Court of Hawaii appointed the Hawaiian-speaking magistrates who ran these district courts.\(^9\) “No systematic provisions were made for translating court proceedings into English or any other language until the 1885 treaty with Japan.”\(^10\) Many of the judges were cane planters or employers of contract labor themselves.\(^11\) The local magistrates could fine or imprison a worker, or extend their contract as long as a year past the original term of the contract. They could issue a warrant on the complaint of a police officer or employer in the case of an absence from work, and force a worker to “make satisfaction to the master for the loss and injury sustained by such an absence.”\(^12\) These local magistrates sometimes held multiple offices like state legislator, tax collector, or assessor, blurring the lines, in the words of Edward Beechert, between the “constitutionally mandated separation of the branches of government.”\(^13\)

By making the contract the center of the relationship between employer and worker, the Masters and Servants Act drew on New York and Massachusetts apprenticeship law, particularly the 1846 New York statute “Of Masters, Apprentices, and Servants.” As Christopher Tomlins has demonstrated, the haphazard construction of contract law that emerged in the United States and its territories throughout the 1800’s had the common theme of putting direction and control at the center of the employment relationship. As he notes, by classifying all labor as “servitude,”

\(^8\) Glenn, 199.
\(^9\) Beechert, 48.
\(^10\) Beechert, 46.
\(^11\) The Independent (Honolulu), July 8, 1897.
\(^12\) Beechert, 46.
\(^13\) Beechert, 46.
this served both to control labor’s freedom and mobility and to define its civic status. Thus, he argues that the body of law in this period gradually dissolved the concept of social equality, instead establishing “a society of safeguarded property, separated public and private spheres of action, and disciplined actors.”

The Hawaii Masters and Servants Act also showed similarities with American maritime law. Katherine Coman wrote that the Hawaii law must have originated from the Massachusetts apprenticeship law and American shipping law. The U.S. Bureau of Labor similarly speculated that the missionaries had borrowed from the “seaman's shipping act…adopted by the native Government to control the recruiting of whaling crews in the Kingdom.” While the influences of maritime law might be tenuous at best, they do suggest a tantalizing comparison to recent scholarship on the Atlantic world, which has increasingly discovered continuity in the lived economic and cultural experiences of slave migration, expanding the understanding of the middle passage. By applying this theoretical perspective to the marine passage experienced by Japanese and Chinese immigrant workers in the Pacific, the unit of study becomes one of the movement of people, goods and ideas over water, tied to narratives of commerce and community. Just as historian Ira Berlin called antebellum internal slave migration a “second middle passage,” one might categorize the legally nebulous state of migrant workers as a passage in itself, from one status to another.

14 Christopher Tomlins, *Law, Labor, and Ideology in the Early American Republic* (Cambridge: Cambridge University Press, 1993), 389. See also Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865* (Cambridge: Cambridge University Press, 2010). In his body of work, Tomlins generally argues that the judiciary is a surrogate of dominant interests, their decisions reflecting class and political alignments.
16 For more on the Atlantic as a category of analysis, see the work of Ira Berlin, especially *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998). See Stephanie Smallwood, *Saltwater Slavery: A Middle Passage from Africa to the American Diaspora* (Cambridge: Harvard University Press, 2007) for her proposal of an alternative category of analysis, “saltwater slavery” to capture the
The original Masters and Servants Act was relatively liberal in its protections for workers, but over the coming decades, the Act was repeatedly amended to restrict and constrain workers further and further. In 1859, the penal provisions were changed to allow judges to impose a penalty that added double the time of absence to the duration of the contract in cases of desertion. However, the additional time could not extend beyond one year after the expiration of the contract. Clearly the judges were attempting to avoid a situation in which contract labor became bondage labor. But in 1873, the Hawaiian Supreme Court radically changed the nature of the law, citing the needs of business as part of the ruling. “The statute was enacted, of course, in reference to the business of the country. The productions of the country must be gathered and secured, or manufactured when mature…and the law in question is designed to prevent persons from willfully violating their contracts and doing damage to their employers.”\(^{17}\) The court drew an analogy once more to marine law. “It is in degree as essential to the sugar planter that his employees should remain with him to perform his service as agreed upon, during the crop, as it is for the seamen to remain on the ship during the voyage.” Ironically, this ruling also underscored the unique leverage that seasonal agricultural workers exercised. The 1873 ruling created a situation in which “a worker might be compelled to serve an indefinite period in the event of repeated infractions.” The contract worker had to pay all costs “incurred in any process against a servant.” If the complaint were sustained, the “master shall have judgement and execution therefor against the offending servant” (sec. 1422). This ruling set up the possibility of indefinite cyclical and total process of enslavement, supported by military, economic and state infrastructure, and an act of communal imagination that turns people into commodities. See Thomas C. Buchanan, *Black Life on the Mississippi: Slaves, Free Blacks, and the Western Steamboat World* (Chapel Hill: University of North Carolina Press, 2004), who includes Mississippi riverboat migration as a form of middle passage, and notes the ways in which federal laws around interstate commerce helped shape worker rights and conditions (56).

\(^{17}\) Beechert, 51.
servitude, a legalized form of slavery.⁷

Technically, planters were prohibited from selling or transferring contracts. But in 1876, the same year that the Reciprocity Treaty with the United States created an even larger and more stable market for Hawaiian sugar, the court ruled that contracts could be written with a company, and that a change of partners did not invalidate a contract. Planters therefore started creating shell companies that “held” the contracts, and that could be bought and sold—buying and selling the contract labor along with them.¹⁹ At the heart of the question was Section 1417, the section originally designed to remove the labor contract from the realm of property and enforce the contract as an agreement between specific individuals. Section 1417 prohibited the transfer of the bond from one person to another without mutual consent. However, the law acknowledged that contracts could be written with a “company of individuals” and that the change of partners in such a company would not release an individual from his or her contract. The court ruled that this validated the assignment of a contract to surviving partners. The court also ruled that in these cases, mutual agreement would be “understood,” since the worker willingly entered into a contract agreeing “to work for such persons to whom such plantation shall be conveyed.” In his dissenting opinion, Justice Albert Judd pointed out that in an earlier case, the court held that “there is no enactment of the Legislature that will compel a man to work for another or his assigns.”²⁰ The judge concluded that the contracts could not be made assignable, for this would result in a man being “passed from one to another like a chattel [and] this is a form of involuntary servitude.”²¹ As Beechert has noted, “The legal situation as it developed in Hawaii before annexation placed the workers in a category outside the law. [Italics mine.] For those

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¹⁸ Beechert, 51.
¹⁹ Glenn, 200.
²⁰ Beechert, 52; citing Waihee Plantation v. Kalapu, 761.
²¹ Beechert, 52; citing Nott v. Kanahele, 18-19.
under a penal contract, there was only the flimsy reed of appeal to the provisions against physical abuse, failure to pay wages, or transfer of contracts.”

The Japanese government started allowing its citizens to immigrate to Hawaii starting in 1885, initially under strict regulations. But the process was soon privatized, and from 1894 to 1908, about 125,000 Japanese men and women migrated to Hawaii through the mediation of private companies, the *imingaisha*, and were known as “company emigrants.”

The plantations and the Bureau of Immigration then created additional layers of work rules beyond those affirmed in the Masters and Servants Act, fining workers for being late to work, breaking their tools, or smoking or talking after 9pm. On the Waihee Plantation, one of the rules called for workers, if sick, to “submit to the treatment and obey such directions as are given by the medical attendant and manager,” inflicting specific ideas of health and wellness on the body of the worker. Obedience was highly stressed. Workers were ordered to be “industrious and docile and obedient to their overseers.” They were not allowed to “cabal with associates or incite them to acts of insubordination,” share the same bed if unmarried, or leave the plantation without permission.”

The arrangement blurred the lines between private enterprise and state institution. Planters worked to set wage scales directly with the Japanese Immigration Bureau, and worked with the Bureau to track desertions, as seen from a note from Hackfeld Company to Oahu Sugar

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22 Beechert, 56; Glenn, 200.
23 For a fascinating history of the role of private corporations in facilitating Japanese migration to Hawaii, see Alan Takeo Moriyama, *Imingaisha: Japanese Emigration Companies and Hawaii, 1894-1908* (Honolulu: University of Hawaii Press, 1985). Julie Greene notes the importance of dislocation and mobility in controlling workforces and building empire. “Mobility as key to managing labor was often a racial matter. The workers recruited and made mobile, the workers who needed to be alienated from their home environments, were almost always workers of color. In this way, the U.S. Empire set in motion vast diasporas of workers of color, bringing them into contact with a global working class composed of metropolitan migrants as well as those from diverse parts of the periphery.” Julie Greene, “Moveable Empire: Labor, Migration, and U.S. Global Power During the Gilded Age and Progressive Era,” *The Journal of the Gilded Age and Progressive Era* 15 (2016): 4-20.
24 Beechert, 73-74,
Company in 1899: “We also beg to enclose a copy of the new agreement between the various plantations and the Japanese Immigration Bureau. Wages $15—for male and $10—for female laborers. Desertions have to be mentioned right away to the Bureau or to us.”

The planters worked to avoid trouble with periodic preemptive raises. As a Hackfeld agent wrote in 1899: “As a large number of newly arrived Japanese laborers are now distributed among the various plantations, who receive wages at the rate of $15.00 per month, the Trustees of the Hawaiian Sugar Planters' Association met yesterday and, after discussing the matter, are of opinion that it will now be necessary to raise the wages of all Japanese and Chinese contract laborers heretofore employed on the plantations to $18.00 per month to avoid any trouble.”

In spite of their complaints about the Japanese workers, the planters were desperate to keep them on the plantations. As a Hackfeld agent noted in 1899: “We beg to send you under separate cover, 4 Japanese newspapers and call your attention to the article marked with blue pencil. A certain Japanese party, we understand, has written letters to laborers on various plantations, instigating old field hands to quit work and at the same time offering them work under a certain proposition. In order to offset this the Japanese Emigration Co., of Hiroshima, deemed it necessary to address the laborers in the article above referred to, and we would ask you to please see that contents of same are known to all Japanese on your plantation.”

The planters scrambled to import as many Japanese laborers as possible before they became subject to American law in 1900. A note appended to a letter from the Board of Immigration read: “We further would add that it is essential that applications should be made in

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25 Hawaiian Sugar Planters’ Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – January 6, 1899.
26 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – January 12, 1899.
27 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – January 16, 1899.
time to enable us to have the laborers arrive here before October next in order to avoid any complications later on.”

Board of Immigration officials frequently conflated class and race when discussing labor. J. A. King, President of the Board of Immigration, wrote to Hackfeld and Company in 1899 that the Government desired to give the plantations “reasonable aid in procuring such labor as may be necessary for the presentation of their enterprises.” But that was not the only interest of the Board. “The Government, however, considers the importance of keeping the introduction of Asiatic labor immigrants down to the absolute requirements, and your attention is called to the suggestions made from time to time in regards to the introduction of labor immigrants from Europe and America…for the sake of having as intelligent a class as possible…in order that such immigrants may subsequently become desirable citizens and settlers. [Italics mine.] The Board went on to note that, “The presence of a large number of laborers of one class is not only detrimental to public interest because the fact that such an element adds to the difficulty of maintaining public order, but also from the danger of strikes and other labor difficulties.” The Board of Immigration was therefore not just serving the needs of the planter class, taking direct responsibility for the labor supply, but was also manipulating the content of that labor supply with an eye towards a trio of goals, including whiteness and citizenship, but also subservience. King closed his letter by noting that 368 Japanese had deserted their positions in Hawaii in the first six months of the previous year, and asked each planter to provide the number of desertions they had experienced along with their request for new quotas of workers in the coming year.

The sugar factors also mediated relationships between individual planters and the

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28 Hawaiian Sugar Planters’ Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – March 25, 1899.
29 Hawaiian Sugar Planters’ Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from J.A. King, Board of Immigration – March 23, 1899.
Department of Foreign Affairs. On April 6, 1899, agents of the Hackfeld Company sent a letter to the Oahu Sugar Company, in which they mentioned they were “Enclosing communication from the Department of Foreign Affairs…Please send this letter to us so that we can hand it over to them.”

Agents of the Hackfeld Company promised the Oahu Sugar Company, “We shall apply for your account for about 50 to 75 Japanese laborers each month for a period of nine months. Of course, we do not know if we are able to keep up these terms, but shall do our best as near to these as possible. We beg to enclose another copy regards laborers just received from the Government. You will kindly attend to having filled out the respective lists, thus to enable us to forward the same to the Dept. of Foreign Affairs.”

The Hawaiian government also imposed quotas on the number of Japanese laborers. Agents notified the Oahu Sugar Company in 1899 that the government had only approved a quota of 300 Japanese laborers for them, despite their application for 675. Moreover, the agents had to file a bond for the importation of 10% European laborers, as part of an ongoing effort to attract European labor. In this case the bond amounted to $3,000, for 30 men and 8 women.

When Japanese laborers “deserted,” leaving their place of employment before the termination of their contracts, the Japanese emigration companies were responsible for reimbursing the plantations. In one exchange on May 13, 1899, the Oahu Sugar Company received $190.83 from the Japanese Emigration Company for 11 deserters, paid in the form of credits to their account. Two weeks later, the same company received $1260 for desertions as

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30 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – April 6, 1899.
31 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – April, 1899.
32 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – May 9, 1899.
33 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – May 13, 1899.
of May 29, suggesting a rising number of desertions. Agents from the Hackfeld Company informed them that due to a new agreement with the Japanese Bureau of Immigration, the Bureau would in the future either replace deserters with a substitute or refund the passage money ($35 per man and $30 per woman.)

The new agreement with the Japanese Immigration Bureau was distributed by the sugar factors to the plantations, again pointing to the close working relationship between state and capital. On May 20, 1899, the Oahu Sugar Company received a copy of the latest agreement, along with bills for harnesses and machinery. “Enclosed we beg to hand you a copy of Agreement made with the Japanese Immigration Bureau, on the terms of which the laborers you have applied for will be furnished. You will notice that the conditions are the same as last.”

Agents notified the manager of the Oahu Sugar Company on June 15, 1899 that relations with the Japanese government had become uncomfortable due to the continued legality of the penal clause. “The other day the Court rendered a decision in favor of keeping up the penal clauses. From private sources, we learn that this has greatly astonished and rather antagonized the Japanese consul. As it is imperative to be on good terms with the Japanese government and their officials, everything should be done to avoid complications with them, and, in order to arrive at this point, it will be necessary to treat the laborers in the same (lenient) way as you have done lately and by no means try to enforce the penal clause under the present circumstances, as such proceedings might lead to a serious conflict.”

The Organic Act became effective June 15, 1900, annexing Hawaii as a territory of the

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34 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – June 3, 1899.
35 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – May 20, 1899.
36 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/4, Correspondence from Hackfeld – June 15, 1899.
United States, and making contract labor illegal. But even though the Japanese labor contracts were now null and void, thousands of Japanese laborers were forced into conflict, demanding their contracts be cancelled and their passports returned—rights to which they were entitled legally, but did not enjoy in practice.

The unrest began even before the Organic Act took effect. Japanese workers struck at the Pioneer Mill in Lahaina on April 4 after three mill hands were crushed to death under a collapsed sugar pan. They demanded generous payments to the relatives of each accident victim and a nine-hour work day, and demolished the house and property of a store clerk who would not give them credit. For 10 days, the strikers marched under the Japanese flag. Finally the manager had to yield to most of their demands. Japanese laborers at Olowalu Plantation also struck, winning the discharge of all but one luna (supervisor), abolition of the docking system, a shorter work day, and $1000 to cover expenses while out on strike.\textsuperscript{37}

On the Spreckelsville Plantation, Japanese laborers struck to demand the termination of all labor contracts. This strike turned into a battle between strikers, armed with clubs and stones, and sixty police and lunas, armed with black snake whips. The strikers won the cancellation of their labor contracts after enduring bad beatings. On Oahu, Japanese plantation workers celebrated the abolition of contract labor by organizing a mass demonstration, marching through Honolulu with banners that said, “We are free people.”\textsuperscript{38} The President of the Planters’ Association of Maui warned trustees: “Labor strikes had already begun on Maui, and we have received information from various sources that as soon as the U.S. laws governing this country go into effect the Japanese will strike for higher wages.”\textsuperscript{39}

\textsuperscript{37} Takaki, 148-149.
\textsuperscript{38} Takaki, 149.
\textsuperscript{39} Takaki, 149.
But the battle was not just over higher wages. Far more important was the cancellation and return of the contracts. The contracts, enforced by penal code, symbolized a restriction of movement, an implied permanent binding to one employer. In practice, the laborers also paid an economic price. Due to the Convention Agreement of 1885 with Japan, fifteen percent of wages were held back to be paid at the end of the contract term, a safeguard against “desertion.” At first, the funds were paid to the Hawaiian Postal Savings Bank, but after 1887, they were transferred to the custody of the Japanese General Consul. The plantations paid him directly in gold, and, as Beechert has discovered, “The red tape involved in getting the money from the Consul was so great that many laborers never got it at all.”

As a result, when the Japanese Consul tried to calm the conflict, the laborers did not trust him. The Japan Immigration Company sent two Japanese doctors to Lahaina with letters from the consul, urging the laborers to return to work. The pleas were ignored. Several days later, the company promised to pay restitution to the families of the three workers killed at the Pioneer Mill, but would provide the money only to the Japanese Consul. The proposal was rejected. Meanwhile, a Japanese worker brought a legal suit against the Olawalu plantation to cancel his contract, on the ground that the plantation wrongfully held his pay for two weeks, a case seen as a test against the contract system itself. 300 Japanese laborers from Kaanapalihe joined the striking laborers from the Pioneer Mill and Lahaina and Olawalu plantations. The Honolulu Japanese Consul arrived at the Lahaina camp, and the workers ordered him to leave.

By April 17, the striker won his test case, and his contract was canceled. The strikers from Lahaina and Olawalu were brought before District Magistrate Kahaulelio and acquitted, on

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40 Beechert, 121.
41 “Japanese Go On Strike,” *Hawaiian Star*, April 7, 1900, 5.
the grounds that they were justified in striking because they had been paid in the middle of the month instead of the first of the month. The strikes were settled, and the contracts canceled. But trouble erupted again in May when more than 500 Japanese laborers stopped work, demanding to be paid for their time traveling to and from the fields. “Their alleged grievance is found in the interpretation of their contracts,” wrote one reporter. They were soon joined by hundreds of laborers from Kihei. The Maui sheriff arrested them and brought them to Wailuku, charging them with “refusing obedience to the lawful commands of the plantation.” Approximately 150 Japanese plead guilty and returned to work. The remaining number plead not guilty, and were “imprisoned at hard labor until they would consent to return to work,” a violation of the soon-to-be-implemented Territorial laws that would outlaw such punishments for contract violations. A Japanese worker was lynched in Kihei, his body found hanging from the branch of a kiawe tree. The coroner's jury returned a verdict of “death by hanging done by his own hands.”

An emerging Japanese middle-class became visible in the course of the strike, one hostile to the laborers. The Yokohama Specie Bank opened a branch in Hilo, and its managers and directors also organized a Japanese Labor Union. The stated purpose of the Union was to mediate between employers and employees. The auditor, S. Minekishi, told a reporter that, “Our present aim is to make our countrymen remain satisfied with the manner of labor, amount of pay and treatment they are having now. We will advise them that the time is not opportune to demand reforms, increase in pay and things of like nature. We shall in no way antagonize employers and we shall be always willing to mediate between the employers and those

44 “The Strike On Again,” Hawaiian Gazette, April 17, 1900, 5.
employed. Misunderstandings are generally easy to adjudicate if people will only go about them in the right way. I find that many a little friction has taken place in the labor field of Hawaii owing to misunderstandings. Once a misunderstanding is cleared my countrymen are easily satisfied.” He added that the Union would make recommendations to plantations on which laborers to hire.48

The Japan Immigration Bureau, the Tokyo Company, and the Japan Immigration Company sent joint representatives to the plantations to try to quell the unrest. “It is reported that the Japs have been told that they are free American citizens now and that the American laws provide that no working man shall receive less than a dollar a day,” wrote a Hawaiian Star reporter. The representatives were forced to flee “with bruises on their faces and heads.” A.K. Ozawa, secretary of the combined immigration companies, assured the media that Consul Miki Saito was “using his best efforts to stop the trouble.”49 A joint strike of Japanese, Portuguese and Hawaiian laborers erupted in Wailuku, as well as strikes in Kipahulu and Hamakuapoko. There was a short outburst at Kealia, a plantation on Kauai, but management quickly returned the contracts and the men returned to work. The manager at Laupahoehoe said he would return contracts “uncanceled” as soon as the men “settle down.”50

About 120 laborers at the Hecla plantation marched on the immigration companies, demanding their contracts. After the plantation manager returned their contracts, they remained on strike. “All the Japanese asked at least one dollar per day, a demand which the plantation managers cannot readily comply with. The laborers know now that they are free laborers, that the contract system has been wiped off the face of the Hawaiian Islands, so they seem to think that

49 “Want Contracts Back,” Hawaiian Star, June 18, 1900, 1.
50 Beechert, 121.
as free men, they are free to demand what compensation their services are worth in their own estimation.” The strikes began to take on the characteristics of industrial organizing, as the workers began to unify their demands, for annulled labor contracts and a dollar a day in wages. The *Hawaiian Star* editorialized that the Japanese laborers were “better off than the laborer upon the Louisiana plantations.” The *Hawaiian Gazette* accidentally acknowledged the truth of the situation, writing of “The Japanese” as those “whom the American laws have made free men.” For their part, the planters worked together to respond. For them, annexation was a mixed economic blessing. They had now achieved permanent protection from sugar tariffs, preserving their profits, but at the cost of losing their contract labor. By May, they recognized that the relationship between themselves and their workers was about to alter irrevocably.

As agents of the Hackfeld Company wrote to the manager of Oahu Sugar in May of that year: “All contracts now in force with laborers on the plantations will either be void or of very little value, as they cannot any more be enforced under the penal clause of the old Hawaiian Labor Laws. This simply means that any contract labor may refuse to work at any time, and you will have no remedy against him.” This statement makes explicit the often-implicit assumptions that both the contract system and penal system were required to make labor work as it had for the last fifteen years. In other words, to have an efficient, working contract system, the penal system was needed as a corollary. But now both were abolished. The Hackfeld agents warned against Japanese laborers taking advantage of the situation by striking and demanding higher wages.

“We deem it advisable and very necessary that the plantations on each different Island through its managers should form a strong branch association on a similar basis as the one recently

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51 “120 Laborers At Hecla Decide Not to Work,” *Evening Bulletin*, June 18, 1900, 1.
52 “Want Contracts Back,” *Hawaiian Star*, June 18, 1900, 1.
54 “Plantation Laborers Incited by Agitators,” *Hawaiian Gazette*, June 22, 1900, 7.
formed on the Island of Maui.” The Maui Association had already created a central labor bureau that set standard wages across plantations for all Asian laborers (though not other ethnicities). Moreover, the Maui employers had started issuing “pass books” to the laborers. In order to find a new job, the laborer needed to show “proper discharge” from his previous place of employment. “In such manner, only control can be kept of the movements of the laborers and the true wages paid to them.”

The agents urged that branch associations should be formed on all the islands, to be coordinated through the headquarters of the Hawaiian Sugar Planters' Association in Honolulu. All the plantations needed to act in a unified and determined manner, they wrote, making clear to the laborers that any concessions on wages or working conditions would only be approved by the association, not individual employers. The letter included a copy of the organizing plan, as well as the by-laws of the Maui Association, and an acknowledgment that wages might have to differ somewhat for each plantation, depending on location. At least some wage increases were expected to be necessary to placate the laborers. Unless such steps were taken, they believed, “the laborers will manage by threats or false representations to raise the wages to a very high figure and take away a considerable portion, if not all the profits now made by the plantations.”

The Hawaiian Sugar Planters' Association passed a resolution supporting this plan:

“Whereas the United States Laws governing the territory of Hawaii will go into effect on the 15th day of June next, and which will materially affect the Labor system of the Islands, therefore be it resolved: That it is the opinion of the Trustees of the Hawaiian Sugar Planters' Association that the plantations of the different Islands should form at once branches of the Planters'

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55 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/6, Correspondence from Hackfeld to Oahu Sugar Co. – May 15, 1900.
56 Ibid.
Association with labor bureau attached, similar to and on the lines of the one lately inaugurated on the Island of Maui; and that copies of the rules of the Maui Association and Bureau be distributed to all the managers at an early date.” A further resolution called for “uniform action.”

Continuing their efforts at a coordinated response, the Hawaiian Sugar Planters' Association surveyed the plantations in July 1900 to start figuring out what a uniform wage scale might look like across the industry. A letter to Carl Wolters, Manager of the Lihue Plantation Company, inquired about everything from what arrangements he had made to deal with Japanese contract laborers once their contracts had become void, to what his current monthly wages were, to how much he was paying all his laborers the full amount due to them at the end of the month. Moreover, the cancellation of the contracts opened new questions about the paternalistic arrangements between plantation and laborer. Was he still providing his laborers with free lodging, firewood, and hospital treatment? And what was he doing with the $2.50 a month previously retained from each laborer to be paid to the Japanese emigration companies? (As the letter phrased it, “What numbers of laborers are permitting you to retain $2.50 per month from the wages?”) The planters also tracked desertions between late May and June.

Association lawyers presented their legal recommendation as well. In their opinion, any laborer could legally terminate his or her contract any time after June 14. If the laborer stopped working for the plantation and demanded that his regular $2.50 be deposited with his immigration company, the immigration company would be liable for the cost of his passage back

57 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/6, Correspondence from Hackfeld – May 21, 1900. The development of “uniform action” and cooperative behavior among plantation employers echoes later industrial collusion among timber, coal, and steel companies.

58 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/7, Correspondence from Hackfeld – July 16, 1900.
to Japan. However, if the laborer kept working for the plantation, and the $2.50 was paid directly to him, the plantation would waive its claim for damages against the immigration company. J.B. Atherton, a spokesman for the association, explained publicly that if the $2.50 levy were paid directly to the men, it would legally negate the contracts. “It would leave the plantations no hold on their men…as the American law abolishes the penal enforcement of the contracts, and without annulling it, makes it but a civil contract to be reinforced by civil process only. If this $2.50 were paid to each laborer, he would be free to come and go as he pleased, and the plantation managers would not know if they had one man or several hundred to depend upon at any time.”

A committee also studied the proportion of different ethnicities on each plantation, and tried to implement of system of coordinated distribution. “There is a movement on foot to introduce Puerto Rican laborers, as also some Italians, Portuguese and Negroes from the South,” a Hackfeld agent wrote in December 1900. “Let us know at your earliest convenience how many laborers of each nationality you need and are prepared to receive.” For Puerto Rican laborers, it was added, they could be housed in the same kinds of quarters provided for the Japanese. “It is, however, advisable to keep the Puerto Ricans separate and treat them as leniently as possible until we have a larger number of them in the country.”

By early January, the Oahu Sugar Company had applied to the Hawaiian Sugar Planters' Association for 100 Puerto Rican laborers. They were told once again that the same housing used for the Japanese “would answer for the Puerto Ricans.” The clamor grew louder to recruit

59 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/7, Correspondence from Hackfeld – July 17, 1900.
60 Hawaiian Gazette, June 22, 1900, 7.
61 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/7, Correspondence from Hackfeld – December 22, 1900.
62 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian
alternative labor to the Japanese, including calls for recruiting black workers from the American South. As one editor wrote, Southern black workers were the only “class of labor perfectly inured to a climate as warm as that of Hawaii, and eminently fitted, both physically and by experience, for the work that would here be required.” Such plans also considered the composition of the workforce in relation to the making of the state, questioning how to find populations that were already inherently seen as “belonging” to the United States.63

By late July, John Hind and J.B. Collins, officials from the Kohala plantation, had departed for Louisiana on a quest to recruit black labor, at a rate of $20 a month—the same rate the Japanese laborers were requesting, and refused. Their explicit purpose was to replace Asian labor altogether. “The average monthly wages paid the Asiatics is $16.43 per man per month, or 63 cents a day. The Louisiana scale is $26 a month for plantation hands, or 75 cents a day.” However, the Honolulu Republican rushed to point out, living expenses were lower in Hawaii and “less clothing is required.” The editors also noted “the labor power of the Asiatic is 18 per cent less than that of the mixed labor of Louisiana, which is equivalent to saying that four Louisiana laborers are equal to five Asiatics.”64 The expedition was largely unsuccessful.

In some cases, the planters were encouraged in their efforts to import more “American” labor by the federal government. In 1901, a visiting mainland official fretted about whether the Japanese would be able to get control of local government and “employ their racial solidarity to maintain themselves in power in the Territory.” “He urged special legislation to allow planters to

Collection. OSC 1/8, Correspondence from Hackfeld – January 4, 1901.
63 “Labor,” Hawaiian Star, July 27, 1900, 4. For a study of a comparative situation in Panama from this same time period, see Julie Greene, The Canal Builders: Making America’s Empire at the Panama Canal (New York: Penguin Books, 2010). Greene describes an atmosphere in which social control and state-building were intertwined, and racist notions dictated the working and living conditions, composition, and compensation of the workforce.
64 “Are Aroused Over Quest for Laborers,” Honolulu Republican, July 31, 1900, 1.
import European field hands and families through civil contracts without penal provisions.”

J.B. Atherton confirmed that the planters' association was investigating whether they could increase labor imports from Puerto Rico and other “Uncle Sam's Spanish acquisitions,” partly due to encouragement from Washington. “It was brought to our attention some months ago from Washington that if we chose to look into the matter of obtaining laborers from Porto Rico, undoubtedly large numbers could easily be secured. Mr. Pepper, the Washington correspondent who was sent to Porto Rico after the disastrous cyclone, reports that good laborers are plentiful. They are of course of Spanish descent but there should be no question of our looking for a supply from there now, inasmuch as the island is under American domination.”

The planters also tried to change U.S. policy regarding Chinese immigration. When a U.S. Senate subcommittee arrived in Honolulu in 1902 to investigate the situation in Hawaii post-annexation, the planters proposed to them that the Chinese Exclusion Act be amended to allow the importation of indentured Chinese agricultural workers. Their specific solution was to amend the law to reflect the type of labor they had enjoyed as the Republic of Hawaii, confining Chinese workers to agricultural work under the threat of penal sanctions, and under the threat of immediate deportation if they left agricultural work. Such a program, they assured the subcommittee, would not “in the slightest degree interfere with the welfare of the native or American population.” The subcommittee quickly responded that the idea would introduce “a corrupting and deadly fly into the otherwise pure ointment of a Christian and progressive

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65 Glenn, Unequal Freedom, 205; U.S. Commissioner of Labor, Report, 1902, 119.
67 Beechert, 125.
Undaunted, the planters would continue to make formal requests to Congress for amendments to the Chinese Exclusion Act in 1903, 1906, and 1921. In answer to these efforts, editors of *The Independent* argued that employers should hire native workers over Japanese workers as a matter of patriotism. The same edition of the paper shared an account of a Hawaiian act in the Buffalo Bill show, demonstrating the conflation of “others” in the eyes of Anglo-Americans: “A squad of Hawaiians, male and female, also appeared in the grand review riding in their hula-hula clothing, chanting one of their languorous folk songs, and meeting with much applause. They were followed by a group of Sioux also riding and singing.”

The conflict, therefore, illustrated confusions over the citizenship of the Japanese laborers, and to which laws they would adhere, American or Japanese. As the owner of the *Hawaii Shimpo*, a Japanese language newspaper, said: “While the American law made the laborers free, they were still held by the Japanese law to their contracts.” A newspaper reported that Japanese Consul, Miki Saito was traveling to Kauai to meet with strikers. “His advice will be to…wait until instructions are received from the home government, and in the meantime, continue at their work as peaceable citizens.” The revolt soon targeted other officials of the American government, such as the census taker and his Japanese interpreter who were attacked at the Spreckelsville plantation in Maui on June 23. The census taker, Moses Kauhimahu, was a Hawaiian native. The laborers questioned why he was not wearing the uniform of a government official. The *Maui News* wrote that the sheriff and plantation manager “succeeded in explaining to the Japs that the United States does not imitate the effete monarchies of Europe and the orient,

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72 Ibid.
to the extent of decorating its servants with gaudy uniforms.”73 When one Japanese striker was sentenced to die by hanging, it was intervention from the Japanese delegation in Washington that led to a reprieve.74

The Japanese laborers still exhibited strong displays of nationalism. In April 1900, all of the Japanese immigration companies sent a joint letter to the plantations, announcing the upcoming marriage of the Crown Prince of Japan. “The Japanese residents of the Hawaiian Islands propose to have a celebration in honor of the wedding,” they wrote. “We sincerely hope that all the plantations will make some arrangements so as to give the Japanese Laborers a general holiday of one day.” Forwarding the letter along to the plantations, the agents of Hackfeld Company added their own note: “We fear that, unless the above request be granted, serious consequences may arise, and in order to avoid any trouble, we strongly recommend that you give the Japanese Laborers the holiday they ask for.”75 But their recommendation was ignored. The Hawaiian Star reported in late May that at least two strikers at Kona were killed in riots, caused after the plantation managers refused to grant the holiday.76

By late June, the laborers had begun to voice a new demand, this time for the receipts showing how much of their pay had been withheld for taxes. Strikes spread to Olaa Sugar Company, Walakea Mill Company, and the Hakaiau, Amaulu and Waiakea plantations. The Puma plantation reported violence, where “the Japanese are acting like a lot of Indians.” On Thursday, the men marched on the manager, demanding the return of their contracts and tax receipts. The manager, a man named Campbell, told them that he could not return their contracts

74 “Peace Reigns on Maui,” Hawaiian Star, June 29, 1900, 5.
75 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/6, Correspondence from Hackfeld – April 15, 1900.
76 “Bloodshed at a Strike,” Hawaiian Star, May 23, 1900, 1.
because “the contracts were the only guarantee the plantation had that the men would not run away and if they did that these contracts provided that the immigration company would refund any money that the plantation might lose through laborers leaving.” By Friday, the Japanese were “running loose over the lands,” helping themselves to ohia apples, fishing in streams where they did not have fishing rights, and skirmishing with the native police force. Another force of 350 laborers marched on the manager demanding their contracts. He refused again, but offered them an increase of pay to $16 a month. The immigration companies had told them that they would be paid $17 a month, so they said that “either the manager of the plantation or the representative of the immigration companies had lied to them, and they would not return to work until they had sent a delegation to Honolulu to confer with the company.” There was then a negotiation over the delegation. The laborers demanded tax receipts for their delegates. The manager refused to surrender them until the laborers deposited $5 for each man. They agreed, but then it was found that the plantation did not have tax receipts for the men. The laborers left, returning an hour later with clubs and hoes.

Meanwhile, the police had arrived. The deputy sheriff swore in several native Hawaiians as deputies. There was a skirmish, and the police fired their guns. They threatened that the laborers would be evicted if they did not return to work. They would later claim that the Japanese had threatened to kill Jack Neill, one of the lunas. Meanwhile, all the contract men of the Hilo Portuguese Mill Company stopped work on Monday morning and demanded the return of their tax receipts and contracts. They received their tax receipts, and the men returned to work after two hours.” The Honolulu Republican editorialized that the laborers were “taking advantage of the Organic Act which makes them free men… Now that these laborers are free men, should they for any reason invade the town and ransack houses the people have to throw up their hands
for the want of proper resistance…Captain Fetter and Lieutenant Horne should not delay in organizing their militia company.”

The conflict quickly became mired in arguments over Americanism, all the more fraught as the new territory struggled to redefine itself in relation to the American state. The *Hawaiian Star* reported on June 25, that a Swedish orator named A. Clement was arrested for publicly advocating for labor unions on the street. “Clement says he proposes to organize labor unions and assist generally in telling American working men of Hawaii how they ought to conduct themselves so that they will not lose any of their rights.” In court, he demanded, “Have I not the rights of the American citizen with free speech?” which the newspaper mockingly quoted as “Haf I not der rights ouf der American citertzen mit free speech?” accentuating his foreign accent. Judge Wilcox fined him five dollars, which he paid in silver coin. The judge said that, “he had the right to speak his mind whenever and wherever he wanted, just the same as any American, but obstruction of the public streets was an entirely different matter.” As the *Hawaiian Star* reported, “Clement was discussing the Japanese labor troubles when he was arrested for blockading the sidewalk. He was about to roast the powers of Europe for oppressing China, and intended to finish by beginning the organization of labor unions in Honolulu. He is a Social Democrat.”

The same newspaper fretted over the small police force, and that “citizens” would be called upon to suppress the strikes. “Some favor the establishment of a camp of United States troops on each island, giving the Sheriffs discretionary power to call upon them in emergencies.” All of the “white women” were reported moved to a central camp, ostensibly for their protection. The editors also conflated labor peace with the peace and security of America itself. “The

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condition of affairs where an employer is obliged to get out and fight his employees for the enforcement of law is not conducive to the peace and prosperity of the employer, or of the country.” Hinting at the idea that the Japanese immigrants posed a threat to the security of the Islands, the Honolulu Republican claimed that “Many of the Japs were soldiers, indeed it is claimed that fifty percent of them have had more or less service in the Japanese army.”

Meanwhile, after prolonged discussion, the Maui Planters' Association decided to cancel all contracts and raise wages by a few dollars a month. Many remained on strike, and delegations traveled from Ewa, Waialua, Oahu, and Honolulu to meet with the Japanese consul and immigration companies. Meanwhile the Superintendent of Public Instruction for the Philippines, F.W. Atkinson, toured the public schools in the company of the Superintendent of Public Instruction for Hawaii, A. T. Atkinson. In a reminder of the tenuous new nature of the Territorial government, controversy raged when the legislature decided to number houses in anticipation of starting mail delivery in Hawaii, a fresh reach of the federal arm.

Federal officials also struggled with their expanded responsibilities. George Baldwin, Inspector of Immigration for the Territory of Hawaii, said that, “The conditions are not anything like the eastern people thought them to be. The Territorial Act ended the influx of foreigners. The special agreement made by this government and Japan, which allows only a limited number to come here from each home district, also lessened the immigration from that quarter. As a result, there has been little for me to do for the immigration to this place appears to be falling off.” Although charged with investigating labor conditions on the islands, he complained that the islands were too far apart (“The people east seemed to think that the islands were only a few

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81 “Riot at Spreckelsville,” Hawaiian Star, June 25, 1900, 7.
miles apart”) and therefore did not plan to visit other islands beyond Oahu. “One point upon which the immigration matter is unsettled however, is that of punishment of offenders. The federal courts have gotten started and I cannot say how long it will be before these matters can be brought to the attention of the Judges.”

Two days later, he arrested two Japanese men who attempted to land in Honolulu, pronounced them in violation of the contract labor law, and remanded them to the custody of the quarantine officer. The Japanese consul tried to intercede on behalf of one of them. But Baldwin said that the man would have to pay for the cost of his own imprisonment while waiting for a ruling, and besides, “he did not think the man would be a good citizen.”

Contrary to the general feeling on the islands that the contracts had become nullified, Baldwin seemed to see his immigration work as inherently linked to the ongoing enforcement of contract labor. “Owing to the fact that federal courts have not yet gotten to work, it will be a little while before prosecutions can be made for violations or attempted violations of the contract labor law…I do not think the people understand the gravity of such offenses, for it means the payment of $1,000 if found guilty. I intend to make it my business to acquaint them with the law so they cannot subsequently claim that a hardship is being imposed upon them when they are arrested. I have told the Japanese consul the circumstances. I will not rely upon him, however, to notify the people.”

Others suggested passing a vagrancy law to stop labor organizing, reviving an 1869

83 “Immigration Decreasing,” Hawaiian Star, July 14, 1900, 1. Baldwin’s comments indicate that the federal government was continuing to honor long-term agreements negotiated between Hawaii and Japan for the importation of Japanese laborers, dating back to 1886.
vagrancy statute which forced laborers to choose between accepting employment or being forced to work as prisoners on public works projects.\textsuperscript{86}

Some writers explicitly linked occupational mobility to a new Japanese status as free men, speaking to the Progressive Era values that linked wage-earning and manhood, and noting that with the abolition of labor contracts, Japanese laborers were moving to the cities, renting homes, opening stores, and becoming mechanics, hack drivers, and other vocations.\textsuperscript{87} Other Japanese laborers were soon striking again, with uniform demands. This time, they demanded a raise from $17 to $20 per month. Wage strikes erupted at Kealia, Lihue, and Garden Isle.\textsuperscript{88} Captain Joseph Spencer, who killed two Japanese workers during a strike at Laysan Island, was ordered released by a judge who said the shooting was “neither murder nor manslaughter.”\textsuperscript{89} When several hundred Japanese workers struck at Laupahoehoe in early August, demanding that management return their canceled contracts and the passports they had been issued by the Hawaiian government, the ringleader was arrested and sentenced to eighteen months in prison. The manager reported that he would “muster men of other nationalities and evict all the Japanese.”\textsuperscript{90}

The employing class also sought to control the Japanese population through the Board of Health. After the Organic Act took effect, they complained that Japanese laborers were now mobile, leaving the plantations, and seeking health care from their own doctors instead of

\textsuperscript{87}“Editorial,” \textit{Hawaiian Star}, August 14, 1900, 1.
\textsuperscript{89}“Out Go the Coal Men,” \textit{Hawaiian Gazette}, Sept. 25, 1900, 3.
\textsuperscript{90}Beechert, 121.
government physicians. As one American doctor complained to the Board of Health, “Since the contracts of the Japanese laborers have become void there has been a great deal of illegitimate practice of medicine among them and it is no unusual occurrence to have a funeral here without anyone knowing cause or death or who attended. I have notified the police department but get no satisfaction. I think if the law was fully carried out, and a registrar of deaths appointed as per Section 954, Penal Code, that it could be controlled. If the honorable Board of Health will appoint me registrar of deaths, I will see that the law is carried out and have no doubt of the results.”

The employing class, in collusion with the territorial government, also sought to use new registration systems to limit the movement of Japanese and Chinese laborers. As early as 1894, in anticipation of annexation, the Hawaiian and Japanese governments worked together to issue passbooks to the 17,000 Japanese workers not bound by penal contract. The Japanese consul and Japanese inspector sold the books to plantations and workers, a system which quickly dissolved into graft, as some inspectors charged fifty cents to one dollar for each book. By 1901, a new Registration Bureau tracked and collected photographs of Chinese laborers, under threat of deportation. As Hackfeld agents wrote to Oahu Sugar Company, “Failure to comply with the registration will probably result in the arrest and deportation of the Chinese to their own country.”

The Registration Bureau did not provide photographers, and the plantations were expected to provide the means for their Chinese laborers to be photographed, in yet another example of the cooperation that existed between employers and the state. “The Registration

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92 Hawaiian Sugar Planters’ Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/6, Correspondence from Laupahoehoe Sugar Company – June 27, 1894.
Bureau under Mr. Chamberlain is disposed to assist the plantations in every way possible, and it is only right for the Bureau to expect the hearty cooperation of the plantations.” In closing, the Hackfeld agents suggested that the scope of assistance from the plantations could be expanded into the community. “We would ask you to do everything in your power towards getting the outside Chinese in your District to have their photographs taken also, at the same time as your men.”\(^9^3\) But these measures proved to have limited success, as workers continued to abandon the plantations for the better opportunities promised by urban life.

After annexation, Japanese workers did not just gain the ability to move between plantations and occupations, but to move to the mainland, and many indeed moved to California. Japanese immigrants could now become permanent residents, and any child born after June 14, 1900 were automatically American citizens.

However, Japanese workers also lost political rights, specifically their own claims to citizenship. The Hawaiian Supreme Court in 1900 ruled that most of the Constitution and laws of the United States would be extended to the new Territory, but “those of its old laws that are not inconsistent with the former are continued in force.” In other words, unless the old laws violated the Constitution, they could remain in effect, allowing some local latitude. Moreover, while the native population gained citizenship and suffrage, the Japanese and Chinese populations were excluded. “The greater portion of the Hawaiian population, estimated at 130,000, is composed of Asiatics, Chinese, and Japanese. These will enjoy no political rights, and in fact the bill will exclude Chinese immigrants and also prohibit the further importation of Japanese contract laborers. The suffrage will be limited to natives, Americans and naturalized Europeans. Under the republic, there were but 2,693 registered voters, but the pending bill will restore suffrage to

\(^9^3\) Hawaiian Sugar Planters’ Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/9, Correspondence from Hackfeld – May 1, 1901.
many natives who were disenfranchised by the laws of the republic.”

The Japanese and Chinese workers thus found themselves with limited new rights – like the right to cancel their contracts – but no state in which they could have a voice in the enforcement of those rights.

Following the 1900 strike wave, the employers worked together through the Hawaiian Sugar Planters' Association to coordinate uniform wage scales across the industry. The wage scales took into account the kinds of labor required for preparing and planting the land and cutting and loading cane, and whether the land was irrigated or not. The rates ranged from eighteen dollars per month for the Hilo district to twenty-four dollars for the Kihei district in Maui. Any contract work was to be paid according to the cost of day work on each plantation, tying the income of the independent contractor to the base pay of the day worker. Most importantly, the planters agreed never to exceed the wage scale, to avoid creating competition for the already scarce labor supply. The planters also worked with each other and the territorial government to establish labor quotas, and distribute the laborers geographically according to plantation need. At one meeting of the Hawaiian Sugar Planters' Association, they agreed to send all new immigrant laborers to the island of Hawaii for a period of six to eight weeks to address a severe shortage there.

Both the wage scales and recruitment practices were rooted in race. A 1902 survey by the U.S. Commissioner of Labor showed variations in pay for equivalent work. 'American' blacksmiths averaged $3.82 a day, 'Scotch' $4.33 a day, Portuguese $2.61, Native Hawaiian $2.12 and Japanese $1.63. On these same plantations, 'American' carpenters received $4.38 a

95 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/11, Correspondence from Hackfeld – August 21, 1901.
96 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/10, Correspondence from Hackfeld – July 24, 1901.
97 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/13, Correspondence from Hackfeld – April 22, 1902.
day, Portuguese $1.98, Chinese $1.56, Native Hawaiians $1.49, and Japanese $1.17. The few Portuguese and Japanese who had moved into supervisory positions made substantially less than their white American counterparts. Portuguese overseers made less than half the wages of white American overseers, and Japanese overseers made 100 percent less.98

Labor recruitment practices also continued to differ. Asian workers were treated as temporary workers, not permanent settlers. Single men were prized, rather than those who would develop the roots of family. One U.S. official said that the sugar industry sought “cheap, not too intelligent, docile unmarried men.” In contrast, Portuguese laborers were recruited as couples and families, to encourage permanent settlement, and were treated as future citizens. A 1902 U.S. Labor Department report held high hopes for the Portuguese, describing them as “industrious and frugal,” raising big families of “bright, sturdy children—the most desirable crop of all in a country like Hawaii.”99 Immigration policy was structured specifically to support these views.

The Association also maintained its diplomatic relations with the ambassadors of other countries, but absolved itself of responsibility for the laborers when convenient. Tseng Hai, the Chinese consul, contacted the Association about the case of Hung Kee, a Chinese strikebreaker found burned to death in the fields on the Oahu plantation, proposing that restitution be given to his wife and children. The Association refused to admit responsibility for the death, informing the consul that the man was employed by the Oahu Sugar Company, not the Association.100

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100 Hawaiian Sugar Planters’ Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 2/14, Correspondence from William Smith, Secretary of the Hawaiian Sugar Planters’ Association – August 25, 1909.
On May 22, 1905, in the Kaanapali camp, a *luna* beat a Japanese worker so badly that he lost one eye. His outraged fellow workers called for the *luna* to be fired. Workers from nearby camps and from the mill in Lahaina joined the Kaanapali protestors and added their own grievances. “On Saturday, May 24, fourteen hundred striking Japanese laborers demonstrated at a mass meeting in Lahaina. Afterward some of the strikers surrounded the home of a cane-planting contractor who refused to join the strike and threatened him. According to the authorities, one of the strikers fired a shot. Then, firing a volley of bullets, the police killed a striker and wounded two others. The next morning, Sheriff L. Mansfield Baldwin sent a wireless telegram to Honolulu: “Fierce rioting last night, two wounded. Rioting continues…need assistance.”

Lahaina was soon transformed into an armed camp: Wailuku sent sixty special officers and Honolulu dispatched forty-five police and thirty National Guardsmen, armed with field artillery.

The secretary to the Japanese consul arrived at the behest of the employers. “I explained to the men that their going out on a strike was unwarranted and their demands unjust and that they had better return to their labors.” The workers responded by driving him out of the camps with threats. The strike was finally settled on Thursday when the manager agreed to meet several of the strikers’ demands, including the firing of the brutal *luna*. Two thousand workers then attended a memorial service for the slain striker. The militia paraded victoriously through Honolulu, explaining that all the trouble was caused by the one *luna*, because “the Russian blood in him stirred the Japanese up.”

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101 Takaki, 151.
102 Ibid.
104 Takaki, 151.
In 1906, Japanese strikers at Waipahu Plantation struck for higher wages. The plantation manager E.K. Bull requested police assistance, and forty-seven police armed with rifles were assigned to the plantation. They were housed and fed in the plantation offices and functioned as Bull's private army. They patrolled the camps, stopped and questioned residents, and drilled as a show of force. At one point, Bull threatened to use the police to evict the strikers. But the seventeen hundred strikers stood firm, and eventually won some concessions to end the strike.\(^{106}\) The Governor toyed with the idea of mobilizing the militia, according to the law he was only allowed to use this as a last resort, after the sheriff had sworn in a “posse of citizens” to assist his deputies.\(^{107}\)

The Japanese government continued to work directly with the employers to resolve specific, individual grievances, even though the Territory was no longer independent. In one example in January 1901, the Japanese Immigration Bureau intervened to cancel the contracts of laborers No. 1639 and No. 6380, and in return requested that the passage money for the laborers and one of their wives would be refunded by the plantation where they worked.\(^{108}\)

The close cooperation between planters and the state continued as well. In one instance, the office of the tax collector proposed that the plantations directly collect the $5 personal tax on their Japanese and Chinese laborers (it should be noted that the suggestion applied to “ Asiatic laborers’” only), a proposal that was met with enthusiasm by the sugar factors.\(^{109}\) In another instance, a state representative fought for $10,000 to fund the National Guard, specifically citing the recent strike at Lahaina. “The day is bound to come when Hawaii is face to face with a very

\(^{106}\) Takaki, 151.
\(^{108}\) Hawaiian Sugar Planters’ Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/8, Correspondence from Hackfeld – January 7, 1901.
\(^{109}\) Hawaiian Sugar Planters’ Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/13, Correspondence from Hackfeld – December 24, 1902.
serious difficulty with her large population of non-citizens and those who are not eligible to become citizens.”

During the Waipahu strike, agents from Hackfeld and Company toured the region with the Immigration Commissioner. Shortly after the 1906 strikes, a representative for the planters traveled to Washington and then on a European tour through Lisbon, the Azores, and Madeira to recruit laborers for the cane fields. He worked directly with the American minister in London and the Territorial Board of Immigration to manage the logistics of his trip. In 1907, the Hawaiian Sugar Planters Association and the Board of Immigration considered whether to grant government lands to Spanish and Portuguese immigrants to encourage them to become American citizens.

The AFL continued its efforts to limit Japanese immigration to the mainland, in actions aligned with the interests of the planters. John McGuire, one of the representatives of the Trade and Labor Council of Honolulu, met with Frank Morrison, General Secretary of the AFL, to urge reducing Japanese immigration to Hawaii. “They are unable to secure permits from their Emperor to come direct to the United States, but they are getting here all the same.” Morrison assured him that he would bring the matter to Congress at the next session. These efforts paralleled the Hawaiian Sugar Planters' Association efforts to prevent Japanese laborers from leaving the islands, using legal mechanisms to make it more difficult. At one point, a Japanese laborer was prosecuted for “inducing laborers to leave the Islands.” Miki Saito, the Japanese

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113 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 2/4, Correspondence from Richard Ivers, President, Board of Immigration – October 7, 1907. The plan was stymied by resistance from the Portuguese and Spanish laborers who “are not willing to become Citizens, some stating that they fear they might have to fight in case of war with Japan.”
115 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/22, Correspondence from Hackfeld – March 2, 1906.
consul, flagged for the employers that Japanese hotel-keepers were assisting laborers who were attempting to leave for the mainland. He cited the Hawaiian law that punished anyone who tried to help immigrants leave the islands with arrest and fines, and urged the Association to uphold the laws with their “white lawyers.”\textsuperscript{116}

A 1909 inquiry from William P. Dillingham, chair of the so-called “Dillingham Commission” on immigration, reveals much about the ways in which employers helped shape U.S. immigration policy, and how the state in turn helped monitor and shape the “benevolent paternalism” of Progressive-era employers.\textsuperscript{117} Dillingham asked for data from each plantation that included everything from statistics on production to the presence of kindergartens and libraries, and information about the character of the different races of workers, such as their relative “industry,” “trustworthiness,” and “tractability.” He also asked whether “there are any branches of plantation work which 'white men' (including Spaniards and Portuguese) cannot or will not do?” and “Assuming that the number of non Asiatics can be materially increased, is a further importation of Asiatics indispensable to the welfare of the sugar industry?”\textsuperscript{118}

The response from the Oahu Sugar Company revealed the different wages and standard of living between Asian and Portuguese laborers. In 1908, the minimum wage paid to Asian laborers in the mill and field was \$18 a month, while the minimum wage paid to non-Asian laborers was \$33 a month. The married Japanese couples were provided “at least one room, and a

\textsuperscript{116} Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 2/22, Correspondence from Miki Saito – June 8, 1907.

\textsuperscript{117} For a general overview of the Dillingham Commission, see Robert Zeidel, \textit{Immigrants, Progressives, and Exclusion Politics: The Dillingham Commission, 1900-1927} (DeKalb: Northern Illinois University, 2004). However, Zeidel ignores the extent to which the Commission was a racial and nativist project, emphasizing the economic aims of Commission members. For a view that takes into account the fullness of its cultural mission, see Katherine Benton-Cohen, "Obstructed View: Mexicans and the Dillingham Commission." \textit{Journal of American Ethnic History} (2011): 33-57.

\textsuperscript{118} Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 2/15, Correspondence from W.P. Dillingham, Chairman, Immigration Commission – September 14, 1909.
large percentage two and three rooms for their own use,” while the Portuguese and other non-Asian laborers were provided with “a house and lot, varying in size to suit their families, none being smaller than two rooms with a kitchen, the greater number having three rooms and the kitchen.” The company reported that lands had been designated for separate Buddhist temples, and for a school house to accommodate 100 children. Free medical treatment was provided to all the laborers, however “in the case of Japanese and Koreans a monthly fee of 10 cents per man is collected to cover their board while in hospital.” The company insisted that the workers were free to shop at other stores besides plantation store, in a departure from other closed company towns in the period.

However, despite the discrimination shown to Japanese laborers in particular, the company admitted that “it would be practically impossible to harvest the Cane without Asiatic labor,” and that “unless some effective and economical devices for harvesting Cane should be invented, we consider that the further importation of Asiatics is indispensable to the welfare of the sugar industry, as none of the Asiatics reared on Hawaiian soil seem inclined to take up Plantation work.” In other words, the upward mobility of the second generation and their refusal to follow their parents into the fields created direct pressure on federal immigration policy.

Some attempts were being made to improve the living conditions of the Japanese. The Association's Labor Committee recommended that “that the accommodations for Asiatic laborers in camp be improved, especially do we think this should be done in view of what is being offered to Portuguese immigrants. It would be advisable to improve the conditions of camps, to provide more spacious and better quarters, to give more private accommodation to Japanese families,

119 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 2/15, Correspondence from Oahu Sugar Company – October 23, 1909.
and, if possible, to make some provision as will enable each camp to raise vegetables and garden truck."\textsuperscript{120} Such reforms reflected the larger trends of “benevolent paternalism” in American extractive industries like mining, timber and steel. As the Japanese laborers began to grow their families and build community institutions like churches and schools, they began to experience the parallel pressures of immigrant laborers on the mainland to access the full promise of American economic citizenship—which was reflected in the demands and rhetoric of the strike wave of 1909.

When the Japanese workers struck in a mass wave in 1909, the issue was higher wages. They asked for $26 a month, a dollar for each working day, couching their arguments in the language of property ownership and the family wage, explaining that higher wages were necessary to support families and build community institutions like temples and schools. Royal Mead from the Planter's Association sniffed that higher wages could mean the Japanese could lose their jobs entirely “for white men could be obtained at such wages.”\textsuperscript{121} The strike began at Alea, where 1500 Japanese laborers stopped work, as dozens of Portuguese and Puerto Ricans continued loading sugar and doing irrigation work. The Japanese approached over 200 Chinese workers at the same plantation and urged them to join the strike. Over three thousand were on strike by the following day when the laborers at Waipahu and Ewa struck as well. Sympathetic Japanese merchants donated three hundred bags of rice to the strike fund. The business leaders did not understand the organization of the strike: “The strike does not appear to be under the supervision of any one man,” although one newspaper astutely noted that this was “probably to provide for the management of the campaign in the event of the arrest or other detention” of any leader. The Japanese timed their strike to correspond with cane-cutting season, when labor was

\textsuperscript{120} Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 1/23, Correspondence from Hackfeld – May 4, 1906.

\textsuperscript{121} “Short Strike is Expected,” \textit{Hawaiian Star}, May 10, 1909, 1, 5.
most needed and the timing of labor was most critical. In Honolulu, 140 cars loaded with cane were waiting to be processed, and 140 cars worth of cane languished in the fields, waiting to be loaded.122

A week later, workers from the Kahuku plantation joined the strike, demanding the firing of four Japanese lunas, whom they called spies. Over 4,000 Japanese were now on strike. The planters were paying strikebreakers $1.50 a day. Some of the strikers engaged in sabotage. A small fire flared in a cane field at Waipahu. A rumor circulated that strikers on Kahuku damaged the chimney of the pumping plant to shut off the plantation's irrigation system. The sheriff prepared to enforce evictions at Alea and Waipahu, and strikers tore the notices of eviction down. The Hawaiian Sugar Planters Association held a special meeting and advertised for eleven hundred strikebreakers. That same day, the Philippines assembly passed a resolution in favor of independence from the United States before adjourning for the year.123

As the strikers were evicted from their homes, they streamed into the “Chinatown” section of Honolulu with their blankets, pots and pans, and camped in Japanese hotels. Some marched into Honolulu accompanied by a brass band. Deputies patrolled the plantations. Consul General Uyeno visited Waipahu and Alea and “advised the strikers not to break up their homes on the plantations hastily.” President E.D. Tenney of the Waialua Agricultural Company said that the Japanese on the Waialua plantation were still at work, for the moment, but they presented formal requests for higher wages at the same scale as the men on neighboring plantations. In a smart maneuver, they included higher wages for the supervising lunas as part of their demands, as well as higher wages for contract work. Their demands, addressed to manager W.W. Goodale, were: “1) Wages of field hands, teamsters, mill hands, and lunas raised by eight

122 “Short Strike is Expected,” Hawaiian Star, May 10, 1909, 1, 5.
dollars per month of twenty-six working days. Wages for one Sunday's work should be paid at the rate of two days' work, and overtime work be paid at fifteen cents per hour. 2) Mill hands limited to ten hours a day, and overtime hours paid at fifteen cents an hour. 3) Wages of cane earners and cane cutters increased to ten cents per ton. 4) Price of cane raised on contract increased to $1.35 5) Sugar room wages increased to ten cents per ton. 6) Scatter cane contract increased to $1.30 per ton.

As justification for the higher wages, they cited the high price of daily necessities that had increased 25 percent since the wage scale was adopted. Moreover: “We have decided to make Hawaii our home, in consequence of which the number of dependents, the women and children, have increased, and there is a tendency to still further increase. The present wages are insufficient to support our wives and children in decent, respectable condition. The number of temples built and to be built and supported by the laborers have increased, adding to the laborers' expenditures. The expenditures for social intercourse have increased in consequence of formation of family by us, the laborers. The laborers with family to support cannot provide for old age, the ordinary daily expenditures absorbing all the laborers' earnings. Such being our request and grounds therefore, we have the pleasure to thank you in advance for your kind and favorable consideration. Very respectfully yours, (Signed): Oguro Rlnzo, Chu Tatsutaro, Fujikawa Magohachi, Yeto Kiyoshi, Ishil Ushizo, Hayashi Tsunejiro, Seki Shonosuke, Sata Chokichi, representative Japanese laborers.” Meanwhile, strikebreakers on Alea and Waipahu were being paid $1.25 and railroad fare back and forth from Honolulu.124

The Territorial Board of Immigration held an emergency meeting, at which it decided to send special agent A.J. Campbell to Europe to recruit two thousand families or “10,000 souls,”

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for field work on the plantations. The Board would advertise for bids for the transportation of the immigrants. In a departure from past practice, the Board announced that it would make public the pay that would be offered to these European laborers. In addition, Campbell would provide potential immigrants with a list of local food prices and an accurate description of the cost of living. The Board also instructed Campbell to familiarize himself with the “local conditions” that immigrants would be placed upon their arrival in Hawaii, and to make sure that he fully understood U.S. immigration law. He would meet with the Portuguese consul to understand the laws of Portugal around emigration, and to seek the consul’s endorsement of his plan “if possible.” Finally, he would study the relevant U.S. health laws. The Board announced that it would advertise in newspapers all over the island, asking for employers who wanted to employ the Europeans to notify the superintendent, tailoring the state immigration policy to the needs of the labor market.125

By now, there were over 7,000 Japanese laborers on strike. The strikes were concentrated on Oahu, where every plantation was on strike except Waimanalo, and that was expected to be next. Japanese laborers on other islands were pooling resources to send to the strikers on Oahu, in an act of industrial solidarity. Japanese in other occupations were also supporting the strikers. One Honolulu hotel warned its Japanese employees that anyone caught sheltering a striker or feeding a striker food would be fired. Newspapers warned the city elite that their servants might steal food for strikers or be urged to go on strike themselves.126 One Japanese merchant said that he and others were “working hard to bring about results that will be of general good to all the Japanese and the citizens of this country as a whole.” In a rebuke to the strikers and their demands for full citizenship, the courts naturalized immigrants from Portugal, Scotland, Ireland


126 “Riot at Kahuku; All Oahu Strikes, Japs to Emigrate,” *Hawaiian Star*, May 24, 1909, 1.
and England. The new citizen from Portugal could not read English, so the assistant district attorney spoke on his behalf.\textsuperscript{127}

By late May, the strikers were becoming anxious. They were beginning to run out of food. Fred Makino, one of the strike leaders, threatened that the strikers might leave the island if their wage demands were not met, and rumors swirled that hundreds were preparing to sail for South America. The Japanese consul issued a mild statement in which he framed the strike in diplomatic terms: “Since their arrival, the Japanese residents in Hawaii have been engaged in various lines of business and trade beneficial to the Japanese and American people, which is very gratifying to me, and in accordance with my purpose to perpetuate the good relations between the two countries. Owing to the higher wage question, the laborers on the plantations struck and left their homes, much to my regret. The high wage problem is a matter that should be solved between the laborers and planters. This problem, however, may become so serious as to affect the prevailing goodwill, if the Japanese laborers should not maintain the most reserved attitude, and engage peacefully in their work, disregard rumors, and avoid rash actions.”\textsuperscript{128} Consul General Uyeno toured the plantations, starting with Waimanalo, where he advised the workers to stay in place. His actions reflected a growing schism in the Japanese community between conservative and liberal factions.

Fred Makino announced that 1,200 strikers were preparing to leave for Japan, and would return when the wages were higher, demonstrating the perception that the Japanese in Hawaii could still move easily between the two places.\textsuperscript{129} Meanwhile 1,600 Hawaiian, Portuguese, Chinese, Puerto Ricans and others were working as strikebreakers around Oahu. Business

\textsuperscript{127} “Riot at Kahuku; All Oahu Strikes, Japs to Emigrate,” \textit{Hawaiian Star}, May 24, 1909, 1.
\textsuperscript{129} “Makino Talks About His Plans,” \textit{Hawaiian Star}, June 2, 1909, 1.
owners feared that the strike would spread. The owner of the Palm Café in Honolulu celebrated that his expensive new dough-mixing machine had made his employees redundant. Five of his bakers, all Chinese, had decided to strike for more of the kind of dough that is “not sticky to the fingers.” “We anticipated a strike someday,” the bakery owner said, “so we got the machine. You put the yeast in one box, the milk in another, the flour in another and the sugar in another, and then you press a button and turn out your article.” Four of the strikers returned to work, “the machine having broken their strike.” It was evidence of the explicit use of technology to undermine workers' power. Even as strike fever spread across the islands, bearing many characteristics of industrial solidarity, there was evidence of a new threat to livelihoods as well—the creep of technology.

On June 12, the police arrested eight of the Higher Wage Association leaders, charging them with conspiracy. Three of the leaders faced additional charges of being “disorderly persons.” The case was investigated by a Territorial grand jury. The charges stemmed from alleged actions against the Hawaii Shimpo, a Japanese-language newspaper that had editorialized against the strike. The strike leaders had encouraged a general boycott of the newspaper by the Japanese living in Hawaii, and therefore had committed an “injurious” wrong against the publisher. In addition to weakening the leadership of the strike, the charges were designed to

131 The phenomenon of using technology to break worker power and control is well-documented. See especially David Montgomery, Workers’ Control in America: Studies in the History of Work, Technology, and Labor Struggles (Cambridge: Cambridge University Press, 1980). Montgomery argues that the late nineteenth and early twentieth century was marked by a period of intense struggle between workers and employers over control of work, which often took the form of skilled craftsmen struggling to maintain access and autonomy over the mechanized tools of their trade, like furnaces and boilers. See also Katherine Van Wezel Stone, From Widgets to Digits: Employment Regulation for the Changing Workplace (Cambridge: Cambridge University Press, 2004), who details the ways that technology was used consciously to break the power of workers. She demonstrates that as early as the 1892 strike at Andrew Carnegie’s Homestead Steel Works, the company “hastened the pace of technological change in all stages of steel production.” eliminating in part the human skill needed for steel production. (26) John Laslett also describes how technological innovations of the late nineteenth-century like the McKay sole-stitching machine and the Goodyear welt machine were conscious attempts to replace the journeyman’s skill. See John Laslett, Labor and the Left: A Study of Socialist and Radical Influences in the American Labor Movement, 1881-1924 (New York: Basic Books, 1970), 60.
divide the Japanese community.\textsuperscript{132} The day after the leaders were arrested, 45 delegates from different plantations attended the Hawaii Japanese Labor Union convention. They collectively agreed to disassociate from the Higher Wage Association. Their demands coalesced around a ten-hour work day, fifteen cents an hour for overtime, and a day-and-a-half wages for work on Sunday. They also asked that housing for the Japanese “be like those furnished to the Spanish and Portuguese laborers,” and that reservoirs not be placed near their homes because of mosquitoes. If these modest demands were not met, they planned to present them directly to W.O. Smith, Secretary of the Hawaiian Planters' Association. But they agreed there would be no work stoppage by their members. The Hawaii Japanese Labor Union did not represent all the Japanese workers. But their actions created another schism in the community.

Meanwhile, the sheriff arrested the Higher Wage Association leaders a second time, this time charging them with conspiracy to stop work on the plantations.\textsuperscript{133} In Washington, the U.S. State Department and the Japanese Embassy were both forced to deny rumors that the strike was a plot by the Japanese government to capture the islands, another example of the ways that the strikers' allegiances were brought into question.\textsuperscript{134} A local newspaper ran a story speculating about Fred Makino's citizenship. “There seems to be something of a guess as to whether Makino claims the protection of the United States, Great Britain, or Japan. He is of British-Japanese parentage and was born in Hawaii. At different times, he has been heard to say that he was a Japanese subject, that he claimed the right of American citizenship, and that Great Britain might have something to say in regard to the present trouble in which he is mixed.”\textsuperscript{135}

\textsuperscript{133} “A New Charge,” \textit{Hawaiian Star}, June 14, 1909, 1.
\textsuperscript{135} “Makino’s Citizenship,” \textit{Hawaiian Star}, June 14, 1909, 1.
Investigators unearthed his 1904 application for naturalization as an American citizen, in which he said he was a British citizen, and signed his name Fred K.M. Higgenbotham. The application was denied. “The document is regarded as having an important bearing on Makino's claim to the protection of the Japanese government as a Japanese subject.”[136] Fred Makino continued to insist that the arrest of himself and the other leaders of the Higher Wage Alliance would require a “diplomatic explanation” from Washington. Negoro said that the authorities had violated treaty rights by forcing their way into Makino's store and seizing his safe. “It will be a matter of several millions of dollars before the feelings of the Japanese are satisfied and if the indemnity is not forthcoming there can be nothing but a declaration of war.” He added that “our government” would “lose no time taking the matter up with Washington.”[137]

As new indictments were brought against the leaders, they ran out of money for bonds. Their attorney argued that there was no possibility that they would flee because they were “citizens of good business standing in the community.” Judge De Bolt insisted that the trial would be fair, but refused to acknowledge their claims to citizenship. “Let these people, being citizens or subjects of another nation, feel that though they are in a foreign court, they will have justice.” (Italics mine.)[138] The Tokyo Dispatch reported that the consul general was advising the planters on how to handle the strikers, which he denied. “It is not my office to take sides in this matter of wages between the Hawaiian sugar planters and their employees…. There may be an effort on the part of some to make an international affair of the strike incidents, but I believe the action to be absurd.”[139]

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A member of the Higher Wage Association was stripped of his liquor license, on the pretext that his saloon suffered from “lax management” and was in a “bad location.”\textsuperscript{140} New reports surfaced that Fred Makino's brother, Joseph, had also applied to become a naturalized American citizen, and his citizenship papers had been granted by the Territorial court. Then the Attorney General initiated proceedings to annul the papers on the grounds that Makino had made the false statement about his race in his application and that he was not Caucasian. The citizenship was nullified. Both brothers were therefore placed in the position of having renounced allegiance to any country but the United States, but were unable to become American citizens.\textsuperscript{141} Meanwhile, the Makino brothers still had prominent relatives in Yokohama, and Fred Makino's imprisonment raised their concerns. A Japanese naval vessel arrived in Honolulu, and the admiral mentioned his particular concerns for Fred Makino. Japanese officers planned to attend his trial, although in an unofficial capacity, and wearing plainclothes. Consul Sinech Uyeno affirmed that Makino was a Japanese subject, and that he had the right to appeal to the Japanese government for protection.\textsuperscript{142} The warships gave new hope to the strikers, even as their funds ran low and their leaders were jailed.

In Washington, Senator Dillingham and William Wheeler of the Immigration Commission made plans to visit Hawaii, in response to requests from the sugar industry, which asked the Commission to “look into the question of getting immigrants who will be adaptable to


\textsuperscript{141} “‘Makino’s Record of Citizenship:’ Strike Leader Who is Asking Japanese Intervention and His Brother, Both on Record as Swearing That They are British Subjects - Both Applied for American Citizenship -- One Got It and It Was Taken Away,” \textit{Hawaiian Star}, June 19, 1909, 1, 8. There is a rich body of work on the complicated history of Asian and American citizenship. For an excellent analysis of the Asian immigrant experience with the American state, see Erika Lee and Judy Yung, \textit{Angel Island: Immigrant Gateway to America} (Oxford: Oxford University Press, 2012). For an examination of the intersection of race, gender and citizenship, see Martha Gardner, \textit{The Qualities of a Citizen: Women, Immigration, and Citizenship, 1870-1965} (Princeton: Princeton University Press, 2009).

\textsuperscript{142} “Consul in No Hurry to Report,” \textit{Hawaiian Star}, June 19, 1909, 1, 8.
island conditions.” In the midst of the strike, negotiations continued around immigration laws. A Japanese woman named Shigematsu Umeno was scheduled for deportation under U.S. federal immigration law. But she was taken off the vessel at the last minute, due to a ruling by Judge Dole that the statute was contrary to the treaty between the U.S. and Japan. Her case, caught as it was between U.S. federal statute, local court decisions, and the vessel, operated by the Japanese-owned Pacific Mail Steamship Co. and managed by the prominent Hackfeld and Company sugar agents, demonstrates the plethora of public and private actors involved in contesting and mediating immigration and labor issues.

Ultimately the 1909 strike also exposed the deep coordination between the employers, who responded to the workers with their own form of industrial and racial solidarity. On May 10, 1909, the Trustees of the Hawaiian Sugar Planters' Association resolved that “the Association agree to bear all losses to property which may be occasioned by the resistance of strikes on any and all plantations arising out of controversies over wages; it is being understood that the plantations will be guided by the policy laid down by the Association from time to time in dealing with strikes for higher wages. All losses to be adjusted by the Association, whose decisions shall be final.” In turn, the plantations were required to submit daily reports on the number of strikebreakers employed, the amount of sugar produced, and whether the pumps were running. But when the Oahu Sugar Company submitted for reimbursement, the Association bitterly resisted their claims, demonstrating the limits of cooperation among the capitalist class.

The 1909 strike ended with limited increases in wages, and a new sense of solidarity and power for the Japanese immigrant community. But the strike also marked the start of a change in

145 Hawaiian Sugar Planters' Association Plantation Archives, University of Hawaii at Manoa Library Hawaiian Collection. OSC 2/13, Copy of Resolution – May 10, 1909.
demographics. The second generation of Japanese started to leave the fields, as Japanese and Chinese workers sought more urban employment. Over time, through the upward economic mobility of this generation, Hawaiians of Japanese and Chinese descent would start to access the fuller spectrum of their citizenship rights. Fred Makino, for example, continued his activism, founding his own Japanese-language newspaper, *The Hawaii Hochi*, in December 1912. As both a lawyer and newspaper editor, he continued to fight discrimination against the Japanese in Hawaii. Through public pressure, he stopped the Board of Immigration practice of forcing Japanese picture brides and their grooms to be married en masse in a Christian ceremony when arriving in Hawaii. In another notable victory, he successfully argued a 1927 case to the U.S. Supreme Court that found onerous regulations on Japanese language schools to be unconstitutional.146 His story, and the story of thousands of other Japanese immigrants, demonstrates the complex ways in which capitalism, labor, and the state, intertwined, “made” a working class, in the process remaking the boundaries of citizenship, status, and rights within that class.

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CHAPTER 3
The American Flag: Ambiguous Uses

This chapter will explore how and why workers appropriated the symbols and rhetoric of patriotism, such as the American flag, during labor struggles in the Progressive Era. Michael Kazin and Steven Ross have argued that the use of symbols was an attempt by the labor movement to appeal to a plurality of audiences, asserting themselves as “proud, militant workers” who were also “loyal, unthreatening Americans.”¹ David Brody pointed out that the American imagery “made unionism comprehensible.”² But the American flag also became a frequent site of struggle among strikers, soldiers, employers and citizens. The violence of these encounters suggests the degree to which American citizenship was contested, both in terms of who could lay claim to that citizenship, and what that citizenship entailed.

This was parallel to efforts by progressive reformers at the beginning of the twentieth century to create a distinctly American identity, an effort that began as a national reconciliation project post-Civil War, and which was seen as a necessary process for unification. These efforts also ran in parallel to another goal—to use citizenship as a form of social control, emphasizing the traits of “obedience,” “loyalty,” and “submission,” not just to country, but also to industrial employers and to the upper and middle-class Anglo population.³ As Donna Haverty-Stacke

notes, "Most of these attempts embraced a process that sublimated regional, racial and class divisions for an imagined nationalism of white unity in a promised land of industrial process and consumer plenty.”  

Edward Bellamy, author of *Looking Backwards*, the enormously popular Utopian novel published in 1888, imagined a society in the year 2000 in which the government assigned all jobs, and the citizens received equal incomes. In Bellamy's view, the purpose of nationalism was to "realize the idea of the nation with a grandeur and completeness never before realized, not as an association of men for certain merely political functions affecting their happiness only remotely and superficially, but as a family, a vital union, a common life."  

His cousin, Francis Bellamy wrote the Pledge of Allegiance in 1891 for the official program of the Columbian Public School Celebration, and thus, undertook his own exploration of the meaning of nationalism in the United States. His initial instinct was to include the language of the French Revolution that had been so pivotal to the American one—liberty, equality and fraternity. But, he ultimately equivocated, choosing instead the phrase “with liberty

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4 Haverty-Stacke, 3.  
5 The book is also notable for its prophetic view of a techno-liberalism, in which technological advance is used to ease the burdens and increase the equality of mankind. For more on Edward Bellamy, and his vision of a cooperative economic society, see John L. Thomas, *Alternative America: Henry George, Edward Bellamy, Henry Demarest Lloyd and the Adversary Tradition* (Cambridge: Belknap Press, 1983).  
and justice for all,” leaving the Pledge ideologically “applicable to either an individualist or socialist state.” As Cecilia O’Leary notes, the choice was left to future generations to decide.

Benedict Anderson defines nationalism as an "imagined community,” both limited and sovereign, in which members may not know one another but "in the minds of each lives the image of their communion.” Workers at the turn of the century deliberately employed a public presentation meant to appeal to those imagined, shared values of egalitarian promise across class and racial lines. However, as noted over and over, those appeals were limited by the economic and social reality of American life, opposition by employers and the state, and the divisions of race, ethnicity, and nationality.

One prominent incident that illustrates the extent to which workers sought to place patriotic constructions on their assertions of self-protection occurred during the infamous 1892 strike and lockout at Homestead, Pennsylvania, against the Carnegie Iron and Steel Company. Days into that conflict, hundreds of Pinkerton detectives floated up the Ohio River in a flotilla of barges, attempting a naval landing in support of the company’s effort to operate its plant with strikebreakers. The flotilla ran into heavy fire from the strikers along the riverbanks. The American flag appeared and reappeared throughout the battle. As the strikers and townspeople of Homestead fired from the cliffs (at one point using the town's decorative Civil War cannon), the Pinkertons became pinned down in the water and grew desperate. The steamer, Little Bill attempted a rescue mission around 11 o'clock in the morning, flying an American flag on the bow, and immediately came under fire itself. The captain of the Little Bill was killed, and the steamer aborted the rescue mission and fled. The Pinkertons waved the white flag of surrender

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7 O’Leary, 161.
three times, but were ignored.

Finally, the old cannon broke, and the strikers resorted to throwing sticks of dynamite at the barges, pouring barrels of oil into the river and attempting to light the river on fire. Union leaders pleaded with the crowd to spare the lives of the Pinkertons. Strike leader Hugh O'Donnell stood on a pile of iron, waving an American flag over his head and making an impassioned speech for mercy for the detectives. The Pinkertons were finally allowed off their boats, but were badly beaten by the crowd, and marched to the Amalgamated Association building, where they were forced to remove their hats and salute the flag. One tearful detective managed to address the crowd. “Fellow citizens,” he said, “When I came here, I did not understand the situation or I would have never come. I was told I was to meet and deal with foreigners. I had no idea that I was to fight American citizens. I am a member of the Junior Order, and I appeal to you for permission to leave and get myself out of this terrible affair.” The crowd cheered and let him go.9

That evening, the Governor announced that the state would not interfere, since the local authorities had not exhausted all their resources. Specifically, he urged the sheriff to appoint thousands of deputies, if necessary, and stressed the respectability of the populace. “The residents of Homestead are a law-abiding, intelligent, and orderly people, owners of their own homes. In such a community, there ought to be no difficulty in…keeping the peace and protecting property. The law makes every citizen a deputy, and the Sheriff is empowered to call on them.” Rumors swirled that the Governor was considering forcing the locality to bear the cost of the strike, using the precedent of an 1877 Supreme Court case which compelled Allegheny County to bear the cost of riot damage on the grounds that “it had not exhausted every means to put down the riot.” The sheriff employed the language of citizenship, pleading for “good

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citizens” to appear at the Sheriff’s office “with arms and assistance to aid the Sheriff in suppressing the riot now in progress at Homestead.” In response, the American Federation of Labor's Philadelphia offices called for “Citizens” and “Workingmen” to gather in solidarity.\(^\text{10}\)
The crew of the Little Bill offered tours to reporters to see the damage inflicted by the strikers. A brand new American flag was fitted on the bow, as the employers sought to reclaim the mantle of patriotism for their efforts.

The Homestead conflict was scarcely the only one in which the U.S. flag figured so prominently as a symbol. The flag was repeatedly deployed as a talisman of protection by striking workers and their employers alike. The flag was used during a 1900 strike in Croton Landing, New York. During the conflict, the Italian ambassador warned the largely Italian workforce that state troops were on their way. When the soldiers arrived, American flags were colorfully flying from every window, and two hundred men merrily played their mandolins and guitars in the street.\(^\text{11}\)

A few years later, during a railroad strike against the Camden Interstate Railway, the railroad attempted to move one train between Huntington, West Virginia and Ashland, Kentucky. A crowd gathered with rocks to stop it. After a tense negotiation, the train was allowed to move forward once an American flag was placed on it.\(^\text{12}\)

Workers frequently made creative use of the flag as an expression of protest. During a 1903 strike in Salt Lake, Utah, against the Utah Fuel Company, journalists sensationally described Italian miners “parading with a United States flag upside down.”\(^\text{13}\)

That same year, over 20,000 Italian excavators struck in New York City, as part of a massive general May Day strike called by the Teamsters. The workers had asked for a raise to $2 a day for both

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\(^{11}\) “Dam Strikers Quiet: Day Goes at Croton with No Disturbance,” *Los Angeles Times*, April 17, 1900, 15.
\(^{13}\) “Utah Strikes Insult the Stars and Stripes,” *Los Angeles Times*, November 25, 1903, 2.
experienced and inexperienced men, while the contractors offered that wage only to the experienced men. They paraded the streets waving American flags, and shutting down construction on the subway and excavations for new buildings.14 During a demonstration by striking Philadelphia textile workers in 1903, a squad of child workers marched to city hall, each one carrying a small American flag, in a potent symbol of the degree to which the state was not meeting its obligations to its citizens.15

Often workers deployed the flag with elaborate rituals. Garment workers in San Francisco did not just create a silk American flag to carry in their annual Labor Day parade, but held a dedication ceremony for the flag, at which speakers extolled the virtues of unionism.16 Members of the Central Trade and Labor Council in Richmond, Virginia decided to wear matching costumes to their Labor Day parade, including derby hats, black coats, white duck trousers, and carry walking canes and small American flags.17

In some cases, workers used the flag in conjunction with symbols of radicalism to consciously broaden the meaning of patriotism, even at the risk of eliciting a violent reaction. This is what happened in Seattle in 1912, when the mayor refused to give permission of a Socialist Labor Day parade unless the American flag was carried at the head. The marchers complied in their own way, and the American flag and red Socialist flag led the way side by side. This defiant act caused a skirmish between Spanish American War veterans and marchers. In the resulting melee, both flags were torn from their poles and trampled.18

15 “Big Labor Parade,” Minneapolis Journal, June 17, 1903, 1.
16 “Fine Banner for Labor Day Parade,” The San Francisco Call, August 27, 1902, 8.
17 “Labor-Day Notes,” Richmond Dispatch, August 21, 1901, 3.
18 “Socialist and Veterans Riot,” The Tacoma Times, May 2, 1912, 7.
Even when workers were less confrontational in their deployment of the flag, they encountered resistance. When miners carried American flags in a 1902 Chicago Labor Day parade, they incited a riot and were badly injured.\textsuperscript{19} For this reason, many unionists sought to carefully control the ways in which the flag was used. Labor leaders in Washington, DC, for example, decreed that there would be no flags except American flags in their Labor Day parade.\textsuperscript{20} Wherever it was deployed, however, workers sought to get the most out of the flag. In Topeka, Kansas, the 1902 Labor Day crowds wore variations of red, white and blue, and the floats celebrated symbols of industry like locomotives, boilers, and electrical wire.\textsuperscript{21} As they marched they also put American flags to a practical use: they stretched them out like sheets, and supporters threw money into the flags to support striking anthracite miners.\textsuperscript{22}

Labor Day celebrations became ritual sites for flag appropriation in the early twentieth century. In Cripple Creek, Colorado, Labor Day games included baseball games, sack races, climbing a greasy pole and drilling contests. All participants had to show their union cards. The Fourth of July celebrations, although largely sponsored by business men and fraternal orders, included activities based on class and masculinity. Examples include an ore-shoveling contest, four kinds of drilling contests, and an “artificial earthquake,” created by exploding several tons of blasting power. As historian Elizabeth Jameson has argued, these celebrations were a powerful means of forming class consciousness, but also allowed class distinctions to be “submerged and mediated through the social conventions of fraternity,” such as rallying around

\textsuperscript{19} “$3,730 in Street Collection,” \textit{The Evening World}, September 3, 1902, 7.
\textsuperscript{22} “Money Shower,” \textit{Topeka State Journal}, September 1, 1902, 1.
the flag, activities that create a feeling of brotherhood between union leaders and business leaders.  

What is perhaps most striking about the use of the flag during the years of the early twentieth century is the extent to which immigrant workers embraced it. During a strike in Michigan against the Calumet and Hecla mining company in 1913, approximately 15,000 copper miners struck for nearly a year after the company switched from a two-man drill to a more dangerous one-man drill, dubbed the “widow-maker.” The striking workers were a mix of ethnicities, including Italians, Hungarians, Croatians, French Canadians, and Finns, the largest foreign-born population. Governor Woodbridge Ferris ordered over 2,000 National Guard soldiers to the region, stationing them around the towns of Mohawk and Ahmeek in Keweenaw County, in Michigan’s Upper Peninsula, and around mines in Houghton County. Annie Clemenc, a Croatian organizer, led daily marches down Main Street waving an American flag. One day Captain Frank Blackman of the Michigan state militia tried to wrestle the flag out of Annie's hand, causing a confrontation between soldiers and strikers. Annie yelled, "This is the flag for freedom, and we want freedom!" During the scuffle, Blackman managed to seize the brass eagle from the top of her flagpole. He told reporters that he intended to keep it. He also reassured reporters that he meant to hit the strikers, but had not intended to hit the flag.

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24 “According to the 1910 census, Houghton County had 88,098 residents, and 11,536 of those were foreign-born Finns.” Gary Kaunonen, *Challenge Accepted: A Finnish Immigrant Response to Industrial America in Michigan's Copper Country* (East Lansing: Michigan State University Press, 2010), 6.
26 *Denver Times*, September 14, 1913, 1. Frank L. Blackman was likely the son of Frank H. Blackman, a Civil War veteran of the Union army, former colonel in the Michigan militia, leading Detroit businessman and member of the Loyal Legion – a middle-class background common for many members of the militia. Blackman’s biography was
Hearings held by the U.S. House Committee on Mines and Mining in Hancock, Michigan in February 1914 give us some insight into the thinking of immigrant workers about the flag and its meaning for them. The hearings took testimony from 40 strikers, family members, and residents. The witnesses were grilled about their citizenship, how long they had lived in America, and their marital status. Many of them spoke passionately about their attachment to the flag and the ideals it represented.

Frank King, a 24-year-old Croatian immigrant, told the investigating committee that he was carrying the flag during a parade in Hancock, Michigan, in December 1913, when a group of soldiers attacked him. One knocked the eagle off the top of the staff, and another stabbed the flag with his bayonet, ripping a hole in it. A third shoved the barrel of his pistol against King's chest. According to King, he said, “Give me that flag.” “I will never give you this flag,” King said. “I will die before I give you this flag out of my hand.” The soldier threatened to kill him. “I will die on this flag,” he replied. Frank King, it is worth noting, was not an American citizen. The committee members interrogated Frank King about his place of birth, the number of years he had lived in the United States, and his marital status. Then Major Samuel Pepper, one of the lawyers for the National Guard, asked whether he was implying that soldiers would show disrespect to the American flag. “Yes,” King told him. “The soldiers never respect that flag.” Pepper asked whether the soldiers removed their hats when the flag passed. “Not that morning,” King said, insisting on the lesser patriotism of the soldiers. “Sometimes soldiers do, sometimes not.”

Another witness, Tony Stefanic, was near Frank King during the fight over the flag.

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28 CMM Report, 1085-1086.

29 CMM Report, 1088.
When the flag was pulled off the staff, he lunged forward and tried to catch it because “I did not like to see the flag fall down.” He repeated the phrase three times in the course of his testimony. Captain Blackman struck him in the face, giving him a black eye. He was bleeding from the head and mouth, and the soldiers arrested him and took him to their camp, where he was held for three hours. “Captain Blackman struck me in the face and I grabbed the flag,” he testified. “I am a citizen, you know, and I no like to see the flag fall down in the street and people go over it, so I grabbed the flag and then he struck me in the face.”

Kalle Wayrynen, a Finnish naturalized citizen, reported carrying the flag during a different parade on December 8, 1913, in nearby South Range, when local authorities targeted the flag itself. “One of the deputies took hold of the flag,” he told the committee. “He came from the rear and he kept jerking at the flag so long that finally I had nothing but the bare staff in my hand.” This parade ended, as so many did, with violence, deputies clubbing and shooting the protestors. “They shot very much,” Wayrynen said. “I could not count all the shots.”

When General Peter Abbey, commander of the National Guard force in the region, told the strike leaders that his troops would stop the parades, the workers were indignant. Dan Sullivan, president of District Union No. 16, replied, “We got a right to parade; we are citizens—a lot of us born and raised here.” The next morning the strikers tried to march, but the soldiers “rushed into us, and stuck the spurs into their horses, so they reared up, and drove the men and women and children both ways, up the street and down.” The strikers were unarmed, Sullivan said. “The only thing we carried was the American flag, and we sometimes had as many as 24 of

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30 CMM Report, 1090, 1091, 1093.
31 CMM Report, 1093.
32 CMM Report, 1128.
33 CMM Report, 1282.
them—some not very big, but American flags just the same.” In 1917, when a group of Italian Americans carrying an Italian flag arrived at a Boston U.S. army recruitment office to offer their services, the janitor blocked their entrance until they placed the Stars and Stripes at the front of their column.”

While immigrants were on the whole quick to embrace the flag, there was nonetheless some controversy within the ranks of socialists and labor activists over how to use the American flag, whether to embrace it in their protests, whether to pair it or replace it with flags that spoke to a more internationalist future, and how to assert their own alternative definitions of American identity, or to carry instead the banners and flags that spoke to a more internationalist vision of the future. In Chicago in 1887, the Trades and Labor Assembly (TLA), with a predominantly Irish and Anglo membership, decided to ban the display of red flags in its Labor Day parade. The TLA resolved to extend an invitation to all labor organizations to participate in the national holiday “with the stipulation however no flag but the American flag, or the flag of the organization, be allowed in its procession.” It insisted that the “red flag of revolution be rigidly excluded.” Just a year after the Haymarket massacre, Chicago unionists may have been skittish about radical displays.

These debates over the use of the flag occurred during a period when the term “un-American” was first used widely as a political epithet, first leveled against striking immigrant workers, and then against anyone who opposed the dominant economic order, immigrant or native born. Conscious of this anti-radical hostility, AFL unions began moving their own demonstrations for an eight-hour work day from May Day to the Fourth of July in the mid-

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34 CMM Report, 1285.
36 Haverty-Stacke, 37.
37 O’Leary, 61.
1890s, explicitly linking their own demands for a family wage for white, skilled craftsmen to the respectability associated with patriotism. With this move, most U.S. unions rejected the more radical, international hue of May Day demonstrations, and sought to place their activism firmly within the capitalist, nativist firmament of American middle-class values.

The struggle over the use of the flag in early twentieth century labor disputes often evoked immigrant struggles for self-determination in their homelands that played out under another valence in the United States. This was the case when striking workers in Calumet, Michigan, submitted to military authorities a petition they had written as “Residents and Property Holders,” complaining about the impact of soldiers on their right to assemble. “[The soldiers] disperse us at the point of the sword when we quietly assemble in small groups to peaceably discuss the strike situation; they ride down and disperse our children while at play in the streets; they forbid our venturing out upon the streets, and drive us back to our homes like so many cattle when we dare do so...Such conduct is outrageous and unbecoming to American soldiers and gentlemen.”

In a pointed reference to struggles for the self-determination of the Finnish homeland, the local Finnish newspaper referred to the soldiers as “Michigan Cossacks” and “Russian Cossacks,” while the Miner's Bulletin, which published news in English, Italian and Croatian, called them “American Cossacks.” Using the term “Cossack” allowed the strikers to suggest that the soldiers were somehow not citizens themselves, or not legitimate representatives of the American state. Samuel Lipson employed similar language during his testimony on the Lawrence Massachusetts strike. “Clubs were used on the stomachs and breasts of the women and little children. I happened to be in Russia while the revolution was going on, and while it was under martial law, and I have seen many people fall dead in Russia and Poland…they did worse

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38 CCM Report, 1153.
39 Kaunonen, 130, 133.
than the Russian Cossacks, who are the wildest people in the world. The Russian Cossacks did not dare to touch little girls or boys, but in Lawrence the soldiers used their bayonets, and used them worse than Russian Cossacks did.”

While Calumet strikers often paraded through town for the “moral effect,” in the words of witness William Hanninen, their parades were sometimes funeral parades for strikers or family members killed in the violence, turning the collective grief of the community into collective action. Annie Clemenc led one of these parades after the tragic disaster of Christmas Eve, 1913, when 73 men, women and children—mostly strikers—died after a Citizens' Alliance member yelled “Fire” into their crowded holiday party, deliberately inducing a fatal stampede. Clemenc carried the huge American flag up the street, tears streaming down her face. When the police tried to stop her, she wrapped the flag around herself and dared them to shoot her through it. “Then they will know what you do to your flag and your women in copper country,” she said. This time, the police did not fire.

These examples were not unique to the Michigan struggle. Historian James Barrett writes that labor organizers often “invested their material demands with the power of democratic rhetoric and patriotism by speaking of an American standard of living, by which they meant higher wages, shorter working hours, and decent working conditions.” During World War I, this rhetoric became even more pronounced. The March 17, 1918 issue of the United Mine Workers' Journal, for example, pleaded, “If this war is waged for the destruction of political autocracy, we demand…the elimination of industrial autocracy in this country. The workers

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41 CMM Report, 1276.
43 Barrett, 1009.
demand a voice in the conditions of their service, in all sections of the country, thus shall they be assured that this is indeed their war.”44 The National Committee for Organizing Iron and Steel Workers printed their campaign badges in red, white and blue. It was the most recent immigrants, writes Barrett, who were most receptive to the democratic rhetoric.45

In the interest of labor solidarity, these organizers also often embraced cultural pluralism. (During Colorado coal mining strikes, for instance, each ethnic group had its own appointed “leader,” who spoke their language and was responsible for maintaining solidarity among the group, but who was otherwise powerless in the hierarchy of the union.) “The transitional quality of the unskilled immigrants' work views is suggested in part by the words and symbols they chose. Employers were described as 'czars' or 'Kaisers'—unjust rulers without the support of their subjects—and the police as 'Cossacks', a particularly apt word for the mounted officers mobilized in steel mill towns and ethnic working-class city neighborhoods in the World War I era.”46

During a coal mining strike in Westmoreland County, Pennsylvania in 1910, a striker named John Campbell died in unclear circumstances. He was a decorated veteran of the Spanish-American War, and had served in the Philippines with Company I of the National Guard's Tenth Pennsylvania Regiment. The union petitioned a local judge to modify an injunction against marching past the property of the Jamison Coal & Coke Company so that they could accompany the body to the cemetery in Crabtree. Judge A.D. McConnell granted the waiver.47 The funeral parade included both strikers and members of Company I who had served overseas with John Campbell. At the head of the parade, men carried two large American flags. Fellow veterans

44 Barrett, 1014.
45 Barrett, 1015.
46 Barrett, 1017.
acted as pallbearers, and the soldiers planned to bury Campbell with military honors, discharging their guns at the side of his grave.\textsuperscript{48} But before the parade could reach the cemetery, they were stopped by a group of deputy sheriffs and officials from the Jamison Company, blocking the road with their cars. The strikers presented their permit from Judge McConnell, to which Tom Jamison replied, “You are a nice lot of patriotic sons of ______.”\textsuperscript{49} He said they could not pass his works, so the procession headed for another road, half a mile out of the way.

Striker William Galvin said that, “They met us again between Jamison No. 2 and Crabtree and Tom Jamison blocked a culvert with his automobile, so we could not pass by it. He told us we could not pass unless we rolled up the American flags carried at the head of the procession and carry them with the staffs pointed downward. There were two flags. We feared that if they were carried by foreigners there might be some trouble, so they were carried by American citizens. But as we could not pass without the flags being rolled up and pointed down, this was done, and we went on to the funeral. Returning from the funeral some of the men had to go 3 miles out of their way to avoid passing the Jamison mines.”\textsuperscript{50} In these complicated negotiations, we also see the distinctions being enacted between native-born and immigrant workers, and the ways in which those distinctions were being manipulated. In a similar incident, during a strike at the Pressed Steel Car Company in 1909, there was a strategic split between the native-born and immigrant workers. The native-born workers decided to return to work in spectacular style, parading with a big American flag at the head of their column, and stating “if an insult were offered to the flag the offenders would be shot dead.”\textsuperscript{51}

\textsuperscript{48} Report on the Miners’ Strike, 61.  
\textsuperscript{49} Report on the Miners’ Strike, 62.  
\textsuperscript{50} Report on the Miners’ Strike, 63.  
\textsuperscript{51} “American and Foreign Strikers Have Split,” Tonopah Daily Bonanza (NV), September 17, 1909, 1; see also “Second Strike Now Finished,” The Daily Gate City (Keokuk, Iowa), September 17, 1909.
State officials used a series of laws around the flag to harass and prosecute strike leaders. During the 1904 strike in Cripple Creek, Bill Haywood and Charles Moyer, secretary-treasurer and president of the Western Federation of Miners, distributed posters of the American flag with each stripe bearing a different message: “Is Colorado in America?” “Free Press Throttled in Colorado,” “Soldiers Defy the Courts in Colorado,” “Militia Hired by Corporations to Break Strikes in Colorado.” Moyer was arrested on charges of desecration to the flag. Even after martial law was suspended, Peter Calderwood, another strike leader, was arrested and imprisoned in the infamous bullpen for “violations concerning the desecration of the American flag.” And during the 1913 textile strike in Lawrence, Massachusetts, when a parade of 5000 strikers collided with a company of National Guard soldiers on Essex Street, soldiers arrested James Vlahodimo, who led the parade carrying a large American flag. He was charged with intimidating those who wanted to return to work, as a dozen other strikers were “battered by gun butts of the soldiers.” In Montana, a court convicted socialist E.V. Starr in 1918 for the crime of sedition after he refused to kiss an American flag, and sentenced him to twenty years hard labor.

Both sides employed expressions of American identity. A photograph of National Guard soldiers stationed in Leadville, Colorado during a strike by the Western Federation of Miners as early as 1896 shows the soldiers posing with bound prisoners, bayonets pointed. The letters “U.S.A.” were etched on their belt buckles. [See Figure 5.] During the 1912 Paterson textile strike, mill owners tried to end the strike with a display of national allegiance, hoisting the

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53 “Still Filling Bull Pen,” Lincoln County Record (NV), March 18, 1904, 3.
55 O’Leary, 236.
56 “Prisoners,” Colorado Historical Society, Denver Public Library.
American flag over every mill. The strikers responded with their own display of patriotism, marching with flags behind a banner that proclaimed: “We weave the flag / We live under the flag / We die under the flag / But damn'd if we'll starve under the flag.” By the following Monday, the mill owners had sheepishly removed their own flags from the mills.57

When brothers James and John McNamara were arrested and charged with dynamiting the Los Angeles Times building in 1910, killing 21 newspaper employees in the process, the case galvanized both labor support and employer opposition. Their defenders leaned heavily on the lack of legal due process— their kidnapping by Burns detectives, coerced witness statements, and flawed extradition. Their supporters marched in Labor Day parades with American flags raising money for their defense. During one New York Labor Day parade, a huge American flag was carried by “twenty-five or thirty men,” stretched almost curb to curb, and filled with contributions to the McNamara defense fund. Sagging with the weight of coins and bills, it was dragged through the street for several blocks, sparking more outrage among those opposed to labor.58 Journalists breathlessly reported on this “insult” to the flag.

At the same time, as employers sought to weaken Samuel Gompers by claiming he had prior knowledge of the bombing, rumors swirled that he had stood on an American flag while delivering a Labor Day speech in Oakland. The Los Angeles Times printed pictures, which were circulated to newspapers around the country, and which Gompers furiously denounced as “rank fakes.” He had been standing on a table, and the front of the table was festooned with an American flag, but he insisted that the flag was never under his feet. He even called in experts to testify that the photographs were doctored. He said that he would as likely “insult the memory of

my revered mother as to insult the flag of my country.” Still, the photographs of Gompers allegedly standing on the flag sparked an investigation from the War Department.59

As one newspaper said, “Recruiting officers have for several months reported from time to time various attempts to show an offensive attitude on the part of laboring men toward the army and the government…. The war department has come into possession of evidence of the most flagrant outrage on the part of labor leaders on the Pacific coast in defiance of government and the army and involving direct insult to the American flag.”60 The Army and Navy Register used strong language about the incident, calling it a “systematic attack on military service” by “enemies of the army.” They conflated the alleged actions against the flag with street organizers who had been “prejudicing public sentiment against the army and discouraging enlistment.”61 Meanwhile, the Daughters of the American Revolution passed a resolution condemning Gompers for “shamefully defiling the flag,” and Senators and Members of Congress announced they would be examining the photographs.

The two incidents— the American flag being dragged through the streets of New York, weighed down with money, and the photographs of the American flag under the labor leaders’ foot— were brought together in a coordinated narrative about the labor movement and anti-Americanism.62 Newspapers reported on both, using the opportunity to raise new questions about Gompers' knowledge of the Los Angeles Times bombing. The “insult to the flag” provided a potent line of attack against labor.

Workers also threatened to strike in response to “insults” to the flag. In 1913, a group of Hoboken boilermakers struck after a foreman displayed a British flag, and the company refused

59 “Insult to Flag,” Alexandria Gazette, January 3, 1912, 3.
60 “Flag Trampled on By Gompers,” The Barre Daily Times, January 3, 1912, 2.
61 “Denied by Gompers,” Evening Star, January 2, 1912, 1, 2.
to fire him. “That the first flag strike should occur in New Jersey, where the red banner of anarchy has been most vigorously waved,” one reporter wrote, “will be doubly grateful to most red-blooded Americans.” When anarchists Emma Goldman and Ben Reitman hosted a celebration at the Lenox Casino in New York, a group of waiters threatened to strike if the American flag was “insulted” during the event. “If they get to insulting the American flag, we'll walk out without even waiting to take off our coats,” said one spokesman. “They've got no business insulting the Stars and Stripes. The flag ought to hang on the walls at a ball and they ought to be arrested if they get to making remarks about it. We waiters won’t stand for it.”

During a strike of 14,000 cane workers in Puerto Rico, employers accused the workers of “insulting” the American flag. Santiago Iglesias, the local AFL organizer, assured reporters that although sixty people were injured in riots, the flag was not “insulted.”

Even as they asserted their rights as American citizens or aspiring citizens under the American flag, some early twentieth-century strikers, realizing how ineffectually their rights as workers were protected in the United States, appealed to the ambassadors of their native countries for protection. In McKees Rocks, Pennsylvania, a recent immigrant from Austria tried to escape the stockade of the Pressed Steel Company by scaling a fence, and was injured by the armed guards. He appealed to the Austrian consul for protection, who in turn brought him to William McNair, the union attorney. During a bloody California strike against the McCloud Lumber Company, Italian strikers appealed to the Italian consul in San Francisco for protection against the National Guard, then headed by Adjutant General Joseph Benjamin Lauck, a former railroad company official and Philippine War veteran, on the grounds that they had “been

63 “Room for Only One Flag,” San Francisco Call, June 9, 1913, 6.
insulted as American citizens.” When Arizona voters passed the Alien Labor Act in 1914, which required that four out of five employees in any workplace be either native-born or naturalized citizens, the Italian ambassador and Great Britain’s vice-consul both lodged official protests. The law was ultimately overturned by federal court (a decision upheld by the Supreme Court) as a violation of the Fourteenth Amendment.

Usually, foreign consuls in the United States had little success in protecting natives of their countries. This was the case when Italians complained to their consul during a strike of coke workers in Mount Pleasant, Pennsylvania, in early April 1891, during which militia killed ten strike leaders in a raid, and left others in critical condition. Ten thousand strikers gathered in Scottsdale to bury seven of the ten miners in a Catholic Cemetery, trenched together in a mass grave. Over 700 troops arrived by special train from Mount Pleasant, and the mayor ordered all the saloons to close. A number of soldiers entered a store belonging to a disabled strike sympathizer named Daniel Somers, and “made demands which he refused, whereupon they broke the windows and splintered the door into fragments with their bayonets.” Labor officials accused the deputy sheriffs of murder and demanded their arrest. The commander of the Tenth Regiment, Colonel Hawkins, announced that Captain Loar was justified in firing on the strikers at Moorewood, and that he advised that the militia remain in the region. As the militia continued to patrol the streets, the Italian consul in Philadelphia, Alexander Jordan, said there was nothing he could do. “Impossible for me to come,” he cabled. “Denounce the killing to the proper authorities.”

At the same time, appeals to the consulates of foreign governments in the United States

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68 Benton-Cohen, Borderline Americans, 201.
69 “Opinion.” The Record-Union (CA), April 4, 1891, 1, 2.
elicited ferocious backlashes. One newspaper complained that “Now it is the Hungarian-Polish gang of aliens rioting in Pennsylvania that appeals to foreign powers to growl at the Constitution of the United States. It may possibly dawn upon these people some day that the Constitution and institutions of America were made for ourselves, and not to please monarchial powers.”70 When the U.S. entered World War I, immigrants’ identification with their homelands could become fatal, as the case of Robert Paul Prager illustrated. Prager, a German by birth, spoke to fellow miners in Missouri about the merits of socialism and was targeted as disloyal in 1917. A mob stripped Prager of his clothes and wrapped an American flag around his body. The police rescued him, but the mob broke into jail and hung Prager on the outskirts of town, allegedly for being a German spy.”71

Despite the risks, some workers insisted on appealing to their homelands for protection in America. In his testimony before the Committee on Rules, Samuel Lipson announced that the Lawrence strikers intended to appeal to the ambassadors of their native countries for “protection.” “The question was up among the foreigners up there, and they made up their minds to appeal to their ambassadors in Washington to know whether Lawrence was in Massachusetts, and whether Massachusetts was in the United States.... There are 400 Russian citizens or peasants, and they claim that they must be protected by the ambassador.... There are Germans, Italians and Austrians, and they wired and sent letters, each one of them, to their ambassadors about the slaughter, and asked them to send letters to their countries, to their Governments.” Rep. Thomas Hardwick, a Democrat from Georgia, asked in surprise, “So, a majority of these strikers, who are foreigners, in their hour of stress, are appealing to these foreign governments instead of

70 Ibid.
71 O’Leary, 235.
to this Government for protection?”

It was “necessary,” Lipson told him. “If the soldier sees you going down the street, nicely dressed, and so on, he shows you some respect, but as soon as he sees an Italian, a Polander, or a Frenchman, it is a different thing. He gives him a push out of the street.” Lipson returned multiple times to the idea that the community of Lawrence was distinct from America, or his imagined ideal of America. “This is not the country of the free and the brave…even the Russian police, they do not dare to that.” Later he said, “I do not believe that Lawrence is on the map of this country at all. It would be all right for China or Russia.”

Like the immigrants in Lawrence, Japanese agricultural strikers in Hawaii also cited their failure to enjoy America’s promised equality under law and appealed to their homelands for redress. They too got little satisfaction from their efforts. During the strikes of 1900, 1905, and 1909, both workers and employers continually appealed to the Japanese consul for help, each side claiming their rights under governmental agreements. In the 1900 strikes, the Hawaii Board of Health issued special permits for two Japanese doctors, who were also representatives of the Japan Immigration Company, to travel to the Lahaina plantation with letters from the Japanese consul. The letters begged the men to return to work, promising that they would be fairly treated. Three days later, as over 1,000 Japanese remained on strike at Lahaina, angry at the death of three Japanese killed in an industrial accident, the company offered to pay compensation to the Japanese consul. The strikers demanded that the money be paid directly to the families,

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72 CoR Report, 105.
73 CoR Report, 106.
74 CoR Report, 116.
75 Hawaiian Star, April 7, 1900, 5.
and marched through the plantations waving the Japanese flag. Days later, they ordered the Honolulu Japanese consul out of their camp.

In this case the strikers won in part because they refused to rely on the consul’s ministrations. When the strike was settled at the end of the month at the Pioneer and Olawalu plantations, worker compensation payments of $500 made to each of the victim's families, and the contract of Hashimoto Seiken was canceled as part of a test case. Editors at the local *Evening Bulletin* applauded the president of the Japanese Immigration Company, working on behalf of the Japanese consulate, for his assistance in reaching final settlement, writing that he “has a great Influence over his people here.” In truth it was the workers’ solidarity, not the actions of the consul, which turned the tide.

Nearly a decade later, actions by Hawaiian authorities highlighted the helplessness of the Japanese consulate. During the 1909 strike, sheriffs broke into the offices of the *Jiji*, a local Japanese language paper, arrested its editors, and seized their personal papers and books. Strike leaders sent telegrams to Ambassador Takahira in Washington, claiming that the act violated treaties between the United States and Japan. Specifically, the 1894 treaty agreement protecting private property, asserting that the “dwellings, manufactories, warehouses and shops of the citizens or subjects of each of the high contracting parties in the territories of the other and all premises appertaining thereto destined, for purposes of residence or commerce, shall be respected.” Other leaders worked to bring the matter to the attention of newspapers back in Japan, and urged the Japanese government to launch an inquiry. Both Tokyo and Washington

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76 *Hawaiian Star*, April 10, 1900, 1.
77 *Maui News*, April 14, 1900, 4.
78 *Evening Bulletin*, April 27, 1900, 1.
were predictably silent on the situation.79 The territorial sheriff, William Henry Adaix, claimed that although the search was conducted without a warrant or “process of law,” the papers he seized contained evidence of “criminal purpose,” and he declared that the territory courts were welcome to open negotiations for redress, if necessary. The editorial staffs of the Nippu and Jiji were charged with conspiracy to “prevent and hinder the Honolulu, Oahu, Ewa Wailua and Kahuku plantations from carrying on their business.”80 Through it all, the Japanese consulate proved powerless to protect the rights of the Japanese in Hawaii.

In both their persistent efforts to embrace the flag and cloak their workplace demands in red, white, and blue, and in their occasional realization of the limitations of American legal protections for working people and their search for protection from their homelands’ consulates, striking workers in Progressive Era America were keenly aware of the extent to which the politics of patriotism might determine the success or failure of their collective efforts. They proved astonishingly creative in their efforts to construct that politics to their advantage. More often than not, however, they found themselves at a disadvantage as government and employers worked together to ensure their defeat.

In the process, workers discovered that Americanism was “both an elastic political language and the carrier of fixed ideological tendencies,” as the historian Gary Gerstle would later put it. Strikers found Americanism elastic enough to appropriate in their efforts to legitimize their struggles for equality and a collective voice over the conditions of their work.81 But they also discovered the limits of this elasticity and the extent to which the Americanism of their time carried “fixed ideological tendencies” that consistently operated against them.

80 See also “Honolulu Arrests of International Import,” Bisbee Daily Review, June 16, 1909, 1, 8.
81 Gerstle, Working Class Americanism, xv.
As Gerstle has argued, one of the fixed tendencies of Americanism grew out of early republican ideas of property and independence and their relationship to each other. As the next chapter will show, such ideas became deeply contested when workers struggled with soldiers and sheriffs over the question of whether these authorities could enter homes without warrants. As that chapter will show, both basic citizenship rights—including the right to private property, and the right to be free of unwarranted search and seizure—and state infrastructure—including the post office—repeatedly became terrains of conflict in labor struggles.
Figure 5: National Guard soldiers pose with bound prisoners in Leadville, Colorado, during an 1897 mining labor strike of the Western Federation of Miners. They hold rifles with bayonets; uniforms include ammunition belts and the letters “U.S.A.” etched on their belt buckles. Source: Colorado Historical Society, Denver Public Library.
CHAPTER 4

The Question of Access: Strikes as a Mechanism to Enforce Rights

During the first month of the bitter southern Colorado mining strike of 1913, the Greek immigrant union leader Louis Tikas quietly boarded a train for Denver. The 22,000 workers of the United Mine Workers of America (UMWA) had already been on strike for four months. Evicted from company housing, they lived with their families in tents on the Colorado prairie, pummeled by the first blizzards of the year. They were recent and first-generation immigrants, a heterogeneous community of Italians, Greeks, Slavs, Poles, Mexicans and Welsh. But that December afternoon, in a Denver courtroom, Tikas raised his right hand, swearing loyalty to the United States. During the strike, Louis Tikas had become an American.¹ That act would not save him from murder at the hands of the Colorado militia the following year. But Tikas’s aspiration to embrace American citizenship in the midst of struggle spoke to an impulse that drove many other immigrant workers.

Over 23 million immigrants entered the United States between 1880 and 1920, creating a “new” working-class population of largely eastern and southeastern Europeans, all undergoing the difficult process of acculturation and socialization within their new nation. These immigrants entered the mines, mills and factories as largely unskilled, low paid workers. The impact of this influx of immigrants on the trade union movement has elicited ongoing debate. Over time, some

historians have seen immigration as a condition that divided the work force and prevented the emergence of a broad class identity. Others, such as Herbert G. Gutman, believed that immigrant workers were a source of cultural rejuvenation for the American working class.²

A key issue in the historiography concerns the way immigrants constructed their identities. James Barrett has argued that the working class conceived of its own identity and exercised its own agency over the process of "Americanization" during these years.³ Barrett points out that although the term Americanization has traditionally been associated with a conservative, coercive process in which upper- and middle-class reformers imposed their values on immigrant workers, the term can also be used "to suggest the broader acculturation of immigrants, the day-to-day process by which they came to understand their new situation, and to find or invent new ways of coping with it. ...There were numerous understandings of what it meant to be American, divergent values associated with the concept, and so, many ways that an immigrant might "discover" America."¹⁴

In a related vein, Martha Gardner has argued that immigration is a particularly fruitful ground on which to engage issues of citizenship, because leaving one nation and arriving in another requires an experience of the law. “Mobility requires an intimate encounter of immigrants and the state acted through legal procedures.”⁵ Therefore it is in the intimacy of that encounter, the close brush with the state, that we see articulations of citizenship. In recent years,

⁴ Barrett, 997.
historian Evelyn Nakano Glenn has also described the intersection of labor, race, and citizenship, arguing for a relationship in which each shaped the other’s identity.\(^6\) This chapter seeks to build on such work by looking closely at the ways in which workers—often immigrants, women, and people of color—sought to assert and defend basic rights of privacy, free speech, and public access during a period of intense labor conflict.

This conflict took place in a context in which progressive reformers gravitated towards scientific racism and paternalistic concepts of Americanism. Both middle-class reformers and the business class in the early twentieth century decided that they had to “teach” immigrants to be American. This took a number of forms, from the use of schools to teach “proper” domestic work to American Indian, African American and immigrant girls, to home visits by teachers to instruct both children and adults in sanitation, school attendance, the English language, the preparation of food, and “the rights and duties of citizenship.” The Colorado Fuel and Iron Company created kindergartens for workers' children to mold them into "better citizens more contented with their work," by indoctrinating them with "the true democratic spirit—the spirit of sympathy, of unselfishness, and of equal rights."\(^7\) Henry Ford established aggressive Americanization programs at his factories, with compulsory English classes and home visits by workers from the Sociological Department. The first English phrase that workers learned at the Ford English School was “I am a good American.”\(^8\) The “graduation” from the program, which happened on July 4, involved a pageant in which men descended from boats “with their foreign

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clothes and baggage” into a large stage pot. After much vigorous stirring by the teachers, the men emerged from the pot wearing identical suits and carrying small American flags.”

When 900 Greek and Russian workers missed work to celebrate Orthodox Christmas, Henry Ford fired them saying, “If these men are to make their home in America, they should observe American holidays.”

Union leaders could be just as paternalistic in these years. John Golden, the president of the United Textile Workers, a skilled craft union affiliated with the American Federation of Labor (AFL), used a similar language of paternalism when he wrote in 1909 that the "picker room" where most unskilled immigrants first started working in the mill was the "kindergarten for the foreigners." Meanwhile, the labor movement was experiencing a decisive phase in its struggles with employers over control of the point of production and the expansion of the scientific management system of Frederick W. Taylor, a method of organizing work that relied on individual, monotonous tasks, often arrayed along an assembly line. This struggle gave rise to new questions about the relationship between work and citizenship. If control of the workplace was increasingly concentrated in the hands of authoritarian managers, could democracy itself survive?

James Barrett argues that authoritarian behavior by supervisors during these years constituted another effort, albeit crude, to “teach” immigrants. As evidence he cites figures such as William Klann, a Ford Motor assembly foreman, who said that every foreman had to learn the

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9 Barrett, 996.
10 Barrett, 1003.
phrase “Hurry up” in English, Polish and Italian. But, as Barrett’s work shows, the efforts of Klann and other bosses was met with resistance from workers, who developed their own ideas about what was right and wrong in the workplace. Their ideas about their rights, in fact, reached for references beyond the mere law alone; they repeatedly cited constitutional prerogatives. Thus a West Virginia miner wrote to President Warren Harding in 1921 to complain, “Coal operators are depriving the coal miners of the right to belong to the labor organization which is their inherent right given to all citizens of the United States.” And a steelworker who termed his forty-one years in the mill “slavery and persecution” claimed that the long working day and poor conditions were “against the Constitution.”

Such examples bear out a crucial observation made by William Forbath who argued that workers’ drive to achieve “industrial democracy” in the early twentieth century constituted an attempt “to bring citizenship rights into the factory and the employment relation.”

The Progressive Era constituted a critical period in the process of formulating definitions of American citizenship. During these years workers fought to invest the concept of citizenship with social content, and to tether it to the responsibilities of government to ensure the welfare of its people, long before New Deal reforms inscribed such ideas into law. The Progressive Era struggle over the boundaries and content of citizenship happened largely in “discourse outside the courts,” and raised questions about both the rights of citizens and the domain and duties of the national government. As these struggles played out, labor activists repeatedly appropriated the language of Constitutionalism in their efforts to secure their rights, suffusing their rhetoric with vocabulary about free and equal citizenship. While legal theorists Jack Balkin and Sanford Levinson have long called for greater attention to be paid to "nonjudicial interpreters" of the

13 Barrett, 1003, 1009.
Constitution—including citizens, social movements, politicians, and lawmakers who engaged in this discourse and formulated the definitions of social citizenship that were at times divergent from or opposed to those of the courts—few have looked at the ways in which workers deployed a nonjudicial interpretation of the Constitution in the crucial years of the early twentieth century. This chapter will examine the "nonjudicial interpretations" of rank-and-file union members and sympathizers who engaged in this broad dialogue around citizenship.

As Mary Furner and others have shown, a succession of Populists, Progressives and labor leaders, partly frustrated by several decades of hostile judiciary decisions, appealed to Congress for relief. We see this with their testimonies before the U.S. Congress and the corresponding proliferation of investigating committees. As William B. Wilson, a U.S. representative from Pennsylvania, said in the course of hearings on the Lawrence, Massachusetts strike, "The Federal Government has the right, and it becomes its duty, for the purpose of preserving the liberties of the citizens of the various States" to intervene. As early as 1924, historian John R. Commons noted the impulse among reformers to replace the Court with elected lawmakers as the nation's "authoritative" voices on constitutional political economy. More recently, legal theorist William Forbath has pointed out that these reformers "assailed judicial supremacy and insisted on the coequal authority of other branches...declaring that state lawmakers, as the most direct representatives of the sovereign people, were better equipped than federal courts to determine the

17 CoR Report, p. 6.
Constitution's metes and bounds." A Progressive tradition therefore emerged that pushed social citizenship towards a greater reliance on state-building and administration, which would eventually culminate in the reforms of the New Deal.

This chapter relies heavily on Congressional hearings between 1900 and 1914. This includes an early investigation by the Committee on Military Affairs in 1900 into the "Coeur d'Alene Labor Troubles," which uncovered a host of issues around illegal, indefinite detentions and state and federal officials operating outside the boundaries of the law. The Committee on Labor formed in 1911 to determine whether the Taylor system of management should be used in every branch of government work, but it soon veered from its original intent, and ultimately issued a report on peonage in western Pennsylvania. At the request of Congress, the Labor Department investigated a miners' strike in the bituminous coal field in Westmoreland County, Pennsylvania in 1909. The Committee on Rules, prodded by socialist representative Victor Berger, investigated the strike at Lawrence, Massachusetts in 1912, grappling with issues of interstate commerce and transportation, and the extent to which Congress could intervene when citizens were restricted from free movement between states. And the Committee on Mines and Mining appointed a Subcommittee in 1913 to investigate a miners' strike in the Michigan copper mines, and separately, the concurrent strike in the Colorado coal mines.

These hearings, taken as a whole, reveal important changes over the first decade of the twentieth century. For example, witnesses before Congress in 1900 were rarely asked about their citizenship. By 1914, witnesses were not just asked about their citizenship, but were asked about degrees of citizenship— their marital status, how long they had lived in the country, and whether

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they had received both their first and second papers in the naturalization process. Such interrogations help locate cultural shifts in thinking about American citizenship. In addition, these interrogations speak to recent trends in scholarship around citizenship that have moved beyond questions of entry and exclusion to talk about types or degrees of citizenship. Linda Bosniak, for example, has introduced the idea of "tiers" of citizenship, and questions, "the nature and quality of citizenship as practiced within the political community." Similarly, Nancy Cott has suggested that, "citizenship can be delivered in different degrees of permanence or strength."

The transcripts of these Congressional hearings also provide the single most unfiltered and unmediated source of testimony by workers and citizens themselves, describing in their own words the impact of these struggles on their lives. Removed from the question of labor leadership or the courts, this centers the debate on the workers themselves and the kind of cultural and ideological formation that was happening in the course of these struggles, or that was exacerbated within these struggles. These were also extraordinary moments in which the state and its most disenfranchised people argued together, in dialogue, over the definitions and rights of American citizenship. Dr. Ben Beshoar, the union physician in southern Colorado, powerfully described the scene of the Committee on Mines and Mining hearings in the Opera House in Trinidad. The union presented its own witnesses, selected for their particular experiences within the strike, to tell their perspective and version of events. The audience was filled with men, women and children, mostly strikers. Everyone was silent. Sometimes there was a cough, or a

21 The first papers to be filed were a declaration of intent to become a citizen. After meeting the five-year residency requirement, immigrants could file their second papers petitioning for naturalization (unless they were one of the groups excluded from citizenship at the time, like the Chinese or Japanese).
baby cried. Sometimes, a witness might speak quietly on the stage, and the hundreds of people would stand and lean forward, trying to hear.\textsuperscript{24} The transcripts reflect moments where the audience grumbled or cheered, and the efforts, often hapless, of the Congressional representatives to silence them.

These transcripts show how centrally constructions of citizenship and rights played in the thinking of workers and their advocates. On the second day of the hearings into the Michigan copper strike, the union lawyer, O.N. Hilton, began his remarks by appealing to the Constitution, with a reminder that, “The thirteenth and fourteenth amendments to the Constitution of the United States, and also Article IV, [protect] the right of persons in their houses against unreasonable search and seizure,” thus demonstrating a rank-and-file recognition of the power vested in the Reconstruction amendments when applied to labor activity.\textsuperscript{25}

It was not only their lawyer who resorted to constitutional arguments in these hearings. Rank-and-file workers did as well. A Hungarian witness identified as Mrs. Boris Fodor told the committee that deputies entered her house without knocking and asked for her husband. “I asked him whether he got a warrant; he said no. They did not show me no warrant. When I said to him that I do not let him in, he grabbed me by the hair and dragged me out for about 15 feet from my house into the yard.” She recounted that more than 40 soldiers had surrounded her house, and one hit her with the butt of his gun. She managed to break free and run back into the house, but the deputies pursued her and locked her and two other women in her cupboard.\textsuperscript{26}

\begin{footnotes}
\item[25] CMM Report, 1262.
\item[26] CCM Report, 1070.
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Another witness, Barbalo Kovacs, who also spoke through an interpreter (and who was quickly challenged regarding whether she a native-born or naturalized citizen, and how long she had lived in the country) recounted for the committee how she too had defended her rights under the law. She told the committee that deputies entered the house of her neighbor without a warrant and arrested him. Mrs. Kovacs and another woman had run to help him, and were then arrested themselves. At this point, the two Hungarian interpreters argued about whether Mrs. Kovacs specifically mentioned a “warrant” or just “papers.” One interpreter insisted that Hungarians would not understand a warrant, because there was no comparable law in Hungary. The other was emphatic that her meaning was clear, and that there was no question that she understood her rights.

The behavior of the latter interpreter is validated by accounts of how workers challenged authorities to respect their rights during their strike. On the morning of December 17, 1913, the streets of Ahmeek, Michigan were filled with soldiers, deputy sheriffs, and around 80 members of the Citizens' Alliance, who were easily identified by the white buttons on the lapels of their coats. They were all from Houghton County, far outside their jurisdiction, and they were armed with rifles. William Hanninen watched as these vigilantes entered and searched house after house, as soldiers patrolled the streets on horseback. These actions outraged the workers. Another witness, Kendall Parker, a local painter and a former second lieutenant in the South Dakota National Guard, said multiple times that members of the Citizens' Alliance “disobeyed the Constitution,” and that they “ought to take an oath to support the Constitution of the United

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27 CCM Report, 1066.
28 CMM Report, 1068.
States and support the American flag.”

Simultaneously, Joseph Dennigan, an 18-year-old mail carrier, was arrested by the sheriff of Houghton County on his way to work and detained in a soldier's tent for two hours. While Dennigan waited in the tent, Captain McCormick from the National Guard arrived and ordered his release. The two sheriff's deputies refused, despite the disruption to mail service and the blurring lines of federal and state authority.

Such detentions were not uncommon during Progressive Era labor disputes, as events in Coeur d'Alene, Idaho, demonstrated in 1899. After an explosion during a strike destroyed a mill at the Bunker Hill and Sullivan mines on April 29, federal soldiers rounded up between 300 and 400 men and imprisoned them in “bull pens,” rough, largely open-air barracks surrounded by barbed wire and guards. Some would not be released until November. Frederick Martin, one of the witnesses before the investigating Committee on Military Affairs, was a German immigrant who had arrived in America at the age of 14. The members of the committee asked if he was married, but not if he was a citizen. He described for the committee the events of May 4, 1899, when the mass arrest took place. The soldiers took “everybody but the postmaster.” The witness estimated 300 to 400 men were arrested. They did not just target the union men. “I seen some soldiers come in and take the butcher from behind the table and next to that was the drug store, and they took out the druggist...He protested, but it did not do any good. There was an aged gentleman there, his father in law, who was a preacher, and he had to go along, too.”

The use of mass arrests and detentions in Coeur d’Alene reflected the extent to which citizens who were not directly involved in a conflict with an employer could still be impacted by

30 CMM Report, 1299.
31 CMM Report, 1228-1230.
32 CMM Report, 1230.
33 CMA Report, 453.
34 CMA Report, 454.
the suppression of a strike. Martin recited the occupations of some of the men who were arrested for the committee. “Those people are engaged in different business,” he said, “There are butchers, and storekeepers, and saloon men, and carpenters, and hotel keepers, and clerks, and mill men, and the men working around the mills, and the men working at all, such as old men, and men living off their money.35 Rep. Adin Capron from Rhode Island asked him if these men “who do not belong to the miners' union--are they, as a class, peaceable, law-abiding citizens?” Yes, said Martin, “just as much as the miners' union men.”36

In Coeur d’Alene the soldiers forced doors open and entered homes without knocking, pulling men into the streets. They did not have warrants, and did not tell anyone why they were under arrest.37 L.J. Simpkins, an electrical engineer, testified that as many as 150 managers from the Bunker Hill and Sullivan mine were acting as “spotters,” pointing out people for the soldiers to arrest, many armed with Winchesters, revolvers and shotguns of their own.38 The soldiers walked into his home and roused him from bed. They did not have a warrant.

They took the prisoners first to a vacant lot, a former baseball field. “Captain Bachelor was in charge, and we was marched up in front of him and searched, and everything was taken away from us. He would ask us where we were born and if we were American citizens, and order us to the rear. There we were congregated around a large stump, and was kept there until night. They kept bringing in more men all the time.”39 The men were then crowded into the bull pen.

The detained men were completely denied their rights. “The day following, when the boys came in there from Burke, that crowded things worse than ever. We were so crowded that

35 CMA Report, 455.
36 CMA Report, 455.
37 CMA Report, 453.
38 CMA Report, 513.
39 CMA Report, 514.
we could hardly move around, and when they fed us that day they put the food in pans, and one man was given a pan, and he was told to take 25 men with him to eat out of that pan. We had no knives, nor forks, nor spoons, and the men from Burke and a good many from Wardner were just as they came out of the mines, with their working clothes on; and their hands were all dirt and grease, and their faces, and you had to dive in with that man and eat your mulligan and bread and everything mixed up, just like a lot of hogs.”

Simpkins articulated the illegality of the arrests for the committee, but also the insult to the manhood of the strikers, treated “like a lot of hogs.”

Some were brutally intimidated. The supervisors also used the coercive power of the military to try to make material gains. On the third day of his detention, four soldiers took L.J. Simpkins to the yard in the back of the building, and jabbed him against the wall with their bayonets. They formed a firing line in front of him, guns cocked. Then Albert Burch, superintendent of the Bunker Hill mine, appeared. “Simpkins, we have got evidence enough to hang you, but if a court is real lenient, you might get off with fifteen or twenty years.” He suggested that Simpkins bribe him with a valuable patent that he owned for a rotary engine. “What good is that money going to do if you are in jail for fifteen or twenty years, or if you are hung?” Simpkins refused. After more threats, the soldiers marched him back to the barracks. One committee member asked, “Were you afraid they were going to assassinate you?” “I expected to

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40 CMA Report, 515.
41 Many historians have done important work on the links between work, citizenship and manhood. Katherine Benton-Cohen's *Borderline Americans: Racial Division and Labor War in the Arizona Borderlands* (Cambridge: Harvard University Press, 2009) documents the attempt by the company to control the miners by making them "citizen-miners." heads of households, imbued with a private, domestic patriarchal authority, while subservient and dependent at work because of the obligations of those households. Benton-Cohen writes that it was a system of "duties and obligations," both to the family and the employer, to manage the working men. As early as 1912, John Golden, the president of the United Textile Workers, wrote that the trade union movement stood for "a more vigorous manhood and a more healthy motherhood." See John Golden, "Industrial Peace from the Standpoint of a Trade Unionist." *Annals of the American Academy of Political and Social Science*, vol. 44, The Outlook for Industrial Peace (Nov., 1912):144.
be killed, yes,” he replied. Simpkins remained in the bull pen for another four months before his transfer to a county jail, where he spent another two months. He was refused counsel, and never charged with a crime. When he asked the soldiers why he was imprisoned, they said he would “find out later on.”

As the Coeur d’Alene example reveals, the issue of warrants was closely related to the issue of arrest and imprisonment without cause. That connection was also drawn by Hungarian immigrant Erzsi Pihar, who testified through an interpreter about what she endured during the Michigan strike. She described how she was in her yard in Mohawk on September 10, 1913, chasing her dog, when an altercation between strikers and officers erupted in the street. Suddenly deputies ran towards her. One grabbed her by the neck and pushed her head under a coat. Another kicked her in the ribs and hit her with a blackjack. They handcuffed her, bundled her into the car, and drove her to court. “What were you arrested for?” she was asked. “I do not know what they were talking, because I cannot speak English,” she answered through the interpreter. She was later asked a second time, “What was the charge that they tried you for?” “I do not know the charges,” she said. “I know that I did not do anything, and then they arrested me.” The committee interrogated her about her citizenship and status. She told them that she was an American citizen. “My husband is here 11 years in the United States, and I am here 7 years.” During the 1917 Bisbee deportation, some women resisted the armed deputies who appeared at their doors by appealing to their homeownership, using it to signal their middle-class respectability, and thus their claims to citizenship. As Bridget Gerity said, “I own my house, and

42 CMA Report, 516.
43 CMA Report, 517.
44 CMM Report, 1061-1062.
45 CMM Report, 1063.
46 CMM Report, 1065.
I ordered them [the deputies]…away from my house.”

Workers were familiar with harassment by unsympathetic police officers or militiamen. Samuel Lipson, the 29-year-old weaver and union member in Lawrence, Massachusetts, testified that the police would sometimes arrest strikers on flimsy, manufactured excuses. “As soon as a soldier sees a striker he will try to do something to the striker to bring him into trouble; and then they arrest him and charge him with a violation of a city ordinance. I was down at the police station when a man was brought down there…and one policeman said, “Let the charge be a violation of the city ordinance,” and another said, “No, let it be intimidation.” And the other policeman said, 'Well, he is a striker anyhow. Make him sit down there'.” Samuel Lipson was demanding here that state law, ignored by police, be enforced.

Another issue that frequently arose during labor disputes was the right of workers to access public roads. Authorities not only routinely disregarded workers’ First Amendment rights to freedom of assembly, they often challenged workers’ rights to public assembly in any fashion. Josephine Liss, a textile striker from Lawrence, told the investigating Committee on Rules that during a Sunday meeting of Polish workers, she stepped outside the smoky hall with others for some fresh air. While they were standing outside, an officer approached her and told her to go back inside. She refused. “I told him I was standing on the steps, that the steps were private, and that I would not go inside.” Four or five more officers approached, and after more arguing and pushing, the argument erupted into a melee. “In about five minutes there were about 20 policemen clubbing the people, and they were clubbing the women, and they threw one woman in the mud. She was about 45 years of age. Another woman fell and they hit her on the head.

48 CoR Report, 39.
They split their heads open. I seen blood shed there.”

Liss’s account was not unusual. The issue of public roads was contested in Westmoreland County, Pennsylvania, to the extent that Sheriff J.E. Shields, admitted in July 1910 that “A number of complaints have come to me about citizens of the county who are not in any manner connected with the labor troubles…being held up on the public highways in different strike districts.” He also said that he had heard accusations that miners were being held against their will, but found those accusations “groundless.” However, he said, he would be willing to travel to the mines with an “American organizer,” and an interpreter who would be “fair to both of us.” If the accusations were true, and there was “sufficient evidence to convict,” he would bring charges against the coal company. If not, he said, the organizer “is to pay the expenses incurred in making the investigation.” In conclusion, he called pointedly on “every American citizen” in the district to help maintain peace.

A number of arrests followed in the course of this strike, in which strikers were charged with violating by virtue of walking on the roads, assembling in groups, or engaging in otherwise “intimidating” activity.

The restriction of access to roads, both public and private, worried some members of Congress. In the middle of the Michigan hearings, the congressional representatives on the committee stopped to argue among themselves about the issue. The argument ended with general, loose agreement that some private roads are covered by an “implied dedication to the public of the right to use it,” and therefore workers’ access to them could not lawfully be denied. Enforcing that agreement, however, was another matter. The revelations of the Michigan hearings produced no discernable results in the behavior of Michigan employers and

49 CoR Report, 243.
51 CMM Report, 1237.
local authorities.

A more urgent question rose as the House Committee on Rules investigated an incident in Lawrence, Massachusetts, in which some of the strikers attempted to send their children out of the city by train, in the care of a group of appointed chaperones. Deputies and soldiers surrounded the station, seized the children, and arrested their parents. Rep. William Wilson from Pennsylvania argued forcefully that, “In this country, the citizen moves freely from place to place, and is supposed to move freely from place to place, without the espionage of the police power and without the necessity of procuring passports…without being continually under surveillance of the police, and without having in their possession passports permitting them to travel from place to place…[W]hen the police powers of the State overstep the constitutional rights guaranteed by the Federal Constitution, then it becomes the right and duty of the Federal Government to interfere.” As mentioned previously, reformers consciously advocated for greater interpretive authority and substantive powers for Congress on issues of citizenship over the courts or state governments. Wilson's idea of interference on behalf of rights would have been a welcome one.

In some situations, restraints on workers’ freedom of movement amounted to a form of captivity. When a strike began at the Pressed Steel Car Company in McKees Rock, Pennsylvania in 1909, the company brought in replacement workers who were told they could not leave the site and that they had a “debt” to the company for the transportation. William McNair, the union attorney, compiled over 250 pages of testimony documenting the forced servitude of the workers. L.J. Carroll, one of the witnesses, said that he tried multiple times to escape, even

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52 CoR Report, 5.
attempting subterfuge by faking a severe illness. He was unsuccessful. There were guards both inside and outside the stockade, Carroll explained. “Any place you wanted to go you would be questioned. If you went to the post office, you would be questioned. If they did not like your answer, you would get your head knocked off or your shins knocked off.”54 Despite abundant evidence of such forceful intimidation, the district attorney refused to press charges against the company. The district attorney’s view, according to McNair, was that the Pressed Steel Car Company “was a corporation and he could not proceed criminally against a corporation.”55 Without the district attorney's approval, there was nothing McNair could do. Under state law, he could have gone right to a justice of the peace and had a return issued, but this was not a crime against the state. Workers were being deprived of their rights under the United States Constitution, and yet he was helpless in seeking legal redress.56

Another way in which the ability of workers to enter or leave employment freely was challenged through the use of “permit systems,” in which companies or state officials issued permits that were required for any man to work. After being imprisoned for six months with other union supporters in Coeur d'Alene, Frederick Martin was suddenly released on November 1, 1899, when he was called into the warden's office one afternoon and told, “There was no charge against me and that I was released.”57 During his imprisonment, he had lost a mining claim because he was not able to complete his assessment work, and the claim was “jumped” by “some friends, some supporters of Governor Steunenberg.”58 Frederick Martin then attempted to work at the Tiger-Poorman mine on a work permit under a different name. Four weeks later, one of the mine managers informed him that, “he could not work in the county.” When members of

54 CoL Report, 7.
55 CoL Report, 5.
56 CoL Report, 16.
57 CMA Report, 461.
58 CMA Report, 459.
the Committee on Military Affairs asked Martin if he could get a permit to work on his own claim, he explained that he could not. “I have known men that have been arrested for working on their own property, and I had had all the jail I wanted, and I did not want to go back, he reported.”

Martin’s fears were by no means ungrounded. James Cunningham, Andrew Hupp, and Dave Fummerton were all arrested and thrown into jail for working without permits in the environs of Coeur d’Alene. “It was a matter of general information and report that you could not work without a permit?” a member of the committee asked. “You are not supposed to go to work without a permit; if you do, you will be arrested. That is what they have been doing right along.” Charley Tilfordson was arrested for working a claim that he owned himself. The permit system was not legal in Idaho, but still widely practiced at the time Frederick Martin left the state. When he testified before Congress, he still did not have a permit to work.

When necessary, employers showed that they could bring force to bear to enforce the permit system. During a strike in Wardner, Idaho, in 1899 federal troops were deployed under the direction of General Henry Merriam (as the Idaho National Guard was serving in the Philippines). The military and business leaders worked closely together, at one point announcing that any miner who wanted to apply for a permit to keep working would have to renounce the union, and that both the “military and civil authorities” would inspect the mines to make sure that every miner had a permit. If any mine was found to be employing men without permits, it was to be “summarily closed, its pumps drawn and a guard placed over it.” The Governor of Montana had to send a letter to General Merriam telling him that he did not have jurisdiction to

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59 CMA Report, 462.
60 CMA Report, 463-464.
61 CMA Report, 498.
make arrests in Montana, as “steps are being taken by General Merriam to arrest all miners in Montana suspected of leaving the Coeur d'Alene district, and that if the military are permitted to do so many men innocent of any offense would be deprived of their liberty without process of law.” This intervention came too late, however, to prevent the military from undermining the union’s strength.62

Yet another way in which workers found their Constitutional rights restricted during Progressive Era labor conflicts emerged when employers and local authorities repeatedly violated workers’ rights to freely communicate by, among other things, restricting their access to the most vital communications apparatus of the era, the U.S. Post Office. As Charles Postel and other historians have pointed out, the Post Office was one of the earliest and most important central governing agencies in the making of the American state, and the ability to access mail was considered a fundamental right of citizenship.63 In practice, however, the Post Office frequently became a terrain of conflict between workers and employers in the labor disputes of this period.

During the labor strife that rocked Houghton County, Michigan, in 1913, workers’ access to postal services was frequently disrupted. Often, the post office was closed, or mine guards or deputies stopped both strikers and others in the town from accessing the post office. Sateri Huopana, a 26-year-old Finnish immigrant, was stopped on his way to mail a letter at the

62 “Crisis in Idaho Strike,” Baltimore Sun, May 16, 1899, 2.
63 This concept is articulated well in the introduction to The Democratic Experiment: New Directions in American Political History, edited by Meg Jacobs, William J. Novak and Julian E. Zelizer (Princeton: Princeton University Press, 2003), 9-10. "The eight thousand local offices of the Post Office did reach into all corners, linking together what was otherwise, as historian Robert Wiebe labeled it, a nation of island communities, and this network even created a growing sense of entitlement among many Americans that the government would provide more help with the domestic infrastructure." Charles Postel argues for the federal mail system as a key Populist and Progressive priority in The Populist Vision (Oxford: Oxford University Press, 2007).
Painesdale post office on December 8, 1913. 64 During the investigating committee hearing that followed, he was asked multiple times if he was a citizen of the United States, including once immediately after he was questioned whether he was a member of the Western Federation of Miners, and whether he was a member of the “so-called Socialist Society” in Houghton County. 65 Mary Niku tried to reach the post office on the afternoon of November 6, 1913, but deputy sheriffs wielding clubs stopped her on the road. 66 When James Kalsco, a 24-year-old Hungarian, tried to pick up his mail, he was kicked in the shoulder by one of the deputy sheriffs. 67 Post office employee Waino Hiltunen testified that the post office was closed on December 10, 1913, so that clerks could attend a Citizens' Alliance parade, making it impossible for him to distribute the mail. He said there was a “great complaint” among residents about the closing. 68

Workers’ access to the Post Office was also restricted in Idaho. In Coeur d'Alene, imprisoned strikers had their mail opened and censored. They were not allowed to receive newspapers except for the Spokesman Review, a company newsletter. “We were not allowed any labor papers at all,” Frederick Martin said. “I have found out since I was released that several letters were addressed to me that I never received.” 69 Striker L.J. Simpkins corroborated that testimony. “We were not allowed no mail without it was opened and read before it came in the bull pen,” he reported. Some letters were handed to him without envelopes, and “there was letters that I never got,” particularly important business letters relating to the sale of his patent. 70 Aaron Foster, the Coeur d'Alene postmaster who had managed to avoid arrest, was also the

64 CMM Report, 1233.
65 CMM Report, 1236.
66 CMM Report, 1239.
67 CMM Report, 1242.
68 CMM Report, 1227.
69 CMA Report, 458.
70 CMA Report, 523.
editor of the *Wardner News*, widely regarded as a paper friendly to business.\(^{71}\)

The story was much the same in Colorado. Adolph Germer, an organizer for the United Mine Workers of America, told the investigating committee that while he was jailed in Walsenburg, all the letters that were sent to him through the U.S. mail arrived opened. Others never arrived at all. Duncan MacDonald, the secretary-treasurer of the UMWA, told him “that he had written me a number of letters, and told me that they were not returned to him, and they were not delivered to me.” Once he was released from prison, the postmaster told him that Major Townsend of the National Guard had been opening and reading his mail.\(^{72}\) There were persistent rumors in Lawrence, Massachusetts that the militia kept the post offices closed, sometimes at the point of bayonets.\(^{73}\)

Some employers went to extraordinary lengths in order to make certain that federal authorities would have no basis to investigate their infringement of workers’ rights to freely communicate by creating their own mechanisms for mail distribution. At McKees Rock, the Pressed Steel Car Company maintained a “private” post office inside the stockade, to “distribute, on behalf of the company, to men who had letters.”\(^{74}\) William Howell, the plant’s assistant superintendent, implausibly claimed that this was a symbol of freedom for the workers. The men were allowed to go to the station between 12 and 1 pm each day to check for their mail, Howell proudly reported to Congress.\(^{75}\) That Howell had the temerity to advance the claim that his company was protecting workers’ rights to communicate through its private post office indicates much about the extent to which corporate interests identified their own priorities with those of

\(^{71}\) CMA Report, 464.  
\(^{73}\) CoR Report, 352.  
\(^{74}\) CoL Report, 10.  
\(^{75}\) CoL Report, 27.
the state.

Workers resisted such claims. Despite their lack of redress through local authorities, workers consistently pushed back against the stripping of their rights through the use of work permits, street sweeps, postal blockades, and other mechanisms by embracing forms of constitutionalism from below. Like so many of the witnesses, Frederick Martin couched his opposition to the permit system in the discourse of law and the Constitution. “Under the American Constitution every American citizen has a perfect right to seek employment wherever he wants to,” he told the committee.76 When asked why some prisoners in the stockade objected to forced labor like digging ditches and latrines, he referred once again to their legal status and alluded to protections afforded by the Thirteenth Amendment. As far as he was concerned, they did not have to work because they had not been convicted of an offense. “That is my understanding of the law and the Constitution.”77

One of the most striking phenomena of Progressive Era labor conflicts is the degree to which women – who did not enjoy Constitutional equality with men – also framed their resistance in the language of law and the Constitution. In addition to lacking suffrage in most states before World War I, women were relegated to a form of second class citizenship when it came to access to jobs, property, and membership in organizations. Working women were well aware of their disadvantages before the law. Michigan striker Mary Niku revealed as much when she was questioned in a hearing by Rep. Edward Taylor of Colorado. Taylor asked Niku, a widow who had lived in the United States for 13 years, whether she was a citizen. “My husband was a citizen before he died,” she answered. When Taylor asked if she had ever applied for citizenship herself, she responded: “I did not know that a woman could apply for naturalization

76 CMA Report, 510.
77 CMA Report, 509.
papers.” It was not out of ignorance that Niku had arrived at that conclusion, however, but rather out of a clear recognition of what little advantage citizenship would afford her. “The women do not have the right to vote anyway,” she reminded Taylor.78

Outrage over their status of second-class citizenship often served as a motivator for women activists in this period. During the same year in which he was taking testimony from Mary Niku, the coal miners’ strike against the Colorado Fuel and Iron Company in Chairman Taylor’s home state brought scores of women into open conflict with National Guard soldiers in the streets of Trinidad, Colorado. After one such clash, an anonymous, agitated woman rose to speak at a meeting. A reporter in attendance later mocked the way that she rolled up her sleeves, “as if to enter a wash tub or prize ring.” But her words reflected how women viewed suffrage as a vital part of their activism. “I have always wanted to be a hero and be in front at the battle, and I have had my wish today,” she said. “I hate men. I can only talk revolutionary, keep things stirring all the time, keep the pot boiling. You women, elect your class, come to the front with ballots instead of bullets. You will learn these men something.”79

A similar level of determination to defend their rights was evident among the women strikers in Lawrence, Massachusetts, in 1912, even when the system forced them to articulate their rights through their relationship to rights-bearing men. This was the case following Captain Sullivan’s detention of mothers and children in holding cells after the train station incident described above. The reason for the detention, Sullivan claimed, was that he could not confirm that the children were leaving the state with the “permission of their parents.” The mothers and children alike were detained until “Sometime during that afternoon or evening, the fathers and other relatives [italics mine] came there and acknowledged that they were the parents of these

78 CMM Report, 1238.
children, and told who they were and where they lived, and promised to have them at the session of the juvenile court on Tuesday, and they were allowed to take the children home with them,” he said. The repeated diminution of women’s Constitutional rights by authorities often forced women to frame their assertions of rights in terms of men’s rights. Thus, when a soldier ordered Josephine Liss off the streets during the same strike, she refused by saying, “My father pays taxes.” Liss’s statement in this instance aptly illuminates a concept articulated by historian Linda Kerber: the legal obligations of citizenship—such as work and taxation—often precluded women's full and equal membership in the polity, forcing them to adopt creative approaches to the assertion of their rights. While Josephine Liss was a free woman and a wage earner, she was forced to defend her right to walk down the street through her relationship to her father and his status as a worker and a taxpayer. That Liss was shrewd enough to make her case to authorities employing the dominant language and concepts of the time and turning patriarchal assumptions back against patriarchal authority says a great deal about the level of sophistication that average workers could bring to their day-to-day struggles to have their rights recognized.

Undoubtedly, the most sophisticated effort by workers to forge a constitutionalism from below emanated from the activity of the Industrial Workers of the World (IWW), or the Wobblies. Founded in 1905, the IWW never achieved organizational stability and was largely suppressed during World War I. But in the decade before the United States entered that war, Wobblies engaged in the most creative organizing of the era. In part because Wobblies attempted to organize unskilled and migratory workers, women, workers of color, and others left behind by the unions of the AFL, they were acutely sensitive to the ways in which the denial of

80 CoR Report, 335.
81 CoR Report, 246.
Constitutional rights undermined the very workers who most needed to avail themselves of such rights. Repeated experience with local authorities that broke up public assemblies, and arrested agitators and shipped them out of town, gradually pushed the IWW to experiment with methods of directly challenging the suppression of rights with tactics of mass civil disobedience. These experiments unfolded in the famous IWW free speech fights of 1909-1913.

The first such fight, which erupted in Spokane, Washington in 1909, set the pattern for those that would follow. When the IWW launched a public awareness campaign against the Spokane employment agencies that were notorious for cheating unemployed workers out of their much-needed dollars, the city council quickly passed an ordinance banning street speaking. The Wobblies fought back. On November 2, activists intentionally broke the law, taking turns mounting an overturned crate to speak, as Spokane police pulled them off and hauled them to jail. On the first day, over 100 Wobblies were beaten and arrested. Within a month, the number of arrests passed 500, stuffing the jails past capacity. The War Department provided Fort Wright to the city to deal with the overflow. The organizer Vincent St. John threatened to bring Wobblies to Spokane from across the country, taxing the city’s resources even more. Finally the city council relented and repealed the ordinance, once more freeing the IWW to assemble, speak, and distribute literature. The *Industrial Worker*, the official newsletter of the IWW, made clear that the intent of the fight was to preserve and protect constitutional rights, against a city and a court that had “no regard for the Constitution.”

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Even as the fight was unfolding in Spokane, the IWW opened a second front in Missoula, Montana. With the assistance of seasoned organizer Frank Little, who would later die at the hands of anti-union vigilantes during World War I, and a young Elizabeth Gurley Flynn, who was just beginning what would become a legendary career as an agitator, the IWW set up a soapbox on a downtown corner and began giving speeches to workers condemning the practices of local employers. One after another they were arrested and tossed in jail. Each time a speaker was arrested, another took her place. Although they were jailed under appalling conditions, the Wobblies refused bail and demanded jury trials. Faced with this implacable resistance, the Missoula authorities eventually backed down and allowed the Wobblies the right to speak in public. More fights soon followed in Kansas City, Missouri, Aberdeen and Fresno.

The Wobblies brought the struggle for free speech to San Diego in 1912, where citizenship rights were even more embattled than in the Northwest in part due to the fears stirred along the border by the Mexican Revolution, which had broken out in 1910. These fears grew when an “army” of 155 IWW members and 75 Mexicans, followers of Ricardo and Enrique Flores Magón, marched into Mexico and captured Tijuana on May 7, 1911. Mexican federal troops recaptured Tijuana a month later. All the socialists were considered rebels, regardless of nationality, and were hunted and killed. Around 100 managed to escape to the U.S.-Mexican border. The U.S. Army briefly took them into custody, and then released them into San Diego. Leading capitalists in the city like Harrison Gray Otis and John D. Spreckels had transnational business interests that crossed the border which were threatened by the I.W.W. actions, and they quickly pushed the city to restrict the right to free speech. Bowing to the wishes of Otis and

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Spreckels, the San Diego government swiftly enacted an ordinance restricting the right to speak on the street. Just as swiftly, the Wobblies responded. Thousands of I.W.W. members soon flooded San Diego, openly challenging the ordinance on soap boxes and the hoods of cars.\textsuperscript{87} 

As happened in other regions of the country during this period, employers and local authorities quickly colluded in an effort to put down workers’ collective action. The night of April 4, 1912, 141 I.W.W. members hopped a freight train from Los Angeles to San Diego, on their way to join a series of free speech protests. At 1am, the train slowed down. Approximately 400 vigilantes surrounded the train, armed with rifles, pistols, and clubs. Albert Tucker, one of the Wobblies, described what happened next:

“We were ordered to unload and we refused. Then they closed in around the flat car which we were on and began clubbing and knocking and pulling men off by their heels, so that inside of a half hour they had us all off the train and then bruised and bleeding we were lined up and marched into [a] cattle corral...They marched us several times, now and then picking out a man they thought was a leader and giving him an extra beating. Several men were carried out unconscious. Afterwards there was a lot of our men unaccounted for and never have been heard from since...In the morning they took us out four or five at a time and marched us up the track to the county line...where we were forced to kiss the flag and then run a gauntlet of 106 men, every one of which was striking at us as hard as they could with their pick axe handles.” The journalist Walter Woehlke, an anti-I.W.W. crusader, said, “Thus, did San Diego teach patriotism and reverence for the law.” The vigilantes forced the prisoners to sing the “Star Spangled Banner,” dealing blows for every wrong note. This case is notable for the vigilante's use of the symbols of

American citizenship, placed in violent opposition to the constitutional demands of the activists. It is also notable for demonstrating a tight connection between transnational capitalist interests, and domestic oppression of labor activism.\textsuperscript{88}

In San Diego, the I.W.W. encountered the limited leverage of the tactic of nonviolent civil disobedience in the context of a legal system that unabashedly protected the interests of employers over workers. Courts upheld San Diego’s ordinance that limited public speech despite the IWW’s argument that it violated the First Amendment. Lacking any protection from the law, a clear willingness of authorities to tolerate the vigilante abuse of labor activists, and a powerful set of local employers, the IWW gave up the fight in San Diego and moved on.

In many ways the outcome of the San Diego free speech fight symbolized the limited impact of the “constitutionalism from below” that workers advanced during the Progressive Era. The legacy of the congressional hearings further illustrates this limited impact. There were few direct legislative reforms that resulted from these hearings, although each one directed new public outrage and attention to the needs of the emerging industrial work force.\textsuperscript{89} But in each encounter with Congressional investigators, without the intermediary of labor leaders or the judiciary, workers were attempting to ensure they could access and enjoy all the rights to which they were supposedly guaranteed as citizens. While each of these encounters suggested that definitions of citizenship and rights were intentionally constructed and asserted from below, as opposed to being handed down by courts and other constitutional authorities, there were clear limits on the extent to which Progressive Era workers could make their assertions of rights into realities on the ground.

\textsuperscript{88} Dubofsky, 110.
\textsuperscript{89} For an excellent account of the years immediately following this wave of Progressive investigations, see Joseph McCartin, \textit{Labor’s Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations, 1912-1921} (Chapel Hill: University of North Carolina Press, 1997).
In 1915, Louis Brandeis, a progressive lawyer and future Supreme Court Justice, told the United States Commission on Industrial Relations that in his opinion, “Only by bringing constitutional democracy into industry could the United States produce not only goods but citizens.”\textsuperscript{90} The “production” of citizenship had evolved into one of the dominant issues of the time. While historians have long acknowledged the prevalence of American symbols and rhetoric in labor struggles in the Progressive Era, this chapter should help demonstrate how work orients citizenship itself as a central tenet of those struggles, and the extent to which the working class produced their own constitutional discourse, suggesting a more democratic and dialectic process of conceiving of American citizenship and identity. In this interpretation, workers were not just producing goods, but also ideas, even if it would take many years for those ideas to find a secure place in law and practice.

\textsuperscript{90} CIR Report, 7657-81.
CHAPTER 5

“Constitutional Rights,” Rhetoric, and the Battle Over Injunctions

Within the broad subject of Americanism, and the multitude of ways in which the working-class both sought to define and were in turn defined by the promises of citizenship, there was a more specific movement around the phrase “constitutional rights.” Throughout the Progressive Era, this phrase was deployed over and over by workers and their allies against efforts by the state to curtail union activities. This chapter looks closely at the use of this phrase, which illuminates the ways in which battles over union rights were a proxy for battles over the content of citizenship, and the ways in which citizenship was in turn being defined by class activity. The use of this phrase also demonstrates the growing disconnect between worker and judicial interpretations of the Constitution in the Progressive Era.¹ This chapter will also use the evolution of constitutional rights rhetoric to examine the way workers’ perceptions of their rights changed over time, in particular with the pivotal turn that occurred around World War I.

The rhetoric around constitutional rights also has to be considered alongside the devastating impact of court injunctions, which often relied on a competing interpretation of constitutional protections. As business interests merged their efforts to fight unions through several organizations, including the National Association of Manufacturers (formed in 1895), the Employers’ Association (1901), the Citizens’ Alliance (1901), and the American Anti-Boycott

Association (1902), their efforts were supported by a number of court decisions that undermined workers’ rights to engage in collective action. The use of the court injunction was widely considered to be one of the most impactful in the anti-union arsenal. During the 1894 Pullman Strike, Attorney General Richard Olney, a former railroad lawyer, asked judges to issue blanket injunctions across the country, holding every single strike supporter in contempt of court, on the pretext that the trains were used to transport the U.S. mail. One judge proudly called it a “Gatling gun on paper.”

In the course of this strike, the president of the American Railway Union, Eugene Debs, famously challenged the practice of injunctions on constitutional grounds. When the federal injunction ordered the Pullman strikers back to work, he refused to end the strike and was charged with contempt of court. He appealed the decision. His defense lawyer, S.S. Gregory, contended in his arguments in 1894 that “workingmen have a right to strike, based on the constitution, and that any interested party has a right to order a strike.” He insisted that the U.S. court injunctions against Debs were void and therefore he could not be punished for disobeying them. A year later, during a jailhouse interview, Debs again made an argument linking his union activism to a broader constitutional struggle. When asked how he felt about his incarceration, he replied, “We feel that a cruel wrong has been perpetrated upon us in that we have been denied a trial by jury in flagrant disregard of the constitution. Palliate it as they may, the haggard fact remains that any federal judge can at will strike down the constitution, stab to death the right of trial by jury, and with autocratic defiance of law and justice imprison the victim of his displeasure…. Every federal judge now constitutes a czar…. If we acted entirely within the bounds of our constitutional rights and violated none of the prerogatives of citizenship, we ought

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3 “The Debs Case,” *Santa Fe Daily New Mexican* (Santa Fe), September 27, 1894, 1.
to be free men and every day we are deprived of our liberty in a plutocratic bastile [sic] is a burning disagreement to the federal judiciary and makes 'old glory' a flaunting lie...In due course of time, the 'decision' which assassinated American liberty and inaugurated Russian despotism will be ground to atoms.”

In a unanimous decision, the Supreme Court ruled in 1895 In re Eugene V. Debs that the government had a right to regulate interstate commerce and ensure the operations of the postal service, and a responsibility to “ensure the general welfare of the public.” This decision would open the door to even more injunctions by lower courts in this period.

Two years later, Debs announced he would ignore an injunction from Judge John Jay Jackson in the state of West Virginia, declaring that if sustained, it would “effectually strike down all constitutional rights.” He said, “By its provisions, I am enjoined from walking on the public highways which lead to the mines, and as all the highways lead to the mines I am subject to arrest the instant I enter the State. This is the most sweeping injunction ever issued by any court and if sustained, as it doubtless will be, it effectually strikes down all constitutional rights and leaves us bound and helpless at the feet of the money power. The courts of this country have degenerated until they are now the conveniences of corporate capital. There are but few exceptions and they but serve to prove the rule. They are the oppressors of the people who support them. This fact is being gradually understood, and when the eyes of the people are entirely opened there will be a change, and the high priests of the bench will learn that judicial despotism will not be tolerated on American soil.” That same year, delegates from fifty unions gathered in the Knights of Labor hall in Pittsburgh to debate how to support the miners' strike.

The group unanimously adopted resolutions condemning the courts and sheriff for “protecting

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5 *In re Eugene V. Debs*, 158 U.S. 564 (1895).
6 “Debs Issues a Defi,” *The Valentine Democrat* (Valentine, Nebraska), August 12, 1897, 5.
armed assassins, issuing injunctions by the courts at the will of favored corporations,” and calling for preparation for a general strike in mills, factories, and workshops if the sheriffs and courts persist in “defying the constitutional rights of a free people.”

When the courts in the state of West Virginia were used to crush a 1902 mining strike, critics lashed out. An editorial in a labor-friendly paper in Aberdeen, Washington, was typical. “A judge has no legal right to convert into a crime that which before his decree was lawful, and even if he had the power to legislate he would have no authority to suspend the constitutional right of the accused to a trial by jury,” it read. The editorial went on to argue that the judge was usurping “the power (not the right) to make laws and to fix penalties, not according to the constitution, but according to his own warped and biased judgment.” His actions represented a grave threat. “A lawless judge is a greater menace to free government than all the petty criminals who come before him in a lifetime,” the paper noted. The editorial concluded by calling for Judge Jackson’s impeachment, expressing the hope that “the matter will be brought before congress that the people may see whether the republican party will stand by the people and their constitutional rights or by the corporations.”

During the Pennsylvania anthracite strike in 1902, President Theodore Roosevelt called a conference of mine owners and strikers at the White House to mediate the situation, and then issued a statement linking industrial peace with social welfare: “I wish to call your attention to the fact that there are three parties affected by the situation in the anthracite trade—the operators, the miners and the general public. I speak for neither the operators nor the miners, but for the general public…. I do not invite a discussion of your respective claims and positions. I appeal to your patriotism, to the spirit that sinks personal consideration and makes individual sacrifices for

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7 “Resolved in Favor of a Strike,” Rock Island Argus (Rock Island, Ill.), August 25, 1897, 4.
the general good.” Labor activists responded by urging Roosevelt to create a national board of arbitration to handle “all controversies between corporations engaged in interstate commerce and their employees;” a law to “discriminate between the natural man created by the Almighty and the corporate giant created by legislation;” and to abolish “government-by-injunction,” asking “Why deny to a striking coal miner the constitutional right guaranteed to the meanest criminal in the land?” In these conflicting rhetorical arguments, we see the state offering one interpretation of labor, in which workers conceptually enjoyed an equal status to corporations and therefore were free to enter and break contracts as individuals, enduring difficult conditions and making “individual sacrifices for the general good.” This worldview is directly contested by the vision of the labor activists, who sought formal recognition of the distinction between man and corporation, and tried to link their own welfare as individuals to the national interest.

Court decisions from the period reflect these diverging interpretations of worker rights. In 1903, for example, an Indiana state law which required that wages be paid weekly was declared unconstitutional by the state Supreme Court. The decision hinged on a case against the Republic Iron and Steel Company on behalf of an employee who was owed $96.95, more than a week’s wages. The Court argued that to intervene in the ability of a worker to make their own contract was to “deprive the person of liberty and property without due process of law,” stopping them from negotiating the terms around their employment. As James G. Pope has demonstrated, throughout this era, the courts were moving into a laissez-faire interpretation of

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9 “President Roosevelt Must Act,” *The Commoner* (Lincoln, Nebraska), October 10, 1902, 1.
10 *Republic Iron & Steel Co. v. Ohler*, 161 Ind. 393, Ind. Supreme Court (1903).
the law that asserted labor as a commodity, to be bought and sold by the individual, without protection or interference.\footnote{James G. Pope, “Labor’s Constitution of Freedom,” 1082.}

It should be noted that a few judges dissented from the overwhelming trend. In a 1906 court case, in which the Pfaffinger Packing Company sued for an injunction against the Butchers' Union, the Jefferson Circuit Court Judge Samuel Kirby refused the injunction in a decision which upheld the right to both strike and boycott, leaning in large part on constitutional arguments: “One of the first rights of every person in this country, guaranteed to him by the federal constitution, is the right to control his own labor, and a laborer may, with or without reason, decline to work for anyone or with anyone, and the damage which such persons may sustain from this refusal is immaterial,” he wrote. “If one laborer enjoys this right he does not lose it when acting with others; hence it follows that a strike…the simultaneous desisting from work of a body of workmen, is not per se unlawful. Another absolute right that every individual may enjoy is his power of persuasion, provided the appeal be not diverted to the accomplishment of an unlawful purpose. It is therefore not unlawful or actionable for workmen or laborers to persuade other employees to leave the service of this employer or to dissuade other workmen from seeking employment with him. The third right of the laborer is to refuse to trade with any person absolutely or contingently…So long as strikers employ no other means to deter persons from dealing with the employer except persuasion and the withdrawal of their own patronage from such persons, there is nothing illegal or criminal in this action.”\footnote{“Judge Kirby: Renders a Decision of Much Importance to Organized Labor,” Kentucky Irish American (Louisville, KY), October 27, 1906, 2.} Another Supreme Court judge in Missouri agreed that: “One who engages in picket duty at the public street corner for the purpose of persuading others not to take the places of striking workingmen is strictly within his
constitutional rights, where he does not behave in a disorderly manner, or obstruct the street or interfere with the rights of others.”

Judge John Willis of St. Paul was one of those who advocated that labor should not be subject to anti-trust law. In a letter to President Wilson, he wrote, “I beg leave to appeal to you in my capacity as a citizen of the United States to use your influence against the continuance or further extension of the enforcement of the Sherman anti-trust act against the laboring men of this country.” [Italics mine.] He effectively appealed to the Reconstruction amendments in his argument. “It was never contemplated by the makers of the Sherman anti-trust statute that mere negation or the mere abstention from work should be reckoned as an interference with commerce between the states. Indeed, since slavery and involuntary servitude have been abolished by the all-potent voice of the people, speaking through constitutional amendment, it is difficult to say how any enactment can be framed having for its design the punishment of abstention from labor without rendering such enactment absolutely obnoxious to both the spirit and the letter of the federal constitution.” Such individual statements at the circuit court level helped provide labor activists with some ammunition against the larger judicial onslaught.

And what an onslaught it was. Take, for example, the case of Robert Tarrant, a manufacturer in Chicago who employed about 100 workers, many of whom were members of the International Association of Machinists. The workers struck in May 1901, and a court decision quickly restrained them from picketing, “gathering in groups in the streets and alleys in the neighborhood of or in front of his shops and calling his employees scabs and other vile names and threatening them with personal injury.” The strike leaders appealed. The Illinois Appellate Court 1902 decision affirmed “Workmen may use the streets and highways in a

14 “It’s Up to Council Committee to Come Through,” The Day Book (Chicago), March 4, 1914, 8.
15 “Unions Not Trusts, Says Judge Willis,” The Labor World (Duluth, Minn.), June 13, 1914, 1.
manner not inconsistent with public travel, for the purpose of entreaty, inducement, and
peaceable persuasion in good faith…but to accomplish their purpose they may not overstep the
bounds and use threats, abusive epithets, or intimidation.” The injunction was upheld.16

In Chicago, as a teamster strike rolled through the coal yards in June 1905, the employers
attempted to use the power of court injunctions. Sixty strike activists were summoned before the
director to answer charges of violating the injunctions, as their attorney completed habeas corpus
papers and “prepared exhaustive argument of the question of constitutional rights.” As Andrew
Wender Cohen has demonstrated, some members of the Chicago labor movement resisted both
the employers and the courts, including with violence, making clear that workers were not
passive recipients of the corporate control, but active in resisting it.17 Decades later, when
Chicago once again faced strikes by teamsters in the rail yards, the local government once again
turned to court injunctions. Attorney General Harry Daugherty assured the press that the
injunctions would “not be used to abridge personal liberty nor will freedom of speech or the
press be interfered with.” But, he added, “freedom of speech and freedom of the press does not
mean those mediums may be used to incite riots or murders.” Even a White House spokesman
weighed in, saying that the injunction would “not in any way endanger the constitutional rights
of the men on strike or of other citizens,” which suggested that, at least in part, workers had
successfully disseminated their arguments on constitutionalism into the public sphere.18 During a
strike of telegraph operators in 1907, even critics calling for President Roosevelt to intervene
acknowledged the “constitutional right of the striking operatives to assert themselves and their

17 Andrew Wender Cohen, The Racketeer’s Progress: Chicago and the Struggle for the Modern American Economy,
18 “A Number More Teamsters Are Out,” Bismarck Daily Tribune (Bismarck, North Dakota), June 1, 1905, 1;
1905, 1; “No Rights of Peaceful Men to be Invaded by Injunction, But Only Rioting, Murder,” Weekly Journal-
Miner (Prescott, Arizona), September 6, 1922, 1; “Comment Made on New Injunction,” The Democratic Banner
(Mt. Vernon, Ohio), September 5, 1922, 1.
equitable claims.”¹⁹ That same year, during a trial in Bisbee, Arizona against union activist L.C. Shields, Shields demanded a jury trial “standing on his constitutional rights.”²⁰

But labor leaders also began to adapt their arguments to the laissez-faire interpretations of the courts, rather than vice-versa. In 1907, when metal polishers at the Buck Stove and Range Company in St. Louis, Missouri struck for a nine-hour day, the AFL supported their actions by adding the company to their “unfair list.” The company fought back, obtaining an injunction against the boycott.²¹ AFL leaders, including Samuel Gompers, John Mitchell and Frank Morrison, all argued against the injunction in court. While the case was ultimately declared moot, due to the death of the employer, the Court upheld the more sweeping question of whether labor could be restrained from urging boycotts. Samuel Gompers called the Bucks Stove and Range decision “an invasion of the liberty of the press and the right of free speech,” leaning heavily on First Amendment appeals. “Our forefathers sacrificed even life in order that these fundamental constitutional rights of free press and free speech might be forever guaranteed to our people,” Gompers declaimed. “We would be recreant to our duty did we not do all in our power to point out to the people the serious invasion of their liberties which has taken place.”²²

Labor experienced another blow with Loewe v. Lawlor, also known as the Danbury Hatters’ case. This lawsuit was triggered when a Connecticut manufacturer of fur hats, D.E. Loewe & Company, declared itself an open shop, sparking a local strike and a national boycott by the United Hatters of North America, which was assisted by the AFL. Loewe sued the union for violating the Sherman Antitrust Act, alleging that the boycott interfered with interstate commerce, in this case the act of selling hats. The case was decided in favor of the company in

¹⁹ “Government Interference,” The Morning Astorian (Astoria, Oregon), August 14, 1907, 2.
²⁰ “Shields Trial Attracting Attention,” Bisbee Daily Review (AZ), August 27, 1907, 1.
1908, in which the Supreme Court ruled that the union did, in fact, restrain interstate commerce and therefore violated the Sherman Antitrust Act, making the tactic of the “secondary boycott” illegal. Moreover, the court declared that individual union members could be personally held liable for damages, in a decision intended to severely curb union activism.

In some cases, the courts justified their decisions through the prism of Progressive Era ideas about gender and dependency. One judge struck down a 1906 New York state law restricting hours of work for women and children by calling it “an unwarranted invasion of constitutional rights” that struck at the heart of an individual citizens’ right to labor and to contract for that labor, which he called “both a liberty and property right.” However, he also raised the specter of protectionism while justifying his decision. “Does the state look merely to the children of the factory women for its future citizens?” he asked. “Why should the housewife, the woman who toils at home, at mercantile houses, in offices, or she who toils not at all—the society woman—be exempt from legislative interference, injunctive or mandatory, for the same reason? If this question of future citizenship is the only excuse for the assumption of police power, what becomes of the rights of the non-child bearing women, a considerable class?”

But labor activists persisted in offering their own constitutional interpretations, even when directly at odds with court decisions. During a rally in the Alabama coal region in 1900, local labor leader Henry C. West exhorted his “fellow citizens” to unite in interracial brotherhood. “The negro and the poor white man must shake hands over the pick and shovel or these companies will have us just where they want us,” he said, asserting a vision of equality that

transcended racial lines.\textsuperscript{24} During another strike in the region eight years later, the union fire boss at Republic Steel echoed this message with an appeal to the public: “Our cause is a just one…we are law-abiding citizens.”\textsuperscript{25}

During the 1904 strikes in Colorado, military authorities advised three men to leave San Miguel County. They were O.A. Floaten, one of the owners of the People's Supply store, M.J. Sullivan, secretary of the local miners' union, and Tony Rolla, a bartender. In response, the trio sent a telegram to President Theodore Roosevelt that said, “Have been ordered to leave our homes by June 27, but do not intend to go. We, as citizens of the United States, demand your protection under the constitutional right.”\textsuperscript{26} When approximately 14,000 men struck against the Pittsburgh Coal Company in July 1909, UMW District 5 president Francis Feehan said, “Our officers are of the opinion that we are certainly within constitutional rights in declaring a strike.”\textsuperscript{27} When Arizona became a state in 1910, labor activists proposed that the state constitution affirm the right to organize, strike, and boycott, inscribing worker rights in its legal foundations. Other labor-friendly proposals included placing the militia under the control of the legislature, prohibiting the militia from being used in strikes (except to “preserve order”), providing mandatory compensation for workers in hazardous occupations, and creating the office of commissioner of labor and state boiler inspector.\textsuperscript{28}

\textsuperscript{26} “Protection Demanded of the President,” \textit{The Plymouth Tribune} (Ind.), June 9, 1904, 1; “No Relief for Moyer,” \textit{The Plymouth Tribune} (Ind.), June 9, 1904, 1.
\textsuperscript{27} “Pittsburgh Miners Win Their Strike,” \textit{The Labor World} (Duluth, Minn), July 24, 1909, 1.
\textsuperscript{28} “New Proposals for Constitution,” \textit{Tombstone Epitaph} (Tombstone, AZ), October 23, 1910, 1. For more on the efforts to write a progressive constitution, see Mary Dale Palsson, “The Arizona Constitutional Convention of 1910: The Election of Delegates in Pima County,” \textit{Arizona and the West} 16 (Summer 1974): 111-124.
During the 1912 textile strike in Lawrence, leaders complained of the “violation of almost every constitutional right of the people who compose the striking element,” and threatened to sue the city. “The strike leaders also took preliminary steps for legal action to demand damages against the city of Lawrence for interference with the personal rights and liberties of those arrested in violation of constitutional guarantees.” “The right to free speech and assemblage has been denied. Habeas corpus was suspended.” In the case of Joseph Ettor, an IWW organizer arrested for the murder of a striker (despite witness reports that he was a mile away from the shooting): “The constitution was violated when the police seized Ettor's baggage, cutting open a suitcase to get a lot of papers, but securing nothing they could use against him.” “Many arrests have been made without warrant, and in many instances bail has been excessive. Practically every free institution has been corrupted.” One officer sent 10 children to the city poor farm “by citing section one, chapter 181 of the acts of 1909, which states that the authorities shall step in and take charge of any child under 16 'and the parents shall be charged with neglect by reason of orphanage, neglect, crime, cruelty, insanity or drunkenness or other vice of the parents.'” Jennie Lewis was stopped by a police officer when she tried to board a train at North station with her 4-year-old daughter. “Policeman McCann testified that when he pushed the woman from the train and tried to take the child from her, the woman 'hit and scratched' him and 'tried to bite' him.” A social worker from Philadelphia named Simon Kniebel, who had arrived in the city to help escort children to the city by train was fined $10 for obstructing the sidewalk at the station, despite the fact that he had a purchased ticket. The police sergeant who arrested him said that he “looked like he was stubborn and was not moving fast enough to suit me.”

29 “Strikers Reach Limit of Endurance,” East Oregonian (Pendleton, OR), February 26, 1912, 6.
30 “Opinion,” The Daily Gate City (Keokuk, Iowa), February 25, 1912, 1.
When a U.S. Senate committee announced hearings in Charleston, West Virginia in 1913 to investigate labor conditions in the coal industry (particularly around the Paint Creek strike), it planned to investigate seven issues, including whether immigration laws had been violated, whether there had been interference with postal facilities, and whether “citizens of the United States have been arrested, tried and convicted contrary to or in violation of the laws of the United States.” This last question referred to “whether a citizen may be arrested, tried and convicted by the military authorities when the civil courts are open will be decided. This, it is declared, is the most serious offense against the constitutional rights of a citizen which has been an outgrowth of the strike in the coal fields.”

The writer Allan L. Benson described the conditions in the West Virginia coal fields in terms of freedom, including the restrictions on where to live and where to shop, and the habeas corpus proceedings brought before the state supreme court. The court, he wrote, held that “the governor was acting within his constitutional rights in arbitrarily declaring martial law and thus depriving citizens of their constitutional rights including the right to be tried by a jury of their peers.”

In Hancock, Michigan, strikers testified to a congressional investigating committee that the Michigan National Guard “violated the constitutional rights” of many strikers. During the 1913 mining strike in Colorado, editors at the Labor Journal framed their arguments explicitly around the language of constitutional rights, dwelling on the failures of due process and the court system. Mother Jones, they noted, had been held incommunicado for nine weeks in a military

31 “Senate Probe to Coal Strike: Committee Will Investigate Question of Infringement of Constitutional Rights,” The Diamond Drill (Iron County, Mich.), July 12, 1913, 6.
32 Ibid.
bullpen. “The military has long since set aside that part of the constitution providing for free speech and free press, and was jailed because she said she intended to exercise her constitutional rights.” The militia attempted “to prevent a decision of the supreme court as to whether a citizen of the United States can exercise her constitutional rights in Colorado.” When Mother Jones returned to Trinidad, they wrote, it was to “give the militia another opportunity to take away her constitutional rights.” The editors also noted that “Citizens of the United States who live in states where a republican form of government exists and who know the rights of a citizen under the constitution can never realize the tyrannies, the oppressions suffered by the striking coal miners…The coal operators have usurped the functions of the United States post office department by issuing money orders on its own blanks and keeping the charges usually made by the government, according to testimony that was brought out at the Trinidad hearing, and admitted by the Colorado Fuel and Iron company. It was the custom to issue these orders in the notorious company where United States post offices are located. The companies issued these orders to the miners who, ignorant of postal regulations, thought they were making deposits with Uncle Sam.” They pointed to the case of Andy Colnar, a Croatian miner forced to dig his own grave by the National Guard. “Frantic at the thought of not seeing his wife and five small children again and fearful for their future, this citizen of the United States finally fell unconscious into his own grave,” they reported. Thus, with a single sentence, the editors portrayed Colnar as both the loving family man and breadwinner, and asserted his status as a U.S. citizen.34 Other reporters noted that Colnar was “a naturalized citizen” who was now “on strike for the constitutional rights all American citizens are supposed to enjoy.”35 Others pointedly referred to the “Colorado citizens” who had been terrorized by the “anarchy” of the

34 “Hellish Methods Resorted to by Colorado Militia,” The Labor Journal (Everett, WA), March 27, 1914, 1.
35 “Striker Made to Dig His Own Grave Faints Carrying Out Practical Joke,” The Day Book (Chicago), December 18, 1913.
mine operators. George Carlson, the former district attorney from Boulder, was candidate for
governor that fall, and was well known to be anti-union. “It is said that Carlson has promised to
send the state militia back to the field and deport every 'undesirable' which in the language of the
coal operators is every man who dares to strike for his constitutional rights in Colorado.”

In 1916, during a strike against the Illinois Malleable Iron Company in Cook County,
Illinois, two Polish workers, Jan Michalek and Stanley Kaszubski, signed a statement that was
published in a Polish newspaper informing the community about upcoming strike meetings, and
urging them not to scab. Circuit Court Judge Frederick Smith jailed them for 10 days and
ordered them to pay a fine of $100 and costs. Labor advocates complained this demonstrated
“how far injunction judges will go in their contempt for the state bill of rights and the federal
constitution.”

In Chicago, labor leaders fought injunctions as a “heinous invasion of their rights.” They
pointed to the injunction that stopped striking tannery workers from circulating their daily
newspaper (via the Polish People's Publishing company). The judge who issued the injunction
said he “did not read the injunction.” Other judges were issuing injunctions against the paying of
strike benefits, stopping workers “from attempting by payment or promise of money,
employment or other reward to induce employees of the complainant to leave their
employment.” “No act of our legislature ever conferred upon our courts such rights,” labor
leaders complained. “Nor ever intended that our courts would permit themselves to be used so
shamelessly in twisting our laws from their intended purpose and denying working men the
rights guaranteed under the Constitution.”

36 “Hand in Hand,” *The Ocala Evening Star* (FL), October 9, 1914, 7.
When the Washington State legislature proposed a bill to outlaw picketing in 1916, which would have made it a criminal activity to carry signs or banners on a sidewalk, street or public place advertising the causes of a strike, the AFL leadership responded with an appeal to their rights as citizens. “As citizens, [workers] have a right to use streets, sidewalks, public highways or public places for this legitimate activity necessary for furthering the welfare of human beings,” wrote Samuel Gompers. Frank Morrison, the Secretary of the AFL, said that the bill was “equivalent to denying the freedom of speech, the freedom of association, and even the freedom of locomotion…The anti-picketing bill proposed by the legislature of the State of Washington is not only a serious, but an unwarranted invasion of the rights and liberties of all the people in your state, and involves the destruction of principles of freedom that have always been held dear by the people of the whole United States.” E.W. Olson, the former Labor Commissioner for the state, wrote, “This act abridges the rights of citizenship, inasmuch as it denies certain privileges that are granted by the constitution of the United States under the fourteenth amendment.” He added that the law would ignore “the inalienable rights [given] by the constitution of the United States.”

In Minnesota, a state senator introduced the “Duxbury bill,” legislation designed to outlaw picketing. Anyone who “goes near to or loiters about” a place of business with the intention of influencing someone not to do business there would be charged with a misdemeanor, as would be anyone who “prints or circulates any notice of boycott, whether in the form of cards, stickers, dodgers, banners, transparencies, unfair lists, or otherwise.” An anonymous labor leader called the legislation a “robbery of rights.”

40 “Drastic Anti-Picketing Bill Appears in the Senate,” The Labor World (Duluth, Minn.), February 24, 1917, 1.
During a transportation strike in Washington DC in 1917, over 900 conductors and other workers of the Washington Railway and Electric Company went on strike, but the Capital Traction Company (the other electric car company) remained in operation—the union had agreed to a contract with that company, and tried to leverage it into an agreement with Washington Railway, but failed. Union officials for the Amalgamated Association of Street and Electric Railway Employees of America, Division 689, issued an “appeal to our fellow-citizens to stand by and assist us in this struggle for our God given and constitutional rights.” Secretary of Labor William Wilson intervened in an attempt to mediate the strike, as did the District Commissioners, who wrote to Clarence King, president of the Washington Railway, that “the circumstances of the times make the possibility of disorder in the National Capital a matter of grave concern to the republic itself.”41

Trade unionists in Jacksonville, Florida pushed for a law that would regulate the use of injunctions during strikes, modeled after the Clayton Act, and which according to them would “accord constitutional rights to striking workers.”42 During a general strike in Springfield, Illinois in 1917, the local Federation of Labor promised that the strike would end when labor “was granted its constitutional rights.”43 During a conflict in Butte against the Anaconda Copper Company, miners asserted that it was their “inalienable right and constitutional prerogative to strike when their wages are arbitrarily lowered….44 While preparing to join a national railroad strike, members of System Federation No. 9, one of the Pennsylvania locals, decided to vote before “exercising our constitutional right” to strike.45 And when a diverse rank-and-file of 5,000 Mexicans, Spaniards, Italians and American miners struck in Clifton, Arizona that same

41 “Strikebreakers Man Cars on Two-Thirds of Lines Hit by Walkout,” Evening Star (DC), March 12, 1917, 1, 2.
42 “Does This Editor Read?” The Labor Advocate (Cincinnati, Ohio), May 19, 1917, 10.
44 “Murderers Must Go,” The Butte Daily Bulletin (Butte, MT), October 30, 1920, 2.
year, John Donnelly, the union president, said “We will do all in our power to maintain peace and observe law and order, reserving the right to avail ourselves of constitutional rights in self-protection.”

Arizona Governor George Hunt faced a backlash after he ordered the militia to remain impartial, and thus maintained the “constitutional rights of the strikers,” as the Border Vidette phrased it.

When deputies detained women during the copper strike in Bisbee that same year, they warned them to “keep still or we will have to arrest you.” Susie Rice, a retail clerk who had been swept up in the chaos, snapped back, “The Constitution allows free speech and I intend to say what I want to.”

During a 1920 mining strike in Crawford and Cherokee counties in Kansas, four of the leaders — Alexander Howat, August Dorchy, Thomas Harvey and Robert Foster — were convicted of contempt of court for their refusal to appear before a special state court of industrial relations. Their appeal challenged the constitutionality of such a court, as well as a Kansas state law that would prohibit strikes and used compulsory arbitration to settle disputes between workers and owners in “essential industries.” The Kansas legislature had reportedly patterned the law on laws that “had been found beneficial in British dominions.” The activists argued that their right to strike was constitutional, and “could not be taken from them by state legislation.” The U.S. Supreme Court ultimately upheld the ruling of the state court on a technicality, in an opinion written by former President William Howard Taft (now Chief Justice). Unable to justify the constitutional basis for the law, the Court decided that the questions of the case were “not

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48 Benton-Cohen, Borderline-Americans, 213.
brought before the court in proper form for it to pass upon them.” The injunctions against the labor leaders remained in place.49

But the judiciary clung to its insistence on labor as a commodity. In its decision on the Adamson eight-hour day law, the Supreme Court suggested to Congress that all railroad strikes be prohibited. “It denies that these workers have any liberty to quit their jobs, because they are in a public service, controlled by the government under the interstate commerce clause of the Constitution,” Chief Justice Edward White wrote in the majority opinion. “The right (to strike) is necessarily surrendered when the men are engaged in public service. They are comparable to soldiers in the ranks who, in the presence of the enemies of their country, may not desert.”

Thus the productivity of workers was claimed as a state resource, sundered from their identity as independent producers. The idea of labor as a national commodity was also deployed over and over in the coming years.

And as labor became redefined as a national commodity, militant opposition to employers was conflated with opposition to the government — and to America itself. As railroad tycoon William H. Vanderbilt said during the national railroad strike of 1877, “We cannot afford to yield, and the country cannot afford to have us yield,” pairing his own self-interest with that of the national interest.51 The Supreme Court’s 1894 decision in support of the Pullman Railroad Company and the continued use of injunctions against striking workers stated in part: “The strong arm of the national government may be put forth to brush away all obstructions of the freedom of interstate commerce…If emergency arises, the army of the nation, and all of its

49 “Howat Appeal Lost; Supreme Court Decides,” The Rock Island Argus and Daily Union (Rock Island, IL), March 13, 1922, 1.
50 “Would Induce Congress to Provide Democratic Management,” The Labor World (Duluth, Minn.), March 31, 1917, 1.
51 O’Leary, 60; citing the New York Times, July 24, 1877.
militia, are in the service of the nation to compel obedience to its laws.” As John Higham notes, at the turn of the century, nativism started assuming the “modern aspect” of equating working-class struggle with foreign agitation and allegiances. One Montana senator, condemning an Illinois mining strike from the floor of the Senate, called it “more inexcusable than any German atrocity in the World War,” and declared that the fight centered on the “constitutional right of every citizen to earn a living,” urging punishment for the strikers. Sheriff Henry Wheeler, who oversaw the Bisbee Deportation, believed that the strikers were pro-German provocateurs trying to weaken American security along the Mexican border.

World War I, which erupted in Europe in 1914, and ultimately cost ten million lives and billions of dollars, helped to formalize this association between the interests of private industry and the state. America entered the war in 1917 after a public relations campaign orchestrated by the Wilson administration and overseen by George Creel, the mastermind behind John D. Rockefeller Jr.’s public rehabilitation in the aftermath of the Ludlow Massacre. Creel aggressively silenced dissent, employing patriotism and propaganda to make the case for war. The war intensified the need for raw materials like wood, copper, and coal, and in many cases, the government assumed control of these industries. Workers had more power in situations in which their labor was urgently needed for war production, and they saw some gains in those years, particularly around wages and work days. But the war also further conflated the interests of capital and the state. Any struggle against capitalist interests became framed as opposition to the state itself. The Federal Espionage Act, which was enacted in June 1917, allegedly for national security interests, targeted activists like Victor Berger, Eugene Debs, and Emma O’Leary, 61. John Higham, Strangers in the Land: Patterns of American Nativism, 1860-1925 (1955; reprint, New York: Atheneum, 1967), 30, 54. “Opinion,” The Morning Tulsa Daily World, June 25, 1922, 2. Benton-Cohen, 220.
Goldman and gave local postmasters broad discretion in refusing to allow ideological materials through the U.S. mail. The Act was challenged on constitutional grounds as a violation of free speech, but was upheld by a controversial Supreme Court decision in *Schenck v. United States*.

During the war years, the federal government started taking an even more active role in negotiating labor relations and directing industrial production. For example, President Woodrow Wilson became directly involved in attempts to avert a railroad strike in 1916, proposing that the railroads accept a shorter working day and a special presidential commission to investigate working conditions. The public relations campaign against the workers pointed to the ways in which their actions threatened the military, noting that “Because of the threatened railroad strike, the War Department today suspended indefinitely the proposed movement to the border between 25,000 and 35,000 militiamen mobilized in State camps, and last week ordered to the Mexican line.” Labor activists naturally pushed back. During a meeting between Wilson and railroad labor leaders, the head of the delegation A.B. Garretson urged Wilson not to follow the lead of France, which had recently suspended its constitutional guarantees to avoid a general railroad strike. During the meeting, officials pressed Garretson on whether the “moving of Government mails” needed to be protected. “It is the railroads who have the contract to do that, not the men,” he said. “It's up to them to do it. I do not see that we have any reason to supply men to them for this. They will have to find them.”

In some cases the federal government created its own direct competitors to worker organizations. In 1917, the War Department created the Loyal Legion of Loggers and Lumbermen (LLLL) as a counter to the Industrial Workers of the World, after a series of strikes slowed the production of spruce in the Pacific Northwest, material that was necessary to

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manufacture military aircraft. The plan was conceived through cooperative effort between the military and the owners of the largest lumber companies, and over 100 army officers were assigned to the project. They traveled to lumber camps across Washington and Oregon to administer a loyalty oath to workers, in which the workers promised that during the war they would devote their efforts to the United States of America, and would “support and defend this country against enemies both foreign and domestic…to faithfully perform my duty toward this company by directing my best efforts, in every way possible, to the production of logs and lumber for the construction of Army airplanes and ships to be used against our common enemies...[to] stamp out any sedition or acts of hostility against the United States Government which may come within my knowledge.”\(^{57}\) Thus workers swore their loyalty at once both to the government and the lumber company, and labor activism became redefined as an act of wartime treason. Any workers who did not take the loyalty oath could be fired, even arrested.\(^{58}\) To ensure success, the War Department also mobilized over 25,000 soldiers to work in the logging camps, still subject to military discipline. Participation in the LLLL was nearly mandatory for timber workers, but they did make one important gain – the eight-hour work day, which was implemented industry-wide in early 1918.\(^{59}\)

Labor activists understood how potent the arguments around “national security” could be. As union president John Donnelly said during the 1917 miners’ strike in Clifton, Arizona, “The earnings of the companies are tremendous, and they are fully adequate to permit of a living wage scale. We are very desirous of resuming work and of doing our bit toward maintaining industrial


\(^{58}\) “Loggers Arrested on Marble Creek: Aliens Refuse to Take Oath of Loyal Legion and Are Apprehended,” *Spokane Spokesman-Review*, May 1, 1918, 10.

peace, to the end that our country will not be embarrassed for necessary materials during the war, but we know the copper companies are using the war as a subterfuge.”

At times the distinction between government and employer became elided even further. When the United Mine Workers of America called for a strike of 500,000 miners in 1919, Attorney General Palmer met with Secretary of Labor William Wilson and others to figure out the governmental response. They settled on declaring that the coal miners’ strike was “illegal,” but “without in any way impairing the general right to strike.” Their argument hinged on the fact that a fuel administration had been created during World War I specifically to regulate labor and productivity to meet national need. Even though hostilities had ceased, the government contended that the miners were still working under the wartime agreement, which was stipulated to run until April 1, 1920. If the wartime agreement was still valid, the fuel administration was authorized to take over the mines and keep them operational. The fuel administrator, Harry Garfield, attended a meeting at the White House, and talked about a “civilian army” that would be pressed into service to keep the mines open. The government prepared “emergency spending” to keep the mines running, and President Wilson was directly involved in the preparations. As one newspaper noted, “Clothed with its wartime powers, the administration would be called upon to see that the coal supply is conserved and distributed as it was during the shortage two winters ago. Railroads much have first call, with second consideration given essential industries on which the public depends for comfort and warmth.” A government statement also promised “Ample police or other protection for miners willing to remain on the job as urged by President Wilson” and “Revival of the fuel administration, armed with wartime powers, to prevent hoarding and profiteering.” They also planned for price controls to avoid gouging by the

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operators. Attorney General A. Mitchell Palmer called the strike a “national disaster,” linking it to the fresh memory of the first World War. “The proposed strike would be a deadlier attack on the life of the nation than an invading army. The facts present a situation which challenges the supremacy of the law.” The UMWA leadership responded with a statement that noted in part that the workers had sought government intervention previously. “[The miners] appealed one year ago to the federal fuel administrator, Dr. Garfield, and from him to the president of the United States, for an increase in wages sufficient to meet the increase in the cost of the necessaries of life. Their appeal was rejected…The mine workers therefore are but exercising the right guaranteed by the constitution and which cannot be taken away by the representatives of the government when they quit work or when they refused to work until their grievances are adjusted.” As the government made its preparations, thirty thousand Pittsburgh coal miners prepared to strike, “many of whom are of foreign birth,” noted the newspapers.61

Federal judge A.B. Anderson issued a temporary injunction against John Lewis and Frank Hayes, the national and local presidents of the United Mine Workers of America, respectively, as well as other union officials, enjoining them from calling a strike of 350,000 coal miners. Nor could they do anything to support the strike, from “paying benefits to uttering a word of encouragement.” The court granted the restraining order at the request of assistant attorney general C.B. Ames, who “asked for it under the Lever Act.”62 An hour before he was served with the injunction, Lewis sent a telegram to every district and local headquarters saying: “The strike will go on despite everything. We will stand assured of protection in our constitutional rights.” Union leaders repeated the phrases “Government cannot mine coal with bayonets” and “An injunction won’t hoist coal out of the mines.” Lewis also said: “I regard the

issuance of this injunction as the most sweeping abrogation of the rights of citizens guaranteed under the Constitution and defined by statutory law that has ever been issued by any Federal court."63

In Pittsburgh, where the strike that affected 500,000 workers, the resolution by the Pennsylvania Federation of Labor specifically stated that the strike was “to restore the constitutional rights of free speech, free press, and free assembly,” appealing to First Amendment rights. The resolution called on Governor William Sproul to call a special session of the legislature to act as an impeachment tribunal against public officials guilty in the eyes of labor men of violating their oaths of office, and called for a referendum on the question of organizing a labor party in Pennsylvania.64 Delegates called for a general strike “to attain their constitutional rights to free speech and free assembly,” adding demands to abolish the state militia and organize a state labor party. The meeting was initially organized in response to the actions of the state police disrupting meetings of striking steel workers.65

On October 30, 1919, the Senate adopted a resolution in support of the administration during the “industrial emergency.” “We hereby give the national administration and all others in authority the assurance of our constant, continuous, and unqualified support in the use of such constitutional and lawful means as may be necessary to meet the present industrial emergency and in vindicating the majesty and power of the government in enforcing obedience to and respect for the Constitution and the laws, and in fully protecting every citizen in the maintenance and exercise of his lawful rights and the observance of his lawful obligations.”66 Congress also passed a joint resolution supporting enforcement of “obedience to and respect for the constitution

63 “Nearly 500,000 Out, Defying U.S. Courts,” The Sun (New York), November 1, 1919, 1,4.
64 “500,000 Vote to Strike,” Alexandria Gazette (Virginia), November 3, 1919, 2.
66 “Senate Pledges Aid to President,” The Herald and News (Newberry, SC), November 4, 1919, 3.
and the laws,” a specifically anti-union action. Meanwhile a federal judge in Indianapolis was issuing injunctions against the miners. Some called for Garfield, the fuel administrator, to “seize the mines” and operate them through the government.

There were reports that Congress would pass an anti-strike law to prevent railroad employees from walking out and paralyzing the nation's transportation systems. In response, there were “vigorous assertions of the constitutional right to strike” from labor leaders. “The position of employees of the government—whether federal, state or municipal—and of public utilities is different from that of employees of a corporation, firm or person not directly engaged in public service…a strike of the employees of the government or of a public utility may affect a city, a state, or even the whole nation…[But if such legislation was enacted,] these employees would become the special wards of the state, which is bound to look after their interests—to see that they work under suitable conditions and that they are adequately paid,” one editor opined.

“Although it is known that much of the trouble in widespread strikes—especially in the recent steel strike—was caused by aliens, most of the workers affected are voters, or should be, and in a representative form of government, voters are of great interest to the representatives. Thus, the more voters there are among such workers, the better they will be represented.”

Meanwhile, the national Chamber of Commerce passed a resolution in favor of a law prohibiting employees of public utilities, such as “railroads, street cars, telephone companies and packing houses” from striking, which labor activists decried as “seeks to tie all public utility employees to their jobs and would deny the constitutional right of protest in the form of strikes.”

Labor leaders also sought to link their own interests as workers to the national interest. In a statement against the use of injunctions, on December 13, 1919, the AFL said in part: “Our

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welfare and interest are inseparably bound up with the well-being of the nation. We are an integral part of the American people and we are organized to work out the welfare of all…Autocratic, political and corporate industrial and financial influences in our country have sought, and are seeking, to infringe upon and limit the fundamental rights of the wage-earners guaranteed by the constitution of the United States…We declare these abuses in the exercise of the injunction writ are clearly violative of the constitution and that this issue must be determined definitely in accordance with the guarantees of the constitution of the United States…Because we have reverence for law, because we believe that every citizen must be guardian of the heritage given us by our fathers who fought for and established freedom and democracy, by every lawful means we must resist the establishment of a practice that would destroy the very spirit of freedom and democracy.”

The American Federation of Labor even proposed amending the United States constitution in order to guarantee labor the “right to strike.”

During the wave of mining strikes in West Virginia in 1920, when a federal grand jury began looking into coal prices in the northern part of the state and issuing subpoenas to mine operators, the Department of Justice crushed the investigation. Instead, federal officials announced they had negotiated an agreement with the operators to “eliminate pyramiding of profits and artificial stimulation of prices,” in a further example of growing federal mediation of labor unrest. Federal troops simultaneously occupied Mingo County, in an attempt to force miners back to work. Frank Keeney Jr., president of the United Mine Workers District 17, argued the soldiers were not acting “for the rights of citizens in state and nation.”

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72 “Kenney admits There is Politics in Strike Threat,” The West Virginian, September 25, 1920, 1, 4.
In the summer of 1922, an enormous strike of railroad shopmen erupted across the country, involving over 400,000 workers at its peak, in a diverse group of crafts, from machinists, boilermakers, sheet metal workers to electricians, carpenters and apprentices, triggered by rollbacks of worker gains from World War I, when workers had enjoyed more leverage, and thus more job security and higher wages. Officials of the Railroad Administration had guaranteed shopmen the right to form unions, and set favorable wage and workplace standards. But in the early 1920’s, railroad executives were determined to reverse the gains made by labor during the war. In 1920, Congress voted to re-privatize the railroads, and a conservative new Railroad Labor Board (RLB) was established to handle labor disputes. This set the stage for the strike, in which over 80% of the workers walked off their jobs, and negotiations involved a host of government actors, including President Warren Harding himself.  

Before the strike began, J. Cleve Dean, Publicity Chief for the Railway Employees’ Publicity Association, sent a telegram to President Harding which read in part: “I wish to point out to you that the railway employees and miners who are on strike are loyal American citizens and are only exercising their constitutional rights. A large percentage of them fought on European soil that there might be no more war, and for you or any governor to attempt to operate the mines or roads by military forces, or to attempt to draft men into mining or railroad service, would be an attempt to establish involuntary servitude. And I dare to predict that when “involuntary servitude” is attempted by you, then the long-predicted way between labor and capital will loom up.” Harding replied publically: “There is no dispute about the loyal American citizenship of the men on strike, nor will anyone question that many of them gave everything that men can give for the service of this country in the world war. Nor is it disputed that men on

73 Colin J. Davis, The 1922 National Railroad Shopmen’s Strike (Urbana and Chicago: University of Illinois Press, 1997). Davis looks in depth at the complex relationship between government officials, railroad company executives, and union leaders in the course of this strike.
strike are exercising their Constitutional and lawful rights under existing statutes, in declining to work under the terms decided by the Railroad Labor Board or tendered to the workmen by the mine operators of the country. No one has attempted or proposed to draft free men into either the railway or mining service, or suggested coercion under military force. The military forces of free America are never used for such a purpose. Their service is only that of preventing lawlessness and violence. The same unchallenged freedom which permits you and your associates to decline to work is no less the heritage of the free American who chooses to accept employment under the terms proposed…Government undertakes to represent neither class alone, and is opposed to all conflict among classes, and disputes the right of any group or class, organized or unorganized, to imperil American welfare. Government speaks only for the American people as a whole and the common good of all its citizenship.”

Although initially conciliatory in his approach, President Harding soon bowed to hard-liners in his administration like Attorney General Harry Daugherty, who convinced him of the need for blanket anti-trust injunctions against the strikers. Significantly, much like the recent mining strikes, the government claimed the labor of railroad workers as a kind of national commodity, owned by the state, even after the crisis of war had passed. In the face of the injunctions, labor leaders were defiant. William Johnston, president of the International Association of Machinists, said, “Men still have some constitutional rights in America, and we shall stand on them.” John Scott, secretary and treasurer of the railway employees' department of

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the American Federation of Labor, echoed the sentiment that the strike would go on: “We will stand on our constitutional rights.”

The government continued to formally differentiate between some acts that fell under constitutional protections, and others that it insisted did not. When the government obtained an injunction against the strikers in Chicago, Daugherty claimed that the injunction would not be used to abridge personal liberty or interfere with freedom of speech or the press. But, he added, “Freedom of speech and freedom of the press does not mean those mediums may be used to incite riots or murders.” A White House spokesman asserted that President Harding “felt the injunction would not in any way endanger the constitutional rights of the men on strike or of other citizens” but added that the injunctions would be followed with other actions to prevent interference with transportation. The Attorney General also said that the strikers were free to engage in any activities “that do not interfere with interstate commerce or otherwise violate the law.”

Central labor union bodies in various cities adopted resolutions dealing with the railroad strike. The Boston Central Union pledged full moral and financial support to the striking shop men and adopted a resolution calling upon President Harding to seize the roads and to restore the strikers to their old jobs. The resolution also denounced Daugherty for his action in obtaining the injunction. In Chicago, where one of the first arrests for violation of the injunction was made, the Chicago Federation of Labor authorized a campaign for funds to aid the striking shop men, following a speech by William Z. Foster, one of the nation's foremost radicals. Foster, advocate of one big union for railroad workers, criticized leaders of the rail unions for lack of unity in

75 “Shopmen Will Not Halt Walkout; to Stand on Constitution Rights,” Great Falls Tribune (Great Falls, Montana), September 2, 1922, 3.
76 “No Rights of Peaceful Men to Be Invaded by Injunction but only Rioting, Murder,” Weekly Journal-Miner (Prescott, AZ), September 6, 1922, 1.
failing to make the rail strike general.”77 Labor leader Bert Jewell fled the country with strike funds, moving them to Canada ahead of the federal injunctions.78

Judge John McGann of Cambria County, Pennsylvania, deep in the heart of strike territory, railed against the use of injunctions. “A man has the right under the constitution of the United States to work for, or to refuse to work for, whomsoever he may choose. He may cease work for any reason or for no reason at any time he may elect. That is man's absolute constitutional and state right.79 Opining against the injunction, other commentators wrote at the height of the railroad strike, “Under government by injunction, the judge is lawmaker, law interpreter, and law enforcer. He throws aside the constitution, denies free speech, free press and popular assemblage, and jails men without trial by jury. The labor injunction is the greatest menace to constitutional government that has yet been devised. It is doubly dangerous because it is used and defended by alleged friends of the constitution. No patriot can exclude the labor injunction from the list of enemies of the constitution.”80

The Superior Court at Asheville convicted three strikers of assault and kidnapping in connection with the whipping of Sam Harris, a strike-breaker. Judge Henry Lane sentenced the three strikers to seven years each at hard labor in the pen. They gave notice of appeal, and bond was fixed at $8,000 each. “Kidnapping is depriving a man of constitutional guarantees of right to Liberty. And three striking railroad employees at Asheville doubtless realize this now.”81 A Kentucky chapter of the Daughters of the American Revolution adopted a resolution claiming that the right to strike “violated the sacred constitutional right of other men by preventing them

77 “Marshals Busy Labor Day,” The Abbeville Press and Banner (Abbeville, SC), September 6, 1922, 1.
78 “Leader Jewell of Rail Shop Men Missing; Strike Funds Reported Moved to Canada,” Norwich Bulletin (Norwich, Conn.), September 6, 1922, 1.
79 “Daugherty Impeachment,” The Labor World (Duluth, Minn.), September 23, 1922, 4.
80 “Injunction Weakens Law,” The Labor World (Duluth, Minn.), October 14, 1922, 4.
81 “Editorial,” Rockingham Post-Dispatch (Rockingham, NC), September 14, 1922, 6.
from working.”82 The conclusion of the strike was ultimately negotiated company by company, in some cases over a number of years. By 1925, in many cases, the workers felt themselves fortunate to work under company unions, with contracts largely dictated by management.

Because the relationship of economic and civil liberties was so closely linked in the postwar period, the American Civil Liberties Union (ACLU) also became involved in labor struggles. At that time, the ACLU was a small, new organization, born out of resistance to the “Palmer Raids,” when Attorney General Palmer rounded up and deported thousands of alleged radicals, arresting people without warrant and conducting illegal searches and seizures.83 The initial focus on protecting the free speech rights of antiwar protestors quickly expanded to include the free speech rights of workers, in another demonstration of the ways in which free speech and labor activism were closely linked in this period. The ACLU asked President Harding to act on the situation in West Virginia, specifically to request that a Senate investigating committee negotiate a settlement between the miners and mine operators. The ACLU committee included chairman Harry F. Ward, director Albert DeSilver, and Rose Schneiderman, president of the New York Women's Trade Union League. In the letter to Harding, they wrote, “This organization for many months has been intimately concerned with the issues of free speech and free assemblage in West Virginia. The present state of conflict between the operators and the miners in the five southern counties of that state is due directly to the denial of civil rights to the miners by the employing interests and the officials whom they control…It is furthermore true that after some years of struggle the government of West Virginia is powerless to assure to miners in these five counties their constitutional right to meet, to speak freely, and to organize. Armed gunmen in the employ of the operators and public officials under the influence of the

82 “Law-Breaking is Scored by D.A.R. of Kentucky,” The Public Ledger (Marysville, KY), October 27, 1922, 1.
employing interests forcibly prevent the exercise of these rights. The state of West Virginia has repeatedly demonstrated its inability to give its citizens protection from these gunmen in the exercise of rights guaranteed every American by the federal constitution, and reinforced by every state constitution in the Union…Neither the action of the Senate committee nor the presence of federal troops will in any way effect settlement of the issues at stake. Neither investigation nor military force will open up five counties to the exercise of constitutional rights, nor will they negotiate a settlement between the striking miners of Mingo County and the operators. May we, therefore, nudge upon you some action which will bring together the parties to this conflict in order to arrive at a settlement which will insure peace and civil liberty? We are confident that without coercive legislation the conflict can be resolved through pressure by the federal government.”84 Their constitutional arguments centered firmly on the First Amendment, specifically the rights to freedom of speech and assembly.

That same year, the ACLU called on Secretary of Labor James Davis to investigate conditions in the Alabama coal mining fields. The letter, from chairman Harry F. Ward and director Albert DeSilver, alleged: “1. During the strike from September 1920 to February 1921, the whole power of the state government was thrown against the workers…The governor sent in eleven companies of state militia under the command of the adjutant general of the state, who dominated the district during the strike. He forbade public meetings and issued orders violating rights guaranteed by the Constitution. 2. The strike was ended by an arbitrary and one-sided award on the part of the governor…The decision settled no issue whatever and the economic conflict remained unchanged.” The letter also cited the company towns, in which guards

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84 “President Urged to Act in West Virginia,” The Producers News (Plentywood, MT), October 28, 1921, 5.
prevented the inhabitants from entering or leaving without permission; and the spy system in which miners were monitored and blacklisted.\textsuperscript{85}

The constitutional fights over freedom of expression were inextricably linked to the government’s restriction of civil liberties during World War I. Even members of the American Newspaper Publishers Association passed a resolution at their annual convention to “resist all interference with the rights of its members and of the press to free expression under the constitutional guarantee. As the resolution stated, in the “aftermath of the legislative and judicial powers exercised during the great war, the liberty of the press has been seriously threatened during the past year in efforts to pass restrictive legislation in congress and in state legislatures and in efforts to throttle criticism by unprecedented legal and judicial proceedings.”\textsuperscript{86} In other words, the labor activism in this period, rooted in demands for access to the fullness of constitutional rights, was also part of a larger struggle for civil liberties.

But the promise of this kind of labor activism ultimately faced insurmountable obstacles, exacerbated by postwar conditions. Between 1919 and 1922, race emerged as a decisive division with many working-class communities, and employers exploited this division. Race riots broke out in two dozen American cities and towns in 1919. In Memphis, white railroad workers struck for access to black workers’ jobs, in a conflict that quickly evolved into a race riot, and in which the U.S. attorney general refused to intervene.\textsuperscript{87} Indeed, as many historians have pointed out, the subordination and control of the black worker was central to the white worker’s self-identity.\textsuperscript{88}

\textsuperscript{85} “Demand Probe by Davis,” \textit{The Barre Daily Times} (VT), June 17, 1921, 2.
\textsuperscript{88} There is obviously a lengthy historiography of race and unions, but see in particular the Hill-Gutman debate, which has been seen as the barometer between those historians who saw labor unions as vehicles of working-class racism, primarily functioning to uphold white privilege, versus historians who believed in the transcendence of class interests and the possibilities of interracial working-class movements. See Herbert Hill, "The Problem of Race in
As racial divisions were perpetuated in the postwar years, the opportunities to develop cohesive, shared, interracial identities as “citizen-workers” became more remote.

Meanwhile, Americanization campaigns took on more frenzied, nativist shades. On July 4, 1918, pageants across the United States involved brass bands, patriotic songs, and affirmations of loyalty to the government. Ford had abandoned its quaint English classes and melting pot pageantry for a sophisticated network of spies, and would fire workers for disloyalty either to the nation or the corporation. They called their new offensive the “American Plan.” By 1919, at least eight hundred industrial plants had similar classes or programs. Allen Burns, the Director of Americanization Methods for Carnegie Corporation, described efforts to fight the IWW by making workers “feel that they register somewhere in American life…that we can expect them to feel truly American.” The “features of true Americanism” he expected them to absorb were “self-reliance, enterprise, self-direction, self-sufficiency,” all of which might cut against the grain of unionism, community and solidarity. Americanization had become an explicit tool of anti-unionism. The same year that the U.S. entered World War I, John D. Rockefeller Jr. toured the mining region of Colorado to view the results of his “experiment” in industrial relations. He participated in a flag-raising ceremony in one of the mining camps, and gave a speech titled

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89 Barrett, 1019.


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“Patriotism and Industry” at a local high school, in an example of the ongoing connection being forged between allegiance to both employer and state.\textsuperscript{91}

The postwar years also saw the first emergence of company unions, which were deliberate efforts to channel labor activism into safe, acceptable and controllable avenues. This strategy was first conceived in the aftermath of the Ludlow Massacre by W. MacKenzie King, an employee of the Rockefeller Foundation, and was structured around a series of committees on sanitation, housing, and “industrial cooperation and conciliation.” Workers were also promised discretion in choosing to shop at privately-owned stores (as opposed to the hated company stores) and the company promised to keep wage scales “competitive” with other mining districts.\textsuperscript{92} Company unions became popular methods of circumventing meaningful labor activism, and offering workers only limited and voluntary reforms. They also became mechanisms for creating and shaping a specific form of company citizenship, conflating allegiance to nation and employer.

In his study of industrial democracy between World War I and the New Deal, Joseph McCartin has demonstrated the tensions between democracy and authority in the workplace, buttressed by labor militancy and a loss of managerial control in wartime. He notes that many corporations began to require American citizenship to participate in company unions. Goodyear Tire Company, for example, required that workers be American citizens, fluent in English, and at least eighteen years old in order to participate in the company union. International Harvester and New York Telephone also required committee representatives to be U.S. citizens. As McCartin


\textsuperscript{92} Beshoar, 331.
describes it, such organizations offered a “watered-down version of democracy in industry.”\textsuperscript{93}

Not only was this a weak version of industrial democracy, but it also suggests a weakened kind of citizenship, in which the worker can claim only the most tenuous rights – those of \textit{participation} in the polity, but only through the mediation of employers, and predicated on escalating degrees of citizenship and independence.

This chapter has traced the evolution of labor activism from claiming a wide range of constitutional protections and equal rights to being limited to a more narrowly circumscribed set of protected activities, due to circumstances both within and outside of its own control. The next chapter examines the experiences of one organizer, working in the postwar period on the U.S.- Mexican border – and the limits of “constitutionalism from below” in the face of race, state and capital.

\textsuperscript{93} McCartin, \textit{Labor’s Great War}, 217-218.
Starting in 1918, the AFL attempted to organize a Pan-American Federation of Labor (PAFL) to promote solidarity and cooperation with Latin American labor unions. The PAFL ultimately failed for numerous reasons, including Mexicans’ mistrust of the AFL’s support for a restrictive U.S. immigration policy. But the effort to build that organization at all was itself deeply significant. It represented the realization by some U.S. trade unionists in the aftermath of the World War that the battle to secure workers’ rights in the United States might require extending the fight beyond the U.S. border. Looking more closely at the relationship that both led to and undermined the PAFL, especially at the interaction among state, capital and labor actors, including the experiences of organizers who lived and worked on the border, illuminates a key aspect of workers’ efforts to invest their citizenship with real rights and assert a form of constitutionalism from below in the early twentieth century. That story demonstrates the degree to which the physical border between the United States and Mexico, as well as racial divisions between Anglo and Mexican workers, complicated the efforts of U.S. workers to achieve their full constitutional rights. While constitutionalism occurred within nations, and within the structures of specific states, workers were facing an increasingly transnational economy, in which both workers and capital flowed back and forth across borders. Organizers who operated in that space recognized that a major future challenge for workers would be to claim their

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1 See Sinclair Snow, *The Pan-American Federation of Labor* (Durham: Duke University Press, 1964). Snow argues that ideological differences between the AFL leadership and the leaders of the Mexican labor movement, plus the death of Samuel Gompers in 1924, led to the ultimate failure of the PAFL.
national rights in a transnational economy. This chapter will explore this dawning recognition through the experiences of one organizer: Clemente Idar, the first paid Mexican-American organizer on staff with the AFL. Through his eyes, we see a working-class identity that is simultaneously localized, globalized, nationalized – and destabilized.

Clemente Idar was born in Laredo, Texas in 1883, the son of Nicasio and Jovita Idar. His father organized railroad workers' unions in Nuevo Laredo and San Luis Potosi, Mexico, and later edited *La Cronica*, a Spanish-language newspaper in Laredo. His younger brother Eduardo would become the leader of a unity movement for Mexican-Americans that eventually became the League of United Latin American Citizens (LULAC). Clemente followed in his father's footsteps, leaving school at a young age to work in his father's print shop, becoming a Freemason, and in 1911, working with his father and sister to organize *El Congreso Mexicanista*, a federation of community groups dedicated to improving the social, economic, and cultural status of Mexican Americans. Clemente married in 1913, and over the next few years, worked a series of odd jobs to support his growing family, like advertising salesman and translator.

Samuel Gompers hired Clemente Idar in 1918 to help with coordination and translation at a meeting of the Pan American Federation of Labor in Laredo, and hired him as a full-time organizer later that year, making him the first paid Mexican-American organizer for the AFL.

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2 Clemente Idar was the subject of an unpublished master’s thesis by Stephanie Louise Diaz, “Hyphenated citizen: A biography of Clemente Idar, the American Federation of Labor’s first Mexican-American organizer, 1918-1934.” M.A., University of Central Oklahoma, 2013. There are currently no full-length biographies of Clemente Idar.

3 LULAC was founded in 1929 in South Texas to fight discrimination against Mexican Americans, but the group tended to promote American citizenship, the acquisition of English language skills, and accommodation with the existing social and economic order. Clemente Idar’s close relationship with LULAC may partially illuminate his political path as an organizer and an activist. For more on LULAC, see Benjamin Marquez, “The Politics of Race and Assimilation: The League of United Latin American Citizens, 1929-40,” *The Western Political Quarterly* 42 (1989): 355-375; Katsuyuki Murata, “The (Re)Shaping of Latino/Chicano Ethnicity through the Inclusion / Exclusion of Undocumented Immigrants: The Case of LULAC’s Ethno-politics,” *American Studies International* 39 (2001): 4-33.

4 To place the Idar family experience in its social context, see Emilio Zamora, *The World of the Mexican Worker in Texas* (College Station: Texas A&M University Press, 1995).
The move reflected the AFL’s growing interest in building bridges to Mexican American workers. The leadership of the federation was motivated by several factors, all of which may have played a role in their thinking—the fear of immigrants taking jobs from American citizens, competition from more radical unions, and the politics of World War I, including the strategic importance of an alliance with Mexico, and the ongoing violence at the U.S.-Mexican border. There were also a number of transnational unions like the railroad brotherhoods, whose members traversed the border in the course of their work, and whose priorities aligned with, and occasionally competed with, those of their Mexican counterparts. Finally, there was the issue of labor aligning its interests with capital. As Gregg Andrews argued, during the Wilson administration, organized labor became embedded within the apparatus of the American state under the leadership of Samuel Gompers, who sought a more formal role for the AFL in relation to the government. In foreign affairs, particularly interventions in Mexico at the height of the Mexican Revolution, Gompers saw a unique role for organized labor, in which it could serve as a moderating influence on the more radical elements of the Revolution, helping to guarantee property rights and political stability for American capital, while also enlarging the economic “pie” for American workers through expanded production at home and market expansion abroad.\footnote{Gregg Andrews, \textit{Shoulder to Shoulder? The American Federation of Labor, the United States, and the Mexican Revolution, 1910-1924} (Berkeley: University of California Press, 1991). Andrews’ work is invaluable for mapping the way organized labor was incorporated into the foreign policy apparatus of the United States, which he traces to the Mexican Revolution and the Wilson administration.} Towards that end, Gompers’ interest in transnational organizing was frequently intended to weaken Mexican labor’s opposition to American business.

Clemente Idar spent most of his time as an AFL organizer working to charter existing Mexican and Mexican American workers’ organizations, bringing them into the AFL fold, as well as creating new organizations. He also constantly fought leadership for basic resources, as
well as a cultural understanding of the Mexican workers they sought to organize. He worked closely with the Confederation Regional Obrera Mexicana (CROM), Mexico's largest labor federation, and spent time on both side of the border, organizing in Texas in Laredo, San Antonio, and the Rio Grande Valley and in Mexico in Nuevo Laredo, Ciudad Juarez, and Piedras Negras. Between 1921-1922, he traveled back and forth between Texas and Mexico to build a cooperative relationship between the United Brotherhood of Carpenters and Joiners and its Mexican counterpart, Hermandad Unida de Carpenteros y Similares de America. He died in San Antonio on January 23, 1934, at the age of 51, survived by his wife and six children.\(^6\)

During the course of his work, Idar communicated frequently with AFL leaders in Washington, DC. His exchanges with AFL leadership are significant because they demonstrate the limitations of the emerging model of American unionism in which unions whose wartime gains had been beaten back by the early 1920’s hoped to survive by seeking a more cooperative relationship with capital and the state. In the 1920s unions advanced an early version of an approach that came to fruition after World War II, which the historian Charles Maier has called “productionism.” As Maier has described it, productionism diverted labor from an antagonistic relationship with domestic employers and renounced efforts to claim a greater portion of those employers' wealth, instead seeking greater wealth for all through an “expanding pie” and a cooperative relationship of increased productivity and consumption.\(^7\) While productionism would not become a dominant tendency until after World War II, its seeds were being planted in

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the 1920s as Idar undertook his mission to organize across the border. As Lizabeth Cohen and others have demonstrated, the 1920’s were years of rising mass consumption, when the image of worker-as-citizen first competed with the image of consumer-as-citizen. In the aftermath of World War II, that latter image would become ascendant, in the process making scenes of workers proudly marching down the street with their American flags, demanding their Constitutional rights, increasingly anachronistic.⁸

Idar’s work took place in the context of a struggle to define American labor’s approach toward foreign policy in the years after World War I. As the war came to a close, the official national AFL posture towards foreign policy was not shared by all parts of the labor movement. The progressive Chicago Federation of Labor (CFL), for example, rejected President Woodrow Wilson’s international vision, which was largely endorsed by the AFL. The majority of Chicago’s labor activists instead advanced what historian Elizabeth McKillen calls a “class-based oppositional foreign policy.”⁹ As McKillen has explained, the Chicago activists “anticipated the evolution of a global economy and realized that labor's international strategies ... would become increasingly critical to protecting the welfare of American workers.”¹⁰ The Chicago activists rejected the nascent vision of productionism premised on increased industrial efficiency and foreign market expansion and in its place advanced a vision of industrial democracy and even transnational worker solidarity.

As he undertook his work, Idar was forced to navigate these competing labor movement tendencies. Doing so in the context of the U.S.-Mexican border was a complicated task indeed.

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¹⁰ McKillen, 21, 219.
For Idar, organizing along the border meant confronting the trans-border realities of both Mexican and American labor relations, coming to terms with the ways in which railroads, workers, and U.S. Rangers alike moved back and forth across the border, and the ways in which state power on both sides of the border limited workers’ ability to develop effective practices of solidarity. He also had to confront the different forms of cultural identity among Mexicans and Mexican-Americans. At the same time, his organizing work on either side of the border afforded Idar an opportunity to glimpse the promise of a transnational labor solidarity rooted in shared class interests that drew upon national idioms, but reached beyond them toward the development of a global labor solidarity.11

Idar’s work took place in the context of nearly a half-century of U.S. corporate influence shaping the Mexican economy. Foreign capital, including American capital, poured into Mexico between 1876 and 1910, eventually totaling more than a billion dollars. This capital was welcomed into the country under the dictatorship of Porfirio Diaz, used to underwrite the so-called “economic miracle,” which included the creation of a modern banking system, railroad system, and other modern infrastructure.12 At the time of the Mexican Revolution in 1910, American industrialists had deep investments there.

Just as U.S. labor relations were being roiled by increased labor-management conflict in the years between 1912 and 1922, so too were labor relations in Mexico witnessing upheaval. The years just prior to and during the Mexican Revolution saw a simultaneous spike in labor

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11 Devra Anne Weber describes the central role of transnational mobility in building social movements, especially for the I.W.W. and Partido Liberal. Weber, “Wobblies of the Partido Liberal Mexicano.” See also Devra Anne Weber, ‘Different Plans’: Indigenous Pasts, the Partido Liberal Mexicano, and Questions about Reframing Binational Social Movements of the Twentieth Century,” Social Justice 42 (2015): 10-30. In this article, she suggests that there was only a nascent sense of “Mexican” identity in this period. “Workers developed ideas of collective identity and solidarity that were only tangentially related to broader notions of formal nationality or citizenship.” (15)

militancy on both sides of the border. Gompers worried about cheap Mexican immigrant labor competing with American workers, particularly in the West. He also feared that Mexican workers were more radical and therefore more likely to join the Western Federation of Miners (WFM), as the WFM and AFL competed to organize the Arizona mining industry.\textsuperscript{13} In 1903, U.S. railroad unions complained to the State Department that American workers in Mexico were suffering “discrimination,” and the State Department investigated. The union complained again in July 1909, when the Diaz government announced plans to nationalize the railroads.\textsuperscript{14} Meanwhile, American employers sought governmental support in their quest to maintain control of their international workforce. During the famous 1906 strike at the American-owned copper company in Cananea, Arizona Rangers and armed Arizona miners came across the border at the request of the governor of Sonora amid reports that Mexicans were killing Americans.\textsuperscript{15}

Porfirio Diaz resigned in November 1911, and Francisco Madero assumed the presidency. Madero encouraged the presence of American labor radicals, inviting a delegation that included Mother Jones, United Mine Workers Vice President Frank Hayes, and Joe Cannon of the Western Federation of Miners to enter Mexico and organize the Mexican miners. Mother Jones told Madero, “Mr. President, if I come down and do what I can at Cananea, the big American interests in all those mines will arrest me and put me in jail.” Madero responded by reassuring her that “If they do I will come down and make them take you out.”\textsuperscript{16} But this relationship was short-lived. Counterrevolutionary forces, led by General Victoriano Huerta and

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\item[16] Andrews, 22; Mother Jones to Ricardo Flores Magón, November 4, 1911, in Steel, ed. \textit{The Correspondence of Mother Jones}, 100. The quote is in Pan-American Federation of Labor, \textit{Report of the Proceedings of the Third Congress}, 1921, 74.
\end{itemize}
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encouraged by the American ambassador in Mexico City, toppled the Madero presidency on February 13, 1913.

Efforts to build transnational solidarity during the era of the Mexican Revolution were extremely limited. To Mexican railroad workers, as Richard Ulric Miller pointed out, the U.S. railroad unions were just another manifestation of foreign privilege. American railroad workers organized along craft lines, following their discriminatory domestic pattern, kept the skilled jobs for themselves, and treated the Mexican workers with contempt.17 When Madero had instituted a new requirement that all employees of the national railroads must be able to speak Spanish, American railroad workers in Mexico launched a general strike. Madero replaced all the strikers with Mexicans, resulting in a mass exodus of American workers, and effectively ending one of the brotherhoods.18

The ascendance of a new regime in Mexico City coincided with the arrival of a new administration in Washington DC. Woodrow Wilson started his presidential term on March 4, 1913, ushering in a progressive era in government. He appointed William B. Wilson, a former United Mine Workers official and congressman, as the first secretary of the newly-created Department of Labor, and would support a number of important reforms like the 1914 Clayton Act, to exempt unions from prosecution under the Sherman Antitrust Act; the 1915 LaFollette Seamen's Act, which granted rights to workers on ships; and the 1916 Adamson Act, which granted an eight-hour day to railroad workers. But the relationship between the Wilson administration and the labor movement was also a complicated one. Under the direction of Samuel Gompers, the AFL sought a more official “partnership” with government. But Wilson

18 Andrews, 26; Miller, 255-258.
proved to be an ambivalent ally. Gompers competed with labor lawyer Frank P. Walsh and other progressive reformers for influence in the Administration, and he never achieved the two pieces of legislation that were most important to him, effective anti-injunction legislation and restrictions on immigration.19

One of Wilson's early imperatives was to pursue an interventionist foreign policy in Mexico aimed at maintaining U.S. economic and political influence. Gompers in turn saw an opportunity through Mexico's labor movement to gain influence with the Wilson administration. If he could shape its ideological orientation, he believed he could use it both to achieve political stability in Mexico and to improve opportunities for American trade and investment—and thus demonstrate the AFL’s worth to Wilson, “winning” a seat at the table.20 As Ronald Radosh has argued, the American labor movement generally supported U.S. foreign policy “in the hope that such support would give the working class a share of the great American pie.”21

In that context, when Santiago Iglesias, a trade union socialist, AFL organizer in Puerto Rico, and trusted advisor to Gompers on Latin American affairs, proposed a Pan-American labor conference in 1915, Gompers was amenable.22 Iglesias (like Clemente Idar) was primarily concerned with protecting workers throughout the Western Hemisphere from exploitation. But Gompers saw an opportunity to increase his own influence, both in Latin American markets, and within the United States government.

19 Gwendolyn Mink argues that Gompers’ top priority was to stem immigration, and it was this issue that propelled him into political action in the first place. Mink, Old Labor and New Immigrants in American Political Development: Union, Party and State, 1875-1920.
20 Andrews, 28.
22 Snow, 9-12.
Not every member of the AFL was pleased about the proposal for a Pan-American conference. Frank Duffy, the president of the United Brotherhood of Carpenters and Joiners of America, who objected to working with the more left-wing Mexican unions, was particularly vocal. He reminded Gompers that contact with Mexican workers had yielded no practical benefits for his union, noting “The United Brotherhood of Carpenters and Joiners of America claims Mexico under its jurisdiction, but so far we have not a single local union in the country and you know we spend more money for organizing purposes than any other organization affiliated with the American Federation of Labor.”\(^{23}\) But others were more open, especially those whose trades were directly impacted by immigrant Mexican labor, like the United Mine Workers. Vice-President Frank Hayes and Ed Doyle, then Secretary of District 15 in Denver (and organizer of the infamous Ludlow strike) were particularly supportive. Doyle said that he intended to learn Spanish to organize Mexican miners in Colorado, New Mexico, and other parts of the United States.\(^{24}\) Gompers, meanwhile, was determined that left-wing organizations like the IWW would have no part in the larger PAFL.

As AFL representatives engaged in diplomacy with representatives of the Mexican labor movement, the U.S. government was heavily involved. The U.S. Secretary of State and the Secretary of War both vetted one proposal, which called for “neutral zones” along the border, supervised by respective governors from Mexico and America.\(^{25}\) At another point, Gompers wrote a letter to William G. McAdoo, secretary of the treasury, requesting labor representation on the High Commission of the Pan-American Union and stressing that labor could perform a

\(^{23}\) Andrews, 49.  
\(^{24}\) Ibid.  
\(^{25}\) Andrews, 61.
valuable service by “showing Latin Americans a more democratic, humanitarian side.” He also pushed the White House for financial aid for the proposed Pan-American Federation of Labor. That request was refused. Nonetheless, the AFL still sought to make itself useful to the Wilson Administration. When an AFL delegation of Santiago Iglesias, John Murray, and James Lord, head of the AFL's mining department, traveled to Mexico City in 1918, the delegates sought to use Mexican labor to secure Carranza's support for the Allies war effort.

It was in this context that the PAFL convened a conference in Laredo in November 13, 1918, which had a rocky start, as American and Mexican delegates clashed over resolutions to condemn the jailing of IWW members and improve the conditions of Mexican immigrant workers, and the Mexican delegation refused to vote on any matters related to U.S. foreign policy. At the end, however, Gompers and his AFL colleagues (who outnumbered the Mexican delegation) “won” elected seats as officers of the PAFL, and announced that the headquarters of the new federation would be based in Washington DC. If anyone had imagined a bright future for U.S.-Mexican labor based on mutual understanding and partnership, those hopes were quickly dashed. The new federation, from its genesis, was firmly a creation of the AFL, non-radical in its ideology, and committed to U.S. hegemony in the Latin American region.

This was the world in which Clemente Idar started working as the first paid Mexican-American organizer for the AFL. His correspondence demonstrates the complexities of his position. In some ways, he understood and agreed with Gompers’ aspiration to build a tripartite arrangement among labor, capital, and the state. At the same time, he perceived that the result of this strategy would mean that the rights of the Mexican-American worker would become

26 Andrews, 71; citing Gompers to William McAdoo, February 5, 1917, AFL Records, Reel 82.
27 Andrews, 82.
structurally subsumed to the privileges of the Anglo-American worker, a prospect that clearly troubled him.

A letter from Clemente Idar demonstrated his support for “productionism” when he wrote in 1921 about the financial benefits that Mexican industrialization offered to American firms, and his belief that the AFL’s personal relationship with the Mexican government would influence those dollars to be directed towards American firms friendly towards labor. In particular, he believed in the warmth and friendship of Luis Morones, secretary general of the CROM, who would later become secretary of economy in the administration of Plutarco Elías Calles. “As long as Brother Luis N. Morones stands at the head of any number of the Industrial Plants of the Mexican Government, the Executive Council of the American Federation of Labor can obtain the largest number of Purchases made by Morones in this country, exclusively for firms fair to American Labor,” he wrote.²⁹ He went on to speculate about the millions of dollars the AFL might be able to divert to union-friendly American business as long as Morones remained in office, pointing in particular to Mexican investment in machinery and electrical supplies. In other news, he warned both Samuel Gompers and Daniel Tobin of the Teamsters union that the situation in Tampico was serious, and urged that several AFL representatives investigate, “acting jointly with representatives of the Mexican Confederation of Labor and the Mexican Government.”³⁰

Idar nonetheless diverted from Gompers’s party line when he urged joint unionization efforts by craft unions throughout Central America. “I would also like to know if you believe that we should go into some of the Central American countries to organize labor unions under

²⁹ Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 39:1, Correspondence from Clemente Idar to Daniel Tobin — February 10, 1921.
³⁰ Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 39:1, Correspondence from Clemente Idar to Daniel Tobin — February 10, 1921.
the jurisdiction of crafts affiliated with the A.F. of L. I have seen that we can easily perform work of that kind and that our activities along that line would be fully welcomed,” he asked Daniel Tobin, secretary-treasurer of the AFL and president of the Teamsters. “Of course, I know all about the autonomy of the labor movements as stated in the Laredo Conference, but I can get requests from men connected with the labor movements of these countries for us to go in and help them,” he wrote. Idar believed that several international agreements between AFL-affiliated and CROM-affiliated crafts “are so cordial that they forgot all about autonomy.” He was hopeful that such efforts pointed in the direction of deepening cross-border cooperation and believed he was detecting “a tendency that will eventually mean merging into one international men of the same trade in Canada, the United States and Mexico.” He had already taken steps towards building the kind of international organizations he was describing. “Enclosed you will find copies of agreements made by the Machinists and Tailors of the United States and Mexico. The Brotherhood of Electrical Workers is preparing another agreement which will be submitted to their next convention,” he wrote. He was also working on cross-border cooperative agreements between molders, pattern makers, and miners. “There is no doubt that craft to craft agreements will continue to appear quite often from this time on,” he predicted. “I wish to say that I have been strongly instrumental in developing that tendency.”

Over the years, Idar would suggest a number of these transnational organizing opportunities, going well beyond the more circumscribed mission to which he’d been assigned by AFL leaders.

Idar’s vision was ambitious. During a meeting with Guillermo Seguin, the Consul General of Mexico, in Laredo, Texas, Idar pitched him on several ideas—although he reported back to Samuel Gompers, it is unclear whether Gompers had signed off on the ideas ahead of

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31 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 39:1, Correspondence from Clemente Idar to Daniel Tobin — February 10, 1921.
time. One was a proposal to create a Bureau of Employment and Information along the American side of the border between Mexico and the United States, staffed by representatives of the Mexican Government, to track data on Mexican laborers migrating from one country to the other, and to help connect these laborers with employers in the United States and Canada. “My purpose in having recommended the creation of such offices is due to the fact that the Mexican people for many years have suffered the most cruel treatment in all such border points. They are robbed of their money in exchange transactions and abused in every way that human mind can possibly devise. Mr. Seguin approved this suggestion enthusiastically and requested me to mail him a translation of our State laws relative to the establishment of such information and employment offices.”

His second proposal was to call a meeting including Seguin, a representative of Mexican labor, and a representative from the AFL to discuss how to “organize all the laborers coming from Mexico into our territory” and “to see that Mexican laborers do not work in the United States for wages lower than those obtained by the organized wage-workers or laborers of the same kind.”

Gompers was cautious in his communications with Idar. Rather than embracing Idar’s full vision, Gompers asked Idar to compile data on the number of Mexican citizens that had returned to Mexico, “and of how the Mexican Government carried out their plan of expediting the return of laborers to their country.” Idar reiterated to Gompers his belief that it was morally wrong to encourage immigration by Mexican laborers in view of high American unemployment, and that “American unemployed workers resent the opportunity being given to many Mexicans

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32 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 39:1, Correspondence from Clemente Idar to Samuel Gompers — February 10, 1921.
33 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 39:1, Correspondence from Clemente Idar to Samuel Gompers — February 10, 1921.
to work at wages much lower than the average American worker would be inclined to accept in view of the present cost of living conditions.” Referring to some confrontations in which American workers had targeted Mexican immigrants for taking scarce jobs, Idar wrote, “We must be very clear in stating that these are not race riots. They are hunger riots. They arise from the deplorable industrial conditions in which our country finds itself today, and I feel very happy over the fact that the consular representatives of Mexico…have visualized the problem in that light.”

While Idar did not openly dissent from AFL policy concerning the need to regulate immigration, he sought to draw the attention of AFL officials to the inhumane conditions under which many Mexican laborers worked, making a moral argument against immigration that included concern for the welfare of the Mexican laborer as well as the American one. He made this argument to Frank Morrison, Secretary of the AFL, who responded in chilly tones. “In your letter of June 13th, you speak of inhuman conditions which you say are being imposed upon the Mexican farm workers of Texas and you ask me to make suggestions as to the advisability of directing the attention of the Mexican Government to them,” Morrison wrote. “If workers from Mexico are being treated in violation of the laws of Texas or of the United States, I should like to have a statement of specific instances of violation.” With evidence, he said, he might be able to advise the correct course of action. However, Morrison indicated a limited understanding of the kinds of mistreatment a Mexican worker might experience in the United States. “If the Mexicans are held to labor against their will, or if they suffer physical punishment by their employers in such degree as to constitute assault, the laws of the United States, in my opinion, provide adequate means for redress,” he said, ignoring a host of other possible grievances like stolen

34 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 39:1, Correspondence from Clemente Idar to Samuel Gompers — August 5, 1921.
wages, poor housing, or nonexistent medical care. Nor did Morrison seem interested in further action. “Though deeply regretting the conditions under which the Mexican farm workers toil and sympathizing with them, without a clear statement of all the circumstances attending the inhuman treatment complained of, the American Federation of Labor can offer no suggestion as to the proper course of action,” he wrote. Whereas Morrison saw the U.S. state as the ultimate remedy for the grievances of Mexican workers in the United States, Idar believed that only cross-border cooperation and unionization would solve these problems. Moreover, he saw the Mexican government as far more likely to become an advocate for the plight of the Mexican worker in the U.S., and clearly did not trust the U.S. government to effectively remedy the situation.\footnote{\textit{Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:9, Correspondence from Frank Morrison to Clemente Idar — August 19, 1921.}}

Idar’s approach was especially innovative given the larger context within which it was elaborated. Between 1917 and 1921, the U.S. began to tighten immigration controls that had been lax for non-Asians prior to that period. Immigration policy was already heading toward the rigid, racial and ethnic hierarchies that would characterize the Johnson-Reed immigration act of 1924. Meanwhile, the Census Bureau started identifying Mexicans as a racial rather than national category. Although no quotas were placed on Mexican immigration, immigrants from Mexico were subject to discrimination that ranged from head taxes and weekly baths to arbitrary arrest and deportation by the newly created Border Patrol. During these years, argues Mae Ngai, state legislation and the huge market for agricultural workers combined to create “a kind of imported colonialism.”\footnote{\textit{Mae Ngai, \textit{Impossible Subjects: Illegal Aliens and the Making of Modern America} (Princeton: Princeton University Press, 2004), 95. David Gutierrez suggests that over the years, Mexican immigrants in the United States were continuously structuring and restructuring their own ethnic identity, with divisions between those who saw common cause among all people of ethnic descent, and those who emphasized differences established Mexican Americans and first-generation Mexican immigrants. \textit{David G. Gutierrez, \textit{Walls and Mirrors: Mexican Americans,}} 215}
Idar pushed back against these tendencies. In response to a resolution passed by the Port Arthur Trades and Labor Council opposing Mexican immigrant labor, Idar was forceful. He reminded Gompers that the numbers of incoming Mexican laborers had diminished since becoming subject to federal immigration laws, and that President Álvaro Obregón had repatriated more than 120,000 Mexican citizens, shouldering the expenses for their transportation. Additionally, he noted that he personally had helped repatriate several thousand Mexicans during a labor conflict involving the Amalgamated Meat Cutters and Butchers in Fort Worth, Texas. Idar had notified Morones about the lack of food and employment among the Mexican community in the area, and government officials had “decided to provide relief promptly” through repatriation. In light of such facts, Idar believed that Port Arthur trade unionists and others who shared their xenophobic reaction to Mexican immigration were overreacting and encouraging deepening divisions between U.S. and Mexican born workers that would otherwise have been surmountable.

His correspondence makes it hard to know for sure the extent to which Clemente Idar differed from AFL leadership on official policy toward Mexico. On the one hand, he seems to have fully embraced arguments for market expansion, and saw the AFL playing a vital role brokering economic agreements between the Mexican government and (friendly) American capitalists. On the other hand, he pushed to frame efforts to limit immigration and encourage repatriation as issues of morality for the abused, exploited Mexican laborer, and sought to build equality into partnerships between North American and Central American unions.

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_Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:9, Correspondence from Clemente Idar to Samuel Gompers— September 14, 1921._
His success also depended on navigating a complex web of state actors. In the days leading up to a meeting in El Paso, he sought assurances that Luis Morones would not experience “hindrance or molestation from federal, city or state officials of any kind,” as he wrote to AFL headquarters. “Anything you can do to see that the department of justice in Washington or the bureaus of investigation in this section of the border do not disturb our arrangements will also be highly appreciated.”

Although he engaged in occasional diplomacy, Idar sought to advance his work primarily through industrial solidarity agreements between Mexican and American unions. In a letter to Bert M. Jewell, the President of the AFL Railroad Department, he proposed bringing together the Mexican and American railroad unions to establish friendly relations and perhaps a “pact of solidarity of such a nature that the national organizations and brotherhoods of both countries of which I speak would be able to act harmoniously in times of trial and crisis.” He added that he had heard “J.W. Kelly, an organizer for the International Association of Machinists, made proposals to the Federation of Railroad Organizations of Mexico a short time ago, and that he left an unpleasant impression by virtue of untactful remarks made by him or his interpreter. Who authorized him to speak in behalf of the railroad organizations of the United States, I know not.” Despite his optimism of the possibilities of international industrial solidarity, his allusion to the “untactful remarks” speaks to the deep racial and cultural barriers that often prevented such organizing work from coming to fruition.

By February 1922, Idar was organizing on the ground in northern Mexico with the full

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38 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:10, Correspondence from Clemente Idar to Unknown— date estimated as January, 1922. The letter was signed “American Organizer.”
39 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:10, Correspondence from Clemente Idar to B.M. Jewell— January 28, 1922.
support of Samuel Gompers. On February 6, he sent pictures of the “installation ceremony” of the Carpenters Local Union #998 in Piedras Negras, Mexico, as well as 30 representatives from 10 shop craft affiliates around Eagle Pass and Piedras Negras.\footnote{Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:10, Correspondence from Samu el Gompers to Clemente Idar— February 6, 1922.} In April, Samuel Gompers advised him to remain in northern Mexico and continue his work.\footnote{Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:10, Correspondence from Samuel Gompers to Clemente Idar— April 24, 1922.}

In August 1922, Idar informed Morrison that he “continued to attend and address all meetings of the general assembly of Strikers in this locality, presiding as chairman of Strikers general executive board in meeting held every day in the week and doing all possible work every day to obtain more and more cooperation from Mexican Labor and high officials in Mexican Government—also attend and address meetings held specially for Mexican strikers.” He once again emphasized his strong belief in partnership with the state, and the importance of his relationships with government officials.\footnote{Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:10, Correspondence from Clemente Idar to Frank Morrison— August 5, 1922.}

That same month, Idar updated Morrison about an industrialist who was traveling to south Texas once a week and returning with 250 Mexican laborers to put to work in the striking railroad shops. “We do not know whether he is getting them smuggled across the border, or picking them up in south Texas.” Idar begged for guidance on whether such activities were legal, and whether Morrison thought it was “just” to either the Mexican laborers or the American strikers. “We had experiences with Mexican railroad laborers about one year ago, they were shipped in here to work on sections and do labor work on the railroad, and when the strike was settled, they were cut off, leaving about 5000 Mexicans for the citizens of Fort Worth to take
care of, and we also had to make up money to buy tickets to send these men back to Mexico.”

The Secretary of the Pan-American Labor Federation wrote to Gompers in September of that year, requesting that the AFL send a delegate to the Fourth Annual Convention of the Mexican Federation of Labor, taking place in Mexico City from September 20-30. He suggested that Idar attend as a delegate, since he “has been the point of contact between the Mexican Railway Trades Federation and the striking shop crafts, and it is to his activities, to a very large extent, that the manifestation of support and solidarity of the Mexican labor movement with the strikers is due.” If Idar attended the Convention, he argued, he could thank “our Mexican brothers” for their active support for the strike and for preventing Mexican laborers from crossing the border as strikebreakers, and brief “leaders of the Mexican labor movement and sympathetic government officials with the state of the struggle of the American railroad shop crafts, and therefore, have both the labor leaders and government officials renew their efforts to prevent Mexican workers from coming to the United States.”

The letter ended with a mention that the Mexican Federation of Labor had supported El Paso railroad workers during a recent strike, including with financial assistance, and by urging their members not to cross the border as strike-breakers.

As he attempted to bring unions on each side of the border together, Idar also continued to work with government officials to stop the influx of Mexican railroad workers into the United States. It was clear that such workers represented a potential threat to U.S. railroad workers. On August 29, 1922, A. Carillo Varcas, the President of the Confederacion de Sociedades

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43 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:10, Correspondence from Clemente Idar to Frank Morrison— August 4, 1922.
44 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:10, Correspondence from the Spanish Language Secretary, Pan-American Federation of Labor to Samuel Gompers— September 7, 1922.
Ferroconrilleras de la Republica Mexicana (the Railway Trades Federation) wrote to Idar in El Paso, informing him that the Calles government had stopped prohibiting Mexican workers from emigrating to the United States as strikebreakers, and that “closer vigilance” was needed.45

But Idar was not hostage to the reflexive anti-immigrant ideology that shaped the outlook of some U.S. trade unionists. Nor did he share their anti-radical political disposition. Instead he persistently tried to interest the AFL officials in the importance of cooperation with the more left-wing organizations in the Mexican labor movement, especially making alliances with the radical railroad unions. Frank Morrison, the general secretary of the AFL, wrote a typically dismissive letter challenging Idar’s approach on October 24, 1922. “As you know, the Mexican railroad labor organizations are not affiliated to the Mexican Federation of Labor, and the American Federation of Labor maintains the closest relations with and recognizes the Mexican Federation of Labor as the bona fide union movement in Mexico. Of course, it would be a good thing for the Mexican railroad labor organizations to establish close relations with the Railway Department of the American Federation of Labor, but I am afraid that we will have to let matters take their own course, at least until such time as it is deemed consistent with our understanding with the Mexican Federation of Labor to take a direct hand in the matter.” He reminded Idar that the suggestion that unions might affiliate directly with the Pan-American Federation of Labor would contravene the rules of the Pan-American Federation of Labor, which could “only admit into membership the national labor movements of the American countries.” To gain admittance to the Pan-American Federation of Labor, unions would have to affiliate with the sanctioned labor federations in their own countries, which effectively denied left-wing Mexican unions a

45 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:10, Correspondence from A. Carrillo Vargas to Clemente Idar— August 29, 1922.
voice in the PAFL.\textsuperscript{46}

Despite the scoldings he occasionally received from Morrison, Idar persevered in his efforts to create Mexican-American organizing vehicles, including a proposed Federal Labor Union that would admit “Mexican workers of all trades and callings without restrictions of any kind.”\textsuperscript{47} The reason why such a union needed to be created, he suggested, was cultural. “Language has been an obstacle of mountain-high proportions that the average Mexican laborer surmounts with great difficulty in the course of two and three generations. It has taken three generations for me to find myself enabled to write you this communication. Unable to read, write, or talk our language, skilled and unskilled Mexican workers of all kinds frequently join our organizations and very soon thereafter lose interest in them…They come into our organization but our organization does not go into them.” Idar urged the establishment of an organization that could “be used in order to effect the proper transition in the mind of the Mexican wage-earner of this country.” The proposed Federal Labor Union would “freely admit into membership all kinds of Mexican workers: with constitution by-laws, manual procedure and labor literature printed in the Spanish language; proceedings and deliberations in their meeting work performed through the mediumship of that same language…If we educate the Mexican worker to a clear understanding of the full nature and import of our economic struggle and we also guide him through a well-defined program of action entailing social, physical and recreational advancement, Americanism and acquisition of knowledge of the English language to a satisfactory degree, he will be able to qualify for membership in our various affiliated crafts in

\textsuperscript{46} Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:10, Correspondence from Frank Morrison to Clemente Idar—October 24, 1922.

a degree more satisfactory to his own interests and welfare and that of our organizations."\(^{48}\)

Note that Idar was not proposing an organizing model for building permanent power for Mexican workers, but rather intended to “Americanize” them in order for them to become “qualified” members of the U.S. craft unions. Nonetheless, his proposal was radical for its recognition that organizing would be most effective when it took national identity and culture into account.

With little encouragement from the AFL in Washington, Clemente Idar kept advocating for his idea of Federal Labor Unions, even organizing and affiliating model locals in Galveston and Texas City. In letters to Frank Morrison, he sent along dues that he had collected as proof of their success and asked for AFL resources to continue the work. More importantly, he begged for intervention from AFL leadership. The effort in Galveston was made more difficult, he said, by the longshoremen union there. To be fair, he wrote, they had “lent some measure of help to our men…several members have been employed on jobs controlled by longshoremen.” But other members of the new Federal Labor Union 17684 complained that the longshoremen were hiring their members first, next “any number of white men (even lads of 14 and 16 years of age) who are not members of labor organizations, and lastly Mexicans of your local 17684.” Conditions of that kind “tear me and my efforts down.” He asked Morrison to contact the president of the Longshoremen's International and ask him to specifically recommend to local presidents that they hire Federal Labor Union members in Galveston, Texas City, and other places along the coast of the Gulf of Mexico. His words ring of desperation. “I am carrying the whole burden on my back when I devote time to organizing Mexican common laborers. But I want to try and

\(^{48}\) Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:11, Correspondence from Clemente Idar to Frank Morrison—April 9, 1923.
pioneer a little more along that line…All I need is a little earnest cooperation.” He described a grand vision for the state of Texas. “With nine of ten Mexican federal labor unions, I can have a district organization and sometime in the near future perhaps even call a district convention, ever aiming to erect more of such unions throughout the entire state of Texas.” But if they continued to encounter racism in the labor movement, he warned, Mexicans would “continue to be what they have always been in the Southwest—open shop workers with no inclination to join our movement—precisely on account of the uncountable number of events that have helped to chill their enthusiasm.”

Although there is no record of Frank Morrison's reply to Idar’s passionate plea, it is clear that Idar never received the support he sought. His Federal Labor Union strategy ultimately unraveled.

Idar nevertheless persisted. After the death of Gompers in 1924, he made efforts to interest Gompers’ successor as AFL president, William Green, in his work. Green supported Idar’s efforts to seek freedom for political prisoners jailed in Texas for their role in revolutionary movements in Mexico, approving an AFL resolution that called for their release. When the governor subsequently extended pardons to the prisoners, Idar personally escorted them from Huntsville to San Antonio.

Idar also sought the support of AFL leadership to take on a federal legislative battle against two fees charged to immigrating Mexican laborers – a $10 visa fee and $8 head tax. William Green responded that neither could be changed by executive order—nor, he indicated, would the AFL exercise its political muscle to try. Although frustrated by his inability to impact

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49 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:11, Correspondence from Clemente Idar to Frank Morrison—July 30, 1923.
50 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:11, Correspondence from William Green to Clemente Idar — June 20, 1925; Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:11, Correspondence from William Green to Clemente Idar — August 26, 1926.
government policy, Idar continued to offer his analysis of the Mexican political scene to the AFL president. Of the upcoming Mexican elections, Idar said, “The constitutional provision that a Mexican president cannot succeed himself is unfortunate. I hope the constitution will be changed in order that Calles can be re-elected or if anything should happen to him that Obregón could fill that office. If Morones succeeds in being elected president in the years to come I hope that it will not be for one term only.”\textsuperscript{51} He clearly saw his personal relationships in Mexico, especially with Luis Morones, as investments in future leaders and therefore, future power.

William Green, who had served as an official in the United Mine Workers union before he succeeded Gompers as president of the AFL, seemed more open to Idar’s suggestions than Gompers and Morrison had been. Indeed, Green displayed some willingness to advocate for the conditions of Mexican laborers in the U.S. When Idar wrote to him about the poor working and living conditions of Mexican immigrants in Mississippi, Green volunteered to contact the Mexican ambassador and Luis Morones on their behalf.\textsuperscript{52} At one point, Green intervened personally when local Chambers of Commerce along the border like El Paso and Juarez submitted a petition to President Calles calling for the removal of restrictions on immigration.\textsuperscript{53} But these were marginal improvements at best. Overall, Green continued the policies from Gompers era, including those that sought to erect barriers to immigration.

In response to Green’s ascension to the AFL presidency, Idar took the opportunity to flesh out ideas he had been developing during nearly a decade of organizing work on both sides of the border. In April 1925, when William Green surveyed his paid organizers about how they

\textsuperscript{51} Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:11, Correspondence from William Green to Clemente Idar— October 28, 1925.
\textsuperscript{52} Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:11, Correspondence from William Green to Clemente Idar — December 1, 1925.
\textsuperscript{53} Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:11, Correspondence from William Green to Clemente Idar — November 23, 1925.
could “build our movement larger and stronger, both in numbers and influence?” Idar seized on
the opportunity to advance his agenda. First, he called Green's attention to a few specific
organizing opportunities scattered around the Southwest—a group of 1,500 dissatisfied miners in
Gallup, New Mexico, the lack of unionization among the 16,000 miners of Arizona. He cited
favorably the viewpoint of Charles Moyer, former president of the Western Federation of Miners
(now the International Union of Mine, Mill, and Smelter Workers) that a successful drive in
Arizona would require cooperation with the miners' organizations in Mexico. This led him to his
main point. “Because I have spent a lifetime in this section of the United States, I positively
affirm that much harm will be done to our movement as long as we fail to impress upon the
Mexican Federation of Labor the urgent need for organization of the wage-earners of their own
country, by their own organizers, over the entire northern frontier of Mexico. Every union man
along this border entertains the same view.” This was a return to his argument for an approach to
organizing rooted in community and identity, led by Mexican organizers who would speak, write
and organize in Spanish, working fluidly across the border between the U.S. and Mexico.

Idar used arguments that he knew would appeal to Green and other AFL leaders—the
impact on “American” wage-earners. “The economic conditions that prevail over our entire
Southwestern section of the United States insofar as the American wage-earner is concerned are
not today and never have been in the past what they should have been due to the lack of
organization among the workers of Mexico who have flocked over into our territory by the
millions. With a great organizing drive over that whole northern strip of Mexico's territory, we,
in due time, would be able to follow up that movement on the American side of the international
boundary line.”

He also did not just argue for a focus on Mexican workers, but added a plea for renewed
focus on African-American workers as well. His argument again was framed to appeal to AFL interests—the power of raw numbers. He said, “If it is true that we actually have in the United States more than 20 million wage-earners, it appeals to me that nine million Negroes and two million Mexicans forming a total of eleven million people surely cut a figure in the general economic conditions of the workers who belong to the trades union movement. These eleven million people practically have no contact with the organized labor movement. During the railroad shop strike it was that population of Eleven Million people that proved so useful in the hands of the railroad industry. I had occasion to see the effect wrought against us by Mexicans and Negroes all over the Southwest, while acting as chairman of the executive board of strikers in El Paso and while visiting several important shop centers during the strike.” He also pointed to the American business interests who were already fighting to lower barriers to immigration. He boldly called for two structural reforms to enable the organization of people of color at a mass scale. First, he suggested “the problem of organizing the Mexican and the Negro in the United States will never be solved until the executive officers and subsequently the membership of the affiliated crafts of the A.F. of L. take interest in it.” In other words, the will to treat these workers as a priority needed to come from leadership. Second, “great progress will be made if you can fix the attention of the Department of Labor in Washington upon the procedure of immigration that permits Mexican aliens to live in Mexico and work in the United States.”

As well as any labor organizer of his time, Idar recognized the inextricable link between government policy and the shaping of the labor movement, and sought to bend the policy as a matter of tactics. “The current immigration from Mexico into our territory up to this week has been unusually large. We have had a protracted drought. Thousands of Mexican common laborers are now on our territory. Crops are seriously threatened by the severe lack of rain.
Within the next few months, we are apt to hear of millions of dollars disbursed by the government of Mexico trying to repatriate thousands and thousands of unemployed Mexicans stranded without money or means of any kind in different sections of the United States.” To Idar, this was an implicit organizing opportunity. He suggested C.A. Vargas as an appropriate emissary to the Mexican Federation of Labor.

Having laid out much of his vision, Idar then offered a significant synopsis of the obstacles to organizing immigrant workers, including the fact that “Fraternal organizations in many instances seem to have a stronger influence over our members than the labor union. Our men often prove to be more responsive to the call of such organizations than they are to those of labor. Religion is still causing friction in many locals. In some unions, it will be found that men of one religion quietly and tactfully act together to keep away from office of those of some other religion.” In addition, the racism of the rank-and-file and past craft union discrimination against Mexican and black workers had a chilling effect on future efforts. “There is a very bitter feeling between the membership of railroad shop organizations and the men who hold railroad shop jobs but do not belong to the shop crafts…. You would be surprised if you could only see the number of Negroes and Mexicans that are holding railroad shop jobs in this territory.” He also pointed to the failure of the non-partisan labor political conferences, saying that the presence of “labor politicians” was a detriment to their ability to build and exercise independent political power. Finally, he pointed to flaw within the labor movement itself—territorialism among various central labor councils, too much autonomy, organizers who lacked the skills and ability to be successful. Labor, he argued, was not making its case to the public at large.

Idar concluded by offering his analysis of the role the state played in fostering the exploitation of workers. “In closing, I wish to say that government as the ally of capital is
responsible for the manner in which labor is overwhelmed in practically every section and center of industrial activity in the United States when large or small controversies originate. As long as capital and government are partners in the ‘management’ of our civilization, Labor will have to suffer the asphyxiating pressure of the tyranny and power wielded by those strongly associated allies. Capital through government will dictate the terms of our evolution until new events take place,” Idar wrote.

Workers’ efforts to organize would not be successful, Idar believed, unless labor got political power. “In my humble judgment, we should most thoroughly organize for our future elections. It is astounding to see that practically every branch of government in the United States is controlled and influenced by capital. Capital is aggressive and enterprising. Capital seizes every opportunity to increase its power and control over the destinies of the nation.” The implacable anti-union opposition demanded a response. “There is no power on earth nor is there any form of arbitrary procedure that the allies—capital and government—will not use to destroy the economic organizations of the American worker…. Everywhere one can see the conviction displayed by the business man that he is supported by the vast machinery of American government.”

But Idar was under no illusions about the degree of disorganization that pervaded the ranks of workers in the United States. While Idar believed that “workers also see and know” that government was dominated by corporate interests, he was disappointed by their failure to act on that knowledge. He lamented that, “instead of becoming stauncher supporters of the labor movement,” so many workers “cross the line over to the ranks of reaction.” Not only did they remain quiescent, “They generally display an air of indifference and they slam the need of battling for better conditions, for better government and for democracy.” It was enough to tempt
one to despair, he thought. “One not born an optimist and a fighter would indeed feel
dishheartened by the horrible apathy of the workers. Thank God for those we have in our ranks!”54

For Idar, the answer to the suffocating partnership of capital and the state lay in the political
power of workers, exercised – in other words, in democracy itself.

In Clemente Idar’s remarkable letter to Green, we encounter an unusually prescient
organizer who was asking some of the fundamental questions that would shape labor in the
decades to come. Idar recognized the limitations on U.S. labor, and its inability as an institution
to think and act beyond national lines, even in an increasingly transnational economy. But he
also recognized the power of cultural and national identity as an organizing vehicle, and the
amazing, tantalizing promise of citizenship and equality achieved through work. Yet even as Idar
posed some of the problems that would come to bedevil North American workers for the next
century, he was unable to find answer to those problems in his time. In many ways, the U.S.
labor movement continues to search for those answers, even to this day.

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54 Clemente N. Idar Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin. Box 3:11, Correspondence from Clemente Idar to William Green — April 21, 1925.
CONCLUSION

The Progressive Era was a critical period in the formulation of definitions of social citizenship, long before New Deal reforms enacted any such definitions into law. As this dissertation has demonstrated, the process was driven by the state and its institutions, but also driven by working people, especially recent immigrants and migrants, who were confronting the ascriptive inequality of their new nation, in contrast to its credo of freedom and equality under law, and who offered their own corrective vision for its constitutional promises.

Across a wide geographic and demographic range of workers, from Japanese plantation laborers in Hawaii, to coal miners in Colorado, to mill workers in the Northeast, similarities emerge from their conflicts with employers and the state in this period. These similarities include the subjects of struggle, which were not just economic demands for higher wages, but also included struggles for basic political rights like access to the U.S. mail and the ballot box, the right to a fair trial by a jury of peers, and the right to free speech, free assembly, and freedom of movement. This dissertation demonstrates that in the course of these struggles, workers would employ the most potent symbols and rhetoric of U.S. nationalism — the flag, the pledge of Allegiance, and the Constitution — both to present an appealing image to the public as loyal Americans, and to lay claim to the promised fruits of full citizenship. Workers’ efforts at “constitutionalism-from-below” should be understood both as an important if oft-neglected feature of the U.S. state-building process, and as a seminal episode in the ongoing struggle over the meaning of American citizenship.
As stated in the introduction to this dissertation, the story of “constitutionalism from below” during the Progressive Era took place at the intersection of three developments: the transformation of the U.S. working class; the rise of the new American state; and the emergence of the U.S. as an imperial power. The same social and racial hegemony that provided the foundation for both U.S. imperialism abroad and the suppression of immigrants and people of color at home was also responsible for preserving the economic order, justifying attacks on workers locally in the name of law and order, and federally in the name of national security. As demonstrated in Chapter 1, even the same soldiers could serve the interests of the state in a variety of assignments, mobilized overseas in the Philippines and also domestically against immigrant miners in Colorado and Michigan, revealing the strong link between the two. The state employed similar methods of suppression across these multiple areas of industrial conflict, from using the same soldiers who engaged in wars of imperialism abroad, to using the same tactics of surveillance, detention, and racial and ethnic division, demonstrating the continuum between state-building abroad and negotiations over state and citizenship at home. Surfacing this relationship redefines the actions of the state and employers during labor conflicts as a state-building activity, quelling worker activism in the quest for a docile, submissive, and obedient citizenry.

This phenomenon is detailed further in a case study in Chapter 2, as Japanese workers in Hawaii negotiated a liminal space. As immigrants from Japan, denied U.S. citizenship, they struggled to ascertain which rights they could and could not access in Hawaii, as well as which laws they were subject. Their conflicts with employers demonstrate the wide range of civil liberties which were being negotiated — not just wages and working conditions, or their rights as contract laborers, but their rights to housing, schools, banking, language, religion, and even their
right to the law itself — in other words, their right to be subject to law, to appeal to the law, and to be protected by the law, regardless of whether that law was American, Japanese, or Hawaiian. Meanwhile, the employers responded through intense coordination with state institutions, using both American and Japanese officials to coerce and control the Japanese workforce, especially through immigration and health policies.

A Progressive Era workforce that was largely composed of immigrants and people of color — not to mention women — had to overcome both legal and social obstacles to be recognized as full citizens. In this effort, they recognized the potency of appeals to a shared American identity, cloaking their demands in the language of patriotism and constitutionalism, as described in Chapter 3, and the exploration of how workers coopted and used the American flag. This also explains why workers might have practiced constitutionalism from below in relation to their rights. They weren’t just demanding higher wages or safer working conditions, but were demanding a number of rights inherent to American citizenship — freedoms guaranteed by the Constitution, and systematically denied by employers and the state, including access to the ballot box, access to the U.S. mail, access to public roads, right to their own private property, recognition of their contributions as taxpayers, and more. In Chapter 4, a number of examples illustrate the diversity of civil liberties under threat during labor conflicts, and the ways in which workers sought to protect those liberties. The workers, by and large, offered a vision rooted in classical republican free labor ideology and Reconstruction values, in which economic independence was seen as intrinsic to the idea of a fully independent and “whole” citizen. But there was even more to it than that — as people of color, immigrants, and women, particularly those who were legally excluded from citizenship, asserted that they too could access these
rights, they deliberately expanded the definition of the independent citizen fully endowed with
rights beyond its traditional bounds of white, male, skilled, and property owning.

These examples are continued in Chapter 5, which shows how the rhetoric of
Constitutionalism was used to “make the case,” as it were, to the American public. But labor also
faced extreme challenges, including a hostile court system that applied a laissez-faire
interpretation of workers’ rights. While workers made some gains during World War I, due to
the pressures of military production, they lost ground due to the conflation of loyalty to country
and company, in which labor activism became widely framed as tantamount to treason when it
disrupted production or the transport of goods, and employers participated in a concerted push to
define collective action as un-American. Moreover the more radical elements of labor were
deporated or destroyed, whether by the so-called Palmer Raids, or the actions of local vigilantes
against the I.W.W.

As a result of these developments, labor activists found themselves as a loss when
confronted with the challenges of a globalizing economy, and capital that moved fluidly across
national borders. As seen in Chapter 6, the result of limiting people’s rights as workers to
protections of a prescribed set of activities (assemblies, strikes, boycotts) rather than empowering
working people with the civil protections rooted in their identity as workers helped lay the
groundwork for difficulties that still haunt labor today. In the Progressive Era, labor framed its
activism as a fight for civil liberties. In the post-New Deal era it no longer did so.

This story shows both how workers’ struggles laid the basis for the construction of social
citizenship in the New Deal era, and how the creation of this vision of social citizenship
confronted from the beginning (through Idar’s experience especially) the problems inherent in a
transnational capitalist order. The era of the New Deal is celebrated for its recognition of
economic activity — particularly consumption — as a form of citizenship, which structurally
shaped many of its reforms.¹ But this also cemented a narrowly framed protection of worker
rights, establishing a kind of “bargain” between labor and capital, first through Section 7(a) of
the National Recovery Act of 1933, and followed a few years later through the National Labor
Relations Act of 1935, also known as the Wagner Act. The Wagner Act became the foundational
statute of labor law, guaranteeing the right of private sector employees to organize into trade
unions. But the act also bound labor to the regulatory processes of the National Labor Relations
Board, with questionable benefit to workers. To Christopher Tomlins, the act proves that in a
capitalist society, even the relatively autonomous state in practice protects the interests of capital.
He memorably condemned the act as offering a “counterfeit liberty,” concluding, “The American
state offered workers and their organizations…no more than the opportunity to participate in the
construction of their own subordination.”² To Ruth O’Brien, the Wagner Act reflected a paradox
in American liberalism, an attempt to limit the autonomy of unions through governmental
regulation and to promote individualism through the coercive power of the state.³ Meg Jacobs
saw workers’ rights in the Wagner Act limited “to their roles as consumers in the marketplace,”
thus further neutering their political identities.⁴ In the decades that followed the New Deal, both
legislatures and the courts continued their assault on unions, restricting their ability to organize

through attacks on their political spending, their ability to canvass and communicate, and their freedom to organize public sector workers. But while labor has resisted these encroachments in case-by-case situations over the past eighty years, they haven’t done so on the grounds of foundational republican rights.

In the Progressive Era, it was still broadly possible to advance a claim to the full rights of citizenship based on contributing one’s labor to building the nation’s wealth, a vestige of artisan republicanism or free labor ideology that survived into the early twentieth century. This period preceded the time when the U.S. would more clearly separate the status of worker from the status of citizen — as would happen with the creation of the bracero program — and in a period before the Wagner Act, the Fair Labor Standards Act, and the Social Security Act would begin to draw lines around labor, offering rights and protections to some, and excluding others. This dissertation, therefore, points in some ways to what might have been, the road not taken. By the end of the Progressive Era, on the cusp of the New Deal, the promise of a labor activism fully tied to a civil liberties agenda was eviscerated, replaced with one that understood labor as machinery within the economy — whether screwing widgets in place, or picketing for higher wages.

A hundred years have passed, distancing us from this expansive vision of full citizenship and a role for workers in shaping the nation. Globalization, the transnational evolution of capitalism, the separation of work and rights, the tenuous legal status of so many undocumented workers, the uneven distribution of rights and benefits among workers—all of these developments have put distance between the vision of labor activism today, and what it looked like a century ago. In the present, even U.S. labor leaders have largely accepted the concept of labor as a commodity, to be regulated by Congress, the markets, and the courts. Few would
recognize the category of “worker” as a constitutionally protected class of identity. But faced
with the indisputable fact of an American labor movement in crisis, some union activists are
once again joining together their economic and political demands. The recent “Fight for $15”
campaign waged by the Service Employees International Union, for example, served as a
rallying cry for a higher wage for fast-food workers, but also as a demand for full recognition of
a union for those workers — who are virtually excluded from collective bargaining due to the
diffuse nature of their workplaces and the unstable structure of their employment. Much of their
protest has taken place in the polity, where they have demanded that political figures adopt their
slogan or have pursued the goal of a higher minimum wage through ballot measures and state
initiatives. They have also used support for a higher minimum wage as one mechanism to judge
which political candidates to support. Thus their economic fight has become a symbol of a larger
fight around equality at work, enacted through their overt political participation.

At the time of this writing, overall union density has declined to less than 10 percent of
the population, and continues to shrink more every year. If the labor movement wants to reverse
its fortunes, the answer may reside in workers themselves — in how they have long understood
their own relationship to the state, and their citizenship within it. Labor could gain strength and
traction by once again acknowledging the fight for labor rights as a fight for a broad array of
rights, perhaps even a fight for the very promise of American democracy. It is worth
remembering and honoring the vision that these workers shared, of a free and equal society in
which citizenship could be earned through labor, and a society in which hard work and economic
participation could bring rights and freedom to its bearer. This may inform our imaginations as
we look to the future. And by enshrining the concept of “worker” as a kind of legal identity,
protected and enriched through rights guaranteed by the Constitution — indeed, by returning to
an ideology that recognizes worker-as-citizen in the fullness of its meaning — we may yet see a path forward for labor’s revival.
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