THE IMPLICATIONS OF THE SIT-DOWN

By JAY LOVESTONE

EVEN Congress has been rocked out of its sleep because of the wave of sit-down strikes. The National Association of Manufacturers has come forward with a vicious up-to-date anti-labor program. Congressman Dies has proposed a bill outlawing the sit-down strike as a violation of the Anti-Trust Laws! Of course, this ranting reactionary never found it necessary to explain how Congressional authority could be so stretched as to cover all the manufacturing operations through such a strike-breaking law. It is precisely the most bitter opponents of the Wagner Act who never raise the question of federal authority in such legislation when it is strictly anti-labor in content and intent. The legislatures of the industrial states are flooded with proposals to throttle labor organization. How many of these measures will be enacted into law is at this moment far from clear.

Law—The Quintessence of Prevailing Class Relations

We cannot underscore too heavily that law is made in the fire of class relations. Legal enactments may be talked about in committee rooms, in corridors, and in chambers of legislative bodies. However, the **actual** law is welded only on the firing line of the class struggle. That is why the writer rejects the formulation: is the sit-down strike legal? That is not the way the question should be posed. What we should do is call upon labor to use the sit-down strike so effectively as to insure a hearty response to it from the great mass of workers. Thus, the power of the working class can be mobilized to make the right to "sit-down" legal, to compel the ruling class to recognize it as legal.

Step by step labor has had to fight for its rights. Thus only has labor been able to become an ever-more distinct and independent class force. Not so many decades ago the individual *worker* did not have the right to leave his job. Soon he won that right—by fighting for it. It is common knowledge that the act of *workers* quitting work collectively was once a crime. This right was first established for labor and by labor only at the beginning of the 19th century. We turn to John Bach McMaster, the noted American historian, who sheds some significant and timely sidelights on this issue. In "The Acquisition of Political Social and Industrial Rights of Man in America" McMaster tells us that, about one hundred years ago, when Massachusetts was about to make its second constitution, a champion of the doctrine of property qualifications for voters "considered it as unreasonable that a man who had no property should act directly upon the property of others. If gentlemen would look to the statute book, to the business of the legislature, or to the courts of law, how much of all that was done would be found to relate to the rights of property. It lay at the foundation of the social state; it was the spring of all action and all employment. It was, therefore, he apprehended, wholly inequitable in its nature that men without a dollar should in any way determine the rights of property or have any concern in its appropriation."

We are further told that: "Another member of the convention said he recollected that in 1775, the saying was current that taxation and representation should go hand in hand. Take this text and apply it to the men who are excluded by this qualification from the right of voting. Who are they? The laboring parts of society. How long have they been fettered? Forty years. Who achieved our independence? This class of men. And shall we then disfranchise them? I hope not. . . . Though a man was a Newton or a Locke, if he is poor he may stand by and see his liberties voted away. Suppose an invasion should happen — these men would be obliged to come forward in defense of their country. He felt conscientiously bound to give them the right of voting."

Striking for Higher Wages and Shorter Hours Once a Criminal Conspiracy

And McMaster himself could not but comment, as far back as April 1903: "That these men should be content to live under the old conditions of labor was not to be expected . . . the first quarter of the 19th century, therefore, had scarcely passed when a great movement began in the manufacturing states for the rights of labor." Anent this great struggle, the historian tells us: "Almost at the same time the journeymen cordwainers of Philadelphia struck against a rate of wages which made it impossible by working from sunrise to sunset to earn more than $11 per week. But the strike of that year was stoutly resisted and the strikers brought to trial in the mayor's court, charged with conspiracy to raise their wages."

Why, even the struggle for shorter hours was once a crime. McMaster tells us: "Associations of workmen of every sort, demands for a ten-hour day and better wages, and strikes when they were refused, now became a feature of the times. Again and again the strikers were prosecuted for conspiracy. Sometimes, the courts held for the workmen; more often they were found guilty and fined under the common law of England. To the conservative part of the community, these demands seemed revolutionary. Yet, each one of them was long since granted as a right."

Today, these appear as dark pages in a so-called enlightened age. It is not out of place to turn the light on these shadows of the past in order to understand better how to get sunshine today. This goal will be all the more easily realizable if we constantly keep in mind one cardinal truth: In the eyes of the master class it is always illegal and criminal for the oppressed classes, for the exploited masses, to fight for enlargement and diversification of their rights. When labor first launches or loses such a fight, its objective is and continues to be a trespass on private property and, therefore, illegal. Once labor wins such a fight, its demand becomes legal, is written into law. In class society the final measure of legality is not the fraud of existent statutes but the prevailing force of the class fist.

Extend the Right to Picket Inside the Premises

The very right to strike and to organize was first recognized as legal, even in the abstract, only at the beginning of the 20th century in the United States. Even then this was only a paper right insofar as the mass production industries were concerned until the CIO came upon the scene to give it some flesh and blood—in other words, made it a living right. The right to picket—*outside the premises* of the employer—is still illegal in many states. This right to picket, which is essential to unionism if it is to live, is circumscribed in all states in varying degrees. The employing class has never, in practice, granted the right of free and untrammeled picketing in a single one of the forty-eight states. Through devious methods it is skillfully and dangerously limited in order to reduce its effectiveness to a minimum —in order to protect capitalist private property rights.

Now we are witnessing a struggle by thousands of workers for an extension of this right to picket. The right to picket inside (or on) *the premises* (sit-down) is the next one to be fought for and to be won by labor. In essence, the sit-down strike is a form of picketing on the factory grounds, on the premises, to make sure that armed thugs, gangs and scabs, and company mobs do not rob the workers of the right to the job. The struggle for this right is rooted in the mass production industries where thousands of workers are massed in one economic unit, where the employers have their private armies, private espionage services, private extra-legal agencies, and private super-governmental forces.

Private Property and Private Property

All of these rights which we have mentioned, some of them already won by labor, others still being won, still others yet to be won, are in differing degrees infringements upon the right of capitalist private property in its pristine and most unsocial, anti-social or a-social forms. But in the mass production industries, we have a different type of private property. The lawyers call it corporate property. Far be it from us to attempt to delve into legal abstractions and arguments. For us, it is sufficient to indicate that a dozen automobile plants, a score of blast-furnaces, half a dozen oil wells, a baker's dozen of rubber factories are not the same kind of private property as the toothpick, the shoe, the pillowcase, or the rocking chair. The former types of private property are *means of production* of such articles of consumption, or even of other means of production. *These means of production are socially used but privately owned.* Here is the rub; here is the source of class conflict, the soil out of which springs the sit-down controversy and other issues of similar character.

As a matter of fact, such property (corporate property) is no longer strictly private, even in capitalist society. One need but mention the existence of the Interstate Commerce Commission. In the case of railroads, and the means of communication, *the bourgeoisie as a class* have not only learned to accept but have even learned to welcome certain limitations on the privacy of their property in these fields. On the other hand, in relation to the means of production in general, such restrictions on the privacy of property—in the very interest of preserving the system of capitalist private property as such—have not yet been recognized by many bourgeois spokesmen. But even in private property, in the realm of the strictest private articles of consumption, the privacy of today is not what it was fifty years ago. The privacy of today in the field of privately-owned and personally consumed articles is very much standardized, wrapped in celophane. Note the work of the Bureau of Standards. Keep in mind the volumes of legislative acts aimed at fraudulent advertising and short weights. Why, even, the sacred cow of capitalist private property (shares or stocks) is now "regimented" by the government through the Securities Exchange Commission—in the very interest of preserving the stock market as an agency for allocating (speculatively but not planfully) capital to industries operated socially but owned privately.

Therefore, all this hullabaloo about the security of, and all the jittery editorials about the dangers to, the integrity of private property *in the immediate sense*, as occasioned by the sit-down strikes, are just that much hooey. Where the enhancement of the interests of labor is not proposed, there the capitalist ideologists and leaders do not hesitate to seek restrictions on or regulations of private property in order to safeguard capitalist private property as an institution. Find the railroad magnate who would today propose the abolition of the Interstate Commerce Commission. James M. Landis, chairman of the Securities and Exchange Commission, and Dean-Designate of the Harvard Law School, has aptly said: "But it is banking, insurance, utilities or railroads that form the dominating motif, rather than some highly theoretical doctrine as to powers that should or should not be possessed." Very appropriately, Mr. Landis further stresses that: "In the field of corporate organization, the stockholder is clamoring for protection against complexity in the corporate structure, against the divorce of ownership from control, against the uneconomic combination of business units into a far-flung enterprise."

"People's Front Illusion"

A Review

By D. SWIFT

IT is impossible to overestimate the importance of this pamphlet.* In succinct form and brilliant language, with vast knowledge and a polemical restraint bordering upon the charity of the ages, it analyzes the complex practical and theoretical problems involved in the tactic of the People's Front, and offers a realistic solution out of the horrendous mess. Mr. Lovestone has never written anything better, and I for one have a feeling that his present booklet will in time become a minor classic in the American revolutionary struggle.

A mere layman, with only a general interest in the radical movement, I can do no more than outline the contents of "People's Front Illusion." It is subtitled "From 'Social Fascism' to the 'People's Front,'" which is to say, it is a broad historical survey of the 180 degree swing of the Comintern from its ultra left policy of the Sixth Congress to the ultra right position of the Seventh Congress. Mr. Lovestone shows that the present position is not new to world labor struggles; it was denounced by Marx as far back as 1849, and it was attacked by Lenin during the World War. Kautsky and the other Kaiser Socialists were really no more than People's Frontists, but then the Communists properly held them in contempt, while now they emulate them.

Revival Of Reformism

Kaiser Socialism—or sewer Socialism, as it is known in this country, where Socialism is popularly associated with the leadership of the late Morris Hillquit and Dan Hoan of Milwaukee—is based upon a humanitarian bewilderment as to the nature of the class struggle. In other words, it is the good old reformism with a little misunderstanding of radical philosophy thrown in. It worships that vague and most misleading of all political concepts, "the people," and as a result fails to differentiate between workers' democracy and bourgeois democracy. The latter, of course, has been a nest of rattlesnakes from its very beginning in the last decades of the eighteenth century. In more recent times the great bourgeois democracies of Europe and of the American continent have brought about wars, enslaved Africa and Asia, and given aid and comfort to Fascism. The Communist Party had always distrusted these democracies, and for sound historical and theoretical reasons —until the Seventh World Congress, when the official party suddenly began to see supernal virtues in them. The theory apparently is that these democracies are the last bulwark against world fascism, whereas the fact is, as has just been said, that these same democracies gave birth to Fascism, and are doing all in their power to strengthen it and help it spread, as the great English democracy is at this moment doing in Spain.

This new line of the Comintern, known as the People's Front, is a caricature of Marxism. Mr. Lovestone, with an amazing mass of fearful and wonderful detail gleaned from every major country in the world, shows the havoc it has brought to the class struggle everywhere. In France the official C.P. has gone to the length of impeding strikes in the interest of the Fatherland, without stopping to inquire whose Fatherland, and it has even made friends with the Catholic Church and the big industrialists. In Czechoslovakia it has abolished the Young Communist League "in the interests of peace," and in Spain for a while it preferred to make friends with avowed monarchists rather than join hands with the P.O.U.M., a bona fide and magnificent labor organization—all for the sake of preserving bourgeois democracy. The workers have thus been taught by their leaders to be "reasonable" in their age-old demands lest the middle class and the industrialists refuse to fight Fascism with them! In this way the toilers are rapidly becoming politico-economic nudists, thereby postponing the proletarian revolution, for as Mr. Lovestone says, "In the class struggle, as in every other war, it is power and not self-disarmament that counts." Meanwhile, in the international field, the People's Front is largely to blame for the Spanish tragedy. The Azana government temporized with the military, who were preparing a coup under its very nose, in order to maintain democracy! The folly of this general policy became quickly evident, as the continual swing of the government to the left indicates, but this elementary lesson in Marxism and *Realpolitik* has cost the lives of thousands upon thousands of workers.

Return To Marxism

The only way out of the People's Front mess is, of course, a return to Marxist principles, to the abiding fact of the class struggle, to the ever-lasting truths that the only democracy worth fighting for is a workers' democracy and that this workers' democracy can be achieved only by the united front of workers. Merely to be anti-Fascist is not to be a worker. To be a worker one must be a worker. There can never be any common ground between those who toil and those who live on capital.

The People's Front in the United States is only a bit more preposterous than its counterpart on the European continent because of the greater immaturity of its leaders. Thorez may be misguided, but Browder barely knows what it's all about. Harry Pollitt may be a hyp-

(*Continued next column*)

* *People's Front Illusion.* By Jay Lovestone. Workers Age, N. Y. 20c.