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The Path We Must Follow Leads Neither to Right Nor Left.

William O. Douglas

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THE PATH WE MUST FOLLOW LEADS

NEITHER TO RIGHT NOR LEFT

BY WILLIAM O. DOUGLAS
U. S. Supreme Court Justice



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FOREWORD

The following pages contain an address delivered by Justice William O. Douglas of the United States Supreme Court at the Tenth Constitutional Convention of the Congress of Industrial Organizations at Portland, Oregon, Nov. 24, 1948.

TODAY LABOR STANDS ASTRIDE a world fraught with fear. It occupies a strategic position in the affairs of nations. By reason of its new strength, it is wooed as it has never been wooed before.

The Communists seek by infiltration to pervert it to their ends.

The totalitarians of the Right would like to control labor's power so as to destroy it.

The democrats of the world look to labor to keep the middle way open. They look to labor with confidence and with hope. They know that in the world today there is no stronger citadel of democracy than the halls of labor.

Labor's opportunity is unique. It is an opportunity to preserve the value of democracy in a seething, troubled world.

Labor has marched a long way down the corridors of history. In this country it had no sooner thrown off the chains of a chattel slavery than it seemed destined to be held in a new industrial serfdom. That fate was avoided by the devoted efforts of two generations. From the days of Bryan and LaFollette the tide of liberalism ebbed and flowed, until at last under Franklin Roosevelt it gathered a mighty momentum and swept away the remaining threats of an industrial serfdom.

New Standards of Justice

Collective bargaining was established and became the accepted practice and tradition. A host of laws designed to protect the worker were written on the books. Life, liberty and the pursuit of happiness became a part of the philosophy of factory management. Human rights—not property rights alone—became standards of industrial justice.

The nation's gains from the evolution that accompanied these reforms have been enormous. Although labor was the most obvious beneficiary of most of them, the victories were not narrow, class achievements. There was no appreciation from one class for the benefit of another.

The gains in a true sense were classless gains. They re-

CONGRESS OF INDUSTRIAL ORGANIZATIONS

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sulted in an increase in the standard of living that has vitalized the entire economy. They invigorated the whole body politic like a nutritious food in the blood stream. They strengthened the industrial system by removing sources of weakness. They created in the factories of America, largely through the institution of collective bargaining, a wholesome and friendly atmosphere for workers. Thus the rights even of the humblest worker are recognized. The ideals of justice are carried into the furnace rooms and machine shops of the nation.

The human welfare state is the great political invention of the twentieth century. Labor was its prime promoter. It was the first group to feel most keenly the economic insecurity of the new industrial age. It was the first to acquire a mass consciousness of the ravages of the modern factory system and of the ruthless character of depressions. And so it moved for protection on various fronts—from workmen's compensation to unemployment insurance. But while labor was the prime promoter of the new human welfare state, all groups in society—farmers, business and the professions—were its beneficiaries.

New Problems Arise

It has been with those issues that labor has been largely preoccupied. And all those problems have not been solved. But they cannot be the sole concern of labor in the days ahead. New times have brought new and even greater challenges—challenges that should make labor an active participant in international affairs.

Labor is peculiarly qualified to bridge a gap that has been growing between the United States and Europe. It is from the lips of American labor that Europe can most readily learn how democracy and freedom can be peacefully achieved in a framework of government. There is a reason for this.

A new Europe is being born. New leaders have come to power in the countries of western Europe. In almost every case their political strength is in the labor movement. The

political party with a labor base may be the Labor Party, the Socialist Party, the Social Democratic Party, or a party of some other name. The fact is that there has come out of the Nazi crucible of death a vigorous, alert and politically-minded labor party in every western European country.

The records of the Nuremberg Trials show how well Hitler understood who his enemies were. In Germany and in every country overrun by the Nazi armies, labor leaders were the first to be gathered and shipped off to the concentration camps. Some miraculously survived; others escaped capture. New and hardened labor leaders have appeared.

They know only too well what happened to them and to their companions. They know why it happened. They are icily determined that it will never happen again.

These men learned, the hard way, the importance of government. They saw how easily governmental institutions in the hands of their enemies became the mechanism for their own destruction. They learned that politics was not a game to be played only by professionals. They discovered that politics at times is literally a matter of life and death.

Men of Caution

And so today they are cautious men. They are bitter, suspicious of all those who may be undisclosed agents of predatory interests. They fear the threat so frequently voiced in Soviet propaganda that an American imperialism may be extending its power into Europe through cartels, banks and other powerful instruments of industry and finance. And they are less than ready to take a man's protestations of virtue and disinterest at face value.

They wish instead to know what he has done, what he has fought for, and what he had believed in during his entire lifetime. When they hear an American spokesman interpret the American way of life as some form of unbridled, unregulated, dog-eat-dog capitalism they want none of him. And they are powerful enough in their own nations to have none of him.

Out of this arises the importance of the fact that American

labor carries good credentials to western Europe. Doors tightly closed to all others may open at its knock. Words from American labor promise to find quick acceptance.

The conventional diplomat will fail miserably in these revolutionary days unless he understands the rise of the labor governments of the world and can evaluate the factors that have created and maintained them. Only those who have insight into these forces, who share in heart as well as in mind an understanding of the labor struggle throughout the world, are equipped to interpret correctly and faithfully what they see.

Yet knowledge and understanding of both the American and the European labor movements is the one essential tool of modern diplomacy that is unfortunately missing from the equipment of our conventional diplomats.

It is in this precise respect that American labor can render a unique service, whether it represents the government in particular missions, or sits as an observer of the European scene, or acts as an educator of the rank and file of the people.

Labor Can Help

American labor can help America understand that Europe under the political management of socialists is not a continent turning communist but a people struggling for things that are precious to men everywhere.

These labor governments of Europe are not to be scorned or feared. They seek to preserve the values of western civilization by holding the middle ground. They commonly have economic theories which are not wholly acceptable to a great many of our people. Yet on the fundamentals—the rights of man, his liberty, his dignity, his security—they are truly democratic. The spiritual values which they espouse make them our brothers. We have the same ideals of justice. We need them and they need us if totalitarianism is not to rule the world. These are the things that American labor can help the American people to understand.

American labor has, moreover, tremendously significant

messages for Europeans. It can prove by its own accomplishments that human welfare and progress can be achieved without class warfare. It can show that the successful struggle is indeed not along class lines.

We in this country will not understand the European labor movement unless we remember that it has to a considerable degree a class base. We are apt to underestimate the influence of the socialist philosophers upon European thinking. The base of European labor is definitely not the perversion which Lenin and Stalin have made of the original socialist theory. That is to say, European labor is not communist. But history has woven the European fabric with a strange twist that has been omitted from our own.

"Class Society" Concept

The development of the history and culture of Western Europe has from feudal times been based on the concept of a "class society." There were the lords and ladies of the castle. Then the hierarchy descended through the squires of the manor house, the artisans, and the peasants of the field. This was the historical condition which Marx—and those socialist writers and thinkers who both preceded and followed him—observed. This then formed the base for their economic thought. To them the class society was the civilization within which men lived and within which they died.

These socialist philosophers have profoundly influenced the thinking of the labor movements of Western Europe. For this reason when European labor has thought of replacing one government with another, or one set of government officials with another, it has thought largely of the substitution of one class for another.

The idea of class is foreign to us in this country. We are unable to function on a class basis for the simple reason that it is not part of our tradition.

Part of this attitude is due to our history. We did not build this country on class lines. Nor did we have to displace a "class society" when we cleared the forests and built our

cities and highways. Consequently the notion of equality has always been open. And if it becomes closed, we recognize the responsibility of government to reopen it. Man is born here not to class, but to opportunity. No feudal livery marks him. He stands on his own; there is no tradition that limits his potentialities.

This philosophy permeates our politics. While the aim of European political parties has been to draw men of different ideologies into separate disciplined groups, the aim of our parties has been to unite divergent groups into one. Our aim is for unity. That means compromise of various ideas and ideologies and the doctrinaire acceptance of none. It means the elimination of extremists—both Right and Left—and the development of middle-of-the-road policies.

Free to Make Changes

Our liberty is indeed the liberty to change from one dogma to another in a search for an equitable solution. For, as one distinguished jurist put it, the spirit of liberty as part of the American tradition is "the spirit which is not too sure that it is right."

This lack of class consciousness has other influences in our national life. It explains why we examine the man who stands for office not for his origin but for what he has done, for what he believes, for what his program is.

If we are satisfied with his character and philosophy, it is immaterial whether he comes from a mansion in Virginia, a log cabin in Illinois, a manor house in New York, or a farm in Missouri. That is why a goodly number of millionaires in public office today are widely recognized as active supporters of labor and exceedingly sympathetic to its hopes and causes. That is why many self-made men, who started from scratch and came to positions of power, have been repudiated because of their hostility to the great tide of liberalism that sweeps the world.

This attitude of ours is also due to the fact that we are a highly practical people. We are not beguiled and bewitched

by theories. We have the knack of differentiating clearly the end from the means. We think in terms of results—hard, practical results. But we require that the means be fair to the individual.

It is for this reason that the American people, and primarily American labor, have not been captured by the propaganda of class warfare or a dictatorship of any class. They know that the promised substitution of one class for another in control of government or business is a highly theoretical proposal. It is merely a proposal for a different means to achieve public welfare. And that means, wherever it has been tried, has not only failed to provide a higher standard of living than we enjoy; it has meant a great sacrifice in liberty and freedom which men everywhere cherish.

Road to Destruction

To American labor this invitation to class warfare is obviously a call to travel a side-street which leads not to better living, but to destruction.

American labor much prefers to operate directly on its problems such as wages, hours, housing and peace. It can do this at the bargaining table, at the polls, through organization, and through education and communication. These are the techniques that work; and they work immediately, directly, and fairly. They are not the complex brain-twisting, devious theories of communism. They are not the elaborate spinings of the class-warfare conception. They are clean, hard-hitting, practical American ways to a wholesome result.

Our approach—the approach of American labor—is not to destroy. It is to pull and push and drive—with tremendous energy. American labor knows that it has a responsibility not only to its own members, but to the whole community. And American labor knows, too, that this obligation to respect the rights of others and to develop cooperative techniques in human relations is not merely a moral and patriotic duty. It is hard common sense. It is in that way and not by crushing all

those who are outside of its own ranks that labor can secure a vigorous economy and a higher standard of living.

Labor's role in our national progress is unique and paramount. It is labor, organized and independent labor, that can supply much of the leadership, energy and motive power which we need today.

American labor can do more than any other group to dissipate the notion that the fate of man is to pit class against class in a series of great blood-lettings. It can help show Europe that it need not be the victim of the concept of a "class society." The experience of European labor under Hitler proved that there was no safety in doctrinaire assumptions. The divisive influence of the Soviets—the pitting of each group against another—proves the same. American labor can help Europe understand these lessons.

Workers Are Free

American labor can show how a human welfare state creates health and stability throughout the whole economy, and works for the security and well-being of all classes. America has avoided the fate of the sweat shop. Our industrial plant today is one of the great strongholds of democracy. Our workers are free men, free to vote, free to speak and free to worship as they please. They are lashed to no one political party. Their unions are not puppets of a political clique. There is such a thing as industrial justice; and programs of social welfare and a rising standard of living for all go hand in hand.

These are things that American labor can show. It can also show that the world's path to peace and security is the one they took in escaping the industrial serfdom that threatened to ensnare them.

It can show how a human welfare state has managed to distribute in an increasingly equitable manner the dividends of modern technology; how the standard of living has more than doubled here about every forty years. It can show how in that time the output per man-hour has more than doubled

in manufacturing enterprises, with a decrease in the work week of around 10 hours, while the purchasing power of the wages of the average factory worker has approximately doubled. It can show how almost two-thirds of the civilian labor force (agricultural labor excluded) are now covered by some form of unemployment insurance and over 98 per cent by some form of old age insurance.

Labor as a missionary of the American way of life can do more than this. It can help counter the Soviet propaganda that in the democratic nations of the world, war is the only device that government can design to give maximum production and full employment.

Those in labor circles know, as the distinguished President Philip Murray of the CIO has eloquently proclaimed, that real economic security lies only in maximum production and full employment.

Depressions Man-Made

During the half century ending in the early 1940's the money earnings of the average worker in this country (agriculture excluded) rose over 250 per cent. During that period the real earnings increased over 65 per cent. But, nevertheless, the effect of the depression in the 30's was so severe that the real earnings at that time dropped practically to the level of forty years earlier. One-fifth of our national labor force was idle. The dent in our national income was so great that it completely wiped out the gain in wage rates that had been painfully obtained since the early 1890's.

Violent swings in the business cycle are not as certain as death or taxes. Nor are they as inexorable as the law of gravity. They are man made; and being made by man, they can be controlled by man.

It is indeed cowardly to conclude that man is doomed to be the victim of his own business arrangements and that he is powerless to do anything about it.

It is indeed ironical and shocking to conclude that it is only through war that we can get maximum production and full employment.

We of the democratic faith deny that there is any inevitability whatever in these predictions of despair. We believe that there are brains and character and ingenuity in this country and in the world adequate to substitute periods of production and employment for the man-made depressions we have suffered in the past.

The factors which bear on that problem are varied and complex; they touch all phases in the life of society. There is no easy or ready answer to the problem. It has many facets and angles. Labor knows this.

And so it is that labor has turned its attention to the interdependence of nations, to economics, to the relation of costs-profits-prices, to taxes, and to all the other factors that determine the prosperity and security of peoples and of nations.

Must Work Productively

Labor is thus interested in the policy that determines what the level of production will be. Labor, management and investors have a long term solidarity of interests. Maximum production and full employment provide the only real security for all elements of our society. There is an overriding public interest that affects all business, including private enterprise. Production and employment are matters of great public concern. The basic security of the nation itself depends on the ability of labor, management, and investors to work productively.

The Communists miss the point of history when they make class warfare the challenge of this age. That is not the challenge. The challenge is more subtle and more demanding. The challenge is to make the modern industrial plant operate smoothly and productively for the benefit of all.

This is not a job for one group alone. No one group has the technical competence, the know-how, the experience to go it all alone. It is, indeed, a joint responsibility of labor and management to see the modern industrial plant serves the needs of the public. The challenge is so fundamental

that the survival of the democratic scheme of things may depend on the manner in which we respond.

The power labor has today constitutes a great leverage on our economy. The power it holds in the councils of nations will become increasingly great. Responsibility inevitably follows power. When the power is one over society and its welfare, the power is indeed a power in trust. So it is that labor, no less than management, has an obligation that transcends narrow, selfish interests. It is an obligation to turn its energies and resourcefulness not to protect vested interests, not to seek some temporary advantage, but to promote every known device which will lead to maximum production and full employment.

World-Wide Struggle

These are fateful days for all peoples of the world. Powerful ideological forces are pitted against each other. There is an increasing polarization to the Left and to the Right. But the great middle group in all nations are the democrats. They are the ones who have nourished freedom of speech, freedom of religion, freedom of conscience. They have built systems of government under which diversity among men is encouraged and glorified. They have refused to cast and mould man into one ideological pattern. They have proclaimed the great spiritual values of the Brotherhood of Man. They believe that the dignity and freedom of man are the ultimate aims of society.

It is essential that the democrats of the world stand united. The polarization to the Left and Right must not continue. It derives from despair and discord—often minor in character, that prevents unity and undermines strength. It is as if religious sects, quarreling over minor differences in their faiths, overlooked the essential unity of their creeds, that One Being rules the whole universe.

American labor can contribute mightily to the fusion of the various democratic groups of the world into a harmonious whole. American labor can teach class-conscious groups the

folly of class warfare. American labor can spread the faith in the American way that builds a classless society without exploitation of any group.

Must Understand World

This requires that American labor understand the world of today. It can no longer take refuge in the slogans of by-gone days. It cannot indulge the luxury of complete pre-occupation with traditional trade-union activities. It must understand geography and economics and history. It must be versed in the causes which led to Hitler and to Mussolini, to Lenin and to Stalin. It must be able to detect the early manifestations of new malignant growths of a social and political character.

The values of the democratic system are at stake throughout the world. The time for action is now. The task is for us, not for our sons or our sons' sons.

We know from our own experiences that labor has the character and strength to rise to real greatness. It has achieved maturity and wisdom.

Today labor, better than any other element in our society, can weld the democrats of the world into a group within its power to guide Western civilization, *neither to the Right nor to the Left*, but down the broad middle highway to abundance, to security, and to peace.

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