

William Cullen Bryant

William Cullen Bryant (1794–1878) was born in Massachusetts, and early in his life was considered a child prodigy as well as a fine poet. A poem criticizing Thomas Jefferson was published when he was 13. His most famous poem, “Thanatopsis,” meditates on nature and death and anticipates the transcendental ideas of Ralph Waldo Emerson. Bryant became a journalist and the editor of the *New York Evening Post* in 1829 until his death. He backed populist causes including the Free Soil movement and was an avid supporter of Abraham Lincoln. His editorials were influential in shaping public opinion.

On the Right to Strike

Sentence was passed on Saturday on the twenty “men who had determined not to work.” The punishment selected on due consideration by the judge was that officers appointed for the purpose should immediately demand from each of the delinquents a sum of money which was named in the sentence of the court. The amount demanded would not have fallen short of the savings of many years. Either the offenders had not parted with these savings, or their brother workmen raised the ransom money for them on the spot. The fine was paid over as required.

All is now well; justice has been satisfied. But if the expenses of their families had anticipated the law and left nothing in their hands, or if friends had not been ready to buy the freedom of their comrades, they would have been sent to prison, and there they would have stayed until their wives and children, besides earning their own bread, had saved enough to redeem the captives from their cells.

Such has been their punishment. What was their offense? They had committed the crime of unanimously declining to go to work at the wages offered to them by their masters. They had said to one another, “Let us come out from the meanness and misery of our caste. Let us begin to do what every order more privileged

we were true brothers to each other, and would resolve not to sell the only thing which is our own, the cunning^o of our hands, for less than it is worth.” What other things they may have done is nothing to the purpose; it was for this they were condemned; it is for this they are to endure the penalty of the law.

We call upon a candid^o and generous community to mark that the punishment inflicted upon these twenty “men who had determined not to work” is not directed against the offense of conspiring to prevent others by force from working at low wages, but expressly against the offense of settling by preconcert^o the compensation which they thought they were entitled to obtain. It is certainly superfluous to repeat that this journal would be the very last to oppose a law leveled at any attempt to molest the laborer who chooses to work for less than the prices settled by the union.

We have said, and to cut off cavil^o we say it now again, that a conspiracy to deter, by threats of violence, a fellow workman from arranging his own terms with his employers is a conspiracy to commit a felony: a conspiracy which, being a crime against liberty, we should be the first to condemn; a conspiracy which no strike should, for its own sake, countenance for a moment; a conspiracy already punishable by the statute, and far easier to reach than the one of which “the twenty” stood accused; but a conspiracy, we must add, that has not a single feature in common with the base and barbarous prohibition under which the offenders were indicted and condemned.

They were condemned because they had determined not to work for the wages that were offered them! Can anything be imagined more abhorrent to every sentiment of generosity or justice than the law which arms the rich with the legal right to fix, by assize^o, the wages of the poor? If this is not SLAVERY, we have forgotten its definition. Strike the right of associating for the sale of labor from the privileges of a freeman and you may as well at once bind him to a master or ascribe^o him to the soil. If it be not in the color of his skin and in the poor franchise^o of naming his own terms in a contract for his work, what advantage has the laborer of the North over the bondman of the South?

cunning: skill, craft

candid: honest, unbiased

preconcert: prior agreement

cavil: trivial objection

assize: judicial action, legal verdict

ascribe: assign

franchise: officially granted right or privilege

Punish by human laws a "determination not to work," make it penal by any other penalty than idleness inflicts, and it matters little whether the taskmasters be one or many, an individual or an order,^o the hateful scheme of slavery will have gained a foothold in the land. And then the meanness of this law, which visits with its malice those who cling to it for protection, and shelters with all its fences those who are raised above its threats. A late solicitation for its aid against employers is treated with derision and contempt, but the moment the "masters" invoked its intervention, it came down from its high place with most indecent haste and has now discharged its fury upon the naked heads of wretches so forlorn that their worst faults multiply their titles to a liberty which they must learn to win from livelier sensibilities than the barren benevolence of Wealth, or the tardy magnanimity of Power.

Since the above was written we have read the report of Judge Edwards' address on sentencing the journeymen. It will be found in another part of this paper. We see in this address an apparent disposition to mix up the question of *combination*, which is a lawful act, with that of *violence*, which is allowed on all hands to be unlawful. We repeat that it was for the simple act of combining not to work under a certain rate of wages, and not for a disturbance of the peace, that the twenty journeymen were indicted, tried, convicted, and punished. It was expressly so stated in Judge Edwards' charge to the jury which brought in the verdict of guilty; and whoever will look at the address made by him in pronouncing the sentence will find that he still maintains and repeats, in various forms of expression, the doctrine that combinations to demand a fixed rate of wages are unlawful and punishable.

This tyrannical doctrine we affirm to be a forced construction^o of the statute against conspiracies injurious to commerce—a construction which the makers of the law, we are sure, never contemplated. We are now told, however, that it will be insisted upon and enforced—let it be so—it is the very method by which either the courts of justice will be compelled to recede from their mistaken and arbitrary construction, or the legislature will interpose to declare that such is not the law. Carry it into effect impartially and without respect of persons^o and there will not be people enough left without^o the penitentiaries to furnish subsistence to those who are confined within them.

"Self-created societies," says Judge Edwards, "are unknown to the Constitution and laws, and will not be permitted to rear their crest^o and extend their

baneful influence over any portion of the community." If there is any sense in this passage it means that self-created societies are unlawful and must be put down by the courts. Down then, with every literary, every religious, and every charitable association not incorporated! What nonsense is this! Self-created societies *are* known to the Constitution and laws, for they are not prohibited, and the laws which allow them will, if justly administered, protect them.

But suppose, in charity, that the reporter has put this absurdity into the mouth of Judge Edwards, and that he meant only those self-created societies which have an effect upon trade and commerce. Gather up then and sweep to the penitentiary all those who are confederated to carry on any business or trade in concert, by fixed rules, and see how many men you would leave at large in this city. The members of every partnership in the place will come under the penalties of the law, and not only these but every person pursuing any occupation whatever who governs himself by a mutual understanding with others that follow the same occupation.

The judge observes that "combinations which operate to the injury of the employers or of the trade, will, in the regular course of events, be found injurious to journeymen." We heartily wish that all the doctrines of the address had been as sound as this. Combinations to the injury of trade necessarily injure workmen, and in this lies the remedy. Workmen will not, any more than employers, do what is to their own injury. If they combine without good grounds, their error carries its own penalty along with it, and may be safely left to be chastised^o by the suffering which is the natural consequence of such folly. The interposition of the law in that case is idle and presumptuous. You may as well make a law to prohibit people from going too thinly clad in cold weather.

"We have had in this country so little experience of these combinations," proceeds Judge Edwards, "that we are at a loss to know what degree of severity may be necessary to rid society of them." We wonder not at this embarrassment—the difficulties of which the judge speaks will be increased with every one of the penalties he threatens to impose. The severer the penalties, the more glaring will be the injustice of the law, the more it will be discussed, and the sooner will the legislature interfere.

England has had experience of these combinations, if we have not. England has had long, ample, and instructive experience, both of combinations and combination laws; and what is the lesson which this experience has taught her? She learned that "the attempts to enforce the provisions of the Combination Act," we quote the *Edinburgh Review*, "did infinitely more harm than good," and she accordingly, twelve years ago, blotted the combination laws from her

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order: organization

construction: interpretation

respect of persons: discrimination based on rank, power, wealth, etc.

without: outside of

chastised: punished

statute book. She did this not with a Whig, or Radical, or reformed Parliament, but while the Tories were in power, and the realm was ruled by an aristocracy. Will not our own country be wise enough to profit by her experience without a taste of the evils by which it was acquired?

[1836]