Consent and coercion: How the ideology of progressivism preserved capitalist relations in Nevada, 1900-1919

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CONSENT AND COERCION:
HOW THE IDEOLOGY OF PROGRESSIVISM PRESERVED
CAPITALIST RELATIONS IN NEVADA, 1900-1919

by

Daniel M. Barber

A thesis submitted in partial fulfillment
of the requirements for the degree of

Master of Arts

in

History

Department of History
University of Nevada, Las Vegas
April 1997
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ABSTRACT

During the so-called "Progressive Era," the State of Nevada influenced the consciousness of workers by rewarding proper thinking with access to state power and punishing improper thinking with criminal sanctions. Nevada Governor Emmet D. Boyle fostered a relationship with the state's prominent trade unionists that promoted Progressive notions of industrial cooperation. Legislation that created the Office of Labor Commissioner in 1915 secured this Progressive consensus between the State and trade unions in Nevada. The Industrial Workers of the World (IWW) threatened this relationship however by introducing throughout Nevada's mining districts a radical, "class conscious" critique of capitalist relations. In response to this ideological challenge, trade unionists in Nevada supported passage of the Criminal Syndicalism Act in 1919. With the subsequent demise of the IWW, a hegemonic Progressive ideology in Nevada served to further conceal from organized labor the exploitive nature of capitalist relations.
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ACKNOWLEDGEMENTS

I vividly remember the dread that gripped my body as I entered the Nevada State Library and Archives in Carson City for the first time. "How many stupid questions will I ask these poor archivists," I kept thinking to myself. Though I had a vague notion of what I was looking for, I really had no idea if enough documents existed to construct a thesis. After meandering around for an hour or so, some kind soul on staff suggested that I inspect the Guide to the Governors' Records in the Nevada State Archives, 1861-1945. Excited to see "Labor" entries under Governor Boyle's name, I hurriedly flew upstairs and asked to see his files. In the olive green folders sat not monographs or articles about history but history itself. As I rummaged through the gold-mine of letters between Boyle and various labor leaders, I thought to myself, "Man, I am really doing history here..." No other experience in graduate school can compare with that moment.

Of course I am indebted to the many who helped me complete this project. Jay Coughtry's confidence in my ability allayed many fears along the way. His dedication to his craft is truly inspiring. The entire staff at the Nevada State Library and Archive -- particularly Guy Louis Rocha -- were unbelievably friendly and supportive in suggesting avenues to solve any research problems that arose.

My embarrassingly long career as a student can be blamed on all of the fine
professors I have encountered at UNLV. Eugene Moehring's advise "to follow the dialectic" and officially enroll in the History Department's MA program turned out well and is much appreciated. His Irish wit made the cramps I received in my hand while frantically scribbling notes from his rapid-fire lectures worthwhile. Andy Fry's emphasis on the importance of good prose for the aspiring historian has been invaluable. Colin Loader's keen theoretical mind and friendship has made graduate school quite pleasurable. I hope his Red Sox win before the Lord returns.

As an undergraduate student in Political Science, an entire world of thoughts cascaded into my consciousness because of Gary Jones. His persuasive advocacy of living a life of contemplation has been without question the greatest influence on my life. Similarly, Tom Wright's effect on my intellectual development has been crucial. If I regret anything, it is that I did not pursue my interest in Latin America under his tutelage.

My family and friends have been indispensable these past few years. A subsidized existence lived as a result of sacrifices by my Mother allowed me the leisure to study. My brother Christopher similarly helped in this regard. Chums Steve Tarply and Dave Chan provided the appropriate escapes from academia. Comrade Bill Bush, fellow graduate student and punk, offered his friendship and acute critical mind to my work. Having held up the "left-flank" with me among the Department's teaching assistants will no doubt serve him well when the revolution begins. Slán.
To my Mom,

a saint
Why has there been no class consciousness (or no socialism) in the United States? Or, put more exactly, why have American workers, unlike Europeans, failed to see themselves as a group in society - a "class for itself" - with interests wholly distinct from and opposed to those of their employers, petty producers, and the state.

-Sean Wilentz, Labor Historian

...[T]he past year has brought us face to face with a problem of industrial unrest which is taxing the very best thought of thinking men and women everywhere. I refer to the activities of a fast growing and pernicious group of persons... who are blindly striving to reconstruct or rather destroy our present system of society, commonly called the Industrial Workers of the World, and those on the other side which include a small but powerful group of employers who still believe in the old-world rule of autocracy in industry. The danger in the industrial unrest of today consists in the possibility that one or the other of these forces may gain an advantage which will enable them to successfully prevent the State from establishing a just order in the conduct of labor dealings.

-Nevada Labor Commissioner Robert F. Cole, 1920
INTRODUCTION: "EXCEPTIONAL" QUESTIONS

On a fresh spring-filled morning in May, 1920, Robert F. Cole sat alone in his Carson City office and reflected upon the turbulence of his past year as Nevada’s Labor Commissioner. A recent job offer from Chicago to run the Bureau of Research and Official Reports with the Railroad Labor Board stared up at him from his desk. The exhausting and entirely frustrating negotiations to end the miners’ strike in Tonopah last fall weighed heavy on his mind. He recalled the absurd scene of his friend and boss -- Governor Emmet Boyle -- standing on the back of a car in a Tonopah ballpark attempting in vain to convince the crowd of striking miners that the radical Industrial Workers of the World were "destructive of all industry." Cole similarly reminisced on the destructive role of the Tonopah and Divide Operators’ Association in the strike. Having refused to concede an inch on what he believed were the reasonable wage and hours demands of the strikers, the mine-owners only served to strengthen the position of the rabble-rousers. At the end of the day it seemed as if the past sixteen years of representing the interest of organized labor in Nevada -- from Protective Board Chairmen of the Brotherhood of Locomotive Fireman and Enginemen (BLF&E) to Labor Commissioner -- were simply Sisyphean
acts. Beset with memories, a weary Cole grabbed a pen and composed a letter of
a letter of resignation to Governor Boyle.¹

Echoing the thoughts of Commissioner Cole, mainstream organized labor in
Nevada during the so-called "Progressive Era" found itself situated between radicals
and reactionaries. The radicals, represented by the syndicalist Industrial Workers of
the World (IWW), wanted to abolish the wage-system and thereby reconstruct the
social relations arising out of production. Though it welcomed any legislation that
improved the condition of their workers, the IWW viewed the State as simply another
weapon used by capitalists to bludgeon the working class in strikes. As a result of
this, the State would have to be destroyed and replaced by councils of workers who
would govern society from the factory floor. The reactionaries, represented by
various mine owners, wanted to preserve capitalist productive relations and protect
their absolute autonomy to dictate the conditions of employment. For these
capitalists, the State only performed well when protecting the rights of property from
bomb-throwing strikers. It did not perform well for them when it attempted to
regulate production in ways that endangered profitability while attempting to benefit
workers. In the middle of these contrasting views stood Cole and Nevada’s trade
unionists who wanted to "establish a just order in the conduct of labor dealings"

¹Robert F. Cole to Emmet D. Boyle, May 5, 1920, Governor’s Records, 1861-
1945, (Nevada State Library and Archives, Carson City), Boyle File, GOV 0038-10
(indexed and hereafter referred to simply as "Governor’s Records"); Guy Louis
Rocha, "Radical Labor Struggles in the Tonopah-Goldfield Mining District, 1901-
1922," Nevada Historical Society Quarterly 20, (Spring 1977); 29-30; Robert F. Cole
to Emmet D. Boyle, March 28, 1915, Governor’s Records, GOV 0014-10.
within their "present system of society."^2

This study examines what mainstream organized labor in Nevada meant by a "just order" and why they rejected the more revolutionary outlook of the IWW. In order to improve the material condition of trade union members, leaders like Robert Cole accepted a reality dominated by capitalist economic structures and the ideology of possessive individualism^3 in the hope of bringing about change, albeit evolutionary and exceedingly moderate. This "trade union" or "worker" consciousness expressed by mainstream labor clearly rejected the IWW's form of "class" consciousness which presupposed — in theory at least — a proletariat conscious of its historic role to destroy capitalist relations and create a socialist society. To achieve their non-revolutionary ends, mainstream organized labor looked to "progressively reform" the State so that it could legislate and enforce "a just order" in industrial relations. Drawing upon a

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^3"Possessive individualism," refers to a conception of human nature in which an individual "is free inasmuch as he is proprietor of his person and capacities. The human essence is freedom from dependence on the wills of others, and freedom is a function of possession. Society becomes a lot of free equal individuals related to each other as proprietors of their own capacities and what they have acquired by their exercise. Society consists of relations of exchange between proprietors. Political society becomes a calculated device for the protection of this property and for the maintenance of an orderly relation of exchange," C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, (London: Oxford University Press, 1962), 3.
worker consciousness developed over time, organized labor in Nevada sought to
influence the State so that it might reflect the values and interests of its members. In
turn, a "progressively reformed" State of Nevada nurtured its new relationship with
organized labor in the hope of securing a worker consciousness that opposed
revolutionary (or class conscious) solutions to industrial conflict.

On an ideological level, the State and organized labor in Nevada attempted to
answer the fundamental socio-economic question that consumed the first two decades
of the twentieth century. "Everyone from Woodrow Wilson to Big Bill Haywood," in
the words of historian Steven Fraser, "acknowledged that the 'labor question' was not
merely the supreme economic question but the constitutive moral, political, and social
dilemma of the new industrial order." At its heart, this "labor question" attempted to
answer, at least in theory, what constituted the proper social and economic
relationship between employers and employees. In Nevada, a state historically
ravaged by intense and often bitter industrial conflict, its Governor and trade unionists
would coalesce around a "Progressive" ideology that allowed for an ingenious
combination of consent and coercion to authoritatively answer the "labor question."
At the same time it rewarded the worker consciousness of trade unionists, the State
Government of Nevada went about the task of outlawing ideas that fundamentally
challenged capitalist social relations. In so doing, the State under Boyle's tutelage
would profoundly influence the future consciousness of Nevada's workingmen and

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women.³

The creation of the Office of Labor Commissioner in 1915 and the passage of The Criminal Syndicalism Act in 1919 best exemplify the "ingenious combination of consent and coercion" of Progressivism in Nevada. Chapter 2 of this study briefly surveys the relationship between the State and organized labor from 1900 to 1915. Chapter 3 examines the events that led to the creation of the Office of Labor Commissioner, the practical and ideological effects of its formation, and its major accomplishments on behalf of organized labor in Nevada. Chapter 4 details the events that brought about the Criminal Syndicalism Act which effectively outlawed the IWW's syndicalist challenge to trade unionism. Chapter 5 offers conclusions to the theoretical overview that follows in this Introduction.

I

Focusing upon the State as a means to understand workers is admittedly an unusual and somewhat unpopular approach. Labor historians have for the most part constructed monographs that concentrate on either the ethnic subcultures or shop-floor culture of workers in America. While important and useful, these "new" approaches nevertheless ignore the public and political nature of those institutions -- specifically unions -- created by workers in their private and cultural lives. By seeking to

investigate and understand the nature and complexity of the relationship between organized labor and the State, this study therefore falls within the so-called "old school" of labor history. Such an approach agrees, on a rather broad theoretical level, with Melvyn Dubofsky's argument in *The State and Labor in Modern America* that "the policies and actions of the state substantially shaped the history of working people and the movements that they built." For Dubofsky, the State (and here he means the Federal Government) shaped workers in the sense that it influenced the "patterns of trade union growth and decline and the persistent dominance of capital in its relations with labor." As a result of this reasoning, Dubofsky unfortunately prefers to downplay what he calls "abstract concepts" like "value systems" (or 'worker consciousness') in favor of simply describing "tangible labor policies." It is the intention of this study however to show that value systems like Progressivism cast a pervasive light not only on the tangible labor policies of the State of Nevada but the actual consciousness of workers as well.⁴

Characterizing the State as both transmitter and receiver of a certain ideological worldview requires rejecting and accepting particular theories of how the State operates in a capitalist economy. The pluralist model, in which the State acts as an honest broker between competing interests for the common good, is acceptable only to

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the many who sadly subscribe to the "Mother Goose" version of American history. Though imperfect, Charles Beard's *An Economic Interpretation of the Constitution of the United States* successfully shows that even the creation of the United States disbursed benefits to certain (wealthy) groups. At the opposite end of the spectrum, so-called "vulgar" Marxists view the State as simply a battering-ram for a capitalist ruling-class. This of course ignores those times when the State has gone against the wishes of Capital such as abolishing child labor. Attempting to confront these episodes, New Left historians in the 1960s developed a "corporate liberal" critique of the State. In their view, regulation of the economy and "reform" legislation by the State resulted from the influence of wily big-businessmen who wanted to impede the rise of radicalism among workers and thereby save capitalist relations. While the "corporate liberal" scholarship has historical merit in describing the lobbying power of big business, it still views the State rather unconvincingly as simply the class conscious tool of the bourgeoisie -- albeit a more clever and devious bourgeoisie than originally believed.

The "corporate liberal" approach to the State entails other theoretical dangers as well. Unquestionably, the archetype of the "corporate liberal" model -- Gabriel Kolko's *The Triumph of Conservatism* -- correctly portrays the role the Federal Government played "in integrating and effectuating the capitalist priorities of the society." What it fails to properly characterize however, in the words of Michael Harrington, is "the precise mechanism whereby the priorities of the capitalist economy are translated into politics." For Kolko, the systemic "synthesis of politics and
"economics" known as "political capitalism" was "based on the functional unity of major political and business leaders." More specifically, Progressive Era "political capitalism" for Kolko was a function of "business and political elites [who] knew each other, went to the same schools, belonged to the same clubs, married into the same families, shared the same values -- [who] in reality formed... The Establishment."

Placing such power in the conscious, self-interested hands of individual political and business leaders however "leads people to look for conspiracies," according to Harrington, "and to assume a nonexistent and immediate identity of objective economic interest and subjective motivation." Kolko's "political capitalism," administered by a ruling class, "also tends to underestimate the class character of capitalism by making it dependent upon the political fate of a group of individuals rather than rooting it in the exigencies of economic structure."

In *The Triumph of Conservatism*, Kolko wrongly concludes that the political and business elites "can be conceptualized in the first place as a corporate political actor, with a collective class interest traceable through particular events and ideas in a directly expressive way, speaking through the acts of individual politicians." This is not to say that particular events cannot, in and of themselves, be traced to economic self-interest; however, it is entirely problematical to conclude from this that a group of elites consciously control events in the manner Kolko's 'political capitalism' suggests.

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In differentiating the Marxian analysis of politics and capitalism from the analysis that informs Kolko's neo-Populist political capitalism, Christopher Lasch writes:

The Marxian tradition of social thought has always attached great importance to the way in which class interest takes on the quality of objective reality, so that the class basis of ideas is concealed both from those whose class interests they support and from those whom they aid in exploiting. Lacking an awareness of the human capacity for collective self-deception, the Populists tended to postulate conspiratorial explanations of history.... They could take the form of a sophisticated economic determinism -- as in Charles Beard's economic interpretation of the Constitution -- according to which men consciously manipulate events to serve their immediate personal interests. Many American Marxists have themselves embraced an economic determinism that owes more to the Populist tradition than to Marxism, so that it is not surprising if Marxism is so often confused, by Marxists and non-Marxists alike, with the economic interpretation of history....

[Marxism] implies a radical break with the psychology of interests, according to which men rationally perceive and act upon their self-interest. 6

Such a "radical break with the psychology of interests," in which the bourgeoisie, "unlike the feudal nobility or the slaveowners, do not rule in their own name," is anathema to Kolko's theory of "political capitalism." If in fact the United States operated under the thumb of a political capitalism, "the functional illusion of this society that in it equals freely choose their work (their class) as well as their rulers" would be torn asunder. For such an illusion to exist (which it does), the class interest of the bourgeoisie must, in the words of Lasch, take "on the quality of objective reality, so that the class basis of ideas is concealed both from those whose class interests they support and from those whom they aid in exploiting." While the

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"corporate liberal" approach brilliantly describes the nature of Progressivism as essentially enforcing capitalist relations in America, it misinterprets the manner in which those relations are enforced. The neo-populist theory of "political capitalism" only obfuscates, in the words of Michael Harrington, "the degree to which government on its own... acts as representative of the capitalist class as a whole" — something Kolko's quarrelsome big-businessmen could not possibly effect.\(^7\)

The theory that best describes the State for the purposes of this study is the so-called "Neo-Marxist" approach. It suggests that the State is neither owned or slyly operated by a capitalist ruling-class nor competing special interests but rather acts autonomously in the ultimate interest of capitalist requirements. By submerging the overtly "selfish concerns of individual capitalists" under the banner of promoting the general welfare, the State "creates the social peace necessary for the expanded reproduction of capital.\(^8\)

By receiving the "worker consciousness" of mainstream organized labor, the State reformed itself and invited trade unionists to become part of a new "Progressive" consensus that created "the social peace necessary for the expanded reproduction of capital." Disillusioned with the "rapid concentration of twentieth-century American life and its attending ethical, economic, and political manifestations," the Progressives took aim at the monopolistic corporation because it represented the "most conspicuous


\(^8\)Dubofsky, *The State and Labor in Modern America*, xv.
example and agent of that concentrating force...." As a result of the post-civil war industrial revolution in America, "the privileged property represented by the behemoth corporation" had spawned, in the mind of the Progressives, European-style class conflict in which Robber Barons would fight bomb-throwing anarchists. Thus, the reform-minded Progressive ideology saw itself as situated in the middle of two factional classes -- each of which was seeking to either corrupt or destroy the State in order to benefit their narrow selfish economic interests. "Looking backward to an older America, [the Progressive consensus] sought to recapture and reaffirm the older individualistic values in all the strata of political, economic, and social life."9

In transmitting the worldview of Progressivism, the State acted to suppress anything that threatened this consensus -- specifically the radical "class consciousness" of the IWW. And once the Wobblies were defeated, the "Progressive" consensus achieved what the Italian philosopher Antonio Gramsci termed "hegemony." It authoritatively transmitted the "appropriate" answer to the "labor question" for generations of workers in Nevada.10


10Gramsci asks the fundamental 'labor question' of workers, "...[I]s it better to 'think,' without having a critical awareness, in a disjointed and episodic way? In other words, is it better to take part in a conception of the world mechanically imposed by the external environment...? Or, on the other hand, is it better to work out consciously and critically one's own conception of the world and thus, in connection with the labours of one's own brain, choose one's sphere of activity, take an active part in the creation of the history of the world, be one's own guide, refusing to accept passively and supinely from outside the moulding of one's personality?" Antonio Gramsci, "The Study of Philosophy," Selections from the Prison Notebooks, edited and translated by Quintin Hoare and Geoffrey Nowell Smith, (New York:
II

Some labor historians have questioned the propriety and relevance of viewing the American labor movement through the admittedly Marxist lens of class consciousness. Should, in other words, the thoughts of Robert Cole and his brothers in Nevada's trade union movement be examined in such a manner that they are compared -- and found wanting -- to an ideal that never existed in history? The remainder of this chapter will engage this charge in order to justify both the theory and history behind viewing mainstream organized labor in Nevada through the lens of the losers -- the class conscious model of the IWW.\textsuperscript{11}

Why is there no socialism in the United States? Apparently tired of answering

International Publishers, 1971), 323-324; The concept of hegemony seeks to understand why a certain ideological world-view became dominant in late-capitalist society. According to Joseph Femia, "Social control... takes two basic forms: besides influencing behavior and choice externally, through rewards and punishments, it also affects them internally, by moulding personal convictions into a replica of prevailing norms. Such 'internal control' is based on hegemony, which refers to an order in which a common social moral language is spoken, in which one concept of reality is dominant, informing with its spirit all modes of thought and behavior.... The masses, Gramsci seems to be saying, are confined within the boundaries of the dominant world-view, a divergent, loosely adjusted patchwork of ideas and outlooks, which, despite its heterogeneity, unambiguously serves the interest of the powerful, by mystifying power relations, by justifying various forms of sacrifice and deprivation, by inducing fatalism and passivity, and by narrowing mental horizons." For Gramsci, the State is 'hegemony armoured by coercion' - "the entire complex of political and theoretical activity by which the ruling classes not only justify and maintain their domination but also succeed in obtaining the active consent of the governed," Joseph V. Femia, Gramsci's Political Thought: Hegemony, Consciousness, and the Revolutionary Process, (Oxford: Clarendon Press, 1987), 24, 45, 28.

this so-called "Sombart question," by explaining that the American labor movement lacked a class consciousness, labor historians now ignore the question altogether. Weary, they adopt the stance of Michael Kazin who believes that

[to take the historical measure of the AFL [or mainstream labor] requires abandoning the rigid dichotomy that views skilled workers as having had to choose between socialism or the "labor aristocracy." It means -- in a nation where working people have seldom acted as "a working class" -- giving up, finally, the assumption that wage-earners under industrial capitalism should have developed a radical brand of class consciousness. We would do better to ask, "What did workers accomplish?," rather than to either praise or bewail the absence of a strong socialist or labor party in the United States.]

There is a difference though between accepting on faith alone that capitalism "should have developed a radical brand of class consciousness" and actually describing the historical conflict between, for example, the American Federation of Labor (AFL) and the IWW for the "hearts and minds" of the American worker. And furthermore, by describing this conflict, answers of some importance as to why there is no socialism in the United States can be offered. In other words, it is possible to revise the 'Sombart question' by tossing out what Sean Wilentz properly calls the ahistorical "essentialist assumptions" of the class consciousness model and preserving the historical battle that determined how workers viewed the world.

For Wilentz, so-called "consensus" historians who interpret American history as "exceptional" in comparison to other countries "share a set of essentialist


\[\text{13}\] Wilentz, "Against Exceptionalism," 2.
assumptions, loosely derived from Marx, about what a 'non-exceptional' country with
'genuine' class consciousness would look like." Stated differently, these historians
improperly accept -- as a matter of ideological belief -- a model of history in which
capitalism produces a self-conscious working class which is, by definition, predestined
to destroy capitalist relations. Those who attempt to answer the "Sombart question"
by pointing to the lack of class consciousness in the American labor movement must,
in the words of Wilentz,

assume that a powerful working-class socialist movement -- a political
species that American historians usually presume existed in nineteenth-
and twentieth-century Britain, France, and Germany -- is the sine qua
non of true class consciousness. Such, in fact, is the definition of
exceptionalism: without a widespread and sustained working-class
socialist presence -- what one recent labor historian has hailed as 'the
brand of radicalism most relevant to industrial society' -- America is
somehow exceptional, deviant, (some would say deficient), awash in
liberal ideas, and bereft of class consciousness.¹⁴

As a result of these essentialist assumptions, according to Wilentz, historiographical
use of exceptionalism and the Marxist model of class consciousness "has outlived its
usefulness, straining and distorting our understanding of class and consciousness."¹⁵

There is merit in Wilentz's criticisms. The very fact that a whole genre of
scholarship (Western Marxism) arose in Europe consumed with why the revolution
failed shows that even the true believers acknowledged that a "genuine" Marxist class
consciousness never captured "the" working class. Wilentz therefore correctly
characterizes any model as ahistorical which concludes that industrial capitalism

¹⁵Wilentz, "Against Exceptionalism," 2, 3.
should have produced a revolutionary self-conscious proletariat. Capitalism simply
did not develop the way Marx had predicted at the time of *The Communist Manifesto*;
it did not simplify class antagonisms nor did society split up into great hostile classes
which consciously faced off against each other. It would be "reading history
backwards" then, in the words of Wilentz, to examine the consciousness of organized
workers in America (or Nevada for that matter) by "some preconceived platonic
standard" that never actually existed. On the other hand, it would be appropriate, as
this study proposes, to examine the historically determined differences between the
consciousness of European workers who in the mainstream accepted the vague term
"socialist" as representing their interests and Americans who in the mainstream did
not. Stated another way, it is entirely legitimate for the historian to investigate why
European workers accepted the socialist label and, for example, created "social-
democratic" political parties while American workers rejected the Socialist Party of
Eugene Debs. A moderate exceptionalism therefore that both accepts Wilentz's
criticism of essentialist assumptions and acknowledges actual historical difference will
serve in this study to explain what mainstream organized labor in Nevada meant by a
"just order" and why they rejected the more revolutionary outlook of the IWW.¹⁶

Further, for the purposes of this study, notions of "class" (that is how the

¹⁶"[The] theories and principles [of Antonio Gramsci, Karl Korsch, Rosa
Luxemburg, a pre-Stalinist Georg Lukacs, and the Frankfurt School] were also
stamped with the consequences of a particular historical fact, namely the uniform
defeat of the West European revolutions in the twentieth century, and Western
Marxism may be considered in part a philosophical meditation on these defeats," *A
University Press, 1983), 524.
worker viewed himself within the social relations arising out of capitalist production) greatly contributed to what kind of consciousness workers would possess. As previously stated, mainstream organized labor in Nevada opposed the IWW's radical notion of the revolutionary role of workers within capitalist relations. As a result of this opposition, it is possible then to assign mainstream organized labor in Nevada a worker consciousness if one defines that term in dialectical contradistinction to the IWW's more radical class consciousness. It is important however to avoid the notion that a worker consciousness equals an uncritical acceptance of capitalism or that it necessarily rejects out of hand political reform that European workers considered "socialist." Nevada Labor Commissioner Cole after all criticized those "employers who still believe in the old-world rule of autocracy in industry" as well as the radical IWW. The struggle, for example, on both sides of the Atlantic for the legal restriction of the working day can be considered "socialist reform," but the salient point here is that only the Europeans would call it by its socialist name. It is this reluctance to proudly (and therefore consciously) proclaim the admittedly vague term "socialism" that distinguishes a "worker" from a "class" consciousness.

For Michael Harrington, the "exceptional" history of American capitalism transmitted values in which "the socialist impulse in this country expressed itself in a bourgeois rhetoric." This rhetoric reflected a worker consciousness that not only "never learned to pronounce its own [socialist] name" but actually engendered opposition to those who shouted "socialism" from the rooftops. The mass social democratic movement searched for unsuccessfully and mournfully by labor historians...
existed simply in a "pro-capitalist, anti-socialist disguise." The fact that America lacked a feudal period, enjoyed greater class mobility, higher standards of living, and the right to vote by all male citizens certainly distinguishes its development of, and qualified support for, the capitalist status quo in comparison to Europe.¹⁷

Harrington properly answers the "Sombart question" by stating that "socialism in America suffered not from the conservatism [or material abundance] of the nation, but from its irrepressible utopianism." America, in other words, was too "socialistic" (or egalitarian) in principle for the socialist critique of (European) capitalist society. The communal spirit aroused on the Anglicized North American continent by the Great Awakening of 1734 and the radical republicanism of Tom Paine certainly influenced the consciousness of workers in the 1820s and 1830s and the institutions they were creating -- an emerging trade union movement and the world's first workers' parties formed in New York and Philadelphia. As Harrington writes, "At a time when none of the working people of Europe had the right to vote, labor elected the president of the Carpenter's Union in New York to the state Assembly." Thus, a nascent proletariat of artisans were socialized into the socio-economic structure in such a manner never experienced by the powerless, disenfranchised European workers. Commenting on this historical oddity, Marx wrote in 1845 that the Americans "have had their own socialist democratic school since 1829." According to Harrington however, it was this "very favorable situation, which gave rise to the political, and even socialist, working-class movements of the 1820s and 1830s, that made the

organization of the American Left so difficult." While in Europe the outcast social and political status of the worker forced him into a class consciousness that accepted socialism, the inclusive social and political status of the American worker allowed non-working-class parties to absorb workers' demands which prevented a specifically cohesive class consciousness and socialist politics. 18

Commenting upon the distractions unique to the American worker, Marx and Engels developed the thesis "that the Left in the United States would first develop as a pro-capitalist movement." Their critique of the free land movement of the 1840s concluded that for all of its utopianism (the failure for example to recognize that increased population will inevitably lead to exhausted soil), it nevertheless represented an hostility on behalf of those being proletarianized by industrial capitalism. In other words, Marx and Engels were aware that "a confused pro-capitalist radicalism was not only possible and progressive in the United States, but inevitable as well" because of the nation's exceptional capitalist development. 19

As capitalist development intensified the proletarianization of artisans and farmers after the Civil War, these new industrial workers continued to view the world through the prism of the free-soilers' "confused pro-capitalist radicalism."
Greenbackers and middle class utopians diverted trade unions from wage drives to improve the material condition of workers. This forced Marxists of the time to line up with "pure and simple" trade unionists who, ironically, were to become the most

18Harrington, Socialism, 132, 135.
19Harrington, Socialism, 137, 138.
effective anti-Marxists in that they opposed a radical critique of capitalist relations. Sectarianism on the Left in the 1870s also contributed to the development of an anti-socialist worker consciousness; American workers of German descent, for example, adhered to Ferdinand Lassalle's state-aided cooperative scheme and therefore fought against the trade unions in the name of "socialism." In the hope of fostering a consciously radical critique of capitalism, Marxists actually fought against efforts to establish labor or socialist parties in favor of building trade unions where workers could collectively experience the drudgery of capitalist production.\(^2\)

But once the American Federation of Labor consolidated its position in the 1880s by defeating the radically anti-capitalist but utopian Knights of Labor for the "hearts and minds" of workers, the ingrained trade union consciousness of the AFL then turned on the Marxists. Conflicts with the Socialist Labor Party and its dual-union strategy in the 1890s alienated AFL leader Samuel Gompers who became increasingly hostile to socialism. Under his leadership in the 1890s, trade unionism rejected political socialism in favor of 'pure and simple' unionism and a 'volunteerist' opposition to state intervention.\(^2\)

\(^2\)Harrington, Socialism, 141.

\(^2\)Harrington, Socialism, 148-149; [Robert E. Weir argues that the Noble and Holy Order of the Knights of Labor (KOL) "addressed Gilded Age fragmentation and tried to rebuild community by constructing an entire KOL universe that embraced not only work and ideology, but also badges, parades, picnics, music, poetry, literature, and religion." (p.xix) By describing the everyday and ordinary ceremonial behavior of individual members, Weir illuminates the transformation of the Knights from a small, secretive and ritualist fraternal organization to an open, mass-based union movement. Challenging previous historiographical notions that ridiculed the earlier ritualistic phase, Weir characterizes these seemingly silly ceremonies of the Knights as integral...
Mainstream organized labor in Nevada during the Progressive Era reflected this 'exceptional' vision of American capitalism. The public schools spread the 'bourgeois rhetoric' of equality, classlessness, social mobility, and political liberty to all who could attend regardless of class or occupation. Unlike Europe where class distinctions ran deep, those institutions in American "civil society" transmitted the "idea that everyone can be a capitalist...." This particular definition of capitalism is, in the words of Leon Samson, "an American concept of capitalism. It is a socialist concept of capitalism." As a result of this utopian interpretation of history, a 'worker consciousness' that viewed politics as "socialist" became hegemonic among organized workers. "History would not allow [the AFL] to act upon that choice," in the words of Harrington, "for events pushed labor more and more towards politics and the acceptance of Federal action. By the end of World War I the trade unionists were moving toward acceptance of the socialist immediate program which they had rejected in the 1890s...." During this process of politicization however, a worker consciousness that rejected its socialist name remained. Thus, Nevada's Labor

in their successful transmission of anti-capitalist (or communal) values to workers. Terrence V. Powderly ended this culture of secrecy, obedience, and mutual assistance (S.O.M.A.) in 1882, and, as a result, the Knights were unable to transmit those same values to the multitudes who flooded into their ranks following their successful strike against Jay Gould's South West Rail in 1885. While this failure caused confusion, the decline of the Knights actually resulted from an onslaught engineered by organized capital. A bit star-crossed, the Knights "were cooperators in an age of competition, ritualists in an increasingly rationalized society, nonpartisans in a politicized era, and generalists among specialists," Robert E. Weir, Beyond Labor's Veil: The Culture of the Knights of Labor, (University Park, PA: The Pennsylvania State University, 1996)].
Commissioner Robert Cole could celebrate the passage of laws that restricted both the hours of labor for women and the ability of socialists to spread their ideas.22

22Leon Samson, Toward a United Front for American Workers, (New York: Farrar and Rinehart, 1933), as quoted in Harrington, Socialism, 142; Ibid., 143; Brian Greenberg's "Worker and Community" examines how voluntary associations in civil society transmitted essentially bourgeois socio-economic values to the so-called "floating proletariat" of the mid nineteenth-century. Concentrating on the Independent Order of Odd Fellows (IOOF) in the city of Albany, New York, in the years 1845-85, Greenberg asserts that these fraternal orders connected "[working]men in motion" to their new communities by serving various communitarian needs. The multi-class white male composition of IOOF mediated, according to Greenberg, the alienation of workers and blunted any potential class conflict by dispensing a protestant and capitalist work ethic. This hegemonic ideology expressed the "free labor" chimera of economic mobility through the harmonious mutuality of class interests. See Brian Greenberg, "Worker and Community: Fraternal Orders in Albany, New York, 1845-1885," in Life & Labor: Dimensions of American Working-Class History, eds., Charles Stephenson and Robert Asher, (Albany: State University of New York Press, 1986), 57-71; Attacking the notion that organized labor of the Gompers-era suffered from a strict demarcation between economics and politics, Michael Kazin's narrative about San Francisco's construction tradesmen, Barons of Labor, asserts that the labor movement was instead "a significant political force ... during the early twentieth century." (p.4) Rejecting the orthodox "rigid dichotomy" of assigning organized labor the conceptual straightjacket of having to be either sycophants of capital or wild-eyed Marxists, Kazin sees San Francisco's AFL-affiliated Building Trades Council (BTC) as representing, through its participation in the city's politics and economy, an ideology of "working-class republicanism." Sometimes radical, often times reformist, this activism was based on the actual praxis of craftsmen in particular political and economic circumstances. Ignoring the "enormous condescension of posterity," i.e., frustrated radical labor historians trying to explain why the revolution was still-born, the book details what workers actually accomplished. By agitating in the economic realm for a "closed-shop" town, the BTC entered into a political and electoral coalition with Progressive-era reformers to protect the craftsman's material achievements. Though this ironically helped to unify the Bay Area capitalists who destroyed the "labor barony" in the name of "progressive" ideals, the BTC nevertheless fused politics with economics by trying "to use the state to defend their unions and to enact a variety of measures designed to make capitalism more humane and the workplace more democratic," Kazin, Barons of Labor, 282.
...it appears that all of the early legislative action [in Nevada] with respect to industrial affairs considered only the business interests, and failed to recognize the great mass of workers engaged in the industries.

-Labor Commissioner Robert F. Cole, 1919
Above all others, Mining and Railway Unions fashioned the strategies used by
organized labor to influence state government in Nevada during the so-called
"Progressive" Era. This is understandable because the mining and railroad industries
dominated the Nevada landscape during this period. Prior to 1909, according to
Frank W. Ingram, prominent trade unionist and Nevada's third Labor Commissioner,
only the Western Federation of Miners (WFM) made any effort to influence labor
legislation in the state. In 1909, Truckee Lodge No. 19 of the Brotherhood of
Locomotive Firemen and Enginemen (BLF&E) replaced a weakened WFM as the
dominant union that represented workers before the legislature in Carson City. The
transition from the radical WFM to the more conciliatory BLF&E -- a transition
brought about by the actions of the State itself -- allowed the State of Nevada to
carefully craft a relationship with organized labor that fostered a particular worker
consciousness while blunting a more radical class consciousness. This chapter will
examine that transition and the major legislation that governed industrial relations in
Nevada from the turn of the century to the creation of the Office of Labor
Commissioner in 1915. In so doing, specific attention will be given to the legislative
and industrial activities of the Miners and Railwaymen with an emphasis on comparing and contrasting the ideological assumptions of each.¹

At the turn of the twentieth century, Nevada's statutes virtually ignored the conditions and grievances of workers as a result of the successful lobbying efforts made by legislative agents of the Southern Pacific Railroad. Following the failed Pullman Strike of 1894, pleas by railway employee committees in Nevada to pass legislation against the Southern Pacific's blacklisting of strike participants constantly fell upon deaf ears in Carson City. With the discovery of gold however around west-central Nevada in December 1902, the mining industry quickly replaced the railroads as the dominant influence in the halls of the Nevada Legislature. Unlike the crippled American Railway Union, the militant Western Federation of Miners forcefully convinced their friends in the legislature to introduce labor measures that would shorten work hours, improve safety conditions in the mine, and prevent any discrimination by the Mining Companies against individual workers who agitated in earlier strikes at Coeur d'Alene, Idaho, and Cripple Creek, Colorado.²

¹Frank Ingram, "Historical Statement Respecting Labor Organizations in the State of Nevada," undated, Governor's Records, GOV 0038.

²Ibid; "...[I]n 1892 Coeur d'Alene miners revolted against technological change, corporate concentration, and a recently organized Mine Owners' Association. Supported by local citizens, the community's newspapers, and local officials, miners appeared on the verge of success when their capitalist opponents, aided by state and federal authorities, outflanked them. Federal troops crushed the labor revolt, imprisoning union leaders and prominent non-union residents alike. Strike leaders, while awaiting trial in prison, brooded about their recent experiences and the future of Western mining communities. Then and there in an Idaho prison, they decided to create a new labor organization, joining together the separate miners' unions in Idaho, Montana, Colorado, California, Nevada, and the Southwestern territories. Upon their
According to Guy Louis Rocha's excellent "Radical Labor Struggles in the Tonopah-Goldfield Mining District, 1901-1922," the discovery of precious metals at the turn of the century in west-central Nevada transformed the social and economic relations between employer and employee. Individual prospectors being unable to attract enough investment capital to sustain their small holdings were replaced by large corporations who came to dominate the newly-formed mining districts of Tonopah and Goldfield. Opposed to this new era of totalitarian corporate control and exploitation, the socialist-oriented Western Federation of Miners entered the Goldfield camp and successfully organized the miners. When the less radical American Federation of Labor followed, an ideological battle for the hearts, minds, and dues of Goldfield's workers commenced.³

The WFM flexed its newfound lobbying muscles in Carson City at the opening of the Twenty-First Session of the Nevada State Legislature. On 22 January 1903, the WFM persuaded State Assemblymen J.A. Denton of Caliente in Lincoln County to introduce Assembly Bill #2 that would restrict labor in the mines, mills, and smelters to 8 hours per day. Though the attempt of Washoe County's H.R. Cooke to include a provision to ensure double-pay for any overtime proved unsuccessful, the bill passed the Assembly 34 to 0 on February 2. With its passage 18 days later in the Senate

³Rocha, "Radical Labor Struggles," passim.
with only 2 opposing votes, Governor John Sparks' signature made Nevada's eight-hour law one of the first to be enacted in the West. Elected State Representatives from both parties took credit for its passage. Mine-owners however contested the law up to the Nevada Supreme Court which upheld the statute in *Ex Parte* Boyce in 1904 and *Ex Parte* Kair the following year.4

Concerned with the often dangerous working conditions in the mines that killed or maimed their members, the WFM pressured the State of Nevada to issue safety provisions that would moderately regulate capitalist production. On 23 January 1903, State Senator T.J. Bell of Nye County introduced Senate Bill #7 which specifically outlawed the improper use of collars and pulleys secured by set screws in the construction of mine shafts by mining companies. The State Senate passed the bill 15 to 2 on February 5. After receiving unanimous passage in the Assembly, Governor Sparks signed the bill in March.5

As veterans of the bitter industrial conflicts that occurred in mining camps like Cripple Creek, the WFM pressured the Nevada State Legislature to abolish so-called "yellow-dog" contracts. On 23 February 1903, Assemblymen H.R. Cooke introduced

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5Ingram, "Historical Statement," Governor's Records, GOV 0038; *Statutes of Nevada, (1903)*, 34-35; *Journal of the Senate, (1903)*, 12, 35, 51, 150.
a bill that would prevent employers from forcing workers as a condition of their employment to sign a contract that promised that they would not associate with a labor union. The Assembly passed Cooke’s bill 34 to 0 on March 4. After unanimously passing the Senate with some amendments eight days later, Governor Sparks’ signature on St. Patrick’s Day made "yellow-dog" contracts illegal in Nevada.®

Pleased with its legislative successes, the WFM’s radicalism intensified in 1905 when its leaders helped organize the Industrial Workers of the World (IWW) - an industrial union that sought to challenge the "pure and simple" trade unionism of the AFL and others. Putting its theory into practice, the new syndicalist-oriented WFM/IWW actually challenged corporate control in Goldfield by winning a strike against the George Wingfield-owned Consolidated Mines Company in December, 1906. Commenting on the implications of this victory, IWW organizer Vincent St. John boasted:

Under the I.W.W. sway in Goldfield the minimum wage for all kinds of labor was universal... No committees were ever sent to any employees. The union regulated wage scales and hours. The secretary posted the same on a bulletin board outside the union hall, and it was the LAW.™

Though hardly a workers’ commonwealth, such unprecedented power in the hands of syndicalists embittered the mine operators. The closed-shop in Goldfield undoubtedly also disturbed mining engineer Emmet D. Boyle, who, as a Progressive, detested even

®Ingram, "Historical Statement," Governor’s Records, GOV 0038; Statutes of Nevada, (1903), 207; Journal of the Assembly, (1903), 129, 194, 282.
the hint of "class control and class consciousness when it emanated either from below or above him."*

The "golden age" of the IWW in Goldfield quickly waned, however, as the lack of worker solidarity and financial panics allowed the mine operators to strike back. In March, 1907, a dispute between the WFM/IWW and the AFL affiliated Carpenters Union over an open card policy led to recriminations and the eventual lock-out and blacklisting of Wobblies by Wingfield. Differences were eventually settled and the WFM/IWW survived until late October when a financial panic led the mine operators to propose replacing the cash wage with company scrip. In the strike that followed, the mine-owners responded by secretly convincing Governor Sparks to wire President Roosevelt for the intervention of Federal Troops into Goldfield. In December, under the protection of these troops, Wingfield unilaterally cut wages and established an illegal card system which prevented WFM/IWW members from gaining employment. Unsure of the Federal Government’s commitment to prevent "violence" in the mining districts, the Nevada Legislature created a State Police the next month. Though Wingfield bragged that he had eliminated the IWW from Goldfield, the Wobblies resurfaced shortly thereafter and continued to agitate for higher wages, better working conditions, and a workers’ commonwealth across the state. The ability though of the WFM to lobby the Nevada State Legislature as it had in the past was, of course, finished.⁹

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⁹Rocha, "Radical Labor Struggles," passim.
Recognizing the need to temper the combustible relations between employer and employee, Assemblymen F.E. McCafferty of Humboldt County introduced legislation to create the Office of Inspector of Mines on January 22, 1909. Though voted down twice in committee, the bill finally passed with amendments 38 to 6 nearly a month later. According to Nevada historian Russell Elliott, Acting-Governor Denver S. Dickerson signed the Mine Inspector legislation as a result of his "strong Progressive principles." Reflecting such principles, the legislation restricted potential officeholders from any official connection with mining corporations.\(^{10}\)

The Act creating the Office of Inspector of Mines authorized the State of Nevada to examine at least once a year mining operations for conditions of safety and the collection of statistical information. During these annual inspections, the Mine Inspector searched for violations of safety rules and reported to the mine-operators any problems. If neglected, the violations could cause fines up to $500. The Inspector also had the power to investigate letters received anonymously from miners detailing unsafe working conditions. Whenever a serious or fatal accident occurred in the mines, the Office of Inspector of Mines was to be notified so that the Inspector could investigate and participate in any Coroner's inquest. Relying upon these official probes and statistical information submitted by the mine-operators, the Inspector submitted an annual report to the Governor that detailed the overall health of the

mining industry in Nevada.\textsuperscript{11}

The initial report in 1910 of the Nevada State Inspector of Mines exhibits both the moderate social-democratic attempt to regulate capitalist production and the ideological rejection of class consciousness by Progressivism. Implicit in this report is a gentle though pronounced attack on what Robert Cole termed "employers who still believe in the old-world rule of autocracy in industry." The Report of Inspector of Mines advised those mine-operators to acknowledge that "more attention should be paid to the ventilating and timbering for the protection of the men employed."

Castigating those operators who complained about the cost of the state regulations, the Mine Inspector noted that,

\begin{quote}
[acción] one manager went so far as to say that on account of the high wage paid by his company miners should take the extra chances and that they could quit if they didn’t like his style. [The Mine Inspector] asked him if he was one of the very few... who was willing that human lives should be sacrificed in order that some company’s dividends should be increased a few dollars….\textsuperscript{12}
\end{quote}

Such "old-world" attitudes on the behalf of operators did not in any case justify the radical actions of the WFM/IWW according to the Report. "Let me impress on you the fact," writes the Inspector as if speaking directly to the defeated Goldfield radicals, "that the interests of mine owners and miners are mutual and interdependent." Transmitting the core of the Progressive worldview, the Inspector advised that "we should all cooperate in a broad spirit for the promotion of this

\begin{itemize}
  \item \textsuperscript{11}Statutes of Nevada, (1909), 219-222.
  \item \textsuperscript{12}"Report of Inspector of Mines," in Appendix to Journals of Senate and Assembly, (1911), (Carson City: State Printing Office, 1911), 7.
\end{itemize}
marvelous industry."\(^{13}\)

With the decline of the WFM, Truckee Lodge #19 of the Brotherhood of Locomotive Fireman and Enginemen (BLF&E) came to dominate organized labor's lobbying efforts before the Nevada State Legislature. Conditioned by their own 'trade union' consciousness and the fate of the miners in Goldfield, the Railroad Firemen accepted the cooperative rhetoric of a "progressively-reformed" State. In 1911, the BLF&E maintained a legislative agent in Carson City with the charge "to introduce and have passed, if possible, railroad legislation in particular and to assist other representatives in passing labor legislation." Under the suggestion of their legislative agent A.D. McDonald -- who became frustrated at the uncoordinated lobbying strategies of organized labor -- the BLF&E created a permanent state legislative board. Frank Ingram chaired this board before the 1913 session of the legislature which passed several laws that benefitted railroad workers. As a result of Governor Tasker Oddie's veto pen, Ingram's board failed to enact into law the Semimonthly Pay-Day Bill, the Derailing Switch Bill, and the Eight Hour Law for Women in 1913. The Governor also vetoed the "Blacklist" Act which would have prevented discrimination by employers against those workers who participated either in the Pullman strike of 1894 or the various mining conflicts from Cripple Creek to Goldfield. Needless to say, organized labor in Nevada found the Republican Oddie -- a former manager of the Tonopah Mining Company -- unsympathetic to their concerns. And when Oddie ran for re-election in 1914, organized labor in Nevada supported his Democratic

\(^{13}\)"Report of Mine Inspectors," in *Appendix (1911)*, 6, 7 (emphasis added).
opponent, Emmet D. Boyle who actively sought the support of workers."

To combat the influence of trade unions in the Nevada State Legislature, mineowners under the leadership of George Wingfield organized the Nevada Mine Operators Association in Tonopah on March 24, 1913. The issue of compensating injured workers consumed much of the Association’s early activity as a lobbying agency in Carson City. Often it found itself in direct conflict with the BLF&E’s State Legislative Board over the manner in which the State of Nevada would provide for injured workers. In 1911, the legislature passed a law that created a system of employers’ liability whereby "fault" had to be proved on the part of the employer in order for an injured worker to recover any compensation. In 1913, several legislators termed the employers’ liability system "out of tune with our progressive and humanitarian ideas of social relations and social justice." Reflecting this displeasure, the 1913 legislature replaced the fault-based liability system by passing the Nevada Industrial Insurance Act. This instituted a system of "workmen’s compensation"

which is, according to its legislative authors,

...predicated on the theory that industrial enterprise creates a source of danger and becomes responsible for damages resulting from that source; that risk as well as labor should be compensated, and that the industry should be made to bear its proper share of the financial burden growing out of industrial accidents, rather than permitting the full burden to be borne by the individual workman who happens to be the victim of a

particular accident. Under this theory the question of ‘fault’ is eliminated and the fact that an injury has been sustained in any employment, establishes automatically the right to compensation.\textsuperscript{15}

The "proper share of burden" under this system would be determined by statutorily creating the Nevada Industrial Commission -- "an administrative body, impartial and impersonal, [that] decid[ed] questions of fact and appl[ied] the law to the fact."

Unlike the Inspector of Mines Act, however, which prevented a direct relationship with corporate mining interests, the Nevada Mine Owners Association "was represented on the [Nevada Industrial] Commission by one of its members."\textsuperscript{16}

Far from adhering to its "impartial" creation, the Nevada Industrial Commission served as a conduit of conflict between employers and employees. Even before the Nevada Industrial Act took effect, the Nevada Mine Owners Association engineered a "conference" with the Industrial Commission to enact "concessions" on rates charged to the employers and the "maximum amount of individual wage on which premium rates would be computed." And because the Association contributed as much as 80% (in 1916) to the State Insurance Fund, they successfully lobbied against any future Commission attempts to raise rates on the employers. And if dissatisfied, the Association could always pull out of the system as the Nevada Industrial Insurance Act granted employers "the right to reject the terms, conditions

\textsuperscript{15}Nevada Industrial Commission to Emmet D. Boyle, August 25, 1916, Governor’s Records, GOV 0020-10.

\textsuperscript{16}"Nevada Mining Association," in Index to Nevada Mining Association Records, Special Collections, University of Nevada, Reno; Nevada Industrial Commission to Emmet D. Boyle, August 25, 1916, Governor’s Records, GOV 0020-10; "Nevada Mining Association," Nevada Mining Association Records.
and jurisdiction of... the Nevada Industrial Commission."^{17}

Organized labor on the other hand concentrated their lobbying efforts on making workmen's compensation compulsory for all employers in Nevada. In so doing, they attempted to illustrate the problems of uncompensated injured workers like John Evans. As an employee of the Nevada Douglas Copper Company which lawfully rejected the terms of the Nevada Industrial Insurance Act, Evans was forced to cover the cost of his job-related injuries. Even those covered by the Nevada Industrial Insurance Act realized the fact that the supposedly "impartial" Industrial Commission often represented the views of the Nevada Mine Owners Association. The injured workers who were denied compensation often used rhetoric similar to that of Midas miner James Quinn who sarcastically described the Nevada Industrial Commission as "the Mine owners Commission."

Before 1909, the radical Western Federation of Miners exhibited a political strategy that used the State in capitalist society to improve the material conditions of their members while still criticizing -- from a class conscious perspective -- the social relations arising out of capitalist production. With the creation of the IWW in 1905,

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^{18}Nevada Industrial Commission to Emmet D. Boyle, January 10, 1917, Governor's Records, GOV 0020-14; James Quinn to Emmet D. Boyle, July 13, 1916, Governor's Records, GOV 0020-10.
the WFM followed a syndicalist course that estranged any relationship with the "capitalist state." In turn, that State responded by repressing the WFM/IWW in Goldfield. After 1909, the Brotherhood of Locomotive Firemen & Enginemen continued the moderate social-democratic politics of the pre-syndicalist WFM. Given the BLF&E's history however they refused a class conscious admission of their socialist struggle and therefore a socialist critique of capitalist relations.
...[O]ne of the main consequences of the socialist movement has been not socialism but a more humane, rational, and intelligent capitalism, usually in spite of the capitalists.

-Michael Harrington, *Socialism: Past and Future*

Unfortunately, a good many Marxists do not have Marx's tolerance for, and understanding of, such ambiguities of social life. For instance, the British writer John Saville argued in the 1950s that the welfare state assures "a reasonable degree of economic efficiency by the erection of social and political shock absorbers, whose function is to offset the gross inequalities and natural insecurities of the capitalist order." That is only partly true. Another British New Leftist of that period, Dorothy Thompson, rightly responded to Saville that the trade union struggles and the social services "are, objectively, victories for working-class values within capitalist society." That is in keeping with the dialectical spirit of Marx, who held that the [British] Ten Hours Law, which he knew well had promoted capitalist efficiency, was nevertheless a victory of "the political economy of the working class."

-Michael Harrington, *The Twilight of Capitalism*
CHAPTER 3

A NASCENT SOCIAL DEMOCRACY?:
CREATING THE OFFICE OF LABOR COMMISSIONER, 1915

Peering out of the lodge's window, Frank Ingram could see the children traipsing through the snow on a bright clear January morning in Sparks, 1915. Ingram, the Legislative Representative of the Brotherhood of Locomotive Firemen and Enginemen (BLF&E), sat at his typewriter formulating a response to Governor Boyle's invitation to meet with organized labor in Nevada. The difficulty associated with lobbying a Tasker Oddie now seemed a thing of the past; for the first time in Nevada's history the Governor would officially sit down with labor union representatives in order to hear their views on potential legislation. Examining the invitation, Ingram focused upon Boyle's phrase, "...with the single exception of one measure -- a conciliation act patterned after the Canadian act -- I have no ideas of my own to impress upon you." Seeing an opportunity to perhaps set the agenda at the upcoming conference, Ingram typed that the BLF&E favor the establishment of a Labor Commissioner in the state, to supervise the establishment and administration of labor exchanges, to see that the safety and labor laws of the state are observed, to gather statistics, etc., pertaining to their welfare, and to recommend legislation promoting their welfare in every branch of endeavor. For this position
they [BLF&E] recommend the appointment of a bonified [sic] labor man of over five years in the state. Ten would be better.¹

After finishing the letter to the new Governor with a standard appeal to consider the plight of the unemployed in the state, the Locomotive Firemen's Legislative Representative set out into the snow in search of a stamp.²

The newly-elected Governor, Emmet D. Boyle, had promised during the recent election to develop a better relationship with organized labor in the state. Born July 26, 1879, to Irish immigrants in Gold Hill, Boyle grew up in a social atmosphere where "the Comstock miners' search for power in combating corporate capital produced a balance of power between the competing interests, based not so much on mutual respect as on the use of force, coercion, volunteerism, and political activity." Because of the Comstock miners' successful political strategy of "controlling key elements of local government" to their benefit, "they did not reject capitalism as a viable economic system, as the WFM and IWW would have."

Governor Boyle, among others, would look back with some nostalgia on the manner in which the Comstock miners' regulated the relationship between employer and employee. As a Progressive, he would attempt to re-create the social peace associated with the Comstock experience -- while forgetting the sometimes violent manner in

¹Brotherhood of Locomotive Firemen and Enginemen, Truckee Lodge Number 19 to Emmet D. Boyle, Governor's Records, GOV 0020-16.

²Emmet D. Boyle to Brotherhood of Locomotive Firemen and Enginemen, Truckee Lodge Number 19, January 2, 1915, Governor's Records, GOV 0020-16; Brotherhood of Locomotive Firemen and Enginemen to Emmet D. Boyle, January 9, 1915, Governor's Records, GOV 0020-16.
which the Comstock miner achieved that "social peace."\(^3\)

After graduating from the University of Nevada, Boyle took several jobs as an engineer for mining companies from Mexico to Canada. This eventually led into state government when Nevada Governor Denver S. Dickerson appointed the Gold Hill native State Engineer in 1910. Four years later, the Democrat Boyle challenged and defeated incumbent Republican Tasker Oddie for Governor, winning on a Progressive platform that advocated reform and "a balance of power between competing interests." Thus, to discourage any notions that the Nevada Industrial Commission simply represented the interests of the mine-owners, Boyle would come to support legislation that replaced the position of the Governor and State Attorney General on the Commission with an official that represented the interests of workers. On 29 March 1915, Governor Boyle would name William E. Wallace from the newly-created Office of Labor Commissioner to sit on the Nevada Industrial Commission.\(^4\)

The creation of the Office of Labor Commissioner in 1915 resulted from the political activity of trade unionists in Nevada and therefore represents the establishment of a nascent social democracy. By creating an official state agency that represented the interests of workers, the Office of Labor Commissioner served to

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democratize the State of Nevada. Of course, in comparison to the relative successes of European social democratic political parties, the social democracy in Nevada reflected the "exceptional nature" of American capitalism and a working-class that exhibited its socialist impulse in what Michael Harrington termed, "bourgeois rhetoric." Though it refused to label its mission "socialist," by creating the Office of Labor Commissioner in order to improve the material conditions of workers by means of the State, organized labor in Nevada essentially followed the same strategy of European social democratic parties. The Social Democratic Party of Germany (SPD), for example, viewed a democratic State (a State where social democrats governed), as an essential first step in regulating the means of production to the benefit of their affiliated unions. Similar to organized labor in Nevada, the SPD "...was light-years away from any notion of the 'associated producers' running the system from the workshop floor." Only the IWW's ultra-left syndicalist ideology called for such agitation on behalf of the working-class that would revolutionize the relationship between employer and employee.5

This chapter examines the creation of the Office of Labor Commissioner in Nevada as a partial, essentially positive, ideological answer to the "labor question." In detailing the events that surrounded the creation of this State Office, it will be shown that Governor Emmet D. Boyle answered the "labor question" in Nevada by advancing a strategy that brought trade unionists into a state government that attempted to regulate -- and thereby preserve -- capitalist relations between employer

5Harrington, Socialism: Past and Future, 52.
and employee. By examining the ideological nature of the duties of the Labor
Commissioner it will be shown that organized labor’s relationship with the State
secured its acceptance of a Progressive consensus. This hegemonic ideology, by
definition, influenced the worldview of trade unionists of the time to defend the State
of Nevada against those radicals who rhetorically threatened its existence. Future
generations of Nevada’s workers as well would accept their role in part of this
Progressive consensus.

On 11 January 1915, nine prominent trade unionists entered the office of the
Governor in Carson City to discuss potential legislation for the upcoming session of
the Nevada State Legislature. At 10:30 in the morning the BLF&E’s Frank Ingram
took it upon himself to introduce the other labor leaders to Governor Boyle. In
attendance were William E. Wallace, Legislative Board Chairmen from the
Brotherhood of Railroad Trainmen, Thomas F. Fagan of the Tonopah Miners’ Union,
F.L. Sells of the Las Vegas Trainmen’s Local, W.S. Lunsford and R.L. Knapp of the
Reno Typographical Union, Will Dewar of the Virginia City Miners’ Union, A.H.
Bordewich of Carson City’s Brewery Workers, and T.C. Morris of the Reno Painters’
Union. After two cups of coffee, the delegates from Nevada’s most powerful trade
unions sat quietly and listened to Governor Boyle explain that he wanted to "know the
views of organized labor because the views of employers are already adequately
William Wallace opened the dialogue by describing how legislation that limited the number of railroad cars to one-half mile would benefit members of his union. Always the Progressive thinker, Governor Boyle suggested that legislation such as that should be framed as an issue concerning "public welfare and safety" rather than simply benefitting the Railroad Trainmen. As discussion shifted to the subject of labor disputes, the polite deference of the labor leaders quickly turned to fear. Their dismay escalated when Thomas Fagan of the Tonopah Miners' Union brought up the issue of workmen's compensation and the role of the Nevada Industrial Commission in determining the status of injured workers. Fagan, who also served as Secretary of Nevada's Socialist Party, seemed impressed with Boyle's earnestness and told the Governor that if the Democratic Party could benefit the working-class even socialists would be appreciative.

Bemused, Governor Boyle floated the idea that perhaps the State Mine Inspector should have his duties augmented and serve on the Nevada Industrial Commission where he could look after the interests of workers. Fagan responded to this by saying that other non-mining industries would still be unrepresented on the Commission. Seeing his opportunity, Frank Ingram proposed that "some kind of a labor commission should be established with some one to look after their interests...."

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6Minutes of Conference of Labor Representatives With Governor, Governor's Records, GOV 0020-16; Nevada State Journal, January 12, 1915, 4.

7Minutes of Conference of Labor Representatives With Governor, Governor's Records, January 11, 1915, GOV 0020-16.
Pleased with this idea, William Wallace offered a motion — seconded by Ingram — to invite John J. Mullin of the Industrial Commission over to discuss the possibility of appointing a Labor Commissioner to sit on that body. With Mullin's approval, Governor Boyle decided to support legislation in the upcoming legislative session that would create the Office of Labor Commission.8

State Senator John J. Kenney, Democrat from Storey County, introduced Senate Bill #106 — "An Act creating the office of labor commissioner" — on February 26, 1915. If passed, the bill would amend the Nevada Industrial Insurance Act of 1913 by providing for a Labor Commissioner to replace the Governor and State Attorney General on the Nevada Industrial Commission. Once referred to the Committee on Labor for debate, the S.B. #106 received considerable opposition from those Senators most easily influenced by the Nevada Mine Operators Association. In committee, these forces focused upon the luxurious salary proposed for the Labor Commissioner — $1,800 per annum. In order for Chairmen William P. Harrington, Democrat from Ormsby County, to pass the bill out of his Committee on Labor, he acceded to the wishes of these "fiscal conservatives" and reduced the annual salary to only $600 per annum. Hardly busting the state budget, S.B. #106 provided the Office of Labor Commissioner with a very modest stipend for travel and $1,200 annually for clerical or stenographic assistance. Though the so-called "corporate liberal" approach to history suffers from many theoretical deficiencies, it is nevertheless important to

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8Minutes of Conference of Labor Representatives With Governor, Governor's Records, January 11, 1915, GOV 0020-16.
acknowledge that "big-businessmen" did in fact manipulate political policies to their immediate benefit. By severely limiting the funding of the Office of Labor Commissioner, the mine-owners certainly sought to limit the effectiveness of a state agency run by trade unionists in the interests of workers.9

Once out of committee, the Mine Owners Association continued to lobby against S.B. #106. Concentrating their efforts on the State Senate, they almost defeated the bill when it came up for a vote on March 9. By a margin of 12 to 10, the bill to create the Office of Labor Commissioner narrowly passed. Voting in the affirmative was Martin J. Scanlan from Nye County -- the only member of the Senate to be elected on the Socialist Party ticket (and a future attorney for those Wobblies charged under the Criminal Syndicalism Act in 1919). Three days later, the Labor Commissioner Bill easily passed the Assembly, 41 to 1. Relieved to have kept a promise to an important voting constituency, Governor Emmet Boyle happily signed the bill on March 24. The idea originally proposed by the BLF&E's Legislative Representative two months earlier at the Governor's conference with organized labor had become law. Recognizing this fact, Governor Boyle on March 29 named another participant at that conference, the Railroad Trainmen's William E. Wallace as Nevada's first Labor Commissioner.10


The duties of Labor Commissioner Wallace included the gathering and reporting of labor-related statistics, the enforcement of labor laws, the inspection of places of employment, and the mediation and conciliation of labor disputes. Though continually complaining about the difficulty of obtaining statistical information from employers, the Labor Commissioner's biennial reports submitted to the Governor and Legislature nevertheless contain valuable data describing the conditions of labor in Nevada. Notoriously however, reflecting the racism towards Asians and Asian-Americans in the West, section three of the statute charged the Labor Commissioner to gather "[t]he number and condition of the Chinese and Japanese in this state, and to what extent their labor comes into competition with the other industrial classes of the state." While it can be argued that statistical gathering corresponds with the overall trend in Progressivism towards a "scientific management" that promoted capitalist efficiency, competent numbers that described the reality of workers nevertheless helped the labor movement to base its arguments for reform on hard, cold numbers. Statistical gathering would, for example, allow Frank Ingram to proudly announce that "[t]he Eight Hour Law for Women passed in 1917 has reduced the hours of service for the 2,700 reported women in the State from an average of 8.5 in the 1915-1916 period to 7.8 in the 1917-1918 period." 11

Section four of the Labor Commissioner Act instructed William Wallace to

"inform himself of all laws of the State for the protection of life and limb in any of the industries of the State." Among the most important laws spelled out in the legislation included hours of labor, employment of minors, and safety laws for both employees and the general public. Section nine of the Act gave Labor Commissioner Wallace the "power to enter any store, foundry, mill, office, workshop, mine, or public or private works at any reasonable time" in order to gather statistics or examine safety appliances and sanitary conditions. Though under-funded, these powers represent the modest establishment of a social democracy in which the State regulates the relations between employer and employee to the benefit -- in comparison to the Gilded Age -- of the latter. For those capitalists who still believed in "the old-world rule of autocracy in industry," the ability of a Labor Commissioner to interfere in the social relations arising out of production must have seemed like "socialism" to them. The creation of the Office of Labor Commissioner in Nevada represents, in the words of Karl Marx, "a conflict between the blind rule of the law of supply and demand, which forms the political economy of the middle class, and the control of social production through insight and foresight, which is the political economy of the working class."

The most important power assigned to William Wallace however, did not originate from the law that created the Office of Labor Commissioner. Taking advantage of the expertise of trade unionists in a governmental position, Emmet Boyle

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delegated his gubernatorial power to mediate industrial disputes to the Labor Commissioner. Under the provisions of section 1929, Revised Laws,

Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer and his employees, seriously interrupting or threatening to interrupt the business of the employer, the Governor shall, upon the request of either party to the controversy, with all practical expedition, put himself in communication with the parties to such controversy, and shall use his best efforts by mediation and conciliation, to amicably settle the same. He may either exercise such powers of conciliation himself, or appoint a commission for that purpose.¹³

Perhaps the most telling of these mediation efforts on behalf of the Labor Commissioner centered around a dispute over the Eight-Hour Law by the Nevada Consolidated Copper Company at McGill. In May, 1917, train and enginemen petitioned the company to comply with the law without reducing the daily wage. Once the company refused, workers then appealed to Nevada's Labor Commissioner with the request that he enforce the law. Only after the trainmen threatened to strike in July did Wallace address a letter to Nevada Consolidated requesting that the Eight-Hour Law be respected.¹⁴

The responsibility of mediating industrial disputes changed the fundamental nature of the Office of Labor Commissioner in Nevada. Originally conceived by trade unionist Frank Ingram as a state agency that looked after the interests of workers, Commissioner Wallace's role as mediator forced him to pose instead as representative


of the State's "progressive" need for "social peace" through the "balancing of competing interests." In order to be effective therefore in this role, the Labor Commissioner had to adopt the Progressive stance of being -- or at least appearing to be -- objective and classless. This proved too much for William Wallace who resigned the position in August explaining that though he enjoyed his role representing workers on the Nevada Industrial Commission he found the Labor Commissioner duties "distasteful." 

Governor Boyle named Robert F. Cole of the Brotherhood of Locomotive Firemen and Enginemen to succeed Wallace as Labor Commissioner December 1, 1917. Much more in tune with the Progressive consensus, Cole proudly proclaimed that "[t]he commission's policy to deal fairly is no less manifest toward employers and their organizations, as the harmonious relations between employers and employee is absolutely essential to the effective promotion of industrial justice." In his first three weeks on the job, Cole successfully mediated disputes at the Nevada Packing Company in Reno and the Utah Construction Company north of Reno." 

As a result of the creation of the Office of Labor Commissioner -- through which trade unionists themselves became part of the state apparatus -- mainstream organized labor defended its mild taste of social democracy and the notion that the

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social relations arising out of capitalist production could be "harmonized" by a "progressively-reformed" State. The Progressive consensus entered into with the State by a "worker conscious" trade union movement would demand the acceptance of an ideology that further concealed capitalist exploitation.
You have the right to free speech, as long as you're not dumb enough to actually try it.

-The Clash vocalist Joe Strummer, 1982
On a cold Carson City February morning, 1919, William P. Harrington of Ormsby County arose in the Nevada State Senate to offer a bill that addressed the "labor question." At the behest of fellow Progressive Democrat Emmet D. Boyle, the Governor of Nevada, the bespectacled Harrington introduced Senate Bill #18 -- "an act defining criminal syndicalism and providing a punishment therefor" -- much to the delight of the Republican majority in the upper house. Any person, the bill proclaimed, who advocates, by word of mouth or writing, the doctrine of "criminal" syndicalism is guilty of a felony punishable by ten years in the state prison. A similar fate awaited those Nevadans who associated with organizations that had the temerity to teach "criminal" syndicalism, that is, the "propriety of crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political reform." Always the Progressive legislator, Harrington's bill proposed to incarcerate for only a year those janitors in whose buildings "criminal syndicalist"
organizations assembled.¹

Needless to say, syndicalist ideas of a future revolution failed to impress Nevada's elected political representatives of the day. To those who answered the 'labor question' with the conservative motto: "A fair day's wage for a fair day's work," the wild one-eyed syndicalist shouted back, "Abolish the wage system!" In early twentieth century America, the political and economic theory of syndicalism advocated that all workers, regardless of race, craft, or skill organize themselves into "One Big Union," cripple the power of employers through the use of a general strike, and revolutionize the social relations arising out of production. By organizing labor in such a manner, syndicalist theory advocated that the structures of a new society could be formed within the shell of the old. Thus, in the mind of the syndicalist, "bourgeois" governing institutions would simply "wither away" as a result of practicing industrial unionism. After administering the successful general strike, self-styled syndicalist councils -- under the direct participatory control of those who toiled in the factory, field, and mine shaft -- would naturally come to power.²

Such syndicalist ideas would no doubt have been considered harmless by Nevada lawmakers if not for the actions of a few radicals. And just as the Council of Trent declared predestinarian theology "anathema" because of the annoying actions of


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a few Calvinists, the Nevada Legislature "criminalized" syndicalist theory as a result of a few agitating Wobblies -- members of the Industrial Workers of the World (IWW). Ignoring the vague and tautological language in the bill, the right-wing *Reno Evening Gazette* reported in banner headline what Harrington *really* had in mind by introducing criminal syndicalism legislation: "I.W.W. BANNED BY PROPOSED BILL." Unmistakably, the Criminal Syndicalism Act of 1919 aimed to repress the ideology and union activity of the IWW in Nevada.³

This chapter examines the passage of criminal syndicalism legislation in Nevada as a partial, essentially negative, ideological answer to the "labor question." In detailing the events that surrounded the passage of this law, it will be shown that Governor Emmet D. Boyle answered the "labor question" in Nevada by advancing a two-pronged strategy of consent and coercion. To assure the acceptability of a Progressive consensus to the masses, he actively pursued and obtained the consent of Nevada's trade union leaders to outlaw the one ideological competitor -- the IWW's syndicalism -- that threatened this hegemony. The State of Nevada's passage of the Criminal Syndicalism Act represents therefore "'hegemony armoured by coercion' whereby the entire complex of political and theoretical activity by which the ruling classes not only justify and maintain their domination but also succeed in obtaining the

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active consent of the governed."  

Placing criminal syndicalism legislation within an ideological battle for hegemony necessarily challenges previous historiographical interpretations of the law. For the eminent Nevada historian Russell R. Elliott, the passage of the Criminal Syndicalism Act of 1919 reflected the "unthinking nationalism" of an America obsessed with patriotic conformity as a result of fighting the First World War. "There had been many incidents in the state during the war growing out of animosity toward the IWW," asserts Elliott, "and after the war this antagonism became evident in the legislature." Any amount of hysteria, however, associated with the IWW's opposition to the First World War can only be understood in relation to the Wobblies' ideological world-view of class warfare, that is, a particular answer to the "labor question."

Unlike the pacifist Quakers who opposed all wars, the Wobblies could not stomach this war because they aspired to unify the German and American proletariat against the common capitalist foe.  

The notion that domestic industrial conflict created a social atmosphere where criminal syndicalism laws could be enacted is a near universal thesis in previous historiography. The manner, however, in which this conflict took place is disputed. Elliott, for example, describes post-war economic clashes between mine operators and

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5Elliott, *History of Nevada*, 260; Combining anti-war sentiment with syndicalist rhetoric, an IWW cartoon quipped, "General Sherman said: 'War is Hell!' Don't go to Hell in order to give the capitalists a bigger slice of heaven," as quoted in Dubofsky, *We Shall Be All*, 350.
miners as "inevitable," but concludes that the "injection of I.W.W. unionism into... Nevada [only] added fuel to an already combustible situation, and too often caused emotion to be substituted for reason in trying to effect solutions." Rejecting class conflict, Elliott believes that the nature of IWW unionism, i.e., syndicalism, led to an overly emotional environment which allowed an irrational Criminal Syndicalism Act to become law in the Nevada. Conversely, for those accepting the class conflict model, criminal syndicalism legislation resulted from the entirely rational actions of a monopoly capitalist ruling class. Eldridge F. Dowell, writing on the experiences of various states, suggests that

there is evidence of a [criminal syndicalist] bill having been sought by those interests and industries which were having trouble with the I.W.W., feared trouble with them, or were apprehensive concerning the effect of the I.W.W. and radical doctrines on the more conservative unions in a period of labor unrest. These interests were found in... corporations or groups of corporations controlling the dominant industry and having a firm hold on the political life of the state.®

This analysis mirrors that of Melvyn Dubofsky, prominent historian of the IWW, who believes criminal syndicalism legislation resulted from the dire pleas of capitalists. "In state after state," writes Dubofsky, "sheriffs, mayors, governors, committees of national defense, and other public organizations allied with employers to fight the IWW's threat to business prosperity."

Monopoly capitalists like George Wingfield (described as the "owner and


operator of Nevada" by a biographer*) undoubtedly hated the IWW, and lobbied State and Federal Government for its repression. This chapter argues that the causal relationship between capitalist and politician in forging criminal syndicalist legislation, while in the ultimate interest of the bourgeoisie, was more complex than the ruling-class model suggests. The hegemonic ideological world-view of Progressivism provided a functional (and therefore popular) illusion that the capitalist relationship between Labor and Capital -- was equitable and free from capitalist class interest.

Two years into Emmet D. Boyle's governorship, America's entrance into the First World War provided its own answer, albeit temporarily, to what constituted a proper relationship between Labor and Capital. In order to win the war, "[e]mployer and employee were compelled," Boyle acknowledged, "by the force of public opinion, if by nothing else, to adjust conditions by the saner methods of conference, compromise and arbitration." The actions of the AFL during the war earned the Governor's praise as being "most admirable" and "surprisingly moderate." In order to safeguard and champion the AFL's virtuous example to America's workers, Boyle urged President Wilson to place the disruptive anti-war Wobblies into internment camps for the duration of the armed-conflict in Europe. Though not officially endorsed by Wilson, the Governor's plea certainly inspired the Federal Government's

systemic harassment and imprisonment of Wobblies during the war.⁹

With the signing of the November armistice in 1918, Boyle realized that the "forced relations" between Labor and Capital would soon break down. Stating the importance of the "labor question" quite nicely, Boyle opened his speech at a December Governors' Conference by asserting:

In the multiplicity of problems confronting the governments of the world, the Nation and the States today, it may be said that the problem of establishing proper social and economic relationship between employer and employee is at once the most urgent and the most difficult.¹⁰

In this speech at Annapolis, Maryland, Boyle lectured his fellow governors about the need for Government to "provide in practice" the ideal of social justice that is necessary to sustain a democracy. After explaining why Labor and Capital were forced into large combinations out of economic necessity, the mining engineer from Gold Hill pleaded with his audience to acknowledge the workers' plight in post-war America. Citing labor statistics and AFL President Samuel Gompers, Boyle informed the governors that prices had indeed outreached wages and that America's worker had suffered a 70% reduction in purchasing power from the previous decade. Chiding industry's excess earnings during the war, the Governor called on Capital to consider an equitable distribution of the wealth. In so doing, managers of industry would have

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¹⁰"The Labor Problem: A Discussion by Emmet D. Boyle in the Governor's Conference at Annapolis, Maryland, December 17, 1918," in Appendix to the Journals of the Senate and Assembly, (1921), II, 12-13 (emphasis added).
to recognize, according to Boyle, labor's legitimate concerns through a process of "cooperative consideration."\textsuperscript{11}

If Capital were to refuse such a relationship, warned Nevada's Governor, the workingmen and women of America might reject the further "development of our sturdy, balanced, individualistic national character" in favor of radical ideas. Placing a recognizable face on such ideas, Boyle bellowed:

I.W.W.ism, with all of its false philosophy and brutal and inhuman plans for the correction of industrial and social ills, still lives in an organized form. The specious arguments of those who control it still call to its membership honest men who see at hand no other organized agency to secure relief for them from actual exploitation.... Such men crave affiliation with a properly organized trade union, and are merely awaiting the appearance of a Moses to 'lead them out of the wilderness.'\textsuperscript{12}

The only "properly organized trade union" that could lead workers out of the syndicalist wilderness, according to Boyle, was the American Federation of Labor. The Governor pleaded with his counterparts to accept, and even embrace the trade unionists. "The AFL has... become the spokesman of intelligent organized labor in America, and has injected a sound philosophy in the principles of the trades crafts for which it speaks," proclaimed Boyle. Continuing, he asked the governors to compare the exceedingly moderate demands of the AFL with Britain's trade unionists who had formed their own Labour Party -- no doubt reminding the Democrats in the audience

\textsuperscript{11}"The Labor Problem," \textit{Appendix to the Journals}, 3.

\textsuperscript{12}"The Labor Problem," \textit{Appendix to the Journals}, 13 (emphasis added).
who Gompers had supported in the past few elections.  

Governor Boyle's stated goal in the Annapolis speech of creating "a happy, harmonious, and prosperous people," could only be achieved in his view by replacing the "forced" wartime relationship between Labor and Capital with one of State-sponsored "cooperative consideration." In exchange for recognition, codified in law, the AFL would use its influence to divert workingmen and women away from any theory or practice that threatened the fundamental 'American' (and capitalist) relationship between employer and employee. Like a modern-day Moses, Boyle would deliver those enslaved to the false and alien syndicalist philosophy by leading them into the promised land of "pure and simple" trade unionism.  

Upon returning home to Nevada, Governor Boyle went about the task of putting the ideas expressed in his Annapolis speech into practice. His two-pronged strategy of building up the AFL and tearing down the IWW was not without precedent. Boyle undoubtedly looked to the legislative policies of other western states with similar industrial problems. In fact, he most likely discussed possible sanctions against the IWW at the December conference with his friend and fellow Democrat Samuel V. Stewart, Governor of Montana. In 1918, at the behest of Stewart, Montana's State Legislature successfully passed one of the first criminal syndicalism

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acts with votes from AFL members.\textsuperscript{15}

A wildcat strike on January 19 at the copper mines in Ruth -- mistakenly attributed to Wobbly shenanigans -- provided an added backdrop to the Governor's somewhat vague call for criminal syndicalism legislation. In his opening message to the Nevada Legislature two days later, Governor Boyle detailed the dangers of post-war unemployment and the need to meet the Wobbly threat. Speaking directly to Nevada's lawmakers, Boyle reported that

\[ \text{I.W.W.ism, with its false and brutal philosophy, has not been and will not be successfully combated by mob rule or by methods which do not lie wholly within the law...} \] \textsuperscript{16}

Seated in the audience, State Senator William P. Harrington of Ormsby began preparing the legislative strategy to fulfill Boyle's request that the IWWism be combatted "by methods wholly within the law." The time for criminal syndicalism

\textsuperscript{15}In a July 17, 1919 letter to Stewart, Boyle writes: "I hope you are enjoying the best of health and that our mutual friends, the I.W.W.'s are giving you a reasonable amount of peace and quiet. We have a galaxy of bright stars from Dublin Gulch in the Tonopah cooler under our noted syndicalism act and propose in the very near future testing the validity of that measure. If you see any of these [IWW] boys you would confer a favor were you to convey to them a cordial invitation to stay in Montana. You must be used to them by this time and in a frame of mind to entertain them in your midst without shock or jar to your tranquility." This banter suggests, I would argue, that the subject of the Wobblies had been an on-going discussion for some time. Emmet D. Boyle to S.V. Stewart, July 17, 1919, Governor's Records, GOV-0027; Dowell, \textit{A History of Criminal Syndicalism Legislation}, n52; "Although the Montana Federation of Labor and local unions opposed the criminal syndicalism law of 1918, and although there were union members in the legislature, not one negative vote was cast against the measure," Dowell, \textit{A History of Criminal Syndicalism Legislation}, 64.

\textsuperscript{16}"3rd Biennial Report of the Commissioner of Labor, 1919-1920," in \textit{Appendix to Journals of Senate and Assembly}, (1921), I, 68 (emphasis added).
After the speech, Boyle concentrated on obtaining the consent of AFL-affiliated trade unionists in Nevada. On 24 January 1919, the Governor directed Labor Commissioner Robert Cole to invite each "respectable" labor union to attend a conference in order "to discuss the labor situation in Nevada." Specifically, Boyle wanted, in the words of the Labor Commissioner, to "confer on legislation affecting labor which has been or may be introduced at the present session of the legislature."

At half-past ten on Saturday morning, the first day in February, some 19 union representatives joined the Governor in his Carson City office. George I. James of the AFL affiliated Reno Central Trades & Labor Council and C.W. Farrington of the State Federation of Labor headed "labor’s" delegation into the conference. The only member of the legislature to attend was State Senator John J. Kenney of Storey County who had introduced the legislation to create the Office of Labor Commissioner in 1915. After two days of meetings, Boyle’s labor conference agreed on six amendments to the Industrial Insurance Act, the abolition of private employment agencies, and, in keeping with his Annapolis speech, the mediation and arbitration of industrial disputes.¹⁸

Did the State Federation of Labor agree in February, 1919, to support

¹⁷Elliott, Radical Labor in the Nevada Mining Booms, 1900-1920, 62.

¹⁸Robert F. Cole to Emmet D. Boyle, January 29, 1919, Governor’s Records, GOV 0038, (emphasis added); Robert Cole to Each Recording Secretary of All Local Unions in Nevada, January 24, 1919, Governor’s Records, GOV 0038; Nevada State Journal, February 3, 1919, 4; Carson City News, February 6, 1919, 1.
Nevada’s criminal syndicalism act? Though no mention of a criminal syndicalism bill appears in newspaper accounts of Boyle’s meeting with the AFL, it would strain credulity to suggest that the issue never came up for discussion. A story in the *Nevada State Journal*, for example, tends to associate criminal syndicalism legislation with Boyle’s February 1 labor conference:

“The [mediation and arbitration] bill as presented by Senator Chapin is along the lines suggested at the conference of labor with the governor held early in the month. In fact, this is the *second bill to come from the labor side, the first being the I.W.W. bill as introduced by Senator Harrington.*”

In his *A History of Criminal Syndicalism Legislation in the United States*, Eldridge J. Dowell claims, however, that the Nevada State Federation of Labor actually opposed criminal syndicalism legislation in February 1919. Citing only a 1933 letter from Reno attorney Martin J. Scanlan as support, Dowell apparently could not find any union records to show the Nevada State Federation’s opposition at the time of the bill’s consideration in the legislature. Though Scanlan is an entirely credible source, having represented Wobblies charged with criminal syndicalism, the issue, while interesting, is academic. State Federations of Labor only opposed criminal syndicalism because they feared, according to Dowell, that the bill’s vague language might be turned against AFL activities such as boycotts, strikes, and picketing in the future. But, as Dowell rightly concludes, "[i]f bills to outlaw radical groups could be so modified that they believed them not applicable to the activities of the conservative

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19 *Nevada State Journal*, February 21, 1919, 6 (emphasis added).
unions, the leaders of these American Federation of Labor groups were willing to approve such statutes against radical unions." The AFL in Nevada may have objected to the vague language of criminal syndicalism legislation but certainly they favored its aim of destroying the IWW and its "class conscious" answer to the "labor question."  

Whatever the official position of "respectable" labor in Nevada, current and former members of the AFL favored State repression of the Wobblies. In fact, Harrington, a compositor working at the State Printing Office in 1910 -- an AFL affiliated closed shop -- would actually introduce the criminal syndicalism bill on the floor of the State Senate nearly a decade later. William P. Harrington of Ormsby, born in Nevada and raised on the Comstock, submitted Senate Bill #18, "an act defining criminal syndicalism and the punishments therefor," on February 5, 1919. The proposed legislation was then promptly referred that same day to the Judiciary Committee under the chairmanship of N.H. Chapin from White Pine. Four days later, reflecting the general consensus, the Nevada State Journal predicted that "Harrington's anti-IWW bill... will go through the two houses without any trouble." On February 14, Chapin's committee recommended passage of the bill. Unfortunately, no records of committee hearings were kept by the Nevada Legislature at this time, and since no newspaper reported any debate, it is impossible to assess any

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possible opposition to the bill in committee. One can imagine, however, a nearly sober hearing at a local Carson City tavern where the final vote to recommend took place as one fine whiskey after another disappeared....

On February 17, with the constant drumbeat of newspapers reporting the revolutionary actions of Bolsheviks and Spartacists on the march in Europe, Wobblies on the march in Seattle and Butte, the State Senate voted 14 to 1 in favor of Harrington's bill. Only the aforementioned John J. Kenney of Storey voted against criminal syndicalism legislation in Nevada. The reasons why remain a mystery, but perhaps Kenney, a former Gold Hill merchant who often voted at the pleasure of the local unions in Storey, foresaw a general trend to lump any and all union agitation as IWW-inspired.

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21 Manuscript Census, Population Schedules: 1910, Ormsby County, Nevada, microfilm copy, with kind thanks to Guy Louis Rocha, Nevada State Archives administrator, for the suggestion and Typographical Union No. 65's association with the State Printing Office; Journal to the Senate, (1919), 44, 74; Nevada State Journal, Feb. 9, 1919, 6.

22 The Seattle General Strike of 1919 particularly frightened Nevada's press. On January 21, 1919, shipyard workers struck and over one hundred unions eventually joined them on the picket lines - effectively shutting down Seattle's industry. From February 6 through 11, Labor, under the direction of the Committee of 300, ran the city, Mary Jo Buhle, Paul Buhle, and Dan Georgakas, eds., Encyclopedia of the American Left, (Urbana: University of Illinois Press, 1992), 687; For hysteric newspaper accounts see Reno Evening Gazette and Nevada State Journal in February, 1919; Journal of the Senate, (1919), 79; Manuscript Census, Population Schedules: 1910, Storey County, Nevada, microfilm copy; Virginia Evening Chronicle, Oct. 24, 1918, 1; In a letter from the Virginia City Mine Companies to the Storey County Local of the AFL affiliated International Union of Mine, Mill & Smelter Workers (the reorganized remnants of the old WFM), the former threatened to lock-out the miners because, in an obvious Red(IWW)-bait, "the present agitation [for a promised wage increase] seems to have originated among a few men whom we believe have I.W.W. leanings," Con-Virginia Mining Company, et al., to Storey County Local
After passage in the Senate, "conservative businessman and homebuilder" Frank Medar, Republican of Ormsby, quickly introduced Harrington’s bill in the State Assembly on February 18. Three days later, the Democratic-controlled lower house passed the criminal syndicalism bill, 29 to 0. Pleased, the *Carson City News* editorialized that

the anti-I.W.W. bill... is a timely law. There is hardly a day passes but that the press dispatches chronicle some dastardly work by the followers of the red flag... The law is one aimed to make the state free for democracy and that is the best intention of every citizen.\(^{23}\)

On February 27, 1919, without much fanfare or newspaper coverage, Governor Emmet D. Boyle of Nevada signed the Criminal Syndicalism Act into law.\(^{24}\)

In early 1919, the Wobblies dramatically resurfaced in the Tonopah mining district. Informed of this event in April, Governor Boyle once again instructed Labor Commissioner Robert Cole to summon "respectable" labor for a special meeting. On Monday evening, April 7, delegates from the Reno Central Trades & Labor Council, the Affiliated Shop Crafts, and Railroad Brotherhoods of Sparks met Boyle at Labor Headquarters, 212 N. Virginia Street, in Reno. During the meeting, the Governor informed the union delegates that the IWW had representatives in Tonopah who were successfully organizing some one thousand miners into their local. "They [the IWW]...\(\)\(^{23}\) *Carson City News*, February, 26, 1919, 2.

\(^{24}\) *Carson City News*, October 29, 1918, 1; *Journal of the Assembly*, (1919), 130, 160; *Statutes of the State of Nevada*, (1919), Chapter 22.

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were having considerable success," Boyle lectured, "because there was no effort being
made to oppose them, or to offer the miners any opportunity to enter a legitimate
labor organization." At the suggestion of the Governor, the meeting adopted a
resolution "and appointed a committee to devise ways and means of opposing the
I.W.W. by sending [AFL] organizers into this district." One day after the meeting,
Reno Central Trades leader George I. James informed Boyle that they would write
President Samuel Gompers with an urgent appeal that the AFL send organizers into
Tonopah.25

Pleas to the AFL by the Governor, however, could not prevent the IWW's
Metal Mine Workers' Industrial Union No. 800 from organizing miners in Tonopah.
By July, Boyle realized that Nevada's Criminal Syndicalism Act would receive its first
test in Tonopah. On August 17, 1919, Wobblies George Kinser and Mickey Sullivan
convinced enough miners to initiate a strike against the Tonopah and Divide
Operator's Association for wage increases and a shorter work day.26

Governor Boyle arrived in Tonopah September 2 with Labor Commissioner
Cole to "mediate" the strike, but could not resist the temptation to publicly reprimand
the IWW. Addressing unruly workers from atop a car in the town's ballpark, Boyle
labeled the Wobblies "subversive of civilization and destructive of all industry." Not

25Rocha, "Radical Labor Struggles," 28; Robert Cole to the Secretary of each local
in Reno and Sparks, April 5, 1919, Governor's Records, GOV 0038; George I. James
to Samuel Gompers, April 8, 1919, Governor's Records, GOV 0038; George I. James
to Emmet D. Boyle, April 8, 1919, Governor's Records, GOV 0038.

26Emmet D. Boyle to S.V. Stewart, July, 17, 1919, Governor's Records, GOV
0027; Rocha, "Radical Labor Struggles," 29.
willing to accept the legitimate role of the IWW in the strike, the Governor called for a new and more "reasonable" negotiating committee on labor's side. Once formed, the new committee immediately voted to end the walkout. The IWW's strike order, however, still remained in effect and even the AFL respected Wobbly picket line. After George Wingfield arrived October 1 to negotiate for the mine owners, the AFL affiliated Tonopah Trades Assembly promptly withdrew its support for the strike the next day. Boyle and Wingfield then approved the creation of another union -- the Tonopah and Divide Mine and Millmans' Union -- which again declared the walkout over. The Governor then announced in the newspapers "that all labor organizations which profess 'American principles' had returned to the job in Tonopah and Divide, and that the state would use its full power to support every 'decent man' affiliated with an 'American union' who desired to work." True to its beliefs, Wobbly Local No. 800 refused to yield.27

At the behest of a now seriously irritated Boyle, Judge Mark R. Averill, chairman of the Tonopah businessmen's committee involved in the strike negotiations, issued a sweeping temporary injunction against the IWW and their strike activities. In November, Averill made the injunction permanent based on Nevada's Criminal Syndicalism Act. This effectively outlawed the IWW in Tonopah. Though the Wobblies were not totally eliminated from Nevada in 1919, their "regional miners' union was rendered virtually impotent as a viable labor organization" as a result of State action. The Criminal Syndicalism Act of 1919 had accomplished what Governor

Boyle desired — the beginning of the end to a class-conscious and syndicalist answer to the "labor question." With the Wobblies on the run, the Progressive consensus proved victorious in Nevada.²⁸

²⁸Rocha, "Radical Labor Struggles," 32.
So the basic drive of working people in this country was the same as in Europe: capitalism did not satisfy their fundamental needs and they had to struggle as a class, both economically and politically, against the system. What was exceptional was that this essentially social democratic development was carried out in the name of capitalist, rather than of socialist utopias, a fact with roots in the American past...

CHAPTER 5

CONCLUSION:
THE "EXECUTIVE COMMITTEE OF THE BOURGEOISIE"

At a time when the fundamental relationship between Labor and Capital was being questioned, the State Government of Nevada narrowed the mental horizons of the working class by legislating and enforcing a functional illusion. Governor Emmet D. Boyle advocated a Progressive ideology and convinced organized labor in Nevada to enter a Progressive consensus in which capitalist relations — reformed by the State — could be viewed as equitable and free of class conflict. Though challenged by the more radical class consciousness promoted by the IWW, a mild and embarrassed social-democratic worker consciousness became hegemonic for future generations of workers in Nevada.

The "carrot" of creating the Office of Labor Commissioner and the "stick" of passing the Criminal Syndicalism Act underscores the way in which the State Government of Nevada, regardless of the disproportionate influence of individual capitalists, acted as the representative of the capitalist class as a whole. Unlike economic elites of the past -- the feudal nobility or slaveowners -- George Wingfield and his fellow capitalists in Nevada were unable to exercise political power in the blatant interest of their class because the functional illusion of capitalist society, i.e.,
that "equals freely choose their work (their class) as well as their rulers," simply
would not allow it. As a result, capitalist relations in Nevada required an "executive
committee" of elected state representatives who advocated an ideological unity - a
Progressive point of view -- that transcended the rivalries of individual capitalists.
Only the Progressive ideology of Governor Boyle and organized labor in Nevada
could sustain such an illusion of "equitable" reform for all -- something 'owner and
operator' Wingfield could not possibly effect.¹

¹Harrington, Twilight of Capitalism, 311-312.
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