Richberg Talks on "Where Labor Is Heading"

The Law School was honored on April 8, 1952, by a visit from Mr. Donald R. Richberg. The distinguished partner in the Washington firm of Davies, Richberg, Bebe, Busick and Richardson spoke at a dinner meeting attended by students, faculty members, alumni, and friends. In introducing Mr. Richberg, Professor Bernard Meltzer welcomed him as a University alumnus and partial member of the Chicago Bar. Mr. Meltzer quoted Mr. Richberg's description of himself as "one of President Roosevelt's 999 intimate advisers" and cited "this many-sided career, master in chancery, legislative draftsman, busy practitioner, author ... distinguished career as an advocate, particularly before the Bar of the United States Supreme Court. ... Mr. Richberg has broken an unfortunate tradition, the tradition that the lawyer that deals with labor matters must work for labor or management and not cross over."

Mr. Richberg's topic of the evening was "Where Labor Is Heading," and he introduced his remarks by pointing out that he has had "a very long, well, honorable or dishonorable, experience as a male Cassandra in the city of Chicago." He emphasized that an important change had taken place in his thinking and interest. He recalled that early in his career he was antagonistic to the private operation of public utilities; his energies and interest had been directed toward regulating public utilities and working on labor's behalf in its fight for power. Now he has arrived at a position making him equally sure that the concentration of power is certain to lead to abuses no matter on which side of the fence it rests. "I think I do not have to go very far into the record to tell you that I fought for many, many years labor's battles for recognition of the right of self-organization, the right of collective bargaining, in order to maintain freedom, freedom of the worker, and maintain a balance of economic power which meant economic freedom. But I have found myself growing more and more hostile to the change of collective bargaining into collective coercion, and the change of a balance of economic power into attempts at economic and political dictation ... I have lived to see the progressive era, the effort to get increasing freedom and prosperity distributed, as we said in the old days of Teddy Roosevelt, 'pass prosperity around.' I have seen that progressive era transformed into what for want of a better term I must call a 'socialist era' of diminishing freedom and inflation or austerity, or both. Whether reactionary socialism or progressive individualism will win in the end depends on world-wide forces much beyond our control and on the conversion of the American mind, and this is the trouble as I see it, in which I must place my discussion of tonight's topic."

Mr. Richberg briefly surveyed the trend of judicial opinions and the rulings of the National Labor Relations Board and cited two trends which he felt had become increasingly apparent in recent years: first, the trend of organized labor to monopolize trade coercively or in conspiracy with employers and, second, the trend to monopolize employment with the aid of employers. Pointing out that the closed shop is not something that has always been with us, he recalled that, years back when he was functioning as a labor lawyer in his opposition to the closed shop, he relied on the strong support of Louis Brandeis, who repeatedly argued that it was a weakness and a mistake for organized labor to seek the closed shop. Mr. Richberg warned that the inevitable outcome of compulsory unionism will be the domination of management by labor and the starvation of private investment.

The man who once served as general counsel to the NRA and was often referred to as the "assistant Presi-
dent" went on to quote from a book by Sherman Rogers which pointed out that for the last seventeen years on an average in the manufacturing industries employees have received 86 cents of every dollar of income produced; corporation and dividends in addition to surplus, 11 cents; rent, royalties, and interest payments, 3 cents. An analysis of 70 billion dollars capital investment in American industries during the period between 1925 to 1942 showed an average return of 3.67 per cent, with the highest return in any one of the industries being 4.67 per cent. On the basis of these statistics he called the claims of the labor leaders "wild" when they insist that the level of profits of American industry allowed wage increases without increase in prices.

Mr. Richberg offered the audience an alternative term for socialism which he calls "socialists" or, as he sees it expressed in the direction of labor today, "malignant socialists." "I wish I could take the time tonight, which I can't, to go back over the history of a few thousand years in the endeavor to point out that this trend toward socialism, or malignant socialists, the trend toward compulsory cooperation, the use of government force to make people do what they ought, isn't liberalism at all, but reaction to the oldest form of government the world has known."

Maintaining his historical perspective, Mr. Richberg went on to point out that from 1776, the date both of the Declaration of Independence and of the publication of Adam Smith's Wealth of Nations, to 1952 is not a very long time in the life of mankind. "This period has shown extraordinary results compared with the long, long centuries of experimentation, with all sorts of forms of compulsory cooperation, which was the meaning of government throughout the world until practically the dawn of the nineteenth century."

On the positive side for labor, Mr. Richberg stated that the transformation of American labor in the last quarter-century was inevitable and in countless ways beneficial but that the political counterpart of the growth of the power of organized labor has transformed our nation from a government supported by the people to "a people that is supported by the government."

In conclusion, after quoting a few sentences from a brief cited by the American Federation of Labor in the right-to-work cases which he argued in the Supreme Court, one sentence of which read, "Workers cannot thrive but can only die under competition between themselves," Mr. Richberg made a few prophecies about where he feels labor is going. If for a few years we can have a peace time economy, he believes the drive of labor politicians for labor monopolies will be checked and that the obligation of good citizenship will fall upon members of unions as well as upon all other citizens. The tendency, as he sees it, is toward more union responsibility to its own members and to the people and competition to give "an honest day's work for a reasonable wage." He sees the necessity for additional antimonopoly legislation, antiviolence legislation, and antistrike legislation in matters of public necessity. All this, concluded Mr. Richberg, depends on whether we have a peacetime economy again.

"God knows whether we will again, I may not say within your lifetime, but within my lifetime certainly, so I will say, on the other hand, if the intentional insanity of Soviet Russia's policies continues, and the unintentional insanity of our foreign policies and domestic policies, then I suspect the shortsighted leaders of our policies, and not only shortsighted but under terrific pressure; I have got to concede that they will persist in their efforts to rule or ruin until some catastrophic day when they will learn, as others have learned before, that you can bulldoze some of the people all the time and all the people some of the time, but you can't bulldoze all the people all the time. Maybe that is a little plagiarism. This oncoming generation has got a great decision to make. All I can do as a late surviving member of a passing generation is to try to keep faith with the faith that is in me which I would like to say without being unduly emotional is that God made men to be free. As long as I live, I would like to help carry on the fight for that."

Shown above at lunch are two distinguished recent visitors to The Law School. Right to left: Professors Ernst W. Puttkammer and Max Rheinstein with Henry B. Ussing, professor of law at the University of Copenhagen, Denmark, and Justice Lester A. Wade '17, of the Supreme Court of Utah. Dr. Ussing presented a lecture at the School entitled "The Impact of Insurance on the Law of Torts."

Another recent visitor to the School was Arthur L. Goodhart, master of University College and professor of jurisprudence, Oxford University, who delivered a public lecture on the subject "Law Reform in England."

The Law School has also been paid recent visits by Professor Seve Ljungman of the University of Stockholm and Dr. Knud Illum, professor at the University of Aarhus, Denmark.