

HISTORICAL PERSPECTIVES

Teddy Roosevelt: More Than a Rough Rider

by Jerome T. Barrett

The aggressive image of Teddy Roosevelt leading his Rough Riders up San Juan Hill during the war with Spain in 1898 does not depict an alternative dispute resolution (ADR) practitioner, nor does his “Speak softly but carry a big stick” foreign policy. But the fact remains that during his tenure as president from 1901 to 1909, Roosevelt earned a Nobel Peace Prize by mediating a resolution of the Russo-Japanese War of 1904-1905. Our 26th president also performed some domestic alternative dispute resolution 80 years before that expression gained popular usage in the United States.

While Teddy Roosevelt was not pro-labor, his fair-mindedness, in part, moved him to intervene in a very difficult anthracite coal strike in Pennsylvania in 1902. The two sides were represented by what can almost be seen as caricatures of good and evil. Speaking for the mine owner was George F. Baer of the Philadelphia and Reading Coal & Iron Co. Baer had a nearly Old Testament view of the mining company’s role in the lives of the workers: “The rights and interests of the laboring man will be protected and cared for—not by the labor agitators, but by the Christian men to whom God in his infinite wisdom has given the control of the property interests of this country.” In the opposite corner was the 30-year-old pres-

ident of the United Mine Workers, John Mitchell, who began mining coal at age 12. Roosevelt would come to like and respect Mitchell and despise Baer during the course of the long strike.

After the mine owners repeatedly refused to meet to hear the miners’ grievances, Mitchell called a strike on May 12, 1902, sidelining 140,000 workers. The owners’ refusal to meet and Baer’s arrogant words contrasted sharply with Mitchell’s articulation of the miners’ conditions—441 men killed in mine accidents in 1901, for example—thus moving public opinion to the miners’ side. But the strike continued as the owners ignored appeals from prominent religious leaders and other notables, including the president.

In October, with winter and a congressional election nearing, Roosevelt, for both political and humanitarian reasons, arranged a New York City meeting with the parties. When the president brought the parties into the same room, Mitchell behaved politely and reasonably, while Baer was crude and insulting. He accused the president of forcing the owners to meet with Mitchell, and of failing to have the strikers enjoined under the Sherman Antitrust Act.

Roosevelt, outraged by the owners’ behavior and frustrated by his lack of influence, imme-

diately began planning to have the U.S. Army operate the mines. He urged banker J.P. Morgan to pressure the owners to agree to the establishment of a presidential commission to resolve the dispute. Facing the threat of a government takeover, the owners reluctantly agreed to a commission, but insisted that they be permitted to select the members. After arduous wrangling with owners over its membership, the commission recommended a 10 percent wage increase to the miners and remedied a few small grievances, but did not grant the union recognition. When the owners accepted the commission recommendation, the strikers returned to work.

This 100 year-old example of ADR is very primitive by today’s standards. There were no negotiations, since the owners refused to meet with or speak directly to the union leaders. While the efforts of the president and banker J.P. Morgan could be characterized as a type of mediation, they used threats to get the owners to agree to the presidential commission. And since the owners selected the commission members, the arbitration lacked the impartiality and independence of



today’s arbitration. Nevertheless, Roosevelt obviously recognized the importance of third-party intervention in a dispute that could easily have had crippling effects on the country’s economy. In addition to his pioneering work as an early environmentalist, Roosevelt should be credited as an early pioneer of government-sponsored alternative dispute resolution.

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