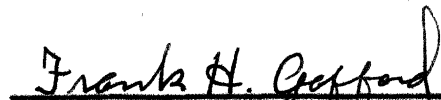


THE EFFECT OF FEDERAL LABOR LEGISLATION ON ORGANIZING
SOUTHERN LABOR DURING THE NEW DEAL PERIOD

APPROVED:


Major Professor


Minor Professor


Director of the Department of
History


Dean of the Graduate School

THE EFFECT OF FEDERAL LABOR LEGISLATION ON ORGANIZING
SOUTHERN LABOR DURING THE NEW DEAL PERIOD

THESIS

Presented to the Graduate Council of the
North Texas State University in Partial
Fulfillment of the Requirements

For the Degree of

MASTER OF ARTS

By

James Lee Forsythe, B. S.

Denton, Texas

August, 1962

PREFACE

Prior to the Depression in 1929, regional promoters in the South attempted to entice northern manufacturers to come south and exploit the cheap, docile, Anglo-Saxon labor. They were willing to expend the energies of southern workers to increase the industrial capabilities of the region. However, contrary to advertisements and popular myths, southern labor has never been so docile and contented as regional promoters have often pictured it.¹ After World War I, southern labor made several unsuccessful attempts to improve its position. Then in 1933, southern workers looked with expectation to the new President who had promised a New Deal for the forgotten man. With the inauguration of President Franklin D. Roosevelt's New Deal program, union organizers flooded into the South to begin organizing the hopeful southern workers. After the initial impetus, unionism in the South declined once more, but it began gaining momentum again as World War II neared. At the onset of the war, however, southern labor still lagged behind northern labor in extent of organization, but by using New Deal labor legislation, it had achieved much growth.²

With the aid of the labor legislation passed during the New Deal era, it would appear that southern labor should have been as well organized proportionately as northern labor. Outwardly it would also appear that southern labor did not

enjoy more success in organization because it was still docile and preferred to bargain on an individual basis, an attitude which met with the approval of the southern employer. However, the attitude of the individual southern worker does not explain what occurred in the South under the New Deal. Rather, other important factors retarded unionization: southern community attitudes, regional hostility to anything northern, southern courts, the national aspect of the New Deal and the various unions themselves.³ To understand the slow but continuous process of unionization in the South during the New Deal period, these factors have to be considered in their setting. Only here can the effect of the New Deal labor legislation be readily discernible.

TABLE OF CONTENTS

Chapter	Page
I. BASES FOR ORGANIZATION	1
II. THE EXTRACTIVE INDUSTRIES: NEW DEAL AID TO INDIVIDUAL EFFORTS	34
III. THE MANUFACTURING INDUSTRIES: THE ROLE OF THE NATIONAL LABOR RELATIONS BOARD	97
IV. TRANSITION IN SOUTHERN AGRICULTURE	160
V. THE NEW DEAL AND SOUTHERN LABOR: AN APPRAISAL	200
APPENDIXES	208
BIBLIOGRAPHY	213

CHAPTER I

BASES OF ORGANIZATION

The South, like other areas without a diversified economy in the United States, experienced a preview of the Great Depression of the 1930's during the 1920's. Throughout the 1920's, wages in the South, perennially the lowest wages in the nation in a given industry, declined until they were below the subsistence level. Not only were southern employees faced with declining income, they had to contend with the North-South wage differential.¹ Chambers of Commerce, civic leaders and industrialists in the South defended the wage differential as legitimate because they contended there was a lower cost of living in the South, minimizing the need for wages equal to northern wages.² What they did not reveal was that low wages in the South reflected the prevailing low standard of living. This pattern continued throughout the declining period of 1929-1933. When the New Deal program began in 1933, low wages and the low standard of living in

¹See Appendix A for chart illustrating the wage differential in three given basic industries.

²See Appendix B for chart demonstrating opposing view.

the South were long established as characteristics of the southern economy.³

The types of work available in the South during the 1920's led to much unemployment and seasonal idleness. Agricultural workers only worked during the "season." Textile workers worked only during the peak times when materials were needed for seasonal style changes. In coal mining, the miners were working only about one half of each month. Hence, unemployment was a common feature of the southern economy.

These conditions had been noted by union organizers early in the century, but attempts at unionization in the South had generally met with bitter opposition. Appeals to sectional pride contended that cheap, unorganized labor was necessary in the region if it was to compete with the North. Unions were "foreign," meaning both "foreign" Yankee and "foreign" Communist, inspired. To the South, the old concept of rugged individualism still possessed appeal, although it meant a rugged, starved, poor individual. The power of the fundamentalist churches was still unchecked, and conservatism in theology was used to bolster conservatism in economics. The mill owner was the salvation of the South and his will, even if it meant starvation wages and poor working conditions, must prevail.⁴

³See Appendix C for chart showing the per capita income rank of the southern states in 1929, 1933, and 1940.

⁴W. J. Cash, The Mind of the South (New York, 1960), pp. 351-359; Virginius Dabney, Liberalism in the South (Chapel

To most of the nation, the year 1929 meant a period of great prosperity, the Stock Market crash, and the beginning of the Great Depression of the 1930's. In the Piedmont region of the Southeast, the year 1929 meant more than this. To this region, 1929 was the year of the "Big Strike," the year the "Reds" tried to organize the textile mills and the year labor took its stand in the Piedmont. Today, the year is spoken of in hushed tones to those who would try to collect the facts of the "Big Strike" and the "Red" conspiracy.

On March 12, 1929, in Elizabethton, Tennessee, a strike began in one section of the German-owned American Glanzstoff Company rayon mill and quickly spread through the mill and into the neighboring German-owned American Bemberg Company rayon mill.⁵ During the initial phase of the strike, the workers directed their ire at the nationality of the mill owners. Motherhood, home and God had been saved from the Germans by virtue of the War and the Treaty of Versailles,

Hill, 1932), pp. 318-321; "Entrance Wage Rates for Common Labor, January 1, 1929," Monthly Labor Review, XXVIII (May, 1929), 188-190; Glenn Gilman, Human Relations in the Industrial Southeast--A Study of the Textile Industry (Chapel Hill, 1956), pp. 109-112; Calvin B. Hoover and Benjamin U. Ratchford, Economic Resources and Policies of the South (New York, 1951), p. 464; Broadus Mitchell and George Sinclair Mitchell, The Industrial Revolution in the South (Baltimore, 1930), pp. 210-216; "Retail Prices of Foods in the United States," Monthly Labor Review, XXVIII (May, 1929), 221-238.

⁵"Eleventh Convention of the National Women's Trade-Union League," Monthly Labor Review, XXVIII (June, 1929), 164. This gives a summary of the conditions at Elizabethton, Tennessee.

but this had not quelled the hatred that had been drilled into Americans. Consequently the strikers were staggered when the Tennessee business element came to the support of these German "foreigners." Rumors immediately linked this action by the business interests with the desire to keep a low wage standard in the area.

Injunctions were issued to 800 militiamen, unlawfully wearing United States Army uniforms and illegally using United States Army military equipment, were sent to protect the mills. "Old Glory" was soon flying in the mill yard and machine-guns were pointing down from the rooftops. An agricultural society was seeing what strange things could occur in an industrial society when the law sided with the "foreigners" against the native sons of Tennessee.

A false strike settlement was made on March 22. As a gentleman's agreement the workers accepted it. The settlement did not last long. The mill soon began discharging the active unionists and had discharged about 300 of them by April 13. On the night of April 3, labor leaders, Alfred Hoffman, southern organizer for the United Textile Workers of America, and Edward F. McGrady, chief representative of William Green, President of the American Federation of Labor, were kidnapped by a group of businessmen and carried at gun point to the North Carolina state line and ejected from the state. This incident served to revive the waning interests of the rayon mill workers. On April 15, ninety additional

unionists were discharged. The workers answered with a second strike that closed both the rayon mills. Civil liberties quickly withered, machine guns covered Happy Valley in Tennessee and broad court injunctions became the order of the day.

Governor Henry H. Horton of Tennessee was subjected to pressure from all sides. President Green of the AFL cautioned him on the handling of the strike. John R. Neal, lawyer and friend of the strikers, helped defend the strikers in court and in the news media. He, too, cautioned Horton regarding the illegal use of federal equipment by state troops and eventually protested the action to the Secretary of War, James W. Good.

The strikers were receiving some outside help, but their cause was doomed by internal weaknesses as well as local and state opposition. Some 5,000 unorganized strikers, undisciplined in union activities, filled the town of Elizabethton in Happy Valley. No leader was available to effectively organize the strikers, nor were there enough funds to keep the relief activity functioning. On May 25, management terms were presented for a settlement. The terms did not recognize the union, made little reference to any collective bargaining and set up an "impartial" person as personnel manager to settle grievances. The "impartial" person appointed as the new manager for grievances was E. T. Willson, fresh from Passaic, New Jersey, and known for his union breaking activities.

The workers accepted the terms after two hours' deliberation, but the night after the strike was settled, a New York Times reporter noted that sentries equipped with fixed bayonets on loaded rifles were still at the plant and that Adjutant General W. C. Boyd of the Tennessee National Guard had not been ordered to discharge them from their posts.

The strike had been defeated because of lack of planning, of leadership and of funds. The underlying causes of the defeat however were the indifference and impotence of the entire American labor movement combined with employer aggressiveness. All was not lost, however. The agitation in the Elizabethton community began spreading into North and South Carolina and kept spreading until the entire Piedmont was inflamed with textile strikes.⁶

The Elizabethton strike had been conducted by an American union, the UTW of the AFL, striking against a foreign owned business enterprise. This was not the case in the next textile strike at Gastonia, North Carolina, which was allegedly

⁶Margaret Bowen, "The Story of the Elizabethton Strike," American Federationist, XXXVI (June, 1929), 664-668; Ernest J. Eberling, "The Strike Among Textile Workers in the Southern States," Current History, XXX (June, 1929), 450-453; Weimar Jones, "Southern Labor and the Law," The Nation, CXXXI (July 2, 1930), 14-16; Florence Kelley, "Our Newest South," The Survey, LXII (April 15, 1929), 342-344; Edward McGrady, "Conciliation Proposals," American Federationist, XXXVI (June, 1929), 669-671; Tom Tippet, When Southern Labor Stirs (New York, 1931), pp. 54-75; Samuel Yellen, American Labor Struggles (New York, 1936), pp. 300-308.

conducted by a "foreign" inspired, Communist union against a mill owned by a large northern textile company. The "foreign" inspired union was the National Textile Worker's Union, and the plant was the Loray mill of the Manville-Jenckes Company of Pawtucket, Rhode Island. The strike began on the first of April with a walkout of the mill operatives. On April 5, Governor Gardner of North Carolina sent five companies of militia to protect the mill. Civil liberties withered here as they had at Elizabethton. The union headquarters was raided and its supplies destroyed while 250 state militiamen "slept" 500 feet away. The Gastonia Gazette applauded this mob action. When Governor Gardner eventually withdrew the troops, a "Committee of One Hundred" was organized to combat the strike. Most of the "Committee's" members were deputized by the local law authorities.

A reign of terror covered the city and the country following the organizing of the Committee, but the strike continued. Mob action was proposed by the local paper on the basis that Russia had invaded the placid South. The emphasis in coverage of the strike by the press soon shifted from the fight between organized labor and the company to a fight between capitalism and Communism.

The strike had lost most of its effectiveness by early June. On the night of June 7, a group of policemen without search warrants invaded the union's tent colony. In the battle

that ensued, a striker was hurt, two policemen slightly wounded and Chief of Police Aderholt was mortally wounded. Infringement of civil liberties by the police was duplicated by the Committee of One Hundred, but on an even larger scale. The Committee was enlarged into a group consisting of thousands following the shooting. They hunted down such strikers as they could find and threw them in jail. All that remained of the battle between capitalism and Communism was the trial of the "Committee" which began the last of July. During the trial, the prosecution snatched a shroud off a full-sized effigy of the slain police chief and caused one juror to go insane, thereby causing a mistrial.

While the strike-torn area waited for the second trial, a group of strikers coming from the nearby community of Bessemer City to attend a strike meeting was intercepted and ordered to return to their homes. The strikers turned around and started back to Bessemer City. They were again stopped, and this time the strikers jumped from the truck and began running with the mob firing at them. One of the strikers, Ella May Wiggins, was killed before she could jump from the truck. This began another reign of terror in the community. The suspension of civil liberties by this new reign of terror forced the union to suspend its open activities in Gastonia. The union was defeated.

The re-trial of the alleged Communist conspirators began early in September. Communism, not the strike leaders and

defendants, was on trial. It was found guilty of attempting to overthrow capitalism and the southern way of life, and its advocates were sentenced to prison. The State Supreme Court added the final touch by refusing the defendants' appeals. The full impact of the victory came the next year when the fourteen defendants in the murder of Ella May Wiggins were acquitted. The mill owners under the mantle of Americanism had won a victory against unionization.⁷

Gastonia was forced to share the limelight of strike activity during the summer with nearby Marion, North Carolina. Here the strike originated in the East Marion Manufacturing Company mill, owned by the Baldwin family of Baltimore, Maryland. The neighboring Clinchfield mill was native owned and operated and was not bothered by the strike at first.

This strike was caused by the same general conditions which precipitated the other strikes in the Piedmont. It differed only because its workers were organized by the UTW

⁷Paul Blanshard, "Communism in Southern Cotton Mills," The Nation, CXXVIII (April 24, 1929), 500-501; Paul Blanshard, "One-Hundred Per Cent Americans on Strike," The Nation, CXXVIII (October 2, 1929), 554-556; G. Ray Jordon, "Churchmen and Jurymen," The Christian Century, XLVI (September 2, 1929), 1186-1187; Edgar W. Knight, "The Lesson of Gastonia," The Outlook and Independent, CLIII (September 11, 1929), 45-49, 76; Nell Battle Lewis, "North Carolina at the Crossroads," The Virginia Quarterly Review, VI (January, 1930), 37-40; Nell Battle Lewis, "Tar Heel Justice," The Nation, CXXIX (September 11, 1929), 272-273; Paul Porter, "Justice and Chivalry in Carolina," The Nation, CXXIX (August 28, 1929), 214-216; Joseph Shaplen, "Strikes, Mills and Murder," The Survey, LXII (September 15, 1929), 595-596; Tippet, When Southern Labor Stirs, pp. 76-108; Yellen, American Labor Struggles, pp. 308-316.

before the strike began. Hoffman, local organizer, found the same working conditions, wage policies and paternalistic company policy that he had observed at the mills. The mill was forcing the workers to labor twelve hours and twenty minutes a day, employing the "stretch-out" system, paying extremely low wages, doing night work and working children under the legal age. The immediate cause of the strike was the installation of the "stretch-out" system because an untrained executive had ruined \$40,000 worth of material. To make up the loss, the workers were forced to work twenty extra minutes a day without additional pay. The "stretch-out" soon turned into a walkout.

Hoffman had advised the workers not to press their grievances and demands, but they persisted and presented them to R. W. Baldwin, president of the mill. They wanted a fifty-five hour work week without a reduction in wages, reinstatement of twenty-two previously dismissed union members and recognition of the union grievance committee. Baldwin refused to comply with their demands and ridiculed their efforts.

The operatives in the East Marion mill walked out on July 11, 1929. Two weeks later, the operatives of the Clinchfield mill presented similar demands to B. M. Hart, president of the Clinchfield mill, and were refused. During the first week of August, the Clinchfield mill, in anticipation of a walkout, closed its doors and "locked out" its employees.

Baldwin obtained an injunction to prohibit the workers from carrying on their mass demonstrations and picketing. The

strikers obeyed the orders, and Clinchfield mill attempted to reopen with strike-breakers. When this effort failed, the mill management immediately requested that state troops be sent to protect its property. Troops soon arrived to preserve the peace, ". . . to save the honor of North Carolina"⁸ and ". . . to prevent an insurrection against the State of North Carolina."⁹ The troops quickly stopped the picketing and instituted martial law. Strike activity was stopped, troops with fixed bayonets prevented the strikers from entering the United States Post Office and new workers put the mill back into production. Again the state military power had brought strikers into submission in the South.

The only outbreak of "violence" on the part of the strikers occurred when the sheriff attempted to remove the furniture of a union member from a company-owned house so that a non-union member could move in. A total of seventy-five union members was arrested for mass demonstrations in opposition.

The strike ended September 11, when a "gentleman's agreement" was reached through the mediating efforts of an Asheville, North Carolina, banker. The workers were given the fifty-five hour week, but with a reduction in weekly wages, there would be no further discrimination against workers who engaged in union activities, all but fourteen of the union

⁸Tippett, When Southern Labor Stirs, p. 127.

⁹Ibid., p. 128.

members would be reemployed and the union would vote in six weeks to see if it desired to return to the sixty to sixty-five hour work week. The work week was reduced, but with the hourly pay rate remaining the same, the workers received a cut in pay. If they would return to the sixty or even the sixty-five hour a week schedule, they would get a corresponding "raise" in pay.

The biggest failing of the agreement was that it was a "gentleman's agreement" and was not in writing. The East Marion mill quickly broke the agreement. Instead of refusing employment to fourteen men, it refused employment to 102 men. To this number, they added other names that would go on their "blacklist."

On October 1, the mill owner, fearing another strike, asked Sheriff O. F. Adkins to be at the plant for shift changes. Early the next morning an altercation between a foreman and a night shift worker precipitated a renewal of the strike. When the day shift began to arrive about dawn, they joined the night shift in the walkout. The sheriff ordered the massed group to disperse, but they remained intact outside the gate. To disperse them, the sheriff released tear gas, and the deputy sheriffs fired about fifty or sixty shots into the group. When the gas and the smoke blew away and the violence ended, six unarmed workers were dead and eighteen were wounded. Although the workers had been shot in the back as they fled the tear gas, the sheriff and his deputies claimed they fired in self-defense.

The day after the massacre, state troops again returned to Marion, and on October 7, legal action was started to evict the union members from company houses. A month later the evictions started when twenty families were moved. The full realization of the situation dawned upon the union members when over 100 of them were dropped from the rolls of the East Marion Missionary Baptist Church. Union membership simply was not wanted in the area. The strike had been broken.

At the trials that followed the massacre, Hoffman and three strikers were found guilty of "rioting" because they had prevented the sheriff from removing the furniture of a union member from a company-owned house in August. This was followed by the trial of the sheriff and his deputies for the massacre in October. They were found to be not guilty, although there were many disinterested eye-witnesses to support the union claim that it was not an action of self-defense.

The violence had one bright spot for the union. It shifted the labor strife scene from Gastonia and the murder of Ella May Wiggins to Marion, and ultimately led to the public airing of the conditions which promoted the labor unrest. Because of the massacre, many important people from outside the community came to Marion for the mass funeral. These outsiders found homes without food and women and children with inadequate clothing. Money was collected to outfit several of the families of the deceased workers, and the poverty of the mill families was manifested. The nation,

through the eye-witness reporting of many news reporters, began to see why the mill workers at Marion and throughout the Piedmont had struck.¹⁰

In the end, the conservative UTW found that they fared no better than the NTWU. State troops were used to protect the mill owners' property rather than the rights of the union members. They were used to prevent so-called insurrection against the state, to prevent dynamiting and looting, and to prevent and break up lawful picket lines.¹¹ The unions had to fight the law, its officers, state troops, the companies, the towns, entrenched fundamentalist religion and public apathy toward humanitarian ideas and concepts. The struggle was costly in the Piedmont. The only alternative was to suspend union operations and wait for another opportunity.

Evaluation of these three strikes reveals a picture of union frustration in textiles. The violence at Elizabethton was caused by an anti-union mob. The violence at Gastonia was caused by a mob that broke the law, did not want labor unions in the area and feared any change in the status quo. At Marion, where the mill itself was violating state labor laws, the violence was caused by law enforcement officers

¹⁰Marion Bonner, "Behind the Southern Textile Strikes," The Nation, CXXIX (October 2, 1929), 351-352; Jones, "Southern Labor and the Law," pp. 14-16; Lewis, "North Carolina at the Crossroads," pp. 40-44; Tippet, When Southern Labor Stirs, pp. 109-155; Yellen, American Labor Struggles, pp. 316-321.

¹¹Jones, "Southern Labor and the Law," pp. 14-16.

protecting the mill's right to break the state laws. When the strikes were over, seven union members were dead and one law officer was dead. All the strikers who had been accused of the many and sundry crimes had been convicted. The anti-unionists and the law officers had all been acquitted. In the case of the deputies at Marion, they were acquitted ". . . so they could go home for Christmas."¹²

Following the Marion, Elizabethton, and Gastonia strikes, as well as numerous other small textile strikes in the Piedmont, the AFL in its meeting in Toronto, Canada, decided to create the machinery to organize a large-scale campaign in the South. In accordance with the desires of the convention, all AFL affiliated unions were invited to a preliminary conference at Washington, D. C., on November 11, to decide on the policy for the campaign and the organizing procedures. On January 6, 1930, national leaders in organized labor met at Charlotte, North Carolina, to plan the organizing campaign. The meeting fell short of expectations, but some progress was made. One of the prime needs was a fund to provide support for the activity. The meeting did not provide enough funds, but efforts to organize the South began immediately, and organizers quickly spread through the region. The organizing drive began making headway despite the hampering effect of increasing unemployment.

¹²Tippett, When Southern Labor Stirs, p. 148.

The active efforts of the AFL in the southern organizing campaign were accelerated in September, 1930. In that month, the workers in the Riverside and the Dan River cotton mills in Danville, Virginia, walked out because the mills had dismissed several union members. President Green of the AFL quickly endorsed the strike. On September 30 two strike injunctions, issued by a judge that owned stock in the mills, prohibited picketing and ordered pickets off mill property. President Fitzgerald, owner of both mills, imported strike-breakers to defeat the union.

While the strike was in progress, the AFL met in Boston. There attempts were made to obtain additional funds for strike relief, but the convention would not approve the efforts. The only positive action of the AFL was to endorse the strike, to urge its affiliates to provide relief and to issue an appeal for financial support for the strike.

On October 17, the police ordered the pickets to quit jeering when on the picket line. They complied with the order. The peaceful picketing continued until November 24. On that day the mill blew its whistle to order the workers back to work. The strikers responded by mass picketing. This move created a "disorder" and allowed the state troops to be called in. They removed the pickets and burned the pickets' shelters. The only violence had been a bomb explosion near a strike-breaker's home. On the day the troops arrived, the only activity had been a parade.

On December 7, an article appeared in the Danville Register attacking the UTW. The strikers responded by forming a solid mass of pickets and marching toward the mill. The parade was broken up with tear gas and mass arrests followed. Again troops were brought in to repulse the strikers.

The strike officially continued until January 29, 1931, although actually it ended many months earlier. Most of the workers returned to the mill but continued to engage in various strike activities. As the strike neared its end, the union found that nearly everyone was in opposition to its activities. It had a few friends, such as liberal news reporters and a mill owner who was friendly toward organized labor, but most of the Piedmont region turned its back on the organizing attempt. The only progress the union made in this strike was that the mill owner stopped discriminating against the union members and rehired them to fill their old positions.¹³

The struggle at Danville had been long and, in the end, it was a very costly struggle, both financially and in loss of labor support. To the South, the end of the strike represented an unconditional surrender by the union to the business element. The union was also aware that it had lost the fight.

Economic conditions were unfavorable for the organizing attempt. The Great Depression was severe in the South. Wages

¹³ Philip Taft, The A. F. of L. From the Death of Gompers to the Merger (New York, 1959), pp. 10-12; Tippet, When Southern Labor Stirs, pp. 210-269.

were cut and unemployment was high: factors which ultimately contributed to the failure of the strike. Workers with hungry children hesitated to leave their jobs. With high unemployment, this factor was greatly magnified. However, conditions did not defeat the strike. The AFL was as much to blame as any other factor. When it should have supplied the finances and support necessary for a long, hard campaign, the conservative union simply backed away from the fight, effectively halting unionization efforts in the South for the time.

The other major organizing effort of the early depression years occurred in Kentucky. The bituminous coal industry had flourished during World War I, but a rapidly declining market for coal in the 1920's brought disastrous effects to the Kentucky coal fields. Top pay in the mine fields was about forty dollars, out of which was taken money for "explosives, lamps, tools, the company doctor and the blacksmith."¹⁴ Often workers also had to pay insurance and church and burial fees out of the remaining pay. What miners did get was unusable only in the company stores in the form of scrip.¹⁵

In late March, 1931, the miners at Black Mountain, Kentucky, walked out because of a wage cut. They sought to revive the old United Mine Workers of America locals in the area. After a meeting at Pineville, Kentucky, where

¹⁴ Sterling D. Spero and Jacob Broches Arnoff, "War in the Kentucky Mountains," American Mercury, XXV (February, 1932), 227.

¹⁵ Ibid., pp. 226-233.

reorganization was discussed, 200 of the men were blacklisted and fired from their jobs. Strikebreakers were brought in to work the mines. The owners and operators of the mines were spurred into further action by the flood of anti-Red propaganda that was brought into the area. To prevent further organizing and "Red infiltration," extra guards were hired by the companies.

On May 5, 1931, these provocations resulted in an incident which occurred on the road outside Evarts, Kentucky, when the miners "ambushed" a car caravan of deputies on their way to protect the strikebreakers in the mines. After the shooting, three deputies and one miner had been killed and three miners wounded. The deputies organized and stormed the town, making indiscriminate arrests.

The following day, a grand jury indicted thirty miners for murder and thirty for banding and confederating. The town clerk and the chief of police were among those arrested. No deputies were arrested, although they had been driving through Evarts with guns sticking out of the car windows in a tantalizing method, had made other provocative moves and had fired on the miners. After the indictments, the elected town officers were suspended and replaced by deputies.

The miners had been attempting to revive the UMW, but a new labor organization moved into the mine fields to challenge the UMW. The National Miner's Union, a Communist affiliate union, upon hearing of the disturbance, sent organizers

into the field. Also present were members of the I. W. W. With these radical elements on the scene, the situation became inflammable. As the various unions attempted to organize, the authorities and the Harlan County Coal Operators' Association moved into action. Through the use of regular deputies and appointed deputies, plus citizens who were afraid of the "Red terror," violence became widespread in the Harlan County area. Relief workers' cars were dynamited, soup kitchens were blown up, union organizers were beaten up and run out of the county, newspaper men were beaten and carried out of the county, union men were ambushed and homes were illegally raided to search for so-called Communist literature and IWW men.

In nearby Bell County, the sheriff was able to keep the peace for a long time. His enforced peace began withering, however, as the Communist affiliated NMU organizers and the IWW organizers moved into the Straight Creek section of Kentucky. This section, one of the most depressed in the coal fields, was most susceptible to the efforts of these extremist organizers. Gradually the NMU spread until it covered nearly all of Kentucky and Tennessee.

Violence continued throughout the year, and as conditions grew worse, the organized workers decided to carry out a general strike to begin January 1, 1932. It was quickly challenged by mass arrests and quick indictments. Union officials and members were convicted en masse and given sentences. Not one special law officer or one regularly appointed law officer

was convicted, even though there were many witnesses to testify against them. Although the violence was toned down, it persisted. Civil liberties were kept in virtual suspension and anyone who was not native to the area was considered to be and "outside agitator."¹⁶

Labor unrest during the 1929-1933 period was not as sectional as it would appear from the foregoing. However, the deprivation of civil rights by state officials, the courts, local authorities and various citizen groups in attempting to suppress labor organizing efforts were more pronounced in the South than any other section of the nation. As the Great Depression deepened in the period before the New Deal, national legislators began giving more consideration to ideas that would help stabilize the industrial economy and that would give labor the national protection it needed to organize. The foundation for such national labor legislation had been laid in earlier national laws, but for labor in the South, there had to be provisions which definitely stated that labor had the right to organize and that the federal government would protect that right.

¹⁶ Herbert Abel, "Gun Rule in Kentucky," The Nation, CXXXIII (September 23, 1931), 306-308; Malcolm Cowley, "Kentucky Coal Town," The New Republic, LXX (March 2, 1932), 67-70; Oakley Johnson, "Starvation and the 'Reds' in Kentucky," The Nation, CXXXIV (February 3, 1932), 141-143; John Dos Passos, "Harlan: Working Under the Gun," The New Republic, LXIX (December 2, 1931), 62-67; Spero and Arnoff, "War in the Kentucky Mountains," pp. 226-233.

The Sherman Antitrust Act had been passed as a restriction on massed capital, but the courts applied it to unions in the Danbury Hatter's Case.¹⁷ The Clayton Act of 1914 reflected congressional discontent with the Sherman Act, but in Duplex Printing Press Company v. Deering, and related labor decisions, found it had received only a restriction on the use of the injunction rather than a Magna Charta to organize.¹⁸ The experience gained from the court interpretations of the Sherman and Clayton Acts helped Congress write the Railway Labor Act of 1926. Although the act applied only to the nation's transportation system, it established principles and methods that were invaluable in writing later labor legislation and placed the responsibility of collective bargaining on both the employer and the employee.¹⁹

In 1932, the Federal Anti-Injunction Act, known as the Norris-La Guardia Act, was passed. Section 2 of the act stated that an unorganized worker had the freedom of selecting his own bargaining representative, the right to negotiate for terms and conditions of employment and the right to be free from employer interference during the selection of a collective bargaining representative. Labor had the legal right of

¹⁷Lawlor v. Loewe, 235 U. S., 522 (1915).

¹⁸Duplex Printing Press Company v. Deering et al., Individually and as Business Agents of District No. 15 of the International Association of Machinists, et al., 254 U. S., 443 (1921).

¹⁹U. S. Statutes at Large, XLIV, Part I, 577 (1926).

collective bargaining and this right could not be questioned in the federal courts. The limits of court injunctions were defined in the act. "Yellow Dog" contracts were outlawed and the right to strike and picket was reiterated and defined. The law was a laissez-faire law because it required the courts to keep their hands off activities that were prescribed, simply letting the employer and employees struggle until an agreement was reached.²⁰ The term "labor dispute" was given a broad definition when the act was taken before the Supreme Court in Lauf v. E. G. Shinner and Company, and the Court held that Congress had the power to "define and limit the jurisdiction of the inferior courts of the United States,"²¹ thus protecting labor's rights from court action.

Through these acts, unions were protected as legal collective bargaining agents. As each act passed the legislative process, organized labor proclaimed the generousities of the act and how they would help labor, but each time they had been rebuked by the courts' interpretations. Labor felt the Norris-La Guardia Act was beneficial but that labor needed more protection in the courts. The national elections of 1932 brought forth a presidential candidate who said he was for labor and the "forgotten man." When Franklin Delano Roosevelt became president, labor looked forward to his promised New

²⁰U. S. Statutes at Large, XLVII, Part I, 70 (1932).

²¹Lauf et al. v. E. G. Shinner and Company, Inc., 303 U. S., 323 (1938).

Deal program and especially to the hoped for New Deal labor legislation.

The Roosevelt administration presented a broad program for industrial recovery, and labor was included in it. This program, known as the National Industrial Recovery Act, became law on June 16, 1933.²² In Section 1 of the NIRA, Congress declared its policy. After declaring its general policy, Congress proceeded to prescribe the conditions that would be required in the codes, agreements and licenses that would be established under the law. In prescribing these conditions, Congress inserted the following section that would protect the rights of labor in the various industries:

Section 7. (a) Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.²³

²²U. S. Statutes at Large, XLVIII, Part I, 195 (1933).

²³Ibid.

To implement this section of the act, the National Labor Board was established. In 1934, it was replaced by the President with the National Labor Relations Board.²⁴ Its purpose was to function in labor disputes, but it was short lived and ineffective. The National Industrial Recovery Act was declared unconstitutional by the Supreme Court on May 27, 1935, in the case of Schechter Poultry Company v. United States.²⁵ With this decision, labor organizations were again at the mercy of the employer.

Undeterred by the Court decision, Congress, under the leadership of Senator Robert F. Wagner, passed another act to help labor.²⁶ In introducing the new legislation on February 21, 1935, Senator Wagner stated that the bill "was designed to clarify the provisions of Section 7 (a) of the National Industrial Recovery Act" and to establish a labor board to enforce the provisions of the proposed bill.²⁷ After introducing the bill, he said that Congress had given both business and labor a new freedom to grapple with the economic condition

²⁴ Stephen J. Mueller, Labor Law and Legislation (Cincinnati, 1949), p. 414.

²⁵ A. L. A. Schechter Poultry Company et al. v. United States, 295 U. S. 495 (1935).

²⁶ Senator Robert Wagner first introduced this legislation in the form of his proposed Labor Disputes Bill. An abortive form of his bill became Public Resolution 44 and was signed by President Roosevelt on June 19, 1934. Wagner then reintroduced a perfected bill in 1935, which finally became law.

²⁷ Congressional Record, 74th Congress, 1st Session, p. 2368.

of the country, but that Section 7 (a) of the NIRA had not been accomplishing what Congress expected. Each industry had a separate code, but labor had only one code. This led to different interpretations. Because of the breakdown of Section 7 (a), labor had been denied its freedom, and without this freedom, labor was not able to exert an influence on those businesses which slipped from the path of the Blue Eagle. The bill that Wagner presented would correct and clarify Section 7 (a). There was no new philosophy in the bill, but rather, it represented a continuing principle dating from the Railway Labor Act and the Norris-La Guardia Act.²⁸

Wagner stated that some people had challenged it charging that it gave labor a "dictatorship." Actually, much of the opposition toward Wagner's bill came because it outlawed the company union. This provision protected the democratic principle of a free choice of representatives for collective bargaining. Some argued that the bill showed that Congress favored a closed shop. However, the bill only permitted a closed shop when the employer approved of it and if it was legal in the state in which employees were employed. Many states already had laws that permitted closed shops, and too, the nature of the international unions within the AFL would prevent either a "dictatorship" by the AFL or industry-wide closed shops. The argument that "majority rule" forced a

²⁸ Ibid., pp. 2371-2372.

worker to join a union was also declared to be erroneous. The "majority" decided who would be the collective bargaining representative, but the act protected the individual employee's right to choose a representative of his own choosing. No one had to join the union that the majority had elected as the bargaining representative. The act reserved the right of individual employees to present grievances to their employer. The concept of united labor action had permeated Congress, but only time would tell how well the concept had permeated southern laborers.²⁹

On July 5, 1935, Senate bill 1958 became law.³⁰ In Section 1 of the National Labor Relations Act, Congress recorded its policy toward labor. It stated that it was Congress' purpose to eliminate the causes which obstructed the free flow of commerce, to encourage collective bargaining and to protect the rights of workers to bargain collectively. The last two purposes were spelled out in sections seven, eight, and nine of the act.³¹ Probably the most important part to southern labor was Section 8, defining unfair labor practices, and when the Supreme Court upheld the act in the Jones and Laughlin decision these actions were legally abolished

¹¹ 29 Ibid.

¹² 30 U. S. Statutes at Large, XLIX, Part I, 449 (1935).

¹³ 31 Ibid. See Appendix D for the provisions of the section that were most important to southern labor.

forever.³² Labor now had its Magna Charta and was protected in its organizing efforts. It was now up to southern labor to take upon itself the task of implementing the rights that were guaranteed by the act.

From colonial times to the time of the passage of the Wage-Hour Law, no state or federal laws had effectively regulated wages, hours and child labor in one unified set. The employer established the pay rates, the hours worked and the general working conditions, and men, women and children would work as long as sixteen hours per day. However, there had been earlier attempts at wage-hour legislation. The Hours of Service Law, passed in 1907, prohibiting trainmen from working over sixteen hours per day,³³ was sanctioned by the Supreme Court--Baltimore and Ohio Railroad Company v. Interstate Commerce Commission.³⁴ The Adamson Act followed in 1916 and established an eight-hour day for interstate trainmen.³⁵ The Court held this law to be constitutional in New v. Wilson.³⁶

¹⁴ 32 National Labor Relations Board v. Jones and Laughlin Steel Corporation, 301 U. S., 1 (1937).

¹⁵ 33 Mueller, Labor Law and Legislation, p. 805. Dale Yoder, ed., Prentice Hall Labor Course Covering Labor Laws, Collective Bargaining, Arbitration (New York, 1953), pp. 7011-7012.

¹⁶ 34 Baltimore and Ohio Railroad Company v. Interstate Commerce Commission, 221 U. S., 612 (1911).

¹⁷ 35 Mueller, Labor Law and Legislation, p. 805. Yoder, Prentice Hall Labor Course, p. 7012.

¹⁸ 36 Wilson, United States Attorney for the Western District of Missouri v. New et al., Receivers of the Missouri, Oklahoma and Gulf Railway Company, 243 U. S., 332 (1917).

In 1916, Congress also attempted to regulate child labor. It based its regulatory power on the commerce clause of the Constitution, but, in Hammer v. Dagenhart, the Court found the law to be unconstitutional.³⁷

During the second administration of President Roosevelt, Congress carried the trend further and passed another law of importance to southern labor, the Fair Labor Standards Act, known as the Wage-Hour Law, which became effective in June, 1938.³⁸ It covered three fields of regulation: wages, hours of work, and child labor. This law was unique in that no state laws were drafted as counterparts. The Norris-La Guardia Act and the Wagner Act provided models for similar legislation in the state legislatures. Some states adopted combinations of wages, hours, and child labor, but no state provided legislative protection in all three fields in one law.³⁹ In U. S. v. Darby Lumber Company, the Supreme Court held that Congress could regulate commerce and that the control of wages and hours came within the commerce clause.⁴⁰ This ruling overruled the decision in Hammer v. Dagenhart.⁴¹

³⁷ Hammer, United States Attorney for the Western District of North Carolina, v. Dagenhart et al., 247 U. S., 251 (1918).

³⁸ U. S. Statutes at Large, LII, Part I, 1060 (1938).

³⁹ Ibid., Yoder, Prentice Hall Labor Course, p. 7018.

⁴⁰ United States v. Darby Lumber Company, 312 U. S., 100 (1941).

⁴¹ Hammer, United States Attorney for the Western District of North Carolina, v. Dagenhart et al., 247 U. S., 251 (1918).

In Section 2 of the Wage-Hour Law, Congress described the necessity as well as the purpose of the act:

(a) The Congress hereby finds that the existence, in industries engaged in commerce or in the production of goods for commerce, of labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers (1) causes commerce and the channels and instrumentalities of commerce to be used to spread and perpetuate such labor conditions among the workers of the several states; (2) burdens commerce and the free flow of goods in commerce; (3) constitutes an unfair method of competition in commerce; (4) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce; and (5) interferes with the orderly and fair marketing of goods in commerce.

(b) It is hereby declared to be the policy of this act, through the exercise by Congress of its power to regulate commerce among the several states, to correct and as rapidly as practicable to eliminate the conditions above referred to in such industries without substantially curtailing employment or earning power.⁴²

The coverage of the law was broad. It stated that an employee must be engaged in "commerce" or in a closely related process that was essential to the production of "commerce." "Commerce" referred to any commercial activity between a state and any place outside the state, including foreign nations. The minimum wage established by the law in 1938 was twenty-five cents an hour. The maximum hours that an employee could work without premium or overtime pay was forty hours a week. There were exceptions to the minimum wage and the maximum hours, but the formula used in computing wages and hours

⁴²U. S. Statutes at Large, LII, Part I, 1060 (1938).

for excepted occupations was so designed as to protect these same minimum wages and maximum hours.⁴³

Section 12 (a) of the Act prohibited the use of "oppressive child labor." "Oppressive child labor" was interpreted to be any minor between sixteen and eighteen years of age working in any industry that had been declared hazardous. Children under sixteen years of age were prohibited from working in an industry dealing in interstate commerce, children with work permits excepted. Section 13 (c) stated that the prohibitions of the Act did not apply to agricultural pursuits after school hours, or to child actors in movies and theatres.⁴⁴

The law failed to provide coverage for many employees, especially in the South. Section 13 (c) listed the exceptions, among which were those groups of workers employed in agriculture, retail sales, fishing, lumbering and laundry and dry cleaning establishments.⁴⁵

The Act was so worded that the coverage, prohibitions and exemptions were simple and easily interpreted, and it protected an employee who attempted to claim his rights under the Act. The administration of the Act was well established in the law. Regional offices kept the Act close to the employees and helped facilitate its administration and lend to its effectiveness.⁴⁶

²⁵ ⁴³ Ibid.

²⁷ ⁴⁴ Ibid.

²⁶ ⁴⁵ Ibid.

²⁸ ⁴⁶ Ibid.

With these several statutes, it would seem that labor had been given its opportunity to organize when it wanted to and where it wanted to, but this was not true. Throughout the nation, and more especially in the South, labor, although it was protected by laws, still had to struggle through mob action, beatings and killings to organize. Early in the struggle, labor faced much resistance in the North, but with the coming of the Great Depression and the New Deal, the resistance shifted to the South.²⁹ As the Depression wore on southern labor became more restless and then openly active in organizing efforts after receiving the legal sanction of New Deal legislation. However, southern labor did not want to bring revolutionary ideas to the South, but only wanted to improve its lot. There were those in the South who disapproved of the idea of "improving" the southern labor climate. Their reasons were various and sundry, but to those who wanted to maintain the status quo, they were real and of the greatest importance.^{30 124}

To the southern worker in 1932, as well as his counterpart throughout the nation, Roosevelt came espousing novel ideas to correct a novel condition. The well chronicled labor conditions and the new attitudes provided the necessary background for the changing philosophy of the southern workers who were tiring of the existing conditions. Then came those espousing European scientific concepts on how to ameliorate their conditions. But just as the southern workers' attitudes

reached the point of open rebellion, both because of the labor conditions and the economic conditions, Franklin Delano Roosevelt, the Democratic president whom labor had helped to elect in 1932, and his New Deal administration provided, first, Section 7 (a) of the NIRA which gave labor the right to organize, and the NLRA which spelled out in definite terms the rights of labor to organize and which protected this right. If southern labor failed to organize after having been provided with these legal rights and after having experienced poverty, substandard working conditions and oppressive actions of southern employers, it was because southern labor lacked the initiative to organize in the face of adverse regional ³ attitudes.

CHAPTER II

THE EXTRACTIVE INDUSTRIES: NEW DEAL AID TO INDIVIDUAL EFFORTS

The extractive industries in the South have long been a source of lucrative income with only a small outlay of capital. Among the most important extractive industries in the South are coal, oil, lumber and fishing. During the period of the New Deal these industries felt the effects of the organizing efforts of labor. When the New Deal came to an end at the outset of World War II, coal was nearly 100 per cent organized, oil was struggling with its organized minority and lumber was beginning to feel the effects of the efforts of organized labor; but the lucrative fishing industry was continuing without much influence from labor organizations.

Coal has been one of the most important basic industries in the history of the industrialization of the United States, and the first coal miners' local union came into being in 1849. Although this early effort failed, the miners formed a new association in 1861. In the years of the war and the post-war period, continued efforts at organization gave rise to a number of abortive unions, but success was negligible until 1886, when the first interstate wage contract in the United States was signed. Finally, in January, 1890, a joint

assembly of the AFL's National Progressive Union of Miners and Mine Laborers and the Knights of Labor's National Trade Assembly voted to be called the United Mine Workers of America. The new union was to represent both anthracite and bituminous coal miners.¹

During the period from 1890 to 1932, the UMW moved into the South, especially into Tennessee, Kentucky, Alabama and West Virginia. Unification did not solve the problem of organization however. The post-World War I period of "normalcy" witnessed a period of depression in the coal industry which foretold the problems of the country at large after 1929. Because of intense competition from other sources of power, union fields went non-union and reduced wages to meet competition, and the efforts of organized labor in the southern coal fields were confronted with both the declining demand for coal and the Communist-led National Miners' Union which had begun to make southern forays. In 1931, bituminous coal production reached its lowest output level since 1909, resulting in unemployment for over 200,000 miners. Slowly the state and national governments began searching for regulatory measures that would stabilize the industry. The UMW proposed

¹McAlister Coleman, Men and Coal (New York, 1943), pp. 35-37, 40-53; David J. McDonald and Edward A. Lynch, Coal and Unionism: A History of the American Miners' Union (Indianapolis, 1939), pp. 11-23.

a national relief measure for the working classes, but it was rejected because relief was felt to be a state concern.²

When the presidential election year of 1932 arrived, organized labor in the coal industry was ready. The union and several members of Congress had proposals ready to pose to the candidates. When Democratic nominee Franklin D. Roosevelt responded favorably to questions concerning the bituminous coal industry, the UMW endorsed him and helped elect him. When Congress began work on Roosevelt's NIRA, John L. Lewis, president of the UMW, was called in to help in its preparation. With Section 7a protecting the right to organize, the bituminous fields were flooded with organizers. Van A. Bittner was sent into southern West Virginia to direct organization, William Mitch was sent into Alabama, and Sam Cuddy, Samuel Pascoe, William Turnblazer and Ed Morgan were sent into the bloody coal fields of Kentucky to lead its organizers. In response to the intense drive in the spring of 1933, thousands upon thousands of miners designated the UMW to represent them. Instead of detectives at the doors of the union halls, union organizers invited the miners to hear how the federal government protected their rights to organize.³

²Coleman, Men and Coal, pp. 77, 99-104, 123-124; McDonald, Coal and Unionism, pp. 25, 56-61, 64-67, 145-151, 166-170, 182-183, 187-191.

³Coleman, Men and Coal, pp. 147-149; McDonald, Coal and Unionism, pp. 193-195.

To fully implement the provisions of the NIRA, a Code of Fair Competition had to be drawn up for the coal industry. At the Code meetings the operators claimed there was no need to raise wages to contribute to recovery because they had already done their part by raising wages in the spring to \$3.44 basic per day in the South and \$3.84 basic per day in the North. The miners replied that the raises resulted from the organizing of the miners in the spring, and they rejected the operators' claims. At the insistence of the federal government, negotiations continued from June to September, 1933, but nothing was forthcoming. Final capitulation of the operators came after southern miners declared Labor Day a national holiday and stayed from the mines despite attempts to call them to their jobs. The agreement that resulted from the long period of negotiations raised southern wages to \$4.20, northern wages to \$4.60, southwestern wages to \$3.75 and Deep South wages to a range from \$3.40 to \$3.84; the forty-hour week was established; grievance adjustment machinery was perfected; the company stores were regulated; scrip payment for wages ceased to exist, and provisions were made for further negotiations after a six months period.⁴

⁴Coleman, Men and Coal, pp. 150-151; McDonald, Coal and Unionism, pp. 196-201. The wage rates of the agreements in the various districts were mine rates and were not applicable until the mines were organized. Alabama did not have an agreement until much later and her captive mines were not given union shop contracts and fully organized until the end of the New Deal period. Coleman, Men and Coal, pp. 151-152.

Under the NRA codes, new bargaining efforts were made in 1934 which resulted in important contracts. The UMW and the Progressive Mine Workers of America, a dissident group that had arisen out of District 12 of the UMW in Illinois, pushed their efforts until by April, 1935, they had organized over 95 per cent of the coal industry. The mines the unions had been unable to organize were in the South and included the important captive mines of the United States Steel Corporation in West Virginia and Kentucky, the Harlan Fields and the West Kentucky Coal Company in Kentucky, and the Alabama Fuel and Iron Company and the captive mines of the steel companies in Alabama; but these mines represented the majority of miners in the South. The Schechter Poultry decision delayed organizing these mines, but Senator Wagner already had legislation in process that would bridge the gap.⁵

The UMW succeeded in getting the expired 1934 contract renewed in late 1935 and secured a fifty cents a day wage increase, a seven-hour day and thirty-five-hour week for members. This again was overshadowed by the dispute that erupted at the 1935 AFL Convention. At the convention, Lewis and a coterie of union leaders presented a minority report requesting a definite statement that industrial workers would be organized

⁵Coleman, Men and Coal, p. 154; Walter Galenson, The CIO Challenge to the AFL, A History of the American Labor Movement, 1935-1941 (Cambridge, 1960), pp. 194-195; McDonald, Coal and Unionism, pp. 207-208, 211-213.

by the AFL. After the minority report was turned down, a small group of union leaders met and created the Committee for Industrial Organization. The primary objectives of the CIO at its inception were to show the benefits of industrial unionism and to create support within the AFL for industrial unions. The later actions of the AFL changed these objectives as well as the course of labor union history.⁶

The growing conflict between the UMW and the AFL was characteristic of what was happening in the coal fields themselves during the 1932-1935 period. In Illinois the Progressive Miners of America had formed when a split occurred in UMW District 12 over a wage cut. The Progressives were to be the most successful challengers to the UMW in later years. The Communist-led National Miners' Union had evolved from the earlier strikes in Harlan and Bell Counties in Kentucky. Frank Keeney, a former UMW official, led the West Virginia Miners' Union as it challenged the UMW in West Virginia. In western Kentucky the company-assisted Independent Miners' Union was established and proved to be a formidable challenge to the UMW until a number of decisions of the NLRB struck it down by declaring it to be company dominated.⁷

⁶Coleman, Men and Coal, pp. 156-163; Galenson, The CIO Challenge to the AFL, p. 194; McDonald, Coal and Unionism, pp. 211-214.

⁷Galenson, The CIO Challenge to the AFL, pp. 193-194. National Labor Relations Board decisions that are mentioned later in this chapter will illustrate this point.

The year of 1936 found the miners holding on to the gains they had won under the NRA, but new problems were facing them. Mechanization was becoming a new force to contend with. The stabilizing effect of federal control of the coal industry was lost when the Supreme Court declared on May 18, 1936, that the Coal Conservation Act of 1935 was unconstitutional.⁸ The unconstitutional feature of the act was the provision for the Bituminous Coal Labor Board, with its powers to order collective bargaining, adjudicate labor disputes and supervise elections. These problems were accentuated by the actions of the Progressives, who persisted in maintaining the split in organized coal, and the actions of the operators in rejecting organizing efforts in Harlan County, Kentucky. Miners began having visions of pre-NRA days again.⁹

Despite the problems facing them, the work of the La Follette Committee and the Justice Department and the Supreme Court decision affirming the constitutionality of the NLRA aided southern labor to overcome the problems it faced, and helped it in its drive to organize the Harlan County coal fields. "Bloody Harlan" as Harlan County was popularly called had a population in 1937 of about 65,000. Of this number, approximately 45,000 lived in thirty company towns. The remaining urban population lived in the five incorporated

⁸Carter v. Carter Coal Company, et al., 298 U. S., 238 (1936).

⁹Galenson, The CIO Challenge to the AFL, pp. 198-199.

towns in the county. Nearly the entire population depended upon coal mining for their means of support. The Harlan County Coal Operators' Association consisted of twenty-six of the coal companies in Harlan County. With the help of the NRA, the UMW had secured a contract in 1933 but it had been unable to renew it in 1935, and organized labor in Harlan County virtually disappeared with the termination of the contract. The Association devised plans to never allow the labor organizations to rise again. The least complicated part of their plan was the eviction of miners from their company housing when they were discharged from the mines for organizing activities. Because of the paternalistic system in the county, miners had to live in company houses and, under such conditions, discharge at the mines was tantamount to eviction from the company houses. This same paternalistic system included company stores and carried over into the company towns. Many such communities, like the one of Harlan Wallins Coal Corporation, would not permit a shop to be opened by an independent merchant. If the miners went outside to buy, they ran the risk of discharge, and consequently, eviction from their homes. The system was completed by, among other things, compulsory payments to the company medical plans.

The Association also used the yellow dog contract to furnish cause for discharge and to prevent unionization. The reason the Association relied heavily on the paternalistic system and the yellow dog contract was labor dissatisfaction

with wages and mine conditions. Miners in Harlan County drew union daily wages, but they had to put in more hours of work to get these wages. Wages and hours, however, were not as serious a problem to the miners as was the fact that the weighers were chosen by the coal companies. The miners felt their output would be more fairly weighed if they employed their own checkweighmen. Finally, they were deprived of pay for the time spent in preparing timbers for the mines and in cleaning up, whereas in the union mines it was customary for the miners to be paid for this time.

With yellow dog contracts outlawed and areas adjacent to Harlan County unionized, it would appear that organizing the Harlan County miners should have been a simpler task than it was. The major obstacle, however, was the system of law enforcement in Harlan County. From 1930 to 1934, John H. Blair, sheriff of Harlan County, was partial to the operators and allowed them to control the law mechanism. In 1934, the miners helped replace Blair with "reform candidate" Theodore R. Middleton, who continued the pattern of partiality that had been established earlier and allowed the Association to remain in control of the law mechanism of Harlan County.

The control of the law mechanism was accomplished by having the company mine guards clothed with the power and immunities of public law enforcement officers, to patrol the company towns. If a miner was able to get a case against either the companies or the deputy sheriffs he faced a

commonwealth attorney who was on retainer by several coal companies. If this barrier was surmounted, he faced a county judge who had business connections with the operators. In the end, the miners found themselves deprived of their constitutional rights. These were the same conditions that existed prior to the 1933 NRA contracts and were endured from 1935 to 1937.

The year 1937 brought a turning point in Harlan County. In quick succession in the spring of 1937, the La Follette Committee and the Supreme Court decision on the NLRA hit the operators of the area. The La Follette Committee hearing from March 22 to May 5 called nationwide attention to the deprivation of civil liberties in Harlan County. When the Supreme Court entered the picture, the power of the Court, not the power of public sentiment, changed the methods of the operators. On May 11 Harlan County had two mass meetings, both in sharp contrast to what had been occurring only a few months previously. Instead of arrests by company paid deputy sheriffs for alleged criminal syndicalism, there were cheers for union organizers. Instead of house raids without warrants, there were signings of union membership cards. Instead of bombings, there was beer drinking and laughing. Instead of company paid deputy sheriffs present, there were state police who had been sent by Governor A. B. Chandler. Civil liberties returned to Harlan County, but only with the help of the federal government and New Deal legislation.

Public retribution began on September 27, 1937, when a federal grand jury indicted a number of company officials and deputy sheriffs for conspiracy. The trial that followed ended on August 1, 1938, with a deadlocked jury. Rather than go through another trial, the coal operators capitulated and on August 19 signed a contract with the UMW that was similar to the Appalachian Agreement. In return for the contract, the UMW withdrew all charges except the charges of conspiracy to deprive employees of their rights under the NLRA. This reservation by the UMW proved to be a useful tool during the next bargaining attempt. Although all the miners did not join the various unions, the New Deal had at least given the miners the privilege of unionization.¹⁰

The Progressives, having become affiliated with the AFL in 1937, brought a new union into western Kentucky as the AFL challenge to the CIO's UMW. The contract between the Harlan Association and the UMW and the entrance of the Association into the Appalachian Wage Conference had put the Alston unit rule of the NLRB into effect and had frozen the Progressives out of eastern Kentucky. In western Kentucky, the Progressives took over the company dominated Independent Miners' Union. The Progressives represented the apparently legitimate labor organization in the area, but, because the NLRB found the IMU

¹⁰ Coleman, Men and Coal, pp. 188-190; Galenson, The CIO Challenge to the AFL, pp. 200-204; Katharine DuPre Lumpkin, The South in Progress (New York, 1940), pp. 104-106.

to have been company dominated, they were declared to be ineligible for collective bargaining. This forced the Progressives into elections with the UMW to ascertain who would be certified as the collective bargaining agent for the miners in the various mines in western Kentucky.¹¹

It was not until late 1939, that the NLRB began deciding most of the southern coal cases. One exception to this was the West Kentucky Coal Company case which was decided some eighteen months after the constitutionality of the NLRA was affirmed. In this early southern coal industry case, the UMW complained in charges that the company had dominated and interfered with the Employees Mutual Benefit Association's St. Bernard and Wesko chapters, had discharged employees for union activities from May to November, 1937, and had refused to bargain with the UMW after July 27, 1937. The association was a Wisconsin corporation and functioned as a labor organization for the North American Company subsidiaries, including the West Kentucky Coal Company. Since June 18, 1924, the association had had a closed shop contract with the company.¹²

In its decision on December 3, 1938, the NLRB stated that the company had dominated the association's chapters. It

¹¹Galenson, The CIO Challenge to the AFL, pp. 208-211.

¹²Decisions and Orders of the National Labor Relations Board (Washington, 1938), X, 88. (Hereafter cited as NLRB.)

ordered the company to withdraw recognition from the association as the collective bargaining representative of the employees, to cease requiring the employees to make "voluntary" contributions to the association and to reimburse all deductions made from salaries for the association after July 5, 1935, to cease having individuals follow the employees and interfere with their rights in the adjoining counties, to cease discouraging UMW membership, to cease denying the right of persons who discussed union activities to call at the homes of employees in company-owned houses, and to offer reinstatement to employees who were discharged for union activities.¹³

The 1937 signing of the Appalachian Wage Agreement and the entrance of the Harlan County Coal Operators' Association into this agreement had preceded the 1937-1938 economic recession. During 1938, bituminous coal production dropped to near the 1933 production level. This slump in production still continued when the UMW presented its demands for the 1939 agreement in March, 1939.¹⁴ The miners soon realized that they would be unable to get any gains in the 1939 agreement which would add to the total cost of coal production as they decided to forego demands that would cause additional outlays

¹³Ibid.

¹⁴The basic points were: a standard six-hour day; an increase of fifty cents a day in wage rates; double time for Sundays and holidays; a guarantee of 200 working days a year; vacations with pay; establishment of seniority rights; an improved hospitalization plan, and additional miscellaneous provisions." Galenson, The CIO Challenge to the AFL, p. 212.

and to demand that the parties to the Appalachian Wage Agreement either sign closed-shop contracts or eliminate the so-called penalty clauses from the contracts.¹⁵

The old agreement expired on March 31, 1939, and on April 3, the UMW struck the Appalachian mines. By May 3, all the outlying districts had struck and the bituminous coal industry was shut down. When John R. Steelman of the United States Conciliation Service, representing President Roosevelt, attempted to secure settlement of the differences between the operators and the miners, Lewis and the UMW claimed that it was the southern operators who were stalling the bargaining efforts. On May 11, sixteen operators' associations voted for the closed-shop agreement with the UMW. The big holdout was six southern associations, but when individual operators within the associations began signing closed-shop agreements, five of these associations capitulated. The remaining holdout was the Harlan County Coal Operators' Association. It announced that its members were going to operate on a non-union basis, thus destroying all that the miners and the New Deal had built in the area. To this announcement, Governor Chandler added that men willing to work on a non-union basis would be protected by the militia. In the days that followed, violence

¹⁵ Galenson, The CIO Challenge to the AFL, p. 212. Elimination of the penalty clause was tantamount to the union shop because the penalty clauses in the district contracts stipulated that employees could be fined, suspended or discharged for unauthorized strikes such as walkouts when non-union men were hired.

erupted between the UMW miners and the National Guard. In the midst of the controversy, the Justice Department began preparations for a retrial of the conspiracy indictments. The operators then capitulated on July 19. In their contracts the Harlan operators chose to eliminate the penalty clause from their contracts rather than sign closed-shop contracts. In September the conspiracy charges were dropped, probably as a concession to the Association by the UMW.¹⁶

The deluge of organizing activity broke on the coal industry in 1939. Legitimate labor organizations in the South received a favorable decision from the NLRB on November 13, 1939, in a case against the Flat Creek Coal Company of Providence, Kentucky, and its Flat Creek Mine at Madisonville, Kentucky. In its decision, the NLRB ordered the company to cease discouraging membership in the UMW, encouraging membership in the Progressives, and dominating and interfering with the Independent Miners' Union (a company union), and ordered it to withdraw recognition from the IMU as collective bargaining representative. Cobey Woodward, a miner who had been discharged for UMW union activities, was to be offered reinstatement and to be paid \$100 for lost wages. The Progressives had a contract with the company, but they agreed to cancel it. The NLRB said the Progressives could make another contract with the company, but only if it won the representation

¹⁶Galenson, The CIO Challenge to the AFL, pp. 211-216.

election and was certified by the NLRB.¹⁷ The election was held on December 11, 1939, and eighty-one voters appeared to record their votes. Of the seventy-seven valid votes cast, forty-seven voted for the UMW and twenty-nine voted for the Progressives. The company challenged the election on December 22, and an attorney for some of the miners challenged the election by filing a petition on December 26, 1939, stating he represented forty-three miners who had voted for the Progressives. The miners claimed that if they had voted for the UMW, it had been in error because they had meant to vote for the Progressives. The claims were reviewed by the NLRB but were found not to raise one substantial or material issue. On March 29, 1940, the NLRB issued its final decision certifying the UMW as the exclusive representative of the miners of the Flat Creek Coal Company.¹⁸

The Flat Creek Coal Company case was not the only case decided against the southern coal management in November, 1939. Other similar cases show the working of the NLRB and the attempt of the operators to force their employees to accept the Progressives instead of the UMW. These are exemplified by the NLRB decisions concerning the Dawson Collieries, Incorporated, the owner of the Hopkins County Mine, which the company had been controlling through the IMU,¹⁹ the Blue Valley

¹⁷NLRB, XVII, 546.

¹⁸NLRB, XXII, 52.

¹⁹NLRB, XVII, 593.

Coal Corporation, which had been dominating the administration of the IMU in its mine,²⁰ and the Ruckman Coal Company, which had dominated the IMU and had encouraged membership in the Progressives at its Duvan Mine.²¹ Of these four representative NLRB decisions, the employees voted for the UMW at Flat Creek Mine,²² for the Progressives at the Hopkins County Mine and the Duvan Mine,²³ and were not required to vote at the Blue Valley Coal Corporation²⁴ because of adverse conditions. In the latter case a legitimate labor organization had, through the influence of a New Deal agency, been protected in its organizing effort. In each of the cases, the UMW claimed, and the NLRB substantiated the claim, that the companies had encouraged membership in the Progressives. The companies, realizing that organization was inevitable, decided to encourage the labor organization that would offer the least resistance to management. However, if the NLRB had postponed the elections, the results might have been different. The important point was that the company unions in western Kentucky were ordered disbanded and legitimate labor organizations were ordered recognized.

The war threat of 1940 and 1941 and resultant rearmament meant a need for a continuous supply of coal. With this in mind and remembering the delayed wage rate increases left from

²⁰NLRB, XVII, 539. ²¹NLRB, XVII, 604. ²²NLRB, XXII, 52.

²³NLRB, XX, 944; NLRB, XX, 947. ²⁴NLRB, XVII, 539.

1939, the miners demanded a one dollar increase in the basic wage rate. Other demands were similar to those proposed in 1939, with the exception of the demand that the forty cents southern wage differential be eliminated. The demand for the elimination of the southern wage differential apparently was a bargaining point that the UMW planned to concede because the increase per ton of southern coal would have been more than the profit per ton, thus destroying southern coal unless it increased its selling price. The price increase, however, would have eliminated southern coal from the market. On March 29, 1941, Steelman intervened for the government but was unable to avert the April 1 strike. On April 5, Steelman urged the miners to return to work and the operators agreed to a retroactive clause so defense armament would not be curtailed. The northern operators agreed but the southern operators refused because they feared an attempt to restrict the southern markets by reducing or eliminating the differential.

The southern operators withdrew from the Appalachian Conference on April 11 and formed the Southern Coal Operators' Conference. In the days that followed, President Roosevelt, the National Defense Mediation Board and Senator Harry S. Truman's special Senate Committee heard the dispute. On June 5, a proposal was made by the National Defense Mediation Board, and on June 19, the northern operators signed the agreement, followed by the southern operators on July 5, 1941. The new agreement eliminated the southern differential by

establishing a seven-dollar basic inside day wage for both northern and southern miners, eliminated the so-called reject clause from the southern operators' contracts and provided for seniority reemployment rights for men displaced by technological changes.²⁵

Meanwhile, organized labor had been exerting efforts to free the captive mines. Southern labor began making headway in this direction when the NLRB decided the Tennessee Coal, Iron and Railroad Company case on June 7, 1941. The company, a Delaware corporation and subsidiary of the mighty United States Steel Corporation, operated the Edgewater Mine at Edgewater, Alabama, the Hamilton Mine at Pratt City, Alabama, the Docena Mine at Docena, Alabama, and the Wylan Mine at Fairfield, Alabama, all within a ten-mile radius of Birmingham, Alabama. With the exception of a negligible amount of coal sold to employees, all the coal was used by the company to manufacture pig iron.

On May 2, 1934, the UMW had negotiated its first contract with the company. The UMW made other contracts in 1937 and 1939, the last one expiring on March 31, 1941. In 1937, the Brotherhood of Mine Workers of Captive Mines negotiated a contract for its membership. In 1939, the Brotherhood became affiliated with the AFL. The affiliation resulted in a name change to the Captive Coal Miners' Union and a negotiated

²⁵Galenson, The CIO Challenge to the AFL, pp. 219-224.

contract, which was also to expire on March 31, 1941. With their contracts nearing expiration, both the UMW and the Captive Coal Miners attempted negotiations in March, 1941, but to no avail. On March 17, the UMW requested exclusive bargaining rights but was refused. The company did offer to recognize the UMW if the NLRB certified it. On March 31, the mines were shut down because the contracts had expired.

During the hearings that followed, the NLRB found that all workers worked the same vein of coal. When one mine was shut down, the workers were transferred to the other mines to work. The company also provided either commissary or industrial facilities at each mine. Because the mines were so similar in operation and were owned by the same company, the NLRB ruled that the four mines would constitute a single bargaining unit, and an election was ordered to decide who would represent the miners at the four mines. The UMW was confident of victory because it had 2,897 miners' signatures on cards and the Captive Miners had only 1,483.²⁶ On June 30, 1941, the election was held, and of 5,277 eligible voters, only 4,413 voted. Out of this number, 3,554 voted for the UMW and only 758 voted for the Captive Miners. On July 29, the NLRB certified the UMW as the representative for collective bargaining for the four mines in Jefferson County, Alabama, that belonged to the Tennessee Coal, Iron and Railroad Company.²⁷

²⁶NLRB, XXXII, 375.

²⁷NLRB, XXXIII, 854.

Before the final organizing efforts against the captive mines got underway, the NLRB offered more assistance to organization by arriving at additional decisions in western Kentucky, against the Kentucky Ridge Coal Company,²⁸ the West Kentucky Coal Company,²⁹ and the Allen Coal Company, the last not being decided until February 6, 1942.³⁰

Following the elimination of the southern wage differential and the organization of all free mines, the miners turned at last to the last remaining unorganized bastions of the coal industry, the captive mines of the steel companies. The UMW had organized approximately 95 per cent of the miners in Little Steel's mines, but had been unable to get closed-shop contracts. To force the capitulation of the steel companies, the UMW struck the captive mines on September 15, 1941. During the following weeks, Lewis of the UMW remained adamant under the pressures exerted by what seemed to be the whole nation. Lewis succumbed on October 29, but on November 17, the miners struck again. President Roosevelt intervened by appointing a three-man arbitration board which directed that the union shop contracts be signed by the captive miners and the operators. The announcement of the settlement was made on December 7 and shared the front page news with the attack on Pearl Harbor. The anticipated repercussion against the

²⁸NLRB, XXXV, 162.

²⁹NLRB, XXXVIII, 10.

³⁰NLRB, XXXVII, 620; NLRB, XXXVIII, 980.

miners did not develop however, because on the following day Congress plunged the nation into war.³¹

The declaration of war and the shift to a wartime economy brought an end to the New Deal, but the New Deal labor legislation that had enabled the miners to organize was still bearing fruit even as the war began. The captive mines were finally organized and the company dominated IMU stronghold of western Kentucky finally bowed to the New Deal and the organizing efforts of the miners. In the final analysis, southern coal was organized only after the miners themselves came to realize that the New Deal provided only the tools for organizing and that the overt action had come from the miners themselves.

Organizing efforts in the southern oil industry were similar to the organizing efforts in coal. An exception was that the oil workers had to contend with managements that quite often made comfortable profit margins while the coal miners had to contend with coal operators who often made only a narrow profit margin, especially during the non-regulated era of competition before the New Deal.

Oil unions began in the western Pennsylvania fields, but Standard Oil Company was able to keep them repressed until the International Brotherhood of Oil and Gas Well Workers organized in Ohio in 1899. This organization was followed

³¹Galenson, The CIO Challenge to the AFL, pp. 225-233.

in 1905 by Guffey Oil and Gas Well Workers in the Spindletop field near Beaumont, Texas, and then by other unions in Texas, but they soon declined or became static. World War I caused a labor shortage in the oil fields and gave unionism another opportunity to regroup, organize and grow. In the spring of 1917, unions began an intensive organizing campaign, primarily to raise wages. During the campaign that followed, unions were labeled as "unpatriotic" by such oil companies as Standard Oil. The 1917 campaign between the so-called patriotic oil companies, who did not feel it necessary for them to sacrifice their profits during the emergency, and the so-called unpatriotic unions ended on Christmas eve with little gain for the unions. It was not yet time for effective organizing.³²

Following World War I and until 1933, the oil unions' membership fluctuated often, nearly going out of existence. Many oil companies did recognize the unions, but they paid little heed to their demands. The largest holdout had been, and continued to be, Standard Oil of New Jersey, which preferred to provide many benefits for their employees rather than allow conditions conducive to unionization. An Employee Representation Plan was established as a means for better employer-employee relations. The employees viewed the Plan

³²Harvey O'Conner, History of the Oil Workers International Union (CIO) (Denver, 1950), pp. 4-7. The companies preferred to sell their oil to the government at three dollars a barrel when it was only costing forty cents a barrel to produce. This was not unpatriotic.

and the benefits as coming from a benevolent company, but the company viewed it as a method of preventing unionism by offering more than the unions offered. In the South, Humble Oil and Refining Company followed the lead of Standard Oil and organized its Joint Conference plan for its employees. Other southern companies used similar plans to prevent unionism along with other methods, some brutal and some benevolent.³³

To offset such activities as the early representative type plans, the International Association of Oil Field, Gas Well and Refinery Workers of America had been chartered by the AFL in 1918.³⁴ It fought for its existence until the NIRA and then, after a brief breathing spell, it struggled again. The southern oil companies joined the "share the work" plans, but allowed their local foremen to become tyrants through their control of the economic life of a family head. To these conditions were added the problem of the oil field migrants, the hungry men of no skill searching for work. At this point came the Hundred Days which gave the workers Section 7a and the tide was turned in the oil fields. With Section 7a backing them, oil workers began collective bargaining under government protection. Unionization in oil was on its way again.³⁵

³³Henrietta M. Larson and Kenneth Wiggins Porter, History of Humble Oil and Refining Company: A Study in Industrial Growth (New York, 1959), pp. 209-213. O'Conner, History of the Oil Workers, pp. 2-3.

³⁴O'Conner, History of the Oil Workers, p. 13.

³⁵Ibid., pp. 29-30.

At the time of the passage of the NIRA, the International's membership was down to 300 members in an oil industry working force of some 500,000 workers.³⁶ The potential was great, and enthusiastic organizing efforts quickly began. By the time of the International's convention in Fort Worth, Texas, eleven months after passage of the NIRA, the union had issued 125 new charters. The convention opened with the announcement that Sinclair-Consolidated had signed a union contract providing wage increases, over-time pay, paid vacations, and the check-off of union dues. This was a great stride forward for the union, but among the basic industries in the South, only this major oil company had agreed to a national contract without a general strike. It appeared that the oil workers at last had a secure national union.³⁷

In the period between the birth and the striking down of NIRA, the union was able to organize among others the Cities Service refinery at Ponca City, Oklahoma, and its subsidiaries at Shreveport, Louisiana; the Indian Territory Illuminating Oil and the Louisiana Oil and Refining Company; the Ashland Oil and Refining Company, Ashland, Kentucky; the Tucker Oil Company, Wichita Falls, Texas; and the Oklahoma companies of Deep Rock and Wirt Franklin. Local Shell Oil Company refineries in Oklahoma and the Texas Company refineries in Texas were not brought under contract, but better working rules were

³⁶Ibid., pp. 26, 31.

³⁷Ibid., pp. 30-34.

negotiated. The major failure in the Gulf Coast area was the refusal of Humble Oil and Refining Company's Baytown refinery to organize.³⁸

The two-year life of NIRA allowed many locals to rise, but they lasted only a short time. Most locals organized small producers and the death of the Blue Eagle signalled the death of the small locals. The 42,800 claimed members dwindled to 16,000 dues-paying members by the end of 1935. Then followed a jurisdictional struggle over the remaining International members by the AFL craft unions. Because of the attitude of the craft unions, Harvey C. Fremming, president of the International, met with Lewis and the other union representatives who established the CIO. At their 1937 convention, the oil workers, meeting at Kansas City, changed their awkward name to the Oil Workers International Union. A year later they were expelled from the AFL and their charter revoked.³⁹

³⁸ Galenson, The CIO Challenge to the AFL, pp. 409-410; O'Conner, History of the Oil Workers, p. 36. Of the successful organizing attempts, only at the Ashland Oil and Refining Company in Ashland, Kentucky, did the oil workers find management willing to bargain with them. In 1933, Paul G. Blazer, president of the company, announced that he felt the workers needed a union. Blazer preferred an industrial type union so all of his employees would be in one collective bargaining unit. On August 14, 1933, the AFL chartered local 214 for the Ashland refinery. These actions established much rapport between management and the union. Throughout the New Deal period there was little to disrupt the peaceful industrial relations that had been established at Ashland Oil. Joseph L. Massie, Blazer and Ashland Oil: A Study in Management (Place of publication not shown, 1960), pp. 66, 184, 202. O'Conner, History of the Oil Workers, pp. 103-104.

³⁹ O'Conner, History of the Oil Workers, pp. 37, 40.

The oil workers launched their initial organizing campaign under the auspices of the CIO's Petroleum Workers' Organizing Committee on April 5, 1937. When the Supreme Court ruled favorably on the NLRA, the oil industry found itself faced with an organized drive that was already in progress. The 1937 drive got underway early, but the recession in late 1937 and 1938 resulted in layoffs and drops in the total number of union members. In that year, Martin Dies, a member of the Texas delegation to the House of Representatives and former union friend in Congress, used the House Un-American Activities Committee to label the oil unions with the fatal prefix "red." Dies' accusations and Gulf Coast newspapers reporting further depleted the recession thinned ranks of the oil unions.⁴⁰

Most of the NIRA labor conflicts had been characterized by the conflict between the unions and militant management. This characteristic expanded with the inception of the NLRA and came not only to be a conflict between the unions and management, but also a conflict between the legitimate labor unions and the entrenched representation plans or the company dominated unions. One of the first decisions in oil made by the NLRB to reduce the conflict between the unions and militant management concerned the Texas Company's West Tulsa works at Tulsa, Oklahoma. In April, 1937, both the International

⁴⁰Ibid., p. 41.

and the non-affiliated Employees Federation of the Texas Company contended they represented the workers of the Tulsa works. The Texas Company refused both claims until and NLRB election was held. In balloting on December 2, 1937, the International won over the Federation as the choice of the employees for collective bargaining purposes by receiving 207 of the 261 votes.⁴¹

In June, 1937, local 227 of the Oil Workers claimed that the Texas City, Texas, refinery of Southport Petroleum Company had refused to bargain with the local. Between August 4 and October 15, 1937, four union members were fired because of union affiliation. Three of the four were ordered reinstated by the NLRB on March 7, 1938, because they had been fired for union activity. On August 4, 1938, the NLRB ordered an election held because the Oil Workers could not show proof that they represented a majority of the workers and ordered the company to cease and desist from discouraging membership in the Oil Workers local.⁴² The Courts ordered the decision enforced in 1941.⁴³

The big break for oil unions against militant management occurred at the Shell Oil Company's Houston, Texas, refinery. Shell had the distinction of having had two of the eighteen strikes in the 1933-1937 period that occurred in the oil

⁴¹NLRB, IV, 182.

⁴²NLRB, VIII, 792.

⁴³National Labor Relations Board v. Southport Petroleum Company, 117F (2d) 90 (1941).

industry. One was conducted by the AFL's Operating Engineers at Shell's Wood River, Illinois, refinery and one at the Houston refinery was conducted by the Oil Workers. Houston's Pasadena local 367 had attempted negotiations in early 1937, but the company had refused to negotiate. The company said it had to reach an agreement with the Oil Worker-organized East Chicago refinery first. The Oil Workers national officers wanted one contract for the Houston, East Chicago, and Arkansas City refineries, with the East Chicago wage scale applicable to all three refineries. To force compliance to their demands, Pasadena local 367 threatened a strike in early fall and then followed through by striking on November 19, 1937. The strike ended on December 23, 1937, when the Oil Workers were recognized as the sole bargaining representative. Although collective bargaining, seniority and arbitration procedures were established, there were seventy-eight discharge complaints filed against the company between 1938 and 1941. Seventy-five per cent of the complaints were won by the Oil Workers when the cases were brought under NLRB consideration.⁴⁴

The 1938 recession year was highlighted by the Mid-Continent strike at Tulsa, Oklahoma. International local 217 had signed an agreement with Mid-Continent Petroleum Corporation on March 17, 1937. The contract did not have an

⁴⁴Kendall Beaton, Enterprise in Oil: A History of Shell in the United States (New York, 1957), p. 487. Galenson, The CIO Challenge to the AFL, pp. 417-418. O'Conner, History of the Oil Workers, pp. 293-295.

arbitration clause, but the local felt it was a good contract for a beginning. When grievances began to pile up, Jacob France, president of Mid-Continent, stated that the company's board of directors was the only agent that could negotiate with the union. The situation became worse in the months that followed. With the situation becoming difficult in 1938, armed guards were hired to patrol the plant, tear gas was purchased by the company, cots were prepared in the plant, active unionists were followed and a landing field was leveled off inside the plant properties. A strike vote was taken on October 31, 1938. The strike was planned for November, and the United States Conciliation Service and the Oklahoma labor department attempted to settle the dispute, but in vain. France said he did not want outside help because the dispute was the company's business only. On the evening of December 22 the strike began when 150 union men occupied the turbo-electric plant. The company called the Tulsa police and issued them tear gas which was used on the strikers and on the off-duty workers and their families who had gathered at the gates of the refinery.

On December 23, the Oklahoma National Guard marched into Tulsa and restored order. A military zone, covered by machine guns, was set up around the plant and picket lines were formed three blocks from the military zone. Governor E. W. Marland said the troops were sent in because pickets had prevented freight shipments from entering the plant and had stopped

attempts to open a pipeline valve. With the troops on duty, effective picketing prevented, and mass hysteria functioning at its peak, the union ranks broke and employees began returning to work. In the days that followed, the company rejected union proposals to carry the dispute before the State Board of Arbitration and Conciliation because it felt the State Board would only confuse the issues.

With seemingly everyone against them, including the AFL, the CIO resorted to the only means of aiding its local by boycotting the company's D-X gasoline and 760 motor oil products. The local received funds from other Oil Workers locals, while the competing AFL aided the company in its effort to break the strike completely and destroy the unwanted CIO local. The end of the strike came on March 21, 1940, with the local accepting the terms of the old contract, and the Oil Workers and the CIO calling off their boycott of Mid-Continent products. Although the local did receive a contract, the company actually achieved its purpose. The Oil Workers had depleted their funds, the union ranks had declined, the AFL penetrated the facilities and signed a contract covering the maintenance workers in the plant and the NLRB had held its longest hearing and inadvertently aided the company through the delay incurred in the hearings. On a broader scale, many southern oil locals had folded because of the adverse effect of the strike.

The aftermath of the strike lasted for years. Soon after the strike was settled, forty men were reemployed and by the end of 1940, 200 had been reemployed. However, in 1952, union payments were still being made to some of the strikers and their families. In the end, the Oil Workers suffered a disastrous defeat, oil unionism had been retarded, the federal government had been unsuccessful in arbitration and the company had defeated the union that had organized within their facilities. The company and the AFL were the only ones to benefit from the strike.⁴⁵

Although the Mid-Continent strike overshadowed the rest of the oil organizing attempts, they still continued. The NLRB decided on March 3, 1939, that the local 280 of the Oil Workers, located at Drumright, Oklahoma, just a few miles west of strike ridden Tulsa, represented a majority of the employees of the Texas Company's employees in the Cushing District of Oklahoma and certified it as the sole collective bargaining representative in the Cushing District.⁴⁶

Organizing the H. F. Wilcox Oil and Gas Company's facilities at Bristow, Oklahoma, resulted in a novel case for

⁴⁵"Conferences Seek to Settle Strike at Mid-Continent," The Oil and Gas Journal, XXXVII (December 29, 1938), 64; Galenson, The CIO Challenge to the AFL, pp. 418-421; "Mid-Continent Petroleum Corporation Strike Situation Unchanged," The Oil and Gas Journal, XXXVII (January 12, 1939), 28; New York Times, December 25, 1938, p. 3; New York Times, December 26, 1938, p. 2; O'Conner, History of the Oil Workers, pp. 226-227, 372-377; "Strike of Mid-Continent Petroleum Corporation employees in Oklahoma remains serious problem," The Oil Weekly, XCII (January 2, 1939), 54.

⁴⁶NLRB, XI, 925.

the NLRB in 1940. The company had held a consent election under NLRB direction in December, 1938, with the employees voting ninety to forty-six for Oil Workers local 257. However, after the election was held, but before it was certified, the company "leased" the company's Oklahoma refineries and pipelines to W. M. Fraser. In late December, 1938, the local attempted to bargain with the company, but it refused to bargain. On January 4, 1939, the local attempted to bargain again, but both the company and Fraser refused to bargain because Fraser had begun to operate the facilities after January 1, 1939, and not before the NLRB election. The company contended that it was no longer a party to the election and therefore not obligated to bargain. In the period following, Fraser dismissed three employees for union activities. In its decision in 1940, the NLRB ordered the company to reinstate the three men and to make whole their lost wages, and to cease refusing to bargain with the local and to bargain when requested to do so by the local. They contended that the "lease" was merely chicanery to circumvent the results of the consent election and did not remove the obligation to bargain with the union, even if the facilities were leased.⁴⁷

The conflict between union and management usually developed at small concerns or at the lesser facilities of the large companies. However, the most important and hardest

⁴⁷NLRB, XXVIII, 72.

organizing efforts as well as the most hotly contested NLRB decisions occurred at the oil facilities where the legitimate oil labor unions contested the entrenched representation plans and the company dominated unions. The southern oil locals found that they could usually force a company into a bargaining position by using the NLRB if the local had a majority of workers organized, but the federations, associations, conferences and plans that had been company fostered and patterned after Standard Oil's plan were nearly unsurmountable in many instances. One of the earliest decisions involving an oil company employees' federation and a union local was decided on April 21, 1938, when the NLRB ordered an election at the Waggoner Refining Company, Incorporated and the W. T. Waggoner Estate to determine if the Oil Workers or the Employees Federation of the Waggoner Refining Company and the W. T. Waggoner Estate was to represent the employees. However, the only tangible results of the decision was that three employees were ordered reinstated with back pay because they had been discharged for union activities.⁴⁸

The Oil Workers faced the Courts and Congressman Dies as well as the company itself when it attempted to organize and win the Pure Oil Company's Smith's Bluff plant at Port Neches, Texas. The Oil Workers challenged the validity of the Refinery Workers Union at the Smith's Bluff plant, with the NLRB

⁴⁸NLRB, VI, 731; O'Conner, History of the Oil Workers, pp. 183-184.

deciding on April 23, 1938, that the Refinery Workers' Union had been company formed and was at the time of the decision found to be company dominated. The company was ordered to withdraw its recognition from the Union as the representative of the plant, to stop its financial aid to the Refinery Workers' Union and to cease from discouraging membership in the Oil Workers.⁴⁹ The NLRB decision was upheld by the courts in 1939 and the organizing activities of the Oil Workers local began in earnest.⁵⁰

During the organizing of the Smith's Bluff plant, labor spies were employed by the company, but were soon discovered. Congressman Dies came in every few months to warn the employees that the Kremlin red flag would fly over the plant if the employees voted for the Oil Workers. At election time, the company moved the polling place to Nederland, Texas. F. A. Pevoto, one of the old-timers in local 228, foiled this effort to prevent a successful union vote by posting directional arrows on all the roads. When the ballots were tallied, the Oil Workers found that it had won the long hard struggle by a vote of 152 to 110. The local which had been chartered on September 26, 1933, and which had received an NIRA contract from Pure in 1933 had, with the help of the New Deal NLRB,

⁴⁹NLRB, VI, 818.

⁵⁰National Labor Relations Board v. Pure Oil Company, 103F (2d) 497 (1939).

won over the company, the company union, the courts and the efforts of Congressman Dies.⁵¹

Organized oil workers won a second victory over the Pure Oil Company's attempts to prevent legitimate unionism with a company dominated union when the NLRB decided on July 11, 1938, that the Employees Federation of the Pure Oil Company of Muskogee, Oklahoma, had been started with the help of Pure Oil in 1937 and that the company was still dominating and interfering with its activities in 1938.⁵² Another company union fell when the NLRB decided on May 4, 1939, that the Employees Federation of the American Petroleum Company at its Norsworth, Texas, facilities was company dominated. In 1933, the company had organized the Employee Representation Plan of American Petroleum Company. A year later, the International advised the company that it represented 161 of the 180 employees and wished recognition and the right to negotiate in accordance with the NIRA. The company allowed an election on September 7, 1934. Because the International received 146 of the 169 votes cast, the company ordered a run-off election for September 11, 1934, but omitted the International as a choice on the ballot. The Petroleum Board of the NRA entered the controversy and held an election on November 21, 1934.

⁵¹NLRB, VI, 818; O'Conner, History of the Oil Workers, pp. 317-318.

⁵²NLRB, VIII, 207; O'Conner, History of the Oil Workers, pp. 274-275.

They certified the International after it polled 116 of the 137 votes cast. On December 27, 1934, the International requested a conference for a contract, but were refused by the company. The Petroleum Board rendered a decision on April 9, 1935, declaring the company had violated the NIRA, but it had no power to actually force the company to bargain. The Petroleum Board decision did not affect the company's attitude toward the local, because it again refused to bargain on April 30, 1935.⁵³

On October 8, 1935, the effective date of the NLRB, the local contacted the company, but was refused a conference because the company did not feel it came under the purview of the NLRA.⁵⁴ The International persisted, and in January, 1936, it notified the company that it represented a majority of the employees. Again the company refused to bargain. Five weeks after the Supreme Court upheld the NLRA, the Federation was started at the company. On June 16, 1937, and thereafter until the NLRB decision in 1939, the company refused to bargain with the Oil Workers as the exclusive representative of the employees. In its decision, the NLRB ordered the company to cease from recognizing the Federation, to cease encouraging,

⁵³NLRB, XII, 688.

⁵⁴In a typical company statement of its attitude toward the New Deal labor legislation, the company announced that "the company does not believe that Congress contemplated conferring on employes unlimited powers in the designation and selection of agencies for the purpose of collective bargaining." O'Conner, History of the Oil Workers, p. 224.

permitting and condoning anti-union activities and to conduct an election to see if the employees wanted to be represented by the Oil Workers or not. They were given the opportunity to vote and chose Houston local 227 of the Oil Workers to represent them.⁵⁵

September 16, 1939, represented a defeat for the organized oil workers and especially for powerful Oil Workers 227. On that date, the NLRB ruled that the Employees Representation Plan of the Eastern States Petroleum Company, Houston, Texas, was a labor organization within the meaning of Section 8 (2) of the NLRA and that it was not company dominated. The Plan had been organized in October, 1936, by Tom Doherty, a former Standard Oil Company employee. The Plan presented its demands to the company in December, 1936, and held a conference with Eastern on January 13, 1937. The Oil Workers organized in the plant in May, 1937, but during a company meeting in late May, 1937, the employees voted seventy-six to twenty-eight in favor of the Plan. The NLRB certified the Plan as the collective bargaining representative for the company's employees.⁵⁶

The Eastern decision was an ominous portent of things to come for southern oil workers in their attempts to have

⁵⁵NLRB, XII, 688; O'Conner, History of the Oil Workers, p. 224.

⁵⁶NLRB, XV, 450.

company unions and employee organizations declared illegal by the NLRB. On October 18, 1939, a month after the Eastern decision, the NLRB found that the Employees Federation of the Humble Oil and Refining Company at the company's Baytown and Ingleside refineries in Texas were labor organizations as defined in the NLRA. However, the NLRB found that the company had formed, sponsored and dominated the Federation, primarily because of the similarity between the Federation and the NIRA Joint Conference and the fact that the supervisory personnel organized the militant Security League and the Federation at the plants. The NLRB ordered the company to withdraw recognition from the Federation as bargaining agents, disband the Federations and to invalidate the Federation's contracts. No election was ordered because the employees at the Baytown refinery had voted between April 27 and May 4, 1937, three weeks after the Supreme Court ruling on the NLRA had made the Joint Conference illegal, in favor of the "new" Employees Federation by a vote of 2516 to 79. A similar vote, 330 favorable votes from 475 eligible voters, was returned at the Ingleside refinery during the period from May 6 to May 8, 1937.⁵⁷

The Federation refused to disband, and Humble, a subsidiary of Standard Oil of New Jersey, petitioned the Fifth

⁵⁷ NLRB, XVI, 112; Galenson, The CIO Challenge to the AFL, pp. 415-416; Larson, History of Humble Oil, pp. 373-375; O'Conner, History of the Oil Workers, pp. 116, 230.

Circuit Court of Appeals at New Orleans, to set aside the NLRB decision. On June 26, 1940, the Court granted Humble all its requests with the single exception that Humble was ordered to stop interfering with employee rights as described in the NLRA.⁵⁸ Labor could win at the NLRB hearings, but they could not win over management in the Courts when the company unions were challenged.

A month after the Humble decision the NLRB found that the Texas Company had formed and dominated the Employee Representation Plan that had been formed in July, 1933, during the NIRA. After the advent of the NLRA, the Texas Company had continued the Employee Representation Plan at its Galena Park, Texas, refinery, as the Houston Works Employees Federation of the Texas Company, and at its Port Neches works as the Employees Brotherhood of the Texas Company. However, the NLRB ruled that the Federation, conceived on April 28, 1937, three weeks after the Supreme Court decision on the NLRA and organized on May 11, 1937, was not company dominated and dismissed the charges against the Texas Company as they pertained to the Galena Park refinery. One of the primary factors affecting such a decision was the fact that the Federation had offered to go on a ballot with the Oil Workers on June 14, 1937, but the Oil Workers had refused. The Texas Company had offered

⁵⁸ Humble Oil and Refining Company v. National Labor Relations Board, 113F (2d) 85 (1940). O'Conner, History of the Oil Workers, pp. 116-117. The same court had held that the NLRA was unconstitutional in an earlier case.

to meet the Oil Workers on later occasions, but the union had refused the offers.

The NLRB further ruled in its November 17, 1939, decision that the Brotherhood at the Port Neches refinery was simply the refurbished NIRA Plan and was still company dominated. The Texas Company was ordered to cease from recognizing the Brotherhood at the Port Neches refinery as the collective bargaining representative. The Texas Company appealed the Port Neches decision and prevented unionization at the refinery for over a year. However, because of a favorable election vote of 296 out of 414 votes cast, the Oil Workers organized the refinery in 1940 and were certified by the NLRB on March 31, 1941, as the collective bargaining representative for the refinery.⁵⁹

The split decision of the NLRB in the Texas Company case was softened somewhat when the NLRB, on December 16, 1939, decided that the Employees Federation of Magnolia Petroleum Company at Beaumont, Texas, was company dominated. It further found that the Employees Independent Union of Oil and Refinery Workers, local 1, the contract bargaining representative and a supposedly unaffiliated union, was also dominated by the company and was not serving as an effective bargaining agent for the employees at the refinery. The NLRB ordered

⁵⁹NLRB, XVII, 843; Texas Company v. National Labor Relations Board, 112F (2d) 744 (1940); O'Conner, History of the Oil Workers, p. 318.

Magnolia to withdraw its contract and recognition from the Employees Independent and to hold elections at Beaumont, Gladys, Spindletop and Magpetco facilities to ascertain who the employees preferred to have represent them.⁶⁰

The NLRB decision was appealed to the Fifth Circuit Court of Appeals which ruled that the company union was in reality an unaffiliated labor organization and that the proposed NLRB "cooling off" period before the representation election was an infringement on the employees' rights to vote.⁶¹ However, the Court only postponed organization, because Beaumont local 243 of the Oil Workers, the phoenix of southern oil locals and Beaumont local 229, the Negro local, joined to successfully bring Magnolia to the bargaining table in 1943-1944 drive during World War II.⁶²

Other locals ran aground on the transformed company unions during the latter period of the New Deal but a few won company union men to the legitimate labor unions. Such an event occurred in Fort Worth, Texas, when local 208 of the Oil Workers organized the Sinclair Oil Company's facilities in 1937 when its company union was deserted by the employees.⁶³

⁶⁰NLRB, XVIII, 380.

⁶¹Magnolia Petroleum Company v. National Labor Relations Board, 112F (2d) 545 (1940).

⁶²O'Conner, History of the Oil Workers, pp. 118, 120-121.

⁶³Ibid., pp. 196-197.

In Ponca City, Oklahoma, Oil Workers local 231 had to first fight the NIRA Management-Employee Cooperative Council and later the transformed Oil Workers Independent Union of Oklahoma. The Independent was knocked down in 1937 and a second company union was knocked down by the NLRB in 1940.⁶⁴ Primarily however, successful transformation from company union to independent union occurred in Standard Oil and its subsidiaries. Management in Standard and its subsidiaries played a significant part in the successful transformation by keeping their hands off the transformed unions. The wage and personnel policies of Standard and its subsidiaries probably convinced the employees that it was better to have an independent union.⁶⁵ It was true that they were receiving many benefits, but receiving them only because the International and later the Oil Workers and the AFL's Operating Engineers had fought for their benefits. Probably one of the most important reasons that the company unions succeeded was the view of many of the oil workers that they did not need to stand picket lines and pay union dues when they could receive the same benefits by voting for company unions and against the AFL or CIO unions. New Deal legislation provided the Standard employees the right to organize, but it did not give them the will to organize and join the legitimate labor unions.

⁶⁴Ibid., pp. 303-304.

⁶⁵Galenson, The CIO Challenge to the AFL, p. 416.

The history of organizing the southern oil industry had begun to be altered in late 1938 by another external force. The war tension in Europe afforded an economic climate that aided the oil workers in their bargaining efforts. An exception to this was Standard Oil, the enemy of the organized oil workers, which began to modify its thirty-six-hour work week. Although many unemployed workers were seeking work, the company contended that it desired to lengthen the work week for national defense purposes. Companies with union contracts also soon began discussing longer work weeks when their union contracts expired. This, coupled with the European situation and increasing oil profits, set the stage for the 1941 Oil Workers convention at Baton Rouge, Louisiana, in September. Out of this convention came the Oil Workers Organizing Campaign. The campaign was announced with considerable fanfare in November, but the campaign did not begin in earnest until 1942. The first big success came when the Pasadena, Texas, refinery of Shell Oil Company gave the Oil Workers a five cent wage increase to prevent a strike. The pattern set by the Pasadena local spread through the industry and, for the first time, union rates exceeded Standard Oil Company rates. The year of 1941 proved to be a banner year in the end for the Oil Workers, but it also brought intense competition into the fields. The AFL had gained members in the Texas Panhandle and in the El Dorado, Arkansas, area with its Operating Engineers craft union. The UMW's District 50 had also begun a

concerted effort in the Gulf Coast area. Although the number of unions weakened the effect of the more militant unions, the oil workers in the South finally had a choice of representatives, as provided for by the NLRB, whether they used them or not.⁶⁶

At the end of the New Deal era, the various oil workers' unions in the South counted only a small number of the total oil industry employees on their rolls. The reason so few actually joined was illustrated by the testimony presented by the petroleum industry before President Roosevelt's Temporary National Economic Committee in the fall of 1939. Isador Lubin, a TNEC member and the United States Commissioner of Labor Statistics, pointed out that the oil industry should have been congratulated for the conditions in the industry. It had higher wage rates, lower hours and more regular employment than any other industry. The industry contended, and rightfully so, that seasonal employment had been virtually eliminated; employee length of service had increased; the "quit" rate was the lowest; hour, weekly and annual earnings were up; hours of work were reduced; safety had been improved; supplementary benefits were given the employees and labor relations were good.⁶⁷

⁶⁶Galenson, The CIO Challenge to the AFL, pp. 423-424; O'Conner, History of the Oil Workers, pp. 46-48.

⁶⁷American Petroleum Institute, Petroleum Industry Hearings Before the Temporary National Economic Committee (New York, 1942), pp. 158-163, 443-463. The American Petroleum Institute

The industry was correct in claiming these improvements, many of them gained because of union activity, but they kept a large portion of the industry's workers out of the labor unions. Workers, already better off than employees of many other industries, could see little reason to join labor unions and antagonize their apparently benevolent employers. Too, they reasoned that there was no reason to pay union dues when they would receive the same benefits that union employees received.

Lumbering in the South is older than both coal and oil. Southern lumbering got its initial boost from federal legislation following the Reconstruction period. Between 1880 and 1890, Louisiana lumber production increased nearly sixteen fold, while production for all the Gulf states increased six fold.⁶⁸ Organized labor in the southern lumber mills did not increase at such an expanding rate.

The earliest organizing efforts in southern lumber were attempted by the International Workers of the World, but their efforts quickly proved abortive in the face of southern conservatism. The IWW was followed by the Brotherhood of Timber Workers in 1910, which accepted both Negroes and whites into

contended that conditions were good even before the first NRA union contract was signed and labor relations and conditions had improved since then on a voluntary basis without governmental or union intervention.

⁶⁸C. Vann Woodward, Origins of the New South, 1877-1913 (Baton Rouge, 1951), pp. 117-118.

its fold. Soon after organizing, it found itself faced with a lock-out in the western Louisiana and eastern Texas lumber mills which lasted seven months. After an abortive attempt at association with the IWW, the Brotherhood was crushed by the lumber operators.⁶⁹

The southern lumber workers had their own "Bloody" Ludlow and Gastonia when in 1919 the Great Southern Lumber Company at Bogalusa, Louisiana, cut wages and intimidated its employees. This action drove a large number of employees into the AFL's International Timber Workers' Union. The company resorted to violence to counteract the mass exodus of Negroes and whites into the International. Union men who left the company were blacklisted at other mills of the Southern Pine Operators' Association, and both Negro and white union members were evicted from the company housing. The AFL failed to provide enough assistance to counteract the efforts of the company and the "Loyalty League" with the result that the union collapsed. The Great Southern returned to what it called its normal employer-employee relations. Its mode of anti-union company terrorism carried over into the other lumber companies and

⁶⁹Charlotte Todes, Labor and Lumber (New York, 1931), pp. 171-174. The author of this book believes in the type of militant unionism that would overthrow the capitalistic systems. In this chapter, the book has been used for background material only.

persisted throughout the 1920's. Southern lumber workers would have to wait on the New Deal.⁷⁰

The southern lumber industry had a labor force of about 235,000 in 1925, but it declined to about 90,000 in 1933 during the depression and rose to about 149,000 in 1937. Rising figures after 1937 were due to defense efforts caused by the conflict in Europe. The common laborers hired in the lumber industry were predominantly Negroes and they worked about ten hours a day, when work was available, for an average wage of fifteen cents an hour. The working conditions were hazardous and the southern states were notoriously slow in adopting compensation laws to protect their worker in the hazardous industries. Texas and Louisiana had adopted compensation laws in 1914, but Florida and South Carolina waited until 1935 and Mississippi simply remained content with its law of employer's liability.⁷¹

In 1933 lumbering wages dropped to an average of thirty-six and six-tenths cents per hour on the West Coast and to a low average of fifteen cents in the South, with a resulting weekly average wage of \$13.40 in the West and \$6.80 in the

⁷⁰Todes, Labor and Lumber, pp. 97, 174-179. "Trade associations have for many years served the lumberman in registering workers and maintaining a blacklist. As far back as in 1915 the Southern Pine Operators' Association maintained records of all workers applying for jobs in the southern lumber companies, and forced the workers to sign away their right to organize through the acceptance of a 'yellow dog' contract . . ." Todes, Labor and Lumber, p. 97.

⁷¹Vernon H. Jensen, Lumber and Labor (New York, 1945), pp. 76-84.

South. The low mark in lumber wages was the result of the chronic illnesses which beset the lumber industry long before 1929.⁷²

The NRA immediately set out to alleviate the illnesses of the industry and to raise the wage rates to provide for humane living standards. During the meetings between the various segments of the lumber industry in 1933, a compromise code was drawn up for presentation to the New Deal administration. The compromises carried over into the labor provisions of the code, although lack of labor unions in the industry prevented labor from helping set up the labor provisions of the code. In the end, the only compromise in wages arose from the conflicts between industry representatives from the West and the South. The resulting labor sections of the code hardly lived up to the purpose of the NIRA or the NRA objectives. In the lumber codes, Article V reiterated Section 7a of the NIRA and Article VI established forty hours as the maximum hours per week, but this was primarily designed for production control to aid the operators rather than to accomplish the "spread the work" idea of the NIRA. The provisions did not restrict daily hours, only weekly hours and they exempted the seasonal operations with the exception that seasonal operating hours were not to average over forty hours per week over the period of a year.⁷³

⁷²Ibid., p. 152.

⁷³Ibid., pp. 152-155.

Article VII, the compromise article of the lumber code, was the most important article to southern lumber workers. Southern lumbermen wished to retain their "differential." The wage rate decided under compromise provided for not less than forty cents per hour unless some division of the industry had a lower rate on July 15, 1929. If such cases existed, the then prevailing rate would be used plus fifteen cents if the rate was less than thirty cents per hour. The West established a forty-two and one half cents an hour rate, but the South, after careful consideration, proposed a twenty-two and one half cents an hour wage and a forty-eight-hour work week. The code administration changed the proposition of the southern lumber industry to twenty-four cents an hour and a forty-hour work week.⁷⁴

At the national level, the Compliance Division of the NIRA handled violations of the labor provisions of the code. The largest portion of the cases handled by the Compliance Division came from the South, primarily because the change in southern wages and hours was relatively greater than the western changes.⁷⁵

Section 7a of the NIRA encouraged union organizing efforts, but southern lumber workers did not respond. In the West, the Loyal Legion of Loggers and Lumbermen, the AFL and the National Lumber Workers Union attempted some organizing, but

⁷⁴Ibid., p. 155.

⁷⁵Ibid., pp. 155-157.

primarily the unions founded were local, independent unions. The "Great Strike of 1935" erupted in the Pacific Northwest with the resulting full-scale unionizing of the Pacific Northwest. In the South, the Great Strike and the encouragement given by the New Deal NLRA legislation gave a slight stimulus to southern lumber workers to again begin the organizing efforts that had ended with the Bogalusa campaign in 1919.⁷⁶

In Alabama, the AFL organized a Lumber and Sawmill local as early as August, 1933, at the S. E. Belcher Lumber Company mill at Green Pond, Alabama. The next important local was formed at the Smith Lumber Company's Vauvoo mill at Red Bay, Alabama. The local, formed in 1935, was refused recognition. In early August, 1936, the local struck and was out until late August. When the strike was terminated, the men returned to work on the terms laid down by the company and without recognition of the union.⁷⁷

A third important organizing attempt in Alabama was the organization of an AFL local at the Greensboro Lumber Company in Greensboro in October, 1935. The company became very antagonistic and fired those workers who claimed union membership. In response to management actions, the organizer for the United Brotherhood of Carpenters and Joiners of American, Gerald Harris, was sent in on November 7 to aid the Lumber

⁷⁶Ibid., pp. 164-185.

⁷⁷Ibid., p. 191.

and Sawmill local. When Harris informed the management that a majority of the workers had chosen him as their collective bargaining agent, the management, in nineteenth century fashion, shut the plant down and questioned each employee individually. To the surprise of all concerned, the majority of the employees supported Harris as their bargaining agent when they were questioned directly by the management. The plant was shut down two days after the "voting" because of lack of orders, but it was opened again a month later without recognizing the union local. The NLRB was given the case, but their only action was to issue a cease and desist order.⁷⁸

The pattern by which the Alabama lumbering companies refused to recognize Section 7a of the NIRA or the labor provisions of the NLRA carried over into the Arkansas lumbering area. In Arkansas, union activities centered in the Warren area where the Bradley Lumber Company, the Grossett Lumber Company and the Southern Lumber Company operated sawmills. Because of complaints that the men were being discharged for union activities in the mills in the area, the NLRB began an investigation, but were unable to offer much help to the unions. In the mills, the espionage system prevented the union leaders from gathering information of importance to the NLRB.⁷⁹

⁷⁸NLRB, I, 629; Jensen, Lumber and Labor, pp. 191-192.

⁷⁹Jensen, Lumber and Labor, p. 192.

The Brotherhood of Carpenters and Joiners of America filed for recognition at the Bradley Lumber Company in July, 1937. The company refused the claim of the local by stating that the Bradley County Employees' Association claimed a membership of about 85 per cent of the company's production employees. When the NLRB attempted to hold hearings in Warren, the local court issued a temporary restraining order against it and refused to allow it to hold its hearings. The NLRB moved to New Orleans, Louisiana, for ex parte hearings in August, 1937. The Bradley Lumber Company and the Bradley County Employees' Association denied the jurisdiction of the NLRB, but did consent to an election for September. In its September 25 decision, the NLRB ordered the election for the Bradley employees. Two days later, the employees voted and gave the Association 699 votes and the Brotherhood only 244 votes. On October 30 the NLRB certified the Association as the representative of the employees.⁸⁰ The company union victory did not last long. In a decision on March 9, 1939, the NLRB held that the Association was company dominated and ordered the company to withdraw recognition from the Association as the representative of the employees, to post notices that all employees were free to join the United Brotherhood of Carpenters and Joiners and to cease discriminations against the employees who joined the union.⁸¹

⁸⁰NLRB, III, 768; Jensen, Lumber and Labor, p. 192.

⁸¹NLRB, XI, 1036.

The NLRB did help to revive unionism to a degree and the United Brotherhood soon filed another complaint against the Bradley Lumber Company, asking the NLRB to investigate and certify them as the representative of the employees in the mill. The NLRB ordered an election which was conducted on August 4, 1939. Because the employees voted 468 to 462 against the United Brotherhood, the NLRB dismissed the union petition for investigation and certification. Again the company had handed organized labor a defeat.⁸²

The NLRA and the NLRB decisions regarding the Bradley Lumber Company and the Southern Lumber Company⁸³ had forced these companies to recognize union activities in the Warren area. The Crossett Lumber Company was the lone hold-out of the big three. The AFL local in Warren had organized three-fourths of Crossett's employees after passage of the NIRA. To combat the union, the Southern Lumber Association hired Pinkerton detectives to join the local and ferret out union information. On October 15, 1935, the local discovered the first detective who had been hired as a labor spy, but other detectives were able to get in the local and remain there without recognition. The information they brought out of the mill caused many men to be discharged and helped set up a blacklist. In November, 1935, the NLRB began investigating the case and found that the union was virtually dead. It

⁸²NLRB, XIII, 841; NLRB, XIV, 1183; Jensen, Lumber and Labor, p. 194.

⁸³NLRB, III, 445.

found the union had led a four-day strike in August, but had returned to work with only the privilege of returning to work. The Executive Board of the United Brotherhood of Carpenters and Joiners recommended union inactivity and this condition still maintained when the NLRB investigated. The NLRB recommended a lapse of time to overcome the effects of the practices of the company and ordered the company to cease discouraging membership in the union, cease using labor spies and to offer full reinstatement to the employees discharged for union activities.⁸⁴

Organizing southern lumber received a boost when a charter was issued by the CIO to the International Woodworkers of America in July, 1937, after a group of lumber workers had broken from the AFL because of disputes with the United Brotherhood of Carpenters and Joiners. Although the heaviest concentration of organizing efforts was against its arch rival in the Northwest, the IWA did not forget the South. Although efforts were sporadic at first, the IWA, through NLRB decisions, began pushing unionization and receiving dividends for its efforts as the decade drew to an end. The only variance to the slow organizing pattern came when John L. Lewis engulfed the Alabama lumber workers with his District 50 of the UMW.⁸⁵

⁸⁴NLRB, VIII, 440; Jensen, Lumber and Labor, pp. 192-193.

⁸⁵Galenson, The CIO Challenge to the AFL, pp. 383-392; Jensen, Lumber and Labor, p. 284.

The NLRB issued a decision favorable to the IWA on December 17, 1940, when it found that the R. E. Atchison Lumber Company, Bessemer, Alabama, had terminated the employment of five men for union activities and had discouraged union membership by evictions from company houses, assaults and threats in violation of the NLRA. In its directions to the company, the NLRB did not order an election because the IWA was not sufficiently organized. It did encourage union membership by ordering the company to cease discouraging union membership and to cease encouraging membership in a particular union by promotions and demotions. In effect this was a protection for the IWA because the company did not wish to be a participant in CIO activities. The NLRB further ordered the company to reinstate the five terminated employees and to give the NLRB \$300 for back pay which would be distributed to the five employees.⁸⁶

The Alabama victory was followed by an IWA victory at the C. M. Gooch Lumber Company's Memphis, Tennessee, mill. On August 19, 1941, the company and the union agreed to allow the IWA to be certified by the NLRB if the IWA could win a consent election. On September 11 the NLRB announced that the IWA had won by a vote of forty-three to thirteen, and on October 14, the IWA was certified as the exclusive collective bargaining representative for the mill's employees.⁸⁷

⁸⁶NLRB, XXVIII, 638.

⁸⁷NLRB, XXXVI, 124.

As the final year before World War II drew to a close, the AFL found two of its locals being challenged, one by the IWA and one by District 50 of the UMW. The International Union of Operating Engineers and District 50 had membership in the Southern Wood Preserving Company, East Point, Georgia. On September 17, 1941, District 50 attempted to bargain with Southern Wood, but was refused a conference. District 50 then filed a petition for investigation and certification. The NLRB attempted to get a consent election, but the company chose to enter into a closed-shop agreement with the Operating Engineers. Previously, the Operating Engineers had two closed-shop contracts, one for white workers and one for Negroes. Disregarding the Operating Engineers' contention that the contract prevented the NLRB from calling an election, the NLRB ordered an election when the UMW representative presented valid application cards for 168 of the 269 employees.⁸⁸ On December 29, 1941, the employees of Southern Wood voted and gave District 50 of the UMW 167 of the 262 votes cast. On January 27, 1942, the NLRB certified the UMW as the collective bargaining representative for the employees of Southern Wood.⁸⁹ The IWA challenge to the AFL's Upholsterers' International Union of North America was proving effective when World War II began. The IWA was able to produce 106 membership cards and the Upholsterers were able to produce only twenty-three

⁸⁸NLRB, XXXVII, 25.

⁸⁹NLRB, XXXVIII, 617.

membership cards out of a potential of 210 employees when the NLRB investigated at the Chapman and Dewey Lumber Company, Memphis, Tennessee, in early 1942. War tensions and not labor legislation would bear on the final outcome in this contested facilities.⁹⁰

The wages and working conditions that existed in the southern lumber industry prior to and during the New Deal would seem to have encouraged labor organizing when labor was given a chance to organize. However, when labor did attempt to organize southern lumber workers, it found the same inherent characteristics that it had found in other industries: paternalism, undisciplined and unskilled workers with agricultural backgrounds, an abundant labor supply, individualism, self-contentment and a sense of independence among the workers. Not even the low average of fifteen cents per hour with an average work day of often only three hours in some areas during the 1929-1933 period seemed to influence the workers toward joining the organizing efforts. Organized labor simply had to overcome traditional attitudes of the South before it would be able to effectively enter into organizing activities.⁹¹

Organizing southern lumber workers was hindered inadvertently by the New Deal itself during the latter part of the decade. When the New Deal began enforcing the Wage and

⁹⁰NLRB, XLI, 29.

⁹¹Jensen, Lumber and Labor, pp. 76-84.

Hour Law, its application to other industries gave an impetus to improvement of wages in lumbering. Because wages were an important factor in attempting to establish unions in the lumbering areas, it would seem that the federal government gave the industry another tool with which to repel unionization by depriving unions of the argument of extremely low wages. However, the importance of the Wage and Hour Law on organizing or preventing organizing in lumbering at the end of the New Deal is purely academic because the war in Europe had begun, and improved markets and increased profits caused by the defense efforts allowed the lumber producers to increase wages without regard to cost. The patriotic spirit of the times retarded union efforts by the employees, but with the arch rivals, the AFL and CIO, contending for members among the lumber workers and with the entrance of District 50 of the UMW into the industry, the outlook for southern lumber workers was encouraging because of the organizing activities of the various unions. Organizing would be slow because marginal operators would have to be driven out so the industry could be stabilized, and lumber workers would have to be educated in union methods so they could effectively repel management efforts.⁹²

The lucrative southern fishing industry, like the lumbering industry, saw some labor organizing during the New Deal, but to a lesser degree. Whereas the NLRB used its influence

⁹²Ibid., pp. 194-196.

primarily in organizing efforts on the Pacific Coast and on the northern Atlantic Coast and New England, the impetus to organize the southern fishing industry seemed to primarily arise from local conditions and local desires. Federal Local 20144 was organized at Galveston, Texas, but was later merged into the Longshoremen.⁹³ Further east, several thousand shrimp fishermen and part-time farmers engaged in the fishing industry were organized in federal unions at Gulfport and Biloxi, Mississippi, Morgan City, Louisiana and Bayou La Batre, Alabama, and in 1935 they conducted a prolonged strike during the summer and fall which ultimately resulted in an increase in their earnings.⁹⁴

Early communist activities in the northern fishing unions may possibly have retarded efforts along the Gulf Coast to some degree, but the militancy of the owners of the southern fishing industry, the chance of no monetary return during a bad season, the seasonal characteristics of the industry and the type of labor used may have, and probably did, contribute more to the lack of any effective organizing effort than did any outside reason, with the type of labor used being perhaps the most important force preventing effective unionization. The Bureau of Fisheries reported that in 1933 approximately

⁹³Letter from Leslie G. Burnett, Director of Education and Research, Texas State AFL-CIO, September 1, 1961.

⁹⁴Stuart Jamieson, "Labor Unionism in American Agriculture," Bureau of Labor Statistics, Bulletin 836 (Washington, 1945), p. 298.

one-third of the Atlantic and Gulf Coast workers in the fishing industry were casual laborers. Primarily these casual laborers were the part-time farmers and the farm day laborers who used the fishing industry as a secondary occupation, because the southern fishing industry was a fall and winter, or off-season, occupation. The casual laborers working the boats which operated along the Atlantic Coast south of Virginia were usually compensated with a modified share system. A few of the crews operating out of Virginia were paid on a time basis, but the time system was usually reserved for the Gulf Coast fishermen, primarily the shrimp fishermen. In 1933, the average earnings in the fishing industry was \$591, with California fishermen averaging \$979 and southern fishermen averaging \$272. However, the men in the southern fishing industry were usually out of port for more than a day at a time and had to supply their own food; therefore, their average earnings, after the expense of being out of port, were even less than they appeared to be.⁹⁵

The casual laborers probably cared little for organizing because fishing only supplemented their income and they did not wish to do anything to diminish this outside income, especially if there had been an off year in agriculture. The Wages and Hours Law exempted the fishing industry, but it

⁹⁵"Earnings and Methods of Wage Payments in the Fishing Industry," Monthly Labor Review, XLII (September, 1936), 551-557; Germaine Kellerman, "Shrimp Fishing--a \$3,000,000 Industry," Popular Science, CXXXI (November, 1937), pp. 72-73.

probably had an indirect effect on increasing wages after 1938, thereby diminishing the need for a union to fight for wage increases. By the end of the decade, the New Deal could record that its legislation to help labor organize had a positive effect to a degree on the northern fishing industry, but as for the southern fishing industry, it could only record that it had had practically no effect on the industry and its laborers.

Without a doubt the New Deal had a great effect on organizing parts of the southern extractive industries. Coal was nearly 100 per cent organized by the end of the New Deal, primarily because of the militancy of its leadership. In the oil industry, organized labor had managed to make a remarkable showing but still had organized only a small percentage of the total oil workers. Lumber workers did not attempt organization until labor organizers came to the mills to urge them to organize. The southern fishing industry simply stood as a negative mark for organized labor because it had not made an effective effort to organize Gulf Coast and South Atlantic Coast fishing. The tools for organizing had been made available to laborers in the southern extractive industries, but these tools were unable to instill in southern workers the will to organize, nor were the New Deal legislative tools able to change the attitudes of the owners of the extractive industries and their sympathizers. Until these two were changed, New Deal labor legislation would remain only as a

tool, not as the complete answer, for effective labor organizing in the southern extractive industries.

CHAPTER III

THE MANUFACTURING INDUSTRIES: THE ROLE OF THE NATIONAL LABOR RELATIONS BOARD

Like the extractive industries, the manufacturing industries in the South felt the pressure of organized labor during the New Deal period. The furniture, automobile, rubber and tobacco industries saw the struggle for better working conditions and higher wages, as well as the right to organize. The southern textile and garment industries with their dualism of both prosperous and marginal facilities in the Piedmont, the Deep South and Texas, felt the continuation of the strikes and the organizing efforts of the 1929-1931 period.

In the lucrative furniture industry in the South, the United Brotherhood of Carpenters and Joiners-AFL, the United Furniture Workers-CIO and, to some degree, the Textile Workers' Organizing Committee-CIO were active in attempting to organize the industry. The UFW was the most successful and had locals in Virginia, North Carolina, Tennessee and Arkansas, but its membership represented only a small percentage of the potential in the region. The sequence of organizing in the southern furniture industry began with Section 7a, as did most of the southern organizing attempts, but it did not achieve much

success in organizing until late in the New Deal period, and then, only through the aid of NLRB and court decisions.¹

When labor began organizing efforts in the furniture industry, it found that it faced the usual pattern of anti-union activity. During the period, employers resorted to lay-offs, company unions and extended litigation in their successful attempts to prevent unionization in the industry. One of the first unsuccessful union efforts in southern furniture organization was brought before the NLRB when the Cleveland Chair Company refused to bargain with the UBC at the company's plant in Cleveland, Tennessee. The union local had been organized in 1935 and had been immediately beset by anti-union company activities. On July 10, 1935, the union struck the plant after several union members had been dismissed for union activity. Peter A. Carmichael, Commissioner of Conciliation, United States Department of Labor, helped settle the strike, but continued anti-union activities including the discharge of union members, forced the union to file a complaint with the NLRB. In one of its first decisions, the NLRB, on June 4, 1936, ordered the company to cease and desist its anti-union activities and to cease from discriminating against and discharging union members. It ordered the company to offer reinstatement to most of the discharged union members.

¹Frank Traver De Vyver, "Status of Labor Unions in the South," The Southern Economic Journal, V (April, 1939), 486-488; H. M. Douty, "Development of Trade-Unionism in the South," Monthly Labor Review, LXIII (October, 1946), 574.

This decision was followed by a similar one in July, 1936, concerning the Memphis Furniture Manufacturing Company, Memphis, Tennessee, where the same type anti-union activity had been occurring. Again the employer was ordered to cease and desist and to offer reinstatement to the discharged employees.²

Company unions were another device used by the southern furniture workers to prevent organization. The UFW found much difficulty in attempting to organize the Milne Chair Company in Chattanooga, Tennessee. It had begun organizing Milne in early 1935 and had struck in September, 1935, when a wage cut was proposed by Milne. The strike, a combination of UFW members and unorganized employees, lasted until December 3, although the plant resumed operations within a week after the strike began. When the strike was settled, the company agreed to rehire strikers on a preferential basis, but the UFW was soon faced with anti-union activity in the form of a company union. The Athletic Club, formed by company foremen on April 28, 1937, received a company contract covering both white and colored employees. The contract was effective May 12, 1937, and was to expire May 12, 1938. After May 11, 1937, the Athletic Club did not meet again. The company contended that the Athletic Club's membership had been absorbed by the Association of Milne Chair Workers, local 16, affiliated with

²NLRB, I, 892; NLRB, III, 26.

the League of Democratic Unions. The Association had been formed with the avowed purpose of keeping the AFL and CIO out of the company. The officers of the new organization were foremen of the company and the committeemen were the same as those of the Athletic Club. The Association informed the company in early 1938 that it represented the employees of the company. On March 2, 1938, the company informed the Association that it was bound by the Athletic Club contract and that the Association would have to secure NLRN certification before it could bargain with the company. The NLRB, however, decided on December 1, 1939, that the Association was dominated by the company and ordered the company to cease recognizing the Association as the representative of some of the company's employees and to cease from giving effect to the contract with the Athletic Club which had been company dominated when it was functioning. The UFW was not recognized as the collective bargaining agent, but at least it was given an opportunity to attempt to become the bargaining representative.³

Intense anti-union activity and extended litigation were found in the efforts of southern labor to organize the Empire Furniture Corporation, Johnson City, Tennessee, and the Little Rock Furniture Manufacturing Company, Little Rock, Arkansas. The Empire Furniture Corporation proved to be one of the most difficult and determined adversaries of the TWOC. The TWOC

³NLRB, XVIII, 53.

began organizing efforts on April 26, 1937, and within two weeks, approximately 90 per cent of the company's employees had joined the union. The company quickly denounced the CIO as a "bunch of Communists,"⁴ threatened those employees who were union members with the loss of their jobs and announced that the company would close to keep the union out. The company refused to recognize the union as the representative of the employees without an election and then stated that, even if the union were elected by the employees, they would still refuse to bargain with it.⁵

Several union members were discharged between April and July, 1937, with the company still refusing to enter into collective bargaining with the union. The NLRB found that the company violated the NLRA many times and ordered them to cease and desist from discouraging union membership and from discharging union members. Several of the union members were ordered reinstated and pay losses were made whole because of unfair labor practices by the company. An election was ordered but because of the adverse effects of the unfair labor practices witnessed at the facilities, the NLRB felt that a free choice could not be made by the employees and left the election date open.⁶ Later, the NLRB and the company were in the courts, but the damage to unionism had been done long

⁴NLRB, X, 1026.

⁵Ibid.

⁶Ibid.

before the Sixth Circuit Court of Appeals denied the NLRB's petition to enforce its order.⁷

A similar situation occurred at the Little Rock Furniture Company, but with somewhat better end results for labor. The UFW began organizing the employees early in 1937 and in the spring of that year, several union members were discharged for union activity. This type of anti-union activity continued until the issuance of a complaint by the union in March, 1940. During the period, the company threatened the jobs of other union members, informed the employees that there would be no union in the plant, inquired of employees regarding their thoughts on unionism and spied on union meetings and the homes of union prospects. The NLRB ordered, on June 13, 1940, that the company cease its anti-union activities and its interfering with employees rights. The company was ordered to offer reinstatement to the discharged employees and to make whole the loss of pay caused by the company's unfair labor practices.⁸ Later the NLRB decision reached the courts, and on November 28, 1941, the Fifth Circuit Court of Appeals rendered a decision unfavorable to the NLRB and to labor. The NLRB had filed a petition with the court on September 24, 1940, stating that the company was not complying with the NLRB decision. The petition alleged that the company

⁷National Labor Relations Board v. Empire Furniture Corporation, 107F (2d) 92 (1939).

⁸NLRB, XXIV, 682.

had refused to pay some of the employees as ordered, refused to re-employ several named employees, discharged and refused to rehire a union organizer and successfully requested the Little Rock police to remove a union organizer from the plant vicinity. The court felt that the NLRB should offer competent and material evidence to substantiate the allegations and that the company should offer evidence, if any, to disprove the charges. The court was unwilling to decide the issues on the evidence presented by the NLRB. The case was turned over to the United States District Judge in Texarkana, Arkansas, for consideration and recommendation to the Circuit Court.⁹ Although the court did not actually void the NLRB decision, its delaying tactics had the same effect as far as the UFW was concerned, for on January 19, 1942, the UFW petitioned for an investigation and certification of representatives at the company, but was defeated in the NLRB election by the Upholsterers International Union of North America-AFL.¹⁰ The UFW had laid the groundwork and maintained a union foothold during the extended hearings and litigation. Although it had not won the fruits of its efforts, unionism had still obtained certification at another southern furniture company. The furniture company also won, because it had kept the CIO out of its company.

⁹National Labor Relations Board v. Little Rock Furniture Manufacturing Company, 123F (2d) 868 (1941).

¹⁰NLRB, XXXIX, 892; NLRB, XL, 1228.

There were a number of other organizing efforts and NLRB and court decisions, but these were representative. Sometimes the CIO won after the AFL prepared the workers, as at the Crescent Bed Company, Incorporated, in New Orleans, Louisiana.¹¹ Sometimes neither the CIO nor AFL locals won NLRB elections, as at the Belz Upholstered Furniture Company, Memphis, Tennessee.¹² After the United States entered World War II, the NLRB elections continued to affect organizing, but even with the great strides forward, the southern furniture industry was still largely non-union. The UFW was making progress in late 1941, but the various AFL unions seemed to be making the greater progress, probably because the companies preferred the AFL unions. At the end of 1941, however, the question still remained that had been expressed in 1938 after the recession and the entrance of rival unions into the South: "Who, for instance, will organize the long unorganized furniture industry in Virginia, North Carolina, Tennessee and Arkansas?"¹³ Unionism was attempting to answer the question, but only with the help of the NLRB.

The same type of anti-union activity and litigation carried over into the effort to organize the southern rubber

¹¹NLRB, IX, 433; NLRB, XXIX, 34.

¹²NLRB, XXXVIII, 1326; NLRB, XL, 62.

¹³De Vyver, "Status of Labor Unions in the South," p. 495.

company facilities. Rubber workers had begun organizing in the North in the 1880's, but a mushroom growth was not witnessed until the 1902-1903 strike period.¹⁴ The AFL's Association of Allied Metal and Rubber Workers, organized in 1902, failed in 1903 when a strike was lost in Trenton, and by 1906 it was virtually dead. The IWW attempted unionism in the rubber industry in 1912 and 1913 at Akron, Ohio, but when a strike by 5,000 workers failed, so did the IWW effort. The AFL sent organizer John L. Lewis in after the Akron strike but he was unable to revive unionism in the rubber industry. There were a few abortive efforts between World War I and the NIRA. Then, in 1933, rank and file organizers, working under the impetus of Section 7a, organized some 30,000 workers into independent unions at Goodyear, Firestone and Goodrich in Akron, Ohio. With the threat of company unionism facing them, the rubber workers contacted the AFL and received a federal union charter, and in 1934, the federal locals of the AFL formed the United Rubber Workers' Council.¹⁵

Unionism continued to spread among the rubber workers in the nation until in 1934 there were some sixty-five unions representing rubber workers in the rubber-tire manufacturing industry itself and by March, 1935, the AFL estimated that

¹⁴Harold S. Roberts, "Negotiation of Collective Agreements in the Rubber Industry," Monthly Labor Review, XLVIII (June, 1939), 1282.

¹⁵Edward Levinson, Labor on the March (New York, 1938), p. 76; Roberts, "Negotiation of Collective Agreements in the Rubber Industry," pp. 1282-1284.

22,000 rubber workers were union members. Nearly every local had been established after the beginning of NIRA and all were in the North. Unionism did not come to the South until late in the New Deal period.¹⁶

The early optimistic signs of successful unionization gave way to the nearly complete demoralization of the AFL's rubber union in 1935, when, with the aid of company unions, the rubber companies cut wages and increased the number of labor spies. The courts then came to the aid of the rubber companies by accepting the appeals following the NLRB decisions. The northern unions suffered further when Coleman Claherty, the AFL overseer in the rubber industry, mediated a pending strike in 1935 and signed an agreement which surrendered the demands for elections and surrendered the right to strike until the NLRA had been before the Supreme Court.¹⁷

From the period of Coleman's settlement on, the rubber unionists were rebellious toward the AFL. AFL President Green was taunted by the rubber workers who demanded that they be allowed to elect rubber workers as union officers. A resolution was presented to the 1935 AFL convention stating that all rubber factory workers would be included in the URW. A point of order concerning the resolution was raised and

¹⁶Levinson, Labor on the March, pp. 76-77; Harry A. Millis and Royal E. Montgomery, Organized Labor, Volume III of The Economics of Labor (New York, 1945), p. 195, footnote 1; Roberts, "Negotiations of Collective Agreements in the Rubber Industry," pp. 1282-1284.

¹⁷Levinson, Labor on the March, p. 77.

William L. Hutcheson of the Carpenters' union and John L. Lewis of the UMW engaged in angry retorts. The dramatic encounter that followed signaled the final split between the AFL and the rubber workers, as well as the final split between the AFL and the industrial unions.¹⁸

Northern CIO rubber workers were able to get collective bargaining agreements from Firestone in April, 1937, from Goodrich in May, 1938, and from Goodyear in July, 1941. In the South, the results were different. The 1937-1938 recession had caused greater decentralization in the rubber industry. Higher wages and higher costs for manufacturing and transportation caused rubber companies to move to areas that were nearer the markets, to areas that had cheap power and plant sites, and to areas that had low wages and no unions. The logical areas were in the South, and the rubber companies soon turned in that direction for the locations of new plants.¹⁹ Firestone took advantage of low wages in Tennessee and purchased facilities at Memphis and Goodrich built at Clarkesville.²⁰ Although decentralization was not a new idea for

¹⁸ Harry Cannon, "Collective Bargaining by United Rubber Workers," Monthly Labor Review, XLIX (September, 1939), 604; Walter Galenson, The CIO Challenge to the AFL: A History of the American Labor Movement, 1935-1941 (Cambridge, 1960), pp. 267-269.

¹⁹ Galenson, The CIO Challenge to the AFL, pp. 278-279.

²⁰ New York Times, November 25, 1936, p. 39; New York Times, May 2, 1939, p. 35.

the rubber industry, the intense activities in organizing the rubber workers accelerated it somewhat.²¹

In the South, the struggle for unionization at the Goodyear Tire and Rubber Company of Alabama's facilities at Gadsden, Alabama, during the New Deal, began when AFL federal local 18372 began organizing in June, 1933. As soon as the AFL local was recognized as a possible bargaining agent, the company began a counter move. The Joint Conference Plan, a company union modeled after a similar plan in Goodyear's Akron plant, was put into operation. During the life of the company union, plant foremen checked on employees to see why they did not participate in the Plan. For nearly two years, the Plan was dominated by Goodyear and received funds from Goodyear. During this time, the AFL local was attempting to organize Goodyear's employees. In 1935, the URW became a separate international union and local 18372 became URW local 12. In October, 1936, it began functioning as a CIO local. Following the Supreme Court ruling in 1937 on the constitutionality of the NLRB, the Plan was dissolved.²²

In the North, the URW struck the Goodyear Tire and Rubber Company in Akron, Ohio, in February and March, 1936, with the

²¹Galenson, The CIO Challenge to the AFL, p. 279.

²²NLRB, XXI, 306.

first CIO strike.²³ Following the Akron campaign, President Sherman Dalrymple of the URW turned to Goodyear's Gadsden facilities for the next concentrated organizing effort in an attempt to secure a union contract. For his efforts, he was, on June 6, 1936, met with eggs thrown by southern hecklers, beaten savagely and invited to leave Gadsden.²⁴

When Dalrymple had arrived in Gadsden, he found that the president and former president of the Gadsden local had been discharged by Goodyear.²⁵ This, plus his beating on June 6 and the beating of several union members inside the Goodyear facilities two days later tended to demoralize the union efforts. When the union's attorneys attempted to obtain permits for an open meeting on June 20, the City Commission passed several ordinances that were designed to discourage union meetings. The first ordinance allowed the police to enter homes and make arrests and to search without warrants. The second ordinance enforced the decision of the City Commission to prevent the union from announcing its open meeting

²³Cannon, "Collective Bargaining by United Rubber Workers," p. 605; Levinson, Labor on the March, pp. 143-146. There were a number of spontaneous sit-down strikes in the northern rubber plants, but they were not the design of the United Rubber Workers leadership. Galenson, The CIO Challenge to the AFL, p. 269.

²⁴NLRB, XXI, 306; Galenson, The CIO Challenge to the AFL, p. 272; New York Times, June 10, 1936, p. 24; Maxwell S. Stewart, "Gadsden is Tough," The Nation, CXLV (July 17, 1937), 69; Mary Heaton Vorse, Labor's New Millions (New York, 1938), p. 10.

²⁵New York Times, June 10, 1936, p. 24.

with amplifying devices. These acts of the city fathers did not prevent the meeting on June 20, and it was held with only minor incidents such as random gunshots from the perimeter crowd.²⁶

The New York Times in its June 26, 1936, issue carried an article entitled "Alabamans Beat Union Organizers."²⁷ The article referred to the beating of six union organizers in their office in Gadsden and the destruction of furniture and union records, but it failed to mention that the "mob" was composed of Goodyear employees who had left the Goodyear plant during working hours to assault the union organizers.²⁸ The police rescued the beleaguered union organizers, although the beatings and the destruction of union property could have been prevented if the Gadsden police chief, who had been advised of probable "mob" action, had provided police protection to the union organizers. However, the police chief was admittedly hostile toward the union and although he failed to offer adequate protection to the organizers, he was glad to escort them out of town after they had been given medical attention.²⁹

²⁶NLRB, XXI, 306; Stewart, "Gadsden is Tough," p. 69.

²⁷New York Times, June 26, 1936, p. 11.

²⁸NLRB, XXI, 306. The men received pay for the time they were gone. Stewart, "Gadsden is Tough," p. 70.

²⁹NLRB, XXI, 306.

Although both the police chief and the sheriff had failed to provide adequate protection for the organizers, the cause for the mob action was the launching of an intense organizing drive in Gadsden called by Dalrymple after he had been beaten. Prior to the incident, the chairman of the employees' committee at Goodyear "announced that 'practically every employee' of the plant had signed a statement expressing satisfaction" with the existing labor relations.³⁰ In a released statement, he said, "It is our purpose to peacefully pursue our employment in the future, as in the past, and we do not wish anyone to meddle in our affairs."³¹ This release by the employees' committee before the "mob" action provided the company defense and the company quickly came to its own defense after the "mob" action by denying any part in the demonstrations. It issued a statement to that effect immediately following:

The statement that Goodyear management fomented or aided the demonstration in Gadsden Thursday is false. Particularly false and ridiculous is the charge that our operations there were suspended so that shift workers might participate in the affair.

It is a fact that about 100 employees left our Gadsden factory at the lunch hour and did not report back for the remaining hours of their shift, but they did this without the prior knowledge or consent of their supervisors. The remaining 300 employees on that shift continued working.

Our information is that the Thursday demonstration was spontaneous and not planned.³²

³⁰New York Times, June 26, 1936, p. 11.

³¹Ibid.

³²New York Times, June 27, 1936, p. 3.

The denial was to no avail, and the NLRB charged the company with complicity in the assaults on members and organizers of the URW. They alledged that "Goodyear foremen, supervisors and 'flying squadron' members were encouraged by the company to make the attacks."³³

The atmosphere calmed in Gadsden following the beatings and during the preparations for the NLRB hearings on complicity. However, the Supreme Court decision in April, 1937, on the NLRA caused the company to go into action again to prevent unionization. On April 19, a week after the Supreme Court decision, the Joint Conference Plan met and was informed that Goodyear had decided to dissolve it. On May 3 Goodyear posted notices that it was dissolved. In the evening and during the night of April 19-20, following the dissolvment announcement of the Plan, the Etowah Rubber Workers Organization, a new company union, was formed and members were signed up in the plant. On April 24, the constitution and by-laws were drawn up, and on May 4, the general officers were elected. On the following day, the plant superintendent posted notices that the company recognized the Etowah. The URW local also requested that recognition notices be posted for it, but the company refused, saying that it had not posted notices recognizing the URW in September, 1935. On May 14, the Etowah received its corporate charter and on May 25, the company finally

³³New York Times, July 12, 1936, p. 8.

posted notices giving the names of committeemen in both the Etowah and the URW locals. After the establishment of the Etowah, there were more intimidations, job demotions, layoffs and coercion directed toward the URW officials and members.³⁴

The NLRB decision in the Gadsden case came on March 9, 1940, after extensive hearings and delays. In this decision, the NLRB ordered the company to cease and desist from interfering with the Etowah, from discouraging membership in the URW, to withdraw recognition from the Etowah and to prohibit the flying squadron from interfering with the unionization of the Goodyear employees. The NLRB decision was appealed to the Appeals Court.³⁵

While the CIO's URW was attempting to organize at Gadsden, the AFL was attempting to penetrate the South with a rubber union by establishing AFL local union 21994 at Muscle Shoals, Alabama. However, its objective, the Robbin Tire and Rubber Company, sought to avoid legitimate unionization by using the Muscle Shoals Independent Rubber Union as a deterrent to organization. Its action against unionism became more overt in April, 1939, when it discharged several employees for union activities and subsequently refused to bargain collectively with the AFL local. In addition to these acts, the local charged that the company had "contributed to and dominated

³⁴NLRB, XXI, 306.

³⁵Ibid.

and interfered with the formation and administration of the Independent.³⁶ In April, 1940, the NLRB issued a final decision in the case by approving a stipulation that ordered the company to cease and desist from interfering with the organizing activities of its employees, from interfering and dominating the Independent and to withdraw recognition from the Independent.³⁷ Although organized labor was not recognized as the employees' representative, the federal government, through its New Deal agency, had at least impressed upon the southern company that the right to organize without interference was not to be denied the working man, not even in the South.

Organized labor in the rubber industry increased its activity in 1940 following the upturn from the recession. In Memphis, the AFL federal local and the UMW engaged in a bitter election campaign that included physical violence against UMW organizers while organizing the Firestone Tire and Rubber Company's facilities at Memphis for an NLRB election.³⁸ Firestone had purchased the General Motors Corporation's automobile body factory at Memphis in 1936 for the purpose of quicker distribution of its products to the southern states,³⁹ but it was also alleged that this decentralization represented

³⁶NLRB, XXIII, 469. ³⁷Ibid.

³⁸Galenson, The CIO Challenge to the AFL, p. 280.

³⁹New York Times, November 25, 1936, p. 39.

an effort to escape unionism.⁴⁰ By September, 1940, AFL local 22456 felt it represented a majority of the employees, and it requested that the company recognize it as such, a move the company refused until it had been certified by the NLRB. Because of worker membership in URW local 186 as well as the AFL local, the NLRB ordered an election to see which union, if any, the employees preferred to have represent them.⁴¹ A bitter election campaign and much physical violence against the CIO organizers marked the struggle for representation.⁴² On December 23, 1940, the employees voted 1008 to 805 to have the AFL local represent them, and in January the NLRB certified the AFL local as the representative of the employees of the Firestone facilities at Memphis.⁴³

The AFL victory at Memphis in 1941 was short-lived. The CIO local continued its organizing efforts following its defeat by the AFL, and a month before the AFL local's one-year contract was to expire on March 17, 1942, the URW notified the company that it, not the AFL local, represented the majority of the employees. Because of the large number of URW application cards that the employees had signed during the winter of 1941, the NLRB ordered a new election.⁴⁴ The continued

⁴⁰Galenson, The CIO Challenge to the AFL, p. 279.

⁴¹NLRB, XXVIII, 657.

⁴²Galenson, The CIO Challenge to the AFL, p. 280.

⁴³NLRB, XXIX, 50. ⁴⁴NLRB, XL, 71.

efforts of the URW resulted in a 911 to 521 vote in favor of the URW and the resulting certification by the NLRB came on May 20, 1942.⁴⁵

It had taken organized rubber workers nearly four years to win some recognition in the South after the NLRA, and then only by NLRB elections and certifications. It took less time, however, at their next objective which was also in Tennessee. The new \$1,500,000 facilities of the B. F. Goodrich Company at Clarksville, Tennessee,⁴⁶ became the site of concentrated southern organizing efforts in the rubber industry. On February 4, 1941, local 194 of the URW filed a petition requesting an investigation and certification of representatives.⁴⁷ On April 11, the employees voted 179 to 167 for the URW. The NLRB subsequently certified the local as the representative of the employees at the recently built Goodrich plant.⁴⁸

The long NLRB proceedings and resulting court litigation held off results for unionization at the Goodyear facilities until 1941. Even then, however, the Gadsden facilities of Goodyear still did not succumb and organizers were again met with violence as had been the case in the past. Of the major rubber producers in the South, only at Goodyear in Gadsden

⁴⁵NLRB, XLI, 159.

⁴⁶New York Times, May 2, 1939, p. 35.

⁴⁷NLRB, XXX, 518.

⁴⁸NLRB, XXXI, 672.

was collective bargaining on an unfriendly basis when World War II began.⁴⁹

In the Gadsden conflict, the NLRB decision finally reached the Fifth Circuit Court of Appeals. In its consideration of the NLRB petition against Goodyear, the Court held, that due to the lengthy delay in settling the labor dispute, partially caused by the NLRB itself, it could hardly consider the evidence offered in 1937 for an NLRB order that was asked to be enforced in 1942. The Court allowed some parts of the NLRB petition to stand, denied parts of it and retained parts of it for further hearings and findings by the NLRB. Primarily, the Court held that the case had to be applied to current practices and it was not sure that the charges filed in 1937 alleging company domination of the Etowah were valid in 1942. With this decision, organized labor in Gadsden could only look for further governmental aid of some sort or from pressures exerted on the company from the northern unions.⁵⁰

By the end of the New Deal period, the rubber workers had made inroads into the rubber industry in the South, although it was not until several years after the beginning of World War II that the unions were able to bargain with Goodyear. The substantial degree of membership in the AFL and CIO locals

⁴⁹Galenson, The CIO Challenge to the AFL, pp. 277, 280-281.

⁵⁰National Labor Relations Board v. Goodyear Tire and Rubber Company of Alabama, 129F (2d) 661 (1942).

at the beginning of World War II can only be explained in terms of the rank and file members of the young labor organization. The workers were predominantly unskilled and semi-skilled, but they quickly took on the responsibilities of union membership. The locals were allowed to manage their own affairs, thereby giving them both responsibility and autonomy. A third factor explaining the emerging strength of organized rubber workers was that their leaders were men who had emerged from the shops themselves and were familiar with the problems of the rank and file members. The last factor influencing the growth of organized labor in the rubber industry during the New Deal was the NLRB. The URW participated in twenty-eight elections nationwide in the 1935-1940 period. In these elections, the URW won twenty and lost eight and received 70 per cent of all the votes cast. Four of the eight elections the URW lost were won by AFL locals. The URW also filed 132 unfair labor practices cases during the period and had a majority of them satisfactorily adjusted, thereby enhancing the URW in the eyes of the employees.⁵¹ Without the NLRB decisions regarding elections and unfair labor practices, the energy of the rubber workers and the ability of its leadership would have been stymied by the other rubber companies in a manner similar to that of Goodyear. The unskilled rubber workers, like other unskilled workers, needed protection when

⁵¹Galenson, The CIO Challenge to the AFL, pp. 281-282.

they attempted organizing and that came from the New Deal and and its labor agencies.

The successes and failures of the youthful rubber unions were similar to the successes and failures of the older and more experienced textile unions. The textile unions continued the trend that they had begun in the 1929-1931 organizing efforts. The first concentrated drive of the New Deal period came in 1934 and resulted in the Great Strike of 1934. The general unrest among textile workers resulting from the defeat of the organizing efforts of the 1929-1931 period, combined with grievances since the strikes and disappointment with the NIRA, erupted again in 1934 when General Hugh Johnson, administrator of the National Recovery Administration, on May 22, 1934, ordered a sixty to ninety-day period of reduction in the hours of production of textiles with no corresponding increase in hourly wages. The United Textile Workers of America contacted the Code Authority and requested an increase in wages to offset the loss in pay. When the UTW announced a strike for June 4, 1934, to reinforce its request for a wage increase, the various participants conferred and the strike was called off with the following qualifications:

- (1) The right to strike for further demands was not to be prejudiced;
- (2) a cotton textile board representative was to be appointed to the NRA Labor Advisory Board, the Cotton Textile Code Authority, and the Cotton Textile National Industrial Relations Board;
- (3) the NRA Division of Planning and Research was to study wage rates and differentials and productivity in the cotton mills;

(4) labor representatives acknowledged the seasonal character of the industry and the need for reductions in output.⁵²

The rank and file immediately protested because of their meager wages, the stretch-out and lack of bargaining opportunity as provided for in Section 7a.⁵³ Textile workers in Alabama did not wait for conventions and conferences to settle the dispute and struck in July, 1934. With great tenacity, the Alabama strikers stood their ground and were a factor in the UTW's calling a general strike for September 1, 1934, in cotton textiles and leaving an open strike date for other phases of textiles.⁵⁴

The first workers to strike after the approval was given were in North Carolina where over 65,000 operatives struck on Labor Day, September 3, 1934. In Gastonia, where five years previously civil liberties were denied mill operatives, 5,000 workers paraded in peace. Then throughout the Piedmont area "flying squadrons" of workers traveled in motorcades persuading and forcing other workers to join them. By September 5, some 325,000 workers were on strike in the Piedmont and

⁵²Herbert J. Lahne, The Cotton Mill Worker (New York, 1944), p. 225.

⁵³Ibid., pp. 224-225.

⁵⁴Douty, "Development of Trade-Unionism in the South," p. 574, footnote 66; Lahne, The Cotton Mill Worker, pp. 225-226; Katharine DuPre Lumpkin, The South in Progress (New York, 1940), p. 122; Broadus Mitchell, Depression Decade, From New Era Through New Deal, 1929-1941, Volume IX of The Economic History of the United States (New York, 1947), p. 276.

the strike's first violence had occurred at Trion, where a pitched battle was held. National Guard units were called out in North Carolina on September 6, and by the next day, they were stationed at twenty-four North Carolina towns. In South Carolina, martial law was declared, but not before seven union pickets were killed and thirty-three wounded by South Carolina deputies. The unions appealed for federal troops to protect the strikers, but none were forthcoming. With armed state troops on the scene in the Piedmont, union activity calmed and the employers formed a "united front" against the long struggle.

On September 15, southern mill owners announced plans to reopen their mills with the use of some 10,000 National Guard troops and 15,000 armed guards. On the following day they opened, and on September 17, the governor of Georgia declared martial law. Mass arrests began in the South following the opening of the mills. Governor Herman Talmadge received the dubious honor of opening the first concentration camps for union pickets. Workers were held for so-called "court-martial," which was simply a device used to keep them off the picket lines, and they were evicted from company housing and molested by vigilantes.

On September 22, the strike was called off by the UTW, although there had been no commitments from employers regarding the workers returning to work without discrimination. Who actually "won" the strike is academic, but the results

were real. Union ranks had held firm in the face of employer intimidation and the actions of the state and local authorities. The strike had been conducted with skill and the workers had shown their desire to support it.]

Salutary results to unionism in the South were not necessarily favorable to the UTW, however. As in the Danville strike of 1930-1931, there remained resentment among the workers because of the way the UTW handled the strike. The settlement had actually been a strategic retreat because the strike had begun to crumble in the South. The workers knew this and resented it. This resentment was to boil over later when the textile workers again attempted to exercise their rights under later New Deal labor legislation.⁵⁵

[One of the important events in the New Deal period that aided textile unionism, both North and South, was the joining of the UTW with the CIO. It was soon made subordinate to the Textile Workers' Organizing Committee, a new CIO organization designed to coordinate organizational activities in textiles, under the leadership of Sidney Hillman,⁵⁶ of the TWOC and president of the Amalgamated Clothing Workers of America.⁵⁷]

⁵⁵Lahne, The Cotton Mill Worker, pp. 224-231; Lumpkin, The South In Progress, pp. 110-111, 120-122, 147, 150; Arthur M. Schlesinger, Jr., The Coming of the New Deal, Volume II of The Age of Roosevelt (Boston, 1958), p. 394.

⁵⁶Galenson, The CIO Challenge to the AFL, pp. 326-329.

⁵⁷Matthew Josephson, Sidney Hillman, Statesman of Labor (New York, 1952), p. 417.

Hillman was especially interested in organizing southern textile workers because cotton garment factories were being built throughout the open-shop South. Garment factory owners were able to exploit the workers in the South, thus threatening garment worker unionization in the North. The Amalgamated and the CIO felt it necessary to help the textile workers organize so as to protect both the gains already made in textile unionism and in garment factory unionism.⁵⁸

The strategy in the South at first was to obtain local southerners to lead the drives so that the employer groups and their supporters could not characterize the organizational drives as being led by "Communistic Yankees." With the aid of locally recruited help, the TWOC began concentrating on workers employed in the cotton textile mills, the largest phase of the textile industry in the South and one with a high ratio of labor to total cost. Its workers earned the lowest average hourly earnings, continually faced wage cuts, and struggled with the stretch-out. Southern cotton textile manufacturing was centered primarily in the Piedmont region, in the states of Virginia, North Carolina, South Carolina, Georgia and Alabama.⁵⁹

⁵⁸Galenson, The CIO Challenge to the AFL, p. 329; Josephson, Sidney Hillman, pp. 417-418; Mitchell, Depression Decade, p. 300.

⁵⁹Galenson, The CIO Challenge to the AFL, pp. 329-331; Josephson, Sidney Hillman, pp. 418-420; Vorse, Labor's New Millions, pp. 178-179.

The organizing drive in all textiles began in the spring of 1937 in New England and slowly moved southward. By August, 1937, there were sixteen agreements in the South and some 100,000 pledge cards signed by southern textile workers.⁶⁰ The main impetus of this successful organizing drive came early in the spring of 1937 when the United States Supreme Court ruled on the constitutionality of the NLRA. Of the three NLRA cases decided that day one concerned the Friedman-Harry Marks Clothing Company, Incorporated, in Richmond, Virginia. The NLRB decision in the case had been ruled against by the Second Circuit Court of Appeals on the basis that the employees were not engaged in interstate transportation of clothing, but the Supreme Court decision reversed the earlier one of the Appeals Court. This gave the textile organizers the needed legal base for their efforts.⁶¹

(Credit for the gains in the South during this period does not belong solely to the TWOC or the CIO. Frequently, NLRB intervention helped organized labor obtain agreements by ordering employers to cease discriminating against employees contemplating signing union pledge cards. The actions by the

⁶⁰ De Vyver, "Status of Labor Unions in the South," p. 486; Galenson, The CIO Challenge to the AFL, pp. 334-336; Josephson, Sidney Hillman, p. 423.

⁶¹ National Labor Relations Board v. Friedman-Harry Marks Clothing Company, 301 U. S. 58 (1937); NLRB, I, 411; NLRB, I, 432; Galenson, The CIO Challenge to the AFL, pp. 336-338; Lucy Randolph Mason, To Win These Rights, A Personal Story of the CIO in the South (New York, 1952), p. 65.

TWOC and the NLRB, as well as the other textile organizing groups, set a strategy pattern that was to be used throughout the period in the South: ". . . work slowly to obtain pledge cards, then seek an NLRB election . . ." ⁶² Just as this strategy was beginning to pay dividends, an economic recession in textiles hit in late September, 1937, and cut short the organizing drive, thereby forcing the unions into rearguard action to hold their gains. ⁶³ When the economy turned upward in July, 1938, southern textile unionism was aware that perhaps its greatest achievement had not been in winning the NLRB elections that it had participated in, but rather in weathering the recession without substantial contract losses. This was a great first for southern textile unionism. ⁶⁴

Meanwhile, the southern textile unions were attempting to implement the policy of slowly organizing and petitioning for NLRB elections as best they could. In pursuing the policy, southern textile unions were faced with three conditions: company unions, court denied NLRB decisions and court approved NLRB decisions. Of these three, the only favorable condition was where the courts had approved NLRB decisions, but even then there still remained the intense drive to organize the militant textile companies and to win the elections. After the elections, of which some forty-three had been won by the

⁶²Galenson, The CIO Challenge to the AFL, p. 336.

⁶³Ibid.

⁶⁴Ibid., p. 338.

TWOC in the South by July, 1938, there came the struggle to translate the elections into agreements, because the southern textile employers simply ignored the mandates to bargain collectively, or they carried the NLRB orders to court.⁶⁵

Many company unions were faced by the southern textile workers during their organizing, but the most representative effort against company unionism occurred at Gafney, South Carolina, where the TWOC faced the Square Deal Club in the Alma Mills, the Free Fellowship Club in the Limestone Mills, and the Friendship Club in the Hamrick Mills, all of Gafney. The UTW had begun organizing the mills at Gafney in August, 1933, had chartered a local there in September, 1933, and had struck the mills during the Great Strike of 1934. In 1936, the stretch-out was inaugurated at the Alma Mills and a strike resulted. Later, strikes occurred at the other two mills and were not settled for several months. After the strikes were settled, grievances continued and union membership declined until it became so low that the union became inactive. In February, 1937, the TWOC began reorganizing the workers in Gafney and in November the TWOC filed a petition requesting elections in the three mills. On May 25, the NLRB ordered elections held in the mills, but because of the intensive campaign by the mills against the union, the NLRB postponed

⁶⁵Ibid.

the election indefinitely.⁶⁶ During the anti-union campaign that followed, the mills, in addition to physical violence, threats and appeals to religious prejudice, organized the Square Deal Club, the Free Friendship Club, and the Friendship Club as rival organizations against the union. On May 29, 1940, the NLRB handed down a joint decision regarding the three mills. The mills were ordered to withdraw recognition from the three clubs and to cease and desist from dominating and contributing to them. They further ordered the mills to cease their anti-union activities and to cease from depriving their employees of their rights. Because of the intense anti-union activity, it was some time before the TWOC again sought recognition at the mills.⁶⁷

The effectiveness of the courts in disallowing NLRB decisions and thereby preventing southern textile unionization was well illustrated in the NLRB decisions and the following litigation concerning the Cherry Cotton Mills, Florence, Alabama, and the Tupelo Garment Company with its facilities at Tupelo, Booneville, New Albany, Baldwyn and Fulton, Mississippi. At the Cherry Cotton Mills, the UTW had begun organizing in 1933 and its local had conducted one of the first southern textile strikes which led to the General Strike of 1934. In October, 1935, the union again threatened a

⁶⁶NLRB, XXIV, 1; NLRB, VII, 463; NLRB, VII, 467; NLRB, XXIII, 780; NLRB, XXIII, 781; NLRB, XXIII, 782; NLRB, XXIV, 1.

⁶⁷NLRB, XXIV, 1.

strike because the company had evicted some union members from the company housing and had discharged others. In early November the company circulated word that the plant would cease operations, and on November 22 it shut down briefly. Upon resuming operations on November 28, many of the old employees were rehired and many new workers were hired to fill the vacancies of those that were not rehired. The NLRB hearings regarding the case were prolonged and when the decision was finally handed down, the complaints had been pending nearly two years. The NLRB ordered the company to cease and desist from discouraging union membership and from interfering with employee rights. The discharged union members were to be offered reinstatement and were to be compensated for any loss of pay because of unfair labor practices.⁶⁸ The decision was carried to the courts when the NLRB petitioned the Fifth Circuit Court of Appeals to enforce its order. The mill contended that the hearings had been one-sided because it had not been given an opportunity to defend itself before the NLRB. The Court postponed a decision on July 29, 1938, until the case could be studied further.⁶⁹ Shortly thereafter, a NLRB petition for rehearing was denied.⁷⁰ Similarly, the same

⁶⁸NLRB, IV, 731.

⁶⁹National Labor Relations Board v. Cherry Cotton Mills, 98F (2d) 444 (1938).

⁷⁰National Labor Relations Board v. Cherry Cotton Mills, 98F (2d) 1021 (1938).

court in the fall of 1941 dismissed the petition by the NLRB to enforce an NLRB decision that had been reached three years earlier in 1938.⁷¹ The Tupelo Garment Company had been dissolved by its stockholders shortly after the NLRB decision and new companies were incorporated at three of Tupelo's old locations.⁷² The Court ruled that this was not a reorganization of the Tupelo Garment Company. Therefore the new corporations were not successors of the company and the NLRB decision concerning company domination of the Employees Association of Tupelo Garment Company and the discharge of union members did not apply to the new corporations which were formed shortly after the NLRB decision.⁷³

The southern textile unions did not always have such misfortunes, however. Sometimes the courts would uphold NLRB rulings, thereby aiding in organizing southern textile workers. Instances of this type of aid to unionization occurred in the NLRB decisions regarding the Lane Cotton Mills Company at New Orleans, Louisiana, and the Globe Cotton Mills at Augusta, Georgia. The TWOC began an organizing campaign among the Lane Cotton Mills employees in early May, 1937, and by late June, it claimed a membership of 1,300 of the mill's

⁷¹National Labor Relations Board v. Tupelo Garment Company, 112F (2d) 603 (1941).

⁷²NLRB, VIII, 1181.

⁷³National Labor Relations Board v. Tupelo Garment Company, 122F (2d) 603 (1941).

employees. On July 1, 1937, a conference was held between the president of the company and the TWOC representatives concerning the recognition of the TWOC as the representative of its employers. The president of the company insisted that proof of majority representation be made by permitting him to inspect each and every membership card and, in the presence of the TWOC representative, to talk individually with each employee who was a member of the TWOC or who desired to be a member. The representative of the TWOC agreed to the arrangements, subject to a vote of the local's membership. On July 3, the members of the TWOC voted against submitting themselves to individual interrogation by the president of the company. Thereupon, the company refused to recognize the TWOC as the representative of its employees for the purpose of collective bargaining. The mill president's refusal to recognize the TWOC as sole bargaining agent created resentment among the employees who were members of the TWOC. On August 24, the NLRB ordered an election which was conducted on September 7. Of the 1,307 officially counted votes, 942 voted for the TWOC and 365 opposed it, and on September 17 the NLRB certified the TWOC as the exclusive representative for collective bargaining in the mill.⁷⁴

The mill refused to bargain collectively with the TWOC as ordered by the NLRB and charges, including unfair labor

⁷⁴NLRB, III, 369.

practices, were filed with the NLRB on October 9, 1937.

Upon investigating, the NLRB found that the Lane Cotton Mill Welfare Association, which had led in denouncing the TWOC and the CIO, had been founded shortly after its previous decision had been reached and that it was company dominated. On November 18, 1938, the NLRB issued cease and desist orders and ordered the company to offer reinstatement to discharged union members.⁷⁵ The company still refused to bargain with the TWOC, with the results that the NLRB petitioned the Fifth Circuit Court of Appeals. On May 29, 1940, nearly two years after the second NLRB decision, the Court reached its decision, finding that the NLRB findings and decisions had been supported by evidence and that the NLRB orders were appropriate. On July 24, 1940, the Court denied a request by the company for a rehearing.⁷⁶ This final judicial decision came nearly three years after the initial decision of the NLRB when it ordered the election that the TWOC subsequently won. Similar events occurred at the Globe Cotton Mills in Augusta, Georgia.⁷⁷ The slow turning of the wheels of justice were enough to prevent unionization.

Southern textile unionism was becoming stable by the beginning of World War II, as the industry began to recover

⁷⁵NLRB, IX, 952.

⁷⁶National Labor Relations Board v. Lane Cotton Mills Company, 108F (2d) 568 (1940).

⁷⁷Globe Cotton Mills v. National Labor Relations Board, 103F (2d) 91 (1939); NLRB, VI, 461.

from the 1940 textile recession, and many changes began appearing on union contracts, such as vacations, impartial arbitration and studies of work loads. The Fair Labor Standards Act assured the textile workers of a forty-hour week, and the government assisted in expanding textile unionism. NLRB elections had won rights to collective bargaining, and the new fear of the loss of government contracts because of being blacklisted proved to be the strongest weapon the unions could get. The Lane Cotton Mills, one of the companies the NLRB took to court, finally gave in to unionization because it could not afford to lose government contracts.⁷⁸

By May 31, 1941, the Textile Workers' Union of America, which was a new organization consisting of the old locals affiliated with the TWOC, and the old UTW locals, had won forty-six NLRB elections and had been certified at five mills in the South without elections.⁷⁹ They were able to get twenty-nine contracts out of the fifty-one certifications, but only sixteen were effective. Twelve of the contracts had been allowed to expire without renewal. When southern contracts were compared with northern contracts, it could readily be seen that the anti-union tradition of the South was still present. Many of the NLRB cases had taken two years or longer in adjudication

⁷⁸Galenson, The GIO Challenge to the AFL, pp. 344.

⁷⁹Douty, "Development of Trade-Unionism in the South," p. 576; Galenson, The GIO Challenge to the AFL, p. 343.

and the companies had not given agreements even then. However, southern unions were able to get contracts at several of the large companies, among them Marshall Field, Lane Cotton Mills and the Erwin Mills, with the Erwin Mills being the first large North Carolina cotton mill to be organized.⁸⁰ The entrance of the recently reorganized rival United Textile Workers of America-AFL in 1939 had not affected TWU efforts, but it did give textile workers in the South another approach to unionization.⁸¹

Although the southern textile industry was more unionized in 1941 than ever before, the textile unions were still a long way from having majority representation in the South, primarily because the textile factories were still located in small communities where legal, political, and economic pressures could be applied to the prospective union members. To these factors were added the traditional southern social mores which were skillfully exploited by the companies. These combined factors had proven the southern textile industry to be virtually invulnerable, even to the most militant unionizing efforts.⁸²

⁸⁰Douty, "Development of Trade-Unionism in the South," p. 576; Galenson, The CIO Challenge to the AFL, p. 345.

⁸¹Douty, "Development of Trade-Unionism in the South," p. 577; Galenson, The CIO Challenge to the AFL, p. 347. One of the outstanding achievements of the United Textile Workers-AFL in the South was the victory over the TWUA-CIO at the American Bemberg Rayon Corporation, Elizabethton, Tennessee, one of the scenes of the disastrous textile strikes in 1929. Galenson, The CIO Challenge to the AFL, p. 347.

⁸²Galenson, The CIO Challenge to the AFL, p. 348.

Similar to the early efforts in textiles was the long history of failure in steel unionism when the New Deal period began. The Amalgamated Association of Iron, Steel, and Tin Workers of North America was defeated by United States Steel Corporation in 1901 and maintained a precarious existence afterward. Organizing campaigns in 1919-1920 and in 1933 had been equally unsuccessful. In 1935, there were only 9,869 members in the Amalgamated, and losses continued during 1935.⁸³

The 1934 convention of the AFL made overtures for an organizing campaign in steel. M. F. Tighe, president of the Amalgamated, stated in 1935 that the only way to organize the steel industry would be to organize it industrially, and the craft unions protested against organization along industrial lines. John L. Lewis contended that so long as the steel industry remained unorganized, related industry unions such as the UMW would remain in a precarious position. Lewis was particularly interested, because he could not organize the captive miners until the steel industry was organized. As soon as the CIO was formed, it immediately began plans to organize the steel industry, whether the Amalgamated would participate or not. On June 3, 1936, the Amalgamated accepted a CIO offer to create a Steel Workers' Organizing Committee. The Amalgamated would have little to do with the proposed campaign but would retain the right to issue charters.⁸⁴

⁸³Ibid., p. 75; Levinson, Labor on the March, pp. 33-34, 44-46, 67-71.

⁸⁴Galenson, The CIO Challenge to the AFL, pp. 75-84.

Southern labor was particularly interested in the coming organizing efforts in the steel industry on the national level. The headquarters of the large steel companies were in the North, and if the northern unions could organize the companies and could sign union-shop contracts, this would prove to be a windfall for the unions in the South. If the northern steel facilities and coal mines were organized and contracts signed, the northern unions would have to include the southern facilities and the southern coal mines in the contracts or else be deprived of the strength of a union-shop contract. The northern union organizers, and especially John L. Lewis, were aware of this relationship with the South. Again, as the rubber and textiles, southern labor organizing efforts would receive many benefits from the northern labor unions as they sought to protect their gains.

The SWOC had to face concentrated opposition in the large mills and company unions in the form of employee representative plans,⁸⁵ but when United States Steel capitulated in March, 1937, a major portion of the battle to organize steel was over because the U. S. Steel settlement also covered its subsidiaries. The capitulation of U. S. Steel was a definite victory for the CIO and for organized labor, but was of particular importance to many steel workers and allied industry workers in the South.⁸⁶

⁸⁵Ibid., p. 87.

⁸⁶Ibid., pp. 93-95.

The Tennessee Coal, Iron and Railroad Company, Birmingham, Alabama, had been purchased by U. S. Steel in 1907. When U. S. Steel recognized the SWOC in March, 1937, its large southern subsidiary followed the example of the parent and made a contract with the SWOC which was similar to the other subsidiary contracts, recognizing the SWOC as employee representative on the industrial basis.⁸⁷ These contracts provided for wages and hours, "paid vacations, seniority, arbitration of grievances, and other standard clauses." The contract between SWOC and Tennessee Coal and Iron was renewed in 1938, and on April 1, 1941, a new contract was signed which recognized the SWOC as representative of all the employees in all the company's steel making and related facilities, including the captive mine workers.⁸⁸

Tennessee Coal and Iron, although under union contract, became involved in NLRB hearings in 1941. On September 26, 1941, the SWOC notified Tennessee Coal and Iron at Birmingham, Alabama, that it had organized the company's Holt Blast Furnace at Holt, Alabama, and desired recognition as exclusive bargaining representative. The company felt the contract with the SWOC did not apply in this particular situation because the plant had been acquired after the contract. The NLRB agreed with the company and ordered an election⁸⁹ which was

⁸⁷NLRB, XXXIX, 617; Douty, "Development of Trade-Unionism in the South," p. 578.

⁸⁸Galenson, The CIO Challenge to the AFL, p. 93.

⁸⁹NLRB, XXXIX, 402.

conducted on March 24, 1942, with the employees voting 143 to 50 for the SWOC to represent them at the Holt Blast Furnace.⁹⁰

In 1937, SWOC began organizing "Little Steel." During the summer of 1937, SWOC struck "Little Steel" but it did not include the workers in the South. Republic Steel Corporation had two subsidiaries in Alabama, but neither was affected. Some of Republic's employees in the South were already organized by the Mine, Mill and Smelter Workers-CIO, but none were members of the SWOC. When the organization of "Little Steel" was completed in 1941, however, the employees of "Little Steel" in the South were included in the contracts.⁹¹

At the end of 1941, most of the southern steel workers or the workers in the various production phases related to the actual steel production, were covered by the contracts made between the large steel companies and the SWOC. However, many employees were working under union contracts at the small independent companies also. Most of the independent companies had had some type of labor organization functioning in their facilities since NIRA days. During the latter part of the New Deal, either the AFL with its federal charter unions or the CIO's SWOC or Smelter Workers were demanding recognition as the collective bargaining representative where they already

⁹⁰NLRB, XL, 289.

⁹¹Galenson, The CIO Challenge to the AFL, pp. 96-97, 107, 115-117.

had union contracts, but occasionally they were challenging independent labor unions at the facilities where they co-represented the employees. Most of the facilities concerned were usually ore mills rather than the actual production facilities, but they were an integral part of steel production.

The NLRB decision regarding the Sloss Sheffield Steel and Iron Company at Birmingham, Alabama, illustrated the effort of the CIO's Smelter Workers to win recognition over another organization as the collective bargaining agent for the company's employees. The company had negotiated a contract with a committee representing the red-ore mine whose product was used in the company's pig iron production. The committee later asked the company to bargain with the Smelter Workers, but the company refused on the grounds that it was not company policy to negotiate with unions. In June, 1939, the Smelter Workers requested recognition as the employees' bargaining agent, but were refused on the ground that the company had a contract with employee representatives. At the NLRB hearings, the company contended that the employees' representatives on the committee were union members and, in effect, they were recognizing the union. The NLRB disagreed and an election was ordered.⁹² The employees voted overwhelmingly for the union and the NLRB promptly certified the Smelter Workers as their collective bargaining representative.⁹³ Similar

⁹²NLRB, XIV, 1185.

⁹³NLRB, XV, 825.

situations occurred at the Woodward Iron Company at Woodward, Alabama,⁹⁴ and at Republic Steel's mines near Bessemer, Alabama.⁹⁵

The union efforts in southern steel were more successful than in other southern industries, primarily because of the nationwide campaign in steel and the subsequent contracts covering the large steel companies and their subsidiaries. Too, the steel mills and their related industries in the South were generally located in or near large communities where the unions were able to attain some political support for their organizing efforts. However, the fact remains that the NLRB hearings had affected the capitulation of U. S. Steel, the NLRB elections had affected the organization of "Little Steel," and the efforts of northern, not southern unionism, had forced the recognition of the unions in the nation's steel companies and their southern subsidiaries. Southern steel had, for the most part, been organized not because of southern unionism, but rather, as a by-product of northern unionism as it strived to protect its gains at the northern steel mills.

Whereas there had been a long tradition in steel unionism, there was little in the auto industry. The Metal Trades Department of the AFL discussed organizing the auto industry during the World War I period, but its plans never passed the

⁹⁴NLRB, XIII, 624; NLRB, XIV, 860.

⁹⁵NLRB, XXXVII, 173; NLRB, XXXVIII, 43.

verbal stage. In the 1934 convention, a resolution was introduced calling for an industrial charter for workers in the automobile industry, and in early 1935, Lewis, supported by Green, urged that an industrial union be set up at once and helped to force the issue through the convention. However, members of the various craft unions represented within the automobile industry's facilities continued to fight the proposed industrial union. Because the United Auto Workers' Union was organized along industrial lines, it soon came into direct conflict with the dedicated philosophies of the craft unions. The UAW that finally emerged as an AFL industrial union represented only some 20,000 workers out of a national potential of 445,000. In addition to the conflict with the AFL craft unions, it had to contend with Richard T. Frankensteen and Father Charles Coughlin's Automotive Industrial Workers Association, the Mechanics Educational Society of America and the Associated Automobile Workers of America. However, regardless of the conflicts, the UAW and the other auto workers' unions found conditions favorable when they began their organizing campaigns. Discontent and unrest, caused by the fear of permanent unemployment as witnessed in the 1929-1933 period, irregular employment, low annual incomes, poor wage practices in rehiring experienced production personnel at beginners wages, the "speed-up" and other poor employer industrial relations policies, proved to be more powerful than

the combined liabilities and conflicts of the auto workers.⁹⁶ These factors were important.

When the AFL finally decided to organize an auto union, it found that auto workers were more independent than other industrial workers in demanding leaders from their own ranks. This point of contention expressed itself early when President Green appointed the UAW-AFL's first officers. The UAW's demand for officers elected by and from its membership received additional impetus when the CIO was formed in 1935. At its convention in April, 1936, the UAW elected officers from among men who were workers in the auto industry, rather than from professional union organizers and officers, and the break with the AFL soon reached a climax when, on July 2, 1936, the UAW affiliated with the CIO.⁹⁷ In the fall of 1936, the UAW began its campaign against the General Motors Corporation by using the sit-down strike, the device first used in the United States by the United Rubber Workers in the spring of 1936.⁹⁸ The actual strike action was precipitated by a premature one at the GM facilities in Atlanta, Georgia, in November, 1936.⁹⁹

⁹⁶Galenson, The CIO Challenge to the AFL, pp. 123-129.

⁹⁷Ibid., pp. 130-133.

⁹⁸Ibid., pp. 134-135; Levinson, Labor on the March, pp. 149-154; Millis and Montgomery, Organized Labor, p. 227.

⁹⁹Galenson, The CIO Challenge to the AFL, p. 152; Levinson, Labor on the March, p. 151; Vorse, Labor's New Millions, p. 63.

They were promised sympathy strikes at other GM facilities, but lack of organization and preparation at other facilities prevented the sympathy strikes. However, the union was unable to hold back the tide which had begun in the South and, in late December, 1936, a sit-down strike began at the Fisher Body Plant in Cleveland, Ohio. In the weeks following, nearly all GM facilities, both North and South, were struck. A durable truce was reached in February, 1937, and on February 16, collective bargaining began between GM and the UAW. With GM recognizing the UAW, the union turned to the Chrysler Corporation and eventually to the Ford Motor Company.¹⁰⁰

The sit-down strike received much condemnation during the period. Governor Frank Murphy of Michigan found ways to deal equitably with the strikers, but in several states, among them the southern states of Virginia, Mississippi and Texas, the governors announced that sit-down strikes simply would not be tolerated.¹⁰¹ In Texas however, the governor seemed to have little to fear from the UAW, because the Ford Motor Company had complete control of the situation at its Dallas Assembly Plant in Dallas, Texas.

Rumors developed in early 1937 that the UAW might attempt to organize the Dallas Assembly Plant. In early 1937, the management of the Dallas plant instructed Stanley C. Perry, of the local plant, and Warren Worley, who had recently

¹⁰⁰Galenson, The CIO Challenge to the AFL, pp. 135-45, 148.

¹⁰¹Ibid., p. 146.

been transferred to the local plant to "scout around" for union activity in the Dallas-Fort Worth area, to either verify or dispel the rumors of CIO organizing plans. Their actions were in the category of general espionage rather than just listening and observing, because they not only "scouted around", they also put selected individuals under surveillance. If someone was suspected of being a union man, he was put under surveillance until the suspicion was substantiated or disproved. Shortly after these men were assigned their duties, plant superintendent W. A. Abbett, Jr. informed J. D. Moseley, then in charge of the Dallas factory service department, that there might be labor trouble in the plant. Moseley then designated thirty men in the plant to hold themselves in readiness in the event of threatened property damage or any extraordinary development.

Following the designation of surveillance personnel, a company-published booklet was distributed at the Dallas plant which gave Ford's views of organized labor. Each employee was handed a copy of this booklet in an effort to keep a labor union out of the plant, although this was in violation of the NLRA.

On June 23, 1937, Baron De Louis, international representative of the UAW, and Leonard Guempelein, a member of the executive committee, arrived in Dallas from Kansas City, Missouri, where both men were employed by Ford. They made contacts with several Ford employees at the Dallas plant gates

and later contacted other employees inside a drug store. One of the contacted men reported the two union men to employer representatives, resulting in a beating that afternoon of the two union representatives by Ford employees. That evening, a Ford employee contacted the union men and found that more union organizers were coming to Dallas. To combat this, on June 25, about eighteen or twenty men were assigned to aid Perry in his espionage activities and to help run off any organizers who showed up at the plant. The men were informed that they were expected to keep the union out of the plant, because if they did not, the plant might be moved and they would lose their jobs. They were assigned various surveillance points in the city and were provided with blackjacks made in the maintenance department of the plant.

In July, the company began organizing "inside squads" to combat union activity. By August, about 90 per cent of its production employees were formed into inside squads, directed to report any and all contacts made by union organizers. With the formation of the inside squads, the company had a complete system worked out to detect union activities and the means with which to eradicate any organizing attempts.

Meanwhile, on July 3, De Louis returned to Dallas to proceed with his activities. After making a contact and meeting with a plant employee, he was again beaten. Later, W. J. Houston, a Dallas attorney, previously designated as agent for the union, was beaten by Perry's men. Soon after

the beatings, Houston moved from Dallas. The company had won the first battle against unionization in its facilities in the South.

In the days following De Louis' departure, anyone suspected of advocating unionization was intimidated in the Ford manner. Individuals such as George Baer, organizer for the Millinery Workers-AFL, and Herbert Harris, a projectionist who showed a Textile Workers' Organizing Committee film, were subjected to violence. Baer was severely beaten after information regarding him was given to Perry by Inspector Welch of the Dallas Police Department. Harris was tarred and feathered after arrangements were made with a Dallas Morning News photographer to take a picture of Harris in his tarred and feathered condition. Other harassments and intimidations followed, but for the time being, the Dallas plant of Ford was free from unionization.¹⁰²

In November, auto production was trimmed because of the recession, and employment and hours were cut back. Against this background, the UAW began negotiations with GM in November and on March 12, 1938, the contract was renewed unchanged. Shortly thereafter the Chrysler contract was renewed without change.¹⁰³

¹⁰²NLRB, XXVI, 322.

¹⁰³Galenson, The CIO Challenge to the AFL, pp. 157-159.

Following a break within the ranks of the UAW and the affiliation of part of the UAW membership with the AFL, the UAW-CIO began resorting to NLRB elections in a new organizing drive that began in 1939. In late 1939, Chrysler was fully organized and in early 1940, an intense campaign was begun to fully organize GM.¹⁰⁴ After NLRB hearings in 1939-1940, a GM plant-by-plant election was conducted on April 17, 1940, and in May the NLRB certified the unit representatives. In the South, the Fisher Body plant was carried by the UAW-CIO by 567 to 20, and the Chevrolet assembly plant in Atlanta, Georgia, was carried by the UAW by 596 to 38.¹⁰⁵

On August 8, 1940, the NLRB, after many hearings, arrived at a decision regarding the Ford Motor Company's violations of the NLRA provisions at its Dallas Assembly Plant. The NLRB held the company "directly responsible for the anti-union program executed at its Dallas plant and formulated, directed, approved, and ratified by its principal officials at its main office."¹⁰⁶ Among the various offenses were the charges of distribution of inflammatory, anti-union material, of forming anti-union "inside squads," of disrupting public meetings and storing weapons within the plant. The NLRB ordered the company to cease and desist from violating the provisions of the NLRA.¹⁰⁷

¹⁰⁴Ibid., pp. 172-175.

¹⁰⁵NLRB, XX, 950; NLRB, XXIV, 159.

¹⁰⁶NLRB, XXVII, 322.

¹⁰⁷Ibid.

The NLRB decision was carried to the Fifth Circuit Court of Appeals where the NLRB petitioned for enforcement of its decision. During the proceedings, Ford did not deny the jurisdiction of the NLRB, but rather, assailed the NLRB proceedings in the case as being unfair, the orders as too wide in scope and asserted that the NLRB lacked sufficient evidence to arrive at a decision such as it rendered. The Court of Appeals ruled to the contrary and, with minor exceptions that were modified in the NLRB decision, the NLRB decision was ordered enforced.¹⁰⁸

The big break for the campaign to organize Ford came on February 10, 1941, when the United States Supreme Court refused to review an NLRB order. When the UAW petitioned for an NLRB election later, Ford contested it, and on April 1, 1941, the River Rouge plant struck. The company finally gave in and an agreement was reached whereby Ford consented to an NLRB election. On May 21, 1941, the election was conducted. In the collective bargaining that followed, Ford gave the UAW-CIO a union shop and the checkoff of union dues in addition to the proposals offered by the union.¹⁰⁹ With the establishment of the union shop, Ford's southern assembly plant in Dallas, Texas, was finally unionized. However, it was not the southern workers in the Ford facilities that forced the

¹⁰⁸ National Labor Relations Board v. Ford Motor Company, 119F (2d) 326 (1941).

¹⁰⁹ Galenson, The CIO Challenge to the AFL, pp. 180-183.

company to allow the union to organize, but rather, it was the New Deal's NLRB, the actions of the courts and the northern auto workers that brought the union into the southern facilities of the Ford Motor Company.

The final southern activity in autos before World War II occurred at the Chrysler Motor Parts Corporation Division of Chrysler Corporation in Atlanta, Georgia. On June 10, 1941, the UAW-CIO filed a petition for investigation and certification since the company had refused to recognize the union because it had not been established that it represented a majority of the employees. The NLRB ordered an election¹¹⁰ which was conducted on September 17. The UAW won the election and was certified on October 14.¹¹¹ Although only a few workers were involved in the parts depot, the organization here was a continuance of the philosophy that to control the whole, the accessory manufacturers and parts depots had to be controlled.

The organization of the southern auto facilities had occurred because of successes won by northern unionism, NLRB decisions and court enforcement of NLRB decisions. This is not to say that southern workers did not desire unionism and attempt to unionize, but, as in Dallas, they faced the community as well as the company. It took the New Deal's NLRB and the enforcement of its decisions by the courts to accomplish the desires of the southern auto workers.

¹¹⁰NLRB, XXXIV, 482.

¹¹¹NLRB, XXXVI, 118.

The NLRB was also used in organizing the southern tobacco industry. The Tobacco Workers' International Union was founded at St. Louis, Missouri, in 1895, but engaged in little activity until World War I. Some recognition was obtained following the war, but membership soon began dropping. The TWIU was saved during the 1920's however by the Axton-Fischer Company, Louisville, Kentucky, an independent company that maintained a closed shop agreement with the TWIU for some twenty years. Because of their increase in sales resulting from a ten-cent cigarette package, "20 Grand," and a mentholated cigarette, "Spuds," during the 1920's, the company continued to recognize the TWIU, thereby helping maintain a solid core of TWIU membership at about 2,400 during the depression.¹¹²

Unionization in the tobacco industry began expanding during the period of the NRA. Most of the white employees of the American Tobacco Company, Durham, North Carolina, were organized in 1933.¹¹³ In December, 1933, the Brown and Williamson Tobacco Company, under the impetus of the NIRA and union efforts, signed a two-year contract with the TWIU. During the rest of the NRA period, there were no other major agreements, although the Atlanta Regional Labor Board cited several companies for refusing to bargain in good faith.¹¹⁴

¹¹²Herbert R. Northrup, "The Tobacco Workers International Union," Quarterly Journal of Economics, LVI (August, 1942), 607-610.

¹¹³Douty, "Development of Trade-Unionism in the South," p. 573.

¹¹⁴Northrup, "The Tobacco Workers," pp. 611-612.

In 1934, Leggett and Meyers' employees in Durham were organized.¹¹⁵ Shortly after the NLRA decision, Liggett and Meyers, the American Tobacco Company and Philip Morris signed union contracts.¹¹⁶ Unionization continued to grow during the NRA, but labor's principal successes had been the contracts at Brown and Williamson Tobacco Company and several small firms.¹¹⁷

The tobacco workers at the Axton-Fischer Tobacco Company had been required to be union members since the company adopted a closed shop policy in 1899. Until 1932, the TWIU had represented all the company's employees, but in that year the TWIU recognized the jurisdiction of the various AFL craft unions and many TWIU members became members of craft unions. The company continued its written agreements with the TWIU and began verbal agreements with the craft unions. In 1935, a two-year written contract was given the TWIU. With the exception of a dispute between the company and the International Association of Machinists, the organized tobacco workers at the company fared well during the New Deal and were the exception in unionism in the tobacco industry.¹¹⁸

¹¹⁵Douty, "Development of Trade-Unionism in the South," p. 573.

¹¹⁶Northrup, "The Tobacco Workers," p. 615.

¹¹⁷Douty, "Development of Trade-Unionism in the South," p. 573.

¹¹⁸NLRB, I, 604.

The Axton-Fischer policy of maintaining a closed shop was unlike the anti-union policies displayed at the American Tobacco Company, the P. Lorillard Company, Incorporated, and the R. J. Reynolds Tobacco Company facilities in the South. At the Reidsville, North Carolina, plant of American Tobacco, local 192 of the TWIU began collective bargaining attempts on June 14, 1935, but were not successful in persuading the company to enter into an agreement. Because of the company's anti-union attitude, the members of the union, in protest, gave an affirmative vote to a strike resolution on August 28, 1935. The Commissioner of Conciliation of the United States Department of Labor intervened in the situation. The tension continued until March 30, 1936, when the company petitioned for an NLRB election. An election stipulation was entered and on September 17, 1936, the election was conducted by the NLRB. Of the 964 eligible employees, only 487 voted and 471 of these voted for the TWIU. The company objected that a majority of the employees had not voted at all and that the eligible number of employees was actually 986. The International Association of Machinists also objected to the election because forty-seven of its machine adjusters had been included in the total employee count. The NLRB agreed on 983 eligible voters by using the September 1, 1936, employment roll. After excluding the forty-seven Machinists, there were only 936 eligible ballots and the 471 affirmative ballots constituted a majority. The NLRB proceeded to certify

the TWIU as the exclusive representative of the employees for collective bargaining at the Reidsville plant.¹¹⁹

In 1937, contracts were made with "Liggett and Meyers, American Tobacco Company, and Philip Morris covering workers in their North Carolina plants." Shortly, union labels began appearing on the products of both Liggett and Meyers and the American Tobacco Company, representing a union victory in the tobacco industry.¹²⁰

The P. Lorillard Company, Incorporated, facilities at Richmond, Virginia, saw union activities begin in 1936 when the Cigarmakers' International Union of America-CIO chartered local 163 for the white workers in August, 1936, and local 178 for the colored workers in October. In 1937, the CIO petitioned for an investigation and certification and on September 1 the NLRB ordered an election¹²¹ which was conducted on September 14. The eligible employees voted for the CIO union by 1,975 to 60. After further hearings to clarify the case, the NLRB certified the Cigarmakers' Union on April 23, 1938.¹²²

While the Cigarmakers were organizing at Richmond, the TWIU was struggling against a company union at the Falls City Tobacco Company, Louisville, Kentucky. The company dominated

¹¹⁹NLRB, II, 198.

¹²⁰De Vyver, "Status of Labor Unions in the South," p. 489.

¹²¹NLRB, III, 529.

¹²²NLRB, VI, 778.

the Falls City Tobacco Employees Union, required all employees to be members of it, and entered into a contract with it on August 9, 1937. During hearings in 1938, a stipulation order was agreed to by the company and the TWIU and accepted by the NLRB on August 16, 1938. Among its many provisions were orders to cease and desist from discouraging membership in the TWIU and to withdraw recognition from the Falls City Tobacco Employees Union.¹²³ Although the TWIU was not recognized, the rights of the employees of the company to organize were upheld and the TWIU was to be given an opportunity to organize without company interference.

A company union was not the point of dispute at the Richmond Branch of the American Tobacco Company, but rather, at issue was a contest between the AFL's TWIU and the CIO's United Tobacco Stemmers. The United had been chartered on June 14, 1937, and had attempted to make an agreement with the company in September, but to no avail since the company had signed a contract with the TWIU in April. On December 17, the company renewed the contract to become effective on January 1, 1938. The single contract covered three locals. In hearings in 1938, the NLRB held that each branch of the company constituted a bargaining unit and ordered an election to be held to determine representation.¹²⁴ On November 22, 1938 the employees of the Richmond Branch voted for the TWIU by

¹²³NLRB, VIII, 907.

¹²⁴NLRB, IX, 579.

342 to 334, thus bringing another branch of the American Tobacco Company under NLRB orders to enter into collective bargaining.¹²⁵

The American Tobacco Company had not tried to prevent the recognition of a union, but rather, had made a choice between the two contending unions. Although the company had signed a contract with the TWIU prior to the chartering of the United, the extension of the contract in December, 1937, was probably influential in the outcome of the AFL victory in the NLRB election.

Company unions and conflicts between rival unions helped to prolong the tobacco workers' struggle to organize and bargain collectively in the industry, but at the P. Lorillard Company's facilities at Louisville, Kentucky, company management attempted a different method intended to either prevent effective collective bargaining or postpone it until the union had lost its strength. The TWIU had won a representation election on July 4, 1937, but the company refused to negotiate at the Louisville, Kentucky, facilities. Rather, they requested that the union representatives travel to the company's New York office for negotiations in August. The union representatives traveled to New York, but the company refused to negotiate with them, using the Wages and Hours Bill that was pending before Congress as an excuse. In the days that

¹²⁵NLRB, X, 1171.

followed, the union representatives attempted to get the company to allow its Louisville plant manager to negotiate, but the company refused. On September 21 the company informed the union that a contract could be made by mail if the union would send information concerning the contracts made with P. Lorillard's competitors in Louisville. Counter proposals and new proposals followed with the company contending that the reason the union would not release desired information was because the union wanted higher wages at P. Lorillard's facilities. The pattern of proposals and counter proposals continued until March 10, 1938, when the company stated that it had bargained in good faith and felt the union was responsible for no contract being signed. The union answered the charge on April 1 by stating that since it had accepted some distasteful provisions and the company had refused to make any concessions, the case would be turned over to the NLRB for consideration.¹²⁶

The NLRB reviewed the case and found that the company had refused to bargain in good faith. It was ordered to cease and desist from refusing to bargain with the union and was ordered to bargain collectively with the union in Louisville, Kentucky, not in New York.¹²⁷

It had taken over two years to force the company to the local bargaining table following the election of 1937. The

¹²⁶ NLRB, XVI, 703.

¹²⁷ Ibid.

real purpose of the company's actions was not disclosed, but apparently the thought was that prolonged negotiations without benefits to the union members would either weaken or destroy the union. Regardless of their purpose, an agreement was finally signed by the company in 1940 for the employees of the company's facilities in Louisville, Kentucky.¹²⁸

By the end of 1940, all major southern tobacco companies were under union contracts except the Louisville factories of the American Tobacco Company, and the R. J. Reynolds Company.¹²⁹ However, the TWIU was attempting to change this. While they were struggling with P. Lorillard at Louisville, they had chartered a local at Winston-Salem, North Carolina, to organize the employees of the R. J. Reynolds Tobacco Company there. On January 14, 1941, after nearly two years of organizing, the local asked for recognition as bargaining agent at the company's three cigarette plants. The company was assured by the local that it represented both white and colored employees. The company did not contest the propriety of the unit but would not negotiate for a contract until the local was certified as the collective bargaining representative.¹³⁰

On February 23, 1941, a petition for investigation and certification was filed by the union. However, after filing the petition, the local restricted its membership to white

¹²⁸Douty, "Development of Trade-Unionism in the South," p. 577.

¹²⁹Northrup, "The Tobacco Workers," p. 616.

¹³⁰NLRB, XXXIII, 674.

employees of the company and the colored employees had to join the TWIU chartered local 224 for colored employees only. Because of this change in the description of the bargaining unit, the NLRB dismissed the case.¹³¹

The acts of the TWIU at the R. J. Reynolds Company at Winston-Salem had apparently resulted from the decision of the TWIU to establish locals there for each phase of work in the tobacco industry and to establish a white and colored local for each phase. Although no additional locals were contemplated for the cigarette factories themselves, the plans for establishing craft locals directly affected organizing efforts at the cigarette factories and thereby put off union recognition at the cigarette factories of the R. J. Reynolds Tobacco Company.¹³²

The efforts at R. J. Reynolds were stopped momentarily, but TWIU efforts in Winston-Salem at the F. M. Bohannon Tobacco Company continued. In mid-1941, the company refused to bargain with the TWIU local until it had been certified by the NLRB.¹³³ The election was ordered and was held on January 2, 1942. The vote was 110 to 2 for the TWIU with the NLRB certification following on January 14, 1942.¹³⁴

Approximately 90 per cent of the tobacco industry became organized during World War II. Of this percentage, most of

¹³¹Ibid.

¹³²Ibid.

¹³³NLRB, XXXVII, 526.

¹³⁴NLRB, XXXVIII, 224.

the workers were under either TWIU-AFL or Cigarmakers-AFL contracts.¹³⁵ Whether the outcomes of the AFL efforts were a result of the AFL campaigns, or whether they were a result of the tobacco industry's preference of the AFL over the CIO is controversial. The definite results, however, were that the tobacco workers were nearly all organized. Much credit was to be given to the locals and to their backing by the international unions, but without the pressure of the NLRB decisions involving the large southern tobacco facilities, the efforts of the locals and the internationals might have been to little avail.

In the manufacturing industries, as in the extractive industries, many obstacles blocked the paths of the workers as they attempted to organize, but one of the largest obstacles was the South itself with its community opposition to unionism. Prior to the Great Strike of 1934 and the NLRA, there was no legal protection for the right of workers to organize. In the South, the available legal protection for individuals was frequently used to hinder unionization.¹³⁶ After the workers were guaranteed the right to organize, they had to resort to the New Deal administration for aid against the uncooperative manufacturers. Although there were capitulations like U. S. Steel, they were the minority. Some manufacturers allowed

¹³⁵Douty, "Development of Trade-Unionism in the South," p. 578.

¹³⁶Galenson, The CIO Challenge to the AFL, p. 325.

the unions to organize in their facilities and recognized them, not because of NLRB hearings and elections and court decisions, but simply because they did not want to have a profit loss caused by a strike, or, as in the case of the Lane Cotton Mills, to lose a military contract because they were guilty of unfair labor practices. Too, there had been times when, as in the affair with Goodyear at Gadsden, Alabama, only the force of the federal government was able to thwart the delaying tactics of the companies. Over-all, however, it was the NLRB that carried the load when the individuals and the unions felt they were being discriminated against, or when they desired an election and certification.

CHAPTER IV

TRANSITIONS IN SOUTHERN AGRICULTURE

With the advent of the New Deal in 1933, farm-labor unionism was reborn in the nation, but each farming region had its own distinct form.¹ Unions established in a number of the canning and packing firms, which were covered in the NIRA codes, began expanding among related field workers. In cotton, on the other hand, organization came not because of supposed protection to organize, but rather because of legislation that was supposed to help maintain prices for those who raised the staple.² Although organization of the unions was spontaneous, most of them soon found a leader within their ranks who had experience in union affairs. This trend was most obvious in the South where the farm unions, apparently with more planned strikes and more definite objectives, were led by men who had participated in other labor movements and

¹The original impetus to organize came in part from "ignorance among farm workers of the act's (NIRA) provisions." Sturat Jamieson, "Labor Unionism in American Agriculture," Bureau of Labor Statistics, Bulletin 836 (Washington, 1945), p. 18. Farm workers were not covered in the NRA codes, although the allied canning and packing industries were. The concept expanded from these allied agricultural industries to the field workers. Too, the publicity of the sixteen-dollar a week minimum wage was accepted by the farm laborers as applying to them also. Sidney Suffrin, "Labor Organization in Agricultural America, 1930-1935," The American Journal of Sociology, XLIII (January, 1938), 554-555, 555 footnote 8.

²Jamieson, "Labor Unionism in American Agriculture," p. 18.

were definitely political party participants. The Association of Jornaleros, composed of Mexican onion pickers in Webb County, Texas, the United Citrus Workers of Florida, and the Southern Tenant Farmers' Union in eastern Arkansas, were organizations that fit this description. However, not all of the unions were new or re-activated independent unions. Some southern workers in industries allied to agriculture were members of the AFL. One such instance was in Polk and Highland counties of Florida where the citrus packing-house workers were in local affiliates of the AFL.³

In agriculture, as in other areas of labor organization, membership drives brought charges of Communist conspiracy. In southern agriculture in the 1930's, such charges were sometimes well founded but were more often unfounded. The Comintern at its Sixth World Congress in 1928 had announced a shift in its policy from "boring from within" to one of fomenting discontent within and organizing the exploited classes in the capitalist societies. In the South, they found the ideal physical situation existing among the southern Negroes, the sharecroppers, the tenants and the debt-ridden small farmer, but they had to contend with southern individualism and racism. Much of the communist organizing came through the affiliation of the Trade Union Unity League although some came through the use of cadres of urban Negro organizers and the support

³Ibid., pp. 18-19, 273-278, 333.

of the urban labor unions in areas where Negroes and whites were employed. After the dissolution of the Trade Union Unity League in 1935, the communists resumed their "cooperating" program and again began to "bore from within" established unions.⁴

In 1934, the communists established the Agricultural Workers Union in the Lower Rio Grande Valley in Texas, and attempted to spread the organization to field laborers and packing-shed workers. However, little progress was made primarily because the laborers were migrant Mexicans, the crops were seasonal, the farmers hired only a small percentage of the available work force and the farmers were unable to bargain for wages because the national market set their selling price through competition from other cash-crop areas.⁵

The Deep South was also the scene of radical operations when the communists began organizing Negro tenants and farm workers in Alabama in the 1930's. The Share Croppers Union caused some disturbances in Alabama, but most of the incidents resulted from unrest and antipathy between the races and flared only when white radicals initiated the action. The SCU, first

⁴Ibid., pp. 19-21; Harry A. Millis and Royal E. Montgomery, Organized Labor, Vol. III of the Economics of Labor (New York, 1945), pp. 178-180, p. 178 footnotes 1 and 2, pp. 238-240, p. 239 footnote 2; Benjamin Stolberg, The Story of the CIO (New York, 1938), pp. 145-147.

⁵John Beecher, "The Share Croppers' Union in Alabama," Social Forces, XIII (October, 1934), 124-131; Jamieson, "Labor Unionism in American Agriculture," pp. 272-273.

organized in Tallapoosa County, Alabama, in 1931, among Negro tenants who were near the bottom rung, was directed from Communist Party headquarters in Birmingham. Farming in this area was similar to plantation type farming, and unionization of the various farm work groups was a threat to the system. In July, 1931, violence occurred at Mary, Alabama, near Camp Hill, after the Tallapoosa County sheriff and some deputies had broken up one SCU protest meeting and attempted to break up a second one. The union was suppressed for the time being, but in the spring of 1932, its strength began returning. In December, 1932, violence developed at Reeltown, Alabama, when Cliff James, a leading SCU member, refused to give up his work-stock when a writ of attachment was issued. When the sheriff and his deputies arrived to take the property, they were confronted with armed Negroes. Combat followed, with both sides suffering casualties. Posses and mobs soon began tracking down union members. While most of the news media played up the "race war" and the "Red violence," the Birmingham Post reported that the incident was not merely the work of communist agitators, but rather, that the trouble was economic. Too, it was not racial because white farmers in other parts of the nation were doing just what these Negro farmers had done: protecting their means of making a living.⁶

⁶ Jamieson, "Labor Unionism in American Agriculture," pp. 292-296; Labor Research Association, Labor Fact Book, II (New York, 1934), pp. 141-142; Katharine DuPre Lumpkin, The South in Progress (New York, 1940), pp. 127-130.

Despite labor suppression in Tallapoosa County, the SCU had some 3,000 members by the spring of 1933, and membership was extended to include white sharecroppers. The SCU now shifted its emphasis to collective bargaining because the New Deal's Agricultural Adjustment Act was presenting it with a problem: The AAA was passing the subsidy money to the landlords, with the tenants and sharecroppers not receiving any. Too, the crops and acreage reductions were causing tenant and sharecropper displacement. Some improvements were claimed by the SCU in 1934, but in the fall of 1934, they called a strike for a union wage rate for picked cotton and lost most of the gains made earlier. It was reported that their demands were met in a few places, but over-all little was actually accomplished other than the delay in harvesting the crop.⁷

In 1935, the SCU shifted to the Black Belt of Alabama, where plantation-type farms hired day laborers.⁸ Here, mechanization and the AAA crop reduction programs were causing the day laborers to be displaced. The intermittent opportunities for work caused the SCU to demand a standard wage rate for the

⁷Jamieson, "Labor Unionism in American Agriculture," pp. 296-297.

⁸The small farms in Tallapoosa and Chambers counties in the Piedmont area of Alabama were operated by tenants and sharecroppers as opposed to the operations by plantation owners in the Black Belt. Jamieson, "Labor Unionism in American Agriculture," p. 297.

two seasonal jobs of cotton chopping and cotton picking.⁹ The SCU found organizing easier in the Black Belt, but it also found that the union members were easier to attack because they lived in compact groups. Although their efforts were met with violence, their claimed membership soon reached 10,000. The union conducted a strike among the cotton choppers in the spring of 1935 and spread their organizing to allied agricultural pursuits during the summer of 1935. With the increase in membership, the SCU moved its headquarters to Montgomery, Alabama, where it would be nearer the center of its activities, which had now spread to Louisiana, Mississippi, Georgia, and North Carolina. It also proposed to conduct a general strike in the cotton fields throughout the Deep South, but primarily in the Black Belt of Alabama.¹⁰ In preparing for the general strike, the SCU asked for a "unity agreement" with the Southern Tenant Farmers' Union which was preparing for a similar general strike in Arkansas:

United Front Call

Proposals for united action were presented by the Sharecroppers Union to the Southern Tenant Farmers Union and the Alabama Farmers Union.

⁹In Tallapoosa and Chambers counties, the concern had been over leasing and crop-sharing, not over wages. Jamieson, "Labor Unionism in American Agriculture," p. 297.

¹⁰Jamieson, "Labor Unionism in American Agriculture," pp. 297-298; Labor Research Association, Labor Fact Book, III (New York, 1936), pp. 145-146; Albert Jackson, "Cotton Pickers on Strike," The Nation, CXXI (August 7, 1935), 158.

1. For \$1 a day (minimum) for 10 hours' work on the farms, plus room and board for monthly help; for \$1 per hundred pounds for picking cotton; and for a united cotton pickers' strike to enforce these demands.

2. For cotton and tobacco crop-control checks to be made out and sent directly to the sharecroppers and tenants;

For the right to sell or store their own cotton when and where they please;

For the abolition of the landlord store system; and
For general reduction in "sure" rent.

3. For cancellation of all back debts, taxes, etc., for poor farmers, croppers and tenants;

Against foreclosures, for the right to stay on the land; and

For the abolition of the Bankhead gin tax for all farmers raising less than 10 bales of cotton;

4. For 40 cents an hour, 140 hours a month on all relief jobs. All skilled work at trade-union wages;

For direct cash relief at the rate of \$8 a week for the head of the family plus \$3 for each dependent; and

For \$5 a week cash relief for unemployed single workers and youths.

5. For a planned boycott of meat and other foods to force prices down.

6. For the right to organize, meet, petition, strike and picket without interference; and

Against lynching and landlord terror.

7. No discrimination against Negroes, women, or youths in these demands.¹¹

The SCU general strike began on August 19, 1935, in Lowndes County, Alabama, which had the highest proportion of Negroes to total population of any county in the nation. Here the SCU attempted to raise the picking rates on cotton from forty cents to one dollar per hundredweight. The strike began on the J. R. Bell plantation when he refused the union wage scale and began paying forty cents per hundred pounds. When one of the local strike leaders, Willie Witcher, was shot by

¹¹Jamieson, "Labor Unionism in American Agriculture," p. 298.

the sheriff and beaten as he lay on the ground, the strike spread. As the strike solidified and the strikers refused to come to the fields to work, the sheriff of Lowndes County organized a vigilante group to terrorize the cotton pickers in an attempt to break the walkout. By August 22, the county was an armed camp, primarily because the cotton pickers needed arms for self-protection. As the strike spread to adjoining counties, a miniature civil war broke out, and with it came the suppression of civil liberties, claims of communist agitation and treks to Washington. Relief workers were brought in government trucks furnished by the Alabama State Relief Administration as strikebreakers and were paid fifty cents per hundredweight in addition to their relief funds. When the SCU attempted to organize them, the relief workers were threatened with drastic steps to be taken to stop the spread of communism in the area.¹²

The strike waned because of forceful suppression by the local authorities and groups such as "night riders." The SCU reported that the strike in Lowndes County was defeated by September, but it did feel that it had been beneficial because

¹²Thomas Burke, "'We Told Washington'--The Cotton Pickers Visit the Government," The Nation, CXLI (December 4, 1935), 649-650; Albert Jackson, "On the Alabama Front," The Nation, CXLI (September 18, 1935), 329-330; Jamieson, "Labor Unionism in American Agriculture," p. 299; Labor Research Association, Labor Fact Book, III, p. 146; "This Week," The New Republic, LXXXIV (October 30, 1935), 320. The plantation owners feared the relief program because a week's relief often amounted to more than a year's income on the farm. Jamieson, "Labor Unionism in American Agriculture," p. 297, footnote 39.

wage rates had been raised both in Lowndes County and adjoining counties. However, in the counties northeast of Montgomery where the SCU began, the SCU strike had been much more successful and had been more readily accepted.¹³

The virtual cessation of all communist efforts, the results of the SCU and STFU strikes and the general agitation against the AAA all combined to help farm workers win some gains in 1935 and 1936. Late in 1935, the New Deal Administration announced plans to pay cotton payments directly to the tenants and to raise the sharecroppers portion of the AAA benefit payments.¹⁴

In 1936, the SCU sought affiliation with larger farmer and labor organizations and suggested putting Negroes and whites into separate but cooperating unions. To accomplish this, the SCU dissolved after November 15, 1936. The Farmers' Union of Alabama absorbed most of its membership, but soon released its membership to the newly created Alabama Agricultural Workers Union which had received an AFL charter in early 1937 as Farm Laborers and Cotton Field Workers' Union, 20471. It soon claimed membership in excess of 10,000, primarily because of the membership it received from the SCU and the Farmers Union of Alabama. The Farm Laborers' Union was at first supported by the National Association for the Advancement of Colored

¹³Jamieson, "Labor Unionism in American Agriculture," p. 300.

¹⁴Ibid.

People, District 20 of the UMW and other organizations. But after it was absorbed shortly thereafter by the United Cannery, Agricultural, Packing and Allied Workers of America-CIO, little was done to secure its farm-labor union objectives. The CIO was more interested in organizing the Birmingham steel industry than it was in organizing the Alabama tenants, sharecroppers and farm day-laborers. The United Cannery Workers was strongest in north and northeastern Alabama, where the SCU had begun, and it enjoyed some success there in the summer of 1938. But with the pressure of the recession and resultant loss of revenue, the union restricted its activity to metropolitan areas with important processing facilities, with the result that farm labor organizing in Alabama was abandoned.¹⁵

While Alabama tenants, sharecroppers and farm day laborers were attempting to form an effective organization first under communist direction and later under the direction of legitimate labor unions, the citrus workers, fruit pickers, and truck farm day-workers of Florida were attempting to organize to improve their lot, both economically and socially.

The first important labor organization in the Florida citrus industry, the United Citrus Workers of Florida, began with the NRA codes and the guarantee to labor of the right to organize. It organized every type of laborer in the citrus industry, but it did subordinate the Negro workers by putting

¹⁵Ibid., pp. 300-301.

them into sub-locals which were dominated by white locals. At first, the union enjoyed sympathetic support in the Haines City, Florida, area, but in late 1933 its support faded. Although the union appeared to be progressing, it faced severe difficulties that ultimately would cause its demise. It attempted to organize laborers who had little if any unionism and collective bargaining experience, and it was plagued with independent local labor organizations who identified themselves with the United. Several unsuccessful strikes were carried out by these independent local groups with adverse reaction on the United because of implied affiliation.¹⁶

The United began collective bargaining efforts in December, 1933, attempting to bring all citrus packing plants under a uniform agreement and presenting a demand for improved wages and hours. A strike began with an unauthorized walkout by United local 3 of Lake Wales at Babson Park, Florida. Support soon came from the United and a mass meeting was called. The mammoth packing houses of the area were picketed and grove caretaking ceased. The strike continued for a month and ended with a contract with several of the companies which provided for wage increases, recognition of grievances and no discrimination against strikers.¹⁷

¹⁶Ibid., pp. 330-331; Labor Research Association, Labor Fact Book, II, p. 163; Mary Heaton Vorse, Labor's New Millions (New York, 1938), p. 192.

¹⁷Jamieson, "Labor Unionism in American Agriculture," p. 331.

The strike had been an orderly affair, primarily because of union caution and its stress on order, and the strikers were treated fairly by the local law enforcement authorities. They also had some support from local businessmen and enjoyed impartial reporting by the local newspapers, while not condoning the strike, helped settle it. The most hostile attitude came from the relief authorities, but union pressures forced the authorities to support the workers if they quit their jobs because they were not receiving a living wage.¹⁸

Despite its partial success, the United's decline began during the strike. The Gentile Brothers Company, Haines City, Florida, had held off the union by having its orders filled by other companies and by replacing the strikers with a new labor force. The strike at the Polk Company in Haines City brought rank and file criticism, primarily over policy. In other organizing efforts the union leadership often made compromises that brought charges of collaboration. The United received further adverse publicity when a Lakeland organizer was accused of being a communist and was killed by vigilantes. These factors, combined with organizing failures, inadequately prepared strikes, loss of faith in the union leadership,

¹⁸ Ibid. "Florida citrus workers at Plant City were reported working as much as 95 hours a week in 1933, 12 hours a day for seven days a week being considered 'normal'! Wages averaged from \$5 to \$7 a week through the year and are as low as \$3 in many cases. During the off-season they receive only one, two and sometimes three days of work during a week." Labor Research Association, Labor Fact Book, II, p. 162.

employer "union busting" and AFL opposition, all led to its ultimate demise. The union attempted to revitalize itself in the fall of 1934, but the well-organized citrus packers now had reciprocal agreements to fill each others orders, thereby forcing the union into a general strike of the entire area if it was to be effective in its strike threats.¹⁹

A rival labor organization, the AFL's Citrus Fruit Canning and Packinghouse Workers' Union, had issued charters early in 1933, but did not attempt much organizing until the fall of 1933. Although the AFL attempted to drive the United out of contention, most of the AFL locals, rather than the United's locals, fell by the wayside. By January, 1934, only two AFL locals remained. Local authorities voiced a desire for the AFL in preference to the United if the citrus workers were going to organize, but these early AFL locals were largely only fact-finding agencies forwarding information on wages and labor conditions in the citrus areas to AFL President Green so that he could make recommendation for the Shippers' and Packers' Code of the NRA.²⁰

The withdrawal of the AFL fact-finding locals and the decline of the United was followed by the rise of locals

¹⁹Jamieson, "Labor Unionism in American Agriculture," pp. 332-333.

²⁰Ibid., pp. 333-334. "Official investigations and reports from workers show that . . . citrus fruit workers in Florida, who often work from 6 a.m. to 8 a.m., averaged about \$6 a week in 1934, or a yearly income of less than \$200 on this seasonal work." Labor Research Association, Labor Fact Book, III, p. 143.

organized by left-wing unionists and operated under AFL federal charters, which was in keeping with the policy of the old Trade Union Unity League affiliates. This time the citrus labor locals received some support from urban labor locals, primarily around Orlando and Tampa, Florida, where the urban locals were pushing for a nationwide union for agricultural workers. They voiced their feelings at the AFL convention in Tampa in 1936.²¹

While the AFL convention was meeting in Tampa, cannery workers, out of protest over the speed-up and low wages, struck the Tampa Del Monte plant. When the strikers requested aid, the union helped organize the strikers, and President Green interceded for the strikers at the jail. This strike was followed by a strike in January, 1937, at the Shafter Cannery in Tampa, but it collapsed because of inadequate planning and poor worker response. Other strikes followed at the Florida Gold Canning Company's various plants, but gains from the various efforts were very limited.²²

In March, 1937, the Florida Federation of Labor called for statewide efforts to organize the various agricultural workers in Florida, but little progress was made until the CIO's United Cannery, Agricultural, Packing and Allied Workers

²¹Jamieson, "Labor Unionism in American Agriculture," p. 334; Lumpkin, The South in Progress, p. 112.

²²Jamieson, "Labor Unionism in American Agriculture," pp. 334-335.

of America began its organizing campaign in the late summer of 1937, and that effort was expended only where the CIO was active. Interunion rivalry followed, but the rivalry, though intense, did not cause the employers to sign AFL contracts in self-defense.²³

The continuation of the CIO organizing drive into 1938 brought more than AFL rivalry. Its leaders were denounced as communists and groups such as the Ku Klux Klan and the American Legion were quick to offer moral and physical support to the law-enforcement agencies for suppression. The Florida state legislature formed a state investigative committee fashioned after the Dies Committee "to investigate Communism, Bolshevism, Pacifism, and other issues if it finds they exist."²⁴ The United Cannery Workers also found that the 1933-1934 experiences with unionism had shown the citrus growers-shippers that only a strong organization with well-planned strategy could hold off the unions.²⁵

The series of strikes in 1938 in the citrus area of Florida showed few concrete gains. There were exceptions where minor concessions were made or where the NLRB or the Conciliator of the United States Department of Labor helped settle the strikes without losses to the unions. On the other hand, the strikes were also characterized by court injunctions against the union locals, the use of strikebreakers, newspaper hostility, hooded

²³Ibid., pp. 335-336.

²⁴Ibid., p. 337.

²⁵Ibid., pp. 336-337.

Klansmen and other combinations that brought pressure upon the strikers. These pressure combinations finally forced the end of the strikes in December, 1938. After a year of picketing, striking and organizing, the workers were still drawing the same wages they had been drawing when the season began.²⁶

The failure of the small strikes during the year and a general strike in November and December, 1938, and the slowness of the NLRB in providing the means for preventing anti-union practices, caused the United Cannery Workers to deteriorate to a point from which it never recovered in Florida. Some of the blame for its failure must be assumed by the union as well. It over-extended both funds and personnel rather than concentrating on Polk County, Florida. Over-extension resulted in loose controls and a lack of coordination which led ultimately to the collapse of the federal system of locals during the general strike.²⁷

While most of the AFL and CIO efforts were being extended to the citrus industry, a small union developed among the truck-crop workers of southern Florida where the white shed workers offered the greatest potential for organizing in the truck-crop industry. Most of the shed workers migrated between the southern Florida area, the Bradenton area and the Fort Pierce area, but some would go as far north as New York and as far west as the Lower Rio Grande Valley of Texas and into

²⁶Ibid., pp. 337-340.

²⁷Ibid., p. 340.

California before returning to southern Florida. The Skilled shed workers received their first organizing incentive from a small group of California migratory shed workers. This group, members of Fruit and Vegetable Workers Union 18211 of California, were in Florida because they had been blacklisted in California for their participation in the 1936 Salinas, California, lettuce shed strike. The blacklisted shed workers formed a local in Princeton, Florida, in early 1938 and received a federal charter from the AFL. The principal membership of the Vegetable Packing-House Workers Union 21494 came from those shed workers who remained in Florida, but who migrated within the state. The local organized only the "skilled" shed groups. The floor help and field workers were not organized, primarily because they were Negroes. The local felt that southern sentiment against integrated locals and the intense competition for these less-skilled jobs would weaken the bargaining position of the union.²⁸

The local's most critical time came in April, 1939, when it clashed with the state AFL because the local assumed jurisdiction of all fruit and vegetable shed workers and formulated demands for the workers who would participate in the spring tomato harvest. When a general strike was called, the state AFL, the employers and the local authorities proceeded to break the strike. The local, although defeated in its initial

²⁸Ibid., pp. 340-341.

effort, eventually won out when the NLRB ordered the employers to offer reinstatement to discharged union members and to bargain collectively with the union. The AFL headquarters in Washington, D. C., upheld the local's contentions and ordered the state AFL to return the charter to the local.²⁹

In 1939, the local received recognition and contracts from the largest packing companies in Florida, and in 1940 and 1941, they had them renewed and revised. Their greatest victory perhaps came with the acceptance of the union by business groups in the small towns with packing centers, an acceptance which was not so much moral or humanitarian as it was economic. The higher the earnings and the greater the residential stability, the greater was the income of the local merchants. The union also aided in getting Social Security Act benefits and unemployment insurance benefits extended to its members. With the increase in earning power and residential stability that was achieved through the aid of the merchants and the extension of social benefits, the agricultural workers' children in southern Florida were living in better quarters and were receiving a full year's education with only the head of the family migrating.³⁰

Attempts to organize in Alabama and Florida were normal labor efforts in comparison to the unique organization that arose in the Delta region of eastern Arkansas. The initiative

²⁹Ibid., pp. 341-342.

³⁰Ibid.

to organize the Arkansas farmers came from intellectuals who advocated Socialist policies. Socialism had a long tradition in the area and many landless farmers quickly subscribed to the appeal. The resulting Southern Tenant Farmers' Union differed from earlier farm organizations such as the Agricultural Wheel, the Farmers' Alliance and the Farmers' Union in that it was composed of the laborers, not the owners, of the farms.³¹ In the "declaration of principles" in the STFU constitution the farmers stated that their purpose was to "organize into a union of their own, so as to oppose the power of the owning class,"³² However, when the first Socialists sent reports out of eastern Arkansas, they probably did not consider that the reports would give rise to a labor union, but rather were hoping that the conditions of the farmers and laborers in eastern Arkansas could be ameliorated.

In November, 1933, Martha Johnson, a Socialist organizer in Arkansas from the national office, contacted Norman Thomas regarding the plight of southern sharecroppers, particularly those in northeastern Arkansas. Specifically she asked Thomas to visit Tyronza, Arkansas, in Poinsett County, because, as she said, "'Here you will find the true proletariat; here you will find inarticulate men moving irresistibly toward

³¹Ibid., pp. 306-307; Lucien Koch, "The War in Arkansas," The New Republic, LXXXIII (March 27, 1935), 182-184.

³²Jamieson, "Labor Unionism in American Agriculture," p. 307.

revolution and no less."³³ Thomas visited the area in February, 1934. At a public meeting, he expressed his shock, called for an organization that would fight for the legitimate rights of the sharecropper and began his campaign to bring the nation's attention to "the Forgotten Men of the New Deal."³⁴

Taking things into their own hands, twenty-seven men met at Sunnyside school in early July, 1934. At this little school just south of Tyronza, Arkansas, where Thomas had viewed sharecropping at its worst, the Southern Tenant Farmers' Union was born. The farmers' prime purpose in organizing the STFU was to attempt to secure their just share of the benefits of the AAA.³⁵

One of the first decisions of the STFU, and probably its most important one, was that it would be a union for colored and white alike; sharecropper, tenant and day worker alike. The STFU began plans to make itself a legal organization, and in late July it was incorporated under Arkansas laws. The

³³M. S. Venkataramani, "Norman Thomas, Arkansas Sharecroppers, and the Roosevelt Agricultural Policies, 1933-1937," The Mississippi Valley Historical Review, XLVII (September, 1960), 229.

³⁴Ibid.

³⁵"Arkansas Moves Toward Freedom," The Christian Century, LIII (July 22, 1936), 1004-1005; Howard Kester, Revolt Among the Sharecroppers (New York, 1936), p. 55; H. L. Mitchell, "Organizing Southern Share-Croppers," The New Republic, LXXX (October 3, 1934), 217-218; Arthur M. Schlesinger, Jr., The Coming of the New Deal, Vol. II of The Age of Roosevelt (Boston, 1958), p. 376.

organization grew rapidly and spread into Mississippi and Crittenden counties, but not without interference from the Arkansas planters. Planters reacted by padlocking churches and schools, by stacking hay in the schools and by boarding windows and removing floors in buildings where the union met. Some STFU members began receiving eviction notices and threatening letters and in some cases tenants and sharecroppers were actually removed from the plantations. This led to the arming of the STFU members, and northeastern Arkansas soon became an armed camp. In the late summer of 1934, to prevent violence, union organizers asked the union members to leave their weapons at home. To prevent open attacks on union meetings, organizers held meetings in the open. Planters, legal officials and others would harass the meetings from the fringes by firing shots in the air, but the policy of "non-violent resistance" prevented any conflicts.³⁶

During the fall of 1934 and the winter of 1934-1935, the STFU moved to court to fight for the rights of its members.

³⁶"Arkansas Moves Toward Freedom," The Christian Century, LIII (July 22, 1936), 1004-1005; John Herling, "Field Notes from Arkansas," The Nation, CXL (April 10, 1935), 419-420; Kester, Revolt Among the Sharecroppers, pp. 55-63; Some of the reactions appeared to come from what the Arkansas landlords called "uppityness" and the "mistering of the niggers." Schlesinger, The Coming of the New Deal, pp. 377-378. However, there was another reason: ". . . the share-cropper revolts in Arkansas and Alabama--these, although aided by 'outside' white radical influences, are symptoms of the beginning of a new struggle for economic justice, a struggle which comes from the bottom and pushes upward. . . ." Guy B. Johnson, "Negro Racial Movements and Leadership in the United States," The American Journal of Sociology, XLIII (July, 1937), 70.

Sharecroppers, tenants and day workers responded by joining the movement in increasing numbers. Some of their members went as far as to travel to Washington to ask the New Deal administration for relief.³⁷ They found friends in Washington, but a purge³⁸ of the AAA in February, 1935, removed the liberal dissidents from the agency.³⁹ Other efforts were made to protect the rights of the sharecroppers and tenants, such as the reports prepared by Mary Conner Meyers, an attorney for the AAA, and by Calvin B. Hoover of Duke University, but they, too, saw their efforts fail when they were presented to the United States Department of Agriculture.⁴⁰

³⁷Kester, Revolt Among the Sharecroppers, pp. 63-65.

³⁸The "liberal purge" was led by Chester Davis, the AAA administrator. The "liberals," led by Jerome Frank, general counsel of the AAA, had wanted to attempt social reform of agriculture with the AAA. After Mary Conner Meyers presented her unfavorable and later suppressed report of the situation in Arkansas, the "liberals" began pressing for positive action. Too, Frank had written the cotton contracts so as to protect the sharecroppers, but Secretary Wallace ruled in February, 1935, that the owners did not have to keep the same tenants or sharecroppers, thus destroying the sharecropper stability that Frank had written into the contracts. Chester Hunt, "The Sharecropper Looks to God," The Christian Century, LV (January 5, 1938), 12; Raymond Gram Swing, "The Purge of the AAA," The Nation, CXL (February 20, 1935), 216-217; Venkataramani, "Arkansas Sharecroppers," pp. 230-231, 235.

³⁹C. T. Carpenter, "King Cotton's Slaves--The Fate of the Share-Cropper Becomes a National Issue," Scribners' Magazine, XCVIII (October, 1935), 196; Hunt, "The Sharecropper Looks to God," pp. 12-13.

⁴⁰H. L. Mitchell and J. R. Butler, "The Cropper Learns His Fate," The Nation, CXXI (September 18, 1935), 328-329; Venkataramani, "Arkansas Sharecroppers," pp. 230-232.

Seeing that the landless farmers had little chance of protecting their rights without a strong organization, Thomas, a group of Arkansas Socialists and other individuals interested in human rights and human dignity began pushing the STFU. Their staunchest opponents were the resident managers of the big farms: Chapman and Dewey Lumber Company's 17,000-acre farm, the farm of Singer Sewing Machine Company's subsidiary the Poinsett Lumber Company, and the E. Ritter Company's 5,000-acre farm. Local landowners also protested, among them the local owner of the 5,000-acre farm called the Hiram Norcross Plantation. To these large farmers were added the small farmers and merchants who disliked the non-segregated aspects of the STFU.⁴¹

Intimidation and threats of eviction in 1934 gave way to more overt acts in 1935. Although law enforcement authorities often were passive, they soon began to give more open support to the landlords. By early 1935, local authorities had passed many city ordinances which restricted civil liberties and were having organizers arrested on a variety of charges. The American Civil Liberties Union began to lend assistance to protect the most elemental civil rights of the sharecroppers and tenant farmers.⁴²

⁴¹Venkataramani, "Arkansas Sharecroppers," pp. 232-233.

⁴²Carpenter, "King Cotton's Slaves," pp. 196-197; Venkataramani, "Arkansas Sharecroppers," p. 233.

The landlords, law enforcement authorities and news media soon began to shift emphasis and began spreading the impression that Arkansas was succumbing to a "Red Conspiracy." The new emphasis given by the anti-STFU forces plus the efforts of Thomas to focus national attention of the condition in Arkansas by visiting Arkansas again in May, 1935, brought matters to a head. Armed individuals prevented Thomas from entering several northeastern Arkansas towns and from addressing interested groups in other areas. Vigilantes harassed STFU members and supporters and "night riders" fired on union members' homes. Churches where union meetings were held were also molested and several Negro men and women were beaten to discourage participation of Negroes in the union.⁴³

The sharecroppers were advised by organizers to curtail organizing efforts to prevent bloodshed, but they were soon to find that their difficulties were not coming solely from plantation owners and law enforcement authorities. In February, 1935, Secretary Wallace ruled that Section 7 of the cotton contracts did not mean that the landlords had to retain the same number of tenants that they had when the cotton contracts were signed. This was followed by the Arkansas Supreme Court's refusal of an injunction and its ruling that tenants were not parties to the cotton contracts and therefore could be evicted.

⁴³Venkataramani, "Arkansas Sharecroppers," pp. 233-235.

With these two rulings, the sharecroppers and tenants found that they truly had been left out of the New Deal.⁴⁴

Thomas contacted many influential national figures both in Congress and out but received little encouragement. He urged Senator Robert F. Wagner to include agricultural workers in his pending bill to protect the right of industrial workers to organize.⁴⁵ Wagner refused him because he was afraid the bill would not pass with agricultural workers included.⁴⁶ Thomas appealed to organized labor and was able to get a resolution from the AFL drawing attention to "the unhuman levels to which the workers employed on the cotton plantations had been reduced" and calling for a federal investigation of the condition of the workers.⁴⁷

The New Deal responded to Thomas' campaign, but not in the way he had hoped. Secretary of Agriculture Henry A. Wallace

⁴⁴Carpenter, "King Cotton's Slaves," p. 199; Mitchell and Butler, "The Cropper Learns His Fate," pp. 328-329; Venkataramani, "Arkansas Sharecroppers," p. 235; West et al. v. Norcross, 80 2d Southwest Reports 67 (1935). The cotton contracts stated that the contractor was to maintain as many tenants as possible in 1934 and 1935. Henry I. Richards, Cotton and the AAA (Washington, 1936), pp. 140-141.

⁴⁵Congressional Record, 74th Congress, 1st Session, 5209; Schlesinger, The Coming of the New Deal, pp. 378-380; Venkataramani, "Arkansas Sharecroppers," pp. 235-236. In response to correspondence from Thomas, Roosevelt replied, "I know the South, and there is arising a new generation of leaders in the South and we've got to be patient." Schlesinger, The Coming of the New Deal, p. 378.

⁴⁶Venkataramani, "Arkansas Sharecroppers," pp. 236-237.

⁴⁷Ibid., p. 238.

criticized the bitterness caused in the South by the "Communist and Socialist agitators." Senator Joseph T. Robinson of Arkansas alleged that Republicans were aiding the radicals. The President simply stated that they were lying about the AAA.⁴⁸ However, the pressure from respectable citizens as well as "Socialist agitators" forced studies of the problem, one of which was a report by The Committee on Minority Groups in Economic Recovery which reported that the economic and social life of southern tenant farmers was lower than that of peasants in Europe. Other articles in national magazines and series in newspapers reflected the same opinion.⁴⁹

By the summer of 1935, the New Deal had to respond to the unfavorable publicity if for no other reason than political considerations. To provide emergency relief to selective groups of farmers, the Resettlement Administration was established. The administration also announced its support of the farm tenancy bill sponsored by Senator John H. Bankhead of Alabama and Representative Marvin Jones of Texas, which was finally passed in July, 1937.⁵⁰ The bill applied only to "farm tenants, farm laborers, sharecroppers, and other individuals who obtain, or who recently obtained, the major portion of their income from farming operations."⁵¹

⁴⁸Ibid.

⁴⁹Ibid., pp. 238-239.

⁵⁰Ibid., p. 239.

⁵¹U. S. Statutes at Large, L, Part I, 522 (1937).

While the New Deal sought to find solutions, the STFU staged its first strike in the fall of 1935, coinciding with a similar strike led by the Share Croppers Union of Alabama. The strike was conducted primarily as a "stay-in," or labor boycott, having the wage laborers stay out of the fields and having the sharecroppers in the fields so the plantation supervisors would have to be there. Cotton picking was stopped for some ten days, and when the strike ended, both the STFU and the plantation owners claimed they had been successful. The evidence indicates that it was the plantation owners, not the STFU who prevailed.⁵²

The AFL endorsed the STFU at its 1935 convention, thereby giving the STFU publicity and some support. In January, 1936, the STFU conducted its second convention in Little Rock, reporting an increase in membership to some 25,000 members and the spread of locals into Oklahoma and Texas. Of the many resolutions at the convention, one opposed the use of unemployed urban workers on the farms and one asked that the government buy idle farm land and lease it to displaced tenants.⁵³

The government issued a revised cotton contract in 1936 partly as a result of STFU and Share Cropper Union pressures. Primarily, the new contracts increased the rental payments and provided for the payments to be paid directly to the

⁵²Jamieson, "Labor Unionism in American Agriculture," pp. 307-309.

⁵³Ibid., p. 310.

beneficiaries. Instead of the hoped for benefits derived from the new cotton contracts, the sharecroppers found themselves facing a mass eviction in 1936 with plantation owners choosing to replace them with wage laborers in order to receive all the benefit payments.⁵⁴

The AAA reduced the number of sharecroppers through its acreage adjustment program, but it did not offer the displaced sharecroppers work opportunities as day laborers during the cotton season in the spring and the fall of the year. In May, 1936, the STFU attempted to aid the displaced sharecropper and the day laborer through collective bargaining efforts. They initially proposed to raise the seventy-five cents a day rate to one dollar and fifty cents a day but eventually declared a willingness to accept one dollar a day. A resulting planned strike of sharecroppers, tenant farmers and day laborers drew much attention, both because of the gains made in union demands and because of the violence used to suppress the unions. The strike spread from its original three counties in eastern Arkansas to other counties and eventually into Mississippi and Missouri. Strikers received aid from various groups, including the Workers Alliance of Memphis. Adverse conditions, however, limited the effect of the strikers, chief among them being the drought conditions which reduced the need for labor and therefore prolonged the strike. The State Rangers and

⁵⁴Ibid.

the militia of Arkansas were sent to the scene. The state and local authorities countered the adverse publicity of the resulting violence and intimidations with the time worn statement that outside agitators were causing the strike. Minimized as causes were the evictions, intimidation and seven and one half cents an hour wages in the spring and fall cotton season, with children working for three cents an hour.⁵⁵

The strike ended in virtual failure because most of the farmers continued the same pay scale. However, several important side effects arose out of the strike. Papers covering the strike described the convict-lease system in eastern Arkansas and exposed it to public criticism. Several STFU members had been jailed, tried and put to work on farms. In one instance, the town marshal of Earle, Paul Peacher, had arrested thirteen union strikers and put them to working his farm, a practice soon ended by the federal courts. Indeed, the convict-lease disclosures and the unfavorable publicity caused by the repressive tactics of the plantation owners and extra-legal groups brought much favorable public sympathy for the embattled tenants, croppers and day laborers. This unfavorable publicity helped prevent further extra-legal

⁵⁵William R. Amberson, "The New Deal for Share-Croppers," The Nation, CXL (February 13, 1935), 187; Jamieson, "Labor Unionism in American Agriculture," pp. 311-312; "No Peonage," The Nation, CXLII (June 24, 1936), 794; "Sharecroppers: Whites and Negroes Under Same Roof and Union, Ask Action and Get It," Newsweek, XVII (June 13, 1936), 8; "True Arkansas Hospitality," Time, XXVII (June 29, 1936), 12-14; Norman Thomas, "Victims of Change," Current History, XLII (April, 1935), 41; Vorse, Labor's New Millions, p. 131.

tactics, and, after 1936, little further violence occurred. The most important result of the strike however was that the STFU saw the ineffectiveness of collective bargaining with the planters. Whether the strike was completely ineffective or whether it was a factor in causing wages to rise in late 1936 can not be ascertained fully because a shortage of labor in late 1936 and early 1937 brought a temporary prosperity which caused a general rise in wages. With raised wages, the conflict between the STFU and the planters subsided.⁵⁶

The STFU reached its peak in membership in January, 1937, with the vast majority of its members residing in Oklahoma and in the eastern Arkansas Delta region near Memphis. The STFU was changing complexion when it met at its third annual convention at Muskogee, Oklahoma, in January, 1937. The executive secretary reported to the convention that in reality the STFU had ceased to be a union and was beginning to operate as both "an educational body and a pressure group rather than an orthodox union."⁵⁷ The union leadership recognized that orthodox labor union tactics had no applicability in agriculture and that their efforts had ended in failure in virtually every case. When concessions had been won, it had only accelerated the process of displacement that was being caused

⁵⁶Jamieson, "Labor Unionism in American Agriculture," pp. 312-314; "No Peonage," The Nation, CXLII (June 24, 1936), 794; Venkataramani, "Arkansas Sharecroppers," pp. 240-241; Vorse, Labor's New Millions, p. 131.

⁵⁷Jamieson, "Labor Unionism in American Agriculture," p. 315.

by mechanization and crop reduction. The dispossessed sharecroppers joined the ranks of the wage laborers and further weakened the union.⁵⁸

The indications were that what gains the STFU had made "had been won through publicity, new legislation and strict enforcement of the law, rather than through collective bargaining and strikes."⁵⁹ If it could become a semi-official administrative body, it could insure the effective application of governmental policy. Too, it had begun to educate its membership and interested individuals on consumers' cooperatives and on the benefits of the cooperatives, or "buying clubs" it had formed. It had also begun to concentrate on concrete gains in protecting the legal rights of its membership and other sharecroppers and tenants as a defense agency. In its new emerging role, it mobilized public opinion, successfully tested the constitutionality of several state vagrancy and "enticement of labor" laws, helped prosecute convict-lease perpetrators, took flogging cases to the relatively impartial federal courts and brought suits for unpaid benefits due sharecroppers, tenants and day laborers.⁶⁰

⁵⁸Hunt, "The Sharecropper Looks to God," p. 13; Jamieson, "Labor Unionism in American Agriculture," pp. 314-315.

⁵⁹Jamieson, "Labor Unionism in American Agriculture," p. 315.

⁶⁰Ibid., pp. 315-316.

As the convention proceeded, however, it became apparent that the membership of the STFU did not feel as the executive council did and a number of resolutions were passed that reflected wage earner, not sharecropper or tenant, interest. Of the many resolutions, the ones that were most important to the STFU's farm-labor activity recommended that farm labor problems be handled by the United States Department of Labor, that the sharecroppers, tenants and day laborers be covered by the Social Security Act and the Wagner Act, and that there should be established "a general federation of agricultural workers."⁶¹ Following the passage of the resolution to form a federation of agricultural workers, the executive council was instructed to "take such steps as will lead to the formation of such a federation, securing the advice and endorsement of representatives of the organized industrial workers and organizations,"⁶² thus setting the new direction the STFU was to travel briefly before returning to the path set by the executive council. Contacts were made with other farm labor groups, as well as with the AFL, in an effort to establish a nationwide federation, but the STFU was eventually drawn into the CIO, primarily because the industrial unions had supported the STFU and because of the belief that Lewis would aid it as soon as he had established his industrial organizing drive. Consequently, in July, 1937, the STFU joined

⁶¹Ibid., p. 316.

⁶²Ibid.

the newly established United Cannery, Agricultural, Packing and Allied Workers of America as an integral union.⁶³

The STFU claimed several achievements resulting from its new companionship. Although it lost its locals in Texas and North Carolina by its actions, it gained new locals and members in the Delta region. It boasted a new high membership figure, but because of the CIO local dues regulations, many of the locals were unaffiliated although they did possess STFU charters. It began a concerted effort as a political pressure group to obtain new agriculture legislation and to have the current legislation enforced. It also proved successful in its efforts as the "advance guard for the CIO in all parts of the South,"⁶⁴ aiding the United Garment Workers' Union in rural areas and recruiting members for the United Shoe Workers and the Amalgamated Clothing Workers of America.⁶⁵ It carried on its legal activity by handling thousands of claims for sharecroppers and tenants, and it strongly urged union members to pay their poll taxes and to meet state qualifications so they could have a voice in the government.⁶⁶

⁶³Ibid., pp. 316-317; "The Shape of Things," The Nation, CXLVIII (March 18, 1939), 307.

⁶⁴Jamieson, "Labor Unionism in American Agriculture," p. 318.

⁶⁵Oren Stephens, "Revolt on the Delta--What Happened to the Sharecroppers' Union," Harper's Magazine, CLXXXIII (November, 1941), p. 663.

⁶⁶Jamieson, "Labor Unionism in American Agriculture," pp. 317-318.

Perhaps one outstanding achievement was voting by Negroes in eastern Arkansas for the first time since 1870.⁶⁷

To add to its achievements and to gain more publicity, the STFU led a general strike of cotton pickers in eastern Arkansas and Missouri in September, 1938. The union hoped to win a standard rate of one dollar per hundredweight, but the STFU had chosen a year with a bad crop and had waited until too late in the picking season for a strike to be effective. The "sit-down" strike ended in early October with minor gains. The STFU estimated increases of from five to twenty-five cents, but the planters claimed the strike was ineffective because most of the crop had been harvested when the strike began. Whether the strike forced wages up or not was of little importance. What was important was the lack of force and intimidation during the strike. This was the key to determining the effectiveness of the strike, and the lack of violence bore witness to the effectiveness of the organized activities of the STFU.⁶⁸

A Missouri demonstration by STFU members and its sympathizers in January, 1939, was the climax of growing dissension between the STFU and the Cannery Workers. The difficulties arose out of the sectional nature of the STFU. The STFU leaders wanted the union to maintain its autonomy, and its members wanted to continue to speak through their own selected

⁶⁷Ibid., 318, footnote 18.

⁶⁸Ibid., pp. 318-319.

officers. The STFU felt it had been promised autonomy, but the Cannery Workers were attempting to form "a highly centralized federation of agricultural and allied unions," and desired all funds to go into the national treasury. Following the Missouri strike demonstration, led by Owen Whitfield, STFU vice-president, the Cannery Workers suspended the officials of the union and undertook to re-organize it as a subsidiary unit. There were charges of a communist conspiracy to take over the STFU, but apparently the sectional nature and sectional interests of the STFU were the deciding factors which led it to announce on March 11, 1939, that it had severed relations with the Cannery Workers. The result of the break was a loss of strength for the organized tenants and sharecroppers.⁶⁹

After the break with the Cannery Workers, the STFU declined and virtually ceased to exist as a labor union, but it did continue to function as a pressure group. It also continued to be a beneficial aid to the Ladies' Garment Workers' Union in breaking the virgin soil of southern mill towns and informing the workers in the garment factories of the benefits of unionization.⁷⁰ It pushed efforts to rehabilitate its membership and became ever increasingly interested in migratory

⁶⁹John Brophy, "UCAPAWA v. STFU; Mr. Brophy Explains," The Nation, CXLVIII (April 22, 1939), 479; Jamieson, "Labor Unionism in American Agriculture," pp. 319-322; H. L. Mitchell. "The STFU Replies," The Nation, CXLVIII (April 22, 1939), 479-480; "Secession," Time, XXXIII (March 20, 1930), 15.

⁷⁰Stephens, "Revolt on the Delta," pp. 663-664.

labor. It worked to increase tenant and sharecropper benefits under the agricultural laws and pushed for the inclusion of farm labor in the Wagner Act. As the time of World War II drew near, it was striving to obtain larger Works Progress Administration grants for its membership.⁷¹

Some members of the STFU were able to visualize in 1941, as had Secretary H. L. Mitchell earlier, that effective trade-unions in southern agriculture could never be achieved, primarily because of its disorganization, low income, government subsidization and government regulation of production. There were other goals to turn toward however: free textbooks for farm children, suffrage, funds for health and sanitation programs and more WPA jobs. However, World War II was fast approaching and the STFU was nearing its demise. It could continue its role as spokesman for various agencies in the South, but its direct work for the improvement of the conditions of the tenant and the sharecropper had come to an end.⁷² However, its rise and decline was not for naught:

The S. T. F. U. must be given credit for one important accomplishment. It focussed the spotlight on the plight of the sharecropper in particular and on southern agriculture in general, thus making it possible for the Government to institute the various programs, through the Farm Security Administration, Agricultural Adjustment Administration, Soil Conservation Service, and the

⁷¹Jamieson, "Labor Unionism in American Agriculture," pp. 323-324; Stephens, "Revolt on the Delta," p. 664.

⁷²Jamieson, "Labor Unionism in American Agriculture," pp. 324-325.

Agricultural Extension Service, programs that are today the immediate salvation of Dixie. A scholarly presentation of the problem had come from the Chapel Hill group, in a series of notable books. Official recognition came from President Roosevelt, in commenting on the report of his Tenancy Commission, used that very quotable statement that the South is the Nation's number one problem. But it was the sensationalism of the S. T. F. U.'s action that made the situation known to the whole population.

That alone is sufficient justification for a full recording in the region's colorful history, of its brief but colorful experience.⁷³

During the depths of the Depression southern agriculture was first the target of the Communist Party which tried to capitalize on the inequities of the southern agricultural situation. Not only in the South, but throughout the nation, sharecroppers, tenants, day laborers and their counterparts experimented with the novel philosophy, but laid it aside after they decided its revolutionary doctrines were not well suited for their own agricultural objectives. Too, with the declining interest in experimenting with communism came the dissolving of the Trade Union Unity League in 1935. After 1935, communist activity among farm workers was virtually non-existent except for an upheaval at San Antonio, Texas, when local communists became active in the pecan shelling industry.⁷⁴

Southern agricultural workers began looking to their own resources to ameliorate their condition, and with the coming

⁷³Stephens, "Revolt on the Delta," p. 664.

⁷⁴Jamieson, "Labor Unionism in American Agriculture," pp. 19, 21, 278-281; Labor Research Association, Labor Fact Book, IV (New York, 1938), pp. 105, 107.

of the second phase of the New Deal, they dropped the alien philosophies, sought out their local resources and looked to Washington for guidance. Instead of the guidance, or a Section 7a, they found they had to contend with the AAA. Because of the latent inequities of the AAA, the southern agricultural workers in cotton began to organize, not to achieve the usual union objectives, but rather to alleviate the hardships and inequities that the AAA had imposed upon them as the junior partner in the unique sharecropper-tenant system of the South. This was a fight for their position in the southern economic system.

The southern agricultural unions soon found that the gains made by striking and collective bargaining attempts were offset by mechanization which depleted their ranks and weakened their strength and unity, and then by New Deal crop reduction programs which further depleted their ranks. Their shift to large scale unionization during the reform period of the New Deal and their affiliation with unions with national rather than sectional goals caused them to decline further. After 1939, with the exception of Florida shed workers, agricultural unions in the South had virtually ceased to exist.

The passing of the agricultural unions was hastened by their attempt to strengthen their positions by allying with national unions, but many of the reasons for their demise lie within the policy of the New Deal which helped spawn them. Roosevelt had promised to ameliorate, or at least help their

condition, or so the agricultural workers thought. So first they organized, often without goals, because they could, or at least they thought they could under the provisions of Section 7a. Others, such as the sharecroppers and the tenants in the cotton regions of Arkansas and Alabama, organized to protect themselves from one of the New Deal agencies--the AAA. The first AAA denied the sharecroppers and tenants of their livelihood, and then when they organized to protect their means of making a living, a national agricultural policy prevented the New Deal administration from aiding them in their efforts when they were faced with the militant resistance of the landowners and the southern communities. In the years following the first organizing efforts, evolving agricultural policy changed the conditions that had spawned their organizations.

As the southern agricultural unions were nearing extinction, a situation was beginning to take shape in Europe that would relieve their plight with greater ease and with more benefits than had the New Deal. As World War II neared, the sharecroppers and tenants were given a choice. They could go to the cities to work in the defense industries and there improve their conditions themselves, or they could stay on the farms and produce the abundance that the wartime economy demanded and watch the New Deal creatures of quotas and reductions be laid aside during the emergency. Despite the initial impetus to organization, the problem of farm labor

conditions remained unsolved until the war provided ameliorating circumstances. One positive result emerged, however; their organizing and the violence that followed their attempts had awakened the nation to their down-trodden condition, thereby causing various social reforms which ultimately helped improve their condition.

CHAPTER V

THE NEW DEAL AND SOUTHERN LABOR:

AN APPRAISAL

Prior to the New Deal period, southern labor had been approaching open rebellion against both the economic and labor conditions in the South. Although the advocates of southern style "Americanism" fought southern workers at every turn, the workers chose to accept the New Deal's collective bargaining legislation rather than to continue the old method of "individual bargaining." With Section 7a there came a great burst of organizing energy as southern workers, aided by outside organizers, sought to ameliorate their conditions. The UMW flooded the coal fields with organizers, and thousands of southern coal miners designated the UMW as their collective bargaining representative. By the end of the NRA period, some 95 per cent of the coal miners had been organized by either the UMW or the Progressive Miners. The exceptions were the captive mines in the South, the coal mines in western Kentucky and the Harlan coal fields of Kentucky. Of special importance to organized labor was the fact that the miners chose the legitimate UMW and the Progressives rather than the communist-led National Miners' Union which had tried to capitalize on the latent inequities of the capitalist system

which had been demonstrated during the depths of the Depression. Southern workers in textiles showed a similar response to the New Deal's NRA, but their response was slower than that of the miners. Although there were union organizers in the southern textile areas, it was nearly eighteen months after the establishment of the NRA before the workers reacted, and then the response came because of a reduction in hours ordered by the NRA administrator. After the Great Strike of 1934, southern textile workers again became militant as they had during the 1929-1931 strike period. However, it was not until after the passage of the NLRA and the organization of the CIO that the southern textile workers became increasingly active in joining the unions. Southern oil workers made some initial progress during the NRA period, but because of the opposition of the oil companies, welfare capitalism plans and company unions, the oil workers were not able to do much effective organizing until after the establishment of the NLRB. Likewise, southern rubber workers, despite attempted unionization in 1933, were unable to make substantial progress until additional relief or aid was furnished by the NLRB.

In the other areas of southern labor, the NRA period was nearly devoid of unionization. Agricultural workers began organization, but only to a limited extent. In southern lumber, the NRA lumber codes apparently did more to discourage unionization than to protect or aid it through their "share the work" philosophy and the wages and hours standards that

were established to aid the lumber industry. The Great Strike of 1935 in the Pacific Northwest even failed to provide much of a stimulus for southern lumber workers. Still fearing the violence that had accompanied past organizing efforts in southern lumber, southern lumber workers themselves were the greatest obstacle to organization. They were unskilled, rural, competing for jobs and possessing the traditional southern attitudes toward unionization. Likewise, in the rubber, furniture and automobile manufacturing industries, there was virtually no organizing during the NRA period. In southern fishing, only the seeds of unionism had been planted among the casual laborers that frequented the seasonal industry.

Although the NIRA and Section 7a had provided an initial impetus for unionization, the workers quickly found that Section 7a was of limited use to them and could be interpreted to support the organization of company unions, thereby depriving the workers of the right that was supposedly guaranteed by Section 7a. The effects of the prostitution of Section 7a were subsequently overcome by the rulings of the NLRB which led to the elimination of most of the company unions and the reinstatement of thousands of workers who had been discharged for union activity.¹ Although the NRA labor provision lacked adequate enforcement machinery, Section 7a and

¹Walter Galenson, The CIO Challenge to the AFL, A History of the American Labor Movement, 1935-1941 (Cambridge, 1960), p. 612.

the small amount of industrial recovery caused an upsurge in union activity and planted the seeds of future unionism.² However, traditional southern attitudes and the resistance of the business community prevented further activity during the NRA.

With the change to emphasis on reform in the Second New Deal, unionization in the South took a new course. From 1935, to the outbreak of World War II, and especially after the Supreme Court decision concerning the NLRA in 1937, it was the NLRA and its Board that forced companies to recognize the unions and to bargain collectively with them. In the closing days of the decade the New Deal, through government contracts, was even able to force some of the companies to enter into collective bargaining agreements.³

By the end of the New Deal period, miners, including the captive miners of the steel companies, auto workers, steel workers and most of the tobacco workers were organized in the South. Textile workers and rubber workers were making much progress, but the oil workers were barely holding their own against the new company unions. Furniture and lumber workers were essentially unorganized. The agricultural labor unions were virtually gone by the end of 1941, but their influences remained.

²H. M. Douty, "Development of Trade-Unionism in the South," Monthly Labor Review, LXIII (October, 1946), 555-582.

³Galenson, The CIO Challenge to the AFL, pp. 344-345.

Although it has been noted that unionization in the South was not completely effective during the New Deal, this is not to say that the New Deal did not give any impetus to organizing. Not only did the NLRB order elections and certify unions as employee representatives, it indirectly caused many employers to recognize the unions without elections. Too, as the war years neared, the New Deal was able to exert much pressure upon the companies which refused to recognize union representatives when they had government defense contracts. Because a company would not recognize a union, a contract would be taken from it. Therefore, it was profitable to allow unionization.⁴

With these positive aspects of New Deal influence on organizing, it would appear that the South should have had a higher proportional amount of unionization than it did. However, "some southern states had extremely low percentages of organization: North Carolina, 4.2 per cent; South Carolina, 4.0 per cent; Mississippi, 6.5 per cent; Georgia, 7.0 per cent . . . , " with the border states such as Kentucky, 22.5 per cent; Tennessee, 15.3 per cent; and Alabama, 16.1 per cent, helping to improve the regional average.⁵

⁴Irving Bernstein, The New Deal Collective Bargaining Policy (Berkeley, 1950), pp. 148-149; R. W. Fleming, "The Significance of the Wagner Act," Labor and the New Deal, edited by Milton Derber and Edwin Young (Madison, 1959), pp. 148-151; Galenson, The CIO Challenge to the AFL, pp. 344-345, 614-615.

⁵Galenson, The CIO Challenge to the AFL, pp. 593-594.

A number of reasons partially explain the limited success of the New Deal in its efforts to guarantee organizing rights of southern labor:

. . . . Among the impediments to the advance of unionism were the relatively rural character of the South; the prevalence of small manufacturing establishments, except in textiles; the company-dominated mill town; the racial issue; regional hostility to northern-controlled unions; the highly competitive nature of the principal southern industries; and probably the most important cause, the surplus labor force in agriculture which, combined with a very wide income differential between industry and agriculture, provided a large and willing pool of potential strikebreakers.⁶

These reasons are commonly noted ones, but there are others which further explain the low percentage of organizing in the South during the period. Indeed, the aforementioned reasons could in part be applied to other regions of the nation, but in other regions the workers overcame most of these hindrances.

One important reason why the New Deal had no greater effect on southern labor was the attitude taken by the two major labor organizations, the AFL and the CIO. Both were more engrossed with organizing northern workers than they were southern workers. The benefits to be derived from organizing the South were minimal when compared to the benefits they would derive from northern organizing, and then too, a closed-shop contract would bring in the southern workers in many industries without an organizing attempt. Too, they

⁶Ibid., p. 594.

realized their achievements in the South would more than likely be small. When they did attempt to aid the southern workers, they did it as a move for self-preservation, such as in the case of the captive coal miners and the auto and steel workers.⁷

Although many efforts were made and a number of collective bargaining agreements secured in the South, southern workers did not use to the fullest the tools the NLRA provided for them. A law is of little effect if those for whom it is designed do not have the will or determination to use it, and this was often the situation in the region. Too, the legislative tool to aid unionization could not immediately change the traditional southern attitude toward unionization. In addition to the apathy of the southern workers and the traditional attitudes of southern communities, labor organizations had to contend with the slow moving wheels of justice as the NLRB took their cases to the southern district federal courts. The prolonged litigation before the courts was discouraging and led to the eventual breaking of many locals, even though they won elections.

The lack of successful organizing efforts in agriculture resulted primarily from the inherent conditions in southern agriculture, and not necessarily from apathy. Changing

⁷Frank Traver De Vyver, "The Present Status of Labor Unions in the South," The Southern Economic Journal, V (April, 1939), 493-494; Frank Traver De Vyver, "The Present Status of Labor Unions in the South--1948," The Southern Economic Journal, XV (July, 1949), 15.

conditions in southern agriculture wrought by the New Deal agricultural program contributed to the ultimate defeat of unionization. Likewise, the parent organization's shift of emphasis, resources and personnel away from the southern agricultural unions to the industrial unions in an attempt to bolster southern efforts in industrial organizing aided in the ultimate defeat of unionism in southern agriculture.⁸

Without a doubt, the New Deal labor legislation, though often retarded by southern labor's apathy and lack of will to organize, was sufficient to cause southern unionization to expand until it was able to force society to accept it. This was reflected in the fact that although there was scarcely a trace of unionization in 1928 in most southern industries much headway was made by 1938, and by 1948 southern unionism was close to achieving representation that was nearly proportionately equal to that of the northern unions in some areas.⁹ Hence, although organizing evolved slowly, union development reflected the long-range effect of the New Deal on southern labor and the role played by the government in helping unionization, especially industrial unionization, survived community attitudes, company unions and the recession of 1937-1938. Without a doubt, the New Deal labor legislation was sine qua non for southern labor.

⁸ Galenson, The CIO Challenge to the AFL, pp. 634-635.

⁹ Ibid., pp. 614-615.

APPENDIX A

SOUTHERN WAGE DIFFERENTIAL*

Industry	Geographic Divisions			United States Average
	South Atlantic	East South Central	West South Central	
Iron and Steel				
low	20.0	22.5		20.0
high	44.0	31.0		50.0
avg.	36.1	26.9		42.5
Lumber (sawmills)				
low	15.0	19.5	20.0	15.0
high	35.0	25.0	27.5	50.0
avg.	21.4	21.0	23.3	30.8
Petroleum Refining				
low	30.0	32.5	25.0	25.0
high	50.0	32.5	51.0	62.0
avg.	40.9	32.5	44.8	48.0

* Extracted from: "Hourly Entrance Wage Rates for Common Labor, January 1, 1929," as illustrated in "Entrance Wage Rates for Common Labor, January 1, 1929," Monthly Labor Review, XXVIII (May, 1929), pp. 189-190. The states in the geographic divisions were: South Atlantic, Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, and West Virginia; East South Central, Alabama, Kentucky, Mississippi, Tennessee; West South Central, Arkansas, Louisiana, Oklahoma and Texas.

APPENDIX B

THE NORTH-SOUTH RETAIL PRICE DIFFERENTIAL*

Articles of Food	Southern Cities					
	1	2	3	4	5	6
Pork Chops, lb.	34.0	33.2	35.0	35.3	35.3	39.8
Bacon, sliced, lb.	41.3	41.1	36.2	45.3	43.3	37.6
Milk, fresh, qt.	16.5	16.7	19.0	13.0	15.0	17.5
Lard, lb.	18.5	17.9	18.7	20.6	20.8	18.9
Bread, lb.	10.8	10.0	11.0	9.2	9.7	10.7
Flour, lb.	6.6	6.5	6.4	5.2	6.0	6.4
Potatoes, lb.	3.4	3.4	2.5	4.1	2.9	2.9
Sugar, lb.	7.0	6.8	6.1	7.2	7.1	5.9
Coffee, lb.	52.7	52.1	46.8	58.8	54.0	46.7
Cities: 1. Atlanta, 2. Birmingham, 3. Charleston, 4. Dallas, 5. Little Rock, 6. Savannah.						
Articles of Food	Northern Cities					
	1	2	3	4	5	6
Pork Chops, lb.	33.7	37.4	39.7	38.8	34.2	38.7
Bacon, sliced, lb.	37.5	43.3	39.8	47.5	37.9	43.9
Milk, fresh, qt.	14.0	15.5	14.0	14.0	14.0	14.0
Lard, lb.	16.2	17.8	17.5	18.7	17.2	18.0
Bread, lb.	8.5	8.6	8.3	9.9	8.6	8.1
Flour, lb.	4.8	5.4	4.6	4.6	5.3	4.8
Potatoes, lb.	2.0	2.1	1.7	2.4	2.6	1.5
Sugar, lb.	5.5	6.4	6.1	6.3	6.7	6.7
Coffee, lb.	45.5	53.7	48.1	47.5	46.3	49.9
Cities: 1. Baltimore, 2. Boston, 3. Buffalo, 4. Chicago, 5. Cincinnati, 6. Detroit.						
Articles of Food	Average					
	Southern	Northern	Northern Difference			
Pork Chops, lb.	33.8	37.1	+3.3			
Bacon, sliced, lb.	40.8	41.7	+ .9			
Milk, fresh, qt.	16.3	14.3	+2.0			
Lard, lb.	19.2	17.6	-1.6			
Bread, lb.	10.2	8.7	-1.5			
Flour, lb.	6.2	4.9	-1.3			
Potatoes, lb.	3.2	2.1	-1.1			
Sugar, lb.	6.7	6.3	- .4			
Coffee, lb.	51.9	48.5	-3.4			

*Extracted from: "Average Retail Prices of the Principal Articles of Food in 51 Cities, March 15, 1928 and February 15 and March 15, 1929," Table 5, "Retail Prices of Foods in the United States." Monthly Labor Review, XXVIII (May, 1929),

APPENDIX C

PER CAPITA INCOME OF THE SOUTHERN STATES,
1929, 1933, 1940*

State	Rank			Per Capita Income			Percentage of U. S. Average		
	1929	1933	1940	1929	1933	1940	1929	1933	1940
Ala.	46	47	47	305	154	268	45	42	47
Ark.	47	48	48	305	152	252	45	41	44
Fla.	33	29	30	484	272	471	71	74	82
Ga.	44	40	44	329	200	315	48	54	55
Ky.	42	41	45	371	199	318	55	54	54
La.	39	38	39	415	222	357	61	60	62
Miss.	48	49	49	273	123	202	40	33	35
N. C.	45	39	43	309	205	316	45	56	55
Okla.	36	37	40	455	226	356	67	61	62
S. C.	49	46	46	252	167	286	37	45	50
Tenn.	43	44	42	349	190	317	51	52	55
Texas	33	35	35	465	257	413	68	70	72
Va.	37	30	31	422	266	450	62	72	78
Average Per Capita Income				680	368	575	100	100	100
U. S. Non-South				797	430	667	117	117	115
South				372	208	340	55	57	59

*Extracted from: "Southern States Ranked by Per Capita Income Payments, 1929, 1933, 1940, 1944, 1948," Table XXII, Calvin B. Hoover and Benjamin U. Ratchford, Economic Resources and Policies of the South, p. 494.

APPENDIX D

THE SECTIONS OF THE NATIONAL LABOR RELATIONS ACT THAT WERE MOST IMPORTANT TO SOUTHERN LABOR*

Rights of Employees

"Sec. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

Sec. 8. It shall be an unfair labor practice for an employer--

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: Provided, That subject to rules and regulations made and published by the Board pursuant to Section 6(a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: Provided: That nothing in this Act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701-712), as amended from time to time, or in any code or agreement with a labor organization (not established, maintained, or assisted by any action defined in this Act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided by Section 9(a), in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of Section 9(a).

Representatives and Elections

Sec. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representative of all the employees in such

unit for the purpose of collective bargaining in respect to rates of pay, wages, hour of employment, or other conditions of employment: Provided, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer

Sec. 13. Nothing in this Act shall be construed so as to interfere with or impede or diminish in any way the right to strike.

*United States Statutes at Large, XLIX, Part I, 449 (1935).

BIBLIOGRAPHY

Books

Alinsky, Saul, John L. Lewis, An Unauthorized Biography, New York, G. P. Putnam's Sons, 1949.

American Petroleum Institute, Petroleum-Industry Hearings Before the Temporary National Economic Committee, New York, American Petroleum Institute, 1942.

Baratz, Morton S., The Union and the Coal Industry, New Haven, Conn., Yale University Press, 1955.

Beaton, Kendall, Enterprise in Oil: A History of Shell in the United States, New York, Appleton-Century-Crofts, Inc., 1957.

Berglund, Abraham, George T. Starnes, and Frank T. De Vyver, Labor in the Industrial South, Chapel Hill, N. C., University Institute for Research in the Social Sciences, 1930.

Bernstein, Irving, The New Deal Collective Bargaining Policy, Berkeley, University of California Press, 1950.

Brooks, Robert R. R., As Steel Goes, . . . Unionism in a Basic Industry, New Haven, Conn., Yale University Press, 1940.

_____, When Labor Organizes, New Haven, Conn., Yale University Press, 1937.

✓ 2 Cash, W. J., The Mind of the South, New York, Alfred A. Knopf, 1941.

Coleman, McAlister, Men and Coal, New York, Farrar and Rinehart, Inc., 1943.

Dabney, Virginius, Liberalism in the South, Chapel Hill, N. C., The University of North Carolina Press, 1932.

Derber, Milton and Edwin Young, eds., Labor and the New Deal, Madison, The University of Wisconsin Press, 1957.

Dulles, Foster Rhea, Labor in America, New York, Thomas Y. Crowell Company, 1960.

- Dunne, William F., Gastonia, Citadel of the Class Struggle in the South, New York, Workers Library Publishers, Inc., 1929.
- Farley, James A., Jim Farley's Story, The Roosevelt Years, New York, McGraw-Hill Book Company, Inc., 1948.
- Fisher, Waldo E., Collective Bargaining in the Bituminous Coal Industry: An Appraisal, Philadelphia, University of Pennsylvania Press, 1948.
- Fisher, Waldo E. and Charles M. James, Minimum Price Fixing in the Bituminous Coal Industry, Princeton, Princeton University Press, 1955.
- Galenson, Walter, The CIO Challenge to the AFL, A History of the American Labor Movement, 1935-1941, Cambridge, Harvard University Press, 1960. ✓
- Gilman, Glenn, Human Relations in the Industrial Southeast-- A Study of the Textile Industry, Chapel Hill, The University of North Carolina Press, 1956.
- Gregory, Charles O., Labor and the Law, New York, W. W. Norton and Company, Inc., 1949.
- Harris, Herbert, American Labor, New Haven, Yale University Press, 1938.
- Herring, Harriet L., Passing of the Mill Village, Chapel Hill, The University of North Carolina Press, 1949.
- _____, Southern Industry and Regional Development, Chapel Hill, The University of North Carolina Press, 1940.
- _____, Welfare Work in Mill Villages, Chapel Hill, The University of North Carolina Press, 1929.
- High, Stanley, Roosevelt--and Then?, New York, Harper and Brothers Publishers, 1948.
- Hoover, Calvin B., and Benjamin U. Ratchford, Economic Resources and Policies of the South, New York, The Macmillan Company, 1951.
- Jenson, Vernon H., Lumber and Labor, New York, Farrar and Rinehart, Inc., 1945.

- Johnson, Charles S., Edwin R. Embree, and W. W. Alexander, The Collapse of Cotton Tenancy, Chapel Hill, The University of North Carolina Press, 1935.
- Josephson, Matthew, Sidney Hillman, Statesman of American Labor, Garden City, New York, Doubleday and Company, Inc., 1952.
- Kester, Howard, Revolt Among the Sharecroppers, New York, Covici Friede, 1936.
- Kile, Orville Merton, The Farm Bureau Through Three Decades, Baltimore, The Waverly Press, 1948.
- Labor Research Association, Labor Fact Book, Volumes II-IV, New York, International Publishers, 1934, 1936, 1938.
- Labor Research Department of the Rand School of Social Science, The American Labor Yearbook, 1929, New York, Rand School of Social Science, 1929.
- Labor Research Department of the Rand School of Social Science, The American Labor Yearbook, 1932, Volume XIII, New York, Rand School Press, 1932.
- Lahne, Herbert J., The Cotton Mill Worker, New York, The Twentieth Century Fund, 1944.
- Larson, Henrietta M., and Kenneth Wiggins Porter, History of Humble Oil and Refining Company: A Study of Industrial Growth, New York, Harper and Brothers, 1959.
- ✓ Levinson, Edward, Labor on the March, New York, Harper and Brothers, 1938.
- Lumpkin, Katharine DuPre, The South in Progress, New York, International Publishers, 1940.
- Mason, Lucy Randolph, To Win These Rights, A Personal Story of the CIO in the South, New York, Harper and Brothers, 1952.
- Massie, Joseph L., Blazer and Ashland Oil: A Study in Management, Lexington, University of Kentucky Press, 1960.
- McDonald, David J., and Edward A. Lynch, Coal and Unionism: A History of the American Miners' Union, Indianapolis, Cornelius Printing Company, 1939.
- Millis, Harry A., ed., How Collective Bargaining Works, New York, The Twentieth Century Fund, 1942.

Millis, Harry A., and Royal E. Montgomery, Labor's Progress and Some Basic Labor Problems, Volume I of The Economics of Labor, New York, McGraw-Hill Book Company, Inc., 1938.

Volume III of The Economics of Labor, Organized Labor, New York, McGraw-Hill Book Company, Inc., 1945.

Mitchell, Broadus, Depression Decade, From New Era Through New Deal, 1929-1941, Volume IX of the Economic History of the United States, New York, Rinehart and Company, Inc., 1947.

Mitchell, Broadus and George Sinclair Mitchell, The Industrial Revolution in the South, Baltimore, The Johns Hopkins Press, 1930.

Moley, Raymond, After Seven Years, New York, Harper and Brothers, 1939.

✓ Mueller, Stephen J., Labor Law and Legislation, Cincinnati, South-Western Publishing Company, 1949.

Northrup, Herbert R., Organized Labor and the Negro, New York, Harper and Brothers Publishers, 1944.

O'Conner, Harvey, History of Oil Workers International Union (CIO), Denver, Oil Workers International Union (CIO), 1950.

Pope, Liston, Hands and Preachers, Volume XV, Chapter I, Studies in Religious Education, New Haven, Yale University Press, 1942.

Potwin, Marjorie A., Cotton Mill People of the Piedmont, New York, Columbia University Press, 1927.

Public Affairs Committee, Incorporated, Farm Policies Under the New Deal, Public Affairs Pamphlet Number 16, Public Affairs Committee, Incorporated, 1938.

Richards, Henry I., Cotton and the AAA, Washington, D. C., The Brookings Institution, 1936.

Robinson, Edgar Eugene, The Roosevelt Leadership, 1933-1945, Philadelphia and New York, J. B. Lippincott Company, 1955.

Schlesinger, Arthur M., Jr., The Coming of the New Deal, Volume II of The Age of Roosevelt, Boston, Houghton Mifflin Company, 1958.

_____, The Politics of Upheaval, Volume III of The Age of Roosevelt, Boston, Houghton Mifflin Company, 1960.

Shannon, Fred A., American Farmers' Movements, Princeton. D. Van Nostrand Company, Inc., 1957.

Simkins, Francis Butler, The South, Old and New, 1820-1947, New York, Alfred A. Knopf, 1947.

Stolberg, Benjamin, The Story of the CIO, New York, The Viking Press, 1938.

Sweeney, Vincent D., The United Steelworkers of America: Twenty Years Later, 1936-1956, no publication city given, United Steelworkers of America, 1956.

Taft, Philip, The A. F. of L. From the Death of Gompers to the Merger, New York, Harper and Brothers, 1959.

Tippett, Tom, When Southern Labor Stirs, Binghamton, New York, Vail-Ballou Press, 1931.

Todes, Charlotte, Labor and Lumber, New York, International Publishers Company, Inc., 1931.

Vance, Rupert B., Farmers Without Land, Public Affairs Pamphlet Number 12, New York, Public Affairs Committee, Incorporated, 1938.

_____, Human Factors in Cotton Culture, Chapel Hill, The University of North Carolina Press, 1929.

_____, Human Geography of the South, Chapel Hill, The University of North Carolina Press, 1932.

Vorse, Mary Heaton, Labor's New Millions, New York, Modern Age Books, Inc., 1938.

Wallace, Henry A., Democracy Reborn, New York, Reynal and Hitchcock, 1944.

_____, New Frontiers, New York, Reynal and Hitchcock, 1934.

- Woodward, C. Vann, Origins of the New South, 1877-1913, Baton Rouge, Louisiana State University Press and the Littlefield Fund for Southern History of the University of Texas, 1951.
- Woofter, T. J., Jr., and Ellen Winston, Seven Lean Years, Chapel Hill, The University of North Carolina Press, 1939.
- Yellen, Samuel, American Labor Struggles, New York, Harcourt, Brace and Company, 1936.
- Yoder, Dale, ed., Prentice Hall Labor Course Covering Labor Laws, Collective Bargaining Arbitration, New York, Prentice-Hall, Inc., 1952.

Articles

- Abel, Herbert, "Gun-Rule in Kentucky," The Nation, CXXXIII (September 23, 1931), 306-308.
- Amberson, William R., "The New Deal for Share-Croppers," The Nation, CXL (February 13, 1935), 185-187.
- "Arkansas Moves Toward Freedom," The Christian Century, LIII (July 22, 1936), 1004-1005.
- Asch, Nathan, "Marked Tree, Arkansas," The New Republic, LXXXVII (June 10, 1936), 119-121.
- Beecher, John, "The Share Croppers' Union in Alabama," Social Forces, XIII (October, 1934), 124-132.
- Blackwell, Gordon W., "The Displaced Tenant Farm Family in North Carolina," Social Forces, XIII (October, 1934), 65-73.
- Blagden, Willie Sue, "Arkansas Flogging," The New Republic, LXXXVII (July 1, 1936), 236-237.
- Blanshard, Paul, "Communism in Southern Cotton Mills," The Nation, CXXVIII (April 24, 1929), 500-501.
- _____, "One-Hundred Per Cent Americans on Strike," The Nation, CXXVIII (May 8, 1929), 554-556.
- Bonner, Marion, "Behind the Southern Textile Strikes," The Nation, CXXIX (October 2, 1929), 351-352.
- Bowen, Margaret, "The Story of the Elizabethton Strike," American Federationist, XXXVI (June, 1929), 664-668.

- Brophy, John, "UCAPAWA v. STFU; Mr. Brophy Explains," The Nation, CXLVIII (April 22, 1939), 479
- Broun, Heywood, "Shoot the Works," The New Republic, LXXXVIII (February 15, 1939), 44.
- Burke, Thomas, "'We Told Washington'--The Cotton Pickers Visit the Government," The Nation, CXLI (December 4, 1935), 649-650.
- Cannon, Harry, "Collective Bargaining by the United Rubber Workers," Monthly Labor Review, XLIX (September, 1939), 604-617.
- Carpenter, C. T., "King Cotton's Slaves--The Fate of the Share-Cropper Becomes a National Issue," Scribner's Magazine, XCVIII (October, 1935), 193-199.
- "Conferences Seek to Settle Strike at Mid-Continent," The Oil and Gas Journal, XXXVII (December 29, 1938), 64.
- "Corporations in Cotton," The New Republic, LXXXIII (June 12, 1935), 119.
- Cowley, Malcolm, "Kentucky Coal Town," The New Republic, LXX (March 2, 1932), 67-70.
- Crawford, Bruce, "Bullets Fell on Alabama," The Nation, CXLI (September 18, 1935), 319-320.
- Daniels, Jonathan, "A Native at Large," The Nation, CLIII (December 13, 1941), 614.
- 29 ✓ De Vyver, Frank Traver, "The Present Status of Labor Unions in the South," The Southern Economic Journal, V (April, 1939), 485-498.
- _____ "The Present Status of Labor Unions in the South--1948," The Southern Economic Journal, XVI (July, 1949), 1-22.
- 30 ✓ Douty, H. M., "Development of Trade-Unionism in the South," Monthly Labor Review, LXIII (October, 1946), 555-582.
- "Earnings and Method of Wage Payment in the Fishing Industry," Monthly Labor Review, XLVIII (September, 1936), 551-557.
- Eberling, Ernest J., "The Strike Among Textile Workers in the Southern States," Current History, XXX (June, 1929), 450-453.

- "Eleventh Convention of the National Women's Trade-Union League," Monthly Labor Review, XXVIII (June, 1929), 164.
- "Entrance Wage Rates for Common Labor, January 1, 1929," Monthly Labor Review, XXVIII (May, 1929), 188-190.
- Frey, Ted C., and T. Lynn Smith, "The Influence of the AAA Cotton Program Upon the Tenant, Cropper and Laborer," Rural Sociology, I (December, 1936), 483-505.
- Herling, John, "Field Notes From Arkansas," The Nation, CXL (April 10, 1935), 419-420.
- _____, "The Sharecroppers Fight for Life," The New Republic, LXXXV (January 29, 1936), 336.
- Hoffsomer, Harold, "The AAA and the Cropper," Social Forces XIII (May, 1935), 494-502.
- Holcomb, Ernest J., "Wage Laborers and Sharecroppers in Cotton Production," Monthly Labor Review, LI (November, 1940), 1151-1155.
- Hunt, Chester, "The Sharecropper Looks to God," The Christian Century, LV (January 5, 1938), 12-13.
- Jackson, Albert, "Cotton Pickers on Strike," The Nation, CXLI (August 7, 1935), 158.
- _____, "On the Alabama Front," The Nation, CXLI (September 18, 1935), 329-330.
- Johnson, Guy B., "Negro Racial Movements and Leadership in the United States," The American Journal of Sociology, XLIII (July, 1937), 57-71.
- Johnson, Oakley, "Starvation and the 'Reds' in Kentucky," The Nation, CXXXIV (February 3, 1932), 141-143.
- Jones, Weimar, "Southern Labor and the Law," The Nation, CXXXI (July 2, 1930), 14-16.
- Jordon, G. Ray, "Churchmen and Jurymen," The Christian Century, XLVI (September 2, 1929), 1186-1187.
- Kellerman, Germaine, "Shrimp Fishing--A \$3,000,000 Industry," Popular Science, CXXXI (November, 1937), 72-73.
- Kelley, Florence, "Our Newest South," The Survey, LXII (April 15, 1929), 342-344.
- Knight, Edgar W., "The Lesson of Gastonia," The Outlook and Independent, CLIII (September 11, 1929), 45-49, 76.

- Koch, Lucien, "The War in Arkansas," The New Republic, LXXXII (March 27, 1935), 182-184.
- "Labor Conditions in the South," Monthly Labor Review, XLVII (October, 1938), 747-752.
- Lewis, John L., "Labor Looks South," The Virginia Quarterly Review, XV (October, 1939), 526-534.
- Lewis, Nell Battle, "North Carolina at the Crossroads," The Virginia Quarterly Review, VI (January, 1930), 37-47.
- _____, "Tar Heel Justice," The Nation, CXXIX (September, 11, 1929), 272-273.
- Marion, J. H., Jr., "Does the South Need John Lewis?," The Christian Century, LIV (May 19, 1937), 645-647.
- McGrady, Edward, "Conciliation Proposals," American Federationist, XXXVI (June, 1929), 669-671.
- "Mid-Continent Petroleum Corporation Strike Situation Unchanged," The Oil and Gas Journal, XXXVII (January 12, 1939), 28.
- Mitchell, H. L., "Organizing Southern Share-Croppers," The New Republic, LXXX (October 3, 1934), 217-218.
- _____, "The STFU Replies," The Nation, CXLVIII (April 22, 1939), 479-480.
- Mitchell, H. L., and J. R. Butler, "The Cropper Learns His Fate," The Nation, CXXLI (September 18, 1935), 328-329.
- "No Peonage," The Nation, CXLII (June 24, 1936), 794.
- Northrup, Herbert R., "The Tobacco Workers International Union," The Quarterly Journal of Economics, LVI (August, 1942), 606-626.
- Passos, John Dos, "Harlan: Working Under the Gun," The New Republic, LXIX (December 2, 1931), 62-67.
- Porter, Paul, "Justice and Chivalry in Carolina," The Nation, CXXIX (August 28, 1929), 214-216.
- Ratchford, Benjamin Ulysses, "Economic Aspects of the Gastonia Situation," Social Forces, VIII (March, 1930), 359-367.
- "Retail Price of Foods in the United States," Monthly Labor Review, XXVIII (May, 1929), 221-238.

- Roberts, Harold S., "Negotiation of Collective Agreements in the Rubber Industry," Monthly Labor Review, XLVIII (June 24, 1939), 1282-1286.
- "Secession," Time, XXXIII (March 20, 1939), 15.
- Shaplen, Joseph, "Strikes, Mills and Murder," The Survey, LXII (September 15, 1929), 595-596.
- "Sharecroppers: Whites and Negroes, Under Same Roof and Union, Ask Action and Get It," Newsweek, VII (June 13, 1936), 7-8.
- Shepherd, William G., "Humanity, Common, Goes Up," Collier's XCII (October 7, 1933), 7-9, 38.
- Smith, Evelyn, "Bible Belt Labor," The Nation, CLIII (October 25, 1941), 400-401.
- Spero, Sterling D., and Jacob Broches Aronoff, "War in the Kentucky Mountains," American Mercury, XXV (February, 1932), 226-233.
- Stephens, Oren, "Revolt on the Delta--What Happened to the Sharecroppers' Union," Harper's Magazine, CLXXXIII (November, 1941), 656-664.
- Stewart, Maxwell S., "Gadsden is Tough," The Nation, CXLV (July 17, 1937), 69-70.
- "Strike of Mid-Continent Petroleum Corporation Employees in Oklahoma Remains Serious Problem," The Oil Weekly, XCII (January 2, 1939), 54.
- Suffrin, Sidney, "Labor Organization in Agricultural America, 1930-1935," The American Journal of Sociology, XLIII (January, 1938), 544-559.
- Swing, Raymond Gram, "The Purge of the AAA," The Nation, CXL (February 20, 1935), 216-217.
- Taylor, Alva W., "The South Pays for Its New Mills," The Christian Century, XLVI (June 19, 1929), 774-776.
- "The Shape of Things," The Nation, CXLVIII (March 18, 1939), 305-307.
- "This Week," The New Republic, LXXXIV (October 30, 1935), 320.

Thomas, Norman, "Victims of Change," Current History, XLII (April, 1935), 36-41.

"True Arkansas Hospitality," Time, XXCIII (June 29, 1936), 12-14.

Venkataramani, M. S., "Norman Thomas, Arkansas Sharecroppers, and the Roosevelt Agricultural Policies, 1933-1937," The Mississippi Valley Historical Review, XLVII (September, 1960), 225-246.

Ward, Paul W., "Washington Weekly," The Nation, CXLII (April 8, 1936), 440-441.

Whitman, Willson, "Tupelo: Feudalism and TVA," The Nation CXLVIII (December 31, 1938), 12-14.

Public Documents

✓ Baltimore and Ohio Railroad Company v. Interstate Commerce Commission, 221 U. S., 612 (1911).

Carter v. Carter Coal Company, et al., 298 U. S., 238 (1936).

✓ Congressional Record, 74th Congress, 1st Session.

Duplex Printing Press Company v. Deering et al., Individually and as Business Agents of District No. 15 of the International Association of Machinists, et al., 254 U. S., 443 (1921).

"General Report," Bureau of the Census, Volume III of Agriculture, Sixteenth Census of the United States: 1940, United States Department of Commerce, Washington, Government Printing Office, 1943.

Globe Cotton Mills v. National Labor Relations Board, 103F (2d) 91 (1939).

✓ Hammer, United States Attorney for the Western District of North Carolina, v. Dagenhart et al., 247 U. S., 251 (1918).

Humble Oil and Refining Company v. National Labor Relations Board, 113F (2d) 85 (1940).

Jamieson, Stuart, "Labor Unionism in American Agriculture," Bureau of Labor Statistics, Bulletin 836, United States Department of Labor, Washington, Government Printing Office, 1945.

Lauf et al. v. E. G. Shinner and Company, Incorporated, 303 U. S. 323 (1938).

Lawlor v. Loewe, 235 U. S., 522 (1915).

Magnolia Petroleum Company v. National Labor Relations Board, 112F (2d) 545 (1940).

National Labor Relations Board, Court Decisions Relating to the National Labor Relations Act, Washington, Government Printing office, volumes 1-3.

National Labor Relations Board, Decisions and Orders of the National Labor Relations Board, volumes 1-41, Washington, Government Printing Office, 1936-1942.

National Labor Relations Board v. Cherry Cotton Mills, 98F (2d) 444 (1938).

National Labor Relations Board v. Cherry Cotton Mills, 98F (2d) 1021 (1938).

National Labor Relations Board v. Empire Furniture Corporation, 107F (2d) 92 (1939).

National Labor Relations Board v. Friedman-Harry Marks Clothing Company, 301 U. S. 58 (1937).

National Labor Relations Board v. Ford Motor Company, 119F (2d) 326 (1941).

National Labor Relations Board v. Goodyear Tire and Rubber Company of Alabama, 129F (2d) 661 (1942).

National Labor Relations Board v. Jones and Laughlin Steel Corporation, 301 U. S., 1 (1937).

National Labor Relations Board v. Lane Cotton Mills Company, 108F (2d) 568 (1940).

National Labor Relations Board v. Little Rock Furniture Manufacturing Company, 123F (2d) 868 (1941).

National Labor Relations Board v. Pure Oil Company, 103F (2d) 497 (1939).

National Labor Relations Board v. South Port Petroleum Company, 117F (2d) 90 (1941).

National Labor Relations Board v. Tupelo Garment Company, 112F (2d) 603 (1941).

✓ Schechter (A. L. A.) Poultry Corporation et al. v. United States, 295 U. S. 495 (1935).

Texas Company v. National Labor Relations Board, 112F (2d) 744 (1940).

✓ United States v. Darby Lumber Company, 312 U. S., 100 (1941).

U. S. Statutes at Large, XLIV, Part I, 577 (1926).

U. S. Statutes at Large, XLVII, Part I, 70 (1932).

✓ U. S. Statutes at Large, XLVIII, Part I, 195 (1933).

✓ U. S. Statutes at Large, XLIX, Part I, 449 (1935).

U. S. Statutes at Large, L, Part I, 522 (1937).

✓ U. S. Statutes at Large, LII, Part I, 1060 (1938).

"Wages and Hours of Labor in Bituminous Coal During 1933,"
Bureau of Labor Statistics, Bulletin 601, United States
Department of Labor, Washington, Government Printing
Office, 1934.

West et al. v. Norcross, 80 (2d) Southwest Reports, 67 (1935).

✓ Wilson, United States Attorney for the Western District of Missouri v. New et al., Receivers of the Missouri, Oklahoma and Gulf Railway Company, 243 U. S., 332 (1917).

Unpublished Materials

Letter from Leslie G. Burnett, Director of Education and
Research, Texas State AFL-CIO, September 1, 1961.

Newspaper

New York Times, June 10, 1936--May 2, 1939.