

**THE EXTENT OF LABOR STRIKES AND THE PROBLEM
OF UNION MAINTENANCE DURING WORLD WAR II**

BY

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THE EXTENT OF LABOR STRIKES AND THE PROBLEM OF
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A Research Paper

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in History

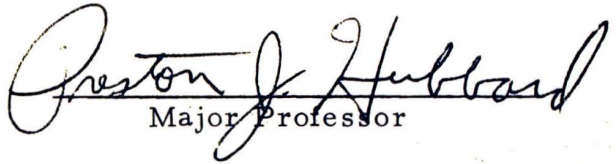
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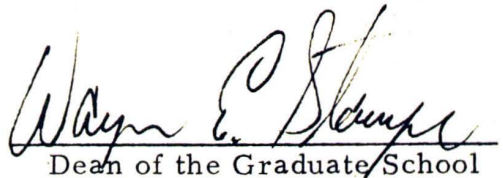
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To the Graduate Council:

I am submitting herewith a Research Paper written by Mitchell G. Johnson entitled "The Extent of Labor Strikes and the Problem of Union Maintenance During World War II." I recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts, with a major in History.


Major Professor

Accepted for the Council:


Dean of the Graduate School

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The Second World War marked a turning point in the history of the labor movement in the United States. The labor movement was just in the process of winning its place in the American economy and American life when the defense crisis burst. In rapid succession came the trials of the war period, including the confines of governmental controls. Confronted with discouraging conditions, including a possible weakening of the movement, some labor members became irritated and impatient and committed the almost unpardonable "crime" of striking during the nation's greatest defense crisis.

This brief work will examine the extent of labor strikes and the problem of union maintenance during World War II.

TABLE OF CONTENTS

SECTION	PAGE
Acknowledgements.	iii
Preface	iv
I. Introduction	1
Factors that attributed to the growth of labor union during the 1930's	1
The National Labor Relations Act (or Wagner Act).	1
Formation of the Congress of Industrial Organizations	2
II. Organizing drives of the American Federation of Labor and the Congress of Industrial Organizations	3
III. Work Stoppages During the late 1930's	3
IV. Labor Activity after the fall of France	4
Establishment of the National Defense Mediation Board	7
Labor Movement Gains	8
V. Labor - Management Actions Immediately following Pearl Harbor	8
The No-Strike Pledge	8
Creation of the National War Labor Board	9
VI. Labor Strikes During 1942	9
VII. Labor Strikes During 1943	10
United Mine Workers' Strikes	10
The "Little Steel" Wage Formula	10
The Smith-Connally Act	14

	The Public's Reaction.	16
VIII.	Labor Strikes During 1944.	16
IX.	Labor Strikes During 1945	17
X.	Effect of the Work Stoppages During the Defense Crisis . .	18
XI.	Maintaining Union Membership During the Defense Crisis.	19
	The Need for Union Security.	19
	Management's Opposition	20
XII.	The Maintenance of Membership Clause	21
	Cases Involving the Membership Maintenance Clause . . .	23
	Position of the War Labor Board Members	25
	Rejection of the Membership Maintenance Clause by Sewell L. Avery	27
XIII.	Effects of the Maintenance of Membership Clause	28
XIV.	Conclusion	29
	FOOTNOTES	31
	BIBLIOGRAPHY	35

THE EXTENT OF LABOR STRIKES AND THE PROBLEM OF UNION MAINTENANCE DURING WORLD WAR II

The United States was still suffering from the effects of the depression when Hitler's German armies crossed France in June of 1940. The nation was still afflicted with more than eight million unemployed persons. Ironically, union membership had grown during these depressed times, from less than four million in 1935 to eight million by 1938 and would eventually mushroom to eleven million by 1941. According to one source, the increase in union membership can be attributed to (1) the protection provided union membership under the Wagner Act, and (2) the stimulus of the great Congress of Industrial Organizations' organizing drives in mass-production industries.¹

Known also as the National Labor Relations Act, the Wagner Act of 1935 authorized the establishment of a new National Labor Relations Board of three members appointed by the President with the consent of the Senate. Five unfair labor practices were listed: employers were forbidden (1) to interfere with employees in the exercise of their right to bargain collectively, (2) to dominate any labor organization or give financial support to it, (3) to discriminate in dealing with employees in order to encourage or discourage membership in any labor organization, (4) to discriminate against

any employees who filed charges or testified before the National Labor Relations Board, and (5) to refuse to bargain collectively with the representatives of their employees. The act provided that in any bargaining unit the representatives chosen by the majority should be the exclusive representatives of all the employees. The National Labor Relations Board could issue "cease and desist" orders against employers who violated the act, but these were enforceable only through petition to the Federal courts.²

Dissension within the American Federation of Labor over the issue of industrial unionism led to a split in the ranks in late 1935. The split became complete in 1938 when the Committee for Industrial Organization changed its name to the Congress of Industrial Organizations and accepted its status as a separate federation for U. S. labor unions. Although the split in labor was in many ways unfortunate, the very fact of their rivalry led to energetic organizing efforts that greatly increased the membership of both federations.³

The Congress of Industrial Organizations expanded rapidly, as the steel, automobile, and other mass-production industries joined its federation. Starting with one million members at the time of its formation in 1935, the Congress of Industrial Organizations rose to a claimed membership of over four million by late 1938.⁴

Meanwhile the American Federation of Labor, shocked by the rapid advance of the Congress of Industrial Organizations, likewise

undertook vigorous organizing drives. Hurt as a result of the split, the membership dropped to just less than three million in 1937, but it rose to more than four million in 1939. Which one of the organizations had the larger membership by 1939 is a matter of debate, though the American Federation of Labor figures are far more reliable than the membership claims of the Congress of Industrial Organizations.⁵

The great organizing drives of the Congress of Industrial Organizations and the American Federation of Labor clashed head on with the anti-unionism of some leading employers. This precipitated a great wave of strikes in the United States. The number of work stoppages reached a peak of 4,740 in 1937, more than double the number of the previous year. In terms of man-days idle a new record of 28,425,000 was made. Violence often characterized these strikes, with the employees sitting down in some plants, often defying the efforts of police to evict them.⁶

In the early and middle 1930's, public sympathy had been significantly on the side of labor, which was often the weaker party in dealings with large corporate employers. The passage of the Wagner Act in 1935 was probably due to this widespread public sympathy for unionism. By 1940, the situation had begun to change, however. The emergence of powerful unionism combined with the inconvenience caused by strikes and abuses in a number of unions caused public opinion to become irritated with the labor movement. There were

even efforts by business organizations and by Congressmen friendly to them to amend the Wagner Act.⁷

During the late 1930's the National Labor Relations Board and the Federal Conciliation Service aided parties in working out peaceful settlements of their collective bargaining problems. Except to perform sporadic functions, the government remained somewhat aloof from the field of industrial relations. This policy seemed satisfactory during normal times but would prove inadequate during the defense crisis.

The fall of France came during a period of relative peace in labor-management relations in the United States. The great organizing drives were over, powerful employers enjoyed a breathing spell while the National Labor Relations Board went through its slow processes to catch up with them, and under the influence of defense contracts, unemployment decreased and wages rose. Only a half million or more workers were involved in labor strikes during 1940, compared to more than a million in 1939 and about two million in 1937. The number of man-days lost in strikes totalled about 6,700,000 in 1940, a big drop from the 18,000,000 figure of 1939.⁸

There was still a substantial concern when defense production was affected, despite the relatively small number of strikes in 1940. Although production delays caused by strikes were minimal, there was always the danger that aid to Britain might be affected or U.S. defenses might become less than sufficient.

"Public attention, typically attracted to industrial relations only when a strike occurred, tended to exaggerate the effect on production and place the blame, primarily, if not solely, upon unions,"⁹ is the way Seidman put it. Of two and a third million workers employed in eleven key defense industries during 1940, about 140,000 were involved in strikes and their one and a half million man-days of work idleness constituted about one-fourth of one percent of the 569 million man-days that were worked.¹⁰ Of course the number of strikes involving all industries was greater, but it was not easy for the public to distinguish between defense and nondefense industry in an economy in which all industrial processes were interdependent.

Those strikes that did occur made front-page news and gave conservative editors and congressmen excuses for attacks on the labor movement. One of the first strikes to threaten important defense production was called by the Congress of Industrial Organizations' Industrial Union of Marine and Shipbuilding Workers against the Kearny, New Jersey plant of the Federal Shipbuilding and Dry Dock Company. It was called off after two days to avoid charges of obstructing the defense program, but in that brief time the strike had been termed treason by Rep. E. E. Cox of Georgia. Rep. Clare H. Hoffman of Michigan hastily proposed legislation to outlaw strikes on defense projects.¹¹ Both Cox and Hoffman were considered long standing critics of the labor movement.

During the latter half of 1940 many West Coast aircraft plants were threatened with strikes. Most were averted through the aid of mediation, but a dispute with Vultee Aircraft at Los Angeles led to 3,200 workers walking off the job in an effort to raise the company's hourly wage for beginning workers from fifty cents to seventy-five cents. The strike ended on November 26, 1940, after twelve days, but the shut down led to further congressional demands that defense strikes be outlawed.¹²

Strikes at other defense plants in the fall of 1940 caused concern on the part of the government administration. President Franklin Roosevelt announced on November 26 his intentions to keep defense plants open. National labor leader appealed to the President not to propose any anti-strike legislation, asserting that the volume of defense strikes had been exaggerated, and that anti-labor proposals were masquerading as defense measures. Other major strikes during 1940 occurred against the Allis-Chalmers plant in Milwaukee, against International Harvester and Bethlehem Steel.

The Roosevelt administration proposed that a board be appointed to handle actual and threatened defense strikes. Some labor leaders feared such a board would only seek to maintain the status quo, and that its activities might adversely affect the provisions of the Wagner Act.

On March 19, 1941 Roosevelt established a National Defense Mediation Board to settle disputes in defense industries. This board had a tripartite makeup with three public members and four labor representatives, two from the American Federation of Labor and two from the Congress of Industrial Organizations.¹³ The first chairman of the National Defense Mediation Board was Clarence A. Dykstra, a public representative.

Following the board's establishment the strike situation grew worse. Four hundred coal miners struck on April 1, and the following day the United Automobile Workers shut down the vast River Rouge plant of Ford Motor Company. A nationwide steel strike was also being threatened.

During its eight month career, one hundred and eighteen cases were certified to the National Defense Mediation Board and only eighty-six cases were concluded by it, four by referral to the President. While settling a number of important disputes, the National Defense Mediation Board developed the principle that work should not be interrupted for long periods while its representatives were acting on the case.¹⁴ William H. Davis replaced Dykstra as chairman after a short time.

More than 4,200 strikes involving over two million workers occurred during 1941, with twenty-three million man-days lost. In the first fifteen months of the defense program (from July 1, 1940 to

October 1, 1941) defense strikes involving just under two million workers cost twenty-four million man-days work.¹⁵ Considering the bulk of strikes that occurred during this period, it should be concluded that even a small strike might delay defense production in a highly integrated economy.¹⁶

The year and a half between the fall of France and the attack on Pearl Harbor was a period in which the labor movement did make some gains. Approximately a million and a half new members were added to the rolls. The Ford Motor Company, the "Little Steel" companies (Republic, Bethlehem, Youngstown, and Inland), and other industries switched from anti-union stance and became "organized." Expanding employment, rising prices, and increased profits also contributed to the successes obtained by unions during this period.¹⁷

The Japanese attack on Pearl Harbor had the effect of unifying the United States to a degree never exceeded before in its history. Labor leaders quickly reacted by making no-strike pledges for war and defense industries, and by calling for the creation of a war labor board similar to the one that functioned during World War I.

Strikes virtually disappeared for a few weeks, while President Roosevelt called a labor-management conference to formulate a war-time labor policy. This conference was held on December 17 and was chaired by William H. Davis. The representatives agreed that there should be no strikes or lockouts for the duration of the war, and that

all disputes should be settled by peaceful means. On January 12, 1942 the National War Labor Board was created by executive order consisting of twelve members (four public, four for employers, and four for labor). William H. Davis was appointed chairman and the case load of the National Defense Mediation Board was transferred to the new agency.¹⁸ Labor and management still squabbled over wages and union security, but it was hoped that the War Labor Board could enforce its decisions. Only time could determine the effectiveness of this wartime agency.

In 1942 there was a big decline in strike activity. Though almost three thousand work stoppages occurred in 1942, involving more than four million man-days idleness, this represented only one-twentieth of one percent of the time worked. Most of the strikes were small, involving comparatively few workers and lasting only a short time. National leaders praised the patriotism and good sense of all those involved in industrial relations.¹⁹

However, the National Association of Manufacturers charged in September of 1942 that strikes were having crippling effects on war production and the war effort. It further charged that the War Labor Board and other government agencies were minimizing the seriousness of the strikes by presenting them as minute percentages of the total time worked. Thus, according to the National Association of Manufacturers, the government was ignoring the fact that a small strike, by cutting off the supply of vital parts for other plants, might cause a

serious lag in the war effort.²⁰

In 1943 the strike problem became increasingly worse, primarily because of a series of strikes in the coal-mining industry. The number of strikes increased by a little over a fourth, to 3,752. But the number of workers involved rose to 1,376,000 compared to 840,000 a year earlier, and the number of man-days idle reached a total of 13,500,000 with two-thirds due to the coal stoppages.²¹

The bituminous miners, who had already received all the pay increase to which the Little Steel formula allowed, demanded a further increase of two dollars a day and other concessions, including portal-to-portal pay.²²

The problem of controlling inflation did not emerge until the summer of 1941, when defense production pressures began to cause strains in different industries. The early wage issues came before the board in dispute cases, in which the board's responsibility was to effect a reasonable settlement between labor and management, not to administer a vital part of the government's anti-inflation and economic stabilization program. In these early dispute cases the board recognized a variety of factors as relevant in the determination of wages; one of its earliest such decisions, handed down barely four weeks after its appointment, reduced substantially the wage differential between the northern and southern plants of the Aluminum Company of America.²³ The wage rules thus being evolved by the War Labor Board called for an

examination of a variety of factors, including price ceilings set by the government, changes in the cost of living, the need to raise substandard wages, comparable wages in other plants in the same area, the employer's ability to pay, the effect on production of higher rates, and their inflationary influence, especially where higher paid workers were concerned. though the labor movement protested when these considerations prevented a wage increase, or as large an increase as the workers had hoped for, government officials feared any rules that would contribute to the inflationary tendencies that were present.²⁴

Alarmed by the failure of any measures to control inflationary tendencies, President Roosevelt presented a seven-point anti-inflation program to Congress on April 27, 1942 stressing the need for overall stabilization of wages. Points in the President's program called for heavy taxes on profits, a twenty-five thousand dollar limit on incomes after payment of taxes, establishment of strict price ceilings, rationing of scarce commodities, reduction of farm prices to parity, and curtailment of credit and installment buying.²⁵

Attempting to do its part, the War Labor Board responded with its July 16 decision in the "Little Steel" cases involving the Bethlehem, Republic, Youngstown, and Inland steel companies. The United Steelworkers of the Congress of Industrial Organizations had sought a wage rise of twelve and one-half cents an hour or a dollar a day above the existing average of about a dollar an hour. The union argued that the

real wages of steelworkers had dropped sharply in the past year, that their living levels were below a proper standard of health and decency, and that the companies could pay the proposed increase without increasing their price structure and still earn more than adequate profits.

The companies based their case on the inflationary dangers of a wage increase in steel. Such a rise would have to be repeated in other industries, they asserted, increasing consumer income while the volume of goods and services available to consumers was being curtailed. This inflationary gap, they concluded, would force prices to break through price ceilings.²⁶

Though the board's fact-finding panel reported that the four "Little Steel" companies were able to pay the requested wage increase, the board majority no longer felt free to weigh this and the other facts that had been considered in its earlier wage decisions. Since living cost had risen fifteen percent from January 1, 1941 to May 1, 1942, whereas the steel employees had received wage rises aggregating only eleven and eight-tenths percent, the board found that there was a three and two-tenths percent deficiency if real wages were to be protected as of the beginning of 1941. An additional two and three-tenths percent increase was awarded because the dispute had been certified to the War Labor Board before the President outlined his economic policy, and because the cost of living in steel towns had risen by more than the national average. The total wage increase permitted, finally, was

five and one-half percent, or forty-four cents a day.²⁷

After this decision, any workers who had received less than a fifteen percent increase since January 1, 1941, had had their peacetime standards broken and were entitled to have those standards re-established as a stabilization factor. Those whose peacetime standards had been preserved, however, could expect improvements only as they suffered from inequalities or substandard conditions. Board Chairman William H. Davis hailed the yardsticks of wage stabilization applied in the decision stating that they "lead to a terminal for the tragic race between wages and prices." To the dissenting labor members of the board the wage ruling of the majority "struck a serious blow at the foundations of the collective-bargaining process."²⁸

From the start the United Mine Workers, headed by John L. Lewis, had been leading critics of the War Labor Board in general, and from the date of its announcement they had been bitterly opposed to the Little Steel formula. While the miners' union was demanding wage and other concessions from the War Labor Board, President Roosevelt issued the "hold-the-line" order which stripped the board of its authority to grant wage increases on the grounds of inequalities. Thus, he confined wage increases to those permitted under the Little Steel formula or the substandard rule. The "hold-the-line" order met with a fresh wave of protest from labor leaders. The War Labor Board called the parties involved in the coal dispute to the capital for

a conference, but John L. Lewis refused to accept the invitation. Meanwhile strikes were spreading in the coal fields of America as the contract expired. On May 1, 1943, the President seized all the nation's coal mines, with Secretary of Interior Harold Ickes given the task of administering them.²⁹

On May 4, 1943, Lewis agreed to order the miners back to work as negotiations were now in progress. On June 11, no agreement having been reached, the miners resumed their strike at Lewis' direction. On June 22, Lewis ordered the miners back to work until October 31, leaving union and management to negotiate during the summer and early fall.

Meanwhile, the public reacted with outrage as the strikes threatened reductions in steel production. It became open season on all labor unions and strikers. Roosevelt responded with threats, including raising the age limit for non-combatants from forty-five to sixty-five and drafting strikers. Congress responded by passing the Smith-Connally Act (or War Labor Disputes Act), which had the effect of increasing Presidential power in dealing with strikes. This act empowered the President to seize any struck facility and punish strikers by fines or imprisonment. The act also gave the War Labor Board statutory powers and required a thirty day cooling off period following the issuing of a strike notice.³⁰ Considering the Smith-Connally Act reactionary, Roosevelt vetoed it but Congress overrode his veto.

National labor leaders were extremely critical of Lewis' tactics

which resulted in the Smith-Connally Act. One labor publication responded by stating, "A strait-jacket is now the national dress of American workingmen."³¹

The last successive coal stoppages that plagued the nation in 1943 coincided with a labor crisis in the steel industry and with the railroads. This led to further reaction with General George C. Marshall, Army Chief of Staff, declaring that the walkouts might have prolonged the war against Germany by six months, at a cost of hundreds of needless casualties. Hoping that Allied pressure would cause a German collapse by the spring of 1944, Marshall felt the labor disputes put an ideal weapon in the hands of Nazi propaganda experts who told their people the United States was in a state of chaos.³²

Secretary of War Henry L. Stimson jumped into the fight later claiming that with twenty-two strikes a week occurring, with a loss of 135,000 man-days, it was the "equivalent of nine divisions gone A.W. O.L. for one day."³³ These strikes puzzled men who were inducted into the fighting forces, yet who saw the government permit civilians to leave their war jobs without any regard to the needs of the nation. On November 3, 1943, a settlement was reached with Lewis and the coal miners and the miners went back to work. The settlement managed both to increase the miners' pay by one dollar and fifty cents a day and to remain within the limits of the Little Steel formula, by paying miners for portal-to-portal travel time and by reducing the

lunch period. The successive strikes cost labor heavily in public support, tempers had become strained, and reactionary labor legislation had become law.³⁴

In 1944 the mounting strains of the war period increased and so did the number of strikes. Some observers felt that workers, weary and fearful about their post-war future, seemed to use any excuse for calling for a strike.³⁵ The increase in the number of strikes and increased public sentiment against unions became a matter of concern for many union leaders. The president of the United Auto Workers, R. J. Thomas, was very concerned about his members who had been engaged in a number of unauthorized strikes that slowed the war effort. He appealed to his members to cease all wildcat strikes or face an attack that no union could withstand. He went on to warn that unless the members restrained themselves, there would be no labor unions after the war.³⁶

Ironically, the Communists were perhaps the most uncompromising in their opposition to wartime strikes. "No idle plants, no idle machines, FOR ANY REASONS!" and "Strikes help Hitler because they weaken the war effort!" were common phrases in Communist publications.³⁷

The great number of strikes in 1944 received publicity in the press, including papers published for servicemen. Needless to say, many services did not hold a favorable impression of the role of labor

in the war effort. For example, the crew of the seaplane tender "Coos Bay" raised four hundred and twelve dollars in 1944 to "help pay the wage increase money-hungry strikers are demanding,"³⁸ and sent the money to the Associated Press requesting that agency to "buy off the present strikers of the Wright Aircraft Corporation."³⁹

Though in 1944 the number of workers involved in strikes surpassed the total of the previous year, and the number of strikes reached the highest point of the war, few of the strikes lasted a long time or involved a threat to war production comparable to those of 1943. Beginning in the spring of 1944, there were industrial cutbacks reducing overtime earnings that may have contributed to labor's discontent during 1944.⁴⁰ Regardless of the causes, the great number of work stoppages in 1944 were an embarrassment to labor-management relations.

Labor dissatisfaction continued into the early months of 1945 as the cost of living rose and profits soared, while wage rates were held down by the outmoded Little Steel formula.⁴¹ When victory seemed almost won anyway, there was a greater tendency to permit the accumulated pressures and irritations of the long war years to erupt in strikes. In 1945, though on a percentage basis the strikes that occurred prior to victory over Japan (V-J Day) were slightly more serious than in 1943, the fact that victory was in sight kept public resentment against strikes within reasonable bounds. Moreover, labor leaders continued to co-operate with government agencies to obtain the earliest possible

return of strikers to work until V-J Day.⁴²

For the war period as a whole the number of strikes exceeded 14,700 and the number of man-days idle totalled 36,300,000.⁴³ This figure is substantial and is hard to gloss over, but most national leaders looked at it only in relation to the number of days' worked. Considering that interpretation, labor unions did not have such a bad record for the accumulated strains of the war years.

Many labor leaders looked at the figures and then compared them to the amount of production time lost through other avoidable causes. Such causes included preventable industrial accidents and slowness of industry in converting to war production. In October, 1943, William Green of the American Federation of Labor declared that since Pearl Harbor eighty-thousand workers had been killed in accidents (not all work related) and seven million workers had been injured on and off the job.⁴⁴

But the public's attention centered more on strikes than other causes of work delay. Yet in comparison with the strike record of the chief United States ally, labor strikes in this country were not as bad. Proportionately, Britain and Northern Ireland had more labor strikes than the United States during 1942 and 1943, and more man-days idle in 1942.⁴⁵ Chairman William Davis of the War Labor Board stated after it was all over that, "It is the best this Nation or any other nation has ever done in wartime or peacetime."⁴⁶

Of course, the success of the federal government's program for labor-management relations during World War II cannot be measured by a single index. And although the wartime forces of government played a large role in labor-management relations, the vast adjustment of the labor force to the demands of armed services and the war-production industries was accomplished with a minimum of federal control.⁴⁷

The steady growth of union membership during the period of hostilities, from about ten and a half million at the time of the Pearl Harbor attack to about fourteen and three-quarters million at V-J Day, showed that the labor movement found in wartime conditions a favorable environment. The proportion of workers under collective-bargaining agreements rose from thirty percent of those eligible in 1941 to forty percent the following year and to forty-eight percent by 1945.⁴⁸

Ironically, "No issue presented to the War Labor Board precipitated more furious debate than union security" according to Chairman William Davis.⁴⁹ Since the right to strike was suspended, union leaders wondered how could they produce the improvements in wages and working conditions and prompt settlement of grievances that would sell unionism to nonmembers and keep old members paying their dues. How could they co-operate with management to boost productivity required by the war if their time was spent signing up new members and keeping old ones satisfied, so that the union's strength would be preserved and the treasury maintained? How could

they build the responsible kind of unionism demanded by a nation at war without the security to discipline those who violated the contract or violated union rules? Union leaders argued that if they were to meet their wartime responsibilities they had to be assured that their membership would remain high and their coffers full.⁵⁰

Management objected, replying that the union shop and, to a greater degree, the closed shop, were evil in principle, since they denied the individual worker the right to decide for himself whether or not he wished to belong to a union. Similarly, such an arrangement limited the right of management in hiring and retaining workers. There was also the feeling on the part of management that the freedom of individuals to work where they were qualified and acceptable to the employer, without losing their jobs if for any reason they wished to remain out of unions, was a principle that could not be compromised.⁵¹

Where employers opposed a union security clause on the ground that it violated the right to work, union leaders said that no such right existed in American society. A worker merely had the right to apply for a job, and to work if the employer chose to hire him. Through the depression of the 1930's no right had existed, argued union leaders, and even where openings were available the employer had the right to reject applicants for any reason or for no reason, until the Wagner Act stated that union membership could not be a reason. If the worker was now to pay union dues as his share of the cost of the union benefits that he received, union leaders saw this as proper payment to agency security, not as an infringement of his liberties.⁵²

It was perhaps inevitable that the War Labor Board, with all the opinions on the extension of the union shop, would adopt the maintenance of membership compromise that had been used by the Defense Mediation Board. Although maintenance of membership was hardly a desirable substitute for the labor leaders, it did represent an advance, and most became resolved to the fact that it was probably the best that could be obtained under war conditions. Management was opposed to maintenance of membership from the start, pronouncing it acceptable only where an escape period was provided, and remained opposed to it even after the board adopted their proposal, incorporating an escape provision into its standard union security clause.⁵³

It took some time before the board evolved a formula for membership maintenance satisfactory to a majority of its members. Its first decision directing the inclusion of such a clause in a contract was handed down without written opinion of February 25, 1942, in a case involving textile mill employees of Marshall Field and Company at Spray, North Carolina. In this case the board limited application of the clause to those who individually and voluntarily certified in writing their willingness to authorize union dues deductions and to maintain union membership during the life of the contract. In this decision and others that followed, the union was ordered not to coerce any worker to join, something that management groups had sought to write into the Wagner Act. Of the two management members present for the decision, one concurred and the other dissented.⁵⁴

Meanwhile, the issue of union security was being challenged, on another front, by the attorney for the Inland Steel Company whose case

involving wages and union security was pending before the board. Upon this, the board resolved by unanimous vote that it possessed the authority under executive order to consider disputes over union status, along with others which might interrupt work contributing to the effective success of the war effort.⁵⁵

In the following months the board imposed a maintenance of membership clause, in similar cases, upon all workers who had belonged to the union as of the previous November, when the bargaining committee had been instructed to bargain for a union shop. The employer members of the board protested against imposing membership maintenance without first finding out whether the affected workers approved. Such action, they argued, would tend to destroy the cooperation necessary to keep production at its maximum.⁵⁶ The acceptability of membership maintenance to the workers involved was shown in the referendum that was soon conducted by the board. Of 10,751 ballots cast at the plants by employees belonging to three different unions, ninety-one percent voted in favor of the maintenance of membership provision.⁵⁷

At this point, some industries turned to the general public and to Congress in their fight against union security. In advertisements in leading newspapers, the National Association of Manufacturers urged Congress to adopt legislation freezing the open shop where it existed for the duration of the war. Such labor leaders as William Green and Philip Murray called union security the best guarantee of teamwork between management and labor, and accused the National Association of Manufacturers of wanting the open shop even at the

expense of victory.⁵⁸

Meanwhile some very crucial cases were now before the board for consideration. The most important case was that involving the Federal Shipbuilding and Dry Dock Company, a United States Steel Corporation subsidiary which had spearheaded opposition to membership maintenance. The attorney for United States Steel stated openly that he considered a maintenance of membership clause illegal, implying that the company might not accept such a clause even if ordered by the board. If this "Big Steel" company accepted membership maintenance, large sections of American business would follow suit; if it fought the board's decision, the board might collapse as had the Defense Mediation Board. This was not a case the board could afford to stumble around on. Insisting that it decided all cases involving union security on its own merit, the board voted eight to four to put a maintenance of membership clause into effect for the employees of United States Steel. The majority based its decision on the equities in the long dispute between the company and the union, on the desirability of more stable union membership, on the contribution of more co-operative relations to maximum war production, and on the need to compensate unions for their no-strike pledge. Yielding somewhat to management representatives, the board permitted a union member to withdraw provided he continued to meet his financial duties to the union for the duration of the contract.⁵⁹

The board majority's concession on dues obligations was not acceptable by the management members of the board because no escape

period was provided. They argued that under the decision, the federal government, in effect, "exacts taxes from an individual citizen to be paid to a private organization for the privilege of working." They went on to say that such an arrangement would not be proper unless the federal government supervised the union so favored.⁶⁰ To the relief of the board, the company announced on May 8 that, though it regarded the decision as unsound, it would abide by it as ordered.

The arguments for an escape period finally had their effect on the other members of the War Labor Board, particularly the public members. Their search for a formula that could be incorporated into a membership maintenance clause came in the Ryan Aeronautical Company case, decided on June 18, 1942.⁶¹ The majority decision provided that the individual employee would have an escape period of fifteen days after the signing of a labor contract. If the employee failed to exercise this option, he had to stay a member of the union for the life of contract. As stated in the Caterpillar Tractor case, the War Labor Board majority reasoned that "the maintenance of responsible union leadership and responsible union discipline makes for keeping faithfully the terms of the contract and provides a stable basis for union-management co-operation for more efficient production."⁶²

The majority decision also observed that the union deserved a union security clause by virtue of its democratic practices with regard to elections of officers and calling of strikes, its low dues and the regular auditing of financial accounts, and its expressed policy of co-operating with management to keep agreements, maintain discipline,

and increase production.⁶³

The position of the parties on the War Labor Board had become clear. Labor members supported membership maintenance, since this form of union security represented a substantial advance to most industrial unions and since craft unions were permitted to keep the union or closed shops they had previously achieved through collective bargaining. The public members, unable to obtain unanimous decisions in union security cases, combined with the labor members to grant a maintenance of membership clause where no stronger form of union security had existed. The management representatives rarely supported membership maintenance and for all practical purposes vigorously opposed it. In the summer of 1942 the board, attempting to protect the workers' freedom of choice, wrote into its standard membership maintenance clause a requirement that neither the union nor any of its officers or members would intimidate or coerce employees into union membership. In the following fall the board resolved that workers were free to leave their union during an escape period without regard to the union's regulations or provisions relating to withdrawal.⁶⁴

From time to time the opposition of employer representatives to membership maintenance flared up within the War Labor Board, although many long debates had been held and the policies had long been set.

In 291 cases involving maintenance of membership decided between January, 1941, and February, 1944, the War Labor Board decided 271 cases involving 1,400,000 workers in favor of some form of union security. Where a stronger form of union security clause than

just membership maintenance, such as the union or closed shop, had previously been accepted by the employer, the board generally ordered its continuation. It justified this on the grounds that any other policy would bring instability rather than stability to union-management relations. The government should not use its power either to establish a union shop where none had existed or to disestablish one already in effect, it was thought.⁶⁵

While the board typically awarded membership maintenance to a union seeking the union shop, it refused to do so where it considered the union guilty of irresponsible behavior, as by calling or supporting strikes in violation of the no-strike pledge. Such a case involved the Monsanto Chemical Company and an American Federation of Labor local in the summer of 1942. During the negotiations the union made numerous strike threats, eventually voting for a strike which lasted five days. As a result, the board voted unanimously to refuse to grant any form of union security until the firm showed a change in attitude toward wartime use of the strike weapon. In the following spring the board granted the local a membership maintenance clause on the basis of its record of the previous seven months. Even a work stoppage of only a few hours, when it was a deliberate violation, was enough evidence of irresponsibility for the board to deny a union the membership maintenance clause. Also, the clause, once granted, might be revoked as a penalty for striking.⁶⁶

Opposition of management to the maintenance of membership clause occurred sometimes on the ground that that form of union security was illegal, and sometimes as part of a more general opposition to the board itself. Fitting into the latter situation was the

mail-order house of Montgomery Ward and Company, headed by the persistent Sewell L. Avery. In the fall of 1942 the company was directed by the War Labor Board to accept a contract with a Congress of Industrial Organizations union which had been granted a maintenance of membership clause affecting some six thousand and eighty employees in Chicago. The company opposed membership maintenance as just another form of closed shop, and stated the board order was in violation of liberty, economically unsound, and illegal under the Wagner Act. Avery remarked that he would accept the board's order only if directed to do so by the President or if Congress imposed the closed shop. As Commander-in-Chief, President Roosevelt directed the company to comply without delay, as such action was essential to the nation's war effort. The company then asserted that it would sign the contract provided a clause were added stating that it signed "under duress" because the President as Commander-in-Chief had so ordered.⁶⁷

Rejecting such language, the War Labor Board substituted the words "after protest" for "under duress" and voted unanimously to order the company to accept the contract. An industry member of the board charged Montgomery Ward with having done "the greatest disservice to industry and the private enterprise system of any concern in the United States." Another industry member of the board commented that while the company had the freedom of speech it referred to, but so did the board, and the board "intends to use it to tell the truth and not a damn bunch of half truths." One of the labor members charged that company officers were "lying and they know it."⁶⁸ In general, the board members

resented the claim that membership maintenance was a form of the closed shop.

Again the company stated that it would sign the contract as it was written if the President as Commander-in-Chief in time of war so ordered. Roosevelt sent Avery an order and the company finally obeyed by complying. Avery's opinions were shared by many management groups but some became alienated by his conduct in the midst of a war crisis. Others debated whether a retail distribution chain had a sufficiently close relationship to war production to justify War Labor Board's assertion of jurisdiction.⁶⁹

It can be concluded here, almost without reservations, that the labor movement would have probably preferred to have the War Labor Board grant the union or closed shop where conditions were appropriate, but it found the maintenance of membership clauses fairly satisfactory.

Sophisticated management leaders found out during the war, thanks to the War Labor Board and the maintenance of membership policy, that collective bargaining was a fairly effective way of working out or solving personnel problems within corporate structures that were many times too unwieldy. Bargaining became a system for drawing up the rules for employment; grievance procedures; a way of resolving on-the-job conflicts; and the unions became agencies for enforcing the rules.⁷⁰

The proportion of workers under collective-bargaining agreements rose from thirty percent of those eligible in 1941 to forty percent in the following year and to forty-eight percent by 1945. During this time the number covered by membership maintenance clauses rose steadily, reaching a total of more than 3,900,000 in 1945, with twenty-

nine percent of all workers under union agreements subject to such clauses.⁷¹ The number of workers covered by the union or closed shop likewise grew during the war period, although the War Labor Board refused to grant either type of security. The growth was due to the fact that employers who had agreed to such clauses increased their working force or other employers accepted them in bargaining negotiations.⁷²

To all outward appearances the war period was one of steady membership growth and influence for the labor movement. Labor shortages, rising living costs, a sound legal base for organization, and active union prosecution of War Labor Board cases combined to swell the membership of the American labor movement from approximately ten and a half million at the time of the Pearl Harbor attack to about fourteen and three-fourths million when hostilities ended three years and eight months later.⁷³

The approach of V-J Day made labor uneasy, for with each cut-back in production came immediate joblessness for some war workers and left the remainder apprehensive. The universal rejoicing at the coming end of the conflict was mixed with the fear of unemployment or reduced earnings, plus the danger that wartime savings might be exhausted for many as factories reconverted to civilian production.⁷⁴

In the meantime, unions and employers who had long been under government controls, awaited the moment when they could regain freedom of action. The irritations of the war period had been greatly felt by both. Co-operation for war production was all right as a necessity in a time of national emergency, but each party believed that it had suffered most under the controls of wartime. Each party felt that it

could improve its position once the government ceased its controls. Union members were convinced that their living standards had been held down arbitrarily by the War Labor Board while business had reaped big profits, and that they could regain much of the loss once they were allowed to strike and to negotiate. Many employers felt that unions had gained too much power and urgently needed a lesson in postwar realism.⁷⁵

In defense of the activities of the War Labor Board, it kept the lid on a lot of difficult problems stemming from the lack of agreement between industry and labor. In the interest of justice, the board corrected inequities, set equal pay for equal work, allowed a pattern of fringe benefits to emerge, and made increases to prevent substandard living. Most importantly, it prevented strikes that may have taken place otherwise, and in the process helped the labor movement gain a prestige not previously enjoyed.

FOOTNOTES

¹ Joel Seidman, American Labor From Defense to Reconversion, (Chicago: University of Chicago Press, 1953), p. 4.

² O. T. Barck, Jr. and N. M. Blake, Since 1900: A History of the United States in Our Times, (New York: MacMillan Company, 1965), p. 478.

³ Ibid., pp. 520-522.

⁴ Joel Seidman, op. cit., p. 9.

⁵ Ibid., p. 10.

⁶ Ibid., p. 18.

⁷ Ibid., pp. 18-19.

⁸ Ibid., p. 41.

⁹ Ibid., p. 42.

¹⁰ Ibid.

¹¹ Ibid., p. 43.

¹² Ibid.

¹³ Milton Derber, "Labor-Management in World War II, "Current History, XXXX (June, 1965), p. 340.

¹⁴ Ibid.

¹⁵ Joel Seidman, op. cit., p. 52.

¹⁶ Ibid.

¹⁷ Ibid., p. 53.

- ¹⁸Ibid., pp. 80-81.
- ¹⁹Ibid., pp. 132-134.
- ²⁰Ibid., p. 135.
- ²¹Ibid., p. 133.
- ²²Ibid., p. 136.
- ²³Ibid., p. 109.
- ²⁴Ibid., p. 111.
- ²⁵Ibid., p. 113.
- ²⁶Ibid.
- ²⁷Ibid., pp. 113-114.
- ²⁸Milton Derber, op. cit., pp. 342-343.
- ²⁹Joe Seidman, op. cit., p. 137.
- ³⁰Ibid., p. 138.
- ³¹Ibid.
- ³²Ibid., p. 141.
- ³³New York Times, January 26, 1944.
- ³⁴Joel Seidman, op. cit., p. 143.
- ³⁵Ibid., p. 142.
- ³⁶New York Times, May 28, 1944.
- ³⁷Joel Seidman, op. cit., p. 143.
- ³⁸New York Times, June 24, 1944.
- ³⁹Ibid.
- ⁴⁰Joel Seidman, op. cit., p. 134.

⁴¹Ibid., pp. 133-134.

⁴²Ibid.

⁴³Ibid.

⁴⁴Ibid., p. 150.

⁴⁵Ibid.

⁴⁶Ibid., pp. 150-151.

⁴⁷Milton Derber, op. cit., p. 345.

⁴⁸Joel Seidman, op. cit., p. 107.

⁴⁹Ibid., p. 108.

⁵⁰Ibid., p. 92.

⁵¹Ibid.

⁵²Ibid., p. 93.

⁵³Ibid., p. 94.

⁵⁴Ibid., p. 95.

⁵⁵Ibid.

⁵⁶Ibid.

⁵⁷Ibid., p. 96.

⁵⁸Ibid., p. 97.

⁵⁹Ibid., pp. 97-98.

⁶⁰Ibid., p. 98.

⁶¹Ibid.

⁶²Thomas R. Brooks, Picket Lines and Bargaining Tables: Organized Labor Comes of Age, 1933-1955, (New York: Grosset and Dunlap, 1968), p. 119.

⁶³Joel Seidman, op. cit., pp. 101-102.

⁶⁴Ibid., p. 102.

⁶⁵Ibid., p. 104.

⁶⁶Ibid., pp. 104-105.

⁶⁷Ibid., p. 106.

⁶⁸New York Times, December 9, 1942.

⁶⁹Joel Seidman, op. cit.

⁷⁰Thomas R. Brooks, op. cit., pp. 119-120.

⁷¹Joel Seidman, op. cit., p. 107.

⁷²Ibid., p. 108.

⁷³Ibid., p. 195.

⁷⁴Ibid., p. 209.

⁷⁵Ibid.

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