

GOVERNMENT AND LABOR: THE COAL INDUSTRY,
1946-1947

by

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This work is dedicated to my Father, the late J.E. Brinley.

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ABSTRACT

The reconversion years after World War II were very important in the history of American labor. During this period of economic readjustment many strikes occurred. The last of the major industrial conflicts was in the bituminous coal industry. This strike in 1946 finally led to government seizure of the mines and government operation continued for thirteen months. As government operation continued a number of conflicts arose between the government and the United Mine Workers. These revolved around the problem of the rights of and the restrictions on workers in seized industries. The United Mine Workers tried, unsuccessfully, to maintain union rights, applicable in private enterprise, as government employees. The result was the revival into law of the labor injunction and the later restrictions on union activities contained in the Taft-Hartley Act.

Another development of the conflict was the handling of union demands for fringe benefits. The major United Mine Workers requests in 1946 and 1947 were for fringe benefits: mine safety regulation and funds for miners' welfare. It turned out that neither the government nor the mine owners knew the ramifications, both

economic and social, of these proposals. In both contracts, in 1946 and 1947, the union received major concessions in these areas, and has led the way in the American labor movement toward achieving increased benefits, outside of wages and hours, for its members.

CHAPTER I: INTRODUCTION

The years immediately after World War II were years of intense industrial strife in the United States. The country was attempting to shift production from a war-time to a peace-time economy and to accommodate the demands of consumers, management, and labor.¹

President Truman assigned to the Office of Price Administration (OPA) the task of making reconversion as peaceful as possible. It established price ceilings and wage floors to keep both labor and management in check. These measures also were to keep inflation to a minimum. The OPA tried valiantly to do this, but opposition to it made it very ineffective. It was opposed by labor and management as both wanted to be free of government restrictions in dealing with the other. The restrictions of OPA expired in July 1946 thus removing all government controls except on rent. The resulting rise in prices forced Congress to reinstate some controls in late July 1946. These controls were too limited to slow inflation, and by mid-1947 all attempts at wage-price controls ended.²

The American consumer had built up a tremendous potential demand for consumer goods. Restrictions on consumption during the war years had left him with a vast array of unfilled needs and desires. These restrictions had also built up reserves of money to purchase consumer goods. During each of the years of 1945 and 1946 consumers controlled about \$180 billion in cash and savings to spend in the market for consumer goods as they became available.³ Prices were forced up by this supply of available consumer capital. Despite legal outlets there were created black markets and prices in all markets rose. Consumer demands on management to produce provided a temptation to achieve even greater profits than during war-time. At the same time the obvious prosperity of business and the drop in real wages for labor, caused by the cut back in overtime and the increasing prices, forced labor to be ever more insistent about increases in wages and fringe benefits.

Management yeilded to the consumers' demand for goods and to the possibilities that the situation presented. It used the OPA restrictions as the explanation for the strikes that occurred and explained to the public that the work stoppages and curtailed production were caused by government interference in natural economic developments.⁴ The OPA price

ceilings encouraged the manufacturers to hold goods off the market or to reclassify goods into categories not covered by OPA regulation.⁵ It also took the opportunity afforded by the strikes to curry favor with the public in its continuing controversy with organized labor. Management felt if the strikes lasted long enough to hurt the public, management's image would be improved while labor's would be damaged. Management used a variety of methods to achieve this end: It refused to follow government suggestions in reaching settlements; it carried on a massive propaganda campaign against both the unions and government controls;⁶ and in some cases it refused to negotiate faithfully with the representatives of their workers as required under the Wagner Act.⁷ It found that the most effective means of gaining public support was to wait out the strikes. Management could financially and politically afford to force the strike issue. It could do this financially because profits had risen from 4.9 billion dollars in 1939 to an average of over 9 billion per year for the years 1942 to 1945 and exceeded 12 billion in 1946.⁸ Politically it could do this because most businessmen did not care for Harry S. Truman and his controls in the least.

Labor likewise had made substantial gains during the war and wished to protect and enlarge them. By the time the war ended American workers had become a loyal, respected part of American society. Labor shortages, legal protection for organizing, and vigorous organizing campaigns had made organized labor an influential part of American life. Labor leaders had advanced into places of power in government and in public opinion.⁹ But organized labor feared that it could not stand a concerted attack by business. Truman felt there was a conspiracy by the business interests to destroy labor after the war.¹⁰ Organized labor responded to the situation as if there really was a conspiracy.

Union membership had grown from 8,944,000 in 1940 to 14,749,000 in 1945.¹¹ This growth resulted in both enlarged public importance and enlarged strike funds that were used to consolidate labor's gains as soon as the war ended. During the war it had been following a policy of maximum cooperation with government and industry for the sake of the war effort. In the war emergency wages were fixed but the members of unions had enjoyed high incomes because of extended work weeks, overtime pay, and production bonuses. After the war ended it was ready and willing to strike to maintain these wartime gains (in both take-home pay and increased memberships) and to

achieve further advantages. Workers to protect these gains struck in nearly all parts of the American economy. The work stoppages by unions in the Congress of Industrial Organizations (CIO) were long and nearly stopped the entire economy. During the winter of 1945-1946 50,000 communications workers, 700,000 steel workers, 250,000 packinghouse workers, 200,000 electrical workers, and over 300,000 auto workers were on strike.¹² "Altogether, 42 large strikes, each involving 10,000 or more workers, occurred between VJ-day and July 1946."¹³ On January 21, 1946, there were 1,657,000 workers on strike.¹⁴

The settlement of most of these strikes resulted in increased inflation. The pattern for these settlements was first suggested by government fact-finding boards decisions concerning the auto and steel strikes.¹⁵ They called for wage hikes of about $18\frac{1}{2}$ cents per hour and price increases to keep profits at, what the government considered, a reasonable level.¹⁶ In the steel industry this price increase amounted to five dollars a ton. The settlement by wage increases and compensating price increases became a formula for settlements in the automobile, electrical, petroleum and most other industries.¹⁷

By late February peace was coming to the America economy. Only in the bituminous coal industry were

extensive problems arising. The probable serious disruption of a coal strike on April 1, when the National Bituminous Coal Wage Agreement of 1945 would expire, was the last major basic industry labor dispute of reconversion.

The coal industry was the most unionized American industry and the United Mine Workers of America (UMWA) was one of the nation's strongest labor unions. The UMWA, under the autocratic control of John L. Lewis,¹⁸ had just rejoined the American Federation of Labor (AFL) on January 25, 1946, in an attempt to unify the American labor movement.¹⁹ The UMWA had been expelled from the AFL when it differed with the AFL leadership over industrial unionism that resulted in the organization of the CIO ten years earlier. John L. Lewis resigned the presidency of the CIO in 1940 and had taken the UMWA out of the CIO in 1942. During the war and immediately thereafter the CIO was very aggressive in working for its members. It was because of this militancy, with which Lewis did not wish to be associated, and because the CIO had a number of Communists in its national organization that the politically conservative Lewis reaffiliated with the AFL, again joining a craft organized group rather than the industrially organized group he had helped establish. The UMWA had been an independent union

from 1942 to 1946.²⁰ John L. Lewis was named thirteenth vice-president of the AFL and was appointed to the executive council of the AFL upon his return to the House of Labor, as the AFL has been known.

On March 2, 1946, the UMWA notified the bituminous coal operators that the union was requesting a meeting on March 12 to write a new contract. The contract between the UMWA and the operators under which the mines operated would expire on April 1, as it did every year. As required by the War Labor Disputes Act of 1943 (Smith-Connally Act) the government was also notified by the UMWA that a labor dispute existed and that a strike was probable after April 1 if no contract could be signed by this date.²¹ The UMWA Policy Committee, meeting March 11 in Washington, D.C., formulated the strategy to be used and demands that would be presented to the operators.²²

Union strategy was a throwback to the famous "Jacksonville Agreement" of 1926. This was to present very general demands thus placing the burden of beginning the negotiations upon the operators. The union demands were general and non-specific. The coal miners, because they were the highest paid industrial workers and therefore had little to fear in the area of wage reductions per se, placed their primary

emphasis on fringe benefits and union security.

The main union demand was for a health and welfare fund that would be operated by the union. They also asked for unionization of supervisory, technical and clerical employees; increased wages; reduced daily and weekly working hours; and a stronger safety code. They did not, however, set any specific amounts on any of these areas. These were, the union insisted, not demands but only "negotiable suggestions."²³

NOTES ON CHAPTER I

¹Harry S. Truman, The Economic Reports of the President as Transmitted to Congress: January 1948, January 1947, July 1947 (New York: Reynal & Hitchcock, 1948), part II; Cabell Phillips, The Truman Presidency (New York: the Macmillan Company, 1966), pp. 101-128; and Joel Seidman, American Labor from Defense to Reconversion (Chicago: University of Chicago Press, 1953), pp. 213-282.

²See appendix, chart I.

³Truman, Op. cit., part II, p. 58; and chart II, appendix.

⁴New York Times, February 18, 1946, p. 13; a plea for retention of the OPA is found in Colston E. Warne, "Should Price Control be Retained," Current History, X (June 1946), pp. 496-502.

⁵The National Association of Manufacturers (NAM) admitted that manufacturers were restricting production to try to destroy the OPA in an advertisement in New York Times, February 18, 1946, p. 13.

⁶See full page ads in ibid. by the NAM; and Newsweek, XXVII (March 4, 1946), p. 18, by the Bituminous Coal Institute.

⁷See the New York tugboat strike as reported in New York Times, February 12, 1946, p. 1; and in the General Motors strike, ibid., January 13, 1946, p. 1.

⁸Truman, Op. cit., part II, p. 64.

⁹Seidman, Op. cit., p. 195.

¹⁰R. Alton Lee, Truman and Taft-Hartley (Lexington: University of Kentucky Press, 1966), p. 15.

¹¹Department of Labor, Bureau of Labor Statistics Bulletin No. 1000, Brief History of the American Labor Movement, 1964, p. 55.

¹²Phillips, Op. cit., p. 113; New York Times, January 13, 1946, p. 29; and tables I and II, appendix.

¹³Bureau of Labor Statistics Bulletin No. 1000, Op. cit., p. 35.

¹⁴New York Times, January 21, 1946, p. 1.

¹⁵Ibid., January 11, 1946, pp. 14-15.

¹⁶Ibid., January 26, 1946, p. 1; January 27, 1946, p. 1; February 11, 1946, p. 1; and February 16, 1946, p. 1.

¹⁷Truman, Op. cit., part II, p. 59.

¹⁸See J. B. S. Hardman, "John L. Lewis, Labor Leader and Man: An Interpretation," Labor History, VI (Fall 1965), pp. 214-231; and Will Chasen, "Lewis: Robber Baron of Labor," The American Mercury, LXIV (May 1947), pp. 526-533, for Lewis as an autocratic leader. Albert Rees, The Economics of Trade Unions (Chicago: University of Chicago Press, 1962), p. 180, says this autocratic control was unnecessary because he had "overwhelming support" of the miners.

¹⁹New York Times, January 26, 1946, p. 1; and Newsweek, XXVII (February 4, 1946), p. 59. These items see Lewis' reaffiliation as a move for the AFL presidency.

²⁰United Mine Workers Journal, LVII (February 15, 1946), p. 3. Hereafter cited as UMWJ.

²¹The Colliery Guardian, CLXXII (March 8, 1946), p. 320; UMWJ, LVII (March 15, 1946), p. 13, contains the notice required under the War Labor Disputes Act and the call for the Policy Committee Meeting.

²²American Federationist, LIII (March 1946), p. ii.

²³UMWJ, LVII (March 15, 1946), p. 5.

CHAPTER II: NEGOTIATION, STRIKE, AND SEIZURE

Contract negotiations began on March 12 at the Shoreham Hotel in Washington, D.C. John L. Lewis, John O'Leary, union vice-president, and Thomas Kennedy, UMWA secretary-treasurer, participated in the negotiations for the miners. The operators were represented by Charles O'Neill, operators' negotiation committee chairman and representative of the Northern operators; Harry M. Moses, representing U. S. Steel and the captive mine operators; and Edward R. Burke, ex-Senator from Nebraska and the negotiating agent for and president of the Southern operators association.¹

The first week was devoted to union presentation of its demands. Lewis opened the meetings with a condemnation of the operators in the area of miners' protection and welfare. In support of his argument Lewis had the thirty-one district presidents of the union present testimony of conditions in each district. The union made only two specific demands: first, it said that there must be abatement of the slaughter of miners and, second, it demanded cessation of the accompanying extortion of the miners by the company doctor system.² This tactic of talking

only of protection for the miners completely caught the operators off-guard.

The operators, in press releases, charged Lewis with filibustering and stalling.³ They demanded that Lewis discuss a wage agreement that would assure the nation of its fuel supply, and refused to discuss welfare, which they considered outside their jurisdiction to negotiate.⁴ Lewis refused to talk of wages and simply asked the operators to offer something specific on the need for health improvements. Lewis restated that the primary demands of the miners were for improved working conditions and a welfare fund and that these must come before he was willing to discuss wages. "It is my opinion," Lewis told the operators, "that the miners don't want to work for you gentlemen any more unless you remedy the conditions."⁵

After the week of union oratory the conference settled down to hear similar oratory from the operators. The operators in a lengthy presentation offered their counter-demands. These consisted of a stronger guarantee from the union against wildcat strikes, new restrictive qualifications for vacation pay, and loss of the paid lunch period. Concessions to the miners included a wage increase of $18\frac{1}{2}$ cents per hour, voluntary compliance with state workmen's compensation and mine safety laws, and a 40 hour week.⁶ They would

not discuss the welfare fund proposal or the other major union demand, the unionization of foremen, since, as they saw it, the meeting was to negotiate a wage contract.⁷

Lewis refused to consider or respond to the operators' proposals on wages and hours until the operators agreed to the idea of a welfare fund. In a public statement he proposed a Gallup poll to discover if the American public condoned the killing in the mines.⁸ On March 20, after a session further outlining their proposals, the operators' representatives publicly stated that a strike was inevitable and by saying this they condemned the negotiations to failure.⁹

When no agreement was reached on March 26, Lewis sent a notice to the local unions stating: "No agreement will be in existence after the above date April 1, 1946, until present negotiations are completed. Each member will be governed accordingly." This was the union's strike call. It is a rule with miners that they do not work without a contract.¹⁰ The threat of government seizure did not influence union policy, since the previous seizures, in 1943 and 1945, had given the UMWA a generous contract with the government.

The main point of difference between the negotiators for the mine operators and the mine workers

was the welfare fund. A miners' welfare fund was first proposed by the union in the 1945 negotiations but was dropped because the union felt it would not be politically expedient to call a strike during the war. The 1945 proposal had first introduced the union suggestion of a ten cent per ton royalty as a means to finance the fund.¹¹ The operators had expected this demand to be included in the 1946 meeting and planned to counter with one financed through a wage deduction.¹² They did not, however, expect Lewis to ignore wages and hours and to base the whole prospective agreement on this issue.

Thomas Kennedy, with Lewis' approval, let it be known in an unofficial statement that the union preferred the ten cent royalty to a wage percentage as had been proposed. This was to give their position further support.¹³ The operators, in a press statement to counter the union, said they already paid nearly ten cents per ton in Social Security and state welfare taxes.¹⁴ Lewis, in a reply that attempted to divide and confuse the operators, said that if there was not to be a fund, then wage increases must be more than substantially increased.¹⁵

The operators, wishing to transfer the controversy to areas where the miners had less support, and to avert a strike over the welfare fund issue, said

they were willing to have a study made on the health and welfare of miners by an impartial commission.¹⁶ They wanted it understood that "any resultant welfare programme should be administered by some independent agency, such as the American Red Cross."¹⁷ The union would not consider this proposal as they wanted complete control of the fund. When there was no agreement on any of the basic issues, the mines closed on April 1.

When the strike began the country had about one month's supply of coal, but it was so distributed that in some places not more than a week's supply of coal was available.¹⁸ The union assured the nation when the strike was called that coal would be produced to prevent extreme hardship, but these assurances were meaningless except for only a few communities. Heat and power for whole communities in some areas was maintained and in a few others coal was mined to keep schools and hospitals in operation. This was not a widespread procedure, however, occurring most often in localities closely tied to coal mining.¹⁹

Negotiations resumed after the strike call in the same mood as before: the union talking of welfare and the operators talking of wages. Lewis interrupted this pattern by asking for back payment for holidays

worked during the war.²⁰ The government began to take an active role in the negotiations with the appointment, by Secretary of Labor Lewis Schwellenbach, of Paul Fuller as mediator on April 1.²¹ When these talks reached no agreements by April 10, Lewis walked out. The operators, who continued to meet with Fuller, gave up and went home on April 18. At this time the operators began a massive propaganda campaign to discredit the proposed welfare fund.²²

While negotiations were broken off Lewis spoke at the UMWA Tri-District Anthracite Convention in Hazelton, Pennsylvania. Here he blamed the stoppage on the U.S. Steel Corporation. He based this on an offer from Moses asking that the captive mines be allowed to work on a retroactive policy.²³ This was to Lewis virtual acceptance of the welfare fund. Lewis refused Moses' offer because he was trying to get the Southern operators, the main opponents of the welfare fund, to break from the conference. A division in the conference would probably assure a welfare fund in a contract with the more agreeable Northern and captive operators.

Schwellenbach insisted the meetings be resumed and a new series of meetings were begun on April 30. These lasted only a few days. As before neither side would talk on what the other side wanted discussed,

thus no meaningful negotiations occurred at these meetings.

After a month's loss of coal, in a strike that UMWA secretary-treasurer Kennedy called "the most airtight ever," coal stockpiles were extremely low.²⁴ Only 200 of America's 4200 coal mines were still producing. The producing mines were scattered small non-union mines and the southern Illinois fields under contract with the Progressive Mine Workers.²⁵

On May 4 President Truman called the dispute a "national disaster."²⁶ He ordered a rationing program to conserve coal. Railroads cut freight shipments to the essentials and reduced passenger service 50 percent. The nation's public utilities reduced output and created a "brown-out" over much of the East.²⁷ Government seizure was still not anticipated either by the President or the press, despite the slowing of the economy because of lack of coal.²⁸

When the negotiations that had begun on April 30 produced no agreement, President Truman asked Lewis and O'Neill to meet him on May 10 at 2:00 p.m. at the White House. Lewis, in his biggest coup of the dispute, notified reporters at 1:00 p.m. that he had called a two-week truce during which the miners would return to work on the condition that any benefits later received would be retroactive to May 10. As

Lewis put it, "This action is the contribution of the United Mine Workers of America to our nation's economy, which is being imperiled by the stupidity and selfish greed of the coal operators."²⁹ At the meeting, Truman told the disputants that they must reach an agreement by May 15. O'Neill, bowing to Presidential influence, agreed to the welfare fund "in principle."³⁰

Although approved by the union, the operators' negotiating committee repudiated O'Neill in stating that they would not accept any welfare fund. The union replied, on May 15, that maybe a seven percent levy on total payroll would be acceptable for financing the fund rather than the tern cent per ton royalty. This was also refused by the operators who would not now even consider any welfare fund. When an arbitration proposal of President Truman was rejected by both parties on May 17, the federal mediators, Fuller and newly appointed Edward McGrady (former assistant Secretary of Labor), noting the futility of the talks, suggested a suspension of negotiations.³¹ Most Washington observers then expected seizure rather soon.³² The mines were seized four days later.

As the coal dispute reached the crisis point it was a railroad stoppage not the coal strike that brought the first strong anti-labor action by President Truman. The railroads, already running on a

partial schedule because of the coal shortages,³³ had received a strike notice on April 18.³⁴ As the railroad strike date approached, May 18, an arbitration board decision of a \$1.28 a day wage increase and a deferment on changes in work rules was accepted by the carriers. Eighteen of the twenty railway brotherhoods agreed to this settlement, but not the Locomotive Engineers and the Railroad Trainmen.³⁵

On May 15 President Truman interceded telling A. F. Whitney of the Trainmen and Alvany Johnston of the Engineers to sign the contract by May 17, or he would seize the railroads. No agreement was reached and Truman seized the railroads on May 17, one day before the threatened strike. Immediately the President asked for and got a five day postponement of the strike from the unsatisfied brotherhoods.³⁶ Clark Clifford, government negotiator, meeting continuously with Johnston and Whitney tried to arrange a settlement. The representatives of the Trainmen and the Engineers were willing to accept the wage increase as accepted by the carriers, but were not willing to wait for changes in work rules that they considered essential.³⁷ The strike began on May 23. The government, through the Office of Defense Transportation, immediately ordered the Army to operate the trains.³⁸ Truman in a nationwide radio address on May 24

placed the complete blame for the stoppage on Whitney and Johnston. Truman, on May 25, asked Congress for temporary power that would allow him to draft into the Army any workers striking in a seized industry. The Trainmen and Engineers signed the same contract as had the other eighteen brotherhoods while Truman was speaking.³⁹ The railroads, now that an agreement had been reached, were returned to their owners on May 26.

This action by Truman was violently denounced by labor, since Truman had been considered friendly to labor before. Whitney pledged the Trainmen's entire treasury of \$47 million to defeat Truman in 1948.⁴⁰ The United Mine Workers Journal said the draft labor proposal was the result of public hysteria.⁴¹ The miners, now that they worked in a seized industry feared the labor draft may be used against them. The draft labor idea, though stopped in the Senate by, of all people, Robert Taft, did settle the railroad strike and pushed the miners to a quick settlement of their strike. Truman, in his first definite anti-labor move, made it clear to everyone the length he would go to prevent any drastic disruption of the economy.

The railroad strike had another effect on the coal situation: it destroyed the truce. When the

railroad strike stopped transportation, coal mines working during the truce were forced to shut down because of a lack of coal cars. But as the trains began moving again the miners continued to stay away from the mines. As the truce was breaking down so were negotiations on a coal settlement. This was partially because the operators expected seizure when the railroads were seized on May 18.⁴² The breakdown of the truce is seen in Pennsylvania where of 100,000 miners only 25,000 were working on May 19, forcing U. S. Steel at Pittsburgh to operate at 12 percent capacity, and steel production later fell to seven percent.⁴³ Another reason for the slackening of negotiations was the propaganda campaign against welfare funds, that was resulting in a movement in Congress, led by Senator Harry Byrd of Virginia, to outlaw union run welfare funds.⁴⁴ Government seizure of the mines on May 21 did not solve the problem because there was no assurance that the miners would work under government supervision. In 1943 when Roosevelt seized the mines the miners would not work without a contract between their union and the government. It was, therefore, necessary for a government-UMWA contract.

The seizure order directed Secretary of the Interior Julius Krug, as Solid Fuels Administrator,

to sign an agreement with the UMWA. After extended meetings, with both the union and the operators, Krug was unable to reach an agreement by the end of the truce, when the few miners still working again refused to work without a contract.⁴⁵ The government asked, in vain, that the miners keep working. The mines worked by the Progressive Mine Workers, seized in the general seizure of May 21, were returned to their owners on May 26 since they were under a working contract.⁴⁶ A settlement of the strike was assured when Krug and Lewis agreed on the general outlines of a contract on May 27. By this time only 227 of 4109 seized mines were working.⁴⁷ The strike was ended on May 29 with the signing, with Truman's approval, of the Bituminous Coal Wage Agreement of 1946, known as the Krug-Lewis agreement.⁴⁸ The necessary approvals, by the Wage Stabilization Board and the OPA, came almost immediately. Part of the OPA's approval was a price increase of $40\frac{1}{2}$ cents per ton that the operators needed to help cover the increased production costs.⁴⁹

Most periodicals and newspapers considered the agreement a "Lewis Victory." The United Mine Workers Journal was very happy to get the safety features and especially the welfare fund. The operators were, as the operators' journal Coal Age said, "deeply dismayed

over the contract," and the Washington Post demanded that the government be restricted in signing future contracts with unions in seized industries.⁵⁰ A Gallup poll on June 1 showed that only 13 percent of those polled had a favorable opinion of Lewis.⁵¹ Most people felt as did David E. Lilienthal, head of the Atomic Energy Commission, that finally the coal strike was settled and that now production could get going again.⁵² Others hoped or feared that this was the first step in nationalization of the coal industry.⁵³ As is usually the case, the settlement in the bituminous industry set the pattern for the anthracite contract that was signed on June 7.

The strike had a strong impact on the American economy. The stoppage, excluding the two week truce, lasted 45 days. Coal supplies in most communities neared exhaustion by May 1. "Brown-outs" were in effect over much of the East and Midwest. Heavy industry, including automobiles, dependent upon steel, was hard hit when steel production declined to less than ten percent of capacity. Railroads ran only on very restricted schedules. Freight shipments were limited to food, fuel, and other essentials; passenger service was reduced to only 25 percent of previous schedules.

Another major result was that coal starved Europe, dependent on exported American coal, barely maintained itself. The Colliery Guardian, voice of the British coal industry, warned that the Civilian Production Administration "declared that no allocations of coal to Europe can be entertained for the current month/April 1946". For some time America has been unable to contribute a full quota."⁵⁴ In an attempt to help alleviate the problem ex-New York mayor LaGuardia, in charge of European relief, pleaded with the disputants for 500,000 tons of coal needed for immediate shipment.⁵⁵

Government operation of the mines was placed in the care of Secretary of the Interior Krug as Solid Fuels Administrator and Coal Mines Administrator. Krug named Vice Admiral (later Admiral) Ben Moreell to direct coal production, but actual operation of the mines was placed in the hands of the owner. The mines were to be returned to the operators when they signed a contract with the UMWA incorporating the provisions of the Krug-Lewis agreement. Few operators availed themselves of this provision and many predictions of a quick return of the mines to their owners were dampened when most of the operators said they would not sign any contract until the safety and foremen issues were settled to their satisfaction.⁵⁶

The government reluctantly⁵⁷ settled down to producing coal. Provisions of the Krug-Lewis agreement were put into action: the writing of a new safety code was started going into effect on July 29;⁵⁸ on June 4 the medical survey under the direction of Rear Admiral Joel T. Boone was started checking coal town conditions;⁵⁹ and money began to come into the funds set up in the contract. More than three million dollars had been received by August 1 by the paymaster of the Navy (overseer of the collection), but no trustees for the Welfare and Retirement fund had been appointed. The Southern operators refused to pay the required royalty in a losing attempt to get the funds declared illegal in court.⁶⁰ Coal production climbed to 12,000,000 tons per week in the 3000 seized mines. This was approaching a record for summer production.⁶¹ The miners, for the most part working six days a week, began repaying company stores the \$35 million in credit that had been advanced during the strike.⁶²

On September 10, at government insistence, the operators and the UMWA renewed talks for the first time since seizure.⁶³ The union position was that it had a good contract with the government and, therefore, could merely wait for a better offer from the operators. These talks accomplished little since the

operators were still divided over the acceptance of the welfare funds and the unionization of foremen. The Northern operators and the captive mine owners were willing to accept these provisions just to get their mines back, but not unless the Southern owners also accepted. The Southern operators would not consider accepting either idea. In the midst of these meetings Admiral Moreell retired at the end of September (the government kept the mines under Navy administration by appointing his deputy, Captain N. H. Collisson, as Coal Mines Administrator).⁶⁴

Talks between the operators and the union were recessed while the miners held their convention beginning October 1 in Atlantic City. Twenty-eight hundred miners, meeting without their leader, who was downed with an emergency appendectomy in Washington, passed resolutions praising Lewis' leadership, giving Lewis full backing on future negotiations (with one exception: any future contract must be national in coverage), and denouncing government operation as "fake and delusion."⁶⁵

NOTES ON CHAPTER II

¹UMWJ, LVII(April 1, 1946), p. 3; Coal Age, LI (April 1946), pp.127-128.

²Rex Lauck, John L. Lewis and the International Union, United Mine Workers of America(Silver Spring, Md.:International Executive Board of the United Mine Workers of America, 1952), p. 161; UMWJ, LVII(April 1, 1946), pp. 3-9.

³New York Times, March 15, 1946, p. 1; Washington Post, March 15, 1946, p. 13.

⁴New York Times, March 15, 1946, p. 1.

⁵Washington Post, March 16, 1946, p. 10.

⁶Coal Age, LI(April 1946), p. 127; Washington Post, March 19, 1946, p. 15.

⁷Lauck, Op. cit.

⁸New York Times, March 20, 1946, p. 15; UMWJ, LVII(April 1, 1946), p. 5.

⁹Washington Post, March 25, 1946, p. 5B; New York Times, March 21, 1946, p. 1; Wyoming-Utah Labor Journal, March 29, 1946, p. 1. Hereafter cited as W-ULJ.

¹⁰UMWJ, LVII(April 1, 1946), p. 1.

¹¹Lauck, Op. cit., p. 158.

¹²Newsweek, XXVII(March 18, 1946), p. 81.

¹³Washington Post, March 16, 1946, p. 10; this was to counter talk that the operators favored taking a percentage of the miners' wages to finance the Fund. Most of these proposals were for about seven percent.

¹⁴New York Times, March 19, 1946, p. 14.

¹⁵Ibid., March 22, 1946, p. 13; and March 23, 1946, p. 14.

¹⁶Ibid., March 26, 1946, p. 20.

¹⁷The Colliery Guardian, CLXXII(March 29, 1946), p. 435.

¹⁸Ibid., CLXXII(April 5, 1946), p. 469.

¹⁹W-ULJ, April 12, 1946, p. 4, for an example of the community aid; and for the school and hospital operation see ibid., May 10, 1946, p. 2.

²⁰This was the first point agreed to between the UMWA and the coal operators. On May 14 Lewis sent to all local unions the following telegram: "Operators yesterday conceded payment of the holiday back pay amounting to approximately three million dollars. Pay to be computed in current pay and to be paid at next pay day." See ibid., May 17, 1946, p. 1.

²¹New York Times, April 2, 1946, p. 1, Fuller was an ex-coal miner and had just previously settled the rubber workers dispute.

²²Washington Post, April 19, 1946, p. 17; W-ULJ, April 26, 1946, p. 2.

²³New York Times, April 8, 1946, p. 35; Washington Post, April 25, 1946, p. 8.

²⁴W-ULJ, May 3, 1946, p. 1.

²⁵Washington Post, April 14, 1946, p. 2M. The Progressive Mine Workers, located exclusively in Southern Illinois, were organized in 1927 during a conflict between Lewis and the Illinois district. They belonged to the AFL during the period that the UMWA had been in the CIO or independent, 1937-1946.

²⁶Department of Labor, The Monthly Labor Review, LXII(June 1946), p. 916. Hereafter cited Monthly Labor Review.

²⁷The Colliery Guardian, CLXXII(May 10, 1946), p. 649; Saul Alinsky, John L. Lewis: An Unauthorized Biography(New York: G. P. Putnam's Sons, 1949), p. 329, shows that the union pronouncements made were not adequate.

²⁸Time, XLVII(May 13, 1946), p. 22; The United States News, XX(May 17, 1946), p. 26; W-ULJ, May 3, 1946, p. 1, sees the operators as wanting seizure.

²⁹Newsweek, XXVII(May, 1946), pp. 27-28; for the complete telegrams see W-ULJ, May 17, 1946, p. 1.

³⁰Time, XLVII(May 20, 1946), p. 15.

³¹The Colliery Guardian, CLXXII(May 24, 1946), p. 716; The United States News, XX(May 10, 1946), p. 41. McGrady was appointed specifically to mediate the welfare fund.

³²Washington Post, May 17, 1946, p. 1; Public Papers of the Presidents: Harry S. Truman, II, 1946, p. 247. Hereafter cited as Public Papers, volume, year, and page.

³³One must remember that at this time 95 percent of America's locomotives used coal as fuel and that coal made up one-half of all tonnage carried by the railroads.

³⁴Washington Post, April 26, 1946, p. 1.

³⁵Phillips, Op. cit., pp. 113-115.

³⁶Washington Post, May 18, 1946, p. 1; and May 19, 1946, p. 1.

³⁷Ibid., May 18, 1946, p. 1.

³⁸Ibid., May 24, 1946, p. 1.

³⁹Lee, Op. cit., p. 36; for a good summary of Truman's anti-strike proposals see The Colliery Guardian, CLXXII(May 31, 1946), p. 745; for the complete texts of the radio address and the Congressional speech see Public Papers, II, 1946, pp. 274-280.

⁴⁰Washington Post, May 27, 1946, p. 1.

⁴¹UMWJ, LVII(June 1, 1946), p. 8.

⁴²Washington Post, May 19, 1946, p. 1.

⁴³Ibid., May 20, 1946, p. 12; and June 2, 1946, p. 2M.

⁴⁴See full page ad of select editorials against welfare fund run by the National Coal Association in ibid., May 20, 1946, p. 10; and ibid., May 21, 1946, p. 1, for a thoughtful analysis of the welfare fund.

⁴⁵Ibid., May 26, 1946, p. 1; "Executive Order No. 9728," Federal Register, 11 F.R. 5593.

⁴⁶Coal Age, LI (June 1946), p. 116.

⁴⁷Washington Post, May 28, 1946, p. 1. The number of seized mines varies since some were returned to their owners when they signed agreements with the UMWA. These mine owners signed the National Bituminous Coal Conference agreements as individuals not as part of a larger Coal Producers' Association.

⁴⁸See appendix, document I, for Krug-Lewis agreement.

⁴⁹UMWJ, LVII (June 1, 1946), p. 8; Washington Post, June 1, 1946, p. 2.

⁵⁰UMWJ, LVII (June 1, 1946), p. 3; Coal Age, LI (June 1946), p. 65; Washington Post, May 31, 1946, p. 16; also see editorials in The New Republic, CXXIV (June 10, 1946) p. 822; and Time, XLVII (June 10, 1946), p. 25.

⁵¹Washington Post, June 1, 1946, p. 4. This was almost exactly the percentage of workers in unions in 1946.

⁵²David E. Lilienthal, The Journals of David E. Lilienthal, II (New York: Harper & Row, 1964), p. 56.

⁵³Newsweek, XXVII (May 27, 1946), p. 20; Time, XLVII (May 27, 1946), p. 17; Coal Age, LI (August 1946), pp. 66-71; The Colliery Guardian, CLXXII (September 20, 1946), pp. 396-370.

⁵⁴Ibid., CLXXII (April 5, 1946), p. 469.

⁵⁵Washington Post, April 23, 1946, p. 17.

⁵⁶Ibid., June 1, 1946, p. 2.

⁵⁷Time, XLVIII (September 2, 1946), p. 17; Department of the Interior, Bureau of Mines, Federal Mine Safety Code, 1953. Without marked revision this is the safety code set up under the Coal Mines Administration in July 1946.

⁵⁸W-ULJ, August 9, 1946, p. 1.

⁵⁹UMWJ, LVII(June 15, 1946), p. 14.

⁶⁰W-ULJ, August 16, 1946, p. 3.

⁶¹Time, XLVIII(September 2, 1946), p. 17.

⁶²Coal Mining, XXIII(May 1946), p. 7.

⁶³Newsweek, XXVIII(September 16, 1946), p. 84.

⁶⁴UMWJ, LVII(October 1, 1946), p. 3; Moreell accepted the presidency of a large construction company, Newsweek, XXVIII(September 30, 1946), p. 74.

⁶⁵Time, XLVIII(October 14, 1946), p. 25; UMWJ, LVII(October 15, 1946), pp. 1-9; Newsweek, XXVIII(October 14, 1946), p. 40.

CHAPTER III: BREAK IN ~~UMWA~~-GOVERNMENT RELATIONS

The fall of 1946 saw renewed conflict between the UMWA and the government. It revolved around interpretation of the Krug-Lewis agreement and, later, the revival of the use of the injunction in labor disputes. As with the earlier railroad strike, President Truman used his prestige and power to break a strike.

The dispute arose on October 14 when Lewis accused the government of breaking the Krug-Lewis agreement through unilateral interpretation. He stated that Krug's misinterpretations of the vacation clause and the method of computing welfare fund payments were direct violations of the contract. He asked for a meeting on November 1 to reopen the contract for inclusion of proposed changes.¹ His demand for new negotiations was based on part 1 of the Krug-Lewis agreement that carried forward those parts of the 1945 agreement not amended or supplemented. This, Lewis argued, included Section 15 of the 1945 agreement that states in part: "at any time after March 1, 1946, either party may give ten day's notice in writing of a desire for a negotiating

conference upon matters outlined in said notice. The other party agrees to attend said conference."²

Krug, on a western inspection (campaign) tour, received the notice in Amarillo, Texas. He wired Lewis that the Krug-Lewis agreement runs for the term of government operation and cannot be reopened. He said that he would, however, be willing to meet Lewis anytime after November 5, election day. At the same time in Washington, Captain Collisson rejected any idea of reopening the contract. Collisson said that all interpretations of policy under the Krug-Lewis agreement had been agreed to by all interested parties. He agreed the union's interpretation of pro-rata vacation pay was correct and ordered that the decision of an Illinois umpire on the question, favorable to the UMWA, be adopted as government policy. This decision on vacation pay was immediately challenged, unsuccessfully, by the operators because they felt the umpire that made the decision was partial.³

Krug notified Lewis that the only way to meet on November 1 was for Lewis to come to Tule Lake, California, where Krug would be on November 1. Lewis rejected this saying that according to the contract all meetings must be held in Washington. He sent Krug the following telegram on October 22:

"Failure on your part to honor this meeting will constitute another breach of the contract and will void the Krug-Lewis agreement."⁴ The real threat of a strike on November 1, before the election, now faced the Administration.

President Truman now faced an unpleasant decision: He could back Krug letting a strike occur five days before the election or he could back down from Lewis when one of the Republicans main arguments against the Democrats was that the Democrats were appeasing labor. Truman ordered Krug to find a solution before the election.⁵ At the same time he asked Attorney General Clark for an opinion on the legality of Lewis' demands.. On October 29 Clark reported to Truman that he felt Lewis had the legal right to reopen the contract.⁶

Krug, in the mean time under direct orders from Truman to somehow avert the strike, realized his mistake of not meeting Lewis. He notified Lewis that, although it was impossible for him to be back in Washington by November 1, his deputy Captain Collisson would meet with the UMWA. Lewis replied in a telegram to Krug that "under these conditions Krug-Lewis agreement remains effective and unchanged during period of negotiations."⁷ The Administration had stopped a pre-election strike,

but its ambivalence to and seemingly capitulation before Lewis did not help the Democrats in the election. The Republicans won control of the House of Representatives by a 246 to 189 division and the Senate by 51 to 45.

The meeting on November 1 between Captain Collisson and UMWA vice-president O'Leary deadlocked on what the meeting represented. The union contended that the holding of the meeting was an admission by the government in support of Lewis' interpretation of the Krug-Lewis agreement. Collisson insisted that the meeting was only to discuss problems not to negotiate changes in the existing contract.⁸ Other meetings with Collisson were held on November 4, 6, and 7. The union, insisting on negotiation, asked for a reduction of the standard work week from 54 to 40 hours with no loss in pay. The government responded that it could not change these conditions because this would require re-opening the contract.

Krug and Lewis finally met on November 11, at which time the union presented its proposed contract changes directly to the Coal Mines Administrator. At a second meeting on November 13, Krug asked that the union begin negotiations with the operators and that the union postpone any strike for

60 days after which time the government would return the mines to their owners even if no contract was reached. Lewis replied that the UMWA did not have a contract with the operators and that he wished changes in the contract it did have with the government, rather than negotiate a new contract with the operators.⁹

The UMWA, on November 15, exercising what it considered its right under the 1945 contract, terminated the Krug-Lewis agreement on November 20. On the same day, November 15, the President, with Cabinet support, decided that it would not yield to Lewis. Truman did this for two reasons: he blamed the election results on Lewis and he feared any support of Lewis would mean continued government operation of the mines. Truman would, if necessary to prevent the walkout, invoke the provisions outlawing strikes against the government.¹⁰ The government, though it had the law behind it, did not have the miners' support, and thus froze coal supplies for essential use only, expecting the worst. Krug announced the mines would remain in operation and asked the miners to stay at work. The Attorney General, reversing himself, decided that the UMWA could not legally end the Krug-Lewis

agreement, and on November 18 secured a temporary injunction, from Judge T. Alan Goldsborough of the District Court of Washington, restraining Lewis from ending the contract for at least nine days and restricting the UMWA from publicising its position.¹¹ Despite the injunction the miners did not work on November 21.

Since the UMWA does not, in its frame of reference, call strikes the injunction had no force. The injunction had ordered Lewis to withdraw the notice that the Krug-Lewis agreement was no longer in force. Lewis maintained that this was not a strike call only information for the miners. AFL president William Green supported the UMWA philosophy when he stated, "The miners have individually discontinued work on their own initiative, and without orders from any source whatsoever."¹² The miners had again struck following their "no contract, no work" dictum upon notice from John L. Lewis that there was no contract.

On November 21, upon petition from Attorney General Clark, Judge Goldsborough ordered Lewis and the UMWA to show cause, on November 25, why they should not be punished for contempt of court. November 25 passed with Lewis still defying the

order. His contempt trial was set for November 27 and continued for three days.¹³

At the trial, the union, represented by AFL counsel Joseph A. Padaway and UMWA chief counsel Welly K. Hopkins, based its defense on the idea that the court order was invalid because it was a violation of the Norris-LaGuardia Act of 1932 that forbids any court the power to issue any injunction in a labor dispute.¹⁴ The UMWA contended that the injunction was illegal then failure to obey the injunction could not be considered as contempt. The government said that the Norris-LaGuardia Act did not apply to the government as employer nor could it be construed to prohibit injunctions to protect the public welfare.¹⁵ On November 29 Judge Goldsborough ruled against a union motion to dismiss the case and denyed the union's grounds for ignoring the order. On the same day the government got a ten day extension of the injunction.¹⁶

Meanwhile the strike continued. As during the spring strike there were no pickets nor any disturbances. The union, as usual, allowed maintenance men and clerical workers to remain on the job to facilitate the return to work and to keep the workings in a save condition. Many miners

appreciated the work break since, in most mining areas, the hunting season was in effect.¹⁷

While the UMWA and the government were in court, Edward Burke, president of the Southern Coal Producers' Association, proposed a resumption of negotiations between the UMWA and the operators. The other members of the association, hoping that the government would weaken the union, were in no mood to negotiate. The Association directors stated: "When operation of the mines is resumed, then the question of an orderly negotiation of a collective bargaining agreement will become an appropriate one."¹⁸ But not while the government is fighting the operators' battle with the UMWA. Burke was forced to resign his position on December 4.

On December 3 Judge Goldsborough ruled that the UMWA and Lewis were guilty of contempt. In an unusual step he asked the counsel of both sides for a meeting to determine the sentence. The following day the UMWA was fined \$3,500,000, which represented \$250,000 per day for the 14 days the union refused to comply with the court order. Lewis was fined \$10,000 personally for civil and criminal contempt. The injunction was extended indefinitely. In the

decision the judge said that Lewis "willfully, wrongly, and deliberately permitted" the strike to continue that "caused and will continue to cause irreparable injury to the plaintiff, to the people of the United States and to the industry and economy of the United States."¹⁹

UMWA attorneys filed an appeal and posted the required bonds on December 6. Both union and government attorneys sought immediate Supreme Court consideration by filing a writ of certiorari to bypass the Circuit Court of Appeals.²⁰

In a statement on December 7 Lewis ended the 17 day walkout. The miners would return to work under the conditions of the Krug-Lewis agreement until March 31, 1947. He sent the miners back to work so that the Supreme Court "during its period of deliberation . . . be free from public pressure superinduced by the hysteria and frenzy of an economic crisis. In addition, public necessity requires the quantitative production of coal." He also stated the willingness of the UMWA "to negotiate a new wage agreement for the bituminous industry with such parties as may demonstrate their authority to do so, whether it be an alphabetical agency of the United States Government or the

associated coal operators."²¹ But neither would demonstrate its desire to negotiate, as the government was waiting for the Supreme Court decision and the operators, knowing the Supreme Court decision was a while off, hoped the new Congress would pass some type of law restricting unions.

The Supreme Court accepted the case and set the hearing of arguments on the contempt proceedings for January 14, 1947. The union based its arguments in three areas: first, the District Court had no power to issue the injunction under the Norris-LaGuardia Act and the Clayton Act; second, the rights of the union under the first, eighth, and thirteenth amendments were violated because the union could not publicize its position, it did not have a jury trial as required in criminal contempt charges, and the injunction made coal mining involuntary servitude; and lastly, even if the injunction was valid the fines were excessive, thus cruel and unusual punishment.²²

The Supreme Court considered the case of the United States vs. United Mine Workers of America so important that it broke tradition in handing down a mid-week decision (the first since 1932). On March 6 the Supreme Court, in a split decision,

ruled against the union on all points except that the fine against the UMWA was excessive. The Court decided:

1. That the Norris-LaGuardia Act was not intended to apply to the United States as an employer. The court divided 5 to 4 on this question, with Justices Rutledge and Frankfurter dissenting.

2. That the U. S. District Court had the right to issue a restraining order to preserve existing conditions while it considered its own authority. The vote on this question was 7 to 2, with Justices Murphy and Rutledge dissenting.

3. That miners working in government-seized mines are U. S. employes. This decision by a 6 to 2 vote, with Justices Murphy and Frankfurter dissenting. Justice Rutledge expressed no opinion on this question.

4. The court O.K.'d the merging of civil and criminal contempt in a single proceeding. The vote was 7 to 2, with Justices Murphy and Rutledge dissenting.

5. The fine of \$10,000 against Lewis was affirmed. The fine of \$3,500,000 against the UMWA was reduced to \$700,000 for criminal contempt, conditional upon the UMWA withdrawing its contract termination notice, and thereby purging itself of contempt, within five days after issuance by the Supreme Court of a mandate, otherwise the \$3,500,000 stands.²⁵

The Court divided on all issues. Only Chief Justice Vinson and Justices Reed and Burton agreed on all points. Justices Murphy and Rutledge dissented all the way. The dissenters agreed that the Norris-LaGuardia Act bars any injunction, even by the government, and, as a consequence, Lewis did not have to obey the restraining order, and that, therefore, no fines whatsoever should be imposed.

Comment upon the decision was generally favorable. The House of Representatives broke into cheers on hearing the decision.²⁴ Time called it an "appropriate decision."²⁵ The coal operators were very pleased.²⁶ The surviving co-author of the act in question, Fiorello LaGuardia, said that the decision was correct in its interpretation of Congress' intent when the bill was passed in 1932.²⁷ All of this mattered little to the union press that reacted as if all unions now would be destroyed.²⁸

Lewis' defeat was completed, when on March 19 he sent the following statement to Krug and the miners: "The notice of November 15, 1946, terminating the Krug-Lewis agreement as of November 20, 1946, is hereby unconditionally withdrawn."²⁹ This invalidated his statement of December 7, 1946, that ended the contract on March 31, 1947. Lewis had now purged the UMWA of criminal contempt thus paving the way for a reduction of the December 4 fine to \$700,000. The UMWA petitioned Judge Goldsborough on March 25 for the \$2,800,000 refund.³⁰ The government returned the securities on April 24, when the government attorneys said they had no objections.

NOTES ON CHAPTER III

¹New York Times, October 22, 1946, pp. 1, 17.

²See appendix, document I; and National Bituminous Coal Wage Agreement, 1945, in National Bituminous Coal Wage Conference, Wage Agreement, 1941-1950 (Fairmont, W.Va.: Commercial Printing Co., n.d.), pp. 105-118.

³New York Times, October 22, 1946, p. 17.

⁴UMWJ, LVII(November 1, 1946), p. 3.

⁵New York Times, October 25, 1946, p. 26.

⁶Ibid., October 26, 1946, p. 8; and October 30, 1946, p. 1.

⁷Ibid., October 29, 1946, p. 1.

⁸UMWJ, LVII(November 15, 1946), pp. 3, 11.

⁹This proposal was endorsed by the President, see Public Papers, II, 1946, pp. 481-483; W-ULJ, November 15, 1946, p. 5.

¹⁰Newsweek, XXVIII(November 25, 1946), p. 29.

¹¹Time, XLVIII(November 25, 1946), pp. 23-24; Labor Cases(New York: Commercial Clearing House, Inc., 1947), XI, 63,438. Cited 11 Labor Cases 63,438.

¹²Newsweek, XXVIII(December 2, 1946), p. 30.

¹³Time, XLVIII(December 2, 1946), p. 19; Coal Age, LI(December 1946), p. 119. The UMWA had obeyed that part of the injunction prohibiting publicity of its actions as seen when Lewis had said nothing at all and the UMWJ was not published for December 1, 1946. See 11 Labor Cases 63,457 for refusal of Court to throw out the whole case..

¹⁴See appendix, document II; American Federationist, LIII(December 1946), pp. 16-17; James Free, "Lewis v. Truman: Round Two," The New Republic, CXV (December 2, 1946), pp. 718-719.

- ¹⁵Coal Age, LI(December 1946), p. 119.
- ¹⁶The Colliery Guardian, CLXXIII(December 6, 1946), p. 760; 11 Labor Cases 63,459.
- ¹⁷Newsweek, XXVIII(December 2, 1946), p. 30.
- ¹⁸The Colliery Guardian, CLXXIII(December 6, 1946), p. 760.
- ¹⁹See 11 Labor Cases 63,459 for contempt judgment and Labor Relations Reference Manual(Washington: Bureau of National Affairs, Inc., 1947), XIX, 2086. Cited 19 LRRM 2086.
- ²⁰UMWJ, LVII(December 15, 1946), pp. 12-13.
- ²¹Ibid., p. 4.
- ²²W-ULJ, January 10, 1947, p. 1.
- ²³UMWJ, LVIII(March 15, 1947), p. 3; 12 Labor Cases 51,239 for decision on (U. S., 67 S. Ct. 677).
- ²⁴Newsweek, XXIX(March 17, 1947), p. 30.
- ²⁵Time, XLIX(March 17, 1947), p. 21.
- ²⁶Coal Age, LII(April 1947), p. 129.
- ²⁷Time, XLIX(March 17, 1947), p. 22.
- ²⁸UMWJ, LVIII(March 15, 1947), p. 3; American Federationist, LIV(April 1947), pp. 16-17.
- ²⁹W-ULJ, March 21, 1947, p. 1.
- ³⁰UMWJ, LVIII(April 1, 1947), p. 5.

CHAPTER IV: RELEASING OF THE MINES
AND THE 1947 CONTRACT

President Truman announced on December 31, 1946, that World War II hostilities had ended. This statement affected the coal industry in two direct ways: first, the seizure power of the government under the Smith-Connally Act expired on June 30, 1947, and second, with the government stepping out, the operators and the UMWA were forced to negotiate a contract for the industry.¹ But the operators' negotiating committee was badly split. The Northern and captive operators had, at an operators' meeting on December 19, responded favorable to Lewis' earlier request for immediate negotiations. The Southern and Western operators refused to consider any meetings with the UMWA until the Supreme Court decided the Lewis contempt case and until Congress acted on labor legislation.²

By January 1, 1947, the Western operators had joined the Northern and captive operators in asking the UMWA for contract negotiations covering their mines. This group represented about 65 percent of America's coal production.³ The union, limited to a national agreement by its 1946 convention, said that

the operators were "all committed under previous agreements to negotiate a wage agreement on a national basis."⁴ The situation remained deadlocked while Congress talked and the Supreme Court deliberated.

With the strike set for April 1 (under Lewis' December 7 statement), Representative Gerald Landis (R.-Ind.) called upon Truman in February to get the disputants together. Senator Homer Capehart (R.-Ind.) on February 28 asked for Senate hearings on why there had been no negotiations. Lewis responded that he had been willing to talk since December 7, but had received no word from either the operators or the government on negotiations.⁵ Coal Mines Administrator Collisson in reply to Congressional inquiries, said that although there were no valid reasons why negotiations were not being held, he could find no immediate prospect for an UMWA-operators agreement that would insure a return of the mines.

The Supreme Court decision on March 6 assured that there would be no strike on April 1. The next day, March 7, Lewis told the Senate Labor Committee in hearings on the Taft bill that the government had stepped in to stop collective bargaining to protect the operators. The mine owners, he said, were very satisfied with seizure since the coal operators had received record profits in 1946.⁶

The statement by Lewis on March 19, purging the UMWA of contempt, removed one of the major obstacles to negotiations. With the Lewis case decided and the proposed labor control bill still in committee, the Southern operators let it be known that they were now willing to negotiate a contract. The president of a large Southern coal company stated that the Southerners were anxious to sign a contract with the UMWA that would end government control, but were not willing to sign a contract written by someone else.⁷ They insisted on a separate contract because of non-competitive transportation costs.

All attempts at negotiation evaporated with the explosion at Centralia, Illinois, on March 25. This coal dust explosion in the Centralia Coal Company mine number five killed 111 men.⁸ The tragedy gave Lewis an excellent bargaining point. He attacked the government, who operated the mine, and especially Krug, for not living up to the Federal safety code of 1946. Lewis' outbursts were for public consumption in an attempt to get the public's support for union demands for safety provisions in its upcoming contract with the mine owners. The incident was used against the operators in a similar way.⁹ The disaster also gave Lewis the opportunity

to call a week long "memorial" strike beginning on April 1.¹⁰ The memorial mourning period was violently denounced by the Coal Mines Administration and the operators as a violation of the Supreme Court mandate against an April 1 strike.¹¹ The Justice Department decided otherwise allowing the return of the UMWA fine on April 24.

Krug, attempting to save face for the government, ordered, on April 4, the closing of 518 mines. These mines, producing 616,000 tons daily, had been declared unsafe by Federal mine inspectors.¹² They were to remain closed until they could be rendered safe. Lewis, seeing Krug retreat, reopened his vitriolic attacks on him saying that "this is Krug's deathbed confession" of negligence. Krug under pressure retreated further asking Lewis to name other unsafe mines. Lewis, using government inspectors' reports, replied that only two of the 2531 government operated mines were safe.¹³ Both Lewis and Krug knew it was impossible to close all the mines until they were safe. Lewis, sensing the possible reaction to such a closing, ordered the miners, on April 8, to return to work in those mines that the miners themselves considered safe. Work resumed in most mines not officially called "hazardous" and by April 13 output reached 60 percent of normal.¹⁴

Coming in the midst of the Centralia controversy, the Medical Survey of the Bituminous-coal Industry added more public support to the UMWA positions on safety and welfare. This document was a wholesale condemnation of the coal operators' conduct toward the welfare of the miners and their families. The survey included medical services, medical facilities, housing, sanitation, and recreational opportunities. Although condemning both the UMWA and management, the survey in most ways aided the union's demands for increased concern for the miners' welfare.¹⁵

The incident at Centralia had again postponed negotiations over a month. On April 16 Collisson sent invitations to the union and 31 operators' groups to meet with him on April 29. The Northern and Western operators responded favorably, but the Southerners refused while Lewis said nothing. The UMWA finally consented and the first meeting since September between the mine workers and the mine owners began. The operators remained divided with the Southern group reiterating its demand for separate talks because of higher freight rates. None of the operators seemed inclined to negotiate until after the American Mining Congress meeting that was to be held the second week of May. The union had no specific demands at the first meeting since these

these must be decided by the Policy Committee that was to meet on April 30. Lewis, for the first time, did not rule out separate talks with the Southern group of operators. The government's position was the bright spot of the meeting. Collisson told the disputants that the Coal Mines Administration would not ask Congress for an extension of seizure power after June 30 and that the government would withdraw from the meeting as soon as a bargaining relationship had been established. The next meeting was set for May 15.¹⁶

Before negotiations resumed, Lewis had a study made to determine the percentage of coal production mined in the South, excluding those Southern mines owned and operated by Northern owners as captive mines. This survey found only 27 percent of production was under the control of Southern owners. These Southern operators charged Lewis with trying to undermine their bargaining position by forcing the captive mines in the South to negotiate as Northern mines. Lewis, with the information on Southern production, now accepted divided talks.¹⁷

The meeting on May 15 with the entire industry accomplished little until Lewis agreed to separate talks with the Southerners. Serious negotiations

began with the Northern, Western, and captive owners on May 16. These secret meetings, lasting until May 31, were led by Lewis and O'Neill. The wage conference ended over the question of the probable passage of the Labor-Management Relations Act of 1947 (Taft-Hartley Act). The operators were insistent that they must wait until the final decision on the bill was made. The negotiations also stalled over basic daily pay rates, length of lunch period, changes in the safety code, unionization of foremen, and royalties and control of the Welfare Fund. The operators wanted to pay \$11.35 per eight hour day with a 15 minute lunch break, no supervisors union, relaxing the safety code, no increase in Welfare Fund royalties, and at least equal representation on the control board of the Welfare Fund. The UMWA countered by asking for two-thirds of the Welfare Fund trustees, an eight hour day with 30 minutes for lunch for which they would receive \$11.85, acceptance of the Federal mine safety code, and an increase in Welfare Fund royalty payments from five to ten cents per ton.¹⁸ No new meetings were set after May 31.

Negotiations with the Southern operators began on May 28. These meetings lasted until June 3.

This meeting was led by Henry F. Warden, for the operators, and John O'Leary, vice-president of the UMWA, for the miners. The negotiations quickly stalled over the operators' insistence that many provisions of the Krug-Lewis agreement were unacceptable. The main disagreements were those concerning the management and scope of the Welfare Fund and the Federal safety code; the Southerners also wanted elimination of paid travel time inside the mines, mine safety committee power to close mines, and pro-rata vacation pay. The union wanted to keep all it had gained in the Krug-Lewis agreement, strengthening of the weak parts of the Krug-Lewis agreement (this included stronger mine safety provisions, exclusive control of the Welfare Fund, and an increased royalty to be paid into the Fund), and increased wages. Both negotiation conferences ended when the UMWA charged the operators with violation of an unwritten agreement on publicity statements concerning the negotiations.¹⁹

The negotiations broke down, or rather suspended, because neither side wanted to act until a final decision was reached concerning the now probable Taft-Hartley Act. This bill was reported out of conference on June 3. It passed the House on

June 4 by a vote of 320 to 79. The Senate passed the bill on June 6, 57 to 17. The bill had passed both houses by more than the necessary two-thirds needed to override a possible veto. The Act was sent to the President on June 9.²⁰ President Truman returned the bill on June 20 to Congress with a strong veto message.²¹ The House overrode the veto within an hour of receiving the veto message by a vote of 331 to 83. The Senate by a vote of 68 to 25 made the bill a law on June 23.²²

With the probability of a strike on July 8, after the ten day miners' vacation starting June 28, becoming more likely, both sides became more active in seeking a settlement. Upon the insistence of U. S. Steel and the Pittsburg Consolidation Coal Company, the two largest coal producers, new negotiations were started on June 15. The possibility of an earlier strike became real upon enactment of the Taft-Hartley Act when within three days of passage 250,000 miners stopped work to protest the Act's passage.²³ In secret sessions the UMWA received most of its demands in a contract signed on July 8. The first operators to sign were the captive and Northern mine owners. The Southern operators, faced with accepting this contract or

none, signed on July 9. By July 11 over 99 percent of American coal production was under the contract.²⁴

To avoid penalties under the Taft-Hartley Act the UMWA insisted and got inclusion of ways of protecting itself. The first was the elimination of the no-strike and penalty provisions of previous contracts. The second, and most famous, was the provision that the miners would work only when "able and willing." This eliminated the possibility of unauthorized, thus illegal, wild-cat strikes. The contract also gave the miners a wage of \$13.40 per eight hour day, a stronger safety code, and an increase in Welfare Fund royalties to ten cents per ton. In compliance with the Taft-Hartley Act, foremen were excluded from unionization and the UMWA and the operators maintained equal representation on the board of trustees of the Welfare Fund.²⁵

After fifteen months the private mine owners were now running their own properties. The price they paid was steep. Except for those practices restricted by the Taft-Hartley Act, the contract, reopening the mines in July 1947, was the one demanded by the UMWA in March 1946.

NOTES ON CHAPTER IV

¹New York Times, January 1, 1947, p. 1; see Truman's proclamation in Public Papers, II, 1946, p. 514.

²Coal Age, LII(January 1947), p. 101.

³New York Times, January 2, 1947, p. 7.

⁴W-ULJ, January 24, 1947, p. 4.

⁵Ibid., February 21, 1947, p. 1; New York Times, March 1, 1947, p. 2; Time, XLIX(March 10, 1947), p. 23.

⁶New York Times, March 8, 1947, p. 3; Newsweek, XXIX(February 10, 1947), p. 64.

⁷New York Times, March 22, 1947, p. 2; Coal Age, LII(April 1947), p. 129.

⁸Theodore H. White, "'Number Five Was a Dry Mine,'" The New Republic, CXVI(May 5, 1947), pp. 21-23; Coal Age, LII(May 1947), pp. 132, 134, and 136.

⁹UMWJ, LVIII(April 1, 1947), pp. 3-5.

¹⁰This was legal since paragraph 6 of the "Safety Practices" section of the 1941 agreement states: "The International Union, United Mine Workers of America, may designate Memorial periods provided it shall give proper notice to each District." This provision had been carried forward in subsequent agreements, see National Coal Wage Conference, Op. cit., p. 65.

¹¹Newsweek, XXIX(April 7, 1947), p. 27; Time, XLIX(April 14, 1947), pp. 22-23.

¹²The Colliery Guardian, CLXXIV(April 11, 1947), p. 463. This was 26 percent of the nation's output of coal.

¹³Time, XLIX(April 14, 1947), p. 22. The two "safe" mines were the Reliance #2 and Stansbury mines operated by the Union Pacific Coal Company in Wyoming.

¹⁴The Colliery Guardian, CLXXIV(April 18, 1947), p. 490; New York Times, April 14, 1947, p. 13. A Federal investigation found the Centralia Coal Co. "willfully negligent" in providing necessary safety measures. The company was later fined \$1000(maximum under Illinois state law) for this offense. See UMWJ, LVIII(July 15, 1947), p. 10.

¹⁵See Department of the Interior, A Medical Survey of the Bituminous-coal Industry, 1947. For operators' attempted rebuttal of this report see Newsweek, XXIX(February 10, 1947), p. 51; and Coal Age, LII(June 1947), pp. 74-77.

¹⁶Ibid., LII(May 1947), p. 177; New York Times, April 17, 1947, p. 1; April 28, 1947, pp. 1 and 14; and April 30, 1947, p. 1.

¹⁷The Colliery Guardian, CLXXIV(May 23, 1947), p. 662; New York Times, May 1, 1947, p. 22; May 7, 1947, p. 18; and May 16, 1947, p. 12.

¹⁸UMWJ, LVIII(June 15, 1947), p. 3.

¹⁹Ibid., pp. 3-4.

²⁰Lee, Op. cit., pp. 77-78.

²¹Public Papers, III, 1947, pp. 288-297; Harry S. Truman, Memoirs(New York: Doubleday & Company, 1956), pp. 45-46.

²²Lee, Op. cit., pp. 100-102.

²³Coal Age, LII(July 1947), p. 125; The Colliery Guardian, CLXXIV(June 27, 1947), p. 832.

²⁴UMWJ, LVIII(July 15, 1947), pp. 3-5.

²⁵See contract in ibid., pp. 11-14; also see Truman's statement on the settlement in Public Papers, III, 1947, p. 332.

CHAPTER V: POSTSCRIPT

There were three enduring results of the conflicts of the UMWA stemming from the years 1946 and 1947. The first is the role of the UMWA in the formation of the Taft-Hartley Act. The second is the most important concession received by the UMWA in the dispute: the Welfare Fund. And last is the role of the UMWA in the labor unity movement.

The Taft-Hartley Act is considered only in the areas where the UMWA had an influence on the formulation of or was directly affected by the act.¹ The Taft-Hartley Act was enacted by the Eightieth Congress elected in 1946. This was the first Republican Congress since 1930 and with an alliance with conservative Southern Democrats passed the first major labor law since 1936. John L. Lewis played an important role in this election. Lewis, a registered Republican who supported Willkie in 1940, was a conservative in all areas except those affecting labor. Lewis received, what he considered, ill treatment from both Roosevelt (over the "little steel formula") and Truman (over the handling of the spring strike in 1946). He, therefore, had few qualms in embarrassing Truman before the 1946

elections. Truman saw through Lewis and accurately foretold the results of the election when he said, on December 11, 1946, that Lewis had "attempted to pull a dirty political trick and it backfired; but he succeeded in giving labor generally a black eye, which will do labor no good in the new Republican Congress."² Of course reaction to Lewis did not, of itself, elect the 1946 Republicans, but his threats and blusterings of October and November aided them immensely. But Truman acted as though Lewis was the primary reason for the election results. This is seen in the vindictive policy pursued by the President upon the UMWA after the election results became known.

Lewis' timing was poor all through the deliberations on the Taft-Hartley Act. All during the time that the Taft-Hartley Act was being considered he was threatening the country with a coal strike. First on April 1, 1947, and later on July 1.

The House Committee on Education and Labor held hearings from February 5 to March 13. These coincided with the Supreme Court decision on the UMWA and Lewis. With this decision the House had little to fear by reintroducing the labor injunction into law. The Hartley bill passed the House on April 17 immediately

following the memorial stoppage. This was in the midst of the outcry by the operators that Lewis had violated the Supreme Court mandate. Lewis' actions could only have aided the passage of the bill in the House.

On the same day, April 17, Taft reported his bill from committee. Taft's bill was passed on May 13. The passage occurred as negotiations between the operators and the UMWA had recessed. The Senate bill included a provision that would have limited industrywide bargaining. The UMWA had tried to avoid this provision by dividing talks with the operators, but had failed to prevent Senate passage.

A conference committee, meeting from May 15 to May 29, arrived at the compromise Taft-Hartley bill. By May 29 all hopes of a coal settlement had passed. As seen above, both parties were waiting to see what the Taft-Hartley Act included and the restrictions that would be placed on the UMWA. It seems that there were direct relationships between the failure of the coal industry and the UMWA to agree on a settlement and the formation of the Taft-Hartley Act. Actions by both these parties during the spring of 1947 helped to push Congress into action against all unions. The inactivity of the coal negotiators

in May and June of 1947 aided an anti-labor coalition in Congress to pass the legislation before a coal strike on July 1.³

Certain restrictive sections of the Act were direct results of UMWA actions during 1946 and 1947. These were the exclusion of supervisors from employee status, the outlawing of union operated welfare funds, the suability of unions in court, the revival in law of labor injunctions, and that Federal employees could not strike. The first two of these were major UMWA demands in negotiations in 1946 and 1947; the last three were the direct result of the Lewis case. The other provisions were not so specifically in response to the UMWA actions since the so-called "unfair labor practices" were common to most unions. Two items, the exclusion of Communists and the elimination of the closed shop, did not affect the UMWA. The UMWA had excluded all Communists in 1927 and it was a union shop organization.⁴

"I can't understand . . . why anyone would oppose a Health and Welfare Fund which is doing such magnificent work."⁵ This comment by Truman in 1948 has become generally accepted by most Americans. Though referred to as the Welfare Fund, it was set up in 1946 as two separate funds: a Welfare

and Retirement Fund (jointly administered by the UMWA and the government) and a Medical and Hospital Fund (operated by the UMWA). These began operation in early 1947 and the first benefits were for the survivors and dependents of the Centralia explosion. The Taft-Hartley Act made union operated funds illegal and in the 1947 contract the two funds were merged into one Welfare and Retirement Fund. The Fund covered all miners, their dependents, and ex-miners. It provided a comprehensive insurance, including hospital and doctor coverage, death benefits, rehabilitation, and retirement.

A major reorganization took place in 1950 following a year that saw a suspension of payments because of insufficient income. The Fund established in the 1950 contract has continued to the present. Beginning in 1953, the Fund began a chain of ten hospitals to provide medical care in Appalachia.⁶ These hospitals were all operating by 1955 providing medical care and nurses' training for this depressed area. Extreme financial problems forced the Fund to sell the hospitals in 1963-1964.

The Fund is run by a board of three trustees. One is appointed by the UMWA, one by the operators, and one by the other two. Lewis has been the union

trustee since the Fund's inception. The operators have been represented by Captain N. H. Collisson (1946-1947, under government seizure), Ezra Van Horn (1947-1950), Charles Owens(1950-1956), and Henry Schmidt(1956-present). The neutral trustee has been Thomas E. Murray(1947-1948), Styes Bridges(1948-1950), and Josephine Roche(1950-present). Except for the year 1949 the trustees have done an excellent job of administering the Fund. Contrasted with commercial group insurance and commercial insurance, which return only 90 and 52 percent respectively of their incomes in benefits, the UMWA Welfare Fund returns 97 percent of its collections of over \$120 million per year.⁷

Although royalties have been increased 1200 percent since the Fund's establishment, the Fund has been and continues to be plagued by a lack of money. This has been caused by a variety of reasons all stemming from the decline of coal markets. Employment in coal mining has dropped from over 400,000 in 1946 to less than 200,000 at the present. The source of the Fund's income, an increasing royalty on the amount of coal produced, has helped maintain revenues, but with the drop in employment fewer young men turn to mining and more of the remaining

miners are in the upper age brackets and are thus retiring or near retirement. This forces more and more of the Fund's monies into the pension area. A major cause of this employment drop is mechanization of the mines which has advanced at a rapid rate. The Fund has remained solvent by reducing its benefits in all areas. The situation will stabilize in the future, but not until many of the older retired miners have died.

"Unity of labor's policies in America is desirable. Attainment of that unity is labor's task and obligation."⁸ Although Lewis expressed this idea many times his actions have questioned his sincerity. He has always been happy to help his laboring friends as seen in his generous loans to other unions: \$500,000 to the telephone workers in 1947 and \$10 million to the steel workers in 1950. He participated, as the UMWA representative, and as the AFL representative during 1946 and 1947, in many unity conferences with the CIO and the independent railroad brotherhoods. In 1947, when he was representing the AFL, Lewis asked the CIO unions to join the AFL in the same way that the UMWA had: as independent unions. But in December 1947, when the AFL

refused to back his actions against the Taft-Hartley requirement to sign anti-Communist oaths, he took the UMWA out of the AFL.⁹

After Lewis left the AFL he was invited to unity conferences in 1949 and 1950. He did not participate in either conference the the CIO blamed his refusal to join the 1950 conference for the failure of the conference. During the Korean War, Lewis refused to join the other unions in a united war effort. While the AFL and the CIO were moving closer together, in the early 1950's, Lewis was moving farther from both groups. George Meany in 1952 charged Lewis with creating the CIO to establish his own power base in organized labor. Meany later charged that Lewis would not be included in the unity talks because, "Good Lord! He's the fellow that spilt the AFL. He's the fellow who tried to split the CIO after he got tired of that. He's the fellow who came back to the AFL in 1947 and tried to split it again."¹⁰ Meany reflected the view of both the CIO and the AFL: they were willing to listen to Lewis urge unity, but were wary of having him in any united labor movement.

Another aspect of Lewis' lack of intent in labor unity was his creation of the omnibus District 50.

This department, the largest of the UMWA thirty-one districts, contains workers in all segments of industry from railroad workers on Long Island to bartenders in Wyoming. The jurisdictional problems created by this district have hampered the UMWA in all unity moves. Lewis doesn't want to lose these workers and other unions claim they should belong to their organizations whether industrial or craft.¹¹ Considering all these factors, including the personality of John L. Lewis, it is not surprising that the UMWA has remained an independent union since 1947.

NOTES ON CHAPTER V

¹For the latest account of the Taft-Hartley Act see Lee, Op. cit.

²Truman, Memoirs, I. p. 555.

³Lee, Op. cit., pp. 56-75.

⁴Lauck, Op. cit., p. 244; Bureau of Labor Statistics, Bulletin No. 865, Extent of Collective Bargaining and Union Recognition, 1945, 1946, p. 6.

⁵Harry S. Truman, The Truman Program: Addresses and Messages by President Harry S. Truman, ed M. B. Schnapper (Washington: Public Affairs Press, 1948), p. 140.

⁶The hospitals were built in Beckley, Man, and Williamson, West Virginia; Middlesboro, Pikeville, Harlan, Hazard, Whitesburg, and McDowell, Kentucky; and Wise, Virginia.

⁷Jack Barbash, ed., Unions and Union Leadership (New York: Harper & Row, 1959), p. 223; New York Times, April 12, 1966, p. 30.

⁸Lauck, Op. cit., p. 168; see Arthur J. Goldberg, AFL-CIO: Labor United (New York: McGraw-Hill Book Company, Inc., 1956), for a history of the unity of American labor.

⁹W-ULJ, December 19, 1947, p. 1.

¹⁰Goldberg, Op. cit., pp. 68, 74, and 79.

¹¹Seidman, Op. cit., pp. 197 and 248.

CHAPTER VI: CONCLUSIONS

This thesis has tried to show some of the difficulties of a government-operated industry in the American economic system. It was written focusing upon the labor side of the conflict. Since governmental workers in seized industries in this country are organized, special problems develop in the policies of these unions in their relationship to their employer: the United States government. The problem dealt with in this essay was an extraordinary one since the union involved attempted to use tactics that, though they had proven useful in dealing with the operators, could not be used by government employees.

The idea is developed in this essay of the futility of government direction of labor-management contracts. In the case of the coal miners, shown here, government intervention and seizure did not help in drawing the miners and the operators into anything close to agreement. Under seizure the private operators were relieved of their obligations, but received the profits. The operators used the government to fight its continuing battles

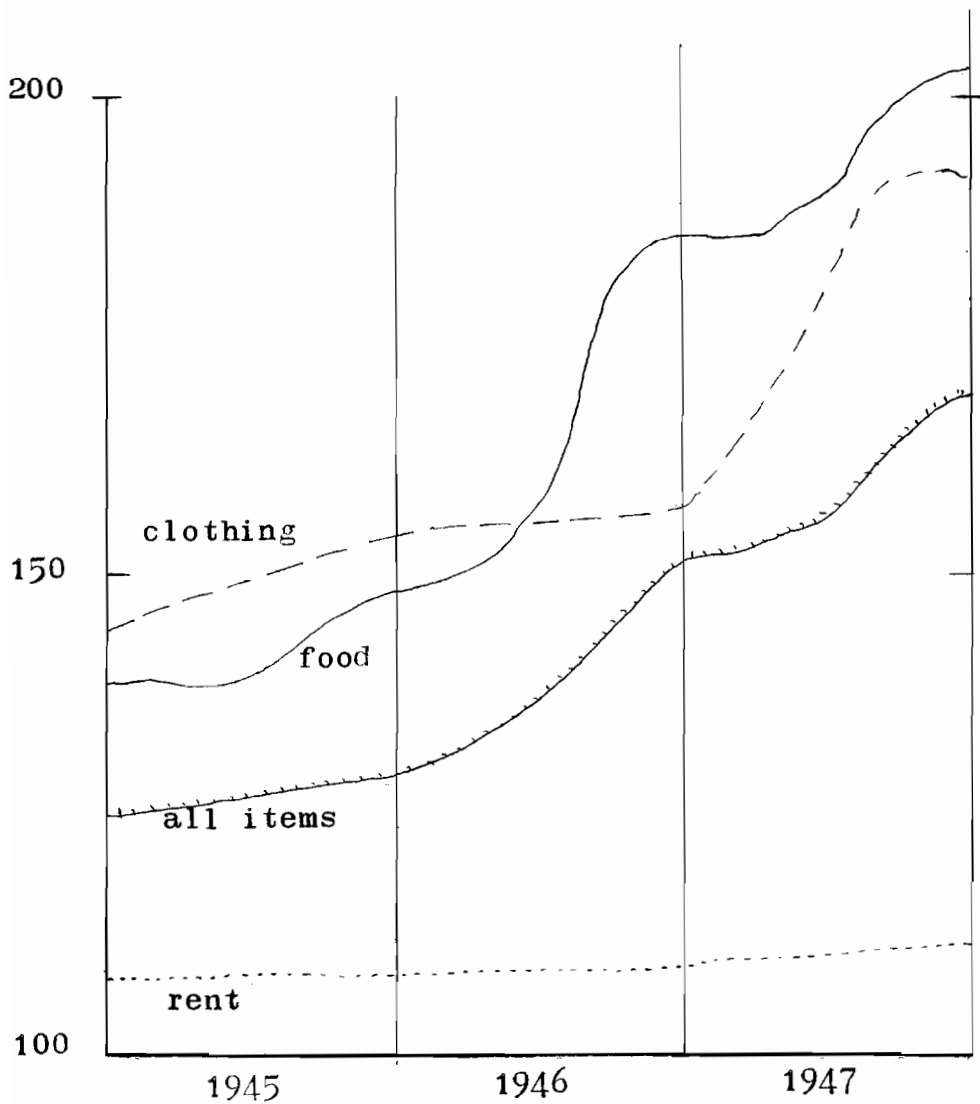
with the UMWA. The government, in its desire to get the mines working, signed a very generous contract. By doing so it alienated many operators who felt they could not, for competitive economic reasons, grant so much to the UMWA. In signing this contract the government put enormous pressure on the operators to give, in any subsequent contract, even better, and more costly, concessions to the miners. This is exactly what happened when the mines were released in 1947. The UMWA, for its part, resented any interference by the government in, what it considered, its legal conflict with the operators. Though the miners were pleased with the economic and welfare provisions of their contract with the government, they did not like the restrictions placed upon their actions by being government employees. Resentments were thus built on both sides: the operators did not like the government giving the miners so much of their profits, while the miners did not like working for the government while their bosses received record profits.

The incidents involved in this essay had a very strong effect on national labor policy. As seen above, the actions of unions, and especially the UMWA, during reconversion, though many were

legal and justifiable, alienated the majority of the public. The results are found in the Taft-Hartley Act. The revival of the labor injunction against the UMWA assured the inclusion of an injunction provision in this legislation. The fear of a nationwide coal strike throughout 1946 and 1947 played into the hands of those who felt restrictions on labor were necessary. Many of the restrictions in the Taft-Hartley Act were the result of this fear, that neared the panic stage in several cases including the one discussed in this essay. Although the resulting limitations on labor were violently denounced by labor for many years, most of the Taft-Hartley Act has been accepted by organized labor as necessary.

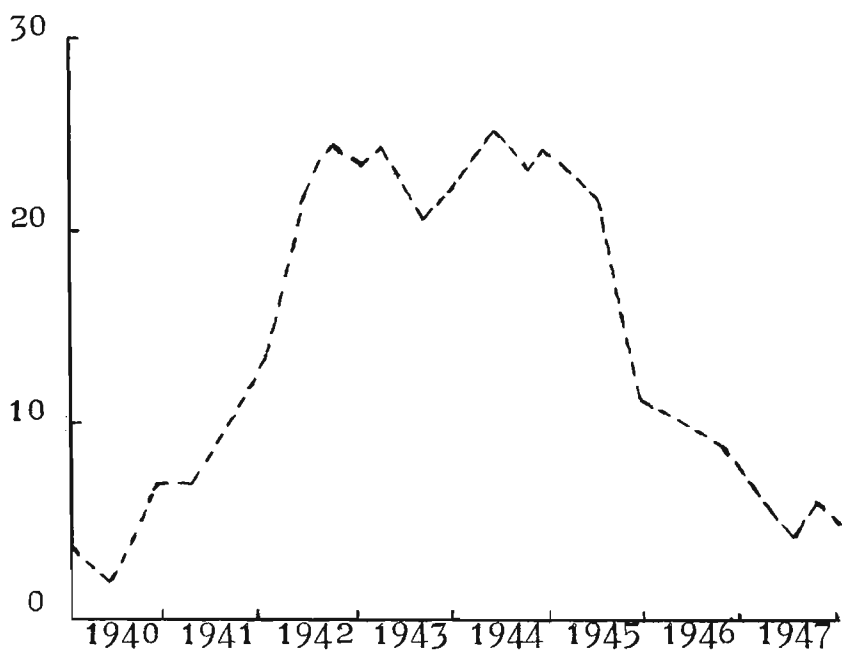
APPENDIX

CHART I



Increases in price for select items, 1945-1947. Based on 1935-1939 averages equal 100. Percent increases June 1946-December 1947: food 39%, all items 24%, clothing 21%, and rent 6%. Taken from Truman, The Economic Reports of the President, part I, p. 38, and part II, p. 11.

CHART II



Net saving as percent of disposable personal income.
From Truman, The Economic Reports of the President,
part I, p. 16.

TABLE I

	Work Stoppages		Man Days idle	
	Number	Workers involved	Number	Percent of estimated working time
First post war year (August 15, 1945-August 14, 1946): Total	4,630	4,981,000	119,785,000	1.62
World War II: Total	14,731	6,744,000	36,301,000	.11
December 8-31, 1941	84	16,000	303,000	.06
1942	2,968	840,000	4,183,000	.05
1943	3,752	1,981,000	13,501,000	.15
1944	4,956	2,116,000	8,721,000	.09
Jan. 1-Aug. 14, 1945	2,971	1,791,000	9,593,000	.17
Yearly average 1935-1939	2,862	1,125,000	16,949,000	.27

Work stoppages in the first year after VJ-day, in World War II, and in the 1935-1939 period. From Monthly Labor Review, LXIII (December 1946), p. 883.

TABLE II

Month	Stoppages beginning in month		Man Days idle (all stoppages)	
	Number	Workers involved	Number	Percent of estimated working time (all industries)
January	325	1,400,000	19,750,000	3.1
February	275	130,000	23,000,000	4.2
March	420	165,000	13,825,000	2.3
April	495	575,000	15,550,000	2.4
May	380	560,000	12,360,000	1.9
June	375	175,000	4,475,000	.7
July	525	190,000	3,300,000	.5
August	515	240,000	3,425,000	.5
September	450	380,000	5,000,000	.8
October	450	290,000	4,500,000	.6
November	310	450,000	4,750,000	.7
December	180	95,000	3,065,000	.4

Monthly trend in work stoppages, 1946. From Monthly Labor Review, LXIV(February 1947), p. 264.

DOCUMENT I

The Bituminous Coal Wage Agreement of 1946 known as the Krug-Lewis agreement

This agreement between the Secretary of the Interior, acting as Coal Mines Administrator under the authority of Executive Order No. 9728 (dated May 21, 1946, 11 F. R. 5593), and the United Mine Workers of America, covers for the period of Government possession the terms and conditions of employment in respect to all mines in Government possession which were as of March 31, 1946, subject to the National Bituminous Coal Wage Agreement dated April 11, 1945.

1. PROVISIONS OF NATIONAL BITUMINOUS COAL WAGE AGREEMENT PRESERVED

Except as amended and supplemented herein, this agreement carries forward and preserves the terms and conditions contained in all joint wage agreements effective April 1, 1941, through March 31, 1943, the supplemental agreement providing for the six(6) day work week, and all the various district agreements executed between the United Mine Workers and the various Coal Associations and Coal Companies (based upon the aforesaid basic agreement) as they existed on March 31, 1943, and the National Bituminous Coal Wage Agreement, dated April 11, 1945.

2. MINE SAFETY PROGRAM

(a) FEDERAL MINE SAFETY CODE

As soon as practicable and not later than 30 days from the date of the making of the agreement, the Director of the Bureau of Mines after consultation with representatives of the United Mine Workers and such other persons as he deems appropriate, will issue a reasonable code of standards and rules pertaining to safety conditions and practices in the mines. The Coal Mines Administrator will put this code into effect at the mines. Inspectors of the Federal Bureau of Mines shall make periodic investigations of the mines and report to the Coal Mines Administrator any violations of the Federal Safety Code. In cases of violation the Coal Mines Administrator will take appropriate action which may include disciplining or replacing the operating manager so that will all reasonable dispatch said violation will be corrected.

From time to time the Director of the Bureau of Mines may, upon request of the Coal Mines Administrator

or the United Mine Workers, review and revise the Federal Mine Safety Code.

(b) MINE SAFETY COMMITTEE

At each mine there shall be a Mine Safety Committee selected by the local union. The Mine Safety Committee may inspect any mine development or equipment used in producing coal for the purpose of ascertaining whether compliance with the Federal Safety Code exists. The Committee members while engaged in the performance of their duties shall be paid by the Union, but shall be deemed to be acting within the scope of their employment in the mine within the meaning of the Workmen's Compensation Law of the state where such duties are performed.

If the Committee believes conditions found endanger the life and bodies of the mine workers, it shall report its findings and recommendations to the management. In those special instances where the Committee believes an immediate danger exists and the Committee recommends that the management remove all mine workers from the unsafe area, the operating manager or his managerial subordinate is required to follow the recommendation of the Committee, unless and until the Coal Mines Administrator, taking into account the inherently hazardous character of coal mining, determines that the authority of the Safety Committee is being misused and he cancels or modifies that authority.

The Safety Committee and the operating manager shall maintain such records concerning inspections, findings, recommendations and actions relating to this provision of the agreement as the Coal Mines Administrator may require and shall supply such reports as he may request.

3. WORKMEN'S COMPENSATION AND OCCUPATIONAL DISEASE

The Coal Mines Administrator undertakes to direct each operating manager to provide its employes with the protection and coverage of the benefits under Workmen's Compensation and Occupational Disease Laws, whether compulsory or elective, existing in the states in which the respective employes are employed. Refusal of any operating manager to carry out this direction shall be deemed a violation of his duties as operating manager. In the event of such refusal the Coal Mines Administrator will take appropriate action which may include disciplining or replacing the operating manager or shutting down the mine.

4. HEALTH AND WELFARE PROGRAM

There is hereby provided a health and welfare program in broad outline--and it is recognized that many important details remain to be filled in--such program to consist of three parts, as follows:

(a) A WELFARE AND RETIREMENT FUND

A welfare and retirement fund is hereby created and there shall be paid into said fund by the operating managers five cents per ton on each ton of coal produced for use or for sale. This fund shall be managed by three trustees, one appointed by the Coal Mines Administrator, one appointed by the President of the United Mine Workers, and the third chosen by the other two. The fund shall be used for making payments to miners, and their dependents and survivors, with respect to (i) wage loss not otherwise compensated at all or adequately under the provisions of Federal or State law and resulting from sickness (temporary disability), permanent disability, death or retirement, and (ii) other related welfare purposes, as determined by the trustees. Subject to the stated purposes of the fund, the trustees shall have full authority with respect to questions of coverage and eligibility, priorities among classes of benefits, amounts of benefits, methods of providing or arranging for provision of benefits, and all related matters.

The Coal Mines Administrator will instruct the operating managers that the obligation to make payments to the welfare and retirement fund becomes effective with reference to coal produced on and after June 1, 1946; the first actual payment is to be made on August 15, 1946, covering the period from June 1 to July 15; the second payment to be made on September 15, covering the period from July 15 to August 31; and thereafter payment to be made on the 15th day of each month covering the preceding month.

(b) A MEDICAL AND HOSPITAL FUND

There shall be created a medical and hospital fund, to be administered by trustees appointed by the President of the United Mine Workers. This fund shall be accumulated from the wage deductions presently being made and such as may hereafter be authorized by the Union and its members for medical, hospital, and related services for the miners and their dependents. The money in this fund

shall be used for the indicated purposes at the discretion of the trustees of the fund; and the trustees shall provide for such regional or local variations and adjustments in wage deductions, benefits and other practices, and transfer of funds to local unions, as may be necessary and as are in accordance with agreements made within the framework of the Union's organization.

The Coal Mines Administrator agrees (after the trustees make arrangements satisfactory to the Coal Mines Administrator) to direct each operating manager to turn over to this fund, or to such local unions as the trustees of the fund may direct, all such wage deductions, beginning with a stated date to be agreed upon by the Administrator and the President of the United Mine Workers: Provided, however, that the United Mine Workers shall first obtain the consent of the affected employes to such turn-over. The Coal Mines Administrator will cooperate fully with the United Mine Workers to the end that there may be terminated as rapidly as may be practicable any existing agreements that earmark the expenditure of such wage deductions, except as the continuation of such agreements may be approved by the trustees of the fund.

Present practices with respect to wage deductions and their use for provisions of medical, hospital and related services shall continue until such date or dates as may be agreed upon by the Coal Mines Administrator and the President of the United Mine Workers.

(c) COORDINATION OF THE WELFARE AND RETIREMENT FUND AND THE MEDICAL AND HOSPITAL FUND

The Coal Mines Administrator and the United Mine Workers agree to use their good offices to assure that trustees of the two funds described above will cooperate in and coordinate the development of policies and working agreements necessary for the effective operation of each fund toward achieving the result that each fund will, to the maximum degree practicable, operate to complement the other.

5. SURVEY OF MEDICAL AND SANITARY FACILITIES

The Coal Mines Administrator undertakes to have made a comprehensive survey and study of the hospital and medical facilities, medical treatment, sanitary, and housing conditions in the coal mining areas. The purpose of this survey will be to determine the character and scope of improvements which should be made

to provide the mine workers of the Nation with medical, housing and sanitary facilities conforming to recognized American standards.

6. WAGES

(a) All mine workers, whether employed by the day, tonnage or footage rate, shall receive \$1.85 per day in addition to that provided for in the contract which expired March 31, 1946.

(b) Work performed on the sixth consecutive day is optional, but when performed shall be paid for at time and one-half or rate and one-half.

(c) Holiday, when worked, shall be paid for at time and one-half or rate and one-half. Holidays shall be computed in arriving at the sixth and seventh day in the week.

7. VACATION PAYMENT

An annual vacation period shall be the rule of the industry. From Saturday, June 29, 1946, to Monday, July 8, 1946, inclusive, shall be a vacation period during which coal production shall cease. Day-men required to work during this period at coke plants and other necessarily continuous operations or on emergency or repair work shall have vacations of the same duration at other agreed periods.

All employes with a record of one year's standing (June 1, 1945 to May 31, 1946) shall receive as compensation for the above mentioned vacation period the sum of one hundred dollars (\$100), with the following exception: Employes who entered the armed services and those who returned from the armed services to their jobs during the qualifying period shall receive the \$100 vacation payment.

All the terms and provisions of district agreements relating to vacation pay for sick and injured employes are carried forward to this agreement and payments are to be made in the sum as provided herein.

Pro rata payments for the months they are on the payroll shall be provided for those mine workers who are given employment during the qualifying period and those who leave their employment.

The vacation payment of the 1946 period shall be made on the last pay day occurring in the month of June of that year.

8. SETTLEMENT OF DISPUTES

Upon petition filed by the United Mine Workers with the Coal Mines Administrator showing that the procedure

for the adjustment of grievances in any coal producing district is inequitable in relation to the generally prevailing standard of such procedures in the industry, the Coal Mines Administrator will direct the operating managers at mines in the district shown to have an inequitable grievance procedure to put into effect within a reasonable period of time the generally prevailing grievance procedure in the industry.

9. DISCHARGE CASES

The Coal Mines Administrator will carry out the provision in agreements which were in effect on March 31, 1946, between coal mine operators and the United Mine Workers that cases involving the discharge of employees for cause shall be disposed of within five days.

10. FINES AND PENALTIES

No fines or penalties shall be imposed unless authorized by the Coal Mines Administrator. In the event that such fines or penalties are imposed by the Coal Mines Administrator, the funds withheld for that reason shall be turned over to the trustees of the fund provided for in section 4(b) hereof, to be used for the purposes stated therein.

11. SUPERVISORS

With respect to questions affecting the employment and bargaining status of foremen, supervisors, technical and clerical workers employed in the bituminous mining industry, the Coal Mines Administrator will be guided by the decisions and procedure laid down by the National Labor Relations Board.

12. SAFETY

Nothing herein shall operate to nullify existing state statutes, but this agreement is intended to supplement the aforesaid statutes in the interest of increased mine safety.

13. RETROACTIVE WAGE PROVISIONS

The Wage provisions of this agreement shall be retroactive to May 22, 1946.

14. EFFECTIVE DATE

This agreement is effective as of May, 29, 1946, subject to approval of appropriate Government agencies. Signed at Washington, D. C. on this 29th day of May, 1946.

JULIUS A. KRUG, Coal Mines Administrator

JOHN L. LEWIS, President United Mine Workers of America

DOCUMENT II

[/Select parts of Section 4 of the Norris-LaGuardia Act(47 Stat. 70)/]

Section 4. No court of the United States shall have jurisdiction to issue any restraining order or temporary or permanent injunction in any case involving or growing out of any labor dispute to prohibit any person or persons participating or interested in such dispute (as these terms are herein defined) from doing, whether singly or in concert, any of the following acts:

(a) Ceasing or refusing to perform any work or to remain in any relation of employment;

/Subsection (b) omitted/;

(c) Paying or giving to, or withholding from, any person participating or interested in such labor dispute, any strike or unemployment benefits or insurance, or other moneys or things of value;

(d) By all lawful means aiding any person participating or interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any State;

(e) Giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking, patrolling or by any other method not involving fraud or violence;

(f) Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute;

(g) Advising or notifying any person of an intention to do any of the acts heretofore specified;

(h) Agreeing with other persons to do or not to do any of the acts heretofore specified; and

(i) Advising, urging or otherwise causing or inducing without fraud or violence the acts heretofore specified.

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- Austin, Louis. Acting President of District 23, UMWA, February 6, 1967.
- Boyle, W. A. President, UMWA, January 19, 1967.
- Fowler, David. President of District 21, UMWA, January 23, 1967.
- Ghizzoni, John. President of District 2, UMWA, January 23, 1967.
- Hefferly, Fred K. International Board Member, President, and Secretary-Treasurer of District 15, UMWA, February 1, 1967.
- Kmetz, John T. President of District 1, UMWA, January 24, 1967.
- Lewis, John L. President Emeritus, UMWA, January 23, 1967.
- Lovelace, Jess. Secretary-Treasurer of District 23, UMWA, February 1, 1967.
- McCarthy, Justin. Editor of the United Mine Workers Journal, February 23, 1967.
- Nicholls, Sam. President of District 10, UMWA, January 19, 1967.
- Sweeney, Edward. Secretary-Treasurer of District 2, UMWA, January 20, 1967.
- Urbaniak, C. J. President of District 31, UMWA, January 24, 1967.

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- Stevenson, Frank. President of District 22, UMWA. At various times during October and November 1966, Mr. Stevenson kindly allowed the author to examine his office files.

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