THE POLITICAL DIMENSION OF LABOR-MANAGEMENT RELATIONS: NATIONAL TRENDS AND STATE LEVEL DEVELOPMENTS IN MASSACHUSETTS

by

Warren Phillip Saunders, Jr.

B.A., Pennsylvania State University
(1956)

M.A., University of Illinois
(1957)

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Massachusetts Institute of Technology

June, 1964

Signature redacted

Signature of Author. . . . . .
Department of Economics and Social Science, June 22, 1964

Signature redacted

Certified by. . . . . .
Thesis Supervisor

Signature redacted

Accepted by . . . . . .
Chairman, Department Committee on Graduate Students

173 Morrison Drive
Pittsburgh, Pa. 15216

June 22, 1964

Professor Robert L. Bishop, Chairman
Department of Economics and Social Science
Massachusetts Institute of Technology
Cambridge, Massachusetts

Dear Professor Bishop:

In partial fulfillment of the requirements for the degree of Doctor of Philosophy in Industrial Economics I hereby submit the following thesis entitled: "The Political Dimension of Labor-Management Relations: National Trends and State Level Developments in Massachusetts".

Sincerely,

Signature redacted

Warren Phillip Saunders, Jr.

ABSTRACT OF THESIS

THE POLITICAL DIMENSION OF LABOR-MANAGEMENT RELATIONS: NATIONAL TRENDS AND STATE LEVEL DEVELOPMENTS IN MASSACHUSETTS

Warren Phillip Saunders, Jr.

Submitted to the Department of Economics and Social Science on June 22, 1964, in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

Many public statements on labor-management relations in the late 1950's seemed to imply that the political dimension of labor-management relations might be expanding. This thesis attempts to examine this hypothesis in terms of some of the implications that an increasing recourse to the institutions of government might have for the nature of our country's industrial relations system.

Secondary sources are used to examine the historical development of the role of government in our industrial relations system, and the history of both labor and management groups in the political process is traced prior to a detailed examination of labor and management political activities at the national level of government during the post World War II period.

Part I of the thesis concludes that while there is considerable evidence that the political dimension of labor-management relations today is expanded compared to earlier times, there is only mixed evidence that it has been expanding significantly in recent years. Also, only a few of the possible implications of an expanding political dimension originally posited at the beginning of the thesis appear to be materializing. Talk of a labor party or organized labor capturing one of the existing parties seems ill-founded, and there does not appear to be any evidence of political programs stimulating either a significant increase in membership participation in union affairs or widespread membership opposition to existing union political activities. There is some evidence, however, that the labor movement is attempting to strengthen its geographically-based state and local central bodies in an attempt to improve its political posture. Within the management camp, much of the publicity surrounding the "business in politics" movement of 1958-59 appears to have subsided, and there does not appear to be any direct relation between this series of events and the "tougher" approach management has been taking to collective bargaining problems in recent years.

The last two parts of the thesis then examine these tentative conclusions in light of the labor-management political experience in the state of Massachusetts--a state with a long history of governmental participation in its industrial rule making process. Part II relies on both primary and secondary sources to identify the major labor and management groups operating on the Bay State political scene, and the history of labor and management political struggles and Massachusetts labor legislation prior to the end of World War II is examined. Then Part III relies almost exclusively on primary sources to trace in detail the course of labor legislation in Massachusetts during the postwar period. Particular attention is paid to the impact of labor legislation on the Bay State's "industrial climate".

Although the nature of the political process and the relative strength of the contending parties seem to differ somewhat between Massachusetts and the national level of government, the Massachusetts data tend to support rather than contradict the conclusions suggested in Part I of the thesis.

At both levels there seems to be little attempt at the type of "consensus-building" which would lead to a more stable long run labor policy. Rather each side seems bent on forcing its intractable position on the other in a highly partisan and polarized atmosphere that often seems far removed from the practical problems of the day to day work level in our industrial society. In this sense it may be just as well that the political dimensions of labor-management relations is not expanding to the extent that the many public statements in the late 1950's seemed to imply.

Thesis Supervisor: Charles A. Myers

Title: Professor of Industrial Relations
Massachusetts Institute of Technology

PREFACE

The data presented and analyzed in this thesis were collected during the period from late 1959 through the summer of 1962. During this time comprehensive and detailed information on labor and management legislative and election activities at both the national level and in the state of Massachusetts became available through the year 1960, and more fragmentary information was available up to and including the summer of 1962. An unavoidable delay in the final drafting and editing of the manusctipt has meant that some information is now available beyond that gathered in the formal data collection stages of this thesis preparation. Since this subsequent information does not alter the main conclusions of this thesis in any substantial way, there has been no attempt to systematically update any of the data presented beyond that available in 1962, but some additions have been made where they seem appropriate. It is hoped that future research may use additional data to elaborate or modify the conclusions of this thesis in a manner that will keep them viable in the dynamic environment of the years ahead.

In presenting the material in this thesis, the bracketed citations of published works refer to a numbered list of references at the end of each chapter by the number of the work cited, with page references where appropriate. Explanatory footnotes are placed at the bottom of each page where they are relevant.

The writer wishes to express his sincere thanks and appreciation to Professor Charles A. Myers for his patience and guidance while serving as the advisor for this thesis.

Special acknowledgement also goes to the writer's wife, Nancy, whose inspiration and untiring assistance have made this manuscript possible.

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CHAPTER I

INTRODUCTION

Speaking in 1955, George Meany, soon to become the first president of the merged AFL-CIO labor federation, stated "The scene of the battle is no longer the company plant or the picket line. It has moved into the legislative halls of Congress and the state legislatures." [5,p.9]

Some three years later, Archie D. Gray, a senior vice president of the Gulf Oil Corporation, stated:

> If we are to survive, labor's political power must now be opposed by a matching force, and there is no place in the United States where such a force can be generated except among the corporations that make up American business. [6,p.41]

And in the following year, John Marsh, an insightful foreign observer, commented on the trend of American labor and management to get "further into the field of political action", and stated "the processes of industrial and social change are likely to be so volatile that political involvement on both sides of industry would seem to be irrevocable." [4,p.119]

Reading such comments, and accepting them at face value, one would be tempted to conclude that the political dimension of labor-management relations might be expanding. That is, during the late 1950's many people seemed to be arguing that many of the traditional issues of labor-management relations were becoming more and more involved with the political process and the institutions of government in a society that, for the past twenty years at least, had relied primarily on the private

institutions of collective bargaining to resolve the inevitable differences that arise between workers and managers in an industrial society.

A casual reading of our nation's history indicates that we have always had both a private and a public or political dimension to our labor-management problems. Furthermore, the relative importance of each of these dimensions has tended to shift and change over time. When this thesis was originally conceived in late 1959, the writer was intrigued by the questions "Is the political dimension of labor management relations in the United States expanding?", "If so, what might be some of the implications of this movement?", and finally, "Is there any evidence that any of these implications are materializing at this time?"

Beginning with these questions, the writer made an extensive survey of the published literature to get a feel for the development of labor-management political struggles and their influence on government or public policy. One impression which seemed to stand out from this survey, was the fact that most previous writings in the general area of the political dimension of labor-management relations tended to emphasize only organized labor's political activities. This literature also seemed to be concerned primarily with Presidential politics and with the national labor federations and their official pronouncements, with a strong focus on whether there would, could, or should be a labor party in the United States.

In this light, it was felt that a study emphasizing both labor's and management's political activities might be useful, and an attempt was made to go beyond official pronouncements and gather data on what was and is actually being done to influence public policy by organized labor and management groups. Since there was a relative dearth of reliable evidence at the national level, it was also decided to push the analysis further by examining in some detail the labor-management political struggles within a particular state.

In terms of the state selected for study, sheer geographical propinquity indicated that the state of Massachusetts was the most appropriate--particularly since this state would still be a good choice on other grounds as it contains many elements characteristic of the developments on the national scene, and it also contains enough unique features to make it worth studying in itself.

In essence the burden of this thesis is largely historical in character, and the central problem of history is the study and interpretation of change. There are essentially two kinds of contributions that a historical study can make to the clearer understanding of human behavior. One is descriptive. The second and more valuable contribution, however, involves not only identifying and describing temporal sequences; it also involves explaining them. The task of interpretation is crucial. In the words of the Social Science Research Council, "historians, whether they wish it or not, furnish the materials to guide or at least to justify policies, opinions and predictions." [7,p.86]

As a modest attempt at these ambitious goals, this thesis will attempt to briefly trace the evolution of public policy in the United States in the broad area of labor-management relations. Then the attempts of organized labor and management groups to influence public policy through the political process will be examined at the national level in an attempt to answer some of the key questions mentioned above and posed more formally later in this chapter. Finally, an attempt will be made to further examine these tentative answers by a more detailed examination of labor and management political struggles in Massachusetts.

Before pushing on, however, a few basic assumptions and the tentative avenues of investigation initially considered in this thesis should be stated more explicitly. The basic assumptions concerning the nature of labor-management relations and the nature of the political process are drawn largely from two sources: (1) an article by Clark Kerr and Abraham Siegel, "The Structuring of the Labor Force in Industrial Society: New Dimensions and New Questions" [1]; and (2) David B. Truman's book, The Governmental Process [8].

It appears that every industrializing society generates workers and employers (or managers). Thus, labor-management relations can be viewed in terms of a contest between workers and their organizations and employers and their organizations for the authority to establish the rules needed to "structure" the labor force in our industrial society.[1] This

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[1] "By 'structuring of the labor force,' we mean rather the whole 'web of rule' which developes to relate workers to their jobs, to each other, to other elements in society--the employer, the state and so forth." [2,p.121]

struggle can be viewed as having two dimensions: (1) a private dimension; and (2) a political or public dimension. The boundary line can be arbitrarily drawn in such a way that we may say that we enter the political dimension of labor-management relations when either party makes any recourse to any of the institutions of government as an aid in the rule making process or when the government itself intervenes in the rule making process. Within each dimension, each party may seek to create a "monistic" system and try to establish unilateral rule-making authority. In general terms, however, a primarily "dualistic" system has developed in the private dimension of American labor-management relations; and a "pluralistic" system has developed in the political or public dimension.[1] This pluralistic political system is a result of the fact that on many issues no single interest group in the United States has a sufficient majority to completely control the governmental mechanism of the "state." As a result, alliances of differing degrees of formality are formed among various interest groups in an attempt to get the power of the state or the government in support of their position on certain issues. In this way, public political action can be viewed as either a supplement to or a substitute for private economic action in labor-management relations.

This conception of the political process is taken largely from Truman who has stated:

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[1] There is of course no clear line of demarcation between the private and the public dimension of any particular labor-management problem. While some qualifications may thus be necessary in particular cases, we need not dwell on this problem at this time.

> The total pattern of government over a period of time thus presents a protean complex of criss-crossing relationships that change in strength and direction with alterations in the power and standing of interests, organized and unorganized. [8,p.508]

A complete model of this conception of the political process becomes even more complex, since the element of multiple or overlapping membership in interest groups and the element of unorganized interests or potential interest groups must also be considered. Truman has emphasized:

> . . . It is only as the effects of overlapping memberships and the functions of unorganized interests and potential groups are included in the equation that it is accurate to speak of governmental activity as the product or resultant of interest group activity. [8,p.505]

The fundamental role of government as a regulator of economic and class interest has been explicitly pointed out in this country at least since James Madison's Federalist Paper Number X. The way and the extent to which government has performed this role, however, have not always been uniform or even consistent in the area of labor management relations. This in turn has resulted in various attempts by labor and management to alter the performance of government in its role of mediator between labor and management interest. Indeed, as pointed out earlier, many persons now believe that the political dimension of labor-management relations has been expanding recently. If so, does this have any implications for the basic structure of our country's industrial relations system?

To some, an expanded political dimension of labor-management relations may mean revived hope or fear, as the case may be, of the

possibility of a labor party in this country. If not a labor party, increased political activity on the part of American unions has been seen by some writers as one means of restoring more vitality, participation, and internal democracy to the American labor movement. Others have seen it as an attempt by labor bosses to extend and consolidate their dominance over union membership.

In terms of the structure of present labor and management organizations, the possibility of an expanded political dimension of labor-management relations has some interesting implications. Presently, strong national unions, organized along industry or product-market lines, constitute the centers of power within the American labor movement. Local, state, and national federations of unions organized on a geographic basis play a relatively minor role. Yet the political process of this country operates on the geographical basis of ward, precinct, legislative district, and state-wide organization. Even the President and Vice President of the United States, the only truly nationwide offices in this country, are placed in office by an electoral college that allocates so many electoral votes to each state. Would an expanding political dimension of labor-management relations result in a relative shift of power toward geographical federations within the labor movement as organized labor tried to become more effective in geographical districts which cut across the economic lines that lie at the heart of the private collective bargaining process? The same question might be asked of management organization. Would an expanding political dimension of labor-management relations result in

individual corporations turning more political functions over to geographically oriented employer associations?

One might also speculate as to the appropriateness of the political process as a forum for resolving labor-management differences. Legislation and public policy by its very nature tends to be general and inclusive in its application, and therefore does not lend itself well to subtle adjustments or accommodation to special situations or particular circumstances. Even more basically, one feature of the private collective bargaining process is the necessity for agreement and the compulsion to compromise on some of the basic issues of labor-management relations. One party may strongly desire a certain course of action, but the necessity to reach agreement and sign a contract or a "truce" for a certain period of time compels each side to evaluate its desires in terms of the penalties and costs of not reaching an agreement. And in the private collective bargaining dimension of labor-management relations, the penalties of not agreeing can be very real and immediate. In the political process, however, one could argue that the compulsion to agree or work out a "liveable" arrangement on particular issues is not so strong. If one party seeks a particular law or ruling and fails to get it, it can always try again; and, in most cases, there is no acute penalty in the interim. The polemics of political debate can encourage both sides to adopt adamant and polarized positions, take an all-or-nothing -at-all approach, and hope for the best. If nothing is accomplished the tendency is to shore up the

extremes even further and keep trying. Soon dominance rather than agreement becomes the goal, and increasing hostility is thus injected into the "climate" of labor-management relations.

If there is any substance to such a hypothesis, does it help to explain the recent "hardening of attitudes" witnessed by many observers of the current labor-management scene?

Beginning with speculations such as these, this thesis will attempt to determine if the political dimension of labor-management relations is expanding at the present time. And, if so, if there is any evidence that any of the possible implications mentioned above are materializing, i.e., does contemporary labor political activity seem destined to lead to a labor party? Does it seem to have any influence on internal union democracy? Do geographical labor or management organizations appear to be increasing in influence relative to the traditional center of power within labor and management organizations? Can the recent "hardening of attitudes" noticed in the collective bargaining process be explained at least in part by the increased political participation of labor and management groups in the polarized atmosphere of the political process?

Part I of this thesis will attempt to answer these questions in terms of the published data which are available on the national political scene. Aside from books and journal articles, primary reliance will be placed on the data published annually by Congressional Quarterly Almanac and a more detailed investigation of political spending activities

made by the Senate Privileges and Elections Subcommittee in 1956, the results of which were summarized and analyzed in Alexander Heard's book, The Cost of Democracy. [3]

Parts II and III of the thesis will then attempt to examine these answers in terms of the development of the political dimension of labor-management relations in the state of Massachusetts. Part II serves as an introduction to the contemporary political scene in the Bay State and traces the development of labor legislation in Massachusetts up to the end of World II. Part III then examines the postwar period in greater detail. Since there are almost no published sources on labor-management political activities in the Bay State, the latter parts of the thesis are based on primary sources, such as newspaper clippings, convention proceedings, legislative bulletins, and personal interviews.

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PART I

GOVERNMENT, ORGANIZED LABOR, AND MANAGEMENT IN THE UNITED STATES: TRADITIONAL PATTERNS AND CHANGING TENDENCIES IN THE PUBLIC POLICY ASPECTS OF THE INDUSTRIAL RULE MAKING PROCESS

CHAPTER II

GOVERNMENT AND PUBLIC POLICY IN THE INDUSTRIAL RULE MAKING PROCESS

Although the United States is one nation, the laws and regulations governing its citizens come from several sources. Our government is based upon a written constitution; and, in formal terms, it is a federal system with national, state, county, and city dimensions. In addition to these areal divisions, creating public policy and enacting legislation, judging its validity and applicability, and executing and administering the policy are also formally viewed as separate functions to be performed by the separate legislative, judicial, and executive branches of government respectively. The actual creation of public policy in American labor-management relations, however, has rarely been the exclusive function of any one level or any one branch of our pluralistic system of government.

In terms of significant impact, we have seen a relative shift from judicial to legislative primacy in labor-management relations, and within the legislative area we have seen a shift from the state level to the national level of government. Furthermore, while there has been and will probably continue to be "law making" by both courts and the executive, this type of policy creation is

usually limited to emergency situations and/or situations in which adequate legislative guidance does not exist. Since legislation tends to lag behind and, indeed, is based on experience, however, much of the "pioneering" policy at the frontiers of action may still have to rely on these forms of policy creation. And, of course, no law is any better than its interpretation and administration.

Under our Constitution, the national government is one of delegated powers. It may exercise only those powers specifically given or implied in the Constitution, and practically all of our federal labor legislation has been based upon either the power to regulate interstate and foreign commerce or the federal power to tax. And, historically, it has been the opinion of the judiciary which determined whether these provisions were flexible enough to permit specific acts of federal legislation.

State labor controls spring from a power that is not mentioned in the Constitution. The states are assumed to have a police power which is not attributed to the federal government. The police power is a rather broad and indefinite authorization given to the states to use the power of their sovereignty in order to promote the "general welfare". The bulk of present state labor legislation looks for authorization to the police power. Commons and Andrews have stated:

> It is the police power, for the most part, that affords, in the case of the state governments, that elastic justification by which the state abridges or enlarges liberty or property

> without compensation, in order to achieve newly recognized public purpose through a newly recognized class of persons or things. [3,p.515]

Although the states, acting under the police power, have traditionally been freer to act than the federal government, certain constitutional provisions, particularly the Fifth and Fourteenth Amendments have tended to limit the scope of labor legislation at both the federal and state level.

As the result of a "narrow" interpretation of the Constitution, the judicial branch of the government had almost exclusive jurisdiction in the area of labor-management relations until 1932. The only exceptions at the national level were: isolated instances of executive initiative; legislation regarding government employees; and railway labor legislation, which was justified by the interstate nature of the railroad industry. Thus, with the exception of the Railway Labor Act of 1926 and some earlier railway labor legislation, it was not until the Norris-La Guardia (Anti-Injunction) Act of 1932, that Congress stepped into the field of labor-management relations on a truly national scale. Under a broadened interpretation of the interstate commerce clause, the Jones and Laughlin case in 1937 upheld the constitutionality of the Wagner (National Labor Relations) Act of 1935 and established the national legislature as our chief formulator of federal labor policy. Congress has subsequently exercised this role in enacting the Taft-Hartley (Labor-Management Relations) Act in 1947; and, most recently, the Landrun-Griffin (Labor Management Reporting and Disclosure) Act

of 1959. In addition to this legislation regulating the activities of workers and employers in their delaings with each other, the federal government has also attempted to provide some basic measures of security for working people, and set certain minimum working conditions directly by law, which apply to employees who work for employers producing goods that move in interstate commerce or who work for employers holding government contracts. Throughout both the earlier period of judicial dominance and the more recent period of legislative dominance in policy formation, the executive branch of the federal government has played a relatively minor, but not insignificant, role.

A very brief review of the role of government in American labor-management relations may be helpful at this point, but the reader is referred to one of the standard text on labor law for a more detailed description of the main points developed below.[1]

The Period of Judicial Dominance, Prior to 1932

The history of governmental regulation prior to the 1930's was dominated by the judiciary. The courts exercised their dominance in three main ways: the application of common law; the issuance of injunctions in equity proceedings; and the use of judicial review to pass on the validity and applicability of statutes, most of which were state statutes, with the federal anti-trust laws being a notable

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[1] In the area of public policy in labor-management relations, Gregory [6] is one of the best sources. In the area of "protective" labor legislation such as child labor, hours of work, industrial accidents and workmen's compensation, and minimum wage legislation, two good sources are Miller [7] and, more recently the U.S. Department of Labor [9].

exception. As a general rule it might be stated that the main issue in labor-management relations during this period concerned the right of workers to organize into trade unions and employ certain tactics in furthering their collective aims. Few state legislatures dealt with this problem, however, since most state legislation during this period was "protective" in nature, and dealt directly with working conditions regardless of the nature of the existing relationship between the employer and his employees.

This period was marked by a highly restrictive judicial concept of the process of unionization, and of the permissible means of accomplishing that process. Although the early American courts embraced the English common law notion that the unions were criminal conspiracies, they had virtually discarded it by the middle of the nineteenth century.[1] The civil conspiracy doctrine continued, however, and as administered through narrow "ends" and "means" tests it was decidedly restrictive of labor's efforts at concerted action. In determining the legality of union tactics and objectives, the court still relied on common law. Because of its assumption that human

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[1] Perhaps the two most notable cases in this connection are the famous Philadelphia Cordwainers case in 1806, and the equally famous case of Commonwealth v Hunt in 1842. In the cordwainers case (Commonwealth v Pullis) the court held that a combination of workmen to raise wages constituted a criminal conspiracy; and, in effect, ruled that unions were illegal per se. Some 36 years later, however, Massachusetts Chief Justice Lemuel Shaw ruled that the legality of a concerted action on the part of employees depended on the purpose or objectives sought, and also on the means used, not the mere fact of combination. This decision is believed to have greatly weakened the criminal conspiracy doctrine that conspiracy and concerted action were synonymous, and it marked the beginning of the civil conspiracy doctrine that the legality of concerted action depends on the legality of its purpose and/or the means for accomplishing it.

relationships are relationships between equal individuals, and because of its emphasis on property rights, common law applied to labor disputes inevitably resulted in severe restrictions on unions.

Against this background of early judicial restraints, the period from around 1890 to 1932 was characterized by the inception and growth of modern labor unions as well as the last ditch struggle through litigation in our courts to keep them from expanding. In this connection, the Supreme Court ruled in the famous Danbury Hatters case (Lowe v Lawlor, 1908) that the Sherman Antitrust Act of 1890 applied to labor unions and held that secondary boycotts affecting the flow of goods in interstate commerce constituted an illegal restraint of trade and commerce under the Act. After further litigation, it was also ruled that suits for damages under the Act might be brought against individual union members.

Starting in the nineties, the use of injunctions also became common in labor disputes. The right to do business came to be considered a property right which both state and federal courts could protect from the aggressive tactics of organized workers. The labor injunction was particularly effective in defeating efforts at unionization when coupled with judicial recognition of the yellow dog contract, which required the employee, as a condition of employment, to agree not to join a labor organization. The continued application of the Sherman Antitrust Act to labor union boycott activities, even after the Clayton Act of 1914, further frustrated labor's attempts to improve what they felt to be their self interest in their struggles with employers.

This period also saw the emergence of many of the problems of our modern industrial economy. Protective social and labor legislation attempting to meet these problems, however, came slowly. Much of the early legislation came from the state legislatures; and it was not received in a friendly fashion by the courts, which were not quick to recognize and adapt to the social changes accompanying industrialization. The spirit of an individualistic economy was deeply ingrained in the thinking of our judges, who remained devoted chiefly to insuring the integrity of private property and the complete freedom of its use. The traditional emphasis laid on the importance of property and its incidents seemed to overshadow assertions of purely personal rights dissociated from property, and freedom of contract was vigorously maintained on the increasingly debatable assumption of equality between employer and employee. Nevertheless, in some instances, such as child labor legislation and workmen's compensation legislation at the state level, court rulings and attitudes did not long retard the development of protective legislation. In others, such as child labor legislation at the federal level and all types of minimum wage laws, the disapprovals held until the judicial revolution of the 1930's.

In addition to purely "protective" measures such as child labor laws, maximum working hours, workmen's compensation and industrial accident legislation, and minimum wage laws, there was also a limited amount of legislation prior to the 1930's dealing with the operation of the labor market as well as some rather insignificant legislation regulating labor-management relations as such. Most of the former

legislation dealt with public employment agencies, and much of the latter dealt with the right of workers to organize and use certain tactics in dealing with their employers.

Ohio established the first public employment office in the nation by legislative enactment in 1890, but a genuine federal system of public employment offices did not develop until the mobilization efforts of World War I. Following the war, the system was sharply curtailed.

Between 1892 and 1921 various state legislatures passed laws limiting the issuance on injunctions in labor disputes, but most of these early state laws were either declared unconstitutional or interpreted into meaninglessness by the courts. Such judicial action tended to make statutory regulation of unions superfluous, but between 1870 and 1925, various state legislatures adopted measures prohibiting specific types of conduct by union members. Most of this legislation provided criminal penalties where the courts already afforded injunctive relief and civil penalties on the basis of common law.

There is one interesting anomaly with regard to the right of employees to organize during the period before 1930, however, and the Lloyd-LaFollette Act of 1912 is all the more anomalous in that it involves federal legislation in this period of judicial dominance and primacy of state legislation. Brown and Myers note that "This act protected the right of postal employees to organize into unions, subject to the condition that the unions not be affiliated with outside organizations imposing an obligation to strike against the government."[1,p.4]

And they quote Kurt Braun as saying "In the absence of legislation guaranteeing freedom of association of government employees outside the postal service, the Lloyd-LaFollette Act has been widely regarded as containing the principles guiding general public policy in this respect, at least in the federal public service." [1, pp. 4-5]

Laws that put the states in the business of trying to settle labor disputes also stem from this early period. They began in Maryland in 1878 and spread rapidly. By 1900, twenty-five states had laws or constitutional provisions on the subject, and provisions for such action continued to spread, but they had little effect on the conduct of labor-management relations prior to the 1930's.

Even during these years of judicial dominance, however, the seeds of change were being planted. On the Supreme Court itself they were vigorously nurtured in many dissenting opinions of Justice Brandeis, whose dissents later often became the opinion of the majority. In Justice Brandeis' view, law was essentially an instrument of social policy; and the following quotation indicates that he regarded the legislatures, not the courts, as the more effective instrument for judging changing social and economic needs.

> All rights are derived from the purposes of the society in which they exist; above all rights rises duty to the community. The conditions developed in industry may be such that those engaged in it cannot continue their struggle without danger to the community. But it is not for judges to determine whether such conditions exist, nor is it their function to set the limits of permissible contest and to declare the duties which the new situation demands. This is the function of the legislature which, while limiting individual and group rights of aggressions and defense, may substitute processes of justice for the more primitive method of trial by combat. [7, p. 133]

The Modern Emergence of the Legislature, Since 1932

The year 1930 witnessed the beginnings of a trend which was to see Justice Brandeis' aspirations achieved. A revolution in the Supreme Court's interpretation of the federal government's interstate commerce power eventually resulted in the emergence of the Congress of the United States as the nation's chief formulator of public policy in labor-management relations. The shift from judicial to legislative primacy was also accompanied by a significant change in the substance of our national labor policy. The economic, social, and judicial revolution of the 1930's saw the Congress attempt to remedy the generations-old union complaints against what they regarded as the one-sided position of the governmental agencies of justice. It was during this period that the right of workers to organize and bargain collectively was established and guaranteed as a principle of public policy. Restraints on various forms of union activity were also relaxed considerably during this period, but several restraints still exist and many have been receiving increasing attention in recent years.

A glimpse of things to come could be seen as early in 1930, when the case of Texas and New Orleans Railroad v Brotherhood of Railroad Clerks upheld the constitutionality of the previously mentioned Railway Labor Act of 1926. This act was premised on the notion that stable labor relations could be based upon collective agreements between employers and unions representing their employees. At that time, this was a big step; and the Texas and N.O.R. decision also came admidst the confusion and despair following the stock market collapse of 1929. Nevertheless, the problems of the acceptability and the workability of

the Railway Labor Act were greatly simplified by the fact that it applied only to a single cohesive industry and by the fact that it was "agreed to" legislation between the railroad employers and the railroad unions, both of whom were dissatisfied with the operation of earlier railway legislation.

Congressional Regulation of Labor-Management Relations

Before Congress attempted to expand the Railway Labor Act's principle of governmentally sanctioned collective bargaining to all industry in interstate commerce through section 7 (a) of the National Industrial Recovery Act in 1933, it first attempted to make the government "neutral" in labor disputes by removing some of the previously imposed judicial restraints against unions by enacting the Norris-LaGuardia Act of 1932. This Act was designed primarily to overcome the restrictive judicial attitudes toward organized labor discussed in the previous section. The injunction itself was not outlawed; but this statute, which was passed in the waning days of the Hoover administration, severely restricted its use. By clearly spelling out a broad definition of a "labor dispute", by a specific listing of activities not to be enjoined, and by carefully outlining the type of proof necessary before a federal court could issue a permanent restraining order, the major judicial restrictions on self-help by unions including the strike, picketing, and the boycott, were drastically reduced. The constitutionality of the Norris-LaGuardia act was upheld six years after its passage in the case of Lauf v Shinner (1938).

In addition to its influence on federal court equity practice, the Act also outlawed the yellow dog contract; and, while it was primarily a procedural act, it was later used as a substansive justification for removing organized labor from under the coverage of the Sherman Anti-Trust Act.

For a brief period following the passage of the Norris-LaGuardia Act labor was free to pursue its activities relatively unhampered by previously imposed governmental restraints; and in the railroad industry union organizations and collective bargaining were actually protected by legislative enactment. Section 7 (a) of the National Industrial Recovery Act of 1933 attempted to expand this protection to all industries in interstate commerce, but the Schechter decision in 1934 invalidated this statute. Its labor provisions, however, were elaborated and expanded in the National Labor Relations Act of 1935. The principle terms of the Wagner Act, as it is commonly known, were as follows: employees were given the right to organize into trade unions, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of mutual protection. In order to assure them the exercise of this basic right, employers were prohibited from carrying out certain anti-union practices designated as "unfair labor practices". The Act also provided that, where doubt existed as to the majority status of a union, the matter could be determined by a secret ballot of the workers involved or by some other suitable method.

Administration of the Act was entrusted to a National Labor Relations Board, which was made responsible for prosecuting unfair labor practices by employers and deciding disputes over union representation. In cases of violation of the Act, the Board was empowered to issue cease and desist orders which if not complied with were enforceable in the Circut Courts of the United States.

The Wagner Act was one of the most bitterly disputed of all the New Deal measures. The law was subject to much criticism from the very first, and many proposed amendments were introduced in every session of Congress. The fact that the law contained no specifications of duties or responsibilities for unions and no rights for employers was widely criticized. It was attacked especially on the grounds that it denied to employers the freedom of speech. Objections were raised to the fact that the N.L.R.B. acted as both prosecutor and judge, and many critics felt the Board was biased in its application of the law.

After the Jones and Laughlin case (1937) established the constitutionality of the law, the Wagner Act not only brought the federal government into labor-management relations on an unprecedented scale, but its provisions also facilitated a tremendous increase in the size and power of organized labor in the United States. Labor union membership climbed from something less than three million workers in 1933 to approximately fourteen million members by 1945. The split in the labor movement between the craft unions in the American Federation of Labor and the industrial unions which later federated

into the Congress of Industrial Organizations, however, produced unforeseen difficulties for the N.L.R.B. By 1939 the leaders of the AFL were convinced that the Board's decisions showed favoritism to their CIO opponents, and they soon ranked among the most bitter critics of the administration of the Act.

There was also evidence that public opinion, particularly in small town and rural areas, was becoming increasingly disenchanted with certain union objectives and tactics as employed by an expanding and bickering labor movement at this time. Congress held hearings on the operation of the law in 1939, but it failed to act on any of the amendments designed to meet the objections of the increasing number of critics. As will be seen later, however, state labor legislation at this time gave clear indications that legislative framework less favorable to labor than the existing national policy would eventually gain more support. This became apparent at the national level in July 1943, when Congress, under the threat of a nation-wide coal strike, passed the Smith-Connally Act over President Roosevelt's veto. A temporary wartime measure, this law reflected the changing public attitude toward "Big Labor". It required unions to observe a 30-day cooling off period after taking a strike vote, and authorized the federal government to take over and operate any essential industry threatened by a labor stoppage. The law also forbade union political contributions in national election campaigns, and threatened union leaders with prosecution for criminal conspiracy under certain circumstances. In practice, the Smith-Connally Act had little effect on either the prevention or the solution of labor-management disputes,

but its passage indicated a growing disposition to alter the Wagner Act so as to curb labor's power. This was done with the passage of the Taft-Hartley Act in 1947.

The Taft-Hartley Act, which was passed over President Truman's veto, retained the essential provisions of the Wagner Act, but greatly expanded its scope and appeared to be based on a different underlying philosophy of labor management relations. In essence the basic philosophy behind the Wagner Act had assumed that, once unions were permitted to organize on an equal basis with employers, collective bargaining would solve all the major problems of industrial relations without further government intervention. Taft-Hartley, however, was essentially based on a different premise. It assumed that, in order to protect the interest of all parties concerned, government regulation must extend to the procedures and content of collective bargaining. Workers were guaranteed the right to refuse to participate in collective bargaining as well as the right to organize, and the government assumed the responsibility of protecting the employer, the individual worker, and the public from certain practices of labor unions.

The act expanded the N.L.R.B. from 3 to 5 members, and the position of General Counsel of the Board was created to separate the judicial and prosecution functions of the Board. It listed certain unfair labor practices on the part of unions to parallel the list of unfair employer practices, which was carried over intact from the Wagner Act.

The Act also substantially modified public policy on union security. It outlawed the closed shop, and originally provided that a union shop could not be established unless a majority of workers had voted in favor of such a clause in a secret ballot conducted by the N.L.R.B. (This latter provision was eventually repealed when experience overwhelmingly demonstrated that workers consistently voted for the union shop by large majorities.) Section 14 (b) of the Act also reversed the traditional doctrine of federal preemption, by providing that state law would take precedence over federal law if, in union security matters, states wanted to pass laws restricting union security further than the limited union shop sanctioned by Taft-Hartley. Under these provisions 19 states have passed so called "right-to-work laws" outlawing all types of union security provisions in labor-management agreements.[1]

The Act also required union officers to file non-Communist affidavits, and other reports before they could use the facilities of the N.L.R.B., and it spelled out specific limitations on the determination of "appropriate bargaining units". Supervisory personnel were denied protection under the law, and plant guards were not allowed representation by unions directly affiliated with other rank and file employees. Professional employees and craftsmen were also permitted to vote out of bargaining units which represented other production employees.

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[1] In addition to the 19 states with right-to-work laws of general application, Louisiana, also has a right-to-work law, but its application is limited to agricultural laborers and employees engaged in the processing of certain agricultural products. See [9, pp. 244-247].

Finally, Taft-Hartley permitted the President to secure an injunction for a maximum period of 80 days to prevent a "national emergency" dispute if he felt that a particular strike would imperil the national health or safety. The law also abolished the Department of Labor's Conciliation Service, and transferred its functions to a new independent Federal Mediation and Conciliation Service designed to help settle labor-management disputes. This Act remained intact as our national labor policy for 12 controversial years until the Labor-Management Reporting and Disclosure Act was signed into law September 14, 1959.

Pressure to amend or repeal the Taft-Hartley Act began building almost from the time of its passage. With the exception of two comparatively minor amendments in 1951, however, and despite numerous attempts to revise the law, no general revision of the act every passed either house of Congress before 1958.[1]

The political alignment in Congress was the chief inhibiting factor in this stalemate. Amendments favored by organized labor received most of their support from Northern Democrats, and amendments favored by employers were largely backed by Republicans and Southern Democrats. Neither faction, however, commanded a clear majority in both Houses. Over a decade of deadlock on labor legislation resulted.

During this period of stalemate, however, the basis for future labor legislation was being laid in a series of Congressional

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[1] In 1958 the so-called Kennedy-Ives Labor Reform Bill passed the Senate, but was not enacted. One year later, in 1959, the more comprehensive Landrum-Griffin Act passed both houses of Congress, and was signed by President Eisenhower.

investigations beginning in 1953 and culminating in the 1957-58 investigations of the Senate's Select Committee on Improper Activities in the Labor or Management Field, better known as the McClellan Committee. These investigations uncovered labor-management abuses ranging from outright embezzlement of union funds by corrupt union officers, who often maintained their position through dictatorial abuse of union trusteeship and election provisions, to all sorts of labor-management collusion against the interests of the employees. Cases were uncovered of unions using the threat of picketing and boycotts to extort money from employers, and employers using "labor relations consultant firms" (so called management "middlemen") to do such dirty work as bribing union officials, carrying out anti-union propaganda, and performing labor spy work. Attention was also focussed on the "no man's land" which arose between federal and state law when a labor dispute occured in an establishment of small size. If the N.L.R.B. felt the effect of a labor dispute on interstate commerce was too small, it often refused to consider these cases. Since several federal court decisions prohibited state agencies from adjudicating these disputes under the preemption doctrine, however, the parties were left free to slug it out between themselves with no recourse to legal sanctions whatsoever.

The McClellan Committee's revelations stirred public opinion to demand remedial action, and early in 1958 Congress began action on two labor reform bills. One dealt almost exclusively with pension and welfare funds, and one dealt almost exclusively with pension and welfare funds, and one dealt more generally with union-management

corruption. Floor fights developed on both bills largely over the issue of whether or not Taft-Hartley amendments, dealing with the rules of collective bargaining, should be tacked on to basic reform legislation primarily concerned with the conduct of internal union affairs. The Senate eventually passed both bills, but only the welfare fund bill passed the House and was signed into law by the President as the Welfare and Pension Plans Disclosure Act of 1958.

In 1959, however, the Labor-Management Reporting and Disclosure Act, better known as the Landrum-Griffin Act, emerged after one of the bitterest fights in Congressional history. The Act has seven main sections and most of the administrative responsibility for its provisions rest with the Secretary of Labor. The first section of the Act contains a "Bill of Rights" for members of labor organizations. These provisions attempt to safeguard member's rights to participate in union meetings and to help formulate union policy. Union members whose rights are violated by their officers are permitted to bring suit in a federal district court and receive such relief, including injunctions, as might be appropriate.

The second section deals with various detailed reports required by labor organizations, officers and employees of labor organizations, employers, and labor relations consultants. All reports, from labor and management sources alike, are open to public inspection, and any person filing a false report is subject to a fine of $10,000 and a year's imprisonment.

The third section, dealing with union trusteeships, requires that the unions exercising trusteeship must file reports semiannually on such trusteeship, and the law established certain controls over the trustee union. Section four, dealing with union elections, stipulates that unions must choose their officers through regular secret ballot elections, and persons convicted of certain crimes were excluded from union office for as much as five years after their conviction or imprisonment. Under section five of the Act, union officers or employees handling union funds must be bonded, and controls are established for their conduct. Among other things, the miscellaneous provisions of section six, tightened the Taft-Hartley prohibition on employer bribes to labor leaders, and extortionate picketing was declared subject to a fine of $10,000 and twenty years imprisonment.

Lastly, through a series of controversial amendments, the new law attempted to tighten the Taft-Hartley Act's prohibitions on secondary boycotts and recognition picketing, although some parts of the construction industry and some parts of the clothing industry were given special treatment with regard to the ban on "hot cargo" clauses. Economic strikers are now allowed to vote in N.L.R.B. elections, and certain provisions are made to certify unions in the Construction industry without conducting a representation election. The Act also stipulates that certain unfair labor practice complaints must receive precedence by the N.L.R.B., and it authorizes the states to intervene in cases where the Board declines to act.

While the Landrum-Griffin Act is still a new piece of legislation, it is clear that much of its effect will depend upon the Secretary of Labor in enforcing and publicizing the reports required of labor and management. It is equally clear that, in establishing detailed control over the internal affairs of labor unions, Congress has embarked on a newer and broader role in labor-management relations.

In this section on the Congressional regulation of labor-management relations we have seen the position of the federal government pass from an earlier hostility towards union objectives to official neutrality to positive support of union organization, and finally to detailed federal regulation of union-management relations and a close supervision of the internal affairs of labor organizations. The revolution in the Supreme Court's reinterpretation of the federal government's interstate commerce power, which made this shift possible through successive legislative enactments, also enabled Congress to enact legislation establishing national minimum working standards for all employees engaged in the production of goods which enter into interstate commerce. The right to legislate for government employees and those who worked for employers holding government contracts was also exercised during this period. We will now turn to a closer examination of this Congressional ascendency in the area of protective labor and social legislation.

Congressional Ascendency in Protective Labor Legislation

As previously noted, most early protective legislation was the

result of state action. By the onset of the Great Depression the right of states to legislate in the areas of child labor, industrial accidents, and hours of work had been established, but minimum wages for women and children were still in a state of confusion, and no attempts had been made to legislate for men in this area. Aside from the right to legislate, actual state legislation was spotty and provisions and enforcement procedures varied widely. Outside the railroad industry and government employees, Congressional attempts to legislate in the areas approved for state action had been thwarted by adverse court decisions. Attempts to deal with the problem of unemployment were limited to some rather ineffective state employment agencies and a weakening federal employment service in the Department of Labor.

During the Great Depression, the increase of unemployment to nearly one-third of the labor force led the federal government to make several attempts to cut hours and to spread the available work among more persons. The first such attempt came with the enactment of the National Industrial Recovery Act in 1933. This Act, which was based on the interstate commerce power, was a broad and inclusive attempt at economic recovery which dealt with wages, hours, child labor, pricing policies, relief, and public works. The means of putting these measures into effect was through codes of fair competition, which were called for in the Act.

Prior to the NIRA, and following its invalidation by the Schechter decision in 1934, other attempts were also made to deal with

these problems before the Fair Labor Standards Act of 1938 marked the culmination of Congressional attempts to control wages, hours, and child labor. Thus, the Davis-Bacon Act of 1931 required that contractors on all government construction projects exceeding $5,000 (amended in 1936 to $2,000) pay the prevailing wage for any work done on the project. A similar law, which was much broader in coverage and also included provisions on hours of work and child labor was passed shortly after the demise of the NIRA. Thus, the Public Contracts Act of 1936, commonly known as the Walsh-Healy Act, required that employees working on government contracts exceeding $10,000 be paid not less than the prevailing wages for the industry, as determined by the Secretary of Labor. Like the NIRA, this law did not specify a maximum number of hours that could be worked, but it established a basic work day and work week beyond which overtime was to be paid. With certain exceptions, the Walsh-Healy Act also prohibited the employment of males under 16 and females under 18 years of age. This Act was examined and validated by the Supreme Court in 1940 in the case of Perkins v Lukens Steel.

Meanwhile, with regard to the problem of increasing unemployment, the Wager-Peyser Act was passed and signed into law by President Roosevelt in 1933. This Act established federal standards for public employment offices, and 75% of the federal funds appropriated under the act were to be made available to the states if they agreed to abide by the federal standards and match the federal grant. All the states and Alaska and Hawaii, became affiliated by 1937, and in

1939 the employment service was moved from the Department of Labor to the Social Security Board where it could work in closer cooperation with the unemployment compensation system established by the federal Social Security Act of 1935.

Probably more than any other measure, the Social Security Act was truly a child of the Great Depression. The people and the Courts of the United States were convinced by this catastrophe that, older philosophies of rugged individualism aside, in the complex and interdependent industrial economy of our contemporary society there are many forces and factors over which the individual has no control. Therefore, acting on the basis of its power to tax, Congress passed the Social Security Act of 1935. The act consists of 10 distinct programs all having the principal aim of providing a minimum basic security for most of the people in the United States.[1] The four direct assistance programs and the four health and welfare programs are not as well known as the old age and unemployment programs, which have traditionally been regarded as protective labor legislation.

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[1] The ten programs can be grouped in the three following categories, of which the two social insurance programs are the most important:

(1) Social Insurance:
  (a) Old-age and survivors insurance
  (b) Unemployment insurance
(2) Public Aid to the Needy:
  (a) Old-age assistance
  (b) Aid to the needy blind
  (c) Aid to dependent children
  (d) Aid to the permanently and totally disabled
(3) Health and Welfare Services
  (a) Child welfare services
  (b) Services for crippled children
  (c) Maternal and child-health services
  (d) Public health services

Despite the fact that the Social Security Act is a Federal law, the Federal Government operates only one of the programs--old-age and survivors insurance. The other main social insurance program--unemployment insurance--is administered by the states due to the fact that the Social Security Act used the federal tax power to create an "atmosphere" that "encouraged" the several states to enact legislation providing for a system of unemployment compensation.[1]

The constitutionality of the Social Security Act was upheld by the U. S. Supreme Court on May 24, 1937, in three cases. The Steward Machine Co. case concerned the validity of the Federal Unemployment Tax. The Helvering case dealt with the legality of the Old Age Benefits tax, and in the Carmichael case, the Court passed upon the constitutionality of the Unemployment Insurance Law of the state of Alabama. As with labor relations, Congress did not extend old age and survivors insurance or unemployment insurance to railroad employees under the Social Security Act. They enacted special legislation for that group.

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[1] The Act provided for an excise tax on the payrolls of all American business employing 8 or more employees (4 or more since 1956). If a state enacted an acceptable unemployment compensation law, the Social Security Act provided further that the employers of that state might credit the amount paid into the state fund against the Federal tax as long as the credit did not exceed 2.7% of the 3.0% Federal Tax. Also, the Act provided that the Federal government would pay the cost of administering approved state unemployment compensation systems, the funds to come from the .3% of the payroll tax retained by the Federal government. For these reasons, as well as the desirability of such legislation, all of the states soon passed unemployment compensation acts. (In 1961 a new rate of 3.1% became effective with .4% now being retained at the Federal level.)

While the Social Security Act of 1935 was adopted by Congress partly to insure workers against the ravages of unemployment and to assure them of a financially independent old age, the Fair Labor Standards Act of 1938 marked the successful culmination of the Federal government's attempt to directly influence wages, hours, and child labor. Previous attempts to legislate in these areas had failed because of Supreme Court rulings, but some provisions had been placed in the public contracts acts. Following the Jones and Laughlin decision sanctioning a much broader interpretation of the commerce clause, however, Congress again sought to use its power under this clause to directly regulate working conditions in the Fair Labor Standards Act.

The provisions of the Act and its initial methods of administration were both declared constitutional in 1941 by the two important decisions of U. S. v. Darby Lumber Co. and Opp Cotton Mills v. Flemming. As subsequently amended, the Act now makes illegal wages below $1.25 an hour in "covered" employment, but this provision does not become applicable until September 1965 for those employees newly covered by the 1961 amendment. The law also compels payment of time-and-one-half for all hours worked in excess of 40 in one week. With certain exceptions, the FLSA also prohibits the employment of children under 16 years of age, and it sets up control of industrial homework by provisions under which the administrator of the law can forbid homework all together.

It should be remembered, however, that many workers are employed in establishments which do not market their goods across state lines and in restaurants, hotels, laundries, and other places of business which supply services only in a given locality. To cover these cases to which the federal law does not apply, there remains a vast bulk of protective labor legislation at the State level. Although the states originally pioneered in this area, much of the existing state protective legislation is now inadequate and out of date compared to present federal standards. Indeed, following the enactment of the Wagner Act in 1935, the primary emphasis in state labor legislation shifted to issues concerning labor-management relations in intra state commerce.

Before turning to an examination of state legislation, however, it should be noted that while the Norris-LaGuardia Act, the Wagner Act, the Taft-Hartley Act, and the Landrum-Griffin Act are the major federal laws affecting labor-management relations, there are other federal laws which affect union activity. There are also several convict labor laws of a "protective" nature supplementing the Social Security Act, the Fair Labor Standards Act, and the public contract laws. Thus, the Hobbs Anti-Racketeering Act of 1934 was a federal attempt to restrict the activities of labor organizations. It prohibited the use of violence, force, coersion or intimidation in interstate commerce and was directed against labor racketeers. Some of the provisions of the Landrum-Griffin act have supplanted the Hobbs Act in this area. The Byrne's Anti-Strikebreaker Law of 1936 made it a

felony to transport in interstate commerce persons who are hired to interfere with peaceful picketing in a labor dispute. The Lea (Anti-Petrillo) Act of 1946 placed a ban on "featherbedding" in radio broadcasting. The Act makes it unlawful to compel radio broadcasters to hire more employees than they need on the job, to pay more than once for services performed, or to pay for services which are not to be performed.

Congress passed a law prohibiting the contracting out of the labor of U. S. prisoners as early as 1877; but a more comprehensive convict-labor code, known as the Hawes-Cooper Act, was enacted in 1929. This act, however, was merely permissive in nature. It provided that, after January 1, 1934, any state could regulate or forbid the sale within its borders of convict-made goods shipped from another state. Further limitations were placed upon the shipment and sale of prison made goods by the passage of the Ashurst-Summers Act in 1935. This Act supplements the Hawes-Cooper Act, and provides for the proper labeling of goods manufactured by penal institutions. With certain exceptions, the Ashurst-Summers Act was amended in 1940 to completely prohibit the transportation of prison made goods in interstate commerce. Prohibitions on convict labor were also included in the NIRA in 1933 and the Walsh-Healey Act in 1936.

Changing Tendencies in State Labor Legislation

Since existing laws vary tremendously in both scope and content, a comprehensive treatment of state labor legislation is a

practical impossibility for the purposes of this dissertation. This section will merely attempt to emphasize post-1930 developments in the broadest outline.

Prior to the Congressional enactment of the Norris-LaGuardia Act, several states had passed anti-injunction legislation comparable to the labor sections of the Clayton Act. These laws, however, met the same emasculation at the hands of the courts as did their mother provisions; and in 1921 the Supreme Court's decision in the case of Truax v. Corrigan went even further and declared a 1913 Arizona anti-injunction act unconstitutional. Renewed efforts by the states to pass anti-injunction legislation after 1932, however, were more favorably received; and at the present time half the states have laws restricting the issuance of labor injunctions, and 31 specifically prohibit yellow dog contracts.

Just as many "baby Norris-LaGuardia Acts" appeared in the states following federal legislation, so did five states pass "baby Wagner Acts" in 1937 following the judicial substantiation of the national act. These acts (Utah, Wisconsin, Massachusetts, New York, Pennsylvania) attempted to established in the area of intrastate commerce what the national act had done in the area of interstate commerce. That is, union membership and collective bargaining were encouraged, employer interference was prohibited, and no restrictions were placed on union activities; but a small indication of things to come could be found in the Massachusetts' provision which outlawed the sit-down strike.

The rapidly increasing numercial strength of unions, accompanied by the sit-down strikes in the auto industry and elsewhere, and intra labor jurisdictional fights following the AFL-CIO split soon led to a reaction at the state level. The year 1939 marked the beginnings of a trend more restrictive of union activities. The Wisconsin and Pennsylvania acts were amended to include a section of unfair labor practices for employees as well as for employers, and the Minnesota and Michigan acts of 1939 went beyond mere attempts to facilitate union organization and collective bargaining to establish restrictive rules of conduct in collective bargaining.

The three-year period from 1940 through 1942 was preoccupied with the conversion to a war economy, and little state labor legislation was enacted. In 1943, however, a rather full measure of restrictive state legislation was enacted paralleling and going beyond the wartime Smith-Connally Act at the national level. Kansas and Colorado passed comprehensive labor legislation which included extensive regulation of the internal affairs of unions, and several other states passed more limited and more restrictive laws. This latter legislation differed from the labor relations acts in that they were aimed at one or a few union practices, placed no restrictions on employers, and did not attempt to establish a comprehensive labor relations policy. Many of the provisions of these state laws anticipated by several years the provisions of the federal Taft-Hartley Act. At the present time 12 states have comprehensive labor relations acts, 17 states have specific laws for the settlement of labor disputes in

public utilities, and 5 states now regulate union welfare funds. As mentioned previously, 19 states now have "right to work" laws generally outlawing all forms of union-security under section 14b of the Taft-Hartley Act. Most of the right to work laws, however, as is the case with most of the other strongly restrictive measures, are confined to the less industrialized states with few union members to start with.

With regard to labor-management relations legislation, then, the pattern was one of the states following the federal government's lead in encouraging unrestrained collective bargaining, and the federal government then following the states in imposing increasing restrictions on the rules of conduct in the collective bargaining arena. Just the reverse is true with regard to protective labor legislation. The states pioneered in the area of child labor, hours of work, minimum wages, and workmen's compensation. Workmen's compensation has remained exclusively a state concern, but once the federal government became interested in the other protective measures and effectively followed their example through the Fair Labor Standards Act of 1938, further state action in these areas has dwindled sharply. This has resulted in the somewhat paradoxical situation that after the Supreme Court enunciated principles under which nearly all protective labor legislation became constitutional far fewer of these laws were enacted than when their constitutionality was in doubt. At present all the states have some form of child labor legislation, but the minimum ages and the types of employment covered vary widely. Forty-

three states now have maximum hours legislation for women in various occupations, but some allow as many as 60 hours per week. The hours of male employees are covered by these provisions in only 13 states, although the FLSA coverage extends to both sexes. Provisions for minimum wage orders now exists in 33 states, but only 15 cover male employees. All the states but North Carolina have prevailing wage laws, and industrial homework is regulated in 20 states. All states now have Workmen's Compensation and Unemployment Compensation benefit systems, but again the provisions of these laws vary widely.

One of the most recent developments in the field of labor law, broadly conceived, is the attempt to prevent discrimination in employment through so-called Fair Employment Practice Acts. Some twenty-one states now have such legislation. Twenty prohibit discrimination by reason of race, color, religion, or national origin. Nine of these states also prohibit discrimination by reason of age, and Louisana prohibits only discrimination by age. Some cities, including 8 in states without FEP laws also have their own anti-discrimination laws. The power of the filibuster exercised by the southern states in the United States Senate, however has placed a large stumbling block in the way of efforts to enact a federal Fair Employment Practices Act. The federal government, however, has taken some action in this area. During World War II and after, Executive Orders have been used to provide that all contracts signed by the United States government contain provisions obligating contractors not to discriminate on the basis or race, creed, color, or national origin.

Modern Modification in Judicial Opinion

By upholding the Railway Labor Act, the Norris-LaGuardia Act, the Wagner Act, the Social Security Act, and the Fair Labor Standards Act, the Supreme Court removed the judiciary from the labor relations picture to a large extent. With regard to labor-management relations, our most important legislation is now administered by quasi-judicial administrative boards. While these boards base their decisions on statute law and not on common law, their decisions are enforced by court orders and can be reviewed by the federal courts. In this role the judiciary has retained some of its previous influence, and it has also exerted its influence in the older areas of defining permissible union conduct and regulating union activity under the antitrust laws--although its modern decisions in these areas differ sharply from the pre-1930 pattern.

For example, the Norris-LaGuardia Act was given added significance by the Court in the early 1940's when it was integrated and construed together with the Sherman and Clayton Acts to remove most labor activities from the control of the antitrust laws in the cases of Apex v. Leader and U.S. v. Hutcheson. In these cases the Court held that the acts made non-enjoinable by the Norris-LaGuardia Act were legal as a matter of substansive law, and could not be challenged under the antitrust laws. Many of the specific boycott activities formerly prohibited under the antitrust laws have since been regulated by the Taft-Hartley and Landrum-Griffin Acts, however, and the Allen Bradley case in 1945 held that labor unions can still

be prosecuted under the Sherman Act if a union acts in collusion with an employer to rig the market.

One other area of labor-management relations that has seen considerable judicial activity since the 1930's is the area of peaceful picketing. The leading decision on picketing prior to 1930 came in the 1921 case of American Steel Foundaries v. Tri City Central Trades Council. No statute was involved in this case. It concerned non-violent picketing by outsiders, by a few actual strikers, and by former employees who had been laid off but were hopeful of resuming their employment. The opinion outlined a limited kind of peaceful picketing in which only the strikers and laid off employees might indulge.

In 1937, however, the case of Senn v. Tile Layers Union upheld a Wisconsin anti injunction statute which did not permit injunctions to be issued against peaceful picketing, even if the picketing was by "strangers" not directly employed by the person picketed. In 1940, the Court then went way beyond this position; and the Thornhill case held that peaceful picketing was a form of speech and entitled to the protection of the fourteenth amendment. Therefore, since peaceful picketing now involved Constitutional rights, states were theoretically forbidden from passing any laws which limited this activity. This extreme position came at a time when we have seen that many state legislatures were reacting to alleged abuses accompanying the upsurge of union membership under the Wagner Act. Therefore the Court soon found itself in the position

of trying to modify its position without overruling the Thornhill doctrine. A whole series of confusing decisions resulted, and the Taft-Hartley Act specifically restricted several activities involving stranger picketing which had previously been sanctioned by the Court. Then in 1949, the Giboney case held that peaceful picketing could be enjoined when the object sought by the pickets violated a written state anti monopoly law. Thus, it appeared that states could escape the Thornhill doctrine if they outlawed the purpose of peaceful picketing but did not outlaw peaceful picketing per se. The Hanke decision in 1950 went even further, since in this case the peaceful picketing enjoined did not violate a written law but merely ran counter to a judicially declared public policy in favor of self-employment free from restraint. Finally, in 1957, the case of Teamster's Union v. Vogt simply allowed the state of Wisconsin to enjoin stranger picketing as such, and for all practical purposes the courts have now turned the right to restrict peaceful picketing back to the state legislatures.

Given the post-1930 tendencies in the area of labor-management relations just described, however, one should still not make the mistake of understating the continuing role of the courts in this area of public policy. Brown and Myers, for example have reminded us:

> ...state common law still has a role to play in the area of labor relations. Many things still rest with the states, and many states have little or no legislation in this area. The 1959 amendments to the Taft-Hartley Act, ceding to the states cases in which the National Labor Relations Board declines to take jurisdiction, lend added significance to this point. 1, p.2

The Continuing Role of The Executive

Edward S. Corwin has stated that the federal executive power is "the power of government that is the most spontaneously responsive to emergency conditions." [4, p.1] This being the case, presidential influence on labor-management relations has been most pronounced during industrial disputes and during times of war. The president's normal appointive powers with regard to the increasing administrative machinery in the area of labor relations, and his ability to influence legislation, however, also give him other important sources of influence on public policy.

Presidential Intervention in Industrial Disputes and Special Executive Committees and Conference Groups

The federal executive first participated in labor management relations as a "keeper of the peace" when local and state authorities were judged unable or unwilling to control the outbreak of industrial conflict in the Railway Strike of 1877. There is a long record of subsequent presidential intervention in especially difficult situations. In the case of the Pullman Strike of 1894, President Cleveland followed up an injunction with the use of federal troops, over the objection of the Governor of Illinois. President McKinley sent troops into the Coeur d'Alene metal mines in Idaho. President Theodore Roosevelt felt impelled to assert the government's interest in the 1902 anthracite strike and was instrumental in bringing about a settlement.

President Wilson was called on to intervene in more labor disputes than any of his predecessors, and the mines and the railroads

were the chief objects of his attention. In the West Virginia mine disputes of 1921 attempts were made by the National Guard and the State Police to supress disturbances. When disorder increased, President Harding sent in federal troops to restore peace. President Harding also found himself involved in efforts to settle the railway shopmen's strike in 1922. During the threatened bituminous coal strike in 1924 Secretary of Commerce Herbert Hoover sought to get the parties together with the approval of President Coolidge. Several times Franklin D. Roosevelt practically insisted that the parties to a dispute submit it to arbitration; and like his predecessors he was particularly preoccupied with railroad and coal mine disputes. The last pre-Taft-Hartley experience with presidential intervention in labor disputes was President Truman's abortive effort in the railway strike of 1946.

Since the establishment of the Department of Labor as a separate cabinet post in 1913, the services of professional conciliators have also been made available in the case of significant labor disputes. Congress has established special machinery to assist in reconciling disputes on the nation's railroads and airlines, and the Taft-Hartley Act removed the Conciliation Service from the Department of Labor and created a separate Federal Mediation and Conciliation Service in 1947. The president's emergency dispute powers were also formalized in this Act, however, and it emphasized the continuing potential of executive influence in labor disputes. The 1959 steel strike saw executive intervention above and beyond that provided by law when

Secretary of Labor Mitchell and Vice President Nixon entered the dispute with President Eisenhower's permission.

The continuing impasse over work rules on the nation's railroads, however, appears to have broken new ground in the area of dispute settlement in this much beleagured industry. Even the extraordinary influence of the executive, including President Eisenhower's special tri-partite Presidential Railroad Commission in 1960 and the continuing mediation efforts of President Kennedy's Secretaries of Labor, and a later Presidential Board failed to reconcile the differences between the parties, and in 1963, for the first time in peacetime history, Congress was forced to impose compulsory arbitration in a labor-management dispute.

Although some may argue that there is some historical and practical justification for special Congressional action in railroad affairs, there has been considerable dissatisfaction with the emergency dispute provisions of the Taft-Hartley Act as well as those of the Railway Labor Act. And this may be the next broad area of Congressional legislation in labor-management relations despite the fact that President Johnson seemed to have been successful in re-exerting some of the traditional executive influence in this area once Congress had removed the thorny work rules question from the recent railroad negotiations.

In addition to intervention in labor disputes, executive action in labor-management relations has also resulted in the appointment of special committees or Conference groups. Theodore

Roosevelt's Anthracite Coal Commission of 1902 was perhaps the most notable of several early governmental investigations of labor-management relations. Both President Wilson and President Truman called conferences of labor and management representatives shortly after the conclusion of both World Wars in the futile hope that a plan for postwar industrial peace could be worked out. President Eisenhower's special tri-partite Presidential Railroad Commission in 1960 has already been mentioned, and President Kennedy convened an even broader tri-partite, 21-member President's Advisory Committee on Labor-Management Policy which has been retained under President Johnson following Kennedy's tragic assassination.

Executive Orders and Wartime Emergencies

At the federal level, executive action of a quasi-legislative character has occurred through the issuance of executive orders. The presidential executive order has become a government tool of increasing importance in implementing economic controls. It was broadened in scope as executive power was increased during the First World War to permit the creation of the first War Labor Board and other emergency agencies. The codes of fair competition provided for in the National Industrial Recovery Act were put into effect by executive orders, and some of the most far reaching and controversial economic controls ever imposed in the nation's history came through the "law-making" of the chief executive during World War II. Although many World War II measures were of a temporary emergency nature, some action born of

emergency usually carries over to become a normal part of our economic system. The strenghthening of union membership during both World Wars is a case in point.

The two agencies created by executive orders which had the greatest influence on labor matters during World War II were the War Labor Board, which replaced the National Defense Mediation Board, and the War Manpower Commission. Although the second War Labor Board was originally created to settle labor disputes for which existing government procedures for adjustment were inadequate or ineffective, it eventually became involved in passing on the majority of all wage increases and deciding union security questions. The War Manpower Commission was also given broad powers; and, in addition to supervising a nation-wide system of employment exchanges, it eventually was given control over many management hiring decisions. The problem of allocating manpower between the civilian and military establishments of the nation, of determining which employers could hire workers, and of specifying what classes of workers were essential to the war effort and which were not, became a part of this agency's functions.

Administrative Appointments and Legislative Influence

Actions of a quasi-judicial nature eminating from the executive branch of government are represented by the rulings of the National Mediation Board and the National Labor Relations Board under our two major federal labor laws. The actions of the Department of Labor in administering the Fair Labor Standards Act, the public contracts acts,

and the Landrum-Griffin Act also affect public policy in labor-management matters. By his appointments to these key administrative posts, a president can sometimes have a significant impact in public policy on labor-management relations. Judicial appointments offer a less frequent opportunity to influence public policy, but Franklin Roosevelt's threat to "pack" the Supreme Court and the subsequent modification of Court doctrine indicates that executive influence can be a very flexible thing. Finally, the President's role in suggesting and supporting particular legislative measures provides another avenue of influence. President Eisenhower's nationwide address to the people just prior to the passage of the Landrum-Griffin Act in the most recent example of how this avenue can be traveled to affect public policy on labor-management relations.

Actions by State and Local Executives

At the state and local level the influence of the executive is somewhat similar to that of the president on the national scale, although most states do not have labor relation acts or labor boards to administer them.

Governors frequently intervene in labor disputes within the states, and for labor disturbances on a smaller scale, local government officials frequently bring the weight of their office to bear in an attempt to force settlement. Local executives can also exert influence by their treatment of municipal workers, the wages paid, their attitude toward organization, and the consultation or use of labor and management officials in public programs. Also, for both local and state officials,

the manner in which the police are used in labor disputes is an important means of exerting control in labor-management relations.

Some Concluding Observations and Further Comments

This chapter has shown that the present legal framework of labor-management relations is indeed complex. The government touches the industrial rule making process in many ways and with different degrees of effectiveness. Nevertheless, there are some conclusions which can be drawn from this rather lenghty presentation.

First, as our economy has become more industrialized and more complex, there has been an expansion in the role of government in the industrial rule making process--both with regard to labor-management relations legislation and with regard to protective labor legislation.

Second, this expansion has been uneven in its development over time, and the substansive content of the policy has also been modified considerably.

Third, the means of effectuating government controls have shifted within branches of government and between levels of government, but the present legal framework is still highly diversified with regard to both procedure and substance.

While the first statement is too obvious to require elaboration, we might briefly discuss the last two conclusions in reverse order.

We have seen that there have been various means of exercising governmental influence in labor-management relations at both the federal

and state levels. The relative significance of legislative enactments and federal regulations have increased since 1930, however, and these developments are largely the result of a change in judicial philosophy and interpretation during the upheval of the Great Depression. Not only did the Supreme Court create a larger role for the U.S. Congress by expanding its interpretation of the commerce power, but it also permitted the enactment of legislation which apparently reflected a growing national concern for personal rights aside from those rights arising from the ownership of property. An older concept of freedom in terms of legal property rights was modified and enriched with a newer conception of freedom which also included considerations of economic opportunity and economic welfare in an industrial society.

Despite the increasing importance of federal legislation, however, considerable diversity remains. The courts and the executive continue to exert influence in those areas where legislative guidelines are either absent or ambigious. There are differences between state and federal legislative requirements, and there are geographical differences at the state level among the various states. Even at the federal level there are inter-industry differences in public policy. Not only does the policy applied the railways differ in some respects from that applied to other industries engaged in interstate commerce, but the Landrum-Griffin Act even goes so far as to single out particular industries in the non-railway category for special treatment with regard to some of its provisions.

Going even further into the substance of present labor policy,

it is also apparent that some issues of labor-management relations are much more closely regulated than others. Thus, while union security is rather closely regulated; there has been no overt attempt (barring the exceptions of war time emergencies) to regulate the wages determined through collective bargaining.[1] The internal affairs of unions particularly with regard to financial matters, are now more closely regulated than those of management organizations, and so on.

Despite these variations, however, we can say that, over time, the substance of our public policy has changed to permit the direct governmental establishment of minimum working conditions; and, with regard to union organization and collective bargaining, we can say that the trend has been from a policy of hostility, to tolerance, to encouragement, to detailed regulations.

This, however, has not been a gradual development. Aside from the abnormal increase in governmental influence during the wartime emergencies, two periods stand out as being especially significant for increasing direct government regulation of working conditions and promoting unionism and collective bargaining. Subsequent restrictive modifications of collective bargaining policy at the national level have also been produced in two sharp spurts.

Following some previously ineffectual attempts to enact

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[1] The wage-price "guidelines" enunciated by the President's Council of Economic Advisors in 1961, do not appear to be a real exception to this statement, but they do indicate increasing public attention to some of the results of private collective bargaining agreements.

effective or judicially approvable labor legislation at the state level in the late 1880's, the years 1911 to 1915 stand out in the history of American Labor legislation. These years marked the culmination of the "Progressive Era" in American politics. During this time America was being transformed from an agrarian nation into an urban industrial society. This was a period of great public unrest. It was also a period of sensitivity and awareness, and the liberal forces in the nation hammered away at economic and social reforms on a scale surpassed only by the New Deal "revolution" of the 1930's. Although the attempts of the Clayton Act to curtail the use of the labor injunction and remove labor from the anti trust laws later proved abortive, many states enacted workmen's compensation laws for the first time, and vigorous new attempts in the areas of child labor, hours of work, and minimum wages for women and children were launched. With the exception of minimum wage legislation, these statues had received judicial acceptance by the outbreak of the First World War.

Then, after the wartime emergency and the "return to normalcy" during the 1920's, the years 1932 to 1938 witnessed the greatest single outburst of labor legislation this nation has ever seen. Amid the turmoil and unrest surrounding the Great Depression, the Federal Government moved into the field of protective labor legislation. Old restraints on union activity were first removed then collective bargaining was strongly encouraged, and several states followed the federal example and passed "baby" Norris LaGuardia Acts and "baby" Wagner Acts before a general reaction began to set in around 1939.

Since that time most state-labor relations legislation has been increasingly restrictive of union activities, including "right-to-work" laws outlawing union security provisions in 19 states.

Following the frenzied activities of the late 30's, there have been no really new developments in social or protective legislation since that time. Although the federal statutes have been amended from time to time, many states seem to have largely neglected this area of legislation except for the fact that, under the stimulus of the tax-offset provisions of the Social Security Act, all of the states have enacted some form of unemployment compensation, and in 1948 Mississippi became the last state in the union to adopt a system of workmen's compensation for industrial accidents. In the area of labor-management relations legislation, however, the Taft-Hartley Act made seemingly permanent and significant changes in our national labor policy some 12 years after the enactment of the Wagner Act. Another 12-year interval separated the Taft-Hartley Act from the most recent modification of our public policy through the Landrum-Griffin Act of 1959.

It is more than coincidence that 12-year intervals have separated the three modern landmarks in federal labor legislation. Few areas of legislation are so highly charged with emotional and political overtones, and regardless of the party in power, the balance in Congress has been so close on labor issues over the past two decades that action on major legislation has come about only when public interest in a new law has reached a high pitch. Thus the 1935 Wagner Act was

surrounded by the catastrophe of the Great Depression. We were striving to achieve the hopes of a "New Deal", business prestige was at a low ebb and was further undermined by Congressional investigations like those of the La Follete Committee, which revealed vicious anti-union activity by American employers. The passage of the Taft-Hartley Act also occured amidst an unusual combination of circumstances. By 1947 the American people were in the grip of a profound post-war disillusionment. Relations with our wartime allies were deteriorating, we were experiencing a relatively acute inflation, the Republican party was resurging after 15 years of New Deal domination, and the 1946 strike wave had aroused growing concern over the enhanced power and prestige of organized labor. Likewise, the labor reform bill of 1959 was enacted amidst the moral outrage of the American public which accompanied the shocking revelations of the McClellan Committee.

Given this observation that periodic and fairly sustained outburst of public sentiment appear to be necessary to get labor legislation through a closely balanced Congress, however, how do we explain the <u>specific</u> proposals which have been enacted? How is public opinion given form and direction in contemporary American politics? Cantwell has observed:

> It is characteristic of public opinion that it cannot generate a proposal or series of proposals serving to satisfy its needs. Public opinion can indicate very powerfully the general area of its needs, but it remains for an individual or group of individuals to come forward with specific proposals towards which opinion can display approval or disapproval. [2, pp. 933-35]

This thesis will assume that interest groups, pressure groups, or lobbies, as they are variously called, perform this "crystalizing" or "leadership" function which channels active public opinion in such a way as to get support for specific proposals in the area of their general concern. These terms will be used interchangeably, and to make this assumption as clear as possible, it can be assumed in the abstract that individuals hold feelings or opinions on various issues. These opinions are formed as the result of a combination of logical, emotional, and environmental conditionings. These opinions or feelings become politically significant, however, only if they are held with sufficient strength that the people are willing to actively express them and act on them. Public opinion on any issue is assumed to be the opinions of that "public" which has reached the "active" stage. Given a sufficient degree of active opinion on any issue, it is assumed that groups of similar individual opinions unite to promote or defend their common interest. By offering leadership and by formulating specific proposals, organized interest groups are in a position to bring pressure to bear on points of political decision making, and thereby transform public opinion into public policy.

While still at this abstract level, however, it would be a mistake to assume that all the "interests" in any particular situation or on any particular issue need to be formally organized. Indeed, some of the most powerful interests in our society are those values or shared attitudes which are so widely held that no formal organization

has to be organized to make their influence felt. Often they are reflected in the major institution of our society and although unorganized they can be regarded as potential interest groups capable of organizing if these share attitudes or values are regarded as being threatened or violated by the activities of any organized group. Truman states:

> These widely held but unorganized interests are what we have previously called the "rules of the game". Others have described these attitudes in such terms as "systems of belief", as a "general ideological consensus", and as "a broad body of attitudes and understandings regarding the nature and limits of authority." . . . Violation of the "rules of the game" normally will weaken a group's cohesion, reduce its status in the community, and expose it to the claims of other groups. The latter may be competing organized groups that more adequately incorporate the "rules", or they may be groups organized on the basis of these broad interests and in response to the violations. [8, pp. 512-13]

Such a conception helps us to move from the abstract to the concrete, and it gives us an insight into the history of our nation's public policy in labor-management relations. The earliest attempts of labor organization, collective bargaining, or protective labor legislation were viewed as threats to some of our society's most widely held attitudes on individualism, private property, and the laissez faire free market principle of economic liberalism. As a result, the more overt activities of the organized interests supporting the principles of unionism or protective legislation were often thwarted or greatly delayed not so much by better, more efficiently organized opposition groups as by the force of unorganized interest groups or potential interests whose strength lay in the widespread

support their beliefs commanded in the society in general and in the courts in particular. Thus Brown and Myers state:

> Labor leaders, and others, have often placed much of the onus for obstructions to unionism upon the courts, upon judge-made laws. While it may be that the legal training of the judges, with its emphasis on precedent, as well as their social background, contributed to their dragging their heels, it is not unlikely that, for at least the greater part of the period prior to 1930, on the whole they reflected prevailing attitudes....the important determinants of policy may well have been the pervasive views with respect to property rights, on the one hand, and unionism on the other. [1, pp. 20-21]

Only when the increasing forces of urbanization and industrialization and the catastrophe of the Great Depression began to call into doubt the social efficacy of complete laissez faire and to introduce semi egalitarian considerations of material welfare as well as individual property rights into our value system did the "rules of the game" yield sufficiently to introduce new and also widely held attitudes into the institutional fabric of our society. In so doing, however, it must be recognized that much of the former "consensus" in the area of labor management relations broke down. Many of the existing interests in this field were transformed. Interests which previously had been unorganized or only potential interest groups began to reshape and increase their activities. Many existing interests became more highly organized both in terms of their formal structure and in the nature of the scope of their customary activities.

More will be said on this point later in the thesis, but for the present it is enough to point out that, at the present time, the

area of labor-management relations is somewhat unique in the field of political activity in that no other area of governmental action has adversary pressure interests as highly organized as is the case here. Murray Edelman has noted:

> Management groups on the one side and organized labor on the other watch the governmental arena closely, ready to step into the fight or be drawn into it. In most areas of government activity, on the other hand, only one interested party (the railroads, the investment companies, the military services) is highly organized; its adversary is amorphorus. In some fields no interest is organized. [5, p. 52]

With regard to the implications of this fact, he has stated:

> Given two power groups which are organized, the struggle between them in the halls of State is certain to be more intense with respect to proposed public policies in which they have conflicting interests. To the extent that either can win majority legislative, administrative, or judicial support, there will be more action by the State designed to alter the balance of power from time than would have been the case if only one interest were organized. [5, p. 53]

The analysis might well explain the tendency we have seen toward more detailed regulation of labor-management relations. Each enactment seems to upset the power equilibrium between the contending parties, and with both sides highly organized, this immediately sets up pressures for further enactments either to restore the old equilibrium or to consolidate new gains into strength for even further gains.

The fact that both sides are well organized, combined with the fact that they are apparently fairly evenly matched in terms of the amount of influence they can command in Congress, also probably helps to explain the 12-year "jerkiness" we have previously noted in recent congressional enactments. Under these circumstances, only

unusual events such as those cited earlier can break the deadlock long enough to give one side a sufficient advantage over the other to get any legislation enacted. But this process, by its very nature, seems to give undue influence to contemporary events in shaping long run labor policy. This in turn means that as contemporary events change there are new pressures for more modifications of policy, and again seems to imply that under present circumstances the tendency for increasingly detailed regulation seems irreversable.

If this is so, it should be fruitful to examine in more detail the political nature of the contending labor and management interests which are now engaged in this precarious balancing of the public policy seesaw in order to see to what extend we can expect it to change from the viewpoint of the contending parties. Therefore, the next chapter will examine the historical attempts of organized labor and its spokesmen to fashion a viable political influence in the area of labor - management policy, and the following chapter will do the same for American management. Then, Chapter V will examine the Post World War II period in more detail in an attempt to access the present situation with regard to the political dimension of labor - management relations.

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CHAPTER III

HISTORICAL EXPERIMENTS IN POLITICAL ACTIVITY: ORGANIZED LABOR

As America began to industrialize, the functional differentiation of employers and employees, accompanied by different social and economic rewards attaching to these separate functions, permitted the development of attitudes and interests peculiar to each group. These interests often appeared to be in conflict with each other. Early employee attempts to organize together in an effort to modify the disrupting influences of industrialization and to gain a greater voice in determining their conditions of employment were often met by the associated opposition of employers who, as we have seen, relied heavily on the judicial institutions of government (particularly the convenient common law concepts of conspiracy) to combat worker threats to their unilateral rule making authority. A survey of labor's subsequent political activity seems to indicate a more-or-less pragmatic adjustment to changing environmental conditions. Much of labor's early political activity was sporadic and poorly organized. It tended to be local in character and was largely directed against social abuses. During most of the nineteenth century trade unions proved unable to survive economic adversity and employer hostility on a permanent basis. Workers in the industrial centers, therefore, usually relied on trade union activity

during periods of economic prosperity, and then turned to political agitation during periods of depression when their unions collapsed or were destroyed.

This pattern began to change during the latter 1800's as American workers became more successful in establishing permanent or at least longer-lasting institutions. In discussing labor's modern political activity since the turn of the century, this chapter's discussion will focus almost exclusively on the activities of organized trade unions and their national federations. Even here, however, caution must be exercised, since the organized labor movement in the United States is, in reality, a polyglot of competing organizations. The activities of the national federations can be quite different in both purpose and technique from the activities of a constituent or independent national or local union. Despite many differences, however, there are some ties which link most of these organizations together; and although some generalizations are likely to be dangerous, they cannot be avoided at this broad summary level of analysis.

Since the first labor parties in the world appeared in the United States, it is perhaps somewhat of a paradox that the American labor movement today is probably the least political labor movement in the world. While it was possible for American labor parties to be founded ahead of those in other countries due to the fact that male workers had gained the right to vote in most states by the 1830's, the American trade union movement today is the only major movement in the

democratic world not associated with a labor or socialist political party. Indeed, the modern American labor movement is definitely anti-socialistic in nature; and independent partisan activity has not been the only, or even the most predominant, type of political behavior exhibited by the American labor movement.

Historically, American labor has moved from an earlier identification with independent, partisan electoral activity to a more-or-less bipartisan approach, which also emphasizes the lobbying and other non-electoral activities employed by most interest groups now operating in our rather amorphous two party political system. A brief historical review of labor's role in the political process will indicate the relative significance of these different approaches in understanding the contemporary political activities of American labor unions.

Colonial and Revolutionary America: Relative Quiescence

Because of the property qualification for voting, labor, as such, played little if any role in colonial politics. After 1760, however, there were many workingmen in the so-called Whig Clubs. These Clubs aimed at the democratization of government, but they were usually led by young merchants, lawyers, and storekeepers. During the Revolution, these clubs became known as the Sons of Liberty, and labor was probably the largest constituent element in this organization. After the war, however, the leaders of the Sons of Liberty, who were voters, became more interested in how the new government functioned rather than in who voted for it. In addition to the lack of franchise,

another reason for labor's slight political participation during the 40 years after the war was that for the most part they were satisfied with political conditions and they sympathized with the Jeffersonian Party's democratic tendencies. Thus, Morris notes:

> While labor had certain separate and distinct interests in the colonial and Revolutionary periods, its members were not precluded from making common cause with others, as, notably, in joining with the commercial interests to protest the British policy on the eve of the Revolution. [22, p. vii]

Early Nineteenth Century: Oscillation

After the war of 1812, however, a new political generation appeared, and labor was becoming aware of the fact that its status was being reduced from its colonial position of dignity as the handicraft stage of American industry gradually gave way to the age of "merchant capitalism". Rayback states:

> Workingmen who were of this new generation were caught up in the trend. With their living standards lowered by a depression and the merchant-capitalist system, they became conscious of a sense of inferiority and inequality. As one workman expressed it, "The laboring classes in our country, in consequence of inroads and usurpations of the wealthy and powerful, have for years been gradually sinking in the scale of public estimation". Manual labor had ceased to be respectable. Laboring men, particularly the skilled, began to develop a "Workingmen's Platform", intended to establish or restore the equality of esteem which had once been theirs. [26, p. 65]

By 1825 the Workingmen's Platform had been more or less generally evolved. It called for: a 10-hour day; universal male suffrage; equal and universal education; abolition of imprisonment for debt; abolition of the compulsory military system; mechanics lien laws,

which would give workers priority in case of death, bankruptcy or defalcation of employers; and abolition of chartered monopolies and banks, which in labor's opinion encouraged monopoly enterprise and defrauded labor of wages by issuing paper money. The Workingmen's Platform took definite shape only gradually; but, since it was essentially a political program, labor turned to its allies in the Jeffersonian party. At first the Jeffersonians responded; but the merchant capitalists, who had little sympathy for workers' objectives, gradually assumed control of the party. As a result, workingmen began to engage in politics independently. Philadelphia and New York became the leading centers of activity.

The first labor party in the world was founded in 1828 when the Mechanics' Union of Trade Associations of Philadelphia launched the Workingmen's Labor Party in that city. By 1830 "worky" parties, supporting the Workingmen's Platform, had appeared in a host of other cities. Yet, by 1832 most of the workingmen's parties had disappeared. The reasons were numerous: internal dissension caused disgust; the Democrats, who had replaced the Jeffersonians, stole much of their platform; and, most important, the return of prosperity shifted the attention of labor to economic problems and trade unionism. The next major political movement by labor did not appear until after the Civil War, but labor's interest in politics was never completely abandoned after the dissolution of the "worky" parties, and there were several sporadic occurances of interest.

Labor leaders and many workingmen are believed to have

supported Andrew Jackson because they recognized him as the enemy of bank monopolies. While Jackson's war against the U.S. Bank no doubt won hearty labor approval, his Pet Bank policy probably aroused resentment because State Banks were as much disliked by labor as was the Bank of the United States.

In 1834 workingmen also began to urge the Democratic party in several eastern states to adopt the Gouge program which advocated free banking with no right of issue, the separation of federal and private funds, and it wanted to make hard money the normal circulating medium. This issue internally divided the Democratic party in some states. The most important struggle came in New York, where the workers formed the Equal Rights Party (nicknamed Loco Focos) and were just barely defeated by the Tammany machine in 1835. The panic of 1837 then broke and brought the bank war to a climax, after which the Loco Focos gained considerable influence in Democratic parties in many eastern states. The Independent Treasury bill was passed in 1849; and, in another act favorable to labor, President Van Buren simultaneously ordered the 10 hour day for all mechanics and laborers employed by the Federal government.

In addition to this labor attachment to the Democratic party after the collapse of the independent workingmens parties, there was a strong revival of trade union activity between 1833 and 1837, including a movement for a national organization of all trades. The National Trades' Union was created in 1834, and its main function was one of exhortation. It encouraged the creation of more local

associations, and they attempted to push the Workingmen's platform upon the state legislatures. Their petitions also added a few planks to the platform to stop convict labor, and to correct the deplorable conditions which were developing with the increasing use of women and children in the "sweat shops" and the factories. The National Trades' Union also encouraged the free give away of public lands. In 1835 the National Trades' Union, acting as a pressure group for the 10 hour day in the Navy Yards, secured a concession from President Andrew Jackson in the Philadelphia Navy Yard.

The triumph of the workingmen in the struggle to secure influence in the Democratic party in the east eventually brought other results, and the workingmen's programs may also have made an impression on the Whig party. The Workingmen's Platform was gradually enacted in the northeastern states after 1836, and in 1842 it was a Whig Judge, Lemuel Shaw, who handed down the famous Commonwealth v Hunt decision.

Although much of the Workingmen's platform, which had been created in the 1820's was put into law by the 1860's, labor's national position was not greatly improved as a result. Many of the provisions were "uplift" in nature, and those which did attempt to help labor directly such as maximum hour laws were not enforced, and, as was mentioned in the preceding chapter, many subsequent laws were later declared invalid by various court decisions.

The financial panic of 1837 grew into a depression which continued until the gold discoveries of 1849 stimulated a business

recovery. During this period workers became involved in schemes for utopian communities, producer's and consumer's cooperative movements, and finally a drive for land reform. Of these activities, land reform was the most significant.

The free land agitation of the NTU was expanded, and the "homestead movement" was born during this period. This movement, according to Selig Perlman, was a demand that the government "open an escape to the worker from the wage system into self-employment by way of free land" [24, p. 281]; and, along with the issues of the Civil War, it dominated American politics during the 1850's and 1860's.

If the first half of the 19th century was characterized by the oscillation of labor between political and economic activities the second half was characterized by a split within the labor movement itself as to which course of action proved most promising as a permanent course of action. This split was clearly highlighted during the brief existence of the National Labor Union.

Late Nineteenth Century: Dichotomy

The National Labor Union was an attempt to unite two subsequently incompatible philosophies: (1) the politically-conscious, humanitarian-reform philosophy which was carried over from the agitation of the 1820's and the many reform movements of the 1840's; and (2) the more restrictive, wage conscious, trade unionist philosophy which dominated the upsurge of unionism in the early 1850's. Following the Civil War, both Marxian and Lassalian Socialists also appeared for

the first time in the American labor movement. Both groups were radical in that they wanted to overthrow the capitalist system, but the Marxists preferred to begin the class war through organized trade unions whereas the Lassalians preferred political action. These groups joined forced and created the Social Party in 1868 and became part of the N.L.U. They were never very influential, and this alliance was always on the verge of disintegration. The N.L.U., however, was the first sizeable national American labor organization to show a strong interest in the European labor movement, and it also created the first labor lobby in Washington.

The establishment of the National Labor Union was a response to a growing demand for unification of labor groups throughout the country. The issue which became the catalytic agent of the movement for national federation was the eight hour day which began to develop in appeal as Ira Steward put his personality behind it. In August, 1866, an attempt to unite the eight hour movement in Baltimore led to the creation of the National Labor Union. Basically a loose federation of city centrals, the N.L.U. also included some national and local unions as well as various social reform organizations. From the first meeting of the N.L.U. various issues created discord, but this internal disunity did not always cause conflict where the interests of the politically conscious and the trade unionists coincided.

The N.L.U.'s first congress announced three major demands: a universal 8-hour day, abolition of the convict labor system, and

repeal of the Contract Labor Law of 1864, which had been written in response to employer demands for more labor during the war. There were some modest gains along these lines, and the political 8-hour movement was supported by the trade unionists. During the 1866 depression they also went along with producers cooperatives. The aims of these two groups did not always coincide, however, and the first clashes came over admitting women and negroes to membership. Then came a fatal clash over greenbacks, when currency reform again replaced land reform as the number one panacea on the American scene.

The driving personality behind the N.L.U. was William H. Sylvis of the moulders union, a politically conscious "humanitarian" who was a strong believer in cooperatives as a means of freeing workers from the "control" of the capitalist industrial system. Because cooperative enterprizes required capital and credit, labor switched from its earlier advocacy of hard money and was prompted to support various politically inclined farm groups in the "Greenback" movement which favored large issues of paper money and easy credit at low interest rates.

The trade unionists staunchly resisted the movement towards political action when the labor leaders favorable to greenback ideas sought to persuade the N.L.U. it should support a political movement in this direction. The "greenbackers" secured control of the 1870 congress, however, and they set up a political branch known as the National Labor Reform Party. This angered the trade unionists. They

had lost the fight on admitting women and negroes and now this! No national unions sent delegates to the N.L.U. congress in 1871, and the National Labor Reform Party failed to survive the election campaign of 1872 after its original presidential candidate, Judge David Davis of Illinois refused the nomination. Only six delegates appeared at the 1872 congress. The N.L.U. had died, and the center of political insurgency shifted to the agricultural states of the Middle West.

Despite its failure, the N.L.U. represented the first strong effort to unite a fragmented labor movement. It served to focus and highlight the differences between the egalitarian, politically conscious labor philosophy and the self-centered, wage-conscious trade union philosophy which were destined to dominate the internal American labor scene during the last part of the nineteenth century. It oversimplified terms these differences were reflected in the battle between the Knights of Labor and the trade unions which formed the American Federation of Labor for the loyalty of the American workingman. This battle was further complicated by the second politically conscious element of largely European origin, which was strongly socialistic in nature. The divisiveness inherent in these three factions on the American labor scene was temporarily obscured by the "United Front Campaign" of 1886; but this campaign, which will be described in more detail later, also revealed the basic incompatibility of the three groups, and the last decade of the nineteenth century witnessed a decisive showdown between these conflicting elements.

The Noble Order of the Knights of Labor was originally founded as a secret society by Uriah S. Stevens in 1869. Membership in the organization grew slowly at first, but a sudden upsurge after the railway strike of 1877 and the question of how to respond to a proposed Greenback-Labor movement led to the creation of a national organization at the Reading Convention of January, 1878. Stevens resigned shortly after the Convention, and he was succeeded as Grand Master Workman by Terence V. Powderly.

The Knights represented an attempt to form one great labor union to speak for all labor. Secrecy was dropped, and membership in the local assemblies was open to any person regardless of race, sex, nationality, or skill who was over 18 and was working for wages or had worked for wages. No person who sold alcohol, no doctor, lawyer, or banker was to be admitted. The Reading convention announced three "cardinal principles" usually summarized in the words "organize", "educate", "cooperate". The ultimate goal of the Knights was to set up producers cooperatives, but Fine notes:

> Specific demands called for bureaus of labor statistics, productive and distributive cooperatives, public lands for actual settlers, "the abrogation of all laws that do not bear equally upon capital and labor," health and safety laws, weekly pay-days, and wages in legal currency, a mechanics' lien law, abolition of the contract system on public works, substitution of arbitration for strikes, no child labor, no contract prison labor, equal pay for equal work for both sexes, reduction of hours to eight a day, and a circulating medium issued directly by the government. At subsequent conventions, or sessions as they were called, the national body adopted additional planks for the prohibition by law of the Pinkerton Protective Patrol; abolition of the militia; restriction of immigration; the Australian

> ballot; the initiative and referendum; immediate possession by the government of the Union Pacific Railroad; and government ownership of the railroads and telegraphs. [13, p. 123]

During the six years following the Reading convention, the Knights were in a constant state of turmoil. A few strike victories and the adverse economic conditions of the early 1880's, however, led to a rapid increase in membership from about 50,000 in 1876 to approximately 700,000 by 1884. Although the Knights had started out to achieve their program through education and cooperation, their vast program of reform called for so much legislative action that they were drawn more and more into the use of political means of achieving it.

Several of the Knight's officers were Greenback-Labor candidates in 1878. Powderly himself was one of the most successful being elected mayor of Scranton, Pennsylvania, in 1878 and re-elected in 1880. Many local assemblies of the Knights also cooperated with the Greenback movement, and some supported independent tickets of their own. In 1884 the Knights began lobbying in state capitals and in Washington, D.C. to secure their legislative demands.

The rapid expansion of the Knights, together with the newspaper publicity which surround it, was accompanied by some tangible political results. Convict labor was abolished in several states, and in 1887 the Federal Government abolished convict labor. Seven states created Bureaus of labor statistics, and the Federal Government established its Bureau of Labor Statistics in 1883. Most of the Knight's political activity, however, was much less successful;

and the Knight's progress was abruptly halted by the rapid decline in membership due to the increased anti-labor sentiment following the Haymarket bombing in Chicago on May 4, 1886.

After their participation in the United Front Campaign later in 1886 came to naught, the Knights began to lose most of their non-socialistic membership in the cities. Its still declining strength lay in the small towns and rural areas. Thus, when the Populist movement began sweeping the middle west, the Knights were in the forefront of the drive and openly advocated independent political action on a national level. In 1891 Powderly sent out a call to the AFL, Railroad Brotherhoods, and independent unions for an organizing convention. Few responded, but the Knights went ahead and cooperated with the farmer organizations which founded the Peoples Party. In 1892 the People's Party ran General Weaver, the Greenback candidate of 1880, for president and in 1896 they backed the Democratic candidate, William Jennings Bryan. The Knights cooperated in both elections, but neither was fought on labor issues. The People's party ceased to exist after the 1896 elections, and the KOL, weakened by depression and AFL competition, never again gained any importance in either the political or labor fields.

Thus, the Knights of Labor gradually faded from the American labor scene. Their basic platform written at Reading in 1878, however, served as a model for much of the state labor legislation written between 1886 and 1900. Most of this legislation dealt with child labor; women's labor; factory, sweatshop, and mine safety; arbitration of

industrial disputes; responsibility for industrial accidents; and the eight-hour day. The Knights were not directly responsible for the passage of the laws, but their agitation combined with that of the socialists and some AFL unions in the United Front parties of 1886-87 and later the Populists, and the humanitarian instincts of a public aroused by the condition of some labor elements did contribute to their enactment.

As we know, little of this legislation was effective. Employers were seldom willing to use the arbitration machinery, and most of the protective laws were poorly enforced and some were later invalidated. Nevertheless, this legislation formed a base upon which the more effective enactments of the progressive era were built.

During the period when the Knights were in ascendency, a small number of independent national trade unions of skilled workers continued to function independently. A number of these craft union leaders decided to cope with the development of industry's national expansion by uniting with other unions in a national federation. Accordingly, in 1881 the Federation of Organized Trades and Labor Unions of the U.S. and Canada was established. A five-man legislative committee, including Samuel Gompers of the Cigar Makers' Union (who became chairman of the committee in 1883) was established, and its objectives were outlined in the platform adopted at the organization's first convention. Selig Perlman has reported:

> The platform as adopted demanded: legal incorporation for trade unions, compulsory education for children, the prohibition of child labor before fourteen, uniform apprentice laws, the enforcement of the national eight-hour

> law, prison labor reform, abolition of the "truck" and "order" system, mechanics' lien, abolition of conspiracy laws as applied to labor organizations, a national bureau of labor statistics, a protective tariff for American labor, an anti-contract immigrant law, and recommended "all trades and labor organizations to secure proper representation in all law-making bodies by means of the ballot, and to use all honorable measures by which this result can be accomplished". [9, p. 324]

While seeking the election of persons sympathetic to its needs, and pressing for legislation they deemed favorable to the workers, however, the FOTLU did not establish an independent party or formally ally itself with any political party. This policy was continued when the organization joined the newly formed American Federation of Labor in 1886 and one of its leaders, Samuel Gompers, rose to a position of leadership in the new Federation. "The "United Front" compaigns of 1866 and 1887 only served to convince Gompers of the wisdom of this course of political action.

In the face of strong anti-labor sentiment following the Haymarket affair in May 1886, many workers turned to independent political action in several industrial localities. Several "united labor" parties sprung up and were supported by members of the Knights, the trade unionists from AFL unions, and representatives of various socialist groups. An attempt to combine these scattered parties into a national organization soon subsided, however, and the last important independent political movement of American labor in the nineteenth century disintegrated.

The most important of the 1886 political struggles were waged in New York and Chicago, but a host of minor ones were fought throughout

the country. Samuel Gompers, himself, was active in the Henry George campaign in New York City. Aroused by a judicial decision against labor in a boycott case, the Central Labor Union of New York City invited all labor-reform organizations, labor unions, Knights, Greenbackers, anti-monopolists, socialists, and land reformers to a conference. The conference, attended by some 400 delegates from 165 organizations, formed the United Labor Party and nominated Henry George, the father of the single tax, as its candidate for the major of the city. George polled 67,930 votes to 90,456 for the Democratic candidate, Abram S. Hewitt, and 60,474 for the Republican candidate, Theodore Roosevelt. [13, p. 43] Labor hailed these results as a great victory and the state legislature apparently agreed, for several new labor laws were shortly forthcoming. Attempts to extend the United Labor Party statewide soon resulted in a split between the socialists and the single-taxers, however, and the 1887 state elections were a disappointment to both factions.

The 1886 political upheaval outside New York city temporarily had more favorable results. Labor tickets won municipal elections in several New England cities. In Chicago a United Labor party elected a state senator and six assemblymen in 1886, and a farmer-labor coalition elected a congressman, a state senator, and six assemblymen in Milwaukee. The spring elections of 1887 seemed to bear out the promise of the previous year, and labor tickets carried local elections in 19 midwestern communities. This surge quickly faded, however, and the same forces which destroyed the movement in New York

appeared in other industrial centers. The movement invariably split into two wings - "conservative" and socialists. In most places the "conservative" wing captured control of the organization, leading to a socialists ouster or secession. Rayback quotes Joseph Buchanan's description of the situation as follows:

> Men representing a dozen different shades of opinion ...come together ostensibly to pool their issues and amalgamate the elements variously represented. When they...come to write the 'union' platform...each claimed that he had the cure-all.... The upshot of the business has been a few truces, and the stronger faction has written the platform, while the rest have gone home sore-headed. [26, p. 172]

Thus, while the results of the United Front Campaigns of 1886 and 1887 were a determining factor in the AFL's decision to hold fast to its pure and simple trade unionism and eschew independent political action, they were also a determining factor in persuading the Socialist Labor parties to adopt an uncompromising position of "going it alone" irrespective of trade union support.

Samuel Gomper's leadership in political and other matters was not unchallenged during the early days of the Federation, however, and many socialists still tried to "bore from within". After a long internal struggle, Gomper's report to the 1898 convention included a section on "Trade Unions - Their Philosophy". By adopting that report the convention declared itself conscious of the principles which Gompers had been evolving. Since these principles were to guide the Federation for many years after 1898, and, indeed, are still important today it may be well to summarize them briefly.

The new union philosophy was one of pragmatism and business-like methods. The AFL recognized a real conflict of interest between employers and employees, and reliance was placed on trade organizations of skilled workers, job control, and the negotiation of written labor agreements to improve the lot of the working man.

Taking to heart the lesson of a century of experience, the new unionism shunned direct participation in politics or support for any program to revamp the economic system. In sharp contrast to the Knights of Labor, the Federation principles involved strict autonomy for the affiliated national unions (no Federation control over their internal affairs), exclusive jurisdiction (one union for each craft, and no dual unions), avoidance of political alignments, and major emphasis on economic action, with the Federation lending support to the national unions in strikes and organizing activities.

Traditionally the AFL's political policy has been termed "non-partisan" and is summed up in Gomper's classic statement:

> The partisanship of Labor is a partisanship of principle. The American Federation of Labor is not partisan to a political party, it is partisan to a principle, the principle of equal rights and human freedom. We, therefore, repeat: Stand faithfully by our friends and elect them, Oppose our enemies and defeat them whether they be candidates for President, for Congress, or for other offices, whether Executive, Legislative, or Judicial. [3, p. 234]

Despite Gomper's strong leadership, these principles were not accepted by the Federation until after a long struggle between the Socialists within the AFL, who favored a labor political party, and

those who adhered to Gomper's approach of rewarding friends and punishing enemies had been at least partially resolved.[1] During the early years of the Federation's existence, the delegates to the AFL conventions holding socialistic views upon political matters persisted in their efforts to secure an endorsement of these views from each convention of the Federation. With only one exception, the result was uniformly the same, and the AFL refused to pledge or advise the trade unions to take part, as such, in any movement in the nature of partisan politics.

The one exception, and the greatest success of the Socialists was in 1893, when the AFL convention by an overwhelming vote adopted a resolution endorsing the independent political policy

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[1] The first of the socialist parties claiming to represent the true interest of the American working class, was Lassallean in its theoretical position. The Labor party of Illinois was founded late in 1873, and the Social-Democratic party of North American was born the following year. Both of these party's were less important than the Working Men's party of the United States founded by a gathering of socialist in Philadelphia in 1876. Late the following year, this became the Socialist-Labor party, which attained the height of its influence in the 1890's under the leadership of Daniel DeLeon.

Schisms in the socialist camp led to the creation of two new parties before the Socialist party of American was founded in July, 1901. The nucleus of its initial strength lay in former members of the Socialist-Labor party and recruits from the vanishing Populist cause. Until it was severely split by the issues created by the First World War and the Bolshevist Revolution, the Socialist party was roughly equivalent with the socialist movement in the United States, but Henry David notes: "the party's political strength was far less a product of conversion to socialism than of a widespread desire for 'honest' and 'good' government and of dissatisfaction with the major parties. It is significant that the response to socialist candidates was releatively greater in states that were not preeminently industrial." [10, p. 103]

of the British unions. A political program, including collective ownership by the people of all means of production and distribution, was submitted as a basis for a labor party, and the labor unions were asked to instruct their delegates to the next convention on this subject. At the 1894 convention, Gompers and his associates eliminated the socialist plank and defeated the proposal to form an independent party. In revenge the Socialists helped to elect John McBride of the United Mine Workers to the presidency of the AFL for a year's term, but Gompers regained the office in 1895 and admonished the convention: "Party politics, whether they be Democratic, Republican, Socialistic, Populist, Prohibition or any other, shall have no place in the Conventions of the American Federation of Labor." [1, p. 79][1]

The Socialists, nevertheless, continued to harass the delegates at each succeeding convention until it was finally decided that a decisive test should be made upon the issue of politics versus trade unionism at the Boston Convention of 1903.

Ten resolutions of a political nature were introduced by the Socialists at Boston, and the ensuing debate lasted nearly two days. The ultimate result was a resounding defeat for the Socialists

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[1] Prior to this skirmish, the Socialists greatest success over Gompers was in 1889, when he almost campaigned for a seat in the New York Senate. The Republican Party nominated him and a fraction of the Democrats gave him their support. The Socialists, however, refused to support him on an old party ticket, and Gompers withdrew from the race.

and their program. Gompers, himself, took great delight in leading the attack against his old enemies in the Federation. He concluded his attack against them in the following words:

> I want to tell you, Socialist, that I have studied your philosophy; read your works upon economics, and not the meanest of them; studied your standard works, both in English and German-have not only read, but studied them. I have heard your orators and watched the work of your movement the world over. I have kept close watch upon your doctrines for thirty years; have been closely associated with many of you, and know how you think and what you propose. I know, too, what you have up your sleeve. And I want to say that I am entirely at variance with your philosophy. I declare it to you, I am not only at variance with your doctrines, but with your philosophy. Economically, you are unsound; socially, you are wrong; industrially, you are an impossibility. [4, p. 198]

Thus, while the AFL's non-partisan policy was developed as a result of Gomper's desire to dissociate the economic movement of labor from the political movement of Socialism, it had the practical effect of giving local labor leaders the opportunity of playing ball with the dominant political machines in their communities and allowing every head of an international union to endorse the political party he chose. Furthermore, the AFL did not rule out all types of political activity.

We have seen that the AFL's predecessor, the Federation of Organized Trade and Labor Unions, set up a legislative committee; and Gompers himself represented the AFL before Congressional hearings from 1886 onwards. Because of his hatred of Socialism and state interference, however, Gompers vehemently opposed any effort to secure from the state what the trade unions could obtain for themselves in the

economic field. Thus, closely aligned with his non-partisan political philosophy, was Gomper's philosophy of "voluntarism". These two concepts were closely related and often confused, but basically they referred to two different things. Non-partisanism was the method favored by Gompers to implement the AFL's political program. The actual content of the program, however, stemed from Gompers' philosophy of "voluntarism" which relegated political activity to a minor role in comparison to the primary economic objectives of trade unionism.

It was assumed that the skilled craftsmen possessed sufficient strength to take care of themselves if allowed to exercise their economic power without restriction from public authorities. Therefore, most of the AFL's legislative demands were "negative" demands for the removal of governmental restraints on the freedom to organize, to strike, to picket, and to bargain collectively. Gompers maintained that the chief purpose of political action was to secure a climate favorable to economic organizations. Where economic power was ineffective, however, or where gains through collective bargaining were not very likely, such as with women, children, government employees, and seamen, the Federation modified its general anti-interventionist position on the functions of government. The Federation also favored immigration restriction on the grounds that unlimited immigration interfered with the labor market and undermined their inherent economic power. But the AFL still held that a full blown program of social reform legislation would weaken the

need for trade unions. They felt that labor could expect only minimum benefits from the state, and feared that a government bureaucracy providing welfare services would curtain freedom, and weaken the workers allegiance to trade unions. At a less philosophical level, there probably was also the fact that even in the small labor movement of this period it was easier to get agreement in opposing a measure than it was to get agreement in proposing a positive action. And there was also the danger that if unions began proposing positive legislative measures, the Socialists might get in with some of their proposals and create a greater pressure for independent political action.

In support of its limited and largely negative program the AFL tried to impress Congressmen with announcements such as the following resolution from the 1899 convention: "Candidates of any party who openly declare themselves in favor of the AFL platform of laws shall be endorsed." [2, p. 107] Karson, however, notes: "Congress paid little attention to the Federation's legislative demands because the legislator's knew that in actuality the AFL leaders were undertaking no serious action that might conceivably swing labor votes to particular congressmen." [17, p. 21] Thus, a student at the turn of the century summed up the AFL's political position in these words:

> The position of the American Federation of Labor, as gathered from its records, is that, while rejecting the proposal of political action by the trade-unions, as fundamentally opposed to the proper purpose of these

> bodies, it favors discussion and action upon legislative lines. In other words, it seeks to secure favorable legislation from the existing legislative bodies without reference to their political make up, leaving to the individual trade unionist, in his capacity as a citizen, the duty of voting as his experience and judgment dictate. [21, p. 316]

1900-1930: Non-Partisanism Emergent

By surviving the depression from 1893 to 1896 the AFL managed to accomplish what no other national labor organization had done before. In 1897, trade unionism was confined almost entirely to the four independent railroad brotherhoods (the Locomotive Engineers, Railroad Conductors, Locomotive Firemen and Engineers, and Railroad Trainmen) and to the 58 national unions affiliated with the AFL. Between 1897 and 1904, however, trade union membership in the United States experienced its sharpest percentage increase in history. The membership of AFL affiliates increased from about 265,000 to approximately 1,676,000 persons, and the total trade union membership increased from 440,000 to 2,067,000. After this four fold increase, which was probably boosted by the spirit of reform which dominated the "muckraking era", unions membership stabilized at around two million between 1904 and 1907 in the face of a sharp employer counter offensive and "open shop" campaign. Despite this upsurge, however, it must be kept in mind that at no time during this period were more than 10% of the organizable workers enrolled in the ranks of the trade union movement.

It has frequently been charged that the outlook and activities of the AFL craft unions during this period were narrow,

selfish, and disregardful of the far greater needs of the increasing masses of unskilled workers, whose interests had to be taken up by the radical activities of such organizations as the Industrial Workers of the World (the only labor group in U.S. history to completely renounce all forms of political action). There may be some justification for these charges, but it must be remembered that unions still existed in a hostile environment of open shop employers and injunction judges, and at least their organization could show success and growth whereas more "idealistic" groups had perished on the shoals of disunity and economic adversity.

Continuing to follow Gompers' leadership and spurning the establishment of a separate labor party, the AFL began to lobby formally in national politics in 1895. Two years later the Federation moved its headquarters to the national capital, and shortly thereafter its Executive Council began to lobby directly for its legislative measures. Until 1906, however, whatever political pressure the AFL had been able to generate was directed toward individual legislators and the party organizations. For practical purposes, it played no role designed to affect the outcome of elections, and the returns from its political efforts were very thin indeed. Organized labor was being prosecuted under the provisions of the Sherman Act, and the labor injunction was being employed with increasing frequency and more injurious effects. At the same time the Washington lobby of the NAM was emerging and enjoying real success in killing proposed labor legislation. More will be said on

the political activities of the NAM in a subsequent chapter, but the AFL itself has stated:

> In 1902 the NAM caused the defeat of labor supported 8-hour and anti-injunction bills before congress. And in the 1904 elections the NAM scored signal successes in its efforts "to cut off labor's influence at the source" by defeating congressmen and senators favorable to labor. [6, p. 8]

In consequence of this political impotence, the AFL was spurred to undertake a broader and more energetic campaign of political action. This action was probably encouraged by the developing atmosphere of the progressive movement and the tempting success of the organization which later became the British Labor Party in the 1906 elections in Great Britain. In March, 1906 Labor's Bill of Grievances was formulated which demanded governmental action to effect a long list of reforms. This document is felt to be of sufficient importance to warrant its inclusion as Appendix A at the end of this thesis.

In addition to the removal of governmental interference under the anti-trust laws and through the injunction procedure, the Federation also sought immigration restrictions, regulation of convict labor, protective legislation for American seamen, and effective enforcement of the 8 hour day for employees on government contracts. When Congress ignored these requests, the Executive Council decided to participate actively in the 1906 Congressional campaign. The non-partisan policy was reaffirmed, but steps were now taken to make it more effective. A labor Representation Committee was designed to run the campaign, and some modest provisions were made

to raise funds for it. Subsequently, this committee became the Nonpartisan Political Campaign Committee; and after 1906, there were active steps to defeat labor's enemies in the elections of 1908, 1910, and 1912. (Labor seemed to be more interested in defeating enemies than helping friends during these years.)

In 1908 and again in 1912 the Democratic Party adopted labor planks proposed by the AFL, and following Woodrow Wilson's election in 1912 some favorable labor bills were passed. The reform sentiment of the "progressive era" also reached its peak during these years, and the Socialists candidate, Eugene Debs polled 6% of the votes cast for President in 1912. Several states passed laws regulating the employment of women and children in industry. The first effective workmen's compensation laws were passed in several states, and Congress established the department of labor as a separate cabinet post in 1913. The previously mentioned Lloyd LaFollette Act was passed in 1912, and the Clayton Act was enacted in 1914. In 1915 Congress passed the Seaman's Act, regulating the employment conditions of American sailors; and in 1916 the Adamson Act established the 8-hour day on the railroads. With the outbreak of the First World War, labor's political influence continued strong as their cooperation was sought in furtherance of the war effort. With the end of the war this influence was greatly reduced. The courts stripped away the illusory gains of the Clayton Act, several major strikes were lost, and in the "return to normalcy" following the Republican triumph in 1920 labor was again placed on the defensive.

The general ferment in the immediate post-war period gave rise to a wave of labor parties despite the fact that a committee of the AFL executive council and department officers was set up to combat a third party trend. The response of the AFL chieftans was to wage the non-partisan campaign of 1920 a little more vigorously than usual, and the Federation also let its principles of voluntarism slip a little when it grudgingly committed itself to the nationalization of railroads, mines, and public utilities. Despite Federation efforts, however, some officials and rank and file members of AFL unions, state federations, and central labor unions played key roles in these independent political movements.

Henry David has stated that"when the first convention of the American Labor Party met in Chicago in July 1920, 15 state labor parties were already in existence. The national organization changed its name to the Farmer Labor Party of the U.S." [10, p. 100] In the presidential election of 1920 the Farmer Labor candidate, Parley P. Christensen, ran well behind the state parties which scored a number of congressional successes. Shortly afterward, the rival, Communist-controlled Federated Farmer Labor Party appeared; and in 1922 the independent railway unions, together with other segments of the labor movement which wanted vigorous political action but not an independent labor party, created the Conference for Progressive Political Action.

The Conference established local conferences, and their purpose was to work either through the primaries of the old political parties or to nominate independent congressional candidates, as each

local conference might deem appropriate. While the AFL did not affiliate with this movement, some of its national unions and state organizations did. When this organization made possible Senator Robert LaFollette's presidential candidacy in 1924, the AFL reluctantly made its only official endorsement of a presidential candidate until it openly backed Adali Stevenson in 1952. The Federation's announcement, however, made clear that the AFL was not identifying itself with the other supporting groups nor committing itself to third party action. LaFollette made a creditable showing by polling over 16% of the popular votes, but the temporary unity among western progressives, industrial workers, and agrarians had collapsed. Of all the state labor parties that followed after 1919, only the Minnesota Farmer-Labor Party remained a significant political force, and it merged with the Democrats in 1944.

On the radical front during this period, socialists elements with a revolutionary orientation were seeking to win labor's support through the Worker's Party, which was fused out of several competing organizations in 1921-22. This group substantially became the Communist party of the U.S., and was the American section of the Communist International until the later was dissolved in 1943. The Communist Party then took the form of a political association. It resumed its existence as a party after the Second World War but has not participated directly in national elections, although it strongly supported Henry Wallace on the Progressive Ticket in 1948.

Following their reluctant and unsuccessful support of

LaFollette in 1924, a reaction set in within the AFL. Even after Gomper's death shortly after the 1924 elections, the AFL leadership continued to rely on his principles of voluntarism. William Green continued to share his predecessor's convictions regarding the limited role of government in labor-management relations, even though the industrial environment of the 1920's was quite different from the environment of the late 1890's when the principles were originally formed.

In the face of a steadily declining membership, the Nonpartisan Political Campaign Committee continued to issue its appeals, but they produced only varying responses. It is probably safe to say that until very recent years the actual involvement of the Federation's rank and file membership in political activity was extremely slight. Prior to the 1930's, political activity was only a very limited part of the Federation's program, and it revealed a fairly bi-partisan pattern based strictly on candidate's records rather than party labels.

The records of office holders had been kept by the Federation since 1896, and any official action the AFL took was solely on the basis of these records. On the national scene it found that the Democratic Party listened more attentively to its platform demands than the Republican Party, but the Federation still insisted on maintaining its independence. Whatever alliances the AFL chose to make with political parties were made at the local level. In normal Republican states, the labor organizations tended to be Republican.

In normal Democratic states they were Democratic. In order to improve trade union relationships with the police force in strike situations and where local ordinances and practices affected the crafts, such as in the building trades, local unions tried to develop working relationships with whatever political machines were dominant in the community. It is only recently that the ideological content has been provided for local political participation by trade unions. Thus, the director of the AFL's information and publicity service could write in 1924:

> The American Federation of Labor leaves to the organizations in each election district the matter of making the choice of candidates to be supported. It may assist in fighting for the defeat or election of individual candidates, but it will do so only in accord with the wishes of the unions in the district or State. [30, p. 741]

During the complicated period of the 1920's and 1930's, however, changing industrial conditions appeared to be rendering much of the AFL's traditional policy obsolete. Despite the proven merits of "voluntarism" when well-organized skilled workers faced a relatively small employer in a competitive market, it was a different story when labor was increasingly confronted by large integrated corporations which relied on mass production techniques and had millions of dollars at their command. Philip Taft has observed:

> These corporations did not depend upon injunctions to combat organized labor. Company-supported unions, private police, and extensive system of industrial espionage could undermine a union even more rapidly

> than an injunction. To oppose an employer with such instrumentalities at his command required greater resources than many unions could muster. [29, p. 640]

Outside the mass production industries employers also began to present problems that most unions could not meet by economic action alone when they began moving their plants into non-union areas and undercutting their organized competitors in the old union strongholds.

The reason that the AFL was so slow and even reluctant in adapting to these changing conditions, even in the face of declining membership, can probably best be explained by the fact that the Federation's policy was strongly influenced and almost dominated by the traditionally conservative building trades unions. Taft notes:

> Not being in the main employed in industries with large aggregations of capital, these unions felt they had nothing to gain from government intervention in economic matters. They still believed, in the late twenties, that the demand for protection against the issuance of injunctions in labor disputes was the essential item of a labor program. ... Such questions as unemployment insurance, old age security, and the limitations of the hours of labor by legislative enactment were opposed by the American Federation of Labor on the grounds that they would open the door to government control of economic life and, incidentally, of labor unions. [29, p. 637-38]

The continuing influence of the Railway unions and the enactment of the Railway Labor Act in 1926, proved a glaring exception to the general decline in union influence during the 1920's. The more active union interest in politics on the railroads can probably be explained by the fact that the government had begun to

regulate rates and, directly and indirectly, labor relations. Regardless of philosophy, these unions could not afford to be indifferent to politics. Following the disastrous shop craft strike in 1922, the railroad unions sought positive aid from the government to protect their right to organize. They were instrumental in the LaFollette campaign of 1924, and there were certain factors which also worked in their favor as effective instruments in the political process after this movement to independent political action collapsed. First, like the AFL, they set rather limited political objectives for themselves; but unlike the Federation they were not adverse to government action if if would promote their immediate interest. Second, they were forunate in having the bulk of their membership concentrated in rural areas where their influence was magnified in the districts which are overrepresented in Congress. Finally, the mores within the railroad industry tended to solidify the railroad workers, and a union endorsement meant more than in most industries. In addition to their official organs the railroad men continue to sponsor a newspaper, Labor, which is mainly a political sheet.

Post-1930: Nonpartisanism Reshaped and Revitalized

In the face of the social ferment and political unrest following the stock market crash in 1929, organized labor was compelled once more to examine the old issue of the most appropriate form of political action. Several local labor parties were formed following unsuccessful strikes during the early thirties, but at this

juncture neither the socialist or communist parties could seriously claim that they were genuine political instruments serving the mass of American workers. In spite of some scattered local voting strength, the Communist vote in the 1932 presidential election, with conditions more favorable to the party's appeal than ever before, barely topped 100,000 out of a total popular vote of almost 40 million. David notes:

> The Communist Party, in short, had failed to establish a significant political bridgehead in the camp of labor. It had, moreover, won the enmity of most trade unions as a result of its name, its programs, and its attempts to capture control of the labor movement through the tactics of boring within and dual unionism. [10, p. 102]

The AFL indirectly supported the election of Franklin D. Roosevelt in 1932, but the early change in the Federation's political activity during the New Deal came not in its non-partisan political policy of rewarding friends and punishing enemies but rather in its traditional voluntaristic attitude toward the role of government in enacting social and labor legislation. The philosophy of voluntarism had been evolved in an environment quite unlike that of the 1930's. With millions unemployed and hunger a frightening reality, it became increasingly less tenable to maintain suspicion of a government that provided social or welfare services. The old attitudes changed only slowly, however, and even then with much reluctance and internal opposition. Therefore, organized labor can not really be counted as

a driving force behind much of the New Deal labor legislation.[1]

The AFL leaders did not give their initial blessing to the principle of the Wagner Act without a great deal of fear that it might open the door to subsequent government intervention in the internal affairs of unions. (A fear which was not unfounded in the light of subsequent events.) A decision was made to support the bill fully, however, but after the CIO split in 1938 the Federation became increasingly critical of the Acts administration by the NLRB. The Federation's position on protective legislation was even less clear cut. Traditional AFL attitudes proved to be strongly resilient even in the face of the tremendous downward pressures exerted on labor standards by the existence of mass unemployment.

As late as the 1936 convention, President Hutcheson of the powerful carpenters union, made the following classic anti-legislation speech.

> The labor movement is going far afield.... When it comes to private employers, I say, establish your wages and hours by negotiation and not by law.... What they can give us they can take from us. [5, p. 719]

The first indication of a changing attitude, however, came in 1932 when the executive council reversed its long maintained position

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[1] The most authoritative study of this period concludes that with regard to the NIRA, the Wagner Act, the Social Security Act, and the FLSA, organized labor was a relatively unimportant source of pressure for policy changes, although they did support these measures with varying degrees of enthusiasm and effectiveness. Since 1939, however, unions have exhibited a growing interest and influence in these areas. See [11] especially chapters 5, 6, and 7.

For another study that also emphasizes organized labor's lack of influence in affecting New Deal labor policy, see [12].

and recommended that the AFL work for unemployment insurance laws. The AFL also supported the Black 30 hour bill as a "spread the work" measure when it passed the Senate in 1933. This Act was allowed to die in the House when the Administration submitted the NIRA as a more comprehensive recovery program. In his testimony prior to the enactment of the NIRA, President Green confined his remarks to the desirability of section 7(a) and did not comment on the code's provisions for minimum wages or maximum hours. The AFL also supported the Social Security Act on its passage in 1935, but it did not originate this legislation nor act as its strongest supporter.

From its inception the CIO was more favorable than the AFL to protective labor legislation. Although John L. Lewis expressed some reservations about general wage fixing by the government, other CIO leaders less influenced by traditional AFL thinking, did not view government legislation as a threat or rival for union member loyalty so much as they saw it as a supplement to union activity in protecting labor standards in unorganized areas. CIO leaders were also more prone to see unions as more than mere bargaining mechanisms, and they envisioned organized labor as an effective pressure group in the political arena.

The 1936 elections marked a watershed in the political activities of organized labor, and it also marked a significant shift in the political alignment of social and economic interests in the nation's political parties. At the national level at least the 1936 election reflected the economic revolution which the New Deal Fostered.

The attack made by the Republican candidate on the Social Security Act and its vigorous defense by the President and his supporters made the election somewhat of a referendum on the New Deal and its concept of the role of the Federal Government in the nation's economic life. Not many previous elections had been fought along such clearly drawn economic lines, and the traditional attempts of both parties to appeal to all economic classes was severely modified by the sharp clash between the "New Dealers" and the "Economic Royalists".[1]

In 1935 a number of AFL, CIO, and independent unions formed Labor's Nonpartisan League to formulate and direct political action for the 1936 campaign. In contrast to the 1932 policy of the AFL in endorsing the candidacy of Roosevelt by indirection, the League clearly devoted itself to Roosevelt's reelection and conducted a vigorous campaign on behalf of the Democratic ticket. Since President Roosevelt was clearly labor's "friend", this activity did not necessarily break with the old non partisan approach of rewarding

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[1] Even in 1936, however, not all labor leaders supported Roosevelt. The Carpenter's President, William Hutchinson, not only retained his traditional position as the Chairman of the Republican Labor Division, but emitted such firey broadsides as the following:

> "[Labor opposes]... the subversive forces present in the Roosevelt administration in the person of Rex Tugwell, Richberg, Hopkins and his other soviet sympathizers and Red tinged advisors Frankfurter and Jerome Frank slinking in the background."
>
> "[It is]... against John L. Lewis and his Committee for Industrial Organization with its radical Brophies, Hillmans and Dublinskys who are pleading for labor to vote for President Roosevelt so Communism can overthrow the American form of government."

Quoted in [16].

friends and punish enemies. The intensity of labor's 1936 campaign in comparison with the AFL's previous efforts, however, clearly differentiated the 1936 campaign from any which preceded it. Whereas most previous labor endorsements were implicit and frequently unsupported by active participation, Labor's Nonpartisan League clearly and explicitly endorsed Roosevelt, and reported political expenditures by interstate labor organizations ran to over $770,000. This exceeded by eight times the sum raised by the AFL for political purposes during the previous thirty years. [23, pp. 56-57]

The 1936 presidential election also marked a major change in the nature and the distribution as well as in the amount of organized labor's political expenditure. Louise Overacker's figures indicate that the AFL had expended a little over $95,000 between 1906 and 1925, but in 1939, she stated:

> Since 1925 no political funds have been raised. Almost all of this money was contributed by affiliated unions and was expended for postage, leaflets, and the expenses of speakers. In no instance were the general funds of the AFL used for political purposes, nor is there any record of contributions to the campaign fund of a party or candidate. [23, p. 57]

While some of the affiliated national and local unions no doubt deviated from this AFL pattern before 1936, Miss Overacker's figures show that the entire three-quarters of a million dollars which organized labor reported spending in 1936 went to the Democratic party, and a substantial part to the national committee of that party. Thus, five percent of all funds received by the Democratic National Committee in 1936 came from labor organizations. The greater part of this money

came from CIO unions (the Mine Workers alone contributed $469,800), but many AFL affiliates also contributed varying amounts.

Although Labor's Nonpartisan League was primarily dedicated to the reelection of Franklin D. Roosevelt, it planned to continue as a permanent organization in order to augment the politcal effectiveness of the nation's liberal forces. After the 1936 elections, however, discord within the ranks of labor became apparent. In 1938, William Green urged AFL members to withdraw from the League, charging that it was a CIO agency manipulated by CIO leaders seeking to create an independent third party. Even before this date, the League and the Nonpartisan Political Campaign Committee of the AFL were operating as rivals, quarreling over the terms of the federal wage and hour law, over nominations, and over endorsement of candidates.

The League continued to function without AFL support, but it was further weakened in 1940 when it again supported Roosevelt only to have John L. Lewis throw his support to the Republican Candidate Wendel Wilkie, and then resign as president of the CIO when the "labor vote" did not follow his lead.

During Roosevelt's second term real differences developed between the AFL and CIO over the administration of the Wagner Act, and the AFL was much less enthusiastic than the CIO in its support of the FLSA. Indeed, the 1937 convention reprimanded President Green for going as far as he did in supporting the administration's original proposal, which was changed in several ways before it finally passed in

1938. The hostile reaction to Roosevelt's court packing threat, and the increasingly hostile public reaction to the alleged abuses of a growing and divided labor movement resulted in a relatively conservative Congress being elected in 1938, and the period of New Deal labor legislation came to an end. The events of these years, however, were to have a lasting impact on the outlook of the American labor movement toward things political.

Philosophical considerations aside, the AFL's old concept of voluntarism had been developed out of the social and economic conditions of a period when the government was hostile or at best grudgingly tolerant toward the interests of organized labor. With a government unfavorable to labor it is not surprising that labor wanted to keep the role of the government to a minimum. Furthermore it was not very realistic to expect that a labor movement which included only one of every ten organizable workers could be a very decisive political force in the governmental process outside of certain geographical regions in which the membership was concentrated. The decentralized nature of state legislation and the relative immunity of the judiciary from electoral pressure further militated against any real political success. The social and economic conditions of the 1930's, however, were quite different from those of any other period in our country's history.

In the face of an unprecedented amount of unemployment, all but the most secure craft unionists began to lose faith in their own unaided economic strength, and the AFL was forced to modify its policy

of voluntarism, if not abandon it completely. Furthermore, the growth of industrial unionism under the governmental support of the NIRA and the Wagner Act gave the American labor movement a veritable blood transfusion.

The challenge of the CIO resulted in a revival of the AFL in the race to organize new members, and both federations developed a political program that tended to differ from the traditional policy of voluntarism--the CIO by deliberate purpose, the AFL by dint of gradual pressure and more or less reluctance. The essential difference between the attitude of the AFL and that of the CIO towards social and labor legislation during the late thirties was chiefly one of degree, and may be attributed in part at least to the fact that the depression fell more heavily on the mass production workers who made up the bulk of the CIO than it did upon the more favored craftsmen who traditionally dominated the AFL.

Just as the New Deal itself was a typically American, experimental and non-philosophical reaction to the catastrophe of the Great Depression, so was the modification of organized labor's political program a pragmatic adjustment to drastically altered environmental circumstances--although the CIO was apparently willing to carry its non-voluntary principles to much greater lengths than the AFL.

With the remedial and reform measures of the New Deal, organized labor acquired a new stake in politics, wages, hours, jobs, relief, unemployment insurance, a broad social security program,

the conditions of organization and collective bargaining--all these were now affected with varying degrees of decisiveness by government policy. And increasing experience with the governmental bodies administering these laws gradually broadened most union leader's conception of the labor movement's political goals.

The constitutional revolution which accompanied and even made possible the economic revolution of the New Deal, also meant that the most crucial decisions affecting labor's fate were now centralized at the national level of government--a fact which greatly facilitated the focusing of the increased political pressure which an expanding membership base made possible. The 1930's also revealed the necessity of increasing political activity at the lower levels of government. In its first report the LaFollette Committee on Violations of Free Speech and the Rights of Labor summarized instances and methods of employer - police cooperation in strike breaking, which only reaffirmed many union organizers' convictions that strikes were broken by the police or with their connivance in state after state and county after county. When the experiences with local officials were compared with the actions of the federal administration, it was not hard for unionists to conclude that they could get equal protection only by active participation in local elections.

The increasing amount of restrictive state labor legislation after 1939, also aroused a fear of losing many New Deal gains, and maintained labor's interest in the Democratic party even after John L. Lewis' rebellion.

Lewis' early leadership of the CIO had encouraged an unusual degree of political activity by that organization. It was widely held, and often feared, that he had personal political ambitions of his own. These rumors (if they were only rumors) certainly did nothing to discourage the lesser CIO leaders from taking an active part in politics. If another CIO president had frowned on political activity as time wasted from organizing, it is unlikely that either the interest in or the actual practice of politics would have been as deeply imbeded in the CIO as they were in the late 1930's. This argument becomes stronger when it is noted that there was a relative hiatus in CIO political activity between 1940 and 1943 following Lewis' resignation; but this might be explained equally well by the subservience of economic issues to the preoccupations with wartime conversion during this period, and the necessity of breaking in Philip Murray as the new CIO President.

Nevertheless, the Damocles sword of restrictive labor legislation which Congress dangled above unions from 1941 onwards prevented any real lapse in labor's political interests, and there can be little question that the direct incentive for the creation of the CIO's Political Action Committee was the Smith-Connally Act. Roosevelt vetoed the bill, but Congress passed it over his veto in June, 1943. The CIO executive board met in July of the same year to consider the effect of the law.

Fearing that its New Deal gains were in jeopardy, the CIO set up its Political Action Committee--known as the PAC. It was made

separate from the CIO because the Smith-Connally Act had prohibited contributions by labor unions in federal elections.

In its early years the PAC became the center of a great deal of controversy and obtained a great deal of publicity for itself despite repeated statements such as the following from its chairman, Sidney Hillman:

> We are not interested in establishing a third party, for a third party would only serve to divide rather than to unite the forces of progress. We are not an appendage of either major political party. Nor, as has sometimes been charged, have we any desire or ambition to "capture" either party. ... Like every other organization concerned with the affairs of government, we seek to influence the thinking, the program and the choice of candidates of both parties. [14, pp. 238-39]

As long as Roosevelt was the Democratic standard bearer, however, there was little reason for breaking the alliance by which labor bound itself to specific Democratic candidates and policies without officially supporting the party itself. It is not surprising, therefore, that most of the PAC's energy was spent in support of Roosevelt and New Deal candidates. Most of this support, however, was devoted largely to publicity rather than to the precinct aspects of politics. Henry David has stated that the PAC and AFL labored openly and behind the scenes at the Chicago Democratic National Convention in 1944. They were both committed to Roosevelt for a fourth term and both fought the vice-presidential candidacy of James F. Byrnes, but the CIO favored Henry Wallace while the AFL championed Harry S. Truman. [10, p. 107]

After Roosevelt's death it appeared that there might be a change in the attitude of the trade union movement toward the Democratic Party. President Truman seemed unable to fire the imagination of the trade union membership, and he did not follow the policy of frequent consultations with labor leaders which had been characteristic of Roosevelt. The election of the Republican 80th Congress in 1946, however, had a profound effect upon the political program and political ideas of both the AFL and CIO. The enactment by the 80th Congress of the Taft-Hartley law proved to be a severe jolt to the labor leaders who concluded that their failure to be effective during the 1946 election was responsible for the Republican victory, and who feared that a filure to regain lost ground in 1948 would bring further punitive anti-labor legislation.[1] The overwhelming support which the Taft-Hartley Law found from Republican Congressmen also served to make it difficult for labor leaders to identify themselves with the Republican Party. The AFL became so alarmed that it established Labor's League for Political Education (LLPE) as its counterpart to the CIO's PAC. In 1948 both groups set out to punish the members of Congress who had voted for the Taft-Hartley Act. The CIO officially endorsed President Truman, while the AFL withheld official endorsement and gave instead financial and tacit organizational support to the national Democratic ticket.

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[1] For a critical discussion of the role of the PAC in the 1946 elections see [18].

The 1948 platform of the Democratic Party and the unexpected Truman victory that year served to forge anew the alliance between the Democratic Party and American labor at the national level, and the failure of the Progressive Party in 1948 once again revealed the continuing futility of third party political activities by any part of the American labor movement.

In 1952, the AFL and the CIO both endorsed the Democratic candidacy of Adlai Stevenson, but they apparently had little voice in the Democratic Convention which nominated him, since Stevenson was at best organized labor's third choice behind Averill Harriman and Estes Kefauver. Other than the LaFollette endorsement in 1924, this was the only time the AFL ever officially endorsed a presidential candidate. Stevenson's endorsement was repeated in 1956 by the newly merged AFL-CIO, and this combined organization also supported Democrat John F. Kennedy in 1960.

The AFL-CIO Merger and Contemporary Political Activity

The AFL-CIO merger in 1955 was widely hailed as a milestone in American labor history, and the political potential of a "unified" labor movement was one aspect of the merger that was widely discussed in the popular press. Subsequent events, however, seem to indicate that most of the concern voiced over organized labor's political "potential" was ill founded or at least that this potential has failed to materialize.

Two of the twelve "objects and principles" of the merged

AFL-CIO, which are contained in Article II of the organization's constitution are particularly relevant with regard to the federation's political activities. They are the fifth and the twelfth, which provide the foundation for the organization's lobbying and electioneering activities respectively.

The fifth of the "objects and principles" states that the federation is: "To secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives." [15, p. 236]

While the breadth of this mandate appears to be a far cry from the narrow philosophy of "voluntarism" which produced Labor's Bill of Grievances nearly a half-century earlier, a comparison of the actual efforts devoted to specific legislative proposals is likely to reflect a change in labor's economic and political environment as much as a change in the philosophy of the labor movement. A statement which probably serves as the contemporary document most closely comparable to the earlier Bill of Grievances is the twenty-point resolution adopted by the AFL-CIO Executive Council at a meeting on January 5, 1961, just prior to President Kennedy's innaugration. This resolution was later published in the February, 1961, issue of the American Federationist as "Labor's Goals for a Better America", and is reproduced as Appendix B where it can be compared with the earlier Bill of Grievances in Appendix A.

The scope as well as the content of some of the 1961 proposals, which range from aid to depressed areas to national defense, seem to indicate that the older fear that government action would weaken the worker's loyalty to his union has been abandoned in favor of a view which sees the trade union movement not as a rival to the government in dispensing benefits but rather as an instrument through which greater pressure might be exerted on government to secure benefits not only for oganized labor but for all workers regardless of their affiliation. It is important to remember, however, that the federation differs considerably in the degree of militancy and the degree of cohesion with which it supports some of these proposals. Indeed, Arthur Goldberg has stated:

> "The importance of public policy to the labor movement does not militate against the fact that the first business of the labor movement is collective bargaining.... Within the total framework of public policy, the labor movement will naturally give emphasis to those aspects of public policy that have an intimate connection with the movement's collective bargaining position." [15, p. 216]

Furthermore, it should be remembered that both within and outside the federation many individual unions also have independent programs of their own which they support in different situations. Jack Barbash, for example, has argued that in addition to the ideological roots of unions and union leaders, much of the contemporary union concern with government is simply a practical necessity of running a union in a society in which government plays an increasingly important part in economic and social affairs. He has stated:

> The difference between unions with respect to the utilization of political action are differences only in degree and articulatiness. This is another way of saying

> (1) that no union can function in modern society without seeking in one way or another to influence government; (2) that some unions utilizing government do it as part of a systematic philosophy; others just do it as a matter of run-of-the-mill union activity. Although there are differences in temperment and technique and emphasis in utilizing government, there is little evidence of much difference in the substance of what the unions seek to get out of government. [7, p. 78]

Marjorie Thines Stanley has also argued that the nature of a union's political activity may be explained by the nature of the product market in which the union operates. For example, she argues that much of the support given to the Employment Act of 1946 by the United Automobile Worker's Union (generally accepted as one of the most politically active unions in the United States) can be explained by the fact that the demand for automobiles is income elastic, and Mrs. Stanley concludes:

> Much of the UAW's political action and tactics (and similar activity on the part of some other unions) can be regarded not as a basic change in the direction of a major part of the American labor movement, but as one method of furthering job security. It is not a particularly novel method, having long been used by certain craft unions on a local level. [Witness the building trades unions and local building codes] It is novel, however, in its application on a national basis. The extension of collective bargaining to the national political arena is an instance of the scope of union action paralleling the scope of the product market, with the political activity itself a logical concomitant of economic forces at work within and upon the imperfectly competetive auto industry. [28, p. 47]

The second of the merged AFL-CIO's "objects and principles" which is of concern to us here is the twelfth of those listed in article II of the constitution. It states that the federation seeks

> While preserving the independence of the labor movement from political control, to encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of the local, state and national communities. [15, p. 237]

Just as the fifth of the "objects and principles" sought to spell out the nature of the federation's political objectives, so does the twelfth thus outline in part some of the ways in which the federation hopes to have their political objectives realized. As stated it differs little from the old approach of "reward your friends" and "punish your enemies". Yet this method of electoral participation--particularly as practiced since 1936--has served to distinguish the labor movement from many interest groups in the American political process, and it has apparently also served to attract a disporportionate amount of publicity to their efforts.

William Ricker has stated that "Most pressure groups are distinguishable from parties not only by smaller size but also by use of different tactics. While parties organize votes, pressure groups merely lobby and propagandize." [27, p. 8][1] By this definition, organized labor is clearly a pressure group which seeks to transcend itself to take on party functions. While it would be a mistake to assume that organized labor is the only interest group

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[1] Another distinction which Ricker does not mention is that parties also take a position on a much wider range of issues than do interest groups or pressure groups. As pointed out above, however, the number of issues on which organized labor (or at least the federation) now takes a stand has increased considerably, and in this respect they also seem to approach party activity more than most American interest groups. The exact implications of this trend are easy to misinterpret, however, and more attention will be devoted to the question of a labor party shortly.

which does this, the techniques they have employed in election campaigns, the fact that election campaigns are more exposed to the public view than most phases of the political process, and the fact that the candidates supported by organized labor have generally not been the candidates supported by the popular press all have served to give an unduly large amount of publicity to organized labor's non-lobbying political activities. Whether all this publicity has been warranted by the actual results of organized labor's political performance, however, is a question that can be answered only after a more detailed examination of organized labor's post World War II political performance.

Such an examination will be undertaken in Chapter V, after next turning to a historical review of management's political activities. Before reviewing management's historical experiments in political activity, however, it might be well to briefly summarize this chapter's review of labor's historical experiments in political activity.

Summary and Concluding Comments

After a period of relative quiescence in colonial and revolutionary times, American workingmen in the eastern cities began to agitate for the Workingmens Platform which focused on relatively broad social reforms such as universal male suffrage and public education rather than specific conditions of employment. This agitation eventually led to the establishment of the first labor parties in the world beginning with the Workingmen's Labor Party of

Philadelphia in 1828. Most of these early labor parties were local in character and soon disentegrated from internal dissention, loss of planks to the established parties, and other forms of trade union activity during periods of prosperity.

Although many workingmen's representatives rose to a position of some influence in the Democratic Party in many eastern states, and many of the planks of the Workingmen Platform were eventually adopted in these states, the first half of the nineteenth century continued to be characterized by the oscillation of workingmen's organizations between broad gauged political reform movements and more narrowly oriented trade union activity. These oscillations largely coincided with the business cycle. Most of the political agitation occured during times of depression or economic adversity, with various forms of cooperative movements and land reform being the main goals of this agitation towards the middle of the century.

Following the Civil War, the American labor scene was characterized by a dichotomy within the labor movement itself as to which course of action promised to be the most rewarding as a permanent long run program. Those favoring relatively limited forms of trade union activity by skilled workers strong enough to organize and protect themselves were opposed by the advocates of broad based political reform movements. This latter group included not only the radical and revolutionary diciples of European socialism, but also a new generation of native American leaders attracted to the

humanitarian - reform philosophy of the earlier cooperative and land reform movements. A federal easy money policy was added to the reform panaceas of this latter group in the greenback movement of late 19th century America.

The experiences of the short-lived National Labor Union gave clear evidence of the basic incompatibility of these different ideologies, and after the distintegration of the "United Front" campaigns of 1886 and 1887, the radical socialists continued to argue among themselves, agitate within the AFL, and remain a tiny but vocal element on the American Labor scene. The reform elements within the Knights of Labor became associated with the Populist movement which swept the middle west, and the trade unions associated with the AFL under Samuel Gomper's leadership rose to ascendency on the American Labor scene.

Underlying the AFL's political program was a basic philosophy of "voluntarism" which held that skilled craftsmen possessed sufficient strength to care for themselves if allowed to exercise their economic power without interference from restrictive judicial doctrines and injunction judges. Where economic power was ineffective, however, or where gains through collective bargaining were not likely, such as with women, children, government employees, and seamen, the Federation modified its general anti-interventionist position, but Gompers still held that a full blown program of social reform legislation would weaken the need for trade unions.

In support of his largely "negative" demands for the removal

of governmental restraints on the freedom to organize, to strike, to picket, and to bargain collectively, Samuel Gompers began to lobby before Congress in 1886, and he relied on a non-partisan political policy of rewarding friends and defeating enemies to gain support for his rather limited legislative program. As a practical matter, however, the AFL usually did little more than publish the labor records of incumbent office holders, and for the most part it played no other role designed to affect the outcome of elections. When coupled with the AFL's other cardinal principle of strict autonomy for affiliated unions, the non-partisan political principle left each union free to make whatever political alliances it deemed most profitable. On the national scene it found that the Democratic Party listened more attentively to its platform demands than the Republican Party, but the Federation still insisted on maintaining its independence. Whatever alliances the AFL chose to make with political parties were made at the local level. In normal Republican states, the labor organizations tended to be Republican. In normal Democratic states they were Democratic. In order to improve trade union relationships with the police force in strike situations and where local ordinances and practices affected the crafts, such as in the building trades, local unions tried to develop working relationships with whatever political machines were dominant in the community.

The most dramatic attempt to apply the non-partisan principle on a broad scale during the first three decades of the twentieth century

was the publication of Labor's Bill of Grievance and the creation of the Nonpartisan Political Campaign Committee within the AFL in 1906. There was some relatively modest labor legislation enacted during Woodrow Wilson's administration, but organized labor's political influence waned rapidly after their cooperation was no longer sought in maintaining the national war effort. The AFL executive council later tried to combat the rash of third party political movements that broke out in the United States immediately following World War I, but in the depths of the doldrums of the nineteen twenties the AFL itself endorsed the third party candidacy of Robert M. LaFollette in 1924.

This latter act, as much as anything else, typified the impasse that confronted the AFL's traditional policies in the face of a changing industrial America. In response to the events of the 1930's, however, the vast bulk of the expanding American labor movement did not move further toward the time worn old nostrum of independent third party action. Rather, the AFL's traditional non-partisan approach and its underlying concept of voluntarism, were reshaped and revitalized in a pramatic response to rapidly changing environmental conditions.

The adjustment did not occur without a substantial internal struggle within the house of labor, however, and one of the ironies of history is that labor itself had a relatively small influence in enacting the most sweeping and most favorable labor legislation in American history. The grudging acceptance of such principles as

unemployment compensation and wage and hour legislation reflected the still powerful influence of the more conservative craft unions within the AFL, and the principles of the Wagner Act were not even accepted without a great deal of reservation in some labor circles.

Regardless of labor's influence in its enactment, however, the labor legislation of the New Deal gave organized labor a new stake in politics. Indeed, much of their subsequent political activity can be explained in terms of: (1) trying to protect the labor policies of this unusual period in American history in an increasingly hostile environment, and (2) trying to expand and enlarge the basic provisions of the protective legislation of this period in a society that has come in general to accept a larger role for government in the economic life of the whole nation, including the labor movement.

Increasing experience with the governmental bodies administering national and state labor laws appears to have gradually broadened most union leader's conception of the labor movement's political role, but it is interesting to note that this chapter's review of history indicated that the major new departures in organized labor's (non-third party) electoral activity have come after rather pronounced legislative setbacks. Thus, the AFL's formation of its Non Partisan Political Campaign Committee followed the inattention paid to its Bill of Grievances in 1906. The formation of the CIO's Political Action Committee in 1943 occured within a month of the Congressional passage of the Smith-Connally Act, and the

AFL organized Labor's League for Political Education in direct response to the enactment of the Taft-Hartley Act. Both of these pieces of legislation, incidentally, were passed over a presidential veto.

The only exception to this pattern of increased electoral effort following legislative or lobbying setbacks appears to be the creation of Labor's Nonpartisan League for the 1936 elections. In this case, the motivation of this electoral innovation would appear to have been an effort to insure early New Deal gains rather than to protest legislative adversity. This apparent exception may be overemphasized, however, when it is recalled that organized labor, at least at the federation level, was not the prime mover in much of the pre-1936 legislation, and when it is recalled that the League was really less of an innovation than the other departures previously mentioned. The League entailed none of the structural changes and enjoyed none of the organizational permancy of the other endeavors. It can be argued that Labor's Nonpartisan League merely represented a tremendously more vigorous application of the program of the AFL's Non Partisan Political Campaign Committee, and its short lived effectiveness can be explained in terms of the previously mentioned leadership and ambition of John L. Lewis. The League quickly faded as a militant electoral factor following Lewis' falling out with FDR in 1940 and the organization apparently lacked the structural foundation to survive a loss of leadership.

Regardless of how the League's experience is interpreted, it

is probably safe to say that increased electoral activity on the part of organized labor in the United States during the twentieth century has flowed from legislative defeat or the threat of defeat rather than from overwhelming victory leading to a thirst for even more legislative conquests. The League, however, did bind organized labor's political efforts to the national Democratic party in an unprecedented manner. For the first time really substantial sums of money were contributed to the National Democratic Committee by strong independent national unions. The elections of 1936 also marked somewhat of a watershed in American political history as far as economic matters in presidential elections are concerned. The bitterness of the clash between the "New Dealers" and the "Economic Royalists" severely modified the previous attempts of both parties to appeal to all economic classes, and the overwhelming support which the Taft-Hartley and Landrum-Griffin laws found from Republican congressmen and a Republican President who was instrumental in having the latter bill passed in its final form has subsequently made it increasingly difficult for labor leaders to identify themselves with the Republican party at the national level.

The rather sharp economic clevarage between the parties on labor matters since the 1936 Presidential elections has thus greatly reduced labor's maneuverability in rewarding friends and punishing enemies, but it is important to note that the upsurges in electoral activity following the major legislative reversals of the

twentieth century have not developed into third party movements. Indeed, Albert Blum has observed that within the contemporary American labor movement "at least for the present, the once exciting debate over the formation of a labor party has come to an end." [8, p. 631] The fact that independent, partisan political action of either a farmer-labor or radical reform bent has failed to win the continued support of the American labor movement, however, is no measure of the influence that these ideas and parties have had an organized labor or on the American political process. Henry David has noted:

> They have helped to sharpen political awareness and to spur organized labor to political action; they have conditioned the drafting of labor's political programs; and finally, they have contributed to the splits and schisms that have marked the history of the labor movement. [10, p. 104]

Perhaps the main reasons for the failure of a labor party to develop in this country have been the relative lack of cohesion within the labor movement and the relatively non-ideological character of the major American parties and their willingness to adopt labor programs that appear to have any chance for success. Perhaps more fundamentally, the whole tenor of the American value system, with its emphasis on equality and individual achievement based on competition, and the formal structure of our federal-state system of government have just not been conducive to the development of a formally recognized, class-oriented party. Seymour Lipset has stated:

> Much of the unique character of the American labor movement, as contrasted to that of northwestern Europe, clearly may be seen as a derivative or as a consequence of the value system. The lack of social and political class consciousness, with the opposite emphasis on furthering the self interest of the individual (and of specific crafts, or industries, at the expense of other workers if necessary), is, as Schumpeter noted but the application in the realm of working class life and trade unions of the general value system. Thus, it has always been difficult to build unions or create explicitly class-conscious parties in the United States. Indeed, the union movement has rejected class ideology and urged itself upward as a better way to higher economic returns. [20, p. 82]

Earlier, Selig Perlman listed the "Basic Characteristics of the American Community" which led to the disintegration of class-based political reform movement in this country. He cited: (1) the strength of the institution of private property; (2) the lack of class consciousness in American labor, which he traced to "the absence, by and large, of a completely 'settled' wage earning class", "the free gift of the ballot which came to labor to labor at an early date" and to immigration which resulted in "the most hetrogenous laboring class in existence--ethnically, linguistically, religiously, and culturally", and (3) the inadequacy of the political instrument in a federal system "which has broken up the political sovereignty into forty-nine disjointed pieces, setting going an eternal jealously between the largest piece, Congress, and the remaining forty-eight. Furthermore, each of the forty-nine pieces has been divided into three members, two houses of the legislature and an independent executive, all of whom must agree in order to make a law", and run by established parties which "are

capable, if need be, of a flexibility of one hundred and eighty per cent in their platforms, with extraordinary dexterity at 'stealing the thunder' of the new party." [25, pp. 155-176]

Although the New Deal "revolution" of the 1930's considerably altered the class alignment of the national political parties on most economic issues as well as the relative powers between the state and the national governments, many of Perlman's insights still help to explain the failure of any permanent labor party to develop in the United States.

There are also some rather practical considerations militating against an operational labor party in this country even if by some stretch of the imagination one should develop. Theodore Levitt, for example, has argued that a labor party would not only create polarized ideologies and unreal issues, but that it would present real problems of internal cohesion. A successful government requires that a multitude of interests be served, yet a pressure-group government (whether labor or otherwise) could not afford to initiate and pursue policies that would appear to its supporters as violating the immediate aims of the group it represented. Levitt feels that running government must be left to professional politicians who are free to compromise and balance conflicting interests. Specific groups may try to influence them, but no group will ever make all of the professional politicians its servants. On this assumption that democratic government requires compromise, he states: "The logic of statecraft and the very nature of Democratic government, at least in

the United States, would predestine failure on the part of any partisan pressure group that managed to capture the reigns of government". [19, p. 617]

In the absence of formally-organized third party activity, however, the American labor movement has definitely committed itself to active campaign activity on behalf of "favorable" candidates. This now includes not only formal and informal endorsements, but also efforts to register, "educate", and "deliver" the "labor vote" in addition to making financial contributions from "voluntary" funds. After the elections are over, there is also continuing reliance on permanently established labor lobbies for influence at key points of political decision making. How successful all this effort has been in the post World War II period will be examined in more detail after reviewing American management's historical experiments in political activity.

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CHAPTER IV

HISTORICAL EXPERIMENTS IN POLITICAL ACTIVITY: AMERICAN MANAGEMENT

Robert A. Dahl has stated "For all the talk and all the public curiosity about the relations between business and politics, there is a remarkable dearth of studies on the subject." [19, p. 1] This being the case it will be necessary to quote more extensively from the few existing studies in this chapter on management's political activities than was the case in the preceding chapter's review of organized labor's political activities, where it was possible to paraphrase the better known conclusions of several standard works in labor history.

Presumably it is common knowledge that, like organized labor, "business has always been in politics". Yet this "knowledge" doesn't help much in attempting to understand what form this political activity has taken on what issues and with what degree of intensity. Clarence E. Bonnett has observed "Business men have organized from time immemorial whenever they have believed they had a common interest which could be promoted by group action." [5, p. 1] Today there are literally thousands of organized business groups, and many are vitally concerned with the political process. Recourse to the institutions of government by these groups results both from their desire for help

in furthering their aims, and from their closely related desire for protection from the activities of economic and political rivals. Indeed, E. Pendleton Herring has stated that the major reason for the concern of these business associations with government action has been, not the promotion of their own interests per se but the defense of their interests, both by fostering legislation or regulation to control the activities of their rivals and by fighting legislation or regulation that operates to the disadvantage of their members. [25, p. 101]

"Businessmen" are a heterogeneous lot and their political interests range over a variety of activities such as tariffs, taxation, government procurement, and government regulation and antitrust action in addition to labor relations, and "business" groups can be found on opposite sides of many political issues such as reciprocal trade legislation or farm subsidies. While differences of interest among business groups are commonplace, however, it is nevertheless true that as "employers" businessmen and managers are capable of maintaining a relatively solid front on many basic issues of labor relations. Indeed it is often common to distinguish between different types of business groups with the term "trade association" used to designate an organization that deals with market relationships and trade practices, while for the term "employers' association" Clarence E. Bonnett offers the following definition:

> An employers' association is a group which is composed of or fostered and controlled by employers and seeks to promote the employers' interests in labor matters. [4, p. 509]

Thus defined, employers' associations are not particularly

modern organizations; and, as the following quotation shows, they have long been engaged in political activities.

> A stone tablet which has been unearthed among the ruins of ancient Sardis shows not only that employers' associations existed in the building trades of that day but that they appealed to governmental authorities to restrain certain practices by the workmen. The craft guild of the Middle Ages ordinarily functioned as an employers' association not wholly unlike associations of master craftsmen in the building trades of our own times. In the United States the craft guild functioned as an employers' association in the colonies of Massachusetts, New York and Pennsylvania. Thus an association was formed to resist the demands of the ship carpenter sailors. The early conspiracy cases against labor organizations were instituted by the associations of master cordwainers, master carpenters, master tailors, master hatters and so on... As early as 1880 a National Labor League was formed in Pittsburgh for the purpose of building up workingmen's organizations "to put an end to strikes", and employers were also advised to use the labor injunction. [4, pp. 509-510]

Not all business political activity has been on an association basis, however, and like individual unions and labor leaders, several companies or individual businessmen have their own political contacts. Charles P. Taft, the former Mayor of Cincinnati, has stated:

> Companies of any size have a trouble shooter, part or full time, who knows his way around in politics. He may also be the one who decides what campaign contribution is made to what politician by what officer--from his personal salary, of course. [45, p. 10]

Although both labor and management thus take an active role in political affairs, their techniques and tactics may differ. Not having the membership base nor desiring the publicity of the unions' often noisy electoral activities, most businessmen confine themselves to different forms of campaign participation--usually financial contributions or institutional advertising campaigns on selected issues. Like organized labor, however, there is usually a strong legislative

lobby representing various business interests at all branches of the political process. More will be said on both organized labor and management lobbying activity later. For the present, a brief mention of the two most common forms of business campaign activity will be discussed, and the history of some of the major management political organizations will be traced.

With regard to financial contributions, Alexander Heard's detailed analysis of campaign spending in the 1952 and 1956 national elections found:

> An examination of the several types of selected organizations, in fact, indicates that only among business interests were high proportions of the officials studied found to have made contributions. Even among them, however, the proportion giving varies sharply from one organization to another. Organization policy toward this type of political action by its officials, the current intimacy of the group's concern with governmental decisions, differences in personal affluence and predisposition, and similar factors account for these differences. It is abundantly clear, nevertheless, that political contributing in large sums is an important form of participation by some classes of businessmen. The officials of organizations whose members have a visible and continuing stake in government policy and action--like members of the American Petroleum Institute and the National Association of Manufacturers--habitually engage in this form of political action. The incomplete data indicate that in two successive presidential election years upwards of one-fourth of the individuals in leadership positions in certain trade associations made at least one campaign gift of at least $500. This is a characteristic form of political expression for such individuals and the groups of which they are a part. [24, pp. 99-103]

At the level of individual corporations a survey of 2,700 of the country's top executives made for the Harvard Business Review, by Dan H. Fenn, Jr., found that 32% of them reported making campaign contributions but not otherwise working in political activities, whereas

22% reported that they gave money and also worked in other ways and 3% said they worked but did not give money. [21]

Such political activity by corporation officials inevitably produced suspicion that company money is used for partisan purposes, particularly since one board chairman has publically stated that "A lot of corporation presidents just reach in the till and get $25,000 to contribute to political campaigns--just as labor unions do." [35, p. 238] More will be said on the politics of campaign contributions later, until then it might be best to reserve judgment on the political effectiveness of large financial contributions, since V. O. Key has observed that the "semicontractual" theory of contributions thrives on a dearth of evidence and the projective tendencies of most observers. He stated:

> Most speculation in this vein has been by professors and newspaper reporters, persons to whom $25 is a wad of money, and it is doubtful that they achieve a sophisticated comprehension of the motivation, attitudes, and expectations of persons who can blithely throw $5,000 in the pot to help elect old Joe, a college classmate, a drinking companion, and a fellow Rotarian, without being any the poorer. [27, pp. 470-71]

With regard to institutional advertising, Richard W. Gable has stated: "The public relations and propaganda programs of the NAM are the most intensive, comprehensive, and expensive means by which it attempts to influence the formation of public policy. [22, p. 262] It is known that private corporations also engage in this type of "indirect" lobbying to cultivate public opinion.

Fenn's survey found that 21.5% of the 2,700 executives questioned said that their companies took a stand on issues like "right

to work" laws. [21, p. 8] In 1956 the Democratic majority of the Senate Privileges and Elections Subcommittee said there had been numerous instances of institutional advertising "either clearly political in nature or with definite political implications", and asked the Justice Department to investigate several specific cases. [16, p. 202] And, in 1950, the House Select Committee on Lobbying Activities under the Chairmanship of Frank Buchanan (D., Pennsylvania) sent a questionnaire letter to 173 business corporations requesting them to report on a voluntary basis details as to expenditures relating to attempts to influence legislation, directly and indirectly during the period from January 1, 1947, to May 31, 1950. With regard to institutional advertising "dealing with public issues having legislative significance" just 31 corporations reported expenditures of $2,013,370. [26, p. 183 and p. 250]

While the devices of individual campaign contributions and institutional advertising are thus two techniques of political influence that seem particularly well adapted to and widely used by the American business community, it is also well to recall the earlier observation that many companies and employers have a long history of associated as well as individual activity on labor matters. A brief review of some of the major employer organizations and activities designed to influence national labor policy will illustrate how some of these efforts have evolved over time.

The National Association Of Manufacturers

Any individual, firm, or corporation engaged in manufacturing

in the United States, whose application is approved by the board of directors, may become an active member of the National Association of Manufacturers. "In practice", Gable has noted, "membership has been restricted almost to firms and corporations." [22, p. 257] Although the organization does not release membership lists even to those who pay dues, the Congressional Quarterly estimates that the NAM today speaks for 20,300 business firms. [18, p. 954] This represents less than 10% of the manufacturing enterprises in the United States, but the Association tends to be dominated by the spokesmen for some of the largest firms in the country in terms of size, output, wealth, and number of employees. [14, pp. 364-65]

The NAM was originally founded on January 24, 1895 to promote American commerce, particularly international trade.[1] But David Truman has noted "The NAM did not become a particularly significant group until it also became involved in labor questions in 1903. The change in emphasis and the subsequent growth of the organization almost justify the assertion that 1903 marked the beginning of a new association." [48, p. 81]

As a result of the upsurge of trade union membership after 1896, a number of local and state-wide associations of employers began in 1900 to develop and execute vigorous drives for the open shop, which was in a sense a symbol for insistence upon the unrestricted discretion of employers in establishing the conditions of employment in their plants. General leadership of this movement on a national scale was

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[1] For some of the personalities behind the formation of the NAM, see [2].

assumed by the NAM at its 1903 convention under the leadership of its president David M. Parry. President Parry's report to the convention noted:

> It is true that the fight against organized labor is, in a measure, a departure from our former conservative policy respecting labor, but it is an inevitable departure if the Association hopes to continue to fill the full measure of its possible usefulness to the manufacturers and people of the country. [36, p. 16]

Accordingly, the remainder of Parry's report was a strong indictment of the practices of labor unions which he felt were un-American in their "unwarrantable usurpation of rights and the disastrous industrial policy which characterizes them in their present associated capacity". [36, p. 17] He described the losses of the anthracite strike of the previous year as "enforced tribute exacted from the consumers of the country for the cause of organized labor", [36, p. 27] and the AFL was singled out for special mention as "the source whence proceeds such noxious emanations as the eight hour and anti-conspiracy bills. It is also the fountainhead of inspiration which breeds boycotters, picketers, and Socialists". [36, p. 50] Parry called for the formation of employers association in all centers of industry to be united under one national employers council so that the "un-American institution of trades unionism" could be pulled up "root and branch". [36, p. 59]

Parry's report was printed and circulated at the convention, but it was not read to the assembly. The business session of the meeting, however, was highlighted by a paper read by John B. Kirby, Jr. of Dayton, Ohio, who later became president of the NAM. Kirby denounced labor unions even more vigorously, if that were possible, than had Parry.

Parry continued to agitate for his program, however, and although its primary membership included only individual firms the NAM set up a series of satellite, though nominally independent, groups made up of employer associations concerned with labor matters to facilitate its activities in labor relations. To coordinate these activities, the Citizens Industrial Association of America was formed in Chicago on October 29, 1903, and Parry himself was elected president of the new group. The C.I.A.A. was succeeded in 1907 by the National Council of Industrial Defense (later called the National Industrial Council). This organization "sought then to unify the action of national and local associations on matters relating to industrial legislation both national and state". [3, pp. 374-75] The NAM was also instrumental in organizing the United States Chamber of Commerce in 1912 (to be discussed later in this chapter), but it later resigned from this organization in 1922. The National Industrial Conference Board was created in 1916 to supply research data to all of these groups.

The shift in the orientation of the NAM from international trade to labor problems occurred at the same time that the AFL was formulating labor's "Bill of Grievances". Both sides soon became more deeply embroiled in the political process, and in these early days the NAM was much more apt to engage directly in campaign activity than it has been in more recent years. Richard Gable has stated:

> The NAM openly and vigorously entered the political arena in 1906. Between that date and 1912 practically all public officials who won the enmity of the AFL were supported and all public officials noted for their support of labor measures were opposed. A reprint of the "white list" of the AFL was used as a "blacklist" by the NAM...

> In the 1906 and 1908 elections agents of the NAM personally went into certain Congressional districts and took part in the campaigns. In support of certain candiates "protective associations" made up of workingmen were formed and then dissolved after the election...
>
> The Association no longer publically endorses or condemns candidates for Congress by name or actively participates in election campaigns. However, before the 1946 elections the voting records of members of Congress were published for the "information" of NAM members. [22, p. 266]

Not only was the NAM originally active at the Congressional level of national politics, Clarence Bonnett has noted "the Association took more than ordinary interest in the appointment of the judges of the Supreme Court of the United States; in fact, it gives the highest endorsement to the appointments by President Taft of Charles E. Hughes and Horace H. Lurton." [3, pp. 329-30] He also states "In 1906 [Theodore] Roosevelt was endorsed in the very highest terms, but later condemned as a dangerous demagogue." [3, p. 330] The NAM took a very active part in the 1908 presidential campaign, first in the Republican Convention and then out on the hustings. The Association's president James W. Van Cleve, whose company was later involved in the famous Bucks Stove case, is quoted as having said, among other things, "The result of the convention has made it the duty of the employing interests regardless of party to bury Bryan and Bryanism under such an avalanche of votes that the work will not have to be done over again in 1912." [3, p. 327] Indeed, Bonnett has indicated that some of the NAM's early literature, though not always consistent, may even have toyed with the idea of an "NAM Party". He stated:

> Its leaders have solicited members to break party lines, to forget party affiliations, yet at times have advocated the formation of a new political party based on the principles of

> the Association. They, however, decided that the undertaking was too great for the time being, and after the Republican Party, apparently frightened by this threat, had adopted a "sane" platform and nominated a "safe" candidate for president in 1912, they satisfied themselves by making a severe condemnation of the Democratic and Progressive parties, and an unqualified endorsement of the Republican Party platform and candidates. [3, pp. 331-32]

The NAM toned down many of its political activities following an investigation of its lobbying practices in opposition to the Underwood tariff bill in 1913.[1] It was revealed that the chief page of the House of Representatives and the confidential secretary of Congressman James T. McDermott were in the employ of the NAM. The House Select Committee, which conducted the investigation, registered its "severest censure" upon all persons connected with this arrangement. The action was characterized as "a violation of all the proprieties". McDermott was declared guilty of "acts of grave impropriety, unbecoming the dignity of the distinguished position he occupied" when it was found that he had supplied a room in the basement of the Capitol where NAM representatives could meet in secret with the chief page, and also permitted the Association to use his franking privilege. What made these revelations particularly inconderous was the fact that McDermott was a "Congressman from the stockyards district of Chicago, a member of a labor union, and elected through labor's support." [46, p. 114]

Despite this "exposure", the NAM continued to retain its interest in governmental affairs in general and labor relations in particular; and in 1914, the Association adopted a resolution to support

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[1] See [25, pp. 43-46].

its friends and oppose its enemies for public office. As mentioned previously, however, the NAM has always relied most heavily on its "educational" or propaganda programs. This has been true despite a fairly significant shift in the composition of the membership during the ferment of the 1930's.

Clarence E. Bonnett has noted that following the sharp turn in NAM policy toward unions after the 1903 convention, "The loss of conciliatory members was more than offset by the addition of belligerent members--the Association is said to have doubled its membership in a year. [3, p. 302] The NAM continued to expand during the second decade of the century, fluctuating somewhat with shifts in the business cycle and the aggressiveness of labor unions. During the post World War I decade, however, the organization did not grow appreciably. After 1926 its financial position declined, and its memberships soon followed. By 1933 the number of members had dropped about 75 per cent from the peak of 5,350 established in 1922. [39, p. 165]

David Truman has stated:

> The reasons for this shift are of particular interest. In the first place, the active membership--and presumably the entire roll, though this cannot be ascertained, since the organization does not release membership lists even to those who pay dues--was limited almost entirely to relatively small firms. The officials represented only those firms presumably not large enough alone to oppose the union organizations as they were then constituted. For the big, mass-production industries, especially those that developed after World War I, were, as we have seen, beyond the grasp of organized labor in the 1920's. Neither the possibility that their workers would become organized nor the threat of labor activity through legislation was enough to bring these corporations into an organization like the NAM. Consequently, when the depression hit in 1929 and a number of the small firm members withdrew for reasons of economy, the association

suffered acutely.

This situation was dramatically altered after 1933. With the upturn in labor union membership and the organization after 1935 of the mass production workers along industrial lines, and with the passage of national legislation favorable to labor consequent upon a shift in the relative influence of major political groups, the association began again to grow. The new recruits, moreover, included increasing numbers of large corporations in automobile and electrical goods manufacture, chemical products, and similar industries. The "independence" that these firms had easily maintained in the 1920's had been sufficiently threatened to bring them into the fold, and they led in building the membership, especially after passage of the National Labor Relations Act of 1935, up to a claimed sixteen thousand in 1948. The entire association was reorganized in 1933, and since then it has been led primarily by representatives of "big business". Its political activities, moreover, have shown no diminution, but rather a considerable increase. [48, pp. 83-84]

With regard to the NAM's publicity campaigns Richard Gable has stated:

The NAM's public relations and propaganda programs can be classified according to the audience as external, indirect, and internal. The audience of the external appeal is the general public. The indirect approach covers educators, churchmen, women's club leaders, agricultural leaders, and similar community leaders who in turn mold specific publics. Internal programs are directed at state and local associations affiliated through the National Industrial Council as well as the NAM membership. Their purpose is to induce and assist members and affiliates to conduct community public relations programs using manuals and materials supplied by the Association.

To reach these audiences the NAM avails itself of almost every media and channel of communications: house publications, newspapers and magazines, the public platform, billboards, radio, television, and film. The country is blanketed with literature that ranges from the handsome brochure to the gaudy comic book. Sometimes the NAM has failed to identify the materials as coming from the Association. In some cases it has arranged for the sponsorship of its literature by another group to hide the NAM's authorship, because the NAM felt that material issued over its by-line "is naturally discounted"...

The themes and trends of the Association's public relations and propaganda campaigns have reflected changes on the political and economic scene. Both open shop drives (1903-1913; 1919-1926) on the public relations side were

> consciously organized efforts directed specifically against the rising tide of unionism. The Industrial Conservation Movement (1913-1919) vowed the broader purpose of giving the American people a better understanding of their responsibility to industry and of the relevance of industrial prosperity to their welfare. This movement was in response to the social legislation of Woodrow Wilson's administration, and the improved position of labor resulting from the advances made during World War I under the leadership of the AFL.
>
> A new campaign was launched in 1933. The capitalist system had to be acquitted of any blame for the depression. The "cultivation of public understanding" was the strategic solution NAM proposed to cure the economic ills of the day. At the same time an extensive effort to inform the country about the disadvantages of the National Labor Relations bill became a tactical public relations objective. After its passage, the evils of labor unions and the NLRB became the focus of the Association's programs. [22, pp. 262-64][1]

During the mid 1930's, the NAM was joined in its publicity campaign by the American Liberty League, which was founded by several prominent industrialists from the Du Pont and General Motors organizations. Neither organization met with much success, however, and the Liberty League quietly faded from the scene following FDR's reelection in 1936. [40][2]

Following World War II, with the scent of a changing political tide in the air, the NAM attempted to reshape its program from one of "defensive public relations" to a more "positive" approach. The President, Ira Mosher, announced to the membership that a decision had been made to

> project industrial management into a hard-hitting, constructive force--transforming management from its traditional

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[1] For a fairly detailed accounting of the opposition to the Wagner Act and the NLRB by the NAM and other employer groups see [31, pp. 281-91].

[2] For a brief discussion of the League's National Lawyers Committee and its attack on the Wagner Act also see [50, pp. 24-5] and [31, p. 295].

> defensive position of continuously answering the allegations of the collectivists... Henceforward, NAM's representation of management will be at its proper station--on the offense --with a direct, positive, constructive approach to every problem that arises. [39, p. 165]

How much the NAM's underlying policy on labor issues changed during this alternation in its publicity program, however, is a matter of some conjecture. In 1903 the NAM put forth its "Declaration of Labor Principles". This manifesto expressed opposition not to organizations of labor as such, but to "boycotts, blacklists, and other illegal acts of interference with the personal liberty of employer or employee... Employers must be free to employ their work people at wages mutually satisfactory, without interference or dictation on the part of individuals or organizations not directly parties to such contracts." The next year NAM added a plank expressing its "unalterable antagonism to the closed shop", and with minor changes this stood as the Association's labor platform until what it regarded as its historic labor statement of 1946.[1]

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[1] For a detailed discussion of the evolution of the NAM's labor policies before 1928, as well as a description of the Association's internal policy making apparatus see [46].

> With regard to the NAM's policies on: "(1) the abstract right of labor to organize, without resorting to either militant action or collective bargaining; (2) the maintenance of the open shop", Taylor states:
>
> "The Association does not object to collective bargaining carried on with organizations similar to company unions or shop committees. It objects strenuously, however, to collective bargaining with trade unions. If one considers, therefore, that the Association not only denounces some of the important practices of unionism which have been generally considered legal by the courts, and also denies to it the exercise of the prime function of collective bargaining, it will

(continued on following page)

In 1946, the NAM's Industrial Relations Program Committee, under the chairmanship of Clarence B. Randall of Inland Steel, submitted a report on "The Basic Principles Behind Good Employee Relations and Sound Collective Bargaining". This report was approved by the Board of Directors on December 3, 1946. As the title implied, this document recognized collective bargaining with independent unions to a far greater extent than any preceding NAM pronouncement, and it stated, "When the collective bargaining relationship has been established, both employers and employees, quite aside from their legal obligations and rights, should work sincerely to make such bargaining effective". The 1946 statement, however held firm in the NAM's historic opposition to union security clauses in these words:

> No employee or prospective employee should be required to join or refrain from joining a union, or to maintain or withdraw his membership in a union, as a condition of employment. Compulsory union membership and interference with voluntary union membership

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(Footnote 1 continued from preceding page.)

> be apparent that the assertion of the abstract right to organize is without significance...
>
> "Moreover, the 'open shop' as advocated by the National Association of Manufacturers means either frankly or implicitly an anti-union shop." [46, pp. 162-63]

both should be prohibited by law. [14, pp. 369-71][1]

Since yellow dog contracts and employer interference with union organization were already outlawed by the Norris La Guardia Act and the Wagner Act, the last sentence quoted above clearly called for new legislation only in the area of outlawing compulsory union membership. The NAM now had apparently accepted the principle of government participation in labor relations as a means of preserving its traditional values and interests. Gable has stated:

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[1] With regard to the 1946 pronouncement, Fortune reported:

> "In its desire to see some changes made in the federal labor laws, NAM was surely on the side of the angels, or at least the majority of the voting public of the U.S. This was a good opportunity for the association to fatten its account in the bank of public opinion, but from all reports it was almost funked. As the time for the 1946 annual meeting drew near, a movement was started to draw up a formal, positive NAM platform on labor, the first statement of its kind since the hallowed pronouncement of 1903. But the progressives struck a snag. 'Let's be honest,' said the tories--and it's hard not to admire them for it--'We don't like the Wagner Act and would like to throw it to hell and gone out the window, so why not say what we think, and fight it with everything we've got.' To which the progressives replied, 'We've got to go along with the times, and take the kind of stand that has a reasonable chance of being enacted into law.' In the resultant compromise the progressives emerged with the lond end of the stick, and the platform beginning, 'The right of employees to join or not to join a union should be protected by law,' reached a new high in NAM statesmanship. NAM considers the Taft-Hartley law 'a step in the right direction,' but it favors the prohibition by law of industry-wide bargaining." [39, p. 168]

> The symbol of free enterprise was used to sell labor policies that advocated increased government intervention in industrial relations...
>
> The Association's attempt to disprove the validity of labor's right to organize and bargain collectively was replaced by limited approval. Attention was then directed to injustices that resulted from a law which guaranteed these rights. The injustices were characterized as violative of the rights of employees' and employers' and destructive of the welfare of society. The solution was to modify the Wagner Act along lines proposed by the Association...
>
> In 1947 the public relations program was expanded to proportions that surpassed any previous year. [22, pp. 264-65]

In 1947, the year the Taft-Hartley Act was enacted, Fortune reported:

> NAM disbursed $2,258,865 on its public-relations program, which is just about one-half the money that NAM gets and spends in a year. In the past NAM has had two main sources of revenue--its dues, and its voluntary contributions to the public-relations program. Beginning in 1948, dues and contributions were merged into a single schedule. [39, p. 166]

As this quotation indicates, much of the money spent on the 1947 Taft-Hartley campaign was solicited through the NAM's National Industrial Information Committee for the Association's public relations program. In December, 1947, the board of directors voted to discontinue the National Industrial Information Committee. Since then the NAM has collected enough under its revised dues schedule to support all its activities, including public relations. Having abolished the NIIC, the NAM was able to report to the Clerk of the House as required by the Federal Regulation of Lobbying Act of 1946: "The NAM does not 'solicit, collect, or receive' any money for the purpose of influencing legislation." [22, p. 263] More information on the NAM's unsuccessful

attempts to have the Lobbying Act declared unconstitutional is contained in Appendix C, which will be discussed later. Although the Association has had its representatives register under the law, the NAM has never reported any lobbying expenditures under the Act's provisions.

During the Congressional debate on the Taft-Hartley proposal several Congressmen charged that the NAM wrote the bill. The NAM thought enough of these charges to issue a mimeographed denial, and in this connection, Gable notes:

> In spite of the remarkable similarity between NAM proposals and the Taft-Hartley Act, the decision in Congress involved adjustment and compromise among the divergent demands of various interest groups that streamed toward Congress. The voice of the NAM was not the only one heard, because conflicting claims upon government are always numerous. The NAM's success lay in its ability to identify its special interests with these various intersts that flowed toward Congress. Actually, the real influence the NAM exerted over the preparation of the Taft-Hartley Act resulted, not so much from direct pressure upon Congress, but from accepting the concept of government intervention in employee relations and from engaging in the most extensive public relations campaign in its history to secure approval for specific proposals within this general frame of reference. The NAM was confident that its public relations programs were responsible for the enactment of the law. [22, p. 272]

Following the Taft-Hartley battle, the NAM continued its campaign to outlaw all types of union security provisions and to eliminate industry-wide collective bargaining. After the revelations of the McClellan Committee and the defeat of the Kennedy-Ives bill in 1958, the Association issued a pamphlet Labor Law Reform, which included six objectives:

> ...The restoration of basic power and authority over their affairs to the members of labor organizations, where it

> rightfully belongs but where today it rests only in theory...
> ...The restoration and protection of the right of each individual to decide for himself whether or not he wishes to join a labor organization and a ban on making membership or non-membership in a labor organization a condition of employment in any industry or activity.
> ...A prohibition against organizational picketing to force recognition of a union and against violence, coercion, boycotts and all other forms of activity designed to force individuals to join unions.
> ...A restoration by act of Congress of the right of state authorities to act in labor-management matters properly within their jurisdiction...
> ...A prohibition against nationwide or industrywide union monopolistic practices whereby collective bargaining is dominated by national or international unions without regard to the situation at the local level...
> ...An effective ban on the use of union funds and union staff manpower for political activities in behalf of particular parties or candidates, even though such activities may be disguised as "political education", "citizenship education" or under some similar high-sounding label...

Not all of these objectives were included in the Landrum-Griffin Law of 1959 but in reporting the NAM's legislative results in 1959 Congressional Quarterly stated:

> The NAM said "industry's legislative program fared extraordinarily well during the First Session of the 86th Congress." It praised the labor bill and hailed the refusal of Congress to heed "multi-billion dollar spending demands from New Dealers." The NAM attributed "the favorable outcome" of the 1959 Session to "an irresistible upsurge of public opinion against wasteful Government spending and against union corruption; the sharp upturn in business conditions, which completely deflated the New Deal contention that big Government spending was imperative to lift the economy out of a recession; President Eisenhower's veto power." But the NAM cautioned its members: "Failure to pass many measures opposed by industry may be but a reprieve until next year..." [17, p. 674]

Before attempting to assess the overall political influence of the NAM we will examine the political activities of other business groups and corporations.

The Chamber Of Commerce Of The United States

The second of the major national business federations, the Chamber of Commerce of the United States, has a much more complex membership structure than does the NAM. Basicially, however, the Chamber is a federation of Chambers of Commerce and trade associations; and in 1961 Congressional Quarterly reported that the national organization spoke for 3,400 local and state Chambers of Commerce. [17, p. 954][1]

Regarding the Chamber's origins, David Truman has stated:

> It is frequently asserted that the Chamber of Commerce was founded as a result of the encouragement of the Government and that it was sponsored by the NAM. Such accounts say both too much and too little, because so narrow a set of sources is insufficient to account for an association of the chamber's scope. As in most major inventive developments, social as well as technological, the stimulating circumstances were so general as to produce initiating actions from a number of sources. Prior to 1912 several preliminary efforts

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[1] In his early study of the Chamber Harwood Childs stated: "The by-laws of the Chamber of Commerce of the United States as now in force provide for three basic types of membership: organization members, individual members, and associate members. The first of these three types comprises three classes: first, business organizations constituted on a geographical basis, such as local or state chambers of commerce; secondly, trade associations whose membership is confined to a trade or group of trades; and, finally, special associations or organizations elected to membership by the Board of Directors... Individual and associate members comprise persons, firms, and corporations which are members in good standing of some organization member of the Chamber." (These last two groups are distinguished by the fact that the associate members pay considerably higher annual dues.) [13, pp. 22-24]

> had been made by such organizations as the Boston Chamber of Commerce and the Chicago Association of Commerce either to reorganize the National Board of Trade into a more representative body or to supplant it. Among the obstacles to these efforts was the problem of securing appropriate sponsorship. Childs indicates that this problem was solved by a decision to have an organizing meeting called by the President of the United States. Thus the Government's role was a reflection of efforts on the part of a small, initiating group. Persuasion of the President undoubtedly was made easier by his previously expressed desire for an organization that could regularize the relations between the Government and business associations in the field of foreign commerce...
>
> At a preliminary meeting in the Department of Commerce and Labor in February, 1912, the National Association of Manufacturers was represented, along with the San Francisco Chamber of Commerce, the Southern Commercial Congress, the Boston Chamber of Commerce, and the District of Columbia Board of Commerce. This meeting resulted in issuance by the Secretary of Commerce and Labor of an invitation to the organizing meeting in April, attended by about seven hundred delegates. The entire course of this development not only illustrates the circumstances under which such groups emerge but indicates as well the involvement of the association, from its inception, with governmental affairs. [48, pp. 85-86][1]

Following its organization in 1912, the Chamber immediately began publishing what is now its regular monthly magazine Nation's Business, and its membership in all classes increased steadily until 1921. Following the depression in that year, however, Childs noted that organization and individual memberships showed a great deal more cyclical sensitivity than did associate memberships. [13, pp. 27-29] Among the organization members, the Chamber has found that those formed on a geographic basis are a more reliable source of support, since the specialization of trade associations built on a particular line of business apparently militates against their becoming completely effective units within the Chamber's structure. The previously mentioned

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[1] For a less scholarly tracing of the Chamber's origin back to a group of New York Merchants in 1786, see [43].

tendency of organization members to fluctuate with the fortunes of the business cycle and the Chamber's subsequent policy of concentrating on individual and associate memberships, however, has meant that the Chamber has concentrated on those best able to pay individual as well as organization dues, since both individual and associate members must also belong to member organizations. This in turn has meant that, as in the NAM, the larger or at least the financially better off elements have tended to exert a disproportionate influence within the Chamber.

To help overcome the image of minority dominance (which really seems to characterize all group, business, labor, social, or other alike) the Chamber has made wide use of the referendum technique of policy formulation. Rather than serving as a means of formulating policy, however, the referendum technique as used in the Chamber and elsewhere, is more apt to serve like a strike vote as a means of internal propaganda in winning support for predetermined policies and presenting a show of unity to make the policy more effective externally. Regarding the Chamber's referendum procedure, Paul Studenski has observed:

> The questions are answered by organization (constituent society) members and often by organization secretaries, who may or may not consult their group before replying. In either case the matter is given only cursory consideration. Furthermore, the questions are frequently framed in the referendum in such a way that there can be little doubt in the mind of the representative of the average chamber as to how he should vote upon them.
>
> The secretary of a local chamber ordinarily draws up resolutions which obtain automatic endorsement. Committee reports are drawn up hastily, usually by the secretary of the organization, whose business it is to see that no action

> is recommended which may stir up a controversy and cause a loss of members. [44, p. 328]

Unlike the NAM, the Chamber did not appear to emphasize labor problems early in its career nor did it become as directly involved in the electoral process.[1] The early concerns of the Chamber seemed to center on problems of business regulation and the promotion of foreign trade. Its formal by-laws outlined two principle lines of endeavor: "first, the encouragement of domestic and foreign trade; second, the development of co-operation among business organizations in the interest of efficiency, uniformity, and equity in business usages and laws, and the proper consideration by the government of questions affecting business and civic interest." [13, pp. 65-66] These by-laws have been supplemented by periodic publications of a book entitled the Policies of the Chamber of Commerce of the United States of America, which compiles various resolutions adopted at annual meetings and propositions which have been approved through referenda.

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[1] Childs' early study stated: "The Chamber does not undertake to support officially the candidacy of any person or persons, apparently preferring to take the officials as they are selected and bring organization pressure to bear upon them. This is not to intimate, however, that the influence of the Chamber is not felt at election time. By focusing the attention of the Nation on certain problems of a business and governmental character, by developing a group psychology and a set of attitudes toward major issues, it consciously or unconsciously directs the voters toward the standard bearers of Chamber policies." [13, pp. 195-96]

The first referendum passed in 1912 advocated a national budget system for the federal government, and at its first annual meeting the Chamber favored the creation of a federal tariff commission. The Chamber also early supported the Federal Reserve Act of 1913, the creation of the Bureau of Foreign and Domestic Commerce in the Department of Commerce, and the creation of a privately-owned and operated American merchant marine. The earliest clear statement on its labor policy by the Chamber, which the writer has been able to find, is the following, which is unfortunately available only in this abbreviated form:

> The right of workers to organize is as clearly recognized as that of any other element or part of the community ...Wages should be adjusted with due regard to the purchasing power of the wage and to the right of every man to an opportunity to earn a living at fair wages, to reasonable hours of work and working conditions, to a decent home, and to the enjoyment of proper social conditions. [43, p. 18]

The "right to organize" portion of this statement is ambiguous in this form. In the following year, however, a referendum was passed by the Chamber which aligned the organization with the NAM and the American Bankers Association in leading the anti-union offensive of the 1920's known as the "American Plan".[1]

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[1] Perlman and Taft have stated: "The American Plan purported to abolish the 'un-American' closed shop, but as in previous open shop crusades, the destruction of unionism was the real objective. Neither effort nor money was spared in this crusade." [15, p. 491] How unified the national leadership of this drive was during the '20's, however, is hard to say. Taylor has stated: "The National Association of Manufacturers established a wide affiliated interest through its membership in the Chamber of Commerce of the United States. Although the Manufacturers' Association aided much in the formation of the Chamber of (continued on following page)

The 1920 resolution, which passed by 1,664 votes to 4, declared that:

> The right of open shop operation, that is, the right of employer and employee to enter into and to determine the conditions of employment relations with each other, is an essential part of the individual right of contract possessed by each of the parties. [34, p. 17]

With regard to this resolution, Savel Zimand stated:

> The U.S. Chamber of Commerce, which in the past claimed to be an institution for education without propaganda, made in 1920 a change in its policy. Mr. Frederick Foster, former president of the San Francisco Chamber of Commerce, who played an important role in the fight against trade unionism in San Francisco, received a prominent position with the Chamber of Commerce. [52, p. 31]

In 1934 when it was proposed that a National Labor Board be established to implement Section 7(a) of the NIRA, the Chamber joined the NAM and other employer representatives in attacking the proposal "as class legislation, imposing restraints on employers but not on unions, as tending toward compulsory unionism, and as unconstitutional". [31, p. 24]

After the Wagner Act was passed over business opposition in 1935, and to the great surprise of the business community was upheld as constitutional in 1937, the Chamber of Commerce of the United States immediately began a campaign for amendments to the Act to add regulation

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1 (Footnote 1 continued from preceding page.)
Commerce and consequently expected much from it, the heterogeneous composition of the latter often caused the interests of the two organizations to be at variance with one another, and led to the formal withdrawal of the National Association of Manufacturers in 1922." [46, p. 28]

of certain unfair labor practices for employees. This contrasted to the belated official acceptance of the amendment rather than the repeal position by the NAM in 1946. A resolution adopted by the Chamber on April 29, 1937 recommended "equalizing" amendments to the Wagner Act and state and federal legislation to regulate union activity. [10]

As has been previously mentioned, however, except for the Smith-Connally Act, federal action on labor legislation was postponed until after the war effort of World War II. As the war moved toward its close in 1945, an effort was made under the leadership of Eric Johnston, then president of the Chamber of Commerce of the United States, to secure agreement by industry and the two labor federations on a charter of principles to promote full production and industrial peace. This effort came to naught when the AFL executive council, under pressure from the carpenters and others, decided that it would not sit with the CIO in joint sessions and when it was disclosed that a joint NAM-Chamber of Commerce Committee was working on a program of restrictive legislation.

At its May, 1947, meeting the Chamber adopted a labor program going beyond its earlier pronouncements. Millis and Brown note:

> It now put major emphasis on protecting the public from interruption of operations, called for limitations on strikes, for the outlawing of any coercion and of compulsory union membership, for control of monopolistic practices of unions, exclusion of foremen from bargaining, accountability at law for any injurious conduct by employees and unions as well as by employers, and in general for "equality" of the laws and equitable administration. It called on the states as well as the federal government to act on these and other points. [31, p. 290]

Following the passage of the Taft-Hartley Act, the Chamber continued to advocate certain amendments. In 1953 the Chamber printed and distributed in pamphlet form some of its congressional testimony detailing 23 specific recommendations for changes in or strengthening and retaining certain provisions of the Taft-Hartley Act. These 23 recommendations focused on five areas of concern:

> 1. The exercise of monopolistic power by labor leaders acting through union organizations should be restrained by legislation. Those exercising such power or seeking to acquire it should be denied the facilities of the National Labor Relations Board or should be made subject to the anti-trust laws, or both.
> 2. All forms of compulsory unionism should be barred...
> 3. New legislation is necessary to cope with communist infiltration or domination of labor unions...
> 4. The constitutional right of free speech should be fully preserved.
> 5. The National Labor Relations Board should be reconstituted so as to eliminate pro-union bias... [11, pp. 2-3]

Like the NAM, the Chamber sought to employ the anti-corruption sentiment surrounding the McClellan Hearings to get some basic changes in the law affecting the labor-management power structure of collective bargaining. An editorial in the January 1959, Labor Relations Letter of the Chamber's Labor Relations and Legal Department, for example, was entitled "'Labor Reform' is More than 'Union Democracy'". To quote a paragraph:

> An effective labor bill will not stop at "union democracy", it will cover union violence, racket picketing, secondary boycotts, featherbedding, forced union membership, restrictive practices, extortion, the diversion of dues money for political and social purposes, and the monopoly power of the labor boss. [12, p. 2]

Following the defeat of the Kennedy-Ives Labor reform bill in 1958, both the NAM and the Chamber continued to push for "strong"

legislation. When Secretary of Labor James P. Mitchell originally presented the Eisenhower Administration's labor reform proposals before the AFL-CIO Convention at Atlantic City in December 1957, however, he firmly stated that:

> this Administration will not propose and in fact will vigorously oppose any legislation designed to bust unions ... We will not recommend a so-called national right-to-work law and we will oppose such legislation if it is proposed. [47, p. 14]

Mitchell also indicated that he would not support any attempt to apply anti-trust laws to unions. Following the 1958 elections, however, Mitchell had a rougher time pushing his "moderate" proposals through a predominately business oriented cabinet. While he advocated tightening up the Taft-Hartley picketing and secondary boycott curbs, Mitchell had to battle down "conservative" elements in the Administration, which sought to put drastic curbs on political activity and spending by unions. The U.S. News and World Report wrote:

> The labor message which President Eisenhower sent to Congress January 28 represents a personal triumph for Secretary of Labor James P. Mitchell, While House aides report. They say the Secretary had to battle hard before the message was approved. [49, p. 21]

In 1959, however, the American Retail Federation, a group representing 70 state and national federations with a total membership of 800,000, was strongly behind the Administration's picketing and boycott curbs, and they supported Mitchell's "no man's land" provisions with particular vigor. Their concentration on these issues, and their apparent willingness to forgo the more sweeping demands for a federal right to work law and anti-trust applications to unions, blazed the

trail which eventually won almost unanimous support from the rest of the business community. This eventual compromise of business and Administration forces, combined with labor's continued intrangence, succeeded in winning the support of enough "middle-of-the-road" Congressman to eventually pass the Landrum-Griffin bill.

All of this brings us to the fact that there are other business groups besides the NAM and the Chamber which sometimes take a stand on labor and other political matters. This fact raises the question: "how well do these groups represent the business community in labor matters?"

Other Business Spokesmen And The Representativeness Of The Major Business Lobbies

It might be expected that the aforementioned heterogeneity of the business community on most issues would tend to limit the dominance of the best known national federations. David Truman, for example, has stated:

> It is generally recognized that the superficiality and generality of the programs put forward by the Chamber of Commerce of the United States are due largely to the heterogeneity of the membership that it claims. Its affiliated units do not necessarily keep in line with its policy pronouncements...
>
> The National Association of Manufacturers, often popularly assumed to be a monolithic political force, perhaps because of its advocacy among its following of "unit thinking and unit action," has probably achieved a maximum of unity because its political efforts have been largely defensive in character. Nevertheless, it has experienced criticism from its rank and file for its opposition to the renewal of price-control legislation in 1946 and for the dominance of "big business" in the organization's affairs. Its leaders admit, moreover, the necessity for internal compromise on policy matters in order to achieve effective unity.
>
> Groups that attempt, like the Chamber of Commerce, to

> speak for "American business" or "American industry" as a whole, both members and nonmembers, are at great pains to avoid situations in which the interests of "little" business differ sharply from those of "big" business. They have, for example, left to the specialized trade associations the struggles between the retailers and the chain stores and mailorder houses. From time to time, however, cleavages of this sort have come out in the open and have resulted in the formation of competing groups, more often than not shortlived. For example, in the spring of 1946 during the struggle in Congress over the renewal of price-control legislation, to which both the Chamber and the NAM were opposed, there appeared a group calling itself the New Council for American Business. An outgrowth of the Business Men for Roosevelt organization that participated in the 1944 presidential campaign, the New Council asserted that "business is not properly represented by the NAM and the U.S. Chamber of Commerce". The group claimed its support from among "small" businessmen who are "more vulnerable to a depression than big NAM people." Although its exact membership is unknown, the roster of its officers suggested an additional line of cleavage accounting for the group's existence, namely, that between the manufacturing and large commercial enterprises and the service and light consumer goods enterprises... This group raised a competing, if feeble, voice in opposition to the chamber and the NAM. Other businessmen's groups, such as the Committee for Economic Development, have had a somewhat similar origin. [48, pp. 183-85]

With regard to labor legislation at the time of the Taft-Hartley Act, Millis and Brown have stated:

> A word should be said about other groups who did not follow the line of the NAM. The American Management Association, with its background of interest in scientific management and personnel administration, in its annual meetings considered rather practically matters of how to deal sensibly with problems which arose under the new national policy, and much good advice was given by experienced men. While different points of view were expressed, the net effect must have been to promote acceptance of collective bargaining and a realistic consideration of the needs of the future. Somewhat similarly the Committee for Economic Development in its statement on national policy early in 1947 put emphasis on ways of making collective bargaining work better on a voluntary basis. It presented a limited program for legislation to supplement existing policy by supporting free collective bargaining, outlawing interferences with it,

> and outlawing such union activities as jurisdictional strikes, strikes to compel violation of laws, and union monopolies which are clearly evasions of the antitrust laws. But it is doubtful whether these organizations had as much influence upon employers, or certainly upon the public, as did other groups with their extreme campaigns for a change in national labor policy. [31, p. 291]

The Committee for Economic Development mentioned in both of the preceding quotations has been described in the following words:

> The Committee for Economic Development is a nonprofit, nonpolitical organization dedicated to research on private and public economic policies that would strengthen and perpetuate economic freedom by helping to make free enterprise fully compatible with economic growth and stability. As an educational association, the CED does research and puts out policy statements for purposes of public education. Professing not to be a lobby, CED does not represent any particular group of businessmen, and its major objective is the public welfare. CED studies are made available to the public and to the press. Members of the Committee for Economic Development Research and Policy Committee present their views to Congress only when requested to do so. [28, p. 37]

The CED was founded on September 3, 1942, by a group of businessmen who were concerned with the problems of the still-distant postwar reconversion. Paul Hoffman, the President of the Studebaker Corporation, and the others associated with the project were convinced that the proposed investigations should not be conducted by the Chamber of Commerce, the NAM, or any trade or industry organization, because, "the impartiality of the research must be above question, which it certainly would not be if it were conducted by official spokesmen for business". [41, p. 18] While the Chamber and the NAM agreed to this proposition, these established organizations were wary of allowing a permanent rival to appear on the scene, and Schriftgiesser states:

> the Chamber and the NAM exacted a so-called "gentleman's agreement" to the effect that any organization of the kind

> proposed should be set up for the duration of the war only. Once its immediate postwar objectives had been achieved it was to be dissolved. This solemn but unwritten pact was to cause some difficulties in later years. [41, p. 22]

The difficulties alluded to began late in 1945 and early in 1946. On February 12, 1946, the CED trustees met and dissolved the Committee's field division after a plan to have these activities absorbed by the Chamber of Commerce of the United States had failed. The trustees, however, voted to continue the work of the Research Division "for another 18 months, perhaps as long as three years." [41, p. 75] Differences between some of the individual businessmen in the CED and the established employer groups came out in the open in 1946 when Chairman Hoffman and others, following the CED's self-imposed restraint on lobbying, nevertheless testified in behalf of the Employment Act of that year; while, at the same time, the NAM, the Chamber, the Farm Bureau Federation, and the Committee for Constitutional Government had united under the leadership of Donaldson Brown, vice-president of General Motors and a Director of the NAM, to lobby against the bill.[1]

"As the postwar reaction to liberalism set in", Schriftgiesser

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[1] The complete legislative history of the Employment Act of 1946 is traced in [1]. One of the most interesting dilemmas faced in the CED's position on this bill was that of Eric Johnston, then president of the Chamber of Commerce who had already failed to get the Chamber to incorporate the CED's Field Division, and who was one of the 13 members of the CED's Research Committee at a time when most of the local Chambers of Commerce were the most vociferous opponents of the bill.

noted, "The Economic Club of Detroit heard an important industrialist declare that Paul Hoffman, Eric Johnston, and Beardsley Ruml were three of the most dangerous men in America." [41, p. vi] Despite shots such as this from within the business community, the CED trustees unanimously voted to continue the research activities of the Committee on a permanent basis in May of 1948.

On the basis of its continued policy pronouncements, the CED has since become identified as "the more progressive and liberal wing of Big Business".[1] Despite its general liberal leanings within the business community, however, when one of the CED's independent study groups published its recommendations on national labor policy late in 1961 and recommended, among other things, repeal of Taft-Hartley's Section 14 (b), this group was wryly referred to as a "wholly disowned subsidiary" of the Committee. The CED has subsequently abandoned its policy of automatically publishing all of the independent study papers prepared for its consideration, although it still continues to publish its own policy statements based on these study papers.

In commenting on how well the national business groups represent the prevailing sentiment within the business community,

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[1] William Benton, one of the early driving forces behind the formation of the CED, has been quoted as saying: "In retrospect, it seems clear to me that the greatest single service rendered by the CED has been the education of its members from the business community in politics and economics. Most of them however, ... have remained loyal to the Republican Party--although many of these...are somewhat suspect within it." [41, p. 71]

Lenhart and Schriftgiesser state:

> The organizations through which business management functions in the political sphere are often staff run and are sometimes little more than propaganda machines. Their policy pronouncements run the gamut from a series of staff written resolutions hastily passed at annual conventions to carefully researched policy papers.
>
> Too often a policy pronouncement is a composite of the prejudices and biases the staff think are held by members of the organization rather than the carefully thought out views of the businessmen based on a real understanding of the issues. [28, p. 40]

And, commenting on the official labor pronouncements of the NAM, Brown and Myers have noted:

> We sense little resiliency, little awareness of a world on the move. Rather, we have the sensation of a television production in which most of the characters stay immobile while the backdrop moves across the stage. Fortunately or unfortunately for the survival of American management ideology, the characters appear to act in one way in their private lives and another in their stage roles. (A study by the AFL-CIO indicates that, of 171 companies represented on the directorate of the NAM in 1955, 93 had contracts with AFL-CIO affiliates; of the 71 in states permitting union-security provisions, 59 had such clauses.) [7, p. 94]

It might be added, however, that it is difficult to determine if the character's actions in their private lives really reflect their latent desires in the area of labor-management relations - (probably the easiest of all issues on which to get management cohesion) or whether they merely reflect the dint of economic necessity, which would be readily changed if given the opportunity, or at least the hope of opportunity. In this connection, Gable has noted:

> The fluctuations of membership indicate that the NAM's labor policies have been essentially reflective of member's desires, because membership has swollen during campaigns of union opposition and fallen off after their successful completion. [22, p. 260]

If it is the case, however, that the members turn to the NAM for results in the political sphere (e.g., the open shop or a right to work law) which they cannot obtain on their own in the economic sphere, then the situation becomes somewhat incongruous. This is so because one of the five main points in the "code of conduct under which both organized labor and industry can serve the nation better and more efficiently", which Charles R. Sligh read to George Meany at the Congress of American Industry in 1955, was the following: "5. Keep politics out of labor-management relations and avoid trying to obtain by political pressure that which cannot be justified economically." [33, p. 19]

While most people would agree with these sentiments, a careful reading of the history of labor and management in the political process would seem to show that, dutiful tributes to Laissez faire and "voluntarism" aside, both labor and management have turned to the institutions of government when it was felt that governmental action would aid their cause; and likewise both sides have most strongly urged non-intervention when it was felt that governmental action would aid their opponents. A survey of "American Management-Labor Relations and Management Attitudes" by the Department of Manufacture of the Chamber of Commerce of the United States arrived at this conclusion as far as management was concerned, but also expressed the hope that it would stop in these words:

> History reveals also a great change in management's conception of the role government should occupy in management-labor relations. Until the New Deal era, management for a number of years, perhaps unwittingly, placed great

> reliance on government by reason of ability to solve many unpleasant labor relations problems through use of court injunctions. Today, however, management recognizes that, 'reliance upon government to solve labor-management problems is unsound.' Management has seen it demonstrated that government solutions of such problems are not basic in their effect. They are subject to change according to what administration is in power. At the same time, management sees clearly that unless management-labor problems are solved, there will be more rather than less government control--a result detrimental to both management and labor. Management's hope today, therefore, is that management and labor can find some reasonable means to solve their own problems--to 'work together and stay free.' [9, p. 31]

The fact that one year after these words were written the Chamber strongly supported the Taft-Hartley Act, which brought the government into labor-management relations more than ever before, however, seemed to indicate that the "reasonable means" sought still remained to be found.

A glance at the activities of private corporations and individual businessmen will complete this review of management's role in the political process.

Political Activities Of Corporations And Individual Businessmen

The age of the "robber barons" and the founding of modern corporate empires in the late nineteenth century survives in American folklore as the epitome of business influence in the political process. Whether this influence was ever as great as it is now presumed to have been is difficult to say. Nevertheless, the Sherman Act notwithstanding, the rapid growth in the wealth and power of the railroad, banking, steel, oil refining and other industries was accompanied by fierce outcries against business malpractices in the political as well as the economic sphere; and William R. McIntyre, has noted:

> A series of articles by David Graham Phillips in the Cosmopolitan in 1906 and 1907 ("The Treason of the Senate") came to the startling conclusion that 75 of the then 90 senators served the railroads, the Beef and Sugar trust, Standard Oil, and steel interests. The Hepburn Act in 1906 prohibited railroads from giving free passes, long a favorite source of political influence, except under strict limitations. Then in 1907, after strong urging by President Roosevelt, Congress for the first time made it unlawful for a corporation to make "a money contribution in connection with any election" involving candidates for federal office. [29, pp. 764-65]

The subsequent attempts to regulate corporate and labor political activity will be examined in more detail in the next chapter of this thesis and in appendices C and D which discuss the Federal Regulation of Lobbying Act and the Federal Corrupt Practices statutes respectively.

With regard to lobbying activities, many corporations maintain Washington offices in addition to belonging to one of the national business federations discussed above. In 1950 the Buchanan House Committee found that 38 of the 173 corporations they polled had reported $776,466 under the Federal Regulation of lobbying act between January 1, 1947 and June 30, 1950. Thirty-seven of the corporations polled indicated that they had expended another $406,787 to influence legislation not otherwise reported in addition to 66 corporations reporting $227,257 for travel expenses incurred in attempts to influence legislation, 7 reporting $346,808 for the maintenance of a Washington office, 65 reporting $2,189,152 in expenditures for printed or duplicated matter dealing with public issues, 31 reporting $2,013,370 for advertising services in the same area, and 125 reporting $26,941,453 in tax exempt contributions not made to charitable or eleemosynary institutions. [26]

The fact that only $776,466 (2.4%) of the total of $32,124,827 reported to the Buchanan Committee by these 173 corporations over the 3-1/2 year period covered was reported under the Federal lobbying law during the same period gives some indication to the completeness of the figures reported by all the groups covered by this legislation. It should be pointed out, however, that the Buchanan Committee's definitions of attempts to influence legislation were much broader than those later laid down by the Supreme Court in interpreting the federal lobbying statute.

With regard to the bans on corporate spending which have been in effect at the federal level with various modifications since 1907, only one firm has ever been convicted of violations; and that was under the Public Utility Holding Company Act of 1936 not under the Federal Corrupt Practices Act. In 1959 about 30 states also limited the right of corporations to give money to candidates or their supporters. The provisions varied, some extending only to certain classes of corporations, such as insurance companies and public utilities.

Despite these prohibitions, however, Alexander Heard has stated:

> It is not unusual for corporate funds to make up 10 per cent of the campaign fund of a candidate for state or local office, and the percentage has gone higher. In all, in a presidential election year, several million dollars of corporate money finds its way by one process or another into political campaigning. [24, p. 130]

Aside from establishing lobbies and making campaign contributions, however, most corporate executives have not traditionally been overactive in the political process. Lenhart and Schriftgiesser

have stated "Business leaders, to a greater extent than is perhaps widely realized, have tended to remain aloof from active party politics and instead have sought their political advantages through their costly and effective lobbies and through captive legislators." [28, p. 35] Likewise Michigan's former Governor Williams has stated:

> Another reason I believe many businessmen have a somewhat warped view of government and politics is simply that they get their government and politics secondhand. The businessman does not participate in government or politics directly but through paid agents or lobbyists. [51, p. 105]

Working the other side of the street, Senator Barry Goldwater in a plea for "warm bodies to ring doorbells", has stated that "it's still hard to convince businessmen that the least of our problem is money." [17, p. 58] As mentioned above, the Harvard Business Review mailed out a questionnaire on business and politics to a cross section of 10,000 of its subscribers in 1959. The responses to selected questions by 2,700 top executives with regard to their personal views and company policies in this area were then published in the Review. With regard to individual participation, 54% of the respondents reported giving money in the 1958 campaign, and 25% reported that they personally "worked" in the 1958 campaign. A further breakdown indicated that 32% gave only, 22% both gave and worked, and 3% worked but did not give. [21, p. 8][1]

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[1] This study found that, among those who did work in the 1958 campaigns, participation tended to drop off as the size of the company increased. In other words direct participation and size of firm were inversely related, and most of the active participants were from the smaller firms.

TABLE 1 - Executive Responses to Selected Questions on Business and Politics*

Question	Percent of Total Answers
1. In which of the following activities does your company engage?	
Urge employees to register and vote	70.1%
Belong to any organization designed to make the political climate more favorable to business	43.9
Belong to any organization designed to improve the efficiency of government operations	36.4
Participate actively in formulating trade association political policy	25.2
Take stands on issues like "right to work" laws	21.5
Encourage employees to participate actively in campaigns	21.1
Urge executives to serve as elected officials in the city where plant is located	16.1
Encourage campaign contributions by employees	15.0
Carry articles on current public issues in the company paper	14.6
Have top managers make talks on important issues	14.3
Allow candidates to come into the plant and meet employees	13.8
Invite elected officials to meet with the management group	13.3
Employ specialists to deal with elected officials	13.0
Perform services for politicians	12.1
Give employees time off to work on campaigns	11.6
Invite elected officials to talk to employee groups	5.5
Consider political activity in recommendations for promotion	3.0
2. Do you think that the influence of business on political affairs in general since 1950 has . . .	
declined considerably	17.1%
declined a little	18.3
stayed the same	13.2
increased a little	33.4
increased considerably	18.0
3. Do you think that the influence of your company on political affairs since 1950 has . . .	
declined considerably	4.5%
declined a little	7.1
stayed the same	61.6
increased a little	20.6
increased considerably	6.2
4. Do you believe that businessmen should be more active in politics?	
yes	88.8%
no	5.6
no opinion	5.6

*Based on replies of 2,700 Harvard Business Review subscribers.

Source: Harvard Business Review, May-June 1959, Vol. 37, p. 8.

Table 1 reproduces other responses in tabular form, showing the percent of the 2,700 answers to each question with regard to company activities and individual opinion. In light of the responses on individual participation and the fact that almost 90% of the respondents felt that business should be more active in politics, the report concluded "In short, the record shows a fairly low degree of active participation in political affairs in relation to the high enthusiasm and interest reported." [21, p. 10] But the report also added "In all fairness to the respondents, it should be remembered that there is not a great deal of active participation in politics in this country in any segment of the population." [21, p. 10][1]

With regard to company activities, aside from associated activities with other firms and encouraging employees to register and vote, Table 1 shows that the largest response indicated that 21.5% of the companies took stands on issues. Coming right after the 1958 election campaigns this response may be significant, since William R. McIntyre, writing before the elections, had stated:

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[1] Perhaps the main reason for this lack of more active participation was the fact that Table 1 shows 64% of the respondents felt that business influence on political affairs had not declined since 1950 and the corresponding figure for their own company was even higher, being over 88%. A breakdown of these responses, however, indicated that those respondents who had actually worked in the 1958 campaign took a less rosy view of the political influence of business as a whole, but these people also felt that their own companies were doing much better than those who did no work.

> The only instance in recent years in which business groups have shed the non-partisan cloak and carried their case vigorously to the voters have concerned referendum issues rather than contests for office. In such campaigns, business has worked hard, and often successfully, using some of the same techniques labor employs to influence the electorate.
>
> In at least four of the six states where right-to-work laws are to be considered at the polls this year, major corporations, in addition to some chambers of commerce and manufacturer's associations, are publicly campaigning for voter approval. [29, p. 763]

After describing the right-to-work activities of the Boeing Airplane Company in the states of Washington and Kansas, the Timken Roller Bearing Company in Ohio, and the General Electric Company in California, McIntyre continued with regard to the latter campaign:

> Any preference for candidates is explicitly disclaimed, although in the gubernatorial race the right-to-work proposal has been a major issue from the outset, with Sen. William F. Knowland (R) for and State Attorney General Edmund G. Brown (D) against.
>
> A few corporations thus have begun to speak out on issues confronting voters, but it is noteworthy that the great majority still refrain from direct participation in political campaigns. [29, p. 763]

Much of the increased corporate involvement in the 1958 election campaigns may be attributed to the businessman's traditional antipathy toward union security, but there is also some evidence that many corporations may have been attempting to take a significant new tack in their political course. The late 1950's witnessed a veritable flood of speeches, pamphlets, magazine articles, and books stressing the theme "businessmen must get into politics". In view of what has preceded in this chapter, this must seem a little incongruous for there is ample evidence that business is now and always has been involved up to its ears in the political process. Nevertheless, the Employer's

Labor Relations Information Committee was able to issue an annotated bibliography containing reference to no less than 78 magazine articles and 51 books, pamphlets, or printed speeches on management's political activities published during the 13 months from July 1958 to August 1959. [20] As nearly as can be determined, most of this sudden outpouring dating from about mid-1958 stems primarily from two sources which can be identified for convenience, by the persons of Andrew Hacker and Archie D. Gray.

Andrew Hacker is now an Associate Professor of Government at Cornell University, and in September 1958 the Fund for the Republic published his study of Politics and the Corporation. Hacker's study sought to probe the question of "how compatible the imperatives of corporate employment are with the requirements of democratic citizenship." [23, p. 3] He concluded that the growth of corporate employment tended to replace local community citizenship with a national "corporate citizenship", and this tended to eliminate active political participation by a large segment of the middle class upon which democratic governments have always relied so heavily. Hacker felt that the foundations of our democratic political system were being weakened by corporations which "have erased the need for political participation on the part of the very people who have always been the prime participants in the political process." [23, p. 13] Given these philosophical considerations, it logically followed that one way in which a corporation could help to strengthen democracy would be to encourage its middle class executives to actively participate in party politics at the

local level.

In the same month that Hacker's study was published, Archie D. Gray, a Senior Vice President of the Gulf Oil Corporation, used that company's publication The Orange Disc, to sound another, more pragmatic, call to political action on the part of corporation executives. In a widely-quoted statement, already cited on the first page of this thesis, Gray observed:

> If we are to survive, labor's political power must now be opposed by a matching force, and there is no place in the United States where such a force can be generated except among the corporations that make up American business. [42, p. 41]

Gray's analysis became emeshed with Hacker's analysis and apparently struck a responsive chord in the hearts of many American businessmen. The flood of literature annotated in the previously cited EIRIC report indicates the volume if not the effectiveness of the immediate response to these appeals. Since the pleas of Hacker and Gray were logically as well as physically separate, however, the upsurge of activity in the late 1950's was not entirely homogeneous. Indeed, two basically different kinds of company program seemed to be involved. One type aimed only at stimulating the civic consciousness of employees; the other frankly advocated a stronger voice for business and public affairs.

It is interesting to note, however, that before either Andrew Hacker or Archie Gray had published their thoughts, some individual corporations had already sponsored programs along both of these lines. In 1951 the Johnson and Johnson Corporation established a Sound Government Committee to arrange panel discussions among white collar workers on company time to discuss public issues and encourage employees to become active in politics. In 1959, however, the Congressional Quarterly

Weekly Report indicated that this committee was no longer operating and that the company felt that it had "done its job". [8, p. 491]

Another more permanent pioneer in the field of corporate political education was the General Electric Company. For many years this corporation has stressed the principle of "corporate citizenship" and it has long given much publicity to its views on public issues as well as its own labor negotiations. In early 1959, a GE spokesman estimated that between 4,000 and 5,000 of the corporations 300,000 employees had taken or were taking a course in practical politics. [8, p. 491] In the preceding year the company organized a special Government Relations Service to serve as a clearinghouse for all of the organizations political, legislative, and government relations activity. A month before either Hacker or Gray published their views, General Electric Vice President Lemuel R. Boulware was stating that politics was "The Businessman's Biggest Job in 1958" [6], and in the company's annual report for that year the chairman of the board, Ralph J. Cordiner, said that GE's political "awakening" was the company's major event in 1958.

Another of the more publicized recent program seeking to emphasize both individual and corporate political participation is that of the Ford Motor Company. [38] Not only have individual companies tried to encourage the spread of such programs, the Effective Citizens Organization (ECO), which was established in 1955, has recently increased its efforts in this area and now holds workshops on college campuses for corporate executives. A private consulting firm, Public Affairs Counselors, has been established to assist companies and employer associations

set up political education programs. Both the NAM and the Chamber of Commerce of the U.S. have made available courses in practical politics and McIntyre has noted "The Committee on State Sovereignty recently published a 44-page handbook acknowledged by its editors to be basically a condensation of COPE's How to Win." [29, p. 759] In addition to G.E., Gulf Oil, and Ford, some of the other large companies which have begun to speak out on political issues and to encourage employees to become more active politically are the American Can Company, Caterpillar Tractor Co., Chase-Manhatten Bank, Chrysler Corporation, General Dynamics, Monsanto Chemical Co., Shell Oil, Sears and Roebuck, Standard Oil Co. (N.J.), U.S. Steel, and F. W. Woolworth.

McIntyre has stated:

> Revival of company interest in open politicking has consisted so far mainly of efforts to educate management personnel in the art of politics and encourage active participation in party work at the neighborhood level. Many corporations have instituted seminars in practical politics and made it a custom to acquaint executives below the top level with the company position on political issues...
>
> Current advocacy of participation in local politics is intended to supplement, not replace, the long-time corporation stress on political contributions. A chief aim of the present movement is to get candidates with business sympathies nominated for office...
>
> Gulf Oil appears to be the only company actively interested in political education which has said it intends to distribute voting records outside of its plants... No other large company or business association has announced plans comparable to the labor technique of distributing information about candidates to large numbers of voters. [29, pp. 758-61]

Since this latter statement was made, however, the Americans for Constitutional Action has been formed as a conservative nonpartisan group with plans to screen and endorse candidates favorable to business.

This group was founded with Ben Morell, retired chairman of the Jones and Laughlin Steel Corporation, as its head; and other prominent businessmen were announced as trustees for ACA.

The recent upsurge in business political activity, thus, seems to be aimed at more participation in the electioneering and campaign aspects of politics than is usual for business groups, and much of it appears to be independent of the activities of the traditional spokesmen for the employer community in the political process. Some of the basic premises and some of the possible implications of this "movement" will be examined in more detail in subsequent chapters following a brief summary of this review of managements past efforts in politics.

Summary And Questions For Further Consideration

Like organized labor, American management has a long history of active participation in the political process. Due to basic differences in the nature of the membership base and the economic and social position of these two groups, however, American management traditionally has relied for the most part on tactics that shy away from the more visible electioneering aspects of politics and has relied primarily on campaign contributions and institutional advertising in addition to formal lobbying by individual companies and business organizations.

With regard to labor matters, the most visible business or employer groups have been the National Association of Manufacturers and the Chamber of Commerce of the United States. The NAM was originally founded in 1895 to promote American commerce and international trade. A change in policy that turned the Association's primary attention to

labor matters in 1903, however, resulted in a significant increase in membership, and since that date the NAM has been an active participant in the political process on labor and labor-related issues. In its formative years the NAM was much more predisposed toward direct participation in specific election campaigns than it has been in more recent times, and the Association participated quite vigorously in the election campaigns of 1906 through 1912. Indeed, there was even some talk of an "NAM Party" in 1912, before the Republican party platform finally espoused most of the NAM program after the "Bull Moose" split in that year.

The NAM toned down many of its political activities following the "expose" of its efforts during the Underwood Tariff Debates of 1913, however, and the Association has relied increasingly on a vast communications program with its own members, with education, church, and civic groups, and with the general public, to maintain its influence in the political process. The Association's membership climbed to a peak of about 5,350 firms in 1922, but during this period membership tended to be confined to relatively small firms who dropped their affiliation rapidly following the economic collapse of the early 1930's. There was a second major reorganization of the Association as the result of the New Deal labor legislation of the 1930's. Following the enactment of the Wagner Act of 1935, the NAM's membership not only increased substantially, but it also began to consist of and be dominated by the large industrial giants of the American business community. Today's NAM membership is estimated at over 20,000 firms.

Despite changes in the size and composition of its membership over the years, however, the main thrust of the NAM's communications and public relations efforts has been strongly opposed to some of the most basic labor union activities and programs. Indeed, much of the NAM's "program" has traditionally been in opposition to the programs of other groups--particularly organized labor. Despite a conscious attempt to develop a "positive" program in the immediate postwar period, the NAM's official labor policies appear to have changed little over the years, but the Association does seem to be increasingly willing to seek more government intervention in labor-management relations to see its policies implemented. The NAM strongly supported the Taft-Hartley Act, and the Association has continued to advocate other measures such as national prohibition of all union security clauses, outlawing industrywide collective bargaining, more state-level jurisdiction in labor-management affairs, and prohibition of all union funds in political campaigns.

The Chamber of Commerce of the United States, which was organized in part by the NAM and other groups in 1912, did not evidence the almost single-minded concern with labor problems that characterized the NAM immediately after 1903, nor did it undertake the direct participation in election campaigns that characterized the earlier days of the NAM. Following an "open-shop" referendum in 1920, however, the Chamber became more outspoken on labor matters and was an ardent champion of "the American Plan" during the 1920's. Today the Chamber, which is basically a federation of Chambers of Commerce and

trade associations, has over 3,000 state and local Chambers of Commerce at the heart of its rather complex membership structure. Although the NAM and the Chamber reached a parting of the ways in 1922, both organizations opposed section 7-a of the NIRA. They also opposed the Wagner Act vigorously, but following the Jones and Laughlin decision upholding the Act's constitutionality in 1937, the Chamber began a campaign for "equalizing" amendments whereas the NAM argued for outright repeal until 1946, on the grounds that the government should not intervene in labor-management relations. With the sharp shift in public sentiment concerning unionism during the strike wave of 1946, both organizations accepted the principle of more government regulation to control union power. Thus, despite the more conciliatory efforts of Chamber President Eric Johnston, both organizations were influential in the enactment of the Taft-Hartley Act in 1947. Since 1947 the Chamber's labor program has been very similar to that of the NAM, emphasizing the need for complete prohibition of "compulsory unionism" and the need to "place labor under the anti-trust laws".

Both the NAM and the Chamber advocated stronger measures than President Eisenhower's Secretary of Labor, James P. Mitchell, during the debates leading to the Landrum-Griffin Bill in 1959, but other business groups and administration forces combined to have this legislation enacted with the ultimate support of the major business lobbies. Today, however, both the NAM and the Chamber continue to advocate more stringent labor policies than those currently in existence or currently practiced by a large part of their membership;

and the fact that a business or firm bargains collectively with a national union representing its employees, often with union security clauses in its contract, apparently still doesn't prevent it from supporting organizations advocating labor policies that would reduce these obligations.

In addition to the NAM and the Chamber, of course, there are other national business organizations which from time to time become concerned with the political aspects of labor-management issues. The American Retail Federation for example, played a key role in the enactment of the Landrum Griffin Act, and the Committee for Economic Development has voiced opinions that differ from the Chamber and NAM line, although the CED is not organized for political action in the same sense that these other national organizations are. Also, in addition to the national spokesman for the business community, many individual corporations and businessmen are known to undertake political activities on their own. It is difficult to measure the exact extent of these "independent" efforts, but there are some signs that they may be on the increase.

A survey of Harvard Business Review subscribers in 1959 indicated that about one of five companies took stands on issues such as "right to work laws", and some of the nation's largest companies played active roles in the state referendum campaigns on this issue in 1958. The decisiveness with which these referendums were defeated and the unusually large numbers of Democratic congressional victories in 1958 appeared to arouse a fairly widespread concern within the business community that their position was being undermined by organized labor's

political efforts, and there was a rash of speeches, magazine articles, pamphlets, and books emphasizing the theme that "business must get into politics". This apparent upsurge in management attention to things political accounts in large part for the concern with the political dimension of labor management relations expressed in the first chapter in this thesis. A closer examination of this "movement", however, reveals that its most direct antecedents pre-date the November 1958 elections and that it is compounded of at least two main streams of thought. One stream of thought, which seems to find its intellectual foundations in works such as Andrew Hacker's study Politics and the Corporation, is aimed at stimulating the civic consciousness of corporate employees and encouraging them to become more active in local political affairs. The other main stream seems to find its sources in the writings and speeches of management executives such as Archie D. Gray of Gulf Oil and Lemuel Boulware of General Electric, and is based on the proposition that increased management political activity is necessary to offset the increasing political influence of organized labor.

The merging of these streams has resulted in an apparent increase in emphasis on the campaign and electioneering aspects of politics by several prominent companies which advocate "educating" management and other personnel in the art of politics and acquainting them with the company position on political issues. Both the U.S. Chamber and the NAM have developed courses in practical politics to encourage such efforts, and several new business groups such as the Effective Citizen's Organization, and Public Affairs Counselors have

been established to assist companies and employer associations to set up political education programs.

Given this sudden upsurge in action as well as talk about more business in politics, one can ask how widely based is this movement? It is being established on a firm foundation that will insure lasting permanency, or is it just a fad that will soon fade? Will it really work and give management a more effective influence in political affairs, or will it simply antagonize rival groups in the political process and spur them to greater and more effective action? It is an attempt to supplement the activities of the traditional business spokesmen in the political process, or will it serve to some extent to replace or substitute individual corporate activity for the work of such groups as the NAM and the Chamber?

Since one of the major premises of this movement appears to be the feeling that management is doing badly and that organized labor is doing well in the political process, it may be best to review in some detail the actual postwar political performance of both groups before attempting to answer these questions in more detail. This will be the task of the following chapter.

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CHAPTER V

A DETAILED LOOK AT THE POST WORLD WAR II LABOR-MANAGEMENT POLITICAL SCENE

Despite their different and changing approaches to political activities both organized labor and management have sought to influence the course of federal legislation over a wide range of issues during the post World War II period. Each side has sought to exercise this influence through formal lobbying efforts in the nation's capital and through a variety of campaign techniques designed to influence the composition of the executive and legislative branches of government upon which their lobbying efforts are brought to bear. This chapter will attempt to examine labor and management lobbying and campaign efforts in some detail with respect to both money spent and results obtained.

Unfortunately, any attempt to discuss financial involvement in the political process must first cut through much complex legislation and litigation surrounding lobbying and election expenditures. While it might be easier to avoid this legal morass than try to follow the modern equivalent of Theseus' thread in the Labyrinth, the figures involved have no real meaning out of their proper context. Appendix C outlines federal attempts to regulate lobbying activity and to establish reporting requirements through the 1946 Regulation of Lobbying Act, and Appendix D describes federal attempts

to regulate financial contributions and establish reporting requirements in national elections.

Lobby Expenditures

Bearing in mind the limitations outlined in Appendix C, Table 2 breaks down the lobbying expenditures reported by various groups under the Federal Regulation of Lobbying Act from 1947 through 1960. This table indicates that the total amounts reported by all groups increased annually from 1947 through 1950, but dropped sharply after the Act was first declared unconstitutional by a lower court in 1951. The overall totals have remained fairly stable at a much lower level following the Supreme Court's decision upholding the Act but sanctioning a narrow definition of "lobbying" in the Harriss case in 1954.

The number of labor and employee groups reporting under the Act has increased substantially relative to the total number of groups reporting during the period covered in Table 2 (from 17 of 256 in 1949 to 38 of 289 in 1960). The number of business groups reporting, however, was about the same in 1960 as it had been in 1949.

The amount of lobbying expenditures reported by labor and employee groups has also increased substantially as a percentage of the total amount reported (from 3.2 percent in 1949 to 27.1 percent in 1960). This trend is the result of both an increase in reported labor expenditures and a decrease in the expenditures reported by other groups. These figures, therefore, seem to lend support to the contention that organized labor has shown an increasing political

TABLE 2 - Amount and Percent of Reported Lobby Expenditure by Group Classification, 1947-1960

Year	Labor and Employee Groups		Business Groups		All Groups*	
	Number Reporting	Amount and (%) Reported	Number Reporting	Amount and (%) Reported	Number Reporting	Amount Reported
1947	----------	----------	-----Not Available-----	----------	154	$ 5,191,856
1948	----------	----------	-----Not Available-----	----------	222	6,763,480
1949	17	$ 257,301(3.2)	140	$3,280,278(41.2)	256	7,969,710
1950	30	518,413(5.0)	141	3,410,054(33.1)	340	10,303,204
1951	30	581,488(6.7)	117	3,089,742(35.5)	295	8,711,097
1952	22	466,733(9.7)	96	2,215,591(45.9)	257	4,823,981
1953	23	453,000(10.2)	102	2,660,141(59.8)	197	4,445,841
1954	21	656,149(15.3)	132	2,289,539(53.4)	225	4,286,158
1955	----------	----------	-----Not Available-----	----------	274	4,365,843
1956	30	748,320(18.9)	150	2,031,933(51.3)	264	3,957,120
1957	32	836,189(21.9)	149	1,854,490(48.6)	269	3,818,177
1958	31	842,557(20.4)	144	2,047,657(49.5)	263	4,132,719
1959	34	1,217,361(28.4)	151	1,761,556(41.1)	280	4,281,468
1960	38	1,044,142(27.1)	144	1,497,662(38.9)	289	3,854,374

* The number of group categories in addition to business and labor has varied in different years and different issues of the Almanac. Most recently five other categories have been used: Citizens, Farm, Military and Veterans, and Professional.

Source: Congressional Quarterly Almanac, 1948-1961.

awareness in recent years. The largest labor expenditure reported in Table 2 occured in 1959, the year the Landrum-Griffin bill was enacted.

Going beneath the aggregate figures in Table 2, we will now examine the reported lobbying expenditures of labor and business groups in more detail before turning to an examination of the legislative "batting averages" of these groups.

Organized Labor

Immediately following the merger convention in 1955, the AFL-CIO established a Department of Legislation under the co-directorship of William C.Hushing and Robert Oliver. Hushing was the former director of the AFL Legislative Committee and Oliver had directed the work of the CIO Legislative Department. Hushing retired and Oliver resigned to enter into private legislative practice in 1956, and they were replaced by former Congressman Andrew J. Biemiller as the single director of the department.

The AFL-CIO Legislative Department, of course, is not the only labor or employee group appearing before Congress. Table 3 shows the amounts of money the national headquarters of the AFL-CIO has reported spending to influence federal legislation under the Federal Regulation of Lobbying Act since the merger. These figures are expressed as a percentage of the total money reported by all labor and employee groups, and as a percentage of the total amount reported by all groups filing the reports under the act. Table 4 then lists the amounts reported by the ten labor and employee groups reporting the largest expenditures in 1960, the last year for which

complete reports are available.

TABLE 3 - Lobby Spending Reported by the AFL-CIO As a Percentage of Lobby Spending Reported by Other Groups, 1956-1960

Year	Amount Reported By AFL-CIO National Headquarters	AFL-CIO as % of Amount Reported By All Labor and Employee Groups	AFL-CIO as % of Amount Reported By All Groups
1956	$ 145,182	19.4	3.67
1957	134,986	16.1	3.54
1958	133,348	15.8	3.23
1959	132,053	10.8	3.08
1960	129,157	12.4	3.35

Source: Congressional Quarterly Almanac, 1957-1961

Table 3 shows that the amount reported as lobbying expenditure by the AFL-CIO has declined every year since the merger -- from $145,182 in 1956 to $129,157 in 1960. Since reported lobbying expenditures by all labor and employee groups have increased during this time -- from $748,320 in 1956 to $1,044,142 in 1960 -- the percentage of total labor expenditures reported by the AFL-CIO has fallen from 19.4% in 1956 to 12.4% in 1960

The total expenditure by all groups reporting under the federal lobbying act fell from 1956 to 1957, but then increased in 1958 and 1959 before falling to below the 1956 level in 1960. As a result, the percentage of total lobbying expenditure which was reported by the AFL-CIO fell from about 3.7% in 1956 to about 3.4% in 1960.

TABLE 4 - The Ten Labor and Employee Groups Reporting the Largest Expenditures Under the Federal Regulation of Lobbying Act in 1960

Group	Amount Reported
AFL-CIO (National Headquarters)	$ 129,157
International Brotherhood of Teamsters	95,766
National Federal of Post Office Clerks	85,261
International Ass'n of Machinists District Lodge No. 44	72,734
Brotherhood of Locomotive Firemen and Engineers	67,793
National Ass'n of Letter Carriers	66,693
Railway Labor Executives Ass'n	56,000
AFL-CIO Industrial Union Dep't.	55,731
Seafarers Section, Maritime Trades Dep't. (AFL-CIO)	48,299
Retirement Federation of Civil Service Employees of the U.S. Government.	37,332
28 Others	329,376
TOTAL	$1,044,142

Source: Congressional Quarterly Almanac, 1961, pp. 961-62

As Table 4 indicates, however, the AFL-CIO national headquarters is only one of several AFL-CIO groups reporting. All told, eight of the ten labor and employee groups reporting the largest expenditures in 1960, and 20 of the total of 38 groups reporting in this year, were affiliated with the AFL-CIO in one way or another. The other groups represented various governmental employee associations and several independent unions.

Despite the fact that its reported lobbying expenditures have been declining both in absolute terms and as a percentage of the spending reported by labor and other groups, however, the AFL-CIO national headquarters has ranked as the largest single spender reporting under the Lobbying Act in three of the five years from 1956 through 1960. This is also true despite the fact that the merged organization has reported less total spending than the totals reported by the two separate federations before merger, and despite the fact that their combined totals would have ranked them first in only two of the seven pre-merger years from 1949 through 1955. This is shown in Table 5, which compares combined AFL and CIO lobby spending with the spending of the other groups reporting the largest annual expenditures.

As indicated in this table, it was not always possible to get an exact figure for the combined AFL and CIO lobby expenditures for every year since 1947, because in certain years the Congressional Quarterly Almanac published the individuals reporting figures for only a certain number of the largest spending groups, or for groups reporting above a certain amount.

If we assume that the smallest spender of the two labor federations (interestingly enough, the CIO in every case) spent the maximum possible without being listed, the highest possible ranking which could have been attained by the combined expenditures of the two groups can be determined. Thus, the figures in Table 5 show that the national labor federations have consistently ranked among the highest spending groups during the postwar period, and their relative

TABLE 5 - Groups Reporting the Largest Annual Lobby Expenditures, and Reported Lobby Expenditures of National Labor Federations, 1949-1960

Year	Name of Largest Spending Group and Amount Reported		National Labor Federation Expenditure			
			AFL	CIO	AFL-CIO Total	Rank Among Groups
1949*	American Medical Association	$1,225,028	$ 56,859	$ 36,126	$ 92,985	11
1950	American Medical Association	1,326,078	116,027	NA, under $100,000	216,026**	7***
1951	American Farm Bureau Federation	878,813	104,257	NA, under 100,000	204,256**	9***
1952	Natl. Assn. Electric Companies	477,941	105,537	NA, under 50,000	155,536**	5***
1953	Natl. Assn. Electric Companies	547,789	123,608	48,425	272,033	4
1954	Natl. Milk Producers Federation	185,496	125,996	120,119	246,115	1
1955	Natl. Assn. Real Estate Brokers	131,006	114,080	111,788	225,868	1
1956	AFL-CIO	145,182			145,182	1
1957	Campaign for 48 States	138,331			134,986	2
1958	AFL-CIO	133,348			133,348	1
1959	Intl. Brotherhood of Teamsters	242,952			132,053	3
1960	AFL-CIO	129,157			129,157	1

* First nine months only.

** Not actual expenditures, but the highest possible expenditures since CQ did not list groups reporting less than certain amounts in these years.

*** Not actual rank, but the highest possible rank based on the explanation above.

Source: Congressional Quarterly Almanac, 1950-1961

ranking has advanced in the more recent years. This, however, has not been because of increased expenditures by the national labor federations, but, rather, because of the relative decline in the reported spending of other groups.

To briefly summarize these figures on reported lobbying expenditures by organized labor groups, several conclusions appear to stand out from the data presented in the preceding tables:

1. Over the postwar period, the number of labor and employee groups reporting lobbying expenditures has increased relative to the total number of reporting groups.

2. The amount of lobbying expenditures reported by labor and employee groups has increased as a percentage of the total amount reported by all groups. This trend is the result of both an increase in reported labor expenditures and a decrease in expenditures reported by other groups.

3. Since the AFL-CIO merger, the national headquarters has reported considerably less lobbying expenditure than reported by the separate AFL and CIO prior to 1956, and the amount reported by the AFL-CIO has declined every year since the merger. The even faster decline in reported spending by other groups, however, has raised the relative ranking of the AFL-CIO among all groups reporting lobbying expenditures to one of the top three positions in every year since 1953. Prior to 1951, the combined totals of the AFL and the CIO would never have ranked higher than fifth among all the groups reporting lobbying expenditures.

4. Within the labor groups reporting lobby expenditures, the amount reported by the AFL-CIO has not only declined absolutely in every year since the merger, but it has also fallen as a percentage of the increasingly larger totals reported by all labor and employee groups (from 19.4% in 1956 to 12.4% in 1960).

5. An examination of the 38 labor and employee groups reporting lobbying expenditures in 1960, however, revealed that 20 of these groups are affiliated with the AFL-CIO in one way or another. The other 18 groups represented various groups of government employees and several independent unions.

Again it should be emphasized that all of the above figures are based on the rather ambiguous requirements of the Federal Regulation of Lobbying Act. Indeed, the limitations of the data available under this Act become more apparent if we turn our attention to the lobbying expenditures reported by employer or business groups under its provisions.

Business Groups

As indicated by the figures in Table 2, more groups consistently report as "business" lobbies than in any other single category. These lobbies, as a group, also consistently account for a larger amount of the total expenditures reported than any other single classification. The "business" lobbies covered in Table 2, however, spread their interest over a wide range of issues, and may even work in opposition to each other. Furthermore, the National Association of Manufacturers and the Chamber of Commerce of the United States, which

were described in Chapter IV as the leading national employer spokesmen on Labor issues, are not conspicuous in the influence they exert on the figures shown in Table 2.

As indicated in Appendix C, the National Association of Manufactuers has waged a long struggle against the Federal Regulation of Lobbying Act. Although its attempts to have the law declared unconstitutional failed, the NAM continues to claim that its "principal purpose" is not to influence legislation, and it has never reported any lobbying expenditures under the law. The Chamber of Commerce of the United States, however, has reported expenditures in every year except 1954, but the amounts of its reported spending have dropped substantially since the Harriss case in that year. This is indicated in Table 6, which shows the Chamber's reported expenditures as a percentage of the total expenditures reported by all business groups. (A column expressing the Chamber's reported expenditures as a percentage of the total reported by all groups as was done for the AFL-CIO in Table 3 has been omitted since the figure would be less than 1% in all cases.) Outside the area of direct lobbying activity now covered by federal law, it is probably true that the NAM and the Chamber spend a much larger percentage of the total business outlay for indirect advertising and publicity campaigns related to political issues, but there are no reliable figures to verify this.

Lobby Results

In attempting to assess the performance of the major labor and business lobbies during the post World War II period, data were

were collected to measure each lobby's success with respect to its position on the major legislative issues to come before Congress from 1947 through 1961, and to compare these records with other major lobbying groups. In this latter connection the two best known farm lobbies (The American Farm Bureau Federation and the National Farmers Union, Farmers Educational and Cooperative Union of America) were selected as best representing non labor and management groups with broad, continuous legislative records over the entire period under consideration.

TABLE 6 - Reported Lobby Spending by the Chamber of Commerce of the United States, Expressed as a Percentage of the Total Lobby Spending Reported by All Business Groups 1949-1960

Year	Amount Reported by the Chamber	Chamber as % of Amount Reported by All Business Groups
1949	$ 71,391*	2.2%
1950	109,926	3.2
1951	116,383	3.8
1952	93,297	4.2
1953	90,988*	3.4
1954	No Report	NA
1955	31,208	NA
1956	30,209	1.5
1957	28,235	1.5
1958	30,852	1.5
1959	33,432	1.9
1960	25,029	1.7

* First nine months only.

Source: Congressional Quarterly Almanac, 1950-1961.

In selecting the issues and the groups to be used for comparison, the Congressional Quarterly Almanac was consulted for each legislative year from 1947-1961. The index headings "Major Legislative Issues" and "Lobby Stands" were used for the years 1947-1953; the heading "Lobby Scorecard" was used for the years 1954-1956; and the heading "Lobby Roundups" was used for the years 1957-1961. A list was made of the five or six major bills at each legislative session and the position of each lobby group on each bill was compared with the final disposition of these bills by Congress or by the Executive in cases of vetoes not later over-ridden by Congress. The results of this tabulation are shown in Table 7. Since the AFL and the CIO did not pursue identical legislative programs prior to the merger in 1955, the years 1947-1955 and the years 1956-1961 are tabulated separately, as well as a total tabulation for the entire 15-year period 1947-1961.

Examination of the work sheets on which Table 7 is based (now shown because of cumbersomeness) indicates that the AFL and the CIO took opposite stands on only two major pieces of legislation between 1947 and the merger late in 1955. These bills were the St. Lawrence Seaway Bill, which was opposed by the AFL and favored by the CIO, and the New Military Reserve Plan of 1955, which was favored by the AFL and opposed by the CIO. The St. Lawrence Seaway Bill was defeated in 1952, but enacted in 1954, and the New Reserve Plan was passed in 1955.

Within the business community, the Chamber of Commerce of the United States and the National Association of Manufacturers have taken similar positions on all of the bills on which both groups took

TABLE 7 - "Batting Averages" of Selected Lobbies on the Major Bills Before Congress, 1947-1961

	Major Bills Supported			Major Bills Opposed			Totals		
Lobby Group	No.	No. Passed	Percent Success	No.	No. Passed	Percent Success	No. of Major Bills	No. of Favorable Action	Percent Success
.....	.....	.....	.....	.....	1947-1955	.....	.....	.....	.....
AFL	33	16	48%	14	8	57%	47	24	51%
CIO	35	16	46%	16	7	44%	51	23	45%
C of C	19	13	68%	25	17	68%	44	30	68%
NAM	11	5	45%	20	15	75%	31	20	65%
AFBF	16	12	75%	21	14	67%	37	26	70%
NFU	30	13	43%	9	3	33%	39	16	41%
.....	.....	.....	.....	.....	1956-1961	.....	.....	.....	.....
AFL-CIO	32	6	19%	3	1	33%	35	7	20%
C of C	3	3	100%	32	26	81%	35	29	83%
NAM	3	3	100%	30	24	80%	33	27	82%
AFBF	3	3	100%	30	24	80%	33	27	82%
NFU	29	6	21%	2	0	00%	31	6	19%
.....	.....	.....	.....	.....	1947-1961	.....	.....	.....	.....
AFL + AFL-CIO	65	22	34%	17	9	53%	82	31	38%
CIO + AFL-CIO	67	22	33%	19	8	42%	86	30	35%
C of C	22	16	73%	57	43	75%	79	59	75%
NAM	14	8	57%	50	39	78%	64	47	73%
AFBF	19	15	79%	51	38	75%	70	53	76%
NFU	59	19	32%	11	3	27%	70	22	31%

Source: Congressional Quarterly Almanac, 1948-1962

a stand, with the single exception of a bill to increase highway building in 1956. The Highway Bill was passed in 1956 with Chamber support, while the NAM opposed this legislation. The relative unanimity within the labor and business lobbies, however, stands in marked contrast to the dichotomy between the Farm Bureau Federation and the Farmers' Union, where these groups opposed each other on 50 of the 61 measures on which each group took a stand during the postwar period. Each farm group also took a stand on nine other bills on which the other farm group did not take a position. The Farmers' union most frequently lined up with organized labor, and the Farm Bureau Federation usually lined up with the major business lobbies on the issues that separated the business and labor positions.

With this information as background, Table 7 indicates several points of interest. During the period 1947-1955, the CIO took a stand on a few more of the major bills before Congress than did the AFL, but the older federation's lobbying efforts were slightly more successful than those of its younger counterpart--particularly in having measures it opposed defeated. The "batting average" of the merged AFL-CIO fell drastically during the years 1956-1961, however, and was considerably below the "batting average" of either the AFL or the CIO during the earlier period.

Within the business community, the Chamber of Commerce of the United States took a stand on more of the major issues than did the NAM, and the Chamber did significantly better than the NAM in getting favored measures enacted, but the NAM had a slight edge in having

measures it opposed defeated over the entire 1947-1961 period. The record of the Farmers' Union corresponds very closely to the record of organized labor and the record of the Farm Bureau Federation is very similar to the record of the business lobbies over these years.

The over-all totals for the 15 years covered in Table 7 indicate clearly that the business lobby did much better than the labor lobby, both with respect to having favored bills enacted and with respect to having opposed bills defeated. There was also a sharp increase in the business "batting average" after the AFL-CIO merger in 1955, corresponding to the decline in labor's "batting average" noted above. Indeed, there appears to have been an increased "polarization" on the major legislative issues after 1955. This is indicated by the fact that the percentages between the different lobby groups on the selected issues and almost exact reciprocals in the latter period. This means that the selected lobbies have lined up diametrically opposed to each other on practically all of the key issues since 1956, whereas the figures from 1947 through 1955 indicate that there was at least some overlap or mutual support between the lobbies on some key issues during this earlier period.

Table 7 indicates that organized labor tends to favor most of the major legislation on which it takes a stand, whereas the business lobbies tend to oppose far more legislation than they support. Since it is far easier to defeat legislation than it is to have major bills enacted, this helps to explain part of the wide discrepancy between the over-all batting averages shown in Table 7 for the entire

1947-1961 period. But, again, the figures show that business was far more successful than organized labor both in having favored legislation enacted and in having opposed legislation defeated, particularly since 1956. And the postwar period included the enactment of both the Taft-Hartley Act and the Landrum-Griffin Bill, neither of which organized labor was able to stop or modify greatly despite the advantages that accrue from being on the defensive in the legislative process.

The "batting averages" in Table 7, however, obviously have to be interpreted with a great deal of care. The fact that a lobby supported a measure which was eventually enacted or opposed a bill which was ultimately defeated or vetoed of course does not always mean that it was solely responsible or even a prime mover in the eventual outcome. The entire results or outcome of the complex legislative process can rarely be traced to a single source. Also, each session of Congress is treated separately in arriving at the total figures shown in Table 7. Thus, a bill is counted each time it comes up in a different session of Congress. This procedure can be somewhat misleading in the case of a measure, such as the Depressed Areas Bill, which was defeated or vetoed five times before it was finally passed on the sixth try. The final passage of such a measure probably indicates a greater degree of success for its advocates than a one-for-six average (17%) would indicate.

On the other hand, it is even more misleading if each issue arising at any time during these years is counted only once. For example, in the area of housing legislation, there were two federal housing bills passed during this period. If each issue were counted

only once, does the passage of two bills in the same area mean that the lobby has been 200 per cent successful? In this case, and in general, it was felt that a situation in which a housing bill was sought six times and passed twice was best represented by an "average" of 33 per cent, even though, as has been pointed out, this method may somewhat understate the success of a lobby supporting the legislation that takes several attempts to become enacted. On the other side of the fence, it may also overstate the success of a lobby that defeats a bill several times before it is finally enacted, because the apparent success on a year-to-year basis in defeating legislation may, in the long run, turn out to be simply forestalling the eventual passage of a strongly opposed measure.

The element of compromise has also been glossed over in the data presented in Table 7. Since it seemed impossible to determine to what extent the final draft of a bill really fulfilled the intent of the sponsors or overcame the objections of its opponents, it was simply recorded whether a bill was enacted or defeated in any specific area. Thus the ultimate support of the NAM and the Chamber for the Landrum-Griffin Act in 1959 was counted as a "victory" for them, even though both groups would have preferred even more stringent regulations of certain union activities. And the same bill was counted as a "defeat" for organized labor, even though the unions in the construction industry actually obtained an easing of the NLRB election provisions, and some of the more stringent regulatory proposals were modified before the Landrum-Griffin Act was finally passed by both houses of

Congress. Related to this element of compromise is also the problem that some bills are more important than others as far as the different lobbies are concerned. A victory on a "minor" issue doesn't "balance" a loss on a "major" issue. For practical purposes, however, the writer could think of no objective way to conveniently assign different weights to different measures; and so all bills have been treated the same in computing the percentages in Table 7.

Another weakness of looking only at the major bills that have come before Congress is the fact that some of the legislation most sought or most opposed by a particular lobby may never get to Congress for a vote, and thus would really be more significant than the "victories" or "defeats" indicated in Table 7 as far as the different lobbies are concerned. For example, labor's campaign to repeal the Taft-Hartley Act was counted as a "major issue" only twice in computing the averages in Table 7, although this was the chief proposal in labor's political program for several years. Likewise the attempts of the NAM and the Chamber to make Taft-Hartley more stringent were counted only two times in Table 6 although they have waged a more or less continuous campaign against "labor monopoly" and "compulsory unionism".

Given all of these qualifications, the data presented in Table 7 may still be significant. If it could be quantified, the "multiple attempt" or "just forestalling" factor mentioned above would probably raise labor's batting average and lower management's. But the "weighting" of the Taft-Hartley Act and the Landrum-Griffin Act

would probably lower labor's batting average and raise management's. Thus it could be argued that these two adjustments would still leave us not far from where we started. In any case, the same qualifications, including the inability to measure degrees of compromise, would apply to both the 1947 through 1955 and the 1956 through 1961 period (especially since the "weight" of the Taft-Hartley Act in the former and the Landrum-Griffin Act in the latter period would be similar), and the increased polarization and the drop in labor's effectiveness after 1956 still stand out as two of the main trends in Table 7 as far as the purpose of this thesis is concerned. This is so because Chapter III indicated that the most significant increases in organized labor's political efforts have been spurred by legislative adversity, not relative success, and Chapter IV indicated that much of the thrust behind the recent "get business in politics" movement is based on the assumption that management has been doing badly vis-a-vis organized labor in recent years. Given these conclusions, the data in Table 7 would seem to indicate that the drop in organized labor's political effectiveness since 1956 might lead them to launch even more vigorous political efforts, and the increase in the reported lobby expenditure by labor and employee groups shown in Table 2 may be evidence of just such a move. As far as employers are concerned, the record of Table 7 seems to indicate that they have been doing increasingly well, and that much of the apparent concern with labor's superiority in political affairs may be mistaken.

Each of these points, however, requires further evaluation

before any definite conclusions can be drawn. The increased polarization between labor and management lobbies and the decline in organized labor's batting average between 1956 and 1961 does not offer a very long time span for generalization, and these years were characterized by the revelations of the McClellan Committee plus the fact that there was a Republican administration in the White House during five of these six years (a key nationwide speech by President Eisenhower was largely responsible for the Landrum-Griffin Bill passing in the form it did, and Ike's two vetoes of depressed area legislation after it had been approved by Congress did nothing to improve labor's legislative batting average). Given these conditions, one could argue that the decline in labor's batting average was not as bad as it might have been, and that the increase in business influence was not as great as they might have anticipated. Indeed, the business community apparently views their recent "successes" as only partial victories that simply recover some lost ground and do not really represent any new gains. Analysis of the NAM's long-run legislative record, for example, indicates that the years 1903 to 1933 saw only two major pieces of legislation opposed by the NAM enacted during this entire thirty-year period. They were the Clayton Anti-Trust Act and the Norris-LaGuardia Act. Between 1933 and the end of World War II, however, almost the exact opposite was the case. Alfred Cleveland has calculated that "Of 38 major legislative proposals enacted into law between the years 1933 and 1941, the NAM opposed all but seven, sometimes on the basis of their objectives, and sometimes on the basis of particular provisions therein," [14, p. 357] and the only labor

legislation enacted prior to the end of World War II of which the NAM approved were certain provisions of the Smith-Connally Act.

The increase in the NAM's batting average since 1947, and particularly since 1955, thus still doesn't compare with its pre-1933 record, but it is significantly better than its performance during the 1930's. One's evaluation of the business lobby's success, then, depends on the frame of reference selected. There have been no major new legislative enactments in the area of "protective" labor legislation since the late 1930's, but none of the basic proposals, such as Social Security or minimum wages, so strongly opposed by the NAM have been "rolled back" either, and there have been periodic "liberalizations" of these laws which may have been postponed but have not been defeated.

Thus, the data in Table 7 are not necessarily inconsistent with the hypothesis that we are witnessing an increase in the political dimension of labor-management relations, because organized labor feels that it is losing influence and must make its traditional response of shoring up its political efforts in the face of adversity, while at the same time management feels that in light of the favorable circumstances of recent years it has not succeeded as much as it should or could have because of the increasing political efforts of organized labor.

Labor and management attempts to increase their political influence through campaign activities will be discussed in some detail in the next section of this chapter, but it might be noted that the increase in lobby spending reported by organized labor and employee

groups shown in Table 2 has occurred during the period of relative adversity shown in Table 7, while the total lobby spending reported by all business groups during this period has declined except for the one year, 1957. Obviously, there does not appear to be a direct relation between reported lobby spending and political influence, and in the case of the passage of the two major postwar labor bills (the Taft-Hartley Act of 1947 and the Landrum-Griffin Act of 1959) there is some evidence that organized labor, if anything, overspent, overpressured, and generally did not make effective use of its lobby resources.

Writing after the passage of the Taft-Hartley Act, Max M. Kampelman stated, "Too many labor unions have still not learned that lobbying is a profession which calls for the development of an expertise and is not merely a reward for past services performed." [29, p. 172] And some 12 years later, after the Landrum-Griffin Bill had passed through its critical stages in the House, Sar A. Levitan noted, "The spokesmen for organized labor were as much responsible for the House-approved labor reform bill as were any of its proponents." [34, p. 675]

Along these lines, the AFL-CIO is known to have brought in reinforcements to help labor's regular legislative staffs during the Landrum-Griffin debate, and in all they probably numbered around 100. Some of the union huskies who helped choke the capital corridors and fill the galleries became the butt of some derisive comment, but the complaints were not so much against their lobbying per se as they were

against their indiscreet lobbying. Thus, a Senator, reported as being friendly to labor, told of hurrying to chamber when the bells rang for a vote. A regular union lobbyist supposedly hailed him with the injunction: "You had better vote for this, Senator, or we won't forget it." To which the Senator shot back: "I don't know what it is, but now I have to vote 'no'." [45, p. 8]

Throughout the whole procedure Levitan has stated:

> "Until the last week prior to the House approval of the Landrum-Griffin Bill, lobbying by AFL-CIO representatives lacked any coordination. In some cases, they even worked at cross purposes. It was alleged that some railway union spokesmen concentrated their efforts to secure exemption for unions subject to the Railway Labor Act. Similarly, building trade representatives devoted their attention to securing pet provisions of special interest to their unions. These cross-currents among labor lobbyists certainly failed to make friends for labor's cause." [34, p. 678]

Perhaps the best known of labor's indiscretions in 1959, however, was the "Carey letter." Just as the Senate and House Conferees were about to start work on reconciling two different versions of labor reform legislation James B. Carey, President of the IUE and a vice president of the AFL-CIO, wrote a fairly crude letter threatening the 229 Representatives who had voted for the Landrum-Griffin Bill in the House with reprisals in the 1960 elections. The reaction to Carey's letter was immediate. On August 20, Representative Homer H. Budge (R., Idaho) called it a "cheap effort at intimidation." On August 21, however, Carey said, "The bitterness of the reaction to my letter... indicates that my criticism has struck home. I threatened nobody. There was no intimidation." [18, p. 1168]

The fact that Carey's action was completely independent of

any official AFL-CIO approval only served to reveal once again the lack of cohesiveness and coordination within the labor lobby, and the only real effect of this letter appears to have been to add grist to the mills of labor's opponents. Herbert Lahne has observed, "Even a politician does not like to be black-jacked publicly--there is some pride in every man--even if he yields to pressure privately time and again." [31, p. 135]

There is no doubt that business lobbies are also occasionally guilty of blatantly crude maneuvers that violate more or less understood rules of circumspection, but in general they appear to do better than organized labor on this score. Joseph Loftus, for example, noted that during the 1959 Landrum-Griffin debates in the House, "The American Retail Federation brought in strangers from the midwest and elsewhere. They blended inconspicuously with the capitol decor." [45, p. 8] The generally higher social standing of business executives and their legislative representatives also helps to facilitate alliances, or at least cooperation with other lobby groups in crucial situations, whereas organized labor apparently has more difficulty on this score.

David Truman, for example, has stated: "On most matters, for example, the American Farm Bureau Federation and the Chamber of Commerce of the United States would find it easier to secure allies than would the Congress of Industrial Organization." And he reported:

> "The National Association of Manufacturers, being a fairly vulnerable minority and lacking a mass following of its own, has made a variety of alliances with groups having equal prestige and larger publics...A somewhat less formal understanding was reportedly developed between the NAM and the

American legion in 1940. This arrangement established a cooperative committee to carry on 'educational' activites, including the distribution of NAM literature through the legion's hierarchy." [59, p. 252]

The fact that the largest farm lobby in Washington, the American Farm Bureau Federation, which claims to represent 1.6 million farm families, often lines up with the major business lobbies on labor issues was noted in discussing Table 7. This has some real advantages given the disproportionate influence of rural and farm voters in Congress.[1] During the Landrum-Griffin debates in Congress, Charles Schuman, President of the NFBF, not only supported the management position on labor reform, but also sent telegrams to all state farm bureaus urging them to support the "strong" House version of the legislation that went to the joint Senate-House Conference Committee. Labor could not drum up any such influential support among its farm friends, and a study of the testimony before the Congressional committee considering labor-reform legislation in 1959 indicates that organized labor's position was supported almost exclusively by labor affiliated groups (John Rayber of the Indiana Farmer's Union being one of the few exceptions), whereas the business position was supported by a whole host of spokesmen of groups not normally associated with labor legislation. This latter group included such organizations as the American Hotel Association, the National Restaurant Association, the Associated General Contractors of America, the National Small Businessmen's

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[1] See [55].

Association, the National Auto Dealers' Association, and the National Association of Refrigerated Warehouses, as well as spokesmen for individual companies and state chambers of commerce. This indicates that even though many of the "business" groups reporting lobby spending in Table 2 are not normally associated with "labor" issues as are the Chamber and the NAM, they are nevertheless available in the "pinch".

Finally, still focusing on the passage of the Landrum-Griffin Act, which was by far the most decisive labor-management showdown in recent years, the influence of the Republican administration also played a key role in the enactment of the bill in its final form. Not only was President Eisenhower's nationwide TV address of August 6, 1959, widely regarded as a determining factor, but the general "influence of office" including patronage from Postmaster General, Arthur Summerfield, also helped to sway the final verdict.[1]

Indeed, in the last analysis, a lobby's effectiveness can be no greater or no less than its ability to gain "access" to the centers of political power at the time of crucial decision making, and success in direct lobbying activities is not independent of a group's other political skills, including indirect lobbying or "education" and election campaign activities. Thus, we will now turn to an examination of these more indirect efforts to increase the effectiveness of a group's lobbying desires.

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[1] See [19, p. 14494]

Electoral Activity and Indirect Lobbying

As in the above section on lobby expenditures, this section on election activities and indirect lobbying will begin with an examination of organized labor's political efforts and then turn to the activities of the management community before summarizing the results of this chapter's examination of the postwar labor management political scene.

Organized Labor

When the AFL-CIO merger was ratified on December 5, 1955, the new federation's Committee on Political Education was formed through the merger of Labor's League for Political Education, the political arm of the former AFL, and the Political Action Committee of the former CIO. At the national level, COPE began operations under the co-directorship of James L. McDevitt, former LLPE director, and Jack Kroll, former PAC director. At the lower levels of organization, equally pragmatic compromises were worked out.

One of the first problems facing the new COPE was the merger of existing state and local groups engaged in trade union political activity. It was generally agreed that merged political effort need not wait upon the complete organic merger of the existing state federations and industrial union councils. This policy worked fairly well, since fewer problems were attendant upon the merger of political effort than upon organic merger, and the pressure of a forthcoming national election was imminent. Following the 1956 election campaigns, on March 1, 1957, COPE co-director Jack Kroll retired. AFL-CIO

President and COPE Chairman George Meany then appointed James McDevitt the single national director of COPE and named Alexander Barkan as deputy director.

Like its immediate predecessors, COPE's entrance into politics tries to form a source of electoral finance for organized labor's increasingly comprehensive legislative program. In addition to its financial participation in election campaigns, however, COPE also tries to encourage union members to register and vote, and it tries to provide them with "educational" information so that their vote can be an "intelligent" one. The problem of what is an educational expenditure and what is a political expenditure, however, has been one of the thorny legal questions arising out of the relatively recent attempts to regulate the financial participation of labor groups in national elections. Therefore, we will briefly review the legal aspects of organized labor's financial participation in election and education campaigns before turning to an analysis of the actual spending figures reported and an examination of labor's efforts to register, educate, and get out the labor vote.

Campaign Activity: Legal Aspects -- As we have seen, third parties aside, organized labor's electoral activity has historically taken different forms. The traditional AFL nonpartisan approach consisted of little more than an official endorsement based on the candidate's voting record and a written plea to members to consider these endorsements in making their voting decisions. A minimum of financial involvement in actual campaigns was characteristic. With the advent of Labor's Nonpartisan League in 1936 and the CIO's

Political Action Committee in 1943, however, more emphasis was placed on financial support of particular candidates, and the amount of "educational" electoral propaganda directed at both union members and non-members alike was stepped up in an unprecedented manner. Indeed this political activity on the part of organized labor attracted so much attention that for the first time legal restraints were placed on the allowable forms of labor's financial participation in national elections.

The first attempt to regulate union political expenditures by the Federal Government came in 1943 when the War Labor Disputes (Smith-Connally) Act extended Section 313 of the Federal Corrupt Practices Act to cover labor organizations for the duration of the Second World War. Section 313, as extended temporarily by the Smith-Connally Act, made it unlawful for a national bank, a corporation "or any labor organization to make a contribution in connection with any [federal] election".

Section 304 of the Taft-Hartley Act made permanent the wartime extension of Section 313 to unions. It also expanded the coverage of the prohibition on both union and corporate spending to include political "expenditures" as well as "contributions", and it made the restrictions applicable to primaries as well as to regular federal elections. The 1947 provisions read:

> "Sec. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any

> political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, in violation of this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both. For the purposes of this section 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work."

This amended version of Section 313 has been codified as section 610 of Title 18 of the U.S. Code. From the time of enactment it was generally understood that these amending prohibitions applied only to the use of general corporate funds and union dues money. They were not interpreted as applying to "individual" political contributions by corporate officials or "voluntary" funds solicited from union members by independent labor committees specifically established for political purposes. Thus, when the CIO created the PAC as its political "arm" in 1943, the Political Action Committee took the form of a series of independent committees at all levels superimposed on the existing CIO machinery. Each committee had its own treasury separate from the general union funds raised through dues assessments.

Although, all of the PAC's direct contributions in federal elections came from voluntary funds, however, some general union funds were used to cover the overhead and administrative costs of these committees and to finance their "educational" activities. Indeed, a detailed explanation of the PAC's early organization and operation goes something like this:

When the PAC was formed early in July, 1943, approximately $650,000 in general union funds (dues money) was contributed to the PAC treasury by CIO unions and the national federation itself. Until July 23, 1944, a little over $370,000 of these funds were used to set up offices, assemble a staff, pay for office equipment and materials, and conduct an "educational" campaign strongly supporting the policies of FDR. After the Democratic convention nominated Roosevelt for a fourth term on July 23, the unexpended balance of these funds were "frozen" until after the November election. From July 23 to November 7, PAC appealed for voluntary contributions of $1 or more from members of the CIO unions to finance all of its activities. One-half of the $750,000 thus raised went into a separate PAC bank account, the other half remained with the local union's political committee which solicited the money. Another $90,000 in voluntary funds was contributed to the CIO-PAC by non-union members in addition to the separate funds raised by the National Citizens' PAC (about $280,000).

Once the 1944 elections were over, the PAC "defrosted" its trade union contributions account and used these funds, along with additional trade union contributions, to pay its bills until

September 3, 1946, the date arbitrarily set by the PAC as the beginning of the 1946 election campaign. In 1946, as in 1944, a voluntary drive for individual contributions financed the PAC activities during the campaign. This drive supplied the national PAC with approximately $130,000 for its activities in September and October. Roughly two-thirds of the committee's expenditure in 1946 were made before September, however, and thus were covered with general union funds.[1]

Prior to 1947, then, the PAC operated on the principle that the War Labor Disputes Act did not ban the use of general funds in primary campaigns, and they felt that union funds could be used to make political contributions to candidates and political committees for use at any time except during the actual course of a federal election campaign. Although they did not follow it in practice, they also felt that general funds could be used during these campaigns for indirect political expenditures which were not directly contributed to a candidate for federal office. After the Taft-Hartley Act, however, both these questions were called into doubt, although it was still recognized that general funds could be used in state elections unless prohibited by state law.[2]

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[1] For an extended discussion of the organization and operation of the PAC see [23].

[2] At the state level, the most restrictive law ever attempted occurred in Wisconsin in 1955 when the legislature passed a law sponsored by State Assembly Leader Mark Catlin, Jr. (R) which was modeled after the Federal Corrupt Practices Act, but designed to ban all forms of labor campaign spending at the state level, including "voluntary" funds contributed by union members to labor political committees. (Continued on following page)

Following the enactment of the Taft-Hartley Act in 1947, the AFL created Labors' League for Political Education, along much the same lines as had been used by the CIO in forming the PAC. By this time, however, the Taft-Hartley ban on political "expenditures" as well as political "contributions" further complicated the issue, since the distinction between a legal "educational" expenditure previously financed by general corporate and union funds and the now illegal "political" expenditure was not clear, and since it was felt that a ban on indirect corporate or union expenditures as opposed to direct contributions might violate the constitutional guarantees of freedom of speech and freedom of the press.

The Taft-Hartley Act had been on the books less than a week when the CIO executive board resolved to test the constitutionality of the ban on political expenditures. Anxious to force a Supreme Court ruling before the 1948 campaign got under way, the CIO publically disclosed its intention of violating the new version of section 313 by endorsing candidates in special elections to fill vacancies in the House of Representatives. The July 13 issue of the CIO News carried a statement by Philip Murray entitled "Test of Political Freedom", which urged the election of Judge Edward A.

(Footnote 2 continued from preceding page.)
This so-called "Catlin Act" was later repealed in 1959, and at the present time only four states prohibit the use of union dues money in state elections. These laws are discussed in [7] and in the issue of Congressional Quarterly mentioned in Appendix D.

Garmatz in a Baltimore Congressional election. To remove all doubt that the expenditure of general union funds was involved, 1,000 extra copies of the paper were printed and distributed in Maryland's Third Congressional District.

Despite this early attempt to test the constitutionality of the amended version of Section 313 of the Corrupt Practices Act, however, the Supreme Court has not yet squarely faced the constitutionality of these provisions. There, nevertheless, has been no dearth of complex and sometimes confusing litigation. Although a corporation has never been indicted under Section 313, at least six labor organizations have been brought to trial. One of the labor groups pleaded nolo contendre and was fined, but no labor organization has ever been convicted of violating the law.[1] Beginning

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[1] When Assistant Attorney General Warren Olney III testified before a Senate committee in 1956, he submitted a memorandum stating that between 1950 and 1956 the Justice Department received 54 complaints alleging that these provisions of the Corrupt Practices Act had been violated. Of these, 39 involved labor organizations, 11 involved national banks and corporations organized under federal law, and four involved private corporations.

These complaints were such that investigations were made in 49 instances, and 14 of these were presented to grand juries. Two indictments were obtained against two separate labor organizations, but both cases resulted in acquittals. These cases will be reviewed in the text along with four others arising outside the time period covered in Olney's report. For his findings see [62, pp. 562-65].

with the previously mentioned case of U.S. v CIO, we will briefly review the various labor cases arising under this section of the law as well as a recent case arising under the Railway Labor Act which has important implications in this area and may signal a new departure in union electoral activity involving both "educational" and "political" expenditures.

After the front page editorial endorsing Judge Garmatz, Murray and the CIO were arraigned on February 20, 1948. They pleaded not guilty and filed a motion for dismissal, alleging that these provisions were unconstitutional. The district court agreed with them and dismissed the case brought by the government as a violation of the First Amendment, particularly the freedoms of speech and press clause. The government then appealed to the Supreme Court. Acting with uncharacteristic rapidity, the court handed down its decision on June 21, 1948, but it avoided the constitutionality question in ruling that the law did not outlaw such a publication.

It should be pointed out that the Government's case did not make much use of the fact that 1,000 extra copies of this issue of the CIO News were circulated to persons not regularly entitled to receive the publication. Thus, by emphasizing that the CIO News was published regularly and circulated among organization members and subscribers, the Court held that Congress did not want "to prohibit the publication, by corporations and unions in the regular course of conducting their affairs, of periodicals advising their members, stockholders or customers of dangers or advantage to their interest from the adoption of measures, or the election to office

of men espousing these measures". [57, p. 457]

At no time were the provisions prohibiting the use of union funds for campaign contributions questioned. The key consideration was the meaning of a political "expenditure" as opposed to a political "contribution", and four members of the Supreme Court noted that the Congressional debates on the 1947 amendments resulted in a "veritable fog of contradictions".

In the first session of the 81st Congress, Senator Taft introduced a bill seeking to continue the prohibition on labor union "contributions" but to eliminate the prohibition on "expenditures". The bill passed the Senate by a vote of 51-42 on June 30, 1949, but later failed in the House. Meanwhile, a 1949 circuit court decision in the case of U.S. v Painters Local Union No. 481 cited the CIO decision in holding that a union financed political advertisement in the Hartford Times and a local political radio broadcast were not prohibited by Section 313. In this case the court noted "this small union owned no newspaper and a publication in the daily press or by radio was as natural a way of communicating its views to its members as by a newspaper of its own". [32, p. 731]

The next case involving a government prosecution of a union for violation of Section 313 occurred in 1951. In this case the union was acquitted by a district court for lack of sufficient evidence in U.S. v Construction and General Laborers' Local Union, and the court more or less openly acknowledged that minor violations of the expenditure ban would be tolerated under some sort of implicit de minimis rule. Joseph Tanenhaus states:

> "A twelve-count indictment alleged that the union's automobiles, employees, and funds had been used illegally in support of its president, Theodore Irving, in his campaign for election to Congress in the fall of 1948. Defendants, who offered no testimoney, attacked the adequacy of the indictment and the constitutionality of the law. The court dismissed nine counts as based on insufficient and unsatisfactory evidence. The three remaining counts, charging that union checks for $60.20, $59.00, and $20.00 had been paid to its employees as compensation for services rendered in connection with Irving's campaign, were ultimately dismissed as failing to state a violation of the law. The statute, if strictly construed, the court openly asserted, would prescribe this activity, but the judge could not believe that Congress intended section 304 to be interpreted literally." [57, pp. 460-61]

The second major Supreme Court interpretation of Section 313 came in the case of U.S. v UAW. A Michigan grand jury indicted the UAW for using general union funds to pay for a television broadcast urging the election of candidates for Congress in the 1954 elections. A district court dismissed the indictment on the ground that it did not allege a statutory offense. This issue was taken to the Supreme Court, where it was ruled that such activities, if proven, would constitute a violation of Section 313. The Court drew the following distinction between the case and its earlier CIO decision.

> Thus, unlike the union-sponsored political broadcast alleged in this case, the communication for which the defendants were indicated in CIO was neither directed nor delivered to the public at large. The organization merely distributed its house organ to its own people. The evil at which Congress has struck in [section] 313 is the use of corporate or union dues to influence the public at large to vote for a particular candidate or a particular party. [32, p. 732]

Although the majority of the Court avoided the constitutional questions in deciding this issue, it was indicated that after a trial and a conviction it could further consider the Constitutional

questions in the light of the then facts of record. Such an opportunity was never provided, however, for a Michigan jury acquitted the UAW in the district court.

While the UAW case was still in litigation, the Senate Subcommittee on Privileges and Elections held hearings into the conduct of campaign financing in the 1956 elections. At these hearings both labor and management testimony had offered a rather broad interpretation of what was permissible legal expenditure.

The Congressional Quarterly Almanac reported that representatives of labor testified that general union funds legally could be used to:

> Systematically organize drives for registration of voters; carry out a systematic program of political education, including organization of schools where political questions are discussed, and the compilation and distribution of voting records; and exercise the right of free speech by expressing their views on political questions in print and by means of television and radio and otherwise. [15, p. 189]

The Almanac also reported that committee testimony indicated that corporations had been advised that they legally could:

> Pay salaries and wages of officers and regular employees while engaged in political activities; publish opinions and arguments of a political nature, expressed as the views of the corporation, in any house organ or other printed document circulated at the expense of the corporation; purchase radio and television time or newspaper space for the presentation of the corporation's political views; use any other means of expressing the views of the corporate management, publically or privately; encourage people to register and vote, and disseminate information and opinions concerning public issues without regard to parties and candidates. [15, p. 189]

At these hearings the UAW proposed several reforms in the

Federal Corrupt Practices Act, and they also stoutly maintained both corporations and labor unions had the constitutional right to spend money to express their own points of view without restriction. This right would not embrace paying for a candidate's or a party's opportunity to express its point of view, but would contain no restrictions on labor or corporate campaigning in their own name. A union pamphlet resulting from this testimony contains the following statement:

> It is difficult, if not impossible, to limit expenditures by persons or groups wishing to express their views on candidates and elections. Any such attempt seems to us subject to serious Constitutional doubts and our union has urged that position before the courts. We believe that we, that John Doe, that General Motors Corporation and that Henry Ford all have a Constitutional right to express, under our and their own name and auspices, our and their views on the most important issue before any citizen. We believe that we can exercise this right of free speech either as individuals or as regularly organized groups. [61, p. 38]

As we have seen the constitutional aspects of this contention still remain to be tested, although the statement previously quoted from the Court's decision in the subsequent UAW case indicated that, if proven, such practice is illegal under the present law.

This might be a good point to briefly summarize the major findings of the three most important cases under Section 313 of the Federal Corrupt Practices Act up to 1957: From the time of its initial application to unions, Section 313 was understood to prohibit the direct "contribution" of general union funds (dues money) to candidates for federal office and to their political committees, and this prohibition has not been the subject of any legal contention. It was also understood, however, that Section 313 did not prevent

voluntary political contributions by union members. By supporting their "political" activities (as distinguished from their "educational" activities) from the voluntary contributions of union members, separate union political committees were permitted to function and make legal "contributions" and "expenditures" in federal elections. Such "contributions" and "expenditures" would be illegal, however, if the funds had been involuntarily exacted from union members. General funds, however, could be used for "educational" activities, providing they remained within the legal restraints on non-voluntary union funds, which up to 1957 were:

Regular union periodicals or newspapers financed from dues money could contain political material and be distributed to those accustomed to receiving copies since this involved a "house organ" not directed to the public at large.

At least in the Second Circuit a union without a regular periodical could buy advertising or radio time to endorse Congressional candidates.

A union could not "expend" union funds for commercial television broadcast or other political activities with the intent of influencing the general electorate in federal elections, since this involved "the evil at which Congress struck in section 313" namely "the use of corporate or union dues to influence the public at large to vote for a particular candidate or particular party".

At the end of 1957, however, the constitutional aspects of these prohibitions had not received Supreme Court consideration. In one case (U.S. v. CIO) the Court narrowed the coverage of Section 313

to avoid the dangers of unconstitutionality, and in another (U.S. v. UAW) it avoided facing the constitutional question pending the outcome of a jury trial which did not result in a conviction. The constitutional questions still remain to be answered, and so one can still speculate as to whether the protections of the first amendment apply only to persons or whether they also extend to corporate or union entities which have a separate legal existence apart from their owners or members.

Following the UAW case in 1957, there was a hiatus in litigation under Section 313 until the spring of 1961 when two different U.S. district courts were confronted with cases arising under these provisions, and the U.S. Supreme Court handed down a decision in a case arising under the Railway Labor Act which may have far reaching repercussions in the use of general union funds in the previously broadened area of legal "educational" expenditures.

The government won its first half-way victory in its attempts to convict a union under Section 313 of the Corrupt Practices Act when Teamsters Local 405 in St. Louis, Missouri, was charged with having made a contribution to a candidate directly from its general fund in a 1958 election campaign. The local pleaded nolo contendere and was fined $1,000. Later in the same year, however, the government's record of never securing a court conviction under the act was kept intact when the U.S. District Court in Anchorage, Alaska, granted a motion of acquittal following a jury trial on finding that "voluntary" funds were used to pay for four union-financed political

telecasts during Alaska's first Congressional elections in 1958.[1] The telecasts in question in the latter case were part of a regularly-sponsored union television series "Building and Serving Anchorage" which had been regularly broadcast each week since 1955, but the thing which distinguishes this decision was the view of "voluntarism" applied by the U.S. District Judge Walter H. Hodge. Traditionally the test had been applied to the way the money was obtained from the individual union member, but in this case involving the Anchorage Central Labor Council, the Judge was impressed by the way in which this body obtained its funds from the affiliated local unions. Since each union affiliate decided by membership vote whether it would contribute to the T.V. fund and how much, the Judge held that this was a voluntary expenditure and not subject to the prohibition on union political spending.

This case seemed to shift the test of a voluntary contribution from an individual decision on whether to contribute to a specific union political committee to a majority decision by a local union on whether it wished to spend its dues money for political purposes. Any tendency for this interpretation to become widespread, however, was apparently nipped in the bud by the Supreme Court itself only a little over one month later when in a majority decision in the case of Machinist v. Street it ruled that the 1951 union shop amendment to the Railway Labor Act denied railroad unions the power

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[1] Both of these cases are discussed in [8].

to use an individual member's dues money for political action to which he was individually opposed.

This case originated with a group of Southern Railway employees who objected to the use of dues money for political purposes by railroad unions in which they were required to maintain membership. The Georgia courts upheld their contention and enjoined the enforcement of the union shop contract. The Supreme Court, however, held that such a blanket injunction was not an appropriate remedy and sent the case back to Georgia to have a remedy fashioned. The court also suggested some possible alternatives from which such a remedy might be chosen.

In writing the majority opinion in this case, Justice Brennan carefully pointed out that the Court was not outlawing the union-shop contract nor curtailing railroad unions' traditional political activities. He stated "Our construction therefore involves no curtailment of the traditional political activities of the railroad unions. It means only that those unions must not support those activities, against the expressed wishes of a dissenting employee, with his exacted money."

As to a proper remedy in the case at issue, Justice Brennan declared:

> One remedy would be an injunction against expenditures for political causes opposed by the complaining employee of a sum, from those moneys to be spent by the union for political purposes, which is so much of the moneys exacted from him as is the proportion of the union's total expenditures made for such political activities to the union's total budget. The union should not be in a position to

> make up such sum from money paid by a nondissenter, for this would shift a disproportionate share of the costs of collective bargaining to the dissenter and have the same effect of applying his money to the support of such political activities. A second remedy would be restitution to an individual employee of that portion of his money which the union expended, despite his notification, for the political causes to which he had advised the union he was opposed. There should be no necessity, however, for the employee to trace his money up to and including its expenditure; if the money goes into general funds and no separate accounts of receipts and expenditures of the funds of individual employees are maintained, the portion of his money the employee would be entitled to recover would be in the same proportion that the expenditures for political purposes which he had advised the union he disapproved bore to the total union budget. [9, p. A-2]

As yet, the Georgia Courts have made no subsequent decision on the exact formula to be used, but the issue raised in this case is an interesting one and apparently goes beyond the preceding litigation on educational vs. political expenditures, since presumably if a member objected to the educational material used in a union's political program he could prevent his dues money from being used to finance such activity whether or not it is permissable in the legal sense.

Thus, while litigation on union political expenditures rolls on, our review of this experience to date reveals that Section 313 and its subsequent court interpretation has not eliminated organized labor's financial participation in federal elections--particularly with regard to the voluntary funds collected by union political committees. Indeed, Table 8 lists the National Political Expenditures Financed by Voluntary Contributions Reported by the CIO-PAC, the AFL-LLPE, and the AFL-CIO-COPE for the Years 1944-1960.

TABLE 8 - National Political Expenditures Financed by Voluntary Political Contributions Reported by the CIO-PAC, the AFL-LLPE, and the AFL-CIO-COPE 1944-1960

Year	CIO-PAC	AFL-LLPE	AFL-CIO-COPE	Totals
1944	$ 470,852			$ 470,852
1946	151,693			151,693
1948	512,455	$ 312,196		824,651
1950	511,386	556,252		1,067,638
1952	505,722*	249,258		754,980
1954	415,042*	485,082		900,124
1956	23,220*	148,080	$ 670,985	842,285
1958			709,813	709,813
1960			795,140	795,140
Totals	$2,590,370	$1,750,868	$2,175,938	$6,517,176

* Additional educational expenditure also reported during these years.

Source: 1944 and 1946, Joseph Tannenhaus [57, p. 462].
1948-1960, Congressional Quarterly Almanac, 1949-1961.

Campaign Activity: Financial Aspects -- As indicated in Appendix D, the election expenditures reported under the provisions of the Federal Corrupt Practices Act do not represent the total amount spent on federal elections. Table 8, for example, represents only the reported expenditure of the national labor federation's from voluntary union funds. As the note in the Table indicates, the

CIO-PAC reported additional political education expenditures in three of the years covered. Other labor groups beside the ones shown in Table 8 also reported collecting and contributing voluntary political funds from their members during these years, and the figures in Table 8 do not include all of the expenditures by state and local political committees of PAC, LLPE, or COPE, because these groups are not considered subsidiaries of the national committee's for reporting purposes. Keeping these limitations in mind, one can observe that with the exception of 1946, which was apparently a year of widespread apathy, the CIO-PAC was able to raise roughly half a million dollars in voluntary contributions in each election year from 1944 through 1954. The AFL-LLPE seems to have been able to raise more money in off-year elections than during presidential years by requesting $2 rather than $1 contributions in these years, but even their highest year before 1954 never went much over half a million dollars, indicating that labor's ability to raise political funds via appeals for <u>voluntary</u> contributions has fairly definite limits. Following the transition year of 1956, which shows the remnants of the PAC and the LLPE making political contributions as well as the newly formed COPE, COPE's reported contributions in 1958 and 1960 appear to be significantly less than the amounts raised by the separate political committee prior to the merger. The COPE data cover too short a time period to generalize much, but there certainly doesn't appear to be any significant increase in the reported campaign spending of the merged national labor federation as many had hoped or feared prior to the merger.

<u>Congressional Quarterly</u> began analyzing all federal election

reports filed with the Clerk of the House under the Federal Corrupt Practices Act in 1948, and they have published their results in the Congressional Quarterly Almanac every two years since 1949. Although Congressional Quarterly has changed the format of their presentation from time to time, comparable figures are available for each election year since 1950 in most cases, and from 1948 in some instances. Using these data to go beyond the figures reported by the National Labor Federation in Table 8, Table 9 shows the number of national political committees (Republican, Democratic, Labor, and "Other") reporting federal election expenditures in each presidential election year from 1948 through 1960. Since the national committee expenditures are not the only expenditures reported, the total amounts reported by the individual Congressional candidates have been added to the amounts reported by the national committees to get a grand total of all election expenditures reported in the presidential election years covered. Table 10 presents the data reported for the non-presidential election years, 1950 through 1958, in the same manner as the data reported in Table 9 for the presidential election years. The adding of committee and candidate reports in Tables 9 and 10, may result in some duplication since some money may be transferred from a national committee to a particular candidate and then reported by both. Most of the money spent by the candidates comes from other sources, however, and as mentioned previously, much of the money actually spent in federal elections does not have to be reported at all. Therefore, despite some duplication, it would be generally agreed that the total figures shown in Tables 9 and 10 greatly understate

TABLE 9 - Total Federal Campaign Spending Reported in Presidential Election Years, 1948-1960*

Reported by:	1960		1956		1952		1948		Total
	No. Comm.	Amount	No. Comm.	Amount	No. Comm.	Amount	No. Comm.	Amount	
National Committees	154	$28,074.7	112	$23,090.5	133	$20,424.4	144	$13,563.9	$85,153.5
Republican	43	12,950.2	31	13,348.7	42	12,229.2		NA	NA
Democratic	29	11,801.0	22	7,189.4	22	5,121.7		NA	NA
Labor	60	2,450.9	43	1,805.5	35	2,070.4	13	1,291.3	7,618.1
Other	22	872.6	16	746.8	34	1,003.1		NA	NA
Congressional Candidates		$ 4,821.6		$ 6,169.6		$ 2,640.0		$ 2,980.9	$16,544.7
Republican		2,523.9		3,287.7		1,585.8		NA	NA
Democratic		2,249.7		2,857.0		1,038.1		NA	NA
Other		48.0		25.0		16.1		NA	NA
Total Reported Spending		$32,896.3		$29,260.1		$23,064.4		$16,544.7	$101,765.5
Labor Committee Spending as a % of Total Reported Spending		7.45%		6.17%		8.98%		7.80%	7.48% Average expenditure $1,904.5

* All dollar figures are in thousands. Columns may not total due to rounding.

Source: Congressional Quarterly Almanac, 1949, 1953, 1957, and 1961.

TABLE 10 - Total Federal Campaign Spending Reported in Non-Presidential Election Years, 1950-1958*

Reported by:	1958		1954		1950		Total
	No. Comm.	Amount	No. Comm.	Amount	No. Comm.	Amount	
National Committees	64	$8,675.5	147	$10,616.5	75	$8,158.7	$27,450.6
Republican	14	4,657.7	48	5,663.7	14	3,176.2	13,497.6
Democratic	7	1,702.6	41	2,361.8	12	2,971.2	7,035.7
Labor	32	1,828.8	41	2,057.6	31	1,618.6	5,505.0
Other	11	486.4	17	533.3	18	392.6	1,412.3
Congressional Candidates		$3,283.7		$ 3,045.9		$2,777.3	$ 9,106.9
Republican		1,670.9		1,596.0		NA	
Democratic		1,600.1		1,436.6		NA	
Other		12.6		13.3		NA	
Total		$11,595.1		$13,662.4		$10,935.9	$36,557.5
Labor Committee Spending as a % of Total Reported Spending		15.29%		15.06%		14.8%	15.06% Average Labor Expenditure $ 1,376.3

* All dollar figures are in thousands. Columns may not total due to rounding.

Source: Congressional Quarterly Almanac, 1951, 1955, and 1959.

actual election spending.[1]

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[1] One piece of evidence in support of this point is the abnormally high amount of Congressional campaign spending reported in Table 9 for the 1956 House and Senate elections. Most of the huge difference between the reported spending in 1956 and that reported in preceding years can probably be explained by the more complete job of investigating reports in 1956. In that year the previously mentioned Senate Privileges and Elections Subcommittee undertook an exhaustive compilation of all reports filed with state and local agencies as well as the national reports. In addition to the official reports filed by the candidates, the Senate subcommittee also sent out supplementary questionnaires, and direct testimony was taken during five days of public hearings.

After all of this research, the Subcommittee's findings revealed that approximately $33 million was spent directly on federal elections in 1956 (as opposed to the $29.3 million reported in Table 9). The Subcommittee still felt that even the $33 million figure was incomplete, however, since only a limited period was intensively covered and since no study was made of primary elections or nominations. Neither did the Subcommittee attempt to cope with the problem of non monetary expenditures of time and effort by unpaid individuals or the whole area of non federal elections.

In addition to this evidence gathered in 1956, a specialist in the field of election finance, Alexander Heard of the University of North Carolina, has estimated that in 1952 the cost "in out-of-pocket cash expenditures for nominating and electing all public officials in the United States was around $140,000,000." [27, p. 2] In a subsequent and more comprehensive publication, Heard explains in detail how the above estimates were arrived at, and guesses that "1956 expenditures at the outside were around $155,000,000." [26, p. 8] In 1961, the Congressional Quarterly Almanac stated "Some individual estimates of the entire cost of the 1960 primaries and elections for all offices have gone as high as $175 million." [17, p. 1078]

Analyzing the spending reported in presidential and non-presidential years separately indicates that the number of labor committees reporting election expenditures in presidential years has increased each year from 1948 through 1960 with very large increases between 1948 and 1952 and between 1956 and 1960. Most of this latter increase is associated with the Teamsters' Union's formation of DRIVE, after the passage of the Landrum-Griffin Act in 1959. Despite the increase in the number of labor committees reporting, however, the amount of reported spending fell in 1956, the first presidential election year following the AFL-CIO merger.

Turning to the non-presidential election years between 1950 and 1958, Table 10 shows a drop in both the number of labor committees reporting and the amount of federal election expenditures reported between 1954 and 1958. The large number of "right to work" referenda appearing in state elections during 1958, however, may have diverted some union election funds from the federal campaigns in this year.

If the presidential election years and the non-presidential election years are combined, there does not appear to be any consistent trend in the amount of labor committee spending reported in federal elections. Total spending reported by national labor political committees has ranged between slightly over one and a quarter and slightly under two and a half million dollars in the last seven national elections. The average expenditure tends to be higher in presidential years for both labor and non-labor political committees,

but non-labor committees seem to step up their presidential spending more than the labor committees. Thus, Table 9 shows that in the four presidential election years from 1948 through 1960 national labor committees reported spending an average of $1,904,530 per election, but this was only a little less than 7.5% of the total spending reported and less than nine per cent of the total spending reported by all national political committees during these years. On the other hand Table 10 shows that during the three off-year congressional elections between 1950 and 1958, reported labor spending averaged $1, 376, 254; but this lower average expenditure equalled over 15% of the total spending reported and just over 20% of all the expenditures reported by national political committees during these years.

The figures reported as labor spending in Tables 9 and 10 are presumably for the most part contributions made to candidates for federal office from voluntary funds. It is known that some "educational" expenditures from general union funds are included in these totals, but it is not likely that more than a small fraction of these expenditures are included, since such reports are not required by law.[1]

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[1] In some years Congressional Quarterly's presentation of the data from the labor reports permitted a partial breakdown between voluntary contributions and non-voluntary educational expenditures and in some years it did not. For example, it is known that a total of $841, 385 in funds from the CIO-PAC education account is reported in the totals for the three elections from 1952 through 1956. The Machinists Non Partisan Political League has also reported a total expenditure of $242,908 from its general fund in the 1954, 1958, and 1960 elections, but beyond this the information is spotty.
(Continued on following page)

The change in the number of labor groups reporting from year to year, and a more detailed breakdown of the 60 labor groups reporting the $2,450,873 spent in the 1960 national elections, reveals some of the same diversity which we earlier noted characterized labor's spending on lobbying activities. Nineteen of the 60 committees reporting in 1960 were affiliated in one way or another with COPE. The national headquarters reported spending $795,140, while five international unions having COPE connections (Communication Workers, Chemical Workers, IBEW, IUE, UAW) reported spending $254,080, and 13 other local and regional COPE's in various parts of the country affiliated with various international unions or various geographical federations reported spending $69,668.

(Footnote 1 continued from preceding page.)

In 1952, Congressional Quarterly broke down the $2,070,350 reported by 35 national labor political committees in the following manner: $352,117, went as contributions to various Congressional races, and the other $1,718,233 went "for presidential campaign expenditures and other general educational and organizational spending such as registration drives, state gubernatorial and legislative campaigns as well as the presidential race."

In 1956 the detailed investigations of the previously mentioned Gore Committee revealed that national labor political committees had used $941,271 for direct campaign expenditures in federal election and in addition had contributed $1,078,852 in voluntary funds to candidates running for federal office. This Gore Committee total of $2,020,123 for labor groups exceeds the total of $1,805,482 reported by national labor committees through the regular reporting channels in 1956 just as the Gore Committee's total estimate of $33 million exceeds the total of $29 million officially reported from all sources in the 1956 elections.

Another group of 16 committees reported for the first time in 1960 in connection with the Teamster Union's new political organization Democratic, Republican, Independent Voter Education (DRIVE). The national headquarters of DRIVE reported spending $50,435 in 1960, while 15 local and joint council groups reported spending $22,030. In addition to these two large groups of committees, 14 separate international unions reported spending $1,131,471 through their own independent political committees and their affiliates. The remainder of the reported spending ($267,412) was reported by various other labor groups such as the Labor Committee for the Election of Kennedy and Johnson, the Ohio Telephone Education Committee, etc.

Despite the fact that the number of labor political committees reporting election expenditures has varied from year to year, a certain "hard core" of national committees account for the bulk of the expenditures. Some of these groups have a continuous record of political spending going all the way back to 1948, the first year in which Congressional Quarterly began analyzing spending reports. Ten of these committees in addition to the national federation committees themselves and the amounts they have reported in each election since 1948 are shown in Table 11. This table shows that of the total of $13,123,133 reported by all labor committees in the seven elections since 1948, $11,504,510 has been reported during the six years for which we have detailed breakdowns of labor political committees expenditure reports. During these six years, $10,215,997, or about 89% of the total labor expenditure, has been reported by these ten

TABLE 11 - Federal Political Spending Reported by Continuing Labor Political Committees, 1948-1960*

	1960	1958	1956	1954	1952	1948
AFL-LLPE			148.1	485.1	249.3	312.2
CIO-PAC Contributions Account			23.2	415.0	505.7	512.5
Educational Account			8.1	400.0	433.3	
AFL-CIO COPE Individual Contributions Fund	795.1	709.8	671.0			
Amalgamated (Clothing Workers) Political Action Committee	81.3	44.7	64.6	18.1	43.1	35.1
Hat Cap and Millinery Workers	11.8	NR	5.5	4.0	13.8	NR
ILGWU	315.7	107.7	149.5	44.8	265.3	240.5
Machinists' N-P Political League Educational Fund	73.5	70.5	55.2	37.1	20.8	33.0
General Fund	119.7	79.7	NR	43.4	NR	NR
Railway Labor's Political League	88.2	78.8	104.5	82.9	88.6	84.4
TWUA-Political Education Fund	29.1	35.1	21.0	6.0	14.5	4.2
Trainmen's Political Education League	9.7	14.3	9.7	12.8	13.7	5.8
UAW-CIO-PAC	61.4	243.8	245.1	255.2	135.0	16.5
Carpenters' Non-Partisan Committee	49.0	5.5	6.0	0	34.5	18.3
United Steelworkers Pol. Act. Fund Individual Contributions Account	239.5	192.1	184.8	185.0	NR	NR
Total, for Selected Groups	1,874.1	1,582.0	1,696.3	1,989.7	1,817.6	1,262.3
All Other Labor Groups Reporting	576.9	246.8	109.2	68.0	252.7	29.0
TOTAL LABOR SPENDING REPORTED	$2,450.9	$1,828.8	$1,805.5	$2,057.6	$2,070.4	$1,291.3
Selected Groups as % of Total	76.46%	86.51%	93.95%	96.70%	87.79%	97.75%

* All dollar figures are in thousands. Columns may not total due to rounding. Detailed breakdowns are not available for 1950.

Source: Congressional Quarterly Almanac, 1949, 1953, 1955, 1957, 1959, and 1961.

committees, plus the national labor federations. Their relative percentage of total reported labor expenditures, however, has shown a tendency to decline during the most recent elections. This tendency is similar to the lobby spending figures reported earlier which indicated that the influence of the national federations was declining as a percentage of the total lobby spending reported. Unlike the figures on lobby spending shown in Table 2, there does not appear to be any marked increase in the total amount of campaign spending reported by labor groups in recent years, except for the sharp increase between 1958 and 1960 associated with the Teamsters' formation of DRIVE. The amount of campaign spending reported by the AFL-CIO COPE increased by some $85,327 (12%) between 1958 and 1960, again unlike the decrease shown in Table 2 for AFL-CIO lobby spending during these years, but COPE's percentage of the total campaign spending reported by all labor groups fell from about 40% to about 32% between 1958 and 1960, despite its increase in absolute terms. Aside from the Teamsters, the largest increases in reported campaign spending between 1958 and 1960 were by the ILGWU, $207,960 (193%), the Clothing Workers, $36,568 (86%), and the Steelworkers, $47,327 (24%). The biggest drop between 1958 and 1960 was by the UAW, down $182,359 (75%).

To sum up this data on union campaign contributions the $13,123,133 seven-year total of reported labor spending represents an average expenditure of $1,874,733 a year for each of the election years since 1948. Ignoring the previously mentioned variations between presidential and non-presidential years, this represents an annual

election year average of 11.65% of the total reported committee expenditure and an average of 9.49% of the total reported expenditure during these years. While not overwhelming, these figures represent a substantial amount of electoral involvement. Some perspective can be gained on their relative magnitude, however, if it is considered that in 1956, a year in which 43 labor committees were reporting election expenditures of $1,805,482, twelve of the richest families in America alone accounted for contributions of $1,153,735, and the known contributions of $500 or more by 199 executives of the country's 225 largest corporations totaled $1,936,847. Comparable figures on family spending are not available for 1952, but in that year 35 labor committees reported spending $2,070,350, and the known contributions of $500 or more by 92 officers and directors of the country's 100 largest corporations totaled $1,014,909.[1]

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[1] More will be said on the executive contributions in the following section on business political activity. The figures on the twelve family political contributions in 1956 are published in [15, p. 212]. They show the du Ponts contributed $248,423 in 1956 followed alphabetically by these families: Field $33,500; Ford $36,899; Harriman $38,850; Lehman $39,500; Mellon $100,150; Olin $53,550; Pew $216,800; Reynolds $49,609; Rockefeller $152,604; Vanderbilt $64,400; and Whitney $121,450. As might be expected, most of the money contributed by the 12 families in 1956 went to the Republicans: $1,040,526 (90.19%). $107,109 (9.28%) went to the Democrats, and $6,100 (53% went for miscellaneous purposes.

Since state and local committees are not considered as subsidiaries of national bodies for reporting purposes, however, there is no way of knowing exactly how much is contributed by all labor groups. The Gore Committee in 1956 made the most comprehensive compilation of this information ever attempted, however, and their summary of political contributions by 217 state and local labor groups in the 1956 national elections appear in Table 12.

TABLE 12 - Disbursements of State and Local Political Committees, September 1 - November 30, 1956

No.	Type of Committee	Total Disbursement
	State*	
20	Committee on Political Education (COPE) Affiliated with State Labor Councils	$137,538
23	Labor's Leagues for Political Education (LIFE) Affiliated with State Federations of Labor	105,702
27	CIO-Political Action Committees (PAC) Affiliated With State Industrial Union Councils	196,351
	Totals for 70 AFL-CIO State Political Committees	439,591
27	Machinist's Non-Partisan Leagues	52,002
8	Miscellaneous	42,107
	Local	
112	All types - Located in the 100 Largest Counties	296,644
217	TOTALS	$830,344

* At the time of the 1956 campaign, state AFL and CIO groups had merged in some states and not in others. In a few instances, the reporting organization was the labor organization itself (e.g., a state industrial union council) rather than its political committee. In some states, both CIO-PAC's and COPE's were active. In those cases, the COPE's are reported with the LIFE's as affiliated with the AFL.

Source: Alexander Heard, [26, p. 183].

The total of $830,344 revealed in this table would appear to constitute about a 46% addition to the $1,805,482 reported by the national political committees in 1956, but the internal transfer of funds among labor political groups results in some duplication and Alexander Heard has concluded: "Crude though they are, these estimates from independent data are sufficiently consistent to fix the probable outer limits of labor's voluntary contributions for the 1956 elections at about $2,200,000." [26, p. 93] This figure would represent about 7.3% of the total of $33,000,000 estimated as direct election expenditures by the Gore Committee in 1956.

Clearly, organized labor is in no position to dominate American election finance through its access to funds voluntarily contributed by its members for political purposes. Indeed, its position apparently is no better than that of a handful of the nation's wealthiest families or the executives of America's 225 largest corporations. But there is one thing that the American labor movement has which the wealthy families or corporate executives do not have, and that thing is members--large numbers of members. Thus we are reminded that campaign contributions from voluntary funds are not the only source of campaign support in organized labor's attempts to elect legislators favorably disposed to its lobbying aims. Registration drives, "educational" material, union endorsements, and other devices are also employed in an attempt to influence the "labor vote" on which much of organized labor's implied political power supposedly rests, and there is no evidence that the financial aspects of these programs (even though financed from dues money) are any indication

of their total impact on the American political process.

There is no way to put a price tag on the whole range of union political activities designed to register, inform, and influence the votes of union members; but Alexander Heard, who made a detailed analysis of the UAW, perhaps the most politically conscious of all American unions, has stated:

> Campaign-connected expenditures from union treasuries may be made under at least 13 different headings... The 13 categories are: (1) donations, (2) political department, (3) citizenship program, (4) education and information, (5) communications, (6) public service activities, (7) public relations, (8) research, (9) legislative activities, (10) legal department, (11) expense accounts, (12) general administrative cost, and (13) salaries. [26, p. 206]

After examining each of these areas in detail, Heard concluded:

> If 25% of the UAW international's editorial, radio, research, and educational activities, and all of its citizenship activities, are arbitrarily declared to have been campaign-connected, expenditures in 1956 would have come to less than $1,500,000. If an equal amount was spent by UAW locals--also nothing but a guess--the total for this union would have been about $3,000,000, or less than $2.50 per member. This represents an outside figure for one of the most aggressive of all unions; for the 17,385 members of the labor movement resident in the United States, the per capita average would be a small fraction of it.
>
> Crude though all of this is, the conclusion seems inescapable that labor money in politics from all sources pays a much smaller share of the nation's campaign-connected costs than union members constitute of the population of voting age. [26, p. 208]

Whether these union members exert any non-financial influence through the weight of their sheer numbers alone is a question to which we will now turn our attention.

Campaign Activity: Registration, Education, And The "Labor Vote" -- The so-called "labor vote" is one of the more widely discussed concepts in our contemporary political folklore. Sometimes referring to all labor voters, but most often used in the context of only trade union voters, speculations vary as to both its size and its cohesiveness, but little note is usually taken of its distribution in determining its political effectiveness. Ignoring the distribution problem for a moment, a fairly common procedure for "estimating" the "potential" labor vote by hopeful and fearful alike is to take the number of union members and multiply it by a fairly healthy "family factor" to arrive at a conclusion like the one cited in the following statement: "... the unions have grown enormously both in numbers and prestige and now are decidedly to be reckoned with politically--on the theory that this 25% of the workers--15 million people--can control or influence 60 million voters." [21, p. 29]

Such "estimates" suffer on several grounds. Several million union members are minors and other aliens not eligible to vote, and many others are disqualified by residence requirements and in some southern states by the poll tax. But, as Edwin Witte has pointed out, more than offsetting the union members who are not eligible are the wives of members, retired former members, and nonmembers who go along with the unions. Witte then goes on to make a potential estimate of his own which does not consider the distribution of the total vote in determining its significance. He states: "The total vote which the unions might potentially control may be as high as

25,000,000 but probably is considerably smaller. This is a large block of potential voters, but less than a third of the total number. [65, p. 414] The word "potential" is a key word in this estimate, since the problem of getting union members registered and informed is a crucial one as far as labor's political activities are concerned. Before turning to these considerations, however, a word on the distribution of trade union membership is in order.

When the Bureau of Labor Statistics of the United States Department of Labor published its Directory of National and International Unions in the United States in 1957, it reported that there were 189 American national and international unions in this country with about 18,477,000 members in some 77,000 locals. Seventeen million three hundred and eighty-five thousand of these members were living in the continental United States, and they comprised approximately 25% of the United States' labor force and about 34% of those employed in nonagricultural establishments. Some 3,191,000 of these members were affiliated with unions which are not now in the AFL-CIO. As might be expected, these members were not evenly distributed among the different unions. In fact, almost two-fifths of the membership was concentrated in the seven largest unions, and roughly one-half of the membership was affiliated with one of the twelve largest unions.

For purposes of effective political influence, the distribution of trade union membership in different national unions is of considerable importance, because, although COPE was established as a staff

department responsible to the AFL-CIO Executive Council, its effectiveness is dependent upon the support and cooperation of member unions. And, of course, not all unions are members of the federation. The political vitality of organized labor is thus rooted in the attitudes and actions of individual unions; and the organizational structure, political activities, and even the partisan preferences of American unions are considerably more diverse and disunited than the limited facade of unity at the federation level would lead one to believe.

Our earlier figures on lobby spending and campaign contributions indicate that, within the federation, the largest unions are not always the most politically active. Further, the building trades unions often act in concert, as do the railroad unions (through the Railway Labor Political League), which gives them greater cohesion and often makes them politically more effective than some of the larger individual unions. Some of the national unions within the federation, which have their own independent political organizations, do not work through COPE. These include such unions as the Machinists, the IUE, the International Ladies' Garment Workers, the Glass Bottle Blowers, and the Retail Clerks. Other affiliated unions such as the Auto Workers, the Steelworkers, and the Amalgamated Clothing Workers also have political organizations of their own; but they do most of their work through COPE. Outside the federation, the independent United Mine Workers now operates through its own political organization, Labor's Non-Partisan League; and, as noted above, the Teamsters' Union, expelled from the AFL-CIO in 1957, has

also set up an independent political action committee known as DRIVE. Beneath these national organizations, both inside and outside the federation, lie a myriad of state and local political action committees of varying scope and composition.

Probably even more important than the distribution of trade union members among the different national and local unions, however, is the geographical distribution of trade union membership. This is true because most political offices are determined on a geographical basis, not along the industry lines for which unions are organized for the purposes of collective bargaining.

The most comprehensive estimate of the geographical location of trade union members by states was compiled by Leo Troy in 1953. [58] Since union membership in this country hasn't grown greatly in the past decade, the figures for 1953 are probably still useful. Table 13 shows Troy's information on the numerical strength of union membership in each state in 1953, and the percentage of nonagricultural employment organized in each state in 1953. Then, using these data, Alexander Heard combined it with United States Bureau of Census' estimates of the population of voting age in each state in 1952, and computed the third column of Table 13 which shows union membership as a percentage of the population of voting age in each state. It can be seen that the geographical distribution of trade union membership is by no means uniform. In fact, over two-thirds of the union members in 1953 were concentrated in 10 states, and another 10% were located in seven additional states, thus placing

TABLE 13 - Labor Unions Membership and Percentage of Voting Population by States, 1953

State	Union Membership in (thousands)	% of Non-Ag. Employment Organized	Union Memb. As % of Pop. of Voting Age
Alabama	168.3	25	10
Arizona	55.7	28	12
Arkansas	67.9	22	6
California	1,392.5	36	18
Colorado	114.2	28	14
Connecticut	232.1	27	17
Delaware	25.8	18	12
Florida	135.9	16	7
Georgia	135.8	15	6
Idaho	29.1	22	9
Illinois	1,358.7	40	23
Indiana	569.6	40	22
Iowa	159.2	25	9
Kansas	130.8	24	11
Kentucky	155.1	25	9
Louisiana	135.8	20	8
Maine	58.9	21	11
Maryland	203.6	25	13
Massachusetts	546.1	30	18
Michigan	1,062.0	43	25
Minnesota	327.6	38	17
Mississippi	50.0	15	4
Missouri	510.5	40	19
Montana	72.5	47	20
Nebraska	68.6	20	8
Nevada	21.8	30	19
New Hampshire	43.1	25	12
New Jersey	645.4	35	19
New Mexico	25.0	14	7
New York	2,051.8	34	20
North Carolina	83.8	8	4
North Dakota	17.3	16	5
Ohio	1,162.6	38	22
Oklahoma	86.7	16	7
Oregon	201.5	43	20
Pennsylvania	1,540.7	40	22
Rhode Island	82.8	27	16
South Carolina	49.7	9	4
South Dakota	17.4	14	4
Tennessee	187.3	23	9
Texas	374.8	17	8
Utah	56.9	26	14
Vermont	19.6	19	8
Virginia	156.1	17	8
Washington	393.6	53	26
West Virginia	223.9	44	19
Wisconsin	418.7	38	19
Wyoming	24.2	29	14
District of Columbia	107.8	21	—
Not distributed by state	458.5	—	—
United States	16,217.3	33	17

Source: Alexander Heard, [26, p. 174.]

TABLE 14 - States in Which Union Membership Was Concentrated Both As A Percentage of the Voting-Age Population and As A Percentage of the Non-Agricultural Labor Force in 1953*

State	Union Membership (in thousands)	Per Cent of Non-Agricultural Employment Organized	Union Membership As Percentage of Population of Voting Age
New York	2,051.8	20	34
Pennsylvania	1,540.7	22	40
California	1,392.5	18	36
Illinois	1,358.7	23	40
Ohio	1,162.6	22	38
Michigan	1,062.0	25	43
New Jersey	645.4	19	35
Indiana	569.6	22	40
Massachusetts	546.1	18	30
Missouri	510.5	19	40
TOTAL (10)	10,839.9	--	--
Wisconsin	418.7	19	38
Washington	393.6	26	53
Minnesota	327.6	17	38
West Virginia	223.9	19	44
Oregon	201.5	20	43
Montana	72.5	20	47
Nevada	21.8	19	30
TOTAL (7)	1,659.6	--	--

*The first group contains the ten states with the largest number of union members. The second group consists of the remaining seven states in which the percentage of voting-age population who were union members equaled 17 or more and the percentage of non-agricultural employees who were union members equaled 30 or more.

Source: Alexander Heard, [26, p. 176].

approximately three-fourths of the union members in approximately one-third of the states. These 17 states are shown separately in Table 14, which includes all of the states in which 30% or more of the nonagricultural employees are organized and in which at the same time the percentage of union members among persons of voting age matched or exceeded the national average of 17 percent.

These figures certainly show that the trade union political potential is not evenly distributed throughout the nation, but even these figures must be further qualified. For example, trade union membership within these states tends to be concentrated in the urban areas and not evenly spread throughout the state; and the composition of union membership by national union varies considerably from state to state.

Moving from the state level to individual congressional districts, in 1957 Congressional Quarterly identified 52 "labor districts" in which more than 60 percent of those employed were "blue collar" workers. This classification made no attempt to distinguish between union workers and non-union workers, however, but simply used the 1950 census results to compute "the percentage of employed persons in each Congressional district who held blue-collar jobs: craftsmen, foremen, machine operators, private household help, service employees, and all laborers except those who work on farms." [15, p. 812] The Congressional Quarterly noted:

> "While in the average Congressional district, 48.9% of the workers were in blue-collar jobs, there are 52 districts where more than 60% of those employed were blue-collar workers. These districts [are] the biggest

'labor' districts in the country. [15, p. 812][1]

While this definition cannot stand as an iron-clad definition of a labor district in the sense of a trade union district, 42 of these 52 Congressional districts are in the states with large union memberships cited in Table 14. While far from being a majority of the 435 Congressional districts, these districts nevertheless are the ones in which a potential "labor vote" is most likely to reside.

Regardless of where the potential "labor vote" resides, it is of little practical value unless it can be registered and informed (or instructed, as some would say) and brought to the polls on election day. In this connection, Walter Reuther, President of the United Automobile Workers and Vice-President of the AFL-CIO, has stated:

> Politics is the everyday housekeeping job of democracy. In a democratic society, politics is the people's business. Two basic problems confront labor in the field of political action:
>
> 1. We must do the practical day-to-day organizational work necessary to mobilize people and get them to register and then get them out to vote on election day...
>
> 2. We must carry on a comprehensive educational campaign to develop an understanding among the people of the basic issues on which political decisions are being made

---

[1] The 52 districts identified as having more than 60% of the workers in blue-collar jobs were: Alabama (9); California (19, 23); Connecticut (5); Illinois (1, 5, 7, 24); Indiana (1); Maine (2); Maryland (3); Massachusetts (3, 7, 9, 14); Michigan (1, 13, 16); New Hampshire (1); New Jersey (8, 14); New York (8, 9, 16, 18, 23); North Carolina (9, 11); Ohio (18, 19, 20, 21); Pennsylvania (1, 3, 4, 11, 12, 14, 15, 20, 21, 22, 23, 25, 26, 30); Rhode Island (1, 2); South Carolina (4); West Virginia (1, 5, 6).

> and where the interest of the people lies. Millions of workers have not yet learned the relationship between the bread box and the ballot box. [51, pp. 71-72]

Reuther's feeling that the question of voter registration is indeed a problem for labor political action has been confirmed by many voting studies which show that the percentage of eligible voters who actually register and vote is generally much smaller in districts where most of the working people live compared to the better residential areas in the cities, in the suburbs, and in rural areas. Gus Tyler, the chief political adviser of the ILGWU, has described an LLPE study which

> "Politically dissected a typical city with ten silk-stocking and ten organized labor precincts. In the silk-stocking districts, there were 18,400 eligible voters, 17,000 of whom registered and 15,965 of whom voted; in the labor districts, there were 43,400 eligible voters, 11,103 of whom registered and 8,622 of whom voted. The silk-stocking areas with 18,000 eligible voters outvoted labor districts with 43,000 eligible voters by almost two to one.
>
> Labor's prime task is to turn non-voters into voters." [60, p. 124]

Given an awareness of the registration problem, some of the more politically conscious elements in the American labor movement have made increasing efforts in this direction, and they have apparently met with some moderate success. Angus Campbell and H. C. Cooper found that union members voted more often than non-union persons in the same occupations in 1948, 1952, and 1954 [12, pp. 31-32], and in its report to the AFL-CIO convention in 1957, COPE estimated that its efforts had increased the overall average of registration among

trade-union members by 5-6% [1, p. 109].[1]

In perhaps the most comprehensive study of trade union voting behavior ever made, Kornhauser, Sheppard, and Mayer found that in 1952 Detroit members of the UAW registered and voted in about the same proportions as the public at large. They noted that this was "a phenomenon not usually observed in blue collar groups. This would indicate that union efforts to get out the vote may have had some degree of success. One-third of the membership did not vote, however, even though the great majority of these non-voters were legally eligible." [30, p. 73] The authors also indicated that they were not studying a typical union. They indicated that "Within the whole of American labor, the UAW is probably the union most fully committed to political action on the national level and most influential in the use of its political arm in relation to broad economic and social policies." [30, p. 14]

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[1] Despite this estimate of a 5-6% increase in union member registration, however, the same report later on stated:

> "Registration remains one of the major problems of our organization in this field. In an effort to meet it, the Executive Council of the AFL-CIO in January, 1957 adopted a resolution setting forth the views of our organization on the subject and calling upon affiliated organizations to take steps to establish permanent registration committees as standing committees of the local union...
>
> This program of activity has been followed up by the Committee on Political Education. We are happy to report that 61 international and national unions now have specific programs dealing with this subject." [1, p. 113]

When it is remembered that the AFL-CIO had 144 affiliated unions in 1957, however, this record of 61 participating unions is probably not overly impressive, even though it no doubt covered most of the larger unions.

Going beyond the problems of voter registration and "get-out-the-vote" campaigns, there is the question of voter "education" and trade union information in political campaigns. While there is no precise way to estimate the total amount of this activity, some insights are possible.

Since the earliest days of the CIO-PAC it has been traditional that the executive board of the national labor federations and their national political committees formally endorse candidates only for the Presidency and Vice Presidency. This endorsement, which has always gone to the Democratic candidates, usually follows previous endorsements by the affiliated national unions. The national Federation does not officially endorse Senatorial, Congressional, state, or local candidates; but it is generally recognized that initiative and leadership are more likely to flow downward than upward in affiliated unions and political committees, even though most of the endorsements are formally made by the latter groups. The records of official labor endorsements prior to the AFL-CIO merger are incomplete, but in 1956 State and local AFL-CIO bodies, or both, endorsed 282 candidates for the House, and 30 Senatorial candidates. In 1958, with "right-to-work" laws on the ballot in six states, 12 candidates for governor were endorsed along with 294 candidates for the House and 30 candidates for the Senate. In 1960 state and local COPEs endorsed 19 Senatorial candidates, 258 House candidates, and 19 Gubernatorial candidates.

Once these endorsements have been made, there is the question

of publicity and passing this information on to the union members and others. At this juncture much of the diversity within the American labor movement begins to exert itself. Even those unions having an active political program are not able to excite all of their local officers or members about political affairs. Some of these key persons may even resent an active political program. Hudson and Rosen, for example, made a detailed study of a large regional Machinists' union in the St. Louis area. The official policy of the union studied was limited to candidates for state and national offices, and it consisted of promoting voter registration, endorsement of candidates, collection of money for campaign purposes, and campaigning for candidates among the membership. When asked whether they thought the union should take an active part in politics, 79% of the members felt that this should be done at least sometimes whereas 86% of the stewards and local offices felt the union should be active in politics at least sometimes. In this respect, however, the fact that 14% of the local officers and stewards, supposedly the "backbone" of the union, felt that the union should not be active in politics is probably very significant for the ultimate effectiveness of the union's official political program. Indeed, Hudson and Rosen concluded:

> While official policy on political action is definite, we have no evidence that all union officials firmly suscribe to it. And it almost certainly would take a "back seat" should a choice between success in politics and success in collective bargaining be called for. [28, p. 411]

Thus, the fact that the local union is the basic unit of organization as far as the actual contacts of the vast majority of union members are concerned, only multiplies the opportunities for diversity and inconsistency in the effectiveness of national political programs. This is particularly true of local union endorsement procedures when "one of the boys" wants to run for office. The ex-journalist and late Senator Richard L. Newberger, has stated:

> Business groups would be ridiculed if they were compelled to boost every candidate who ran a grocery store or movie theater, but labor is often put in this position when union members get the itch for office... But all union people must be endorsed regardless of their qualifications. [44, p. 674]

It should be made clear, however, that not all of the diversity is confined to the local level. William "Big Bill" Hutchenson's life-long attachment to the Republican Party is well known, though an admitted exception among most union presidents. A more recent example occurred shortly after the official AFL-CIO endorsement of Adlai Stevenson in 1956, when Dave Beck, then the still unsullied leader of the nation's largest union, let it be known that he had voted for the Republican presidential candidate in each of the preceding two elections. Edwin Witte also noted: "While the endorsement of Stevenson was reported as having been a unanimous vote, several prominent union leaders supported Eisenhower in the campaign." [65, p. 413]

Finally, even in the most politically active unions, it must be remembered that the officers already have full time jobs in other areas. In this connection, Gus Tyler has noted:

> Most trade union leadership--paid and unpaid, full time or part time--is involved with the daily grind of organizing, bargaining, and above all enforcing contracts. This pure and simple trade union work is, of necessity, so absorbing that it leaves minimal time for discussion of public issues. Hence, the burden of issue education falls on the shoulder of union journals, generally monthly publications, with some allocation of space to political matters. [60, p. 135]

Until recently there were no really exhaustive studies of trade union periodicals which could estimate how much these journals emphasized political matters. In the summer of 1960, however, the University of Michigan's Bureau of Industrial Relations initiated a project to make a detailed analysis of the political content of 43 major trade union periodicals during the first eight months of 1960, a presidential election year.

Using a rather broad definition of "politics", this study found that political news and viewpoints made up 25.84% of the total column inches available in 43 leading union periodicals during the first eight months of 1960. Interestingly enough only 6.6% of the total available column inches in the papers studied were devoted to the forthcoming presidential election, and more than three times as much space (22%) was given to matters of public welfare, health legislation, aid to education, housing, depressed areas, and aid to the aged, under consideration in Congress or proposed for enactment. Not much attention was given to other elections, such as those of Congressmen or various state officials, either. The study noted:

> Only 1.9% of all political news, only one-half of one percent of all column-inches available in these key union papers, was devoted to influencing elections of legislators...when it came to getting on page one of an

> important union newspaper, candidates and issues in non-presidential elections ranked lower than almost every other category of item in editorial emphasis. [54, p. 1]

The fact that this study terminated on September 1, 1960, probably limits some of the above conclusions, but it does provide some interesting insights into the different amounts of interest in political matters expressed by various national unions. Based on their analysis of this point Shedd and Odiorne concluded:

> Papers circulated among predominantly industrial workers had a significantly higher amount of political news than those of craft unions...
>
> Another observable difference between the national industrial union papers and those of the craft unions was the emphasis on the election of the president or of congressmen. The industrial unions, in addition to having a greater political content, generally devoted more space to this subject than did the craft union papers. [54, pp. 3-4]

Aside from the content of these union periodicals there is also the problem of getting them circulated to and read by potential voters.

With regard to the circulation of trade union periodicals, which are without uniformity of appearance or circulation, one can only guess, but Tyler has stated:

> If we assume that, on the average, each of the 16,000,000 workers in the United States is exposed to a trade union journal about once every two weeks, then we can arrive at a rough calculation of about 8,000,000 readers weekly, or about a million plus daily readers. Needless to say, this is only a drop in the ocean of American journalism, something less than the circulation of several major dailies in New York City alone. [60, p. 135-36]

In addition to regularly published union periodicals, union political committees also resort to special publicity and literature

campaigns as election day approaches. In its report to the 1959 AFL-CIO convention, COPE stated:

> During 1958 and the first half of 1959, 33 different items of literature were printed and distributed with a total circulation in excess of 31 million...
> In the late summer of 1958 approximately 11,250,000 copies of the 1957-58 voting record of members of the House of Representatives and United States Senate were sent to the various states for distribution to members of the AFL-CIO. [2, pp. 280-81]

If all of this literature and educational material is to be effective in gaining support for labor endorsed candidates, however, it must be read and used as the basis for action by the recipients. Indeed, successful propaganda of any type must pass through three stages: the propagandists' message must be perceived; this perception must stimulate attitudes appropriate to the propagandist aim; and these attitudes must result in the type of action the propagandist desires.

With respect to the first of these stages, the study by Kornhauser, Sheppard, and Mayer found that only 31% of the Detroit auto workers they studied had read about the election in any magazines or papers other than regular newspapers. Only 7% of this group said that they read the union publication during the 1952 presidential campaign. (More Stevenson voters read this literature than did union members who voted for Eisenhower.)

After examining all sources of campaign influence and their relative importance as reported by the auto workers, the authors concluded:

> The union was mentioned spontaneously by only a very small minority of workers as: 1) a source of most of their information about the campaign; 2) the most important source; 3) a source of publications about the election; and 4) as an organization whose ideas they wanted before election day. [30, p. 93]

This last point moves beyond the mere perception of union political messages to the next stages of the propaganda process--the stages which consider the initial attitudes of the persons who perceive the message and the extent to which these attitudes are changed or activated. Kornhauser, Sheppard, and Mayer presented a list of six groups to the auto workers they studied in 1952 and asked them to indicate the groups they particularly trusted with regard to their voting recommendations. The same procedure was followed for groups which were not trusted. They concluded:

> The findings on this entire question indicate that the most generally accepted position among UAW members is one of trusting union voting recommendations and distrusting those offered by Business and Newspapers. The declarations of trust and distrust, along with the reasons assigned, leave little doubt that a large sector of the membership (approximately one half of all members) feels that they have political interests opposed to those of Business and Newspapers, interests that they can protect and advance by supporting the union's position on the political front. At the same time it is clear that a small but significantly numerous group in the union holds dissenting opinions and does not trust union political recommendations; they include a minimum of one in eight who <u>express</u> distrust (and presumably some others who refrain from stating their views). The remaining 30 to 40% of the members are the uncommitted--people who are not prepared to declare themselves as either trusting or distrusting political endorsements by labor groups. Most of them fall into the 41% of respondents who refrained from naming <u>any</u> group they do not trust. They constitute a considerable portion of the union, the politically less aroused and less partisan, who presumably will go along with the union in any particular election or will not, depending upon the social forces and cross-pressures affecting them at the time. [30, p. 110]

This finding of a minority more or less opposed to the union's political endorsements with a farily large undecided element separating them from those who approved tends to be corroborated by the results of an attitude study made among the members of a large regional machinist union in the St. Louis area at about the same time the Detroit study was made. On the basis of this study, Hudson and Rosen concluded that:

> "It would appear that the immediate political power of unions at the polls is fairly limited... Present political strength of the unions seems limited more by members lack of positive enthusiasm or by their uncertainty than by a strong disapproval of political activity." [28, p. 418]

Much the same conclusion was reached in an earlier survey of union member attitudes in a study of Teamster Local 688 in St. Louis, done by Arnold M. Rose in 1949. Rose found that 77.3% of the members of this local felt that the union should tell members which candidates are "friendly" to labor, but only 35.0% felt that the union should "advise" members how to vote. He concluded:

> The discrepancy between the proportion of workers who wish to be "advised" on how to vote and the proportion who simply wish to be told which candidates are friendly to labor has another important implication. It suggests that the workers will not necessarily accept any candidate, regardless of his merits and general reputation, whom the labor leaders support. Workers say they will listen to the political information provided by their union leaders, but they do not say they will always follow their advice. As in other matters, workers distinguish their obligations and loyalty to their union from their other obligations and loyalties. [52, pp. 83-84]

The fact that union members have other attachments and loyalties outside their union affiliation is of course an obvious one, and raw voting figures, classed only by union membership, are

not likely to be an adequate reflection of all of the complexities that go into a political decision, due to the phenomenon which David Truman has called "overlapping membership." He states:

> No tolerably normal person is totally absorbed in any group in which he participates. The diversity of an individual's activities and his attendant interests involve him in a variety of actual and potential groups. Moreover the fact that the genetic experiences of no two individuals are identical and the consequent fact that the spectra of their attitudes are in varying degrees dissimilar means that the members of a single group will perceive the group's claims in terms of a diversity of frames of reference. Such heterogeneity may be of little significance until such time as these multiple memberships conflict. Then the cohesion and influence of the affected group depend upon the incorporation or accommodation of the conflicting loyalties of any significant segment of the group, an accommodation that may result in altering the original claims...
>
> Organized interest groups are never solid and monolithic, though the consequences of their overlapping memberships may be handled with sufficient skill to give the organization a maximum of cohesion. [59, pp. 508-10]

One of the things that makes it difficult to isolate the influence of union voting recommendations on the actual performance of union members is the fact that several of the comprehensive studies that have been made of American voting behavior have indicated that most workers vote Democratic whether they are union members or not.[1] In this situation, with unions explicitly or implicitly endorsing Democratic candidates in the vast majority of cases, does the fact that a union member votes for a particular Democratic candidate mean that he followed the advice of his union leader or that he simply voted

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[1] See [36, p. 285], [33, p. 20], and [37, pp. 333-34].

as he would have in any circumstances? If a labor-endorsed candidate is elected, does this mean that the union "delivered" the vote of its members, or does it mean that the leadership simply reflected the members' wishes in endorsing the candidate who would have been elected anyway? Then, there are also the questions of special circumstances. Is there a "labor vote" at some times and not at others? If so, what circumstances tend to promote a labor vote, and what circumstances are not conducive to cohesive voting by union members?

Probably the best known instances of the "labor vote" not being "delivered" are John L. Lewis' unsuccessful attempt to drop FDR and support the Republican Wendell Wilkie in the 1940 Presidential election and the more widely-based effort on the part of the labor movement to unseat Ohio's Republican Senator Robert A. Taft, co-sponsor of the Taft-Hartley Act, a decade later. In both of these cases, a study of union voting behavior is available. Organized labor's attempt to unseat Republican Senator Barry Goldwater in 1958 also received a good deal of publicity, but no one really expected the popular Arizona conservative to be defeated, and no serious study was made of this election.

In the case of John L. Lewis and Wendell Wilkie, Irving Bernstein made a study of the reaction of CIO officials and editors and the reaction of working class voters to Lewis' endorsement of the Republican Presidential candidate in 1940. His study included an analysis of 63 counties and 14 towns, selected as best representing CIO voting behavior, and his conclusions were:

> In the election returns there is little evidence that John L. Lewis' action moved any appreciable number of CIO workers, their families, or their sympathizers to vote for Wilkie... There is evidence, however, that he exerted an influence in a few individual localities. [5, p. 245]

Fay Calkins made a detailed study of the CIO's participation in the 1950 Ohio Senatorial campaign, and noted that an inability to get union members registered and interested in the Democratic primaries left the CIO-PAC with a candidate it did not really admire, and she stated:

> As a result of this rank-and-file inertia, PAC had to bestir itself considerably to get CIO members registered and out to vote. It had hoped that 80% of the 500,000 CIO members in Ohio would register and that 8-1/2 out of 10 would vote for Ferguson. November returns indicated that about 70% had voted, and that 7 out of 10 had voted Democratic. This amounted to about 245,000 CIO votes which followed PAC's endorsement. But many of these unionists would have voted Democratic anyway, and the same vote could not be counted upon for internal or third-party action. The actual concern of CIO members thus sets narrow limits to the influence of PAC and the relationship it can establish with the parties. [10, pp. 35-36]

Turning to more comprehensive studies of American voting behavior and the influence of union membership on voting decisions in Presidential elections, however, seems to indicate that union members as a whole may tend to vote more Democratic than non-members in the same occupational positions, and that the more "active" the union member the more likely he is to exhibit this characteristic. In a study of the 1948 Presidential elections in Elmira, New York, Berelson, Lazarsfeld, and McPhee concluded:

> "Union members vote more Democratic than non-members (of the same occupation, class, education, age, religion, or selected attitudes). The more that union members are committed to unionism, in general or in particular, the more Democratic their vote." [4, p. 53]

Subsequent nationwide studies by the University of Michigan's Survey Research Center have indicated that the same tendency may also be true of members of union households, but to a lesser degree.

The percentage of union members voting for the Democratic Presidential candidate fell from 87% in 1948 to 61% in 1952 and to 57% in 1956, while the percentage of persons in union families voting for the Democratic Presidential candidate during these years fell from 81% to 56% to 52% respectively. Concentrating on the "distinctiveness" of the union vote rather than its absolute level, the Michigan researchers computed a "Democratic distinctiveness rating" as "the deviation in per cent Democratic of the two-party vote division from the comparable per cent among the residual non-member portion of the total sample. A positive deviation indicates that the group was more Democratic. [11, p. 302]

Using this method, it was found that in 1948 union members and members of union households (the categories were not separated in the 1948 study) voted 35.8% more Democratic than the two-party vote division among non-union members and their households. In 1952, however, union members had a Democratic "distinctiveness rating" of +24.9 and the comparable rating for voting members of union households was only +19.8. Eisenhower's increasing popularity in 1956 cut the union members' pro-Democratic "distinctiveness rating" to +21.4, and the Democratic "distinctiveness rating" of the members of union households fell to +18.1 in 1956. Unfortunately, similar results for the 1960 Presidential election have not yet been published.

While most of the national election analyses have been confined to the Presidential vote, the 1952 study of the Detroit auto workers also covered other election contests. This study found that 75% of the workers covered in the sample voted for Stevenson rather than for Eisenhower in 1952. This percentage was considerably above that given to the Democratic candidate by all union members combined in that year, but it was well below the 89% vote these same auto workers said they gave Truman in 1948; and, in 1952 the Democratic candidates for the governorship and the U.S. Senate ran well ahead of that party's Presidential nominee among the auto workers--85% of the UAW vote was cast for G. Mennen Williams in the gubernatorial contest and 81% for Blair Moody in the Senate race. How much of this decisive vote was due purely to union influence, however, is difficult to say. Kornhauser, Sheppard, and Mayer stated:

> "One other test of whether union members voted in accord with union recommendations was afforded by a ballot on proposals for reapportionment of voting districts in the State. The UAW conducted a vigorous campaign on this issue. Our results on members' voting and information about the issue indicate that large numbers remained poorly informed and unaware of the importance of the question. Only 57% were able to state how they had voted (21% of registered voters did not vote on the issue). Nevertheless, on the positive side of the union's accomplishment, those workers who did vote cast their ballots overwhelmingly for the proposal supported by the union (51% of the 57%). [30, p. 75]

The variation in the UAW members' votes on the candidates and issues endorsed by the union in this case seems to indicate what the earlier observations on union member attitudes would lead one to expect: namely, that factors other than the union's endorsements influenced the voting behavior of the UAW members.

Thus, the extent to which the auto workers' other associations reinforced or conflicted with the political policies of the UAW no doubt had an influence on their ultimate voting behavior. The question then becomes "Is it possible to isolate the influence of the union from that of the other groups and forces influencing its members?"

In this connection, Harold Wilensky examined a politically active UAW local in Chicago and found that union "activity" was independent of social-economic status, religion, sex, ethnicity, and race in influencing the political behavior of its members, but that the number of "actives" in the union was by no means a majority of the total membership (43 of a total of 160 persons in his sample). [64]

The Survey Research Center at the University of Michigan also tried to isolate group membership from other life situations in analyzing the previously mentioned distinctiveness ratings for several selected groups in the 1956 Presidential elections. They isolated a control group of non-members on several important aspects of life situations except for the fact of group membership.[1]

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[1] With respect to the life situations controlled, the authors stated:

> "The various aspects of life situation could be elaborated infinitely. Construction of such a control group presumes that we know which aspects are of real significance in the responses of the individual to politics. As empirical work proceeds our knowledge improves accordingly, but there may always be a dimension of importance that we have not yet discovered. In general, however, over

(Continued on following page)

The findings on trade union membership and membership in trade union families in 1956 brought the union members' pro-Democratic distinctiveness rating down from +21.4 to +20.4 with other life situations controlled, and the members of union households' Democratic distinctiveness rating fell from +18.1 to +17.1. This still leaves these groups with a distinctive voting behavior and their ratings changed less than those of the other groups studied. (Catholic and Negro Democratic distinctiveness diminished more than union distinctiveness with life situation controlled, and Jewish distinctiveness increased under these controlled conditions). Like the other studies, the Survey Research Center's analysis of the 1956 elections also found that when they took all members of groups that voted

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(Footnote 1 continued from preceding page.)
a period of time we become increasingly confident that we know how to control the most important effects of life situations.

We know, for example, that the sharpest discontinuities in partisan political behavior occur between the South and the remainder of the country. Since our secondary groups are not evenly distributed between the two great political regions of the country, we must create the same balance in the control group. The differences between residence in metropolitan areas, towns, and rural districts need similar attention. Also, the stability of party identifications requires that we take account of the past residence of individuals with regard to region and to urban-rural differences. Though we shall find later that social class was not an important factor in the vote in 1956, it is still sure to influence other dimensions such as general involvement in politics. Therefore, we will control all of the major status dimensions as well: education, income, and occupation. In addition, we will control age and number of generations that the informant's family has spent in the United States. Finally, since it is our thesis that membership in certain social groupings creates additional forces on behavior, we shall take into account any overlap in personnel of our test groups. If one third of all Catholics are union members, we shall want the same union representation in the Catholic-control group." [11, pp. 304-05]

distinctively Democratic, the persons who were highly identified with these groups voted even more distinctively Democratic than members who were less highly identified. For example, the members of union households who were highly identified with the labor movement in 1956 gave 64% of their vote to Stevenson whereas those who were weakly identified gave only 36% of their vote to the Democratic candidates. The study found:

> The same effect appears when we look at a range of other political behaviors and attitudes. High identifiers in these groups vote more distinctively Democratic at all levels of government; they are more frequently Democratic in their party identification. They also react differently to political issues than low identifiers. For example, labor union members in general are more likely to feel that the government should provide for full employment than are members of a control group matched with them. But among union members, the strong identifiers are even more distinctive in their views about full employment than those who identify less strongly. [11, p. 308]

This study also found, however, that fewer union members were strongly identified with their group than were Negroes or Jews. Members of union households and Catholics were slightly less strongly identified with their groups than were union members. The results did show, however, that there was a substantial relationship between the strength of union identification and the length of membership in a union.

The "proximity" of a group to the political process was also found to be a factor in members' voting behavior in 1956. The authors hypothesized that as the proximity between the group and the world of politics increases, the political distinctiveness of that group would increase; and, also, at the individual level, as perception

of proximity between the group and the world of politics becomes clearer, the susceptibility of the individual member to group influence in political affairs increases. As a general test of these propositions, they compared the 1956 voting behavior of members of unions formerly affiliated with the CIO with the voting of members of former AFL unions on the assumption that CIO unions had a greater proximity to the political process than did AFL unions. They found:

> If we make a simple division of our union members according to their one-time AFL or CIO affiliation, we find that our AFL respondents voted 51% Democratic, whereas 60% of the CIO members favored Stevenson. This is not a large difference, but differences of almost exactly the same magnitude have emerged in the voting patterns of the two groups in every presidential election covered by nationwide surveys since the time of the original schism in 1935. It has never been clear whether this difference stemmed from differences between the groups as agents of influence or from differences in the life situation of members. For example, the AFL is made up of craft unions with skilled workers who might be expected, on status grounds alone, to be less Democratic than the unskilled members of the CIO. But the difference between the two organizations in 1956 withstands all such tests. Furthermore, the distinctions in vote cannot be traced to variation in cohesiveness; AFL members are almost identical with CIO members in their aggregate strength of identification with the group. Finally, the necessary perceptual conditions are present. More CIO members saw their union leaders as intending to vote Democratic than was the case with AFL respondents. [11, p. 312]

To sum up, these voting studies are all based on the sample survey technique, and thus are subject to both the strengths and weaknesses of this type of research design. They seem to indicate that although the total "labor vote" may not be available for "delivery" by the union leadership, union political programs do seem to have some effect on their members voting behavior over and above other influences

to which the members are naturally subjected in the course of their daily existence. The real influence of these programs, however, seems to vary according to the degree of political activity undertaken by different unions, and it also seems to be strongest on that part of the membership which is active in the union or identifies with the union and approves of its political efforts. Like all organizations, the "active" group does not constitute a majority of the membership, however, and unions seem to be less cohesive than some racial or nationality groups in influencing their members voting behavior. Voting members of union families seem to follow the voting patterns of the breadwinner, but with some deviation in the non-union direction.

Although the American public is apparently not oversensitive to issues in election campaigns, the studies at the Survey Research Center also indicate that

> While union people did not differ from the rest of the population in the extent of their concern with parties or candidates, they were clearly more likely to be concerned with issues... Union people (who made up 27% of the total population [surveyed]) contributed 31% of the people who were in the strong issue-oriented category and only 17% of those weakest on issue orientation. [13, p. 154]

Given this finding, it is likely that as issues change from election to election, the number of union members who identify with the union position may change--particularly if union-centered or economic issues are concerned and considered more important than other issues affecting the members' status outside the union. This may therefore account for the heavy union vote for Truman in 1948, when the Taft-Hartley Act

was an issue, and the sharp dropoff in the number and percentage of union members voting for the Democratic candidate in 1952 and 1956, when there were no real "labor issues" at stake. The 1958 State and Congressional elections, when "right-to-work" laws were up for referendum in several industrial states, may also be a case in point. It is also likely that as issues closer to the union's own security or immediate interest arise in the political process, the leaders will make a greater effort to influence their members' political behavior.[1]

Over and against the influence a union can exert on the political behavior of its members, of course, must be considered the influence that these activities have on non-members in the electorate. This second consideration has not been studied to anywhere near the extent that the former has; but it seems likely that a union endorsement of a candidate may not only rally labor sympathizers to his cause, it may also arouse anti-labor elements to new heights of opposition. Indeed, in earlier times a CIO-PAC endorsement was sometimes referred to by the rather unflattering sobriquet "kiss of death".

In a study of the differential influence of various political groups in the state of Washington prior to the 1950 elections, Freeman and Showell found that business, political, and veterans'

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[1] A detailed account of organized labor's efforts in the 1958 "Right-to-Work" campaigns is contained in [2, pp. 193-200]. The AFL-CIO's continuing campaign against this type of legislation is also described in [3, pp. 176-80].

associations exerted the widest positive political influence, while labor and church organizations exerted the narrowest. Unions, like the Catholic Church, apparently achieved a high saturation of a small target, but this positive influence was confined to their own membership. In fact, labor's hypothetical endorsement had a negative effect on candidate preferences among non-union members surveyed, and this study indicated that perhaps the more political a union the more negative is its influence on non-members, since the CIO was ranked higher than the AFL in the amount of negative influence it generated among non-members. [23, p. 712]

To the extent that organized labor's political influence on non-union members is based on the community status of union leaders, Orme W. Phelps has systematically documented the gross underrepresentation of labor union officials among honorific biographical listings and appointments to public offices, boards of foundations, university boards, and service clubs. [49] William H. Form confirmed these findings in a case study of Lansing, Michigan, and concluded:

> An overall-appraisal of union power in various community segments from high to low would result in the following rank order: economic bargaining, welfare, education, political parties, elective municipal offices, city appointive boards, religion, and mass communication. In all these sectors labor is heavily outweighted in terms of representation and power by businessmen and professionals. [22, p. 539]

All things considered, then, the matter boils down to the crucial question: Do union endorsements, get-out-the-vote drives, and other forms of publicity (in addition to the direct campaign contributions discussed above) exert enough positive influence on union

members to overcome the possibilities of negative influence on some members and non-members and result in a net addition to the number of votes that the labor-supported candidate would normally receive? A related question, of course, concerns whether or not any extra votes thus obtained prove to be crucial in determining the result of any particular election--an extra 500 votes means little if the candidate wins by 100,000, or loses by a similar margin.

On the basis of this test, the ultimate payoff of union political efforts should show itself most in those closely contested election districts where union members are concentrated enough for the "positive" effect of union political efforts on "active" union members to offset the problems of overlapping group memberships for "non-active" members and to overcome the possibility of "negative" influence on non-members in such a way that the union supported candidate wins. The number of election districts which meet this test, however, is difficult to specify; and the number no doubt changes from year to year. Nevertheless, we will now turn to an analysis of the postwar election results in the states shown in Table 14, which are known to have a larger than average concentration of union members, as well as the 52 election districts identified above as "labor" districts, in addition to studying the fate of the candidates known to have personally received labor contributions in federal elections.

There is no doubt some overlapping in these categories, but we will begin by looking at the electoral success of the candidates receiving labor campaign contributions, and then look at the electoral

success of candidates running with labor endorsements in those districts believed to contain a large part of the "labor vote".

Campaign Activity: Results -- The first point that becomes apparent with respect to organized labor's reported campaign contributions is the fact that the overwhelming majority of these funds are known to go to Democratic candidates, but tracing the specific funds reported by the different labor groups to particular candidates is no easy task. As indicated in Appendix D, national political committees and individual candidates are required to file separate reports under the provisions of the Federal Corrupt Practices Act, but due to the provisions of the Act there is no reason why the total contributions reported by national political committees should equal the amount received by individual candidates. Indeed, different funds are usually involved. An example of this situation occurred in 1954 when Congressional Quarterly made a detailed investigation of the reported contributions of 11 labor committees to only six Senatorial candidates. This study revealed that the labor committees reported contributing $118,000 to these candidates, but these same six candidates reported total personal receipts of only $23,253 from all sources. The only possible (legal) explanation is that much of the labor money was contributed to committees working on the candidates' behalf rather than to the candidates themselves. As mentioned previously, if these candidate committees are not subsidiaries of national political committees, if they confine their operations to one state, and if they operate without the formal legal approval of the particular candidates, they do not have to report their receipts

or expenditures under federal law. This, for example, is what happened in the Ohio Senatorial elections in 1950, where it was widely known that organized labor was making an all-out effort to support Joseph Ferguson in opposition to Robert A. Taft. Ferguson's federal report of his personal receipts showed that none were received from labor unions. Figures filed with the Ohio Secretary of State, however, indicated that the Ferguson for Senator Committee, Farmers for Ferguson, Independent Citizens Committee, Church Civic League, and the Labor League, reported a combined total in labor receipts of $79,030 from CIO unions and $126,075 from other labor sources in 1950. [10, p. 19]

Given this situation it is not possible to examine the labor contributions reported by individual candidates and account for the total amount of organized labor's campaign spending reported in Tables 9-10. And, as a practical matter, it is not possible to trace all of the funds reported in these tables to individual candidates, either. In only one year--1958--did Congressional Quarterly attempt an exhaustive analysis of all of the 32 national labor committee reports filed in that year. They concluded that $702,456 (38%) of the total amount of $1,828,778 reported in that year went to 231 candidates or their committees, $630,650 went to "labor committees or others" in specific states, $130,893 went to Democratic committees in specific states, $35,055 went to Liberal Party committees in New York State, and the remaining $329,724 was either spent at the national level or in such a manner that its ultimate destination was not clear.

The 231 candidates reported as receiving labor contributions in 1958 were running in less than half of the some 470 House and Senate elections held in that year.

In 1954, Congressional Quarterly attempted a similar analysis of the reports of only 11 of the 41 labor groups reporting in that year. They found that $609,228 (30% of the total of $2,057,613) of reported labor expenditures in that year was listed as going to 226 different candidates. Thus, again, labor-supported candidates were reported in less than half of the congressional election races.

A detailed examination of these two reports was compared with the election results in 1958 and 1954 to compile Table 15, which shows how the candidates reported as benefiting from labor contributions fared in these two years. In 1954, 109 (48%) of the 226 candidates supported by organized labor won election. All five of the labor-supported Republicans won, compared to 104 of the 221 Democrats supported. Labor-supported candidates for the Senate also appear to have fared better than labor-supported House candidates during this year.

In 1958, organized labor's election batting average increased substantially when 152 of the 231 candidates supported were elected. Only five of the nine Republicans supported in this year won, however, compared to 147 of the 222 Democrats. Labor's batting average in supporting Senate candidates continued to exceed its performance in supporting House candidates.

TABLE 15 - Contributions to Individual Congressional Campaigns Reported by Labor Political Groups, 1958 and 1954*

	1958		1954		Totals	
No. of House Candidates	829		870		1,699	
No. and Amt. of Contributions Reported by Labor Groups	197	$339.7	198	$260.7	395	$ 600.4
Republican Winners	4	5.1	4	3.5	8	8.6
Republican Losers	2	.8	0	0	2	.8
Democratic Winners	124	213.7	88	133.2	212	346.9
Democratic Losers	65	119.7	105	123.9	170	243.6
"Other" Losers	2	.5	1	.1	3	.6
No. of Senate Candidates	75		93		168	
No. and Amt. of Contributions Reported by Labor Groups	34	$362.8	28	$348.5	62	$ 711.3
Republican Winners	1	7.0	1	3.0	2	10.0
Republican Losers	2	1.3	0	0	2	1.3
Democratic Winners	23	317.6	16	222.5	39	540.1
Democratic Losers	8	37.0	11	123.0	19	100.0
Total No. of Cong. Candidates	904		963		1,867	
Total No. of Contributions Reported by Labor Groups	231	$702.5	226	$609.2	457	$1,311.7
Republican Winners	5	12.1	5	6.5	10	18.6
Republican Losers	4	2.0	0	0	4	2.0
Democratic Winners	147	531.2	104	355.7	251	886.9
Democratic Losers	73	156.7	116	246.9	189	403.6
"Other" Losers	2	.5	1	.1	3	.6

* Reports of 32 groups examined in 1958, only 11 groups examined in 1954. All dollar figures are in thousands. Columns may not total due to rounding.

Source: Congressional Quarterly Almanac, 1959 and 1955.

On balance then, 261 (57%) of the 457 labor-supported candidates were elected, and $905,534 (69%) of the $1,311,684 in reported labor contributions went to winning candidates during the two elections covered in Table 15. These averages, however, are pulled up substantially by the results in 1958, which is widely regarded as labor's most successful election effort in the entire postwar period. Even in this year, however, the 128 successful House candidates filled considerably less than half of the seats in the 435-member House of Representatives and, of course, one-third of the Senate was up for election in this year, although labor-supported candidates did win 24 of the 34 available seats.

If we turn from a detailed examination of the labor committee reports to an examination of the reports filed by the individual candidates, data are available for a larger number of years, but even less of the total amount of campaign spending reported by labor committees can be accounted for, and some of these funds may be from labor sources not reporting as labor committees in the preceding tables. An exhaustive analysis of the individual candidate's receipts and expenditure reports published by the Congressional Quarterly for each election from 1948 through 1960 reveals that detailed breakdowns of these data can be tabulated for the years 1950, 1956, 1958, and 1960. The results of this analysis are shown in Table 16.

As can be seen, fully 85% of the amounts reported in Tables 9-10 above as campaign contributions by national labor committees during the years covered is not accounted for in the reports

TABLE 16 - Personal Receipts and Personal Labor Receipts Reported by Congressional Candidates 1960, 1958, 1956, and 1950.*

	1960		1958		1956		1950	
No. of House Candidates	891		829		828		808	
No. of House Candidates Reporting Personal Receipts, Amount Reporting	649	$3,183.7	580	$2,012.1	N.A.	$2,549.7	N.A.	$1,635.3
No. of House Candidates Reporting Personal Labor Receipts, Amt. Reporting	168	$ 336.6	135	$ 230.6	188	$ 294.0	126	$ 119.8
Republican Winners	1	1.5	4	5.3	6	4.1	4	5.3
Republican Losers	0	0	1	1.1	1	.5	0	0
Democrat Winners	80	140.1	75	125.6	77	145.4	49	44.1
Democrat Losers	86	192.8	54	98.1	104	144.0	72	70.2
Other Losers	1	2.3	1	.5	0	0	1	.3
No. of Senate Candidates	81		75		72		75	
No. of Senate Candidates Reporting Personal Receipts, Amount Reporting	56	$1,011.7	66	$ 662.0	N.A.	$3,221.3	N.A.	$ 881.8
No. of Senate Candidates Reporting Personal Labor Receipts, Amt. Reporting	8	$ 55.4	12	$ 74.3	13	$ 75.0	6	$ 21.2
Republican Winners	2	1.3	0	0	0	0	1	3.6
Republican Losers	0	0	1	.9	0	0	0	0
Democrat Winners	2	32.1	8	59.3	4	41.0	0	0
Democrat Losers	4	22.1	3	14.0	9	34.1	5	17.6

* All dollar figures are in thousands. Columns may not add due to rounding.

Source: Congressional Quarterly Almanac, 1961, 1959, 1957, 1951.

of the individual candidates in Table 16. Nevertheless, the candidates' reports do indicate that only 656 (18%) of the 3,659 candidates running for election in 1960, 1958, 1956, and 1950, reported receiving labor contributions. It is impossible to know how many other candidates may have received labor money through non-personal committee contributions during these years, but it is likely that most of the committee money would go to the same candidates receiving personal contributions. Assuming that all elections in which labor contributions were reported were contested elections and that labor never contributed to both sides in the same election, this would mean that personal labor contributions were received in only about 36% of the some 1,876 election races during these years.

Indeed, since many House districts are so-called "safe" districts, and since there are many one-party states influencing Senate elections, the apparent fact that organized labor makes no attempt to influence all Congressional elections is probably not too surprising--particularly since money spent in primary elections does not have to be reported. It would seem most probable that the largest amount of labor financial support would tend to flow to states with large numbers of union voters to encourage pro-labor candidates, or to close elections where the labor funds might be decisive in a narrow contest. In this connection, Alexander Heard has stated:

> "Labor money, like other political money, is more likely to follow than to create political opportunity. Maine is a state of modest labor membership that formerly attracted little labor money. The Democratic revolution led by Edmund S. Muskie has changed things. Of slightly over $96,000 reported spent on behalf of Democratic candidates

> in 1958, $35,000 came from labor groups, much of it from outside the state. Another $17,500 was transferred in from national-level Democratic committees." [26, p. 188]

With regard to the geographical distribution of the labor receipts reported in Tables 15 and 16, a list of the ten states in which the largest amount of labor receipts were reported was compiled for each of the five election years for which detailed data are available (1950, 1954, 1956, 1958, and 1960). Four states--Illinois, Ohio, Pennsylvania, and Michigan--were in the top ten states in each of the five years, and three other states--California, Missouri, and West Virginia--have ranked in the top ten states in four of the five election years covered. All seven of these consistently top "labor-receipt-reporting" states are among the 17 states having a union-membership which constitutes a larger percentage of the potential electorate than the national state average or a union membership of 17% of the state's voting age population. (See Table 14 above.)

With regard to the effectiveness of the labor money reported in Table 16, a total of 656 Congressional candidates reported receiving labor receipts during the four elections covered. Six-hundred and seventeen were candidates for the House and 39 were candidates for the Senate. Twenty-one were Republicans, 632 were Democrats, and three were third party candidates (Liberals in New York). Three-hundred and thirteen (47.7%) of these candidates won election, while 343 of the candidates reporting labor receipts were defeated. Of the total of $1,206,897 in reported labor receipts, $608,552 (50.4%) went to winning candidates, and $598,345 was reported

by losing candidates. Recalling our earlier conclusion that organized labor does not appear to make financial contributions in a majority of the Congressional races, these figures further indicate that organized labor has been successful only about half of the time in those races in which candidates have reported the receipt of labor contributions. (These total figures also seem to be pulled up by the one exceptionally good year for labor candidates in 1958--the only year in the table in which more labor-supported candidates won than lost.)

In addition to the differences in labor's overall success from one election year to the next, which shows in Table 16, the data also indicate variations in success between labor contributions to the different political parties and between the candidates for the House and the Senate.

Although the overwhelming amount of labor money reported in Table 16 went to Democratic candidates (about 98%), that which did go to Republican candidates was more successful in the sense that a greater percentage of labor-supported Republicans won than did labor-supported Democrats. Eighteen (86%) of the 21 Republican candidates reporting labor receipts in Table 16 won election, and these candidates reported $21,023 (89%) of the $23,498 total labor receipts reported by Republican candidates. Only 295 (47%) of the 632 Democratic candidates reporting labor receipts in Table 16 were elected, but these candidates received $587,529 (almost 50%) of the $1,180,349 total in labor receipts reported by Democratic candidates in 1960, 1958, 1956, and 1950. None of the handful of Liberal party candidates receiving labor support in Table 16 were elected.

Labor's relative success in backing House candidates as opposed to Senate candidates in Table 16 shows that 48% of the House

candidates reporting labor receipts were successful whereas about 44% of the labor-supported Senate candidates were successful.

This conclusion appears to be the exact opposite of the one shown in Table 15, which is based on a detailed examination of labor committee reports rather than on the reports of the individual candidates. In the two years shown in Table 15, 56% of the House candidates receiving labor contributions were elected compared to 66% of the labor-supported Senate candidates who were elected during these years.

For the sake of comparing the two different methods used in compiling Table 15 and Table 16, the one year of 1958 is covered in both tables. Using the candidates' reports of Table 16 in 1958, the best year for labor in the whole table, labor successfully supported 87 (59%) of 147 candidates, and $190,248 (62%) of the $304,817 in reported labor receipts went to winning candidates. The comparable figures from Table 15 for the same year show that 152 (66%) of the 231 labor-supported candidates won, and that $543,331 (77%) of the reported $702,456 in labor contributions went to winning candidates. The percentage differences between the two tables for the same categories in 1958, thus, are 7% higher for successful candidates supported and 15% higher for money contributed to winning candidates in Table 15, indicating that if labor reports rather than candidate reports were available on labor contributions for each year, labor success would probably be greater than indicated in Table 16. But a one-year sample doesn't offer a very firm basis for generalization, particularly if that year is an unusual as 1958

appears to have been.

This detailed analysis of the available data on organized labor's national political contributions, however, does appear to lead to two conclusions: First, it appears that in most election years organized labor does not make reported contributions in a majority of the Congressional races. Labor appears to be most likely to make financial contributions in states with a larger than average percentage of union members in the voting population; and, in those campaigns in which it does contribute, labor tends overwhelmingly to support Democratic candidates, although the few Republicans who do receive labor support usually win.

The second conclusion is that, overall, approximately half of the Congressional candidates receiving labor contributions win election in any given year with some year to year variation, but with no consistently clear difference between House candidates and Senate candidates.

Candidates do not live by bread (or money) alone, however, so before a final evaluation of organized labor's campaign influence can be made, we should also try to estimate the results of organized labor's other non-contributory campaign activities designed to influence the "labor vote".

If the effectiveness of union endorsements since the AFL-CIO merger (adequate records of endorsements prior to this date are not completely available) are considered irrespective of the districts in which the candidates reside, they show that: (1) In 1956, 282 House candidates were endorsed, and 151 (54%) were elected; 30 Senate

candidates were endorsed and 15 (50%) were elected [1, p. 111]; (2) In 1958, 294 House candidates were endorsed, and 182 (62%) were elected; 30 Senate candidates were endorsed and 23 (77%) were elected; 23 Gubernatorial candidates were endorsed and 17 (74%) were elected [2, p. 254]; (3) In 1960, 258 House candidates were endorsed, and 157 (61%) were elected; 19 Senate candidates were endorsed and 15 (79%) were elected. [3, p. 260] In this last year, however, the AFL-CIO report stated:

> Candidates endorsed by state and local COPE's for state or federal office fall into one of two categories: (1) those with a reasonable chance of winning who are given maximum assistance by their respective COPE organizations, and (2) candidates with almost no chance of success who are endorsed as a protest against their opponents. [3, p. 260]

Only the endorsements in the first category are reported in 1960, that is why the percentage figures for this year seem to be so successful compared to the 1958 results, which were widely hailed as the best in labor's history. All things considered, organized labor appears to have lost ground in the 1960 Congressional elections even though the Democratic candidate won the presidency with AFL-CIO support. Labor's 1960 performance, however, is even less impressive if the first efforts of the Teamsters' political organization, DRIVE, are considered. DRIVE did not support John F. Kennedy and with regard to the Teamsters' influence in the Congressional races, Congressional Quarterly noted:

> The plans of James R. Hoffa...to wield his union as a political power suffered a setback in the 1960 elections.
>
> Hoffa, in November 1959, announced that the Teamsters would work for the defeat of 56 Members of the House of Representatives. The 56 were singled out, Hoffa said,

> because they all had voted for the Landrum-Griffin bill and had been elected to the House in 1958 by margins of 5% or less of the vote in their districts. Of the 56, only 40 were actively opposed by the Teamsters in 1960 and 39 of these were reelected. Of the remaining 16, one was elected to the Senate, 5 retired and the other 10 were all reelected.
>
> Net result: one defeat of the 56 opposed by the Teamsters: Francis E. Dorm (R., New York).
>
> The Teamsters listed campaign contributions to 14 candidates for House seats. Of the 14, five were incumbents. The five incumbents...were reelected, but the nine non-incumbents supported by the Teamsters all were defeated. All ran against members of the '56 Club'. [16, p. 769]

A simple record of labor-endorsed candidates elected, however, doesn't show how decisive the "labor vote" was in securing their election, but some insight into this question may be gained by looking at the states and Congressional districts where the "labor vote" is believed to be concentrated.

Table 17 shows the postwar presidential election results in the 17 states identified in Table 14 as the ones in which union membership was concentrated in 1953. This table indicates that nearly 70% of the popular vote has been concentrated in these 17 states in the four postwar presidential elections. It also indicates that Truman carried 11 of these states in 1948, whereas Stevenson carried only one of these states in 1952 (West Virginia) and one in 1956 (Missouri). Kennedy then won nine of the 17 states in 1960. Only in 1960 did the Democratic percentage of the vote in these states exceed the national average for the candidate of that party. This indicates that even though the studies cited earlier indicated that union voters were "distinctively" more Democratic than the rest

of the electorate, the labor vote in these states where over three-fourths of America's union membership is concentrated was not influential enough to consistently overcome the votes of the other members of the electorate. Thus, even if the "labor vote" is "distinctive", it apparently is not always influential enough to consistently carry presidential elections, even in those states having a disproportionate share of union members.

TABLE 17 - Post-War Presidential Election Results in 17 States Where Union Membership was Concentrated in 1953

No. of States Won By:	1960		1956		1952		1948	
Dem.	9		1		1		11	
Rep.	8		16		16		6	
2 Party Vote For Pres.*	No.	%	No.	%	No.	%	No.	%
17 States								
Dem.	23,626.0	50.6	17,846.1	41.6	18,709.7	44.3	17,398.2	51.0
Rep.	23,111.2	49.4	25,052.1	58.4	23,527.5	55.7	16,614.8	49.0
Total	46,737.2	100.0	42,898.2	100.0	42,237.2	100.0	33,923.0	100.0
All States								
Dem.	34,221.3	50.1	26,029.8	42.2	27,315.0	44.6	24,105.8	52.3
Rep.	34,108.5	49.9	35,590.5	57.8	33,936.2	55.4	21,970.1	47.7
Total	68,329.9	100.0	61,620.2	100.0	61,251.2	100.0	46,075.9	100.0

* All Numbers in thousands. Columns may not total due to rounding.

Sources: Table 14 above, and Richard M. Scammon, America Votes (Pittsburgh: Government Affairs Institute) Various Years. Selected Pages.

Turning to the postwar Congressional races for the United States' Senate and the United States' House of Representatives in these same 17 states, a complete record of official union endorsements are not available, but an analysis by political party is probably a rough guide of the influence of trade unions' strong Democratic leanings. Table 18 shows that a total of 44 Democratic Senators have been elected from these states during the postwar period, compared to 45 Republican Senators, but the Democrats have won a majority of the Senate seats in these states in each election year since 1954. This more or less reflects national trends since the Democrats have had a majority in the United States' Senate since 1954. In terms of the United States' Representatives, the majority of these states have elected a predominantly Republican delegation in every postwar election except 1958, despite the fact that nationally the Democrats have had a majority in the House of Representatives every year except 1946 and 1952. The national Democratic majorities are somewhat illusory, however, since they include many Southern Democrats whose political behavior on labor issues is quite likely to be distinct from that of most of the Democrats who are elected from the states covered in Table 18.

The more detailed breakdown of the Congressional results shows that over 55% of the total House seats are located in these 17 states, but that over 76% of the total Republican House seats have usually been won in these states during the postwar period, compared to less than 45% of the total Democratic House seats usually won in these states. More information on particular congressional districts

TABLE 18 - Post-War Congressional Election Results in 17 States Where Union Membership was Concentrated in 1953

No. of States Won By U.S. Senate Candidates Who Were:	1960	1958	1956	1954	1952	1950	1948	1946
Democrats	6	13	6	6	5	3	4	1
Republicans	2	2	5	2	10	8	4	12
No. of States With U.S. House Delegations Having a Majority of								
Democrats	7	10	6	3	2	5	6	0
Republicans	8	6	10	12	14	11	10	16
Even Split	2	1	1	2	1	1	1	1
No. of House Candidates Elected From These States Who Were								
Democrats	125	133	107	107	88	109	125	62
Republicans	133	125	151	151	169	147	131	194
Other						1	1	1
Composition of Total U.S. House								
Democrats	262	283	234	232	213	234	263	188
Republicans	175	154	201	203	221	199	171	246
Other					1	2	1	1

Source: See Table 17.

in these states will be considered below, after next looking at the intra-state election results in these 17 states believed to have a concentration of union members.

Table 19 shows that in the gubernatorial elections, which are not held in the same year in all the states and vary from two year to four year terms, a majority of Democratic governors was elected in these states in four of the eight years shown. A total of 42 Democratic governors and 45 Republican governors have been elected in these states during the postwar period with the Democrats gaining ground during the more recent years.

The limited data available indicates that the Democrats have gained ascendency in most of the state legislatures after the 1958 elections, but that the struggle has been harder in the State Senates than in the State Houses of Representatives, where they seem to have fared better even during the pre-1958 period of Republican dominance.

While the figures in the last three tables might be further refined for other purposes, they certainly point to the overall conclusion that, whatever their political influence on members or non-members, the trade unions certainly have not dominated the politics of the states in which most of the union members in America are concentrated.

Going from the state level down to individual Congressional districts within the various states, it was noted previously that no accessable figures could be found on union membership classified in this manner. The Congressional Quarterly classifications of 52 "blue

TABLE 19 - Post-War State Election Results in 17 States
Where Union Membership Was Concentrated in 1953

	1960	1958	1956	1954	1952	1950	1948	1946
*No. of States Won By Gubernatorial Candidates Who Were:								
Democrats	6	9	5	6	4	3	8	1
Republicans	4	2	6	5	7	8	3	10
**No. of State Senates Having A Majority of:								
Democrats	8	8	4	2	3	NA	NA	NA
Republicans	7	8	10	13	13	NA	NA	NA
Even Split	1		2					
**No. of State Hos. of Rep. Having a Majority of:								
Democrats	9	14	7	7	2	NA	NA	NA
Republicans	7	1	9	8	14	NA	NA	NA
Even Split		1						

*Gubernatorial elections are not held in the same years in all states and the terms vary from 2 to 4 years. Therefore the totals will not reach 17 in any given year. New Jersey holds its state elections in odd numbered years 1959, 1957, 1955, etc. These have been included as 1960, 1958, 1956, etc.

**One state, Minnesota, elects its state legislature on a non partisan basis; and, again, New Jersey's odd year elections 1959, 1957, etc. are included as 1960, 1958, etc. except for the state legislature results in 1953 (1954) which are not available.

Source: See Table 17.

collar" districts, listed above may give some insight in this area, however, particularly if they are combined and considered in conjunction with the state figures on membership concentration used above.

Although the Congressional Quarterly classification "blue collar" district is simply based on a population of 60% or more employed in the occupations enumerated above (p. 257) these districts are also likely to contain a high percentage of union members. Table 20 shows the Party affiliation of the Presidential and Congressional winners in these districts for each election since 1952.

TABLE 20 - Party of U.S. House and Presidential Winners in 52 "Blue Collar" Districts by Percent Of Vote Received, 1952-1960

No. of Districts Carried by 55% or More and Won by:	Election Years							
	1960		1958	1956		1954	1952	
	Cong.	Pres.	Cong.	Cong.	Pres.	Cong.	Cong.	Pres.
Democrats	41	36	43	35	17	39	34	30
Republicans	6	5	6	8	21	4	8	7
No. of Districts Carried by Less than 55% and Won by:								
Democrats	3	5	1	7	7	4	8	7
Republicans	2	6	2	2	7	5	2	8
TOTAL	52	52	52	52	52	52	52	52

Source: Congressional Quarterly Almanac, selected years, various pages. Richard M. Scammon, America Votes, selected years, various pages.

(Due to the Congressional redistricting following the 1950 census many of these districts were not in their present form before 1952 and many will not continue as they are presently constituted in the 1962 election due to the present redistricting following the 1960 census.) Most of these districts are urban districts located in large cities. Table 20 is also designed to show in a rough way the margins by which the winning candidates were elected, so some idea can be gained as to how many of these districts are relatively closely contested (won by less than 55% of the votes cast) and how many are "safe" districts (won by 55% or over of the votes cast in each election).

The table shows most of these districts are not "fighting" districts as far as winning by less than 55% of the votes cast goes, but that more of them are closely contested for Presidential elections than for the races for the U.S. House of Representatives. The Democratic House candidates regularly won between 42 and 44 of these 52 districts from 1952 to 1960, but the Democratic Presidential nominee won only 37 in 1952, 24 in 1956, and 41 in 1960.

As was mentioned above, 42 of these 52 "blue collar" districts are located in one of the 17 states reporting a concentration of labor union membership. If we use these 42 districts to separate the "union vote" from the "worker vote", Table 21 indicates that even fewer of these districts are closely contested as far as Congressional races are concerned, but again slightly more of these districts are closely contested in presidential elections than in congressional elections.

TABLE 21 - Party of U.S. House and Presidential Winners in 42 "Blue Collar" Districts Located in One of the 17 States in Which Labor Union Membership Was Concentrated in 1953 by Percent of Vote Received, 1952-1960

No. of Districts Carried by 55% or More and Won by:	Election Years							
	1960		1958	1956		1954	1952	
	Cong.	Pres.	Cong.	Cong.	Pres.	Cong.	Cong.	Pres.
Democrats	34	32	35	30	15	33	30	26
Republicans	5	3	5	6	17	4	5	4
No. of Districts Carried by Less Than 55% and Won by:								
Democrats	2	4	0	4	6	3	5	6
Republicans	1	3	2	2	4	2	2	6
TOTAL	42	42	42	42	42	42	42	42

Source: See Table 20.

The Democrats consistently win between 34 and 36 of these 42 districts in Congress or about the same percentage of "blue collar and union" districts as of "blue collar" districts alone (about 83%). In presidential elections, however, the 3-year presidential average in "blue collar and union" districts ($\frac{89}{126} = 70.6\%$) is higher than the average in "blue collar" districts alone ($\frac{102}{156} = 65.4\%$).

Going beyond the number of districts to the popular vote in these districts, Table 22 indicates that the 42 blue collar districts in the 17 states having a disproportionate concentration of union

members vote slightly more Democratic in presidential elections than do the 52 blue collar districts in general, which, in turn, tend to vote considerably more Democratic than the nation as a whole. But, as was mentioned previously, the total vote in the 17 states where labor union membership is concentrated has been less Democratic than the nation as a whole in three of the last four presidential elections. This again may be due to the influence of the South in the national figures, or it may reflect a situation in which the non-working districts still register and vote a larger percentage of their potential voters than the "blue collar" areas.

TABLE 22 - Percentage Vote for President in 52 "Blue Collar" Districts, 42 "Blue Collar" Districts in "Union" States, and in the Nation As A Whole, 1952 - 1960

Party	1960			1956			1952		
	Union B. C.	Blue Collar	Nation	Union B. C.	Blue Collar	Nation	Union B.C.	Blue Collar	Nation
Dem.	61.5	60.2	50.1	50.6	49.0	42.2	56.7	55.0	44.6
Rep.	38.5	39.8	49.9	49.9	51.0	57.8	43.3	45.0	55.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: See Table 20.

The one conclusion which seems to stand out from this analysis of the results of organized labor's attempts to influence federal elections in a way that might tend to strengthen its lobbying

efforts and improve its legislative batting average is that they have been only moderately successful. One never knows what results might have been attained had labor not made the efforts it did; but the facts are that, despite direct campaign contributions averaging some 9.5% of the total contributions reported from all sources, and despite substantial efforts to influence the political behavior of its large membership, the labor endorsed candidate won only 2 of the last 4 presidential elections and organized labor has never had more than 128 members of the 435 member U.S. House of Representatives elected with reported labor contributions, and no more than 182 labor endorsed members have ever been elected to the House in any given year. Furthermore, both of these high water marks were achieved during the 1958 elections, and did not prevent Congress from passing the very restrictive Landrum-Griffin Act in 1959.

Indeed, the fact that a congressman is elected with labor support, even labor contributions, does not guarantee that he is "in the bag" on a crucial vote, as labor found out during the decisive showdown on the Landrum-Griffin Bill. Of the 128 elected Representatives officially recorded as receiving union campaign contributions in 1958, only 118 opposed substituting the Landrum-Griffin Bill for the original House Labor Committee Bill. Eight of these "friends" of labor voted to support Landrum-Griffin and the other two were among the four votes not recorded in the largest House vote in history. Later the Landrum-Griffin Bill passed the House by a vote of 303-125.

Of course, some aspects of labor's legislative program, or

at least several bills that labor supports, also pick up votes from Congressmen who do not receive official labor backing at election time.

Shortly before the 1960 elections COPE evaluated the voting records of the 86th Congress. In the House, COPE selected 10 key roll call votes taken during 1959 and 1960. In the Senate, it also selected 10 key roll calls of the 1959-60 session by which to judge the candidates.

According to these records, 216 House members had voted "right" at least half the time they answered roll calls on the 10 COPE-selected issues, whereas 215 House members had voted "wrong" at least half of the time. In the Senate, 51 members voted "right" on at least half of the selected votes, and 47 Senators voted "wrong" most of the time.[1] Naturally, the fact that several different bills were involved means that these figures did not maintain in every case. Indeed, as the earlier figures on the AFL-CIO's lobbying activities indicated, not half of labor's bills passed during these years, let alone by a one vote margin in the House and a five vote bulge in the Senate.

Thus, following Chapter III's description of organized labor's historical efforts in the political process, the largest part of this chapter has concentrated upon the postwar political activities

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[1] For a list of the votes selected on the COPE score card, see [16, p. 769].

of the American labor movement at the national level of government. We have seen that, despite relatively high reported lobbying expenditures, the official legislative programs of the national labor federations have enjoyed limited success compared with the records of some other national lobbying groups. The different nature of the legislative programs of the different groups, however, may blunt some of these comparisons. Nevertheless, the records show that organized labor's relative effectiveness has declined since the AFL-CIO merger. Much of this decline can no doubt be attributed to the adverse publicity surrounding the Senate investigations of a few corrupt unions which ultimately led to the Landrum-Griffin Bill in 1959, and to the fact that during much of this period the White House was occupied by an administration which was not overly sympathetic to labor's interests or its legislative program. The attempts of organized labor to improve its legislative performance by facilitating the election of candidates friendly to its program have been examined both in terms of labor's direct financial contributions to congressional and presidential campaigns and in terms of organized "educational" campaigns to encourage labor union members to vote for candidates receiving official union endorsement.

Although labor, at the national level at least, has gone through the motions of following its traditional non-partisan pronouncements in these programs, the public position of the national Democratic party on labor questions has certainly corresponded to the official views of organized labor to a much greater extent than

those of their Republican counterparts. This has left organized labor little choice in its search for a political ally. Max Kampelman has stated that the developing relationship between the labor movement and the Democratic party "is based on a marriage of convenience and compatibility of ideas. The extent to which the marriage if formalized, however, varies from state to state depending upon both the nature of the state party organization and the nature of the local trade union movement." [29, p. 173][1]

As with lobbying efforts, unions vary in the extent to which they pursue these campaign activities, and since not all union members or even officers are overwhelmingly enthusiastic about organized labor's political efforts, legislation has been enacted which prohibits the use of union dues money for direct political contributions or "expenditures" in federal elections. A series of court decisions and actual union practice has removed many union political "education" programs from these strictures, and only four states prohibit the use of dues money in state elections. All labor money contributed directly to a candidate for federal office however must be voluntarily solicited from union members by special political committees which have been established for this purpose. The use of

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[1] Fay Calkins [10] offers five different case studies showing how different relationships were worked out between the CIO-PAC and the Democratic party in various circumstances. These relationships varied from fighting the Democratic machine in Chicago, to balancing power between Democratic factions in Steubenville, Ohio, to supplementing a Democratic Senatorial campaign in Ohio, to actually entering the party apparatus at the county level in Rockford, Illinois and at the state level in Michigan. For another case study see [38].

union dues money to "educate" the membership on a political issue in a manner which is opposed by a union member recruited under a union security program raises questions of majority and minority rights in an organization primarily devoted to non-political activities but upon which certain political issues have a large impact. Such a case is now awaiting a lower court disposition following a Supreme Court decision that general funds cannot be used in this manner.

The records show that approximately one half of the Congressional candidates receiving voluntary labor contributions in any given election win office. The number of successful candidates receiving official labor endorsements or having favorable voting records on labor's legislative program is somewhat higher, but there appear to be definite limits upon both the amount of voluntary funds and the amount of membership voting support which labor can "deliver" to candidates favorable to their program.

The geography of union membership location and the geography of the division of the Democratic party also seem to place definite limits on the amount of consistent support labor can hope to command in Congress, and these limits fall short of a majority in most cases. This of course continues to be reflected in labor's rather modest legislative batting average, except in the sense that it is impossible to know who would have been elected or what legislation might have passed had these activities not been undertaken.

In light of these general findings, then, organized labor's

political power appears to be largely overrated by many people in their attempts to assess labor's political influence without taking a detailed look at the record. The reasons for this appear to be several: (1) it is extremely difficult to get objective and accurate information in this area; (2) the American labor movement is not the homogeneous, unified entity that one might assume simply by looking at the public activities of the national federation; and (3) it is all too easy to mistake noise and publicity for influence in the political process.

The implications of these conclusions in terms of some of the basic questions posed in Chapter I will be examined in the next chapter, which is the concluding chapter of Part I of this thesis. Before turning to these considerations, however, we will attempt a more detailed analysis of business attempts to improve its legislative "batting average" through campaign activity during the postwar period.

Business Groups

Turning to business attempts to improve their lobbying effectiveness through campaign activities, the preceding chapter on management's historical role in the political process indicated that after an early attempt by the NAM to take a direct and vigorous role in election campaigns, most business organizations gradually adopted less visible forms of participation such as individual campaign contributions and more or less indirect "communication" or "education" programs. Recent years, however, have seen an apparent attempt on the part of some spokesmen from the business community, and certain firms

in particular, to pay more attention to the election aspects of politics. We will now attempt to determine how effective these efforts might be in improving management's legislative "batting average", which the earlier part of this chapter indicated has already been improving in recent years.

In this effort, as with the earlier attempt to examine management's historical role in the political process, however, we are confronted with the fact that not nearly as much data are available on management's political activities as were available on the union activities examined in the previous section.

With regard to the legal aspects of corporate money in federal election campaigns, the Federal Corrupt Practices Act's prohibition on the direct expenditure of corporate funds has not been subjected to nearly as much litigation as the ban on general union funds discussed earlier. As mentioned in Chapter IV, only one firm has ever been convicted of violating the election contributions provisions of a federal statute, and that was under the provisions of the Public Utility Holding Company Act of 1936, not the Federal Corrupt Practices Act. Alexander Heard, however, has stated:

> There is a whole catalogue of instances of corporate checks illegally sent to campaign treasurers and of corporate contributions inadvertently reported in states where they are illegal. Usually the error is courteously called to the attention of the offenders with the suggestion that adjustments be made. [26, p. 108]

But he concludes:

> None of this means that limitations on corporate political gifts and expenditures have been without effect.

> The statutes have made corporate financial activity in politics considerably more awkward and inefficient than it would otherwise have been. The amount of corporate money that shows up in nomination and election campaigns is without doubt greatly reduced because of them. Respect for law is not enhanced by the evasions that occur, but, given the ambition of the effort, the results are probably no worse than could reasonably be expected. By the standards of other nations, an attempt to prevent corporate contributing is incredibly bold. [26, pp. 134-35]

Heard then goes on to discuss contemporary corporate practice in election campaigns given the ambiguities of the present regulatory statutes. The following is a condensation of this discussion taken directly from his book.

> The Practice -- Two broad types of corporate expenditures can be distinguished: money spent openly by corporations for purposes they usually claim are not or cannot constitutionally be prohibited by statute; and political costs borne indirectly by corporate funds, more likely to be thought contrary to the plain language of section 610...
>
> In the first category, institutional advertising looms large... Closely allied are the publication and dissemination of political views in corporate publications or by other means paid for by corporate funds. In the climate of uncertainty that has prevailed, expenditures for these purposes are also thought to possess good prospects for constitutional protection should they be challenged.
>
> In all campaigns, and between them, corporate personnel spend time during business hours on politics... Some corporate personnel devote full time to the nomination and election of candidates, and this aid can only be interpreted as direct financial participation in politics by their employers.
>
> ...The techniques of indirect corporate political participation here listed do not characterize all business enterprise in the United States but illustrate the kinds of activities that take place under present statutes.
>
> 1. Expense accounts permit reimbursement for outlays that individuals normally make from personal funds...for many miscellaneous costs connected with political action.
>
> 2. Contributions in kind are made. Bill boards, furniture, office equipment, mailing lists, stamps, company planes, permanent hotel suites, and other facilities can be lent for the period of a campaign...

3. Advertisement in political journals paid for from corporate funds constitute indirect contributing...

4. Payments to persons in public relations easily find their way into electoral channels...

5. Fees to lawyers and others whose services are retained by a corporation are said to be passed on as campaign contributions...

6. Salaries and bonuses to corporate personnel may carry the expectation that the recipients will do their political share...

7. Payments to other organizations, such as trade associations, may wind up in political channels.

8. Funds straight from the corporate treasury are spent under some circumstances, not always in small enough amounts to be called petty cash, but presumably with some means of cover up. [26, pp. 131-32]

While it is impossible to put a precise price tag on many of the activities outlined above, one of the most obvious links between modern corporate organizations and the election process is the contributions made to political campaigns by corporate officials. These gifts, of course, take the form of voluntarily personal contributions; but the Gore Committee in its previously mentioned detailed analysis of the 1952 and 1956 election campaigns found that certain groups in certain corporations had an unusually high level of financial participation in election campaigns. Despite some industry variations, the top executives of the nation's largest corporations were generally found to be the most active.

Table 23 shows that in 1952, 92 of the 100 largest corporations were found to have officers or directors who made a known political contribution of $500 or more to some nomination or election campaign somewhere in the country. Table 24 shows that in 1956, 199 of 225 of the nation's largest firms had officials whose names turned up in the files of large contributors in that year.

TABLE 23 - Known Gifts of $500 and Over by Officers and Directors of the 100 Largest U.S. Corporations in 1952 Federal Elections

Type of Corporation	No. of Firms	Number with Known Contributors*	Totals of Known Contributors*		
			Total	To Rep.	To Dem.
Manufacturing.....	27	26	$ 384,360	374,260	10,100
Commercial banks.....	28	24	298,948	253,948	45,000
Transportation.....	12	12	143,416	127,916	15,500
Life Insurance.....	16	15	86,065	85,065	1,000
Trade.....	1	1	22,500	13,000	9,500
Public utilities.....	7	7	20,100	20,100	0
Savings banks.....	3	1	4,020	4,020	0
Finance and investment	6	6	55,500	54,000	1,500
Totals	100	92	$1,014,909	932,309	82,600

Source: [26, p. 115].

TABLE 24 - Known Gifts of $500 and Over by Officers and Directors of the 225 Largest U.S. Corporations in 1956 Federal Elections

Type of Corporation	No. of Firms	No. with Known Contributors	Totals of Known Contributions			
			Total	To Rep.	To Dem.	To Other*
Manufacturing.....	100	96	$1,136,247	1,050,197	73,750	12,300
Commercial banks....	25	25	259,275	253,775	5,500	0
Transportation.....	25	24	321,375	315,900	5,475	0
Life insurance.....	25	20	107,625	102,125	4,000	1,500
Trade.....	25	17	86,525	69,300	14,500	2,725
Public utilities....	25	17	25,800	25,300	500	0
Totals	225	199	$1,936,847	1,816,597	103,725	16,525

* Miscellaneous political groups not affiliated with either major party.

Source: [26, p. 115] .

These tables indicate that the gifts made by the officials of the largest corporations go overwhelmingly to the Republican party or to Republican candidates, and Heard has stated: "Despite diversities of interests, officials of America's biggest businesses display remarkable homogeneity in their political giving." He also goes on to add, however, that:

> Democratic money must come from somewhere, and as the economy is constructed, most of it must originate with persons engaged in business. Democratic backing may be slight at the top of the nation's corporate structure, but lower down support for the parties divides more evenly. To make the kind of analysis of smaller enterprises that was made of the largest ones is, at least for those who have tried so far, impracticable. The names of officials are too difficult to identify and too numerous to check against known contributors. By examining contributors to particular political committees, however, indications are found. Persons engaged in manufacturing provide significant sums to the national committees of both parties. Among Republicans in 1952, 60% of money given by manufacturers came from persons associated with the nation's 400 largest industrial firms. The comparable Democratic percentage was 38. [26, pp. 120-21]

This latter 60 - 38 split tends to more nearly reflect the general pattern of Republican and Democratic national political expenditures, and serves to emphasize that the bulk of American campaign finance is undertaken by persons engaged in some form of business activity or other. "Business" in this generic sense is probably too inclusive a term to be of very sharp analytical significance when compared to the larger and more dominant corporations. With regard to the larger and presumably more influential firms, a 1955 study of the party allegiances of 1,000 of the chief executives of American corporations tends to reinforce the fact shown by the large individual campaign contributions, namely that the larger the company of which

a man was an officer, the greater likelihood that he was a Republican. The results of this study are shown in Table 25.

TABLE 25 - Relationship between Size of Firm and Political Party Allegiances of Corporation Executives-1955

Size of Firm	Republican	Democratic	Independent
More than 10,000 workers	84%	6%	10%
1,000-9,999	80	8	12
100-999	69	12	19

Source: Lipset [36, p. 287]

Despite the party affiliation and party contributions of most corporation executives, however, Chapter III's report of the 1959 Harvard Business Review survey indicated they have not themselves been overly active as direct participants in the political process. Barring any major increase in direct participation, how effective are large campaign contributions in exerting influence in political affairs? Other than noting that almost all of the executives' contributions went to Republican candidates, there are no data available to permit the tracing of these funds to particular candidates as was attempted with the union funds. In attempting to assess the influence of these contributions, however, we should recognize that individuals, perhaps more than groups, may give money to politicians for varied reasons. Whatever motivates the giving, however, access to key points of decision making in government can result. But as we

have seen with regard to some of labor's funds, "access" doesn't necessarily guarantee "results". The whole concept of "access" is thoroughly discussed in Truman's book. He states:

> Except where a donation is purely a matter of personal friendship, the central objective of contributions is access to the power of the elected official. Such access may mean merely the representation in legislative and executive circles, of a general point of view toward government policies, or it may mean an "inside track" on lucrative contracts or jobs. It may imply merely a chance to argue a particular point of view or it may signify effective leverage for or against administrative or legislative action respecting taxes, regulation, and the spending of public funds. It may indicate that the recipient is virtually the agent of the donor or merely that the latter has hopefully climbed aboard the band wagon of an obvious winner. [59, p. 309]

Financial contributions are obviously not the only means of access to governmental decision centers, and equally obviously they cannot be effective unless they are made to winning candidates or parties. Nevertheless, Heard has stated:

> Access is the concept most frequently used by practical politicians to describe the objectives of large contributors. Sometimes they call it entree, or the chance to get a hearing, or the right to get on the inside when necessary, or as one person not a politician put it, a "sense of camaraderie."... It does not equate to decisive influence, but it means the opportunity to make one's case at crucial times and places. [26, p. 88][1]

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[1] Heard later stated:
"Cash is far more significant in the nominating process than in determining the outcome of elections. Many factors unrelated to finance affect whether and how people vote. Few individuals can seriously seek a nomination, however, without assurance of the essential funds necessary to get a campaign under way. Those who can guarantee or withhold these assurances occupy an important strategic position in American politics." [26, p. 123]

Even given the rather ambiguous influence of large campaign contributions on successful candidates, the fact that most of the large contributions covered in Tables 23 and 24 went to Republican causes and the fact that aside from the widely based popularity of Dwight D. Eisenhower the Republicans have by no means had a controlling voice during most of the postwar period seems to rule out the possibility that this route provides the way to management dominance in the political aspects of labor-management relations. But the legislative batting averages cited earlier in this chapter do indicate that management has been more than holding its own during the postwar period. As a practical matter, it seems fairly clear that much of this record has been fashioned by Republican Congressmen in coalition with conservative Southern Democrats, who apparently receive campaign funds from neither organized labor nor executives of large corporations.

Turning from individual campaign contributions to more indirect means of political influence, Chapter IV emphasized the traditional reliance business groups have placed on indirect advertising and "education" campaigns to create an atmosphere more receptive to their programs in labor-management relations. In this area, however, the data for analysis are even more skimpy than that regarding direct campaign contributions. In addition to the figures cited in Chapter IV, W. H. Whyte, Jr.'s study of the NAM's vast "Free Enterprise" campaign during the early 1950's stated:

> "All in all, the Free Enterprise campaign is shaping up as one of the most intensive "sales" jobs in the history of industry--in fact, it is fast becoming very much of an industry in itself. At the current rate, it is accounting

> for at least $100,000,000 of industry's annual advertising, public relations and employee-relations expenditures. More to the point, it is absorbing more and more of the energies expended by the top men in U.S. management." [63, p. 7]

Even lacking more complete or comprehensive figures, one can recognize that, regardless of how much is spent on these efforts, all publicity campaigns are subject to the limitations mentioned in the preceding section with regard to the internal propaganda efforts of labor unions: the propagandist's message must be perceived; this perception must stimulate attitudes appropriate to the propagandist's aim; and these attitudes must result in the type of action the propagandist desires. When one carefully considers the difficulty entailed in these three stages it is clear that propaganda of any sort is not a device which can function independently of other political skills or the general status of the intended propagandist in society.

The previously cited voting study by Lazarsfeld, Berelson, and Gaudet, for example, pointed out that many people read, listen to and believe only what they want to read, listen to and believe. These authors stated: "Voters somehow contrive to select out of the passing stream of stimuli those by which they are more inclined to be persuaded. So it is that the more they read and listen, the more convinced they become of the rightness of their own position." [33, p. 82] The study by Kornhauser, Sheppard and Mayer also indicated that the autoworkers they interviewed discounted much of what they read in the newspapers as biased information, which no doubt

accounts for the fact that the NAM and other groups sometimes don't identify themselves as the source of their publications and publicity. Nevertheless, given the very nature of the management community, they are the one element in our political system most apt to make use of the devices of widespread public relations techniques in behalf of their economic and political programs. First, even if all of the top business executives in the country could ban themselves into a cohesive voting machine, their numerical size and geographical dispersion would make them an insignificant political force unless they could align other broad segments of the public with their program. Secondly, businessmen as a group enjoy a tremendous natural advantage in access to all the conventional media of mass communications since the owners of most of these media are businessmen themselves and since the technique of advertising and bulk mailings are part of the everyday operation of many businesses. Finally, the generally high prestige of successful executives in our society tends toward a more effective use of these techniques for business groups than for others which might try to use the same approach to the political process.[1]

For example, the Freeman and Showel study cited above found "Business, political and veterans associations appear to exert the widest positive political influence; labor and church organizations the narrowest positive influence." [23, p. 713] And in 1954, the

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[1] For a sophisticated discussion of variations in propaganda advantages see [59, pp. 260-65].

Opinion Research Corporation of Princeton, New Jersey, conducted a nationwide survey of 1206 members of the general public and 445 clergymen and social science teachers for the NAM. This survey followed a similar survey in 1949, and found that among the "informed public" (people who say they have heard of the NAM and can name one or more ways in which they have heard of it) 58% thought "favorably" of the Association in 1954 compared to 53% in 1959. Only 11% thought "unfavorably" of the NAM in 1954 compared to 19% in 1949. The other respondents gave qualified answers or had no opinion. Forty-eight percent of the teachers and clergymen responding to the survey in 1954 felt that business leaders did a better job of presenting their views to the American people compared to 29% who felt that union leaders did a better job. The others gave qualified answers or had no opinion and no comparisons with the 1949 survey were possible on this question. [42][2] As was mentioned previously, the generally high prestige of the business community in our society also facilitates alliances with other interest groups in both propaganda and more direct lobbying activities.

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2 This report did not say what proportion of the total respondents were in the "informed public" or how many of the 445 clergymen and teachers responded to the survey. Interestingly enough this survey found that the informed public had a much higher opinion of the NAM's influence on public opinion than the Association's own membership did. Yet these members continue to support expensive public relations programs. Perhaps this is because they want to overcome what they feel is a bad situation rather than to capitalize on what they feel is an advantage.

To the extent that the success of the national business groups in the political process is dependent upon the prestige of the business community, it must be recognized that this prestige is subject to variation as different elements in our not entirely consistent national ethos rise and fall with the tide of events.

While the business community seems to have identified itself with the institutions of private property, individualism, liberty, and freedom, which are a deeply ingrained part of our cultural fabric, they also seem to have been much less successful in associating themselves with other elements of this whole cloth such as sympathy for the underdog, humanitarianism, and equalitarianism.

In this respect, Frederick Rudolph, has stated that during the 1930's "Both the [Liberty] League and the New Deal were constructed of American materials, but those which went into the New Deal, given the facts with which they were intended to cope, built a more durable structure." [53, p. 32]

The "What Helps Business Helps You" campaigns of the 1930's by the Chamber of Commerce and other business groups were not conspicuous in their success.[1] And William H. Whyte's more recent writing on the "Great Free Enterprise Campaign" indicated that business efforts to merchandise ideas in the same manner that it

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[1] See [6] and [48].

sells products failed because they did not talk in human terms to human beings. [63][1] This sentiment is also reflected in Bernard D. Nossiter's analysis of "Management's Cracked Voice". [47]

Nevertheless, the lobbying figures cited above indicate that management seems to be doing better legislatively in recent years. But, aside from the Taft-Hartley Act and parts of the Landrum-Griffin Act, it was also mentioned that much of the business lobby's success in defeating labor-supported legislation on a year to year basis during this period may only have served to delay the eventual passage of some legislation such as minimum wage increases and depressed areas legislation. And some of industry's more stringent proposals for further regulating union activities still seem to lack widespread support.

Given these results, the question still remains, have the business lobbies been leading opinion or following opinion over all these years. Obviously the effect runs both ways, and in evaluating the overall political effectiveness of the national business groups

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[1] This article contains many comments critical of the NAM's Free Enterprise advertising by NAM people themselves and states:

> "Some of the most highly touted of the "education" projects have so provoked the unions into countermeasures that the net effect has often been to make Joe Doakes more suspicious than he may have been before. The "Freedom Forums" the Arkansas Crusader stages for corporations are a case in point. Almost joyously, one would suspect, union locals have seized on the programs ("Freedom Forum Fascist Front," "Operation Gas Chamber," etc.) as a peg for drumming up P.A.C. activity, while the national C.I.O., with exultant humor, has set up a "Captive Audience Department" to handle workers' complaints." [63, p. 8]

it is also probably necessary to make some allowance for what they want and what they realistically expect to get. For example, shortly after the ban on industry-wide bargaining and other "strong" provisions were being removed from the Hartley Bill in the joint House-Senate Conference leading to the final version of the Taft-Hartley Act, Congressman Hartley was quoted as saying:

> Confession being good for the soul, I can say now that we deliberately put everything we could into the House bill so we could have something to concede and still get an adequate bill in the end. [46]

Nevertheless, the long run big business record of defensive retreats in the face of the Norris-LaGuardia Act, the Social Security Act, the Fair Labor Standards Act, and their subsequent amendments indicates that business' economic and social influence can be transformed into political effectiveness only at a discount of varying size depending upon the surrounding circumstances. It also indicates that, since most of the sentiments voiced so fervently by the business community were formed and made sacrosanct in an earlier and simpler age, many of their positions have had to be adapted and modified at least tacitly to meet changing conditions in order to retain their political viability.

This, then, brings us to the upsurge of publicity surrounding the recent "business in politics movement" noted in Chapter IV. Just as our summary of labor's political efforts noted that it is often easy to mistake noise for influence or effectiveness, we should attempt to probe the depth of the actual activity underlying the outpouring of articles, books, pamphlets, and speeches in 1958-59 noted

in that chapter.

There is little doubt that a few major companies, such as General Electric, Gulf Oil, and Ford Motors, launched new and continuing political programs during this period. Beyond this, however, the evidence is less clear. The results of several published surveys seem to indicate that, to date, the corporation in politics movement continues to be concentrated in a relatively small number of large and very articulate firms. It is difficult to determine a trend in this type of activity following the sudden upsurge surrounding the 1958 elections, but the movement may be leveling off after the publicity of the early days.

The results of the Harvard Business Review survey in Table 1 indicated that as of mid 1959 most of the companies responding to their questionnaire were still not doing much outside of belonging to associated organizations except urging employees to register and vote. Furthermore, while a vast majority of the respondents felt that business should be more active in politics, most of them did not see a pressing need in the sense that they did not feel that business in general or their company in particular had been losing political influence. This survey did find, however, that those respondents who were the most concerned were also the most active.

In another survey published later in the same year, the National Industrial Conference Board reported that among the 198 manufacturing firms participating in their monthly survey of business practices "while the majority of the companies surveyed are in agreement on the principle of company participation in the political

process, there is a substantial disagreement as to the extent and nature of company participation, and the means to be employed." [39, p.424][1] The reasons given by the respondents for political participation were: 1. "responsibility of citizenship", 2. "the welfare of most companies is dependent to a considerable extent on the actions of federal, state, and local governments", 3. "industry, unless it becomes active, will be at the mercy of legislative bodies controlled by aggressive minorities which lack sympathy or concern for the problems of industry", 4. "industry has a right to see that its tax payments are used wisely". Those respondents who argued against participation made the following points: 1. "strictly speaking, a corporation, as such, does not really represent anything or anyone", 2. "any position taken by the company would probably be in conflict with that favored by some of our owners (stockholders)", 3. "If business takes one position and labor another, we will eventually give the rest of the population a choice between a labor party and a business party... However, I do not believe that either is in a position to deliver, for most of their activities are self-centered, and more often than not do not cover the complete scope of the political field", 4. "such efforts would be ineffective", 5. "fear they

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[1] Unfortunately this survey reports none of its findings in tabular form and uses words like "a majority", "most", "several", without giving any clearer indication of the exact number of firms or percentages involved.

might appear to be coercing their employees". [39, pp. 425-31]

These responses from businessmen themselves more or less cover the main points of the debate surrounding the announcements of the new political programs mentioned above.[1] Turning from the arguments for or against corporate political participation, the NICB survey found:

> Many of the companies participating in this month's survey state that, until recently, their policy has been "to stay out of politics," but that "it is going to be necessary for companies to take a more active part in the political and governmental process." [39, p. 431]

Whether the increased participation anticipated in this last paragraph has in fact taken place on a broad scale, is difficult to ascertain from a more recent and briefer survey reported in the February 1962 Management Record. Whereas the 1959 survey quoted above found "A number of programs to encourage employee political participation are described by survey participants", the 1962 survey, which reported the responses of 204 manufacturing companies found "Slightly more than half of the participating companies attempt to educate employees in the mechanics of political action. Many of these firms make their programs in practical politics available only to management and supervisory personnel, often because of the cost involved. [25, p. 26]

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[1] For a more detailed treatment of some of the main arguments in this debate see Taft [56], Reagan [50], and Levitt [35] for examples of some of the main objections raised concerning the "business in politics" movement. The single article which attempts to answer all of the critics at one sitting was written by Willard Merrihue [41].

While not particularly comprehensive, another survey for the Yale Law Journal indicated that by 1961 some firms at least had firmed up their policies with respect to management participation in party and political affairs. One hundred and fifty corporations were solicited in this survey but only thirty-two replied. Of the thirty-two firms responding, ten did not fill out the questionnaire offered but did supply some information. Supplementing the responses to this questionnaire with knowledge from other sources the writer of this comment stated:

> Corporate political affairs programs take three forms: (1) attempts to create public support for selected legislative goals, specific legislation, or particular candidates, (2) maintenance of training programs designed to develop the political skills and interests of employees; and (3) provisions for employee participation in political activity during business hours...
>
> Of the companies which responded to the Questionnaire, slightly more than half permit employees on all levels to participate; the others at present restrict enrollment to salaried and supervisory personnel...
>
> To permit employees actively to participate in political campaigns, a few companies have adopted an express policy permitting absences during regular business hours. Responses to the questionnaire showed that six of the nine companies which permit such absences compensate the employee for the time spent in political activity. Only one company extended the 'released time' privilege to production line employees, the rest granting absence only to supervisory and salaried personnel. Several companies encourage their employees to seek political office. Staff and management employees are granted leaves of absence with or without pay (depending upon the term of the office) and, where applicable law permits, without loss of vacation privileges, service awards, insurance, and other 'fringe benefits'. (Statements of policy supplied by respondents to Questionnaire. These statements indicate an awareness of the problems posed by Corrupt Practices Acts and Conflict of Interest statutes.) [20, p. 822-28]

For reasons to be discussed in more detail later, the volume of articles and speeches about business and politics seems to have

dropped off substantially since the preceding article was published in 1961. As the novelty and publicity surrounding these efforts wears off, it is difficult to say how these programs will fare over the long pull. In addition to the brief quote from the NICB report above, the only other published article which permits a comparison over time is a brief article in the November, 1961 Nation's Business, which reports on some of the companies that have made use of the U.S. Chamber of Commerce's "Action Course in Practice Politics." Table 26 is derived from this article. This table shows that those employees who participated in the Chamber's course under company auspices became more active in politics immediately after completion of the course. One company, Monsanto Chemical, also interviewed nontakers and found that their interest and participation in politics had also increased even though it was generally lower than that of the participants to start with. The article did not say how many employees were in the different programs shown in Table 26, and the types of employees (hourly, salary, management, etc.) was not indicated. Neither was there any indication of which party the graduates were becoming active in, or whether this activity was supporting the company's point of view on particular issues.

Lacking this kind of information, it is extremely difficult to evaluate either the scope or the effectiveness of the new business in politics movement. It is not likely, however, that the kind of detailed information needed for a systematic evaluation will become available under the present conditions.

TABLE 26 - Changes in Political Participation of Employees of Selected Companies Using the U.S. Chamber of Commerce's "Action Course in Practical Politics"

Company Offering Course and Type of Activity if Specified	Percent of Employees Graduating from Course "Actively Participating in Politics"*	
	Before Course	After Course
Armstrong Cork Co.	20%	65%
Caterpillar Tractor Co.	26%	67%
American Can Co.		+18% increase after course (actual before and after % not given)
Ford Motor Co.		
Working for Party Organization	16%	30%
Contributing Money to Pol. Party	38%	59%
Having Party Membership	65%	85%
Monsanto Chemical Co.**		
Contributing Money to Pol. Party	13% (6%)	39% (11%)
Membership in Political Clubs	7% (4%)	26% (6%)
Attendance at Pol. Meetings and campaign events	30% (26%)	50% (30%)
Did 1960 Election-Day Chores		36% (18%)

* Not otherwise defined unless specified in the table.

** Activity percentage of employees who did not take the course are given in parentheses.

Source: "Political Action: Training Pay Off," Nation's Business, November, 1961, Vol. 49, pp. 62-63.

As we have seen, the present Federal Corrupt Practices Act provides even less information on corporate political activities than it does on labor activities, but in both cases substantial programs now operate outside the present scope of the Act. Whether the present Act could be tightened without violating the free speech provisions of

the Constitution remains to be tested, but there do not appear to be any serious moves in this direction.

Beyond the Corrupt Practices Act, an attempt by a General Electric shareholder to get that company to reveal the nature and cost of all of its political activities as part of its proxy mailings on shareholders proposals, was held by the Securities and Exchange Commission not to be a "proper subject" under rule 14a-8(a) of the SEC 1954 proxy rules. [20, p. 843][1] Therefore, shareholders proposals don't seem to be a source of additional information at this time either.

This lack of information has prompted some persons to press for ways of obtaining more data in a way that may prove objectionable to the businesses engaged in this activity. One writer, for example, has argued:

> "The novelty of corporate political affairs programs argues against the application of more stringent legal controls before there is an opportunity to examine their effect upon shareholders, managerial personnel, hourly rated employees, and the public... But as long as corporate managements do not account separately for the cost of their political activities and do not disclose their efforts in detail, neither legislatures, courts, nor shareholders can be expected to act realistically to occasional revelations of political activity or to determine what, if any, additional legal controls are needed to supplement the present means of supervising corporate political activities.

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[1] This rule holds that management is required to include in its proxy solicitation materials all shareholder proposals it knows will be presented at the annual meeting unless the proposal is to promote "general economic, political, racial, religious, social or similar causes" or if the proposal recommends management action concerning the "ordinary business operations of the company".

> Disclosure might be compelled by the Securities and Exchange Commission under [Section] 13(a) of the Securities and Exchange Act of 1934 which requires every issuer of a security registered on a national securities exchange and every receiver required to file a registration statement to file such reports as the Commission may prescribe as necessary or appropriate for the protection of investors. The commission might require annual reports filed in compliance with regulations now in effect, to include a statement of the cost of political training programs, the amounts paid to employees under released time programs, and the amounts spent directly or indirectly (through contributions to business leagues, trade associations, and "educational" organizations) to influence the political views of shareholders, customers, employees, and the public." [20, p. 860-61]

The fact that the publication of this proposal for more detailed corporate reports on their political activities was followed by an almost complete hiatus in the barrage of discussion on corporate political activities may or may not be significant. Beyond this, this chapter's analysis of trade union political influence indicates that to whatever extent the motivation behind the business in politics movement was instigated by fear of labor dominance in politics, this fear does not appear to have been well founded. Management's realiziation of this fact following the 1958 elections and the passage of the Landrum-Griffin Act in 1959 may account for some of the cessation of discussion if not actual activity after 1960. The two relatively close recessions of 1958 and 1961 may also have caused some firms to cut back on some of its publicity and political activity, and the revelations of "the great electrical conspiracy" involving blatant price fixing by the General Electric Company and other electrical manufacturers may have put a crimp in some plans to publicly defend the basic free enterprise system from the evils of political encroachment.

Considering each of these points in turn, the 1958 elections, particularly the right to work referenda, indicated that even if management fears of organized labor's political power had been well founded, vigorous corporate attacks on union security clauses in industrial states did not seem to be the best way to combat it. Our survey of the unions' political efforts indicates that organized activity on the part of labor leaders and political cohesion on the part of union members tends to be strongest when the unions are clearly on the defensive. The fact that 1958 was a recession year with abnormally high unemployment may also have helped to accentuate workers' economic interests as opposed to their other interests and make the labor vote somewhat more cohesive than usual.

Despite the 1958 elections, however, 1959 did see a very restrictive labor law enacted over vociferous union opposition. This fact in itself may have cooled some companies concern for the need for more militant political action. Writing at the height of the business in politics movement in 1959, for example, Horace Sheldon cited the lack of a comprehensive labor reform bill in 1958 at the conclusion of the McClellan Committee hearings as one of the main reasons why business should get into politics. The fact that 1959 saw the enactment of a measure far more comprehensive than any bill seriously considered in 1958 may have blunted this appear.

Another factor which may account for the apparent drop off in publicly enunciated enthusiasm for corporate political affairs programs is the fact that the relatively severe 1958 recession was followed by another downturn in business activity in 1961. Political

affairs are definitely a staff or non-operating activity in the organization of most companies. Given two severe jolts within three years and a continuing concern over a "profit squeeze", many companies may have felt the need to cut costs. It is traditional that most cost cutting programs quickly focus on staff or non-operating areas--if not in actual reductions at least in the prevention or postponement of expansions. Also, it may be difficult to run company sponsored political action programs while you are laying off workers because of a decline in business.

Finally, the revelations surrounding the conviction of several prominent executives in the electrical conspiracy cases, may have discouraged some management publicity programs during the early 1960's. How important each or all of these factors are in explaining the post 1960 cessation of the publicity given to corporate political affairs programs is difficult to say. But one thing which does seem clear is that the sharp increase in the attention shown to these programs from 1958 through 1960 hasn't yet changed the basic framework of the political dimension of labor-management relations, and the efforts of the national organizations such as the NAM and the Chamber of Commerce of the United States continue to function in the more or less normal manner.

The next chapter will attempt to analyze and interpret all of this experience in more detail and offer some tentative answers to the questions raised in the first chapter of this thesis.

Summary

This chapter has attempted a detailed analysis of the political activities of both labor and management groups. This analysis has been based on the reported lobby spending and campaign activities and the results achieved by these groups during the post World War II period.

Due to the nature of the reporting requirements of the Federal Regulation of Lobbying Act and the Federal Corrupt Practices Act, it is difficult to get reliable figures on political spending in the United States. The figures which are available on reported lobby expenditures, however, seem to indicate that the national labor federations have consistently ranked high among the groups reporting the largest amounts of lobby spending. The amounts reported by the AFL-CIO national headquarters, however, have actually declined every year since the merger, but the number of labor groups reporting lobbying expenditures has increased relative to the total number of reporting groups, and the amount of lobbying expenditures reported by all labor groups has also increased as a percentage of the total amount reported by all lobby groups during the post-World War II period.

Although more groups consistently report as "business" lobbies than any other classification, and although these lobbies consistently account for a larger percentage of the total reported lobby spending than any other classification, they usually represent many diverse interests and most of the "business" lobbies are not primarily concerned with labor matters. Indeed, the two lobbies most concerned with labor matters before Congress have taken advantage of

the litigation surrounding the Federal Regulation of Lobbying Act to report a minimum of spending in the case of the Chamber of Commerce of the United States and no spending at all in the case of the National Association of Manufacturers, although both of these groups are known to be two of the most active organizations in the nation's capital.

Turning from reported lobby spending to actual legislative results, an examination of the final disposition of some 90 pieces of major legislation before Congress between 1947 and 1961 indicates that the two major business lobbies did considerably better than the labor lobbies, both with respect to having favored bills enacted and with respect to having opposed legislation defeated during this period. There has been a particularly sharp drop in organized labor's "batting average" since the AFL-CIO merger late in 1955, which may be related to a change in the overall legislative environment. Most of organized labor's post-merger activities have had to content with the adverse publicity of the McClellan hearings and the fact of a Republican Administration in the White House. There also appears to have been an increased "polarization" on the major legislative issues since 1956 with organized labor and management groups lining up diametrically opposed on more major legislative issues during this period than was the case from 1947 through 1955.

Although this "major issues" approach may overlook some of the lobbies' most favored proposals which do not become key bills before Congress, and although it may not clearly reflect the degree

of compromise inherent in the legislative process, it does seem to indicate a trend in favor of business and against labor in recent years. Whether this trend will be reversed now that the Democrats again have control of the White House remains to be seen, but there appears to be little evidence for the proposition that organized labor's political influence has dominated, or even increased in, the U.S. Congress in the postwar period.

Of course, it is impossible to say what legislation might have passed had organized labor not been as influential as it has been, but the record does seem to indicate increased management influence at the national level. Again, however, there is no guarantee that this increase in management's "batting average" is as great as the business community might have hoped for or expected. Compared to the 1930's, the improvement in management's postwar "batting average" is impressive, but is still far short of the legislative record of American business before the Great Depression.

Despite the relative adversity that has befallen organized labor's legislative program in recent years, however, there does not appear to be any marked increase in AFL-CIO efforts to step up their election campaign activities to bolster their lobbying efforts as was the case with the formation of the AFL Non-Partisan Political Campaign Committee following the disregard shown "Labor's Bill of Grievances" in 1906 or the formation of the CIO-PAC following the Smith-Conally Act's prohibition of the use of union funds in federal elections, and the extension of this prohibition through section 304 of the Taft-Hartley Act. This extension amended Section 313 of the

Federal Corrupt Practices Act to prohibit national banks, corporations, or any labor organization from making a "contribution or expenditure" in connection with any convention, primary, or general election selecting candidates for a federal office. It has been generally understood that this prohibition does not apply to "individual" political contributions or expenditures by corporate officials or to the contribution or expenditure of "voluntary" funds solicited from union members by labor committees specifically established for soliciting such funds. It is also clear that corporate funds and union dues money cannot be contributed directly to candidates for federal office.

Beyond this, efforts to clarify the ban on the use of general corporate and union funds for political expenditures and to test its constitutionality, have not been successful in obtaining a decisive decision from the U.S. Supreme Court. In the case of U.S. v CIO the Court ruled that the ban did not apply to endorsements of political candidates in regular trade union or corporate publications, but in the case of U.S. v UAW the Court held that it did apply to the use of "corporate or union dues to influence the public at large to vote for a particular candidate or a particular party." The constitutionality of whether or not these interpretations violate the first amendment's guarantee of free speech has not been tested by the Supreme Court, and there have been some lower court decisions modifying these interpretations of what is now permissible in special situations.

Following a landmark decision in the case of Machinists v Street in 1961, however, the Supreme Court did make clear that in

cases where union shop provisions are involved, no individual member's dues money can be used in any way to support political activities to which he is personally opposed. In turning this case back to the Georgia Courts for an appropriate remedy, Justice Brannan suggested that one of several possible remedies might be the refunding of a certain percentage of the member's dues in proportion to the percentage of total union funds spent on political activities. While the practical implementation of this decision remains to be worked out, it calls attention to two points:

First, the best estimates available indicate that in the most politically active of all unions, the UAW, any dissenting member would receive a maximum refund of $2.50 a year. In most unions, the refund would be a small fraction of this amount. How many union members would make an issue for this kind of money is still unknown.

Second, if members don't file for a refund, does this mean they are "voluntarily" contributing a portion of their dues money for political purposes? If this question is ever answered, and if the answer is "yes", it would be ironic indeed, for then a decision which seems to have tightened the ban on a union's use of dues money in politics might, in fact, loosen it.

Finally, the whole question of whether or not corporation and unions, as organizations, have rights of free speech just as individuals have these rights is not clear. But, if they do, all restriction on expression of the "organization's" point of view may be unconstitutional.

At present, there is no way of knowing if some of these legalities surrounding the use of labor money in politics will ever be resolved, but it does seem clear that there are rather definite limits to the amount of "voluntary" funds that unions can raise for political purposes.

As with the lobby spending figures discussed above, it is generally recognized that the campaign spending figures reported under the Federal Corrupt Practices Act leave much to be desired. Nevertheless, an examination of these reports indicates that all organized labor groups have reported spending an average of $1,874,733 during each of the seven federal election campaigns from 1948 through 1960. This represents about 9.5% of the total federal election spending reported during these years. During the presidential election years, the average labor expenditure of $1,904,530 has represented only about 7.5% of the total spending reported, while during the off-year congressional elections the average labor expenditure of $1,376,254 represents slightly over 15% of the total spending reported.

Within the labor groups reporting campaign spending, a "hard core" of only 10 groups, in addition to the national labor federations, have accounted for almost 89% of the campaign spending since 1948, but there has been some tendency for their percentage of the total spending reported by all labor groups to decline since 1954. Despite the general increase in the number of labor groups reporting, however, there is no clear trend in the amount of campaign spending

reported by all labor groups. During presidential years, there has been an increase from 1948 to 1952, a drop between 1952 and 1956, and then an increase from 1956 to 1960. In off-year Congressional elections, there was an increase in the total amount of campaign spending reported by national labor committees between 1950 and 1954, but a drop for 1954 to 1958.

While it is extremely difficult to trace the exact allocation of all of the funds reported as labor contributions, Congressional Quarterly data indicate that, if we use the labor committee reports themselves, organized labor makes financial contributions to candidates in slightly less than half of the House and Senate races in any given year. Further, only about half of these labor-supported candidates win. Thus, a detailed examination of labor committee reports in 1954 and 1958 indicated that labor financed candidates won 230, or about 26%, of the 870 House seats up for election in these years. In the Senate, labor-financed candidates won 41, or almost 59%, of the 70 seats contested in these years. These figures are believed to be higher than the average for the entire postwar period due to the unusual success of labor financed candidates in 1958.

If we turn to the personal campaign receipts reported by individual Congressional candidates (the only data available for most postwar election years) the amount of labor contributions accounted for and the number of candidates reporting labor contributions drops sharply. In 1958, for example, only 147 candidates reported personal

labor receipts while the labor committees mentioned above reported contributions to 231 candidates or committees working in their behalf. The figures for this one year in which a comparison from both types of reports is available indicates that 87 or 59% of the candidates reporting personal receipts were elected, whereas 152 or 71% of the candidates covered by the labor committee reports were elected. Whether this same tendency for individual reports to indicate less success would persist if both types of data were available for all of the postwar elections is not known, but an examination of the individual candidate's reports for the years 1950, 1956, 1958, and 1960 indicates that personal receipts were reported by candidates in less than 40% of the election races during these years, and that only a bout 48% (313 of 656) of these candidates were elected. Further, 1958 was the only year in which more candidates reporting personal labor receipts were elected than defeated.

Labor appears to be most likely to make campaign contributions in the states with a larger than average concentration of union members. Some 98% of the reported labor contributions went to Democratic candidates during the postwar period, but the few Republicans who did receive labor support won more often ($\frac{18}{21}$ = 86%) than did their more numerous Democratic counterparts ($\frac{295}{635}$ = 46%).

In addition to the voluntary funds contributed directly to candidates in federal elections, there is also the whole range of union activities designed to register, inform, and influence the votes of union members. While the total financial cost of these

programs is relatively small compared to the costs incurred by other groups in the political process, the influence of these programs probably extends beyond the sheer dollar and cents involved yet it does not appear to be overpowering, even in those states where over three-fourths of American trade union members are located.

There is some evidence that union registration and get-out-the-vote campaigns bring more union members to the polls than non-union workers of the same occupations. Since most other occupational groups register and vote in greater proportions than workers to start with, however, only the most active unions, such as the UAW, have been able to get their members registered and voted in approximately the same proportions as the public at large. This still leaves about one-third of the membership in the non-voting category; and, of course, few unions are as active in the political sphere as the UAW. Indeed, in 1957, the AFL-CIO reported that only 61 of its 144 affiliated unions had formal registration programs.

On the question of "informing" or "educating" the "union vote," the degree of activity apparently varies widely from union to union. Yet a study of 43 major trade union periodicals during the first eight months of 1960 found an overall average of only 6.6% of total column inches available devoted to the forthcoming presidential election. Only 1.9% of the available space was devoted to the election of legislators, and most of this political information did not receive a very prominent place in the papers. This study also found a wide variation among individual union journals in the amount of

emphasis given to political matters. While the AFL-CIO publications were found to be highly-oriented toward politics, the papers circulated among industrial union members had a significantly higher amount of political news than those of craft unions, and the industrial union journals tended to emphasize the election of the President or Congress, whereas many craft unions simply urged their members to register and vote.

Aside from their content, the average trade union member in the United States is exposed to a trade union journal only about once every two weeks, but these journals are usually supplemented by special publications and other appeals as election day approaches.

How much of this material is actually read by union members and used by them to act in a way different than they would have acted otherwise is difficult to say. A study of Detroit autoworkers during the 1952 Presidential election campaign found that only 7% of the union members said that they had read the union publications during the campaign, and only a similar minority spontaneously mentioned the union as the source of most of their information about the candidates.

Going beyond the mere perception of the union's propaganda, there is also some evidence that not all members react favorably to this type of activity. Several different attitude surveys have indicated that only a small minority (approximately 20%) actually dislike their union's endorsement of candidates, but that a large number of generally apathetic members (approximately 30 to 40%) separate them from the other large group of union members who might

be expected to react favorably to union political blandishments.

Whether they actually do react favorably, of course, is another question; and one also has to consider the counter effect that union endorsements might have on the minority of members who oppose this activity and on non-union members who resent these activities on the part of the labor movement. There have been no systematic studies on this latter point, but one attitude survey in the state of Washington did indicate that labor endorsements had a negative effect on candidate preferences among non-union members surveyed.

Studies of actual voting behavior in presidential elections, which have tried to isolate the influence of union appeals from the other appeals normally influencing a union member in his customary life situation, have had to contend with the fact that most workers, union members or not, tend to vote more Democratic than the rest of the population. Nevertheless, several studies at the Survey Research Center of the University of Michigan and elsewhere have indicated that union members do tend to vote more Democratic than non-members with other selected life situations held constant. In 1956, for example, it was found that union members, with other things constant, had a pro-Democratic "distinctiveness rating" of +20.4 and members of households headed by union members had a pro-Democratic "distinctiveness rating" of +17.1% more Democratic than the two-party vote of the residual non-member part of the sample. These studies also found that, holding other things constant, union members tended to be slightly more

issue-oriented than non-members, that "active" union members tended to vote more Democratic than "inactive" members, and that members of former CIO unions were more Democratic than members of former AFL unions.

Given this evidence that there may indeed be a pro-Democratic "union vote", the crucial questions are: Does it change in size as issues and candidates change? Is it big enough to overcome the "anti-union" vote? Is it geographically situated in such a way that it might be decisive in the political process? Unfortunately, one does not have all of the data one might like to answer these questions, but there are some indications that the union vote tends to be most cohesive when economic issues loom large in electoral contests or when it appears that the unions' customary way of doing things are being attacked as with the 1948 elections following the enactment of the Taft-Hartley Act or the 1958 elections when "right-to-work" referenda were on the ballots in several industrial states.

An examination of the election results in the 17 states in which over three-fourths of the trade union members in America are concentrated, however, indicates that in only one of the postwar Presidential elections (1960) did the Democratic vote in these states, which have an average of about 70% of the total popular vote in the country, exceed the average Democratic vote in the nation as a whole. Thus it would appear that the Democratic "distinctiveness" of the union vote in these states has not been sufficient to consistently overcome the Republican votes of non-members. In four presidential years, the Republican presidential candidate has carried one of these

17 states 46 times, while the Democratic candidates have done it only 22 times.

The races for the U.S. Senate in these states have been closer, with 45 Republican Senators and 44 Democratic Senators being elected in the postwar period; and the Democrats have been gaining ground in recent years. With regard to the U.S. House of Representatives, a total of 1201 Republicans have been elected from these states since 1946, and a total of 856 Democrats. These totals represent over 55% of the total House seats available during these years, but over 76% of the total House seats won by Republicans have been won in these states during the postwar period, compared to less than 45% of the total Democratic House seats usually won in these states. Only in one year, 1958, were more Democratic Congressmen elected in these 17 states than Republican Congressmen, and only in 1958 did a majority of these states have a House delegation with a Democratic majority. The rest of the postwar years have seen more of these states with a majority of Republican House delegates than with a majority of Democratic representatives.

It seems pretty clear from these figures that the "union vote" has not dominated the national elections in the 17 states where over three-fourths of the union members in America are concentrated. If we attempt to go below state totals and look at individual Congressional districts, it becomes impossible to get data on union membership by Congressional districts. But, using the districts created following the 1950 census, Congressional Quarterly did identify 52 "blue

collar" districts in which over 60% of the population were non-farm laborers. Forty-two of these 52 "blue collar" districts are in one of the 17 states having a concentration of union membership.

An analysis of these 42 districts indicates that much of the union vote is probably concentrated in large urban areas which are not closely contested in Congressional elections. An average of only four or five of these 42 districts were won by less than 55% of the vote cast in the five elections from 1952 through 1960, and Democratic Congressmen consistently won between 34 and 36 of these 42 House seats. These same districts, however, seem to be slightly more closely contested in presidential elections than in Congressional races and the Republicans have also done a little better in the Presidential contests than in the House races. An average of about ten of these districts was won by less than 55% of the vote cast in the three presidential elections between 1952 and 1960, and the Republicans won an average of about 12 of these 42 districts during these years, with Eisenhower's good showing of 21 districts in 1956 pulling the average up considerably.

One never knows what results might have been attained had labor not made the election efforts it did during the postwar period, but the facts appear to indicate that their efforts have been only moderately successful. The labor endorsed candidate won only 2 of the last 4 presidential elections. There have never been more than 128 members of the 435 member U.S. House of Representatives elected with reported labor <u>contributions</u>, and no more than 182 labor <u>endorsed</u>

members have ever been elected to the House in any given year. Furthermore, both of these high water marks were achieved during the 1958 elections, and did not prevent Congress from passing the Landrum-Griffin Act in 1959. Indeed, only 118 of the 128 Congressmen elected with reported labor contributions voted against substituting the more restrictive Landrum-Griffin Act for the original House Labor committee bill.

The fact that organized labor's campaign efforts have not resulted in political dominance, however, does not mean that management's efforts have.

Most elections don't swing on clear cut labor-management issues, and most of the major bills coming before Congress are not primarily labor-management bills. Although there has been an increased tendency for the labor and business lobbies to line up on opposite sides of most of the major bills before Congress in recent years, other forces have to be considered; and these forces may be of greater importance than the labor and management positions in many cases. Thus, while the "batting averages" cited earlier indicate that management's legislative performance has been improving in recent years, it is difficult to attribute this improvement directly to business-backed campaign efforts.

There is considerably less information available on business campaign activities than is its case with organized labor. Data on election contributions, for example, cannot be compiled on a time series basis or traced to particular candidates; but we do know that in one year, 1956, the executives of 199 of America's largest corporations alone made personal contributions that totaled more than the

amount of federal campaign contributions reported by 43 labor committees in this year. Almost all of this money has gone to the Republican party, however, and the Republicans, as such, have not dominated Congress during the years that the increase in management's "batting average" was observed. Furthermore, contributions even to successful candidates usually assure only "access" to the key points of legislative decision making. "Access" does not always guarantee "results", particularly if the contributions cannot be backed up with other assurances of support in the form of the key currency of politics, i.e., votes.

Management's attempts to influence votes as such are limited by their own small numbers. The generally high position of businessmen and executives in our society's social system, and their natural familiarity with mass advertising and communications techniques, however, seems to have resulted in a rather heavy reliance on massive "educational" programs to win the public to a business point of view on certain programs or specific issues.

While there is a dearth of information on the cost and the efficacy of these programs, it is quite reasonable to assume that they are quite expensive and of variable influence depending upon the current standing of the business community and the degree to which its programs want to move from the prevailing consensus of attitudes on any given subject.

An opinion survey in 1954, for example, found that the NAM was regarded more favorably in 1954 than it had been in 1949. This

may give some insight into the improvement in the Association's legislative record noted above, but their labor proposals for a national right to work law and outlawing industry wide collective bargaining still seem far away from becoming major issues in Congress, let alone being enacted.

Also, as was mentioned previously much of management "success" in opposing minimum wage increases and depressed areas legislation on a year to year basis seems to have served only to postpone their eventual enactment. In all of this analysis of labor and management legislative positions it is also difficult to assess what the parties ask for and what they realistically expect to get. That is, it is hard to say how much compromise material is put into the initial proposals for bargaining purposes and the appearance of moderation in an attempt to reach agreement.

In addition to the "educational" programs of the national business spokesmen such as the Chamber and the NAM, the sharp increase in the amount of publicity given to the new political affairs programs of several large corporations surrounding the 1958 elections is also difficult to assess. The most widely discussed of these different corporate programs usually involve at least three things: a forthright statement of the company's position on key issues; an attempt to offer courses in practical politics to company employees in order to stimulate their interest in political affairs; and, in some cases, the provision of released time to company personnel (usually management personnel) who become active in the political process. As a practical matter there is no really adequate information on how wide-

spread these activities of individual corporations have become, but they appear to still be confined to a relatively small number of very large and articulate firms. There also has been a notable hiatus in the amount of publicity and public discussion given to these programs since about 1960.

Just as it is difficult to judge the scope of this new business in politics movement, so is it difficult to determine its effectiveness. Several surveys published in 1959 and 1960 indicated that the vast majority of corporate executives still had not become very deeply involved in actual political work other than contributing to campaign funds, and there are no comprehensive figures on how many employees have gone through company-sponsored practical politics courses or what influence this has had on their political behavior. With regard to forthright statements on key political issues, however, it is clear that the active support given to the 1958 right-to-work referenda by Boeing in Washington, Timken Roller Bearing in Ohio, and General Electric in California did not prevent the decisive defeat of these proposals and the candidates identified with them.

The implications of all of these events will be summarized and interpreted in the following chapter.

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CHAPTER VI

SUMMARY AND CONCLUSIONS ON THE NATIONAL SCENE

This part of the thesis has attempted to use published data on the national scene to determine whether or not the political dimension of labor-management relations has been expanding in recent years, and, if so, what some of the implications of this movement might be for our country's industrial relations system.

We have defined the political dimension of labor-management relations as that dimension which involves either labor or management making recourse to any of the institutions of government as an aid in the industrial rule making process, or when the government itself intervenes in the struggle for authority to establish the "web of rule" which relates our workforce to our industrial society. Chapter II noted that today the federal government touches the industrial rule making process in many ways and with different degrees of effectiveness. As our economy has become more industrialized and more complex over time, there does seem to have been a general expansion in the role of government in the industrial rule making process--both with regard to labor-management relations legislation and with regard to protective labor legislation. Historically, however, this expansion has been uneven in its development over time. The substansive content of government policy has also been modified considerably, and the means of effectuating government controls have shifted within branches of government and between levels of government, but the present legal

framework is still highly diversified with regard to both procedure and substance.

It is difficult to explain all of the historic changes in the role of government in the industrial rule-making process simply in terms of the activities of organized interest groups on the labor-management political scene, but there is no doubt that at the present time there are strong and articulate political organizations representing both management and labor on most major governmental issues. These organizations in turn have evolved in response to the pressures of a changing industrial and social environment.

After nearly a century of oscillation, dichotomy, and experimentation, the American Federation of Labor evolved a basic philosophy of "voluntarism" which sought little from government but the removal of certain restrictions on trade union activities and generally opposed a full-blown program of social reform legislation on the grounds that it would weaken the need for trade unionism except in special cases such as women, children, seamen and government employees. In support of its rather limited legislative program, the AFL established a Washington lobby, but its technique of rewarding friends and punishing enemies, in practice, amounted to little more than the circulation of the voting records of incumbent Congressmen.

The failure of unionism to expand during the 1920's and the economic catastrophe of the 1930's, however, resulted in a gradual reshaping and revitalizing of much of organized labor's approach to things political as union membership began to increase rapidly under the stimulation of worker discontent, government legislation, and

AFL-CIO rivalry. The adjustment did not occur without considerable reservation within the labor movement itself, however, and one of the ironies of history is that organized labor itself had a relatively small influence in enacting the most sweeping and most favorable labor legislation in American history.

Regardless of labor's influence in its enactment, however, the labor legislation of the New Deal gave organized labor a new stake in politics. Indeed, much of their subsequent political activity can be explained in terms of: (1) trying to protect the labor policies of this unusual period in American history in an increasingly hostile environment, and (2) trying to expand and enlarge the basic provisions of the protective legislation of this period in a society that has come in general to accept a larger role for government in the economic life of the whole nation, including the labor movement.

The 1936 elections marked somewhat of a watershed in American history as far as economic matters in presidential elections were concerned. The bitterness of the clash between the "New Dealers" and the "Economic Royalists" severely modified the previous attempts of both major parties to appeal to all economic classes, and for the first time really substantial sums of money were contributed to the National Democratic Committee by strong independent national unions. The subsequently overwhelming support that the Smith-Connally Act, the Taft-Hartley Act, and the Landrum-Griffin Act received from Republicans also made it increasingly difficult for the politically conscious segment of the labor movement to identify itself with the GOP at the national level. Each of these legislative landmarks, furthermore, triggered off

an increased political response within the labor movement. The CIO-PAC was established after Smith-Connally; the AFL-LLPE was created after Taft-Hartley; and the hitherto inactive Teamster's Union organized its own political arm, DRIVE, following the enactment of the Landrum-Griffin Act.

Like organized labor, American management also has a long history of participation in the political process, but there is considerably less information available on the details of management's political activity than is the case with the labor movement. One reason for this is probably the fact that businessmen for the most part have traditionally relied on tactics that shy away from the more visible electioneering aspects of politics and have relied primarily on campaign contributions and institutional advertising in addition to formal lobbying by individual companies and business organizations.

With regard to labor matters, the most visible business or employer groups have been the National Association of Manufacturers and the Chamber of Commerce of the United States. In its early years the NAM was much more predisposed toward direct participation in specific election campaigns than it has been in more recent times, but the Association toned down many of its political activities following the "exposé" of its efforts during the Underwood Tariff Debates of 1913. Despite changes in the size and composition of its membership over the years, the main thrust of the NAM's communications and public relations efforts have been strongly opposed to some of the most basic labor union activities and programs since it turned its attention to these matters in 1903.

The Chamber of Commerce of the United States was organized in part by the NAM and other groups in 1912. Although the NAM and the Chamber reached a parting of the ways in 1922, both organizations opposed section 7-a of the NIRA. They also opposed the Wagner Act vigorously. Following the Jones and Laughlin decision in 1937, however, the Chamber began a campaigh for "equalizing" amendments whereas the NAM argued for outright repeal until 1946, on the grounds that the government should not intervene in labor-management relations. This latter argument was also used by both organizations in opposing the protective labor legislation of the 1930's. With the apparent shift in the public attitude toward unionism,in the immediate post-World War II period, however, both organizations accepted the principle of more government regulation to control union power. Each group was influential in the enactment of the Taft-Hartley Act, and since 1947 both organizations have emphasized the need for further controls, even going beyond those incorporated in the Landrum-Griffin Act.

In addition to the NAM and the Chamber, of course, there are other national business organizations which from time to time become concerned with the political aspects of labor-management issues, and many individual corporations and businessmen are known to have their own independent apparatus for political influence.

In general the postwar legislative scene has been marked by management groups pressing for more government regulation of union activities, and by organized labor opposing any expansion of government regulation in the area of labor-management relations. On the other hand, much of organized labor seems to have come to a relatively modern

view which sees the trade union movement not as a rival to the government in dispensing benefits to workers, but more as an instrument through which greater pressure might be exerted on government to secure benefits not only for union members but for all workers regardless of their affiliation. In this connection, a situation exactly the opposite of the one in labor-management relations has prevailed in the area of protective legislation and other welfare measures. Here it is organized labor which has been pushing for more government action, and management has generally opposed any expansion of the role of government in these areas. Despite a general broadening of organized labor's legislative outlook, however, it is still true that it gives more emphasis to and fight harder on those aspects of public policy which have the most immediate connection with collective bargaining and trade unions as bargaining institutions.

With this information as background, we can turn to the basic question posed in Chapter I, namely: "Has the political dimension of labor-management relations been expanding in recent years?" It has just been noted that in one sense the conception of what is a labor-management issue appears to have broadened considerably, even within the postwar period. A. H. Raskin, for example, has stated:

> Fifteen years ago organized labor's legislative program could be summed up in the single slogan: "Repeal the Taft-Hartley Slave Labor Act." Today labor is urging the 88th Congress to enact legislation it believes will spur national economic growth, improve public education, safeguard civil rights and otherwise expand the role of government in promoting the general welfare. [21, p. 12]

It was also noted above, however, that despite its more comprehensive legislative program, organized labor still tends to show

more cohesion and militancy on union-oriented issues than it does on such matters as rent controls, public housing, federal aid to education, or fair employment practices legislation, for example. The fact that the NAM and the Chamber have lined up on opposite sides of organized labor on these issues, as well as such items as expansion of the Social Security Act, minimum wage legislation, and aid to depressed areas, has made it somewhat difficult to interpret the postwar legislative experience. The issues of housing, education, depressed areas, and civil rights, for example, involve many interests and forces beyond the labor and management lobbies involved, and the fact that these issues have become major areas of contention does not mean that these groups have been the prime movers or even the most influential interests in determining their disposition by Congress. This is less true for the areas of social security and minimum wages, and things are much more clear-cut on the basic measures of the Taft-Hartley and Landrum-Griffin bills, which were clearly basic labor-management struggles.

Going beyond the legislative arena, Chapter V's detailed analysis of the entire postwar labor-management political scene offers some mixed evidence that there has been a general expansion of labor-management political activity, but with no clear signs of any marked acceleration in recent years. Further analysis seems to indicate that much of the apparent concern aroused about this problem during the late 1950's was the result of an undue amount of publicity being given to two events—one on the labor side and the other on the management side of the political fence. With regard to organized labor, it seems clear that the AFL-CIO merger was surrounded by a tremendous amount of

publicity, speculation, and conjecture concerning the political "potential" of a "unified" labor movement, which in retrospect simply hasn't been justified by subsequent events. Also on the management side, the upsurge in publicity surrounding the announcement of new political affairs programs by several major corporations in 1958 and 1959 may or may not prove to be justified by subsequent events. There is less evidence on this point than on the AFL-CIO merger, but there has been enough of a hiatus in the publicity being given to these programs to raise a legitimate question concerning the long-run significance of these activities.

Whether one decides that the political dimension of labor-management relations has actually been expanding in recent years or not, however, one cannot ignore the fact that the present political dimension of labor-management relations certainly is expanded compared to earlier times. Today the government is more deeply embroiled in all aspects of the industrial rule making process than ever before, and there do not appear to be any forces on the scene likely to result in a diminishing of its present influence. Indeed, the most likely directions for further change seem to point to more, not less, of a role for the various institutions of government.

To keep things in perspective, however, it is also true that the vast bulk of the industrial rule making power continues to remain in the private dimension of labor-management relations. Indeed, it seems fair to say that most of the postwar changes in labor legislation have had only a marginal impact on the large majority of established employer and employee relationships. The provisions of

Taft-Hartley and Landrum-Griffin have probably had their greatest impact not where employers and their employees have already established working relationships, but at the more hotly contested fringes of labor-management relations where unions have tried to expand into previously unorganized territory or where employees have tried to sharply modify existing arrangements. While the postwar changes in the Social Security Act have affected a majority of our workforce, the number of employees directly affected by the changes in the prevailing wage laws and the minimum wage laws has been only a small fraction of the total number. Yet, it seems that cases and actions on the frontiers tend to draw a disproportionate amount of our attention--particularly when changes in these areas are often loudly contested in the political arena by articulate and well organized labor and management groups.

As was pointed out in Chapter V, it is extremely difficult to get objective and accurate data in the area of labor-management political struggles; and if we look at public pronouncements alone it is all too easy to assume a greater degree of cohesion and unity within the contending camps than actually exists, and it is also very easy to mistake noise and publicity for influence in both the legislative and the electoral process--particularly as far as organized labor is concerned.

Aside from several scholarly, and primarily historical, studies of trade union political activity, most of the contemporary information available at any given time on a labor or management political issue usually comes from the parties at interest themselves. Their statements in the heat of an immediate encounter naturally tend to be the most newsworthy; but, on a priori grounds, one should be at least

a little wary of relying completely on AFL-CIO convention resolutions or pronouncements of the NAM board of directors for information in this area. Much of this activity is in reality propaganda aimed at influencing the existing situation rather than an attempt to report or describe actual conditions, and thus both labor's friends and foes are prone to at least some exaggeration.

The union staff men in charge of political activities naturally have a vested interest in making their actions appear effective, and likewise those who have no hope of labor support run little risk in predicting dire consequences for American democracy as a result of a labor political machine-- a machine, incidentially, which is nearly always discussed in terms of its potential rather than its actual performance. For example, both sides in discussing COPE are more prone to refer to the formal paper structure of the organization (which shows a national COPE for the AFL-CIO, a COPE for each national union and for each of their locals and intermediate bodies, a COPE for every state federation and city council, and, if not already covered, a COPE in every state and national legislative district) rather than the actual structure which does not even approach this degree of organization at election time--let alone on the continuing basis envisioned in many AFL-CIO and NAM pronouncements.

Another instance of confusing formal appearances with actual practice often surrounds the appeals of labor leaders for voluntary political contributions. As usually reported in the headlines, these appeals can be very misleading. For example COPE has a goal of a $1 contribution from every member of an AFL-CIO affiliated union. This,

however, does not mean that COPE actually collects upwards of $13 million a year. Rather, experience has shown that in election years an average of about one of every eight or nine members actually makes a contribution--a far cry from the "potential" results often bandied about in partisan discussions.

Perhaps the best illustration of this point is the number of extravagant statements from both labor and management sources at the time of the AFL-CIO merger concerning the political power (really the political potential) of a "unified" labor movement. Much of this furor was reminicent of the controversy surrounding the formation of the CIO-PAC thirteen years earlier, and like most of the earlier "predictions", subsequent experience has proven that most of the assertions were unfounded.[1]

Shortly after the merger, Edwin Witte, noted:

> In the speculation as to effects of the AFL-CIO merger, the repercussions of the new federation in the political sphere have more and more become the major aspect discussed in the general press. . .
>
> Speeches and resolutions presented at the first convention of the AFL-CIO in December 1955 clearly evidenced the interest of the merged labor organization in political action.
>
> In the early stages of the attempts at merger, however, political action as a motive was not emphasized or even acknowledged. Emphasis was placed, instead, upon strengthening the economic position of unions,

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[1] Many of the earlier attacks on the PAC are discussed from the labor point of view in Gaer, [9], Maguire [16], and Fuller [8].

The second of these articles quotes the New York Mirror's September 29, 1944 denunciation of the PAC as "The Hillman-Browder Communist conspiracy to take over the U.S. through the machinery of the alleged Democratic Party". [16, p. 588]

Much of the communist angle was missing by 1955 due to the CIO purge of the communist-dominated unions in 1949 and 1950, but Witte observed "In many articles, editorials, and speeches, the merger has been represented as an attempt by labor to dominate American politics". [27, p.406]

> furthering union organization, and eliminating union raiding. What accounts, then, for the recent emphasis upon the new federation as a vehicle for political activity? Two factors in particular may be responsible. The first is the apparent difficulty of resolving interunion disputes as successfully as initially was hoped; the second may be increasing concern of labor leaders over efforts by union opponets to weaken unions through restrictive legislation and limitations on labor's political activities. [27, pp. 406-07]

Obviously not oblivious of some of the aforementioned resolutions at the merger convention, the National Association of Manufacturers, which was holding its Congress of American Industry meeting in New York at the same time, invited George Meany, the newly elected president of the AFL-CIO, to address them. Then, in a companion speech, Charles R. Sligh, Jr.,then chairman of the Board of NAM, stated:

> This week, organized labor formed itself into one gigantic federation, with our guest, Mr. Meany, at its head. A careful reading of the constitution of this new body-- and the publicly expressed views as to its aims and objectives--has caused considerable misgivings.
>
> Is it the primary purpose of this organization to seize political control of the country? Mr. Meany disavows any intention of setting up a "labor party". He also disclaims any desire to seize control of either of our two existing political parties. But the question is not answered by such disavowals.
>
> A proclaimed purpose of the organization is vastly stepped up activity in the political field. The men who control the new federation will have vast funds and manpower and means of communication at their disposal. This sheer weight of concentrated power may enable them to exercise effective control over either or both political parties. . . .
>
> Will this new organization become in effect a "ghost government"? Will a handful of men, not elected, not authorized by the American people pull strings behind the scenes to direct the destinies of the nation? It is the potentials of this situation which worry industry-- and many other thoughtful citizens as well. [17, p. 17]

Irritated at what he considered shabby treatment to an invited guest, and prodded by reporter's questions at an impromptu meeting with Mr. Sligh following the speeches, Mr. Meany let fly with a widely quoted

and equally unrealistic threat to form a labor party. He stated:

> If the N.A.M. philosophy to disenfranchise unions is to prevail, then the answer is clear. If we can't act as unions to defend our rights, then there is no answer but to start a labor party. [18, p. 1]

In analyzing the whole incident, A. H. Raskin of the New York Times observed:

> It all proved once again that labor and management do most of their fighting and most of their hating over abstract issues, even when experience has shown that they can live peacefully and prosperously together.
>
> Charles R. Sligh, Jr., Chairman of the N.A.M. board, with whom Mr. Meany had his impromptu debate, has never had a strike in any of his four midwest furniture plants. Most of the association's high command has had an equally harmonious record of labor-management relations.
>
> Its incoming president, Cola G. Parker, reported that the Kimberly-Clark Corporation had had labor pains only once in the forty-five years of his association with the giant paper company. And that was a three day wildcat stoppage, disowned by the union.
>
> Mr. Meany made it clear in his luncheon talk that he was no hand for using labor's economic strength to shut down the country. In fact, he revealed that he had become the head of the merged labor federation without ever having been on strike in his life. What's more, he said, he never ordered anyone else to go on strike or organized a picket line. [22, p. 14]

Following the Meany-Sligh confrontation, however, the NAM continued to voice its fear of union dominance in the political process at its 61st Congress of American Industry held the following year, as witnessed by the following exerpt from a speech given on that occasion.

> There is no doubt that many union labor bosses are in this political picture more so than they are in the bona fide business of representing dues-paying members in labor-management relations. These leaders intend to stay in the political arena and build as much power and control over as many elected officeholders as they possibly can. This is not a partisan problem. It affects the Democratic Party as much as it does the Republican Party. In fact, it affects the Democratic Party more because the labor bosses intend to gain

> control of the Democratic Party. If this march toward power continues, one day the term "Democratic Party" will be a misnomer, for it will actually be the labor party. I mean a party controlled by labor bosses. [10, pp. 12-13]

Suffice it to say that while all this may make good polemic, there is very little evidence in Chapter V's detailed analysis of organized labor's postwar political activities to indicate that any of these charges have any relation to the realities of today's political process. Chapter III discussed in some detail the reasons why a viable labor party has never been formed in this country, and any ideas of a monolithic labor movement "capturing" one of the existing parties seems equally fanciful.

The figures on the number of union organizations reporting lobbying expenditures or continuious campaign contributions included only a small number of all the unions in the United States, and until the Teamsters became active as a result of the Landrum-Griffin bill, they did not include the largest union in the country. Most of the larger unions do have political programs, however, and ignoring the unaffiliated unions for a moment, the AFL-CIO does collect money from and attempts to speak for all of its affiliated members. By its own admission, however, only 61 of its member unions participated in its registration drive of 1956, which constitutes the most widely accepted aspect of their campaign program.

Samuel Gomper's old principle of autonomy for affiliated national unions has long prevented the national labor federations from dominating the bargaining activities of their members, and it is unlikely that these bodies will surrender their independence in the realm

of political action although several have evidenced a willingness to cooperate in many situations. The degree of this cooperation, however, should not be overemphasized. The lingering and intractable jurisdictional disputes among some of the affiliated unions often prevents wholehearted unity in other areas as well, and several of the member internationals having formal political committees are not affiliated with COPE. Even those unions having an active political program are not able to excite all of their local officers or member in the same manner as the Hudson and Rosen study of the Machinists union pointed out. Despite the great amount of publicity generated at higher levels, the basic unit of organization as far as the actual contacts of the vast majority of union members are concerned is the local union. This only multiplies the opportunities for diversity and inconsistency in the effectiveness of national political programs. But, as was also mentioned in Chapter V, not all of the diversity is confined to the local level. The Teamsters and a few other unions failed to support Kennedy in 1960, and Wittee reported that several prominent leaders within the AFL-CIO supported Eisenhower in 1956.

Speaking at Cornell University in the fall of 1946, Harvard University's eminent labor economist Sumner H. Slichter observed that:

> The trade union movement has not yet adjusted itself to the increasingly important role which the government is playing in determining conditions of employment. . . . it has not yet worked out an accepted policy for political operations. [24, pp. 17-18]

While no one would deny that the American labor movement has made great strides toward working out a political policy since Slichter spoke, the relative ineffectiveness of labor's lobbying efforts in

handling the Landrum-Griffin bill described above indicates that there is still a long way to go. Furthermore, the lack of organizational dicipline and the absence of party cohesion in this country make it almost impossible for any interest group with a well defined though relatively limited program to capture either party, for in the strictest sense of the word there are no parties to capture.

David Truman has stated:

> Serious difficulty is encountered in an effort to analyze the relations between parties and interest groups because the term "political party" has so many different meanings in this country. . . .
>
> It usually means in election campaigns something very different from what it means when applied to activities in a legislature. . . .
>
> the relationships that produce the vote for a president in a State or locality may be quite different from those that elect senators and congressmen, to say nothing of governors. . . . the effective constituencies of the two sets of officials are different and even conflicting. The political interest groups supporting them are correspondingly different. . . .
>
> variations in party structure must be accompanied by similar variations in the relations between parties and interest groups. [26, pp. 272-75]

Confirming himself to the national political arena, James M. Burns has stated:

> We can understand our party system best if we see each major party divided into presidential and congressional wings that are virtually separate parties in themselves. They are separate parties in that each has its own ideology, organization, and leadership. . . . But the main difference between the presidential and congressional parties is over policy; both presidential parties are more liberal and internationalist than both congressional parties. [5, p. 65]

Later in this article, Professor Burns goes on to elaborate why the presidential parties are liberal and the congressional parties are conservative in these words:

> In a sense, every presidential contest turns more than the last one on issues of liberalism, if only because of the steady flow of voters into urban areas, and hence the ever-increasing need for expanded government. The impetus toward liberal emphasis in presidential contests is also intensified by the mechanics of the electoral college. We hear much about congressional districts being gerrymandered to overrepresent conservatives - which they are, of course; sometimes we forget that our presidential electoral system is gerrymandered in the opposite direction, toward liberalism. For, under that system, with its winner-take-all device, each candidate fights desperately for the large urban states, where the balance of power is supposedly held by organized blocs - labor, Negroes, and so forth - who tend to vote liberal.
> . . .
> Why will conservatives win control of Congress. . .? One reason, of course, is that Congress overrepresents rural and conservative voters because of gerrymandering. Another is that most leaders of the congressional parties - notably the committee chiefs in House and Senate - are sure to hold their seats no matter what happens in national politics, for they represent one-party areas, as in the South and in rural sectors of the North and West, where there is no real competition from the opposition party and precious little within the dominant. And even if any of these leaders did lose, their places in Congress would be taken in most cases by equally conservative men who had sat their way up the seniority ladder.
> Conservatives will win Congress next fall also because of the coalition system in House and Senate. No matter which party gains majorities on Capitol Hill, power gravitates toward the Old Guard leaders in each party, who get along better, ideologically at least, with their counterparts across the aisle than they do with the liberals in their own party. No matter which party wins the presidency this fall, the new President will have to negotiate with - which means making concessions to - the men who run the committees. [5, pp. 66-67]

With the electoral system thus gerrymandered in such a way that the urban areas tend to control the national presidential conventions, labor's influence within a political party is therefore most likely to be exerted in this most publicized of all political arenas. Its political influence at this level can not be extrapolated downward

in all cases, and it is difficult to say what its real influence at this level is. Since the national Democratic party in particular seems to be a coalition of several minority groups, this implies that any one of them (including labor) may have a veto power over any particular candidate even if it can' always get its first choice accepted by the other members of the ever changing coalition. The necessity of labor's having to accept Lyndon Johnson for vice-president in 1960, may imply that even their veto power has declined within the Democratic Party since the days of 1944, when the need to "clear it with Sidney" at least enabled the CIO to block the vice presidential bid of James F. Byrnes even though they couldn't get their champion Henry Wallace renominated. Going from the presidential level to the congressional level, the task of "capture" becomes even more difficult if not impossible because even though not all congressional districts are the personal property of a conservative incumbent, "Congressional leaders whether conservative or liberal, hold office on different assumptions, different mandates, different expectations from the President's".[6,p.65]

Moving from these general observations to the specifics of the present situation, the New York Times' Joseph Loftus asserted:

> It has been said that labor has already captured the Democratic party. That's a lot of nonsense. Judging by the batting averages of labor in recent congresses, it might be just as accurate to say that the Democratic party has been captured by the Republicans, with the consent of the south. [15, p. 5] 1

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1 Loftus also has an antedote on the possibility of a labor party. He reported:

> George Meany, Secretary-Treasurer of the AFL, said, "no", when asked on a television program if there was any possibility of a labor party. Asked why not, he told of a
(continued on following page)

While thus emphasizing that much of the propaganda surrounding organized labors alleged political power may not be well-founded, it would nevertheless be a serious mistake to go to the other extreme and argue that labor is powerless. Furthermore, the records of Chapter V clearly indicate that much of its present influence is, indeed, exercised within the Democratic party. Even this fact, however, may tend to put a limit on the amount of influence that organized labor can bring to bear on the political process. It would seem likely that the continued support of the unions for the Democratic candidates in the vast majority of the cases in the political arena, (even though this choice is of necessity and based "on the records") is bound to blunt the effectiveness of any labor threat to transfer its support should it decide its "friends" are no longer so friendly. First, much of the member support labor has for its political program is the result of a long period of cultivation which might not be able to survive many sharp switches from one party label to another. Second, if labor wants to shift its support it must have some place to go. The irony of this situation is reflected in labor's predicament following the passage of the Landrum-Griffin Bill.

With regard to this situation, A. H. Raskin reported:

> A somewhat groggy labor movement took stock this week of the acid fruits of its political "victory" last November and wondered whether it could survive another such triumph. . . .

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short encounter in Europe with a British labor leader who said to him: "When are you fellows going to wake up over there? When are you going to form a labor party?" Meany must have jolted his British friend a bit with the reply, "When our economic status gets as low as the British". [15, p. 3]

> Even when allowance was made for the federation's own tactical blunders and internal differences in mobilizing its lobbying resources, union chiefs were left with a feeling that they had been "sold down the river" on the issue that meant more to them than any other in this session of Congress.
>
> Their sense of frustration was not lessened by a realistic recognition that there is not much they can do within the present structure of either the Democratic or Republican parties to ward off a similar disappointment in future elections.
>
> There has been no wavering in the conviction of most top unionists that the national councils of the Republican party are dominated by big business and that its policies are directed at undermining or destroying union strength. Labor is equally aware that the center of Democratic power in Congress is with the Southern bloc, which it regards as no less reactionary than the most hide-bound Republican.
>
> In its convention report, the A.F.L.-C.I.O. executive council has called for a massive political effort to upset the established order in Southern politics. But the threat of a political counterpart of "operation Dixie", labor's ill-starred attempt to unionize Southern workers, is not taken seriously even by the men who signed the report.
>
> We've got as much chance of making over the Dixiecrats in our image as we have of organizing a closed shop in the National Association of Manufacturers", one federation vice-president declared. . . .
>
> This is especially so because the federation itself is far from united. Its two principal leaders, George Meany and Walter P. Reuther, are at war on almost every question of union or political tactics. . . . It is hardly likely under these circumstances to make over the country's political face. [23, p. 10]

Despite organized labor's continuing problems in the political arena, however, some reasonable factor must be allowed for improvement with continued practice. Joseph Loftus has stated:

> The union member who is apathetic about politics because he doesn't see the connection between it and spendable income is having this connection explained to him. . . . Sooner or later that sort of thing is going to be effective. [15, pp. 7-8]

How effective it will be depends largely on the extent to which unions can overcome the other loyalties of their membership in

the political process and persuade them that their best interest lies in supporting organized labor's official legislative program. Ignoring the problems of a relatively stagnant membership base in our growing population and the geographical imbalance of union membership, past experience has revealed that these are some definite limits on the extent to which a union can command its members loyalties and active participation in the political process. Historically they seem to have been most successful in times of economic adversity or when the institutions of the trade union movement appear to be under attack.

While such refined distinctions do not make good campaign rhetoric, the actual impact and future potential of organized labor in the American political process does not appear to justify any fear of labor dominance in the foreseeable future. Nevertheless, the American labor movement is today, as never before, a full participant in the political process of our society, and there is no evidence that their present influence is likely to recede greatly. Indeed, the writer feels that labor's efforts to win support for their legislative goals are more likely to increase than diminish in the future--particularly if they feel that their present position in the institutional life of our country is threatened.

Going below the heat of public discussion to the available evidence, which is not as adequate as one would like, the reported figures on federal lobby spending by organized labor groups do indicate that there has been a substantial increase in both the number of labor groups reporting lobby expenditures and the amount of such expenditures reported, although the amount of this labor total reported by the AFL-CIO

national headquarters has declined in both absolute and percentage terms since the merger in 1955. The figures on labor-reported campaign contributions in federal elections are less clear. The number of labor committees reporting such contributions has shown a fairly steady increase from 13 in 1948 to 43 in 1956. There was a drop to 32 labor committees reporting in 1958, and a sharp increase to 60 in 1960, with 16 new committees being associated with the Teamster's formation of DRIVE.

Despite the changes in the number of labor committees reporting however, over 76% of the total funds reported in 1960 were accounted for by a dozen committees with a continuous record of contributions going back to the 1948 elections. Within this "hard core" of continuous contributors, the amounts reported by the AFL-CIO-COPE have tended to be somewhat less than the totals reported separately by the AFL-LLPE and the CIO-PAC in the years preceeding the merger. The total amount of labor reported campaign contributions have shown less clear-cut trends than the changes in the number of committees reporting, but the amounts reported in presidential election years have averaged about $530,000 more than those reported in non-presidential years, with the $2,450,944 reported in 1960 being almost double the $1,291,343 reported in 1948.

Thus, with regard to organized labor's participation in the political process, it seems fair to conclude that there has been a substantial increase during the entire postwar period, but with no clear signs of any marked acceleration in this activity following the AFL-CIO merger in 1955.

Despite this increased activity, however, organized labor's legislative batting average has not been as good as that of the business community on the major bills before Congress during the postwar period, and it has shown a tendency to decline since the merger. Of course, no one knows what their batting average might have been had they not made these efforts, and the fact that the business community's batting average has been improving does not mean that it is satisfied with the results. Although they supported the Taft-Hartley and the Landrum-Griffin bills, both the NAM and the Chamber continue to demand further restrictions on union activities, and they have not been successful in defeating such programs as federal aid to housing, increasing minimum wages and depressed areas legislation although they did help to delay the eventual enactment of several of these measures which were strongly supported by organized labor.

The lobby spending figures reported by the Chamber and the NAM are too inadequate to determine if they have been increasing in recent years, and there are no time series data on the indirect political advertising or individual campaign expenditures of businessmen to compare with the labor figures cited above. A detailed examination of individual campaign contributions in only one year, however, did indicate that in 1956 the top executives of 199 of America's largest firms alone contributed $131,365 more than that of all the labor groups combined in that year, and the contributions of only 12 of America's wealthiest families equalled 64% of the labor total of $1,805,482 reported in federal elections.

The initiation of practical politics courses for executives

and other employees and the increased vocalness of several of America's largest firms on certain political issues in 1958 and 1959, no doubt added to the publicity surrounding managements political efforts in those years, but whether they will lead to any permanent increase in business' political activity can't be determined until more data are available on how many persons take these courses and how they apply them to the political process. The questions of individual corporations (and unions) spending general funds to finance statements on political issues to the public at large also highlights some of the unresolved questions in our present federal political statutes.

We will return to the question of the general adequacy of our present federal laws regulating the political dimension of labor-management relations later. For the present we can summarize this lengthy answer to our first question by saying that while many 1958 elections were more clearly contested on labor-management issues than is usually the case, subsequent events don't seem to indicate any pronounced acceleration in the political dimension of labor-management relations. The general arena for labor-management political struggles, however, does seem broader today than it was 10 or 15 years ago; and, in terms of results, management seems to have wielded the upper hand on purely union-management issues while gradually being forced to yield in a holding action on broader welfare matters.

Given this rather fuzzy answer to the main question posed in Chapter I, we can turn to an examination of the subsidiary questions raised in that chapter about some of the possible implications of an expanded political dimension of labor-management relations.

With regard to basic structural or internal changes within the contending parties, no dramatic changes appear to have yet materialized. The initiation of more active corporate political programs does not yet appear to be a threat to the traditional positions of the NAM and the Chamber as "spokesmen for industry". Indeed, both the Chamber and the NAM have supported the new "business in politics" movement by providing specially designed and organized material for the individual companies wishing to initiate the new "practical politics" courses for their employees. The separate corporate statements on public issues seem designed to supplement rather than substitute for the NAM and Chamber publicity on similar issues--although it is not known if the companies now financing their own statements continue to contribute to the national organizations at their "pre-awakening" level or not. (Indeed it is not even known if the companies now speaking out on their own are even contributors to the Chamber or the NAM, but it seems very likely that they are). The establishment of the Effective Citizens Organization and the Americans for Constitutional Action to stimulate political activity by businessmen also seem designed more to supplement rather than replace the NAM and the Chamber by the nature of the fact that these groups seem more concerned with the election rather than the lobbying aspects of politics.

All of these activities can be seen as rivals only in the sense that the money devoted to one of these programs or activities is not available for the other. Unless there is some sort of fixed "political fund" doctrine operation in American industry, however, a general increase in the amount of money made available for all political

activities can go a long way to reduce whatever competitive element may exist. As noted, it is not possible to say if this has in fact happened but there are grounds for some supposition that this may be the case.

On the other possibility of structural change within the business community as a result of an increased interest in politics to increase the importance of geographically based employers associations relative to that of individual firms, evidence is simply not available from published sources. The studies of employer associations which have been published recently, have tended to focus on bargaining or "negotiatory" associations rather than on "legislative" or political associations,[1] but more will be said on this point in the subsequent parts of this thesis based on the Massachusetts experience.

Turning again to the organized labor movement, there seems to be mixed evidence concerning the type of structural changes one might expect if the unions were really serious about expanding its political activities on a major scale. At the very top of the labor movement, for example, the fact that the AFL-CIO continues to hold its bi-annual conventions in odd numbered years rather than in the even numbered years during which federal elections are held indicates that it is passing up an opportunity to convene the single largest aggregation of the American labor movement at a time that might have the maximum impact in terms of stimulating the delegates and in turn their unions on the importance of political affairs.

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[1] See the papers by McCaffree, Wortman, and Munson in [13] and the article by Frank Pierson [20].

Going beneath the national federation level, Chapter I pointed out that geographical boundaries rather than industrial product market lines played a larger part in politics than in collective bargaining, yet recent years have not seen any significant increase in the influence of politically-oriented geographical federations relative to the bargaining-oriented national union structure within the labor movement, although there is some evidence of an awareness of this problem which the hypothesis of Chapter I might lead us to expect.

In the spring of 1959, the AFL-CIO, for the first time, created the position of Coordinator of State and Local Central Bodies, and Stanton E. Smith, the former President of the Tennessee State AFL-CIO, was appointed to this position. There is some evidence that the motivation behind this move was largely to strengthen organized labor's political efforts. In the American Federationist in 1961 Mr. Smith stated:

> Frustration of legislative efforts and spasmodic political results have caused the AFL-CIO and many of its affiliated national and international unions to realize that maximum results in these fields and in the related activities of community relations will be greatly advanced by strengthening the state and local central labor councils so they, in turn, can give effective support to these essential programs. Coordination of legislative and political activities is just as essential at the state and local as at the national level.
>
> Currently, the AFL-CIO has two major projects under way to strengthen the state and local central bodies: a national campaign to secure maximum affiliation of local unions with these branches of the AFL-CIO and the institution of a system of annual reports covering the basic kinds of information needed to secure a comprehensive picture of the existing situation and practices in the various central bodies. In the course of time, there will follow projects which will contribute to improving the programs and effectiveness of the councils. [25, p. 8]

The report to the AFL-CIO's bi-annual Convention later in

1961 indicated that the affiliation and reporting programs were having moderate success in these words:

> The initial check by the state federations shows that only 48.5 percent of 33,327 locals were affiliated with their respective state federations. However, the total affiliated membership as reported by the state federations is 8,281,800. . . .
>
> The annual reports from state and local central bodies filed during the first half of 1961, while the affiliation campaign was in its early stages, shows that 1,362 local unions have affiliated with state federations and 505 local unions have affiliated with local central bodies as a result of the affiliation campaign. The figure for local central bodies is based on reports from approximately half of the 820 local councils. These affiliations represent only a small fraction of the potential. [4, pp. 52-53]

Aside from this campaign to strengthen state and local central bodies however, it is still true that at the present time these bodies do not wield a great deal of influence within the labor movement. A resolution to increase the representation of state labor organizations at the bi-annual AFL-CIO conventions from 1 delegate to 2 delegates at the 1957 convention in Atlantic City was not concurred in by the resolutions committee of the convention and was not adopted. [1, p. 442] A similar resolution was also defeated in 1959. [2, p.404] An attempt to "adopt a resolution calling on international unions to revise their constitutions to make affiliation mandatory with state and local central bodies" was also defeated at the AFL-CIO convention in 1961, but a substitute motion to emphasize "the need for all national, international and local unions to fully cooperate and do what they can to bring about full affiliation" was adopted. [3, pp. 653-668] The following sections' description of the Massachusetts labor scene will yield some further insights into the problems of the relations between

national unions and state and city central federations.

One other hypothesis, mentioned in Chapter I, concerns the possible relation between increased union political activity and internal democracy as it reflects membership interest and participation in union affairs. In discussing the problems of the UAW in the early postwar period, for example, Howe and Widdick stated:

> The union, we think, can involve large layers of the membership in its work only if it offers them a new source of interest; a compelling program of political activity sustained by a large social motivation. On this rests the future of the UAW. [11, p. 266]

The fact that the UAW has remained one of the most politically vocal and one of the most democratic of American unions lends at least surface plausibility to this contention. Most of the published data reviewed in Chapter V, however, indicates that there may not be a simple cause and effect relationship between these facts. Indeed, these studies indicated that rank and file inertia and apathy on political matters was one of the strongest limitations on union political programs, and that a strong socially conscious political program not directly related to job centered needs might actually cut rather than increase participation in union affairs. In commenting on the broadening of the AFL-CIO's political goals, for example, A. H. Raskin has commented:

> The unanswered question is whether union members will give a labor movement dedicated to such broad goals of long-term social improvement the kind of support they proffered when unions were on the march for more meat and potatoes and for the emancipation of the worker from the menacing shadow of the "boss". [21, p. 15]

The Hudson and Rosen survey of Machinists' attitudes indicated that only 31% of the rank and file and 46% of the officers and

stewards felt that politics should "always or usually" be discussed at local union meetings, [12] and Kornhouser, Sheppard, and Mayers' study of Detroit autoworkers concluded: "In view of the union's active political campaigning the autoworkers' degree of political interest and personal involvement in political action can be considered only moderate." [14, pp. 262-63]

While most union members appear to be willing to go along with most union political programs, there is little evidence that political activities, as such, are a strong source of attraction and interest for most members. Rather, most of the evidence indicates that the people who are active in the union's other activities also seem to be willing to take on political work if they see it tied in with their interest in the union. Indeed, it was among just such "actives" that the programs reviewed in Chapter V seemed to have their greatest effect. On the other hand if a person with only moderate or ordinary union attachments really wanted to do something about civil rights or medical care for the aged, there is no reason to believe that he would necessarily turn to his union as a vehicle for these interests. There are usually other groups devoted to these issues per se, which might be more attractive to him. COPE activities at the local level also seem to be performed by the existing officers or stewards rather than by attracting otherwise inactive members to this "new" area of union work, but the following chapters' more detailed analysis of the Massachusetts experience will also throw more light on this question.

Finally, Chapter I also raised the question of whether or

not there might be some relation between what appeared to be a new "business in politics" movement and the recent "hardening" of management attitudes in collective bargaining noted by several observers of the American labor-management scene. The a priori reasoning underlying this hypothesis was that a firm entering the more polarized atmosphere of the stringent and often unrealistic discourse of the political arena might, through its new involvement, also be more inclined to become increasingly adamant in its private bargaining relations with unions. The fact that the General Electric Company was prominently associated with both the "business in politics" and the "tough line" movements also helped to form this initial speculation. Subsequent analysis, however, indicates that, as in the case of the UAW's political activities and its internal democracy, there is no apparent simple cause and effect relationship between these two phenomena.

With regard to the General Electric Company, it seems clear that they evolved their "new look" in collective bargaining several years before President Cordiner announced the company's political "awakening" in 1958. With regard to other companies, Herbert Northrup has offered some evidence that much of the increasing firmness in management's approach to collective bargaining in recent years is "the result of some ugly economic facts of life which management has all too belatedly recognized" [19, p.9], rather than from forces stemming from the political arena. It is also true that in most of the large companies "speaking out" on public issues in recent years, their political and public affairs programs are under separate direction from their industrial relations programs at the operating level,

although the top management of these companies is of course responsible for the conduct of both activities. A further look at the principle labor and management organizations operating in the political arena also makes clear that these activities are still handled largely at the federation level by the AFL-CIO, the Chamber of Commerce of the U.S. and the NAM, which are organizationally and operationally considerably removed from the centers of power that negotiate the labor-management agreements that govern much of the private sector of our industrial relations system.

While it would thus be difficult to say that the political battles of recent years have had any direct influence on the conduct of most labor-management negotiations, it is probably also fair to state that the acrimony of recent labor-management political debates has done little to facilitate more cooperative approaches to the negotiation of labor-management differences. Indeed, as has been pointed out above, much of the fighting in the political arena is over issues that have already been resolved, or at least accommodated by the pressures of necessity in the bargaining arena.

To summarize briefly the conclusions to this point, there is considerable evidence that the political dimension of labor-management relations today is <u>expanded</u> compared to earlier times, but only mixed evidence that it has been <u>expanding</u> in recent years; and only a few of the possible implications of an expanding political dimension posited in Chapter I appear to be materializing. Talk of a labor party or organized labor capturing one of the existing parties seems ill-founded, and there does not appear to be any evidence of political

programs stimulating either a significant increase in membership participation in union affairs or a widespread membership opposition to existing union political activities. There is some evidence, however, that the labor movement is attempting to strengthen its geographically based state and local central bodies in an attempt to strengthen its political posture. Within the management camp, much of the publicity surrounding the "business in politics" movement of 1958-59 appears to have subsided, and there does not appear to be any direct relation between this series of events and the "tougher" approach management has been taking to collective bargaining problems in recent years.

Each of these tentative conclusions will be examined in further detail in light of the Massachusetts experience presented in the remainder of this thesis. Before turning to these considerations, however, one or two other conclusions appear to stand out from this review of the national labor-management political scene.

John T. Dunlop has noted the lack of "consensus" that dominates our national labor policy, [7] and Chapter V's review indicates that this situation extends beyond issues of labor-management relations to many other issues concerning the appropriate role of government and social welfare in our industrial society. Yet, current labor and management political activities are not aimed at any form of consensus building that can serve as the foundation for a more stable long run labor policy. Rather, each side seems bent on forcing its intractable position on the other in a highly partisan and polarized atmosphere that is far removed from the practical problems of the day to day work level of our industrial society.

As mentioned in Chapter II, the political dimension of labor-management relations is somewhat unique in the political arena in that there are highly organized adversaries on each side of practically every issue. The adversaries are fairly evenly matched in such a way that it is difficult to get any change in policy until an abnormal combination of circumstances or a temporary "crisis" shifts the balance of power momentarily to one side or the other. Such a "crisis" atmosphere, when it does arise, is not conducive to the kind of sober reflection or judicious consideration that should serve as the basis for sound long run policy. Under these circumstances of persistent deadlock in a highly partisan and polarized atmosphere which brooks no compromise and results in action only when one side or the other can take advantage of monentary shifts in the public attitude or surrounding circumstances to force its will in a way that is almost guaranteed to set up counter forces to immediately modify whatever new policy is hastily or expidently agreed on, the public and our legislators tend to be exposed only to the most extreme views of labor and management spokesmen. The trend to increasingly detailed regulation noted in Chapter II seems to be the inevitable result of such a situation, and barring a major modification it seems unlikely that this trend can be easily reversed. At present, there are no strong or effective channels through which "moderates" in either labor or management affairs can easily make their views known on a continuing basis. President Kennedy's establishment of a tri-partite, 21-member Advisory Committee on Labor Management Policy, however, may be a step in this direction.

In the interim, the tremendous amount of acrimony continuously generated at the political level by such perennial issues as union security is disconcerting in view of some of the other problems presently facing our industrial relations system. By its very nature union security is an issue that almost defies solution at the political level which would attempt to make a legislated policy applicable to many diverse employer and employee relationships. This seems to be one issue that can never be solved once and for all for everybody everywhere. Yet the pressures of the private bargaining process are such that the issue can be accommodated to suit the different needs of different relationships in a way that parties can at least live together without continuous attempts to force their accommodation on others or have their existing agreement disrupted by outside forces.

Indeed, the complex problems of policy in all areas of labor-management relations must always balance two considerations: the consideration that private arrangements do not adversely affect those not party to the agreement; and the consideration that those without a direct knowledge of or interest in a private arrangement do not make basic decisions which adversely affect the parties that are directly involved. Regardless of where one thinks the balance should be drawn on these two considerations with regard to union security, it seems clear that the disproportionate amount of attention shown to this issue in the political arena in recent years has prevented or at least militated against the serious consideration of some other problems which seem to be more clearly beyond the power of individual bargaining relationships to deal with effectively. The whole area of technological

change which disrupts existing product market and labor market patterns, for example, poses problems that are often beyond the ability of individual employers or unions to combat efficiently. The cost of retraining, transfer, and encouraging mobility from obsolete plants can quickly become prohibitive for any single employer or union, and seem much more amenable to political policies at a broader level. Yet the parties at the broader levels to date seem to have been too preoccupied with old battles to rise to the challenges of new opportunities for more constructive efforts. One can only speculate as to what might have been accomplished had all of the funds, talent, and effort expended on the futile right to work battles in 1958 been turned to the problem of accommodating to the present pace of technological change.

This latter speculation brings us to the final observation of this review of the national labor-management political scene. Namely, that it is presently almost impossible to estimate how much is spent by labor and management groups on political activities. Our present reporting laws are grossly inadequate with respect to both lobby spending and federal campaign contributions.

It is clear that both labor and management groups have vital interests and large stakes in the political process and few would deny their right to participate effectively in these areas. Certain limitations, however, also seem proper, and a full and complete accounting of all efforts made would seem to be a reasonable responsibility to accompany the right of effective political participation. With regard to lobbying expenditures, more clearly defined reporting

requirements and standard reporting forms with appropriate sub divisions and clearly spelled out penalties for filing fradulant or inaccurate returns seem appropriate for all groups attempting to influence the course of federal legislation, including labor and management groups.

The problems of legitimate political participation becomes more complex as one moves from legislative lobbying to the election of the legislators themselves. The links between particular issues and particular candidates is often strong, but it is also true that once elected candidates influence a variety of other issues not necessarily germane to those decisive in the campaign, and the directness of the relations between certain issues such as medical care for the aged under social security and the immediate interests of unions or corporations also becomes a grey area.

At present both corporations and unions are prohibited from making direct campaign contributions to federal candidates, but such candidates can be endorsed in internal communications directed to union members or corporate employees or stockholders, and public statements on specific issues are permitted. Outright endorsements directed to the public at large are presently outlawed except in certain special circumstances, however, but the constitutionality of this prohibition is questioned by many as long as the endorsement is made in the name of the corporation or the union, and it is sometimes difficult to separate a public statement on an "issue" such as "right to work" from the endorsement of candidates closely identified with these issues.

The present prohibitions on the direct contribution of union dues money or corporate funds to particular candidates or party committees seem reasonable in view of the other political channels open to union and management groups, and there seems no reason why this prohibition should not be extended to state as well as federal elections. A case can also be made for a more complete reporting of the now permissible contributions by individual corporate executives and by union political committees collecting voluntary political funds. These reports should cover both state and federal elections, and primary as well as general elections.

The use of corporate funds and union dues money for internal and external statements on candidates and issues raises somewhat more difficult questions of the direct interests of the union and corporate institutions, since in some sense practically every issue from world peace on down has some relation to these institutions. It also raises questions of the interests of union members and corporate stockholders as separate from the interests of the institution themselves. The Supreme Court ruling in the Georgia Case of Machinists vs Street seems to offer greater protection to union members than the present law offers to stockholders since the SEC ruling that the General Electric management did not have to reveal the costs of its political programs to stockholders unless it wanted to, which it did not.

It might be argued that as a practical matter it is easier for a stockholder to sell his stock than it is for a union man to join another union or get another job if he disagrees with certain political pronouncements. But the basic philosophy of the case is weaker than

its practical manifestations. And in any case it seems reasonable to require that both unions and corporations make a full accounting of the cost of both their internal and external political pronouncements on both candidates and issues. Then if a union man under a union shop contract objects to this use of his dues money he may be able to get a proportionate refund of his dues money under the Machinists vs Street ruling. Union members not under a union shop and stockholders receiving this information could then decide to go elsewhere, stay and work for change in the existing organization, do nothing, or press for further legal protection of their interests relative to those of their union or company. Whether or not further legal protection is needed or not is not possible to say at this time, but should become much clearer if the reports described above do in fact become required.

Turning from desirability to feasibility, how likely is it that the reforms suggested will be adopted? First, if they are proposed in a way that pertains only to unions and corporations their chances are better than if they require a complete amending of the Federal Regulation of Lobbying Act and the Federal corrupt Practices Act as they now apply to all groups. Past experiences with attempting to amend these latter statutes are not encouraging, but given the possibility of some major influence scandal causing a widespread demand for Congressional reform, this alternative, which is preferable, is not inconceivable but still not very likely. If one were willing to settle for a change applying only to labor and management groups as a starter, the possibilities are greater. A rather modest change in the present reporting laws required under the Landrum-Griffin Act

might do the job as far as unions are concerned, and the same route might be used for corporations and such organizations as the NAM and the Chamber of Commerce of the U.S. Or, special SEC or tax rulings might furnish the data for corporations and possibly other employer groups as well.

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PART II

THE CURRENT SETTING AND HISTORICAL BACKGROUND OF LABOR-MANAGEMENT POLITICAL STRUGGLES IN MASSACHUSETTS

CHAPTER VII

AN INTRODUCTION TO THE DYNAMICS AND STRUCTURE OF MASSACHUSETTS GOVERNMENT

This chapter will attempt to sketch in the historical background necessary for a minimum comprehension of the contemporary economic and political forces operating within the Massachusetts governmental structure. In launching this endeavor, it is probably best to begin with the Commonwealth's most basic resource--the people who have populated the state and given human vitality to its economic and political institutions. Secondly, the changing economic composition of the state will be examined as a prelude to a discussion of the shifting political tides in Massachusetts as they have reflected themselves in the formation and activities of Bay State political parties. Finally, the actual governmental machinery of the Commonwealth will be examined as a prelude to the more detailed discussion of labor legislation and its advocacy and opposition by particular interest groups, which follows in succeeding chapters.

The Population of Massachusetts: Assimilation and Change

The early Puritan settlers of Massachusetts were men of substance, determination, and education. They had experience in both business affairs and self-government, and they arrived on these shores determined to establish and maintain a religious Commonwealth. Even after the power of the Puritan theocracy wanned, the colony's

immigration policy afforded a scant welcome to newcomers--particularly if they were of different economic circumstances or possessed different social or religious views.

Economic and political ferment in Europe at the end of the eighteenth century, however, began a slowly increasing tide of immigration to the United States. Massachusetts shared in this influx; but the increase was gradual, and the process of assimilation of the newcomers was relatively successful. This picture changed with stunning suddeness during the 1840's.

Between 1846 and 1856, 214,573 foreign born immigrants entered Boston by sea. Most of the immigrants were Irish Catholics, with 129,387 coming directly from Ireland, and many of the 38,049 from Canada and the 22,777 from England also being Irish victims of the potato famine.[2, p. 249] Boston was ill prepared to receive them. The sheer physical impact of this flood of immigration would have been enormous--even had there been no complicating factors, of which there were many.

In the early 1840's Boston was a slowly growing, well-to-do community of about 120,000 people. Though it was densely settled, filling operations in the flats around the city had created new land, and the comparative wealth of Boston meant that city improvements and sanitation had reached a high level. Interest in the arts, letters, and social problems flourished, and Bostonians were proud of their city--perhaps to the point of smugness.

In such a community, a few distressed souls might have found welcome and help, but the realities of the problems raised by

the arrival of thousands upon thousands of hopeless, homeless, penniless immigrants were overwhelming. Along with the physical problems presented by these multitudes of newcomers, their Catholicism awoke all the old suspicion, distrust, and bigotry of Puritan days. Proper Boston, in the main, was horrified, suspicious, and dismayed.

Forced into the worst-paid occupations, huddled into housing worse than slums, the Irish had to concentrate on the pressing problems of bare subsistance. They had neither the time nor the encouragement to share old Boston's concern with the social issues of slavery or temperance.[1] But their first bitter years in America taught the immigrants that political freedom and political power were their only means to social and economic betterment. Consequently, increasing numbers of naturalized Irish voters came to the polls.

In response, the Know-nothing Party was formed largely to oppose the entrance of the Irish immigrants into politics. This party, which swept the state in the 1854 elections, united both the high-minded reformer and the bigot by attracting the southern slave power and the foreign Pope as equally un-American. Although the anti-foreign, anti-Catholic supporters of the Know-nothings were not conspicuously successful in limiting the political rights of the newcomers, the identification of "Irish" with "Catholic" was intensified and harassment of the immigrant community continued for some years.

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[1] Although the Catholic Church never supported the institution of slavery as such, it did not share in the anti-slavery agitation of most Protestant denominations; and Catholic newspapers urged their readers to support the law and the country's established institutions.

Much of the most bitter conflict was resolved during the Civil War, when the immigrant's loyalty to the government, once manifested in opposition to the abolitionists, then showed itself in adherence to the union. The political repercussions of the Know-nothing era have died hard, however, and, as will be seen later, they are still reflected in present party alignments in the Bay State.

While the Irish immigration certainly produced the major shift in the composition of the population of Massachusetts, immigration from northern Europe and Canada continued high during the second half of the nineteenth century. By the beginning of the twentieth century, however, a large majority of the immigrants were coming from southern and eastern Europe. This trend continued until the quota systems of the Federal immigration laws passed in the 1920's sharply curtailed this latter immigration.

As a result of over 170 years of immigration, Massachusetts, once the most homogenous of the 13 original states, has become second in the union in the proportion of foreign born to native population. Table 27 compares the proportions of ethnic minorities in Massachusetts and in the United States in 1920, 1950, and 1960.

Perhaps less startling than the Bay State's population change but equally significant has been the shift in the industrial composition of Massachusetts.

TABLE 27 - Proportions of Ethnic Minorities in Massachusetts and the United States - 1920, 1950 and 1960

	Percent of population foreign born			Percent of population born of foreign or mixed parentage		
	1920	1950	1960	1920	1950	1960
United States	14.5%	7.5%	5.4%	23.9%	17.5%	13.6%
Massachusetts	28.3	15.3	11.2	39.3	33.4	28.8

Source: 1920 and 1950 figures adapted from [9 , p. 306]
1960 figures from [11, p. 251]

The Changing Industrial Composition of the Bay State

At the close of the Revolutionary war, Massachusetts was a sparcely settled community, predominantly agricultural and maritime in occupation. Commerce dominated the life of the Commonwealth from 1790 to 1820. Though the embargo and the War of 1812 seriously interfered with Massachusetts trade, they also provided impetus for the growth of manufactures. By 1820, the predominantly agricultural and commercial economic pattern in Massachusetts had permanently shifted to industrial pursuits.

The accessibility of water power in Massachusetts had already permitted early craft industries to expand into factories. Capital for new industries came from the fortunes built in trade. Labor was first supplied by New England farm girls and later through natural population growth and immigration. Although hats, leather goods, and woolens were successfully manufactured in the state, textiles soon became the outstanding product.

Following the Civil War, the industrial development of

Massachusetts continued at a rapid pace; and by the middle of the 1880's Massachusetts was the nation's unchallenged industrial leader. She was the largest manufacturer of textiles and boots and shoes, and also produced fine paper, machines, and other diversified industrial products. During the early years of rail development, however, Massachusetts still had a strong maritime economy, and was never very agressive in developing rail transport. This, when combined with the subsequent development of electric power in other parts of the country, proved to be a serious handicap.

Massachusetts' supremacy in the manufacture of fine textiles, worsted, woolens, boots, shoes, and high-grade paper remained unchallenged in the early years of the twentieth century; and newer industrial developments included rubber, confectioneries, and hand tools. With the development of electrical power elsewhere, and the increasing importance of transportation cost as the nation continued its rapid expansion, however, Massachusetts lost her previous advantage in textile production; and she has since been struggling hard to compete industrially with other parts of the nation.

This situation has recently been summed up quite eloquently by the Massachusetts historian, Henry F. Howe:

> Massachusetts has fought for two generations a delaying action, a Dunkirk, a battling withdrawal, in the attempt to find substitutes for production of cotton textiles and manufacture of shoes, the two industries in which she held pre-eminent leadership in the nineteenth century, both of which have been reluctantly moving south and west. Cotton and hides once came by sea, and Massachusetts cloth and shoes were shipped by sea. When rail replaced shipping, and markets moved west, the attrition began. No tariff could protect any industry from the free competition of the other states

> of the Republic. The result, with bulk products like cotton and hides, was certain. As soon as adequate labor could be found to man factories nearer the centers of population, these New England industries were gradually forced out of their markets. For a while Yankee ingenuity, more efficient production techniques, and a pool of trained labor could stem the tide, and did. But when the flow of overseas immigration slowed down in the 1920's, when westward migrants, no longer needed on mechanized farms, turned to factory employment, and when enterprising midwestern and southern investors acquired sufficient capital, electric power, and efficient management to build the plants, the process of competition operated inexorably to reduce the Yankee supremacy. [3, pp. 248-49]

Recent figures show that Massachusetts is still predominantly an industrial state, but the growth of new industry in other parts of the nation has hurt Massachusetts' relative competitive position. Despite the serious setbacks in the textile and shoe industries, however, there has been an increasing effort to introduce a new industry into the Bay State, such as electronics and other electrical machinery. Indeed, Howe states, "Research now has become, quite seriously, Massachusetts' most valuable asset."[3, p. 254] There has also been an effort to develop non-manufacturing or service industries in the Commonwealth, such as tourism and, particularly, insurance.

We will return to the Massachusetts' economy as it effects, and is affected by, the Bay States' political process later. Now, however, we will turn to an examination of the structure and history of Massachusetts' government and its political parties.

The Formal Structure of Massachusetts Government

The Massachusetts constitution, ratified in 1780, is the

oldest state constitution still in existence. It bears a direct relationship to the Declaration of Independence, which preceded it by four years, and to the Constitution of the United States, which was adopted nine years later. The Massachusetts Constitution established a frame of government providing for the now familiar separation of powers between the legislative, judicial, and executive branches.[1]

The Massachusetts legislature is officially known as the General Court. Its two branches are the Senate with 40 members and the House of Representatives, whose 240 members make it one of the nation's largest lower houses. The General Court meets annually, and its members are elected bi-annually. The only exceptions to the legislature's exclusive power to make and repeal laws are the provisions for initiative and referendum, which give the people the power to initiate constitutional amendments or laws and to approve

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[1] The original Massachusetts Constitution had no provisions for amendment, but when Maine was separated from Massachusetts to become a separate state in 1820, a constitutional convention was called. In addition to passing some amendments, the 1820 convention provided that after a proposed amendment had passed in two successive sessions of the General Court it would be submitted to a popular vote for final passage. A 1918 Constitutional Convention provided that amendments could also be introduced by initiative petition. The amendment procedure was again changed in 1950 to provide that either branch of the legislature may propose a joint session or a Constitutional Convention for the purpose of considering amendments to the Constitution.

There have been three constitutional conventions and over 80 amendments to the Massachusetts Constitution, but the League of Women Voters note: "Of all the amendments to date, only three may be said to belong more properly to the field of detailed legislation. They are: Amendment Forty-four, prohibiting the graduated income tax, Amendment Fifty, regulating advertising in public places, and Amendment Severty-eight, requiring that revenue from the use of motor vehicles be used for highway purposes only." [7, p. 38]

or reject laws passed by the legislature. Bills passed by the General Court must be approved by the governor, or repassed over his veto by a two-thirds vote of both branches.

The Massachusetts legislature uses a joint committee system which works best when the same party controls both houses. Committee work loads tend to be very heavy since Massachusetts has a system of "free petition", which means that any citizen can file a bill by merely obtaining the counter signature of any member of the legislature. Massachusetts also requires a public hearing on all bills, and no bill can be killed in committee. They must be reported out to the full body of the Senate or the House where they all are debated and acted upon. In recent years, however, more and more bills seem to be referred to post-prorogation study sessions rather than being passed or killed outright.

The turnover of members in the General Court is small--about one-fourth each term--and most legislators have some business or profession apart from their legislative work. The Massachusetts League of Women Voters reports:

> A survey of the 1955-56 legislature shows that the legal profession was the most highly represented; eleven of the forty senators and sixty-two of the 240 House members were lawyers. The insurance business supplied four senators and twenty-four representatives. Except for these two areas, the legislature appears to represent a cross-section of occupations, with almost every trade or profession represented. [7 , p. 46]

Massachusetts provides justice to its citizens through a system of courts that includes the Supreme Judicial Court, the Superior Courts, the Probate Courts, the Land Courts, and the District Courts. The legislature is responsible for the establishment of the

courts. All judges are appointed for life by the governor, and all the procedures and administration of the courts are supervised by the Supreme Judicial Court, which gives the system an over-all unity.

Since the Massachusetts Constitution gave little power to the governor, his role was originally very limited. The Constitutional Convention of 1917-19 reorganized the executive branch, however, and more power and responsibility were granted to the governor. This Convention also established a two year term for all elected state officials, and it provided that: "executive and administrative work of the Commonwealth shall be organized in not more than twenty departments, in one of which every executive and administrative office, board, and commission, except those offices serving directly under the governor or the council shall be placed." [7, p. 64]

In Massachusetts, a major share of the governor's actions must be approved by an executive council, which is composed of the lieutenant governor and eight councilors elected from special councilor districts. This institution is a vestige from colonial days when the council was established as a check on the governor, who was then appointed by the King of England. Although it still supposedly acts as adviser to the governor on executive policy, its role in administration is negligible. Since the council does have the power to approve appointments, however, it does get involved in patronage; and this is certainly the point of its most significant influence.

Since the governor is required to submit an executive budget outlining all proposed revenues and expenditures of the Commonwealth, his legislative program serves as the base point for all

major legislative operations in Massachusetts. As a result of the 1917-19 Constitutional Convention, the legislature can not include in the regular budget any new item which the governor has not requested, but it can alter the amounts allotted to the various specific programs. If any new programs are to be submitted, they must come through separate proposals with separately provided financing. This, obviously, serves as a strong deterent to independent programs. Also intergal to the executive budget is the governor's power to veto or reduce any item of the budget as passed by the legislature. This "item veto" makes it easier for the governor to secure a budget in line with his original requests.

Legislative vetoes are not very frequent in Massachusetts. The governor has one opportunity to return any legislative measure presented to him to the General Court with his recommendations for change. If he does finally veto a bill, a two-third vote of the legislative is required to override his action.

The expansion of the administrative organization of the state did not stop with the 1919 reorganization. The constitutional limitation of 20 administrative departments, however, has made it impossible to create additional departments to administer state responsibilities assumed since 1919. Nevertheless, the legislature still has the power to reorganize the existing departments to make room for a new one when such a move seems necessary or desirable. One such example occurred in 1953 when the legislature first abolished the Board of Industrial Accidents, a separate department; then created a new Division of Industrial Accidents, having the same functions, as

an independent agency in the Department of Labor and Industries; and thereby made it possible to create the new Department of Commerce.

Using such awkward arrangements, there are now over fifty agencies not subject to department control--in addition to over twenty agencies operating directly under the governor and council, and a large number of independent agencies that do not fall within any division of the executive branch. Nevertheless, the state administration remains fitted into the duly authorized twenty departments.

The scope of this thesis justifies particular mention of only two of these Departments and one commission under the governor and council--the Department of Labor and Industries, the Department of Commerce, and the Massachusetts Commission Against Discrimination.

Department of Labor and Industries

Today, the Department of Labor and Industries administers approximately 1,500 statutory laws--the most important of which will be reviewed historically in the following chapters. As now constituted, the Department is administered by a Commissioner; an Assistant Commissioner, who must be a woman; and three Associate Commissioners, one of whom shall be a representative of labor and one a representative of employers. The third, though not so specified in the law, is generally chosen to represent the public. All of the above are appointed by the governor and council for three-year terms, and it has become increasingly customary to appoint a labor man as Commissioner to administer the overall activities of the department.

There are three divisions within the department which are headed by commissioners. Six other divisions have directors appointed

by the commissioners with the approval of the governor and council. And, finally, there are three autonomous divisions not subject to departmental control. We will briefly examine the divisions in each of these three categories.

Divisions Headed by Commissioners--The three divisions within the Department of Labor and Industries which are headed by commissioners are the Board of Conciliation and Arbitration, the Division of Minimum Wage, and the Division of Employment of Older Workers.

The three associate commissioners of the Department of Labor and Industries constitute the Board of Conciliation and Arbitration. This Board dates back to 1886, and was placed in the Department of Labor and Industries in 1919. Table 28 shows the number of arbitration and mediation cases handled by the Board from 1920 through fiscal 1961 (July 1, 1960 to June 30, 1961), the last year for which complete details are available.[1]

In fiscal 1961, the Board received a total of 662 cases, and serviced another 21 cases pending from the previous year. Three hundred and ninety-three cases were closed by conciliation and another 27 conciliation cases were withdrawn or settled prior to conference. Two hundred and seventeen arbitration cases were closed by Board award, and another 45 arbitration cases were withdrawn or settled. Sixty-three of the 662 cases serviced by the Board in 1961 were

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[1] The early history of the Board and a comparison of the mediation and arbitration efforts of Massachusetts and New York from 1886 to 1900 are [6, pp. 23-26]. A more recent discussion, from which the 1920-1940 figures in Table 28 are taken is [5, pp. 187-192].

work-stoppage cases directly involving 17,998 employees.

TABLE 28 - Arbitration and Mediation Cases of the Massachusetts State Board of Conciliation and Arbitration, 1920-1961*

Year	Arb. Cases	Med. Cases	Year	Arb. Cases	Med. Cases
1920	333	31	1941	360	468
1921	573	70	1942	319	470
1922	592	48	1-43 to 7-43	156	171
1923	568	52	1944	283	282
1924	394	37	1945	379	198
1925	316	Less than 70	1946	329	268
1926	269	Less than 70	1947	405	308
1927	194	Less than 70	1948	464	427
1928	118	Less than 70	1949	414	455
1929	48	Less than 40	1950	475	420
1930	72	-	1951	246	431
1931	375	-	1952	224	378
1932	121	-	1953	224	421
1933	111	-	1954	224	421
1934	75	-	1955	259	434
1935	89	-	1956	254	487
1936	120	More than 105	1957	253	462
1937	271	Approx. 250	1958	253	468
1938	326	311	1959	262	374
1939	314	336	1960	252	349
1940	325	380	1961	262	420

*Calendar Year 1920-1943. Fiscal Year (7-1 to 6-30) 1944-1961.

Source: Annual Reports of the Board on file at Room 473 State House, Boston, Massachusetts.

Over the years Massachusetts has had one of the best records of industrial peace among the industrial states of the nation. Table 29 gives the state and the national figures for work stoppages due to labor-management disputes from 1945 through 1960.

The female assistant commissioner of the Department of Labor and Industries has particular responsibility for all matters relating specifically to women and minors and for the Division of Minimum Wage.

TABLE 29 - Work Stoppages Due to Labor-Management Disputes in Massachusetts and in United States--1945-1960

Year	No. of Stoppages Beginning in Year		No. of Workers Involved (In Thousands)		No. of Man-Days Idle As % of Estimated Working Time	
	Mass.	U.S.	Mass.	U.S.	Mass.	U.S.
1945	239	4,750	60.7	3,467		.47
1946	266	4,985	111.0	4,600		1.43
1947	177	3,693	56.4	2,170		.41
1948	130	3,419	29.8	1,960		.37
1949	113	3,606	24.6	3,030		.59
1950	193	4,843	58.4	2,410		.44
1951	151	4,737	60.0	2,220		.23
1952	143	5,117	39.9	3,540	.21	.57
1953	176	5,091	46.1	2,400	.15	.26
1954	113	3,468	23.4	1,530	.08	.21
1955	142	4,320	64.8	2,650	.31	.26
1956	170	3,825	55.0	1,900	.20	.29
1957	144	3,673	56.6	1,390	.14	.14
1958	164	3,694	49.0	2,060	.13	.22
1959	134	3,708	43.0	1,800	.21	.61
1960	120	3,333	48.5	1,320	.40	.17

Source: U.S. Department of Labor, Work Stoppages: Fifty States and the District of Columbia 1927-62, BLS Report No. 256 (Washington: U.S. Government Printing Office, 1963)

This Division can authorize inspections of wage and hour records and hold hearings if violations of the state minimum wage law are changed. Under Massachusetts law it is also possible to authorize rates below the state statutory minimum in particular circumstances or in certain industries. In 1962, the statutory minimum wage in Massachusetts was raised to $1.15 per hour, but wage board orders in certain industries permit minimums as low as $.75 per hour where employees customarily receive tips.

The Division of Employment of Older Workers was established in 1954, and is also administered by the assistant commissioner with the help of a ten-member advisory council appointed to study and bring in recommendations concerning problems of the aging.

Divisions Headed by Appointed Directors--In addition to the three divisions, which are headed by commissioners, there are six other divisions whose directors are appointed by the commissioners with the approval of the governor and council. These divisions are: Industrial Safety, Occupational Hygiene, Standards, Necessaries of Life, Statistics, and Apprenticeship Training.

The Division of Industrial Safety investigates accidents to employees, and complaints of employees, supervises the distribution of home workers' certificates, and supervises compliance with state labor laws. In fiscal 1961, the division made a total of 63,606 inspections and visits. During the year some 17,578 orders were issued, 12,037 of which were verbal orders that were complied with at the time of issuance, and 5,541 of which were written orders requiring subsequent compliance.

The Division of Occupational Hygiene tries to prevent industrial diseases, and its functions are closely related to the Division of Industrial Safety and the state Department of Public Health. The Division of Standards enforces the laws regulating weights and measuring devises, and serves as the central licensing authority for "hawkers, peddlers, and transient vendors". The Division of Necessaries of Life compiles a state cost-of-living index and administers the motor fuel sales law. The Division of Stastics collects and supplies statistics on labor and manufacturing, and it publishes monthly surveys of employment and earnings in Massachusetts. The Division of Apprentice Training provides for an apprenticeship council of eight members--three representing employers, three representing union members, and two others. Industries and plants are encouraged to establish apprentice training programs for the development of skilled workmen, and the Director of Apprentice training may set up committees and establish standards for training in cooperation with the Department of Education. As of June 30, 1961, there were 1,895 programs involving 4,971 companies training 3,348 apprentices that were registered with this division.

Autonomous Divisions--The three autonomous divisions within the Department of Labor and Industries are the Division of Industrial Accidents, the Division of Employment Security, and the Labor Relations Commission. These divisions, in reality, are of departmental status, but have not been so designated because of the constitutional limit.

The Division of Industrial Accidents is headed by a nine

member Industrial Accident Board, whose members are appointed for five years. This division is chiefly responsible for administering the Massachusetts Workmen Compensation Act. The Division of Employment Security administers the Massachusetts Unemployment Compensation law and supervises the state employment offices which are located throughout the Commonwealth. This division is headed by a single director, with an advisory council of six members.

The Labor Relations Commission was established by the Massachusetts State Labor Relations Act in 1937, and it is the smallest of the three independent agencies in the Department of Labor and Industries. The three-man commission is appointed by the governor and Council for five-year terms. Table 30 shows the number and types of cases received by the Massachusetts Labor Relations Commission from the time of its establishment through fiscal 1961, the last year for which complete figures are available.

This brief review of the structure of the Department of Labor and Industries indicates that there is considerable overlapping and in some cases near duplication of functions. Yet, when Massachusetts created a Special Commission on the Structure of State Government (the so-called "Baby Hoover" Commission) in 1948, which lasted through 1954, its recommendations concerning the Department of Labor and Industry were opposed by the Bay State labor movement and largely ignored by the General Court.

Department of Commerce

The Department of Commerce was created by the General Court in 1953 to meet the threatened deterioration of economic morale in

Massachusetts which accompanied the shift of some industries--largely textiles--to other states. The department has no regulatory or police functions, but rather establishes a single agency to which businesses and communities may go for information and assistance in order to "to promote and develop the industrial, agricultural, commercial, and recreational resources of the Commonwealth."

TABLE 30 - Cases Received by the Massachusetts Labor Relations Commission 1937-1961

Year	Total Cases	Unfair Labor Practice Cases	Representation Cases
8-26 to 11-30, 1937	83	73	10
1938	340	216	124
1939	361	156	205
1940	283	174	109
1941	265	133	132
1942	207	82	125
12-1-42 to 6-30-43	57	26	31
7-1-43 to 6-30-44	99	45	54
1945	81	27	54
1946	201	64	137
1947	429	66	363
1948	256	76	180
1949	186	44	142
1950	N.A.	N.A.	N.A.
1951	223	72	151
1952	176	55	121
1953	116	46	70
1954	97	48	49
1955	146	40	106
1956	166	57	109
1957	118	32	86
1958	107	25	82
1959	110	52	58
1960	116	52	64
1961	137	80	57

Source: Annual Reports of the Board on file at Room 473 State House, Boston, Massachusetts.

The Department of Commerce is headed by a commission appointed by the governor and council, and two deputy commissioners appointed by the commissioner with the approval of the governor and council. The department has three main divisions, each under a director appointed by the commissioner.

The Division of Research is authorized to compile information on all economic variables useful to industrial and commercial development. The Division of Development seeks to attract new business to the commonwealth by promoting existing industries and by finding favorable locations for new business. The Division of Planning is charged with the preparation of a master plan for the physical development of the Commonwealth.

Massachusetts Commission Against Discrimination

The Massachusetts Commission Against Discrimination is an independent, three-member agency serving directly under the governor and council. Established as the Massachusetts Fair Employment Practices Commission in 1946, the commission's name was changed in 1950, when its responsibilities were broadened to include discrimination in places of public accommodation and public housing as well as employment. Thus, the commission now enforces the laws prohibiting discrimination in these three areas because of age, race, color, religious creed, or national origin, and it also carries on an educational program with the aid of specially appointed councils of unpaid, civic-minded persons.

Underlying this formal governmental apparatus and giving life to the political process in Massachusetts are the political parties and their related interests in the state.

Party Politics in the Bay State

The first American political party was the Federalist party. Its leaders included most of the men who had taken part in framing the United States' Constitution, with Alexander Hamilton perhaps the foremost among them. They had the support of the merchants, the lawyers, and the property owners--all of whom stood to profit by sound money and the promotion of commerce and industry. Popular approval of the Constitution and the proposed federal government was sufficient not only to secure ratification, but also sufficient to insure a Federalist majority in the new Congress.

In 1800 the Jeffersonian party charged that the Alien and Sedition Laws, passed by the Federalist Congress in 1798, were an attempt to consolidate the power of the few by taking away the liberties of the many; and they were successful in driving the Federalist from power on this issue. Massachusetts, however, continued to vote Federalist in national politics until 1804, By that time Federalism appeared on the wane in Massachusetts as elsewhere, but Jefferson's embargo Act of 1807 severely hurt Massachusetts commerce. Bay State Federalists led the successful pressure for repeal; but, in the prosperity which followed, the Jeffersonian, Elbridge Gerry, was elected Governor of Massachusetts in 1810.[1]

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[1] Gerry's name, of course, survives as part of the political vocabulary of the country. Under him, the Jeffersonians, hoping to sustain themselves in power, redistricted the state--a devise as old as politics, but not always accomplished so flagrantly. A cartoonist, looking at a map of the South Essex District (now the 7th Congressional) as the Jeffersonians had drawn it, was struck by its likeness to a salamander, and christened it the "Gerrymander".

The War of 1812 brought such economic crisis to Massachusetts that the Federalists began to discuss seriously the possibility of secession. Before their plans matured, however, the war ended; and their party was nationally discredited as treasonable. Nevertheless, the Massachusetts Federalists kept control of the Bay State for another ten years after their party disappeared from the national scene.

After Andrew Jackson formed the modern Democratic party, which won the national election in 1828, they were opposed nationally by a new coalition party calling itself by the popular old name of Whig. In Massachusetts, the Whigs were supported by the manufacturing and commercial interests, which had supported John Quincy Adams in his battle with Jackson. This party dominated the state, with brief exceptions, until 1850. In Massachusetts, the minority of opposing Democrats included such diverse elements as radical agrarians and the shipowners of Essex County who opposed the protective tariff.

Two minor parties arose in Massachusetts in the 1830's: the Antimasons, and the Workingmen. The Antimasons enjoyed a brief success in coalition with the Whigs, after which many of them went into the Whig party. The Workingmen, unsuccessful as a party, mostly took refuge with the slowly fading Democrats.

By 1850, the Free-soil party, which opposed both the extension of slavery and the reaffirmation of the Fugitive Slave Law, had superseded the Democrats in second place in state elections. Through a coalition with the Democrats, the Free-soilers ousted the Whigs from all state offices and replaced Daniel Webster in the United States Senate. This coalition faded entirely, however, when they

promoted a constitutional convention in 1853, only to have the results rejected by the people at the polls.

By 1854, both the Whigs and the Democrats were split by the slavery question, and at this juncture the Know-nothing party rose to sweep the state in its first election. While openly opposed to the entry of the Irish immigrants into politics, and while emphasizing the unwillingness of the Irish to align themselves against slavery at that time, the Know-nothing party was also consciously used by many of its supporters to disrupt the Whigs and the Democrats in the hope that a new party antagonistic to slavery would evolve. After two years such a party--the Republicans--did develop.

In Massachusetts, the Republicans supplanted the Whigs, the Free-soilers and the Know-nothings. They were in complete control of the state by 1857; and, with the beginning of the Civil War, the period of experimental political parties may be said to have ended in Massachusetts despite a few schisms and some rather persistent but rather minor parties. The Republican and Democratic parties of today are still recognizable as they were in 1860; but in Massachusetts, it is only recently that the Democrats have been able to emerge from a long period of Republican dominance. Indeed, one writer has observed that "the story of Massachusetts Republicanism is one of graceful retreat on many fronts." [9, p. 136] This rise of the Democratic party from defeat and exclusion to a position of vigorous competition with the Republicans is inextricably connected with the settlement of Irish, French-Canadian, Italian, and Polish ethnic groups in the Bay State.[1]

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[1] It may be noted in passing that these nationalities which have
(continued on following page)

The League of Women Voters in Massachusetts notes:

> The Republican and Democratic parties in Massachusetts are strikingly different both in the people they represent and in the way their organizations function. Historically, the Democrats have represented the urban population, the Republican the rural. In the popular view, the Democrats have represented labor and the Republicans management; the "Yankees" have tended to be Republican and the "Irish" Democratic; but other facts are making this distinction less valid. Perhaps no party leader is entirely happy about the homogeneity of his state party. Pleas for a "balanced ticket" seem to indicate as much. But the combination of historical, economic and social factors which underlie our current political situation may make this an intricate problem to solve. [7,pp. 331][2]

Since the Whigs, the Know-nothings, and the Republicans, who derived largely from the remnants of these earlier parties, were largely anti-Catholic and anti-immigrant, it was natural that the Irish as the first commers turned to the Democratic party. The Democrats made a special appeal to the Irish in these early days, and it paid off handsomely. When later immigrants from Catholic countries came into Massachusetts the Democrats had at least somewhat of a head start on the Republicans, who, if not outrightly antagonistic to the newcomers, at least had a record of antagonism to live down.

(Footnote 1 continued from preceding page)

settled in Massachusetts are all primarily from the Catholic parts of the world. This fact may be of greater long run significance than ethnic factors per se, since ethnic distinctions and attachments are much more likely to be worn away over time than are religious differences.

[2] The same statement also observes that "The Republican party appears to be a relatively tight organization.... The Democratic party is more of a loose confederation of locally popular leaders, who are strong when they unite, but who have been reluctant to subordinate their own influence to that of any central group....Republican financing seems to be mainly a joint party effort, while Democratic candidates collect and disburse their own funds." [7, p. 331]

Leaving religion aside for a moment, however, entry of the new ethnic groups into the Democratic party was far from automatic. As the Democratic party became more and more urban, the leadership element began to reflect the rise of Irish political leadership in the cities. This dominance of the Democratic party by the Irish was no warm welcome to the Italians and French-Canadians. Yet, Massachusetts was rapidly industrializing during these waves of immigration, and Boston employers used the abundance of labor to keep wages low.[1] The Democrats were again the beneficiaries and its opponets the loosers as a result of the antagonisms aroused by these industrial conditions. For, in the long run, the element of economic status in political choice tended to favor the Democratic party as far as these new groups were concerned. The vast majority of the immigrant population occupied the lowest rungs of the economic and social ladder, and once the Democratic party had taken its trend toward a more liberal position it could make a successful appeal to the working-class ethnic minorities.

While the extent of industrialization and the heavy waves of immigration seem to have predestined the rise of the Democratic party in Massachusetts, however, the emergence of the Democrats was a slow process.

Localized Democratic victories began back in the nineteenth century, but it was not until 1928 that the fullest impact of

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[1] Handlin [2, pp. 54-87] describes in vivid detail the difficulties of economic adjustment for the immigrants facing a constant labor surplus.

immigration and industrialization began to appear in Massachusetts election returns. The candidacy of Al Smith hit home with the Catholic-worker elements of the state; and, with the exception of the two Eisenhower majorities in 1952 and 1956, the Democrats have carried the presidential elections in Massachusetts ever since. A different picture emerges in the races for the governorship, however, where the Democrats have won only 10 of the last 18 bi-annual elections. The Republicans were even more successful in retaining control of the state legislature, where they held on to the Senate until 1958, even though the Democrats began to carry the House a decade earlier. These differences between state and national party successes in Massachusetts, however, tend to be explained by a closer examination of the nature of the state parties in Massachusetts.

The Massachusetts Republican Party

The traditional Brahmin first-family influence, which has contributed so much to the goverance of Massachusetts, has given the Republican party in the state a natural conservative bent. Both internal and external forces have gradually forced the leadership to adapt the party credo and performance to the changing spirit of the times, however, and as a result, the moderate conservatism of such national figures as Leverett Saltonstall, Henry Cabot Lodge, Jr., and Christian Herter is typical of Republicanism in Massachusetts today.[1]

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[1] An example of the moderate nature of Massachusetts conservatism can be found in the fact that the 1952 presidential preference primaries found most of the big names of the party in the state in the Eisenhower camp, and in the election returns the Taft forces were completely routed by a margin of about 7 to 3.

Although the state party organization has slipped from its one time position of phenomenal power, the Republican organization in Massachusetts is far stronger than its Democratic counterpart. The Republican party tends to collect money centrally and pass it down to the town committees for their use. In the Democratic party whatever is spent locally is usually collected locally, too. The Republicans have also been much more successful than the Democrats in withstanding the winds of divisiveness that seem to blow from primary elections and nuisance challenges.[1] Nevertheless, the enactment of a pre-primary convention law in 1954 was very important to the Republicans, since they have been very desirous of getting a better ethnic balance to their state wide tickets,[2] and Lockard has noted:

> Whether for reasons of social climbing, acquisition of wealth leading to conservative views, or disgust with occasional Democratic dishonesty, many of the foreign-stock groups in recent years have abdanoned their usual association with the Democratic party.

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1 Democratic primaries in Massachusetts are notorous for the success of outsiders whose only qualifications are good Irish names.

2 As a result of their party organization and pre-primary conventions, the Republicans now have balanced tickets, but how much effect these balanced tickets have had on state elections is hard to say. In 1960, for example there was much criticism of their "United Nations" ticket of Volpe (Italian) for Governor, Means (Yankee) for Lt. Governor, Brooke (Negro) for Sec. of State, Tribulski (Polish) for State Treasurer, and Wardwell (Yankee) for State Auditor. Only Volpe was elected.

> In addition, zealous efforts to attract such voters with balanced tickets and appointments of minority group leaders to patronage positions have put new faces and new names into the ranks of Republican leadership. For the most part the newcomers have not moved into the inner circle of leadership, but entry into even the outer circle was an exception to a long-established rule. [9, p. 146]

The nomination and election of an Italian-Businessman-John A. Volpe by the Republicans in 1960 may mark a significant shift in Bay State politics. How significant remains to be seen; but it is extremely crucial for the Republicans in Massachusetts, since the prestige, influence, and financial interest of the first families can only go so far in offsetting the political force of sheer numbers. For, indeed, the forte of the Democratic party in Massachusetts is precisely numbers.

Yet the character and quality of the Democratic party and its leadership at the state level in Massachusetts has much to do with the fact that the fullest possibilities of the Democratic vote have not been realized in state elections.

The Massachusetts Democratic Party

Although it might seem that the heavy "foreign-stock" population and the heavy industrialization of the state would assure a relatively liberal Democratic party in Massachusetts, the fact is that the party takes its liberalism in moderation. Lockard notes: "This is presumably associated with the strength of the Republican party, the merits and prestige of the candidates it offers, and the outlander's dislike of big-city politicians. . . ." [9, pp.134-135] To this might be added a strong Catholic distaste for anything which might be labeled "left-wing" or "pinkish" in nature, and just plain

deviseness within the party.[1]

Intra-party divisions tend to reflect basic facts of geography and social composition as well as personality conflicts, and the Democratics have seldom been able to present the united front their Republican opponents do. As a result, Democratic party leadership has in general less prestige and less authority than the Republican leadership. The questionable behavior of some Democratic officials, grave enough to involve several jail sentenses for Congressmen, ex-governors, mayors and others, has not enhanced the party's chances.[2]

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[1] John H. Fenton, also, offers the following explanation:

"The reasons for the relatively conservative cast of the Massachusetts Democratic party are several. One factor is the popular primary in Massachusetts, which tends to reduce the effectiveness of the party organization in presenting a slate of candidates who fairly represent the party. . . .

The heterogeneous composition of the Democratic party in Massachusetts is, perhaps its most important moderating feature. . . . the Massachusetts Democratic party is a coalition of various competing ethnic groups, labor unions, and liberals. The Irish and Italian groups associate themselves with the Democratic party primarily as a means of social mobility. . . .

The labor unions in Massachusetts are many and varied in their interests. They are primarily "bread and butter" unions narrowly concerned with the protection of the interests of the unions and their members. . . . Thus their impact on the Democratic party is not a particularly liberalizing one.

The liberal element in the Democratic party is more strident than potent. In fact, Democrat such as Furcolo get political mileage out of attacking the ADA." [1, p. 60]

[2] Lockard notes:

"The incarceration of former Governor, Congressman, and Mayor James M. Curley is a well known story. Others like Congressman Thomas J. Lane have hardly been as asset to the party. Lane won renomination for Congress in 1956 two weeks after being released from the Danbury Federal prison, having been there after conviction for tax evasion." [9, p. 123]

More recently, shady dealing in Massachusetts politics, largely under Democratic influence, but with some hints of Republican compliance if not involvement, have received increasing national attention. One recent book, for example, contains a 9-page listing of scandals that have beset the Bay State with increasing frequency in the past 40 years. See [8, pp. 54-68]

Geographically, there tends to be a Boston-versus-the-rest of the state dichotomy within the Democratic party. Boston and its immediate environs contain the largest single concentration of Democrats in the state, and there is a definite trend toward a greater and greater proportion of the Democratic nominees for statewide office to be from the Boston area. Since most Democratic candidates count on losing heavily in the rural towns and many suburban areas, however, the votes in western cities are vitally important. Nevertheless, in all the battles to provide a pre-primary convention to recommend statewide slates, the Democratic leadership was anti-convention.

Ethnic competition in the Democratic party is normally between the Irish and the more recent comers, such as the Italians, the Polish, and the French-Canadians. It is always the Irish who have to be ousted in these battles, since they were well fixed in the Democratic party before the others came. And in many areas where the Irish now comprise a minority of the population, they continue to control positions of party leadership.

In addition to these geographic, ethnic, and morality factors, there is also a great deal of just plain personality conflict within the Massachusetts Democratic party, which has tended to greatly weaken the party organization. Lockard notes:

> The Democratic organization in fact seems at times to be nothing at all. . . . Personal organizations are numerous and various strong men often go their own way without regard for other candidates in a campaign. . . . In some smaller urban centers where there are Democratic majorities, the party organization may practically give way to labor groups who do most of the work of campaigning. [9, p. 125]

Legislative Policy and Affiliated Interest Groups

Although there is always some question as to how important "issues" are in state politics, the class distinctions implicit in the party alignments in Massachusetts tend to make for class politics of a sort in the legislature. Therefore, on the "issues" concerning labor, taxation, appropriations, economic regulation, and public welfare there is some evidence that the parties do significantly affect legislative policy making in Massachusetts.[1] And, since the party organizations do sit astride the channels through which all controversial legislation must flow, the interest groups in Massachusetts have adapted to this fact by becoming what might be called "built-in" pressure groups. These "built-in" interests, of course, expect some return for services rendered, and they are often disappointed in the end. Nevertheless, Lockard notes:

> Their clientele are so aligned with one party or the other, and their interests so dominantly represented by the general position of one of the parties, that they come to be almost a constituent part of one party. . . . the ties are much closer than between the pressure organizations and the national political parties in the United States. Farm groups on the national level have not aligned themselves with either party, but in Massachusetts they are with the Republicans. Labor nationally is more sympathetic to the Democratic party and is much more helpful to it, but it maintains cordial relations with many Republicans and does not move into the inner councils of the Democratic party to the extent that it does in Massachusetts. In some areas the Democratic party in Massachusetts will leave to labor almost the whole job of campaigning for

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[1] Malcom E. Jewell examined the 1947 legislative session of the Massachusetts General Court in his comparison of the party legislative cohesion in eight two party states, and he ranked Massachusetts high in this respect. See [4]

> state candidates, and in many campaigns the money labor gives is a very crucial factor in the Democratic effort. [9, p. 163]

Turning from the farmers and organized labor, other significant interest groups and their affiliations include: the Americans for Democratic Action (ADA) and the Commonwealth Organization of Democrats (COD) with the Democrats; and the public-utility, real-estate, and insurance companies with the Republicans, along with the Associated Industries of Massachusetts, the Greater Boston Chambers of Commerce, and the Massachusetts Federation of Taxpayer's Associations.[1]

There are also several relatively powerful interest groups which do not align themselves strictly with either party. These include the state employees, the race tracks, the liquor interests, and veteran's groups--to name a few. All told, in an average session, some 300 to 400 lobbyists register and subsequently report their expenses. The League of Women voters have stated: "Lobbying in Massachusetts has been regulated for more than fifty years. . . . the largest expenditures are made by the utility companies, with insurance companies, labor groups, banks, and racing interests following in that order." [7, p. 56]

Chapter 3 Section 48 of the General Law of Massachusetts states:

> Within thirty days after the progoration of the general court, every person whose name appears upon the

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[1] William V. Shannon [10, pp. 44-54] gives some rather dated character sketches of the leading personalities associated with the different interest groups in Massachusetts during the late 1940's.

TABLE 31 - Reported Lobby Expenditures by Selected Massachusetts Interest Groups, 1954-1961

Group Reporting	Amount Reported in 1961	1960	1959	1958	1957	1956	1955	1954
Associated Industries of Mass.	$ 7,500	$ 10,000	$10,000	$ 10,000	$10,000	$6,500	$ 6,500	$ 6,500
Greater Boston Chamber of Commerce	6,000	5,000	6,000	6,000	5,000	5,000	7,000	14,000
Mass. Fed. of Taxpayers Association	3,200	3,200	3,200	4,300	4,500	6,000	6,000	6,000
Mass. State Chamber of Commerce	-	-	-	500	500	600	-	500
Mass. State Labor Council, AFL-CIO	16,000	8,500	18,704	-	-	-	-	-
Mass. State Fed. of Labor, AFL	-	-	-	4,500	6,000	N.A.	5,150	4,500
Mass. State Industrial Union Council, CIO	-	-	-	4,875	4,875	4,875	4,875	4,000
Total Reported By All Groups Included in Sec. of State's Report	$275,058	$317,232	N.A.	$307,886	N.A.	N.A.	$330,787	N.A.

Source: Reports on file in the Archives Division of the Commonwealth of Massachusetts

> dockets so closed as the employer of any legislative counsel or agent shall render to the state secretary a complete and detailed statement, on oath, of all expenses incurred or paid in connection with the employment of legislative counsel or agents or with promoting or opposing legislation. . . .

The Annual Report of the Secretary of the Commonwealth then is supposed to publish the total nember of registrants and the total expenditure reported. In practice, however, the Secretary doesn't issue an annual report every year; and when he does the total figures are not very helpful in determining the relative expenditures of different groups such as business, labor, race tracks, etc. A detailed examination of the reports in the Archives at the State House soon reveals that the names of some of the groups are so deceptive that no easy classification is possible, or even fruitful since only a varying proportion of direct legislative agent's salaries are reported; and the percentage of these salaries reported is subject to the discretion of the reporting groups.

Nevertheless, Table 31 represents the information the writer was able to dig up (literally) on the total expenditures reported and the expenditures reported by the groups known to be interested in labor legislation for the years 1954 through 1961.

We will now turn to a closer look at these groups in the next chapter.

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CHAPTER VIII

A CLOSER LOOK AT THE MAJOR GROUPS ATTEMPTING TO INFLUENCE CONTEMPORARY LABOR LEGISLATION IN THE COMMONWEALTH OF MASSACHUSETTS

Since Massachusetts was one of the first states in the nation to industrialize, it was also one of the first to experience labor problems arising out of the industrialization process. In response, the Bay State quickly assumed a leading position among the states in enacting protective labor legislation to deal with these problems. The early record shows that the Massachusetts General Court enacted:

The first state law concerning child labor	1836
The first law providing factory inspection by state officials	1866
The first law establishing a bureau of labor statistics	1869
The first law limiting the day's work for women and minors	1874
The first law setting up a state board of conciliation	1886
The first child labor educational provision, requiring all children to attend school at least 3 months of the year until they come to the age of 15	1886
The first employer liability law relating to accidents	1887
The first minimum wage law.	1912

[4, 9-18-49]

Though many of these measures seem commonplace by modern standards, they were sweeping innovations in their day. Massachusetts has continued to remain one of the most active states in the area of labor legislation and it still ranks among the "leaders" in many areas,

but it can no longer claim the position of almost unique supremacy it once held. As will be seen in the following chapters, which trace the history of labor legislation in Massachusetts, many of the groups instrumental in proposing and opposing much of this early legislation are no longer in existence. There seems to be, however, a greater continuity in the formal structure of the labor movement in Massachusetts than in the formal structure of the employer groups now actively interested in labor legislation in the Bay State.

Before turning to a more detailed examination of the evolution of Massachusetts labor legislation, however, it is probably best to identify in a little more detail the labor and employer groups now most interested in labor legislation at the state level in Massachusetts.

The Organized Labor Movement In Massachusetts

What is available of the early history of the Massachusetts labor movement can be found in any of the standard works of labor history mentioned in Part I of this thesis, since the early American labor movement was largely confined to Massachusetts, New York, Pennsylvania, and a few other industrial states. Beginning in 1908 Massachusetts began publishing official statistics on trade union membership in the Commonwealth, and Table 32 lists the number of local unions and the number of union members in Massachusetts for each year from 1908 through 1961.

TABLE 32 - Number of Local Unions and Trade Union Membership in Massachusetts, 1908-1961*

Year	No. of Locals	No. of Members	Year	No. of Locals	No. of Members
1908	1,160	161,887	1935	1,220	216,141
1909	1,185	168,037	1936	1,230	231,710
1910	1,250	187,310	1937	1,423	297,038
1911	1,282	191,038	1938	1,423	297,038
1912	1,361	236,768	1939	1,434	295,866
1913	1,403	241,726	1940	1,473	319,674
1914	1,392	234,266	1941	1,503	358,674
1915	1,425	243,535	1942	1,695	463,015
1916	1,416	257,007	1943	1,782	525,104
1917	1,460	277,720	1944	1,782	504,461
1918	1,485	313,099	1945	1,799	515,370
1919	1,554	368,486	1946	1,801	505,731
1920	1,628	346,653	1947	2,005	591,269
1921	1,512	294,852	1948	2,037	598,840
1922	1,423	271,938	1949	2,036	576,358
1923	1,392	265,969	1950	2,005	566,389
1924	1,302	251,446	1951	2,033	605,220
1925	1,280	228,142	1952	2,120	606,297
1926	1,253	226,841	1953	2,086	614,385
1927	1,213	206,701	1954	2,069	592,884
1928	1,182	204,295	1955	2,082	564,938
1929	1,142	191,528	1956	2,069	574,098
1930	1,118	176,507	1957	2,068	579,532
1931	1,097	167,611	1958	2,063	559,446
1932	1,040	155,342	1959	2,077	565,147
1933	1,228	236,591	1960	2,052	558,600
1934	1,241	246,411	1961	2,013	547,261

* In the years prior to 1939, figures are related to December 31 of the preceding year. From 1939 on, figures are related to January 15 of the year shown.

Source: Massachusetts Department of Labor and Industries, Annual Report on the Statistics of Labor, various years.

The membership figures in this table reflect the overall pattern of total trade union membership in the United States during the years covered. Thus, the number of union members in Massachusetts fell from a post World War I peak of 368,486 in 1919 to a 1932 trough of 155,342. After 1932, membership began to increase rapidly despite reported setbacks in 1935 and 1938. During World War II membership went and remained above 500,000 for the first time, and the all-time peak of trade union membership in Massachusetts occurred in 1953, when the State Department of Labor and Industries reported 614,385 members in Massachusetts trade unions. Since 1953 union membership in the Bay State has declined to a reported 547,261 in 1961.

Although the union membership figures compiled by the Massachusetts Department of Labor and Industries are not broken down by official international union affiliation, they are classified by "Industries, Trades, and Groups". These classifications give some indication of the international unions which may be the strongest in the Bay State, and over time they also provide some insights into the changing internal composition of the state labor movement. Table 33 shows a breakdown of Massachusetts trade union membership by industries, trades, and groups at five-year intervals for the post World War II period, and it also shows the changes in each category during the postwar period. The number of local unions in each trade or industry is also shown for these years.

TABLE 33 - Number of Local Unions and Trade Union Membership in Massachusetts by Industries, Trades, and Groups, 1946, 1951, 1956, and 1961

Industry Trade or Group	1946 No. of Locals	1946 No. of Members	1951 No. of Locals	1951 No. of Members	1956 No. of Locals	1956 No. of Members	1961 No. of Locals	1961 No. of Members	% Change From 1946
Boot and Shoe Industry	50	24,494	57	25,839	52	25,024	53	23,890	-2.47
Building Trades	287	34,445	277	53,446	279	51,735	284	55,973	+62.50
Clerks,Wholesale and Retail	36	14,563	43	21,914	42	19,012	35	25,062	+73.09
Clothing and Garment Trades	70	28,154	66	34,345	60	36,752	52	40,327	+43.24
Gas and Electric Workers	-	-	51	10,037	51	12,298	54	12,417	-
Hotel and Restaurant Workers	-	-	29	9,998	26	9,880	23	9,342	-
Metal and Machinery Trades	185	109,887	245	120,592	256	118,718	273	113,940	+3.69
Municipal and State Employees	99	14,683	139	34,830	169	39,436	182	44,318	+201.83
Paper and Allied Industries	50	11,774	65	12,465	76	13,753	84	14,921	+26.73
Printing and Allied Trades	76	10,552	79	14,348	74	15,416	75	15,298	+44.98
Rubber Workers	19	15,667	22	16,827	23	18,385	27	14,754	-5.83
Teaming and Trucking	24	24,031	38	29,098	39	36,654	34	33,784	+40.59
Telephone Operators - Workers	100	13,890	117	16,010	117	19,505	99	15,262	+9.88
Textile Industries	142	69,912	157	77,918	148	35,178	105	19,837	-71.63
Railroads	197	26,447	185	21,699	176	20,665	158	13,420	-49.31
Street Railway and Passenger Bus Cos.	40	11,729	45	13,673	41	8,807	27	8,091	-31.02
All Other Industries, trades and Groups	426	95,473	418	92,181	440	92,880	448	86,625	-
Totals	1,801	505,731	2,033	605,220	2,069	574,098	2,013	547,261	+8.21%

Source: See table 32.

In 1961, 288,342, or about 53% of the total 547,261 trade union members in Massachusetts, were employed in the metal and machinery trades, the building trades, the clothing and garment trades, teaming and trucking, or in municipal or state positions. Each of these industries has seen an increase in the number of union members during the postwar period, and in 1946 only about 42% of the Massachusetts labor movement was employed in these five industries. The largest percentage increase in union membership has been in the area of municipal and state employment where membership has increased over 200% from 14,683 in 1946 to 44,318 in 1961. Membership among wholesale and retail clerks has also increased substantially since 1946. In addition, union membership has also increased in the paper, printing, and telephone industries.

On the other side of the ledger, textile union membership has fallen the most, declining by over 70% from 69,912 in 1946 to 19,387 in 1961. Railroad union membership in Massachusetts has also fallen about 50% from 26,477 to 13,420 during the past 15 years. Other areas experiencing a decline in union membership are the streetcar and passenger bus companies, the rubber workers, and the boot and shoe industry.

Geographically, trade union membership in Massachusetts is concentrated in the eastern part of the state with the Boston-Cambridge area alone accounting for over 37% of the state's trade union membership in 1961. Table 34 shows the number and membership of local labor

TABLE 34 - Number and Membership of Local Labor Organizations in the Massachusetts Cities With The Largest Trade Union Memberships, 1946, 1951, 1956, 1961

City	1946 Locals	1946 Members	1951 Locals	1951 Members	1956 Locals	1956 Members	1961 Locals	1961 Members	% Change From 1946
Boston	426	160,512	462	196,560	477	194,969	459	195,177	+21.60%
Brockton	50	13,285	49	13,020	55	13,915	52	11,695	-11.97
Cambridge	33	10,552	41	11,069	41	12,023	37	8,244	-21.87
Chicopee	-	-	17	10,077	17	7,942	20	7,921	-
Fall River	45	24,583	48	29,814	69	25,436	64	22,817	- 7.18
Haverhill	-	-	32	8,713	29	9,935	30	9,742	-
Holyoke	41	7,534	50	8,631	47	7,382	47	6,572	-12.77
Lawrence	61	23,819	73	31,225	72	13,362	65	11,219	-52.90
Lowell	63	11,551	73	12,366	63	10,544	53	8,243	-28.64
Lynn	43	33,436	50	25,292	51	21,927	44	19,192	-42.60
New Bedford	71	26,676	70	25,182	68	19,611	60	21,000	-21.28
Pittsfield	34	9,604	34	11,168	38	9,287	38	8,016	-16.53
Quincy	-	-	28	10,367	29	8,245	27	14,067	-
Springfield	121	31,384	128	32,291	132	36,632	129	30,866	- 1.65
Waltham	-	-	23	9,980	26	15,021	29	19,279	-
Worcester	81	15,596	94	28,323	101	27,531	106	25,340	+62.48
All Other Municipalities	732	137,199	761	141,142	754	140,336	753	127,871	
Total	1,801	505,731	2,033	605,220	2,069	574,098	2,013	547,261	+ 8.21%

Source: See Table 32.

organizations in each of the 16 Massachusetts cities with the largest trade union membership in 1946, 1951, 1956, and 1961. The 16 leading cities have not changed during this period, but the union membership in some of the individual cities has changed markedly during the post-war years. Indeed, of the 12 cities leading in union membership in 1946 only Boston and Worcester have shown an increase. The other 10 cities have all experienced a decline in union membership with Lawrence showing the biggest loss of almost 53%. Three of the four cities added to the basic 12 in 1951, however, have shown an increase in the last 15 years with Waltham almost doubling in the number of union members. These shifts reflect the basic industrial changes in the Bay State's economy. Many of the losses are in former textile cities, and much of Waltham's increase is due to the location of Raytheon there.

In 1961 there were 19 local labor councils in Massachusetts most of which are located in the trade union centers listed in Table 34 All of these labor councils are affiliated with the Massachusetts State Labor Council, AFL-CIO, which was formed in 1958 through a merger of the previously existing Massachusetts Federation of Labor (AFL) and the Massachusetts State Industrial Union Council (CIO). The merger at the state level occurred only after lengthy negotiations between the state AFL and CIO bodies, and the national AFL-CIO had to intervene before the merger was completed. There is still some evidence that the merger has not yet been completely digested by all

segments of the Massachusetts labor movement, but the State Labor Council does carry on unified legislative and political activities for the affiliated local unions. At present, approximately 1,250 locals from about 100 national unions are affiliated with the State Labor Council. The Teamsters, District 50 of the United Mine Workers, the railroad brotherhoods, and the independent telephone workers union are the main elements in the Massachusetts labor movement not affiliated with the State Labor Council.

A brief highlighting of the history of each of the state labor federations, a description of the eventual merger, and some discussion of the activities of organized labor in Massachusetts since the merger may be helpful at this point before turning to a description of the employer organizations attempting to influence legislation at the state level in Massachusetts. A more detailed insight into the activities of the state labor movement is included in the analysis of the historical evolution of Massachusetts labor legislation in the following chapters.

The Massachusetts Federation Of Labor, AFL, 1887-1958

The Massachusetts State Branch of the American Federation of Labor was organized in August 1887. This group soon developed a legislative interest which gradually became one of the main characteristics of the organization. The practice of printing records of legislative roll calls on labor measures was adopted for the first time in 1904 when a pamphlet entitled "Seven Labor Measures" was issued.

The pamphlet described and gave labor's arguments in favor of an anti-injunction bill, a bill to permit peaceful picketing, a bill for an effective 8-hour day for public employees, a bill for a 54-hour week for women and minors in the textile industry, a workmen's compensation act, a bill providing for the initiative and referendum, and a bill permitting unions to fine their members.

The State Branch made the office of Secretary-Treasurer a permanent, salaried position in 1913, and a permanent headquarters was established for the organization in the following year. In 1925 the duties of Legislative Agent were also assigned to the Secretary-Treasurer, and the power of leadership gradually centered in this office rather than in that of the unpaid President. Depending upon the incumbent, the office of President in the State Branch was more or less honorary in its significance, and there was a much greater turnover in this office than in that of the more influential office of Secretary-Treasurer-Legislative Agent.

Martin T. Joyce of the Electrical Worker's Local 103, Boston, was elected to the post of Secretary-Treasurer when the office was created in 1913. He served continuously until his death in 1931, assuming the additional duties of Legislative Agent in 1925. Robert J. Watt of the Central Labor Union in Lawrence was elected to replace Joyce, and he served as Secretary-Treasurer-Legislative Agent until 1936, when he resigned to take a position on the State Unemployment Compensation Commission and later became a member of the national

staff of the AFL. Kenneth I. Taylor of the Springfield Typographical Union replaced Watt and, except for a leave of absence during World War II, he served until 1946, when he resigned to take an industrial relations position with a mid-west business firm. During the war Thomas E. Wilkinson served as Acting Legislative Agent, and in 1946 Kenneth J. Kelly of the Quincy Central Labor Union and a former meatcutter with a Boston College degree replaced Taylor as the Secretary-Treasurer-Legislative Agent of the Massachusetts State Federation of Labor.

The Massachusetts State Branch of the AFL officially changed its name to the Massachusetts State Federation of Labor in 1928, and in 1948 the name was officially shortened to the Massachusetts Federation of Labor. In 1948 a state arm of the LLPE was established in Massachusetts when Earnest A. Johnson of the Building and Construction trades was elected to be the Director of the Massachusetts Citizen's League for Political Education. After the 1948 elections, the executive boards of the Federation merged the functions of the Massachusetts Citizen's League for Political Education and the functions of the previously existing Education Committee under one "Director of Political and Other Education." Ex-teamster Francis E. Lavigne was elected to this post at the 1949 convention. In January 1954, the Federation created a Legislative Advisory Council to act as the lobbying "arm" of the AFL just as the Committee on Political and Other Education acted as the electing "arm".

Massachusetts State Industrial Union Council, CIO, 1937-1958

The CIO unions were officially purged from the State Federation of Labor in 1937, and the Massachusetts State Industrial Union Council was chartered in November, 1938, following an earlier convention in November, 1937, at which time Michael F. Widman, Jr., of the United Mine Workers was elected interim president of the CIO in Massachusetts. Later, Joseph A. Salerno of the Amalgamated Clothing Workers was elected President of the State Industrial Union Council and J. William Belanger of the Textile Workers Union was elected Secretary-Treasurer. Unlike the State Federation (AFL) the President was the most powerful officer in the State Industrial Union Council (CIO).

In 1947, Albert J. Clifton, was appointed as the Legislative Agent for the Industrial Union Council, and Joseph Cass was appointed director of the state CIO's Political Action Committee.

Late in 1948 Salerno resigned as President of the Massachusetts State Industrial Union Council, pleading compulsion to do so under an added burden of responsibility as a national vice president of his own international union. Belanger was then elected to replace Salerno as President, and Salvatore Camelio of the Rubber Workers was elected to Belanger's old post as Secretary-Treasurer.

The CIO Industrial Union Council in Massachusetts was one of the nation's pioneers in curtailing communist influence in the American labor movement. Starting years before the national CIO

acted on the issue, the State Industrial Union Council took decisive steps to curtail communist penetration of the Massachusetts labor movement in 1942 by purging the Boston Industrial Union Council of the left-wing elements which originally dominated it. The most decisive move against communism in Massachusetts, however, came in 1946 when the State Industrial Union Council amended its Constitution to ban communists from holding office and reduced the number of Council officers from 37 to 15.

The Amalgamated Clothing Workers and the Textile Workers Union led in this anti-communist drive, and the Fur and Leather Workers, the United Packinghouse Workers, and the United Electrical Workers were the unions most affected in Massachusetts. Since Albert J. Fitzgerald, the international president of the U.E., was a former member and officer of the local in Lynn, Massachusetts, he persuaded this local and several other U.E. unions in the state to disaffiliate from the State Industrial Union Council following the 1946 purge. This influential local, the largest in New England, parted company with their former officer and national leader over the candidacy of Henry Wallace and the Progressive Party in 1948, however, and in the following year they voted to bring Fitzgerald to trial for violating the policy of the union as defined by a referendum. [4, 9-28-49]

Efforts Toward Merger

Prior to the 1958 merger of the Massachusetts Federation of Labor and the Massachusetts State Industrial Union Council there were

significant differences in the size, composition, and character of the two organizations. When the national AFL-CIO merger was consummated late in 1955, state labor bodies were given two years to unite. At that time a reporter for the Christian Science Monitor reported that the AFL outnumbered the CIO in Massachusetts by about 350,000 members to 200,000 [4, 10-10-55]. Most of the AFL members were located in the Boston-Cambridge area, and the Teamsters were probably the largest single AFL union in the state with over half of its approximately 35,000 members located in this area. Other large AFL unions with a Boston concentration were the Carpenters, the ILGWU, and the State, County, and Municipal Workers, and the Streetcarmen.

The CIO unions, on the other hand, were more dispersed geographically. Although the large and influential Amalgamated Clothing Workers was centered in Boston, the CIO in Massachusetts had more of a "mill town" flavor than did the Boston-centered AFL. Their largest numbers outside Boston were located in Springfield, Worcester, Lynn, Fall River, and Pittsfield. The IUE which replaced the old UE in many Massachusetts locals and the TWU were the largest constituents unions, but the latter was losing members as a result of the exodus of the textile industry to the South. In addition to the Amalgamated Clothing Workers, the Rubber workers and the Steelworkers also had a significant number of members in Massachusetts, although most of the Steelworkers' strength was confined to Worcester.

Despite its greater geographic dispersion, the CIO tended to

be more centralized in its operation than the AFL in Massachusetts. Thus the resolutions presented to the December Convention of the CIO Industrial Union Council were usually pre-screened by the executive Committee and debate at the Convention tended to be quite limited with more time being devoted to speeches by various dignitaries and guests. The August Conventions of the AFL Federation of Labor, however, were more prone to be wide open affairs, and considerable time was spent in discussing resolutions. The Central Labor Unions in the AFL seem to have exercised more influence than the local Industrial Union Councils in the CIO, and the AFL locals generally tended to be more autonomous in their actions than their CIO counterparts.

The Industrial Union Council put more emphasis on international union affiliation in electing its executive board members than did the Federation of Labor, and the CIO appointed more of its staff officers than did the Federation. Thus the state AFL organization in Massachusetts emphasized geographical districts in electing 14 vice presidents from 7 geographical districts. In addition, the Federation of Labor elected 2 vice presidents at large, and the President, Secretary-Treasurer-Legislative Agent, and the Director of Political and Other Education were also elected "state wide" without respect to geographical considerations. The State Industrial Union Council, on the other hand, elected all of its Executive Board Members, including the President, Secretary-Treasurer, and three vice presidents from the state at large, but with the provision that no international

union could have more than 4 members on the state executive board. The executive board then appointed the council's legislative agent, PAC director, and other staff officials.

The Constitution of the Industrial Union Council was a rather general 15-page document which left a good bit of discretion to the state executive board, whereas local autonomy for affiliated unions tended to be more pronounced in the Federation of Labor, whose 34-page constitution spelled things out in more detail.

The State Federation also kept a detailed record of its convention proceedings, and a verbatim transcript was published annually along with the official officers' reports to the conventions. Published information by the industrial union council, however, was much less frequent, and most of the writer's information about this group was gleaned from the yearbooks that were issued periodically by the CIO organization or from newspaper sources.

Despite these differences, however, there was some precedent for cooperation between the state labor bodies in Massachusetts prior to the two-year merger deadline handed down by the national AFL-CIO in 1955. Indeed, in 1948, Massachusetts witnessed the first formal cooperation between the AFL and the CIO in the country following the national schism in 1937, when the labor forces in the state joined with the state chapter of the Americans for Democratic Action to form a United Labor Committee to oppose three "anti-labor" referenda on the ballot in the 1948 Massachusetts elections. These elections witnessed

the first important "right to work" campaign under section 14(b) of the Taft Hartley Act, and the United Labor Committee was successful in having this proposal and two other proposals regulating union elections defeated at the polls.

The ULC was not organized for general political action, but for the specific purpose of defeating the 1948 referenda. As an ad hoc coalition the ULC gradually lost its cohesion and disintegrated once a common threat to all unions subsided and the more divisive problems of working out a positive program and supporting particular candidates came to the fore. Both labor federations in Massachusetts followed the policy of endorsing only statewide candidates with labor records to offer as credentials for consideration, and in both organizations the central labor unions or local industrial union councils were responsible for endorsing candidates for the state legislature and local offices. As might be expected, there is a record of some locals in the state endorsing their own candidates regardless of state or city central policy, but since the state CIO did all of its endorsing in a special two day state wide economic and political action endorsing conference, there was less independent, cross-purpose endorsing of candidates in this group than in the AFL where endorsements were either made at the annual convention or at special meetings of the Committee on Political and Other Education.

Given the initial cooperation on the United Labor Committee, the essential similarity of the functions performed by state labor

federations, and the two-year deadline handed down by the national AFL-CIO, at least one commentator on the Massachusetts labor scene felt that most of the differences outlined above could be ironed out without too much difficulty. He stated "merging the state AFL and CIO groups in Massachusetts is not expected to prove a difficult task ... observers believe that most of their difficulty will be in finding satisfactory positions in the merged organization for the strong personalities on both sides". [10] Events proved that the second part of this statement was much more accurate than the first.

No less than 33 separate merger meetings were held in Massachusetts between May 4, 1956 and December 6, 1958, when the Massachusetts State Labor Council AFL-CIO was finally formed at a joint merger convention in Boston. Before a final agreement was reached, the national AFL-CIO had to send official representatives into Massachusetts to aid the negotiations, and as in the national AFL-CIO merger, concluded three years previously, a path of "organic unity" rather than "functional cooperation" was decided upon. Thus, even as the merger was being concluded, it was recognized that several unresolved problems remained to be decided within the Massachusetts labor movement.

The Merger Consummated

The two main issues at least partially resolved prior to the merger convention were the number and nature of the offices to be created in the merged organization, and the duration, representation,

and voting procedures governing the annual conventions.

Since the Federation of Labor traditionally met for a week in August, and the Industrial Union Council met for a shorter period of time in December, it was finally decided that the merged organization would meet annually for a three day convention beginning the first Wednesday in October. Prior to the merger, both the state AFL and CIO in Massachusetts allowed one convention delegate for each 200 per capita paying members or majority fraction of 200 from each local, but the CIO allowed one delegate from a local to vote the full representation of his local (one vote for each per capita paying member) whereas the AFL simply counted the number of delegates voting on any issue at the convention. It was finally decided that delegates from central bodies (limited to two from each central) would be entitled to one convention vote each, individual delegates from large locals would be limited to 600 votes each, and delegates from locals having less than 200 membership could vote their actual memberships (one vote per member) at the annual convention.

With regard to officers, thirty-five executive council positions were created in the merged organization, including four executive officers and 31 Vice Presidents. The office of Secretary-Treasurer was made a full time paid position, and the other unpaid executive offices were President and two Executive Vice Presidents.

The pre-merger negotiations concluded that the office of Secretary-Treasurer in the merged organization would go to an AFL man,

and Kenneth J. Kelley was elected to fill this post. J. William Belanger, the former president of the State Industrial Union Council, was elected to the position of President in the merged organization. The other two executive council positions were split between the AFL and the CIO when William Calahan, former president of the State Federation, and Salvatore Camelio, former Secretary-Treasurer of the State Industrial Union Council, were elected Executive Vice Presidents in the newly formed Massachusetts State Labor Council, AFL-CIO.

The 31 vice presidents in the merged organization were split 17 for the former AFL and 14 for the former CIO. Following its customary practice, the final convention of the State Federation elected its vice presidents on a regional basis. Fifteen were elected from specific geographical districts, and two were elected from the state at large with the requirement that one of the at-large vice presidents had to be a woman.

The final convention of the State Industrial Union Council also continued its past practice by electing its 14 vice presidents in the new organization at large with a stipulation limiting the number of offices that could be held by members of the same international union.

The initial Constitution of the merged organization was deliberately vague on how the vice presidents were to be subsequently elected, but at the second annual convention of the Massachusetts State Labor Council the following Constitutional Amendment was adopted

regarding the election of vice presidents:

> Of the 31 Vice Presidents, 15 including one woman shall be nominated and elected at large; 16 shall be nominated and elected as resident candidates from the districts they are to represent. The eight districts shall be arranged in the following order...
>
> No more than one (1) Vice President from each district shall be a member of the same International Union or directly affiliated organizations. No more than three (3) Vice Presidents shall be members of the same International Union or directly affiliated organizations. [11, p. 25]

These 31 vice presidents along with the 4 executive council offices have subsequently been elected annually at the October convention of the State Labor Council.

In addition to the 35 elective offices mentioned above, the 1958 merger Convention also created four staff departments to offer services to affiliated organizations in the areas of Education and Research, Legislation, Political Education, and Publication and Public Relations. The directors and members of each of these four departments are appointed by the Executive Council, and all of the original appointees have continued in office since the merger in 1958. Francis Lavigne, formerly of the State Federation, has served as the Director of the Education and Research Department. James A. Broyer of the AFL was made the Legislative Director, and Albert G. Clifton of the CIO has acted as the Legislative Agent for the State Labor Council. Joseph Cass and Gerald Kable of the CIO continue to operate as directors of political education and public relations respectively.

In addition to these four staff departments, the merger

constitution also created eight standing committees of 11 members each in the areas of Education and Research, Organization and Affiliation, Taxation, Workmen's Compensation, Social Security, Housing, Community Services, and Civil Rights.

A Legislative Advisory Committee consisting of the members of the Executive Council, together with the Chairmen of the aforementioned eight standing committees, was also established by the State Labor Council's constitution.

Adjustments Since Merger

Although Joseph Cass was appointed the staff director of Massachusetts COPE in 1958, the formal structure and policy making apparatus of the merged Labor Council's Committee on Political Education was not completely established until a year later when an official set of COPE by-laws was adopted at the 1959 annual convention.

These by-laws were finally approved only after considerable discussion within the labor movement over the respective roles of the State Labor Council and the affiliated local labor councils in the endorsement of candidates for the state legislature. When the new endorsement policy represented by the proposed COPE by-laws was originally announced by the State Labor Council in July, 1959, the Christian Science Monitor stated:

> Under the new endorsement policy local labor groups and not the state organization will decide which candidates merit the union's support for local offices.
>
> ...

The statement explicitly spells out that endorsements of candidates for municipal or town offices "shall not be made by the state council." This is considered the exclusive function of the respective city central labor groups.

At the same time, the new policy makes it very clear that the State Council shall have the sole power to make endorsements concerning candidates for the Congress of the U.S., statewide constitutional offices, and both branches of the Massachusetts Legislature.

It spells out, however, that recommendations for these offices may be sent by local unions, or central labor groups, to the state council for consideration.

Perhaps equally important, the new policy tackles the controversial subject of labor appointments.

Local central labor councils have for some time criticized the practice of the state organization making the endorsements for appointments to statewide offices and positions or to state agencies.

Now, the new "endorsement policy" confers this function exclusively on the state labor council. Recommendations may be made by subordinate labor groups.

But, endorsements for appointees to city offices and positions are left entirely to the local central labor organization.

Both Hugh Thompson, regional director of the AFL-CIO and James L. McDevitt, national COPE director, have approved the new endorsement policy. [4, 7-9-59]

Later in the same month, however, the Monitor also noted:

J. William Belanger, president of the Massachusetts State Labor Council, AFL-CIO, had announced that the 21 central labor bodies in the state had accepted a plan by which the state group would make the recommendations for endorsements.

Stephen S. McCloskey, executive secretary of the Boston Council, the largest member, asserted this was not so, that the Boston group, included in the announced 21, had voted just the opposite at a meeting last Thursday.

"We unanimously opposed such a policy of complete regimentation" declared McCloskey. He quoted a letter from George F. Meany, president of the AFL-CIO, in which he stressed a state council had no authority or jurisdiction over a local central council.

Belanger explained that the purpose only was to guarantee "unity of action" and to make certain "the AFL-CIO label will not be misused for personal profit or promotion." Also he pointed out that the local central bodies were affiliated

with the state council and joined in the decisions. [4, 7-31-59]

This dispute was not the first time that Mr. McCloskey had been at odds with the leaders of the state labor movement in Massachusetts, and in part this dispute also reflected a deeper division within the Bay State labor movement between the State, County and Municipal Workers Union and the leaders of the State Labor Council. The State Labor Council and both of its AFL and CIO predecessors had a long standing opposition to a sales tax in Massachusetts, but the government employees felt that a sales tax was the only way enough revenue could be raised to assure them adequate pay scales. Since the government employees tended to dominate the Boston Labor Council, therefore, this dispute was probably involved in McCloskey's objection to the proposed endorsement policy.

After considerable discussion, a revised set of COPE by-laws was adopted at the October, 1959, annual convention of the State Labor Council. These by-laws, which are still in effect, did not technically outlaw conflicting endorsements by labor groups affiliated with the State Labor Council, but they clearly stated:

> No COPE officer, executive board, committee member or delegate to the endorsing conference shall act in any official capacity whatsoever, on behalf of any political candidate in opposition to the endorsement of state COPE. In the event that any officer, executive board, committee member or delegate takes a position on any candidate in opposition to the endorsement of State COPE, he shall automatically be disqualified from acting or serving as an officer, executive board, committee member or delegate until the conclusion of the campaign involved. [11, p. 83]

As adopted, the by-laws provide for a State Committee on Political Education consisting of approximately 150 persons including the Executive Council of the State Labor Council, a representative from each AFL-CIO Trade and Industrial Department or Council, a representative from each affiliated international union in the state not already represented in one of the above categories, a representative from each County, City or Congressional District COPE within the state, the AFL-CIO Regional Director, and "such additional representation as the Executive Council of the State AFL-CIO may decide". The entire committee is required to meet once a year, and the Executive Board of the Massachusetts COPE, consisting of "the Officers and Executive Council members of the Massachusetts State Labor Council, AFL-CIO, together with at least fifteen (15) members-at-large appointed by the President in consultation with the Executive Officers and approved by the Executive Council", is required to meet quarterly.

With regard to endorsement policy, the Massachusetts COPE by-laws provide:

> In the making of endorsements, the past record of the individual shall be employed as criteria for endorsement. The record of candiates which shall be used for endorsement shall be the roll call record on issues supplied by the National and State AFL-CIO.
>
> Any AFL-CIO member has the same right as any other American citizen to seek public office. However, any AFL-CIO member seeking public office who desires COPE endorsement should, before filing his nomination, meet with the proper Committee of State COPE and discuss his candidacy and any other matters connected with his campaign. [11, p. 83]

And, with regard to financing, they state:

> 1. Each AFL-CIO member shall be asked to contribute voluntarily at least $1.00 per year to COPE. Of this dollar, $.50 shall be for the use of National COPE in critical Federal campaigns, and $.50 shall be available for use by the State COPE. These monies allocated by National COPE to the State COPE shall be used only in campaigns of candidates for U.S. President, U.S. Vice President, U.S. Senate, and U.S. House of Representatives, but the apportionment among the several federal campaigns shall be made at the discretion of the State COPE.
>
> 2. The State COPE and its sub-divisions are authorized to raise additional finances for their work by any legal means, as long as such activity does not interfere with the National COPE drive for individual contributions. [11, p. 84]

According to the financial report to the 1961 annual convention, the Massachusetts State COPE spent $29,000 during the 1960 elections.[1]

With regard to official COPE endorsements since the AFL-CIO merger in Massachusetts, the debates surrounding the adoption of the by-laws referred to above indicated that there might be some difficulty in securing unanimous labor endorsements (or at least unified labor action) in all cases. Indeed, such has proven to be the case.

The standing prohibition on any officer, representative, or affiliate of the State Labor Council taking "an official" position independent of the political stand of the Council's COPE organization can easily be circumvented on the technical basis that most Bay State labor officials and their organizations wear at least two hats. An official or affiliated organization can make an endorsement or take a

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[1] The corresponding figure for the 1962 election is $32,635.

position as a representative of their local or international and not use their State Labor Council title. For example, a local union president, who is also an officer of the state labor organization, can say "as president of local X, I feel thus and such", and he may or may not mentioned that he is not speaking in his capacity as an "official" state labor representative. Local unions in a particular town can also act in concert or independently as locals of their international unions rather than as affiliates of the local labor council.

In practice, however, not even this technical subterfuge need be resorted to. For example, in the 1962 Democratic primaries one local labor council endorsed a candidate who was related to a powerful local union officer independent of the State COPE's official endorsement policy. The "penalty" of such "independents" being denied "official" status for the duration of the campaign involved has obviously not always served as a powerful deterent.

The 1960 gubernatorial elections, which saw the Republicans nominate an Italian-American candidate who has earned a reputation as a "good" employer in his construction business with the relatively conservative building trades, also put strains on the official COPE endorsement of his Democratic opponent. The problems of political unity, however, have not been the only problems confronting the labor movement in Massachusetts since the shotgun wedding which created the AFL-CIO State Labor Council in 1958.

The method of voting at conventions, which was adopted as part of the merger agreement in 1958, was closer to the CIO suggestion in this area than to the AFL position. Thus, when the counting of the ballots for the election of officers at the 1959 convention consumed an inordinate amount of time, Secretary-Treasurer Kelley stated:

> May I say that it is a shame that it took from 1:00 p.m. when the polls closed until 10:20 p.m. to count 1,190 ballots. In my opinion this per capita method of voting is cumbersome, confusing and a frankenstein monstrosity. If we do not do something about it by the next Convention then we will be severely criticized and derelict in our duties as trade union leaders. [11, p. 93]

These remarks then brought the following retort from Council Vice President Anthony Accardi:

> I don't want to be fresh but I think the last remarks by the Secretary-Treasurer were uncalled for. Locals are entitled to per capita representation and to send anyone they properly can to this Convention to cast the number of votes their locals are entitled to. I think every local should have representation on the number of members that they pay per capita tax on. I hope that as long as I am a member of the Council and even if I am not all locals should be given per capita representation. [11, p. 93]

At the third annual convention of the State Labor Council in 1960 a constitutional amendment was introduced to change the convention voting procedure to give each delegate only one vote, but the convention simply referred the amendment to the incoming executive council. An amendment to require at least two rather than one woman on the Executive Council was defeated in 1960, but an amendment to lengthen the annual convention of the State Labor Council from three to four days was adopted at the third annual convention and modified at the fourth convention in 1961 to read:

> The regular convention of the Council shall be held annually commencing on the first (1st) Tuesday of October and shall remain in session four (4) days until the business before the convention is completed; at a time and place designated by the Executive Council. In cases of extreme emergency, the Executive Council, by a three-fourths (3/4) vote, may change the date of the Convention. [12, p. 54]

Beneath these surface adjustments in the merger agreement, there has been persistent talk of lingering personality differences between some of the old AFL and old CIO members on the State Labor Council, with each group trying to increase its influence in the merged organization. Not all of the clashes have been along former AFL-CIO lines, however, and the differences between Secretary-Treasurer Kenneth Kelley and James Broyer, the former AFL man who took over part of Kelley's old duties as Director of the Legislative Department in the merged organization, were a poorly kept "secret".

The possibility that at least some of these personality differences might be alleviated presented itself in January 1962, when Kelley resigned his post as Secretary-Treasurer of the State Labor Council to accept a job in Washington, D.C., as the Director of Labor Affairs for the Agency for International Development (A.I.D.). Kelley's resignation left a big gap at the top of the Massachusetts labor movement, and it is still too early to determine all of the eventual consequences of this move. Immediately after Kelley's resignation the Executive Council of the state labor body elected an incumbent Vice President, James P. Loughlin of the Hotel, Restaurant and Bartenders Union, to serve as Secretary-Treasurer until the fifth annual Convention. The Council's Newsletter stated:

> Vice President James P. Loughlin of Worcester was elected by a unanimous vote at a special meeting of the Massachusetts State Labor Council on February 1st to succeed Kenneth J. Kelley as Secretary-Treasurer. The motion to make the vote unanimous was made by Martin E. Pierce of the Boston Firefighters, the only other mentioned candidate for the office. [8, p. 1]

Since there were more former AFL members than former CIO members on the Executive Council it seems likely that an old AFL man would be elected to replace Kelley. Loughlin is not considered to be as forceful a personality as was Kelley, however, and it is felt that the former CIO members will have more room to maneuver in the state labor movement with Loughlin in control than if a more dominant person had been elected.

As the above exerpt from the Newsletter indicated, however, there was more than one candidate mentioned to succeed Kelley, and there were rumors of the possibility of a contested election for the post of Secretary-Treasurer at the October 1962 convention of the State Labor Council. There were also rumors that there might be a proposal to make the position of President of the State Labor Council a full time paid position in addition to the Secretary-Treasurer's post. Neither of these moves occurred, however, but there remains the feeling that Massachusetts labor movement is still in a state of flux and that not all of the adjustment problems in the Bay State have yet been resolved.

A more detailed analysis of the political activities of the Massachusetts labor movement will be incorporated in the following chapters. We will now turn to a closer examination of the main employer organizations operating on the Bay State political scene.

Employer Organizations In Massachusetts Politics

The Greater Boston Chamber of Commerce

The Greater Boston Chamber of Commerce has the longest history of any of the employer organizations now operating in Massachusetts. Although its antecedents can be traced back to Colonial days, there have been many changes in the membership, leadership, title and scope of the activities of this organization. The present organization received its charter in 1909, but after many changes it began to develop its present state legislative program in about 1949 with Mr. E. J. Brelant in charge of the Chamber's legislative activities.

The most recent change of major significance in the Chamber's operation came in 1954, when the name of the organization was changed from the Boston Chamber of Commerce to the Greater Boston Chamber of Commerce, and William J. Bird became the managing director of the organization's activities. This 1954 change in title signified not only an expansion of the Chamber's geographical base but also an expansion in the scope of its activities under Mr. Bird's leadership.

The Greater Boston Chamber began publishing a weekly, and later bi-weekly, Greater Boston Report in January 1956, and most of the writer's knowledge of this organization has been gleaned from this source or from interviews with present staff personnel. In 1957 William J. Bird's title was changed from managing director to executive vice president, and in 1958 James G. Roberts was named general manager of the Greater Boston Chamber to assist Mr. Bird with the executive duties

of the organization.

When Mr. Bird resigned his chamber post in 1959 to become Western vice president of the John Hancock Mutual Life Insurance Company, Mr. Roberts was named the executive vice president of the organization. Later, in 1960, Walter E. Knight was named general manager of the Greater Boston Chamber and Thomas J. Moccia was appointed administrative assistant to executive vice president Roberts. This three man team currently heads a staff of approximately 45 professional and secretarial personnel divided into seven functional divisions or "service areas" for carrying out the Chamber's program of work.

The Greater Boston Chamber's seven service areas are: (1) Membership and Member Relations; (2) News and Publications; (3) Research and Development; (4) Urban Renewal; (5) Transportation and Foreign Trade; (6) Governmental Affairs; and (7) a Convention and Tourist Bureau, which is the largest of these functional divisions. Superimposed on this administrative or staff organization is the formal policy making organization of the Chamber responsible to the membership which elects it.

In the summer of 1961 the Chamber could boast a membership of approximately 3,400 members representing about 2,600 companies. The Chamber's membership is broadly representative of the diversified Boston economy. Some of the larger membership components are: manufacturers, about 18%; financial institutions, about 12%; retail, insurance, transportation companies, and hotel and restaurants, about

10% each.

With this membership base, the Greater Boston Chamber of Commerce is by far the largest chamber organization in the state of Massachusetts. While it enjoys good relations with the national chamber, the Boston organization is a thriving and prosperous unit in its own right and it is completely free to act independently on any issue. The Greater Boston Chamber of Commerce has no connection at all with the Massachusetts State Chamber of Commerce. This latter group is not large and is not representative of local chambers in the state.

The Greater Boston Chamber of Commerce enjoys informal relations with the other local Chambers in the state through the Massachusetts Association of Chamber of Commerce Executives. This group meets about four times a year, and is composed of the professional staffs of the local Chambers throughout the state. The Greater Boston Chamber, as the largest member, does some staff work for this group which prepares legislative bulletins for its members. The executives' association merely serves as an informal communications device, however, and the Greater Boston Chamber has no authority or dominance over the constituent groups, which are autonomous units.

"Any individual, or any firm, association, corporation, or other business organization interested in the development of Greater Boston and New England" is eligible for election as an active member of the Greater Boston Chamber of Commerce according to the organization's by-laws, so long as such election is "in accordance with the rules and regulations adopted by the Board from time to time".

The organization's by-laws also provide that "The government of the affairs of the Chamber, the direction of its work, and the control of its property shall be vested in a Board of Directors". The Board of Directors consists of 24 members elected by the Chamber's membership in addition to the other elected officers of the Chamber, which are "a President, a Chairman of the Board, a Chairman of the Executive Committee, two or more Vice-Presidents, one or more Honorary Vice-Presidents, a Secretary, and a Treasurer."

The President is the chief elective officer of the Chamber and he acts as their official spokesman. Each President is limited to a one-year term of office as president, but upon retiring from the presidency he usually moves to the position of Chairman of the Board of Directors for one year, then to the position of Chairman of the Executive Committee for one year, and then he is usually made an honorary vice president of the Chamber.

The executive committee is responsible for the routine transaction of Chamber business between meetings of the Board. According to the by-laws, "The Executive Committee shall be composed of the President, the Chairman of the Board, the Chairman of the Executive Committee, the Secretary, and the Treasurer, ex-officers, and six other Directors appointed annually by the Board".

The Board has the power to appoint, change the membership of, or terminate the existence of any committees it may deem advisable or necessary to advance the interest of the Chamber or carry on its work. No finding or recommendation of any committee can be reported or

published as the action of the Chamber, however, until it has been approved by the Board or a meeting of the members of the Chamber.

Committees of Chamber members are usually appointed to study proposals and make policy recommendations in the areas of administrative staff concern outlined above, i.e., Membership and Member Relations, Urban Renewal, Research and Development, etc. For example, the staff of the Governmental Affairs Department works with membership committees on State Affairs, National Affairs, and Labor-Management Relations. These three main committees are also sub-divided into areas of more specific concern. Thus, the Chamber's State Affairs Committee is concerned largely with matters of taxation and government organization. The National Affairs Committee contains sub committees on federal-local relations and labor legislation-social security. The Labor-Management Relations committee has five sub committees on employment security, workmen's compensation, business regulation, labor relations, and automation.

These membership committees serve as policy recommending units and a communication devices with the Chamber's professional staff in these areas. Eric H. Hanson replaced E. J. Brehaut as the manager of the Chamber's Governmental Affairs Department late in 1959, when Mr. Brehaut retired after 40 years of service to the Chamber. At this writing Mr. Hanson is assisted by John J. Leahy, Jr., Director of Legislative Services; William F. Malloy, Legislative Counsel, and Dale G. Stoodley, Research Assistant. The January, 1961, Program of Work of the Greater Boston Chamber of Commerce stated:

> The staff activities of this Department cover eight principal areas. These are: (1) definitive research on the potential effects of pending national, state, and local legislation which would affect the legitimate interests of the business community, (2) development of policy on these matters through the appropriate committee and the Board of Directors, (3) reporting on pending legislation to the membership and allied organizations by means of publications or direct communication, (4) full-time representation by legislative counsel at the State House, (5) information and advisory services, (6) development of opportunities for membership participation, (7) representation at Boston City Council and other municipal meetings, and (8) participation in the Labor Council of the Chamber of Commerce of the United States. [5, p. 5]

In addition to these activities John J. Leahy, the Director of Legislative Services, now also oversees the administration of the national Chamber's Practical Politics Action Course.

The U.S. Chamber's Action Course in Practical Politics consists of nine two-hour workshops. The following topics are covered in a non-partisan manner: the individual in politics, political party organization, the political precinct, the political campaign, political clubs, the political leader's problems, political meetings, businessmen in politics, the politicians speak. Any group can sponsor the action course, and the national chamber makes available all the necessary work materials at $8 a set for participant's pamphlets, and $12 a set for discussion leader's manuals.

Despite Mr. Leahy's duties in this area, the course sessions are usually taught by another person, and the Practical Politics Action Course is not an integral part of the program of the Chamber's Government Affairs Department. The department's operations are in no way dependent upon the participants in the program, and a staff member

of the chamber has indicated that member interest in the practical politics course has been only moderate. Indeed, many non members "who would be of no help to us", have taken the course and it has been estimated that in Boston more Democrats than Republicans have graduated from this course.

In May, 1960, the Chamber of Commerce of the United States announced "About 4,500 Action Courses for more than 67,000 citizens in 1,063 communities have been held, are now underway or are definitely planned by business firms, chambers of commerce, trade and professional associations and other community organizations." [3, p. 1] This listing showed a total of 79 courses in Massachusetts, of which seven were in Boston. This number of seven was exceeded in Massachusetts by only one city, Worcester with 22, which ranked it among the leading cities in the country of any size. Boston's figure of seven, however, put it near the bottom of large cities listed in the Chamber Report which showed Wichita, Kansas, with 61, Pittsburgh, Pennsylvania and Columbus, Ohio, with 57, St. Louis with 56, Niagara Falls, New York with 55, Chicago 54, Hartford, Connecticut 48, New York City 44, Indianapolis 34, and Minneapolis 30, etc.

These figures don't say how many persons were in each course or who the sponsoring organization was in each case, but one reason for Boston's apparently low participation may be the fact that the Greater Boston Chamber had a few years earlier launched a fairly intensive "Business Climate" campaign and thus many of its members may have already been politically aroused before the Practical Politics

Course became available.

Perhaps a better index of member interest in the Greater Boston Chamber's Political activities is the fact that about 1,700 of the organization's 3,500 members subscribe to the organization's Legislative Bulletin in addition to the distribution of this report through MACE channels.

A March 3, 1961 copy of the Chamber's Greater Boston Report stated "The highly successful course in practical politics has graduated more than 150 interested students since its beginning eighteen months ago". And it continued "James G. Roberts, Chamber Executive Vice President, said that 'because of the continued interest in the Practical Politics Action Course, two additional courses are being offered by the Chamber: The courses will be held at the Chamber's headquarters on eight successive Tuesdays beginning March 14." [6, p. 4]

To briefly sum up, the Greater Boston Chamber of Commerce is vitally concerned with the matters of state labor legislation in Massachusetts. Its policies in this area are formulated by membership and staff committees subject to approval by the Board of Directors. Once these policies have been formulated, they are implemented by the professional staff of the Governmental Affairs Department. Most recently the Chamber's main legislative concerns in the area of Massachusetts labor legislation have been in the areas of strengthening state picketing laws and opposing the expansion of state minimum wage legislation. It has also taken vigorous stands on a host of other issues, however, as subsequent chapters will clearly indicate. Although the Greater Boston

Chamber sponsors periodic sessions of the United States Chamber of Commerce's Practical Politics Course, it is not dependent on this source to implement its political or legislative program at the state level in Massachusetts.

The Associated Industries of Massachusetts

The Associated Industries of Massachusetts was chartered in 1915 with the primary purpose of protecting the legislative interests of the manufacturing enterprises in the state.[1] It sought to pattern its legislative activities after those successfully pursued by the railroad industry at that time. Membership in the Association grew until the Great Depression of the 1930's; and then it fell off sharply, reaching a low point in 1935. At that time Roy F. Williams took over as the Association's Executive Vice President and Chief administrative officer and virtually rebuilt the Association from scratch. In 1958 Mr. Williams was made an honorary officer and Robert A. Chadborne was made the Executive Vice President of AIM.

Although it maintains close cooperation with the National Industrial Council and the conference of State Manufacturers'

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[1] In an interview on July 23, 1962, the Association's Assistant Vice President and Secretary to the Board, Mr. Clifford I. Fahlstrom, said that the primary purpose of the organization at the time of its founding was to "protect industry from what was then deemed to be unwise legislation", and he cited the Massachusetts Workmen's Compensation Act and the national threats of governmental take over of the railroad industry as examples.

Associations, the A.I.M. has remained essentially a state manufacturers' association, and today it represents over 2,000 firms. While this number is less than 25% of the 9,058 manufacturing firms operating in the Bay State in 1959, Massachusetts is predominantly a small employer state. Only about 90 firms employ over 1,000 persons, and all of these firms are members of A.I.M. This helps to explain the fact that, while some 75% of the A.I.M. members employ fewer than 100 employees, the Association's membership nevertheless represents "the vast majority of the industrial payrolls in the Commonwealth." [1, p. 2][2]

While the A.I.M. states:

> Basically, the association provides the Massachusetts manufacturer with four kinds of service in exchange for his dues--professional talent; training; tools; and information which will enable him to operate his business more profitably in the Commonwealth of Massachusetts. [1, p. 3]

The organization has remained very close to its original concern with state legislation. Recent years have seen a conscious effort to modify and improve its approach to legislative problems, however, and the Association's Public Affairs Action Program, initiated in 1958, has attracted a large amount of publicity in its attempt to improve the Massachusetts "business climate".

The policy of the organization is officially formed by a 13-man Executive Committee working with the assistance of 6 sub committees

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[2] In an interview on December 29, 1960, Mr. John Hamilton, then the AIM's Director of Public Relations, estimated that the AIM's members accounted for 80% of the state's industrial payroll.

in the areas of workmen's compensation, unemployment compensation, taxation, transportation, industrial relations, and legislative priorities. These sub committees are composed of interested members firms and staff personnel, and all policy proposals must be approved by the A.I.M.'s 75-man Board of Directors. Once the policy is formulated, it is implemented and put into effect by the Executive-Vice President and his professional staff. The Legislative Department is the largest single staff specialty, and, as indicated above, it has recently been supplemented by a special Association interest in a Public Affairs Action Program.

Jarvis Hunt, a former Republican President of the Massachusetts Senate, became the Legislative Counsel of the Associated Industries at the end of World War II and served in this capacity until 1958. When Mr. Chadbourne replaced Mr. Williams as the A.I.M.'s Executive Vice President in 1958, Mr. Hunt was made the Association's General Counsel. Walter Meuther was appointed as Legislative Counsel, and Mr. Meuther is currently assisted by Mr. William McCarthy who is the Association's Associate Legislative Counsel. Backing up and supplementing the A.I.M.'s legislative program is the Public Affairs Action Program aimed at helping Massachusetts businessmen improve the states "business climate".

An Association publication states:

> The sustained decrease in manufacturing jobs available which has contined almost without interruption since 1943---lies at the base of the Association's Public Affairs Program aimed at improving the business climate...

> ...Obviously, there are a number of natural disadvantages to industry which cannot be changed--such as the state's distance from the markets and lack of raw materials.
>
> But, compounding the Massachusetts problem are man-made obstacles to economic growth which can be changed. Together, these man-made factors comprise the business climate. Virtually all of these competitive handicaps have been created and can be changed through the political process.
>
> To this end, the Associated Industries of Massachusetts is dedicated--by providing its members with the training, tools, and information which will equip business managers to cope with the effect of political forces on business. [1, pp. 4-5]

The A.I.M.'s Public Affairs Action Program was inaugurated in 1958 under the direction of Mr. John Hamilton, a former employee of the General Electric Company, and it immediately attracted considerable attention both in Massachusetts and elsewhere.

The program won the George Washington Medal of the Freedom Foundation at Valley Forge, Pennsylvania, and has been described in a national magazine in the following words:

> The AIM program urges its members to deal as businessmen with voters and public officials.
>
> The organization's attack is planned around state senatorial districts. To get a program rolling, a cooperative company president is induced into sponsorship of the AIM educationseries. He signs all invitations to the first AIM-prepared workshop and he makes the keynote address. There are three of these workshops, led by the local industrialists themselves. After the third meeting the group's set free in the political arena to champion the cause of management.
>
> ...
>
> AIM leaves it up to each company to decide if it wants to encourage actual employee participation in the political process. [9, p.

The political activities of some of the Association's larger members, such as the General Electric Company, the Bethlehem Steel

Company, and the Raytheon Manufacturing Company are generally well known. Some of the General Electric communication techniques with employees and the general public mentioned in the earlier chapter on national employer activities have been used in Massachusetts. The top management of the Bethlehem Steel Company's Fore River Shipyard has also occasionally publicized "open letters" to its employees, and Raytheon's president, Charles Francis Adams, has made a few well publicized speeches on the Massachusetts "business climate". The appearance of General Electric and Raytheon legal counsel at legislative hearings before the General Court also increased appreciably after the 1958 elections in Massachusetts.

In order to find out more about how the Associated Industries' Public Affairs Program operates for some of the smaller or less well known member firms, however, the writer conducted several interviews with Mr. John Hamilton at the time he was the Director of Public Relations for the A.I.M. Mr. Hamilton also arranged some interviews with member firms for the writer to examine their individual public affairs programs in more detail.

Mr. Hamilton began by emphasizing that there are essentially two types of business political programs which deal with the four main areas of political activity. He said that the four areas of political activity are: Money, Organization, Candidates, and Issues. The first three areas he felt are partisan and thus corporations cannot legally participate as entities. Therefore, he said, some organizations such as the Chamber of Commerce and others encourage executives and employees

to participate on an individual basis as part of a citizenship program. While the AIM's public affairs program "plays ball" with these efforts it does not promote them. Rather it focuses on the fourth area of politics-issues-and encourages Bay State employers to take a stand on certain vital economic issues on a bi-partisan basis.

The philosophy behind the AIM's Public Affairs Program is that legal political activity on issues is a responsibility to stockholders just like any other corporate responsibility, and that it should be a 9 to 5 job for the businessman going beyond the old "leave it to George" attitude of leaving lobbying activities to employer associations only.

In its public affairs program, the AIM encourages its member corporations to do three things: meet the state legislators from the district in which the firm is located, explain key issues to their employees by relating the state's business climate to their job security, and encourage other firms to become active on selected issues by forming an area committee of businessmen in each of the 40 Massachusetts state senatorial districts. Although the AIM depends on its member firms to carry the ball, it provides the "training, tools, and information" to aid them in doing an effective job in the political arena.

In the area of "training, tools, and information", the AIM, in addition to its regular publications, lists the following services: A Basic Public Affairs Action Kit, which is described as a series of "practical, 'how-to-do-it' booklets designed to assist the smaller company in implementing its public affairs program"; Communications

Tools, described as "inexpensive materials designed to help the smaller company to tell the business climate story to employee and other groups"; Information Tools, which are "specialized source materials which provide the foundation for effective action"; an A.I.M. Speakers Bureau; and three different Training Programs described as:

1. The Basic Public Affairs Workshop - a do-it-yourself program for multi-employer groups, designed to acquaint companies with the fundamentals of effective action in the field of public affairs.

2. The In-plant Public Affairs Workshop - a program designed for single company use, for developing a company public affairs program and for training its supervisors and foremen in this new management field.

3. Regional Workshops on the Key Business Climate Issues - a series of seminars in functional subject matter such as workmen's compensation, unemployment compensation, taxation, and labor relations, designed to explore in depth the business problems created by political action. [2]

To get a better flavor of how this whole program actually works in practice, the writer visited two of the A.I.M.'s member companies that have formally participated in the Public Affairs Program. One large textile firm (1900 employees) began its participation late in 1960 with a program designed to encourage its middle management personnel to become acquainted with their state legislative representatives. After a "kickoff dinner" at which the president of the company gave his complete approval of the program, a workshop session of some 50 middle management personnel was scheduled. The first workshop was built around the AIM booklet "How to Influence Your Legislators", and the participants prepared a list of recommendations for further action by the company.

Top management later approved these recommendations. As a result, the company has held a series of seminars with AIM staff personnel explaining various issues and various aspects of the political process, a series of trips to the state capital have been made by middle management executives to talk to their representatives, a typewriting service has been established for persons wishing to write their legislators, periodic bulletins are issued to supervisory personnel on various legislative issues, and a company vice president has assumed the chairmanship of the business climate committee in the State Senatorial district in which the plant is located. To date, this company's public affairs program has been confined to supervisory personnel, and largely aimed at influencing existing legislators. The possibility of extending the program to include non-management personnel in their role as voters, however, is being considered for future action. So far the company feels that the program has been a success, and they feel that a group of their supervisors actually changed four votes on the graduated income tax amendment during their visit to the General Court on March 29, 1961.

Another smaller AIM member firm (200 employees) has taken a more employee-voter oriented approach to its public affairs activities. It officially began its program on November 29, 1959, when a letter was sent to each employee's home. After encouraging the employees to become good citizens by taking an active part in community and state affairs as a voter and, if possible, as an office holder, the letter then stated:

> "A meeting of approximately 40 employees was held on Thursday, November 12, to outline a new program which we hope to institute in the company. A plan was set forth at this meeting which can be described very simply as a citizen action group to "arouse and inform" every member of the Company regarding issues of government which affect them.
>
> It should be stated at the outset that this activity will be non-partisan in its efforts. There is no intention to convert Democrats to Republicans or Republicans to Democrats. The slogan of the United Church group perhaps best fits the theory behind this program, "We do not care which party you vote for (or which office you may hold) as long as you do vote." This program, also is not intended to take the place of any other political action group but is meant to augment their activities in order to bring greater emphasis to the need for active participation in our political life.
>
> In addition to our efforts to get every employee registered to vote, and through them to get every employee's family and friends to vote, we will attempt to keep you informed on legislative and governmental issues which will directly affect your citizenship."

Although there had been previous mailings to employees homes on public affairs issues, this letter was regarded by the company as "the opening shot in a fairly sustained program to educate and influence our employees in order to obtain a better business climate in Massachusetts." There have been subsequent mailings at a rate of one about every four or five weeks. These mailings have encouraged employees to register and vote in primary as well as general elections, and several have included AIM enclosures.

For example each employee was sent a copy of the award winning booklet "How Politics and Government Work in Massachusetts", and a detailed compilation of Massachusetts Legislators, which included a map showing the Senatorial Districts of Massachusetts. Use has also been

made of the AIM's "Massachusetts Economic Service", which provides regular articles on business-related public issues for direct distribution in pamphlet form. For example, the letter dated May 11, 1961 enclosed the pamphlet "Somebody is Looking for Your Job", and stated "the cost of doing business in Massachusetts is higher than it is for our competition in other states. This puts us at a disadvantage."

One of these direct mailings was partisan in nature, however, and this led to an evening debate on the company premises between the company president and a spokesman from the international union that represents the company's employees. These events occurred just before the 1960 elections when the president departed from the usual non-partisan nature of company's public affairs communications and sent, from his home, a newspaper editorial citing "Labor Bossism" as an issue in the election. The president's accompanying letter said this editorial emphasized one of the reasons why he was not voting for John F. Kennedy in the November election.

Following the mailing of this letter, the local union president contacted the company's personnel director and inquired if the company president would be willing to debate this issue with a union representative in front of the employees. In response, an evening meeting was arranged. The company provided dessert, and the employees were encouraged to bring their families.

Approximately 200 persons attended the debate. According to the company president, a good time was had by all, although he feels

that he drew a few more boos and catcalls than his labor opponent.

In addition to its direct mailing activities to its employees, this company's public affairs program has included the following activities:

1. Prior to the 1960 elections, about one dozen candiates from both parties were invited to the plant cafeteris for lunch, and an opportunity to speak and answer employee's questions.

2. The company has made known its willingness to encourage any employee interested in running for office, regardless of party, by agreeing to make facilitating arrangements on an ad hoc basis. To date nobody has taken advantage of this opportunity.

3. Two AIM films on the how and why of unemployment compensation and on "What Makes Massachusetts Tick" were shown to approximately 25 supervisory personnel in the company cafeteria, and there have occasionally been other meetings of management personnel to discuss public affairs problems on company time.

4. Plans are being made to conduct a more formal public affairs course for supervisory personnel, and, "if possible, following with all others interested on a voluntary basis from within the company."

5. The company personnel director is a member of the AIM's senatorial district business climate committee, which, in this case, consists of about 20 persons who meet monthly for a luncheon discussion of public affairs matters. This committee serves as a communications devise for contacting legislators, and its individual members are trying to screen the area for good candidates to back for election.

6. The company personnel director has appeared before state legislative committees to testify on several pending measures which, if enacted would affect the company's cost of doing business.

The activities of these two companies just described are probably slightly more vigorous than those of the "typical" firm participating in the AIM's Public Affairs Action program, but they are

representative of the types of activity that the Association would like to encourage among its members. At the time these interviews were conducted (Summer 1961), about 100 Massachusetts firms were actively participating in the AIM's public affairs program, and business climate committees existed on paper at least for all but five of the state's senatorial districts. Since this time, there have been some disagreements among member firms on certain issues before the General Court, and John Hamilton, who supplied the program with unified and vigorously enthusiastic leadership, has left the AIM to become the assistant to the president of a member firm. Therefore, it is not possible to say with any certainty at the present time whether this program is gaining or losing momentum in Massachusetts, but the AIM feels that the program is very successful and they can point to some specific legislative accomplishments as evidence.

More will be said on these points after taking a much briefer look at the third major employer group actively operating on the Bay State Political Scene.

The Massachusetts Federation Of Taxpayers' Associations

The youngest of the three major employer organizations concerned with statewide legislation in the broad area of labor-management relations in Massachusetts is the Massachusetts Federation of Taxpayers' Associations. The organization was founded in 1932 "for the purpose of promoting greater efficiency and economy in government local, state, and federal". In 1961 the Federation stated that its "major objectives" are:

"1. To curb waste and extravagance in government.

2. To improve the business climate of Massachusetts.

3. To secure better legislation and legislative procedures.

4. To assist in the establishment of sound governmental policies and practices.

5. To contribute to the information and education of the citizens of Massachusetts in the affairs of their government." [7, p. 1]

The organization of the Taxpayers' Federation in 1932 reflected a general concern with problems of state and local taxation during the depression. In 1937 the Massachusetts Foundation was established as a voluntary trust to finance the Massachusetts Federation of Taxpayers' Associations through funds received from individuals and corporations. With the onset of recovery and the influx of defense contracts into Massachusetts some of the local interest began to fade and the number of local taxpayer organizations in Massachusetts is now 45 compared to a peak of 87 during the 1930's. The State Taxpayers' Federation is now generally recognized as a spokesman for the business community with a special competence in research and tax matters. It is organized along lines similar to the Greater Boston Chamber of Commerce and the Associated Industries of Massachusetts, and there is occasionally some overlapping of individual's membership on the boards of these organizations.

An executive committee, a legislative committee, and an organization committee along with the elected president, vice presidents, secretary, and treasurer, work with the 25-man board of directors in formulating federation policy. Frank J. Zeo is the Executive Director and chief administrative officer of the Federation. Until his untimely death late in 1961, W. Rea Long had served as the Federation's Assistant Executive Director, and Mr. Long had a reputation as a strong management protagonist in the areas of employment security and workmen's compensation.

The Federation's administrative staff is presently organized into the functional areas of public relations and public information, legislative services, research and statistics, municipal services, state services and business climate, and field operations with the 45 local associations.

In its Beacon Hill activities in the area of labor legislation, the Federation has most often been identified with the problems of financing and administering the workmen's compensation act and the employment security act, and with the relations between state and municipal employees and their governmental employers. Indeed, this brings us to the point that while the main employer groups in Massachusetts often have similar legislative interests and frequently cooperate on selected issues, they also are to some extent competitors for membership contributions. Each has developed some special areas of emphasis, reflecting in part differences in the composition of their membership, and reflecting in part the need for each of the groups to solicit some of the same large employers in the state. This had led to

conflicting independent actions in some cases and also posed problems of which group should receive the major portion of the credit when a program favored by all of the groups is adopted.

More will be said on both the problems of employer and organized labor political unity, after examining the history of Massachusetts labor legislation in the subsequent chapters of this thesis.

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CHAPTER IX

EARLY (PRE 1930) MASSACHUSETTS LABOR LEGISLATION

Massachusetts' early ascendency in the field of protective labor legislation was briefly alluded to at the beginning of the preceding chapter. This chapter will trace in more detail the evolution of much of this legislation. It should be recognized from the outset, however, that in Massachusetts, as elsewhere, effective enforcement often lagged behind legislative enactment in this area. Indeed two early researchers concluded:

> Not only in her laws regulating conditions of labor, but in laws requiring their enforcement, does Massachusetts seem to stand toward the top in the United States. But she has fallen far behind our other states in providing the machinery for enforcing these laws. [21, p. 264]

This chapter's analysis of early Massachusetts labor legislation will be divided into two chronological periods: (1) legislation prior to 1900; and (2) legislation from 1900 to 1930. Legislation from 1930 to the end of World War II will be covered in Chapter X, and the post World War II legislative struggle in the area of labor legislation will be discussed in Part III of this thesis. Topically it might be best to discuss the legislation during each period covered in this chapter under the headings of child labor legislation, legislation regulating the hours of work, safety and

sanitation legislation, workmen's compensation legislation, and legislation on wages, labor disputes, injunctions, unemployment compensation, and other matters of more recent concern. Due to the evolution of history, however, the topics of child labor, hours of work, and safety and sanitation will naturally receive the bulk of the attention in the earlier years, while the other subjects become more important as we begin to approach the contemporary scene.

In each period the forces working for and against the various pieces of legislation will be discussed, and comparisons between periods will be made. In addition to providing a background for a better understanding of the contemporary situation, this discussion of early Massachusetts labor legislation may help to make some now obscure and difficult to locate historical materials known and more easily accessible to present day readers.

Legislation Prior to 1900

As in England, child labor was the first type of labor problem to receive legislative attention in the United States. Following Pennsylvania's example, the Massachusetts' Senate investigated the question of child labor in 1825. Charles E. Persons has stated that "the investigation was largely inspired by anxiety lest the factories, through the constant employment of children, should foster the formation of an uneducated class." [20, p. 6] Although the investigating committee did not recommend legislation, agitation continued; and the movement for child labor laws became a part of a broader concern with the hours of labor in general.

Although the first child labor law was enacted in 1836, there were four more or less distinct waves of agitation before the 10 hour law for women and minors was secured in 1874. Short-lived labor organizations of various sorts were active throughout much of this period, but most of them suffered from loose organization and an inability to focus on any one single, well-defined measure at a time. As a result, much of the early labor legislation in Massachusetts owed its enactment to various humanitarian and reform elements, rather than to organized trade unions as such.

The Nature of Early Agitation for Legislation: The Ten-Hour Movement in Massachusetts

The Massachusetts branch of the Workingmen's Party, the New England Association of Farmers, Mechanics and other Workmen, and the Boston Trades Union all contributed to the first wave of agitation in the early 1830's.[1] These organizations did not attract

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[1] The Workingmen's Party in Massachusetts touched both the question of child labor and that of shorter hours. A branch of the previously mentioned Workingmen's Party which originated in Philadelphia in 1827 was active in Massachusetts from 1830 to 1833. Persons states: "The General Court is said to have contained seven workingmen. The available information is meagre, but it seems evident that the party achieved no extensive or stable organization in Massachusetts." [20, p. 11] The title of this organization might also be deceptive as far as Massachusetts is concerned. John R. Commons observed: "Outside Philadelphia and New York the Workingmen's Party included small employers. In Boston its platform appealed to 'laboring men, mechanics, tradesmen, farmers, and others standing on the same level'... The class division of employer and employee was as yet limited to a few localities. Labor politics was a part of the general protest of the times raised by the 'productive classes' against 'aristocracy'.... Here were the beginnings not only of the general organization of labor, but also of humanitarian and reform movements." [4, pp. 327-29].

The New England Association of Farmers, Mechanics, and other Workingmen seems to have been an organization of a distinctly different

the support of the more influential members of the community, however, and Persons notes: "The regular press was deaf to their arguments and almost without exception joined in a conspiracy of silence so far as publishing accounts of their doings was concerned." [20, p. 17]

When the first child labor law was enacted in 1836, it was considered primarily as an educational matter. Its enactment was largely the result of the work of James G. Carter, who had written widely on the need for widespread education and ardently advocated the expansion of the public school system. Carter served as the chairman of the legislative committee on education in 1836, and is believed to have authored the bill which prohibited the employment of children under 15 years of age who had not attended school at least 3 months during the preceding year. There was no mention of the hours of labor, and there were no provisions for enforcement.

The child labor law was amended five times before 1867, when the whole matter was recodified and supposedly strengthened. In 1842 school committees were given the duty of prosecuting violations, and the first provisions for hours of labor were made when these 1842 amendments said children under 12 could not work more than 10 hours a day. These and other amendments had little effect, however, and Sarah Whittelsey states: "They were simply dead letters upon the statute books and stood at best for the ineffectual recognition of a social need, a cold statement of prevailing social sentiment". [23, p.10]

Footnote 1 continued from preceding page

type. It met annually from 1831 through 1834 and supported a periodical, The New England Artisan, which was probably the first labor paper in Massachusetts. This group sought shorter hours through economic as well as political means, and was soon confronted by an association of Boston merchants to oppose their demands.

The Boston Trades Union, formed in March 1934, also contributed to the agitation of the day, but not much more can be said about this group.

Nevertheless, the point can be made that at least some precedent had been set for the principle of legislative interference in the industrial rule making process. Following the enactment of child labor legislation in 1836, the issue of restricting a day's work to 10 hours became the primary target of various reform groups.

James Leiby has stated:

> "The ten-hour movement drew its strength from the mill workers and its leadership from philanthropists and politicians; it was quite distinct from the Eight-Hour Grand League, led by Ira Steward and George McNeill. The Eight-Hour League spoke for the organized trades, especially the smiths and machinists; it was strongest in the towns around Boston and found a voice in Boston's only labor newspaper." [10, pp. 44-45] [1]

The first direct pressure on the legislature for a 10-hour day through the medium of petitions addressed to the General Court came in 1842.[2] Most of the signatures on these petitions were presumably those of workers, and the issue began to assume party dimensions. Persons notes:

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[1] The 10-hour movement of this period received especially strong support in the Massachusetts cities of Lawrence, Lowell, and Fall River--all of which were predominantly textile towns.

[2] Persons states:

> "It is noteworthy that these earliest petitions came from the towns in the southeastern section of the state where the foreign element was largest and where it had at first appeared. Here the effects of English example and the experience gained in English Agitations might be expected to show results before it was evident elsewhere." [20, p. 24]

> Seemingly, the Democrats had espoused the cause of the operatives. Most of those in authority in the Lowell mills were Whigs. In consequence there were numerous charges advanced on the one hand of undue corporate influence in state politics; and, on the other hand, of undue interference in the management of the mills suggested by political considerations. [20, p. 24]

Legislative petitions were submitted annually after 1842, and a new organization arose among the working men to give support to the 10-hour movement. The New England Association of Workmen was founded in 1844, and its organizational structure, as well as its name, resembled the old New England Workingmen's Association of 1831-34. Although the organization suffered from loose organization and a hetrogeneous membership, it sustained two publications, the Lynn Awl and the Voice of Industry, during its brief existence; and one of its constituent elements, the Female Labor Reform Association, composed initially of the "Lowell factory girls" under the leadership of Sarah G. Bagley, attracted widespread attention. The organization initially had great difficult focusing on any one issue due to the divisive influence of a Brook Farm contingent which advocated the abstract, utopia ideas of the Forrier movement. After shedding the more radical Socialistic influences, however, the group changed its name in 1846 to the New England Labor Reform League, and attracted the support of men like Francis Amasa Walker and Edward Tyrrel Channing.[1]

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[1] Francis Amasa Walker was the Chairman of the Economics Department at M.I.T. He directed the U.S. Cencus of 1870, and was the long-time President of the American Statistical Association. He also served as President of the American Economics Association, and was perhaps the most respected economist in the nation at this time.

Edward Tyrrel Channing was the Professor of Rhetoric and Oratory at Harvard University, and he trained many of America's major writers of this period including Emerson, Thoreau, Holmes, and Edward Everett Hale.

The importuning of the petitioners resulted in legislative consideration of 10-hour legislation in 1845 and 1846, when a committee of the House and a committee of the Senate reported in respective years. Both committees refused to recommend action, however, and their reports were thoroughly impregnated with the laissez faire doctrine, that dominated the social thought of the times. Nevertheless, they reviewed both sides of the case; and since much the same arguments lie at the foundations of subsequent labor legislation, they may be worth a short review.

The petitioners largely based their case on two grounds, the effect of excessive hours on: (1) the health of the operatives, and (2) lack of time for "mental and moral culture". Both committees rejected these contentions and went on to advance their own arguments in opposition. They contended the existing conditions did not injure health, degrade morals, or result in the formation of an ignorant factory class. They found most of the factory operatives were farm girls who worked in the mills for a few years, saved a few hundred dollars, and then returned to their home to marry and rear families. They contended that these farmer's daughters inherited strong constitutions and possessed good health as a result of an early life spent in country districts. They came from homes where the strictest morals prevailed, and their education had been attended to before they entered the mills.

The report also argued that industrious Massachusetts workers, unlike the illiterate masses covered by English law, were

quite capable of making their own bargains, and there was no ground for legislative interferences. It was also contended that such legislation would make competition with outside mills impossible, and would surely result in a reduction in wages and eventually lead to a complete collapse of the Massachusetts economy.

Following these adverse reports, the New England Labor Reform League faded; and it was not in existence when agitation for the 10-hour law was resumed in 1850. In the interim between 1846 and 1850, significant changes had taken place in the composition of the factory workers, due to a sharp recession in the cotton industry and increased immigration into Massachusetts.

In the years of distress, the New England women in the Massachusetts mills had returned to their homes by thousands; and they never returned in full numbers. Instead, their places were filled with Irish immigrants. The Irish were also used as permanent strike-breakers during the depression, since they exhibited a greater willingness to accept lower wages and to accede to the demands of their employer than did their native counterparts in the labor force.

This change in the composition of the workforce naturally weakened the laissez faire arguments against 10 hour legislation. The law's advocates took full advantage of this circumstance; and one committee, led by the poet John Greenleaf Whittier, circulated an open letter stating:

> The effect of the continuance of the existing system (of hours) must be to drive from our manufacturing villages the best portion of the native population and to fill their places with a vagrant, dependent and irresponsible class. [20, p. 56]

The years of legislative indifference to 10-hour petitions were now past. The forces of advocacy also were of a different nature during this third period of agitation. Many of the older elements of the 1840's remained active, but there was no comparable female element. For the first time, a limited, single purpose organization was established to enact a 10-hour law in Massachusetts. Leadership was assumed by a member of the Massachusetts General Court, James M. Stone. Stone was assisted by two other members of the legislature in the persons of Benjamin F. Butler, and William S. Robison, whose paper the Lowell American was devoted to the advocacy of the principles of the Free Soil Party.

Under this leadership the "workingmen" of Massachusetts were urged to meet and elect delegates to a Ten Hour State Convention. At this convention, a five man executive committee was set up to give the movement more direction and coordination than the preceding 10-hour movements. Named the Ten Hour State Central Committee, this executive group arranged three statewide conventions, sponsored meetings in all the industrial cities of the state, secured petitions for the General Court, and tried to place "10-hour men" in the legislature. The organization functioned from 1850 to 1856, and the agitation reached its heights in 1852 and 1853.[1]

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[1] During the early 1850's, elections in the mill towns often turned on the 10-hour issue. Feeling ran exceptionally high at Lowell in 1851, when it was ruled that the winning Coalition (Democrat and Free Soil) ticket did not receive a majority of the votes cast and a second runoff election would have to be held between the Coalitionists and the Whigs. Persons notes: "It soon became noised abroad that the Booth Corporation through its agent, the Honorable Linus Child, had threatened

In the legislature, there were majority reports against and minority reports in favor of 10-hour petitions in 1850, 1852, and 1853. In 1855, the House committee reported unanimously in favor of a 10-hour measure. In 1856, a majority of the Senate committee did likewise. The 1850 minority report was accompanied by a carefully drawn 10-hour bill, which came to a vote in the House where it was defeated. The bill was also defeated in the House in 1852. In 1853 the bill passed the House with a majority of 42 votes (107 Coalitionists and 30 Whigs in favor, and 6 Coalitionists and 89 Whigs opposed). The Senate, however, amended the bill to make "ten hours a day's labor for all

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Footnote 1 continued from preceding page

to discharge any man voting the Coalition ticket in the second election." [20, p. 71]

Although the Coalitionists also carried the second election, a legislative investigation was demanded in 1852, and Persons notes:

> "The majority of the committee reported a bill which proposed to make any interference, by threats, bribes or menance, with the right of suffrage of an employee a misdemeanor, punishable by a $100 fine or one year's imprisonment. With this the controversy was allowed to rest." [20, p. 74]

Although there is no evidence that an employers' association was formally organized to oppose the State Ten Hour Central Committee, there is evidence of united employer effort. In September 1852, just a month prior to elections, there was a simultaneous reduction of hours to 11 in the machine shops of Lowell, Lawrence, Manchester, Biddeford, and Holyoke where a male labor force predominated. In the factories where the women did not have the vote, however, the hours remained as before.

classes unless otherwise provided by contract. The House refused to concur in this emasculation,[1] and the bill was lost.

After this narrow defeat, however the 10-hour movement began to lose strength. The corporations simultaneously extended their

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[1] As this result indicates the opponents of 10-hour legislation, which were always stronger in the Senate than in the House, developed new tactics during this period of increased agitation. In addition to continuing their laissez faire arguments and their predictions of adverse economic consequences, they began to concede support of legislation of "general application" with provisions for "special contracts".

Persons states:

> "The idea that the law should be of general application, together with the mischievous suggestion that the law should provide only for the legal length of a day's labor in the absence of contract ... was throughout the contest the favorite method of attack adopted by opponents of the measure. On the one score they appealed confidently to the agricultural interest for support in defeating the proposed legislation; on the other, pretended friends and weak-kneed opponents preferred innocuous acts as a sop to public opinion, which they knew would be absolutely destitute of effect." [20, p. 49]

The proponents of effective 10-hour legislation opposed special contracts on the grounds that there could be no real bargaining between an individual laborer and a large corporation or factory; and they sought only to regulate hours in the factories, where they felt the worse abuses existed. In response to the arguments for general application, they claimed that more limited legislation would not be discriminatory, since in most trades outside the factories the old tradition of working from sun to sun had already given way to the 10-hour system.

By this time the 10-hour advocates could also cite experience to refute the claim that shorter hours would lead to wage cuts and loss of business for Massachusetts' industry. The English experience was said to support the contention that factories could cut hours and still remain competetive. It was also claimed that some Massachusetts industries outside the factories had already cut their hours with no wage reductions or loss of business. Despite these arguments, the opponents continued to prevail by an increasingly smaller margin.

concessions to the female operatives in the mills, and 11 hours became the general rule in September 1853. Perhaps as a result of these concessions, the entire Whig ticket was elected in Lowell in 1854, and Robison's Lowell American was driven from the city. Probably more significant, however, was the fact that the Civil War was approaching. This brought new problems and new tasks to the members of the Free Soil Party, and the 10-hour reform was temporarily disregarded after 1856.

Due to the wartime labor shortage, many women and children were pressed into factory employment. The number of foreign laborers in the Massachusetts mills also increased rapidly, and to the Irish were now added large numbers of French from Canada. Often these groups were recruited as whole families and employed in the mills as a unit. Such conditions attracted much humanitarian sentiment, and the spirit of the times made for a sympathetic attitude toward shorter hour legislation. Some leaders from the anti-slavery crusade enlisted directly in the movement--the most notable example being Wendell Phillips, who frequently spoke and wrote urging shorter hours during the late 1860's.

Due to the more spectacular demands of Ira Steward's 8-hour proposals, however, the 10-hour movement in Massachusetts was not resumed immediately after the war. Steward succeeded in revising The Labor Reform Association, with himself as Secretary, and he later formed the Eight Hour Grand League to capture the enthusiasm of most of the labor organizations in New England. The

agitation of these groups, however, was as short lived as it was strenuous.

A commission was appointed in 1865 and 1866 to investigate prevailing employment practices regarding the hours of work, but they reported against a shorter hour measure of any sort--let alone an eight-hour day. As a concession to the demands for reform, however, the child labor laws were ineffectively revised in 1867; and in 1869, the Massachusetts Bureau of Statistics of Labor was established "to investigate the relation which the reduction of hours of labor bears to the industrial, commercial and social interests of the State." Attaining no real results, therefore, the Grand Eight Hour League lost its effectiveness; and the field was soon cleared for the revival of the more moderate 10-hour movement. In this respect, Persons notes:

> The character of the movement was somewhat modified - partly because of the progressive change in the character of the mill population; partly because of the coming of new leaders to the support of the old and tried organizers of the movement; but most of all because of the change in the nation's leadership and ruling ideals - due to the spirit aroused in the war. There is less insistence on actual injury to the health of operatives; more on his right to share, through enlarged leisure, in the higher things of life. There is an absence of socialistic or communistic ideas; a pervading and all-including spirit of humanitarianism. One hears less often that labor is the sole source of value; very frequently that all deserve a fair share in that which all have created. [20, p. 102]

After being elected Speaker of the Massachusetts House in 1866 and 1867, James M. Stone resumed his position as the leader of the 10-hour forces. Although there were various forms of labor organization in existence at the time, Stone's 10-hour men do not

seem to have been directly connected to any of them. While they appealed directly to workingmen for the bulk of their support, their organization was quite distinct. Assuming the title Short Time Amalgamated Association, the organization resorted to the methods employed earlier in calling Ten-Hour State Conventions and in establishing Short Time Committees in the industrial cities.

Before the return of the soldiers from the war had removed the temporary advantage of labor scarcity, there had been some successful 10-hour strikes; but these victories were later nullified when the mills unilaterally returned to an 11-hour day. The first real break in the ranks of the employers came in 1868, when the Atlantic Cotton Mills at Lawrence installed a ten-hour system in advance of legislation, not forced by threat of strikes, and with the full approval and support of the Agent, William Gray. Mr. Gray became an enthusiastic supporter of the ten-hour reform, and was instrumental in the final legislative victory.

Although the arguments of both sides were well known by this time, the right of the legislature to regulate the hours of men was still disputed. The advocates decided they could get more humanitarian support by limiting the act to women and minors, and they also felt any such law's practical application would inevitably affect the men employed in the factories. The old attempt to limit the law's application to incorporated companies was also given over, since the 10-hour system was now widespread outside the factories, and the contention that such legislation was "partial" or "discriminatory"

no longer held. Therefore, the bill reported by the General Court's Joint Labor Committee in 1871 provided that:

> No minor under the age of eighteen, and no female over that age, shall be employed in laboring by any person, firm or coproration in this Commonwealth in the manufacture of cotton, woolen, jute or silk fabrics more than ten hours in any one day, or sixty hours in any one week; except when it is necessary to make repairs to prevent the stoppage or interruption of the ordinary running of the mill or machinery. [20, p. 123]

This measure was passed by the House in 1871, 1872, and 1873, only to be defeated in the Senate. In 1874, however, the bill carried both houses; and it was passed with Governor Washburn's active support. Although the penalty clause of the 1874 laws was rendered ineffective by amending it to apply only to "willful" violations, this provision was strengthened in 1879, when an attempt to repeal the law was turned back and the act was strengthened.

A considerable amount of time and space has been devoted to this discussion of the first legislative limitation on the hours of work in Massachusetts. Although the law was not rigorously enforced for many years after its initial enactment, its real significance lies beyond its immediate impact. Its mere passage was an index of the changing political sentiment of the times, and its subsequent importance as a precedent merits the rather detailed attention which has been given to the long period of agitation proceding its final passage. This study also gives an insight into the complexities of agitation and parliamentary tactics often necessary to enact a measure into law, and it is interesting to note that the drive for a 10-hour law resulted in some concessions in other areas, such as the child labor

amendments and the creation of the Massachusetts Bureau of Statistics of Labor in 1869. Since many of the arguments and techniques used during the 10-hour battles were later applied to other types of legislation, we can now spare ourselves the necessity of repetition.

This rather lengthly discussion was also necessary since the different forces supporting the 10-hour cause during this period were somewhat complex and amorphous. Although the driving forces behind most labor legislation in Massachusetts becomes easier to analyze following the creation of the Massachusetts State Branch of the American Federation of Labor in 1887, this is so because this body published the proceedings of its annual convention, not because it became the prime mover in the field of protective labor legislation. It is important to understand that there was a substantial body of "reform" sentiment and an increasing number of pporly-treated immigrant voters outside the ranks of organized labor. Even after permanent labor unions were formed in Massachusetts, the majority of them catered for a long time only to a skilled and limited minority of the working class; and they often had to obtain a broader base of support to obtain the legislative enactments they desired.

This tends to reflect the general situation with regard to organized labor's political activities throughout the country at this time. The Knights of Labor were active advocates of child labor laws as well as certain other types of labor legislation, but there is no record of their particular influence in Massachusetts. Elizabeth Brandeis has noted:

> "Many of labor's political objectives in the earlier years were not labor legislation--as that term in used today. Statistics providing for universal suffrage, free public schools, and free homesteads were labor only in the sense that organized labor sought their passage. As for labor legislation proper, the amount secured and even the amount sought by the labor movement was small." [3, p. 399]

Once the principle of legislative interference was established by the limited 10-hour legislation of 1874, however, it later proved easier to secure other types of labor legislation. But it proved to be much easier to amend and improve existing legislation than to create new areas of legislative enactment. Between 1874 and 1887 primary attention was devoted to expanding and improving the existing child labor laws and the limited 10-hour law for women and minors to make them enforceable. After 1887, increasing attention was devoted to the safety hazards of industrial employment, sanitation in industry, and industrial homework. There was also some other miscellaneous labor legislation passed between 1874 and 1900 dealing with the methods and frequency of wage payments, the problem of industrial disputes, union labels and union organization. Each of these areas will be summarized briefly.

Late Nineteenth Century Labor Legislation

Child Labor -- There were as many as 15 amendments or new child labor laws enacted in Massachusetts between the first recodification in 1867 and the year 1892. These measures dealt with various occupational coverage and enforcement procedures, and the whole body of child labor legislation was recodified for the second time in 1894. A statute of 1898 raised the age limit to 14 and barred

children under that age from employment in "factory, workshop and mercantile establishments." It also imposed somewhat stricter conditions concerning certificates of birth, age, and schooling. A law completely prohibiting the employment of minors in brewing and other beer bottling establishments was passed in 1899.

Hours of Work -- Amendments to reduce evasion of the 10-hour law for women and minors were added after 1879, and coverage was extended to mechanical and mercantile establishments as well as textile factories. Provisions for meal hours were added, and night work was prohibited by women and minors from 10 pm to 6 am. In 1892 the hours for women and minors in manufacturing were limited to 58 per week and this reduction was subsequently extended to non-manufacturing occupations.[1]

Some special hours legislation regarding particular occupational groups regardless of age or sex was also enacted during this period. In 1896, a 9 hour day was enacted for employees of the Commonwealth. This was extended to counties and municipalities in 1891, and in 1893 to all manual labor on state government contracts. A later statute of 1899, curtailing hours to 8 per day, was made optional, depending upon acceptance by the voters of the cities and towns. In 1893 another special restriction reduced the hours for street car conductors, motormen, and drivers to a daily service of 10 within 12 consecutive hours, and required that extra time receive extra compensation.

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[1] The legislative struggles and enforcement problems leading to these amendments and expansions of coverage in the child labor and hours laws are discussed in some detail in Clara M. Beyer. [2, pp. 20-31]

Safety Legislation and Early Employer's Liability Laws -- The first Massachusetts enactment involving safety conditions in places of employment came in 1877. This act followed an 1874 investigation of the Bureau of Statistics of Labor, which resulted in the decision that industrial safety conditions constituted an appropriate field of legislative activity. The law of 1877 was primarily concerned with guarding dangerous machinery, regulating the storage of explosives, and providing fire escapes and exits in case of emergency. Gradually, more explicit and more stringent inspection procedures and building certificates were required.

The drive which eventually resulted in the Massachusetts Workmen's Compensation Act was also initiated during this period, but it did not achieve success until after the turn of the century. An act of 1877 declared void all special contracts which enabled an employer to exempt himself from all responsibility in industrial accidents involving his employees, but the employer's common law defenses were left intact. In 1882 the Bureau of Labor investigated the question of employer's liability in industrial accidents and issued a report in favor of enacting legislation similar to the then existing English laws. No action was taken on this report, but a law requiring the reporting of fatal and serious injuries was passed in 1886.

The first steps toward an employer's liability law came in an act of 1887. This statute was not considered satisfactory, however, since the common law defenses were only slightly changed and the maximum damages allowed were $4,000 except in special cases of death, which included injury. In these cases the maximum claim allowed

varied from $500 to $5,000 depending on the culpability of the employer and the amount he contributed to the total of an employee's benefit fund. This law was amended slightly in 1888 and in 1906, before it was eventually made obsolete by the Workmen's Compensation Act of 1911.

Sanitation and Industrial Homework -- Special laws concerning general sanitation, cleanliness, and ventilation of factories and workshops were enacted in 1887 and 1888. At first, these laws concerned only manufacturing establishments; but later they were extended to mercantile establishments and other industries.

In addition to the ordinary requirements of the general sanitary laws concerning tenements, two acts were passed in 1891 and 1892 to regulate the "sweating system" of homework on clothing and wearing apparel. The law provided for the registration of tenement workshops, and required that tenement-made goods be clearly labeled. Subsequent amendments made definitions clearer and required workers to obtain licenses from the police department before receiving employment. These requirements were further clarified in an act of 1898.

Miscellaneous Labor Legislation -- In addition to some early Massachusetts lein laws designed to guarantee that workers received wages they had already earned, there was also some agitation for wage laws regulating the method of payment. The first law of this type was passed in 1875 and provided that where a worker was required to give notice before leaving under penalty of forfeiting

any part of his wages earned, a similar penalty should be enforceable against the employer discharging without notice, except for incapacity or misconduct.

Although certain Fall River unions began agitation for weekly payment of wages after this concession was refused by employers in 1875, the first weekly payment law was not passed until 1879; and then it applied only to city laborers. In 1886, however, it was extended to certain corporations, and subsequent amendment after subsequent amendment steadily widened its scope. The use of special contracts by employers to exempt themselves from the obligation of weekly payments was finally forbidden in 1896.

The regulation of fines levied upon workers began with regard to weavers in 1887, and such fines were entirely forbidden in 1891. This law was declared unconstitutional in 1892, however, but subsequent acts prohibited the "grading" of weavers wages, except for imperfections pointed out to the weaver, and by amounts agreed to by both parties.

In 1894 provisions were made for more complete information for piece workers, and penalties for time lost during machine stoppages were enjoined in 1898.

Massachusetts attempted to meet the problem of labor disputes by establishing boards of arbitration. Before 1886 there was a system of local boards open to the voluntary recourse of disputants. In 1886 a permanent 3-man State Board of Conciliation and

Arbitration was installed as a sort of court of appeal from decisions of the local boards. Since the local boards had little to do, however, the state board had even less; and in 1887 the board was given the power of initiative in tendering its services. It was also given the ordinary court powers of subpoena. The powers of initiative and subpoena made the Massachusetts Board much more powerful than a similar board in New York, but there is no evidence that the Board being a major force in Bay State labor-management relations in the nineteenth century.[1]

It was made illegal to counterfeit trade union labels in 1892, and there were also some rather innocuous laws relating to the legal aspects of union organization during this period. In 1875 a law was passed forbidding unionists to interfere with the employment of nonmembers. This was supposedly balanced in 1892 when employers were prohibited from intimidating their workers in order to prevent them from joining unions. In 1888 a general law was passed allowing labor unions to acquire the legal rights of an incorporated body, but no unions acted under its provisions. Following a ruling of the state law department that union benefit payments made them subject to the laws regulating beneficiary organizations, a law was passed in 1899 specifically exempting unions from the general insurance laws.

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[1] For comparisons of the Massachusetts Board and the New York Board, see [8, pp. 187-88] and [9, pp. 25-26].

Just how influential organized labor was in securing much of this latter legislation is difficult to say. As can be seen from the above summary there was a substantial increase in the amount of labor legislation after 1887, which was the year that the Massachusetts State Branch of the American Federation of Labor was created. Since there were several sporadic citizens groups active in various reform causes during this period, however, this coincidence may be more indicative of public opinion favoring labor organization than labor unions influencing public opinion. A brief review of the early history of the State Branch tends to support this view, since the organization did not grow very rapidly at first and it apparently became interested in politics only gradually.

Formation of the Massachusetts State Branch of the AFL

The Massachusetts State Branch of the American Federation of Labor, which later became the Massachusetts State Federation of Labor in 1928, was organized in August 1887 at a convention called by the Cigarmaker's Local No. 97 of Boston. The call to convention outlined the object of the proposed state branch as follows:

> to encourage the formation of local trades and labor unions; for advancing the interests of the working classes, both in organization and in legislation; and for adopting a plan of general assistance in case of strikes, lockouts and other difficulties. [5, p. 12]

At the organization meeting held in Boston's Pythian Hall, opposition to the Knights of Labor was voiced, and the presence of

Samuel Gompers himself assured that this new state organization would be definitely affiliated with the newly formed and growing AFL. G. G. Wilkins, of the Boston Typographical Union No. 13, was elected President, and Frank K. Foster of the same union, who became the driving force of the organization in its early years, was elected Treasurer. Despite the mention of legislative action in the call to convention, however, Heintz and Whitney state "It is to be noted that little sentiment was expressed at this first convention as to definite legislative action, and the theory of having a legislative agent was not brought up." [5, p. 17]

At a second state convention held in October, 1887, however, a legislative committee was created under the leadership of Frank Foster. It was resolved to continue agitation for the 8-hour day and to demand the strict enforcement of child labor laws. The desirability of endorsing candidates for the state legislature was also discussed, and the precedent was set at this time that such endorsements should not be given. There was some socialistic third-party sentiment in the Massachusetts labor movement at this time, however, and the question of political activity again came to the foreground in the 1891 convention. Although the third-party forces were defeated, a resolution was passed urging that an effort be made to have the State Branch recognized by all political parties; and Heintz and Whitney report:

> At the convention in 1891, the legislative committee formulated the first definite legislative program to be adopted in regular convention by the Federation; this

> marked the beginning of the emphasis on legislation that eventually was to become one of the principal characteristics of the State Branch. The recommendations of this report, as adopted, were: Fifty-eight hours for factory women and children, eight-hour law for public employees, and raising the school age to sixteen. [5, p. 23]

After 1892, legislative questions began to receive more emphasis, but the State Branch still failed to attain any great prominence before the turn of the century. In 1893, Frank Foster initiated a campaign within the Federation to encourage direct legislation through the initiative and referendum. He felt this would give labor more influence over legislation than any attempt to unite with a political party, and a bid to cooperate with the Socialists-Labor Party was rejected in 1894. The State Board of Conciliation Arbitration was subject to strong criticism at the 1895 convention. The amount of child labor remaining in thetextile industry was also deplored, and a resolution in favor of the income tax was passed. The most dramatic political step taken by the State Branch during the nineteenth century, however, came at the convention of 1896. In that year a resolution was adopted pledging the opposition of the organization to the candidacy of William Murray Crane for the Lt. Governorship on the grounds that he had an interest in the North Adams Transcript, which had experienced trouble with organized labor. Crane was nominated on the Republican ticket nonetheless, and riding this party's "escalator" he later served as the Governor of Massachusetts from 1900 to 1903.

Given these rather modest beginnings late in the nineteenth century, it is rather obvious that much of the legislation previously

discussed cannot be attributed solely to the efforts of the organized labor movement in Massachusetts, or at least not to the efforts of the State Branch of the AFL.

In her 1929 analysis of the History of Labor Legislation for Women in Three States (Massachusetts, New York, and California) Clara M. Beyer of the Women's Bureau of the U.S. Department of Labor discussed the support for women's labor legislation under nine headings: organized labor; state labor officials; bureaus of labor statistics; special legislative committees or commissions; governors; pioneering employers; social, civic, philanthropic, and church groups; factual studies; and "the spirit of the time". The role of these various forces in early child labor legislation and the 10 hour law of 1874 has already been traced in some detail. Much the same story apparently holds true for most of the other legislation mentioned in this chapter up to this point. Although organized labor, as such, did not play a dominant role in the earliest legislation its influence increased in later years and more will be said on this shortly.

With regard to state labor officials, Mrs. Beyer states:

> During the eighties and nineties the factory inspectors of Massachusetts, through their director, the chief of the district police, were instrumental in securing amendments to the existing labor laws making evasion less easy. But they never took the initiative as did the New York inspectors. [2, p. 3]

Although the Massachusetts Bureau of the Statistics of Labor advocated and supported the early hours law for women and children, over the long run Mrs. Beyer indicated "The information furnished by the

Massachusetts Bureau of Statistics of Labor was as often used against the legislative proposals of labor as for them. The tendency of the bureau was to hold back legislation rather than to promote it". [2, p. 6] With regard to special legislative committees or commissions she stated they "have played no part in the history of labor legislation for women in California, have had a minor influence in Massachusetts, and have been one of the largest determining factors in the labor legislative history of New York." [2, p. 6]

The influence of Governor Washburn and the Atlantic Cotton Mill's Agent, William Gray, on the 60 hour law of 1874 has already been noted, and similar elements were at work in securing later legislation--particularly in the battle to reduce the legal workweek from 60 to 58 for women in textile mills in 1892. Mrs. Beyer has stated: "The support given the movement for shorter hours by Governor Russel in his message of 1891 and again in 1892 was a deciding factor in breaking down the senate opposition." [2, p. 30]

Organizations which might best be classified under the broad heading of "social, civic, philanthropic, and church groups," also played a major role in the legislation enacted prior to 1900. With specific regard to Massachusetts labor legislation before the turn of the century, Mrs. Beyer later indicated that various civic-minded reform groups played a key role in extending the women's hours laws from the textile industry to other non-manufacturing mercantile establishments. She said:

> The source of the support for mercantile legislation in the earlier days is indicated by the persons appearing at the hearing in 1888. Among the speakers in favor were two doctors, a college professor, a representative of the Knights of Labor, and Harriet Robinson, a former mill worker who had become a writer of some prominence. . . .
>
> Later an organization known as the Federal Labor Union, made up largely of women friendly to the labor movement and a few labor leaders, became the active supporter of hours legislation for the mercantile industry . . . .
>
> Almost immediately upon its organization in 1898, the Consumers' League of Massachusetts took the lead in the campaign for legislation governing the work of women in stores. . . .
>
> Feeling that the facts of extremely long hours justified legislation, the consumers' league began to secure the necessary public support. Women's clubs were enlisted in the ranks of supporters, among them the civic department of the Twentieth Century Club, the Massachusetts Association of Working Women's Clubs, and the Women's Educational and Industrial Union. These organizations all backed the 58-hour bill for women in mercantile establishments introduced by the Federal Labor Union in 1899. The measure failed to pass. The following year the consumers' league, in cooperation with the civic division of the Twentieth Century Club and the Union for Industrial Progress - formerly the Federal Labor Union - had a bill for the extension of the 58-hour week to the mercantile industry drawn up and introduced in the legislature. The hearing was well planned and widely attended. The legislature was duly impressed and the bill, amended to allow an exemption for the month of December, was passed and signed by the governor. [2, pp. 44-46]

Factual studies have been a part of practically all of the legislation considered in this chapter, but it is difficult to isolate their influence. Much of the data has been gathered by state officials, special legislative commissions, or independent civic groups already mentioned. The "spirit of the time", however, remains as perhaps the most nebulous of the nine factors mentioned by Mrs. Beyer. Yet it also looms as one of the most significant--particularly

if one takes a long view and compares the general acceptance of modern labor legislation with the long drawn out struggles previously mentioned as necessary to secure anything as basic as an enforceable 10 hours a day, 6 days a week law for women and minors in factory occupations. The reformist spirit aroused in Massachusetts by the passions surrounding the Civil War no doubt aided the cause for labor reform legislation at that time, and the reforming zeal which swept the country at the turn of the century also aided in the passage of labor legislation in the next period we are about to examine.

Since a special reforming "spirit of the time" was necessary to get much early labor legislation passed, this meant that the general "spirit of the time" obviously was not overly receptive to this type of legislation over most of the period discussed to date. This point has to deal with the phenomenon of "unorganized interests" mentioned in Chapter II of this thesis. Massachusetts employers did not formally organize in opposition to much of the early Massachusetts labor legislation, although they did sometimes act in concert as has been pointed out. The laissez faire spirit of the nineteenth century and the division of powers between branches of government provided strong institutional obstacles to new labor legislation and are much more responsible for the long delays in obtaining early labor legislation than the organized opposition of employers as such. The employers were forced to organize only when the general "rules of the game" or unorganized interests of

Massachusetts society no longer served as an adequate safeguard for their own interest.

For a long time the opposition to reforms in labor legislation could rely on the inertia of the status quo and the strong element of individual freedom in the American ethos to present obstacles that were extremely difficult to overcome without considerable efforts on the part of proponents, which explains why these groups were the first to organize and tended to attract the most publicity. As the proponents continued to hammer away at their cause and arouse the elements of humanitarianism and sympathy for the underdog in the American ethos, however, the underlying consensus of the unorganized interests began to shift from general opposition to at least neutrality, and towards the end of the century the employers in the textile industry formally organized for political purposes. There are also signs that organized labor in Massachusetts was becoming more effective as such in supporting "humanitarian" legislation late in the century despite the avowedly narrow purposes of the AFL, which was the dominant element in the Massachusetts labor movement after 1887.

Clara M. Beyer has stated:

> Ostensibly, the organized workmen supported labor legislation for women on grounds of humanitarianism, but in reality self-protection was the dominant motive. In the first place, by securing shorter hours for women through legislation they hoped to obtain the same shorter hours for themselves; and, in the second place, they wanted to prop up by legislation and make standard the shorter hours that the more strongly organized trades had secured by bargaining. [2, p. 2]

Thus by the time that the opponents and proponents lined up for the struggle that reduced the legal work week for women and minors in textiles from 60 to 58 in 1892, Mrs. Beyer could state:

> Both parties to the controversy were fairly well organized by 1890. The textile manufacturers had formed the Arkwright Club and had a paid legislative agent to plead their cause and to organize their defense. Labor, on the other hand, could marshal the State Branch of the American Federation of Labor, the city central bodies, the Amalgamated Building Trades Union, the State Alliance of the Knights of Labor, and nearly every international and State organization, besides the local craft unions. The textile unions and central labor bodies had a joint legislative committee with an agent at the capitol. The State Branch of the American Federation of Labor also had a legislative agent to look afters its interests. [2, p. 29]

The total strength of the labor movement in Massachusetts before the turn of the century does not appear to have reached 100,000 however, so that it was by no means a dominant influence in Massachusetts politics at this time as the previously mentioned failure to unseat Murry Crane in 1896 pointed out.

All of these forces helping to explain the course of Massachusetts labor legislation prior to 1900 will now be examined during the period from 1900-1930.

Legislative Advance and Stagnation: 1900-1930

Following the prosperity in Massachusetts and in the nation as a whole at the turn of the century, the fortunes of the Massachusetts State Branch of the American Federation of Labor improved considerably from their nineteenth century beginnings. This period initiated an age of reform throughout the country, and

Massachusetts gradually became the acknowledged leader in enacting the popular reforms of the day. The anti-trust and reform sentiment of the times also aided union growth to some extent, and in Massachusetts more local unions began to participate actively in the State Branch of the AFL. The number of local unions and central bodies represented at the annual conventions of the state branch jumped from 44 in 1899 to 70 in 1900. This number increased to 82 in 1901 and 97 in 1902.

Changing Strength of the Massachusetts Labor Movement

Table 35 shows the number of local and central labor bodies represented at the annual convention from the founding of the state

TABLE 35 - Number of Local and Central Bodies Represented at the Annual Convention of the Massachusetts State Branch, AFL, 1887-1935

Year	Number	Year	Number
1887	125	1916	197
----	---N.A.	1917	195
1897	42	1918	203
1898	40	1919	143
1899	44	1920	172
1900	70	1921	172
1901	82	1922	133
1902	97	1923	121
1903	103	1924	114
1904	95	1925	131
1905	89	1926	129
1906	99	1927	146
1907	115	1928	142
1908	102	1929	150
1909	95	1930	149
1910	123	1931	143
1911	128	1932	152
1912	135	1933	148
1913	168	1934	143
1914	201	1935	204
1915	179		

Source: Heintz and Whitney, [5, pp. 115-16].

branch in 1887 to 1935, except for the years 1888-1896 which are not available. Although these figures represent only a small fraction of the total number of local unions in Massachusetts reported by the Department of Labor and Industries during these years, it should be recognized that not all of the affiliated organizations sent delegates to the annual conventions. For example, in 1930 the auditors report to the convention listed 230 locals and 17 central labor unions affiliated with the State Branch in 1929. Yet only 150, or about half, sent delegates to the convention in that year. Similar detailed auditor's reports are not available for the other years covered in Table 35, but the 230 local unions affiliated in 1929 were paying, or owed, dues on a reported membership of 52,428. Since dues were involved, this figure was not likely to be exaggerated, and these 52,428 members in the 230 locals represented 27.4% of the total of 191,528 members reported by 1,142 local unions to the State Department of Labor and Industries in 1929. This would seem to indicate that the larger and presumably the more influential unions in the state tended to affiliate with the State Branch of the AFL, since the average size of affiliated locals (228) was a good bit (36%) larger than the average local in the state (168).

Coming as it did in 1930 after a long period of decline in union membership during the 1920's, this report may have understated the average number of affiliates and overstated the average size of affiliated unions, since many small locals may have

disaffiliated with the State Branch during the 1920's for economy reasons.

Nationally, the upsurge of union membership, which jumped from 440,000 in 1897 to 2,067,000 in 1904, caused a reaction by the employers of the country and the NAM launched a vigorous open shop campaign. There is also evidence of increasing employer opposition to trade unions in Massachusetts after 1904, and from 1908 to the outbreak of the First World War the State Branch devoted its economic efforts largely to consolidating its previous gains. The office of Secretary-Treasurer was made a permanent salaried position in 1913. This allowed a full time official to devote much more time to the business of securing affiliations, and the results are reflected in Table 35 by the net increase of 66 affiliates attending the convention of 1914 compared to the convention of 1912. A permanent headquarters for the State Branch was established in 1914 which may also have served to increase the effectiveness of the organization. Since the Secretary-Treasurer was the only full-time paid position in the organization, the power of leadership gradually moved to this office rather than to that of the Presidency, which slowly became more or less honorary in meaning depending upon the incumbent. Dennis D. Driscoll of the Horseshoers Local No.5 in Boston served as the Secretary-Treasurer from 1899-1911, and he was succeeded by Martin T. Joyce of the Boston Electrical Workers 103. Joyce then served as Secretary-Treasurer until his death in 1931.

During the doldrums of the 1920's, the duties of Legislative Agent were added to those of the Secretary-Treasurer as an economy move in 1925; and these duties remained combined until the merger with the CIO industrial union council in 1958.

The Massachusetts picture with respect to labor legislation from 1900 to 1930 roughly follows the trend of union membership in the state during these years, but these trends are only indirectly related.

During the first decade and a half of the twentieth century, organized labor formed a constituent element of a highly successful reform coalition which succeeded in enacting legislation dealing with the political machinery, business regulation, and educational system of Massachusetts, as well as labor legislation. Following the state constitutional convention during and after the First World War, however, the coalition disintegrated; and during the 1920's labor leaders in Massachusetts were forced to spend most of their time repelling attacks on the gains they had made in earlier, friendlier years. A brief topical review of the labor legislation enacted between 1900 and 1930 will be followed by a more or less chronological review of the role played by the State Federation and other organizations in securing its enactment.

Early Twentieth Century Labor Legislation

Child Labor -- There were laws passed to improve upon the existing body of child labor legislation in 1906 and 1911. Then, in an effort to keep Massachusetts in the forefront of child labor

legislation, the Uniform Child Labor Law was adopted in 1913. This statute excluded minors from many objectionable occupations and reduced the workday to 8 hours for children between 14 and 16 years of age. There is also some evidence that the enforcement of these laws improved during this period. Thus, a Boston University professor writes in 1909:

> The present provision for the enforcement of the age and educational restrictions upon the employment of minors are as effective as could well be devised. The enforcement is entrusted primarily to the factory inspectors, of whom there are now 14, acting under the direction of the chief of the district police of the state. . .. All the available evidence goes to show that the enforcement of these laws is exceptionally thorough and that cases of violation or evasion are extremely rare. [1, p. 287]

The operation, cleaning, or repair of freight elevators was added to the prohibited occupations for minors in 1920.

Hours of Labor -- A weak 8-hour bill for all public employees was passed in 1906 and strengthened in 1911. Nineteen eleven also saw the hours for women and minors in certain industries shortened to 54 hours a week, and a further reduction was obtained in the 48 hour week bill passed in 1919. A 1921 amendment extended the coverage of this act to women and children who had been excluded previously. In the textile industry, the Overtime Bill of 1907 prohibited certain overtime work for women and minors after 6 P.M.

The street-carmen gained another point in 1912 with a law providing that a day's work for all conductors, motormen, and trainmen should be arranged by the employer upon the basis of nine hour's work. The following year their hours were restricted to nine in eleven.

Workmen's Compensation -- The 1911 enactment of the Massachusetts Workmen's Compensation Law was one of the really significant breakthroughs of the "progressive era" in Massachusetts politics. As we will note later, the law did not pass in a form entirely suitable to organized labor; but the employer's old common law defenses in damage suits were voided, and only those employees injured by reason of their own serious and willful misconduct were excluded from compensation.

The provisions of the act regarding the extent of coverage, the amount of compensation, the length of waiting period, special funds for certain injuries, etc., were gradually liberalized. Some of the major benchmarks being: the increase of benefits from 50% to 66 2/3% of the wage in 1914; the reduction of the waiting period to 10 days in 1916, and 7 days in 1923, the maximum payment increase from $10 to $14 a week in 1919; the minimum payment increase from $4 to $5 in 1918; the increases in total compensation to $6,400, and the increase in the amount of the burial allowance from $100 to $150 in 1922.

Wages -- Two very limited minimum wage bills for certain public employees, and a law requiring payment of wages during regular working hours were passed in 1911. In the following year Massachusetts really established herself as the pioneer in minimum wage legislation when an act of 1912 authorized a commission to investigate wages paid women in any branch of industry and recommend wages considered adequate to provide a proper living standard. The commission was authorized to publish the names of firms that refused to accept its recommendations. Thus, while the commission was not mandatory, and while

it depended upon publicity for its results, it nevertheless attracted national attention to this type of legislation.

Other specific laws dealing with wages before 1930 included a 1914 Prevailing Wage Law for mechanics on public works, 1917 extension of this law to include Teamsters, a 1918 law forbidding excessive fines for employee tardiness, and a 1918 law prohibiting employers from taking the "tips" of employees who checked clothes.

Miscellaneous Labor Legislation -- A Department of Labor was created in 1912, and agitation for anti-injunction legislation finally resulted in two acts defining the rights of workers on strike and restricting the use of injunctions in labor disputes in 1913. However, a stronger anti-injunction act of 1914 was later declared unconstitutional in 1916. There were also some other minor bills enacted, which will be mentioned in the chronological description which follows. Meanwhile it is interesting to note that the early years of the "progressive era" witnessed a concern not only with the worker's on-the-job experience, but also with the broader aspects of economic opportunity and economic security in general. Along these lines the most notable additions to the labor code were the establishment of public employment bureaus in 1906, an attempt to extend industrial education by the creation of a five man commission to further vocational training in 1905, and the creation of a low cost system of savings bank life insurance which went into effect in 1907. These measures were of an "uplift" nature, and they were only briefly mentioned in the reports of the legislative committee

to the annual convention of the State Branch, again indicating that support for workingmen's causes must have existed outside the ranks of organized labor during this period. Also, as a part of the reform coalition, organized labor supported some measures which were not directly related to their immediate self interests. Proposals for the initiative and referendum were introduced directly by the State Branch for several years, but in 1911 it was decided to let the bill be handled by the Initiative and Referendum League and to give it labor support. The State Branch also endorsed the equal female suffrage proposal in 1910, and in 1911 the Equal Suffrage Bill was introduced into the General Court by labor for the first time. Although not part of their formal legislative program, organized labor also favored direct primary elections and popular election of United States Senators, both of which were eventually enacted into law in Massachusetts.

Labor's political activities and legislative program were not always the subject of complete agreement during these years, however, and there is considerable evidence of a lack of cohesion within the State Branch in several instances. There were numerous pleas from the leadership requesting more support for the legislative program, and it was frequently urged that the Federation limit its program to a small number of "basic" bills and allow individual labor groups to introduce more limited and more specific proposals with the Federations support. There was also a long struggle between the Legislative Committee and the Executive Council of the Federation over which group

was to assume primacy in legislative matters.[1] During the 1920's, perhaps the most controversial matter that entered into the proceedings of the State Federation -- aside from the disputes surrounding financial difficulties -- concerned the type of insurance fund to be supported with regard to workmen's compensation payments.

Political Action by the Massachusetts Labor Movement

Although the State Branch sought to adhere to the official non-partisan policy of the AFL in the strictist sense, it pursued this policy with varying degrees of enthusiasm at different times, and third party sentiment emerged periodically in the Bay State between 1900 and 1930. The State Branch approved the action of the AFL in endorsing Robert M. LaFollette for President in 1924 and created a campaign committee to work in his support. In the following year it likewise endorsed the AFL's opposition to a labor party. The following account traces the vicissitudes of the State Branch's political activity, and its influence on labor legislation between 1900 and 1930.

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[1] In this continuing dispute, the officers of the State Branch favored having a single Legislative Agent directly responsible to the Executive Committee. Although the number of members on the Legislative Committee was reduced from 5 to 3 in 1912, the annual conventions continued to vote to retain the committee until 1918. In this year a Legislative Agent was appointed to report to the executive board. In 1925 the office of the Legislative Agent was combined with that of Secretary-Treasurer. This step came after labor's political influence had waned, and it was an economy move to save money during a period of financial adversity for the Federation.

Following their unsuccessful attempt to prevent Crane's election as Lt. Governor in 1896, the State Branch's next significant foray into politics was more vigorous and more successful. In 1903 an active campaign against child labor was instituted; and two members of the Executive Committee gave the matter much publicity by touring the state and investigating existing conditions. Then, in 1904, the practice of printing records of legislative roll calls on labor measures was used. Governor John L. Bates' veto of the "Overtime Bill" in 1904 particularly aroused labor's wrath, and Michael Hennessy notes: "Labor leaders organized 'Flying Wedges' and went after the Governor's political scalp with vengeance." [6, p.83]. How much credit organized labor should be given for Governor Bates' defeat remains problematical, however, since some of his appointments had already turned strong elements of his own party against him, and the Overtime Bill was again defeated in the next session of the legislature -- although there was a very close battle before it was voted down in the Senate.

After this second defeat of the Overtime Bill, a protest rally was called at Faneuil Hall on April 24, 1906. At this meeting it was voted to organize wage earners' clubs to assist friends and defeat enemies, but there is no record of any real success along this line, and a real controversy developed when some of the wage earners' clubs found themselves supporting Republican candidates, which were being opposed by the Executive Committee of the State Branch.

The President's Report in 1907 noted:

> During the last campaign a number of our wage earners' clubs were engulfed in the vortex of a political party which posed as the Messiah of the working classes. . . Bills were presented by individuals marked labor, but were a direct obstruction to measures presented by our legislative agent, notably, the Picketing Bill, Injunction Bill and Employers Liability Bill. Not wishing a repetition of such use of our Wage Earners Clubs, we call your attention to maintain the integrity and the literal meaning and use of your clubs. [12, p.15].

Despite this apparent division within organized labor's ranks, an 8-hour bill for public employees was passed in 1906; but the bill's effectiveness was greatly weakened by amendments attached to secure its passage. A few public employment offices were also established in 1906, when a limited budget was approved for the Chief of the Bureau of Labor Statistics to open offices in such cities as might be selected by him. The Overtime Bill was finally passed in 1907, and the 8-hour bill was amended slightly; but labor remained unsatisfied with this legislation, and continued to press for further revision. It is worth noting, however, that employer opposition began to organize at this time. In reporting on the 1906 defeat of a labor-sponsored anti-injunction bill, the Legislative Committee observed:

> This bill, which was defeated in the Senate, met with far bitterer opposition than ever before, the hearing of the remonstrants drawing out large numbers of eminent attorneys, summoned by the Citizens' Alliance, manufacturers and other associations of employers. [11, p.28].

In 1907, references are made to "The pernicious efforts of the Employers' Association of Massachusetts in endeavoring to tear

down organized labor", [12, p.13], and the President's Report stated:

> I desire to call the attention of the Convention to the following fact, thatatall hearings at the State House (1907) all proposed labor legislation was strongly, bitterly and maliciously opposed by the representatives of the Employers' and Master Builders' Association. [12, p. 15].

In 1907, a Recess Commission was appointed to study several labor measures and report to the 1908 session of the legislature. The most significant recommendation of this Recess Commission dealt with the issuance of injunctions in labor disputes. The recommendation which later became known as the Turtle Peaceful Persuasion Bill, prevented the issuance of injunctions against peaceful picketing. The fate of this bill in the 1908 legislature is disclosed in the following account from the Legislative Committee Report.

> This Bill passed the House of Representatives with very little opposition, the Bill being ordered to a third reading by a vote of 112-69 and went to the Senate, better known this year as the Slaughter House for all labor Legislation, and the most surprising feature of the senators who served on the Recess Committee and signed the report recommending the Bill, and when the vote was taken did a handspring and voted against it. [13, p.19].

This episode illustrates the difficulty the State Branch sometimes had in finding reliable "friends" or identifying real "enemies." Following this narrow defeat of labor's most sought after measure, another protest meeting was held in Faneuil Hall on June 30, 1908, but little was accomplished by it. In fact, labor's greatest legislative successes of the year were the defeat of three anti-labor

measures, whose introduction into the legislature was not unrelated to the previously mentioned formation of several employer's associations. The three measures defeated dealt with forbidding the solicitation of members for trade unions, legalization of the blacklist, and the prohibition of a union to have a death benefit without the consent of the insurance commission.[1]

In 1909, Governor Draper vetoed labor's attempt to strengthen the 1906 8-hour law for public employees. The Executive Board called a special convention of the State Branch to consider what action should be taken. On August 11, 1909 the convention condemned the action of Draper and recommended that an effort be made to defeat him. They adopted the slogan "Remember the Eight Hour Bill", and a campaign committee was selected and financed by contributions for a campaign fund. In spite of these efforts there were still signs of political division in the ranks of organized labor, and Governor Draper was re-elected and he vetoed the bill when it was presented again.

This is more or less typical of 1908 and 1909, when very little in the way of labor legislation was passed. The Senate was much less favorable to labor legislation than the House during these years, and the Upper House becomes known as the "Graveyard" and "Slaughter House" among labor men. Some of this lack of success was also of labor's own doing. The convention proceedings of these years devote

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[1] The labor movement regarded this latter measure as an attempt by employers to use insurance reports to gain information on the strength and financial position of unions.

much time to the fact that many unions were "pulling their own oar" to the detriment of labor unity and there were complaints of too many bills being filed.[1] The 1908 convention, therefore, decided to introduce only four bills the next year in contrast to the 23 previously submitted. Actually, however, five bills were officially introduced by the State Branch, and it was agreed to strongly support three others. The five bills which constituted the heart of organized labor's program during these years were: (1) an anti-injunction bill; (2) a bill to permit peaceful picketing; (3) a bill to make the 8-hour law for public employees effective; (4) a bill to strengthen the Employers Liability Act; and (5) a bill providing for the initiative and referendum. The other three receiving support were a seamen's bill, a 54-hour bill for textile workers, and a bill permitting unions to fine their members. All of these measures were lost in 1909--most of them being killed in the Senate--but roll calls of the votes were printed and distributed to the members.

In 1910, the Legislative Committee for the first time attempted to appeal to the general public outside the labor movement. A pamphlet entitled "Seven Labor Measures" was issued. Each bill was described, and labors supporting arguments for each measure were presented. The seven bills involved were similar to the eight measures supported in 1909 except the seamens bill was dropped and a workmen's compensation act was favored instead of an employer's liability law.

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[1] In particular see the Presidents comments to the 1908 convention of the State Branch. [13, p. 13]

Five of these bills received favorable committee reports; but, despite several close votes, only the 8-hour bill was passed by the General Court, and this was vetoed by Governor Draper.[1] Some concessions, however, were gained. A compulsory arbitration bill was defeated. A law requiring employers to mention an existing labor dispute in labor advertisements was passed, and a Recess Commission was appointed to consider the Workmen's Compensation Bill again.

After these results in 1910, the General Court of 1911 was the most favorable to labor of any in years. One reason for this may be found in the gubernatorial election of 1910, in which the Democratic candidate, Eugene N. Foss, defeated labor's old enemy, the incumbent Governor Draper. Foss, who had previously run for Congress on the Republican ticket, was a wealthy businessman who just barely won the Democratic nomination in a bitter fight with Charles S. Hamlin and the former Democratic gubernatorial candidate James H. Vahey. Foss' labor record was a question mark during both the nominating and election battles, and Hennessy describes each as follows:

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[1] Senate President Treadway's vote caused a tie defeating the 54 hour bill. The initiative and referendum bill received a 112-102 favorable vote in the House; but, since a constitutional amendment was involved, a 2/3 majority was required for passage. The anti-injunction bill lost by 6 votes in the House, and the picketing bill failed in the Senate despite a favorable committee report. In a reversal of the usual pattern, the bill permitting the fining of strikebreaking union members passed the Senate, but was defeated in the House after a bitter fight requiring three roll calls.

> During the pre-Convention fight the Vahey adherents attacked Foss' labor record and quoted Samuel Gompers, head of the American Federation of Labor, against him. Mr. Gompers didn't like Mr. Foss' labor record in Congress, but in E. Gerry Brown, one of his new political lieutenants, prominent in labor circles, Mr. Foss found a ready champion who claimed that Mr. Foss' labor record was satisfactory to organized labor.
>
> In the last week of the campaign the labor men, who supported Foss, got a letter from Samuel Gompers in which the latter said that if Foss would be true to labor he ought to be supported and Draper ought to be defeated. To prove that Mr. Foss did urge Governor Draper to veto the Eight Hour Bill, the Republicans produced Foss' letter signed, "B. F. Sturtevant Company, E. N. Foss, Treasurer." But labor didn't care. They were out to get the scalp of Draper. [6, p. 143]

Foss later proved to be a rather unreliable ally, but the election of a Democratic Governor in Massachusetts was enough in itself to create a stir and there were other signs of a rising progressive spirit in the state. Thus, labor fared well in 1911. The Eight Hour Bill, and the bill permitting unions to fine their members were passed in modified form. Two minimum wage laws for public employees were passed, and trial by jury was required in contempt cases. Governor Foss signed the 54 hour bill under pressure, but he vetoed labor's "Peaceful Persuasion Bill", which was a milder form of their picketing bill. The picketing bill itself was killed by a tie vote in the Senate, and a bill reducing the hours of street carmen was also defeated.

Since loopholes were subsequently found in the Eight Hour Law and the 54 Hour Law, the Workmen's Compensation Act was undoubtedly the most important of the measures which were enacted. Organized labor alone was not responsible for its passage, and it did not pass

in a form entirely satisfactory to their desires. They had hoped for a compulsory state fund to finance the workmen's compensation benefits, but the Act passed was voluntary in nature and it permitted private insurance companies to do business under the law. Labor was successful in preventing a "self-insurance" amendment from being attached, since they felt any employer insuring himself under the law would force his employees to contribute the accident fund; and they exhibited a willingness to compromise on the "insurance company" amendment. Although they felt the profits of the insurance company "middlemen" would increase cost and decrease benefits compared to a state-administered fund, the Legislative Committee felt "a more direct fight could be made against the insurance amendment if the bill itself was passed than if we should begin all over again before the next legislature." [14, p. 42][1]

Things were much tougher in the 1912 Legislature, however, and the Legislative Committee of the State Branch reports " a considerable number of the members declared that organized labor had secured more than it had any right to expect in a generation, and

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[1] While this slight degree of flexibility probably indicates an increasing degree of political sophistication on the part of the State Branch, it also served to illuminate the increasing tension between the Executive Committee and the Legislative Committee over who should control legislation. The dispute had become acute two years previously when the State Branch's President Durin was attacked as causing the defeat of the Textile Worker's 54 hour bill. This particular hassle arose because the Textile Workers were willing to accept a compromise as to the date when the act would become effective, but Durin felt he was bound to support the bill presented to him by the previous annual convention.

that it should be content to wait some time before any further advance was made." [15, p. 39] They also stated:

> It was openly charged on the floor of the House that between $150,000 and $200,000 had been spent in the effort to prevent us from taking the liability insurance companies out of the Workmen's Compensation Act. Nobody denied it, and indeed, the long list of eminent attorneys, the tremendous amount of literature distributed and the pressure brought to bear through the insurance brokers, agents and others, who were filled with alarm about the loss of income, indicated a large expenditure. . . . The result was a defeat for the workers by a vote of 77 to 131. [15, p. 40]

The Peaceful Persuasion Bill was again vetoed by Governor Foss, and labor also had a stiff battle in defeating an amendment to the Workmen's Compensation Act which would have allowed large corporations to carry their own insurance. Nevertheless, several gains were made. The voluntary Minimum Wage Board for women was established. A bill requiring street car schedules to be made on a 9-hour basis was passed. Provisions were made for the State Board of Health to make rules regarding the employment of women in core rooms. Prison made goods were not allowed to compete with goods produced by free labor, and a State Board of Labor and Industry was created to take over work that had been scattered among several departments. Again, labor was not alone in securing this legislation; and, with regard to the so called "Labor Department Bill", the Legislative Committee notes "a number of other forces were energetic in their assistance, among them being the Massachusetts Association of Labor Legislation, the Industrial Relations Committee of the Boston Chamber of Commerce and the Massachusetts Child Labor Committee." [15, p. 40]

Nineteen-thirteen again proved to be a year of substantial gains mixed with some losses and more trouble with Governor Foss. Among the most important bills passed were the Uniform Child Labor Law, a law extending the coverage of the 54-hour law to women in most industries and occupations, and a law defining the rights of workers on strike and the use of injunctions in strikes. Another version of the 8-hour day for public employees was passed, but it was still necessary for any city or town to adopt by referendum vote the provisions of this act for it to be effective.

The Governor vetoed a barber's licensing bill, and a 9 in 11 hour bill for the trolleymen. The latter was pased over his veto in a weakened form, but the Governor also aroused the wrath of the State Branch when he tried to eliminate the Bureau of Labor and Industries, which had just been created the year before, by consolidating it with the Industrial Accident Board set up under the Workmens Compensation Act. The main bone of contention between the State Branch and Foss, however, arose when the 1,500 employees of the Sturtevant Blower Works went on strike for higher wages. The Sturtevant Company was controlled by the Governor, but, despite his stand in favor of arbitration in other cases, Foss refused to submit the dispute to arbitration. He dismissed the strike as an attempt to embarrass his political aspirations, and, after a long drawn out effort, the strikers returned empty handed.

Organized labor, however, was not the only group put out by the "Old Boy", as Foss was known; and Hennessy notes "By the time

the Legislature adjourned, practically every Democrat, high and low, was lambasting Governor Foss". [6, p. 194] As the breach widened between the Governor and most of the leading Democrats, David I. Walsh, the Roman Catholic Lt. Governor announced his gubernatorial candidacy. Foss then tried for the Republicannomination. He was refused; and the 1913 elections saw Walsh win the Governorship with Charles Summer Bird the Bull Moose Progressive Candidate besting the Republican Augustus P. Gardner for second place.

The progressive movement in Massachusetts politics reached its pinnacle during the administration of David I. Walsh. Legislation was enacted regarding public health services, primary elections, regulation of public service corporations, conservation of natural resources, and many other "reform" measures. Labor was also in a position to benefit from this favorable milieu. During his first term Walsh signed every labor measure presented to him. Lt. Governor Edward P. Barry was a former union member, and State Treasurer Frederick W. Mansfield had previously appeared at legislative hearings in support of organized labor and had drawn up several bills for the State Branch. Although the Republicans got enough support from the Bull Moose Progressives to return Grafton Cushing as Speaker of the House, there was still great pressure for more reform, and there were supposed to be about 25 men in the 1914 Legislature who carried union cards. Among these, Senator John F. Sheehan of Holyoke and Representative P. Joseph McManus of Boston led the fight for an anti-injunction bill, and in 1914, Massachusetts became the first state to

write a strong anti-injunction bill into law. This law was short-lived, however, for the Supreme Judicial Court of Massachusetts declared the act unconstitutional in 1916. The State Branch then renewed their demands for the popular election of judges and for provisions allowing the recall of judicial decisions.

Other labor legislation secured during the Walsh administration met a better fate, since it merely consisted of consolidating previous gains rather than breaking into new areas. There were improvements in the Workmen's Compensation law, a law for better sanitary conditions and greater safety in industry, a more effective minimum wage law for women and minors, and some reductions of hours for public employees through a half-holiday on Saturday. Governor Walsh also removed the members of the Board of Labor and Industry named by Governor Foss, who failed to appoint a bona fide trade unionist on it. Mr. John Golden, President of the United Textile Workers, was named to represent labor on the Walsh-constituted Board.

Despite these successes, however, there is still evidence of disunity in the ranks of the State Branch, and all of the elements of the progressive coalition did not always stick together. For instance, although the State Branch continued to support the initiative and referendum and the female suffrage amendments, they remained non commital on Governor Walsh's call for a state constitutional convention, since they were not certain what forces would control such a convention. The Legislature finally refused the

Governor's request, but such a convention was later called in 1916 after Samuel W. McCall reunited the Republicans and Bull Moose Progressives to defeat Walsh in the 1915 elections.

With regard to the continuing division within the Massachusetts labor movement on political affairs, the President's Report to the 1915 convention of the State Branch of the AFL contains these remarks:

> Pursuant to the instructions of the Boston Convention your president went to New Bedford about a week before the last state election and carried on a campaign to bring about the defeat of Senator Andrew P. Doyle. ... As Senator Doyle was opposed to the passage of the bill submitting the question of woman's suffrage to the referendum of the people I thought it wise to secure speakers from the leagues interested in the passage of the bill. I made a request of the Massachusetts Woman's Suffrage Association and the Political Equality Union that they provide speakers for the entire campaign... .
>
> One of the most contemptible and disgusting phases of this campaign and one which merits the severest censure of this convention, was the action of some of the local unions in New Bedford, and the inaction of others. Several unions, although affiliated with the State Branch and the New Bedford Central Labor Union, came out in the public print as condemning myself and the action of the Boston convention for condemning Senator Doyle and individuals, officers and others, came out in support of him. [17, pp. 13-16]

Despite these continuing signs of division within the Bay State labor movement, the question of a labor party in Massachusetts was also debated during these years. In 1911 and 1912 there was some feeling that the trade unionists should contact various farmer's organizations, and resolutions advocating the formation of a labor party were defeated in 1910 and 1912. The leadership continued to staunchly advocate non partisanship, and the

1913 Presidential address to the annual convention contains these comments:

> At various conventions of the State Branch resolutions have been presented urging the advisability of forming a so-called labor party. That proposition has always been voted down by an overwhelming vote....
>
> I earnestly hope the delegates to this convention will not seriously consider any such proposition. This State Branch is not a political organization. Our mission is to bring relief to those who toil. Our efforts are purely along industrial lines, except that we inform political candidates of our desires for legislation and favor or oppose them according to their attitude. [16, p. 22]

In 1915, however, the annual convention adopted a resolution to instruct the Executive Council to devise ways and means to launch a labor party in the State of Massachusetts before 1916. On April 29, 1916, a meeting was held in Boston to decide on the formation of the labor party and to which every affiliated union was requested to send representatives. Grant Hamilton, American Federation of Labor representative, addressed the gathering and declared that the Federation thought the move unwise. It was decided to take a referendum vote on the question. Returns were obtains from 1739 members in 60 unions. The vote on forming a labor party was: in favor, 438; opposed, 1301; as to whether the unions were willing to pay their share of the cost of forming such a party, 10 voted "yes", 34 voted "no", and 16 did not state.

Following Samuel W. McCall's defeat of Governor Walsh in 1915, the fate of the progressive movement in Massachusetts was unclear. Prior to his election, McCall insisted on making the Republican platform more attractive to the reluctant progressives.

A weak statement on "reasonable hours of labor" was adopted. The Old Guard declared for the constitutional convention demanded by the progressives, and Hennesy notes "The Progressives flocked back to the Republican party, paying little attention to Clark, their own party candidate for Governor." [6, p.221].

In his inaugural address, Governor McCall proved unusually progressive for a Republican Governor of these times. Three times he advocated a compulsory social and health insurance plan based on the "German model", but nothing ever came of these requests and they were lost in the shuffle surrounding the First World War. The Governor's call for a constitutional convention was heeded in 1916, however, and the Legislature authorized a special non partisan election for 320 delegates. The actual convention stretched out over a three year period, and the last recommendations were made in 1919. For all practical purposes, this convention marked the end of the progressive era in Massachusetts politics, and following the aftermath of World War I the conservatives within the Republican party regained ascendency in the state, until the election of David I. Walsh to the U.S. Senate in 1926 proved a harbinger of the Al Smith revolution in 1928.

The elections for convention delegates were held on May 17, 1917. The State Branch of the AFL called a special labor convention in Worcester in January of that year to consider the proposed revisions to be presented at the convention, and a committee of 10 was appointed to combat the agitation of a newly formed employers

association.[1]

At the Constitutional Convention, organized labor supported the initiative and referendum proposal, but they were disappointed when its final passage stipulated that these devises could not be used in any matters relating to judges. The proposal for biannual instead of annual elections also passed despite the fact that labor was opposed to this measure on the grounds that the Legislature would become less responsive to the will of the people. Although Massachusetts later ratified the Federal equal suffrage amendment, this convention marked the end of the progressive era in Massachusetts politics. Indeed, the "sectarian" amendment which was passed at this convention clearly indicated one of the lines along which the progressive coalition would eventually break up.[2]

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[1] The delegates at the Special Convention expressed concern over a resolution which had been sent to all the manufacturers and large employers in the state by the American Employers Association. The resolution announced that the formation of the "Organization of American Employers' Association, Incorporated". One year previous, on November 4, 1915, the Associated Industries of Massachusetts was officially organized, and its constitution stated: "The purpose of this Association shall be to improve the manufacturing conditions of the industries of Massachusetts in the public interest; to advocate fair and equitable legislation affecting the interests of its members and their employees; to inculcate just and equitable principles among its members, and between its members and their employees; to acquire, possess, and disseminate useful information for its members; and generally to promote the welfare of its members and their employees and the prosperity of the Commonwealth of Massachusetts and its industries."

[2] The "sectarian" amendment was aimed primarily at the parochial school system and was the result of a fear of rising Roman Catholic influence in the state. This subject had aroused religious feeling in the Massachusetts General Court for years, and as passed by the convention and ratified at the regualr 1917 elections, the amendment provided that no public funds or credit could be used "for the purpose

There are probably many reasons for the progressive era ending after World War I in Massachusetts. Most of the popular progressive measures had been enacted, and the sustained activity necessary to compile that record probably "tired out" many Bay State crusaders. The disillusion of the postwar period also played havoc with the constitutional elements of the progressive coalition.

In terms of the voting elements involved, Joseph Huthmacher contends that the success of the liberal movement in the Bay State was based on a cooperation between old stock believers in the "social gospel", who had been willing to launch the state on social experiments since they felt the time had come to regulate the "interests" more strictly while giving the "common people" a helping hand through humanitarian legislation, and reform minded Newer Americans, organized labor, and some "advanced liberal" intellectuals.

Footnote 2 continued from preceding page

of founding, maintaining or aiding any school, college or other educational institution, any church or religious denomination or religious society or infirmary, hospital or undertaking which is not a public institution or undertaking which is not a public institution or under the order and superintendence of public officers." [6, p. 257]

During the convention debates, the "Minute Men" and other patriotic organizations vigorously supported the amendment, while Cardinal O'Connell attacked the measure as "an insult to Catholics". Only 9 of the 94 Catholic delegates to the convention voted against the amendment, however, and it was approved by the people of Massachusetts at the polls on November 6, 1917. The animosity aroused by this fight surrounding the "sectarian" amendment was indicative of things to come, however, since during most of the 1920's the cultural tensions embodied in such "issues" as Prohibition, Ku Kluxism, and immigration restriction occupied much of the country's attention.

The Great Red Scare of 1920, a rash of strikes in the post-war years, including the Boston Police Strike in 1919, and what was believed to be increasing "paternalistic" attitude of government following the increased federal controls during the war, however, tended to engender increasing fears among the traditionally conservative elements of the progressive coalition. Muckraking and the social gospel rapidly became things of the past, and fears of Bolshevism "big labor", and paternalism gained sway over the middle class Republican inhabitants of the farms, the small towns, and suburban cities of Massachusetts and the Back Bay.

Before analyzing the breakup of the progressive coalition in greater detail, however, the writer would like to briefly identify the main elements of the coalition primarialy interested in labor legislation.

Political Action by Various Reform Groups, and Dissolution of the "Reform Coalition"

Throughout the nation one of the primary concerns of the reform movement of the early twentieth century was the problem of child labor, which we have seen had long been a matter of legislative concern in Massachusetts. Although membership in the National Child Labor Committee, which was founded in 1904, was by individuals rather than by organizations, Elizabeth S. Johnson has noted:

> A number of national organizations such as the National Consumers' League, the General Federation of Women's Clubs, and the American Federation of Labor co-operated in the work of the National Child Labor Committee. [3, p.408]

Mrs. Johnson continued:

> One of the first steps taken by the new Child labor movement was to formulate some definite standards for legislation. A model bill was issued in 1904 based on the best features of the Massachusetts, New York, and Illinois laws. In 1911 this bill, in slightly revised form, was published as a proposed "Uniform Child Labor Law" and was recommended to the states by the National Conference on Uniform State Laws. It called for a minimum age of 14 years for employment in manufacturing and 16 years for employment in mining; a maximum work day of eight hours; prohibition of night work from seven p.m. to six a.m.; and documentary proof of age. In 1904 there was no state with a law measuring up to all five standards. [3, pp.408-409].

As we have seen, Massachusetts adopted the Uniform Child Labor Law in 1913 with the State Branch of AFL, the Women's Trade Union League, the Consumers League, the Women's Educational and Industrial Union, and other groups supporting the Massachusetts Child Labor Committee. Since the Massachusetts Law of 1913 was the first 8-hour law passed in an important textile state, it was nationally recognized as a great victory for the advocates of child labor legislation.

During these years there was also strong sentiment for improving the enforcement of all the state's labor laws, and Clara M. Beyer states:

> There was continuous talk among interested groups of transferring enforcement to the health department. A bill for that purpose was introduced in 1907. At the hearing the following organizations appeared in support: Massachusetts Medical Society, Women's Educational and Industrial Union, State Federation of Women's Clubs, Massachusetts Civic League, Massachusetts Consumers' League, Women's Trade Union League, Women's Labor League, Associated Charities of Boston, and various settlement houses,

> Enforcement of the labor laws dealing with lighting, sanitation, and ventilation was turned over to the State board of health in that year. Probably the protest of this representative group of organizations was responsible, at least in part, for this transfer. [2, p.25].

Although the reform coalition was not always as unified as the preceeding quotation indicates it nevertheless remained effective prior to World War I. And, Mrs. Beyer's comments on the night work bill are illuminating in this regard. She notes that in 1906 the legislation was defeated in the following manner:

> There was very little real debate. The opposition to the bill, content with having the votes, refused to be drawn into a discussion. When the advocates of the bill found that it was likely to be defeated they tried to leave the chambor and break the quorum, but the doors were locked against them. Then came appeals and motions and the defeat after a tedious parliamentary battle of the opposing sides. [2, p.52].

After the vigorous labor campaign on the "Overtime Bill" in 1906, however, the law prohibiting the work of women and minors after six p.m. in the textile industry was passed and signed by the governor in 1907. Mrs. Beyer stated:

> One powerful organ of the textile interests, after having opposed the bill for years, came out early in the session with the statement that the bill was of "little importance". . .
> After the passage of the bill this same journal commented editorially that it was passed "more out of fear of political death thanfor any merit" it contained. In a later number it blamed the "reformers" for making the weavers- the chief malcontents among the textile workers - so "irrational as to put through legislation such as the overtime law." It traced "the secondary cause at least for the unrest of the women weavers" to this body of "wealthy women particularly, but, sad to say, many men of prominence." "From the published doings of these reformers they [the weavers] really believe that they are being abused and underpaid, and that they are altogether too good to work at their occupation." [2, p.53].

In addition to improving and expanding the coverage and enforcement of hours legislation, two of the significant breakthroughs achieved by the reform coalition in Massachusetts were in the areas of minimum wage legislation and workmens compensation. Organized labor was a much more active element in the coalition in the latter battle than in the former.

With regard to the pressures leading to minimum wage legislation in Massachusetts, Elizabeth Brandeis has stated:

> The creation of the Massachusetts investigating Commission was secured by a committee organized in December 1910 representing the state branches of the Women's Trade Union League, the National Consumers League, the American Association for Labor Legislation and certain local organizations of like character. . the president of the United Textile Workers was the only labor leader active in behalf of minimum wage, either in this preliminary stage or later. The rest of the organized labor movement in Massachusetts (aside from the Women's Trade Union League) gave purely nominal support. [3, p. 508] [1]

As the preceding chronology of the activities of the State Branch indicated, organized labor took a much greater interest in the Workmen's Compensation Act of 1913--particularly with the way the benefits were to be financed. In 1917 the U.S. Supreme Court in a series of three decisions upheld the three types of compensation laws then prevailing within the various states. New York Central Rail Co. v. White, upheld a compulsory law; Mountain Timber Co. v. State of Washington, upheld an elective law; and Hawkins v. Bleakly, upheld a compulsory law with an exclusive state fund. It was this latter type of law which the State unsuccessfully tried to secure.

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[1] A detailed description of the campaign for the Massachusetts' Minimum Wage Law is in [2, pp. 55-61]. After over 25 years of operation, Clara M. Beyer estimated that in 1929 the Law applied to approximately 75,000 women and girls, "or about one-fifth of all the female wage earners in the state to whom it is practicable to apply the minimum-wage law." [2, p.61]

During World War I a special War Emergency Industrial Commission was given the power to temporarily suspend some of the Bay States labor provisions, but this Commission had no long run effect on labor standards in Massachusetts. Following the War, however, a reaction to government "paternalism", the "Red Scare", and the Boston Police Strike of 1919 tended to split the old reform coalition along economic lines, and many rural and middle class progressives returned to the conservative fold.

In addition to the dissolution of the coalition along economic lines, the divisiveness created by the sectarian amendment at the Bay State Constitutional Convention also contributed to a division along ethnic lines. Here, Huthmacker contends that there was a basic difference in the underlying motives and ideology of the old stock and the new American elements which provided much of the mass support for the progressive coalition. He states:

> The Irish and New Immigrant masses supported labor and humanitarian reforms as means of guarding against the insecurities of the industrial, urban civilization in which they lived. They supported political machinery reforms as a way of making their demands more effectively heard. Hence to these Newer Americans, Progressivism was a movement toward economic, social, and political <u>self</u>-improvement. On the other hand, to many old stock inhabitants of Boston's Back Bay andthe farms, small towns, and suburban cities of Massachusetts, the Progressive movement was largely aimed at uplifting <u>other</u>. It was a crusade to uplift the "inferior" cultural traditions of the Irish and New Immigrant masses, andpreserve "American" ways of living. Alleviating the economic plight of the newer arrivals was one means to that end, and thus wage and hour laws merited support. [7, pp.64-64].

This underlying difference quickly became accentuated after 1920, when the term "reform" dropped its primarily economic

connotation and began to point more directly to cultural matters as such. The time and effort formerly spent by the Protestant "church lobby" and women's organizations on behalf of labor and welfare measures were now largely devoted to legislation forbidding Sunday movies, to warding off attempts to legalize professional boxing in the state, and to pressuring the General Court for an act to make the Massachusetts liquor laws conform with the national Prohibition code. These attempts to "Americanize" those traits of the Newer Americans which ran contrary to the norms of the old settlers were as essential to Progressivism as workmen's compensation as far as the old stock was concerned. To the Irish and the New Immigrants they were not.

The old stock's emphasis on using the government to forcibly alter the Newer Americans "inferior" standards made the latter increasingly suspicious of reformers and reform measures in general. They even began to join their former conservative opponents in opposing centralization and government "meddling". For example, to the Irish and New Immigrants, Prohibition was the most glaring example of unwarranted interference with their way of life. Since many of the traditionally conservative elements of the business community, though of old stock lineage, also distrusted Prohibition as an example of that extension of government control which might one day threaten their own economic interests, this issue not only forced a wedge in the ranks of the Progressive coalition, but it also served to drive the New American element of that coalition into

a tentative alliance with the conservative men who had contributed least of all to the reform movement of the previous decade.

The "school issue" had the same effect when reformers saw the parochial schools as a block to its effort to uplift cultural standards. Like Prohibition, "Americanization" reforms in the realm of education heightened the New Americans suspicious of reform in general.

The reform coalition did not completely dissolve immediately after the "sectarian amendment" at the Constitutional Convention, however, and the battle for the 48-hour week bill for women and minors in the textile industry in 1919 was apparently fought more along the economic lines of the battles of the preceding decade rather than along the ethnic or religious lines which became dominant during the 1920's. The coverage of the 1919 law was expanded to include other industries in 1921. Clara M. Beyer gives the following account of these battles:

> All the labor forces throughout the State were marshalled in support of the measure. Civic and social organizations were lined up in its favor. Chief of these were the Consumers' League of Massachusetts, the Women's Clubs, and the Massachusetts Association of Women Workers. . . .
>
> The Arkwright Club and the Associated Industries carried on a vigorous campaign to defeat the 48-hour bills. At the hearings they relied upon the arguments that the industries of the State could not stand a further reduction in hours and compete with other States and that a decrease in hours would mean a decrease in wages and work hardship upon the very ones it was designed to protect. [2, pp. 38-47]

Despite this success in 1919, and the extension of coverage in 1921, however, the crowning blow in the developing schism between the old stock and the Newer American elements in the reform coalition

came in 1924, when Massachusetts, long the pioneer in child labor legislation, refused to ratify the Federal Child Labor Amendment at the polls.

Within the state, the Massachusetts Federation of Labor and the Massachusetts League of Women Voters worked for the amendment's passage. It was opposed by the Associated Industries of Massachusetts, but the most decisive factor in the election was probably Cardinal O'Connell's scathing indictment of the pending amendment as a threat to the private school system and a further interference with the rights of parents in an already overcentralized state. The effect of his words on wary Irish and New Immigrant Catholic voters showed with telling results in the overwhelming defeat at the Massachusetts referendum on ratification in 1924. The real effect was even more widespread, however, since the amendment's opponents in other states pointed to the Massachusetts example; and the Massachusetts Legislature, although not bound by the vote, continued to use it as the justification for taking no further action on the measure.

In addition to this ethnic dissolution of the progressive movement, organized labor itself must share some of the responsibility for its lack of legislative progress during the 1920's. During the progressive era union spokesmen had strongly backed measures which seemed to confer many benefits and impose few restraints on the workingman. But the growth of government bureaucracy during the war, and the assumption of control over that bureaucracy by elements

traditionally hostile to labor after 1920, brought a national reassertation of the more conservative labor leader's old philosophy of reliance on private bargaining and hostility to government intervention in their affairs. Thus when legislation for unemployment insurance was first introduced into the Massachusetts General Court during the 1922 depression, prominent labor spokesmen testified against it. Pressure from the annual conventions eventually altered this stand in Massachusetts, however, and the leaders of the State Federation did espouse some reform proposals--particularly injunction relief--which did not seem conducive to excessive government "spying and prying."

During the 1920's Democrats at the State House and those Republicans who represented mill districts continued to support most of the labor and other welfare reform proposals as in the past, but they no longer won the support of the middle class Republican representatives from the rural and suburban constituencies, and this support had been essential to the success of the progressive coalition.[1] Huthmacher notes "Year after year the A. F. of L's legislative agent lobbied in vain. . . The same frustration greeted the welfare organizations that sponsored even more advanced social measures, like unemployment insurance." [7, p. 70]

During the war the Massachusetts State Branch of the AFL had reached a peak in terms of affiliations and members, but the war's end started a chain of events that reacted seriously against organized

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[1] See [22].

labor in Massachusetts, as elsewhere. The postwar depression seriously affected union workmen. The financial position of the State Branch steadily weakened, and the Boston Police strike alienated much support from labor's former progressive allies.[1] Not one major reform measure appeared on the Massachusetts statute books during the 1920's. In a message to the Massachusetts General Court in 1920, Governor Calvin Coolidge set the tone for the state, and, indeed, for the nation during this decade with the following remarks:

> In general, it is a time to conserve, to retrench rather than to reform, a time to stablize the administration of the present laws rather than to seek new legislation. . . . The greatest benefit you can confer is the speedy making of necessary appropriations, adjustment of some details, and adjournment. You can display no greater wisdom than by resisting proposals for needless legislation. [7, p. 58]

Reaction to "Reform" in the Bay State and Attempts to Reorganize the "Reform Coalition"

Much of labor's legislative effort during the 1920's was devoted to repelling attacks on the gains they had previously secured. In this they were generally successful. Defeated rather handily in the General Court were measures which would have repealed all the labor laws of the state, authorized investigations of labor unions, limited the right to strike and picket, and establish compulsory arbitration of labor disputes. More serious were the more or less

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[1] The annual convention of the State Branch was being held at the time of this famous dispute. The convention sent a communication to Governor Calvin Coolidge, who had addressed them on the opening day, requesting him either to remove Police Commissioner Curtis or to reinstate the policemen. He did neither, and was catapulted into the national limelight as a result of his handling of this dispute.

annual attempts to repeal or weaken the workmen's compensation act, the 48-hour law, the law forbidding nightwork for women and children in textile mills, and the noncompulsory minimum wage law for women; but these too were withstood. Nevertheless some measures did pass over labor's opposition. The State Branch opposed the prohibition bills in the General Court, but their major defeat came in 1921 when a state police force was established. Labor opposed this act as a strikebreaking measure, but the act passed and the force was expanded in 1923.

One of the hottest legislative struggles of the early twenties was the fight on the "Sue Bill" or Voluntary Associations Act, which would have permitted unions to sue or be sued in their own name. Defeated by labor in 1921, the act was passed by the legislature in the following year. The State Branch decided to make use of the initiative and referendum measure for the first time in an effort to save the organization from the deletorious effects of the bill. The Executive Council was successful in securing the necessary 15,000 signatures to a petition to place the bill on the ballot. A vigorous fight was waged with a continuous speaking campaign. Although the first count of the votes in the 1922 election indicated that the bill had been sustained by about 500, a recount showed its defeat by nearly one thousand votes. Labor leaders stated that this victory demonstrated the great worth of the referendum, but they were later forced to reconsider its effectiveness when they were unable to get a provision for a compulsory state workmen's compensation fund on the ballot in 1928.

The whole matter of what type of insurance fund should be used to finance workmen's compensation payments was a matter of controversy both inside and outside the State Branch during most of the 1920's. As we have seen, the State Branch disapproved of the provisions in the Massachusetts act which provided for insurance to be written by private companies. Therefore, in 1921 the Legislative Agent and the Executive Council conducted an investigation of all the state workmen's compensation acts in the country. Their report favored an exclusive compulsory state fund, but it also stated that if a choice had to be made between insurance with private companies and an exclusive state fund that also permitted self-insurance by individual concerns, they favored the private company insurance because of the better service even though at a higher cost.

Several state conventions endorsed this stand in favor of eliminating private insurance companies, but not at the cost of permitting self-insurance. This soon brought the State Branch in open conflict with the American Federation of Labor, which favored the universal adoption of the Ohio plan's compulsory state fund with self-insurance permitted. At the 1923 session of the Massachusetts Legislature another labor group formed an association to support the Ohio plan in opposition to the State Branch's proposed "Massachusetts Plan". When both bills were refused consideration by the Legislature, a member of the State Branch accused the Legislative Agent of causing the defeat of a labor measure, and William Green addressed the annual convention of the State Branch in 1923 uring them to support the national

AFL policy. Nevertheless, on a roll call vote, the Massachusetts Plan was upheld by the convention, 130 to 19. This did not end the controversy, but the officers of the State Branch continued to hold sway. Some amendments to the act were obtained; but in 1927, it was finally decided that the legislature was not going to pass the bill desired. An attempt was then made to secure an initiative and referendum on the question.

The bill was submitted to the Attorney General for his certification in 1928, but was rejected on the grounds that it was too loosely drawn. Several redrafts were prepared, but these were rejected on the charge that the bill related to the powers of the courts and as such was not a matter for the initiative and referendum. If such an interpretation were to be allowed, the state labor leaders felt that no labor matters could be handled by the initiative, so they protested strongly against the decision of the Attorney-General. A firm of lawyers tried to change the bill to make it acceptable, and the Attorney-General was requested to allow the courts to decide on the legality of the question, but to no avail. There was nothing left to do but reintroduce the bill into the legislature, where it was defeated again in 1929.

This same futility accompanied labor's other efforts to secure legislation during the 1920's. There was a continued fight to gain relief from injunctions in labor disputes, to make the states minimum wage law for women mandatory, and to eliminate the yellow dog contract. During the latter part of the period, non-contributory

old-age pensions, unemployment insurance, and the 5-day week also became principal objectives.[1] Following the defeat of the Federal Child Labor Amendment at the polls in 1924, the Executive Board of the State Branch developed a scheme of regional conferences to meet throughout the state and discuss legislation affecting labor, but there is no evidence of any effective results coming from these meetings.

Meanwhile, the failure of Massachusetts to share adequately in the national benefits of "Coolidge prosperity" was working against organized labor's short run advantage at this time; but it was also beginning to draw attention to economic matters which eventually were to reunite many elements of the former progressive coalition. Until 1925 the ups and downs of the business cycle in Massachusetts roughly paralleled national trends, but thereafter the Bay State lagged far behind. New England's shoe and textile industries were being outstriped by other parts of the country, and firms began to migrate from Massachusetts leaving unemployment and economic distress in their wake.

This undermining of Massachusetts' former industrial primacy was ascribed to various causes. High tax rates were cited. Some claimed that nearness to raw materials favored competitors.

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[1] Perhaps the single most definitive statement of the State Branches legislative program during the late twenties came at the 1928 convention, when the name of the organization was changed to the Massachusetts State Federation of Labor. A special committee of 15 members was appointed to draft planks to be sent to the political parties with a request to have them included in their platforms for the 1928 elections. See [19, p. 81]

Others charged that discriminatory freight rates unduly burdened Massachusetts industries. The widely accepted argument most detrimental to organized labor's interests during this period, however, claimed that the Commonwealth's progressive labor laws limiting the hours of work for women and children and forbidding night work, gave her rivals an advantage--as did their relative freedom from the influence of labor unions.[1] Other profound reasons were also cited. Some claimed that the old Yankee ingenuity and the spirit

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[1] The earliest and one of the most scholarly attempts to assess the impact of Massachusetts labor legislation on the state's economy and its working class came at the turn of the century. Thus, with regard to economic effects, Sharah Whittelsey concluded: "A real and appreciable tax has been put upon the industry of Massachusetts. This has been a gpal, increasing the ordinary incentive of competition to urge the use of better machinery and more careful management. . . Whereas statistics of manufacture show Massachusetts to be growing at a normal rate, and with no evidence of injury from her labor laws; one industry of importance is in an unmistakably critical situation. There is reason to believe that the heavy-grade cotton mill is leaving the state. In this case natural conditions weighed already against Massachusetts, and legislative restrictions have been a tax tending to hasten the departure of the industry to the more favored South" [23, pp. 67-68]

With respect to the non-economic effects she stated: "The legal sanitary requirements of cleanliness, light, ventilation, etc., in the factory act to improve the health and spirits of the workers, and tend to induce the same conditions in their homes. . . Weekly wage payments appear to have encouraged household economy rather than to have fostered dissolute living. Restrictions upon labor have brought increased social and educational opportunities within reach of the operatives; have advanced the interests of good citizenship among them; have tended to raise their standards of living, with important economic consequences in broadening the home market." [23, pp. 77-78]

of risk-taking had vanished from the Bay State, and that the Commonwealth industry had been allowed to lag behind modern developments. Huthmacker, for example, states:

> The complaint was that earlier New England industrialists, meeting with success and prosperity, had grown stale - too intent on security and sure dividends. Lacking faith in their son's ability to manage the industrial empires they amassed, the fathers bequeathed their properties in the form of trusts. Their sons became coupon clippers, and their properties passed under the control of absentee managers - conservative trustees with little industrial interest or know how. [7, p. 218]

This observation is supported by the following excerpt from the contemporary American Wool and Cotton Reporter:

> It isn't Southern competition. . . . [but] superannuated equipment, poor management, poor merchandising, poor styling . . . not knowing what is going on in the world . . . that is to blame for the failure or liquidation or abandonment of the Seaconnet Mills, the Hebronville, Dodgeville, Thorndike, Whitin, Shetucket and scores of other similar concerns. The tide just went out and left them on the beach. [24, p. 142]

The remedies proposed for the state's economic plight were as numerous as the alleged causes, but there were several indications that the Massachusetts electorate was becoming increasingly dissatisfied with the existing order of things. The magic of Republican economic doctrine began to fade when the administration could not emulate the national prosperity in President Coolidge's home state, and the old progressive coalition began to regroup with in increasing number of Irish and New Immigrants voters flocking to the Democratic fold as that party gradually became "wetter" and began to establish itself as the party of cultural liberalism. They were joined by labor leaders, intellectual liberals, and some old stock Republicans who were dissatisfied with their party's strong prohibition

posture. David I. Walsh was the first to mobilize the power of the new coalition when he defeated the Republican National Chairman William M. Butler in the statewide race for the U.S. Senate in 1926. Butler was a Massachusetts textile manufacturer and Calvin Coolidge's former campaign manager. His corporate connections made a good target for organized labor to shoot at, and they rallied behind Walsh. Hennessy notes: "Organized labor was opposed to Butler who had, as a member of the Legislature andthe United States Senate and as President of the Arkwright Club, an organization of cotton manufacturers, opposed measures for the benefit of labor." [6, pp.358-359].

Walsh's victory was a harbinger of Al Smith's triumph in Massachusetts in 1928, and four years later the new coalition helped Massachusetts join the rest of the nation in ushering in the New Deal to cope with the worst depression in the nation's history.

Before turning to this next period of concern, however, it might be helpful to note that the factors accounting for much of the labor legislation in Massachusetts prior to 1900 were also influential in the period from 1900 to 1930 - although, as has been indicated, most of the activity during this latter period ended shortly after World War I. During these years organized labor played a more prominent role in the political process, and several employer associations, including the AIM which survives to this day, appeared to oppose the trust of the reform coalition. Returning to the nine factors mentioned by Mrs. Beyer in her 1929 survey of women's labor legislation in three states, she notes that organized labor was more prominent in the

move for women's labor legislation in Massachusetts than in most other states. She said:

> The role played by organized labor in securing legislation for women was more prominent in Massachusetts than in New York. This was due to a number of factors. In the first place, the dominant industry in Massachusetts is the manufacture of textiles. The leaders among the workers in this industry, particularly in the early days, had an English background and naturally employed the method used by the textile workers of England to better their conditions-- namely, legislation. Secondly, the concentration of the industry in certain cities gave the textile workers a political strength out of proportion of their numbers. Thirdly the low standards obtaining in the textile industry during the early years of the agitation for hours laws were a constant menace to the labor movement of the State as a whole, and the organized workers hoped by legislation at least to approximate for textiles the conditions existing in other industries. [2, pp.2-3].

With regard to state labor officials during the period from 1900 to 1930 she said:

> The State Board of Labor and Industries of Massachusetts, created by law in 1912, took over the functions of inspection formerly exercised by the district police. Reorganizations and changes in personnel have prevented the board from being a noteworthy factor in the promotion of labor legislation. It has recommended minor statutes but its general policy has been to keep out of legislative controversies. [2, p.5].

Nothing much can be added to the comments made on State Bureau's of Labor Statistics or Special Legislative Committees at the end of the preceeding section, but the key role of Governor David I. Walsh in securing much of the reform legislation during the "progressive" era in Massachusetts as well as the earlier vetoes of Governor Bates and Foss and the later inaction of Coolidge and others reinforce the emphasis on the role of the Chief Executives in the timing and content of labor legislation in Massachusetts. With regard to the role of pioneering employers during the period 1900-1930, Mrs. Beyer states:

> The fact that some employers were able to pay a living wage to their employees and yet prosper as much as, if not more than, their competitors with a much lower wage scale was one of the leading arguments in support of the minimum-wage law of Massachusetts. [2, p.9].

The role of social, civic, philanthropic, and church groups has also been emphasized as necessary elements of the reform coalition. Mrs. Beyer states:

> At times more than 20 organizations have been pushing jointly a given piece of legislation affecting women's work. Most of these societies have been interested primarily in questions other than industrial, such as suffrage, politics, prohibition, civic reform.
>
> Of the three organizations whose chief function has been the improvement of working conditions, one - the American Association for Labor Legislation - has devoted itself largely to the promotion of workmen's compensation laws, but in addition it has played a real part in familiarizing the public with the need for safeguarding the work of women and the progress being made in that direction.
>
> The other two organizations - the Consumers' League and the Women's Trade Union League - National, State, and local - have confined their activities to the improvement of the working conditions of women and children. [2, p.10].

Factual studies as presented by these reform groups and others played a role, and with regard to the "spirit of the time". Mrs. Beyer added:

> Leaders and organizations have left their stamp upon specific pieces of legislation, but behind these leaders and organizations are discernible always the social forces pushing on toward a better economic order. The overpowering urge toward social justice accounted for the flood of industrial legislation during the years 1911 to 1914. More important legislation affecting women's work was put on the statute books of each of the three States in that 3-year period than in any other period of corresponding length. Massachusetts shortened hours for almost all groups of women workers andpassed the first minimum-wage law in the United States. [2, p.12].

The changing spirit of the time after World War I, which removed much of the reforming impetus of the previous years, has also

been detailed in the preceeding discussion of the dissolution of the reform coalition along economic and religious lines during the 1920's. This period showed signs of coming to an end on the legislative front in Massachusetts in 1930, when the General Court passed a law providing pensions for aged dependents.

Most of the state pension laws passed before 1929 were greatly weakened by the fact that they were made optional with the counties (the unit of government most responsible for the indigent aged) and the counties had to provide the funds. Elizabeth Brandeis, however, has noted:

> The year 1929 marks the turning point in the history of old age pension legislation. For the first time the American Federation of Labor openly supported this legislation. Partly due to this addition to the ranks of its supporters, California, Minnesota, Utah, and Wyoming were added to the six pension states.
>
> In the following year, 1930, two thickly populated and highly industrialized states, Massachusetts and New York, provided pensions for aged dependents.
>
> Both laws were mandatory on all counties and provided for state contributions to costs. [3, p.614].

Summary and Conclusions

In an attempt to pull together this rather lengthy story of Massachusetts labor legislation up to 1930, it might be best to begin by emphasizing that since Massachusetts was one of the first states in the nation to develop an industrial economy it was also one of the first to experience the labor problems associated with the industrialization process. In responding to these problems the Bay State quickly established itself as a pioneer in the area of labor legislation. Although many of the early laws were weak in nature and innocuous in their enforcement, the General Court gradually increased the effectiveness and expanded the scope of Massachusetts labor legislation.

The earliest agitation for legislation in the area of working conditions was led by a host of rather amorphous humanitarian groups which tended to emphasize the need for legislation regulating child labor and long hours of work along with various other reform proposals. They based their arguments largely on reasons of health and the need for more leisure to cultivate "mental and moral culture". The first child labor law enacted in 1836 was more concerned with the education of the children than with their conditions of employment, but the law was successively amended and expanded throughout the nineteenth century. Beginning in the early 1850's single purpose organizations aimed at shorter hours legislation, led by middle class reform elements and with substantial labor followings in the industrial towns, began to emerge and replace most of the broader gauged and ephemeral of the early reform groups.

The changing composition of the labor force and the sentiments aroused by the civil war added impetus to the cause of factory reform in Massachusetts during the late 1860's, and an emphasis on a share in the increasing wealth of an expanding economy was added to the earlier arguments on the need for education and health. Broader support from the established political parties and some "enlightened" employers was added to the agitation for hours legilation, and a weak 10 hour day, six days a week, law for women and minors in the textile industry was enacted in 1874. The drive for this legilation also resulted in some amendments to the Bay State's child labor statutes and the creation of a Massachusetts Bureau of Statistics of Labor in 1869.

Although it proved to be relatively easier to amend existing legislation than to create new areas of legislative enactment, attention gradually expanded beyond the concerns of child labor and hours for women to include the areas of hours legislation for men in certain occupations, sanitation and safety legislation, and regulation of industrial homework. During the latter part of the century legislative attention also turned to methods of wage payment andto the settlement of industrial disputes after organized labor unions began to become more or less permanently established in the Bay State.

Although the Massachusetts State Branch of the American Federation of Labor was organized as a state federation of local unions in 1887, there is little evidence that it was much of a political force during the nineteenth century. On the other side of the fence there is evidence that Massachusetts employers, particularly in the textile industry, often acted in concert, but they apparently did not organize into formal groups in opposition to much of the early Massachusetts

labor legislation. This situation changed, however, during the struggle surrounding the enactment of the 1892 legislation lowering the hours of work for women and minors in the textile industry from 60 to 58 a week.

The laissez faire spirit of the nineteenth century andthe separation of power between branches of government provided strong barriers to new labor legislation. The inertia of the status quo and the strong element of individual freedom in the American ethos presented obstacles that were extremely difficult to overcome without considerable effort on the part of the proponets of labor legislation. The employers were forced to organize only when the "rules of the game" or unorganized interests in Massachusetts no longer served as an adequate expression of their own interests. Thus, with the humanitarian sentiment aroused by the Civil War in Massachusetts and the increasing nation-wide hostility being built up against certain "Robber Barons" during the latter part of the nineteenth century, the textile manufacturers of Massachusetts finally organized the Arkwright Club and hired a paid legislative agent to plead their case and organize their defense in 1892.

Given the relative limitations of the organized labor movement in Massachusetts before the turn of the century, the bulk of the agitation for early Massachusetts labor legislation fell to various humanitarian, social, civic, and philanthropic reform groups. Although the earliest organizations, such as the New England Labor Reform League, the Ten Hour State Central Committee, and the Short Time Amalgamated Association, did not survive as permanent organizations

other groups rose to take their place. Indeed, at the turn of the century there were at least four different women's organizations on the scene: The Twentieth Century Club, the Massachusetts Association of Working Women's Club, the Women's Educational and Industrial Union, and the Union for Industrial Progress. In addition, the Consumers League of Massachusetts was formed in 1898 to lead the battles for much subsequent legislation.

The strength of the organized labor movement in Massachusetts increased significantly between the turn of the century and the end of the First World War; but there is evidence that, despite substantial agreement, the Massachusetts State Branch of the AFL was sometimes divided over both the scope and the means of implementing its legislative program during these years. There is also evidence that Bay State labor leaders sometimes split on theparties and the candidates that they supported during certain key elections. Although there was some sentiment fora labor political party in Massachusetts during this period, such proposals were constantly opposed by the State Branch of the AFL and in 1916 such a proposal was defeated by almost a 3-1 margin in a statewide referendum conducted by the Bay State labor federation. Despite these internal problems, however, the strenghtened labor movement in Massachusetts formed a constituent element of a highly successful reform coalition that during the second decade of the twentieth century succeeded in enacting legislation dealing with the political machinery, business regulation, and educational system of Massachusetts as well as labor legislation.

In the area of labor legislation some of the most significant

landmarks achieved during this period were the Workmen's Compensation Act in 1911, the first state Minimum Wage Law for women in the United States and the establishment of the State Department of Labor and Industries in 1912, the Uniform Child Labor Law in 1913, and the short lived Anti-Injunction Law of 1914. There were also substantial improvements in the state's hours laws during these years, including a prohibition on overtime work for women and minors in the textile industry after 6 P.M., and culminating in 48 hour week law for women and minors in the textile industry in 1919.

The Massachusetts labor movement was not the only organized group supporting these bills, and they did not support all of these measures with the same degree of enthusiasm. There were also several labor proposals that were not adopted; but, on balance, the reform coalition of social minded, middle class, civic and philanthropic groups, certain intellectual elements, and the organized labor movement in Massachusetts combined with the increased voting strength of the immigrant population to enact basic changes in the economic and political fabric of the Bay State during the second decade of the Twentieth Century.

Thus, the American Association for Labor Legislation, which had been founded by Professor John R. Commons of the University of Wisconsin and others, primarily to promote the adoption of workmen's compensation laws throughout the country, rendered considerable assistance to the State Branch of the AFL in advocating the 1911 Workmen's Compensation Law in Massachusetts through its state affiliate known as the Massachusetts Association for Labor Legislation. The

Industrial Relations Committee of the Boston Chamber of Commerce joined the State Branch, the Massachusetts Association for Labor Legislation, the Massachusetts Child Labor Committee, and a host of other groups in securing the establishment of the State Department of Labor and Industries in 1912. Organized labor, however, played a much more modest role in the minimum wage legislation of the same year, which secured passage largely through the efforts of a formal coalition of the Massachusetts Branches of the Women's Trade Union League, the National Consumers League, and the American Association for Labor Legislation.

The State Branch strongly supported the passage of the Uniform Child Labor Law in Massachusetts in 1913, and the Consumers League, the Women's Trade Union League, andthe Women's Educational and Industrial Union also lent strong support to the main thrust of the Massachusett's Child Labor Committee. There were also other groups supporting the expansion and enforcement of the existing sanitation and hours legislation during these years, including the Massachusetts Medical Society, the State Federation of Women Clubs, the Massachusetts Civic League, the Women's Labor League, and the Associated Charities of Boston.

Following the dissension created by the "sectarian amendment" at the 1916-1919 constitutional convention, the fears surrounding the Boston Police Strike in 1919, the "Red Scare" and the general reaction that followed the First World War, the progressive coalition in Massachusetts' politics began to break up along both economic and ethnic lines. Many old stock, rural andmiddle class progressives returned to the conservative fold, and many New Americans became

disenchanted with reform when it shifted from economic areas such as workmen's compensation and hours of work to cultural areas such as prohibition and out-lawing Sunday movies. The overwhelming defeat of the National Child Labor Amendment in 1924 in the same state that had enthusiastically adopted the Uniform Child Labor Law only 11 years previously, clearly indicated the extent to which the reform coalition had dissolved in Massachusetts.

One significant feature of the progressive era in Massachusetts politics is the extent to which employers in the state organized to withstand the assault on their general laissez faire principles. Given the pervasiveness of "muckraking" and the social gospel at the turn of the century, the conservative elements in the community found that they could no longer safely rely on the unorganized interest or "rules of the game" according to which their contemporary society was being conducted. Thus, other employer associations and their representatives began to join the counsel of the Arkwright Club in opposing labor legislation in Massachusetts; and the proponents of labor legislation found that they now had to overcome strongly organized proponents of laissez faire, whereas previously they had only to combat the unorganized interests and inertia of the status quo that tended to protect the principle of non intervention in the industrial rule making process.

The nationwide "satellite" groups established by the National Association of Manufacturers apparently operated in the Bay State, and records are available indicating the opposition of the Employer's Association of America to various labor proposals early in the twentieth century. The Associated Industries of

Massachusetts was founded on November 24, 1915, and the Organization of American Employer's Association solicited members in the Bay State just prior to the outbreak of the First World War.

As a result of this organized opposition, the weakened labor movement in Massachusetts spent most of its time during the 1920's trying to stave off proposals to repeal or modify much of the legislation enacted from the preceeding decade. In this case, the inertia of the status quo favored the proponets of strong labor legislation, andthe attempts to repeal or modify the existing statutes were not successful. No significant new labor legislation was enacted, however, and this included a very strong employer attempt to make union liable for legal suits in their own name as well as other measures favored by the State Branch of the AFL, particularly anti-injunction legislation and an attempt to establish a state fund for financing workmen's compensation in Massachusetts.

The failure of the Massachusetts economy to share in the nationwide prosperity after 1925 caused sufficient economic distress in the Bay State to indicate that perhaps the elements of the old reform coalition could overcome the cultural antagonisms of the early 20's and regroup under the Democratic banner in Massachusetts. The election of former Governor David I. Walsh to the United States Senate in 1926 and the Massachusetts votes in favor of Al Smith in 1928 and in favor of F.D.R. in 1932, after the entire nation had fallen into the depression that had gripped Massachusetts earlier, indicated that this was a distinct possibility. To understand why

this possibility was not fully realized, Chapter X will now turn to an examination of labor and management activities during the Great Depression and the World War II period in Massachusetts politics.

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CHAPTER X

NEW DEAL AND WARTIME LABOR LEGISLATION

The Great Depression gave the Massachusetts labor movement some of its severest tests, but it also witnessed some of its greatest advances. On the political front, the old problems of the size of the legislative program and the desirability of independent third party action were rehashed once more, but there was no change in State Federation policy.[1] This period did see a closer alignment

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[1] With regard to the size of the Federation's legislative program the Legislative Agent's report to the 1930 convention stated:

> "To procure more favorable action on our legislation a lesser number of legislative petitions will have to be introduced in the name of the Massachusetts State Federation of Labor... Therefore, I recommend that we concentrate on the following bills: Anti-Injunction, Individual Contract, Perfecting Amendments to the Old-Age Assistance Law, Barbers' Licensing Bill, Exclusive State Fund Workmen's Compensation, Peaceful Persuasion." [6, p. 41]

In 1931 a resolution calling for an investigation of this matter was adopted, and in 1932 the Executive Council reported as follows:

> "Your Executive Council has gone into this matter very carefully and recognizes that there has been an ever-increasing amount of legislation which the Legislative Agent is required to assume, much of it dealing with individual crafts; and while we admit that petitioning for such legislation may tend to weaken our general program your Executive Council believes that at this time, when every union affiliated with the Massachusetts State Federation of Labor is entitled to every legislative support that can be given, it would be a most inopportune time to change the legislative policy of the Federation. Such a change could not be effected without inflicting an injustice on many of our organizations who have urgent need for assistance in remedying conditions.

(Continued on following page)

with the Democratic party in the state, however, as the party began to prove it could win state elections on a fairly consistent basis.

As the labor movement grew in strength during the late 30's, the State Federation of Labor became less dependent on other reform groups for support in its legislative program, but toward the end of the decade several CIO industrial unions were established in Massachusetts to challenge the State Federation as the sole voice of organized labor in the state. Actually, however, the legislative programs of the two groups were quite similar, but the rival group never quite attained the stature or influence of its older predecessor in the Bay State.

With the rapid increase in unemployment following the stock market crash in 1929, the State Federations' affiliated membership dropped to a low point of about 42,400 in 1932. But under the

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(Footnote 1 continued from preceding page.)

> Therefore, your Executive Council recommends that no change be made in our legislative policy at the present time." [8, p. 22]

On the matter of independent third party action, resolutions favoring a labor party were voted down in 1932. In 1935 it was resolved to conduct a referendum on the question, and the Executive Council reported to the 1936 convention that 180 of the 435 affiliated organizations had returned ballots with a total of 4,884 votes for a labor party and 15,145 votes against. [11, p. 270] Despite the decisiveness of this vote, however, the issue was discussed and voted down again in 1937 and 1938.

influence of the New Deal, section 7(a) of the NIRA, and later the Wagner Act in 1935, membership soon began to increase rapidly and the State Federation began to reach all time highs in membership and financial strength. This trend is also reflected in the legislative enactments of this period.

Labor's Legislative Efforts During The Early 30's

The 1930 state elections saw the Yankee Democrat George Ely swept into office on the back of a strong protest against prohibition and the depression, which by this time had reached national proportions and was no longer only a Massachusetts problem. Following Ely's election, the State Federation adopted a new policy of conferring with each Governor before his annual message to the Legislature in an attempt to explain and outline the legislative program of the State Federation. Governor Ely's inaugural address made specific recommendations with regard to injunction procedure and old age assistance, but the overriding concern for both labor and government at this time was the problem of rapidly increasing unemployment.

Earlier in 1930, the Federation's president, James T. Moriarty, had served as a member of a special commission appointed by Governor Allen to investigate the causes of unemployment. Later Governor Ely appointed Moriarty to his committee on Stabilization of Employment. When this committee filed its report with the Legislature in 1932, it advocated an amendment to the Federal Constitution to permit uniform labor conditions throughout the states and it also

recommended a compulsory unemployment reserve fund in Massachusetts.[1] In the interim, the Executive Council of the State Federation of Labor reported its own program to decrease unemployment. It consisted of a reduction in hours, maintenance and increase of wages, unemployment insurance supported by an income tax on capital and the abolition of child labor.[2]

These years also saw an increased number of regional and interstate labor conferences. In 1932 all the New England labor federations except Vermont attended the convention of the Massachusetts State Federation, and a suggested legislative program was drawn up.[3] Nineteen thirty-two also witnessed a series of meetings between representatives of labor and management under the auspices of the Massachusetts Industrial Commission. The purpose of these meetings was to consider proposals for federal legislation to create uniform

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[1] See [1, 12-12-32].

[2] The Massachusetts State Federation of Labor preceded the AFL in its acceptance of the principle of unemployment insurance. As early as 1927, the annual convention adopted a resolution instructing the Executive Board to work for an unemployment insurance bill at the state level; and in 1931 the Executive Council made the following recommendation to the convention.

> "We recommend for the serious consideration of the delegates to this convention that they endorse a Federal System of Unemployment Insurance, and that a copy of such a resolve be forwarded to President Green." [7, p. 13]

The AFL abandoned its traditional opposition to unemployment insurance in 1932 after the Massachusetts State Federation again recommended a federal or state system.

[3] See [8, pp. 48-50].

labor laws and put Massachusetts on an equal competitive footing with other states. The labor representatives favored uniform labor legislation, but they took the stand that they would not permit any previous labor gains in the State to be reduced.

Meanwhile, the State Federation continued its agitation for state legislation. Although some minor gains were secured, labor's continuing protests against injunctions were further frustrated in 1930, when an advisory opinion of the Supreme Judicial Court ruled that a pending anti-injunction bill, which also outlawed the yellow dog contract, would be unconstitutional if passed. Nevertheless, there were some signs that the long legislative drought was ending as far as the State Federation was concerned. A long standing campaign to establish a Board of Registration and Licensing of Barbers was finally successful in 1931, and in the following year a law establishing a 44-hour week for printers in shops working on state contracts was revived after it had been allowed to lapse for several years. The 1931 Legislature authorized a commission to investigate the operation of the Minimum Wage Law, and an act was passed prohibiting the employment of women and children for a two week period, ostensibly to be taught the business, but then being discharged without compensation at the end of that time. The State Federation also reversed a previous policy in 1931, when it supported a workmen's compensation bill that provided for a state fund and also permitted self-insurance. This bill did not pass, but the convention upheld the introduction of a bill of this type 133-3. In 1932, legislation based on the Federal Hawes-Cooper Act applied regulations

to convict made goods within the borders of Massachusetts, and there were some minor modifications to the industrial homework and weekly wage payment laws.

In the 1932 elections both state parties adopted planks favoring limitations on labor injunctions, and the State Federation conducted its usual non-partisan campaign. Special efforts were made to defeat Gaspar Bacon, the Republican candidate for Lt. Governor, however, since as Senate President, Bacon had been particularly hostile to labor legislation. Although Governor Ely was reelected on the Domocratic ticket, Bacon was declared Lt. Governor after a recount of the votes indicated he had won by a narrow margin.

Union membership in the state was just beginning to grow rapidly at this time, however, and by April 3, 1934, the Christian Science Monitor could report that:

> The line of workers waiting to join the AF of L or independent unions has grown so long that the State Department of Labor and Industries is a month behind in tabulating the figures.
>
> The sudden voluntary movement of workers into union ranks tells better than any figures the story of the development of organized labor during the past year. Under the liberal provisions of the NRA, granting a new freedom for worker representation, no professional organizers are needed. The workers have seized upon the opportunity to advance their cause. [1, 4-3-34]

In consequence of the changing national climate and its own growing strength, the State Federation gained some valuable legislation during the 1933-34 session of the General Court. An attempt to resubmit the Federal Child Labor Amendment, however, fell flat on its face. And the law prohibiting the employment of women in textile

mills after 6 p.m. was suspended with labor's approval so that Massachusetts could come in conformity with the NIRA's textile code. (The suspension was later continued even after the NIRA was declared unconstitutional.)

In 1933, the Legislature passed a law stating that yellow dog contracts could not be enforced by injunction procedures. A second law passed the same year defined specific lines of conduct which could be pursued in communicating information and picketing during a "lawful" trade dispute. In 1934, an act was passed preventing the granting of ex parte injunctions and restraining orders in labor disputes except in certain emergency cases. Provisions for a more effective enforcement of the decrees of the Minimum Wage Commission, and for a more effective keeping of records under the state's minimum wage law were made in 1933. Penalties for "intentional" violations of the state child labor law were increased in 1934, and in that year Massachusetts also created a Commission on Interstate Compacts and joined six other states (New York, Pennsylvania, New Hampshire, Connecticut, Rhode Island, and Maine) in agreeing to work toward the goal of interstate agreements on legislation for uniform labor laws governing wages, hours, child and female labor, night work, unemployment reserves and workmen's compensation.

A 1933 investigation of the problem of industrial disease resulted in the Division of Occupational Hygiene being established in the Department of Labor and Industries in 1934, and in that year the General Court created commissions to investigate age discrimination

in industry and to study unemployment insurance.

Against this rather impressive record of achievement, the State Federation was able to make no headway at all in its campaign to resubmit the Federal Child Labor Amendment for ratification in Massachusetts. As long as the Roman Catholic Church in the Bay State continued to oppose this amendment on the grounds that it was an unwarranted restraint on parents' freedom, the AFL no doubt realized that their chances for favorable action were slim indeed. The State Federation, however, apparently felt that a losing fight was better than no fight at all, and they continued to unsuccessfully support this proposal year after year.

On balance, the State Federation felt that the 1933-34 legislative record was decidedly favorable and that the political campaign of 1932 had been successful despite Bacon's election. Therefore, in 1934, a committee was selected to report on what should be done to carry out a similar campaign that year. The committee mentioned the necessity of taking action in the primaries in order to have suitable candidates to select from, and advised the usual selection of candidates on the basis of their record and endorsement of them. They also recommended an additional two-cent per capita tax to raise a campaign fund, but this recommendation was turned down by the convention. Nevertheless, the State Federation vigorously entered the 1934 Gubernatorial campaign when the Republican's nominated their old enemy, Gaspar Bacon, to oppose the insurgent Democratic candidate and Mayor of Boston, James Michael Curley.

Curley won the Democratic nomination only after a bitter

primary fight with Brig. General Charles H. Cole, who had earlier defeated him in the Democratic nominating convention. Although he subsequently won the Governorship, Curley's tactics and his administration were to have far reaching repercussions as far as the state Democratic Party was concerned.[1] The former Boston Mayor campaigned on a slogan of "Work and Wages", and made much of the fact that an investigation by the Senate Banking Committee had revealed that his opponent's name was on J. P. Morgan's "preferred list". Labor's

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[1] The magnitude of the depression in Massachusetts at first appeared to sublimate the divisive cultural antagonisms of the 1920's to the more overriding economic concerns of the day. When the New Deal swept the nation in 1932, it looked as if the old progressive coalition might once again be formed in Massachusetts. The elements which had gone for Smith in 1928 held together behind Roosevelt forming a coalition of the Irish, New Immigrants, Yankee Democrats, labor leaders, liberal intellectuals, and old stock Republicans disillusioned by prohibition and depression. Hutchmacher, however, notes that Curley's nomination in the primaries, following the State Democratic convention's endorsement of General Cole in 1934, broke the coalition at the state level. He states:

> Curley and the numerous chieftains who rose up to challenge him proved uninterested or incapable in constructing a close-knit, effective organization. The party was left rudderless, except for its quadrennial mobilization behind the Democratic presidential nominee. This haphazard system of management, ridden by factional strife, sometimes produced candidates of questionable quality--men who were unable to recruit the full support of the Democratic coalition--and consequently split ticket voting became a frequent characteristic of Bay State elections. [4, p. 263]

vehement opposition to Bacon also aided his cause. Following his election, however, Curley had a falling out with Governor Ely, who used the interregnum to make many appointments which were extremely distasteful to the Governor-elect.

Governor Curley And The Labor Movement In Massachusetts

While Curley may have been a controversial figure from many viewpoints, he was considered a Godsend as far as the State Federation of Labor was concerned; and neither party to this newly formed alliance seemed unmindful of the part that organized labor had played in the Governor's victory. The fact that the 1934 elections also resulted in a 20-20 party split in the heretofore Republican Senate, the traditional "graveyard" of labor legislation, also waxedwell for the Federation's cause.

Flushed with victory, Robert J. Watt, who had replaced Martin T. Joyce as the Secretary-Treasurer-Legislative Agent of the State Federation upon the latter's death in 1931, soon enunciated his concept of the New Deal as mainly a program of reform rather than of recovery, and the Monitor noted that he was determined to implement this concept at the state level. They said,

> Robert J. Watt, Secretary of the Massachusetts Federation of Labor, believes that in this State labor is strong enough and progressive enough to set the pace in liberal social measures regardless of the position taken by the American Federation of Labor or by the Administration itself. [1, 11-21-34]

Labor's complete program of further injunction relief, a compulsory unemployment insurance fund, a state fund for workmen's

compensation, an increase in the school leaving age, state regulation of fee-charging employment agencies, ratification of the child labor amendment, opposition to a teacher's oath bill, and several other less important measures were presented to the Governor elect, and Secretary Watt could report to the 1935 convention:

> The Governor's message, the most progressive which has ever been offered by any Governor to the Massachusetts Legislature, gave authority to many of our more important requests. [10, p. 41]

He could also report: "More progress has been achieved this year in labor legislation than during any year in the history of the State Federation." [10, p. 41] The capstone of labor's achievements in 1935 was the enactment of a comprehensive state anti-injunction law patterned after the federal Norris LaGuardia Act. This statute culminated the Massachusetts labor movement's long drive for comprehensive injunction protection, and the bill was carefully drafted to get around the Supreme Judicial Court's earlier adverse advisory opinion on the 1930 anti-injunction proposal. The coverage of the 48 hour law for women and minors was expanded. A 48 hour law for certain state employees was enacted, and the coverage of the one-day's-rest-seven law was broadened. The law regulating employment advertising during a strike was amended. A new prevailing wage law on public works was enacted as a result of a 1932 court decision invalidating the old 1914 law, and the minimum wage law and the weekly payment of wages law were strengthened. Several other minor bills dealing with wage attachments, pick clocks on looms, ventilation of garages, etc., were also enacted. Although the state fund for workmen's

compensation was not passed, some of labor's most significant gains in 1935 came in the 15 amendments to the workmen's compensation law which were enacted following a conference between the State Federation and several employer's representatives from the Associated Industries of Massachusetts.

The success of Governor Curley's close cooperation with the State Federation, however, was not a one way street. For example, the 48 hour law for state employees was more than a piece of labor legislation. Indeed, at the time of its passage, the Monitor observed:

> The effect of the measure, which limits employees of state institutions to 48 hours work a week, was obscured by its political significance in indirectly giving Governor Curley patronage over between 1900 and 2500 new jobs... [1, 7-24-35][1]

In addition to the Governor's support, another reason for labor's success in the 1935 Legislature was the fact that the Legislative Committee on Labor and Industries gave favorable reports to practically all of labor's proposals, including some which were later

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[1] Ironically it was the Republican Senate President, James G. Moran, whose vote broke an 18-18 tie in the Upper House and permitted the bill to pass. Moran's action prompted a Republican boycott of his Rules Committee and Senator Donald W. Nicholson resigned as the Republican Floor Leader. Another interesting sidelight on this bill is the following quotation from the Monitor.

> "Despite the nominal Republican majority, so confident was Governor Curley that the bill would carry he had a mimeographed statement all ready for the press. It greeted surprised reporters just as they burst into the Governor's office under the impression they were taking him news.
>
> The statement hailed the 48-hour law as being the first measure passed this year in support of the Governor's campaign slogan of "Work and Wages". [1, 7-24-35]

defeated such as the law raising the compulsory school attendance age from 14 to 16. Nor was this fact allowed to escape the delegates attention at the 50th annual convention of the Massachusetts State Federation of Labor, since the House Chairman of the committee, Henry Cabot Lodge, Jr., a Republican with wider political ambitions, went to great lengths in his address to the convention to point out that labor still had friends in both parties.[1]

Following this convention, the General Court, which was still in session, enacted the Massachusetts Unemployment Compensation Law (or Employment Security Act, as it was formally known). A three-man commission was established to administer the law, and provisions were made for employee as well as employer contributions.

The basic controversy over unemployment compensation in Massachusetts, as in other states, revolved around the two different concepts of unemployment insurance and unemployment reserves. The basic idea of the unemployment insurance plan was to pool all the contributions into a common fund and spread the risk of unemployment for any particular contributor. The unemployment reserve plan, however, sought to set up individual accounts for each contributor on the idea that this would encourage employers to stabilize employment. The 1934 convention of the State Federation unanimously endorsed unemployment insurance as against unemployment reserves, whereas many employers favored the unemployment reserves idea. The

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[1] See [10, pp. 89-91].

plan finally adopted in Massachusetts was a compromise which provided for a pooled fund, but permitted merit rating for employers.

After the 1935 Massachusetts Legislature adjourned, however, the federal Social Security Act was passed. Therefore, one of the first steps of the 1936 Legislature was to bring the Massachusetts Employment Security Law into compliance with the federal unemployment compensation standards. Since Congress had also passed the Wagner Act in the interim, one of the State Federation's major goals in 1936 was to extend the provisions of that law to intrastate commerce within Massachusetts. The State Federation also added a bill to curb the use of private detectives and labor spies to its repeated demands for an increase in the compulsory school age and a repeal of the teacher's loyalty oath. The bill for a state fund for workmen's compensation benefits was not submitted in 1936, since it was being completely revised and redrafted with the help of outside legal experts; but another attempt was made to get the Child Labor Amendment ratified, despite the fact that it received only 10 votes in the 1935 Legislature.

Despite the continued alliance with Governor Curley, who appointed former State Federation President, James T. Moriarty as the State Commissioner of Labor and Industries late in 1935, labor was not as successful as it had hoped in 1936. When Robert Watt was appointed to the newly-formed Unemployment Compensation Commission early in 1936, he resigned as the State Federation's legislative agent, and his place was taken by Kenneth I. Taylor of the Springfield

Typographical union. While no doubt aware of the fact that labor legislation was rarely ever adopted in the initial proposal year, the federatiom waged a strenuous fight for a "baby Wagner" Act and the "Labor Spy" Bill. The fact that this legislation got as far as it did in its first attempt was probably as good an indication of labor's new position on Beacon Hill as was the many successes of the previous year. Nevertheless, both the "baby" Wagner Act and the Labor Spy Bill were defeated in the Senate on June 16, 1936. The former lost by a 17-18 straight party vote, and the latter by 17-20. Despite a trip by the State Federation's President Gatelee and Legislative Agent Taylor to the Republican State Convention, which was then meeting in Springfield, on June 20, the vote to reconsider the baby Wagner Act again failed on June 22 with 19 Democratic Senators in favor and 20 Republican Senators opposed. In the face of strong Church opposition, the Governor also continued in his lack of support for the Child Labor Amendment and compulsory school age bills, which again failed. Nevertheless, there were some legislative gains for labor in 1936. Following the U.S. Supreme Court's decision invalidating the New York minimum wage law in the Tipaldo case, Governor Curley submitted a special message suggesting certain amendments to the Massachusetts law. Since the Massachusetts law was practically identical to that of New York, an attempt was made to preserve its effectiveness and its constitutionality by basing a new law on the need for protecting public health and transferring the administration of the act to a new commission including the State Commissioner of

Public Health and the Commissioner of Public Welfare. There were some amendments to the state's old age assistance law and the one-day-rest-in-seven law. Most of labor's gains in 1936, however, were outside the legislative hall. President Gatelee reported to the 1936 convention:

> Financially, numerically and in morale, we have reached the highest peak which our organization has attained in all of its fifty-one years of effort. With many thousands of dollars on hand, free from all debt, with over fifty new affiliations this year, and with every member of the official family working in closest harmony, I am both proud and happy to thus terminate my stewardship of this great organization. [11, p. 35]

In view of organized labor's increasing strength in the state, and with their straight party vote against the baby Wagner Act in the Senate no doubt in mind, the Republicans in 1936 apparently tried to maneuver the State Federation into a position where they could not openly oppose their main ticket and still claim to be non-partisan. For Governor, the GOP chose to run John W. Haigis, a former state legislator who had one of the best Republican labor records in the state. For the United States Senate, the Republicans ran Henry Cabot Lodge, Jr. Lodge's labor record had been about a 50-50 proposition; but he was the Republican spearhead on many of the 1935 drives for labor legislation, and he was one of the few who had voted in favor of the Child Labor Amendment.

On the other hand Lodge was opposed in the Senatorial race by Governor Curley. Since the Governor had gone all out for practically every labor measure, the State Federation openly backed him in the 1936 race. Mr. Haigis' Democratic opponent for Governor, however, was State

Treasurer Charles F. Hurley. Since Mr. Hurley had never served in the Legislature and had no labor record, the State Federation remained officially neutral in this contest, and concentrated on Curley's candidacy and the reelection of President Roosevelt at the national level. A sign of increasing interest in labor's political position outside the labor movement itself, however, is reflected in the following rather critical article from the Monitor.

> Those who believe in labor's cause have been disappointed in its action during the past campaign. They have witnessed what many characterized as inconsistency on the part of labor, inasmuch as it failed to support as a group John W. Haigis, whose labor record was far above the average Republican record.
>
> This failure came after years of declaration that it would support its friends. During the campaign, Mr. Hurley could produce no actual record of his own friendship for labor, while Mr. Haigis had proof of more Haigis votes for labor than against.
>
> Furthermore, while Henry Cabot Lodge, Jr., as a Representative, had a fair labor record, including a vote for the Child Labor Amendment, his senatorial opponent, James M. Curley, received organized labor's support, despite Mr. Curley's criticizable acts during the past two years.
>
> True, Mr. Curley had a better labor record than Mr. Lodge, although he did not favor the Child Labor Amendment. Yet those persons interested in good government, as well as in labor's welfare, believe the most the federation should have done was to be neutral in the senatorial election between Mr. Lodge and Mr. Curley. [1, 1-8-37][1]

Despite the national Democratic sweep in 1936, Massachusetts

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[1] Earlier the Monitor had observed:

> "Governor Curley, by transferring his City Hall tactics to the State House, has disappointed numerous Curley-voting Republicans who had hoped that he would change, but he has kept faith with organized labor in practically every instance." [1, 11-22-35]

saw the Republican Lodge defeat Curley for the U.S. Senate; and the Democratic Governor-elect Hurley was faced with increased Republican majorities in both houses of the General Court. Then, shortly after his inauguration, the new Governor gave the State Federation cause to doubt the wisdom of their neutrality in the 1936 campaign when he flouted their wishes twice in refusing to mention labor legislation in his inaugural message and in publicly opposing the ratification of the Child Labor Amendment.

Labor Arrives As A Political Force In Massachusetts

Despite these early rebuffs by the Governor, the State Federation presented a comprehensive labor program to the 1937 Legislature. They submitted a completely redrafted measure for their long-sought state fund for workmen's compensation along with their other perennial requests for the ratification of the Child Labor Amendment, raising the compulsory school age, and regulating private employment companies. The narrowly defeated baby Wagner Act and the Industrial Spy Bill were reintroduced, and demands for a baby Walsh-Healey Act, a health insurance law, and the popular election of judges were added to the list. The State Commissioner of Labor and Industries also filed an industrial homework bill patterned after the uniform measure drafted by the National Consumer's League.

Outside the legislative halls, the early months of 1937 witnessed the beginnings of a New England organizing drive by the CIO industrial unions in Massachusetts. This activity served to spur the State Federation to increased efforts, and the membership of both

groups was growing rapidly. In spite of this increased strength and militancy, however, the outlook for labor legislation early in the 1937 session was not good. On March 10, the Monitor reported:

> Organized labor, having enjoyed a legislative victory feast during the last two years, now appears due for an indefinite period of famine...
>
> All the blame for the expected famine may not rest on the shoulders of the increased conservative element in the legislature. Some of the weight probably should be borne by labor itself, because of threats made before the legislature this year.
>
> Two particular threats have been made, one by Thomas F. Burns, chairman of the New England Division of the CIO, the other by Robert J. Watt, Secretary Treasurer of the Massachusetts State Federation of Labor. And threats are not usually taken in good grace by members of the General Court.
>
> The Burns threat probably has engendered the greatest opposition feeling. It was delivered during the hearing on the industrial "spy" bill. He threatened that if the Legislature did not curb the "spy" activities labor itself would take care of the "spies" in a manner "best known to us".
>
> ...
>
> Mr. Watt's threat was made yesterday during the hearing on the proposed state fund for Workmen's Compensation. He implied organized labor would use the "strike" method, if necessary, to force passage of the legislation. [1, 7-1-37]

This article was followed shortly by a third gubernatorial rebuff of organized labor when Mr. Hurley vetoed the repeal of a teacher's oath law which the State Federation had opposed at the time of its enactment and whose repeal they strongly favored.[1] From

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[1] In commenting on this veto the Monitor observed:

> In supporting the retention of the oath law, it is understood, the Governor succumbed to the combined pressure of the American Legion and a dominant religious group. Weighing the political might of the opposing factions, it is believed the Governor felt labor's strength was weaker than the oath-favoring forces. [1, 4-2-37]

these rather inauspicious beginnings, however, better things were to come; and, in overcoming severe obstacles during the 1937 session of the General Court to second the passage of one of the first state labor relations acts in the country, organized labor in Massachusetts indicated that it was a political force to be reckoned with in the future.

When the Supreme Court upheld the Wagner Act in April 1937, the pressure to get the Massachusetts baby Wagner Act out of committee increased significantly. Feeling that some form of state labor relations legislation was imperative, the Republican majority whip, Christian Herter, offered several additions to the State Federation's bill, which was almost an exact duplicate of the national act. The Herter amendments proscribed certain union unfair labor practices, the most important of which were the sit down strike and the sympathetic strike. They also provided for the incorporation of trade unions, and the filing of union financial statements. As might be expected, these amendments, as well as the bill itself, provoked a bitter fight. As a result of the ensuing hassle, it was generally supposed that the whole matter would be sent to a recess commission for study. A last minute flood of phone calls, telegrams, and personal solicitation instigated by the State Federation, however, produced a showdown in the House shortly before the Legislature prorogued for the year.

The ban on sitdown strikes was incorporated into the law, which already contained a list of employer unfair labor practices copied from the National Labor Relations Act, and created a three-man

State Labor Relations Commission to conduct representation elections and investigate unfair labor practice complaints under the state act. The amendment to force labor unions to incorporate, however, failed 120 to 104. An omnibus of union unfair labor practices failed 113 to 111, and the requirement of union financial statements was defeated by a vote of 124 to 94. The House then passed the measure 214 to 10, and the Senate concurred by a vote of 28 to 9. The agitation aroused by the State Labor Relations Act also resulted in the passage of the industrial spy bill. This act made it unlawful for any private detective or undercover operative to pose as a worker and enter a place of employment for the purpose of reporting on the activities of employees, and its passage was greatly facilitated by the hearings conducted by the U.S. Senate's La Follette Committee.

In addition to these two major pieces of new legislation, several liberalizing amendments to the state unemployment compensation act were also passed. An industrial homework bill, expanding the coverage and strengthening the enforcement of the old law, was enacted; and a bill prohibiting discrimination in employment because of age was approved by the General Court.

There was some doubt as to how the Governor would receive this legislation, but one indication of an apparent change in his earlier hostility to organized labor came after the U.S. Supreme Court reversed the Adkins and Tipaldo decisions and upheld the constitutionality of Washington's minimum wage law in the case of West Coast Hotel Co. v Parrish. Following the Parrish decision, Governor Hurley sent a special measure to the legislature, and a new statute

transferred minimum wage administration back to the Department of Labor and Industries. The present Minimum Wage Commission was established, and the time allowed for compliance with a minimum wage order was reduced from 9 months to 90 days. Following this indication, the Governor signed all the labor legislation pending before him, and apparently surprised many of the state's labor leaders in the process. The Monitor noted:

> Organized labor's attitude toward Governor Charles F. Hurley has changed overnight from definite opposition to perplexed indecision as a result of his apparent reversal in regard to labor legislation.
>
> Until the last hours of the 1937 Legislature, labor's score against the Governor was 3 to 0...
>
> But when the Legislature closed its doors for the year, the score was 6 to 3 in the Governor's favor, a situation which is surprising even to the most optimistic of labor leaders.
>
> ...
>
> By his signature the following legislature became law: A measure guaranteeing to intrastate labor the right of collective bargaining, a bill outlawing the use of industrial spies; a new minimum wage statute; a measure controlling industrial homework; improvement of the Unemployment Compensation law; liberalization of the Workmen's Compensation law.
>
> ...However, the impression is that the Governor signed the "spy" bill and other labor measures because he realized he was in a difficult position, and not because he particularly approved of them. [1, 6-8-37]

As a result of these events Governor Hurley was not given one of the lavish introductions that former Governor Curley used to receive when he appeared before the annual convention of the State Federation on August 3, 1937, but he was introduced as one who "has shown a very fine spirit towards our aims and ambitions and each piece of legislation we have been fortunate enough to have passed through the Legislature, has met with his approval." [12, p. 26]

Governor Hurley's treatment at the Fifty-Second Annual Convention, however, was not the highlight of the proceedings, for the 1937 convention also ratified the previous action of the Executive Council in purging all the CIO unions in Massachusetts from the ranks of the State Federation of Labor. The President told the convention in part:

> ...when the time came that President Green decided it would serve the best interests of the American Federation of Labor to purge the Labor movement of Massachusetts, the Executive Council of this organization unanimously approved that action...your Executive Council on July 21st unanimously suspended 51 of these disloyal organizations from the Massachusetts Federation of Labor. [12, p. 3]

This action was later confirmed when the delegates defeated two resolutions in favor of "labor unity" by a vote of 208 to 28, with delegates from the expelled CIO unions not in attendance.

Internal And External Labor Problems In The Late 1930's

When the CIO unions were expelled on July 21, 1937, they immediately prepared to set up their own state federation and create five central labor unions. The Monitor reported:

> Thomas F. Burns, chairman of the CIO's New England Council, said the first CIO central labor unions would be formed in Boston, Lowell, Worcester, Springfield, and New Bedford. Similar organizations will be set up later in other industrial centers, he said. [1, 7-23-37]

The Massachusetts State CIO Industrial Union Council was chartered on November 16, 1938, but the CIO unions opened their first convention at the Bradford Hotel in Boston on November 20, 1937. One of their first acts was to "condemn" Governor Hurley, who consistently ignored and refused to recognize the CIO movement in Massachusetts. By this time the Governor had also aroused the wrath of the State Federation

again.

After escaping censure at the 1937 convention of the State Federation, the Governor apparently tried to cement his ties with that group by appointing their Legislative Agent, Kenneth I. Taylor, to the newly-formed State Labor Relations Commission and by reappointing James T. Moriarty as the State Commissioner of Labor and Industries.[1] Shortly thereafter, however, he seemed to revert to his old ways as far as labor was concerned. Both the state AFL and the state CIO became aroused when the Governor refused to consult with either group in making appointments to the U.S. Department of Labor's annual conference on labor legislation. The feeling became particularly bitter when Mr. Hurley at first refused to name Robert J. Watt as a delegate to the conference.

Watt was popular with both factions of the Massachusetts labor movement. He had represented the state at these conferences for several years, and the previous summer he had been elected as the American Labor Representative on the Governing Board of the International Labor Organization in Geneva, Switzerland with the support of both John L. Lewis and William Green. Labor's consternation at this apparent snub was shared by Secretary of Labor Francis Perkins, however, and she sent a letter to Watt personally inviting him not only to attend the conference but also to address it. Following this

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[1] Taylor later resigned as a member of the State Labor Relations Commission and returned to his job as Legislative Agent for the State Federation, in which capacity he became very critical of the Commission and its administration of the State Labor Relations Act.

letter, Governor Hurley added Watt's name to the list of delegates he had previously appointed.

Later the Governor was again criticized by both the AFL and the CIO when he issued an order prohibiting employees in the State Department of Mental Diseases from joining unions which used strikes as economic weapons.

The 1938 session of the Legislature found organized labor devoting most of its time to defeating hostile legislation, rather than supporting its own program. Among the measures defeated were compulsory mediation, a sales tax, unfair labor practices for labor unions, limitations on savings bank life insurance, and a reduction of the number of guards on street railways. On the other side of the ledger, labor's proposal for a "peaceful persuasion" act to prevent the enforcement of local ordinances which were used to hamper picketing activities was defeated as were the perennial demands for a state fund for workmen's compensation, the Child Labor Amendment, raising the compulsory school age, election of judges, and regulation of private employment agencies.

The decision to suspend for one year employee contributions under the Unemployment Compensation Act received only reluctant support from the State Federation. Originally the Federation had advocated employee contributions on the grounds that they would eliminate the stigma of charity, make the fund more adequate, and give labor a greater voice in its administration. The early experience under the law, however, showed that the fund was growing despite the benefits paid out, and under the subsequent federal-state

administration of the Act the funds going to Washington did not give the workers any vested rights for their contributions. Therefore, the Federation went along with Governor Hurley's request to suspend employee contributions for one year and to establish a commission to study the feasibility of their permanent elimination.

The biggest hassle of the 1938 session, however, occurred over the question of how unemployment relief was to be financed and administered in this election year. The Governor originally proposed a $24 million bond issue to finance a public works program through the State Department of Public Works, but this was quickly killed by the Republican Legislature. They claimed that the Governor had waited 18 months without any action, and now merely wanted to create a huge "slush fund" to give out jobs and promote his reelection. The General Court favored unemployment relief, but they felt that any public works should be financed by increased taxes and administered by the local cities and towns. The Governor's response to this plan, however, was merely to charge that the Republicans only wanted to embarrass his administration politically by raising taxes in an election year. Both sides took to statewide radio broadcasts, and the battle deepened when Governor Hurley threatened to keep the Legislature in session until his program was passed only to have the Republicans respond with a "stay-at-home" strike.

On July 11, 1938, the GOP Speaker of the House and Gubernatorial aspirant, Leverett Saltonstall, proposed transferring unused gasoline taxes from the highway fund to relief projects but only with the guarantee that jobs be given out on the basis of need rather than

politics. Shortly after this proposal was made, the President of the Massachusetts State Federation of Labor, John F. Gatelee, published a threat that organized labor would march on the State House unless some sort of unemployment relief program was enacted; and he offered a compromise plan to prevent unemployment relief from becoming a "political football".

The Gatelee proposal called for a $10 million bond issue and the transfer of $5 million in unexpended highway funds. The proceeds of the bond issue were to be split evenly between the State Department of Public Works and the cities and towns directly, so no one agency could dispense all the jobs; and the transferred highway funds were to be used to reduce state taxes. The Governor accepted this plan and submitted it to the Legislature in toto. The Republicans, however, rejected the plan outright and charged that it must have been inspired by Mr. Hurley since it provided for both deficit financing and a tax cut. On July 23, 1938, President Gatelee termed the Legislature's action a "direct insult to organized labor", and renewed his threat to stage a march on the State House. The Republican members of the House, nevertheless, voted 102-3 to stand by their proposal to distribute the $5 million remaining in the highway fund directly to the cities and towns with more going to the Hurley-controlled State Department of Public Works.

At this juncture, the 53rd annual convention of the State Federation convened in Worchester, and the Federation's up and down support of the Governor seemed to be up again. President Gatelee's

opening remarks supported the Governor's stand against the Legislature. Mr. Hurley's address to the convention gave full credit for the bond issue-tax diversion plan to the State Federation, and a resolution was apparently introduced to endorse the Governor's bid for reelection. All of this quickly changed, however, when former Governor Curley, Hurley's opponent in the forthcoming Democratic primaries, stormed the convention in one of the most amazing scenes in the history of the Federation.

President Gatelee had repeatedly stated that only incumbent government officials would be allowed to address the convention in the customary honorary tradition, and no political candidates would be given the floor, since the Federation was not holding a political convention. The Monitor, however, gives the following account:

> As Mr. Curley was escorted to the rostrum by the much-embarrassed reception committee, Mr. Gatelee dramatically took over the chair from Charles E. Caffrey, vice president, who was presiding.
>
> Tossing his straw hat into a chair and significantly taking off his coat, he announced between clenched teeth: "President Gatelee in the chair."
>
> ...the Federation President said he would not tolerate speeches by any "political candidate", and would not permit Mr. Curley to talk, unless overruled.
>
> A dozen delegates leaped to their feet, shouting that Mr. Curley should be allowed to speak. Mr. Gatelee pounded his gavel and shouted, "I'm running this convention." Finally, he recognized a speaker who moved Mr. Curley be allowed 10 minutes in which to speak. Amid great confusion the motion was overwhelmingly carried.
>
> Immediately a change took place in Mr. Gatelee. Stating it was a "great pleasure to introduce my friend, Mr. Curley", he lauded the former Governor to the skies as a "pioneer" in sponsoring labor legislation and labor appointments. Mr. Curley spoke briefly, citing his record and stating that Massachusetts needs a Democrat at the Statehouse who will loyally support the policies of President Roosevelt. He said he hoped to address them again "after September 20" (primarly election day) as "the leader of

> the Democratic party in Massachusetts". He left amid wild applause from many of the delegates, although there were several dozen who sat silently and unstirred, watching the drama.
>
> The reception accorded to Mr. Curley in his deliberate gate-crashing of the convention banished most of the remaining hopes of Hurley supporters for passage of a resolution of praise for him, introduced yesterday. [1, 8-3-38]

Following this triumphal coup by Curley, the resolutions expressing support for the incumbent Governor were withdrawn before the convention could vote on them, and the Federation then adopted a compromise on their former relief proposal, which was still being pushed by Governor Hurley. The compromise retained the tax diversion proposal, but called for a reduced bond issue of $5 million to finance public works projects selected and supervised by a bi-partisan emergency public works commission. This move was widely viewed as knocking the props out from under the Governor's stand; and, paradoxically, it left him with only the support of the state CIO, of whose activities he had been continuously scornful. Nevertheless, Mr. Hurley expressed "gratitude" that the State Federation's new plan was still in line with his views. The Legislature, however, took the stand that despite the new supervisory provisions they would support no new bond issues during the remainder of Hurley's administration. Then, on August 23, 1938, the Monitor reported:

> The 2 months' deadlock between the Governor and the Legislature over an unemployment relief program ended unexpectedly today when Governor Hurley signed the Republican bill providing for a $5,000,000 distribution of the unexpended gasoline tax fund in the Highway Departments to cities and towns. [1, 8-23-37]

The Governor's capitulation in this struggle marked the beginning of the end for Mr. Hurley's political career. Ex-Governor

Curley won the primary fight to oppose Leverett Saltonstall in the November Gubernatorial race; and organized labor geared up to oppose the Republican candidate, whose legislative record was deemed hostile to their interests. The CIO unions in the state had formed a Massachusetts branch of Labors Non Partisan League in March of 1938 and by October of that year the League claimed a membership of 150,000 in both CIO and AFL unions. The State Federation and the League both pledged tooppose Saltonstall, whose legislative record was publicized as 3 favorable and 37 unfavorable labor votes. To offset this campaign, the GOP platform reflected what Edgar Mills termed a "revolution in the official Republican position regarding labor". He stated:

> The extent of the promises amazed political observers who found it hard to believe the GOP was promising to support a State fund for Workmen's Compensation, an issue for which the Massachusetts Federation of Labor has fought futilely for years in the Legislature...
>
> Not even the Democrats promised labor to back this proposal...
>
> What the GOP platform didn't promise, Mr. Saltonstall did. He held out the promise of a State wages and hours law to supplant the Federal Wages and Hours Act. He pledged rigid enforcement of the State Anti-Injunction Act placed on the statute books through labor's efforts.
>
> Of course the reason for the Republican about-face regarding labor is the prominence organized labor is due to play in the election campaign...
>
> The Saltonstall record on labor is definitely vulnerable to date, but the promises he holds out for the future may bring him votes of many labor men interested in good government...
>
> But the task certainly will not be easy, with labor officials organizing anti-Saltonstall and pro-Curley committees throughout Massachusetts to conduct a vigorous campaign via sound trucks, street corner speeches, and union meetings. [18]

This Republican tactic may or may not have paid off as far

as the "labor vote" was concerned. Saltonstall was victorious, and in his report to the 1939 convention of the State Federation of Labor, President Morrisey noted:

> Though Mr. Saltonstall was the victor, I am satisfied that Labor was operating on all cylinders... My only regret was to note that Labor has in its family a few political self-seeking members who of course had no official standing, but were trotted out as alleged spokesmen for Labor. It is unfortunate that the undisputed record was insufficient for them to adhere to our policy, "elect our friends and defeat our enemies." [14, p. 109]

The 1938 elections also saw organized labor lose another battle besides the one involving the Governorship. A constitutional amendment providing for bi-annual legislative sessions was also adopted despite labor's protests that such sessions would make the legislators less responsive to the needs of the people.

In contrast to his predecessor, Governor Saltonstall recognized the CIO as well as the AFL as a labor spokesman in Massachusetts. Both the State Federation and the Massachusetts Industrial Union Council presented comprehensive legislative programs to the Governor-elect, and they apparently hoped that his campaign promises would accord them a friendly reception despite their opposition to his candidacy. The two labor factions agreed on four items in their 1939 legislative programs, but beyond these requests the CIO showed a greater interest in national legislation of the New Deal type while the AFL continued to press its more traditional state demands for the election of judges, regulation of private employment offices, and increasing the compulsory school age from 14 to 16. The four agreed-on items were a state wage and hours law, a state fund for workmen's

compensation, a "peaceful persuasion" law to eliminate municipal interference with such union activities as picketing and distribution of handbills, and opposition to a general sales tax.

Since the Industrial Union Council did not publish its convention proceedings, there is no exact way of recording their reactions to the legislative activities of the Massachusetts General Court. Sporadic newspaper clippings, however, indicate that it did not differ materially from that of the State Federation.

Governor Saltonstall included most of his campaign pledges in his inaugural message, but he also suggested several labor measures which organized labor opposed. As the session moved on, the labor movement began to feel that the Governor was much more inclined to support the latter proposals while merely paying lip service to the former. Therefore, at the end of the session, the State Federation passed a resolution condemning the Saltonstall administration; and their Legislative Agent, Kenneth I. Taylor, denounced the Governor as "a promise-maker and a promise-breaker." [14, p. 31][1]

In light of labor's aspirations, perhaps this action was justified; but in light of their campaign against Saltonstall in 1938, and in light of the wave of restrictive legislation which swept most of the country in 1939, labor, particularly the State Federation,

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[1] In addition to his activities in supporting or not supporting particular pieces of legislation, the Governor further alienated labor with some of his administrative appointments and his use of the state militia during a strike in South Barre.

fared fairly well in the General Court during 1939. Employee contributions to the unemployment compensation fund were permanently eliminated, the 20 year drive to raise the compulsory school age from 14 to 16 was pushed to fruition (largely due to the fact that the federal Fair Labor Standards Act prohibited the employment of persons under 16 in several occupations), the 48 hour law for women and minors was broadened and strengthened, workers suffering from silicosis were brought under the Workmen's Compensation Act, and an amendment to the state labor relations actwas adopted which made the designation of craft units as appropriate bargaining agencies mandatory if a majority of a particular craft voted for a separate unit. This last enactment was one of the few which separated the state AFL and the state CIO in their legislative efforts, although there was one serious jurisdictional fight outside the legislative halls in 1939 when the CIO filed complaints with the State Labor Relations Commission asking for an election to determine the collective bargaining agent for the employees of several Boston meat markets.

Back in the Legislature, labor was successful in defeating a proposed reorganization of the State Labor Relations Commission, a compulsory mediation law, and a sales tax proposal. On the other side of the ledger, an Associated Industries of Massachusetts-sponsored merit rating plan for employers under the Employment Security Act was passed over labor's opposition, and the state fund for workmen's compensation was again defeated; but for the first time labor was successful in getting a roll call on the measure in the House where the vote was 99 for and 110 against. The proposals for a state wage

and hours law, a peaceful persuasion act, and the regulation of private employment offices all failed despite the nominal support of the Governor; and the election of judges and the ratification of the child labor amendment were again defeated.

While thus more or less holding their own in the Legislature, however, the labor movement suffered two severe setbacks late in 1938 and early in 1939 when the Supreme Judicial Court issued two rulings undermining much of the state's 1935 anti-injunction law in a manner closely resembling the U.S. Supreme Court's earlier treatment of the Clayton Act in the Duplex case.

Prior to 1935, the common law of Massachusetts had established that any picket line or strike could be enjoined unless it was peacefully and legally conducted for a "legal purpose". The "legal purpose" had been defined to mean, for all intents and purposes, only a demand for wages and hours. Then, on March 6, 1938, over two years after Massachusetts had enacted its baby Norris-LaGuardia Act, a local of the Amalgamated Meat Cutters and Butcher Workmen of North America established a peaceful picket line to secure a closed shop agreement from one Samuel Simon, whose butcher shop on Blue Hill Avenue in Dorchester employed only non-union workmen. Simon sought an injunction against the picketing, but was denied by a lower court judge.

The employer immediately appealed his case to the Supreme Judicial Court of Massachusetts, and the matter was argued before the full bench on May 5 and May 6 of 1938. When the decision was rendered on December 16, 1938, the lower court was reversed. The 1935 statute

was not declared unconstitutional, but it was "interpreted" in such a way that it could not be applied to prohibit an injunction in any case involving what had previously been deemed an "illegal purpose" under the common law of Massachusetts.[1]

A few months later, the Supreme Judicial Court handed down another decision which apparently sanctioned injunctions in all cases of "stranger" picketing regardless of purpose. Since the United States Supreme Court had upheld the legality of stranger picketing for a closed shop under the Wisconsin anti-injunction law in the Senn case, the Court found enough distinctions between the Massachusetts and the Wisconsin statutes to get around the Supreme Court's decision in that case.

Shortly after the Massachusetts General Court prorogued in 1939, Congress liberalized the federal Social Security Act to increase Old Age Assistance benefits providing that the states matched the increased federal grants on a dollar for dollar basis. Since there was to be no legislative session in 1940, and since they objected to the merit rating plan enacted in the final hours of the 1939 session, the State Federation launched a drive to convene a special session of the Legislature to meet these problems. The campaign failed, however, and again the blame was laid to Governor Saltonstall and other "barons".

Although the General Court did not convene in 1940, the State Federation devoted much time to the preparation of a legislative program. It was decided to work for an initiative petition on the

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[1] Simon v Schwachman (301 Massachusetts 573).

question of a state fund for workmen's compensation; and it was felt that the U.S. Supreme Court's decision in the Thornhill case would aid their efforts in getting the peaceful persuasion bill passed, since this decision differed from the Massachusetts court's Simon decision even more than the Senn case had. Most of labor's support in the 1940 elections went to Roosevelt for President and against Saltonstall for Governor. There is again evidence that labor's efforts were not unanimous, however, and Saltonstall was reelected over his Democratic opponent, Paul A. Dever, by a majority of less than one-half of one per cent.[1]

Both state labor federations submitted largely similar proposals to the 1941 legislature. They agreed on the need for a state fund for workmen's compensation; and the State Federation had secured enough signatures to submit the proposal in the form of an initiative petition, which meant that if it was defeated in the Legislature the proposal could be placed on the 1942 ballot with the proper number of supplementary signatures. Both federations also

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[1] President Morrisey told the 1941 convention that
"Had it not been for the few deflections among a very small group of Labor delegates who saw fit to disregard their own convention's action, the sentiment and support of President Roosevelt's candidacy would have been unanimous. Likewise, if it were not for the same few people, Labor's attitude toward the Republican party's candidate for governor would have been unanimous in favor of returning him to private life." [15, p. 4]
The CIO endorsed President Roosevelt, but apparently did not make an official pronouncement on the Gubernatorial race.

sought a state wage and hours law, a peaceful persuasion law covering picketing and the distribution of literature, ratification of the child labor amendment, a return to annual sessions of the legislature, and a revision of the unemployment compensation law to broaden eligibility, increase benefits, and eliminate merit rating. Both federations opposed a sales tax; and they agreed on the need to increase old age assistance, although the CIO wanted a substantially larger increase than that asked by the State Federation. The one big difference in the two programs was the CIO demand for a repeal of the craft unit amendment passed during the 1939 session of the Legislature.[1]

Despite Governor Saltonstall's narrow squeak for reelection in 1940, the legislative results in 1941 were very similar to those in 1939 as far as organized labor was concerned. They achieved some victories, suffered some losses, and were successful in turning back legislation which would have restricted certain union activities. A bill to return to annual legislative sessions was passed as a first step in putting the question on the 1944 ballot. (Since a constitutional amendment was involved, the measure was required to pass in two successive Legislatures before it could be submitted to the electorate for ratification.) The minimum and maximum benefits under the state's Workmen's Compensation Act were increased from $9 and $18 to $11 and $20 respectively. A five percent tax on meals over $1 was

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[1] This amendment was retained in 1941, and during the year it was effectively used, twice by the AFL firemen and oilers union to secede from both a CIO and an AFL bargaining unit. See [1, 5-19-41].

passed to raise revenue for increasing old age assistance benefits. The temporary commission on apprentice training was made permanent and placed in the Department of Labor and Industries. The unemployment compensation act was amended to reduce the waiting period and to include all employees in covered establishments, whereas it previously applied only to persons working in establishments that employed 8 or more persons.

The State Federation was also successful in sponsoring a bill to increase legislator's salaries on the grounds that higher salaries would not limit legislative service to the wealthy, and would serve to attract more working class people to run for public office. The attempts to increase unemployment benefits and eliminate merit rating, however, were defeated. The peaceful persuasion bill was lost in the Senate when the Republican Senate President cast his vote changing a 16-15 favorable vote to a 16-16 tie which killed the bill. The state wage and hours law, the Child Labor Amendment, and the election of judges were again defeated.

Although the state fund was defeated by votes of 157 to 64 and 23 to 11 in the House and Senate respectively, the State Federation felt confident that they had enough signatures to place the question on the 1942 ballot, and the 1941 annual convention levied a one cent per member assessment to wage a campaign to secure its enactment. Labor also succeeded in defeating proposals for a labor court, compulsory mediation and "cooling off" periods in labor disputes, and they defeated an extreme bill requiring a 60-day strike notice and a fine of up to $50,000 and two-and-one-half years imprisonment for each

person found in violation of the act.

Following the attack on Pearl Harbor, the Massachusetts State Federation of Labor became the first state labor body in the country to call an emergency war convention. The convention convened on January 3, 1942, and adopted an 8-point program, including a "no strike" policy for all war and defense material production industries. The state CIO also gave a "no strike" pledge in January 1942, and Governor Saltonstall established an emergency committee for industrial peace, which included two AFL representatives, two CIO representatives, and four representatives from the Associated Industries of Massachusetts serving under the Chairmanship of James T. Moriarty, the State Commissioner of Labor and Industries.

Wartime Activities In Massachusetts

Although there was no regular session of the Legislature in 1942, a special war session was convened in January to give the Governor emergency war-time authority and powers. Under the Commonwealth Defense Act enacted at this session, Governor Saltonstall issued an executive order giving the State Commissioner of Labor and Industries the power to suspend certain labor laws if he felt it necessary to speed the defense effort. Under this procedure the law prohibiting women from working between 10 p.m. and 6 a.m. was suspended, but the Commissioner retained lunch period and one-day's-rest-in-seven requirements despite employer as well as employee pressures.

Since the American Federation of State, County, and Municipal Employees union began to score organizing gains in Massachusetts, the special war session of the Legislature also granted a pay raise to all state employees. Attempts by the State Federation of Labor to call a second special session in April for the purpose of liberalizing the Employment Security Act failed. A bitter fight also developed before the state Ballot Law Commission over the validity of the signatures on the Federation's initiative petition for a state fund for workmen's compensation.

Following the legislative defeat of the state fund in 1941, the Federation secured the required number of supplementary signatures and the question was scheduled to appear on the 1942 ballot until the petition was challenged by four of the most prominent insurance companies in the state. After 12 days of heated hearings, the Ballot Law Commission issued a one sentence ruling removing the question from the 1942 ballot for alleged forgery. The brevity of the decision, which contrasted sharply with the customary explanation of the reasoning involved, prevented an effective appeal to the Supreme Judicial Court. The State Federation and Governor Saltonstall then became embroiled in another bitter debate over a proposed investigation of the Ballot Law Commission. The Governor refused to act, and the 1942 annual convention again passed a resolution opposing his reelection in November. The CIO supported the Governor in 1942, however, and he was reelected for a third term by a comfortable margin compared to his narrow squeak in 1940.

The aspect of the 1942 election which was to prove of more

moment for organized labor than the split on their gubernatorial endorsements, however, was the election of Clarence A. Barnes of Mansfield to the Governor's Council. Councillor Barnes filed three bills with the 1943 Legislature which were widely viewed as the first serious attempt to restrict the activities of organized labor in Massachusetts since the 1920's. One bill provided for the licensing of labor unions through the state Department of Labor and Industries. One prohibited union political contributions, and the third was designed to outlaw the "work permit" system employed by several craft unions. An organization chartered as the Massachusetts Chamber of Commerce which was not related in any way to the Boston Chamber of Commerce also introduced four other "restrictive" measures dealing with compulsory arbitration, the jurisdiction of the State Labor Relations Commission, the eligibility requirements for unemployment compensation, and the number of pickets to be permitted in the case of a strike. Of all this "restrictive" legislation, however, only the curtailment of work permits passed. And, prior to its passage, it was rewritten with the aid of the State Federation's acting Legislative Agent, Thomas E. Wilkinson, who had replaced Kenneth I. Taylor when the latter joined the navy during the war.

Labor was successful in getting the maximum unemployment benefits increased from $15 to $18 a week, and special provisions were made for returning servicemen. Attempts to eliminate merit rating and secure other amendments to the law, however, were defeated. The petition for annual legislative sessions passed both houses for the second time, automatically placing the question on the ballot for

all state employees, and several other bills were enacted with regard to special employment situations in the state service. The State Fund Bill was again defeated in the 1943 Legislature, after a Federation attempt to rally from the Ballot Law Commissions ruling by getting enough signatures for another petition failed. A bill modifying the Workmen's Compensation Act was passed, however, and it contained some provisions favored and some provisions opposed by labor. With certain specific exemptions, the act was made compulsory for all employers of 7 or more employees, and the common law defenses of those employers not covered were slightly weakened. The bill also provided for employer self insurance, which labor opposed, but not at the expense of losing the broadened coverage mentioned above. A state wage and hours law, the peaceful persuasion act, and the election of judges were all defeated again.

A special session of the Legislature was called in 1944 to make provisions to permit soldiers to vote in the November elections. An attempt to introduce measures dealing with the Workmen's Compensation Act at this session was rejected by the Committee on Rules.

Toward the end of 1943, the State Industrial Union Council established an arm of the CIO Political Action Committee in Massachusetts. Although at least one member of the State Federation felt that the PAC "brings to our political circle a great many matters that heretofore we never considered as labor matters," [17, p. 76] both groups acted along similar lines during the 1944 election campaigns. Direct cooperation, however, was not encouraged. The

president's report to the State Federations 1944 convention noted:

> As your president, I fail to understand why any A.F. of L. group believes it necessary to collaborate with the rebel movement and any member of the A.F. of L. should be condemned who fails to abide by the mandate of the Executive Council of the American Federation of Labor which prohibits collaboration with the Rival rebel dual movement. [17, p. 132][1]

For the first time in the history of the State Federation both Gubernatorial candidates were invited to address the annual convention, and President Doyle subsequently appointed the entire Executive Council as a Non Partisan Political Committee "to speak for labor in Massachusetts." [17, p. 132]

The Republican candidate for Governor, Horace T. Cahill, had served four terms in the state legislature and was the Lieutenant Governor under Saltonstall, who decided to run for the U.S. Senate in 1944. Cahill's record of 10 favorable and 31 unfavorable labor votes did not compare well with the record of the Democratic candidate, Maurice J. Tobin, who before becoming Mayor of Boston had established a 100 percent labor record in the state legislature. Therefore, the Federation supported both President Roosevelt and Mayor Tobin in the 1944 elections, as did the CIO-PAC. Both groups also vehemently opposed the candidacy of Clarence Barnes for Attorney General on the Republican ticket. The State Federation's Non Partisan

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[1] Perhaps the main reason for this strong stand was the fact that during 1943 and 1944 the AFL had suffered some real inroads into its membership as the CIO made some spectacular gains in the textile industry. As a result of the latter development, the State Federation cooperated with the AFL in shaking up the United Textile Workers Union. See [5, p. 7].

Political Committee officially endorsed Mr. Barnes' Democratic opponent, the former Lt. Governor, Francis E. Kelley. The PAC, however, only voiced strong condemnation of Mr. Barnes without endorsing his opponent.

It is hard to say just what effect the increased labor effort had on the 1944 elections. Both Roosevelt and Tobin carried the state, but labor's bitterest foe, Clarence Barnes, broke through the tide to win the Attorney Generalship. The amendment to return to annual legislative sessions was adopted; but in the Congressional races 5 of the 7 candidates endorsed by the PAC were defeated, and the two who won were in "safe districts" and no doubt would have won without any labor support.

Regardless of their influence on the elections, however, labor fared pretty well in the 1945 legislative session especially when viewed in light of the increasing hostility wartime and jurisdictional strikes had engendered in other parts of the country. The coverage of the Workmen's Compensation Act was expanded, and benefit payments were liberalized, with a $2.50 a week dependency allowance being granted for the first time. This latter provision was bitterly opposed by the Associated Industries of Massachusetts, which claimed that this would switch workmen's compensation from an insurance basis to a welfare basis. They argued that since workmen's compensation was based on the amount of a man's wages and since his wages were based on the amount and type of work he performed regardless of the number of his dependents, the insurance and not the need basis should govern the amount of payment. Benefits

were also increased under the unemployment compensation act, and the duration of payments was extended to 23 weeks.

State employees were granted another temporary pay increase in 1945, and a Conciliation and Arbitration Board was established for employees of the Commonwealth. The coverage of the industrial home work laws was expanded, and both labor and industry joined other groups in supporting successful legislation to abolish the Boston Port Authority and replace it with a Port of Boston Authority. Although the proposed state wage and hours law was espoused by Governor Tobin in his inaugural message, the bill was sent to a recess commission for further study. A proposal for a state fair employment practices act to prohibit discrimination because of race, religion, or national origin was defeated in the face of strong employer opposition. Indeed, Jarvis Hunt of the AIM argued that:

> "The employer would no longer be free to hire whom he wished. Even though he made an honest effort not to discriminate, he would always be subject to the fear that the man who was not hired would raise the cry 'discrimination', and subject the employer to investigation and possible criminal action." [3, p. 2]

He also noted: "This bill would set up a commission whose tenure of office would depend upon finding the existence of the very thing it was supposed to do away with." [3, p. 2] Despite a similar argument concerning employer freedom, an "equal pay for equal work bill" was passed to provide that women should receive the same pay as men for the same work, over the protest of the AIM that the bill substituted the decision of the Commissioner of Labor and Industry for the discretion of the employer as to what an employee's salary should be.

The State Federation of Labor's perennial defeats of the state fund for workmen's compensation, the abolishing of merit rating under unemployment compensation law, the election of judges, and the peaceful persuasion act were experienced again in 1945. A new labor proposal for a compulsory sickness insurance law, to be administered along the lines of the Employment Security Act or the Workmen's Compensation Act, was also defeated. The hostile proposals of now-Attorney General Barnes and the Massachusetts Chamber of Commerce were again defeated, as in 1943, but the 1945 report of the State Federation's Legislative Agent contained the following note:

> In conclusion, may I point out that while we have been successful in defeating the legislation sponsored by Attorney General Clarence A. Barnes, that it is doubtful if he will sit back and decide to call it quits. In my opinion there is no doubt but he will bring the issues before the voters in the 1946 election by means of referenda. In fact, he has so indicated, if we are to believe the daily press. If such does prove to be the case, then we have a real fight on our hands. Even if we are prepared to spend every dollar in the treasury of the State Federation, we will fall far short financially of having sufficient funds to put up the kind of fight we will be obliged to wage if we hope to win. [17, p. 56]

These remarks were to prove prophetic of labor's political problems in Massachusetts in the immediate postwar period.

Summary and Conclusions

Chapter IX indicated that much of the labor legislation enacted during the "progressive era" of Massachusetts politics was the result of a "reform coalition" that had dissolved along both economic and ethnic lines during the 1920's. This chapter's discussion has indicated that the next period of massive "breakthroughs"

in Massachusetts labor legislation during the 1930's was somewhat different from the earlier one in at least two respects. The forces of advocacy seemed less broadly based, and the nature of the legislation enacted took on a new dimension.

At the end of the last chapter we noted that the severity of economic conditions in the Bay State during the late 1920's seemed to be generating forces that might lead to a regrouping of the earlier coalition of the different advocates of labor reforms. The enactment of the Massachusetts Old Age Assistance law in 1930 indicated that such a possibility might be materializing. The rise of James M. Curley to power in the politics of the Massachusetts Democratic party in the early 1930's destroyed a large amount of the promise of any such possibility, however, and the events of these years account in large measure for the disjointed and uncoordinated nature of the state Democratic party in Massachusetts today that was mentioned in an earlier chapter. Another factor preventing a complete reformation of the old reform coalition under the Democratic banner in Massachusetts was the relatively moderate stand taken by some key Bay State Republicans on labor issues in the late 1930's.

Thus, the host of middle class, social, civic, and philanthropic groups that had been an essential element of the old reform coalition were largely missing from many of the legislative drives of the 30's and the nature of much of the labor legislation sought during these years also shifted in its emphasis from "protective" legislation covering both organized and unorganized workers to bills designed to deal more exclusively with the problems of union

organizations such as anti-injunction and picketing legislation. While many of the middle class reform elements were not attracted to some of the labor battles during the 1930's, however, organized labor itself was rapidly growing in strength during these years and becoming much more capable of "going it alone" in the legislative sphere than it ever had been before.

Although some of the old problems of the size of the legislative program and partisan divisions within the labor movement continued to bother the State Federation of Labor during this period, a closer alignment with certain Democratic candidates occurred to an unprecedented extent throughout the 1930's in Massachusetts. But the issue of a separate labor party was again overwhelmingly defeated by a 3-1 margin in a statewide referendum conducted by the State Federation of Labor in 1936.

The Yankee Democrat George Ely began a precedent of consulting with labor officials and of appointing labor leaders to prominent government positions that has continued to this day in Massachusetts. Under Ely's administration, labor secured some modest legislative gains that stood in marked contrast to the growth of the 1920's, but following the vigorous campaign conducted against the Republican Gubernatorial candidate Gasper Bacon in 1934 an alliance developed between the State Federation of Labor and Governor Curley that was able to withstand more than one internal split within the Democratic party and still secure some major labor legislation from a Republican legislature.

Although the State Federation's 1934 campaign efforts were apparently directed more against Bacon than for Curley, the Governor established a close tie with the Bay State labor movement. Under Curley's two-year administration existing hours legislation was strengthened and expanded and the existing wage laws were also improved or modified along with the state's workmen's compensation law. Massachusetts became one of the first states in the nation to pass an unemployment compensation act in 1935, and in the same year the General Court enacted a strong anti-injunction law patterned after the federal Norris LaGuardia Act. The State Federation's President was appointed to be the Commissioner of the Massachusetts Department of Labor and Industries in 1935 and its Secretary-Treasurer-Legislative Agent was appointed to the Unemployment Compensation Commission in 1936. Two broad new labor measures for a state industrial relations act and a labor spy bill were only narrowly defeated in the latter year.

Following Curley's defeat for the U.S. Senate in 1936, labor's relations with his Democratic Gubernatorial successor, Charles F. Hurley, were more strained but nearly as productive. The increasing political respect being accorded to the views of organized labor in Massachusetts was clearly attested in 1937 when a state Labor Relations Act, and a bill preventing the use of labor spies were both passed in addition to major modifications or changes in the Bay State's workmen compensation, unemployment compensation, industrial homework, and minimum wage laws. Although the Massachusetts Labor Relations Act contained sitdown strikes among its unfair labor practice provisions, this was an impressive list of achievements considering the indifferent

Gubernatorial support and the fact that the Republicans controlled both houses of the General Court. These achievements no doubt went a long way to remove some of the stigma of labor's unsuccessful support of Curley's Senatorial candidacy in 1936.

Labor's 1938 campaign to return Mr. Curley to the Governor's chair was no more successful than their 1936 efforts to put him in the U.S. Senate, however, and a constitutional amendment to provide bi-annual rather than annual sessions of the General Court was also ratified at the polls in 1938 over strong labor opposition. One significant thing about the Republican triumph in Massachusetts in 1938, however, was the fact that although Governor Saltonstall did not vigorously support many of his pro-labor campaign promises, neither did he lead the Bay State GOP into a wave of reaction against the earlier labor gains as was done in some other parts of the country after 1938.

In 1939 the State Supreme Court did nullify the effects of labor's long sought anti-injunction law of 1935, and a merit rating plan for financing the state's unemployment benefits was also passed over labor's opposition, but attempts to reorganize the state Labor Relations Commission and to pass a compulsory mediation law were defeated.

Labor's campaign to unseat Governor Saltonstall in the 1940 elections failed by the narrowest of margins. Following the outbreak of World War II, Governor Saltonstall was again reelected in 1942, this time with CIO support, although the state AFL continued to

oppose him. The State Federation also suffered another major reversal in the 1942 elections when a referendum for its long sought state fund for workmen's compensation was ruled off the ballot after an intensive campaign had been conducted to secure enough signatures to present the proposal to the electorate. The election of Clarence Barnes as the state's Attorney General in 1942 also indicated that the "punitive" forces in the Massachusetts Republican Party might have been gaining strength relative to the "moderates" as far as organized labor was concerned.

The 1943 session of the General Court witnessed the first widespread attempts to restrict the activities of organized labor in Massachusetts. The use of "work permit" systems by craft unions in the Bay State was restricted, but several other more restrictive measures were defeated, despite the organization of a group known as the Massachusetts Chamber of Commerce to help the State Attorney General in sponsoring such legislation.

When Governor Saltonstall was elected to the U.S. Senate in 1944, the Democratic candidate for Governor, Maurice J. Tobin, defeated his Republican opponent. The Bay State electorate also voted to return to annual legislative session, but Attorney General Barnes was returned to office over labor's strong opposition.

Despite strong employer opposition, dependency benefits were made available under the state Workmen's Compensation Act for the first time in 1945, and the Employment Security Act was expanded, but a Fair Employment Practices Act favored by the Governor and organized labor was defeated. A new labor proposal for cash sickness insurance for

persons injured or incapacitated in off-the-job situations was also defeated along with Attorney General Barnes' restrictive measures calling for the regulation of union elections and the prohibition of the use of union funds in state election campaigns. There were indications that these latter proposals would be submitted to the electorate as referendum proposals, however, and there were clear indications that the immediate postwar years would be momentous ones for the course of labor-management legislation in Massachusetts.

Looking back over the some 115 years of labor legislation covered in the preceding two chapters a few conclusions appear to stand out. One is that there was a fairly clear trend in the type of labor legislation most debated in the General Court. This trend moved from an almost exclusive early concern with protective labor legislation dealing only with child labor and the hours of work for women and minors to an expanding concern with matters of labor-management relations such as mediation and conciliation, picketing and injunction legislation, and finally with a state labor-management relations act itself. Factory inspection, industrial homework, workmen's compensation, and unemployment compensation were also added in the area of protective legislation.

It was easier to amend existing statutes than to add new legislation to the statute books, and there was a decided unevenness in the rate at which labor legislation was enacted. The two big surges in the enactment of new labor legislation prior to the end of the Second World War came in the years 1911-1913 and 1935-1937. Interestingly enough, both of these surges came after organized labor

in the state had made determined, relatively unified, and successful major election efforts against the Republican gubernatorial candidates Eugene Draper in 1910 and Gasper Bacon in 1934. The only other Twentieth Century election prior to the end of World War II in which organized labor was widely believed to have been a major factor was the defeat of the incumbent Governor Bates in 1904.

The fact that organized labor was believed to have been a significant factor in only three elections, of course, does not mean that they were without influence in other campaigns. Nevertheless, their repeated unsuccessful attempts to defeat Leverett Saltonstall in 1936, 1938, 1940, and 1942, even after the State Federation was believed to have "arrived" politically, clearly indicate that although organized labor may have been an important force it certainly was not the dominant force in Bay State politics prior to 1945. The repeated failures to achieve an effective anti-injunction law (and the related effort to secure the election of judges) a peaceful picketing law, a state fund for workmen's compensation, or to have the Child Labor Amendment ratified, or to eliminate merit rating under the state Employment Security Act also attest to this fact. Indeed, the AFL-CIO split on Saltonstall's candidacy in 1942 only served to illuminate some of the problems of political cohesion that were known to exist in both state labor federations; but it was particularly instructive since it was generally believed that there was more Republican sentiment in the State Federation than in the State Industrial Union Council.

Considering these signs of divisiveness, which one would expect in any institution as broadly based as the Massachusetts labor movement, the long list of legislative enactments chronicled in the preceding pages is even more impressive. This is particularly true if they are compared with the relatively modest goals of the State Federation of Labor's first official legislative program adopted in 1891, seeking a 58 hour week law for factory women and children, an 8 hour day law for public employees, and an increase in the compulsory school age to 16 years. Throughout its history the Massachusetts State Federation of Labor strongly opposed a third labor party, but it was also one of the more progressive labor federations in the country. Even its token support of the Massachusetts minimum wage law for women in 1912 was in contrast to the avowed neutrality or outright opposition of many similar labor groups at that time, and the Massachusetts Federation accepted and advocated the principle of unemployment compensation several years before the national AFL adopted a similar position. But it is also important to reemphasize that organized labor cannot take all of the credit for much of the labor legislation on the Massachusetts statute books at the end of World War II.

Organized labor, as such, was not a major factor in securing most of the labor legislation enacted in Massachusetts during the nineteenth century. During the early part of the Twentieth century, organized labor combined its efforts with those of numerous other middle class and female reform groups to secure a considerable amount of legislation during the "Progressive Era" in Bay State politics.

After the doldrums of the 1920's and the increase of union membership during the 1930's organized labor went increasing on its own in the political arena, and most of the alliances with other groups that occurred in earlier years were not apparent during the latter years. Also, despite the problems of political cohesion mentioned above, the ties between organized labor and the Democratic Party in Massachusetts were strengthened during the late 1930's and early 40's.

It might also be noted in passing that the AFL-CIO split in the labor movement in Massachusetts was never as severe in the areas of legislation and politics as it was in the economic areas of organizing and recruiting members. But some differences did exist, and these were to prove particularly costly in 1946. Before turning attention completely to the postwar years, however, it is important to make note of one more issue concerning labor legislation in Massachusetts that arose during this earlier period that was destined to receive continued attention after 1945. This is the issue of the impact of state labor legislation in Massachusetts on the Bay State's "industrial climate", or its ability to compete effectively with other industrial states not subject to Massachusetts labor laws.

As was pointed out in the preceding chapter, this issue was first studied systematically at the turn of the century. At that time a Yale University researcher concluded that Bay State labor legislation had served as a goad toward efficiency and competition, and that with only one exception there was no evidence of injury to Massachusetts industry as a result of her pioneering labor legislation. The one exception was the "heavy-grade cotton mill". In this case it was

argued that "natural conditions weighed already against Massachusetts", and that legislative restrictions had served only to hasten what appeared to be an inevitable departure. Against this loss it was argued that the benefits to the workers had brought increased social and educational opportunities, promoted good citizenship, and "tended to raise their standard of living, with important economic consequences in broadening the home market."

The issue of the Bay States "industrial climate" was next raised in the late 1920's when the Massachusetts economy did not share in the nationwide prosperity of this period. At this time high taxes, lack of raw materials, discriminatory freight rates, and the loss of the old Yankee ingenuity and the spirit of risk taking, were cited along with the state's labor laws as possible explanations of this depressed economic situation. Following the nationwide economic collapse of the 1930's, the causes of the state's economic plight were less inclined to be attributed to purely Massachusetts reasons; but in 1932 the Massachusetts Industrial Commission attempted to bring Bay State employers and organized labor together for the purpose of considering proposals for federal legislation to create uniform labor laws for all states. The political structure of the time, however, was not conducive to such proposals, and organized labor was not willing to lower state labor standards. It offered its support only if the proposed national standards were equal to or above those prevailing in Massachusetts, and nothing significant came of these Bay State efforts, although the NIRA codes and the Federal Fair Labor Standards Act later took some significant steps in this direction

as far as interstate commerce was concerned.

The issue of the "industrial climate" in Massachusetts, however, was destined to remain a live issue long after these actions had faded into obscurity or been taken for granted.

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PART III

POSTWAR LABOR LEGISLATION IN MASSACHUSETTS

CHAPTER XI

THE IMMEDIATE POSTWAR PERIOD, 1946-1948

Shortly after V-J Day, labor, industry, and government all became concerned with the problems of industrial conversion to peacetime production in Massachusetts. This conversion was complicated by the tension aroused during a severe postwar strike wave. While these strikes were not as widespread in Massachusetts as they were in other parts of the country, they were nevertheless sufficiently numerous to cause Brig. General Charles H. Cole, the Chairman of the State Board of Conciliation and Arbitration, to remark in September 1946, that: "I have never seen so many strikes in Massachusetts at one time since I've been on this job." [1, 9-26-45]

A legislative recess commission, including the Honorable Joseph P. Kennedy, which had been touring the Commonwealth surveying the industrial situation, provided one of the first issues of the 1946 legislative session by proposing the creation of a state Department of Commerce to attract new industry to Massachusetts. This recommendation was introduced by Governor Tobin in his annual message, but it was opposed by the Associated Industries of Massachusetts and subsequently defeated. The AIM opposed the proposed Department of Commerce as a "huge pork barrel", and recommended that more money be appropriated to the already existing Massachusetts Development and

Industrial Committee to "first find out the basic reasons why Massachusetts is not attractive to industry and attempt to cure these defects before spending a million dollars to advertise advantages which do not exist." [4, p. 3]

As a first step to curing these "defects" the AIM filed bills to repeal the law requiring a six o'clock closing hour for women and minors in the textile industry and the law requiring a ten o'clock closing hour for women and minors in other industries. Both labor and industry cooperated in continuing the wartime suspension of these laws; but they were not repealed, and labor and industry cooperated on little else in 1946. Governor Tobin's message contained three proposals favored by labor and opposed by industry. The Governor advocated a Fair Employment Practices Act similar to the one defeated in 1945, a state wage and hours law, and increased unemployment compensation benefits. During the legislative session, the Governor's legislative counsel, Harry Klaus, also appeared in favor of labor's peaceful persuasion bill, arguing that Massachusetts should bring its injunction laws into compliance with U.S. Supreme Court rulings.

Immediate Postwar Results In The General Court And The 1946 Elections

Despite this Gubernatorial support, the peaceful persuasion bill was again defeated. Although the proposed wage and hours bill was also defeated, the state minimum wage law was extended to cover men as well as women. Many wages and hours under this law, however, continued to be established by administrative boards covering various

occupations and industries rather than by statutory provision. The Fair Employment Practices bill was enacted over employer opposition when several church groups and women's clubs joined with the racial groups and labor organizations supporting this legislation. The unemployment compensation act was liberalized when a special message from the Governor on the next to the last day of the session resulted in the passage of several amendments which had been previously defeated. The maximum weekly benefit was increased to $25, the maximum duration of benefits was extended to 23 weeks, and the principle of dependency payments was extended to the employment security field when a $2 weekly allowance for each dependent was provided to unemployed workers in addition to their regular benefits.

With the exception of striker benefits, to be discussed below, this dependency allowance was the one provision most vehemently opposed by organized industry. Jarvis Hunt argued against the Governor's contention that an unemployed man with dependents needed more money than one without dependents by claiming "A very logical extension of this argument and one toward which labor unions have recently been heading is that a man's weekly wage should not depend upon the amount of work but upon his needs." [4, p. 6]

Labor's traditional attempts to repeal merit rating and change the operation of the Advisory Council under the Employment Security Law were defeated; and one new area of contention under employment security arose when the state Industrial Union Council introduced a bill to provide unemployment compensation to strikers after a special waiting period. This bill was defeated despite the

fact that more than 1,000 CIO members attended the legislative hearing on the bill. The State Federation did not go along with the Industrial Union Council on this proposal, but they did attempt to get unemployment benefits for workers who were laid off because of the effects of a strike in which they did not participate. This bill, however, was also defeated.

With regard to workmen's compensation in 1946, the proposed state fund was again defeated; but there were several minor amendments to the law, and specific provisions were made for a union representative to serve on the Industrial Accident Board, which was expanded from 7 to 9 members. Several specific laws relating to state and city employees were enacted including a general wage increase for all state workers. Employer attempts to "clarify" the equal pay for women and one day's rest in seven laws were defeated, and the State Federation successfully sponsored legislation relating the state housing authority law to federal legislation and providing compensation to the members of the Massachusetts Public Housing Authority.

The Massachusetts Chamber of Commerce's "cooling off" bills were again defeated, but provisions were made for a recess commission to study the problem of "emergency" strikes which affected the public health or safety. Late in May, Attorney General Barnes' two initiative petitions for prohibiting union political contributions and requiring detailed financial reports were defeated by roll call votes of 160 to 46 in the House and 24 to 7 in the Senate. By this time, however, the Massachusetts Citizens Union had been created under

the leadership of the former banker Charles Gibson for the express purpose of making sure that the "Barnes Bills" appeared on the 1946 ballot. A real political struggle appeared in the offing, since over 1,000 representatives of various AFL unions in the state had met in Boston's Faneuil Hall in February to pledge themselves to an all out campaign to defeat the proposed referenda.

Each union represented at the February meeting volunteered to assess itself $1.50 per member to carry on the battle, but by the time that the State Federation held its annual convention in August it was apparent that this campaign had lost much of its fervor. The Federation was also confronted with the fact that its Secretary-Treasurer-Legislative Agent, Kenneth I. Taylor, was retiring to accept an industrial relations job in the mid west. On the floor of the convention, several of the smaller locals who had paid their assessments complained that many of the larger locals in the State Federation "have not paid one nickel yet". [7, p. 78] When Kenneth J. Kelley, who was elected to replace Taylor in a hotly contested race for the position of Secretary-Treasurer-Legislative Agent, assumed his duties on September 1, 1946, he reported that a balance of less than $4,000 was on hand to conduct the campaign against the Barnes referenda. Eventually $68,000.00 was raised through assessments and the transfer of $9,285 from the State Federation's unexpended Workmen's Compensation Fund, and $64,831.98 was later expended in labor's campaign against the "Barnes Bills". The Massachusetts Citizens Union later reported the expenditure of approximately $53,000

in their efforts to get the referenda adopted.[1]

Although the 61st annual convention passed a resolution endorsing the reelection of Governor Tobin over his Republican opponent Robert F. Bradford, the referendum proposals dominated the 1946 elections as far as the State Federation was concerned. A. Frank Reel, a Boston Attorney was appointed as the executive director of the Federation's Non-Partisan Political Committee, and as soon as the convention adjourned they began their attack on the Barnes' referenda by challenging the signatures on the petitions. After a lengthy hearing before the State Ballot Law Commission, however, it was ruled that both referendums should appear on the November ballot. The Federation then challenged the constitutionality of the referenda. Late in October, just weeks prior to the election, the Supreme Judicial Court ruled that Referendum No. 1, prohibiting union political contributions, was unconstitutional; but they held that Referendum No. 2 should be placed on the ballot.

As it appeared on the ballot, Section 1 of Referendum No. 2 required all unions to file with the Commissioner of Labor and Industries a written statement listing all of the unions' officers and the salary paid to each, and a list of the dues, initiation fees, fines, and assessments charged to the members. Section 2 required an annual accounting of all of the unions' receipts and a complete listing of all expenditures with "the name and address and the amount paid to each person". Penalties for violations were fines of not less than

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[1] See [1, 8-11-47].

$50 nor more than $500.

During the campaign, the proponents of Referendum No. 2 claimed that the measure was being sponsored in the interest of the rank and file union member. They held that it was designed to protect him from labor "bossism" and let him know what was going on in his union, since he had a right to know how his money was being spent. This sentiment was succinctly summed up by Mr. Barnes himeelf in a June 5 address to the Catham Kiwanis Club. He stated:

> The time has come to make these labor bosses run their unions for the benefit of the unions, and not let them take over and run the country for the benefit of themselves. [12, p. 8]

In support of this position, the Massachusetts Citizen's Union conducted an intensive campaign through the use of radio and newspaper ads, billboards, and pamphlets. Their efforts were also supported by the Associated Industries of Massachusetts through its monthly publication, Industry, and both the Boston Herald and the Christian Science Monitor ran editorials in favor of Referendum No. 2. It was argued that the referendum was not anti-labor since it did not take away any union rights but merely made compulsory the practice already followed by many unions in accounting to their members for the use of money entrusted to their care. It was also pointed out that corporations and banks were already required by law to make financial reports.

On the other hand, A. Frank Reel organized the Voters' Fair Play Committee to attract non-labor support to the Federation's cause. This organization used its 7 Water Street headquarters to supplement

the efforts of the Federation's campaign conducted from its 11 Beacon Street offices.

Much of the labor campaign was devoted to disputing the claims that the referendum's sponsors were the friends of the working man. They cited a 35-year old record of Mr. Barnes' labor votes in the Legislature to prove their point.[1] To further support their contention that Referendum No. 2 was, in fact, an anti-labor proposal, the State Federation and the Voter's Fair Play Committee claimed that the reporting requirements were discriminatory, unfair, and not designed to carry out their alleged purpose, since the reports were to be filed with a state agency and no provisions were made to send the reports to rank-and-file union members. Labor also pointed out that corporations were required to file only a simple statement of assets and liabilities, and that no other organizations in the state were required to file such detailed reports as those required in Referendum No. 2. They claimed many small unions could not afford to perform the detailed bookkeeping required, and the reports would be used by anti-union employers to identify financially weak labor organizations and destroy them.

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[1] While this record may have been too dated to have cut much ice in the 1946 elections, its age nevertheless revealed the interesting fact, which was not brought out in the campaign, that between April 12, 1912 and May 20, 1913, Mr. Barnes had voted against the adoption of the very initiative and referendum procedure he was now using no less than 6 different times. The other side of this paradoxical situation, of course, was the fact that the State Federation had been one of the original champions of the procedure which was now being used to go "over the heads" of the General Court, which had overwhelmingly supported their position in opposition to Referendum No. 2.

In marked contrast to the vigorous campaign waged against Referendum No. 2 by the State Federation of Labor, the Massachusetts State Industrial Union Council played a decidedly minor role in this campaign. It is possible that the detailed bookkeeping entailed in Referendum No. 2 imposed less of a burden on the CIO's larger industrial units than it did on the smaller craft locals which predominated in the state AFL, but most of the CIO's electoral inactivity in 1946 can probably be explained best by the fact that the State Industrial Union Council was in the process of purging all traces of communist influence from the Massachusetts labor movement during most of 1946.

When the State Industrial Union Council held its annual convention late in September, the CIO-PAC listened to speeches by the top three Republican candidates--Henry Cabot Lodge (U.S. Senate), Robert F. Bradford (Governor), and Arthur W. Coolidge (Lt. Governor)--and then endorsed their Democratic opponents, David I. Walsh, incumbent Governor Tobin, and Paul A. Dever, who also addressed the convention. The CIO organization failed to endorse the Democratic candidate for State Attorney General, Francis E. Kelly, although they named the incumbent Attorney General Clarence A. Barnes, as labor's "number one" enemy.[1] The Republican candidates apparently anticipated this result, and Coolidge's speech to the convention repudiated CIO

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[1] One labor group which did openly endorse Kelly during the 1946 campaign was the so-called Liberal Labor Committee of Massachusetts, which had been formed during Roosevelt's third presidential campaign in 1940 by a group of labor organizations predominantly in the apparel trades and headed by Phillip Kramer of the ILGWU. See [1, 8-31-46].

support if it was tainted by communism. He stated:

> If you fail to take action against the Red fifth columns in your top ranks, then the time has come for a candidate for public office in Massachusetts to have the spunk to stand up and tell you to your face that I do not want the support of the PAC and the followers of the party line in its governing board. American labor and the public have had enough of 'Russia First'.[1]

Later in the convention, all of the reputed "left-wingers" were voted out of state office in the Industrial Union Council, but the repercussions of this split absorbed most of the CIO's attention during the next several months and diverted much of the industrial unions' attention from the November election.

The election results in turn went strongly against the Massachusetts labor movement--particularly the State Federation's vigorous campaign against Referendum No. 2, which was adopted by an overwhelming vote of 677,741 to 360,323. Attorney General Barnes was re-elected, and Robert Bradford turned back Governor Tobin's hopes for re-election by almost 150,000 votes. These returns seemed to reflect the national sentiment in 1946. They also showed their effect in the 1947 session of the General Court, although nothing as severe as the federal Taft-Hartley Act was enacted in Massachusetts, which took a much more dispassioned approach to her labor problems than did most states in 1947.

Governor Bradford, Attorney General Barnes, And "Labor Reform", 1947-1948

There were several currents in the stream of labor legislation which passed through the Massachusetts General Court in 1947. Most

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[1] [1, 9-23-46].

of the more or less "regular" matters were handled in rather routine fashion. Thus, state employees were put on a 40-hour week, but they were denied a flat wage increase. Longevity bonuses for 5, 9, 12, and 15 years' service were adopted, however, and tenure was granted for the teachers in Boston's public schools. Specific benefits for loss of vision were increased under the Workmen's Compensation Law, but the proposal for a state fund suffered its annual defeat along with the peaceful persuasion act, the state wage and hours law, and labor's proposals to amend the Employment Security Law by eliminating merit rating and redefining the powers of the advisory council. The CIO's proposal to provide unemployment benefits to strikers was also defeated along with the AFL's more limited version applying only to workers laid off as a result of a strike over which they had no control. An attempt to repeal the Fair Employment Practice Law was defeated, and petitions of the AIM to postpone dependency benefits under unemployment compensation and to prohibit certain types of picketing were also defeated. The Associated Industries did succeed in getting a clarifying amendment to the 1945 "equal pay" law, and labor and industry exhibited a unique bit of cooperation in repealing the old "closing laws" and establishing a uniform 11 p.m. limit for women and minors over 18. A limit of 10 p.m. was established for minors under 18.[1] Both branches of the Massachusetts labor movement were also

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[1] The part played by the State Federation's Legislative Agent, Kenneth Kelley, in agreeing to this "compromise" was later questioned by some of his rivals within and without the labor movement, and Kelley devoted over two pages of his 1947 legislative report to a detailed defense of his position on this matter. See [8, pp. 183-85].

opposed to the Governor's sales tax proposal, which was defeated. The Legislative Agent's report to the 1947 convention of the State Federation of Labor stated:

> This measure sought to impose a three percent sales tax which would have adversely affected the pocketbooks of wage earners. As a result of the aggressive campaign of organized labor, as well as other groups, this regressive form of taxation was decisively defeated. The officers and members of affiliated local unions cooperated splendidly in opposing the sales tax. Particularly noteworthy was the opposition of the American Federation of Teachers, who strongly condemned it despite the fact that it would have made possible salary increases for teachers. [8, p. 179]

The main events of the 1947 legislative session as far as labor legislation was concerned, however, revolved around the persons and programs of Governor Bradford and his chief law officer Attorney General Barnes. As early as February 13, the Monitor noted: "The statements of the Attorney General, considered unrestrained at times in some circles, have led many to predict a showdown between the young Republican Governor and his chief law officer." Such a "showdown" never came in any clearcut terms, but a continuing division was perceptible throughout the course of the 1947 legislative session.

The Governor firmly believed that the road to progress in industrial relations lay through private labor-management understanding rather than through governmental intervention. The Attorney General, however, was much more prone to recommend legislation to deal with what he felt were abuses on the labor-management scene, and his views were shared by some of the more influential Republican legislative leaders. This apparent division within the executive branch on labor matters was further complicated by the fact that the Governor,

who had never been a legislator himself, experienced trouble with the General Court and state party leaders in other areas as well.[1]

In his inaugural address Governor Bradford announced that he had appointed a 9-man tri-partite commission of industrial relations experts to study the existing labor laws of Massachusetts and to recommend such changes as they "believed to be most helpful to narrow the area and limit the damaging effects of industrial disputes". [2, p. 1] The Governor's Labor-Management Committee was headed by Professor Sumner Slichter of Harvard University and was popularly known as the Slichter Committee. At the time of its appointment, the committee was instructed to report by March 1, 1947.[2]

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[1] On February 13 the Monitor noted:

> For the third time in two days, the name of Sinclair Weeks, Republican National Committeeman, former U.S. Senator, and generally considered one of the most influential GOP leaders in the Commonwealth, was mentioned in connection with Beacon Hill affairs.
>
> Reports circulated that the Governor made even plainer than he did last night when Mr. Weeks was on the same platform with him at the Middlesex Club banquet that he would accept no dictation from anyone or any group.

And on June 21, 1947, they observed "Leaders of the Legislature in the Republican Party met last night with Governor Bradford, presumably to discuss control of the Legislature."

[2] In addition to Professor Slichter, the other members of the committee representing the public were Professor Douglas V. Brown of M.I.T. and Rev. Thomas E. Shortell of Holy Cross College. The three labor representatives were Harold D. Ulrich of the Brotherhood of Railway and Steamship Clerks, Anthony J. De Andrade of the International Printing Pressmen, and Jack Hurvich, the President of the Greater Boston CIO Industrial Union Council. The three management representatives were Clarence G. McDavitt, a retired Vice President of the New England Telephone and Telegraph Company, Seabury Stanton, President of the Hathaway Manufacturing Company, and James E. Wall, President of Wall Streeter Shoe Company.

In the interim, a legislative battle arose over several attempts to amend or repeal the "union accountability law", as Referendum No. 2 came to be known after its adoption at the 1946 elections. Most of the proposed amendments dealt with the amount of detailed itemization required by the act, which apparently was not made clear during the campaign preceding its enactment. Attempts to administer the act also revealed that the "labor unions" which were required to report under the law were not clearly defined. With regard to the proposed amendments, however, Attorney General Barnes took the position that the bill would be changed only "over my dead body", and he introduced a bill of his own limiting political contributions by labor or management groups to $1,000.

The adamant stand taken by the Attorney General alienated some of the newspaper support his bill had obtained during the campaign.[1] It won the approval of the Republican legislative leaders,

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[1] On February 13 an editorial in the Boston Herald stated that amendments which would clarify the bill and simplify its administration were in order. They stated that the people who voted on the referendum probably wanted the reports to be available to the public at large and not confined to a state agency and they doubted that the electorate desired the purchase of every paper clip be accounted for with the vendor's name.

On the same day a Christian Science Monitor editorial also stated in part:

> This newspaper supported the Barnes bill--not without reservations--when it came up before Massachusetts voters last November...
>
> We had reason to feel that prompt and fair revision to remove some of the unnecessarily burdensome detail required of union financial reports to the State was quite possible. We expected that the bill's sponsors would not oppose some reasonable liberalizing. Even the slightest change, however, has been fought stubbornly.

however, and they quickly obtained an adverse committee report on all of the proposed changes. They were in the process of defeating the bills one by one in the House when the Governor intervened and made clear his strong sentiment that no labor legislation should be voted on until his special committee had time to report. On February 13, the Speaker of the House moved "at the Governor's request" for a postponement of further House consideration of the 7 proposed modifications to the union accountability law until March 10. This action was surrounded by grumblings about legislative "dictation", and Clarence F. Telford, the Republican Chairman of the Committee on Labor and Industries, even threatened to resign if the Governor tried to dictate what he should do. This dispute, however, was quickly obscured by the potentially more dangerous controversy surrounding the Governor's decision to replace James T. Moriarty as the State Commissioner of Labor and Industries.

Commissioner Moriarty had originally been appointed by Governor Curley, and had served 11 years under four different Governors prior to the Bradford administration. Although Commissioner Moriarty had won the cooperation of both labor and management groups on several occasions, he had campaigned openly against Referendum No. 2 in 1946. After the bill was enacted, however, he stated his intentions of vigorously enforcing the act and immediately began preparing the forms necessary to meet the law's reporting requirements. The Attorney General and other party leaders nevertheless began to press for Moriarty's resignation, and on February 5, Governor Bradford nominated one of the Associate Commissioners of Labor and Industries, Daniel J.

Boyle, to replace Commissioner Moriarty when the latter refused to offer his resignation.

Although the confirmation of Boyle's appointment seemed certain in light of the 8-1 Republican control of the Executive Council, both the AFL and the CIO raised strong protest against him. As a former Secretary of the State Industrial Union Council, he had alienated many labor leaders by his support of Wendel Wilkie in 1940. There were also rumors that the labor members of the Governor's special committee might resign if Moriarty was replaced. Nevertheless, Governor Bradford held his ground, and Attorney General Barnes praised him as a leader "who isn't afraid to stand up in his boots and tell the labor bosses where to get off." [1, 1-7-47][1]

When Mr. Boyle's appointment was confirmed along straight party lines on February 12, the labor members on the Governor's Labor-Management Committee at first refused any comment, but they later quashed the reports that they were resigning by issuing the following statement:

> Although some members may have considered retiring from the Committee, we feel that the question of who occupies the position of Commissioner of Labor and Industries, important as that is, after all is secondary in importance to the paramount issue, which we believe to be the continuation of good management-labor relations in industry and the prosperity of all the citizens of Massachusetts. [1, 1-15-47]

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[1] The Monitor also noted "The unsought-for, and possibly uncomfortable mantle thrown on Governor Bradford's shoulders by the blunt Attorney General was part of a speech at the University Club's annual Fish and Game Dinner." [1, 1-7-47]

On March 3, Professor Slichter announced that there would be a two-week delay in the filing of the Committee's report, but he revealed that the group had secured unanimous agreement on its forthcoming recommendations. This postponement of the report due March 1 until March 14, immediately threw into conjecture the status of the uneasy compromise which had delayed action on the proposed amendments to the union accountability law until March 10. This conjecture was removed when the report was filed with the Governor on March 10 and immediately referred to the Committee on Labor and Industries where action on the pending measures was then postponed.

The Governor formally submitted the unanimous report of his Labor-Management Committee to the Legislature on March 18. One of the first obstacles that the report had to face was the danger that it would become lost in the arguments and fencing over the proposed revisions of the union accountability law.[1] Prior to submitting his report the Governor stated that "This law should not be changed until it has been given a full opportunity for trial. The committee's report does not propose to change the law. It does recommend definitions and clarifications which will implement its administration and carry out its intent". [1, 3-17-47]

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[1] With regard to union financial reports, the Slichter Committee noted:
"The Committee does not believe that this question is as important as those which have been discussed in previous sections of this report. It is, however, a question which has been widely discussed within the Commonwealth, and for this reason the Committee feels that it should set forth its recommendations. [2, pp. 39-40]
The Committee then went on to outline seven specific points which it felt should be covered by the reports without making them "unduly onerous".

A potential struggle over whether the changes advocated by the committee were simply "definitions and clarifications" as held by the Governor, or whether they were the type of modifications the unions were seeking by legislative amendment, failed to develop when the Governor's statement was interpreted as putting him with the Attorney General on this issue. All the proposed amendments to the Barnes' law were then killed, and Legislative attention was focused on the committee's other recommendations.

The committee's 41-page report dealt with seven basic areas of labor-management relations. It contained recommendations on: what employers and unions could do to make collective bargaining more effective; a new and stronger conciliation service and a new arbitration service; the problem of strikes and lockouts which jeopardized public health and public safety; problems raised by various types of union security clauses; proposals to amend the state labor relations act; and recommendations on the problems arising in connection with jurisdictional disputes, in addition to the previously mentioned recommendations with regard to financial reports by trade unions.

When public hearings on the committee's report opened on May 1, the legislative version of their recommendations were embodied in four separate appendices, which were presented as specific legislative proposals. Appendix A provided for the creation of a new state board of conciliation and arbitration. Appendix B sought to amend the state labor relations act to provide for certain union unfair labor practices and offer greater protection to union members under union

security clauses. Appendix C proposed the creation of special machinery for the peaceful settlement of labor disputes considered dangerous to the public health or safety. Appendix D proposed injunctive relief in certain jurisdictional cases. On May 1, Senator George Evans also announced that six other labor measures, most of them more restrictive of union activities than the committee recommendations, would be considered in conjunction with the proposals of the Slichter Committee.

After extensive hearings the Legislative Committee on Labor and Industries favorably reported Appendix B, C, and D, but recommended that Appendix A be sent to a recess commission for further study along with several other labor-management bills. This disposition reflected the fact that during the hearings the proposed changes in the conciliation and arbitration service attracted the most attention and the most opposition.

In keeping with their belief that "the improvement of industrial relations must be accomplished in the main by the parties themselves", the Slichter Committee went to unprecedented lengths in placing the responsibility for developing conciliation and arbitration services in the hands of employer and labor organizations. They recommended the establishment of a State Conciliation Service as an independent agency in the Department of Labor and Industries under the direction of a full time Director of Conciliation. The Director was to be appointed by the Governor from a list submitted by an unpaid joint Labor-Management Advisory Committee. This 8-man Advisory Committee, in turn, was to consist of 4 labor representatives and 4

management representatives selected by the Governor from a list of 8 submitted by the Associated Industries of Massachusetts, a list of 4 submitted by the State Federation of Labor, and a list of 4 submitted by the State Industrial Union Council. With the consent of the Advisory Committee, the Director of Conciliation would appoint no fewer than 4 full time conciliators. The Conciliation Service would then be charged with maintaining an available panel of ad hoc arbitrators who had been approved by a unanimous vote of the Advisory Committee. The Advisory Committee was to assist the Director of the Service, and by a unanimous vote they could issue a binding recommendation to the Governor for his approval.

During the hearings, this proposal was attacked as an affront to the existing Board of Conciliation and Arbitration, as an unwarranted dilution of the Governor's appointive powers, and it was claimed that it would not be representative of unorganized workers, independent unions, or employers who did not belong to the Associated Industries. To go a bit ahead of our story, the recess commission later gave the committee's recommendations an unfavorable report, and proposed several changes in the existing Board of Conciliation and Arbitration as an alternative. The 1948 session of the Legislature passed the recess commission's recommendations, but they were vetoed by Governor Bradford and his veto was sustained.[1]

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[1] The Governor's Veto message contained the following statement:

> This bill departs fundamentally from the purpose of eliminating government from the functions of conciliation and arbitration. Instead it adds more government to the picture. It ignores the proposition that progress in the conduct of industrial disputes must come through placing more responsibility upon the groups most vitally affected, management and labor, and less upon government intervention. [39, p. 2]

Appendix B, amending the state labor relations act to provide greater protection for union members under union security clauses and providing for certain union unfair labor practices, was signed into law on June 28, 1947. Although the Slichter Committee took the position that union security provisions were matters for negotiation and not legislation, they nevertheless recognized that "the administration of discipline by unions when closed shop contracts, union shop contracts or maintenance of membership clauses are in effect, raises a number of difficult and important problems." Therefore, while union security clauses were not proscribed in Massachusetts, Appendix B did make it an unfair labor practice for a union to secure the discharge of a worker who had been suspended or expelled from a union until the worker had exhausted all the appeal procedures provided in the union's constitution. After exhausting the union procedures, the employee was also given the right to appeal to the State Labor Relations Commission, except in cases of suspension or expulsion for malfeasance in office or failure to pay regular dues and assessments. It was also provided that no union security clause could apply to any employee not eligible for full membership and voting rights in the union.

Appendix B also made it an unfair labor practice for a union to exert primary or secondary pressure on an employer in order to compel him to violate the state labor relations act. Economic sanctions against an employer following a decision by the State Labor Relations Commission that his employers did not want to join the offending union were also prohibited. Unions as well as employers were required to

bargain, and employers were given the right to petition for an election in cases where two or more unions claim to represent a majority of his employees, or where a union attempts to establish an exclusive bargaining relationship without itself petitioning for an election, or where a union attempts to secure recognition through economic sanctions without itself petitioning for an election.

Appendix C dealing with the problem of labor disputes which affect the public health or safety was passed on June 27, 1947. The Slichter Committee carefully limited the applicability of this section's emergency provisions. "Public health and safety" was clearly established as the standard for administrative decision under the law, and the only classes of disputes specifically designated in the law were those involving the production or distribution of "food, fuel, water, electric light or power, gas, and hospital and medical services."

The Committee's recommendations had to be modified slightly when the proposals for a new conciliation service were not adopted. The revised version provided that once the Governor and his commissioner of Labor and Industries find an emergency strike imminent, the Governor is given a choice of procedures to follow in an attempt to resolve the dispute by peaceful means. One alternative is to require that the parties appear before an especially appointed moderator to show cause why they should not submit the dispute to arbitration. If the parties do not settle the dispute or submit it to arbitration within 15 days, the moderator is empowered to publish a report dealing

only with the question of arbitration and not with the substantive issues in the dispute. A second alternative is for the Governor to request the parties to voluntarily submit their dispute to an emergency board empowered to recommend terms for the settlement of the dispute. During both of these procedures the parties are required to maintain the status quo until the recommendations have been published and a short waiting period observed. If these procedures fail, the rarely invoked Commonwealth Defense Act of 1917 was revised to provide that the Governor may make arrangements for partial operation of the facilities needed to provide necessary services, or the Governor can seize the facilities involved and operate them under certain prescribed rules until the dispute is settled or the Governor decides that seizure is no longer necessary.[1]

Appendix D dealing with the issuance of injunctions in certain jurisdictional disputes, was the simplest of the committee's recommendations, and it was signed into law on June 25, 1947. It provided that in cases of jurisdictional disputes involving the performance of any given class of work in which the dispute is submitted to voluntary arbitration and one of the parties refused to comply with the award, the party complying is eligible for injunctive relief.

One of the significant aspects of the enactment of the Slichter Laws was the confused reaction of organized labor to the committee's proposals and their lack of influence during their passage. At the outset there was a dispute within the CIO over the appointment

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[1] For a discussion of Massachusetts' experience under these emergency provisions, and the 1954 modifications of the act see [10].

of Jack Hurvich to the Governor's Committee, but the Boston CIO Industrial Union Council later endorsed the principles of the Slichter report with only two dissenting votes. At the same meeting, however, Hurvich was made the Director of Public Relations for the organization and James Malvey was installed to replace him as president. Then, at the state CIO Convention in December, a resolution was passed stating that "no leader of a CIO union shall accept a position on any public or private body on a state-wide basis without approval of the Massachusetts CIO". [1, 12-15-47][1]

Shortly after the Committee's report was made public, the Monitor quoted one state labor leader as saying "In toto the Slichter Report is a good one. There are things on which we cannot agree, but there are recommendations we can support. We hope we will not be forced to swallow all or nothing." [1, 3-21-47] This position was pretty much followed by the State Industrial Union Council when their newly appointed Legislative Representative, Albert Clifton, testified before the Legislative Committee on Labor and Industries on May 8. Legislative Agent Kenneth Kelley's testimony, however, reflected the division that was apparent in the ranks of the State Federation of Labor.

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[1] The Monitor reported:

> "This grew out of Governor Bradford's appointment of Jack Hurvich, former Chairman of the Boston CIO Council, to the Slichter Committee. The State CIO could not go along with the report, its leaders said, and wished to avoid a repetition of a CIO member being appointed to a State place by any organization without endorsement by the state CIO." [1, 12-15-47]

Following the publication of the Slichter report it was soon apparent that a political feud had developed among the top ranking State Federation officials. Representatives of the teamster's and bartender's unions, both of which had opposed Kelley's election in 1946, adopted a stand of open hostility to the report. The teamsters were also the largest union in the State Federation, and their ranks included the incumbent President, John J. Del Monte, and a former President, Nicholas P. Morrisey. On May 1, the Monitor reported the following quotation:

> "It's no secret that there is a split in the AFL," said Kenneth J. Kelley, Secretary-Treasurer and Legislative Agent for the Federation. "After an 11-hour session last night, we voted to stand neutral on the Slichter Report. A few weeks ago we endorsed it in principle, reserving our right to criticize specific proposals." [1, 5-1-47]

The State Federation held to its neutral position despite the results of a special protest meeting at Boston's Tremont Temple on May 6. At this meeting several hundred members of the State Federation registered their hostility to the Slichter proposals despite the efforts of members De Andrade and Ulrich to win support and the efforts of Secretary-Treasurer-Legislative Agent Kelley to win endorsement of some proposals and record opposition to others. One of the most outspoken critics at this meeting was Frank J. Murphy of the Lawrence Central Labor Union, who had unsuccessfully opposed Kelley in his election at the preceding annual convention.

Despite all the attention focused on this internal controversy within the labor movement, however, the Monitor called the shot on May 2, when it reported:

> Internal disagreement in organized labor over the Slichter Committee Report is not expected today to have any great influence on consideration of Governor Bradford's labor program by the Legislative Committee on Labor and Industries. [1, 5-2-47]

The Associated Industries of Massachusetts supported the Slichter recommendations "insofar as they went" but they also stated that they felt "further measures were necessary such as a complete guarantee of the right to work (anti-closed shop), more stringent regulation of strike activities, and a secret vote for union officers and on proposals to strike." [5, p. 4] With regard to these proposals, the Massachusetts Citizens Union, fresh from its election victory on the union accountability law, had filed three bills to outlaw union security, to require secret ballots in union elections, and to require secret ballot strike votes. These bills all received a favorable report from the Legislative Committee on Labor and Industries, but they were voted down in the House. The Citizens Union, however, announced that they would seek to place these measures on the ballot in 1948.

When the proposed amendments to the union accountability law were killed in the House, the Attorney General's proposal to limit union and corporate political contributions and an AIM bill to repeal all prohibitions on corporate political contributions were also defeated. As has been mentioned, several proposals to outlaw various forms of union security and a number of other measures introduced by the Massachusetts Chamber of Commerce, the Massachusetts Citizen's Union, and the Associated Industries of Massachusetts were referred for recess study along with Appendix A of the Slichter Report.

While the Slichter laws were being enacted in Massachusetts, the federal Taft-Hartley Act was passed in Washington on June 23. Four days later the full bench of Supreme Judicial Court of Massachusetts ruled that a strike to compel an employer to grant a maintenance of membership clause in a labor contract was illegal in the state.

It is therefore not surprising that there was much stock taking with regard to organized labor's reduced political influence at the 61st Annual Convention of the State Federation of Labor, which convened two weeks earlier than usual on July 28 to accommodate the teamster's desire to attend their international convention the following week.

A special report of the Executive Council recommended that the Convention increase the State Federation's per capita tax on all affiliated unions from 2 cents a member per month to 4 cents a member per month, stating that "The need for a comprehensive program of worker's education as well as a realistic policy of public relations, embracing radio, newspapers, and other media of publicity, cannot any longer be ignored." [8, p. 198] The President's report even went so far as to recommend that the State Federation establish its own newspaper and its own radio station stating that "Against the backdrop of legislation being promulgated in our state and national legislatures I need not stress the urgency of such action". [8, p. 147]

It was estimated that the 2 cents increase in the per capita tax would bring in an additional $35,000 annually. Since many of the Federation's leaders doubted that this would be sufficient to combat

the type of "anti-labor" campaign they anticipated, they were really shocked when unexpected opposition to the increase developed at the Convention, and the Constitutional Committee only recommended a 1/2 cent increase. After considerable debate the Constitutional Committee's report was adopted increasing the Federation's annual revenue by approximately $9,000 a year.

Governor Bradford aroused the hostility of the delegates when he refused to break off a Maine vacation and accept the Federation's repeated invitations to address the Convention. The Governor did send a telegram conveying his personal best wishes, however, but the Monitor noted "his message was greeted by a substantial scattering of boos." [1, 8-1-47] The Convention also quietly disposed of a CIO proposal for joint political activity to "repeal the Taft-Hartley Law, defeat the enemies of labor at the polls and promote a united front against any anti-labor legislation advanced in the State or National Legislatures." [8, p. 43] The Monitor reported that rejection might have been voted outright in full convention "but for anticipation that the press would play it up." [1, 8-1-47][1]

Five days after the Federation's Convention adjourned the Massachusetts Citizens Union, which had been formed 17 months previous to promote Referendum No. 2 in the 1946 elections, filed initiative

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[1] There previously had been similar appeals by the state CIO for official cooperation on political matters, but they all were rejected by the state AFL unions as publicity stunts on the part of an errant group which could get unity if they wanted it by instructing their international unions to get back into the AFL under President Green's leadership.

petitions for three new labor laws. These petitions proposed to outlaw all forms of union security in Massachusetts, to require secret ballots in union elections, and to require a majority vote of all the union members employed in a concern before a strike could be called. If these measures failed to pass the 1948 legislature, they could be put on the ballot in November, providing, of course, the necessary number of supplementary signatures could be obtained. There was little doubt that this could be done in the mind of Charles L. Gibson, the President of the MCU. Upon filing his new petitions, he pointed out that the passage of Referendum No. 2 in Massachusetts in 1946 led to the incorporation of its provisions in the federal Taft-Hartley Act. "The minute we were successful with the Barnes bill we went to every U.S. Senator and Representative with it. We were assured from the start there would not be a labor bill coming out of Congress without union accountability being in it", Mr. Gibson said. He continued, "We shall do the same with our present bills. We shall hand them right to Joe Martin, the Speaker of the House, the day after the election." [1, 8-1-47]

The apparent optimism of this latter statement must be tempered, however, by the consideration that if Mr. Gibson felt that he would have to wait until the day after the election, he apparently did not anticipate the adoption of his proposals during the 1948 session of the General Court. Other groups may or may not have had greater confidence in the legislative process as an instrument for curbing alleged union abuses, for in addition to the MCU's initiative petitions, over 60 other bills were filed in 1948 aimed at restricting

union activities or opposing the announced political objectives of the Massachusetts' labor movement.

Labor filed several legislative requests in 1948 including measures for a state wage and hours law, a state fund for workmen's compensation, a salary increase and overtime provisions for state employees, an increase in the compulsory school attendance age from 16 to 18, and a broadening of the definition of "labor disputes" in which injunctions could not be issued. They also sought to liberalize unemployment and workmen's compensation benefits, and the CIO again pressed for unemployment compensation for strikers. Demands for a graduated income tax, a system of cash sickness insurance, provisions to make election day a holiday, and a bill to bring corporations and other business groups under the Barnes Act were also added to these more traditional demands.

On the other hand employer groups filed several bills duplicating the provisions of the MCU's initiative petitions, and the Associated Industries introduced over a dozen measures to "strengthen" the employment security and the workmen's compensation laws. They also sought to limit union and corporate political contributions to $1,000, or, alternatively, to repeal the law prohibiting corporate political contributions. The Massachusetts State Chamber of Commerce again filed its compulsory arbitration bill, and the Greater Boston Chamber of Commerce (a much older and an entirely separate organization which began to step up its interest in Massachusetts labor legislation at this time) sought to require a 10-day strike notice to the State Board of Conciliation and Arbitration and to expand the

jurisdiction of the State Labor Relations Commission. Individual petitioners also proposed a "baby" Taft-Hartley Act for Massachusetts, and a bill was introduced to require state union leaders to file non-Communist affidavits.

Despite the previously mentioned veto of the recess commission's proposed changes in the State Board of Conciliation and Arbitration, the relations between Governor Bradford and the Legislature improved markedly in 1948. Most of the proposed labor legislation, however, was either defeated or sent to a recess commission in this session. When the drive for a state wage and hours act stalled, there was an attempt to establish a "floor" of 65-cents-per-hour under wage board orders under the existing wage law. This proposal survived an adverse committee report, and passed the House on a 111 to 82 roll call vote, but was later defeated in the Senate by a roll call vote of 17 to 20. A compromise wage increase for state employees was adopted, and some changes were made in widow's benefits under the workmen's compensation act. For the most part, however, the legislative debates in 1948 were merely a prelude to the November elections.

There was a strong clash of views when the Massachusetts Citizen's union's petitions were debated before the Legislative Committee on Labor and Industries on March 9. At one point in the hearing, Kenneth Kelley lashed out at "the sponsors of the bill who represent themselves as the defenders of workingmen and women, saving them from their labor leaders." [1, 3-9-48] He charged that the organization did not represent rank-and-file union members; and he produced a photostatic copy of a long list of prominent industrialists who had

made contributions of $500 to $1,000 to the Citizen's Union, stating that this was factual evidence as to the "sinister relationship between the Massachusetts Citizens Union and the Associated Industries of Massachusetts." [1, 3-9-48]

Later, at a hearing on four different bills to outlaw the closed shop in Massachusetts, Jarvis Hunt, the AIM's Legislative Counsel, said that the Associated Industries felt that the Massachusetts Citizen's Union had done a commendable job in presenting union questions to the public, but he denied that the AIM had solicited contributions for the Citizen's Union. [1, 3-18-48]

All three of the Citizen's Union's petitions were defeated in the Legislature on June 1, 1948. The ban on all forms of union security was defeated 203 to 5 in the House and 36 to 0 in the Senate. The voting was more evenly divided on the other two measures, the strike vote proposition being defeated 110-95 and 20-16, and the bill regulating union elections being turned down 126-82 and 21 to 14 in the House and Senate respectively. The petition's sponsors immediately began collecting additional signatures, and both sides prepared for a showdown in November.

Labor "Unity" And The 1948 Elections

The State Federation of Labor had already evidenced its increasing concern with the potential of the Citizen's Union Campaign, when it followed the example of the national AFL and established a branch of Labor's Non-Partisan League in Massachusetts on January 12, 1948. The State Federation's new political wing was officially named the Massachusetts' Citizens League for Political Education, and it was

designed to operate in a manner very similar to the CIO's Political Action Committee. Membership in the League was open to any citizen who was willing to voluntarily contribute $1 per year, and Ernest A. Johnson, of the Building and Construction Trades, was elected to serve as the Director of the League.

Both the State Federation's Citizens League for Political Education and the State Industrial Union Council's PAC began separate campaigns against the three "anti-labor" petitions, but, by their own admission, these efforts "were started slowly by the two groups with considerable duplication." [6, p. 4] Then on June 7, 1948, history was made in Massachusetts when the leaders of the two wings of the labor movement signed a political pact to work together in the coming elections.

This joining of forces was largely the result of the estimated strength of the opposition and the fear of what would happen to all unions--both AFL and CIO and both inside and outside Massachusetts alike--if the Citizens Union was as successful in 1948 as they had been in 1946. Since Massachusetts was the first really large industrial state to experience a determined "right-to-work" effort, it was to become a battleground on which the eyes of the industrial world were focused. Despite this strong external pressure for unity, however, it is unlikely that cooperation could have been achieved in 1948 had it not been for the efforts of the Massachusetts Chapter of the Americans for Democratic Action. The ADA is a nationwide liberal group which came into existence to preserve and further the aims of the New Deal following the 1946 elections. With the memory of the

Barnes referendum as their best talking point, the Massachusetts Chapter of the ADA, whose president in 1948 was Professor Arthur M. Schlesinger, Sr., began to make overtures to each labor group with tentative plans for uniting labor in a campaign to defeat the three referenda. After numerous individual meetings with both labor factions, the ADA arranged for the signing of the June 7 pact, which was merely a general policy statement of cooperation in the referenda fight with no details or specific plans.

On August 26, the three cooperating groups adopted the name of the United Labor Committee, and a loose-knit organization was established consisting primarily of five representatives each from the AFL, CIO, and the ADA.[1] Later the three original groups were joined by representatives from the independent Raidroad Brotherhoods and the International Association of Machinists, but these latter organizations played only a minor role in the Campaign. The United Labor Committee had no treasury of its own. The State Federation of Labor and the State Industrial Union Council contributed 50-50 for the organization's expenses, and the ADA provided clerical and analytical personnel.

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1 "The fifteen man committee directing the ULC consisted of: (1) ADA - Arthur M. Schlesinger (Chairman), Reginald Zalles, Mrs. Arthur G. Rotch, Mrs. William Scheft and Robert M. Segal; (2) AFL - John J. Delmonte, Kenneth J. Kelley, Ernest A. Johnson, director of the Massachusetts Citizens League for Political Education, Joseph Stefani and J. Arthur Moriarty; and (3) CIO - J. William Belanger, Joseph Salerno, Cyril O'Brien, Albert G. Clifton and Michael Ryan." [6, p. 5]

The two main tasks set for itself by the ULC were to increase voter registration and, then, after the primaries and final registration, to conduct an all out campaign to "educate" the voting public generally and union members in particular as to the "issues" involved in the referenda.[1] Each group in the ULC retained its autonomy, and the joint committee took over the general program only gradually. Some individual unions also continued to carry out their own independent programs.

When the State Federation held its annual convention in August, President Del Monte announced that the organization was then publishing its own monthly paper, the Reporter, and he recommended that the Massachusetts Citizen's League for Political Education be established as a permanent part of the State Federation. This recommendation was adopted; and, with the pressure of the political campaign less remote than the preceding year, the convention approved a 1-1/2 per-member per-month increase in the State Federation's tax on all affiliated locals. This action raised the monthly assessment to 4 cents, and in effect gave the Executive Committee what they had unsuccessfully requested at the preceding convention.[2]

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[1] A complete description of all of the activities conducted by the ULC in pursuit of these objectives is contained in [6].

[2] When the constitution was amended to provide for this increased assessment, the name of the organization was changed to the Massachusetts Federation of Labor simply by dropping the "State" from the old designation Massachusetts State Federation of Labor.

An unusually large number of political and legislative resolutions were adopted at the convention, and the four leading Gubernatorial candidates were invited to address the delegates. Both of the Democratic aspirants, former Governor Maurice Tobin and former Attorney General Paul A. Dever, went all out against all three of the labor referenda.[1] One of the most important developments in the early stages of labor's campaign against the proposals, however, came when Governor Bradford announced his opposition to the union security referendum. While remaining silent on the other two referenda, the Governor opposed the union security referendum by quoting the following excerpt from the Slichter Committee report:

> The Committee believes that the closed shop, the union shop and maintenance of membership should be matters for collective bargaining. The Committee, therefore, does not recommend that the closed shop be prohibited in the Commonwealth of Massachusetts.

He then stated: "I fully endorsed these recommendations at the time they were made in March, 1947 and I fully endorse them today." [9, p. 89]

While the convention was still in process, however, Charles Gibson completed the final formalities for placing the three referenda on the November ballot. In filing the petitions, Mr. Gibson described them as "Calling for laws calculated to restore the usefulness of trade unionism by curbing the power of venal, short-sighted labor leadership." [1, 8-3-48][2] It also appeared that the Citizen's Union's

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[1] Tobin was later appointed Secretary of Labor by President Truman, and Paul Dever was nominated to run against the incumbent Governor Bradford in November.

[2] At the time of this filing, a Monitor correspondent noted "anti-labor feeling is relatively high in the state though perhaps not as

(Continued on following page)

campaigns had made the initiative and referendum procedure popular with other groups, for no less than nine questions were scheduled to appear on the 1948 ballot, in addition to the regular national and state elections.[1]

The three labor referenda were given positions Number 5, Number 6, and Number 7 on the November ballot. The summaries of these petitions, as prepared by the Attorney General's office, appeared on the ballot as follows:

No. 5 "This measure prohibits the denial of the opportunity to obtain or retain employment because of membership or non-membership in a labor organization and prohibits agreements which exclude any person from employment because of membership or non-membership in a labor organization. Violation of the provisions of the measure is made an offense punishable by fine or imprisonment or both."

No. 6 "This measure prohibits the calling of a strike by a labor organization in any business or plant or unit thereof, except when authorized by the vote of the majority of all the members of the organization employed in the business, plant or unit thereof. Such authorization is to be expressed by a secret written or printed ballot at a meeting called for that purpose.

The Labor Relations Commission is authorized to make rules for the conduct of the voting. Within twenty-four hours after the voting the labor organization conducting it shall make a

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(Footnote 1 continued from preceding page.)
intense as in the 1946 election when the Barnes Bill was voted on." [1, 8-3-48]

[1] The nine questions which helped to make the 1948 ballot one of the most involved in Massachusetts election history included: three proposed amendments to the State constitution dealing with its free speech provisions, the use of highway funds, and vacancies in state offices; four initiative petitions including the three labor questions and another one on the dissemination of birth control information in the State; the
(Footnote continued on following page)

written report of the result to the commission, which shall be a permanent public record. If no report is filed the vote taken shall be void and a person making a false report shall be guilty of perjury.

Coercion and intimidation of members of a labor organization in connection with such voting is made a penal offense."

No. 7 "This measure requires that elections of officers of labor organizations shall be held at least annually. Sixty days' notice of a regular election and twenty days' notice of an election to fill one or more vacancies are required to be given by public announcement at a regular meeting, by notice in writing to each member, or in any other adequate manner. Candidates to be voted for must be nominated by a paper signed by ten members filed at least thirty days before a regular election and at least ten days before an election to fill a vacancy.

The voting at such an election must be by secret written or printed ballot. Watchers appointed by nominating members and by union officers may be present during the voting and counting of ballots.

Coercion and intimidation of members in connection with an election is prohibited, and violations of the provisions of the measure are made punishable by fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment for not more than thirty days or both." [9, pp. 213-17]

On Labor Day 1948, a joint rally on Boston Common proved one of the few in the country where both branches of organized labor got together to celebrate the occasion. The labor referenda naturally proved to be the chief topic of discussion, but Joseph A. Salerno, the President of the State Industrial Union Council, also voiced an appeal for the election of President Truman. Shortly after this rally the

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(Footnote 1 continued from preceding page.)
amendments to the United States constitution limiting the President to two terms; and, finally, a liquor license question which must appear on a stationwide ballot in Massachusetts every two years.

referenda campaign began to heat up considerably.

On September 13, organized labor threatened to file a $1,000,000 libel suit against the Massachusetts Citizen's Union. In a joint statement the directors of the Massachusetts PAC and the Massachusetts Citizen's League for Political Education announced:

> The Massachusetts Citizen's Union was formed with the single purpose of destroying labor unions. The officers, Charles L. Gibson, state director, and J. Leo McCarthy, secretary-treasurer, have published remarks under their names charging AFL and CIO state officers are venal, which means that they can be bought for money.
>
> Our counsels have advised us that these statements are deliberately intended to discredit labor leaders and have resulted in bitter personal injustice to the characters of these labor leaders and their families. [1, 9-13-48]

They also said that their organizations planned to seek injunctions against "all libelous advertisements currently running and scheduled to run in the future as published by the Massachusetts Citizen's Union." [1, 9-13-48] The teamsters union also instituted legal proceedings to have the referenda stricken from the ballot on the grounds that the summaries were inaccurate and misleading. Charles L. Gibson, however, replied "we feel the three bills are bullet-proof," and he stated:

> We feel that Attorney General Barnes and Secretary of State Cook are two of the most competent officials in their fields in the United States. We are very willing to stand on their decisions that the referendums and their summaries are properly written and are confident that they will be approved by the courts. [1, 9-20-48]

The teamsters later dropped their legal fight when Secretary of State Cook testified that there would not be sufficient time to try the case without seriously interfering with the printing of the ballots. The Monitor reported:

> After consultation with the Chief Justice of the Supreme Judicial Court, Francis G. Doherty, attorney for the union, said it made its decision in deference to the obligation owed the voting public. [1, 10-11-48]

Although the regular elections were somewhat sublimated to the referenda campaign in 1948 as far as organized labor was concerned, the Massachusetts United Labor Committee announced its endorsement of the entire state Democratic ticket on October 11. They stated that the Republican Party, whose platform made no mention of the referenda, had been "negligent in failing to support social legislation and to oppose the anti-labor referendum Questions 5, 6, and 7." [1, 10-11-48] This announcement followed an earlier endorsement of Governor Bradford by Jack Hurvich, still a Boston CIO official and a former member of the Slichter Committee. Hurvich had praised the Governor for his responsible actions "at a time when the tide of reaction against labor was predominately in evidence." [1, 9-24-48][1]

As election day approached, labor gave much publicity to the numerous statements of prominent citizens and industrial relations "experts" against the labor referenda, particularly No. 5. The Christian Science Monitor, opposed referenda Nos. 5 and 7 and remained neutral on No. 6. Even the conservative Boston Herald and Traveler opposed No. 5. The real surprise of the campaign, however, came on October 26 when Attorney General Barnes himself said he was going to

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[1] Hurvich later left Massachusetts and thus removed himself from labor-management affairs in the Bay State.

vote "no" on referendum No. 5.[1] Whether this statement really reflected his position or whether he could see the handwriting on the wall is not known, but on November 2, 1948, his candidacy for reelection perished along with the hopes of the other Republican aspirants as the Democrats marched to an unprecedented triumph amidst a landslide of "no" votes on the labor referenda.

The Democrats won all the State's Constitutional offices and gained control of the Massachusetts House for the first time in modern political history. They even gained a 20 to 20 tie in that normal bastion of Republican strength--the Massachusetts Senate. Democratic Congressional candidates Foster Furcolo and Harold Donahue won unexpected victories by decisive margins, and Leverett Saltonstall was the sole Republican survivor in state-wide competition. Even Saltonstall's plurality over John I. Fitzgerald for the U.S. Senate was well below expectations; and, still at the national level, the Truman-Barkley ticket won by a greater plurality than Roosevelt had ever obtained in Massachusetts.

The exact figures on the three labor referenda were 1,077,642 "No's" to 443,368 "Yes" on Number 5; 950,253 to 558,358 on Number 6;

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[1] The Monitor quoted Barnes' statement to a Pittsfield rally as follows:

> Referendum number 5 outlaws the closed shop. The Taft-Hartley Law covers the subject sufficiently, so the bill is unnecessary. I shall vote 'no'."

Barnes did maintain, however, that referendums 6 and 7 "are in the interest of the public as well as labor" and said he would vote "yes" on these proposals. [1, 10-27-48]

and 954,135 to 594,727 on Number 7. The "No" vote on Referendum Number 5 exceeded the total vote for both President Truman and Governor-elect Dever, and the total "no" vote on Numbers 6 and 7 were only slightly less than the total votes for Truman and Dever. Labor's success in 1948 may have been affected to some extent by the fact that the birth control referendum was on the ballot in the Number 4 position. Joseph L. Steinberg, however, has stated: "There had been little direct official cooperation or even contact between labor and the catholic church." But he also added: "It is likely that many people urged to go to the polls by either group would vote favorably on the issues concerning both groups (particularly in Boston and Worcester)." [11, p. 17]

The unprecedented Democratic success in the statewide elections of 1948 marked a significant turning point in Massachusetts political history as well as in the postwar legislative battles on labor legislation. Therefore, it might be convenient to briefly summarize this chapter's description of the immediate postwar period at this point.

Summary

Despite a relatively high rate of labor dispute and strike activity, organized labor began the postwar period on a very successful note as far as its 1946 legislative accomplishments in the Massachusetts General Court are concerned. The principle of weekly benefits for dependents, which had been secured under the Workmen's Compensation Act in 1945, was added to unemployment compensation in 1946, and the

maximum weekly benefits and the duration of benefits under the employment security law were both increased to $25 and 23 weeks respectively. The state minimum wage law was extended to cover men as well as women, and a Fair Employment Practice Act was enacted with the support of church groups, women's clubs and other minority groups in a manner reminiscent of the old reform coalition of the "progressive era" in Massachusetts politics. Acting on its own, organized labor also succeeded in defeating the restrictive measure of the Massachusetts Chamber of Commerce and Attorney General Barnes in the 1946 session of the General Court.

There was some other legislation of a less important nature enacted; and,if the perennial defeats of the Federation's proposed state fund for financing workmen's compensation, their demands for a strong anti-injunction law, and their attempts to repeal merit rating under the unemployment compensation act are discounted, 1946 was an exceptionally good year for labor as far as legislation was concerned. To be sure, some of the bills enacted were modifications of labor's original proposals, and the State Federation of Labor continued to put great emphasis on its state fund, anti-injunction, and anti-merit rating proposals despite their long record of defeats at the hands of the legislature. Nevertheless, there was nothing in this record to indicate that labor would suffer a complete lack of influence during the November elections.

Following the adoption of Attorney General Barnes' Union Accountability Law by referendum and the defeat of Governor Tobin in the 1946 elections, the legislative atmosphere changed markedly as

far as the Massachusetts labor movement was concerned. There was a significant increase in the number of bills dealing with labor legislation before the General Court in 1947, particularly in the number of bills opposed by organized labor. Although there were some "pro-labor" bills passed in 1947, they were of relatively minor importance compared to the enactment of three of the four major parts of the report of Governor Bradford's Labor-Management Committee. Indeed, the "Slichter Laws" were among the most significant labor laws in the nation let alone Massachusetts in 1947, although it is interesting to note that the aspects of the Slichter Committee's report that were to have the greatest long run significance were not the ones that received the most attention during the legislative hearings of the time.

The choice of procedures approach to the handling of emergency disputes remains to this day a unique approach to the problem of serious labor-management conflicts that seems destined to get increasing national attention in view of increasing public concern with the problem of troublesome strikes. The legislation dealing with jurisdictional disputes, union unfair labor practices, and the rights of union members under union security clauses anticipated subsequent national legislation, but it is important to note that, despite evident divisions in the Republican ranks, both Governor Bradford and his Labor-Management Committee took the position in 1947 that union security clauses themselves should be subject to private bargaining between labor and management, not to public legislative action. The fact that the Federal Taft-Hartley Act later in the same year did not

take the same position on union security was to be of significance for Massachusetts, because several bills restricting the use of union security clauses in the Bay State were sent to a recess study in 1947 along with Appendix A of the Slichter Report, recommending a modification of the Massachusetts Department of Mediation and Conciliation.

Although the relations between Governor Bradford, Attorney General Barnes, and the Republican legislature improved considerably in 1948, the Governor did veto a bill changing the state's arbitration and mediation machinery in a manner that was not consistent with the original recommendations of the Slichter Committee. No other really major labor legislation passed the General Court in 1948. There were some increases in the burial expenses and widow's benefits under the Workmen's Compensation Act, and the salaries of state employees were increased to partially offset the severe inflation of these years. None of the major labor proposals such as a state wage and hour law, a state fund for workmen's compensation, or a compulsory system of non-occupational sickness insurance were adopted, however, nor were any of a host of semi-duplicate bills regulating union activities enacted.

The defeat of the three most important of these latter measures, dealing with a state right to work law, regulation of union elections, and compulsory secret ballot strike votes, however, was only a prelude to the 1948 elections where they were to appear on the ballot as referendum proposals under the auspices of the Massachusetts Citizens Union.

With the memory of the referendum passage of the Union Accountability Law in the 1946 elections still fresh in its mind, the organized labor movement in Massachusetts prepared in earnest for what shaped up as the first serious "right to work" fight in the nation under section 14 (b) of the Taft-Hartley Act. Another "first" was achieved in Massachusetts during the 1948 elections when the State Federation of Labor (AFL) formed a state branch of Labor's League for Political Education, known as the Massachusetts' Citizens League for Political Education, and accepted a long standing overture from the State Industrial Union Council (CIO) to join with their Political Action Committee in pooling their campaign efforts in the 1948 elections. With the Massachusetts branch of the Americans for Democratic Action serving as the necessary catalyst, the Massachusetts AFL and CIO joined with other independent unions in forming the United Labor Committee in 1948 in what was the first joint AFL-CIO effort in the nation since the 1937 split between those two national labor federations.

The seriousness with which the 1948 campaign was viewed by the State Federation was evidenced by the fact that the annual convention of that body voted to increase the per-capita tax on affiliated local unions to 4 cents-a motion that had been defeated the preceding year. The Massachusetts CIO was also in a better position to concentrate on the elections in 1948 than it had been in 1946, when the State Industrial Union Council was in the process of purging some affiliated locals suspected of Communist domination. Despite the pressures for unity, however, there is evidence that the role of the ADA in mediating personality differences between the AFL

and the CIO members of the ULC was crucial in 1948.

Although the ULC endorsed the entire Democratic ticket, they concentrated most of their efforts on the three labor referenda, beginning with an intensive registration campaign followed by as much statewide publicity of their position as their resources would allow. All three referenda were overwhelmingly defeated, and the "no" vote on the "right to work" measure exceeded the vote for the successful Democratic candidate Truman for President and Dever for Governor. The Democrats also gained control of Massachusetts House of Representatives for the first time in modern political history, and they even achieved a 20-20 tie in the State Senate, long known in labor circles as the "graveyard" for many of their pet proposals.

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CHAPTER XII

LABOR AND DEMOCRATIC ASCENDENCY, CONFLICT, AND COMPROMISE, 1949-1952

The decisiveness with which the labor referenda had been defeated in 1948, the elction of a Democratic majority in the Massachusetts House of Representatives for the first time in modern history, and some of the early pronouncements of the new Democratic Governor, Paul A. Dever, gave rise to considerable expectations in some Massachusetts political circles and caused considerable reservation in others.

Certainly not oblivious of the major role which organized labor had apparently played in his election, Governor-elect Dever set the tone for the 1949 legislative session when he called a conference of all the elected Democrats on November 24, 1948. He noted that "there must be close cooperation between labor and the Democratic party. Their leadership is sound and sane and they will not make demands we will feel necessary to deny." [1, 11-24-48]

There was apparently considerable concern voiced over the potential of a Dever labor alliance under the new legislative alignment, for in filing the Federation's 26-point legislative program for 1949, Kenneth Kelley felt compelled to call attention to the fact that the election of a Democratic Governor and Legislature had not led his organization to make any extreme or revolutionary demands, and he indicated that most of his bills had been submitted

previously.[1] Conservative reservations persisted, however, and the Monitor's Courtney R. Sheldon observed:

> Under Republican control, legislative agents could predict the disposition of most perennial legislative petitions. However, with the Democrats in control of the legislative process for the first time in modern political history, the course of legislation through newly constituted committees is a speculative matter. [1, 12-16-48]

Most of these reservations as well as many of labor's expectations later proved unfounded as far as actual legislative enactments were concerned, but this was not apparent at first, and a six week deadlock over the election of a Senate President launched what proved to be one of the longest and most chaotic sessions in the history of the Massachusetts General Court.[2] Republican attempts to combat what they felt was a Dever-labor political alliance relied largely on the principle that the best defense is a good offense, and during the session the size of the Republican minority permitted them to successfully temper many of the Governor's innaugral requests.

Although the GOP party policies emerged only slowly, a statewide public relations set up was established to attack the Dever Administration. The Republican leadership attempted to contrast the

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[1] Kelley's legislative counterpart in the CIO, however, was somewhat less apolegetic, and Al Clifton stated: "We feel the legislators have an unmistakable mandate from the voters for more liberal social and labor legislation." Clifton also added that CIO legislative cooperation with the state AFL "will continue and the cooperation will be intensified, due to the fact that we had a united labor committee that defeated the anti-labor referendums." [1, 11-4-48]

[2] The Presidential stalemate in the evenly divided Senate delayed hearings and other business for six weeks in that body, but

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Governor's evolving pro-labor position to their own professed "middle ground" approach, and charged that the Governor's persistent "business baiting" was driving industry from Massachusetts and retarding economic recovery.

This latter charge cecame one of the main themes, and was pushed hard during the legislative session by the AIM. In his year-end legislative summary, Jarvis Hunt, stated: "At committee hearings, through briefs and in personal contact, I attempt to tell them how such legislation would injure the competitive standing of Massachusetts industry and jeopardize the jobs of Massachusetts Citizens." [4, p. 9] The State Federation's Legislative Agent, however, was apparently not overly impressed with these arguments for he stated:

> I don't share the pessimism of many employers that Massachusetts and New England is "all washed up". Instead of "bellyaching" and trying to make labor a "whipping boy" for their present plight, Massachusetts employers should show more courage and vision and adapt themselves and their methods to greater diversification and more efficient production and selling methods. [7, p. 195]

Governor Dever was innaugrated in the midst of the nation-wide recession of late 1948-49, and this only served as a rather morbid backdrop to the heated debates in Massachusetts concerning the health of the Bay State economy.

Labor Proposals and Legislative Disposals, 1949-1950

In 1949, the state AFL and CIO jointly sponsored two bills

(Footnote 2 continued from preceding page)

It was finally resolved when the Democrat Chester A. Dolan was elected President for the 1949 session, and the Republican Harriss S. Richardson was elected to serve as President during the 1950 session.

for a state fund for workmens compensation and for a system of compulsory cash sickness insurance. Each federation had previously sponsored these bills individually, but in 1949 they united on the details for common action. In separate bills each labor group sought to impose increased restrictions on the use of injunctions, to enact a state wages and hours law, to require detailed corporate financial reports, and to liberalize unemployment compensation and workmens compensation benefits. The AFL again refused to go along with the CIO proposal to grant unemployment benefits to strikers, and they sponsored several bills which had no counterpart in the CIO program such as: the repeal of the Slichter Acts; the repeal of the Barnes law if the reporting section of the Taft-Hartley Act was repealed, and if it wasn't repealed, permission to file copies of the federal reports with the state instead of having to make separate accountings; make election day a legal holiday; increase the compulsory school attendance age from 16 to 18 years; amend the state constitution to provide for a graduated income tax; grant salary increases and overtime pay to state and municipal employees; and increase the starting salaries for teachers in Massachusetts.

On the other hand, there was a marked decline in the amount of legislation filed to restrict union activities in 1949. Following their resounding defeat at the polls the Massachusetts Citizens Union disbanded, but Charles Gibson founded the Free Enterprise Foundation, and resubmitted to the General Court what amounted to referendums No. 6 and No. 7. The Associated Industries also resubmitted many of their proposals for revising the employment

security and the workmens compensation laws.

The 1948-49 recession was especially serious in Massachusetts, and Governor Dever's innaugral address emphasized more state responsibility for the economic security of the Bay State's Citizens. He embraced several or organized labor major proposals, including compulsory cash sickness insurance, and he proposed a revitalization of the state Commission on the Necessaries of Life to include a consumer's council and a fact finding division.

As the legislative session ground on, organized labor with the Governor's support proved successful in liberalizing existing legislation and in defeating the AIM amendments, but when it came to breaking new ground, or in enacting some of their perennial requests, it was a different story. The major labor battles of 1949 centered on the cash sickness and the injunction proposals.

The Dever-supported labor proposal for cash sickness insurance was designed to provide benefit payments to workers unemployed because of illness, who could not collect unemployment compensation because they were not able to work and who were not eligible for workmens compensation because their sickness was not job-connected. The plan called for a 1% payroll tax on employers to establish a separate fund which would be administered through the state unemployment compensation machinery. At an April 12 legislative hearing, both the AFL and the CIO representatives went on record as approving of employee as well as employer contributions to the cash sickness fund. They insisted, however, that the benefits be financed by a compulsory state fund as provided in Rhode Island, the

first state to adopt such a disability insurance plan, and they strongly opposed the participation of private insurance companies as authorized in the California and New Jersey laws. The Monitor reported: "If an exclusive state fund was not provided for, they declared, they preferred to see no cash sickness insurance legislation voted in Massachusetts this year." [1, 4-12-49]

The bill was opposed by the insurance companies, the AIM, and the medical profession, although there were no provisions for furnishing medical care under the plan. After a bitter struggle, the compulsory cash sickness proposal was defeated by three votes in the House, but through a special message Governor Dever succeeded in establishing a recess commission to give the matter further study.

Although it was estimated that the insurance companies spent over $250,000 to defeat cash sickness insurance and although there were numerous complaints about the number of legislators who were part-time insurance brokers or lawyers handling insurance cases, many of which were supposedly settled out of court on generous terms, this battle was relatively tame compared with the struggle surrounding proposed anti-injunction legislation.[1]

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[1] "Tame" is used here only in the most relative sense. William V. Shannon, who previously noted that the Insurance lobby usually puts a premium on silence, went on to say that in 1949 with both the state fund for workmens compensation and the state operated compulsory sickness insurance plan in the hands of a new legislature:

> "The insurance interests cast the last vestige of gentility to the winds. Their lobbyists trippled in number. Hundreds of insurance workers were furloughed and marshaled for service on Beacon Hill. In jammed committee rooms, they jeered and hooted supporters of the bill and applauded company spokesmen." [4, p. 49]

Labor's original proposals in the area of anti-injunction legislation attempted to establish peaceful picketing as an unenjoinable form of free speech, to make union security a legal object in labor disputes, and to set up procedural requirements to prevent ex Parte injunction hearings by requiring that before an employer could seek an injunction he had to secure a certificate from the Commissioner of Labor and Industries stating that he had negotiated in good faith with the union. Since Governor Dever had appointed John J. Del Monte, the President of the Massachusetts Federation of Labor, to replace Daniel J. Boyle as the State Commissioner of Labor and Industries, this latter provision came under immediate attack. The Republican floor leader of the House, Clarence F. Telford, charged that the bill "proposes to make a dictator of the Commissioner of Labor and Industries", and added that "Such restrictions on the rights of business would be wrong at any time. But they are even worse in this period of industrial slump when 195,000 Massachusetts workers are jobless, the highest in 12 years. [1, 6-9-49] The following day, the anti-injunction bill touched off the most tumultous legislative session of the year in the House.

Mario Umana (D. Boston), who was in charge of the bill for the legislative committee on labor and industries, offered an amendment to afford judicial review if the Commissioner of Labor and Industries refused to issue the good faith certificate. The Republicans in the House immediately demanded to study the amendment in printed form. The Democratic House leadership, however, ignored these pleas, contending that the short amendment was easily

understood and did not change the fundamental purpose of the bill. At 6:00 P.M. a Republican motion to postpone consideration of the amendment failed by a vote of 101 to 68. Normally the Democrats had only a 123 to 117 majority in the House, but when it became apparent that the Republicans had been caught with their votes down, the Democratic majority ran roughshod over Republican maneuvers to postpone action on the bill or to recess or to adjourn. A hectic five hours of bitter debate and parliamentary dueling followed in a session which continued behind locked doors until 12:40 A.M. in the morning, despite the fact that the amended version of the bill was passed at 9:15 P.M. [1] (Locked doors appears to be an old custom of the Massachusetts General Court. See p.547 above.)

When the House later refused to reconsider its favorable action by a vote of 128 to 81, the battle shifted to the Senate where the anti-injunction bill was killed by a straight party 20-20 roll call vote. The Monitor, however, reported that:

> The Republican ranks were not as unified as they appeared on the final vote. (Nor were those of the Democrats, judging by their comments outside the Senate Chamber.
>
> Some Republicans -- led by Senator Christopher H. Phillips (R) of Beverly, serving his first term in the Senate -- believed some of labors requests in the anti-injunction bill are legitimate.
>
> For example, Senator Phillips said that labor should

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As the debate continued, with every strategy in the book attempted by both sides, the House members, still locked in, munched sandwiches at their desks and huddled over cups of coffee. At 9:15 P.M. the bill as amended was passed by a roll call vote of 108 to 42. When Republican

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be able to strike for union security. [1, 6-16-49]

After the Senate standoff, Governor Dever declared:

> If this bill is not revived, I will send a special message to the Legislature. When we are fighting for social and economic justice and equality, we do not quit after one rebuss. [1, 6-16-49]

Democratic attempts to further amend the bill and pick up the votes needed for passage, however, failed when Republican Senators Phillips and Olson -- both of whom had previously indicated they might be willing to support a compromise bill -- spoke instead of preparing new legislation for the 1950 session.

Then, on July 7, Governor Dever issued a special message citing "abuse of the injunctional process" as the reason the state needed a measure

> which will broaden the definition of the lawful objects of strikes and picketing so that union security and other desirable and legitimate ends of collective bargaining and its lawful economic sanctions may be pursued in freedom from the hampering judicial restraints to which we are bound by outmoded precedents.

The Governor left the drafting of such a measure to the legislature, however, and at the same time organized labor indicated that they were willing to drop the "good faith" provision if the legislature would write a requirement that the courts grant a hearing to the union

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and Democratic leadership agreed to postpone reconsideration until Monday, rebellious Democrats sought to act at once. This tactic resulted in a two hour party caucus which delayed adjournment until morning amidst Republican threats to keep the House in session all night unless the reconsideration vote was put off until another session. Finally, a voice vote agreed to postpone reconsideration, and the House adjourned at 12:40 A.M.

as well as to the employer before ordering an injunction issued. At this juncture, the situation became further garbled when Massachusetts Superior Court Justice Frank J. Donahue wrote a pointed letter to Governor Dever indicating that "there are others than the CIO and AFL concerned in this matter of labor disputes," and commenting, "I have been on this court for more than 17 years, and personally I do not know of a single case of abuse of authority by a judge of this court in issuing an injunction in a labor dispute." [1, 7-13-49]

At a legislative hearing on a new anti-injunction bill which legalized strikes for union shops "and other forms of union security" and provided that both sides be granted a hearing before an injunction is issued in a labor dispute, Kenneth Kelley wandered from his testimony on the importance of the time element in strikes to claim that Justice Donahue "should be the last to try to defend the actions of the courts in the matter of labor disputes." Later Kelley accused the Judge of making decisions that were "arbitrary and inconsistent with the law." [1, 7-25-49]

The following day Judge Donahue, a former chairman of the Democratic state committee, put in a surprise and highly unorthodox appearance at the injunction hearing to refute Kelley's charges and "to defend the actions of the court — if it needs defending — in the issuance of restraining orders in labor disputes." Noting that he found labor-management relations "pretty good except where unions are trying to get a closed shop," the Judge charged that Governor Dever had been "imposed on" by Massachusetts labor leaders. He

stated that if a temporary restraining order to prevent irreparable damage breaks a strike, the strike "must have been improvidently called," and he said the petitioners had made no case for a new law. "When the most they can scrape up are four or five cases where abuses are cited, I don't think they are making a case for a fair minded tribunal," he declared. "I think you are trying to remedy something that needs no remedying. I think you can trust judges to give notices in cases that warrant delay." [1, 7-26-49]

At this juncture Governor Dever then sent a letter to Judge Donahue saying that he never "made or intended to make any 'reckless statement' which has or will impair public confidence in the courts." He stated his "purpose is now, as it has ever been, to eliminate what I regard as the defects in the statute under which the courts have been laboring." [1, 7-28-49]

When the new anti-injunction law appeared before the House, a Republican legislative leader attempted to give the debate a new Donahue-inspired twist by declaring "There has been no evidence of abuse of the present temporary restraining order law," but the bill passed 136 to 61. A 20-20 deadlock in the Senate, however, killed anti-injunction legislation for the session. A Republican Senator, Sumner G. Whittier, however, summed up what was felt to be the views of some Senators from both parties when he stated:

> A 20-20 vote will not fully represent what is in the minds of the Senate. We have seen the area of disagreement grow smaller and smaller.
>
> Perhaps, during the period between sessions, the final area of disagreement will be worked out. [1, 8-5-49]

Aside from these legislative battles on cash sickness insurance and injunction legislation, the Governor's proposal to "revitalize" the Commission on Necessaries of Life was denounced as a "baby OPA" and a "snoop bill" for establishment of a new swollen bureaucracy to tinker with living cost and to pester small businessmen, [1, 7-1-49] and it was defeated in the Senate by a vote of 25 to 11 after it had passed the House 106 to 97. Labor's proposed state fund for workmens compensation was again defeated; and, as in the preceeding year, the proposal for a comprehensive state wage and hours act was reduced to a proposal to put a 65¢ per hour minimum under existing wage board orders. As this act passed, however, the 65¢ minimum was not made mandatory and the boards continued to issue orders below 65¢.

Against these reverses, however, the Dever-labor team did achieve some impressive gains in 1949. The Workmens Compensation Act was amended substantially. The waiting period was reduced, maximum temporary total disability benefits were increased from $25 to $30 a week, burial expenses and specific injury benefits were increased, and "subsistence payments" were provided for workers collecting on old claims which had been undermined by increased living cost. The Employment Security Law was also liberalized by extending dependency payments to partially employed workers and by providing that dependency payments would not reduce an employees compensation credits. Previously earned holiday pay was made non deductable from unemployment compensation payments, and the coverage of the act was expanded to cover seamen and workers who were idle because of a plant vacation shutdown and who were

not eligible for vacation pay. The Barnes Accountability law was amended to provide that the financial reports required by the Taft-Hartley Act would also meet the state requirements, and the members of the General Court granted a wage increase to all state employees as well as increasing their own salaries.

Although 1949 marked the first year in which any CIO sponsored legislation was passed by the Massachusetts General Court, their proposal for striker benefits was again rejected. There was one interesting, although relatively minor, development in this general area later in the year, however, when Attorney General Francis E. Kelley reversed a previous ruling of Clarence A. Barnes and held that veterans could receive relief benefits when they were out on strike. These veteran's relief benefits were furnished by the state, cities, and towns. They were temporary in nature and usually consisted of a cash payment which varied with the size of the veteran's family. In issuing his ruling, Kelley stated "veterans and their families should not be penalized for exercising their legal rights when engaged in a strike to better their working conditions. [1, 10-11-49]

At the end of the session, Robert M. Segal, Counsel for the Massachusetts Federation of Labor, stated that the record of the 1949 General Court could "on the whole", be considered as favorable although organized labor suffered several reverses. The CIO concurred in these views, but Jarvis Hunt, speaking for the AIM, declared that if all of the proposals of the Governor and organized labor had been enacted it would have meant the end of Massachusetts as an industrial state. He

lamented the failure of the legislature to pass the AIM amendments to the workmens compensation and employment security laws, and stated:

> Perhaps some day we will have a governor and legislature which realizes that we are an industrial state, that most of our income and employment come from industry, and that this source of revenue and jobs should be protected and encouraged and not driven from the state. [1, 9-1-49]

The political struggles of the election year 1950 began to take shape almost as soon as the Legislature prorogued on September 1, 1949. The 1949 session was the longest on record at that date, and it also approved a then record $230,000,000 in appropriations. The fact that the legislators had increased their own salaries also brought the General Court under attack, and the Republicans sought to turn this sentiment against the Democratic leadership. On September 6, the Monitor noted that "The first Democratically-controlled Legislature and Governor Dever have been the target of a running attack by Republicans during the past eight months," and noted that the Governor had scheduled a special statewide radio broadcast on the eve of his leaving for a European vacation. They stated "Governor Dever's radio address tonight is apparently an attempt to undo the damaging impressions of the actions of the Legislature appearing in statewide headlines." At the same time they noted that Charles Gibbons had issued a highly unusual "Republican Labor Day Message" promising to "prepare constructive labor legislation" in the 1950 session of the General Court. [1, 9-6-49][1]

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[1] Earlier Mr. Gibbons had denounced the Governor's "slurring remarks in a futile attempt to stigmatize the Republican Party as anti-labor," and noted that the Governor had done more to undermine the employment

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This theme was echoed by the new Republican Senate President, Harris S. Richardson, in a "Republican policy statement" at the opening of the 1950 legislature. The Massachusetts Federation of Labor's Counsel, Robert M. Segal, however, stated the Richardson speech "is very general without being specific about any labor problems," and he contrasted this with Governor Dever's second annual message which specifically mentioned the "three most important labor issues which call for legislation. First, he asks for procedural and substansive changes in the outmoded Anti-Injunction Law covering labor disputes. Second, he calls for a 75¢ minimum wage law and, third, he again demands a cash sickness program. [1, 1-5-49] Governor Dever also commented on the Richardson speech. He issued a press release stating:

> I have read with interest and almost complete approval the address of President Richardson to the State Senate. It is a perfect example of 'me-too-ism'. I do not use that expression in a derisive sense.
>
> It is a welcome evidence of the conversion of the heretofore obstinate reactionary opposition in the State Senate to the cause which I and my associates have been pleading. [1, 1-5-49][1]

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security of the Massachusetts workingman "than any chief executive since the red-coated governors of colonial days." Mr. Gibbons concluded that the Republican record "of sincere friendship for labor is printed in the statute books of the Commonwealth. No state has enacted more laws favorable to workers than Massachusetts. Until this year both the Senate and the House were under Republican control...." [1, 8-16-49]

1 One factor which may have influenced Republicans in appealing to "moderate" labor was the fact that the CIO in Massachusetts had more trouble with the so-called left wing elements in the state when the newly formed IUE tried to capture the membership of the UE unions which

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While there was considerable skepticism as to how much this Republican trend to "liberalism" on labor legislation reflected a change in philosophy and how much it reflected a political attempt to split the Dever-Labor Alliance, there was ample evidence that individual Republican legislators were preparing to battle strongly for a Republican-labeled anti-injunction bill in 1950.

Three Republican State Senators -- Christopher H. Phillips, Sumner G. Whittier, and Charles W. Olson -- filed a bill to clarify and strengthen the old 1935 Anti-Injunction Law. Working closely with Professor Archibald Cox of the Harvard Law School, Senator Phillips shouldered most of the responsibility in drafting the new legislation. At the time of filing Senator Phillips stated that the new bill would make four principal changes in the states injunction law. He said:

> It would require an employer seeking a temporary restraining order against a striking union to notify the union of its intention to do so.
>
> It would outlaw secondary boycotts in all but two cases: (a) When the neutral party injured by such a boycott has taken over work normally done by the company against which the strike is primarily directed. (b) When the party injured by

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had been drummed out of the State Industrial Union Council in 1946 and expelled from the national CIO in 1949. In retaliation against these "raids" the UE and other disaffiliated unions filed several labor measures considerably more extreme than those filed by the state CIO's legislative agent to prove that they were more militant and agressive in representing the "true" interests of the Bay State workingman.

Some of these developments were reported in the Monitor on 11-4-49, 11-28-49, 1-17-50, and 1-21-50, but there is no evidence that the extreme demands of the maverick unions were ever taken seriously by the General Court, where there was already substantial sentiment that the demands of the regular labor movement were already in need of a "moderating" influence by the announced Republican "liberalism" stressing the "middle ground" as opposed to the Governor's "business baiting."

such a secondary boycott is primarily engaged in the business of distributing the products of the company against which the strike is taking place.

It would legalize peaceful picketing and other labor activities for the purpose of securing union contracts conforming to the state and federal statutes.

It would change certain other aspects of the law in order to remove the doubt cast by earlier court decisions upon the legality of strikes or picketing for arbitration contracts, collective bargaining, and other common provisions of collective bargaining agreements. [1, 12-1-49]

Perhaps the most revolutionary aspect of the Cox-Phillips Bill, as it came to be known, was the fact that for the first time there was a specific listing of the kinds of labor disputes that would be lawful and those that would be unlawful. With regard to these provisions, Professor Cox said:

> Decisions as to the ends for which workers shall be permitted to strike involve questions of social and economic policy. Such questions should be decided by the Legislature. A legislature determination will also give greater certainty to the law. [1, 12-23-49]

Meanwhile the state AFL and the state CIO added a joint anti-injunction bill of their own to their joint proposals for a compulsory cash sickness law and a state fund for workmens compensation. The State Federation Legal Counsel, Robert M. Segal, pointed out that there were four main distinctions between the AFL-CIO bill and the Cox-Phillips Bill.[1] But Edgar M. Mills of the Monitor observed, "It

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[1] Segal said:

1. Cox-Phillips requires an employer to notify a union on goint into court for a temporary restraining order. The labor bill abolishes the temporary restraining order procedure altogether. Before an employer could get injunctive relief, he would have to wait at least several days

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is understood that organized labor, while it is working hard for the jointly sponsored AFL-CIO Bill, would not be too disappointed if the Legislature should accept the Phillips-Whittier-Olson version with possibly a few changes." [1, 3-14-50]

During committee hearings Professor Cox stated that Massachusetts judges had used their interpretative powers to deny workers the right to use peaceful means to obtain objectives which the Legislature had made legal, and claimed that his bill was a means of taking policy issues out of the realm of judicial interpretation and settling them by clear statutory definition. Jarvis Hunt of the AIM, however, claimed the Bill was an attempt to shake the faith of the people in the courts and a means of bringing professional pickets and agitators from outside the state to cause trouble. He warned that the Cox-Phillips Bill would allow unions to "laugh at the courts like John L. Lewis." [1, 3-15-50] The Greater Boston Chamber of Commerce, which became more active in state legislative matters after the 1948 elections, did not concur with the AIM position. It approved a substantial part of the Bill, but its spokesman, Lawrence M. Kerns, did propose two changes dealing with injunctions in cases of recognition picketing and jurisdictional disputes.

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until the union could be officially served with a notice by the court.

2. Cox-Phillips prohibits secondary boycotts with two exceptions. The labor bill would allow virtually all secondary boycotts.

3. Cox-Phillips would allow temporary injunctive relief if an illegal strike were causing him to loose business. The amended labor bill would deny temporary relief against an illegal strike unless it was causing physical damage to property.

4. Cox-Phillips legalizes only those strikes for forms of the closed shop that would not be outlawed by Taft-Hartley. The labor bill legalizes all such strikes. [1, 3-15-50]

The legislative committee on labor and industries favorably reported a bill almost identical with the Cox-Phillips proposals. Kenneth Kelley said the committee's bill was acceptable to labor, and its passage seemed assured despite the continued opposition of the AIM. Most of the debate in the Senate was between the Republican members, and the Bill passed the upper house by a vote of 24 to 13. It then breezed through the House 200 to 27, and was signed into law on May 12, 1950.

As enacted, the Cox-Phillips Bill effected the previously mentioned procedural changes in the issuance of temporary restraining orders and injunctions by requiring the employer to give notice to the union when he intended to seek injunctive relief. It also broadened the definition of a labor dispute to permit stranger picketing in certain cases by enumerating specific lists of lawful and unlawful labor disputes.[1] The list of lawful disputes applied, however, only if they were carried out be lawful means. Shaw and Kearns state:

> Among the lawful means that may be used in carrying on a strike for a lawful purpose are: peaceful picketing, advising the general public through the newspapers and the radio; the holding of public meetings; distribution of circulars, handbills, and the like; and the payment of strike benefits. [15, p. 90]

They also note:

> The following have been held to be unlawful means to carry on a strike, regardless of whether the strike itself is for a lawful purpose: violence, threats of violence (intimidation); untruthful statements; urging breach of contract; occupying the employer's premises (sit-down strike); mass picketing (where there is an unnecessarily large number of pickets); and, except in two instances, secondary boycotts and unfair lists (where the

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1 These lists are reproduced and discussed in [15, pp. 88-89]

union seeks to force other employers to stop doing business with the "struck" employer.) [15, p. 90]

After this early and relatively successful cruise on the waters of bi-partisanship, however, organized labor's legislative ship soon ran aground and was engulfed by the swirling tides of election year politics. After many of the State Federation's pet measures such as a state fund for workmens compensation, election of judges, and repeal of the Slichter Law were swiftly rejected with little or no debate, Kenneth Kelley publicly voiced his displeasure at the treatment which organized labor was receiving from the 1950 legislature. This was nothing, however, compared to the furor surrounding labor's proposal for a system of compulsory cash sickness (or temporary disability) insurance. Before turning to this full scale donnybrook, however, it should be noted that despite Kelley's public laments, and almost completely overlooked in the controversy surrounding the cash sickness proposal, was the fact that some other relatively minor but nevertheless significant "labor" legislation was enacted in 1950 in addition to the Cox-Phillips Injunction Bill.

The first step toward amending the Massachusetts Constitution to permit a graduated state income tax was taken on June 14, when the General Court, meeting in joint session, approved such a proposal. This meant that if the next (1951-52) session of the General Court also approved the amendment it could go to the public for adoption in the 1952 elections. The eligibility requirements for dependency benefits under the Workmen's Compensation Act were broadened in 1950, and the benefits going to the dependents of a worker killed in an

industrial accident were increased. Age was added to the types of discrimination prohibited under the Massachusetts Fair Employment Practices Act, the name of the state Fair Employment Practices Commission was changed to the Massachusetts Commission on Discrimination when the old law was changed to expand the Commission's duties beyond employment to cover discrimination in public accommodations, resorts, and amusements.

A bill providing for a 40 hour week for municipal employees was passed, and a law permitting the checkoff of union dues of public employees was also enacted. It was declared a state policy that if a fireman were found to have heart trouble, it would be presumed that he had incurred the difficulty in the line of duty and that he would thus be eligible for benefits under the state's Accidental Disability Retirement Law. In addition to these relatively minor bills, however, a whole host of other legislation of the same nature was defeated along with labor's cash sickness proposal and some of their other traditional demands mentioned above.

After a bitter battle between the insurance and the labor lobbies, the plan for a compulsory state fund to finance the disability payments was defeated in the House by a vote of 128 to 102. During the legislative struggle, Kelley voiced such harsh criticism of the Legislature that the Monitor noted he "skirted close to legislative censure on more than one occasion." [1, 8-2-50] Kelley's most violent outburst came during a night session in the House on June 6, when he accused a Boston Democrat of "selling his birthright for a mess of insurance company pottage"

when the Representative moved to substitute a compulsory all-private company system of cash sickness payments in place of labor's proposed exclusive state fund for such benefits. Amidst much discussion of the right of free speech and the need to preserve Democratic-labor ties in an election year this incident was finally smoothed over.

During the debates, however, a ranking Catholic Monsignor, the Right Reverend John O'Grady, voiced his opposition to an exclusive state fund; but he did state he favored a dual or a competitive state fund wherein both the state and private insurers would handle the business.

Then, Kelley reported to the 64th annual convention of the Massachusetts Federation of Labor:

> Realizing the political realities that existed, the Executive Councils of the AFL and CIO conferred and decided to offer a compromise plan patterned after the California Disability Benefits Law that provided for operation of Cash Sickness under a state fund, private insurance, or self-insurance, depending on which the worker preferred. This honorable compromise met with defeat by a vote of 123 to 112. [8, p. 185]

Following these two defeats on cash sickness insurance, labor's attempts to secure an improved minimum wage law were also frustrated when the Senate and House each passed separate laws and were unable to compromise their differences. The bitterness of the legislative campaign carried into the State Federation's convention proceedings, which were held while the General Court was still in session.

In his Legislative Agent's report to the convention, Kelley blisteringly denounced the Democratic House members who had voted against labor's cash sickness bill as "insurancecrats," who "sold

the workers down the river" and he listed each one by name on a "roll of infamy." Kelley also demanded an investigation of the insurance business and the legislature stating:

> A number of lawyers serve in the Legislature and do business with insurance companies, in cases involving workmens compensation, automobile accident cases, and other matters. . . . Besides there are 20 legislators who are engaged directly in the insurance business. The propriety and ethical considerations of these representatives voting on insurance measures is something that the Legislature owes to itself and to the public to investigate. [8, p. 186]

Kelley also observed:

> Labor in Massachusetts in 1948 endorsed and supported the entire Democratic ticket. This was against the better judgment of some of the leaders of the Federation based upon experience and political sagacity. . . . If labor endorses only Democrats, then we can't expect too much from Republican Legislators. A working majority consisting chiefly of Democrats and liberal Republicans, of which there are at present too few, is required in order to secure our legislative objectives. . . .
>
> I strongly urge all delegates and AFL union members to carefully read the Official Labor Record of the 1949-50 session of the Massachusetts Legislature. It will be available by August 10th and contains the roll call votes on important labor legislation for the past two years. By their votes you shall know them and judge them. [8, p. 187]

When this "Official Labor Record" was published it created a furor on Beacon Hill. The foreward contained the following statement in large bold faced type: "CASH SICKNESS COMPENSATION AND MINIMUM WAGE LEGISLATION OVER SHADOWED IN IMPORTANCE ANY OTHER MEASURES AT THE STATE HOUSE DURING THE PAST TWO YEARS. NO UNION MAN "WORTH HIS SALT" SHOULD VOTE FOR ANY SENATOR OR REPRESENTATIVE WHO VOTED WRONG ON THESE TWO BILLS THAT SO VITALLY AFFECTED THE WELFARE OF WORKING PEOPLE." The Monitor reported:

> Beacon Hill is seething with legislative resentment over the roll calls selected and the overwhelming weight

> given to votes for and against labor's bill for a state fund system of cash sickness of temporary disability insurance benefits and minimum wage legislation. [1, 8-10-50]

And they also observed:

> Organized labor may suffer long term effects from its leadership's attack on Democratic legislators straying from the fold on a few issues and failure to give full credit to GOP efforts in labor's behalf. [1, 8-10-50]

This latter comment referred to the fact that although Kelley's Convention report stated that:

> the new anti-injunction law represents a major victory for labor. . . the new law is based substantially on a bill drafted by Professor Cox of Harvard Law School and filed by Senators Phillips, Olson and Whittier who represent the liberal wing of the reactionary Republican membership in the Senate. . . . There is enough credit and glory attached to the passage of this legislation to enable both parties to claim their rightful share.

The Official Labor Record did not carry the Senate vote on this measure The House votes on the 1950 Anti-Injunction Bill were carried, but the Senate tally showed only the 1949 injunction votes. Therefore, in the Official Labor Record neither Phillips, Olson, or Whittier were credited with one single favorable vote. Kelley "swiftly apologized" for this oversight, however, and dispatched the following telegram to Senator Phillips: "Regret roll call on your Anti-Injunction Bill inadvertently omitted from my tabulation. Will rectify same. Please advise Whittier and Olson. [1, 8-11-50]

A special "Supplement and Summary" to the Official Labor Record was then printed and distributed showing the Senate roll call vote on the 1950 injunction bill. It is not certain how Phillips, Whittier, and Olson reacted to this gesture, but the initial charge of labor

"ingratitude" for Republican efforts seemed likely to weaken the enthusiasm within the GOP for the previously mentioned "middle ground" approach designed to demonstrate that the Republicans were not "labor baiters" while continuing to charge the Governor with "business baiting."

While the GOP was thus pondering the implications of Kelley's actions, the Democrats who had been branded "insurancecrats" were also up in arms. A resolution was introduced into the General Court denouncing Kelley's reports to the convention as "false, misleading, and an intentional attempt to undermine the confidence of the people in the American institution of open and free legislative debate and discussion." Although the resolve failed to carry by a vote of 51 to 100, the Monitor reported:

> Some Beacon Hill observers feel the Kelley blast in his legislative agent's report and in the roll call will convince some Democrats of the futility of trying to satisfy the demands of labor leaders, such as Mr. Kelley, and still call the issues as the voting consciences dictate. The effect may well be in the future, less subservience to labor's representatives on Beacon Hill. [1, 8-10-50]

While one can thus report on Kelly's ability to alienate both Democrats and Republicans in the same convention performance, the very fact that both parties were so sensitive to the statements of a Massachusetts labor leader seems to indicate that memories of the 1948 election results were still very strong as the 1950 campaigns approached.

Labor "Unity" Continues in the 1950 Elections and After

Following the victorious 1948 elections, the Massachusetts

United Labor Committee hald a meeting to determine its future after its main goal -- the defeat of the three labor referenda -- had been accomplished. In February 1949, ambitious future plans were agreed on, but it was also decided that each constituent group should have veto power over ULC policy and that the ULC could act only if each affiliated organization was in agreement.[1] As time went on it became apparent that all of the labor members -- particularly some of those from the AFL -- were not entirely happy with the ULC, but on October 8, 1950 the ULC announced its joint endorsements for the November elections. While stating that its policy was not to give blanket endorsements, the committee nevertheless endorsed the entire Democratic ticket in both the Congressional and statewide elections. Although all local endorsements were supposed to be made by local ULC's, the state committee also called for a workable Democratic majority in both Houses of the General Court.

The ULC proved much less effective in 1950 than in 1948. Trouble was experienced in trying to organize local ULC's, and the AFL

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[1] After the 1948 elections, the executive board of the Massachusetts Federation of Labor solidified their commitment to political activity by merging the functions of the Massachusetts Citizens League for Political Education and the function of the previously existing Education Committee under one full time paid director who was to be in charge of both "Labor Education" and "Political Education."

Ex-teamster, Francis E. Lavigne was elected to this post at the 1949 convention when Earnest Johnson, the director of the former League for Political Education failed to win the presidency of the Federation after the incumbent president John J. Del Monte resigned to devote full time to his position as the state Commissioner of Labor and Industries. There was some feeling within the Federation that Johnson had been eased out of his job because of his conservative views, and some sentiment against too much political activity -- particularly through the United Labor Committee's cooperation with the CIO.

and the ADA objected to a CIO comic book aimed at supporting Governor Dever in his race with his Republican opponent, former Lt. Governor Arthur W. Coolidge. Although the Governor was re-elected by a comfortable margin, all of the "marked" Republican Congressmen were also returned. The Republicans regained complete control of the state Senate 22-18, but the Democrats retained control of the House 128-112.[1]

Along with the usual list of customary measures filed by each group the AFL and the CIO agreed on a joint filing of a strong 75¢ minimum wage bill, which sought to eliminate the wage board system, a cash sickness insurance bill and a bill calling for state fund for workmens compensation in 1950. Strong disagreement continued on the CIO's bill to pay unemployment compensation to strikers after four weeks.

As in past years, the Governor's second inaugural address supported labor's major claims, and for the first time he came out for a compulsory fund for financing the proposed cash sickness insurance. In 1949 and in 1950 the Governor had only recommended a "sound workable system" of cash sickness insurance benefits. In 1951, however, he recommended

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1 A referendum on liberalizing the State's Old Age Assistance Law also appeared on the 1950 ballot, and the electorate voted to increase the minimum benefit payment to $75 a month along with other changes in eligibility and administrative requirements. The Massachusetts Bar Association and the Massachusetts Federation of Taxpayers' Associations, however, took the legality of this vote to the Supreme Judicial Court; and the Court held that the vote was invalid due to errors in the Attorney General's resumes appearing on the ballot.

Later in the 1951 session, however, the General Court accepted the "mandate of the people" and modified the old old-age assistance law, but the new provisions were not as liberal as those voted on in the preceding November's election.

a compulsory state fund, despite the fact that he had previously advised the Massachusetts Federation of Labor to drop its insistance on this means of financing.[1] In light of this fact, therefore, the Monitor reported: "there is some feeling at the State House, backed by reports from reliable sources, that Governor Dever would not be too disappointed if cash sickness insurance fails again." [1, 1-16-51]

Fail again it did, and 1951 proved to be a very disappointing session as far as labor was concerned. The financial problems involved in the soaring cost of state government, and the divided party control in the two houses of the legislature kept the General Court in session until November.

During the session the Legislators increased their own salaries again along with a $420 "cost of living" raise for all state employees and an increase in the minimum salaries for teachers to $2,100 in small towns and $2,300 in large communities. Social Security coverage was extended to the employees of certain state "instrumentalities" and there were also some minor labor bills revising the 1946 legislation on equal pay for women, providing a hearing before workmen compensation benefits could be discontinued, amending the bill regulating advertising during labor disputes and increasing the amount of wages exempt from attachment to $30 a week. Some specific dependancy benefits under the Workmens Compensation Act were also increased. Labor's major accomplishment in 1951,

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1 See [8, p.62]

however, was an amendment to the state labor relations act providing for the certification of certain one-man bargaining units.[1]

On the other hand a whole host of minor labor measures were defeated along with the Federations request for an investigation of the insurance companies and the perennial bills on a state fund for workmen compensation, making election day a holiday, and raising the compulsory school age.[2] The proposed 75¢ an hour minimum wage bill met a fate similar to its 1950 demise in 1951. The Senate passed a bill setting a minimum wage of 75¢ an hour but allowed the wage boards to set wages below this minimum. The House bill made the 75¢ minimum mandatory and permitted no lower rates by wage board orders. As happened in 1950, both branches held out for months and finally were not able to agree, thus defeating a minimum wage increase again in 1951. The most protracted battle of the 1951 session, however, concerned revision of the State Employment

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1 While the significance of this "major" accomplishment might be questioned, Kenneth Kelley stated: "The Building Service Employees Union will greatly benefit by this change in the law since it will enable them to now organize apartment house janitors." [9, p.205]

2 At this juncture Kelley raised the familiar lament of Bay State legislative agents: "Based upon recent experience and observations, it is my considered opinion that the Federation should, in the future, file fewer bills and concentrate on those affecting a broad segment of the Federation's membership." [9, p.201]

Kelley's report to the Federation's annual convention also noted the "attendance at State House hearings this year was at times disheartening." [9, p. 219]

Security Law.

That the reserves of Massachusetts Unemployment Compensation Fund had fallen to a critically low level by 1951 no one disputed, but considerable disagreement arose as to why the fund had depreciated and how to correct the situation. Labor offered their perennial proposal to abolish the "merit rating" formula under which employers could reduce their contributions below the maximum 2.7% tax rate following a good employment record. The employers of Massachusetts, however, proposed to strengthen the fund by eliminating alleged abuses under the existing law. A Massachusetts Council on Employment Security was formed to coordinate the activities of the AIM, the Greater Boston Chamber of Commerce, the Massachusetts Federation of Taxpayers' Associations and other employers in conducting an extensive publicity campaign against the alleged "chiseling" which existed under the Employment Security Act. The employer's original proposal was unanimously rejected by the legislative committee on labor and industries, and a compromise proposal offered by Senator Christopher Phillips of Beverly was also turned down.

Since Senator Phillips had also been prominent in attempts to achieve a labor-management compromise on minimum wage legislation, Governor Dever used his speech to the 65th annual convention to reassert his loyalty to labor's cause and to take several calculated swipes at Senator Phillips in an attempt to block any labor flirtation with liberal Republican legislators.[1] Despite these protestations,

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1 See [9, pp. 63-64]

however, the Governor later signed a compromise bill which still drew the opposition of organized labor and was passed over strong Democratic opposition in the legislature.

Under the 1951 revisions of the Employment Security Act, the amount of benefits were not altered, but the tax structure was modified and it retained the "merit-rating" principle. There were also numerous provisions designed to tighten eligibility requirements, to add to the disqualifications for benefits, and to prevent fraudulent claims. In addition to these changes in the Employment Security Law, other amendments to the Act were sent to a recess commission along with numerous employer and labor proposals for changing the Workmens Compensation Law. Joining these measures on the crowded recess agenda were several proposals of the previously formed Massachusetts "Baby Hoover Commission" for reorganizing the Department of Labor and Industries.

Government "Reform" and the Massachusetts "Industrial Climate" Come to the Fore

Spurred by the Hoover Commission's work on the national level, Governor Dever issued a special message in 1949 which led to the creation of the Special Commission on the Structure of the State Government. This Commission, which was quickly dubbed the "Baby Hoover Commission," was to study the reorganization and improvement of the state government and make recommendations for legislative action. The Commission's first tentative report was issued in February, 1951, and dealt with the abolition of the State Department of Industrial Accidents and the reorganization of the State Department of Labor and Industries.

After holding public hearings on its tentative recommendations, the Commission prepared a final legislative report in May 1951, which would have eliminated the Department of Industrial Accidents and reduced the number of boards and commissions within the new Department of Labor and Industries from six to two and trimmed the number of divisions from eight to six.

Among other things, the commission's report suggested transferring all the statistical work performed in the Department of Industrial Accidents, the Division of Statistics, the Division on the Necessaries of Life and Minimum Wage, and the Development and Industrial Commission to a new Division of Economic Research. All the investigatory functions of the Department of Industrial Accidents and the various divisions of the Department of Labor and Industries would be combined in a new division of inspection, and the Industrial Accident Board would be transferred to the Department of Labor and Industries as a quasi-judicial body not subject to departmental control. The Baby Hoover Commission also recommended abolishing the state Labor Relations Commission and separating the functions of the State Board of Conciliation and Arbitration. The duties of the Labor Relations Commission and the arbitration board would be combined under a new board of industrial relations, and the conciliation duties would be put in a new conciliation division. The existing minimum wage commission was to be abolished and the Commissioner of Labor and Industries was to be given the power to appoint the necessary minimum wage boards. The three Associate Commissioners of Labor and Industries and the Assistant Commissioner

were to be replaced by a first deputy commissioner, a second deputy commissioner, who was to be a woman, and a general counsel, all to be appointed by the Commissioner of Labor and Industries, who would also appoint all of the division heads under the new set up. Acting on a legislative request to study the need for a separate Department of Commerce or a Division of Commerce in the Department of Labor and Industries, the Baby Hoover Commission recommended a Division of Commerce within the Labor Department to assume the duties of the existing Industrial and Development Commission and Division of Standards which were to be abolished.

At the public hearings, Kenneth Kelley of the Massachusetts Federation of Labor appeared "to challenge the Commission to prove their proposed reorganization of the Labor Department would result in more efficiency and economy." The Monitor also reported, "Mr. Kelley asserted that the Commission's proposal to merge the State Labor Relations Commission and the Board of Arbitration into a Board of Industrial Relations would do 'irreparable harm' to labor-management relations. [1, 3-29-51] Later the State Budget Commissioner, William H. Bixby, assured the Legislative Commission on State Administration that cash savings would be certain if the reorganization plan was adopted, and Paul C. Reardon supported the reorganization plan for the Greater Boston Chamber of Commerce.

On August 2, the Legislature decided to postpone action of the Commission's report until the following session so that the reports on some other governmental departments would also be available for

consideration. Kelley's report to the Massachusetts Federation of Labor's 1951 Convention stated:

> The so-called "Baby Hoover Commission" filed a lengthy report recommending far reaching changes in the Department of Labor and Industries and other agencies concerned with industrial relations. Some of the recommendations had considerable merit and would have improved the functions and facilities of the departments involved in employer-employee relations. There were, however, some drastic changes that the Federation felt impelled to oppose. Among these were: the elimination of the State Labor Relations Board; the separation of the powers and duties of the Board of Conciliation and Arbitration; the merger of the Industrial Accident Board with the Department of Labor and Industries. The Federation vigorously opposed these features stressing that no sound or sufficient reason had been given for these changes. [9, p. 210]

Aside from the legislative deliberations, the lengthy 1951 session was also enlivened by another skirmish between Kenneth Kelley and the House of Representatives, but even this was overshadowed by the "Del Monte Case," which swirled around the attempts of the Commissioners of Labor and Industries to suppress the so called "Blanchard Report."

The Blanchard Concern, a New York investigating company, was hired by the Massachusetts Development and Industrial Commission to make a survey on the competitive position of Massachusetts industry in national and world markets. The final report of the Blanchard investigation was critical of the Dever Administration and the Massachusetts Legislature. Since the majority of the Commission had been appointed and approved by those criticized, there was an attempt made to keep the report from being made public; but the

Republican-controlled Senate ordered an investigation on the matter and summoned the members of the Development and Industrial Commission to appear before it.

At the hearing it was revealed that the Commissioner of Labor and Industries, John J. Del Monte, a former president of the State Federation of Labor, had collected all the available copies of the report, and he refused to produce any of them. After the Supreme Judicial Court ruled that Commissioner Del Monte had no right to suppress this information, he appeared before the Senate and turned over the report of the investigating company. Rather than ending the affair this action merely shifted it to another plane as a hassle next arose over whether or not Del Monte's actions in turning over the report had constituted an "apology" or whether he should be cited for contempt of the Senate. Del Monte did not help things be later publicly stating that the Senate "did not have the guts" to find him in contempt. [5, p. 6] Del Monte's statement brought renewed threats of censure, and at the year's end it appeared that this "case" along with many other 1951 battles would have to be refought in 1952.

It is also important to note, however, that others beside the Blanchard Concern had become interested in the state of the Massachusetts' economy during these years.

During the spring of 1950, the President's Council of Economic Advisers appointed a Committee on the New England Economy to conduct an investigation of the economics of the six state region, including Massachusetts. The report of this committee was published

in July 1951. [2] In the following year a Harvard economist, Seymour E. Harris, who was a member of the Council's New England Committee also published his independent views in a book on The Economics of New England. [3] These studies in turn prompted the National Planning Association to do some further research under the direction of Arthur A. Bright, Jr., the research director of the Federal Reserve Bank of Boston. The findings of this group, however, were not published until 1954 in a volume entitled The Economic State of New England. [13]

The Council of Economic Advisers' study stated:

> During recent decades the New England economy has been faced with a combination of small disadvantages in such matters as labor costs, taxes, power and fuel, and transportation which have undoubtedly impaired its competitive position.... Some of these disadvantages are the result of natural factors, such as New England's location and limited supply of raw materials, but some, such as taxes and labor costs, are man-made. Others are the result of inaction.... These small disadvantages do not bulk so large that they cannot be overcome by aggressive creative leadership of which New England management and labor, in cooperation with their governments, are capable. [2, pp. XXV - XXVI]

Specifically the report made these recommendations in the area of "man made" disadvantages:

> We strongly recommend that wherever possible the Federal Government should adopt minimum standards of working conditions and social services. In this way the competition among states to improve their competitive position by retarding the growth of their services would be met. Federal standards of minimum wages, hours of work, factory conditions, benefits under unemployment compensation, and workmen's compensation are among the fields to be covered....
>
> We recommend that taxes on business be reduced and that non-business taxes be increased somewhat; also that economies in government administration offset reduced business taxes. [2, pp. XXI]

Despite some variation in presentation and emphasis, Harris' study reached essentially the same conclusions. Some of his statements regarding Southern competition, however, were more outspoken. For example, after noting:

> Differences in costs arising from low standards of government legislation or lack of it are not healthy reasons for attracting industry. Their effects are to bring about excessive losses to the North, losses not justified by underlying differences in resource availability. [3, p. 23]

Harris stated:

> It is the responsibility of the federal government to impose uniform standards of hours, working conditions, social security, minimum wages, and, in so far as possible, equitable taxation among business, labor, and agriculture. [3, p. 304]

And he finally concluded:

> Much has been said about a favorable business climate -- only in part relevant. Should the economic war between states be stopped or greatly reduced as suggested above, then a halt might be called on current discussion. For the unfavorable "climate" in (say) Massachusetts stems largely from the excessive incentives offered by aggressive states elsewhere. Federal action can help. I am not convinced that the way to meet Southern competition is to give Massachusetts a sales tax rather than a corporate income tax, to reestablish the three-shift system, to reduce unemployment benefits to $15 a week, etc.
>
> I do not, however, wish to give the impression that in some states taxes on business may not be too heavy or that government spending may not be excessive. There is a problem here, but its proportions are often exaggerated; and the proposed solutions are not the best ones. [3, p. 305]

As a follow-up to the original Report of the Council of Economic Advisers, the Committee of New England was organized by the National Planning Association at the request of the Joint Committee on the Economic Report of the U. S. Congress to conduct "an honest self-appraisal of New England's economic problems on which strong,

effective action could be based." Their report also recognized the influence of interstate differentials as had the earlier studies, but it did not advocate federal minimum standards to the extent that the two earlier studies cited above did.

Indeed, the report specifically stated:

> ... we do not subscribe to the notion that the Fair Labor Standards Act should be used to narrow inter-regional wage differentials. From a purely practical point of view, we do not think that successive increases of the minimum wage could permanently equalize either labor costs or wage rates among regions.... [13, p. 356]

In their overall summary of state labor legislation the report concluded:

> In general, state labor legislation in New England is more liberal from the worker's point of view than that in the less highly industrialized southern states. Comparisons of New England's laws with those in other northern industrial states show much less difference, although Massachusetts and Rhode Island are typically among the leaders.
>
> Perhaps there has been too much stress upon the "liberality" of New England labor legislation as a factor in raising costs. The principal item of cost among the programs is the unemployment-compensation tax. This is high in some of the New England states far more because of their higher unemployment experience than because of the more liberal benefits. To reduce the cost of unemployment compensation in such states, it is most important to reduce the average level of unemployment....
>
> Furthermore, the importance of other types of state labor legislation as cost-raising factors may sometimes have been overemphasized in terms of their relative importance to employers. How important are these items of cost as a percentage of the total cost of producing and distributing the products of this region? Compared to differentials among areas in the costs of labor, power, fuel, and transportation, differences among states in the cost of such social legislation as workmen's compensation are usually quite small. Repeated references to New England's "advanced" social legislation may, in fact, have made it harder to hold down such costs by discouraging prospects from considering

> this region as a likely location for a manufacturing plant. At the same time employers, who are asked to contribute to the cost of social legislation, have both the obligation and the right to insist upon high standards in the administration of these benefit programs. Their responsibility also requires strict adherence to high standards in their own relationship with the programs. [13, p. 364]

The publication of these factual studies in 1951 and subsequent years, however, did little to clear up the "industrial climate" debate in Massachusetts. Indeed, this became one of the main themes of the 1952 session of the General Court and the subsequent election campaign, indicating that what one felt, or wanted to feel, might be more important than what one knew or could find out from the mass of data being compiled on this issue.

Massachusetts Labor Legislation and the Bay State's Industrial Climate As a Campaign Issue in 1952

The fact that 1952 was a Presidential election year resulted in a relatively short legislative session, and most of the labor issues were left unresolved as campaign ammunition. The 1952 session of the General Court also witnessed a rather unsuccessful Republican attempt to win labor support and an equally unsuccessful attempt by Governor Dever to shed the "anti-business" tab his opponents had hung on him.

When the "Massachusetts Republican Legislative Program for 1952" was announced, on December 3, 1951, two of its specific proposals included a 75¢ per hour minimum wage, preserving the wage board fundamental, and cash sickness insurance through private companies. These proposals indicated the GOP was still trying to win labor votes with its "middle ground" approach even though it was a foregone conclusion these bills would be opposed by the state labor federations.

Then, Governor Dever's opening address to the 1952 General Court revealed the possibility that some cracks might be appearing in the Dever-Labor political alliance; and, perhaps more important, the Governor's remarks clearly revealed that the "business climate" campaign against his administration was beginning to bother him.

Notably absent from the Governor's 1952 message was any mention of cash sickness insurance, but the Governor did support labor's demands for a "strong" 75¢ per hour minimum wage law, and he also endorsed the need for increased unemployment compensation benefits. The Governor also continued to advocate his consumer council idea, although organized labor in the Bay State never seemed to put much emphasis on this proposal. Twenty-eight pages of his 48 page text, however, were devoted to a militant discussion of the "business climate" in Massachusetts. The Governor carefully outlined the advantages and the disadvantages of the Bay State as a center of industrial enterprise, and then made three specific proposals to aid Massachusetts industry. He proposed merging the state Planning Board and the Massachusetts Development and Industrial Commission into a State Department of Commerce; the establishment of a state agency to loan money to struggling industries; and a Massachusetts Industrial Trust plan to construct plants for prospective new industries in the state.

After reporting on the Governor's 1952 message, Edgar Mills of the Monitor observed:

> Long a staunchly prolabor Governor, the Chief Executive thus opened 1952 election year with a wordy bid to prove

> his interest in Massachusetts industry, and to prove his administration is probusiness as well as prolabor.
>
> Whether the program he outlined will be accepted by business and the public as evidence that he can successfully ride both horses remains to be seen. But his concentration on industry in his message is clear evidence of his sensitivity ot the attacks made on his administration on the industrial issue. [1, 1-2-52]

Organized labor entered the 1952 session with unabated demands for a compulsory state fund system of cash sickness insurance, a mandatory 75¢ per hour minimum wage law, and an increase in the maximum unemployment benefit for $25 to $35 a week and an extention of the benefit period from 23 to 30 weeks heading their much longer list of objectives, which, as usual, included the hardy perennial of a compulsory state fund for workmen's compensation benefits.

In the area of unemployment compensation, labor also sought to reduce the amount of earnings required in a year to make one eligible for unemployment compensation benefits from $500 to $300. This demand came hot on the heels of the previous sessions raising of the minimum earning requirement for $150 to $500 in the hope of eliminating many part-time workers from the unemployment benefit rolls. On the other hand, organized industry added a new proposal to its traditional program by seeking a law to grant state police protection to persons threatened by violence during labor disputes.

With the national political conventions looming, with important local fence mending and campaigning to be done, and with criticism of the marathon 1951 legislative session still fresh in their minds, the members of the General Court plunged into the 1952 legislative session with considerable dispatch. Industry sponsored bills to modify the

state's anti-discrimination law and to provide state police protection to persons threatened during labor disputes were defeated, and by May 20, the Monitor pointed to the distinct possibility that for the second successive year labor might find itself at the end of the session without a single major legislative accomplishment. By this time, 17 Democrats had voted with the Republican minority in the House to reject cash sickness legislation for the fourth straight year, although organized labor had again evidenced a willingness to compromise its compulsory state fund principle by allowing private insurance companies to set up competitive funds. A small Democrat and large Republican coalition had also combined to defeat the proposed graduated income tax amendment to the state constitution.[1]

Much of labor's lack of success in the early days of the session appeared to be due to a revitalized industry political program which encouraged grass roots pressure from the legislators' home territories on specific legislative issues -- particularly the income tax amendment. But, in analyzing labor's early lack of success, the Monitor noted that while "the reasons are many. Possibly

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[1] The proposed income tax amendment to the state constitution, which had been approved by the 1949-50 legislature, was not acted on by the succeeding legislature in 1951, therefore, it had to be approved by the General Court in the 1952 legislative session if it was to go on the ballot for voter approval in November. When the legislature failed to act on this measure by the required deadline, Governor Dever called a special joint session of the General Court, but this session defeated the proposal in a vote which was apparently influenced by a strong business and industry-organized grass roots campaign against the amendment. Kenneth Kelley later denounced this "clever campaign of opposition [which] was organized by the Taxpayers' Associations, the Chambers of Commerce, Business groups and newspapers throughout the state." 10, p. 201

tops is legislative hesitancy to load on industry more burdens in the way of social legislation which could further increase competitive disadvantages and eventually result in loss of jobs to present wage earners." [1, 4-20-52]

This comment indicates the intensity with which organized industry pushed the "business climate" theme during the 1952 legislative session, and when Christian Herter had announced his candidacy for the Governorship a week earlier he gave every indication that he would try to make the State's "industrial climate" one of the main themes of his election campaign. Speaking before a Fall River Republican City Committee, Herter noted the depressed state of the textile industry in Massachusetts, and then condemned the Dever Administration for "deliberately doing those things for immediate partisan gain which are making recovery so difficult." The newly announced candidate then declared: "There are many moves that yet can be taken by an alert state administration to check the decline, and bring an entirely new spirit into government's attitude toward business and government's responsibility to workers," and he announced he was having a comprehensive study made to determine "what the government of Massachusetts can do for textile workers and to stimulate private employment in other fields." [1, 4-13-52]

While Herter was thus announcing his candidacy and attempting to formulate his plans for what Massachusetts could do for industry, the General Court, spurred on by organized industry, was evidencing its disfavor with Governor Dever's proposals in the same area. His

proposal for a new state agency to promote industrial development and his proposal for a Commonwealth Credit Corporation to lend money to industry were both defeated, and the proposed Massachusetts Industrial Plants Trust Plan was not drafted into a legislative proposal which could be voted on.

Industry opposed the Governor's proposals on the grounds that they would only create more bureaucratic agencies and would not really solve the problem of the poor "business climate" in Massachusetts, which they felt was caused by the "burdens" of labor and welfare legislation in the Bay State. The initial effectiveness of this campaign was previously alluded to and it brought the following rebuttal from the State Federation's Legislative Representative in his report to his annual convention:

> At the outset of the session, it was apparent that the propaganda campaign of business interests against further labor legislation was very effective. A great clamor 'that legislation and taxes' were driving industry from Massachusetts was raised on all sides by "modern Jeremiahs." These "prophets of doom" claimed that Massachusetts outranks the rest of the country in social legislation, and that there should be a moratorium, "in order for other states to catch up with us." The fallacy of this argument could be readily seen from the great number of industrial states that have, in recent years, surpassed Massachusetts in the liberality of unemployment compensation, workmens compensation and other laws. While the textile industry in this state admittedly was in a serious slump during the past year, most other businesses were enjoying peak production, peak profits and peak employment.... Those concerns that never had it so good hid behind the skirt tails of the sick textile industry and succeeded in scuttling improvement in the workmens compensation, unemployment compensation and other beneficial laws. Chiefly for this reason, organized labor did not achieve many of its important legislative objectives. [10, p. 194][1]

(Footnote number 1 on following page)

Although labor was not successful in many of its legislative objectives, it avoided a rout similar to the 1951 session. The House-Senate stalemate which had tied up previous minimum wage legislation was surmounted in 1952 when a bill raising the state minimum wage to 75¢ an hour was "softened" by permitting wage boards to set wages as low as 65¢ in certain industries and by completely exempting certain occupations receiving tips or gratuities as part of their compensation. The minimum salary for school teachers in Massachusetts was also increased to $2,300 in small towns and to $2,500 in large towns by the 1952 General Court. Labor's major unemployment compensation and workmens compensation proposals were defeated, however, and a whole host of minor labor bills received varying degrees of acceptance and rejection. Among those passed was a law preventing an employer from requiring workers to rebate a portion of their tips, and a few other relatively minor measures such as extending the safety code for window cleaners and providing sick leave for teachers afflicted with tuberculosis.

(Footnote number 1 from preceding page)

1 Later in his report, however, Kelley recognized the importance of labor relations in any assessment of the "business climate" by stating: "Labor costs, attitudes and relations are important factors in attracting new industries to a community. Union leaders can and should cooperate with other groups in the job of selling the advantages to a prospective employer of locating in their home town. Labor has a very vital stake in improving the economic well being of its community. The prosperity of workers is in direct proportion to the prosperity of their employers and their region. [10, p. 195]

On the other hand, 1952 saw organized industry, or at least the AIM, attempt to broaden its legislative interest. In his year end report their legislative representative, Jarvis Hunt, stated:

> Since Massachusetts industry pays a large share of the cost of government... it would seem that Massachusetts industry must take a greater interest in the chief items of expense in the state budget. For that reason, AIM for the first time has been taking a position upon such matters as reduction in the state budget and measures designed to reduce the cost of public assistance. [6, p. 4]

And in concluding his report, Mr. Hunt observed:

> Industry may take comfort in the fact that while the 1952 Legislature did very little to assist industry, it did very little damage to us. [6, p. 7]

In the rush to conclude the 1952 session, the General Court did not give much consideration to the Baby Hoover Commissions government reorganization proposals and on April 2 the life of the Commission was extended one year until March 31, 1953.

Despite the fact that the Governor had shown signs of wavering in his support of cash sickness and despite the fact that several Bay State Democrats had joined the majority of the Republican legislators in defeating several of labor's other proposals, 1952 saw organized labor in Massachusetts draw closer to the Democratic Party in national politics when it was announced that 14 prominent Massachusetts labor leaders from both the State AFL and the State CIO would attend the Democratic national convention in July either as delegates or alternates. Neither Bay State labor federation sponsored a delegate to the Republican national convention, and when the Democratic entourage was announced, Francis Lavinge stated:

> Teamwork between organized labor and the Democratic State Committee in selecting labor delegates to the Democratic Convention is a new venture for labor in Massachusetts. It is, however, merely an expanding of our political action role. It is not an official move on the part of the LLPE. [1, 6-2-52]

One venture in 1952 which did mark a new departure for the Massachusetts Federation of Labor, however, when the state AFL organization openly went into a Democratic primary election in an attempt to unseat a legislative incumbent of the Democratic Party. When the labor candidate, James H. Kelly, defeated the incumbent, Timothy MacInerney, in the primary, MacInerney contested the election in the courts and before the Massachusetts House Election Committee; but Kelly's primary victory was sustained, and he was later elected to the General Court as a representative from one of Boston's Roxbury districts. Later, in his final address to the Federations annual convention before the AFL-CIO merger in Massachusetts, Francis Lavigne, the Federations director of political and other education, stated:

> I have always felt that in 1952 when we met the challenge and defeated the Representative from Roxbury, Timothy MacInerney, whose record had been not in accord with the principles of the trade union movement, that many representatives in the Democratic party on Beacon Hill sat up and took notice and knew that we meant business.
>
> When we replaced him with Representative Jimmy Kelly, and fought him in the Courts and fought him before the Election Committee of the House of Representatives and defeated him overwhelmingly, we established ourselves as something to be contended with by both parties on Beacon Hill. [12, p. 27]

Whether both parties were overly impressed in 1952 seems problematical. When the state party platforms were adopted the Democrats included specific planks on cash sickness insurance, liberalization

of unemployment benefits, repeal of the Taft-Hartley Act, and the creation of a state stand-by rent control law, while the Republicans made no mention at all of these issues. In other areas, the Monitor reported:

> While the Democratic platform makes a strong bid for continued labor support by advocating a 'genuine and effective' 75¢ an hour minimum wage law, and other labor-backed proposals, the GOP platform makes few proposals to attract the labor vote specifically. The reason may be that, as a result of actions over the past several years, top leaders of organized labor have largely become closely identified with the Democratic party in the state. [1, 9-29-52]

Although it thus appeared that labor issues, particularly as embodied in the effect of labor legislation on the state's "industrial climate," were to play an important part in the state gubernatorial race, the 1952 elections played havoc with the Massachusetts United Labor Committee, and Governor Dever's narrow defeat led to its dissolution.

As has been indicated previously, the committee was much less united and much less effective in the 1950 elections than it had been in 1948 when the labor referenda provided a common rallying point. By 1952, however, even this limited semblance of unity collapsed when the ADA refused to go along with the two state labor federations' separate endorsements of Governor Dever's re-election for a third term. It is somewhat ironic that the ADA's objections, which wrecked the ULC, were really based on non-labor issues. It was also apparent,

however, that, specific issues aside, had the committee not collapsed in 1952 it is extremely doubtful that it could have effectively carried on much longer anyhow.

Joseph L. Steinberg's unpublished thesis points out that some strong and influential members of the state federation, such as Nicholas Morissey of the Teamsters and others, early had become dissatisfied with the ULC, and that with one or two notable exceptions there had been considerable difficulty in organizing local ULC's. There were also some internal differences as to whether or not the ULC should enter primary elections, and in conclusion Steinberg summarized the 1950 efforts by saying:

> With no dangerous threat looming on the horizon, effective cooperation became harder to achieve. It had proved easier to get labor people to oppose the referenda than to solicit their energy in helping to elect a Democratic legislature. [17, p. 27]

As indicated above, these troubles were magnified and compounded in 1952 when the ADA and the labor federation comprising the ULC could not agree on the endorsement of Governor Dever for re-election despite the fact that his opponent, Christian Herter, was one of the Republican Congressional candidates the ULC had unsuccessfully opposed in 1950. Much of the ADA's reluctance to endorse Dever was based on a report by Donald Hochberg, who drew much of his material from sources not favorable to the Governor. The ADA, however, was also unhappy with Dever's position on civil liberties and some of his administrative appointments, and their reluctance to support the Governor produced such a violent reaction from the labor members of

the ULC that the organization soon dissolved.

Both Dever and John F. Kennedy, who was attempting to move up from the U. S. House to take Henry Cabot Lodge's seat in the Senate in 1952, kept away from Adlai Stevenson's presidential campaign, and it appears that although labor pretty much went down the line with Dever, there were some AFL reservations in supporting other specific Democratic candidates.[1] Despite these reservations, however, the Federation conducted a vigorous campaign in 1952, including a statewide television broadcast and the formation of a "women's auxiliary" within the framework of LLPE.

After the elections it was clear that Kennedy had beaten Lodge for the Senate despite the fact that Eisenhower had clearly swept the state and that Christian Herter had turned back Paul Dever's bid for re-election. How much of Herter's razor thin victory over Dever was

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[1] The Federation of Labor's annual convention passed specific endorsements of Governor Dever, and Congressmen Kennedy, John W. McCormack, Foster R. Furcolo, Thomas Lane, Philip L. Philbin, and Harold D. Dohahue. All were Democrats. At this juncture, Anthony J. DeAndrade, former member of the Slichter Committee and an influential member of the state federation, protested that the Bay State labor movement might be moving too far from its supposed "nonpartisan" moorings. In part, DeAndrade said: "...I don't believe that I have any right as representing my union that is made up of both political designations, Republicans and Democrats, which we have in any organization, the same as many of you have, to pledge them on an endorsement for candidates.... Why not give a blank endorsement to all of our friends rather than single out certain individuals for endorsement? ...We are supposed to be non-partisan; we are supposed to call the attention of the delegates to the records. ...Why should we have to go down the line endorsing candidate after candidate when the record speaks for itself?" [10, p. 139]

attributable to Ike's coat tails, and how much to his industrial climate campaign against the Dever administration is difficult to say. Dever's own campaign was also hampered by his poor performance during a nationwide television speech at the Democratic national convention when his make-up ran and his voice cracked several times.

The Monitor's Edgar M. Mills analyzed the election in the following words:

> Analysis of the election figures show that Governor Dever lost the election in the industrial cities, where the heavy Democratic vote lies. A cross section of several such cities proves that his 1950 margins in New Bedford, Fall River, Lowell, Lawrence and others were substantially cut.
>
> In other cities such as Springfield, Worcester, and Brockton the voters gave Mr. Herter a plurality compared to a sizeable Dever margin two years ago.
>
> The results indicate that labor organization rank-and-filers and others were not convinced by union leaders and Democratic claims that "they never had it so good." It is certain Governor Dever failed to get anything like a solid labor vote. The election again proves labor union members do not vote as a block.
>
> Of course, there is no doubt Mr. Herter's election was also substantially aided by the presence of Dwight D. Eisenhower's name on the ticket. But probably the major factor was that a large segment of the Massachusetts voting public turned against the Dever type of government, with its "pardon the inconvenience" signs, its constantly mounting cost; its addiction to putting politican cronies into top offices. [1, 11-6-52]

The Massachusetts labor movement became very sensitive to the insinuations that it might be blamed in any way for Dever's defeat, and several of the state AFL leaders made pointed comments to this effect at their annual convention the following year. In his report to the convention Francis Lavigne stated:

> Contrary to the sneering conclusions of the daily press, union members throughout the country voted overwhelmingly for labor endorsed candidates...

> Even in the face of one of the most popularly elected candidates in modern history, Massachusetts fared well in Congressional and Senatorial campaigns. These victories can be directly attributed to the work done by the rank and file members of the Massachusetts Federation of Labor. Even though Governor Dever, the endorsed Gubernatorial Candidate of the Massachusetts Federation of Labor went down to defeat, he gained almost one hundred thousand votes over his previous winning total two years ago. Can it be said that labor deserted an endorsed candidate who polled more votes in defeat than in victory in 1950?
>
> It has been said that defections in the ranks of labor were a major contribution to these defeats. It is much closer to the truth to say that defections within the Democratic Party caused most of the defeat of labor-endorsed candidates. The long list of Democratic Ward Chairman and major "wheels" within the party endorsing the Republican candidate for governor were indeed impressive. [11, p.210]

And in his convention report, then President Henry Bridges stated:

> Many varied factors brought about the defeat of friends of organized labor. The Eisenhower "popularity", "time for a change", "Communism", "Korea", and "corruption" all played a prominent part in the Republican wind-storm against which the united efforts of organized labor were frustrated. As president of the Massachusetts Federation of Labor I take issue with those voices who said organized labor in Massachusetts did not do its part. Without being interested in recrimination, but constructively critical, any objective analysis reveals that the Democratic Party itself was apathetic — the success of former years had quelled them into a quiet assurance that "all would be well." [11, p.143]

Regardless of why Dever lost, he did lose; and the transfer from the Dever Administration to the Herter Administration was one of the most bitter in Massachusetts political history. Before turning to the advent of the Herter Administration, however, we will briefly review and summarize this chapter's description of the turbulent years of the Dever Administration from 1949 through 1952.

Summary

Following the defeat of the labor referenda and the Democratic upsurge in 1948, fear that a Democrat-Labor alliance would destroy the "industrial climate" of the state through a program of "business baiting" and exorbinant labor legislation was given wide publicity. Although a Democrat-Labor alliance was publically admitted by Governor Dever on several occasions, he stoutly contended that their programs would help and not hinder the state in its efforts to achieve economic prosperity. The organized labor movement in Massachusetts also went to some length to point out that the election results had not prompted them to make any new or exorbinant demands in their legislative program. While their demands may not have changed, however, there can be little doubt that organized labor's expectations of having their demands met had gone up considerably, particularly in the areas of a compulsory state cash sickness plan, and a strong anti-injunction law. Indeed, some of the most bitter battles in Massachusetts legislative history were fought on these two proposals during the 1949-50 session of the General Court.

Although 1949 saw the Dever-Labor alliance win some significant amendments to existing legislation, their major efforts in the area of enacting new laws were defeated by narrow margins -- compulsory cash sickness by 3 votes in the Democratically-controlled House and anti-injunction by a tie vote in the evenly divided Senate. The perennial labor proposals for a state fund for workmen compen-

sation and a state Wage and Hour Law were also defeated, but a non-mandatory 65¢ floor was set under wage board orders under the Massachusetts Minimum Wage Law. Nineteen forty-nine was the first year that any CIO sponsored legislation passed the General Court, but their proposals to make strikers eligible for unemployment compensation benefits after an extended waiting period suffered the fourth in what was to develop into a long string of legislative defeats. The coverage of the state Employment Security Law was broadened in 1949, however, and the Workmen's Compensation Law was also liberalized, including an increase in the maximum weekly benefits from $25 to $30. The Barnes' Union Accountability Law was amended to provide that the union reports required by the Federal Taft-Hartley Act would also suffice for state requirements. When the General Court granted a salary increase to state employees in 1949, it also increased the salaries of its own members. This only added to the general furor created by the protracted cash sickness and injunction debates that, among other things, caused the legislative session to become the longest in Massachusetts history to that date, lasting until August 31.

On balance, the 1949 legislative session would have to be considered a good one for organized labor. The number of important "pro-labor" bills enacted increased substantially over 1948, and labor continued to successfully contribute to the defeat of all of the major labor legislation that it opposed. Looking forward to the election of 1950, labor hoped to improve on this record, and the narrow setbacks

on compulsory cash sickness insurance and anti-injunction legislation in 1949 indicated that the 1950 legislative session would be a lively one.

As things turned out the 1950 session was not only a lively one, but also another long one. At the outset of the session the Republicans attempted to offer some constructive "middle ground" labor proposals in an effort to split the labor movement's close alliance with the Democratic party. A bill regulating the use of injunctions in labor disputes, sponsored by Republican Senator Christopher Phillips of Beverly, was a major effort in this direction. As events turned out, however, the fight between the State Federation's Legislative Agent, Kenneth Kelley, and several Democratic legislation over labor's compulsory cash sickness proposal probably did as much as anything to promote a split in 1950.

The Cox-Phillips Bill, as the 1950 Bay State Injunction Law is popularly known, ranks with the Slichter Laws of 1947 in terms of its importance in post-war Massachusetts labor legislation. The Law regulated the use of ex parte injunctions by requiring that the union be notified when the employer is going to seek an injunction, but the most significant feature of this legislation is the extent to which it spells out in detail what are to be considered legal and illegal labor disputes for the purpose of applying injunctive relief under the law. This attempt to remove important public policy issues for the realm of judicial interpretation and settle them by clear statutory definition remains a landmark in injunction legislation.

With the Injunction Law just discussed being a major, overriding exception, organized labor's legislative programs ran into some unexpected difficulty in 1950, particularly in view of the fact that it was an election year. Although there was some liberalization of the dependency provisions of the Workmens Compensation Act, and some legislation relating to public and municipal employees, in addition to adding age to the FFPC Law and expanding the duties of the renamed Massachusetts Commission on Discrimination, labor's total batting average in securing favorable legislation dropped from 1949 to 1950.

In addition to the gains just mentioned, organized labor also secured the first of two required approvals of a constitutional amendment permitting a graduated income tax in Massachusetts early in the 1950 session, but when some of labor's more traditionally unsuccessful proposals began to be quickly killed, just as if the Republicans were still in control of the Legislature, Kenneth Kelley publicly voiced his displeasure at the legislative treatment organized labor was receiving during an election year. Labor's joint AFL-CIO sponsored and strongly supported Minimum Wage Law was lost when the House and Senate could not reconcile their differences on conflicting laws passed separately by each branch of the Legislature. As indicated previously, however, the real drama of the 1950 session came when the insurance companies succeeded in defeating labor's cash sickness proposal in the Democratically controlled House by an even larger vote than they had the previous year, despite labor's willingness to modify

its insistance on a compulsory state fund to permit private insurance companies to compete with a state agency in providing the insurance sought by this legislation.

The emphasis given to the split in the Democratic legislative ranks on this issue by Kenneth Kelley led to open conflict between some Democratic politicians and the AFL's most influential labor leader. The fact that Kelley also failed to include the 1950 Injunction Bill in the first, unrevised version of the Federation of Labor's Official Labor Record for the November elections also irritated many liberal Republicans in the state. Given these conflicts and other evidence that the constituent elements of the AFL-CIO-ADA United Labor Committee were not hitting it off too well, organized labor still emerged from the 1950 elections in Massachusetts with their jointly endorsed candidate, Paul A. Dever, still in the Governor's chair. The Democrats also picked up two seats in the House to extend their majority to 124 - 116, but the Republicans regained control in the Senate 22 - 18.

Despite the fact that both the Governor and the AFL and the CIO had announced a willingness to accept a private-public competitive plan for financing cash sickness insurance in 1950, Governor Dever's 1951 inaugural message called for a compulsory state fund for financing this type of insurance. There was some well-founded speculation as to how strongly the Governor was behind this proposal in 1951, however, and the cash sickness bill was defeated for the third successive year.

Labor's other major proposal for a strong 75¢ per hour minimum wage law was also defeated again when the Democratic House and the Republican Senate could not reconcile conflicting bills. The divided party control of the legislature contributed to another record breaking marathon legislative session in 1951, and labor suffered its third major setback when the State Unemployment Compensation Fund was refinanced by a plan much closer to original employer proposals than to labor's original demands in this area. Labor did succeed in having the "Baby Hoover Commission's" proposals for reorganizing the State Department of Labor and Industries sent to a recess commission, and several minor bills were passed in 1951, in addition to the perennial defeats of some other labor proposals.

In the face of a strong industrial climate campaign being mounted by Massachusetts employers and the Republican Party against Governor Dever in 1952, many of the major proposals in the area of labor legislation were left unresolved as campaign ammunition for the November election. Labor's attempts to have a proposed constitutional amendment permitting a graduated income tax in Massachusetts placed on the ballot were thwarted, however, when the Greater Boston Chamber of Commerce, the Massachusetts Federation of Taxpayers' Associations, and other employer groups led a successful campaign to have the 1951-52 General Court defeat the amendment after it had previously been approved by the 1949-1950 General Court. Labor's

modified proposal for a competitive cash sickness fund was also defeated in 1952, along with their proposals to liberalize the state Unemployment Compensation and Workmens Compensations Acts, and a host of other perennial bills such as making election day a holiday, investigating the insurance companies, etc. The major piece of labor legislation enacted in 1952 was an increase in the statutory minimum wage to 75¢ per hour and putting a 65¢ floor under minimum wage board orders. There was another increase in minimum teachers salaries to $2,300 or $2,500 a year, depending on the size of the town, and three other relatively minor "special situation" measures were enacted with regard to workers receiving tips, window cleaners, and teachers afflicted with tuberculosis.

From labor's point of view, the 1951-1952 legislative session was not as productive as the 1949-1950 session had been. This may be explained in part by an increased emphasis on the Massachusetts "industrial climate," particularly after the so-called Blanchard Report and the study of the Council of Economic Advisers' Committee on the New England Economy. There was also some continuing evidence of internal dissention within the Democratic-labor "alliance" and the feeling on the part of some labor leaders that labor had become too closely identified with the Democrats in Massachusetts. Nevertheless, the State Federation of Labor openly went into a Democratic primary and successfully unseated the incumbent and replaced him with a local union leader. The Massachusetts LLPE also relied on a statewide television broadcast and the creation of a "womens auxiliary"

in its 1952 campaign efforts. While the State Federation of Labor was thus strengthening its own activities in this manner, however, the old United Labor Committee ran into mortal difficulty in trying to keep its diverse factions together.

The United Labor Committee, which has proven less effective in the 1950 elections than in 1948, completely collapsed in 1952, when the ADA could not agree with the state AFL and CIO in supporting Governor Dever's bid for a third term. There were apparently some other defections within organized labor's ranks also, for Dever's pluralities were cut in the major industrial centers of the State, and the Republican candidate, Christian A. Herter, was elected Governor in an extremely close election. The Republicans also regained control of both houses of the General Court in 1952 in a major election sweep in Massachusetts, marred only by the defeat of the United States Senator, Henry Cabot Lodge by the Democratic candidate, John F. Kennedy.

This brief review of this chaper's discussion of the events of the years 1949-1952 seems to indicate that most of the hopes and fears concerning the Labor-Dever "Alliance" following the 1948 elections did not materialize in the form envisioned by either extreme in the continuing debate over this feature of the Massachusetts political scene. Although organized labor's legislative posture definitely shifted from one of defense to one of offense, and despite an abundance of controversy, the "alliance" really scored only two major gains on its own -- the workmens compensation revisions in 1949 and the minimum wage

revisions in 1952. The most significant enactment of the period -- the Anti-Injunction Law of 1950 -- required crucial support from a few liberal Republicans. Over and against these major "victories," the "alliance" was clearly defeated on the cash sickness proposals, the 1951 revision of the Employment Security Law, and the attempt to secure an amendment permitting a graduated income tax in Massachusetts. Surrounding and sometimes obscuring these major issues were a miriad of other relatively minor "labor" proposals.

Although there are signs of increased legislative activities by different employer groups in Massachusetts during the years of the Dever Administration (particularly, the Massachusetts Federation of Taxpayers Associations and the Boston Chamber of Commerce on the unemployment compensation revisions of 1951 and the Income Tax Amendment in 1952), only the legislative bulletins of the Associated Industries of Massachusetts are again available on a continuous basis during this period. These annual reports placed great emphasis on the Bay State "industrial climate" during the entire Dever Administration, and they seemed to reflect an increasing awareness of this issue on the part of the legislature as the years progressed. Thus, in 1949, the AIM's Executive Vice President, Roy F. Williams, stated: "Never before has Massachusetts industry faced such a fight for existence." In 1951, however, Mr. Williams stated:

> The worst effect has not been against industry directly so much as it has been the unparalled damage to the state's economy in granting to the present administration the spending of many hundreds of millions of dollars down the socialized road to the Ballot Box.

And in 1952 the Association's general counsel, Jarvis Hunt, stated:

> The general attitude of the 1952 Legislature toward industry seemed to be, "we've got to do something for industry." As a result of the Blanchard Report, various speeches and articles such as those of General Electric's Vice-President, Ralph Darrin, Kendall Mills' Henry P. Kendall, and others ... both the Governor and the Legislature became very "industry minded." ...while the 1952 Legislature did very little to assist industry, it did very little damage to us.

As mentioned previously, the emphasis given to the state's "industrial climate" in the 1952 elections caused the transition between the Dever the the Herter Administrations to be one of the most bitter in Massachusetts history.

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CHAPTER XIII

REPUBLICAN HEGEMONY ON BEACON HILL, 1953-1956

At a press conference, held shortly after his election, Mr. Herter asserted that his number one objective as Governor would be to encourage industrial expansion and to "maintain an atmosphere and climate in Massachusetts to hold industry". [1, 11-6-52] In carrying out his program Herter was to be aided by a 7-1 majority in the Executive Council and a Republican majority in both houses of the General Court. The Governor-elect also set up several "task-forces" to study and advise him on state government needs during the interim between election and inauguration. During this period Governor Dever's "Baby Hoover" Commission, whose revised expiration date of March 31, 1953 would overlap the beginnings of the Herter administration, also continued to operate. On December 5, 1952, the Commission renewed its recommendations for reorganizing the state Department of Labor and Industries. Its report continued to recommend a consolidation of the Department of Labor and Industries and the Department of Industrial Accidents, a separation of the Department's conciliation and arbitration functions, and they also advocated public representation on the Department advisory board in addition to the representatives of labor and industry.

The whole issue of governmental reorganization moved to the front burner of Massachusetts politics following Governor Herter's

inaugural message and an unprecedented speech by the outgoing Governor Dever which was read to the Massachusetts Senate only three hours before Governor Herter's inaugural address.

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Herter's inaugural message was highly critical of the Dever administration, and the new Governor made it fairly clear that he wanted his administration, not the Baby Hoover Commission, to get credit for any government reorganization plans finally adopted. He stated:

> I am frankly appalled at the complete lack of consideration for the rights of the people of the Commonwealth displayed by many of these agencies. . . . Waste, inefficiency, payroll padding, extravagant spending seem to have become the order of the day. That order will henceforth change. . . . The Special Commission on the Structure of the State Government has been working hard and diligently in an attempt to bring order out of the chaotic conditions in which we find ourselves. I understand that it has compiled substantial amounts of research data in several areas on which reports have not yet been made. I hope the committee will be able to complete those reports during the remaining period of its existence. [1, 1-8-53][1]

Response to the Herter proposals was not long in coming and, indeed even preceeded their formal announcements when the outgoing Governor Dever made an unprecedented address to the 1953 legislature, in effect rebutting Governor Herter's inaugural remarks by defending his administration, attacking his successor, and laying out a series

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[1] Later, on February 20, the Governor announced that he planned to let the Baby Hoover Commission expire on March 31. But, on April 1, he extended the life of the commission until the end of the year (December 31, 1953).

of legislative proposals. It was obvious that Dever had read Herter's inaugural message in advance of its delivery and the tone of the Dever message showed deep anger over Herter's criticisms of padded payrolls, the financial condition of the state government after the Dever regime, and the possibility of a big shake up on Beacon Hill by Governor Herter. With regard to Dever's address, the Monitor observed: "The heat of the message and the fact that it was delivered points up the political bitterness existing between the now ex-Governor Dever and Governor Herter." [1, 1-8-53]

Attempting to light a backfire against the Herter reorganization program, Dever pointed out that it had been his special message in 1949 which led to the creation of the Baby Hoover Commission, and he warned against a purge of Beacon Hill officials. Dever pointed out that the Commission represented a bipartisan approach to the problem of government reorganization, and he added:

> Its recommendation can be relied on to conform to a consistent pattern. . . .
> On the other hand, piecemeal plans which merely "reorganize" the heads of departments out of office, which do little else, and which derive from any other source, are justifiably suspect. Self-proclaiming "task forces" snooping around to look for jobs or political capital are certainly anything but reliable sources for legislation. [1, 1-8-53]

Despite the political problem of who was to get credit for governmental reform, many of Governor Herter's specific inaugural proposals and many of the recommendations of the Baby Hoover Commission were nearly identical and several were enacted into legislation by the 1953 General Court. On the other hand, neither the Governor nor the Commission could effectuate many of their proposed

revisions in the Department of Labor and Industry due to the strong opposition of organized labor.

Among the governmental reorganizations adopted were an overhauling of the Department of Corporations and Taxation, a change in the Port of Boston Authority, and reorganizations of the Public Buildings Commission and the Metropolitan Transit Authority. Governor Herter also succeeded where Governors Tobin and Dever had previously failed in establishing a State Department of Commerce. The Governor also obtained a bill creating the Massachusetts Development Corporation, which was designed to promote the expansion of industry in Massachusetts by giving private financial aid to deserving industrial projects. The Massachusetts Development Corporation was favored by banking, insurance and business leaders, and the AIM was one of the bills sponsors. This organization differed from Governor Dever's proposals in this area in that it was established as a private corporation and was in no way dependent upon tax revenue.

Under the constitutional 20 department limitation, the creation of the Department of Commerce necessitated the transfer of the Department of Industrial Accidents into the Department of Labor and Industries as a completely atonomous unit. Although organized labor joined in supporting the creation of the Department of Commerce, and although they approved of transferring the Department of Industrial Accidents in toto, they successfully opposed several changes in its organization and administration sought by both the Governor and the Commission. The Governor's reorganization proposals, which were supported by the AIM, would have replaced the existing nine-man

Industrial Accident Board with a new five-man Industrial Accident Commission. The new Commission was also to be aided by a new group of five permanent hearings examiners to take over much of the load of determining questions of fact, thus freeing the Commission for more deliberative matters. The Commission was also to be given the powers to appoint an unlimited number of temporary hearings examiner or trial referees should the permanent five-man group become overburdened. The proponets stated that the purpose of these administrative revisions was to clean up the existing backlog of cases before the Industrial Accident Board. The opponents, led by organized labor, felt this was at worst a flanking attack on the Workmens Compensation Act or at best a change designed to oust Democratic appointees and provide jobs for Republicans. In any event, neither threat materialized as this was one of the reorganization proposals which failed.

The Governor's inaugural address also suggested that after a Department of Commerce had been created that the name of the Department of Labor and Industries be changed to the Department of Labor since, in his opinion, the department "in recent years has ceased to be a department of labor and industry and has become wholly a department of labor." This proposal was defeated, and although Herter replaced John J. Del Monte as Commissioner of Labor and Industries, he replaced him with another labor man Earnest Johnson, who had been the first LLPE director in Massachusetts, but was nevertheless regarded as a conservative. Benjamin G. Hull, another labor man, was also reappointed as Associate Commissioner. Another

Herter-sponsored reorganization proposal, also sponsored by the Baby Hoover Commission, to separate the functions of the state Board of Conciliation and arbitration was also defeated.

Beyond the reorganization proposals, the 1953 Legislature also acted on several traditional labor-management issues. With a Republican Governor and the Republicans in control of both the House and the Senate for the first time since 1948, organized labor felt that its efforts would be primarily defensive. But this did not prevent them from presenting a long list of legislative proposals. On the other hand, organized industry, particularly the AIM, viewed the Republican ascendency as an opportunity to secure several measures of their own in addition to strengthening their traditional opposition to several labor bills. The net result was that both sides gained a few bills, but each saw many of their proposals successfully opposed by their opponents.[1]

Labor's cash sickness proposal and its proposal for a state fund for workmens compensation were again defeated along with a proposal for state legislation providing for time and a half overtime payments after 40 hours a week in intra state commerce. The CIO proposal for striker benefits under unemployment compensation was also

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[1] Kenneth Kelley's 1953 report to the Federation of Labor stated: "At the beginning of this year's session it was apparent that our efforts on Beacon Hill would be primarily defensive. . . for the most part we have more than 'held the line'". [5, p. 173

Jarvis Hunt's year-end legislative review to the AIM stated: "This report will show that Governor Herter and the 1953 Legislature are taking a greater interest in industry than previous governors and legislatures. I am pleased to report, too, that industrialist and businessmen are taking a greater interest in legislation." [3, p. 7]

defeated again, as was a Federation petition for making election day a state holiday. On the other side, industry proposals for amending the state labor relations act to prohibit "informational" picketing at non-union business establishments, and to exempt "voluntary" retirements under private pension plans before age 65 from the state anti-discrimination law were defeated, along with a petition to expand the use of state police in strike situations.

The field of employment security provided the main legislative battle ground on which both sides gained some victories and suffered some defeats. With the Governor's support, industry obtained three major bills. One bill restored the merit rating formula to employer contributions earlier than had previously been scheduled by changing the requirements for financing the "solvency fund" of the state employment security law. The other two bills tightened administrative requirements--one by extending the waiting period and postponing benefits in certain cases of voluntary quits or discharges, and the other by lifting the requirement that employers file quarterly earnings reports for all employees and replacing it with the requirement that employers need only file the earnings reports of those persons making unemployment compensation claims after the claims have been filed. On the other hand organized labor was successful in getting the maximum duration of benefit period extended from 23 weeks to 26 weeks, and unemployment status of strikers who had been employed by a second employer were "clarified".

Labor's attempts to raise the state minimum wage were not successful, but the coverage of the act was broadened to include

employees in schools, hospitals, religious and educational institutions, and certain recreational occupations. A whole host of measures from several different sources dealing with the Workmens Compensation Act were referred to a recess commission for study by the 1953 General Court, but the Rules Committee failed to appropriate the money for the study and most of these bills were thus allowed to die. One bill providing for the payment of interest in delayed workmens compensation cases, however, was enacted; and the coverage of the Workmens Compensation Act was extended to include farm laborers, certain domestic workers, and persons hired as special police officers by contractors. There were also some other modifications in the Workmens Compensation Act to permit lump sum rather than weekly payments in certain special cases and to require employers insisting on a medical examination to furnish the employee with a copy of the medical report.

The tactic of authorizing a recess study and then allowing it to die for lack of appropriations was also used to defeat a labor sponsored bill to regulate the use of private detectives, and it was used to kill off proposed salary increases for state employees and school teachers. There was legislation, however, preventing discrimination against married women school teachers, and a low cost housing program for elderly persons was adopted along with a rather weak rent control law that was opposed by organized labor in favor of a stronger measure. A late filed bill which would have waived the child labor laws to permit night work for 14 and 15 year olds passed the Senate by a vote of 22 to 8, but Governor Herter intervened and indicated his disapproval of this measure. As a result, the bill never reached a vote in the House.

Child labor legislation, however, was not the only thing that the Governor intervened in during 1953. In the face of major strikes in the gas and milk industries, Governor Herter involved the emergency dispute provisions of the State Labor Relations Act on an unprecedented scale. Although there is no evidence that labor suffered any particular hardship under these provisions, the invocation of the Slichter Act rekindled old labor opposition to the law, and cries of repeal were again heard at the convention of the Massachusetts Federation of Labor, which met in August -- over a month after the 1953 Legislature had prorogued.

President Henry J. Brides began the convention with the following remarks in his opening address: "Repeatedly we have seen the Governor of this Commonwealth nullify real collective bargaining by invoking the Slichter Act. I call for the repeal of the Slichter law." [5, p. 4]

Later, in his address to the convention, Governor Herter met this issue head on and also defended his moves in the areas of government reorganization and employment security.

With regard to the Slichter Act, the Governor stated:

> Let me discuss with you the Slichter Act. I have invoked this Act more times in my administration than in any previous administrations combined to prevent strikes which would have threatened the distribution of food, fuel, water, electric light and power, gas, and hospital and medical services to our people, as provided by law. . . .
>
> I dislike the intervention of government in any dispute just as much as you do, since I believe firmly that the principle of free collective bargaining is the accepted American way of settling labor disputes. . . .
>
> I can assure you that I will not invoke the Slichter Act except where the protection of health and safety becomes a paramount consideration. . . .

> Insofar as the various alternatives presented in the act are concerned, I feel that throughout, the function of the State, whether through the medium of a moderator or through arbitration, should be exercised as effectively as possible in trying to get the parties to reach a solution through collective bargaining, or through a form of arbitration to which both parties can subscribe.
>
> In this respect, I feel that the act can be more clearly worded. [5, p. 128-129]

This last sentence later proved to be an opening gambit whereby Governor Herter and his administration tried to smooth over some of its differences with organized labor in 1954, an election year. Indeed, at the beginning of 1954 the possibility of a labor-Republican approachment appeared to hold some promise -- at least as far as the State Federation was concerned. A Monitor reporter noted that the state AFL organization had exercised "unusual restraint" in its 1954 legislative program, and stated, "The AFL has scaled down a number of last year's demands in a bid for bipartisan support." [1, 1-5-54] On the other hand, however, it was noted that the state CIO organization was making no such bid and was sticking to its same old program, including striker benefits under unemployment compensation despite its lack of success in previous years.

This difference in legislative strategy between the two labor federations was reflected in the attitudes of the organizations' respective legislative agents.[1] Kelley's report to the AFL convention contained the following comments:

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[1] 1953 is the first year in which the Massachusetts State Industrial Union Council published anything resembling the Massachusetts Federation of Labor's annual proceedings. The CIO publication was in the form of a year book and included officers' reports to the convention, but not the actual procedures of the annual conventions beginning in 1953.

> In recent years, organized labor has closely allied itself with the Democratic party and candidates. In the opinion of some, this close degree of collaboration was unwise and inconsistent with the long-range interests of the trade union movement. I have consistently shared the view that labor loses much of its political effectiveness when it allies itself exclusively with one political party. . . .
>
> A nucleus of liberal Republicans is always necessary to offset "renegade" Democrats. . . who vote against the interests of workers. By demonstrating a truly nonpartisan political attitude, labor in this state can give encouragement to the liberal elements within the Republican party." [5, pp. 175-176]

To this end the state Federation modified some of its numerous legislative requests. The previous demand to make election day a holiday was modified to a request for four hours off on election day with pay. The previous years' request to raise the maximum weekly temporary total disability benefit under workmens compensation to $45 a week was trimmed in 1954 to request only a $40 a week maximum. Much of the rest of its program, however, was unchanged. Joint bills were again filed with the CIO for a state fund for workmens compensation and for a cash sickness insurance program, and both federations also sought the repeal of the Slichter law and the 1953 amendments to the employment security law. Just as the CIO also filed its own legislative program, however, so did its legislative agent disagree on the tactics of appealing to "liberal" Republicans. Al Clifton, the CIO's legislative agent was quoted as saying:

> Bipartisan support for bills favorable to labor is a myth. It wouldn't do any good to cut back our demands -- most Republicans would still vote against measures beneficial to labor. [1, 1-5-54]

Legislation and Election Year Pressures in 1954

Labor legislation in the 1954 session of the General Court moved in two main channels. One channel dealt exclusively with the Slichter Act -- and primarily with the emergency provisions of that statute. The other channel was concerned with the usual melange of bills on employment security, workmens compensation, etc. The Governor himself was primarily concerned with the first area, the legislature exerted its customary maneuvering in the second.

In the General Court, a drive to complete hearings on all bills at an early date in an election year resulted in the Legislative Committee on Labor and Industries winding up its activities early in April. Then, about the middle of May, it became apparent that the entire legislature would again employ the devise which had been used to dispose of much legislation in 1953 -- except on a larger scale. In 1954 over 400 bills, including most of the industry and labor proposals for labor legislation, were allowed to die in the Rules Committee without final legislative action. Among the measures thus disposed of were labor's bills to increase the minimum wage, to investigate industrial homework, and to provide cash sickness insurance, along with over 60 proposed changes to the workmens compensation law. Many of the proposed changes in workmens compensation were suggested by a previously appointed recess commission, but organized labor feeling that the Commission had been hostile to their interest succeeded in having the consideration of their proposals delayed along with many of their own proposals.

With unemployment increasing rapidly in Massachusetts as a result of the 1953-54 recession, the state's employment security law remained a major issue in 1954 as it had been in the two preceding sessions. Heartened by their successes in 1952 and 1953, the Employer's Council on Employment Security, of which the AIM and other employer groups were active members, obtained two minor changes in definitions but lost in an attempt to change the method of calculating the base period on which earnings were computed. The AIM also filed two bills of its own to revise the Advisory Council of the Division of Employment Security and to allow employers to preserve their merit rating status by means of voluntary contributions to their reserve accounts, but both were defeated. On the other hand, organized labor's attempts to increase the maximum weekly benefits under the unemployment compensation system were also defeated, but there were three changes considered beneficial to labor. The 1953 "request reporting" of employee earnings was changed to provide for "separation reporting," which required an employer's earnings report for every worker laid off at the time of separation rather than permitting the employer to wait until the employee had actually applied for unemployment benefits. The dependency allowance under the Act was raised $1 a week from $2 to $3, and a partially employed person was permitted to earn up to $10 a week without affecting his unemployment benefits. Previously, all part-time earnings had been deducted from unemployment compensation payments.

While some persons viewed these amendments as Republican attempts to win labor support, organized labor in general regarded

these measures as relatively minor, particularly since President Eisenhower had sent personal letters to the governors of all the states encouraging them to liberalize unemployment benefits as a means of easing the burdens of the recession.

As part of the "package" on Employment Security, the coverage of the Act was extended to the employees of various state authorities. Labor's attempts to regulate the use of private detectives as "labor spies" was also successful -- although the final bill did not go as far as labor would have liked. Minors under 18 were prohibited from working on certain types of elevators, and children under 16 were banned from working on motor vehicles. In place of a state employee salary boost, the 1954 legislature approved an upgrading and salary adjustment for some state employees, but not all. A division on the employment of older workers was established in the Department of Labor and Industries, the 1953 legislation providing low cost housing for elderly persons was expanded, labor was given representation on the state Highway Safety Committee, and procedures for bidding on public contracts in Massachusetts were clarified in a manner approved by the building trades unions.

Other than the previously mentioned unemployment compensation battles, however, the main labor issue in 1954 was the revision of the emergency provisions of the Slichter Act in the face of strong labor demands for the repeal of the statute. In his opening address to the General Court on January 6, 1954, Governor Herter made the following comments:

> Because I have had several occasions in which it appeared necessary in the public interest to invoke the Slichter Act in labor disputes, we now have had an opportunity to study it carefully in action.
>
> On the whole it has worked remarkably well, as both sides in the various disputes should attest. There are two changes which I believe should be made, of value to both labor and management.
>
> At the present time the moderator appointed by the Governor for 15 days has power only to try to persuade both sides to arbitrate. He has no right to attempt to conciliate. Thus, 15 days of beneficial conciliation are lost. I recommend that the law be amended to give the moderator additional power. In a later stage the Governor is empowered by the law to appoint a three-man arbitration board. Both labor and management have a right to claim that they may be fairly represented on such a board. I, therefore, recommend that such appointments be made, one by labor, one by management, and one selected by the other two from a panel of five persons presented by the Governor. [1, 1-6-54]

Later, in the face of continuing labor opposition to the seizure provisions of the act, provisions were made for an informal hearing before invoking this procedure.

During the course of the Labor and Industry Committee hearings, Professor Archibald Cox of the Harvard Law School drafted legislation embodying the proposals for conciliation by the moderator and allowing the moderator to review the merits of the dispute presented to him, for an informal hearing before the Governor, the State Commissioner of Public Safety and the State Commissioner of Labor and Industries before state seizure of a plant, and for permitting labor and management to appoint members to any arbitration boards which might have to be created, and the Governor was authorized to request the parties to submit a dispute to a board which would recommend settlement terms.

These revisions apparently placated labor's demands, for the Monitor reported: "Already organized labor spokesmen regard the draft as a distinct improvement over the present law but they still believe repeal is the best course. But they realize improvement of the law is the only possible course this year." [1, 4-22-54] Then, on May 29, 1954, the Massachusetts House concurred with the Senate in passing the bill to thus revise the Slichter Act.

The implications of this legislation were heard at the Federation of Labor's 68th Annual Convention, which was held in August, almost two months after the General Court adjourned and almost three months before the 1954 elections. In his report to the convention, Kenneth Kelley played down the Slichter Act Amendments as "procedural rather than substansive," and he went on to state, "The major defensive battle confronting labor this year was to prevent the weakening of the Workmen's Compensation Act." [6, pp. 189-190]

Both of these legislative issues became matters of serious concern at the convention. In the complete report on workmens compensation, Kelley made the annual lament concerning the Federation's continuing inability to get a state fund bill passed or to even get an investigation of the rates authorized under the existing plan, then he went on to state:

> Pending before this convention will be a resolution calling for a labor sponsored insurance company in the fields of workmens compensation and automobile insurance. The AFL in Texas faced, some years ago, with similar legislative resistance took action creating its own insurance company. This venture has met with phenomenal success in that state and now operates in 17 others. If the proposed plan goes through, it might afford a "yard stick" for determining what fair and reasonable workmens compensation and automobile insurance costs should be in Massachusetts. [6, p. 190]

As this quotation clearly indicates, the Executive Council of the state Federation had apparently become so exasperated at its continued lack of success in overcoming the legislative influence of the Bay State insurance companies that they seriously considered and even proposed a labor-owned insurance company in Massachusetts. A resolution submitted to the 1954 convention read in part:

> Resolved: That this 68th annual convention. . . instruct the incoming Executive Council to establish within a reasonable time, and subject to the laws of the Commonwealth, a Fire, Theft and Casualty Insurance Company, or Companies, and that this convention recommend to the members of the American Federation of Labor in Massachusetts and to all A.F. of L. Unions in this state, the purchase of stock and insurance in said Company. . . [6, p. 124]

This resolution and Kelley's report cited above were printed in advance of the convention, however, and in the interim internal opposition apparently developed from the Teamsters and external opposition apparently developed from George Meany himself. As a result, a special speaker before the convention, who was presumably brought up from Texas to support the resolution, did not advise the delegates to adopt the resolution. Instead, Mr. Benjack Caze, President of the Insurance Company of Texas, stated: "I feel very strongly after visiting with the various leaders of your organization here that no official action of the nature originally intended should be taken." [6, p. 40]

Then, when the Resolutions Committee later reported to the convention, it offered a substitute resolve, which advocated further study rather than prompt establishment of a labor-sponsored insurance company. Even this effort to soft pedal the resolution met opposition, however, and in the ensuing debate Nicholas Morrisey, a former President of the Federation and a power in Teamster circles stated:

> . . . the recommendation of the Committee on Resolutions to refer this to the incoming Executive Board of the Federation of Labor is nothing more than perpetrating a fraud on the delegates to this convention. . . I see no reason why we should refer it to the incoming Executive Board when the present incumbent Executive Board and the administrators of the Federation that are presiding over this convention know full well that they were advised by George Meany to have nothing to do with this type of resolution. . .let's kill the resolution. [6, p. 126]

After further debate and considerable parliamentary confusion the resolution for further study was adopted. The Teamsters, however, also played a key role in the other major imbroglio at the 1954 convention when one of the Federation's vice presidents, Luke Kramer (Milk Wagon Drivers, Local No. 350, Vice President, District I) was less inclined than legislative agent Kelley to play down the importance of the recent amendments to the Slichter Act. Kramer's report to the convention stated:

> The amendments fulfill the Governor's word. . . Sam Gompers coined the slogan that Labor should elect its friends and defeat its enemies. In this instance, Governor Christian A. Herter has been a true friend of Labor. In this instance Governor Christian A. Herter is entitled to an accolade from Labor. And this report is to be accepted as such. [6, p. 165]

The convention's Committee on Officers Reports, however, was reluctant to accept the report "as such," and recommended that the last paragraph of Kramer's report (the one quoted above) be rejected, stating:

> The Committee vigorously denounced that portion of his report as an attempt to substitute his personally expressed opinion for that of the delegates to this convention. The parliamentary situation with respect to the acceptance or rejection of reports is quite different from that relating to the acceptance or rejection of resolutions. In the one, acceptance indicates acceptance only; in the other, acceptance indicates that the subject matter becomes the will of the majority. The Committee was satisfied that Vice President

> Kramer was well aware of the parliamentary situation and that he assumes the full responsibility for having submitted the report in such manner. [6, p. 139]

Following this report there was considerable debate as to whether the Committee's report was to be accepted as a personal censure of Vice President Kramer. Then, in addition to Kramer's personal status, there was also the consideration that accepting his report could later be interpreted as a Federation endorsement of Governor Herter, who was running for reelection against the Democratic candidate, Robert F. Murphy. To clarify these questions an amendment to add the following statement to the Committee's recommendations was adopted. The added amendment read: "Nothing in this report is intended to reflect upon the rights and prerogatives of Vice President Kramer personally, and nothing in this report is to be interpreted as an endorsement of Christian A. Herter." [6, p. 147]

With this matter thus disposed of, the convention then proceeded to pass resolutions endorsing Robert F. Murphy, the Democratic candidate for Governor; Foster Furcolo, the Democratic aspirant for Senator Saltonstall's Washington post; and all six Democratic Congressional incumbents.[1]

Despite all of this attention to things political, however, there was strong evidence that the state AFL had not been very successful in raising political funds by convention time. In his "Report of the Secretary-Treasurer," Kenneth Kelley stated:

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[1] Despite the Federation's endorsement of Furcolo in 1954, the Teamsters supported Saltonstall's bid for reelection. "Inside" rumors at the time said this move was prompted by an order from James Hoffa, who was under the threat of a Congressional investigation at the time.

> In the field of political action much remains to be done if the Federation is to fulfill its potentialities in the crucial 1954 elections. The response to date to Labor's League for Political Education is far from what it should be in this state. With some 300,000 AFL members in Massachusetts, only $2,608.50 have been contributed up to July 1st in the voluntary membership campaign of LLPE. A most disappointing showing indeed! [6, p. 185]

The Federation was apparently also having difficulty in meeting the costs of its non-election activities as well during these years, and a 1¢ per member per month increase in the per capita tax was proposed, of which 1/2¢ would be allocated to the Committee on Political Education and other education, and 1/2¢ would be allocated to the Federation's general fund.

An attempt to raise the per capita tax in a similar manner had unsuccessfully been proposed at preceding conventions and, despite the fact that 1954 was an election year, the Executive Council's proposal for an increase again ran into strong opposition. The Resolution Committee's report to the convention proposed to modify the original proposal to provide for only a 1/2¢ increase in the per capita to go to the general fund, and for election year purposes they recommended an immediate transfer of $10,000 from the general fund to the Committee on Political and Other Education. After a voice vote, which was ruled to have defeated the motion, a standing vote was taken, and the increase and transfer of funds was passed 239 to 104.

In addition to overhauling their financial position for electioneering purposes, the Federation's Executive Council also sought to improve their legislation and lobbying apparatus in 1954, and a resolution was adopted which established an official Legislative Advisory Committee. [6, p. 235]

Over a month after the Federation's convention adjourned, the State Industrial Union Council held an Endorsing Conference on September 26, 1954. The State CIO group joined in the Federation's endorsement of the Democratic candidates for Governor, U.S. Senator, and the U.S. House of Representatives, and then went even further by endorsing Democratic candidates for the State Legislature, which the AFL had deliberately left to local unions city centrals in each area.

At the Senatorial and Gubernatiorial level, however, labor's efforts went for nought, as both Senator Saltonstall and Governor Herter were reelected by comfortable margins. In the contest for the State Legislature, however, there was a different story. The Republican margin in the Massachusetts Senate was reduced from 25-15 to 21-19, and the Democrats regained control of the lower branch of the General Court by a 128-112 margin.

Shrugging off the defeat of their two top endorsees (Furcolo and Murphy), the state Federation went on to claim most of the credit for the Democratic gains in the General Court. And, for the first time, the Federation's Committee on Political and Other Education made a separate printed report on the entire 1954 election campaign. In this report, Director Lavigne listed seven specific instances where incumbent members of the General Court (four Representatives and three State Senators) had been unseated, and he concluded: "Working through the Central Labor Unions in political education involving Senatorial and Representative contests has proven highly successful in most instances." [10, p. 4]

Many Democratic legislators apparently shared labor's view of its effectiveness in the 1954 elections, for the 1955 session of the General Court was marked by a sharp division between the Democratically controlled house, which passed much of the labor legislation sought by organized labor, and the Republican controlled Senate and the Republican Governor, which succeeded in killing a large measure of the House-enacted legislation. This division of responsibility in the state government also resulted in a long, drawn out session, which did not adjourn until September 16.

A Divided Government Returns To Massachusetts, 1955-56

At the beginning of the session, labor's hopes were buoyed not only by the Democratic control of the House, but also by the activities of the Eisenhower administration in Washington -- particularly by the activities of Secretary of Labor Mitchell.

In the previous year, President Eisenhower had written a letter to Governor Herter on February 16, 1954, urging an increase in unemployment compensation benefits to stimulate recovery; and, as we have seen, some modest steps were made along these lines. Labor Secretary Mitchell, however, continued to follow up the administration's request in this area with a series of speeches -- one of which was delivered to the 68th Annual Convention of the Massachusetts Federation of Labor in Worchester on August 5, 1954.

Later, in a speech before the New England Council, Secretary Mitchell repeated his support for unemployment compensation payments equal to 50% of average weekly wage, and he also supported improved workmens compensation and minimum wage legislation in addition to

supporting the idea of a disability insurance program. This speech was made in late November at the time when the state labor federations were drawing up their legislative programs for the 1955 session of the General Court, and needless to say they were heartened by it. The Monitor noted that they were particularly encouraged by the support for disability insurance, which they had been unsuccessfully pushing as cash-sickness insurance. The Monitor stated:

> Labor has tried unsuccessfully for such legislation in the past, and neither Mr. Kelley nor Mr. Clifton is confident of passage this year. But they feel they gained support for it from the Eisenhower administration when Secretary of Labor James P. Mitchell called for such state legislation during his recent speech to the New England Council Meeting. Four states have such laws. . . .
>
> Much to the delight of union leaders, Mr. Mitchell outlined a program of state legislation that followed just what they have been after. Mr. Kelley obtained a copy of the speech and intends to use it frequently in his lobbying.
>
> Mr. Clifton does not share Mr. Kelley's optimism on convincing Republicans on labor legislation. In fact he is not filing any bills in the Senate because it is Republican controlled. Among the Democrats, who control the House, he feels he can count on about 90% support. [1, 11-26-54]

When the 1955 legislative session opened, it looked like an ordinary year except that, in lieu of the 1954 elections and President Eisenhower's continued request for improved unemployment compensation legislation in his 1955 economic message to the U.S. Congress, labor's expectations might have been a little higher than usual. Then an unusual bit of fireworks erupted in the form of a bill filed by a Republican Representative from Haverill, Charles S. Marston. Representative Marston filed a bill to outlaw all forms of union security. This bill was similar to the so-called Right-to-Work bills in effect in 18 other states at that time and similar to the Massachusetts referendum question No. 5, which had been overwhelmingly defeated at

the polls in 1948 after several previous unsuccessful attempts to pass the General Court. In light of these circumstances, and in light of the fact that neither the Herter administration nor any organized interest group overtly supported the measure, no one gave the bill the slightest chance of passage.

Organized labor, however, perhaps from remembering the tremendous momentum they gathered from the rank and file as a result of their successful opposition in 1948, again sought to use this issue to arouse rank and file labor support which was not usually as intense on their legislative program as it was in the great defensive battle of 1948. Both the state AFL and the state CIO issued a call for a mass demonstration against the bill, and when it was scheduled for a committee hearing in the State House's Gardner Auditorium on March 1 over 2,000 union men and women jammed the auditorium to overflowing and lined up the streets outside. No organized support was registered for the bill, and the Legislative Committee on Labor and Industries gave the bill a unanimous adverse report. Organized labor nevertheless insisted on a House roll call vote, and the bill was defeated 190 to 2, with only the bill's sponsor and one other Republican Representative voting for the measure.

Labor then sought to turn this mass display of rank and file support to aid their own legislative program, which was also being pushed by the newly-formed Legislative Advisory Committee. The Committee members not only increased labor attendance at Committee hearings, but it also held periodic luncheon meetings with key state legislators from both political parties.

Most of organized labor's program received favorable committee reports in 1955 and much of it successfully passed the Democratic House. The one major labor bill which did not pass the House was the joint AFL-CIO proposal for sickness compensation insurance. After three years of being "pigeon-holed" in committee the disability insurance program came before the House in a form which would have provided both a state fund and continued private insurance coverage. Eligible workers were to be given a choice and allowed to decide whether they wanted private or state coverage for non job connected sickness or disability. The House rejected this plan 126 to 103 with only one Republican voting for the bill, but with 21 Democrats joining the other Republicans to defeat the measure. In opposing this bill and its predecessors in various different forms for the eighth straight year the Associated Industries of Massachusetts argued that "industry was taking care of these matters itself and that any plans should be tailored to fit the particular situation and not instituted because of a compulsory state law." [3, p. v] Legislative Agent Kelley's report to the 69th annual convention of the Federation of Labor, however, indicated that insurance company opposition and labor indifference also contributed decisively to the bill's failure. He stated:

> Sickness compensation met the tremendous opposition of the powerful insurance interests who constitute the most influential lobby that functions at the State House. They were aided and abetted by business interests and the public utility companies... It was disconcerting to find some segments of the labor movement somewhat indifferent to this legislation. Undoubtedly, they were misled...or, having secured through collective bargaining negotiations, health and welfare protection, did not feel impelled to

strive to get these benefits for less fortunate workers. [7, p. 170]

Organized labor did win one main fight with the insurance companies in 1955, however, when a bill was passed to permit authorized trustees to pay insurance benefits to fishermen under a plan negotiated by the Atlantic Fishermen's Union without requiring them to become subject to the state laws regulating insurance companies.

Before leaving the subject of private health and welfare funds, it might be best to note a piece of legislation coming from a completely different direction on the same subject. Shortly after the legislative session began the Monitor reported:

> A move is afoot in the State Senate to launch a study commission into labor union health and welfare plans.
>
> No evidence of corruption is apparent in Massachusetts similar to that uncovered in funds in New York and the Midwest, according to informed sources. But it is agreed that it would be wise to take stock of where the funds in the Bay State stand.
>
> Sen. Francis X. McCann (D) of Cambridge, himself a union man has asked for the study...
>
> The idea of a state study and possibly regulation is welcomed by most labor leaders and attorneys who have handled funds. Kenneth J. Kelley ... said his group would back the McCann resolution before the Senate. [1, 1-31-55]

On July 23, 1955 the House passed a Senate-approved resolve establishing a special commission to study the need for state administration or regulation of union health and welfare funds. The Governor signed the resolve on July 30, 1955, and in his report to the convention Kelley stated.

> The Federation supported Senator McCann's proposal on the condition that a representative of labor be appointed to this Commission. Our request was granted. Developments

> in the administration of health and welfare programs point up the need for some standards and supervision by the State insurance department. We are confident that the results of the investigation provided in Senate Bill No. 369 will reflect credit to the union operation of these plans in this State. [7, p. 178]

The part of organized labor's program which passed both branches of the legislature and was signed into law by the Governor included an increase in the state minimum wage law, an amendment to the law regulating employment advertising during a labor dispute, and a law preventing employers from using auxiliary police or civilian defense personnel in restraining picketing activities at plants involved in labor disputes. The minimum wage increase established a 90 cents per hour statutory hourly rate with a "floor" of 75 cents per hour on wage board orders. The 50 cents rate for employees receiving tips was also raised to 60 cents. The advertising amendment required all advertisements for help to advertise that there was a labor dispute in type as large as any in the ad. Previously, the law had required this type to be as large as the type "in the body of the ad".

Provisions were also made to establish a grievance procedure for city and town employees and state employees were made eligible for contributory group life, accident, medical and hospitalization plans in which the state would bear half the cost. Several other relatively minor bills were enacted dealing with such matters as working conditions in freight houses and express terminals, sanitary facilities in public garages, bidding procedures on state printing contracts, and payroll deductions of credit union dues and loan payments.

The state Federation also supported legislation providing housing for families displaced by public projects. A bill to increase the salaries of state employees was passed by both the Senate and the House, but vetoed by Governor Herter on the grounds that the legislature had not supplied the necessary funds and also on the grounds that he was opposed to "across-the-board" increases. A bill to increase the minimum salary for public school teachers was one of the many labor bills to pass the House only to be defeated in the Senate.

Perhaps the most important labor measure to pass the House and then be defeated in the Senate, however, was the bill to provide time-and-one-half payment for all hours worked over 40 in one week. This bill was killed in the Senate on August 4 by a tie vote of 20-20. Another bill meeting a similar fate was a bill which would not allow deferred vacation payments to affect a person's eligibility for unemployment benefits. Other traditional labor bills meeting defeat were the perennial proposal to establish a state fund for workmen's compensation and a modified labor proposal to allow workers two hours off with pay to vote on election days. Labor's hopes of using the 146 to 134 Democratic edge in the combined House-Senate membership to make another start on the road to a graduated state income tax also failed after they had successfully killed off any attempts at a state sales tax resulting from the proposals of a Fiscal Survey Commission appointed by Governor Herter.

A proposal to enact a 3% sales tax in Massachusetts was made by the Governor's Commission to study the State's revenue needs

and tax structure. Organized labor opposed the measure on the grounds that a sales tax would be unjust and regressive since it would impose a disproportionately heavy burden on those low income groups which had to work for a living. Their alternative, of course, was a graduated income tax which required a constitutional amendment. As we know, for this amendment to be adopted required the approval of two successive legislatures and then a statewide referendum. The 1949-1950 legislature, sitting in joint session, approved the amendment 144-124, but the 1951-1952 legislature turned the proposal down 155-115. Joining labor in its fight for the amendment in 1955 were the Massachusetts League of Women Voters and the Americans for Democratic Action. Opposing, and therefore perhaps implicitly favoring the sales tax which was explicitly being advocated by the Federation Taxpayers' Associations, were the AIM and the Greater Boston Chamber of Commerce, which engineered the 1952 defeat with a statewide campaign. When the Legislature met in joint session in 1955 the income tax amendment was given a preliminary reading by a vote of 145 to 98, but a second joint session to approve the amendment in its final form was never called, and the General Court prorogued leaving the measure dead for another year.

Since an existing recess commission studying the industrial home work laws had not yet reported, most of organized labor's major proposals in this area were put aside in 1955 for later action along with several of their bills pertaining to the administration of the Workmen's Compensation Act. Yet, there were some changes in the industrial home work laws. In an attempt to prohibit evasion of the

requirement that homeworkers must be paid the same as shop workers, it was required that an employer must maintain a shop before he became eligible for a home work permit. The fees for home work permits were increased, and it was provided that if a labor dispute exists at a plant, no new home work permits can be issued.

As in so many sessions, the major labor-management legislative battles in 1955 were fought in the areas of workmen's compensation and unemployment compensation. These issues became further beclouded when final action was put off until the confusion of the final days of the long drawn-out legislative session. There were 65 bills filed with the legislature in the field of workmen's compensation in 1955, and the legislature also dealt with 57 bills in the field of employment security. The AIM filed 4 bills dealing with the administration of the Workmen's Compensation Act and although they filed no bills dealing with unemployment compensation they did strongly support 3 bills filed by the Massachusetts Council on Employment Security. All of these proposals were either defeated or referred for further study, and most of the other bills, including several sponsored by organized labor, were either given similar treatment or else combined into two labor bills for increasing compensation payments under both laws. The House passed a labor-sponsored measure to increase maximum weekly benefits under workmen's compensation from $30 to $40 a week, and they also passed a bill providing a $10 increase in maximum weekly unemployment benefits from $25 to $35 a week. In both cases the Senate sought to cut each of these $10 increases in half. This deadlock

between the separate branches of the legislature persisted until the final days of the session. A few days before the session ended Governor Herter sent in a Special Message with proposed legislation to cover both matters. The proposals in this Special Message were similar to the Senate action on both questions, and labor appeared to be in the position of having to take a half-a-loaf or none. With regard to workmen's compensation they agreed to a $5 increase rather than hold out any longer in support of the $10 in the original House bill, and this compromise was quickly made into law. With regard to unemployment compensation, however, labor strongly objected to the Governor's proposed $5 increase in the weekly maximum benefit, since they felt his formula also provided for reducing existing benefits in the lower categories. Thus, labor refused to accept the proposal and the Senate refused to change their position and the legislature adjourned with no increase in unemployment benefits.

With regard to this action of taking nothing rather than agreeing to the Herter unemployment compensation formula, Kenneth Kelley was apparently accused of putting politics above worker benefits, and the issue may have spilled over into the State Federation convention. The convention was held at its customary time in August and thus was held while the legislature was still in session, and for the first time in years Kelley was opposed for the job of Secretary-Treasurer-Legislative Agent. Francis Lavigne was also opposed for the job of directing the Department of Labor and Other Education, but both men were returned to their positions by comfortable margins. Kelley defeated Stephen E. McCloskey of the Boston Central

Labor Union 527-121 and Lavigne defeated Richard D. Buck of the Compressed Air Workers of Boston 473-169. The 1955 convention was also witness to an apparently unrelated election contest to replace Henry J. Brides who voluntarily retired as President of the Federation of Labor. In this contest an old time Massachusetts labor leader, John J. Kearny, of the Bartender and Hotel Employees of Boston, was edged by John A. Callahan of the IBEW Local 1006 in Lawrence and the President of the Lawrence Central Labor Union in a close election 350 to 305.

Despite the election results supporting Kelley at the labor convention, Governor Herter's last ditch efforts to get compromise bills through on both workmen's compensation and unemployment compensation still continued to emphasize the theme of politics vs. worker welfare.

After the close of the session which saw one compromise bill enacted and one compromise bill defeated with labor support, Jarvis Hunt of the AIM offered the opinion that:

> No one can blame unions for attempting to influence legislation in accordance with their principles of obtaining more benefits for the working man. It is only when they become politically active and more interested in setting up issues against the Republican administration than they are in attaining their principles that they become rightly subject to criticism. [3, p. III]

Rightly subject to criticism or not, the 1955 convention of the State Federation of Labor continued to evidence a strong interest in state politics as well as internal labor politics in Massachusetts. A resolution was adopted condemning two members of the Democratic State

Committee for advocating policies not in line with those of the Federation. [7, p. 96] In light of the repeated defeat of their cash sickness proposal, and given the preceding years opposition to a labor insurance company in Massachusetts, the 69th annual convention of the Federation of Labor proposed yet another approach to this problem. The new proposal envisioned the creation of a state-operated insurance authority to underwrite disability insurance for all workers covered by private plans.[1]

Outside the state, the impending merger at the national level of the AFL and the CIO had its reverberations at the convention. On August 10, 1955, J. William Belanger became the first CIO leader to address a convention of the Massachusetts Federation of Labor. The theme of his address was merger at the state level in Massachusetts. Mr. Belanger noted:

> When the merger takes place nationally (it was then scheduled for December 5) it has been agreed that State and Local Central bodies of both organizations must merge within two years...
>
> We in Massachusetts are in an excellent position to lead the way... Your officer and officers of the CIO, including many of you, pointed the way to labor unity in this State since 1948...

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[1] The Executive Council Report on the resolution to study the possibility of a labor insurance company, which had been referred to them by the preceding convention, simply stated:

> Because of a number of urgent matters confronting the Executive Council, during the past year, it has been impossible to make a detailed study of Resolution No. 2. Accordingly, the Executive Council recommends that the subject matter of this Resolution be referred to the incoming Executive Council for continuing study and report to the 1956 Convention. [7, p. 156]

> From time to time we have worked together in the field of legislation and made considerable progress...
>
> With the increased numbers there is room for everybody. I also want you to know that in our labor movement, both AFL and CIO, many of our positions are honorary positions and, therefore, there is no question of compensation as such. Men of good will like Meany and Reuther showed themselves to be, can well apply within Massachusetts. [7, pp. 47-48]

In his opening address to the convention, retiring AFL President Henry Brides pledged to "join with the leaders of the CIO in building a united labor movement in Massachusetts second to none" [7, p. 4], and at a more practical level Secretary Treasurer Kelley's report to the convention stated:

> In view of the proposed merger between the State AFL and the State CIO that is slated to take place by December, 1957, it is imperative that a concerted campaign be conducted to get all unaffiliated unions to join the Massachusetts Federation of Labor and to have all presently-affiliated locals pay on their actual membership. This will enable the officers of this Federation to be in a position of peak strength when they sit down to work out the details of integration with the officers of the Massachusetts State CIO. [7, p. 163]

The state CIO at its previous convention in November 1954 apparently was also looking ahead to eventual merger when it created 5 new seats on its executive board to give representation to those CIO unions which had built up substantial membership in the state following the statewide purge of Communist dominated unions in 1946.

Thus while they were beginning the very important negotiations on state merger both Massachusetts labor Federations showed no wanning in their emphasis on legislation. Both organizations seemed to be counting on election year pressure to aid their program in 1956, which, as usual, consisted mainly of measures they had sought

unsuccessfully in previous legislative sessions.

The 1956 session was nearly a carbon copy of the 1955 session with regard to both its length and with regard to its disposition of labor legislation. One of the things which infuriated legislative agent Kelley the most about the way the Senate either killed or watered down House-passed labor legislation in 1955 was the use of the binding caucus method by the majority Republicans in the upper house. The same tactics were used again in 1956, with even more effectiveness and at the 70th annual convention Kelley again bemoaned the fact that

> Resorting to the device of binding their members to vote as Republican caucuses dictated, the Administration's leadership "watered down" such badly needed legislation as minimum wages, unemployment compensation, overtime after 40 hours, workmen's compensation and some others. [8, p. 153]

Many of the legislative fights of 1956 were also apparently more closely contested than in previous years. Kelley stated:

> Realizing that labor looked to the 1956 legislature for long overdue improvements in laws affecting workers; insurance companies, the Chamber of Commerce, Associated Industries of Massachusetts and other business and financial interest stepped up their lobbying activities. [8, p. 171]

Albert Clifton, Kelley's CIO counterpart, previously made some similar comments in a yearbook prepared for the State Industrial Union Council's 17th annual convention. He stated:

> One business group has already gone a long way to secure support for its position on legislation by advising local business leaders on how to approach and how to talk to senators and representatives. Within the past few weeks, another group took their case for

support right down to the local level. [9, p. 29][1]

Despite the state Federations new approach on cash sickness which would have provided for a state underwriting of insurance only for workers uninsured by private companies, the new plan did not meet a much better fate at the hands of the 1956 Legislature than its predecessors had at the hands of previous legislatures; and the proposal was referred to a recess commission study along with several other labor insurance and compensation bills.

Later, hopes of obtaining the first approval for a graduated income tax amendment were crushed on May 14 when a joint convention of the House and Senate defeated the proposal by a 126 to 126 tie vote (141 votes were necessary for passage). The bills for increasing the school leaving age from 14 to 16, and for providing a labor representative on the Public Utilities Commission were also defeated along with the perennial proposal for a state fund on workmen's compensation, several other "special situation" bills such as requiring toilet facilities on construction projects, public records of race track ownerships, etc.

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[1] These comments on accelerated business political activity coincide with the "revival" of the Greater Boston Chamber of Commerce under the leadership of William J. Bird mentioned in Chapter VIII above. At the time of these comments, the Chamber's Legislative Department was under the direction of E. J. Brehaut, a long time Chamber staff member. William F. Malloy served as a legislative agent under Brehaut and an attorney, John J. Roddy, was also retained by the Chamber as a legislative agent and counsel.

In the House much of the rest of labor's program passed in almost unaltered form. With regard to Workmen's Compensation, the House approved of removing maximum limits for benefit payments and paying all injured workers two-thirds of their salaries. Dependency benefits would have been doubled and the interest paid on unsuccessfully contested claims would be increased to 4%. In the area of Employment Security the House greatly widened the number of workers eligible for benefits, including the CIO proposal for covering persons on strike over 6 weeks, and increased benefits to $35 a week or a maximum of 40% of wages in a base period. The Old Age Assistance payments were increased, and increased penalties were placed upon employers found guilty of discriminating against employees because of age. A bill providing straight time and a half for work in excess of forty hours a week was passed, and the lower branch also approved a bill requiring employers to apportion and distribute cash dividends from group life insurance plans if part of the premiums were paid by employees. All of these measures, however, were either defeated in the Senate or referred to recess study by the upper house except for some changes in the employment security law to be noted below.

In addition there were also some bills which passed both houses of the legislature but were vetoed by the Governor. Among these were: a bill granting state employees a straight 10% across the board salary increase, a bill prohibiting employer discrimination against persons filing claims for workmen's compensation, and a bill revoking home work permits to any employer or his home workers in the

event of a strike.

As a result of these actions, the AIM concluded that:

> A judicious use of the system of "checks and balances" contained in our Massachusetts Constitution operates to prevent hasty and ill-considered action prompted by political considerations, and points up the importance of electing at least one branch of the Legislature and a governor who will endeavor to maintain a good industrial climate in Massachusetts. [4, p. iv]

At its annual Convention, however, the State Federation took a different view. Legislative Agent Kelley also reported:

> In connection with the November elections an astounding document was recently prepared by Senator Philip A. Graham of Hamilton. Through Senator John E. Powers, your Legislative Agent secured a copy. All delegates to this convention have received copies for their information and action. This "Strictly Confidential" appeal for campaign contributions from business interests, to elect a Republican Senate, is most brazen and amazing. It seeks donations from small businessmen and other groups on the grounds that the Republican Senators have succeeded in killing legislation designed to help workers, public employees, the aged and other groups dependent on government for relief from economic distress. [8, p. 154]

In his verbal supplement to this report at the convention Kelley stated:

> Well, that brazen and amazing document prepared by Republican Senator Philip Graham from Hamilton represents the dangerous and despicable arraying of class against class...
>
> The kind of an appeal contained in Senator Graham's document is the sort of thing that undoes the work of liberal Republicans both in the Legislature, as well as those of our membership here in this convention... As far as the Federation of Labor is concerned, the challenge contained in this document will be met. It will spur us to see that its reactionary thinking, typified by the statements contained in that document, is stamped out.

> Stamped out permanently in Massachusetts by the election of liberal Senators. [8, p. 33][1]

Despite all of this emphasis on the part of labor's program which did not pass, however, a considerable amount of labor legislation was enacted in the important areas of workmen's compensation, minimum wages, and unemployment compensation, and several minor or special situation bills were also enacted. For example, the state's prevailing wage law on public construction projects was amended to include health and welfare payments. Wages under $40 were exempted from attachment, and the Massachusetts Labor Relations Act was amended to permit working employers to be dues-paying members of a labor union. Certain regulations were placed on private trade schools teaching apprenticeable trades. The "heart law", providing that firefighters afflicted with heart disease were presumed to have incurred the infliction in the line of duty, was extended to cover correction officers in state penal institutions, firefighters at Logan Airport, and motor vehicle inspectors. There were other minor bills on the sharing of trenches by municipalities, providing fresh drinking water on construction projects, and other

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[1] The Federation's resources for meeting "the challenge contained in this document", however, were not unlimited since later in his remarks Kelley stated:

> On the matter of political action program, let me state very frankly that the response to COPE, successor to Labor's League for Political Education, $1 a member voluntary campaign in the State of Massachusetts is a disgrace. Since the last Convention only 2,600 members of the 350,000 AFL members in this State, have been sufficiently interested in protecting the conditions that they have, and in securing improvements in them, to invest a buck in COPE. [9, p. 34]

matters; and the Federation of Labor strongly supported the creation of the Massachusetts Port Authority in 1956.

In the final hours of the 1956 session, which dragged on until October, the General Court passed and Governor Herter signed a measure to boost the maximum weekly workmen's compensation benefit from $35 to $40 after 13 weeks of benefits, but the old ceiling of $35 remained for the first 13 weeks. In addition, the dependency benefits under the Workmen's Compensation Act were increased from $2.50 to $3 a week. The coverage of the act was also expanded to include single employees engaged in hazardous employment, and the Industrial Accident Board was expanded from 9 to 11 members with the provision that no more than 6 members could be from the same political party.

The minimum starting salary for public school teachers in Massachusetts was raised to $3,000 in 1956, and the state minimum wage law was also strengthened after a spot check earlier in the session disclosed several violations of the state minimum wage by employers of industrial homeworking with some wages as low as 42 cents an hour being revealed. [1, 4-12-56] The minimum wage rate was officially increased from 90 cents to $1.00 an hour, and the floor under wage board orders was increased from 75 cents to 80 cents. The minimum for employees receiving tips was raised from 55 cents to 57-1/2 cents an hour, and wage boards were enpowered to set overtime pay rates for work after 40 hours per week, but no statutory rates were specified.

While the legislation in both of these areas of workmen's compensation and minimum wages was less than organized labor's original demands, a Senate-House compromise was possible and the Republican Senator Henry Glovsky of Beverly, who led the GOP forces in seeking acceptable compromises on this legislation, hailed the passage of the measures as the climax of a four-year record of labor law liberalization "unequaled in any similar period in Massachusetts history". [1, 10-6-56]

The unemployment compensation benefits were also increased in 1956 as part of Governor Herter's official program, which also saw the establishment of a Massachusetts Rehabilitation Commission. Despite all of the previously mentioned labor legislation, however, the AIM's General Council, Jarvis Hunt, lauded Governor Herter and his program in his year-end legislative report. He stated:

> Seldom have we had a Governor who understood the need of improving the industrial climate of Massachusetts as has Governor Herter. During his administration, we have seen a distinct improvement in the industrial climate of Massachusetts and in the confidence of Massachusetts industrialists that Governor Herter was endeavoring to develop Massachusetts as an industrial state. [4, p. v]

After a detailed discussion of the Governor's original proposal in the area of employment security, which the AIM officially endorsed, Mr. Hunt concluded: "Viewed impartially, the passage of this bill in preference to the more drastic union bill was a victory for Governor Herter and AIM." [4, p. v]

Due to the length of the 1956 legislative session the November election returns were in before Mr. Hunt's report was published, and he stated:

> The 1957 Legislature will be similar to that of 1956 in that we will continue to have a Democrat House and a very slim Republican margin in the Senate. On paper, the present Senate lineup is 22 Republicans to 18 Democrats. One of the Republicans elected, however, was formerly a Democratic member of the House who was defeated in the Democratic primary, accepted the Republican nomination, and won as a Republican... Thus, we can count on a 21-19 Republican majority. [4, p. vii]

He did not comment on the fact that the Democratic candidate, Foster Furcolo, had been elected Governor, but he did note that "It is certain that revenues will be a major problem of the 1957 Administration". This statement indeed proved to be true. The final Massachusetts' budget in 1956 was $338,729,500, and the Herter Administration had to carefully manipulate existing revenue sources and extend the existing "temporary taxes" to avoid increasing taxes in an election year.

Thus, it was clear when the Furcolo Administration assumed office in January 6, 1957, that state financial problems were to be an overriding issue, and the battle lines had already begun to shape up on the issue of new sources of revenue. Before turning to these battles, however, we will briefly review and analyze this chapter's description of labor and management political activities during the Herter Administration.

Summary

We have seen that the Republican's "business climate" campaign against the incumbent Governor Dever in 1952 aroused considerable animosity, and that the transition from the Dever to the Herter administration in 1953 was one of the most bitter in

Massachusetts political history. There was no diminution of labor-sponsored bills with the complete restoration of Republican control on Beacon Hill in 1953, and even an increase. There was also a significant increase in the number of employer proposals dealing with labor legislation.

Aside from the usual plethora of relatively minor bills, the main issues of the 1953 legislative session focused on government reorganization, unemployment compensation and minimum wage legislation. The compromise achieved in the area of unemployment compensation tended to favor the employer proposals, but more severe employer bills calling for the regulation of certain types of picketing and increasing the use of state police in labor disputes were defeated along with many of labor's perennial proposals. A state Department of Commerce was created with both labor and employer support after similar proposals had failed to be passed during the Tobin and Dever administrations. The Department of Industrial Accidents was transferred to the Department of Labor and Industries as a completely autonomous unit to make room for the new Department of Commerce under the state's 20 department constitutional limit. Other reorganization proposals dealing with the Industrial Accident Board and the State Department of Mediation and Conciliation were opposed by labor and defeated.

The duration of unemployment benefits was extended from 23 to 26 weeks, the eligibility of strikers who had been employed by another employer was clarified and employer-sponsored proposals to modify the requirements for financing the state's employment

security solvency fund and tightening eligibility requirements were also adopted. The coverage of the state minimum wage law was expanded, and farm laborers and domestics were brought under the coverage of the Workmen Compensation Act in 1953. There were also some relatively minor "special situation" labor bills enacted.

While organized labor thus succeeded in getting about the same percentage of its favored bills passed during the first year of Governor Herter's administration as they had during the second term of Governor Dever's administration, much of the legislation enacted did not include labor's major proposals. They also saw the Employment Security Act changed for the second time in three years against their wishes, and there was a running debate between the Governor and the labor movement over Mr. Herter's application of the Slichter Act to several strikes during the year.

In election year 1954, Governor Herter attempted to modify the string of this labor opposition by proposing to amend rather than repeal the emergency dispute provisions of the Slichter Act. The havoc that the 1953-54 recession played with many state unemployment compensation funds also prompted President Eisenhower to send letters to all the state governors encouraging them to strengthen these laws. These moves at first seemed to augur well for some sort of Republican-labor approachment in the 1954 session of the General Court, and the state AFL attempted to modify its proposals in this year to overcome what it considered its rather meager accomplishments in the way of major labor legislation since the anti-injunction act of 1950, which had been secured with the strong support of a few "liberal" Republicans.

The state CIO, however, made no such concessions, and following the 1954 legislative results, the State AFL endorsed Robert F. Murphy, Democratic candidate for Governor, despite signs of some internal political divisions.

Nineteen fifty-four actually saw an increase in the amount of labor legislation before the General Court. Many of the labor-backed proposals were of a relatively minor nature, however, and the major activity of the session centered on unemployment compensation, workmen's compensation, and amending the Slichter Act. In the area of unemployment compensation, the weekly allowance for dependent children under the act was increased from $2 to $3 a week, employees of state authorities were brought under the coverage of the act, partially employed persons were permitted to earn up to $10 a week without affecting their unemployment benefits, and employers were required to furnish laid off employees with a statement of their earning. Several employer proposals to tighten eligibility requirements were defeated along with some labor proposals to loosen the requirements and increase the weekly benefits of unemployed workers.

The Associated Industries of Massachusetts proposed four bills to modify the state workmen's compensation law, and a major proposal to recodify the entire Massachusetts Act was reported by a recess study commission in 1954. Labor opposed both of these plans, which were eventually sent to further study along with several labor proposals to liberalize the Act. After considerable legislative maneuvering, the emergency provisions of the Slichter Act were

amended to provide for a hearing before the law is invoked, to permit the Moderator under the act to attempt conciliation, and to permit labor and management to appoint members to any arbitration boards which might have to be created.

In addition to these major legislative activities, a bill regulating the use of "labor spies" was enacted; there was a salary adjustment for some state employees; minors under 18 were prohibited from working on certain types of elevators; and children under 16 were banned from working on motor vehicles; and there were a few other minor bills.

In addition to the defeat of many of the proposed changes in the employment security and workmen's compensation acts mentioned above, a bill to regulate certain types of picketing and to modify the state FEPC law were defeated along with many other union bills including several of labor's perennial requests such as a state fund for workmen's compensation and an investigation of Massachusetts insurance companies.

So frustrated did labor become at the repeated defeat of these last two measures in 1954, that the executive council of the state Federation of Labor seriously considered the formation of its own insurance company, before pressure from the national AFL and some state labor leaders forced them to abandon the proposal.

In addition to the setback on the insurance company proposal, the executive council also had trouble in raising the federation's per capita tax to secure the political funds they felt necessary due to the disappointing contributions to LLPE in

Massachusetts. A proposal to increase the per capita tax one cent (1/2 cent going to the general fund and 1/2 cent going to the committee on political and other education) had been defeated at the 1953 convention, and in 1954 it was voted only to increase the per capita tax 1/2 cent for the general fund and to transfer $10,000 from the general fund to the committee on political and other education for election year purposes.

This transfer of general funds in an election year, when no major labor referendum was on the ballot, was widely viewed as a major political effort by the Federation. Both the AFL and the CIO endorsed the Democratic candidates Murphy for Governor and Furcolo for senator in 1954, but their Republican opponents Herter and Saltonstall were reelected, and it is known that some labor support went to the Republican candidates, particularly Saltonstall. Things were different at the legislative level, however, where the Democrats regained control of the House 128-112 and cut Republican control of the Senate to 21-19.

The party division in the 1955 General Court resulted in another long, drawn out legislative session which saw the Democratic House pass a great deal of labor-sponsored legislation only to have it defeated in the Republican Senate or vetoed by Governor Herter. The defeat of labor's long sought state law providing for overtime after 40 hours a week by a 20-20 tie vote in the Senate, and the Governor's veto of an across the board salary increase for all state employees are the major examples of this point, but the Republican party's use of the device of a binding caucus to defeat other

labor proposals also roused labor's ire in 1955. Despite this division, however, there were some substantial "improvements" in Massachusetts labor legislation in 1955 and a proposed revision of unemployment benefits was defeated only because organized labor refused to accept a proposed Republican compromise of a House passed bill.

Despite their opposition to Governor Herter in the 1954 elections, organized labor entered the 1955 legislative session with rather high hopes. In part this was due to the fact that President Eisenhower continued to advocate stronger state unemployment compensation laws, and his Secretary of Labor, James P. Mitchell, had on several occasions publicly supported in general terms many of the proposals being advocated by the Massachusetts' labor movement in the area of minimum wages, workmen's compensation, unemployment compensation, and non occupational sickness or disability insurance.

The introduction of a right to work law in the 1955 session of the General Court also provided organized labor with an opportunity to whip up a large degree of rank and file support that did not normally attend all aspects of their legislative program, and the Federation's newly formed Legislative Advisory Committee also added strength to their lobbying efforts. On the other hand, the Greater Boston Chamber of Commerce began to become much more active in its political activities on Beacon Hill, and despite favorable action by the Democratic House on most labor measures, labor's cash sickness proposal was again defeated by a 126-103 vote in the lower chamber. It was also becoming apparent by this time that the spread of private

plans through collective bargaining had removed some of the sense of urgency for this legislation on the part of some segments of the Massachusetts labor movement.

Although labor successfully defeated an attempt to obtain a state sales tax in Massachusetts, their proposed constitutional amendment to permit a graduated income tax also failed. Several other labor proposals were also defeated in the Senate, and several employer attempts to "strengthen" the workmen compensation and unemployment compensation acts failed in 1955. On balance, despite labor's cries against the use of a binding Republican caucus in the Massachusetts Senate, they enjoyed one of their best legislative years since 1949 in 1955.

When Congress raised the Federal minimum wage, Massachusetts' statutory minimum was increased to 90 cents an hour and the floor under wage board orders was set at 75 cents except in cases where employees received tips. The floor for those receiving tips was set at 55 cents per hour. The state's industrial home work laws were revised to increase the fee for home work permits, to require that an employer maintain a regular shop before he could secure a home work permit, and to prohibit the issuance of home work permits as long as a labor dispute exists at the applicant's regular shop. The state law regulating employment advertising during a labor dispute was amended to require the notice of the labor dispute to be printed in type as large as any other type in the ad, and legislation was enacted preventing the use of auxiliary police or civilian defense personnel in helping persons cross a picket line.

Some other, more specific, legislation was passed increasing workmen compensation benefits to workers dying of silicosis, providing a grievance procedure for city and town employees, and giving city councils more authority in adjusting employee salaries. A group insurance plan for state employees was established, telephone workers were also brought under the workmen's compensation act, etc.

The Federation of Labor supported a housing bill to help persons displaced by public projects, and they also supported a plan to study the administration of state Health and Welfare Funds in Massachusetts. The long session finally came to an end amidst a bitter battle, full of recriminations about labor leaders putting political power before benefits to the workingman, when labor refused to accept a compromise proposal to increase the maximum weekly workmen compensation benefits from $30 to $35 a week.

After surviving his first contested election in several years for the post of the Federation of Labor's Secretary-Treasurer Legislative Agent at the 1955 convention, Kenneth Kelley filed more bills than ever before in 1956. No less than 48 labor-supported measures were reported to the 1956 convention of the Federation of Labor, and nearly 40% of these eventually passed, including some major improvements in the state's minimum wage law, the employment compensation act, and, for the second year in a row, the workmen's compensation act.

In many ways the 1956 session was a carbon copy of the 1955 session except that labor did slightly better in getting some major legislative enactments. The Democratic House, no doubt aware

that not everything would get past the Republican Senate, went all out to get a good labor record by passing practically every labor bill that came before it, including the State Industrial Union Council's bill providing unemployment compensation to strikers, but not including a revised version of labor's cash sickness proposal, which was sent to a recess study along with several other labor-sponsored insurance and compensation bills. As in 1955 the Republicans used a binding caucus in the Senate or the Governor's veto pen to defeat much of the House passed legislation, and labor's attempt to get initial approval of a graduated income tax amendment was again defeated. After the publication of a Republican campaign document seeking business support because of the party's record in turning back labor legislation, however, election year pressures enabled labor to break through this legislative deadlock in several major areas, and a host of relatively minor ones.

The minimum teacher's salary was increased to $3,000 in 1956, and the minimum wage law was strengthened after some violations of the act were uncovered in homework situations. The state's statutory minimum wage was increased to 57-1/2 cents an hour for employees receiving tips and 80 cents an hour in all other cases. State wage boards were also given the power to set overtime pay rates for hours worked in excess of 40 hours a week in 1956, but no statutory rate was established.

Then, in the final hours of the session, which dragged on until October, major compromises were worked out on both workmen's compensation and unemployment compensation legislation. The maximum

weekly workmen's compensation benefit remained at $35 a week for the first 13 weeks of a disabling injury, but it was boosted to $40 a week after this period of time. Dependency benefits were increased from $2.50 to $3.00 a week, the coverage of the act was modified slightly and the Industrial Accident Board was expanded to 11 members, and a Massachusetts Rehabilitation Commission was established. Maximum weekly unemployment benefits were increased from $25 to $35 a week and the minimum was increased from $6 to $10 a week. The maximum duration of benefits was made 26 weeks or 34% of wages earned in a base period.

Governor Herter did not run for reelection in 1956, and he later succeeded John Foster Dulles as U.S. Secretary of State in the Eisenhower Administration. The Republican gubernatorial candidate, Sumner Whittier, was beaten rather easily by his Democratic opponent, Foster Furcolo.

Following the 1956 elections, which saw the Republicans retain their slim majority in the Senate and the Democrats continue to control the House, it also became apparent that the new Democratic Governor was beginning his administration at a time when the state was facing grave financial difficulties. The outgoing Herter administration had carefully manipulated existing revenue sources to balance the budget in 1956, but with the increasing cost of many government services appearing inevitable there was a general feeling that the state would have to find new sources of revenue in 1957.

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CHAPTER XIV

THE DEMOCRATS RETURN AND FINALLY DOMINATE ON BEACON HILL, 1957-1960

When it became obvious that one of the first orders of business for the new Democratic administration of Governor Furcolo would be to try to come to grips with the deterioriating Bay State financial situation in the face of a divided legislature, both labor and management groups in Massachusetts began preparing campaigns for new sources of revenue. The Associated Industries, the Greater Boston Chamber of Commerce, and other employer groups had long stated their preference for a sales tax in raising additional revenue, but the Massachusetts Federation of Labor strongly reiterated its equally long-standing opposition to such levies at its seventieth annual convention -- although there were some signs of an emerging division in their ranks at that time. The convention report of the Committee on Taxation stated:

> It is unfortunate that Mr. William Ward of the State, County, and Municipal Employees was beguiled by the blandishments of those who said that the only way to finance a pay increase for state employees was by a sales tax. Plainly, now, that was a ruse which did cause a defection in our ranks....
>
> The Committee on Taxation is, by the Constitution of the Massachusetts Federation of Labor, directed to "oppose the enactment of sales taxes and other forms of regressive taxation"....
>
> In view of the stepped-up effort to enact a sales tax next year the Committee on Taxation recommends that the Massachusetts Federation of Labor incorporate into its budget for the ensuing year, 1956-57, the sum of $10,000 to finance publicity for the support of the graduated income tax and in opposition to the sales tax. [8, p. 198-200]

This report and Kenneth Kelley's determination to implement it caused Nicholas P. Morrissey of the Teamsters, a past-president of the Federation, to express the following reservations in a speech to the convention:

> I don't think we have too many members on the Teamsters International Union, particularly in the New England countryside, who are earning any less than $5,000. It is my understanding on a graduated income tax that effective at the $5,000 figure, and from there on up, we are going to have to pay more....
>
> Now, I know it is a Communistic principle to tax and tax and tax until such time as nobody has anything left, and then the State becomes the great provider for everyone.
>
> I am not sold on it.... I may be making a very grave mistake, but I am certainly not going to be a party to anything that is going to impose a wage cut on the membership of my organizations, and, I might add, on myself, not while I am conscious. [8, p. 114]

Given such strong feelings, the new Governor initially moved cautiously in the area of taxation. In commenting on his inaugural message the Monitor noted:

> An overall audit of state needs to establish priorities among programs competing for hard-pressed state dollars was urgently proposed by Governor Furcolo today.
>
> Governor Furcolo caused some eyebrows to be raised by his moderate labor program. He favored steps to bring about lower insurance company rates on workmens compensation, limiting of industrial homework, training programs to fit unemployed workers in distressed areas for work in new fields. He also proposed appointment of a labor representative on labor relations in the Department of Public Utilities.
>
> His lack of recommendations in the field of unemployment compensation benefits, minimum wage rates, and cash sickness insurance undoubtedly proved disappointing to labor leaders who backed his election. [1, 1-14-57]

Taxes, Tension, and Turmoil in 1957

The state labor organizations were even more disappointed when the Governor shortly announced a proposal for a limited three percent

sales tax. As soon as this proposal was made, State Senator John E. Powers (D), the powerful Senate minority leader, let it be known that he would not support Furcolo on this issue, and the Monitor observed "Success of Governor Furcolo's proposed three percent limited sales tax depends entirely on how his own party responds to his Beacon Hill leadership." [1, 1-24-57] Later the Monitor reported:

> Labor is matching the Governor's 14-stop statewide tour designed to bring the sales tax case to the people as the only solution to state and municipal finance problems. Labor aided by Senator Powers and others, is matching the Furcolo tour stop for stop and adding other stops as well....
>
> How labor leaders are following up the Powers lead is indicated by the assertion at the meeting by John Callahan, President of the Massachusetts Federation of Labor, that labor leaders fighting for the sales tax should tear up their labor cards. They should no longer be considered members of organized labor. [1, 3-15-57][1]

Despite the heat generated by the Governor's sales tax campaign, which was undoubtedly the highlight of the 1957 legislative session, most of the early skirmishing on this issue proceeded in the dark since the Governor did not release the details of his tax proposal until April 16, almost three months after his original $423,592,678 budget request was accompanied by a sales tax recommendation on January 24. The AIM gave conditional support to the Governor's sales tax plan when the details were finally announced, but some of its individual members refused to go along unless the bill was amended to exclude machinery, replacement parts, and materials used in construction. In testimony before the Legislative Committee on Taxation, a spokesman for the Greater Boston Chamber of Commerce

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1 For a list of Bay State labor leaders supporting the Governor's sales tax in addition to William V. Ward, see [1, 4-24-57]

also endorsed the Governor's sales tax proposal, but proposed three changes to "strengthen" the measure.[1]

When the House Ways and Means Committee cut over $43 million from Governor Furcolo's original budget and reported a "balanced" budget of $380,550,833 on May 13, however, both houses of the General Court adopted this budget and apparently removed the urgency from the Governor's sales tax request. The Governor, who by this time had made the sales tax a personal issue, then alienated the General Court, already jealous of its constitutional prerogative of levying taxes, by announcing that if the House did not restore the budget cuts he would put them in a supplemental budget and "under no circumstances will the Legislature be prorogued until this is done."

The 1957 showdown on the sales tax finally came on July 17 when a House roll call vote defeated the proposal 130-105. Sixty-nine Republicans and 61 Democrats voted to reject the tax and 37 Republicans and 68 Democrats voted for it. The Monitor noted:

> Not in many years has lobbying on an issue been as intense or the tactics as rough as those used by both sides, veteran observers believe. Involved in the charges are party financial contributors, party leaders on both sides, newspapers, labor union leaders, and others....
>
> Some Republican leaders outside the State House originally cemented a Republican opposition block against the sales tax because Furcolo originally based his tax proposals on charges that the Herter Administration left a financial mess behind on Beacon Hill.
>
> At the last minute these leaders staged a switch and sought to swing the Republican block behind the sales tax as a result of pressures by business and other groups. [1, 7-18-57]

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1 See [2, 4-9-57]

If the Governor had some business support for his sales tax proposal, however, he also locked horns with the state business, utility, banking, and insurance interest over his proposal for a ten-member Consumer's Council. This idea was similar to former Governor Dever's perennially unsuccessful attempt to reorganize and strengthen the state Division on the Necessaries of Life. Furcolo sought to set up his Consumer's Council in the State Department of Public Utilities and to create a research and information bureau to "study, investigate, and secure all available information on utility rates, interest rates, insurance rates and shall make such information available to the Governor and the General Court and to the Public." [1, 6-24-57] The Monitor noted:

> To organized business and other such groups, the Furcolo measure is a 'gad fly' or 'snoopers' program, designed to delve into business operations unnecessarily and unwarrantedly.... This measure marks one of the few times when business groups represented on Beacon Hill have banded together solidly in an attempt to defeat pending legislation....
>
> Organized labor is with Furcolo. Organized labor has long backed the original Dever proposal for a stronger Division on the Necessaries of Life.

They also observed:

> Thus far business groups have held the upper hand, and despite the fact that the measure has been redrafted in an effort to increase support for it, business groups say they are still confident they can kill the measure in the House even though the Democrats have a majority of 132 to 107. [1, 6-24-57]

This proved to be a correct diagnosis of this issue; and the Consumer's Council proposal joined the Governor's sales tax proposal in

the scrap pile of the 1957 session, but for different reasons. The Governor did get his supplemental budget enacted in amended form, however, and it contained funds for a state employee salary increase and a $112,000 appropriation for the purpose of paying legislators $400 each for "extra time" since the 1957 session ground on until September 22, making it the third longest in Massachusetts history. The minimum starting salary for school teachers was also increased from $3,000 to $3,300 per year.

In addition to the above events, the 1957 legislative session also saw the familiar skirmishes between the organized labor and organized industry lobbys on all the more or less perennial matters of workmens compensation, unemployment compensation, etc. The only measures to pass both houses and be signed into law were a bill regulating both employer administered and union-management administered pension and welfare funds and increased burial expenses under the Workmens Compensation Act from $350 to $500 in addition to increasing the dependency allowances under both workmens compensation and unemployment compensation to $4 a week. These latter bills were the result of Senate-House compromises, and, as in preceding years, much labor legislation that passed the Democratic House was later defeated in the Republican Senate.

Commenting on some of this legislation, the Monitor noted:

> Organized management forces, including the Greater Boston Chamber of Commerce, the Massachusetts Association of Commercial Executives, the AIM, and the Massachusetts Federation of Taxpayers Association, are fighting hard to block the labor-backed legislation....

> Ordinarily Senate rejection would be anticipated....
> However, some Republican Senators come from very close districts. They are eager to build up a record which might attract some labor support in 1958. This is particularly crucial since the Senate is the last GOP stronghold on Beacon Hill, should the Democrats gain control in 1958 and retain the Governorship and House, the Republican position in the state would be precarious. [1, 6-22-57]

In his year-end leglislative report, Jarvis Hunt of the AIM noted:

> Since, as I have shown, a tie vote of 20-20 will kill a bill, it is safe to say that twenty Senators can control the destinies of Massachusetts industry. They are important to you -- do not neglect them....
> Unthinking people sometimes criticize A.I.M.'s legislative policies as "not constructive." It has never been my idea that to spend either the state's or the employer's money unnecessarily is "constructive." I believe our legislative program is entirely constructive. Unfortunately, we were not able to achieve success in all of our endeavors. We must, however, recognize the political and economic conditions under which we have to work. In legislation, as in collective bargaining, it is often a great step forward to maintain the status quo....
> Our achievements were possible only through cooperation. I must acknowledge fully the effective efforts of President Kurtz Hanson, the cooperation of A.I.M. staff members, and the Boston Chamber of Commerce, the Massachusetts Federation of Taxpayers Associations, the representatives of the various other employers and trade associations, insurance companies and public utilities, and, of course, most important of all, legislative leaders and our own individual members.... [3, p. 8-11]

As these latter remarks show, the 1957 legislative session saw greater cooperation between three main business groups in Massachusetts than ever before; but, as might be expected, their interest in all measures was not equally intense. The Greater Boston Chamber of Commerce's opposition to the proposed minimum wage increase and the bill providing for overtime after 40 hours a week, for example,

was much more vociferous than that of the AIM, whose predominantly industrial members for the most part were already paying overtime and wages considerably above the proposed wage board "floor" of 90¢ per hour.

Internal Labor Problems and Election Year Maneuvers

In his Legislative Agent's report to the Federation of Labor's 1957 convention, Kenneth Kelley again decried the Republican use of the caucus technique to defeat in the Massachusetts Senate, but stated:

> Overshadowing all other matters on Beacon Hill this year was Governor Foster Furcolo's proposal for a 'limited' 3% Sales Tax.... While the Governor may not yet admit it, the defeat of a sales tax was a blessing in disguise for what was considered a most promising political future.... [9, p. 146]

The attempts of William V. Ward of the State County and Municipal Workers and Louis Govoni of the Hotel and Restaurant Workers to get the Federation to lessen their opposition to the sales tax were of no avail, and when Governor Furcolo himself addressed the convention on August 8 he stated:

> I am not going to talk to you about the limited sales tax. You and I happen to differ on that. But the wonderful thing about America, and labor, and the Democratic Party is that people can have reasonable differences of opinion on any matter and still go forward together on programs that mean something. [9, p. 67]

He then urged labor support for his Consumer Council and decried the fact that the committee for the Audit of State Needs had been turned into a dumping ground by the General Court and the fact that the

legislature had also defeated his proposal for a special constitutional convention, which he said would have helped to amend the Massachusetts Constitution to permit a graduated income tax.

The topic of the pending merger with the Massachusetts CIO's Industrial Union Council also received considerable attention at the 1957 convention. Kenneth Kelley's report to the convention as the Federation's Legislative Agent indicated that the state AFL and CIO did not see eye to eye on the Bill regulating pension and welfare funds, and in his officer's report to the convention as Secretary-Treasurer, Kelley stated:

> You will recall that a report on the progress of merger in Massachusetts was submitted to the 1956 Convention. After the Convention, further merger meetings were put aside in order that both state labor organizations could concentrate on political activities incident to the November elections. Partially due to some things that developed during the election campaign, the atmosphere was not conducive to immediate resumption of merger negotiations. Eventually, at the insistence of the Federation, merger committee meetings between the State AFL and State CIO merger committees were resumed in January. For the past six months the committees have been meeting regularly and making slow but steady progress.... [9, p. 141]

In his third appearance before a state AFL Convention in Massachusetts, J. William Belanger, President of the State Industrial Union Council stated:

> I might say that we have met with your Merger Committee on a dozen occasions. We had some pleasant meetings and we had meetings where, of course, we have had a considerable number of differences. Of course you can understand that. Most of you are experts at collective bargaining and you understand the problems that exist....
>
> I want to say that we shall continue to have merger meetings. I also want to add that I should like to see a merger prior to the so-called deadline that we hear about. [9, p. 32-33]

A little over two months after the Federation Convention adjourned, however, the Monitor reported:

> In Massachusetts, a release from the state CIO Industrial Union Council announced simply that the state CIO and state AFL "have reached an impasse in their merger negotiations."
>
> The presidents of each group have been instructed to "request President George Meany of the national AFL-CIO to assign representatives from the national organization to come into Massachusetts and assist in effectuating merger."
>
> Up to this time vote-getting power, dependent on membership strengths, has motivated the delay in merger negotiations. The long-standing question of whether the AFL would lose membership strength through an ouster of the Teamsters Union on the national level has now been partly answered, with the suspension of the Teamsters.
>
> But that remains only a partial answer. Just how suspension is to be interpreted is not yet certain....
> [1, 10-28-57]

January 1, 1958, the Massachusetts Federation of Labor disaffiliated 19 Teamster locals, 10 Bakery and Confectionary Workers locals, and 5 Laundry Workers locals as directed by George Meany and the AFL-CIO Executive Council; and following the December 1957 AFL-CIO meeting in Atlantic City, the Monitor reported:

> Just how difficult it will be to arrive at a solution in this state is still open to debate. Beside the basic problem of settling on whether the new merged organization is to be presided over by an AFL or CIO man, an additional monkey wrench was tossed into the negotiating machinery by the building trades at a recent AFL convention.
>
> At that time the building trades department introduced a resolution to the effect that no merger should be accomplished until their rival industrial unions in the CIO should arrive at a settlement on jurisdictional differences.
>
> In order to achieve unity, at least on the surface, the two state groups doubtless will have to pigeonhole some of their differences in much the same way as did the parent AFL-CIO when it merged two years ago. [1, 12-9-57]

In the face of continuing disunity in the Massachusetts labor movement and the national attention being attracted by the

McClellan hearings, the name of former state Attorney General Clarence A. Barnes again appeared in the news. Late in November Mr. Barnes and Republican Senator Herbert S. Tuckerman of Beverly submitted measures for the 1958 legislative session which required secret ballot elections of union offices and made a majority vote by rank and file union members mandatory before a strike could be called. The Monitor reported:

> In a joint statement, they said the proposals were voted on by the people in 1948 referendums but "they were defeated by certain strongly placed labor bosses who used large sums of money from union treasuries to do it." They insisted the proposed legislation are in the interests of the rank and file of labor unions and the general public. [1, 11-26-57]

Later Kenneth Kelly filed 36 bills for the 1958 session of the General Court on behalf of the Federation of Labor, and Albert Clifton filed six for the State Industrial Union Council. Although the Federation had advocated unemployment benefits for strikers for the first time in 1957, they went back to their older position of providing unemployment compensation only in cases of lockouts or disputes in which the employer refused to arbitrate in 1958. The CIO, however, continued to advocate their original strikers' benefits bill after a six week waiting period.

With regard to the forthcoming session, the Monitor reported:

> While organized business and industry groups were successful generally in holding the line in the 1957 session on the overall issue of liberalizing labor laws, organized labor is now counting on election year pressures to force increased benefits from the 1958 legislature....

> At the same time, however, they will be bucking a growing feeling in both Democratic and Republican ranks that if the industrial climate in Massachusetts is made less favorable by labor law liberalization, Massachusetts will suffer competitively. [1, 12-4-57]

The "Industrial Climate" Issue Emerges Again in 1958

The Monitor's last comment on the "industrial climate in Massachusetts" and the previously noted tendency for greater cooperation among organized business groups were not completely unrelated phenomena, as the 1958 legislative session and election campaigns were soon to prove. As we have seen, the terms "industrial climate" and "business climate" had been used before in the context of labor-management political battles in Massachusetts -- particularly in the Dever-Herter campaign of 1952. In 1958, however, the "industrial climate" phrase was heard increasingly often, and the AIM in particular launched a vigorous campaign of publicity and persuasion around this theme. Indeed, the 1958 session of the General Court proved to be an attempt to balance labor's emphasis on election year pressure and management's emphasis on the state's industrial climate.

Following the Governor's address opening the 1958 legislative session in the Bay State, the Monitor reported:

> The chief executive, in his annual message, has made an open bid to win back labor leaders who strayed from his camp because of his sales tax advocacy....
>
> Although the Governor stressed the need for preserving the state's competitive position economically, he advocated the labor backed plan for a competitive state fund system

> of cash sickness-insurance benefits.... There appears little likelihood the Furcolo proposal will succeed this year.
>
> On the other hand, he probably will win a boost in the minimum wage level. He advocated a $1-an-hour minimum to replace the present 80¢ floor under wages set by wage boards. It is likely that the Governor and labor will win a compromise, probably at 90¢ an hour.
>
> ...the Governor faces a real battle over his recommendation that the state adopt a revised version of the uniform arbitration act proposed by labor for labor-management disputes. [7, 1-2-58]

These Monitor predictions proved to be accurate but incomplete in anticipating the labor-management struggles of the 1958 legislative session, which lasted until October 17, and thus became the second longest session in Massachusetts history up to that time. On the question of compulsory cash sickness insurance, the AFL and the CIO, still coping with the problems of merger, filed separate bills. The CIO proposed a competitive state fund similar to the one advocated by the Governor in his opening address, but the AFL proposed a state "insurance authority for sickness compensation." Although the CIO bill was reported by the legislative committee studying the legislation, it was again voted down in the House for the eleventh consecutive year by a margin of 37 votes. The state minimum wage was raised to $1 an hour for all covered employees not subject to wage board orders. The "floor" under these orders was set at 90¢ an hour, except for those who received tips or gratuities. For this latter group the minimum wage was raised from 57½¢ to 65¢ per hour. The coverage of the State Employment Security Act was broadened in a manner to be described in more detail later, and the uniform Arbitration Bill indeed ran into the stiff battle the Monitor had predicted. Labor's

version of this legislation passed the House over strong employer opposition. This opposition claimed that the Act required the employer to submit to arbitration matters he did not consider proper subjects for arbitration. When the Senate later amended the Act in manner opposed by the unions, the House then killed the Bill for the 1958 session.[1]

Like its predecessor the 1958 legislative session was a stormy one, and again tax questions were prominent in the controversies which arose. Although Governor Furcolo did not reintroduce his controversial sales tax proposal in 1958, he did propose a withholding tax system to collect revenue being missed under the existing Massachusetts Income Tax Law. Thus, while this proposal was not designed to increase tax rates, it was designed to prevent avoidance of the existing rates. It nevertheless proved to be almost as divisive as the Governor's sales tax proposal had been the year before. The withholding tax system was proposed by the Governor, passed by the House with labor support, and rejected by the Senate no less than three times during the 1958 session. As a result of this continuing impasse the General Court prorogued leaving the state budget out of balance for the first time in Massachusetts history by $64 million.

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1 The Uniform Arbitration Act, was first introduced into the General Court in 1956 after it had been adopted by the National Conference of the Commissioners on Uniform State Laws and approved by the House of Delegates of the American Bar Association. At that time, the Greater Boston Chamber of Commerce advocated a recess study of the bill. See [2, 4-3-56]

The close cooperation of organized employer groups noted in 1957 also continued in 1958 on many issues, and as mentioned previously the state of the Massachusetts business climate was discussed increasingly throughout the year. Employer cohesion, however, did not maintain on all issues. For example, the AIM withdrew its initial opposition to the Governor's withholding proposal when it was modified to include an employers' reimbursement provision to cover the cost of collection, but the other major employer groups continued to oppose the bill throughout the session.

The Associated Industries was also the only employer group to lend its support to the Barnes-Tuckerman proposals regulating union elections, and, Jarvis Hunt's year-end legislative report for the AIM indicated that no other non-employer groups lined up with them either. He said "We were the only organization to appear in favor of the Bill, which, unfortunately, did not receive favorable action." [10, p. III]

In 1958, Robert A. Chadbourne replaced Roy F. Williams as the Executive Vice President of the AIM. Mr. Hunt was made the Association's General Counsel, and the AIM's legislative staff was increased. The Association's accelerated interest in governmental affairs will be described in more detail later.

Although the Greater Boston Chamber of Commerce did not get into the fight surrounding regulation of union elections, it did sponsor a bill to outlaw stranger picketing. The Chamber retained the prominent Boston labor attorney, Lawrence M. Kearns, to support this Bill which would have compelled the state Labor Relations Commission

to hold an employee election upon the request of an employer who was being picketed by a union seeking to organize his employees. The Chamber's Picketing Bill was defeated in the House on April 17. And shortly after, a labor-backed bill to amend the 1950 Injunction Law to make it more difficult for employers to secure injunctions was defeated, and the labor proposal to require a panel of three Superior Court Judges in all injunction cases was also defeated.

Business and labor forces cooperated to a certain extent in securing legislation to make the Massachusetts Port Authority Act of 1956 operational, and the 1957 Massachusetts Health and Welfare Regulatory Law was modified and "improved" in 1958 following Congressional passage of a Federal law in this field. Both employer and labor sponsored amendments were adopted, and this issue was not one of the more divisive ones as far as labor and management political forces were concerned in 1958. Beyond this, however, some very real struggles developed on the perennial battlegrounds of workmens compensation, unemployment compensation, and industrial homework, in addition to the area of minimum wages mentioned previously.

Due to the length of the legislative session, both political parties held their conventions while many of these measures were still pending before the General Court and this only served to intensify the election year pressures surrounding these bills.

When the Democrats convened, the Governor's tax withholding proposals were also being beaten down in the legislature, and the Monitor noted:

> The wording of the sales tax plank has become a major issue primarily as a result of the Furcolo limited sales tax drive after the 1956 party platform had opposed a sales tax. The Governor equivocated by holding that the platform plank implied a general sales tax with no exemptions, while his limited sales tax plan provided for exemptions of food, rent, medicine, and several other items.
>
> Most observers believe the Governor is considering a limited sales tax as a 1959 plan, if he is reelected. [1, 6-20-58]

The Governor was successful in getting the Democratic Convention to "reaffirm our opposition to a sales tax," a wording he favored. Following the convention, the election campaigns became enmeshed in the continuing struggles to prorogue the General Court. After a lengthy battle the maximum weekly benefit under the Workmens Compensation Act was raised from $35 to $40 from the day of injury, thus extending the 1956 maximum of $40 after 13 weeks to the whole payment period. The total amount of benefits that a partially incapacitated worker could receive was also increased from $10,000 to $12,000.

Although unemployment benefits were not increased in 1958, the coverage of the Act was broadened to include persons forced to retire under company pension plans, and workers voluntarily leaving their jobs. In the latter case of voluntary quits, the normal waiting period was extended to ten weeks, but this time could be reduced to as low as four weeks at the discretion of the Massachusetts Director of Employment Security . The duration of benefits period was temporarily extended from 26 weeks to 39 weeks in connection with the Federal law which permitted states to borrow funds to tide over workers who had exhausted their benefits during the 1958 recession,

and a bill was passed to permit the transfer of employers' unemployment account balances in the case of mergers in order to maintain and improve the merged firm's merit rating position. A tie vote in the Senate killed a House approved proposal to increase the dependency allowance under Unemployment Compensation, and an AFL bill to pay employment security benefits to locked out workers or workers involved in a dispute where an employer refused to arbitrate were killed along with the perennial CIO proposal to make all strikes eligible for benefits.

Several bills to create additional legal holidays and to apply the state Sunday Laws to existing holidays were defeated, and Governor Furcolo's proposed Consumers Council was again lost in the Legislature. A bill requiring that one of the five members of the Public Utilities Commission be a woman experienced in consumer problems was passed, however, and provisions were made to suspend the homework permit of any employer in case of a strike at the employer's plant until the strike is ended or ruled to be illegal.

Before the General Court finally prorogued on October 17, less than a month prior to the November elections, public employees were given a "bill of rights" guaranteeing them the right to form and join labor organizations for the purposes of negotiating their salaries and conditions of employment, and the minimum salary for school teachers in Massachusetts was raised from $3,300 to $3,600 a year. Finally, a real skirmish developed over a proposed "Right to Eat" law for public school teachers in 1958.

Legislation was enacted establishing a duty-free lunch period of 30 minutes for public school teachers in Massachusetts between the hours of 10:00 a.m. and 1:00 p.m. Before this law ever became effective, however, a bill was pushed through both houses of the General Court over strong labor opposition making the "Right to Eat" Law optional. The Federation's Legislative Agent then noted: "School Committees always had this right, so these bills were ridiculous." [10, p. 14]

The 1958 Elections: The Democrats Win The Senate And Gain Complete Control On Beacon Hill

Due to the late prorogation of the General Court, the 1958 election campaigns became increasingly involved in the wanning days of the legislative session, and a particularly vigorous "industrial climate campaign" of the Associated Industries of Massachusetts was widely viewed as an attempt to defeat Governor Furcolo and elect Republican candidates. In some quarters it was even charged that the AIM wrote the speeches of Charles Gibbons the Republican Gubernatorial candidate. The Association denied these claims, however, and following the elections, which not only saw Governor Furcolo reelected, but also witnessed a Democratic capture of the state Senate for the first time in Massachusetts history, the AIM's new Executive Vice-President, Robert A Chadborne, stated:

> This being election year it was impossible to divorce politics from legislation.... We attempted to meet this situation through our area meetings held in all senatorial

> districts throughout the state at which A.I.M. members met with their legislators to establish friendly relationships and to acquaint legislators with industry's problems. Later in the session we conducted "workshop" meetings in key senatorial areas in an effort to communicate to industrial workers the need for an improved business climate to provide job security.
>
> In furtherance of plan to educate the citizens of Massachusetts that a better industrial climate means jobs and job security, A.I.M. financed and published a series of educational advertisements outlining the extent of industrial job losses in the State and suggesting criteria for legislative candidates. Unfortunately, our efforts were misinterpreted by some people as partisan criticism. We believe, however, that they were effective and will have a lasting effect upon the coming legislative session. [4, p. III]

The Greater Boston Chamber of Commerce shared the AIM's view of the 1957-58 legislative session, but it was not identified with the November elections to the same extent as the industry group. Nevertheless, the Chamber, too, sought to encourage greater participation in the affairs of government on the part of businessmen.[1]

On the other side of the fence, Kenneth Kelley presented his final report as Secretary-Treasurer Legislative Agent of the Massachusetts Federation of Labor to the Federation's 72nd Annual Convention, which was held December 3 - 5, 1958, just prior to the merging of this organization with the CIO State Industrial Union Council. Kelley stated:

> The State Federation on the whole had a pretty good year on Beacon Hill.... This was to be expected since precious little labor legislation was passed at the 1957 session. [7, p. 3]

With regard to the 1958 elections the Federation's Committee on Political and Other Education reported on their efforts in six state Senate districts, all won by Democrats, five from Republican incumbents,

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1 See the Chamber's 1958 Legislative Report in [2, 11-14-58]

and concluded:

> These victorious senatorial fights will enable the Democratic Party to control the Massachusetts Senate for the first time in its history. It should end the practice of defeating pro-labor legislation in the Senate.
>
> Control of both the Administrative and Legislative departments of State Government by the Democratic Party now provides full opportunity for them to prove that they are the "champions of the working people."
>
> We look to 1959 and 1960 with great expectations for achieving helpful legislation. [12, p. 8]

Although this report made no mention of the "industrial climate" issue in the 1958 campaigns, a Monitor headline less than a week after the election noted that "Labor and Democrats Face Bay State Poser." They stated that there was:

> A major political dilemma as a result of Democratic seizure of complete control of the State Government machinery for the 1959-60 period in last Tuesday's election.
>
> That dilemma concerns how far labor-favoring Democrats can go in meeting the legislative demands of organized labor without affecting adversely the state's industrial climate and job opportunities, and how far labor should go in its 1959 demands....
>
> No longer can the Democrat-controlled House, as it has in previous years, pass bills which labor seeks with the expectation that a Republican-controlled Senate will water them down or reject them. In the 1959-60 Legislature, such bills would go to a Democratic Senate that is just as eager as the Democratic House to stay on the good side of labor.
>
> Many observers expect labor to temper its demands to the dictates of political and economic facts. [1, 11-11-58]

With regard to these latter observations, Kelley's report to the final convention of the Massachusetts Federation of Labor was instructive. He said:

> Labor, is fully cognizant of the problems and competitive position of Massachusetts' industries. It would be folly for a labor organization to make demands of a legislature or an employer that would drive out business.

> It just doesn't make sense. The prosperity of our members is interdependent with the economic well-being of their employers. However, I am surfeited with some business interests who seek to rationalize their own ineptitudes, inefficiencies and lack of modern production and merchandising methods, by continually complaining about labor and labor legislation. We have too many "modern Jeremiah's" and too few "modern Henry Ford's" in this state. Significantly, it appears as though the number of lobbyists representing business at the incoming Legislature, will be greatly augmented. In time they may equal, in size if not in success, the small army that represents insurance companies at the State House. [7, p. 4]

State Senator John E. Powers (D., Boston), who was to become President of the Massachusetts Senate under the new political setup, also addressed the convention. In part, he stated:

> Reprisal is not now, nor has it ever been, a part of the Democratic Party nor of Labor....
>
> Accordingly, the fact that certain elements of the community anticipate that reprisal will dominate, serves only as a warning to us, that unless the utmost care is exercised, we will be accused at every opportunity that we are unworthy and unequipped to administer control of all branches of our State Government. We cannot allow this accusation to be made. [10, p. 35]

Despite this talk of "moderation," and the certainty that the Governor would once again support a sales tax in 1959, however, the Monitor reported that Massachusetts businessmen were adopting a "wait-and-see" attitude in the area of labor legislation. [1, 12-16-58]

With regard to the sales tax, Kenneth Kelley had previously alerted the State Federation's final convention to the fact that during 1958

> Governor Furcolo's proposal for a so-called "limited 3% Sales Tax" - the LST, was in dry-dock getting a slick new paint job and being outfitted with a new set of balloon sails. The sailors in 1959 will be the same

> motley crew who couldn't navigate the ill-fated craft last year. [7, p. 3]

This statement was followed by a hot battle in committee and on the convention floor over what position organized labor should take on the sales tax question when it came before the legislature in 1959. Six resolutions in favor of a limited sales tax were submitted to the convention in addition to the Executive Councils resolve to oppose such a measure. The controversy over when these resolutions should be debated grew so hot that a motion was later passed to have some of the remarks made during this debate deleted from the transcript of the convention proceedings. After the debate was over, however, the final vote was overwhelmingly in favor of opposition, and Kenneth Kelley's report to the merger convention which united the Massachusetts labor movement at the state level stated:

> Last night the delegates to the Seventy-second Annual Convention of the Massachusetts Federation of Labor by a vote of 624 to 106 voted to oppose a Sales Tax. I sincerely hope that this First Constitutional Convention of the Massachusetts State Labor Council A.F.L.-C.I.O. will concur in this action which by a 6 to 1 vote put us on record against the Sales Tax in any form from any source. [10, p. 77]

Labor Merges and Marches Ahead in 1959

The short merger convention of the AFL and the CIO did not pass any substansive resolutions, but following a three day convention of the Massachusetts Federation of Labor and a one day convention of the Massachusetts State Industrial Union Council, it did culminate over two and a half years of merger negotiations by forming the

Massachusetts State Labor Council AFL-CIO on December 6, 1958.

As indicated in a previous chapter, the new organization represented a pragmatic compromise of the conflicting interests of the two older labor federations, but even as the merger was being concluded it was recognized that several unresolved problems remained to be decided under the leadership of Kenneth Kelley from the AFL and J. William Belanger of the CIO in the newly merged organization.[1] Of immediate concern was the State Labor Council's legislative program, and the impending revival of the Governor's sales tax proposal.

The partial split in labor's ranks on the latter issue was well known and much publicized by this time, and in the former area it was quickly apparent that organized labor was going to be confronted by a major employer effort to prevent legislation which they felt would

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[1] Some insight into the nature of the compromises worked out by the Massachusetts Federation of Labor and the State Industrial Union Council prior to the original merger agreement, which followed 33 meetings over a period of 2½ years, can be gained from Kelley's report to the final convention of the State Federation of Labor.

> In recent months we have had the able and diplomatic assistance of President Meany's two Executive Assistants, Peter J. McGavin and R. J. Thomas....
>
> ...some of the arrangements and concessions that had to be made are not completely acceptable to the Federation's Executive Council. The same can be said as to the feelings of the officers and Executive Board members of the Massachusetts State CIO. I, personally, and I know the Executive Council had hoped to have the presidency of the merged state labor organization go to our gallant leader, John A. Callahan. However, President Meany, to whom that and a number of other issues were submitted for his final decision, awarded the presidency to a CIO man. As for myself, I might have preferred to have seen the office of Secretary-Treasurer-Legislative Agent remain a single position. However, in the give and take of any negotiations certain concessions, accommodations and adjustments are necessary and inevitable. [13, p. 30-31]

injure the "business climate" in Massachusetts. Nevertheless, the merged labor organization filed 22 bills, one of which advocated unemployment benefits for striking workers after an extended waiting period, indicating that the old AFL group would support the long standing CIO position on this issue.

Since the 1958 General Court had prorogued leaving the state budget for fiscal 1958-59 approximately $64 million out of balance, however, the issue of taxes and budgets was probably foremost in the minds of most legislators when the General Court convened for the 1959 session. This issue was further accentuated when the Governor filed his budget for fiscal 1959-60. The new budget called for expenditures of $454,254,687, up $46 million from the unbalanced 1958-59 budget. The Governor proposed to balance this budget through the imposition of a 3% limited sales tax, a one-half cent per gallon increase in the gasoline tax, and a withholding system to increase tax collections under the existing Massachusetts Income Tax Law.

Despite his January budget message, however, the Governor did not file his specific sales tax bill until March 20. In the interim the battle lines which had formed on a similar measure in 1957 were again being redrawn in 1959 with most of the labor movement opposed and most of the business community in favor of the sales tax principle. Also, as before, it became apparent that the sales tax issue would split both the Democratic Party and the labor movement in Massachusetts. On January 27, the Monitor quoted Hugh Thompson, AFL-CIO Regional Director for New England, as he argued against the idea

of a "limited" sales tax. Noting that Mr. Thompson was "girded with information provided by the national AFL-CIO," the Monitor quoted him as saying:

> The history of other states teaches us that exclusions and exemptions are soon eliminated. Today, in 23 of the 33 states that have sales taxes, exemptions have been completely eliminated, and even food is now taxed.... [1, 1-27-59]

Shortly after this pronouncement, however, the Monitor also noted that William V. Ward had publicly protested the State Labor Council's use of public employee's per capita dues to try to defeat the sales tax. They quoted Mr. Ward as saying "The Council of the Massachusetts Federation of State, County and Municipal Employees favors the tax proposal and doesn't want its funds used against its own convictions." They also quoted the "tart reply" of Kenneth J. Kelley, Secretary-Treasurer of the Massachusetts State Labor Council, AFL-CIO, as follows:

> "We will not tell Mr. Ward how much of his Council's money he can spend in his campaign to make taxpayers of children, widows, pensioners, public assistance recipients and the unemployed. We don't expect to take any orders from him on how to conduct our fight against such an injustice"....
> "Let me say," Kelley said, "that the executive officers and vice-presidents of the 35-man Massachusetts State Labor Council of the AFL-CIO, which constitute the highest labor council in Massachusetts, will conduct its affairs in accordance with the mandates of their entire membership as expressed in convention or in conference -- not on the whims of individuals who happen to disagree with the policies of the organization." [1, 2-6-59]

When the Governor finally filed his sales tax proposal on March 20, it excluded taxes on capital expenditures such as the purchase of machinery and replacement parts, and the Associated Industries' Board of Directors and other business groups immediately endorsed the proposal.

Within the Democratic Party, the Lieutenant Governor, Robert Murphy, the Senate President, John E. Powers, and several Democratic legislators let their opposition to the Governor's proposal be known. Although the bill received a favorable report from the Legislative Committee on Taxation it was sent to the House Ways and Means Committee where it was bottled up until final action on other tax issues and the Governor's budget was completed.

The Governor's budget was not reported by the House Ways and Means Committee until the middle of May. At that time the Committee had cut approximately $10 million from the Governor's original $454 million request. It soon developed, however, that a coalition of House Republicans and anti-Furcolo Democrats intended to cut the budget drastically in part at least as an attempt to avoid the need for increasing taxes. After a long struggle in both chambers of the General Court a budget for fiscal 1959-60 was finally passed which cut $22,500,000 from the Governor's original request, but still represented an increase over the budget for the previous year fiscal 1958-59. This action was viewed as a decisive defeat for the Governor's program, but he "reluctantly" signed the bill, and then tried to modify his sales tax bill in a way which would make it more attractive to the legislature.

The Governor's withholding proposal meanwhile was receiving better treatment with both the bulk of the labor movement and the AIM supporting the Bill after a provision was inserted to reimburse employers for the cost of collection. This provision did not win the support

of all employers, however, and much of the business community remained badly split on this issue. Nevertheless, the Legislature decided that a withholding bill would provide enough "windfall" gains in estimated income tax revenues during calendar 1959 to balance both the 1958-59 and 1959-60 fiscal budgets, and the withholding bill was passed. This Act practically doomed Governor Furcolo's original sales tax bill, and his attempt to present a new bill in a special message to the Legislature also met with defeat. The Governor's second tax bill was killed in the House by a vote of 197 to 24. The other bill died without any formal vote.

Two other important actions in the area of taxation were also taken by the 1959 General Court. The AIM and the Greater Boston Chamber were successful in bringing Massachusetts law in conformity with Federal law in cases of capital gains accruing from stock acquired during the merger of corporations. Payment of taxes was postponed until the acquired stock is sold rather than when it is originally received. The State Labor Council was also successful in getting preliminary approval of a constitutional amendment permitting a graduated state income tax in Massachusetts. After receiving a favorable vote of 143-118 in a joint session of the Legislature (141 votes were needed for passage) this proposal was then left for the consideration of the 1960-62 General Court with the prospect of a statewide referendum in 1962 if it received favorable action a second time.

At the same time that labor and employer groups were tangling on

tax and fiscal matters, they were also joined in combat on a whole host of other proposals. While many of labor-management issues of 1959 were hardly perennials of the Massachusetts legislative process, the intensity of the debates surrounding these issues reached a fever pitch following the 1958 election results which gave the Democrats control of both houses in the Massachusetts General Court. Another factor influencing this situation was the fact that the legislative duties of the newly merged State Labor Council had been placed in new hands, and Legislative Director James Broyer and Legislative Agent Albert Clifton were determined to make a good mark in their first year in their new positions.

To briefly jump ahead of the story at this point, the Legislative Department's report to the Second Annual Convention stated:

> Never before has a Massachusetts Legislature been subjected to such a wide spread, well-planned propaganda drive against labor legislation as was experienced this year.
>
> In the vanguard, and co-ordinating the drive, was the reactionary Associated Industries of Massachusetts and the Greater Boston Chamber of Commerce. They were ably assisted by local Chambers of Commerce throughout the State, plus other business and employer groups. Emissaries of General Electric, Raytheon, and Bethlehem Steel contributed their support by daily attendance at the State House and hearings. [14, p. 23]

On the other hand the Greater Boston Chamber of Commerce stated:

> Despite pre-session assurances of recognition of the necessity of improving the state's business climate and promises of a "moderation" policy, there was a tragic capitulation to the demands of labor leaders, resulting in an avalanche of new laws, supported by them, which will cause a further deterioration in that climate. A commendable minority of legislators fought against them, and business groups were more active and coordinated in their opposition, but the labor pressures were too strong. [2, 1-8-59]

And Jarvis Hunt's year end report for the AIM stated:

> In the field of "labor legislation," we can only say that the Massachusetts Legislature is making Massachusetts a very attractive state in which to be injured, laid off or on strike. It has become a state, however, where job opportunities are diminishing and where job security is becoming more uncertain. The climate is becoming worse and worse for industry and the industrial worker. [5, p.8]

These comments clearly indicate the intensity of feeling generated on both sides during the 1959 legislative session. Much of this feeling may have been anticipated as a result of the closing days of the 1958 legislative session and the ensuing election campaign, but Democratic Senate President John E. Powers' conciliatory remarks made before the session started were referred to earlier, and in his annual message Governor Furcolo stated, "This administration shall continue its efforts to support the growth and expansion of our existing industries and programs designed to attract new industries." [5, p. 2]

Early attempts to reach a consensus on a "reasonable" program of social progress compatible with a "healthy" business climate, however, were not very fruitful. As the session wore on substantial differences between employer and labor groups became increasingly apparent, and the Democratic leadership's task of reconciling these differences became increasingly difficult.

Early in the session it was agreed to establish a recess commission to study the cost of doing business in Massachusetts, but from there on there was agreement on little else. And, one of the

distinguishing features of the 1959 legislative session was the extent to which individual companies in addition to the employer associations participated through their own efforts in the legislative process.

When labor's proposed amendments to the state's Peaceful Persuasion and Anti-Injunction Laws were in committee, for example, both the General Electric Company and the Raytheon Manufacturing Company were represented by counsel. Robert M. Segal, Counsel for the State Labor Council, urged that the laws be amended to set a six-month limit on permanent injunctions granted to employers in labor disputes, and he stated the law should also specify that damage to an employer's physical property rather than merely intangible property must be determined before an injunction could be granted by a court. Gilbert Dwyer, counsel for the General Electric Company, however, said that the proposed amendments were "very likely unconstitutional," and he added they were "a clever attempt to destroy the few remaining legal restraints on labor unions' strike conduct." Then the Monitor noted that Robert G. Hennemuth, legislative counsel for the Raytheon Manufacturing Company, "warned that his firm may give serious thought against future expansion in Massachusetts if the legislature enacts the proposed amendments." He added, these amendments would "represent a dark cloud over the future expansion of any business here." [1, 3-10-59]

Despite the increasing animosity being generated by these debates as much of organized labor's traditional program began to wend its way through the House, Senator Powers again sought the mantle of "moderation" and "compromise." The Monitor reported:

> An unprecedented effort to reach labor-managment compromise on major labor legislation to provide liberalization without adversely affecting the state's economic climate is being undertaken by Senator John E. Powers (D) of Boston, President of the Massachusetts Senate.
>
> The conference will be held after the Senate receives all the major labor bills and sends them to the Senate Committee on Ways and Means. [1, 3-10-59]

Later, when the House passed most of labor's bills in the fields of unemployment compensation and workmens compensation in only slightly modified form, the controversy over the effect of liberalized labor legislation on the state's economic climate headed for a Senate climax, and the State Labor Council's Legislative Agent, Albert G. Clifton, indicated that some Bay State labor leaders were disturbed by Senator Power's plan to have a labor-management conference to seek acceptable compromises on the House-passed bills liberalizing unemployment compensation and workmens compensation benefits. The Monitor also noted:

> State labor leaders are particularly incensed at Democratic House rejection of the striker benefits bill in view of the fact that the Democrats control the House by a 146 to 94 margin. The striker benefits bill was killed by a 143 to 65 roll call vote.
>
> Mr. Clifton said today, "We are not going to cut off our noses but we are going to look over the list carefully. There are about 12 Democrats in the House who are expendable as far as we are concerned." [1, 7-3-59]

While the big labor-management fights on taxes, unemployment compensation, and workmens compensation were wending their way through the legislative mills there was also activity on other legislative fronts, and a controversy developed in the labor movement over a new endorsement policy being worked out by the State Labor Council, which

only added to the rift already caused by the Governor's sales tax proposal.[1]

A bill was passed prohibiting employers from using lie detector tests to obtain information from their employees, and legislation was enacted which required that any excess of dividends or rate reductions in group insurance policies be used for the benefit of employees. A voter registration bill was enacted which permits registration of voters in factories upon the petition of ten or more prospective voters, if permission is granted by the owner or tenant. An AIM proposal to replace the state Labor Relations Board and the state Board of Conciliation and Arbitration with a new state labor relations division was rejected. On May 1 the House asked the Supreme Judicial Court for an advisory ruling on the labor proposed bill to set up a panel of three Superior Court judges to act on injunction cases involving labor disputes, and on May 7 the Court upheld the constitutionality of the proposed law. Both a uniform arbitration procedures act and the three judges bill then passed the House, and were eventually adopted in the Senate and signed by the Governor. The three judges bill, however, had the much tougher sailing of the two bills.

Archibald Cox, Harvard labor law expert, had a key role in drafting the American Bar Association's model arbitration act to meet Massachusetts conditions. When the Bill passed the Senate, the Monitor noted that "while management is far from completely satisfied with the final legislation.... Both labor and management have been dissatisfied

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1 See [1, 7-9-59]

with the present arbitration law, established in 1949. They feel it contains too many loopholes which weaken arbitration procedures." [1, 8-21-59] Thus, when the Act was signed by the Governor they stated "The new law sets up definite standards and procedures for arbitration in labor disputes. It eliminates ambiguities and vagueness in the old law." [1, 9-4-59]

The Governor was much more hesitant in signing the Three Judges Bill than he was in approving the uniform arbitration bill, and the injunction statute also had a much rougher time in the Senate. While there was no roll call in the Senate on the arbitration bill, the Three Judges Bill passed by a roll call vote of 28 to 9 after an employer-sponsored amendment to permit single justices to sit on cases in which temporary restraining orders rather than permanent injunctions were being sought was defeated 19 to 18. Passage of this particular bill was facilitated by the fact that while it was pending before the General Court, a Bay State judge issued a temporary restraining order in a labor dispute case without giving the union involved a hearing as required by the 1950 provisions of the Cox-Phillips Bill.[1]

After the Bill finally passed the Senate it was bounced back and forth for two weeks between the State House and the upper chamber as the Governor had it recalled several times to give him time to study the legislation. Finally, on September 15 Governor Furcolo signed the bill with major reservations.[2]

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1 See [14, p. 27-28]

2 See [1, 9-16-59]

Meanwhile, superimposed on these developments, were the previously mentioned struggles on workmens compensation and unemployment compensation. Labor's apprehension over Senate President Powers' unusual "compromise conference" was noted previously. By mid August, Bay State Employers were becoming even more apprehensive about pending Senate action in these crucial areas. On August 14, the Monitor noted:

> Industry spokesmen on Beacon Hill have been highly critical of Senator Powers' claim that the unemployment compensation action being taken by the Democratic Senate is a moderate approach because strikers' benefits are being denied.... [1, 8-14-59]

Then on August 17, they stated:

> Over the weekend, leaders of business and industry bombarded senators with urgent pleas to avoid labor law revisions which would worsen the state's economic climate by pricing Massachusetts products out of the competitive market. [1-8-17-59]

This "bombardment" had little effect, however, for on the following day it was noted:

> Except for one change in the unemployment compensation setup, labor is having all its own way on Beacon Hill.
> Industry scored one breakthrough in strengthening eligibility requirements on unemployment compensation benefits in a bill which increased maximum benefits from $35 to $40. [1, 8-19-59]

In addition to increasing the maximum weekly benefits from $35 to $40 a week and raising the eligibility requirement, the 1959 Unemployment Compensation Act extended maximum duration period from 26 to 30 weeks, increased the dependency allowance from $4 to $6, and allowed women to refuse work between 11:00 p.m. and 6:00 a.m. and still receive benefits. There were also some relatively minor changes

relating to the eligibility of employees laid off while a labor contract is being negotiated, and prohibiting the solicitation of business from employers in connection with the unemployment insurance claims of their employees.

Having secured these bills on unemployment compensation, labor then increased its pressure on the Senate for the passage of its workmens compensation bills where it won an increase in the maximum weekly benefits from $40 to $45, an increase in the dependency allowance from $4 to $6 a week, widow's benefits were increased, several specific injury benefits were increased, maximum total benefits were increased to $15,000 for cases of partial disability and to $14,000 for cases of temporary total disability, and it was provided that "if an insurer brings an action before the Industrial Accident Board to discontinue benefits to a claimant, and the claimant prevails, there shall be added to the order the reasonable cost incurred by the claimant in defending his right for continued compensation." [14, p. 26]

The impressive record of labor-sponsored legislation being passed in Massachusetts in 1959 provided a marked contrast to the legislative action in Washington where Congress was in the process of enacting the restrictive Landrum-Griffin Act. Even in the Bay State, however, not all of organized labor's program was enacted. In addition to the failure of their striker benefits and picketing proposals, labor also was unsuccessful with its perennial cash sickness proposal

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The impressive record of labor-sponsored legislation being passed in Massachusetts in 1959 provided a marked contrast to the legislative action in Washington where Congress was in the process of enacting the restrictive Landrum-Griffin Act. Even in the Bay State, however, not all of organized labor's program was enacted. In addition to the failure of their striker benefits and picketing proposals, labor also was unsuccessful with its perennial cash sickness proposal and an attempt to get a state overtime law and to extend the Sunday laws to all holidays. Before prorogation, however, labor did succeed in adding one more bill to its impressive list of victories in 1959 when it succeeded in increasing from $.90 to $1.00 an hour the floor which could be set by Massachusetts minimum wage boards. The minimum wage for service workers regularly receiving tips was increased from

65¢ to 70¢ an hour and the minimum wage for janitors and caretakers of residential properties was increased from $28 to $30 a week.

As the 1959 General Court was winding up its business the Monitor noted:

> Massachusetts organized labor's almost unprecedented advances in labor law liberalization this year on Beacon Hill are making organized business and industry openly apprehensive about what labor will demand of the 1960 Bay State Legislature.
>
> . . .
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> With 1960 being an election year. . . undoubtedly labor's demands will be high. [1, 8-22-59]

Support was given to this contention when the State Labor Council later filed 26 bills for the 1960 session of the General Court, and indicated that they intended to top their record gains of 1959. In addition to its striker benefits bill, the council modified its cash sickness proposal to overcome previous objections from insurance companies and others. Under the new plan private health and welfare insurance plans covering off the job disabilities would not be involved if they met certain minimum standards. All Bay State employers not providing private insurance in this area, however, would be compeled to pay into a state fund for this purpose by matching employee contributions of 1/2% of weekly wages.

The Council also sought to regulate the use of strike-breakers recruited from outside Massachusetts by requiring such persons to register and identify themselves. They proposed a state law requiring time and a half for all hours worked beyond 40 in one week, and filed seven bills to extend the state's Sunday laws to seven holidays. In addition to these and other proposals, the Council

proposed raising the maximum workmen's compensation benefit payment from the newly won $45 a week to two-thirds of the average weekly wage of the injured worker, and raising the maximum unemployment compensation benefit from the newly won $40 a week to sixty percent of the average weekly wage earned by Massachusetts industrial workers. In making these latter proposals, labor cited their automatic nature, and noted that their enactment would "preclude the necessity of seeking higher benefits bit by bit each year". [1, 12-3-59]

Prior to the official filing of these bills, the State Labor Council's Second Annual Convention, heard Governor Furcolo report:

> I had the privilege a short time ago of attending a Governors' conference in Puerto Rico. . . . Every single one of those Governors who come from industrial states found that they were having the same kind of campaign waged in their states that we have here in Massachusetts, a campaign where industry will often play off one state against another state seeking in many ways to cut down on progress. There is nothing peculiar to Massachusetts about this. . . . We must be on our guard about that kind of campaign. Those who talk Massachusetts down fail to see some of the dangers in their own programs. [11, p. 35]

Industry Shores Up For A Counter-Attack In 1960

Despite, or perhaps because of his remarks at the October labor convention Governor Furcolo invited six prominent industrial and business leaders for a private discussion on November 9, 1959 to make recommendations concerning the chief executive's annual address to the 1960 session of the General Court. In addition to Robert P. Tibolt, Raymond H. Blanchard, and Mangus Peterson, presidents of the Greater Boston Chamber of Commerce, the AIM, and the Massachusetts Federation of Taxpayers Associations respectively, Paul F. Clark,

Board Chairman of the John Hancock Mutual Life Insurance Company, Lloyd Brace, Board Chairman of the First National Bank of Boston, and Charles F. Adams, President of the Raytheon Manufacturing Company, were also present at the November meeting. These leaders were reported to have urged that the Governor make another try for a limited 3 percent sales tax, that he "hold the line" on legislation affecting labor-management relations, particularly on the striker benefits and "peaceful persuasion" bills, and that he amend the three-judges bill to allow one judge to hear cases involving temporary restraining orders. Then on November 11, the Monitor noted:

> Bay State industrial and business leaders are now committed to an intense battle for survival on the Massachusetts political front. . . .
>
> Although some attempts were made in this direction in the 1958 election campaign, they stressed the negative approach. They were of little effect, and have caused business and industrial leaders to reasses their situation and to lay new plans for the 1960 political year.
>
> Charles F. Adams, president of the Raytheon Company, disclosed that business and industrial leaders in Massachusetts "mean to fight for their lives on the political front. They are seeking to develop public sentiment for industrial and greater job opportunities" to offset labor's triumphs in the political field.
>
> He said they will try through every means possible to get their case before the public, through their plant house organs through appeals to their employees and friends and in other ways. [1, 11-11-59] [1]

With the battle lines thus shaping up for the coming legislative session, the Massachusetts Supreme Judicial Court then added some fuel to the fires by ruling that strict enforcement of an old

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[1] The General Electric Company and Bethlehem Steel's Fore River Shipyard in Quincy were two of the largest Bay State employers that made extensive use of such publicity techniques. See [1, 3-6-59] and [1, 5-1-59]

law requiring weekly wage payments are mandatory, and a Republican "Job Opportunities Committee" began to tour the state as a means of conducting public hearings prepatory to drafting a Republican legislative program for the 1960 session of the General Court.[1] Given this background Governor Furcolo's opening message attempted to strike a moderate position in making seven specific proposals in the areas of labor-management contention. He called for the compulsory registration of strikebreakers and professional pickets, a tightening of the state's permanent injunction provisions, an acceleration of workmens compensation proceedings, the elimination of industrial homework in the needle trades, a state fair labor standards act to require the payment of overtime rates after 40 hours a week, an increase of $150 from $650 to $800 in the minimum earnings requirement necessary to qualify for unemployment compensation, and the Governor also requested the creation of a professional economic advisory council in Massachusetts.

The Governor's attempts at moderation and balance, however, did not go over very well. He soon was in the position of publically rebutting one of the state's leading industrialists after Charles Francis Adams made a speech in Portland, Maine, announcing that Raytheon was building a $2,500,000 plant at Lewiston, Maine, because that state had a far superior political climate in comparison to Massachusetts. The Monitor noted that Mr. Adams attributed the Massachusetts situation to "irresponsible and short-sighted labor leaders" who he charged were dominating the Bay State legislature. [1, 2-9-60]

[1] See [1, 11-12-59]

From such stormy beginnings the 1960 session of the General Court went on to break all records for duration. Throughout the year there were several major strikes in Massachusetts that seemed to reinforce the labor-management conflict that was being conducted within the legislative halls. In addition to the feelings generated by the long nationwide steel strike that carried over from 1959, there were particularly bitter work stoppages at the Bethlehem Steel Company's Fore River Shipyard in Quincy and at the General Electric Company's Lynn works in Massachusetts during 1960. These events added impetus to employer attempts to amend the state's newly modified injunction law and to labor attempts to gain unemployment benefits for workers on strike over six weeks. As it turned out, however, both failed.

The only difference between the legislative disposition of the striker benefits bill in 1960 and 1959, was that in 1960 it was the Democratic majority in the Senate rather than the House which was tested as to how far it would support organized labor's controversial proposal. The Legislative Committee on Labor and Industries reported the bill favorably by an 8 to 6 vote. The only Democrat voting against the bill was the Committee Chairman, Senator Kevin B. Harrington, of Salem. Since the committee had approved essentially the same bill the preceeding year only to have it killed in the House by a vote of 143-65, the bill was sent to the Senate in 1960. The Monitor, however, stated: "Although the Senate has not previously voted on the bill there is no reason to believe it will be any more favorable than last years House". [1, 3-16-60] This proved to be the case when the Senate killed

the bill by a decisive vote of 24-11. The Greater Boston Chamber noted: "Support received from businessmen who made their feelings known to their Senators was considered a major factor in the defeat." [2, 4-1-60]

A similar fate was predicted for labor's cash-sickness proposal, again despite a favorable vote by the committee on Labor and Industries. Indeed, as the session began to shape up, it became apparent that organized labor in Massachusetts faced a tough task in following up the major labor-law advances it had secured in the 1959 session. The Monitor reported: "Sources close to the Democratic leadership and to the Legislative Committee on Labor and Industries report a current inclination to go slow on further advances this year, despite labor's continued pressures and the fact that 1960 is an election year." [1, 3-18-60]

On March 22 the Legislative Committee on Labor and Industries sent the State Labor Council's unemployment and workmens compensation bills to a recess study, and the Senate defeat of the striker benefits proposal came the following day. Two teamster-sponsored picketing bills and the State Labor Council's proposal to limit injunctions to six months were also defeated in the early part of the legislative session. Thus, on April 9, a Monitor correspondent noted that "Labor Finds Beacon Hill A Bit Steep For Legislation," and he stated:

> Of the 30 bills sponsored by the Massachusetts State Labor Council AFL-CIO, only one minor measure has gained passage, while 12 have been turned down, including labor's top target-the so-called striker benefits bill. [1, 4-9-60]

The "minor measure" referred to above was a bill "protecting the workers of Suffolk County Jail from removal from office except through certain established procedures." While the Labor and Industries Committee and the Legislature were thus rejecting some labor proposals, they were also modifying others. For example, the State Labor Council's original "strikebreaker" bill called for the registration of strikebreakers imported into Massachusetts from other states 10 days in advance of their employment in the Bay State. The Committee modified this to five days after they begin work, but the committee also rejected an employer request to require similar registration of professional pickets imported into Massachusetts.

In the midst of the 1960 industrial and legislative battles between labor and management in Massachusetts, the Monitor's Industrial Editor, George B. Merry, attempted to access the state of New England labor relations. He noted that:

> Despite two current strikes--one at the Bethlehem Steel Company's Fore River Shipyard in Quincy and the other involving officers and crew of the Nantucket Steamship Authority--New England ranks well ahead of other industrial sections of the U.S. in terms of the number of strikes and man days lost through labor disputes. . . .
> . . . There is, however, a tendency on the part of some to discount these statistics as a barometer of the true status of labor-management relations. . . . Labor is concerned over what it terms management "tough" bargaining tactics. Industry fears pro labor legislation which it says would weaken its position. It is concerned by what it considers a worsening business climate. [5-21-60]

In an attempt to get some outside opinion on these issues the article quoted John W. Morgan, the senior partner in the

prominent Boston law firm of Morgan, Brown, and Kearns, as voicing some concern over organized labor's recent gains in the Massachusetts legislature, although Mr. Morgan felt that since World War II labor-management conditions in general "have improved immensely". On the other hand, Merry's article also quoted Dr. William Miernyk, Director of the Bureau of Business Research at Northeastern University, as minimizing the business climate arguments of Massachusetts industry. According to Miernyk's view the "only visible effect of the controversy has been to heighten tensions in the area of labor-management relations."[15-21-60]

Meanwhile, back in the Legislature, labor's strikebreaker registration bill passed the House by a voice vote and was sent to the Senate, but the modified version of the State Labor Council's cash-sickness proposal, was defeated in the lower chamber. A bill permitting city and town employees to enter into collective bargaining agreements with their municipalities, if the cities or towns involved agreed to such a plan, was passed by the General Court, but Frank J. Zeo, the Executive Director of the Massachusetts Federation of Taxpayers' Associations wrote a strong memorandum to Governor Furcolo urging his veto of the measure. The memorandum stated:

> By signing this measure you would be replacing the democratic process of town meetings and elected city officials with the bureaucratic process of labor contracts negotiated by unnamed administrative officials. . . . ultimately at stake is the right of local voters to decide in their town meetings or through their elected representatives the pay and benefits of their 130,000 municipal employees. [1, 7-7-60]

Despite this effort, Governor Furcolo signed the measure into law on August 1. By this time the legislative session was beginning to run into the primary election campaigns, which are held in September in Massachusetts. One of the big surprises of the 1960 primaries occurred when the incumbent Governor Furcolo was defeated for his party's U.S. Senate nomination by Thomas J. O 'Connor, the Democratic Mayor of Springfield. Furcolo's controversial programs (particularly the proposed sales tax) had been hampered by Democratic party splits in the General Court throughout his administration, and his primary defeat only served to further reduce his influence during the remainder of the longest legislative session in Massachusetts history. Joseph D. Ward, the incumbent Secretary of State, and a former state representative, won the Democratic nomination for Governor in a bitter primary fight that featured no less than seven hopeful candidates. On the Republican side things were calmer and ran closer to customary political form. Leverett Saltonstall was nominated to continue as U.S. Senator, and John A. Volpe a contractor and former President of the Greater Boston Chamber of Commerce was nominated to oppose Ward for the Governorship.

This latter contest posed some real problems for the attempts of organized labor in Massachusetts to form a solid front in preparation for the November elections. At the national level unified support for the candidates of the Democratic party was not nearly as hard to obtain as at the state gubernatorial level where the Monitor reported:

> Both men have many labor friends--Mr. Ward for his strong prolabor record while a member of the House of

> Representatives and Mr. Volpe for his good labor-relations record in conducting his contracting business.
>
> For this reason, Mr. Ward may get the official COPE backing, but some individual union leaders may support Mr. Volpe. [1, 9-22-60]

Following the defeat of the proposed minimum wage increase to $1.25 in the U. S. Congress in 1960, the Massachusetts State Labor Council dropped its demands for a $1.25 law in the Bay State, and the rest of this legislative program continued to flounder in the General Court. Late in September the Monitor noted:

> With a weak .143 team batting average in the Bay State legislative league, leaders of organized labor are today battling harder than ever to boost their percentage in the closing weeks of the 1960 season.
>
> In 21 at-bats on Beacon Hill this year, labor has made three hits with their legislative program and been called out on at least 18 other plays. And they will have at least six more chances to boost their average.
>
> These include three of labor's most wanted proposals: bills to restrict the importation of strike breakers from outside the state, increase maximum unemployment compensation benefits, and require the payment of time and a half wages for all workers after a 40-hour week. [1, 9-22-60]

The unemployment compensation bill mentioned above was revived by the Senate Ways and Means Committee after it had earlier been referred to a recess study by the Joint Legislative Committee on Labor and Industries, and the overtime bill had been amended several times to include some notable exemptions not contained in the earlier legislation on this matter. The registration of strike-breakers bill, however, was soon passed by the Senate after labor cited specific cases in the newspaper industry involving the Haverhill Gazette and the Worcester Telegram and Gazette in which strike-breakers had been imported during labor disputes with these firms.

The passage of this latter measure over strong employer opposition, brought a strong request for a gubernatorial veto from the Greater Boston Chamber of Commerce President Charles A. Coolidge. In a letter to Governor Furcolo, Mr. Coolidge stated:

> Finally we ask that you not only consider the threats and violence that may be attendant upon subjecting an individual's name to public scrutiny, but also that you take cognizance of the vicious indictment of Massachusetts business that the enactment of the "strikebreakers" bill will bear with it.
>
> We respectfully submit that, if this bill becomes law, it will violate the most basic sense of justice and fair pay. [2, 10-7-60]

Although he did not immediately veto this bill, the Governor did return the bill to the Legislature with a recommendation that professional pickets be included in the legislation as he had requested in his annual message. This action angered Bay State labor leaders no end, and soon after the Senate rejected the proposed increase in the maximum unemployment benefits. The Monitor noted:

> Massachusetts Senate rejection of organized labor's demand for higher maximum benefits under unemployment compensation caps a disastrous legislative year for labor on Beacon Hill.
>
> Even with the prolabor Democratic Party in control of both legislative branches for the first time in modern political history, labor has scored little this year.
>
> Many observers attribute the low labor score to major labor advances won last year and a tendency for labor to overreach itself this year in its demands on its legislative friends. . . .
>
> Senate action on the labor measure was deliberately delayed by the Democratic leadership until after the September 13 primaries. It was in the Democratic primaries that individual Democratic senators might have been hurt the most by labor. [1, 10-9-60]

This assessment was written before the Legislature prorogued, however, and as the session ground on, and on, the situation

changed. The House adopted Governor Furcolo's recommendation that professional pickets be included in the legislation to require the registration of imported strike breakers, but the Senate refused to go along with this proposal, and the Governor finally signed the bill in its original form covering strikebreakers only. It appeared that this would be the final action on labor legislation in 1960 as the General Court attempted to conclude the legislative session before the November elections. This goal was not achieved, however, and the 1960 Legislature ground on after the elections which saw the Democrats gain some seats in the State Senate as a result of the reapportionment of the State Senate districts by the Democratically-controlled Legislature earlier in the year.

There was no reapportionment of state representative districts, but the Democrats nevertheless picked up nine seats in the House. The state Democratic ticket appeared to be aided by John F. Kennedy's sweep of the Presidential Election in Massachusetts with one notable exception. Joseph ward, the Democratic candidate for Governor, lost to his Republican opponet, John A. Volpe. This left Volpe as the lone elected Republican in the Executive Branch of the state government facing a Democratically controlled legislature in 1961-62.

Meanwhile, the lame duck 1960 legislature continued. It passed a state overtime law requiring payment of time and a half for work over 40 hours weekly in industries not covered by the federal wages-and-hours law, but a long list of exceptions was attached to this legislation. The state's Sunday laws were extended to cover seven

holidays in Massachusetts (New Years Day, Memorial Day, July Fourth, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day), and these laws were to be applied to Columbus Day from 7 A.M. to 1 P.M. Horse and dog racing and the sale of alcholic beverages were exempted from these provisions.

The most controversial aspects of the long 1960 session, however, were saved until the last moments, as the General Court worked around the clock to prorogue early on Thanksgiving morning. In the waning hours of the session the Legislature voted a pay increase to all state employees, and in the process voted themselves a $500 expense bonus due to the length of the 1960 session in addition to voting to increase the salary of all state legislators by $1,500 beginning in January 1961. This action brought whales of protest from many quarters, and the Greater Boston Report noted:

> "The behavior of the lame duck Governor and Legislature in playing Santa Claus with the taxpayer's money is downright scandalous," Charles A. Coolidge, President of the Greater Boston Chamber of Commerce, commented at the close of the 1960 session. [2, 12-2-60]

The Thanksgiving prorogation, however, did not mark the end of the 1960 session of the Massachusetts General Court as Governor Furcolo called a special session from December 6 through December 8 to consider two major proposals not acted on during the regular session. (State acquisition of the Old Colony Line and the creation of a State Medical School.)

In his final year-end summary, Jarvis Hunt of the Associated Industries of Massachusetts concluded:

> . . . the 1960 session showed a resistance to pressure from labor unions and a refusal to further

> liberalize workmen's compensation and employment security, even in an election year. In the field of labor relations, the Legislature refused to go any further in regard to anti-injunction legislation, but it did weaken and yield to pressure for the labor replacement registration or "strikebreaker" bill. Also, in the regulatory area, some holiday law changes were made.
>
> Skeptical persons might say that the resistance was not so much an attempt to improve the business climate as a recognition that in the previous year the Legislature had gone too far in imposing additional burdens upon industry. This is partially correct for many legislators voiced the opinion that organized labor should have been satisfied with the gains made in 1959. The pressure for further gains, however, was not lessened in any way. Fortunately, this pressure was met by the growing influence of the A.I.M. area committees. . . . we must recognize that along two lines of attack business interests were acting more effectively in telling their story and making their influence felt. The first of these is due to the cooperation between organizations representing business interests. A better and more effective cooperation prevailed than in previous years and business presented a more united front before the Legislature.
>
> The second field which helped tell the business story was the operation of the A.I.M. area committee. These committees, which represented nearly every Senatorial District in the state, functioned very efficiently during the 1960 session. [6, p. 19]

Mr. Hunt also noted:

> In his inaugural message Governor Volpe stated: "We must create a better image of Massachusetts. We must show potential investors that our tax laws and attitudes can be conducive to an atmosphere in which business can flourish". . . .
>
> We have a Governor eager and anxious to improve the Massachusetts business climate. [6, p. 19]

As the preceeding quotation indicates, some employers, or some of their representatives at least, felt that with a Republican Governor in the State House the prospects for the Massachusetts business climate might improve during 1961, despite the Democratic

preponderance in both houses of the Legislature. The Greater Boston Report noted:

> Charles A. Coolidge, Chamber President, termed the inaugural address of Governor John A. Volpe "a fine example of a business-like approach to efficient Government. . . .
>
> He concluded, "the business community stands ready to back the new administration on many programs outlined in our new Governor's address". . . . [2, 1-13-61]

Before returning to a more detailed examination of the labor and management political struggles under the Volpe administration, we will summarize this chapters' description of the turbulent Furcolo years.

Summary

We have seen that Foster Furcolo's ascension to the Governor's chair launched a major donnybrook during the 1957 legislative session over the issue of the best way to raise additional revenue. The AIM, The Greater Boston Chamber of Commerce, the Federation of Taxpayers' Association and other employer groups continued to strongly advocate a sales tax as they had on previous occasions. The Constitution of the Massachusetts Federation of Labor, however, committed that organization to "oppose the enactment of sales taxes and other forms of regressive taxation". Therefore, they created a special fund of $10,000 to oppose any sales tax proposal and along with the State Industrial Union Council continued to advocate amending the constitution to permit a graduated income tax in Massachusetts. There was evidence of some dissention from two of the largest union groups within labor's ranks on this issue, however, as Nicholas Morrisey powerful representative of the Teamsters union opposed the principle

of progressive taxation, as well as a sales tax, and William V. Ward, President of the State County and Municipal Employees, took the position that only a sales tax would provide enough revenue to assure that state employees would be adequately compensated.

A major split also developed within the Democratic Party in 1957 when Governor Furcolo, after considerable delay, proposed a limited 3% state sales tax. The Governor maintained that the "limited" nature of his sales tax program exempting certain "necessities" from taxation did not violate the 1956 party platform pledge to oppose sales taxes, which he interpreted to mean general "unlimited" sales taxes. Some powerful Democratic legislators, led by Senator John E. Powers, however, lined up with most of the Massachusetts labor leaders in defeating the proposal after a heated and bitter campaign that spread throughout the state. A majority of Republicans joined the anti-sales tax Democratic forces in defeating the bill, despite a last minute switch in Republican party strategy to swing support behind the Governor's proposal.

As in the immediately preceeding years, much labor legislation passed by the Democratic House was defeated in the Republican Senate, several measures by tie votes. Since the Massachusetts Senate remained the last Republican stronghold in the state, however, some compromises were fashioned in important areas so that the party could take a "reasonable" labor record into the 1958 elections. The weekly allowance for dependents of unemployment compensation recipients was increased from $3.00 to $4.00. The corresponding dependency allowance under the Workmens Compensation Act was also

increased to $4.00 in 1957, and the burial allowance was increased from $350 to $500.

A bill regulating the administration of both employer and union administered health and welfare funds was enacted with labor support, and the minimum starting salary for school teachers in the state was increased from $3,000 to $3,300. There was a salary adjustment for state employees, again including a $400 "extra time" bonus for members of the General Court, and there was some other relatively minor legislation amending the public employees' group insurance program, extending the time allowed for minimum wage board reports, and memorializing congress for increased housing for the elderly.

Organized labor's cash sickness proposal did not develop into a major issue in 1957 as it had the last time the state had a Democratic Governor, but the Federation of Labor introduced for the first time a bill similar to the long standing CIO proposal to provide unemployment compensation to persons on strike for over six weeks. There was also evidence of increased political cooperation among the main employer groups in Massachusetts in 1957, and some of labor's most sought after measures were in the melange of bills passed by the House and defeated in the Senate.

On balance, compared to 1955 and 1956, there was a substantial drop in the percentage of labor's bills passed in 1957, despite the fact that a Democratic Governor had been elected. Kenneth Kelley's epitah on the 1957 legislative session, however, stated:

> Overshadowing all other matters on Beacon Hill this year was Governor Foster Furcolo's proposal for a

> "limited" 3% Sales Tax. . . . While the Governor may not yet admit it, the defeat of a sales tax was a blessing in disguise for what was considered a most promising political future. . . . [9, p. 146]

Although a proposal to apply the witholding system to existing income taxes rather than increase tax rates was proposed by the Governor in 1958, another major split developed between the executive and the legislative branches of the Massachusetts government. As a result of this deadlock, the legislature prorogued leaving the state budget out of balance for the first time in history. With regard to labor legislation, the 1958 session of the General Court took place against the background of the continuing unsuccessful attempts of the AFL and the CIO groups to merge in the Bay State, and it was marked by two main trends: an attempt on the part of Governor Furcolo to patch up the labor wounds opened by his sales tax advocacy in the preceeding year; and an employer attempt to launch a vigorous "industrial climate" campaign to secure a "moratorium" on labor law liberalization in Massachusetts. The legislative battles of 1958 were further enlivened by the reappearance of Clarence A. Barnes on the legislative scene with both of his 1948 proposals for regulating union elections. On balance, however, organized labor succeeded in having modified versions of some of their major proposals, which had been defeated in 1957, passed in 1958. Many of these issues also spilled over into the November election campaign.

Although Governor Furcolo's opening message to the General Court supported labor's cash sickness proposal, it was voted down in the House for the 11th straight year in 1958 by 37 votes. Former Attorney General Barne's proposals for regulating union elections

were overwhelmingly defeated despite support from the AIM, and a Greater Boston Chamber of Commerce bill proposing to outlaw stranger picketing was also defeated along with several labor proposals to amend the 1950 anti-injunction law. Labor's repeated attempts to secure a uniform arbitration law in Massachusetts were defeated in 1958 when the House refused to accept a Senate modification of the bill. Several other labor bills were also defeated. Nevertheless, there was a sharp increase in the percentage of labor bills passed in 1958, and some of these were in the major areas of workmens compensation, minimum wages, and unemployment compensation.

After a lengthly battle, the maximum weekly benefit under the Massachusetts Workmens Compensation Act was raised from $35 to $40 from the day of injury, thus extending the 1956 maximum of $40 after 13 weeks to the whole payment period. Some steps were also taken to insure the reemployment rights of injured workers. The "floor" under minimum wage board orders was set at 90¢ per hour in 1958, except for those employees who received tips or gratuities or those who were covered by the minimum wage law but not subject to minimum wage board orders. The latter group was subject to the statutory minimum wage of $1.00 an hour, and the minimum wage for employees receiving tips was raised from 57 1/2¢ to 65¢ per hour. Although unemployment benefits were not increased in 1958, the coverage of the act was broadened to include persons forced to retire under company pension plans and workers voluntarily leaving their jobs. In connection with the federal law permitting states to borrow funds to tide over workers who had exhausted their benefit

rights during the 1958 recession, the duration of benefits period under the Massachusetts law was also temporarily extended from 26 weeks to 39 weeks.

A bill requiring that one of the five members on the state Public Utilities Commission be a woman experienced in consumer problems was passed with strong labor support, and both organized labor and employer groups supported some amendments to the 1956 Massachusetts Port Authority Act. Following Congressional passage of a federal health and welfare reporting and disclosure act, the 1957 Massachusetts law in this area was modified and "improved" in 1958 by the addition of both labor and management sponsored amendments.

In 1958 provisions were made to suspend the homework permit of any employer in the case of a strike at the employers plant until the strike is ended or ruled to be illegal. Two bills concerning the salaries of firefighters were adopted. Public employees were given a "bill of rights" guaranteeing them the right to form and join labor organizations for the purpose of negotiating their salaries and conditions of employment, and the minimum salary for school teachers in Massachusetts was raised from $3,300 to $3,600 a year. Finally, the 1958 session ended with the imbroglio over the "right-to-eat" bill for public school teachers which finally was made optional.

Following the 1958 elections,which saw both the Democratic House and Governor Furcolo reelected and which saw the Democrats capture control of the Massachusetts Senate for the first time in the state's political history, the long delayed merger between the AFL

and the CIO was finally consumated in the Bay State. Kenneth Kelley was made the Secretary-Treasurer of the merged organization, and the legislative duties of the newly formed Massachusetts State Labor Council AFL-CIO were turned over to James Broyer of the AFL and Al Clifton of the CIO.

A newly merged labor federation with a new legislative department eager to make an impressive start, the lingering memories of the strong industrial climate campaign conducted by Massachusetts industry during the 1958 elections, and the unprecedented Democratic dominance on Beacon Hill, all promised to make the 1959 legislative session one of the most important ones in the postwar period in Massachusetts. The unresolved financial difficulties reflected in the unbalanced state budget in 1958 also added to the importance of this session of the General Court. Labor's endorsement of Governor Furcolo in the 1958 elections was made contingent upon the fact that he not support a sales tax, but this contingency became meaningless when the Republican candidate became overwhelmingly identified with Massachusetts industry's industrial climate campaign and offered labor no real alternative to the Democratic candidate, sales tax or not.

Despite many labor and Democratic pledges of "responsibility" and "moderation", most Bay State employers prepared for the 1959 session with genuine apprehension, although it appeared certain that the Governor would introduce a sales tax proposal again in 1959, despite the fact that strong labor and Democratic party divisions continued to exist on this issue. While relatively united on

the sales tax idea, however, the business community itself was split on the Governor's campaign proposal to provide for witholding provisions under the state's income tax law.

The eventual passage of the witholding bill, applying to the calendar year, meant that the "windfall" increase in revenue would balance the fiscal year budget for both 1958-59 and 1959-60. This doomed the sales tax bill in 1959, but really only postponed the day of reckoning for Massachusetts budget problems, since the tax base was not expanded and the witholding "windfall" would not provide a recurring increase in revenues in succeeding years when the State budget seemed destined to increase. To meet this problem of the need for more future revenues, the 1959-60 General Court took the first step toward organized labor's long sought constitutional amendment to permit a graduated income tax in Massachusetts by approving this proposal and leaving it for the next General Court (60-61) to consider again for possible presentation to the people in a referendum during the 1962 general elections.

Beyond the general employer-labor divisions on tax matters, there were also all-out political struggles in the more perennial areas of labor legislation in 1959, which saw many of the leading individual corporations in the state join the customary employer association groups in opposing most labor measures. Despite this intensive "industrial climate" campaign aimed at "moratoriums" in the areas of minimum wage, workmens compensation, and unemployment compensation, the Democratic Legislature passed an almost unprecedented amount of labor legislation in 1959, some of

it with only lukewarm and even reluctant gubernatorial approval.

The Massachusetts minimum wage law was amended to put a $1.00 per hour floor under minimum wage board orders, thus bringing wage board industries up to the statutory $1.00 minimum in other industries, except for two exceptions. A 70¢ per hour floor was enacted for persons receiving tips, and a $30 weekly minimum was established for janitors furnished living quarters. There was a major overhauling of the state Employment Security Law. The maximum weekly benefits were increased from $35 to $40, the weekly allowance for dependents of unemployment recipients was increased from $4 to $6, the duration of benefits period was extended from 26 to 30 weeks, and the maximum percentage of base year earning was increased to 36%, females were permitted to refuse work between 11 P.M. and 6 A.M. and still receive benefits, and there were also some other relatively minor changes.

On the other hand labor's striker benefits bill was not passed, and in order to secure the above "improvements" in the unemployment compensation law, organized labor had to accept a bill they opposed which increased the amount of base period earnings required to qualify for unemployment benefits from $500 to $650. Even this amount, however, was a revision of the $800 limit originally enacted in the Senate.

In the area of workmens compensation, the maximum weekly benefits were increased from $40 to $45, the dependent's benefit was increased from $4 to $6 a week, and there were several other less significant changes.

A special version of the American Bar Association's model arbitration act was drafted to meet Massachusetts conditions by Archibald Cox, Harvard labor law expert, and it passed in 1959 in a form favored by organized labor, after several previous attempts to enact this legislation had failed. And one of the most controversial bills of the session, requiring that a panel of three superior court judges sit on injunction cases involving labor disputes, was passed and signed with considerable reluctance by Governor Furcolo. Passage of this particular bill was facilitated by the fact that, while it was still pending before the Legislature, a Massachusetts judge issued a preliminary injunction in a labor dispute without giving the union involved a hearing.

The state minimum salary for school teachers was increased to $4,000 a year in 1959, and state employees were given a $351 a year salary increase. A bill was passed prohibiting employers from requiring lie detector tests as a condition of employment and legislation was enacted which required that:

> dividends, or rate reductions, above the cost of the insurance from group insurance policies that have employee participation of premium payments, shall be applied for the sole benefit of the insured members of such plan or employees. [14, p. 27]

Finally, a voter registration bill was enacted which permits registration of voters in factories upon the petition of 10 or more prospective voters, if permission is granted by the owner or tenant of the factory.

Following this victory feast in 1959, organized labor faced much rougher going in the 1960 legislature, despite their traditional

expectation that they should fare better in election years than in non election years. Indeed, it would be hard to fare better than labor did in 1959 in any year, but they voiced a determination to try.

At the beginning of the 1960 session of the General Court, the State Labor Council gave no indication that they would be content to rest on their laurels after the admittedly successful 1959 session. The legislative department filed 26 bills and indicated that they intended to top their 1959 performance. Massachusetts employers on the other hand again accelerated their "industrial climate" campaign in 1960, and there was evidence that similar campaigns were being waged in other industrial states. Several particularly bitter strikes in the Bay State during 1960 added impetus to employer attempts to modify the state injunction law and to labor attempts to secure unemployment benefits for strikers, but both sides failed on these issues.

With the passage of the most significant labor measures delayed until after the 1960 elections, the longest legislative session in Massachusetts history finally enacted a state overtime law requiring payment of time-and-a-half for work over 40 hours weekly, a bill requiring the registration of strikebreakers imported into the state during a labor dispute was passed, and the state's Sunday laws were extended to cover seven and one-half holidays in Massachusetts. There were several exceptions listed to the coverage of the overtime law, however, and the other labor bills passed were rather minor measures concerning removal procedure for employees of the Suffolk County Jail, authorizing journeymen plumbers to do gas fitting,

permitting cities or towns to enter into collective bargaining agreements with their employees if the cities or towns so decide, requiring employers to furnish a written list of payroll deductions if an employee so requests, etc.

Following the 1960 elections there was some question as to whether the merged labor movement in Massachusetts could continue to operate at such a successful pace. Although the Democrats still retained control of both branches of the General Court, the Republican John A. Volpe was now in the Governor's chair. The fact that his Democratic predecessor, Foster Furcolo, had been only lukewarm on some labor proposals but was not able to have them modified plus the fact that most of the Italian labor leaders in the Bay State were known to have supported Volpe, despite official COPE support for his Democratic opponet in the 1960 elections, made the prospects of continued labor advance a moot question. A large part of the Bay State business community, however, looked to the new Governor for an improved business climate in the state.

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CHAPTER XV

MASSACHUSETTS LABOR LEGISLATION IN THE EARLY 1960'S

The Brief Administration of John A. Volpe, 1961-1962

Following Governor Volpe's inauguration early in 1961, the quotations cited in the preceding chapter indicated that the Massachusetts' business community looked for the new chief executive to aid in improving the Bay State's "industrial climate."

While business thus evidenced a willingness to go along with the new Governor, organized labor indicated that it would officially cast its lot with the Democratic Legislature when it publicly announced its opposition to a referendum petition being circulated to repeal the $1,500 pay raise enacted by the "lame duck" 1960 General Court. James Broyer, Director of the State Labor Council's Legislative Department, described the repeal drive as a "calculated and cunning conspiracy on the part of some elements in the business community to discredit the Democratic-controlled Legislature by unfair propaganda and false representation of facts." And, he continued, "The General Court should never again be permitted to become a rich man's club." [3, 1-29-61]

This charge brought a firey rebuttal from a Boston newspaperman, David Farrell, who stated that the labor lobby was "polishing a a bad apple," and continued:

> The State Labor Council's unqualified endorsement of the lawmakers' actions apparently indicates that body's support for a public-be-damned attitude, so long as labor's pet bills are taken care of on Beacon Hill.
>
> The labor group's action in getting Senate President John E. Powers to replace Senator Kevin Harrington (D-Salem) as chairman of the Labor and Industries Committee is indicative of the Council's maneuvering to attain their ends.
>
> Harrington, one of the most competent and fair legislators on the Hill, made the "mistake" of opposing labor's legislation for strikers' benefits. He went along with several pieces of legislation beneficial to labor but the short-sighted thinking of the Jim Broyers cost him this chairmanship. [5]

This controversial replacing of Democrat Kevin Harrington as the Chairman of the Legislative Committee on Labor and Industries indicates the emphasis the State Labor Council was placing on its striker benefits bill in 1961. They did add one wrinkle to their proposal when they filed a bill limiting strikers' eligibility only to cases in which the company involved refused to submit the issues of the labor dispute to arbitration. The Council also filed some two dozen other bills in 1961, the major ones being an increase in the state Minimum Wage Law, an increase in both unemployment compensation and workmens compensation benefits, and a renewal of their 14-year drive to secure a so-called cash sickness insurance program for workers idled by illness or non-industrial accidents.[1]

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[1] There is a one-year delay in the printing of the convention reports and the proceedings of the State Labor Council. That is, the proceedings of the October 1961 convention are not printed until they are distributed to the delegates at the 1962 convention, etc. Detailed reports on some of organized labor's more specific proposals thus were not available beyond the 1960 legislative session when the research

(Continued on following page)

On the other hand, both the Greater Boston Chamber of Commerce and the Associated Industries of Massachusetts filed legislation to amend the state's Injunction Law to give greater protection against mass picketing in the Bay State. Both of these business groups were also strongly opposed to the calling of a Constitutional Convention in Massachusetts, and several employer-sponsored measures were filed to tighten up the eligibility requirements and the administration of the state Unemployment Compensation and Workmens Compensation Laws. The AIM also filed a bill to reorganize the Industrial Accident Board to expedite the handling of contested claims under the Workmens Compensation Act, and the Association continued to advocate the repeal of the Bay State's corporate excess law. This law placed a tax on a percentage of the market value of a firm's capital stock or a percentage of their tangible property, which had the effect of taxing a Massachusetts corporation whether it made a profit or not. Finally, in the face of the drain that was being placed on the Massachusetts Unemployment Conpensation Fund due to the high level of unemployment following the 1958 and 1960 recessions, Bay State employers sought to refinance the Fund and still

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(Footnote number 1 continued from preceding page)

for this thesis was completed in the summer of 1962.

This chapter, therefore, will not attempt to describe the disposition of all of the relatively minor "labor" matters as was done in the preceding chapters where the complete labor convention reports were available. The fate of all of the major labor-management legislative items during the 1961-62 session of the General Court is available from other sources, however, and these items serve as the main focus for the remainder of this chapter.

preserve the merit rating principle in determining the rate of employer contributions.

Early in the legislative session, the AIM and the Greater Boston Chamber of Commerce combined to advocate increasing the minimum base-year earnings necessary to qualify for unemployment compensation benefits from $650 to $800. They pointed out that the state Unemployment Compensation Fund was in a perilously low condition and that when the base-year minimum requirement had been raised from $500 to $650 in 1959, an annual savings of $2,000,000 a year had been realized. During these hearings Senator Harrington, who had a strong pro-labor record prior to being displaced as Labor and Industries Chairman, argued in favor of the increase stating that the $800 earnings requirement would result in denying unemployment compensation only to workers not regularly attached to the labor market, including persons who desire to work only part-time and then sit back and collect 30 weeks of unemployment compensation benefits. The Monitor, however, noted:

> Albert G. Clifton, legislative agent of the Massachusetts State Council, AFL-CIO, argued against the $800 earnings requirement and asserted that labor made a serious mistake when it agreed to the $650 figure in 1959 in return for benefits liberalization.
>
> To raise the earnings requirement, he said, would take benefits away from low-paid workers, who are the least able to afford to lose benefits. [4, 1-18-61]

In view of labor trouble on Boston's MTA, another labor-management skirmish arose when Governor Volpe sought legislation to amend the emergency dispute provisions of the Slichter Act to permit

the government to seize a mass transportation line in the event of a strike threat.

Despite these rather stormy beginnings, however, there seemed to be less "business climate" publicity directed toward the General Court in 1961 than there had been in the previous year. A growing concern with corruption and, the hint of scandal in some areas of the State Government, an increasing concern over Greater Boston's transportation problems including a running battle between Governor Volpe and Turnpike Commissioner Callahan over the best way to connect downtown Boston with the end of the Massachusetts' Turnpike in Weston, and a general furor over the application of the state's Blue Laws prohibiting certain types of business activity on Sunday, drew a considerable amount of attention away from labor-management legislative battles in 1961. (Although the Sunday law controversy had some labor-management connotations due to the 1960 legislation applying these laws to 7½ Bay State Holidays). The Legislature was also anxious to speedily dispatch its business and prorogue early to take the sting out of much of the public criticism over the 1960 marathon session.

Early in the session Senate President John E. Powers repeated his talk of moderation, but implied some criticism of the strong business climate campaign of the preceding session, as the following exerpts from a Christian Science Monitor interview indicate.

> The President of the Massachusetts Senate, John E. Powers, takes the position that Massachusetts offers much to industry for its tax dollar.
>
> He points out that the general atmosphere is good. He

mentions the excellence of education, of transportation, of medical facilities, of water-supply and sewerage systems, and police and fire protection.

Most of all he praises the diversity of trained labor in Massachusetts, which he says "can't be matched in any other part of the country." He mentions that it was not necessary to import labor into Massachusetts for even the most specialized work.

Speaking directly of industry's attitude, Senator Powers says for many years, from 1812 to 1958, one group "ran" Massachusetts....

This no longer holds true, according to the senator....

Senator Powers says, "Labor has become a great force in Massachusetts. It is potent, and its demands are sometimes severe, but it is willing to compromise."

In summary, the Senate President says, "Business in Massachusetts had better attune itself to the present setup, even though it is more liberal than before. The present group will be running things for the next 50 years.

"We need business. We want to make an ally of business, but we cannot ignore the basic needs." [4, 1-10-61]

The declining balance in the state Unemployment Fund, which was being drained at the rate of about $4,000,000 a week in early 1961, focused most early attention on this problem. In mid-March the Governor announced that, under the existing Employment Security Law, merit rating in determining the amount of employer contributions would have to be abolished beginning April 1, since the Law required all employers to pay the maximum 2.7% tax rate if the Fund dropped below 4½% of the taxable payroll in Massachusetts, or about $187,600,000 in this case. This situation pretty much quashed labor's hopes of getting increased unemployment compensation benefits in 1961. It did not dampen their aspirations in other areas, however, and they continued to advocate striker benefits in addition to offering legislation to refinance the Unemployment Compensation Fund in a way that would

increase the taxable wage base from $3,000 to as high as $4,000 and restrict merit rating.

On the other hand, an AIM's proposal to continue merit rating by increasing the taxable wage base to $3,600 and set up varying tax rates to become effective automatically depending on the condition of the total Unemployment Compensation Fund was running into some internal opposition in the business community. The Monitor noted:

> But some employers are not in favor of raising the tax base, nor are they ready to accept the AIM variable tax rate plans.
>
> But with the present system likely to produce only enough revenue to keep abreast of the present drain, it is becoming apparent that some new financing plan is necessary. [4, 3-13-61]

The employer effort to raise the base-year earnings requirement from $650 to $800 under the Employment Security Law was defeated, and labor's proposal to make strikers eligible for unemployment compensation benefits after six weeks in cases where the employer refused to arbitrate was referred to the next annual session by a vote of 131 to 80 in the Massachusetts House. Then the AIM's proposal to refinance the Employment Security Law by increasing the tax base to $3,600 and setting up a new series of tax schedules designed to return merit rating to Bay State employers by January 1, 1962, was eventually fought through to passage despite some strong employer opposition to increasing the tax base. Indeed, some of the most influential members in the AIM Public Affairs Program vehemently opposed this proposal while others strongly supported the measure. The Association's Legislative Counsel, however,

termed the measure "a real break through," and stated it was one of "the first significant employer-sponsored proposals to receive favorable treatment in the Legislature in nearly a decade." [1, p. 14]

Another AIM Bill to reorganize the state Industrial Accident Board to expedite the handling of workmens compensation claims was also enacted with labor approval after some other employer proposals to "strengthen" the Act were defeated. The powers of the Board were consolidated in the chairman, and the terms of the Board members were increased to 12 years to promote administrative stability. Any outside practice, profession or business activity of Board members was also eliminated in the 1961 legislation.

As part of these reorganization changes labor won some substantial increases in workmens compensation benefits in 1961. The maximum weekly benefit was increased from $45 to $50 a week, widow's benefits were increased from $30 to $35 a week, and the maximum total benefits for temporary total incapacity and permanent partial incapacity were increased to $16,000 and $18,000 respectively.

Employer attempts to repeal the three-judges requirement and make other amendments in the state Injunction Law were defeated, however, and labor successfully opposed an attempt to amend the emergency dispute provisions of the Slichter Law to cover transportation. The State Labor Council's cash sickness proposal was also defeated again in 1961. Labor's graduated income tax amendment was passed

however, meaning that this proposal had now been approved by two successive Legislatures and that it would go to the people at the polls in the 1962 elections. If approved by the people, the constitutional prohibition on a graduated income tax would be removed, and the General Court would then be free to enact a graduated income tax in the Bay State.

As mentioned above the general hassle in Massachusetts over the enforcement of the states "Blue Laws" had some labor-management connotations in 1961 when labor sought to extend the coverage of the Sunday Laws to the second half of Columbus Day, which it had failed to secure when these laws were applied to 7½ legal holidays in 1960. This bill passed the Legislature and the following letter from the Greater Boston Chamber of Commerce to its former President tended to place the Governor, who was both an Italian and a businessman, on the spot.

> While at this time you are being asked only to extend the "blue law" restrictions to the remainder of a day already under partial restriction, your approval would be giving a green light to every organized group in the community to press for a particular holiday to honor a distinguished deed, individual or activity with restraint upon business activity....
>
> On behalf of business in general and, more particularly, on behalf of business that would suffer further economic loss from extension of the "blue law," we urge that you veto Senate 15 and let it be known that the prosperity of Massachusetts is more important. [6, 3-17-61]

The Governor ignored this plea from his former associates, however, and signed the Bill. But other labor attempts to strengthen the enforcement of the Sunday Laws were unsuccessful.

The state overtime law was amended to provide that other premium pay was not to be included in the base upon which the time and one-half overtime premium was computed, and persons certified as handicapped by the Massachusetts Rehabilitation Commission were exempted from the state minimum wage requirements. A law was passed requiring that all goods imported into the United States and sold in Massachusetts had to be labeled "Imported Goods" or by a designation of the country of origin. The state law restricting the employment of minors was extended to mercantile, retail and service establishments as well as manufacturing and mechanical business. Organized labor was given official representation on the state housing and redevelopment authorities, and some other relatively minor legislation was also enacted.

The relatively short legislative session finally ended with a controversy over increasing the state Minimum Wage Law in light of the fact that the Federal law in this area was being changed by the United States Congress. A Massachusetts Minimum Wage Law of $1.15 an hour, without some of the exemptions in the Federal law, passed both houses of the General Court and was sent to the Governor, who returned the Bill, exempting intrastate business, which nullified the intent of the state law. The original bill was returned to Governor Volpe at the close of the session, but he refused to sign the measure and it died.

In its 1961 legislative summary, the Greater Boston Chamber of Commerce stated: "While the business community has had grounds

for optimism, it has also met with some disappointments from the Legislature." The Chamber viewed with pessimism its unsuccessful attempts to amend the State Injunction Law, and stated "Unfortunately memories are short. It will probably take a repetition of the unpleasant episodes in the 1960 strikes to get serious legislative consideration in the future." The Chamber's Executive Vice President, James G. Roberts, however, concluded "The overwhelming defeat of the strike benefits bill, however, was perhaps the most significant victory the Legislature provided employers during the 1961 session." [6, 6-12-61]

Despite noticeable differences in the specific items mentioned, the AIM's overall view of the 1961 legislative session was similar to that of the Chamber. AIM President, Raymond H. Blanchard, stated "The Legislature showed a most encouraging awareness of major problems to the manufacturing community," and Walter Meuther, the Association's Legislative Counsel termed 1961 "A year of cautious promise." [1, p. 14]

The AIM published a detailed "Business Climate Balance Sheet" for the first time in 1961. It indicated that three of eleven "positive" measures had been enacted, and that 18 of 21 "negative" measures had been defeated. Ignoring the known split in the AIM ranks over the refinancing of the Unemployment Compensation Fund, Meuther stated:

> ...the trend is the keynote for future decisions in favor of Massachusetts, and the session saw industry's

> image at the State House improve in terms of today's political realities. Manufacturers across the Commonwealth have, without question, developed stronger and more meaningful relationships with their Senators and Representatives back home in their own districts, and this has been reflected on the Hill. [1, p. 14]

Many of the unresolved labor issues of 1961 were again considered in 1962, but the areas of minimum wage legislation and taxation received the largest amount of attention in this election year.

In the area of minimum wages, the labor movement modified its proposal in a way that overcame the objections of the Governor's veto in the preceeding year, and legislation was passed and signed in 1962 which provides for a Bay State minimum of $1.15 per hour, except for employees who customarily receive tips. These persons now must receive a minimum of 75¢ per hour. Other aspects of labor's legislative program, however, met with only moderate success in 1962.

There were no major changes in either unemployment or workmens compensation benefits, but some specific injury schedules were increased under the latter legislation. The 1960 legislation regulating the importation of strikebreakers into Massachusetts was modified at the insistence of the typographical workers, school bus contractors were required to pay prevailing wages to their operators, and a battle between the Teamsters Union and the State, County and Municipal Workers Union saw the State Council help its affiliated members secure a bill extending the protection of the Bay State labor relations act to persons working for public authorities in Massachusetts. With the exception of the new minimum wage law,

these were the only labor measures enacted in 1962, but an employer attempt to repeal the three-judges provision of the state injunction law was defeated despite a favorable report of the Judiciary Committee. The Associated Industries, on the other hand, secured some changes in the application of the Sunday Holiday laws to manufacturing enterprises in the state, and claimed a major triumph when the "corporate excess" provisions of the Massachusetts tax laws were eliminated with no loss in revenue to the state.

The AIM had been trying for a decade to eliminate this provision of the tax laws, but the loss in revenue was always a stumbling block. The existing law taxed corporations a percentage of the market value of their capital stock (corporate "excess") or a certain percentage of their tangible property whichever was higher plus $6.75 per $1,000 of net income. Under the 1962 tax law revision, the corporate excess provisions were eliminated and the tax on tangible property was changed in a way that is designed to bring in enough revenue to offset the loss from the corporate excess elimination plus the provision of the 1962 law which exempts new equipment, with an expected life of 8 years or more, from the tangible property tax for 5 years. The AIM hailed the 1962 law as a "Breakthrough for Investment," and Don S. Greer, the Association's President, stated:

> Certainly passage of H. 3834 in its present form would be a basic step in the direction of new investment and needed new jobs. It would once and forever eliminate the complex and arbitrary process of figuring the state tax on a corporation in part on its capital stock -- an area over which corporate executives exercise little or no control, and one that is speculative at best.
>
> Professional voices have been quick to cite the elimination of the corporate excess feature as social-political policy which would really help open our Bay

> State doors to needed new investment from growth and research oriented firms. . . .
>
> . . . Industry does not seek to shift the burden to other segments of our society. Thus, with industry guaranteeing to keep the overall revenue from corporations the same, the Commission has accepted the challenge of utilizing state tax policy for other purposes than the mere collection of revenues. . . .
>
> This could be a truly historic change in direction for the Commonwealth's future. [7, p. 5]

Some of the AIM's member firms which would actually have a higher tax bill under the new law worked for its passage, others did not. One tax matter that practically all employers agreed on in 1962, however, was the desire to defeat the proposed constitutional amendment permitting a graduated income tax in Massachusetts. After a long struggle, the Massachusetts labor movement had finally succeeded in having this matter placed on the ballot for the November, 1962 elections. Having come this far, however, the State Labor Council had real difficulty in obtaining support for this measure in 1962. Nicholas Morrissey, a powerful officer of the Teamsters Union in New England and a past president of the Massachusetts Federation of Labor (AFL) before the Teamsters were expelled from this body, traveled the state denouncing the graduated income tax amendment as "a communist plot". At a more practical level, many of the business agents and other influential union officers apparently felt that their salaries put them in an income bracket likely to be affected by any graduated tax rates enacted by the General Court. Therefore, they were less than enthusiastic in "passing on the word" from the State Labor Council and in drumming up support for the proposal among the rank and file membership. It is also known that as late

as July 1962 the Executive Board of the State Labor Council had not yet begun to lay definite plans for its tax campaign.

On the other hand, there was concrete evidence that Bay State employers had already begun in earnest to prepare for the tax battle; and in June the Massachusetts Supreme Judicial Court ruled that corporate funds could legally be spent to oppose the income tax amendment in the Bay State.[1]

It is not certain how much was spent by either side in the 1962 tax campaign, but the proposed amendment was defeated by an overwhelming margin. The labor-endorsed Democratic candidate, Endicott (Chub) Peabody, defeated incumbent Governor Volpe by a very narrow margin, and the 1960 legislative pay increase for members of the General Court, which labor had supported earlier in the year, was repealed at the polls in 1962. The Democrats retained control of both houses of the General Court, and the Democratic candidate Edward M. (Ted) Kennedy defeated his Republican opponent George Cabot Lodge in the nation's most publicized U.S. Senate race in 1962. Although the State Labor Council endorsed Kennedy in the November elections, it was believed that there had been some unofficial labor support for Edward McCormick in the "Teddie - Eddie" fight for the Democratic Senatorial nomination, as well as some continuing labor support for Governor Volpe despite the official COPE endorsement of the Democratic gubernatorial candidate.

These signs of labor division in candidate support and

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[1] See [2, 6-29-62]

inertia in the income tax referendum, as well as the well coordinated campaign of the business community on the latter issue, in addition to the apparent rise of a strong Kennedy influence that may change, (or may have to change) the nature of the Democratic party in Massachusetts, all give rise to speculation concerning the future of labor legislation in the Bay State. It seems likely that organized labor will have a difficult time matching its increasing political influence in the 1950's during the decade of the 1960's. Indeed, there are signs that there may be a slight realignment of influence as labor and management prepare to push their struggles for labor legislation into the decade ahead. We will return to a consideration of these matters after reviewing the major labor enactments during the brief administration of Governor Volpe from 1961 through 1962.

Summary And Outlook For The Future

Following the 1960 elections in which the unendorsed Republican Gubernatorial candidate, John A. Volpe, picked up enough labor support to become the lone Republican survivor in a general Democratic sweep of the Bay State, the 1961 session of the General Court was short but active. Despite the fact that the State Labor Council succeeded in having Democratic Senator Kevin Harrington replaced by another Democratic Senator Maurice Donahue as the Chairman of the Legislative Committee on Labor and Industries, their striker benefits bill under the Massachusetts Employment Security Act was again defeated in the Legislature. The AIM, however, succeeded in having its plan to refinance the state unemployment fund enacted

despite some internal employer opposition.

The Industrial Accident Board was reorganized to expedite the handling of contested claims under the Workmens Compensation Act, and benefits under the law were increased substantially, including an increase in the maximum weekly benefit from $45 to $50 per week. The proposed graduated income tax amendment was passed by the second successive General Court in 1961, automatically placing the measure on the ballot for voter consideration during the 1962 Bay State elections.

The state Sunday Laws were applied to the second half of Columbus day, making a total of eight full holidays to which the "Blue Laws" now apply, but labor's attempts to strengthen the application of these laws in other circumstances were rejected. Labor's cash sickness proposal was again defeated in 1961, and Bay State employers were unsuccessful in their attempts to amend the Massachusetts injunction law and to increase the minimum base year earnings requirement under the unemployment compensation law. Attempts to expand the emergency dispute provisions of the Slichter Act to cover transportation were also unsuccessful in 1961.

The state overtime law was amended to provide that other premium pay was not to be included in the base upon which the time and one-half overtime premium was computed, and persons certified as handicapped by the Massachusetts Rehabilitation Commission were exempted from the state minimum wage requirements. A law was passed requiring that all goods imported into the United States and sold in Massachusetts had to be labeled "Imported Goods" or by a

designation of the country of origin. The state law restricting the employment of minors was extended to mercantile, retail and service establishments as well as manufacturing and mechanical businesses. Organized labor was given official representation on the state housing and redevelopment authorities, and some other relatively minor legislation was also enacted.

The relatively short legislative session finally ended when Governor Volpe allowed a state minimum wage law enacted by the Legislature to die on the grounds that it exceeded the national standards contained in the federal minimum law of 1961.

The 1962 legislative session, however, saw a new Bay State minimum wage law enacted, and the ATM succeeded in eliminating the corporate "excess" provision of the Massachusetts tax laws and in securing some modifications in the application of Sunday laws to legal holidays. There was also some other relatively minor labor legislation in 1962, but the Democratic sweep in the November elections seems to have brought the Massachusetts labor movement and the Democratic Party in Massachusetts to a rather challenging impasse. The Democratic Gubernatorial candidate Endicott (Chub) Peabody defeated the incumbent Governor Volpe by an extremely narrow margin, and the Democrats retained control of both houses of the General Court. Labor's long sought constitutional amendment permitting a graduated income tax in Massachusetts was overwhelmingly defeated, however, and there were some indications that labor inertia and in some cases even opposition may have helped to account for this result.

With the Democrats committed to an expanding program of

community colleges, and with the cost of other state programs almost certain to increase, the financial problems that have been haunting the Bay State for the past several years seem destined to become increasingly acute. Chances of meeting these problems through a graduated income tax are now impossible for at least four years, if not longer, in light of the 1962 election results. This, combined with labor's traditionally powerful opposition to any form of sales tax, indicates that the strains put upon the Democratic-Labor coalition during Governor Furcolo's sales tax campaign in 1957 and 1959 may again appear on the Massachusetts political scene.

There is also the consideration that, to date, much of organized labor's undeniable influence in the Bay State Democratic Party has probably been due to the fragmented and decentralized nature of the state party organization. With each Democratic candidate in the state left more or less to his own devises in assembling a campaign machine, there has been abundant opportunity for interested labor groups, where they exist, to play an influential role with particular candidates--even if they are not always consistent with the activities of other labor groups or other candidates below the level of national or statewide elections.

While this type of arrangement may be effective for some purpose, it has its disadvantages for others--particularly from the standpoint of political unity. As indicated earlier, there have been cases of corruption or shady doings on the part of certain Democratic politicians over which the state party organization has had little if any control. Often these persons have been strong

enough politically to survive in their own sphere of influence and thus remain in office much to the determinant of the party "image". The most recent case of this sort involved a Roxbury incumbent of the Massachusetts House of Representatives, Charles Inanello, who was reelected in his district despite indictment and later conviction of fradulent practices in his contracting business.

There have been some recent indications, however, that the new Democratic Governor Peabody may make a strong bid to strengthen the Democratic state committee and make the party less dependent on the efforts of local "baronies" in selecting candidates, raising funds, and soliciting voters. If any of the Kennedy influence in the state is brought behind this plan, and if a strong state Democratic Party develops in Massachusetts, this might have the effect of reducing labor influence in the Bay State in the sense that, if the party could generate resources of its own, it would be less dependent on labor support.

There is no doubt that the labor-Democrat coalition in Massachusetts is a strong and an effective one, and that it will remain so despite any internal shifting of power. Nevertheless, a strong central party organization, similar to the one maintained by the Bay State Republicans, would tend to have the effect of reducing the independent influence of any constituent group. In this sense also the Peabody forces seem to lean to the intellectual, ideological wing of the Democratic Party in Massachusetts rather than to the more traditional pragmatic political wing. And the general anti-intellectual bent of the American labor movement, let alone

the past experiences of the Massachusetts labor movement with the ADA and COD, would lead one to suspect that some of labor's importuning would be less sympathetically received by the "eggheads" than by the less ideological politician that have traditionally carried the Democratic banner in the Bay State.

None of these trends are clear enough yet to make any intelligent projections, but if state fiscal pressures force the Democrats to seriously consider some form of sales tax, if a strong state party organization is created, or if the reform minded intellectuals in the Democratic party increase their influence, there could be a relative lessening but by no means disappearance of labor influence within the Democratic ranks in the Bay State.

Even barring any significant realignment in the Democratic-Labor coalition, it also appears that for the time being organized labor in the Bay State seems to have pushed its legislative program about as far as it can go in the direction of significant "breakthroughs" into new areas of legislation. While it appears strong enough to prevent any "rollbacks" even to periodically "update" and "improve" the provisions of existing legislation in the areas of workmens compensation, unemployment compensation, and minimum wages and hours, it has not been able to get its striker benefits proposal or its cash sickness proposal enacted with four straight years of Democratic dominance in both branches of the General Court. Also to be considered in this context are the still apparent divisions within the Massachusetts labor movement itself. The merger of the AFL and the CIO has not removed all of the former differences

between these groups, and differences of position on some issue as well as personality differences not directly related to specific substansive issues continue to be evident even within the old AFL and old CIO constituenties. The resignation of Kenneth Kelley as the Secretary-Treasurer of the State Labor Council, also leaves a large power vacuum at the top of the Bay State labor movement, and it may take several years of internal maneuvering and "jockeying" to have this vacuum filled in a permanently effective manner.

On the other side of the fence, there also seems to be signs of a change in some aspects of the Massachusetts business community's approach to legislative problems. Despite the element of competition for contributors funds, cooperation between the Greater Boston Chamber of Commerce, the Massachusetts Federation of Taxpayers Associations, and the Associated Industries of Massachusetts appears to have increased in recent years. The AIM has also changed the personnel in charge of its legislative activities as well as attempting to set up their Public Affairs Committees in the State Senatorial districts. While these events may not be directly related, there also seems to be more emphasis on developing a "positive" legislative program in AIM circles. While there will no doubt be a continuance of industry emphasis on "moritoriums" in the area of "man made" legislative obstacles to the Bay State's "industrial climate", the industry proposals for refinancing the employment security law in 1961 and revising the corporate excess tax with no loss of revenue in 1962 seem to indicate a dimension beyond simply opposing labor's more or less continuous proposals for changing the state's

basic labor laws.

On the other hand, recent experience also shows that there are dangers to the business community in moving too far in this direction. While almost all employers are unanimous in opposing labor bills, it has proven more difficult to secure unanimity in proposing measures that do not affect all employers alike. Indeed, one or two of the business leaders most instrumental in setting up the AIM's system of area committees are known to be violently opposed to both the employment security refinancing and the excess tax revision bills. Whether the AIM's public affairs program can remain viable in the face of internal dissention becomes even more problematical in light of John Hamilton's resignation from the AIM to take a job with a member firm. The sudden death of Rea Long of the Massachusetts Federation of Taxpayers Associations late in 1961 also indicates that things may remain in a state of flux for the immediate future on the employer side of the Massachusett's political scene.

The preceeding five chapters have described in great detail the chronological development of labor-management political struggles over Massachusetts labor legislation during the post World War II period. The next chapter will attempt to rise above the heat and confusion of the specific details enumerated in this lengthy description, and attempt to analytically review the main points that seem to emerge from this experience.

REFERENCES - CHAPTER XV

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2. The Boston Globe.

3. The Boston Herald.

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5. David Farrell, "Labor Lobbyists Polish Bad Apples," Boston Sunday Herald, January 29, 1961.

6. Greater Boston Report (Bi-weekly paper of the Greater Boston Chamber of Commerce).

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CHAPTER XVI

AN ANALYTICAL REVIEW AND SUMMARY OF POSTWAR LABOR LEGISLATION IN MASSACHUSETTS

The preceding chapters' detailed chronological description of labor-management political struggles during the post World War II period in Massachusetts contains one overriding danger as far as intelligent interpretation and analysis are concerned. This danger might be described as "occupational myopia", or an excessive preoccupation with the issues at hand which results in an intellectual nearsightedness with regard to the major forces at work beyond the focus of the matters under immediate consideration. Many political issues in Massachusetts during the postwar period, for example, were not labor-management issues and, thus, they were not given much attention in the preceding five chapters. Likewise, there were many issues of importance to labor and management groups in the Bay State which were not touched on because they were not political issues. Some knowledge of the changes in state labor legislation and other trends outside of Massachusetts is also necessary if the events chronicled above are to be kept in proper perspective and given a meaningful evaluation.

The need for a broader view and evaluation is particularly important since much of the material in the preceding five chapters was drawn from sources prepared by the contending parties themselves. These sources are apt to suffer not only from the occupational myopia mentioned above, but they also are apt to be written for purposes other than simply reporting factual occurrences. This chapter,

therefore, will try to cut through much of the detail and partisan wranglings of the preceding chapters and attempt a more analytical review of the main points that seem to emerge from the description of labor-management political activities in Massachusetts during the post World War II period.

With regard to general background factors, we have seen that the postwar labor-management political struggles in Massachusetts have taken place in the context of changing party control in the state legislature and mounting government expenditures which have put an increasing strain on the Commonwealth's existing revenue sources. These problems have not been unique to Massachusetts. Throughout the country the postwar years have also been years of rising prices and inflation which have put strains on fixed dollar payments such as workmens compensation and unemployment compensation benefits. Within the Bay State, however, these factors have combined to promote a general tendency towards increased labor influence and toward longer and more protracted legislative sessions.

Table 36 shows some basic information on the postwar legislative sessions in Massachusetts. In general, the table indicates that once the Democrats began to carry the Massachusetts House after the 1948 election the legislative sessions tended to lengthen until the all-time record of 323 days was established in 1960. The relative brevity of the 1953 and 1954 legislative sessions, which is the last time the Republicans had complete control on Beacon Hill, indicates this may have been the result of divided party control in the legislature. The rather undisciplined nature of the decentralized

TABLE 36 - Massachusetts Legislative Sessions, 1946-1962

	Party Designation*					
	Gov.	Senate Majority	House Majority	Date Prorogation	Total Days	No. of Acts Enacted
1946	D	R	R	6-15	165	618
1947	R	R	R	7-1	182	685
1948	R	R	R	6-19	165	669
1949	D	T	D	8-31	239	810
1950	D	T	D	8-19	228	830
1951	D	R	D	11-17	319	809
1952	D	R	D	7-5+	186	634
1953	R	R	R	7-4	179	676
1954	R	R	R	6-11+	157	690
1955	R	R	D	9-16	255	784
1956	R	R	D	10-6	277	747
1957	D	R	D	9-21	262	778
1958	D	R	D	10-11	290	683
1959	D	D	D	9-17	254	628
1960	D	D	D	11-24+	324	817
1961	R	D	D	5-27	144	628
1962	R	D	D	7-27	138	798

*D = Democrat
R = Republican
T = Tie

+Special Sessions: 9-9-52 to 9-16-52
9-7-54 to 9-8-54
12-6-60 to 12-9-60

Source: Massachusetts Federation of Taxpayers' Association

Democratic Party in Massachusetts is probably a contributing factor also, however, since the 1959-60 General Court saw complete Democratic dominance in Massachusetts for the first time and it also saw a super-marathon total of 578 days for a two-year session. The sharp drop in the length of the 1961 and 1962 legislative sessions, however, indicates that the Bay State lawmakers may be becoming more sensitive about the length of the sessions. This may be related to the fact that there have been several recent proposals to amend the Constitution to limit the sessions of the General Court to six months each year.

On the question of mounting government expenditures, one's view of the Massachusetts record during the postwar period is particularly susceptible to what vantage point one chooses as the basis for his comparison. The records kept by the Massachusetts Federation of Taxpayers' Associations indicate that the total <u>appropriations</u> of the Massachusetts state government have increased from $130.8 million in 1946 to $468.6 million in 1961. This represents an increase of 258.3% over a 16-year period, or disregarding compounding, an average increase of a little over 15 percent a year. From the viewpoint of the Massachusetts taxpayer, confronted by the fact that organized labor's political strength has prevented the enactment of a sales tax as a source of additional revenue and the fact that organized business' strength has prevented the enactment of a progressive income tax as a source of additional revenue, this seems to be a large increase indeed. Compared to other states in the nation during this period, however, this record seems to be much better.

There is no way to conveniently obtain exactly comparable figures for the rest of the nation, but the 1963 Economic Report of the President indicates that throughout the nation total state and local government expenditures increased 410.9% from about $11.0 billion in 1946 to $56.2 billion in 1961. During the same period, Federal government expenditures increased from $60.3 billion to $81.5 billion. If the 1946 figure for the Federal government, which is still affected by wartime spending levels, is moved back to 1947, the increase in Federal Government spending has been 109.5% from $38.9 billion in 1947 to $81.5 billion in 1961. Thus, the problems of mounting government expenditures have not been unique to Massachusetts during the postwar period, and the Bay State seems to have done relatively well compared with other state and local governments on this question, but not as well as the Federal Government. Since the postwar period has been one of generally rising prices, many of the increases in the dollar magnitudes have also been less in real terms--the exact amount being determined by which price index one uses to "deflate" the gross dollar figures.[1]

A Quantitative Review of All Postwar "Labor" Legislation

Turning to the labor legislation actually enacted during the postwar period in Massachusetts, Table 37 presents a quantitative

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[1] The Consumer Price Index, which is perhaps the best known of the three major price indices, increased from an index number of 68.0 in 1946 to an index number of 104.2 in 1961 (1957-59=100). The Wholesale Price Index, using the same base years (1957-59), increased from 66.1 in 1946 to 100.3 in 1961; and the implicit GNP price deflator, which is our most comprehensive price index, went from 67.5 in 1946 to 104.7 in 1961, again using 1957-59 as the base.

TABLE 37 - Quantitative Summary of Legislative Reports: Massachusetts Federation of Labor, AFL, 1946-1958; Massachusetts State Labor Council, AFL-CIO, 1959-1960

Year	Labor-Supported Bills		Bills Opposed By Labor		Total Labor Performance	
	Passed / Favored	% Success	Defeated / Opposed	% Success	Tot. Fav. Actions / Tot. Actions Sought	% Success
1946	15/28	53.6%	5/5	100%	20/33	60.6%
1947	8/29	27.6	22/25	88.0	30/54	55.5
1948	7/26	26.9	24/24	100	31/50	62.0
1949	13/29	44.8	12/12	100	25/41	61.0
1950	11/32	34.4	5/5	100	16/37	43.2
1951	13/38	34.2	13/16	81.0	26/54	48.1
1952	8/26	30.8	4/4	100	12/30	40.0
1953	11/34	32.4	8/12	100	19/46	41.3
1954	13/38	34.2	18/18	100	31/56	55.4
1955	18/43	41.9	8/8	100	26/51	51.0
1956	19/48	39.6	5/5	100	24/53	45.3
1957	9/39	23.1	1/1	100	10/40	25.0
1958	14/34	41.2	9/10	90.0	23/44	52.3
1959	20/22	90.9	19/20	95.0	39/42	92.9
1960	12/23	52.2	NR	-	12/23	52.2
TOTAL	191/489	39.1%	153/165	92.7%	344/654	52.6%

Source: Proceedings of Annual Conventions, 1946-1960.

tabulation of the measures discussed in the annual legislative reports of the Massachusetts Federation of Labor from 1946-1958 and the similar reports of the Massachusetts State Labor Council for 1959 and 1960. (This is the only source of comprehensive and comparable data available for the entire postwar period).[1] This table indicates that 191 bills favored by labor and 12 bills opposed by labor were enacted between 1946 and 1960. This total of 203 "labor" bills represents less than 2 percent of the total of 10,858 bills enacted by the General Court during this period. Yet, one of the real problems of interpreting the figures shown in Table 37 is the myriad of relatively minor or special situation bills that are often supported as "labor" measures. In 1956, for example, there were no less than 48 labor-supported bills discussed in the legislative agent's report. These ranged from such major items as revision of the workmens compensation, the unemployment compensation, and the minimum wage laws to such specific items as drinking water on construction projects, the state system of letting school bus contracts, and the state's demerit law on automobile insurance.

Continuing to work with these relatively crude data for the time being, however, Table 37's "batting averages" indicate what might be expected from the national labor and employer legislative data presented earlier in this thesis (see Table 7). Labor was more successful

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[1] In some instances the legislative report to the annual convention was written before the General Court had prorogued, and some labor measures were listed as "pending". In these cases, the final disposition of the "pending" bills is recorded in Table 37.

percentage wise in defeating opposed legislation than in securing favored legislation. But one striking comparison of the figures in Table 37 with those of the AFL and the CIO at the national level, is the fact that in Massachusetts almost 93% of the bills opposed by labor were defeated between 1946 and 1960, compared to the national figure of a little over 46% for almost the same years. The fact that only 39.1% of the labor-supported bills passed during the postwar period in Massachusetts compared to a national average of 44% may seem a little surprising at first, but this is sharply reversed if one considers only the years 1956, when the merged national AFL-CIO had a 31% average in securing favored legislation, compared to the Massachusetts labor figure of 74/166 = 44.6%.

These national and state labor figures are not directly comparable, however, since the nature of the bills being supported at the two levels of government differs substantially; and, perhaps more important, the nature of the political forces at work are different at the national and the state level.

Despite the fact that strong Democratic-labor and Republican-business ties exist at both levels, it has been noted that in Massachusetts the labor and management political groups are "built-in" to the party organizations much more closely than at the national level. The closer Democratic-labor ties in Massachusetts, plus the shifting party control in the General Court mentioned above, have tended to strengthen labor's hand at the state level in recent years as the percentages in Table 37 for the years 1959-1960 clearly indicate. Whether they can continue at this pace remains to be seen.

Although both labor and management groups in the Bay State continue to maintain that their efforts are "non-partisan", the description of the preceding chapters indicates that this is true only in the most narrow sense of the term. An "issues oriented" analysis of almost every item of serious labor-management contention in Massachusetts during the postwar period shows that the Democrats were overwhelmingly on the side of organized labor while the Republicans were, likewise, almost completely in agreement with the business and industry position. Yet, it is significant that many of the most crucial legislative battles have been decided by a few politicians in both parties who have broken away from the majority of the "regulars" to become the decisive margin of difference. And we have seen that in most cases the official party position has been more flexible than that of their "built-in" interest groups.

Indeed, a breakdown of the figures in Table 37 indicates that, while there is some evidence that the party alliances in Massachusetts do have some practical pay-off, much of the extreme dichotomy between the business and labor political alliances in Massachusetts does not seem to be justified by the results actually obtained under governors of different political parties. Before turning to an analysis of this data on a partisan basis, however, Table 37 offers some interesting insight into the popular conception that labor tends to fare better during an election year than non-election years.

Disregarding the isolated 1946 figure, organized labor's percentage of getting favored measures enacted fell from the preceding non-election year in five of the seven situations covered in Table 37.

That is, the percentage of favored measures enacted declined during the election years 1948, 1950, 1952, 1956, and 1960. The percentage decline was less than 4% in three of these cases, however, and in one of these three (the 1955 to 1956 decline) the decrease was due primarily to an increase in the number of labor bills presented to the General Court. The decline in the other two cases can probably be attributed to an abnormally high labor percentage in the non-election years immediately following their major election efforts in 1948 and 1958. This is particularly true in the latter case where the newly merged State Labor Council reported a phenomenal 90.9% success in 1959.[1]

If the overall percentage is considered rather than just the success in getting favored measures enacted. Table 37 indicates an increase in labor's batting average in three of the seven election years covered (1948, 1954, and 1958). The declines in the overall labor percentages during the other four election years appear to be due to a sharp drop in the number of bills opposed by labor in the election years 1950, 1952, 1956, and the 1959-1960 situation mentioned above in which there is no report on the number of bills opposed by the State Labor Council.

Thus, it appears that one of the main reasons for the

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[1] This latter figure is also influenced by the fact that the new AFL-CIO Legislative Department reported on only 22 labor-supported measures, whereas the earlier AFL reports meticulously covered from 26 to 48 "labor" bills each year. Thus, several minor or special situation bills which the old AFL may have reported as unsuccessfully sponsored, were not reported by the merged organization. This is particularly true in cases such as the perennially unsuccessful attempts to obtain strong licensing laws for barbers and restaurant cooks, etc.

Due to a year's delay in printing the annual convention Proceedings, the legislative report for October 1961 was not available in the summer of 1962 when this table was completed.

traditional belief that labor fares better in election years than in non-election years is because there tends to be less "anti-labor" legislation filed rather than because labor does significantly better in getting favored measures enacted. Over the long haul, however, organized labor in Massachusetts has been extremely successful in defeating legislation it opposes. Nevertheless, it is significant to note that 11 of the 12 pieces of major legislation passed over labor opposition in the postwar period have come in non-election years (3 in 1947, 3 in 1951, 4 in 1953, and 1 in 1959). The only legislation passed over labor opposition in a postwar election year in Massachusetts came in 1958, when the "right to eat" law for public school teachers was made optional before it became operational. Whether this apparent election year strength of labor is justified by the fact that the labor-endorsed gubernatorial candidate has won only 5 of the 9 postwar elections in Massachusetts will be discussed in more detail later. And in looking at the percentages in Table 37 it must be emphasized that not all of the measures reported are of equal significance as far as the labor movement and others are concerned. We will also return to this problem shortly after looking at Table 38 which breaks down the data presented in Table 37 by the different gubernatorial administrations operating on the Massachusetts political scene from 1946 through 1960.

The fact that labor seems to have been most successful in getting favored measures enacted under Democratic governors, Tobin and Furcolo, may not seem surprising. But the fact that organized labor did slightly better under the Republican governor, Christian Herter, than under the avowed labor champion, Paul Dever, does show

up strikingly. Indeed, only the Bradford administration ranked below the Dever regime in terms of the percentage of labor measures enacted. With regard to the defeat of "hostile" legislation, Table 38 shows that labor's percentage of 68/73 = 93.2% under Democratic governors is not markedly different from its percentages of 85/92 = 92.4% under Republican governors; but it is no doubt of some significance that 92 bills opposed by labor were introduced during the six Republican years compared to only 75 during the nine Democratic years covered in Tables 37 and 38. These figures, however, do not show the amount of compromise embodied in the final enactments or the differences in the environmental circumstances surrounding the different administrations, and different Massachusetts governors have had different legislative combinations to work with.

TABLE 38 - Organized Labor's Postwar "Batting Averages" by Massachusetts Gubernatorial Administrations, 1946-1960

Gubernatorial Administration	Passed / Favored = % Success	Defeated / Opposed = % Success	Tot.Fav.Acts. / Tot.Acts.Sought = % Success
Tobin(D)1946	15/28 = 53.6%	5/5 = 100%	20/33 = 60.6%
Bradford(R)47-48	15/55 = 27.3	46/49 = 93.9	61/104 = 58.7
Dever(D)49-52	45/125 = 36.0	34/37 = 91.9	79/162 = 48.8
Herter(R)53-56	61/163 = 37.4	39/43 = 90.7	100/206 = 48.5
Furcolo(D)57-60	55/118 = 46.6	29/31 = 93.5	84/149 = 56.4
Totals	191/489 = 39.1%	153/165 = 92.7%	344/654 = 52.6%

Source: See Table 37.

In terms of getting favored measures enacted, labor seems to have done best with the following postwar combinations listed in descending order: A Democratic Governor and a Democratic Legislature (59-60); a Democratic Governor and a Republican Legislature (1946); a Republican Governor and a Divided Legislature (55-56); a Democratic Governor and a Divided Legislature (49-50, 51-52, 57-58); and a Republican Governor and a Republican Legislature (47-48, 53-54). The fact that these different combinations existed for different lengths of time and with different surrounding circumstances tends to qualify their analytical usefulness, but the general ordering of these combinations indicates that the basic labor attachment to the Democrats and the employer attachment to the Republicans in Massachusetts is reflected in actual legislative experience. The relative "productivity" of the second Herter administration (55-56) compared with both Dever administrations (49-52) and the first Furcolo administration (57-58), all with divided legislatures, however, still indicates that simple party labels may sometimes be deceptive in explaining particular results.

This again brings us to the point that all of the measures discussed in these tables are not of the same relative significance. A detailed topical examination of the reports on which the preceding tables are based, which is substantiated by the other sources used in compiling the preceding chapters on the Massachusetts experience during the postwar period, indicates that the vast majority of the major items fall into one of six primary legislative areas: State Labor Relations and Injunction Legislation; Workmens Compensation; Unemployment Compensation; Taxation; and Minimum Wage Legislation.

By summarizing the preceding chapters' description in each of these main areas of labor legislation, it should be possible to offer a qualitative evaluation of the major trends in postwar Massachusetts'labor legislation and to lay the groundwork for an intelligent discussion of one of the basic themes that has pervaded the Bay State political scene during the postwar period--the impact of the state's labor legislation on its ability to attract and hold industry in competition with other states in the union.

A QUALITATIVE REVIEW OF THE MAJOR AREAS OF LABOR LEGISLATION

State Labor Relations and Injunction Legislation

Massachusetts entered the postwar period as one of the 12 states in the nation with a comprehensive labor relations law; but, almost alone among the major industrial states, it did not have a "baby" Norris-LaGuardia Act regulating the use of injunctions in labor disputes. This has changed, and there is no doubt that Massachusetts labor relations and injunction legislation today is basically protective of the rights of organized labor in the Bay State.

The major enactments in this area during the postwar period have been: the Barnes Union Accountability Law in 1946 and its amendment in 1949; the three Slichter laws of 1947 and the relatively minor emergency disputes amendments

in 1954; the Cox-Phillips Bill in 1950 and the three-judges amendment to the state injunction law in 1959; the Massachusetts Health and Welfare Fund Bill in 1957 and its modification in 1958; and the Uniform Arbitration Act in 1959. At the level of major emotional content but less practical significance, the content of employment ads during labor disputes was regulated in 1951 and 1955, the use of "labor spies" furnished by private dective agencies was regulated in 1954, and in 1960 an extremely controversial bill requiring that strikebreakers imported into Massachusetts during a labor dispute have to register with the state Department of Labor and Industries was signed by a reluctant Governor Furcolo. This bill was then "strengthened" under Governor Volpe in 1962.

Of the 16 measures mentioned above, organized labor in Massachusetts was in favor of 12 and strongly opposed 4. Bay State employers, in addition to supporting the 4 measures opposed by labor, agreed at least in part with 3 of the other bills enacted.

The decisive defeat of the Massachusetts Citizen's Union's three labor referenda proposing a state "right-to-work" law, regulating union elections, and regulating union strike votes in the 1948 state elections marked a major turning point in

postwar labor relations legislation in Massachusetts. Indeed, unlike many other parts of the country, particularly the non-industrial states, there has been no "restrictive" labor legislation enacted in Massachusetts since the relatively mild Slichter laws in 1947.[1] And there has been a significant "liberalization" of one of the Bay State's key labor laws--the law regulating the use of injunctions in labor disputes.

There are several factors that help to explain this trend. The reason that there was not more restrictive legislation in Massachusetts in the immediate postwar period can probably be attributed to two facts: (1) Massachusetts was a relatively old industrial state whose labor-management relationships had matured considerably before much of the nationwide postwar ferment developed; and (2) a large part of the Bay State G.O.P. has generally been moderate or "non-punitive" in its approach to the problems of labor unionism. The main reason that more restrictive legislation has not been passed since the Slichter laws is simply the fact that the

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[1] The Massachusetts Health and Welfare Fund bills in 1957 and 1958 placed stricter controls on some union (as well as employer) funds, but these bills were supported by the Bay State labor movement and generally were not viewed as "restrictive" legislation.

decisive defeat of the three labor referenda in the 1948 elections not only indicated that the people of Massachusetts had little taste for such laws, but it also increased labor's influence in the General Court by giving the Democratic party more or less permanent control of the Massachusetts House of Representatives since that time.

The reason that there has been a significant liberalization of some Massachusetts labor relations legislation, particularly the injunction laws in recent years, can also be attributed to several factors in addition to labor's increasing legislative influence since 1948. The most important reason may be the fact that the earlier judicial invalidation of the Massachusetts anti-injunction laws of 1914 and 1935 meant that Massachusetts entered the postwar period with the issue of injunction legislation closer to the active consciousness of Bay State labor leaders than it might have been had such legislation been secured earlier. When finally attaining the political influence and the opportunity to get legislation in this area, therefore, the Massachusetts labor movement seemed determined to make up for past grievances. The postponement of effective anti-injunction legislation in Massachusetts until after organized labor had reached a peak of political unity in the Bay State, thus, may help to account for the fact that the Massachusetts law today, particularly the three judges provision, seems to give more protection to labor unions than the laws of most other states.

Whether the three judges provision of the Bay State injunction law has any practical significance beyond its emotional content or whether it is a harbinger of things to come is difficult to say, but

there are some reasons to believe that its significance has been over-emphasized in terms of its everyday impact on the actual conduct of labor-management relations in Massachusetts. As has been mentioned, Massachusetts has one of the best strike records in the country, and only an infinitestimal percentage of Bay State labor disputes involve the injunction process. So, as a practical matter, the real impact of the three judges provision may be symbolic rather than a major force in the day-to-day conduct of Massachusetts labor-management relations. As to whether the three judges bill is only the beginning of an even more "liberal" labor law also seems doubtful. The election of the first modern Democratic majority in the Massachusetts House of Representatives in 1948, and the even more dramatic election of a Democratic majority in the Massachusetts Senate a decade later in 1958, marked major readjustments in the long-run trend in Massachusetts politics. It would seem only natural that under these circumstances there would be strong pressures to "have some changes made" or to do some long postponed "catching up" in the area of legislation long advocated by the Massachusetts labor movement. When it is recognized that the 1958 "turning point" also coincided with the long delayed merger of the AFL and the CIO in Massachusetts, and that the legislative duties of the newly merged labor movement were placed in new hands for the first time in 1959, then it might be fair to say that the nearly unprecedented surge of labor legislation in Massachusetts in 1959, which includes the injunction amendment, was due to a combination of rather unique circumstances not likely to recur in the foreseeable future.

It is also important to note that even under the rather unique circumstances that prevailed in 1959, the three judges provision still might not have passed had not a Massachusetts judge, sitting alone, issued a preliminary injunction without giving the union involved a hearing as required by the Cox-Phillips Bill, just as the three judges amendment was being debated for its final passage in the Legislature. Nor can we assume that the pendulum swings in only one direction. The flare-up of violence at the Fore River shipyard in Quincy in 1960, while,like the judicial action mentioned above,a rare and isolated incident, generated considerable public concern; and an employer-sponsored attempt to amend the state injunction law at that time failed by a very narrow margin. Any recurrence of such an event could lead to a "loosening" of the present injunction restrictions, and there do not appear to be any foreseeable circumstances that might lead to a further "tightening" of the present injunction restrictions at this time.

Even if there are no further amendments to the Bay State labor relations laws, and even if their practical impact is considerably less than their emotional content, the existence of the three judges provision is often cited as one factor giving Massachusetts a bad "image" among out-of-state businessmen who may be interested in the Massachusetts "industrial climate." We will consider the industrial climate debate in more detail after viewing some of the other elements in the postwar Massachusetts legislative record.

Workmens Compensation Legislation

The Massachusetts Workmens Compensation Act is a complex piece of legislation with a myriad of different provisions applying to a host of different situations involving various types of sickness and injury. As a practial matter, however, most of the controversy during the postwar period has evolved around the questions of financing and administration, weekly benefits for temporary total disability (the most frequent type of benefit), weekly allowances for total dependents of injured workers receiving temporary disability benefits, and a few other specific benefits, as well as the overall coverage of the act.

Massachusetts entered the postwar period with a privately financed plan administered by a nine man industrial accident board. The maximum weekly benefit for temporary total disability was $25 a week plus a dependency allowance of $2.50 a week for each total dependent of a temporarily disabled worker. In no case, however, could the total weekly benefits exceed the recipient's average weekly wage. Following some relatively minor amendments in the intervening years, the maximum weekly benefit, not counting dependents' benefits, was increased to $30 in 1949, and Massachusetts became the first state in the union to cover farm laborers under its industrial accident laws when the coverage of the act was expanded in 1953.[1]

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[1] Seven states now cover agriculture in the same manner as other employees, and eight other states now permit voluntary coverage for some or all farm occupations. For a listing of these states see [10,pp.6-7]

The maximum weekly benefit was increased to $35 in 1955, and then to $40 a week after the first 13 weeks of a disabling injury in 1956. In 1958 the $40 maximum was extended to cover the whole payment period, and the maximum weekly benefit was increased to $45 in 1959, and to $50 in 1961. The only information now available about legislative enactments under the first year of the Peabody administration (not covered in the text) indicates that the maximum weekly benefit was further increased to $53 in 1963, but the 1963 provisions apply only to accidents occuring after November 1, 1963.

The dependency allowance under the Workmens Compensation Act was increased to $3 a week in 1956, to $4 a week in 1957, and to $6 a week in 1959. The maximum total benefit for cases of permanent partial disability was set at $15,000 in 1959, and the maximum total benefit for cases of temporary total disability was raised to $14,000 in the same year. These figures were raised to $18,000 and $16,000 respectively in 1961, and during the postwar period there have been some other less significant increases in the provisions of the Massachusetts Workmens Compensation Law. The burial allotments under the act, for example, were changed from $250 to $350 in 1948 and increased to $500 in 1957, and widow's benefits and other specific provisions have been modified periodically.

Without exception organized labor in Massachusetts has supported every one of the increases mentioned above, and they often sought increases in excess of the ones actually enacted. Massachusetts industry also has an almost unanimous record of opposing all the

increases mentioned above, except in a few cases where changes in the administration of the act were also tied in with the increased benefits. Both industry and labor agreed to the establishment of the Massachusetts Rehabilitation Commission and the enlargement of the Industrial Accident Board to 11 members in 1956, however, and they also agreed on the reorganization of the Industrial Accident Board in 1961 to expedite the handling of contested claims. Standing in marked contrast to labor's success in these areas, however, has been their continuing inability to change the financing of the Massachusetts Workmens Compensation Law from its present all-private arrangement to a "state fund" arrangement similar to those now operating in 18 other states.[1] Throughout the years labor has tried about every strategy in the book on this measure by shifting its program from a "compulsory" state fund to a "competitive" state fund and back again several times, by attempting a referendum campaign, and by even going so far as to seriously contemplate establishing its own insurance company in 1954. In all cases, however, they have been unable to prevail against the vigorous opposition of the Massachusetts insurance companies, which are widely regarded as the most powerful lobby on Beacon Hill when it comes to matters of their vital interest. And the fact that the insurance companies confine themselves to these matters may be one of the reasons they are so powerful.

While Massachusetts employers have generally joined the insurance companies in their opposition to changing the general financial

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[1] Seven states now have "exclusive" state funds, and 11 other states have "competitive" state funds. For a listing of these states see [9, pp. 162-165]

structure of the Workmens Compensation Act, the insurance companies have not reciprocated in opposing increases in the benefit payments. The insurance company strategy on this matter has simply been to let labor and industry fight it out on the benefits, and then to adjust their premium charges accordingly. This strategy by the insurance companies no doubt accounts for the pronounced asymmetry in labor's results in achieving substantial increases in benefits while at the same time drawing a complete blank with regard to changing the financial structure of the plan.

To the extent that logic rather than legislative power is a factor in explaining this asymmetry, it should also be recognized that the battles over increasing benefits and over changing the financial arrangements are based on essentially different arguments. The financing arguments seem to turn on the issue of whether or not private insurance companies retain too high a percentage of their premium collections for administration, reserve and profit, as opposed to the "pay-out" for benefits to injured workers; whereas the arguments over increased benefits turn on considerations of "equity" and inter-state comparisons as to whether higher benefits in Massachusetts will harm the state's "industrial climate."

On the reserve-and-profit versus benefit battles with the insurance companies, labor's most recent piece of evidence is presented in Table 39, which shows the percentage of premium collections paid out by the insurance companies as indemnification or medical payments, has declined from 61% in 1951 to 55% in 1958. Comparable data are not available for a longer period, and it is not known to what extent the

TABLE 39 - Massachusetts Workmens Compensation Premium, Indemnity and Medical Analysis, 1951-1958*

Period	Total Payroll	Total Premiums Paid To Insurance Cos.	Total Indem. Paid Out	% of Premium	Total Medical Payment	% of Premium	Total % of Indem. and Medical Premium
7/51-6/52		$55,008.7	$23,508.2	43%	$ 9,946.6	18%	61%
7/52-6/53		59,939.4	24,830.6	41%	10,575.3	17%	58%
7/53-6/54		62,285.4	23,048.9	39%	9,982.1	15%	54%
7/54-6/55	$4,376,327.6	66,612.1	24,269.9	36%	10,438.6	15%	51%
7/55-6/56	4,697,503.1	70,944.3	25,052.0	35%	11,593.3	16%	51%
7/56-6/57	4,825,007.8	70,983.7	25,687.6	36.1%	12,070.8	17%	53.1%
7/57-6/58	5,254,632.0	68,139.6	25,504.6	37.4%	12,049.1	17.6%	55%

* All dollar figures are in thousands. Columns may not total due to rounding.

Source: Department of Education and Labor, Massachusetts State Labor Council. AFL-CIO

years shown in Table 39 tend to favor one side or the other; but, the figures showing that the total premiums paid to insurance companies declined as a percentage of total payrolls from 1.52% in 1954 to 1.30% in 1958, despite the known increases in workmens compensation benefits during these years, does seem to offer a strong caveat as far as inter-state comparisons of workmens compensation benefits alone are used in making statements about comparative employer costs or "business climates."

The best way to make inter-state comparisons of workmens compensation costs to employers would be to take firms of identical characteristics and accident rates and to price the actual cost of their compensation insurance in all 50 states. So far as can be determined, such comparisons have never been made on an extensive basis, however, and the battle over "industrial climate" rages on, largely in terms of benefits alone -- regardless of the fact the differences in accident rates and financing arrangements can result in widely varying costs, even with the same benefits.

In terms of the workmens compensation benefits being paid in 1963, Massachusetts does rank near the top of the 50 states. Only nine states have maximum weekly benefits in excess of the Bay State's $53, and only one of these also provides weekly dependency allowances. If the Massachusetts dependency allowance of $6 is figured for a wife and two children, only three states would have a weekly benefit higher than the Bay State's total of $71.[1] These figures, however, do not show

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[1] For more detailed comparisons of the provisions of various state workmens compensation laws see [10]

what percentage of the state's labor force is eligible for the maximum, or what the total costs to employers are; but another way of looking at the figures is to consider that the widest possible benefit differential between Massachusetts and the lowest state in the union in 1963 for a worker with three dependents is $36 a week, or about 50% of the Massachusetts figure. The data in Table 39 indicates that the workmens compensation premiums in Massachusetts were about 1.5% of the state's total payroll in the late 1950's. Assuming a direct relationship between payroll costs and benefits, the maximum saving that a Massachusetts employer could make in his workmens compensation premiums by moving to Louisiana, Mississippi, Texas, or Puerto Rico in 1963, could not very likely amount to more than three-fourths of one percent of his total payroll costs. Most Bay State employers annually grant a good deal more than this in wage increases alone. Therefore, it would appear that the present cost of workmens compensation benefits in Massachusetts would not be a major factor in the interstate movement of industry unless all other factors were so equal that margins of less than three-fourths of one percent of payroll costs become crucial. On the other hand, no one can argue that three-fourths of one percent is not greater than zero and in absolute dollar terms a small percentage can be made to look quite large. Indeed, three-fourths of one percent of the Massachusetts payroll of some $5.3 billion dollars in 1958 is over $39 million.

Turning our attention to the "equity" considerations of the postwar increases in workmens compensation benefits outlined above, one can only say that, in real terms, the dollar increases in benefits have

have risen faster than the price increases measured by the Consumer's Price Index. In dollars of 1946 purchasing power, the maximum weekly benefits have risen from $25 a week in 1946 to $33.75 in 1963 and the dependency allowance has risen from $2.50 a week to $3.82.[1]

The increases, however, have not done as well with respect to the increases in the average weekly earnings of production workers on manufacturing payrolls in the United States. Between 1946 and 1962 these average weekly earnings went from an average of $43.22 to an average of $96.50, or an increase of over 123%. [8, p. xviii] The maximum temporary disability benefit in Massachusetts has gone from $25 in 1946 to $53 in 1963, or an increase of 112%, and the weekly dependency benefits has increased 140%, from $2.50 in 1946 to $6 in 1963.

Unemployment Compensation Legislation

In the area of unemployment compensation, Massachusetts entered the postwar period with an employer-financed plan, and each employer's tax was determined by the application of a merit rating formula to the first $3,000 of each employee's wage in any given year. The maximum weekly benefit for an unemployed worker was set at $25 a week in 1946, a $2 weekly allowance for each dependent was also provided to unemployed workers in addition to their regular benefits, and the maximum benefit period was set at 23 weeks.

Following some relatively minor amendments in the intervening years, the maximum duration of benefits was extended to 26 weeks in

[1] If dollars of 1963 purchasing power are used, the increases have been from $39.25 to $53 for the maximum weekly benefits and from $3.90 to $6 for the dependency benefit.

1953. The coverage of the act was extended to employees of state authorities and the weekly dependency allowance was increased to $3 a week in 1954. Then, in 1956, the maximum weekly benefit was increased to $35 a week, and the worker was allowed to stay on the unemployment rolls beyond the 26-week limit if his total benefit had not equaled 34% of his wages in the base period.

In 1957, the dependency allowance under the unemployment compensation act was increased to $4 a week. In connection with the Federal law permitting states to borrow funds to tide over workers who had exhausted their benefit rights during the 1958 recession, the duration of benefits period under the Massachusetts law was temporarily extended from 26 to 39 weeks, and in 1958 the coverage of the state Employment Security Act was broadened to include persons forced to retire under company pension plans.

The maximum weekly unemployment compensation benefits were increased to $40 in 1959, the weekly dependency allowance was increased to $6 a week, the maximum duration of benefits period was permanently extended to 30 weeks, or 36% of base period earnings, and in the same year females were permitted to refuse work between 11 p.m. and 6 a.m. and still receive benefits.

This record indicates that organized labor has been quite successful in securing periodic increases in unemployment compensation benefits. But, as in the case of workmens compensation, the Massachusetts labor movement has not been successful in changing the financing arrangements on which the benefits are based, and they have not been able to have workers out of work because of labor disputes

covered by the act. In the area of financing, labor's long-standing attack on the merit rating principle has been unsuccessful, and Massachusetts employers have succeeded in making major overhauls in the Employment Security Law's financial structure over strong labor opposition in both 1951 and 1953. Employers were also able to secure a tightening of the eligibility requirements for unemployment compensation benefits in connection with the increases in 1956 and 1959, as well as in 1951 and 1953.

Under prodding by both President Eisenhower and Governor Herter, Massachusetts employers grudgingly supported the increases in unemployment benefits in 1956, but they have opposed all of the other increases mentioned above. The business community was also severely split over the refinancing of the Employment Security Act in 1961, which raised the employer's taxable wage base to $3600, but still retained the merit rating principle. Although labor continued to oppose merit rating, and had originally proposed increasing the taxable wage base to $4000, it went along with the 1961 refinancing plan.

Aside from the arguments over financing, the main labor-management disputes over the benefit provisions of the Massachusetts Employment Security Law during the postwar period have revolved around the same two issues mentioned above with respect to workmens compensation benefits. Namely, the issues of equity and interstate comparisons of benefit standards as they reflect on the Bay State's industrial climate. This latter issue as a subject of debate in the field of unemployment compensation, however, is somewhat ironic since the original

intent of the Federal law providing for state administered unemployment insurance plans sought to remove the element of interstate competition in this area. The report of the U.S. Senate Committee on Finance on the Social Security Bill in 1935, for example, stated: "No state can gain any advantage through failing to establish an unemployment compensation program. This provision will equalize competitive conditions and thus enable states to enact unemployment compensation laws without handicapping their industries." [3, p. 87]

As a practical matter, however, the fact that the Federal Government ceded to the states the proceeds of 90% of the Federal payroll tax (2.7% of the original 3% levy), plus the right of differentiated exemptions on the basis of state systems of experience rating, has meant that the states were really offered a choice of how much of this grant would be used for paying unemployment benefits and how much would be allocated for tax savings for business firms in the state.[1] And so, the battle rages.

Under the present system of unemployment compensation, however, the actual employment tax paid by any employer depends not only on the eligibility and benefit provisions of his state's law and the state tax arrangements, but also on the level of unemployment experience in his firm and in his state. Any rigorous comparison would have to be

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[1] A new rate of 3.1% became effective January, 1961. Employers now pay 0.4% of the taxable payroll levy to the Federal Government and 2.7% still remains available for state discretion.

made on the basis of the unemployment tax that would be paid in each state by a representative firm in a well-defined industry with a specified employment and unemployment experience. Yet the only study that has attempted to do this is confined to four midwestern states for a hypothetical ten-year period, 1958-1968, and data are not available to make Massachusetts comparisons with this study.[1]

Looking at various other interstate comparisons, however, 13 states had a larger percentage of their non-agricultural wage and salary workers covered by unemployment compensation than the 82% covered in Massachusetts in 1962, and the percentage of taxable wages in Massachusetts was 63%. This percentage was exceeded by 25 other states. As of January, 1963, 15 states had a maximum weekly benefit in excess of the $40 provided in Massachusetts. If dependency allowances are included, however, only four states paid more than the $58 that would be received by an unemployed Bay State worker with three dependents. All of the other 11 states with dependency allowances provided for a fixed maximum ranging from $44 to $70 except Massachusetts where the ultimate maximum with dependency benefits is the claimant's actual weekly wage. During the calendar year 1962, 34% of the insured claimants in Massachusetts were eligible for the maximum basic weekly benefit amount in Massachusetts, compared to a national average of 44%,

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[1] See [4]. Another discussion of the problems of interstate competition in unemployment compensation is contained in [3, pp. 85-96].

and 42 states had a larger percentage of their insured claimants eligible for the maximum weekly benefits than did Massachusetts during this period.

The number of other variables on which various state laws can be compared is numerous,[1] but perhaps the most comprehensive measure is to simply take the average annual cost rates of various state unemployment compensation plans for the decade 1951-1960. These data are presented in Table 40. This shows that the average annual cost rate for the state of Massachusetts during the 1950's was 1.8% of taxable wages. This was one-tenth of one percent above the national average of 1.7%. The Massachusetts percentage was exceeded by 14 states during this decade while 32 states had lower rates. The lowest average rate of 0.7% was 1.1% below the Massachusetts rate. In terms of actual cost this maximum differential amounts to an average of less than 2¢ an hour. As in the case of differences in workmens compensation cost, this differential does not seem likely to be significant in a great number of cases, considering the many other variables which could be more important in employer's plant location decisions.

Turning to "equity" considerations, the basic Massachusetts maximum weekly unemployment benefit of $25 in 1946 has risen to $40 at the end of 1962, and the weekly dependency allowance has risen from $2 to $6. The Consumer's Price Index, using 1946 as a base year, has

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1 For the most recent detailed comparison see [12]

TABLE 40 - Average Annual Cost Rates of State Unemployment Compensation Systems, 1951-1960, And Average Weekly Wage Reported Under State Unemployment Insurance Acts, 1962

State	Avg. Annual Cost Rate Based On Taxable Wages)[1]	Avg. Weekly Wage Under U.C. Act[2]	State	Avg. Annual Cost Rate Based On Taxable Wages)[1]	Avg. Weekly Wage Under U.C. Act[2]
Alabama	1.4	$ 80.99	Montana	1.9	$ 89.97
Alaska	4.1	150.98	Nebraska	0.9	88.09
Arizona	0.9	100.74	Nevada	1.8	113.56
Arkansas	1.5	68.94	N.Hampshire	1.8	82.79
California	1.6	113.29	New Jersey	2.4	108.09
Colorado	0.7	96.80	New Mexico	1.0	92.36
Connecticut	1.7	104.82	New York	2.1	108.99
Delaware	1.1	109.49	N.Carolina	1.5	74.26
District of Columbia	0.7	99.16	N. Dakota	1.8	85.81
Florida	0.8	85.50	Ohio	1.5	107.35
Georgia	1.2	79.13	Oklahoma	1.2	89.77
Hawaii	1.1	86.57	Oregon	2.1	97.27
Idaho	1.8	85.88	Pennsylvania	2.4	95.59
Illinois	1.3	109.24	Rhode Island	2.7	85.07
Indiana	1.3	103.41	S.Carolina	1.2	72.39
Iowa	0.7	90.65	S. Dakota	0.8	87.12
Kansas	1.2	92.10	Tennessee	1.9	81.04
Kentucky	2.3	87.04	Texas	0.7	90.05
Louisiana	1.4	88.75	Utah	1.2	92.67
Maine	2.0	80.64	Vermont	1.6	83.51
Maryland	1.6	91.05	Virginia	0.8	81.95
Massachusetts	1.8	93.87	Washington	2.2	106.13
Michigan	2.3	115.95	West Virginia	2.1	97.10
Minnesota	1.4	96.83	Wisconsin	1.3	100.19
Mississippi	1.8	69.94	Wyoming	1.3	88.44
Missouri	1.1	96.69			

[1] Source: [11, p. 26].

[2] Source: [10, p. 36].

risen from 100 to 155 during the same period, so that in terms of dollars of constant 1946 purchasing power, the basic maximum unemployment compensation benefit has increased only 81¢, from $25 in 1946 to $25.81 in 1962. The dependency allowance has increased from $2 in 1946 to $3.87 in 1962.[1]

While the unemployment benefits in Massachusetts have thus stayed ahead of increasing prices in the economy, however, they have not done as well with respect to the increase in the average weekly earnings of production workers on manufacturing payrolls in the United States. These wages have increased over 123%, from $43.22 in 1946 to $96.56 in 1962, while the basic unemployment maximum has increased only 60%, from $25 to $40. The dependency benefits, however, have increased 200%, from $2 to $6 a week.

Minimum Wage Legislation

After becoming the first of 33 states to pass a minimum wage law for women and minors, Massachusetts extended the coverage of its legislation to include men in 1946, and now 14 other states have minimum wage legislation applying to men as well as women and minors. While extending the coverage of its minimum wage law to males in 1946, however, the principle of separate wage board orders for different industries rather than a mandatory minimum wage for all covered

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[1] In terms of dollars of 1962 purchasing power, the figures would show an increase from $38.75 in 1946 to $40 in 1962 for the maximum weekly benefit, and from $3.10 to $6 for the dependency allowance.

industries was retained. A non-mandatory 65¢ an hour "floor" for wage board orders was adopted in 1949. This "floor" was made mandatory with a few notable exceptions, such as persons receiving tips or gratuities, in 1952, and a statuatory minimum of 75¢ an hour was established for covered industries not subject to wage board orders in the same year. In 1953, the coverage of industries subject to the 65¢ wage board "floor" was expanded.

When Congress raised the Federal minimum wage in 1955, the statuatory minimum in Massachusetts was increased to 90¢ an hour, the "floor" on the wage board orders was increased to 75¢ an hour, except in cases where employees received tips. The "floor" for those receiving tips was set at 55¢ an hour in 1955. One year later, the "floor" on wage board orders was increased to 57.5¢ per hour for employees receiving tips, and 80¢ per hour in all other cases. State Wage Boards were also given the power to set overtime pay rates for hours worked in excess of 40 hours in one week in 1956, but no statuatory rate was established. In 1958, the minimum wage for employees receiving tips was raised to 65¢ per hour, the "floor" under other minimum wage board orders was set at 90¢ per hour, and the statuatory minimum was increased to $1 per hour. Then, in 1959, the Wage Board industries were brought up to the statuatory $1 per hour minimum, and a 70¢ per hour "floor" was enacted for persons receiving tips.

Labor's long campaign for a state overtime law was finally pushed to fruition in 1960, when legislation was enacted requiring time and one-half payments on hours worked in excess of 40 hours per week in

covered industries, but some occupations covered by the Minimum Wage Law were specifically exempted from the coverage of the time and one-half overtime provisions, including restaurant, hotel, and motel employees, gasoline station attendents and garagemen. After vetoing one minimum wage law in 1961, Governor Volpe did sign new minimum wage legislation in 1962, which provides for a Massachusetts minimum of $1.15 per hour, except for employees who customarily receive tips. These persons now must receive a minimum of 75¢ per hour.

In addition to this legislation dealing with intra-state minima, there have also been periodic increases in the salaries of state employees during the postwar period (including some controversial increases in legislative salaries, the last of which was repealed by referendum in the 1962 election). The minimum starting salary for Massachusetts school teachers has also been increased from as low as $1,000 in 1946 to $4,000 in 1959.

While these wage provisions, particularly the state minimum wage changes, have been matters of serious labor-management contention in Massachusetts throughout the postwar period, they seem to have less practical relevance for the question of interstate competition for industry than the labor relations, workmens compensation, and unemployment compensation legislation discussed above. Although the intra-state minima may have some symbolic value as an indication of the state's "industrial climate," they apply exclusively to local service-type industries, such as retailing, laundries, hotels, and restaurants, and thus are not going to be a factor in location of interstate firms which are covered by the Federal law. Furthermore, most manufacturing

firms in the country (and most of the "industrial climate" debate centers on attracting manufacturing industries) pay wages in excess of both federal and state minima.

The only direct disadvantage a Massachusetts employer would suffer from the state minimum wage orders would be if he operated near a state border and served a market in competition with an employer from another state who is not subject to the Massachusetts law and who was also exempted from the coverage of the Federal Minimum Wage Law. The likelihood of even this possibility is further reduced by the fact that all of the six states which border on Massachusetts (Connecticut, Rhode Island, New Hampshire, New York, and Vermont) all have statuatory minimum wage laws to cover men as well as women. In January, 1961, all but Connecticut provided a statuatory minimum equal to the Massachusetts statuatory rate of $1, but it is not known if these other states have raised their rates as Massachusetts did in 1962 or whether they require overtime payments.

The main indirect disadvantage a Massachusetts employer might suffer from state minimum wage laws would occur if the state minimum wage was the cause of increased unemployment which put an added burden on the state unemployment compensation fund. There is no evidence that such indirect effects have been strong, and even if they were, their cost would be covered in the unemployment compensation cost discussed above. Therefore, it again seems safe to conclude that, apart from any symbolic value it may have, Massachusetts minimum wage legislation has had little adverse affect on the Bay State's ability to attract industry into Massachusetts.

Taxation

Our review of the postwar period in Massachusetts had indicated that the major labor-management battles in the area of taxation have resulted in a complete standoff, but that pressures seem to be mounting to force an eventual resolution of this continuing impasse. In this area, the advantage seems to lie with management, whose sales tax proposals need only to be passed by one session of the General Court and signed by the Governor, whereas labor's campaign to amend the Constitution to permit a graduated income tax requires passage in two successive Legislatures and a majority vote at the polls.

Sales tax proposals have been defeated in the General Court in 1947, 1955, 1957, and 1959. Organized labor succeeded in obtaining the initial approval for a proposed graduated income tax amendment in the 1949-50 session of the General Court. Failing to get the required action in the 1951-52 session, however, the whole process was not successfully started again until after a six-year delay, in the 1959-60 session. After finally getting the necessary vote in the 1961-62 session of the General Court, however, the proposed amendment was overwhelmingly rejected at the polls in November, 1962.

Barring some other alternative, such as a state-wide lottery, long advocated by the former State Attorney General, Francis E. Kelley, it does not appear that the Bay State revenue problems can now be put off the four years required to amend the Constitution. And there is no guarantee that the progressive income tax amendment would fare any better at the polls in 1966 than it did in 1962. Even if it passed,

there is also no guarantee that the General Court could make the progressive rates steep enough to meet the Commonwealth's increasing financial requirements. In addition to these factors, the sales tax advocates are also strengthened by the fact that the most recent battles in this area have not only become increasingly intense, but they have also caused divisions in the ranks of both the Democratic party and the Massachusetts labor movement, although the advocates of this type of levy still seem to be a minority in both the Democratic and the labor camps.

There are obviously other aspects of the tax situation in Massachusetts which may affect the Bay State's industrial climate which have not been touched on in this thesis' emphasis on labor-management political struggles. In this area, it should be noted that the business community's legislation for revising the capital gains tax on mergers in 1959 and the removal of the long-opposed corporate excess provisions of the Bay State's tax law without any loss of revenue in 1961 may be a harbinger of attempts to make the Massachusetts tax structure more favorable to industry in a way that avoids some of the animosity and friction inherent in the labor-management proposals discussed above. The divisiveness generated within the business community itself over the 1961 changes in the corporate excess law, however, also indicates that hopes for progress in this direction may be limited. It is always easier to gain unity in opposing somebody else's proposal than it is to create one of your own.

Non-Occupational (Cash) Sickness Insurance

As opposed to the 50-state workmens compensation laws covering work-connected injuries or illness, only four states presently have laws which protect workers against wage losses caused by disability that is not work connected.[1] The Massachusetts labor movement's continuing attempts to obtain such a law in the Bay State have been no more successful than their long-standing attempts to obtain a state fund under the Massachusetts Workmens Compensation Act, and for largely the same reasons. The Massachusetts insurance companies have joined the regular employer lobbies in opposing this legislation.

At the height of labor's influence immediately after the 1948 election, the so-called Cash Sickness Bill was defeated by only three votes in the Democratically controlled House in 1949. Then it was defeated by a larger margin in 1950, and Kenneth Kelley's bitter denunciation of the Democratic legislators who did not support the bill as "insurancecrats" seems to have permanently alienated enough of the House members to have reduced the bill's prospects in subsequent sessions of the General Court, as the memory of the 1948 elections became more distant and as the spread of privately negotiated health and welfare funds became more widespread.

Kelley's report to the 1955 convention of the Massachusetts Federation of Labor stated:

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1 The four states are Rhode Island, California, New Jersey, and New York. For a description of how these laws operate, see [9, pp. 221-225].

> It was disconcerting to find some segment of the labor movement somewhat indifferent to this legislation. Undoubtedly, they were misled by some of the distorted facts that were leveled against the proposal or, having secured through collective bargaining negotiations, health and welfare protection, did not feel impelled to strive to get these benefits for less fortunate workers. [5a, p. 175]

Even the 1958 election sweep which gave the Democrats control of the Senate as well as the House, did not seem to revive the prospects for a cash sickness bill in Massachusetts. The fact that the labor movement persists in keeping this issue alive, along with its demand for striker benefits under the Unemployment Compensation Act, however, may simply be a device to gain bargaining power in other areas as the defeat of these bills is "traded" for gains in other, more palatable, types of legislation. Nevertheless, the issues of a state fund, cash sickness, and striker benefits serve to remind us that the admitted increase in organized labor's legislative power in Massachusetts during the postwar period has not been without its limitations -- particularly where the insurance companies are involved.

Indeed, this qualitative review of postwar legislation in Massachusetts has indicated that, despite organized labor's pronounced increase in legislative influence, most of their gains have come in the areas of increasing benefits under laws that were already in existence in 1946 rather than in "breaking through" into new areas of labor legislation. The main exceptions to this rule have been the changes in the state anti-injunction law in 1950 and 1959, and the securing of wage board provisions for time and one-half payment for hours worked in excess of 40 in one week in 1960. The "breakthrough" represented by

the Cox-Phillips Bill in 1950 could not have been obtained without Republican support, and the three judges amendment to the injunction law in 1959 and the overtime provisions in 1960 were enacted by the all-Democratic Legislature elected in 1958 in the face of the most intense "industrial climate" campaign ever waged by Massachusetts industry.

The benefit improvements that have been secured in the areas of workmens compensation, unemployment compensation, and minimum wage legislation, have risen faster than the prices measured by the Consumer's Price Index, but they have not quite kept pace with the post-war increases in the average wages of production workers in the United States' manufacturing industries and, despite all of the attention given to interstate differentials in the cost of workmens compensation and unemployment compensation benefits, the crude figures available seem to indicate that the maximum average cost differential between Massachusetts and the lowest states in the Union for both of these programs combined, is less than 2% of payroll cost, or under 5¢ per hour.

The most basic tools of economic analysis also point to the conclusion that there is no reason to believe that the full cost of even this relatively small differential is actually borne by the employer. Both the workmens compensation and unemployment compensation taxes fall into the category of excise taxes, and depending upon an employer's certainty of what his actual tax will be and the elasticity of demand for his product, economic analysis suggests that part of the "incidence" of this tax can be shifted "forward" to consumers and that part of the "incidence" can also be shifted "backward" to employees in

the form of lower wages. The fact that Massachusetts, in fact, does have a lower average manufacturing wage than the rest of the nation may also lend some weight to this latter point.

The question of detailed wage comparisons between states is obviously beyond the scope of this thesis, but most people would recognize that a simple comparison of wage rates must be adjusted for differences in the industry and skill mix of different states to have any real meaning, and in the last analysis it is not wages per hour or wages per week that determine cost, but rather wages per unit of output. Therefore, wage figures should also be adjusted for differences in the man hour productivity between states. Nevertheless, if we consider only the average weekly wages as reported under the different state's unemployment insurance laws (and thus drop wages not covered by unemployment compensation), Table 40 indicates that the Massachusetts rate of $93.87 a week in 1962 was exceeded by 21 states, including most of the industrial states in the Union, but not including many southern states where much of the postwar drive to attract industry has been the strongest. Given the size of some of the wage differential shown in this table, however, it still appears that differences in workmens compensation and unemployment compensation taxes would play a small part in attracting or repelling industry compared to much larger differentials in more basic cost, such as wage cost, fuel and power costs, transportation costs, etc.

Labor Legislation and the Massachusetts "Industrial Climate" in Perspective

While there appears to be little statistical evidence that

Massachusetts labor legislation per se is a major deterrent to the location of industry in the Bay State, there is no way to run a controlled experiment to see what its actual impact has been. Ideally, it would be nice to "re-run" the entire postwar period with no changes in labor legislation so that the results could be compared with those now pertaining after the laws described above have been enacted. Another point to be mentioned, however, is that regardless of what the impact of labor legislation on the Massachusetts "industrial climate" has actually been, what Massachusetts businessmen think that it has been is of some importance. This point was noted by the Council of Economic Advisers' Committee on New England Economy in 1951 when, in a similar context, they stated:

> While it can be shown that state and local taxes are only a small part of cost, and thus are not an important over-all factor, the very fact that businessmen believe New England's state and local taxes put them at a competitive disadvantage is enough to deter investment in new businesses and expansion of existing businesses in the region, because the attitudes of businessmen are of crucial importance in decisions as to whether new investment will or will not be made. [1, p. 121]

The fact that attitudes, as well as actual results, have been important in the "industrial climate" debates in Massachusetts during the postwar period is underlined by the fact that the two most intense election campaigns on this issue (1952 and 1958) were waged when a Democratic governor was in office, and there appears to have been a relative hiatus in the amount of publicity given to this issue during the Republican administration of Christian Herter and John A. Volpe. This is true despite the fact mentioned above that more labor legislation was actually enacted under Governor Herter than under

Governor Dever. The amendment of the Barnes Bill, the Cox-Phillips Anti-Injunction Bill, the $5 increase in the maximum workmens compensation benefits, the 65¢ floor under Wage Board orders, and the statuatory minimum of 75¢ per hour enacted under Governor Dever, were discussed by the Associated Industries of Massachusetts in terms of "unparalled damage to the state's economy"; whereas Governor Herter was hailed as a governor "who understood the need of improving the industrial climate of Massachusetts" despite the fact that during his administration the Slichter Act was amended, the use of "labor spies" was regulated, the maximum weekly workmens compensation benefit was increased $10 and the dependency allowance was raised from $2.50 to $3, the maximum weekly unemployment compensation benefit was increased $10 a week and the dependency allowance was increased $1 a week, as well as the enactment of a minimum wage floor of 80¢ per hour and a statuatory minimum wage of 90¢ per hour during his administration.[1]

Admittedly the environmental circumstances surrounding the Dever and the Herter regimes may have been different, and no one can say what legislation might have been enacted under Governor Dever had the strong industrial climate campaign not been launched against him. Nevertheless, the actual results do not seem to justify the extreme positions taken by either labor or management during these respective

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[1] Despite their emphasis on the "hostility" of Governor Dever to the business community, it is also true that Massachusetts employers were able to make substantial changes in the employment security law over strong labor opposition under the Dever administration in 1951, as well as under the Herter administration in 1953.

administrations. Labor's tendency to take its gains for granted and publicly emphasize the bills it does not get has been mentioned above, for example, and it is difficult to see how the business community could consistently work for the defeat of a proposed State Department of Commerce under Governors Tobin and Dever as a "huge barrel" yet support the bill's passage under Governor Herter unless attitudes about "who does it" are important in evaluating "what gets done."

In addition to noting the importance of employer attitudes in the quotation cited above, however, the Council of Economic Advisers Committee in 1951, went on to say.

> It is the conclusion of this committee that the actual magnitude of the differential tax burden has been greatly exaggerated. Consequently, we believe that it is most unfortunate that so much publicity has been given to this problem. The dissemination of an exaggerated picture of the burden of taxes in New England as being greater than in other areas has probably had a detrimental effect upon the area. [1, p. 118]

The contention that "bad publicity", particularly if exaggerated, may be as harmful to the state's industrial climate as the actual legislation which is the cause of much of the bad publicity is a difficult argument to evaluate. But, in recent years there appears to have been some recognition of this point within some parts of the business community itself. In an extremely balanced analysis of the whole industrial climate issue, the Merchant's National Bank of Boston stated in 1960:

> Unfortunately, there is no universally accepted definition of the term "business climate". . . . In general, "business climate" relates to some or all of the many factors which are deemed to affect the <u>competitive attractiveness</u> of a community as a location for industry.

> That both objective factors and subjective impressions enter into industrial location decisions is obvious from the kinds of locations business firms have chosen in the past. . . .
>
> According to a U.S. Department of Commerce check list widely used in location studies, the location of manufacturing plants depends on a host of different factors: raw materials, labor, sites, industrial fuel, transport, market, distribution facilities, power, water, living conditions, laws and regulations, taxes, and climate. . . .
>
> It is clear that the weight to be given any factor in locational decisions will vary from industry to industry and even from firm to firm. . . .
>
> Despite the obvious rationale of this proposition, we often find discussions of a region's competitive position concentrating on cost factors which may be quite unimportant--more often than not, involving some aspect of public policy because "that is something we can do something about." In the same vein, the mere existence of usable land and buildings, or a railroad, or a supply of unemployed labor are looked upon by government leaders and the good citizens of some communities as sufficient conditions for industrial expansion.
>
> That neither of these oversimplified views is valid is attested by a multitude of economic development studies. But, this kind of oversimplification is not uncommon in discussions of state and local industrial development. . . .
>
> The use of the business climate concept has, therefore, led to many misunderstandings. . . .
>
> Economic conditions have improved rather steadily over the past decade, even beyond the expectations of the optimists. But we continue to hear more, not less, about the sad state of the business climate. The reputation of the area among business leaders in other parts of the nation has suffered substantially--often needlessly. And, businessmen, government officials and labor leaders have become entangled in a heated but largely fruitless debate. . . .
>
> The first job is to develop the broadest possible base for mutual understanding. If, as seems possible, the term "business climate" generates more emotion than enlightenment, perhaps it should be dropped from the lexicon. Meaningful communications, after all, require a rather precise definition of terms. It starts with simple, direct, straight talk. The simple words we all understand. Sometimes they get the best results. [5]

While there is some doubt as to whether changing the words will remove the more basic labor-management conflicts over labor legislation in Massachusetts, it should be noted that the present

times are extremely propituous ones for beginning to conduct the inevitable debates in an atmosphere free from much of the animosity that may have been associated with the personalities operating on the Bay State legislative scene during the postwar period. Jarvis Hunt is no longer directly associated with the Associated Industries' legislative efforts on Beacon Hill, and John Hamilton, who was associated with much of the AIM's "industrial climate" campaign during the 1958 election and after, has recently resigned his position as a director of the association's public affairs program. The sudden death of W. Rea Long of the Massachusetts Federation of Taxpayers' Associations in 1961 and the resignation of Kenneth Kelley as the Secretary-Treasurer of the Massachusetts State Federation of Labor early in 1962 also removes two of the more combative figures of the postwar period from the Bay State's political scene.

Whether their successors will be able to operate in an atmosphere of a more objective approach to the basic issues of labor legislation unhampered by a history of strong adherence to fixed positions remains to be seen. But, in conclusion, one point mentioned in the Merchants' National Bank's Newsletter quoted above should be emphasized. Namely, despite all of the heat generated by the battles over labor legislation during the postwar period, these years (particularly the decade of the 1950's) have been years of significant economic progress in the Bay State --much greater progress than was predicted by the studies undertaken in the early 1950's, and cited previously.[1]

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[1] See: [1], [2], and [6].

Table 41, for example, shows that per capita personal income in Massachusetts has increased faster than the national average throughout the entire postwar period.

TABLE 41 - Growth in Per Capita Personal Income in Massachusetts and the U.S., 1947-1961

	Per Capita Personal Income				Percent Increase in 1961 in Terms of		
	1947	1954	1959	1961	1947	1954	1959
Massachusetts	$ 1,434	1,936	2,437	2,614	76%	30%	7%
United States	1,316	1,770	2,160	2,265	69	26	5

Source: U.S. Department of Commerce, Survey of Current Business, April, 1962.

With regard to employment in Massachusetts in the postwar period, Table 42 indicates that total non-agricultural employment in the Bay State increased almost 11% from 1,731,100 in 1947 to 1,916,700 in 1960. Over the same time period total non-agricultural employment in the United States as a whole has increased about 20%. Over half of the Massachusetts increase during the entire postwar period, however, occurred in the years between 1955 and 1960.

The figures on manufacturing employment in Table 42 indicate that most of the postwar decline in Massachusetts manufacturing industries also occurred before 1955. After that date the rate of decline in this important area slowed appreciably. Indeed, the percentage decline in Massachusetts manufacturing employment since 1955 has been less than the percentage decline of manufacturing employment in the United States as a whole during this period.

TABLE 42 - Employees on Non-Agricultural Payrolls by Industry Division for the United States and Massachusetts, 1947, 1950, 1955, 1960

Industry	United States (in thousands)[1] 1947	1950	1955	1960
Mining	955	901	792	712
Contract Construction	1,982	2,333	2,802	2,885
Manufacturing	15,545	15,241	16,882	16,796
Transportation and Public Utilities	4,166	4,034	4,141	4,004
Wholesale and Retail Trade	8,955	9,386	10,535	11,391
Finance, Insurance and Real Estate	1,754	1,919	2,335	2,669
Service and Misc.	5,050	5,382	6,274	7,392
Government	5,474	6,026	6,914	8,520
TOTAL	43,881	45,222	50,675	54,370

Industry	Massachusetts (in thousands)[2] 1947	1950	1955	1960
Mining	1.8	1.8	2.2	1.2
Contract Construction	63.4	73.1	77.4	78.2
Manufacturing	730.7	715.7	700.7	698.0
Transportation and Public Utilities	125.3	117.4	119.3	105.9
Wholesale and RetailTrade	348.1	353.2	367.9	386.6
Finance, Insurance and Real Estate	71.9	77.3	88.4	99.5
Service and Misc.	211.2	214.6	241.1	299.4
Government	178.6	208.1	221.3	249.1
TOTAL	1,731.1	1,761.0	1,818.4	1,916.7

[1] Source: Employment and Earnings Statistics for the United States, 1909-62 (B.L.S. Bulletin 1312-1), p. xvi.

[2] Source: Employment and Earnings Statistics for States and Areas, 1939-62 (B.L.S. Bulletin 1370), pp. 262-67.

The more detailed breakdown of the Massachusetts manufacturing employment figures shown in Table 43 indicates that the overall decline during the 1950's was the result of a sharp drop in the non-durable goods sector (primarily textiles and leather) not quite being offset by employment increase in the durable goods sector (primarily ordinance and electrical equipment). The decline in textile employment appears to have slowed somewhat after 1955, however, but this industry seems to be greatly diminished in terms of its influence on the Bay State economy.

Again, no one can say with precision what the Massachusetts income and employment figures cited above would have been in the absence of the labor legislation and industrial climate debates that raged in the late 1950's, but it does appear that economic conditions were actually improving at the very time that so much debate was being generated over the "worsening" industrial climate.

TABLE 43 - Employment on Manufacturing Payrolls by Major Industry Groups for Massachusetts, 1950, 1955, 1960

Industry*	1950	1955	1960
Durable Goods	268.2	294.2	324.5
Ordinance	3.6	4.5	19.1
Lumber	7.1	6.3	5.8
Furniture	13.5	12.8	12.7
Stone, Clay, Glass	10.2	10.8	10.8
Primary Metals	22.6	23.0	22.7
Fabricated Metals	36.8	40.9	39.0
Machinery	66.3	67.5	69.2
Electrical Equipment	64.7	81.9	98.6
Transportation Equipment	25.4	24.1	22.8
Instruments	17.9	22.5	23.8
Non-Durable Goods	447.6	406.5	373.5
Food	49.5	49.5	46.5
Textiles	118.0	69.7	48.8
Apparel	57.4	60.3	60.1
Paper	32.8	36.0	36.6
Printing	36.7	37.8	39.2
Chemicals	16.6	17.8	18.9
Rubber	30.4	32.8	35.5
Leather	72.0	69.2	59.1

*Based on Standard Industrial Classification Code, headings abbreviated.

Source: Employment and Earnings Statistics for States and Areas, 1939-62 (B.L.S. Bulletin 1370), pp. 262-67.

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CHAPTER XVII

SUMMARY AND CONCLUSIONS FOR THE THESIS

Chapter I of this thesis noted that several public statements during the late 1950's seemed to imply that the political dimension of labor-management relations might be expanding. Some possible implications of such a development were posited, and Part I of the thesis then examined labor and management political activities on the national scene in an attempt to determine whether or not any of these developments were, in fact, materializing. Chapter VI concluded that, insofar as national developments are concerned, the political dimension of labor-management relations today has expanded compared to earlier times but that there is only mixed evidence that it has been expanding in recent years. Also, only a few of the implications posited in Chapter I appear to be materializing at this time.

Upon examination it appears that much of the attention focused on the political aspects of labor and management activities during the latter 1950's was a result of an undue amount of publicity being given to two events--one on the labor side and the other on the management side of the political fence. On the labor side, the AFL-CIO merger triggered off an undue amount of concern over the political "potential" of a "unified" labor movement. And, on the management

side, it appears that much of the "get business in politics" publicity surrounding the activities of a few large and articulate corporations in 1958 and 1959 has now subsided. It was also noted, however, that under the existing laws regulating the reporting of political activities at the national level, it is difficult to get complete and accurate information.

An examination of the major issues before Congress during the post World War II period, however, indicates that there has been an increased "polarization" on most major issues with management pressing for more government regulation of union activities, and with organized labor opposing any expansion of government regulation in the area of labor-management relations. In the area of "protective" or "welfare" legislation, however, a situation exactly the opposite of the one in labor-management relations has prevailed. Here it is organized labor that has been pushing for more government action, and management has generally opposed the expansion of the role of government in these areas.

Despite its more comprehensive legislative program at the national level in the postwar period, however, organized labor still tends to show more political cohesion and militancy on union-oriented issues than it does on some broader matters of social welfare legislation, and it is in this area of labor relations legislation that management definitely seems to have wielded the upper hand during the postwar years. This doesn't mean that the business community has secured all the legislation that it would like, however, and they have been forced to gradually yield ground on such measures as "liberalization"

of Social Security benefits, increasing the minimum wage, aid to the depressed areas, etc.

Historically organized labor's major political efforts have come on the heels of legislative adversity. Thus the rejection of Labor's Bill of Grievances in 1906 led to the creation of the old AFL's Nonpartisan Campaign Committee; the CIO-PAC was established after the enactment of the Smith-Connally Act in 1943; the AFL-LLPE was created after the enactment of the Taft-Hartley Act in 1947; and the hitherto inactive Teamster's Union organized its own political arm, DRIVE, following the enactment of the Landrum-Griffin Act in 1959.

While organized labor today is, thus, an active participant in the nation's political process it does not appear to be a dominant or even a unified force. The number of union organizations reporting lobbying expenditures and continuous campaign contributions includes only a fraction of all the international unions in the United States, although larger unions tend to be among the ones which are more active politically. With regard to the nonmonetary influence of union political activities on the labor vote, the figures seem to indicate that while there may be a positive "Democratic distinctiveness rating" among union members, the "labor vote" has not been distinctive enough to consistently overcome the "non-labor vote" in the seventeen states where trade union membership was concentrated in 1953, But the "labor vote" does seem to be more cohesive during those times and in those areas where the institution of unionism, as such, seems to be under attack.

On the other hand, management's traditional emphasis on

political activity has tended to shy away from the more visible "electioneering" aspects of politics in favor of formal lobbying activities, institutional advertising and individual campaign contributions. This is no doubt one reason why the "get business in politics" movement in 1958-59 attracted so much publicity. The forthright statements of certain large companies on controversial issues, often closely associated with candidates of partisan designation, naturally seemed more newsworthy than quiet contributions to individual campaigns or more or less subtle pressure on already elected candidates. Whether this extra publicity actually increased management's effectiveness in the political process, however, seems doubtful in view of the fact that the 1958 election saw the right-to-work referendums supported by many of the largest companies active in the "business in politics" movement defeated at the poll in five of the six states where this question was an issue in this election.

In addition to the forthright stands on public issues, however, there was another thread to the "business in politics" movement in the late fifties, which placed emphasis on encouraging more direct citizenship participation in the political process at the "grass roots level". Even less information is available on these activities then on the other aspects of management's participation in the political process, however, and aside from the fragmentary information presented in Table 26 there does not appear to be any comprehensive information available on how many employees or other persons have been enrolled in business sponsored practical politics courses or what the impact of these courses on the participants has been.

Given this background, Chapter VI concluded that the evidence of an expanding political dimension of labor-management relations in the late 1950's was not as clear as many of the pronouncements of this time would lead one to believe. With regard to some of the questions originally posited about the possible implications of an expanding political dimension of labor-management relations, talk of a labor party or organized labor capturing one of the existing parties at the national level seems ill founded. Nor does there appear to be any evidence of union political programs stimulating either a significant increase in membership participation in union affairs or widespread membership opposition to existing political activities.

With regard to basic structural or internal changes within the contending parties, no dramatic occurrences appear to have materialized. The initiation of more active corporate political programs does not appear to be a threat to the traditional position of the NAM and the Chamber as "spokesmen for industry" on labor matters--despite the fact that the public position of these groups on certain issues of labor-management relations seems to contradict the actual day-to-day practice of many of their member organizations.

Although the labor movement has shown awareness of the importance of geographically based federations in the political process as opposed to the market-oriented national unions which are organized and administered for the primary purposes of bargaining in product market areas that have no direct relation to the make-up of political districts, there does not yet appear to be any significant increase in the relative influence of the geographically-based federations

within the total American labor movement.

With regard to the possible relation between the political aspects of labor-management relations and the collective bargaining aspects of labor-management relations, the connection between these two dimensions of the American industrial scene appears to be rather indirect. Although several of the leading companies in the "get business in politics" movement have also been associated with the "new", "tougher" management approach to collective bargaining, there does not seem to be any simple cause and effect relationship at work, and there is no evidence that the "tougher" bargaining approach is the result of overexposure to the polarized atmosphere of the political process. Indeed many of the "tough line" firms such as General Electric were stiffening their backs at the bargaining table several years before their political "awakening". Within the large companies "speaking out" on public issues in recent years, it is also true that their political and public affairs programs are under separate direction from their industrial relations programs at the operating level, although the top management of these companies is of course responsible for the conduct of both activities. A further look at the principle labor-management organizations operating in the political arena, also tends to emphasize the point that the bulk of these political activities are still handled largely at the federation level by the AFL-CIO, the Chamber of Commerce of the United States, and the NAM, which organizationally and operationally are some distance removed from the centers of power that negotiate the labor-management agreements that govern much of the private sector

of our industrial relations system.

While it would thus be difficult to say that the political battles of recent years have had any direct influence on the conduct of most labor-management negotiations, however, it is probably also fair to state that the acrimony of recent labor-management political debates has done little to facilitate more cooperative approaches to the resolution of labor-management differences. Indeed, much of the fighting in the political arena seems to be over issues that have already been resolved or at least accommodated by the pressures of necessity in the bargaining arena.

John T. Dunlop and others have noted the lack of "consensus" that dominates our national labor policy. Yet current labor and management political activities are not aimed at any form of consensus building that can serve as the foundation for a more stable long run labor policy. Rather each side seems bent on forcing its intractable position on the other in a highly partisan and polarized atmosphere that seems far removed from the practical problems of the day-to-day work level of our industrial society. Indeed, the political dimension of labor-management relations is somewhat unique in the political arena in that there are highly organized adversaries on each side of practically every issue. The adversaries are fairly evenly matched in such a way that it is difficult to get any change in policy until an abnormal combination of circumstances or a temporary "crisis" shifts the balance of power momentarily to one side or the other. Such a "crisis" atmosphere, when it does arise, is not conducive to the kind of sober reflection or judicious consideration that serves

as the basis for sound, long-run policies. Under these circumstances of persistent deadlock in a highly partisan and polarized atmosphere, the public and our legislators tend to be exposed to only the most extreme views of labor and management spokesmen. The trend to increasingly detailed regulations noted in labor-management relations seems to be the inevitable result of such a situation, since any enactment forced through in the haste of a crisis almost automatically sets up counter forces for further modification or change. Barring a major change in the present state of affairs, it seems unlikely that this trend can easily be reversed. At present there are no strong, effective channels through which "moderates" in either labor or management affairs can easily make their views known on a continuing basis. The tri-partite, 21-member advisory committee on labor-management policies, originally established by President Kennedy, however, may be a step in this direction.

To briefly summarize the main conclusions of Part I of the thesis then, there is considerable evidence that the political dimension of labor-management relations today is <u>expanded</u> compared to earlier times, but only mixed evidence that it has been <u>expanding</u> in recent years, and only a few of the possible implications of an expanding political dimension posited in Chapter I appear to be materializing. Talk of a labor party or organized labor capturing one of the existing parties seems ill-founded, and there does not appear to be any evidence of political programs stimulating either a significant increase in membership participation in union affairs or a widespread membership opposition to existing union political

activities. There is some evidence, however, that the labor movement is attempting to strengthen its geographically-based state and local central bodies in an attempt to strengthen its political posture. Within the management camp, much of the publicity surrounding the "business in politics" movement of 1958-59 appears to have subsided, and there does not appear to be any direct relation between this series of events and the "tougher" approach management has been taking to collective bargaining problems in recent years. The political dimension of labor-management relations at the national level, however, does seem to be highly polarized with little attempt at the type of "consensus -building" that might lead to a more stable long-run labor policy.

Given these tentative conclusions on the national scene, Parts II and III of the thesis have presented a detailed examination of the historical development of the political dimension of labor-management relations in Massachusetts in an attempt to illuminate, clarify, and, if necessary, modify the tentative conclusions drawn at the end of Part I of the thesis.

Despite some basic differences in the nature of the political process at the different levels of government--particularly in the relative strength of the contending parties and the specific issues considered--the Massachusetts experience tends to support rather than contradict the conclusions drawn above.

We have seen that since Massachusetts was one of the first states in the nation to develop an industrial economy it was also one of the first to experience the labor problems associated with

the industrialization process. In responding to these problems, the Bay State soon became a pioneer in the area of labor legislation. Most of the early agitation for child labor legislation and hours legislation for women came from various humanitarian groups. Although it proved to be easier to amend existing legislation than to create new areas of legislative enactment, attention gradually expanded beyond the concerns of child labor and hours for women to include hours for men in certain occupations, sanitation and safety legislation, and regulation of industrial homework. Methods of wage payment and the settlement of industrial disputes also became matters of legislative concern toward the end of the nineteenth century, as organized labor unions became more or less permanently established in the Bay State.

After the turn of the century the Massachusetts labor movement became one element in a "reform coalition" of social minded, middle class, civic and philanthropic groups which combined with the increased voting strength of the immigrant population to enact basic changes in the economic and political fabric of the former Puritan Commonwealth. The "Progressive Era" in Massachusetts politics reached its zenith during the administration of the Irish Catholic Governor David I. Walsh. Most of the popular reforms of the day were adopted including a Workmens Compensation Act in 1911, a Minimum Wage Law for women in 1912, the Uniform Child Labor Law in 1913, and a short-lived Anti-Injunction Law in 1914.

Following the dissention created by the "Sectarian Amendment" at the 1916-1919 Constitutional Convention in Massachusetts, the fears surrounding the Boston Police Strike in 1919, the "Red Scare" and the

general reaction following World War I, the progressive coalition in Bay State politics began to break up along both economic and ethnic lines. One significant feature of the "Progressive Era" in Massachusetts politics, however, is the extent to which employers in the state organized to withstand the assult on their general laissez faire principles. Finding that they could no longer rely on the inertia of the status quo and the unorganized interests of the old "rules of the game" to protect the principle of non -intervention in the industrial rule making process, Bay State textile manufacturers organized the Arkwright Club to represent their interest before the Legislature, and the Associated Industries of Massachusetts, which is still active on the Bay State political scene, dates its origins from this period.

As a result of this organized opposition, the weakened labor movement in Massachusetts spent most of its time during the 1920's trying to stave off proposals to repeal or modify much of the legislation enacted during the preceeding decade. In this case, the inertia of the Status quo favored the proponets of strong labor legislation, and the attempts to repeal or modify the existing statuses were not successful.

The failure of the Massachusetts economy to share in the nationwide prosperity after 1925 caused sufficient economic distress in the Bay State to indicate that perhaps the elements of the old reform coalition could overcome the cultural antagonisms of the early 20's and regroup under the Democratic banner in Massachusetts.

The rise of James M. Curley to power in the politics of the

Massachusetts Democratic party and the factionalism he created in the early 30's destroyed a large amount of the promise of any such possibility, however, and the events of these years account in large measure for the disjointed and uncoordinated nature of the state Democratic party in Massachusetts today. Another factor preventing a complete reformation of the old reform coalition under the Democratic banner in Massachusetts was the relatively moderate stand taken by some key Bay State Republicans on labor issues in the late 1930's.

Thus the host of middle class, social, civic, and philanthropic groups that had been an essential element of the old reform coalition were largely missing from many of the legislative drives of the 30's and the nature of much of the labor legislation sought during these years also shifted in its emphasis from "protective" legislation covering both organized and unorganized workers to bills designed to deal more exclusively with the problems of union organization. While many of the middle class reform elements were not attracted to some of the labor battles during the 1930's, however, organized labor itself was rapidly growing in strength during these years and becoming much more capable of "going it alone" in the legislative sphere than it ever had been before.

Although some of the old problems of the size of the legislative program and partisan divisions within the labor movement continued to bother the State Federation of Labor during this period, a closer alignment with certain Democratic candidates occured to an unprecedented extent throughout the 1930's in Massachusetts.

Under Governor Curley's two-year administration existing

hours legislation was strengthened and expanded and the existing wage laws were also improved or modified along with the state's Workmens Compensation Law. Massachusetts became one of the first states in the nation to pass an Unemployment Compensation Act in 1935, and in the same year the General Court enacted a strong Anti-Injunction Law patterned after the federal Norris La Guardia Act. The State Federation's President was appointed to be the Commissioner of the Massachusetts Department of Labor and Industries in 1935 and its Secretary-Treasurer-Legislative Agent was appointed to the Unemployment Compensation Commission in 1936.

Following Curley's defeat for the U.S. Senate in 1936, labor's relations with his Democratic Gubernatorial successor, Charles F. Hurley, were more strained but nearly as productive. The increasing political respect being accorded to the views of organized labor in Massachusetts was clearly attested in 1937 when a state Labor Relations Act, and a bill preventing the use of labor spies were both passed in addition to major modifications or changes in the Bay State's workmens compensation, unemployment compensation, industrial homework, and minimum wage laws. Although the Massachusetts Labor Relations Act contained sitdown strikes among its unfair labor practice provisions, this was an impressive list of achievements considering the indifferent gubernatorial support and the fact that the Republicans controlled both houses of the General Court.

The Republican triumphs in the 1938 Bay State elections, including the election of Governor Leverett Saltonstall were significant in that although Governor Saltonstall did not vigorously

support many of his pro-labor campaign promises, neither did he lead the Bay State GOP into a wave of reaction against the earlier labor gains as was done in some other parts of the country after 1938.

Labor's campaign to unseat Governor Saltonstall in the 1940 elections failed by the narrowest of margins. Following the outbreak of World War II, Governor Saltonstall was again reelected in 1942, this time with CIO support, although the state AFL continued to oppose him. The State Federation also suffered another major reversal in the 1942 elections when a referendum for its long sought state fund for workmens compensation was ruled off the ballot after an intensive campaign had been conducted to secure enough signatures to present the proposal to the electorate. The election of Clarence Barnes as the state's Attorney General in 1942 also indicated that the "punitive" forces in the Massachusetts Republican party might have been gaining strength relative to the "moderates" as far as organized labor was concerned.

The 1943 session of the General Court witnessed the first widespread attempts to restrict the activities of organized labor in Massachusetts. The use of "work permit" systems by craft unions in the Bay State was restricted but several other more restrictive measures were defeated.

When Governor Saltonstall was elected to the U.S. Senate in 1944, the Democratic candidate for Governor, Maurice J. Tobin, defeated his Republican opponent; but Attorney General Barnes was also returned to office, and after two of his bills were defeated in the 1945 session of the Legislature, there were indications that these proposals would

be submitted to the electorate as referendum petitions. Thus, there were clear indications that the immediate postwar years would be momentous ones for the course of labor-management legislation in Massachusetts.

The detailed enactments of the post World War II period were summarized and analyzed in the preceeding chapter and need not be repeated here, but it is significant to note that Massachusetts entered the postwar years with a well-developed political dimension to its labor-management affairs. Therefore, the Bay State experience in the years since 1946 should offer some further insight into some of the questions posed earlier concerning the possible implications of an expanding political dimension of labor-management relations.

It is also important to recognize, however, that there are enough unique features in the postwar Massachusetts political situation to make some generalizations between the national and the state level difficult. One of these features is the fact that at the present time the labor movement seems to be much stronger politically in Massachusetts than it is nationally. The main reasons for this asymmetry, however, seem best explained by differences in basic environmental circumstances rather than by any particularly abnormal interest in political affairs by Bay State unionists.

Massachusetts not only has a higher percentage of union members in its population than the nation as a whole, but, within the overall political process, labor's membership is not concentrated in only a small percentage of the legislative districts as it is nationally. Furthermore, on most labor issues there is no equivalent

of the Southern Bloc in the Massachusetts Democratic party. The fact that the Massachusetts labor movement has alined itself much more closely with the Democrats in the Bay State than at the national level, plus the particularly disjointed nature of the Democratic party in Massachusetts,and the fact that the Democrats have finally emerged from generations of Republican dominance in the General Court all help to explain the admitted political strength of organized labor in the Bay State today. Massachusetts' long history of dealing with labor problems, the fact that the Bay State labor movement is an exceptionally "clean" one, untainted by any of the kinds of activity uncovered by the McClellan Committee, and the generally "moderate" stance of a few key Massachusetts Republicans also are important ingredients in understanding the contemporary situation.

Also, just as the labor movement is "built in" to the Democratic party in Massachusetts much closer than at the national level, so are most Bay State employer groups more closely alined with the Republican party machinery in the state. Given the shifting party tides in Massachusetts during the postwar period this phenomenon of "built in" interests also helps to explain the contemporary political posture of the Bay State business community.

While these semi-unique features (particularly the absense of a large well organized conservative bloc in the Massachusetts Democratic party) make it risky to generalize about labor or business political influence from one level of government to another, the events of the postwar years in Massachusetts can nevertheless give us some insight into several of the other issues

mentioned above.

The point that organized labor's electoral activities seem to be most effective and most cohesive when the unions are on the defensive rather than on the offensive, for example, certainly tends to be emphasized by the events in the Bay State during the 1948 referendum campaigns and subsequent elections. The efforts of Massachusetts employers to revitalize their political efforts during the late 1950's and early 1960's also serve to illuminate some of the possible implications of the national developments mentioned above.

Since organized labor's political position is now considerably stronger in the Bay State than it is in the nation as a whole, this also helps to give some insight into the implications of any increased strength labor might acquire on the national scene. The political experience of the state labor councils in Massachusetts also serves to deepen our understanding of the relations between political activities and membership participation and the relations between geographic federations and international unions in the American labor movement.

We will conclude by discussing each of these points in turn.

Despite a relatively good showing in the 1946 session of the General Court, the divided Massachusetts labor movement was unable to defeat the passage of the "Barnes Bill" requiring detailed union financial reports in the 1946 elections. In addition to the AFL-CIO split in labor's ranks, the State Industrial Union Council was busy trying to purge Communist influence from its ranks, and the State Federation ofLabor was confronted by the fact that it had to replace its retiring Secretary-Treasurer Legislative Agent in a

hotly contested election on the eve of the referendum campaign.

The continued agitation for "labor reform" in the Bay State, much of it unsupported by the Republican Governor Robert Bradford and his special labor-management advisory committee, culminated in the Massachusetts Citizens' Union presenting three labor referenca to the Bay State electorate in 1948. Referendum No. 5 was a "right-to-work" petition outlawing union security clauses; Referendum No. 6 required secret ballot strike votes; and Referendum No. 7 required that all union officers be elected by secret ballot annually. This "anti-labor" campaign not only led to an unprecedented amount of labor union political activity in opposition in 1948, but it also: (1) enabled the Federation of Labor to secure a 1 1/2¢ per-member-per month dues increase from its affiliated locals (a measure which had been defeated in the preceeding year);(2)resulted in the formation of a Massachusetts branch of the AFL-LLPE; and (3) led to the unprecedented formation of a United Labor Committee pooling the combined forces of the state AFL, the state CIO, and the Bay State chapter of the Americans for Democratic Action.

This combined labor opposition not only resulted in the overwhelming defeat of the labor referenda in 1948 but it also contributed to the election of the Democratic gubernatorial candidate Paul A. Dever and saw the Massachusetts Democratic party gain control of the Massachusetts House of Representatives for the first time in modern political history.

That such impressive results could have been obtained by the "labor vote" in 1948 in the absence of the strong campaign waged

by the advocates of the labor referenda seems exceedingly doubtful in view of the fact that once the common threat of the "anti labor" referenda were removed, the constituent elements of the United Labor Committee fell to fighting among themselves and finally disintegrated in 1952 when the Republican Christian A. Herter turned out the incumbent Governor Dever in a close election.

It may also be significant that following their capture of the Massachusetts House in 1948, the Democrats finally gained control of the Bay State Senate for the first time a decade later in 1958 in the face of a vigorous "industrial climate" campaign waged by Massachusetts industry against the then incumbent Democratic Governor, Foster Furcolo.

The fact that the labor-endorsed candidate has been elected Governor in only three of the other seven elections between 1946 and 1962 seems to offer evidence that in the absence of strong external opposition, internal disunity or inertia is a strong check on the cohesiveness of the "labor vote"--even in Massachusetts, a state with a strong labor movement.

Given the degree of disunity and personal rivalry that apparently exists within the Bay State labor movement at present, this experience seems to have some definite implications for Massachusetts employers concerned about the Democratic-Labor alliance and its effect on the state's "industrial climate". The recent experience of Bay State employers in coming to grips with these implications may also help to explain why there has been a relative hiatus in the publicity concerning the "business-in-politics" movement at the

national level in recent years.

The Greater Boston Chamber of Commerce apparently did not emphasize the U.S. Chamber's Action Course in Practical Politics, stressing the "citizenship" aspects of the national "business-in-politics" movement, as much as local Chambers and businesses in other parts of the country. Although they held a few periodic sessions of this course, the Greater Boston Chamber did not integrate it into the regular operations of its Governmental Affairs Department or rely on any of the participants of the course to implement its political or legislative program at the state level in Massachusetts. In a move very similar to the "speaking-out-on-issues" aspects of the national "business-in-politics" movement, however, the Associated Industries of Massachusetts launched a Public Affairs Action Program under the leadership of an ex-General Electric employee, John Hamilton, in 1958. The details of the AIM's program and two case studies of how it was implemented in specific companies have already been presented in Chapter VIII. Suffice it to say here, that at its peak (apparently during the summer of 1961) almost 100 Massachusetts firms, including most of the largest ones, were actively participating in the AIM's Public Affairs Program, and "business climate" committees existed in all but four or five of the state's Senatorial districts. The Association's continuing experience with this program ran into both of the problems mentioned in our discussion of the "labor vote" above. First, a well publicized frontal attack on the danger of a victory for the Democratic-labor alliance in 1958 seemed to help bring on the very thing the attack was designed to combat. Not only

did the Democrats sweep the state in 1958, the 1959 session of the General Court enacted more labor legislation than any other session in the entire postwar period. Admittedly, the circumstances in 1959 following the AFL-CIO merger in the states, etc., were unique, and no one can say what legislation would have been enacted in the absence of the employer's offensive. Yet it seems that the "industrial climate" campaign antagonized at least as many influential persons as it convinced. Subsequently, the AIM's program ran into the other difficulty mentioned above, namely that it is easier to unite political forces in opposing a common enemy than it is in working out a positive program.

Despite its limited success in opposing labor's legislative program in 1959, at least the business community was united. Later, when it attempted to develop a "positive" program of its own in refinancing the Employment Security Act in 1961 and in revising the corporate excess tax legislation in 1962, some employers who had been actively engaged in the Public Affairs Program broke away and openly campaigned against the "official" AIM position. The resignation of John Hamilton from the AIM in 1962 also seems to have deprived the program of much of its enthusiastic leadership, and the fact that businessmen are "busy" men has also apparently served to limit the direct participation of many executives on a continuing basis in favor of an augmented professional legislative staff.

Another factor which may have served to cool some of the steam behind the more publicized aspects of Bay State industry's political affairs program is the fact that many of the dire

consequences to the Bay State economy predicted as a result of the labor legislation enacted in 1959 have not materialized. Indeed, some elements within the business community itself have recently recognized that basic economic conditions in the Bay State were actually improving at the very time there was so much adverse publicity being given to the state's "business climate". The fact that the Raytheon plant which was opened in Lewiston, Maine (rather than in Massachusetts), at the height of the business agitation in the Bay State in 1960 (see p. 842 above) has since been closed, also serves as a graphic and concrete example that other basic economic factors may more than offset condusive "atmospheres" for business locations.

Also, just as the passage of the Landrum-Griffin Act in 1959 apparently served to remove some of the urgency behind the "business-in-politics" movement at the national level, so did the election of the Republican Governor Volpe in Massachusetts in 1960 appear to contribute to the hiatus in the "business climate" publicity in the Bay State. It remains to be seen if the ascendency of Governor Peabody will trigger a resumption of the kind of publicity that our earlier review of the postwar period indicates has a tendency to go up and down with the rise and fall of Democratic administrations at the State House--sometimes quite irrespective of the specific pieces of labor legislation enacted.

One thing which will no doubt help to determine the amount of continuing business concern with political affairs in the Bay State is the type of labor legislation actually enacted. And, on this score, an analysis of the present political position of the

Massachusetts labor movement is instructive. While apparently at the peak of its influence during the entire history of Massachusetts politics, the Bay State labor movement has scored some impressive gains in recent years, but it has also been unable to have several of its pet proposals enacted. Also, being on top, the most likely direction for any significant change in its position is down. Indeed, quite apart from the organized interests confronting its proposals, organized labor in Massachusetts now appears to have reached a position where the unorganized interests or the "rules of the game" tend to work more against them than in their favor. This is reflected in the fact that whereas much of the Bay State labor movement's pre World War II political activities were directed to seeking popular votes on matters adversely treated by the General Court, their postwar record shows that they have tended to do better in the Legislature than at the polls. There also seems to be little popular support, even among many Democrats, for labor's striker benefits proposal, and any serious outbreak of strike activity in Massachusetts could very likely result in the repeal of the three judges provision of the state injunction law. Finally, the internal division within the Bay State labor movement itself (many of them unrelated to policy issues, but with significant differences on the need for a sales tax and cash sickness compensation being apparent) also serve to temper any likelihood of a significant increase in labor's political influence in the immediate future.

The fact that labor's influence may not increase, however, does not mean that it will necessarily fall either. Aside from a

strengthening of employer opposition, which would be greatly aided by an unlikely alliance of the insurance companies with the other Bay State employers on some of the workmens compensation and unemployment benefit issues that they have not joined on to this point, the only things that appear on the horizon which might serve to reduce organized labor's present influence both involve the Democratic party in the state. If the present hints of corruption in the disjointed Democratic organization develop into a major scandal it could pull down the party and its "built in" labor interest with it. Otherwise any pronounced strengthening of the party's central organization in the state might also cut some of labor's influence within the party in the sense that many individual Democratic legislators might become less dependent upon only labor support at election time as the official party machinery became a more reliable source of aid.

Even if the underpinnings of organized labor's present power position are not changed significantly in either direction, however, it seems likely that the state's increasingly pressing revenue needs will eventually result in the enactment of a sales tax over labor's traditional opposition unless some other unlikely proposal such as a state lottery receives more attention than it has in the past.

Aside from the tax issue and its perennially unsuccessful attempts to secure a state fund for workmens compensation, cash sickness compensation and unemployment benefits for strikers, however, organized labor seems to be firmly in a position to secure periodic increases and "improvements" in the basic areas of

minimum wages, unemployment compensation and workmens compensation benefits. While this is a grim prospect for most Bay State employers, the comparisons of the preceeding chapter indicate that these increases are likely to be considerably less unnerving if compared to changes in other states over the same period of time than if simply viewed in terms of the year to year changes in Massachusetts alone without regard to changing environmental factors.

The postwar experience in the Bay State also indicates that while they have been forced to accept periodic increases in benefits, employers have also been able to determine their own financing arrangements and to secure periodic changes in the administrarive machinery to help compensate for the increased cost. Indeed, as changing circumstances result in changes in the benefit maxima, there is also hope for increasing the minimum eligibility requirements as a "trade off". One further point on workmens compensation and unemployment benefits is that the most commonly proposed academic solution to the problem of interstate competition in these areas, namely stronger federal minimum standards applied to all states, has tended to be rejected by most Bay State employers on the grounds that the cure is worse than the disease.

Our Bay State analysis thus suggests that even in its present position of maximum influence there are still limits to the political power of Massachusetts unions as they have had to accommodate their interests to economic and political realities, but it is also clear that these limits are not as close as most employers would like.

Our examination of the postwar developments within the Massachusetts labor movement can also yield some insight into the likely prospects of organized labor's nationwide attempt to improve its political efforts by strengthening its geographically based state and central bodies, and it also reinforces the earlier conclusion that active political programs don't seem to have much independent influence on rank and file participation in local union affairs. We have seen that in Massachusetts the vast bulk of the labor movement's political activities are carried out by professional leaders rather than reform minded rank and file "actives" drawn into union affairs because of political interests. Indeed, the nature of the issues most commonly treated at the state level such as workmens compensation and unemployment compensation are highly technical and complex matters, requiring a refined legal-professional approach for true understanding. While there is rank and file support for these matters in the sense that they like "more", there appears to be little predisposition to take a more detailed interest.

Aside from a few mass displays of rank and file turn out on selected issues during the postwar period, the annual reports of the Legislative Agent to the Convention of the Federation of Labor frequently complained about the poor attendance at State House hearings, and in 1954 the Federation even created a Special Legislative Advisory Committee to strengthen its lobbying efforts. But, as with the existing COPE machinery in the state, this seemed to simply give local officers and stewards another job to do rather than stimulate a groundswell of member participation in political

affairs. In its report to the 1960 convention the new Legislative Department of the merged State Labor Council recommended that "legislative committees" be established in each affiliated local union as a defense against "anti-labor" legislation, and in a report prepared for the 1961 convention the Department stated: "we have 150 committees established. We urge those locals which do not have a Committee to establish one and forward to this Department their names and addresses." No further information on the development of these committees is available at this time, but in a federation of over 1,000 local unions the results reported in 1961 seem rather modest.

The involvement of too many local committees also serves to accentuate the old problem long lamented by labor legislative agents in Massachusetts--namely, "too many 'labor' bills are being filed"-- since the cost of the active support of many of these committees is the multiplication of the number of minor or "special situation" bills requiring the attention of the statewide legislative agent. The merged State Labor Council in Massachusetts seems to have made some progress in reducing the number of official labor bills offered for consideration, but this has sometimes been at the expense of the feelings (and active support) of some of the affiliated locals.

Indeed, this is one of the real problems facing any attempt to strengthen the geographical federations in the labor movement. For in many cases, particularly at the local level, these "central" bodies are little more than appendages to or

extensions of the influence of the dominant national union in the area. Rather than being a separate "power center" with a primary interest in political affairs that is independent of or a "rival" for influence to the dominant unions in the collective bargaining arena, most of the local central bodies in the Bay State seem to be dominated by the largest national union contingent in the area; and their political interests vary according to the general position of this union, with the locals from other national unions in the area either going along or remaining unaffiliated as their particular interests dictate.

This point, for example, was graphically illustrated in Massachusetts following the long-delayed merger of the AFL and the CIO groups at the state level when several of the local central bodies in the state continued to refuse to merge with their counterparts in the same regional area. In both Springfield and Lynn, for example, the former AFL "centrals" were considerably more than passively reluctant to affiliate with the CIO "councils" in any merged organization destined to be dominated by the large membership of the ILGWU in Springfield and the IUE in Lynn respectively. In the absence of any strong external threat to the labor movement as a whole, the prospects for political or any other type of "unity" in these areas is extremely remote.

Aside from lingering AFL-CIO differences, another persistent problem with the state and local federations in Massachusetts has been the problem of getting local unions to affiliate and contribute to the cost of the services provided by these bodies in the face of

the mounting cost that have afflicted the labor as well as the business community during the postwar years. Prior to the merger with the state CIO in 1958, for example, Kenneth Kelley's annual Secretary-Treasurer's report to the Federation of Labor continuously emphasized the need to enlist "free riding" locals and to get affiliated unions to pay per-capita assessments on their true membership. In addition to this problem of raising general funds, the voluntary political contributions to the LLPE were frequently described as "disappointing". Indeed the voluntary contributions were so low that general funds were transferred to election year uses during the Barnes referendum battle in 1946, the Massachusetts Citizens Union's referendum campaign in 1948, and in the general election of 1954. Per-capita dues increases were also enacted over strong opposition in each of these years, although the amount approved by the conventions of the Federation were not always by the full amount recommended by the Executive Council.

Following the AFL-CIO merger in the Bay State, the new State Labor Council adopted a convention registration fee to augment its funds, but Kenneth Kelley's final report to this body's 1961 convention stated:

> Based upon my experience and observation of the way in which this Convention registration fee has been working out, I am firmly convinced that it has created more problems than it has solved and should be eliminated. . . .
>
> I estimate that in Massachusetts there are around 700 AFL-CIO unions that for one reason or another are not presently affiliated with the Massachusetts State Labor Council. . . .
>
> It is no secret that there are a substantial number of other affiliates who pay on less than their true membership. Without doing violence to the voluntary

> nature of affiliation with the State Labor Council, the Executive Council should come to grips soon with this touchy problem.

And, aside from general funds, Kelley also stated:

> A more effective method must be devised to finance the State COPE activities in future campaigns than the present system. The response to the COPE $1 voluntary membership drive has been a dismal disappointment under the present setup whereby most funds raised are retained by Internationals rather than channeled through National COPE for automatic remittance, of one-half of the amount raised, to state COPE organizations.

Given such problems in a state with a large union membership such as Massachusetts, the problems facing the national labor movement in strengthening state and local central bodies in other states with fewer members, where the per capita cost for even a minimum of legislative and political service would be much higher, seem difficult indeed.

Finally, the earlier conclusion that there is no direct relation between the political or public dimension of labor-management relations and the private or collective bargaining dimension at the national level is reinforced and strengthened by our look at the Massachusetts experience. Despite vigorous attempts on both sides to involve more of their "line" personnel in political affairs the nature of the issues being debated in the legislative arena seem divorced from most of the day to day issues that arise in the bargaining process; and, as a practical matter, most of the work in the political arena is handled by full time professionals expert in these matters and not involved in bargaining situations at all.

In the last analysis this may be just as well, for the

same lack of "consensus" in the political arena noted at the national level seems to exist in Massachusetts. And it seems best to keep the heated exchanges over "insurancecrats" and the "industrial climate" as far from the bargaining table as possible in a state industrial relations system that has experienced a smaller percentage of working time lost as a result of labor disputes than the national average in 10 of the past 11 years.

Just as at the national level, there does not seem to be a convenient vehicle for moderates to make their influence felt in the Bay State political process. Yet again, some of the postwar Massachusetts experience on this point is instructive. At the height of the labor-management agitation in the Bay State during the immediate postwar years, the fact that Governor Bradford acted and used the influence of his office only on the unanimous agreement of his tri-partite Labor-Management Advisory Committee definitely introduced an element of moderation into the labor-management political scene. The formally organized interest groups on both sides of the political fence took more extreme positions on the question of labor reform than did the Slichter Committee, and it does not seem possible that any such integrated set of proposals could have come forth had the committee not been formed. While the moderate proposals led to some permanent legislation which stands to this day as a model for students of industrial relations to study and consider, the extreme positions led to a decisive showdown in the 1948 elections which were to have major repercussions on the subsequent course of labor and management political struggles in Massachusetts.

Repercussions which only now show any signs of receding.

With the replacement of Jarvis Hunt as the AIM's Legislative Counsel at the State House and the retirement of John Hamilton from the Association's Public Affairs Program, the resignation of Kenneth Kelley from the State Labor Council, and the sudden passing of Rea Long of the Massachusetts Federation of Taxpayer's Association, there seems to be a unique opportunity for the labor-management political struggles in the Bay State to move on to new ground free from much of the personal animosity that may have been bred of long adherence to fixed positions. Perhaps a tri-partite committee similar to the Slichter Committee at this time in the areas of workmens compensation and unemployment compensation could serve to alleviate some of the present tension in these areas of perennial combat.

While always possible, the creation of such a committee at this time, however, seems remote.

APPENDIX A

LABOR'S BILL OF GRIEVANCES, 1906

HONORABLE THEODORE ROOSEVELT, President of the United States;

HONORABLE WM. P. FRYE, President pro tempore, United States Senate;

HONORABLE JOSEPH G. CANNON, Speaker, House of Representatives, United States.

GENTLEMEN: The undersigned Executive Council of the American Federation of Labor, and those accompanying us in the presentation of this document, submit to you the subject-matter of the grievances which the workmen of our country feel by reason of the indifferent position which the Congress of the United States has manifested toward the just, reasonable, and necessary measures which have been before it these past several years, and which particularly affect the interests of the working people, as well as by reason of the administrative acts of the executive branches of the government and the legislation of the Congress relating to these interests. For convenience the matters of which we complain are briefly stated, and are as follows:

Eight Hour Law.

The law commonly known as the Eight Hour Law has been found ineffective and insufficient to accomplish the purpose of its designers and framers. Labor has, since 1894, urged the passage of a law so as to remedy the defects, and for its extension to all work done for or on behalf of the government. Our efforts have been in vain.

Without hearing of any kind granted to those who are the advocates of the eight hour law and principle, Congress passed, and the President signed, an appropriation bill containing a rider nullifying the eight hour law and principle in its application to the greatest public work ever undertaken by our government, the construction of the Panama Canal.

The eight hour law in terms provides that those intrusted with the supervision of government work shall neither require nor permit any violations thereof. The law has been grievously and frequently

violated. The violations have been reported to the heads of several departments, who have refused to take the necessary steps for its enforcement.

Convict Labor.

While recognizing the necessity for the employment of inmates of our penal institutions, so that they may be self-supporting, labor has urged in vain the enactment of a law that shall safeguard it from the competition of the labor of convicts.

Immigration.

In the interest of all of our people, and in consonance with their almost general demand, we have urged Congress for some tangible relief from the constantly growing evil of induced and undesirable immigration, but without result.

Chinese Exclusion.

Recognizing the danger of Chinese immigration, and responsive to the demands of the people, Congress years ago enacted an effective Chinese exclusion law; yet, despite the experience of the people of our own country, as well as those of other countries, the present law is flagrantly violated, and now, by act of Congress, it is seriously proposed to invalidate that law and reverse the policy.

Seamen's Rights.

The partial relief secured by the laws of 1895 and 1898, providing that seamen shall not be compelled to endure involuntary servitude, has been seriously threatened at each succeeding Congress. The petitions to secure for the seamen equal right with all others have been denied, and a disposition shown to extend to other workmen the system of compulsory labor.

Ship Subsidy.

Under the guise of a bill to subsidize the shipping industry, a provision is incorporated, and has already passed the Senate,

providing for a form of conscription, which would make compulsory naval service a condition precedent to employment on privately owned vessels.

Having in mind the terrible and unnecessary loss of life attending the burning of the Slocum in the harbor of New York, the wreck of the Rio de Janeiro at the entrance to the Bay of San Francisco, and other disasters on the waters too numerous to mention--in nearly every case the great loss of life was due to the undermanning and the unskilled manning of such vessels--we presented to Congress measures that would, if enacted, so far as human law could do, make impossible the awful loss of life. We have sought this remedy more in the interests of the traveling public than in that of the seamen, but in vain.

Having in mind the constantly increasing evil growing out of the parsimony of corporations, of towing several undermanned and unequipped vessels, called barges, on the high seas, where, in case of storm or stress, they are cut loose to drift or sink, and their crews to perish, we have urged the passage of a law that shall forbid the towing of more than one such vessel unless they shall have an equipment and a crew sufficient to manage them when cut loose and set adrift; but in vain.

Trusts and Interstate Commerce.

The anti-trust and interstate commerce laws enacted to protect the people against monopoly in the products of labor, and against discrimination in the transportation thereof, have been perverted, so far as the laborers are concerned, so as to invade and violate their personal liberty as guaranteed by the constitution. Our repeated efforts to obtain redress from Congress have been in vain.

Anti-Injunction Bill.

The beneficent writ of injunction, intended to protect property rights has, as used in labor disputes, been perverted so as to attack and destroy personal freedom, and in a manner to hold that the employer has some property rights in the labor of the workmen. Instead of obtaining the relief which labor has sought, it is seriously threatened with statutory authority for existing judicial usurpation.

Committee on Labor.

The Committee on Labor of the House of Representatives was instituted at the demand of labor to voice its sentiments, to advocate its rights, and to protect its interests. In the past two Congresses this committee has been so organized as to make ineffectual any attempt labor has made for redress. This being the fact in the last Congress, labor requested the speaker to appoint on the Committee on Labor members who, from their experience, knowledge, and sympathy, would render in this Congress such service as the committee was originally designed to perform. Not only was labor's request ignored, but the hostile make-up of the committee was accentuated.

Right of Petition Denied Government Employees.

Recently the President issued an order forbidding any and all government employees, upon the pain of instant dismissal from the government service, to petition Congress for any redress of grievances or for any improvement in their condition. Thus the constitutional right of citizens to petition must be surrendered by the government employee in order that he may obtain or retain his employment.

Redress for Grievances.

We present these grievances to your attention because we have long, patiently, and in vain waited for redress. There is not any matter of which we have complained but for which we have, in an honorable and lawful manner, submitted remedies. The remedies for these grievances proposed by labor are in line with fundamental law, and with the progress and development made necessary by changing industrial conditions.

Labor brings these its grievances to your attention because you are the representatives responsible for legislation and for failure of legislation. The toilers come to you as your fellow citizens, who, by reason of their position in life, have not only with all other citizens an equal interest in our country, but the further interest of being the burden bearers, the wage-earners of America. As labor's representatives we ask you to redress these grievances, for it is in your power so to do.

Labor now appeals to you, and we trust that it may not be in vain. But if, perchance, you may not heed us, we shall appeal to the conscience and the support of our fellow citizens.

Very respectfully,

SAMUEL GOMPERS,
JAMES DUNCAN,
JAMES O'CONNELL,
MAX MORRIS,
DENIS A. HAYES,
DANIEL J. KEEFE,
WM. D. HUBER,
JOSEPH F. VALENTINE,
JOHN B. LENNON,
FRANK MORRISON,

Executive Council, American Federation of Labor.

This "Bill of Grievances" was first published, along with an introductory letter of Samuel Compers and a list of other labor representatives supporting the AFL executive council in this action, in the May, 1906, American Federationist, Vol XIII, No. 5, pp. 293-295. A letter from President Theodore Roosevelt on the alleged violations of the eight hour law is also included in these pages.

In addition to the President, President pro tempore of the Senate and the Speaker of the House, to whom the petition is formally addressed, each member of Congress was also sent a copy of the "Bill" and requested to state his views on the document. The replies of 122 Congressmen were printed along with the original Bill in the September, 1906, American Federationist, Vol XIII, No. 9, pp. 643-690.

APPENDIX B

LABOR'S GOALS FOR A BETTER AMERICA, 1961

The labor movement hopes and believes a turning point is at hand. New leadership will soon be at the helm of government--leadership which is pledged to end the spiritual and economic stagnation, the indifference and self-satisfaction, into which we have drifted. We have faith in that leadership...

The new Administration and the new Congress have much to do in the days ahead, and much of it must be done quickly. A wide range of progressive measures has already been subjected to exhaustive hearings and thorough debate; what they need now is enactment, not further investigation...

In this spirit the AFL-CIO recommends the following 20-point program, covering both long-range and short-range problems that have too long been neglected:

1. Aid to Depressed Areas: Twice vetoed in recent years, federal aid to chronically depressed areas must be delayed no longer. Even in times of national "prosperity," many American communities are depression-ridden for reasons beyond their control. In times of recession their plight is terrifying. A bold program of loans and grants for vocational retraining, essential public works, plant construction and technical assistance to encourage establishment of new plants is needed at once. The trend toward consolidation of our industrial and financial enterprises has contributed to this condition and the further development of monopolies should be halted.

2. Housing and Urban Renewal: Bold action in the field of housing and urban renewal can do much to meet one of America's sorest problems and to help put America back to work. The Senate last year approved expanded urban renewal and public housing programs, only to be stymied by the House Rules Committee. The proposed federal Department of Urban Affairs can do much to insure continuing action in this crucial area.

3. Aid to Education: Here again, much progress was made last year toward the inauguration of a federal aid-to-education program, only to be frustrated by a reluctant Administration and a conservative coalition in Congress. The construction of many more schoolrooms will improve our educational plant and also help provide jobs for thousands. Aid to teachers' salaries is needed if we are to retain and obtain the quality and the number of teachers needed for a growing America.

4. Increased and Extended Minimum Wages: Final action on this vital measure was prevented last year when a conservative coalition refused to budge from the House-passed Kitchin-Ayres substitute. Moderate bills raising the minimum to $1.25 an hour for presently covered workers had been reported out by both House and Senate Labor Committees. The bills also established this wage in annual step-ups and lowered maximum hours in annual step-downs for several million newly-covered workers. Action in 1961 must come soon in order to bring a measure of economic justice to workers and to add to the purchasing power on which economic recovery depends.

5. Health Benefits for the Aged: This is another item of nearly-finished business for Congress. The new President of the United States was a principal backer of Forand-type legislation, which would provide health insurance for our older citizens under the tried and tested social security system. Now that the veto threat of last year has disappeared, Congress should proceed at once to pass this sound and humane system for meeting one of the prime needs of our senior citizens.

Other improvements in the social security system are also needed. Both to provide a quick increase in purchasing power and to bring benefits to more adequate levels, 10 percent increase in benefits should be adopted at once. This can be done without impairing the long-range fiscal soundness of the system.

6. Unemployment Insurance: Immediate action is essential to restore unemployment payments to those whose rights have been exhausted, to extend the duration of payments to those now receiving them and to set a realistic floor under their amount. Congress should provide incentives to the states to make long-overdue changes in their benefit provisions and should provide interim supplemental payments to begin immediately to help the unemployed until permanent revisions become effective. The federal-state jobless benefits system should provide benefits at least 50 percent of a worker's average weekly wage up to a maximum of two-thirds the state's average weekly wage and for so long as a worker is unemployed up to a maximum of 39 weeks.

7. Tax Revision for Economic Growth: The federal tax system should be flexible enough to aid in spurring economic recovery and encouraging economic growth. The President should have discretionary authority, subject to disapproval in each instance by Congress, to temporarily reduce taxes when necessary to stimulate the economy. We believe that when unemployment exceeds 7 percent of the work-force, the first $10 of withholding taxes should be forgiven each week for a period of 10 weeks. Such tax reduction should not exceed $100 per year per tax return. An equivalent reduction should be given to taxpayers not covered by withholding at the end of the year.

In addition, Congress should close such unwarranted tax loopholes as dividend credits, capital gains favoritism, excessive business expense deductions, split income provisions and excessive depletion and depreciation allowances.

8. Public Works: Federal programs for the construction of hospitals, roads and airports are already in being. These programs should be expanded by more generous appropriations, both to provide more employment and to help reduce our chronic shortage of these facilities.

Literally thousands of public works projects have already been planned, programmed and engineered by state and local governments, but shelved by cost problems. As much as $2 billion in such projects could be put into effect in 1961 by incentive grants of $300 million, or 15 percent of total cost, by the federal government. In terms of employment, the result would be approximately 110,000 construction jobs and 170,000 off-site jobs.

9. Federal Reserve Policy: The Federal Reserve Board should be urged to abandon its "bills only" or "bills usual" policy for a truly flexible monetary policy. At present, the Federal Reserve's Open Market Committee should buy securities of varying maturities, rather than concentrate almost exclusively on the purchase of bills. The effect of buying bills and some short-term securities of not more than 15 months duraction has been to reduce interest rates on such securities, but not on bonds of intermediate and long-term duration.

As a result, interest rates on short-term securities have declined almost 50 percent since January--with an effect on the outflow of U.S. dollars to foreign countries--while interest rates on long-term bonds have moved down less than 15 percent. The Open Market Committee's purchase of intermediate and long-term bonds would help curtail the outflow of U.S. dollars, and at the same time stimulate bank lending and mortgage loans by reducing long-term interest rates. Our monetary policies should be designed to influence our industrial technological progress consistent with our economic growth.

We also urge that the membership of the Federal Reserve Board be revised to insure competent representation of all basic functional economic groups in the nation.

10. Migrant Workers: Not only for obvious economic reasons, but for vastly more important moral and social reasons, Congress must act to end the disgraceful exploitation of the nation's migratory farm workers. This problem must be vigorously dealt with on all fronts--wages, housing, education, social security and public health. The foreign contract labor program, justifiable only in time

of national manpower shortages, should be discontinued as quickly as possible.

11. Comprehensive Labor Legislation: Both the Taft-Hartley and Landrum-Griffin Acts contain provisions which harshly and unfairly limit the freedom of workers to organize and bargain collectively, and which impose inordinate burdens on established unions.

Among the major changes needed in the Taft-Hartley Act are elimination of the section permitting state "right-to-work" laws; revision of the freedom of speech and mandatory injunction provisions to accord unions equality of treatment with employers; restoration of the pre-hearing election and realistic modification of secondary boycott and organizational picketing provisions to restore the right of free speech to trade unions and to eliminate unfair and one-sided advantages they now give to union-busting employers.

The Landrum-Griffin Act should be stripped of those provisions that shackle honest unions in their legitimate activities. The weak sections on management misdeeds should be made more effective.

12. Situs Picketing: One item of labor legislation should and can be passed immediately. The right to picket on construction sites was requested by President Eisenhower three times and received strong bipartisan support. Last year, however, the Kennedy-Thompson Bill was killed by the House Rules Committee and filibustered to death in the Senate Labor Committee. Simple justice demands early action on this measure.

13. Atomic Energy: An expanded federal program to develop the peacetime uses of atomic energy, including the generation of electric power, should be enacted. Needed also are an effective and comprehensive federal program to control atomic radiation hazards and a federal workmen's compensation system for atomic workers.

14. Natural Resources Development: American in the Sixties must face up to the unprecedented and rapidly-increasing demand upon her great but not unlimited stockpile of natural resources. The welfare of all Americans--and of our friends abroad--depends upon intelligent development of our resources. A bold program of land and water development on a river basis approach is urgent. An adequate program of water pollution control cannot wait any longer.

15. Civil Rights: In the non-economic area, no challenge is greater than that of completing the job started 100 years ago of assuring equal treatment before the law and equal opportunity to all, regardless of race or color or national origin. The legislative arsenal in this crucial fight on discrimination will not be complete unless and until it includes legislation clearly supporting and

implementing the Supreme Court decision on schools, the right of the Attorney General to institute civil suits on behalf of aggrieved persons, an effective Fair Employment Practices Commission and the elimination of poll taxes and other voting restrictions.

Completely effective civil rights legislation cannot realistically be expected out of the Senate unless an end is put to the present filibuster rule and the Senate is able to end debate by majority vote.

16. Immigration and Refugee Reform: Our present immigration law must be liberalized and humanized. Its unworkability has been demonstrated in the eight years since passage by the enactment of numerous special measures to meet America's responsibilities in the world community. The present national origins system should be replaced by a new quota system that sheds the present discriminatory features. The number of quota immigrants should be increased moderately to 250,000 to reflect the much-increased population of the United States and the increased needs throughout the world. The new law should include explicit and permanent authorization to allow refugees to enter the United States during crises such as the Hungarian one in 1956.

17. Mutual Security: The present concern over gold and international payments must not serve as a pretext to end or cripple the mutual security program. Allied nations whom we helped to economic recovery do have a responsibility to carry a fair share of the load, but America's responsibility is as great as ever. In the newly emerging nations of the world, economic and technical assistance from democratic nations can make the difference between freedom and tyranny for the people.

18. Federal Employes: Legislation should be passed giving statutory certification to bona fide trade unions of federal employes so that these workers may have the right of collective bargaining comparable to workers in private industry. Inequities now existing in pay scales of postal and classified employes should be reviewed by the Congress.

19. Farm Legislation: We favor the enactment of legislation which will wherever possible base price supports on production payments aimed at support of the family farm and lower prices to consumers. A reasonable ceiling should be placed on help for any one farm. We also endorse programs to bring more of our abundant food and fiber to the aid of unemployed and other needy Americans; the expansion of our school lunch program, and more extensive use of our agricultural surpluses in the battle for peace and freedom overseas.

20. National Defense: While the restoration of our economic strength and our moral leadership is of paramount importance, we dare not neglect our military defenses. We, together with our allies in the free world, must be strong enough to deter, and if necessary to defeat, aggression from any sources and in any form. This means a defense establishment equipped to cope with small crises as well as large ones; with limited as well as total war. We recognize the immense complexity of the problem, but for the security of our way of life, it must be solved.

Certainly security for America and her people is worth what it costs.

This article, reproducing the text of a resolution adopted by the AFL-CIO Executive Council at a meeting on January 5, 1961, was published in the February, 1961, American Federationist, Vol. 68, No. 2, pp. 17-21.

APPENDIX C

FEDERAL LEGISLATION REGULATING LOBBYING ACTIVITIES AND ESTABLISHING REPORTING REQUIREMENTS

Legislative attempts to regulate lobbying have to contend with the First Amendment's Constitutional protection of the right to petition Congress, so the approach of the federal lobbying law is not to regulate or restrict lobbying, but rather to publicize it and bring it into the open by requiring lobbyists to register and file financial statements. To date, the law has had only limited success in this area.

Coverage

The Federal Regulation of Lobbying Act went into effect on August 2, 1946, as Title III of the Legislative Reorganization Act of that year. Section 307 of the act said that the law was designed to cover any person (defined to include organizations and groups of persons) who "directly or indirectly solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes: (a) The passage or defeat of any legislation by the Congress of the United States. (b) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States." The registration and reporting requirements of the Act are contained in two other sections.

Registration

Section 308 of the Act required the "persons" defined in section 307 to register with the Clerk of the House and the Secretary of the Senate, and such "persons" are also required to file a report "of all money received and expended by him during the preceding calendar quarter in carrying on his work."

Section 308 of the Act, however, specifically exempts from its application: (1) any person who merely appears before a committee of Congress in support of or opposition to legislation; (2) any public official acting in his official capacity; (3) any owner, publisher, or employee of a newspaper or other regularly published periodical acting in the regular course of business; and the act does not apply to party committees or to practices and activities regulated by the Federal Corrupt Practices Act, which is discussed in Appendix D.

Reporting

Section 305 of the Act required that "every person receiving any contribution or expending any money" for the purposes designated in (a) or (b) of section 307, shall file with the Clerk of the House of Representatives a statement containing the name and address of each person who has made a contribution of $500 or more, and the name and address of each person to whom an expenditure of $10 or more had been made.

The law did not specify what form these reports should take so the Clerk of the House devised a Form A for the reports required in section 305, a Form B for the registration requirement of section 308, and a Form C for the reporting requirement of the same section.

Penalties

Persons convicted of violating the act can be fined not more than $5,000 or imprisoned for not more than 12 months, or both; and violators can also be prohibited from engaging in lobbying for three years.

Enforcement And Litigation

The act makes no provisions for a specific enforcement agency to investigate compliance with the law or the accuracy of the statements filed, and no specific appropriations have been made for the act's enforcement. At present, the required reports are collected by the Clerk and the Secretary and printed in the Congressional Record. The Congressional Quarterly Yearly Almanac also publishes these figures on an annual basis.

Almost immediately after the lobbying act became effective, many confusing and conflicting interpretations arose among various interest groups as to whether they were covered by the act or not and what amounts should be reported under the different provisions of the act. The words "principally to aid, or the principal purpose" and "directly or indirectly" in section 307 gave rise to claims from groups such as the National Association of Manufacturers that they were not subject to the act since their "principal purpose" was not to influence legislation. Groups were not sure what "indirect" expenditures should be reported, and sections 305 and 307 seemed to conflict since 307 refers to anyone who solicits, collects, or receives money, while section 305 is not limited only to those who receive

contributions, but also includes persons who expend money for purposes of legislative influence.

With such ambiguities, it is not surprising that litigation quickly arose over the act's applicability as well as its constitutionality. The first indictment under the act came on March 30, 1948 when the U. S. Savings and Loan League was indicted for failure to file the required expense statements. The case was dismissed in the Washington District court in April, 1949, on the grounds the indictment was "too vague and indefinite" on one count and failed to cite actual cases on two other counts. The League subsequently began filing regular reports, but continued to maintain it was not subject to the act since its principal purpose was not lobbying.

Two other cases were also begun in 1948 as a result of various groups and individuals attempting to influence farm legislation in that year. Former Congressman Roger Slaughter was indicted on the grounds that he failed to register as a lobbyist, but Slaughter maintained he acted as counsel, not lobbyist, for a group of grain associations. In the other case Robert N. Harriss, a New York Broker, was indicted with a group of state agricultural officials for failing to register and file a financial report under the Act.

During 1948, the National Association of Manufacturers also initiated a civil suit attacking the constitutionality of the Lobbying Act on the grounds that it was too vague and indefinite for a criminal statute, and that it impaired civil rights and contained a

unique punishment in barring a convicted organization from lobbying for a 3-year period. In addition to attacking the constitutionality of the act the NAM also claimed that even if the law was constitutional they were not subject to its provisions since it was not "primarily" a lobby. Therefore it also asked that the government be enjoined from prosecuting the NAM for non-compliance until after a final court decision on the constitutionality question.

In 1950 the Washington District Court dismissed the case against Slaughter (U.S. v. Slaughter) on the grounds that the provision in the law exempting "any person who merely appears before a committee of the Congress of the United States in support of or opposition to legislation" extends not merely to the person who physically appears before the committee, but also to others who prepare statements for witnesses.

On March 17, 1952, a special federal court upheld the NAM in its case, and declared the Lobbying Act unconstitutional on the grounds that the existing law was too vague to give persons a clear idea of what was illegal and therefore was repugnant to the due process clause. It also held that the prescribed penalty for persons violating the law deprived them of their constitutional right to petition Congress. On October 13, 1952, however, the Supreme Court reversed the special court and left the Act in full force. In so doing, however, the Supreme Court did not actually rule on the lobby law itself but merely based its action on a legal technicality.

In 1953 the Supreme Court again heard a case involving the lobbying law as a result of the fact that a Congressional Committee investigating the act's operation requested the Secretary of the Committee on Constitutional Government, Mr. Rumley, to reveal the names of the mass purchasers and distributors of the committee's publications. The Democratic majority of the committee felt that this was a legitimate question on lobbying activity which they broadly defined to constitute "all substantial attempts to influence legislation". The committee majority held that "pamphleteering" was a lobbying activity that overshadows "traditional techniques of contact and persuasion", but Rumley contended that this was not lobbying activity and the committee had no right to question him on matters which involved freedom of the press. While the court held that Congress had the power to extend its investigative powers in this manner, it also added that "lobbying" should be construed in its commonly accepted

This decision was of importance when the previously mentioned case of U.S. v. Harriss was finally settled by the Supreme Court in 1954. On January 30, 1953 a U.S. District Judge who served on the special Court in the NAM case, again declared the Act unconstitutional when the Harriss case was before him. The lower court held that the law was invalid because: (1) sections 305, 307, and 308 were too vague and indefinite to meet the requirements of due process; (2) that

the registration and quarterly-report sections violated the First Amendment; and (3) that certain of the law's penalty provisions violated the constitutional right to petition Congress. One June 7, 1954, however, the Supreme Court issued a 5-3 decision overruling the lower court and upholding the constitutionality of the act. The majority held that the law met constitutional standards of definiteness and did not violate the "freedom to speak, publish and petition the government" guaranteed by the First Amendment. The court declined to rule on the Act's penalty provisions, on the ground this was "unnecessary" in judging the particular case at issue. The court also followed the Rumley precedent and enunciated a narrow interpretation of the "principal" clause of the act. Chief Justice Warren construed lobbying to mean "direct communication with Members of Congress on pending or proposed federal legislation", adding: "Coverage under the act is limited to those persons (except for the specified political committees) who solicit, collect, or receive contributions of money or other things of value, and then only if the principal purpose of either the persons or the contributions is to aid in the accomplishment of the aims set forth in [the law]."

Following this decision in the Harriss case, several groups appearing before Congress announced a change in their reporting techniques, and at present under the existing enforcement procedures each group is literally on its own in deciding for themselves if their "principal purpose" is lobbying and what proportion of their expenditures

if any are devoted to "direct communications with Members of Congress." As a result, there is not much consistency even among those groups who do file reports. Some groups list all expenditures, including salaries, administrative expenses and overhead cost; others claim only a small percentage of their total expenditures can be regarded as lobby spending under the act.

Attempts At Amendment

During the litigation testing the act in court, Congress also made some sporadic attempts to improve the legislation, and in 1957, three years after the Harriss Case, an unsuccessful attempt was made to amend the law. The first hearings discussing possible improvements in the act were conducted by the Senate Committee or Expenditures in the Executive Departments (later the Committee on Government Operation) in February 1948. In 1949 Congress created the Select Committee on Lobbying Activities under the chairmanship of Representative Frank Buchanan (D. Pa.). The only result of the Buchanan hearings (other than the Rumley case mentioned above) was the adoption of new forms for registering and filing statements under the act.

During 1953 the staff of a Senate Government Operations Subcommittee headed by Margaret Chase Smith (R. Me.) prepared a working draft of amendments to the lobbying act. Consideration of this draft was postponed pending the Supreme Court's final decision on the Harriss case, however, and was not resumed until four years later when a

Special Committee to Investigate Political Activities, Lobbying, and Campaign Contributions under the Chairmanship of Senator John L. McClellan (D. Ark.) submitted a report from which the draft of a new lobbying bill was prepared. This bill known as the Legislative Activities Disclosure Act, was never enacted, but is discussed in some detail in Belle Zeller, "Regulation of Pressure Groups and Lobbyists", The Annals, Vol. 319, September, 1958, pp. 94-103.

Much of the material in this appendix is based on an earlier article by Miss Zeller, "The Federal Regulation of Lobbying Act", American Political Science Review, Vol. 42, No. 2, April 1948, pp. 239-271, and subsequent statements in the annual volumes of the Congressional Quarterly Almanac, from 1949 to 1954.

APPENDIX D

FEDERAL LEGISLATION REGULATING FINANCIAL CONTRIBUTIONS AND ESTABLISHING REPORTING REQUIREMENTS IN NATIONAL ELECTIONS

The first comprehensive federal statute attempting to regulate election practices was adopted in 1870, when the Enforcement Act of that year outlawed fradulent action in connection with elections. In 1894, however, Congress repealed most of the Act's provisions. The Tillman Act of 1907, prohibited corporations and national banks from making monetary contributions in federal elections.

The first Federal Corrupt Practices Act was enacted in 1910, and it required all political committees attempting to influence Congressional elections in two or more states to file statements with the Clerk of the House of Representatives covering contributions and expenditures. Persons, firms, associations, and committees spending more than $50 also were required to submit statements. This act was amended in the following year to limit the campaign expenditures of Congressional candidates. Candidates for the House could not spend more than $5,000 and senatorial candidates were limited to $10,000. All candidates, however, were bound by state limits if these were lower, and the amendments extended the coverage of the act to nominating campaigns as well as elections.

The 1921 decision of the Supreme Court in the case of Newberry v United States cast doubt on the right of Congress to regulate nominations, however, so when a new Federal Corrupt Practices Act was passed in 1925, it specifically excluded primary elections and nominating conventions from its provisions. This law set the present limits on candidate spending in federal elections; and it reversed the procedure in the Tillman Act when it provided that, in states where the federal limits were in conflict with state spending ceilings, the federal limits were to apply, but only in elections where candidates are running for federal office. The 1925 law did not place any limits on the total campaign spending of political committees as distinct from actual candidate's expenditures.

As a result of this legislation, there are now 3 main sets of reporting requirements under the Federal Corrupt Practices Act. These pertain to reports by national political committees, reports by candidates, and reports by individuals.

Committee Reports

All political committees trying to influence national elections in two or more states are required to file a "detailed and exact account" of all their contributions and expenditures of over $10. These committees are also required to report a total of all receipts and expenditures with names and addresses of all

individuals contributing over $100. The act limits the amount any one committee can receive and spend to $3,000,000. In practice this has not been a meaningful limitation, but has merely led to a proliferation of committees. Also, committees working within a single state in behalf of any U.S. Senate or House candidate are not required to report unless they are a subsidiary of a national political committee. This constitutes a major loophole in the law since the great bulk of congressional campaign expenditures are believed to be made by committees that do not operate in more than one state. Another weakness in these reporting requirements is the fact that they do not cover primary elections or other nominating procedures, but only the final elections. Finally, there appears to be little consistency in the procedures used by those committees which do report. The Congressional Quarterly, which publishes the only regular, systematic, analytical survey of these reports, has stated:

> In practice there is great discrepancy between the reporting methods of the political groups. The lack of uniformity in the reports adds to the difficulty of systematic analysis...
>
> The total contributions and expenditures are not more than an indication of the actual amount of money received and spent. Among those reporting there is often duplication of money expended. The same money is often reported by several organizations; national committees contribute to state and local groups and vice versa. [1]

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[1] Congressional Quarterly, Almanac, Vol VII, 1951, p. 40.

Candidate Reports

The second set of reporting requirements under the Corrupt Practices Act covers receipts and expenditures by individual candidates seeking federal office. Like the committee provisions, these requirements do not cover nominating activities or primary elections.

Each candidate for federal office is required to report the amounts and sources of all contributions given to him or made for him personally and with his knowledge or consent. A candidate is not required to report contributions made to committees working on his behalf, if such contributions are made without his personal knowledge or consent.

The law also requires each candidate to report all expenditures made by him or for him with his knowledge and consent. These candidate expenditure reports can be made in two parts. Some expenditures do not have to be itemized and are not subject to any limitations. Others must be itemized and are subject to rather outdated limitations.

The expenditures which need not be reported individually are those for any charge made by a candidate's state for his candidacy, such as a filing fee; any personal expenses of the candidate, such as traveling and meals; and stationary, postage, writing or printing cost (except for use in newspapers or on billboards), distribution of literature and letters, and telephone and

telegraph cost. These expenditures are not limited, and a single lump sum is reported for all. All other expenditures must be itemized and are limited by law.

The legal candidate expenditure limits differ for House campaigns and Senate campaigns. The House limits are $2,500 or three cents a vote for all votes cast in the congressional district in the last election, but in any case not over $5,000. The Senate limits are $10,000 or three cents a vote for all votes cast in the last Senatorial election, but in any case not over $25,000. These limits would obviously be prohibitive if it were not for the fact that they can be legally circumvented so easily. As has been mentioned, the candidate does not have to report primary campaign spending, spending by local committees working for his election if their expenditures are not personally authorized by him, or national committee spending in his campaign if these expenditures are reported separately by the appropriate national committee.

Individual Reports

Finally, a third set of reporting requirements under the Corrupt Practices Act provides that all individuals making expenditures of $50 or more in connection with national election campaigns in two or more states, other than contributions to political committees, shall file reports with the House Clerk. Needless to say, very few such reports are received--usually no more than one or two in any given

election year. In addition to these federal requirements, some 24 states now have limits of one sort or another on election spending for federal offices within their borders. Some of these and other states also have various reporting requirements for individual and committee spending in election campaigns.[1]

And, in addition to these "general" laws, there are also some federal and state regulations covering "special situations" that have been singled out for particular attention. Thus, when the Public Utility Holding Act was passed in 1935, it prohibited utility holding companies and their subsidiaries from contributing to political campaigns. The Hatch Political Activities Act of 1939 prohibited active participation in politics by federal employees, and the use of relief funds for political purposes was also outlawed. Later, when certain provisions of this act were extended in 1940, the present limits of $5,000 on annual political contributions by individuals and $3 million on national political committees expenditures were established. These limits on individual contributions are supplemented by the federal gift tax law which places a special levy on individual contributions of more than $3,000 to any committee or candidate. The Hatch Act's limitations on individual contributions have been interpreted to mean a limit on contributions

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[1] Specific state regulations are discussed in some detail in the 1949 Congressional Quarterly Almanac, Vol V, p. 80; the 1951 Almanac, Vol VII, p. 40; and the 1955 Almanac, Vol XI, p. 727.

to one candidate or one committee. Thus, some wealthy persons circumvent the $5,000 limit (or in practice, the $3,000 limit) by contributing to several candidates and committees. Wealthy families can also avoid the individual limits on one candidate or committee by dividing their contributions up among different members of the family.

The 1943 and 1947 amendments to Section 313 of the now existing Corrupt Practices Act, concerning the prohibition of certain forms of corporate and union political spending, are discussed in some detail in the text, but it is interesting to note that although these prohibitions have been extended to cover primary elections and nominating procedures, the present regulations on candidate, individual, and committee spending still don't apply to these activities.

There have been several fairly recent attempts to amend and strengthen the existing laws in the area of campaign finance; but, to date, none have been successful.

Attempts At Amendment

In 1953, the Senate Privileges and Election Subcommittee recommended an increase in national committee spending limits from $3 million a year to $10 million a year, but the full committee did not report any such bill to the Senate floor.

In 1955 Senator Thomas C. Hennings, Jr. (D. Mo.) introduced a bill to revise the federal election law and increase campaign spending

limits. Extensive hearings were conducted on this bill which would have required all committees operating in behalf of a candidate to obtain his written authorization and which would have required all such committees to file financial reports to be included in determining if a candidate had exceeded the new spending limits, but no action was taken on the Senate floor. This bill sought to include campaign expenses in primary elections and raise the spending limits to $50,000 for Senators (or the sum obtained by multiplying the total vote cast for that office in the last election by 10 cents) and $12,500 for House candidates (or the sum obtained by the 10 cent formula). It also proposed raising the present $3 million limit placed on the spending of national political committees to a sum obtained by multiplying the total vote cast for President in any one of the last three elections by 20 cents.

While this unsuccessful bill was before the Senate an equally unsuccessful bill was presented in the House in 1955 which would have raised the national committee limit to $10 million.

The Senate Privileges and Elections Subcommittee under the Chairmanship of Albert Gore (D. Tenn.) undertook an exhaustive analysis of campaign spending reports following the 1956 election. This committee held public hearings and reviewed many proposals for changes in the law, but none of these proposals received any favorable legislative action.

The most recent comprehensive and widely publicized proposal to amend the existing law was the report of a bipartisan President's Commission on Campaign Cost under the Chairmanship of Dean Alexander Heard of the University of North Carolina. Dean Heard submitted the Commission's report to President Kennedy on April 18, 1962.

With respect to the existing ban on union and corporate political spending, the Commission recommended that they "be vigorously enforced and that the present equal legislative treatment of these organizations with respect to political contributions and expenditures be maintained." For a more detailed analysis of the Commission's report see the New York Times, April 19, 1962.

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BIOGRAPHICAL NOTE

Warren Phillip Saunders, Jr. was born in Morgantown, West Virginia, on September 3, 1934. He graduated with honors from the Pennsylvania State University in 1956 with a B. A. degree in Labor-Management Relations. After receiving a M. A. degree in 1957 from the Institute of Labor and Industrial Relations at the University of Illinois, he attended the Massachusetts Institute of Technology from September 1957 through June 1961, receiving the Westinghouse Industrial Relations Fellowship while in residence. He will receive the Ph.D. Degree in Industrial Economics with an Industrial Relations emphasis from the Massachusetts Institute of Technology in September 1964.

Mr. Saunders is married with three children, and he currently holds the position of Assistant Professor of Economics and Industrial Administration in the Graduate School of Industrial Administration at the Carnegie Institute of Technology in Pittsburgh, Pennsylvania. Prior to this position Mr. Saunders served as an Instructor in Economics at Bowdoin College in Brunswick, Maine, and as a part-time Instructor in Economics at the Massachusetts Institute of Technology in Cambridge, Massachusetts.