Institute of Industrial Relations
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Collective Bargaining in the Nonferrous Metals Industry

Vernon H. Jensen

WEST COAST COLLECTIVE BARGAINING SYSTEMS

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WEST COAST COLLECTIVE BARGAINING SYSTEMS

Edited by
Clark Kerr and Curtis Aller

Institute of Industrial Relations
University of California, Berkeley

Collective Bargaining

IN THE

Nonferrous Metals Industry

VERNON H. JENSEN

INSTITUTE OF INDUSTRIAL RELATIONS
UNIVERSITY OF CALIFORNIA, BERKELEY
ARTHUR M. ROSS, DIRECTOR

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FOREWORD

This is the fourth in a series of short monographs which the Institute of Industrial Relations is publishing on collective bargaining on the Pacific Coast.

This region provides a splendid locale for such a group of studies. It has been familiar with unionism, collective agreements, and industrial conflicts for more than a century. Not only are workers more highly organized than in most other regions, but employer associations are unique, both quantitatively and in the extent of their activities. In some areas, particularly the San Francisco Bay Area, central labor bodies are unusually influential in the conduct of collective bargaining. And as Clark Kerr and Curtis Aller point out in their preface, the West Coast presents a fascinating diversity of industrial and social environments which have placed their stamp on labor-management relations. For these reasons collective bargaining on the West Coast has deservedly attracted national and international interest among practitioners and students.

The editors of the series have had a wide and varied experience in analyzing industrial relations problems on the Pacific Coast and elsewhere. Clark Kerr was Director of the Institute at the time the original plans for the series were formulated. He is now Chancellor of the University of California at Berkeley, as well as a member of the Institute staff. Curtis Aller is also a member of the Institute staff and Lecturer in the School of Business Administration on the Berkeley Campus.

The first two monographs in the series dealt with collective bargaining in the motion picture and construction industries, while the third was concerned with labor relations in agriculture. Subsequent monographs will analyze collective bargaining in lumber, longshoring, aircraft, and several other significant industries. The authors are drawn principally, though not entirely, from the staff of the University of California and of other Pacific Coast universities.

The present monograph on collective bargaining in the nonferrous metals industry was prepared by Professor Vernon H. Jensen of the New York State School of Industrial and Labor Relations at Cornell University. An outstanding expert on this subject, Professor Jensen is the author of *Heritage of Conflict—Labor Relations in the Nonferrous Metals Industry up to 1930* and of *Nonferrous Metals Industry Unionism, 1932–1954*, as well as of other studies in industrial relations.

ARTHUR M. ROSS
Director

PREFACE

The West Coast has a rich and remarkably varied history of collective bargaining despite its youth as a region of economic importance. Its Embarcadero in San Francisco, its streets of Seattle, its logging camps in the Northwest, its motion picture lots in the Los Angeles area, its fisheries in Alaska, its hard rock mines on either side of the Continental Divide, among other locales, have witnessed the development of unique and consequential systems of labor-management relations.

This study of the nonferrous metals industry in the Western States is the fourth in a series of reports being published on individual West Coast bargaining situations. Each report is concerned with a single distinct system, whether it covers an industry, a portion of an industry, a union, or a group of unions. None of the studies purports to be an exhaustive analysis of the total collective bargaining experience of the system under survey. Rather, it is the intention to investigate one or a few central themes in each bargaining relationship—themes which relate to the essence of that relationship. The series will thus constitute a many-sided treatment of collective bargaining, illustrating both its diversity and its complexity.

The western nonferrous miners have left many familiar pages in American labor history. Their struggles with the employers were spectacular, and certain episodes—Cripple Creek, Coeur d'Alene, Boise trials, and Butte, to mention a few—are still famous. There is no doubt that this heritage of conflict colors present relationships.

The harshness of the miners' lives and particularly the sparseness of their social lives, the original and sometimes continuing bitter employer opposition to unionism, and the high level of literacy explain the early and also sometimes continuing deep appeal of militant socialist programs to these workers. The unionized miner became totally engaged on two fronts: the one, a running battle for survival against unyielding employer opposition and the other, an ideological conflict within the union and with other union groups. Rejecting the AFL, the Western Federation of Miners organized a competing federation for the West, then went on to contribute initiative, leaders and ideology to the Industrial Workers of the World before finally breaking with this organization and joining the AFL. Conflict with the employers depleted the treasury and the constant wrangling over program and leaders was equally costly as miners, disillusioned and tired of bickering, left the union.

The early tradition of ideological controversy within the union has continued on down to the present day. Revived in 1934, after more than a decade of inaction, the International Union of Mine Mill and Smelter Workers experienced again an extended and increasingly bitter leadership and ideological controversy. Gradually, as the left-wing solidified its control, the opposition seceded. Following Mine Mill's expulsion from the CIO in 1949 as a communist-dominated union, the Steelworkers—spearheading the CIO's efforts to regain control—have waged the battle largely in ideological terms.

The special interest of this study, then, lies in the dominating characteristic of ideological controversy, an experience with few parallels in the life of American trade unions. A most important consequence has been the inability of the western nonferrous miner to create a stable union. The effects of unstable unionism upon collective bargaining have been most damaging. It is essential, in the author's view, for the workers to create a stable union before successful collective bargaining can emerge. Rival unionism precludes this objective for the present, not because rival unionism necessarily leads to instability but precisely because the traditional division over ideology has now been transferred from within the union to competing unions. Yet until the issue is finally resolved, and the author suggests only if the more customary business union philosophy prevails, wholesome labor-management relationships cannot be developed, although it should be noted that much more satisfactory labor-management relationships have evolved in some areas than in others.

This report has been reviewed by employer, union, and public representatives who have special familiarity with collective bargaining in the industry. Among those to whom thanks are due are: W. W. Haynes, Associate Professor of Economics, College of Commerce, University of Kentucky; Adolph Germer, CIO, Salt Lake City; George W. Haycock, Subdistrict Director, Subdistrict No. Five, United Steelworkers of America, CIO; J. K. Richardson, Assistant to General Manager, Utah Copper Division, Kennecott Copper Corporation, Salt Lake City; Francis J. Ryley of Ryley, Carlock and Ralston, Phoenix, Arizona; W. J. Uren, Director of Labor Relations, Phelps Dodge Corporation, Douglas, Arizona; and Professor Edward Wisser, Division of Mineral Technology, University of California at Berkeley. Their willingness to study the manuscript, their careful attention to detail, and their tolerant acceptance of differences in appraisal put us deeply in their debt. The interpretations of the facts and the judgments expressed are, of course, solely the responsibility of the author.

CLARK KERR
CURTIS ALLER
Editors

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INTRODUCTION

The purpose of this study is to describe the structure, nature, and scope of collective bargaining in the nonferrous metals industry of the West in recent years and to analyze and interpret institutional developments. At the outset it should be said that collective bargaining in this industry has developed in an environment of somewhat unstable and rival unionism. Although local bargaining relationships may appear to be stable in many instances, the instability of the situation in the industry as a whole has had its impact on local developments. Accordingly, this must be viewed as a study of collective bargaining under conditions of unstable and uncertain unionism.

Instability at first was a product of weak union organization which, in turn, was a product of various factors. These included employer opposition to unionism, the structural characteristics of the industry, economic difficulties of the industry and poor employment opportunities, geographical dispersion of the industry, inadequate union finances, internal union leadership controversy and rival unionism. As a result, unionism for some years grew slowly. Although all the factors just enumerated continued to have some influence, later instability of unionism became more and more a product of internal union dissension based on ideological controversy. Increasing infiltration of communist and left-wing influences led to bitter leadership differences, to widespread secession from the dominant union, the International Union of Mine Mill and Smelter Workers, and, finally, to a new and more bitter rival unionism.

Nature of the Industry

The nonferrous metals industry is one of the strategically important sectors of the economy. This is not widely known. What many people overlook, because of the bigness of coal, steel, automobile, and other industries, is the vast importance of the nonferrous metals. They actually serve as "keystone" materials in much of our industrial structure. Without them the structure of our economy could not stand.

The output of nonferrous metals, of course, does not compare in tonnage with the output of the coal and iron and steel industries. Manpower requirements in the production of nonferrous metals, substantial as they are, are only a small fraction of the manpower requirements in many industries. It is not these comparisons that are important. Many industries, big and small, could not operate without the nonferrous metals. Obviously the same could be said of some other essential resources, but there are few materials whose lack would be felt so quickly, extensively, and decisively.

Should the supply of nonferrous metals fail, the economy would be in dire distress. If collective bargaining in the nonferrous metals industry were as highly centralized as in some other industries, or if collective bargaining should be integrated to include the majority of the large production units, our economy might, in the event of a strike in the industry, be crippled more drastically than if there were a general stoppage in steel or coal production. If a dominant union in time of national emergency, such as war, were determined to be obstructive, the consequences could be serious.

The industry is largely, but not exclusively, a western one. While mines, smelters, and several important refineries are found over the length and breadth of the land, the big centers of primary production, with a few exceptions, are in the West. Unionism in the industry, therefore, has usually been looked upon as western unionism, although it should be recognized that developments during the past decade or more require some qualifications of such a generalization.

The importance of the West in the nonferrous metals industry is seen in the following facts: In 1950—and these figures are still representative—far western states produced well over 90 per cent of the mine production of copper and over 50 per cent of the mine production of lead and zinc. The following table gives a more complete picture of the relative importance of various states in the production of the major basic and precious metals:[1]

Leading States in Mine Production of Major Metals, 1950

Copper:	Arizona, Utah, New Mexico, Montana
Lead:	Missouri, Idaho, Utah, Colorado
Zinc:	Idaho, Montana, Arizona, New Jersey
Silver:	Idaho, Utah, Montana, Arizona
Gold:	South Dakota, Utah, California, Nevada

The far western states are also leaders in the production of other important metals. Nevada and California are leading producers of tungsten; Arizona, California, Colorado, and Utah are leading producers of molybdenum; Colorado and Utah are leading producers of vanadium; California is the leading producer of chromite; and Colorado, Utah, and Arizona are the largest producers of uranium, the all-important mineral used in creating atomic energy. As in mining, so in smelting and refining, the far western states are important, although smelters and refineries are also located elsewhere throughout the country.

Structure of the Industry

The structural complexities of the nonferrous metals production units are not easy to describe. As a matter of fact it is not easy to give a simple, unassailable definition of the nonferrous metals industry. Technically, one should not think of a single industry but rather of a group of industries, most of which are interrelated in some respects, and some of which overlap, or are actually joined at certain stages of production. Each includes mining, milling, concentrating, smelting, and refining of metals. It is in these respects that there is an appearance of unity, but great differences are found between and within the nonferrous metals industries.

If one speaks of the copper, lead, or zinc or some other non-

[1] *Statistical Summary of Mineral Production,* U. S. Bureau of Mines, Preprint from Bureau of Mines Mineral Yearbook, 1950. Pp. 8–9.

ferrous metals industry, certain qualifications should be kept in mind. Ores containing a single metal are not the rule, and when several metals are found intermixed in one ore body it is obvious that no neat dividing line between industries can be set up. One metal may predominate and the mine may be referred to as a copper mine, lead mine, or silver mine, as the case may be. Obviously the milling, concentrating, and smelting processes have to be adjusted to the ores as they are and as they can best be treated. Sometimes there is a purposeful mixing of ores to facilitate the smelting process, and the specific metals are then separated from each other as the process of refinement proceeds.

The factors that warrant consideration of the separate nonferrous metals industries as a group stem from the basic similarity of the many processes found in each and in the sequence of processes. The first process, mining, has to do with extraction of ore from the ground. It is, of course, a separate division of each industry. Sometimes reference is made to the mining industry without regard to a specific metal. Mining activity is heterogeneous. There is a great variety in methods used, depending in part on whether the ore is at or near the surface or deep underneath the ground; whether the ore is found in a vein or disseminated; and whether it is a large ore body or a small one. Mining may be a large-scale or a small-scale operation. A variety of methods of mining may be adapted to the peculiarities of the ore body and the surrounding matrix of rock. The task of getting ore out of a mine involves breaking the solid mass into fragments, loading it, and transporting it. Mining may be an underground or open-pit activity.

The second process, usually completed in proximity to the mine, has to do with ore dressing or milling; that is, breaking up the ore into small particles and eliminating the waste material in order to concentrate the metal content. Physical flotation and chemical treatment processes are utilized to dress and concentrate the ore.

Then come smelting and refining as successive processes. Each of these is sometimes considered a separate industry, but such distinctions are useful only for certain purposes. The successive functions in mining and processing ores and in the smelting and refining of metals may be separately administered, or they may be highly integrated in huge companies. Sometimes the integration stems from the nature of the ores or from technical factors. Sometimes it has come about for business or financial reasons.

Thousands of mines are in operation. Many are individually owned. Numerous others are jointly owned, and there are large numbers of companies that own or have ownership interests in many mines. There are fewer smelters and still fewer refineries, either of which may operate with the products of their own mines, on a custom basis, or by purchase of ores and concentrates. These may be part of a vertically integrated company. Vertical integration of all the successive processes is favorable in some situations within reasonably narrow geographic limits; in other instances, it is accomplished by single companies even though there is wide physical separation of the facilities. Most smelters and refineries are relatively large operations, involving sizable capital outlays. It should be noted, too, that large mining properties involving substantial investments are frequently the ones that are integrated into huge production and financial empires. In addition, many of the vertically integrated companies, which control processes from mining through refining, possess fabrication plants and market their manufactured products as well.

Although a detailed picture of the company and financial organization of the industry will not be attempted, a simple listing of the major companies will provide useful background information:

Copper

Anaconda Copper Mining Company
Phelps Dodge Corporation
Kennecott Copper Corporation
American Smelting and Refining Company[a]
American Metal Company
Miami Copper Company
Inspiration Consolidated Copper Company
Magma Copper Company

Lead

St. Joseph Lead Company
United States Smelting and Refining Company

[a] A custom smelter.

American Smelting and Refining Company
Bunker Hill and Sullivan Mining Company
Eagle Picher Mining and Smelting Company

Zinc

American Zinc, Lead and Smelting Company
New Jersey Zinc Company
St. Joseph Lead Company
Eagle Picher Mining and Smelting Company

In addition, a few brief comments on the organization of some of the leading branches of the nonferrous metals industry are in order. Copper production, for example, is concentrated in relatively few large units, although there are also a few producers of moderate size. The industry is quite highly integrated vertically, with each of the major producers owning or controlling extensive fabricating plants. Lead production is also rather highly concentrated in a few large companies, although there are hundreds of small mines. Zinc production is less concentrated in ownership and less integrated functionally than either copper or lead production. Lead and zinc, however, are commonly found together, with about two-thirds of the zinc produced in the United States coming from lead-zinc mines.

Labor Force

The labor force in the nonferrous metals industry is not strikingly different from that of most other industries. Certain unique characteristics are associated with the nature of the miner's skills and with the manner of life in the somewhat isolated areas in which he has worked, but in most respects workers in the industry are like others in the economy, with the same likes and dislikes and preoccupation with personal and local interests. If the "hard-rock miner" was once quite distinctive, he, like workers in other industries, fell under the influence of technological and social change which altered his work and his social relations. Once highly skilled, the miner nowadays works most frequently under the direction of trained technical engineers who plan and lay out the work. New methods of mining, new techniques and machinery, have changed the job. The miner and mucker, the occupations of the old days, are now broad categories, for there are numerous occupations varying in grade from unskilled to skilled.

Likewise, there have been important changes in manpower requirements and an increase in productivity. The number of miners employed in the industry, for example, is now perhaps only half as large as it was fifty years ago. Nevertheless, during World War II and again during the recent mobilization period, the industry experienced a great shortage of skilled miners.

With qualitative and quantitative changes in the work force have come changes in social life. Mining and smelting communities are not as isolated as they once were. Improved highways and means of transportation have brought notable changes. It remains true, however, that there are still vast differences within the industry from place to place. The degree of isolation is relatively greater in some places than others. The nature of the work force varies to some extent, depending upon whether the mine or smelter is located near an urban area, an agricultural community, or in a mountainous or desert area, as well as upon the type of mining or smelting operation. There are some differences in nationality groupings, also, although these, except for the large Latin-American group in the Southwest, are not as noticeable as they were many decades ago. If the Irish are still conspicuous in Butte, Montana, the usual mining or smelting work force in the West is typically American in the sense that workers of various nationalities have been fairly well integrated.

Beginnings of Unionism—the Background Period

Union activities and labor relations in the nonferrous metals industry form a colorful and often dramatic chapter in the history of collective bargaining in the West. Union and management controversies have been at times so spectacular that they have attracted the attention of the whole nation. In the past, unionism in the industry has had such a vital militance and has possessed so much relative independence that it has been an object of study by students everywhere. Although in recent years it has been more of an integral part of the whole union "movement," it still has its own peculiar character and commands attention in its own right. Furthermore, even though collective bargaining in the industry is comparable in many respects to collective bargaining elsewhere in the economy, it nevertheless deserves separate description and analysis.

A historical view of the industry's unionism and collective bargaining, if the latter term is permissible at all in describing early relations, calls up the names of such colorful, militant organizations as the Western Federation of Miners and the Industrial Workers of the World. (In 1916, the WFM changed its name to the International Union of Mine, Mill, and Smelter Workers.) Both of these organizations opposed for a time the signing of agreements with employers. They did not believe in collective bargaining or think that employers could be trusted. There was also a strong feeling that union leaders could not be trusted to protect the interests of the rank and file. After affiliating with the AFL in 1911, however, the WFM reversed its policy. Nevertheless, in spite of its acceptance of the principle of written agreements as the basis for employer and union relations, it was unsuccessful in establishing relations with employers based upon negotiated written agreements, since the employers did not believe in collective bargaining.

The history of the WFM and the IWW, together with the activities of the mine and smelter owners and operators, who also organized formally and informally to assert or protect their rights as they saw them, provides essential background for a complete understanding of more recent developments in industrial relations in this industry. This background will be described only briefly,[2] but it is important to recognize that the heritage of the past is still very much alive. It has colored and still colors labor and management relations in this sector of the economy. Particularly is it true that the unions, in order to build loyalty and militance, have made appeals to the workers by recounting the dramatic history of unionism in the industry. Management attitudes in the past—and what in retrospect might be classed as mistakes, whether committed unintentionally or not—have not been easy to live down.

[2] For a long account see V. H. Jensen, *Heritage of Conflict—A History of Labor Relations in the Nonferrous Metals Industry to 1930* (Ithaca, New York: Cornell University, 1950). Cf. S. Perlman and P. Taft, *History of Labor in the United States, 1896-1932* (New York: Macmillan Co., 1935).

The heritage of conflict, at times, makes current relationships less wholesome than they otherwise might be.

An analysis of the past is not simple. One need hardly glance twice at the history of unionism in the industry to see that many forces were at work in shaping the development of unions. Frontier ruggedness, found in both employers and workers, created a strong spirit of independence of thought and action. In addition, the early western miners had some unique qualities. Unusually literate, for many of them who had gone out to "strike it rich" had come from middle-class families, they read widely. Often the literature was from the progressive or radical press. This, together with the harsh aspects of their lives and the feeling of oppression and exploitation that confronted them, led many to espouse militant socialistic programs. The frequently brutal and harsh treatment meted out to them as they attempted to organize to deal with their problems led them also, apart from ideological convictions, toward such programs.

Independence of thought and differences in point of view led to a conflict of ideologies, ever pronounced among the workers. Internal union turmoil, based upon personalities as well as upon ideological differences, kept unionism spectacular but weak. In the long run, however, employer opposition no less than internal union controversy weakened and helped destroy unionism. In addition, it created a basic resentment and antagonism toward employers which has continued.

For all practical purposes unionism, which earlier had had widespread acceptance among the men, did not exist in the industry for most of a decade prior to 1934. In the depression years of the early 1930's, the International Union of Mine Mill and Smelter Workers (hereafter referred to as Mine Mill) was finally reduced to six chartered local unions which existed in hardly more than name only. Three of these were in Montana and one each was in Utah, Colorado, and California. All were small and none had any established bargaining rights.

NEW DEAL PERIOD

The developments of the early New Deal period were highly significant for later labor-management relations in the nonferrous metal industry, as they were elsewhere in the economy. The ferment caused by the prolonged depression and the turn in politics that resulted in the election of Franklin D. Roosevelt were important factors in the revival of unionism. Yet, organization of workers was not speedily accomplished even after passage of the National Industrial Recovery Act in 1933 and the National Labor Relations Act in 1935. Beginnings were humble, and collective bargaining existed only on a relatively limited basis and in restricted areas until the end of the decade. The effects of the National Labor Relations Act to a large extent did not become very pronounced until the time of the so-called "defense boom" in the late 1930's and early 1940's.

The enactment of the National Industrial Recovery Act, designed largely as an aid to management in the depression, was not universally hailed in the nonferrous metals industry, but it is significant that there was a great flush of enthusiasm for the opportunity offered to establish codes of fair competition. The industry was sorely afflicted with excess supply and depressed prices. A pronounced sentiment prevailed in favor of rationalization of the market, but the antitrust laws had been construed as a bar to effective self-help. Hence the program of laying aside the antitrust laws to permit a quasi-governmental and private approach to the twin problems of low prices and excessive supply was cheering to many. If there was outspoken opposition by a few, jubilation was nevertheless dominant.

It was pointed out in the *Engineering and Mining Journal* that, in spite of some of the implications of governmental control and even of regimentation in the new law, a "careful reading of the bill . . . shows that it embodies principles and policies that have long been advocated at one time or another." To encourage wholehearted acceptance of the experiment, and also, perhaps, serious reflection on the prospects, it was asked, "Are we genuinely interested in national planning? The bill provides for an industrial planning and research agency. Do we sincerely desire standards of fair competition and the prevention of monopoly? Such are the declared aims of the bill. Have we not long sought a device that would give us reasonable relief from restrictive antitrust laws? Are we not favorably disposed toward reasonable hours of work and rates of wages? Have we not hitherto suggested self-discipline of industry under governmental enforcement of voluntary agreements? Would we not welcome virile and effective trade associations? Have we not discussed the merits of forcing recalcitrant and destructive minorities to accept the policies of enlightened majorities, all in the public interest?"[3]

This attitude has long since faded away in the face of rising opposition to increased government participation in economic affairs, but the new policies were acceptable at the time after the harrowing experience of the depression years. They were regarded as encouraging under government blessing an industry approach to problems of cutthroat competition. The role of government was expected to be slight, and the emphasis was to be upon industry self-help. In relation to the subject-matter of this study, it is interesting that at this stage industry spokesmen made no mention of the collective bargaining provisions of the new statute.

Difficulties in Formulating Codes

It proved almost impossible to work out a code of fair competition in the most important branch of the nonferrous metals industry, copper production, and the other branches of the industry dared not complete their work until the provisions of the copper industry code were formulated. Within the copper industry, common interest in a program of control was overshadowed by the pertinacity of special interests which could not be harmonized. Finally, only a limited program was set up.

In spite of the direct and indirect interlocking relationships prevailing,[4] price fixing and control of sales would have had an uneven impact on the various companies. It was this and not any lack of interest in higher prices or in adequate minimum prices that kept management spokesmen in the copper industry in disagreement. In principle they were all interested in both. The difficulty was that they could not agree on specific production quotas or restriction of sales for the purpose of controlling supply in order to make price regulation effective.

[3] "Design for Industry—A National Experiment," *Engineering and Mining Journal*, June, 1933, p. 225.
[4] *Report on the Copper Industry*, U. S. Federal Trade Commission (Washington: 1947), p. 175.

Naturally industry spokesmen were cautious about promising increased wages, an objective hailed in the legislation as one that would increase purchasing power. Care was taken to make it clear that "without expanded operations," it was "impossible to raise the wage level."[5] Also, it quickly became obvious that the predominant point of view among the various management leaders was that labor unions should have no place in the industry, notwithstanding the fact that the law provided that each code of fair competition should contain a statement approving collective bargaining. Great fear existed that the National Industrial Recovery Act would give organized labor effective power.

One spokesman warned, "It is but human that organized labor shall take advantage of Section 7(a) of the National Recovery Act." Although the same spokesman observed that "collective bargaining will be accepted by all and welcomed by many employers" he added, "but not collective bargaining as interpreted by organized labor which means the closed shop in which only labor union members may be employed. This interpretation is wrong in principle. It is a denial of the right of every citizen to sell what he has to sell, without restraint or conditions, whether it be his labor or the product of his labor. Membership . . . should not be required as a condition of employment. It should be his [the employee's] right to bargain for himself or to choose another to bargain for him. It should be his right to perform his personal agreement without restraint." This attitude was prevalent throughout the industry. While lip service might be given to a belief in organized labor, it always boiled down to support of "the open shop as a necessary basis of proper industrial relations."

On the one hand, the industry's spokesmen were pleading for the suspension of the antitrust laws so as to be able to enter into agreements for the control of production and prices. It was obvious to many management spokesmen that if individual firms were in a position to refuse to conform to production and price controls, stability could not be achieved. On the other hand, labor unions wanted to achieve some degree of control over employment conditions in order to eliminate unrestrained competition for jobs. A primary goal of unionism is the removal of the undesirable effects

[5] *New York Times,* June 23, 1933, p. 22. *Mining Congress Journal,* June, 1933, p. 15.

of the struggle for limited job opportunities. To unionists there is nothing illogical about setting minimum standards of fair competition among workers.

At the time of the code hearings the revival of unionism in the industry had hardly begun. Nevertheless, Mine Mill proposed a code. The most notable thing about it—apart from lack of any attention to the industry's problem of overproduction—was the extent of the difference between the wage and hour proposals made in it and those proposed by the various management groups in the industry. Management spokesmen had proposed minimum rates ranging upward from 30 cents an hour. The Mine Mill convention had unabashedly proposed a six-hour day, a five-day or thirty-hour week, with minimum wages of $36.00 per week or $1.20 per hour.[6]

As a practical matter there was little in the belatedly drawn codes of fair competition, in the copper, lead, and zinc industries, that benefited labor, either in the wage provisions or the hours provisions. The events in code formulation are significant for this study simply because they shed light on management attitudes toward organized labor during this period and on the industry's economic problems.

Basic Economic Problems of the Industry

The depression starkly revealed some of the basic economic problems of the nonferrous metals industry.[7] Most of its branches suffered in some degree from the prevailing malady of overproduction and "cutthroat competition." The demand for the basic metals is a derived demand for the most part; that is, it stems from the activity in other industries which utilize the metals. Consequently, demand fluctuates widely with the level of general business activity, and especially with that in building construction, automobile and electrical manufacturing, and certain other durable goods industries. The malady of overproduction was particularly serious in the nonferrous metals industry because of the nature of overhead costs.

[6] *Montana Labor News,* August 17, 1933, p. 1. *Proceedings, Thirteenth Annual Convention, International Union of Mine Mill and Smelter Workers, 1933,* p. 7.
[7] "Stabilization a Real Need," *Mining Congress Journal,* April, 1930, p. 28.

Planning future activity—which means future supply—is less amenable to control in mining than in many other economic enterprises. It is well known that there is usually a best way of working a given ore body. It is desirable that plans for future output be adjusted to this way. As an ore body is developed it entails considerable investment. Without developmental work the possibilities of the mine are not fully realized. Yet once developmental work is done it is costly not to go ahead with operations.

This situation is aggravated by the difficulty of adjusting capacity to price when price itself fluctuates violently. High prices warrant plans for expansion geared to a high price level, which results in excessive capacity and overproduction at lower price levels because of the costliness of curtailing programs once instituted. The consequences of uncontrolled competition, while perhaps not as acute as in coal, timber, or oil, are far more serious in the basic nonferrous metals industry—lead, zinc, and especially copper—than in most manufacturing.

In view of these considerations it seems paradoxical that the nonferrous metals industries did not come together in an agreement to regulate output and price. But these economic facts tell only part of the story. As explained before, the pertinacity of special considerations and problems kept the units apart. It is this aspect of the situation which is of interest in providing an explanation of some of the problems of collective bargaining. The industries have special structural characteristics and economic problems that lead to diversity of action.

Industry Attitudes toward Unions

It has already been observed that management in the nonferrous metals industry was unhappy with the encouragement given to labor unionism through certain provisions of the NIRA. Every effort to strengthen government support of unionism was met with an outcry of protest. When Senator Robert Wagner introduced a bill to offset the stimulation of company unionism which had developed as an unexpected result of the NIRA, it was charged that there was a deliberate intent "to force all collective bargaining through the national labor unions," and to force "every worker . . . to become a member of the Federation (AFL)." A common point of view in the industry was that it would be a travesty "to compel every employer to submit to industrial control and forfeit his right to deal with his own employees. He must pay the wages, work the hours set out by the Federation or go out of business." It was asked, "Can recovery be brought about by such a procedure? Will industry submit to union dictatorship?" With apprehension it was observed that "the old IWW organization of the West is rearing its head formidably through the metal states."[8]

"The mobilization of labor against management," said one spokesman, was not the least of a series of extreme recommendations that "the New Deal is creating . . . of vital importance to mining." He observed with alarm, "There is serious possibility that labor's so-called part may grow out of all proportion to industry's part, with the resulting unbalance and placing of undue power in the hands of a great organized unit." His advice was that "the mining industries must take full recognition of the situation and must adopt as its own organized labor's effective slogan, 'In union there is strength.' "[9]

Still another spokesman said "the persistent pressure for the abandonment of the old craft union setup in the American Federation of Labor," the industrial organization of labor which he thought was "making some degree of headway," was "a dangerous potentiality." Those workers who were organized by industries, it was observed, were "the most militant and powerful groups." Thus, it was thought, "comes the danger of having the labor of an entire industry and perhaps all pivotal industries organized. Here is the potentiality of a national tie-up and national labor rule by ballot."[10]

The same sentiments were expressed later when the National Labor Relations Act became law. Speaking for the American Mining Congress of which he was a member of the board of directors, one mine owner protested that "stripped of all camouflage" it was a "deliberate attempt to fasten upon industry in this country a system of organized labor affiliated with . . . the American Federation of Labor."

If antagonism and belligerence were the common expression

[8] "The Labor Disputes Act," *Mining Congress Journal*, March, 1934, pp. 7–8.
[9] "The New Deal," *Mining Congress Journal*, May, 1934, p. 10.
[10] "A Dangerous Potentiality," *Mining Congress Journal*, December, 1934, p. 9.

of management toward the prospects of dealing with unionism, the other side of the coin, so to speak, reveals an antagonism and belligerence on the part of the unionists toward management. Management was criticized no less caustically. The record of this criticism is not as well preserved on the printed page, but that union leaders were hypercritical of management is common knowledge. It was the usual rather than the special reaction. Management was pictured as the harsh, inconsiderate, profit-loving enemy of the worker and his legitimate rights.

First Collective Bargaining—"Recognition" at Butte

It is quite proper to say that unionism in the industry revived under the National Industrial Recovery Act. Collective bargaining began after a "successful" strike was conducted against the Anaconda Copper Mining Company in 1934. Following a prolonged and bitter struggle the company agreed to bargain. To be sure, it was not a clear-cut victory for Mine Mill but it did produce "recognition." The details of the struggle are not essential for our purpose. Suffice it to say that the manner of settlement had profound effects, for, while the strike action had been jointly planned by the AFL craft groups and Mine Mill locals, the settlement was partly—some would say largely—taken out of their hands.

It is interesting to note that the AFL craft groups, the Machinists being a key union, had small locals in Butte and elsewhere in Montana. Some of these were in existence in the years when there was no unionization of miners. Their locals had members working "on the hill," the expression used to distinguish work for Anaconda from work in the town of Butte, and together with the recently organized miners they fought for recognition and a contract. The hoisting engineers in Butte, around town and at the mine operations, were always organized and were a part of Mine Mill. After the strike had been waged effectively for some two months, and without the knowledge of the local unionists in Butte, national AFL craft leaders, working in Washington, D.C. and New York City, entered into an agreement with the Company. John Frey, president of the Metal Trades Department of the AFL, and other craft leaders sold the agreement to the craft groups in Montana or forced its acceptance upon the workers. The upshot was to leave the miners to finish the struggle alone (of course, no one could work until the miners returned to the job) and to give rise to a bitter jurisdictional controversy within the AFL.

This dispute became a phase of the subsequent struggle between the craft and industrial unionists within the AFL.[11] It led Mine Mill to join in the fight for industrial unionism which finally resulted in the formation of the Congress of Industrial Organizations. Also, it had an important bearing upon the establishment and structure of bargaining rights at several places throughout the industry.

But the miners did not lose their strike at Butte. An agreement was worked out and signed. It is not only a landmark in the sense that it marked a beginning of collective bargaining relationships but also because bargaining rights were granted without recourse by the union to the guarantees of existing legislation. It is significant, moreover, that the willingness to deal with unions seems contrary to the dominant view of unionism prevailing in the industry. But the Anaconda Copper Mining Company knew what it was doing. Although it was entering into collective bargaining relationships to which other companies were still opposed, it was not throwing caution to the wind. On the ground that unionism was inevitable and not completely undesirable, it had decided to deal with responsible unions.

Organizational Developments

Elsewhere in the nonferrous metals industry, unionism was stirring. Interesting developments occurred in Arizona; in the Tri-State district of Missouri, Oklahoma, and Kansas; and in Tennessee. Organizing efforts were also carried on in the iron ore mining regions of Minnesota and Alabama, although the Steel Workers Organizing Committee later took over the former area. But success was indifferent. The incipient organizations fared badly in some of these places. Either they were overcome by employer opposition or they fell apart owing to lack of know-how or to internal dissension. Mine Mill as a parent organization was too weak to give assistance and remained so for a few years because of inept leader-

[11] *Report of Proceedings of Fifty-fifth Annual Convention, A.F. of L.*, 1935, pp. 130–32, 521–650.

ship and an internal leadership controversy which dissipated resources and energy that might otherwise have been devoted to organizing. Space will not permit detailed consideration of the organizing efforts of Mine Mill, but a brief account will be given of the nature of the relationships that were emerging. This will be followed by an overall look at the structure of Mine Mill in the late thirties.

Outside of Montana, the greatest organizing success was achieved in Utah. This was due in large part to the fact that the local at Eureka, which had continued to exist over the years, provided some effective regional leadership from among the "youngsters" in the group. Local unions were rapidly developed at Bingham Canyon, Magna, Arthur, Garfield, Lark, Tooele, and Park City in 1933 and 1934. But conflict with the AFL craft groups over jurisdiction and, perhaps, some loose charges of an ideological nature quickly undermined the first locals. Nevertheless they recovered in most instances and went on to secure bargaining rights. Through strike action they shut down the whole nonferrous metals industry in Utah in 1936, except for the Utah Copper Company properties at Bingham Canyon, Arthur, and Magna and the smelter of the American Smelting and Refining Company at Garfield. At the same time the workers at the copper mines and smelters near Ely, Nevada were organized. These workers had rather close ties with the Utah group.

Meanwhile, attempts to organize the nonferrous metals industry workers in Arizona had failed. Employee representation plans were functioning at all of the major properties. Mine Mill made little headway. Later, a National Labor Relations Board ruling caused the disestablishment of the employee representation plans. By the time the NLRB had cleared the way, the AFL craft and federal labor unions and the Railroad Brotherhoods were ready to move in and did so with some success. The result was that a more mixed bargaining structure emerged, because of multiple jurisdictions, than was true elsewhere in the western industry.

In the Coeur d'Alene region in Idaho, three small locals were organized, and several scattered locals in California came into the fold. Perhaps the most important of the latter was the smelter workers' local at Selby, California. It may be observed, too, that a substantial part of Mine Mill's strength in California at this time was among tunnel workers. During the same period, the smelter workers at Tacoma, Washington succeeded in organizing. This was not so much a result of any organizing efforts of Mine Mill as it was of the fact that unionism was making great headway all up and down the whole Pacific Coast. Longshoremen and lumber workers were very active at Tacoma and this undoubtedly aided the organization of the smelter workers.

Significant developments were also taking place in the tri-State district of Missouri, Oklahoma, and Kansas. There Mine Mill was seriously rebuffed—but not permanently—by employer opposition, company unionism, and AFL rivalry and chicanery. On the other hand, Mine Mill found itself with several effective locals in Illinois, one in Tennessee, and another in Pennsylvania. After a temporary rebuff, moreover, bargaining rights were established among the iron ore miners in Alabama.

By 1936, membership stood at little better than 15,000 dues-paying members. Throughout 1937 the figure was not much larger, and in 1938, when depression hit the industry, the figure slumped a little. In these years, the comparative strength of Mine Mill was approximately as follows: Almost half of the numerical strength was in Montana and more than half of the Montana strength was in the single miners' local at Butte. Sizeable locals also functioned at Anaconda and Great Falls. The remainder of the Montana strength was in several small, scattered locals. The next largest concentration of members was in Utah where there were six good-sized locals and a few smaller ones. By this time the Garfield smelter workers were organized but the more numerous Utah Copper Company employees at Bingham Canyon, Arthur, and Magna were not. Although there was no geographical concentration, the next largest group of organized workers in Mine Mill was in California, where more than a dozen small locals were functioning. Then stood Illinois, with a number of active smelter workers' locals. But the rest of the membership in the organization was scattered over the length and breadth of the country with a very feeble showing in Canada.

Leadership Problem

Mine Mill had been beset with a leadership problem at the outset of the revival of unionism in the industry. Elderly leaders without vision stood in the way of progress. If a vigorous unionism was to be developed, it would require active leaders. The fight that took place in 1934 does not make a pretty picture, but it is interesting that communist ideology played but a slight, if any, role. In the final phase of the struggle in 1936, however, when Tom Brown was removed from the presidency by action of the convention, communist influence may have raised its head in the race to name his successor. Reid Robinson, who won the election, was the right-wing candidate and was supported by those who had favored business unionism for many years. His opponent, who might have made a better president, may have been given "the kiss of death" through support from certain Communists.

Scarcely more than a year after Robinson took office, however, new friends successfully courted him. Precisely what happened is not entirely clear because of confused or buried facts. It is well known that there was a closely knit and active group of Communists and sympathizers in the CIO at this time. Some of these may have played upon Robinson's ambition to become a great leader, holding out to him the prospect of leadership—even the presidency eventually—in the CIO, provided that he played the game with them. Robinson was not a farfetched prospect for top CIO leader, since he possessed potential leadership ability, had a good background in a union with a long heritage of militant industrial unionism, made a good appearance, and spoke well. On the other hand, there are other unverifiable theories of Robinson's shift in allegiance, or "capture," as the case may be. These will not be repeated. It is sufficient to recognize the fact that he left his first supporters and turned to associate with others having different objectives.[12]

Whatever the precise facts, an ideological leadership controversy was in the making as Mine Mill approached a period of rapid

[12] The account of internal union controversy and dissension contained in this section is based upon V. H. Jensen, *Nonferrous Metals Industry Unionism, 1932–1954,* Cornell Studies in Industrial and Labor Relations: Volume V (Ithaca, New York: Cornell University, 1954).

expansion when defense production got under way in the late thirties and early forties. This is of the utmost importance to the story of collective bargaining in the industry. By shrewdly selecting and placing organizers Robinson gradually built up a machine within the organization. Of equal, if not greater importance, he built a staff of appointive personnel at national headquarters.

At the head of this group was Ben Riskin who had been "hired" as research director. He quickly gained the hatred of the executive board members and elected officers, other than Robinson. Although many in the union were slow to realize what was going on, it was quite clear to those who were discerning that Riskin was the shrewd master-mind who was directing Robinson's strategy. In fact, in certain respects Riskin was directing the affairs of the union. He played a subtle role in policy-making but became more and more conspicuous in collective bargaining affairs and in making presentations before government agencies. The upshot was the development of bitter internal strife which turned practically the whole executive board against Robinson and his hand-picked and controlled organizers. It should be noted, however, that at this time not all of the organizers were Robinson men. The alignments in this controversy were clearly revealed at the Joplin convention in 1941 in what can best be described as a "slugfest" of words.

WARTIME PERIOD

Not until 1940 did Mine Mill make real strides in organizing. The new success was due to two major factors. First, the effectiveness of the NLRA was beginning to make for a difference in both worker and employer attitudes toward unionism.[18] Whereas Mine

[18] Naturally employer attitudes varied, but the point is that employers were recognizing unionism, even if they were doing it reluctantly because the law required it. It is interesting to note that industry spokesmen, and official policy statements of employer associations in the industry, were caustic about the NLRA. Nonferrous metals industry spokesmen were among the vanguard in seeking changes in the law. Early in 1940, the American Mining Congress adopted a declaration of policy, first enunciated by its Western Division in 1939, in which it verbally affirmed belief in collective bargaining, but it said, "we do not believe in the promotion of . . . labor unionism by law." Again the NLRA was condemned as "wrong in principle," being "founded upon the premise that labor and employer are necessarily in conflict." They resented the government's taking sides, as they put it. They said, in language similar to that used before, the law "has multiplied strikes, curtailed production, increased

Mill, through 1938, had achieved less than a forty-five per cent "batting" average in NLRB elections to determine the bargaining representative, it won almost ninety per cent of the elections from 1939 to the time of the convention in 1941. The second factor was the basic change in the economic well-being of the industry, which had received a great boost from the defense production program. The two factors often worked together to lead employers not to resist organization of their workers. In any event Mine Mill experienced about a twenty per cent increase in membership in the fiscal year 1939–40 and a fifty-eight per cent increase the following year. In June, 1941 there were 290 local unions carried on the books of the organization.

It is of interest, however, that only eight local unions had as many as one thousand members. Only six more had as many as five hundred members. Fifty-two had between two hundred and five hundred members. A large group of forty-two averaged only seventy members, while an additional ninety-six averaged only seven members. These figures are based upon computations from per capita tax payments. They account for a union membership of approximately forty-two thousand. During the last five months of the fiscal year, however, after the per capita tax rate was increased from forty cents a month to sixty-five cents a month, there was a decline of about twenty per cent in the number of members for whom per capita was paid. Thus, one might properly estimate that there were approximately fifty thousand members in the organization in June, 1941. Thereafter, especially throughout the early war years, the membership increase was rapid. In 1944 it had reached the figure of ninety-seven thousand.

It is not incorrect, therefore, to say that it was in the defense

the cost of goods to the public, brought wage losses to employees, and has contributed to a break-down of law and order." It is little wonder, therefore, that managements in the industry gave wholehearted support to the so-called "Smith Amendments" which passed the House of Representatives in June, 1940. Although the movement to amend the law was defeated, nonferrous metals industry spokesmen were happy that the original members of the NLRB were not reappointed. This was looked upon as a victory, for, as it was put by an industry spokesman, "employers can look hopefully to fairer treatment." It was remarked that employers hitherto "have not only suffered from inherent inequities" of the Act, "but they have also been victims of the prejudices of the majority of the Board." Likewise they were pleased when Nathan Witt resigned as secretary to the Board, but they were not done with him, for he soon became the counsel for Mine Mill.

period and early war years that Mine Mill first built up significant bargaining power. However, as indicated before, it came close to losing its opportunity through internal controversy. The reason it did not was that the internal struggle, which came to an ugly head at the Joplin convention in 1941, where personality and ideological clashes occurred and resulted in lengthy vituperative debate, ended with a truce. Both factions then worked vigorously for advantage over the other and neither wanted to be chargeable with guilt in holding back on a collective bargaining program. They knew that the best appeal to the rank and file was through winning gains in collective bargaining.

Attitudes Toward the War in Europe

In interpreting internal union affairs and bargaining relationships, it must be recognized that Mine Mill, like some other unions, had espoused an official policy of opposition to support of the western European nations or to participation in the war in Europe. Although other CIO unions and officials had shifted their position earlier, Mine Mill changed its policy abruptly only when Hitler's legions were thrown against Russia in violation of the joint neutrality pact. Before this, Robinson and his supporters had clashed with Sidney Hillman, president of the Amalgamated Clothing Workers, who was serving as head of the Labor Division of the Office of Production Management. They were somewhat obstreperous and caustically criticized Hillman for working as a labor representative in support of the government's program.

After the Nazi attack on Russia, Robinson and his followers were as quick to charge that operators were not really interested in the defense of the country as they had been before to deprecate the government's program. Suddenly they were outdoing the operators in making suggestions for improvement in output. Conspicuously Mine Mill spokesmen took active roles in support of government programs wherever the opportunity presented itself.

As for management's position in this trying period of adjustment to wartime demands, it was inevitable that there would be difficult price and production problems. Operators could not move ahead aggressively with new production plans amid the uncertainty that prevailed. It was still a private enterprise economy and cost-price relationships could not be blithely ignored. It is not surprising, therefore, that the operators sought the best possible cost-price relationship in terms of their own interests. At times it may have appeared that they were holding back. It had never been intended, however, that the government should use force and embark upon a totalitarian approach to the defense effort. It was operating in the democratic tradition of freedom. The job would be better done in private hands, so long as the government controlled the general direction of activities and allowed nothing to get out of hand. Even if it had been politically feasible for the government to exercise more control and direction of affairs—which it was not—the method followed was superior to a totalitarian approach, which might easily have led to the permanent loss of freedom as it is known in our economy.

If the operators moved into defense production cautiously it was apparently not with the intention of obstructing the government's program. They were not uncooperative. In fact, during the time when Mine Mill was still opposing the role of the United States in supplying the arsenal of western European democracies, nonferrous metals industry representatives were actively meeting with government representatives in order to work out the difficult problems of preparing for defense. They had met several times with the Advisory Council on National Defense to discuss price and production problems. These defied simple solution. The diverse interests in this heterogeneous industry are not easily kept in harmony. On top of these were added the diverse interests of the government. It was not clear how all these conflicting interests could be reconciled. Naturally the government wanted large output at the lowest possible prices. The operators wanted to protect their future position. Successful mining requires long-range planning; hence the industry was greatly concerned over the future of price policy. At the same time the operators were beset with the problem of holding workers in the face of the lure of better wages in other industries. Yet, if wages were increased to aid in holding workers, it would be necessary to increase prices to relieve the squeeze on marginal production. If prices were increased, it would add to the inflationary cycle and higher prices would give a windfall profit to the low-cost producers.

Mine Mill spokesmen would have preferred a less cautious attitude on the part of the operators. Yet, at the same time, Mine Mill officials appeared to be selfishly playing for everything they could get out of the situation. They were decidedly cool to any solution of the production-price-wage problem that threatened to perpetuate the sliding scale of wages which had been prevalent in the industry since before the previous war. They were even strongly opposed to some of the suggestions for increasing output made by the friendly Labor Division of OPM, particularly the suggestions that they should work a 48-hour week.

After Pearl Harbor—the "Production for the Victory Program"

The Japanese attack on Pearl Harbor in December, 1941, created a new urgency to expand metal production. The day after the attack Mine Mill presented to the government a plan for "Increased Production of Vital Non-Ferrous Metals for the Victory Program."

This was basically an instrument of collective bargaining. The union had seized this opportunity to state its position publicly and to integrate it with the needs of the war effort. Strategically, Mine Mill utilized a tactic which combined an approach to industry-wide bargaining and an appeal to public opinion through the top level of government—a form of collective bargaining which the companies in the industry found none too easy to oppose.

Mine Mill wanted to be an "integral part of the whole production picture." The program called for aid to marginal mines and an increase of jobs and employment in the industry, but by means of subsidies and not higher prices. On the labor side, output was to be increased through improved working conditions, the payment of higher wages, and the elimination of the contract system of wage payment in mining. A strong bid was made for the establishment of industry-wide bargaining and an industry planning committee composed of "industry, government and union representatives, all with equal authority to decide upon the necessary measures to be adopted." The Mine Mill plan stated, "jealousy by management of its management prerogatives is out of place in our fight for national preservation and defense of democracy." The plan argued that management's acceptance of the joint committee idea would provide the cornerstone of capacity production and would be clear-cut evidence that management's business-as-usual outlook had finally been replaced by "everything for victory."[14]

Management in the industry was not organized to set forth a program through a single spokesman. Its leaders were not of a mind to encourage any move toward industry-wide collective bargaining. They had their ideas about the economics of the industry and had individual responses to those parts of the union's program that did not coincide with their views. The more farseeing among them, however, recognized that the union had gained stature and that they were going to face more vigorous collective bargaining. Obviously they did not like the way Mine Mill spokesmen had ingratiated themselves with some of the wartime governmental agencies.

Premium-Price Plan

Following closely upon the outbreak of war, the premium-price plan was adopted as the solution to the vexing problem of price control in the nonferrous metals industry. Its basic principle was the payment by the Metals Reserve Corporation of special prices for all production of copper, lead, and zinc over fixed quotas, which quotas were initially based on 1941 production records of each company. The objects were to achieve expansion of production by making payments sufficient to compensate for the mining of lower-grade ores, to bring idle or new mines into production, to pay for the more intensive development of mines, and to make sure that price would not be an impediment to production.[15]

The reaction of management in the industry was mixed. A multiple-price arrangement was contrary to established price practices and jeopardized the windfall profits that would accrue to the low-cost mines under a single-price system, if price was increased. On the other hand, it was felt that such an arrangement would have a stabilizing effect on wages, especially in those situations

[14] IUMMSW. *Increased Production of Vital Non-Ferrous Metals for the Victory Program* (mimeographed, December 1941).

[15] *Premium Price Plan for Copper, Lead, and Zinc—Its Administration with Particular Regard to Small and Marginal Mines.* Report of Senate Subcommittee on Mining and Minerals Industry, Senate subcommittee print no. 8, 79th Congress, 2nd Session (Washington: 1946).

where sliding-scale contracts still existed. No other alternatives had been suggested that would increase production and at the same time contribute to over-all price stability. Some industry spokesmen complained that too much stress was placed on the development of very small properties, using labor and material that might more productively be used in large mines. There were complaints, also, that labor was taking the attitude that it, rather than the companies or the war effort, should be the chief beneficiary of the plan. On its part, Mine Mill espoused the multiple-price system, for it promised to enlarge mining and smelting activity, and this would insure more jobs for miners.

Manpower Stringency

During 1942, workers left the western mines in larger and larger numbers for better-paying and less hazardous jobs in West Coast shipyards and airplane factories, or on military construction projects. The manpower situation became more and more serious day by day, and metal production was adversely affected. Poor housing, inadequate transportation, and drafting of miners into the armed forces aggravated the problem. Throughout the year it continued to get worse. Many employers in the nonferrous metals industry, as well as elsewhere, thought the government ought to "freeze labor and wages." They realized all too clearly that wage increases by industries and contractors on government projects were "making all employees in the mining industry restless" and that many man-hours of labor were being lost because workmen were "going from one job to another in their effort to work where the highest rates are being paid." Categorically, it was stated, "we believe that freezing of labor is the only answer to stop it."[16] Some thought that if it were compulsory to hire labor "direct from the United States Employment Service . . . it would be a means of stabilizing labor." Also it was thought that the government should permit priorities for construction of housing for the married employees and their families who were coming into the mining camps to replace single men who were being drafted. The existing accommodations for single men were not adequate for families. Not

[16] "Metal Mining's Manpower Problem," *Mining Congress Journal*, September, 1942, p. 31.

least, "if the country is really serious about winning this war in short time, the 40-hour week should be out for the duration." Some spokesmen advocated the 7-day week at straight-time rates.

The manpower shortage kept growing more acute. Appeals such as the one made by Donald Nelson, director of the War Production Board, to the Butte miners on June 13—Miners' Union Day, which also marked the opening of a production drive in nonferrous metals mining—had had little effect. He had said, "Stay on your job. Stick to the mining camps where you are now at work. You are as important to the battle as the pursuit pilot or the man behind the bombsight." But the lure of higher wages and the chance to escape from the mines were too attractive. Hence, a solution of both wage and manpower questions was becoming imperative.

The Wage Issue and the "Garrison Panel"

Management in the nonferrous metals industry moved cautiously on the wage question because price policy was as yet unsettled. Even after the price problem was settled, however, management remained reluctant to increase wages. The premium-price plan did not add to the ability of the big producers to pay higher wages, and they were the ones who would set the pattern. Furthermore, the industry was not simply a wartime industry and would have to live with its wage structure in the postwar period. If the wage structure were raised, this might give rise to annoying problems of competition. On the other hand, tormented with mounting living costs, knowing that higher wages could be obtained in the new wartime industries, and aware of the higher level of activity in the industry which appeared to make ability to pay greater, the workers felt they should be getting more money. It was inevitable that higher wages would be sought, and that they would be vigorously opposed. A solution would not be easy.

In midsummer, 1942, the National War Labor Board issued its well-known "Little Steel" decision which set up wage stabilization principles. By this time some thirty-odd dispute cases affecting mines, mills and smelters in the nonferrous metals industry had been certified to the NWLB. The issues varied, to be sure, and in some instances involved the knotty problem of settling initial contracts. Nevertheless, it was increasingly apparent that a uniform and mutually satisfactory procedure for disposing of them expeditiously would be desirable. Several joint conferences were held and only the wages and union security issues were accepted by the board. All other issues were returned for local negotiations.

Because of the number of cases before the board, and much to the satisfaction of the union, it was decided that all the cases should be considered together on an "industry-wide" basis and be heard by one panel. Accordingly, the so-called "Garrison Panel" was set up, with Lloyd K. Garrison representing the public; A. V. Stevenson, Cleveland Industrial Union Council, representing labor; and Almon E. Roth, San Francisco Employers' Council, representing industry. The cases comprised one bloc originating within the Coeur d'Alene area of Idaho, another group originating around Salt Lake City, Utah, and a third bloc involving workers in ten American Smelting and Refining Company operations. Although the latter bloc involved operations as widely separated as Perth Amboy, New Jersey in the East, San Francisco in the West, East Helena, Montana in the North, and Hanover, New Mexico in the Southwest it should be observed that the action was really not industry-wide. No major mine producer of copper was involved, nor were most of the major producers in the other nonferrous metals branches included.

On August 19, the "Garrison Panel" began hearings in Washington, D.C., where Reid Robinson, flanked by Ben Riskin and Nathan Witt, opened the union's argument. The wage issue was the most important. Under the Little Steel formula the workers were entitled to no increase, because they had already received, since January, 1941, increases amounting percentage-wise to more than they were entitled under the cost-of-living adjustment. The union based its wage demand on the manpower situation as well as upon ability of the industry to pay. The manpower situation, aggravated by the out-migration of workers, was serious. The union's position was greatly fortified when men from the War Production Board, the War Manpower Commission and other governmental agencies testified concerning metals and manpower shortages. No one denied either shortage, but the operators insisted that the manpower shortage could not be solved by wage increases. They argued that instead of increasing output of metals a wage increase would curtail production through increasing costs which would make it impossible to mine the marginal veins and ore bodies.[17]

As for the union security issue, management argued that there was "no pattern" of the union shop in the industry and that it was not needed as a basis of responsible relations. The union spokesmen, however, contended that it was necessary to help the union do a better wartime job by "giving it freedom to live and a feeling of security" in the face of "the traditional antiunion attitude of the operators." On the other hand, the union thought it would serve no "useful purpose in this period in the Country's history for it to indict the operators in the industry for actions which took place in the historical past." Its emphasis was upon the claim that "union security stimulates production."

The issues were hotly debated before the panel and among the panel members. To ease the manpower problem the War Manpower Commission in September issued an order unprecedented in American history, "freezing" workers in the nonferrous metals industry on their jobs. In the opinion of the majority on the panel, that is the public and labor members, however, some wage adjustment was warranted. It was reasoned that "to promote both present and future production, and as a matter of plain justice to the men who have patriotically remained in the mills, mines, and smelters, the national interest requires that appropriate upward wage adjustments be made." The majority, therefore, recommended an increase of a dollar a day in wages. It was recognized that an adjustment could be considered only on a "rare and unusual" case basis where wage increases were held essential to the national interest. The panel recommended also that some arrangements be worked out by the parties whereby a portion of the increase would be invested in war bonds and savings stamps to be held in trust and paid out periodically in order to eliminate excessive absenteeism and turnover. In addition, in the interests of union security, maintenance of membership and an irrevocable check-off were recommended.

The employer member of the panel spoke forcefully against

[17] Bureau of National Affairs, *War Labor Reports*, Vol. 4, pp. 173–74, *et passim.*

the position of the majority. The National War Labor Board, after considering the cases at length, directed the payment of the wages recommended by the majority of the panel, establishing rather than recommending the proviso that in the Utah and Idaho mining operations half of the $1.00 a shift increase would be held back by the employing company to be paid out every fourth pay day "contingent upon the individual's compliance with rules and regulations as to continuity of work standards of production"—the rules to be agreed upon by the employers and the union and approved by the National War Labor Board. Further, the retroactive wages due were to be paid out in war bonds and savings stamps, provided no retroactive payment was to be made to anyone "who does not immediately return to employment." This was designed to bring miners back into the industry. Also maintenance of membership with compulsory check-off of dues was directed. On October 23, 1942, following receipt of a communication from Leon Henderson, Administrator of the Office of Price Administration, to the effect that the few price increases necessitated by approval of the wage increases could be provided through adjustments in the existing premium-price plan, Economic Stabilization Director James F. Byrnes gave his approval of the board's order.[18]

The Nonferrous Metals Commission

Of special significance was the National War Labor Board's decision, not mentioned thus far, to create a commission for the "stabilization of labor relations throughout the nonferrous metals industry." As a result the Nonferrous Metals Commission was established in mid-November, 1942. The idea of an agency of this type had not developed abruptly. While management in the industry was not interested in the development of industry-wide bargaining, management representatives on the National War Labor Board had objected that such a small portion of the industry had been heard in a matter that was bound to set a precedent for the industry as a whole. Repeatedly it had been emphasized that "piecemeal" action was inappropriate. In turn, AFL leaders did not like the organizational advantage that accrued to Mine Mill inasmuch as the cases heard by the "Garrison Panel" involved no

[18] *Ibid.*

AFL locals. Mine Mill, of course, was not averse to the development. On the contrary, Mine Mill saw in such an agency an aid to its objective of pushing toward company-wide and industry-wide bargaining.

"Collective bargaining" is not absent when it comes to making appointments on governmental agencies that deal with labor and management relations. Mine Mill succeeded in exerting considerable influence in the selection of the Chairman of the Nonferrous Metals Commission, Charles A. Graham, public member, who had already ingratiated himself with the organization through his work with the National Labor Relations Board. Because Graham was something of a labor choice, a balancing public member more acceptable to management was found in John Gorsuch, a lawyer from Denver. In keeping with the tripartite principle, two management and two labor representatives were also appointed.

For the duration of the war, the Nonferrous Metals Commission was a central factor in collective bargaining settlements in the industry. The commission experienced some trouble in applying the holdback provision and it had to be dropped. It also ran into a conflict with the National Wage Stabilization director over application of wage stabilization principles, particularly the extension of the dollar-a-day increase to other mining and smelter workers in the West. Not to have treated all western miners and smelter workers alike would have been disruptive. In addition, a fight over geographical jurisdiction of the commission was important for the bearing it had on the union's objective of creating industry-wide bargaining. When the NWLB finally decided that the commission's jurisdiction would be limited to the eleven western states, it was a mild defeat for Mine Mill.

Space does not permit a detailed accounting of the work of the commission. Undoubtedly bargaining was extended, and Mine Mill made gains. The commission denied a second-round increase of wages in 1944, and in retrospect it is evident that wages were stabilized, that is, they were checked without further general increase until early in 1946. On fringe issues, the commission simply applied NWLB principles, although one attempt to give a flat increase in wages in lieu of night shift differentials was checked by the NWLB. Instead, shift premiums for work actually done on the second and third shifts were directed. Although the commission helped Mine Mill in the racial discrimination cases, so-called, in Arizona, perhaps as much would have been gained if there had been no commission and the issue had gone directly to the NWLB.[19] Similarly, the commission probably only assisted an inevitable development of unionism at the Utah Copper Company properties in Utah, when the company was directed by the commission to bargain.[20]

In passing final judgment upon the work of the Nonferrous Metals Commission and in endeavoring to assess the gains organized labor in the industry made during the war, it is difficult to be precise. In the first place, no one can say what unions might have gained if there had been no commission, or no National War Labor Board, or no war at all. Nor is it possible to measure certain gains or to relate them to any definite base period for purposes of comparison. However, as for the work of the Nonferrous Metals Commission, it did not contribute to any undue liberalization of the wage stabilization principles. Wage advances in the industry were substantially checked. After the so-called "first round" of wartime wage adjustments, there were no general industry-wide wage increases. The monetary gains were only in the "fringe" items. The work of the commission, on the other hand, served to illustrate how complex are the problems of the industry even in the narrow field of labor relations.

The commission faced such difficult problems as diverse wage structures and the contract system of mining (that is piece-rate and bonus systems of payment); multiple bargaining agents in a single property; reluctant or antiunion "bargainers" as well as wholesome collective bargaining; diverse industry and community situations ranging from isolated, one-industry communities to situations where nonferrous metals production is only secondary or minor in the general economic life; and maintaining balance between mining, smelting, and refining under the difficulties of serious manpower shortages and varying degrees and types of unionization.[21]

[19] *Ibid.*, pp. 761–63, *et passim.*

[20] *Ibid.*, pp. 236–40. Cf. *The Union* (published by IUMMSW), May 8, 1944, p. 3; June 6, 1944, p. 5.

[21] *The Termination Report of the National War Labor Board, Industrial Disputes and Wage Stabilization in Wartime*, U. S. Department of Labor, Vol. I, pp. 1122–23, *et passim.*

As for the gains that organized labor made, they are not clear-cut. Outstanding was the substantial increase in membership and union power. Yet there were certain overriding union weaknesses. For example, Mine Mill was not strong enough to bring about either industry-wide or company-wide bargaining; or, put the other way around, the companies were strong enough to control the bargaining structure. Nevertheless, Mine Mill made progress within its own organization toward unification of bargaining structure and strategy. More will be said of this when we get into the postwar era of bargaining. Meanwhile, the best Mine Mill could strive for in 1944, the time of its peak membership, was a program to achieve common expiration dates in all contracts. With wage stabilization still holding its vise-like grip over labor relations, Mine Mill could do little more than give lip service to an ambitious program which called for (1) a change in governmental policy so as to permit greater freedom in wartime collective bargaining—a definite sign of restiveness under government controls; (2) a demand for a seventeen-cent-per-hour increase in wages, a guaranteed annual wage and severance pay, premium pay for night shift work, equal pay for equal work (to eliminate geographic differentials which prevailed throughout the industry); and (3) job description and evaluation. The only demand upon which success was achieved, as has been seen, was in the matter of shift differentials. One should say, also, that Mine Mill benefited by gains under National War Labor Board "fringe benefits" policies, such as liberalization of paid holidays, vacations, and overtime payments.

POSTWAR PERIOD

Undoubtedly portions of the program of demands presented above were set up for future strategy. Long before the end of the war both labor and management in the nonferrous metals industry turned their thoughts to prospects in the postwar era. For the most part, on general issues they thought along lines similar to those of their counterparts in the labor movement and in industry generally. Apprehension as to the uncertain future naturally affected points of view. Unlike some industries, however, the nonferrous metals industry would present no great problem of physical reconversion. The major problem would be one of maintaining output and jobs when the government curtailed its demand. Would the postwar demand for metals by private consumers be strong enough to maintain activity in the industry at anything near the wartime levels? What would happen once the various wartime controls were relaxed or removed completely? What levels would prices and wages seek ? Both had been drastically held down. Would the marginal mines close? Would foreign competition become a threat to domestic production? Management wondered if labor relations could be kept peaceful during the period of uncertainty which would surely follow the war.

Again, some of the economic problems of the industry stand out. More or less unanimously for removal of restraints, management in the industry was, nevertheless, concerned lest favorable industry aids would be terminated. There was much talk in the industry about a national mineral policy, particularly a policy for marginal mineral resources. It was expected that a large number of mines would cease operations when wartime prices declined and the special premiums were abolished. While there was not complete unanimity of opinion, there was a wide support for a continuation of some governmental assistance program. Many industry spokesmen thought that there was good reason to preserve desirable resources in the public interest, to stabilize employment, and to bolster national security.[22]

But it was not just marginal resources for which a national mineral policy was advocated. More emphatic was the argument for such a policy "because the industry could not escape the world and its problems." A danger, it was argued, was that "we have been subsisting for nearly half a century with insufficient encouragement to discoveries." A prevailing point of view was that "if we wait for high prices to foster exploration, we may experience a lag of decades before adequate reserves are built up again." The obstacles to exploration and development were held to be "burdensome taxation, a repressive public-land policy, and tariff maladjustments." It was urged that stockpiling should be an integral part of the program, for that would assure adequate supplies of minerals for future emergencies. Such a program would prevent

[22] "Legislation to Conserve Marginal Deposits," *Engineering and Mining Journal*, April, 1944, p. 68.

the impact of war-generated surpluses from demoralizing domestic mining, and it would even afford a means of collecting some foreign debts while having a salutary stabilizing effect on the metals price level.[23] Above all, the dominant attitude, widely expressed, was to "get rid of some of the shackles on mining enterprise and again make it worth while for capital to take long chances in the hope of large rewards." The other side of the coin, in relation to this concern about the future, was the cost consciousness of the industry.

Naturally not all employers saw things in the same light. The premium-price plan, a subsidy program, had benefited some and irritated others. Some even had become convinced that a subsidy program was preferable to the tariff as an approach to the problem of maintaining the marginal producer. But there was sharp disagreement on the issue. On the union side Mine Mill had come out boldly for continuation of a subsidy program, in place of a tariff on imports, as a device for maintaining the highest possible level of domestic employment in the industry. It was pointed out by Mine Mill that theoretically the tariff is supposed to compensate the domestic producer for the added cost of his labor as compared to the foreign producer's labor cost. But the union looked upon the tariff as simply a disguised subsidy through higher prices, whether domestic producers needed such a subsidy or not. Its interest in this issue was to protect wage and working standards and keep men employed. It insisted that the tariff would not do it but advocated, instead, continuation of government subsidies to high-cost producers, consistent with a national policy of conservation. This, it asserted, would maintain full employment at the mines. Although some management spokesmen tended to agree with Mine Mill on this point, yet they said, "our reaction is that it may prove unwise to barter away protection on which some employment in mining certainly depends, until there is more assurance of obtaining the subsidies. A taxpayer-harried Congress may be hard to sell on a permanent subsidy policy."[24]

[23] E. Just, "A National Mineral Policy," *Engineering and Mining Journal,* April, 1944, p. 68.

[24] "MM&SW Union Opposes Tariff, Wants Subsidies," *Engineering and Mining Journal,* June, 1945, pp. 72–73.

The "First Round" of Postwar Wage Adjustments

A foremost issue in the minds of both management and labor, as the end of the war came, was the question of the future of wage and price controls. This problem, of course, was not peculiar to the nonferrous metals industry, since it concerned all industries and turned out to be a difficult one for the whole economy. Unionists in the industry anticipated a reduction in the work week and a decline in take-home pay, unless wage rates were increased. By the late fall of 1945, demand for a wage increase was building up in accordance with the pattern that had emerged nationally. One by one the various wage committees in Mine Mill asked for a 30 per cent increase in wages, while the locals affiliated with the various unions in the Metal Trades Department of the AFL demanded a thirty-cent-per-hour increase.

Some differences of opinion existed in Mine Mill as to proper strategy. On the one hand, it was proposed that the executive board work for united action almost simultaneously throughout the industry. On the other hand, it was argued that such a proposal failed to meet the realities of the situation, such as the difficulties of unifying action throughout the varied jurisdiction claimed by Mine Mill, as well as the complexities of the nonferrous metals industry, both at the primary and secondary production levels. The truth is that Mine Mill could not call anything like a simultaneous nationwide strike. Its organizational structure was not conducive to such a strike nor were its negotiations so organized as to make it possible.

Strikes began sporadically in the iron mines in Alabama and in certain of the mines and smelters in Utah on January 23, 1946, and in the brass mills in Connecticut on February 4. There developed considerable agitation for immediate strike action against the American Smelting and Refining Company properties nationally, to support the strike in Utah where the American Smelting and Refining Company was at the center of the local difficulties. In addition, a strike against the Anaconda Copper Mining Company in Montana was urged on the theory that this would support the brass industry strikes in Connecticut where the American Brass

Company, wholly owned subsidiary of Anaconda, was at the center.

The executive board discussed the problem at length at its meeting early in February. A "national strike plan," so-called, was evolved which recognized that the closest identity of interest was among the workers in the mining and smelting branches of the industry, and to a less degree in the fabricating end of the industry. Action was to be correlated in these two fields, yet the two should not necessarily be linked. United action on the broadest basis possible within each field was the aim. National strike action against the American Smelting and Refining Company was set for March 1 to allow time "for making certain that every A. S. and R. local is prepared" and to permit proper spacing with reference to strike action against the Phelps Dodge Corporation and the Kennecott Copper Corporation, scheduled for as close to March 15 as possible. The timetable envisaged action as near to April 1 as circumstances would permit at the Anaconda properties in Montana, the lead-zinc mining area of the Coeur d'Alene Mountains, the Tri-State district, and at other secondary lead-zinc and copper fields.[25]

Of central concern in the planning was how to win against the American Smelting and Refining Company, for this company was considered "the biggest stumbling block . . . the main obstruction in the way of wages." The American Smelting and Refining Company custom smelters had received no benefits from the subsidies under the premium-price plan, and its relative position in the industry was seriously jeopardized by upward pressure on wages. Nor would it get the same measure of relief from a rise in the price of metals that others might expect who had vertically integrated operations. Mine Mill realized that it had to establish with this company the pattern it hoped to set for the industry; hence, the concentration of effort upon it.

Early in February, a meeting was arranged with Worth Vaughn, Vice President in charge of labor relations for the American Smelting and Refining Company. When no success in negotiations was achieved a strike was called on February 25. Up to this time, it was the most far-flung coordinated strike action ever attempted by Mine Mill.

[25] *The Union*, October 3, 1945, p. 3; October 17, 1945, pp. 3–5; October 24, 1945, p. 3.

The strike in the Connecticut brass industry which began on February 4 had been building up during the previous months as negotiations dragged on. This is not surprising, for the period was one of uncertainty nationally. The Presidential fact-finding board in the steel industry, appointed on December 31, 1945, had succeeded in getting the parties together in negotiations but had not yet found the basis for settlement of the disputes.

As the timetable of broader strike action planned by Mine Mill began to take effect, with the Phelps Dodge employees in the Southwest going on strike on March 20, Secretary of Labor Lewis Schwellenbach appointed the Nonferrous Metals Industry Fact-Finding Board. George E. Strong was named chairman. Assisting him were James H. Wolfe of the Utah State Supreme Court and Professor Carl Borgmann of the Chemical Engineering Department of the University of Colorado. By this time the pattern of wage adjustments in what came to be known as the "first round" of wage adjustments had been fairly well crystallized. Yet, no settlement in the nonferrous industry had been negotiated despite continued conciliation efforts. Technically the board was instructed to investigate the disputes involving the workers and properties of the Phelps Dodge Corporation, Anaconda Copper Mining Company, Kennecott Copper Corporation, United States Smelting Refining and Mining Company, American Smelting and Refining Company, and the Coeur d'Alene operations. Later the Miami Copper Company, Castle Dome Copper Company, and Shattuck Denn Copper Company were added. But most of these companies made no appearance when called upon. Mine Mill was the chief union involved, although at some of the properties, particularly some of the Phelps Dodge properties, the unions affiliated with the Metal Trades Department of the AFL were also involved.[26]

The fact-finding board operated within the structure of the revised wage stabilization principles, which allowed liberalized cost-of-living adjustments, if necessary to achieve the maximum production of goods. Also, the "general pattern standard," enunciated by the Wage Stabilization Board in February, which permitted consideration of across-industry inequities, was important

[26] "Report and Recommendations of the Nonferrous Metals Fact-Finding Board," U. S. Department of Labor (mimeographed), *passim*.

in the nonferrous industry case because the "rare and unusual" treatment used to justify the dollar-a-day increase in 1942 permitted an increase of but five cents per hour under the cost-of-living allowance. Wage increases, of course, were not to be used as a basis for seeking increases in prices. The latter proved to be a difficult problem for management which, in most instances, might have agreed to wage increases if there had been no price control.

Under the circumstances the fact-finding board worked to justify the "national pattern," that is, an adjustment of 18.5 cents per hour. Consequently the board sought for a "related industry" and found the basic steel industry. The American Smelting and Refining Company denied that a close relationship existed. To meet the objections, the board engaged in some legerdemain on the question of related industries. It was a question of "generic grouping" with a "parallelism in their industrial processes, job classification or wage structures or interdependence or kinship of products, commonality of union organization, comparable importance of national or local operation" which the board held should govern. Legalistically playing with words, the board observed that " 'relatedness' has been used in a special sense and may not always be synonymous with relationship." With more legerdemain, the board said further, "the very idea of 'relatedness' as used ... implies the case where industries are so similarly situated in our economy that for the workers of one to get an advance without the others also advancing involves the idea among reasonable men of unfairness. Relatedness requires that they be equally treated ... within reasonable limits of correctness." It also was held by the board that "if the industry under consideration is related to an industry in which a pattern has been estimated, the question of inequity ... must be settled on an industry basis and not on a plant-by-plant basis." The industry could not "be split into fragments nor a plant-by-plant comparison be made." The latter conclusion was necessary to dispose of the contention of the American Smelting and Refining Company that an industry-wide approach was unjustified.

Finally after all the talk about "relatedness," by adding up the five cents allowable for the cost-of-living adjustment and taking 13.5 cents as the amount necessary to account equitably for the loss in take-home pay, in down-grading and other factors (whether they were the same in nonferrous or steel was not considered), the Board reached the 18.5 cent "pattern" in basic steel. It is also a little absurd that while the parties, particularly the union, admitted that no general pattern of wages had ever been established in the nonferrous metals industry, a general pattern adjustment could be justified. The reality that was ignored was that the application of an across-the-board uniform increase in cents per hour in the absence of an equitable base would have in fact created additional inequities within the industry.[27]

Recapitulation of Bargaining Developments

If Mine Mill hoped to establish a broader structure of bargaining relationships under the auspices of the governmental Fact-Finding Board, it was largely disappointed. Among managements throughout the industry, it was taken generally as a foregone conclusion that the wage disputes would be settled in accordance with the national pattern. It has been observed that most of the principals made no appearance at the hearings. This was symptomatic of their lack of respect for Mine Mill's program of wider bargaining. Mine Mill was ignored. Nevertheless a recapitulation of its bargaining position in mid-1946 shows that in many respects Mine Mill had become an important union. It reveals also that it had a long way to go toward fully consolidating the gains made during the war.

The success Mine Mill achieved in extending organization during the war years is reflected in the fact that, whereas 228 negotiated contracts were in force in 1942, 582 negotiated contracts were in force in 1946. These figures, of course, apply to the whole jurisdiction and not just to the western section of the industry. To be sure, some of the increase came about as a result of a merger with the National Association of Die Casting Workers,[28] but one would not be far wrong in saying that the increase in con-

[27] *Ibid.*

[28] The merger with the NADCW had shaped up and was consummated in 1942. In one respect it was designed as a move to strengthen both organizations and also to consolidate unions in the nonferrous metals field. On the other hand, and this is the most important aspect of it, it was a part of the plan of the communists to strengthen their position in the councils of Mine Mill.

tracts other than NADCW contracts was slightly over 100 per cent. The increasing strength of the organization is also revealed in the number of bargaining unit elections won. Between August 16, 1944 and August 15, 1946, Mine Mill participated in 148 such elections in the United States and 22 in Canada, making a total of 170. Only 52 of the elections involved workers and operations in the West. Mine Mill won 139 bargaining unit elections at 137 operations, while other unions won at three places. Unions were rejected at nineteen operations. In all of these elections, 34,191 workers were eligible to vote and 31,018 cast ballots. Mine Mill polled 18,187 votes; the A. F. of L. polled 2,702 votes; other unions polled 2,128; and, for no union, 4,017 votes were polled.

The scope of the issues and the relative success achieved in bargaining is revealed in Mine Mill's own summary of contract provisions prevailing in 1946 (see Table 1). Because the wage structure is not revealed in the table, it should be pointed out that there was no general increase in nonferrous metals industry wage rates from 1942 to 1946. Only intra-plant and a few inter-plant inequities were smoothed out to some extent. It should be noted, also, that while the base rate in the western mining and smelting industry compared favorably with prevailing common labor rates for heavy work, other than in building construction, and even exceeded the base rate in the iron and steel industry, the wage rate structure was, nevertheless, a greatly compressed one. The top rates for skilled hourly rated employees did not compare favorably with rates for skilled workers in many other industries.

With respect to the items included in the table one would say, perhaps, that they indicated only a moderate degree of union success, with the greatest achievements falling in the so-called "fringe" items—shift differentials, overtime and vacations—where the Nonferrous Metals Commission directives had their greatest impact. From a union point of view the showing was only fair on union security, with less than one-fourth of the agreements and less than one-fifth of the union's membership having the union shop. On this issue of union security, the influence of the commission is again revealed in the presence of maintenance of membership provisions in fifty per cent of the agreements. Whether Mine Mill could have gained more than this on its own or whether it would have achieved less without the commission directives under NWLB policy is, of course, a moot question. It may be noted, too, that the prevalence of the provision for arbitration of grievances was probably also traceable to the directives of the commission.

TABLE 1

EXTENT OF APPLICATION OF CERTAIN MINE MILL CONTRACT PROVISIONS, 1946[a]

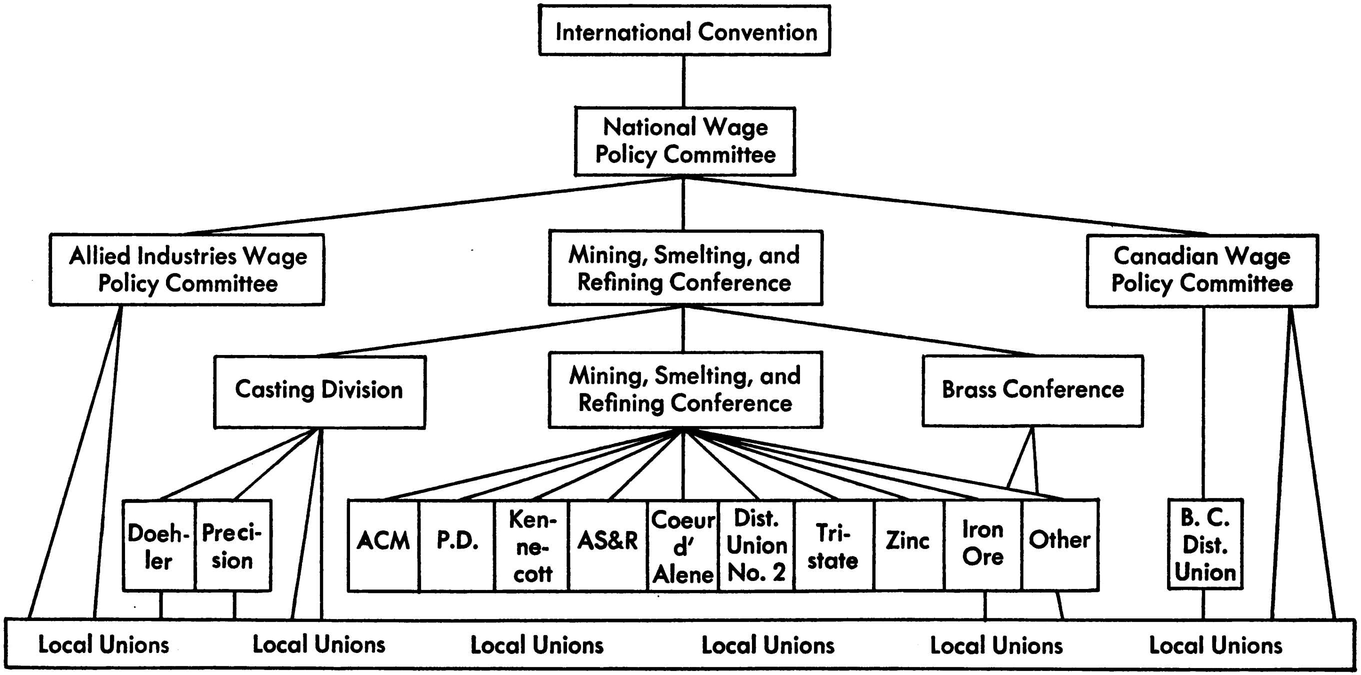
Contract provision	Percentage of contracts containing clause	Percentage of workers in union under such clause
International Union party to agreement	79.0	65.7
Union security:		
Union shop	24.6	18.8
Maintenance of membership	52.6	49.6
Sole bargaining rights	22.8	31.6
Check-off:		
Automatic (members)	30.8	49.3
Voluntary	41.3	35.3
Compulsory ("Rand" formula in Canada)	.9	4.9
Payment of grievance representatives	42.2	53.0
Top seniority—stewards	20.8	36.5
Final and binding arbitration	86.6	87.9
Shift differentials	62.9	80.3
Overtime: over 8 hours a day	90.5	91.5
Time and one-half for Saturday	18.6	27.4
Double time Sunday	21.5	28.8
Holiday work—time and one-half	70.8	58.5
Holiday work—double time	26.3	36.7
Paid holidays	8.9	11.4
Vacations:		
Only 1 week	18.6	13.3
Two weeks	75.1	78.3
Over 2 weeks	3.6	8.1
Graduated 1 to 2 weeks	21.1	21.6
Paid sick leave	3.8	2.9
Automatic renewal	73.7	73.4

[a] *Proceedings, Forty-second Convention, IUMMSW, 1946*, p. 103.

Except for brief mention of the AFL unions in connection with the development of bargaining rights in Arizona in the late thirties, attention has been paid only to the activities of Mine Mill. This is not improper because the AFL unions were relatively unimportant in the industry, although one should not ignore the position the various craft unions held at many Arizona properties and

FIGURE 1

INTERNATIONAL UNION OF MINE, MILL, AND SMELTER WORKERS
IDEAL COLLECTIVE BARGAINING STRUCTURE, 1946



SOURCE: *Proceedings, Forty-second Convention, IUMMSW, 1946,* p. 136.

in a few other places, such as around Salt Lake City and in Montana. In bargaining the AFL unions were not ahead of Mine Mill and could hardly be leaders. Under the commission and the Presidential fact-finding board, the AFL craft unions and Mine Mill were treated more or less together.

Plan for Bargaining

At its convention in 1946, Mine Mill set up a plan for future coordination of bargaining strategy.[29] It is best illustrated diagrammatically. (See Figure 1.) Three top planning and coordinating bodies representing major sections of the union's jurisdiction were set up; the National Wage Policy Committee was the central body, flanked by an Allied Industries Wage Policy Committee and a Canadian Wage Policy Committee. Under the National Wage Policy Committee were three main industry councils: the Mining, Smelting and Refining Conference, the Casting Division Conference, and the Brass Conference. Under these divisions were the company, industry, or area councils. Of particular interest in this study are those councils that had their center of operations in the West and those associated with the major companies or areas. It was hoped that these structures would lead to company-wide or to "industry-wide" or area-wide bargaining throughout the industry. The program might have had a better chance of success had it not been for the fact that the internal union leadership controversy became the dominant problem of the organization.

Internal Leadership Controversy

Of more significance for the future of unionism and collective bargaining in the nonferrous metals industry than the new bargaining structure that Mine Mill was planning in 1946 was the internal leadership controversy.[30] It overshadowed all other problems of the organization at the time and was a crucial factor in all negotiations thereafter. The struggle was of long standing, but during the war the assiduous development by the left-wing faction of the theme of "unity" kept the intensity of the struggle somewhat hidden and confused.

[29] *Ibid.*, p. 136.

[30] For a full account of the internal leadership controversy and for sources see Jensen, *Nonferrous Metals Industry Unionism, 1932–1954*.

Attention has already been paid to the fact that Robinson had parted company with his first supporters for new friends among the left-wing element in the labor movement. With their aid an effective machine had been gradually built up. A head-on conflict at the Joplin convention in 1941 served to bring out the alignments and to mark some of the conspicuous leaders on both sides. At the time, the executive board, with one exception, stood against Robinson and his office staff and corps of loyal organizers. But the fight ended in a draw and a truce was finally agreed to, so that the executive board could get on with the job of organizing the unorganized in the industry, for the time was more opportune for organizing than it had ever been. Also of importance as a factor making for temporary peace was the changed international situation. Russia had been attacked by Nazi troops and concentration on all-out production became of pressing importance to the left-wing group, so that we would be able to assist Russia.

The ensuing year passed without incident, but the truce simply provided an opportunity for the left-wing faction to gain strength. It has been seen how Robinson and his closest advisor, Riskin, with the assistance of Nathan Witt, took the public limelight in the wage dispute that reached the National War Labor Board. They were active in other ways, too, before governmental agencies. Meanwhile, the right-wing forces were not so effectively organized. They had stood together at Joplin but among them there were varying degrees of distrust of each other. Nor did they have a single leader of sufficient stature to weld them into an effective team. Even so, a right-wing opponent, John Driscoll of Waterbury, Connecticut, sought to oust Robinson from the presidency in the union election of 1942. Being an easterner he could not command enough strength in the West and lost.

The brass industry workers in Connecticut, however, had been aroused over the issue of communism within the organization and felt that their candidate had been robbed of victory. Such strong appeals were made to Philip Murray, president of the CIO, for intervention that Murray took a hand and prevailed upon Robinson to call a Mine Mill executive board meeting in Pittsburgh. At this meeting, in January, 1943, there was heated debate behind closed doors for two or three days. Afterward, this event came to be known as the "Pittsburgh Purge," for Riskin and others close to Robinson were forced out of the organization. The right wing had won a signal victory.

In retrospect, it is obvious that the right-wing group did not go as far as it might have. This was unfortunate for them. Robinson still had organizers and enough staff supporters to make possible the continued building of a machine. Furthermore, he had gained two supporters who had been elected to the board and who took office at the time of the Pittsburgh meeting of the board. Thereafter the left-wingers raised high the slogan of "unity" and in conventions in 1943 and 1944, strange as it may seem, the chief among the right-wing leaders cooperated in unity programs. Perhaps they thought they could always dominate the organization and could get Robinson away from his left-wing alliances. This they did not accomplish, and the unity program served only to give the left-wingers the time needed to build from within.

Robinson desired to be reelected in 1944 in such a manner as to reestablish his prestige in the CIO, because his stature had suffered from successive outbursts of disharmony in the union. As a part of a "unity" program he attempted to have all incumbent officers and board members reelected without opposition. He was unsuccessful. Instead, in most districts the elections were bitterly contested. Nevertheless, although Robinson failed in his original objective, he gained two new supporters on the board. He could now count on six votes, to six for his opponents. In addition, his opponents were not as well disciplined and suffered from the fact that they could not agree upon a leader.

Many of the significant details of the all-important internal fight over leadership cannot be brought into focus. It may be enough to emphasize that in the early part of 1945 the board was evenly divided. Soon a crucial event took place. Edward Cheyfitz, director of the Die Casting Division, whose behavior had always appeared to be somewhat opportunistic but who for some time had been one of the right-wing group on the board, resigned from his position. A battle ensued to determine his successor. Each faction blocked the other's original candidate. Finally, Kenneth Eckert, a compromise candidate selected by Cheyfitz, was named to succeed him. Eckert had always played the game astutely. He later admitted that he had once been a Communist Party member. Perhaps his break with the Party was not as clean as Cheyfitz thought it was. Although Eckert was his brother-in-law, Cheyfitz misjudged Eckert's current attitudes and loyalties. Once named to the board position, Eckert joined with the pro-Robinson forces to give them the upper hand for the first time. Thereafter the vote on all crucial issues was "seven to five."

The right-wing group was now fighting for survival with an uphill struggle facing them. They set out in earnest to select a slate. The fight was bitter. When it was over charges were made that the balloting was not free from fraud. The pro-Robinson group had control of the counting of the ballots and its actions were not above reproach. The right-wing slate felt that it was counted out. With the exception of the secretary-treasurer, Charles Moyer, who was elected without opposition, the pro-Robinson faction was left in complete control. Moyer's victory had resulted from an attempt of the pro-Robinson faction to split the right-wing by running a right-wing candidate. The person they selected was too sharp for them and after the nominations were closed refused to accept. Moyer's victory, however, was of no importance. The right-wing failed in its efforts to oust Robinson and his supporters.

The upshot was a widespread movement of secession from Mine Mill, centering in the brass industry of Connecticut and among the zinc and lead smelter workers in the Middle West. This in turn led to an investigation by a three-man CIO committee appointed by Philip Murray. But just before the committee was appointed, Robinson resigned from the presidency, hoping to head off the investigation. Actually, the Communist Party was later reported to have dictated the action.[31] It did not accomplish its purpose and, from the standpoint of the anti-Communist groups, the move only aggravated the internal problem, for it put Maurice Travis in the presidency. Travis later publicly resigned his Communist Party membership, in order to be in a position to sign the Taft-Hartley affidavit. At the time of his elevation to the presidency, he had been serving as vice-president.

[31] Among other things Robinson had involved himself in difficulty because he had tried to "borrow" $5,000 from an employer and this had placed him in a vulnerable position in the organization. But this was not the primary issue.

The "Second Round" of Postwar Wage Adjustments

Contract negotiations in 1947 were conducted while the internal fight was going on. The secessionists immediately were blamed for giving aid to the employers and weakening the bargaining program. Obviously, the turmoil within the union had a deleterious effect on the bargaining process. Likewise, it had a pronounced effect upon the plans that Mine Mill had been developing to establish wider negotiations. The union's new machinery for coordinating bargaining had been partly set up. No one in the union had taken any great exception to this development, but the internal strife was bound to interfere with its effectiveness. When requests for company-wide bargaining for all operations were served upon Kennecott, Phelps Dodge, and the American Smelting and Refining companies, they were rejected. Instead of bargaining for all of their operating units at one time and place, the companies made varying offers to the locals at each of their different operations.

Mine Mill then proceeded to present uniform general demands to all of the companies at all of their properties—the first time this had been done. The union claimed that there was behind-the-scenes collusion on the part of the several managements to keep the bargaining structure fragmented. Whether this was true or not the prevailing attitudes toward industry-wide bargaining would have produced the same result.[32] Again, however, the overriding influence in the settlement of the wages issue was the national wage pattern, the so-called "second round" of wage adjustments. Accordingly, although strike deadlines and the usual bargaining talk and acrimony accompanying negotiations prevailed, the industry wage settlement was for a twelve-cent-per-hour increase.

Internal Disaffection and the CIO Committee Report

The Mine Mill convention in September, 1947 dealt primarily with two problems that most pointedly beset the union: internal disaffections, including the CIO investigating committee report, and the Taft-Hartley Act. To meet the first problem a serious effort

[32] *Proceedings, Forty-third Convention, IUMMSW, 1947*, pp. 33–35, 39–41.

was made to move the date of the convention ahead so that it would be far in advance of the forthcoming CIO convention. This strategy was intended to ward off, if possible, any action that might be taken at the CIO convention in line with the report and recommendations of the investigating committee. Plans were well laid to give the appearance of unity within the organization and to permit the holding of a special election designed to "establish the fact" of rank-and-file control and support of the leadership and its policies. Because of the problem of getting adequate accommodations on such short notice, the date of the Mine Mill convention could be moved forward only a couple of weeks. Neverless, it was held far enough in advance of the CIO convention to permit partial accomplishment of the planned purpose.

Travis "sacrificed" himself by stepping out of the presidency. At the same time, however, he announced his intention of running for secretary-treasurer, a position in which, without opposition from the other officers, he could still substantially control the organization.[83] For president, John Clark, a smelterman from Great Falls, Montana, who had been serving as acting secretary-treasurer, was "hand-picked" by the Travis group. An outsider, Wesley Madill from Garfield, Utah, was added to the unity slate. Madill had been a campaign leader in the opposition (right-wing) slate in the previous election, but had refused to leave the organization with the secessionists and had fought against secession. Obviously it was a great victory for the Travis group to prevail upon Madill to run for office with them. While the Travis group was not successful in keeping opposition candidates out of the race, it was obvious that the left-wing machine control within the organization would carry into office only those who would contribute to the program of "unity." As hoped for, the CIO convention took no action against Mine Mill, although it straightforwardly condemned communist activity within CIO unions.

The Taft-Hartley Act—the Non-Communist Affidavit

The other problem that preoccupied the Mine Mill convention in 1947 was the Taft-Hartley Act. This "slave labor act," as they, like other labor groups, called the new legislation, was

[83] *Ibid.*, pp. 278–80, *et passim.*

thoroughly denounced. For our purposes it is necessary only to make note of Mine Mill policy toward signing the non-Communist affidavits. This affidavit-filing requirement accentuated the internal conflict and caused some trouble in subsequent collective bargaining. Mine Mill took the position that it would not file non-Communist affidavits. However, in spite of the previous secession, there was still a large vocal minority in the organization who did not like the policy of noncompliance because it left the organization vulnerable to raids by rival unions. Defections of locals here and there became a matter of serious concern. Furthermore, some managements in the industry, whether by prearrangement or not, refused to bargain with Mine Mill so long as it was "not conforming to the law of the land." Mine Mill officials charged, however, that this was a planned conspiracy to destroy the organization.

As the "third round" of postwar wage adjustments was making headway throughout the economy in 1948, interesting repercussions resulted in some places in the nonferrous metals industry from the management decision not to bargain. It involved Mine Mill in prolonged and costly strike action which the organization could ill afford to finance. In most places the "third round" settlements generally conformed to the national pattern which again approximated twelve cents per hour, although the adjustments were not as uniform as they had been in the first and second rounds.

One of the most interesting of the special cases occurred in the Utah area.[34] The refusal to bargain with Mine Mill set in motion a new secession movement which saw a number of locals affiliate with the Progessive Metalworkers' Council, an organization affiliated with the Shipyard workers and designed as a haven for secessionists from Mine Mill. At the Kennecott properties, however, the company was refusing to bargain until the union conformed to the law of the land—interpreted by Mine Mill as a studied effort to break up the Kennecott bargaining council. Nevertheless, with the aid of a United States conciliator, a "settlement" was finally worked out on the basis of the "national pattern" but without signing of any contract. Mine Mill was able to

[34] For a full account see Jensen, *Nonferrous Metals Industry Unionism, 1932–1954*.

avoid secession of its locals here, but its bargaining position was seriously weakened.[85]

At this time Wesley Madill, under pressure from the right-wing elements which he represented, was getting restive because of the obstinate refusal of the Mine Mill officials to change their policy on compliance. Madill found it difficult to keep his old friends and at the same time stand with his new associates. He was drawn back to the former, as his local at Garfield was preparing to leave Mine Mill if the policy could not be changed. In the face of serious losses to the organization traceable to the fact that Mine Mill could not get its name included on NLRB ballots until the non-Communist affidavit was signed, Kenneth Eckert, board member of the Die Casting Division, joined with Madill in an effort to bring about a change in the policy. Eckert even went so far as to confer with CIO officials to see if the charter of the National Association of Die Casting Workers would not be reissued. These developments were considered so serious within Mine Mill that a special "bargaining strategy" conference was held in Denver in May. This was a "stacked" meeting, at which Eckert and Madill received no support. Refusal to sign the non-Communist affidavit remained the policy. The result was that the two men left the organization, and Mine Mill experienced what might be called the "Non-Communist Affidavit Secession." Numerically this was as great a loss as the loss during the first general secession. Mine Mill lost the Die Casting Workers to the United Automobile Workers and lost additional workers in the Utah area, including the workers at the big Garfield smelter of the American Smelting and Refining Company, who affiliated with the Progressive Metalworkers' Council.

Yet a few months later, the opposition still within Mine Mill made one final attempt at the union convention held in San Francisco, in September, 1948, to prevail upon the organization to shift

[85] The truth is that local leaders at the Utah Copper Company properties thought secession was a foolhardy way of trying to correct a leadership problem. Furthermore, they understood that Philip Murray had advised against secession because the CIO was preparing to act decisively. It is interesting to note, too, that secession succeeded nowhere except when local leaders were willing to take the lead affirmatively. But it is interesting in this instance that leaders who opposed secession, but who were in favor of signing the oaths, were undermined by the machine control in Mine Mill. When the CIO later took action, the local was tightly controlled.

from its policy of noncompliance.[36] An anti-Communist element attempted to get the issue referred to the rank and file in a referendum vote but got nowhere. As a matter of fact, the advocates of a change in policy later were undermined in their local communities. Through well-laid plans of character assassination most of them were forced out of the union. The Travis machine ruthlessly cut down its opposition and blocked every effort to get the issue before the rank and file for a referendum vote.

Membership in Mine Mill diminished rapidly, and its position grew progressively weaker. As defections continued and Mine Mill was not able to defend itself at the time of NLRB elections, the policy on compliance with the Taft-Hartley Act was suddenly changed in the spring of 1949. Travis publicly announced that he had resigned from the Communist Party so that he could sign the non-Communist affidavit. Although he would never before admit that he was a Communist, the revelation of the fact caused slightly more than a ripple throughout the organization, for the machine control of the Travis group kept everyone in line. As a matter of fact the change in policy aided Mine Mill in holding the American Zinc Company workers in the St. Louis area.[37] Several employers who had been refusing to bargain with Mine Mill so long as non-Communist affidavits were unfiled now bargained and negotiated agreements.

Expulsion from the CIO

While the event took place some distance from the West, a rival union controversy in Bessemer, Alabama, was of special significance.[38] A secession movement had developed among the iron ore miners and steel workers who had been affiliated with Mine Mill since 1935. Appeals to the CIO led to the issue of industrial union charters, and one of the most bitter and viciously fought rival union controversies followed. The details will not be given, but in one encounter Travis lost an eye as a result of an injury. Because of the CIO's role, Philip Murray was castigated blatantly in the official Mine Mill paper. The situation was so nasty that the

[36] *Proceedings, Forty-fourth Convention, IUMMSW, 1948*, pp. 113–52.
[37] Jensen, *Nonferrous Metals Industry Unionism, 1932–1954*, pp. 248–250.
[38] *Ibid.*, pp. 233–245.

CIO executive board in May, 1949, partly at Mine Mill insistence, placed the matter on the agenda for special consideration. The CIO was now prepared to do something about communism within its own house. Although policy statements had been adopted at each of the three preceding conventions, no decisive action had been taken. When the executive board met, Mine Mill was severely condemned for its tactics and, along with all other unions in the CIO which were under communist domination, was put on notice to clean house or be expelled. This led directly to the action of the CIO convention in November, 1949, which prepared the way for the trials and subsequent expulsion of Mine Mill and ten other international unions from the CIO.[39] Thus, the rival union controversy entered a new phase, and Mine Mill found itself temporarily in a very vulnerable position.

As a result of the expulsion, the CIO gave jurisdiction over the workers in the nonferrous metals industry to the United Automobile Workers and the United Steelworkers of America. The Steelworkers were to have jurisdiction over those associated with mining, milling, smelting, and refining, while the UAW was to take over those associated with metal fabrication. Since that time, the Steelworkers have played an important part in collective bargaining developments in the nonferrous metals industry in the West, and the rival union controversy has been conspicuous in negotiations in the mining and smelting divisions of the industry.

It should be pointed out in this connection that one of the unions which became affiliated with the Steelworkers was the Utah group of workers, who had left Mine Mill and had been affiliated with the Progressive Metalworkers' Council. The Steelworkers set out vigorously to capture all the other mining and smelting workers in the West.

Mine Mill contracts had been opened in 1949 but no settlement had been reached before the time of the CIO convention. This was attributable to two factors: first, Mine Mill's basic weakness left it unable to force the issue and, second, the national pattern of the "fourth round" of wage increases had not crystallized.

[39] C.I.O., *Resolution and Report Expelling the International Union of Mine Mill and Smelter Workers from the Congress of Industrial Organizations*, 1950. Cf. *The Union*, Special Supplement, February 27, 1950.

It may be noted that the Steelworkers had been involved in a very bitter dispute in the steel industry over wages and pensions. The President had appointed a special fact-finding board which had made recommendations on pensions and other matters but had recommended no wage increase. While the Steelworkers had accepted the recommendations, the companies had rejected them and a strike had ensued. The strikes were finally settled at the time of the CIO convention, when the Bethlehem Steel Company made an agreement with the Steelworkers establishing a pension program. Mine Mill had made no demand for pensions and was highly critical of the whole development. It is of interest, therefore, that in January, 1950 they settled their negotiations with a simple five-cent-per-hour increase.

Failure of Steelworkers

The attempts by the Steelworkers in 1950 to take over the miners and smelter workers in the nonferrous metals industry were wholly unsuccessful. They were seriously rebuffed in Montana, in the Coeur d'Alene area, and in New Mexico, and they were unable to take over the important Kennecott group of workers in Utah. To discuss these events would make a long story, but it may be said that the first mistake of the CIO was to grant jurisdiction to the Steelworkers. If the CIO had set up a new international union, and had claimed to be preserving the heritage of the Western Federation of Miners and real industrial unionism, the men might have been persuaded to leave Mine Mill. But it would have required skillful utilization of local leaders. As it was it did not make much sense to the workers in the industry to become a part of the huge Steelworkers' organization, nor did they like the prospect of outside leaders coming into their local communities.

In addition, it is unfortunate that many of the Steelworker organizers did not get down effectively to the rank and file. They dealt mostly in generalities and harped unduly on the communist theme, whereas Mine Mill spokesmen were doing their best to push "bread and butter" issues which were more understandable to the workers. Mine Mill was doing its utmost to appear solely as the defender of workers' rights and the advocate of genuine collective bargaining.

At the same time, many managements were fearful that the powerful Steelworkers would gain bargaining rights. It is difficult to assess management's role in the defeat of the Steelworkers, but it was not negligible in some places. Paradoxically, Mine Mill constantly harped on the assertion that a vote for the Steelworkers would be a vote for company unionism, whereas many management spokesmen preferred bargaining relationships with Mine Mill because it was weak. In addition, the strength of Mine Mill machine control in the local unions must be kept in mind.

Negotiations and Settlements, 1951

The failure of the Steelworkers to make any headway in expanding their jurisdiction into the nonferrous mining and smelting industry led Mine Mill to consolidate its position. By 1951 it was stronger than it had been in several years. The presence of these two bitter rivals in the industry, therefore, gave rise to difficulties in the bargaining negotiations in 1951. In addition, the governmental wage stabilization program occasioned by the Korean War set some limits to approvable wage increases. The Steelworkers, with their hold on the loyalty of the workers in Utah, except for the Kennecott group, had to make a good showing to offset the loss of stature due to the rebuffs to their organizing drives elsewhere. In turn, Mine Mill leaders had to make sure that the Steelworkers did not get out ahead of them in bargaining. Furthermore, there was an element of uncertainty about Mine Mill basic strategy. Would this union, dominated by its left-wing leaders, call a "political" strike in order to interfere with the mobilization effort? Many expected Mine Mill would call a strike for this reason if for no other. In any event the government was very much concerned about any possibility of a work stoppage in the nonferrous metals industry, for the copper supply was critically short.

Of course, the several companies had their own interests to protect, too. But it was the American Smelting and Refining Company that found itself in the most awkward position. Its large Garfield, Utah, smelter was a Steelworker bargaining unit, whereas all its other properties throughout the country were Mine Mill bargaining units. It had no mean task of trying to see to it that settlements with the contending rival unions were not too far apart on a cost basis.

The Steelworkers were intent on carrying steel industry patterns into their nonferrous metals industry bargaining units. At a number of mines in the Utah area and at the United States Smelting and Refining Company smelter at Midvale, Utah, demands for job evaluation had been delivered to employers; but most important of all a demand for a job evaluation plan at the Garfield smelter had been made upon the American Smelting and Refining Company. In each of these situations the Steelworkers were trying to establish job evaluation in accordance with a manual that had been worked out jointly by management and labor in the steel industry. Besides the disagreement over factors of job content and their relative weight, the questions of the proper base rate and the increment between job classes were important in the controversy, for the latter promised to result in a substantial increase in labor costs, in view of the existing compressed wage rate structure. In addition, the union was demanding a two-dollar-per-day over-all increase in wages, as well as more liberal health and welfare benefits and a noncontributory pension plan. The latter involved some modifications in the existing plans which the company had had in effect for a number of years.

Negotiations for a new contract began in March, 1951, and the Federal Mediation and Conciliation Service intervened on June 18. However, no settlement was reached. It must be kept in mind that Mine Mill had opened all of its contracts in the industry, too, and negotiations were underway. It has been observed that the Steelworkers were exerting every effort to make a better showing than Mine Mill. Because the Steelworkers were getting nowhere in their negotiations, a strike was called against the Garfield smelter on July 2. This is the largest single copper smelter in the world and was producing one-fourth of the nation's supply of new copper. Hence, the government was greatly concerned about the work stoppage. As a result, collective bargaining conferences were held in Washington under the auspices of the Federal Mediation and Conciliation Service throughout the latter part of July. No agreement could be reached.

On July 25 the Federal Mediation and Conciliation Service informed the President that further mediation was futile. The next day the President referred the case to the National Wage Stabilization Board—the first case under its dispute-settlement powers—and expressed his hope that the men involved would return to work while the matter was before the board. The union agreed to end the work stoppage, and the board appointed a special three-man panel to make findings of fact. It is of interest that this panel was not set up on the customary tripartite basis. It was expected that the Mine Mill disputes would reach the board, and the labor members of the board did not want to be in the position of having to give recognition on a board agency to an independent union, not affiliated with either the AFL or the CIO. It is also interesting that the panel was to make no recommendations but, instead, was to meet with the board to assist in drawing up recommendations for a fair and equitable settlement.

The hearings on this dispute naturally attracted interest throughout the industry. Because they were public, representatives of other companies and a representative of Mine Mill sat in to observe. To be in a position in which they could claim to have set the pattern for the industry, the Steelworkers were very anxious to get an early decision. The company, on the other hand, being involved in negotiations with Mine Mill at some of its other properties, was in no hurry to get its dispute settled until negotiations in the rest of the industry were nearer consummation.

On its part, Mine Mill was planning to offset the strategy of the Steelworkers. Mine Mill had not been able to establish even company-wide bargaining, but most of its contracts were open and negotiations were underway. The Federal Mediation and Conciliation Service had proffered its services and was trying to help the bargainers reach an agreement. It should be noted that in the Utah Copper Company division of the Kennecott Copper Corporation, negotiations this time were a little different structurally than previously, and differed, also, from those in the industry as a whole. A joint negotiating committee representing Mine Mill locals and certain locals affiliated with the AFL and with the Brotherhood of Firemen and Enginemen met with the company. Mine Mill had succeeded in developing these joint working relationships in order to have the advantage of cooperation with well-established conservative unions. It should be noted, however, that the parent organizations of the AFL unions looked askance at this bargaining alliance because they, no less than the CIO, regarded Mine Mill as being communist-led and dominated. But the local AFL craftsmen, frequently kin and neighbors of the Mine Mill workers, did not seem to be worried about the issue of communism, at least not among the local leaders.

Mine Mill scheduled strikes for August 1, but, through the efforts of the Federal Mediation and Conciliation Service, they were postponed. Finally the union set a deadline for August 27. During the latter part of August representatives of the negotiating groups were invited to Washington, D.C., for further conference. On August 26, Cyrus Ching, director of the Federal Mediation and Conciliation Service, recommended to the Kennecott Copper Corporation and the joint union negotiating committee that their dispute be settled on the basis of an increase averaging sixteen cents per hour, to be applied partly to a general wage increase and partly to classification adjustments. This was to be in addition to the pension proposal, on which the parties had already agreed. (Mine Mill had changed its attitude and was getting in line with other unions on the matter of pensions.) The union committee quickly accepted Mr. Ching's proposal, but the company rejected it. Therefore, on the morning of August 27, all Mine Mill locals throughout the industry went on strike—the first simultaneous "industry-wide" strike to take place in the industry. The AFL and Railroad Brotherhood locals involved in the negotiations called no strike, but they observed the picket line established by Mine Mill. The same day the President referred the dispute to the National Wage Stabilization Board and invited representatives of the bargaining groups to appear. Mine Mill had long since gone on record against having its dispute handled by the National Wage Stabilization Board and refused to order the men back to work. The board then referred the dispute back to the President, who invoked the emergency provisions of the Taft-Hartley Act and appointed a board of inquiry.

Meanwhile, on August 30, because he had heard that there was a prospect that they could reach an agreement, Cyrus Ching withdrew his proposal in order to clear the way for negotiations between Mine Mill and the Kennecott Copper Corporation. When the board of inquiry convened on August 31, it was informed that the Kennecott Copper Corporation and the union were near an agreement. When consummated it involved an across-the-board wage increase of eight cents per hour and an additional seven cents to be applied to reclassification adjustments. In addition, the previous agreement on a compulsory noncontributory pension plan was retained, estimated to cost four and one-half cents per hour. This ended the work stoppage at the Kennecott Copper Corporation properties in Utah and the terms of the settlement were quickly extended to the other Kennecott properties in Arizona and New Mexico.[40]

On September 5, after the strike had lasted about ten days, an 80-day injunction was invoked under the Taft-Hartley Act procedures. The workers returned to their jobs, and settlements were worked out at the American Smelting and Refining Company, Phelps Dodge Corporation, Anaconda Copper Mining Company, and other company properties on the same basis as the Kennecott pattern.[41]

The National Wage Stabilization Board approved the increases. It is an interesting fact that when the Garfield smelter case was finally settled by the NWSB, the modified application of the steel industry job evaluation plan, plus the eight-cents-per-hour general increase, put the Steelworkers out ahead with a better "package" by three cents per hour than the Mine Mill settlement.

Mine Mill Strength Reappraised

Mine Mill's power to shut the industry down by strike action had surprised many. It demonstrated that Mine Mill was still a union to be reckoned with and that it still had substantial control over the big producers in the industry. Clearly the union had consolidated its position. It should not be overlooked, furthermore, that the strike and the manner of settlement had had great pub-

[40] *Report to the President on the Labor Disputes Involving the Copper Industry*, September 4, 1951.

[41] The industry as a whole was unhappy with the settlement, having believed that, if Kennecott had not come to an agreement so quickly, a smaller wage adjustment would have resulted. The facts seem to bear this out, for it appears that a possible settlement in Montana at a lower figure was disrupted when word that Kennecott might settle caused the union negotiators to shy away and delay. Also, the industry believed it would have fared better had a settlement been worked out for all the companies at once. In addition, the great elation in Mine Mill ranks indicates that they got a much better settlement than they expected.

licity value for the union and did as much to reëstablish its prestige as any event possibly could have done. Furthermore, the strike was not a "political" strike. While this surprised some observers, it should not have done so. Mine Mill officialdom was doing its best to be respectable in collective bargaining. It realized that the workers would stand by the union only on the basis of a bona fide trade union program. It was in collective bargaining that the union would have to perform if it was to keep the Steelworkers and the CIO out of the industry. At the same time, no one among the rank and file seemed to mind the continued left-wing slant found in *The Union,* the official Mine Mill publication. The majority of the workers probably never read the paper in any case, and perhaps did not believe the charges of left-wing domination against some of their leaders.

But the settlements in 1951 did not put an end to the rivalry between unions. Some additional events of significance have taken place and the future is still uncertain. Early in 1952 the fight took a new turn when the CIO issued an industrial union charter to a group of workers in the Coeur d'Alene region in Idaho. Because of the previous failure of the Steelworkers and because of the distrust of outsiders, there was a specific understanding that the Steelworkers would stay out and let the local people do the job of organizing unassisted. This was a new experiment. The situation was complex, for a few years earlier the International Brotherhood of Electrical Workers, after fighting a case through the National Labor Relations Board in the face of opposition from both the employers and Mine Mill, had obtained an "area-wide" bargaining unit for electricians. In 1951, other AFL crafts were interested in achieving similar bargaining rights. Mine Mill, to eliminate strong local opposition to the left-wing tendencies of some of the national officers, had attempted to consolidate the three locals in the Coeur d'Alene area into one and was trying, contrary to its previous position, to establish an area-wide bargaining unit. To this the employers objected. Meanwhile, the newly chartered CIO industrial union mentioned above was seeking bargaining rights on a mine-by-mine basis. After long hearings and a decision by the NLRB to group some of the companies in an area-wide bargaining unit and some in separate units, an intensive campaign preceded the balloting to determine which union would represent the workers. The CIO industrial union won bargaining rights at two small mines, the AFL crafts—the electricians and bricklayers—also won bargaining rights, but Mine Mill won the remainder and continued as the dominant union force in the district. Nevertheless, a little over a year later the Steelworkers gained bargaining rights at the Sunshine Mining Company by a narrow margin in a vote of 262 to 225. This was an important wedge into the amalgamated Mine Mill district local. It remains to be seen whether the small hold will provide the CIO or the Steelworkers with a base for expansion in the future.

The Steelworkers have recently won bargaining rights in contests with Mine Mill at small properties at Nye, Montana, Chewelah, Washington and Salida, Colorado. The Steelworkers, however, failed early in 1954 to gain bargaining rights at Butte and Anaconda, Montana. Yet, compared to their first effort, they had made remarkable gains, for the vote was 4,099 to 2,185, whereas they had lost ten to one earlier.[42]

Also worthy of mention is a new AFL activity and interest in bargaining and in expanded membership in the industry. AFL locals, particularly those affiliated with the international unions associated in the Metal Trades Department, have worked together informally. In 1952, the AFL craft groups in the industry organized the Nonferrous Metals Council. Designed mainly to coordinate bargaining, the organization expressed its intention of embarking upon an organizational program when expedient to do so. In the summer of 1952, the crafts won bargaining rights at the new open-pit copper mine at Bisbee, Arizona—presumably the issue of communism within Mine Mill was a decisive factor.

The Nonferrous Metals Council has continued its activities, assuming the roles of information clearing and informal coordinator of bargaining. It has held annual conventions, and its members have discussed a program of more vigorous organizing. Some real consideration has been given to the problem of the structure of unionism which might be most effective in the industry. Frank discussions of the need for something other than simply the old craft approach have been held. In conjunction with this, the Metal

[42] Jensen, *Nonferrous Metals Industry Unionism, 1932–1954*, pp. 276–278, 292.

Trades Department of the AFL took action in September, 1954, to bring the matter of organizing in the nonferrous metals industry to the attention of the AFL convention, where a resolution was introduced supporting the issuance of a charter by the AFL to a "metal miners', smeltermen and refinerers' council." There the resolution was favorably received and referred to the executive council, for, as it was said, "it is definitely time that the American Federation of Labor took some positive position as to what they are going to do."

District 50 of the United Mine Workers of America is not without interest in the possibilities of organizing workers in the nonferrous metals industry. Its chief activities have been in the potash sector of the industry where it has won some bargaining rights. In the main its efforts to oust Mine Mill have not succeeded. Nevertheless, District 50 probably would not be averse to movement into other parts of the industry if the time ever seemed ripe.

Thus it can be seen that unionism in the industry is not a settled matter. Mine Mill dominates but there are serious contenders. In view of an unstable union situation, bargaining relationships continue to be somewhat unsettled. If bargaining relationships in 1952 were less of a spectacle than in 1951, their basic character was hardly changed. Negotiations were begun with the usual fanfare but with an undertone of caution. Obviously the nation-wide steel industry dispute, which defied settlement for so many months in spite of Presidential seizure, left Mine Mill and management in the nonferrous metals industry in an awkward position. Neither side was free from the influence of this dispute. Management would not move toward agreement until it could see the future more clearly than was possible so long as the issues in the steel industry dispute were unsettled. Furthermore, the price of zinc and lead broke sharply in late spring, and the supply of copper, while still short, was not as critical as the year before. The market situation gave management a leverage it had not possessed previously. It did not have to be hasty.

At the same time, Mine Mill could not be aggressive. In fact, it was embarrassing to Mine Mill officialdom to be marking time to the Steelworkers' dispute. Sentiment among the rank and file for strike action was lacking, and Mine Mill leadership did not dare build it up. It might have proved awkward if the leadership became committed to strike action and had to go through with it. The situation was different from the year before when they could have had their strike without the cost of a strike, for then it was certain that the government would intervene and put a stop to it. This year they could not count on government intervention. Of overriding importance, of course, was the fact that, in spite of the consolidation Mine Mill had achieved in the previous two years, it would have been vulnerable to possible raids if the rank and file became sufficiently annoyed by an unpopular strike. In spite of the tight machine control, Mine Mill officials knew that an unpopular action would have been tantamount to opening the door to the Steelworkers or others. Hence, they played along with a cautious bargaining theory.

After the experience in 1951, Kennecott was not going to set the pattern in 1952. Still smarting under criticism from the rest of the industry, Kennecott would not be hurried. It was Phelps Dodge that first agreed to what Mine Mill called a ten-cent "package" pattern, comprising an eight-cent-per-hour general increase and minor items. Most of the other operators went along after this settlement was reached, late in August. It may be noted that in many operations pension plans agreed upon in previous bargaining were finally negotiated. Of interest is the fact that the Kennecott Copper Corporation did not come to an agreement until January, 1953, notwithstanding Mine Mill's threat off and on to take strike action. Perhaps the Kennecott Copper Corporation was showing Mine Mill it could do about as it pleased and that it would select the time for settlement at its own convenience.

Bargaining in 1953 and 1954 was not without incidents of interest. Nation-wide settlements in other industries set the framework. Uncertain prices, particularly for lead and zinc, colored the situation in 1953 and to some extent in 1954, although there had been some improvement in the market for lead and zinc. In both years industry-wide strike votes were conducted by Mine Mill. Both were held to show great support for strike action, following upon prolonged bargaining that had produced a few results. Perhaps the strike vote in 1953 brought settlements, or perhaps it was in the nature of fanfare. Settlements were quickly achieved thereafter without resort to strike action, but it is possible that a strike vote was unnecessary to bring the companies to terms. The settlements simply followed the national pattern in other industries—a "package" of around nine cents an hour. Of some significance, however, was the fact that the American Smelting and Refining Company, long insistent upon local bargaining, signed a national memorandum of agreement setting forth the basic terms of settlement for all properties organized by Mine Mill.

In 1954 strike action had to be resorted to before settlements were achieved. The Kennecott Copper Corporation led in reaching agreement this time, but not until the men had been on strike for two weeks. Again it was claimed that a "package" settlement of nine cents per hour was agreed upon. Other major companies, except Anaconda, reached similar settlements without strike action, although there were many variations in the hourly rate increases and other terms. The strike at the Anaconda Copper Company properties across the country lasted for seven weeks and ended with a lower hourly wage increase than in other companies, notwithstanding the contention that the strike action was designed to bring Anaconda up to the others in the industry.

The most interesting aspect of the 1954 agreements, following the significant development in 1953 mentioned above, was the company-wide settlements with Kennecott and A. S. and R.

One further question of some importance for unionism and collective bargaining in the industry hinges on the outcome of legal actions now pending against Maurice Travis and Mine Mill. An NLRB test of the propriety of Travis' non-Communist affidavit failed to be damaging, notwithstanding that a trial examiner found that Travis had sworn falsely. Nevertheless, the Department of Justice had instituted action against Travis on charges made by a federal grand jury in Denver, Colorado. Perhaps as a result of these actions, just before the federal court ruled on the issue raised by the NLRB, Travis submitted his resignation as secretary-treasurer of Mine Mill. Albert Pezzati was appointed to succeed him. Recently the Department of Justice instituted action against Mine Mill on charges made under the Subversive Activities Control Act.

CONCLUSION

The nonferrous metals industry has never had any extended period of stable unionism in which to build the most constructive kind of relationships through collective bargaining. Weak unionism and the struggle to survive institutionally in the face of employer opposition in many quarters have served to fortify pervasive psychological attitudes of basic antagonism. For building good relationships through collective bargaining, there must be a strong feeling of mutual respect. Such a feeling, obviously, has not developed widely in the industry, although one should not assume that there are no examples of good or fair relationships.

Another factor in the situation which has had a pronounced effect upon collective bargaining relationships has been internal and rival union controversy. As a matter of fact, either one or the other, or both, have always colored labor-management relations in the industry to some extent. For a decade up to 1949 the internal union struggle was intense, and, since that time, bitter rival union struggles have continued. Both have had diverse influences upon the structure and practices of collective bargaining.

In collective bargaining in the industry the influence of the relatively few large companies is dominant. But small companies are not unimportant in certain places at times. Usually bargaining with one of the large companies sets a pattern for the industry, although in the first three postwar years the pattern was also a replica or reflection of a "national pattern," and, more recently, the framework of settlements has been established first in other industries. Even when there is a pattern type of settlement, contracts with the big companies have been on a plant-by-plant basis, except for some changes made in the last two years. Mine Mill has tried to follow a company-wide or industry-wide approach for years and has designed its own bargaining structure to achieve this result.

Of recent years, the Steelworkers have become a significant factor in the industry, although they have jurisdiction over no more than 5 per cent of the workers. They are important enough in the Utah area to complicate bargaining there and throughout the industry. Management constantly must avoid the effect of any whipsaw action in which one union gains concessions which provide a basis for greater demands by the other. Furthermore, managements who bargain with the Steelworkers find an alert group eagerly pressing for a settlement of grievances. The Steelworkers' strategy obviously is to impress workers in the industry with the idea that their interests will be well protected by the Steelworkers. As a matter of fact, some managements note the aggressiveness of the Steelworkers and long for the easier day-to-day relations with the Mine Mill locals.

Except for the consequences of internal and interunion controversies, labor relations in the nonferrous metals industry might not differ much from those in the country as a whole. If most employers came reluctantly to recognize unions, if some still resent the requirement to deal with organized labor, nevertheless, there is evidence that the majority have long since accepted unionism and collective bargaining. They decry the union and management controversies of the past and present. This does not mean, of course, that all do not bargain vigorously, for they do. That is not unwholesome. It is what collective bargaining should be; not soft, not obstinate, but business-like. If there are some who would prefer weak unionism—and the number may be larger than it should be—and some who would prefer controlled unionism, there are those among management who see in collective bargaining a device for working out mutually satisfactory relationships. The thing that many employers dislike and are quite concerned about is the instability of unionism in the industry, which tends to make collective bargaining awkward and unpredictable. Many are uneasy, moreover, because of the ideological tactics that might be used against them and against the nation in time of national emergency. Employers also fear the Steelworkers' entry into the collective bargaining situation, because they dislike the prospect of dealing with such a powerful organization under conditions in which steel industry bargaining patterns and practices might be forced upon them. Whether the "mutual trusteeship" concept enunciated by David McDonald, president of the Steelworkers, will make for a difference in attitudes is open to conjecture.

It can be said objectively that the major obstacle to future wholesome labor-management relations in the industry is unstable unionism, now existing in the form of rival unionism. If Mine Mill remains as dominant as it now is—and, barring a major upsetting force, it probably will—the government will be given some concern. It must be remembered that this industry is strategically important in a world that may be sitting on the threshold of a war. Perhaps the presence of the rival Steelworkers may serve to keep Mine Mill in line with bona fide trade union programs. Sometimes, as in the lumber industry, rival unionism has not precluded stability, but it should be noted that in the lumber industry the two main groups are not divided ideologically. Under the circumstances, however, the left-wingers in the nonferrous metals industry will do their best to be respectable in bargaining. This does not mean that they will necessarily be less adamant in pressing their demands. They cannot afford institutionally to fall behind their rivals. Meanwhile they will talk militancy and voice ideology. They will maintain their control, for the machine is tightly knit, unless a major issue should develop that would influence the rank and file to revolt. It is not to be expected that the current leaders will change their philosophy and settle down to bona fide unionism, but they will strive to create the appearance of being collective bargaining unionists. It is probable, also, that the present rival unionism will continue without substantial change for some time to come.

What is needed in the industry is time to practice collective bargaining under stable and responsible unionism. Responsible management in the industry is not averse to working with organized labor to make real collective bargaining work. Management and labor can learn to be responsible to each other and to the community. Under existing circumstances, however, the fight for institutional survival precludes the development of more wholesome relations. What is needed is a unionism without a left-wing ideology, a unionism that accepts the responsibilities as well as the freedoms of democracy, a unionism that accepts all of the democratic tradition. Even with this, management and unions would have to strive to make collective bargaining more wholesome and less antagonistic. Given stable unionism, however, collective bargaining quickly could become a stabilizing force in the industry.

Worker-employer relationships, set upon a man-to-man, businesslike basis, can preserve and protect the rights and dignity of all concerned. But this is the hope of the future. The reality is one of complex uncertainties.

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