

1995

Aliquippa: The Company Town and Contested Power in the Construction of Law

Kenneth M. Casebeer

University of Miami School of Law, casebeer@law.miami.edu

Follow this and additional works at: https://repository.law.miami.edu/fac_articles



Part of the [Labor and Employment Law Commons](#)

Recommended Citation

Kenneth M. Casebeer, *Aliquippa: The Company Town and Contested Power in the Construction of Law*, 43 *Buff. L. Rev.* 617 (1995).

This Article is brought to you for free and open access by the Faculty and Deans at University of Miami School of Law Institutional Repository. It has been accepted for inclusion in Articles by an authorized administrator of University of Miami School of Law Institutional Repository. For more information, please contact library@law.miami.edu.

BUFFALO LAW REVIEW

Volume 43

Winter 1995

Number 3

Aliquippa: The Company Town and Contested Power in the Construction of Law

KENNETH CASEBEER†

Little Siberia they called it and with good reason. The A.F. of L. organizers were not even permitted to enter Aliquippa (then called Woodlawn) during the great steel strike of 1919. Friends or relatives of its inhabitants were not allowed to stop for an unauthorized visit. Roads were barred and every stranger alighting from the train was questioned, and if he could

† Prof. of Law and Scholar in Residence, University of Miami School of Law. I have benefited from suggestions by Martha Mahoney, William Forbath, Jim Pope, Katherine Van Wezel Stone, and Frank Munger, and from unpublished student papers at the University of Pittsburgh Labor Archives: Eric Leif Davin, *The Littlest New Deal: SWOC Takes Power in Steeltown, a Possibility of Radicalism in the Late 1930's* (n.d.) (unpublished student paper, on file with the University of Pittsburgh Labor Archives); Martha Chamovitz, *The Persistence of Ethnic Identity in Two Nationality Groups In a Steel Mill Community* (1976) (unpublished student paper, on file with the University of Pittsburgh Labor Archives); Yvette Kostelac, *Collective Identities: Ethnic Organizations and Union Development in Aliquippa, Pennsylvania, 1930-1940* (1983) (unpublished student paper, on file with the University of Pittsburgh Labor Archives). Research was supported by a grant from the Fund for Labor Relations Studies, AFL-CIO, without which the archival work could not have been done, and by appointment as a Scholar in Residence at the University of Miami School of Law. Particular thanks to David Rosenberg, Labor Archivist at the University of Pittsburgh Hillman Library Labor Archives, and three outstanding people, research assistants Amy Horton, John Fisher, and Carlos Mustelier.

This article is written to allow the historical speakers to make their own substantive points and to recover their voice. Hence there is frequent use of block quotations in text. Data about the steel industry generally is placed in notes. Two other recent articles in the labor law field have drawn extensively upon workers' voice to elucidate the repressiveness of current legal policy and the need for change. See Fran Ansley, *Standing Rusty and Rolling Empty: Law, Poverty, and America's Eroding Industrial Base*, 81 *Geo. L.J.* 1757 (1993); Julius G. Getman & F. Ray Marshall, *Industrial Relations in Transition: The Paper Industry Example*, 102 *YALE L.J.* 1803 (1993). Both use extensive quotations as articulation and evidence for change, and to mark the inevitability of contested change. This work and a prior article use this method to critique legal practices as productive of repressive policies as part of legal content. See Kenneth Casebeer, *Unemployment Insurance: American Social Wage, Labor Organization and Legal Ideology*, 35 *B.C. L. Rev.* 259 (1994).

not render a good account of himself and his business, hustled into jail overnight and then back to whence he came. When the great steel strike was called in September 1919 the cordon sanitaire proved its effectiveness; not a man walked out of the Jones & Laughlin Aliquippa mills.¹

Around our Aliquippa Works we have a blank page. We've bought the land. When the plant is fully built the men who work there will constitute, with their families, the population of a good sized town. We want it to be the best steel town in the world. We want to make it the best possible place for a steelworker to raise a family.²

We never had labor troubles of any consequence, even though they were sometimes occurring in the plants of other companies, especially in 1919. I attribute this result to the direct personal contact between our management and our men.³

The big trouble was, we couldn't call our souls our own. We couldn't think unionism. All the swimming pools in town and all the athletic fields and Tom Girdler's man-to-man policy couldn't make up for the fact that we had no job security. We were treated like pig iron. We were just a commodity.⁴

Aliquippa, Pennsylvania, during the 1930s was the company town of the Jones & Laughlin Steel Co. The works of Jones & Laughlin ("J & L" or the "Company") stretch for over three miles along the Ohio River, twenty five miles north of Pittsburgh. They are now largely rusted, scavenged hulks of mills that employed more than 10,000 workers for decades — before the 1980s takeover by the LTV Corporation in the death pains of the industry.⁵ Now they are worked by a few hundred. Then and now, if you did not float to the company docks, you dropped out of the ridges on the single road following the bottom of the side valley emptying into

1. *National Labor Relations Act and Proposed Amendments: Hearings on S.1000, S.1264, S.1392, S.1550, S.1580, and S.2123 Before the Senate Comm. on Education and Labor*, 76th Cong., 3d Sess. 4657 (1940) [hereinafter *NLRA Hearings*] (testimony of Philip Murray, vice president United Mine Workers).

2. TOM M. GIRDLER, *BOOTSTRAPS* 166 (1943) (William Larimer Jones to Tom M. Girdler). Girdler was General Superintendent of the Aliquippa works for J & L from 1920 to 1925, then Vice-President and President to 1930, when he left to become President of Republic Steel. There he led Little Steel management in the 1937 strike, during which the Memorial Day Massacre of union pickets was perpetrated at Republic Steel's Chicago mill.

3. *To Create a National Labor Board: Hearings on S.2926 Before the Senate Comm. on Education and Labor*, 73 Cong., 2d Sess. 772, 774 (1934) (testimony of Tom Girdler, chairman and president, Republic Steel Co.).

4. Spencer R. McCulloch, *Career of Tom Girdler, Steel's #1 Strikebreaker*, *ST. LOUIS POST-DISPATCH*, June 29, 1937, at 1C [hereinafter *McCulloch*] (quoting anonymous steelworker).

5. Barnaby J. Feder, *Survival a Struggle in a Town that Steel Forgot*, *N.Y. TIMES*, Apr. 27, 1993, at C1. See generally JOHN P. HOERR, *AND THE WOLF FINALLY CAME: THE DECLINE OF THE AMERICAN STEEL INDUSTRY* (1988) (discussing the decline of the American steel industry).

the Ohio. Today, storefronts of old buildings, broken and boarded up, line the mile or so of the highway through the old town. One in ten still opens for business, most prominently as liquor stores. The old hotel, where the union organizers stayed, became a warehouse; the company store, a subsidized housing center. On either side of this main street, creeping up the sides of the hills and ridges defining Aliquippa, the Company built, over time, twelve plans of housing, one per hill. The hills determined the number of houses. J & L determined the ethnic groups of workers and townspeople who would populate each plan. The only way to go between plans was to drop down into town before starting up a separate hill.

Main street ended at the entrance of J & L, called the Wye because of the road's abrupt right turn, through a gated tunnel under the rail road embankment of the Aliquippa and Southern Railroad, also owned by the Company, which separated the town from the works. If it was hard to get into Jones and Laughlin without welcome, it was also hard to get out, or to get others in, as the Company would discover in 1937 during the triumphant organizing strike of the Steel Workers Organizing Committee ("SWOC"). Earlier, in Aliquippa, life had been just plain hard.

In and after June, 1935, the Company discharged thirteen men: Domenic Brandy, Angelo Volpe, Harry Phillips, Martin Dunn, William Collins, George Marroll, Royal Boyer, Gulio Iacobucci, Martin Gerstner, Angelo Razzano, Ely Bozich, Ronald Cox, and Marco Lukich. The men were discharged for a variety of alleged causes, including inefficiency and violation of company rules, such as leaving machine keys unattended, failure to answer a whistle call, using a head signal rather than a hand signal, failing to close a door usually left open, and making bad nails.⁶

The men, working with the Amalgamated Association of Iron, Steel and Tin Workers, AFL ("AA"), brought unfair labor practice charges of retaliation for union activity to the National Labor Relations Board ("NLRB") under the newly enacted Wagner Act.⁷ Thus, the Jones & Laughlin case became the test case of the National Labor Relations Act's ("NLRA") constitutionality. With the case won in 1937, the Steel Workers Organizing Committee of the upstart CIO organized the Aliquippa Works following an unexpectedly brief forty-eight hour strike. J & L soon signed a less

6. *In the Matter of: Jones & Laughlin Steel Corporation and Amalgamated Association of Iron, Steel & Tin Workers of North America, Beaver Valley Lodge No. 200*, No. C-57, N.L.R.B. Record 33-42 [hereinafter NLRB Record] (incorporated in *NLRB v. Jones & Laughlin Steel Corp.* 83 F.2d 998 (D.C. Cir. 1936)).

7. National Labor Relations Act, ch. 372, 49 Stat. 449 (1936) [hereinafter *NLRA*] (codified as amended at 29 U.S.C. §§ 151-169 (1984)). Sect. 8-1 and 8-3 violations were charged.

favorable version of the industry pattern contract first agreed to by U.S. Steel earlier that year.

Such describes the case — *NLRB v. Jones & Laughlin Steel Corp.*⁸ — but not the law. To study any case opinion is to study only an artifact of a certain point of decision making within a larger set of institutional actions affecting the parties, with all such action involving legal intervention, invocation, or reliance. In fact, the powers affected by legal adjudication are often minor parts of the contestation of power between the parties, or indeed wider numbers of people not named. To study the law of the discharged men is more accurately to study the construction of power exercised in Aliquippa.⁹ Power is what people actually experience as their law. Power rarely turns on specific issues, but rather on a system of social expectations that prevail and define the realm of the possible. The constellation of power deployed in a community results from an ongoing historically specific struggle of the people there over the terms and conditions of social organization.

Ultimately, this article points toward making the study of law, and the practice of law itself, more explicit as an inevitable part and arena of struggle over the conditions of social life. Once explicit in these terms, the legitimacy of legal study and practice will face stronger pressure to be democratically constituted. Social democratic visions of the labor process attempt to make labor conditions and production more democratic. Similar visions of law conventionally attempt to make legal institutions more democratic. Together they are important strategically within labor and legal institutions, but are not enough to change barriers to democracy raised by law itself. At least some of the anti-democratic content of law depends on the production of legal meaning. To go further than institutional reform, the democratic project proposed here uses the social history of labor struggles to breakdown the barrier confining the understanding of the legal power that lawyers retrieve and use to sway judicial opinions, which are in turn limited to the formal procedures and arguments of justification invoked in a past case precedent. Thus, while in 1937, organizing J & L and winning reinstatement of the fired men were transparently separate events as NLRB election and Supreme Court decision, as a

8. 301 U.S. 1 (1937).

9. This assertion moves a step beyond the familiar insight of the legal realists who insisted law is simply what legal actors, broadly defined, do in fact. What actors do in fact depends contingently upon historical production of power to make consequences of action prevail, developed generally in Kenneth Casebeer, *Toward a Critical Jurisprudence - A First Step by Way of the Public Private Distinction in Constitutional Law*, 37 U. MIAMI L. REV. 379 (1983).

matter of legal power, the men and women of Aliquippa experienced them together. The social history¹⁰ of this company town during the period of the case is only the topic of this article, but is not its purpose. This democratic project depends upon reconstructing the theory of law as an aspect of democratic practice itself, and not simply upon reforming legal practices so that democracy is more a part of the operation of legal institutions.

Law functions socially as the legitimation of power exercised in the production and reproduction of social practices.¹¹ Those practices, so often alienating and unfree, are always contested no matter how natural and uncontroversial legal discourse would have them appear.¹² The Wagner Act itself was the product of social struggle, with both radical and liberal labor relations ideologies contesting control of the power that is embedded in the statute. Both visions can be found in its language. The failure to ground statutory interpretation in the political and economic context of the passage of the Wagner Act made it easier for federal judges, hostile to labor, to foreclose the more radical interpretation of workers' interests in crucial early decisions.¹³

Law is made undemocratic in a step by step process that reduces each complex struggle to a formal contest over a rule. In the next episode [case] this rule appears as a settled part of the natural background that forms the next decision. Turning past mediation into present fixed background is an ideological strategy which unreflectively structures current adjudication practices. It conservatively overemphasizes the power of past prevailing parties and their relative power, and excludes the relevance of those whose voices were disfavored. The task of producing a more democratic meaning of and for law requires that legal actors explicitly understand and confront their own contemporary social constructions within the contexts of many voices struggling to be heard and powerful. Training and democratic task collide. In order for law to not be the mere creature of a part of the citizens, the internal integrity of legal justice requires the recognition of continuity of present

10. On social history, see ALAN DAWLEY, *STRUGGLES FOR JUSTICE: SOCIAL RESPONSIBILITY AND THE LIBERAL STATE* (1991); Alice Kessler-Harris, *Social History, in THE NEW AMERICAN HISTORY* 163 (Eric Foner ed., 1990).

11. JURGEN HABERMAS, *LEGITIMATION CRISIS* (Thomas McCarthy trans., 1975).

12. Karl E. Klare, *The Public-Private Distinction in Labor Law*, 130 U. PA. L. REV. 1358, 1358 (1982).

13. Karl E. Klare, *Judicial Deradicalization of the Wagner Act and the Origins of Modern Legal Consciousness, 1937-1941*, 62 MINN. L. REV. 265 (1978). On the importance of social conflict to the passage of the Act and its contents, see Michael Goldfield, *Worker Insurgency, Radical Organization, and New Deal Labor Legislation*, 83 AM. POL. SCI. REV. 1257 (1989).

conflict to a contested, not an ahistoric and settled, past.¹⁴

Of course, the production of adjudicated law is simply part of the experience by which power is exercised in ongoing social life. Interdependence in the mutual construction of the social identity of individuals and the meanings available for their lives, further challenges the adequacy of current legal doctrine. Just as accepted legal practice does not easily see the ambiguity of past contested events, so does the complexity of social life yield tangled histories difficult for legal institutions to assimilate. Law reduces history, as history is rendered partial for legal consumption. For law to operate more democratically, the actual people of the dispute must appear in lived lives, not those artificially distilled and simplified.¹⁵

The exercises of power forming the contests related to the nominal legal dispute and parties must be identified. Often this requires uncovering the social alienation associated with the use of that power which has not been justified by democratic participation in its construction. Often, it is just such power which will be excluded from scrutiny in the way courts limit the relevant claims of the nominal parties. Legal cases need to be understood as ongoing mediations of social struggle, rather than as zero-sum conflicts to be settled. In a democratic form of social organization, legal actors need to be explicit about the democratic consequences of their legal intervention. To be democratic in substance, law must incorporate the struggle of those who are oppressed in the meaning that legal actions and decision makers deploy as the artifact of those who prevail in court.

Power involves what happens to whom. Illustrating the actual struggle makes clear the degree of authenticity of democratic participation in the operation of law as the official account of that power. What did "discharge for cause" mean—anything the foreman could document, or rather that retaliation which would be experienced in an isolated company town? Even further removed in abstraction, what are the intellectual limits on terms such as "wages, hours and conditions of work" as bargainable issues under the Wagner Act,¹⁶ where the line between community and workplace is experienced so tentatively if at all? Unfair labor practice

14. E. P. THOMPSON, *WHIGS AND HUNTERS: THE ORIGIN OF THE BLACK ACT* 258-68 (1975). On the historiography of struggle in the interpretation and genesis of legal development, and its opposition to the Progressive Historiography of the early twentieth century, and also to later Corporate Liberalism, see Klare, *supra* note 13, at 270-75, 290-91.

15. This requires substantially redefining relevance and causation in order to allow their experienced meanings, not just their formal participation, to be present. See TERENCE ANDERSON & WILLIAM TWINING, *ANALYSIS OF EVIDENCE* (1993).

16. NLRA, *supra* note 7.

has an entirely different meaning if given legal content, on the one hand, as an issue of bilateral expectations of formally defined employees under management direction—labor law of the capital firm—or if, on the other hand, given content as the distillation of a web of social power functioning within the mutually constituting social relations of a particular community.¹⁷ It is not to do social history, but to do law that I am proposing this project. Linking social meaning to the contested construction of power is a process paradoxically foreign to lawyers and their training. As foreign as a place called Aliquippa to the opinion in *Jones & Laughlin*.

In the Aliquippa case, actually much of this material is part of the record because of its origin in the investigations preliminary to government controlled prosecution, a facet of the case fully intended by the draftsmen of the Wagner Act,¹⁸ but invisible in the final court proceedings. Chief Justice Hughes asks,

When industries organize themselves on a national scale, making their relation to interstate commerce the dominant factor in their activities, how can it be maintained that their industrial labor relations constitute a forbidden field into which Congress may not enter when it is necessary to protect interstate commerce from the paralyzing consequences of industrial war? We have often said that interstate commerce itself is a practical conception. It is equally true that interferences with that commerce must be appraised by a judgment that does not ignore actual experience.¹⁹

The answer to Hughes' question must surely be: the organization of production can not be ignored — because democracy demands a forum representative of all those affected by the system of regulations reinforcing this particular company organization form as the economic base of community formation. But this is true in a way deeper than the judicial upholding of congressional, that is, national, authority. The same demand of considering all the sources of contested power shaping actual experience must be made of judicial characterization of the dispute to be mediated, before the judge adopts a rule that distributes political control. Hughes' same conclusion of political theory on the appropriate constitutional forum could have been reached by focusing on the availability of labor pools organizable into communities, attached to new divisions of labor, and managed by vertical integration. Rather than the fallout to other firms from strikes, national interest could have been explained in the fallout to other communities across

17. JAMES ATLESON, *VALUES AND ASSUMPTIONS IN AMERICAN LABOR LAW* (1983).

18. Kenneth Casebeer, *Holder of the Pen: An Interview with Leon Keyserling on Drafting the Wagner Act*, 42 U. MIAMI L. REV. 285, 345 (1987).

19. *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1, 41-42 (1937).

state lines due to local strikes. The market price system relates labor and affects community viability exactly as it relates products and firm viability. But, to double the bind on worker-citizens, making constitutional power turn on public interests in products has the additional demerit of articulating labor policy as if the labor time of workers was also a mere commodity, and to further obscure the necessary connection of government decision and market construction.

Labor leaders in this period did articulate the connection between democracy and corporate power. In defending the Wagner Act from attempts to weaken it in 1940, SWOC President Philip Murray spoke of the general experience of the steel worker and the rising need to interpret Constitutional power to create the conditions of democracy.

[For] 45 years, one single policy governed the relations between steel workers and their employers. That policy was, as steel employers put it: "We will deal with our employees as individuals only, and refuse to recognize or deal with them as an organized group or trade-union." That policy was undemocratic, inhuman, and contravened the fundamental tenets of the Federal Constitution. It was undemocratic because it denied the steel workers their rights of free association for their mutual protection. It was inhuman because it pitted the overpowering corporate wealth of giant industrialists against the puny strength of a single individual workingman. It violated the Federal Constitution because it forbade the individual worker to join hands with his fellow workers so that together, as an organized trade union, their power might begin to equal that of the huge corporation which gave them employment. That policy was enforced by coal and iron police, labor spies, tear and sickening gas, and other reprehensible means that mark the history of the 1901 and 1909 strikes against United States Steel, the 1910 strike against Bethlehem Steel, the 1917 strike against Youngstown Steel, the 1919 strike against the entire industry, and the 1933 strike against the Weirton Steel Co.²⁰

Geography and its relation to demographics describes much of significance for the history of Aliquippa, Pennsylvania. It explains its site as a company town of a large industrial firm from the early to the late twentieth century, and thus to the time and circumstance appropriate to the labor dispute underlying the test case of the constitutionality of the Wagner Act. As Peter Irons has documented, the choice of this case, *NLRB v. Jones & Laughlin Steel Co.*, carefully symbolized the need for a federal regulatory scheme

20. *NLRA Hearings*, *supra* note 1, at 4636. On the history of the importance of mutuality to labor ideology, see Richard M. Fischl, *Self, Others, and Section 7: Mutualism and Protected Protest Activities under the National Labor Relations Act*, 89 COLUM. L. REV. 789 (1989).

over the internal organization and discipline of the division of labor within enterprise quintessential to advanced capitalist social organization.²¹ Importantly, the *legal* ideology of Congress as the only forum representing all the stakeholders, in a dispute over the discharge of a small group of workers in retaliation for union activities within a vertically integrated basic industry, fit the legitimization of regulatory discipline of this developmental stage of capitalist markets. That is what Justice Hughes saw.

It owns or controls mines in Michigan and Minnesota. It operates four ore steamships on the Great Lakes, used in the transportation of ore to its factories. It owns coal mines in Pennsylvania. It operates towboats and steam barges used in carrying coal to its factories. It owns limestone properties in various places in Pennsylvania and West Virginia. It owns the Monongahela connecting railroad which connects the plants of the Pittsburgh works and forms an interconnection with the Pennsylvania, New York Central and Baltimore and Ohio Railroad systems. It owns the Aliquippa and Southern Railroad Company which connects the Aliquippa works with the Pittsburgh and Lake Erie, part of the New York Central system. Much of its product is shipped to its warehouses in Chicago, Detroit, Cincinnati and Memphis,—to the last two places by means of its own barges and transportation equipment. In Long Island City, New York, and in New Orleans it operates structural steel fabricating shops in connection with the warehousing of semi-finished materials sent from its works. Through one of its wholly-owned subsidiaries it owns, leases and operates stores, warehouses and yards for the distribution of equipment and supplies for drilling and operating oil and gas wells and for pipe lines, refineries and pumping stations. It has sales offices in twenty cities in the United States and a wholly-owned subsidiary which is devoted exclusively to distributing its product in Canada.²²

Such a far flung and vast organization of capital depended on a rational counter-organization of labor to handle disputes over distribution.

Long ago we stated the reason for labor organizations. We said that they were organized out of the necessities of the situation; that a single employee was helpless in dealing with an employer; that he was dependent

21. PETER IRONS, *THE NEW DEAL LAWYERS* 260 (1982). Irons contributes the most detailed history of the genesis of the Wagner Act and its constitutional defense. On the litigation and general history of the case the most extensive studies are RICHARD CORTNER, *THE WAGNER ACT CASES* (1964) [hereinafter CORTNER, *THE WAGNER ACT CASES*]; and RICHARD CORTNER, *THE JONES & LAUGHLIN CASE* (1971) [hereinafter CORTNER, *THE JONES & LAUGHLIN CASE*]. Cortner describes many of the events surrounding organization as background to the case only. See CORTNER, *THE WAGNER ACT CASES*, *supra*, at 114-19; CORTNER, *THE JONES & LAUGHLIN CASE*, *supra*, at 25-28, 32-34, 167-68. He does not attempt to link them to the substantive law or the litigation directly.

22. 301 U.S. at 26-27.

ordinarily on his daily wage for the maintenance of himself and family; that if the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and resist arbitrary and unfair treatment; that union was essential to give laborers opportunity to deal on an equality with their employer.²³

The organization of networks of capital needed to be balanced by networks of employees. A balance of forces could leave this type of dispute behind us, as settled, over, and therefore, unrelated to the next set of industrial strikes. Justice Hughes did not see what he did not need to see: the conditions of living in Aliquippa that would make this labor dispute in fact arise at this time and place.²⁴ And yet, precisely those conditions and social relations would not have existed but for the particular form of steel production which made this company town above Pittsburgh a viable economic and political form of social activity. The relation between the law of Jones & Laughlin and the political-economy of the company town in vertically integrated industrial oligopolies makes something different of the constitutional foundation the steel company challenged in an effort to preserve its local control over production in the plant and reproduction of the labor supply — however waning a hope this might prove to be in the pressures of depression. As Murray saw at the shop floor and in the closed steel communities, the steel workers' lives are the hidden part of the tonnage that shifted the constitutional paradigm in Hughes' mind.²⁵ A democratic interpretation of the distribution of constitutional powers would take the political effects from the workers' perspective into account, weaving workers into the fabric of constitutional construction, just as their mode of production had already demonstrated the interdependence of their work with the production of others across the nation. Horace Davis wrote in 1933:

Steel mills require much land, and they are seldom built in the middle of an existing city. Rather the mill is located outside urban areas, sometimes far from any important center of population. Steel workers come to live by the mill; they form a town. In this town the steel company commonly exercises in fact, if not in law, all the functions of government. The company dominates education and organized religion. It is the state.

The forces that police the steel communities exercise governmental au-

23. *Id.* at 33.

24. This is not to deny the importance of Hughes realism about federal power as a sharp break from past judicial practice. For a contemporary lauding of Hughes' political realism, see Ralph F. Fuchs & Walter Freedman, *The Wagner Act Decisions and Factual Technique in Public Law Cases*, 22 WASH. U. L.Q. 510 (1937).

25. On the social history of steel, see generally JOHN BODNAR, *WORKERS' WORLD: KINSHIP, COMMUNITY, AND PROTEST IN AN INDUSTRIAL SOCIETY, 1900-1940* (1982).

thority but typically are paid by the companies and [are] responsible directly to them. In time of industrial peace, the mills and company towns are policed by special deputy sheriffs, usually in uniforms -the retainers of the feudal lords of steel. In Pennsylvania these guards were formerly members of the force known as the "coal and iron police." . . . All commissions were revoked in 1931, but the legal basis of the system remains unchanged. The United States is the only important industrial country which permits private payment of officers of the law.²⁶

Who then are these men — Brandy, Iacobucci, Boyer and Bozich, and the others? Where are they from? What did they do and how did they keep it from the J & L police? Why did they win at the tunnel gates? Start with the overwhelming reality of the workers of Aliquippa — Jones & Laughlin. The Company built the town, the Company owned the town.

MAKING ALIQUIPPA

The town gained its name from Queen Aliquippa, the Seneca leader of the local Delaware tribe of the Iroquois, who resided in the area which became West Aliquippa. She was friendly toward the British. A young George Washington wrote in his 1753 journal:

I went up about three miles to the mouth of the Youghiogany, to visit Queen Aliquippa, who had expressed great concern that we passed her in going to the fort. I made her a present of a watch-coat and a bottle of rum, which latter was thought much the better present of the two.²⁷

At this time, the location was neutral territory for Native American tribes meeting in counsel or trade. At the point of the river which was to become first Woodlawn and then Aliquippa, a trading post known as Logstown was established, followed by a station on the Pittsburgh and Lake Erie Railroad much later in 1878.²⁸ During the last quarter of the nineteenth century, the railroad ran daily excursions here to Jones Woods along the river, which it leased as an amusement park. Aliquippa Park boasted picnic grounds, a dance hall, amusements, a roller coaster, a trotting track, and beautiful scenery.²⁹

Meanwhile, in 1851, Benjamin Franklin Jones bought a small iron works in Pittsburgh, merging in 1857 with James Laughlin to

26. HORACE B. DAVIS, *LABOR AND STEEL* 140 (1933).

27. JOSEPH BAUSMAN, *HISTORY OF BEAVER COUNTY* 850 (1904).

28. *History of Aliquippa Area Can be Traced to 1669*, *BEAVER VALLEY TIMES*, Sept. 12, 1953, § 2, at 11; *supra* note 27.

29. *THE TWENTIETH CENTURY HISTORY OF BEAVER COUNTY* 41 (Cheryl W. Beck ed., 1989).

form the Jones & Laughlin Steel Company.³⁰ In 1898, when it became evident that the company needed to expand beyond the limits of its Pittsburgh holdings, agents for the company began buying up undeveloped farm land and swamps in and around Woodlawn and West Aliquippa, including the amusement park along the river.³¹ In 1905, plans for a fully integrated steel manufacturing mill in the center of seven and a half miles of Company owned riverbank were completed, and in November of 1906, Paul Moore, head of the Company's Woodlawn Land Company subsidiary, began groundbreaking for the first blast furnace. Building the entire plant would last into the twenties. By then, the mills were fully integrated, with open hearth furnaces, Bessemer converters, coking ovens, and tinsplate, tubing and wire metal work sub-divisions.³² In the early 1930s, Jones & Laughlin ranked as the fourth largest steel company in the United States, with gross assets of 181 million dollars and 4.9% of the gross tonnage in the national market. The Aliquippa Works alone would have constituted the nations sixth largest producer by both employment and gross tonnage.³³

At first the work force consisted of mostly the local population of British and German stock. But as with other Pennsylvania mill towns, substantial immigration transformed the population before 1920.³⁴ During this time the population increased nearly five fold, from 3140 to 15,426, with 40% of the total being foreign-born.³⁵ As the industry and J & L grew, the company recruited workers in waves of Italian immigrants, and by the early 1930s, primarily Eastern Europeans, including Poles, Slavs and Ukrainians. When union organizing began in the thirties, larger portions of the work force were at least first generation natives. The total population stayed virtually the same, 27,116 in 1930 to 27,023 in 1940. How-

30. *Family's Fourth*, TIME, Apr. 13, 1936, at 72.

31. Gertrude Hightower, *History of Aliquippa, Logstown and Woodlawn* 7 (1941) (unpublished manuscript, on file at the B.F. Jones Memorial Library, Aliquippa, Pa.).

32. For the definitive study of the economic and structural development of the steel industry generally, see volumes I and II of CARROLL R. DAUGHERTY ET AL., *THE ECONOMICS OF THE IRON AND STEEL INDUSTRY* (1937). For a discussion of the development of the Jones & Laughlin Steel Co., see 1 DAUGHERTY, *supra*, at 22, 339 n.3, 488; 2 DAUGHERTY, *supra*, at 666-67, 712, 715.

33. 1 DAUGHERTY, *supra* note 32, at 22-24.

34. On immigration and steel generally, see JOHN BODNAR, *STEELTON: IMMIGRATION AND INDUSTRIALIZATION, 1870-1940* (1977) [hereinafter BODNAR, STEELTON]. On the conditions of steel workers in Pittsburgh early in the century, see JOHN A. FITCH, *THE STEEL WORKERS* (1911).

35. Dept. of Engineering and Public Policy, School of Urban Affairs, Carnegie-Mellon University, *Milltowns in the Pittsburgh Region: Conditions and Prospects* 70 (May 1983) (unpublished manuscript, on file with Labor Archives, Hillman Library, University of Pittsburgh).

ever, for men 21 years and older in 1930, native-whites totalled 3239; foreign born whites 4713; and African-Americans 906; shifting by 1940 to 4333; 3654; and 1031 respectively.³⁶ Of the 4708 foreign born men over 21 listed in Aliquippa in 1930, 337 were from Poland, 451 from Czechoslovakia, 241 from Austria, 1218 from Yugoslavia, 217 from Greece, 1276 from Italy and 968 from other countries.³⁷

In the 1930s, Jones and Laughlin still controlled the town economically.³⁸ It employed 10,000 of the town's population of 30,000. 7918 men and 1224 women were classed as workers in 1940, of which 6125 men and 169 women worked in Iron and Steel.³⁹ J & L owned 700 houses occupied entirely by employees, and it built many of the rest within twelve "plans" on land owned by its subsidiary, the Woodlawn Land Co. (the "Land Company"). Logstown, site of the original settlement, became Plan #2. This area, known as the Borough of Woodlawn, included 767.5 acres, of which 623.5 were owned by J & L. The Land Company's brochure described the future of "Woodlawn on the Ohio."

Woodlawn nestles in a beautiful valley 19 miles down the Ohio from Pittsburgh, in Beaver County, and spreads out its cozy homes upon the surrounding hills. Its streets are paved with brick in the business section and macadam in the residence section, concrete sidewalks, shade trees, sewere [sic] and electric lighted. It has every modern utility, such as natural gas, electric light, a pure potable water supply, and ample police and fire protection. Its school system is splendidly organized and its opportunities for delightful home and neighborhood life are not equaled in this end of the state. The new works are attracting iron and steel workers of the better class and the new town is designed to give them the very best homes amidst the most beautiful surroundings. The houses put up by the Woodlawn Land Company contain from six to ten rooms and bath, are constructed of brick, cement or frame or combinations of these materials, and are in every respect as attractive and convenient as any suburban town in the district can show, and are above the average city home in point of comfort and convenience.⁴⁰

In 1917, these houses cost between \$2200 and \$2400, and consisted of a downstairs with a living room, dining room and kitchen,

36. 2 BUREAU OF CENSUS, U.S. DEP'T. OF COMMERCE, SIXTEENTH CENSUS OF THE UNITED STATES: 1930: POPULATIONS, pt. 6, at 163 (1940) [hereinafter CENSUS].

37. *Id.* at 489.

38. For a study of life in a typical steel company town, see CHARLES WALKER, STEEL-TOWN: AN INDUSTRIAL CASE HISTORY OF THE CONFLICT BETWEEN PROGRESS AND SECURITY (1950).

39. CENSUS, *supra* note 36, at 183.

40. Mill Creek Valley Historical Association, Story of the Woodlawn Land Company 4 (n.d.) [hereinafter Woodlawn] (unpublished manuscript, on file at the B.F. Jones Memorial Library, Aliquippa, Pa.).

and an upstairs, with three large bedrooms and a bathroom with running water. The houses were being completed at the rate of one per day.⁴¹ Early immigrants with houses rented to boarders to accommodate the overwhelming demand. The three large bedrooms would house up to 25 men, each of whom would have the use of the bathroom and a bed for the duration of one shift. Families could rent a two room makeshift apartment upstairs, which consisted of a one room living room/kitchen, a bedroom, and the use of a shared bath.⁴² Women made and sold lunches to the single men on each shift. According to a June 1930 survey, "American employees preferred six room dwellings for their families. Many foreign, and nearly all Negro families found no constraint in houses of four rooms and bath, considering primarily the cheapness of the house, whether for purchase or for rent."⁴³

A worker-occupant could buy a home on time, the title remaining with the company. A deed and mortgage would be delivered to the purchaser upon payment of 50% of the purchase price. If the worker voluntarily left J & L employ, the Land Company would refund the payments less three percent. Whether one left voluntarily depended, in part, on what hours were worked, and therefore whether the house payments could be made. One of the plaintiffs, Ronald Cox, was called into the office of the general manager and told "that if he persisted in affiliating with the union, the company would not tolerate his back rents, and would have to put him out of the house; that the local merchants would not extend any credit."⁴⁴ In the early 1930s, 40% of Aliquippa families had mortgages controlled by J & L.

Only the Woodlawn Land Co. sold lots to merchants along Franklin Avenue, Aliquippa's mainstreet. The Pittsburgh Mercantile Co., the company store, was the only outlet for clothing and sundries which it would sell on credit, with payments to be deducted from paychecks.

This benevolent system of credit has the effect of keeping men within the company town, within control of the mill officials. And it assures always a surplus of labor which can be drawn upon whenever needed. . . . In Aliquippa, as pay envelope deductions, the workers are allowed only enough cash to buy food and meet such bills as can be taken care of in no other way. The average workman with a family to support and a normal debt owed the company, is allowed not more than \$10 a week in cash. All of his earnings above that sum, [Plant Superintendent] Saxer said, are credited

41. THE TWENTIETH CENTURY HISTORY OF BEAVER COUNTY, *supra* note 29, at 41.

42. *Id.* at 42.

43. Woodlawn, *supra* note 40, at 8.

44. NLRB Record, *supra* note 6, at 208 (testimony of Ronald Cox, March 2, 1936).

against his obligations to the company.⁴⁵

The company owned the railroad, the water company, the bus company, and the trolleys. The town newspaper, the *Aliquippa Gazette*, while nominally independent, was tied to its revenue sources, and therefore maintained an extremely pro-company and anti-union editorial policy, frequently warning residents in front page, boxed stories about specific outside agitators sighted in the area.

By 1934, some observers were not reading the brochures.

An ugly main street of squatty, dingy business buildings sprawled over the ravine between hills, leading to the fortress like entrance to the steel mill. On the steps of the hills rising from either side of the main street are the homes of the mill hands - dingy, dirty -looking frame shacks built by the company. The typical house has five small rooms crowded into two floors, the dwellings built close together. So steep are the hills sloping down to the main street that in heavy rains, tin cans, and the litter from the slopes gush into the main street of the borough. Beyond the area of the main thoroughfare the streets are unpaved cinder paths. Fumes from the mills and the coke plant have had their effect on vegetation. The original verdure of the hills is gone.⁴⁶

Land ownership also allowed the company to control community development. As former Aliquippa resident, Donald Thompson, put it, "You can call it ruthless segregation or common sense, but the company carved up its community into plans and assigned each incoming nationality to its own - Italians to Plan 11, Anglo-Saxons to Plan 12 across the valley, Serbians to Plan 7, and Plan 6, the highest hill, reserved for management."⁴⁷ The planned geographical barriers became, in a sense, law. Many of the steel workers,

when asked, will tell the story of a Negro who was killed by a Jones &

45. Mac Parker, *Steel and its Men - Battle of Giants*, PHILADELPHIA REC., June 27, 1934, § 2, at 1. Consider the experience of workers in the more open Pittsburgh Works.

As early as 1929, nearly half of the workers in the Pittsburgh plants of the J. & L. had accounts at the company store, and their debts to the store were regularly checked off their wages. Since the depression, the proportion has vastly increased, so that nearly all the workers are being "carried" to a greater or less extent at the store, until they are laid off entirely. This "carrying" puts the workers more than ever in the company's power.

DAVIS, *supra* note 26, at 144.

46. Parker, *supra* note 45, at 1, 2.

47. Interview with Donald Thompson, *quoted in* Eric Leif Davin, *The Littlest New Deal: SWOC Takes Power in Steeltown, a Possibility of Radicalism in the Late 1930s* (n.d.) (unpublished student paper, on file with the University of Pittsburgh Labor Archives). *See also* Harold Ruttenberg, *Steel Town*, NATION, Nov. 23, 1934, at 623, 624.

Laughlin policeman about a year and a half ago for breaking into a house in the "white plan," the section where only bosses and officials live and where by an unwritten law no Negro, Italian, or Slovene is allowed. Many doubt whether the Negro was really breaking into a house, but the incident served to intimidate the workers.⁴⁸

By 1916, when Bert Iacobucci arrived from Italy, Plan 11 was virtually entirely occupied by Italians from the Southern Province of Patrica. Ninety percent of Plan 11 were Patricans. Bruzzes' moved to West Aliquippa. The Music and Politics of Italy Club was split almost equally between the provinces. This high concentration of immigrants from two small areas in Italy resulted from a pattern of immigration. Immigrants would pretend to already have a job lined up in America when they were simply following familial word of earlier settlement.⁴⁹ This tended to replicate the tight geographic concentration preferred by the company and encouraged by the terrain. This isolation by plans perched on steep hills was compounded by economic circumstances. There were one or two households with a telephone on all of Plan 11.

Ethnic customs also allowed for greater police control. Italian families made wine. Who made wine was easily known by observing who bought crates of grapes at the freight station. As long as wine was not sold during prohibition, home consumption was left alone. However, it served as a convenient excuse to harass those who found themselves on the bad side of the police. Police would break into houses to search ostensibly for liquor and take union papers while smashing the wine barrels. The automatic fine for possession was \$11.45. Some activists paid this fine on a weekly basis.⁵⁰

Geographic immobility matched social immobility. During the 1920s, Aliquippa's population approximated 25,000, but only 50 to 75 students graduated from high school. To get jobs at J & L, boys who were under the minimum age of sixteen obtained false age certificates from certain local officials for a small fee. Many immigrant and black children were assigned to work for the summer quarter and given the winter quarter off. In the three out of four quarters attendance-system, students often dropped out of school to help their families work the garden plots which provided their margin against hunger. Almost all of the J & L jobs went to men. The only viable opportunity for young women seemed to be marriage to a

48. Ruttenberg, *supra* note 47, at 624.

49. Interview with Bert Iacobucci 3-4 (Dec. 5, 1979), in Beaver Valley Labor History Society Papers [hereinafter Iacobucci Interview] (on file in Labor Archives, Univ. of Pitt.).

50. *Id.* at 18-19.

millworker, a depressing prospect given the much smaller number of eligible males within the tightly knit and segregated ethnic communities.

Of course, the police exerted the most direct form of social control. The borough police were in reality an arm of the Jones & Laughlin company police, and their police chief had been employed by J & L. The company supplied men to become policemen, and anti-union operations were run out of the office of the J & L police chief, William Mauck. Prior to 1935, no public hall would issue a license to hold any open union meeting in Aliquippa. Workers soliciting authorization cards were followed, arrested on suspicious person charges, taken to the city jail, searched and, if union cards were found, fined or beaten. When people were taken into police custody, "they third degreed everyone who came down there."⁵¹ Fines were simply deducted from the monthly pay check along with rent and debts owed to the company store.⁵² Records were kept of all persons entering and leaving any hotel where union organizers stayed.

What happened in the streets, served as object lessons against protest in the plant. New men recruited from other regions were publicly fired and evicted in front of other workers for gathering socially in each others' houses. A young electrical worker protested his treatment to his foreman, who called the mill police. Four policemen began pushing the electrician around. He tried to escape the property by climbing over a coal pile. The police dragged him back to the mill, severely beat him in front of the workers, a general foreman bound him with hay wire around the hands and feet, and they threw him into a police car.⁵³

Political organization and social control became a seamless web. "In T.M.'s [Girdler] day you would report for work in the morning. The foreman would say: 'Up kind of late last night weren't you?' When you asked why you would be told: 'The light was burning in your room at 2 a.m.'"⁵⁴ Similar control extended to electoral politics.

On one occasion a small shopkeeper pointed to the fact that members of the governing council of Aliquippa were at the same time continuing to receive salaries as J. & L. officials, in violation of Pennsylvania state law. At the next election these men were replaced with others not openly in the company's pay but equally satisfactory to it. "The company ought to have something to say about the way the town is run," said an official of the J. &

51. *Id.* at 20.

52. *NLRA Hearings*, *supra* note 1, at 4179 (testimony of Clifford Shorts).

53. *Id.* at 4178.

54. McCulloch, *supra* note 4, at 1C (quoting anonymous steelworker).

L. housing subsidiary, describing the incident. "The company owns pretty near everything in sight."⁵⁵

During elections in the 1920s, Jones & Laughlin trucked people from the mills to voting places, whether they were naturalized citizens or not. Nino Colonna was taken to vote before he was fifteen and every year thereafter. He voted four letter words on the ballot.⁵⁶ Workers were fired for reading anarchist literature, and for belonging to the Democratic Party. Republican Party Chairman, J. A. Ruffner wrote an undated form letter, probably for the 1936 elections.

Dear Sir: In the opinion of the Central Republican Committee the election to be held next November 6th is of the highest importance to the people of Pennsylvania. Every citizen should exercise his or her right of franchise on that day.

THE RECORDS SHOW THAT YOU FAILED TO VOTE AT THE PRIMARY HELD LAST MAY.

You are strongly urged to vote on November 6th, and the Committee requests that you vote the straight Republican ticket."⁵⁷

Workers were fired especially for attempts at economic self-organization. If there was perceived to be a difference in these posed threats, unionism was the highest sin. Pete Muselin, born in Croatia, arrived in America in 1912, and reported being threatened and arrested numerous times for attempting to hold an organizing meeting. He was told that,

[w]e make the rules. This is not the United States. This is Woodlawn, and we're going to do what we please because J & L gives bread and butter to all these people. . . . Every once in a while the cops came to my home and just raided the place - no warrant, no nothing. They would take every book, every periodical, every bulletin; they'd just dump them in a pile and throw them in the police cruiser and they would never return them. They were looking for books on Marxism, but they could not distinguish one book from another, in order to make sure they cleaned out the house."⁵⁸

While he was chief of police, Mike Kane would run his motorcycle right into a boarding house kitchen to break up the "Hunkies."

In Aliquippa, attempting to organize a union was punishable

55. DAVIS, *supra* note 26, at 141.

56. Interview with Nino Colonna 6-7 (Sept. 9, 1979), in Beaver Valley Labor History Society Papers [hereinafter Colonna Interview] (on file in Labor Archives, Univ. of Pitt.).

57. Letter from J. A. Ruffner (on file in Steel Workers Union file, Historical Collections and Labor Archives, Pattee Library, Penn State Univ.).

58. Pete Muselin, *The Steel Fist in a Pennsylvania Company Town*, in BUD SCHULTZ & RUTH SCHULTZ, *IT DID HAPPEN HERE* 70 (1989) [hereinafter Muselin, *Steel Fist*].

by five years in prison. At a fraternal lodge meeting in 1926, Muselin and four other Croats were arrested and indicted on a charge of sedition.⁵⁹ The district attorney would not touch the case. The solicitor for Jones & Laughlin, Dave W. Craig, was appointed special prosecutor. The Croats were convicted in 1927 and sentenced to five years in the county work house. For any infractions, prisoners were sent to the hole, and given two slices of bread and a cup of water per day. Miles Reseter died in the prison hospital two or three months before the others were released in 1932.⁶⁰ Later, former J & L President Tom Girdler denied any coercion against unionists.

I don't recall any steps taken to discourage their activities, except the civil liberties and the freedom of speech that we had at that time, sometimes advising a man that he was better off in attending to his own business and handling his own affairs instead of having someone else handle them for him.⁶¹

Harry Phillips, the first president of Beaver Valley Lodge 200, Amalgamated Association of Iron, Steel and Tin Workers was followed by J & L police, then beaten by unknown assailants in a dark alley. Phillips told his story to the National Steel Labor Board.

[O]n August 30th I was delivering journals to different men to sign up on Davison Street and the Jones & Laughlin police - Donnelly and Slater and Chief Ambrose of the Aliquippa police - drove up to me and said, "What are you doing?" I said, "Delivering these papers." I give them one and it tells about the big meeting in Ambridge. They started to ask me some questions

59. Sedition Act of 1919, 1919 Pa. LAWS 275. The act reads in pertinent part:

Section 1. Be it enacted, &c., That the word "sedition," as used in this act, shall mean: Any writing, publication, printing, cut, cartoon, utterance, or conduct, either individually or in connection or combination with any other person or persons, which tends:

. . . .

(c) To incite or encourage any person or persons to commit any overt act with a view to bringing the government of this state or of the United States into hatred or contempt.

. . . .

It shall also include:

. . . .

(h) Organizing or helping to organize or becoming a member of an assembly, society, or group, where any of the policies or purposes thereof are seditious as hereintofore defined.

60. Muselin, *Steel Fist*, *supra* note 58, at 72-73.

61. *Violations of Free Speech and Rights of Labor: Hearings before a Subcommittee of the Senate Committee on Education and Labor*, 74th Cong., 3d Sess. 13787 (1938) (testimony of Tom Girdler to "LaFollette Committee").

and I said, "I ain't going to answer questions. I got to be at work at nine o'clock." So I went home and changed my clothes and started down the street, and when I got to the bottom of the hill around the Catholic Church - that is on Main Street beyond Franklin Avenue - they passed me there, and they passed me a little further down the street. I didn't see the Chief in the car the next time they passed me, and the last time they passed me just as I got near the old Rialto Theater. I went to the "Y" and happened to meet a fellow by the name of Robinson at the corner. I talked to him a few minutes, and he said, "I see the Jones & Laughlin police driving around backward and forward." I went to catch up to a man in front of me going to work. He wasn't more than twenty feet in front of me. I was going in the tunnel. There was a man there [who] said, "Harry." I turned around. I said, "Just a minute." I didn't get a chance to say that before I got planted in the mouth and struck over the head with a black-jack. I was pulled in between two automobiles, and the next blow I got must have hit me on the shoulder because I don't remember going in there. I knew I had to grab so I got hold of them. I had one man down and the other man half way down. I held them there until some help came. I made a lot of noise - I tried to anyhow. They pulled one man off, and the man they pulled off said, "Let them two fight", so they figured he was going to stand by and let them two fight. Before we could get up this man started after me with a black-jack again. When he started in after me he had a black-jack in one hand and screw driver in the other, and when I started to come up he hooked me on the side of the eye but didn't break the flesh - just scratched me. When I got up he made a swing with the black-jack at me and I ducked out in the open. I was going to run in and kick at the man but when I looked at the man again my head wasn't clear and instead of seeing one I saw four, so I thought the best thing for me to do was get out of the way. They started to run. I couldn't find anything to grab hold of but a piece of slag. I could just barely lift it and I couldn't throw it very far, and he started up the steps. He made a motion to throw the screw driver back at me and I went to look for a Borough cop. In that location there is generally one or two at all times. We have traffic lights there. It is a pretty bad intersection at that point, and they always need an officer there to watch traffic most of the time. I went all the way from there to the police station.⁶²

When requesting police protection from town police he was told, "Get the hell out of here. You don't deserve protection." Later, at the Steel Labor Board proceedings, Phillips recognized one of the attackers at a hearing on Huntington, West Virginia's organizing drive.

Company police broke into Financial Secretary Martin Gerstner's house while he was at work. The police threatened his wife and suggested that he should stop union agitating. Martin

62. In the Matter of Amalgamated Association of Iron, Steel and Tin Workers of North America, Beaver Valley Lodge v. Jones & Laughlin Steel Corp: Hearing before the National Steel Labor Relations Board 85-86 (Nov. 16, 1934) (on file in Labor Archives, Univ. of Pitt.).

Gerstner moved to Ambridge. Royal Boyer, a leader of African-Americans in the plant, also had his wife warned of his activities.

And then there was George Isoski. Isoski worked for J & L until he fell from a scaffold and spent 22 months in the hospital with a broken back. In exchange for waiving any corporate liability, he was promised a job for the rest of his life. Less than a week after his return from recuperation, he was discharged.⁶³ Isoski was not a union leader, but was active in collecting union cards among fellow workers. One evening in 1933, he was stopped by town police on a public street.

I went up to see Mr. [Martin] Gerstner, 213 Franklin Avenue, Financial Secretary. While going up, I seen two Jones & Laughlin Company policemen standing in front of this building and when I came back down from his house, they still were standing there. So I started for home when a friend of mine came to me and told me to watch myself because there is some cops following me. So I started for home and I got as far as the Laughlin School, and a machine came up and three company police came to me and one of them said, first he pointed his finger at me, and asked me how many cards I signed up and I said, "Its none of your business", and then he said again, "You bastard, how many cards have you", and I said none, when all at once he reached over and started searching me while the other cops watched and he took from the inside of my shirt, about fifty cards.⁶⁴

Police first arrested him for his own protection, claiming that he was drunk. He was taken to the station, held without contact, questioned and then, by the suggestion of the police chief, the next morning, a Sunday, was committed to the State Hospital for the Insane in Torrence, Pennsylvania. The commitment itself was not preceded by the hearings required by state law or medical procedure. Instead, he was examined by a panel which consisted of the company doctor, the company nurse, and the company real estate agent. His family was not informed of his whereabouts. Isoski spent two months in Torrence before intercession by Governor Pinchot forced his release.

In 1933, workers struck the Spang-Chalfant specialty steel plant across the river in Ambridge. Workers at various factories in Ambridge had voted to join the Steel and Metal Workers Industrial Union. Before joining the union, organizing in Ambridge started over the depression. The seven steel fabricating plants there adopted a share the work policy. No one was fired, but wages

63. Bruce Minton, *Steel Towns that Labor Runs*, NEW MASSES, Feb. 8, 1936, at 7.

64. Statement of George Issosky, Exhibit 5, Steel Labor Board Investigation, in Clinton Golden Papers (on file in Historical Collections and Labor Archives, Pattee Library, Penn. State Univ., University Park, Pa.).

were slashed in 1930 and 1931, and workers worked intermittently during each pay period. Many were without enough money for food. An Unemployed Council⁶⁵ grew rapidly to fight evictions and water and gas cutoffs.

The Council would assemble a large group of people in front of the house or apartment from which a family had been evicted. The members of the group carried the family's furniture back inside the dwelling. . . .

Some landlords tried to force tenants out of the apartments by turning off the heat and taking glass out of the windows. The Council fought this tactic by collecting cardboard and placing it over the empty window frames.

. . .

Council activists fought gas and water main shutoffs by using a special rod made by a blacksmith to reopen closed valves. They poured concrete over the reopened valves so that the gas or water company would have a hard time shutting them again.⁶⁶

Experience networking and organizing for the Unemployment Council became a direct basis for union organization.

On October 2, 1933, workers at the National Metal Moulding Works voted a strike. The next morning, the men marched to the mill demanding full recognition of the union. The company asked for a few days to think about it, and a union committee asked the workers whether they wanted to come in or stay out. They decided to stay out. The mill closed and nothing happened. The same events occurred at H.H. Robertson, Central, Wykoff, and Byers Mills. At 3:00 p.m. the same day, a delegation, composed first of Spang-Chalfant workers and followed by other union members, went to the Spang mill. They were met there by company deputies armed with rifles, tear gas guns, and machine guns. On October 4, fifteen men tried to go to work and were forcibly stopped by the pickets. Immediately, tear gas and gun shots came from within the mill, wounding one of the pickets.⁶⁷ The following day's events were documented in hearings ordered by Governor Pinchot on "Special Policing in Industry" in Ambridge, March 10, 1934. Sheriff O'Laughlin, chief law enforcement official in Beaver County and formerly head of the Jones & Laughlin Coal and Iron Police, was, in his words, contacted by all the industrial plants demanding protection and offering to pay all expenses of special deputies. Where-

65. On the Unemployment Councils and their relation to the CIO, see Roy Rozenzweig, *Organizing the Unemployed: The Early Years of the Great Depression*, in *WORKERS' STRUGGLES, PAST AND PRESENT: A RADICAL AMERICA READER* 168 (James Green ed., 1983).

66. *The Great Ambridge Strike of 1933*, BEAVER VALLEY LAB. HIST. J., Jan., 1980, at 1.

67. League for Social Justice, Report on Ambridge Riot 1-2 (1933) [hereinafter Social Justice Report], in Beaver Valley Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.).

upon, he got William Shaffer, commander of the American Legion Post in Aliquippa, to provide seventy-five boys with military experience, and added another seventy-five by his own efforts. In all 248 special deputies were sworn in, of which about fifty were J & L employees. The steel companies eventually paid \$24,811.40. The men were transported to Ambridge, organized into squads of four with at least one ex-serviceman, given weapons, and placed under the command of four lieutenants. One of these was Mike Kane, who was at that time justice of the peace in Aliquippa and an employee of J & L. The force was accompanied by Burgess (mayor) Caul of Ambridge and the county's prosecuting attorney. They marched military style to the Spang-Chalfant plant on Twenty-third Street, carrying tear gas, shotguns, clubs, revolvers and machine guns, marked with white handkerchief arm bands and some wearing overseas helmets.⁶⁸

The line halted in front of the Wycoff office. Pickets in the front line there stood silent, grimly clutching clubs. Women's voices behind these men sent vile insults at the long line. From the head of the column came: "Break 'em up."

Deputies stepped out of rank. One used his club on a striker, hitting the man across the knuckles to force him to drop a stick.

The hundreds of spectators who had crowded the sidestreets, sensing the danger for the first time, started to run up alleys and between houses. Many strikers joined them. But many stayed and defiantly jeered.

Suddenly I heard an explosion and saw a tuft of white smoke seemingly "bouncing" off the side of a brick house across from the Wycoff office. The tuft spread into a cloud and sent people scurrying down Duss Avenue toward Ambridge. It was tear gas.

Two other bombs were shot from deputies['] guns in the same manner and that part of the avenue was effectively cleared.

The marchers then resumed toward the main body of strikers at the Spang works.

The crowd of pickets, spectators and newspapermen knotted at the plant entrance all realized that identity meant nothing to the deputies, who meant to clear the sector at any cost.

A sedan leading the marchers reached the entrance unmolested, as did the head of the column, which halted.

Out of the car stepped a well-built neatly-dressed man - Sheriff Charles O'Laughlin of Beaver County.

Mounting the car's running board, he raised his two hands and asked for silence. The crowd quieted down.

"We're here" he said slowly, "to clear open up this entrance and clear

68. Commission on Special Policing in Industry Report to Governor Pinchot (1934) [hereinafter Governor's Report], in Beaver Valley Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.).

these streets and we can do it. I hope you'll go peacefully,"

He stepped to the ground. Before the crowd had time to take up its wild shouting, the Sheriff gave a signal and the deputies deployed through the crowd, shoving and poking anyone without a white armband, toward Ambridge.⁶⁹

When the shooting started, most of the men began to run. Approximately one hundred were injured, most of them shot in the back. A stray bullet killed an onlooker on a porch one to three blocks away. However, the union identified the victim as a picket named Adam Petrasuski. Mother Bloor spoke at the funeral. Police violently interfered with people going to the funeral of the man killed, and two women, Edith Brisker and May Ecker, were arrested when they tried to speak to the crowd.⁷⁰

Abuse was not limited to pickets, a bread delivery man showed the extent of municipal control.

I was near Twenty-fourth Street. There were no pickets or strikers there. A bunch of deputies, not among those who came in from the outside but from those who were inside shot at me. They were stationed on the railroad tracks. I did not know what for. I had no stick or anything. I was just watching from a distance what was happening when the fellows from the railroad tracks shot at me hitting me in the back. . . .

When I first came to the hospital I had to hang around in the waiting room. I was very sick, so I found a bench and lay down. Pretty soon someone came to me, I don't know whether he was a doctor or who, I was too sick to look up. He asked me "where you work?" I was too sick to reply.

The same evening Dr. F.C. Forcey who is on the staff of the Sewickley Valley hospital and who is also the company physician of the Spang-Chalfant Company said to me "You are a red." I said "sure, can't you see all the blood from my wounds." Then he said "You ought to be shot."

Then Dr. Boruku, the second day when he went to take the bandage off the wounds, asked me whether I cry. I said no. Then he tore the bandage off my arms, tearing the hair with it. "You must be tough," he said. Then when he started taking the bandage off my head he said "We're going to have fun now." He tried to tear it off. It hurt terribly, tears were rolling down my eyes, but I said nothing. He could not tear the head bandage off, so he took the scissors and cut my hair.

When the hospital was built a few years ago every worker in the facto-

69. Social Justice Report, *supra* note 67, at 3. Compare the official report by the Governor's Committee, based on the Sheriff's testimony, "the Sheriff crossed the street by himself and made a last effort to persuade the pickets to withdraw. The strikers retorted defiantly and the Sheriff told his men to take the strikers' clubs away. Within a few seconds tear gas was fired, clubs began to fly, and then buckshot was fired." Governor's Report, *supra* note 68, at 12.

70. *The Massacre in Ambridge 1 Dead, 100 Wounded*, STEEL AND METAL WORKER, Nov. 1933, at 3.

ries of this valley gave three days wages towards it.⁷¹

Other injured men were also interrogated about their work before treatment.

The next day, three carloads of police patrolled the streets breaking up groups of three or more at gun point, even on the steps of their homes. Many were routinely searched. Police raided the offices of the strikers to arrest several leaders of the strike, carrying off records and cash, without warrants. Leaders spent days in jail until released on habeas corpus.⁷² More than twenty men were fired at Spang-Chalfant. J & L officials approved of this "lesson" in law enforcement for its own community. In May, 1934, J & L paid Federal Laboratories Inc. \$1,925.60 for riot guns, long range tear gas projectiles, grenades, and ammunition.

Once the organizing campaign began having an impact in 1935, social control was exercised more concertedly and less openly. A civic group known as the Committee of 500 was established with company funds and the participation of many management personnel for the purpose of preventing the anti-American, foreign influences of unionism. The committee was formed at a meeting at which the main speaker was F. E. Feiger, Vice-President of J & L, and which included in attendance Harry Saxon, Superintendent of the Aliquippa works.⁷³ When asked if he thought it was a good thing to preserve law and order as in Ambridge, where workers were shot, the organizer of the committee, J. A. Ruffner, also county Republican Chairman, owner of the Aliquippa Gazette, and vice president of the J & L land company, said, "That's the finest thing that was ever done in this valley."⁷⁴ Ruffner added, "Why, they were picketing! Men who wouldn't work! Whenever three or four people gather together and make remarks that could be resented by another person, they are inciting to riot."⁷⁵ On July 14, 1935, the same day the Committee of 500 was announced, the *Aliquippa Gazette* ran a page one, boxed reproduction of one of the Committee's pamphlets.

My name is John L. Lewis. . . . I am a bloodsucker. . . . I must stir up hatred and violence . . . I will have in my employ many communists. They are good at violence and bloodshed. You cannot be neutral in this hour of strife . . . The fight is yours, you cannot evade it . . . take your place in the ranks with us, in the movement to show Racketeer Lewis that we have only

71. Social Justice Report, *supra* note 67, at 5-6.

72. Governor's Report, *supra* note 68, at 13.

73. Marguerite Young, *Steel's G.O.P. Vigilantes*, NEW MASSES, Aug. 4, 1936, at 9, 10.

74. *Id.* at 11.

75. *Id.* at 12.

one answer for him. Mr. John L. Lewis, we do not need you. You are dirty and the town and citizens of Aliquippa are clean.⁷⁶

A company union, the Employee Representation Plan ("ERP"), was established on June 15, 1933. Management distributed the bylaws in the plant and workers were forced to vote for it as the only balloted alternative. Those who refused were disciplined, sent home or threatened with discharge. The men "elected" were allowed to leave work when they wished and turn in whatever time they wanted to be paid. Clifford Shorts estimated his highest monthly take at \$900.⁷⁷ One man turned in 25 hours one day because of his one hour travel time. The chairman of the ERP was paid the huge sum of \$14,000 per year.

The company's efforts were made easier not only by ownership of the company town and access to the town itself by transportation and property ownership, but also by the coincident development of the steel industry in the region of Western Pennsylvania.⁷⁸ As each preceding ethnic wave became situated and somewhat organized, a new group could be brought into the plant and at the same time isolated in separate housing locations. In the thirties, southern blacks were recruited often as replacements for more militant workers invoking the inevitable distrust and mixture of race issues.⁷⁹

Geographic ethnic separation mirrored job segregation within the plant's division of labor. The tin department was worked almost exclusively by Welshmen.⁸⁰ Italians and Eastern Europeans worked the open hearths and blooming and butt mills.⁸¹ Beginning with a substantial recruitment drive during World War I, the employment office assigned the worst jobs in all departments to African-Americans. While comprising 8% of the workforce in the thirties, 13% of the common laborers were black. In the South Coke Works, almost all workers unloading coke from the ovens were black. They had to constantly chew tobacco on the job to clean their mouths of coke fumes and residues. Almost all of the workers

76. *Id.* at 10.

77. NLRA Hearings, *supra* note 1, at 4182 (testimony of Clifford Shorts).

78. On the relationship between work organization and work life in the development of the steel industry, see JOHN FITCH, *THE STEEL WORKERS* (1910); DAVID BRODY, *STEELWORKERS IN AMERICA: THE NONUNION ERA* (1960); DAVID MONTGOMERY, *THE FALL OF THE HOUSE OF LABOR* (1987); Katherine Stone, *The Origins of Job Structures in the Steel Industry*, 6 REV. RADICAL POL. ECON. 113 (1974).

79. For the experience of African-Americans in steel, see DENNIS C. DICKERSON, *OUT OF THE CRUCIBLE: BLACK STEELWORKERS IN WESTERN PENNSYLVANIA, 1875-1980* (1986).

80. Harold Ruttenberg, *Steeltown*, NATION, Nov. 28, 1934, at 624.

81. Interview with Clark Cobb 15 (May 14, 1980) [hereinafter Cobb Interview], in Beaver Valley Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.).

in the general labor gangs were black. No blacks worked in the blooming mill or the seamless tube mill. The general superintendent of the seamless mill was rumored to have a clause in his personal employment contract that stated that blacks would not be assigned permanent jobs there. He did not want blacks from the general labor gang to use the restrooms when working the seamless mill. The only black job in tin was the "pickler," who prepared rolled steel plates for tinplating by placing them by hand in a foul smelling acid solution. In the thirties, a few blacks moved into higher paying skilled jobs as a last resort when not enough white workers could be found for the most strenuous positions. For example, they were given the job of wire drawers who were required to move heavy rods on their shoulders.⁸² Supervisory jobs were closed to blacks until the union.⁸³ Clark Cobb worked the same job in the open hearth for twenty three years.

[T]hey had a few blacks on the lower paying jobs. Cleaning up and the greasy jobs like that. They stayed at one thing. If one would leave, die or quit, he would get replaced with another black, but when a promotion went up, for more money or better working conditions, then that was a white move because we had no rules to be governed by.⁸⁴

Until 1925, the open hearth worked a twenty four hour turn, with a twenty minute break every four hours. Men caught sleeping or eating during work were sent home. Men who did not report were fetched from home by the foreman. In the summer, many passed out. To get through, "[s]ome of the old guys would be singing the old hymns, ya know, sing back in the stables, they be singing that, some of them they would go on the side and say a little prayer, the foreman didn't like that."⁸⁵

Segregation was enforced in the town as well as the plant. There were no black teachers or store clerks. Some stores kept separate entrances. The movie house had a black balcony. From the beginning of its substantial presence in the twenties, the Woodlawn Land Co. forced the black population to live in Plan 11 Extension. Due to their own insecurity, many foreign born workers supported the twins of job and home segregation.⁸⁶ The Klu Klux Klan openly marched and burned crosses during the twenties. They attended church services in white areas, speaking to congre-

82. *Black Workers at the Aliquippa Works*, BEAVER VALLEY LAB. HIST. J., Sept. 1979, at 5.

83. Cobb Interview, *supra* note 81, at 15.

84. Cobb Interview, *supra* note 81, at 13.

85. Cobb Interview, *supra* note 81, at 23.

86. See generally DICKERSON, *supra* note 79.

gations and making donations. To counter the Klan, in 1923, a former J & L laborer and grocer, Matthew Dempsey, organized a chapter of Marcus Garvey's Universal Negro Improvement Association ("UNIA"). Meetings, usually of fifty mostly mill workers, were held secretly behind closed curtains in his grocery concealed from the agents of Captain Mauk.⁸⁷ Nonetheless, through stool pigeons, some identified members were fired and run out of town, despite the proud claims of Superintendent of the Aliquippa Works, Tom Girdler, that he had run the Klan out of Aliquippa. The harrassment of Dempsey and UNIA members was due to a larger effort co-run by J & L Police Chief Harry Mauck and the F.B.I. special agent in charge of the investigation against Garveyism in Western Pennsylvania. The Reverend W. W. Johnson, pastor of the Emmanuel African Methodist Episcopal Zion Church in Aliquippa, complained to the agent that many of the town's 1,500 African Americans, mostly J & L workers, belonged to the congregation, but only about 100 still attended as a result of Garvey's influence. Shortly thereafter, the discharge of UNIA members led to the disbanding of the organization.⁸⁸

In the face of a community so totally organized and rationalized by the needs of the production process, workers established whatever autonomy they could. Each new group took care of its own as much as possible. Initially, this was made necessary by language and housing. Each ethnic group built a hall in its Plan for social occasions, weddings and picnics. The Italians, the largest single group during most of the period, held a huge annual celebration of San Rocco Day. Ethnic organizations flourished, and would later become a highly organized network of communications for the union organizers. The Steel Workers Organizing Committee issued a broadside for a Mass Meeting at the Lithuanian Hall, January 31, 1937, with speakers in Polish, Lithuanian, Russian, Serbian, Croatian and other languages. The meeting was endorsed by the Croatian Fraternal Union, National Slovak Society, Grand Carniolian Slovenian Catholic Union, Slovak Evangelical Union, International Workers Order, Supreme Lodge of Lithuanians of America, Cooperative Distributors, Inc., Slovak Gymnastic Union Sokol, Workmen's Sick and Death Benefit Fund, Federation of Croatian Clubs, Slovak League of America, United Ukranian Toilers, South Slavonic Catholic Union, Association of Lithuanian Workers, Greek Workers Educational Federation, American Lithuanian Workers Literary Association, Workmen's Sick Benefit Asso-

87. *Matthew L. Dempsey*, BEAVER VALLEY LAB. HIST. J., June, 1979, at 4.

88. DICKERSON, *supra* note 79, at 82.

ciation, Lemko Association 5th District, Western Pennsylvania Federation Slovene National Benefit Society, and Russian Brotherhood Association of U.S.A.⁸⁹

ORGANIZING ALIQUIPPA

We are free Americans. We shall exercise our inalienable rights to organize into a great industrial union, banded together with all our fellow steelworkers. Through this union we will win higher wages, shorter hours, and better standards of living . . . We shall make real the dreams of the pioneers who pictured America as a land where all might live in comfort and happiness.⁹⁰

Sporadic organizing attempts failed until the Depression. The very same isolation that eased the task of social control in flush times and bred community self-organization of workers against local exigency, now served to focus the realities of layoffs, slowdowns and alienation threatening the only real compensation to life in the company town — relative job security and break even debt management with company housing and the company store. By the mid-1930s, workers were sometimes working only two days every fortnight, not enough for subsistence, and certainly the source of outrage when the company played rank favoritism among the men and women competing for such little paid time. The lifeblood of the wage and the security of the community were simultaneously being destroyed and there was no *quid pro quo* available from the company to lead workers to go along anymore. Thus, the relationship of production and community structure again created the conditions for organization which had been so thoroughly opposed and, on necessary occasion, brutally repressed.

Other agencies, outside union organizers with experience in mine work, and a sympathetic state government intervened and were necessary catalysts.⁹¹ But to explain, first, why the shift to organization was so complete within three years in a whole community, and second, how J & L which had escaped the 1919 strike so completely, should now organize so quickly as opposed to the bloody summer facing the rest of Little Steel, it seems necessary to focus on what made Aliquippa extreme — its company status.⁹²

89. Steel Workers Organizing Committee Handbill announcing Jan. 31 Mass Meeting, in Beaver Valler Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.)

90. Declaration By Workers, Homestead Rally (July 6, 1936).

91. On the organizing of the steel industry generally, see HORACE DAVIS, *LABOR AND STEEL* (1933); HARVEY O'CONNOR, *STEEL-DICTATOR* (1935); ROBERT R.R. BROOKS, *AS STEEL GOES. . . UNIONISM IN A BASIC INDUSTRY* (1940); *FORGING A UNION OF STEEL: PHILIP MURRAY, SWOC, AND THE UNITED STEELWORKERS* (Paul F. Clark et al., eds., 1987).

92. On the description of the organization campaign and the terrorism of the Company

The isolation of the town made mobility in or out difficult. J & L paid the wages set by U.S. Steel. But jobs were obtained through nepotism or membership in the Republican Party. Some youths got their jobs by displaying sports jerseys of the team sponsored by the J & L police chief.⁹³ The foremen ran fiefdoms requiring kick backs for continued employment. Finally, in 1929, J & L police arrested Foreman E. K. Griffith for extorting more than \$10,000.

The Griffith's exposure was long delayed because almost all of the men under him were foreigners, many of whom can barely talk English. The majority of them live in company houses which they are either renting or in which they have tied up their savings of years. Being fired by the Jones and Laughlin Company would mean that their only source of income - Aliquippa is a one industry town - would go, and they would be evicted from their homes when the month's rent was up or when the next installment was due.⁹⁴

Griffith pled guilty, was fined \$300, and given one year in the county workhouse, but was not required to pay back any money to the men.⁹⁵

When the Great Crash hit, favoritism still prevailed as the company laid off skilled workers and rehired them after a few days as common laborers at \$.40 an hour. In one week in May, between 1500 and 2000 were laid off.⁹⁶ During the union drive, the company generated much resentment by hiring teenage Republicans when there was so little work for the older men.

Low pay, infrequent work, and favoritism in advancement accompanied labor cost and technological changes. In 1936, steel paid common laborers 47.9 cents an hour, or \$3.76 per day, compared to 62 cents per hour for common laborers in mining. The weekly pay of \$16.77 ranked twentieth out of twenty-one industries listed by the National Industrial Conference Board.⁹⁷ Hourly earnings overall averaged 65.6 cents compared to an average of approximately 80 cents in coal, petroleum, and construction. This amount included two pay increases in steel over the two previous years in

town, subsequent histories have largely relied on ROBERT R.R. BROOKS, *AS STEEL GOES* 110-29 (1940), including those of Cortner, Bernstein, and T. Brooks. Many of the same events are described in this section, with reliance on Brooks noted.

93. Colonna Interview, *supra* note 56, at 6.

94. Joseph Dallet Jr., *Swindle Boss Reign Ended*, FEDERATED PRESS, May 28, 1929, reprinted in BEAVER VALLEY LAB. HIST. J., May 1980, at 6.

95. *Id.*

96. *Id.*

97. John L. Lewis, *Industrial Democracy in Steel* 11 (NBC radio address delivered by John L. Lewis, President of the United Mine Workers and Chairman of the Committee for Industrial Organization, on July 6, 1936 reprinted in CIO pamphlet).

order to forestall increased organization. In 1936, a new continuous strip mill replaced 1400 men with 60 to 75 men over eleven months. 150 union member "chippers" were bumped to part time laborers by a new chipping machine. Skilled workers, the old "Aristocrats of Steel" were deskilled. A threading machine operator making \$8 to \$9 per day on tonnage prior to 1931, made \$4.40 per day in 1936, no higher than some laborers on piece rates.⁹⁸

Laid off workers were at the mercy of the Republican controlled local administration. The town's Republican administration refused to let the Works Progress Administration or Public Works Administration projects into the area. Those who were still on J & L's payroll could report to work for a month or more without receiving one day's work. In Aliquippa, 44% of the city's workforce were in part-time employment in early 1934.⁹⁹ Sometimes the foremen would tell men to go to the train station to pick up a bag of government flour. In exchange for food at the rate of \$.50 a day, mill workers on the company payroll were placed in public works projects, the main work being the expansion of the superintendent's private golf course and the improvement of the road leading to it. The workers named the road "Hoover Boulevard."¹⁰⁰ Workers put in an eight hour day on the golf course or improving Aliquippa High School's football field. Sometimes 100 to 150 men worked at a time. Frank Kromerich worked three days to pay for a \$1.50 prescription for his daughter.¹⁰¹ J & L also ran a ferry to Cow Island, a small, uninhabited island in the Ohio River, where it allowed under-employed workers and their families to plant small vegetable gardens.

The precursors to union organizing started in the tin mills. Inside the huge building, 32 mills operated with nine man crews. Every 30 minutes a run of 40, 30 pound bars were heated and rolled 12 times to produce 160 long sheets of tin. Considered the hardest work in the plant, each turn lasted only eight hours rather than the 10 to 12 in the rest of the plant. "The heat from the furnaces was so unbearable . . . that workers needed special wooden shoes to keep from burning their feet. Fifty-four additional workers, called 'floaters', were needed on each turn to help or replace

98. Letter from Harold Ruttenberg to John Brophy (July 17, 1936), in Ellickson Papers, Box 16, File 17 (on file with the Labor Archives, Reuther Library, Wayne State University).

99. DAUGHERTY ET AL., *supra* note 32, at 890.

100. *Roots of Beaver Valley Lodge # 200, A.A.I.S. & T.W: Part II, BEAVER VALLEY LAB. HIST. J.*, July, 1981, at 1. See also Colonna Interview, *supra* note 56, at 8.

101. Interview with Frank Kromerich 1-4 (Sept. 13, 1978), in Beaver Valley Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.)

any of the 288 regularly assigned workers who became weakened or totally incapacitated by the heat."¹⁰² When the tin mills were being staffed in the early 'teens, mostly English speaking workers, Welsh (called goats), English, Irish, and Scottish, were hired. Many had been Amalgamated Association of Iron, Steel and Tin Workers, who had lost their jobs in a fourteen month strike lost in New Castle, Pennsylvania in 1909. These workers signed "yellow dog" contracts, pledging not to join or remain union members. Pay was by the skill of the job. The best jobs of rougher and roller went to English speakers. The foreign born could only hope to rise to the demanding heater job. Blacks were not permitted to work in the tin mills. Only English workers could rent or buy houses on Plan 12.

The first vestiges of organized resistance followed the end of World War I, when tin workers refused to buy company sponsored liberty bonds. The workers complained that their pay had not kept pace with wartime inflation while the Steel companies made huge war profits, and there "was no democracy in Woodlawn." J & L believed this affront to be the result of internal agitation. Agitating in the mill, according to company officials, started with any increase in communication, including the mail received at home. Finns were thought to be pro-union because they were intelligent, visited each other, met in cellars in their own homes and got more mail and newspapers than other "foreigners."¹⁰³

The Company broke this resistance by making an example of Woodlawn's Finnish workers. In the Tin Mill, the general foreman ordered rollers, roughers and heaters to attack Finnish Tin Mill workers as they left the Tin Mill. The Finns were taken to the river banks, stripped naked, and tarred and feathered. Finally, they were told that they were fired and had 24 hours to leave Woodlawn.¹⁰⁴

No organizing activity took place in Woodlawn during the Great Steel Strike of 1919. During the 1920s, a handful of tin workers secretly belonged to the Amalgamated, but these few told the International's spotters that there was no hope of open activity.

The final union organization drive can be divided roughly into the AFL and the CIO periods. The drive began in 1933 when two veteran UMW organizers, Frank Dobbins and John Mayer, were sent into Aliquippa. Both were beaten, arrested, denied housing in town and gave up without making any progress. Mayer was ar-

102. *Roots of Beaver Valley Lodge 200, Amalgamated Associated [sic] of Iron, Steel and Tin Workers 1909 - 1929*, BEAVER VALLEY LAB. HIST. J., Mar., 1979, at 1.

103. EDWARD LEVINSON, *LABOR ON THE MARCH 202* (1938).

104. Dallet, *supra* note 94, at 5.

rested along with his attacker and fined \$5.00, the same as his attacker, by Justice of the Peace J.M. Kane. The Company's attorney, also his representative, paid the attacker's fine. In July 1934, operating out of necessity across the river in Ambridge, AFL and United Mine Workers organizer John Tafelski gathered fifteen supporters of the Amalgamated Association of Iron, Steel and Tin Workers to petition for a charter. The Amalgamated's constitution required that a charter be issued whenever at least ten men as a unit requested affiliation as a lodge. Almost all were workers in the tin mill. Tafelski picked the officers - Harry Phillips, President; Angelo Volpe, Vice-President; B.S. McDonald, Recording Secretary; James A. Dunn, Treasurer; Andrew Smith, Guide; Allen James, Inside Guide; and E.L. Pander, Outside Guide. On August 4, 1934, Joe Dunn drove Harry Phillips to the AA International office to pick up the charter for Beaver Valley Lodge #200. Sergeant Donnelly, a J & L plainclothesman followed them.¹⁰⁵ The day after getting the lodge charter, Phillips was offered a job by Captain Harris of the J & L police if he would quit.

The charter generated action. Two hundred men joined the lodge. As the membership grew to include men from all parts of the plant, the ethnic shape of the union rapidly changed. Still without an office, authorization cards were surreptitiously solicited in the Italian neighborhood meeting places: Tony Ferro's barber shop and Angelo Roma's pool hall. Nino Colonna cut through back streets, doubling back to the bus stop below Plan 11, with signed cards in his underwear, to deliver them to Tafelski in Ambridge.¹⁰⁶ The precautions were not unrealistic. Tafelski's associate, Walter Payne, arrived just before the first open meeting for J & L workers, held in a vacant lot in Ambridge, on September 8th. He noticed plenty of armed plainclothes Jones & Laughlin police attending.¹⁰⁷ After a meeting with Volpe, Brandy, Cox and others at Harry Phillips house, Payne and two others were stopped by a motorcycle borough policeman, and directed to the police station without explanation other than "Drive in; you will soon find out." The car search turned up nothing, so the men were ordered without charge into the station, "Get inside and you will soon find out." Two muscular officers, one plainclothes and one uniformed, took off their coats and shirts, picked up clubs and stood on each side of the prisoners during the questioning by Chief Ambrose. They were eventually released on the ground they had been mis-

105. *Roots of Beaver Valley Lodge # 200, A.A.I.S. & T.W.: Part II*, BEAVER VALLEY LAB. HIST. J., July, 1981, at 8.

106. Colonna Interview, *supra* note 56, at 14.

107. NLRB Record, *supra* note 6, at 75 (testimony of Walter Payne, March 2, 1936).

taken for a bald-headed, communistic organizer from Clairton [Tafelski].¹⁰⁸

The Company was prepared should organization succeed to any extent. Clinton Golden's investigation uncovered a company inspector, who feared his identity would be disclosed, who reported that there

are enough supplies stored in the J. & L., plant to run for weeks. Arms, ammunition, tear gas bombs, riot guns etc., to equal a U.S. Arsenal. One large bay in the plant is equipped with beds while another is stored with kitchen utensels, all guarded by company police to keep employees away until such time as trouble might arise when the employees would be expected to remain in the plant.¹⁰⁹

At one of the first meetings, the Lodge elected Albert Atallah to replace Harry Phillips as president. Nothing emerged publicly, for Phillips' courage was highly regarded, but rumors suggested a problem with alcohol.¹¹⁰ Phillips continued to be active in organizing, becoming one of the discharged workers in the test case. Two weeks later his wife penned a false suicide note and hid at a neighbors, explaining that labor activities "have made life miserable and I was tired of being an outcast. Every place my children and I went, we were mocked, and I wanted that to end."¹¹¹

In the fall of 1934, union activity in Aliquippa became very locally influenced. Organization was not top down. Union ferment occurred throughout the steel and coal valleys of Western Pennsylvania.¹¹² Some workers had attended meetings of the radical and communist influenced Sheet Metal and Iron Workers Union which had organized the Ambridge Strike, and held meetings during 1933 with dissident AA locals objecting to the quiescent leadership of Mike Tighe. The rank and file steel worker leaders, Clarence Irwin, William Spang, Mel Moore, Roy Halas and Lewis Morris, were part of the Committee of Ten authorized by the AA 1934 convention to coordinate a national strike. Within the AFL generally, a new group, the radical AFL Rank and File Committee for Unemployment Insurance and Relief, appeared nationally and in Penn-

108. *Id.* at 138-39.

109. An Inspectors' Story, in Clinton Golden Papers (on file in Historical Collections and Labor Archives, Pattee Library, Penn. State Univ., University Park, Pa.).

110. Interview with Dominic Del Turco 9 (n.d.) [hereinafter Del Turco Interview], in Beaver Valley Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.).

111. *Wife, Playing Second Fiddle to Union, Gives Mate a "Jolt"*, PITT. PRESS, June 9, 1936.

112. On the development of the radical rank and file in steel generally, see Staughton Lynd, *The Possibility of Radicalism in the Early 1930's: The Case of Steel*, in *WORKER'S STRUGGLES, PAST AND PRESENT: A "RADICAL AMERICA"* 190-208 (James Green ed., 1983).

sylvania.¹¹³ Originally formed to push the voluntarist AFL old guard to support unemployment insurance based on a true social wage administered by worker councils, the Lundeen Bill, the Rank and File Committee expanded its focus to all facets of mass industrial organization. For example, Pittsburgh steel worker and organizer Roy Halas was also involved with Lundeen. The committee, whose president in 1935 was Harry Bridges, constituted a left pressure, pushing organized labor toward what became the CIO schism. Their demands for rank and file organizing of industrial unions appealed to many alienated workers in the company towns. In its paper, the *AFL Rank and File Federationist*, editorial articles urged a break from the AFL. "The steel campaign will be delayed and sabotaged by the A.F. of L. Executive Council because the International officials are out to dismember the steel workers' union into many different craft unions."¹¹⁴

Meanwhile, in September, 1934, the National Steel Labor Relations Board investigated charges of intimidation made by Beaver Valley Lodge #200. Clinton Golden compiled reports for the Board. A number of statements convinced him to report to his superiors of a pattern of police retaliation for union activity.

From such information as I was able to gather on the 5th and again today, there appears to be plenty of evidence to sustain the Union charges of intimidation and coercion on the part of the Company officials in interfering with the rights of employees to organize as provided for in Section 7A of the NRA. It appears that in addition to the extensive private police force maintained by the Company, there also exists an extensive espionage system whereby practically every move and act of any of its employees whether at work or after working hours, was at once made known to company officials.

As an instance of this I saw a list of 35 names of alleged stool pigeons in the employ of the company. Of this number 7 were Croatians, 14 Serbians and the balance of various other nationalities. This would seem to indicate that it is the policy to plant informers among each racial or national group.¹¹⁵

In one episode, a union member living in Ambridge was continually threatened as he tried to return home from a meeting with

113. On the history of the AFL Rank and File Committee, and the CIO, see Kenneth Casebeer, *Unemployment Insurance: American Social Wage, Labor Organization and Legal Ideology*, 35 B. C. L. REV. 259 (1994).

114. *Labor Must Back Steel Workers*, RANK AND FILE FEDERATIONIST, Mar.-Apr. 1935, at 9.

115. Letter from Clinton S. Golden (Oct. 6, 1934), in Clinton Golden Papers (on file in Historical Collections & Labor Archives, Pattee Library, Penn. State Univ., University Park, Pa.).

several union officers. After several calls to the state police, McDonald was led to a "machine" carrying the Burgess, a police sergeant and another policeman. The ride home was spent persuading McDonald to drop out of the union. Others received less subtle treatment. Captain Harris and Lieutenant Kelly of the company police went to Joe Latone's home and warned: "If he and the rest of the dagoes do not quit organizing the men they will run all the c— s— out of town and you rotten s— of b—s will be the first to go. J & L wants you to get busy among the g— d— dagoes and run them g— d— rats off"¹¹⁶ Captain Harris confronted Jack Moses,

there are about 40 Greek families living in Aliquippa and J & L will chase them out if they attend these meetings. . . . stay with the company instead of with those s— of b— robbers and the Company will do more [for] you than they will. . . . [G]et around and talk to the Greeks, Syrians and dagoes and talk against the union.¹¹⁷

On August 29, Captain Mauk and Burgess Sohn called a meeting in front of Tony Ferro's Barber Shop, a gathering place for union members. Mauk's first words to about 200 gathered there were

[y]ou black handed mothers and s—b—s I am here to tell you if you don't soon try and bust this association of the Amalgamated we are going to bust you people up. . . . J & L Co. does not like an outside union and will close their plant before they will recognize them so get busy and drive these grafters out of town. Do you people know that baldheaded organizer [Tefelski] at Ambridge is working hand in hand with those G—D— reds that started the riot at Ambridge and you dagoes ought to be thankful that the J & L Co., allows you to remain in this town.¹¹⁸

The Company blamed the union for violence. Borough Police Chief Ambrose pointed out to Golden the case of William French, an African-American who claimed that union member Joe Pucci assaulted him with a pipe when he refused to sign a card. Pucci was arrested and fined. Golden had doubts. The six foot French towered over the 120 lb. Pucci. Pucci was drinking with four friends during part of the time the alleged incident took place. Pucci's home had been raided without a warrant while he was gone earlier in the day by borough police who confiscated signed union cards. Pucci was brought into French's hospital room before French picked Pucci out of a police line-up. Judge Walter Stacy,

116. Report on Joe Latone, in Clinton Golden Papers (on file in Historical Collections and Labore Archives, Pattee Library, Penn. State Univ., University Park, Pa.).

117. *Id.*

118. *Id.*

presiding over the Steel Labor Board hearing, struck French's testimony.¹¹⁹

In October, J & L workers led by Albert Atallah went to Washington to testify at the hearings of the Steel Labor Board. Fearing for their safety when the proceedings were postponed, they contacted the Democratic governor's office. Eight state police officers were sent to Aliquippa and established headquarters at the Woodlawn Hotel. They came from the Butler Barracks because the brother of Captain Mauck of the J & L police was captain of a nearer barracks. Not coincidentally, the first open union meeting was held October 14, with the governor's wife, Cornelia Byrne Pinchot, speaking.¹²⁰ Still, the Company had men with manual machine guns in second floor windows of the hotel.¹²¹ The Steel Labor Board held hearings in Pittsburgh on November 16, 1934. The Board dismissed the complaint in January 11, 1935, acting on assurances by J & L that they would instruct the company police to cease surveillance of union members. J & L President S. E. Sackett declared that "[t]he policy of the company [toward representation] is to receive anyone that wishes to come to talk to us on labor conditions or problems, whether or not he represents himself or is represented by an organization, and it is not the policy of the corporation to keep anybody out of Aliquippa in any way whatsoever." Yet, Phillips, Gerstner, Volpe and Dunn had all testified to harrassment by J & L police, and all were fired within the year of 1935, becoming complainants in the NLRB proceedings. The Amalgamated's petition for rehearing generated a document from the Pennsylvania Department of Labor requesting a supervised election. In its documentation, Christopher Cunningham, J & L employee and deacon in the "colored Baptist Church," was visited by Captain Mauk who reportedly said that

now we want you to get busy on those black bastards and stop them from joining the union. If you black sons of bitches want a job at the J. & L. mill, you will have to help the company break up this organization or we will send all you black bastards back south.¹²²

The AFL Rank and File Committee called a mass meeting of steel worker unionists to take place on February 3, 1935, in Pittsburgh. An estimated 100 to 400 representatives attended, including

119. *Id.*

120. Harold J. Ruttenberg, *Steeltown*, NATION, Nov. 28, 1934, at 623. 4,000 people attended. *Id.*

121. BODNAR, *supra* note 25, at 134.

122. Interference With Unionization, Steel - NSLRB Petition for Re-Hearing (1935), in Beaver Valley Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.).

men from 78 lodges of the AA. The AFL reacted swiftly. AFL spokesman David Williams, president of the National Council of Aluminum Workers, issued the following statement on AFL stationary:

The "rank and file" group which assumes to threaten a strike in the Aluminum as well as other large industries, is just a bunch of Communists acting as agents from Moscow, trying to disrupt the American Labor Movement. . . .

William J. Spang, expelled member of the Amalgamated Association of Iron, Steel and Tin Workers, has no authority to speak for anyone connected with the American Federation of Labor. He is not entitled to sit in any Central Labor Union as a delegate, nor participate in any union meeting of any Local Union of any International Union while he is an expelled member of the Amalgamated Association of Iron, Steel and Tin Workers.¹²⁰

Michael Tighe, president of the Amalgamated said, "I have nothing for Spang and his followers but silent contempt. We have decided that problem by expelling those insurgents from the union."¹²⁴ One of the chief organizers, Clarence Irwin, wrote to Harold Ruttenberg, then a free-lance journalist and early intellectual influence on the rank and file movement, in protest one week before the meeting.

Now suppose we take up the Communistic business first. I think you know the R & F crowd in the AA well enough to know that we are *not* Communists. You have been associated quite intimately with us for long enough to know that what we want is a strong Union in the Steel Industry. Imagine calling Mel Moore a "red," he carries "the Red Network" in the same pocket with his Bible, as for Spang you know he doesn't know enough about economics to really know what Communism is. . . .

There may be some Communists in the A.A. I don't know & really I don't care. What I am interested in is "Unionism." . . . Now for the Red Scare & those who instigate them, I think for a labor leader (?) to encourage such a thing is the most contemptible & vicious thing he can do. . . I am not a C.P. & the other R. & F. fellows in the A.A. are not. So that's that. Certainly it is no part of my plans to flout the A.F. of L. *I agree that we will need all the help we can get if we are to be even moderately successful. . . . but we can't afford to simply remain idle in the hope that the A.F. of L. will do something as it is by no means sure that they will.* While I do not want to be expelled from the A.F. of L., let us look at all it means to be in the A.A. . . . [t]he new lodges have never been in, not in the sense of equality. . . Can you imagine [Tighe] telling the new lodges that it is only a waste of time & money to even present their wage & hour negotiations in

123. Steel Misc. Clippings 1934-37 (n.d.) [hereinafter Steel Misc. Clippings], in Beaver Valley Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.).

124. Text of Union Leaders Attack on Reds, in Steel Misc. Clippings, *supra* note 123.

the program of business at the Con[vention].¹²⁵

Clarence Irwin and William Spang frequently spoke at lodge meetings in Aliquippa.¹²⁶

The day before the rank and file conference, two of the International's officers came to an Aliquippa Lodge meeting to dissuade attendance. Despite the warnings, Attalah and Lodge #200 members attended the conference.

On February 3, Sergeant Donnelly, and other J & L police watched the loading of two busses of Lodge members going to the Rank and File meeting. He reappeared at the entrance to the meeting. The 78 lodges, including #200, were expelled even though they represented the overwhelming majority of the Amalgamated membership.¹²⁷ J & L immediately forgot the Steel Labor Board agreement reached four months earlier. Clinton Golden, then a state labor mediator while also the regional representative of the Federal Steel Labor Board, reported that,

Lodge #200 did participate and was represented by a large delegation of members. The charter of the lodge was then revoked. It appears that following public announcement of this action, complaints as to interference, espionage etc., took place. While I have no actual facts at hand, it seems to me that the expulsion of this Lodge was interpreted to mean that its officers and members were more or less dangerous radicals and that they therefore had no rights which they had formerly enjoyed.¹²⁸

Atallah insisted that,

the only thing we wanted was an organization — no more; no less. Although it may be that among the ranks we had going along with us, there may be Communists, maybe that, but we weren't interested in that.¹²⁹ All we wanted was more organization, period. Nothing else. Here I had a large or-

125. Letter from Clarence Irwin, labor organizer, to Harold Ruttenberg (Jan. 23, 1935) (on file at Penn. Historical Collections and Labor Archives, Pattee Library, Penn. State University, University Park, Pa.).

126. Interview with Tony Riccitelli 32 (Nov. 9, 1978) [hereinafter Riccitelli Interview], in Beaver Valley Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.).

127. Lynd, *supra* note 109, at 201. At the 1934 AA Pittsburgh convention, the expelled lodges held a rump meeting, claiming to represent 50,000 workers in the large plants, while the regular convention represented only the 5000 members in the sheet and tin plate, and puddling mills. DAUGHERTY ET AL., *supra* note 32, at 967.

128. Letter from Clinton Golden, State Labor Mediator, to Clarence Moser, Director, Bureau of Mediation (Mar. 7, 1935) (on file at Penn. Historical Collections and Labor Archives, Pattee Library, Penn. State University, University Park, Pa.).

129. "[S]o-called 'rank-and-file' native white district leaders . . . worked with the left-wing unionists, not because they espoused the fundamentals of communism but because the left-wing leaders during those months were the only group with a complete, carefully drawn, hope-inspiring plan for organizing the industry." DAUGHERTY ET AL., *supra* note 32, at 937.

ganization and I had nowhere to go. I tried to have a meeting with the company at one time where one of the vice presidents laughed in our faces. Ha! Ha! Ha!¹³⁰

On February 10, at an open meeting in the Polish Hall on Plan 11, between 20 to 25 mill foremen from all over the mill stood outside watching all the workers who went into the meeting. Donnelly was also there. Many frightened members were deterred. Similar surveillance took place at district meetings in Ambridge and Braddock. At the same time, Golden reported an increasing number of attacks by "negroes" upon white mill workers, particularly on Plan 11 where the Italian section abutted the Extension built for black workers. If arrested, African-American workers were taken before Squire Hayward, and with company police officers present, the prisoners were discharged. At the Steel Labor Board hearings, Golden noted that few African-American workers had joined the union and that there appeared to be a systematic attempt by the Company to create racial friction.¹³¹ In other areas of Western Pennsylvania, Clarence Irwin was fired, Hank Reamer, the rank and file leader in Massillon was fired, and George Evans, the president of the Weirton locals was fired.¹³² Golden later hired Clarence Irwin to run the SWOC campaign at Sharon-Farrell.

When the expelled lodges were denied credentials to the next AA convention, they sued in federal court and were granted an injunction requiring that they be reinstated with all rights and privileges.¹³³ Whereupon, the AA demanded all back dues for the suspension period. Atallah met with the International Secretary Treasurer Leonard claiming that the lodge records had been lost. An agreement established the arbitrary number of members at 800

130. Interview with Albert Atallah 12 (Sept. 20, 1967) [hereinafter Atallah Interview] (on file at Penn. Historical Collections and Labor Archives, Pattee Library, Penn. State University, University Park, Pa.).

131. Letter from Clinton Golden, State Labor Mediator, to Clarence Moser, Director, Bureau of Mediation (Mar. 7, 1935) (on file at Penn. Historical Collections and Labor Archives, Pattee Library, Penn. State University, University Park, Pa.).

132. Ruttenberg reported these developments dispassionately. His own sympathies were anti-communist, reporting, admittedly without evidence, that he believed Irwin to be a party member. This was less than two months after Irwin's denial to him in which Irwin blamed his own reputation on his association with Ruttenberg himself. He wrote of Irwin's pamphlet "The Progressive Steel Worker" that it "now has a section for Negroes and other indications of Communist influence." Letter from Harold Ruttenberg (Mar. 28, 1935) (on file at Penn. Historical Collections and Labor Archives, Pattee Library, Penn. State University, University Park, Pa.). It is true that the Communist Party union efforts, almost exclusively of other organizations, paid great attention to organizing African-American workers in the early 1930's.

133. *Riverside Lodge No. 164 v. Amalgamated Assoc. of Iron, Steel and Tin Workers*, 13 F. Supp. 873 (W.D. Pa. 1935).

for the purpose of reinstating the lodge. Various stories surrounded the disappearance of the books. Some felt that they were hidden from the International. Others believed that they had been stolen by a plant. Eddie Monahan had been elected vice president in the second lodge election. Less than a year later he disappeared after having been seen in the plant in a suit and tie, admitting to a suspicious union member that he worked for Burns or Pinkerton.

Further evidence of the local character of organization during this period comes from the conscious tying of unionism with politics. In late 1934, it was the lodge which set up the Democratic Social Club. An early AA activist, Dominic Del Turco, called it the political arm of the union movement in Aliquippa.¹³⁴ Angelo Volpe, vice president of the Lodge was the first president of the club, Mike Kellar was secretary, Dominic Brandy was financial secretary, Tony Riccatelli, assistant financial secretary of the Lodge, was trustee, and other activists occupied key positions. When Kellar became president in 1936, the club moved its offices to the second floor of the Roumanian Hall on Kiehl Street. Individuals who were afraid to walk into the SWOC offices on Hopewell Avenue would hand SWOC pledge cards to Kellar in his Democratic Social Club second floor office.¹³⁵ In 1935, Volpe ran for constable, losing closely. Steel workers needed protection to be more effective.

The burgess and the Council were all appointed by the company. No one dared run against them, so you may as well say they were appointed. They ran the town for the company. Now, if you're going to fight the company on a union basis, the cops in town are going to harass you to stop you from organizing. They'll raid your house and plant moonshine in your house, something of that nature. So we had to go into politics.¹³⁶

In 1936, Aliquippa voted Democratic for president for the first time ever.

During the hearings on the Wagner Act, the J & L ERP sent representatives, led by William Westlake, to testify that 90% of the employees at Aliquippa supported the company union. Albert Atallah, Tony Riccitelli, Tom Bresnin, and Mike Kellar piled into John Fiola's Cadillac and drove all night to reach Washington D.C.

134. *The Aliquippa Democratic-Social Club 1934-1936*, BEAVER VALLEY LAB. HIST. J., Mar., 1979, at 2.

135. *Id.* at 6.

136. Interview with Louis DeSenna, *quoted in* Eric Davin, *The Littlest New Deal: SWOC Takes Power in Steeltown, a Possibility of Radicalism in the Late 1930s* at 49 (n.d.) (unpublished manuscript on file in Labor Archives, Univ. of Pitt.). Davin believes that political resistance and change preceded and was necessary to unionization in Aliquippa. I prefer to see in his argument the more general struggle, also bottom up from the community, including a conscious tying of elections in the plant and in the town.

When they arrived at the Senate Office Building, they were told the schedule had been filled. But old Tom Bresnin had worked in mines with Philip Murray years before. Murray got them in. Atallah told the senators that the ERP claims were false. When a senator challenged him for proof, Tony Riccitelli opened a suitcase and dumped 9,000 pledge cards on the long hearing table, proudly telling them, "now you can pick any card you want and you'll find that they're all signed by members of J and L."¹³⁷ Westlake was not re-elected as ERP Representative.¹³⁸

THE NATIONAL LABOR RELATIONS BOARD

Despite the passage of the Wagner Act, and indeed the National Industrial Recovery Act before that, J & L increasingly discharged union activists, firing over 100 between June, 1935 and January, 1937. Thirteen of those fired between July, 1935 and January, 1936, became the plaintiffs in the J & L NLRB case, charging unfair labor practices under sections 8(1) and 8(3) of the Wagner Act, interference with organization for mutual aid and protection, and retaliation for engaging in union activities. Following the regional investigation by Clinton Golden and Board Regional Attorney Thomas Kleeb, the NLRB filed charges in January 1936. When the hearings began on March 2, 1936 in Court Room #6 of the Post Office Building in Pittsburgh, counsel for the board began by providing a detailed statistical picture of J & L's vast and far flung operations in order to establish that J & L's labor relations were part of and impacted on interstate commerce. J & L attorney Earl Reed, appeared solely for the purpose of constitutionally objecting to the board's jurisdiction. Reed had prepared a 132 page "brief," entitled "Report on the Constitutionality of the National Labor Relations Act," for the National Lawyers Committee of the American Liberty League, a point group in the legal attacks on the New Deal. Reed counseled that when a lawyer advised a law to be unconstitutional, clients need not obey.¹³⁹ After appearing specially on jurisdiction, he took no part in the hearing, and therefore, did not cross-examine any of the Board's witnesses on the unfair labor practices.

With respect to the specific complaints relating to employees, the respondent takes the position that it is the sole judge of the right to hire and fire, and that it is not subject to the Board in that respect, and, therefore, declines to offer any testimony on that subject and withdraws from the

137. Riccitelli Interview, *supra* note 126, at 35-36.

138. CORTNER, *THE JONES & LAUGHLIN CASE* 82 (1970).

139. IRONS, *supra* note 21, at 245.

hearing.¹⁴⁰

The company took the position in their brief that the cases had all been fairly investigated and the men were discharged for cause.

Martin Gerstner, the first financial secretary for Lodge #200, took the stand first among the fired workers. A motor inspector, he had been employed at Jones & Laughlin less than six years. Gerstner's house was watched 24 hours a day. J & L Sergeant Donnelly and Officer Slater followed him everywhere. An employment agent noted everyone who entered or left the house. In September, 1934, Gerstner was evicted from his house for no reason, and J & L policemen followed Gerstner to where he was moving in Ambridge. In the summer of 1935, Gerstner's time was kept down. Gerstner was discharged on Monday evening in December, 1935 because a nut fell off a crane. The nut had fallen off at one o'clock on Sunday afternoon, and three other motor inspectors—Linde, Bevington, and Lang—had their shifts after Gerstner's last duty. None of the others were disciplined.¹⁴¹

The first lodge president, Harry Phillips, a motor inspector in the soaking pits, testified second. On July 13, Phillips asked his foreman for a day off to attend the Democratic Social Club picnic. Foreman Walter Gray responded no, but told him that he would have lots of time to go to picnics in the future. On July 20, after fixing three machines, Phillips took his lunch. He then stopped in the wash room to put Vaseline on his hands which were chafed from the heat from the machines where he had been working. The warning whistle blew, but he saw his millwright answer it. When he got there, the man on the pump told him it was okay, they shared a cigarette and Phillips went to check bolts in the shanty. The whistle blew again. This time the *day* foreman was there at 4:00 a.m. Phillips explained that he did not hear the first whistle and was in the wash room for the second one. Foreman Gray said, "You fellows coming out at night always want the millwrights to do all the work around here. . . . You can get the hell out of here. . . . You are going to have plenty of time to sell [union] papers from now on."¹⁴² Phillips had been delivering Amalgamated papers the night he was black-jacked at the Wye going to work. He had recently been delivering speeches urging men not to vote in the company union elections. Although not participating in the NLRB hearings, the company had replied earlier to a second com-

140. NLRB Record, *supra* note 6, at 129-30 (argument of Earl Reed, counsel to Jones & Laughlin, March 2, 1936).

141. *Id.* at 150-51 (testimony of Martin Gerstner).

142. *Id.* at 173-74 (testimony of Harry Phillips).

plaint including the discharging of Phillips, to the National Steel Labor Relations Board. In their view,

This man was discharged because of inattention to his duties, which occurred on more than one occasion. It was his business to respond to signals when electrical equipment was disabled, and on the last occasion he failed to respond to his signals and could not be found. The signals were sounded several times and the work of a large number of men was held up on account of his absence. It was a period of about a half hour before he could be located, and then gave an untrue excuse for his absence. He seemed to feel that his position as President of the Union gave him an immunity from discipline.¹⁴³

No supporting affidavits or specific evidence were presented. Phillips' testimony about his assistant indicates that no time was lost. Phillips was dispossessed from his J & L house shortly thereafter for inability to make his payments. Phillips was married, with four children. Two weeks before the notice to quit, his wife was warned by Mr. Leslie of the Woodlawn Land Co. about the union.

Angelo Razzano, one of the leading organizers of the Italian workers, was next to testify. Hired in 1923 or 1924, Razzano drove a tractor hauling material. He was married and had five children. He was a charter member of the union, personally signing up 1500 members and delivering circulars in public. Consequently, the company marked him. On September 17, John Bolger, general foreman in the seamless finishing plant, called Razzano to come in immediately to see Plant Superintendent Fisher. Fisher talked about the union, recalled Razzano,

He says "Saturday you was in Ambridge at a union meeting?" I says, "Yes." He says, "Well, what for?" I says, "Don't you know I am an American citizen in here and I am supposed to go where I please." He says, "[B]ut the Company don's [sic] stand for that." . . . Well, he said . . . "William Green got beautiful home in Washington, sits on soft chair and everything there, and you guys pay for that and he never do anything for you." I says, "Well, I don't know anything about that, but still," I says, "I think this union idea is mighty good thing in the country."¹⁴⁴

On January 13, 1936, John Bolger sent Razzano to another building to bring back a steel buggy. The route required opening and closing a door, which Razzano did on both the way up and the way down. Nonetheless, Bolger came running up to ask him if he could

143. Letter from H.A. Wiley, Chair, National Steel Labor Relations Board, to Albert Attalah 2 (Sept. 10, 1935) [hereinafter Wiley Letter], in *Steel - NSLRB Correspondence, 1934-1935*, Beaver Valley Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.).

144. NLRB Record, *supra* note 6, at 179-80 (testimony of Angelo Razzano).

read the sign, "shut the Door," and if he knew what it meant? "Why didn't you do it?" Razzano replied that he did and Bolger had seen him do it. Ten minutes later, Bolger returned with another foreman asking, "didn't that man say the same thing last week?" Razzano insisted he had, "Last week was cold weather and if the door was open that man in the mill would freeze to death. Therefore I closed the door because nobody ever complained about it." Bolger told him to go pick up his time.¹⁴⁵ Razzano also testified, however, that it was a common practice for all drivers to leave the door open from time to time.

Ronald Cox, operator of an electrical overhead hoisting crane who started in 1928 as a catcher in the tin mills, believed he had the best safety record among crane men, having received two watch fobs for his three safety awards, one of which was for crane work. Of the 22 cranes in the seamless tube department, Cox was assigned to the hardest one to operate. When he left, the company had to send to another department to get a man to operate it. "Well, it is in the 30 inch round mill, and they allow 90 minutes to change the mill, and they specify something like 85 lifts in 90 minutes. That is almost a lift a minute, and a man has to be very experienced to do that without injuring some one."¹⁴⁶ Cox was a union kingpin in his department. He recruited, sold tickets, passed out literature, and helped at organizing in Midland. He watched himself closely after the first discharges. At the beginning of one shift, the general foreman, usually in his office with daily assignments, showed up on the floor. Cox inspected his crane. As soon as he climbed down, the whistle signaled for him to make a lift. Cox went up and worked his hooks to make a lift, and the foreman who had followed Cox signaled him to come down. "Did you inspect your crane?" he asked. Cox replied, "yes." The foreman then asked, "Did you try your limit stops?" "No, sir," Cox answered. Cox was told, "Go back and get your check and go home." The limit stop is an important safety catch to prevent too high a hoist, dropping the load to the floor. An angry Cox changed and went to the office. The turn foreman, Krause, saw him and put his back against the door:

I just pushed the door open and walked into the office, and Mr. Hussy, the foreman that dismissed me, was talking on the phone, and I got this much of his conversation: He said, "He didn't try his limit stops. Is that enough?" Then he looked up and saw me, and he said, "I can't talk to you

145. *Id.* at 182-84.

146. *Id.* at 202-03.

now. Mr. Reaves is on his way," and hung up.¹⁴⁷

The next day, when Cox returned to the same office for his time, the foreman told him, "Here is your time, Cox. I am going to make an example of you. He said, Now, you can beat it."¹⁴⁸

Earlier, just after the union formed in 1934, the general manager of the plant, Mr. Fisher, called Cox into the superintendent's office for an anti-union talk.

He told me it was a racket; I was just paying my money to a bunch of big fat guys that sat back and smoked cigars and at the time I was back in my rent of the company's house, and he told me if I was going to persist in affiliating myself with this Union, they could not tolerate my back rents, that they would have to put me out of the house, and the local merchants would not extend any credit, that he would see to that, that Jones & Laughlin had determined to fight this case to the highest court, and that they would close the plant down and throw the key in the river before they would recognize an outside Union; that he had intended to promote me, and by my affiliating myself with the Union I was not helping my standing. All the time he was questioning me, he was writing down something. I couldn't see what he was writing, and he told me, he said, "Cox, any time you change your mind, come in and tell me, and I will tear this up." So I presume it was a black-ball.¹⁴⁹

When Cox complained before his discharge about being given less time, he was told he could quit. After his discharge, friends and workers were afraid to be seen with Cox on the street, but would stop at his house to tell him he was fighting for the right thing. Cox, married with one child, held no steady work up to the hearing, selling his furniture to buy food. At the hearing, when asked why he wanted the union, he testified,

I feel that I could be a better workman, for the reason that there would be a better atmosphere in the plant. There would not be all of this dissension that is in there now, and a man could come to work and feel as though he really wanted to do his job.¹⁵⁰

Fellow crane operator Martin Dunn worked in the sinter plant, starting fifteen years earlier as a mail boy and in the tube and hot mills. He was Harry Phillips' half brother. He was married with one child, and because of that, continually lied to questioning superiors that he did not belong to the union. The Company discharged Dunn for forgetting his keys on a workbench after locking

147. *Id.* at 205-06.

148. *Id.* at 212.

149. *Id.* at 208-09.

150. *Id.* at 215.

the crane. There was a rule in the plant and a sign on the cab that only cranemen are to enter the crane. All the cranemen left their keys out from time to time. He was given no reason for discharge, except, "Nothing personal." In its response to the National Steel Labor Relations Board, J & L wrote, "This man was discharged for violation of the safety rules in his operation of a crane. The offense occurred on two different occasions. On one of them Dunn's action endangered not only other employees' lives, but his own life."¹⁵¹ The company did not renew these assertions when discussing Dunn in their brief to the Fifth Circuit Court of Appeals.¹⁵²

Dominic Brandy worked as a jig man and coal washer for fourteen years. He started work at J & L in 1910. He signed up 665 members before an office was opened in Aliquippa, and was a union trustee. He was continually shorted time. After testifying before the NSLRB, two or three stool pigeons always followed him outside the plant. J & L discharged Brandy for a bad sample which was taken from his coal washing. Brandy had worked Saturday, on Sunday there was no washing, and had worked the second shift on Monday. A sample was taken Monday night. An apprehensive Brandy asked the sample man, Charlie Ross, to check the sample. He went to the office and returned saying it was very good. No samples were taken on Tuesday or Wednesday nights. On Thursday, the boss, Mr. Felger, forced the sample man and a millwright, Angelo Sylvester, to sign a sample check without letting them see the contents. Felger then fired Brandy for producing a bad sample. Brandy asked him when the sample was taken, and was told Tuesday night. Brandy replied, "Then I guess that sample ain't mine," He said, "why?" Brandy replied, "Because Tuesday nobody take any sample four to twelve." Felger responded, "I have to make that change on either Monday or Tuesday, and you go up and get your clothes and get the Hell out of here."¹⁵³ J & L discharged Brandy November 28, 1936, Thanksgiving Day - a working day at J & L.

Croatian laborer Eli Bozich was warned by his foreman for not voting for the company union. The foreman complained that the Croats, Serbs and Slavs never voted in the company union elections.

Royal Boyer, a leader in the African-American community,

151. Letter from attorney for Jones & Laughlin Steel Corporation to H.A. Wiley, Chair, National Steel Labor Relations Board 2 (Sept. 6, 1935), in *Steel - NSLRB Correspondence, 1934-35*, Beaver Valley Labor History Society Papers (on file in Labor Archives, Univ. of Pitt.).

152. Petitioner's Brief, in *NLRB Record*, *supra* note 6, at 16.

153. *NLRB Record*, *supra* note 6, at 259-60 (testimony of Dominic Brandy).

joined J & L in 1924, working up from the labor gang to making nails. He was fired when a ten pound sample of bad nails turned up in his buggy. Normally a buggy holds 1200 to 1500 pounds. Two men dumped their nails in the same bin, the crooked nails, a single tray's worth, were all found in the same place in the buggy and an immediate inspection of the machinery by the inspector, operator and foreman showed nothing wrong. Bent nails were readily available from a scrap heap. Before his discharge Boyer had been given a Republican sample ballot by Superintendent John Akin and told, "Here is a ballot and I mean for you to put the mark where the mark is, and if you don't you will see the consequences, what it will be." Nail inspector, Chester Hodney, told Boyer's wife, "If I was Royal I would not have anything to do with the union whatever."¹⁵⁴

The Company instructed George Maroll, machinist helper, to operate a machinist's drill press during the night shift, despite the fact he had no training and no apprenticeship. He was then fired for being "hopeless" in ability, despite the fact the company kept him doing jobs on the press for months, at the helper's pay, not as a machinist. Maroll was married and had three children, so he did not complain at the time.

The final discharged witness, Angelo Volpe, married with four children, was president of the Democratic Social Club, vice president of Lodge #200, and worked for J & L since 1914, a laborer, greaser, rougher, weigh-master, and night foreman in the cold roll department. In 1930, he was busted to a laborer again for refusing to work on Easter Sunday. At that time, he was a crane operator in the tube mill. Management had assigned untrained men to the hookers jobs to save wage rates. An inexperienced man hooked up one of Volpe's loads badly. It was re-hooked and the man gave a head signal to go. A State inspector bawled Volpe out for following a head signal rather than a hand signal. Although head signals were often used, Volpe was discharged. J & L police officers continued to follow Volpe even to the day he testified before the NLRB.

All the men fired in the case were charter members of Beaver Valley Lodge #200; the first president, vice president, financial secretary, the president's half-brother (the first of the group fired), and a trustee. They were leaders of the Italian, Croatian, Black, Slavic and Anglo communities. One was the first president of the Democratic Social Club. The NLRB handed down its decision ordering the reinstatement of these men with back pay, April 9, 1936. It would take a year until the Supreme Court upheld the

154. *Id.* at 294. (testimony of Royal Boyer).

board's decision.

On July 10, 1936, another fourteen men, fourteen of the eighteen attending the first SWOC meeting, were fired immediately after SWOC entered Aliquippa in June, 1936. They invoked their legal rights in a Manifesto to the company important to organizing activity. These men certainly felt the power of the company as the control of a community they were inextricably part of as they demanded a family wage:

We, the undersigned, have been discharged within the past ten days from your employment for union activity. In addition, some two dozen other union men have been discharged within the past 18 months, 10 of whom have referred their cases to the National Labor Relations Board, which ordered their reinstatement.

We, as employees of the Jones & Laughlin Steel Corporation, have continuous service records ranging from three to 26 years. We 14 recently discharged men have a combined service record with your corporation of 181 years, an average of 13 years each. One of us with 23 years service lost an eye in your employment. Another with eleven years of service lost the fingers of his right hand. . . .

Our daily wages, on the dates of our respective discharges, varied from \$3.76 per day to \$6.12 per day, or an average of \$4.92 per day. This is a weekly average of \$24.60. With families averaging five in number, (using the shamefully inadequate standards of public relief) with \$3.50 deducted for clothes, \$5.00 for rent, .35 cents for light, \$2.00 for household necessities, \$1.00 for doctor, and \$1.00 for transportation to work, \$11.75 remains for food for the entire family for one week. This amounts to \$1.68 for food for the entire family for one day, or 56 cents for the entire family for each meal. This leaves eleven cents per meal for each member of the family.

We and each member of our families live on eleven cent meals. Each of us is clothed for seventy cents a week. Each of us is doctored for twenty cents a week. On such an income we are unable to stay out of debt, let alone prepare for old age. You hire us as young, strong, healthy men. You work us for twney [sic] years, the best years of our lives [sic], then you replace us with younger men from whom you also take the best years of their lives, only to throw them on the ash heap. From amongst these facts one thing stands out: Jones & Laughlin Steel Corporation lacks any social responsibility whatsoever for its employees and for the community in which they live.

co. union/ [sic] We have patiently waited for three years for your [sic] to do something about increasing our wages, so we could get away from ten cent meals. We have received nothing thru [sic] the company union, except water fountains and showers. And our children are unable to eat water fountains, and our wives [sic] and daughters [sic] are unable to wear showers. Therefore, after the inability of the company union to do anything for us was unquestionably established we joined the Amalgamated Association of I.S. & T.W. of N.A., lodge #200, under the direction of the Steel Workers Organizing Committee, for the purpose of bettering our living standards and working conditions, which we were unable to do anything about through the

company union.

By discharging us you have announced to your employees, and to the general public, that you propose to interfere with their legal and constitutional rights to join an organization of their own choosing. Furthermore you have thusly announced to your employees, and the general public, that you intend, and are so doing, to violate the Federal Constitution and acts of Congress so that you can interfere with the legal and constitutional rights of your employees.

We are writing this letter to you to announce that, in return, we who have been discharged for union activity are organized not only onto the Amalgamated Association of I.S. & T.W. of N. A., not only under the jurisdiction of the Steel Workers Organizing Committee, but we are also organized into the Honor Roll Committee. Only those men discharged for union activity are eligible to become members of the Honor Roll Committee. It is our purpose to further the self-organization of our fellow-workers into the union of their own choosing, so that working conditions and living standards can be bettered, and so that our employer can be made to live up to the laws of the land, and not disregard and violate them like highly publicized gangsters do.

We shall appreciate any additional members you choose to add to our Honor Roll Committee. The larger our committee the better the chances, we believe, of making J & L not only stand for Jones & Laughlin, but also stand for Justice & Liberty.¹⁵⁵

The Honor Roll Committee reached 54 members. Pete Cekoric, one of the original fourteen, a year later exclaimed, "When I hear the Wagner bill went constitutional I happy like anything. I say, good, now Aliquippa become part of the United States."¹⁵⁶

Atallah had seized upon John L. Lewis's offer of one-half million dollars to organize the steel industry in the face of the reticent Amalgamated, claiming no small role in the schism and the creation of SWOC. Invited by Lewis to the April 14, 1936 meeting of the Committee for Industrial Organization, which Lewis as yet had failed to swing to a direct move on the AA, Atallah was asked by Sidney Hillman, "What can we do when the resolution which [was] introduced by Mr. Lewis to have the money appropriated by the A.F. of L. is voted against by the Amalgamated?" Atallah replied, "haven't you gentlemen forgotten that within exactly fourteen days from today, the convention of the Amalgamated convenes in Canonsburg, Pennsylvania: Why not make the offer directly to the Amalgamated? And if the Amalgamated fails to accept the offer, then the convention will want to know why." Mr. Dubinsky said, "Are you telling us now that you will be able to deliver the conven-

155. J & L Firings, in Steel Workers Union file (located in Labor Archives, Pattee Library, Penn. State University, University Park, Pa.).

156. *Pete Cekoric*, BEAVER VALLEY LAB. HIST. J., June 1979, at 8.

tion?" "I'm not telling you a darn thing. All I can tell you is that I, together with my associate will bring it out and fight it. And if we go down, we will go down fighting — at least the public and the world will know why." Hillman said, "What else can you expect out of a man." Fifteen minutes later Lewis came to the door to shake hands, "Congratulations, you put it over."¹⁵⁷ At the Canonburg convention, eleven locals, including Lodge #200, were refused seats. When Michael Tighe asked Atallah if he had anything to say, he took the floor from 1:00 p.m. to 5:30 p.m., documenting the whole history of the relationship of the lodge to the international. The convention voted to seat the locals.¹⁵⁸ Five weeks later the Amalgamated agreed to jointly establish SWOC with the CIO.

On June 17, 1936, following the CIO schism with the AFL, John L. Lewis set up the Steel Workers Organizing Committee in Pittsburgh. SWOC took over the cowed and increasingly inactive AA local #200. From approximately 6000 members, the lodge could count on only 72.¹⁵⁹ Veteran UMW organizer Joseph Timko moved to Aliquippa and established a union office at 141 Hopewell Avenue. Timko started in the mines at age fourteen, organized the first boilermakers local, organized Indiana mines as president of UMW District 11, and then was assigned to Harlan County, Kentucky by the International. The organization campaign stepped up as union staff increased. One of the organizers sent to help was Harold Ruttenberg, then head of the SWOC research department. In Beaver Valley, one year later, a central labor council was in place and 51 locals held contracts covering 45,000 employees.

SWOC's regional organization strategy was top down and extremely tightly controlled by Lewis' people, who had undermined the rank and file attempts for a national strike.¹⁶⁰ Whatever hope might have fueled the rank and file strategy when the AA had recruited between 150,000 and 200,000 in 1934-35, that possibility disappeared when, by late 1935 and early 1936, those new members had virtually entirely dropped out. Aliquippa proved no exception.

The SWOC based its strategy on co-opting Employee Representation Plan representatives who had become disenchanted with the corruption of the company unions, and on working through the

157. Atallah Interview, *supra* note 130, at 13.

158. *Id.* at 14.

159. *NLRA Hearings*, *supra* note 1, at 4180.

160. "SWOC will insist on a centralized and responsible control of the organizing campaign . . . and will insist that local policies conform to the national plan of upon action which it decides, . . . Responsibility begins and ends with this Committee." David Brody, *The Origins of Modern Steel Unionism: The SWOC Era*, in *FORGING A UNION OF STEEL*, *supra* note 91, at 27 (quoting Philip Murray).

fraternal organizations of the foreign born. On the former, SWOC President Philip Murray announced, "Unlike the traditional A.F. of L. policy of calling company union representatives names, we have catered to them with a view to swinging them over."¹⁶¹ In regard to the latter, SWOC believed it would be very difficult to focus on African-Americans, because the companies had created fear among them of job losses from unionization and actively supported racial division and tension among the workers. This attitude went back to the 1919 strike when African-Americans were brought into mills as strike breakers. An early SWOC position paper closed, "It is our conviction, however, that the organization of the negro steel workers will follow, rather than precede, the organization of the white mill workers."¹⁶²

Yet SWOC did send Ben Careathers almost immediately into Aliquippa. The *Aliquippa Gazette*, July 12, 1936, boxed an announcement, "Information You Should Have" from the Loyalists. "Ben Carreathers, [sic] Negro Communist organizer, . . . is one of the principal leaders, and is connected with the leading Communist and radical organizations in the Pittsburgh district and adjacent territory. His principle aim is to unite the negroes and whites against the capitalist class."¹⁶³ This much was undoubtedly true. However, it did not prevent his effectiveness. He was recognized almost immediately in Aliquippa from his defense of the Scottsboro Boys, and the Communist commitment to unified unions and race equality helped secure union cards among black workers the SWOC thought unsupportive. Careathers was able to organize the National Conference of Negro Organizations, representing 110 groups with a membership of 100,000 in Pittsburgh to pledge support for organizing steel into one industrial union. This became important as, according to one estimate, 80% of Western Pennsylvania's 5235 Black steel workers worked for either Carnegie (U.S. Steel) or J & L.¹⁶⁴

Ironically, the alliance between the CIO and the National Negro Congress was one avenue through which the national SWOC leadership consciously introduced communist labor organizers into steel and Aliquippa. Philip Murray attributed much of the Ali-

161. Philip Murray, *Report to the Steel Workers Organizing Committee* 6 (Sept. 29, 1936) (located in SWOC file, Labor Archives, The Catholic University of America, Wash. D.C.).

162. Untitled document, 1936 (located in Dept. of Archives and Manuscripts, The Catholic University of America, Wash., D.C.).

163. *Information You Should Have*, ALIQUIPPA GAZETTE, July 12, 1936, at 1.

164. DICKERSON, *supra* note 79, at 146.

quippa success to Careathers.¹⁶⁵ The SWOC brought in rank and file activists, including Communists, after the party dropped its dual union strategy and disbanded the Steel and Metal Workers International Union.¹⁶⁶ SWOC used their organizing ability and discharged them when continued employment became a source of outside pressure.

The use of ERP men brought Paul Normile and Clifford Shorts into prominence in organizing in Aliquippa. Normile would later become the first president of Local 1211 of the United Steel Workers Association. In 1936, Normile served as a truck driver and ERP representative (from its inception in June, 1934) in the service department. His assistant, Joe Latone, was active in the AA. In September, Normile and nine other ERP representatives, without company approval, set up a Joint Wage and Means Committee to pressure J & L for higher wages and better working conditions. The Company refused to bargain. Disillusioned, Normile began secret meetings with SWOC supporters. On January 3, 1937, he, Shorts, and three other Joint Committee members signed SWOC cards, with an open letter:

We believe the company union plan of collective bargaining to be equivalent to the age-old custom of writing letters to the mythical Santa Claus.

We are convinced that a majority of the employee representatives are honest and sincere but that they become hopeless prey when confronted with the elaborate series of processes through which each case must pass and the unflinching attitude of the management which acts as both final judge and jury.¹⁶⁷

When SWOC Local 1211 was officially set up to replace AA Lodge #200, February 13, 1937, sub-regional SWOC director Timko recommended Normile be made president. He was, and Clifford Shorts, another ERP representative, became financial secretary. Both men quit their jobs to work full time for the union. In the local elections of 1937, Normile was one of two of the first Democratic councilmen elected in Aliquippa.

During the Steel Labor Board hearings, the investigator appointed by the board was Clinton Golden. Golden could not convince workers to talk freely with an outsider, so he donned a beaten, old trenchcoat, removed his false teeth, smeared his face

165. PHILIP S. FONER, *ORGANIZED LABOR AND THE BLACK WORKER, 1619-1973*, at 219 (1974).

166. Lynd, *supra* note 112, at 203. Lynd believed 60 of the approximately 200 organizers were contributed by the Party.

167. *Paul Normile*, *BEAVER VALLEY LAB. HIST. J.*, Dec. 1980, at 1.

and hands and snuck into the Aliquippa beer gardens to eavesdrop.¹⁶⁸ When the CIO formed SWOC, it hired Golden as its regional director for Western Pennsylvania. Golden turned the tables on J & L by infiltrating the main office with his own spy, a man named Malone, who signed his dispatches "M". Initially hired for the labor gang, and having boasted to the employment manager of working for a number of strike breaking detective agencies, M turned in sufficient information on small in plant burglaries to gain the favor of a Captain Nicholson in the J & L police. Nicholson gave M a note for the superintendent of the strip mill, J.B. Carlock:

My dear Mr. Carlock: The bearer, Barry Malone, check #27339, is a very good friend of both Captain Mauck and myself. He is now a laborer and would very much like to improve his position and get something that pays a little better. Anything you can do for him will be greatly appreciated by both myself and Captain Mauck.

Carlock gave M a timekeepers job which offered him the freedom to move around the plant. While M sat in Nicholson's office an open cabinet revealed at least 150 .38 caliber revolvers and three 100 shot drums for Thompson .45 caliber sub-machine guns, among many wrapped packages.¹⁶⁹ M was next assigned to be a weighmaster. His undisclosed college background led him to teaching classes on computations and writing a weighmasters handbook. From there, M was promoted to Supervisor of Weighmasters, worked out of the office of J.W. Murphy, one of the board of strike policy of J & L, and finally moved into the plant's general manager's office where he reported on the will of the corporate management to continue resisting the union. Highest level management never expected to lose the drive. However, they were planting undercover agents in every section of the corporation, encouraging some to join the union in order to maintain surveillance.

The steel industry responded to organizing pressures with sticks and carrots. On the establishment of a SWOC presence in Aliquippa, a J & L spokesman predicted,

Our men do not seek unionization of the type Mr. Lewis and his followers advocate. We are not afraid of the campaign begun by Mr. Lewis. We are not ashamed of our labor record. We have tried, and I think successfully, to be fair in our relationships with our employees. The employee representation plan has worked out well and we think it will function properly

168. THOMAS R. BROOKS, CLINT: A BIOGRAPHY OF A LABOR INTELLECTUAL - CLINTON S. GOLDEN 129 (1978).

169. Unidentified document, *in* Clinton Golden Papers (on file in Box 7, File 15 of Labor Archives, Pattee Library, Penn. State Univ., University Park, Pa.).

despite what Mr. Lewis and his followers say.¹⁷⁰

At the same time the company distributed this circular to the workers:

The stand of the Jones & Laughlin Steel Corporation in the matter of the union is clear.

The company is against the closed shop and will not tolerate on its payroll those who agitate labor trouble in the mill, nor will the mill operate with workmen organized by trouble-makers and Communists.

The \$30,000,000 plant now being erected in Pittsburgh was lost to Aliquippa through labor agitation and the value of every dwelling dropped 30 cents on the dollar.

Your employee representative plan is not run by outsiders who demand tribute from you for the right to work.

Open shop means pay days; closed shop means no pay days.

Representatives of the radical and communistic groups are helping in the strike agitation in Aliquippa.

Compare the steel districts with the closed-shop mining districts made by Lewis.

Business districts never recover from strikes.

Have some one estimate what the value of your property or business would be if Jones & Laughlin Steel Corporation closed their plants.

And the plant will close if the union and communistic agitation continues in our community.

Force and intimidation are the tools of the professional agitator and organizer. Violence and bloodshed the tools of the Communists.

The law gives you the right to work without paying tribute.

William Z. Foster has announced his support of the Lewis racket. What does his name mean to the true American?

The Jones & Laughlin Steel Corporation has been fair and honest with its employees. Do not permit our community to be overrun by organizers, agitators and Communists.

Where is the Mount Sinai from which Mr. Lewis is receiving the tablets naming him as the one to lead the people from their peaceful paths to hatred of their neighbor and their employer?

Yours respectfully,

Your Fellow-workman.¹⁷¹

The *Aliquippa Gazette* editorialized:

It is not in any sense of the word a question of these labor leaders trying to do something for the good of the wage earners; what they are trying to do is build up an organization of dues-paying members by which they hope to keep their staff of paid agitators and organizers at work. In this way they hope to form one *Big Union*, after which they hope to control the

170. *Labor Board Clash Spurs Steel Union*, N.Y. TIMES, July 11, 1936, at 6.

171. *Id.*

country both industrially and politically. There can be no doubt if their move is at all successful a *Labor Party* will be organized, through which they expect to dominate the political future of the United States.

We hear from time to time that John L. Lewis, Philip Murray, and other leaders are high type, highly intelligent gentlemen. We challenge this and claim that these men, and others like them are racketeers of the first order who prey upon the more common-type of workman and levy tribute and assessment of some kind and another, even though the employees cannot afford to pay one penny toward any organization that cannot possibly help them to support their families.¹⁷²

Timko responded by issuing leaflets:

I want to thank the Jones and Laughlin Steel Corporation for aiding our campaign by using such tactics. We have nothing to hide. We have nothing to fear. We conduct our activities openly and aboveboard. We are pursuing this campaign along powerful legal lines. We deplore the fact that others do not do likewise.¹⁷³

On the other hand, in November, 1936, the companies unilaterally raised wages \$0.10 per hour, and after SWOC negotiations with U.S. Steel, the industry added another \$0.10 per hour in March, 1937. The combined increases raised wages by 33%. But the strategy backfired as workers believed the union to have been principally responsible anyway. Timko argued that the redistribution of profits to wages served the public interest by stimulating business through the greater purchasing power of workers. Then the impact of the totally unexpected U.S. Steel contract triggered increasing membership in Aliquippa. On the afternoon of March 1, a SWOC organizer in Aliquippa phoned Murray at the Grant Building in Pittsburgh to report that he had heard wild rumors. "One of the steel workers just came in and said he heard over the radio that U.S. Steel was meeting with the C.I.O. I told him he was crazy and kicked him out of the office." "Well don't kick him out," Murray chided, "It's true."¹⁷⁴

On April 12, 1937, the Supreme Court upheld the constitutionality of the Wagner Act. J & L management did not begin to take the law seriously until then. On May 7, 1937, 600 employees met to establish the United Iron and Steel Workers of Aliquippa, an ostensibly independent union, to replace the illegal company union, the ERP. The group elected William H. Turner of the accounting department as chairman.¹⁷⁵ It was too late. One month later on

172. Editorial, ALIQUIPPA GAZETTE, July 2, 1936.

173. BROOKS, *supra* note 91, at 118.

174. IRVING BERNSTEIN, *THE TURBULENT YEARS* 473 (1970).

175. *Local Union is Formed by J & L Employees*, ALIQUIPPA GAZETTE, May 11, 1937, at

May 12, 1937, J & L workers voted to walk out if an exclusive bargaining contract was not signed with the Steel Workers Organizing Committee. J & L Chairman H.E. Lewis offered to sign a collective bargaining contract with SWOC if it could also sign a similar contract with any other group of non-SWOC members. Philip Murray refused, knowing that men who feared the past would choose to sit out on those terms. Murray also refused an exclusive representation election until union strength could be tested.¹⁷⁶ On May 13, the strike began and on May 15, J & L capitulated. On May 21, the Aliquippa and Pittsburgh Works of J & L voted to establish the United Steel Workers, CIO as their exclusive bargaining representative.

This period from 1933-1937 was hardly peaceful. If it is not clear that anyone died in the organizing, many were severely beaten, families and neighborhoods divided, and, in particular, union supporters and their families suffered enormously. In that sense, company recalcitrance, and company duplicity through the captured company Employee Representation Plan created resentment. Tough and effective outside organizers with UMW money sufficient for the first time, tightened organization and demonstrated staying power. Desperate economic circumstances in the shadow of obscene profits being reaped by J & L led many to seek some new representation and power. In 1936, J & L netted \$4,129,600.00 or \$7.03 per share.¹⁷⁷ But no one present foresaw the overwhelming solidarity and support of the community for organization now, and desperately now, in 1937. In a sense, a group of steelworkers didn't strike as much as an entire town struck.

Dominic Del Turco, picket captain, worked the 1800 man Welded Tube Department. At fifteen minutes to eleven o'clock, he walked the length of the plant, thumb down, the signal to get ready. At two minutes to eleven he instructed leaders to blow whistles in the noisy Butt Mills. At the end of the plant he and his strong arm men met a 300 lb. worker and Assistant Superintendent Volcher. The worker said, "Who's going to carry me out? I'll tear you apart you little shrimp." Del Turco whistled and five men ran over to carry him out.¹⁷⁸

A young organizer, undoubtedly overly enthusiastic, described

1.

176. "[T]he union was by no means sure of its ability to win an election, and it may have wanted the strike as a demonstration of its power, to help convince workers who were on the fence." WALTER GALENSON, *THE CIO CHALLENGE TO THE AFL 98* (1960). See also BROOKS, *supra* note 91, at 123.

177. *THE AMBRIDGE DAILY CITIZEN*, Mar. 25, 1937, at 1.

178. Del Turco Interview, *supra* note 110, at 19.

the strike,

No one, not even ourselves, believed it possible. It was fantastic to think of. We expected to get the men out, certainly, but not all of them, and not without some opposition from "loyal" groups or from city or company police. But, no, not a bit of it. The walk out was complete, and as far as I can determine 100% effective. For the first time in years, the valley is not brilliant red at night with smoke and fire from the Bessemer furnaces.

It was something of a revolution, too. Aliquippa rose up against a tyranny that had held them in bondage for years. For all practical purposes, the workers took over the functions of government. They were in complete control. Only for less than two hours were city police even in sight. The picket line was absolutely effective. No one got thru [sic], not even the police who tried to force thru [sic] an allegedly empty bus. The cops came with tear gas and guns. They threatened our men if we impeded their progress, but the bus could not get thru [sic]. It was pushed back and out. Only once did the police win in a fracas. They were permitted to go [in] on foot, but when they tried to get out again, they were stopped. They had tear gas and used it to blast their way out.

The strike is a rank and file affair. SWOC may have called it, but it is in the hands of anybody who can lead. It is a mob, not an organization. We organizers have no more control than our lungs can bring us.

There were perhaps one or two thousand at the meeting when the strike call was issued. These men were scattered among the various gates at 9:30. Shifts change at 11. The strike was to begin with the preventing of the night shift from going on duty. First thing we did was to take possession of the tunnel and roads leading thereto. You remember these roads are shaped like a Y and lead directly into the center of town. Our men got American flags and poles and stretched them across the entrance. Behind these perhaps 500 to 1000 people were stationed. Across the street, at the railroad station, at windows, in the parking lot, thousands more assembled. All of these were interested in the strike - J & L is Aliquippa - but few intended to be pickets. Nevertheless, they served that purpose. By the time the second turn came off duty, our active men had increased to thousand, and in addition to this a good share of those who left the plant remained outside for picket duty. Get the picture. All Aliquippa was there - that is, all except the police. They came later in steel helmets and with guns and tear gas to direct traffic for a short time, but except for what I mentioned above, they played no part in the strike. Fully half the town remained on the scene till after one o'clock, by which time practically all the men were out of the mill.¹⁷⁹

Women, almost all wives of steel workers, were among the most militant at the gates.¹⁸⁰ Mary Cozzicolli remembered,

179. Letter from Meyer Bernstein (May 13, 1937), in Beaver Valley Labor History Society Papers (on file in Labor Archives, University of Pittsburgh). See also BROOKS, *supra* note 91, at 123-26.

180. *Strike Closes Aliquippa Plant*, AMBRIDGE DAILY CITIZEN, May 13, 1937, at 1, 4.

I was at the Wye most of the time and we had quite a few women and elderly women that would stay there night and day and I'm not joking, without no sleep night and day, and I mean they had umbrellas and they were really going to pick up their part because you know, this was their bread and butter to them. . . .¹⁸¹

The women alerted pickets to a mail truck they thought to be stuffed with food for the staff still inside, which was halted and overturned with their help.¹⁸² The only police action took place the second day of the strike. Police fired five or six tear gas cannisters at a group of 250 pickets who surrounded Borough Police Chief Ambrose and Burgess William Sohn as they emerged from a tour of the plant. Mrs. Mary Sample, a striker's wife, was arrested for allegedly striking Chief Ambrose with an umbrella.¹⁸³ Violence occurred rarely when men tried to force past picket lines, but a handful were severely beaten and a windshield was smashed. One of the tense moments happened when Governor Earle drove through the Wye tunnel to be met by the aimed rifles of Company police who recognized their mistake too late. In general, the heavily outnumbered police, both Borough and Company simply tried to unclog traffic. The bus company had to suspend operations, and with pickets at the train terminal, no trains (all company owned) stopped. Pickets also blocked the end of the Ambridge Bridge. J & L was closed and so was Aliquippa.

The strike lasted 36 hours, ending when J & L Chairman H.E. Lewis agreed to sign an exclusive bargaining contract if the SWOC could win an NLRB election.

Suddenly a white paper like a flag of truce fluttered above the crowd. . . . "A victory has been won! Jones & Laughlin has signed an agreement with the Steel Workers Organizing Committee. The strike is officially declared over," Joe Timko's voice blared out to the tense waiting crowd. . . . "I can't believe it's over," one girl said. "They were tear gassin us last night. Yes, last night Turner's vigilantes was bragging they was goin' to shoot us out."¹⁸⁴

Timko urged the people to go home.

No one left. Anybody who walked out of the mill was spat upon by the

181. Interview with Mary Cozzicolli 7 (n.d.) [hereinafter Cozzicolli Interview], in Beaver Valley Labor-History Society Papers (on file in Labor Archives, Univ. of Pitt.). See also Interview with Andy Lopata 48 (July 2, 1979) [hereinafter Lopata Interview], in Beaver Valley History Society Papers (on file in Labor Archives, Univ. of Pitt.).

182. Cozzicolli Interview, *supra* note 181, at 8.

183. BEAVER VALLEY TIMES, May 14, 1937.

184. MARY H. VORSE, LABOR'S NEW MILLIONS: THE GROWTH OF A PEOPLE'S POWER 116-17 (1938).

women and attacked by the men. Somehow Timko managed to hire a band and, carrying an American flag, he led a parade of 20,000 people away from the Aliquippa Works. The procession spun out for twelve miles along the Ohio River.¹⁸⁵

Governor George Earle praised Philip Murray and John L. Lewis for the prompt settlement and conducting the extensive strike with virtually no violence: "Any company which does not want to negotiate as J & L did ought to be ashamed of itself."¹⁸⁶ Formally, the agreement included six points:

1. The men were to return at once pending a Wagner Act election.
2. J & L promised not to interfere or coerce workers in rights of self organization, as guaranteed by the Wagner Act.
3. J & L would facilitate elections at its plants.
4. Pending final determination, conditions then in effect in contract between SWOC and Carnegie-Illinois Steel Corp. would be observed by J & L.
5. "The corporation agrees to negotiate and sign an exclusive bargaining contract with the SWOC in the event a majority of those participating in the election select the SWOC as a collective bargaining agency."
6. All employees as of May 12, 1937, will be returned to their former positions without discrimination.¹⁸⁷

The next week, the workers voted without incident 17,028 to 7,207 for the union, with the vote 7,940 to 3,191 in Aliquippa.¹⁸⁸ The ballot contained a single question: "Do you want the Amalgamated Association of Iron, Steel and Tin Workers of North America through the Steel Workers' Organizing Committee of the Committee for Industrial Organization to represent you as the exclusive representative for collective bargaining?"¹⁸⁹ Broken down by departments, Blast Furnaces workers voted: 443-156; Steel Works, Open Hearth and Bessemers: 479-136; Blooming Mills: 501-264; By-Product Coke Works: 183-192; Fourteen Inch Mill: 112-201; Tin Plate: 1960-642; Wire and Rod Mills: 936-458; Welded Tube: 1100-411; Seamless Tube: 829-381; Electrical: 173-130; Mechanical, Blacksmiths, Riggers and Cranes: 483-301; Carpenters, Bricklayers, Laborers and Motor: 695-622; Misc. 46-136.¹⁹⁰

The exclusive agency agreement became the first the steelworkers won in the industry; won in the first great industrial elec-

185. BERNSTEIN, *supra* note 174, at 477. The band cost \$175. BROOKS, *supra* note 91, at 127.

186. *Jones & Laughlin Steel Strike is Ended*, AMBRIDGE DAILY CITIZEN, May 14, 1937, at 1.

187. *Id.*

188. 2 to 1 at J & L, PITTSBURGH PRESS, May 21, 1937, at 1.

189. *Id.* at 10.

190. *Id.*

tion conducted in the country. In an important sense, Murray had staked the future of the SWOC and the entire Little Steel campaign on this victory. Yet one day before the vote, Philip Murray charged Little Steel with a last ditch effort to sabotage the election, the captains of the Republic Steel police forces in Cleveland, Buffalo, Canton, and Warren, with their lieutenants and 30 members of their Cleveland gas pipe gang, were reported in Aliquippa. The underlings and some of the officers had all at one time worked at J & L. Republic responded that the men were just there to observe.¹⁹¹ William Turner, the president of the former ERP and now independent United Iron and Steel Workers of Aliquippa, gave an affidavit to the NLRB July 25, 1937. Jim Williams, Chief of Republic Steel's police force, met with him in Aliquippa the week of the election. Williams ordered 10,000 handbills printed in English, Serbian, Slavish, and Italian, ostensibly on behalf of the United Iron and Steel Workers, urging a no vote and invoking the mob rule, the beatings and the intimidation practiced by the SWOC and their imported pickets. The cost was \$453 for the foreign language versions and \$250 for the English. Despite the fact that Williams told the printer that Republic Steel would pay for the former and UISW for the later, Turner denied having any part in the handbilling. At the same time, the broke UISW was assured by Mr. Mays of J & L that Republic Steel would pay the expenses of speakers at anti-SWOC election rallies. Before the strike, Mr. David Craig, characterized as the head of the J & L Republican political machine, assured Turner he would get all the support he would need when they crashed the picket lines.¹⁹²

When Justice Hughes ordered reinstatement of the ten workers remaining in the suit they were given a heroes' parade down mainstreet - Franklin Avenue. When asked what these men would do after the lump sum payment of their back wages, one responded, "The court ordered us back to work"¹⁹³ not back to employment—back to work!—a difference not lost on the men. In the early 1930s, when work had been cut to two days a fortnight in many of the shops, the company had run shuttle boats to uninhabited Cow Island in the middle of the Ohio so that workers and their families could clear and farm small patches. Now women stood in open windows along the way crying with joy and chanting

191. *Republic Denies Murray's Charges on Steel Elections*, AMBRIDGE DAILY CITIZEN, May 19, 1937, at 1.

192. Affidavit of William H. Turner (July 23, 1937) [hereinafter Turner Affidavit], in Jones & Laughlin Steel Co. Regulatory File (located in NLRB Archives, National Archives Annex).

193. BEAVER VALLEY LAB. HIST. J., Jan. 1980, at 8 (caption of photograph).

"no more Cow Island" as the parade marched by.

At least 42 men from the Honor Roll, fired for union activity between January and July of 1936 (26 in one month from late June) were rehired with seniority and back pay in response to the union and the Supreme Court decision. Their back pay totalled over \$26,000. Of the original thirteen men discharged, nine resumed their work at J & L. In the year outside, each had worked some at other jobs, in addition to their back wages: Brandy was paid \$973 at the rate of \$26 per week, earning \$970.48; Volpe - \$862.21 at \$22 per week, earning \$1152.16; Phillips - \$193.23 at \$27.50 per week, but earning \$2,446.77; Dunn - \$1313.12 at \$5.16 per day, earning \$1135.75; Maroll - \$1329.83 at \$24 per week, earning \$463.14; Boyer - \$1747.38 at \$30 per week, earning \$451.58; Gerstner - \$1171.94 at \$27.50 per week, earning \$836.; Razzano - \$1045.61 at \$4.80 per day, earning \$583.58; Bozich - \$367.09 at \$15 per week, earning \$43.91; and Cox - \$342.66 at \$34 per week, earning \$1332.54. Cox at that time owed the Woodlawn Land Co. \$593.11 and the Pittsburgh Mercantile Co. \$49.76, almost twice as much as his award. He refused J & L's offer of reinstatement conditioned on the award offsetting his debt. In an important precedent for the NLRB, Associate General Counsel Robert Watts ordered that under no circumstances would the Board agree to any settlement requiring counterclaims and setoffs to back pay awards, arguing that administrative proceedings were neither a suit at law nor a private cause of action. At the time Phillips owed the Woodlawn Land Co. \$244.83 and the Pittsburgh Mercantile Co. \$24.81, while Maroll, Boyer, and Razzano, owed the latter \$113.06, \$66.07, and \$49.75, respectively.¹⁹⁴ Boyer guessed he would buy a house for his wife and three children in Ambridge, Brandy put his money together with a WWI bonus check to bring his wife and three children from Italy, and Dunn, Maroll, Phillips, Gerstner, Cox Razzano and Volpe planned to pay bills.¹⁹⁵

The workers were organized and they had tasted their power, economically and politically. Financial Secretary Clifford Shorts recalled,

We knew that we were going to have some trouble in carrying out our end of the agreement, perhaps, because for the first time in 30 years some of the people in Aliquippa were feeling their own power, it was the first time that they had ever been allowed or had ever been able to voice their own opinions and do anything really for themselves.¹⁹⁶

194. Turner Affidavit, *supra* note 192.

195. *J. & L. Plays 'Santa,' Pays Reinstated Men*, PITT. SUN TELEGRAPH, July 22, 1937.

196. *NLRA Hearings*, *supra* note 1, at 4188 (testimony of Clifford Shorts).

Moreover, as the workers saw it, they had organized themselves from the grass roots. The outside help was appreciated, but given what they had resisted, organization only worked because the workers had revolted. So, if they had struck to organize, they could strike for justice and better treatment in the plant. The rest of 1937 saw a series of wildcat strikes, which Joe Timko had to put down.¹⁹⁷ Steward Andy Lopata wildcatted the first time in the Seamless tube because hot steel would fall down upon the men. When they blew the whistles, the men just stood by their machines. The strike lasted only fifteen minutes when Superintendent Fisher promised an immediate coverplate. The second wildcat over a work clothes laundry forced Timko to call Lopata to his office to tell him that only the Local president could call a walkout. To the men on the floor, it appeared that Timko only stopped them from getting their rights.¹⁹⁸ The SWOC had won a contract but management expected discipline in return. Aliquippa steel workers chafed at the apparent cowardice of the national leadership, but no serious work stoppage occurred. J & L attributed success to Timko:

He is a Dr. Jekyll and Mr. Hyde. While we were fighting him, we thought he was Mr. Hyde - one of the toughest organizers and hardest-fighting strike leaders we had ever come up against. But now that we have been dealing with him for two years, we've found him an able negotiator and responsible union business official.¹⁹⁹

African-Americans as a group of workers also felt empowered, starting more vigorous civil rights organizations, including leadership from 1920s UNIA organizer Matthew Dempsey and union activist Bartow Tipper. Black workers struck in 1944 protesting J & L's failure to promote them to an equal share of open positions.²⁰⁰

Politically, the transformation of Aliquippa was more rapid and complete. In the elections of 1937, the Democratic Party

197. Lopata Interview, *supra* note 181, at 15-24.

198. *Id.* at 21, 24.

199. BROOKS, *supra* note 191, at 110. For the SWOC vision of responsible unionism, see CLINTON GOLDEN & HAROLD RUTTENBERG, *THE DYNAMICS OF INDUSTRIAL DEMOCRACY* (1942). David Brody sees a fit between the SWOC administration of the work force and a more realistic and thus less militant workforce in steel. David Brody, *The Origins of Modern Steel Unionism: The SWOC Era, in FORGING A UNION OF STEEL* 14-15 (Paul Clark et al. eds., 1987). His view fits Aliquippa uncomfortably given the rank and file activity, the accompanying violent repression of workers, and the wildcats following unionization. While the workers became disciplined, that was not their early inclination. Further, while acknowledging rank and file mobilization as a factor in steel, he provides no explanation for the ability of J & L workers to gain the exclusive representation contract that SWOC could not get from Carnegie-Illinois. The best explanation is the civil uprising nature of the J & L strike, unforeseen by management.

200. DICKERSON, *supra* note 79.

ected union affiliated candidates to the office of Burgess (mayor) and three of seven council seats. The sponsor of the Committee of Five Hundred, a justice of the peace who held office for eight years issuing fines to steel workers, the editor who called John L. Lewis "Mad Dog", J.A. Ruffner, Republican Party Chairman and tax collector since 1914, were swept out of office.²⁰¹ Burgess Candidate George Kiefer, a pro-union druggist campaigned,

We will have but one Chief of Police and one Police Force. Their duties will be to police the town of Aliquippa, keep law and order and meddle with nothing else. . . The Police Department will be under the direct supervision of the Burgess with the approval of Council. The entire Police Force will take orders from nobody else.²⁰²

Local President Paul Normile pledged as Councilman,

It has been the practice of past and present Councils to be dominated and controlled by men who have no connection with borough affairs in their selection and dismissal of members of the police force. The police force was not selected for the ability of the various members, but consisted of imported persons responsible to special interests not legally having a voice in civic matters. . . We pledge ourselves that in the selection of police officers, we will first select local residents.²⁰³

The first battle of the split Council occurred on a motion introduced by the SWOC members to fire six of the most vicious policemen. In subsequent elections, SWOC candidates essentially swept all municipal elections. This secured the streets and public places for a liberty the workers had never experienced before. As one steel worker appraised the victory of the union, "it was 'worth twelve dollars a year to be able to walk down the main street of Aliquippa, talk to anyone you want about anything you like, and feel that you are a citizen.'"²⁰⁴

201. LEVINSON, *supra* note 103, at 274.

202. Eric Leif Davin, *The Littlest New Deal: SWOC Takes Power in Steeltown, a Possibility of Radicalism in the Late 1930s* at 50 (n.d.) (quoting UNION PRESS, Sept. 8, 1937, at 2).

203. *Id.* at 51. Steel workers documented the origin of the force: Chief Ambrose, previously at the J & L subsidiary Vesta Coal Co.; Lt. Honn, same; Sgt. Bloom, formerly a Ku Klux Klan leader in Jefferson County and a strike breaking policeman at the mines; Sgt. Grosskoff, not a resident of Pa., from the Marine Corp.; Tom Elms, local Republican stool pigeon from Beaver Falls; Cole, from Waynesburg; Steel, from Bobtown, a J & L cop; Cook, never a resident, Marine Corp.; Greenley, same; Costlow, former bootlegger and stool pigeon; Bradbury, former state policeman, never lived there; Moraski, former highway patrolman, never lived there; Fuss, U.S. Army, never lived there; Rendos, friend of Sgt. Bloom, from DuBois; Powers, from W. Va. *Id.* at 44.

204. RICHARD CORTNER, *THE JONES & LAUGHLIN CASE* 168 (1971).

CONCLUSION

The specific claims of this article are many and severable. At one level — call it post-traditional legal realism²⁰⁵ — recovering the social history of Aliquippa reminds us that legal decisions occur in social contexts of action much richer than their accounts in the law books or indeed those of official legal actors. Recovering social history recovers important lost voices which should be known by those who engage in the ongoing dynamic process of law creation.²⁰⁶ Minimalist democracy requires accountability for the exercise of power. Social history helps identify the people who should demand that account.

At a second level — call it the internal critique of original intent arguments — social history challenges the particular conservative authoritarianism of the Framers' intent by showing the way particular cases arise out of patterns of disputes over conditions and practices.²⁰⁷ To the extent that intent as a methodology disciplining legal decision claims to be neutral to opposing legal interests, it requires that the meaning of past legal events be fully known by the present decision maker who then merely compares past and present characterizations. "These are the facts and therefore this is what would have sprung" from the fevered white brow of the (largely) male proprietor holding the legal office promulgating the rule. To the contrary, the power of law is known by persons subjected to legal power in much broader patterns of conflict. Showing there is struggle suggests a gap between the legal meaning for ordinary people and the meaning attributed through such originalist speculation. It begs a different justification. If law is to be consciously constructed as a visible, participatory discourse, then no interpretation can be actually "original" if that means removed from contested social context. If there is conflict to be mediated now, there is no particular reason to believe that the times of the origin of any rule were any less uncertain, or that power was other than compromised and distilled conflict. If arguments about legal justice turn on "neutral" criteria, they must at least be made more truly neutral by incorporating the contested sides of the social context of the past dispute as part of the relevant construction of legal meaning for deployment in the present contest. Represent-

205. The forerunner of work such as this is the quintessential realism of WILLARD HURST, *LAW AND ECONOMIC GROWTH: THE LEGAL HISTORY OF THE LUMBER INDUSTRY IN WISCONSIN 1836-1915* (2d ed. 1984).

206. Robert Gordon, *Critical Legal Histories*, 36 *STAN. L. REV.* 57 (1984).

207. See generally James Boyle, *A Process of Denial: Bork and Post-Modern Conservatism*, 3 *YALE J. L. & HUMAN.* 263 (1991).

tations portrayed as consented to democratically must have some correlation to the reality of those whose experience is represented.

At the third level — call it toward a democratic theory of law — the social histories of a series of contemporary labor law cases may reveal the connections between the many divisions of labor in specific communities and their patterns of struggle over the construction of power. If such a relationship between the pattern of legal ideas which prevail and social contest over the meaning of daily life can be established, then it should be important to challenge prevailing theories of law for their complicity in reinforcing such social practices beyond the overly narrow and legalistic apologies of strict intent, state action, and the public-private distinction.²⁰⁸ If we *want* power to be democratically shared as the best context for the pursuit of freedom, then legal meaning in any form, and its shaping of institutional practice, must have a democratic account of not only law's internal operation but its meaning as a socially deployed experience of political authority.²⁰⁹ We may not want law to be democratic. We may wish something quite different—power by the more or less coerced consent of the governed. But, if we want democratic social functioning, we must change the notion of law itself.

True democracy can never be achieved merely through the redistribution of the fruits of production. As we produce wealth to be consumed, we also produce ourselves. True democracy must be part of the distribution of production itself. Much of that distribution is understood and often accomplished through the power constructed by law and by agents claiming the authority of law. The social history of Aliquippa is part of the J & L opinion. It had to be if it was to operate as law. But the town and its people were hidden in the blinders of Justice Hughes and in the blinders of a legal practice meant to perpetuate inequality in the name of economic practices that operate only in the absence of social forms of production which could embody an authentic democracy. And in this case the workers won! They won more than the lawyers knew or could have known given their limited understanding born of legal ideology. The presence of social struggle as necessary for understanding what happened as law in fact, and in producing the events necessary to legal actions, is documented normally as the presence left unsaid.

A more just and democratic legal practice has at least these

208. Kenneth Casebeer, *Running on Empty: Justice Brennan's Plea, the Empty State, the City of Richmond, and the Profession*, 43 U. MIAMI L. REV. 989 (1989).

209. Staughton Lynd, *Government Without Rights: The Labor Law Vision of Archibald Cox*, 4 INDUS. REL. L. J. 483, 494 (1981).

rough criteria, and this understanding confronts much of what we as lawyers do. It is not to do history but to do law that the meaning of law as a report of democratic experience must again be found in *Jones & Laughlin v. NLRB*. There was an "unfair labor practice" committed in July, 1935 and before, in Aliquippa, Pennsylvania — unfair to the democratic construction of community, to the labor of the citizens and workers of Aliquippa to reproduce the conditions of their shared enterprise, unfair through the purely formal understanding of law limiting the employee to specific entitlements in regard to the tools and resources of work, unfair to the right to the self determination that a guarantee of collective organization was most literally fashioned to protect.

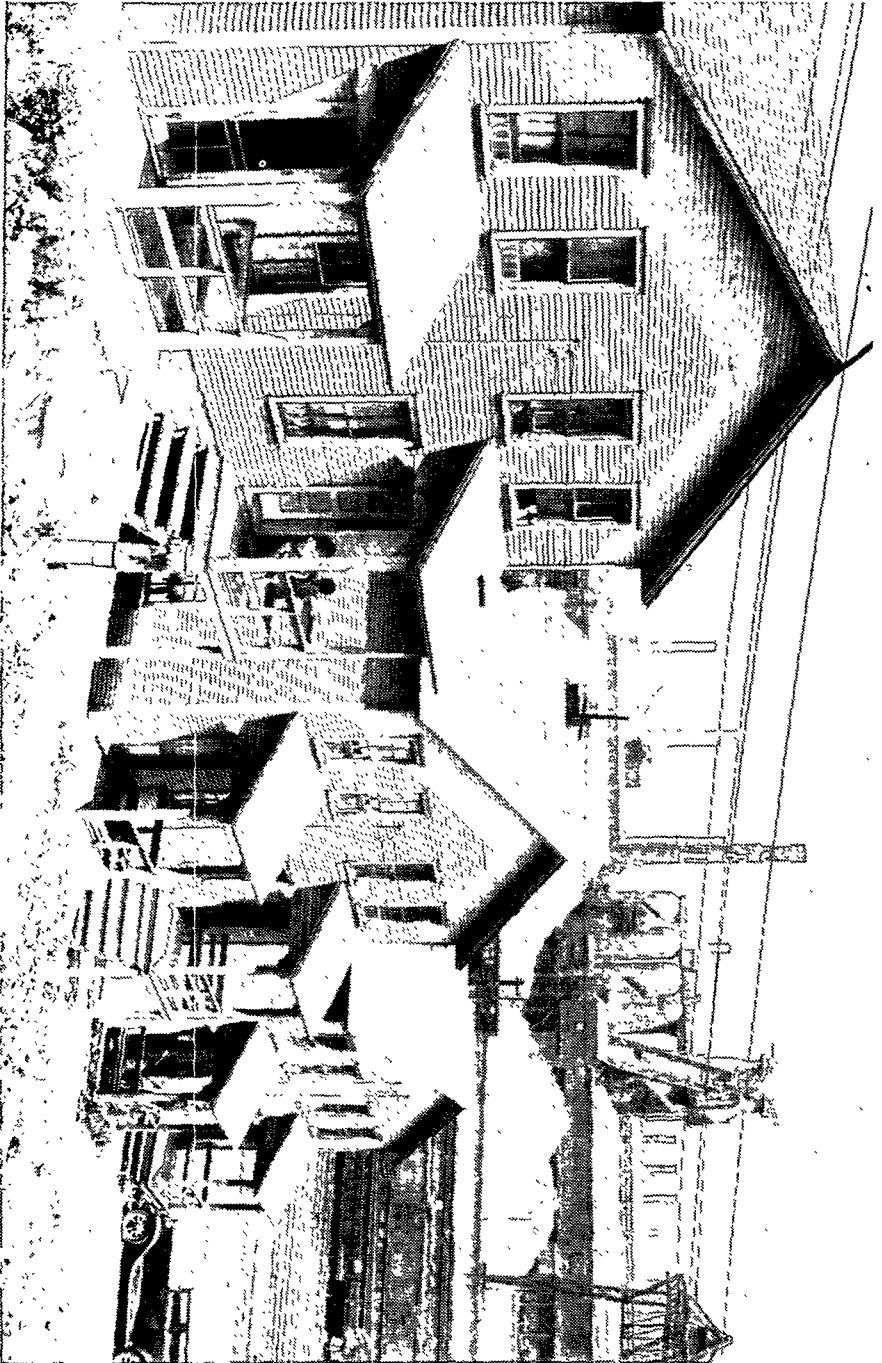
When Justice Hughes wrote, "[e]xperience has abundantly demonstrated that the recognition of the right of employees to self-organization and to have representatives of their own choosing for the purpose of collective bargaining is often an essential condition of industrial peace,"²¹⁰ he was by definition responding through law to social conflict. He could have explicitly connected the law he announced to the struggle over power which a prior regime of constitutional interpretation protecting local control of economic development had anticipated and structured.²¹¹ He could have understood the passion for throwing off the alienation of control fueling the workers to break the peace of the quid pro quo. He could have understood the passion for power to make their own lives of the people of Aliquippa. He could have seen the threat to national prosperity in their iron will for democracy. He could have seen that American promise, because it was there in the law, in the power, in the case.

210. *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1, 42 (1937).

211. *See Lochner v. New York*, 198 U.S. 45 (1905) (holding that liberty of contract protected by Due Process prevents bakers from limiting their hours by political contract, when under market conditions individual contracts including limits are unachievable); *Hammer v. Dagenhart*, 247 U.S. 251 (1918) (holding that where the the local police powers must include deciding which contractual relations and other voluntary associations are approved as public policy, child labor produced goods are thus protected against national denial of access to the common market). *But cf.* *West Coast Hotel v. Parrish*, 300 U.S. 379 (1937) (holding that the state is not required to subsidize employers offering below subsistence wages made marketable because of the unemployed surplus labor force resulting from structural failure of domestic market to clear commodity and labor gluts); *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937) (holding that when industries vertically organize themselves in response to state choices of what mix of natural and legislated competitive advantages to offer participants in local markets, national regulation must be permitted to allow democratic construction of the national common market, including making possible workers' coalitions access to the construction of local political-economies into their communities).



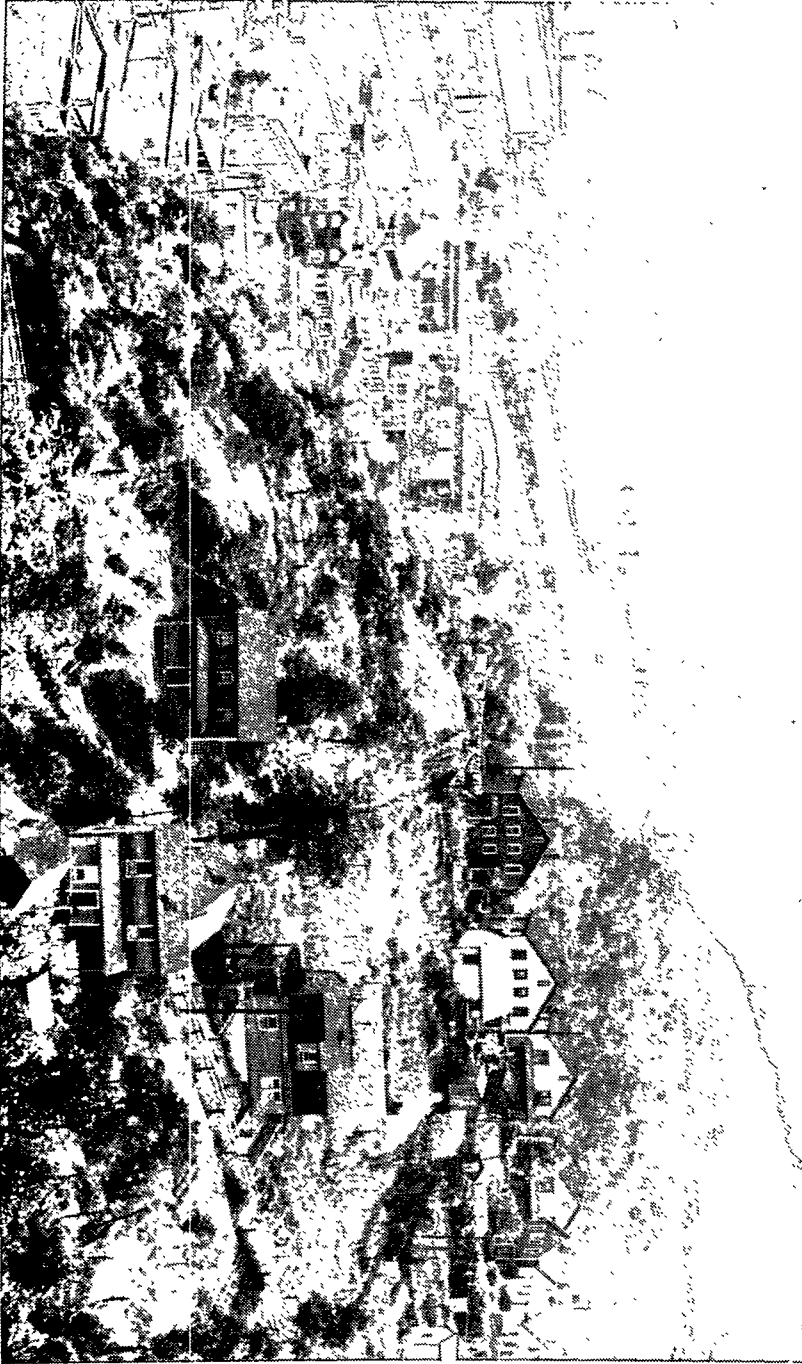
LCUSF33-02837 - Arthur Rothstein, SWOC Headquarters Aliquippa - 1938 - this is one of the most frequently used photos from the depression.



LOUSF34-26549 - Co. Housing and J&L



LCUSZ62-38114 - Vigilante County Deputies Firing on pickets - Ambridge strike, 1933.



LCUSF34-26546 - The Co. hill plans