

## THE "LITTLE STEEL" STRIKE OF 1937 IN JOHNSTOWN, PENNSYLVANIA

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THE deterioration of labor-management relations in Little Steel prior to World War II, which resulted in industrial warfare during the strike of 1937, illustrates the failure of paternalistic welfare capitalism as an anti-union device in the steel industry. At issue in the 1937 strike were neither wages nor hours nor working conditions. Rather, the Steel Workers Organizing Committee (CIO) sought recognition as a bargaining agent, and the legitimacy conferred by signed contracts.

In Johnstown, Pennsylvania, the SWOC campaign to secure a contract with the Bethlehem Steel Company was defeated largely because civic leaders and public officials united to incite widespread negative community reaction. In their efforts, these local leaders were aided directly and indirectly by the management of the Cambria Works of Bethlehem. In fact, according to the LaFollette Committee report on the strike, Johnstown offers the best example of a company-dominated citizens' committee, local law enforcement officials, and community opinion uniting to defeat a union organizing campaign.<sup>1</sup> Even more significantly, the report concludes that public acceptance of the anti-union efforts resulted in violations of the strikers' civil liberties in the name of "law and order."

Bethlehem was not only Johnstown's largest employer, it was a civic pillar in the community as well. The Cambria Works employed approximately 14,000 workers out of a total city work force of about 17,000<sup>2</sup> and disbursed over seventy-two percent

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<sup>1</sup> United States, Senate, Committee on Education and Labor, *The "Little Steel" Strike and Citizens' Committees*, Report No. 151, 77th Cong., 1st Sess. ([Washington], 1941), 253. Hereafter cited as LFC, *Little Steel*.

<sup>2</sup> Johnstown Chamber of Commerce, *Economic and Industrial Survey of Johnstown, Pa.* (Johnstown, Pa., 1942), 13, 14. Hereafter cited as *E & I*.

of the total wages paid in the community.<sup>3</sup> In addition, the Company was the principal financial supporter of the Johnstown Chamber of Commerce, parent of the strike-born Citizens' Committee. Represented on the Chamber by Sidney D. Evans, Bethlehem paid for 40 annual memberships, accounting for \$1,000 of the \$8,000 annual dues received, which it distributed to local civic and religious leaders.<sup>4</sup>

In the Cambria Works as well as in its other mills, Bethlehem took the lead in the paternalistic welfare capitalism approach, establishing employee stock ownership plans, pensions, relief and disability benefits, and, in 1919, an Employee Representation Plan. Because of its long history, the Bethlehem ERP, according to Irving Bernstein, was the only company union in 1937 with any claim to legitimacy.<sup>5</sup> The ERP was never intended as a collective bargaining instrument, however, and the Company viewed it not as an organization for employee self-expression but as a vehicle for the communication of management's policies to the workers.<sup>6</sup> The LaFollette Committee concluded that after 20 years of operation, the Bethlehem ERP "failed to qualify in the minds of a substantial group of employees as a successful instrument for collective bargaining."<sup>7</sup>

Nevertheless, the inadequacy of the ERP, obvious as it was, did not represent a significant issue in the 1937 strike. The right to bargain collectively had already been decided by Congress and, as Bernstein points out, Little Steel had already adopted the wage scale agreed to in the SWOC-Carnegie-Illinois (United States Steel) contract of March 17.<sup>8</sup> But the Supreme Court ruled on April 12 in the Jones & Laughlin case that a company was not obligated by statute to sign a contract recognizing a union. While U. S. Steel under Myron Taylor had voluntarily signed an agreement, Little Steel, under the leadership of Republic's Tom Girdler, decided to defend its paternalism against the union onslaught for recognition.

<sup>3</sup> United States, National Labor Relations Board, *Decisions and Orders of the National Labor Relations Board*, Vol. 14, August 1-31, 1939 (Washington, 1940), 612. Hereafter cited as *NLRB, Decisions*.

<sup>4</sup> LFC, *Little Steel*, 253.

<sup>5</sup> Irving Bernstein, *Turbulent Years* (Boston, 1970), 479.

<sup>6</sup> LFC, *Little Steel*, 62.

<sup>7</sup> *Ibid.*, 64.

<sup>8</sup> Bernstein, *Turbulent Years*, 481.

Despite the legal setback of the Jones & Laughlin decision, the SWOC had reason to be optimistic. The Carnegie-Illinois agreement had brought bargaining recognition only for SWOC members, but a May strike victory in Aliquippa resulted in a Jones & Laughlin contract certifying the SWOC as exclusive bargaining agent. When the increasing SWOC power was focused on Republic, Youngstown Sheet and Tube, and Inland, Girdler decided it would be more propitious to force the issue than protract it. On May 20, Republic locked out its Massillon, Ohio, workers and the Little Steel Strike was on. Caught off-guard by Girdler's pre-emptive move, the SWOC leadership had little choice but to call a strike against Republic's far-flung empire as well as against Youngstown and Inland, which stood firm with Girdler. On May 26, SWOC Chairman Philip Murray announced a strike against the three companies and four days later the Memorial Day Massacre at Republic's South Chicago Plant demonstrated to the nation the union's determination as well as the depth of Little Steel's anti-union commitment.

Why, in the face of a life-or-death challenge in the midwest, the SWOC decided also to strike the Cambria Works of Bethlehem is a question which has not yet been entirely resolved. For example, both Bernstein and Robert R. R. Brooks simply note that the strike later extended, after an intervening period of three weeks, to the Cambria Works.<sup>9</sup> In a more analytic perspective, however, *Johnstown Democrat* editor Hiram G. Andrews argued during the strike that the Cambria Works walkout was intended as a spur to a nationwide coal and railroad strike to cut Republic's resources. Historians who have examined the reasons for the Johnstown strike generally dispute Andrews' view and argue that it was a spontaneous movement among Cambria Works employees which was not planned or encouraged by national SWOC leaders.<sup>10</sup>

Months before the initial walkout in Johnstown, labor and community leaders articulated the view that a strike against

<sup>9</sup> *Ibid.*, 483 and Robert R. R. Brooks, *When Labor Organizes* (New Haven, Conn., 1937), 173.

<sup>10</sup> See Donald G. Sofchalk, "The Little Steel Strike of 1937," (unpublished doctoral dissertation, Ohio State University, 1961), 244; Frederick H. Harbison, "Labor Relations in the Iron and Steel Industry, 1936 to 1939," (unpublished doctoral dissertation, Princeton University, 1940), 55. See also notes 16, 17, and 21.

Bethlehem which was confined to the Cambria Works would fail. As Andrews maintained in an editorial published early in the strike, the only advantage which the Cambria Works offered the entire Bethlehem system was an unusual efficiency in production. But no one believed the Cambria Works to be essential to Bethlehem's operations or to its financial well-being.<sup>11</sup> For this reason, SWOC Subregional Director David Watkins, who began organizing in Johnstown in July, 1936, did not hesitate to promise community leaders that the SWOC "won't try to close Johnstown until we are in a position to close all of the Bethlehem mills."<sup>12</sup> Feeling secure in the obvious rationality of that promise, the community which was to rise up against the organizers in such force in June, 1937, permitted Watkins to organize peacefully without significant opposition for nearly a year. As Andrews wrote in a June 12 editorial:

The probabilities are that as long as men of the Watkins type represent the CIO in this community, it will be possible for the workers to stage an organization campaign quietly, in orderly manner, and even to stage a strike in the same general fashion.<sup>13</sup>

Indeed, Andrews asserted on the first day of the strike that "if CIO leaders are as discreet in handling their organization as they have been in creating it," Johnstown might write a memorable chapter in labor history as a community which solved its labor problems in a spirit of broad community concern.<sup>14</sup>

Since Watkins had been organizing since the summer of 1936, Johnstown was probably not surprised when Murray announced on March 21 that a campaign aimed at organizing Bethlehem's 80,000 employees was to begin in earnest. Murray's announcement came when the SWOC was riding a crest of rising expectations in its efforts, having signed the historic agreement with Myron Taylor less than a week earlier. In fact, the

<sup>11</sup> Hiram G. Andrews, Editorial, *The Johnstown Democrat*, June 14, 1937, 8. Hereafter cited as *Democrat* with date and page. Major newspaper sources include the *Democrat*, *The Johnstown Tribune* (hereafter cited as *Tribune*) and *The New York Times*, which had a special reporter on the scene. Most other newspapers use only wire service reports which are also carried by these three papers.

<sup>12</sup> Quoted in *Democrat*, June 18, 1937, 8.

<sup>13</sup> *Ibid.*, June 12, 1937, 8.

<sup>14</sup> *Ibid.*

U. S. Steel contract was a subtle factor in the Johnstown strike, since the Lorain Plant of the Carnegie-Steel Corporation, with 1,400 workers, was Johnstown's second largest employer.<sup>15</sup> The Cambria Works employees thus had a very present reminder that the SWOC could succeed in securing contractual recognition.

But there is no evidence indicating that the national leadership was engaged in detailed planning for a strike against Bethlehem, and certainly no evidence that a strike was being considered against the Cambria Works alone. David J. McDonald asserts that his proposal to strike Bethlehem before trying to secure contracts with Republic, Youngstown and Inland was specifically rejected by Murray.<sup>16</sup> Unplanned and in fact probably opposed by the national leadership, the Johnstown steel strike is directly linked to the actions of local captive railroad workers who had been attempting to negotiate with Bethlehem for months without success.

Following what was an agreed-upon national strategy in March, Watkins attempted to meet with the Cambria Works management to see if a contract could be negotiated. When he secured an appointment on March 19, Management's Special Representative Sidney Evans simply refused to discuss a contract and declared the matter closed. This rebuff was similar to the rejection suffered by the Brotherhood of Railroad Trainmen and Brotherhood of Locomotive Firemen and Engineers locals, which had been trying for over one and one-half years just to meet with the Cambria Works management. Well aware of the announced SWOC campaign against Bethlehem and completely frustrated at their own inability even to secure a meeting, the Brotherhoods began talking of a strike against Bethlehem's captive Conemaugh and Black Lick Railroad.

With its own optimism growing in the wake of SWOC victories and feeling frustrated at Bethlehem's intransigence, SWOC lodge 1074 met on May 7 and issued an ultimatum to the Company that its management representatives begin negotiations within 10 days. The resolution passed despite the efforts of Watkins to placate the workers with assurances that national

<sup>15</sup> Johnstown Chamber of Commerce, *E & I*, 13, 14.

<sup>16</sup> David J. McDonald, *Union Man* (New York, 1969), 109.

leaders were doing everything possible to secure a contract.<sup>17</sup> On May 13, with the Aliquippa J & L plant "shut tight as a drumhead" and a victory close at hand,<sup>18</sup> Murray said a strike of 178,000 workers in the Bethlehem, Republic, Youngstown, and Crucible mills was "inevitable."<sup>19</sup> The following day, lodge 1074 met to hear a report that Bethlehem continued its refusal to negotiate. The lodge then passed a resolution threatening strike authorization if the Company failed to respond by May 17. On May 18, the lodge met to issue an authorization for any time Murray deemed necessary.<sup>20</sup> But no call was forthcoming. Two days later, Girdler locked out the Massilon workers and the entire SWOC effort had to be focused on the milltowns of the midwest. Four weeks went by with no word from Murray.

Increasingly restless, the Railroad Brotherhoods finally called a strike against the Cambria Works on June 10. The fact that the railroad strike was officially announced with special emphasis on the fact that David Watkins would not oppose it indicates that Watkins attempted until the last minute to avoid an isolated strike at the Cambria Works.<sup>21</sup> Following a Pittsburgh meeting with Murray and Clinton Golden, Watkins issued a statement that the SWOC might call a sympathy strike in "a day or two,"<sup>22</sup> and at 12:01 a.m. on June 12, SWOC members struck the Cambria Works, demanding a contract for themselves as well. Within several days, John L. Lewis also called out the miners in the captive mines around Johnstown. But the Cambria Works remained the only Bethlehem plant struck.

The question of why David Watkins had gone back on his promise not to single out Johnstown bothered community leaders greatly, especially since they had trusted him earlier when they could just as easily have run him out of town. Hiram Andrews charged in a series of editorials during the strike that Watkins had been ordered to call the strike by John Brophy

<sup>17</sup> Sofchalk, "The Little Steel Strike," 83. See also note 21 and Watkins' statement that he knew the SWOC was incapable of closing the plant in *The New York Times*, June 13, 1937, 1. Hereafter cited as NYT.

<sup>18</sup> See Bernstein, *Turbulent Years*, 477.

<sup>19</sup> LFC, *Little Steel*, 124.

<sup>20</sup> *Ibid.*, 124, 255.

<sup>21</sup> NYT, June 11, 1937, 5.

<sup>22</sup> *Ibid.*

and other "communist" superiors in the CIO. According to Andrews, the national leaders planned the railroad-steel-coal walkout, hoping that the show of force would spread into a nationwide general strike, shifting momentum back to the SWOC.

While Andrews' view is insightful, it was specifically rejected in a letter to the editor by SWOC official Clinton Golden;<sup>23</sup> and Andrews' causal leap from a united Johnstown effort to a nationwide coal and railroad strike is difficult to conceptualize. What is a more viable conjecture is that the Johnstown strike resulted from a combination of spontaneous action on the local level with a desire of the national leaders to salvage something in a struggle which was going very badly by June 11. As Donald Sofchalk contends, Murray and John L. Lewis tried to make the best of the spontaneous Johnstown situation in "an almost desperate effort either to force White House intervention or to outflank Little Steel."<sup>24</sup> After all, Watkins' pre-strike organization successes seemed to give a strike at the Cambria Works at least some potential for success if it could spread to other Bethlehem mills.<sup>25</sup> Not surprisingly, Watkins immediately predicted in a statement to the press that the strike would spread to the other plants. But SWOC strength in Bethlehem mills was concentrated in the Cambria Works, and the walkout remained isolated with community leaders charging resentfully, and with much legitimacy, that the strike was not hurting Bethlehem, but was severely punishing Johnstown.

This latter theme unified from the outset the separate and collective efforts of Company management, the Mayor, and the rapidly formed Citizens' Committee to break the strike. Even before the walkout, Mayor Daniel J. Shields called a meeting of community leaders to discuss a plan of action in case the plant was closed by pickets. According to Shields' plan, business leaders were to organize a mass rally where the crowd would demand that the mill reopen. According to the recollections of Walter W. Krebs, editor of the *Johnstown Tribune*, the Mayor obviously knew more about what was to happen than

<sup>23</sup> *Democrat*, June 28, 1937, 4. Golden asserts that the united effort was simply necessitated by the fact of a common employer. He was regional director.

<sup>24</sup> Sofchalk, personal correspondence with the writer, June 30, 1971.

<sup>25</sup> *NYT*, June 13, 1937, 1 and *Democrat*, June 14, 1937, 20.

anyone else present and had clearly been in close communication with Company officials.<sup>26</sup>

Many of the same people who met in Shields' office before the strike became leaders in the Citizens' Committee, formed a few days after the initial walkout. Hiram Andrews made clear in a February 24, 1939, editorial exactly what the Citizens' Committee was about:

There hasn't been very much testimony concerning the fact the Citizens [sic] Committee was organized for the purpose of breaking the strike and for no other purpose. Bethlehem's Mr. Evans was never under any misapprehension as to the actual purposes for which the committee was formed. That there were at least some members of the committee who knew what they were about must be taken for granted. The job at hand, from the Citizens' Committee standpoint, was the breaking of the strike and the resumption of work in the mills. The academic members of the committee did the talking about the constitutional right of men to work. However, that right didn't amount to two whoops in Hades unless the strike was broken.<sup>27</sup>

On Sunday, June 13, a day after the strike began, the Rev. John H. Stanton of the Westmont Presbyterian Church called a meeting of community leaders at the Fort Stanwix Hotel. Present were S. H. Heckman, president of the Penn Traffic company, Francis Martin, vice-president and cashier of the United States National Bank and president of the Chamber of Commerce, Carl Geiss, owner of a furniture store, C. R. Ellicott, general manager of the Cambria Works, Mayor Shields, and Stanton. There is evidence that on June 12 Stanton mentioned to Sidney Evans, a member of Stanton's church and president of his board of trustees, that he planned to call such a meeting.<sup>28</sup> The subject of violence in the strike was discussed, despite the fact that the only disturbance to that point was Shields' arrest, on June 12, of a boy in a crowd outside the plant for using the word "scab."<sup>29</sup> Nevertheless, after the meeting, Shields released a statement intended for broadcast over radio station WJAC the

<sup>26</sup> Statement by Walter W. Krebs, personal interview, December 11, 1970.

<sup>27</sup> Quoted in NLRB, *Decisions*, 623.

<sup>28</sup> LFC, *Little Steel*, 255-256, 260.

<sup>29</sup> See *Tribune*, June 15, 1937, 24 and LFC, *Little Steel*, 259-260.



next morning in which he predicted that "trouble of a serious character appears inevitable."<sup>30</sup>

According to Krebs, the community was well aware that the Johnstown strike was part of a national drive which had become, in previous weeks, exceedingly violent.<sup>31</sup> Although no violence had occurred in Johnstown prior to the formation of the Citizens' Committee, the National Labor Relations Board concluded several months after the strike that the apprehension of violence was a major factor in the committee's formation.<sup>32</sup> While the Citizens' Committee may have formed without influence from Company management, Shields was well prepared by Bethlehem officials and other members of the committee were very close friends or business associates of the Cambria Works officers.

A kind of carnival atmosphere prevailed on the actual strike front as crowds gathered to watch picketing at the plant's seven main gates. Within the first two days, it became evident that peaceful persuasion was not successful and pickets began jeering and shouting at men who entered the gates as well as physically deterring them from going inside.<sup>33</sup> Some of the men who refused to strike simply disagreed with the union for any number of personal reasons. But perhaps the major factor in the decision of at least a majority of the workers not to strike was the economic climate in Johnstown. The region had just begun to recover from the depths of the Depression when it suffered, in 1936, its worst flood since the world famous flood of 1889. Bethlehem's relative prosperity in the industry was a fact in which every worker shared and a basic, economic motive for his loyalty.<sup>34</sup>

As groups of men left the plant at 3 p.m. on Monday afternoon, they were confronted by 700 pickets at the main Franklin gate. As the pickets shouted epithets, one workman took out a revolver and was mobbed by the pickets, even though immediately disarmed by a city policeman. When the "Franklin Riot" was over, fifteen persons had been injured. Pennsylvania Gov-

<sup>30</sup> Quoted in LFC, *Little Steel*, 256. See also, NLRB, *Decisions*, 614.

<sup>31</sup> Krebs, personal interviews, December 11, 1970.

<sup>32</sup> NLRB, *Decisions*, 622-623.

<sup>33</sup> See NYT, June 13, 1937, 1 and June 14, 1937, 2.

<sup>34</sup> See Gertrude G. Schroeder, *The Growth of Major Steel Companies, 1900-1950* (Baltimore, Md., 1953), 216-227. Schroeder's data indicate that Bethlehem's net income before interest and taxes in 1936-1937 increased by 90%; second in the industry to U. S. Steel, which was not struck.

ernor George Earle was in Johnstown that day to assess the strike and immediately ordered 75 State Policemen to duty after hearing of the disturbance. Before leaving, he labeled the Company "unreasonable" for refusing to grant the union a contract.<sup>35</sup>

The Citizens' Committee met the same evening and elected Chamber of Commerce President Francis Martin as chairman, after which Martin appointed Chamber Secretary Lawrence W. Campbell as Committee secretary. Sidney Evans was present at the meeting, but did not participate in the election.<sup>36</sup> Several speeches were made suggesting that the strike was being led by communists and a subcommittee was organized to inform Watkins that he would be held personally responsible for any violence. The Committee also volunteered to help organize a force of citizens to help local police maintain law and order. According to Walter Krebs, who ceased to attend Citizens' Committee meetings after the Monday session because of personal differences with some members, Shields seemed to be advocating one strategy while Evans suggested another.<sup>37</sup> For the remainder of the strike, the Company used the community persecution approach while Shields, claiming to be the protector of law and order, set about the task of protecting Johnstown from communist, foreign, and other un-American forces.

The most incredible feature of Shields' role in the initial period of the strike was his participation in the secret purchase of tear gas and his organization of an army of "vigilantes." The LaFollette report on *Industrial Munitions* fully documents the fact that Shields received on June 14 a shipment of tear gas, fifteen long range guns, 226 projectiles and shells and 307 grenades, all of which was paid for by Bethlehem Steel and the Pennsylvania Railroad.<sup>38</sup> Moreover, the LaFollette report on the Little Steel Strike concludes, using Shields' own testimony, that by June 13 at least 100 special deputies had been sworn in.<sup>39</sup> A June 13 newspaper report indicates that Shields had sworn

<sup>35</sup> NYT, June 14, 1937, 2.

<sup>36</sup> NLRB, *Decisions*, 615.

<sup>37</sup> Krebs, personal interview, December 11, 1970.

<sup>38</sup> United States, Senate, Committee on Education and Labor, *Violations of Free Speech and Rights of Labor (Industrial Munitions)*, Report No. 6, Part 3, 76th Cong., 1st Sess. ([Washington], 1939), 133, 135. Hereafter cited as LFC, *Munitions*.

<sup>39</sup> LFC, *Little Steel*, 261.

in 250-300 members of Johnstown American Legion Post 294<sup>40</sup> and on more than one occasion, the Mayor threatened to deputize 3,000 legionnaires. On June 15, the *Tribune* reported that 80 special deputies, whose names were on the lists of persons recently passing the police civil service tests, had been sworn in and equipped with helmets and nightsticks and that 100 private citizens had been assigned to patrol the streets in outlying areas.<sup>41</sup> By the Mayor's own figures, 600-700 special deputies were sworn in by the time he was forced to disband the vigilantes later in the strike and his goal was an army of 3,000.<sup>42</sup>

Early in the morning of June 15, a disturbance broke out along the strike front and police used tear gas and pistol fire to quell the disorder. Ten persons were injured, two critically, and seven were arrested. Among the arrested was the only avowed communist to be charged by the police, Murphy Kush, a United Mine Workers organizer who was the Communist Party candidate for Somerset County treasurer in 1936. That afternoon, James Hess, a non-striking worker, was allegedly seized on his way to work, forced to disrobe, and pushed out in front of City Hall from a car. The Mayor responded by running a full-page advertisement in the June 16 *Tribune* offering a \$5,000 reward for information leading to the capture of Hess' assailants. Shields also telegraphed President Franklin D. Roosevelt to protest the CIO presence in his city:

I earnestly appeal to John L. Lewis, through you as our President, to withdraw the murderous element that now infests our city. . . .

Will you not please save our homes by discouraging Mr. Lewis from such un-Americanism?<sup>43</sup>

But Shields did more to cooperate in breaking the strike than accepting munitions from Bethlehem and attacking the strikers in the press. In addition, he accepted from the Cambria Works management over \$30,000 which was transmitted to him covertly using Citizens' Committee channels. On June 16, C. R. Ellicott authorized Evans to offer \$25,000 from Bethlehem funds to the

<sup>40</sup> NYT, June 14, 1937, 2.

<sup>41</sup> *Tribune*, June 15, 1937, 24, and LFC, *Little Steel*, 261.

<sup>42</sup> LFC, *Little Steel*, 263.

<sup>43</sup> Quoted in *Tribune*, June 16, 1937, 13.

Citizens' Committee for the purpose of maintaining law and order.<sup>44</sup> Evans made the offer to the executive committee the same day.<sup>45</sup> What actually happened, however, is that between June 17 and July 28, Bethlehem gave at least \$32,078.25 to Daniel J. Shields which the Mayor could not account for and for which he had no receipts.<sup>46</sup> Delivered in several payments, the money was taken by some Bethlehem representative to a safe deposit box in Francis Martin's bank from which the cash was then transferred to the Mayor. Among those directly involved in the transfers were Fulton I. Connor, city councilman, Citizens' Committee treasurer, Francis Martin, and Ellicott himself.<sup>47</sup> An NLRB investigation concluded that the Bethlehem officials knew the money was being delivered to Shields and that the Mayor knew the source of the money. In addition, the LaFollette Committee report documents an improvement in Shields' financial relationship with his creditors of \$23,485.75 in the three months following the strike.<sup>48</sup>

Most citizens and, from all indications, a majority of Bethlehem employees, believed that men who wanted to work should be permitted to do so. If the union wanted to picket peacefully and present its side through moral suasion, there would be no disagreement. But coercion on the picket lines was unacceptable to the vast majority of Johnstown's population, especially since the apprehension of violence in the community was very high. The Citizens' Committee honestly felt, or at least some members did, that it represented the community point of view. As Walter Krebs reflected:

I sympathized with the miners' union, but I don't think we sympathized with them coming here to force

<sup>44</sup> NLRB, *Decisions*, 616.

<sup>45</sup> LFC, *Little Steel*, 269.

<sup>46</sup> NLRB, *Decisions*, 624. In testimony before the LaFollette Committee, Shields admitted receiving \$31,078.25. See LFC, *Little Steel*, 273.

<sup>47</sup> See NLRB, *Decisions*, 619-620; and LFC, *Little Steel*, 270-273.

<sup>48</sup> LFC, *Little Steel*, 273-274. Liens and judgments outstanding against Shields in June and July, 1937, amounted to approximately \$46,000. There was also outstanding a Federal tax lien of \$76,040 growing out of his conviction for illegal manufacture of beverages under the National Prohibition Act, for which he served a jail term from November, 1928 to June, 1930 when he was pardoned by the President. On September 9, 1938, a Cambria County grand jury refused to indict Shields and Connor for bribery, extortion, and malfeasance in office.

this unionization or to keep the men out that wanted to work. I think that was the main feeling here.<sup>49</sup>

Following disturbances on June 15 and 16, potentially dangerous exchanges between the crowds across the street and the pickets at the plant gates resulted in a State Police decision to ring each gate with troopers and limit the number of pickets at the two main gates to 10. With the coercion eliminated, workers poured back into the plant and by June 19, Evans stated that 12 open hearth furnaces were operating and two were heating out of a normal operating complement of 16. The *Tribune* estimated the plant to be operating at seventy-five percent of its capacity.<sup>50</sup>

With the strike seemingly broken, union leaders attempted one final tactic to swing momentum back to their side. On June 19, UMW District 5 President P. T. Fagan announced that 40,000 miners would converge on Johnstown the next day for a rally in support of the strike at which Murray would be the main speaker. At the same time, Watkins protested to the Governor that the State Police had blocked legitimate picketing activities. When a special investigating committee reported to Earle that the strikers' complaints were justified, the Governor ordered the State Police to fall back "a reasonable distance" from the gates. When the State Police responded to the stand-back order, pickets swarmed the gates and the strike was very much alive again.<sup>51</sup>

Furthermore, facing the threat of 40,000 miners converging upon Johnstown within 24 hours, Cambria County Sheriff Michael Boyle requested Earle to send troops and to declare "martial law." Describing Johnstown as "a powder magazine, which might be ignited by the smallest spark," the Governor put the city under a modified form of martial law in which the State Police took over all strike-related duties, while civil machinery continued to function on its own authority.<sup>52</sup> The Governor put Colonel A. S. Janeway, a National Guard officer and director of the General State Authority, in command of the city and asked Bethlehem to close the Cambria Works. At

<sup>49</sup> Krebs, personal interview, December 11, 1970.

<sup>50</sup> See *NYT*, June 19, 1937, 3.

<sup>51</sup> *Ibid.*, 1, 3.

<sup>52</sup> Quoted in *NYT*, June 20, 1937, 3.

best, Earle's action was extra-legal, especially since he did not send the National Guard but rather the State Police to take over the city. Janeway was the only National Guard officer involved. Enraged, Shields sent a second telegram to Roosevelt:

Ninety percent of my citizens are opposed to the C.I.O. Its continuance in our community can only mean blood in the streets. Personally I am firmly convinced that it is a Russian Red organization gaining prestige by use of your name. Numerous non-citizens are found in the picket lines.

Rule or ruin, control or murder, is the policy of the C.I.O. . . .

Mr. President, I fought for you, I talked for you, and caused others to do likewise just because I looked to you as a real American. Now are you going to fail me by allowing this reign of terror to continue?<sup>53</sup>

Bethlehem President Eugene Grace replied to the Governor's request that the Company would not deprive its employees of their livelihoods and asserted that any possible disorder was far less serious than the action Earle had taken.<sup>54</sup> Earle then ordered the State Police to surround the plant and said the force would remain until Bethlehem closed the mills. After eleven hours of conferences, Ellicott submitted and said that Bethlehem would close the Cambria Works "under duress."<sup>55</sup> The pickets disappeared, the miners' march was cancelled, and Janeway took over the city, directing a protesting Shields to disarm and disband any special deputies. The Johnstown Police were relieved of all strike-related duties.

Whether Earle actively colluded with union officials to save the strike by declaring martial law is only a matter of speculation. Krebs believes that the Governor's primary motive was to save the CIO from defeat.<sup>56</sup> Moreover, the possibility of some form of "martial law" had been a topic of discussion for several days among strike leaders. As early as June 15, UMW official J. W. Stephenson was reported to have stated that the PMW organizers were discussing the possibility of asking Earle for

<sup>53</sup> Quoted in *NYT*, June 19, 1937, 3.

<sup>54</sup> *Ibid.*, June 20, 1937, 2.

<sup>55</sup> *Ibid.*, June 21, 1937, 10.

<sup>56</sup> Krebs, personal interview, December 11, 1970.

such a declaration.<sup>57</sup> Both Stephenson and P. T. Fagan, who announced the miners' march, would have every reason to be in frequent contact with Lt. Governor Thomas Kennedy, who was also international secretary-treasurer of the UMW. There is no evidence to suggest that detailed planning had been done for a miners' march and the announcement of plans to organize and transport 40,000 men to Johnstown in 24 hours therefore has the appearance of a bluff. Furthermore, the Governor's special investigating committee spent little time in Johnstown and their assignment might have been simply an excuse for some action by Earle.

In any case, everything in Johnstown stood still and the focus shifted to Harrisburg, where Earle endured criticism from newspapers across the nation. Despite a statement on June 23 that "I've always been for the underdog and I intend to be for the underdog," Earle announced the next day that martial law would be ended in Johnstown at 8 a.m. on June 25.<sup>58</sup> Why the Governor reversed himself so quickly is as much a mystery as the reasons for his declaration of martial law in the first place. However, it is possible to speculate that the sheer volume of the protest made it politically untenable for Earle to prolong his martial law order, especially since he was reported to be still interested in a major political office, perhaps a Senate seat, after his tenure as Governor. In addition, Earle was a New Deal Democrat who was not interested in shouldering the blame for any severe set-back to Johnstown's economy. Finally, Earle came under increasing judicial pressure on the state level<sup>59</sup> and, in the national perspective, realized that Roosevelt was quickly backing away from supporting either the steel companies or the unions.<sup>60</sup>

With the end of martial law, picketing resumed but the workers again streamed back into the plant. Another miners' march and rally were scheduled for June 27, but only 3,000 persons attended in what seemed to be symbolic acceptance of

<sup>57</sup> *Tribune*, June 15, 1937, 24.

<sup>58</sup> *NYT*, June 24, 1937, 2.

<sup>59</sup> See *Democrat*, June 25, 1937, 28. Among others, Cambria County Judge John H. McCann presented the Governor with an opinion indicating the legal untenability of his "martial law" declaration.

<sup>60</sup> See *NYT*, June 30, 1937, 1-2 describing Roosevelt's declaration of "a plague on both your houses."

the strike's failure. On June 28, Evans announced that as of the 7 a.m. shift, the plant was operating at full normal capacity.<sup>61</sup> But on June 29, two Bethlehem pipelines were bombed, closing down several divisions of the plant and evoking much public fear that the reservoirs above Johnstown might be sabotaged. Earle immediately assigned guards to duty at the reservoirs and Shields, in a last burst of anti-union venom, sent a third telegram to the President.

Mr. President, I appeal to you direct to make it possible for the good citizens of my community to enjoy the liberty for which our forefathers spilled their blood, and this can be accomplished by the overthrow of the un-American Empire that John L. Lewis is building up.<sup>62</sup>

For the first time, Roosevelt replied in a message dictated by the President but sent over the signature of Marvin H. McIntyre: "May I in the most kindly spirit suggest that the best interests of law and order in Johnstown will be best served if you . . . encourage understatement rather than overstatement—kind words instead of harsh words, peace instead of war."<sup>63</sup> Those responsible for the bombing were not apprehended and no evidence was ever brought to light which implicated strike organizers.

But Shields was convinced that the strike organizers were responsible for the bombing and on June 29 sent local police to summarily arrest James Mark, UMW official who had replaced Watkins, and his assistant, C. W. Jones. The Mayor brought the men before City Council that evening and informed them that the city would no longer be responsible for their safety. Shields asked them to leave Johnstown immediately, and informed them that he would serve public notice if they remained that they did so at their own risk. According to Samuel DiFrancesco, who volunteered to represent Mark and Jones, the Mayor had been encouraging people all day to come to the "big show" that evening. When DiFrancesco rose to protest the Mayor's actions, he was told to sit down and when he persisted, Shields ordered police to remove him from the room and arrest

<sup>61</sup> *NYT*, June 29, 1937, 5.

<sup>62</sup> Quoted in *NYT*, June 30, 1937, 1-2.

<sup>63</sup> Quoted in Bernstein, *Turbulent Years*, 493.



him. Mark immediately telephoned Lt. Governor Kennedy, who ordered the State Police to protect the union leaders as long as they remained in Johnstown. When DiFrancesco appeared before Shields the next morning, the Mayor joked about the Council session and told the young attorney to "just forget about it."<sup>64</sup>

The City Council meeting was anticlimactic as far as the strike was concerned. The Citizens' Committee, the Mayor, and the Company organized widespread community support for a back-to-work movement as soon as martial law was lifted and without State Police protection, pickets gradually disappeared. In the words of the LaFollette Committee report, the strike simply "melted away and no agreement was reached between the company and the union."<sup>65</sup>

Several weeks after strike activities ceased, the SWOC filed charges against Bethlehem alleging unfair labor practices. The NLRB ruled on August 26 that Bethlehem had, through its support and manipulation of the Employee Representation Plan, interfered with its workers' rights to organize and bargain collectively. However, the NLRB dismissed for lack of proof charges that the Company was implicated in interferences with peaceful picketing, injuries or arrests involving union members, or other direct interferences with employee rights during the strike.<sup>66</sup> While the NLRB was correct in dismissing such specific charges for lack of direct proof, the later investigation of the LaFollette Committee clearly reveals the actual, albeit indirect, culpability of Bethlehem officials in the charges. Through the Citizens' Committee and the Mayor, management was intimately involved in the strike-breaking efforts of local police and private citizens.

This is not to say that the strikers are without blame. Individuals participating on the side of the SWOC, CIO, and UMW did incite disturbances, cause injury to innocent by-standers, damage private property, and prevent other workers from entering the gates. Although disorder did occur, the disturbances

<sup>64</sup> *NYT*, June 30, 1937, 1, 2 and *Democrat*, June 30, 32; Samuel R. DiFrancesco, Sr., personal interview, December 11, 1970. Mark was president of UMW District 2 and Jones was vice-president of the Brotherhood of Railroad Trainmen.

<sup>65</sup> LFC, *Little Steel*, 327.

<sup>66</sup> NLRB *Decisions*, 606, 628.

were limited in most cases to shoving, shouting, hand fighting or rock throwing. With over 14,000 workers, 600-700 special deputies, the regular Johnstown Police, State Police, and thousands of curious on-lookers all involved in strike activities, it is significant that so few incidents of real violence occurred. The fact remains that the Company, the Mayor, and the Citizens' Committee participated in the organization of a vigilante group, the purchase of munitions, the incitement of community hate and fear and the expansion of public apprehension of violence. Understandable as the community's over-reaction may be in light of economic factors, it was an over-reaction.

It must be noted that the real extent of the "vigilante" involvement in the strike is questionable. In fact, the very use of the term "vigilante" in the press during the strike no doubt contributed to the increased apprehension of violence. Those sworn in as special deputies did not confront the strikers at the plant but were ordered to protect the homes and properties of their communities. While it is true that they roamed the streets in cars and no doubt harassed strikers and pickets when they returned home, nearly all significant disorders occurred in the proximity of the plant boundaries. The significance of the "vigilante" movement in the strike, then, is not so much that they were used against the strikers but that they were sworn in at all. With the full consent of the community, the Mayor abrogated the use of established and adequate police authority in favor of extraordinary numbers of untrained, emotionally involved private citizens. Johnstown community leaders asked their elected officials to permit private citizens to assume police powers and city government sanctioned the request.

Beyond any doubt, Bethlehem deserves harsh judgment for the conspiratorial way it supported the Mayor and the Citizens' Committee.<sup>67</sup> On the other hand, Governor Earle cannot escape criticism for his extraordinary use of the police power and obvious prejudice against the Company. His declaration of

<sup>67</sup> LFC, *Munitions*, 132, 136. On June 4, a week before the strike began, the Pennsylvania General Assembly passed an act prohibiting any political subdivision from accepting gifts of arms, ammunition, military supplies, tear gas, and similar equipment and prohibiting any person, association, or corporation from making such gifts. But for the fact that the effective date of the law was July 4, much of what happened in Johnstown would have been illegal.

martial law and his forced closing of the plant can only be weighed against the further disorder which may have been avoided and the further injustices which may have been suffered by the strikers. Finally, though the actions of Mayor Daniel Shields may have been admirable to the community from the standpoint of "law and order," they are reprehensible from the standpoint of integrity and justice.<sup>68</sup> As Walter Krebs puts it, the Mayor "was in it all the way on the side of the Company."<sup>69</sup> And according to the report of the LaFollette Committee:

The rights of workers to strike and to picket were at no time the concern of the mayor. He and the citizens' committee were more concerned with economic loss resulting from the strike than of the exercise of free speech and assembly.<sup>70</sup>

After amassing so much potential power and seeing so many favorable straws in the wind, the SWOC was crushed by Little Steel in 1937. But the Citizens' Committee movement continued, developing into a national anti-union organization. On July 15, 200 representatives from 73 cities met in Johnstown and erupted with cheers and shouting at the suggestion to congratulate Girdler "for smoking out those Communists—John L. Lewis, Madame Perkins and President Roosevelt."<sup>71</sup> Only after another war brought government controls would Little Steel accept the SWOC as a bargaining agent, more than a year after elections and membership cross-checks revealed, by mid-1941, SWOC majorities in Little Steel plants.<sup>72</sup>

The assumption of power by the Citizens' Committee in Johnstown and their active assistance in organizing the "vigilante"

<sup>68</sup> Shields, a life-long Republican and 51 at the time of the strike, was a flamboyant and popular political figure. At age 21 he was elected to the Johnstown School Board. He operated a hotel and a real estate business and was elected Mayor as an independent in 1935, serving until 1940. Elected to City Council in 1941, 1945, and 1957, he was campaigning for renomination when he died of a heart attack in 1961 at 74. At the time of his death, he was being vigorously opposed for renomination by the Johnstown Labor Council because of his anti-labor actions in the 1937 strike. See *Democrat*, May 4, 1961, 24, 25.

<sup>69</sup> Krebs, personal interview, December 11, 1970.

<sup>70</sup> Quoted in Jerold S. Auerbach, *Labor and Liberty* (Indianapolis and New York, 1966), 136.

<sup>71</sup> *Ibid.*

<sup>72</sup> David Brody, *Labor in Crisis: The Steel Strike of 1919* (New York, 1965), pp. 186-187.

force is far more significant than any violence which occurred. According to the LaFollette Committee:

In a country whose history provides evidence of vigilantism . . . it is a matter of no little public concern when business organizations, influential and moneyed, seize on and foster such movements to the attainment of their own ends.<sup>73</sup>

The LaFollette investigation demonstrates that it is not only the irrational man, but also the respected, sincere, well-meaning community leader who can convince himself in the name of Americanism that the assumption of police power by private citizens and the suppression of civil liberties by public officials is within the scope of law and order.

<sup>73</sup> Quoted in Auerbach, *Labor and Liberty*, p. 137.