

PSF:SUBJECT FILE: Strikes
Folder

Box 155

RETIRED FOR PRESERVATION

PSF: *Strikes*

~~Handwritten~~ 3-41

File personal confidential

THE WHITE HOUSE
WASHINGTON

3-8-41

MEMORANDUM FOR THE PRESIDENT:

Mr. Edward McGrady called by and I explained that, on account of a sore throat, your appointments this morning were called off. He left this memorandum of man-days lost and potential threats that he wanted me to give you as soon as possible.

This, Mr. McGrady says, is just a sample of the labor situation dealing with defense production, as it exists today.


E.M.W.

This is just a sample.

WAR DEPARTMENT

WASHINGTON

PSF: Strikes

Man-days of production lost in industries directly affecting War Department procurement alone.

468,000 man-days in month of February.

128,937 " 1st week of March

(Time lost on Saturdays or Sundays not counted.)

This February figure is 1 3/4 times the February, 1940 figure for all industry.

Few defense producers are ever one jump ahead of the Army's demands—every delay is fatal. This is true not only of aircraft but of powder, tanks, command construction and even shirts.

Powder Production.

Allis-Chalmers Mfg. Co.—7,800 men out from January 22 to March 6. There are still 3 turbo-generators held up without which the Hercules Powder Company cannot operate the Radford, Va. plant. This is in addition to the enormous Navy orders.

Universal Cyclops Co.—1,100 men out from February 21 to March 6. Holds up delivery of a relatively small amount of special steel. The failure to deliver this steel to Stewart-Warner Company holds up approximately 1/3 of the Army's total fuse program.

Combustion Engineering Co.—650 men on strike from February 21 to March 6. Company manufactured all the nitric acid equipment for all Ordnance works presently under construction except Radford.

Aircraft

Vultee—Entire plant struck from November 15, 1940 to November 26, 1940. Direct delay to aircraft program.

Motor Wheel Corporation.—2,500 men out February 13 to February 26. Made landing wheel drums for Curtiss P-40.

Made all wheel drums for Yellow Truck which had \$83,000,00 order with Quartermaster Corps. Also similar equipment for British anti-aircraft batteries.

Wright Field.—Jurisdictional strikes of 190 men January 29-30 and March 3-6. Delaying construction of nerve center for testing major items in our aircraft program, including wind tunnel, for quo stand, aircraft radio laboratory and dynamometer building.

Tanks

American Car & Foundry Co., Berwick, Pa.—2,800 out from February 12 to 18. Only source of supply for Army light tanks.

Shipbuilding

Allis-Chalmers—holding up destroyed program three months.

Potential Threats

Coal industry—
Aircraft industry
Steel industry
Ford industry—

WAR DEPARTMENT ITEMS THE PRODUCTION OF WHICH
WAS DIRECTLY AFFECTED BY STRIKES DURING
JANUARY AND FEBRUARY, 1941.

Air Corps: Acetone, Airplane Batteries, Cloth, Carburetors,
Rheostats, Screws and Bolts, and Miscellaneous
airplane parts.

Ordnance: Ammunition, Ammonia Filters, Bombs, Gun Carriages,
Tanks, Tractors, Trucks, Nitric Acid Manufacturing
Equipment, Steel (8 strikes), Yokes for mortars,
Small Arms (4 strikes), Boxes and Chests, Guns,
Wheels and Drums.

Quartermaster Corps: Blankets, Generators, Hammers, Mattresses,
Socks, Shirts (7 strikes), Range tanks, Ranges, Towels,
Trucks and Truck Parts (Axles, wheels, panel boards),
Tumblers, Turbines, Trousers, Underwear.

Signal Corps: Copper Wire, Batteries, Wire and Cable, Generators,
Insulator Equipment.

Miscellaneous: Creosoting Lumber, Housing (Government), Lumber,
Transportation (3 strikes), Zinc, Zinc smelter con-
struction.

Machine Tools: 2 strikes

PSF: Strike folder
4-41

DEPARTMENT OF LABOR
OFFICE OF THE SECOND ASSISTANT SECRETARY
WASHINGTON

April 2, 1941

The President,
The White House.

My dear Mr. President:

It is my opinion that certification of the Allis-Chalmers case should be temporarily withheld until the Conciliation Service has further opportunity to explore conditions existing there now and possibly to settle the dispute within a period of 24 to 36 hours.

If this is not possible within the above time then it is my opinion the case should immediately be certified to the National Defense Mediation Board.

Certification of this case was ready on Wednesday, March 26th, but it was withheld at that time when we were advised that Secretary Knox and Mr. Knudsen were in conference with Allis-Chalmers employers in an effort to reach a settlement.

Following the adjournment of this conference of Secretary Know and Mr. Knudsen, with the employers of the Allis-Chalmers Company, we were informed of a telegram they were sending to both the employers and employees of the Allis-Chalmers Company, therefore, there was no possibility for

-2-

The President

April 2, 1941

the Department, under those circumstances, to certify this case to the National Defense Mediation Board.

Respectfully submitted

D. W. Tracy

D. W. Tracy,
Second Assistant Secretary of Labor

PSF Strike folder
4-41

THE WHITE HOUSE
WASHINGTON

[Handwritten initials]

April 2, 1941

Memorandum For The President:

Felix Frankfurter asked me to give you this message, which I do without comment:

Justice Murphy, referring to the Ford strike situation, told Frankfurter he wondered why the President did not call on Murphy to straighten the matter out because of his previous experience with Michigan labor problems when he was Governor.

JHR
James Rowe, Jr.

PSF; Strike folder
4-41
PY

THE WHITE HOUSE
WASHINGTON

4-2-41

5:30 PM

MEMORANDUM FOR THE PRESIDENT:

Chairman Millis, of the N. L. R. B.,
'phones that their representative in Detroit
reports that the Governor is handling the
matter and hopes to get the Ford Company
and the Union together in conference tonight.
The situation is such that they feel it is
inadvisable that the O.P.M. do anything
at this moment.


E. M. W.

PSF; Strike Gullet
4-41

PJ

THE WHITE HOUSE
WASHINGTON

April 2, 1941

MEMORANDUM FOR

THE PRESIDENT

This morning Dr. Gullen, pastor of the First Congregational Church of Dearborn Michigan called and asked to speak to one of the Secretaries. I took the call. He wanted to tell you that he had made a personal trip of inspection over the plants this morning and that conditions were "terribly serious". He did not believe that rioting and bloodshed -- possibly -- on a large scale could be averted tonight unless something is done today and stated that he believed that "a word from you" was the only thing at this time that could prevent trouble.

He also wanted me to tell you that many of the employees are members of his church and that the Church was being kept open day and night, etc.

I called Assistant Secretary Casey (Labor Dept) who said he would be very glad to talk with the Dr. and I turned him over to him.

MAC

WAR DEPARTMENT
OFFICE OF THE UNDER SECRETARY
WASHINGTON, D. C.

PSF: Strike folder
file personal 4-41

April 2nd, 1941.

MEMORANDUM TO THE PRESIDENT:

Subject: Allis-Chalmers situation in Wisconsin.

I recommend that the case be certified to the Mediation Board at once.

We have no case where immediate resumption of work is more essential than in the Allis-Chalmers case. The stoppage has tied up the Army powder program for over two months, and I understand that it has also had a disastrous effect on the Navy destroyer program.

The men were returning to work on the Knox-Knudsen appeal, when a riot was brought on yesterday. The case is a critical one. Other governmental agencies have struggled with the problem in vain.

The most urgent need, however, is prompt action to restore order and to afford protection to the men who wish to work.


Robert P. Patterson,
Under Secretary of War.

*file
journal*

PSF: Strike Yalder
4-41

THE WHITE HOUSE
WASHINGTON

April 3, 1941

MR. EARLY:

Leo Crowley called and left the following message:

"I have checked out in Wisconsin and learned that a lot of the difficulty in the riot came from the Governor going into the crowd and aggravating them. He drove down in his car (over which there had been a lot of trouble); he had had a few drinks and talked roughly and got into an argument.

"I also learned that Mr. Babb, President of the Allis Chalmers Company is a member of that "peace group" that General Woods is the head of. Unfortunately, the leadership of the CIO and also the attorneys are very much inclined to be "communists" and 90 percent of the sentiment of the labor people is against the labor leadership."

*RF Strike folder
4. 41*

THE WHITE HOUSE
WASHINGTON

4-4-41

MEMORANDUM FOR THE PRESIDENT:

Phil Murray, when I gave him your message, responded as follows:

"We submitted a resolution at the conference today, asking for a continuation of the existing agreement for one more week, until April 15th, with the understanding that the provisions of the contract of the new agreement would be retroactive as of April 1st, the date of the expiration of our original contract. The employers voted against that proposition today. The steel workers organizing committee voted for it. This will undoubtedly precipitate a shut down of the industry at midnight Tuesday, April 8th, unless an agreement has been arrived at before that time, which is unlikely."

E.W

Murray

THE WHITE HOUSE
WASHINGTON

April 8

4-4-41

MEMORANDUM FOR THE PRESIDENT:

Phil Murray, when I gave him your message, responded as follows:

"We submitted a resolution at the conference today, asking for a continuation of the existing agreement for one more week, until April 15th, with the understanding that the provisions of the contract of the new agreement would be retroactive as of April 1st, the date of the expiration of our original contract. The employers voted against that proposition today. The Steel Workers' Organizing Committee voted for it. This will undoubtedly precipitate a shut-down of the industry at midnight Tuesday, April 8th, unless an agreement has been arrived at before that time, which is unlikely".

EMW

WAR DEPARTMENT
WASHINGTON

PSF: Strike folder
PF 4-41

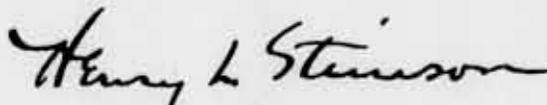
April 5, 1941.

Dear Mr. President:

If you are to have a showdown of the Allis Chalmers strike on Monday, I think you should have ready for it the facts showing the vital relation which the product of this Company has towards national defense; also the fact that the strike has been going on for some eight weeks without any legitimate labor issue being involved; that on an appeal by the Secretary of the Navy and the Director of O.P.M., more than half of the employees returned to work and the entire production would have been resumed except that under the leadership of the local leader, Christoffel, a riot was then organized which made it necessary to close the plant again. The Allis Chalmers plant is making the turbines for the Army which are necessary to put in operation the two remaining lines of the Hercules powder plant at Radford.

I accordingly asked Judge Patterson to assemble the facts for you, and he has sent me the enclosed paper. It gives the facts and also the Communist record of Christoffel as indicated by the F.B.I. report. In short, the strike does not seem to be a legitimate controversy between labor and capital but a deliberate attempt by a communistic leader with a notorious record to foment disturbance when he was not a legitimate worker in the plant.

Faithfully yours,



Secretary of War.

The President,
The White House.

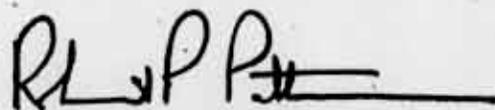
WAR DEPARTMENT
OFFICE OF THE UNDER SECRETARY
WASHINGTON, D. C.

April 5th, 1941.

MEMORANDUM TO THE SECRETARY OF WAR.

Subject: Allis-Chalmers Strike.

The Allis-Chalmers plant has orders for machinery necessary for destroyers and powder plants. The strike was called in January on a vote in which, as found by the Wisconsin Labor Board, some 2,000 ballots were forged. The leader of the strike is reported by the FBI to be a communist. After three months of idleness the Secretary of the Navy and the Director of Production Management made an urgent appeal for resumption of work. In response to the appeal more than one-half of the employees returned to work. An organized riot then occurred, which made it necessary to close the plant again.



Robert P. Patterson,
Under Secretary of War.

[REDACTED]

EXTRACTS FROM FBI REPORT, March 10, 1941

.....

The President of Union Local 248, U.A.W.A., at the West Allis plant is Harold Christoffel, who was born in Milwaukee, Wisconsin, August 22, 1912. He is a former Socialist and an informant has stated that Christoffel was practically born and reared in the Socialist tradition and was active in the Young People's Socialist League. After he began working at the Allis-Chalmers Company, he became interested in unionism, joined the International Brotherhood of Electricians, and worked to bring about the organization of that factory. He subsequently became dissatisfied with the Socialist Party, according to the informant, and became associated with the Communist Party. An informant who was a member of the Communist Party has stated that the Communists in Milwaukee finally prevailed upon Christoffel to agree to work under Communist direction in order to organize the plant. Confidential information has been received that during the summer or early fall of 1935, Christoffel became a member of the Communist Party. He helped organize the Federal Labor Union at Allis-Chalmers which later became Local 248, and in which Christoffel was elected President. Christoffel does not work at the Allis-Chalmers plant at the present time although he is carried on the pay roll as an employee on leave. It was stated that Christoffel insists upon the company extending his leave each year prior to a new contract being signed between the company and the local.

.....

In a report submitted by a confidential source in July, 1940, Christoffel was described as an active Communist who has taken part in a number of Communist demonstrations in Milwaukee, such as parades, picket lines and public meetings. Christoffel was reported by this source to be very active in the American League for Peace and Democracy, and was described as a public speaker of the rabble rouser type who has frequently made addresses on the streets at Communist and labor demonstrations.

Christoffel, in addition to being Secretary of the State Industrial Union Council, is also President of the Milwaukee County Council of the C. I. C. He was a delegate to the American Youth Congress convention at Lake Geneva in July, 1940, and is reported to have spoken emphatically against the Government's defense program. In this connection, information has been received that Christoffel with other radical leaders started a

[REDACTED]

Justice Dept letter, 9-21-72
RHP 4-11-74

[REDACTED]

campaign to send chain letters urging people to write to their Congressmen in protest against the Government's National Defense program. It was further confidentially reported that ever since the Allis-Chalmers Manufacturing Company accepted Government contracts, Christoffel and his cohorts have been doing everything in their power to create difficulties for the executives of the company. Christoffel was arrested in Milwaukee on December 29, 1934, on a charge of malicious destruction of property, arising out of a disturbance in a picket line at the Boston Store, at which time he admitted being encouraged in his activities by the Communist Party.

Information has been received from several other confidential sources substantiating the previous statement made that Christoffel is a Communist. It was reported that Christoffel has surrounded himself with approximately fifty dues-paying members of the Communist Party in Local 248, and with this group and their fellow travelers he is able to maintain control of the organization, although the majority of the members of the union are not Communists or Communist sympathizers. Information has also been obtained from several confidential sources relative to the "Flying Squadron" maintained by Christoffel in Local 248. This "Flying Squadron" has been described as a strong arm squad of approximately 150 men who are members of or sympathizers with the Communist Party. This "Flying Squadron" is used by Christoffel and the Communist element in the union to force the passage of Communist measures through the union, and has been used to threaten with personal violence any members of Local No. 248 who have objected to or are obstructing Christoffel's policies. Christoffel indicated in June, 1939, that the "Flying Squadron" had been disbanded. However, an article appeared in the West Allis Guide, a local publication, dated March 14, 1940, which reflected that Local No. 248's "Flying Squadron" will get a chance to see a special showing of the United Automobile Workers' movie "United Action." The article mentions that this film is of special interest to the "Flying Squadron" as it shows the U.A.W.A. in action during the General Motors strike.

[REDACTED]

SECRET
E.O. 11652, Sec. 5(b)(2)
Justice Dept letter, 9-21-72
RHP 4-11-74

[REDACTED]

[REDACTED]

Three confidential informants have furnished the names of individuals who are believed to be members of the "Flying Squadron" of Local No. 248. One of the informants named twenty individuals in this group as members of or sympathizers with the Communist Party.

A confidential informant has advised that to his personal knowledge, Local 248, at Christoffel's suggestion and insistence, has indirectly made heavy contributions to further various Communist inspired activities.

Christoffel is reported to have organized the Milwaukee branch of the Emergency Peace Mobilization, out of which emerged the American Peace Mobilization, a Communist front organization.

A confidential informant who was formerly an official of Local 248 has advised that Christoffel's policies follow the Communist line, that all resolutions of Local 248 are prepared by Herman Schendel, a known Communist, and approved by the Executive Board, after which they are presented to the membership at meetings and by prearranged motions are passed with little or no discussion. Christoffel is reported by this informant to have requested officials of the union to misrepresent terms of agreement to be presented to the company at an open meeting of Local 248. This informant further stated that Christoffel and other Communists in the union have openly stated that before they would serve the United States they would go into a concentration camp. This informant has advised that Christoffel sent \$500 of the funds of Local 248 to the Emergency Peace Mobilization in Chicago during the summer of 1940, which payment was subsequently approved by the union. The informant also advised that during the fall of 1940, at the request of the Farm Equipment Workers Organizing Committee, Local No. 248 advanced approximately \$1,500 bail for Emil Costello.

Information has been received that on January 16, 1941, a check was issued by Local No. 248, signed by Harold Christoffel as President and Linu Lindberg, Treasurer, in the amount of \$3.25 to the order of "Friday, Inc.". The magazine "Friday" is a reputed Communist periodical.

RECORDED
U.S. DEPT. OF JUSTICE

Justice Dept letter, 9-21-72
RAP 4-11-74

[REDACTED]

April 3, 1941

MEMORANDUM

Re: STRIKE AT ALLIS-CHALMERS
MANUFACTURING COMPANY,
Milwaukee, Wisconsin

This memorandum is being submitted to reflect the Communist influence which is fostering the continuance of the labor dispute at the Allis-Chalmers Manufacturing Company, West Allis, Wisconsin. This strike has been in effect since January 22, 1941.

The predominant labor union involved in the dispute is Local No. 248 of the United Automobile Workers of America, an affiliate of the Congress of Industrial Organizations. Local 248, prior to the strike, made demands on the company for an increase in wages, as well as a guarantee of the seniority of the employees who are inducted into military service. Demands were also made that the company pay a portion of the wages of those members in the union for the period of time they served in the Army. These demands were refused by the company.

After extensive conferences, an agreement was reached by the company officials and the union as a result of mediation by the Office of Production Management. This agreement reached in Washington was subsequently rejected by the company, allegedly because a possible interpretation of the Referee Clause would result in a closed shop, to which Allis-Chalmers is vitally opposed.

A former official of the Communist Party has confidentially advised that the first consideration of the C. I. O. in Wisconsin at the present time is in furthering the interests of the Communist Party. This informant further advised that the C. I. O. leadership in Wisconsin is dominated by Ned Sparks, Secretary of the Communist Party in the state of Wisconsin.

The Communist Party is stated by this informant to have recruited in 1935 the services of Emil Costello, the labor leader who was expelled from the State Federation of Labor, an A. F. of L. organization, because of his Communist activities. Thereafter, Costello played a prominent part in organizing strike-aid committees, which subsequently were transformed into a committee for functioning as an organizing agency for the C. I. O.

Costello has been a key man in the Communist penetration in the labor movement in Wisconsin, and is now president of the State Industrial Union Council of the C. I. O.

Associated with Costello during the period from 1936 to date were Gunner Michelson, Waldemar Sonneman, Nathan Garfield, and Harold Christoffel, all Communist CIO labor leaders who organized the State Industrial Union Council of the CIO. At the council's first convention, these men so controlled the situation that Costello was elected president - Christoffel, secretary - and Sonneman, Garfield, and Christoffel members of the executive board. Ned Sparks, who has been referred to above, succeeded Gene Dennis as secretary of the Communist Party in Wisconsin. Sparks is reported to have attended the Lenin school in Moscow to obtain his Communist Party education, and spent several years in Russia.

The president of Union Local 248, United Automobile Workers of America, at the West Allis Plant of Allis-Chalmers, is Harold Christoffel. He was born in Milwaukee, Wisconsin, August 22, 1912. He is a former Socialist. An informant has stated that Christoffel was practically born and reared in Socialist tradition and was active in the Young Peoples Socialist League. After working at Allis-Chalmers, he became interested in unionism and has worked to bring about the organization of that factory. An informant, a member of the Communist Party, has stated that the Communists in Milwaukee prevailed upon Christoffel to forego his Socialist leanings to work under Communist direction to organize Allis-Chalmers.

Christoffel is stated to have become definitely affiliated with the Communist Party in the summer or early fall of 1935. It should be noted that he was arrested in Milwaukee on December 29, 1934, on a charge of malicious destruction of property, arising out of a disturbance in a picket line at the Boston Store, at which time he admitted being encouraged in his activities by Communist Party representatives.

He helped organize the union of which he is now President. Although he does not work in the Allis Chalmers plant at present, he is carried on the pay roll as an employee on leave.

Christoffel's wife, Ann Christoffel, nee Ann Sobljak, is reported to be a member of the Communist Party under the party name of Ann Stewart. She is presently reported to be employed by the United States Forestry Service, Department of Agriculture, as a clerk.

From a confidential source in July, 1940, Christoffel was described as an active Communist participating as a public speaker of the rabble-rousing type. In addition to being Secretary of the State Industrial Union Council, he is also President of the Milwaukee County Council of the CIO. He attended an American Youth Congress convention at Lake Geneva in July, 1940. It is reported that he spoke emphatically there against the government's defense program. He has been reported as having urged other radical labor leaders to encourage their followers to submit letters to Congress in protest against the government's defense program.

Information has been received from a confidential source to the effect that since the Allis Chalmers Manufacturing Company accepted government contracts, Christoffel and the latter's Communist associates have been doing everything in their power to create difficulties for the executives of this company. Information has been received from a confidential source to the effect that Christoffel has surrounded himself with approximately fifty dues-paying members of the Communist Party in Local 248 and uses this group and other fellow traveller associates to maintain complete control of the Local although the majority of the members thereof are not actually Communists. It is reported that Christoffel has created in Local 248 a so-called "Flying Squadron" which is described as a strong-arm squad of approximately 150 men who are Communists or Communist sympathizers. The Flying Squadron, according to available information, is used by Christoffel and his Communist associates to maintain Communist control of the union and has been used to threaten personal violence to those members of Local 248 who voice objections to Christoffel's policy.

Information has been received from a confidential source to the effect that Christoffel's policies in connection with Local 248 follow very closely the Communist Party line; further, that the resolutions of this Local are prepared by Herman Schendel, a known Communist, these resolutions being approved by the Executive Board after which they are presented to the membership at meetings and jammed through by prearranged motions with little or no opportunity for discussion. It is reported that Christoffel has upon several occasions requested certain officials of the union to misrepresent terms of the agreement to be presented to the company by Local 248.

Christoffel and certain other Communist associates in Local 248 are reported to have stated that they would go to a concentration camp before they would serve the United States in an armed capacity.

Christoffel is reported to have organized the Milwaukee Branch of the Emergency Peace Mobilization from which eventually grew the American Peace Mobilization, reported to be a Communist front organization which has for its principal purpose the defeating of the present "Aid Britain" program. Christoffel sent \$500 taken from the funds of Local 248 to the Emergency Peace Mobilization in Chicago during the summer of 1940, and he is reported to have subsequently obtained approval of the union for the above payment.

Information has been received from a reliable informant to the effect that three prominent speakers and agitators in connection with the Allis-Chalmers strike have no legitimate interest in this controversy although they apparently are doing their utmost to influence the policies adopted by Local No. 248. These individuals are identified as Nathan Garfield, U.A.W.A. Local 29; Emil Costello of the Farm Equipment Workers of Chicago, and Meyer Adelman, S.W.O.C. These three men are reputed Communists. Adelman was an organizer and leader of the sit-down strike at the Fan Steel Metallurgical Corporation in North Chicago in 1937. He was arrested, found guilty, fined \$1,000 and served 240 days in jail with other Communist agitators with whom he had collaborated.

It should be noted that a resolution concerning continuance of the strike was voted on by Local No. 248 on March 29, 1941, and information has been received from a confidential source to the effect that this meeting was heavily "packed" with non-members, rendering

the vote in favor of continuance of the strike actually fraudulent.

On April 2, 1941, information was received from a confidential informant to the effect that Michael Widman, head of the Organizing Committee of the CIO at the River Rouge, Michigan, plant of the Ford Motor Company, had telephoned Patrick Toohey, known labor agitator and member of the Communist Party in Chicago, requesting assistance from Toohey apparently in accordance with previous arrangements. Widman, however, was advised upon the occasion of this call to Toohey that the latter was proceeding on April 2, 1941, to the Allis-Chalmers strike in Milwaukee.

It was further reported that Fred Bassett Blair, Secretary of the Communist Party in Milwaukee, Wisconsin, is conferring with Harold Christoffel concerning the instant strike.

file Ed. Stettinius ^{PSF: Strike folder} ~~Wm. H. H. H.~~

Ernest Weir announced
10 cent ^{per hour} increase retroactive
to April 1st for
output Nat. Steel Co

~~Ed. Stettinius~~ is
talking Leon Henderson
for study

April 7
1941

*file
journal*

*ASF Strike folder
4-41*

THE WHITE HOUSE
WASHINGTON

4-9-41

MEMORANDUM FOR THE PRESIDENT:

Philip Murray called me up after he had returned to his office from his conference with you, and stated about as follows:

"The conference in Detroit is not proceeding so well this afternoon. Bennett, the personnel officer of the Ford organizations and Ford's personal representative, met with the CIO representatives and said that Ford had repudiated his (Bennett's) agreement. This throws the situation back into chaos. Ford also sent word that he might call the President and state his position."

Since the above was received, I have talked with Murray again and he says that Ford has now decided not to call the President, but Governor Van Wagoner will phone the President and state Ford's position and give a summary.

Murray is leaving for Pittsburgh at five o'clock.

Murray also asked me to tell the President that John L. Lewis will call the President tonight from New York.

E.M.W.

E.M.W.

P.S. Since writing the above, John L. Lewis has called and is now waiting in New York, Roosevelt Hotel, hoping that you will call him when you return.

E.M.W.

PSF: Strike Folder
4-41

*file
personal*

THE WHITE HOUSE
WASHINGTON

April 19, 1941.

MEMORANDUM FOR
THE PRESIDENT

Hon. Myron Taylor telephoned
the following message.

"I do not want to bother you but Mr. Moses has just telephoned me from Pittsburgh in regard to an effort we have been making to have the Captive Mines opened next week -- the pay matter to be retroactive as of some earlier date than the date of settlement, and he tells me, after talking with Mr. Lewis, that the Southern mine situation is dependent upon the attitude of Mr. James Francis of the Island Creek Company, and Mr. O.O. Alexander of the Pocohantas Fuel Co. Mr. Moses said that the differential, which is the stumbling block between the Northern and the Southern mines is only $4\frac{1}{2}$ cents a ton, and that the dollar increase agreed upon by the Northern operators is also acceptable to the Southern operators -- the difference between the two seems to be $4\frac{1}{2}$ cents a ton.

Perhaps, if you think well

PSF Strike Folder



*File
Bureau*

THE SECRETARY OF THE INTERIOR
WASHINGTON

THE WHITE HOUSE

APR 30 9 23 AM '41

RECEIVED

The President,

The White House.

My dear Mr. President:

As an aftermath of the coal strike, I am sending you in confidence a very interesting memorandum prepared at my request by Mr. T. J. Thomas, Assistant to the President of the Chicago, Burlington and Quincy Railroad Company. Mr. Thomas came to Washington at my request as a consultant in the Bureau of Mines to assist members of my staff in drafting the necessary documents to enable the Government to take possession of the bituminous coal mines if the situation reached a deadlock. He was selected because of our knowledge of his excellent reputation among both the mine operators and the miners. He operates the Valier coal mine for the C. B. & Q. This is the largest and, I am informed, the most efficiently operated coal mine in the world. Mr. Thomas was of considerable help to us in connection with the job which you had given me. It was at my suggestion last evening that he called on Mr. John L. Lewis, and, after hearing his oral report this morning, I suggested that he place it in writing, my idea being that I would bring it to your attention.

Sincerely yours,

Harold I. Fisher

Secretary of the Interior.

April 29, 1941.

MEMORANDUM for Secretary Ickes.

After my conversation with you yesterday, I called Mr. Lewis' office for an appointment. His daughter, Miss Catherine, answered the phone and told me that Mr. Lewis had not as yet returned to the office, and wished to know if I could indicate to her what I wanted to see Mr. Lewis about. I told her that I could not; that I must see him. She said that Mr. Lewis was expected back about 6:30 and she would call me between 6:30 and 6:45. I told her I preferred to go out to Mr. Lewis' house to talk to him. About 7 o'clock she telephoned me that Mr. Lewis was on his way down to the hotel to see me and would be there shortly. Mr. and Mrs. Lewis arrived about 7:15. He and I went up to my room and spent perhaps an hour and fifteen minutes. I told him that there were two or three questions I should like to ask, to which he replied, "Go ahead."

First, I said, "If the President of the United States should call you to the White House and ask you to put all or part of the coal mines back to work in the interest of your country, will you accede to his request?"

Before answering he said, "Are you asking me this question individually or does it emanate from high authority?" I replied that

it does come from high authority.

After considering the matter for a few minutes, he made this reply:

"Tom, I have never refused a request of the President of the United States to call upon him. If the President would be willing to cut through the red tape and assure me that the miners employed in the various Southern mines who remain idle are provided with food by the Surplus Commodities Corporation; extended necessary medical aid by either the Red Cross or the United States Public Health Service and deliver their babies; that the men and their families shall not be evicted from the company houses; and see that these men are accorded their civil liberties and not be harassed by gunmen (and I know that several of the mining properties in Kentucky at this moment are armed camps), I will put the mines back to work in 48 hours, based upon the agreement already reached in the North. I am also willing to execute an agreement with the operators, either individually or collectively." He said some of the company stores have already been closed. During the course of his conversation he stated, "I have definite advice that many companies are willing to sign up on this basis, including the mines operated by "Big Steel."

I then asked him this question, after which, he again said:

"Are you individually asking this question or does it emanate from high authority." I replied, "It does come from very high authority."

Question: "Would you be willing to call on the President of the United States and ask him if there is anything he would like to suggest to you in the interest of your country to relieve the present acute situation existing in the mining industry?"

He replied, after considering the matter for four or five minutes, as follows: "Tom, I am going to tell you something that I have not discussed with anyone, namely, about two weeks ago Phil Murray was at the White House. The President asked him how the mine situation was progressing, to which Mr. Murray stated that that was a matter entirely in the hands of Mr. Lewis. The President then stated, 'Phil, I wish you would ask John to call me on the telephone.' Mr. Murray returned to the office and gave me the President's message. I immediately called the White House and Miss Le Hand answered the phone, saying that the President had gone out for a drive and would not return for an hour or an hour and thirty minutes. I told her that I would wait in my office."

"After about an hour and a half, the White House called and it was the President. He asked me how I was feeling and I told him very well indeed. We had a friendly chat for four or five minutes. Now, Tom, nobody knew about this but the President, Phil Murray, Miss Le Hand, perhaps a telephone operator, and myself. A few days later Drew Pearson and Robert Allen in their syndicated column referred

to this telephone conversation and stated that John Lewis had called on the President and asked him (the President) to help him pull his 'chestnuts' out of 'the fire. Now, there was a leak somewhere, but I have no hesitancy in saying to you that this had the effect of 'Smearing' me and embarrassing me in the pending negotiations with the operators. I can say to you that I did not like it."

I then said to Mr. Lewis, "Now, I want to ask you to do something for me as a coal operator who has maintained contractual relations with you for many years."

He replied, "What is it?"

"Mr. Lewis, I want you to permit me to open our mining property at once. You know, as well as I, that all of the coal we produce is used by the Chicago, Burlington and Quincy Railroad. Not one pound has ever been sold commercially. My office called me on the telephone today and stated that we had only about nine or ten days' supply of coal on the railroad, that we were converting locomotives to oil, and considering the advisability of transferring some of the oil burning locomotives from our Texas line up to Denver. You know, as well as I, that once these locomotives are converted to oil, or if oil burning locomotives are transferred from Texas to the North, it is almost an impossible job to reconvert them back to coal. And who do you suppose would oppose this reconverting more than anyone else?"

To which Mr. Lewis stated, "The oil men."

I said, "No, you are wrong. It is the locomotive firemen because on oil burning locomotives they are required to do absolutely no work whatever except to turn on a valve and watch their water and steam gauges."

Mr. Lewis then said, "Don't convert any more locomotives to oil."

We left my room and went down to the lobby. As we stepped off the elevator, we ran into my boss, Mr. Ralph Budd, President of the Chicago, Burlington and Quincy Railroad, and Mr. Engle, President of the Atchison, Topeka and Santa Fe. I introduced Mr. Lewis to these gentlemen and after a few brief remarks, he and I went over to Mrs. Lewis, where she had been waiting.

She asked me if I were being comfortably taken care of at the hotel and said that both she and John would be very happy to have me come out to their home and stay. I thanked them very much and then she said, "How long will you be in Washington?" To which I replied that I would probably stay for several days. She said, "Why don't you ask Mrs. Thomas to come down, and I shall be glad to have both of you come out to our home and stay. Now, please, Mr. Thomas, do this."

I told her that I would probably do so, as I had talked to Mrs. Thomas each night on the telephone. If I discovered that it was

going to be necessary for me to remain here much longer, I would have her come down, and, in any event, the next time she comes down with me to Washington I would be glad to accept her invitation.

Incidentally, I was in New York about ten days ago and spent considerable time with Mr. Lewis in his room at the Roosevelt Hotel, because I wanted to discover if there were anything that I could do to help bring the wage negotiation to an end.

I returned to Chicago, and, as I recall, in reading The Chicago Tribune the following morning, I noticed a statement made by Representative Hoffman of Michigan to the effect that John L. Lewis had said that before he would end this deadlock in the mine wage negotiations the President of the United States would have to get down on his belly, crawl to and plead with him to start the mines.

I have known Mr. Lewis intimately for many years, and notwithstanding any rift past or present that may exist between him and the President of the United States, I have never heard Mr. Lewis utter a disrespectful word about the President.

Therefore, I could not believe this news item, and I knew that if this statement ever got to John Lewis it might operate to delay, or to a very large extent forestall, the wage negotiations then in progress.

I immediately called Mr. Lewis by long-distance, and he gave me a report on the negotiations up to date. He said that Miss Perkins

at 12:30 midnight had certified the dispute to the Mediation Board.

"Mr. Lewis," I said, "there is a very derogatory statement in the Tribune this morning that you are alleged to have made with respect to the President of the United States. Let me read it to you."

I then read the statement. The article went along to say that the statement emanated from those close to the White House. After which, he said, "Tom, that is a G-- D--- lie and you know it, as well as I."

I have no hesitancy in saying to you, Mr. Ickes, that from my intimate acquaintance and relationship with Mr. Lewis, I am convinced that he did not make any such statement.

J. J. Thomas

PSF: Strike Folder
4-41

*file
personal*

THE WHITE HOUSE
WASHINGTON

TELEPHONE MESSAGE May 19, 1941
10:00 A.M.

FOR THE PRESIDENT
FROM MYRON TAYLOR:

I am informed that there will be no sit-down in the Bituminous mines this week and in case of failure to reach an agreement with the West Virginia, Kentucky & southern operators during the week, there is a possibility that contracts with the northern operators and the captive mines will be signed up and the southern situation left to be adjusted as the result of a possible shut down in their case only.

file
journal

PSF Strike Folder

THE WHITE HOUSE
WASHINGTON

6-6-41

MEMORANDUM FOR THE PRESIDENT:

Bob Jackson has just called me up and says that Biddle informs him as follows:

Biddle has talked to Phil Murray and Murray says that Frankenstein has called a meeting for Sunday night. Murray and Frankenstein both believe that the strike can be settled then.

Murray now hopes that the President will not issue the order tomorrow morning taking over the plant but will wait and find out the result of the Sunday night meeting.


E.M.W.

THE WHITE HOUSE
WASHINGTON

not sent

June 7, 1941.

Dear Phil:-

As you know, the continuity of operations at the North American Company plant is an absolute essential to the defense program.

In view of the unfortunate situation, I had determined on Friday morning to sign an Executive Order providing for the taking over of this plant by the Government. Yesterday afternoon the order and accompanying papers were drawn up, ready for my signature on Saturday morning.

At five o'clock this afternoon I got word that you and Mr. Frankenstein are holding a meeting on Sunday night, and that you both have real hope that as a result of this meeting the operations will be resumed at the plant on Monday.

In view of this, I have decided not to sign the proposed order on Saturday morning but to defer action on it until I hear the result of the meeting on Monday morning.

I have set forth the facts but I want you to know that while this is not in any way a threat, it will be necessary for me on Monday morning to sign the order unless an agreement to return to work immediately is reached at the Sunday night meeting.

Always sincerely,

Philip Murray, Esq.,
Congress of Industrial Organizations,
1106 Connecticut Avenue,
Washington, D. C.

THE WHITE HOUSE

Philip Murray, Esq.,
Congress of Industrial Organizations,
1106 Connecticut Avenue,
Washington, D. C.

June 7, 1941.

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Always sincerely,

Philip Murray, Esq.,
Congress of Industrial Organizations,
1106 Connecticut Avenue,
Washington, D. C.

PSF; Strike Folder

June 7, 1941.

MEMORANDUM FOR

THE SECRETARY OF WAR

If we issue the Executive Order taking over the North American Company plant, it occurs to me that it might be a good thing for your Army Colonel, in charge of the plant, to have as his civilian assistant or "adjutant" someone who would help him on the actual labor relations and working conditions contacts. It seems to me that the type of man who would be good would be Dexter Keezer, the President of Reed College in Oregon, or Lloyd Garrison, the Dean of the Wisconsin Law School. Both of these men are gentlemen in the best sense of the word -- understand management and, at the same time, are persona grata with labor as a whole.

I think there should be no announcement from Washington in regard to any such appointment. We do not want to dilute in any way the action of taking over, but as a matter of good management, the Colonel might find such a man of great value.

What do you think?

F. D. R.

Signed

F. D. R.

DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

June 6, 1941.

MEMORANDUM TO THE PRESIDENT:

In connection with the North American Aviation
Company action.

I.

1. I suggest that you give Murray and Frankenstein until Monday morning to get these men back to work. Both are trying very hard and are hopeful that they can. Frankenstein did not arrive at the plant until noon today, Friday. The plant never works on Saturday. Therefore there will be no expectation or plan for going back tomorrow. It is almost impossible for Frankenstein to contact all groups of the men this afternoon.

2. He has called a mass meeting for Sunday and is very sure that they will go back repentent. The plant has never worked on Saturday or Sunday.

3. It is important to back up Murray just as far as possible when he has taken so strong a stand. He has internal troubles of his own. In this case it happens that his opposition is not in a good position to have an open break with him over the Mediation Board on account of the coal situation.

II.

I also recommend that in the order or proclamation taking over the plant and assigning it to the supervision of the commanding officer of the area, that you add the appointment of a civilian assistant or adjutant ~~to be in charge~~ to be in charge of labor relations and working conditions.

I suggest that you appoint Lloyd Garrison or Dexter Keezer to this post and I suggest that he be the person rather than the Mediation Board to determine the wages and working conditions after due investigation. This will not put the Mediation Board into the wage fixing position from which it is anxious to be relieved.

Charles E. Smith

Strike Folder

for the Press Immediate Release
June 9 '41

~~SECRET~~ STATEMENT BY THE PRESIDENT:

Continuous production in the Los Angeles plant of North American Aviation, Inc., is essential to National Defense. It is engaged in the production of airplanes vital to our defense and much of the property in the plant is owned, directly or indirectly, by the United States. Production in this plant has ceased because of a labor dispute.

Conciliation was resorted to and efforts at conciliation failed. The dispute was then certified by the Secretary of Labor to the National Defense Mediation Board.

The course of mediation has now been interrupted in violation of an agreement entered into by the bargaining representatives of the workers to continue production during the course of the mediation. Full stoppage of production has resulted. This has created a situation seriously detrimental to the defense of the United States.

Because of this situation, as President and Commander in Chief of the armed forces of the United States, I have determined that this plant must be reopened at once. I have therefore directed that the Secretary of War shall immediately take charge of the plant and remain in charge and operate the plant until normal production shall be resumed.

2

PSF
Strikes - Bx 185

Our country is in danger and the men and women who are now making airplanes play an indispensable part in its defense. I call upon the workers to return to their jobs, with full confidence in the desire and ability of this Administration to protect their persons and their interests. I have an abiding confidence in the loyalty and patriotism of the American workers and I am sure that they will seize this opportunity to cooperate in the national interest. Their fundamental rights as free citizens will be protected by the Government and negotiations will be conducted through the process of collective bargaining to reach a settlement fair and reasonable to the workers and to the company. The company already has stated that any such settlement will be retroactive to May 1st.

The Army has been directed to afford protection to all workers entering or leaving the plant, and in their own hours.

~~(The undersigned is the General Counsel of the [redacted])~~



PSF
THE WHITE HOUSE
WASHINGTON

Strike Folder
File
personal
Confidential

June 7, 1941

MEMORANDUM FOR MISS TULLY:

Here is the statement prepared by Bob Patterson of the War Department for the President to give out if we should take over North American Aviation on Monday next. This should be attached to the formal papers which the Department of Justice is preparing.

HARRY L. HOPKINS

6/6/41

Steel

SUGGESTED STATEMENT BY THE PRESIDENT:

Continuous production in the Los Angeles plant of North American Aviation, Inc. is essential to National Defense. It is engaged in the production of airplanes vital to our defense and much of the property in the plant is owned, directly or indirectly, by the United States. Production in this plant has ceased because of a labor dispute.

Until recently all the processes provided by law to avoid interruption of production were carefully observed. Conciliation was resorted to and continued efforts at conciliation failed. The dispute was then certified by the Secretary of Labor to the National Defense Mediation Board. Through its good offices the representatives of the employer and the employees entered into an agreement by which work was to continue.

The course of mediation has now been interrupted and the agreement violated due to action by certain representatives of a local union. Full stoppage of production has resulted. This has created a situation seriously detrimental to the defense of the United States.

Because of this situation, as Commander-in-Chief of the Armed Forces of the United States I have determined that this plant must be reopened at once. I have directed that an officer of the

United States Army shall take charge of the plant on next Monday morning and remain in charge and operate the plant until normal production shall be resumed. I have asked the Mediation Board for prompt recommendations as to pay and other conditions of employment in this plant.

Our country is in danger and the men and women who are now making airplanes play just as important a part in its defense as the men who are selected for service in the Army or Navy. I have an abiding confidence in the loyalty and patriotism of the American worker and I am sure that employment will be resumed at once under a guarantee of the government that the workers will be treated justly.

6/7/41

SUGGESTED STATEMENT BY THE PRESIDENT:

Continuous production in the Los Angeles plant of North American Aviation, Inc. is essential to National Defense. It is engaged in the production of airplanes vital to our defense and much of the property in the plant is owned, directly or indirectly, by the United States. Production in this plant has ceased because of a labor dispute.

Until recently all the processes provided by law to avoid interruption of production were carefully observed. Conciliation was resorted to and efforts at conciliation failed. The dispute was then certified by the Secretary of Labor to the National Defense Mediation Board.

The course of mediation has now been interrupted in violation of an agreement entered into by the bargaining representative of the workers to continue production during the course of the mediation. Full stoppage of production has resulted. This has created a situation seriously detrimental to the defense of the United States.

Because of this situation, as President and Commander in Chief of the armed forces of the United States, I have determined that this plant must be reopened at once. I have therefore directed that the Secretary of War shall immediately take charge of the plant and remain in charge and operate the plant until normal production shall be resumed.

- 2 -

Our country is in danger and the men and women who are now making airplanes play an indispensable and essential part in its defense. I have an abiding confidence in the loyalty and patriotism of the American worker. I am sure that production will be resumed at once under a guarantee of the government that the workers and the company will be treated justly.

EXECUTIVE ORDER

WHEREAS on the 27th day of May, 1941, a Presidential proclamation was issued, declaring an unlimited national emergency and calling upon all loyal citizens in production for defense to give precedence to the needs of the Nation to the end that a system of government which makes private enterprise possible may survive; and calling upon all our loyal workmen as well as employers to merge their lesser differences in the larger effort to insure the survival of the only way of government which will recognize the rights of labor or capital, and calling upon all loyal citizens to place the Nation's needs first in mind and in action to the end that we may mobilize and have ready for instant defensive use, all of the physical powers, all of the moral strength and all of the material resources of the Nation; and

WHEREAS North American Aviation, Inc., at its Inglewood plant in the City of Los Angeles, State of California, has contracts with the United States for the manufacture of military aircraft and other material and articles vital to the defense of the United States, and the United States owns aircraft in the course of production, raw material, machinery, and other property situated in the said Company's plant, and

WHEREAS a controversy arose at said plant over terms and conditions of employment between the company and the workers which they were unable to adjust by collective bargaining; and whereas the controversy was duly certified to the National Defense Mediation Board, established by the Executive Order of March 18, 1941; and whereas before the controversy had been concluded before the said Board, and in violation of an agreement between the bargaining representatives of the company and the workers authorized to appear before the Board and conduct the negotiations, production at said plant of said aircraft and other articles and materials vital to the defense of the United States was interrupted by a strike, which strike still continues, and

WHEREAS the objectives of said proclamation of May 27, 1941 are jeopardized and the ability of the United States to obtain aircraft essential to its armed forces and to the national defense is seriously impaired by said cessation of production, and

WHEREAS for the time being and under the circumstances hereinabove set forth it is essential in order that such operations be assured and safeguarded that the plant be operated by the United States;

NOW, THEREFORE, I, Franklin D. Roosevelt, pursuant to the powers vested in me by the Constitution and laws of the United States as President of the United States of America and Commander in Chief of the Army and Navy of the United States, hereby authorize and direct that the Secretary of War immediately take possession of and operate said plant of North American Aviation, Inc., through such person or persons as he may designate, to produce the aircraft and other articles and material called for by its contracts with the United States or otherwise, and to do all things necessary or incidental thereto. Such necessary or appropriate adjustments shall be made with respect to existing and future contracts and with respect to compensation to the company, as further orders hereinafter issued by the Secretary of War shall provide. The Secretary of War shall employ or authorize the employment of such employees as are necessary to carry out the provisions of this order. And I hereby direct the Secretary of War to take such measures as may be necessary to protect workers returning to the plant.

Possession and operation hereunder of the property shall be terminated by the President as soon as he determines that the plant will be privately operated in a manner consistent with the needs of the national defense.

WAR DEPARTMENT
WASHINGTON

June 7, 1941.

Dear Mr. President:

Pursuant to our telephone talk a few minutes ago, I am sending you herewith the draft of the Executive Order in respect to the North American plant and the draft of your Presidential statement as it came out of the huddle of some twenty advisers at two o'clock this morning.

I am myself going over to New York to be a pallbearer at the funeral of my old friend and classmate, Dick Hurd, on Monday morning at ten thirty. As he was one of my dearest friends, I can hardly stay away. But, if something should arise that makes my presence here imperative, I can fly back on two hours' notice.

Faithfully yours,

Henry L. Stimson

The President,
The White House.

PSF: Strike Folder

THE WHITE HOUSE
WASHINGTON

June 11, 1941

file → ~~CONFIDENTIAL~~

MEMORANDUM FOR THE PRESIDENT:

Dan Tobin called me this morning from Indianapolis.

Dan Tobin and his Union -- International, National and Locals -- is in trouble.

Release by the White House of his letter pledging support to you and to the government and putting him squarely behind the defense program, has caused the trouble he is in.

This release, Dan tells me, has caused to unite all of the subversive communistic, socialistic, and radical labor leaders and organizations in opposition to him and his unions.

The socialistic workers' party, with headquarters in New York, Dan says, is sending men out to work in the field, agitating his union members -- urging his unions to withdraw and to take out charters with the C.I.O. and other labor organizations.

For example, Local Number 544 in Minneapolis, said to be controlled by the Dunne brothers, "notorious radicals", have met and publicly announced their intentions to withdraw from the Teamsters, etc.

Tobin says that they have applied to the C.I.O. for a charter; that the brother of John L. Lewis, identified with the C.I.O. in the Minneapolis area, has announced that the C.I.O. will give them a charter. Tobin is sending his men to Minneapolis to urge Local 544 to retain its charter in his Union and not to affiliate with the C.I.O.

Tobin further points out that strikes will result from this agitation; that these strikes will hold up and delay defense orders.

Tobin asks that word be gotten through Hillman or other defense officials in Washington to Murray and to John L. Lewis -- the word he wants given them is in the nature of a flat request that they refrain from attacking Tobin's Unions and from issuing C.I.O. charters to Teamsters' Locals, etc.

*Talked to Hillman
He is working on this
S.E.*

S.T.E.

THE PRESIDENT

*file
personal*

RECEIVED JUN 13 1941

PSF: Strike Folder

UNITED STATES MARITIME COMMISSION
WASHINGTON

OFFICE OF THE CHAIRMAN

June 12, 1941

MEMORANDUM FOR THE PRESIDENT:

Subject: Longshoremen's Strike on Morgan Line Ships

This morning Joseph T. Ryan, President of the International Longshoremen's Association, and nine of his union officers, talked to us about his strike on the Morgan Line piers in New York. ^{a hearing} The strike ^{is} called because the Commission arranged to acquire the entire fleet of ten ships of that line, ~~requiring it to go out of business.~~ ^{to provide ships} This was done for the 2,000,000 ton pool.

The Commission gave them a long hearing and told them we would do the following for them to alleviate unemployment:

- a. Use the Southern Pacific (Morgan Line) piers to load and unload ~~at least ten~~ ships engaged in other trade.
- b. Assign ships to the United States Lines to be loaded and unloaded at those piers.
- c. Endeavor to have the men furloughed so that under the Railroad Retirement Act they would be entitled to their pensions.

Morgan ships as far as in any way practicable

The Com. also told them that:

- a. There will be more work in the future for longshoremen (loading and unloading) in New York Harbor than before.
- b. Under the OPM labor policy men will ^{probably} have to be transferred to defense industries.
- c. We cannot promise to replace ships in the coast-wise trade. There will probably be more taken off instead of less.

MEMORANDUM FOR THE PRESIDENT

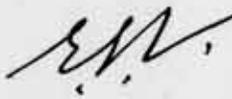
June 12, 1941

The nub of the problem seems to be:

- a. That the men are afraid they will lose pension rights under the Railroad Retirement Act if they go to work for a steamship line not owned by a railroad.
- b. That the union rules require an offshore steamship local to work offshore ships and prevent a coastwise local from working them.

The union argues that we should take only part of the ships and leave some. The Morgan Line balked at giving us half, so we took all.

~~I think it is a damn shame, but we need the ships.~~



E. S. Land
Chairman

HENRY L. STIMSON
SECRETARY OF WAR

FRANK KNOX
SECRETARY OF THE NAVY

WILLIAM S. KNUDSEN
DIRECTOR GENERAL

SIDNEY HILLMAN
ASSOCIATE DIRECTOR GENERAL

PSF; Strike Folder

OFFICE OF PRODUCTION MANAGEMENT
OFFICE OF THE ASSOCIATE DIRECTOR GENERAL
WASHINGTON, D. C.

June 24, 1941

*File
Personal*

MEMORANDUM TO THE PRESIDENT:

I do not favor the proposed Vinson Bill*relating to labor disputes. The enactment of this legislation—providing, among other things, for a compulsory waiting period—would appear to be unsound at the moment for the following reasons:

1. The general strike situation is clearing up steadily. I trust that it will continue so.
2. It would not deal with the really troublesome situations of a "wildcat", outlaw, or subversive nature.
3. One of the serious objections to a compulsory cooling off period is that it may force earlier strike action than would normally be the case, if no such legislation were in force. Union officials would be inclined to ask for an earlier strike vote and thus provoke strike psychology.
4. It would be particularly unfortunate—as the proposed legislation contemplates (Section 6)—to involve the President in the necessity of issuing orders maintaining the status quo and empowering him to ask the courts for injunctive relief to enforce his orders. This is an alarming provision and should most emphatically be excluded from any legislation of this kind. The President must be protected therefrom.

There is serious doubt in my mind as to whether the time has already arrived for the crystallization into statutory form of the National Defense Mediation Board setup. Continued flexibility might still be desirable.

Sidney Hillman
Sidney Hillman

*Re: Proposed Committee Substitute (dated June 18, 1941) for H.R. 4139

**THE WHITE HOUSE
WASHINGTON**

6-17-41

MEMORANDUM FOR MR. FORSTER:

Dear Rudolph:

Carl Vinson is sending up a
copy of his bill.

Will you please show it to
the President after it is briefed.

E. M. W.
E.M.W.

6-18-41

BRIEF SUMMARY OF PROVISIONS OF BILL

Declaration of Policy

It is the declared policy that labor disputes affecting the national defense shall not interrupt or delay production.

Mediation Board

The bill creates in the Executive Office of the President a "National Defense Mediation Board" of a character similar to the existing Board. The number of members of the Board is not fixed but is left to the President to determine. The existing Board created by Executive Order is abolished.

Jurisdiction of Board

The disputes of which the Board is to take jurisdiction are determined by a committee, designated by regulations of the Board, consisting of representatives of the Board, the Department of Labor, and the Office of Production Management.

Procedure for Mediation

The Board is to make every reasonable effort to assist the parties to adjust and settle the dispute in question and make agreements for that purpose. To this end the Board is authorized to utilize and the chairman designate mediation panels of tripartite composition similar to that of the Board.

Fact Finding and Recommendations

If the dispute is not settled, then the chairman of the Board may authorize the mediation panel or a different panel to investigate the issues in the dispute, make findings, and formulate recommendations, which are to be submitted by the Board to the parties and which may be made public by the Board.

Maintenance of Status Quo

After the Board has taken jurisdiction of the dispute, the President, upon recommendations of the Board, is given power to issue a "status quo" order, effective for such period as the President determines, but in no event for more than 30 days. The order may contain only two kinds of provisions: (1) Requiring any person to refrain from calling or assisting a strike arising

out of the dispute; (2) requiring an employer to refrain from practices which change the situation existing immediately before the dispute arose. The order can be enforced by the President, through the Attorney General, by action brought by the Attorney General in the proper district court.

Attendance of Witnesses

The Board is given power to subpoena witnesses and parties, administer oaths, and compel testimony.

Termination

The bill is to be in effect for two years or for the duration of the emergency, whichever is the shorter.

[CONFIDENTIAL COMMITTEE PRINT]

JUNE 18, 1941

PROPOSED COMMITTEE SUBSTITUTE FOR H. R. 4139

1 Strike out all after the enacting clause and insert the
2 following:

3 *That it is declared to be the policy of the United States*
4 *that labor disputes affecting the national defense be settled*
5 *without interruption or delay in production for defense.*
6 *To this end there are hereby established additional facili-*
7 *ties for the voluntary settlement of such disputes as cannot*
8 *be settled expeditiously by collective bargaining and by*
9 *existing conciliation and mediation procedures.*

10 NATIONAL DEFENSE MEDIATION BOARD

11 *SEC. 2. (a) There is hereby created in the Executive*
12 *Office of the President a Board to be known as the "National*
13 *Defense Mediation Board" (in this Act called the Board),*
14 *which shall be composed of such number of members, ap-*
15 *pointed by the President, as the President from time to time*
16 *deems the work of the Board requires. The Board shall*
17 *consist of a number of members representative of employers,*
18 *a like number representative of employees, and a number of*
19 *disinterested members representative of the public (in this*
20 *Act called, respectively, employer members, employeé mem-*

bers, and public members). The President shall designate a chairman and a vice chairman of the Board from among the public members. The President is also authorized to appoint such number of alternate public members, employer members, and employee members as he deems appropriate. Upon designation by the chairman, an alternate member may serve upon the panels provided for in sections 4 and 5 and may serve as a substitute for any absent regular member in the same representative group with full power to act as though he were a regular member of the Board. The members and alternate members shall receive such compensation for their services as the President shall determine.

(b) In the absence of the chairman of the Board, the vice chairman shall be authorized to act as chairman. In the absence of both the chairman and the vice chairman, the chairman shall designate some public member or alternate public member of the Board to act as chairman.

(c) Two members or alternate members from each representative group shall constitute a quorum of the Board. The Board shall have an official seal which shall be judicially noticed.

(d) The Board is authorized to employ, subject only to such regulations as the President may prescribe, such officers and employees not otherwise provided for, as may be necessary, and to fix the compensation of such officers and em-

ployees in accordance with the Classification Act of 1923, as amended. The Board may establish or utilize such regional, local, or other agencies and utilize such voluntary and uncompensated services and, with the approval of the President, the services and facilities of such other departments and agencies of the Government, as may from time to time be needed. Attorneys of the Board may appear for or represent the Board in any case in any court.

(e) The Board may delegate to any public member or alternate public member or to an executive secretary such administrative duties relating to the internal management of the Board's affairs as it may deem appropriate.

(f) Upon the appointment of the chairman of the Board, the National Defense Mediation Board created under Executive Order Numbered 8716 of March 19, 1941, shall cease to exist. Thereupon, all records, papers, and property of the Board created by such Executive order shall become the records, papers, and property of the Board.

(g) All of the expenses of the Board, including all necessary traveling and subsistence expenses incurred by the members, alternate members, members of panels, or employees of the Board while away from their official station and under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

1 (h) The principal office of the Board shall be in the
2 District of Columbia, but it may meet and exercise any or all
3 of its powers at any other place.

4 JURISDICTION OF THE BOARD

5 SEC. 3. The Board shall by regulations, adopted after
6 consultation with the Department of Labor and the Office
7 of Production Management, designate a committee of repre-
8 sentatives of those three agencies to determine when any labor
9 dispute substantially affects the national defense and cannot
10 be expeditiously adjusted by other agencies of the Govern-
11 ment (excluding any matter coming within the purview of
12 the Railway Labor Act, as amended). Upon such deter-
13 mination the Board shall take jurisdiction of the dispute and
14 shall proceed in the manner provided in sections 4 and 5.

15 PROCEDURE FOR MEDIATION

16 SEC. 4. After the Board has taken jurisdiction of a dis-
17 pute, the Board, under the direction of the chairman, shall
18 make every reasonable effort to assist the parties to adjust and
19 settle the dispute and make agreements for that purpose. To
20 such end, the Board may utilize and the chairman may desig-
21 nate a mediation panel consisting of one or more persons
22 representative of employers, a like number representative of
23 employees, and a disinterested person or persons representa-
24 tive of the public. The persons designated may be members
25 of the Board, alternate members of the Board, or other per-

1 sons named by the Board. The chairman or the mediation
2 panel may at any time request the parties to a dispute to
3 negotiate by collective bargaining or to meet with any repre-
4 sentatives of the Board.

5 PROCEDURE FOR FACT FINDING AND RECOMMENDATIONS

6 SEC. 5. In the event that a dispute is not settled by col-
7 lective bargaining or mediation under section 4, the chairman
8 may authorize the mediation panel, or a different panel con-
9 stituted as provided in section 4, to investigate the issues in-
10 volved in the dispute and to make findings of fact and formu-
11 late recommendations, which may contain appropriate retro-
12 active provisions, for the settlement of such dispute. The
13 panel may confer with the parties to the dispute, conduct hear-
14 ings, and take testimony. Findings and recommendations
15 made under this section shall be submitted by the Board to
16 the parties and may be made public by the Board.

17 MAINTENANCE OF THE STATUS QUO DURING NEGOTIATIONS

18 SEC. 6. (a) After the Board has taken jurisdiction of
19 a dispute as provided in section 3, the President, upon recom-
20 mendation of the Board, in order to effectuate the purposes
21 of this Act shall have power to issue an order (1) requiring
22 one or more persons to refrain or cease and desist from calling,
23 or assisting in any manner, a strike arising out of such dis-
24 pute; and/or (2) requiring the employer, who is involved in
25 the dispute to refrain or cease and desist from practices which

1 *change the situation existing at the time the dispute arose, or*
 2 *which by changing an existing situation led to the dispute, and*
 3 *which the President shall deem prejudicial to the prompt settle-*
 4 *ment of the dispute. No order of the President or process of*
 5 *any court under this Act shall require any employee to render*
 6 *labor or service without his consent, nor shall any provision*
 7 *of any such order or process be construed to make the quitting*
 8 *of his labor by any employee a violation of such order or*
 9 *process or otherwise an illegal act.*

10 (b) *Such order shall be effective for such period as the*
 11 *President shall determine, but shall, in any event, terminate*
 12 *thirty days after the date on which the order was issued.*
 13 *No further order may be issued under subsection (a) of this*
 14 *section in connection with the same dispute.*

15 (c) *The Attorney General, at the request of the Presi-*
 16 *dent, shall petition the district court of the United States, or*
 17 *the United States court of the Territory or possession, within*
 18 *the jurisdiction of which any person to whom an order is*
 19 *directed resides, transacts business, or is found, or the District*
 20 *Court of the United States for the District of Columbia, for*
 21 *enforcement of such order, and for appropriate temporary*
 22 *relief or restraining order. Upon the filing of such petition,*
 23 *the court shall have jurisdiction of the proceeding, and shall*
 24 *have power to grant such temporary relief or restraining*
 25 *order as it deems just and proper, and to make and enter a*

1 *decree enforcing the order of the President. Notice or process*
 2 *of the court under this section may be served in any judicial*
 3 *district, either personally or by registered mail or by telegraph*
 4 *or by leaving a copy thereof at the residence or principal office*
 5 *or place of business of the person to be served. The judgment*
 6 *and decree of the court shall be final, except that the same shall*
 7 *be subject to review by the appropriate circuit court of appeals*
 8 *and by the Supreme Court of the United States, upon writ*
 9 *of certiorari or certification, as provided in sections 239 and*
 10 *240 of the Judicial Code, as amended (U. S. C., 1934*
 11 *edition, title 28, secs. 346 and 347).*

12 (d) *An order of the President shall be enforceable only*
 13 *at the suit of the Attorney General, brought at the request*
 14 *of the President, and in the manner provided for in this*
 15 *section.*

16 (e) *Petitions filed under this Act shall be heard expedi-*
 17 *tiously, and if possible, within twenty-four hours after they*
 18 *have been docketed.*

19 (f) *When granting appropriate temporary relief or a*
 20 *restraining order, or making or entering a decree enforcing*
 21 *an order of the President, as provided in this section, the juris-*
 22 *isdiction of courts sitting in equity shall not be limited by the*
 23 *Act entitled "An Act to amend the Judicial Code and to*
 24 *define and limit the jurisdiction of courts sitting in equity*

1 and for other purposes", approved March 23, 1932 (U. S. C.,
2 1934 edition, title 29, secs. 101-115).

3 REGULATIONS OF THE BOARD

4 SEC. 7. The Board shall have authority from time to
5 time to make, amend, and rescind regulations providing ap-
6 propriate procedures for carrying out the powers vested in
7 it by this Act.

8 PROCURING OF EVIDENCE AND ATTENDANCE OF
9 WITNESSES

10 SEC. 8. For the purposes of this Act, the provisions of
11 section 9 (relating to examination, the production of books,
12 papers, and documents, and attendance of witnesses) and of
13 section 5 (f), of the Federal Trade Commission Act, as
14 amended (U. S. C., 1934 edition, title 15, sec. 49; Supp. V,
15 title 15, sec. 45 (f)), are hereby made applicable to the
16 jurisdiction, powers, and duties of the Board, and may be
17 exercised by the chairman of the Board, any public member
18 or alternate public member, or any employee of the Board
19 authorized by the chairman. The term "witness" as used
20 in these sections shall include a party involved in a labor
21 dispute.

22 SAVING CLAUSE

23 SEC. 9. Except as otherwise expressly provided herein,
24 nothing in this Act shall be construed to repeal, modify, or
25 affect any other statute of the United States.

1 TERMINATION

2 SEC. 10. This Act shall cease to be in effect on the
3 expiration of two years from the date of its enactment or
4 upon the date upon which the President proclaims the exist-
5 ing national-defense emergency terminated, whichever occurs
6 first.

7 SHORT TITLE

8 SEC. 11. This Act may be cited as the "National Defense
9 Mediation Act."

GENERAL WATSON:

Miss Tully thinks you may have already told Miss Perkins about McLaughlin.

The second paragraph re subway strike should be given her (Secy Perkins) as soon as possible.

File
All done
Confidentially
Ed
Belmont

THE WHITE HOUSE
WASHINGTON

June 25, 1941.

MEMORANDUM FOR

GENERAL WATSON

Will you tell Frances Perkins that it is all right about McLaughlin's resignation -- that I am accepting it with great regret?

Tell her also that under no circumstances should a subway strike be certified to the Mediation Board, as the Federal Government has no jurisdiction whatsoever. Furthermore, that, in my judgment, the Board of Transportation in New York cannot enter into a contract with the subway workers.

F. D. R.

Respectfully forwarded to the President:

EMW
E.M.W.

PSF; Strike folder

DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

June 24, 1941

The Honorable Edwin M. Watson
Secretary to the President
The White House.

Dear General Watson:

These are the memoranda I promised this morning. Please don't let me down. Both items are important and I require information on them by Wednesday.

Sincerely yours,

Harold V. Jenkins

DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

June 24, 1941

MEMORANDUM FOR THE PRESIDENT

FROM THE SECRETARY OF LABOR

RE: Subway Transportation Problem, New York City

Difficult "diplomatic" problem arises -

I. Your friend, Mayor LaGuardia, has taken the position that he cannot and will not deal with the union or meet them. His reasons are based on two points:

- (a) My surmise - that he regards this union as led by Communists. I agree it probably is.
- (b) He thinks the City cannot make an agreement or contract with a union. At any rate, he has refused to enter collective bargaining agreements with them.

II. Phillip Murray, sponsoring the union, is requesting me to treat this as an ordinary industrial dispute between the Subway Workers Union and the New York City Board of Transportation, and to certify it to the Defense Mediation Board for settlement. In answer to the Mayor's second point, he states that other municipal governments which own their transportation systems and their electric light and power systems have contracts with the unions; also that the Federal Government, through certain operating agencies such as the Inland Waterways Corporation and the TVA, has contracts with unions, and points out that with the extension of municipal ownership in some of these fields, this is bound to be a common practice. He claims that the Board of Transportation is nothing but an operating agency and that the men are manual laborers.

1. The Mayor will "hit the ceiling" if I certify the case to the Board of Mediation.
2. There will very nearly certainly be a subway strike in New York if something is not done and this seems to be the only thing we can do.

Questions:

1. Have you any suggestions?
2. Do you want to speak to the Mayor about it when you see him Wednesday?
3. Or shall I just blunder in alone and leave you with untied hands to do the pacifying later?

Anna S. Lewis

PSF; Strike Folder

COPY

October 26, 1941

Dear Mr. Lewis:

I acknowledge your letter of yesterday. You say that you do not feel warranted in recommending an additional extension of the temporary agreement to keep the captive mines in operation pending a final settlement of the controversy. I must ask you to reconsider this decision.

In this crisis of our national life there must be uninterrupted production of coal for making steel, that basic material of our national defense. That is essential to the preservation of our freedoms, yours and mine; those freedoms upon which the very existence of the United Mine Workers of America depends.

Mr. Myron Taylor is prepared to meet with you on Wednesday, to see if you and he in private and personal conference can work out a peaceful solution of the problem. You have agreed to confer with Mr. Taylor. During such conferences the production of coal for steel-making by the mine workers under the established wage scales of the Appalachian agreement should continue in the broad interest of the safety and defense of the nation.

I am, therefore, as President of the United States, asking you and your associated officers of the United Mine Workers of America, as loyal citizens, to come now to the aid of your country. I ask that work continue at the captive coal mines pending the settlement of the dispute.

Very sincerely yours,

s/ FRANKLIN D. ROOSEVELT

Honorable John L. Lewis
President, United Mine Workers of America,
Washington, D.C.

File downstairs

PSF: Strike folder

THE WHITE HOUSE
WASHINGTON

MEMORANDUM

November 6, 1941

TO: THE PRESIDENT
FROM: MR. LUBIN
SUBJECT: LABOR POLICY IN DEFENSE INDUSTRIES

In a conversation with Will Davis yesterday, he emphasized the need for the formulation of a definite governmental labor policy in defense industries.

Mr. Davis is of the opinion, and I agree with him, that there should be a definite policy relative to strikes, workers' demands and the obligations of employers. Such a policy should be arrived at voluntarily between the representatives of labor and the representatives of industry. Once formulated, it should be publicly announced as the policy of the United States Government. Such a policy would then be binding upon the Mediation Board and the Conciliation Service.

Mr. Davis suggests that you call in Phil Murray and Bill Green and tell them that you plan to appoint a committee made up of representatives of both their organizations and representatives of the U. S. Chamber of Commerce and the National Association of Manufacturers. Both of these men should be members of the committee to be appointed. The committee should be given the specific job of formulating policy relative to strikes, wages (particularly as they affect costs and prices), and other aspects of labor relations.

The committee should probably be made up of two representatives of each of the labor unions and two representatives of the employer organizations. (Will Davis thinks that each organization should have four representatives.)

THE PRESIDENT

- 2 -

November 6, 1941

There should also be several public members. My own suggestion would be that each group be asked to submit a panel of possible public members from which you could make your selection. This would give added weight to the status of the public members.

In order that the committee really get somewhere in its deliberation, a definite agenda should be prepared for it. This agenda should be formulated in advance for approval by you. It is very important that the chairman be a person with sufficient prestige to be able to keep the recommendations within the limits of the agenda.

Mr. Davis has sounded out Phil Murray and Bill Green as to the need for some procedure similar to this. Both are willing to go along. Each of them, however, wants to see you separately before anything is done.

Davis tells me that he has discussed this with Sidney and Miss Perkins. They would like very much to talk to you about the whole idea.

4314

NATIONAL DEFENSE MEDIATION BOARD

*Carl Mine
Correspondence*

ATTENTION: General Edwin Watson

FROM: William H. Davis

DATE November 11, 1941

May I ask that you get this to the
President personally and promptly.



PSF: Strike folder

Confidential

November 11, 1941

MEMORANDUM TO THE PRESIDENT

From: William H. Davis

I transmit herewith a copy of the majority opinion of the National Defense Mediation Board in the captive coal case. This has been withheld from release awaiting a dissenting opinion from Mr. Murray and Mr. Kennedy. The opinion points out that only one miner out of every 200 has not joined the union.

The Board expresses the opinion that these individuals could make a great contribution to untroubled labor relations in the coal industry and to the national welfare in this period of crisis by voluntarily joining the United Mine Workers of America at least for the duration of this contract.

The Board examined the union shop agreement from the immediately practical point of view of the operations of the mines and found that the evidence of the commercial operators

who have the union shop seemed to show that it had no detrimental effect upon the efficient operation of the mines and would have some effect to prevent interruption of production.

On these facts the Board expresses the opinion that it would seem to be the part of wisdom for the captive mine operators to accept the union shop with the penalty clause proposed by the Mine Workers.

However, at the end of the discussion the operators remained unconvinced and the question became whether the United Mine Workers who have almost attained their goal should have at the end the aid of compulsion by governmental action. On the principle that every substitution of the force of government for persuasion in these social processes is a tearing down of some part of the democratic structure, the Board refused to recommend the imposition of the union shop on these unpersuaded operators.

The Board suggested that the United Mine Workers would be in a much stronger position if they suspended for the duration of the national emergency their unquestionable right to match their economic strength against that of the operators, and continued to press forward for a 100% organization of the workers in and about the mines through voluntary self-organization and collective bargaining.

I also attach a copy of the recommendations of the Board dated October 24th, 1941 and I call your attention particularly to the second recommendations on pages 6 and 7. This recommendation was that the dispute be taken out of the hands of the Mediation Board and left to a voluntarily constituted arbitration Board selected by the parties themselves.

It suggests itself and it is wholly consistent with both of the recommendations of the Mediation Board, that if the Mine Workers are dissatisfied they should proceed, as the next step in collective bargaining, to ask for the immediate setting up of such a Board.

If the parties prefer to waive Paragraph C of our second recommendation of October 24th, 1941 and refrain from selecting an arbitrator with power to make a final decision binding on both parties, that would be exactly comparable to their agreement reached, at your request, that neither would be bound in advance by the findings of the Mediation Board.

William H. Davis

In the recommendations of October 24th, the Board pointed out that substantially 90% of the total annual production of bituminous coal is under union shop contracts, and that in the open shop captive mines involved in the present dispute approximately 90% of the mine workers have voluntarily become members of the United Mine Workers of America. There has been no substantial alteration of that picture in this discussion before the Full Board. The figures have been brought more closely up to date, and reference has been made to the anthracite industry in which the union shop status has been in effect since May 1939. The situation may be briefly stated by saying that all but 10% of the annual production of coal in the United States is under union shop conditions, and 90% of the mine workers who produce coal under open shop conditions are members of the United Mine Workers of America. In other words, for every 200 mine workers there is one individual who has not joined the union.

The United Mine Workers stress the importance and the desirability of industry-wide collective bargaining resulting in a uniform contract for the whole industry. When the War Labor Conference Board in April 1918 made a declaration of principles and policies to govern relations between workers and employers in war industries for the duration of the war, it included the declaration that "the right of employers to organize in associations or groups and to bargain collectively through chosen representatives is recognized and affirmed" and there is a great deal of other evidence in this

country and abroad that ^{such} collective bargaining ~~was an industry-wide~~ ~~basis~~ leads to stable and mutually satisfactory industrial relations and to continuity of production under a uniform written agreement.

Collective bargaining in the bituminous coal industry has never attained this level. The United Mine Workers of America have always pressed for an industry-wide contract, and they did so in the negotiations in 1933 and 1934. At that time the Appalachian Conference was established in which the United Mine Workers of America bargained with the commercial operators in the Appalachian Area as a unit, and the contract negotiated in the Appalachian Conference became the determining factor in fixing the terms and conditions of contracts in the outlying districts. In 1933-4, however, the captive mine operators whose coal production is usually consumed in the manufacture of steel by the companies which produce it and not sold on the commercial market, did not enter the Appalachian Conference. As the Board pointed out in its recommendations of October 24th, 1941, the mines involved in this dispute have been operated under individual contracts with the United Mine Workers of America since 1933 and these contracts have not included the union shop provision. In 1939 the United Mine Workers of America proposed to the Appalachian Conference and to the operators involved in this dispute a union shop agreement. The agreements in effect prior to 1939 provided for the settlement of disputes arising under the contract without suspension of work, with grievance machinery leading up to final decision by an umpire, and a clause reciting that a

strike or stoppage of work on the part of the United Mine Workers would be a violation of the agreement. The union shop provision proposed in 1939 provided, with respect to all workers in and about the mines eligible for membership in the United Mine Workers of America, that "as a condition of employment all employees shall be members of the United Mine Workers of America". It was further agreed that any expulsion or suspension from membership could be reviewed by the Executive Board of the International Union, United Mine Workers of America, and that the employer would be free to hire without regard to union membership. Membership in the union as a condition of employment was to become effective only within a reasonable time after the individual worker was employed.

When this union shop provision was proposed to the industry in 1939, the United Mine Workers of America proposed also to fortify the no-strike provision of the agreement by a penalty clause which provided that if any mine worker violated the no-strike rule he would be subject to specified fines deducted from his earnings, the proceeds of all fines to be paid to such charities as might be agreed upon between the company and the United Mine Workers. In 1939 the commercial operators, parties to the Appalachian Conference, chose to accept the union shop with this penalty clause. The operators involved in the present controversy chose to reject it.

When we look at the resulting situation from the point of view of the one individual in 200 who has not chosen to join the union, in spite of the action of the overwhelming majority of his fellow workers and the fact that he enjoys the benefits of the contracts negotiated and administered by the United Mine Workers of America at great expense, it is hard to think of a reason why the individual should persist in refusing to join the union. In our opinion these individuals could make a great contribution to untroubled labor relations in the coal industry and to the national welfare in this period of crisis by voluntarily joining the United Mine Workers of America, at least for the duration of this contract.

When we turn to look at the dispute from the opposing points of view of the United Mine Workers and the captive operators, we are impressed at once with the fact that the intensity of the dispute and the stubbornness with which the parties stick to their positions, in spite of the great emergency that confronts the country, seem out of all proportion to the minute fraction of the individual workers in and about the mines who have not joined the union. That intensity and stubbornness which at first sight appears so unreasonable arises out of the inherent nature of the question in dispute. It is important that the exact nature of that question should be clearly understood.

The only question in this dispute is the single question - whether the operators here involved who produce 10% of the coal in the United States shall join with the producers who produce 90% of the coal, in making with the United Mine Workers an agreement which requires as a condition of employment membership in the United Mine Workers of America, when approximately 95% of the eligible

workers in and about their mines are already members of the United Mine Workers. The question at issue does not go beyond that. It is definitely a different question from a provision for union security that requires of an employee who has voluntarily joined the union, that as a condition of his employment he must maintain membership in that union. Nor do we think that a forthright decision on the facts by the Board, under the circumstance of submission in this case, would serve or could be urged as a precedent in any industry in which these peculiar and exceptional conditions do not exist. If we were not of this opinion we would not be able to make recommendations in this controversy at all, because that proposition cuts both ways. If this decision cannot be isolated by its peculiar circumstances from questions of union security that arise in other industries then a recommendation by this Board in favor of the United Mine Workers would mean that we are prepared to recommend the same contract in all other industries, and on the other hand a decision in favor of the operators would mean that we are not prepared to recommend the union shop under any circumstances whatever. The Board is not prepared to take either of those positions. The Board in the future may recommend as it has recommended in the past various kinds of union security appropriate to the particular case.

In its investigation of the facts the Board has made every effort to find out what if any effect the acceptance of the union shop agreement has had or might have on the physical operation of a coal mine where as in the majority of the present instances there already exists a strong union with which the employers have for years been in contractual relations and which has built up a substantially complete membership among the workers. The operators concerned in the present dispute were unable to give any direct evidence on that point. They expressed, however, the fear that the union shop agreement would decrease the efficiency of their operations because of resentment of

some individuals who did not want to join the union and because, as they thought, the conduct of the union officers would tend to become arbitrary since it would no longer be restrained by fear of resignation of disgruntled members. It was apparent that there had been actual experience on this subject in the mines of the commercial operators and of many operators of captive mines, who have within recent years accepted and operated under the union shop agreement. Inquiry from these operators produced evidence which can fairly be summarized by saying that while there have been some protests from individuals, there has been no loss of employees and no perceptible detrimental effect upon the efficient operation of the mines, while the penalty clause has to some extent, but not entirely, prevented the interruption of production.

From this immediately practical point of view, and since the acceptance of the union shop provision in the coal mines is, in our opinion, divorced by the peculiar and exceptional conditions of this case from effect as a precedent in other industries, it would seem to be the part of wisdom for the operators involved in this dispute to accept the offer of the United Mine Workers with its added assurance of full and uninterrupted production at the mines throughout the period of the contract.

The extended discussion before the Mediation Board has not however succeeded in bringing about a voluntary acceptance of this provision. Both parties to the controversy want the issues squarely decided by the National Defense Mediation Board.

This brings us down to the ultimate reasons advanced by the parties for and against the recommendation that the operators involved in this controversy sign the Appalachian Agreement with the union shop provision and the penalty clause. The mine workers say that they want and are entitled to the union shop in these mines because the organizational activities of the United Mine Workers have in the past been opposed by these powerful interests, and the mine workers want security against any such attacks in the future in case, for instance, of a period of depression and unemployment. They point to the ruthless disruption of the United Mine Workers, at the instigation of these interests, in the years from 1920 to 1933. The operators in reply give us assurance in most positive terms that they are not now opposed to and do not intend to oppose the voluntary growth of union membership at their mines, and they point out that the history of the growth of the United Mine Workers in recent years, and the figures submitted to us showing substantially complete union membership at some of the mines, show that the United Mine Workers are in no need of any assurance of security. They take the position, in other words, that the special and particular facts adduced in these proceedings show that the union shop is not really needed by the United Mine Workers of America. It is clear that the Wagner Act has something to do with these final points of the argument.

So long as that Act remains in force many of the things that were done in opposition to the United Mine Workers of America in 1920 cannot be done again. The forceful interference by employers with self-organization of the workers that occurred in those years cannot be repeated so long as the Wagner Act remains in force. The possibility that these provisions of the Act will not remain in force

in the United States is too remote, in our opinion, to be given serious consideration. And if these provisions were to be repealed it would only be by a reversal of national policy that in any event would surely sweep away the union shop.

But the Wagner Act, as the Board pointed out in its recommendations of October 24th, bears also in other ways on the present dispute. That Act disposed of many of the arguments that have been advanced, by one side or the other, before us. It declared the national purpose to be to mitigate and eliminate obstructions to production "by encouraging the practice and procedure of collective bargaining", and to protect the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing. It declared that an employer shall not be precluded from making an agreement with a lawfully selected or designated labor organization "to require as a condition of employment membership therein". Thus the closed or union shop in private industry is not precluded by the Wagner Act, and closed or union shop agreements exist in great numbers in a great many industries, in addition to the 90% of the bituminous coal industry. But the clear consensus of the discussion of the Wagner Act was that such labor agreements should be arrived at by collective bargaining with full retention of the right to strike--not by governmental compulsion.

If we were convinced by the arguments presented on behalf of the United Mine Workers that the further postponement, for the duration of the emergency, of their demand for the union shop in that 10% of the industry involved in this dispute would seriously imperil the security of the United Mine Workers or threaten its existence, we would not be prepared to recommend that the United Mine Workers should waive the union shop in those captive mines at this time, because in our opinion the recommendations of the National Defense Mediation Board should be made in the light of the principle that the emergency should not be used either to tear down or to artificially stimulate the normal growth of unionism in defense industries.

But we do not believe that the signing of the union shop agreement by the operators involved in this dispute is necessary to the security of the United Mine Workers. The very reason given by the United Mine Workers for raising the issue now, *i. e.*, in our opinion, sufficient evidence to the contrary. That reason is that in 1939 the United Mine Workers were not strong enough to raise the issue, but they are strong enough now. That added strength has been built up in the face of the very conditions which are now said to threaten the security of the union.

But the final and determining consideration in our opinion, is that the past performance of the United Mine Workers indicates very clearly that they are well able by themselves to complete the full organization of the bituminous coal industry and the mature development of industrial relations in that industry, if their efforts to do so are not interfered with by management. And we are

continued that a hundred percent organization voluntarily arrived at through negotiation by the United Mine Workers themselves will be very much more able to resist the stresses of any period of depression or any attack that may occur in the future, than if the efforts of the United Mine Workers were not buttressed by the aid of a government agency, or if the goal were achieved by interrupting defense production.

On the other hand if the United Mine Workers are protected by adequate assurance that the present attitude of the operators of no opposition to the voluntary growth of union membership at the mines will not be departed from, and if in support of the national defense which is essential to the preservation of those fundamental rights without which the United Mine Workers could not exist, they now decide to suspend for the duration of the national emergency their unimpeachable right to match their economic strength against that of the operators of these mines by refusing to work with non-union workers, then it seems to us reasonably clear that their decision would greatly strengthen their position before the people of the United States, that in this emergency period they would be well able to continue as heretofore to extend the voluntary membership of their organization, and that they would erect the most effective protection against destructive forces of reaction that could be thought of.

It has been urged upon us that the United Mine Workers are legally and morally bound by the "Wage Protective Clause" of the Appalachian Agreement to surrender the union shop provisions and withdraw the accompanying penalty clause in their contracts with the 90% of the industry who now operate under the union shop, if they do not secure the union shop in the 10% of the industry here represented. It seems to us very difficult to so interpret the "Protective Wage Clause" as to give it any effect on the union shop provisions of the Appalachian Agreement, particularly when the United Mine Workers and certainly many, if not all, of the operators under the union shop agreement regard that agreement as more favorable from the point of view of practical operation of the mines; but however this may be we have no reason to suppose that the operators who now have the union shop agreement would take advantage of our recommendations in this case to demand a return to the open shop arrangement without the penalty clause. If they did it would be a dispute within the broad certification of the bituminous coal industry to this Board, and we may here point out that in such a case the interposition of the force of government to achieve something which could not be achieved by voluntary collective bargaining would not exist.

We, therefore, recommend:

That the United Mine Workers of America and the operators involved in this dispute proceed immediately to sign the Appalachian Agreement, with the reservation that the provision of

the Appalachian Agreement which requires membership in the United Mine Workers of America as a condition of employment shall be inoperative for the duration of the contract.

In presenting this recommendation the National Defense Mediation Board has in mind that important purpose for which the Board was given power to find the facts and make recommendations. That purpose was that the facts might be widely known; that informed public opinion might pass upon the justice and fairness of the recommendations, and that as a result uninterrupted production of defense materials might be achieved without depriving labor or management of the rights which they enjoy in a free and democratic society. We express the hope that in considering this recommendation the parties to the controversy will bear that purpose in mind, and that they will take sufficient time, in deciding whether they will or will not accept the recommendation, to permit sober and thoughtful consideration by everyone who may be affected by their decision.

_____	_____
_____	_____
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_____	_____

NATIONAL DEFENSE MEDIATION BOARD

In the Matter of	:	
	:	
BITUMINOUS COAL OPERATORS	:	
	:	
and	:	Case No. 20-B
	:	
UNITED MINE WORKERS OF AMERICA	:	
	:	

RECOMMENDATIONS

In this dispute the sole question is whether the United Mine Workers of America shall be given a union shop agreement in the non-commercial (captive) mines operated by the companies represented in these negotiations.* These companies operate the mines for the production of coal for use in the manufacture of steel not for sale in the commercial market.

The strike which led to the certification of this dispute arose out of the request of the United Mine Workers of America that these operators should sign and the refusal by these operators to sign the Appalachian Joint Wage Agreement executed by the Appalachian Conference of commercial operators and the United Mine Workers in Washington on June 19, 1941. The operators involved in the dispute now before us were prepared to accept the substance of the Appalachian Agreement with the exception of the union shop provision.

*The Carter Coal Company whose operations are involved in this dispute, is a commercial operator and has not accepted the union shop provision, nor has that company been a member of the Appalachian Conference or taken part in the negotiations between the Appalachian Conference and the United Mine Workers of America.

At the request of the National Defense Mediation Board on September 19, 1941, the parties agreed to resume production for a period of at least thirty days and thereafter until the expiration of a three day notice on the condition that both parties agree with the Board to accept for that period the provisions of the Appalachian Agreement, and the United Mine Workers of America agree with the Board that during that period the union shop provisions of the Appalachian Agreement, which require membership in the United Mine Workers of America as a condition of employment, should be inoperative.

The evidence presented during the conferences before us shows

(1) That on the one hand the mines involved in this dispute have been operated under contracts with the United Mine Workers since 1933, which contracts did not include the union-shop provision, and on the other hand that the union shop provision has been accepted by substantially all of the commercial operators and by some of the operators of captive mines, including some of the steel companies, so that substantially 90 percent of the total annual production of bituminous coal is under union shop contracts.

(2) That all of these mines have the voluntary check-off of union dues from the wages of those workers who indicate their desire to have the company make the deduction. The figures submitted to us by the companies on the basis of these voluntary check-off cards show that a very large majority of the mine workers, exceeding 95 percent in many of the mines, now belong to the union.

We put to the conference before us the question - Why, under such circumstances the United Mine Workers press the demand for a union shop; and the correlative question - Why, under such circumstances, the operators are not willing to accept the union shop agreement.

Fundamentally the operators based their reply on the ground that every worker has the right to choose for himself whether he will or will not join the union, and his employment should not be made to depend upon union membership. To this the Mine Workers opposed the right of union workers to refuse to work with nonunion men.

The question of the union shop is one which has been very widely discussed, and as to which there has been sharp conflict of opinion. This conflict appeared in the Congressional discussions of the Wagner Act. The consensus of that discussion is fairly summarized by the statement of Senator Walsh, Chairman of the Committee that reported the bill, pointing out that the proposed act neither prohibited nor required a closed or union shop.

Senator Walsh said:

Nothing in this bill requires any employee to join any form of labor organization.

Nothing in this bill requires an employer to compel his employees to organize. All employees are free to choose to organize or not to organize, to join any or whatever labor organization or union they choose.

and again -

All this bill says is that no employer may discriminate in hiring a man, whether he belongs

to a union or not, and without regard to what union he belongs; but if an employer wishes to agree and to make a contract of his own volition with his employees to hire only members of a company union or of a trade union, he can do so.

Senator Wagner said -

While outlawing the organization that is interfered with by the employer, this bill does not establish the closed shop or even encourage it. The much discussed closed shop proviso merely states that nothing in any Federal law shall be held to legalize the confirmation of voluntary closed shop agreements between employers and workers.

The Wagner Act provides that nothing in the Act or in any other statute of the United States shall preclude an employer from making an agreement with a labor organization (not established, maintained or assisted by any action defined in the Act as an unfair labor practice) to require as a condition of employment membership therein if such labor organization is the representative of the employees as provided in Section 9 (a) of the Act, in the appropriate collective bargaining unit covered by such agreement when made. And the Act further provides that nothing in it shall be so construed as to interfere with or impede or diminish in any way the right to strike. By these provisions the Congress included within the allowable scope of labor agreements a closed shop or union shop agreement arrived at by collective bargaining with full retention of the right to strike.

In this national emergency the fullest production of coal is essential to the national defense program. This dispute has arisen, mediation has not brought about a meeting of minds, and the Mediation Board has been called upon to make recommendations.

It became clear to the members of the Mediation Board that there could be no meeting of minds in the conference before it with respect to the two conflicting rights asserted in the present dispute, because of the possible repercussions of any agreement here made on the steel and shipbuilding industries, in one or both of which most of the interests involved in this dispute are engaged. There are very real and important problems of union organization in those industries, and in the opinion of the Board they should be disposed of, if and when they arise, solely on their own merits unaffected by any recommendations made by the National Defense Mediation Board in this case.

Under these circumstances we are unwilling to substitute our recommendations for a voluntary agreement. We must find some way in which an agreement between the parties can be arrived at without requiring either party to surrender beforehand the right which it asserts. That result can be reached in either one of the two ways which we now proceed to suggest.

1. If the parties are willing to agree beforehand that the recommendations of the National Defense Mediation Board will be accepted, the Chairman of the Board will refer the question for final decision to a full Board composed of eleven members, with the proviso that the parties shall agree to a continuation of production at the mines, under the same conditions that resulted from our recommendations of September 19th, 1941.

The conditions of the agreement which resulted from our recommendations of September 19th, 1941 when applied to such an extension would read as follows:

(a). That both parties agree with the Board to accept for such period the provisions of the Appalachian Agreement.

(b). That the United Mine Workers agree with the Board that during such period the provisions of the Appalachian Agreement which require membership in the United Mine Workers as a condition of employment shall be inoperative.

2. If the parties are unable to agree on that procedure then we are of the opinion that, in this dispute in the coal industry, resort should be had to a procedure similar to that adopted under the National War Labor Board during the emergency of 1917.

In line with that procedure, and in the event that the parties do not agree to submit the controversy for final decision to a full membership of the National Defense Mediation Board, we recommend:

(A) That the parties agree to a continuation of production at the mines under the same conditions that resulted from our recommendations of September 19th, 1941.

(B) That the parties agree upon a joint board made up of one or more representatives fully empowered to act for the companies which control the mining operations here in controversy and an equal number of similarly empowered representatives

of the United Mine Workers of America, the number of representatives to be agreed to by the parties.

(C). If in any case an agreement cannot be reached by individual negotiations with any or all of the operators, then the dispute will be referred to a joint board; and if this board cannot bring about an agreement, then the members of the board shall thereupon jointly select an arbitrator who shall have the power to make a final decision binding upon both parties.

William H. Davis

Walter C. Teagle

I think that under the circumstances recited the United Mine Workers of America are entitled to demand and the operators should grant the signing of the Appalachian Agreement without change.

Hugh Lyons

Washington, D. C.

October 24, 1941

PSF: Strike folder

The News and Observer

RALEIGH, NORTH CAROLINA

Nov. 13. 1941

Dear Franklin:-

I am enclosing herewith an editorial written by Jonathan which appeared in today's News and Observer. I think it is the best and wisest article he has written, and if you can snatch the time to read it

I am sure you will find it worth reading. It is statesmanlike

Gen. Watson has just told me over the telephone that I can see you Monday. President Camacho requested me to give you a personal message which he regards as very important and also is sending a written message.

My is feeling better and joins in love to you and Eleanor.

Affectionately

Joseph Danes

MORNING, NOVEMBER 13, 1941.

THE NEWS AND OBSERVER, RA

One Thing to Remember

"I don't know what John L. Lewis has in his head," Congressman Graham Barden said on Armistice Day in Goldsboro, "but I do know one thing: the United States Congress ought to change his mind or remove his head."

It may be assumed that Congressman Barden spoke figuratively. He is not proposing any Congressional program of decapitations beginning with John L. Lewis. But the vigor of Congressman Barden's language must be heard in memory of the fact that organized labor in America never has regarded Congressman Barden as its friend. He opposed wage and hour legislation at a time when no question of war effort was involved in better wages and working conditions as provided in that act. Mr. Barden may not be one of them, but there are a good many people in America now who hate John L. Lewis loudly today out of a dislike which grew out of the efforts of Lewis for labor and not out of his recent arrogance in power in connection with the defense program.

Far more significant than Congressman Barden's head-removing speech was Dr. Frank Graham's vote against Lewis' demands in the captive mine case and with the majority in the 9 to 2 decision of the Defense Mediation Board. Dr. Graham has consistently been the friend of organized labor in the United States. Indeed, so consistent has been his sympathy for the working masses of America and their effort to improve their condition by organization and other means that some of the opponents of labor have charged him with being a Communist.

Dr. Graham's is the safer, sounder position for America. He opposes labor when he disagrees with its program which he regards as mistaken in a national emergency. But there is nothing in his opposition to suggest that he moves, as some men do, with the present unpopularity of some labor leadership to strike at labor's gains. Mr. Barden also probably has no wish to injure the cause of labor's general advance but his present vigor of speech coupled with his record of votes may make some Americans, who do not know him as well as North Carolinians do, think that he does wish to shackle labor and not merely to save America.

John L. Lewis seems in North Carolina language to have "grown too big for his breeches." But John L. Lewis did a big job for thousands of submerged people in the mines and shops of America. He helped improve the lot of men whose lot desperately needed to be improved if they were even to approach a decent American standard. Even today an American cannot ride by train or car through the coal country north and south of West Virginia without realizing that, far from grabbing the wealth of America, labor still has a long way to go before any really decent America can emerge.

Organized labor in the United States under Roosevelt has just passed through one of the greatest periods of its advance. Like all people whose power has grown, its leaders begin to make mistakes. Sometimes they are arbitrary, arrogant, grasping. As a result the tide of sentiment seems to grow against them. It is popular to oppose them now. But the American people should remember that the great majority of the American people are the working people. They should remember also that in a day when billions are being spent millions of Americans still count carefully their spendings for living in pennies and nickels and dimes. Sometimes the poorest of these seem to be forgotten not merely by employers but also by better paid working men. Indeed, part of the strength of John L. Lewis in the past has been his unwillingness to be satisfied with the welfare of the relatively well-paid craftsmen and to insist that the unions he led be concerned also for the unskilled and the poor, the Negro as well as the white man, for all the Americans who labor or seek labor anywhere.

As he makes mistakes, as he moves in arrogance in a time of emergency, John L. Lewis first threatens the little security of the many little people he leads. That is his responsibility. But it should never be forgotten that there have been men, implacable in their opposition to labor, who have been waiting for labor's mistakes, waiting for change in the mood of America's sympathies in labor's struggle. Such men would be ready to use labor's mistakes now as a basis for wiping out all of labor's gains. If that should ever happen, there are very few Americans who would not lose in the process.

Frank Graham takes the sounder

MORNING, NOVEMBER 13, 1941.

THE NEWS AND OBSERVER, RA

One Thing to Remember

position. He does not cease to be the friend of labor even if some of labor's leaders and John L. Lewis' associates have characterized the vote in which he participated as a vote against labor's "legitimate aspirations." He merely declined to participate in what he believes to be labor's mistakes. That is the best American position in support of both labor's security and America's security. Labor needs friends now as it has not needed them in years. It needs friends willing to disagree with its demands and not merely friends who will follow it to every extreme. Labor deserves friends who understand even in this hour—even in the midst of labor mistakes—that the advance of the working people is the only sound basis for the advance of democracy. Such friends need to understand that the security of democracy in America depends upon resistance to the whipping up of such a frenzy against labor as labor's old enemies desire. The folly of some labor leaders may slow national defense, but any angry haste to decapitate labor or labor leaders could only serve that native Fascism which persists amid all the talk of democracy in the United States.

The extremists of the right and the left make most of the noise now. Strikes make the most news. But it is labor at its machines which is making now and every day the chief present war effort of the United States. It is our strength and our glory. There never was a time in the history of America when labor in its skills and its strength was more entitled to our appreciation, to our understanding of how basic it is to our security. We shall hear many things about labor now, things shaped in anger, things shaped in fear, but honest, sensible Americans have a greater thing to remember: today the welfare of American labor, working in the midst of its liberties, is the one certain strength which will at last bring Hitler down and humanity up. In nothing else is there any hope. With it there is nothing to fear.

MORNING, NOVEMBER 13, 1941.

Tar Heel Editor

By RALPH MCGILL
In The Atlanta Constitution.

Josephus Daniels, one of the gentlest and firmest of men, has resigned as our Ambassador to Mexico, and it seems to me his passing from the official scene merits more than a casual editorial commendation, no matter how sincere it may be.

He will be 80 years old next May. He resigns, not for idleness and rest, but for the arduous task of completing his memoirs, two volumes of which already have been published. They are "Tar Heel Editor" and "Editor in Politics."

Those two books are excellent reading for anyone interested in the American scene. Josephus Daniels has seen almost 80 years of it. When an intelligent, observing reporter puts down what he has seen and gives his interpretations, it is an important work. When he has been a part of it, as Josephus Daniels has been, it is even more important.

His two books will not thrill you, but they will hold your interest as the panorama of the American scene unfolds before you. It is a fine, clean picture of that scene. He was a newspaper editor, and a good one. He fought for the people. He opposed corruption in politics. He exposed it, too. There were those who hated him for it, but he didn't mind that.

He had a great part in establishing a firm foundation for education in North Carolina. That is why education in that state is on a sounder basis than in any other Southern state. There is none of the cheap, dishonest and unpatriotic undermining of schools by cheap men such as we now are witnessing in Georgia.

North Carolina has never had a demagogue. She has had a few unworthy politicians, such as "Our Bob" Reynolds. But she has never had a demagogue. One reason why is her schools.

North Carolina, with the oldest state university in the nation, has an affection for it and would not permit what has happened in Georgia. (Georgia's university was chartered first, but North Carolina built one and had it in operation some time before Georgia was able to build one.)

On visits to Mexico I asked many questions about Josephus Daniels.

The Mexicans spoke of him as a "Muy Sympatico Caballero."

They said it with affection and with sincerity.

That means he was a person of sympathy and of character. It meant he had won them.

That was one of the finest accomplishments of any American ambassador anywhere and at any time.

He succeeded Dwight Morrow. Morrow was there in the days of plenty. He did a fair job. The Mexicans knew him to be a representative of a great power. He was an improvement on what they had been used to having. He worked at being a good fellow.

But Dwight Morrow never once scratched the surface when it came to solving any of the problems which made relations between the two countries difficult. He left them unsolved.

Josephus Daniels came in with two strikes already called on him.

He had been Secretary of the Navy when Vera Cruz was bombarded and occupied. The Mexicans remembered

MORNING, NOVEMBER 13, 1941.

which I have
The Peop-
proud and pr-
cordingly, I sub-
the readers the
the aforementioned,
respectively been
"liars" by at least two
besides myself. I quote
dent Theodore Roosevelt:
ed Press has evidently gone
of the truth and by the
news about me, both by the
of the false." Of United Pr-
rent President said through his
"It was guilty of falsification."
F. D. Roosevelt issued an opinion—concern-
regard to Hearst's I. N. S. Presi-
retary, Mr. Early, an opinion—concern-
that. The hostile Nazi press and the
hostile Mexican press revived that issue.
Josephus Daniels moved in. He was
quiet, gentle, firm. He was
But Mexicans soon found out here was
a real man.
He understood they had problems and
represented the big neighbor but he didn't
the, north. He wanted to understand
Daniels was there during the depres-
sion years of this country. He was
look over the oil fields of Mexico.
I would not attempt to weigh the right
and wrongs of that question. No one
Josephus Daniels took the position that
the whole history of Mexican oil was
had not pretty one, and that neither side
the clean hands. He found enough in
that this country to refuse to recommend
He took the most tremendous pressure
was up to Mexico and the oil in it. It
longed to work out a plan of paying the
owners.
That is being done.
He was there at the time of the pres-
sures exerted during the Almazan-Car-
machi election, in which certain Amer-
ican interests selfishly, and unsuccess-
fully, sought to use money and influ-
ence to turn the election. Josephus Dan-
iels prevented it.
He demonstrated during the difficult years
country was not just a phrase. He
was a good neighbor and he made this
neighbor" was a record of diplomacy in Latin
He leaves a job, always a headache,
with a record of public service. He has
He began his public office. He has
under President Grover Cleveland. He has
served his country long, honestly and
well. He is not merely a great Southern-
er but a great man you may use him as
about a great man. Many of those who claim
a yardstick. Many of those who claim
the mantle of greatness are as pygmies
beside him.



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PSF: Strike folder

~~Confidential~~

November 15, 1941

MEMORANDUM TO THE PRESIDENT

From: William H. Davis

Mr. Hillman, Dr. Millis, Mr. Tracy and Mr. Vinson and I on June 6, 1941 met at the suggestion of the President. It was agreed that a draft should be prepared by me and on my instructions a draft was prepared by Gerald Morgan, legislative counsel for the House of Representatives, Gerard Reilly, the Solicitor of the Department of Labor and Lawrence Knapp, Assistant General Counsel of NLRB, Mr. Wyzanski and Professor Feller, about June 10th. That draft was submitted to Mr. Branscome, Assistant to Mr. Hillman, who gave his technical approval without, however, approving the statement of policy contained therein.

That bill was sent to Mr. Vinson on June 16th, and Mr. Vinson returned it with some minor changes. Then Mr. Vinson asked me to secure your approval. Mr. Hillman, who had previously participated in the talks about the Bill was not prepared to go along with the revised bill. Meanwhile, representatives of the CIO waited individually on the members of Congress and through their efforts, persuaded them to favor no bill.

Mr. Vinson had meantime reported out this bill and another draft report which had been prepared under my supervision, dated June 24th. This draft bill was carefully thought out and would, I believe, still have the approval of those who drafted it, with the possible exception that Section 5, which provides for a fact-finding and recommending board should be modified to give the Chairman of the Mediation Board wider discretion as to the personnel of the fact-finding board. Or still better, the board provided for in Section 5 should be replaced by a final tribunal agreed upon by management and labor as suggested in my accompanying memorandum.

William H. Davis

Confidential

November 15, 1941

MEMORANDUM TO THE PRESIDENT

From: William H. Davis

Supplementing the memorandum on the Vinson Bill.

In addition to what is set forth in my memorandum on the Vinson Bill I would be prepared to recommend the following:

1. Legislation applicable only to labor unions designated or selected for the purposes of collective bargaining by the majority of the employees, in accordance with Section 9(a) of the Wagner Act, and requiring such unions (a) to elect their officers by secret ballot at stated periods, not less often than bi-annually; (b) publish not less than semi-annually full statements of their receipts and expenditures under oath.

2. That an agreement against strikes in defense industries be insisted upon on terms and conditions to be worked out in a joint conference of labor and management. I think this conference should be promptly called. I believe it would be welcomed by the AFOL and CIO. I think it should be given for

discussion the broad subject of labor in defense production. I think it should, however, be given the specific job of agreeing to some final form of settlement of disputes in defense industries without strike. The plan of the War Labor Board in 1917-18 suggests itself as a possibility but perhaps the conference would prefer some other plan.

Whatever final tribunal is agreed upon, it can be substituted by agreement or legislation for the fact-finding and recommending board provided for in Section 5 of the Vinson Bill (Substitute H.R.4139 to be offered by the Committee on Naval Affairs, June 25, 1941)

William H. D.

[COMMITTEE PRINT]

JUNE 25, 1941

**SUBSTITUTE FOR H. R. 4139 TO BE OFFERED BY THE
COMMITTEE ON NAVAL AFFAIRS**

1 Strike out all after the enacting clause and insert the
2 following:

3 *That it is declared to be the policy of the United States*
4 *that labor disputes affecting the national defense be settled*
5 *without interruption or delay in production for defense.*
6 *To this end there are hereby established additional facili-*
7 *ties for the voluntary settlement of such disputes as cannot*
8 *be settled expeditiously by collective bargaining and by*
9 *existing conciliation and mediation procedures.*

10 **NATIONAL DEFENSE MEDIATION BOARD**

11 *SEC. 2. (a) There is hereby created in the Executive*
12 *Office of the President a Board to be known as the "National*
13 *Defense Mediation Board" (in this Act called the Board),*
14 *which shall be composed of such number of members, ap-*
15 *pointed by the President, as the President from time to time*
16 *deems the work of the Board requires. The Board shall*
17 *consist of a number of members representative of employers,*
18 *a like number representative of employees, and a number of*
19 *disinterested members representative of the public (in this*
20 *Act called, respectively, employer members, employee mem-*

1 bers, and public members). The President shall designate
 2 a chairman and a vice chairman of the Board from among
 3 the public members. The President is also authorized to
 4 appoint such number of alternate public members, employer
 5 members, and employee members as he deems appropriate.
 6 Upon designation by the chairman, an alternate member may
 7 serve upon the panels provided for in sections 4 and 5 and
 8 may serve as a substitute for any absent regular member in
 9 the same representative group with full power to act as
 10 though he were a regular member of the Board. The mem-
 11 bers and alternate members shall receive such compensation
 12 for their services as the President shall determine.

13 (b) In the absence of the chairman of the Board, the
 14 vice chairman shall act as chairman. In the absence of both
 15 the chairman and the vice chairman, the chairman shall desig-
 16 nate some public member or alternate public member of the
 17 Board to act as chairman.

18 (c) Two members or alternate members from each repre-
 19 sentative group shall constitute a quorum of the Board. The
 20 Board shall have an official seal which shall be judicially
 21 noticed.

22 (d) The Board is authorized to employ, subject only to
 23 such regulations as the President may prescribe, such officers
 24 and employees not otherwise provided for, as may be neces-
 25 sary, and to fix the compensation of such officers and em-

1 ployees in accordance with the Classification Act of 1923,
 2 as amended. The Board may establish or utilize such re-
 3 gional, local, or other agencies and utilize such voluntary
 4 and uncompensated services and, with the approval of the
 5 President, the services and facilities of such other depart-
 6 ments and agencies of the Government, as may from time
 7 to time be needed. Attorneys of the Board may appear for
 8 or represent the Board in any case in any court.

9 (e) The Board may delegate to any public member or
 10 alternate public member or to an executive secretary such
 11 administrative duties relating to the internal management
 12 of the Board's affairs as it may deem appropriate.

13 (f) Upon the appointment of the chairman of the Board,
 14 the National Defense Mediation Board created under Execu-
 15 tive Order Numbered 8716 of March 19, 1941, shall cease
 16 to exist. Thereupon, all records, papers, and property of
 17 the Board created by such Executive order shall become the
 18 records, papers, and property of the Board.

19 (g) All of the expenses of the Board, including all nec-
 20 essary traveling and subsistence expenses incurred by the
 21 members, alternate members, members of panels, or em-
 22 ployees of the Board while away from their official station
 23 and under its orders, shall be allowed and paid on the pres-
 24 entation of itemized vouchers therefor approved by the Board
 25 or by any individual it designates for that purpose.

1 (h) The principal office of the Board shall be in the
2 District of Columbia, but it may meet and exercise any or all
3 of its powers at any other place.

4 JURISDICTION OF THE BOARD

5 SEC. 3. The chairman shall determine, after consultation
6 with the Department of Labor and the Office of Production
7 Management, when any labor dispute substantially affects the
8 national defense and cannot be expeditiously adjusted by other
9 agencies of the Government (excluding any matter coming
10 within the purview of the Railway Labor Act, as amended).
11 Upon such determination the Board shall have jurisdiction
12 of the dispute and shall proceed in the manner provided in
13 sections 4 and 5.

14 PROCEDURE FOR MEDIATION

15 SEC. 4. After the Board has taken jurisdiction of a dis-
16 pute, the Board, under the direction of the chairman, shall
17 make every reasonable effort to assist the parties to adjust and
18 settle the dispute and make agreements for that purpose. To
19 such end, the Board may utilize and the chairman may desig-
20 nate a mediation panel consisting of one or more persons
21 representative of employers, a like number representative of
22 employees, and a disinterested person or persons representa-
23 tive of the public. The persons designated may be members
24 of the Board, alternate members of the Board, or other per-
25 sons named by the Board. The chairman or the mediation

1 panel may at any time request the parties to a dispute to
2 negotiate by collective bargaining or to meet with any repre-
3 sentatives of the Board.

4 PROCEDURE FOR FACT FINDING AND RECOMMENDATIONS

5 SEC. 5. In the event that a dispute is not settled by col-
6 lective bargaining or mediation under section 4, the chairman
7 may authorize the mediation panel, or a different panel con-
8 stituted as provided in section 4, to investigate the issues in-
9 volved in the dispute and to make findings of fact and formu-
10 late recommendations, which may contain appropriate retro-
11 active provisions, for the settlement of such dispute. The
12 panel may confer with the parties to the dispute, conduct hear-
13 ings, and take testimony. Findings and recommendations
14 made under this section shall be submitted by the Board to
15 the parties and may be made public by the Board or any of
16 such parties. Such findings and recommendations shall be
17 made public by the Board upon the direction of the President.

18 MAINTENANCE OF THE STATUS QUO DURING NEGOTIATIONS

19 SEC. 6. (a) After the Board has taken jurisdiction of
20 a dispute as provided in section 3, the President, upon recom-
21 mendation of the Board, in order to effectuate the purposes
22 of this Act shall have power to issue an order (1) requiring
23 one or more persons to refrain or cease and desist from calling,
24 or assisting in any manner, a strike arising out of such dis-
25 pute; and/or (2) requiring the employer, who is involved in

1 the dispute to refrain or cease and desist from practices which
 2 change the situation existing at the time the dispute arose, or
 3 which by changing an existing situation led to the dispute, and
 4 which the President shall deem prejudicial to the prompt settle-
 5 ment of the dispute. No order of the President or process of
 6 any court under this Act shall require any employee to render
 7 labor or service without his consent, nor shall any provision
 8 of any such order or process be construed to make the quitting
 9 of his labor by any employee a violation of such order or
 10 process or otherwise an illegal act.

11 (b) Such order shall be effective for such period as the
 12 President shall determine, but shall, in any event, terminate
 13 thirty days after the date on which the order was issued and
 14 shall not be extended beyond such time, and any further order
 15 issued in connection with the same dispute shall terminate
 16 at the same time as the original order therein, and shall not
 17 be extended beyond such time.

18 (c) The Attorney General, at the request of the Presi-
 19 dent, shall petition the district court of the United States, or
 20 the United States court of the Territory or possession, within
 21 the jurisdiction of which any person to whom an order is
 22 directed resides, transacts business, or is found, or the District
 23 Court of the United States for the District of Columbia, for
 24 enforcement of such order, and for appropriate temporary

1 relief or restraining order. Upon the filing of such petition,
 2 the court shall have jurisdiction of the proceeding, and shall
 3 have power to grant such temporary relief or restraining
 4 order as it deems just and proper, and to make and enter a
 5 decree enforcing the order of the President. Notice or process
 6 of the court under this section may be served in any judicial
 7 district, either personally or by registered mail or by telegraph
 8 or by leaving a copy thereof at the residence or principal office
 9 or place of business of the person to be served. The judgment
 10 and decree of the court shall be final, except that the same shall
 11 be subject to review by the appropriate circuit court of appeals
 12 and by the Supreme Court of the United States, upon writ
 13 of certiorari or certification, as provided in sections 239 and
 14 240 of the Judicial Code, as amended (U. S. C., 1934
 15 edition, title 28, secs. 346 and 347).

16 (d) An order of the President shall be enforceable only
 17 at the suit of the Attorney General, brought at the request
 18 of the President, and in the manner provided for in this
 19 section.

20 (e) Petitions filed under this Act shall be heard expedi-
 21 tiously, and if possible, within twenty-four hours after they
 22 have been docketed.

23 (f) When granting appropriate temporary relief or a
 24 restraining order, or making or entering a decree enforcing

1 an order of the President, as provided in this section, the juris-
 2 diction of courts sitting in equity shall not be limited by the
 3 Act entitled "An Act to amend the Judicial Code and to
 4 define and limit the jurisdiction of courts sitting in equity
 5 and for other purposes", approved March 23, 1932 (U. S. C.,
 6 1934 edition, title 29, secs. 101-115).

7 REGULATIONS OF THE BOARD

8 SEC. 7. The Board shall have authority from time to
 9 time to make, amend, and rescind regulations providing ap-
 10 propriate procedures for carrying out the powers vested in
 11 it by this Act.

12 PROCURING OF EVIDENCE AND ATTENDANCE OF
 13 WITNESSES

14 SEC. 8. For the purposes of this Act, the provisions of
 15 section 9 (relating to examination, the production of books,
 16 papers, and documents, and attendance of witnesses) and of
 17 section 5 (f), of the Federal Trade Commission Act, as
 18 amended (U. S. C., 1934 edition, title 15, sec. 49; Supp. V,
 19 title 15, sec. 45 (f)), are hereby made applicable to the
 20 jurisdiction, powers, and duties of the Board, and may be
 21 exercised by the chairman of the Board, any public member
 22 or alternate public member, or any employee of the Board
 23 authorized by the chairman. The term "witness" as used
 24 in these sections shall include a party involved in a labor
 25 dispute.

1 SAVING CLAUSE

2 SEC. 9. Except as otherwise expressly provided herein,
 3 nothing in this Act shall be construed to repeal, modify, or
 4 affect any other statute of the United States.

5 TERMINATION

6 SEC. 10. This Act shall cease to be in effect on the
 7 expiration of two years from the date of its enactment or
 8 upon the date upon which the President proclaims the exist-
 9 ing national-defense emergency terminated, whichever occurs
 10 first.

11 SHORT TITLE

12 SEC. 11. This Act may be cited as the "National Defense
 13 Mediation Act".

PSF: strike folder

11-17-41

Respectfully referred to
the President.

E. M. W.

~~Conrad H. ...~~

PSF: Strike folder

November 15, 1941

MEMORANDUM TO THE PRESIDENT

From: William H. Davis

I think you ought to have the attached
letter to me from Charlie Wyzanski.

A handwritten signature in cursive script, appearing to read "W H Davis", is written above a single horizontal line that serves as a signature underline.

NATIONAL DEFENSE MEDIATION BOARD
SOCIAL SECURITY BUILDING
WASHINGTON, D. C.

November 15, 1941

Mr. William H. Davis
Chairman
National Defense Mediation Board
Washington, D. C.

My dear Mr. Davis:

You have told me in strict confidence that a suggestion has been made to the President that legislation should provide that before a strike is called in a defense plant some governmental agency should poll the workers in that plant to see whether or not they favor a strike.

Although as you know I am prepared for some type of governmental regulation of unions, this particular suggestion seems to me to be unwise.

Surely the government would not undertake to poll only those employees who belong to the union. This would appear to be a discrimination in favor of union members and against unaffiliated workers.

On the other hand if the government were to poll all the workers in a defense plant, regardless of their union affiliation, the effect would be to cease treating the union as the genuine representative of the workers. In my opinion this would be contrary to the policy of the National Labor Relations Act and would, in the long run, be a most effective antiunion device.

Faithfully,

Charles E. Wyzanski, Jr.

NATIONAL DEFENSE MEDIATION BOARD
SOCIAL SECURITY BUILDING
WASHINGTON, D. C.
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE IN AVION
PAYMENT OF POSTAGE OBLIGED

Coal Strike

*PBF
Strike Folder*

Ann Davis

PSF: Strike folder
11/18 (3)

Philip Murray, Esq.,
Congress of Industrial Organizations
Moose Convention Hall
Detroit, Michigan

11/18 (3)

You have sent me the resolution of your convention, referring to the labor dispute in our captive coal mines. I hasten to reply, and in replying to make, in the cause of national defense, an appeal to your millions of patriotic and liberty-loving members.

Only a few months ago, under the auspices of the National Defense Mediation Board, certain agreements were reached between the coal operators and the United Mine Workers of America to keep these mines open.

Under these agreements the United Mine Workers of America are recognized as the sole bargaining agent for all the workers in and about the mines. The agreements fix the highest basic daily wage and the highest tonnage rates paid coal miners anywhere in the world. They provide in many other ways for the security of the mine worker under union auspices. They include union check weighmen, union grievance machinery and mine committees, union participation in improved safety practices in the mines. They eliminate unfair deductions from tonnage, checked by the union check weighmen. They eliminate script abuses. They provide vacations with pay, and so on.

The companies have agreed to all these provisions and will sign the agreement. A single issue remains in dispute. It concerns 5% of the mine workers employed in the captive mines, one-half of one per cent—one worker out of every 200—of all the mine workers in the United States. The National Defense Mediation Board has recommended that they voluntarily join the United Mine Workers of America and share the burdens, as well as the benefits of the union, with their fellow workers.

11/18 (3)

- 2 -

But the Board felt that it should not compel these non-union workers to join the union against their will.

The United Mine Workers have chosen not to accept this recommendation. The President of the United Mine Workers has refused to submit the controversy to arbitration, or to keep these mines open pending further negotiations.

These captive mines are closed. There impends a serious shortage of coal which this nation needs to defend itself. Without this coal, we cannot have steel. Without steel, the arsenal of democracy is an empty shell.

Without steel, we cannot make guns for the boys whom we send to our training camps. We cannot make tanks and planes to stop the barbaric hordes of Hitler, the destroyer and oppressor of labor. Without steel, we cannot make ships to keep open supply lines to the outposts of freedom in England, China, Russia and Africa.. Without steel, we cannot build homes for our defense workers and shelters for our soldiers, sailors and marines.

11/18 (3)

- 3 -

We must have steel. We must have coal. We must defend the rights and liberties of American workers, of all Americans. Interruptions of production in vital defense industries and national defense do not and cannot go together.

These boys who must have arms, are not only the defenders of America. They are not only the guardians of free labor against the onslaughts of Nazi terror. They are your brothers, your sons, your friends.

The needs of this critical hour have been dramatically stated in your annual report to the C.I.O.:

"Today labor has become more deeply appreciative of the dangers to democracy through Hitler's aim of world conquest. It is clear to labor that a single task looms ahead — the defeat of this menace to humanity.

"The paramount issue confronting the nation today is one of self-preservation. The Nazi German government has, through its wanton acts of aggression, destroyed nation after nation, reducing the people to depths of physical torture and economic exploitation. It has become increasingly evident to the people of our nation that their liberties, traditions and institutions — the very security of our country — are at stake and are now seriously endangered. The workers have been, are now, and will always be in opposition to Hitlerism. It must be defeated and destroyed. Democracy can survive in no other way."

I agree with you that our self-preservation itself is at stake, the preservation of our security, our democracy, and all our liberties on which labor's strength and welfare depend.

11/18 (3)

- 4 -

These issues are paramount. All other controversies, all other disputes, and other considerations must take second place.

We cannot afford to waste priceless hours and days while the day of danger is upon us. We must keep the arsenal of democracy at full speed.

I believe that the members of the C.I.O. are alive to the need of their nation; awake to this menace to their rights and liberties; and that they will quicken to answer the demands of national security.

In the name of national defense, I ask you as President of the Congress of Industrial Organizations, and your six vice-presidents — Messrs. Curran, Dalrymple, Rieve, Robinson, Rosenblum and Thomas, and your Secretary, James Carey, to confer with me in Washington tomorrow respecting the problems presented by the interruption of production in the captive mines. The gravity of the emergency warrants my asking you to interrupt, if necessary, in some measure, the deliberation of your convention in order to arrange for this conference.

In the interest of labor's freedom and the nation's unity, I request your immediate assistance.

TELEGRAM

PSF: Strike folder

The White House

NA1488WUH TWS 9.

Washington

WUX, NEW YORK, N. Y., Nov. 18, 1941

THE PRESIDENT:

THE EXECUTIVE COMMITTEE OF THE COUNCIL OF DEMOCRACY HAS ASKED US TO COMMUNICATE TO YOU, WITHOUT PUBLICIZING THE EFFORT, THIS EXPRESSION OF OPINION WITH REGARD TO THE CURRENT TENSION IN LABOR RELATIONS AS IT AFFECTS OUR NATIONAL DEFENSE EFFORT.

BEING DISTURBED BY THE ANTI-LABOR PASSION DISPLAYED IN THE COUNTRY AND THE CONGRESS, WE WISH TO THANK YOU FOR YOUR WISE INFLUENCE AGAINST LEGISLATION CURBING THE RIGHT TO STRIKE. BUT SINCE THIS IS A TIME FOR SACRIFICE, AND SINCE THE DEFENSE PROGRAM MUST NOT BE IMPAIRED BY RECKLESS STRIKES, WE BELIEVE YOU ARE JUSTIFIED IN CALLING UPON LABOR TO FOREGO THE USE OF STRIKES TO THE NATIONAL INJURY. HOWEVER, WE FEEL THAT IN A LARGER STRATEGIC SENSE, THE GROUND HAS NOT BEEN ADEQUATELY PREPARED TO ASK THIS SACRIFICE FROM LABOR WITHOUT ITS MISUNDERSTANDING THE APPEAL. WE SUGGEST THAT IT WOULD BE HELPFUL TO SURVEY THE WHOLE AREA OF SACRIFICE IN ORDER TO MAKE SURE THAT ANYTHING ASKED OF LABOR IS BEING MET BY A COMMENSURATE SACRIFICE BY MANAGEMENT, AND ALL OTHER ELEMENTS IN THE COMMUNITY. WE ARE AWARE THAT DEFENSE INDUSTRIES ARE HEAVILY TAXED, AS ARE ALL INCOMES ABOVE A LOW LEVEL. BUT WE DO NOT BELIEVE THAT THE EQUALITY OF SACRIFICE HAS NECESSARILY BEEN APPLIED WITH EMPHASIS ON EQUALITY, AND WE SUGGEST THAT IF IN YOUR OPINION IT CAN BE OR HAS BEEN SO APPLIED, AT THE EARLIEST MOMENT THE PUBLIC BE GIVEN A SIMPLE AND AUTHENTIC PICTURE OF EQUAL SACRIFICE AS BEING THE DEMOCRATIC BASIS OF YOUR DOMESTIC POLICY. WE BELIEVE IT CAN BE SYMBOLIZED AND DRAMATIZED SO THAT THE WHOLE NATION WILL UNDERSTAND WHAT PART EACH SECTION MUST PLAY, AND THAT LABOR WILL FEEL FAR MORE READY TO FOREGO DEMOCRATIC RIGHTS IF IT SEES AND FEELS THAT IT IS BEING ASKED ONLY TO CONTRIBUTE SACRIFICE EQUALLED BY EVERY OTHER GROUP OF THE COMMUNITY.

TELEGRAM

The White House

Washington

-2-

THIS MAKES IT IMPERATIVE TO ASSURE LABOR THAT EQUALITY OF SACRIFICE IS EXPECTED BY THE ADMINISTRATION AND WILL BE THE KEYSTONE OF ITS POLICY, BOTH IN TERMS OF DOLLARS ACCORDING TO RESPECTIVE ABILITY, AND IN TERMS OF THE COMPARATIVE POSITION IN ECONOMIC COMPETITION. IT IS OUR OPINION THAT AT THIS MOMENT IN THE LABOR CRISIS THE PRESENTATION OF THE THEME OF EQUAL SACRIFICE WOULD HAVE GREATLY EASED THE APPEAL THAT YOU NOW MUST MAKE AS LEADER IN AN EMERGENCY. FOR OUR PART WE ARE NOT READY EVEN IN GOOD CONSCIENCE TO SAY THAT THE SACRIFICES NOW BEING DEMANDED IN THE COUNTRY ARE, IN THE LARGER SENSE, EQUAL. AND IF WE ARE IN DOUBT, MANY SECTIONS OF THE COUNTRY MUST BE IN SIMILAR DOUBT, LABOR INCLUDED. BUT WE ARE CERTAIN ON ONE SCORE, THAT A DEMOCRACY IN GRAVE PERIL CAN NOT REMAIN COHESIVE AND DEMOCRATIC WITHOUT THE ASSURANCE THAT SACRIFICE IS EQUAL AND WITHOUT THE CONTINUAL REPETITION OF THAT THEME.

COUNCIL FOR DEMOCRACY,
ERNEST ANGELL, PRESIDENT,
RAYMOND GRAM SWING, CHAIRMAN.

PSF: strike folder

THE WHITE HOUSE
WASHINGTON

November 19, 1941

MEMO FOR THE PRESIDENT

You may want to see this.

I think it highly probable,
however, that any appeal you make to
labor would naturally carry some of
this idea.

MHM

*has
to ask a return to
put in by "Coal
file"*

PSF: Strike folder
Coal Operators
protesting sympathy
strikes
Have not been
acted

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

(00)

SYMBOLS

- DL - Day Letter
- NT - Night Telegram
- LC - Deferred Cable
- MLT - Cable Night Letter
- etc. Telegram

A. N. WILLIAMS
PRESIDENT

NEWCOMB GARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at destination.

GA384 97/96=PITTSBURGH PENN 19 411P

HONORABLE FRANKLIN D ROOSEVELT=

PRESIDENT OF THE UNITED STATES WASHDC

Handwritten initials: WM

WE WISH TO ADVISE YOU THAT THE COMMERCIAL COAL OPERATORS OF WESTERN PENNSYLVANIA AS WELL AS THEIR CUSTOMERS MANY OF WHOM ARE ENGAGED IN VITAL DEFENSE PROJECTS, ARE SUFFERING SERIOUS DAMAGE AS INNOCENT BYSTANDERS IN THE CAPTIVE MINE CONTROVERSY AT LEAST 30 COMMERCIAL MINES UNDER UNION SHOP AGREEMENT WITH UNITED MINE WORKERS OF AMERICA, EMPLOYING APPROXIMATELY 9,600 MEN AND PRODUCING 50,000 TONS OF COAL DAILY, ARE ALREADY SHUT DOWN AND INDICATIONS ARE THAT THE SITUATION WILL BE FAR WORSE BY TOMORROW MORNING. THE PRODUCTION OF BEE-HIVE COKE URGENTLY NEEDED BY BLAST FURNACES HAS BEEN SERIOUSLY CURTAILED=

WESTERN PENNSYLVANIA COAL OPERATORS ASSOCIATION.

CLASS OF SERVICE

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WESTERN UNION

R. B. WHITE
PRESIDENT

NEWTON B. CARLSON
CHAIRMAN OF THE BOARD

J. C. WILLEVEN
FIRST VICE-PRESIDENT

SYMBOLS

- DL - Day Letter
- NY - Overnight Telegram
- LC - Deferred Cable
- MT - Cable Night Letter
- Day Letter

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KA432 214 1 EXTRA 1/120=CHARLESTON WVIR 19 447P

THE PRESIDENT=

1941 NOV 19 PM 5 31

WHITE HOUSE WASHDC=

I HAVE BEEN REQUESTED BY MANY OPERATORS OF COMMERCIAL COAL MINES IN WEST VIRGINIA TO ADVISE YOU THAT THEIR MINES, OPERATING UNDER THE CLOSED SHOP AGREEMENT WITH THE UNITED MINE WORKERS FOR MORE THAN TWO YEARS, HAVE BEEN CLOSED TODAY BY THEIR EMPLOYEES STRIKING WITHOUT NOTICE. THERE HAS BEEN NO COMPLAINT BY THESE COMMERCIAL OPERATORS AGAINST CAPTIVE MINES OPERATING OPEN SHOP. WE ARE NOT INVOLVED IN THIS CONTROVERSY BETWEEN THE CAPTIVE MINES AND THE UNITED MINE WORKERS. WHILE OFFICIALS OF THE UNITED MINE WORKERS DISCLAIM RESPONSIBILITY FOR THE UNAUTHORIZED STRIKE IN COMMERCIAL MINES THERE IS AMPLE PROOF THAT EMISARIES FROM THEIR HEADQUARTERS HAVE APPEALED DIRECTLY TO OUR MINERS TO STOP WORK. AS A RESULT OF THIS INSIDIOUS INFILTRATION THERE ARE APPROXIMATELY=



WESTERN UNION

1288

WORLD
DL - Day Letter
MT - Overnight Telegram
LC - Delayed Cable
WLT - Cable Night Letter
Ship Radiogram

R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. G. WILLEVER
FIRST VICE-PRESIDENT

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JA432 2/94

1941 NOV 19 PM 5 31

THIRTY THOUSAND MINERS IN COMMERCIAL MINES IDLE ON STRIKE TODAY. THE COAL INDUSTRY IN WEST VIRGINIA HAS RESPONDED ONE HUNDRED PERCENT TO YOUR APPEAL FOR PRODUCTION FOR NATIONAL DEFENSE. IT BELIEVES A STOPPAGE OF WORK NOW IS AKIN TO SABOTAGE OF THE NATION. WE RESPECTFULLY DIRECT YOUR ATTENTION TO THE NAKED FACT THAT WHILE DISCLAIMING RESPONSIBILITY FOR THIS SO CALLED STRIKE NOT ONE NATIONAL OR LOCAL OFFICIAL OF THE UNITED MINE WORKERS HAS MADE A PUBLIC DEMAND THAT THE MINERS IN THE COMMERCIAL MINES CONTINUE AT WORK PENDING ADJUSTMENT OF THE DISPUTE IN CAPTIVE MINES.

L. EBERSOLE GAINES PRESIDENT WEST VIRGINIA COAL ASSOCIATION.

AKIN

Clarification Service

This is a Clarification Service. Telegrams or Cablegrams sent in the normal manner is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

(23) 5c

DL=Day Letter
NT=Overnight Telegram
LC=Cable Letter
NLT=Cable Night Letter
Wg=Radiogram

R. S. WHITE
PRESIDENT

NEWCOMB CARLYON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

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JA521 124 1 EXTRA XC= WILLIAMSON WVIR 19 647P

HONORABLE FRANKLIN D ROOSEVELT=

1931 NOV 19 PM 7 24

THE WHITE HOUSE WASHDC=

THIRTY PERCENT OUR COMMERCIAL PRODUCTION SHUT DOWN TODAY DUE
 ILLEGAL STRIKE IN VIOLATION AGREEMENT WITH UNITED MINE
 WORKERS AND SUBJECT TO PENALTY CLAUSES STOP AM FEARFUL ALL
 COMMERCIAL MINES THIS DISTRICT WILL BE OUT BY END OF WEEK
 STOP EVENING PAPER ADVISES YOU ARE QUOTE INFORMING ALL COAL
 OPERATORS WHO HAVE SIGNED AN AGREEMENT WITH CLOSED SHOP AND
 NONSTRIKE PENALTY CLAUSES THEY WILL BE EXPECTED TO OPERATE
 UNDER THOSE AGREEMENTS WITHOUT CHANGE UNQUOTE WE ARE TRYING
 TO DO THIS BUT MEN WILL NOT RETURN TO WORK APPARENTLY UNDER
 INSTRUCTIONS MINE WORKERS WHICH ARE DENIED STOP A TELEGRAM
 FROM YOU WITH AUTHORITY TO PUBLISH SAME MAY BE HELPFUL IN
 GETTING SOME OUR COMMERCIAL MINES BACK TO WORK IN LINE WITH
 YOUR ABOVE QUOTED STATEMENT=

JOSEPH J ARDIGO SECRETARY OPERATORS ASSOCIATION
 OF WILLIAMSON FIELD.

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION (12)

R. B. WHITE
PRESIDENT

NEWCOMB EARLTON
CHAIRMAN OF THE BOARD

J. C. WILLIAMS
FIRST VICE-PRESIDENT

SYMBOLS

DL	Day Letter
NY	Overnight Telegram
EC	Deferred Cable
NYT	Cable Night Letter
	Other Symbols

The filing time shown in the date box on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

CC81 174 1 EXTRA DL=CHICAGO ILL 19 312P

1941 NOV 19 PM 5 19

THE PRESIDENT OF THE UNITED STATES=

WASHDC=

WE OPERATE SIX INDEPENDENT COAL MINES IN HAZARD, EASTERN KENTUCKY, OPERATING UNDER APPALACHIAN AGREEMENT WITH THE UNITED MINE WORKERS. NOTWITHSTANDING THE FACT THAT THE UNITED MINE WORKERS ARE MAKING PRESENTATION THAT THEY ARE NOT CALLING STRIKE IN INDEPENDENT MINES THEY ARE. NEVERTHELESS, SENDING THEIR PAID WORKERS THRU OUR FIELD INSTRUCTING THE MINERS NOT TO WORK. AS A RESULT FOUR OF OUR MINES ARE IDLE TODAY AND WE ARE INFORMED ALL WILL BE IDLE FRIDAY. AS ARE ALL OTHER MINES IN OUR DISTRICT. INDIVIDUAL MINERS TELL US THEY ARE NOT IN SYMPATHY WITH THIS ACTION; THEY WANT TO WORK. IT IS APPARENTLY NOT A SYMPATHETIC STRIKE BUT A FEAR STOPPAGE ON THE PART OF THE INDIVIDUAL MINERS - FEAR OF THEIR OWN REPRESENTATIVES. PAID WORKERS OF THE UNION ARE NOT OFFICIALLY CALLING THESE STRIKES BUT ORDER THE MEN BY WORD OF MOUTH TO DESIST FROM WORK. WE SINCERELY BELIEVE THAT IN BEHALF OF THE INTEREST OF THE AMERICAN PEOPLE YOU ARE CHARGED WITH THE DUTY OF FIRM AND IMMEDIATE ACTION IN THIS RAPIDLY SPREADING DANGER=

P. F. ALLAIS PRESIDENT COLUMBUS MINING COMPANY.

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

1930

SYMBOLS

- DK - Day Letter
- NT - Deferred Telegram
- LC - Deferred Cable
- NLT - Cable Night Letter
- Ship Radiogram

A. N. WILLIAMS
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVEN
FIRST VICE-PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

JA285 191/189 2 EXTRA XC=LOGAN WVIR 19 111P

HONORABLE FRANKLIN D ROOSEVELT, PRESIDENT=

WHITE HOUSE WASHDC=

1941 NOV 19 PM 2 21

SIXTY PERCENT OF THE MINES IN THE LOGAN DISTRICT OF WEST VIRGINIA ARE OUT ON A SO CALLED SYMPATHY STRIKE THIS MORNING. THE OFFICIALS OF THE U. M. W. A. DENY RESPONSIBILITY. HOWEVER, ONE OF THEIR DISTRICT REPRESENTATIVES VISITED NEARLY ALL OF THE MINES YESTERDAY AND LAST NIGHT INSTRUCTING THE LOCAL OFFICIALS TO PULL THE MEN OUT. WE ARE SURE THAT THE MEN WOULD BE AT WORK IF THEY WERE NOT INSTRUCTED TO STAY OUT.

THIS DISTRICT PRODUCES 450,000 TONS OF COAL A WEEK SO THAT WE ARE NOW LOSING AT THE RATE OF 270,000 TONS A WEEK. UNLESS SOMETHING IS DONE THIS ILLEGAL STRIKE WILL PROBABLY SPREAD TO THE OTHER MINES. OUR MINERS ARE CONFUSED AS TO WHAT THEY SHOULD DO. IF YOU AGREE THAT THE DEFENSE OF OUR COUNTRY DEMANDS THAT THERE BE NO SHUT DOWN OF THE COMMERCIAL COAL MINES AND WILL TELEGRAPH US TO THIS EFFECT WITH PRIVILEGE TO PUBLISH YOUR TELEGRAM WE ARE SURE THIS WILL GREATLY INFLUENCE THE MINERS TO RETURN TO WORK. WE ARE VERY ANXIOUS TO OPERATE OUR MINES AND VAST MAJORITY OF OUR MINERS ARE ALSO ANXIOUS TO WORK=

H A MCALLISTER EXECUTIVE DIRECTOR LOGAN COAL OPERATORS ASSOCIATION.

CLAIM OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol shown in preceding the address.

WESTERN UNION

R. W. WHITE
PRESIDENT

NEWCOMB EARLTON
CHAIRMAN OF THE BOARD

J. D. WILLEVER
FIRST VICE-PRESIDENT

SYMBOLS

DL	Day Letter
NT	Overnight Telegram
CT	Deferred Cable
PT	Deferred Telegram
DL	Day Letter

The time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is ESTABLISHED TIME at point of destination.

JA525 210 DL 1 EXTRA 1/151=ASHLAND KY 19 457P

1941 NOV 19 AM 7 30

FRANKLIN D ROOSEVELT=

PRESIDENT OF THE UNITED STATES THE WHITE HOUSE WASHDC

I HAVE TODAY WIRED MR. JOHN L. LEWIS AS FOLLOWS: QUOTE I CALLED MAJOR TETLOW YESTERDAY AFTERNOON AT THE INCEPTION OF SEVERAL STRIKES IN THIS FIELD AND THE MAJOR ADVISED ME THE STRIKES WERE NOT CALLED BY THE INTERNATIONAL UNION. THESE STRIKES WERE NOT THE RESULT OF VOLUNTARY ACTION ON THE PART OF THE MEN, BUT WERE ALL CAUSED BY THE EFFORTS OF DISTRICT FIELD WORKERS WHO HAVE SYSTEMATICALLY COVERED THE FIELD AND INSTRUCTED THE MINE WORKERS TO QUIT WORK. AT A NUMBER OF MINES IN THE DISTRICT THIS MORNING THE LOCAL UNION OFFICERS PREVENTED MEN WHO WANTED TO WORK FROM WORKING. HAD IT NOT BEEN FOR THIS ACTION BY THE DISTRICT FIELD WORKERS OUR MINES WOULD ALL BE IN OPERATION TODAY WITH THE USUAL PLEASANT RELATIONS EXISTING BETWEEN THE MEN AND THE MANAGEMENT. TODAY THERE ARE ABOUT 35 MINES WITH ANNUAL PRODUCTION OF ELEVEN MILLION TONS OUT ON ILLEGAL STRIKE=

35c

Place name of pre-
ceding the address.

R. B. WHITE
PRESIDENT

NEWCOMB CARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

NUT-Cable Message Letter

Big Redgram

The filing time shown to the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

JA525 2/59

1941 NOV 19 PM 7 50

THESE STRIKES ARE IN VIOLATION OF AGREEMENT BETWEEN BIG SANDY ELKHORN COAL OPERATORS ASSOCIATION AND UNITED MINE WORKERS OF AMERICA AND WE ARE ASKING THAT YOU IMMEDIATELY WIRE INSTRUCTIONS TO MR. CADDY THAT THE MEN NOW ON ILLEGAL AND UNAUTHORIZED STRIKES MUST BE RETURNED TO WORK IMMEDIATELY. I AM SENDING COPY OF THIS WIRE TO MR. CADDY. UNQUOTE=
BIG SANDY ELKHORN COAL OPERATORS ASSN H S HOMAN
SECRETARY

CLASS OF SERVICE
 This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

(44)

SYMBOLS	
DL	Day Letter
NT	Overnight Telegram
LC	Delayed Cable
NLT	Cable Night Letter
	Ship Radiogram

A. N. WILLIAMS
 PRESIDENT

NEWCOMB CARLTON
 CHAIRMAN OF THE BOARD

J. C. WILLEY
 FIRST VICE-PRESIDENT

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

JA453 59/58 DL 1 EXTRA=HAZARD KY 19 311P

NOV 19 PM 5 47

HON FRANKLIN D ROOSEVELT=

PRESIDENT OF THE UNITED STATES. WASHDC=

*PSF
 Strike - Bx 185*

THE STRIKE STARTING TODAY IN THE HAZARD FIELD, AFFECTING OVER 95% OF PRODUCTION, IS IN CLEAR VIOLATION OF UNION CONTRACT AND IS SO CONSIDERED BY OPERATOR MEMBERS OF THIS ASSOCIATION, IT IS OUR INFORMATION MINE WORKERS HERE GENERALLY OPPOSE WORK STOPPAGE AND THEIR REFUSAL TO WORK IS ONLY IN COMPLIANCE WITH INSTRUCTIONS ISSUED BY THEIR UNION OFFICIALS=

HAZARD COAL OPERATORS ASSOCIATION A E SILCOTT
 SECRETARY

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

PSF: Strike folder

TELEGRAM

The White House

HA357WUK1 Tws 8:00 P.M. **Washington**

YOUNGSTOWN, OHIO, Nov. 19, 1941

THE PRESIDENT:

FOR THE COMMON GOOD AND TO MAINTAIN PRODUCTION, AS REQUESTED BY YOU IN YOUR LETTER OF NOVEMBER 19, TO MESSRS. FAIRLESS, GRACE AND ME, THE COAL MINING SUBSIDIARIES OF THIS COMPANY WILL POST NOTICES TO ITS EMPLOYEES, REAFFIRMING ASSURANCES REGARDING UNION MEMBERSHIP AS SET FORTH IN YOUR PARAGRAPH NUMBERED "SECOND" AND FURTHER THEY WILL ACCEPT EITHER ONE OF THE ALTERNATIVES "A" AND "B" SET FORTH IN YOUR SAID LETTER.

THE YOUNGSTOWN SHEET AND TUBE COMPANY,
FRANK PURNELL, PRESIDENT.

PSF: Strike folder

TELEGRAM

The White House

HA357WUKI Tws 8:00 P.M. *Washington*

YOUNGSTOWN, OHIO, Nov. 19, 1941

THE PRESIDENT:

FOR THE COMMON GOOD AND TO MAINTAIN PRODUCTION, AS REQUESTED BY YOU IN YOUR LETTER OF NOVEMBER 19, TO MESSRS. FAIRLESS, GRACE AND ME, THE COAL MINING SUBSIDIARIES OF THIS COMPANY WILL POST NOTICES TO ITS EMPLOYEES, REAFFIRMING ASSURANCES REGARDING UNION MEMBERSHIP AS SET FORTH IN YOUR PARAGRAPH NUMBERED "SECOND" AND FURTHER THEY WILL ACCEPT EITHER ONE OF THE ALTERNATIVES "A" AND "B" SET FORTH IN YOUR SAID LETTER.

THE YOUNGSTOWN SHEET AND TUBE COMPANY,
FRANK PURNELL, PRESIDENT.

PSF: Strike folder
Mrs Brady
~~see file~~
for file

THE WHITE HOUSE
WASHINGTON

11-19-41

MEMORANDUM FOR THE PRESIDENT:

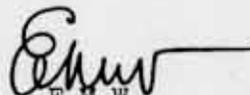
President Fairless phoned this telegram to you which he is sending from New York immediately:

"Honorable Franklin D. Roosevelt,
President of the United States,
The White House
Washington, D. C.

At your request and "for the common good for the maintenance of defense production", our coal mining subsidiaries will accept either of the two alternatives set forth in your letter of today to Messrs. Fairless, Grace, and Purnell, and to the United Mine Workers of America.

(signed) U. S. STEEL

B. F. Fairless."


E.M.W.

GRACE TULLY

RETURNED BY

S.T.E.

TELEGRAM

41WUC 50, 1 EX

4:53PM

The White House
Washington

CD NEW YORK, N.Y, Nov. 19, 1941

THE PRESIDENT.

AT YOUR REQUEST AND (")FOR THE COMMON GOOD, FOR THE
MAINTENANCE OF DEFENCE PRODUCTION (") OUR COAL MINING SUBSIDIAR-
IES WILL ACCEPT EITHER OF THE TWO ALTERNATIVES SET FORTH IN YOUR
LETTERS OF TODAY TO MESSRS FAIRLESS, GRACE AND PURNELL, AND TO
THE UNITED MINE WORKERS OF AMERICA.

UNITED STATES STEEL CORPORATION,
B. F. FAIRLESS, PRESIDENT.

PSF: Strike folder

*Go.
Are you getting
out the punchcard?
Return for my
"Coal file"*

United Mine Workers of America

JOHN L. LEWIS
PRESIDENT

AFFILIATED
WITH THE C. I. O.

UNITED MINE WORKERS' BUILDING
Washington, D.C.

November 19, 1941

The President
White House
Washington, D. C.

Sir:

Your letter of this date addressed to Mr. Philip Murray, Mr. Thomas Kennedy and the undersigned is received. Messrs. Murray and Kennedy are absent from the city, as are most of the members of the National Policy Committee of the United Mine Workers of America. The Policy Committee will reconvene in Washington at 10 A. M. Saturday. In the meantime, no officer of the Union is qualified to give formal reply to the two alternative proposals which you submit.

Pending consideration of your communication by the full membership of the Policy Committee, I trust I may be pardoned in making the following observations which

I express as my own opinions, and which are in no manner binding upon the membership of our Union.

Your proposal (a)

suggests an open shop agreement in the steel companies' captive mines for the indefinite and undetermined period of the national emergency. I venture to reiterate the suggestion previously made you that no officer or representative of the United Mine Workers of America possesses any grant of authority to execute an open shop agreement for any period whatsoever. On the contrary, officers and representatives of the Union are under express instructions of the most recent Constitutional Convention of the Union, composed of delegates actually employed in the mines, to secure for our membership in the captive mining operations "the same contract as the commercial mines." Resolution containing these instructions was adopted by the Convention with the unanimous approval of its 2500 delegates. Representatives of the United Mine Workers of America cannot lightly undertake to disregard such express instructions from the men they have the honor to represent.

Your proposal (b)

suggests that the union shop provision now in controversy be referred to arbitration with

agreement in advance that the umpire's decision will be accepted for the period of the national emergency. Even if the mine workers' representatives possessed the authority to leave the question of the union shop to the arbitration of an umpire, it is obvious that a judicial decision based upon the logic and merit of our contention would be difficult under existing circumstances. Your recent statements on this question, as the Chief Executive of the nation, have been so prejudicial to the claim of the Mine Workers as to make uncertain that an umpire could be found whose decision would not reflect your interpretation of government policy, congressional attitude and public opinion. Admittedly, such an umpire could not come from the ranks of labor -- he inevitably would come from a position in life peculiarly susceptible to the claims and blandishments of those financial and industrial interests wielding great power and influence in the financial, industrial, social and political life of the nation. In my opinion, the Mine Workers cannot ignore these pertinent facts so hazardous to their rights and legitimate interests.

These views thus expressed, Mr. President, are merely my own. They unquestionably reflect the hopes of the

Page 4

multitude of Mine Workers in our nation, in their desire
to be treated fairly by industry and by their government.

Respectfully yours

A handwritten signature in cursive script, reading "J. M. Lewis.", with a horizontal line underneath the name.

L:EN

PSF: Strike folder

FOR THE PRESS

IMMEDIATE RELEASE

FOR THE PRESS

NOVEMBER 19, 1941

The President today addressed the following letter to Messrs. Benjamin Fairless, Eugene Grace, and Frank Purnell, and to Mr. John L. Lewis:

"Gentlemen:

"At my conference with you on November 14th, I asked you to consider two suggestions. First, I urged that you continue negotiations and that if you did not arrive at a conclusion, you submit the point or points at issue to an arbitrator or arbitrators or anybody else with a different name, and that in the meantime coal production in the captive mines continue. Second, I urged that you consider other methods relating to employment, as the wage question and check-off were not involved.

"You have now informed me that the negotiations broke down without an agreement. The point in dispute has not been submitted to arbitration. Production of coal at the captive mines has been interrupted by strike.

"It is, of course, absolutely clear that no one is asking the coal miners to give up their union recognition or their union wage scales or their union working conditions.

"Under the auspices of the National Defense Mediation Board, certain agreements were reached by the coal operators and the United Mine Workers of America, for the Appalachian area and for other areas.

"Under these agreements the United Mine Workers are recognized as the sole bargaining agent for all the workers in and about the mines. The agreements fix the highest basic daily wage and the highest tonnage rates paid miners anywhere in the world. They provide in many other ways for the security of the mine worker under union auspices. They include union checkweighmen, union grievance machinery and mine committees, union participation in improved safety practices in the mines and in hospitalization. They eliminate unfair deductions from tonnage checked by the union checkweighmen. They eliminate scrip abuses. They provide annual vacations with pay, and other benefits. The steel companies have agreed to all these provisions and are prepared to sign the agreements.

"A single issue, that of the closed shop, remains in dispute, but this issue concerns only five (5%) percent of the mine workers employed in the captive mines, which is one-half of one percent -- one worker out of every 200 -- of all the mine workers in the United States.

"The National Defense Mediation Board has recommended that these non-union workers voluntarily join the United Mine Workers of America and share with their fellow workers the burdens as well as the benefits of the union, and I have personally endorsed this suggestion.

"The operators also have given to the Mediation Board the assurance in most positive terms that they are not now opposed to, and do not intend to oppose, the voluntary growth of union membership at their mines.

"The issue in dispute, however strong the feeling about it may be, does not justify a stoppage of work in a grave national crisis.

"The Protective Wage Clause of the Appalachian Agreement has no bearing on this controversy. If the United Mine Workers sign with the operators of the captive mines an agreement which includes no provision for a closed shop, not a single miner will lose any benefit or advantage which he now enjoys under the Appalachian Agreement. The closed shop contracts that have already been signed will stand.

"In order still further to open the way for settlement of the dispute in the captive mines, I am doing two things:

(1) I am informing all those coal operators who have signed an agreement with the closed shop provision and the non-strike penalty clause that they will be expected in the interest of national defense to continue to operate under those agreements without change.

(2) I am asking all the operators of the captive mines to reaffirm their assurances by notice to each of their employees that they are not opposed to union organization or collective bargaining and that they do not wish to discourage or stand in the way of any employee who chooses to join the United Mine Workers of America.

"But work in the captive mines must recommence.

"I repeat what I said to the conference last Friday:

"Because it is essential to national defense that the necessary coal production be continued and not stopped, it is therefore the indisputable obligation of the President to see that this is done."

"I am therefore asking all of you, as patriotic Americans, to accept one or the other of the following alternatives:

(a) Allow the matter of the closed shop in the captive mines to remain in status quo for the period of the national emergency, all other parts of the Appalachian Agreement applying, or

(b) Submit this point to arbitration, agreeing in advance to accept the decision so made for the period of the national emergency without prejudice to your rights in the future.

"For the common good, for the maintenance of defense production, it is imperative that one of these two alternatives be chosen and faithfully performed.

"I am sending a similar letter to the United Mine Workers representatives.

"Yours sincerely,

"FRANKLIN D. ROOSEVELT."

Strike Folder
4-41

FOR THE PRESS

IMMEDIATE RELEASE

NOVEMBER 22, 1941

The President today sent the following letter to John L. Lewis, President, United Mine Workers of America:

"Dear Mr. Lewis:

"On November eighteenth I addressed a letter to the several steel companies and to the United Mine Workers of America, parties to the dispute in regard to the captive mines. In the public interest, I suggested two possible solutions to that dispute. Proposal (b) of that letter was as follows: 'Submit this point to arbitration, agreeing in advance to accept the decision so made for the period of the national emergency without prejudice to your rights in the future'.

"Since that time the steel companies have advised me of their acceptance of my proposal (b), and you have advised me that the matter would be considered by your National Policy Committee today. In completion of this arrangement, I am appointing today a Board of three members consisting of Dr. John R. Steelman, as the public representative, Mr. Benjamin Fairless, representative of the steel industry, and Mr. John L. Lewis representing the Mine Workers. Dr. Steelman possesses the qualifications essential to the task of public representative and is of unquestioned integrity. Messrs. Fairless and Lewis rate as experts in their fields and are competent to represent their respective viewpoints of this controversy. I am suggesting that this Board begin its work immediately and remain in continuous session until this task is completed.

"May I request an immediate reply and acceptance from your National Policy Committee?

"Very sincerely yours,

"FRANKLIN D. ROOSEVELT"

The President this afternoon received the following letter from Mr. Lewis:

"Sir:

"The National Policy Committee of the United Mine Workers of America considered today your letter of this date, supplemental to your previous letter of November 18.

"By unanimous vote this Committee accepts your proposal to refer the captive mine controversy to a board, consisting of Dr. John R. Steelman, representing the public, and Messrs. Benjamin F. Fairless and John L. Lewis, representing the Steel Companies and the United Mine Workers, respectively.

"In consideration of this arrangement, which we accept in the public interest, the National Policy Committee is recommending an immediate return to work of all mine workers employed in the captive and commercial mines, wherever situated.

"Respectfully yours

"National Policy Committee

"By: JOHN L. LEWIS"

TELEGRAM

PSF: Strike folder

The White House
Washington

CDU367WUKI 150 7:48 P.M.

CD, NEWYORK, N.Y., Nov. 19, 1941

THE PRESIDENT:

WE HAVE YOUR LETTER OF TODAY'S DATE TO MESSRS. FAIRLESS, GRACE AND PURNELL IN WHICH YOU ASK THAT AS PATRIOTIC AMERICANS WE ACCEPT ONE OR THE OTHER OF TWO ALTERNATIVES WHICH YOU SET FORTH IN YOUR LETTER. YOU FURTHER STATE THAT IT IS IMPERATIVE FOR THE COMMON GOOD AND THE MAINTENANCE OF DEFENSE PRODUCTION THAT ONE OF THOSE ALTERNATIVES BE CHOSEN AND FAITHFULLY PERFORMED. IN RESPONSE TO YOUR REQUEST OUR COAL MINING SUBSIDIARY WILL ACCEPT EITHER OF THE ALTERNATIVES, WHICHEVER SHALL BE ACCEPTED BY THE UNITED MINE WORKERS OF AMERICA.

COMPLYING WITH YOUR FURTHER REQUEST OUR COAL MINING SUBSIDIARY WILL BE GLAD TO REAFFIRM ITS ASSURANCES BY NOTICE TO EACH OF ITS EMPLOYEES THAT IT IS NOT OPPOSED TO UNION ORGANIZATION OR COLLECTIVE BARGAINING AND THAT IT DOES NOT WISH TO DISCOURAGE OR STAND IN THE WAY OF ANY EMPLOYEE WHO CHOOSES TO JOIN THE UNITED MINE WORKERS OF AMERICA.

BETHLEHEM STEEL CORPORATION,
E. G. GRACE, PRESIDENT.

The Washington Post

Published in U. S. Patent Office

An Independent Newspaper
Published every day in the year 1941

Engine Mayes, Editor and Publisher

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New York Office: 270 Madison Avenue
Chicago Office: 230 North Michigan Avenue

Subscription Editor Effective With
Issue of December 21, 1940

CARRIER DELIVERY
This newspaper is published daily, except on Sundays and public holidays, at the following rates: Single copy, 5 cents; 10 copies, 45 cents; 25 copies, 1.10; 50 copies, 2.15; 100 copies, 4.15; 250 copies, 10.15; 500 copies, 20.15; 1000 copies, 40.15; 2500 copies, 100.15; 5000 copies, 200.15; 10000 copies, 400.15; 25000 copies, 1000.15; 50000 copies, 2000.15; 100000 copies, 4000.15; 250000 copies, 10000.15; 500000 copies, 20000.15; 1000000 copies, 40000.15.

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Postmaster: Please send address changes to The Washington Post, Washington, D. C.

TELEPHONE NATIONAL 4300

Wednesday, November 19, 1941

Gauleiter For Russia

Our readers had already been prepared for the appointment of Dr. Alfred Rosenberg as the chief civilian administrator of occupied Soviet territory in a series of articles which appeared on the page opposite last month. Andre Visson predicted that Rosenberg would be Vice Fuehrer of Russia. He also foreshadowed the nature of the rule Hitler plans to impose on the conquered regions in the east. The administration set up by Berlin in the region which includes Estonia, Latvia, Lithuania, the former Soviet Republic of White Russia and the annexed parts of the Ukraine completely ignores nationalist lines. In effect the whole of that vast region has been incorporated in the German Reich. On the basis of Rosenberg's writings it is apparent that the ultimate purpose is to transform this territory into actual Lebensraum for Germany. The present population, Mr. Visson predicted, is to "be gradually transferred to the east, some as far as western Siberia, in order to make space for future expansion." In 30 years, he added, "all this area is supposed to be completely colonized by Germany."

So the views of the leader of the intellectual underworld of the Third Reich, a man whose mystical belief in the Germans as Herrenvolk is matched only by his contempt for non-German peoples and his hatred of Christianity, are now coming into their own. The only difficulty is that the war on Russia which Rosenberg so persistently promoted has not gone according to plans. There is very little to be gained in the jointment. After five months the Russians show no signs of giving up. The number of German casualties mounts into the millions.

A. D. 5000, having with great labor piece together an inscribed artifact from the ruins of Washington, and having with great scholarship deciphered it, should find that it said "No parking at any time."

Sole Issue

Not least among the tragedies involved in the coal strike is the gross misrepresentation of the issue which is being practiced by the organ of the U. M. W. A., the *United Mine Workers Journal*. A copy of the current number, which no doubt is now circulating through the idle coal fields, has come to our attention. The first article deals with the coal dispute. It is headed "Miners Ours to Win Union Recognition, Mediation Board Stalls in Its Tracks." The article is keyed to this headline. The miners are told that "union recognition" which is called an "age-old controversy" was the "sole issue" before the Mediation Board.

This statement is a complete travesty of the facts. Union recognition was not the "sole issue" before the Mediation Board. In fact, it was not an issue at all. The "sole issue" was whether the Government should compel the few non-members of the U. M. W. A. in the captive mines to join that union. In other words, the argument was over a union shop forced by the Government, not union recognition. A moment's reflection would persuade any miner of the reason that such a demand could not be favorably considered. The U. M. W. A. already has a union shop in the mines belonging to the commercial operators which has been won in the normal course of union growth and industrial bargaining. In the captive mines only a small number of the workers remain outside the U. M. W. A. If the Mediation Board had recommended that the Government should drag these men into joining the U. M. W. A., the Government would have been called upon to take a step distinctly against the public interest. For, as has already been stated in these columns, a union shop covering an entire calling would establish the U. M. W. A. as a private monopoly of national scope and public concern. No worker could have worked as a coal miner in the United States except through membership in this union. Logically, any such recommendation would have had to be accompanied by strict Government regulation.

Obviously, a refusal to force the union shop is altogether different from a refusal to recognize the U. M. W. A. The Mediation Board, far from taking such a stand, leaned over backward in buttressing the U. M. W. A. It encouraged the few non-members of the U. M. W. A. in the captive mines to join that union. The Mediation Board makes the suggestion in these words: "In our opinion these individuals could make a great contribution to untroubled labor relations in the coal

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PSF: Strike folder

November 21, 1941

My dear Dr. Angell:

The President has asked me to express to you, and through you to your fellow members, his appreciation for the constructive suggestions contained in your telegram to him of November eighteenth.

Cordially yours,

M. H. McINTYRE
Secretary to the President

Dr. Ernest Angell, President,
Council for Democracy,
285 Madison Avenue,
New York, New York.

mhm/tmb

(John L. Lewis)

PSF
Strikes

Not Sent

DRAFT

November 21, 1941.

My dear Mr. Lewis:-

In view of your letter of November 19th, I should be very happy if you would read to your Policy Committee my letter to you and to the operators, which letter was answered by the operators accepting either of the alternatives suggested by me. These alternatives were:

1. Leaving the question of the closed shop in the captive mines in status quo until the end of this unlimited national emergency.
2. Referring this question immediately to a ^{reference} ~~arbitrator~~ or ^{reference} ~~arbiters~~, both the mine workers and the operators agreeing to abide by the award.

You, in your reply of the same day, told me that you would have to refer this matter to the Policy Committee of the United Mine Workers. You gave me at the same time your own personal views which were in effect:

- (a) That no impartial arbitrator could be found in the United States because the President of the United States had prejudiced almost everybody else and
- (b) That there was no authority in the United Mine Workers to enter into an "open shop" contract.

I am, indeed, sorry that you personally feel this way about arbitration. Arbitration is essentially an informal kind of court in which the judge is assumed to be both honest and impartial. Logically your position, it seems to me, ~~is~~ would lead to the same if this or some similar controversy were being tried before a duly constituted court, presided over by an appointed or elected judge of the Federal Government

or of a State Government. I think it would be a violation of our fundamental system of government if one party in a court were to refuse to go before a particular judge or any other judge, on the ground that all judges in the United States were prejudiced and that no judge could be found who would be fair to his side of the case.

Aside from your personal position, which is apparently against any form of arbitration, you seem to be equally opposed to leaving this one point at issue in status quo until the emergency's end.

May I point out that I cannot accede to your statement that the question of an open shop is desired by one side and a union shop by the other side?

The steel companies are not asking for an open shop nor are they opposing a union shop -- for the very good reason that 95% of their workers belong to the United Mine Workers and that they interpose not the slightest objection to having the other 5% join the union -- just so long as such membership is not imposed upon them by Government decree.

Furthermore, the steel companies have recognized the United Mine Workers as the representatives and bargaining agents of all of the mine workers, and the average fair-minded American would most distinctly say that this is a union shop -- in existence ~~today~~ -- in the captive mines themselves.

May I once more point out to you, with deep feeling, that it is literally true that the United States is today in a situation of danger, that the United States is today arming at top speed for the preservation of its form of government, ~~and~~ its democratic processes and its American system of life?

To slow up the steel mills in their present full capacity production because of a lack of coal to turn it out means that the delivery of steel to hundreds of plants, great and small, manufacturing defense munitions and supplies, will necessarily result in a few weeks, if not days: that steel

-3-

for our Navy and Merchant Marine will seriously slow up the launching of hundreds of needed vessels; that millions of men and women will be made idle by the failure of coal production; and that Nazism, Fascism, and other groups working with and for them will be heartened and encouraged in direct ratio to the slowing up of American defense. Such a situation would be intolerable to the overwhelming number of my fellow citizens.

Very sincerely yours,

PSF: *Strike folder*

THE WHITE HOUSE
WASHINGTON

copy file

11-22-41

MEMORANDUM FOR THE PRESIDENT:

William H. Davis says that his chief assistant in New York, died, and the funeral is at 2.30 tomorrow. He would like to take a plane at 10.30 tomorrow morning, if satisfactory with the President. He means that unless the President wants him vitally in connection with mediation, he feels he should attend this funeral.

E. M. W.

~~VERY CONFIDENTIAL~~

November 22, 1941

MEMORANDUM FOR THE PRESIDENT

From: William H. Davis

If Mr. Lewis refuses I suggest the following:-

Presidential Operation of the Coal Mines

I think there should be specific legislation authorizing you to seize and operate the mines, forbidding interference with such operation and preserving the right to organize and bargain collectively.

It is greatly desirable to isolate the coal dispute from all other relations with organized labor.

I have had drafted the sort of act of Congress I have in mind. A copy is attached.

Joint Legislation

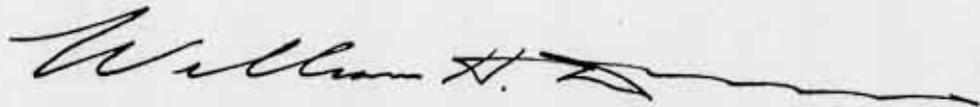
It seems to me that joint legislation, if there is to be any, along the lines of the Vinson and the Norton Bills, should be deferred until such legislation can be fully debated in an atmosphere of calm.

I attach a copy of my memorandum of November 15, 1941 in regard to the Vinson Bill. I also attach a copy of the Norton Bill (H.R. 6075, introduced November 19, 1941) which is substantially the Vinson Bill putting a statutory basis under the Mediation Board

Labor-Industry Conference

I think it is vitally important that before general legislation is passed there should be a joint conference of management and labor, as suggested in my memorandum of November 15.

I suggest that you now call to your office, to propose such a conference, (a) the president, the secretary, and the six vice-presidents of the CIO, and (b) the president, the secretary, and the members of the council of the AFL.

A handwritten signature in cursive script, appearing to read "William H. Taft", followed by a long horizontal flourish.

Enclosures

WHEREAS, the United States is now in a state of unlimited national emergency proclaimed by the President to exist on May 27, 1941; and

WHEREAS, the President has declared it the duty of all loyal workers and employers to merge their lesser differences in the national defense effort; and

WHEREAS, the uninterrupted production of coal is essential to the manufacture of those implements necessary for the national defense; and

WHEREAS, despite the efforts of the President and of the agencies of government established for conciliation and mediation of labor disputes, labor disputes in the coal industry have interrupted and threatened to interrupt the production of coal, thereby imperiling the national defense;

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled:

SECTION ONE -- The President may, whenever he finds it necessary for the national defense during the unlimited national emergency declared to exist by him on May 27, 1941, through such agent or instrumentality as he may deem desirable, take possession of and operate in such manner and for such time as he shall deem necessary for the national defense, any coal mine, together with the necessary facilities appurtenant thereto.

SECTION TWO -- Whenever the President takes possession of and operates any mine pursuant to the power conferred upon him by section one hereof it shall be unlawful for any person, corporation, or unincorporated association to solicit any strike or lock-out in such mine or to wilfully obstruct or impede the operation of such mine in any similar manner so

long as such mine remains in the control of the President.

SECTION THREE -- Whenever the President shall take possession of and operate any mine in accordance with the provisions of Section One of this act, the employees thereof shall have the right to organize, to bargain collectively, and to engage in other activities for their mutual aid and protection. Such employees shall continue to enjoy the benefits conferred upon them by the Fair Labor Standards Act, the Social Security Act, and other legislation designed to establish fair conditions of employment.

November 21, 1941

77TH CONGRESS
1ST SESSION

H. R. 6075

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 1941

Mrs. NORTON introduced the following bill; which was referred to the Committee on Labor

A BILL

To provide for the voluntary mediation of labor disputes affecting the national defense, to require the maintenance by employers and employees of the status quo during mediation efforts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Defense Media-
4 tion Act."

5 SEC. 2. It is declared to be the policy of the United
6 States that labor disputes affecting the national defense should
7 be settled fairly and without interruption or delay in the pro-
8 duction necessary for the adequate defense of the Nation. To
9 this end there are hereby established additional facilities for

1 the voluntary settlement of such disputes as cannot be settled
2 expeditiously by collective bargaining and by existing con-
3 ciliation and mediation procedures.

4 NATIONAL DEFENSE MEDIATION BOARD

5 SEC. 3. (a) There is hereby created in the Executive
6 Office of the President a board to be known as the "National
7 Defense Mediation Board" (in this Act called the Board),
8 which shall be composed of such number of members, ap-
9 pointed by the President, as the President from time to time
10 deems the work of the Board to require. The Board shall
11 consist of a number of members representative of employers, a
12 like number representative of employees, and a number of dis-
13 interested members representative of the public (in this Act
14 called, respectively, employer members, employee members,
15 and public members). The President shall designate a Chair-
16 man and a Vice Chairman of the Board from among the
17 public members. The President is also authorized to appoint
18 such number of alternate public members, employer mem-
19 bers, and employee members as he deems appropriate. Upon
20 designation by the Chairman, an alternate member may serve
21 upon the panels provided for in sections 4 and 5 of this Act,
22 and may serve as a substitute for any absent regular member
23 in the same representative group, with full power to act as a
24 regular member of the Board. The members and alternate

1 members shall receive such compensation for their services
2 as the President shall, from time to time, determine.

3 (b) In the absence of the Chairman of the Board, the
4 Vice Chairman shall be authorized to act as chairman. In
5 the absence of both the Chairman and the Vice Chairman, the
6 Chairman shall designate some public member or alternate
7 public member of the Board to act as chairman.

8 (c) Two members or alternate members from each rep-
9 resentative group shall constitute a quorum of the Board.
10 The Board shall have an official seal which shall be judicially
11 noticed.

12 (d) The Board is authorized to employ, without regard
13 to the Civil Service Act and regulations, but subject to such
14 rules as the President may prescribe, such officers and em-
15 ployees not otherwise provided for, as may be necessary, and
16 to fix the compensation of such officers and employees in
17 accordance with the Classification Act of 1923, as amended.
18 The Board may establish or utilize such regional, local, or
19 other agencies and utilize such voluntary and uncompensated
20 services and, with the approval of the President, the services
21 and facilities of such other departments and agencies of the
22 Government, as may from time to time be needed. Attor-
23 neys of the Board may appear for or represent the Board in
24 any case in any court.

1 (e) The Board may delegate to any public member or
2 alternate public member or to an executive secretary such
3 administrative duties relating to the internal management of
4 the Board's affairs as it may deem appropriate.

5 (f) The principal office of the Board shall be in the
6 District of Columbia, but it may meet and exercise any or
7 all of its powers in any other place.

8 (g) Upon the appointment of the Chairman of the
9 Board, the National Defense Mediation Board created under
10 Executive Order Numbered 8716 of March 19, 1941, shall
11 cease to exist. Thereupon, all records, papers, and property
12 of the Board created by such Executive order shall become
13 the records, papers, and property of the Board.

14 JURISDICTION OF THE BOARD

15 SEC. 4. (a) The Chairman, upon certification of the
16 dispute by the Secretary of Labor or upon the application of
17 either party to the dispute, shall determine whether any labor
18 dispute substantially affects the national defense and cannot
19 be expeditiously adjusted by other agencies of the Govern-
20 ment. If he so determines, the Board shall take jurisdiction
21 of the dispute.

22 PROCEDURE FOR MEDIATION

23 SEC. 5. After the Board has taken jurisdiction of a dis-
24 pute, the Board, under the direction of the Chairman, shall
25 make every reasonable effort to assist the parties to adjust

1 and settle the dispute and make agreements for that purpose.
2 To such end, the Board may utilize, and the Chairman may
3 designate, a mediation panel consisting of one or more per-
4 sons representative of employers, a like number representa-
5 tive of employees, and a disinterested person or persons repre-
6 sentative of the public. The persons designated may be
7 members of the Board, alternate members of the Board, or
8 other persons named by the Board. If either the employee
9 or the employer members of the Board should refuse to
10 participate, or if the Chairman should consider either the
11 employee or the employer members not representative of the
12 parties to the dispute, he may designate a panel consisting
13 only of the public members of the Board or of other disinter-
14 ested parties. The Chairman or the mediation panel may
15 at any time request the parties to a dispute to negotiate by
16 collective bargaining or to meet with any representatives of
17 the Board.

18 PROCEDURE FOR FACT FINDING AND RECOMMENDATIONS

19 SEC. 6. In the event that a dispute is not settled by col-
20 lective bargaining or mediation under section 4, the Chairman
21 may authorize a panel to investigate the issues involved in the
22 dispute and to make findings of fact and formulate recom-
23 mendations, which may contain appropriate retroactive pro-
24 visions, for the settlement of such dispute. Such a panel may,
25 in the discretion of the Chairman, consist of the mediation

1 panel appointed for the dispute, a different panel constituted
 2 as provided in section 5, a panel composed solely of public
 3 members of the Board, or a panel composed of the full Board.
 4 The panel may confer with the parties to the dispute, conduct
 5 hearings, and take testimony. Findings and recommenda-
 6 tions made under this section shall become effective only
 7 when approved by a member or alternate member of the
 8 Board from each of the three representative groups. The
 9 Board shall submit the findings and recommendations, if ap-
 10 proved by a majority of the panel, to the parties and may
 11 make public such findings and recommendations.

12 MAINTENANCE OF THE STATUS QUO DURING NEGOTIATIONS

13 SEC. 7. (a) After the Board has taken jurisdiction of
 14 a dispute as provided in section 3, the Board in order to
 15 effectuate the purposes of this Act shall have power to issue
 16 an order (1) requiring any person to refrain or cease and
 17 desist from calling, or assisting in any manner, a strike arising
 18 out of such dispute; or (2) requiring the employer, who is
 19 involved in the dispute to refrain or cease and desist from
 20 practices which change the situation existing at the time the
 21 dispute arose, or which by changing an existing situation led
 22 to the dispute, and which the Board shall deem prejudicial
 23 to the prompt settlement of the dispute. No order of the
 24 Board or process of any court under this Act shall require an
 25 individual employee to render labor or services without his

1 consent, nor shall any provision of any such order or process
 2 be construed to make the refusal to work of an individual
 3 employee a violation of such order or process or otherwise an
 4 illegal act.

5 (b) Such order shall be effective for such period as the
 6 Board shall determine, but shall, in any event, terminate
 7 within five days after the findings and recommendations of
 8 the Board or within thirty days after the date on which the
 9 order was issued, whichever first occurs. No further order
 10 may be issued under subsection (a) of this section in connec-
 11 tion with the same dispute.

12 (c) The Board may petition any district court of the
 13 United States, or the United States court of any Territory
 14 or possession, within the jurisdiction of which any person
 15 to whom any order is directed resides, transacts business, or is
 16 found, or the District Court of the United States for the Dis-
 17 trict of Columbia, for enforcement of such order, and for
 18 appropriate temporary relief or restraining order. Upon the
 19 filing of such petition, the court shall have jurisdiction of
 20 the proceeding, and shall have power to grant such temporary
 21 relief or restraining order as it deems just and proper, and
 22 to make and enter a decree enforcing the order of the Board.
 23 Notice or process of the court under this section may be
 24 served in any judicial district, either personally or by regis-
 25 tered mail or by telegraph or by leaving a copy thereof at

1 the residence or principal office or place of business of the
 2 person to be served. Petitions filed under this Act shall be
 3 heard with all possible expedition. The judgment and decree
 4 of the court shall be subject to review by the appropriate
 5 circuit court of appeals, and by the Supreme Court of the
 6 United States upon writ of certiorari.

7 (d) An order of the Board shall be enforceable only at
 8 the suit of the Board, and in the manner provided for in this
 9 section.

10 (e) When granting temporary relief or restraining order,
 11 or making or entering a decree enforcing an order of the
 12 Board, as provided in this section, the jurisdiction of courts
 13 sitting in equity shall not be limited by the Act entitled "An
 14 Act to amend the Judicial Code and to define and limit the
 15 jurisdiction of courts sitting in equity, and for other purposes",
 16 approved March 23, 1932.

17 REGULATIONS OF THE BOARD

18 SEC. 8. The Board shall have authority from time to time
 19 to make, amend, and rescind regulations providing appro-
 20 priate procedures for carrying out the powers vested in it by
 21 this Act.

22 PROCURING OF EVIDENCE AND ATTENDANCE OF WITNESSES

23 SEC. 9. For the purposes of this Act, the provisions of
 24 section 9 (relating to examination, the production of books,
 25 papers, and documents, and attendance of witnesses) and of

1 section 5 (f) of the Federal Trade Commission Act, as
 2 amended, are hereby made applicable to the jurisdiction,
 3 powers, and duties of the Board, any public member or alter-
 4 nate public member, or any employee of the Board authorized
 5 by the Chairman. The term "witness" as used in these sec-
 6 tions shall include a party involved in a labor dispute.

7 SAVING CLAUSE

8 SEC. 10. Except as otherwise expressly provided herein,
 9 nothing in this Act shall be construed to repeal, modify, or
 10 affect any other statute of the United States, unless such
 11 statute should be in necessary conflict with the specific re-
 12 quirements of this Act.

13 TERMINATION

14 SEC. 11. This Act shall cease to be in effect on the
 15 expiration of two years from the date of its enactment or
 16 upon the date upon which the President proclaims the existing
 17 national-defense emergency terminated, whichever occurs
 18 first.

77TH CONGRESS
1st Session

H. R. 6075

A BILL

To provide for the voluntary mediation of labor disputes affecting the national defense, to require the maintenance by employers and employees of the status quo during mediation efforts, and for other purposes.

By Mrs. NORTON

NOVEMBER 19, 1941
Referred to the Committee on Labor

~~Confidential~~

November 15, 1941

MEMORANDUM TO THE PRESIDENT

From: William H. Davis

Mr. Hillman, Dr. Millis, Mr. Tracy and Mr. Vinson and I on June 6, 1941 met at the suggestion of the President. It was agreed that a draft should be prepared by me and on my instructions a draft was prepared by Gerald Morgan, legislative counsel for the House of Representatives, Gerard Reilly, the Solicitor of the Department of Labor and Lawrence Knapp, Assistant General Counsel of NLRB, Mr. Wyzanski and Professor Feller, about June 10th. That draft was submitted to Mr. Branscome, Assistant to Mr. Hillman, who gave his technical approval without, however, approving the statement of policy contained therein.

That bill was sent to Mr. Vinson on June 16th, and Mr. Vinson returned it with some minor changes. Then Mr. Vinson asked me to secure your approval. Mr. Hillman, who had previously participated in the talks about the Bill was not prepared to go along with the revised bill. Meanwhile, representatives of the CIO waited individually on the members of Congress and through their efforts, persuaded them to favor no bill.

Mr. Vinson had meantime reported out this bill and another draft report which had been prepared under my supervision, dated June 24th. This draft bill was carefully thought out and would, I believe, still have the approval of those who drafted it, with the possible exception that Section 5, which provides for a fact-finding and recommending board should be modified to give the Chairman of the Mediation Board wider discretion as to the personnel of the fact-finding board. Or still better, the board provided for in Section 5 should be replaced by a final tribunal agreed upon by management and labor as suggested in my accompanying memorandum.

Confidential

November 15, 1941

MEMORANDUM TO THE PRESIDENT

From: William H. Davis

Supplementing the memorandum on the Vinson Bill.

In addition to what is set forth in my memorandum on the Vinson Bill I would be prepared to recommend the following:

1. Legislation applicable only to labor unions designated or selected for the purposes of collective bargaining by the majority of the employees, in accordance with Section 9(a) of the Wagner Act, and requiring such unions (a) to elect their officers by secret ballot at stated periods, not less often than bi-annually; (b) publish not less than semi-annually full statements of their receipts and expenditures under oath.

2. That an agreement against strikes in defense industries be insisted upon on terms and conditions to be worked out in a joint conference of labor and management. I think this conference should be promptly called. I believe it would be welcomed by the AFOL and CIO. I think it should be given for

discussion the broad subject of labor in defense production.
I think it should, however, be given the specific job of
agreeing to some final form of settlement of disputes in defense
industries without strike. The plan of the War Labor Board in
1917-18 suggests itself as a possibility but perhaps the conference
would prefer some other plan.

Whatever final tribunal is agreed upon, it can be
substituted by agreement or legislation for the fact-finding
and recommending board provided for in Section 5 of the Vinson
Bill (Substitute H. R. 4139 to be offered by the Committee on
Naval Affairs, June 25, 1941)

PSF: Strike folder

THE WHITE HOUSE
WASHINGTON

November 22, 1941

MEMORANDUM FOR
MISS TULLY

Grace - The President might want
to make some reference to this in
connection with the Coal Strike.

MAC

Minneapolis Morning Tribune

Founded in 1867. Re-established 1901, by W. J. Murphy

FREDERICK E. MURPHY
1871-1940

Published Daily Except Sunday at 457 Sixth Avenue S.
by the Minneapolis Star Journal and Tribune Company
Telephone ATlantic 2111

JOHN COWLES, President
JOHN THOMPSON, Vice President and Publisher
GARDNER COWLES, JR., Vice President
WILLIAM J. McNALLY, Vice President
BASIL WALTERS, Vice President and Executive Editor
THOMAS J. DILLON, Editor-in-Chief

Entered at Minneapolis Postoffice as Second Class Matter

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VOLUME LXXV—NUMBER 173

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THURSDAY, NOVEMBER 12, 1941

What Wilson Said

The nation is advised by Sidney Hillman against thinking in terms of "strikes as usual," and while the counsel might better have come from the president, it is still welcome. Mr. Hillman would not go so far as to abolish the right to strikes in the defense emergency, but he suggests that the right be held in abeyance until every government facility for conciliation and mediation has been exhausted.

So far as defense strikes are concerned, we think that this is the very least that public opinion will demand. In this emergency, when young men are being drafted into military service at a wage of \$21 a month, and when the very security of the nation seems to hang perilously on full and uninterrupted production in the American arsenal of democracy, there is in fact no "right" on the part of any group to interfere with that production. A few months before this country entered the first World war, President Wilson expressed much the same thought in these words:

"America is never going to say to any individual, 'You must work whether you want to or not,' but it is privileged to say to any organization of persons: 'You must not interfere with the national life without consulting us.' It is not a question of obliging individuals; it is a question of enforcing a partnership and seeing to it that no organization is stronger than that organization which we all belong to and support and call and love by the name of our government."

That was said on Sept. 23, 1916, after a railroad strike had been averted. But no comparable utterance, in the sixth month of Mr. Roosevelt's unlimited national emergency, has yet come from the White House.

PSF: *Strike folder*

JOSEPHUS DANIELS
RALEIGH N C

Nov. 24, 1941

Dear Franklin:

The return to work of the miners in the way you had planned heartened the country. Your patience in the heat of passion was magnificent and the victory achieved without the loss of any of the just gains for labor brought about in your administration strengthens your hand and inspires increased confidence in your wise leadership. In the heat of bitterness, I recalled the story which Lincoln told when he was badgered as you have been by extremists like Cox and Smith.

"Just suppose" said Lincoln, "when Blondin (the first man who walked across the Niagara on a tight rope) was making his difficult adventure, people had called out from the ground to him, "Go a little further to the right", or "Advance to the left," "Stand straighter" etc., would they not have endangered his success in a perilous adventure?"

When the Smith's and Cox's and other anti-labor Congressmen were trying to push you into the raging river below by demanding anti-labor legislation, and the extreme labor men were forgetting that duty to production was paramount in this emergency, you were subjected to the same sort of hectoring which jeopardized Blondin and Lincoln. It is grand that you held the even and steady course. It makes me happy and proud.

The attitude of most of the big papers was most distressing. Some have become Big Business instead of palladium of liberty.

I am enclosing Jonathan's editorial. It is the best of all.

With my affectionate regards,

Faithfully yours,

Josephus Daniels

Hon. Franklin D. Roosevelt
The White House
Washington, D. C.

The News and Observer
 "THE OLD RELIABLE"
 Published Every Day In The Year By
THE NEWS AND OBSERVER
 PUBLISHING COMPANY
 Josephus Daniels, President



The American Union

John L. Lewis and the policy committee of his United Mine Workers Union took a statesmanlike course but the only possible course under the circumstances, when they reached the decision resulting in sending coal miners back to work after the acceptance of the President's proposal that the dispute between the union and the steel companies be submitted to arbitration.

The decision was acceptance of the fact that no right of any union is superior to the security of the nation. Shutting off of the supply of coal needed by the factories of defense would have meant such a blow to security as could not conceivably have been tolerated in America at this time.

It is a pity that in accepting the decision which he had to make Mr. Lewis marred his action by attacking the motives of good men who were part of the nine members of the Defense Mediation Board which decided 9 to 2 against his position. Every non-partial public representative on that board voted against the Lewis position. The only two labor members, not members of Mr. Lewis' C. I. O., voted against the Lewis position. For him to use of men such terms as "blundering," "horse-trading," "sinister intrigue," "stupid" only serves to make Mr. Lewis' capitulation seem abject rather than dignified and patriotic.

Undoubtedly there is a real question subject to real debate in the closed shop issue which brought the country to what Mr. Lewis called the "present convulsion." Undoubtedly also there were enemies of labor who had been waiting for just such a mistake as Mr. Lewis made, not by his position but by his attitude in this matter. Some of them were more anxious to destroy organized labor than to serve America. Also in this case there is no reason to believe that the steel companies are perfect patriots while only the unions threaten defense. The fact remains that labor under Lewis made a terrific mis-

take. A month ago the union under Lewis declined the same mediation, it now accepts. Under Lewis labor threatened—or seemed to threaten—America at a time of crisis. Because it was outvoted on a fair board, Lewis' associates withdrew from the reasonable procedures set up to provide reasonable settlements of disputes. Now Lewis retreats before the moral pressure of the President and the people but retreats denouncing honest men whose sin was that they disagreed with him.

America is safer for this decision of labor. Labor also is more secure from a rising fury which threatened to destroy with more anger than thoughtfulness the rights of labor. It is to be hoped that labor has learned much from this "convulsion" even if Lewis as he retreats shows more wisdom in his act than in his words. It is to be hoped that Mr. Lewis has learned something. He has been a useful man in America. He has done much to lift the standards of millions of American people. He would be more useful to labor and to America if this case could teach him the futility of anger and the impotence of arrogance against an America determined that no man in no private position shall push it around.

Finally, serious as has been the coal strike threat, it may turn out to have been of the greatest service to America. No other matter has so demonstrated the unity of the people behind the President. Far from giving Hitler reason for hope, this decision gives him greater reason for fear. No man is going to lead American labor today from reasonable procedures in the settlements of disputes. No man—labor leader or anyone else—can stand, or even seem to stand, between the security of America and a people unified in their determination upon security.

America is back on the road of reason. It is unified on that road. Even John L. Lewis is there, even if indulging in some final verbal fury. The most important union now is a unified America and that means an America aware both of the rights of every man who labors and of the security of America which all Americans must labor to maintain.

PSF: Strike folder

~~just~~

file
personal 4-43

THE WHITE HOUSE
WASHINGTON

May 17, 1943.

MEMORANDUM FOR THE PRESIDENT:

Dan Tobin just telephoned me the following message for the President:

The Executive Council of the A. F. of L. met this afternoon and we were discussing Lewis. The Council adopted a declaration stating we had pledged ourselves that under no circumstances would there be a strike or would we sanction or encourage strikes during the war; that that was our agreement when we were creating the War Labor Board. That declaration is to be given to the President tonight. It was unanimously confirmed except for one member of the Council, William L. Hutchinson, President of the Carpenters and Joiners of America. The President knows him. We were discussing matters pertaining to Lewis and Hutchinson made the statement that he had been authorized by John Lewis to state to the Executive Council of the A. F. of L., that there would be no coal tie-up. In other words, there would be no strike in the coal industries. That was Hutchinson's statement coming from Lewis, but it was understood that it would be held in confidence. Now, my interpretation of it is this: I believe Hutchinson was talking to Lewis because there are other matters that he brought in pertaining to Lewis which I can't talk about here, but I cannot swear, of course, that the statement made by Hutchinson is based on facts, or that he ever got such instructions from Lewis. It is his word, but I know that they are working closely together."

EMW

PSF: Strikes

Strike situation

See: Lubin Folder dr. 2-43 for his memo, 5-27-43
to Mr. Hopkins re above.

SEE: PSF Executive Office: Isador Lubin (Box 147)

PSF: *Strikes*

THE WHITE HOUSE
WASHINGTON

June 21, 1943.

My dear General Hershey:-

I have directed all coal miners employed in mines in the possession of the United States, who are now on strike, to return to work on or before Wednesday, June twenty-third. Any coal miner who refuses to resume work is failing to support and is adversely affecting the war effort of this country. Accordingly I direct you to take all necessary measures for the immediate re-classification and induction of all such miners. You should see to it that all occupational deferments granted to miners be immediately cancelled.

I find that it is in the national interest to terminate the deferments, by virtue of their age, of all miners between the ages of thirty-eight and forty-five, and I hereby terminate such deferments.

Since it is contemplated that miners so re-classified and inducted will be assigned to work in the mines, I have instructed the Secretaries of War and Navy to adjust the physical and other requirements for entry into the armed forces in the light of the duties to which these miners will be assigned.

I have also instructed the Chairman of the War Manpower Commission to revise his statement of policy on non-

deferable activities and occupations and his Order designating certain activities and occupations as non-deferable so as to provide that no dependency deferment shall be allowed to such persons.

Very sincerely yours,

Major General Lewis B. Hershey,
Director, Selective Service System,
Washington, D. C.

THE WHITE HOUSE

Major General Lewis B. Hershey,
Director, Selective Service System,
Washington, D. C.

PSF: Strike folder

THE WHITE HOUSE
WASHINGTON

June 21, 1943.

My dear Mr. Chairman:-

Any coal miner who refuses to return to work is not supporting, and is adversely affecting, the war effort. Many of these miners are now deferred on grounds of dependency. This can no longer be permitted if the imperative needs of the country are to be met. Accordingly, I direct that the statement of policy on non-deferable activities and occupations issued by you on February 3, 1943 be amended to provide that persons who are deferred on grounds of dependency, and who are engaging in a strike against plants, mines or other properties of which the Government of the United States has taken possession, may no longer be deferred.

I also direct that your general Order No. 4, designating certain activities and occupations as non-deferable be amended by adding thereto all persons who are engaged in a strike against a plant, mine or other property of which the Government of the United States has taken possession.

I further direct that you notify the offices of the United States Employment Service throughout the country that no striking miner shall be permitted to transfer to, or be employed in, any industry other than the coal industry.

Very sincerely yours,

Honorable Paul V. McNutt,
Chairman, War Manpower Commission,
Washington, D. C.

TE HOUSE

Honorable Paul V. McNutt,
Chairman, War Manpower Commission,
Washington, D. C.

PSF: strike folder

THE WHITE HOUSE
WASHINGTON

June 21, 1943.

My dear Mr. Secretary:-

I have issued a finding that it is in the national interest to terminate, and I have ordered the termination of, the age deferment of any person between the ages of thirty-eight and forty-five who refuses to return to work in a coal mine in the possession of the United States. I direct that in respect of all such persons you waive the age requirements in order that they may be inducted into the armed forces.

I further direct that in respect of all persons between the ages of eighteen and forty-five, engaged in such strikes against plants in the possession of the United States who might otherwise be classified in Class 4-F, the physical or other requirements be waived by you in order that these men may be inducted and assigned to the operation of mines and other necessary activities connected therewith. Since these men will be inducted for such assignment, they should be acceptable to the armed forces for such purposes.

Very sincerely yours,

The Honorable
The Secretary of War,
Washington, D. C.

THE WHITE HOUSE

The Honorable

The Secretary of War,
Washington, D. C.

PSF: Strike folder

THE WHITE HOUSE
WASHINGTON

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Very sincerely yours,

The Honorable
The Secretary of the Navy,
Washington, D. C.

THE WHITE HOUSE

The Honorable

The Secretary of the Navy,

Washington, D. C.