Poor Man's Fortune
Roll, Jarod

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CHAPTER 7
BACK TO WORK

For miners whose livelihoods depended on racial and gendered claims to metal market prosperity, the Great Depression posed an existential threat. American manufacturing and construction ground to a halt as capitalism descended into crisis. Zinc ore prices fell from forty dollars per ton in August 1929 to seventeen dollars per ton in 1932, the lowest price in real terms since the early 1880s. Tri-State mine production fell from 598,000 tons of zinc ore in 1929 to 169,705 tons in 1932, the district’s lowest tonnage since 1896. Many small companies folded. Large firms closed for months at a time. At the outset, more than 7,000 men had jobs in the mining district, mostly at full-time. By the summer of 1932, only 1,500 men had work, seldom more than half-time. While jobs and shifts disappeared, mining companies also slashed wages: by 1932, miners earned $2.00 to $2.50 per day, if they were lucky to have work, about half of what they had made in 1925. As the district failed, some miners left the area. Those who stayed suffered.¹

Men once celebrated for their aggressive, indispensable power felt emasculated in idleness. They lost status and a sense of say-so, as companies used clinic grade cards and ground bosses to weed out workers now considered undesirable or unsafe. Meanwhile, women struggled more than ever to keep family economies functioning, now subject to the approval of charity workers funded and directed by district elites. As Tri-State mining families tried to make sense of what had happened to their once defiant communities, they blamed the new fetters applied by the Tri-State Zinc and Lead Ore Producers Association (OPA) in the 1920s—assertive ground bosses, the clinic, and the grade cards—not capitalism.

In 1933 President Franklin Roosevelt’s New Deal offered a variety of measures designed to help working-class white men like those in the Tri-State. In deep economic and social crisis, miners rallied to the provisions of the National Recovery Administration (NRA) to boost employment, raise wages, and give employees more power in relation to their employers, in the last case by encouraging workers to join unions. Hundreds of miners responded with renewed interest in the International Union of Mine, Mill and Smelter Workers (hereafter referred to as Mine Mill) and its American Federation
of Labor (AFL) allies when organizers returned to the district. Unlike many others in the nation’s growing union movement, indeed many in Mine Mill, they looked backward, to a restoration of what had been lost—the jobs, pay, and swagger befitting white American men—not a radical new departure. Dependent on federal support, the union used popular anger at low wages and the clinic to mobilize the district’s still nonunion majority. As the recalcitrant companies of the OPA stalled full implementation of the NRA, however, Mine Mill’s leaders made a desperate scramble to deliver something that would keep the Tri-State movement alive. That gambit ended in 1935 with a bold but minority-led strike that shut down all mining operations as the NRA hung in the balance of the Supreme Court.

The union staked its legitimacy in the Tri-State on New Deal promises for labor that soon proved unreliable. In the months after the strike began, federal courts invalidated the NRA and then paralyzed the subsequent National Labor Relations Act (NLRA). As the strike failed, nonunion miners turned against Mine Mill. They began to blame the union for their suffering and see it as the enemy. Thousands of men pushed to go back to work and to break the strike they now believed had betrayed them. Angry and afraid of defeat, they listened eagerly to counterstrikers who offered strength, scope for action, and a sense of superiority. The operators, working together, harnessed these men in a new company-controlled movement, the Blue Card Union.

In exchange for loyalty, the Blue Card Union offered strikebreakers the world they had lost. It assured them of work on the old terms of the sliding scale and white nativist privilege. The Blue Card Union freed its members from the clinic’s grade cards. It encouraged public violence against Mine Mill that recalled the exploits of Joplin’s strikebreakers and the vigilantism of the 1910s. The war against Mine Mill had finally come home. Attacking weak unions, weak men, and the bureaucrats and lawyers who tried to protect them, the Blue Card Union won the allegiance of a majority of Tri-State miners with traditional assurances—of the primacy of strong men, racial nationalism, and market incentives—that took on new power in an age of authoritarian assertions.2

Far from an isolated story, Mine Mill’s strike and its defeat showed how white working-class conservatism snaked through the heart of the American labor movement in the 1930s. Still an AFL affiliate when the strike began, Mine Mill sided with those unions dedicated to democratic industrial organizing strategies that formed the breakaway Committee for Industrial Organization in late 1935 and the Congress of Industrial Organizations in 1938 (CIO). Tri-State miners again found themselves in the middle of interne-
cine war between the AFL and the more progressive leaders of Mine Mill and now its CIO allies. Once again, the AFL leadership hoped to use the miners against radical unionism by chartering the Blue Card Union in 1937 to replace and ultimately destroy Mine Mill. The approval of hundreds of thousands of AFL affiliate members nationwide for this merger revealed the limits of truly democratic working-class ideals.

The New Deal labor regime wavered but it did not fall. CIO advocates of democratic unionism held on in the Tri-State, ultimately prevailing against the Blue Card Union in cases before the National Labor Relations Board (NLRB). Clinging to federal law, Mine Mill holdouts continued to champion policies for real collective bargaining, grievance procedures, and safer workplaces, particularly when it came to the silicosis scourge. Legal victories, however, did not mean that the working-class majority would ever share their vision. The New Deal could side in Mine Mill’s favor but it could not overrule the reactionary commitments in the hearts of working-class white men, no matter the cost of those commitments. That enormous task remained as the nation launched another war mobilization in 1941 that would rely on Tri-State zinc and lead.

As the worst economic crisis in American history decimated Tri-State mining communities, President Roosevelt’s New Deal promised a restoration of lost prosperity. Miners and their families hoped for a return to work, higher wages, and the respect they had once commanded. In the depths of the Great Depression, they had learned that this return would be neither simple nor easy. Mining companies had gathered more power than ever, in size and scope, in the OPA and in the health clinic partnership with the federal government and the insurance industry. Nothing made the dominant authority of the mining companies clearer than their control of charitable poor relief in the worst months of the crisis. Many miners tried to reassert themselves in wildcat fashion against that authority but soon concluded they would need help.

The OPA led initial relief efforts for the unemployed in conjunction with local government and charities. In January 1930, city and company officials in Picher organized a community chest to collect goods for those in need, but the mayor had to curtail the program a month later when overwhelming demand exhausted its resources. The OPA’s welfare department took up the cause by buying and distributing food, clothing, and fuel. As the crisis worsened, however, companies in the OPA struggled to fund relief. Executives for the Eagle-Picher Lead Company considered the market collapse the “most severe” in its history, worse even than in the 1890s, and instituted “rigid
“economies” to cut every possible cost. The OPA curtailed welfare spending.
By the end of 1930, the OPA’s welfare department sought and distributed
donations, mostly of fuel, but no longer provided food or clothing. As with
charitable relief efforts elsewhere, neither the OPA nor the local government
could meet the district’s escalating needs as unemployment neared 50 per-
cent.³

Tri-State communities struggled to understand why work had become
so scarce. In early 1930, miners trained their rising anger on ground bosses,
a key instrument mining companies used to impose control. Unemployed
Picher miners accused their immediate superiors of running a widespread
“buddy car” racket that locked them out of jobs. Since the mid-1920s, miners
and mill workers who lived in Missouri or Kansas had commuted to work in
private buses. Now, the unemployed claimed, many ground bosses were run-
ing their own buses and would only employ men who paid them to get to
work. Picher miners believed they lost jobs to these outsiders. Kansas miners
made similar allegations against ground bosses who favored men from Mis-
souri and Oklahoma. Some threatened violence to stop the scheme. There
was truth in the complaint. Ground bosses had accrued considerable power
over hiring and firing in the field, particularly in the mines of the big com-
panies. Some no doubt used that power to favor workers who rode in their
buses. While the buddy car scheme did not explain the economic crisis, or
cause the surge in unemployment in early 1930, the popular anger was real.⁴

Seeking containment, local officials held a series of mass meetings so the
unemployed could air their grievances. Picher police chief Joe Nolan, the
son of a Webb City shoveler, organized this show of respect between white
men in early April in conjunction with the mayor and the OPA. Hundreds
of miners attended “to protest against alleged discrimination against Okla-
ahoma workmen.” “One after another miners who had stories to tell regarding
the ‘buddy car’ evil” spoke out, the Miami paper reported. The state’s district
mine inspector, Riley Clark, validated their claims. At one meeting, Clark de-
clared that the buddy car racket had “thrown hundreds of miners with fami-
lies out of work.” Nolan and Mayor J. H. Klinefelter pledged to help. They
called on county and state officials to enforce a law that required permits for
such services. They also called on mining company leaders to rein in ground
bosses “in behalf of the miners and mill workers.”⁵

The companies seemed sympathetic. Representatives of the OPA at-
tended the meetings. They publicly accepted that some ground bosses were
extorting employees but denied any knowledge of it. They pledged to resolve
“the grievances of local miners” in conjunction with a committee set up to
“rectify the purported tyrannical attitude of the under-bosses in hiring and
firing miners because of their place of residence.” Company officials certainly knew that the buddy car issue was not the cause of rising unemployment yet seemed happy to let ground bosses take the blame.⁶

At these meetings, however, miners also voiced anger at other perceived culprits, particularly the clinic doctors and their grade cards. Chief physician F. V. Meriwether informed Royd Sayers, his U.S. Bureau of Mines superior, in May 1930 that “it was proposed by some of the miners that they dynamite the clinic and run the employees out.” No one objected, he added, even though the mayor and chief of police were present. By then, most miners in the district had been examined. Their suspicions about the grades were not unfounded. Meriwether noted in April 1930 that men with C cards, particularly first-stage silicotics, found getting hired “exceedingly difficult.” Protests against the buddy cars and the clinic revealed resentment against the new balance of power in the district. Unemployed miners understood, if only partially, that these arms of company authority had something to do with their misfortune, not just as individuals but as a group. But Nolan’s meetings worked—in the short term. The buddy car scandal subsided. The OPA stationed an armed guard at the clinic for two weeks, which seemed to quiet the threats.⁷

As ore prices continued to fall, companies relied more on the clinic’s grading system to cut costs, despite the risk of renewed protest. In late 1930, labor reformers in Kansas and Oklahoma pushed to expand workmen’s compensation laws to cover industrial diseases, including silicosis, which would expose district companies to significant claims. The OPA, backed by Meriwether, lobbied hard to defeat the proposal in Oklahoma, although company officials worried that proponents would try again. To mitigate that threat, Eagle-Picher began requiring all workers to show a new rustling card that proved their eligibility for work. These cards listed the worker’s clinic grade. Men with C grades or better got yellow cards, which meant they could work wherever the ground boss wanted to hire them. Those with D grades or worse got red cards that limited them to certain jobs or barred their hire. Men who may have avoided examination could do so no longer. Other firms also adopted rustling cards. Meriwether and A. J. Lanza, who represented the Metropolitan Life Insurance Company, were pleased. They had achieved, Lanza boasted in early 1932, universal recognition of the principle of “Compulsory Physical Examination Before Employment.”⁸

The rustling cards exacerbated unemployed workers’ anger toward the clinic. Meriwether reported to Sayers that miners were circulating a petition to call on the governor to investigate the clinic and its grading system. A month later, in April 1931, Communist Party organizers from the coalfields
arrived in Picher to encourage the unemployed to protest on May 1. Their discussions with local workers focused on the clinic. Already nervous about potential attacks on him and other staff, Meriwether asked the OPA for another armed guard. Popular unrest, he reported in April, had “reached an alarming state.” Although local police hounded the Communists out of town before May Day, miners continued to speak against the clinic. In June, OPA executive secretary M. D. Harbaugh informed Sayers that he had “heard reverberations of the rather sullen and violent attitude of a great many of the workmen in the district toward the Clinic.” They believed “that it is something set up to bar them from a job,” he explained. Both Harbaugh and Meriwether made public appeals in the months that followed to reassure local workers that the examinations were meant to benefit them as well as the companies. The reassurances fell flat. “The suffering of the poorer class in the field is certainly intense;” Meriwether informed Sayers in early 1932, “and is causing considerable worry at the present moment.”

Despite this, firms continued to use the clinic to purge payrolls of sick or injured men. According to Harbaugh, the cards revealed “an alarming number of men physically unfit for this class of work.” “The tendency thereafter, he explained, “was to improve the physical standard of the employees” through “rigid preemployment and periodic physical examination.” This got easier in July 1932 when the OPA took full control of the clinic after spending cuts forced both the Bureau of Mines and the Metropolitan Life Insurance Company to withdraw support. The OPA incorporated the renamed Tri-State Industrial Examining Bureau as a separate legal entity to limit liability. Now led by a local, OPA-picked doctor, the bureau eliminated all services except grading exams. “The purpose of this Bureau should be to furnish complete pre-employment physical examination of men for work in the mines, and periodic examination of employees in the mines,” an internal OPA report declared. It recommended but did not offer treatment; sick or injured men had to arrange their own care. Now the OPA itself oversaw the grades that company rustling cards required and pledged to make “full use of clinical data,” including records about sexually transmitted diseases. The bureau further extended its reach by requiring “members of the immediate families of” miners to be checked and treated for these infections when a company ordered it as a condition of employment. In addition, the OPA agreed to share individual medical records with companies facing workmen’s compensation cases. According to Harbaugh, they sought “the elimination of low grade (physically) men” from employment. This policy, he admitted, “resulted in the growth in the mining field of a considerable number of permanently unemployable men.” “It was the company’s plan to get rid of

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employees before they became too great a liability," explained Mr. U, a miner who was graded out in 1932. While the bureau did not cause the unemployment crisis, it determined that only men it deemed healthy were employable and that those marked weak or infirm were not.\textsuperscript{10}

Once bristling with pride, mining communities in the Picher field were by 1932 pummeled to despair as company policies conflated the twin crises of unemployment and occupational injury and disease. More than 6,000 miners had lost their jobs since 1929. As few as 500 worked more than halftime. Since 1927, clinic doctors had diagnosed 6,108 miners with some form of silicosis and 642 miners with syphilis. Many of these men had left the district or were dead by the time the depression bottomed out. A 1933 study of the causes of death in the Tri-State counties revealed that 788 men had died from tuberculosis or silicosis since the clinic opened, men like Edward Legg, a fifty-one-year-old, Virginia-born hoisterman who had worked in the district since at least 1900. According to his son, Legg received an F card in 1932. He sought treatment at a state hospital, but his family “had a terrible time having food or a place to live.” Legg died in 1933. Many injured men remained in the field, at home and jobless. Most could not afford medical care. Women in mining families bore the burden of providing whatever income they could, often while also caring for sick or dying husbands and sons. “It’s a pitiful way of living,” Mrs. I. said.\textsuperscript{11}

Mining families had nowhere to turn as companies further consolidated power. In addition to the examination bureau, the OPA controlled the provision of unemployment relief in Ottawa County through its own welfare department and the Red Cross chapter, which Harbaugh chaired. Of all the OPA companies, Eagle-Picher had the most sway. Its leaders took advantage of the crisis to buy rights to more land from shuttered or struggling competitors. In 1932, Eagle-Picher opened a central mill at Cardin that could process 3,600 tons per day—the largest zinc-concentrating mill in the world at the time—to create a single processing site for all of its mines and those of smaller firms.\textsuperscript{12}

The presidential campaign of 1932 offered solutions that appealed to the district’s past, as Ottawa County Democrats and Republicans alike campaigned in favor of maintaining high protective tariffs. Calling for voters to reelect Herbert Hoover, who won the county in 1928 with 64 percent of the vote, Republicans insisted “that the great protector of the mining payroll is one thing—It Is the Tariff Wall.” Democrats, meanwhile, assured voters that Roosevelt’s call for selective tariff protection would apply to zinc. The problem was not the tariff, they reasoned, but Hoover. Promising a return to better days, even though their presidential candidate had not won the
county since 1916, Democrats urged votes for Roosevelt: “Let’s Get Back What We Had!” Roosevelt routed Hoover in Ottawa County with 71.8 percent of the vote; in Webb City and Carterville, he claimed 61.5 percent of ballots.\(^{13}\)

In its first 100 days, Roosevelt’s New Deal pumped life into the Tri-State mining economy. By the time of the March inauguration, zinc ore prices had fallen to sixteen dollars per ton, with the banking system teetering on the brink of collapse. From March to June, however, Roosevelt’s decisive intervention in banking, finance, agriculture, and unemployment relief boosted public confidence and, crucially for miners, spurred industrial demand for metal. By late July, zinc ore prices had climbed to thirty-five dollars per ton. Companies increased payrolls and pay. That summer 3,100 miners had jobs. They also enjoyed rising wages, up to $3.25 per day for machine men and 7.5
to 9.0 cents per can for shovelers. The administration also created jobs for the unemployed in Ottawa County through the Federal Emergency Relief Administration (FERA) and the Civil Works Administration. With the New Deal, a local mining reporter predicted, it will soon be “like old times.”

Of all New Deal measures in 1933, the National Industrial Recovery Act, passed in June, sparked the most hope in the Tri-State. With an ambition and scope that invoked the Great War mobilization, the law created the NRA to stop the deflationary spiral, with measures aimed at raising prices, increasing employment, and boosting wages. Modeled on the business-friendly War Industries Board, the NRA asked companies to voluntarily write and obey codes of fair competition within their industries. These codes exempted participants from antitrust law so that they could set minimum prices to eliminate ruinous undercutting and promote reflation. In exchange for collusive pricing power, the NRA required that the codes prohibit child labor, set minimum wages, and fix a maximum number of working hours in a week in order to give more people jobs and protect them from starvation pay. To encourage support, the NRA created a Blue Eagle symbol for participants to display as a sign of their patriotism and urged Americans to shop only where they saw it. The local press was confident that the “operators and miners of this great Tri-State district, may be depended upon, now as always, to do their part in this local and national recovery program as outlined by President Roosevelt,” which it described as “a mass attack by voluntary agreement to lift wages and shorten hours.”

The OPA, itself a product of government assistance during the Great War, looked to shape the NRA to serve company interests. In early August, a majority of companies in the district, including Eagle-Picher, Commerce Mining and Royalty Company, and Federal Mining and Smelting Company, agreed to a temporary code covering employment, known as the President’s Re-Employment Agreement (PRA), as negotiations over the terms of a final zinc code continued. Under the PRA, companies negotiated special terms that set the workweek at forty-two hours and the minimum wage at thirty cents an hour for common labor, which they preferred over the thirty-five-hour week and forty-cent minimum wage in the recommended temporary code. The Tri-State PRA retained the sliding scale for wages above the minimum.

The NRA also included important provisions for union organizing that brought Mine Mill and the AFL back to the Tri-State. To counterbalance company code-making power, section 7(a) of the law stipulated that workers in all industries under codes or reemployment agreements “shall have the right to organize and bargain collectively through representatives of their

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own choosing,” free of employer coercion or restraint, and that workers could not be forced to join company unions. The NRA established, for the first time, a federal right to organize, with logic that suggested that labor unions would have a formal role in the recovery effort. Union leaders across the country launched a wave of organizing drives in the summer of 1933 to take advantage of the law. Mine Mill had only 1,500 members in six locals, only three of which were really active. New president Thomas Brown wasted no time, however, sending organizers to rebuild the union. He had high hopes for workers in the Tri-State, who in the mid-1920s had been among the last to show interest in Mine Mill. Brown dispatched Roy Brady to Picher in July. Brady organized Picher Local 15 on August 16. With the help of new members, he soon organized Local 17 in Galena. OPA leaders knew about Brady’s organizing drive but were confident in their power to contain it.17

In October, a Blue Eagle Day celebration in Miami demonstrated broad public support for the NRA’s intervention, as did similar parades across the country that autumn. In a show of enthusiasm not seen since Picher’s anniversary party, more than 10,000 spectators from all corners of Ottawa County watched 1,500 people march along streets festooned with American flags and Blue Eagle banners in “vivid tribute to NRA.” The celebration was organized by the mayor of Miami and a steering committee of local and county officials. Conservative Democratic congressman Wesley Disney attended. Alongside school bands and civic clubs, twelve mining companies joined the parade, with miners, mill workers, and supervisors walking under company banners. Eagle-Picher’s contingent had an “attractive float.” Everyone who worked at Commerce Mining’s Wilbur mine marched, including a sick miner who had to be carried, and won first prize for participation. After the parade, people enjoyed a series of contests, including a sack race, a fat man race, and a shoveling contest. Mark Trask won fifteen dollars for shoveling one ton of chat into a can in seventy-four seconds, two seconds faster than the runner-up. According to the Miami News-Record, “the thousands who attended the affair fully realized the spirit of the day—that it was all in observance of the NRA, improvised by President Roosevelt to aid the great masses of American people.” The paper did not list Mine Mill among the day’s participants or comment on its organizing drive, but its coverage left little doubt that the NRA enjoyed broad acceptance among workers, mining companies, and politicians, seemingly without reservation.18

Brady took advantage of this popular, patriotic enthusiasm for the NRA. According to W. P. McGinnis and M. R. Corwin, who both joined Local 15 in 1933, Brady said “that the President of the U.S. wanted all working men to join a union.” Brady told others that the NRA required them to join Mine
Mill in order to get a job under the zinc code. Neither statement was true and would not be unless Mine Mill negotiated a closed-shop union contract, something that had never happened before in the Tri-State. Both of these claims seemed convincing, however, amid the hope and confusion of the NRA’s improvisational implementation. Roosevelt called his reemployment agreement a plan to raise wages and “create employment.” The *Miami News-Record* described it as “a covenant” “to reemploy the idle jobless.” The Blue Eagle Day celebration reinforced these messages with calls for nationalistic cooperation between workers and companies. Miners hired after companies signed up for the reemployment agreement were called “NRA swing men” or “NRA extra men” in district parlance. Brady encouraged the perception of official ties between the NRA and Mine Mill. He told a meeting in Galena that the “union was authorized by the NRA headquarters to explain the effect of the codes on the miners.” The NRA seemed to recognize Mine Mill as the official representative of Tri-State workers by seating Brady on “the NRA labor advisory board” in negotiations over the zinc code in Washington, D.C., in December 1933. Brady limited his statement solely “to conditions that exist in the mines of the Tri-State district.” With hopes high for the NRA to boost the recovery, and companies hiring more and more miners as ore prices and production rebounded that winter, many men joined Mine Mill for fear of being left out of whatever deal the union was on its way to achieving. Few did so out of allegiance to Mine Mill.19

Brady built support for the union by channeling local grievances. He aimed first at the OPA’s examination bureau. Brady assured miners that Mine Mill would stop the bureau’s “increasingly rigid” exam policy by closing it. These attacks on the bureau elicited strong support among unemployed miners with health problems. By 1934 the OPA justified the bureau only in terms of cost reduction, no longer claiming that miners stood to benefit. It blamed liberal workmen’s compensation judgments and an alleged increase in “the ‘malingering’ or false claimant for compensation.” The “employer’s only protection from him is to be extremely and, at times, almost unreasonably careful in the selection of his employees,” often including “the necessary rejection for employment of a considerable number of able-bodied workmen” with minor untreated ailments. Miners were especially angry because the bureau blocked their access to jobs even as the industry continued to recover in 1934, when 4,300 men in the field had work. Thousands of miners with C cards or worse were left unemployed, they feared permanently. The bureau’s strict avoidance of expensive compensation claims “is working hardships upon hundreds of bona fide workmen,” Local 15 explained. Men who lost their jobs in the 1930s already felt like inadequate men; to be un-
employable because of physical damage threatened to shred whatever sense of manhood they had left. “This was hard to take by those miners who were self-respecting and not malingerers,” one observer recalled. According to Harbaugh, a hostile chronicler, “these men became fertile ground for labor agitators and organizers who appeared upon the scene in 1933, when the new deal for the down-trodden man loomed in the offing.”

Union organizers also called for long-term health and safety reforms. Mine Mill organizers demanded stricter mine inspection and more robust ventilation requirements. Local 15 sought lobbying help from the Oklahoma State Federation of Labor (OFL). At its annual convention in September 1934, the OFL passed a resolution submitted by Local 15 calling for coverage of silicosis and lead poisoning under the Oklahoma workmen’s compensation law. If in the short run Mine Mill argued that sick and injured men should be allowed to work, it argued in the long run that miners needed better protections to reduce the number who got sick or hurt on the job.

Mine Mill’s immediate goal was to raise the pay of Tri-State miners through the NRA. The OPA’s reemployment agreement had delivered less than promised. When ore prices fell back below thirty dollars per ton in 1934, some companies reduced wages below the agreed minimum wage but held fast to the maximum hours limit. Meanwhile, those hired to round out shifts, the “NRA extra men,” still worked half-time or less. Brady pressed these grievances at every opportunity, particularly at hearings on the zinc code. He called for higher minimum wages that reflected the dangers of the work. “The miner, during his employment, considering the risk involved and the labor involved, must have a fair minimum wage in order that he may provide for himself and family,” Brady told NRA officials. Despite proposing safer working conditions in the future, Mine Mill mainly presented itself to Tri-State miners as the champion of strong, risk-taking men against domineering operators. By late 1934, the union had built stable locals in Picher and Galena, each with “a substantial membership” of several hundred members, perhaps more than 1,000 men combined. It now sought official recognition from the operators as the representative of all Tri-State miners.

The OPA had no intention of bargaining with Mine Mill. It had molded the final zinc code to benefit Tri-State operators: winning a special lower wage scale for the district and blocking an industry-wide division to resolve wage disputes. The OPA could not, however, prevent the code from reiterating the right to organize and bargain collectively. It registered strong opposition nonetheless. “Mining operations of this district have never been unionized, employees are all white native Americans, and there has never been any suggestion of labor difficulties between employers and employees,” Har-
baugh informed American Zinc Institute negotiators. Wary that the New Deal was giving “undue power” to organized labor, the OPA pledged to resist anything that threatened to “disturb the existing satisfactory employer-employee relations.”

With Mine Mill gaining momentum and the OPA steadfast, something had to give. The union seemed to give way first. After attending the Mine Mill convention in August 1934, Brady absconded with the treasury of Local 15, a betrayal that echoed decades of local denunciations about union crooks. The theft forced the union to stop providing food relief to unemployed members. If never enough, union relief had provided vital sustenance and dignity for people with little recourse aside from OPA charity and New Deal relief that proved weaker than advertised. State officials hostile to New Deal spending had cut required matching funds for federal work programs. In October 1934, FERA programs in Ottawa County provided 3,200 men and women each a meager twelve hours of work a week. County leaders slashed that number to 2,300 at the end of the year and to zero in January 1935. Only a few hundred people worked at the county’s state-level FERA projects: a mattress factory in Picher and a canning facility in Miami. The canning facility made beef broth available to families in need. To collect it, however, people in Picher had to bring an empty bucket to city hall. After Brady’s treachery, Mine Mill needed bold action to save Locals 15 and 17 from dissolution.

In January 1935, union president Thomas Brown came to Picher to lead the reorganization himself. Mine Mill had gained national strength in the year after the creation of the NRA, now boasting more than 15,000 dues-paying members in ninety-four locals, mostly in old western strongholds but also in new areas such as Alabama’s iron mines and mills. The union was adamant about realizing the New Deal’s plan to improve working conditions, especially the right to organize, and fought hard against employer opposition with strikes in Montana and Alabama. “President Roosevelt had told us to organize and had advocated shorter hours, increased wages and higher standards of living,” one miner declared at the 1934 convention, so “it was up to us to stand behind him and help to keep organizing going.” With the help of dedicated local members, Brown restored confidence in Picher and Galena and organized five new locals: Webb City 106, Baxter Springs 107, Joplin 108, Miami 110, and Treece 111. These locals became the basis for Mine Mill’s new District Four.

Local leaders emerged to replace Brady. M. E. Cartwright, who had led the district’s union council in 1924, became president of the Miami local. Ed Cassell, aminer known for “espousing all local liberal causes,” and Ted Schae-
steen, a thirty-year-old mill mechanic born in Jasper County, led the Treece local. J. A. Long, who had mined in Picher since 1915, took over as president of Local 15. Tony McTeer, who had worked in Picher since 1919, also became a talented leader in Local 15.26

They were anxious to make good on the union’s promises. In March 1935, District Four filed a formal complaint with the NRA labor compliance board against Tri-State companies for allegedly paying less than stipulated under the PRA. The complaint was rigorous in detail, with individual statements from more than 1,000 miners. With the zinc code under final review, Mine Mill sought leverage to force the operators to bargain. If the compliance board found in favor of the union, it could refer the complaint to the newly created NLRB, which had power, albeit untested, to compel resolution. With the complaint pending, District Four asked the companies in a joint letter to negotiate a union contract. The companies ignored the letter. Union leaders next approached the OPA to negotiate, but Harbaugh referred them back to the individual companies. After the approval of the NRA zinc code on March 26, Mine Mill appealed to the U.S. Department of Labor Conciliation Service for help but to no avail—the agent who investigated saw no basis for negotiation because company officials refused to meet. Meanwhile, the OPA provided enough statistical documentation to satisfy NRA investigators, who dismissed Mine Mill’s complaint in April.27

Union leaders recommended a strike as the only way to realize the New Deal’s promise. “The operators have ignored all attempts of the union to negotiate for collective bargaining, and establishing industrial relations between employer and employee as provided under NRA,” Brown explained. Having “exhausted all reasonable means,” another leader asserted, the union considered a strike its last resort. Urging support from John L. Lewis and the United Mine Workers of America (UMW), national Mine Mill secretary James Robinson claimed it would be “a crime to prevent these men from making a last desperate effort to improve their conditions.” Each local held a vote at the end of April, with only employed members eligible to cast ballots. Of the 700 men polled, nearly 600 voted to strike on May 8, 1935. Although a majority in the union, the strike supporters were a small minority among the district’s more than 4,800 miners and mill workers. Union leaders held a series of meetings to explain the reasons for the strike and finalize the picketing strategy. On May 7, more than 2,000 people met in Picher where J. A. Long promised a “peaceful strike” and urged the participation of all non-union workers. “We realize,” he said, “that no organization is large enough to buck public sentiment.” Their main goal was employer recognition of Mine Mill as the bargaining agent for district mine workers, in accordance with
Mine Mill’s strike paralyzed the district. On May 8, hundreds of workers did not report for work at mines, mills, and smelters from Picher to Joplin. Union pickets targeted production bottlenecks, a key vulnerability of the district’s sprawling firms. They blockaded the two biggest mills, Eagle-Picher’s Central and Commerce Mining’s Bird Dog, which processed most of the ore mined in Ottawa County. Pickets also closed the Eagle-Picher smelter in Galena. Roving pickets enforced the strike at smaller mines and mills. Aside from a few fights, there was no violence. Local Mine Mill leaders coordinated the strike from union halls in Picher and Galena; Brown set up an office in Joplin. They announced aims consistent with the long-standing claims and priorities of the district’s mining communities. Strikers wanted to achieve the NRA’s promises for recovery, District Four explained. They “are 100% American, white, and are very open-minded and willing to cooperate, and this the operating companies have taken advantage of.” While awaiting funds and supplies, the union urged all strikers to apply for federal and state unemployment relief to sustain them until it was over. Nearly 5,000 men who had worked the day before were now idle.

The operators responded by announcing a district-wide shutdown. With ore prices low and large stocks on hand, Harbaugh explained, firms hoped the closure would raise prices. Their main goal, of course, was to challenge Mine Mill’s support among nonunion workers. Company officials hoped to break the strike by starving people into submission. Federal and state relief coordinators in Oklahoma and Missouri supported that strategy, at least indirectly, by declaring that strikers would not receive government assistance. John Campbell, Eagle-Picher’s personnel manager, expected that after a week or two this approach would bring “most of them to destitution” and turn them against Mine Mill.

The strategy worked. Within a week, some miners began organizing among themselves to end the strike. On May 17, T. L. Armer, a forty-seven-year-old blacksmith and welder for Commerce Mining who had recently moved back to the district from the Kansas oil fields, convened an impromptu meeting near Cardin to talk about returning to work. Several hundred men attended, both union and nonunion among them. Although Mine Mill members spoke in favor of the strike and their goals of union recognition and contracts, the majority “was overwhelmingly in favor of going back to work immediately, or as soon as the mine operators would reopen.
their mines.” That night, 200 men signed a petition asking companies to re-open the mines under the same conditions that prevailed before the strike. Armer scheduled another meeting for the following day. Nearly 2,000 men attended, about 200 of them Mine Mill members. Jimmie Hall, of Local 15, repeated the union’s goals but was rebuked with new ferocity when he answered a question about how people were expected to live during the strike by repeating the union’s advice to apply for unemployment relief. Several men shouted that they did “not want relief, but wanted to work.” More than 1,000 men signed Armer’s back-to-work petition.31

The OPA moved quickly to claim the back-to-work movement. At a third meeting, held on May 19 at the Miami fairground, several company leaders, ground bosses, and local officials, including former Picher sheriff Joe Nolan, flanked Armer as he announced plans to create a new organization dedicated to ending the strike. “It is going to be permanent and it will be composed of such men as are at this meeting,” he declared, “who will protect our interests from here out,” unlike those in Mine Mill, now deemed outsiders, who launched the strike in the first place. Nearly 600 more men signed the petition after that meeting, bringing the total to around 1,800. This time, Armer did not permit strike advocates to speak. The back-to-work movement now belonged to the OPA.32

Mine Mill rallied to bolster the strike. On May 20, 600 union men stymied a back-to-work meeting in Baxter Springs. They booed Armer and Nolan from the stage, but were themselves prevented from speaking by nonunion men. The following day, over 1,000 Mine Mill supporters, including several dozen women, marched in a series of parades bearing signs that read “Better Wages,” “Better Cars,” and “Goodbye Clinic” in Picher, Cardin, Commerce, and Miami, where a crowd of 3,000 rallied in the afternoon to hear strike leaders and allies. Brown, Cartwright, and McTeer spoke, alongside Ira Finley, the former OFL president. Brown reiterated the union’s goal of recognition and collective bargaining under the terms of the NRA. He claimed that the strike was necessary to make companies adhere to the wage and hour provisions of the zinc code. Finley, who now led the Veterans of Industry of America, an Oklahoma-based organization of as many as 50,000 unemployed workers, delivered a more radical line. He declared that the government should confiscate the property of any company that violated the terms of the NRA and urged the strikers to hold out for contract terms that would provide “a home, all electrical appliances, sufficient money for the education of your children, and for travel”—the American standard of life that he had advocated since the 1920s. The union held another rally that night in Picher, where 2,000 men and women heard the same speakers. Strike “until you

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whip hell out of this bunch,” Finley told them. Despite a poor strike strategy and mounting opposition, diehard Mine Mill supporters remained.33

They could not stop the growing back-to-work movement, however. On May 25, Armer and other leading strike opponents, including several mine managers, formally organized. In the context of the NRA, they decided that a rival union, nominally independent but under company control, was the surest means to end the strike. A new leader, Frederick W. “Mike” Evans, took charge. Born in Iowa in 1885, Evans came to Ottawa County in the 1910s, and soon became locally famous for gambling, womanizing, and picking rich mining leases in Ottawa County. Known as the “greatest risk taker,” he had developed a bonanza mine and a large bootlegging operation in the 1920s and now ran a hotel, a pool room, and a dance hall in Picher. Evans also owned a mining company that leased the Big Chief mine from Eagle-Picher and belonged to the OPA. People who knew Evans described him as charming, authoritative, and persuasive, with “an uncountable number of friends from all walks”—the very embodiment of poor man’s camp aspirations in an era of charismatic demagogues. Evans designed the new organization with local lawyer Kelsey Norman, Nolan, and Glenn Hickman, a twenty-five-year-old ground boss who had briefly joined Mine Mill in 1933.

It would promote the “general welfare” of the district’s miners, millers, and smelter workers by negotiating their return to work with the operators, with whom the new group would “establish mutual confidence and create and maintain harmonious relations.” Members were required to cut all ties to Mine Mill and, in return, would be given preferential access to jobs. In two days, more than 3,100 men signed a new petition pledging allegiance to the Evans organization.34

The Tri-State Metal Mine and Smelter Workers Union was officially founded on May 27 at a mass meeting of more than 4,000 people in Miami. Evans was elected president and Hickman secretary-treasurer. The twelve-member executive board included eight mine managers and four workers. Mining companies, especially Eagle-Picher, directed and financed their work. Members were given distinctive blue cards that lent the organization its informal name, the Blue Card Union. Above all, its members wanted to go back to work. Mr. M. joined “because I thought my wife and kid ’ud starve if I didn’t an’ a lot more o’ them that joined felt like me.” Few thought the Blue Card was independent, but desperation dictated fealty.35

However corrupt in origin, the Blue Card offered members an empowering crusade against the strike that indulged district traditions of male violence. Strikers had tried to stop Evans from attending the Miami rally. When police, including the county sheriff, arrived to escort him, Mine Mill men
attacked them with rocks and pipes. They did not stop Evans but badly wounded several police officers. As tempers flared at the Miami meeting, Nolan mobilized several hundred Blue Card men to return to Picher in a show of force to “take back something that belongs to us.” Along the way, they armed themselves with guns, pieces of pipe, and pick handles made available by the operators. From the Picher High School football field, Nolan’s pick-handle army marched in growing columns into the heart of town where the members searched for union supporters to attack. Now numbering 2,000 or more, they rallied in a lot near the Local 15 union hall. “Who’ll go back to work with me in forty-eight hours?” Blue Card leader June Walker shouted. “We’ll all go,” a chorus responded. “We’ll bust this strike wide open.” To keep the peace, Governor E. W. Marland sent a contingent of Oklahoma National Guardsmen with bayoneted rifles that night. While pledging not to intervene on either side, the unit’s commander positioned a machine gun in front of the Connell Hotel on Picher’s central thoroughfare. This was Evans’s hotel and the Blue Card Union’s headquarters. Meanwhile, the state police arrested five Mine Mill men, including M. E. Cartwright, for the morning’s attack.36

Over the next few weeks, the Blue Card Union broke the strike. Evans and Nolan organized squad cars of armed members to intimidate Mine Mill men. These enforcers broke up pickets, stopped cars suspected of carrying strikers, and harassed Mine Mill members at their homes in the night. “The record abounds in incidents of lawless violence committed by the squad-car men,” federal investigators reported. Evans paid them with funds provided by the mining companies. Eagle-Picher gave at least $17,500 to the Blue Card Union to cover these expenses and to buy weapons. Within a week, they had driven strikers out of sight in Picher, Cardin, and Commerce and to the edges of the district in Baxter Springs and Galena. The Oklahoma National Guard did nothing to stop them. Evans and Hickman held a series of meetings with company officials in the union’s first week and reported that operators would restart operations as soon as they “were given definite assurance they would not be interrupted.” On June 5, the OPA signed a general agreement with the Blue Card Union that acknowledged it as the sole bargaining agent of the district’s mine and smelter workers and pledged to employ only Blue Card members.37

Born in opposition to a Mine Mill strike, the Blue Card Union now claimed a closed shop. Several hundred miners were back at work later that week. The Blue Card contract set wages on the traditional sliding scale at levels established in the Tri-State PRA. By June 15, the OPA reported that district mines were running at 85 percent of prestrike capacity and employed more
than 3,000 workers, all of them Blue Card members. Most of the miners were happy to go back to work. Some had never agreed with the decision to strike; if they had, it was now convenient to forget. Merle Chambers “was not in favor of a strike and went back to work when the mill started.” Tom Hood also opposed the strike and was relieved to go “back to work as soon as I could.” The Blue Card Union not only seemed to succeed where Mine Mill failed but consolidated support by inviting its men to attack strikers who now appeared to be their enemies.38

Facing defeat in early June, strikers fought back. In Baxter Springs, a Mine Mill picket attacked truck drivers to keep the Beck Mining Company closed. In Treece, Mine Mill and Blue Card miners exchanged gunfire, which wounded Ted Schasteen. Meanwhile, saboteurs, presumably strikers, dynamited the electrical lines serving Cherokee and Ottawa Counties. Fearful of escalating violence, Cherokee County officials convinced Kansas governor Alf Landon to dispatch the National Guard. In both counties, the National Guard focused on Mine Mill pickets; by all accounts, Blue Card squad cars continued to harass strike sympathizers unimpeded. Confident that order prevailed, state officials removed both military contingents in late June. Within days, however, strikers again attacked men on their way to work, this time at the Eagle-Picher smelter in Galena. In Picher, Mine Mill and Blue Card men again clashed. Landon and Marland sent the National Guard back in. In Cherokee County, the guard commander declared martial law. The commanding officer in Ottawa County, meanwhile, confiscated all firearms, including several seized during raids of Mine Mill offices. With the military again in control, operators restored normal production by the end of July.39

The operators wanted to eradicate Mine Mill from the district. In early June, they had rejected an offer from Brown to end the strike if companies would rehire union members without discrimination. A Department of Labor conciliator recommended the deal, as did the commanding National Guard officers, who urged peaceful resolution. Company representatives explained that “other arrangements had been made for re-employing men” and “that the agreement which had been signed with the union,” meaning the Blue Card, precluded any recognition whatsoever of Mine Mill. The claim was in bad faith, since the OPA controlled the Blue Card Union, which was headed by Evans, whose company was an OPA member. By this point, the OPA no longer feared federal intervention because the U.S. Supreme Court declared the NRA unconstitutional on May 27, the same day the Blue Card Union was founded. The OPA knew that the NLRA to revive federal labor protections passed the U.S. Senate on May 16 but was assured by lawyers that it, too, would be found unconstitutional.40
The Blue Card Union consolidated its authority. The union set up locals in Picher, Galena, and Joplin that met every week, collected dues, and in August started publishing its own newspaper. Now the gateway to employment in the district, the union also implemented strict membership requirements to ensure loyalty to the companies. Potential members first had to surrender their Mine Mill card, if they had one. Their names were published in the newspaper for the whole membership to consider. Those with known past affiliations or sympathies with Mine Mill appeared with an asterisk. Potential members then went before their local for a vote of approval, with all members casting ballots. Candidates appeared in person to answer questions about Mine Mill, their role in the strike, and whether they would now “defend the Tri-State Union with pick-handles.” The union rejected those who received three or more no votes. This gave Blue Card members the power of exclusion and a sense of control. Finally, the union’s executive officers either accepted or rejected the individual for membership. Blue Card officers imposed strict ideological discipline by threatening to expel anyone who advocated a strike. “It will take vigilance to keep the undesirables out,” a Blue Card editorial declared.41

Meanwhile, the strikers received meager support from Mine Mill. President Brown oversaw the beginning of the strike from Joplin but left the district after the companies rejected his peace offer. Mine Mill was too weak to do more. Its resurgence had stalled after the demise of the NRA, as emboldened companies counterattacked. At the union’s convention in Salt Lake City in August 1935, Brown reported “little progress” in new organizing since May and that many existing members had left. Mine Mill had only $4,979 in reserves. Brown and other leaders spent much of that summer appealing to John L. Lewis and the UMW for a loan of $50,000, with no success. To make matters worse, disgruntled members ousted Brown from office in Salt Lake City, weakening union leadership. The convention voiced support for the Tri-State strikers through resolutions but nothing more, despite passionate appeals from Schasteen and McTeer, who both attended. Mine Mill’s boldest statement on behalf of the strikers was a resolution asking the AFL to contribute $50,000 to support them.42

Mine Mill’s relationship with the AFL, long the key to organizing in the Tri-State, soon faltered. Union leaders advocated on behalf of the Tri-State strikers at the AFL convention in Atlantic City in October 1935. They argued that the strike was still winnable. They submitted a resolution to the committee on industrial relations calling for AFL unions to boycott Eagle-Picher products. Their interest in the strike was secondary, however, to their concern over the AFL’s stance on industrial organizing strategies. The 1935
convention roiled with debates over how the AFL should organize workers in mass production industries. Led by Lewis, leaders of existing industrial unions such as the UMW called for a concerted campaign to organize them into new mass unions that superseded existing craft union jurisdictions. They squared off against guardians of the old craft order in an increasingly acrimonious dispute. Mine Mill’s Paul Peterson used the Tri-State strike example to press the case for a more ambitious industrial strategy. Mine Mill’s fate depended on what happened in the Tri-State, Peterson declared, a district that had “provided the scabs which for years have broken” its strikes. He claimed that Mine Mill’s persistent organizing efforts had brought “these scabs” into the union. Peterson called on the AFL, Mine Mill’s ally, to help keep them organized. The industrial relations committee voiced its support but refused to authorize a boycott. This was a small defeat among many in Atlantic City, as the AFL famously rejected the demands of the industrial unionists. The following month they founded their own group, the CIO, with Lewis as president. Mine Mill was a founding member.

Despite unsteady national allies, a few hundred strikers refused to concede. Locals in Picher, Galena, Treece, Baxter Springs, and Joplin remained active, despite losing members. Those in Picher, Galena, and Treece were the largest, with over 100 members each in early 1936. They looked for help from regional union affiliates, particularly the OFL. “This strike isn’t over and is a long way from being lost for you cant whip any bunch of union men that wont quit fighting or accept their cause is lost,” McTeer reassured OFL leaders. In September, the state federation offered support at its convention in Muskogee. President G. Ed Warren, a Tulsa lawyer who had worked with the AFL since the 1910s, said he had “never seen better loyalty than displayed by them under the most adverse conditions. They have suffered every indignity known to the exploiting employer and have been menaced and abused by professional gunmen, strike breakers, and thugs.” The convention raised $68.04 for strike relief. The OFL, along with the Kansas State Federation of Labor, also distributed a circular letter calling for a boycott of products containing Tri-State zinc and lead, such as Dutch Boy and Sherwin-Williams paints. The Mine Mill stalwarts drew confidence from the new NLRA, which President Roosevelt signed into law in July 1935. The NLRA created stronger protections for workers to join unions of their own choosing, bargain collectively with their employers, and go on strike. The law also prohibited a set of unfair labor practices by employers, including interfering with independent organizing, discriminating against union members, and creating company-dominated unions—everything, it seemed, that had happened in the Tri-State. The NLRA also reformed and expanded the NLRB.
with new power to enforce these provisions. “We are free men and have the right to organize and bargain collectively for hours, wages, and working conditions,” Local 15 declared that November.44

Local strike leaders were their own best advocates. In June 1935, they had delivered several affidavits to the first NLRB detailing company support for the Blue Card Union and the violent tactics of the pick-handle brigades. The NLRB sent George Pratt, who directed its regional office in Kansas City, Missouri, to investigate, but nothing happened as the NLRB reorganized. Strikers resubmitted their complaints to the new NLRB in the autumn of 1935. They also appealed to the White House for help as anti–New Deal forces challenged the law in court. Those challenges seemed formidable. In late December, Judge Merrill Otis, a Coolidge appointee on the U.S. District Court in Kansas City, declared the NLRA unconstitutional. The day

after Otis’s verdict, striker John Millner wrote to Roosevelt to remind him that he had “given us the right to organize without fear of being fired.” The strikers had trusted that right when they acted to end conditions that “are not American but more of the lord manor and the surf [sic].” The operators had ignored the law. “We placed our confidence in the Wagner labor disputes bill passed by Congress but little action has been taken yet,” Millner explained. He implored the president “to make these laws stand.”

To build national support, strike leaders began emphasizing the district’s human suffering from occupational injury and disease. “The average life of a miner is ten years,” Millner informed Roosevelt, mainly due to silicosis, but “if a man so much as hints he will stand up for his rights and demands better working conditions he gets fired.” “We have some of the worst working and living conditions to be found anywhere in the country,” Local 15 told readers of the Oklahoma Federationist. “The average life of a zinc miner in this field is eight years,” it declared, and “our wives and children are subject to silicosis” from “the high silicate content of the air from the chat piles.” By emphasizing humanitarian motives, the strikers cast their struggle in terms that appealed to growing widespread concern for the plight of poor people, a concern that was becoming politically potent as journalists and photographers documented those fleeing the Dust Bowl or living hand to mouth in sharecropper cabins. While doing so, the union dropped its criticism of the examination bureau and any suggestion that damaged miners wanted to risk their bodies again. This change mobilized a rhetoric of responsible, breadwinner manhood that had little basis in the recent history of the Tri-State but effectively shaded the Blue Card Union as reckless, destructive, and crucially, athwart the working-class politics of the New Deal.

Mine Mill acknowledged that the Blue Card Union had grassroots support. “This district is noted for its scabby people,” one appeal for support declared. Victory, the strikers now admitted, would require defeating the company union and the strikebreakers who had joined it. If the Blue Card Union prevailed, they warned, it would threaten union workers outside of the district. This appeal recalled the antiscab invective that earlier Western Federation of Miners leaders had used to demonize Joplin strikebreakers. While encouraging help from allies, it also deepened the divide between Mine Mill and Blue Card members.

The New Deal gave the strikers a boost in early 1936 when the NLRB renewed its investigation. Pratt returned to gather evidence in February. Although the union filed complaints against several companies, Pratt recommended charges first against Eagle-Picher. The NLRB scheduled a hearing for May. Pratt believed that the strikers had a strong case but reported that
they were “almost completely beaten.” NLRB action, however, brought fresh support from national allies. Mine Mill leaders returned to the Tri-State to help the locals prepare evidence and testimony. More significant was support from the new CIO. John Brophy, the CIO’s first executive director, advocated on behalf of the strikers with the NLRB. Lewis also monitored the case.48

New Deal labor law was not yet strong enough, however. In May, just before the hearing against Eagle-Picher was to begin, Judge Franklin E. Kennamer, of the U.S. District Court in Tulsa, granted a restraining order and then an injunction against the NLRB pending higher court rulings on the constitutionality of the NLRA. The strikers again verged on total defeat.49

While the strikers waited on the New Deal, the Blue Card Union intensified its demonization of Mine Mill, combining long-standing animosity toward foreigners and radical unions with the rhetorical weapons of fascism. Answering union cries of “scab,” Evans and Hickman called the strikers “bohunks,” “yellow-bellies,” “smelly’ internationalites,” and “undesirables.” They were “the ragged remnants of that cesspool of communistic propagandists,” dupes lured by “the abscess of corruption in the breasts of hired agitators who live off unrest and unemployment.” According to Blue Card logic, these people deserved expulsion or worse. Blue Card members also targeted the AFL, with which Mine Mill was still affiliated. “The A. F. of L. is infested with Reds and communists,” the Blue Card Union’s paper declared in late 1935. AFL president William Green “and his dirty blood-sucking leeches” had “the interest of only one small minority at heart, namely, the racketeers who run the American Federation of Labor.” These attacks drew from an older language of anti-immigrant thought, now adorned with fresh anti-Semitic invective. While Green was not Jewish, the Blue Card Union played on perceptions that many union leaders were, particularly those in the CIO.50

Blue Card leaders backed up their rhetoric with incitement to violence. In late 1935, Evans announced that “hunting season was open and that it was time for the blue card members to go hunting for” Mine Mill holdouts. For Blue Card members, the pick handle symbolized their willingness to attack enemies. “A pick-handle is something like a badge,” member Burt Craig explained; it showed the carrier was a Blue Card man. “These pickhandles we have are our signs,” a back-to-work poem read, “we’ll meet you strikers at the mines.” Joe Nolan, who had led the antistrike march on Picher, became known as the “Pick-Handle King.” He maintained stocks of pick handles at strategic sites to arm members when needed.51

Blue Card leaders told members that strong white men could justly use violence to defend America and capitalism. They were “loyal, true and hard working American citizens” who wanted to provide for their families. Forced
out of work by strikers, Blue Card men fought to “banish slavery” to the dictates of Mine Mill and the AFL. Since they “purged” the district “of the horrible stench,” the union’s newspaper exulted, “white folks can go about their business of personal gain.” OPA leaders portrayed the Blue Card as the latest iteration of the market-driven white nationalism of poor man’s camp lore. “It is doubtful if there is any part of the country where the fundamentals of independent and self-reliant Americanism still are so deeply rooted as they are among the people of this region,” Harbaugh explained in 1936. They were all “white Americans—no foreign or colored labor,” he emphasized, which meant they shared “a fair conception of the wage that can be paid, based on the market price of product.” The strikers, by contrast, were weak headed, corrupt, physically unfit, and dependent on government help. Mine Mill was “composed of unemployed relief workers and dole takers,” Harbaugh claimed, as well as men “whose physical condition relegated them to the ranks of the unemployables.” James Wadleigh, mining editor of the Joplin Globe, concurred, writing that Mine Mill attracted “physical and mental deficient followers,” “semi-broken men” who wanted to “make a living without doing much manual labor.” These charges repeated old associations of racial and gendered inferiority, especially in relation to radical unionism, but with new cruelty toward men who had been denied work, and thus driven to strike, because of workplace injuries and illness that made them actuarially unemployable.52

The Blue Card Union fostered a movement culture that emphasized male aggression in ways that recalled the rough prosperity of Picher’s heyday. Nolan sponsored weekly wrestling and boxing matches at the Picher American Legion Hall. Like his pick-handle brigades, these bouts also glorified violent masculinity. In October 1936, for example, “an enthusiastic crowd” watched as “‘Wild Red’ Berry, the bull of the wrestling ring, sometimes referred to as the Pittsburg Panther, manhandled Pete Baltram at Picher Friday night in a grueling battle . . . staged for the Blue Card union at American Legion hall.” The union also sponsored dances with live music for the wider community. The Blue Card displayed its economic and social power at a picnic to celebrate its first anniversary in May 1936, just days after Kennamer’s injunction halted the NLRB challenge. An estimated crowd of 15,000 men, women, and children gathered at the Miami fairgrounds to enjoy free food, drinks, and games provided by the OPA. Only Blue Card members and their families were allowed in, mocking the desperate plight of those still on strike. The union slaughtered seventeen cows and twenty hogs for the barbeque and provided a full slate of activities, including amusement rides, races, dance competitions, and skill contests such as rolling-pin throwing.
for women and nail driving and shoveling for men. The rally also included three boxing matches. “All we want is the right to peacefully earn a living for ourselves and family,” Evans told the crowd during his “state of the union” address. “We want to work with our picks and pick who we work with, but if we are forced to do this with our pickhandles, thank God, we’ve still got the courage to do it.”

The strikers sought but received little outside help in the summer of 1936 as the CIO and the AFL drifted toward open warfare, despite a presidential election campaign that gave new urgency to their cause. At Mine Mill’s convention in August, Schasteen and McTeer passed a resolution that lambasted Republican nominee Alf Landon for his role during the strike. Meanwhile, Local 111 sent another circular letter to AFL affiliates. By boycotting Eagle-Picher and Landon, Schasteen wrote, AFL members would help Local 111 “assert our rights as free working men” against “strikebreakers” backed by thuggish “attempts to terrorize our people.” “As you know,” he exaggerated, “90 per cent of the strikes in the United States have been broken by scabs from this district.” A strike victory, Local 111 promised, would give the AFL “control over these men.” At the OFL convention in mid-September, McTeer offered resolutions on behalf of Local 15 opposing Landon, calling for a boycott of Eagle-Picher, and proposing a congressional investigation into silicosis and other occupational diseases. While the convention supported Local 15’s resolutions, the relationship between the two was doomed. Ten days earlier, the AFL executive council had suspended the CIO unions, including Mine Mill. Despite support for the strikers from the convention floor, OFL leaders meeting in executive session cut all ties with Mine Mill.

The remaining strikers faced the bleak prospect of never working in the mines again. The OPA used its control of the Blue Card Union and its self-described “control of employees through physical examinations” at the bureau to cleanse payrolls of suspect men. Several hundred strike supporters were blackballed. Some men were excluded for being friends or neighbors with Mine Mill members. The Blue Card continued to monitor those who renounced their membership. If a worker “said anything against the Blue Card Union, or said anything that sounded like you favored the ‘International boys,’ you got sent to the clinic for an examination an’ came out with an ‘F’ card and no job,” Mr. M. explained in 1939. Here the rhetorical assertions that the strikers were damaged men facilitated employer use of the bureau to enforce obedience and conformity to the Blue Card. If Mine Mill appealed to men who were physically unable to work, and it had with criticism of the examination bureau in 1934, then sympathy with Mine Mill was said to indicate physical and mental weakness and thus mark them as an
ongoing risk in terms of ideology and insurance liability. One miner who could never fully submit to the Blue Card, even though he was not a diehard Mine Mill man, faced years of discrimination. “Somehow I could never pass the physical examination” after 1936, he recalled in the 1950s, “and without my card I could not work.” Meanwhile, Blue Card members who otherwise would have failed their examinations received cards with passing grades. According to the Blue Card Record, Nolan, whose father had died of silicosis in 1919, interceded on behalf of “1300 of these men who received hospital cards in spite of the fact that they had injuries and deformities ranging from rupture to crooked back bones.” They were safe employees who knew not to file a compensation claim.55

Blue Card members, meanwhile, reaped material rewards from their allegiance to Evans and the OPA as the economic recovery, spurred by New Deal measures, boosted activity in Tri-State mines. In 1936, with prices above thirty dollars per ton for the first time in months, mining companies produced 428,524 tons of zinc ore and 52,256 tons of lead mineral worth more than $16 million, the highest totals since 1929. Production continued to boom as ore prices moved over forty dollars per ton in early 1937. According to the OPA, 5,200 men had jobs in the district’s mines, mills, and smelters, more than at any time since the 1920s. These workers also received higher pay as companies raised wages on the sliding scale seven times between November 1936 and March 1937. Machine men now earned 69.125 cents per hour and shovelers worked for 14.5 cents per large can, the highest rates since the Great War. Many were longtime residents who understood the significance of these raises. Some of them had gone on strike in 1935. Others were new to the district, such as Elven “Mutt” Mantle, an Oklahoma farmer who took work as a shoveler at Commerce Mining after moving to Ottawa County with his wife and son, Mickey, in 1935. Now, they all carried blue cards and fat pay packets.56

Many Tri-State miners looked at conditions in the spring of 1937 and saw a validation of white working-class ideals they had long held. Their economic prospects were the best in years. As Blue Card members, they had status in an organization that rewarded loyalty to employers and the market, their race and nativity, and their sense of themselves as strong men. They were proud of these commitments. From their perspective, Roosevelt’s resounding victory in November 1936 on a platform that championed the common man offered further evidence, at least in their reading. More than 61 percent of Ottawa County voters chose Roosevelt for reelection; they swept Republicans from every county office. Democrats had lived up to their 1932 prom-
ise to restore prosperity. Most Tri-State miners considered these triumphs hard won, the result of their willingness to fight, and not of the generosity of elites. Blue Card men told themselves that they broke the 1935 strike on behalf of the district’s majority, a view that revived the long local tradition of fighting against radical minorities and strangers. They considered Mine Mill a threat from outside and the strike the illegitimate scheme of sick, lazy subversives. Now, with OPA support, Tri-State miners thought they again had power. But Mine Mill did not give up. The few remaining strikers saw their own redemption in Roosevelt’s triumph and the CIO’s surge in major industries. Blue Card miners welcomed the fight. To many, Blue Card and Mine Mill alike, the outcome had never been more urgent.

Following Roosevelt’s crushing victory, Mine Mill restarted its organizing campaign in the Tri-State in December 1936. Cut off from the AFL, CIO unions launched a series of such drives to harness working-class enthusiasm for a more confrontational, democratic union movement. In steel, automobile, and rubber factories, the CIO targeted the unorganized and those who were unhappy with conservative, exclusive, company-friendly AFL unions. Mine Mill’s new president, Reid Robinson, believed that the men of the Blue Card Union could be convinced to join the CIO and that the strikers could still win. Robinson explained that “it was decided the only way to get justice for those still striking was to reorganize the district, taking into the organization those who had been forced to return to work.” McTeer and Schasteen led the campaign but kept meetings small and secret. They looked to the Roosevelt administration for help. Schasteen wrote to the president at the start of the push to ask for a federal “investigation of conditions in this District” and urged Roosevelt “to give this matter your personal attention.”

Blue Card leaders were on high alert, however, as the CIO made stunning advances elsewhere. In February 1937, sit-down strikers in Flint, Michigan, forced General Motors to grant a pay raise and recognize the United Auto Workers, a major victory that gave the CIO new credibility. Three weeks later, in early March, CIO steelworkers signed a collective bargaining agreement with U.S. Steel, a corporate behemoth long opposed to unionization. The Blue Card Record denounced the sit-down strike tactic as foreign-inspired radicalism. Tri-State workers were “Americans and Americans don’t do business that way,” an editorial commented. In early March, the paper reported that “trash of the international” were trying to infiltrate the Blue Card Union. Targeting this “danger from within,” the paper’s editor declared that “the spirit of May 27, 1935, is still alive,” “the spirit which inspired some 2,000 men to shoulder pickhandles and march down the streets of Picher with the determination to knock hell out of anyone who opposed

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the reopening of their jobs.” The paper warned “that there are many more now than there were then willing to shoulder pickhandles” to keep the district “free from the cancerous corruption of rednecked radicals.” The Blue Card Union thrived on these kinds of threats, which echoed, almost word for word, the language Joplin strikebreakers had used in Idaho and elsewhere almost forty years earlier. After four months, McTeer and Schasteen reported little progress. Robinson blamed “the fear of the workers not only of losing their jobs but of physical violence from the hands of the Blue Card Company Union.”

Mine Mill decided “to bring the program out in the open” with a rally that would enlist the growing power of the CIO. Robinson, McTeer, and Schasteen planned to hold it in Picher on April 11. Robinson invited Lewis to speak. Not only had the CIO just defeated two powerful foes, but now the courts seemed ready to support federal labor rights. On March 29, following Roosevelt’s proposal to reform the federal judiciary, the Supreme Court for the first time issued rulings in favor of the New Deal. Crucially for the CIO and Mine Mill, the court’s ruling in *Virginia Railway Company v. System Federation No. 40 et al.* indicated that it would uphold the NLRA. Mine Mill announced the Picher rally days later. Although Lewis declined the invitation, he expressed strong support for the campaign and his hope “that it will meet with deserved success among the metal miners of this district.”

Blue Card leaders responded as promised, with ferocity. On April 10, Evans convened a meeting of around 400 ground bosses and foremen. He told them to make sure that all Blue Card members took to the streets the following day for a “show of strength” against Mine Mill. Evans explained that everyone was expected to participate and that those on Sunday shifts would have the day off to do so. He also promised to provide plenty of food and booze as well as pick handles, “our emblem.” That night, Nolan told another large gathering of Blue Card men that Robinson and Mine Mill had to be stopped if they wanted to keep working. He promised to arm them with pick handles and, if necessary, machine guns. He assured the crowd that there would be no legal consequences for their actions. In case anyone doubted, Picher police chief Al Maness was standing behind him. Mine Mill leaders, including Robinson, who was in Joplin preparing to address the rally, warned county and state officials that Evans and Nolan were planning violence. Their concerns were dismissed.

Several thousand Blue Card men gathered in Picher on the morning of April 11, most of them carrying pick handles, many already “liquored up.” They roamed the streets looking for Mine Mill members. “It wasn’t long before C. I. O. sympathizers’ heads were bouncing off the cudgels,” the Blue
Card Record later exulted. A Blue Card mob attacked Clifford Doak and Lester Wakefield with brass knuckles and pick handles for wearing CIO pins. Another mob raided Local 15’s meeting hall, where they found no people but destroyed union files and property. Similar fights and scuffles erupted throughout Picher and surrounding towns that morning. The authorities did nothing to stop the Blue Card riot. By noon, Robinson had canceled the rally and everyone allied with Mine Mill had fled Picher. To trumpet their dominance, “Blue Card workers kept up a constant pounding on the pavements and sidewalks with their pick handles.”

Blue Card leaders now looked to destroy the strike once and for all. With mobs in control of Picher, Nolan falsely announced from a sound car that CIO members were regrouping in Treece. Hundreds of drunk, pick-handle-wielding Blue Card members made the two-mile journey across the state line to Local 111’s meeting hall, where they thrashed the few remaining Mine Mill members, ransacked the property, and stole all of Local 111’s files. With Treece under Blue Card control, Evans and Nolan announced, again falsely, that Mine Mill was regrouping at Local 17’s headquarters in Galena. As the pick-handle force made its way, Blue Card leaders broadcast an appeal for more supporters on a Joplin radio station. More than 500 armed Blue Card men arrived in Galena that afternoon brandishing pick handles and guns.

This time, however, Mine Mill members stayed to defend themselves. As the mob gathered in front of Local 17’s Main Street meeting hall, Lavoice Miller, a Blue Card member, shattered one of the windows. The Mine Mill men fought back. “It was man against man and at stake was work to put food on our tables,” one later explained. They shot into the crowd. Several Blue Card men were hit, including Miller. The shooting continued sporadically until some in the pick-handle mob detonated smoke bombs. The mob took away nine wounded while the Mine Mill men slipped out the back. As the smoke cleared, the district’s mines and mills resumed operations the following day with no disruption. Robinson praised the Local 17 men for defending themselves even as he regretted the resort to violence. He blamed local authorities for not heeding his warnings. Meanwhile, Evans pledged that the Blue Card Union “will continue our attempts to prevent C. I. O. unionization of this territory.”

Blue Card leaders next took the extraordinary step of enlisting the AFL against their CIO foes. They were concerned about the resilience of Mine Mill’s reorganization campaign, not because they believed it would prevail but because they worried that the Supreme Court would uphold the NLRA and reopen Mine Mill’s charge of unfair practices with the NLRB. Mine Mill’s former OFL ally G. Ed Warren had arranged talks on March 29 be-
tween Blue Card leaders and William Green. They thought AFL affiliation would make the Blue Card Union legitimate according to the law and thus nullify Mine Mill’s claims. On April 12, the day after the Blue Card riot, the Supreme Court realized their fears by ruling the NLRA constitutional. Green gave the negotiations with the Blue Card his full support on April 13. Three days later, Evans and Warren signed an agreement in Tulsa. The AFL incorporated the Blue Card locals as directly-affiliated federal labor unions while it waited on the 1937 convention to ratify a new charter. The Blue Card Union internal structure remained unchanged, with its current leaders in place and its sliding-scale contracts with district companies in force, now with AFL approval. Both sides referred to the recent violence in Galena as the impetus for the deal, which promised, according to an official announce-ment, “to bring industrial peace to the Tri-State District.” Evans declared that the Blue Card and the AFL were in “absolute accord” and would work together to “drive out of all industry the lawless labor element that threatens
the peace and security of the nation.” Robinson, meanwhile, was stunned that the AFL “would stoop so low.”

The Blue Card Union ratified the affiliation at a mass meeting of more than 5,000 people, including many women and children, in Miami on April 18 that indulged the district’s long-standing working-class assertions of white, nativist self-interest. The Blue Card Record billed it as “the greatest protest demonstration against the C. I. O. ever to be staged in the United States.” Speaking first, Evans explained that the Supreme Court’s decision on the NLRA forced them “to do something” or otherwise risk Mine Mill winning through the NLRB. Kelsey Norman assured members that the AFL was aligned with Blue Card principles because it “is opposed to strikes,” especially the un-American sit-down tactic, and classified CIO members as “scabs” whom it would not allow to work in Tri-State mines under the Blue Card contract. In addition, he stressed, the AFL also wanted to make the Blue Card Union the “sole bargaining agency” for all metal mine and smelter workers in North America at its next convention. “The downfall of John L. Lewis has already begun.” Norman promised that the AFL would see “that you get everything on earth that American labor is entitled to in this district.” In a question-and-answer session that followed, Norman gave two key responses. He repeated the union’s commitments to current contract terms, including the sliding scale. Another miner asked if the new affiliation meant that “we will have to work with niggers and wops.” Norman reassured the thousands gathered that “there is not any place in this organization for them.”

Blue Card members approved the affiliation with authoritarian bravado. “If you believe in this new affiliation, every man who carries a Blue Card please stand up and raise his right hand,” Nolan instructed. “Five thousand right arms, uplifted as one,” responded, according to the local press, and “gestured defiance” to the CIO. Then, after the crowd sat, Nolan ordered all those “contrary to this agreement stand up and get knocked down.” No one stood. Amid the ensuing backslapping and congratulations, organizers played “Happy Days Are Here Again,” President Roosevelt’s 1932 campaign theme song, over loudspeakers in a building constructed by FERA. Many no doubt thought they were acting in accord with the true New Deal. Five days later, Green welcomed Evans, Nolan, and Hickman at his Washington office to charter the three Blue Card federal labor unions.

In late May, the Blue Card leaders attended the AFL’s special executive council meeting in Cincinnati, where Green planned to launch a national counteroffensive against the CIO. The Blue Card Union was its first victory. Green reaffirmed his goal to give the union jurisdiction over all “workers
in the zinc lead mining industry.” Evans asked what would happen if Mine Mill returned to the AFL fold. Green pledged “assurance from this Executive Council that nothing will ever be done that will disturb the relationship of your group with us.” The following month, the Blue Card also affiliated with the OFL.67

In their drive to destroy the CIO, AFL leaders capitulated to the federation’s most reactionary tendencies by admitting the Blue Card Union. The AFL gained 8,000 dues-paying members by taking in the company union, an important counter to CIO gains. In time, Green hoped to build it into a national union that would replace and ultimately destroy Mine Mill, an old idea that recalled Samuel Gompers’s efforts against the Western Federation of Miners in 1899. Green considered Mine Mill the most vulnerable CIO union, and both Green and Warren seemed to believe that the Blue Card Union was bona fide.68

Although a few AFL locals denounced the deal, Green dismissed their accusations of cynicism as CIO-inspired propaganda. “We responded to the request of the metal miners in the Tri district to become organized into the American Federation of Labor,” he explained. In private correspondence, Green also reiterated plans “to make the organization established among the metal miners in the Tri district a functional organization, serving the economic and industrial needs of the workers and established upon a sound and secure” AFL basis. Meanwhile, Warren greeted the Blue Card’s delegates to the 1937 OFL convention “as brothers in the great army of organized labor.” The AFL ratified the Blue Card charter at its annual convention in Denver that October, with Evans, Nolan, and Hickman in attendance. “We are confident that through said affiliation and the establishment of a cooperative relationship, that the economic and industrial interests of these metal miners can be promoted in a most substantial and satisfactory way,” the official proceedings declared.69

Now with AFL backing, the Blue Card Union reveled in its founding commitments. “Technically we are now operating under the general policy laid down by the” AFL, the Blue Card Record stated in May 1937, but “really we are still the Blue Card Union in every respect and as such we intend to remain.” The union reaffirmed its apparent triumph with a second-anniversary picnic in Miami on May 27. More than 20,000 people, the largest gathering in the history of the county, enjoyed another day of contests, music, free barbecue, and speeches. Green sent a welcome message and his “personal felicitations.” By joining together, he explained, the AFL and the Blue Card Union “stand for the preservation of our democratic form of government and for the protection of American institutions against every onslaught which may

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be made upon them by subversive forces.” Warren addressed the throng in person. He congratulated the Blue Card for becoming “the first independent organization to come in the A. F. of L.” in its fight against the CIO. By all accounts, everyone enjoyed the “continuous entertainment” with no fights and no arrests for drunkenness.70

The Blue Card counterattack decimated Mine Mill in the Tri-State. The riots of April 11 halted the union’s reorganization drive. Worse still, local authorities charged ten Mine Mill members with murder after Lavoice Miller died from his wounds. McTeer and Cassell, with Robinson’s help, formed the Galena Defense Committee to raise defense funds. Meanwhile, the Blue Card’s AFL charter, its leaders’ visits to Washington, and public support from Green and Warren made Mine Mill seem pathetic and illegitimate. “We regard the C. I. O. men as non-union workers,” Warren told the press. The strikers were on the edge of total defeat. “We have suffered a crushing set-back here and our situation is desperate,” Cassell informed Lewis.71

The CIO offered little direct help. After a winter of amazing gains in 1936–37, the international suffered a series of startling setbacks as companies pressed an array of harsh tactics. The Ford Motor Company and the smaller steel producers collectively known as Little Steel mobilized anti-union vigilantes to stop CIO progress. Starting that summer, in the wake of these bloody defeats, CIO unions also faced a national economic crash that hit its strongholds in mass production industries hardest. During the year-long recession, new members struggled to pay dues, which cut organizing funds. Already weak, Mine Mill barely survived. By June 1938, only 27,000 of its 46,000 members paid dues. It stayed solvent because of a $10,000 loan from the UMW. In the Tri-State, the UMW was the only union to come to the aid of Mine Mill. David Fowler, the president of UMW District 21, which covered Arkansas and Oklahoma, fought back against the AFL and Green for recognizing a company union created “to defeat the interests of organized labor.” He formed a council of CIO unions in Arkansas and Oklahoma to challenge the AFL “and its affiliated scabs.” If Green and Warren wanted “war,” Fowler told the press, “we are willing to declare it.” While the fight energized some CIO forces, Mine Mill’s remaining members in the Tri-State rightly felt exposed. They “have become more or less disgruntled,” Robinson admitted at Mine Mill’s August 1937 convention. Although police dropped charges against the Galena ten, remaining members were angry at the CIO for not doing more to help them and consumed with “bitter feeling” toward the thousands of men in the Blue Card Union. Robinson warned that any reorganization in the Tri-State would be painstaking.72

The strikers’ only hope was the NLRB. The Tenth Circuit Court of Appeals

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lifted Kennamer’s injunction in July 1937, which allowed the board to re-
join its scrutiny of the relationship between Eagle-Picher and the Blue Card
Union. In early November, the NLRB charged Eagle-Picher with a series of
unfair labor practices stemming from the strike. The board began hearings
in Joplin in early December. William Ringer, who left his Indiana law prac-
tice to join the NLRB, served as trial examiner. William Avrutis prosecuted
the NLRB’s case in close cooperation with Mine Mill’s local lawyers, Louis
Wolf and Sylvan Bruner. In hearings that lasted until April 1938, the NLRB
collected thousands of pages of evidence and heard testimony from dozens
of witnesses on all sides of the dispute. It did not see the internal records of
the Blue Card Union, because those were destroyed when Evans’s car mys-
teriously burned. Nor did the board see the records of Mine Mill Locals 15,
17, and 111 because Blue Card rioters destroyed those on April 11. The Blue
Card Union had hoped for legal cover from the AFL, which prepared to send
chief counsel Charlton Ogburn until Ringer ruled that the federation was
not a party to the case when the original complaint was filed. Even without
AFL backing, lawyers for Eagle-Picher and the Blue Card claimed that it
was a real union with grassroots support. Meanwhile, the Blue Card Record
accused the NLRB, led by Avrutis, with his “nice sweet bolshevick name,”
of propping up the illegitimate CIO. Avrutis’s sympathies were strong. He
boasted to NLRB regional director George Pratt of his desire to attack Eagle-
Picher and the Blue Card with “gleeful malice.” Avrutis later called the case
“one of the highlights of my entire life,” because “we were in a righteous
cause” to “do something about bringing, in a real constructive sense, law and
order to what was a wild area.” Both sides delivered closing arguments on
April 28. They would wait for months for Ringer’s ruling.73

AFL leaders continued to support the Blue Card Union after the NLRB
hearing, despite damaging revelations about its links to Eagle-Picher and
other companies. Its Blue Card charter had spearheaded an aggressive
strategy of launching conservative unions to rival CIO counterparts; the
AFL chartered similar unions among glassworkers, coal miners, and auto-
workers. The main Kansas City local of the United Auto Workers–AFL,
chartered in early 1939, also became known as the Blue Card Union. Green
accepted Evans’s resignation in November 1937 in the hopes that new
leadership might deflect Mine Mill’s charges; Nolan replaced him, with AFL
approval. Green told the executive council in May 1938, a month after the
NLRB hearings ended, that he still expected the Blue Card to become the
AFL union for all metal miners. The AFL had revoked Mine Mill’s charter
in February and was supporting Blue Card–like countermovements among
metal miners in Alabama, California, and Idaho. Like Eagle-Picher and Blue
Card leaders, the AFL executive council accused the NLRB of unfair bias in favor of the CIO. By 1938, the executive council supported or led conservative attacks on the board, often with full-throated anti-Communist invective. Whatever Ringer ruled, Blue Card leaders expected the AFL to protect “the interests of the workers who have consistently fought the C. I. O.”

The NLRB’s intermediate report, issued in August 1938, blasted Eagle-Picher and the Blue Card Union. Ringer found Eagle-Picher guilty of violating the NLRA by promoting a company union in order to deny its workers their right, under the law, to choose their own representatives. He ordered the company to sever all connections to the Blue Card Union, to stop preventing workers from joining Mine Mill, and to reinstate more than 200 strikers with back pay. While the CIO hailed the initial outcome, Ringer’s report still needed final confirmation from the NLRB in Washington. No one knew how long that might take. Pressing its advantage, Mine Mill filed similar charges with the NLRB against the smaller mining companies. In the meantime, the AFL and OFL both backed away from the Blue Card Union without explanation.

CIO and Mine Mill leaders hammered the AFL with these conclusions. The editor of the CIO News called the federation’s executive council a bunch of “misleaders, who claimed to be labor men and yet spent most of their time fighting the rank and file in the interests of the bosses” by creating fake unions. “A prize example of the phoney ‘union’” was the Blue Card, he said, a group that “specialized in vicious attacks on organized labor, which it carried to the extent of arming mobs to smash union halls and beat up union workers.” The line of attack bolstered the CIO in the region. Fowler’s Arkansas-Oklahoma Industrial Union Council met in December 1938 with over 200 delegates and 1,000 visitors. The UMW still led the way, but now alongside growing CIO unions in the glass, furniture, retail and wholesale, and oil industries, as well as Mine Mill, which was making headway among smelter workers in Bartlesville.

Back in the Tri-State, the few remaining strikers, led by McTeer and Cassell, called for federal action to address the district’s health crisis. With little recourse between a wounded Mine Mill and Blue Card “fascism,” Cassell appealed to the two most powerful women in the federal government, Secretary of Labor Frances Perkins and First Lady Eleanor Roosevelt, in August 1938. “Only the federal government will help us,” he told a Perkins deputy. Cassell asked for the Department of Labor to launch a new health and safety investigation that privileged workers, not the companies, as the Bureau of Mines had with its clinic. “We will immediately send plenty of factual and documentary evidence that men are dieing like flies and that 8 out of every 10
women in this district are widows, 75 percent of the children orphans,” he informed Roosevelt. Both women voiced support, although Perkins’s Division of Labor Standards proceeded timidly as conservative opposition slowed the New Deal after the 1938 election. Meanwhile, the International Labor Defense and the National Committee for People’s Rights, both Communist-affiliated advocacy groups allied with Mine Mill, began campaigning on their behalf. The National Committee for People’s Rights established the Tri-State Survey Committee to investigate conditions in the district. In early 1939, the committee sent social worker Mildred Oliver to conduct fieldwork in Picher. It also enlisted Sheldon Dick, a documentary photographer who had recently been to Picher on assignment for the Farm Security Administration. In October 1939, the committee released a preliminary report that revealed—with firsthand accounts, statistics, and Dick’s photographs—grim housing, sanitation, and public health conditions. Despite recent OPA attention to dust abatement, the Tri-State was a “death trap,” the report stated, where a whole community suffered the “denial of the basic rights of decent living.” The same month, L. S. Davidson, a former Picher teacher, corroborated the report with a semifictionalized account of the strike and its defeat, *South of Joplin*, published by W. W. Norton. Coming at once, these interventions brought new national attention to the conflict in the Tri-State.

Then, in October 1939, the NLRB gave the strikers a victory by sustaining Ringer’s conclusions. The board confirmed his orders against Eagle-Picher and upheld the reinstatement of as many as 200 workers, most of them Mine Mill members, with back pay that totaled over $500,000. Keen to avoid such a payout, Eagle-Picher appealed the ruling to the Eighth Circuit Court of Appeals in November. The operators were not totally defiant, however. The Blue Card Union quietly disbanded its locals. Newly confident, Mine Mill launched a reorganization drive in the Tri-State. The CIO sent Gobel Cravens and Jim Ferns, the son of Rube Ferns, who organized in the district in the 1910s, to help McTeer and the remaining local leaders.

Mine Mill made workplace health and safety the basis of its new campaign. The union was determined “to show the workers how to get the things they need to free themselves from misery and death—by organization,” its newspaper declared in late 1939. “With a Labor Board decision finally handed down in their favor, and with a renewed organizing drive under way, the miners and their wives and their children in the Tri-State are fighting to live like Americans and human beings.” McTeer believed a focus on the common problem of silicosis could heal the divide between Mine Mill and the Blue Card men. “We know these conditions,” McTeer told them. “Let us fight for health. There is death in the mines for our friends and our enemies.
There is no distinction between our lungs.” “Let’s all get together,” he urged, “to make mining fit work for human beings.” For many activists, the focus on silicosis meant more than strategy. Many of those trying to rebuild Mine Mill also suffered from the disease. According to the union, of the more than 500 men involved in the initial 1936 NLRB complaint, seventy-eight had already died, and about half of those still living were sick with silicosis. Tony McTeer was one of them.79

For the first time since NRA days, Mine Mill supporters in the Tri-State had both momentum and strong outside support. According to McTeer, the union added 300 new members in the month after the NLRB ruling, which gave it close to 500 total members in the district. The Blue Card Union was now gone. In early 1940, Frances Perkins announced that the Department of Labor would hold a conference in Joplin to focus attention on the silicosis crisis. During the April conference, Sheldon Dick and Lee Dick screened their experimental documentary film, *Men and Dust*, which was based on the Tri-State Survey Committee’s preliminary report and narrated by actor and activist Will Geer. Eleanor Roosevelt also watched it in the White House. In her nationally syndicated My Day column, she expressed hope that the film would “awaken the interest of the people of the United States to make it easier for the unions to obtain proper working and living conditions.”80

Yet the people of the Tri-State would themselves remain suspicious of, and in many cases hostile to, both union and government interventions. After its promising gains in late 1939, Mine Mill’s campaign stalled. In April 1940, when Perkins spoke at the Local 15 union hall, “700 to 800 persons” turned up, including members, visitors, and their families. Three years before, the Blue Card Union had turned out 20,000. In June, Mine Mill received another boost when St. Louis Smelting and Refining Company, a National Lead Company affiliate that operated a big mine outside Baxter Springs, pledged to reinstate twenty strikers with back pay and abide by “the spirit as well as the substance” of the NLRA. Anticipating lucrative defense contracts, the company squared its account with the federal government rather than risk renewed NLRB scrutiny. It was “a big victory for the union, moral victory as much as otherwise,” McTeer declared, “which will pave the way for organization into a real, legitimate union for the purposes of collective bargaining.” To generate support, he convinced Mine Mill to hold its 1941 convention in Joplin. The union added sixty more members in the months that followed the St. Louis Smelting announcement, but it still needed more than moral victories to build a “real, legitimate union.”81

Mine Mill advocates argued that unreliable federal backing between 1934
and 1939 made many miners too afraid to insist on their rights. “They know they have troubles aplenty, and what they are,” McTeer told Perkins during the conference, “but they also know false hopes when they see them.” “They have been fooled too often,” he explained, “so that now they don’t let themselves in for another deception.” Another union member explained that it was hard “to get these boys to admit they’d like to have a union, ’cause they’re afraid lettin’ it be known they think that way might mean their jobs. I guess they remember, or have heard about how it used to be in the ’Blue Card Days.’” McTeer and other organizers believed that most miners wanted to join Mine Mill and that sustained federal attention would give them the courage to do so.82

It was dangerous to claim, however, that the long-standing conservatism of white American men could be overcome so easily. Many Tri-State miners remained loyal to the spirit of the Blue Card Union and full of enmity toward Mine Mill and the CIO. Evan Just, the new OPA executive secretary, reminded Perkins that Mine Mill, the Department of Labor’s choice to speak for workers at the conference, “only represents an extremely small minority.” “The real workmen in this district are not represented here today,” he added. They stood aloof by choice, Just asserted, unwilling to follow work-shy radicals in the CIO. Rarely, however, did these people speak in public for themselves after 1939. At the Perkins conference, Cliff Titus, a preacher from Joplin, tried to give them voice. “The men who work in the Tri-State area are Americans, white Americans,” he said. “They have quite a tradition behind them; they are pretty independent; they don’t like to be bossed very much.” Titus was sure of their commitment to the district’s conservative traditions. “We are Americans,” he declared, “and we believe in that individual opportunity, initiative and responsibility that goes to make America.” These were partisan views in 1940, and Perkins did not accept them as gospel. And yet, years later, locals would hint at the resonant power of the Blue Card. “For years the story would be told of how a labor strike was broken with pick handles,” historian Velma Nieberding wrote in the 1980s. The story of that strike and its end, she explained, yielded “old grudges” that “would grow, cancer-like in the hearts of many.” In 1975, another miner, a Mine Mill member, insisted on anonymity when talking to a reporter about the strike. “Even after 40 years feeling runs pretty high when you get on that subject,” he said. The reporter held tangible evidence of that high feeling in his hands, “a souvenir of those days,” proudly preserved: “A pickhandle, inscribed in red: ‘Sunday morning, April 11, 1937, Labor Demonstration, Picher, Okla. Blue Card Union, miner’s strike riot.’”83

Despite federal intervention and Mine Mill’s claimed resurgence, most
miners could not deny the formidable power of the mining companies, whether they wanted to join the CIO or not. None was mightier than Eagle-Picher, which had bought its next-biggest competitor, Commerce Mining, for $10 million at the end of 1938. By 1940, the firm’s production was more than double the combined output of the next two biggest companies, Federal Mining and St. Louis Smelting. Workers had reason to respect Eagle-Picher. Despite the downfall of the Blue Card Union and the contrition of St. Louis Smelting, Eagle-Picher continued to discriminate against actual or suspected Mine Mill members as it fought the NLRB ruling. “If you join the union, you lose your job,” some men told occupational health scientist Alice Hamilton during the Perkins conference. To get hired, miners still needed a ground boss’s good word, which required a reputation for loyalty. Eagle-Picher communicated its idea of loyalty by hiring former Blue Card officers Glenn Hickman and Joe Nolan; it also kept close ties with Mike Evans. Eagle-Picher offered some favors in exchange. Its in-house personnel decisions weakened the OPA’s role in certifying prospective workers; the OPA closed the examination bureau in 1939 for lack of use. This made it easier for the company to relax health requirements for men it wanted and to exclude those it did not. Some men prospered by loyalty to the company; Mutt Mantle had risen from a shoveler to a shoveler boss to a ground boss.84

By 1940, most miners in the Tri-State were happy to hold jobs, with little energy or leverage to rebel, as they had in the past, because the district’s industrial structure was changing, its scale shrinking. The recession of 1937–38 rocked the district. Total employment in its mines and mills fell from 6,000 to 4,500 in twelve months. “The lack of job security,” Mildred Oliver reported, dominated her discussions with families in early 1939. That year’s economic recovery, spurred by defense industry growth, revealed a new way of working. With no new ore discoveries since 1914, operators restructured production methods by reprocessing old chat piles, work that existing mill employees could accomplish. Between 1934 and 1939, companies produced 29 percent of the district’s ore this way. Underground production ran less than half the all-time-high levels of the mid-1920s. It is telling that, of the entire 1930s, miners registered the best year of new ore production in 1930, with over 355,000 tons; that year had been the worst year by far since 1921. In 1940, miners produced only 330,000 tons of new ore. Companies also deployed more machinery. Fifteen years of mining had cut cavernous expanses that finally made mechanical loaders and diesel trucks easier to use. The job of shoveling was no longer so important and certainly not so lucrative; the best job now was machine man or in a mill, above ground. Overall, the operators now needed fewer workers, especially in the mines. In late

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1941, despite rocketing wartime ore prices, they employed around 5,000 men total, a small increase from the low point of the 1937–38 recession. People were leaving. Mine Mill leader Ted Schasteen moved to California, along with many others. Picher’s population fell by 25 percent during the decade. Tri-State workers lost hope in a new boom, even though another world war loomed.\(^8^5\)

Whether nonunion out of fear or conviction, working-class men remained committed to an ideal of aggressive, physical strength that now informed a defensive, cruel pride, a self-satisfied meanness. Mine Mill could not shed the stain of illness, weakness, and inadequate men; the operators made sure of it. They were not “real workmen,” the OPA declared. In statements to the press, Just blamed the silicosis crisis on “the remnant and offspring of a host of derelicts” who chose to live in “degradation and squalor” and were “mentally or physically unsuitable for employment in mining.” The plight of Tony McTeer, who was incapacitated in a Joplin hospital by 1941, seemed to prove the point. These charges resonated among men who continued to indulge in casual violence off the job. When Lawrence Barr started working in the mines in 1938, he recalled, Picher was “a pretty tough little town,” something he and other men took pride in. According to his wife, Theo Sisco Barr, whose father was a first-generation Picher miner, the work made people “mean and rough and tough, and I don’t think there was nothing they wouldn’t do.” Long-time Picher resident Orville “Hoppy” Ray, who was born in 1925, concurred. “Most miners died before they was forty-five years old, but they were hard-rock miners—hard living.” On Saturday nights, he recalled, “you’d see four, five, or six fights. Old knockdown drag-out fights. Everybody stood around and watched.” John Mott, who was born in Picher in 1927, also remembered the hardness and violence of the place when he was growing up. “The miners would go down to the bars and they were tough, hard-working people,” he said, “and they drank and fought. Some would rather fight than eat.” Theo Sisco Barr emphasized that many men took the violence home. Miners “got drunk and cut each other up with knives,” she recalled, or “beat their wives and kids.” According to her, brute male force dominated community and private life in the Tri-State after the 1930s. “You could beat your wife and kids and cuss the government or do anything you was big enough to do,” she said. “That’s the truth.”\(^8^6\)

Women talked bluntly about the costs of living with Tri-State miners and the legacies of those who came before them. By the early 1940s, 206 families—more than 1,500 people total, one-fourth of Picher’s population—were headed by widows or wives of miners who were too sick to work. Mrs. R.
came to Picher in 1915 from Arkansas with her husband and eight children. “When we got here,” she told Mildred Oliver in 1939, “we wuz as stout a family then as you’ve ever seen.” Since then, her husband and three sons “all took the miners’ con and died.” “Now there’s only me an’ the girls left.” Her oldest son died at age thirty-one, leaving behind a widow and four children. Her second son died at age twenty-six. Her youngest son died at age eighteen. Some women knew the district would kill their husbands and urged them to leave. “Picher never struck me as a healthy place to live,” Mrs. D. told Oliver. “I wuz always tryin’ to git Tom to leave ’en go somewhere else but he wuz born around the mines an’ liked workin’ in ’em, an’ he never did see my point, right up until he died of ‘the con.’” Mrs. P. admitted, “Ever since I come to Picher I wished we could leave the minin’ country an’ go back to farmin’.” But her “husband died of miners’s con” after a series of gruesome hemorrhages. Now her son was sick. She had two healthy sons left and wanted “to get away from here more than I ever did ’cause I want to keep these last two out o’ the mines if I can.” Mrs. I., who had lived in the district since 1928, said her husband “stayed working in the mines long after he should have stopped.” He was strong but would “never admit that he was sick, and he held up so well that it wasn’t until almost the end that I realized he had TB.” She never believed the district’s promises and wanted to leave. “I always begged him to git out,” she told Oliver, “but we never could put by enough money to take the risk of making a change. I never liked this mining business because, for one thing, we couldn’t ever save anything while he was working.” During her 1940 visit, Perkins met with a group of mining women like these, all silicosis widows. “Some of them spoke with bitterness, and some with question, and some with resignation,” she said. But they spoke.87

Many women hoped that the federal government would bring help. Evelyn Hannon was twenty-seven years old in 1940, a wife and mother of four who had lived her whole life in Cherokee County, Kansas. “I hardly know how to begin,” she wrote Perkins following the April conference. Her thirty-three-year-old husband, William, who moved to Treece from a nearby Oklahoma farm in the 1920s, was a striker still loyal to Mine Mill. But he had not worked since receiving a failing examination grade in 1935. Her father, who died in 1934, had been a shoveler. “We are afflicted with silicosis,” Hannon told Perkins. “We have lived in this dust so long.” They wanted to leave the district and hoped that the government could provide information about where to go. “We are willing to work if we have a chance,” Hannon pleaded. Picher resident Edna Carey wrote to Perkins with information about her sister, Helen Bennett, whose husband had recently died from silicosis. Carey
urged Perkins to do something because Bennett was now alone with three young daughters. “Your labor fight has been a brave one,” Carey concluded, “but please, don’t forget us down here.”

In October 1940, a full six months after the Joplin conference, the Department of Labor announced the outcome of the gathering: the formation of four committees to investigate the district’s problems. The committees covered occupational hazards, social and health issues, workmen’s compensation, and housing. If women like Evelyn Hannon and Edna Carey expected forceful action, this was not it. None of those appointed to serve on the committees could claim to represent the miners or their families. Those who came closest—George Maiden of the Kansas State Federation of Labor, Thelma Levering of the OFL, and David Fowler of the UMW and Oklahoma CIO—were all union officials with no firsthand knowledge of the district. No one from Mine Mill, locally or nationally, was included. The chair of the housing committee, however, was John Robinson, vice president of Eagle-Picher. The committees met for the first time four months later, in February 1941. The housing committee reported that the Farm Security Administration, the Federal Housing Administration, and the U.S. Housing Authority all rejected requests for help. Robinson concluded that any improvements would have to come from “the efforts and large financial support of local people.” Mine Mill attended the first meetings of the committees on social and health problems and mine safety. Although a lot was discussed, the union reported, “no action was taken.”